

135th General Assembly
Regular Session
2023-2024

Sub. H. B. No. 33

Representative Edwards

A BILL

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after that effective date; to amend sections 400
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4776.20, and 5903.12; to amend, for the purpose of 405
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(3776.12), and 4736.18 (3776.13); to repeal 412
sections 4736.05, 4736.06, and 4736.10 of the 413
Revised Code; to amend the version of section 414
3701.83 of the Revised Code that is scheduled to 415
take effect September 30, 2024; to amend the 416
version of section 4736.14 of the Revised Code 417
that is scheduled to take effect December 29, 418
2023; to amend the version of section 4736.14 419
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take effect December 29, 2023, for the purpose of 421
adopting a new section number as indicated in 422
parentheses; and to repeal the version of section 423
4736.10 of the Revised Code that is scheduled to 424
take effect December 29, 2023; and to amend the 425
version of section 3701.351 that is scheduled to 426
take effect September 30, 2024; to repeal the 427
versions of sections 3727.70 and 4723.431 of the 428
Revised Code that are scheduled to take effect 429
September 30, 2024; and to amend Sections 280.12 430
and 280.28 of H.B. 45 of the 134th General 431
Assembly; to amend Sections 130.11 and 130.12 as 432
subsequently amended of H.B. 110 of the 134th 433
General Assembly; to amend Sections 2, 3, and 8 of 434
H.B. 509 of the 134th General Assembly; to amend 435
Section 207.14 of H.B. 597 of the 134th General 436
Assembly; to amend Sections 213.10, 237.10 as 437
subsequently amended, 237.15, and 237.30 of H.B. 438
687 of the 134th General Assembly; to amend 439
Sections 125.10 and 125.11 of H.B. 59 of the 130th 440
General Assembly, as subsequently amended; and to 441
repeal Section 5 of H.B. 371 of the 134th General 442
Assembly; to repeal Section 3 of H.B. 669 of the 443
133rd General Assembly; and to repeal Section 21 444
of H.B. 790 of the 120th General Assembly to make 445
operating appropriations for the biennium 446
beginning July 1, 2023, and ending June 30, 2025, 447
to levy taxes, and to provide authorization and 448
conditions for the operation of state programs. 449

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

Section 101.01. That sections 101.35, 101.352, 101.353, 450

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5913.01, 5919.34, 5922.01, 5923.12, 6119.10, 6121.02, and 6131.43 575
be amended; that sections 113.41 (125.903), 125.22 (126.42), 576
2151.3534 (2151.3527), 3333.03 (3333.01), and 5103.422 (5103.42) 577
be amended, for the purpose of adopting new section numbers as 578

indicated in parentheses; and sections 5.2320, 5.55, 9.17, 9.51, 579
119.05, 121.376, 125.183, 128.43, 149.3010, 173.525, 175.16, 580
175.18, 191.01, 191.02, 191.03, 191.05, 191.07, 191.10, 191.13, 581
191.15, 191.17, 191.19, 191.21, 191.24, 191.27, 191.30, 191.33, 582
191.35, 191.37, 191.40, 191.43, 191.44, 191.45, 342.01, 342.02, 583
342.03, 342.04, 342.05, 342.06, 342.07, 342.08, 342.09, 342.10, 584
342.11, 342.12, 342.13, 342.14, 342.15, 342.16, 503.59, 1501.16, 585
1509.051, 1546.24, 1901.313, 1907.202, 2151.3533, 2307.781, 586
2933.821, 3111.041, 3119.95, 3119.951, 3119.9511, 3119.9513, 587
3119.9515, 3119.9517, 3119.9519, 3119.9523, 3119.9525, 3119.9527, 588
3119.9529, 3119.953, 3119.9531, 3119.9533, 3119.9535, 3119.9537, 589
3119.9539, 3119.9541, 3119.955, 3119.957, 3301.0731, 3301.132, 590
3301.137, 3301.85, 3301.91, 3313.5318, 3313.6028, 3313.7117, 591
3313.819, 3313.901, 3314.104, 3317.26, 3318.33, 3319.0812, 592
3319.225, 3319.2213, 3319.285, 3319.324, 3319.58, 3322.01, 593
3322.02, 3322.03, 3322.04, 3322.05, 3322.06, 3322.07, 3322.20, 594
3322.24, 3333.24, 3333.302, 3333.393, 3333.394, 3345.60, 3365.131, 595
3701.25, 3701.251, 3701.252, 3701.253, 3701.254, 3701.255, 596
3706.051, 3727.131, 3734.48, 3734.579, 3737.833, 3742.11, 597
3781.032, 3781.062, 3796.32, 3902.63, 4123.543, 4141.02, 4303.187, 598
4303.188, 4507.501, 4517.101, 4723.89, 4723.90, 4731.37, 4745.05, 599
4789.01, 4789.02, 4789.03, 4789.04, 4789.05, 4789.06, 4789.07, 600
4789.08, 4789.09, 4789.10, 4928.85, 4928.86, 4928.88, 4928.89, 601
4934.01, 4934.03, 4934.05, 4934.08, 4934.11, 4934.14, 5101.136, 602
5101.137, 5101.805, 5103.25, 5103.251, 5103.252, 5103.253, 603
5103.254, 5103.255, 5103.256, 5103.257, 5103.258, 5103.259, 604
5104.302, 5119.39, 5119.391, 5119.392, 5119.393, 5119.394, 605
5119.395, 5119.396, 5119.397, 5120.658, 5123.68, 5123.681, 606
5123.682, 5123.683, 5123.684, 5123.685, 5162.137, 5163.062, 607
5163.102, 5164.071, 5164.072, 5164.913, 5164.96, 5165.158, 608
5166.45, 5301.94, 5322.06, 5502.251, 5502.69, 5705.234, 5709.56, 609
5713.031, 5725.36, 5726.58, 5728.16, 5729.19, 5739.093, 5743.06, 610

5747.64, 5747.83, 5913.012, and 6301.113 of the Revised Code be 611
enacted to read as follows: 612

Sec. 5.2320. The twenty-sixth day of October is designated as 613
"Sudden Unexpected Death in Epilepsy Awareness Day." Sudden 614
unexpected death in epilepsy (SUDEP) is the sudden, unexpected 615
death of someone with epilepsy who was otherwise healthy. 616

Sec. 5.55. The month of April is designated as the "Month of 617
the Military Child." 618

Sec. 9.17. (A) The amount for purposes of a provision of the 619
Revised Code that references this section shall be as follows: 620

(1) Beginning on the effective date of this section through 621
calendar year 2024, seventy-five thousand dollars; 622

(2) For each calendar year thereafter, the amount for the 623
previous calendar year increased by three per cent as determined 624
and published by the director of commerce. 625

Sec. 9.51. (A) The general assembly designates the honor and 626
remember flag as the symbol of Ohio's concern and commitment to 627
honoring and remembering the service members of the United States 628
armed forces who have lost their lives while serving or as a 629
result of service, and to honoring and remembering the families of 630
fallen service members. 631

The honor and remember flag's red field represents the blood 632
shed by brave men and women who sacrificed their lives for 633
freedom; the flag's white field and border recognizes the purity 634
of that sacrifice; the flag's blue star is a symbol of active 635
service in military conflict that dates back to World War I; the 636
flag's gold star signifies the ultimate sacrifice of a warrior in 637
active service who is not returning home and reflects the value of 638

the life given; the flag's folded flag element highlights this 639
nation's final tribute to a fallen service member and a family's 640
sacrifice; and the flag's flame symbolizes the eternal spirit of 641
the departed. 642

(B) The general assembly encourages the display of the honor 643
and remember flag during normal business hours at any public 644
building in the state, and at any location during a military 645
memorial service. 646

(C) The honor and remember flag may be displayed at the 647
statehouse in Columbus on the last Monday in May, known as 648
Memorial Day. 649

(D) The statehouse may comply with this section by commencing 650
the display of the flag during normal business hours on a workday 651
before Memorial Day and ending the display during normal business 652
hours on a workday following Memorial Day. 653

(E) When displayed from the same halyard or staff, the honor 654
and remember flag should fly below, and be not larger than, the 655
United States flag. When displayed from adjacent staffs, the 656
United States flag should always be placed to the flag's own right 657
of other flags, per 4 U.S.C. 7(f). When three or more flags are 658
displayed from the same halyard or staff, the honor and remember 659
flag should always be positioned below all others. 660

Sec. 101.35. There is hereby created in the general assembly 661
the joint committee on agency rule review. The committee shall 662
consist of five members of the house of representatives and five 663
members of the senate. Within fifteen days after the commencement 664
of the first regular session of each general assembly, the speaker 665
of the house of representatives shall appoint the members of the 666
committee from the house of representatives, and the president of 667
the senate shall appoint the members of the committee from the 668
senate. Not more than three of the members from each house shall 669

be of the same political party. ~~In the first regular session of a~~ 670
~~general assembly, the chairperson of the committee shall be~~ 671
~~appointed by the~~ The speaker of the house shall appoint a house 672
chairperson from among the house members of the committee, and the 673
~~vice chairperson shall be appointed by the president of the senate~~ 674
shall appoint a senate chairperson from among the senate members 675
of the committee. ~~In~~ During the first regular session of a general 676
assembly, the committee shall meet at the call of the house 677
chairperson, and the house chairperson shall conduct each meeting. 678
During the second regular session of a general assembly, the 679
committee shall meet at the call of the senate chairperson, and 680
the senate chairperson shall be appointed by the president of the 681
senate from among the senate members of the committee, and the 682
~~vice chairperson shall be appointed by the speaker of the house~~ 683
~~from among the house members of the committee~~ conduct each 684
meeting. If the chairperson responsible for calling and conducting 685
committee meetings is absent or otherwise temporarily unable to 686
perform the chairperson's duties, the other chairperson shall act 687
as a substitute. The ~~chairperson, vice chairperson,~~ chairpersons 688
and members of the committee shall serve until their respective 689
successors are appointed or until they are no longer members of 690
the general assembly. When a vacancy occurs among the officers or 691
members of the committee, it shall be filled in the same manner as 692
the original appointment. 693

Notwithstanding section 101.26 of the Revised Code, the 694
members, when engaged in their duties as members of the committee 695
on days when there is not a voting session of the member's house 696
of the general assembly, shall be paid at the per diem rate of one 697
hundred fifty dollars, and their necessary traveling expenses, 698
which shall be paid from the funds appropriated for the payment of 699
expenses of legislative committees. 700

The committee has the same powers as other standing or select 701

committees of the general assembly. Six members constitute a 702
quorum. The concurrence of six members is required for the 703
recommendation of a concurrent resolution invalidating a proposed 704
rule under section 106.021 of the Revised Code. The concurrence of 705
seven members is required for the recommendation of a concurrent 706
resolution invalidating an existing rule under section 106.031 of 707
the Revised Code. 708

When a member of the committee is absent, the president or 709
speaker, as the case may be, may designate a substitute from the 710
same house and political party as the absent member. The 711
substitute shall serve on the committee in the member's absence, 712
and is entitled to perform the duties of a member of the 713
committee. For serving on the committee, the substitute shall be 714
paid the same per diem and necessary traveling expenses as the 715
substitute would be entitled to receive if the substitute were a 716
member of the committee. 717

The president or speaker shall inform the executive director 718
of the committee of a substitution. If the executive director 719
learns of a substitution sufficiently in advance of the meeting of 720
the committee the substitute is to attend, the executive director 721
shall publish notice of the substitution on the internet, make 722
reasonable effort to inform of the substitution persons who are 723
known to the executive director to be interested in rules that are 724
scheduled for review at the meeting, and inform of the 725
substitution persons who inquire of the executive director 726
concerning the meeting. 727

The committee may meet during periods in which the general 728
assembly has adjourned. 729

At meetings of the committee, the committee may request an 730
agency, as defined in section 106.01 of the Revised Code, to 731
provide information relative to the agency's implementation of its 732
statutory authority. 733

A member of the committee, and the executive director and staff of the committee, are entitled in their official capacities to attend, but not in their official capacities to participate in, a public hearing conducted by an agency on a proposed rule.

The executive director serves at the pleasure of the president and speaker by mutual consensus. The executive director may employ such technical, professional, and clerical employees as are necessary to carry out the powers and administrative duties of the committee.

Sec. 101.352. If the joint committee on agency rule review becomes aware that an agency subject to its jurisdiction is relying upon a principle of law or policy that, under section 121.93 of the Revised Code, should have been supplanted by its restatement in a rule, the chairperson of the joint committee responsible for calling and conducting meetings under section 101.35 of the Revised Code, in ~~the~~ that chairperson's sole discretion, may request the agency to appear before the joint committee to address why, notwithstanding section 121.93 of the Revised Code, it is so relying. The request shall specify the time and place at which a designee of the agency is to appear before the joint committee to address, and to answer the joint committee's questions concerning, the agency's reliance. The date set for the appearance shall be not earlier than thirty days after the joint committee transmits the request to the agency. The joint committee shall transmit the request to the agency electronically. The joint committee also shall publish the request on its web site, as part of the relevant meeting agenda, and shall indicate in conjunction with the published request that any person is invited to appear before the joint committee when the agency appears to offer and make comments to the joint committee concerning the agency's reliance.

Upon receiving the request, the agency shall designate a suitable agency officer or employee to appear on behalf of the agency before the joint committee as directed in the request. The agency electronically shall notify the joint committee of the name, title, telephone number, and electronic mail address of the officer or employee who has been designated to appear before the joint committee in response to the request.

Upon appearing before the joint committee, the agency's designee shall address why the agency is relying upon a principle of law or policy that, notwithstanding section 121.93 of the Revised Code, has not been supplanted by its restatement in a rule. The members of the joint committee may question the agency's designee concerning the agency's reliance. Any person may offer and make comments to the joint committee concerning the agency's reliance.

After the appearance has concluded, the joint committee, by vote of a majority of its members, in writing may recommend to the agency that it supplant the principle of law or policy that it is relying upon by its restatement in a rule. The joint committee shall support its recommendation with a brief rationale of why, under section 121.93 of the Revised Code, the principle of law or policy should be supplanted by its restatement in a rule. The joint committee shall transmit the recommendation electronically to the agency.

After receiving the recommendation from the joint committee, the agency shall commence the rule-making process as soon as it is reasonably feasible to do so, but not later than the date that is six months after the recommendation was received. The principle of law or policy as it is restated in a rule does not need to be wholly congruent with the supplanted principle of law or policy. The agency lawfully may improve or develop further the supplanted principle of law or policy as it is restated in a rule.

The agency may continue to rely upon the principle of law or policy, but only while it is complying with the preceding paragraph. The agency may not rely upon the principle of law or policy in advising with regard to or in determining the rights or liabilities of a person if the agency fails to commence the rule-making process by the deadline specified in the preceding paragraph, or if, after commencing the rule-making process, the agency neglects or abandons the rule-making process before it is completed.

Sec. 101.353. If the joint committee on agency rule review becomes aware, such as through its own inquiries or by receiving complaints from interested parties or stakeholders, that an agency subject to its jurisdiction is required expressly or impliedly by a statute to adopt a rule but appears neither to have done so nor to have commenced the rule-making process, the chairperson of the joint committee responsible for calling and conducting meetings under section 101.35 of the Revised Code, in ~~the~~ that chairperson's sole discretion, may request the agency to appear before the joint committee to address its apparent dereliction. The request shall specify the time and place at which a designee of the agency is to appear before the joint committee to address, and answer the joint committee's questions concerning, the agency's apparent dereliction. The request shall identify the statute that expressly or impliedly requires rule-making and that apparently has not been complied with. The joint committee shall transmit the request to the agency electronically. The joint committee also shall publish the request on its web site, and shall indicate in conjunction with the published request that any person is invited to appear before the joint committee when the agency appears to offer and make comments to the joint committee concerning the agency's apparent dereliction.

Upon receiving the request, the agency shall designate a

suitable agency officer or employee to appear on behalf of the 829
agency before the joint committee as directed in the request. The 830
agency electronically shall notify the joint committee of the 831
name, title, telephone number, and electronic mail address of the 832
officer or employee who has been designated to appear before the 833
joint committee in response to the request. 834

Upon appearing before the joint committee, the agency's 835
designee shall address why the agency apparently has neither 836
adopted a rule nor commenced the rule-making process as expressly 837
or impliedly required by the statute. The members of the joint 838
committee may question the agency's designee concerning the 839
agency's apparent dereliction. Any person may offer and make 840
comments to the joint committee concerning the agency's apparent 841
dereliction. 842

After the appearance has concluded, the joint committee, by 843
vote of a majority of its members, in writing may advise the 844
agency to commence rule-making proceedings under the statute, as 845
soon as it is reasonably feasible for the agency to do so. The 846
joint committee shall transmit the advisory electronically to the 847
agency. The joint committee also shall publish the advisory on its 848
web site. 849

Sec. 101.354. (A) The joint committee on agency rule review 850
shall advise and assist state agencies in preparing revised 851
inventories of regulatory restrictions and shall advise and assist 852
state agencies in achieving specified percentage reductions in 853
regulatory restrictions in the Administrative Code in accordance 854
with sections 121.95, 121.951, 121.952, and 121.953, ~~and 121.954~~ 855
of the Revised Code. 856

(B)(1) Not later than June 15, 2022, the executive director 857
of the joint committee shall prepare a report aggregating the base 858
inventories received from state agencies under section 121.95 of 859

the Revised Code. 860

(2) Beginning in 2023, not later than the fifteenth day of 861
December each year, the executive director of the joint committee 862
shall prepare an historical report aggregating the reports 863
received from state agencies for the preceding fiscal year. In the 864
report, the executive director also shall describe the work of the 865
joint committee over the preceding fiscal year with respect to 866
reduction of regulatory restrictions and shall indicate, out of 867
the total number of regulatory restrictions inventoried by state 868
agencies, the percentage by which state agencies have reduced 869
those regulatory restrictions. The report also shall provide 870
recommendations for statutory changes, where appropriate, brought 871
to the attention of the joint committee as contributing to the 872
adoption of regulatory restrictions. 873

(3) The executive director shall submit the report required 874
under divisions (B)(1) and (2) of this section to the members of 875
the joint committee, which shall publish the report on its web 876
site and transmit copies of the report electronically to the 877
speaker of the house of representatives and the president of the 878
senate. 879

Sec. 101.38. (A) As used in this section, "relative" means a 880
spouse, parent, parent-in-law, sibling, sibling-in-law, child, 881
child-in-law, grandparent, aunt, or uncle. 882

(B) There is hereby created the Ohio cystic fibrosis 883
legislative task force to study and make recommendations on issues 884
pertaining to the care and treatment of individuals with cystic 885
fibrosis. The task force shall study and make recommendations on 886
the following issues: 887

(1) Use of prescription drug and innovative therapies under 888
the program for ~~medically handicapped~~ children and youth with 889
special health care needs established under section 3701.023 of 890

the Revised Code and the program for adults with cystic fibrosis 891
administered by the department of health under division (G) of 892
that section; 893

(2) Screening of newborn children for the presence of genetic 894
disorders, as required under section 3701.501 of the Revised Code; 895

(3) Any other issues the task force considers appropriate. 896

(C) The task force shall consist of the following members, 897
each with the authority to vote on matters before the task force: 898

(1) Three members of the senate: two appointed by the 899
president of the senate from the majority party and one appointed 900
by the minority leader of the senate; 901

(2) Three members of the house of representatives: two 902
appointed by the speaker of the house of representatives from the 903
majority party and one appointed by the minority leader of the 904
house of representatives; 905

(3) Three members, at least two of whom have been diagnosed 906
with cystic fibrosis or are relatives of individuals who have been 907
diagnosed with cystic fibrosis, appointed by the president of the 908
senate; 909

(4) Three members, at least two of whom have been diagnosed 910
with cystic fibrosis or are relatives of individuals who have been 911
diagnosed with cystic fibrosis, appointed by the speaker of the 912
house of representatives. 913

Appointments to the task force shall be made within 914
forty-five days after the commencement of the first regular 915
session of each general assembly in the manner prescribed in this 916
division. 917

(D) Members of the task force shall serve on the task force 918
until the appointments are made in the first regular session of 919
the following general assembly or, in the case of task force 920

members who also are general assembly members when appointed, 921
until they are no longer general assembly members. 922

(E) A vacancy shall be filled in the same manner as the 923
original appointment. Any member appointed to fill a vacancy 924
occurring prior to the expiration date of the term for which the 925
member's predecessor was appointed shall hold office as a member 926
for the remainder of that term. 927

(F) Members of the task force shall elect a chair. A vacancy 928
of the chair position shall be filled by election. 929

(G) Members of the task force shall receive no compensation, 930
except to the extent that serving as a member is part of the 931
individual's regular duties of employment and except for the 932
reimbursement of expenses that may be provided under division (H) 933
of this section. 934

(H) The task force may solicit and accept grants from public 935
and private sources. Grant funds may be used to reimburse members 936
for expenses incurred in the performance of official task force 937
duties and to pursue initiatives pertaining to the care and 938
treatment of individuals with cystic fibrosis. 939

(I) A majority of the members of the task force constitutes a 940
quorum for the conduct of task force meetings. 941

Sec. 103.0521. If a rule currently in effect is obsolete 942
because the rule was adopted by an agency that is no longer in 943
existence and jurisdiction over the rule has not been transferred 944
to another agency, and if that status is verified by the executive 945
director of the joint committee on agency rule review, the 946
executive director shall prepare, for consideration of the joint 947
committee, a motion that the director of the legislative service 948
commission remove the obsolete rule from the Administrative Code. 949
The executive director shall transmit a copy of the motion to the 950

common sense initiative office before the next meeting of the 951
joint committee. 952

The chairperson of the joint committee responsible for 953
calling and conducting meetings under section 101.35 of the 954
Revised Code, or another member of the joint committee delegated 955
by ~~the~~ that chairperson, shall offer the motion at the next 956
meeting of the joint committee. If the motion is agreed to by the 957
joint committee, the executive director shall transmit a copy of 958
the motion to the director of the legislative service commission. 959
The executive director shall certify on the copy transmitted that 960
the motion was agreed to by the joint committee. 961

Upon receiving the certified motion, the director of the 962
legislative service commission shall remove the obsolete rule from 963
the Administrative Code as directed in the motion. The director 964
thereafter shall maintain the removed obsolete rule in a file of 965
obsolete rules. The file of obsolete rules may be maintained in 966
electronic form. 967

Sec. 103.414. Not later than the first day of October of 968
every even-numbered calendar year, the department of medicaid 969
shall submit to JMOC a report of the department's historical and 970
projected medicaid program expenditure and utilization trend rates 971
by medicaid program and service category, for each year of the 972
upcoming fiscal biennium. The report shall include all actuarial 973
data the department used in producing the trends. The report also 974
shall detail interventions taken by the department to restrain the 975
growth in the per member per month cost of the medicaid program, 976
as required by section 5162.70 of the Revised Code. 977

Before the beginning of each fiscal biennium, JMOC shall 978
contract with an actuary to determine the projected medical 979
inflation rate for the upcoming fiscal biennium. The contract 980
shall require the actuary to make the determination using the same 981

types of classifications and sub-classifications of medical care 982
that the United States bureau of labor statistics uses in 983
determining the inflation rate for medical care in the consumer 984
price index. The contract also shall require the actuary to 985
provide JMOC a report with its determination at least one hundred 986
twenty days before the governor is required to submit a state 987
budget for the fiscal biennium to the general assembly under 988
section 107.03 of the Revised Code. 989

On receipt of the actuary's report, JMOC shall determine 990
whether it agrees with the actuary's projected medical inflation 991
rate. If JMOC disagrees with the actuary's projected medical 992
inflation rate, JMOC shall determine a different projected medical 993
inflation rate for the upcoming fiscal biennium. 994

The actuary and, if JMOC determines a different projected 995
medical inflation rate, JMOC shall determine the projected medical 996
inflation rate for the state unless that is not practicable in 997
which case the determination shall be made for the midwest region. 998

Regardless of whether it agrees with the actuary's projected 999
medical inflation rate or determines a different projected medical 1000
inflation rate, JMOC shall complete a report regarding the 1001
projected medical inflation rate. JMOC shall include a copy of the 1002
actuary's report in JMOC's report. JMOC's report shall state 1003
whether JMOC agrees with the actuary's projected medical inflation 1004
rate and, if JMOC disagrees, the reason why JMOC disagrees and the 1005
different medical inflation rate JMOC determined. At least ninety 1006
days before the governor is required to submit a state budget for 1007
the upcoming fiscal biennium to the general assembly under section 1008
107.03 of the Revised Code, JMOC shall submit a copy of the report 1009
to the general assembly in accordance with section 101.68 of the 1010
Revised Code and to the governor and medicaid director. 1011

Sec. 103.60. (A) As used in this section, "rare disease" 1012

means a disease or condition that affects fewer than 200,000 1013
people living in the United States. 1014

(B) There is hereby created the rare disease advisory 1015
council. The purpose of the council is to advise the general 1016
assembly regarding research, diagnosis, and treatment efforts 1017
related to rare diseases across the state. 1018

(C) The council shall consist of the following thirty-one 1019
members: 1020

(1) The following members appointed by the governor: 1021

(a) One individual who is a medical researcher with 1022
experience researching rare diseases; 1023

(b) One individual who represents an academic research 1024
institution in this state that receives funding for rare disease 1025
research; 1026

(c) One individual authorized under Chapter 4731. of the 1027
Revised Code to practice medicine and surgery or osteopathic 1028
medicine and surgery who has experience researching, diagnosing, 1029
and treating rare diseases; 1030

(d) One individual authorized under Chapter 4723. of the 1031
Revised Code to practice nursing as a registered nurse who has 1032
experience providing nursing care to patients with rare diseases; 1033

(e) One individual authorized under Chapter 4778. of the 1034
Revised Code to practice as a genetic counselor who is currently 1035
practicing at a children's hospital; 1036

(f) Three members of the public who are living with a rare 1037
disease or represent an individual living with a rare disease; 1038

(g) One representative of a national organization 1039
representing patients with a rare disease; 1040

(h) One representative of a rare disease foundation operating 1041

in this state; 1042

(i) Two representatives of the department of health, one of 1043
whom is a representative of the program for children and youth 1044
with ~~medical handicaps program~~ special health care needs; 1045

(j) One representative of the department of medicaid; 1046

(k) One representative of the department of insurance; 1047

(l) One representative of the commission on minority health; 1048

(m) One representative of the Ohio hospital association; 1049

(n) One representative of Ohio health insurers; 1050

(o) One representative of bioOhio; 1051

(p) One representative of the association of Ohio health 1052
commissioners; 1053

(q) One representative of the pharmaceutical research and 1054
manufacturers of America. 1055

(2) The following members appointed by the president of the 1056
senate: 1057

(a) Two members of the senate, one from the majority party 1058
and one from the minority party; 1059

(b) Three members of the public, one of whom is recommended 1060
by the minority leader of the senate. 1061

(3) The following members appointed by the speaker of the 1062
house of representatives: 1063

(a) Two members of the house of representatives, one from the 1064
majority party and one from the minority party; 1065

(b) Three members of the public, one of whom is recommended 1066
by the minority leader of the house of representatives. 1067

(4) The governor or the governor's designee. 1068

(D)(1) Not later than April 23, 2021, initial appointments 1069

shall be made to the council. Thereafter, appointments shall be 1070
made every two years, not later than thirty days after the 1071
commencement of the first regular session of each general 1072
assembly. 1073

(2) Each member shall serve on the council until appointments 1074
are made following the commencement of the next general assembly. 1075
Members may be reappointed; however, no member shall serve more 1076
than four consecutive terms on the council. 1077

(E) Prior to the expiration of each term, the council shall 1078
prepare and submit a report to the general assembly detailing the 1079
following: 1080

(1) The coordination of statewide efforts for studying the 1081
incidence of rare diseases in this state; 1082

(2) The council's findings and recommendations regarding rare 1083
disease research and care in this state; 1084

(3) Efforts to promote collaboration among rare disease 1085
organizations, clinicians, academic research institutions, and the 1086
general assembly to better understand the incidence of rare 1087
diseases in this state. 1088

(F) The council shall annually select from among its members 1089
a chairperson or co-chairpersons. 1090

(G) The council shall meet at the call of the chairperson, 1091
but not less than quarterly. A majority of the members of the 1092
council shall constitute a quorum. The chairperson shall provide 1093
members with at least five days written notice of all meetings. 1094

(H) Members shall serve without compensation except to the 1095
extent that serving on the council is considered part of the 1096
member's regular duties of employment. The council shall reimburse 1097
each member for actual and necessary expenses incurred in the 1098
performance of the member's official duties. 1099

Sec. 106.02. ~~When~~ (A) Subject to division (B) of this 1100
section, when an agency files a proposed rule and rule summary and 1101
fiscal analysis with the joint committee on agency rule review, 1102
the joint committee shall review the proposed rule and rule 1103
summary and fiscal analysis, and an invalidating concurrent 1104
resolution may be adopted, not later than the sixty-fifth day 1105
after the day on which the proposed rule was filed with the joint 1106
committee. If, after filing the original version of a proposed 1107
rule, the agency makes a revision in the proposed rule, the agency 1108
shall file the revised proposed rule and a revised rule summary 1109
and fiscal analysis with the joint committee. If the revised 1110
proposed rule is filed thirty-five or fewer days after the 1111
original version of the proposed rule was filed, the joint 1112
committee shall review the revised proposed rule and revised rule 1113
summary and fiscal analysis, and an invalidating concurrent 1114
resolution may be adopted, not later than the sixty-fifth day 1115
after the original version of the proposed rule was filed. If, 1116
however, the revised proposed rule is filed more than thirty-five 1117
days after the original version of the proposed rule was filed, 1118
the joint committee shall review the revised proposed rule and 1119
revised rule summary and fiscal analysis, and an invalidating 1120
concurrent resolution may be adopted, not later than the thirtieth 1121
day after the revised proposed rule was filed with the joint 1122
committee. 1123

(B) If, after filing a proposed rule and rule summary and 1124
fiscal analysis with the joint committee, an agency determines 1125
that it needs additional time to consider the proposed rule and 1126
possibly file a revised proposed rule, the agency may notify the 1127
joint committee of the agency's intention to file a revised 1128
proposed rule. When the agency notifies the joint committee of its 1129
intention to file a revised proposed rule, the running of the time 1130
within which an invalidating concurrent resolution may be adopted 1131

is tolled. 1132

If, after notifying the joint committee of the agency's 1133
intention to file a revised proposed rule, the agency makes a 1134
revision in the proposed rule, the agency shall file the revised 1135
proposed rule and a revised rule summary and fiscal analysis with 1136
the joint committee. If the revised proposed rule is filed 1137
thirty-five or fewer days after the agency filed the original 1138
version of the proposed rule, the joint committee shall review the 1139
revised proposed rule and revised rule summary and fiscal 1140
analysis, and an invalidating concurrent resolution may be 1141
adopted, not later than the sixty-fifth day after the agency filed 1142
the original version of the proposed rule. If, however, the 1143
revised proposed rule is filed more than thirty-five days after 1144
the agency filed the original version of the proposed rule, the 1145
joint committee shall review the revised proposed rule and revised 1146
rule summary and fiscal analysis, and an invalidating concurrent 1147
resolution may be adopted, not later than the thirtieth day after 1148
the revised proposed rule is filed with the joint committee. 1149

(C) When ~~the~~ an original or revised version of a proposed 1150
rule and rule summary and fiscal analysis is filed with the joint 1151
committee in December or in the following January before the first 1152
day of the legislative session, the joint committee shall review 1153
the proposed rule and rule summary and fiscal analysis, and an 1154
invalidating concurrent resolution may be adopted, as if the 1155
original version of the proposed rule and rule summary and fiscal 1156
analysis had been filed with the joint committee on the first day 1157
of the legislative session in the following January. If, however, 1158
the original version of a proposed rule and rule summary and 1159
fiscal analysis have been pending before the joint committee for 1160
more than thirty-five days, and the proposed rule and rule summary 1161
and fiscal analysis are revised in December or in the following 1162
January before the first day of the legislative session, the joint 1163

committee shall review the revised proposed rule and revised rule 1164
summary and fiscal analysis, and an invalidating concurrent 1165
resolution may be adopted, not later than the thirtieth day after 1166
the first day of the legislative session in the following January. 1167

(D) A revised proposed rule supersedes each earlier version 1168
of the same proposed rule. 1169

(E) The joint committee shall endeavor not to hold its public 1170
hearing on a proposed rule earlier than the forty-first day after 1171
the proposed rule was filed with the joint committee. The 1172
chairperson of the joint committee responsible for calling and 1173
conducting meetings under section 101.35 of the Revised Code may 1174
select a date for the committee's public hearing on a proposed 1175
rule that is earlier than the forty-first day after the proposed 1176
rule was filed. 1177

Sec. 106.031. If an agency, on the basis of its review of a 1178
rule under section 106.03 of the Revised Code, determines that the 1179
rule does not need to be amended or rescinded, proceedings shall 1180
be had as follows: 1181

(A)(1) If, considering only the standard of review specified 1182
in division (A)(7) of section 106.03 of the Revised Code, the rule 1183
has an adverse impact on businesses, the agency shall prepare a 1184
business impact analysis that describes its review of the rule 1185
under that division and that explains why the regulatory intent of 1186
the rule justifies its adverse impact on businesses. If the rule 1187
does not have an adverse impact on businesses, the agency may 1188
proceed under division (B) of this section. 1189

(2) The agency shall transmit a copy of the full text of the 1190
rule and the business impact analysis electronically to the common 1191
sense initiative office. The office shall make the rule and 1192
analysis available to the public on its web site under section 1193
107.62 of the Revised Code. 1194

(3) The agency shall consider any recommendations made by the office. 1195
1196

(4) Not earlier than the sixteenth business day after transmitting the rule and analysis to the office, the agency shall either (a) proceed under divisions (A)(5) and (B) of this section or (b) commence, under division (B)(1) of section 106.03 of the Revised Code, the process of rescinding the rule or of amending the rule to incorporate into the rule features the recommendations suggest will eliminate or reduce the adverse impact the rule has on businesses. If the agency determines to amend or rescind the rule, the agency is not subject to the time limit specified in division (B)(1) of section 106.03 of the Revised Code. 1197
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(5) If the agency receives recommendations from the office, and determines not to amend or rescind the rule, the agency shall prepare a memorandum of response that explains why the rule is not being rescinded or why the recommendations are not being incorporated into the rule. 1207
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(B) The agency shall assign a new review date to the rule. The review date assigned shall be not later than five years after the immediately preceding review date pertaining to the rule. If the agency assigns a review date that exceeds the five-year maximum, the review date is five years after the immediately preceding review date. The immediately preceding review date includes the date of the review of a rule under section 106.032 of the Revised Code. 1212
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~~(C)(1)~~(C) The agency shall file all the following, in electronic form, with the joint committee on agency rule review, the secretary of state, and the director of the legislative service commission: a copy of the rule specifying its new review date, a complete and accurate rule summary and fiscal analysis, and, if relevant, a business impact analysis of the rule, any recommendations received from the common sense initiative office, 1220
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and any memorandum of response. 1227

~~(2) Subject to section 106.05 of the Revised Code, the joint 1228
committee does not have jurisdiction to review, and shall reject, 1229
the filing of a rule under division (C)(1) of this section if, at 1230
any time while the rule is in its possession, it discovers that 1231
the rule has an adverse impact on businesses and the agency has 1232
not complied with division (A) of this section. The joint 1233
committee shall electronically return a rule that is rejected to 1234
the agency, together with any documents that were part of the 1235
filing. Such a rejection does not preclude the agency from 1236
refiling the rule under division (C)(1) of this section after 1237
complying with division (A) of this section. When the filing of a 1238
rule is rejected under this division, it is as if the filing had 1239
not been made. 1240~~

(D) The joint committee shall publish notice of the agency's 1241
determination not to amend or rescind the rule in the register of 1242
Ohio for four consecutive weeks after the rule is filed under 1243
division (C) of this section. 1244

(E) During the ninety-day period after a rule is filed under 1245
division (C) of this section, but after the four-week notice 1246
period required by division (D) of this section has ended, the 1247
joint committee may recommend to the senate and house of 1248
representatives the adoption of a concurrent resolution 1249
invalidating the rule if the joint committee finds any of the 1250
following: 1251

(1) The agency improperly applied the standards in division 1252
(A) of section 106.03 of the Revised Code in reviewing the rule 1253
and in determining that the rule did not need amendment or 1254
rescission. 1255

(2) The rule has an adverse impact on businesses, and the 1256
agency has failed to demonstrate through a business impact 1257

analysis, recommendations from the common sense initiative office, 1258
and a memorandum of response that the regulatory intent of the 1259
rule justifies its adverse impact on businesses. 1260

(3) If the rule incorporates a text or other material by 1261
reference, any of the following applies: 1262

(a) The citation accompanying the incorporation by reference 1263
is not such as reasonably would enable a reasonable person to whom 1264
the rule applies readily and without charge to find and inspect 1265
the incorporated text or other material; 1266

(b) The citation accompanying the incorporation by reference 1267
is not such as reasonably would enable the joint committee readily 1268
and without charge to find and inspect the incorporated text or 1269
other material; or 1270

(c) The rule has been exempted in whole or in part from 1271
sections 121.71 to 121.74 of the Revised Code on grounds the 1272
incorporated text or other material has one or more of the 1273
characteristics described in division (B) of section 121.75 of the 1274
Revised Code, but the incorporated text or other material actually 1275
does not have any of those characteristics. 1276

(4) If the agency is subject to sections 121.95, 121.951, 1277
121.952, and 121.953 of the Revised Code, the agency has failed to 1278
justify the retention of a rule containing a regulatory 1279
restriction. 1280

(5) The rule implements a federal law or rule in a manner 1281
that is more stringent or burdensome than the federal law or rule 1282
requires. 1283

If the agency fails to comply with section 106.03 or 106.031 1284
of the Revised Code, the joint committee shall afford the agency 1285
an opportunity to appear before the joint committee to show cause 1286
why the agency has not complied with either or both of those 1287
sections. If the agency appears before the joint committee at the 1288

time scheduled for the agency to show cause, and fails to do so, 1289
the joint committee, by vote of a majority of its members present, 1290
may recommend the adoption of a concurrent resolution invalidating 1291
the rule for the agency's failure to show cause. Or if the agency 1292
fails to appear before the joint committee at the time scheduled 1293
for the agency to show cause, the joint committee, by vote of a 1294
majority of its members present, may recommend adoption of a 1295
concurrent resolution invalidating the rule for the agency's 1296
default. 1297

When the joint committee recommends that a rule be 1298
invalidated, the recommendation does not suspend operation of the 1299
rule, and the rule remains operational pending action by the 1300
senate and house of representatives on the concurrent resolution 1301
embodying the recommendation. If the senate and house of 1302
representatives adopt the concurrent resolution, the rule is 1303
invalid. If, however, the senate and house of representatives do 1304
not adopt the resolution, the rule continues in effect, and shall 1305
next be reviewed according to the new review date assigned to the 1306
rule. 1307

Sec. 106.032. If the chairperson of the joint committee on 1308
agency rule review responsible for calling and conducting meetings 1309
under section 101.35 of the Revised Code becomes aware that an 1310
existing rule has had or is having an unintended or unexpected 1311
effect on businesses that is not reasonably within the express or 1312
implied scope of the statute under which the existing rule 1313
purportedly was adopted, ~~the~~ that chairperson may move that the 1314
joint committee order the agency that is administering the 1315
existing rule to submit the existing rule for review under section 1316
106.031 of the Revised Code, the same as if the agency had made a 1317
determination with regard to the existing rule under division 1318
(B)(2) of section 106.03 of the Revised Code. The joint committee 1319
may adopt the motion by vote of a majority of its members. The 1320

joint committee shall not adopt a motion under this paragraph for 1321
a rule if the joint committee previously has adopted a motion 1322
under this paragraph for the same rule within the immediately 1323
preceding five-year period. 1324

The joint committee shall prepare the order in writing, and 1325
shall transmit the order electronically to the agency. The joint 1326
committee also shall transmit a copy of the order electronically 1327
to the director of the legislative service commission and to the 1328
common sense initiative office. The joint committee shall indicate 1329
in the order the date on which the order is transmitted. The 1330
director shall publish the order in the register of Ohio. 1331

Upon receiving the order, the agency shall comply with the 1332
order as soon as reasonably possible, but shall commence 1333
compliance with the order not later than thirty days after the 1334
date on which the order was transmitted. 1335

When an agency complies with the order, proceedings are to be 1336
had with regard to the existing rule under section 106.031 of the 1337
Revised Code, the same as if the agency had made a determination 1338
with regard to the existing rule under division (B)(2) of section 1339
106.03 of the Revised Code. In addition to the standards of review 1340
stated in division (E) of section 106.031 of the Revised Code, the 1341
joint committee may recommend to the senate and house of 1342
representatives the adoption of a concurrent resolution 1343
invalidating the existing rule if the joint committee finds that 1344
the existing rule has an unintended or unexpected effect on 1345
businesses that is not reasonably within the express or implied 1346
scope of the statute under which the agency purportedly adopted 1347
the existing rule. 1348

Sec. 106.04. When the joint committee on agency rule review 1349
recommends invalidation of a proposed or existing rule under 1350

section 106.021 or 106.031 of the Revised Code, the chairperson of 1351
the joint committee responsible for calling and conducting 1352
meetings under section 101.35 of the Revised Code, or another 1353
member of the joint committee designated by ~~the~~ that chairperson, 1354
shall prepare the recommendation of invalidation in writing. The 1355
recommendation shall identify the proposed or existing rule, the 1356
agency that proposed or submitted the proposed or existing rule, 1357
and the finding that caused the joint committee to make the 1358
recommendation. The recommendation briefly shall explain the 1359
finding. 1360

The chairperson of the joint committee responsible for 1361
calling and conducting meetings under section 101.35 of the 1362
Revised Code shall request the legislative service commission to 1363
prepare a concurrent resolution to invalidate the proposed or 1364
existing rule according to the recommendation. The concurrent 1365
resolution shall state the finding that caused the joint committee 1366
to recommend invalidation of the rule. 1367

Sec. 106.041. The chairperson of the joint committee on 1368
agency rule review responsible for calling and conducting meetings 1369
under section 101.35 of the Revised Code, or another member of the 1370
joint committee designated by ~~the~~ that chairperson, shall submit a 1371
concurrent resolution to invalidate a proposed or existing rule to 1372
the clerk of either house of the general assembly. The 1373
recommendation of invalidation and a copy of the proposed or 1374
existing rule also shall be submitted to the clerk along with the 1375
concurrent resolution. 1376

Sec. 107.51. As used in sections 107.51 to 107.55 of the 1377
Revised Code, "agency" and "draft rule" have the meanings defined 1378
in section 121.81 of the Revised Code. 1379

Sections 107.51 to 107.55 and 107.61 to 107.63 of the Revised 1380

Code are complementary to sections 121.81 to ~~121.83~~ 121.82 of the 1381
Revised Code. 1382

Sec. 107.63. As used in this section, "small business" means 1383
an independently owned and operated for-profit or nonprofit 1384
business entity, including affiliates, that has fewer than five 1385
hundred full time employees or gross annual sales of less than six 1386
million dollars, and has operations located in the state. 1387

The small business advisory council is established in the 1388
office of the governor. The council shall advise the governor, the 1389
lieutenant governor, and the common sense initiative office on the 1390
adverse impact draft and existing rules might have on small 1391
businesses. The council shall meet at ~~least quarterly~~ the 1392
discretion of the director of the common sense initiative office. 1393

The council consists of nine members. The governor, or the 1394
person to whom the governor has delegated responsibilities for the 1395
common sense initiative office under section 107.61 of the Revised 1396
Code, shall appoint five members, the president of the senate 1397
shall appoint two members, and the speaker of the house of 1398
representatives shall appoint two members. A member serves at the 1399
pleasure of the member's appointing authority. The appointing 1400
authorities shall consult with each other and appoint only 1401
individuals who are representative of small businesses, and shall 1402
do so in such a manner that the membership of the council is 1403
composed of representatives of small businesses that are of 1404
different sizes, engaged in different lines of business, and 1405
located in different parts of the state. 1406

Sec. 109.42. (A) The attorney general shall prepare and have 1407
printed a pamphlet that contains a compilation of all 1408
constitutional provisions and statutes relative to victim's rights 1409
in which the attorney general lists and explains the 1410

constitutional provisions and statutes in the form of a victim's 1411
bill of rights. The attorney general shall make the pamphlet 1412
available to all sheriffs, marshals, municipal corporation and 1413
township police departments, constables, and other law enforcement 1414
agencies, to all prosecuting attorneys, city directors of law, 1415
village solicitors, and other similar chief legal officers of 1416
municipal corporations, and to organizations that represent or 1417
provide services for victims of crime. The victim's bill of rights 1418
set forth in the pamphlet shall contain a description of all of 1419
the rights of victims that are provided for in the Ohio 1420
Constitution, or in Chapter 2930. or any other section of the 1421
Revised Code and shall include, but not be limited to, all of the 1422
following: 1423

(1) The right of a victim and a victim's representative, if 1424
applicable, to attend a proceeding before a grand jury, in a 1425
juvenile delinquency case, or in a criminal case without being 1426
discharged from the victim's or victim's representative's 1427
employment, having the victim's or victim's representative's 1428
employment terminated, having the victim's or victim's 1429
representative's pay decreased or withheld, or otherwise being 1430
punished, penalized, or threatened as a result of time lost from 1431
regular employment because of the victim's or victim's 1432
representative's attendance at the proceeding, as set forth in 1433
section 2151.211, 2930.18, 2939.121, or 2945.451 of the Revised 1434
Code; 1435

(2) The potential availability pursuant to section 2151.359 1436
or 2152.61 of the Revised Code of a forfeited recognizance to pay 1437
damages caused by a child when the delinquency of the child or 1438
child's violation of probation or community control is found to be 1439
proximately caused by the failure of the child's parent or 1440
guardian to subject the child to reasonable parental authority or 1441
to faithfully discharge the conditions of probation or community 1442

control;	1443
(3) The availability of awards of reparations pursuant to sections 2743.51 to 2743.72 of the Revised Code for injuries caused by criminal offenses;	1444 1445 1446
(4) The opportunity to obtain a court order, pursuant to section 2945.04 of the Revised Code, to prevent or stop the commission of the offense of intimidation of a crime victim or witness or an offense against the person or property of the complainant, or of the complainant's ward or child;	1447 1448 1449 1450 1451
(5) The right of the victim and the victim's representative pursuant to the Ohio Constitution and sections 2151.38, 2929.20, 2930.10, 2930.16, and 2930.17 of the Revised Code to receive notice of a pending motion for judicial release or other early release of the person who committed the offense against the victim, to make a statement orally, in writing, or both at the court hearing on the motion, and to be notified of the court's decision on the motion;	1452 1453 1454 1455 1456 1457 1458 1459
(6) The right of the victim and the victim's representative, if applicable, pursuant to the Ohio Constitution and section 2930.16, 2967.12, 2967.26, 2967.271, or 5139.56 of the Revised Code to receive notice of any pending commutation, pardon, parole, transitional control, discharge, other form of authorized release, post-release control, or supervised release for the person who committed the offense against the victim or any application for release of that person and to send a written statement relative to the victimization and the pending action to the adult parole authority or the release authority of the department of youth services;	1460 1461 1462 1463 1464 1465 1466 1467 1468 1469 1470
(7) The right of the victim to bring a civil action pursuant to sections 2969.01 to 2969.06 of the Revised Code to obtain money from the offender's profit fund;	1471 1472 1473

(8) The right, pursuant to section 3109.09 of the Revised Code, to maintain a civil action to recover compensatory damages not exceeding ten thousand dollars and costs from the parent of a minor who willfully damages property through the commission of an act that would be a theft offense, as defined in section 2913.01 of the Revised Code, if committed by an adult;

(9) The right, pursuant to section 3109.10 of the Revised Code, to maintain a civil action to recover compensatory damages not exceeding ten thousand dollars and costs from the parent of a minor who willfully and maliciously assaults a person;

(10) The right of the victim, pursuant to section 2152.20, 2152.203, 2929.18, 2929.28, or 2929.281 of the Revised Code, to receive restitution from an offender or a delinquent child;

(11) The right of a victim of domestic violence, including domestic violence in a dating relationship as defined in section 3113.31 of the Revised Code, to seek the issuance of a civil protection order pursuant to that section, the right of a victim of a violation of section 2903.14, 2909.06, 2909.07, 2911.12, 2911.211, or 2919.22 of the Revised Code, a violation of a substantially similar municipal ordinance, or an offense of violence who is a family or household member of the offender at the time of the offense to seek the issuance of a temporary protection order pursuant to section 2919.26 of the Revised Code, and the right of both types of victims to be accompanied by a victim advocate during court proceedings;

(12) The right of a victim of a sexually oriented offense or of a child-victim oriented offense that is committed by a person who is convicted of, pleads guilty to, or is adjudicated a delinquent child for committing the offense and who is in a category specified in division (B) of section 2950.10 of the Revised Code to receive, pursuant to that section, notice that the person has registered with a sheriff under section 2950.04,

2950.041, or 2950.05 of the Revised Code and notice of the 1506
person's name, the person's residence that is registered, and the 1507
offender's school, institution of higher education, or place of 1508
employment address or addresses that are registered, the person's 1509
photograph, and a summary of the manner in which the victim must 1510
make a request to receive the notice. As used in this division, 1511
"sexually oriented offense" and "child-victim oriented offense" 1512
have the same meanings as in section 2950.01 of the Revised Code. 1513

(13) The right of a victim of certain sexually violent 1514
offenses committed by an offender who also is convicted of or 1515
pleads guilty to a sexually violent predator specification and who 1516
is sentenced to a prison term pursuant to division (A)(3) of 1517
section 2971.03 of the Revised Code, of a victim of a violation of 1518
division (A)(1)(b) of section 2907.02 of the Revised Code 1519
committed on or after January 2, 2007, by an offender who is 1520
sentenced for the violation pursuant to division (B)(1)(a), (b), 1521
or (c) of section 2971.03 of the Revised Code, of a victim of an 1522
attempted rape committed on or after January 2, 2007, by an 1523
offender who also is convicted of or pleads guilty to a 1524
specification of the type described in section 2941.1418, 1525
2941.1419, or 2941.1420 of the Revised Code and is sentenced for 1526
the violation pursuant to division (B)(2)(a), (b), or (c) of 1527
section 2971.03 of the Revised Code, and of a victim of an offense 1528
that is described in division (B)(3)(a), (b), (c), or (d) of 1529
section 2971.03 of the Revised Code and is committed by an 1530
offender who is sentenced pursuant to one of those divisions to 1531
receive, pursuant to section 2930.16 of the Revised Code, notice 1532
of a hearing to determine whether to modify the requirement that 1533
the offender serve the entire prison term in a state correctional 1534
facility, whether to continue, revise, or revoke any existing 1535
modification of that requirement, or whether to terminate the 1536
prison term. As used in this division, "sexually violent offense" 1537
and "sexually violent predator specification" have the same 1538

meanings as in section 2971.01 of the Revised Code. 1539

(14) The right of a victim of a sexually oriented offense to 1540
information regarding the status of the sexual assault examination 1541
kit collected from the victim pursuant to section 109.68 of the 1542
Revised Code. 1543

(B)(1)(a) A prosecuting attorney, assistant prosecuting 1544
attorney, city director of law, assistant city director of law, 1545
village solicitor, assistant village solicitor, or similar chief 1546
legal officer of a municipal corporation or an assistant of any of 1547
those officers who prosecutes an offense committed in this state, 1548
upon first contact with the victim of the offense, the victim's 1549
family, or the victim's dependents, shall give the victim, the 1550
victim's family, or the victim's dependents a copy of the victim's 1551
rights request form created under section 2930.04 of the Revised 1552
Code, or a similar form that, at a minimum, contains all the 1553
required information listed in that section, and the pamphlet 1554
prepared pursuant to division (A) of this section and explain, 1555
upon request, the information in the form and pamphlet to the 1556
victim, the victim's family, or the victim's dependents. The 1557
victim may receive either through the online version of the 1558
pamphlet published to the attorney general's web site, or as a 1559
paper copy, upon request. 1560

(b) A law enforcement agency that investigates a criminal 1561
offense or delinquent act committed in this state shall give the 1562
victim of the criminal offense or delinquent act, the victim's 1563
family, or the victim's dependents a copy of the form and pamphlet 1564
prepared pursuant to division (A) of this section at one of the 1565
following times: 1566

(i) Upon first contact with the victim, the victim's family, 1567
or the victim's dependents, a peace officer from the law 1568
enforcement agency investigating the criminal offense or 1569
delinquent act against the victim shall determine whether the 1570

victim has access to the internet and whether the victim would 1571
prefer to access the victim's rights pamphlet online or if the 1572
victim requires a paper copy. The peace officer may give the 1573
victim a paper copy upon first contact, if requested, or the peace 1574
officer may provide the victim with the attorney general's 1575
telephone number to access the pamphlet at a later time. The 1576
attorney general shall provide a web site address at which a 1577
printable version of the victim's rights pamphlet that can be 1578
downloaded and printed locally may be found. The attorney general 1579
shall provide limited paper copies of the victim's rights 1580
pamphlets upon request to law enforcement agencies that order 1581
copies directly from the attorney general and to law enforcement 1582
agencies and prosecutors to provide to victims who do not have 1583
internet access or who would prefer a paper copy. The attorney 1584
general shall create a page within the attorney general's web site 1585
that is easy to access and navigate that contains the entire 1586
content of the victim's rights pamphlet and a link to the web site 1587
address at which a printable version of the victim's rights 1588
pamphlet may be found. 1589

(ii) If the circumstances of the criminal offense or 1590
delinquent act and the condition of the victim, the victim's 1591
family, or the victim's dependents indicate that the victim, the 1592
victim's family, or the victim's dependents will not be able to 1593
understand the significance of the form and pamphlet upon first 1594
contact with the agency, and if the agency anticipates that it 1595
will have an additional contact with the victim, the victim's 1596
family, or the victim's dependents, upon the agency's second 1597
contact with the victim, the victim's family, or the victim's 1598
dependents. 1599

If the agency does not give the victim, the victim's family, 1600
or the victim's dependents a copy of the form and pamphlet upon 1601
first contact with them and does not have a second contact with 1602

the victim, the victim's family, or the victim's dependents, the 1603
agency shall mail a copy of the form and pamphlet to the victim, 1604
the victim's family, or the victim's dependents at their last 1605
known address. 1606

(c)(i) The attorney general shall create an information card 1607
which contains all of the following: 1608

(I) An outline list of victim's rights contained in the Ohio 1609
Constitution and Revised Code; 1610

(II) A reference to the victim's rights request form; 1611

(III) The attorney general's crime victim's services office 1612
telephone number, electronic mailing address, web site address, 1613
and contact address, and a description of how to access victim's 1614
rights information; 1615

(IV) The Ohio crime victim's justice center's telephone 1616
number, electronic mailing address, and contact address, and the 1617
web site address for accessing the center's victim's rights 1618
toolkit. 1619

(ii) Upon first contact with the victim, the law enforcement 1620
agency shall provide the victim with the information card. 1621

(2) A law enforcement agency, a prosecuting attorney or 1622
assistant prosecuting attorney, or a city director of law, 1623
assistant city director of law, village solicitor, assistant 1624
village solicitor, or similar chief legal officer of a municipal 1625
corporation that distributes a copy of the form and pamphlet 1626
prepared pursuant to division (A) of this section shall not be 1627
required to distribute a copy of an information card or other 1628
printed material provided by the clerk of the court of claims 1629
pursuant to section 2743.71 of the Revised Code. 1630

(C) The cost of printing and distributing the form and 1631
pamphlet prepared pursuant to division (A) of this section shall 1632

be paid out of the reparations fund, created pursuant to section 1633
2743.191 of the Revised Code, in accordance with division (D) of 1634
that section. 1635

(D) As used in this section: 1636

(1) "Criminal offense," "delinquent act," and "victim's 1637
representative" have the same meanings as in section 2930.01 of 1638
the Revised Code; 1639

(2) "Victim advocate" has the same meaning as in section 1640
2919.26 of the Revised Code. 1641

Sec. 109.57. (A)(1) The superintendent of the bureau of 1642
criminal identification and investigation shall procure from 1643
wherever procurable and file for record photographs, pictures, 1644
descriptions, fingerprints, measurements, and other information 1645
that may be pertinent of all persons who have been convicted of 1646
committing within this state a felony, any crime constituting a 1647
misdemeanor on the first offense and a felony on subsequent 1648
offenses, or any misdemeanor described in division (A)(1)(a), 1649
(A)(4)(a), or (A)(6)(a) of section 109.572 of the Revised Code, of 1650
all children under eighteen years of age who have been adjudicated 1651
delinquent children for committing within this state an act that 1652
would be a felony or an offense of violence if committed by an 1653
adult or who have been convicted of or pleaded guilty to 1654
committing within this state a felony or an offense of violence, 1655
and of all well-known and habitual criminals. The person in charge 1656
of any county, multicounty, municipal, municipal-county, or 1657
multicounty-municipal jail or workhouse, community-based 1658
correctional facility, halfway house, alternative residential 1659
facility, or state correctional institution and the person in 1660
charge of any state institution having custody of a person 1661
suspected of having committed a felony, any crime constituting a 1662
misdemeanor on the first offense and a felony on subsequent 1663

offenses, or any misdemeanor described in division (A)(1)(a), 1664
(A)(4)(a), or (A)(6)(a) of section 109.572 of the Revised Code or 1665
having custody of a child under eighteen years of age with respect 1666
to whom there is probable cause to believe that the child may have 1667
committed an act that would be a felony or an offense of violence 1668
if committed by an adult shall furnish such material to the 1669
superintendent of the bureau. Fingerprints, photographs, or other 1670
descriptive information of a child who is under eighteen years of 1671
age, has not been arrested or otherwise taken into custody for 1672
committing an act that would be a felony or an offense of violence 1673
who is not in any other category of child specified in this 1674
division, if committed by an adult, has not been adjudicated a 1675
delinquent child for committing an act that would be a felony or 1676
an offense of violence if committed by an adult, has not been 1677
convicted of or pleaded guilty to committing a felony or an 1678
offense of violence, and is not a child with respect to whom there 1679
is probable cause to believe that the child may have committed an 1680
act that would be a felony or an offense of violence if committed 1681
by an adult shall not be procured by the superintendent or 1682
furnished by any person in charge of any county, multicounty, 1683
municipal, municipal-county, or multicounty-municipal jail or 1684
workhouse, community-based correctional facility, halfway house, 1685
alternative residential facility, or state correctional 1686
institution, except as authorized in section 2151.313 of the 1687
Revised Code. 1688

(2) Every clerk of a court of record in this state, other 1689
than the supreme court or a court of appeals, shall send to the 1690
superintendent of the bureau a weekly report containing a summary 1691
of each case involving a felony, involving any crime constituting 1692
a misdemeanor on the first offense and a felony on subsequent 1693
offenses, involving a misdemeanor described in division (A)(1)(a), 1694
(A)(4)(a), or (A)(6)(a) of section 109.572 of the Revised Code, or 1695

involving an adjudication in a case in which a child under 1696
eighteen years of age was alleged to be a delinquent child for 1697
committing an act that would be a felony or an offense of violence 1698
if committed by an adult. The clerk of the court of common pleas 1699
shall include in the report and summary the clerk sends under this 1700
division all information described in divisions (A)(2)(a) to (f) 1701
of this section regarding a case before the court of appeals that 1702
is served by that clerk. The summary shall be written on the 1703
standard forms furnished by the superintendent pursuant to 1704
division (B) of this section and shall include the following 1705
information: 1706

(a) The incident tracking number contained on the standard 1707
forms furnished by the superintendent pursuant to division (B) of 1708
this section; 1709

(b) The style and number of the case; 1710

(c) The date of arrest, offense, summons, or arraignment; 1711

(d) The date that the person was convicted of or pleaded 1712
guilty to the offense, adjudicated a delinquent child for 1713
committing the act that would be a felony or an offense of 1714
violence if committed by an adult, found not guilty of the 1715
offense, or found not to be a delinquent child for committing an 1716
act that would be a felony or an offense of violence if committed 1717
by an adult, the date of an entry dismissing the charge, an entry 1718
declaring a mistrial of the offense in which the person is 1719
discharged, an entry finding that the person or child is not 1720
competent to stand trial, or an entry of a nolle prosequi, or the 1721
date of any other determination that constitutes final resolution 1722
of the case; 1723

(e) A statement of the original charge with the section of 1724
the Revised Code that was alleged to be violated; 1725

(f) If the person or child was convicted, pleaded guilty, or 1726

was adjudicated a delinquent child, the sentence or terms of 1727
probation imposed or any other disposition of the offender or the 1728
delinquent child. 1729

If the offense involved the disarming of a law enforcement 1730
officer or an attempt to disarm a law enforcement officer, the 1731
clerk shall clearly state that fact in the summary, and the 1732
superintendent shall ensure that a clear statement of that fact is 1733
placed in the bureau's records. 1734

(3) The superintendent shall cooperate with and assist 1735
sheriffs, chiefs of police, and other law enforcement officers in 1736
the establishment of a complete system of criminal identification 1737
and in obtaining fingerprints and other means of identification of 1738
all persons arrested on a charge of a felony, any crime 1739
constituting a misdemeanor on the first offense and a felony on 1740
subsequent offenses, or a misdemeanor described in division 1741
(A)(1)(a), (A)(4)(a), or (A)(6)(a) of section 109.572 of the 1742
Revised Code and of all children under eighteen years of age 1743
arrested or otherwise taken into custody for committing an act 1744
that would be a felony or an offense of violence if committed by 1745
an adult. The superintendent also shall file for record the 1746
fingerprint impressions of all persons confined in a county, 1747
multicounty, municipal, municipal-county, or multicounty-municipal 1748
jail or workhouse, community-based correctional facility, halfway 1749
house, alternative residential facility, or state correctional 1750
institution for the violation of state laws and of all children 1751
under eighteen years of age who are confined in a county, 1752
multicounty, municipal, municipal-county, or multicounty-municipal 1753
jail or workhouse, community-based correctional facility, halfway 1754
house, alternative residential facility, or state correctional 1755
institution or in any facility for delinquent children for 1756
committing an act that would be a felony or an offense of violence 1757
if committed by an adult, and any other information that the 1758

superintendent may receive from law enforcement officials of the 1759
state and its political subdivisions. 1760

(4) The superintendent shall carry out Chapter 2950. of the 1761
Revised Code with respect to the registration of persons who are 1762
convicted of or plead guilty to a sexually oriented offense or a 1763
child-victim oriented offense and with respect to all other duties 1764
imposed on the bureau under that chapter. 1765

(5) The bureau shall perform centralized recordkeeping 1766
functions for criminal history records and services in this state 1767
for purposes of the national crime prevention and privacy compact 1768
set forth in section 109.571 of the Revised Code and is the 1769
criminal history record repository as defined in that section for 1770
purposes of that compact. The superintendent or the 1771
superintendent's designee is the compact officer for purposes of 1772
that compact and shall carry out the responsibilities of the 1773
compact officer specified in that compact. 1774

(6) The superintendent shall, upon request, assist a county 1775
coroner in the identification of a deceased person through the use 1776
of fingerprint impressions obtained pursuant to division (A)(1) of 1777
this section or collected pursuant to section 109.572 or 311.41 of 1778
the Revised Code. 1779

(B) The superintendent shall prepare and furnish to every 1780
county, multicounty, municipal, municipal-county, or 1781
multicounty-municipal jail or workhouse, community-based 1782
correctional facility, halfway house, alternative residential 1783
facility, or state correctional institution and to every clerk of 1784
a court in this state specified in division (A)(2) of this section 1785
standard forms for reporting the information required under 1786
division (A) of this section. The standard forms that the 1787
superintendent prepares pursuant to this division may be in a 1788
tangible format, in an electronic format, or in both tangible 1789
formats and electronic formats. 1790

(C)(1) The superintendent may operate a center for 1791
electronic, automated, or other data processing for the storage 1792
and retrieval of information, data, and statistics pertaining to 1793
criminals and to children under eighteen years of age who are 1794
adjudicated delinquent children for committing an act that would 1795
be a felony or an offense of violence if committed by an adult, 1796
criminal activity, crime prevention, law enforcement, and criminal 1797
justice, and may establish and operate a statewide communications 1798
network to be known as the Ohio law enforcement gateway to gather 1799
and disseminate information, data, and statistics for the use of 1800
law enforcement agencies and for other uses specified in this 1801
division. The superintendent may gather, store, retrieve, and 1802
disseminate information, data, and statistics that pertain to 1803
children who are under eighteen years of age and that are gathered 1804
pursuant to sections 109.57 to 109.61 of the Revised Code together 1805
with information, data, and statistics that pertain to adults and 1806
that are gathered pursuant to those sections. 1807

(2) The superintendent or the superintendent's designee shall 1808
gather information of the nature described in division (C)(1) of 1809
this section that pertains to the offense and delinquency history 1810
of a person who has been convicted of, pleaded guilty to, or been 1811
adjudicated a delinquent child for committing a sexually oriented 1812
offense or a child-victim oriented offense for inclusion in the 1813
state registry of sex offenders and child-victim offenders 1814
maintained pursuant to division (A)(1) of section 2950.13 of the 1815
Revised Code and in the internet database operated pursuant to 1816
division (A)(13) of that section and for possible inclusion in the 1817
internet database operated pursuant to division (A)(11) of that 1818
section. 1819

(3) In addition to any other authorized use of information, 1820
data, and statistics of the nature described in division (C)(1) of 1821
this section, the superintendent or the superintendent's designee 1822

may provide and exchange the information, data, and statistics 1823
pursuant to the national crime prevention and privacy compact as 1824
described in division (A)(5) of this section. 1825

(4) The Ohio law enforcement gateway shall contain the name, 1826
confidential address, and telephone number of program participants 1827
in the address confidentiality program established under sections 1828
111.41 to 111.47 of the Revised Code. 1829

(5) The attorney general may adopt rules under Chapter 119. 1830
of the Revised Code establishing guidelines for the operation of 1831
and participation in the Ohio law enforcement gateway. The rules 1832
may include criteria for granting and restricting access to 1833
information gathered and disseminated through the Ohio law 1834
enforcement gateway. The attorney general shall adopt rules under 1835
Chapter 119. of the Revised Code that grant access to information 1836
in the gateway regarding an address confidentiality program 1837
participant under sections 111.41 to 111.47 of the Revised Code to 1838
only chiefs of police, village marshals, county sheriffs, county 1839
prosecuting attorneys, and a designee of each of these 1840
individuals. The attorney general shall permit an office of a 1841
county coroner, the state medical board, and board of nursing to 1842
access and view, but not alter, information gathered and 1843
disseminated through the Ohio law enforcement gateway. 1844

The attorney general may appoint a steering committee to 1845
advise the attorney general in the operation of the Ohio law 1846
enforcement gateway that is comprised of persons who are 1847
representatives of the criminal justice agencies in this state 1848
that use the Ohio law enforcement gateway and is chaired by the 1849
superintendent or the superintendent's designee. 1850

(D)(1) The following are not public records under section 1851
149.43 of the Revised Code: 1852

(a) Information and materials furnished to the superintendent 1853

pursuant to division (A) of this section; 1854

(b) Information, data, and statistics gathered or 1855
disseminated through the Ohio law enforcement gateway pursuant to 1856
division (C)(1) of this section; 1857

(c) Information and materials furnished to any board or 1858
person under division (F) or (G) of this section. 1859

(2) The superintendent or the superintendent's designee shall 1860
gather and retain information so furnished under division (A) of 1861
this section that pertains to the offense and delinquency history 1862
of a person who has been convicted of, pleaded guilty to, or been 1863
adjudicated a delinquent child for committing a sexually oriented 1864
offense or a child-victim oriented offense for the purposes 1865
described in division (C)(2) of this section. 1866

(E)(1) The attorney general shall adopt rules, in accordance 1867
with Chapter 119. of the Revised Code and subject to division 1868
(E)(2) of this section, setting forth the procedure by which a 1869
person may receive or release information gathered by the 1870
superintendent pursuant to division (A) of this section. A 1871
reasonable fee may be charged for this service. If a temporary 1872
employment service submits a request for a determination of 1873
whether a person the service plans to refer to an employment 1874
position has been convicted of or pleaded guilty to an offense 1875
listed or described in division (A)(1), (2), or (3) of section 1876
109.572 of the Revised Code, the request shall be treated as a 1877
single request and only one fee shall be charged. 1878

(2) Except as otherwise provided in this division or division 1879
(E)(3) or (4) of this section, a rule adopted under division 1880
(E)(1) of this section may provide only for the release of 1881
information gathered pursuant to division (A) of this section that 1882
relates to the conviction of a person, or a person's plea of 1883
guilty to, a criminal offense or to the arrest of a person as 1884

provided in division (E)(3) of this section. The superintendent 1885
shall not release, and the attorney general shall not adopt any 1886
rule under division (E)(1) of this section that permits the 1887
release of, any information gathered pursuant to division (A) of 1888
this section that relates to an adjudication of a child as a 1889
delinquent child, or that relates to a criminal conviction of a 1890
person under eighteen years of age if the person's case was 1891
transferred back to a juvenile court under division (B)(2) or (3) 1892
of section 2152.121 of the Revised Code and the juvenile court 1893
imposed a disposition or serious youthful offender disposition 1894
upon the person under either division, unless either of the 1895
following applies with respect to the adjudication or conviction: 1896

(a) The adjudication or conviction was for a violation of 1897
section 2903.01 or 2903.02 of the Revised Code. 1898

(b) The adjudication or conviction was for a sexually 1899
oriented offense, the juvenile court was required to classify the 1900
child a juvenile offender registrant for that offense under 1901
section 2152.82, 2152.83, or 2152.86 of the Revised Code, that 1902
classification has not been removed, and the records of the 1903
adjudication or conviction have not been sealed or expunged 1904
pursuant to sections 2151.355 to 2151.358 or sealed or expunged 1905
pursuant to section 2953.32 of the Revised Code. 1906

(3) A rule adopted under division (E)(1) of this section may 1907
provide for the release of information gathered pursuant to 1908
division (A) of this section that relates to the arrest of a 1909
person who is eighteen years of age or older when the person has 1910
not been convicted as a result of that arrest if any of the 1911
following applies: 1912

(a) The arrest was made outside of this state. 1913

(b) A criminal action resulting from the arrest is pending, 1914
and the superintendent confirms that the criminal action has not 1915

been resolved at the time the criminal records check is performed. 1916

(c) The bureau cannot reasonably determine whether a criminal 1917
action resulting from the arrest is pending, and not more than one 1918
year has elapsed since the date of the arrest. 1919

(4) A rule adopted under division (E)(1) of this section may 1920
provide for the release of information gathered pursuant to 1921
division (A) of this section that relates to an adjudication of a 1922
child as a delinquent child if not more than five years have 1923
elapsed since the date of the adjudication, the adjudication was 1924
for an act that would have been a felony if committed by an adult, 1925
the records of the adjudication have not been sealed or expunged 1926
pursuant to sections 2151.355 to 2151.358 of the Revised Code, and 1927
the request for information is made under division (F) of this 1928
section or under section 109.572 of the Revised Code. In the case 1929
of an adjudication for a violation of the terms of community 1930
control or supervised release, the five-year period shall be 1931
calculated from the date of the adjudication to which the 1932
community control or supervised release pertains. 1933

(F)(1) As used in division (F)(2) of this section, "head 1934
start agency" means an entity in this state that has been approved 1935
to be an agency for purposes of subchapter II of the "Community 1936
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 1937
as amended. 1938

(2)(a) In addition to or in conjunction with any request that 1939
is required to be made under section 109.572, 2151.86, 3301.32, 1940
3301.541, division (C) of section 3310.58, or section 3319.39, 1941
3319.391, 3327.10, 3740.11, 5103.251, 5103.252, 5103.253, 1942
5104.013, 5123.081, or 5153.111 of the Revised Code or that is 1943
made under section 3314.41, 3319.392, 3326.25, or 3328.20 of the 1944
Revised Code, the board of education of any school district; the 1945
director of developmental disabilities; any county board of 1946
developmental disabilities; the director of job and family 1947

services; any provider or subcontractor as defined in section 1948
5123.081 of the Revised Code; the chief administrator of any 1949
chartered nonpublic school; the chief administrator of a 1950
registered private provider that is not also a chartered nonpublic 1951
school; the chief administrator of any home health agency; the 1952
chief administrator of or person operating any child day-care 1953
center, type A family day-care home, or type B family day-care 1954
home licensed under Chapter 5104. of the Revised Code; the chief 1955
administrator of any head start agency; the executive director of 1956
a public children services agency; a private company described in 1957
section 3314.41, 3319.392, 3326.25, or 3328.20 of the Revised 1958
Code; or an employer described in division (J)(2) of section 1959
3327.10 of the Revised Code may request that the superintendent of 1960
the bureau investigate and determine, with respect to any 1961
individual who has applied for employment in any position after 1962
October 2, 1989, or any individual wishing to apply for employment 1963
with a board of education may request, with regard to the 1964
individual, whether the bureau has any information gathered under 1965
division (A) of this section that pertains to that individual. On 1966
receipt of the request, subject to division (E)(2) of this 1967
section, the superintendent shall determine whether that 1968
information exists and, upon request of the person, board, or 1969
entity requesting information, also shall request from the federal 1970
bureau of investigation any criminal records it has pertaining to 1971
that individual. The superintendent or the superintendent's 1972
designee also may request criminal history records from other 1973
states or the federal government pursuant to the national crime 1974
prevention and privacy compact set forth in section 109.571 of the 1975
Revised Code. Within thirty days of the date that the 1976
superintendent receives a request, subject to division (E)(2) of 1977
this section, the superintendent shall send to the board, entity, 1978
or person a report of any information that the superintendent 1979
determines exists, including information contained in records that 1980

have been sealed under section 2953.32 of the Revised Code, and, 1981
within thirty days of its receipt, subject to division (E)(2) of 1982
this section, shall send the board, entity, or person a report of 1983
any information received from the federal bureau of investigation, 1984
other than information the dissemination of which is prohibited by 1985
federal law. 1986

(b) When a board of education or a registered private 1987
provider is required to receive information under this section as 1988
a prerequisite to employment of an individual pursuant to division 1989
(C) of section 3310.58 or section 3319.39 of the Revised Code, it 1990
may accept a certified copy of records that were issued by the 1991
bureau of criminal identification and investigation and that are 1992
presented by an individual applying for employment with the 1993
district in lieu of requesting that information itself. In such a 1994
case, the board shall accept the certified copy issued by the 1995
bureau in order to make a photocopy of it for that individual's 1996
employment application documents and shall return the certified 1997
copy to the individual. In a case of that nature, a district or 1998
provider only shall accept a certified copy of records of that 1999
nature within one year after the date of their issuance by the 2000
bureau. 2001

(c) Notwithstanding division (F)(2)(a) of this section, in 2002
the case of a request under section 3319.39, 3319.391, or 3327.10 2003
of the Revised Code only for criminal records maintained by the 2004
federal bureau of investigation, the superintendent shall not 2005
determine whether any information gathered under division (A) of 2006
this section exists on the person for whom the request is made. 2007

(3) The state board of education may request, with respect to 2008
any individual who has applied for employment after October 2, 2009
1989, in any position with the state board or the department of 2010
education, any information that a school district board of 2011
education is authorized to request under division (F)(2) of this 2012

section, and the superintendent of the bureau shall proceed as if 2013
the request has been received from a school district board of 2014
education under division (F)(2) of this section. 2015

(4) When the superintendent of the bureau receives a request 2016
for information under section 3319.291 of the Revised Code, the 2017
superintendent shall proceed as if the request has been received 2018
from a school district board of education and shall comply with 2019
divisions (F)(2)(a) and (c) of this section. 2020

(G) In addition to or in conjunction with any request that is 2021
required to be made under section 3712.09, 3721.121, or 3740.11 of 2022
the Revised Code with respect to an individual who has applied for 2023
employment in a position that involves providing direct care to an 2024
older adult or adult resident, the chief administrator of a home 2025
health agency, hospice care program, home licensed under Chapter 2026
3721. of the Revised Code, or adult day-care program operated 2027
pursuant to rules adopted under section 3721.04 of the Revised 2028
Code may request that the superintendent of the bureau investigate 2029
and determine, with respect to any individual who has applied 2030
after January 27, 1997, for employment in a position that does not 2031
involve providing direct care to an older adult or adult resident, 2032
whether the bureau has any information gathered under division (A) 2033
of this section that pertains to that individual. 2034

In addition to or in conjunction with any request that is 2035
required to be made under section 173.27 of the Revised Code with 2036
respect to an individual who has applied for employment in a 2037
position that involves providing ombudsman services to residents 2038
of long-term care facilities or recipients of community-based 2039
long-term care services, the state long-term care ombudsman, the 2040
director of aging, a regional long-term care ombudsman program, or 2041
the designee of the ombudsman, director, or program may request 2042
that the superintendent investigate and determine, with respect to 2043
any individual who has applied for employment in a position that 2044

does not involve providing such ombudsman services, whether the 2045
bureau has any information gathered under division (A) of this 2046
section that pertains to that applicant. 2047

In addition to or in conjunction with any request that is 2048
required to be made under section 173.38 of the Revised Code with 2049
respect to an individual who has applied for employment in a 2050
direct-care position, the chief administrator of a provider, as 2051
defined in section 173.39 of the Revised Code, may request that 2052
the superintendent investigate and determine, with respect to any 2053
individual who has applied for employment in a position that is 2054
not a direct-care position, whether the bureau has any information 2055
gathered under division (A) of this section that pertains to that 2056
applicant. 2057

In addition to or in conjunction with any request that is 2058
required to be made under section 3712.09 of the Revised Code with 2059
respect to an individual who has applied for employment in a 2060
position that involves providing direct care to a pediatric 2061
respite care patient, the chief administrator of a pediatric 2062
respite care program may request that the superintendent of the 2063
bureau investigate and determine, with respect to any individual 2064
who has applied for employment in a position that does not involve 2065
providing direct care to a pediatric respite care patient, whether 2066
the bureau has any information gathered under division (A) of this 2067
section that pertains to that individual. 2068

On receipt of a request under this division, the 2069
superintendent shall determine whether that information exists 2070
and, on request of the individual requesting information, shall 2071
also request from the federal bureau of investigation any criminal 2072
records it has pertaining to the applicant. The superintendent or 2073
the superintendent's designee also may request criminal history 2074
records from other states or the federal government pursuant to 2075
the national crime prevention and privacy compact set forth in 2076

section 109.571 of the Revised Code. Within thirty days of the 2077
date a request is received, subject to division (E)(2) of this 2078
section, the superintendent shall send to the requester a report 2079
of any information determined to exist, including information 2080
contained in records that have been sealed under section 2953.32 2081
of the Revised Code, and, within thirty days of its receipt, shall 2082
send the requester a report of any information received from the 2083
federal bureau of investigation, other than information the 2084
dissemination of which is prohibited by federal law. 2085

(H) Information obtained by a government entity or person 2086
under this section is confidential and shall not be released or 2087
disseminated. 2088

(I) The superintendent may charge a reasonable fee for 2089
providing information or criminal records under division (F)(2) or 2090
(G) of this section. 2091

(J) As used in this section: 2092

(1) "Pediatric respite care program" and "pediatric care 2093
patient" have the same meanings as in section 3712.01 of the 2094
Revised Code. 2095

(2) "Sexually oriented offense" and "child-victim oriented 2096
offense" have the same meanings as in section 2950.01 of the 2097
Revised Code. 2098

(3) "Registered private provider" means a nonpublic school or 2099
entity registered with the superintendent of public instruction 2100
under section 3310.41 of the Revised Code to participate in the 2101
autism scholarship program or section 3310.58 of the Revised Code 2102
to participate in the Jon Peterson special needs scholarship 2103
program. 2104

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to 2105
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 2106

a completed form prescribed pursuant to division (C)(1) of this 2107
section, and a set of fingerprint impressions obtained in the 2108
manner described in division (C)(2) of this section, the 2109
superintendent of the bureau of criminal identification and 2110
investigation shall conduct a criminal records check in the manner 2111
described in division (B) of this section to determine whether any 2112
information exists that indicates that the person who is the 2113
subject of the request previously has been convicted of or pleaded 2114
guilty to any of the following: 2115

(a) A violation of section 2903.01, 2903.02, 2903.03, 2116
2903.04, 2903.041, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 2117
2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2118
2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2119
2907.08, 2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.25, 2120
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2121
2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2122
2923.13, 2923.161, 2923.17, 2923.21, 2923.42, 2925.02, 2925.03, 2123
2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 2925.23, 2124
2925.24, 2925.31, 2925.32, 2925.36, 2925.37, or 3716.11 of the 2125
Revised Code, felonious sexual penetration in violation of former 2126
section 2907.12 of the Revised Code, a violation of section 2127
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 2128
violation of section 2919.23 of the Revised Code that would have 2129
been a violation of section 2905.04 of the Revised Code as it 2130
existed prior to July 1, 1996, had the violation been committed 2131
prior to that date, or a violation of section 2925.11 of the 2132
Revised Code that is not a minor drug possession offense; 2133

(b) A violation of an existing or former law of this state, 2134
any other state, or the United States that is substantially 2135
equivalent to any of the offenses listed in division (A)(1)(a) of 2136
this section; 2137

(c) If the request is made pursuant to section 3319.39 of the Revised Code for an applicant who is a teacher, any offense specified under section 9.79 of the Revised Code or in section 3319.31 of the Revised Code.

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

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

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

(3) On receipt of a request pursuant to section 173.27, 173.38, 173.381, 3740.11, 5119.34, 5164.34, 5164.341, 5164.342, 5123.081, or 5123.169 of the Revised Code, a completed form

prescribed pursuant to division (C)(1) of this section, and a set 2170
of fingerprint impressions obtained in the manner described in 2171
division (C)(2) of this section, the superintendent of the bureau 2172
of criminal identification and investigation shall conduct a 2173
criminal records check of the person for whom the request is made. 2174
The superintendent shall conduct the criminal records check in the 2175
manner described in division (B) of this section to determine 2176
whether any information exists that indicates that the person who 2177
is the subject of the request previously has been convicted of, 2178
has pleaded guilty to, or (except in the case of a request 2179
pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised 2180
Code) has been found eligible for intervention in lieu of 2181
conviction for any of the following, regardless of the date of the 2182
conviction, the date of entry of the guilty plea, or (except in 2183
the case of a request pursuant to section 5164.34, 5164.341, or 2184
5164.342 of the Revised Code) the date the person was found 2185
eligible for intervention in lieu of conviction: 2186

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 2187
2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2188
2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 2189
2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02, 2190
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2191
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 2192
2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 2193
2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2194
2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 2195
2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2196
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 2197
2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123, 2198
2919.124, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2199
2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 2200
2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 2201
2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2202

2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 2203
2925.14, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 2204
2927.12, or 3716.11 of the Revised Code; 2205

(b) Felonious sexual penetration in violation of former 2206
section 2907.12 of the Revised Code; 2207

(c) A violation of section 2905.04 of the Revised Code as it 2208
existed prior to July 1, 1996; 2209

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 2210
the Revised Code when the underlying offense that is the object of 2211
the conspiracy, attempt, or complicity is one of the offenses 2212
listed in divisions (A)(3)(a) to (c) of this section; 2213

(e) A violation of an existing or former municipal ordinance 2214
or law of this state, any other state, or the United States that 2215
is substantially equivalent to any of the offenses listed in 2216
divisions (A)(3)(a) to (d) of this section. 2217

(4) On receipt of a request pursuant to section 2151.86 ~~or~~, 2218
2151.904, 5103.251, 5103.252, or 5103.253 of the Revised Code, a 2219
completed form prescribed pursuant to division (C)(1) of this 2220
section, and a set of fingerprint impressions obtained in the 2221
manner described in division (C)(2) of this section, the 2222
superintendent of the bureau of criminal identification and 2223
investigation shall conduct a criminal records check in the manner 2224
described in division (B) of this section to determine whether any 2225
information exists that indicates that the person who is the 2226
subject of the request previously has been convicted of or pleaded 2227
guilty to any of the following: 2228

(a) A violation of section 959.13, 2151.421, 2903.01, 2229
2903.02, 2903.03, 2903.04, 2903.041, 2903.06, 2903.08, 2903.11, 2230
2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2231
2903.32, 2903.34, 2905.01, 2905.02, 2905.05, 2905.32, 2907.02, 2232
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2233

2907.19, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2234
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2235
2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2236
2917.02, ~~2919.12, 2919.22, 2919.24, 2919.25,~~ 2923.12, 2923.13, 2237
2923.161, ~~2923.17, 2923.21,~~ 2925.02, 2925.03, 2925.04, ~~2925.041,~~ 2238
2925.05, 2925.06, ~~2925.13, 2925.22, 2925.23, 2925.24, 2925.31,~~ 2239
2925.32, 2925.36, 2925.37, 2927.12, or 3716.11 of the Revised 2240
Code, a violation of section 2905.04 of the Revised Code as it 2241
existed prior to July 1, 1996, a violation of section 2919.23 of 2242
the Revised Code that would have been a violation of section 2243
2905.04 of the Revised Code as it existed prior to July 1, 1996, 2244
had the violation been committed prior to that date, a violation 2245
of section 2925.11 of the Revised Code that is not a minor drug 2246
possession offense, two or more OVI or OVUAC violations committed 2247
within the three years immediately preceding the submission of the 2248
application or petition that is the basis of the request, or 2249
felonious sexual penetration in violation of former section 2250
2907.12 of the Revised Code, or a violation of Chapter 2919. of 2251
the Revised Code that is a felony; 2252

(b) A violation of an existing or former law of this state, 2253
any other state, or the United States that is substantially 2254
equivalent to any of the offenses listed in division (A)(4)(a) of 2255
this section. 2256

(5) Upon receipt of a request pursuant to section 5104.013 of 2257
the Revised Code, a completed form prescribed pursuant to division 2258
(C)(1) of this section, and a set of fingerprint impressions 2259
obtained in the manner described in division (C)(2) of this 2260
section, the superintendent of the bureau of criminal 2261
identification and investigation shall conduct a criminal records 2262
check in the manner described in division (B) of this section to 2263
determine whether any information exists that indicates that the 2264
person who is the subject of the request has been convicted of or 2265

pleaded guilty to any of the following: 2266

(a) A violation of section 2151.421, 2903.01, 2903.02, 2267
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2268
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 2269
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2270
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2271
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2272
2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2273
2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2274
2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2275
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2276
2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.22, 2277
2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 2278
2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 2923.161, 2279
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the 2280
Revised Code, felonious sexual penetration in violation of former 2281
section 2907.12 of the Revised Code, a violation of section 2282
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 2283
violation of section 2919.23 of the Revised Code that would have 2284
been a violation of section 2905.04 of the Revised Code as it 2285
existed prior to July 1, 1996, had the violation been committed 2286
prior to that date, a violation of section 2925.11 of the Revised 2287
Code that is not a minor drug possession offense, a violation of 2288
section 2923.02 or 2923.03 of the Revised Code that relates to a 2289
crime specified in this division, or a second violation of section 2290
4511.19 of the Revised Code within five years of the date of 2291
application for licensure or certification. 2292

(b) A violation of an existing or former law of this state, 2293
any other state, or the United States that is substantially 2294
equivalent to any of the offenses or violations described in 2295
division (A)(5)(a) of this section. 2296

(6) Upon receipt of a request pursuant to section 5153.111 of 2297

the Revised Code, a completed form prescribed pursuant to division 2298
(C)(1) of this section, and a set of fingerprint impressions 2299
obtained in the manner described in division (C)(2) of this 2300
section, the superintendent of the bureau of criminal 2301
identification and investigation shall conduct a criminal records 2302
check in the manner described in division (B) of this section to 2303
determine whether any information exists that indicates that the 2304
person who is the subject of the request previously has been 2305
convicted of or pleaded guilty to any of the following: 2306

(a) A violation of section 2903.01, 2903.02, 2903.03, 2307
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2308
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2309
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2310
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2311
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2312
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2313
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 2314
felonious sexual penetration in violation of former section 2315
2907.12 of the Revised Code, a violation of section 2905.04 of the 2316
Revised Code as it existed prior to July 1, 1996, a violation of 2317
section 2919.23 of the Revised Code that would have been a 2318
violation of section 2905.04 of the Revised Code as it existed 2319
prior to July 1, 1996, had the violation been committed prior to 2320
that date, or a violation of section 2925.11 of the Revised Code 2321
that is not a minor drug possession offense; 2322

(b) A violation of an existing or former law of this state, 2323
any other state, or the United States that is substantially 2324
equivalent to any of the offenses listed in division (A)(6)(a) of 2325
this section. 2326

(7) On receipt of a request for a criminal records check from 2327
an individual pursuant to section 4749.03 or 4749.06 of the 2328
Revised Code, accompanied by a completed copy of the form 2329

prescribed in division (C)(1) of this section and a set of 2330
fingerprint impressions obtained in a manner described in division 2331
(C)(2) of this section, the superintendent of the bureau of 2332
criminal identification and investigation shall conduct a criminal 2333
records check in the manner described in division (B) of this 2334
section to determine whether any information exists indicating 2335
that the person who is the subject of the request has been 2336
convicted of or pleaded guilty to any criminal offense in this 2337
state or in any other state. If the individual indicates that a 2338
firearm will be carried in the course of business, the 2339
superintendent shall require information from the federal bureau 2340
of investigation as described in division (B)(2) of this section. 2341
Subject to division (F) of this section, the superintendent shall 2342
report the findings of the criminal records check and any 2343
information the federal bureau of investigation provides to the 2344
director of public safety. 2345

(8) On receipt of a request pursuant to section 1321.37, 2346
1321.53, or 4763.05 of the Revised Code, a completed form 2347
prescribed pursuant to division (C)(1) of this section, and a set 2348
of fingerprint impressions obtained in the manner described in 2349
division (C)(2) of this section, the superintendent of the bureau 2350
of criminal identification and investigation shall conduct a 2351
criminal records check with respect to any person who has applied 2352
for a license, permit, or certification from the department of 2353
commerce or a division in the department. The superintendent shall 2354
conduct the criminal records check in the manner described in 2355
division (B) of this section to determine whether any information 2356
exists that indicates that the person who is the subject of the 2357
request previously has been convicted of or pleaded guilty to any 2358
criminal offense in this state, any other state, or the United 2359
States. 2360

(9) On receipt of a request for a criminal records check from 2361

the treasurer of state under section 113.041 of the Revised Code 2362
or from an individual under section 928.03, 4701.08, 4715.101, 2363
4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 4729.90, 4729.92, 2364
4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 2365
4731.281, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 2366
4747.051, 4751.20, 4751.201, 4751.21, 4753.061, 4755.70, 4757.101, 2367
4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 4762.06, 2368
4774.031, 4774.06, 4776.021, 4778.04, 4778.07, 4779.091, or 2369
4783.04 of the Revised Code, accompanied by a completed form 2370
prescribed under division (C)(1) of this section and a set of 2371
fingerprint impressions obtained in the manner described in 2372
division (C)(2) of this section, the superintendent of the bureau 2373
of criminal identification and investigation shall conduct a 2374
criminal records check in the manner described in division (B) of 2375
this section to determine whether any information exists that 2376
indicates that the person who is the subject of the request has 2377
been convicted of or pleaded guilty to any criminal offense in 2378
this state or any other state. Subject to division (F) of this 2379
section, the superintendent shall send the results of a check 2380
requested under section 113.041 of the Revised Code to the 2381
treasurer of state and shall send the results of a check requested 2382
under any of the other listed sections to the licensing board 2383
specified by the individual in the request. 2384

(10) On receipt of a request pursuant to section 124.74, 2385
718.131, 1121.23, 1315.141, 1733.47, or 1761.26 of the Revised 2386
Code, a completed form prescribed pursuant to division (C)(1) of 2387
this section, and a set of fingerprint impressions obtained in the 2388
manner described in division (C)(2) of this section, the 2389
superintendent of the bureau of criminal identification and 2390
investigation shall conduct a criminal records check in the manner 2391
described in division (B) of this section to determine whether any 2392
information exists that indicates that the person who is the 2393
subject of the request previously has been convicted of or pleaded 2394

guilty to any criminal offense under any existing or former law of this state, any other state, or the United States.

(11) On receipt of a request for a criminal records check from an appointing or licensing authority under section 3772.07 of the Revised Code, a completed form prescribed under division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner prescribed in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty or no contest to any offense under any existing or former law of this state, any other state, or the United States that makes the person ineligible for appointment or retention under section 3772.07 of the Revised Code or that is a disqualifying offense as defined in that section or substantially equivalent to a disqualifying offense, as applicable.

(12) On receipt of a request pursuant to section 2151.33 or 2151.412 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check with respect to any person for whom a criminal records check is required under that section. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03,

2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2427
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2428
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2429
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2430
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2431
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2432
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2433
2925.22, 2925.23, or 3716.11 of the Revised Code; 2434

(b) An existing or former law of this state, any other state, 2435
or the United States that is substantially equivalent to any of 2436
the offenses listed in division (A)(12)(a) of this section. 2437

(13) On receipt of a request pursuant to section 3796.12 of 2438
the Revised Code, a completed form prescribed pursuant to division 2439
(C)(1) of this section, and a set of fingerprint impressions 2440
obtained in a manner described in division (C)(2) of this section, 2441
the superintendent of the bureau of criminal identification and 2442
investigation shall conduct a criminal records check in the manner 2443
described in division (B) of this section to determine whether any 2444
information exists that indicates that the person who is the 2445
subject of the request previously has been convicted of or pleaded 2446
guilty to ~~the following:~~ 2447

~~(a) A~~ a disqualifying offense as specified in rules adopted 2448
under section 9.79 and division (B)(2)(b) of section 3796.03 of 2449
the Revised Code if the person who is the subject of the request 2450
is an administrator or other person responsible for the daily 2451
operation of, or an owner or prospective owner, officer or 2452
prospective officer, or board member or prospective board member 2453
of, an entity seeking a license from the department of commerce 2454
under Chapter 3796. of the Revised Code; 2455

~~(b) A disqualifying offense as specified in rules adopted 2456
under section 9.79 and division (B)(2)(b) of section 3796.04 of 2457
the Revised Code if the person who is the subject of the request 2458~~

~~is an administrator or other person responsible for the daily 2459
operation of, or an owner or prospective owner, officer or 2460
prospective officer, or board member or prospective board member 2461
of, an entity seeking a license from the state board of pharmacy 2462
under Chapter 3796. of the Revised Code. 2463~~

(14) On receipt of a request required by section 3796.13 of 2464
the Revised Code, a completed form prescribed pursuant to division 2465
(C)(1) of this section, and a set of fingerprint impressions 2466
obtained in a manner described in division (C)(2) of this section, 2467
the superintendent of the bureau of criminal identification and 2468
investigation shall conduct a criminal records check in the manner 2469
described in division (B) of this section to determine whether any 2470
information exists that indicates that the person who is the 2471
subject of the request previously has been convicted of or pleaded 2472
guilty to ~~the following:~~ 2473

~~(a) A a disqualifying offense as specified in rules adopted 2474
under division (B)(8)(a)(B)(14)(a) of section 3796.03 of the 2475
Revised Code if the person who is the subject of the request is 2476
seeking employment with an entity licensed by the department of 2477
commerce under Chapter 3796. of the Revised Code. 2478~~

~~(b) A disqualifying offense as specified in rules adopted 2479
under division (B)(14)(a) of section 3796.04 of the Revised Code 2480
if the person who is the subject of the request is seeking 2481
employment with an entity licensed by the state board of pharmacy 2482
under Chapter 3796. of the Revised Code. 2483~~

(15) On receipt of a request pursuant to section 4768.06 of 2484
the Revised Code, a completed form prescribed under division 2485
(C)(1) of this section, and a set of fingerprint impressions 2486
obtained in the manner described in division (C)(2) of this 2487
section, the superintendent of the bureau of criminal 2488
identification and investigation shall conduct a criminal records 2489
check in the manner described in division (B) of this section to 2490

determine whether any information exists indicating that the 2491
person who is the subject of the request has been convicted of or 2492
pleaded guilty to any criminal offense in this state or in any 2493
other state. 2494

(16) On receipt of a request pursuant to division (B) of 2495
section 4764.07 or division (A) of section 4735.143 of the Revised 2496
Code, a completed form prescribed under division (C)(1) of this 2497
section, and a set of fingerprint impressions obtained in the 2498
manner described in division (C)(2) of this section, the 2499
superintendent of the bureau of criminal identification and 2500
investigation shall conduct a criminal records check in the manner 2501
described in division (B) of this section to determine whether any 2502
information exists indicating that the person who is the subject 2503
of the request has been convicted of or pleaded guilty to any 2504
criminal offense in any state or the United States. 2505

(17) On receipt of a request for a criminal records check 2506
under section 147.022 of the Revised Code, a completed form 2507
prescribed under division (C)(1) of this section, and a set of 2508
fingerprint impressions obtained in the manner prescribed in 2509
division (C)(2) of this section, the superintendent of the bureau 2510
of criminal identification and investigation shall conduct a 2511
criminal records check in the manner described in division (B) of 2512
this section to determine whether any information exists that 2513
indicates that the person who is the subject of the request 2514
previously has been convicted of or pleaded guilty or no contest 2515
to any criminal offense under any existing or former law of this 2516
state, any other state, or the United States. 2517

(18) Upon receipt of a request pursuant to division (F) of 2518
section 2915.081 or division (E) of section 2915.082 of the 2519
Revised Code, a completed form prescribed under division (C)(1) of 2520
this section, and a set of fingerprint impressions obtained in the 2521
manner described in division (C)(2) of this section, the 2522

superintendent of the bureau of criminal identification and 2523
investigation shall conduct a criminal records check in the manner 2524
described in division (B) of this section to determine whether any 2525
information exists indicating that the person who is the subject 2526
of the request has been convicted of or pleaded guilty or no 2527
contest to any offense that is a violation of Chapter 2915. of the 2528
Revised Code or to any offense under any existing or former law of 2529
this state, any other state, or the United States that is 2530
substantially equivalent to such an offense. 2531

(19) On receipt of a request pursuant to section 3775.03 of 2532
the Revised Code, a completed form prescribed under division 2533
(C)(1) of this section, and a set of fingerprint impressions 2534
obtained in the manner described in division (C)(2) of this 2535
section, the superintendent of the bureau of criminal 2536
identification and investigation shall conduct a criminal records 2537
check in the manner described in division (B) of this section and 2538
shall request information from the federal bureau of investigation 2539
to determine whether any information exists indicating that the 2540
person who is the subject of the request has been convicted of any 2541
offense under any existing or former law of this state, any other 2542
state, or the United States that is a disqualifying offense as 2543
defined in section 3772.07 of the Revised Code. 2544

(B) Subject to division (F) of this section, the 2545
superintendent shall conduct any criminal records check to be 2546
conducted under this section as follows: 2547

(1) The superintendent shall review or cause to be reviewed 2548
any relevant information gathered and compiled by the bureau under 2549
division (A) of section 109.57 of the Revised Code that relates to 2550
the person who is the subject of the criminal records check, 2551
including, if the criminal records check was requested under 2552
section 113.041, 121.08, 124.74, 173.27, 173.38, 173.381, 718.131, 2553
928.03, 1121.23, 1315.141, 1321.37, 1321.53, 1733.47, 1761.26, 2554

2151.86, 3301.32, 3301.541, 3319.39, 3740.11, 3712.09, 3721.121, 2555
3772.07, 3775.03, 3796.12, 3796.13, 4729.071, 4729.53, 4729.90, 2556
4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 4768.06, 5103.251, 2557
5103.252, 5103.253, 5104.013, 5164.34, 5164.341, 5164.342, 2558
5123.081, 5123.169, or 5153.111 of the Revised Code, any relevant 2559
information contained in records that have been sealed under 2560
section 2953.32 of the Revised Code; 2561

(2) If the request received by the superintendent asks for 2562
information from the federal bureau of investigation, the 2563
superintendent shall request from the federal bureau of 2564
investigation any information it has with respect to the person 2565
who is the subject of the criminal records check, including 2566
fingerprint-based checks of national crime information databases 2567
as described in 42 U.S.C. 671 if the request is made pursuant to 2568
section 2151.86, 5103.251, 5103.252, 5103.253, or 5104.013 of the 2569
Revised Code or if any other Revised Code section requires 2570
fingerprint-based checks of that nature, and shall review or cause 2571
to be reviewed any information the superintendent receives from 2572
that bureau. If a request under section 3319.39 of the Revised 2573
Code asks only for information from the federal bureau of 2574
investigation, the superintendent shall not conduct the review 2575
prescribed by division (B)(1) of this section. 2576

(3) The superintendent or the superintendent's designee may 2577
request criminal history records from other states or the federal 2578
government pursuant to the national crime prevention and privacy 2579
compact set forth in section 109.571 of the Revised Code. 2580

(4) The superintendent shall include in the results of the 2581
criminal records check a list or description of the offenses 2582
listed or described in the relevant provision of division (A) of 2583
this section. The superintendent shall exclude from the results 2584
any information the dissemination of which is prohibited by 2585
federal law. 2586

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

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

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

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

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

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

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

(D) The results of a criminal records check conducted under this section, other than a criminal records check specified in division (A)(7) of this section, are valid for the person who is the subject of the criminal records check for a period of one year from the date upon which the superintendent completes the criminal records check. If during that period the superintendent receives another request for a criminal records check to be conducted under this section for that person, the superintendent shall provide the results from the previous criminal records check of the person at a lower fee than the fee prescribed for the initial criminal records check.

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

(F)(1) Subject to division (F)(2) of this section, all information regarding the results of a criminal records check

conducted under this section that the superintendent reports or 2650
sends under division (A)(7) or (9) of this section to the director 2651
of public safety, the treasurer of state, or the person, board, or 2652
entity that made the request for the criminal records check shall 2653
relate to the conviction of the subject person, or the subject 2654
person's plea of guilty to, a criminal offense. 2655

(2) Division (F)(1) of this section does not limit, restrict, 2656
or preclude the superintendent's release of information that 2657
relates to the arrest of a person who is eighteen years of age or 2658
older, to an adjudication of a child as a delinquent child, or to 2659
a criminal conviction of a person under eighteen years of age in 2660
circumstances in which a release of that nature is authorized 2661
under division (E)(2), (3), or (4) of section 109.57 of the 2662
Revised Code pursuant to a rule adopted under division (E)(1) of 2663
that section. 2664

(G) As used in this section: 2665

(1) "Criminal records check" means any criminal records check 2666
conducted by the superintendent of the bureau of criminal 2667
identification and investigation in accordance with division (B) 2668
of this section. 2669

(2) "Minor drug possession offense" has the same meaning as 2670
in section 2925.01 of the Revised Code. 2671

(3) "OVI or OVUAC violation" means a violation of section 2672
4511.19 of the Revised Code or a violation of an existing or 2673
former law of this state, any other state, or the United States 2674
that is substantially equivalent to section 4511.19 of the Revised 2675
Code. 2676

(4) "Registered private provider" means a nonpublic school or 2677
entity registered with the superintendent of public instruction 2678
under section 3310.41 of the Revised Code to participate in the 2679
autism scholarship program or section 3310.58 of the Revised Code 2680

to participate in the Jon Peterson special needs scholarship 2681
program. 2682

Sec. 109.68. (A) As used in this section, "victim" means a 2683
person from whom a sexual assault examination kit was collected. 2684

(B) In consultation with the attorney general's advisory 2685
group on sexual assault examination kit tracking, the attorney 2686
general shall develop recommendations for establishing a statewide 2687
sexual assault examination kit tracking system. Based on those 2688
recommendations, the attorney general shall create, operate, and 2689
maintain the statewide tracking system and shall identify and 2690
allocate money for that purpose from the appropriate funds 2691
available to the attorney general. 2692

~~(B)~~(C) The attorney general may contract with state or 2693
private entities, including private software and technology 2694
providers, for the creation, operation, and maintenance of the 2695
statewide tracking system. The tracking system shall do all of the 2696
following: 2697

(1) Track the status of sexual assault examination kits from 2698
the collection site through the criminal justice process, 2699
including the initial collection at medical facilities, inventory 2700
and storage by law enforcement agencies, analysis at crime 2701
laboratories, and storage or destruction after completion of 2702
analysis; 2703

(2) Allow all entities that receive, maintain, store, or 2704
preserve sexual assault examination kits to update the status and 2705
location of the kits; 2706

(3) Allow individuals to anonymously access the statewide 2707
tracking system regarding the location and status of their sexual 2708
assault examination kit. 2709

~~(C)~~(D)(1) A victim may request the following from the 2710

<u>appropriate official with custody of the kit:</u>	2711
<u>(a) Information regarding the testing date and results of the kit;</u>	2712
<u>kit;</u>	2713
<u>(b) Whether a DNA profile was obtained from the kit;</u>	2714
<u>(c) Whether a match was found to that DNA profile in state or federal databases;</u>	2715
<u>2716</u>	2716
<u>(d) The estimated destruction date of the kit.</u>	2717
<u>The victim is entitled to receive this information in writing, by electronic mail, or by telephone, as designated by the victim.</u>	2718
<u>2719</u>	2719
<u>2720</u>	2720
<u>(2) A victim who has requested information regarding the tracking of the victim's sexual assault examination kit shall be informed by the appropriate official with custody of the kit when there is any change in the status of the case, including if the case has been closed or reopened.</u>	2721
<u>2722</u>	2722
<u>2723</u>	2723
<u>2724</u>	2724
<u>2725</u>	2725
<u>(3) A victim may request written notification from the appropriate official with custody of the kit notice of the destruction or disposal date of the kit and shall receive that notice not later than sixty days before the date of the intended destruction or disposal.</u>	2726
<u>2727</u>	2727
<u>2728</u>	2728
<u>2729</u>	2729
<u>2730</u>	2730
<u>(4) A victim may request further preservation of the sexual assault examination kit or its probative contents beyond the intended destruction or disposal date as provided under section 2933.82 of the Revised Code, for a period of up to thirty years.</u>	2731
<u>2732</u>	2732
<u>2733</u>	2733
<u>2734</u>	2734
<u>(5) In responding to a victim's request under divisions (D)(1) to (4) of this section, the appropriate official with custody of the kit also shall provide the victim with information about the victim's right to apply for an award of reparations pursuant to section 2743.56 of the Revised Code.</u>	2735
<u>2736</u>	2736
<u>2737</u>	2737
<u>2738</u>	2738
<u>2739</u>	2739
<u>(E) Not later than one year after creation of the statewide</u>	2740

tracking system, all entities in the chain of custody of sexual 2741
assault examination kits shall participate in the system. 2742

~~(D)~~(F) The attorney general may adopt rules under Chapter 2743
119. of the Revised Code to facilitate the implementation of the 2744
statewide sexual assault examination kit tracking system pursuant 2745
to this section. Except as provided in division (B)(3) of this 2746
section, information contained in the statewide tracking system is 2747
confidential and not subject to public disclosure. 2748

Sec. 109.803. (A)(1) Subject to divisions (A)(2) and (B) of 2749
this section, every appointing authority shall require each of its 2750
appointed peace officers and troopers to complete ~~up to~~ 2751
twenty-four hours of continuing professional training each 2752
calendar year, ~~as directed by the Ohio peace officer training~~ 2753
~~commission. The number of hours directed by the commission, up to~~ 2754
~~twenty-four~~ Twenty-four hours, is intended to be a minimum 2755
requirement, and appointing authorities are encouraged to exceed 2756
~~the number of hours the commission directs as the~~ twenty-four hour 2757
minimum. ~~The commission shall set the required minimum number of~~ 2758
~~hours based upon available funding for reimbursement as described~~ 2759
~~in this division. If no funding for the reimbursement is~~ 2760
~~available, no continuing professional training will be required~~ A 2761
minimum of twenty-four hours of continuing professional training 2762
shall be reimbursed each calendar year and a maximum of forty 2763
hours of continuing professional training may be reimbursed each 2764
calendar year. 2765

(2) An appointing authority may submit a written request to 2766
the peace officer training commission that requests for a calendar 2767
year because of emergency circumstances an extension of the time 2768
within which one or more of its appointed peace officers or 2769
troopers must complete the required minimum number of hours of 2770
continuing professional training set by the commission, as 2771

described in division (A)(1) of this section. A request made under 2772
this division shall set forth the name of each of the appointing 2773
authority's peace officers or troopers for whom an extension is 2774
requested, identify the emergency circumstances related to that 2775
peace officer or trooper, include documentation of those emergency 2776
circumstances, and set forth the date on which the request is 2777
submitted to the commission. A request shall be made under this 2778
division not later than the fifteenth day of December in the 2779
calendar year for which the extension is requested. 2780

Upon receipt of a written request made under this division, 2781
the executive director of the commission shall review the request 2782
and the submitted documentation. If the executive director of the 2783
commission is satisfied that emergency circumstances exist for any 2784
peace officer or trooper for whom a request was made under this 2785
division, the executive director may approve the request for that 2786
peace officer or trooper and grant an extension of the time within 2787
which that peace officer or trooper must complete the required 2788
minimum number of hours of continuing professional training set by 2789
the commission. An extension granted under this division may be 2790
for any period of time the executive director believes to be 2791
appropriate, and the executive director shall specify in the 2792
notice granting the extension the date on which the extension 2793
ends. Not later than thirty days after the date on which a request 2794
is submitted to the commission, for each peace officer and trooper 2795
for whom an extension is requested, the executive director either 2796
shall approve the request and grant an extension or deny the 2797
request and deny an extension and shall send to the appointing 2798
authority that submitted the request written notice of the 2799
executive director's decision. 2800

If the executive director grants an extension of the time 2801
within which a particular appointed peace officer or trooper of an 2802
appointing authority must complete the required minimum number of 2803

hours of continuing professional training set by the commission, 2804
the appointing authority shall require that peace officer or 2805
trooper to complete the required minimum number of hours of 2806
training not later than the date on which the extension ends. 2807

(B) With the advice of the Ohio peace officer training 2808
commission, the attorney general shall adopt in accordance with 2809
Chapter 119. of the Revised Code rules setting forth minimum 2810
standards for continuing professional training for peace officers 2811
and troopers and governing the administration of continuing 2812
professional training programs for peace officers and troopers. 2813
The rules adopted by the attorney general under division (B) of 2814
this section shall do all of the following: 2815

(1) Allow peace officers and troopers to earn credit for up 2816
to four hours of continuing professional training for time spent 2817
while on duty providing drug use prevention education training 2818
that utilizes evidence-based curricula to students in school 2819
districts, community schools established under Chapter 3314., STEM 2820
schools established under Chapter 3326., and college-preparatory 2821
boarding schools established under Chapter 3328. of the Revised 2822
Code. 2823

(2) Allow a peace officer or trooper appointed by a law 2824
enforcement agency to earn hours of continuing professional 2825
training for other peace officers or troopers appointed by the law 2826
enforcement agency by providing drug use prevention education 2827
training under division (B)(1) of this section so that hours 2828
earned by the peace officer or trooper providing the training in 2829
excess of four hours may be applied to offset the number of 2830
continuing professional training hours required of another peace 2831
officer or trooper appointed by that law enforcement agency. 2832

(3) Prohibit the use of continuing professional training 2833
hours earned under division (B)(1) or (2) of this section from 2834
being used to offset any mandatory hands-on training requirement. 2835

(4) Require a peace officer to complete training on proper interactions with civilians during traffic stops and other in-person encounters, which training shall have an online offering and shall include all of the following topics:	2836 2837 2838 2839
(a) A person's rights during an interaction with a peace officer, including all of the following:	2840 2841
(i) When a peace officer may require a person to exit a vehicle;	2842 2843
(ii) Constitutional protections from illegal search and seizure;	2844 2845
(iii) The rights of a passenger in a vehicle who has been pulled over for a traffic stop;	2846 2847
(iv) The right for a citizen to record an encounter with a peace officer.	2848 2849
(b) Proper actions for interacting with a civilian and methods for diffusing a stressful encounter with a civilian;	2850 2851
(c) Laws regarding questioning and detention by peace officers, including any law requiring a person to present proof of identity to a peace officer, and the consequences for a person's or officer's failure to comply with those laws;	2852 2853 2854 2855
(d) Any other requirements and procedures necessary for the proper implementation of this section.	2856 2857
(C) The attorney general shall transmit a certified copy of any rule adopted under this section to the secretary of state.	2858 2859
(D) As used in this section:	2860
(1) "Peace officer" has the same meaning as in section 109.71 of the Revised Code.	2861 2862
(2) "Trooper" means an individual appointed as a state highway patrol trooper under section 5503.01 of the Revised Code.	2863 2864

(3) "Appointing authority" means any agency or entity that 2865
appoints a peace officer or trooper. 2866

Sec. 111.15. (A) As used in this section: 2867

(1) "Rule" includes any rule, regulation, bylaw, or standard 2868
having a general and uniform operation adopted by an agency under 2869
the authority of the laws governing the agency; any appendix to a 2870
rule; and any internal management rule. "Rule" does not include 2871
any guideline adopted pursuant to section 3301.0714 of the Revised 2872
Code, any order respecting the duties of employees, any finding, 2873
any determination of a question of law or fact in a matter 2874
presented to an agency, or any rule promulgated pursuant to 2875
Chapter 119. or division (C)(1) or (2) of section 5117.02 of the 2876
Revised Code. "Rule" includes any amendment or rescission of a 2877
rule. 2878

(2) "Agency" means any governmental entity of the state and 2879
includes, but is not limited to, any board, department, division, 2880
commission, bureau, society, council, or institution, ~~state~~ 2881
~~college or university, community college district, technical~~ 2882
~~college district, or state community college.~~ "Agency" does not 2883
include the general assembly, the controlling board, the adjutant 2884
general's department, a state college or university, a community 2885
college district, a technical college district, a state community 2886
college, or any court. 2887

(3) "Internal management rule" means any rule, regulation, 2888
bylaw, or standard governing the day-to-day staff procedures and 2889
operations within an agency. 2890

(B)(1) Any rule, other than a rule of an emergency nature, 2891
adopted by any agency pursuant to this section shall be effective 2892
on the tenth day after the day on which the rule in final form and 2893
in compliance with division (B)(3) of this section is filed as 2894
follows: 2895

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

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

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

If an agency in adopting a rule designates an effective date that is later than the effective date provided for by division (B)(1) of this section, the rule if filed as required by such division shall become effective on the later date designated by the agency.

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

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

(2) A rule of an emergency nature necessary for the immediate preservation of the public peace, health, or safety shall state the reasons for the necessity. The emergency rule, in final form and in compliance with division (B)(3) of this section, shall be

filed in electronic form with the secretary of state, the director 2927
of the legislative service commission, and the joint committee on 2928
agency rule review. The emergency rule is effective immediately 2929
upon completion of the latest filing, except that if the agency in 2930
adopting the emergency rule designates an effective date, or date 2931
and time of day, that is later than the effective date and time 2932
provided for by division (B)(2) of this section, the emergency 2933
rule if filed as required by such division shall become effective 2934
at the later date, or later date and time of day, designated by 2935
the agency. 2936

Except as provided in section 107.43 of the Revised Code, an 2937
emergency rule becomes invalid at the end of the one hundred 2938
twentieth day it is in effect. Prior to that date, the agency may 2939
file the emergency rule as a nonemergency rule in compliance with 2940
division (B)(1) of this section. The agency may not refile the 2941
emergency rule in compliance with division (B)(2) of this section 2942
so that, upon the emergency rule becoming invalid under such 2943
division, the emergency rule will continue in effect without 2944
interruption for another one hundred twenty-day period. 2945

The adoption of an emergency rule under division (B)(2) of 2946
this section in response to a state of emergency, as defined under 2947
section 107.42 of the Revised Code, may be invalidated by the 2948
general assembly, in whole or in part, by adopting a concurrent 2949
resolution in accordance with section 107.43 of the Revised Code. 2950

(3) An agency shall file a rule under division (B)(1) or (2) 2951
of this section in compliance with the following standards and 2952
procedures: 2953

(a) The rule shall be numbered in accordance with the 2954
numbering system devised by the director for the Ohio 2955
administrative code. 2956

(b) The rule shall be prepared and submitted in compliance 2957

with the rules of the legislative service commission. 2958

(c) The rule shall clearly state the date on which it is to 2959
be effective and the date on which it will expire, if known. 2960

(d) Each rule that amends or rescinds another rule shall 2961
clearly refer to the rule that is amended or rescinded. Each 2962
amendment shall fully restate the rule as amended. 2963

If the director of the legislative service commission or the 2964
director's designee gives an agency notice pursuant to section 2965
103.05 of the Revised Code that a rule filed by the agency is not 2966
in compliance with the rules of the legislative service 2967
commission, the agency shall within thirty days after receipt of 2968
the notice conform the rule to the rules of the commission as 2969
directed in the notice. 2970

(C) All rules filed pursuant to divisions (B)(1)(a) and (2) 2971
of this section shall be recorded by the secretary of state and 2972
the director under the title of the agency adopting the rule and 2973
shall be numbered according to the numbering system devised by the 2974
director. The secretary of state and the director shall preserve 2975
the rules in an accessible manner. Each such rule shall be a 2976
public record open to public inspection and may be transmitted to 2977
any law publishing company that wishes to reproduce it. 2978

(D) At least sixty-five days before a board, commission, 2979
department, division, or bureau of the government of the state 2980
files a rule under division (B)(1) of this section, it shall file 2981
the full text of the proposed rule in electronic form with the 2982
joint committee on agency rule review, and the proposed rule is 2983
subject to legislative review and invalidation under section 2984
106.021 of the Revised Code. If a state board, commission, 2985
department, division, or bureau makes a revision in a proposed 2986
rule after it is filed with the joint committee, the state board, 2987
commission, department, division, or bureau shall promptly file 2988

the full text of the proposed rule in its revised form in 2989
electronic form with the joint committee. A state board, 2990
commission, department, division, or bureau shall also file the 2991
rule summary and fiscal analysis prepared under section 106.024 of 2992
the Revised Code in electronic form along with a proposed rule, 2993
and along with a proposed rule in revised form, that is filed 2994
under this division. If a proposed rule has an adverse impact on 2995
businesses, the state board, commission, department, division, or 2996
bureau also shall file the business impact analysis, any 2997
recommendations received from the common sense initiative office, 2998
and the associated memorandum of response, if any, in electronic 2999
form along with the proposed rule, or the proposed rule in revised 3000
form, that is filed under this division. 3001

A proposed rule that is subject to legislative review under 3002
this division may not be adopted and filed in final form under 3003
division (B)(1) of this section unless the proposed rule has been 3004
filed with the joint committee on agency rule review under this 3005
division and the time for the joint committee to review the 3006
proposed rule has expired without recommendation of a concurrent 3007
resolution to invalidate the proposed rule. 3008

If a proposed rule that is subject to legislative review 3009
under this division implements a federal law or rule, the agency 3010
shall provide to the joint committee a citation to the federal law 3011
or rule the proposed rule implements and a statement as to whether 3012
the proposed rule implements the federal law or rule in a manner 3013
that is more or less stringent or burdensome than the federal law 3014
or rule requires. 3015

As used in this division, "commission" includes the public 3016
utilities commission when adopting rules under a federal or state 3017
statute. 3018

This division does not apply to any of the following: 3019

(1) A proposed rule of an emergency nature;	3020
(2) A rule proposed under section 1121.05, 1121.06, 1349.33, 1707.201, 1733.412, 4123.29, 4123.34, 4123.341, 4123.342, <u>4123.345</u> , 4123.40, 4123.411, 4123.44, or 4123.442 of the Revised Code;	3021 3022 3023 3024
(3) A rule proposed by an agency other than a board, commission, department, division, or bureau of the government of the state;	3025 3026 3027
(4) A proposed internal management rule of a board, commission, department, division, or bureau of the government of the state;	3028 3029 3030
(5) Any proposed rule that must be adopted verbatim by an agency pursuant to federal law or rule, to become effective within sixty days of adoption, in order to continue the operation of a federally reimbursed program in this state, so long as the proposed rule contains both of the following:	3031 3032 3033 3034 3035
(a) A statement that it is proposed for the purpose of complying with a federal law or rule;	3036 3037
(b) A citation to the federal law or rule that requires verbatim compliance.	3038 3039
(6) An initial rule proposed by the director of health to impose safety standards and quality-of-care standards with respect to a health service specified in section 3702.11 of the Revised Code, or an initial rule proposed by the director to impose quality standards on a health care facility as defined in section 3702.30 of the Revised Code, if section 3702.12 of the Revised Code requires that the rule be adopted under this section;	3040 3041 3042 3043 3044 3045 3046
(7) A rule of the state lottery commission pertaining to instant game rules.	3047 3048
If a rule is exempt from legislative review under division	3049

(D)(5) of this section, and if the federal law or rule pursuant to 3050
which the rule was adopted expires, is repealed or rescinded, or 3051
otherwise terminates, the rule is thereafter subject to 3052
legislative review under division (D) of this section. 3053

Whenever a state board, commission, department, division, or 3054
bureau files a proposed rule or a proposed rule in revised form 3055
under division (D) of this section, it shall also file the full 3056
text of the same proposed rule or proposed rule in revised form in 3057
electronic form with the secretary of state and the director of 3058
the legislative service commission. A state board, commission, 3059
department, division, or bureau shall file the rule summary and 3060
fiscal analysis prepared under section 106.024 of the Revised Code 3061
in electronic form along with a proposed rule or proposed rule in 3062
revised form that is filed with the secretary of state or the 3063
director of the legislative service commission. 3064

Sec. 113.60. (A) As used in this section and sections 113.61 3065
and 113.62 of the Revised Code: 3066

(1) "Service intermediary" means a person or entity that 3067
enters into a pay for success contract under this section and 3068
sections 113.61 and 113.62 of the Revised Code. The service 3069
intermediary may act as the service provider that delivers the 3070
services specified in the contract or may contract with a separate 3071
service provider to deliver those services. 3072

(2) "State agency" and "political subdivision" have the same 3073
meanings as in section 9.23 of the Revised Code. 3074

(B) The treasurer of state shall administer the pay for 3075
success contracting program, shall develop procedures for awarding 3076
pay for success contracts, and may take any action necessary to 3077
implement and administer the program. Under the program, the 3078
treasurer of state may enter into a pay for success contract with 3079
a service intermediary for the delivery of specified services that 3080

benefit the state, a political subdivision, or a group of 3081
political subdivisions, such as programs addressing education, 3082
public health, criminal justice, or natural resource management. 3083
In the case of a contract for the delivery of services that 3084
benefit the state, the treasurer of state shall enter into the 3085
contract jointly with the director of administrative services. The 3086
treasurer of state and, as applicable, the director of 3087
administrative services, may enter into a pay for success contract 3088
under either of the following circumstances: 3089

(1) Upon receiving an appropriation from the general assembly 3090
for the purpose of entering into a pay for success contract; 3091

(2)(a) At the request of a state agency, a political 3092
subdivision, or a group of state agencies or political 3093
subdivisions that the treasurer of state and, as applicable, the 3094
director of administrative services, enter into a pay for success 3095
contract on behalf of the requesting state agency, political 3096
subdivision, or group. The requesting state agency, political 3097
subdivision, or group shall deposit the cost of the contract with 3098
the treasurer of state in the appropriate fund established in 3099
section 113.62 of the Revised Code. 3100

(b) A political subdivision or group of political 3101
subdivisions that requests the treasurer of state to enter into a 3102
pay for success contract on behalf of the political subdivision or 3103
group shall not use state funds to pay the cost of the contract. 3104

(c) The treasurer of state may apply for federal grant moneys 3105
on behalf of a requesting state agency, political subdivision, or 3106
group to pay the cost of all or part of the contract. The 3107
treasurer of state shall not apply for federal grant moneys for 3108
the purpose of entering into a pay for success contract without 3109
first entering into an agreement with a requesting state agency, 3110
political subdivision, or group for the treasurer of state to 3111
apply for those moneys. 3112

(C) The treasurer of state may adopt rules in accordance with Chapter 119. of the Revised Code to administer the pay for success contracting program, including rules concerning ~~both~~ of the following:

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

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

(3) Any other rule necessary for the implementation and administration of section 113.60 to 113.62 of the Revised Code.

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

~~(1) A requirement that for not less than seventy five per cent of the pay for success contracts entered into under this section, the performance targets specified in the contract require that, based on available regional or national data, the improvement in the status of this state or the relevant area of this state with respect to the issue the contract is meant to address be greater than the average improvement in status with respect to that issue in other geographical areas during the period of the contract;~~

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

Sec. 117.34. No cause of action on any matter set forth in

any report of the auditor of state made under this chapter shall 3143
accrue until the report is filed with the officer or legal counsel 3144
whose duty it is to institute civil actions for enforcement. No 3145
statutes of limitations otherwise applicable to the cause of 3146
action shall begin to run until the date of filing. Once a report 3147
is submitted to the attorney general under this chapter, the 3148
amount payable shall be a final, certified claim under section 3149
131.02 of the Revised Code. The amount payable may be satisfied 3150
under the process provided in section 5747.12 of the Revised Code. 3151

Sec. 117.46. Each biennium the auditor of state shall conduct 3152
a minimum of four performance audits under this section. Except as 3153
otherwise provided in this section, at least two of the audits 3154
shall be of state agencies selected from a list comprised of the 3155
administrative departments listed in section 121.02 of the Revised 3156
Code and the department of education and at least two of the 3157
audits shall be of other state agencies. At the auditor of state's 3158
discretion, the auditor of state may also conduct performance 3159
audits of state institutions of higher education. The offices of 3160
the attorney general, auditor of state, governor, secretary of 3161
state, and treasurer of state and agencies of the legislative and 3162
judicial branches are not subject to an audit under this section. 3163

The auditor shall select each agency or institution to be 3165
audited and shall determine whether to audit the entire agency or 3166
institution or a portion of the agency or institution by auditing 3167
one or more programs, offices, boards, councils, or other entities 3168
within that agency or institution. The auditor shall make the 3169
selection and determination in consultation with the governor and 3170
the speaker and minority leader of the house of representatives 3171
and president and minority leader of the senate. 3172

An audit of a portion of an agency or institution shall be 3173

considered an audit of one agency or institution. The authority to 3174
audit a portion of an agency or institution in no way limits the 3175
auditor's ability to audit an entire agency or institution if it 3176
is in the best interest of the state. 3177

The performance audits under this section shall be conducted 3178
pursuant to sections 117.01 and 117.13 of the Revised Code. In 3179
conducting a performance audit, the auditor of state shall 3180
determine the scope of the audit, but shall consider, if 3181
appropriate, supervisory and subordinate level operations in the 3182
agency or institution. A performance audit under this section 3183
shall not include review or evaluation of an institution's 3184
academic performance. 3185

As used in this section and in sections 117.461, 117.462, 3186
117.463, and 117.47, ~~117.471, and 147.472~~ of the Revised Code, 3187
"state institution of higher education" has the meaning defined in 3188
section 3345.011 of the Revised Code. 3189

Sec. 117.47. There is hereby created in the state treasury 3190
the ~~leverage for efficiency, accountability, and performance~~ 3191
auditor's innovation fund. The auditor of state ~~shall~~ may use the 3192
fund ~~to:~~ 3193

~~(A) Make loans to state agencies, local public offices, and 3194
state institutions of higher education that have applied to and 3195
been approved by the auditor of state to receive the loans and to 3196
pay the costs of conducting performance audits incurred by the 3197
auditor of state; or 3198~~

~~(B) Pay the costs the auditor of state or the auditor's 3199
auditing team incurs to conduct a feasibility study requested 3200
under section 117.473 of the Revised Code for innovative audit, 3201
accounting, or local government assistance services that improve 3202
the quality or increase the range of services offered to local 3203
governments and school districts. 3204~~

The fund shall consist of money appropriated to it ~~plus the~~ 3205
~~repayments of principal and interest on loans made from the fund.~~ 3206
~~Interest earned on money in the fund shall be credited to the~~ 3207
~~fund.~~ 3208

~~During a fiscal year, the auditor of state shall use not more~~ 3209
~~than fifty per cent of the fund to make loans under division (A)~~ 3210
~~of this section and not more than fifty per cent to pay costs~~ 3211
~~under division (B) of this section.~~ 3212

Sec. 117.473. A state agency or local public office may 3213
request that the auditor of state conduct a feasibility study to 3214
determine if greater efficiency or cost savings could be realized 3215
by the state agency or local public office sharing services or 3216
facilities with other state agencies or local public offices. In 3217
the request, the requesting state agency or local public office 3218
shall identify for the auditor of state the specific state 3219
agencies or local public offices that may be included within the 3220
proposed plan for sharing services or facilities. The auditor of 3221
state may proceed with a requested feasibility study at the 3222
discretion of the auditor of state. 3223

The auditor of state shall provide written notification to 3224
each state agency and local public office that is identified in a 3225
request. The auditor of state may review only those identified 3226
state agencies or local public offices that do not opt out. To opt 3227
out, a state agency or local public office shall provide an opt 3228
out notice to the auditor of state within sixty days of the date 3229
on which the auditor's notification to the state agency or local 3230
public office is postmarked. If a state agency or local public 3231
office opts out of a requested feasibility study, the auditor of 3232
state, at the auditor's discretion, may cancel the feasibility 3233
study or may proceed to conduct the feasibility study considering 3234
only the identified state agencies and local public offices that 3235

have not opted out. 3236

~~The auditing team that conducts performance audits shall 3237
conduct the feasibility study requested by a state agency or local 3238
public office as funds are allowed and available under section 3239
117.47 of the Revised Code. 3240~~

Not later than ten days before commencing a feasibility study 3241
requested under this section, the auditor of state shall provide 3242
written notice to the requesting state agency or local public 3243
office, and any other state agency or local public office that 3244
consented to being reviewed, of the date the study will be 3245
commenced. 3246

The auditor of state shall pay the costs incurred by the 3247
auditor or the auditing team in conducting feasibility studies 3248
under this section. 3249

Not later than one hundred eighty days after completing a 3250
feasibility study, the auditor of state shall conduct a public 3251
hearing on the feasibility study findings. Not later than ten days 3252
before the date of the public hearing, the auditor shall give 3253
notice of the date, time, and location of the public hearing in 3254
writing to the state agency or local public office that requested 3255
the feasibility study, to any other state agency or local public 3256
office that consented to being reviewed, and on the auditor's web 3257
site. 3258

Sec. 119.01. As used in sections 119.01 to 119.13 of the 3259
Revised Code: 3260

(A)(1) "Agency" means, except as limited by this division, 3261
any official, board, or commission having authority to promulgate 3262
rules or make adjudications in the civil service commission, the 3263
division of liquor control, the department of taxation, the 3264
industrial commission, the bureau of workers' compensation, the 3265

functions of any administrative or executive officer, department, 3266
division, bureau, board, or commission of the government of the 3267
state specifically made subject to sections 119.01 to 119.13 of 3268
the Revised Code, and the licensing functions of any 3269
administrative or executive officer, department, division, bureau, 3270
board, or commission of the government of the state having the 3271
authority or responsibility of issuing, suspending, revoking, or 3272
canceling licenses. 3273

Sections 119.01 to 119.13 of the Revised Code do not apply to 3274
the public utilities commission. Sections 119.01 to 119.13 of the 3275
Revised Code do not apply to the utility radiological safety 3276
board; to the controlling board; to actions of the superintendent 3277
of financial institutions and the superintendent of insurance in 3278
the taking possession of, and rehabilitation or liquidation of, 3279
the business and property of banks, savings and loan associations, 3280
savings banks, credit unions, insurance companies, associations, 3281
reciprocal fraternal benefit societies, and bond investment 3282
companies; to any action taken by the division of securities under 3283
section 1707.201 of the Revised Code; or to any action that may be 3284
taken by the superintendent of financial institutions under 3285
section 1113.03, 1121.06, 1121.10, 1125.09, 1125.12, 1125.18, 3286
1349.33, 1733.35, 1733.361, 1733.37, or 1761.03 of the Revised 3287
Code. 3288

Sections 119.01 to 119.13 of the Revised Code do not apply to 3289
actions of the industrial commission or the bureau of workers' 3290
compensation under sections 4123.01 to 4123.94 of the Revised Code 3291
with respect to all matters of adjudication, or to the actions of 3292
the industrial commission, bureau of workers' compensation board 3293
of directors, and bureau of workers' compensation under division 3294
(D) of section 4121.32, sections 4123.29, 4123.34, 4123.341, 3295
4123.342, 4123.345, 4123.40, 4123.411, 4123.44, 4123.442, 4127.07, 3296
divisions (B), (C), and (E) of section 4131.04, and divisions (B), 3297

(C), and (E) of section 4131.14 of the Revised Code with respect 3298
to all matters concerning the establishment of premium, 3299
contribution, and assessment rates. 3300

(2) "Agency" also means any official or work unit having 3301
authority to promulgate rules or make adjudications in the 3302
department of job and family services, but only with respect to 3303
both of the following: 3304

(a) The adoption, amendment, or rescission of rules that 3305
section 5101.09 of the Revised Code requires be adopted in 3306
accordance with this chapter; 3307

(b) The issuance, suspension, revocation, or cancellation of 3308
licenses. 3309

(B) "License" means any license, permit, certificate, 3310
commission, or charter issued by any agency. "License" does not 3311
include any arrangement whereby a person or government entity 3312
furnishes medicaid services under a provider agreement with the 3313
department of medicaid. 3314

(C) "Rule" means any rule, regulation, or standard, having a 3315
general and uniform operation, adopted, promulgated, and enforced 3316
by any agency under the authority of the laws governing such 3317
agency, and includes any appendix to a rule. "Rule" does not 3318
include any internal management rule of an agency unless the 3319
internal management rule affects private rights and does not 3320
include any guideline adopted pursuant to section 3301.0714 of the 3321
Revised Code. 3322

(D) "Adjudication" means the determination by the highest or 3323
ultimate authority of an agency of the rights, duties, privileges, 3324
benefits, or legal relationships of a specified person, but does 3325
not include the issuance of a license in response to an 3326
application with respect to which no question is raised, nor other 3327
acts of a ministerial nature. 3328

(E) "Hearing" means a public hearing by any agency in compliance with procedural safeguards afforded by sections 119.01 to 119.13 of the Revised Code.

(F) "Person" means a person, firm, corporation, association, or partnership.

(G) "Party" means the person whose interests are the subject of an adjudication by an agency.

(H) "Appeal" means the procedure by which a person, aggrieved by a finding, decision, order, or adjudication of any agency, invokes the jurisdiction of a court.

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

Sec. 119.05. (A) As used in this section:

(1) "Last known address" means the mailing address or the electronic mail address appearing in an agency's official records.

(2) "Traceable delivery service" means a delivery service provided by the United States postal service or a domestic commercial delivery service allowing the sender to track a sent item's progress and providing notice of a completed delivery to the sender.

(B) Unless otherwise provided by law, in an adjudication conducted in accordance with sections 119.01 to 119.13 of the Revised Code, an agency may serve a document on a party to the adjudication through any of the following methods:

(1) Electronic mail at the party's last known address;

(2) Facsimile transmission at the party's facsimile number appearing in the agency's official records;

(3) Traceable delivery service at the party's last known

address; 3358

(4) Personal service at the party's last known address. 3359

(C) Service of a document using a method listed in division 3360
(B) of this section is complete on the following dates: 3361

(1) For electronic mail, the date receipt of the document is 3362
relayed electronically to the agency either by a direct reply from 3363
the recipient or through electronic tracking software 3364
demonstrating that the recipient accessed the document. 3365

(2) For facsimile transmission, the date indicated on the 3366
facsimile transmission confirmation page. 3367

(3) For traceable delivery service, the date of delivery 3368
indicated on the notice of completed delivery provided to the 3369
agency by the United States postal service or domestic commercial 3370
delivery service. 3371

(4) For personal service, the date indicated on a document 3372
confirming physical delivery signed by either the intended 3373
recipient, an adult located at the intended recipient's address, 3374
or delivery personnel. 3375

(D) If an agency fails to complete service under division (C) 3376
of this section using a party's last known address or facsimile 3377
number, the agency may complete service by any method described in 3378
division (B) of this section at an alternative address or 3379
facsimile number. The agency shall verify the alternative address 3380
or number as current before service. If an agency completes 3381
service at an alternative address, the agency is not required to 3382
complete service under division (E) of this section. 3383

(E) If an agency is unable to complete service using a method 3384
described in division (B) of this section, the agency shall 3385
publish a summary of the notice's substantive provisions in a 3386
newspaper of general circulation in the county where the last 3387

known address of the party is located. Notice by publication under 3388
this division is complete on the date of publication. An agency 3389
that completes service by publication under this division shall 3390
send a proof of publication affidavit, with the publication of the 3391
notice set forth in the affidavit, to the party by ordinary mail 3392
at the party's last known address. 3393

Sec. 119.06. No adjudication order of an agency shall be 3394
valid unless the agency is specifically authorized by law to make 3395
such order. 3396

No adjudication order shall be valid unless an opportunity 3397
for a hearing is afforded in accordance with sections 119.01 to 3398
119.13 of the Revised Code. Such opportunity for a hearing shall 3399
be given before making the adjudication order except in those 3400
situations where this section provides otherwise. 3401

The following adjudication orders shall be effective without 3402
a hearing: 3403

(A) Orders revoking a license in cases where an agency is 3404
required by statute to revoke a license pursuant to the judgment 3405
of a court; 3406

(B) Orders suspending a license where a statute specifically 3407
permits the suspension of a license without a hearing; 3408

(C) Orders or decisions of an authority within an agency if 3409
the rules of the agency or the statutes pertaining to such agency 3410
specifically give a right of appeal to a higher authority within 3411
such agency, to another agency, or to the board of tax appeals, 3412
and also give the appellant a right to a hearing on such appeal. 3413

When a statute permits the suspension of a license without a 3414
prior hearing, any agency issuing an order pursuant to such 3415
statute shall afford the person to whom the order is issued a 3416
hearing upon request. 3417

Whenever an agency claims that a person is required by 3418
statute to obtain a license, it shall afford a hearing upon the 3419
request of a person who claims that the law does not impose such a 3420
requirement. 3421

Every agency shall afford a hearing upon the request of any 3422
person who has been refused admission to an examination where such 3423
examination is a prerequisite to the issuance of a license unless 3424
a hearing was held prior to such refusal. 3425

Unless a hearing was held prior to the refusal to issue the 3426
license, every agency shall afford a hearing upon the request of a 3427
person whose application for a license has been rejected and to 3428
whom the agency has refused to issue a license, whether it is a 3429
renewal or a new license, except that the following are not 3430
required to afford a hearing to a person to whom a new license has 3431
been refused because the person failed a licensing examination: 3432
the state medical board, state chiropractic board, architects 3433
board, Ohio landscape architects board, and any section of the 3434
Ohio occupational therapy, physical therapy, and athletic trainers 3435
board. 3436

When periodic registration of licenses is required by law, 3437
the agency shall afford a hearing upon the request of any licensee 3438
whose registration has been denied, unless a hearing was held 3439
prior to such denial. 3440

When periodic registration of licenses or renewal of licenses 3441
is required by law, a licensee who has filed an application for 3442
registration or renewal within the time and in the manner provided 3443
by statute or rule of the agency shall not be required to 3444
discontinue a licensed business or profession merely because of 3445
the failure of the agency to act on the licensee's application. 3446
~~Action of an agency rejecting any such~~ An agency's rejection of an 3447
application for registration or renewal shall not be effective 3448
~~prior to fifteen days until the fifteenth day~~ after the notice of 3449

the rejection is mailed to the licensee. 3450

Sec. 119.062. (A) Notwithstanding section 119.06 of the 3451
Revised Code, the registrar of motor vehicles is not required to 3452
hold any hearing in connection with an order canceling or 3453
suspending a motor vehicle driver's or commercial driver's license 3454
pursuant to section 2903.06, 2903.08, 2921.331, 4549.02, 4549.021, 3455
or 5743.99 or any provision of Chapter 2925., 4509., 4510., or 3456
4511. of the Revised Code or in connection with an out-of-service 3457
order issued under Chapter 4506. of the Revised Code. 3458

(B) Notwithstanding section 119.07 of the Revised Code, the 3459
registrar is not required to ~~use registered mail, return receipt~~ 3460
~~requested,~~ comply with section 119.05 of the Revised Code in 3461
connection with an order canceling or suspending a motor vehicle 3462
driver's or commercial driver's license or a notification to a 3463
person to surrender a certificate of registration and registration 3464
plates. 3465

Sec. 119.07. Except when a statute prescribes a notice and 3466
the persons to whom it shall be given, in all cases in which 3467
section 119.06 of the Revised Code requires an agency to afford an 3468
opportunity for a hearing prior to the issuance of an order, the 3469
agency shall give notice to the party informing the party of the 3470
party's right to a hearing. Notice shall be ~~given by registered~~ 3471
~~mail, return receipt requested,~~ served in accordance with section 3472
119.05 of the Revised Code and shall include the charges or other 3473
reasons for the proposed action, the law or rule directly 3474
involved, and a statement informing the party that the party is 3475
entitled to a hearing if the party requests it within thirty days 3476
of the time of ~~mailing the notice~~ service. The notice shall also 3477
inform the party that at the hearing the party may appear in 3478
person, by the party's attorney, or by such other representative 3479
as is permitted to practice before the agency, or may present the 3480

party's position, arguments, or contentions in writing and that at 3481
the hearing the party may present evidence and examine witnesses 3482
appearing for and against the party. A copy of the notice shall be 3483
~~mailed~~ provided to attorneys or other representatives of record 3484
representing the party. This paragraph does not apply to 3485
situations in which such section provides for a hearing only when 3486
it is requested by the party. 3487

When a statute specifically permits the suspension of a 3488
license without a prior hearing, notice of the agency's order 3489
shall be ~~sent to~~ served on the party ~~by registered mail, return~~ 3490
~~receipt requested,~~ in accordance with section 119.05 of the 3491
Revised Code not later than the business day next succeeding such 3492
order. The notice shall state the reasons for the agency's action, 3493
cite the law or rule directly involved, and state that the party 3494
will be afforded a hearing if the party requests it within thirty 3495
days of the ~~time of mailing the~~ date on which notice is served. A 3496
copy of the notice shall be ~~mailed~~ provided to attorneys or other 3497
representatives of record representing the party. 3498

Whenever a party requests a hearing in accordance with this 3499
section and section 119.06 of the Revised Code, the agency shall 3500
immediately set the date, time, and place for the hearing and 3501
~~forthwith notify~~ serve the party ~~thereof~~ with notice of the 3502
hearing. The date set for the hearing shall be within fifteen 3503
days, but not earlier than seven days, after the party has 3504
requested a hearing, unless otherwise agreed to by both the agency 3505
and the party. 3506

~~When any notice sent by registered mail, as required by~~ 3507
~~sections 119.01 to 119.13 of the Revised Code, is returned because~~ 3508
~~the party fails to claim the notice, the agency shall send the~~ 3509
~~notice by ordinary mail to the party at the party's last known~~ 3510
~~address and shall obtain a certificate of mailing. Service by~~ 3511
~~ordinary mail is complete when the certificate of mailing is~~ 3512

~~obtained unless the notice is returned showing failure of
delivery.~~ 3513
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~~If any notice sent by registered or ordinary mail is returned
for failure of delivery, the agency either shall make personal
delivery of the notice by an employee or agent of the agency or
shall cause a summary of the substantive provisions of the notice
to be published once a week for three consecutive weeks in a
newspaper of general circulation in the county where the last
known address of the party is located. When notice is given by
publication, a proof of publication affidavit, with the first
publication of the notice set forth in the affidavit, shall be
mailed by ordinary mail to the party at the party's last known
address and the notice shall be deemed received as of the date of
the last publication. An employee or agent of the agency may make
personal delivery of the notice upon a party at any time.~~ 3515
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~~Refusal of delivery by personal service or by mail is not
failure of delivery and service is deemed to be complete. Failure
of delivery occurs only when a mailed notice is returned by the
postal authorities marked undeliverable, address or addressee
unknown, or forwarding address unknown or expired. A party's last
known address is the mailing address of the party appearing in the
records of the agency.~~ 3528
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The failure of an agency to ~~give~~ serve the notices for any
hearing required by sections 119.01 to 119.13 of the Revised Code
in the manner provided in ~~this~~ section 119.05 of the Revised Code
shall invalidate any order entered pursuant to the hearing. 3535
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Sec. 119.09. As used in this section "stenographic record"
means a record provided by stenographic means or by the use of
audio electronic recording devices, as the agency determines. 3539
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For the purpose of conducting any adjudication hearing
required by sections 119.01 to 119.13 of the Revised Code, the 3542
3543

agency may require the attendance of such witnesses and the 3544
production of such books, records, and papers as it desires, and 3545
it may take the depositions of witnesses residing within or 3546
without the state in the same manner as is prescribed by law for 3547
the taking of depositions in civil actions in the court of common 3548
pleas, and for that purpose the agency may, and upon the request 3549
of any party receiving notice of the hearing as required by 3550
section 119.07 of the Revised Code shall, issue a subpoena for any 3551
witness or a subpoena duces tecum to compel the production of any 3552
books, records, or papers, directed to the sheriff of the county 3553
where such witness resides or is found, which shall be served and 3554
returned in the same manner as a subpoena in a criminal case is 3555
served and returned. The sheriff shall be paid the same fees for 3556
services as are allowed in the court of common pleas in criminal 3557
cases. Witnesses shall be paid the fees and mileage provided for 3558
under section 119.094 of the Revised Code. Fees and mileage shall 3559
be paid from the fund in the state treasury for the use of the 3560
agency in the same manner as other expenses of the agency are 3561
paid. 3562

An agency may postpone or continue any adjudication hearing 3563
upon the application of any party or upon its own motion. 3564

In any case of disobedience or neglect of any subpoena served 3565
on any person or the refusal of any witness to testify to any 3566
matter regarding which the witness may lawfully be interrogated, 3567
the court of common pleas of any county where such disobedience, 3568
neglect, or refusal occurs or any judge thereof, on application by 3569
the agency shall compel obedience by attachment proceedings for 3570
contempt, as in the case of disobedience of the requirements of a 3571
subpoena issued from such court, or a refusal to testify therein. 3572

At any adjudication hearing required by sections 119.01 to 3573
119.13 of the Revised Code, the record of which may be the basis 3574
of an appeal to court, a stenographic record of the testimony and 3575

other evidence submitted shall be taken at the expense of the 3576
agency. Such record shall include all of the testimony and other 3577
evidence, and rulings on the admissibility thereof presented at 3578
the hearing. This paragraph does not require a stenographic record 3579
at every adjudication hearing. In any situation where an 3580
adjudication hearing is required by sections 119.01 to 119.13 of 3581
the Revised Code, if an adjudication order is made without a 3582
stenographic record of the hearing, the agency shall, on request 3583
of the party, afford a hearing or rehearing for the purpose of 3584
making such a record which may be the basis of an appeal to court. 3585
The rules of an agency may specify the situations in which a 3586
stenographic record will be made only on request of the party; 3587
otherwise such a record shall be made at every adjudication 3588
hearing from which an appeal to court might be taken. 3589

The agency shall pass upon the admissibility of evidence, but 3590
a party may at the time make objection to the rulings of the 3591
agency thereon, and if the agency refuses to admit evidence, the 3592
party offering the same shall make a proffer thereof, and such 3593
proffer shall be made a part of the record of such hearing. 3594

In any adjudication hearing required by sections 119.01 to 3595
119.13 of the Revised Code, the agency may call any party to 3596
testify under oath as upon cross-examination. 3597

The agency, or any one delegated by it to conduct an 3598
adjudication hearing, may administer oaths or affirmations. 3599

In any adjudication hearing required by sections 119.01 to 3600
119.13 of the Revised Code, the agency may appoint a referee or 3601
examiner to conduct the hearing. The referee or examiner shall 3602
have the same powers and authority in conducting the hearing as is 3603
granted to the agency. Such referee or examiner shall have been 3604
admitted to the practice of law in the state and be possessed of 3605
such additional qualifications as the agency requires. The referee 3606
or examiner shall submit to the agency a written report setting 3607

forth the referee's or examiner's findings of fact and conclusions 3608
of law and a recommendation of the action to be taken by the 3609
agency. A copy of such written report and recommendation of the 3610
referee or examiner shall within five days of the date ~~of filing~~ 3611
~~thereof it is submitted to the agency~~, be served upon the party or 3612
the party's attorney or other representative of record, ~~by~~ 3613
~~certified mail in accordance with section 119.05 of the Revised~~ 3614
Code. The party may, within ten days of ~~receipt of such copy~~ 3615
service of such written report and recommendation, file with the 3616
agency written objections to the report and recommendation, which 3617
objections shall be considered by the agency before approving, 3618
modifying, or disapproving the recommendation. The agency may 3619
grant extensions of time to the party within which to file such 3620
objections. No recommendation of the referee or examiner shall be 3621
approved, modified, or disapproved by the agency until after ten 3622
days after service of such report and recommendation ~~as provided~~ 3623
~~in this section~~. The agency may order additional testimony to be 3624
taken or permit the introduction of further documentary evidence. 3625
The recommendation of the referee or examiner may be approved, 3626
modified, or disapproved by the agency, and the order of the 3627
agency based on such report, recommendation, transcript of 3628
testimony and evidence, or objections of the parties, and 3629
additional testimony and evidence shall have the same effect as if 3630
such hearing had been conducted by the agency. No such 3631
recommendation shall be final until confirmed and approved by the 3632
agency as indicated by the order entered on its record of 3633
proceedings, and if the agency modifies or disapproves the 3634
recommendations of the referee or examiner it shall include in the 3635
record of its proceedings the reasons for such modification or 3636
disapproval. 3637

After such order is entered on its journal, the agency shall, 3638
in accordance with section 119.05 of the Revised Code, serve ~~by~~ 3639
~~certified mail, return receipt requested, upon~~ the party affected 3640

thereby, a certified copy of the order and a statement of the time 3641
and method by which an appeal may be perfected. A copy of such 3642
order shall be ~~mailed~~ provided to the attorneys or other 3643
representatives of record representing the party. 3644

Sec. 119.092. (A) As used in this section: 3645

(1) "Eligible party" means a party to an adjudication hearing 3646
other than the following: 3647

(a) The agency; 3648

(b) An individual whose net worth exceeded one million 3649
dollars at the time ~~he~~ the individual received notification of the 3650
hearing; 3651

(c) A sole owner of an unincorporated business that had, or a 3652
partnership, corporation, association, or organization that had, a 3653
net worth exceeding five million dollars at the time the party 3654
received notification of the hearing, except that an organization 3655
that is described in subsection 501(c)(3) and is tax exempt under 3656
subsection 501(a) of the Internal Revenue Code, shall not be 3657
excluded as an eligible party under this division because of its 3658
net worth; 3659

(d) A sole owner of an unincorporated business that employed, 3660
or a partnership, corporation, association, or organization that 3661
employed, more than five hundred persons at the time the party 3662
received notification of the hearing. 3663

(2) "Fees" means reasonable attorney's fees, in an amount not 3664
to exceed seventy-five dollars per hour or a higher hourly fee 3665
that the agency establishes by rule and that is applicable under 3666
the circumstances. 3667

(3) "Internal Revenue Code" means the "Internal Revenue Code 3668
of 1954," 68A Stat. 3, 26 U.S.C. 1, as amended. 3669

(4) "Prevailing eligible party" means an eligible party that 3670

prevails after an adjudication hearing, as reflected in an order 3671
entered in the journal of the agency. 3672

(B)(1) Except as provided in divisions (B)(2) and (F) of this 3673
section, if an agency conducts an adjudication hearing under this 3674
chapter, the prevailing eligible party is entitled, upon filing a 3675
motion in accordance with this division, to compensation for fees 3676
incurred by that party in connection with the hearing. A 3677
prevailing eligible party that desires an award of compensation 3678
for fees shall file a motion requesting the award with the agency 3679
within thirty days after the date that the order of the agency is 3680
entered in its journal. The motion shall do all of the following: 3681

(a) Identify the party; 3682

(b) Indicate that the party is the prevailing eligible party 3683
and is entitled to receive an award of compensation for fees; 3684

(c) Include a statement that the agency's position in 3685
initiating the matter in controversy was not substantially 3686
justified; 3687

(d) Indicate the amount sought as an award; 3688

(e) Itemize all fees sought in the requested award. This 3689
itemization shall include a statement from any attorney who 3690
represented the prevailing eligible party, that indicates the fees 3691
charged, the actual time expended, and the rate at which the fees 3692
were calculated. 3693

(2) Upon the filing of a motion under this section, the 3694
request for the award shall be reviewed by the referee or examiner 3695
who conducted the adjudication hearing or, if none, by the agency 3696
involved. In the review, the referee, examiner, or agency shall 3697
determine whether the fees incurred by the prevailing eligible 3698
party exceeded one hundred dollars, whether the position of the 3699
agency in initiating the matter in controversy was substantially 3700
justified, whether special circumstances make an award unjust, and 3701

whether the prevailing eligible party engaged in conduct during 3702
the course of the hearing that unduly and unreasonably protracted 3703
the final resolution of the matter in controversy. The referee, 3704
examiner, or agency shall issue a determination, in writing, on 3705
the motion of the prevailing eligible party, which determination 3706
shall include a statement indicating whether an award has been 3707
granted, the findings and conclusions underlying it, the reasons 3708
or bases for the findings and conclusions, and, if an award has 3709
been granted, its amount. The determination shall be entered in 3710
the record of the prevailing eligible party's case, and a copy of 3711
it ~~mailed to~~ served on the prevailing eligible party in accordance 3712
with section 119.05 of the Revised Code. 3713

With respect to a motion under this section, the agency 3714
involved, through any representative it designates, has the burden 3715
of proving that its position in initiating the matter in 3716
controversy was substantially justified, that special 3717
circumstances make an award unjust, or that the prevailing 3718
eligible party engaged in conduct during the course of the hearing 3719
that unduly and unreasonably protracted the final resolution of 3720
the matter in controversy. A referee, examiner, or agency 3721
considering a motion under this section may deny an award 3722
entirely, or reduce the amount of an award that otherwise would be 3723
payable, to a prevailing eligible party only as follows: 3724

(a) If the determination is that the agency has sustained its 3725
burden of proof that its position in initiating the matter in 3726
controversy was substantially justified or that special 3727
circumstances make an award unjust, the motion shall be denied; 3728

(b) If the determination is that the agency has sustained its 3729
burden of proof that the prevailing eligible party engaged in 3730
conduct during the course of the hearing that unduly and 3731
unreasonably protracted the final resolution of the matter in 3732
controversy, the referee, examiner, or agency may reduce the 3733

amount of an award, or deny an award, to that party to the extent 3734
of that conduct; 3735

(c) If the determination is that the fees of the prevailing 3736
eligible party were not in excess of one hundred dollars, the 3737
referee, agency, or examiner shall deny the motion. 3738

(3) For purposes of this section, decisions by referees or 3739
examiners upon motions are final and are not subject to review and 3740
approval by an agency. These decisions constitute final 3741
determinations of the agency for purposes of appeals under 3742
division (C) of this section. 3743

(C) A prevailing eligible party that files a motion for an 3744
award of compensation for fees under this section and that is 3745
denied an award or receives a reduced award may appeal the 3746
determination of the referee, examiner, or agency to the same 3747
court, as determined under section 119.12 of the Revised Code, as 3748
the party could have appealed the adjudication order of the agency 3749
had the party been adversely affected by it. An agency may appeal 3750
the grant of an award to this same court if a referee or examiner 3751
made the final determination pursuant to division (B)(3) of this 3752
section. Notices of appeal shall be filed in the manner and within 3753
the period specified in section 119.12 of the Revised Code. 3754

Upon the filing of an appeal under this division, the agency 3755
shall prepare and certify to the court involved a complete record 3756
of the case, and the court shall conduct a hearing on the appeal. 3757
The agency and the court shall do so in accordance with the 3758
procedures established in section 119.12 of the Revised Code for 3759
appeals pursuant to that section, unless otherwise provided in 3760
this division. 3761

The court hearing an appeal under this division may modify 3762
the determination of the referee, examiner, or agency with respect 3763
to the motion for compensation for fees only if the court finds 3764

that the failure to grant an award, or the calculation of the amount of an award, involved an abuse of discretion. The judgment of the court is final and not appealable, and a copy of it shall be certified to the agency involved and the prevailing eligible party.

(D) Compensation for fees awarded to a prevailing eligible party under this section may be paid by an agency from any funds available to it for payment of such compensation. If an agency does not pay compensation from such funds or no such funds are available, upon the filing of a referee's, examiner's, agency's, or court's determination or judgment in favor of the prevailing eligible party with the clerk of the court of claims, the determination or judgment awarding compensation for fees shall be treated as if it were a judgment under Chapter 2743. of the Revised Code and be payable in accordance with the procedures specified in section 2743.19 of the Revised Code, except that interest shall not be paid in relation to the award.

(E) Each agency that is required to pay compensation for fees to a prevailing eligible party pursuant to this section during any fiscal year shall prepare a report for that year. The report shall be completed no later than the first day of October of the fiscal year following the fiscal year covered by the report, and copies of it shall be filed with the general assembly. It shall contain the following information for the covered fiscal year:

(1) The total amount and total number of the awards of compensation for fees required to be paid by the agency;

(2) The amount and nature of each individual award that the agency was required to pay;

(3) Any other relevant information that may aid the general assembly in evaluating the scope and impact of awards of compensation for fees.

(F) The provisions of this section do not apply when any of 3796
the following circumstances are involved: 3797

(1) An adjudication hearing was conducted for the purpose of 3798
establishing or fixing a rate; 3799

(2) An adjudication hearing was conducted for the purpose of 3800
determining the eligibility or entitlement of any individual to 3801
benefits; 3802

(3) A prevailing eligible party was represented in an 3803
adjudication hearing by an attorney who was paid pursuant to an 3804
appropriation by the federal or state government or a local 3805
government; 3806

(4) An adjudication hearing was conducted by the state 3807
personnel board of review pursuant to authority conferred by 3808
section 124.03 of the Revised Code, or by the state employment 3809
relations board pursuant to authority conferred by Chapter 4117. 3810
of the Revised Code. 3811

Sec. 119.12. (A)(1) Except as provided in division (A)(2) or 3812
(3) of this section, any party adversely affected by any order of 3813
an agency issued pursuant to an adjudication denying an applicant 3814
admission to an examination, or denying the issuance or renewal of 3815
a license or registration of a licensee, or revoking or suspending 3816
a license, or allowing the payment of a forfeiture under section 3817
4301.252 of the Revised Code may appeal from the order of the 3818
agency to the court of common pleas of the county in which the 3819
place of business of the licensee is located or the county in 3820
which the licensee is a resident. 3821

(2) An appeal from an order described in division (A)(1) of 3822
this section issued by any of the following agencies shall be made 3823
to the court of common pleas of Franklin county: 3824

(a) The liquor control commission; 3825

(b) The Ohio casino control commission 7 <u>i</u>	3826
<u>(c)</u> The state medical board;	3827
(e) <u>(d)</u> The state chiropractic board;	3828
(d) <u>(e)</u> The board of nursing;	3829
(e) <u>(f)</u> The bureau of workers' compensation regarding	3830
participation in the health partnership program created in	3831
sections 4121.44 and 4121.441 of the Revised Code.	3832
(3) If any party appealing from an order described in	3833
division (A)(1) of this section is not a resident of and has no	3834
place of business in this state, the party may appeal to the court	3835
of common pleas of Franklin county.	3836
(B) Any party adversely affected by any order of an agency	3837
issued pursuant to any other adjudication may appeal to the court	3838
of common pleas of Franklin county, except that appeals from	3839
orders of the fire marshal issued under Chapter 3737. of the	3840
Revised Code may be to the court of common pleas of the county in	3841
which the building of the aggrieved person is located and except	3842
that appeals under division (B) of section 124.34 of the Revised	3843
Code from a decision of the state personnel board of review or a	3844
municipal or civil service township civil service commission shall	3845
be taken to the court of common pleas of the county in which the	3846
appointing authority is located or, in the case of an appeal by	3847
the department of rehabilitation and correction, to the court of	3848
common pleas of Franklin county.	3849
(C) This section does not apply to appeals from the	3850
department of taxation.	3851
(D) Any party desiring to appeal shall file a notice of	3852
appeal with the agency setting forth the order appealed from and	3853
stating that the agency's order is not supported by reliable,	3854
probative, and substantial evidence and is not in accordance with	3855

law. The notice of appeal may, but need not, set forth the 3856
specific grounds of the party's appeal beyond the statement that 3857
the agency's order is not supported by reliable, probative, and 3858
substantial evidence and is not in accordance with law. The notice 3859
of appeal shall also be filed by the appellant with the court. In 3860
filing a notice of appeal with the agency or court, the notice 3861
that is filed may be either the original notice or a copy of the 3862
original notice. Unless otherwise provided by law relating to a 3863
particular agency, notices of appeal shall be filed within fifteen 3864
days after the ~~mailing~~ service of the notice of the agency's order 3865
as provided in ~~this~~ section 119.05 of the Revised Code. For 3866
purposes of this paragraph, an order includes a determination 3867
appealed pursuant to division (C) of section 119.092 of the 3868
Revised Code. The amendments made to this paragraph by Sub. H.B. 3869
215 of the 128th general assembly are procedural, and this 3870
paragraph as amended by those amendments shall be applied 3871
retrospectively to all appeals pursuant to this paragraph filed 3872
before September 13, 2010, but not earlier than May 7, 2009, which 3873
was the date the supreme court of Ohio released its opinion and 3874
judgment in *Medcorp, Inc. v. Ohio Dep't. of Job and Family Servs.* 3875
(2009), 121 Ohio St.3d 622. 3876

(E) The filing of a notice of appeal shall not automatically 3877
operate as a suspension of the order of an agency. If it appears 3878
to the court that an unusual hardship to the appellant will result 3879
from the execution of the agency's order pending determination of 3880
the appeal, the court may grant a suspension and fix its terms. If 3881
an appeal is taken from the judgment of the court and the court 3882
has previously granted a suspension of the agency's order as 3883
provided in this section, the suspension of the agency's order 3884
shall not be vacated and shall be given full force and effect 3885
until the matter is finally adjudicated. No renewal of a license 3886
or permit shall be denied by reason of the suspended order during 3887
the period of the appeal from the decision of the court of common 3888

pleas. In the case of an appeal from the Ohio casino control 3889
commission, the state medical board, or the state chiropractic 3890
board, the court may grant a suspension and fix its terms if it 3891
appears to the court that an unusual hardship to the appellant 3892
will result from the execution of the agency's order pending 3893
determination of the appeal and the health, safety, and welfare of 3894
the public will not be threatened by suspension of the order. This 3895
provision shall not be construed to limit the factors the court 3896
may consider in determining whether to suspend an order of any 3897
other agency pending determination of an appeal. 3898

(F) The final order of adjudication may apply to any renewal 3899
of a license or permit which has been granted during the period of 3900
the appeal. 3901

(G) Notwithstanding any other provision of this section, any 3902
order issued by a court of common pleas or a court of appeals 3903
suspending the effect of an order of the liquor control commission 3904
issued pursuant to Chapter 4301. or 4303. of the Revised Code that 3905
suspends, revokes, or cancels a permit issued under Chapter 4303. 3906
of the Revised Code or that allows the payment of a forfeiture 3907
under section 4301.252 of the Revised Code shall terminate not 3908
more than six months after the date of the filing of the record of 3909
the liquor control commission with the clerk of the court of 3910
common pleas and shall not be extended. The court of common pleas, 3911
or the court of appeals on appeal, shall render a judgment in that 3912
matter within six months after the date of the filing of the 3913
record of the liquor control commission with the clerk of the 3914
court of common pleas. A court of appeals shall not issue an order 3915
suspending the effect of an order of the liquor control commission 3916
that extends beyond six months after the date on which the record 3917
of the liquor control commission is filed with a court of common 3918
pleas. 3919

(H) Notwithstanding any other provision of this section, any 3920

order issued by a court of common pleas or a court of appeals 3921
suspending the effect of an order of the Ohio casino control 3922
commission issued under Chapter 3772. of the Revised Code that 3923
limits, conditions, restricts, suspends, revokes, denies, not 3924
renews, fines, or otherwise penalizes an applicant, licensee, or 3925
person excluded or ejected from a casino facility in accordance 3926
with section 3772.031 of the Revised Code shall terminate not more 3927
than six months after the date of the filing of the record of the 3928
Ohio casino control commission with the clerk of the court of 3929
common pleas and shall not be extended. The court of common pleas, 3930
or the court of appeals on appeal, shall render a judgment in that 3931
matter within six months after the date of the filing of the 3932
record of the Ohio casino control commission with the clerk of the 3933
court of common pleas. A court of appeals shall not issue an order 3934
suspending the effect of an order of the Ohio casino control 3935
commission that extends beyond six months after the date on which 3936
the record of the Ohio casino control commission is filed with the 3937
clerk of a court of common pleas. 3938

(I) Notwithstanding any other provision of this section, any 3939
order issued by a court of common pleas suspending the effect of 3940
an order of the state medical board or state chiropractic board 3941
that limits, revokes, suspends, places on probation, or refuses to 3942
register or reinstate a certificate issued by the board or 3943
reprimands the holder of the certificate shall terminate not more 3944
than fifteen months after the date of the filing of a notice of 3945
appeal in the court of common pleas, or upon the rendering of a 3946
final decision or order in the appeal by the court of common 3947
pleas, whichever occurs first. 3948

~~(I)~~(J) Within thirty days after receipt of a notice of appeal 3949
from an order in any case in which a hearing is required by 3950
sections 119.01 to 119.13 of the Revised Code, the agency shall 3951
prepare and certify to the court a complete record of the 3952

proceedings in the case. Failure of the agency to comply within 3953
the time allowed, upon motion, shall cause the court to enter a 3954
finding in favor of the party adversely affected. Additional time, 3955
however, may be granted by the court, not to exceed thirty days, 3956
when it is shown that the agency has made substantial effort to 3957
comply. The record shall be prepared and transcribed, and the 3958
expense of it shall be taxed as a part of the costs on the appeal. 3959
The appellant shall provide security for costs satisfactory to the 3960
court of common pleas. Upon demand by any interested party, the 3961
agency shall furnish at the cost of the party requesting it a copy 3962
of the stenographic report of testimony offered and evidence 3963
submitted at any hearing and a copy of the complete record. 3964

~~(J)~~(K) Notwithstanding any other provision of this section, 3965
any party desiring to appeal an order or decision of the state 3966
personnel board of review shall, at the time of filing a notice of 3967
appeal with the board, provide a security deposit in an amount and 3968
manner prescribed in rules that the board shall adopt in 3969
accordance with this chapter. In addition, the board is not 3970
required to prepare or transcribe the record of any of its 3971
proceedings unless the appellant has provided the deposit 3972
described above. The failure of the board to prepare or transcribe 3973
a record for an appellant who has not provided a security deposit 3974
shall not cause a court to enter a finding adverse to the board. 3975

~~(K)~~(L) Unless otherwise provided by law, in the hearing of 3976
the appeal, the court is confined to the record as certified to it 3977
by the agency. Unless otherwise provided by law, the court may 3978
grant a request for the admission of additional evidence when 3979
satisfied that the additional evidence is newly discovered and 3980
could not with reasonable diligence have been ascertained prior to 3981
the hearing before the agency. 3982

~~(L)~~(M) The court shall conduct a hearing on the appeal and 3983
shall give preference to all proceedings under sections 119.01 to 3984

119.13 of the Revised Code, over all other civil cases, 3985
irrespective of the position of the proceedings on the calendar of 3986
the court. An appeal from an order of the state medical board 3987
issued pursuant to division (G) of either section 4730.25 or 3988
4731.22 of the Revised Code, the state chiropractic board issued 3989
pursuant to section 4734.37 of the Revised Code, the liquor 3990
control commission issued pursuant to Chapter 4301. or 4303. of 3991
the Revised Code, or the Ohio casino control commission issued 3992
pursuant to Chapter 3772. of the Revised Code shall be set down 3993
for hearing at the earliest possible time and takes precedence 3994
over all other actions. The hearing in the court of common pleas 3995
shall proceed as in the trial of a civil action, and the court 3996
shall determine the rights of the parties in accordance with the 3997
laws applicable to a civil action. At the hearing, counsel may be 3998
heard on oral argument, briefs may be submitted, and evidence may 3999
be introduced if the court has granted a request for the 4000
presentation of additional evidence. 4001

~~(M)~~(N) The court may affirm the order of the agency 4002
complained of in the appeal if it finds, upon consideration of the 4003
entire record and any additional evidence the court has admitted, 4004
that the order is supported by reliable, probative, and 4005
substantial evidence and is in accordance with law. In the absence 4006
of this finding, it may reverse, vacate, or modify the order or 4007
make such other ruling as is supported by reliable, probative, and 4008
substantial evidence and is in accordance with law. The court 4009
shall award compensation for fees in accordance with section 4010
2335.39 of the Revised Code to a prevailing party, other than an 4011
agency, in an appeal filed pursuant to this section. 4012

~~(N)~~(O) The judgment of the court shall be final and 4013
conclusive unless reversed, vacated, or modified on appeal. These 4014
appeals may be taken either by the party or the agency, shall 4015
proceed as in the case of appeals in civil actions, and shall be 4016

pursuant to the Rules of Appellate Procedure and, to the extent 4017
not in conflict with those rules, Chapter 2505. of the Revised 4018
Code. An appeal by the agency shall be taken on questions of law 4019
relating to the constitutionality, construction, or interpretation 4020
of statutes and rules of the agency, and, in the appeal, the court 4021
may also review and determine the correctness of the judgment of 4022
the court of common pleas that the order of the agency is not 4023
supported by any reliable, probative, and substantial evidence in 4024
the entire record. 4025

The court shall certify its judgment to the agency or take 4026
any other action necessary to give its judgment effect. 4027

Sec. 120.04. (A) The state public defender shall serve at the 4028
pleasure of the Ohio public defender commission and shall be an 4029
attorney with a minimum of four years of experience in the 4030
practice of law and be admitted to the practice of law in this 4031
state at least one year prior to appointment. 4032

(B) The state public defender shall do all of the following: 4033

(1) Maintain a central office in Columbus. The central office 4034
shall be provided with a library of adequate size, considering the 4035
needs of the office and the accessibility of other libraries, and 4036
other necessary facilities and equipment. 4037

(2) Appoint assistant state public defenders, all of whom 4038
shall be attorneys admitted to the practice of law in this state, 4039
and other personnel necessary for the operation of the state 4040
public defender office. Assistant state public defenders shall be 4041
appointed on a full-time basis. The state public defender, 4042
assistant state public defenders, and employees appointed by the 4043
state public defender shall not engage in the private practice of 4044
law. 4045

(3) Supervise the compliance of county public defender 4046

offices, joint county public defender offices, and county 4047
appointed counsel systems with standards established by rules of 4048
the Ohio public defender commission pursuant to division (B) of 4049
section 120.03 of the Revised Code; 4050

(4) Keep and maintain financial records of all cases handled 4051
and develop records for use in the calculation of direct and 4052
indirect costs, in the operation of the office, and report 4053
periodically, but not less than annually, to the commission on all 4054
relevant data on the operations of the office, costs, projected 4055
needs, and recommendations for legislation or amendments to court 4056
rules, as may be appropriate to improve the criminal justice 4057
system; 4058

(5) Collect all moneys due the state for reimbursement for 4059
legal services under this chapter and under section 2941.51 of the 4060
Revised Code and institute any actions in court on behalf of the 4061
state for the collection of such sums that the state public 4062
defender considers advisable. Except as provided otherwise in 4063
division (D) of section 120.06 of the Revised Code, all moneys 4064
collected by the state public defender under this chapter and 4065
section 2941.51 of the Revised Code shall be deposited in the 4066
state treasury to the credit of the client payment fund, which is 4067
hereby created. All moneys credited to the fund shall be used by 4068
the state public defender to appoint assistant state public 4069
defenders and to provide other personnel, equipment, and 4070
facilities necessary for the operation of the state public 4071
defender office, to reimburse counties for the operation of county 4072
public defender offices, joint county public defender offices, and 4073
county appointed counsel systems pursuant to sections 120.18, 4074
120.28, and 120.33 of the Revised Code, or to provide assistance 4075
to counties in the operation of county indigent defense systems. 4076

(6) With respect to funds appropriated to the commission to 4077
pay criminal costs, perform the duties imposed by sections 2949.19 4078

and 2949.201 of the Revised Code; 4079

(7) Establish standards and guidelines for the reimbursement, 4080
pursuant to sections 120.18, 120.28, 120.33, 2941.51, and 2949.19 4081
of the Revised Code, of counties for the operation of county 4082
public defender offices, joint county public defender offices, and 4083
county appointed counsel systems and for other costs related to 4084
felony prosecutions; 4085

(8) Establish maximum amounts that the state will reimburse 4086
the counties pursuant to sections 120.18, 120.28, 120.33, and 4087
2941.51 of the Revised Code; 4088

(9) Establish maximum amounts that the state will reimburse 4089
the counties pursuant to section 120.33 of the Revised Code for 4090
each specific type of legal service performed by a county 4091
appointed counsel system; 4092

(10) Administer sections 120.18, 120.28, 120.33, 2941.51, and 4093
2949.19 of the Revised Code and make reimbursements pursuant to 4094
those sections; 4095

(11) Administer the program established pursuant to sections 4096
120.51 to 120.55 of the Revised Code for the charitable public 4097
purpose of providing financial assistance to legal aid societies. 4098
Neither the state public defender nor any of the state public 4099
defender's employees who is responsible in any way for the 4100
administration of that program and who performs those 4101
administrative responsibilities in good faith is in any manner 4102
liable if a legal aid society that is provided financial 4103
assistance under the program uses the financial assistance other 4104
than in accordance with sections 120.51 to 120.55 of the Revised 4105
Code or fails to comply with the requirements of those sections. 4106

(12) Establish an office for the handling of appeal and 4107
postconviction matters; 4108

(13) Provide technical aid and assistance to county public 4109

defender offices, joint county public defender offices, and other 4110
local counsel providing legal representation to indigent persons, 4111
including representation and assistance on appeals. 4112

(C) The state public defender may do any of the following: 4113

(1) In providing legal representation, conduct 4114
investigations, obtain expert testimony, take depositions, use 4115
other discovery methods, order transcripts, and make all other 4116
preparations which are appropriate and necessary to an adequate 4117
defense or the prosecution of appeals and other legal proceedings; 4118

(2) Seek, solicit, and apply for grants for the operation of 4119
programs for the defense of indigent persons from any public or 4120
private source, and may receive donations, grants, awards, and 4121
similar funds from any lawful source. Such funds shall be 4122
deposited in the state treasury to the credit of the public 4123
defender gifts and grants fund, which is hereby created. 4124

(3) Make all the necessary arrangements to coordinate the 4125
services of the office with any federal, county, or private 4126
programs established to provide legal representation to indigent 4127
persons and others, and to obtain and provide all funds allowable 4128
under any such programs; 4129

(4) Consult and cooperate with professional groups concerned 4130
with the causes of criminal conduct, the reduction of crime, the 4131
rehabilitation and correction of persons convicted of crime, the 4132
administration of criminal justice, and the administration and 4133
operation of the state public defender's office; 4134

(5) Accept the services of volunteer workers and consultants 4135
at no compensation other than reimbursement for actual and 4136
necessary expenses; 4137

(6) Prescribe any forms that are necessary for the uniform 4138
operation of this chapter; 4139

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

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

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

(10) Enter into agreements to license, lease, sell, and market for sale intellectual property owned by the office and receive payments from those agreements for use in the operation of the office and programs for the defense of indigent persons. All funds received by the state public defender pursuant to such agreements shall be deposited in the state treasury to the credit of the public defender gifts and grants fund.

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

Sec. 120.06. (A)(1) The state public defender, when 4171
designated by the court or requested by a county public defender 4172
or joint county public defender, may provide legal representation 4173
in all courts throughout the state to indigent adults and 4174
juveniles who are charged with the commission of an offense or act 4175
for which the penalty or any possible adjudication includes the 4176
potential loss of liberty. 4177

(2) The state public defender may provide legal 4178
representation to any indigent person who, while incarcerated in 4179
any state correctional institution, is charged with a felony 4180
offense, for which the penalty or any possible adjudication that 4181
may be imposed by a court upon conviction includes the potential 4182
loss of liberty. 4183

(3) The state public defender may provide legal 4184
representation to any person incarcerated in any correctional 4185
institution of the state, in any matter in which the person 4186
asserts the person is unlawfully imprisoned or detained. 4187

(4) The state public defender, in any case in which the state 4188
public defender has provided legal representation or is requested 4189
to do so by a county public defender or joint county public 4190
defender, may provide legal representation on appeal. 4191

~~(5) The (5)(a) Except as provided in division (A)(5)(b) of~~ 4192
~~this section, the~~ state public defender, when designated by the 4193
court or requested by a county public defender, joint county 4194
public defender, or the director of rehabilitation and correction, 4195
shall provide legal representation in parole and probation 4196
revocation matters or matters relating to the revocation of 4197
community control or post-release control under a community 4198
control sanction or post-release control sanction, unless the 4199
state public defender finds that the alleged parole or probation 4200
violation or alleged violation of a community control sanction or 4201

post-release control sanction has the financial capacity to retain 4202
the alleged violator's own counsel. 4203

(b) If the state public defender decides to provide the legal 4204
representation described in division (A)(5)(a) of this section, 4205
but determines that it does not have the capacity to provide the 4206
legal representation described in division (A)(5)(a) of this 4207
section, the state public defender may contract with private 4208
counsel to provide the legal representation described in division 4209
(A)(5)(a) of this section. 4210

~~(6)~~(6)(a) Except as provided in division (A)(6)(b) of this 4211
section, the state public defender may provide legal 4212
representation in full board hearings pursuant to section 5149.101 4213
of the Revised Code or parole eligibility hearings pursuant to 4214
section 2967.132 of the Revised Code unless the state public 4215
defender finds that the person subject to the full board hearing 4216
or parole eligibility hearing has the financial capacity to retain 4217
the person's own counsel. 4218

(b) If the state public defender decides to provide the legal 4219
representation described in division (A)(6)(a) of this section, 4220
but determines that it does not have the capacity to provide the 4221
legal representation described in division (A)(6)(a) of this 4222
section, the state public defender may contract with private 4223
counsel to provide the legal representation described in division 4224
(A)(6)(a) of this section. 4225

(7) If the state public defender contracts with a county 4226
public defender commission, a joint county public defender 4227
commission, or a board of county commissioners for the provision 4228
of services, under authority of division (C)(7) of section 120.04 4229
of the Revised Code, the state public defender shall provide legal 4230
representation in accordance with the contract. 4231

(B) The state public defender shall not be required to 4232

prosecute any appeal, postconviction remedy, or other proceeding 4233
pursuant to division (A)(3), (4), or (5) of this section, unless 4234
the state public defender first is satisfied that there is 4235
arguable merit to the proceeding. 4236

(C) A court may appoint counsel or allow an indigent person 4237
to select the indigent's own personal counsel to assist the state 4238
public defender as co-counsel when the interests of justice so 4239
require. When co-counsel is appointed to assist the state public 4240
defender, the co-counsel shall receive any compensation that the 4241
court may approve, not to exceed the amounts provided for in 4242
section 2941.51 of the Revised Code. 4243

(D)(1) When the state public defender is designated by the 4244
court or requested by a county public defender or joint county 4245
public defender to provide legal representation for an indigent 4246
person in any case, other than pursuant to a contract entered into 4247
under authority of division (C)(7) of section 120.04 of the 4248
Revised Code, the state public defender shall send to the county 4249
in which the case is filed a bill detailing the actual cost of the 4250
representation that separately itemizes legal fees and expenses. 4251
The county, upon receipt of an itemized bill from the state public 4252
defender pursuant to this division, shall pay the state public 4253
defender one hundred per cent of the amount identified as legal 4254
fees and expenses in the itemized bill. 4255

(2) Upon payment of the itemized bill under division (D)(1) 4256
of this section, the county may submit the cost of the legal fees 4257
and expenses to the state public defender for reimbursement 4258
pursuant to section 120.33 of the Revised Code. 4259

(3) When the state public defender provides investigation or 4260
mitigation services to private appointed counsel or to a county or 4261
joint county public defender as approved by the appointing court, 4262
other than pursuant to a contract entered into under authority of 4263
division (C)(7) of section 120.04 of the Revised Code, the state 4264

public defender shall send to the county in which the case is 4265
filed a bill itemizing the actual cost of the services provided. 4266
The county, upon receipt of an itemized bill from the state public 4267
defender pursuant to this division, shall pay one hundred per cent 4268
of the amount as set forth in the itemized bill. Upon payment of 4269
the itemized bill received pursuant to this division, the county 4270
may submit the cost of the investigation and mitigation services 4271
to the state public defender for reimbursement pursuant to section 4272
120.33 of the Revised Code. 4273

(4) When the state public defender decides to provide the 4274
legal representation described in division (A)(5)(a) or (6)(a) of 4275
this section, but does not have the capacity to provide the legal 4276
representation described in division (A)(5)(a) or (6)(a) of this 4277
section and the state public defender contracts with private 4278
counsel to provide the legal representation described in division 4279
(A)(5)(a) or (6)(a) of this section, the state public defender 4280
shall directly pay private counsel's legal fees and expenses from 4281
the indigent defense support fund pursuant to section 120.08 of 4282
the Revised Code. 4283

(5) There is hereby created in the state treasury the county 4284
representation fund for the deposit of moneys received from 4285
counties under this division. All moneys credited to the fund 4286
shall be used by the state public defender to provide legal 4287
representation for indigent persons when designated by the court 4288
or requested by a county or joint county public defender or to 4289
provide investigation or mitigation services, including 4290
investigation or mitigation services to private appointed counsel 4291
or a county or joint county public defender, as approved by the 4292
court. 4293

(E)(1) Notwithstanding any contrary provision of sections 4294
109.02, 109.07, 109.361 to 109.366, and 120.03 of the Revised Code 4295
that pertains to representation by the attorney general, an 4296

assistant attorney general, or special counsel of an officer or 4297
employee, as defined in section 109.36 of the Revised Code, or of 4298
an entity of state government, the state public defender may elect 4299
to contract with, and to have the state pay pursuant to division 4300
(E)(2) of this section for the services of, private legal counsel 4301
to represent the Ohio public defender commission, the state public 4302
defender, assistant state public defenders, other employees of the 4303
commission or the state public defender, and attorneys described 4304
in division (C) of section 120.41 of the Revised Code in a 4305
malpractice or other civil action or proceeding that arises from 4306
alleged actions or omissions related to responsibilities derived 4307
pursuant to this chapter, or in a civil action that is based upon 4308
alleged violations of the constitution or statutes of the United 4309
States, including section 1983 of Title 42 of the United States 4310
Code, 93 Stat. 1284 (1979), 42 U.S.C.A. 1983, as amended, and that 4311
arises from alleged actions or omissions related to 4312
responsibilities derived pursuant to this chapter, if the state 4313
public defender determines, in good faith, that the defendant in 4314
the civil action or proceeding did not act manifestly outside the 4315
scope of the defendant's employment or official responsibilities, 4316
with malicious purpose, in bad faith, or in a wanton or reckless 4317
manner. If the state public defender elects not to contract 4318
pursuant to this division for private legal counsel in a civil 4319
action or proceeding, then, in accordance with sections 109.02, 4320
109.07, 109.361 to 109.366, and 120.03 of the Revised Code, the 4321
attorney general shall represent or provide for the representation 4322
of the Ohio public defender commission, the state public defender, 4323
assistant state public defenders, other employees of the 4324
commission or the state public defender, or attorneys described in 4325
division (C) of section 120.41 of the Revised Code in the civil 4326
action or proceeding. 4327

(2)(a) Subject to division (E)(2)(b) of this section, payment 4328
from the state treasury for the services of private legal counsel 4329

with whom the state public defender has contracted pursuant to 4330
division (E)(1) of this section shall be accomplished only through 4331
the following procedure: 4332

(i) The private legal counsel shall file with the attorney 4333
general a copy of the contract; a request for an award of legal 4334
fees, court costs, and expenses earned or incurred in connection 4335
with the defense of the Ohio public defender commission, the state 4336
public defender, an assistant state public defender, an employee, 4337
or an attorney in a specified civil action or proceeding; a 4338
written itemization of those fees, costs, and expenses, including 4339
the signature of the state public defender and the state public 4340
defender's attestation that the fees, costs, and expenses were 4341
earned or incurred pursuant to division (E)(1) of this section to 4342
the best of the state public defender's knowledge and information; 4343
a written statement whether the fees, costs, and expenses are for 4344
all legal services to be rendered in connection with that defense, 4345
are only for legal services rendered to the date of the request 4346
and additional legal services likely will have to be provided in 4347
connection with that defense, or are for the final legal services 4348
rendered in connection with that defense; a written statement 4349
indicating whether the private legal counsel previously submitted 4350
a request for an award under division (E)(2) of this section in 4351
connection with that defense and, if so, the date and the amount 4352
of each award granted; and, if the fees, costs, and expenses are 4353
for all legal services to be rendered in connection with that 4354
defense or are for the final legal services rendered in connection 4355
with that defense, a certified copy of any judgment entry in the 4356
civil action or proceeding or a signed copy of any settlement 4357
agreement entered into between the parties to the civil action or 4358
proceeding. 4359

(ii) Upon receipt of a request for an award of legal fees, 4360
court costs, and expenses and the requisite supportive 4361

documentation described in division (E)(2)(a)(i) of this section, 4362
the attorney general shall review the request and documentation; 4363
determine whether any of the limitations specified in division 4364
(E)(2)(b) of this section apply to the request; and, if an award 4365
of legal fees, court costs, or expenses is permissible after 4366
applying the limitations, prepare a document awarding legal fees, 4367
court costs, or expenses to the private legal counsel. The 4368
document shall name the private legal counsel as the recipient of 4369
the award; specify the total amount of the award as determined by 4370
the attorney general; itemize the portions of the award that 4371
represent legal fees, court costs, and expenses; specify any 4372
limitation applied pursuant to division (E)(2)(b) of this section 4373
to reduce the amount of the award sought by the private legal 4374
counsel; state that the award is payable from the state treasury 4375
pursuant to division (E)(2)(a)(iii) of this section; and be 4376
approved by the inclusion of the signatures of the attorney 4377
general, the state public defender, and the private legal counsel. 4378

(iii) The attorney general shall forward a copy of the 4379
document prepared pursuant to division (E)(2)(a)(ii) of this 4380
section to the director of budget and management. The award of 4381
legal fees, court costs, or expenses shall be paid out of the 4382
state public defender's appropriations, to the extent there is a 4383
sufficient available balance in those appropriations. If the state 4384
public defender does not have a sufficient available balance in 4385
the state public defender's appropriations to pay the entire award 4386
of legal fees, court costs, or expenses, the director shall make 4387
application for a transfer of appropriations out of the emergency 4388
purposes account or any other appropriation for emergencies or 4389
contingencies in an amount equal to the portion of the award that 4390
exceeds the sufficient available balance in the state public 4391
defender's appropriations. A transfer of appropriations out of the 4392
emergency purposes account or any other appropriation for 4393
emergencies or contingencies shall be authorized if there are 4394

sufficient moneys greater than the sum total of then pending 4395
emergency purposes account requests, or requests for releases from 4396
the other appropriation. If a transfer of appropriations out of 4397
the emergency purposes account or other appropriation for 4398
emergencies or contingencies is made to pay an amount equal to the 4399
portion of the award that exceeds the sufficient available balance 4400
in the state public defender's appropriations, the director shall 4401
cause the payment to be made to the private legal counsel. If 4402
sufficient moneys do not exist in the emergency purposes account 4403
or other appropriation for emergencies or contingencies to pay an 4404
amount equal to the portion of the award that exceeds the 4405
sufficient available balance in the state public defender's 4406
appropriations, the private legal counsel shall request the 4407
general assembly to make an appropriation sufficient to pay an 4408
amount equal to the portion of the award that exceeds the 4409
sufficient available balance in the state public defender's 4410
appropriations, and no payment in that amount shall be made until 4411
the appropriation has been made. The private legal counsel shall 4412
make the request during the current biennium and during each 4413
succeeding biennium until a sufficient appropriation is made. 4414

(b) An award of legal fees, court costs, and expenses 4415
pursuant to division (E) of this section is subject to the 4416
following limitations: 4417

(i) The maximum award or maximum aggregate of a series of 4418
awards of legal fees, court costs, and expenses to the private 4419
legal counsel in connection with the defense of the Ohio public 4420
defender commission, the state public defender, an assistant state 4421
public defender, an employee, or an attorney in a specified civil 4422
action or proceeding shall not exceed fifty thousand dollars. 4423

(ii) The private legal counsel shall not be awarded legal 4424
fees, court costs, or expenses to the extent the fees, costs, or 4425
expenses are covered by a policy of malpractice or other 4426

insurance. 4427

(iii) The private legal counsel shall be awarded legal fees 4428
and expenses only to the extent that the fees and expenses are 4429
reasonable in light of the legal services rendered by the private 4430
legal counsel in connection with the defense of the Ohio public 4431
defender commission, the state public defender, an assistant state 4432
public defender, an employee, or an attorney in a specified civil 4433
action or proceeding. 4434

(c) If, pursuant to division (E)(2)(a) of this section, the 4435
attorney general denies a request for an award of legal fees, 4436
court costs, or expenses to private legal counsel because of the 4437
application of a limitation specified in division (E)(2)(b) of 4438
this section, the attorney general shall notify the private legal 4439
counsel in writing of the denial and of the limitation applied. 4440

(d) If, pursuant to division (E)(2)(c) of this section, a 4441
private legal counsel receives a denial of an award notification 4442
or if a private legal counsel refuses to approve a document under 4443
division (E)(2)(a)(ii) of this section because of the proposed 4444
application of a limitation specified in division (E)(2)(b) of 4445
this section, the private legal counsel may commence a civil 4446
action against the attorney general in the court of claims to 4447
prove the private legal counsel's entitlement to the award sought, 4448
to prove that division (E)(2)(b) of this section does not prohibit 4449
or otherwise limit the award sought, and to recover a judgment for 4450
the amount of the award sought. A civil action under division 4451
(E)(2)(d) of this section shall be commenced no later than two 4452
years after receipt of a denial of award notification or, if the 4453
private legal counsel refused to approve a document under division 4454
(E)(2)(a)(ii) of this section because of the proposed application 4455
of a limitation specified in division (E)(2)(b) of this section, 4456
no later than two years after the refusal. Any judgment of the 4457
court of claims in favor of the private legal counsel shall be 4458

paid from the state treasury in accordance with division (E)(2)(a) 4459
of this section. 4460

(F) If a court appoints the office of the state public 4461
defender to represent a petitioner in a postconviction relief 4462
proceeding under section 2953.21 of the Revised Code, the 4463
petitioner has received a sentence of death, and the proceeding 4464
relates to that sentence, all of the attorneys who represent the 4465
petitioner in the proceeding pursuant to the appointment, whether 4466
an assistant state public defender, the state public defender, or 4467
another attorney, shall be certified under Rule 20 of the Rules of 4468
Superintendence for the Courts of Ohio to represent indigent 4469
defendants charged with or convicted of an offense for which the 4470
death penalty can be or has been imposed. 4471

(G)(1) The state public defender may conduct a legal 4472
assistance referral service for children committed to the 4473
department of youth services relative to conditions of confinement 4474
claims. If the legal assistance referral service receives a 4475
request for assistance from a child confined in a facility 4476
operated, or contracted for, by the department of youth services 4477
and the state public defender determines that the child has a 4478
conditions of confinement claim that has merit, the state public 4479
defender may refer the child to a private attorney. If no private 4480
attorney who the child has been referred to by the state public 4481
defender accepts the case within a reasonable time, the state 4482
public defender may prepare, as appropriate, pro se pleadings in 4483
the form of a complaint regarding the conditions of confinement at 4484
the facility where the child is confined with a motion for 4485
appointment of counsel and other applicable pleadings necessary 4486
for sufficient pro se representation. 4487

(2) Division (G)(1) of this section does not authorize the 4488
state public defender to represent a child committed to the 4489
department of youth services in general civil matters arising 4490

solely out of state law. 4491

(3) The state public defender shall not undertake the 4492
representation of a child in court based on a conditions of 4493
confinement claim arising under this division. 4494

(H) A child's right to representation or services under this 4495
section is not affected by the child, or another person on behalf 4496
of the child, previously having paid for similar representation or 4497
services or having waived legal representation. 4498

(I) The state public defender shall have reasonable access to 4499
any child committed to the department of youth services, 4500
department of youth services institution, and department of youth 4501
services record as needed to implement this section. 4502

(J) As used in this section: 4503

(1) "Community control sanction" has the same meaning as in 4504
section 2929.01 of the Revised Code. 4505

(2) "Conditions of confinement" means any issue involving a 4506
constitutional right or other civil right related to a child's 4507
incarceration, including, but not limited to, actions cognizable 4508
under 42 U.S.C. 1983. 4509

(3) "Post-release control sanction" has the same meaning as 4510
in section 2967.01 of the Revised Code. 4511

Sec. 120.08. (A) There is hereby created in the state 4512
treasury the indigent defense support fund, consisting of money 4513
paid into the fund pursuant to sections 4507.45, 4509.101, 4514
4510.22, and 4511.19 of the Revised Code and pursuant to sections 4515
2937.22, 2949.091, and 2949.094 of the Revised Code out of the 4516
additional court costs imposed under those sections. ~~The~~ 4517

(B) ~~The~~ state public defender shall use at least eighty-three 4518
per cent of the money in the fund for the following purposes ~~of~~ 4519
reimbursing: 4520

(1) Reimbursing county governments for expenses incurred 4521
pursuant to sections 120.18, 120.28, and 120.33 of the Revised 4522
Code ~~and operating;~~ 4523

(2) Operating its system pursuant to division (C)(7) of 4524
section 120.04 of the Revised Code and division (B) of section 4525
120.33 of the Revised Code; 4526

(3) Directly paying private counsel's legal fees and expenses 4527
pursuant to division (D)(4) of section 120.06 of the Revised Code. 4528
~~Disbursements~~ 4529

(C) Disbursements from the fund to county governments shall 4530
be made at least once per year and shall be allocated 4531
proportionately so that each county receives an equal percentage 4532
of its cost for operating its county public defender system, its 4533
joint county public defender system, its county appointed counsel 4534
system, or its system operated under division (C)(7) of section 4535
120.04 of the Revised Code and division (B) of section 120.33 of 4536
the Revised Code. ~~The~~ 4537

(D) The state public defender may use not more than seventeen 4538
per cent of the money in the fund for the purposes of appointing 4539
assistant state public defenders, providing other personnel, 4540
equipment, and facilities necessary for the operation of the state 4541
public defender office, and providing training, developing and 4542
implementing electronic forms, or establishing and maintaining an 4543
information technology system used for the uniform operation of 4544
this chapter. 4545

Sec. 120.34. ~~The~~ (A) Except as provided in division (D) of 4546
this section, the total amount of money paid to all counties in 4547
any fiscal year pursuant to sections 120.18, 120.28, 120.33, 4548
120.35, and 2941.51 of the Revised Code for the reimbursement of 4549
the counties' cost of operating county public defender offices, 4550
joint county public defender offices, and county appointed counsel 4551

systems, the counties' costs and expenses of conducting the 4552
defense in capital cases, and the counties' costs and expenses of 4553
appointed counsel covered by section 2941.51 of the Revised Code 4554
shall not exceed the total amount appropriated for that fiscal 4555
year by the general assembly for the reimbursement of the counties 4556
for the operation of the offices and systems and for those 4557
appointed counsel costs and expenses, and shall be determined as 4558
specified in this section. If the amount appropriated by the 4559
general assembly in any fiscal year is insufficient to pay the 4560
cost in the fiscal year of all county public defender offices, all 4561
joint county public defender offices, all county appointed counsel 4562
systems, and all costs and expenses of appointed counsel covered 4563
by section 2941.51 of the Revised Code, the amount of money paid 4564
in that fiscal year pursuant to sections 120.18, 120.28, 120.33, 4565
120.35, and 2941.51 of the Revised Code to each county for the 4566
fiscal year shall be reduced proportionately so that each county 4567
is paid an equal percentage of its cost in the fiscal year for 4568
operating its county public defender system, its joint county 4569
public defender system, and its county appointed counsel system, 4570
an equal percentage of its costs and expenses of conducting the 4571
defense in capital cases in the fiscal year, and an equal 4572
percentage of its costs and expenses of appointed counsel covered 4573
by section 2941.51 of the Revised Code. 4574

(B) If any county receives an amount of money pursuant to 4575
section 120.18, 120.28, 120.33, 120.35, or 2941.51 of the Revised 4576
Code that is in excess of the amount of reimbursement it is 4577
entitled to receive pursuant to this section, the state public 4578
defender shall request the board of county commissioners to return 4579
the excess payment and the board of county commissioners, upon 4580
receipt of the request, shall direct the appropriate county 4581
officer to return the excess payment to the state. 4582

(C) Within thirty days of the end of each fiscal quarter, the 4583

state public defender shall provide to the office of budget and 4584
management and the legislative service commission an estimate of 4585
the amount of money that will be required for the balance of the 4586
fiscal year to make the payments required by sections 120.18, 4587
120.28, 120.33, 120.35, and 2941.51 of the Revised Code. 4588

(D) No reimbursement shall be made under this section for 4589
costs of indigent defense to the extent that those costs exceed 4590
the hourly rate, if any, established by the general assembly. 4591

Sec. 121.031. The administrative department head of an 4592
administrative department created under section 121.02 of the 4593
Revised Code or an administrative department head appointed under 4594
section 121.03 of the Revised Code may direct an otherwise 4595
independent official or state agency that is organized under the 4596
administrative department or administrative department head as 4597
necessary to achieve reductions in regulatory restrictions in 4598
rules in compliance with sections 121.95, 121.951, 121.952, and 4599
121.953, ~~and 121.954~~ of the Revised Code. 4600

Sec. 121.04. Offices are created within the several 4601
departments as follows: 4602

In the department of commerce: 4603

Commissioner of securities; 4604

Superintendent of real estate and professional 4605
licensing;

Superintendent of financial institutions; 4606

State fire marshal; 4607

Superintendent of industrial compliance; 4608

Superintendent of liquor control; 4609

Superintendent of unclaimed funds; 4610

Superintendent of marijuana control. 4611

In the department of administrative services: 4612

Equal employment opportunity coordinator.	4613
In the department of agriculture:	4614
Chiefs of divisions as follows:	4615
Administration;	4616
Animal health;	4617
Livestock environmental permitting;	4618
Soil and water conservation;	4619
Dairy;	4620
Food safety;	4621
Plant health;	4622
Markets;	4623
Meat inspection;	4624
Consumer protection laboratory;	4625
Amusement ride safety;	4626
Enforcement;	4627
Weights and measures.	4628
In the department of natural resources:	4629
Chiefs of divisions as follows:	4630
Mineral resources management;	4631
Oil and gas resources management;	4632
Forestry;	4633
Natural areas and preserves;	4634
Wildlife;	4635
Geological survey;	4636
Parks and	4637
watercraft;	4638
Water resources;	4639
Engineering.	4640
In the department of insurance:	4641
Deputy superintendent of insurance;	4642
Assistant superintendent of insurance, technical;	4643

Assistant superintendent of insurance, administrative; 4644
Assistant superintendent of insurance, research. 4645

Sec. 121.08. (A) There is hereby created in the department of 4646
commerce the position of deputy director of administration. This 4647
officer shall be appointed by the director of commerce, serve 4648
under the director's direction, supervision, and control, perform 4649
the duties the director prescribes, and hold office during the 4650
director's pleasure. The director of commerce may designate an 4651
assistant director of commerce to serve as the deputy director of 4652
administration. The deputy director of administration shall 4653
perform the duties prescribed by the director of commerce in 4654
supervising the activities of the division of administration of 4655
the department of commerce. 4656

(B) Except as provided in section 121.07 of the Revised Code, 4657
the department of commerce shall have all powers and perform all 4658
duties vested in the deputy director of administration, the state 4659
fire marshal, the superintendent of financial institutions, the 4660
superintendent of real estate and professional licensing, the 4661
superintendent of liquor control, the superintendent of industrial 4662
compliance, the superintendent of unclaimed funds, the 4663
superintendent of marijuana control, and the commissioner of 4664
securities, and shall have all powers and perform all duties 4665
vested by law in all officers, deputies, and employees of those 4666
offices. Except as provided in section 121.07 of the Revised Code, 4667
wherever powers are conferred or duties imposed upon any of those 4668
officers, the powers and duties shall be construed as vested in 4669
the department of commerce. 4670

(C)(1) There is hereby created in the department of commerce 4671
a division of financial institutions, which shall have all powers 4672
and perform all duties vested by law in the superintendent of 4673
financial institutions. Wherever powers are conferred or duties 4674
imposed upon the superintendent of financial institutions, those 4675

powers and duties shall be construed as vested in the division of 4676
financial institutions. The division of financial institutions 4677
shall be administered by the superintendent of financial 4678
institutions. 4679

(2) All provisions of law governing the superintendent of 4680
financial institutions shall apply to and govern the 4681
superintendent of financial institutions provided for in this 4682
section; all authority vested by law in the superintendent of 4683
financial institutions with respect to the management of the 4684
division of financial institutions shall be construed as vested in 4685
the superintendent of financial institutions created by this 4686
section with respect to the division of financial institutions 4687
provided for in this section; and all rights, privileges, and 4688
emoluments conferred by law upon the superintendent of financial 4689
institutions shall be construed as conferred upon the 4690
superintendent of financial institutions as head of the division 4691
of financial institutions. The director of commerce shall not 4692
transfer from the division of financial institutions any of the 4693
functions specified in division (C)(2) of this section. 4694

(D) There is hereby created in the department of commerce a 4695
division of liquor control, which shall have all powers and 4696
perform all duties vested by law in the superintendent of liquor 4697
control. Wherever powers are conferred or duties are imposed upon 4698
the superintendent of liquor control, those powers and duties 4699
shall be construed as vested in the division of liquor control. 4700
The division of liquor control shall be administered by the 4701
superintendent of liquor control. 4702

(E) The director of commerce shall not be interested, 4703
directly or indirectly, in any firm or corporation which is a 4704
dealer in securities as defined in sections 1707.01 and 1707.14 of 4705
the Revised Code, or in any firm or corporation licensed under 4706
sections 1321.01 to 1321.19 of the Revised Code. 4707

(F) The director of commerce shall not have any official 4708
connection with a savings and loan association, a savings bank, a 4709
bank, a bank holding company, a savings and loan association 4710
holding company, a consumer finance company, or a credit union 4711
that is under the supervision of the division of financial 4712
institutions, or a subsidiary of any of the preceding entities, or 4713
be interested in the business thereof. 4714

(G) There is hereby created in the state treasury the 4715
division of administration fund. The fund shall receive 4716
assessments on the operating funds of the department of commerce 4717
in accordance with procedures prescribed by the director of 4718
commerce. All operating expenses of the division of administration 4719
shall be paid from the division of administration fund. 4720

(H) There is hereby created in the department of commerce a 4721
division of real estate and professional licensing, which shall be 4722
under the control and supervision of the director of commerce. The 4723
division of real estate and professional licensing shall be 4724
administered by the superintendent of real estate and professional 4725
licensing. The superintendent of real estate and professional 4726
licensing shall exercise the powers and perform the functions and 4727
duties delegated to the superintendent under Chapters 4735., 4728
4763., 4764., 4767., and 4768. of the Revised Code. 4729

(I) There is hereby created in the department of commerce a 4730
division of industrial compliance, which shall have all powers and 4731
perform all duties vested by law in the superintendent of 4732
industrial compliance. Wherever powers are conferred or duties 4733
imposed upon the superintendent of industrial compliance, those 4734
powers and duties shall be construed as vested in the division of 4735
industrial compliance. The division of industrial compliance shall 4736
be under the control and supervision of the director of commerce 4737
and be administered by the superintendent of industrial 4738
compliance. 4739

(J) There is hereby created in the department of commerce a 4740
division of unclaimed funds, which shall have all powers and 4741
perform all duties delegated to or vested by law in the 4742
superintendent of unclaimed funds. Wherever powers are conferred 4743
or duties imposed upon the superintendent of unclaimed funds, 4744
those powers and duties shall be construed as vested in the 4745
division of unclaimed funds. The division of unclaimed funds shall 4746
be under the control and supervision of the director of commerce 4747
and shall be administered by the superintendent of unclaimed 4748
funds. The superintendent of unclaimed funds shall exercise the 4749
powers and perform the functions and duties delegated to the 4750
superintendent by the director of commerce under section 121.07 4751
and Chapter 169. of the Revised Code, and as may otherwise be 4752
provided by law. 4753

(K) There is hereby created in the department of commerce a 4754
division of marijuana control, which shall have all powers and 4755
perform all duties vested by law in the superintendent of 4756
marijuana control. Wherever powers are conferred or duties are 4757
imposed upon the superintendent of marijuana control, those powers 4758
and duties shall be construed as vested in the division of 4759
marijuana control. The division of marijuana control shall be 4760
under the control and supervision of the director of commerce and 4761
be administered by the superintendent of marijuana control. 4762

(L) The department of commerce or a division of the 4763
department created by the Revised Code that is acting with 4764
authorization on the department's behalf may request from the 4765
bureau of criminal identification and investigation pursuant to 4766
section 109.572 of the Revised Code, or coordinate with 4767
appropriate federal, state, and local government agencies to 4768
accomplish, criminal records checks for the persons whose 4769
identities are required to be disclosed by an applicant for the 4770
issuance or transfer of a permit, license, certificate of 4771

registration, or certification issued or transferred by the 4772
department or division. At or before the time of making a request 4773
for a criminal records check, the department or division may 4774
require any person whose identity is required to be disclosed by 4775
an applicant for the issuance or transfer of such a license, 4776
permit, certificate of registration, or certification to submit to 4777
the department or division valid fingerprint impressions in a 4778
format and by any media or means acceptable to the bureau of 4779
criminal identification and investigation and, when applicable, 4780
the federal bureau of investigation. The department or division 4781
may cause the bureau of criminal identification and investigation 4782
to conduct a criminal records check through the federal bureau of 4783
investigation only if the person for whom the criminal records 4784
check would be conducted resides or works outside of this state or 4785
has resided or worked outside of this state during the preceding 4786
five years, or if a criminal records check conducted by the bureau 4787
of criminal identification and investigation within this state 4788
indicates that the person may have a criminal record outside of 4789
this state. 4790

In the case of a criminal records check under section 109.572 4791
of the Revised Code, the department or division shall forward to 4792
the bureau of criminal identification and investigation the 4793
requisite form, fingerprint impressions, and fee described in 4794
division (C) of that section. When requested by the department or 4795
division in accordance with this section, the bureau of criminal 4796
identification and investigation shall request from the federal 4797
bureau of investigation any information it has with respect to the 4798
person who is the subject of the requested criminal records check 4799
and shall forward the requisite fingerprint impressions and 4800
information to the federal bureau of investigation for that 4801
criminal records check. After conducting a criminal records check 4802
or receiving the results of a criminal records check from the 4803
federal bureau of investigation, the bureau of criminal 4804

identification and investigation shall provide the results to the 4805
department or division. 4806

The department or division may require any person about whom 4807
a criminal records check is requested to pay to the department or 4808
division the amount necessary to cover the fee charged to the 4809
department or division by the bureau of criminal identification 4810
and investigation under division (C)(3) of section 109.572 of the 4811
Revised Code, including, when applicable, any fee for a criminal 4812
records check conducted by the federal bureau of investigation. 4813

~~(L)~~(M) The director of commerce, or the director's designee, 4814
may adopt rules to enhance compliance with statutes pertaining to, 4815
and rules adopted by, divisions under the direction, supervision, 4816
and control of the department or director by offering 4817
incentive-based programs that ensure safety and soundness while 4818
promoting growth and prosperity in the state. 4819

Sec. 121.37. (A)(1) There is hereby created the Ohio family 4820
and children first cabinet council. The council shall be composed 4821
of the superintendent of public instruction, the executive 4822
director of the opportunities for Ohioans with disabilities 4823
agency, the medicaid director, and the directors of youth 4824
services, job and family services, mental health and addiction 4825
services, health, developmental disabilities, aging, 4826
rehabilitation and correction, and budget and management. The 4827
chairperson of the council shall be the governor or the governor's 4828
designee and shall establish procedures for the council's internal 4829
control and management. 4830

The purpose of the cabinet council is to help families 4831
seeking government services. This section shall not be interpreted 4832
or applied to usurp the role of parents, but solely to streamline 4833
and coordinate existing government services for families seeking 4834
assistance for their children. 4835

- (2) In seeking to fulfill its purpose, the council may do any 4836
of the following: 4837
- (a) Advise and make recommendations to the governor and 4838
general assembly regarding the provision of services to children; 4839
- (b) Advise and assess local governments on the coordination 4840
of service delivery to children; 4841
- (c) Hold meetings at such times and places as may be 4842
prescribed by the council's procedures and maintain records of the 4843
meetings, except that records identifying individual children are 4844
confidential and shall be disclosed only as provided by law; 4845
- (d) Develop programs and projects, including pilot projects, 4846
to encourage coordinated efforts at the state and local level to 4847
improve the state's social service delivery system; 4848
- (e) Enter into contracts with and administer grants to county 4849
family and children first councils, as well as other county or 4850
multicounty organizations to plan and coordinate service delivery 4851
between state agencies and local service providers for families 4852
and children; 4853
- (f) Enter into contracts with and apply for grants from 4854
federal agencies or private organizations; 4855
- (g) Enter into interagency agreements to encourage 4856
coordinated efforts at the state and local level to improve the 4857
state's social service delivery system. The agreements may include 4858
provisions regarding the receipt, transfer, and expenditure of 4859
funds; 4860
- (h) Identify public and private funding sources for services 4861
provided to alleged or adjudicated unruly children and children 4862
who are at risk of being alleged or adjudicated unruly children, 4863
including regulations governing access to and use of the services; 4864
- (i) Collect information provided by local communities 4865

regarding successful programs for prevention, intervention, and 4866
treatment of unruly behavior, including evaluations of the 4867
programs; 4868

(j) Identify and disseminate publications regarding alleged 4869
or adjudicated unruly children and children who are at risk of 4870
being alleged or adjudicated unruly children and regarding 4871
programs serving those types of children; 4872

(k) Maintain an inventory of strategic planning facilitators 4873
for use by government or nonprofit entities that serve alleged or 4874
adjudicated unruly children or children who are at risk of being 4875
alleged or adjudicated unruly children. 4876

(3) The cabinet council shall provide for the following: 4877

(a) Reviews of service and treatment plans for children for 4878
which such reviews are requested; 4879

(b) Assistance as the council determines to be necessary to 4880
meet the needs of children referred by county family and children 4881
first councils; 4882

(c) Monitoring and supervision of a statewide, comprehensive, 4883
coordinated, multi-disciplinary, interagency system for infants 4884
and toddlers with developmental disabilities or delays and their 4885
families, as established pursuant to federal grants received and 4886
administered by the department of ~~health~~ developmental 4887
disabilities for early intervention services under the 4888
"Individuals with Disabilities Education Act of 2004," 118 Stat. 4889
2744, 20 U.S.C.A. 1400, as amended; 4890

(d) Establishing and maintaining the Ohio automated service 4891
coordination system pursuant to section 121.376 of the Revised 4892
Code. 4893

(4) The cabinet council shall develop and implement the 4894
following: 4895

(a) An interagency process to select the indicators that will 4896
be used to measure progress toward increasing child well-being in 4897
the state and to update the indicators on an annual basis. ~~The~~ 4898
~~indicators shall focus on expectant parents and newborns thriving;~~ 4899
~~infants and toddlers thriving; children being ready for school;~~ 4900
~~children and youth succeeding in school; youth choosing healthy~~ 4901
~~behaviors; and youth successfully transitioning into adulthood.~~ 4902

(b) An interagency system to offer guidance and monitor 4903
progress toward increasing child well-being in the state and in 4904
each county; 4905

(c) An annual plan that identifies state-level agency efforts 4906
taken to ensure progress towards increasing child well-being in 4907
the state; 4908

(d) A state appeals process to resolve disputes among the 4909
members of a county council, established under division (B) of 4910
this section, concerning whether reasonable responsibilities are 4911
being shared. The appeals process may be accessed only by a 4912
majority vote of the council members who are required to serve on 4913
the council. Upon appeal, the cabinet council may order that state 4914
funds for services to children and families be redirected to a 4915
county's board of county commissioners. 4916

(5) On an annual basis, the cabinet council shall submit to 4917
the governor and the general assembly a report on the status of 4918
efforts to increase child well-being in the state. This report 4919
shall be made available to any other person on request. 4920

(6) The cabinet council state office may adopt rules 4921
governing the responsibilities of county family and children first 4922
councils established in division (B)(3) of this section. 4923

(B)(1) Each board of county commissioners shall establish a 4924
county family and children first council. The board may invite any 4925
local public or private agency or group that funds, advocates, or 4926

provides services to children and families to have a 4927
representative become a permanent or temporary member of its 4928
county council. Each county council must include the following 4929
individuals: 4930

(a) At least three individuals who are not employed by an 4931
agency represented on the council and whose families are or have 4932
received services from an agency represented on the council or 4933
another county's council. Where possible, the number of members 4934
representing families shall be equal to twenty per cent of the 4935
council's membership. 4936

(b) The director of the board of alcohol, drug addiction, and 4937
mental health services that serves the county, or, in the case of 4938
a county that has a board of alcohol and drug addiction services 4939
and a community mental health board, the directors of both boards. 4940
If a board of alcohol, drug addiction, and mental health services 4941
covers more than one county, the director may designate a person 4942
to participate on the county's council. 4943

(c) The health commissioner, or the commissioner's designee, 4944
of the board of health of each city and general health district in 4945
the county. If the county has two or more health districts, the 4946
health commissioner membership may be limited to the commissioners 4947
of the two districts with the largest populations. 4948

(d) The director of the county department of job and family 4949
services; 4950

(e) The executive director of the public children services 4951
agency; 4952

(f) The superintendent of the county board of developmental 4953
disabilities or, if the superintendent serves as superintendent of 4954
more than one county board of developmental disabilities, the 4955
superintendent's designee; 4956

(g) The superintendent of the city, exempted village, or 4957

local school district with the largest number of pupils residing 4958
in the county, as determined by the department of education, which 4959
shall notify each board of county commissioners of its 4960
determination at least biennially; 4961

(h) A school superintendent representing all other school 4962
districts with territory in the county, as designated at a 4963
biennial meeting of the superintendents of those districts; 4964

(i) A representative of the municipal corporation with the 4965
largest population in the county; 4966

(j) The president of the board of county commissioners or an 4967
individual designated by the board; 4968

(k) A representative of the department of youth services or 4969
an individual designated by the department; 4970

(l) A representative of the county's head start agencies, as 4971
defined in section 3301.32 of the Revised Code; 4972

(m) A representative of the county's early intervention 4973
collaborative established pursuant to the federal early 4974
intervention program operated under the "Individuals with 4975
Disabilities Education Act of 2004"; 4976

(n) A representative of a local nonprofit entity that funds, 4977
advocates, or provides services to children and families. 4978

Notwithstanding any other provision of law, the public 4979
members of a county council are not prohibited from serving on the 4980
council and making decisions regarding the duties of the council, 4981
including those involving the funding of joint projects and those 4982
outlined in the county's service coordination mechanism 4983
implemented pursuant to division (C) of this section. 4984

~~The cabinet council shall establish a state appeals process 4985
to resolve disputes among the members of a county council 4986
concerning whether reasonable responsibilities as members are 4987~~

~~being shared. The appeals process may be accessed only by a 4988
majority vote of the council members who are required to serve on 4989
the council. Upon appeal, the cabinet council may order that state 4990
funds for services to children and families be redirected to a 4991
county's board of county commissioners. 4992~~

The county's juvenile court judge senior in service or 4993
another judge of the juvenile court designated by the 4994
administrative judge or, where there is no administrative judge, 4995
by the judge senior in service shall serve as the judicial advisor 4996
to the county family and children first council. The judge may 4997
advise the county council on the court's utilization of resources, 4998
services, or programs provided by the entities represented by the 4999
members of the county council and how those resources, services, 5000
or programs assist the court in its administration of justice. 5001
Service of a judge as a judicial advisor pursuant to this section 5002
is a judicial function. 5003

(2) The purpose of the county council is to streamline and 5004
coordinate existing government services for families seeking 5005
services for their children. In seeking to fulfill its purpose, a 5006
county council shall provide for the following: 5007

(a) Referrals to the cabinet council of those children for 5008
whom the county council cannot provide adequate services; 5009

(b) Development and implementation of a process that annually 5010
evaluates and prioritizes services, fills service gaps where 5011
possible, and invents new approaches to achieve better results for 5012
families and children; 5013

(c) Participation in the development of a countywide, 5014
comprehensive, coordinated, multi-disciplinary, interagency system 5015
for infants and toddlers with developmental disabilities or delays 5016
and their families, as established pursuant to federal grants 5017
received and administered by the department of health 5018

developmental disabilities for early intervention services under 5019
the "Individuals with Disabilities Education Act of 2004"; 5020

(d) Maintenance of an accountability system to monitor the 5021
county council's progress in achieving results for families and 5022
children; 5023

(e) Establishment of a mechanism to ensure ongoing input from 5024
a broad representation of families who are receiving services 5025
within the county system. 5026

(3) A county council shall develop and implement the 5027
following: 5028

(a) An interagency process to establish local indicators and 5029
monitor the county's progress toward increasing child well-being 5030
in the county; 5031

(b) An interagency process to identify local priorities to 5032
increase child well-being. ~~The local priorities shall focus on~~ 5033
~~expectant parents and newborns thriving; infants and toddlers~~ 5034
~~thriving; children being ready for school; children and youth~~ 5035
~~succeeding in school; youth choosing healthy behaviors; and youth~~ 5036
~~successfully transitioning into adulthood and take into account~~ 5037
~~the indicators established by the cabinet council under division~~ 5038
~~(A)(4)(a) of this section.~~ 5039

(c) An annual plan that identifies the county's interagency 5040
efforts to increase child well-being in the county. 5041

On an annual basis, the county council shall submit a report 5042
on the status of efforts by the county to increase child 5043
well-being in the county to the county's board of county 5044
commissioners and the cabinet council. This report shall be made 5045
available to any other person on request. 5046

(4)(a) Except as provided in division (B)(4)(b) of this 5047
section, a county council shall comply with the policies, 5048

procedures, and activities prescribed by the rules or interagency 5049
agreements of a state department participating on the cabinet 5050
council whenever the county council performs a function subject to 5051
those rules or agreements. 5052

(b) On application of a county council, the cabinet council 5053
may grant an exemption from any rules or interagency agreements of 5054
a state department participating on the council if an exemption is 5055
necessary for the council to implement an alternative program or 5056
approach for service delivery to families and children. The 5057
application shall describe the proposed program or approach and 5058
specify the rules or interagency agreements from which an 5059
exemption is necessary. The cabinet council shall approve or 5060
disapprove the application in accordance with standards and 5061
procedures it shall adopt. If an application is approved, the 5062
exemption is effective only while the program or approach is being 5063
implemented, including a reasonable period during which the 5064
program or approach is being evaluated for effectiveness. 5065

(5)(a) Each county council shall designate an administrative 5066
agent for the council from among the following public entities: 5067
the board of alcohol, drug addiction, and mental health services, 5068
including a board of alcohol and drug addiction or a community 5069
mental health board if the county is served by separate boards; 5070
the board of county commissioners; any board of health of the 5071
county's city and general health districts; the county department 5072
of job and family services; the county agency responsible for the 5073
administration of children services pursuant to section 5153.15 of 5074
the Revised Code; the county board of developmental disabilities; 5075
any of the county's boards of education or governing boards of 5076
educational service centers; or the county's juvenile court. Any 5077
of the foregoing public entities, other than the board of county 5078
commissioners, may decline to serve as the council's 5079
administrative agent. 5080

A county council's administrative agent shall serve as the 5081
council's appointing authority for any employees of the council. 5082
The council shall file an annual budget with its administrative 5083
agent, with copies filed with the county auditor and with the 5084
board of county commissioners, unless the board is serving as the 5085
council's administrative agent. The council's administrative agent 5086
shall ensure that all expenditures are handled in accordance with 5087
policies, procedures, and activities prescribed by state 5088
departments in rules, grant agreements, or interagency agreements 5089
that are applicable to the council's functions. 5090

The administrative agent of a county council shall send 5091
notice of a member's absence if a member listed in division (B)(1) 5092
of this section has been absent from either three consecutive 5093
meetings of the county council or a county council subcommittee, 5094
or from one-quarter of such meetings in a calendar year, whichever 5095
is less. The notice shall be sent to the board of county 5096
commissioners that establishes the county council and, for the 5097
members listed in divisions (B)(1)(b), (c), (e), and (l) of this 5098
section, to the governing board overseeing the respective entity; 5099
for the member listed in division (B)(1)(f) of this section, to 5100
the county board of developmental disabilities that employs the 5101
superintendent; for a member listed in division (B)(1)(g) or (h) 5102
of this section, to the school board that employs the 5103
superintendent; for the member listed in division (B)(1)(i) of 5104
this section, to the mayor of the municipal corporation; for the 5105
member listed in division (B)(1)(k) of this section, to the 5106
director of youth services; and for the member listed in division 5107
(B)(1)(n) of this section, to that member's board of trustees. 5108

The administrative agent for a county council may do any of 5109
the following on behalf of the council: 5110

(i) Enter into agreements or administer contracts with public 5111
or private entities to fulfill specific council business. Such 5112

agreements and contracts are exempt from the competitive bidding 5113
requirements of section 307.86 of the Revised Code if they have 5114
been approved by the county council and they are for the purchase 5115
of ~~family and child welfare or child protection services or other~~ 5116
~~social or job and family~~ services for families and children. The 5117
approval of the county council is not required to exempt 5118
agreements or contracts entered into under section 5139.34, 5119
5139.41, or 5139.43 of the Revised Code from the competitive 5120
bidding requirements of section 307.86 of the Revised Code. 5121

(ii) As determined by the council, provide financial 5122
stipends, reimbursements, or both, to family representatives for 5123
expenses related to council activity; 5124

(iii) Receive by gift, grant, devise, or bequest any moneys, 5125
lands, or other property for the purposes for which the council is 5126
established. The agent shall hold, apply, and dispose of the 5127
moneys, lands, or other property according to the terms of the 5128
gift, grant, devise, or bequest. Any interest or earnings shall be 5129
treated in the same manner and are subject to the same terms as 5130
the gift, grant, devise, or bequest from which it accrues. 5131

(b)(i) If the county council designates the board of county 5132
commissioners as its administrative agent, the board may, by 5133
resolution, delegate any of its powers and duties as 5134
administrative agent to an executive committee the board 5135
establishes from the membership of the county council. The board 5136
shall name to the executive committee at least the individuals 5137
described in divisions (B)(1)(b) to (h) of this section and may 5138
appoint the president of the board or another individual as the 5139
chair of the executive committee. The executive committee must 5140
include at least one family county council representative who does 5141
not have a family member employed by an agency represented on the 5142
council. 5143

(ii) The executive committee may, with the approval of the 5144

board, hire an executive director to assist the county council in 5145
administering its powers and duties. The executive director shall 5146
serve in the unclassified civil service at the pleasure of the 5147
executive committee. The executive director may, with the approval 5148
of the executive committee, hire other employees as necessary to 5149
properly conduct the county council's business. 5150

(iii) The board may require the executive committee to submit 5151
an annual budget to the board for approval and may amend or repeal 5152
the resolution that delegated to the executive committee its 5153
authority as the county council's administrative agent. 5154

(6) Two or more county councils may enter into an agreement 5155
to administer their county councils jointly by creating a regional 5156
family and children first council. A regional council possesses 5157
the same duties and authority possessed by a county council, 5158
except that the duties and authority apply regionally rather than 5159
to individual counties. Prior to entering into an agreement to 5160
create a regional council, the members of each county council to 5161
be part of the regional council shall meet to determine whether 5162
all or part of the members of each county council will serve as 5163
members of the regional council. 5164

(7) A board of county commissioners may approve a resolution 5165
by a majority vote of the board's members that requires the county 5166
council to submit a statement to the board each time the council 5167
proposes to enter into an agreement, adopt a plan, or make a 5168
decision, other than a decision pursuant to section 121.38 of the 5169
Revised Code, that requires the expenditure of funds for two or 5170
more families. The statement shall describe the proposed 5171
agreement, plan, or decision. 5172

Not later than fifteen days after the board receives the 5173
statement, it shall, by resolution approved by a majority of its 5174
members, approve or disapprove the agreement, plan, or decision. 5175
Failure of the board to pass a resolution during that time period 5176

shall be considered approval of the agreement, plan, or decision. 5177

An agreement, plan, or decision for which a statement is 5178
required to be submitted to the board shall be implemented only if 5179
it is approved by the board. 5180

(C) Each county shall develop a county service coordination 5181
mechanism. The county service coordination mechanism shall serve 5182
as the guiding document for coordination of services in the 5183
county. For children who also receive services under the ~~help-me~~ 5184
~~grow program~~ early intervention program, the main provider of 5185
service coordination ~~mechanism~~ shall be ~~consistent with rules~~ 5186
~~adopted by the department of health under~~ an early intervention 5187
service coordinator to ensure compliance with section ~~3701.61~~ 5188
5123.02 of the Revised Code. All family service coordination plans 5189
shall be developed in accordance with the county service 5190
coordination mechanism. The mechanism shall be developed and 5191
approved with the participation of the county entities 5192
representing child welfare; developmental disabilities; alcohol, 5193
drug addiction, and mental health services; health; juvenile 5194
judges; education; the county family and children first council; 5195
and the county early intervention collaborative established 5196
pursuant to the federal early intervention program operated under 5197
the "Individuals with Disabilities Education Act of 2004." The 5198
county shall establish an implementation schedule for the 5199
mechanism. The cabinet council may monitor the implementation and 5200
administration of each county's service coordination mechanism. 5201

Each mechanism shall include all of the following: 5202

(1) A procedure for an agency, including a juvenile court, or 5203
a family voluntarily seeking service coordination, to refer the 5204
child and family to the county council for service coordination in 5205
accordance with the mechanism; 5206

(2) A procedure ensuring that a family and all appropriate 5207

staff from involved agencies, including a representative from the 5208
appropriate school district, are notified of and invited to 5209
participate in all family service coordination plan meetings; 5210

(3) A procedure that permits a family to initiate a meeting 5211
to develop or review the family's service coordination plan and 5212
allows the family to invite a family advocate, mentor, or support 5213
person of the family's choice to participate in any such meeting; 5214

(4) A procedure for ensuring that a family service 5215
coordination plan meeting is conducted for each child who receives 5216
service coordination under the mechanism and for whom an emergency 5217
out-of-home placement has been made or for whom a nonemergency 5218
out-of-home placement is being considered. The meeting shall be 5219
conducted within ten days of an emergency out-of-home placement. 5220
The meeting shall be conducted before a nonemergency out-of-home 5221
placement. The family service coordination plan shall outline how 5222
the county council members will jointly pay for services, where 5223
applicable, and provide services in the least restrictive 5224
environment. 5225

(5) A procedure for monitoring the progress and tracking the 5226
outcomes of each service coordination plan requested in the county 5227
including monitoring and tracking children in out-of-home 5228
placements to assure continued progress, appropriateness of 5229
placement, and continuity of care after discharge from placement 5230
with appropriate arrangements for housing, treatment, and 5231
education; 5232

(6) A procedure for protecting the confidentiality of all 5233
personal family information disclosed during service coordination 5234
meetings or contained in the comprehensive family service 5235
coordination plan; 5236

(7) A procedure for assessing the needs and strengths of any 5237
child or family that has been referred to the council for service 5238

coordination, including a child whose parent or custodian is 5239
voluntarily seeking services, and for ensuring that parents and 5240
custodians are afforded the opportunity to participate; 5241

(8) A procedure for development of a family service 5242
coordination plan described in division (D) of this section; 5243

(9) A local dispute resolution process to serve as the 5244
process that must be used first to resolve disputes among the 5245
agencies represented on the county council concerning the 5246
provision of services to children, including children who are 5247
abused, neglected, dependent, unruly, alleged unruly, or 5248
delinquent children and under the jurisdiction of the juvenile 5249
court and children whose parents or custodians are voluntarily 5250
seeking services. The local dispute resolution process shall 5251
comply with sections 121.38, 121.381, and 121.382 of the Revised 5252
Code. The local dispute resolution process shall be used to 5253
resolve disputes between a child's parents or custodians and the 5254
county council regarding service coordination. The county council 5255
shall inform the parents or custodians of their right to use the 5256
dispute resolution process. Parents or custodians shall use 5257
existing local agency grievance procedures to address disputes not 5258
involving service coordination. The dispute resolution process is 5259
in addition to and does not replace other rights or procedures 5260
that parents or custodians may have under other sections of the 5261
Revised Code. 5262

The cabinet council shall adopt rules in accordance with 5263
Chapter 119. of the Revised Code establishing an administrative 5264
review process to address problems that arise concerning the 5265
operation of a local dispute resolution process. 5266

Nothing in division (C)(4) of this section shall be 5267
interpreted as overriding or affecting decisions of a juvenile 5268
court or public children services agency regarding an out-of-home 5269
placement, long-term placement, or emergency out-of-home 5270

placement.	5271
(D) Each county shall develop a family service coordination plan that does all of the following:	5272 5273
(1) Designates service responsibilities among the various state and local agencies that provide services to children and their families, including children who are abused, neglected, dependent, unruly, or delinquent children and under the jurisdiction of the juvenile court and children whose parents or custodians are voluntarily seeking services;	5274 5275 5276 5277 5278 5279
(2) Designates an individual, approved by the family, to track the progress of the family service coordination plan, schedule reviews as necessary, and facilitate the family service coordination plan meeting process;	5280 5281 5282 5283
(3) Ensures that assistance and services to be provided are responsive to the strengths and needs of the family, as well as the family's culture, race, and ethnic group, by allowing the family to offer information and suggestions and participate in decisions. Identified assistance and services shall be provided in the least restrictive environment possible.	5284 5285 5286 5287 5288 5289
(4) Includes a process for dealing with a child who is alleged to be an unruly child. The process shall include methods to divert the child from the juvenile court system;	5290 5291 5292
(5) Includes timelines for completion of goals specified in the plan with regular reviews scheduled to monitor progress toward those goals;	5293 5294 5295
(6) Includes a plan for dealing with short-term crisis situations and safety concerns.	5296 5297
(E)(1) The process provided for under division (D)(4) of this section may include, but is not limited to, the following:	5298 5299
(a) Designation of the person or agency to conduct the	5300

assessment of the child and the child's family as described in 5301
division (C)(7) of this section and designation of the instrument 5302
or instruments to be used to conduct the assessment; 5303

(b) An emphasis on the personal responsibilities of the child 5304
and the parental responsibilities of the parents, guardian, or 5305
custodian of the child; 5306

(c) Involvement of local law enforcement agencies and 5307
officials. 5308

(2) The method to divert a child from the juvenile court 5309
system that must be included in the service coordination process 5310
may include, but is not limited to, the following: 5311

(a) The preparation of a complaint under section 2151.27 of 5312
the Revised Code alleging that the child is an unruly child and 5313
notifying the child and the parents, guardian, or custodian that 5314
the complaint has been prepared to encourage the child and the 5315
parents, guardian, or custodian to comply with other methods to 5316
divert the child from the juvenile court system; 5317

(b) Conducting a meeting with the child, the parents, 5318
guardian, or custodian, and other interested parties to determine 5319
the appropriate methods to divert the child from the juvenile 5320
court system; 5321

(c) A method to provide to the child and the child's family a 5322
short-term respite from a short-term crisis situation involving a 5323
confrontation between the child and the parents, guardian, or 5324
custodian; 5325

(d) A program to provide a mentor to the child or the 5326
parents, guardian, or custodian; 5327

(e) A program to provide parenting education to the parents, 5328
guardian, or custodian; 5329

(f) An alternative school program for children who are truant 5330

from school, repeatedly disruptive in school, or suspended or 5331
expelled from school; 5332

(g) Other appropriate measures, including, but not limited 5333
to, any alternative methods to divert a child from the juvenile 5334
court system that are identified by the Ohio family and children 5335
first cabinet council. 5336

(F) Each county may review and revise the service 5337
coordination process described in division (D) of this section 5338
based on the availability of funds under Title IV-A of the "Social 5339
Security Act," 110 Stat. 2113 (1996), 42 U.S.C.A. 601, as amended, 5340
or to the extent resources are available from any other federal, 5341
state, or local funds. 5342

(G) As used in this section, "early intervention service 5343
coordinator" means a person who holds an early intervention 5344
service coordinator credential or an early intervention service 5345
coordination supervisor credential issued by the department of 5346
developmental disabilities and who assists and enables an infant 5347
or toddler with a developmental delay or disability and the 5348
child's family to receive the services and rights, including 5349
procedural safeguards, required under part C of the "Individuals 5350
with Disabilities Education Act of 2004," 20 U.S.C. 1400, as 5351
amended. 5352

Sec. 121.376. (A) The Ohio family and children first cabinet 5353
council state office shall establish and maintain the Ohio 5354
automated service coordination information system. The information 5355
system shall contain county family and children first council 5356
records detailing funding sources and information regarding 5357
families seeking services from a county council including: 5358

(1) Demographics including: 5359

(a) Number and relationship of family members; 5360

<u>(b) Genders of youth;</u>	5361
<u>(c) Ages of youth;</u>	5362
<u>(d) Races of youth;</u>	5363
<u>(e) Education of youth.</u>	5364
<u>(2) Youth financial resource eligibility information;</u>	5365
<u>(3) History and desired outcomes;</u>	5366
<u>(4) Youth's physical and behavioral health histories, when available;</u>	5367 5368
<u>(5) Names of youth's insurers and physicians, when available;</u>	5369
<u>(6) Individualized plans including:</u>	5370
<u>(a) Referrals made to services;</u>	5371
<u>(b) Services and supports received;</u>	5372
<u>(c) Crisis plans;</u>	5373
<u>(d) Safety plans.</u>	5374
<u>(7) All relevant case file documents;</u>	5375
<u>(8) Any other information related to families served, services provided, or the financial resources used to provide the services.</u>	5376 5377 5378
<u>(B) Each county family and children first council shall enter and update information in the Ohio automated service coordination information system as information becomes available or within five business days of acquiring new information. Failure to enter information may result in the withholding of state funding.</u>	5379 5380 5381 5382 5383
<u>(C) The data in the Ohio automated service coordination information system is confidential, and release of information is limited to those with whom the county family and children first council is permitted by law to share the information. Access to and use of data in the Ohio automated service coordination</u>	5384 5385 5386 5387 5388

information system shall be limited to the extent necessary to 5389
carry out the duties of the family and children first cabinet 5390
council and the county family and children first councils 5391
established in section 121.37 of the Revised Code. 5392

(D) Personnel having access to the Ohio automated service 5393
coordination information system shall be limited to those 5394
individuals who have been educated on the confidentiality 5395
requirements of the Ohio automated service coordination 5396
information system, who are informed of all penalties, who have 5397
been educated in security procedures, and who have provided 5398
acknowledgement of rules developed by the Ohio family and children 5399
first cabinet council. 5400

(E) Each county family and children first council shall do 5401
both of the following: 5402

(1) Establish and implement a policy establishing 5403
administrative penalties, up to and including dismissal from 5404
employment, for unauthorized access to, disclosure of, or use of 5405
data in the Ohio automated service coordination information 5406
system; 5407

(2) Monitor access to and use of the Ohio automated service 5408
coordination information system to prevent and identify 5409
unauthorized use of the system. 5410

(F) No direct access to the Ohio automated service 5411
coordination information system shall be requested by or on behalf 5412
of, nor approved for or granted to, any researcher conducting 5413
research. 5414

(G) The Ohio family and children first cabinet council state 5415
office may adopt rules, in accordance with Chapter 119. Of the 5416
Revised Code, governing county family and children first councils' 5417
access to, entry of, and use of information in the Ohio automated 5418
service coordination information system. 5419

Sec. 121.381. A parent or custodian who disagrees with a 5420
decision rendered by a county family and children first council 5421
regarding services for a child may initiate the dispute resolution 5422
process established in the county service coordination mechanism 5423
pursuant to division ~~(C)(10)~~(C)(9) of section 121.37 of the 5424
Revised Code. 5425

Not later than sixty days after the parent or custodian 5426
initiates the dispute resolution process, the council shall make 5427
findings regarding the dispute and issue a written determination 5428
of its findings. 5429

Sec. 121.49. (A) Subject to division (B) of this section, 5430
only an individual who meets one or more of the following 5431
qualifications is eligible to be appointed inspector general: 5432

(1) At least five years experience as a law enforcement 5433
officer in this or any other state; 5434

(2) Admission to the bar of this or any other state; 5435

(3) Certification as a certified public accountant in this or 5436
any other state; 5437

(4) At least five years service as the comptroller or similar 5438
officer of a public or private entity in this or any other state; 5439

(5) At least five years service as a deputy inspector general 5440
in this or any other state. 5441

(B) No individual who has been convicted, in this or any 5442
other state, of a felony or of any crime involving fraud, 5443
dishonesty, or moral turpitude shall be appointed inspector 5444
general. 5445

Sec. 121.81. As used in sections 121.81 to ~~121.83~~ 121.82 of 5446
the Revised Code: 5447

(A) "Agency" means a state agency that is required to file proposed rules for legislative review under division (D) of section 111.15 or division (C) of section 119.03 of the Revised Code.

(B) "Draft rule" means any newly proposed rule and any proposed amendment, adoption, or rescission of a rule prior to the filing of that rule for legislative review under division (D) of section 111.15 or division (C) of section 119.03 of the Revised Code and includes a proposed amendment, adoption, or rescission of a rule in both its original and any revised form. "Draft rule" does not include an emergency rule adopted under division (B)(2) of section 111.15 or division (G) of section 119.03 of the Revised Code, but does include a rule that is proposed to replace an emergency rule that expires under those divisions.

Sections 121.81 to ~~121.83~~ 121.82 and 121.91 of the Revised Code are complementary to sections 107.51 to 107.55 and 107.61 to 107.63 of the Revised Code.

Sec. 121.811. The offices of the governor, lieutenant governor, auditor of state, secretary of state, treasurer of state, and attorney general shall comply with the business review provisions of sections 106.03 and 106.031 and 121.81 to ~~121.83~~ 121.82 of the Revised Code, but are not required to submit any document to the common sense initiative office or to prepare any document that would have been prepared in response to recommendations of the common sense initiative office, but rather shall prepare all other documents required under the business review provisions and submit them directly to the joint committee on agency rule review along with the proposed or existing rule. The offices of the governor, lieutenant governor, auditor of state, secretary of state, treasurer of state, and attorney general are subject, however, to section 106.05 of the Revised

Code. 5479

Sec. 121.93. (A) ~~An~~ Except as provided in division (E) of 5480
this section, an agency shall review its operations to identify 5481
principles of law or policy that have not been stated in a rule 5482
and that the agency is relying upon in conducting adjudications or 5483
other determinations of rights and liabilities or in issuing 5484
writings and other materials, such as instructions, directives, 5485
policy statements, guidelines, handbooks, manuals, advisories, 5486
notices, circulars, advertisements, forms, letters, and opinions. 5487
An agency is not required to identify principles of law or policy 5488
relied upon in issuing internal management rules as defined n 5489
section 111.15 of the Revised Code. The agency shall complete at 5490
least one of the reviews during a governor's term. 5491

Within ~~three~~ six months after the expiration of a governor's 5492
term, the agency electronically shall transmit a report to the 5493
joint committee on agency rule review containing the following: 5494

(1) A statement that the agency has completed one or more of 5495
the reviews, specifying the exact number of reviews completed 5496
during the governor's expired term; 5497

(2) The principles of law or policies identified under this 5498
division; 5499

(3) The agency's considerations regarding the identified 5500
principles of law or policies under division (B) of this section; 5501

(4) Any principles of law or policies for which the agency 5502
determines rulemaking is indicated or for which the agency has 5503
commenced the rule-making process under division (C) of this 5504
section. 5505

The joint committee on agency rule review shall make the 5506
reports available on its web site. 5507

(B) The agency shall determine whether a principle of law or 5508

policy thus identified has a general and uniform operation and 5509
establishes a legal regulation or standard that would not exist in 5510
its absence. If the principle of law or policy has these 5511
characteristics, the agency shall determine whether the principle 5512
of law or policy should be supplanted by its restatement in a rule 5513
to achieve one or more of the following as they are relevant to 5514
the principle of law or policy: 5515

(1) Assert the general and uniform operation of the principle 5516
of law or policy; 5517

(2) Make the principle of law or policy more readily 5518
available to the public; 5519

(3) Make the principle of law or policy more readily 5520
available to persons who specifically are affected by the 5521
principle of law or policy; 5522

(4) Enable the principle of law or policy to be better known 5523
in advance of its application; 5524

(5) Enable greater public participation in improvement and 5525
further development of the principle of law or policy; 5526

(6) Enable greater participation by persons specifically 5527
affected by the principle of law or policy in the improvement and 5528
further development of the principle of law or policy; 5529

(7) Make the principle of law or policy more easily 5530
understandable; or 5531

(8) Make the principle of law or policy more readily 5532
available to those legally charged with monitoring or reviewing 5533
the agency's operations. 5534

If a principle of law or policy aids in the interpretation of 5535
an existing rule or statute, the agency shall consider whether the 5536
aiding effect clarifies or otherwise resolves an uncertainty in 5537
the existing rule or statute. If the principle of law or policy 5538

can be so characterized, the agency shall consider whether the 5539
principle of law or policy should be supplanted by its restatement 5540
in an interpretive rule. The agency may not presume that a 5541
principle of law or policy that aids in the interpretation of an 5542
existing rule or statute is simply a reiteration of the existing 5543
rule or statute. 5544

(C) If the agency determines, in light of the foregoing 5545
standards, that rulemaking is indicated, the agency shall commence 5546
the rule-making process as soon as it is reasonably feasible to do 5547
so, but not later than the date that is six months after the 5548
determination was made. The principle of law or policy as it is 5549
restated in a rule does not need to be wholly congruent with the 5550
supplanted principle of law or policy. The agency lawfully may 5551
improve or develop further the supplanted principle of law or 5552
policy as it is restated in a rule. 5553

The agency may continue to rely upon the principle of law or 5554
policy, but only while it is complying with the preceding 5555
paragraph. The agency may not rely upon the principle of law or 5556
policy in advising with regard to or in determining the rights or 5557
liabilities of a person if the agency fails to commence the 5558
rule-making process by the deadline specified in the preceding 5559
paragraph, or if, after commencing the rule-making process, the 5560
agency neglects or abandons the rule-making process before it is 5561
completed. 5562

(D) A principle of law or policy that is relied upon directly 5563
or by clear implication from a statute applying to the agency does 5564
not need to be supplanted by rule. 5565

(E) This section does not apply to an agency, commission, or 5566
committee created in the legislative branch of government or to 5567
serve the general assembly including, but not limited to, all of 5568
the following: 5569

- (1) The joint legislative ethics committee; 5570
- (2) The joint medicaid oversight committee; 5571
- (3) The correctional institution inspection committee; 5572
- (4) The legislative service commission; 5573
- (5) The legislative information services; 5574
- (6) The capitol square review and advisory board. 5575

Sec. 121.95. (A) As used in sections 121.95, 121.951, 5576
121.952, and 121.953, ~~and 121.954~~ of the Revised Code, "state 5577
agency" means an administrative department created under section 5578
121.02 of the Revised Code, an administrative department head 5579
appointed under section 121.03 of the Revised Code, and a state 5580
agency organized under an administrative department or 5581
administrative department head. "State agency" also includes the 5582
department of education, the state lottery commission, the Ohio 5583
casino control commission, the state racing commission, and the 5584
public utilities commission of Ohio. Rules adopted by an otherwise 5585
independent official or entity organized under a state agency 5586
shall be attributed to the agency under which the official or 5587
entity is organized for the purposes of sections 121.95, 121.951, 5588
121.952, and 121.953 ~~, and 121.954~~ of the Revised Code. 5589

(B) Not later than December 31, 2019, a state agency shall 5590
review its existing rules to identify rules having one or more 5591
regulatory restrictions that require or prohibit an action and 5592
prepare a base inventory of the regulatory restrictions in its 5593
existing rules. Rules that include the words "shall," "must," 5594
"require," "shall not," "may not," and "prohibit" shall be 5595
considered to contain regulatory restrictions. 5596

(C) In the base inventory, the state agency shall indicate 5597
all of the following concerning each regulatory restriction: 5598

- (1) A description of the regulatory restriction; 5599

(2) The rule number of the rule in which the regulatory restriction appears;	5600 5601
(3) The statute under which the regulatory restriction was adopted;	5602 5603
(4) Whether state or federal law expressly and specifically requires the agency to adopt the regulatory restriction or the agency adopted the regulatory restriction under the agency's general authority;	5604 5605 5606 5607
(5) Whether removing the regulatory restriction would require a change to state or federal law, provided that removing a regulatory restriction adopted under a law granting the agency general authority shall be presumed not to require a change to state or federal law;	5608 5609 5610 5611 5612
(6) Any other information the joint committee on agency rule review considers necessary.	5613 5614
(D) The state agency shall compute and state the total number of regulatory restrictions indicated in the base inventory, shall post the base inventory on its web site, and shall electronically transmit a copy of the inventory to the joint committee. The joint committee shall review the base inventory, then transmit it electronically to the speaker of the house of representatives and the president of the senate.	5615 5616 5617 5618 5619 5620 5621
(E) The following types of rules or regulatory restrictions are not required to be included in a state agency's inventory of regulatory restrictions <u>subject to this section or sections 121.951 to 121.953 of the Revised Code:</u>	5622 5623 5624 5625
(1) An internal management rule;	5626
(2) An emergency rule;	5627
(3) A rule that state or federal law requires the state agency to adopt verbatim;	5628 5629

(4) A regulatory restriction contained in materials or documents incorporated by reference into a rule pursuant to sections 121.71 to 121.75 of the Revised Code;

(5) A rule adopted pursuant to section 1347.15 of the Revised Code;

(6) A rule concerning instant lottery games;

(7) A rule adopted by the Ohio casino control commission or the state lottery commission concerning sports gaming;

(8) Any other rule that is not subject to review under Chapter 106. of the Revised Code.

(F) Beginning on October 17, 2019, and ending on June 30, 2025, a state agency may not adopt a new regulatory restriction unless it simultaneously removes two or more other existing regulatory restrictions. The state agency may not satisfy this section by merging two or more existing regulatory restrictions into a single surviving regulatory restriction.

Sec. 122.07. (A) There is hereby created within the department of development services ~~agency~~ an office to be known as the office of TourismOhio. The office shall be under the supervision of a director who shall be of equivalent rank of deputy director of the agency and shall serve at the pleasure of the director of development ~~services~~.

(B) The office shall do both of the following:

(1) Promote the state as a ~~travel~~ destination for living, learning, working, and traveling, and provide related services or otherwise carry out the promotional functions or duties of the ~~agency department~~, as necessary;

(2) Perform an annual return-on-investment study analyzing the office's success in promoting Ohio ~~tourism~~. A report containing the findings of the study shall be submitted to the

governor, the speaker and minority leader of the house of 5660
representatives, and the president and minority leader of the 5661
senate. The report shall also be made available to the public. 5662

Sec. 122.072. There is hereby created in the state treasury 5663
the tourism fund consisting of money credited or transferred to it 5664
and grants, gifts, and contributions made directly to it. Money in 5665
the fund shall be used to defray costs incurred by the office of 5666
TourismOhio in promoting this state ~~as a travel destination.~~ 5667

Sec. 122.17. (A) As used in this section: 5668

(1) "Payroll" means the total taxable income paid by the 5669
employer during the employer's taxable year, or during the 5670
calendar year that includes the employer's tax period, to each 5671
employee or each home-based employee employed in the project to 5672
the extent such payroll is not used to determine the credit under 5673
section 122.171 of the Revised Code. "Payroll" excludes amounts 5674
paid before the day the taxpayer becomes eligible for the credit 5675
and retirement or other benefits paid or contributed by the 5676
employer to or on behalf of employees. 5677

(2) "Baseline payroll" means Ohio employee payroll, except 5678
that the applicable measurement period is the twelve months 5679
immediately preceding the date the tax credit authority approves 5680
the taxpayer's application or the date the tax credit authority 5681
receives the recommendation described in division (C)(2)(a) of 5682
this section, whichever occurs first, multiplied by the sum of one 5683
plus an annual pay increase factor to be determined by the tax 5684
credit authority. 5685

(3) "Ohio employee payroll" means the amount of compensation 5686
used to determine the withholding obligations in division (A) of 5687
section 5747.06 of the Revised Code and paid by the employer 5688
during the employer's taxable year, or during the calendar year 5689

that includes the employer's tax period, to the following: 5690

(a) An employee employed in the project who is a resident of 5691
this state including a qualifying work-from-home employee not 5692
designated as a home-based employee by an applicant under division 5693
(C)(1) of this section; 5694

(b) An employee employed at the project location who is not a 5695
resident and whose compensation is not exempt from the tax imposed 5696
under section 5747.02 of the Revised Code pursuant to a 5697
reciprocity agreement with another state under division (A)(3) of 5698
section 5747.05 of the Revised Code; 5699

(c) A home-based employee employed in the project. 5700

"Ohio employee payroll" excludes any such compensation to the 5701
extent it is used to determine the credit under section 122.171 of 5702
the Revised Code, and excludes amounts paid before the day the 5703
taxpayer becomes eligible for the credit under this section. 5704

(4) "Excess payroll" means Ohio employee payroll minus 5705
baseline payroll. 5706

(5) "Home-based employee" means an employee whose services 5707
are performed primarily from the employee's residence in this 5708
state exclusively for the benefit of the project and whose rate of 5709
pay is at least one hundred thirty-one per cent of the federal 5710
minimum wage under 29 U.S.C. 206. 5711

(6) "Full-time equivalent employees" means the quotient 5712
obtained by dividing the total number of hours for which employees 5713
were compensated for employment in the project by two thousand 5714
eighty. "Full-time equivalent employees" excludes hours that are 5715
counted for a credit under section 122.171 of the Revised Code. 5716

(7) "Metric evaluation date" means the date by which the 5717
taxpayer must meet all of the commitments included in the 5718
agreement. 5719

(8) "Qualifying work-from-home employee" means an employee 5720
who is a resident of this state and whose services are supervised 5721
from the employer's project location and performed primarily from 5722
a residence of the employee located in this state. 5723

(9) "Resident" or "resident of this state" means an 5724
individual who is a resident as defined in section 5747.01 of the 5725
Revised Code. 5726

(10) "Reporting period" means a period corresponding to the 5727
annual report required under division (D)(6) of this section. 5728

(11) "Megaproject" means a project in this state that meets 5729
all of the following requirements: 5730

(a) At least one of the following applies: 5731

(i) The project requires unique sites, extremely robust 5732
utility service, and a technically skilled workforce. 5733

(ii) The megaproject operator of the project has its 5734
corporate headquarters in the United States, incurs more than 5735
fifty per cent of its research and development expenses in the 5736
United States in the year preceding the date the tax credit 5737
authority approves the project for a credit under this section, 5738
and builds and operates semiconductor wafer manufacturing 5739
factories in this state or intends to do so by the metric 5740
evaluation date applicable to the megaproject operator. 5741

(b) The megaproject operator of the project agrees, in an 5742
agreement with the tax credit authority under division (D) of this 5743
section, that, on and after the metric evaluation date applicable 5744
to the megaproject operator and until the end of the last year for 5745
which the megaproject qualifies for the credit authorized under 5746
this section, the megaproject operator will compensate the 5747
project's employees at an average hourly wage of at least three 5748
hundred per cent of the federal minimum wage under 29 U.S.C. 206, 5749
exclusive of employee benefits, as determined at the time the tax 5750

credit authority approves the project for a credit under this 5751
section. 5752

(c) The megaproject operator agrees, in an agreement with the 5753
tax credit authority under division (D) of this section, to 5754
satisfy either of the following by the metric evaluation date 5755
applicable to the project: 5756

(i) The megaproject operator makes at least one billion 5757
dollars, as adjusted under division (V)(1) of this section, in 5758
fixed-asset investments in the project. 5759

(ii) The megaproject operator creates at least seventy-five 5760
million dollars, as adjusted under division (V)(1) of this 5761
section, in Ohio employee payroll at the project. 5762

(d) The megaproject operator agrees, in an agreement with the 5763
tax credit authority under division (D) of this section, that if 5764
the project satisfies division (A)(11)(c)(ii) of this section, 5765
then, on and after the metric evaluation date and until the end of 5766
the last year for which the megaproject qualifies for the credit 5767
authorized under this section, the megaproject operator will 5768
maintain at least the amount in Ohio employee payroll at the 5769
project required under that division for each year in that period. 5770

(12) "Megaproject operator" means a taxpayer that, separately 5771
or collectively with other taxpayers, undertakes and operates a 5772
megaproject. Such a taxpayer becomes a megaproject operator 5773
effective the first day of the calendar year in which the taxpayer 5774
and the tax credit authority enter into an agreement under 5775
division (D) of this section with respect to the megaproject. More 5776
than one taxpayer may be designated by the tax credit authority as 5777
a megaproject operator for the same megaproject. 5778

(13) "Megaproject supplier" means a supplier in this state 5779
that meets either or both of the following requirements: 5780

(a) The supplier sells tangible personal property directly to 5781

a megaproject operator of a megaproject that satisfies the 5782
criteria described in division (A)(11)(a)(ii) of this section for 5783
use at a megaproject site, provided that such property was subject 5784
to substantial manufacturing, assembly, or processing in this 5785
state at a facility owned or operated by the supplier; 5786

(b) The supplier sells tangible personal property directly to 5787
a megaproject operator for use at a megaproject site, provided 5788
that the supplier agrees, in an agreement with the tax credit 5789
authority under division (D) of this section, to meet all of the 5790
following requirements: 5791

(i) By the metric evaluation date applicable to the supplier, 5792
makes at least one hundred million dollars, as adjusted under 5793
division (V)(2) of this section, in fixed-asset investments in 5794
this state; 5795

(ii) By the metric evaluation date applicable to the 5796
supplier, creates at least ten million dollars, as adjusted under 5797
division (V)(2) of this section, in Ohio employee payroll; 5798

(iii) On and after the metric evaluation date applicable to 5799
the supplier, until the end of the last year for which the 5800
supplier qualifies for the credit authorized under this section, 5801
maintains at least the amount in Ohio employee payroll required 5802
under division (A)(13)(b)(ii) of this section for each year in 5803
that period. 5804

(B) The tax credit authority may make grants under this 5805
section to foster job creation in this state. Such a grant shall 5806
take the form of a refundable credit allowed against the tax 5807
imposed by section 5725.18, 5726.02, 5729.03, 5733.06, 5736.02, or 5808
5747.02 or levied under Chapter 5751. of the Revised Code. The 5809
credit shall be claimed for the taxable years or tax periods 5810
specified in the taxpayer's agreement with the tax credit 5811
authority under division (D) of this section. With respect to 5812

taxes imposed under section 5726.02, 5733.06, or 5747.02 or 5813
Chapter 5751. of the Revised Code, the credit shall be claimed in 5814
the order required under section 5726.98, 5733.98, 5747.98, or 5815
5751.98 of the Revised Code. The amount of the credit available 5816
for a taxable year or for a calendar year that includes a tax 5817
period equals the excess payroll for that year multiplied by the 5818
percentage specified in the agreement with the tax credit 5819
authority. 5820

(C)(1) A taxpayer or potential taxpayer who proposes a 5821
project to create new jobs in this state may apply to the tax 5822
credit authority to enter into an agreement for a tax credit under 5823
this section. 5824

An application shall not propose to include both home-based 5825
employees and employees who are not home-based employees in the 5826
computation of Ohio employee payroll for the purposes of the same 5827
tax credit agreement, except that a qualifying work-from-home 5828
employee shall not be considered to be a home-based employee 5829
unless so designated by the applicant. If a taxpayer or potential 5830
taxpayer employs both home-based employees and employees who are 5831
not home-based employees in a project, the taxpayer shall submit 5832
separate applications for separate tax credit agreements for the 5833
project, one of which shall include home-based employees in the 5834
computation of Ohio employee payroll and one of which shall 5835
include all other employees in the computation of Ohio employee 5836
payroll. 5837

The director of development shall prescribe the form of the 5838
application. After receipt of an application, the authority may 5839
enter into an agreement with the taxpayer for a credit under this 5840
section if it determines all of the following: 5841

(a) The taxpayer's project will increase payroll; 5842

(b) The taxpayer's project is economically sound and will 5843

benefit the people of this state by increasing opportunities for 5844
employment and strengthening the economy of this state; 5845

(c) Receiving the tax credit is a major factor in the 5846
taxpayer's decision to go forward with the project. 5847

(2)(a) A taxpayer that chooses to begin the project prior to 5848
receiving the determination of the authority may, upon submitting 5849
the taxpayer's application to the authority, request that the 5850
chief investment officer of the nonprofit corporation formed under 5851
section 187.01 of the Revised Code and the director review the 5852
taxpayer's application and recommend to the authority that the 5853
taxpayer's application be considered. As soon as possible after 5854
receiving such a request, the chief investment officer and the 5855
director shall review the taxpayer's application and, if they 5856
determine that the application warrants consideration by the 5857
authority, make that recommendation to the authority not later 5858
than six months after the application is received by the 5859
authority. 5860

(b) The authority shall consider any taxpayer's application 5861
for which it receives a recommendation under division (C)(2)(a) of 5862
this section. If the authority determines that the taxpayer does 5863
not meet all of the criteria set forth in division (C)(1) of this 5864
section, the authority and the department of development shall 5865
proceed in accordance with rules adopted by the director pursuant 5866
to division (I) of this section. 5867

(D) An agreement under this section shall include all of the 5868
following: 5869

(1) A detailed description of the project that is the subject 5870
of the agreement; 5871

(2)(a) The term of the tax credit, which, except as provided 5872
in division (D)(2)(b) or (C) of this section, shall not exceed 5873
fifteen years, and the first taxable year, or first calendar year 5874

that includes a tax period, for which the credit may be claimed; 5875

(b) If the tax credit is computed on the basis of home-based 5876
employees, the term of the credit shall expire on or before the 5877
last day of the taxable or calendar year ending before the 5878
beginning of the seventh year after September 6, 2012, the 5879
effective date of H.B. 327 of the 129th general assembly. 5880

(c) If the taxpayer is a megaproject operator or a 5881
megaproject supplier that meets the requirements described in 5882
division (A)(13)(b) of this section, the term of the tax credit 5883
shall not exceed thirty years. 5884

(3) A requirement that the taxpayer shall maintain operations 5885
at the project location for at least the greater of seven years or 5886
the term of the credit plus three years; 5887

(4) The percentage, as determined by the tax credit 5888
authority, of excess payroll that will be allowed as the amount of 5889
the credit for each taxable year or for each calendar year that 5890
includes a tax period; 5891

(5) The pay increase factor to be applied to the taxpayer's 5892
baseline payroll; 5893

(6) A requirement that the taxpayer annually shall report to 5894
the director of development full-time equivalent employees, 5895
payroll, Ohio employee payroll, investment, the provision of 5896
health care benefits and tuition reimbursement if required in the 5897
agreement, and other information the director needs to perform the 5898
director's duties under this section; 5899

(7) A requirement that the director of development annually 5900
review the information reported under division (D)(6) of this 5901
section and verify compliance with the agreement; if the taxpayer 5902
is in compliance, a requirement that the director issue a 5903
certificate to the taxpayer stating that the information has been 5904
verified and identifying the amount of the credit that may be 5905

claimed for the taxable or calendar year. If the taxpayer is a 5906
megaproject supplier, the director shall issue such a certificate 5907
to the megaproject supplier and to any megaproject operator (a) to 5908
which the megaproject supplier directly sells tangible personal 5909
property and (b) that is authorized to claim the credit pursuant 5910
to division (D)(10) of this section. 5911

(8) A provision providing that the taxpayer may not relocate 5912
a substantial number of employment positions from elsewhere in 5913
this state to the project location unless the director of 5914
development determines that the legislative authority of the 5915
county, township, or municipal corporation from which the 5916
employment positions would be relocated has been notified by the 5917
taxpayer of the relocation. 5918

For purposes of this section, the movement of an employment 5919
position from one political subdivision to another political 5920
subdivision shall be considered a relocation of an employment 5921
position unless the employment position in the first political 5922
subdivision is replaced. The movement of a qualifying 5923
work-from-home employee to a different residence located in this 5924
state or to the project location shall not be considered a 5925
relocation of an employment position. 5926

(9) If the tax credit is computed on the basis of home-based 5927
employees, that the tax credit may not be claimed by the taxpayer 5928
until the taxable year or tax period in which the taxpayer employs 5929
at least two hundred employees more than the number of employees 5930
the taxpayer employed on June 30, 2011; 5931

(10) If the taxpayer is a megaproject supplier, the 5932
percentage of the annual tax credit certified under division 5933
(D)(7) of this section, up to one hundred per cent, that may be 5934
claimed by each megaproject operator to which the megaproject 5935
supplier directly sells tangible personal property, rather than by 5936
that megaproject supplier, on the condition that the megaproject 5937

operator continues to qualify as a megaproject operator; 5938

(11) If the taxpayer is a megaproject operator or megaproject 5939
supplier, a requirement that the taxpayer meet and maintain 5940
compliance with all thresholds and requirements to which the 5941
taxpayer agreed, pursuant to division (A)(11) or (13) of this 5942
section, respectively, as a condition of the operator's project 5943
qualifying as a megaproject or the supplier qualifying as a 5944
megaproject supplier until the end of the last year for which the 5945
taxpayer qualifies for the credit authorized under this section. 5946
In each year that a megaproject operator or megaproject supplier 5947
is subject to an agreement with the tax credit authority under 5948
this section and meets the requirements of this division, the 5949
director of development shall issue a certificate to the 5950
megaproject operator or megaproject supplier stating that the 5951
megaproject operator or megaproject supplier continues to meet 5952
those requirements. 5953

(12) If the taxpayer is a megaproject operator, a requirement 5954
that the megaproject operator submit, in a form acceptable to the 5955
director of development, an economic impact report with respect to 5956
each megaproject for which the megaproject operator is designated, 5957
summarizing all of the following for the reporting year: 5958

(a) The aggregate amount of purchases made by the megaproject 5959
operator for such megaproject from megaproject suppliers; 5960

(b) The aggregate amount of purchases made by the megaproject 5961
operator for such megaproject from suppliers other than 5962
megaproject suppliers; 5963

(c) A summary of the construction activity for any facilities 5964
at the site of the megaproject in that year; 5965

(d) The aggregate amount expended by the megaproject operator 5966
on research and development at the site of the megaproject in that 5967
year; 5968

(e) The number of employees working at the site of the megaproject and the counties in which those employees reside; 5969
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(f) A summary of the supply chain activity in support of the megaproject, including a list of the twenty-five suppliers with a physical presence in Ohio from which the megaproject operator made the most purchases in that year. 5971
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The economic impact report shall be due on or before the first day of July of each year, beginning in the year specified in the agreement with the tax credit authority. The information required in the report shall be certified as true and correct by an officer of the megaproject operator. If there is more than one megaproject operator designated for a single megaproject, all of the megaproject operators designated for the megaproject may jointly submit a single report. Any information contained in the report is a public record for purposes of section 149.43 of the Revised Code and shall be published on the department of development's web site. 5975
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(E)(1) If a taxpayer fails to meet or comply with any condition or requirement set forth in a tax credit agreement, the tax credit authority may amend the agreement to reduce the percentage or term of the tax credit. The reduction of the percentage or term may take effect in the current taxable or calendar year. 5986
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(2) If the tax credit authority determines that a taxpayer that is a megaproject operator of a megaproject described in division (A)(11)(a)(ii) of this section is not fully compliant with the requirements of the agreement, the authority may impose a recoupment payment on the taxpayer in accordance with the following: 5992
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(a) If, on the metric evaluation date, the taxpayer fails to substantially meet the capital investment, full-time equivalent 5998
5999

employee, or payroll requirements included in the agreement, an 6000
amount determined at the discretion of the authority, not to 6001
exceed the sum of the following for all years prior to the metric 6002
evaluation date: (i) the amount of taxes that would have been 6003
imposed under Chapters 5739. and 5741. of the Revised Code in the 6004
absence of the agreement, and (ii) the amount of taxes that would 6005
have been imposed under Chapter 5751. of the Revised Code on 6006
receipts realized from sales to the taxpayer in the absence of the 6007
agreement; 6008

(b) If the taxpayer fails to substantially maintain the 6009
capital investment, full-time equivalent employee, or payroll 6010
requirements included in the agreement in any year after the 6011
metric evaluation date, an amount determined at the discretion of 6012
the authority, not to exceed the sum of the following for the 6013
calendar year in which taxpayer failed to meet the requirements: 6014
(i) the amount of taxes that would have been imposed under 6015
Chapters 5739. and 5741. of the Revised Code in the absence of the 6016
agreement, and (ii) the amount of taxes that would have been 6017
imposed under Chapter 5751. of the Revised Code on receipts 6018
realized from sales to the taxpayer in the absence of the 6019
agreement. 6020

(3) The tax credit authority may, subject to any requirements 6021
of the tax credit agreement, take into consideration the 6022
taxpayer's prior performance and any market conditions impacting 6023
the taxpayer when determining the amount of the recoupment payment 6024
described in division (E)(2) of this section. 6025

(F) Projects that consist solely of point-of-final-purchase 6026
retail facilities are not eligible for a tax credit under this 6027
section. If a project consists of both point-of-final-purchase 6028
retail facilities and nonretail facilities, only the portion of 6029
the project consisting of the nonretail facilities is eligible for 6030
a tax credit and only the excess payroll from the nonretail 6031

facilities shall be considered when computing the amount of the 6032
tax credit. If a warehouse facility is part of a 6033
point-of-final-purchase retail facility and supplies only that 6034
facility, the warehouse facility is not eligible for a tax credit. 6035
Catalog distribution centers are not considered 6036
point-of-final-purchase retail facilities for the purposes of this 6037
division, and are eligible for tax credits under this section. 6038

(G) Financial statements and other information submitted to 6039
the department of development or the tax credit authority by an 6040
applicant or recipient of a tax credit under this section, and any 6041
information taken for any purpose from such statements or 6042
information, are not public records subject to section 149.43 of 6043
the Revised Code. However, the chairperson of the authority may 6044
make use of the statements and other information for purposes of 6045
issuing public reports or in connection with court proceedings 6046
concerning tax credit agreements under this section. Upon the 6047
request of the tax commissioner or, if the applicant or recipient 6048
is an insurance company, upon the request of the superintendent of 6049
insurance, the chairperson of the authority shall provide to the 6050
commissioner or superintendent any statement or information 6051
submitted by an applicant or recipient of a tax credit in 6052
connection with the credit. The commissioner or superintendent 6053
shall preserve the confidentiality of the statement or 6054
information. 6055

(H) A taxpayer claiming a credit under this section shall 6056
submit to the tax commissioner or, if the taxpayer is an insurance 6057
company, to the superintendent of insurance, a copy of the 6058
director of development's certificate of verification under 6059
division (D)(7) of this section with the taxpayer's tax report or 6060
return for the taxable year or for the calendar year that includes 6061
the tax period. Failure to submit a copy of the certificate with 6062
the report or return does not invalidate a claim for a credit if 6063

the taxpayer submits a copy of the certificate to the commissioner 6064
or superintendent within the time prescribed by section 5703.0510 6065
of the Revised Code or within thirty days after the commissioner 6066
or superintendent requests it. 6067

(I) The director of development, after consultation with the 6068
tax commissioner and the superintendent of insurance and in 6069
accordance with Chapter 119. of the Revised Code, shall adopt 6070
rules necessary to implement this section, including rules that 6071
establish a procedure to be followed by the tax credit authority 6072
and the department of development in the event the authority 6073
considers a taxpayer's application for which it receives a 6074
recommendation under division (C)(2)(a) of this section but does 6075
not approve it. The rules may provide for recipients of tax 6076
credits under this section to be charged fees to cover 6077
administrative costs of the tax credit program. For the purposes 6078
of these rules, a qualifying work-from-home employee shall be 6079
considered to be an employee employed at the applicant's project 6080
location. The fees collected shall be credited to the tax 6081
incentives operating fund created in section 122.174 of the 6082
Revised Code. At the time the director gives public notice under 6083
division (A) of section 119.03 of the Revised Code of the adoption 6084
of the rules, the director shall submit copies of the proposed 6085
rules to the chairpersons of the standing committees on economic 6086
development in the senate and the house of representatives. 6087

(J) For the purposes of this section, a taxpayer may include 6088
a partnership, a corporation that has made an election under 6089
subchapter S of chapter one of subtitle A of the Internal Revenue 6090
Code, or any other business entity through which income flows as a 6091
distributive share to its owners. A partnership, S-corporation, or 6092
other such business entity may elect to pass the credit received 6093
under this section through to the persons to whom the income or 6094
profit of the partnership, S-corporation, or other entity is 6095

distributed. The election shall be made on the annual report 6096
required under division (D)(6) of this section. The election 6097
applies to and is irrevocable for the credit for which the report 6098
is submitted. If the election is made, the credit shall be 6099
apportioned among those persons in the same proportions as those 6100
in which the income or profit is distributed. 6101

(K)(1) If the director of development determines that a 6102
taxpayer who has received a credit under this section is not 6103
complying with the requirements of the agreement, the director 6104
shall notify the tax credit authority of the noncompliance. After 6105
receiving such a notice, and after giving the taxpayer an 6106
opportunity to explain the noncompliance, the tax credit authority 6107
may require the taxpayer to refund to this state a portion of the 6108
credit in accordance with the following: 6109

(a) If the taxpayer fails to comply with the requirement 6110
under division (D)(3) of this section, an amount determined in 6111
accordance with the following: 6112

(i) If the taxpayer maintained operations at the project 6113
location for a period less than or equal to the term of the 6114
credit, an amount not exceeding one hundred per cent of the sum of 6115
any credits allowed and received under this section; 6116

(ii) If the taxpayer maintained operations at the project 6117
location for a period longer than the term of the credit, but less 6118
than the greater of seven years or the term of the credit plus 6119
three years, an amount not exceeding seventy-five per cent of the 6120
sum of any credits allowed and received under this section. 6121

(b) If, on the metric evaluation date, the taxpayer fails to 6122
substantially meet the job creation, payroll, or investment 6123
requirements included in the agreement, an amount determined at 6124
the discretion of the authority; 6125

(c) If the taxpayer fails to substantially maintain the 6126

number of new full-time equivalent employees or amount of payroll 6127
required under the agreement at any time during the term of the 6128
agreement after the metric evaluation date, an amount determined 6129
at the discretion of the authority. 6130

(2) If a taxpayer files for bankruptcy and fails as described 6131
in division (K)(1)(a), (b), or (c) of this section, the director 6132
may immediately commence an action to recoup an amount not 6133
exceeding one hundred per cent of the sum of any credits received 6134
by the taxpayer under this section. 6135

(3) In determining the portion of the tax credit to be 6136
refunded to this state, the tax credit authority shall consider 6137
the effect of market conditions on the taxpayer's project and 6138
whether the taxpayer continues to maintain other operations in 6139
this state. After making the determination, the authority shall 6140
certify the amount to be refunded to the tax commissioner or 6141
superintendent of insurance, as appropriate. If the amount is 6142
certified to the commissioner, the commissioner shall make an 6143
assessment for that amount against the taxpayer under Chapter 6144
5726., 5733., 5736., 5747., or 5751. of the Revised Code. If the 6145
amount is certified to the superintendent, the superintendent 6146
shall make an assessment for that amount against the taxpayer 6147
under Chapter 5725. or 5729. of the Revised Code. The time 6148
limitations on assessments under those chapters do not apply to an 6149
assessment under this division, but the commissioner or 6150
superintendent, as appropriate, shall make the assessment within 6151
one year after the date the authority certifies to the 6152
commissioner or superintendent the amount to be refunded. Within 6153
ninety days after certifying the amount to be refunded, if 6154
circumstances have changed, the authority may adjust the amount to 6155
be refunded and certify the adjusted amount to the commissioner or 6156
superintendent. The authority may only adjust the amount to be 6157
refunded one time and only if the amount initially certified by 6158

the authority has not been repaid, in whole or in part, by the 6159
taxpayer or certified to the attorney general for collection under 6160
section 131.02 of the Revised Code. 6161

(L) On or before the first day of August each year, the 6162
director of development shall submit a report to the governor, the 6163
president of the senate, and the speaker of the house of 6164
representatives on the tax credit program under this section. The 6165
report shall include information on the number of agreements that 6166
were entered into under this section during the preceding calendar 6167
year, a description of the project that is the subject of each 6168
such agreement, and an update on the status of projects under 6169
agreements entered into before the preceding calendar year. 6170

(M) There is hereby created the tax credit authority, which 6171
consists of the director of development and four other members 6172
appointed as follows: the governor, the president of the senate, 6173
and the speaker of the house of representatives each shall appoint 6174
one member who shall be a specialist in economic development; the 6175
governor also shall appoint a member who is a specialist in 6176
taxation. Terms of office shall be for four years. Each member 6177
shall serve on the authority until the end of the term for which 6178
the member was appointed. Vacancies shall be filled in the same 6179
manner provided for original appointments. Any member appointed to 6180
fill a vacancy occurring prior to the expiration of the term for 6181
which the member's predecessor was appointed shall hold office for 6182
the remainder of that term. Members may be reappointed to the 6183
authority. Members of the authority shall receive their necessary 6184
and actual expenses while engaged in the business of the 6185
authority. The director of development shall serve as chairperson 6186
of the authority, and the members annually shall elect a 6187
vice-chairperson from among themselves. Three members of the 6188
authority constitute a quorum to transact and vote on the business 6189
of the authority. The majority vote of the membership of the 6190

authority is necessary to approve any such business, including the 6191
election of the vice-chairperson. 6192

The director of development may appoint a professional 6193
employee of the department of development to serve as the 6194
director's substitute at a meeting of the authority. The director 6195
shall make the appointment in writing. In the absence of the 6196
director from a meeting of the authority, the appointed substitute 6197
shall serve as chairperson. In the absence of both the director 6198
and the director's substitute from a meeting, the vice-chairperson 6199
shall serve as chairperson. 6200

(N) For purposes of the credits granted by this section 6201
against the taxes imposed under sections 5725.18 and 5729.03 of 6202
the Revised Code, "taxable year" means the period covered by the 6203
taxpayer's annual statement to the superintendent of insurance. 6204

(O) On or before the first day of March of each of the five 6205
calendar years beginning with 2014, each taxpayer subject to an 6206
agreement with the tax credit authority under this section on the 6207
basis of home-based employees shall report the number of 6208
home-based employees and other employees employed by the taxpayer 6209
in this state to the department of development. 6210

(P) On or before the first day of January of 2019, the 6211
director of development shall submit a report to the governor, the 6212
president of the senate, and the speaker of the house of 6213
representatives on the effect of agreements entered into under 6214
this section in which the taxpayer included home-based employees 6215
in the computation of income tax revenue, as that term was defined 6216
in this section prior to the amendment of this section by H.B. 64 6217
of the 131st general assembly. The report shall include 6218
information on the number of such agreements that were entered 6219
into in the preceding six years, a description of the projects 6220
that were the subjects of such agreements, and an analysis of 6221
nationwide home-based employment trends, including the number of 6222

home-based jobs created from July 1, 2011, through June 30, 2017, 6223
and a description of any home-based employment tax incentives 6224
provided by other states during that time. 6225

(Q) The director of development may require any agreement 6226
entered into under this section for a tax credit computed on the 6227
basis of home-based employees to contain a provision that the 6228
taxpayer makes available health care benefits and tuition 6229
reimbursement to all employees. 6230

(R) Original agreements approved by the tax credit authority 6231
under this section in 2014 or 2015 before September 29, 2015, may 6232
be revised at the request of the taxpayer to conform with the 6233
amendments to this section and sections 5733.0610, 5736.50, 6234
5747.058, and 5751.50 of the Revised Code by H.B. 64 of the 131st 6235
general assembly, upon mutual agreement of the taxpayer and the 6236
department of development, and approval by the tax credit 6237
authority. 6238

(S)(1) As used in division (S) of this section: 6239

(a) "Eligible agreement" means an agreement approved by the 6240
tax credit authority under this section on or before December 31, 6241
2013. 6242

(b) "Income tax revenue" has the same meaning as under this 6243
section as it existed before September 29, 2015, the effective 6244
date of the amendment of this section by H.B. 64 of the 131st 6245
general assembly. 6246

(2) In calendar year 2016 and thereafter, the tax credit 6247
authority shall annually determine a withholding adjustment factor 6248
to be used in the computation of income tax revenue for eligible 6249
agreements. The withholding adjustment factor shall be a numerical 6250
percentage that equals the percentage that employer income tax 6251
withholding rates have been increased or decreased as a result of 6252
changes in the income tax rates prescribed by section 5747.02 of 6253

the Revised Code by amendment of that section taking effect on or 6254
after June 29, 2013. 6255

(3) Except as provided in division (S)(4) of this section, 6256
for reporting periods ending in 2015 and thereafter for taxpayers 6257
subject to eligible agreements, the tax credit authority shall 6258
adjust the income tax revenue reported on the taxpayer's annual 6259
report by multiplying the withholding adjustment factor by the 6260
taxpayer's income tax revenue and doing one of the following: 6261

(a) If the income tax rates prescribed by section 5747.02 of 6262
the Revised Code have decreased by amendment of that section 6263
taking effect on or after June 29, 2013, add the product to the 6264
taxpayer's income tax revenue. 6265

(b) If the income tax rates prescribed by section 5747.02 of 6266
the Revised Code have increased by amendment of that section 6267
taking effect on or after June 29, 2013, subtract the product from 6268
the taxpayer's income tax revenue. 6269

(4) Division (S)(3) of this section shall not apply unless 6270
all of the following apply for the reporting period with respect 6271
to the eligible agreement: 6272

(a) The taxpayer has achieved one hundred per cent of the new 6273
employment commitment identified in the agreement. 6274

(b) If applicable, the taxpayer has achieved one hundred per 6275
cent of the new payroll commitment identified in the agreement. 6276

(c) If applicable, the taxpayer has achieved one hundred per 6277
cent of the investment commitment identified in the agreement. 6278

(5) Failure by a taxpayer to have achieved any of the 6279
applicable commitments described in divisions (S)(4)(a) to (c) of 6280
this section in a reporting period does not disqualify the 6281
taxpayer for the adjustment under division (S) of this section for 6282
an ensuing reporting period. 6283

(T) For reporting periods ending in calendar year 2020 or 6284
thereafter, any taxpayer may include qualifying work-from-home 6285
employees in its report required under division (D)(6) of this 6286
section, and the compensation of such employees shall qualify as 6287
Ohio employee payroll under division (A)(3)(a) of this section, 6288
even if the taxpayer's application to the tax credit authority to 6289
enter into an agreement for a tax credit under this section was 6290
approved before September 29, 2017, the effective date of the 6291
amendment of this section by H.B. 49 of the 132nd general 6292
assembly. 6293

(U) The director of development ~~services~~ shall notify the tax 6294
commissioner if the director determines that a megaproject 6295
operator or megaproject supplier is not in compliance with the 6296
agreement pursuant to a review conducted under division (D)(11) of 6297
this section. 6298

(V) Beginning in 2025 and in each fifth calendar year 6299
thereafter, the tax commissioner shall adjust the following 6300
amounts in September of that year: 6301

(1) The fixed-asset investment threshold described in 6302
division (A)(11)(c)(i) of this section and the Ohio employee 6303
payroll threshold described in division (A)(11)(c)(ii) of this 6304
section by completing the following calculations: 6305

(a) Determine the percentage increase in the gross domestic 6306
product deflator determined by the bureau of economic analysis of 6307
the United States department of commerce from the first day of 6308
January of the fifth preceding calendar year to the last day of 6309
December of the preceding calendar year; 6310

(b) Multiply that percentage increase by the fixed-asset 6311
investment threshold and the Ohio employee payroll threshold for 6312
the current year; 6313

(c) Add the resulting products to the corresponding 6314

fixed-asset investment threshold and Ohio employee payroll 6315
threshold for the current year; 6316

(d) Round the resulting fixed-asset investment sum to the 6317
nearest multiple of ten million dollars and the Ohio employee 6318
payroll sum to the nearest multiple of one million dollars. 6319

(2) The fixed-asset investment threshold described in 6320
division (A)(13)(b)(i) of this section and the Ohio employee 6321
payroll threshold described in division (A)(13)(b)(ii) of this 6322
section by completing the calculations described in divisions 6323
(V)(1)(a) to (c) of this section and rounding the resulting 6324
fixed-asset investment sum to the nearest multiple of one million 6325
dollars and the Ohio employee payroll sum to the nearest multiple 6326
of one hundred thousand dollars. 6327

The commissioner shall certify the amount of the adjustments 6328
under divisions (V)(1) and (2) of this section to the director of 6329
development ~~services~~ and to the tax credit authority not later 6330
than the first day of December of the year the commissioner 6331
computes the adjustment. Each certified amount applies to the 6332
ensuing calendar year and each calendar year thereafter until the 6333
tax commissioner makes a new adjustment. The tax commissioner 6334
shall not calculate a new adjustment in any year in which the 6335
resulting amount from the adjustment would be less than the 6336
corresponding amount for the current year. 6337

Sec. 122.171. (A) As used in this section: 6338

(1) "Capital investment project" means a plan of investment 6339
at a project site for the acquisition, construction, renovation, 6340
or repair of buildings, machinery, or equipment, or for 6341
capitalized costs of basic research and new product development 6342
determined in accordance with generally accepted accounting 6343
principles, but does not include any of the following: 6344

(a) Payments made for the acquisition of personal property 6345
through operating leases; 6346

(b) Project costs paid before January 1, 2002; 6347

(c) Payments made to a related member as defined in section 6348
5733.042 of the Revised Code or to a consolidated elected taxpayer 6349
or a combined taxpayer as defined in section 5751.01 of the 6350
Revised Code. 6351

(2) "Eligible business" means a taxpayer and its related 6352
members with Ohio operations that had a capital investment project 6353
reviewed and approved by the tax credit authority as provided in 6354
divisions (C), (D), and (E) of this section and that satisfies 6355
either of the following requirements: 6356

(a) If engaged at the project site primarily in significant 6357
corporate administrative functions, as defined by the director of 6358
development by rule, the taxpayer meets both of the following 6359
criteria: 6360

(i) The taxpayer either is located in a foreign trade zone, 6361
employs at least five hundred full-time equivalent employees, or 6362
has an annual Ohio employee payroll of at least thirty-five 6363
million dollars at the time the tax credit authority grants the 6364
tax credit under this section; 6365

(ii) The taxpayer makes or causes to be made payments for the 6366
capital investment project of at least twenty million dollars in 6367
the aggregate at the project site during a period of three 6368
consecutive calendar years including the calendar year that 6369
includes a day of the taxpayer's taxable year or tax period with 6370
respect to which the credit is granted. 6371

(b) If engaged at the project site primarily as a 6372
manufacturer, the taxpayer makes or causes to be made payments for 6373
the capital investment project at the project site during a period 6374
of three consecutive calendar years, including the calendar year 6375

that includes a day of the taxpayer's taxable year or tax period 6376
with respect to which the credit is granted, in an amount that in 6377
the aggregate equals or exceeds the lesser of the following: 6378

(i) Fifty million dollars; 6379

(ii) Five per cent of the net book value of all tangible 6380
personal property used at the project site as of the last day of 6381
the three-year period in which the capital investment payments are 6382
made. 6383

(3) "Full-time equivalent employees" means the quotient 6384
obtained by dividing the total number of hours for which employees 6385
were compensated for employment in the project by two thousand 6386
eighty. "Full-time equivalent employees" shall exclude hours that 6387
are counted for a credit under section 122.17 of the Revised Code. 6388

(4) "Ohio employee payroll" has the same meaning as in 6389
section 122.17 of the Revised Code. 6390

(5) "Manufacturer" has the same meaning as in section 6391
5739.011 of the Revised Code. 6392

(6) "Project site" means an integrated complex of facilities 6393
in this state, as specified by the tax credit authority under this 6394
section, within a fifteen-mile radius where a taxpayer is 6395
primarily operating as an eligible business. 6396

(7) "Related member" has the same meaning as in section 6397
5733.042 of the Revised Code as that section existed on the 6398
effective date of its amendment by Am. Sub. H.B. 215 of the 122nd 6399
general assembly, September 29, 1997. 6400

(8) "Taxable year" includes, in the case of a domestic or 6401
foreign insurance company, the calendar year ending on the 6402
thirty-first day of December preceding the day the superintendent 6403
of insurance is required to certify to the treasurer of state 6404
under section 5725.20 or 5729.05 of the Revised Code the amount of 6405

taxes due from insurance companies. 6406

(9) "Foreign trade zone" means a general purpose foreign 6407
trade zone or a special purpose subzone for which, pursuant to 19 6408
U.S.C. 81a, as amended, a permit for foreign trade zone status has 6409
been granted and remains active, including special purpose 6410
subzones for which a permit has been granted and remains active. 6411

(B) The tax credit authority created under section 122.17 of 6412
the Revised Code may grant a nonrefundable tax credit to an 6413
eligible business under this section for the purpose of fostering 6414
job retention in this state. Upon application by an eligible 6415
business and upon consideration of the determination of the 6416
director of budget and management, tax commissioner, and the 6417
superintendent of insurance in the case of an insurance company, 6418
the recommendation and determination of the director of 6419
development under division (C)(1) of this section, and a review of 6420
the criteria described in division (C)(2) of this section, the tax 6421
credit authority may grant the credit against the tax imposed by 6422
section 5725.18, 5726.02, 5729.03, 5733.06, 5736.02, 5747.02, or 6423
5751.02 of the Revised Code. 6424

The credit authorized in this section may be granted for a 6425
period up to fifteen taxable years or, in the case of the tax 6426
levied by section 5736.02 or 5751.02 of the Revised Code, for a 6427
period of up to fifteen calendar years. The credit amount for a 6428
taxable year or a calendar year that includes the tax period for 6429
which a credit may be claimed equals the Ohio employee payroll for 6430
that year multiplied by the percentage specified in the agreement 6431
with the tax credit authority. The credit shall be claimed in the 6432
order required under section 5725.98, 5726.98, 5729.98, 5733.98, 6433
5747.98, or 5751.98 of the Revised Code. In determining the 6434
percentage and term of the credit, the tax credit authority shall 6435
consider both the number of full-time equivalent employees and the 6436
value of the capital investment project. The credit amount may not 6437

be based on the Ohio employee payroll for a calendar year before 6438
the calendar year in which the tax credit authority specifies the 6439
tax credit is to begin, and the credit shall be claimed only for 6440
the taxable years or tax periods specified in the eligible 6441
business' agreement with the tax credit authority. In no event 6442
shall the credit be claimed for a taxable year or tax period 6443
terminating before the date specified in the agreement. 6444

If a credit allowed under this section for a taxable year or 6445
tax period exceeds the taxpayer's tax liability for that year or 6446
period, the excess may be carried forward for the three succeeding 6447
taxable or calendar years, but the amount of any excess credit 6448
allowed in any taxable year or tax period shall be deducted from 6449
the balance carried forward to the succeeding year or period. 6450

(C)(1) A taxpayer that proposes a capital investment project 6451
to retain jobs in this state may apply to the tax credit authority 6452
to enter into an agreement for a tax credit under this section. 6453
The director of development shall prescribe the form of the 6454
application. After receipt of an application, the authority shall 6455
forward copies of the application to the director of budget and 6456
management, the tax commissioner, and the superintendent of 6457
insurance in the case of an insurance company, each of whom shall 6458
review the application to determine the economic impact the 6459
proposed project would have on the state and the affected 6460
political subdivisions and shall submit a summary of their 6461
determinations to the authority. The authority shall also forward 6462
a copy of the application to the director of development, who 6463
shall review the application to determine the economic impact the 6464
proposed project would have on the state and the affected 6465
political subdivisions and shall submit a summary of the 6466
director's determinations and recommendations to the authority. 6467

(2) The director of development, in reviewing applications 6468
and making recommendations to the tax credit authority, and the 6469

authority, in selecting taxpayers with which to enter into an 6470
agreement under division (D) of this section, shall give priority 6471
to applications that meet one or more of the following criteria, 6472
with greater priority given to applications that meet more of the 6473
criteria: 6474

(a) Within the preceding five years, the applicant has not 6475
received a credit under this section or section 122.17 of the 6476
Revised Code for a project at the same project site as that 6477
proposed in the application. 6478

(b) The applicant is not currently receiving a credit under 6479
this section or section 122.17 of the Revised Code. 6480

(c) The applicant has operated at the project site for at 6481
least the preceding ten years. 6482

(d) The project involves a significant upgrade of the project 6483
site, rather than only routine maintenance of existing facilities, 6484
such as an increase in capacity of a facility, new product 6485
development, or technology upgrades or other facility 6486
modernization. 6487

(e) The applicant intends to use machinery, equipment, and 6488
materials supplied by Ohio businesses in the project when 6489
possible. 6490

(D) Upon review and consideration of the determinations, 6491
recommendations, and criteria described in division (C) of this 6492
section, the tax credit authority may enter into an agreement with 6493
the taxpayer for a credit under this section if the authority 6494
determines all of the following: 6495

(1) The taxpayer's capital investment project will result in 6496
the retention of employment in this state. 6497

(2) The taxpayer is economically sound and has the ability to 6498
complete the proposed capital investment project. 6499

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

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

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

(1) A detailed description of the project that is the subject of the agreement, including the amount of the investment, the period over which the investment has been or is being made, the number of full-time equivalent employees at the project site, and the anticipated Ohio employee payroll to be generated.

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

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

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

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

credit. 6531

(5) A requirement that the taxpayer annually report to the 6532
director of development full-time equivalent employees, Ohio 6533
employee payroll, capital investment, and other information the 6534
director needs to perform the director's duties under this 6535
section. 6536

(6) A requirement that the director of development annually 6537
review the annual reports of the taxpayer to verify the 6538
information reported under division (E)(5) of this section and 6539
compliance with the agreement. Upon verification, the director 6540
shall issue a certificate to the taxpayer stating that the 6541
information has been verified and identifying the amount of the 6542
credit for the taxable year or calendar year that includes the tax 6543
period. In determining the number of full-time equivalent 6544
employees, no position shall be counted that is filled by an 6545
employee who is included in the calculation of a tax credit under 6546
section 122.17 of the Revised Code. 6547

(7) A provision providing that the taxpayer may not relocate 6548
a substantial number of employment positions from elsewhere in 6549
this state to the project site unless the director of development 6550
determines that the taxpayer notified the legislative authority of 6551
the county, township, or municipal corporation from which the 6552
employment positions would be relocated. 6553

For purposes of this section, the movement of an employment 6554
position from one political subdivision to another political 6555
subdivision shall be considered a relocation of an employment 6556
position unless the movement is confined to the project site. The 6557
transfer of an employment position from one political subdivision 6558
to another political subdivision shall not be considered a 6559
relocation of an employment position if the employment position in 6560
the first political subdivision is replaced by another employment 6561
position. 6562

(8) A waiver by the taxpayer of any limitations periods 6563
relating to assessments or adjustments resulting from the 6564
taxpayer's failure to comply with the agreement. 6565

(F) If a taxpayer fails to meet or comply with any condition 6566
or requirement set forth in a tax credit agreement, the tax credit 6567
authority may amend the agreement to reduce the percentage or term 6568
of the credit. The reduction of the percentage or term may take 6569
effect in the current taxable or calendar year. 6570

(G) Financial statements and other information submitted to 6571
the department of development or the tax credit authority by an 6572
applicant for or recipient of a tax credit under this section, and 6573
any information taken for any purpose from such statements or 6574
information, are not public records subject to section 149.43 of 6575
the Revised Code. However, the chairperson of the authority may 6576
make use of the statements and other information for purposes of 6577
issuing public reports or in connection with court proceedings 6578
concerning tax credit agreements under this section. Upon the 6579
request of the tax commissioner, or the superintendent of 6580
insurance in the case of an insurance company, the chairperson of 6581
the authority shall provide to the commissioner or superintendent 6582
any statement or other information submitted by an applicant for 6583
or recipient of a tax credit in connection with the credit. The 6584
commissioner or superintendent shall preserve the confidentiality 6585
of the statement or other information. 6586

(H) A taxpayer claiming a tax credit under this section shall 6587
submit to the tax commissioner or, in the case of an insurance 6588
company, to the superintendent of insurance, a copy of the 6589
director of development's certificate of verification under 6590
division (E)(6) of this section with the taxpayer's tax report or 6591
return for the taxable year or for the calendar year that includes 6592
the tax period. Failure to submit a copy of the certificate with 6593
the report or return does not invalidate a claim for a credit if 6594

the taxpayer submits a copy of the certificate to the commissioner 6595
or superintendent within the time prescribed by section 5703.0510 6596
of the Revised Code or within thirty days after the commissioner 6597
or superintendent requests it. 6598

(I) For the purposes of this section, a taxpayer may include 6599
a partnership, a corporation that has made an election under 6600
subchapter S of chapter one of subtitle A of the Internal Revenue 6601
Code, or any other business entity through which income flows as a 6602
distributive share to its owners. A partnership, S-corporation, or 6603
other such business entity may elect to pass the credit received 6604
under this section through to the persons to whom the income or 6605
profit of the partnership, S-corporation, or other entity is 6606
distributed. The election shall be made on the annual report 6607
required under division (E)(5) of this section. The election 6608
applies to and is irrevocable for the credit for which the report 6609
is submitted. If the election is made, the credit shall be 6610
apportioned among those persons in the same proportions as those 6611
in which the income or profit is distributed. 6612

(J)(1) If the director of development determines that a 6613
taxpayer that received a certificate under division (E)(6) of this 6614
section is not complying with the requirements of the agreement, 6615
the director shall notify the tax credit authority of the 6616
noncompliance. After receiving such a notice, and after giving the 6617
taxpayer an opportunity to explain the noncompliance, the 6618
authority may terminate the agreement and require the taxpayer, or 6619
any related member or members that claimed the tax credit under 6620
division (N) of this section, to refund to the state all or a 6621
portion of the credit claimed in previous years, as follows: 6622

(a) If the taxpayer fails to comply with the requirement 6623
under division (E)(3) of this section, an amount determined in 6624
accordance with the following: 6625

(i) If the taxpayer maintained operations at the project site 6626

for less than or equal to the term of the credit, an amount not to 6627
exceed one hundred per cent of the sum of any tax credits allowed 6628
and received under this section. 6629

(ii) If the taxpayer maintained operations at the project 6630
site longer than the term of the credit, but less than the greater 6631
of seven years or the term of the credit plus three years, the 6632
amount required to be refunded shall not exceed seventy-five per 6633
cent of the sum of any tax credits allowed and received under this 6634
section. 6635

(b) If the taxpayer fails to substantially, satisfy the 6636
employment, payroll, or location requirements required under the 6637
agreement, as prescribed under division (E)(4)(a) or (b), as 6638
applicable to the taxpayer, at any time during the term of the 6639
agreement or during the post-term reporting period, an amount 6640
determined at the discretion of the authority. 6641

(2) If a taxpayer files for bankruptcy and fails as described 6642
in division (J)(1)(a) or (b) of this section, the director may 6643
immediately commence an action to recoup an amount not exceeding 6644
one hundred per cent of the sum of any credits received by the 6645
taxpayer under this section. 6646

(3) In determining the portion of the credit to be refunded 6647
to this state, the authority shall consider the effect of market 6648
conditions on the taxpayer's project and whether the taxpayer 6649
continues to maintain other operations in this state. After making 6650
the determination, the authority shall certify the amount to be 6651
refunded to the tax commissioner or the superintendent of 6652
insurance. If the taxpayer, or any related member or members who 6653
claimed the tax credit under division (N) of this section, is not 6654
an insurance company, the commissioner shall make an assessment 6655
for that amount against the taxpayer under Chapter 5726., 5733., 6656
5736., 5747., or 5751. of the Revised Code. If the taxpayer, or 6657
any related member or members that claimed the tax credit under 6658

division (N) of this section, is an insurance company, the 6659
superintendent of insurance shall make an assessment under section 6660
5725.222 or 5729.102 of the Revised Code. The time limitations on 6661
assessments under those chapters and sections do not apply to an 6662
assessment under this division, but the commissioner or 6663
superintendent shall make the assessment within one year after the 6664
date the authority certifies to the commissioner or superintendent 6665
the amount to be refunded. Within ninety days after certifying the 6666
amount to be refunded, if circumstances have changed, the 6667
authority may adjust the amount to be refunded and certify the 6668
adjusted amount to the commissioner or superintendent. The 6669
authority may only adjust the amount to be refunded one time and 6670
only if the amount initially certified by the authority has not 6671
been repaid, in whole or in part, by the taxpayer or certified to 6672
the attorney general for collection under section 131.02 of the 6673
Revised Code. 6674

(K) The director of development, after consultation with the 6675
tax commissioner and the superintendent of insurance and in 6676
accordance with Chapter 119. of the Revised Code, shall adopt 6677
rules necessary to implement this section. The rules may provide 6678
for recipients of tax credits under this section to be charged 6679
fees to cover administrative costs of the tax credit program. The 6680
fees collected shall be credited to the tax incentives operating 6681
fund created in section 122.174 of the Revised Code. At the time 6682
the director gives public notice under division (A) of section 6683
119.03 of the Revised Code of the adoption of the rules, the 6684
director shall submit copies of the proposed rules to the 6685
chairpersons of the standing committees on economic development in 6686
the senate and the house of representatives. 6687

(L) On or before the first day of August of each year, the 6688
director of development shall submit a report to the governor, the 6689
president of the senate, and the speaker of the house of 6690

representatives on the tax credit program under this section. The 6691
report shall include information on the number of agreements that 6692
were entered into under this section during the preceding calendar 6693
year, a description of the project that is the subject of each 6694
such agreement, and an update on the status of projects under 6695
agreements entered into before the preceding calendar year. 6696

(M) The aggregate amount of nonrefundable tax credits issued 6697
under this section during any calendar year for capital investment 6698
projects reviewed and approved by the tax credit authority may not 6699
exceed the following amounts: 6700

(1) For 2010, thirteen million dollars; 6701

(2) For 2011 through 2023, the amount of the limit for the 6702
preceding calendar year plus thirteen million dollars; 6703

(3) For 2024 and each year thereafter, one hundred 6704
ninety-five million dollars. 6705

The limitations in division (M) of this section do not apply 6706
to credits for capital investment projects approved by the tax 6707
credit authority before July 1, 2009. 6708

(N) This division applies only to an eligible business that 6709
is part of an affiliated group that includes a diversified savings 6710
and loan holding company or a grandfathered unitary savings and 6711
loan holding company, as those terms are defined in section 6712
5726.01 of the Revised Code. Notwithstanding any contrary 6713
provision of the agreement between such an eligible business and 6714
the tax credit authority, any credit granted under this section 6715
against the tax imposed by section 5725.18, 5729.03, 5733.06, 6716
5747.02, or 5751.02 of the Revised Code to the eligible business, 6717
at the election of the eligible business and without any action by 6718
the tax credit authority, may be shared with any member or members 6719
of the affiliated group that includes the eligible business, which 6720
member or members may claim the credit against the taxes imposed 6721

by section 5725.18, 5726.02, 5729.03, 5733.06, 5747.02, or 5751.02 6722
of the Revised Code. Credits shall be claimed by the eligible 6723
business in sequential order, as applicable, first claiming the 6724
credits to the fullest extent possible against the tax that the 6725
certificate holder is subject to, then against the tax imposed by, 6726
sequentially, section 5729.03, 5725.18, 5747.02, 5751.02, and 6727
lastly 5726.02 of the Revised Code. The credits may be allocated 6728
among the members of the affiliated group in such manner as the 6729
eligible business elects, but subject to the sequential order 6730
required under this division. This division applies to credits 6731
granted before, on, or after March 27, 2013, the effective date of 6732
H.B. 510 of the 129th general assembly. Credits granted before 6733
that effective date that are shared and allocated under this 6734
division may be claimed in those calendar years in which the 6735
remaining taxable years specified in the agreement end. 6736

As used in this division, "affiliated group" means a group of 6737
two or more persons with fifty per cent or greater of the value of 6738
each person's ownership interests owned or controlled directly, 6739
indirectly, or constructively through related interests by common 6740
owners during all or any portion of the taxable year, and the 6741
common owners. "Affiliated group" includes, but is not limited to, 6742
any person eligible to be included in a consolidated elected 6743
taxpayer group under section 5751.011 of the Revised Code or a 6744
combined taxpayer group under section 5751.012 of the Revised 6745
Code. 6746

(O)(1) As used in division (O) of this section: 6747

(a) "Eligible agreement" means an agreement approved by the 6748
tax credit authority under this section on or before December 31, 6749
2013. 6750

(b) "Reporting period" means a period corresponding to the 6751
annual report required under division (E)(5) of this section. 6752

(c) "Income tax revenue" has the same meaning as under 6753
division (S) of section 122.17 of the Revised Code. 6754

(2) In calendar year 2016 and thereafter, the tax credit 6755
authority shall annually determine a withholding adjustment factor 6756
to be used in the computation of income tax revenue for eligible 6757
agreements. The withholding adjustment factor shall be a numerical 6758
percentage that equals the percentage that employer income tax 6759
withholding rates have been increased or decreased as a result of 6760
changes in the income tax rates prescribed by section 5747.02 of 6761
the Revised Code by amendment of that section taking effect on or 6762
after June 29, 2013. 6763

(3) Except as provided in division (O)(4) of this section, 6764
for reporting periods ending in 2015 and thereafter for taxpayers 6765
subject to eligible agreements, the tax credit authority shall 6766
adjust the income tax revenue reported on the taxpayer's annual 6767
report by multiplying the withholding adjustment factor by the 6768
taxpayer's income tax revenue and doing one of the following: 6769

(a) If the income tax rates prescribed by section 5747.02 of 6770
the Revised Code have decreased by amendment of this section 6771
taking effect on or after June 29, 2013, add the product to the 6772
taxpayer's income tax revenue. 6773

(b) If the income tax rates prescribed by section 5747.02 of 6774
the Revised Code have increased by amendment of this section 6775
taking effect on or after June 29, 2013, subtract the product from 6776
the taxpayer's income tax revenue. 6777

(4) Division (O)(3) of this section shall not apply unless 6778
all of the following apply with respect to the eligible agreement: 6779

(a) If applicable, the taxpayer has achieved one hundred per 6780
cent of the job retention commitment identified in the agreement. 6781

(b) If applicable, the taxpayer has achieved one hundred per 6782
cent of the payroll retention commitment identified in the 6783

agreement." 6784

(c) If applicable, the taxpayer has achieved one hundred per 6785
cent of the investment commitment identified in the agreement. 6786

(5) Failure by a taxpayer to have achieved any of the 6787
applicable commitments described in divisions (O)(4)(a) to (c) of 6788
this section in a reporting period does not disqualify the 6789
taxpayer for the adjustment under division (O) of this section for 6790
an ensuing reporting period. 6791

Sec. 122.1710. (A) As used in this section: 6792

(1) "Low-income individual" has the same meaning as 6793
"low-income person" in section 122.66 of the Revised Code. 6794

(2) "Microcredential" has the same meaning as in section 6795
122.178 of the Revised Code. 6796

(3) "OhioMeansJobs web site" has the same meaning as in 6797
section 6301.01 of the Revised Code. 6798

(4) "Partially unemployed" and "totally unemployed" have the 6799
same meanings as in section 4141.01 of the Revised Code. 6800

(5) "Training provider" means all of the following: 6801

(a) A state institution of higher education as defined in 6802
section 3345.011 of the Revised Code; 6803

(b) An Ohio technical center as defined in section 3333.94 of 6804
the Revised Code; 6805

(c) A private business or institution that offers training to 6806
allow an individual to earn one or more microcredentials. 6807

(B) There is hereby created the individual microcredential 6808
assistance program to reimburse training providers for training 6809
costs for individuals to earn a microcredential. The department of 6810
development ~~services agency~~, in consultation with the governor's 6811
office of workforce transformation, shall administer the program. 6812

(C) A training provider seeking to participate in the program 6813
shall submit an application to the director of development 6814
~~services~~. The training provider shall include in the application 6815
all of the following information: 6816

(1) The number of microcredentials the training provider will 6817
seek a reimbursement for and the names of the microcredentials; 6818

(2) The cost of the training for each microcredential; 6819

(3) The total amount of the reimbursement the training 6820
provider will seek; 6821

(4) The training provider's plan to provide opportunities for 6822
individuals who are low income, partially unemployed, or totally 6823
unemployed to participate in a training program and receive a 6824
microcredential; 6825

(5) Any other information the director requires. 6826

(D)(1) The director shall consider the following factors in 6827
determining whether to approve an application submitted under 6828
division (C) of this section: 6829

(a) The duration of the training program; 6830

(b) The cost of the training; 6831

(c) Whether approving an application will promote regional 6832
diversity in apportioning reimbursements uniformly across the 6833
state; 6834

(d) The training provider's commitment to providing 6835
opportunities for individuals who are low income, partially 6836
unemployed, or totally unemployed to participate in a training 6837
program and receive a microcredential. 6838

(2) In determining regional diversity under division 6839
(D)(1)(c) of this section, the director shall use the regions 6840
established under division (G) of section 122.178 of the Revised 6841
Code. 6842

(3) The director shall not approve an application submitted 6843
under this section if either of the following apply: 6844

(a) The microcredentials identified in the application are 6845
not included in the list the chancellor of higher education 6846
establishes under section 122.178 of the Revised Code. 6847

(b) The training provider has violated Chapter 4111. of the 6848
Revised Code within the four fiscal years immediately preceding 6849
the date of application. 6850

(4) The director shall notify a training provider in writing 6851
of the director's decision to approve or deny the training 6852
provider's application to participate in the program. 6853

(E) A participating training provider shall not charge an 6854
individual participating in a training program to earn a 6855
microcredential for which the training provider is seeking a 6856
reimbursement for either of the following: 6857

(1) Any costs associated with the individual's participation 6858
in the training program; 6859

(2) Any costs to the training provider resulting from an 6860
individual not completing the training program. 6861

(F)(1) Each participating training provider seeking 6862
reimbursement for training costs for one or more microcredentials 6863
earned by one or more individuals in a training program shall 6864
submit an application to the director after the individual or 6865
individuals have earned a microcredential. The training provider 6866
shall include in the reimbursement application all of the 6867
following information: 6868

(a) The actual cost for the training provider to provide each 6869
individual with the training; 6870

(b) Evidence that each individual earned a microcredential; 6871

(c) Any demographic information of each individual that the 6872

individual provides to the training provider, including race and 6873
gender. 6874

(2) The amount of the reimbursement shall be not more than 6875
three thousand dollars for each microcredential an individual 6876
receives. A participating training provider may not receive a 6877
reimbursement for any additional individual who earns a 6878
microcredential beyond the number of microcredentials included in 6879
the application under division (C) of this section. A 6880
participating training provider may receive a total reimbursement 6881
of ~~two~~ five hundred ~~fifty~~ thousand dollars in a fiscal year. 6882

(3) A training provider may request that an individual 6883
participating in the training provider's program provide 6884
demographic information to the training provider, including race 6885
and gender. An individual is not required to provide that 6886
information. 6887

(G) The director shall do both of the following regarding the 6888
operation of the program: 6889

(1) Create an application to participate in the program and 6890
an application for reimbursement; 6891

(2) Create and distribute a survey to each individual who 6892
successfully earned a microcredential because of a reimbursement 6893
to a training provider under this section inquiring as to the 6894
individual's occupation and wages at the time of completing the 6895
survey. 6896

(H) The director shall include on the internet web site 6897
maintained by the ~~development services agency~~ department, and the 6898
governor's office of workforce transformation shall include on the 6899
office's internet web site and the OhioMeansJobs web site, all of 6900
the content created under division (G) of this section. 6901

(I) The director may adopt rules in accordance with Chapter 6902
119. of the Revised Code as the director considers necessary to 6903

implement this section, including establishing priority guidelines 6904
for approving applications under division (D) of this section. 6905

(J) Any personal information of an individual the director 6906
receives in connection with the individual microcredential 6907
assistance program created under this section is not a public 6908
record for purposes of section 149.43 of the Revised Code. 6909
However, the director may use the information as necessary to 6910
complete the reports required under section 122.1711 of the 6911
Revised Code. 6912

Sec. 122.4017. (A) The broadband expansion program authority 6913
shall award program grants under the Ohio residential broadband 6914
expansion grant program using funds from the Ohio residential 6915
broadband expansion grant program fund created in section 122.4037 6916
of the Revised Code and other funds appropriated by the general 6917
assembly. 6918

(B) If an appropriation for the program includes funds that 6919
are not state funds or if the director of development receives 6920
funds that are in the form of a gift, grant, or contribution to 6921
the broadband expansion grant program fund, the broadband 6922
expansion program authority shall award those funds as described 6923
in sections 122.40 to 122.4077 of the Revised Code, except as 6924
provided in division (C) of this section. 6925

(C) If the use of the funds described in division (B) of this 6926
section is contingent upon meeting application, scoring, or other 6927
requirements that are different from program requirements under 6928
sections 122.40 to 122.4077 of the Revised Code, the department of 6929
development shall adopt the requirements and publish a description 6930
of the different requirements with the program application as 6931
required under section 122.4040 of the Revised Code. 6932

Sec. 122.4037. Any gift, grant, and contribution received by 6933

the director of development for the Ohio residential broadband expansion grant program and any money collected under section 122.4036 of the Revised Code shall be deposited into the Ohio residential broadband expansion grant program fund, which is hereby created in the state treasury. All amounts in the fund, including interest earned on those amounts, shall be used by the department of development ~~services agency~~ exclusively for grants under sections 122.40 to 122.4077 of the Revised Code.

Sec. 122.4040. The department of development ~~services agency~~, in consultation with the broadband expansion program authority, shall establish a weighted scoring system to evaluate and select applications for program grants. The scoring system shall be available on the ~~agency's~~ department's web site at least thirty days before the beginning of the application submission period set by the ~~agency~~ department by rule. A description of any differences in application, scoring system, or other program requirements adopted under division (C) of section 122.4017 of the Revised Code shall be available with the application on the department's web site at least thirty days before the beginning of the application submission period.

Sec. 122.60. As used in sections 122.60 to 122.605 of the Revised Code:

(A) "Capital access loan" means a loan made by a participating financial institution to an eligible business that may be secured by a deposit of money from the fund into the participating financial institution's program reserve account.

(B) "Eligible business" means a for-profit business entity, or a nonprofit entity, that had total annual sales in its most recently completed fiscal year of less than ten million dollars and that has a principal place of for-profit business or nonprofit

entity activity within the state, the operation of which, alone or 6964
in conjunction with other facilities, will create new jobs or 6965
preserve existing jobs and employment opportunities and will 6966
improve the economic welfare of the people of the state. As used 6967
in this division, "new jobs" does not include existing jobs 6968
transferred from another facility within the state, and "existing 6969
jobs" means only existing jobs at facilities within the same 6970
municipal corporation or township in which the project, activity, 6971
or enterprise that is the subject of a capital access loan is 6972
located. 6973

(C) "Financial institution" means any bank, credit union, 6974
trust company, savings bank, or savings and loan association that 6975
is chartered by and has a significant presence in the state, or 6976
any national bank, federally chartered credit union, federal 6977
savings and loan association, or federal savings bank that has a 6978
significant presence in the state. 6979

(D) "Fund" means the capital access loan program fund. 6980

(E) "Minority business supplier development council" has the 6981
same meaning as in section 122.71 of the Revised Code. 6982

(F) "Participating financial institution" means a financial 6983
institution that has a valid, current participation agreement with 6984
the department of development. 6985

(G) "Participation agreement" means the agreement between a 6986
financial institution and the department under which a financial 6987
institution may participate in the program. 6988

(H) "Passive real estate ownership" means the ownership of 6989
real estate for the sole purpose of deriving income from it by 6990
speculation, trade, or rental. 6991

(I) "Program" means the capital access loan program created 6992
under section 122.602 of the Revised Code. 6993

(J) "Program reserve account" means a dedicated account at 6994
each participating financial institution that is the property of 6995
the state and may be used by the participating financial 6996
institution only for the purpose of recovering a claim under 6997
section 122.604 of the Revised Code arising from a default on a 6998
loan made by the participating financial institution under the 6999
program. 7000

Sec. 122.6511. (A) As used in this section and section 7001
122.6512 of the Revised Code, "brownfield" and "remediation" have 7002
the same meanings as in section 122.65 of the Revised Code. 7003

(B)(1) There is hereby created the brownfield remediation 7004
program to award grants for the remediation of brownfield sites 7005
throughout Ohio. The program shall be administered by the director 7006
of development pursuant to this section and rules adopted pursuant 7007
to division (B)(2) of this section. 7008

(2) The director shall adopt rules, under Chapter 119. of the 7009
Revised Code, for the administration of the program. The rules 7010
shall include provisions for determining project and project 7011
sponsor eligibility, program administration, and any other 7012
provisions the director finds necessary. 7013

(3) The director shall ensure that the program is operational 7014
and accepting proposals for grants not later than ninety days 7015
after ~~the effective date of this section~~ September 30, 2021. 7016

(C)(1) There is hereby created in the state treasury the 7017
brownfield remediation fund. The fund shall consist of moneys 7018
appropriated to it by the general assembly, and investment 7019
earnings on moneys in the fund shall be credited to the fund. 7020

(2) The director shall reserve funds from ~~each~~ the 7021
appropriation to the fund made in the first fiscal year from the 7022
biennial operating appropriations act to each county in the state. 7023

The amount reserved shall be one million dollars per county, or, 7024
if an appropriation is less than eighty-eight million dollars, a 7025
proportionate amount to each county. Amounts reserved pursuant to 7026
this section are reserved for one calendar year from the date of 7027
the appropriation. After one calendar year, the funds shall be 7028
available pursuant to division (C)(3) of this section. 7029

(3) Funds from an appropriation not reserved under division 7030
(C)(2) of this section shall be available for grants to projects 7031
located anywhere in the state, and grants from those funds shall 7032
be awarded to qualifying projects on a first-come, first-served 7033
basis. Grants awarded pursuant to this division shall be limited 7034
to seventy-five per cent of a project's total cost. 7035

Sec. 122.6512. (A)(1) There is hereby created the building 7036
demolition and site revitalization program to award grants for the 7037
demolition of commercial and residential buildings and 7038
revitalization of surrounding properties on sites that are not 7039
brownfields. The program shall be administered by the director of 7040
development pursuant to this section and rules adopted pursuant to 7041
division (A)(2) of this section. 7042

(2) The director shall adopt rules, under Chapter 119. of the 7043
Revised Code, for the administration of the program. The rules 7044
shall include provisions for determining project and project 7045
sponsor eligibility, program administration, and any other 7046
provisions the director finds necessary. 7047

(3) The director shall ensure that the program is operational 7048
and accepting proposals for grants not later than ninety days 7049
after ~~the effective date of this section~~ September 30, 2021. 7050

(B)(1) There is hereby created in the state treasury the 7051
building demolition and site revitalization fund. The fund shall 7052
consist of moneys appropriated to it by the general assembly, and 7053
investment earnings on moneys in the fund shall be credited to the 7054

fund. 7055

(2) The director shall reserve funds from ~~each~~ the 7056
appropriation to the fund made in the first fiscal year from the 7057
biennial operating appropriations act to each county in the state. 7058
The amount reserved shall be five hundred thousand dollars per 7059
county, or, if an appropriation is less than forty-four million 7060
dollars, a proportionate amount to each county. Amounts reserved 7061
pursuant to this section are reserved for one calendar year from 7062
the date of the appropriation. After one calendar year, the funds 7063
shall be available pursuant to division (B)(3) of this section. 7064

(3) Funds from an appropriation not reserved under division 7065
(B)(2) of this section shall be available for grants to projects 7066
located anywhere in the state, and grants from those funds shall 7067
be awarded to qualifying projects on a first-come, first-served 7068
basis. Grants awarded pursuant to this division shall be limited 7069
to seventy-five per cent of a project's total cost. 7070

Sec. 122.85. (A) As used in this section and in sections 7071
5726.55, 5733.59, 5747.66, and 5751.54 of the Revised Code: 7072

(1) "Tax credit-eligible production" means a motion picture 7073
or Broadway theatrical production certified by the director of 7074
development under division (B) of this section as qualifying the 7075
production company for a tax credit under section 5726.55, 7076
5733.59, 5747.66, or 5751.54 of the Revised Code. 7077

(2) "Certificate owner" means a production company to which a 7078
tax credit certificate is issued. 7079

(3) "Production company" means an individual, corporation, 7080
partnership, limited liability company, or other form of business 7081
association that is registered with the secretary of state and 7082
that is producing a motion picture or Broadway theatrical 7083
production. 7084

(4) "Eligible expenditures" means expenditures made after 7085
June 30, 2009, for goods or services purchased and consumed in 7086
this state by a production company directly for the production of 7087
a tax credit-eligible production, for postproduction activities, 7088
or for advertising and promotion of the production. 7089

"Eligible expenditures" include expenditures for cast and 7090
crew wages, accommodations, costs of set construction and 7091
operations, editing and related services, photography, sound 7092
synchronization, lighting, wardrobe, makeup and accessories, film 7093
processing, transfer, sound mixing, special and visual effects, 7094
music, location fees, and the purchase or rental of facilities and 7095
equipment. 7096

(5) "Motion picture" means entertainment content created in 7097
whole or in part within this state for distribution or exhibition 7098
to the general public, including, but not limited to, 7099
feature-length films; documentaries; long-form, specials, 7100
miniseries, series, and interstitial television programming; 7101
interactive web sites; sound recordings; videos; music videos; 7102
interactive television; interactive games; video games; 7103
commercials; any format of digital media; and any trailer, pilot, 7104
video teaser, or demo created primarily to stimulate the sale, 7105
marketing, promotion, or exploitation of future investment in 7106
either a product or a motion picture by any means and media in any 7107
digital media format, film, or videotape, provided the motion 7108
picture qualifies as a motion picture. "Motion picture" does not 7109
include any television program created primarily as news, weather, 7110
or financial market reports, a production featuring current events 7111
or sporting events, an awards show or other gala event, a 7112
production whose sole purpose is fundraising, a long-form 7113
production that primarily markets a product or service or in-house 7114
corporate advertising or other similar productions, a production 7115
for purposes of political advocacy, or any production for which 7116

records are required to be maintained under 18 U.S.C. 2257 with 7117
respect to sexually explicit content. 7118

(6) "Broadway theatrical production" means a prebroadway 7119
production, long run production, or tour launch that is directed, 7120
managed, and performed by a professional cast and crew and that is 7121
directly associated with New York city's broadway theater 7122
district. 7123

(7) "Prebroadway production" means a live stage production 7124
that is scheduled for presentation in New York city's broadway 7125
theater district after the original or adaptive version is 7126
performed in a qualified production facility. 7127

(8) "Long run production" means a live stage production that 7128
is scheduled to be performed at a qualified production facility 7129
for more than five weeks, with an average of at least six 7130
performances per week. 7131

(9) "Tour launch" means a live stage production for which the 7132
activities comprising the technical period are conducted at a 7133
qualified production facility before a tour of the original or 7134
adaptive version of the production begins. 7135

(10) "Qualified production facility" means a facility located 7136
in this state that is used in the development or presentation to 7137
the public of theater productions. 7138

(B) For the purpose of encouraging and developing strong film 7139
and theater industries in this state, the director of development 7140
may certify a motion picture or broadway theatrical production 7141
produced by a production company as a tax credit-eligible 7142
production. In the case of a television series, the director may 7143
certify the production of each episode of the series as a separate 7144
tax credit-eligible production. A production company shall apply 7145
for certification of a motion picture or broadway theatrical 7146
production as a tax credit-eligible production on a form and in 7147

the manner prescribed by the director. Each application shall	7148
include the following information:	7149
(1) The name and telephone number of the production company;	7150
(2) The name and telephone number of the company's contact person;	7151 7152
(3) A list of the first preproduction date through the last production and postproduction dates in Ohio and, in the case of a broadway theatrical production, a list of each scheduled performance in a qualified production facility;	7153 7154 7155 7156
(4) The Ohio production office or qualified production facility address and telephone number;	7157 7158
(5) The total production budget;	7159
(6) The total budgeted eligible expenditures and the percentage that amount is of the total production budget of the motion picture or Broadway theatrical production;	7160 7161 7162
(7) In the case of a motion picture, the total percentage of the production being shot in Ohio;	7163 7164
(8) The level of employment of cast and crew who reside in Ohio;	7165 7166
(9) A synopsis of the script;	7167
(10) In the case of a motion picture, the shooting script;	7168
(11) A creative elements list that includes the names of the principal cast and crew and the producer and director;	7169 7170
(12) Documentation of financial ability to undertake and complete the motion picture or Broadway theatrical production, including documentation that shows that the company has secured funding equal to at least fifty per cent of the total production budget;	7171 7172 7173 7174 7175
(13) Estimated value of the tax credit based upon total	7176

budgeted eligible expenditures; 7177

(14) Estimated amount of state and local taxes to be 7178
generated in this state from the production; 7179

(15) Estimated economic impact of the production in this 7180
state; 7181

(16) Any other information considered necessary by the 7182
director. 7183

Within ninety days after certification of a motion picture or 7184
broadway theatrical production as a tax credit-eligible 7185
production, and any time thereafter upon the request of the 7186
director, the production company shall present to the director 7187
sufficient evidence of reviewable progress. If the production 7188
company fails to present sufficient evidence, the director may 7189
rescind the certification. If the production of a motion picture 7190
or Broadway theatrical production does not begin within ninety 7191
days after the date it is certified as a tax credit-eligible 7192
production, the director shall rescind the certification unless 7193
the director finds that the production company shows good cause 7194
for the delay, meaning that the production was delayed due to 7195
unforeseeable circumstances beyond the production company's 7196
control or due to action or inaction by a government agency. Upon 7197
rescission, the director shall notify the applicant that the 7198
certification has been rescinded. Nothing in this section 7199
prohibits an applicant whose tax credit-eligible production 7200
certification has been rescinded from submitting a subsequent 7201
application for certification. 7202

(C)(1) A production company whose motion picture or Broadway 7203
theatrical production has been certified as a tax credit-eligible 7204
production may apply to the director of development on or after 7205
July 1, 2009, for a refundable credit against the tax imposed by 7206
section 5726.02, 5733.06, 5747.02, or 5751.02 of the Revised Code. 7207

The director in consultation with the tax commissioner shall 7208
prescribe the form and manner of the application and the 7209
information or documentation required to be submitted with the 7210
application. 7211

The credit is determined as follows: 7212

(a) If the total budgeted eligible expenditures stated in the 7213
application submitted under division (B) of this section or the 7214
actual eligible expenditures as finally determined under division 7215
(D) of this section, whichever is least, is less than or equal to 7216
three hundred thousand dollars, no credit is allowed; 7217

(b) If the total budgeted eligible expenditures stated in the 7218
application submitted under division (B) of this section or the 7219
actual eligible expenditures as finally determined under division 7220
(D) of this section, whichever is least, is greater than three 7221
hundred thousand dollars, the credit equals thirty per cent of the 7222
least of such budgeted or actual eligible expenditure amounts. 7223

(2) Except as provided in division (C)(4) of this section, if 7224
the director of development approves a production company's 7225
application for a credit, the director shall issue a tax credit 7226
certificate to the company. The director in consultation with the 7227
tax commissioner shall prescribe the form and manner of issuing 7228
certificates. The director shall assign a unique identifying 7229
number to each tax credit certificate and shall record the 7230
certificate in a register devised and maintained by the director 7231
for that purpose. The certificate shall state the amount of the 7232
eligible expenditures on which the credit is based and the amount 7233
of the credit. Upon the issuance of a certificate, the director 7234
shall certify to the tax commissioner the name of the production 7235
company to which the certificate was issued, the amount of 7236
eligible expenditures shown on the certificate, the amount of the 7237
credit, and any other information required by the rules adopted to 7238
administer this section. 7239

(3) The amount of eligible expenditures for which a tax credit may be claimed is subject to inspection and examination by the tax commissioner or employees of the commissioner under section 5703.19 of the Revised Code and any other applicable law. Once the eligible expenditures are finally determined under section 5703.19 of the Revised Code and division (D) of this section, the credit amount is not subject to adjustment unless the director determines an error was committed in the computation of the credit amount.

(4) No tax credit certificate may be issued before the completion of the tax credit-eligible production. Not more than ~~forty~~ seventy-five million dollars of tax credit may be allowed per fiscal year provided that, for any fiscal year in which the amount of tax credits allowed under this section is less than that maximum annual amount, the amount not allowed for that fiscal year shall be added to the maximum annual amount that may be allowed for the following fiscal year.

(5) The director shall review and approve applications for tax credits in two rounds each fiscal year. The first round of credits shall be awarded not later than the last day of July of the fiscal year, and the second round of credits shall be awarded not later than the last day of the ensuing January. The amount of credits awarded in the first round of applications each fiscal year shall not exceed ~~twenty~~ thirty-seven and one-half million dollars plus any credit allotment that was not awarded in the preceding fiscal year and carried over under division (C)(4) of this section. For each round, the director shall rank applications on the basis of the extent of positive economic impact each tax credit-eligible production is likely to have in this state and the effect on developing a permanent workforce in motion picture or theatrical production industries in the state. For the purpose of such ranking, the director shall give priority to tax-credit

eligible productions that are television series or miniseries due 7272
to the long-term commitment typically associated with such 7273
productions. The economic impact ranking shall be based on the 7274
production company's total expenditures in this state directly 7275
associated with the tax credit-eligible production. The effect on 7276
developing a permanent workforce in the motion picture or 7277
theatrical production industries shall be evaluated first by the 7278
number of new jobs created and second by amount of payroll added 7279
with respect to employees in this state. 7280

The director shall approve productions in the order of their 7281
ranking, from those with the greatest positive economic impact and 7282
workforce development effect to those with the least positive 7283
economic impact and workforce development effect. 7284

(D) A production company whose motion picture or Broadway 7285
theatrical production has been certified as a tax credit-eligible 7286
production shall engage, at the company's expense, an independent 7287
certified public accountant to examine the company's production, 7288
postproduction, and advertising and promotion expenditures to 7289
identify the expenditures that qualify as eligible expenditures. 7290
The certified public accountant shall issue a report to the 7291
company and to the director of development certifying the 7292
company's eligible expenditures and any other information required 7293
by the director. Upon receiving and examining the report, the 7294
director may disallow any expenditure the director determines is 7295
not an eligible expenditure. If the director disallows an 7296
expenditure, the director shall issue a written notice to the 7297
production company stating that the expenditure is disallowed and 7298
the reason for the disallowance. Upon examination of the report 7299
and disallowance of any expenditures, the director shall determine 7300
finally the lesser of the total budgeted eligible expenditures 7301
stated in the application submitted under division (B) of this 7302
section or the actual eligible expenditures for the purpose of 7303

computing the amount of the credit. 7304

(E) No credit shall be allowed under section 5726.55, 7305
5733.59, 5747.66, or 5751.54 of the Revised Code unless the 7306
director has reviewed the report and made the determination 7307
prescribed by division (D) of this section. 7308

(F) This state reserves the right to refuse the use of this 7309
state's name in the credits of any tax credit-eligible motion 7310
picture production or program of any Broadway theatrical 7311
production. 7312

(G)(1) The director of development in consultation with the 7313
tax commissioner shall adopt rules for the administration of this 7314
section, including rules setting forth and governing the criteria 7315
for determining whether a motion picture or Broadway theatrical 7316
production is a tax credit-eligible production; activities that 7317
constitute the production or postproduction of a motion picture or 7318
Broadway theatrical production; reporting sufficient evidence of 7319
reviewable progress; expenditures that qualify as eligible 7320
expenditures; a schedule and deadlines for applications to be 7321
submitted and reviewed; a competitive process for approving 7322
credits based on likely economic impact in this state and 7323
development of a permanent workforce in motion picture or 7324
theatrical production industries in this state; consideration of 7325
geographic distribution of credits; and implementation of the 7326
program described in division (H) of this section. The rules shall 7327
be adopted under Chapter 119. of the Revised Code. 7328

(2) To cover the administrative costs of the program, the 7329
director shall require each applicant to pay an application fee 7330
equal to the lesser of ten thousand dollars or one per cent of the 7331
estimated value of the tax credit as stated in the application. 7332
The fees collected shall be credited to the tax incentives 7333
operating fund created in section 122.174 of the Revised Code. All 7334
grants, gifts, fees, and contributions made to the director for 7335

marketing and promotion of the motion picture industry within this 7336
state shall also be credited to the fund. 7337

(H) The director of development shall establish a program for 7338
the training of Ohio residents who are or wish to be employed in 7339
the film or multimedia industry. Under the program, the director 7340
shall: 7341

(1) Certify individuals as film and multimedia trainees. In 7342
order to receive such a certification, an individual must be an 7343
Ohio resident, have participated in relevant on-the-job training 7344
or have completed a relevant training course approved by the 7345
director, and have met any other requirements established by the 7346
director. 7347

(2) Accept applications from production companies that intend 7348
to hire and provide on-the-job training to one or more certified 7349
film and multimedia trainees who will be employed in the company's 7350
tax credit-eligible production. 7351

(3) Upon completion of a tax-credit eligible production, and 7352
upon the receipt of any salary information and other documentation 7353
required by the director, authorize a reimbursement payment to 7354
each production company whose application was approved under 7355
division (H)(2) of this section. The payment shall equal fifty per 7356
cent of the salaries paid to film and multimedia trainees employed 7357
in the production. 7358

Sec. 123.211. (A) Notwithstanding any contrary provision of 7359
section 123.21 of the Revised Code, the executive director of the 7360
Ohio facilities construction commission may authorize any of the 7361
following agencies to administer any capital facilities project, 7362
the estimated cost of which, including design fees, construction, 7363
equipment, and contingency amounts, is less than three million 7364
dollars: 7365

(1) The department of mental health and addiction services;	7366
(2) The department of developmental disabilities;	7367
(3) The department of agriculture;	7368
(4) The department of job and family services;	7369
(5) The department of rehabilitation and correction;	7370
(6) The department of youth services;	7371
(7) The department of public safety;	7372
(8) The department of transportation;	7373
(9) The department of veterans services;	7374
(10) The bureau of workers' compensation;	7375
(11) The department of administrative services;	7376
(12) The state school for the deaf;	7377
(13) The state school for the blind <u>Ohio deaf and blind</u>	7378
<u>education services.</u>	7379
(B) A state agency that wishes to administer a project under	7380
division (A) of this section shall submit a request for	7381
authorization through the Ohio administrative knowledge system	7382
capital improvements application. Upon the release of funds for	7383
the projects by the controlling board or the director of budget	7384
and management, the agency may administer the capital project or	7385
projects for which agency administration has been authorized	7386
without the supervision, control, or approval of the executive	7387
director of the Ohio facilities construction commission.	7388
(C) A state agency authorized by the executive director of	7389
the Ohio facilities construction commission to administer capital	7390
facilities projects pursuant to this section shall comply with the	7391
applicable procedures and guidelines established in Chapter 153.	7392
of the Revised Code and shall track all project information in the	7393
Ohio administrative knowledge system capital improvements	7394

application pursuant to Ohio facilities construction commission 7395
guidelines. 7396

Sec. 124.136. (A) As used in this section: 7397

(1) "Fetal death" has the same meaning as in section 3705.01 7398
of the Revised Code. 7399

(2) "Stillborn" means that an infant of at least twenty weeks 7400
of gestation suffered a fetal death. 7401

(B)(1) Each permanent full-time and permanent part-time 7402
employee paid in accordance with section 124.152 of the Revised 7403
Code and each employee listed in division (B)(2), (3), or (4) of 7404
section 124.14 of the Revised Code who works thirty or more hours 7405
per week, and who meets the requirement of division (B)(2)(a) of 7406
this section is eligible, upon the birth, stillbirth, or adoption 7407
of a child, for a parental leave of absence and parental leave 7408
benefits under this section. If the employee takes leave under 7409
this section for a stillbirth, the employee is ineligible for 7410
leave under section 124.387 of the Revised Code. 7411

(2)(a) To be eligible for leave and benefits under this 7412
section, an employee must be one of the following: 7413

(i) A parent, as listed on the birth certificate, of a newly 7414
born child; 7415

(ii) A parent, as listed on the fetal death certificate, of a 7416
stillborn child; 7417

(iii) A legal guardian of ~~and reside~~ a newly adopted child 7418
who resides in the same household as ~~a newly adopted~~ that child. 7419

(b) Employees may elect to receive five thousand dollars for 7420
adoption expenses in lieu of receiving the paid leave benefit 7421
provided under this section. Such payment may be requested upon 7422
placement of the child in the employee's home. If the child is 7423
already residing in the home, payment may be requested at the time 7424

the adoption is approved. 7425

(3) The average number of regular hours worked, which shall 7426
include all hours of holiday pay and other types of paid leave, 7427
during the three-month period immediately preceding the day 7428
parental leave of absence begins shall be used to determine 7429
eligibility and benefits under this section for part-time 7430
employees, but such benefits shall not exceed forty hours per 7431
week. If an employee has not worked for a three-month period, the 7432
number of hours for which the employee has been scheduled to work 7433
per week during the employee's period of employment shall be used 7434
to determine eligibility and benefits under this section. 7435

(C) Parental leave granted under this section shall not 7436
exceed ~~six~~ twelve consecutive weeks, which shall include four 7437
~~weeks or one~~ hundred ~~sixty~~ eighty hours of paid leave for 7438
permanent full-time employees and a prorated number of hours of 7439
paid leave for permanent part-time employees. Parental leave shall 7440
be taken within one year of the birth of the child, delivery of 7441
the stillborn child, or placement of the child for adoption. ~~All~~ 7442
~~employees granted parental leave shall serve a waiting period of~~ 7443
~~fourteen days that begins on the day parental leave begins and~~ 7444
~~during which they shall not receive paid leave under this section.~~ 7445
~~Employees may choose to work during the waiting period.~~ During the 7446
~~remaining four weeks of the leave period, employees shall receive~~ 7447
paid leave equal to seventy per cent of their base rate of pay. 7448
All of the following apply to employees granted parental leave: 7449

(1) They remain eligible to receive all employer-paid 7450
benefits and continue to accrue all other forms of paid leave as 7451
if they were in active pay status. 7452

(2) They are ineligible to receive overtime pay, and no 7453
portion of their parental leave shall be included in calculating 7454
their overtime pay. 7455

(3) They are ineligible to receive holiday pay. A holiday 7456
occurring during the leave period shall be counted as one day of 7457
parental leave and be paid as such. 7458

(D) Employees receiving parental leave may utilize available 7459
sick leave, personal leave, vacation leave, or compensatory time 7460
balances in order to ~~be paid during the fourteen day waiting~~ 7461
~~period and to~~ supplement the seventy per cent of their base rate 7462
of pay received during the ~~remaining part of their~~ parental leave 7463
period, in an amount sufficient to give them up to one hundred per 7464
cent of their pay for time on parental leave. 7465

Use of parental leave does not affect an employee's 7466
eligibility for other forms of paid leave granted under this 7467
chapter and does not prohibit an employee from taking leave under 7468
the "Family and Medical Leave Act of 1993," 107 Stat. 6, 29 7469
U.S.C.A. 2601, except that parental leave shall be included in any 7470
leave time provided under that act. An employee may not receive 7471
parental leave under this section after exhausting leave under the 7472
Family and Medical Leave Act of 1993 for the birth of the child, 7473
delivery of the stillborn child, or placement of the child for 7474
adoption. 7475

(E) Employees receiving disability leave benefits under 7476
section 124.385 of the Revised Code prior to becoming eligible for 7477
parental leave shall continue to receive disability leave benefits 7478
for the duration of their disabling condition or as otherwise 7479
provided under the disability leave benefits program. If an 7480
employee is receiving disability leave benefits because of 7481
pregnancy and these benefits expire prior to the expiration date 7482
of any benefits the employee would have been entitled to receive 7483
under this section, the employee shall receive parental leave for 7484
such additional time ~~without being required to serve an additional~~ 7485
~~waiting period if the parental leave is contiguous to the~~ 7486
~~disability leave.~~ 7487

Sec. 124.14. (A)(1) The director of administrative services 7488
shall establish, and may modify or rescind, a job classification 7489
plan for all positions, offices, and employments in the service of 7490
the state. The director shall group jobs within a classification 7491
so that the positions are similar enough in duties and 7492
responsibilities to be described by the same title, to have the 7493
same pay assigned with equity, and to have the same qualifications 7494
for selection applied. The director shall assign a classification 7495
title to each classification within the classification plan. 7496
However, the director shall consider in establishing 7497
classifications, including classifications with parenthetical 7498
titles, and assigning pay ranges such factors as duties performed 7499
only on one shift, special skills in short supply in the labor 7500
market, recruitment problems, separation rates, comparative salary 7501
rates, the amount of training required, and other conditions 7502
affecting employment. The director shall describe the duties and 7503
responsibilities of the class, establish the qualifications for 7504
being employed in each position in the class, and file with the 7505
secretary of state a copy of specifications for all of the 7506
classifications. The director shall file new, additional, or 7507
revised specifications with the secretary of state before they are 7508
used. 7509

The director shall assign each classification, either on a 7510
statewide basis or in particular counties or state institutions, 7511
to a pay range established under section 124.15 or section 124.152 7512
of the Revised Code. The director may assign a classification to a 7513
pay range on a temporary basis for a period of six months. The 7514
director may establish experimental classification plans for some 7515
or all employees paid directly by warrant of the director of 7516
budget and management. Any such experimental classification plan 7517
shall include specifications for each classification within the 7518
plan and shall specifically address compensation ranges, and 7519

methods for advancing within the ranges, for the classifications, 7520
which may be assigned to pay ranges other than the pay ranges 7521
established under section 124.15 or 124.152 of the Revised Code. 7522

(2) The director of administrative services may reassign to a 7523
proper classification those positions that have been assigned to 7524
an improper classification. If the compensation of an employee in 7525
such a reassigned position exceeds the maximum rate of pay for the 7526
employee's new classification, the employee shall be placed in pay 7527
step X and shall not receive an increase in compensation until the 7528
maximum rate of pay for that classification exceeds the employee's 7529
compensation. 7530

(3) The director may reassign an exempt employee, as defined 7531
in section 124.152 of the Revised Code, to a bargaining unit 7532
classification if the director determines that the bargaining unit 7533
classification is the proper classification for that employee. 7534
Notwithstanding Chapter 4117. of the Revised Code or instruments 7535
and contracts negotiated under it, these placements are at the 7536
director's discretion. 7537

(4) The director shall assign related classifications, which 7538
form a career progression, to a classification series. The 7539
director shall assign each classification in the classification 7540
plan a five-digit number, the first four digits of which shall 7541
denote the classification series to which the classification is 7542
assigned. When a career progression encompasses more than ten 7543
classifications, the director shall identify the additional 7544
classifications belonging to a classification series. The 7545
additional classifications shall be part of the classification 7546
series, notwithstanding the fact that the first four digits of the 7547
number assigned to the additional classifications do not 7548
correspond to the first four digits of the numbers assigned to 7549
other classifications in the classification series. 7550

(B) Division (A) of this section and sections 124.15 and 7551

124.152 of the Revised Code do not apply to the following persons, 7552
positions, offices, and employments: 7553

(1) Elected officials; 7554

(2) Legislative employees, employees of the legislative 7555
service commission, employees in the office of the governor, 7556
employees who are in the unclassified civil service and exempt 7557
from collective bargaining coverage in the office of the secretary 7558
of state, auditor of state, treasurer of state, and attorney 7559
general, and employees of the supreme court; 7560

(3) Any position for which the authority to determine 7561
compensation is given by law to another individual or entity; 7562

(4) Employees of the bureau of workers' compensation whose 7563
compensation the administrator of workers' compensation 7564
establishes under division (B) of section 4121.121 of the Revised 7565
Code. 7566

(C) The director may employ a consulting agency to aid and 7567
assist the director in carrying out this section. 7568

(D)(1) When the director proposes to modify a classification 7569
or the assignment of classes to appropriate pay ranges, the 7570
director shall notify the appointing authorities of the affected 7571
employees before implementing the modification. The director's 7572
notice shall include the effective date of the modification. The 7573
appointing authorities shall notify the affected employees 7574
regarding the modification. 7575

(2) When the director proposes to reclassify any employee in 7576
the service of the state so that the employee is adversely 7577
affected, the director shall give to the employee affected and to 7578
the employee's appointing authority a written notice setting forth 7579
the proposed new classification, pay range, and salary. Upon the 7580
request of any classified employee in the service of the state who 7581
is not serving in a probationary period, the director shall 7582

perform a job audit to review the classification of the employee's 7583
position to determine whether the position is properly classified. 7584
The director shall give to the employee affected and to the 7585
employee's appointing authority a written notice of the director's 7586
determination whether or not to reclassify the position or to 7587
reassign the employee to another classification. An employee or 7588
appointing authority desiring a hearing shall file a written 7589
request for the hearing with the state personnel board of review 7590
within thirty days after receiving the notice. The board shall set 7591
the matter for a hearing and notify the employee and appointing 7592
authority of the time and place of the hearing. The employee, the 7593
appointing authority, or any authorized representative of the 7594
employee who wishes to submit facts for the consideration of the 7595
board shall be afforded reasonable opportunity to do so. After the 7596
hearing, the board shall consider anew the reclassification and 7597
may order the reclassification of the employee and require the 7598
director to assign the employee to such appropriate classification 7599
as the facts and evidence warrant. As provided in division (A)(1) 7600
of section 124.03 of the Revised Code, the board may determine the 7601
most appropriate classification for the position of any employee 7602
coming before the board, with or without a job audit. The board 7603
shall disallow any reclassification or reassignment classification 7604
of any employee when it finds that changes have been made in the 7605
duties and responsibilities of any particular employee for 7606
political, religious, or other unjust reasons. 7607

(E)(1) Employees of each county department of job and family 7608
services shall be paid a salary or wage established by the board 7609
of county commissioners. The provisions of section 124.18 of the 7610
Revised Code concerning the standard work week apply to employees 7611
of county departments of job and family services. A board of 7612
county commissioners may do either of the following: 7613

(a) Notwithstanding any other section of the Revised Code, 7614

supplement the sick leave, vacation leave, personal leave, and 7615
other benefits of any employee of the county department of job and 7616
family services of that county, if the employee is eligible for 7617
the supplement under a written policy providing for the 7618
supplement; 7619

(b) Notwithstanding any other section of the Revised Code, 7620
establish alternative schedules of sick leave, vacation leave, 7621
personal leave, or other benefits for employees not inconsistent 7622
with the provisions of a collective bargaining agreement covering 7623
the affected employees. 7624

(2) Division (E)(1) of this section does not apply to 7625
employees for whom the state employment relations board 7626
establishes appropriate bargaining units pursuant to section 7627
4117.06 of the Revised Code, except in either of the following 7628
situations: 7629

(a) The employees for whom the state employment relations 7630
board establishes appropriate bargaining units elect no 7631
representative in a board-conducted representation election. 7632

(b) After the state employment relations board establishes 7633
appropriate bargaining units for such employees, all employee 7634
organizations withdraw from a representation election. 7635

(F)(1) Notwithstanding any contrary provision of sections 7636
124.01 to 124.64 of the Revised Code, the board of trustees of 7637
each state university or college, as defined in section 3345.12 of 7638
the Revised Code, shall carry out all matters of governance 7639
involving the officers and employees of the university or college, 7640
including, but not limited to, the powers, duties, and functions 7641
of the department of administrative services and the director of 7642
administrative services specified in this chapter. Officers and 7643
employees of a state university or college shall have the right of 7644
appeal to the state personnel board of review as provided in this 7645

chapter. 7646

(2) Each board of trustees shall adopt rules ~~under section~~ 7647
~~111.15 of the Revised Code~~ to carry out the matters of governance 7648
described in division (F)(1) of this section. Until the board of 7649
trustees adopts those rules, a state university or college shall 7650
continue to operate pursuant to the applicable rules adopted by 7651
the director of administrative services under this chapter. 7652

(G)(1) Each board of county commissioners may, by a 7653
resolution adopted by a majority of its members, establish a 7654
county personnel department to exercise the powers, duties, and 7655
functions specified in division (G) of this section. As used in 7656
division (G) of this section, "county personnel department" means 7657
a county personnel department established by a board of county 7658
commissioners under division (G)(1) of this section. 7659

(2)(a) Each board of county commissioners, by a resolution 7660
adopted by a majority of its members, may designate the county 7661
personnel department of the county to exercise the powers, duties, 7662
and functions specified in sections 124.01 to 124.64 and Chapter 7663
325. of the Revised Code with regard to employees in the service 7664
of the county, except for the powers and duties of the state 7665
personnel board of review, which powers and duties shall not be 7666
construed as having been modified or diminished in any manner by 7667
division (G)(2) of this section, with respect to the employees for 7668
whom the board of county commissioners is the appointing authority 7669
or co-appointing authority. 7670

(b) Nothing in division (G)(2) of this section shall be 7671
construed to limit the right of any employee who possesses the 7672
right of appeal to the state personnel board of review to continue 7673
to possess that right of appeal. 7674

(c) Any board of county commissioners that has established a 7675
county personnel department may contract with the department of 7676

administrative services, in accordance with division (H) of this 7677
section, another political subdivision, or an appropriate public 7678
or private entity to provide competitive testing services or other 7679
appropriate services. 7680

(3) After the county personnel department of a county has 7681
been established as described in division (G)(2) of this section, 7682
any elected official, board, agency, or other appointing authority 7683
of that county, upon written notification to the county personnel 7684
department, may elect to use the services and facilities of the 7685
county personnel department. Upon receipt of the notification by 7686
the county personnel department, the county personnel department 7687
shall exercise the powers, duties, and functions as described in 7688
division (G)(2) of this section with respect to the employees of 7689
that elected official, board, agency, or other appointing 7690
authority. 7691

(4) Each board of county commissioners, by a resolution 7692
adopted by a majority of its members, may disband the county 7693
personnel department. 7694

(5) Any elected official, board, agency, or appointing 7695
authority of a county may end its involvement with a county 7696
personnel department upon actual receipt by the department of a 7697
certified copy of the notification that contains the decision to 7698
no longer participate. 7699

(6) A county personnel department, in carrying out its 7700
duties, shall adhere to merit system principles with regard to 7701
employees of county departments of job and family services, child 7702
support enforcement agencies, and public child welfare agencies so 7703
that there is no threatened loss of federal funding for these 7704
agencies, and the county is financially liable to the state for 7705
any loss of federal funds due to the action or inaction of the 7706
county personnel department. 7707

(H) County agencies may contract with the department of 7708
administrative services for any human resources services, 7709
including, but not limited to, establishment and modification of 7710
job classification plans, competitive testing services, and 7711
periodic audits and reviews of the county's uniform application of 7712
the powers, duties, and functions specified in sections 124.01 to 7713
124.64 and Chapter 325. of the Revised Code with regard to 7714
employees in the service of the county. Nothing in this division 7715
modifies the powers and duties of the state personnel board of 7716
review with respect to employees in the service of the county. 7717
Nothing in this division limits the right of any employee who 7718
possesses the right of appeal to the state personnel board of 7719
review to continue to possess that right of appeal. 7720

(I) The director of administrative services shall establish 7721
the rate and method of compensation for all employees who are paid 7722
directly by warrant of the director of budget and management and 7723
who are serving in positions that the director of administrative 7724
services has determined impracticable to include in the state job 7725
classification plan. This division does not apply to elected 7726
officials, legislative employees, employees of the legislative 7727
service commission, employees who are in the unclassified civil 7728
service and exempt from collective bargaining coverage in the 7729
office of the secretary of state, auditor of state, treasurer of 7730
state, and attorney general, employees of the courts, employees of 7731
the bureau of workers' compensation whose compensation the 7732
administrator of workers' compensation establishes under division 7733
(B) of section 4121.121 of the Revised Code, or employees of an 7734
appointing authority authorized by law to fix the compensation of 7735
those employees. 7736

(J) The director of administrative services shall set the 7737
rate of compensation for all intermittent, seasonal, temporary, 7738
emergency, and casual employees in the service of the state who 7739

are not considered public employees under section 4117.01 of the Revised Code. Those employees are not entitled to receive employee benefits, unless otherwise required by law. This rate of compensation shall be equitable in terms of the rate of employees serving in the same or similar classifications. This division does not apply to elected officials, legislative employees, employees of the legislative service commission, employees who are in the unclassified civil service and exempt from collective bargaining coverage in the office of the secretary of state, auditor of state, treasurer of state, and attorney general, employees of the courts, employees of the bureau of workers' compensation whose compensation the administrator establishes under division (B) of section 4121.121 of the Revised Code, or employees of an appointing authority authorized by law to fix the compensation of those employees.

Sec. 124.15. (A) Board and commission members appointed prior to July 1, 1991, shall be paid a salary or wage in accordance with the following schedules of rates:

Schedule B

		Pay Ranges and Step Values				
Range		Step 1	Step 2	Step 3	Step 4	
23	Hourly	5.72	5.91	6.10	6.31	7761
	Annually	11897.60	12292.80	12688.00	13124.80	7762
		Step 5	Step 6			7763
	Hourly	6.52	6.75			7764
	Annually	13561.60	14040.00			7765
		Step 1	Step 2	Step 3	Step 4	7766
24	Hourly	6.00	6.20	6.41	6.63	7767
	Annually	12480.00	12896.00	13332.80	13790.40	7768
		Step 5	Step 6			7769
	Hourly	6.87	7.10			7770

	Annually	14289.60	14768.00			7771
		Step 1	Step 2	Step 3	Step 4	7772
25	Hourly	6.31	6.52	6.75	6.99	7773
	Annually	13124.80	13561.60	14040.00	14539.20	7774
		Step 5	Step 6			7775
	Hourly	7.23	7.41			7776
	Annually	15038.40	15412.80			7777
		Step 1	Step 2	Step 3	Step 4	7778
26	Hourly	6.63	6.87	7.10	7.32	7779
	Annually	13790.40	14289.60	14768.00	15225.60	7780
		Step 5	Step 6			7781
	Hourly	7.53	7.77			7782
	Annually	15662.40	16161.60			7783
		Step 1	Step 2	Step 3	Step 4	7784
27	Hourly	6.99	7.23	7.41	7.64	7785
	Annually	14534.20	15038.40	15412.80	15891.20	7786
		Step 5	Step 6	Step 7		7787
	Hourly	7.88	8.15	8.46		7788
	Annually	16390.40	16952.00	17596.80		7789
		Step 1	Step 2	Step 3	Step 4	7790
28	Hourly	7.41	7.64	7.88	8.15	7791
	Annually	15412.80	15891.20	16390.40	16952.00	7792
		Step 5	Step 6	Step 7		7793
	Hourly	8.46	8.79	9.15		7794
	Annually	17596.80	18283.20	19032.00		7795
		Step 1	Step 2	Step 3	Step 4	7796
29	Hourly	7.88	8.15	8.46	8.79	7797
	Annually	16390.40	16952.00	17596.80	18283.20	7798
		Step 5	Step 6	Step 7		7799
	Hourly	9.15	9.58	10.01		7800
	Annually	19032.00	19926.40	20820.80		7801
		Step 1	Step 2	Step 3	Step 4	7802
30	Hourly	8.46	8.79	9.15	9.58	7803

	Annually	17596.80	18283.20	19032.00	19926.40	7804
		Step 5	Step 6	Step 7		7805
	Hourly	10.01	10.46	10.99		7806
	Annually	20820.80	21756.80	22859.20		7807
		Step 1	Step 2	Step 3	Step 4	7808
31	Hourly	9.15	9.58	10.01	10.46	7809
	Annually	19032.00	19962.40	20820.80	21756.80	7810
		Step 5	Step 6	Step 7		7811
	Hourly	10.99	11.52	12.09		7812
	Annually	22859.20	23961.60	25147.20		7813
		Step 1	Step 2	Step 3	Step 4	7814
32	Hourly	10.01	10.46	10.99	11.52	7815
	Annually	20820.80	21756.80	22859.20	23961.60	7816
		Step 5	Step 6	Step 7	Step 8	7817
	Hourly	12.09	12.68	13.29	13.94	7818
	Annually	25147.20	26374.40	27643.20	28995.20	7819
		Step 1	Step 2	Step 3	Step 4	7820
33	Hourly	10.99	11.52	12.09	12.68	7821
	Annually	22859.20	23961.60	25147.20	26374.40	7822
		Step 5	Step 6	Step 7	Step 8	7823
	Hourly	13.29	13.94	14.63	15.35	7824
	Annually	27643.20	28995.20	30430.40	31928.00	7825
		Step 1	Step 2	Step 3	Step 4	7826
34	Hourly	12.09	12.68	13.29	13.94	7827
	Annually	25147.20	26374.40	27643.20	28995.20	7828
		Step 5	Step 6	Step 7	Step 8	7829
	Hourly	14.63	15.35	16.11	16.91	7830
	Annually	30430.40	31928.00	33508.80	35172.80	7831
		Step 1	Step 2	Step 3	Step 4	7832
35	Hourly	13.29	13.94	14.63	15.35	7833
	Annually	27643.20	28995.20	30430.40	31928.00	7834
		Step 5	Step 6	Step 7	Step 8	7835
	Hourly	16.11	16.91	17.73	18.62	7836

	Annually	33508.80	35172.80	36878.40	38729.60	7837
		Step 1	Step 2	Step 3	Step 4	7838
36	Hourly	14.63	15.35	16.11	16.91	7839
	Annually	30430.40	31928.00	33508.80	35172.80	7840
		Step 5	Step 6	Step 7	Step 8	7841
	Hourly	17.73	18.62	19.54	20.51	7842
	Annually	36878.40	38729.60	40643.20	42660.80	7843
Schedule C						7844
Pay Range and Values						7845
Range		Minimum		Maximum		7846
41	Hourly	10.44		15.72		7847
	Annually	21715.20		32697.60		7848
42	Hourly	11.51		17.35		7849
	Annually	23940.80		36088.00		7850
43	Hourly	12.68		19.12		7851
	Annually	26374.40		39769.60		7852
44	Hourly	13.99		20.87		7853
	Annually	29099.20		43409.60		7854
45	Hourly	15.44		22.80		7855
	Annually	32115.20		47424.00		7856
46	Hourly	17.01		24.90		7857
	Annually	35380.80		51792.00		7858
47	Hourly	18.75		27.18		7859
	Annually	39000.00		56534.40		7860
48	Hourly	20.67		29.69		7861
	Annually	42993.60		61755.20		7862
49	Hourly	22.80		32.06		7863
	Annually	47424.00		66684.80		7864
(B) The pay schedule of all employees shall be on a biweekly						7865
basis, with amounts computed on an hourly basis.						7866
(C) Part-time employees shall be compensated on an hourly						7867
basis for time worked, at the rates shown in division (A) of this						7868

section or in section 124.152 of the Revised Code. 7869

(D) The salary and wage rates in division (A) of this section 7870
or in section 124.152 of the Revised Code represent base rates of 7871
compensation and may be augmented by the provisions of section 7872
124.181 of the Revised Code. In those cases where lodging, meals, 7873
laundry, or other personal services are furnished an employee in 7874
the service of the state, the actual costs or fair market value of 7875
the personal services shall be paid by the employee in such 7876
amounts and manner as determined by the director of administrative 7877
services and approved by the director of budget and management, 7878
and those personal services shall not be considered as a part of 7879
the employee's compensation. An appointing authority that appoints 7880
employees in the service of the state, with the approval of the 7881
director of administrative services and the director of budget and 7882
management, may establish payments to employees for uniforms, 7883
tools, equipment, and other requirements of the department and 7884
payments for the maintenance of them. 7885

The director of administrative services may review collective 7886
bargaining agreements entered into under Chapter 4117. of the 7887
Revised Code that cover employees in the service of the state and 7888
determine whether certain benefits or payments provided to the 7889
employees covered by those agreements should also be provided to 7890
employees in the service of the state who are exempt from 7891
collective bargaining coverage and are paid in accordance with 7892
section 124.152 of the Revised Code or are listed in division 7893
(B)(2) or (4) of section 124.14 of the Revised Code. On completing 7894
the review, the director of administrative services, with the 7895
approval of the director of budget and management, may provide to 7896
some or all of these employees any payment or benefit, except for 7897
salary, contained in such a collective bargaining agreement even 7898
if it is similar to a payment or benefit already provided by law 7899
to some or all of these employees. Any payment or benefit so 7900

provided shall not exceed the highest level for that payment or 7901
benefit specified in such a collective bargaining agreement. The 7902
director of administrative services shall not provide, and the 7903
director of budget and management shall not approve, any payment 7904
or benefit to such an employee under this division unless the 7905
payment or benefit is provided pursuant to a collective bargaining 7906
agreement to a state employee who is in a position with similar 7907
duties as, is supervised by, or is employed by the same appointing 7908
authority as, the employee to whom the benefit or payment is to be 7909
provided. 7910

As used in this division, "payment or benefit already 7911
provided by law" includes, but is not limited to, bereavement, 7912
personal, vacation, administrative, and sick leave, disability 7913
benefits, holiday pay, and pay supplements provided under the 7914
Revised Code, but does not include wages or salary. 7915

(E) New employees paid in accordance with schedule B of 7916
division (A) of this section or schedule E-1 of section 124.152 of 7917
the Revised Code shall be employed at the minimum rate established 7918
for the range unless otherwise provided. Employees with 7919
qualifications that are beyond the minimum normally required for 7920
the position and that are determined by the director to be 7921
exceptional may be employed in, or may be transferred or promoted 7922
to, a position at an advanced step of the range. Further, in time 7923
of a serious labor market condition when it is relatively 7924
impossible to recruit employees at the minimum rate for a 7925
particular classification, the entrance rate may be set at an 7926
advanced step in the range by the director of administrative 7927
services. This rate may be limited to geographical regions of the 7928
state. Appointments made to an advanced step under the provision 7929
regarding exceptional qualifications shall not affect the step 7930
assignment of employees already serving. However, anytime the 7931
hiring rate of an entire classification is advanced to a higher 7932

step, all incumbents of that classification being paid at a step 7933
lower than that being used for hiring, shall be advanced beginning 7934
at the start of the first pay period thereafter to the new hiring 7935
rate, and any time accrued at the lower step will be used to 7936
calculate advancement to a succeeding step. If the hiring rate of 7937
a classification is increased for only a geographical region of 7938
the state, only incumbents who work in that geographical region 7939
shall be advanced to a higher step. When an employee in the 7940
unclassified service changes from one state position to another or 7941
is appointed to a position in the classified service, or if an 7942
employee in the classified service is appointed to a position in 7943
the unclassified service, the employee's salary or wage in the new 7944
position shall be determined in the same manner as if the employee 7945
were an employee in the classified service. When an employee in 7946
the unclassified service who is not eligible for step increases is 7947
appointed to a classification in the classified service under 7948
which step increases are provided, future step increases shall be 7949
based on the date on which the employee last received a pay 7950
increase. If the employee has not received an increase during the 7951
previous year, the date of the appointment to the classified 7952
service shall be used to determine the employee's annual step 7953
advancement eligibility date. In reassigning any employee to a 7954
classification resulting in a pay range increase or to a new pay 7955
range as a result of a promotion, an increase pay range 7956
adjustment, or other classification change resulting in a pay 7957
range increase, the director shall assign such employee to the 7958
step in the new pay range that will provide an increase of 7959
approximately four per cent if the new pay range can accommodate 7960
the increase. When an employee is being assigned to a 7961
classification or new pay range as the result of a class plan 7962
change, if the employee has completed a probationary period, the 7963
employee shall be placed in a step no lower than step two of the 7964
new pay range. If the employee has not completed a probationary 7965

period, the employee may be placed in step one of the new pay 7966
range. Such new salary or wage shall become effective on such date 7967
as the director determines. 7968

(F) If employment conditions and the urgency of the work 7969
require such action, the director of administrative services may, 7970
upon the application of a department head, authorize payment at 7971
any rate established within the range for the class of work, for 7972
work of a casual or intermittent nature or on a project basis. 7973
Payment at such rates shall not be made to the same individual for 7974
more than three calendar months in any one calendar year. Any such 7975
action shall be subject to the approval of the director of budget 7976
and management as to the availability of funds. This section and 7977
sections 124.14 and 124.152 of the Revised Code do not repeal any 7978
authority of any department or public official to contract with or 7979
fix the compensation of professional persons who may be employed 7980
temporarily for work of a casual nature or for work on a project 7981
basis. 7982

(G)(1) Except as provided in divisions (G)(2) and (3) of this 7983
section, each state employee paid in accordance with schedule B of 7984
this section or schedule E-1 of section 124.152 of the Revised 7985
Code shall be eligible for advancement to succeeding steps in the 7986
range for the employee's class or grade according to the schedule 7987
established in this division. Beginning on the first day of the 7988
pay period within which the employee completes the prescribed 7989
probationary period in the employee's classification with the 7990
state, each employee shall receive an automatic salary adjustment 7991
equivalent to the next higher step within the pay range for the 7992
employee's class or grade. 7993

Except as provided in divisions (G)(2) and (3) of this 7994
section, each employee paid in accordance with schedule E-1 of 7995
section 124.152 of the Revised Code shall be eligible to advance 7996
to the next higher step until the employee reaches the top step in 7997

the range for the employee's class or grade, if the employee has 7998
maintained satisfactory performance in accordance with criteria 7999
established by the employee's appointing authority. Those step 8000
advancements shall not occur more frequently than once in any 8001
twelve-month period. 8002

When an employee is promoted, the step entry date shall be 8003
set to account for a probationary period. When an employee is 8004
reassigned to a higher pay range, the step entry date shall be set 8005
to allow an employee who is not at the highest step of the range 8006
to receive a step advancement one year from the reassignment date. 8007
Step advancement shall not be affected by demotion. A promoted 8008
employee shall advance to the next higher step of the pay range on 8009
the first day of the pay period in which the required probationary 8010
period is completed. Step advancement shall become effective at 8011
the beginning of the pay period within which the employee attains 8012
the necessary length of service. Time spent on authorized leave of 8013
absence shall be counted for this purpose. 8014

If determined to be in the best interest of the state 8015
service, the director of administrative services may, either 8016
statewide or in selected agencies, adjust the dates on which 8017
annual step advancements are received by employees paid in 8018
accordance with schedule E-1 of section 124.152 of the Revised 8019
Code. 8020

(2)(a) There shall be a moratorium on annual step 8021
advancements under division (G)(1) of this section beginning June 8022
21, 2009, through June 20, 2011. Step advancements shall resume 8023
with the pay period beginning June 21, 2011. Upon the resumption 8024
of step advancements, there shall be no retroactive step 8025
advancements for the period the moratorium was in effect. The 8026
moratorium shall not affect an employee's performance evaluation 8027
schedule. 8028

An employee who begins a probationary period before June 21, 8029

2009, shall advance to the next step in the employee's pay range 8030
at the end of probation, and then become subject to the 8031
moratorium. An employee who is hired, promoted, or reassigned to a 8032
higher pay range between June 21, 2009, through June 20, 2011, 8033
shall not advance to the next step in the employee's pay range 8034
until the next anniversary of the employee's date of hire, 8035
promotion, or reassignment that occurs on or after June 21, 2011. 8036

(b) The moratorium under division (G)(2)(a) of this section 8037
shall apply to the employees of the secretary of state, the 8038
auditor of state, the treasurer of state, and the attorney 8039
general, who are subject to this section unless the secretary of 8040
state, the auditor of state, the treasurer of state, or the 8041
attorney general decides to exempt the office's employees from the 8042
moratorium and so notifies the director of administrative services 8043
in writing on or before July 1, 2009. 8044

(3) Employees in intermittent positions shall be employed at 8045
the minimum rate established for the pay range for their 8046
classification and are not eligible for step advancements. 8047

(H) Employees in appointive managerial or professional 8048
positions paid in accordance with schedule C of this section or 8049
schedule E-2 of section 124.152 of the Revised Code may be 8050
appointed at any rate within the appropriate pay range. This rate 8051
of pay may be adjusted higher or lower within the respective pay 8052
range at any time the appointing authority so desires as long as 8053
the adjustment is based on the employee's ability to successfully 8054
administer those duties assigned to the employee. Salary 8055
adjustments shall not be made more frequently than once in any 8056
six-month period under this provision to incumbents holding the 8057
same position and classification. 8058

(I) When an employee is assigned to duty outside this state, 8059
the employee may be compensated, upon request of the department 8060
head and with the approval of the director of administrative 8061

services, at a rate not to exceed fifty per cent in excess of the 8062
employee's current base rate for the period of time spent on that 8063
duty. 8064

(J) Unless compensation for members of a board or commission 8065
is otherwise specifically provided by law, the director of 8066
administrative services shall establish the rate and method of 8067
payment for members of boards and commissions pursuant to the pay 8068
schedules listed in section 124.152 of the Revised Code. 8069

(K) Regular full-time employees in positions assigned to 8070
classes within the instruction and education administration series 8071
under the job classification plans of the director of 8072
administrative services, except certificated employees on the 8073
instructional staff of ~~the state school for the blind or the state~~ 8074
~~school for the deaf~~ Ohio deaf and blind education services, whose 8075
positions are scheduled to work on the basis of an academic year 8076
rather than a full calendar year, shall be paid according to the 8077
pay range assigned by the applicable job classification plan, but 8078
only during those pay periods included in the academic year of the 8079
school where the employee is located. 8080

(1) Part-time or substitute teachers or those whose period of 8081
employment is other than the full academic year shall be 8082
compensated for the actual time worked at the rate established by 8083
this section. 8084

(2) Employees governed by this division are exempt from 8085
sections 124.13 and 124.19 of the Revised Code. 8086

(3) Length of service for the purpose of determining 8087
eligibility for step advancements as provided by division (G) of 8088
this section and for the purpose of determining eligibility for 8089
longevity pay supplements as provided by division (E) of section 8090
124.181 of the Revised Code shall be computed on the basis of one 8091
full year of service for the completion of each academic year. 8092

(L) The superintendent of ~~the state school for the deaf and~~ 8093
~~the superintendent of the state school for the blind~~ Ohio deaf and 8094
blind education services shall, subject to the approval of the 8095
superintendent of public instruction, carry out both of the 8096
following: 8097

(1) Annually, between the first day of April and the last day 8098
of June, establish for the ensuing fiscal year a schedule of 8099
hourly rates for the compensation of each certificated employee on 8100
the instructional staff of ~~that superintendent's respective school~~ 8101
Ohio deaf and blind education services constructed as follows: 8102

(a) Determine for each level of training, experience, and 8103
other professional qualification for which an hourly rate is set 8104
forth in the current schedule, the per cent that rate is of the 8105
rate set forth in such schedule for a teacher with a bachelor's 8106
degree and no experience. If there is more than one such rate for 8107
such a teacher, the lowest rate shall be used to make the 8108
computation. 8109

(b) Determine which six city, local, and exempted village 8110
school districts with territory in Franklin county have in effect 8111
on, or have adopted by, the first day of April for the school year 8112
that begins on the ensuing first day of July, teacher salary 8113
schedules with the highest minimum salaries for a teacher with a 8114
bachelor's degree and no experience; 8115

(c) Divide the sum of such six highest minimum salaries by 8116
ten thousand five hundred sixty; 8117

(d) Multiply each per cent determined in division (L)(1)(a) 8118
of this section by the quotient obtained in division (L)(1)(c) of 8119
this section; 8120

(e) One hundred five per cent of each product thus obtained 8121
shall be the hourly rate for the corresponding level of training, 8122
experience, or other professional qualification in the schedule 8123

for the ensuing fiscal year. 8124

(2) Annually, assign each certificated employee on the 8125
instructional staff of ~~the superintendent's respective school~~ Ohio 8126
deaf and blind education services to an hourly rate on the 8127
schedule that is commensurate with the employee's training, 8128
experience, and other professional qualifications. 8129

If an employee is employed on the basis of an academic year, 8130
the employee's annual salary shall be calculated by multiplying 8131
the employee's assigned hourly rate times one thousand seven 8132
hundred sixty. If an employee is not employed on the basis of an 8133
academic year, the employee's annual salary shall be calculated in 8134
accordance with the following formula: 8135

(a) Multiply the number of days the employee is required to 8136
work pursuant to the employee's contract by eight; 8137

(b) Multiply the product of division (L)(2)(a) of this 8138
section by the employee's assigned hourly rate. 8139

Each employee shall be paid an annual salary in biweekly 8140
installments. The amount of each installment shall be calculated 8141
by dividing the employee's annual salary by the number of biweekly 8142
installments to be paid during the year. 8143

Sections 124.13 and 124.19 of the Revised Code do not apply 8144
to an employee who is paid under this division. 8145

As used in this division, "academic year" means the number of 8146
days in each school year that the ~~schools~~ state school for the 8147
deaf and the state school for the blind are required to be open 8148
for instruction with pupils in attendance. Upon completing an 8149
academic year, an employee paid under this division shall be 8150
deemed to have completed one year of service. An employee paid 8151
under this division is eligible to receive a pay supplement under 8152
division (L)(1), (2), or (3) of section 124.181 of the Revised 8153
Code for which the employee qualifies, but is not eligible to 8154

receive a pay supplement under division (L)(4) or (5) of that 8155
section. An employee paid under this division is eligible to 8156
receive a pay supplement under division (L)(6) of section 124.181 8157
of the Revised Code for which the employee qualifies, except that 8158
the supplement is not limited to a maximum of five per cent of the 8159
employee's regular base salary in a calendar year. 8160

(M) Division (A) of this section does not apply to "exempt 8161
employees," as defined in section 124.152 of the Revised Code, who 8162
are paid under that section. 8163

Notwithstanding any other provisions of this chapter, when an 8164
employee transfers between bargaining units or transfers out of or 8165
into a bargaining unit, the director of administrative services 8166
shall establish the employee's compensation and adjust the maximum 8167
leave accrual schedule as the director deems equitable. 8168

Sec. 124.387. (A) As used in this section, "stillborn" has 8169
the same meaning as in section 124.136 of the Revised Code. 8170

(B) Each full-time permanent and part-time permanent employee 8171
whose salary or wage is paid directly by warrant of the director 8172
of budget and management shall be granted three days of 8173
bereavement leave with pay ~~upon~~ due to the death of a member of 8174
the employee's immediate family. 8175

(C) Except as provided in division (E) of this section, an 8176
employee described in division (B) of this section may use 8177
bereavement leave under this section when the employee is the 8178
parent of a miscarried or stillborn child. An employee using 8179
bereavement leave based on a miscarriage shall provide appropriate 8180
medical documentation of the miscarriage. An employee using 8181
bereavement leave based on a stillbirth shall provide a copy of 8182
the fetal death certificate. 8183

(D) The bereavement leave described in this section begins 8184

<u>within one of the following time periods:</u>	8185
<u>(1) Not more than five calendar days after the immediate family member's death;</u>	8186
	8187
<u>(2) Not more than five days before or five days after the date of the immediate family member's funeral.</u>	8188
	8189
<u>(E) An employee who takes bereavement leave granted under this section on the basis of a stillbirth is ineligible for parental leave or benefits under section 124.136 of the Revised Code based on the same stillbirth.</u>	8190
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	8192
	8193
<u>(F) Compensation for bereavement leave shall be equal to the employee's base rate of pay.</u>	8194
	8195
Sec. 125.01. As used in this chapter:	8196
(A) "Order" means a copy of a contract or a statement of the nature of a contemplated expenditure, a description of the property or supplies to be purchased or service to be performed, other than a service performed by officers and regular employees of the state, and per diem of the national guard, and the total sum of the expenditure to be made therefor, if the sum is fixed and ascertained, otherwise the estimated sum thereof, and an authorization to pay for the contemplated expenditure, signed by the person instructed and authorized to pay upon receipt of a proper invoice.	8197
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(B) "Invoice" means an itemized listing showing delivery of the supplies or performance of the service described in the order including all of the following:	8207
	8208
	8209
(1) The date of the purchase or rendering of the service;	8210
(2) An itemization of the things done, material supplied, or labor furnished;	8211
	8212
(3) The sum due pursuant to the contract or obligation.	8213

(C) "Products" means materials, ~~manufacturer's~~ supplies, 8214
merchandise, goods, wares, and foodstuffs. 8215

(D) "Produced" means the manufacturing, processing, mining, 8216
developing, and making of a thing into a new article with a 8217
distinct character in use through the application of input, within 8218
the state or a state bordering Ohio, of Buy Ohio products, labor, 8219
skill, or other services. "Produced" does not include the mere 8220
assembling or putting together of ~~non-Ohio~~ products or materials 8221
from outside of Ohio or a state bordering Ohio. 8222

(E) "Buy Ohio products" means products that are mined, 8223
excavated, produced, manufactured, raised, or grown in the state 8224
~~by a person~~ or a state bordering Ohio where the input of Buy Ohio 8225
products, labor, skill, or other services constitutes no less than 8226
twenty-five per cent of the manufactured cost. With respect to 8227
mined products, such products shall be mined or excavated in this 8228
state or a state bordering Ohio. 8229

(F) "Purchase" means to buy, rent, lease, lease purchase, or 8230
otherwise acquire supplies or services. "Purchase" also includes 8231
all functions that pertain to the obtaining of supplies or 8232
services, including description of requirements, selection and 8233
solicitation of sources, preparation and award of contracts, all 8234
phases of contract administration, and receipt and acceptance of 8235
the supplies and services and payment for them. 8236

(G) "Services" means the furnishing of labor, time, or effort 8237
by a person, not involving the delivery of a specific end product 8238
other than a report which, if provided, is merely incidental to 8239
the required performance. "Services" does not include services 8240
furnished pursuant to employment agreements or collective 8241
bargaining agreements. 8242

(H) "Supplies" means all property, including, but not limited 8243
to, equipment, materials, and other tangible assets, ~~and~~ 8244

~~insurance~~, but excluding real property or an interest in real property. 8245
8246

(I) "Competitive selection" means any of the following procedures for making purchases: 8247
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(1) Competitive sealed bidding under section 125.07 of the Revised Code; 8249
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(2) Competitive sealed proposals under section 125.071 of the Revised Code; 8251
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(3) Reverse auctions under section 125.072 of the Revised Code; 8253
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(4) Electronic procurement under section 125.073 of the Revised Code. 8255
8256

(J) "Direct purchasing authority" means the authority of a state agency to make a purchase without competitive selection pursuant to sections 125.05 and 127.16 of the Revised Code. 8257
8258
8259

Sec. 125.035. (A) Except as otherwise provided in the Revised Code, a state agency wanting to purchase supplies or services shall make the purchase subject to the requirements of an applicable first or second requisite procurement program described in this section, or obtain a determination ~~from the department of administrative services~~ that the purchase is not subject to a first or second requisite procurement program. State agencies shall submit a purchase request ~~to~~ in a manner and form as prescribed by the department of administrative services ~~unless the department has determined the request does not require a review.~~ The director of administrative services shall adopt rules under Chapter 119. of the Revised Code to provide for the manner of carrying out the function and the power and duties imposed upon and vested in the director by this section.

(B) The following programs are first requisite procurement 8274

programs that shall be given preference in the following order in 8275
fulfilling a purchase request: 8276

(1) Ohio penal industries within the department of 8277
rehabilitation and correction; and 8278

(2) Community rehabilitation programs administered by the 8279
department of administrative services under sections 125.601 to 8280
125.6012 of the Revised Code. 8281

(C) The following programs are second requisite procurement 8282
programs that may be able to fulfill the purchase request if the 8283
first requisite procurement programs are unable to do so: 8284

(1) Business enterprise program at the opportunities for 8285
Ohioans with disabilities agency as prescribed in sections 3304.28 8286
to 3304.33 of the Revised Code; 8287

(2) Office of information technology at the department of 8288
administrative services as established in section 125.18 of the 8289
Revised Code; 8290

(3) Office of state printing and mail services at the 8291
department of administrative services as prescribed in Chapter 8292
125. of the Revised Code; 8293

(4) Ohio pharmacy services at the department of mental health 8294
and addiction services as prescribed in section 5119.44 of the 8295
Revised Code; 8296

(5) Ohio facilities construction commission established in 8297
section 123.20 of the Revised Code; and 8298

(6) Any other program within, or administered by, a state 8299
agency that, by law, requires purchases to be made by, or with the 8300
approval of, the state agency. 8301

(D) Upon receipt of a purchase request, the ~~department of~~ 8302
~~administrative services shall provide the requesting agency a~~ 8303
~~notification of receipt of the purchase request. The department~~ 8304

~~then shall determine whether the request can be fulfilled through a first requisite procurement program. In making the determination, the department may consult with each of the applicable representative of the first and second requisite procurement programs shall review the request to determine whether the request can be fulfilled based on the products and services the requisite procurement program can provide. When the department representative has made its a determination, it the representative shall do one of the following:~~

(1) Direct the requesting agency to obtain the desired supplies or services through the proper ~~first~~ requisite procurement program;

(2) Provide the agency with a waiver from the use of the applicable ~~first~~ requisite procurement ~~programs under sections 125.609 or 5147.07 of the Revised Code; or~~

~~(3) Determine whether the purchase can be fulfilled through a second requisite procurement program under division (E) of this section.~~

(E) ~~In making the determination that a purchase is subject to a second requisite procurement program, the department shall identify potentially applicable programs and notify each program of the requested purchase. The notified second requisite procurement program shall respond to the department within two business days with regard to its ability to provide the requested purchase. If the second requisite procurement program can provide the requested purchase, the department shall direct the requesting agency to make the requested purchase from the appropriate second requisite procurement program. If the department has not received notification from a second requisite procurement program within two business days and the department has made the determination that the purchase is not subject to a second requisite procurement program, the department shall provide a waiver to the requesting~~

agency. 8337

~~(F)~~ Within five business days after receipt of a request, the 8338
~~department~~ applicable representative of the requisite procurement 8339
program shall notify the requesting agency of its determination 8340
and provide any waiver under ~~divisions~~ division (D) ~~or (E)~~ of this 8341
section. If the ~~department~~ representative fails to respond within 8342
five business days or fails to provide an explanation for any 8343
further delay within that time, the requesting agency may use 8344
direct purchasing authority to make the requested purchase, 8345
subject to the requirements of division ~~(G)~~(F) of this section, 8346
division ~~(E)~~(F) of section 125.05, and section 127.16 of the 8347
Revised Code. 8348

~~(G)~~(F) As provided in sections 125.02 and 125.05 of the 8349
Revised Code and subject to such rules as the director of 8350
administrative services may adopt, the department may issue a 8351
release and permit to the agency to secure supplies or services. A 8352
release and permit shall specify the supplies or services to which 8353
it applies, the time during which it is operative, and the reason 8354
for its issuance. A release and permit for telephone, other 8355
telecommunications, and computer services shall be provided in 8356
accordance with section 125.18 of the Revised Code and shall 8357
specify the type of services to be rendered, the number and type 8358
of hardware to be used, and may specify the amount of such 8359
services to be performed. No requesting agency shall proceed with 8360
such purchase until it has received an approved release and permit 8361
from the director of administrative services or the director's 8362
designee. 8363

Sec. 125.041. (A) Nothing in sections 125.02, 125.04 to 8364
125.08, 125.12 to 125.16, 125.18, 125.31 to 125.76, or 125.831 of 8365
the Revised Code shall be construed as limiting the attorney 8366
general, auditor of state, secretary of state, or treasurer of 8367

state in any of the following: 8368

(1) Purchases for less than the dollar amounts for the 8369
purchase of supplies or services determined under section 125.05 8370
of the Revised Code; 8371

(2) Purchases that equal or exceed the dollar amounts for the 8372
purchase of supplies or services determined under section 125.05 8373
of the Revised Code with the approval of the controlling board, if 8374
that approval is required by section 127.16 of the Revised Code; 8375

(3) The final determination of the nature or quantity of any 8376
purchase of supplies or services under division (B) of section 8377
125.02 or under division ~~(G)~~(F) of section 125.035 of the Revised 8378
Code; 8379

(4) The final determination and disposal of excess and 8380
surplus supplies; 8381

(5) The inventory of state property; 8382

(6) The purchase of printing; 8383

(7) Activities related to information technology development 8384
and use; 8385

(8) The fleet management program. 8386

(B) Nothing in this section shall be construed as preventing 8387
the attorney general, auditor of state, secretary of state, or 8388
treasurer of state from complying with or participating in any 8389
aspect of Chapter 125. of the Revised Code through the department 8390
of administrative services. 8391

Sec. 125.05. ~~Except as provided in division (D) or (E) of~~ 8392
~~this section, no~~ No state agency shall purchase any supplies or 8393
services except as provided in ~~divisions (A) to (C) of this~~ 8394
section and section 127.16 of the Revised Code. When exercising 8395
direct purchasing authority the agency shall utilize a selection 8396

process that complies with all applicable laws, rules, or 8397
regulations of the department of administrative services. 8398

(A) A state agency may, without competitive selection, make 8399
any purchase of supplies or services that cost less than fifty 8400
thousand dollars after complying with divisions (A) to (E) of 8401
section 125.035 of the Revised Code. The agency may make the 8402
purchase directly or may make the purchase from or through the 8403
department of administrative services, whichever the agency 8404
determines. The agency shall adopt written procedures consistent 8405
with the department's purchasing procedures and shall use those 8406
procedures when making purchases under this division. 8407

Section 127.16 of the Revised Code does not apply to 8408
purchases made under this division. 8409

(B) A state agency shall make purchases of supplies and 8410
services that cost fifty thousand dollars or more through the 8411
department of administrative services and the process provided in 8412
section 125.035 of the Revised Code, unless the department grants 8413
a waiver ~~under division (D) or (E) of that section~~ and a release 8414
and permit ~~under division (G) of that section.~~ 8415

(C) An agency that has been granted a release and permit 8416
under ~~division (G) of~~ section 125.035 of the Revised Code to make 8417
a purchase may make the purchase without competitive selection if 8418
after making the purchase the cumulative purchase threshold as 8419
computed under division (E) of section 127.16 of the Revised Code 8420
would: 8421

(1) Be exceeded and the controlling board approves the 8422
purchase; 8423

(2) Not be exceeded and the department of administrative 8424
services approves the purchase. 8425

(D) An agency that has been granted a release and permit 8426
under division (G) of section 125.035 of the Revised Code to make 8427

a purchase may make the purchase by utilizing the electronic 8428
procurement system established by the department of administrative 8429
services under section 125.073 of the Revised Code. Such purchases 8430
constitute a competitive selection through the department. 8431

(E) If the department of education or the Ohio education 8432
computer network determines that it can purchase software services 8433
or supplies for specified school districts at a price less than 8434
the price for which the districts could purchase the same software 8435
services or supplies for themselves, the department or network 8436
shall certify that fact to the department of administrative 8437
services and, acting as an agent for the specified school 8438
districts, shall make that purchase without following the 8439
provisions in divisions (A) to (D) of this section. 8440

~~(E)~~(F) When the purchase cost of personal protective 8441
equipment is less than fifty thousand dollars, a state agency 8442
shall comply with ~~divisions (A) to (E)~~ of section 125.035 of the 8443
Revised Code. If the purchase is not subject to the requirements 8444
of an applicable first or second requisite procurement program, 8445
the agency shall apply the same preferences in section 125.09 of 8446
the Revised Code when making the purchase. As used in this 8447
division, "personal protective equipment" means equipment worn to 8448
minimize exposure to hazards that cause workplace injuries and 8449
illnesses. 8450

Sec. 125.071. (A) In accordance with rules the director of 8451
administrative services shall adopt, the director may make 8452
purchases by competitive sealed proposal whenever the director 8453
determines that the use of competitive sealed bidding is not 8454
possible or not advantageous to the state. 8455

(B) Proposals shall be solicited through a request for 8456
proposals. The request for proposals shall state the relative 8457
importance of price and other evaluation factors. Notice of the 8458

request for proposals shall be given in accordance with rules the 8459
director shall adopt. 8460

(C) Proposals shall be opened so as to avoid disclosure of 8461
contents to competing offerors. 8462

In order to ensure fair and impartial evaluation, proposals 8463
and related documents submitted in response to a request for 8464
proposals are not available for public inspection and copying 8465
under section 149.43 of the Revised Code until after the award of 8466
the contract. 8467

(D) As provided in the request for proposals, and under rules 8468
the director shall adopt, discussions may be conducted with 8469
responsible offerors who submit proposals determined to be 8470
reasonably susceptible of being selected for award for the purpose 8471
of ensuring full understanding of, and responsiveness to, 8472
solicitation requirements. Offerors shall be accorded fair and 8473
equal treatment with respect to any opportunity for discussion 8474
regarding any clarification, correction, or revision of proposals. 8475
No disclosure of any information derived from proposals submitted 8476
by competing offerors shall occur when discussions are conducted. 8477

(E) Award may be made to the ~~offeror~~ offerors whose ~~proposal~~ 8478
~~is~~ proposals are determined to be the most advantageous to this 8479
state, taking into consideration factors such as price and the 8480
evaluation criteria set forth in the request for proposals. The 8481
contract file shall contain the basis on which the award is made. 8482

Sec. 125.073. ~~(A)~~ The department of administrative services 8483
shall actively promote and accelerate the use of electronic 8484
procurement, including reverse auctions as defined by section 8485
125.072 of the Revised Code, ~~by implementing the relevant~~ 8486
~~recommendations concerning electronic procurement from the "2000~~ 8487
~~Management Improvement Commission Report to the Governor"~~ when 8488
exercising its statutory powers. 8489

~~(B) Beginning July 1, 2004, the department shall annually on 8490
or before the first day of July report to the committees in each 8491
house of the general assembly dealing with finance indicating the 8492
effectiveness of electronic procurement. 8493~~

Sec. 125.09. (A) Pursuant to sections 125.07, 125.071, and 8494
125.072 of the Revised Code, the department of administrative 8495
services may prescribe such conditions under which competitive 8496
sealed bids, competitive sealed proposals, and bids in reverse 8497
auctions will be received and terms of the proposed purchase as it 8498
considers necessary; provided, that all such conditions and terms 8499
shall be reasonable and shall not unreasonably restrict 8500
competition, and bidders may bid and offerors may propose upon all 8501
or any item of the products, ~~supplies,~~ or services listed in such 8502
notice. Those bidders and offerors claiming the preference 8503
outlined in this chapter shall designate in their bid or offer 8504
~~either that whether~~ the product ~~or supply~~ is ~~produced or mined,~~ 8505
excavated, produced, manufactured, raised, or grown in the United 8506
States and is either ~~an~~ a Buy Ohio product or that the product, 8507
~~supply,~~ or service is provided by a bidder or offeror that 8508
qualifies as having a significant ~~Ohio~~ economic presence in the 8509
state or a state bordering Ohio, under the rules established by 8510
the director of administrative services, and whether the bidder or 8511
offeror is a certified veteran-friendly business enterprise under 8512
section 122.925 of the Revised Code. 8513

~~(B) The department may require that each bidder or offeror 8514
provide sufficient information about the energy efficiency or 8515
energy usage of the bidder's or offeror's product, supply, or 8516
service. 8517~~

~~(C) The director of administrative services shall, by rule 8518
adopted pursuant to Chapter 119. of the Revised Code, prescribe 8519
criteria and procedures for use by all state agencies in giving 8520~~

preference under this section as required by division (B) of 8521
section 125.11 of the Revised Code. The rules shall extend to: 8522

(1) Criteria for determining that a product is ~~produced or~~ 8523
mined, excavated, produced, manufactured, raised, or grown in the 8524
United States rather than in another country or territory; 8525

(2) Criteria for determining that a product is ~~produced or~~ 8526
mined in a Buy Ohio product; 8527

(3) Information to be submitted by bidders or offerors as to 8528
the nature of a product and the location where it is ~~produced or~~ 8529
mined, excavated, produced, manufactured, raised, or grown; 8530

(4) Criteria and procedures to be used by the director to 8531
qualify bidders or offerors located in states bordering Ohio who 8532
might otherwise be excluded from being awarded a contract by 8533
operation of this section and section 125.11 of the Revised Code. 8534
The criteria and procedures shall recognize the level and 8535
regularity of interstate commerce between Ohio and the border 8536
states and provide that the non-Ohio businesses may qualify for 8537
award of a contract as long as they are located in a state that 8538
imposes no greater restrictions than are contained in this section 8539
and section 125.11 of the Revised Code upon persons located in 8540
Ohio selling products or services to agencies of that state. The 8541
criteria and procedures shall also provide that a non-Ohio 8542
business shall not bid on a contract for state printing in this 8543
state if the business is located in a state that excludes Ohio 8544
businesses from bidding on state printing contracts in that state. 8545

(5) Criteria and procedures to be used to qualify bidders and 8546
offerors whose manufactured products, except for mined products, 8547
are produced in other states or in North America, but the bidders 8548
or offerors have a significant Ohio economic presence in terms of 8549
the number of employees or capital investment a bidder or offeror 8550
has in this state. Bidders and offerors with a significant Ohio 8551

economic presence shall qualify for award of a contract on the 8552
same basis as if their products were produced in this state or as 8553
if the bidder or offeror was domiciled in this state. 8554

(6) Criteria and procedures for the director to grant waivers 8555
of the requirements of division (B) of section 125.11 of the 8556
Revised Code on a contract-by-contract basis where compliance with 8557
those requirements would ~~result in the state agency paying an~~ 8558
~~excessive price for the product or acquiring a disproportionately~~ 8559
~~inferior product not be in the best interest of the state or is~~ 8560
otherwise prohibited; 8561

(7) Criteria for applying a preference to bids and offers 8562
received from a certified veteran-friendly business enterprise; 8563

(8) Such other requirements or procedures reasonably 8564
necessary to implement the system of preferences established 8565
pursuant to division (B) of section 125.11 of the Revised Code. 8566

In adopting the rules required under this division, the 8567
director shall, to the maximum extent possible, conform to the 8568
requirements of the federal "Buy ~~America~~ American Act," ~~47 Stat.~~ 8569
~~1520, (1933), 41 U.S.C.A. 10a-10d~~ U.S.C. 8301-8305, as amended, 8570
and to the regulations adopted thereunder. 8571

Sec. 125.10. (A) The department of administrative services 8572
may require that all competitive sealed bids, competitive sealed 8573
proposals, and bids received in a reverse auction be accompanied 8574
by a performance bond or other financial assurance acceptable to 8575
the director of administrative services, in the sum and with the 8576
sureties it prescribes, payable to the state, and conditioned that 8577
the person submitting the bid or proposal, if that person's bid or 8578
proposal is accepted, will faithfully execute the terms of the 8579
contract and promptly make deliveries of the supplies purchased. 8580

(B) A sealed copy of each competitive sealed bid or 8581

competitive sealed proposal shall be filed with the department 8582
prior to the time specified in the notice for opening of the bids 8583
or proposals. All competitive sealed bids and competitive sealed 8584
proposals shall be ~~publicly~~ opened in the ~~office of~~ standardized 8585
system of electronic procurement by the department at the time 8586
specified in the notice. ~~A representative of the auditor of state~~ 8587
~~shall be present at the opening of all competitive sealed bids and~~ 8588
~~competitive sealed proposals, and shall certify the opening of~~ 8589
~~each competitive sealed bid and competitive sealed proposal. No~~ 8590
~~competitive sealed bid or competitive sealed proposal shall be~~ 8591
~~considered valid unless it is so certified.~~ 8592

Sec. 125.11. (A) Subject to division (B) of this section, 8593
contracts awarded pursuant to a reverse auction under section 8594
125.072 of the Revised Code or pursuant to competitive sealed 8595
bidding, including contracts awarded under section 125.081 of the 8596
Revised Code, shall be awarded to the lowest responsive and 8597
responsible bidder in accordance with section 9.312 of the Revised 8598
Code. ~~When the contract is for meat products as defined in section~~ 8599
~~918.01 of the Revised Code or poultry products as defined in~~ 8600
~~section 918.21 of the Revised Code, only those bids received from~~ 8601
~~vendors under inspection of the United States department of~~ 8602
~~agriculture or who are licensed by the Ohio department of~~ 8603
~~agriculture shall be eligible for acceptance. The department of~~ 8604
~~administrative services may accept or reject any or all bids in~~ 8605
~~whole or by items, except that when the contract is for services~~ 8606
~~or products available from a qualified nonprofit agency pursuant~~ 8607
~~to sections 125.60 to 125.6012 or 4115.31 to 4115.35 of the~~ 8608
~~Revised Code, the contract shall be awarded to that agency and~~ 8609
contracts awarded pursuant to a competitive sealed proposal shall 8610
be awarded to the offeror determined to be the most advantageous 8611
to this state. 8612

(B) Prior to awarding a contract under division (A) of this 8613

section, the department of administrative services or the state 8614
agency responsible for evaluating a contract for the purchase of 8615
products or services shall evaluate the bids and offers received 8616
according to the criteria and procedures established pursuant to 8617
~~divisions (C)(1) and (2)~~ division (B) of section 125.09 of the 8618
Revised Code for determining if a product is ~~produced or mined,~~ 8619
excavated, produced, manufactured, raised, or grown in the United 8620
States and, ~~if a product is produced or mined in this state, or in~~ 8621
a state bordering Ohio, whether the bid or offer was received from 8622
a Buy Ohio supplier, and whether the bid or offer was received 8623
from a certified veteran-friendly business enterprise. The 8624
~~department or other state agency shall first consider bids that~~ 8625
~~offer products that have been or that will be produced or mined in~~ 8626
~~the United States. From among the remaining bids, the department~~ 8627
~~or other state agency shall select the lowest responsive and~~ 8628
~~responsible bid, in accordance with section 9.312 of the Revised~~ 8629
~~Code, from among the bids that offer products that have been~~ 8630
~~produced or mined in this state~~ These requirements shall be 8631
applied where sufficient competition can be generated ~~within this~~ 8632
~~state to ensure that compliance with these requirements will not~~ 8633
~~result in an excessive price for the product or acquiring a~~ 8634
~~disproportionately inferior product~~ be in the best interest of the 8635
state unless otherwise prohibited. 8636

(C) Division (B) of this section applies to contracts for 8637
which competitive ~~bidding~~ selection is waived by the controlling 8638
board. 8639

(D) Division (B) of this section does not apply to the 8640
purchase by the division of liquor control of spirituous liquor. 8641

~~(E) The director of administrative services shall publish in~~ 8642
~~the form of a model act for use by counties, townships, municipal~~ 8643
~~corporations, or any other political subdivision described in~~ 8644
~~division (B) of section 125.04 of the Revised Code, a system of~~ 8645

~~preferences for products mined and produced in this state and in 8646
the United States and for Ohio based contractors. The model act 8647
shall reflect substantial equivalence to the system of preferences 8648
in purchasing and public improvement contracting procedures under 8649
which the state operates pursuant to this chapter and section 8650
153.012 of the Revised Code. To the maximum extent possible, 8651
consistent with the Ohio system of preferences in purchasing and 8652
public improvement contracting procedures, the model act shall 8653
incorporate all of the requirements of the federal "Buy America 8654
Act," 47 Stat. 1520 (1933), 41 U.S.C. 10a to 10d, as amended, and 8655
the rules adopted under that act. 8656~~

~~Before and during the development and promulgation of the 8657
model act, the director shall consult with appropriate statewide 8658
organizations representing counties, townships, and municipal 8659
corporations so as to identify the special requirements and 8660
concerns these political subdivisions have in their purchasing and 8661
public improvement contracting procedures. The director shall 8662
promulgate the model act by rule adopted pursuant to Chapter 119. 8663
of the Revised Code and shall revise the act as necessary to 8664
reflect changes in this chapter or section 153.012 of the Revised 8665
Code. 8666~~

~~The director shall make available copies of the model act, 8667
supporting information, and technical assistance to any township, 8668
county, or municipal corporation wishing to incorporate the 8669
provisions of the act into its purchasing or public improvement 8670
contracting procedure. 8671~~

Sec. 125.18. (A) There is hereby established the office of 8673
information technology within the department of administrative 8674
services. The office shall be under the supervision of a state 8675
chief information officer to be appointed by the director of 8676
administrative services and subject to removal at the pleasure of 8677

the director. The chief information officer is an assistant 8678
director of administrative services. 8679

(B) Under the direction of the director of administrative 8680
services, the state chief information officer shall lead, oversee, 8681
and direct state agency activities related to information 8682
technology development and use. In that regard, the state chief 8683
information officer shall do all of the following: 8684

(1) Coordinate and superintend statewide efforts to promote 8685
common use and development of technology by state agencies. The 8686
office of information technology shall establish policies and 8687
standards that govern and direct state agency participation in 8688
statewide programs and initiatives. 8689

(2) Coordinate with the office of procurement services to 8690
establish policies and standards for state agency acquisition of 8691
information technology supplies and services; 8692

(3) Establish policies and standards for the use of common 8693
information technology by state agencies, including, but not 8694
limited to, hardware, software, technology services, and security, 8695
and the extension of the service life of information technology 8696
systems, with which state agencies shall comply; 8697

(4) Establish criteria and review processes to identify state 8698
agency information technology projects or purchases that require 8699
alignment or oversight. As appropriate, the department of 8700
administrative services shall provide the governor and the 8701
director of budget and management with notice and advice regarding 8702
the appropriate allocation of resources for those projects. The 8703
state chief information officer may require state agencies to 8704
provide, and may prescribe the form and manner by which they must 8705
provide, information to fulfill the state chief information 8706
officer's alignment and oversight role; 8707

- (5) Establish policies and procedures for the security of personal information that is maintained and destroyed by state agencies; 8708
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- (6) Employ a chief information security officer who is responsible for the implementation of the policies and procedures described in division (B)(5) of this section and for coordinating the implementation of those policies and procedures in all of the state agencies; 8711
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- (7) Employ a chief privacy officer who is responsible for advising state agencies when establishing policies and procedures for the security of personal information and developing education and training programs regarding the state's security procedures; 8716
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- (8) Establish policies on the purchasing, use, and reimbursement for use of handheld computing and telecommunications devices by state agency employees; 8720
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- (9) Establish policies for the reduction of printing and for the increased use of electronic records by state agencies; 8723
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- (10) Establish policies for the reduction of energy consumption by state agencies; 8725
8726
- (11) Compute the amount of revenue attributable to the amortization of all equipment purchases and capitalized systems from information technology service delivery and major information technology purchases, MARCS administration, and enterprise applications, ~~and the professions licensing system~~ operating appropriation items and major computer purchases capital appropriation items that is recovered as part of the information technology services rates the department of administrative services charges and deposits into the information technology fund created in section 125.15 of the Revised Code, and the user fees the department of administrative services charges and deposits in the MARCS administration fund created in section 4501.29 of the 8727
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Revised Code, the rates the department of administrative services 8739
charges to benefiting agencies for the operation and management of 8740
information technology applications and deposits in the enterprise 8741
applications fund, ~~and the rates the department of administrative~~ 8742
~~services charges for the cost of ongoing maintenance of the~~ 8743
~~professions licensing system and deposits in the professions~~ 8744
~~licensing system fund.~~ The enterprise applications fund is hereby 8745
created in the state treasury. 8746

(12) Regularly review and make recommendations regarding 8747
improving the infrastructure of the state's cybersecurity 8748
operations with existing resources and through partnerships 8749
between government, business, and institutions of higher 8750
education; 8751

(13) Assist, as needed, with general state efforts to grow 8752
the cybersecurity industry in this state. 8753

(C)(1) The chief information security officer shall assist 8754
each state agency with the development of an information 8755
technology security strategic plan and review that plan, and each 8756
state agency shall submit that plan to the state chief information 8757
officer. The chief information security officer may require that 8758
each state agency update its information technology security 8759
strategic plan annually as determined by the state chief 8760
information officer. 8761

(2) Prior to the implementation of any information technology 8762
data system, a state agency shall prepare or have prepared a 8763
privacy impact statement for that system. 8764

(D) When a state agency requests a purchase of information 8765
technology supplies or services under Chapter 125. of the Revised 8766
Code, the state chief information officer may review and reject 8767
the requested purchase for noncompliance with information 8768
technology direction, plans, policies, standards, or 8769

project-alignment criteria. 8770

(E) The office of information technology may operate 8771
technology services for state agencies in accordance with this 8772
chapter. 8773

Notwithstanding any provision of the Revised Code to the 8774
contrary, the office of information technology may assess a 8775
transaction fee on each license or registration issued as part of 8776
an electronic licensing system operated by the office in an amount 8777
determined by the office not to exceed three dollars and fifty 8778
cents. The transaction fee shall apply to all transactions, 8779
regardless of form, that immediately precede the issuance, 8780
renewal, reinstatement, reactivation of, or other activity that 8781
results in, a license or registration to operate as a regulated 8782
professional or entity. Each license or registration is a separate 8783
transaction to which a fee under this division applies. 8784
Notwithstanding any provision of the Revised Code to the contrary, 8785
if a fee is assessed under this section, no agency, board, or 8786
commission shall issue a license or registration unless a fee 8787
required by this division has been received. The director of 8788
administrative services may collect the fee or require a state 8789
agency, board, or commission for which the system is being 8790
operated to collect the fee. Amounts received under this division 8791
shall be deposited in or transferred to the ~~professions licensing~~ 8792
~~system~~ occupational licensing and regulatory fund created in 8793
~~division (H) of this section 4743.05 or the Revised Code.~~ 8794

(F) With the approval of the director of administrative 8795
services, the office of information technology may establish 8796
cooperative agreements with federal and local government agencies 8797
and state agencies that are not under the authority of the 8798
governor for the provision of technology services and the 8799
development of technology projects. 8800

(G) The office of information technology may operate a 8801

program to make information technology purchases. The director of 8802
administrative services may recover the cost of operating the 8803
program from all participating government entities by issuing 8804
intrastate transfer voucher billings for the procured technology 8805
or through any pass-through billing method agreed to by the 8806
director of administrative services, the director of budget and 8807
management, and the participating government entities that will 8808
receive the procured technology. 8809

If the director of administrative services chooses to recover 8810
the program costs through intrastate transfer voucher billings, 8811
the participating government entities shall process the intrastate 8812
transfer vouchers to pay for the cost. Amounts received under this 8813
section for the information technology purchase program shall be 8814
deposited to the credit of the information technology governance 8815
fund created in section 125.15 of the Revised Code. 8816

(H) Upon request from the director of administrative 8817
services, the director of budget and management may transfer cash 8818
from the information technology fund created in section 125.15 of 8819
the Revised Code, the MARCS administration fund created in section 8820
4501.29 of the Revised Code, or the enterprise applications fund 8821
created in division (B)(11) of this section, ~~or the professions~~ 8822
~~licensing system fund created in division (I) of this section~~ to 8823
the major information technology purchases fund in an amount not 8824
to exceed the amount computed under division (B)(11) of this 8825
section. The major information technology purchases fund is hereby 8826
created in the state treasury. 8827

~~(I) There is hereby created in the state treasury the 8828
professions licensing system fund. The fund shall be used to 8829
operate the electronic licensing system referenced in division (E) 8830
of this section. 8831~~

~~(J) As used in this section: 8832~~

(1) "Personal information" has the same meaning as in section 8833
149.45 of the Revised Code. 8834

(2) "State agency" means every organized body, office, or 8835
agency established by the laws of the state for the exercise of 8836
any function of state government, other than any state-supported 8837
institution of higher education, the office of the auditor of 8838
state, treasurer of state, secretary of state, or attorney 8839
general, the adjutant general's department, the bureau of workers' 8840
compensation, the industrial commission, the public employees 8841
retirement system, the Ohio police and fire pension fund, the 8842
state teachers retirement system, the school employees retirement 8843
system, the state highway patrol retirement system, the general 8844
assembly or any legislative agency, the capitol square review 8845
advisory board, or the courts or any judicial agency. 8846

Sec. 125.183. (A) As used in this section: 8847

(1) "Covered application" means all of the following: 8848

(a) The TikTok application and service or any successor 8849
application or service developed or provided by ByteDance limited 8850
or an entity owned by ByteDance limited; 8851

(b) The WeChat application and service or any successor 8852
application or service developed or provided by Tencent holdings 8853
limited or an entity owned by Tencent holdings limited; 8854

(c) Any application or service owned by an entity located in 8855
China, including OO International (OOi), Ozone, Weibo, Xiao 8856
HongShu, Zhihu, Meituan, Toutiao, Alipay, Xiami Music, Tiantian 8857
Music, DingTalkfDing Ding, Douban, RenRen, Youku/Tudou, Little Red 8858
Book, and Zhihu. 8859

(2) "State agency" means every organized body, office, or 8860
agency established by the laws of this state for the exercise of 8861
any function of state government, other than any state-supported 8862

institution of higher education, the courts, or any judicial 8863
agency. "State agency" includes the general assembly, any 8864
legislative agency, and the capitol square review and advisory 8865
board. 8866

(B) Subject to division (C) of this section, the state chief 8867
information officer shall adopt rules under Chapter 119. of the 8868
Revised Code to do all of the following: 8869

(1) Require state agencies immediately to remove any covered 8870
application from all equipment they own or lease; 8871

(2) Prohibit all of the following on equipment owned or 8872
leased by a state agency: 8873

(a) The downloading, installation, or use of a covered 8874
application; 8875

(b) The downloading, installation, or use of a covered 8876
application using an internet connection provided by a state 8877
agency; 8878

(c) The downloading, installation, or use of a covered 8879
application by any officer, employee, or contractor of a state 8880
agency. 8881

(3) Require state agencies to take measures to prevent the 8882
downloading, installation, or use of a covered application as 8883
described in division (B)(2) of this section. 8884

(C) The rules adopted under division (B) of this section 8885
shall include exceptions to allow a qualified person to download, 8886
install, or use a covered application for law enforcement or 8887
information technology security purposes, so long as the person 8888
takes appropriate measures to mitigate the security risks involved 8889
in doing so. 8890

(D) Notwithstanding any provision of section 121.95 of the 8891
Revised Code to the contrary, a regulatory restriction contained 8892

in a rule adopted under this section is not subject to sections 8893
121.95 to 121.953 of the Revised Code. 8894

Sec. 125.901. (A) There is hereby established the Ohio 8895
geographically referenced information program council within the 8896
department of administrative services to coordinate the property 8897
owned by the state. The department of administrative services 8898
shall provide administrative support for the council. 8899

(B) The council shall consist of the following ~~fifteen~~ 8900
sixteen members: 8901

(1) The state chief information officer, or the officer's 8902
designee, who shall serve as the council chair; 8903

(2) The director of natural resources, or the director's 8904
designee; 8905

(3) The director of transportation, or the director's 8906
designee; 8907

(4) The director of environmental protection, or the 8908
director's designee; 8909

(5) The director of development ~~services~~, or the director's 8910
designee; 8911

(6) ~~The treasurer of state, or the treasurer of state's~~ 8912
~~designee;~~ 8913

~~(7)~~ The attorney general, or the attorney general's designee; 8914

~~(8)~~(7) The chancellor of higher education or the chancellor's 8915
designee; 8916

~~(9)~~(8) The chief of the division of oil and gas resources 8917
management in the department of natural resources or the chief's 8918
designee; 8919

~~(10)~~(9) The director of public safety or the director's 8920
designee; 8921

(11) (10) The executive director of the county auditors' association or the executive director's designee;	8922 8923
(12) (11) The executive director of the county commissioners' association or the executive director's designee;	8924 8925
(13) (12) The executive director of the county engineers' association or the executive director's designee;	8926 8927
(14) (13) The executive director of the Ohio municipal league or the executive director's designee;	8928 8929
(15) (14) The executive director of the Ohio townships association or the executive director's designee;	8930 8931
<u>(15) A member of the senate, appointed by the president of the senate;</u>	8932 8933
<u>(16) A member of the house of representatives, appointed by the speaker of the house of representatives.</u>	8934 8935
(C) Members of the council shall serve without compensation.	8936
Sec. 113.41 125.903. (A) The treasurer <u>department of state administrative services</u> shall develop and maintain a comprehensive and descriptive database of all real property under the custody and control of the state, except when otherwise required for reasons of homeland security. <u>The database shall adequately describe, when known, the location, boundary, and acreage of the property, the use and name of the property, and the contact information and name of the state agency managing the property.</u> The information in the database shall be available to the public free of charge through a searchable internet web site. The treasurer of state shall allow for public comment on property owned by the state.	8937 8938 8939 8940 8941 8942 8943 8944 8945 8946 8947 8948
(B) For purposes of the database, <u>Each landholding state agency shall collect and maintain a geographic information systems database of its respective landholdings, and shall provide the</u>	8949 8950 8951

~~database to the Ohio geographically referenced information program 8952
council established in section 125.901 of the Revised Code shall 8953
provide to the treasurer of state, and the treasurer of state 8954
shall collect, information, in a format prescribed by the 8955
treasurer of state, that adequately describes, when known, the 8956
location, acreage, and use of state owned property. The council 8957
shall make its best efforts to obtain the required information on 8958
the state owned property and shall submit updated information to 8959
the treasurer of state as it becomes available. 8960~~

(C) As used in this section, "state-owned property" does not 8961
include state property owned or under the control of the general 8962
assembly or any legislative agency, any court or judicial agency, 8963
the secretary of state, auditor of state, treasurer of state, or 8964
attorney general and their respective offices. 8965

Sec. 126.21. (A) The director of budget and management shall 8966
do all of the following: 8967

(1) Keep all necessary accounting records; 8968

(2) Prescribe and maintain the accounting system of the state 8969
and establish appropriate accounting procedures and charts of 8970
accounts; 8971

(3) Establish procedures for the use of written, electronic, 8972
optical, or other communications media for approving and reviewing 8973
payment vouchers; 8974

(4) Reconcile, in the case of any variation between the 8975
amount of any appropriation and the aggregate amount of items of 8976
the appropriation, with the advice and assistance of the state 8977
agency affected by it and the legislative service commission, 8978
totals so as to correspond in the aggregate with the total 8979
appropriation. In the case of a conflict between the item and the 8980
total of which it is a part, the item shall be considered the 8981

intended appropriation. 8982

(5) Evaluate on an ongoing basis and, if necessary, recommend 8983
improvements to the internal controls used in state agencies; 8984

(6) Authorize the establishment of petty cash accounts. The 8985
director may withdraw approval for any petty cash account and 8986
require the officer in charge to return to the state treasury any 8987
unexpended balance shown by the officer's accounts to be on hand. 8988
Any officer who is issued a warrant for petty cash shall render a 8989
detailed account of the expenditures of the petty cash and shall 8990
report when requested the balance of petty cash on hand at any 8991
time. 8992

(7) Process orders, invoices, vouchers, claims, and payrolls 8993
and prepare financial reports and statements; 8994

(8) Perform extensions, reviews, and compliance checks prior 8995
to or after approving a payment as the director considers 8996
necessary; 8997

(9) Issue the official annual comprehensive ~~annual~~ financial 8998
report of the state. The report shall cover all funds of the state 8999
reporting entity and shall include basic financial statements and 9000
required supplementary information prepared in accordance with 9001
generally accepted accounting principles and other information as 9002
the director provides. All state agencies, authorities, 9003
institutions, offices, retirement systems, and other component 9004
units of the state reporting entity as determined by the director 9005
shall furnish the director whatever financial statements and other 9006
information the director requests for the report, in the form, at 9007
the times, covering the periods, and with the attestation the 9008
director prescribes. The information for state institutions of 9009
higher education, as defined in section 3345.011 of the Revised 9010
Code, shall be submitted to the chancellor of higher education by 9011
the ~~Ohio board~~ department of ~~regents~~ higher education. The ~~board~~ 9012

chancellor shall establish a due date by which each such 9013
institution shall submit the information to the ~~board~~ department, 9014
but no such date shall be later than one hundred twenty days after 9015
the end of the state fiscal year unless a later date is approved 9016
by the director. 9017

(B) In addition to the director's duties under division (A) 9018
of this section, the director may establish and administer one or 9019
more payment card programs that permit state agencies and 9020
political subdivisions to use a payment card to purchase 9021
equipment, materials, supplies, or services in accordance with 9022
guidelines issued by the director. The chief administrative 9023
officer of a state agency or political subdivision that uses a 9024
payment card for such purposes shall ensure that purchases made 9025
with the card are made in accordance with the guidelines issued by 9026
the director. State agencies may participate in only those payment 9027
card programs that the director establishes pursuant to this 9028
section. 9029

(C) In addition to the director's duties under divisions (A) 9030
and (B) of this section, the director may enter into any contract 9031
or agreement necessary for and incidental to the performance of 9032
the director's duties or the duties of the office of budget and 9033
management. 9034

(D) In addition to the director's duties under divisions (A), 9035
(B), and (C) of this section, the director may operate a shared 9036
services center within the office of budget and management for the 9037
purpose of consolidating common business functions and 9038
transactional processes. The services offered by the shared 9039
services center may be provided to any state agency or political 9040
subdivision. In consultation with the director of administrative 9041
services, the director may appoint and fix the compensation of 9042
employees of the office whose primary duties include the 9043
consolidation of common business functions and transactional 9044

processes. 9045

(E) The director may transfer cash between funds other than 9046
the general revenue fund in order to correct an erroneous payment 9047
or deposit regardless of the fiscal year during which the 9048
erroneous payment or deposit occurred. 9049

(F) As used in divisions (B) and (D) of this section: 9050

(1) "Political subdivision" has the same meaning as in 9051
section 2744.01 of the Revised Code. 9052

(2) "State agency" has the same meaning as in section 9.482 9053
of the Revised Code. 9054

Sec. 126.25. The services provided by the director of budget 9055
and management under ~~section~~ sections 126.21 and 126.42 of the 9056
Revised Code shall be supported by charges. The director shall 9057
determine a rate that is sufficient to defray the expense of those 9058
services and the manner by which those charges shall be collected. 9059
All money collected from the charges shall be deposited in the 9060
state treasury to the credit of the accounting and budgeting fund, 9061
which is hereby created. Rebates or revenue shares received from 9062
any payment card program established under division (B) of section 9063
126.21 of the Revised Code and miscellaneous payments that 9064
reimburse expenses paid from the accounting and budgeting fund may 9065
be deposited into the accounting and budgeting fund and used to 9066
support the services provided by the director. 9067

Sec. 126.30. (A) Any state agency that purchases, leases, or 9068
otherwise acquires any equipment, materials, goods, supplies, or 9069
services from any person and fails to make payment for the 9070
equipment, materials, goods, supplies, or services by the required 9071
payment date shall pay an interest charge to the person in 9072
accordance with division (E) of this section, unless the amount of 9073
the interest charge is less than ten dollars. Except as otherwise 9074

provided in division (B), (C), or (D) of this section, the 9075
required payment date shall be the date on which payment is due 9076
under the terms of a written agreement between the state agency 9077
and the person or, if a specific payment date is not established 9078
by such a written agreement, the required payment date shall be 9079
thirty days after the state agency receives a proper invoice for 9080
the amount of the payment due. 9081

(B) If the invoice submitted to the state agency contains a 9082
defect or impropriety, the agency shall send written notification 9083
to the person within fifteen days after receipt of the invoice. 9084
The notice shall contain a description of the defect or 9085
impropriety and any additional information necessary to correct 9086
the defect or impropriety. If the agency sends such written 9087
notification to the person, the required payment date shall be 9088
thirty days after the state agency receives a proper invoice. 9089

(C) In applying this section to claims submitted to the 9090
department of job and family services by providers of equipment, 9091
materials, goods, supplies, or services, the required payment date 9092
shall be the date on which payment is due under the terms of a 9093
written agreement between the department and the provider. If a 9094
specific payment date is not established by a written agreement, 9095
the required payment date shall be thirty days after the 9096
department receives a proper claim. If the department determines 9097
that the claim is improperly executed or that additional evidence 9098
of the validity of the claim is required, the department shall 9099
notify the claimant in writing or by telephone within fifteen days 9100
after receipt of the claim. The notice shall state that the claim 9101
is improperly executed and needs correction or that additional 9102
information is necessary to establish the validity of the claim. 9103
If the department makes such notification to the provider, the 9104
required payment date shall be thirty days after the department 9105
receives the corrected claim or such additional information as may 9106

be necessary to establish the validity of the claim. 9107

(D) In applying this section to invoices submitted to the 9108
bureau of workers' compensation for equipment, materials, goods, 9109
supplies, or services provided to employees in connection with an 9110
employee's claim against the state insurance fund, the public 9111
work-relief employees' compensation fund, the coal-workers 9112
pneumoconiosis fund, or the marine industry fund as compensation 9113
for injuries or occupational disease pursuant to Chapter 4123., 9114
4127., or 4131. of the Revised Code, the required payment date 9115
shall be the date on which payment is due under the terms of a 9116
written agreement between the bureau and the provider. If a 9117
specific payment date is not established by a written agreement, 9118
the required payment date shall be thirty days after the bureau 9119
receives a proper invoice for the amount of the payment due or 9120
thirty days after the final adjudication allowing payment of an 9121
award to the employee, whichever is later. Nothing in this section 9122
shall supersede any faster timetable for payments to health care 9123
providers contained in sections 4121.44 and 4123.512 of the 9124
Revised Code. 9125

For purposes of this division, a "proper invoice" includes 9126
the claimant's name, claim number and date of injury, employer's 9127
name, the provider's name and address, the provider's assigned 9128
payee number, a description of the equipment, materials, goods, 9129
supplies, or services provided by the provider to the claimant, 9130
the date provided, and the amount of the charge. If more than one 9131
item of equipment, materials, goods, supplies, or services is 9132
listed by a provider on a single application for payment, each 9133
item shall be considered separately in determining if it is a 9134
proper invoice. 9135

If prior to a final adjudication the bureau determines that 9136
the invoice contains a defect, the bureau shall notify the 9137
provider in writing at least fifteen days prior to what would be 9138

the required payment date if the invoice did not contain a defect. 9139
The notice shall contain a description of the defect and any 9140
additional information necessary to correct the defect. If the 9141
bureau sends a notification to the provider, the required payment 9142
date shall be redetermined in accordance with this division after 9143
the bureau receives a proper invoice. 9144

For purposes of this division, "final adjudication" means the 9145
later of the date of the decision or other action by the bureau, 9146
the industrial commission, or a court allowing payment of the 9147
award to the employee from which there is no further right to 9148
reconsideration or appeal that would require the bureau to 9149
withhold compensation and benefits, or the date on which the 9150
rights to reconsideration or appeal have expired without an 9151
application therefor having been filed or, if later, the date on 9152
which an application for reconsideration or appeal is withdrawn. 9153
If after final adjudication, the administrator of the bureau of 9154
workers' compensation or the industrial commission makes a 9155
modification with respect to former findings or orders, pursuant 9156
to Chapter 4123., 4127., or 4131. of the Revised Code or pursuant 9157
to court order, the adjudication process shall no longer be 9158
considered final for purposes of determining the required payment 9159
date for invoices for equipment, materials, goods, supplies, or 9160
services provided after the date of the modification when the 9161
propriety of the invoices is affected by the modification. 9162

(E) The interest charge on amounts due shall be paid to the 9163
person for the period beginning on the day after the required 9164
payment date and ending on the day that payment of the amount due 9165
is made. The amount of the interest charge that remains unpaid at 9166
the end of any thirty-day period after the required payment date, 9167
including amounts under ten dollars, shall be added to the 9168
principal amount of the debt and thereafter the interest charge 9169
shall accrue on the principal amount of the debt plus the added 9170

interest charge. The interest charge shall be at the rate per 9171
calendar month that equals one-twelfth of the rate per annum 9172
prescribed by section 5703.47 of the Revised Code for the calendar 9173
year that includes the month for which the interest charge 9174
accrues. 9175

(F) No appropriations shall be made for the payment of any 9176
interest charges required by this section. Any state agency 9177
required to pay interest charges under this section shall make the 9178
payments from moneys available for the administration of agency 9179
programs. 9180

If a state agency pays interest charges under this section, 9181
but determines that all or part of the interest charges should 9182
have been paid by another state agency, the state agency that paid 9183
the interest charges may request the attorney general to determine 9184
the amount of the interest charges that each state agency should 9185
have paid under this section. If the attorney general determines 9186
that the state agency that paid the interest charges should have 9187
paid none or only a part of the interest charges, the attorney 9188
general shall notify the state agency that paid the interest 9189
charges, any other state agency that should have paid all or part 9190
of the interest charges, and the director of budget and management 9191
of the attorney general's decision, stating the amount of interest 9192
charges that each state agency should have paid. The director 9193
shall transfer from the appropriate funds of any other state 9194
agency that should have paid all or part of the interest charges 9195
to the appropriate funds of the state agency that paid the 9196
interest charges an amount necessary to implement the attorney 9197
general's decision. 9198

(G) ~~Not later than forty five days after the end of each~~ 9199
~~fiscal year, each state agency shall file with the~~ The director of 9200
budget and management ~~a detailed report concerning the interest~~ 9201
~~charges the agency paid under this section during the previous~~ 9202

~~fiscal year. The report shall include the number, amounts, and~~ 9203
~~frequency of interest charges the agency incurred during the~~ 9204
~~previous fiscal year and the reasons why the interest charges were~~ 9205
~~not avoided by payment prior to the required payment date. The~~ 9206
~~director shall compile a summary of all the reports submitted~~ 9207
~~under this division interest charges paid under this section~~ 9208
~~during the previous fiscal year and shall submit a copy of the~~ 9209
summary to the president and minority leader of the senate and to 9210
the speaker and minority leader of the house of representatives no 9211
later than the thirtieth day of September of each year. 9212

Sec. ~~125.22~~ 126.42. (A) ~~The department of administrative~~ 9213
~~services Notwithstanding any provision of law to the contrary, the~~ 9214
~~office of budget and management shall establish the central~~ 9215
~~service agency to perform routine support for the following boards~~ 9216
and commissions: 9217

- (1) Architects board; 9218
- (2) State chiropractic board; 9219
- (3) State cosmetology and barber board; 9220
- (4) Accountancy board; 9221
- (5) State dental board; 9222
- (6) Ohio occupational therapy, physical therapy, and athletic 9223
trainers board; 9224
- (7) State board of registration for professional engineers 9225
and surveyors; 9226
- (8) Board of embalmers and funeral directors; 9227
- (9) State board of psychology; 9228
- (10) Counselor, social worker, and marriage and family 9229
therapist board; 9230
- (11) State veterinary medical licensing board; 9231

(12) Commission on Hispanic-Latino affairs;	9232
(13) Commission on African-Americans;	9233
(14) Chemical dependency professionals board;	9234
(15) State vision professionals board;	9235
(16) State speech and hearing professionals board.	9236
(B)(1) Notwithstanding any other <u>For purposes of this</u> section	9237
of the Revised Code, the agency office of budget and management	9238
shall perform the following routine support services for the	9239
boards and commissions named in division (A) of this section	9240
unless the controlling board exempts a board or commission from	9241
this requirement on the recommendation of the director of	9242
administrative services <u>office of budget and management</u> :	9243
(a) Preparing and processing payroll and other personnel	9244
documents;	9245
(b) Preparing and processing vouchers, purchase orders,	9246
encumbrances, and other accounting documents;	9247
(c) Maintaining ledgers of accounts and balances;	9248
(d) Preparing and monitoring budgets and allotment plans in	9249
consultation with the boards and commissions;	9250
(e) <u>Routine human resources and personnel services;</u>	9251
(f) <u>Other routine support services that the director of</u>	9252
administrative services <u>budget and management</u> considers	9253
appropriate to achieve efficiency.	9254
(2) The agency <u>In addition to the routine support services</u>	9255
<u>listed in division (B)(1) of this section, the office of budget</u>	9256
<u>and management</u> may perform other services which a board or	9257
commission named in division (A) of this section delegates to the	9258
agency office <u>and the agency office</u> accepts.	9259
(3) The agency <u>office of budget and management</u> may perform	9260

~~any service routine support services for any professional or 9261
occupational licensing board or commission not named in division 9262
(A) of this section ~~or any commission if at the request of the 9263
board or commission ~~requests such service and the agency accepts.~~ 9264~~~~

~~(C) The director of administrative services shall be the 9265
appointing authority for the agency. 9266~~

~~(D) The agency office of budget and management shall 9267
determine the fees to be charged to the boards and commissions, 9268
which shall be in proportion to the services performed for each 9269
board or commission. 9270~~

~~(E) Each board or commission named in division (A) of this 9271
section and any other board or commission requesting services from 9272
the agency shall pay these fees to the agency from the general 9273
revenue fund maintenance account of the board or commission or 9274
from such other fund as the operating expenses of the board or 9275
commission are paid. Any amounts set aside for a fiscal year by a 9276
board or commission to allow for the payment of fees shall be used 9277
only for the services performed by the agency in that fiscal year. 9278
All receipts collected by the agency shall be deposited in the 9279
state treasury to the credit of the central service agency fund, 9280
which is hereby created. All expenses incurred by the agency in 9281
performing services for the boards or commissions shall be paid 9282
from the fund. 9283~~

~~(F) Nothing in this section shall be construed as a grant of 9284
authority for the central service agency to initiate or deny 9285
personnel or fiscal actions for the boards and commissions. 9286~~

Sec. 126.46. (A)(1) There is hereby created the state audit 9287
committee, consisting of the following five members: one public 9288
member appointed by the governor; two public members appointed by 9289
the speaker of the house of representatives, one of which may be a 9290
person who is recommended by the minority leader of the house of 9291

representatives; and two public members appointed by the president 9292
of the senate, one of which may be a person who is recommended by 9293
the minority leader of the senate. Not more than two of the four 9294
members appointed by the speaker of the house of representatives 9295
and the president of the senate shall belong to or be affiliated 9296
with the same political party. The member appointed by the 9297
governor shall have the program and management expertise required 9298
to perform the duties of the committee's chairperson. 9299

Each member of the committee shall be external to the 9300
management structure of state government and shall serve a 9301
three-year term. Each term shall commence on the first day of July 9302
and end on the thirtieth day of June. Any member may continue in 9303
office subsequent to the expiration date of the member's term 9304
until the member's successor takes office or until a period of 9305
ninety days has elapsed, whichever occurs first. Members may be 9306
reappointed to serve one additional term. 9307

On September 29, 2011, the terms of the members shall be 9308
altered as follows: 9309

(a) The terms of the members appointed by the president shall 9310
expire on June 30, 2012. 9311

(b) The term of the member appointed by the speaker scheduled 9312
to expire on November 17, 2012, shall expire on June 30, 2013. 9313

(c) The term of the other member appointed by the speaker 9314
shall expire on June 30, 2014. 9315

(d) The term of the member appointed by the governor shall 9316
expire on June 30, 2014. 9317

The committee shall include at least one member who is a 9318
financial expert; at least one member who is an active, inactive, 9319
or retired certified public accountant; at least one member who is 9320
familiar with governmental financial accounting; at least one 9321
member who is familiar with information technology systems and 9322

services; and at least one member who is a representative of the public. 9323
9324

Any vacancy on the committee shall be filled in the same manner as provided in this division, and, when applicable, the person appointed to fill a vacancy shall serve the remainder of the predecessor's term. 9325
9326
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(2) Members of the committee shall receive reimbursement for actual and necessary expenses incurred in the discharge of their duties. 9329
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(3) The member of the committee appointed by the governor shall serve as the committee's chairperson. 9332
9333

(4) Members of the committee shall be subject to the disclosure statement requirements of section 102.02 of the Revised Code. 9334
9335
9336

(B) The state audit committee shall do all of the following: 9337

(1) Evaluate whether the internal audits directed by the office of internal audit in the office of budget and management conform to the institute of internal auditors' international professional practices framework for internal auditing and to the institute of internal auditors' code of ethics; 9338
9339
9340
9341
9342

(2) Review and comment on the process used by the office of budget and management to prepare the state's annual comprehensive ~~annual~~ financial report required under division (A)(9) of section 126.21 of the Revised Code; 9343
9344
9345
9346

(3) Review and comment on unaudited financial statements submitted to the auditor of state and communicate with external auditors as required by government auditing standards; 9347
9348
9349

(4) Perform the additional functions imposed upon it by section 126.47 of the Revised Code. 9350
9351

(C) As used in this section, "financial expert" means a 9352

person who has all of the following: 9353

(1) An understanding of generally accepted accounting 9354
principles and financial statements; 9355

(2) The ability to assess the general application of those 9356
principles in connection with accounting for estimates, accruals, 9357
and reserves; 9358

(3) Experience preparing, auditing, analyzing, or evaluating 9359
financial statements presenting accounting issues that generally 9360
are of comparable breadth and level of complexity to those likely 9361
to be presented by a state agency's financial statements, or 9362
experience actively supervising one or more persons engaged in 9363
those activities; 9364

(4) An understanding of internal controls and procedures for 9365
financial reporting; and 9366

(5) An understanding of audit committee functions. 9367

Sec. 126.62. (A) The investing in all Ohio future fund is 9368
hereby created in the state treasury. ~~Moneys~~ The fund shall 9369
consist of money credited to it and any donations, gifts, 9370
bequests, or other money received for deposit in the fund. All 9371
investment earnings of the fund shall be credited to the fund. 9372
Money in the fund shall be used to provide financial assistance 9373
through loans, grants, or other incentives that promote economic 9374
development throughout the state, including infrastructure 9375
improvements and electric infrastructure development approved by 9376
the public utilities commission under sections 4928.85 to 4928.89 9377
of the Revised Code. 9378

(B) The director of development shall adopt rules in 9379
accordance with Chapter 119. of the Revised Code that establish 9380
requirements and procedures to provide financial assistance from 9381
the all Ohio future fund to eligible economic development 9382

projects. The director shall consult with JobsOhio in adopting the 9383
rules. 9384

The rules shall include all of the following: 9385

(1) All forms and materials required to apply for financial 9386
assistance from the all Ohio future fund; 9387

(2) Requirements, procedures, and criteria that the director 9388
shall use in selecting sites to receive financial assistance from 9389
the fund. The rules shall require the director to consider sites 9390
that JobsOhio and local and regional economic development 9391
organizations have identified for economic development. 9392

The criteria adopted in rules for site selection shall 9393
include a means to identify and designate economic development 9394
projects into the following development tiers: 9395

(a) A tier one project is a megaproject, as defined in 9396
section 122.17 of the Revised Code; 9397

(b) A tier two project is a megaproject supplier, as defined 9398
in section 122.17 of the Revised Code; 9399

(c) A tier three project is a project in an industrial park 9400
or a site that is zoned industrial. 9401

(3) Any other requirements or procedures necessary to 9402
administer this section. 9403

(C) When awarding financial assistance under this section and 9404
rules adopted under it, the director shall do both of the 9405
following: 9406

(1) Unless a higher amount is approved by the controlling 9407
board, limit financial assistance amounts as follows: 9408

(a) For tier one projects, not more than two hundred million 9409
dollars per project; 9410

(b) For tier two projects, not more than seventy-five million 9411

dollars per project; 9412

(c) For tier three projects, not more than twenty-five million dollars per project. 9413
9414

(2) Give preference to sites that are publicly owned. 9415

(D) The director may provide grants and loans under this section to port authorities, community improvement corporations, joint economic development districts, and public private partnerships to aid in the acquisition of land necessary for site development. 9416
9417
9418
9419
9420

(E) Notwithstanding section 131.35 of the Revised Code, the controlling board may exceed the limitation in division (E) of that section to increase appropriation to the all Ohio future fund, provided that there is a sufficient cash balance in the fund to support the requested increase. 9421
9422
9423
9424
9425

(F) No money shall be expended from the all Ohio future fund, pursuant to appropriation, until it has been released by the controlling board. 9426
9427
9428

(G) Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under this section is not subject to sections 121.95 to 121.953 of the Revised Code. 9429
9430
9431
9432

Sec. 127.16. (A) Upon the request of either a state agency or the director of budget and management and after the controlling board determines that an emergency or a sufficient economic reason exists, the controlling board may approve the making of a purchase without competitive selection as provided in division (B) of this section. 9433
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9435
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(B) Except as otherwise provided in this section, no state agency, using money that has been appropriated to it directly, shall: 9439
9440
9441

(1) Make any purchase from a particular supplier, that would 9442
amount to fifty thousand dollars or more when combined with both 9443
the amount of all disbursements to the supplier during the fiscal 9444
year for purchases made by the agency and the amount of all 9445
outstanding encumbrances for purchases made by the agency from the 9446
supplier, unless the purchase is made by competitive selection or 9447
with the approval of the controlling board; 9448

(2) Lease real estate from a particular supplier, if the 9449
lease would amount to seventy-five thousand dollars or more when 9450
combined with both the amount of all disbursements to the supplier 9451
during the fiscal year for real estate leases made by the agency 9452
and the amount of all outstanding encumbrances for real estate 9453
leases made by the agency from the supplier, unless the lease is 9454
made by competitive selection or with the approval of the 9455
controlling board. 9456

(C) Any person who authorizes a purchase in violation of 9457
division (B) of this section shall be liable to the state for any 9458
state funds spent on the purchase, and the attorney general shall 9459
collect the amount from the person. 9460

(D) Nothing in division (B) of this section shall be 9461
construed as: 9462

(1) A limitation upon the authority of the director of 9463
transportation as granted in sections 5501.17, 5517.02, and 9464
5525.14 of the Revised Code; 9465

(2) Applying to medicaid provider agreements under the 9466
medicaid program; 9467

(3) Applying to the purchase of examinations from a sole 9468
supplier by a state licensing board under Title XLVII of the 9469
Revised Code; 9470

(4) Applying to entertainment contracts for the Ohio state 9471
fair entered into by the Ohio expositions commission, provided 9472

that the controlling board has given its approval to the 9473
commission to enter into such contracts and has approved a total 9474
budget amount for such contracts as agreed upon by commission 9475
action, and that the commission causes to be kept itemized records 9476
of the amounts of money spent under each contract and annually 9477
files those records with the clerk of the house of representatives 9478
and the clerk of the senate following the close of the fair; 9479

(5) Limiting the authority of the chief of the division of 9480
mineral resources management to contract for reclamation work with 9481
an operator mining adjacent land as provided in section 1513.27 of 9482
the Revised Code; 9483

(6) Applying to investment transactions and procedures of any 9484
state agency, except that the agency shall file with the board the 9485
name of any person with whom the agency contracts to make, broker, 9486
service, or otherwise manage its investments, as well as the 9487
commission, rate, or schedule of charges of such person with 9488
respect to any investment transactions to be undertaken on behalf 9489
of the agency. The filing shall be in a form and at such times as 9490
the board considers appropriate. 9491

(7) Applying to purchases made with money for the per cent 9492
for arts program established by section 3379.10 of the Revised 9493
Code; 9494

(8) Applying to purchases made by the opportunities for 9495
Ohioans with disabilities agency of services, or supplies, that 9496
are provided to persons with disabilities, or to purchases made by 9497
the agency in connection with the eligibility determinations it 9498
makes for applicants of programs administered by the social 9499
security administration; 9500

(9) Applying to payments by the department of medicaid under 9501
section 5164.85 of the Revised Code for group health plan 9502
premiums, deductibles, coinsurance, and other cost-sharing 9503

expenses;	9504
(10) Applying to any agency of the legislative branch of the state government;	9505 9506
(11) Applying to agreements or contracts entered into under section 5101.11, 5101.20, 5101.201, 5101.21, or 5101.214 of the Revised Code;	9507 9508 9509
(12) Applying to purchases of services by the adult parole authority under section 2967.14 of the Revised Code or by the department of youth services under section 5139.08 of the Revised Code;	9510 9511 9512 9513
(13) Applying to dues or fees paid for membership in an organization or association;	9514 9515
(14) Applying to purchases of utility services pursuant to section 9.30 of the Revised Code;	9516 9517
(15) Applying to purchases made in accordance with rules adopted by the department of administrative services of motor vehicle, aviation, or watercraft fuel, or emergency repairs of such vehicles;	9518 9519 9520 9521
(16) Applying to purchases of tickets for passenger air transportation;	9522 9523
(17) Applying to purchases necessary to provide public notifications required by law or to provide notifications of job openings;	9524 9525 9526
(18) Applying to the judicial branch of state government;	9527
(19) Applying to purchases of liquor for resale by the division of liquor control;	9528 9529
(20) Applying to purchases of motor courier and freight services made in accordance with department of administrative services rules;	9530 9531 9532

(21) Applying to purchases from the United States postal service and purchases of stamps and postal meter replenishment from vendors at rates established by the United States postal service;	9533 9534 9535 9536
(22) Applying to purchases of books, periodicals, pamphlets, newspapers, maintenance subscriptions, and other published materials;	9537 9538 9539
(23) Applying to purchases from other state agencies, including state-assisted institutions of higher education or the Ohio history connection;	9540 9541 9542
(24) Applying to purchases from a qualified nonprofit agency pursuant to sections 125.60 to 125.6012 or 4115.31 to 4115.35 of the Revised Code;	9543 9544 9545
(25) Applying to payments by the department of job and family services to the United States department of health and human services for printing and mailing notices pertaining to the tax refund offset program of the internal revenue service of the United States department of the treasury;	9546 9547 9548 9549 9550
(26) Applying to contracts entered into by the department of developmental disabilities under section 5123.18 of the Revised Code;	9551 9552 9553
(27) Applying to payments made by the department of mental health and addiction services under a physician recruitment program authorized by section 5119.185 of the Revised Code;	9554 9555 9556
(28) Applying to contracts entered into with persons by the director of commerce for unclaimed funds collection and remittance efforts as provided in division (G) of section 169.03 of the Revised Code. The director shall keep an itemized accounting of unclaimed funds collected by those persons and amounts paid to them for their services.	9557 9558 9559 9560 9561 9562

(29) Applying to purchases made by a state institution of higher education in accordance with the terms of a contract between the vendor and an inter-university purchasing group comprised of purchasing officers of state institutions of higher education;	9563 9564 9565 9566 9567
(30) Applying to the department of medicaid's purchases of health assistance services under the children's health insurance program;	9568 9569 9570
(31) Applying to payments by the attorney general from the reparations fund to hospitals and other emergency medical facilities for performing medical examinations to collect physical evidence pursuant to section 2907.28 of the Revised Code;	9571 9572 9573 9574
(32) Applying to contracts with a contracting authority or administrative receiver under division (B) of section 5126.056 of the Revised Code;	9575 9576 9577
(33) Applying to purchases of goods and services by the department of veterans services in accordance with the terms of contracts entered into by the United States department of veterans affairs;	9578 9579 9580 9581
(34) Applying to payments by the superintendent of the bureau of criminal identification and investigation to the federal bureau of investigation for criminal records checks pursuant to section 109.572 of the Revised Code;	9582 9583 9584 9585
(35) Applying to contracts entered into by the department of medicaid under section 5164.47 of the Revised Code;	9586 9587
(36) Applying to contracts entered into under section 5160.12 of the Revised Code;	9588 9589
(37) Applying to payments to the Ohio history connection from other state agencies.	9590 9591
(E) When determining whether a state agency has reached the	9592

cumulative purchase thresholds established in divisions (B)(1) and 9593
(2) of this section, ~~all of~~ the following purchases by such agency 9594
shall not be considered: 9595

(1) Purchases made through competitive selection or with 9596
controlling board approval; 9597

(2) Purchases listed in division (D) of this section; 9598

(3) For the purposes of the threshold of division (B)(1) of 9599
this section only, leases of real estate. 9600

(F) A state agency, when exercising direct purchasing 9601
authority under this section, shall utilize a selection process 9602
that complies with all applicable laws, rules, or regulations of 9603
the department of administrative services. 9604

(G) As used in this section, "competitive selection," "direct 9605
purchasing authority," "purchase," "supplies," and "services" have 9606
the same meanings as in section 125.01 of the Revised Code. 9607

Sec. 128.01. As used in this chapter: 9608

(A) "9-1-1 system" means a system through which individuals 9609
can request emergency service using the telephone number 9-1-1. 9610

(B) "Basic 9-1-1" means a 9-1-1 system in which a caller 9611
provides information on the nature of and the location of an 9612
emergency, and the personnel receiving the call must determine the 9613
appropriate emergency service provider to respond at that 9614
location. 9615

(C) "Enhanced 9-1-1" means a 9-1-1 system capable of 9616
providing both enhanced wireline 9-1-1 and wireless enhanced 9617
9-1-1. 9618

(D) "Enhanced wireline 9-1-1" means a 9-1-1 system in which 9619
the wireline telephone network, in providing wireline 9-1-1, does 9620
either of the following: 9621

(1) Automatically routes the call to emergency service 9622
providers that serve the location from which the call is made and 9623
immediately provides to personnel answering the 9-1-1 call 9624
information on the location and the telephone number from which 9625
the call is being made; 9626

(2) Receives, develops, collects, or processes requests for 9627
emergency assistance and relays, transfers, operates, maintains, 9628
or provides emergency notification services or system 9629
capabilities. 9630

(E) "Wireless enhanced 9-1-1" means a 9-1-1 system that, in 9631
providing wireless 9-1-1, has the capabilities of phase I and, to 9632
the extent available, phase II enhanced 9-1-1 services as 9633
described in 47 C.F.R. 20.18 (d) to (h). 9634

(F)(1) "Wireless service" means federally licensed commercial 9635
mobile service as defined in 47 U.S.C. 332(d) and further defined 9636
as commercial mobile radio service in 47 C.F.R. 20.3, and includes 9637
service provided by any wireless, two-way communications device, 9638
including a radio-telephone communications line used in cellular 9639
telephone service or personal communications service, a network 9640
radio access line, or any functional or competitive equivalent of 9641
such a radio-telephone communications or network radio access 9642
line. 9643

(2) Nothing in this chapter applies to paging or any service 9644
that cannot be used to call 9-1-1. 9645

(G) "Wireless service provider" means a facilities-based 9646
provider of wireless service to one or more end users in this 9647
state. 9648

(H) "Wireless 9-1-1" means the emergency calling service 9649
provided by a 9-1-1 system pursuant to a call originating in the 9650
network of a wireless service provider. 9651

(I) "Wireline 9-1-1" means the emergency calling service 9652

provided by a 9-1-1 system pursuant to a call originating in the 9653
network of a wireline service provider. 9654

(J) "Wireline service provider" means a facilities-based 9655
provider of wireline service to one or more end-users in this 9656
state. 9657

(K) "Wireline service" means basic local exchange service, as 9658
defined in section 4927.01 of the Revised Code, that is 9659
transmitted by means of interconnected wires or cables by a 9660
wireline service provider authorized by the public utilities 9661
commission. 9662

(L) "Wireline telephone network" means the selective router 9663
and data base processing systems, trunking and data wiring cross 9664
connection points at the public safety answering point, and all 9665
other voice and data components of the 9-1-1 system. 9666

(M) "Subdivision" means a county, municipal corporation, 9667
township, township fire district, joint fire district, township 9668
police district, joint police district, joint ambulance district, 9669
or joint emergency medical services district that provides 9670
emergency service within its territory, or that contracts with 9671
another municipal corporation, township, or district or with a 9672
private entity to provide such service; and a state college or 9673
university, port authority, or park district of any kind that 9674
employs law enforcement officers that act as the primary police 9675
force on the grounds of the college or university or port 9676
authority or in the parks operated by the district. 9677

(N) "Emergency service" means emergency law enforcement, 9678
firefighting, ambulance, rescue, and medical service. 9679

(O) "Emergency service provider" means the state highway 9680
patrol and an emergency service department or unit of a 9681
subdivision or that provides emergency service to a subdivision 9682
under contract with the subdivision. 9683

(P) "Public safety answering point" means a facility to which 9684
9-1-1 system calls for a specific territory are initially routed 9685
for response and where personnel respond to specific requests for 9686
emergency service by directly dispatching the appropriate 9687
emergency service provider, relaying a message to the appropriate 9688
provider, or transferring the call to the appropriate provider. 9689

(Q) "Customer premises equipment" means telecommunications 9690
equipment, including telephone instruments, on the premises of a 9691
public safety answering point that is used in answering and 9692
responding to 9-1-1 system calls. 9693

(R) "Municipal corporation in the county" includes any 9694
municipal corporation that is wholly contained in the county and 9695
each municipal corporation located in more than one county that 9696
has a greater proportion of its territory in the county to which 9697
the term refers than in any other county. 9698

(S) "Board of county commissioners" includes the legislative 9699
authority of a county established under Section 3 of Article X, 9700
Ohio Constitution, or Chapter 302. of the Revised Code. 9701

(T) "Final plan" means a final plan adopted under division 9702
(B) of section 128.08 of the Revised Code and, except as otherwise 9703
expressly provided, an amended final plan adopted under section 9704
128.12 of the Revised Code. 9705

(U) "Subdivision served by a public safety answering point" 9706
means a subdivision that provides emergency service for any part 9707
of its territory that is located within the territory of a public 9708
safety answering point whether the subdivision provides the 9709
emergency service with its own employees or pursuant to a 9710
contract. 9711

(V) A township's population includes only population of the 9712
unincorporated portion of the township. 9713

(W) "Telephone company" means a company engaged in the 9714

business of providing local exchange telephone service by making 9715
available or furnishing access and a dial tone to persons within a 9716
local calling area for use in originating and receiving voice 9717
grade communications over a switched network operated by the 9718
provider of the service within the area and gaining access to 9719
other telecommunications services. Unless otherwise specified, 9720
"telephone company" includes a wireline service provider, a 9721
wireless service provider, and any entity that is a covered 9-1-1 9722
service provider under 47 C.F.R. 12.4. For purposes of sections 9723
128.25 and 128.26 of the Revised Code, "telephone company" means a 9724
wireline service provider. 9725

(X) "Prepaid wireless calling service" has the same meaning 9726
as in division (AA)(5) of section 5739.01 of the Revised Code. 9727

(Y) "Provider of a prepaid wireless calling service" means a 9728
wireless service provider that provides a prepaid wireless calling 9729
service. 9730

(Z) "Retail sale" ~~has~~ and "price" have the same ~~meaning~~ 9731
meanings as in section 5739.01 of the Revised Code. 9732

(AA) "Seller" means a person that sells a prepaid wireless 9733
calling service to another person by retail sale. 9734

(BB) "Consumer" means the person for whom the prepaid 9735
wireless calling service is provided, to whom the transfer 9736
effected or license given by a sale is or is to be made or given, 9737
to whom the prepaid wireless calling service is charged, or to 9738
whom the admission is granted. 9739

(CC) "Reseller" means a nonfacilities-based provider of 9740
wireless service that provides wireless service under its own name 9741
to one or more end users in this state using the network of a 9742
wireless service provider. 9743

(DD) "Steering committee" means the statewide emergency 9744
services internet protocol network steering committee established 9745

by division (A)(1) of section 128.02 of the Revised Code. 9746

(EE) "Voice over internet protocol service" has the same 9747

meaning as in section 4927.01 of the Revised Code. 9748

Sec. 128.43. (A) The board of county commissioners of a 9749

county that levies a property tax under division (SS) of section 9750

5705.19 of the Revised Code may, upon the expiration or repeal of 9751

that tax, impose a monthly wireless 9-1-1 charge in the county. 9752

The charge shall be imposed and, if applicable, the property tax 9753

repealed, pursuant to a resolution adopted by the board. The 9754

resolution shall state all of the following: 9755

(1) That the charge will apply to the retail sale of wireless 9756

service and voice over internet protocol service to subscribers 9757

who have a billing address in the county, and to the retail sale 9758

of any prepaid wireless calling service occurring in the county; 9759

(2) The amount of the charge, which shall equal a percentage 9760

of the price of the service, not to exceed the aggregate 9761

percentage rate of tax in effect in the county under sections 9762

5739.02, 5739.021, 5739.023, and 5739.026 of the Revised Code; 9763

(3) The last tax year that the property tax is to be levied; 9764

(4) The month the charge will first be imposed, which shall 9765

be any month beginning after the end of the last tax year that the 9766

property tax is to be levied; 9767

(5) The number of years for which the charge is to be 9768

imposed, or that it is for a continuing period of time. 9769

(B)(1) The charge imposed pursuant to this section on 9770

wireless service and voice over internet protocol service shall be 9771

paid by the subscriber and collected by the service provider or 9772

reseller in the same manner as the wireless service charge imposed 9773

under division (A)(1) of section 128.42 of the Revised Code, 9774

except that the county charge shall be a separate line item on 9775

each subscriber's monthly bill. The line item shall be designated 9776
"County Wireless-E911 Costs." 9777

(2) The charge on prepaid wireless calling service shall be 9778
paid and collected in the same manner as the charge imposed under 9779
division (B) of section 128.42 of the Revised Code. 9780

(C)(1) Before adopting a resolution under this section, the 9781
board of county commissioners shall hold at least two public 9782
hearings on the proposed charge. Before the first hearing, the 9783
board shall publish notice of the hearings once a week for two 9784
consecutive weeks in a newspaper of general circulation in the 9785
county or as provided in section 7.16 of the Revised Code. The 9786
notice shall state the amount of the proposed charge, an 9787
explanation of the necessity for the charge, and the date, time, 9788
and location of each of the hearings. 9789

(2) A resolution adopted under division (A) of this section, 9790
or a resolution to increase the rate of a charge described in that 9791
division, shall direct the board of elections to submit the 9792
question of imposing the charge to the electors of the county at a 9793
special election on the day of the next primary or general 9794
election in the county. The board of county commissioners shall 9795
certify a copy of the resolution to the board of elections not 9796
less than ninety days before the day of the special election. The 9797
election notice and ballot language shall contain, at minimum, all 9798
of the information described in divisions (A)(1) to (5) or, in the 9799
case of an rate increase, divisions (A)(1), (2), (4), and (5) of 9800
this section. 9801

No such resolution shall take effect unless approved by a 9802
majority of the electors voting upon the resolution at an election 9803
held pursuant to this section. If the question is approved, the 9804
board of elections shall notify the tax commissioner and, if the 9805
resolution repeals a property tax, the county auditor. The charge 9806
shall not take effect less than sixty-five days from the date the 9807

tax commissioner receives notice from the board of elections of 9808
the affirmative vote. 9809

(D) The board of county commissioners may, at any time, adopt 9810
a resolution to repeal or increase or decrease the rate of the 9811
charge imposed pursuant to this section, subject to division (C) 9812
of this section and the limitation described in division (A)(2) of 9813
this section. Any rate change shall take effect on the first day 9814
of the first month next following the sixty-fifth day after a copy 9815
of the resolution or, in the case of an increase, the notice from 9816
the board of elections is certified to the tax commissioner. 9817

(E) All proceeds from the charge transferred to the county 9818
under division (D) of section 128.54 of the Revised Code shall be 9819
deposited into a special fund created in the county treasury, to 9820
be used for the establishment and operation of a countywide public 9821
safety communications system under section 307.63 of the Revised 9822
Code and a 9-1-1 system. 9823

(F) The charge imposed pursuant to this section shall be in 9824
addition to the charge imposed under section 128.42 of the Revised 9825
Code and shall be exempt from state and local taxation. 9826

Sec. 128.45. Beginning January 1, 2014: 9827

(A) Each wireless service provider and reseller shall keep 9828
complete and accurate records of bills for wireless service, 9829
together with a record of the wireless 9-1-1 charges collected 9830
under ~~section~~ sections 128.42 and 128.43 of the Revised Code, and 9831
shall keep all related invoices and other pertinent documents. 9832
Each voice over internet protocol service provider shall keep 9833
complete and accurate records of bills for voice over internet 9834
protocol service, together with a record of the wireless 9-1-1 9835
charges collected under section 128.43 of the Revised Code, and 9836
shall keep all related invoices and other pertinent documents. 9837
Each seller shall keep complete and accurate records of retail 9838

sales of prepaid wireless calling services, together with a record 9839
of the wireless 9-1-1 charges collected under ~~section~~ sections 9840
128.42 and 128.43 of the Revised Code, and shall keep all related 9841
invoices and other pertinent documents. 9842

(B) Records, invoices, and documents required to be kept 9843
under this section shall be open during business hours to the 9844
inspection of the tax commissioner. They shall be preserved for a 9845
period of four years unless the tax commissioner, in writing, 9846
consents to their destruction within that period, or by order 9847
requires that they be kept longer. 9848

Sec. 128.46. (A) Prior to January 1, 2014: 9849

(1) A wireless service provider or reseller, not later than 9850
the last day of each month, shall remit the full amount of all 9851
wireless 9-1-1 charges it collected under division (A) of section 9852
128.42 of the Revised Code for the second preceding calendar month 9853
to the administrator, with the exception of charges equivalent to 9854
the amount authorized as a billing and collection fee under 9855
division (A)(2) of this section. In doing so, the provider or 9856
reseller may remit the requisite amount in any reasonable manner 9857
consistent with its existing operating or technological 9858
capabilities, such as by customer address, location associated 9859
with the wireless telephone number, or another allocation method 9860
based on comparable, relevant data. If the wireless service 9861
provider or reseller receives a partial payment for a bill from a 9862
wireless service subscriber, the wireless service provider or 9863
reseller shall apply the payment first against the amount the 9864
subscriber owes the wireless service provider or reseller and 9865
shall remit to the administrator such lesser amount, if any, as 9866
results from that invoice. 9867

(2) A wireless service provider or reseller may retain as a 9868
billing and collection fee two per cent of the total wireless 9869

9-1-1 charges it collects in a month and shall account to the administrator for the amount retained.

(3) The administrator shall return to, or credit against the next month's remittance of, a wireless service provider or reseller the amount of any remittances the administrator determines were erroneously submitted by the provider or reseller.

(B) Beginning January 1, 2014:

(1) Each seller of a prepaid wireless calling service, voice over internet protocol service provider, wireless service provider, and reseller shall, on or before the twenty-third day of each month, except as provided in divisions (B)(2) and (3) of this section, do both of the following:

(a) Make and file a return for the preceding month, in the form prescribed by the tax commissioner, showing the amount of the wireless 9-1-1 charges due under ~~section~~ sections 128.42 and 128.43 of the Revised Code for that month;

(b) Remit the full amount due, as shown on the return, with the exception of charges equivalent to the amount authorized as a collection fee under division (B)(4) of this section.

(2) The commissioner may grant one or more thirty-day extensions for making and filing returns and remitting amounts due.

(3) If a seller is required to collect prepaid wireless 9-1-1 charges in amounts that do not merit monthly returns, the commissioner may authorize the seller to make and file returns less frequently. The commissioner shall ascertain whether this authorization is warranted upon the basis of administrative costs to the state.

(4) A ~~wireless service~~ provider, reseller, and seller may each retain as a collection fee three per cent of the total

wireless 9-1-1 charges required to be collected under section 9900
128.42 of the Revised Code, and shall account to the tax 9901
commissioner for the amount retained. 9902

(5) The return required under division (B)(1)(a) of this 9903
section shall be filed electronically using the Ohio business 9904
gateway, as defined in section 718.01 of the Revised Code, the 9905
Ohio telefile system, or any other electronic means prescribed by 9906
the tax commissioner. Remittance of the amount due shall be made 9907
electronically in a manner approved by the commissioner. A 9908
~~wireless service~~ provider, reseller, or seller may apply to the 9909
commissioner on a form prescribed by the commissioner to be 9910
excused from either electronic requirement of this division. For 9911
good cause shown, the commissioner may excuse the provider, 9912
reseller, or seller from either or both of the requirements and 9913
may permit the provider, reseller, or seller to file returns or 9914
make remittances by nonelectronic means. 9915

(C)(1) Prior to January 1, 2014, each subscriber on which a 9916
wireless 9-1-1 charge is imposed under division (A) of section 9917
128.42 of the Revised Code is liable to the state for the amount 9918
of the charge. If a wireless service provider or reseller fails to 9919
collect the charge under that division from a subscriber of 9920
prepaid wireless service, or fails to bill any other subscriber 9921
for the charge, the wireless service provider or reseller is 9922
liable to the state for the amount not collected or billed. If a 9923
wireless service provider or reseller collects charges under that 9924
division and fails to remit the money to the administrator, the 9925
wireless service provider or reseller is liable to the state for 9926
any amount collected and not remitted. 9927

(2) Beginning January 1, 2014: 9928

(a) Each subscriber or consumer on which a wireless 9-1-1 9929
charge is imposed under section 128.42 or 128.43 of the Revised 9930
Code is liable to the state for the amount of the charge. If a 9931

~~wireless service~~ provider or reseller fails to bill or collect the 9932
charge, or if a seller fails to collect the charge, the provider, 9933
reseller, or seller is liable to the state for the amount not 9934
billed or collected. If a provider, reseller, or seller fails to 9935
remit money to the tax commissioner as required under this 9936
section, the provider, reseller, or seller is liable to the state 9937
for the amount not remitted, regardless of whether the amount was 9938
collected. 9939

(b) No provider of a prepaid wireless calling service shall 9940
be liable to the state for any wireless 9-1-1 charge imposed under 9941
section 128.43 or division (B)(1) of section 128.42 of the Revised 9942
Code that was not collected or remitted. 9943

(D) Prior to January 1, 2014: 9944

(1) If the steering committee has reason to believe that a 9945
wireless service provider or reseller has failed to bill, collect, 9946
or remit the wireless 9-1-1 charge as required by divisions (A)(1) 9947
and (C)(1) of this section or has retained more than the amount 9948
authorized under division (A)(2) of this section, and after 9949
written notice to the provider or reseller, the steering committee 9950
may audit the provider or reseller for the sole purpose of making 9951
such a determination. The audit may include, but is not limited 9952
to, a sample of the provider's or reseller's billings, 9953
collections, remittances, or retentions for a representative 9954
period, and the steering committee shall make a good faith effort 9955
to reach agreement with the provider or reseller in selecting that 9956
sample. 9957

(2) Upon written notice to the wireless service provider or 9958
reseller, the steering committee, by order after completion of the 9959
audit, may make an assessment against the provider or reseller if, 9960
pursuant to the audit, the steering committee determines that the 9961
provider or reseller has failed to bill, collect, or remit the 9962
wireless 9-1-1 charge as required by divisions (A)(1) and (C)(1) 9963

of this section or has retained more than the amount authorized 9964
under division (A)(2) of this section. The assessment shall be in 9965
the amount of any remittance that was due and unpaid on the date 9966
notice of the audit was sent by the steering committee to the 9967
provider or reseller or, as applicable, in the amount of the 9968
excess amount under division (A)(2) of this section retained by 9969
the provider or reseller as of that date. 9970

(3) The portion of any assessment not paid within sixty days 9971
after the date of service by the steering committee of the 9972
assessment notice under division (D)(2) of this section shall bear 9973
interest from that date until paid at the rate per annum 9974
prescribed by section 5703.47 of the Revised Code. That interest 9975
may be collected by making an assessment under division (D)(2) of 9976
this section. An assessment under this division and any interest 9977
due shall be remitted in the same manner as the wireless 9-1-1 9978
charge imposed under division (A) of section 128.42 of the Revised 9979
Code. 9980

(4) Unless the provider, reseller, or seller assessed files 9981
with the steering committee within sixty days after service of the 9982
notice of assessment, either personally or by certified mail, a 9983
written petition for reassessment, signed by the party assessed or 9984
that party's authorized agent having knowledge of the facts, the 9985
assessment shall become final and the amount of the assessment 9986
shall be due and payable from the party assessed to the 9987
administrator. The petition shall indicate the objections of the 9988
party assessed, but additional objections may be raised in writing 9989
if received by the administrator or the steering committee prior 9990
to the date shown on the final determination. 9991

(5) After an assessment becomes final, if any portion of the 9992
assessment remains unpaid, including accrued interest, a certified 9993
copy of the final assessment may be filed in the office of the 9994
clerk of the court of common pleas in the county in which the 9995

place of business of the assessed party is located. If the party 9996
assessed maintains no place of business in this state, the 9997
certified copy of the final assessment may be filed in the office 9998
of the clerk of the court of common pleas of Franklin county. 9999
Immediately upon the filing, the clerk shall enter a judgment for 10000
the state against the assessed party in the amount shown on the 10001
final assessment. The judgment may be filed by the clerk in a 10002
loose-leaf book entitled "special judgments for wireless 9-1-1 10003
charges" and shall have the same effect as other judgments. The 10004
judgment shall be executed upon the request of the steering 10005
committee. 10006

(6) An assessment under this division does not discharge a 10007
subscriber's liability to reimburse the provider or reseller for 10008
the wireless 9-1-1 charge imposed under division (A) of section 10009
128.42 of the Revised Code. If, after the date of service of the 10010
audit notice under division (D)(1) of this section, a subscriber 10011
pays a wireless 9-1-1 charge for the period covered by the 10012
assessment, the payment shall be credited against the assessment. 10013

(7) All money collected by the administrator under division 10014
(D) of this section shall be paid to the treasurer of state, for 10015
deposit to the credit of the wireless 9-1-1 government assistance 10016
fund. 10017

(E) Beginning January 1, 2014: 10018

(1) If the tax commissioner has reason to believe that a 10019
~~wireless service~~ provider, reseller, or seller has failed to bill, 10020
collect, or remit the wireless 9-1-1 charge as required by this 10021
section and ~~section~~ sections 128.42 and 128.43 of the Revised Code 10022
or has retained more than the amount authorized under division 10023
(B)(4) of this section, and after written notice to the provider, 10024
reseller, or seller, the tax commissioner may audit the provider, 10025
reseller, or seller for the sole purpose of making such a 10026
determination. The audit may include, but is not limited to, a 10027

sample of the provider's, reseller's, or seller's billings, 10028
collections, remittances, or retentions for a representative 10029
period, and the tax commissioner shall make a good faith effort to 10030
reach agreement with the provider, reseller, or seller in 10031
selecting that sample. 10032

(2) Upon written notice to the ~~wireless service~~ provider, 10033
reseller, or seller, the tax commissioner, after completion of the 10034
audit, may make an assessment against the provider, reseller, or 10035
seller if, pursuant to the audit, the tax commissioner determines 10036
that the provider, reseller, or seller has failed to bill, 10037
collect, or remit the wireless 9-1-1 charge as required by this 10038
section and ~~section~~ sections 128.42 and 128.43 of the Revised Code 10039
or has retained more than the amount authorized under division 10040
(B)(4) of this section. The assessment shall be in the amount of 10041
any remittance that was due and unpaid on the date notice of the 10042
audit was sent by the tax commissioner to the provider, reseller, 10043
or seller or, as applicable, in the amount of the excess amount 10044
under division (B)(4) of this section retained by the provider, 10045
reseller, or seller as of that date. 10046

(3) The portion of any assessment consisting of wireless 10047
9-1-1 charges due and not paid within sixty days after the date 10048
that the assessment was made under division (E)(2) of this section 10049
shall bear interest from that date until paid at the rate per 10050
annum prescribed by section 5703.47 of the Revised Code. That 10051
interest may be collected by making an assessment under division 10052
(E)(2) of this section. 10053

(4) Unless the provider, reseller, or seller assessed files 10054
with the tax commissioner within sixty days after service of the 10055
notice of assessment, either personally or by certified mail, a 10056
written petition for reassessment, signed by the party assessed or 10057
that party's authorized agent having knowledge of the facts, the 10058
assessment shall become final and the amount of the assessment 10059

shall be due and payable from the party assessed to the treasurer 10060
of state, ~~for~~ who shall deposit the amount to the next generation 10061
9-1-1 fund, ~~which is created under section 128.54 of the Revised~~ 10062
~~Code in the case of a charge imposed under section 128.42 of the~~ 10063
Revised Code, or the permissive local wireless 9-1-1 charge fund, 10064
in the case of a charge imposed under section 128.43 of the 10065
Revised Code. The petition shall indicate the objections of the 10066
party assessed, but additional objections may be raised in writing 10067
if received by the commissioner prior to the date shown on the 10068
final determination. If the petition has been properly filed, the 10069
commissioner shall proceed under section 5703.60 of the Revised 10070
Code. 10071

(5) After an assessment becomes final, if any portion of the 10072
assessment remains unpaid, including accrued interest, a certified 10073
copy of the final assessment may be filed in the office of the 10074
clerk of the court of common pleas in the county in which the 10075
business of the assessed party is conducted. If the party assessed 10076
maintains no place of business in this state, the certified copy 10077
of the final assessment may be filed in the office of the clerk of 10078
the court of common pleas of Franklin county. Immediately upon the 10079
filing, the clerk shall enter a judgment for the state against the 10080
assessed party in the amount shown on the final assessment. The 10081
judgment may be filed by the clerk in a loose-leaf book entitled 10082
"special judgments for wireless 9-1-1 charges" and shall have the 10083
same effect as other judgments. The judgment shall be executed 10084
upon the request of the tax commissioner. 10085

(6) If the commissioner determines that the commissioner 10086
erroneously has refunded a wireless 9-1-1 charge to any person, 10087
the commissioner may make an assessment against that person for 10088
recovery of the erroneously refunded charge. 10089

(7) An assessment under division (E) of this section does not 10090
discharge a subscriber's or consumer's liability to reimburse the 10091

provider, reseller, or seller for a wireless 9-1-1 charge. If, 10092
after the date of service of the audit notice under division 10093
(E)(1) of this section, a subscriber or consumer pays a wireless 10094
9-1-1 charge for the period covered by the assessment, the payment 10095
shall be credited against the assessment. 10096

Sec. 128.462. Beginning January 1, 2014: 10097

(A) Except as otherwise provided in this section, no 10098
assessment shall be made or issued against a ~~wireless service~~ 10099
provider, reseller, or seller for any wireless 9-1-1 charge 10100
imposed by or pursuant to section 128.42 or 128.43 of the Revised 10101
Code more than four years after the return date for the period in 10102
which the sale or purchase was made, or more than four years after 10103
the return for such period is filed, whichever is later. This 10104
division does not bar an assessment: 10105

(1) When the tax commissioner has substantial evidence of 10106
amounts of wireless 9-1-1 charges collected by a provider, 10107
reseller, or seller from subscribers or consumers, which were not 10108
returned to the state; 10109

(2) When the provider, reseller, or seller assessed failed to 10110
file a return as required by section 128.46 of the Revised Code; 10111

(3) When the provider, reseller, or seller and the 10112
commissioner waive in writing the time limitation. 10113

(B) No assessment shall be made or issued against a ~~wireless~~ 10114
~~service~~ provider, reseller, or seller for any wireless 9-1-1 10115
charge imposed by or pursuant to section 128.42 or 128.43 of the 10116
Revised Code for any period during which there was in full force 10117
and effect a rule of the tax commissioner under or by virtue of 10118
which the collection or payment of any such wireless 9-1-1 charge 10119
was not required. This division does not bar an assessment when 10120
the tax commissioner has substantial evidence of amounts of 10121

wireless 9-1-1 charges collected by a provider, reseller, or 10122
seller from subscribers or consumers, which were not returned to 10123
the state. 10124

Sec. 128.47. Beginning January 1, 2014: 10125

(A) A ~~wireless service~~ provider, reseller, seller, wireless 10126
service or voice over internet protocol service subscriber, or 10127
consumer of a prepaid wireless calling service may apply to the 10128
tax commissioner for a refund of wireless 9-1-1 charges described 10129
in division (B) of this section and of any penalties assessed with 10130
respect to such charges. The application shall be made on the form 10131
prescribed by the tax commissioner. The application shall be made 10132
not later than four years after the date of the illegal or 10133
erroneous payment by the subscriber or consumer, unless the 10134
~~wireless service~~ provider, reseller, or seller waives the time 10135
limitation under division (A)(3) of section 128.462 of the Revised 10136
Code. If the time limitation is waived, the refund application 10137
period shall be extended for the same period as the waiver. 10138

(B)(1) If a ~~wireless service~~ provider, reseller, or seller 10139
refunds to a subscriber or consumer the full amount of wireless 10140
9-1-1 charges that the subscriber or consumer paid illegally or 10141
erroneously, and if the provider, reseller, or seller remitted 10142
that amount under section 128.46 of the Revised Code, the tax 10143
commissioner shall refund that amount to the provider, reseller, 10144
or seller. 10145

(2) If a ~~wireless service~~ provider, reseller, or seller has 10146
illegally or erroneously billed a subscriber or charged a consumer 10147
for a wireless 9-1-1 charge, and if the provider, reseller, or 10148
seller has not collected the charge but has remitted that amount 10149
under section 128.46 of the Revised Code, the tax commissioner 10150
shall refund that amount to the provider, reseller, or seller. 10151

(C)(1) The tax commissioner may refund to a subscriber or 10152

consumer wireless 9-1-1 charges paid illegally or erroneously to a provider, reseller, or seller only if both of the following apply:

(a) The tax commissioner has not refunded the wireless 9-1-1 charges to the provider, reseller, or seller.

(b) The provider, reseller, or seller has not refunded the wireless 9-1-1 charges to the subscriber or consumer.

(2) The tax commissioner may require the subscriber or consumer to obtain from the provider, reseller, or seller a written statement confirming that the provider, reseller, or seller has not refunded the wireless 9-1-1 charges to the subscriber or consumer and that the provider, reseller, or seller has not filed an application for a refund under this section. The tax commissioner may also require the provider, reseller, or seller to provide this statement.

(D) On the filing of an application for a refund under this section, the tax commissioner shall determine the amount of refund to which the applicant is entitled. If the amount is not less than that claimed, the commissioner shall certify the determined amount to the director of budget and management and the treasurer of state for payment from the tax refund fund created under section 5703.052 of the Revised Code. If the amount is less than that claimed, the commissioner shall proceed in accordance with section 5703.70 of the Revised Code.

(E) Refunds granted under this section shall include interest as provided by section 5739.132 of the Revised Code.

Sec. 128.54. (A)(1) For the purpose of receiving, distributing, and accounting for amounts received from the wireless 9-1-1 charges imposed under section 128.42 of the Revised Code, the following funds are created in the state treasury:

(a) The wireless 9-1-1 government assistance fund;

(b) The wireless 9-1-1 administrative fund;	10183
(c) The wireless 9-1-1 program fund;	10184
(d) The next generation 9-1-1 fund.	10185
(2) Amounts <u>All amounts</u> remitted under section 128.46 of the Revised Code <u>that are not required to be distributed as provided in division (D) of this section</u> shall be paid to the treasurer of state for deposit as follows:	10186
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	10189
(a) Ninety-seven per cent to the wireless 9-1-1 government assistance fund. All interest earned on the wireless 9-1-1 government assistance fund shall be credited to the fund.	10190
	10191
	10192
(b) One per cent to the wireless 9-1-1 administrative fund;	10193
(c) Two per cent to the 9-1-1 program fund.	10194
(3) The tax commissioner shall use the wireless 9-1-1 administrative fund to defray the costs incurred in carrying out this chapter.	10195
	10196
	10197
(4) The steering committee shall use the 9-1-1 program fund to defray the costs incurred by the steering committee in carrying out this chapter.	10198
	10199
	10200
(5) Annually, the tax commissioner, after paying administrative costs under division (A)(3) of this section, shall transfer any excess remaining in the wireless 9-1-1 administrative fund to the next generation 9-1-1 fund, created under this section.	10201
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	10203
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	10205
(B) At the direction of the steering committee, the tax commissioner shall transfer the funds remaining in the wireless 9-1-1 government assistance fund to the credit of the next generation 9-1-1 fund. All interest earned on the next generation 9-1-1 fund shall be credited to the fund.	10206
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	10208
	10209
	10210
(C) From the wireless 9-1-1 government assistance fund, the director of budget and management shall, as funds are available,	10211
	10212

transfer to the tax refund fund, created under section 5703.052 of 10213
the Revised Code, amounts equal to the refunds certified by the 10214
tax commissioner under division (D) of section 128.47 of the 10215
Revised Code. 10216

(D)(1) If a county imposes a charge pursuant to section 10217
128.43 of the Revised Code, the tax commissioner shall, within 10218
forty-five days after the end of each month, determine and certify 10219
to the director of budget and management the amount of the 10220
proceeds of such charge received during that month to be returned 10221
to the county that imposes the charge. The amount to be returned 10222
to the county shall be reduced by the amount of any refunds of the 10223
county charge paid pursuant to section 128.47 of the Revised Code 10224
during the same month, or transfers made pursuant to division 10225
(B)(2) of section 5703.052 of the Revised Code. 10226

(2) The director of budget and management shall transfer the 10227
amounts certified by the tax commissioner to the permissive local 10228
wireless 9-1-1 charge fund, which is hereby created in the state 10229
treasury. The tax commissioner shall then, on or before the 10230
twentieth day of the month in which such certification is made, 10231
provide for payment of such respective amounts to the county 10232
treasurer of the county imposing the charge. 10233

Sec. 128.63. (A) The tax commissioner may adopt rules in 10234
accordance with Chapter 119. of the Revised Code to carry out this 10235
chapter, including rules prescribing the necessary accounting for 10236
the collection fee under division (B)(4) of section 128.46 of the 10237
Revised Code. 10238

(B) The amounts of the wireless 9-1-1 charges shall be 10239
prescribed only by act of the general assembly, except as 10240
authorized under section 128.43 of the Revised Code. 10241

Sec. 128.99. (A) Whoever violates division (E) of section 10242

128.32 of the Revised Code is guilty of a misdemeanor of the 10243
fourth degree. 10244

(B) Whoever violates division (F) or (G) of section 128.32 or 10245
division (B)(2) of section 128.60 of the Revised Code is guilty of 10246
a misdemeanor of the fourth degree on a first offense and a felony 10247
of the fifth degree on each subsequent offense. 10248

(C) If a wireless service provider, voice over internet 10249
protocol service provider, reseller, or seller violates division 10250
(B)(1)(a) of section 128.46 of the Revised Code, and does not 10251
comply with any extensions granted under division (B)(2) of that 10252
section, the tax commissioner may impose a late-filing penalty of 10253
not more than the greater of fifty dollars or five per cent of the 10254
amount required to be remitted as described in division (B)(1)(b) 10255
of that section. 10256

(D) If a wireless service provider, voice over internet 10257
protocol service provider, reseller, or seller fails to comply 10258
with division (B)(1)(b) of section 128.46 of the Revised Code, the 10259
tax commissioner may impose a late-payment penalty of not more 10260
than the greater of fifty dollars or five per cent of the wireless 10261
9-1-1 charge required to be remitted for the reporting period 10262
minus any partial remittance made on or before the due date, 10263
including any extensions granted under division (B)(2) of section 10264
128.46 of the Revised Code. 10265

(E) The tax commissioner may impose an assessment penalty of 10266
not more than the greater of one hundred dollars or thirty-five 10267
per cent of the wireless 9-1-1 charges due after the tax 10268
commissioner notifies the person of an audit, an examination, a 10269
delinquency, assessment, or other notice that additional wireless 10270
9-1-1 charges are due. 10271

(F) If a wireless service provider, voice over internet 10272
protocol service provider, reseller, or seller fails to comply 10273

with either electronic requirement of division (B)(5) of section 10274
128.46 of the Revised Code, the tax commissioner may impose an 10275
electronic penalty, for either or both failures to comply, of not 10276
more than the lesser of the following: 10277

(1) The greater of one hundred dollars or ten per cent of the 10278
amount required to be, but not, remitted electronically; 10279

(2) Five thousand dollars. 10280

(G) Each penalty described in divisions (C) to (F) of this 10281
section is in addition to any other penalty described in those 10282
divisions. The tax commissioner may abate all or any portion of 10283
any penalty described in those divisions. 10284

Sec. 131.02. (A) Except as otherwise provided in section 10285
4123.37, section 5703.061, and division (K) of section 4123.511 of 10286
the Revised Code, whenever any amount is payable to the state, the 10287
officer, employee, or agent responsible for administering the law 10288
under which the amount is payable shall immediately proceed to 10289
collect the amount or cause the amount to be collected and shall 10290
pay the amount into the state treasury or into the appropriate 10291
custodial fund in the manner set forth pursuant to section 113.08 10292
of the Revised Code. Except as otherwise provided in this 10293
division, if the amount is not paid within forty-five days after 10294
payment is due, the officer, employee, or agent shall certify the 10295
amount due to the attorney general, in the form and manner 10296
prescribed by the attorney general, ~~and notify the director of~~ 10297
~~budget and management thereof.~~ In the case of an amount payable by 10298
a student enrolled in a state institution of higher education, the 10299
amount shall be certified within the later of forty-five days 10300
after the amount is due or the tenth day after the beginning of 10301
the next academic semester, quarter, or other session following 10302
the session for which the payment is payable. The attorney general 10303
may assess the collection cost to the amount certified in such 10304

manner and amount as prescribed by the attorney general. If an amount payable to a political subdivision is past due, the political subdivision may, with the approval of the attorney general, certify the amount to the attorney general pursuant to this section.

For the purposes of this section, the attorney general and the officer, employee, or agent responsible for administering the law under which the amount is payable shall agree on the time a payment is due, and that agreed upon time shall be one of the following times:

(1) If a law, including an administrative rule, of this state prescribes the time a payment is required to be made or reported, when the payment is required by that law to be paid or reported.

(2) If the payment is for services rendered, when the rendering of the services is completed.

(3) If the payment is reimbursement for a loss, when the loss is incurred.

(4) In the case of a fine or penalty for which a law or administrative rule does not prescribe a time for payment, when the fine or penalty is first assessed.

(5) If the payment arises from a legal finding, judgment, or adjudication order, when the finding, judgment, or order is rendered or issued.

(6) If the payment arises from an overpayment of money by the state to another person, when the overpayment is discovered.

(7) The date on which the amount for which an individual is personally liable under section 5735.35, section 5739.33, or division (G) of section 5747.07 of the Revised Code is determined.

(8) Upon proof of claim being filed in a bankruptcy case.

(9) Any other appropriate time determined by the attorney

general and the officer, employee, or agent responsible for 10335
administering the law under which the amount is payable on the 10336
basis of statutory requirements or ordinary business processes of 10337
the agency, institution, or political subdivision to which the 10338
payment is owed. 10339

(B)(1) The attorney general shall give immediate notice by 10340
mail or otherwise to the party indebted of the nature and amount 10341
of the indebtedness. 10342

(2) If the amount payable to this state arises from a tax 10343
levied under Chapter 5733., 5739., 5741., 5747., or 5751. of the 10344
Revised Code, the notice also shall specify all of the following: 10345

(a) The assessment or case number; 10346

(b) The tax pursuant to which the assessment is made; 10347

(c) The reason for the liability, including, if applicable, 10348
that a penalty or interest is due; 10349

(d) An explanation of how and when interest will be added to 10350
the amount assessed; 10351

(e) That the attorney general and tax commissioner, acting 10352
together, have the authority, but are not required, to compromise 10353
the claim and accept payment over a reasonable time, if such 10354
actions are in the best interest of the state. 10355

(C) The attorney general shall collect the claim or secure a 10356
judgment and issue an execution for its collection. 10357

(D) Each claim shall bear interest, from the day on which the 10358
claim became due, at the rate per annum required by section 10359
5703.47 of the Revised Code. 10360

(E) The attorney general and the chief officer of the agency 10361
reporting a claim, acting together, may do any of the following if 10362
such action is in the best interests of the state: 10363

(1) Compromise the claim; 10364

(2) Extend for a reasonable period the time for payment of the claim by agreeing to accept monthly or other periodic payments. The agreement may require security for payment of the claim. 10365
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(3) Add fees to recover the cost of processing checks or other draft instruments returned for insufficient funds and the cost of providing electronic payment options. 10369
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(F)(1) Except as provided in division (F)(2) of this section, if the attorney general finds, after investigation, that any claim due and owing to the state is uncollectible, the attorney general, with the consent of the chief officer of the agency reporting the claim, may do the following: 10372
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(a) Sell, convey, or otherwise transfer the claim to one or more private entities for collection; 10377
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(b) Cancel the claim or cause it to be canceled. 10379

(2) The attorney general shall cancel or cause to be canceled an unsatisfied claim on the date that is forty years after the date the claim is certified, unless the attorney general has adopted a rule under division (F)(5) of this section shortening this time frame with respect to a subset of claims. 10380
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(3) No initial action shall be commenced to collect any tax payable to the state that is administered by the tax commissioner, whether or not such tax is subject to division (B) of this section, or any penalty, interest, or additional charge on such tax, after the expiration of the period ending on the later of the dates specified in divisions (F)(3)(a) and (b) of this section, provided that such period shall be extended by the period of any stay to such collection or by any other period to which the parties mutually agree. If the initial action in aid of execution is commenced before the later of the dates specified in divisions (F)(3)(a) and (b) of this section, any and all subsequent actions 10385
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may be pursued in aid of execution of judgment for as long as the 10396
debt exists. 10397

(a) Seven years after the assessment of the tax, penalty, 10398
interest, or additional charge is issued. 10399

(b) Four years after the assessment of the tax, penalty, 10400
interest, or additional charge becomes final. For the purposes of 10401
division (F)(3)(b) of this section, the assessment becomes final 10402
at the latest of the following: upon expiration of the period to 10403
petition for reassessment, or if applicable, to appeal a final 10404
determination of the commissioner or decision of the board of tax 10405
appeals or a court, or, if applicable, upon decision of the United 10406
States supreme court. 10407

For the purposes of division (F)(3) of this section, an 10408
initial action to collect a tax debt is commenced at the time when 10409
a certified copy of the tax commissioner's entry making an 10410
assessment final has been filed in the office of the clerk of 10411
court of common pleas in the county in which the taxpayer resides 10412
or has its principal place of business in this state, or in the 10413
office of the clerk of court of common pleas of Franklin county, 10414
as provided in section 5739.13, 5741.14, 5747.13, or 5751.09 of 10415
the Revised Code or in any other applicable law requiring such a 10416
filing. If an assessment has not been issued and there is no time 10417
limitation on the issuance of an assessment under applicable law, 10418
an action to collect a tax debt commences when the action is filed 10419
in the courts of this state to collect the liability. 10420

(4) If information contained in a claim that is sold, 10421
conveyed, or transferred to a private entity pursuant to this 10422
section is confidential pursuant to federal law or a section of 10423
the Revised Code that implements a federal law governing 10424
confidentiality, such information remains subject to that law 10425
during and following the sale, conveyance, or transfer. 10426

(5) The attorney general may adopt rules to aid in the 10427
implementation of this section. 10428

Sec. 131.43. There is hereby created in the state treasury 10429
the budget stabilization fund. All investment earnings of the fund 10430
shall be credited to the general revenue fund. It is the intent of 10431
the general assembly to maintain an amount of money in the budget 10432
stabilization fund that amounts to approximately eight and 10433
one-half per cent of the general revenue fund revenues for the 10434
preceding fiscal year. The governor shall include in the state 10435
budget the governor submits to the general assembly under section 10436
107.03 of the Revised Code proposals for transfers between the 10437
general revenue fund and the budget stabilization fund for the 10438
ensuing fiscal biennium. The balance in the fund may be combined 10439
with the balance in the general revenue fund for purposes of cash 10440
management. 10441

Sec. 131.51. (A) On or before the seventh day of each month, 10442
the director of budget and management shall credit to the local 10443
government fund one and ~~sixty-six one-hundredths~~ seven-tenths per 10444
cent of the total tax revenue credited to the general revenue fund 10445
during the preceding month. In determining the total tax revenue 10446
credited to the general revenue fund during the preceding month, 10447
the director shall include amounts transferred from the fund 10448
during the preceding month under this division and division (B) of 10449
this section. Money shall be distributed from the local government 10450
fund as required under sections 5747.50 and 5747.503 of the 10451
Revised Code during the same month in which it is credited to the 10452
fund. 10453

(B) On or before the seventh day of each month, the director 10454
of budget and management shall credit to the public library fund 10455
one and ~~sixty-six one-hundredths~~ seven-tenths per cent of the 10456
total tax revenue credited to the general revenue fund during the 10457

preceding month. In determining the total tax revenue credited to 10458
the general revenue fund during the preceding month, the director 10459
shall include amounts transferred from the fund during the 10460
preceding month under this division and division (A) of this 10461
section. Money shall be distributed from the public library fund 10462
as required under section 5747.47 of the Revised Code during the 10463
same month in which it is credited to the fund. 10464

(C) The director of budget and management shall develop a 10465
schedule identifying the specific tax revenue sources to be used 10466
to make the monthly transfers required under divisions (A) and (B) 10467
of this section. The director may, from time to time, revise the 10468
schedule as the director considers necessary. 10469

Sec. 145.201. (A) Subject to the limit described in division 10470
(C) of this section, any member who is or has been an elected 10471
official of the state or any political subdivision thereof or has 10472
been appointed either by the governor with the advice and consent 10473
of the senate or directly by the speaker of the house of 10474
representatives or president of the senate to serve full-time as a 10475
member of a board, commission, or other public body may at any 10476
time prior to retirement purchase additional service credit in an 10477
amount not to exceed thirty-five per cent of the service credit 10478
allowed the member for the period of service as an elected or 10479
appointed official subsequent to January 1, 1935, other than 10480
credit for military service, part-time service, and service 10481
subject to the tax on wages imposed by the "Federal Insurance 10482
Contributions Act," 68A Stat. 415 (1954), 26 U.S.C.A. 3101, as 10483
amended. 10484

For each year of additional service credit purchased under 10485
this section, the member shall pay into the employees' savings 10486
fund an amount specified by the public employees retirement board 10487
that is equal to one hundred per cent of the additional liability 10488

resulting from the purchase of that year or portion of a year of 10489
credit as determined by an actuary employed by the board. The 10490
member shall receive full credit for such additional elective 10491
service in computing an allowance or benefit under section 145.33, 10492
145.331, 145.332, 145.36, 145.361, or 145.46 of the Revised Code, 10493
notwithstanding any other provision of this chapter. The payment 10494
to the employees' savings fund, and payments made to the 10495
employers' accumulation fund prior to ~~the effective date of this~~ 10496
~~amendment~~ January 7, 2013, for such additional elective service 10497
credit shall, in the event of death or withdrawal from service, be 10498
considered as accumulated contributions of the member. 10499

The board may determine by rule what constitutes full- or 10500
part-time service for purposes of this section. 10501

(B) Notwithstanding division (A) of this section, a member 10502
who purchased service credit under this section prior to January 10503
1, 1980, on the basis of part-time service shall be permitted to 10504
retain the credit and shall be given full credit for it in 10505
computing an allowance or benefit under section 145.33, 145.331, 10506
145.332, 145.36, 145.361, or 145.46 of the Revised Code. The 10507
public employees retirement board has no authority to cancel or 10508
rescind such credit. 10509

(C) A purchase made under this section shall not exceed the 10510
limits established by division (n) of section 415 of the "Internal 10511
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415(n), as 10512
amended. 10513

(D) Subject to rules adopted by the public employees 10514
retirement board, a member who has purchased service credit under 10515
this section is entitled to be refunded all or a portion of the 10516
actual amount the member paid for the service credit if, in 10517
computing an age and service retirement allowance under division 10518
(A) of section 145.33 or section 145.332 of Revised Code, the 10519
allowance exceeds a limit established by either of those sections. 10520

A refund under this division cancels the equivalent amount of 10521
service credit. 10522

Sec. 149.3010. The Ohio history connection, in addition to 10523
its other functions, may use any land owned by the Ohio history 10524
connection, any land owned by the state and in the Ohio history 10525
connection's custody and control, any land leased by the Ohio 10526
history connection, or any land that the Ohio history connection 10527
has agreed to lease to another entity or organization, for the 10528
purpose of repatriation of American Indian human remains. 10529

The Ohio history connection shall work with and cooperate 10530
with federally recognized Indian tribal governments in the 10531
selection, management, and use of burial sites under this section. 10532
The Ohio history connection shall implement reasonable standards 10533
for the use and maintenance of the burial sites. In the event the 10534
Ohio history connection shall deaccession, otherwise dispose of, 10535
or no longer have custody and control of a burial site, the Ohio 10536
history connection shall retain access and authority to maintain 10537
the site or the Ohio history connection shall assign its right of 10538
access and maintenance to the person acquiring the site. 10539

Chapters 517., 759., 1721., and 4767. of the Revised Code do 10540
not apply to burial sites under this section. 10541

Sec. 149.311. (A) As used in this section: 10542

(1) "Historic building" means a building, including its 10543
structural components, that is located in this state and that is 10544
either individually listed on the national register of historic 10545
places under 16 U.S.C. 470a, located in a registered historic 10546
district, and certified by the state historic preservation officer 10547
as being of historic significance to the district, or is 10548
individually listed as an historic landmark designated by a local 10549
government certified under 16 U.S.C. 470a(c). 10550

(2) "Qualified rehabilitation expenditures" means 10551
expenditures paid or incurred during the rehabilitation period, 10552
and before and after that period as determined under 26 U.S.C. 47, 10553
by an owner or qualified lessee of an historic building to 10554
rehabilitate the building. "Qualified rehabilitation expenditures" 10555
includes architectural or engineering fees paid or incurred in 10556
connection with the rehabilitation, and expenses incurred in the 10557
preparation of nomination forms for listing on the national 10558
register of historic places. "Qualified rehabilitation 10559
expenditures" does not include any of the following: 10560

(a) The cost of acquiring, expanding, or enlarging an 10561
historic building; 10562

(b) Expenditures attributable to work done to facilities 10563
related to the building, such as parking lots, sidewalks, and 10564
landscaping; 10565

(c) New building construction costs. 10566

(3) "Owner" of an historic building means a person holding 10567
the fee simple interest in the building. "Owner" does not include 10568
the state or a state agency, or any political subdivision as 10569
defined in section 9.23 of the Revised Code. 10570

(4) "Qualified lessee" means a person subject to a lease 10571
agreement for an historic building and eligible for the federal 10572
rehabilitation tax credit under 26 U.S.C. 47. "Qualified lessee" 10573
does not include the state or a state agency or political 10574
subdivision as defined in section 9.23 of the Revised Code. 10575

(5) "Certificate owner" means the owner or qualified lessee 10576
of an historic building to which a rehabilitation tax credit 10577
certificate was issued under this section. 10578

(6) "Registered historic district" means an historic district 10579
listed in the national register of historic places under 16 U.S.C. 10580
470a, an historic district designated by a local government 10581

certified under 16 U.S.C. 470a(c), or a local historic district 10582
certified under 36 C.F.R. 67.8 and 67.9. 10583

(7) "Rehabilitation" means the process of repairing or 10584
altering an historic building or buildings, making possible an 10585
efficient use while preserving those portions and features of the 10586
building and its site and environment that are significant to its 10587
historic, architectural, and cultural values. 10588

(8) "Rehabilitation period" means one of the following: 10589

(a) If the rehabilitation initially was not planned to be 10590
completed in stages, a period chosen by the owner or qualified 10591
lessee not to exceed twenty-four months during which 10592
rehabilitation occurs; 10593

(b) If the rehabilitation initially was planned to be 10594
completed in stages, a period chosen by the owner or qualified 10595
lessee not to exceed sixty months during which rehabilitation 10596
occurs. Each stage shall be reviewed as a phase of a 10597
rehabilitation as determined under 26 C.F.R. 1.48-12 or a 10598
successor to that section. 10599

(9) "State historic preservation officer" or "officer" means 10600
the state historic preservation officer appointed by the governor 10601
under 16 U.S.C. 470a. 10602

(10) "Catalytic project" means the rehabilitation of an 10603
historic building, the rehabilitation of which will foster 10604
economic development within two thousand five hundred feet of the 10605
historic building. 10606

(B) The owner or qualified lessee of an historic building may 10607
apply to the director of development for a rehabilitation tax 10608
credit certificate for qualified rehabilitation expenditures paid 10609
or incurred by such owner or qualified lessee after April 4, 2007, 10610
for rehabilitation of an historic building. If the owner of an 10611
historic building enters a pass-through agreement with a qualified 10612

lessee for the purposes of the federal rehabilitation tax credit 10613
under 26 U.S.C. 47, the qualified rehabilitation expenditures paid 10614
or incurred by the owner after April 4, 2007, may be attributed to 10615
the qualified lessee. 10616

The form and manner of filing such applications shall be 10617
prescribed by rule of the director. Each application shall state 10618
the amount of qualified rehabilitation expenditures the applicant 10619
estimates will be paid or incurred and shall indicate whether the 10620
historic building was used as a theater before, and is intended to 10621
be used as a theater after, the rehabilitation. The director may 10622
require applicants to furnish documentation of such estimates. 10623

The director, after consultation with the tax commissioner 10624
and in accordance with Chapter 119. of the Revised Code, shall 10625
adopt rules that establish all of the following: 10626

(1) Forms and procedures by which applicants may apply for 10627
rehabilitation tax credit certificates; 10628

(2) Criteria for reviewing, evaluating, and approving 10629
applications for certificates within the limitations under 10630
division (D) of this section, criteria for assuring that the 10631
certificates issued encompass a mixture of high and low qualified 10632
rehabilitation expenditures, and criteria for issuing certificates 10633
under division (C)(3)(b) of this section; 10634

(3) Eligibility requirements for obtaining a certificate 10635
under this section; 10636

(4) The form of rehabilitation tax credit certificates; 10637

(5) Reporting requirements and monitoring procedures; 10638

(6) Procedures and criteria for conducting cost-benefit 10639
analyses of historic buildings that are the subjects of 10640
applications filed under this section. The purpose of a 10641
cost-benefit analysis shall be to determine whether rehabilitation 10642

of the historic building will result in a net revenue gain in 10643
state and local taxes once the building is used. 10644

(7) Any other rules necessary to implement and administer 10645
this section. 10646

(C) The director shall review the applications with the 10647
assistance of the state historic preservation officer and 10648
determine whether all of the following criteria are met: 10649

(1) That the building that is the subject of the application 10650
is an historic building and the applicant is the owner or 10651
qualified lessee of the building; 10652

(2) That the rehabilitation will satisfy standards prescribed 10653
by the United States secretary of the interior under 16 U.S.C. 10654
470, et seq., as amended, and 36 C.F.R. 67.7 or a successor to 10655
that section; 10656

(3) That receiving a rehabilitation tax credit certificate 10657
under this section is a major factor in: 10658

(a) The applicant's decision to rehabilitate the historic 10659
building; or 10660

(b) To increase the level of investment in such 10661
rehabilitation. 10662

(4) The historic building that is the subject of the 10663
application is not, and will not upon completion of the 10664
rehabilitation project be, part of a qualified low-income housing 10665
project allocated a tax credit pursuant to section 42 of the 10666
Internal Revenue Code. 10667

An applicant shall demonstrate to the satisfaction of the 10668
state historic preservation officer and director that the 10669
rehabilitation will satisfy the standards described in division 10670
(C)(2) of this section before the applicant begins the physical 10671
rehabilitation of the historic building. 10672

(D)(1) If the director determines that an application meets 10673
the criteria in division (C) of this section, the director shall 10674
conduct a cost-benefit analysis for the historic building that is 10675
the subject of the application to determine whether rehabilitation 10676
of the historic building will result in a net revenue gain in 10677
state and local taxes once the building is used. The director 10678
shall consider the results of the cost-benefit analysis in 10679
determining whether to approve the application. The director shall 10680
also consider the potential economic impact and the regional 10681
distributive balance of the credits throughout the state. The 10682
director may approve an application only after completion of the 10683
cost-benefit analysis. 10684

(2) A rehabilitation tax credit certificate shall not be 10685
issued for an amount greater than the estimated amount furnished 10686
by the applicant on the application for such certificate and 10687
approved by the director. The director shall not approve more than 10688
a total of one hundred twenty million dollars of rehabilitation 10689
tax credits for each of fiscal years 2023 ~~and~~, 2024, and 2025, and 10690
sixty million dollars of rehabilitation tax credits for each 10691
fiscal year thereafter but the director may reallocate unused tax 10692
credits from a prior fiscal year for new applicants and such 10693
reallocated credits shall not apply toward the dollar limit of 10694
this division. 10695

(3) For rehabilitations with a rehabilitation period not 10696
exceeding twenty-four months as provided in division (A)(8)(a) of 10697
this section, a rehabilitation tax credit certificate shall not be 10698
issued before the rehabilitation of the historic building is 10699
completed. 10700

(4) For rehabilitations with a rehabilitation period not 10701
exceeding sixty months as provided in division (A)(8)(b) of this 10702
section, a rehabilitation tax credit certificate shall not be 10703
issued before a stage of rehabilitation is completed. After all 10704

stages of rehabilitation are completed, if the director cannot 10705
determine that the criteria in division (C) of this section are 10706
satisfied for all stages of rehabilitations, the director shall 10707
certify this finding to the tax commissioner, and any 10708
rehabilitation tax credits received by the applicant shall be 10709
repaid by the applicant and may be collected by assessment as 10710
unpaid tax by the commissioner. 10711

(5) The director shall require the applicant to provide a 10712
third-party cost certification by a certified public accountant of 10713
the actual costs attributed to the rehabilitation of the historic 10714
building when qualified rehabilitation expenditures exceed two 10715
hundred thousand dollars. 10716

If an applicant whose application is approved for receipt of 10717
a rehabilitation tax credit certificate fails to provide to the 10718
director sufficient evidence of reviewable progress, including a 10719
viable financial plan, copies of final construction drawings, and 10720
evidence that the applicant has obtained all historic approvals 10721
within twelve months after the date the applicant received 10722
notification of approval, and if the applicant fails to provide 10723
evidence to the director that the applicant has secured and closed 10724
on financing for the rehabilitation within eighteen months after 10725
receiving notification of approval, the director may rescind the 10726
approval of the application. The director shall notify the 10727
applicant if the approval has been rescinded. Credits that would 10728
have been available to an applicant whose approval was rescinded 10729
shall be available for other qualified applicants. Nothing in this 10730
division prohibits an applicant whose approval has been rescinded 10731
from submitting a new application for a rehabilitation tax credit 10732
certificate. 10733

(6) The director may approve the application of, and issue a 10734
rehabilitation tax credit certificate to, the owner of a catalytic 10735
project, provided the application otherwise meets the criteria 10736

described in divisions (C) and (D) of this section. The director 10737
may not approve more than one application for a rehabilitation tax 10738
credit certificate under division (D)(6) of this section during 10739
each state fiscal biennium. The director shall not approve an 10740
application for a rehabilitation tax credit certificate under 10741
division (D)(6) of this section during the state fiscal biennium 10742
beginning July 1, 2017, or during any state fiscal biennium 10743
thereafter. The director shall consider the following criteria in 10744
determining whether to approve an application for a certificate 10745
under division (D)(6) of this section: 10746

(a) Whether the historic building is a catalytic project; 10747

(b) The effect issuance of the certificate would have on the 10748
availability of credits for other applicants that qualify for a 10749
credit certificate within the credit dollar limit described in 10750
division (D)(2) of this section; 10751

(c) The number of jobs, if any, the catalytic project will 10752
create. 10753

(7)(a) The owner or qualified lessee of a historic building 10754
may apply for a rehabilitation tax credit certificate under both 10755
divisions (B) and (D)(6) of this section. In such a case, the 10756
director shall consider each application at the time the 10757
application is submitted. 10758

(b) The director shall not issue more than one certificate 10759
under this section with respect to the same qualified 10760
rehabilitation expenditures. 10761

(8) The director shall give consideration for tax credits 10762
awarded under this section to rehabilitations of historic 10763
buildings used as a theater before, and intended to be used as a 10764
theater after, the rehabilitation. In determining whether to 10765
approve an application for such a rehabilitation, the director 10766
shall consider the extent to which the rehabilitation will 10767

increase attendance at the theater and increase the theater's gross revenue. 10768
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(9) The director shall rescind the approval of any application if the building that is the subject of the application is part of a qualified low-income housing project allocated a tax credit pursuant to section 42 of the Internal Revenue Code at any time before the building's rehabilitation is complete. 10770
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(E) Issuance of a certificate represents a finding by the director of the matters described in divisions (C)(1), (2), and (3) of this section only; issuance of a certificate does not represent a verification or certification by the director of the amount of qualified rehabilitation expenditures for which a tax credit may be claimed under section 5725.151, 5725.34, 5726.52, 5729.17, 5733.47, or 5747.76 of the Revised Code. The amount of qualified rehabilitation expenditures for which a tax credit may be claimed is subject to inspection and examination by the tax commissioner or employees of the commissioner under section 5703.19 of the Revised Code and any other applicable law. Upon the issuance of a certificate, the director shall certify to the tax commissioner, in the form and manner requested by the tax commissioner, the name of the applicant, the amount of qualified rehabilitation expenditures shown on the certificate, and any other information required by the rules adopted under this section. 10775
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(F)(1) On or before the first day of August each year, the director and tax commissioner jointly shall submit to the president of the senate and the speaker of the house of representatives a report on the tax credit program established under this section and sections 5725.151, 5725.34, 5726.52, 5729.17, 5733.47, and 5747.76 of the Revised Code. The report shall present an overview of the program and shall include information on the number of rehabilitation tax credit 10792
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certificates issued under this section during the preceding fiscal 10800
year, an update on the status of each historic building for which 10801
an application was approved under this section, the dollar amount 10802
of the tax credits granted under sections 5725.151, 5725.34, 10803
5726.52, 5729.17, 5733.47, and 5747.76 of the Revised Code, and 10804
any other information the director and commissioner consider 10805
relevant to the topics addressed in the report. 10806

(2) On or before December 1, 2015, the director and tax 10807
commissioner jointly shall submit to the president of the senate 10808
and the speaker of the house of representatives a comprehensive 10809
report that includes the information required by division (F)(1) 10810
of this section and a detailed analysis of the effectiveness of 10811
issuing tax credits for rehabilitating historic buildings. The 10812
report shall be prepared with the assistance of an economic 10813
research organization jointly chosen by the director and 10814
commissioner. 10815

(G) There is hereby created in the state treasury the 10816
historic rehabilitation tax credit operating fund. The director is 10817
authorized to charge reasonable application and other fees in 10818
connection with the administration of tax credits authorized by 10819
this section and sections 5725.151, 5725.34, 5726.52, 5729.17, 10820
5733.47, and 5747.76 of the Revised Code. Any such fees collected 10821
shall be credited to the fund and used to pay reasonable costs 10822
incurred by the department of development in administering this 10823
section and sections 5725.151, 5725.34, 5726.52, 5729.17, 5733.47, 10824
and 5747.76 of the Revised Code. 10825

The Ohio historic preservation office is authorized to charge 10826
reasonable fees in connection with its review and approval of 10827
applications under this section. Any such fees collected shall be 10828
credited to the fund and used to pay administrative costs incurred 10829
by the Ohio historic preservation office pursuant to this section. 10830

(H) Notwithstanding sections 5725.151, 5725.34, 5726.52, 10831

5729.17, 5733.47, and 5747.76 of the Revised Code, the certificate owner of a tax credit certificate issued under division (D)(6) of this section may claim a tax credit equal to twenty-five per cent of the dollar amount indicated on the certificate for a total credit of not more than twenty-five million dollars. The credit claimed by such a certificate owner for any calendar year, tax year, or taxable year under section 5725.151, 5725.34, 5726.52, 5729.17, 5733.47, or 5747.76 of the Revised Code shall not exceed five million dollars. If the certificate owner is eligible for more than five million dollars in total credits, the certificate owner may carry forward the balance of the credit in excess of the amount claimed for that year for not more than five ensuing calendar years, tax years, or taxable years. If the credit claimed in any calendar year, tax year, or taxable year exceeds the tax otherwise due, the excess shall be refunded to the taxpayer.

(I) Notwithstanding sections 5725.151, 5725.34, 5726.52, 5729.17, 5733.47, and 5747.76 of the Revised Code, the following apply to a tax credit approved under this section after September 13, 2022, and before July 1, 2024:

(1) The certificate holder may claim a tax credit equal to thirty-five per cent of the dollar amount indicated on the tax credit certificate if any county, township, or municipal corporation within which the project is located has a population of less than three hundred thousand according to the 2020 decennial census. The tax credit equals twenty-five per cent of the dollar amount indicated on the certificate if the project is not located within such a county, township, or municipal corporation.

(2) The total tax credit claimed under section 5725.151, 5725.34, 5726.52, 5729.17, 5733.47, or 5747.76 of the Revised Code for any one project shall not exceed ten million dollars for any calendar year, tax year, or taxable year.

(3) If the credit claimed in any calendar year, tax year, or taxable year exceeds the tax otherwise due, the excess shall be refunded to the taxpayer, subject to division (I)(2) of this section.

(J) The director of development, in consultation with the director of budget and management, shall develop and adopt a system of tracking any information necessary to anticipate the impact of credits issued under this section on tax revenues for current and future fiscal years. Such information may include the number of applications approved, the estimated rehabilitation expenditures and rehabilitation period associated with such applications, the number and amount of tax credit certificates issued, and any other information the director of budget and management requires for the purposes of this division.

(K) For purposes of this section and Chapter 122:19-1 of the Ohio Administrative Code, a tax credit certificate issued under this section is effective on the date that all historic buildings rehabilitated by the project are "placed in service," as that term is used in section 47 of the Internal Revenue Code.

Sec. 149.43. (A) As used in this section:

(1) "Public record" means records kept by any public office, including, but not limited to, state, county, city, village, township, and school district units, and records pertaining to the delivery of educational services by an alternative school in this state kept by the nonprofit or for-profit entity operating the alternative school pursuant to section 3313.533 of the Revised Code. "Public record" does not mean any of the following:

(a) Medical records;

(b) Records pertaining to probation and parole proceedings, to proceedings related to the imposition of community control

sanctions and post-release control sanctions, or to proceedings	10894
related to determinations under section 2967.271 of the Revised	10895
Code regarding the release or maintained incarceration of an	10896
offender to whom that section applies;	10897
(c) Records pertaining to actions under section 2151.85 and	10898
division (C) of section 2919.121 of the Revised Code and to	10899
appeals of actions arising under those sections;	10900
(d) Records pertaining to adoption proceedings, including the	10901
contents of an adoption file maintained by the department of	10902
health under sections 3705.12 to 3705.124 of the Revised Code;	10903
(e) Information in a record contained in the putative father	10904
registry established by section 3107.062 of the Revised Code,	10905
regardless of whether the information is held by the department of	10906
job and family services or, pursuant to section 3111.69 of the	10907
Revised Code, the office of child support in the department or a	10908
child support enforcement agency;	10909
(f) Records specified in division (A) of section 3107.52 of	10910
the Revised Code;	10911
(g) Trial preparation records <u>prior to the conclusion of all</u>	10912
<u>direct appeals or, if no appeal is filed, at the expiration of the</u>	10913
<u>time during which an appeal may be filed;</u>	10914
(h) Confidential law enforcement investigatory records;	10915
(i) Records containing information that is confidential under	10916
section 2710.03 or 4112.05 of the Revised Code;	10917
(j) DNA records stored in the DNA database pursuant to	10918
section 109.573 of the Revised Code;	10919
(k) Inmate records released by the department of	10920
rehabilitation and correction to the department of youth services	10921
or a court of record pursuant to division (E) of section 5120.21	10922
of the Revised Code;	10923

(l) Records maintained by the department of youth services	10924
pertaining to children in its custody released by the department	10925
of youth services to the department of rehabilitation and	10926
correction pursuant to section 5139.05 of the Revised Code;	10927
(m) Intellectual property records;	10928
(n) Donor profile records;	10929
(o) Records maintained by the department of job and family	10930
services pursuant to section 3121.894 of the Revised Code;	10931
(p) Designated public service worker residential and familial	10932
information;	10933
(q) In the case of a county hospital operated pursuant to	10934
Chapter 339. of the Revised Code or a municipal hospital operated	10935
pursuant to Chapter 749. of the Revised Code, information that	10936
constitutes a trade secret, as defined in section 1333.61 of the	10937
Revised Code;	10938
(r) Information pertaining to the recreational activities of	10939
a person under the age of eighteen;	10940
(s) In the case of a child fatality review board acting under	10941
sections 307.621 to 307.629 of the Revised Code or a review	10942
conducted pursuant to guidelines established by the director of	10943
health under section 3701.70 of the Revised Code, records provided	10944
to the board or director, statements made by board members during	10945
meetings of the board or by persons participating in the	10946
director's review, and all work products of the board or director,	10947
and in the case of a child fatality review board, child fatality	10948
review data submitted by the board to the department of health or	10949
a national child death review database, other than the report	10950
prepared pursuant to division (A) of section 307.626 of the	10951
Revised Code;	10952
(t) Records provided to and statements made by the executive	10953

director of a public children services agency or a prosecuting attorney acting pursuant to section 5153.171 of the Revised Code other than the information released under that section; 10954
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(u) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of executives of long-term services and supports administers under section 4751.15 of the Revised Code or contracts under that section with a private or government entity to administer; 10957
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(v) Records the release of which is prohibited by state or federal law; 10963
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(w) Proprietary information of or relating to any person that is submitted to or compiled by the Ohio venture capital authority created under section 150.01 of the Revised Code; 10965
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(x) Financial statements and data any person submits for any purpose to the Ohio housing finance agency or the controlling board in connection with applying for, receiving, or accounting for financial assistance from the agency, and information that identifies any individual who benefits directly or indirectly from financial assistance from the agency; 10968
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(y) Records listed in section 5101.29 of the Revised Code; 10974

(z) Discharges recorded with a county recorder under section 317.24 of the Revised Code, as specified in division (B)(2) of that section; 10975
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(aa) Usage information including names and addresses of specific residential and commercial customers of a municipally owned or operated public utility; 10978
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(bb) Records described in division (C) of section 187.04 of the Revised Code that are not designated to be made available to the public as provided in that division; 10981
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(cc) Information and records that are made confidential, 10984
privileged, and not subject to disclosure under divisions (B) and 10985
(C) of section 2949.221 of the Revised Code; 10986

(dd) Personal information, as defined in section 149.45 of 10987
the Revised Code; 10988

(ee) The confidential name, address, and other personally 10989
identifiable information of a program participant in the address 10990
confidentiality program established under sections 111.41 to 10991
111.47 of the Revised Code, including the contents of any 10992
application for absent voter's ballots, absent voter's ballot 10993
identification envelope statement of voter, or provisional ballot 10994
affirmation completed by a program participant who has a 10995
confidential voter registration record; records or portions of 10996
records pertaining to that program that identify the number of 10997
program participants that reside within a precinct, ward, 10998
township, municipal corporation, county, or any other geographic 10999
area smaller than the state; and any real property confidentiality 11000
notice filed under section 111.431 of the Revised Code and the 11001
information described in division (C) of that section. As used in 11002
this division, "confidential address" and "program participant" 11003
have the meaning defined in section 111.41 of the Revised Code. 11004

(ff) Orders for active military service of an individual 11005
serving or with previous service in the armed forces of the United 11006
States, including a reserve component, or the Ohio organized 11007
militia, except that, such order becomes a public record on the 11008
day that is fifteen years after the published date or effective 11009
date of the call to order; 11010

(gg) The name, address, contact information, or other 11011
personal information of an individual who is less than eighteen 11012
years of age that is included in any record related to a traffic 11013
accident involving a school vehicle in which the individual was an 11014
occupant at the time of the accident; 11015

(hh) Protected health information, as defined in 45 C.F.R. 11016
160.103, that is in a claim for payment for a health care product, 11017
service, or procedure, as well as any other health claims data in 11018
another document that reveals the identity of an individual who is 11019
the subject of the data or could be used to reveal that 11020
individual's identity; 11021

(ii) Any depiction by photograph, film, videotape, or printed 11022
or digital image under either of the following circumstances: 11023

(i) The depiction is that of a victim of an offense the 11024
release of which would be, to a reasonable person of ordinary 11025
sensibilities, an offensive and objectionable intrusion into the 11026
victim's expectation of bodily privacy and integrity. 11027

(ii) The depiction captures or depicts the victim of a 11028
sexually oriented offense, as defined in section 2950.01 of the 11029
Revised Code, at the actual occurrence of that offense. 11030

(jj) Restricted portions of a body-worn camera or dashboard 11031
camera recording; 11032

(kk) In the case of a fetal-infant mortality review board 11033
acting under sections 3707.70 to 3707.77 of the Revised Code, 11034
records, documents, reports, or other information presented to the 11035
board or a person abstracting such materials on the board's 11036
behalf, statements made by review board members during board 11037
meetings, all work products of the board, and data submitted by 11038
the board to the department of health or a national infant death 11039
review database, other than the report prepared pursuant to 11040
section 3707.77 of the Revised Code. 11041

(ll) Records, documents, reports, or other information 11042
presented to the pregnancy-associated mortality review board 11043
established under section 3738.01 of the Revised Code, statements 11044
made by board members during board meetings, all work products of 11045
the board, and data submitted by the board to the department of 11046

health, other than the biennial reports prepared under section 11047
3738.08 of the Revised Code; 11048

(mm) Except as otherwise provided in division (A)(1)(oo) of 11049
this section, telephone numbers for a victim, as defined in 11050
section 2930.01 of the Revised Code or a witness to a crime that 11051
are listed on any law enforcement record or report. 11052

(nn) A preneed funeral contract, as defined in section 11053
4717.01 of the Revised Code, and contract terms and personally 11054
identifying information of a preneed funeral contract, that is 11055
contained in a report submitted by or for a funeral home to the 11056
board of embalmers and funeral directors under division (C) of 11057
section 4717.13, division (J) of section 4717.31, or section 11058
4717.41 of the Revised Code. 11059

(oo) Telephone numbers for a party to a motor vehicle 11060
accident subject to the requirements of section 5502.11 of the 11061
Revised Code that are listed on any law enforcement record or 11062
report, except that the telephone numbers described in this 11063
division are not excluded from the definition of "public record" 11064
under this division on and after the thirtieth day after the 11065
occurrence of the motor vehicle accident. 11066

(pp) Records pertaining to individuals who complete training 11067
under section 5502.703 of the Revised Code to be permitted by a 11068
school district board of education or governing body of a 11069
community school established under Chapter 3314. of the Revised 11070
Code, a STEM school established under Chapter 3326. of the Revised 11071
Code, or a chartered nonpublic school to convey deadly weapons or 11072
dangerous ordnance into a school safety zone; 11073

(qq) Records, documents, reports, or other information 11074
presented to a domestic violence fatality review board established 11075
under section 307.651 of the Revised Code, statements made by 11076
board members during board meetings, all work products of the 11077

board, and data submitted by the board to the department of 11078
health, other than a report prepared pursuant to section 307.656 11079
of the Revised Code; 11080

(rr) Records, documents, and information the release of which 11081
is prohibited under sections 2930.04 and 2930.07 of the Revised 11082
Code. 11083

(ss) Records of an existing qualified nonprofit corporation 11084
that creates a special improvement district under Chapter 1710. of 11085
the Revised Code that do not pertain to a purpose for which the 11086
district is created; 11087

(tt) Attorney work product record at any time. 11088

A record that is not a public record under division (A)(1) of 11089
this section and that, under law, is permanently retained becomes 11090
a public record on the day that is seventy-five years after the 11091
day on which the record was created, except for any record 11092
protected by the attorney-client privilege, a trial preparation 11093
record as defined in this section, a statement prohibiting the 11094
release of identifying information signed under section 3107.083 11095
of the Revised Code, a denial of release form filed pursuant to 11096
section 3107.46 of the Revised Code, or any record that is exempt 11097
from release or disclosure under section 149.433 of the Revised 11098
Code. If the record is a birth certificate and a biological 11099
parent's name redaction request form has been accepted under 11100
section 3107.391 of the Revised Code, the name of that parent 11101
shall be redacted from the birth certificate before it is released 11102
under this paragraph. If any other section of the Revised Code 11103
establishes a time period for disclosure of a record that 11104
conflicts with the time period specified in this section, the time 11105
period in the other section prevails. 11106

~~(2)~~(2)(a) "Confidential law enforcement investigatory record" 11107
means any record that pertains to a law enforcement matter of a 11108

criminal, quasi-criminal, civil, or administrative nature, but 11109
only to the extent that the release of the record would create a 11110
high probability of disclosure of any of the following: 11111

~~(a)(i)~~ The identity of a suspect who has not been charged 11112
with the offense to which the record pertains, or of an 11113
information source or witness to whom confidentiality has been 11114
reasonably promised; 11115

~~(b)(ii)~~ Information provided by an information source or 11116
witness to whom confidentiality has been reasonably promised, 11117
which information would reasonably tend to disclose the source's 11118
or witness's identity; 11119

~~(c)(iii)~~ Specific confidential investigatory techniques or 11120
procedures or specific investigatory work product; 11121

~~(d)(iv)~~ Information that would endanger the life or physical 11122
safety of law enforcement personnel, a crime victim, a witness, or 11123
a confidential information source. 11124

(b) As used in division (A)(2) of this section, "specific 11125
investigatory work product" means any record, thing, or item that 11126
documents the independent thought processes, factual findings, 11127
mental impressions, theories, strategies, opinions, or analyses of 11128
an investigating officer or an agent of an investigative agency 11129
and also includes any documents and evidence collected, written or 11130
recorded interviews or statements, interview notes, test results, 11131
lab results, preliminary lab results, and other internal 11132
memoranda, things, or items created during any point of an 11133
investigation. "Specific investigatory work product" does not 11134
include basic information regarding date, time, address, and type 11135
of incident. 11136

(3) "Medical record" means any document or combination of 11137
documents, except births, deaths, and the fact of admission to or 11138
discharge from a hospital, that pertains to the medical history, 11139

diagnosis, prognosis, or medical condition of a patient and that 11140
is generated and maintained in the process of medical treatment. 11141

(4) "Trial preparation record" means any record that is not a 11142
confidential law enforcement investigatory record or attorney work 11143
product record and that contains factual information that is 11144
specifically compiled in reasonable anticipation of, or in defense 11145
of, a civil or criminal action or proceeding, ~~including the~~ 11146
~~independent thought processes and personal trial preparation of an~~ 11147
~~attorney.~~ 11148

(5) "Intellectual property record" means a record, other than 11149
a financial or administrative record, that is produced or 11150
collected by or for faculty or staff of a state institution of 11151
higher learning in the conduct of or as a result of study or 11152
research on an educational, commercial, scientific, artistic, 11153
technical, or scholarly issue, regardless of whether the study or 11154
research was sponsored by the institution alone or in conjunction 11155
with a governmental body or private concern, and that has not been 11156
publicly released, published, or patented. 11157

(6) "Donor profile record" means all records about donors or 11158
potential donors to a public institution of higher education 11159
except the names and reported addresses of the actual donors and 11160
the date, amount, and conditions of the actual donation. 11161

(7) "Designated public service worker" means a peace officer, 11162
parole officer, probation officer, bailiff, prosecuting attorney, 11163
assistant prosecuting attorney, correctional employee, county or 11164
multicounty corrections officer, community-based correctional 11165
facility employee, designated Ohio national guard member, 11166
protective services worker, youth services employee, firefighter, 11167
EMT, medical director or member of a cooperating physician 11168
advisory board of an emergency medical service organization, state 11169
board of pharmacy employee, investigator of the bureau of criminal 11170
identification and investigation, emergency service 11171

telecommunicator, forensic mental health provider, mental health 11172
evaluation provider, regional psychiatric hospital employee, 11173
judge, magistrate, or federal law enforcement officer. 11174

(8) "Designated public service worker residential and 11175
familial information" means any information that discloses any of 11176
the following about a designated public service worker: 11177

(a) The address of the actual personal residence of a 11178
designated public service worker, except for the following 11179
information: 11180

(i) The address of the actual personal residence of a 11181
prosecuting attorney or judge; and 11182

(ii) The state or political subdivision in which a designated 11183
public service worker resides. 11184

(b) Information compiled from referral to or participation in 11185
an employee assistance program; 11186

(c) The social security number, the residential telephone 11187
number, any bank account, debit card, charge card, or credit card 11188
number, or the emergency telephone number of, or any medical 11189
information pertaining to, a designated public service worker; 11190

(d) The name of any beneficiary of employment benefits, 11191
including, but not limited to, life insurance benefits, provided 11192
to a designated public service worker by the designated public 11193
service worker's employer; 11194

(e) The identity and amount of any charitable or employment 11195
benefit deduction made by the designated public service worker's 11196
employer from the designated public service worker's compensation, 11197
unless the amount of the deduction is required by state or federal 11198
law; 11199

(f) The name, the residential address, the name of the 11200
employer, the address of the employer, the social security number, 11201

the residential telephone number, any bank account, debit card, 11202
charge card, or credit card number, or the emergency telephone 11203
number of the spouse, a former spouse, or any child of a 11204
designated public service worker; 11205

(g) A photograph of a peace officer who holds a position or 11206
has an assignment that may include undercover or plain clothes 11207
positions or assignments as determined by the peace officer's 11208
appointing authority. 11209

(9) As used in divisions (A)(7) and (15) to (17) of this 11210
section: 11211

"Peace officer" has the meaning defined in section 109.71 of 11212
the Revised Code and also includes the superintendent and troopers 11213
of the state highway patrol; it does not include the sheriff of a 11214
county or a supervisory employee who, in the absence of the 11215
sheriff, is authorized to stand in for, exercise the authority of, 11216
and perform the duties of the sheriff. 11217

"Correctional employee" means any employee of the department 11218
of rehabilitation and correction who in the course of performing 11219
the employee's job duties has or has had contact with inmates and 11220
persons under supervision. 11221

"County or multicounty corrections officer" means any 11222
corrections officer employed by any county or multicounty 11223
correctional facility. 11224

"Designated Ohio national guard member" means a member of the 11225
Ohio national guard who is participating in duties related to 11226
remotely piloted aircraft, including, but not limited to, pilots, 11227
sensor operators, and mission intelligence personnel, duties 11228
related to special forces operations, or duties related to 11229
cybersecurity, and is designated by the adjutant general as a 11230
designated public service worker for those purposes. 11231

"Protective services worker" means any employee of a county 11232

agency who is responsible for child protective services, child support services, or adult protective services. 11233
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"Youth services employee" means any employee of the department of youth services who in the course of performing the employee's job duties has or has had contact with children committed to the custody of the department of youth services. 11235
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"Firefighter" means any regular, paid or volunteer, member of a lawfully constituted fire department of a municipal corporation, township, fire district, or village. 11239
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"EMT" means EMTs-basic, EMTs-I, and paramedics that provide emergency medical services for a public emergency medical service organization. "Emergency medical service organization," "EMT-basic," "EMT-I," and "paramedic" have the meanings defined in section 4765.01 of the Revised Code. 11242
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"Investigator of the bureau of criminal identification and investigation" has the meaning defined in section 2903.11 of the Revised Code. 11247
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"Emergency service telecommunicator" has the meaning defined in section 4742.01 of the Revised Code. 11250
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"Forensic mental health provider" means any employee of a community mental health service provider or local alcohol, drug addiction, and mental health services board who, in the course of the employee's duties, has contact with persons committed to a local alcohol, drug addiction, and mental health services board by a court order pursuant to section 2945.38, 2945.39, 2945.40, or 2945.402 of the Revised Code. 11252
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"Mental health evaluation provider" means an individual who, under Chapter 5122. of the Revised Code, examines a respondent who is alleged to be a mentally ill person subject to court order, as defined in section 5122.01 of the Revised Code, and reports to the probate court the respondent's mental condition. 11259
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"Regional psychiatric hospital employee" means any employee of the department of mental health and addiction services who, in the course of performing the employee's duties, has contact with patients committed to the department of mental health and addiction services by a court order pursuant to section 2945.38, 2945.39, 2945.40, or 2945.402 of the Revised Code.

"Federal law enforcement officer" has the meaning defined in section 9.88 of the Revised Code.

(10) "Information pertaining to the recreational activities of a person under the age of eighteen" means information that is kept in the ordinary course of business by a public office, that pertains to the recreational activities of a person under the age of eighteen years, and that discloses any of the following:

(a) The address or telephone number of a person under the age of eighteen or the address or telephone number of that person's parent, guardian, custodian, or emergency contact person;

(b) The social security number, birth date, or photographic image of a person under the age of eighteen;

(c) Any medical record, history, or information pertaining to a person under the age of eighteen;

(d) Any additional information sought or required about a person under the age of eighteen for the purpose of allowing that person to participate in any recreational activity conducted or sponsored by a public office or to use or obtain admission privileges to any recreational facility owned or operated by a public office.

(11) "Community control sanction" has the meaning defined in section 2929.01 of the Revised Code.

(12) "Post-release control sanction" has the meaning defined in section 2967.01 of the Revised Code.

(13) "Redaction" means obscuring or deleting any information 11294
that is exempt from the duty to permit public inspection or 11295
copying from an item that otherwise meets the definition of a 11296
"record" in section 149.011 of the Revised Code. 11297

(14) "Designee," "elected official," and "future official" 11298
have the meanings defined in section 109.43 of the Revised Code. 11299

(15) "Body-worn camera" means a visual and audio recording 11300
device worn on the person of a correctional employee, youth 11301
services employee, or peace officer while the correctional 11302
employee, youth services employee, or peace officer is engaged in 11303
the performance of official duties. 11304

(16) "Dashboard camera" means a visual and audio recording 11305
device mounted on a peace officer's vehicle or vessel that is used 11306
while the peace officer is engaged in the performance of the peace 11307
officer's duties. 11308

(17) "Restricted portions of a body-worn camera or dashboard 11309
camera recording" means any visual or audio portion of a body-worn 11310
camera or dashboard camera recording that shows, communicates, or 11311
discloses any of the following: 11312

(a) The image or identity of a child or information that 11313
could lead to the identification of a child who is a primary 11314
subject of the recording when the department of rehabilitation and 11315
correction, department of youth services, or the law enforcement 11316
agency knows or has reason to know the person is a child based on 11317
the department's or law enforcement agency's records or the 11318
content of the recording; 11319

(b) The death of a person or a deceased person's body, unless 11320
the death was caused by a correctional employee, youth services 11321
employee, or peace officer or, subject to division (H)(1) of this 11322
section, the consent of the decedent's executor or administrator 11323
has been obtained; 11324

(c) The death of a correctional employee, youth services employee, peace officer, firefighter, paramedic, or other first responder, occurring while the decedent was engaged in the performance of official duties, unless, subject to division (H)(1) of this section, the consent of the decedent's executor or administrator has been obtained;

(d) Grievous bodily harm, unless the injury was effected by a correctional employee, youth services employee, or peace officer or, subject to division (H)(1) of this section, the consent of the injured person or the injured person's guardian has been obtained;

(e) An act of severe violence against a person that results in serious physical harm to the person, unless the act and injury was effected by a correctional employee, youth services employee, or peace officer or, subject to division (H)(1) of this section, the consent of the injured person or the injured person's guardian has been obtained;

(f) Grievous bodily harm to a correctional employee, youth services employee, peace officer, firefighter, paramedic, or other first responder, occurring while the injured person was engaged in the performance of official duties, unless, subject to division (H)(1) of this section, the consent of the injured person or the injured person's guardian has been obtained;

(g) An act of severe violence resulting in serious physical harm against a correctional employee, youth services employee, peace officer, firefighter, paramedic, or other first responder, occurring while the injured person was engaged in the performance of official duties, unless, subject to division (H)(1) of this section, the consent of the injured person or the injured person's guardian has been obtained;

(h) A person's nude body, unless, subject to division (H)(1) of this section, the person's consent has been obtained;

(i) Protected health information, the identity of a person in a health care facility who is not the subject of a correctional, youth services, or law enforcement encounter, or any other information in a health care facility that could identify a person who is not the subject of a correctional, youth services, or law enforcement encounter;

(j) Information that could identify the alleged victim of a sex offense, menacing by stalking, or domestic violence;

(k) Information, that does not constitute a confidential law enforcement investigatory record, that could identify a person who provides sensitive or confidential information to the department of rehabilitation and correction, the department of youth services, or a law enforcement agency when the disclosure of the person's identity or the information provided could reasonably be expected to threaten or endanger the safety or property of the person or another person;

(l) Personal information of a person who is not arrested, cited, charged, or issued a written warning by a peace officer;

(m) Proprietary correctional, youth services, or police contingency plans or tactics that are intended to prevent crime and maintain public order and safety;

(n) A personal conversation unrelated to work between correctional employees, youth services employees, or peace officers or between a correctional employee, youth services employee, or peace officer and an employee of a law enforcement agency;

(o) A conversation between a correctional employee, youth services employee, or peace officer and a member of the public that does not concern correctional, youth services, or law enforcement activities;

(p) The interior of a residence, unless the interior of a

residence is the location of an adversarial encounter with, or a 11387
use of force by, a correctional employee, youth services employee, 11388
or peace officer; 11389

(q) Any portion of the interior of a private business that is 11390
not open to the public, unless an adversarial encounter with, or a 11391
use of force by, a correctional employee, youth services employee, 11392
or peace officer occurs in that location. 11393

As used in division (A)(17) of this section: 11394

"Grievous bodily harm" has the same meaning as in section 11395
5924.120 of the Revised Code. 11396

"Health care facility" has the same meaning as in section 11397
1337.11 of the Revised Code. 11398

"Protected health information" has the same meaning as in 45 11399
C.F.R. 160.103. 11400

"Law enforcement agency" means a government entity that 11401
employs peace officers to perform law enforcement duties. 11402

"Personal information" means any government-issued 11403
identification number, date of birth, address, financial 11404
information, or criminal justice information from the law 11405
enforcement automated data system or similar databases. 11406

"Sex offense" has the same meaning as in section 2907.10 of 11407
the Revised Code. 11408

"Firefighter," "paramedic," and "first responder" have the 11409
same meanings as in section 4765.01 of the Revised Code. 11410

(18) "Attorney work product record" means any record that 11411
documents the independent thought processes, mental impressions, 11412
legal theories, strategies, opinions, analysis, or reasoning of an 11413
attorney for the state including reports, memoranda, or other 11414
internal documents made by a prosecuting attorney, or the 11415
prosecuting attorney's agent, in connection with the investigation 11416

or prosecution of a case. 11417

(B)(1) Upon request by any person and subject to division 11418
(B)(8) of this section, all public records responsive to the 11419
request shall be promptly prepared and made available for 11420
inspection to the requester at all reasonable times during regular 11421
business hours. Subject to division (B)(8) of this section, upon 11422
request by any person, a public office or person responsible for 11423
public records shall make copies of the requested public record 11424
available to the requester at cost and within a reasonable period 11425
of time. If a public record contains information that is exempt 11426
from the duty to permit public inspection or to copy the public 11427
record, the public office or the person responsible for the public 11428
record shall make available all of the information within the 11429
public record that is not exempt. When making that public record 11430
available for public inspection or copying that public record, the 11431
public office or the person responsible for the public record 11432
shall notify the requester of any redaction or make the redaction 11433
plainly visible. A redaction shall be deemed a denial of a request 11434
to inspect or copy the redacted information, except if federal or 11435
state law authorizes or requires a public office to make the 11436
redaction. 11437

(2) To facilitate broader access to public records, a public 11438
office or the person responsible for public records shall organize 11439
and maintain public records in a manner that they can be made 11440
available for inspection or copying in accordance with division 11441
(B) of this section. A public office also shall have available a 11442
copy of its current records retention schedule at a location 11443
readily available to the public. If a requester makes an ambiguous 11444
or overly broad request or has difficulty in making a request for 11445
copies or inspection of public records under this section such 11446
that the public office or the person responsible for the requested 11447
public record cannot reasonably identify what public records are 11448

being requested, the public office or the person responsible for 11449
the requested public record may deny the request but shall provide 11450
the requester with an opportunity to revise the request by 11451
informing the requester of the manner in which records are 11452
maintained by the public office and accessed in the ordinary 11453
course of the public office's or person's duties. 11454

(3) If a request is ultimately denied, in part or in whole, 11455
the public office or the person responsible for the requested 11456
public record shall provide the requester with an explanation, 11457
including legal authority, setting forth why the request was 11458
denied. If the initial request was provided in writing, the 11459
explanation also shall be provided to the requester in writing. 11460
The explanation shall not preclude the public office or the person 11461
responsible for the requested public record from relying upon 11462
additional reasons or legal authority in defending an action 11463
commenced under division (C) of this section. 11464

(4) Unless specifically required or authorized by state or 11465
federal law or in accordance with division (B) of this section, no 11466
public office or person responsible for public records may limit 11467
or condition the availability of public records by requiring 11468
disclosure of the requester's identity or the intended use of the 11469
requested public record. Any requirement that the requester 11470
disclose the requester's identity or the intended use of the 11471
requested public record constitutes a denial of the request. 11472

(5) A public office or person responsible for public records 11473
may ask a requester to make the request in writing, may ask for 11474
the requester's identity, and may inquire about the intended use 11475
of the information requested, but may do so only after disclosing 11476
to the requester that a written request is not mandatory, that the 11477
requester may decline to reveal the requester's identity or the 11478
intended use, and when a written request or disclosure of the 11479
identity or intended use would benefit the requester by enhancing 11480

the ability of the public office or person responsible for public 11481
records to identify, locate, or deliver the public records sought 11482
by the requester. 11483

(6) If any person requests a copy of a public record in 11484
accordance with division (B) of this section, the public office or 11485
person responsible for the public record may require the requester 11486
to pay in advance the cost involved in providing the copy of the 11487
public record in accordance with the choice made by the requester 11488
under this division. The public office or the person responsible 11489
for the public record shall permit the requester to choose to have 11490
the public record duplicated upon paper, upon the same medium upon 11491
which the public office or person responsible for the public 11492
record keeps it, or upon any other medium upon which the public 11493
office or person responsible for the public record determines that 11494
it reasonably can be duplicated as an integral part of the normal 11495
operations of the public office or person responsible for the 11496
public record. When the requester makes a choice under this 11497
division, the public office or person responsible for the public 11498
record shall provide a copy of it in accordance with the choice 11499
made by the requester. Nothing in this section requires a public 11500
office or person responsible for the public record to allow the 11501
requester of a copy of the public record to make the copies of the 11502
public record. 11503

(7)(a) Upon a request made in accordance with division (B) of 11504
this section and subject to division (B)(6) of this section, a 11505
public office or person responsible for public records shall 11506
transmit a copy of a public record to any person by United States 11507
mail or by any other means of delivery or transmission within a 11508
reasonable period of time after receiving the request for the 11509
copy. The public office or person responsible for the public 11510
record may require the person making the request to pay in advance 11511
the cost of postage if the copy is transmitted by United States 11512

mail or the cost of delivery if the copy is transmitted other than 11513
by United States mail, and to pay in advance the costs incurred 11514
for other supplies used in the mailing, delivery, or transmission. 11515

(b) Any public office may adopt a policy and procedures that 11516
it will follow in transmitting, within a reasonable period of time 11517
after receiving a request, copies of public records by United 11518
States mail or by any other means of delivery or transmission 11519
pursuant to division (B)(7) of this section. A public office that 11520
adopts a policy and procedures under division (B)(7) of this 11521
section shall comply with them in performing its duties under that 11522
division. 11523

(c) In any policy and procedures adopted under division 11524
(B)(7) of this section: 11525

(i) A public office may limit the number of records requested 11526
by a person that the office will physically deliver by United 11527
States mail or by another delivery service to ten per month, 11528
unless the person certifies to the office in writing that the 11529
person does not intend to use or forward the requested records, or 11530
the information contained in them, for commercial purposes; 11531

(ii) A public office that chooses to provide some or all of 11532
its public records on a web site that is fully accessible to and 11533
searchable by members of the public at all times, other than 11534
during acts of God outside the public office's control or 11535
maintenance, and that charges no fee to search, access, download, 11536
or otherwise receive records provided on the web site, may limit 11537
to ten per month the number of records requested by a person that 11538
the office will deliver in a digital format, unless the requested 11539
records are not provided on the web site and unless the person 11540
certifies to the office in writing that the person does not intend 11541
to use or forward the requested records, or the information 11542
contained in them, for commercial purposes. 11543

(iii) For purposes of division (B)(7) of this section, 11544
"commercial" shall be narrowly construed and does not include 11545
reporting or gathering news, reporting or gathering information to 11546
assist citizen oversight or understanding of the operation or 11547
activities of government, or nonprofit educational research. 11548

(8) A public office or person responsible for public records 11549
is not required to permit a person who is incarcerated pursuant to 11550
a criminal conviction or a juvenile adjudication to inspect or to 11551
obtain a copy of any public record concerning a criminal 11552
investigation or prosecution or concerning what would be a 11553
criminal investigation or prosecution if the subject of the 11554
investigation or prosecution were an adult, unless the request to 11555
inspect or to obtain a copy of the record is for the purpose of 11556
acquiring information that is subject to release as a public 11557
record under this section and the judge who imposed the sentence 11558
or made the adjudication with respect to the person, or the 11559
judge's successor in office, finds that the information sought in 11560
the public record is necessary to support what appears to be a 11561
justiciable claim of the person. 11562

(9)(a) Upon written request made and signed by a journalist, 11563
a public office, or person responsible for public records, having 11564
custody of the records of the agency employing a specified 11565
designated public service worker shall disclose to the journalist 11566
the address of the actual personal residence of the designated 11567
public service worker and, if the designated public service 11568
worker's spouse, former spouse, or child is employed by a public 11569
office, the name and address of the employer of the designated 11570
public service worker's spouse, former spouse, or child. The 11571
request shall include the journalist's name and title and the name 11572
and address of the journalist's employer and shall state that 11573
disclosure of the information sought would be in the public 11574
interest. 11575

(b) Division (B)(9)(a) of this section also applies to 11576
journalist requests for: 11577

(i) Customer information maintained by a municipally owned or 11578
operated public utility, other than social security numbers and 11579
any private financial information such as credit reports, payment 11580
methods, credit card numbers, and bank account information; 11581

(ii) Information about minors involved in a school vehicle 11582
accident as provided in division (A)(1)(gg) of this section, other 11583
than personal information as defined in section 149.45 of the 11584
Revised Code. 11585

(c) As used in division (B)(9) of this section, "journalist" 11586
means a person engaged in, connected with, or employed by any news 11587
medium, including a newspaper, magazine, press association, news 11588
agency, or wire service, a radio or television station, or a 11589
similar medium, for the purpose of gathering, processing, 11590
transmitting, compiling, editing, or disseminating information for 11591
the general public. 11592

(10) Upon a request made by a victim, victim's attorney, or 11593
victim's representative, as that term is used in section 2930.02 11594
of the Revised Code, a public office or person responsible for 11595
public records shall transmit a copy of a depiction of the victim 11596
as described in division (A)(1)(ii) of this section to the victim, 11597
victim's attorney, or victim's representative. 11598

(C)(1) If a person allegedly is aggrieved by the failure of a 11599
public office or the person responsible for public records to 11600
promptly prepare a public record and to make it available to the 11601
person for inspection in accordance with division (B) of this 11602
section or by any other failure of a public office or the person 11603
responsible for public records to comply with an obligation in 11604
accordance with division (B) of this section, the person allegedly 11605
aggrieved may do only one of the following, and not both: 11606

(a) File a complaint with the clerk of the court of claims or 11607
the clerk of the court of common pleas under section 2743.75 of 11608
the Revised Code; 11609

(b) Commence a mandamus action to obtain a judgment that 11610
orders the public office or the person responsible for the public 11611
record to comply with division (B) of this section, that awards 11612
court costs and reasonable attorney's fees to the person that 11613
instituted the mandamus action, and, if applicable, that includes 11614
an order fixing statutory damages under division (C)(2) of this 11615
section. The mandamus action may be commenced in the court of 11616
common pleas of the county in which division (B) of this section 11617
allegedly was not complied with, in the supreme court pursuant to 11618
its original jurisdiction under Section 2 of Article IV, Ohio 11619
Constitution, or in the court of appeals for the appellate 11620
district in which division (B) of this section allegedly was not 11621
complied with pursuant to its original jurisdiction under Section 11622
3 of Article IV, Ohio Constitution. 11623

(2) If a requester transmits a written request by hand 11624
delivery, electronic submission, or certified mail to inspect or 11625
receive copies of any public record in a manner that fairly 11626
describes the public record or class of public records to the 11627
public office or person responsible for the requested public 11628
records, except as otherwise provided in this section, the 11629
requester shall be entitled to recover the amount of statutory 11630
damages set forth in this division if a court determines that the 11631
public office or the person responsible for public records failed 11632
to comply with an obligation in accordance with division (B) of 11633
this section. 11634

The amount of statutory damages shall be fixed at one hundred 11635
dollars for each business day during which the public office or 11636
person responsible for the requested public records failed to 11637
comply with an obligation in accordance with division (B) of this 11638

section, beginning with the day on which the requester files a 11639
mandamus action to recover statutory damages, up to a maximum of 11640
one thousand dollars. The award of statutory damages shall not be 11641
construed as a penalty, but as compensation for injury arising 11642
from lost use of the requested information. The existence of this 11643
injury shall be conclusively presumed. The award of statutory 11644
damages shall be in addition to all other remedies authorized by 11645
this section. 11646

The court may reduce an award of statutory damages or not 11647
award statutory damages if the court determines both of the 11648
following: 11649

(a) That, based on the ordinary application of statutory law 11650
and case law as it existed at the time of the conduct or 11651
threatened conduct of the public office or person responsible for 11652
the requested public records that allegedly constitutes a failure 11653
to comply with an obligation in accordance with division (B) of 11654
this section and that was the basis of the mandamus action, a 11655
well-informed public office or person responsible for the 11656
requested public records reasonably would believe that the conduct 11657
or threatened conduct of the public office or person responsible 11658
for the requested public records did not constitute a failure to 11659
comply with an obligation in accordance with division (B) of this 11660
section; 11661

(b) That a well-informed public office or person responsible 11662
for the requested public records reasonably would believe that the 11663
conduct or threatened conduct of the public office or person 11664
responsible for the requested public records would serve the 11665
public policy that underlies the authority that is asserted as 11666
permitting that conduct or threatened conduct. 11667

(3) In a mandamus action filed under division (C)(1) of this 11668
section, the following apply: 11669

(a)(i) If the court orders the public office or the person responsible for the public record to comply with division (B) of this section, the court shall determine and award to the relator all court costs, which shall be construed as remedial and not punitive.

(ii) If the court makes a determination described in division (C)(3)(b)(iii) of this section, the court shall determine and award to the relator all court costs, which shall be construed as remedial and not punitive.

(b) If the court renders a judgment that orders the public office or the person responsible for the public record to comply with division (B) of this section or if the court determines any of the following, the court may award reasonable attorney's fees to the relator, subject to division (C)(4) of this section:

(i) The public office or the person responsible for the public records failed to respond affirmatively or negatively to the public records request in accordance with the time allowed under division (B) of this section.

(ii) The public office or the person responsible for the public records promised to permit the relator to inspect or receive copies of the public records requested within a specified period of time but failed to fulfill that promise within that specified period of time.

(iii) The public office or the person responsible for the public records acted in bad faith when the office or person voluntarily made the public records available to the relator for the first time after the relator commenced the mandamus action, but before the court issued any order concluding whether or not the public office or person was required to comply with division (B) of this section. No discovery may be conducted on the issue of the alleged bad faith of the public office or person responsible

for the public records. This division shall not be construed as 11701
creating a presumption that the public office or the person 11702
responsible for the public records acted in bad faith when the 11703
office or person voluntarily made the public records available to 11704
the relator for the first time after the relator commenced the 11705
mandamus action, but before the court issued any order described 11706
in this division. 11707

(c) The court shall not award attorney's fees to the relator 11708
if the court determines both of the following: 11709

(i) That, based on the ordinary application of statutory law 11710
and case law as it existed at the time of the conduct or 11711
threatened conduct of the public office or person responsible for 11712
the requested public records that allegedly constitutes a failure 11713
to comply with an obligation in accordance with division (B) of 11714
this section and that was the basis of the mandamus action, a 11715
well-informed public office or person responsible for the 11716
requested public records reasonably would believe that the conduct 11717
or threatened conduct of the public office or person responsible 11718
for the requested public records did not constitute a failure to 11719
comply with an obligation in accordance with division (B) of this 11720
section; 11721

(ii) That a well-informed public office or person responsible 11722
for the requested public records reasonably would believe that the 11723
conduct or threatened conduct of the public office or person 11724
responsible for the requested public records would serve the 11725
public policy that underlies the authority that is asserted as 11726
permitting that conduct or threatened conduct. 11727

(4) All of the following apply to any award of reasonable 11728
attorney's fees awarded under division (C)(3)(b) of this section: 11729

(a) The fees shall be construed as remedial and not punitive. 11730

(b) The fees awarded shall not exceed the total of the 11731

reasonable attorney's fees incurred before the public record was 11732
made available to the relator and the fees described in division 11733
(C)(4)(c) of this section. 11734

(c) Reasonable attorney's fees shall include reasonable fees 11735
incurred to produce proof of the reasonableness and amount of the 11736
fees and to otherwise litigate entitlement to the fees. 11737

(d) The court may reduce the amount of fees awarded if the 11738
court determines that, given the factual circumstances involved 11739
with the specific public records request, an alternative means 11740
should have been pursued to more effectively and efficiently 11741
resolve the dispute that was subject to the mandamus action filed 11742
under division (C)(1) of this section. 11743

(5) If the court does not issue a writ of mandamus under 11744
division (C) of this section and the court determines at that time 11745
that the bringing of the mandamus action was frivolous conduct as 11746
defined in division (A) of section 2323.51 of the Revised Code, 11747
the court may award to the public office all court costs, 11748
expenses, and reasonable attorney's fees, as determined by the 11749
court. 11750

(D) Chapter 1347. of the Revised Code does not limit the 11751
provisions of this section. 11752

(E)(1) To ensure that all employees of public offices are 11753
appropriately educated about a public office's obligations under 11754
division (B) of this section, all elected officials or their 11755
appropriate designees shall attend training approved by the 11756
attorney general as provided in section 109.43 of the Revised 11757
Code. A future official may satisfy the requirements of this 11758
division by attending the training before taking office, provided 11759
that the future official may not send a designee in the future 11760
official's place. 11761

(2) All public offices shall adopt a public records policy in 11762

compliance with this section for responding to public records 11763
requests. In adopting a public records policy under this division, 11764
a public office may obtain guidance from the model public records 11765
policy developed and provided to the public office by the attorney 11766
general under section 109.43 of the Revised Code. Except as 11767
otherwise provided in this section, the policy may not limit the 11768
number of public records that the public office will make 11769
available to a single person, may not limit the number of public 11770
records that it will make available during a fixed period of time, 11771
and may not establish a fixed period of time before it will 11772
respond to a request for inspection or copying of public records, 11773
unless that period is less than eight hours. 11774

The public office shall distribute the public records policy 11775
adopted by the public office under this division to the employee 11776
of the public office who is the records custodian or records 11777
manager or otherwise has custody of the records of that office. 11778
The public office shall require that employee to acknowledge 11779
receipt of the copy of the public records policy. The public 11780
office shall create a poster that describes its public records 11781
policy and shall post the poster in a conspicuous place in the 11782
public office and in all locations where the public office has 11783
branch offices. The public office may post its public records 11784
policy on the internet web site of the public office if the public 11785
office maintains an internet web site. A public office that has 11786
established a manual or handbook of its general policies and 11787
procedures for all employees of the public office shall include 11788
the public records policy of the public office in the manual or 11789
handbook. 11790

(F)(1) The bureau of motor vehicles may adopt rules pursuant 11791
to Chapter 119. of the Revised Code to reasonably limit the number 11792
of bulk commercial special extraction requests made by a person 11793
for the same records or for updated records during a calendar 11794

year. The rules may include provisions for charges to be made for 11795
bulk commercial special extraction requests for the actual cost of 11796
the bureau, plus special extraction costs, plus ten per cent. The 11797
bureau may charge for expenses for redacting information, the 11798
release of which is prohibited by law. 11799

(2) As used in division (F)(1) of this section: 11800

(a) "Actual cost" means the cost of depleted supplies, 11801
records storage media costs, actual mailing and alternative 11802
delivery costs, or other transmitting costs, and any direct 11803
equipment operating and maintenance costs, including actual costs 11804
paid to private contractors for copying services. 11805

(b) "Bulk commercial special extraction request" means a 11806
request for copies of a record for information in a format other 11807
than the format already available, or information that cannot be 11808
extracted without examination of all items in a records series, 11809
class of records, or database by a person who intends to use or 11810
forward the copies for surveys, marketing, solicitation, or resale 11811
for commercial purposes. "Bulk commercial special extraction 11812
request" does not include a request by a person who gives 11813
assurance to the bureau that the person making the request does 11814
not intend to use or forward the requested copies for surveys, 11815
marketing, solicitation, or resale for commercial purposes. 11816

(c) "Commercial" means profit-seeking production, buying, or 11817
selling of any good, service, or other product. 11818

(d) "Special extraction costs" means the cost of the time 11819
spent by the lowest paid employee competent to perform the task, 11820
the actual amount paid to outside private contractors employed by 11821
the bureau, or the actual cost incurred to create computer 11822
programs to make the special extraction. "Special extraction 11823
costs" include any charges paid to a public agency for computer or 11824
records services. 11825

(3) For purposes of divisions (F)(1) and (2) of this section, 11826
"surveys, marketing, solicitation, or resale for commercial 11827
purposes" shall be narrowly construed and does not include 11828
reporting or gathering news, reporting or gathering information to 11829
assist citizen oversight or understanding of the operation or 11830
activities of government, or nonprofit educational research. 11831

(G) A request by a defendant, counsel of a defendant, or any 11832
agent of a defendant in a criminal action that public records 11833
related to that action be made available under this section shall 11834
be considered a demand for discovery pursuant to the Criminal 11835
Rules, except to the extent that the Criminal Rules plainly 11836
indicate a contrary intent. The defendant, counsel of the 11837
defendant, or agent of the defendant making a request under this 11838
division shall serve a copy of the request on the prosecuting 11839
attorney, director of law, or other chief legal officer 11840
responsible for prosecuting the action. 11841

(H)(1) Any portion of a body-worn camera or dashboard camera 11842
recording described in divisions (A)(17)(b) to (h) of this section 11843
may be released by consent of the subject of the recording or a 11844
representative of that person, as specified in those divisions, 11845
only if either of the following applies: 11846

(a) The recording will not be used in connection with any 11847
probable or pending criminal proceedings; 11848

(b) The recording has been used in connection with a criminal 11849
proceeding that was dismissed or for which a judgment has been 11850
entered pursuant to Rule 32 of the Rules of Criminal Procedure, 11851
and will not be used again in connection with any probable or 11852
pending criminal proceedings. 11853

(2) If a public office denies a request to release a 11854
restricted portion of a body-worn camera or dashboard camera 11855
recording, as defined in division (A)(17) of this section, any 11856

person may file a mandamus action pursuant to this section or a 11857
complaint with the clerk of the court of claims pursuant to 11858
section 2743.75 of the Revised Code, requesting the court to order 11859
the release of all or portions of the recording. If the court 11860
considering the request determines that the filing articulates by 11861
clear and convincing evidence that the public interest in the 11862
recording substantially outweighs privacy interests and other 11863
interests asserted to deny release, the court shall order the 11864
public office to release the recording. 11865

Sec. 153.12. (A) With respect to award of any contract for 11866
the construction, reconstruction, improvement, enlargement, 11867
alteration, repair, painting, or decoration of a public 11868
improvement made by the state, or any county, township, municipal 11869
corporation, school district, or other political subdivision, or 11870
any public board, commission, authority, instrumentality, or 11871
special purpose district of or in the state or a political 11872
subdivision or that is authorized by state law, the award, and 11873
execution of the contract, shall be made within sixty days after 11874
the date on which the bids are opened. The failure to award and 11875
execute the contract within sixty days invalidates the entire bid 11876
proceedings and all bids submitted, unless the time for awarding 11877
and executing the contract is extended by mutual consent of the 11878
owner or its representatives and the bidder whose bid the owner 11879
accepts and with respect to whom the owner subsequently awards and 11880
executes a contract. The public owners referred to in this section 11881
shall include, in the plans and specifications for the project for 11882
which bids are solicited, the estimate of cost. The bid for which 11883
the award is to be made shall be opened at the time and place 11884
named in the advertisement for bids, unless extended by the owner 11885
or its representative or unless, within seventy-two hours prior to 11886
the published time for the opening of bids, excluding Saturdays, 11887
Sundays, and legal holidays, any modification of the plans or 11888

specifications and estimates of cost for the project for which 11889
bids are solicited is issued and mailed or otherwise furnished to 11890
persons who have obtained plans or specifications for the project, 11891
for which the time for opening of bids shall be extended one week, 11892
with no further advertising of bids required. The contractor, upon 11893
request, is entitled to a notice to proceed with the work by the 11894
owner or its representative upon execution of the contract. No 11895
contract to which this section applies shall be entered into if 11896
the price of the contract, or, if the project involves multiple 11897
contracts where the total price of all contracts for the project, 11898
is in excess of ~~ten~~ twenty per cent above the entire estimate 11899
thereof, nor shall the entire cost of the construction, 11900
reconstruction, repair, painting, decorating, improvement, 11901
alteration, addition, or installation, including changes and 11902
estimates of expenses for architects or engineers, exceed in the 11903
aggregate the amount authorized by law. 11904

The unit or lump sum price stated in the contract shall be 11905
used in determining the amount to be paid and shall constitute 11906
full and final compensation for all the work. 11907

Partial payment to the contractor for work performed under 11908
the lump sum price shall be based on a schedule prepared by the 11909
contractor and approved by the architect or engineer who shall 11910
apportion the lump sum price to the major components entering into 11911
or forming a part of the work under the lump sum price. 11912

Partial payments to the contractor for labor performed under 11913
either a unit or lump sum price contract shall be made at the rate 11914
of ninety-two per cent of the estimates prepared by the contractor 11915
and approved by the architect or engineer. All labor performed 11916
after the job is fifty per cent completed shall be paid for at the 11917
rate of one hundred per cent of the estimates submitted by the 11918
contractor and approved by the architect or engineer. 11919

The amounts and time of payments of any public improvements 11920

contract made by the state or any county, township, municipal 11921
corporation, school district, or other political subdivision, or 11922
any public board, commission, authority, instrumentality, or 11923
special purpose district of or in the state or a political 11924
subdivision or that is authorized by state law, except as provided 11925
in section 5525.19 of the Revised Code, shall be governed by this 11926
section and sections 153.13 and 153.14 of the Revised Code. If the 11927
time for awarding the contract is extended by mutual consent, or 11928
if the owner or its representative fails to issue a timely notice 11929
to proceed as required by this section, the owner or its 11930
representative shall issue a change order authorizing delay costs 11931
to the contractor, which does not invalidate the contract. The 11932
amount of such a change order to the owner shall be determined in 11933
accordance with the provisions of the contract for change orders 11934
or force accounts or, if no such provision is set forth in the 11935
contract, the cost to the owner shall be the contractor's actual 11936
costs including wages, labor costs other than wages, wage taxes, 11937
materials, equipment costs and rentals, insurance, and 11938
subcontracts attributable to the delay, plus a reasonable sum for 11939
overhead. In the event of a dispute between the owner and the 11940
contractor concerning such change order, procedures shall be 11941
commenced under the applicable terms of the contract, or, if the 11942
contract contains no provision for resolving the dispute, it shall 11943
be resolved pursuant to the procedures for arbitration in Chapter 11944
2711. of the Revised Code, except as provided in division (B) of 11945
this section. Nothing in this division shall be construed as a 11946
limitation upon the authority of the director of transportation 11947
granted in Chapter 5525. of the Revised Code. 11948

(B) If a dispute arises between the state and a contractor 11949
concerning the terms of a public improvement contract let by the 11950
state or concerning a breach of the contract, and after 11951
administrative remedies provided for in such contract and any 11952
alternative dispute resolution procedures provided in accordance 11953

with guidelines established by the executive director of the Ohio 11954
facilities construction commission are exhausted, the contractor 11955
may bring an action to the court of claims in accordance with 11956
Chapter 2743. of the Revised Code. The state or the contractor may 11957
request the chief justice of the supreme court to appoint a 11958
referee or panel of referees in accordance with division (C)(3) of 11959
section 2743.03 of the Revised Code. As used in this division, 11960
"dispute" means a disagreement between the state and the 11961
contractor concerning a public improvement contract let by the 11962
state. 11963

(C) No public entity subject to competitive bidding 11964
requirements under any section of the Revised Code shall subdivide 11965
a purchase, lease, project, or other expenditure into component 11966
parts, separate projects, or separate items of work in order to 11967
avoid the applicable competitive bidding requirements. 11968

Sec. 153.17. (A) When in the opinion of the owner referred to 11969
in section 153.01 of the Revised Code, the work under any contract 11970
made under any law of the state is neglected by the contractor or 11971
such work is not prosecuted with the diligence and force specified 11972
or intended in the contract, such owner may make requisition upon 11973
the contractor for such additional specific force or materials to 11974
be brought into the work under such contract or to remove improper 11975
materials from the grounds as in their judgment the contract and 11976
its faithful fulfillment requires. 11977

Not less than five days' notice in writing of such action 11978
shall be served upon the contractor or the contractor's agent in 11979
charge of the work. If the contractor fails to comply with such 11980
requisition within fifteen days, such owner with the written 11981
consent of the Ohio facilities construction commission, may employ 11982
upon the work the additional force, or supply the special 11983
materials or such part of either as is considered proper, and may 11984

remove improper materials from the grounds. 11985

(B) When the original contractor has defaulted on a contract 11986
and the surety has declined to take over the project, the owner 11987
may contract with one or more takeover contractors to complete 11988
work that was not finished because of the default of the original 11989
contractor. The owner may enter into a contract with a takeover 11990
contractor without competitive bidding or controlling board 11991
approval. ~~Upon execution of a takeover contract, the owner shall~~ 11992
~~notify the director of budget and management.~~ 11993

When the owner has taken over a project after a default has 11994
occurred, any moneys that the owner receives from the surety as a 11995
settlement for completion of the project shall be deposited in the 11996
original fund from which the capital appropriation for the project 11997
was made. The executive director, without controlling board 11998
approval, may authorize specified additional uses for the moneys 11999
related to completion of the project and may increase the 12000
appropriation authority in the appropriation line item used to 12001
fund the project by an amount equal to the moneys received from 12002
the surety. 12003

Sec. 153.54. (A) Except with respect to a contract described 12004
in section 9.334 or 153.693 of the Revised Code, each person 12005
bidding for a contract with the state or any political 12006
subdivision, district, institution, or other agency thereof, 12007
excluding therefrom the department of transportation, for any 12008
public improvement shall file with the bid, a bid guaranty in the 12009
form of either: 12010

(1) A bond in accordance with division (B) of this section 12011
for the full amount of the bid; 12012

(2) A certified check, cashier's check, or letter of credit 12013
pursuant to Chapter 1305. of the Revised Code, in accordance with 12014
division (C) of this section. Any such letter of credit is 12015

revocable only at the option of the beneficiary state, political 12016
subdivision, district, institution, or agency. The amount of the 12017
certified check, cashier's check, or letter of credit shall be 12018
equal to ten per cent of the bid. 12019

(B) A bid guaranty filed pursuant to division (A)(1) of this 12020
section shall be conditioned to: 12021

(1) Provide that, if the bid is accepted, the bidder, after 12022
the awarding or the recommendation for the award of the contract, 12023
whichever the contracting authority designates, will enter into a 12024
proper contract in accordance with the bid, plans, details, and 12025
specifications. If for any reason, other than as authorized by 12026
section 9.31 of the Revised Code or division (G) of this section, 12027
the bidder fails to enter into the contract, and the contracting 12028
authority awards the contract to the next lowest bidder, the 12029
bidder and the surety on the bidder's bond are liable to the 12030
state, political subdivision, district, institution, or agency for 12031
the difference between the bid and that of the next lowest bidder, 12032
or for a penal sum not to exceed ten per cent of the amount of the 12033
bond, whichever is less. If the state, political subdivision, 12034
district, institution, or agency does not award the contract to 12035
the next lowest bidder but resubmits the project for bidding, the 12036
bidder failing to enter into the contract and the surety on the 12037
bidder's bond, except as provided in division (G) of this section, 12038
are liable to the state, political subdivision, district, 12039
institution, or agency for a penal sum not to exceed ten per cent 12040
of the amount of the bid or the costs in connection with the 12041
resubmission of printing new contract documents, required 12042
advertising, and printing and mailing notices to prospective 12043
bidders, whichever is less. 12044

(2) Indemnify the state, political subdivision, district, 12045
institution, or agency against all damage suffered by failure to 12046
perform the contract according to its provisions and in accordance 12047

with the plans, details, and specifications therefor and to pay 12048
all lawful claims of subcontractors, material suppliers, and 12049
laborers for labor performed or material furnished in carrying 12050
forward, performing, or completing the contract; and agree and 12051
assent that this undertaking is for the benefit of any 12052
subcontractor, material supplier, or laborer having a just claim, 12053
as well as for the state, political subdivision, district, 12054
institution, or agency. 12055

(C)(1) A bid guaranty filed pursuant to division (A)(2) of 12056
this section shall be conditioned to provide that if the bid is 12057
accepted, the bidder, after the awarding or the recommendation for 12058
the award of the contract, whichever the contracting authority 12059
designates, will enter into a proper contract in accordance with 12060
the bid, plans, details, specifications, and bills of material. If 12061
for any reason, other than as authorized by section 9.31 of the 12062
Revised Code or division (G) of this section, the bidder fails to 12063
enter into the contract, and the contracting authority awards the 12064
contract to the next lowest bidder, the bidder is liable to the 12065
state, political subdivision, district, institution, or agency for 12066
the difference between the bidder's bid and that of the next 12067
lowest bidder, or for a penal sum not to exceed ten per cent of 12068
the amount of the bid, whichever is less. If the state, political 12069
subdivision, district, institution, or agency does not award the 12070
contract to the next lowest bidder but resubmits the project for 12071
bidding, the bidder failing to enter into the contract, except as 12072
provided in division (G) of this section, is liable to the state, 12073
political subdivision, district, institution, or agency for a 12074
penal sum not to exceed ten per cent of the amount of the bid or 12075
the costs in connection with the resubmission, of printing new 12076
contract documents, required advertising, and printing and mailing 12077
notices to prospective bidders, whichever is less. 12078

If the bidder enters into the contract, the bidder, at the 12079

time the contract is entered to, shall file a bond for the amount 12080
of the contract to indemnify the state, political subdivision, 12081
district, institution, or agency against all damage suffered by 12082
failure to perform the contract according to its provisions and in 12083
accordance with the plans, details, and specifications and to pay 12084
all lawful claims of subcontractors, material suppliers, and 12085
laborers for labor performed or material furnished in carrying 12086
forward, performing, or completing the contract; and agree and 12087
assent that this undertaking is for the benefit of any 12088
subcontractor, material supplier, or laborer having a just claim, 12089
as well as for the state, political subdivision, district, 12090
institution, or agency. 12091

(2) A construction manager who enters into a contract 12092
pursuant to sections 9.33 to 9.333 of the Revised Code, if 12093
required by the public authority at the time the construction 12094
manager enters into the contract, shall file a letter of credit 12095
pursuant to Chapter 1305. of the Revised Code, bond, certified 12096
check, or cashier's check, for the value of the construction 12097
management contract to indemnify the state, political subdivision, 12098
district, institution, or agency against all damage suffered by 12099
the construction manager's failure to perform the contract 12100
according to its provisions, and shall agree and assent that this 12101
undertaking is for the benefit of the state, political 12102
subdivision, district, institution, or agency. A letter of credit 12103
provided by the construction manager is revocable only at the 12104
option of the beneficiary state, political subdivision, district, 12105
institution, or agency. 12106

(D) Where the state, political subdivision, district, 12107
institution, or agency accepts a bid but the bidder fails or 12108
refuses to enter into a proper contract in accordance with the 12109
bid, plans, details, and specifications within ten days after the 12110
awarding of the contract, the bidder and the surety on any bond, 12111

except as provided in division (G) of this section, are liable for 12112
the amount of the difference between the bidder's bid and that of 12113
the next lowest bidder, but not in excess of the liability 12114
specified in division (B)(1) or (C) of this section. Where the 12115
state, political subdivision, district, institution, or agency 12116
then awards the bid to such next lowest bidder and such next 12117
lowest bidder also fails or refuses to enter into a proper 12118
contract in accordance with the bid, plans, details, and 12119
specifications within ten days after the awarding of the contract, 12120
the liability of such next lowest bidder, except as provided in 12121
division (G) of this section, is the amount of the difference 12122
between the bids of such next lowest bidder and the third lowest 12123
bidder, but not in excess of the liability specified in division 12124
(B)(1) or (C) of this section. Liability on account of an award to 12125
any lowest bidder beyond the third lowest bidder shall be 12126
determined in like manner. 12127

(E) Notwithstanding division (C) of this section, where the 12128
state, political subdivision, district, institution, or agency 12129
resubmits the project for bidding, each bidder whose bid was 12130
accepted but who failed or refused to enter into a proper 12131
contract, except as provided in division (G) of this section, is 12132
liable for an equal share of a penal sum in connection with the 12133
resubmission, of printing new contract documents, required 12134
advertising, and printing and mailing notices to prospective 12135
bidders, but no bidder's liability shall exceed the amount of the 12136
bidder's bid guaranty. 12137

(F) All bid guaranties filed pursuant to this section shall 12138
be payable to the state, political subdivision, district, 12139
institution, or agency, be for the benefit of the state, political 12140
subdivision, district, institution, or agency or any person having 12141
a right of action thereon, and be deposited with, and held by, the 12142
board, officer, or agent contracting on behalf of the state, 12143

political subdivision, district, institution, or agency. All bonds 12144
filed pursuant to this section shall be issued by a surety company 12145
authorized to do business in this state as surety approved by the 12146
board, officer, or agent awarding the contract on behalf of the 12147
state, political subdivision, district, institution, or agency. 12148

(G) A bidder for a contract with the state or any political 12149
subdivision, district, institution, or other agency thereof, 12150
excluding therefrom the Ohio department of transportation, for a 12151
public improvement costing less than one-half million dollars may 12152
withdraw the bid from consideration if the bidder's bid for some 12153
other contract with the state or any political subdivision, 12154
district, institution, or other agency thereof, excluding 12155
therefrom the department of transportation, for the public 12156
improvement costing less than one-half million dollars has already 12157
been accepted, if the bidder certifies in good faith that the 12158
total amount of all the bidder's current contracts is less than 12159
one-half million dollars, and if the surety certifies in good 12160
faith that the bidder is unable to perform the subsequent contract 12161
because to do so would exceed the bidder's bonding capacity. If a 12162
bid is withdrawn under authority of this division, the contracting 12163
authority may award the contract to the next lowest bidder or 12164
reject all bids and resubmit the project for bidding, and neither 12165
the bidder nor the surety on the bidder's bond are liable for the 12166
difference between the bidder's bid and that of the next lowest 12167
bidder, for a penal sum, or for the costs of printing new contract 12168
documents, required advertising, and printing and mailing notices 12169
to prospective bidders. 12170

(H) Bid guaranties filed pursuant to division (A) of this 12171
section shall be returned to all unsuccessful bidders immediately 12172
after the contract is executed. The bid guaranty filed pursuant to 12173
division (A)(2) of this section shall be returned to the 12174
successful bidder upon filing of the bond required in division (C) 12175

of this section. 12176

~~(I) For the purposes of this section, "next lowest bidder" means, in the case of a political subdivision that has adopted the model Ohio and United States preference requirements promulgated pursuant to division (E) of section 125.11 of the Revised Code, the next lowest bidder that qualifies under those preference requirements.~~ 12177
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~~(J)~~ For the purposes of this section and sections 153.56, 153.57, and 153.571 of the Revised Code, "public improvement," "subcontractor," "material supplier," "laborer," and "materials" have the same meanings as in section 1311.25 of the Revised Code. 12183
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Sec. 155.33. (A)(1) Beginning on ~~the effective date of this amendment~~ April 7, 2023, and ending on the effective date of the rules adopted under section 155.34 of the Revised Code, a state agency shall lease, in good faith, a formation within a parcel of land that is owned or controlled by the state agency for the exploration for and development and production of oil or natural gas. The lease shall be on terms that are just and reasonable, as determined by custom and practice in the oil and gas industry, and shall include at least the terms required under divisions (A)(1)(a) to (d) of section 155.34 of the Revised Code. The person seeking to lease the formation shall submit to the state agency the proof described in divisions (D)(5)(a) and (b) of this section before entering into the lease. On and after the effective date of the rules adopted under section 155.34 of the Revised Code, a formation within a parcel of land that is owned or controlled by a state agency may be leased for the exploration for and development and production of oil or natural gas only in accordance with divisions (A)(2) to (H) of this section and those rules. 12187
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(2) On and after the effective date of rules adopted under section 155.34 of the Revised Code, any person or state agency 12205
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that is interested in leasing a formation within a parcel of land 12207
that is owned or controlled by a state agency for the exploration 12208
for and the development and production of oil or natural gas may 12209
submit to the oil and gas land management commission a nomination 12210
that shall include all of the following: 12211

(a) The name of the person making the nomination and the 12212
person's address, telephone number, and email address; 12213

(b) An identification of the formation and parcel of land 12214
proposed to be leased that specifies all of the following: 12215

(i) The percentage of the interest owned or controlled by the 12216
state agency, and whether that interest is divided, undivided, or 12217
partial; 12218

(ii) The source deed by book and page numbers, including the 12219
description and acreage of the parcel and an identification of the 12220
county, section, township, and range in which the parcel is 12221
located; 12222

(iii) A plat map depicting the area in which the parcel is 12223
located. 12224

(c) If the person making the nomination is not a state 12225
agency, a nomination fee of one hundred fifty dollars; 12226

(d) The proposed lease bonus that applies to the nomination; 12227

(e) If the person making the nomination is not a state 12228
agency, proof of both of the following: 12229

(i) That the person has obtained the insurance and financial 12230
assurance required under section 1509.07 of the Revised Code; 12231

(ii) That the person has registered with and obtained an 12232
identification number from the division of oil and gas resources 12233
management under section 1509.31 of the Revised Code. 12234

(3) In order to encourage the submission of nominations and 12235
the responsible and reasonable development of the state's natural 12236

resources, only the information submitted under division (A)(2)(b) 12237
of this section may be disclosed to the public until a person is 12238
selected under division (F) of this section. Until a person is 12239
selected under division (F) of this section, all other information 12240
submitted under division (A)(2) of this section is confidential, 12241
shall not be disclosed by the commission, and is not a public 12242
record subject to inspection or copying under section 149.43 of 12243
the Revised Code. 12244

(4) When a nomination is not submitted by a state agency, the 12245
nomination is the opening bid for purposes of division (D) of this 12246
section. However, the person submitting the nomination may 12247
supplement or amend that bid by providing additional information 12248
in accordance with that division. 12249

(B)(1) Not less than thirty days, but not more than one 12250
hundred twenty days following the receipt of a nomination, the 12251
commission shall conduct a meeting for the purpose of determining 12252
whether to approve or disapprove the nomination for the purpose of 12253
leasing a formation within the parcel of land that is identified 12254
in the nomination. 12255

In making its decision to approve or disapprove the 12256
nomination, the commission shall consider all of the following: 12257

(a) The economic benefits, including the potential income 12258
from an oil or natural gas operation, that would result if the 12259
lease of a formation that is the subject of the nomination were 12260
approved; 12261

(b) Whether the proposed oil or gas operation is compatible 12262
with the current uses of the parcel of land that is the subject of 12263
the nomination; 12264

(c) The environmental impact that would result if the lease 12265
of a formation that is the subject of the nomination were 12266
approved; 12267

(d) Any potential adverse geological impact that would result 12268
if the lease of a formation that is the subject of the nomination 12269
were approved; 12270

(e) Any potential impact to visitors or users of a parcel of 12271
land that is the subject of the nomination; 12272

(f) Any potential impact to the operations or equipment of a 12273
state agency that is a state university or college if the lease of 12274
a formation within a parcel of land owned or controlled by the 12275
university or college that is the subject of the nomination were 12276
executed; 12277

(g) Any comments or objections to the nomination submitted to 12278
the commission by the state agency that owns or controls the 12279
parcel of land on which the proposed oil or natural gas operation 12280
would take place; 12281

(h) Any comments or objections to the nomination submitted to 12282
the commission by residents of this state or other users of the 12283
parcel of land that is the subject of the nomination; 12284

(i) Any special terms and conditions the state agency 12285
included in its comments or objections that the state agency 12286
believes are appropriate for the lease of the parcel of land 12287
because of specific conditions related to that parcel of land. 12288

(2) The commission shall approve or disapprove a nomination 12289
not later than two calendar quarters following the receipt of the 12290
nomination. The commission shall post notice of the commission's 12291
decision on the commission's web site and send notice of the 12292
decision by email and by certified mail to the person that 12293
submitted the nomination and to the state agency that owns or 12294
controls the formation within the parcel of land that is the 12295
subject of the nomination. 12296

(C) Each calendar quarter, the commission shall proceed to 12297
advertise for bids for a lease for a formation within a parcel of 12298

land that was the subject of a nomination approved during the 12299
previous calendar quarter. The commission shall publish the 12300
advertisement on its web site for a period of time established by 12301
the commission. The advertisement shall include all of the 12302
following: 12303

(1) An identification of each formation and parcel of land 12304
proposed to be leased that includes all of the information 12305
specified in division (A)(2)(b) of this section; 12306

(2) The deadline for the submission of bids; 12307

(3) A statement that each bid must contain all of the items 12308
required under division (D) of this section; 12309

(4) A statement that a standard lease form that is consistent 12310
with the practices of the oil and natural gas industries and 12311
adopted by rule by the commission will be used for the lease of a 12312
formation within the parcel of land; 12313

(5) Any special terms and conditions that may apply to the 12314
lease because of specific conditions related to the parcel of 12315
land; 12316

(6) The amount of the bid fee that is required to be 12317
submitted with a bid; 12318

(7) Any other information that the commission considers 12319
pertinent to the advertisement for bids. 12320

(D) A person interested in leasing a formation within a 12321
parcel of land owned or controlled by a state agency for the 12322
exploration for and development and production of oil or natural 12323
gas may submit a bid to the commission on a parcel by parcel basis 12324
that contains all of the following: 12325

(1) A bid fee of twenty-five dollars; 12326

(2) The name of the person making the bid and the person's 12327
address, telephone number, and email address; 12328

(3) An identification of the formation and parcel of land for which the bid is being submitted, including all of the information specified in division (A)(2)(b) of this section; 12329
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(4) The proposed lease bonus that applies to the bid; 12332

(5) Proof of both of the following: 12333

(a) That the person has obtained the insurance and financial assurance required under section 1509.07 of the Revised Code; 12334
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(b) That the person has registered with and obtained an identification number from the division of oil and gas resources management under section 1509.31 of the Revised Code. 12336
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(6) Any other information that the person believes is relevant to the bid. 12339
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(E) In order to encourage the submission of bids and the responsible and reasonable development of the state's natural resources, the information that is contained in a bid submitted to the commission under this section is confidential, shall not be disclosed by the commission, and is not a public record subject to inspection and copying under section 149.43 of the Revised Code until a person is selected under division (F) of this section. 12341
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The commission shall select the person who submits the highest and best bid, taking into account the financial responsibility of the prospective lessee and the ability of the prospective lessee to perform its obligations under the lease. After the commission selects a person, the commission shall notify the applicable state agency and send the person's bid to the agency. The state agency shall enter into a lease with the person selected by the commission. 12348
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(G)(1) ~~Except as otherwise provided in section 155.37 of the Revised Code, all~~ All money received by a state agency from signing fees, rentals, and royalty payments for leases entered 12356
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into under this section shall be paid by the state agency into the 12359
state treasury to the credit of the ~~state land royalty~~ all Ohio 12360
future fund created in section ~~131.50~~ 126.62 of the Revised Code. 12361

(2) All money received from nomination fees and bid fees 12362
shall be paid into the state treasury to the credit of the oil and 12363
gas land management commission administration fund created in 12364
section 155.35 of the Revised Code. 12365

(H) Notwithstanding any other provision of this section to 12366
the contrary, a nature preserve as defined in section 1517.01 of 12367
the Revised Code that is owned or controlled by a state agency 12368
shall not be nominated or leased under this section for the 12369
purpose of exploring for and developing and producing oil and 12370
natural gas resources. 12371

Sec. 173.03. (A) There is hereby created the Ohio advisory 12372
council for the aging, which shall consist of twelve members to be 12373
appointed by the governor with the advice and consent of the 12374
senate. Two ex officio members of the council shall be members of 12375
the house of representatives appointed by the speaker of the house 12376
of representatives and shall be members of two different political 12377
parties. Two ex officio members of the council shall be members of 12378
the senate appointed by the president of the senate and shall be 12379
members of two different political parties. The medicaid director 12380
and directors of mental health and addiction services, 12381
developmental disabilities, health, and job and family services, 12382
or their designees, shall serve as ex officio members of the 12383
council. ~~The purpose of the council shall carry out its role as~~ 12384
~~defined under~~ is to advise the department of aging on the 12385
objectives of the "Older Americans Act of 1965," ~~79 Stat. 219,~~ 42 12386
U.S.C. 3001, ~~as amended~~ and as directed by the governor. 12387

~~At the first meeting of the council, and annually thereafter~~ 12388
Annually, the members shall select one of their members to serve 12389

as chairperson and one of their members to serve as 12390
vice-chairperson. 12391

(B) Members of the council appointed by the governor shall be 12392
appointed for a term of three years, ~~except that for the first~~ 12393
~~appointment members of the Ohio commission on aging who were~~ 12394
~~serving on the commission immediately prior to July 26, 1984,~~ 12395
~~shall become members of the council for the remainder of their~~ 12396
~~unexpired terms. Thereafter, appointment to the council shall be~~ 12397
~~for a three-year term by the governor.~~ Each member shall hold 12398
office from the date of appointment until the end of the term for 12399
which the member was appointed. Any member appointed to fill a 12400
vacancy occurring prior to the expiration of the term for which 12401
the member's predecessor was appointed shall hold office for the 12402
remainder of the term. No member shall continue in office 12403
subsequent to the expiration date of the member's term unless 12404
reappointed under the provisions of this section, and no member 12405
shall serve more than three consecutive terms on the council. 12406

(C) Membership of the council shall represent all areas of 12407
Ohio and shall be as follows: 12408

(1) A majority of members of the council shall have attained 12409
the age of fifty and have a knowledge of and continuing interest 12410
in the affairs and welfare of the older citizens of Ohio. The 12411
fields of business, labor, health, law, and human services shall 12412
be represented in the membership. 12413

(2) No more than seven members shall be of the same political 12414
party. 12415

(D) Any member of the council may be removed from office by 12416
the governor for neglect of duty, misconduct, or malfeasance in 12417
office after being informed in writing of the charges and afforded 12418
an opportunity for a hearing. Two consecutive unexcused absences 12419
from regularly scheduled meetings constitute neglect of duty. 12420

(E) The director of aging may reimburse a member for actual 12421
and necessary traveling and other expenses incurred in the 12422
discharge of official duties. But reimbursement shall be made in 12423
the manner and at rates that do not exceed those prescribed by the 12424
director of budget and management for any officer, member, or 12425
employee of, or consultant to, any state agency. 12426

(F) Council members are not limited as to the number of terms 12427
they may serve. 12428

(G)(1) The department of aging may award grants to or enter 12429
into contracts with a member of the advisory council or an entity 12430
that the member represents if any of the following apply: 12431

(a) The department determines that the member or the entity 12432
the member represents is capable of providing the goods or 12433
services specified under the terms of the grant or contract. 12434

(b) The member has not taken part in any discussion or vote 12435
of the council related to whether the council should recommend 12436
that the department of aging award the grant to or enter into the 12437
contract with the member of the advisory council or the entity 12438
that the member represents. 12439

(2) A member of the advisory council is not in violation of 12440
Chapter 102. or section 2921.42 of the Revised Code with regard to 12441
receiving a grant or entering into a contract under this section 12442
if the conditions of division (G)(1)(a) and (b) of this section 12443
have been met. 12444

Sec. 173.06. (A) The director of aging shall establish a 12445
golden buckeye card program and provide a golden buckeye card to 12446
any resident of this state who applies to the director for a card 12447
and is sixty years of age or older or is a person with a 12448
disability and is eighteen years of age or older. The A golden 12449
buckeye card may be physical or electronic and may be an 12450

individual card or an endorsement on a card for one or more other 12451
programs. 12452

The director shall devise programs to provide benefits of any 12453
kind to card holders, and encourage support and participation in 12454
them by all persons, including governmental organizations. Card 12455
holders ~~shall be~~ are entitled to any benefits granted to them by 12456
private persons or organizations, the laws of this state, or 12457
ordinances or resolutions of political subdivisions. This section 12458
does not require any person or organization to provide benefits to 12459
any card holder. The department of aging shall bear all costs of 12460
the program. 12461

(B) Before issuing a golden buckeye card to any person, the 12462
director shall establish the identity of any person who applies 12463
for a card and shall ascertain that such person is sixty years of 12464
age or older or is a person with a disability and is eighteen 12465
years of age or older. The director shall adopt rules under 12466
Chapter 119. of the Revised Code to prevent the issuance of cards 12467
to persons not qualified to have them. Cards shall contain ~~the~~ 12468
~~signature of the card holder and any other~~ information the 12469
director considers necessary to carry out the purposes of the 12470
golden buckeye card program under this section. Any card that the 12471
director issues shall be held in perpetuity by the original card 12472
holder and shall not be transferable to any other person. A person 12473
who loses the person's card may obtain another card from the 12474
director ~~upon~~ on providing the same information to the director as 12475
was required for the issuance of the original card. 12476

(C) No person shall use a golden buckeye card except to 12477
obtain a benefit for the holder of the card to which the holder is 12478
entitled under the conditions of the offer. 12479

(D) As used in this section, "person with a disability" means 12480
a person who has some impairment of body or mind and has been 12481
certified as permanently and totally disabled by an agency of this 12482

state or the United States having the function of so classifying 12483
persons. 12484

Sec. 173.21. (A) The office of the state long-term care 12485
ombudsman program, through the state long-term care ombudsman and 12486
the regional long-term care ombudsman programs, shall require each 12487
representative of the office to complete a training and 12488
certification ~~program~~ in accordance with this section and to meet 12489
~~the~~ any continuing education requirements that may be established 12490
under in rules adopted under division (B) of this section. 12491

(B) The department of aging shall adopt rules in accordance 12492
with Chapter 119. of the Revised Code specifying the content of 12493
training ~~programs~~ for representatives of the office of the state 12494
long-term care ombudsman program. Training for representatives 12495
other than those who are volunteers providing services through 12496
regional long-term care ombudsman programs shall include 12497
instruction regarding federal, state, and local laws, rules, and 12498
policies on long-term care facilities and community-based 12499
long-term care services; investigative techniques; and other 12500
topics considered relevant by the department ~~and shall consist.~~ 12501
All of the following apply to training for representatives other 12502
than volunteers: 12503

(1) A Representatives shall complete a minimum of ~~forty clock~~ 12504
~~thirty-six~~ hours of basic instruction, which shall be completed 12505
before the trainee is permitted to handle complaints without the 12506
supervision of a representative of the office certified under this 12507
section; 12508

(2) ~~An additional sixty clock~~ Additional hours of 12509
instruction, ~~which shall be completed within the first fifteen~~ 12510
~~months of employment~~ may include an internship, in-service 12511
training, and continuing education requirements as may be required 12512
in rules adopted under division (B) of this section; 12513

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

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

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

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

~~(5) Any Representatives may be required to complete any other training considered appropriate by the department.~~

~~(C) Any person who for a period of at least six months prior to June 11, 1990, served as an ombudsman through the long term care ombudsman program established by the department of aging under section 173.01 of the Revised Code shall not be required to complete a training program. Such a person and persons who complete a training program shall take an examination administered by the department of aging. On attainment of a passing score, the person shall be certified by the department as a representative of the office. The department shall issue the person an identification card, which the representative shall show at the request of any person with whom the representative deals while performing the representative's duties and which shall be surrendered at the time the representative separates from the~~

~~office.~~ 12545

~~(D)~~ The state ombudsman and each regional program shall 12546
~~conduct training programs for~~ train volunteers on their respective 12547
staffs in accordance with the rules ~~of the department of aging~~ 12548
adopted under division (B) of this section. ~~Training programs~~ 12549
Volunteers may be ~~conducted that train volunteers~~ trained to 12550
complete some, but not all, of the duties of a representative of 12551
the office. Each regional office shall bear the cost of training 12552
its representatives who are volunteers. On completion of a 12553
training ~~program~~, the representative shall take an examination 12554
administered by the department of aging. On attainment of a 12555
passing score, a volunteer shall be certified by the department as 12556
a representative authorized to perform services specified in the 12557
certification. The department shall issue an identification card, 12558
which the representative shall show at the request of any person 12559
with whom the representative deals while performing the 12560
representative's duties and which shall be surrendered at the time 12561
the representative separates from the office. Except as a 12562
supervised part of a training ~~program~~, no volunteer shall perform 12563
any duty unless the volunteer is certified as a representative 12564
having received appropriate training for that duty. 12565

~~(E)~~(D) The state ombudsman shall provide technical assistance 12566
to regional programs conducting training ~~programs~~ for volunteers 12567
and shall monitor the training ~~programs~~. 12568

~~(F)~~ ~~Prior to scheduling an observation of a certification~~ 12569
~~survey or licensing inspection for purposes of division (B)(4) of~~ 12570
~~this section, the state ombudsman shall obtain permission to have~~ 12571
~~the survey or inspection observed from both the long term care~~ 12572
~~facility at which the survey or inspection is to take place and,~~ 12573
~~as the case may be, the director of health or director of mental~~ 12574
~~health and addiction services.~~ 12575

~~(G)~~ ~~The department of aging shall establish continuing~~ 12576

~~education requirements for representatives of the office.~~ 12577

Sec. 173.51. As used in sections 173.51 to 173.56 of the 12578
Revised Code: 12579

"Area agency on aging" has the same meaning as in section 12580
173.14 of the Revised Code. 12581

"Assisted living program" means the program that consists of 12582
a medicaid-funded component created under section 173.54 of the 12583
Revised Code and a state-funded component created under section 12584
173.543 of the Revised Code and provides assisted living services 12585
to individuals who meet the program's applicable eligibility 12586
requirements. 12587

"Assisted living services" means the following home and 12588
community-based services: personal care, homemaker, chore, 12589
attendant care, companion, medication oversight, and therapeutic 12590
social and recreational programming. 12591

"Assisted living waiver" means the federal medicaid waiver 12592
granted by the United States secretary of health and human 12593
services that authorizes the medicaid-funded component of the 12594
assisted living program. 12595

"County or district home" means a county or district home 12596
operated under Chapter 5155. of the Revised Code. 12597

"Long-term care consultation program" means the program the 12598
department of aging is required to develop under section 173.42 of 12599
the Revised Code. 12600

"Long-term care consultation program administrator" or 12601
"administrator" means the department of aging or, if the 12602
department contracts with an area agency on aging or other entity 12603
to administer the long-term care consultation program for a 12604
particular area, that agency or entity. 12605

"Medicaid waiver component" has the same meaning as in 12606

section 5166.01 of the Revised Code. 12607

"Nursing facility" has the same meaning as in section 5165.01 12608
of the Revised Code. 12609

"PASSPORT program" means the preadmission screening system 12610
providing options and resources today program (PASSPORT) that 12611
consists of a medicaid-funded component created under section 12612
173.52 of the Revised Code and a state-funded component created 12613
under section 173.522 of the Revised Code and provides home and 12614
community-based services as an alternative to nursing facility 12615
placement for individuals who are aged and disabled and meet the 12616
program's applicable eligibility requirements. 12617

"PASSPORT waiver" means the federal medicaid waiver granted 12618
by the United States secretary of health and human services that 12619
authorizes the medicaid-funded component of the PASSPORT program. 12620

"Representative" means a person acting on behalf of an 12621
applicant for the medicaid-funded component or state-funded 12622
component of the assisted living program. A representative may be 12623
a family member, attorney, hospital social worker, or any other 12624
person chosen to act on behalf of an applicant. 12625

"Residential care facility" has the same meaning as in 12626
section 3721.01 of the Revised Code. 12627

~~"Unified long term services and support medicaid waiver 12628
component" means the medicaid waiver component authorized by 12629
section 5166.14 of the Revised Code. 12630~~

Sec. 173.52. (A) The department of medicaid shall create the 12631
medicaid-funded component of the PASSPORT program. In creating the 12632
medicaid-funded component, the department of medicaid shall 12633
collaborate with the department of aging. 12634

(B) ~~Unless the medicaid funded component of the PASSPORT 12635
program is terminated under division (C) of this section, all All 12636~~

of the following apply to the medicaid-funded component of the 12637
PASSPORT program: 12638

(1) The department of aging shall administer the 12639
medicaid-funded component through a contract entered into with the 12640
department of medicaid under section 5162.35 of the Revised Code. 12641

(2) The medicaid-funded component shall be operated as a 12642
separate medicaid waiver component. 12643

(3) For an individual to be eligible for the medicaid-funded 12644
component, the individual must be a medicaid recipient and meet 12645
the additional eligibility requirements applicable to the 12646
individual established in rules adopted under division (B)(4) of 12647
this section. 12648

(4) To the extent authorized by rules ~~authorization~~ 12649
authorized by section 5162.021 of the Revised Code, the director 12650
of aging shall adopt rules in accordance with Chapter 119. of the 12651
Revised Code to implement the medicaid-funded component. 12652

~~(C) If the unified long term services and support medicaid 12653
waiver component is created, the departments of aging and medicaid 12654
shall work together to determine whether the medicaid funded 12655
component of the PASSPORT program should continue to operate as a 12656
separate medicaid waiver component or be terminated. If the 12657
departments determine that the medicaid funded component of the 12658
PASSPORT program should be terminated, the medicaid funded 12659
component shall cease to exist on a date the departments shall 12660
specify. 12661~~

Sec. 173.521. ~~(A) Unless the medicaid funded component of the 12662
PASSPORT program is terminated pursuant to division (C) of section 12663
173.52 of the Revised Code, the~~ The department shall establish a 12664
home first component of the PASSPORT program under which eligible 12665
individuals may be enrolled in the medicaid-funded component of 12666

the PASSPORT program in accordance with this section. An 12667
individual is eligible for the PASSPORT program's home first 12668
component if both of the following apply: 12669

(1) The individual has been determined to be eligible for the 12670
medicaid-funded component of the PASSPORT program. 12671

(2) At least one of the following applies: 12672

(a) The individual has been admitted to a nursing facility. 12673

(b) A physician has determined and documented in writing that 12674
the individual has a medical condition that, unless the individual 12675
is enrolled in home and community-based services such as the 12676
PASSPORT program, will require the individual to be admitted to a 12677
nursing facility within thirty days of the physician's 12678
determination. 12679

(c) The individual has been hospitalized and a physician has 12680
determined and documented in writing that, unless the individual 12681
is enrolled in home and community-based services such as the 12682
PASSPORT program, the individual is to be transported directly 12683
from the hospital to a nursing facility and admitted. 12684

(d) Both of the following apply: 12685

(i) The individual is the subject of a report made under 12686
section 5101.63 of the Revised Code regarding abuse, neglect, or 12687
exploitation or such a report referred to a county department of 12688
job and family services under section 5126.31 of the Revised Code 12689
or has made a request to a county department for protective 12690
services as defined in section 5101.60 of the Revised Code. 12691

(ii) A county department of job and family services and an 12692
area agency on aging have jointly documented in writing that, 12693
unless the individual is enrolled in home and community-based 12694
services such as the PASSPORT program, the individual should be 12695
admitted to a nursing facility. 12696

(B) Each month, each area agency on aging shall identify individuals residing in the area that the agency serves who are eligible for the home first component of the PASSPORT program. When an area agency on aging identifies such an individual, the agency shall notify the long-term care consultation program administrator serving the area in which the individual resides. The administrator shall determine whether the PASSPORT program is appropriate for the individual and whether the individual would rather participate in the PASSPORT program than continue or begin to reside in a nursing facility. If the administrator determines that the PASSPORT program is appropriate for the individual and the individual would rather participate in the PASSPORT program than continue or begin to reside in a nursing facility, the administrator shall so notify the department of aging. On receipt of the notice from the administrator, the department shall approve the individual's enrollment in the medicaid-funded component of the PASSPORT program regardless of the unified waiting list established under section 173.55 of the Revised Code, unless the enrollment would cause the component to exceed any limit on the number of individuals who may be enrolled in the component as set by the United States secretary of health and human services in the PASSPORT waiver.

Sec. 173.522. (A) The department of aging shall create and administer the state-funded component of the PASSPORT program. The state-funded component shall not be administered as part of the medicaid program.

(B) For an individual to be eligible for the state-funded component of the PASSPORT program, the individual must meet one of the following requirements and meet the additional eligibility requirements applicable to the individual established in rules adopted under division (D) of this section:

(1) The individual must have been enrolled in the 12728
state-funded component on September 1, 1991, (as the state-funded 12729
component was authorized by uncodified law in effect at that time) 12730
and have had one or more applications for enrollment in the 12731
medicaid-funded component of the PASSPORT program ~~(or, if the 12732
medicaid-funded component is terminated under division (C) of 12733
section 173.52 of the Revised Code, the unified long-term services 12734
and support medicaid waiver component)~~ denied. 12735

(2) The individual must have an application for the 12736
medicaid-funded component of the PASSPORT program ~~(or, if the 12737
medicaid-funded component is terminated under division (C) of 12738
section 173.52 of the Revised Code, the unified long-term services 12739
and support medicaid waiver component)~~ pending and the department 12740
or the department's designee must have determined that the 12741
individual meets the nonfinancial eligibility requirements of the 12742
medicaid-funded component ~~(or, if the medicaid-funded component is 12743
terminated under division (C) of section 173.52 of the Revised 12744
Code, the unified long-term services and support medicaid waiver 12745
component)~~ and not have reason to doubt that the individual meets 12746
the financial eligibility requirements of the medicaid-funded 12747
component ~~(or, if the medicaid-funded component is terminated 12748
under division (C) of section 173.52 of the Revised Code, the 12749
unified long-term services and support medicaid waiver component)~~. 12750

(C) An individual who is eligible for the state-funded 12751
component of the PASSPORT program because the individual meets the 12752
requirement of division (B)(2) of this section may participate in 12753
the component on that basis for a period of time specified in 12754
rules adopted under division (D) of this section. 12755

(D)(1) The director of aging shall adopt rules in accordance 12756
with section 111.15 of the Revised Code to implement the 12757
state-funded component of the PASSPORT program. 12758

The rules shall include all of the following: 12759

(a) Additional eligibility requirements for an individual to be eligible for the state-funded component of the PASSPORT program; 12760
12761
12762

(b) The duration that an individual eligible for the state-funded component of the PASSPORT program under division (B)(2) of this section may participate in that component; 12763
12764
12765

(c) Any other rules the director considers appropriate to implement the state-funded component of the PASSPORT program. 12766
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(2) The additional eligibility requirements established in the rules may vary for the different groups of individuals specified in divisions (B)(1) and (2) of this section. 12768
12769
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Sec. 173.525. (A)(1) In addition to any other eligibility requirement of this chapter, to be eligible to serve as a home health aide or personal care aide under the PASSPORT program, an individual must successfully complete eight hours of pre-service training acceptable to the department of aging. 12771
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To maintain eligibility, each home health aide or personal care aide must successfully complete six hours of in-service training acceptable to the department. Such training must be completed every twelve months. 12776
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(2) In administering the PASSPORT program, the department shall not require an individual or aide described in division (A)(1) of this section to do either of the following: 12780
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12782

(a) Complete more than eight hours of pre-service training; 12783

(b) Complete more than six hours of in-service training in a twelve-month period. 12784
12785

(B) Only the following may supervise a home health aide or personal care aide under the PASSPORT program: 12786
12787

(1) A registered nurse; 12788

<u>(2) A licensed practical nurse under the direction of a</u>	12789
<u>registered nurse;</u>	12790
<u>(3) A nurse aide under the direction of a nurse described in</u>	12791
<u>division (B)(1) or (2) of this section.</u>	12792
Sec. 173.54. (A) The department of medicaid shall create the	12793
medicaid-funded component of the assisted living program. In	12794
creating the medicaid-funded component, the department of medicaid	12795
shall collaborate with the department of aging.	12796
(B) Unless the medicaid-funded component of the assisted	12797
living program is terminated under division (C) of this section,	12798
all of the following apply:	12799
(1) The department of aging shall administer the	12800
medicaid-funded component through a contract entered into with the	12801
department of medicaid under section 5162.35 of the Revised Code.	12802
(2) The contract shall include an estimate of the	12803
medicaid-funded component's costs.	12804
(3) The medicaid-funded component shall be operated as a	12805
separate medicaid waiver component.	12806
(4) The medicaid-funded component may not serve more	12807
individuals than is set by the United States secretary of health	12808
and human services in the assisted living waiver.	12809
(5) To the extent authorized by rules authorized by section	12810
5162.021 of the Revised Code, the director of aging may adopt	12811
rules under Chapter 119. of the Revised Code regarding the	12812
medicaid-funded component.	12813
(C) If the unified long term services and support medicaid	12814
waiver component is created, the departments of aging and medicaid	12815
shall collaborate to determine whether the medicaid funded	12816
component of the assisted living program should continue to	12817
operate as a separate medicaid waiver component or be terminated.	12818

~~If the departments determine that the medicaid funded component of the assisted living program should be terminated, the medicaid funded component shall cease to exist on a date the departments shall specify.~~

Sec. 173.542. (A) ~~Unless the medicaid funded component of the assisted living program is terminated pursuant to division (C) of section 173.54 of the Revised Code, the~~ The department of aging shall establish a home first component of the assisted living program under which eligible individuals may be enrolled in the medicaid-funded component of the assisted living program in accordance with this section. An individual is eligible for the assisted living program's home first component if both of the following apply:

(1) The individual has been determined to be eligible for the medicaid-funded component of the assisted living program.

(2) At least one of the following applies:

(a) The individual has been admitted to a nursing facility.

(b) A physician has determined and documented in writing that the individual has a medical condition that, unless the individual is enrolled in home and community-based services such as the assisted living program, will require the individual to be admitted to a nursing facility within thirty days of the physician's determination.

(c) The individual has been hospitalized and a physician has determined and documented in writing that, unless the individual is enrolled in home and community-based services such as the assisted living program, the individual is to be transported directly from the hospital to a nursing facility and admitted.

(d) Both of the following apply:

(i) The individual is the subject of a report made under

section 5101.63 of the Revised Code regarding abuse, neglect, or 12849
exploitation or such a report referred to a county department of 12850
job and family services under section 5126.31 of the Revised Code 12851
or has made a request to a county department for protective 12852
services as defined in section 5101.60 of the Revised Code. 12853

(ii) A county department of job and family services and an 12854
area agency on aging have jointly documented in writing that, 12855
unless the individual is enrolled in home and community-based 12856
services such as the assisted living program, the individual 12857
should be admitted to a nursing facility. 12858

(B) Each month, each area agency on aging shall identify 12859
individuals residing in the area that the area agency on aging 12860
serves who are eligible for the home first component of the 12861
assisted living program. When an area agency on aging identifies 12862
such an individual and determines that there is a vacancy in a 12863
residential care facility participating in the medicaid-funded 12864
component of the assisted living program that is acceptable to the 12865
individual, the agency shall notify the long-term care 12866
consultation program administrator serving the area in which the 12867
individual resides. The administrator shall determine whether the 12868
assisted living program is appropriate for the individual and 12869
whether the individual would rather participate in the assisted 12870
living program than continue or begin to reside in a nursing 12871
facility. If the administrator determines that the assisted living 12872
program is appropriate for the individual and the individual would 12873
rather participate in the assisted living program than continue or 12874
begin to reside in a nursing facility, the administrator shall so 12875
notify the department of aging. On receipt of the notice from the 12876
administrator, the department shall approve the individual's 12877
enrollment in the medicaid-funded component of the assisted living 12878
program regardless of the unified waiting list established under 12879
section 173.55 of the Revised Code, unless the enrollment would 12880

cause the component to exceed any limit on the number of 12881
individuals who may participate in the component as set by the 12882
United States secretary of health and human services in the 12883
assisted living waiver. 12884

Sec. 173.544. To be eligible for the state-funded component 12885
of the assisted living program, an individual must meet all of the 12886
following requirements: 12887

(A) The individual must need an intermediate level of care as 12888
determined by an assessment conducted under section 173.546 of the 12889
Revised Code. 12890

(B) The individual must have an application for the 12891
medicaid-funded component of the assisted living program ~~(or, if~~ 12892
~~the medicaid funded component is terminated under division (C) of~~ 12893
~~section 173.54 of the Revised Code, the unified long term services~~ 12894
~~and support medicaid waiver component)~~ pending and the department 12895
or the department's designee must have determined that the 12896
individual meets the nonfinancial eligibility requirements of the 12897
medicaid-funded component ~~(or, if the medicaid funded component is~~ 12898
~~terminated under division (C) of section 173.54 of the Revised~~ 12899
~~Code, the unified long term services and support medicaid waiver~~ 12900
~~component)~~ and not have reason to doubt that the individual meets 12901
the financial eligibility requirements of the medicaid-funded 12902
component ~~(or, if the medicaid funded component is terminated~~ 12903
~~under division (C) of section 173.54 of the Revised Code, the~~ 12904
~~unified long term services and support medicaid waiver component).~~ 12905

(C) While receiving assisted living services under the 12906
state-funded component, the individual must reside in a 12907
residential care facility that is authorized by a valid provider 12908
agreement to participate in the component, including both of the 12909
following: 12910

(1) A residential care facility that is owned or operated by 12911

a metropolitan housing authority that has a contract with the United States department of housing and urban development to receive an operating subsidy or rental assistance for the residents of the facility;

(2) A county or district home licensed as a residential care facility.

(D) The individual must meet all other eligibility requirements for the state-funded component established in rules adopted under section 173.543 of the Revised Code.

Sec. 173.60. (A) As used in this section:

(1) "Nursing home" has the same meaning as in section 3721.01 of the Revised Code.

(2) "Person-centered care" means a relationship-based approach to care that honors and respects the opinions of individuals receiving care and those working closely with them.

(B) The department of aging shall implement a nursing home quality initiative to improve the provision of person-centered care in nursing homes. The office of the state long-term care ombudsman program shall assist the department with the initiative. The initiative shall include quality improvement projects that provide nursing homes with resources and on-site education promoting person-centered care strategies and positive resident outcomes, as well as other assistance designed to improve the quality of nursing home services. The department may offer any of the projects.

~~(C)~~(C)(1) The department shall make available a list of quality improvement projects that may be used by nursing homes in meeting the requirements of section 3721.072 of the Revised Code. In addition to any of the projects offered by the department pursuant to division (B) of this section, the list may include

projects offered by any of the following:	12942
(1) <u>(a)</u> Other state agencies;	12943
(2) <u>(b)</u> A quality improvement organization under contract with the United States secretary of health and human services to carry out in this state the functions described in the "Social Security Act," section 1154, 42 U.S.C. 1320c-3;	12944 12945 12946 12947
(3) <u>(c)</u> The Ohio person-centered care coalition;	12948
(4) <u>(d)</u> Any other academic, research, or health care entity identified by the department.	12949 12950
<u>(2) The department shall offer to nursing homes and other long-term care facility settings infection prevention and control and facility technical assistance, including services, programs, and content expertise, as a project authorized under division (C)(1) of this section to improve quality of care and quality of life, subject to the availability of funds.</u>	12951 12952 12953 12954 12955 12956
(D) The director of aging may adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement this section.	12957 12958 12959
<u>Sec. 175.16. (A) As used in this section:</u>	12960
<u>(1) "Federal credit" means the tax credit authorized under section 42 of the Internal Revenue Code.</u>	12961 12962
<u>(2) "Credit period," "qualified low-income building," and "qualified basis" have the same meanings as in section 42 of the Internal Revenue Code.</u>	12963 12964 12965
<u>(3) "Qualified project" means a qualified low-income building that is located in Ohio, is placed in service on or after January 1, 2023, and for which the director reserves a tax credit under division (B) of this section before January 1, 2029.</u>	12966 12967 12968 12969
<u>(4) "Pass-through entity" has the same meaning as in section</u>	12970

<u>5733.04 of the Revised Code.</u>	12971
<u>(5) "Project owner" means a person holding a fee simple interest or a leasehold interest pursuant to a ground lease in the land on which a qualified project sits.</u>	12972 12973 12974
<u>(6) "Reserved credit amount" means the amount determined by the director and stipulated in the notice sent to each owner of a qualified project under division (B) of this section.</u>	12975 12976 12977
<u>(7) "Annual credit amount" means the amount computed by the director under division (D) of this section prior to issuing an eligibility certificate.</u>	12978 12979 12980
<u>(8) "Equity owner" means a direct or indirect owner of a project owner, provided the project owner is a pass-through entity, as determined under applicable state law governing such an entity.</u>	12981 12982 12983 12984
<u>(9) "Person" has the same meaning as in section 5701.01 of the Revised Code.</u>	12985 12986
<u>(10) "Eligibility certificate" means a certificate issued by the director to each owner of a qualified project under division (D) of this section stating the amount of credit that may be claimed for each year of the credit period.</u>	12987 12988 12989 12990
<u>(11) "Qualified allocation plan" means the plan developed by the Ohio housing finance agency, as required under section 175.06 of the Revised Code, for evaluating and selecting projects for the federal credit pursuant to the mandates and requirements within section 42 of the Internal Revenue Code.</u>	12991 12992 12993 12994 12995
<u>(12) "Internal Revenue Code" has the same meaning as in section 5747.01 of the Revised Code.</u>	12996 12997
<u>(13) "Pass-through certification" means a writing submitted with a project owner's applicable return or report pursuant to division (F)(2) of this section.</u>	12998 12999 13000

(14) "Designated reporter" means the project owner or one of the project owner's equity owners designated pursuant to division (I)(1) of this section. 13001
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(15) "Director" means the executive director of the Ohio housing finance agency. 13004
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(B) Except as otherwise provided by this division, the director, upon allocating a federal credit and issuing a binding reservation or letter of eligibility, pursuant to the Ohio housing finance agency's qualified allocation plan, for a qualified low-income building that is located in this state and placed in service on or after January 1, 2023, may reserve a tax credit under this section for the project owners so long as doing so will not result in exceeding the annual credit cap prescribed by division (C) of this section. The director shall not reserve a tax credit under this section after December 31, 2028. 13006
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The director shall send written notice of the reservation to each project owner. The notice shall state the aggregate credit amount reserved for all years of the qualified project's credit period and stipulate that receipt of the credit is contingent upon issuance of an eligibility certificate. 13016
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The agency shall determine the credit amount reserved for each qualified project. The reserved credit amount shall not exceed the amount necessary, when combined with the federal credit, to ensure the financial feasibility of the qualified project. 13021
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(C) The aggregate amount of credits reserved by the director under division (B) of this section in a fiscal year shall not exceed the sum of (1) five hundred million dollars, (2) the amount, if any, by which the credit cap prescribed by this division for the preceding fiscal year exceeds the credits reserved by the director in that year, and (3) the amount of tax 13026
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credits recaptured and collected pursuant to an assessment issued 13032
by the tax commissioner or superintendent of insurance or 13033
otherwise disallowed under division (G) of this section in the 13034
preceding fiscal year. 13035

For the purpose of computing and determining compliance with 13036
the credit cap prescribed by this division, the credit amount 13037
reserved for the project owners of a qualified project is the full 13038
amount for all years of the qualified project's credit period. 13039

(D) Immediately after approving the final cost certification 13040
for a qualified project for which a tax credit under this section 13041
is reserved, or upon otherwise determining the qualified basis of 13042
the qualified project and the date it was placed into service as 13043
required by section 42(m) of the Internal Revenue Code, the 13044
director shall compute the annual credit amount and issue an 13045
eligibility certificate to each project owner. The director shall 13046
send copies of all eligibility certificates issued each calendar 13047
year to the tax commissioner and the superintendent of insurance. 13048

The annual credit amount shall equal the lesser of the 13049
following: 13050

(1) The amount of the federal credit that would be awarded to 13051
the owners of the qualified project for the first year of the 13052
credit period if not for the adjustment required under section 13053
42(f)(2) of the Internal Revenue Code; 13054

(2) One-tenth of the reserved credit amount stated in the 13055
notice issued under division (B) of this section. 13056

(E) Each eligibility certificate shall state the annual 13057
credit amount, the years that comprise the credit period, the 13058
name, address, and taxpayer identification number of each project 13059
owner, the date the certificate is issued, a unique identifying 13060
number, and any additional information prescribed by a rule 13061
adopted under division (H) of this section. A project owner, if 13062

the project owner is a pass-through entity shall provide a copy of 13063
the eligibility certificate to each equity owner that has been 13064
allocated a credit under division (F)(2) of this section. 13065

(F)(1) For each year of a qualified project's credit period, 13066
the project owner or an equity owner may claim a nonrefundable 13067
credit against the tax imposed by section 5725.18, 5726.02, 13068
5729.03, 5729.06, or 5747.02 of the Revised Code equal to all or a 13069
portion of the annual credit amount stated on the eligibility 13070
certificate. The credit shall be claimed in the manner prescribed 13071
by section 5725.36, 5726.58, 5729.19, or 5747.83 of the Revised 13072
Code, as applicable. 13073

(2) If a project owner is a pass-through entity, the annual 13074
credit amount for any year of a qualified project's credit period 13075
may be allocated by the project owner among one or more equity 13076
owners, and any such equity owner that is itself a pass-through 13077
entity may reallocate its portion of a credit to its own equity 13078
owners, as described in division (F)(5) of this section, and may 13079
be applied by those equity owners against more than one tax over 13080
more than one calendar year, tax year, taxable year, or tax 13081
period, but the total credits claimed in connection with that year 13082
of the qualified project's credit period by all project owners and 13083
equity owners against all taxes over all calendar years, tax 13084
years, taxable years, and tax periods, shall not exceed the annual 13085
credit amount stated on the eligibility certificate. 13086

A project owner or equity owner that is a pass-through entity 13087
that allocates a credit to its equity owners under this division 13088
shall list, in a writing submitted with the project owner's or 13089
equity owner's applicable return or report, the amount of the 13090
credit reflected on the eligibility certificate that is allocated 13091
to each equity owner. 13092

(3) A project owner or equity owner may claim the credit 13093
authorized by division (F)(1) of this section for a calendar year, 13094

tax year, taxable year, or tax period that ends after the date the 13095
qualified project is placed into service but for which the project 13096
owner or equity owner files its original tax return or report 13097
claiming the credit before the director issues the project owner 13098
an eligibility certificate under division (D) of this section. If 13099
a credit is claimed before an eligibility certificate is issued, 13100
the project owner or equity owner claiming the credit may claim an 13101
amount that is not more than one-tenth of the reserved credit 13102
amount. After the eligibility certificate is issued, if the annual 13103
credit amount is different than one-tenth of the reserved credit 13104
amount, the project owner or equity owner that claimed a tax 13105
credit under division (F)(3) of this section shall reconcile that 13106
difference through filing an amended tax return or report under 13107
Chapter 5725., 5726., 5729., or 5747. of the Revised Code, as 13108
applicable. 13109

(4) A project owner or equity owner that claims or allocates 13110
a tax credit under division (F)(1) or (2) of this section shall 13111
submit a copy of the eligibility certificate with the project 13112
owner's or equity owner's tax return or report. A project owner or 13113
equity owner that claims or allocates a credit under division 13114
(F)(3) of this section shall submit a copy of the notice stating 13115
the reserved credit amount, issued under division (B) of this 13116
section with the project owner's or equity owner's tax return or 13117
report. Upon request of the tax commissioner or the superintendent 13118
of insurance, any project owner or equity owner claiming a tax 13119
credit under this section shall provide the commissioner or 13120
superintendent other documentation that may be necessary to verify 13121
that the project owner or equity owner is entitled to the credit. 13122

(5) A project owner that is a pass-through entity may 13123
allocate the credit authorized by this section to its equity 13124
owners, and any such equity owner that is itself a pass-through 13125
entity may reallocate its portion of a credit to its own equity 13126

owners, under division (F)(2) of this section in any manner agreed 13127
to by such persons regardless of whether such equity owners are 13128
eligible for an allocation of the federal credit, whether the 13129
allocation of the credit under the terms of the agreement has 13130
substantial economic effect within the meaning of section 704(b) 13131
of the Internal Revenue Code, and whether any such person is 13132
deemed a partner of the project owner or equity owner for federal 13133
income tax purposes as long as the equity owner acquired its 13134
ownership interest prior to claiming the credit. The allocation 13135
shall be allowed without regard to any provision of the Internal 13136
Revenue Code, or regulation promulgated pursuant to it, that may 13137
be interpreted as contrary to the allocation, including, without 13138
limitation, the treatment of the allocation as a disguised sale. 13139

(6) An equity owner may assign all or any part of its 13140
interest in a qualified project, including its interest in the tax 13141
credits authorized by this section, to one or more other equity 13142
owners, in whole or in part, one or more times, and each assignee 13143
shall be able to claim the credit so long as its interest is 13144
acquired prior to the filing of its tax return or report or 13145
amended tax return or report claiming the credit and the equity 13146
owner's ownership interest is identified in the report required by 13147
division (I) of this section. Each equity owner to whom the right 13148
to claim a tax credit authorized by this section is assigned shall 13149
provide the designated reporter with evidence of that transfer so 13150
the designated reporter may identify the transferee in the report 13151
required by division (I) of this section. 13152

(G) If any portion of the federal credit allocated to a 13153
qualified project is recaptured under section 42(j) of the 13154
Internal Revenue Code or is otherwise disallowed, the director 13155
shall recapture a proportionate amount of the tax credit claimed 13156
pursuant to this section in connection with the same qualified 13157
project. 13158

If the director determines to recapture such a tax credit, 13159
the director shall certify the name of each project owner and the 13160
amount to be recaptured to the tax commissioner and to the 13161
superintendent of insurance. The commissioner or superintendent 13162
shall determine the taxpayer or taxpayers that claimed the credit, 13163
the tax against which the credit was claimed, and the amount to be 13164
recaptured and make an assessment against the taxpayer or 13165
taxpayers under Chapter 5725., 5726., 5729., or 5747. of the 13166
Revised Code, as applicable, for the amount of the tax credit to 13167
be recaptured. The time limitations on assessments under those 13168
chapters do not bar an assessment made under this division. 13169
Nothing in this section shall prohibit an assessment that 13170
otherwise may be timely made by law. 13171

(H) The director, in consultation with the tax commissioner 13172
and the superintendent of insurance, shall adopt any rules 13173
necessary to implement this section in accordance with Chapter 13174
119. of the Revised Code. Notwithstanding any provision of section 13175
121.95 of the Revised Code to the contrary, a regulatory 13176
restriction contained in a rule adopted under division (H) of this 13177
section is not subject to sections 121.95 to 121.953 of the 13178
Revised Code. 13179

(I)(1) Each project owner shall designate itself or one of 13180
its equity owners as designated reporter. The designation shall be 13181
made to the tax commissioner and superintendent of insurance at 13182
the time and in the manner prescribed by the commissioner and 13183
superintendent. 13184

(2) For each calendar year, a designated reporter shall 13185
provide the tax commissioner and the superintendent of insurance, 13186
at the time and in the form prescribed by the tax commissioner in 13187
consultation with the superintendent of insurance, a summary 13188
report of all pass-through certifications issued, and assignment 13189
notifications received pursuant to division (F)(6) of this 13190

section, in connection with a qualified project. The report shall 13191
contain all of the following: 13192

(a) The name, address, and taxpayer identification number of 13193
each equity owner that has been allocated a portion of the annual 13194
credit awarded by the eligibility certificate for that year; 13195

(b) The amount of the annual credit allocated to each such 13196
equity owner for such year and the tax against which the credit 13197
will be claimed; 13198

(c) The total of the amounts listed for each equity owner 13199
under division (I)(1)(b) of this section; 13200

(d) The annual credit amount. 13201

(3) A designated reporter shall notify the tax commissioner 13202
and the superintendent of insurance of any changes to the 13203
information reported in division (I)(2) of this section in the 13204
time and manner prescribed by the commissioner and superintendent. 13205

(4) No credit allocated under this section may be claimed by 13206
an equity owner for a year unless that equity owner and the amount 13207
of the credit allocated to that owner appear on the report 13208
required by division (I)(1) of this section for that year. 13209

(J) The Ohio housing finance agency shall disclose to the tax 13210
commissioner and the superintendent of insurance any information 13211
in the possession of the agency that is necessary to ensure 13212
compliance with the laws of this state governing taxation and to 13213
verify information reported to the agency, commissioner, or 13214
superintendent pursuant to this section. 13215

Sec. 175.18. (A) The Ohio housing finance agency shall 13216
include in the policies and guidelines for the administration of 13217
its programs, developed under section 175.04 of the Revised Code, 13218
a requirement that before financing, allocating a federal 13219
low-income housing tax credit, providing financial assistance, or 13220

otherwise assisting a project under any of the agency's programs, 13221
the agency must receive a resolution supporting the project 13222
approved by the majority of the members of the board of county 13223
commissioners of the county in which the project is located. 13224

(B) A board of county commissioners shall do both of the 13225
following before voting to approve a resolution in support of a 13226
project under this section: 13227

(1) Consult with the board of township trustees of any 13228
township and the legislative authority of any municipal 13229
corporation in which the project is located; 13230

(2) Conduct at least one public hearing on the proposed 13231
resolution at which time is allotted for public comments. 13232

Sec. 191.01. As used in sections 191.01 to 191.45 of the 13233
Revised Code: 13234

(A) "Affiliate" means a person or entity under common 13235
ownership or control with, or a participant in a joint venture, 13236
partnership, consortium, or similar business arrangement with, 13237
another person or entity pertaining to the provision of broadband 13238
service. 13239

(B) "Broadband expansion program authority" means the entity 13240
created under section 122.403 of the Revised Code. 13241

(C) "Broadband infrastructure" means facilities that are 13242
used, in whole or in part, to provide qualifying broadband service 13243
access to residences and businesses. 13244

(D) "Mid-span pole installation" means the installation of, 13245
and attachment of broadband infrastructure to, a new utility pole 13246
that is installed between or adjacent to one or more existing 13247
utility poles or replaced utility poles to which poles broadband 13248
infrastructure is attached. 13249

(E) "Pole owner" means any person or entity that owns or 13250

controls a utility pole. 13251

(F) "Pole replacement" means the removal of an existing utility pole and replacement of that pole with a new utility pole to which a provider attaches broadband infrastructure. 13252
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(G) "Provider" means an entity, including a pole owner or affiliate, that provides qualifying broadband service. 13255
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(H) "Qualifying broadband service" means a retail wireline broadband service that is capable of delivering symmetrical internet access at download and upload speeds of at least one hundred megabits per second with a latency level sufficient to permit real-time, interactive applications. 13257
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(I) "Undergrounding" means the placement of broadband infrastructure underground, including by directly burying the infrastructure or through the underground placement of new ducts or conduits and installation of the infrastructure in them. 13262
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(J) "Unserved area" means an area in the state that is without access to fixed, terrestrial broadband service capable of delivering internet access at download speeds of at least twenty-five megabits per second and upload speeds of at least three megabits per second. 13266
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(K) "Utility pole" means any pole used, in whole or in part, for any wired communications or electric distribution, irrespective of who owns or operates such pole. 13271
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Sec. 191.02. There is hereby established the Ohio broadband pole replacement and undergrounding program within the department of development to advance the provision of qualifying broadband service access to residences and businesses in an unserved area by reimbursing certain costs of pole replacements, mid-span pole installations, and undergrounding. 13274
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The department shall administer and provide staff assistance 13280

for the program. The department shall be responsible for receiving 13281
and reviewing program applications and for sending completed 13282
applications to the broadband expansion program authority for 13283
final review and award of program reimbursements. 13284

Sec. 191.03. (A) The department of development shall 13285
establish an administrative process to award program 13286
reimbursements under the Ohio broadband pole replacement and 13287
undergrounding program according to the provisions of sections 13288
191.03 to 191.45 of the Revised Code. 13289

(B) The broadband expansion program authority shall award 13290
program reimbursements after reviewing program applications and 13291
determining whether the applications meet the program's 13292
requirements for reimbursement. 13293

Sec. 191.05. For the purposes of an application under the 13294
Ohio broadband pole replacement and undergrounding program, an 13295
area of the state shall be considered to be an unserved area, if 13296
one of the following applies: 13297

(A) Under a program to deploy broadband service to unserved 13298
areas, a governmental entity has awarded a broadband grant for the 13299
area after determining the area to be an eligible unserved area 13300
under that program. 13301

(B) The area has not been awarded any broadband grant 13302
funding, and the most recent mapping information published by the 13303
federal communications commission indicates that the area is an 13304
unserved area. 13305

Sec. 191.07. (A) The broadband expansion program authority 13306
shall not award program reimbursements to an applicant under the 13307
Ohio broadband pole replacement and undergrounding program, if any 13308
of the following apply: 13309

(1) The broadband infrastructure deployed is used only for 13310

the provision of wholesale broadband service and is not used by 13311
the applicant to provide qualifying broadband service directly to 13312
residences or businesses. 13313

(2) A provider, other than the applicant, is meeting the 13314
terms of a legally binding commitment to a governmental entity to 13315
deploy qualifying broadband service in the unserved area. 13316

(3) For program reimbursements that are funded by federal 13317
funds deposited in the pole replacement fund, the applicant fails 13318
to commit to compliance with any conditions required by the 13319
federal government in connection with the funds. 13320

(B) The authority shall not award program reimbursements that 13321
are federally funded, if the reimbursements are inconsistent with 13322
federal requirements. 13323

Sec. 191.10. In accordance with sections 191.10 to 191.45 of 13324
the Revised Code, a provider may submit an application for a 13325
program reimbursement under the Ohio broadband pole replacement 13326
and undergrounding program, if the provider has deployed 13327
qualifying broadband infrastructure in an unserved area and has 13328
paid any of the following costs in connection with the deployment 13329
of such broadband infrastructure: 13330

(A) Pole replacement costs; 13331

(B) Mid-span pole installation costs; 13332

(C) Undergrounding costs. 13333

The application shall be submitted on a form prescribed by 13334
the department of development. 13335

Sec. 191.13. (A) Not later than sixty days after the pole 13336
replacement fund created in section 191.27 of the Revised Code 13337
receives funds for the purpose of providing program reimbursements 13338
under the Ohio broadband pole replacement and undergrounding 13339

program, the department of development shall develop and publish 13340
an application form for the program and post the form on the 13341
department web site. 13342

(B) An application shall include the following information: 13343

(1) The number, cost, and locations of pole replacements, 13344
mid-span pole installations, and undergrounding for which 13345
reimbursement is requested; 13346

(2) Documentation sufficient to establish that the pole 13347
replacements, mid-span pole installations, and undergrounding 13348
described in the application have been completed; 13349

(3) Documentation sufficient to establish how the costs for 13350
which reimbursement is requested comport with the reimbursement 13351
requirements under the program; 13352

(4) The reimbursement amount requested under the program; 13353

(5) Documentation of any broadband grant funding awarded or 13354
received for the area described in the application; 13355

(6) Accounting information that is sufficient to demonstrate 13356
that costs for which a program reimbursement is requested are 13357
eligible for a program reimbursement pursuant to division (C) of 13358
section 191.21 of the Revised Code, if the applicant has received 13359
any grant funding described in division (B)(5) of this section; 13360

(7) A notarized statement, from an officer or agent of the 13361
applicant, that the contents of the application are true and 13362
accurate and that the applicant accepts the requirements of the 13363
program as a condition of receiving a program reimbursement; 13364

(8) Any information necessary to demonstrate the applicant's 13365
compliance, and agreement to comply, with any conditions 13366
associated with the reimbursement awarded to the applicant; 13367

(9) Any other information the department considers necessary 13368
for final review and for the award and payment of program 13369

<u>reimbursements.</u>	13370
<u>(C) If any federal funds are used for any awards under the program, the application form shall identify and describe any additional federal conditions required in connection with the use of the federal funds.</u>	13371 13372 13373 13374
<u>Sec. 191.15. (A) Before receiving a program reimbursement under the Ohio broadband pole replacement and undergrounding program, each applicant shall agree to do the following:</u>	13375 13376 13377
<u>(1) Not later than ninety days after receipt of a program reimbursement, activate qualifying broadband service to end users utilizing the broadband infrastructure for which the applicant has received reimbursement for pole replacement, mid-span pole installation, or undergrounding costs;</u>	13378 13379 13380 13381 13382
<u>(2) Certify the application's compliance with the requirements of sections 191.10 to 191.24 of the Revised Code;</u>	13383 13384
<u>(3) Comply with any federal requirements associated with the funding used by the broadband expansion program authority in connection with the award;</u>	13385 13386 13387
<u>(4) Refund all or any portion of reimbursements received under the program as specified in section 191.30 of the Revised Code, if pursuant to that section the applicant is found to have materially violated any of the requirements of sections 191.10 to 191.24 of the Revised Code.</u>	13388 13389 13390 13391 13392
<u>(B) For an application regarding a pole replacement or mid-span pole installation, the applicant shall do the following if the applicant is the pole owner, or affiliate of the pole owner:</u>	13393 13394 13395 13396
<u>(1) Comply with division (A) of this section;</u>	13397
<u>(2) Commit that the pole owner will comply with all applicable pole attachment regulations and requirements imposed by</u>	13398 13399

the state or federal government; 13400

(3) Commit that the pole owner will exclude from its costs 13401
used to calculate its rates or charges for access to its utility 13402
poles for which the applicant has been reimbursed as follows: 13403

(a) Under the Ohio broadband pole replacement and 13404
undergrounding program or any other broadband grant program; 13405

(b) By a provider, for make-ready charges; 13406

(4)(a) Commit that the pole owner will maintain and make 13407
available, upon reasonable request, to the department of 13408
development or to a party subject to the rates and charges 13409
described in division (B)(3) of this section, accounting 13410
documentation sufficient to demonstrate compliance with division 13411
(B)(3) of this section; 13412

(b) Division (B)(4)(a) of this section does not apply to an 13413
electric distribution utility as defined in section 4928.01 of the 13414
Revised Code, unless the electric distribution utility is the 13415
applicant. 13416

Sec. 191.17. (A) Not later than sixty days after receiving an 13417
application forwarded by the department of development, the 13418
broadband expansion program authority shall award program 13419
reimbursements to the applicant for costs described in divisions 13420
(A) and (B) of section 191.21 of the Revised Code after reviewing 13421
the application, and establishing the applicant's eligibility for 13422
reimbursement under the Ohio broadband pole replacement and 13423
undergrounding program. Except as provided in division (B) of this 13424
section, program reimbursements shall be in an amount equal to the 13425
lesser of seven thousand five hundred dollars or seventy-five per 13426
cent of the total amount paid by the applicant for each pole 13427
replacement or mid-span pole installation. 13428

(B) For undergrounding costs described under division (B) of 13429

section 191.21 of the Revised Code, the authority shall approve 13430
program reimbursements as provided in division (A) of this 13431
section, except that the reimbursements may not exceed the 13432
reimbursement amount that would be available under division (A) of 13433
this section, if the applicant had attached broadband 13434
infrastructure to utility poles instead of undergrounding that 13435
infrastructure. 13436

Sec. 191.19. (A) The department of development, at the 13437
direction of the broadband expansion program authority, shall 13438
issue program reimbursements awarded for applications approved 13439
under the Ohio broadband pole replacement and undergrounding 13440
program. The reimbursements shall be made using money available 13441
for this purpose in the broadband pole replacement fund created in 13442
section 191.27 of the Revised Code. The authority shall award, and 13443
the department shall fund, reimbursements until funds available 13444
for that purpose are no longer available. 13445

(B) If, upon the exhaustion of the fund, there are any 13446
applications pending, the applications shall be denied. 13447
Applications that have been denied pursuant to this division may 13448
be resubmitted to the department, and, if sufficient money is 13449
later deposited in the fund, reimbursements may be awarded 13450
according to the application and award process under sections 13451
191.10 to 191.24 of the Revised Code. 13452

Sec. 191.21. If the broadband expansion program authority 13453
approves an application under the Ohio broadband pole replacement 13454
and undergrounding program, the following costs are eligible for 13455
reimbursement under the program: 13456

(A) Actual and reasonable costs to perform a pole replacement 13457
or mid-span pole installation, including the amount of any 13458
expenditures to remove and dispose of an existing utility pole, 13459

purchase and install a replacement utility pole, and transfer any 13460
existing facilities to the new pole; 13461

(B) Actual and reasonable undergrounding costs, including the 13462
costs to dig a trench, perform directional boring, install 13463
conduit, and seal the trench, if the undergrounding is either of 13464
the following: 13465

(1) Required by law, regulation, or local ordinance; 13466

(2) More economical than the cost of performing a pole 13467
replacement. 13468

(C)(1) Costs of deploying qualifying broadband service for 13469
which the applicant is entitled to obtain full reimbursement from 13470
another governmental entity are not eligible for reimbursement 13471
under the program, except as provided in division (C)(2) of this 13472
section. 13473

(2) If an applicant's costs for deploying such service are 13474
reimbursed in part by a governmental entity, the applicant may 13475
apply for and obtain reimbursement under the program for the 13476
portion of the eligible costs for which the applicant was not 13477
reimbursed. 13478

(D) For applicants that obtain broadband grant funding from 13479
sources other than reimbursements under the program, the authority 13480
may require the applicants to maintain accounting records 13481
sufficient to demonstrate that the other grant funds do not fully 13482
reimburse the same costs as those reimbursed under the program. 13483

Sec. 191.24. A pole owner that provides information and 13484
documentation to a provider to enable the provider to submit an 13485
application to the Ohio broadband pole replacement and 13486
undergrounding program may require the provider to reimburse the 13487
owner for the owner's actual and reasonable administrative 13488
expenses, the total of which shall not exceed five per cent of the 13489

pole replacement or mid-span pole installation costs. Such costs 13490
are not eligible for reimbursement under the program. 13491

Sec. 191.27. There is hereby created in the state treasury 13492
the broadband pole replacement fund consisting of money credited 13493
or transferred to the fund, money appropriated by the general 13494
assembly, including from available federal funds, or money 13495
authorized for expenditure by the state controlling board under 13496
section 131.35 of the Revised Code from available federal funds, 13497
and grants, gifts, and contributions made directly to the fund. 13498
Money in the fund shall be used by the department of development 13499
to provide reimbursements awarded under the Ohio broadband pole 13500
replacement and undergrounding program and by the director of 13501
development to administer the program. 13502

Sec. 191.30. (A) The department of development shall direct 13503
an applicant that has been awarded a program reimbursement under 13504
the Ohio broadband pole replacement and undergrounding program to 13505
refund, with interest, all or any portion of the reimbursements 13506
the applicant received under the program, if the department finds, 13507
upon substantial evidence and after notice and the opportunity to 13508
respond, that the applicant materially violated any of the 13509
requirements agreed to under sections 191.10 to 191.24 of the 13510
Revised Code with respect to all or any portion of the 13511
reimbursements received. The interest included with a refund under 13512
this section shall be at the applicable federal funds rate as 13513
specified in division (B) of section 1304.84 of the Revised Code. 13514

(B) At the direction of the department, refunds submitted 13515
under division (A) of this section shall be deposited into the 13516
broadband pole replacement fund created in section 191.27 of the 13517
Revised Code or the general revenue fund. 13518

Sec. 191.33. Not later than sixty days after the first amount 13519

of money is deposited to the credit of the broadband pole 13520
replacement fund created in section 191.27 of the Revised Code, 13521
the department of development shall publish and regularly update 13522
on its web site the following program information: 13523

(A) The number of program applications received, processed, 13524
and rejected by the broadband expansion program authority; 13525

(B) The number, reimbursement amount, and status of program 13526
reimbursements awarded by the authority; 13527

(C) The number of providers receiving reimbursements; 13528

(D) The balance remaining in the fund at the time of the 13529
latest program update on the web site. 13530

Sec. 191.35. Beginning not later than one year after the 13531
first amount of money is deposited to the credit of the broadband 13532
pole replacement fund created in section 191.27 of the Revised 13533
Code and annually thereafter, the auditor of state shall audit the 13534
fund and its administration by the broadband expansion program 13535
authority and the department of development for compliance with 13536
the requirements of sections 191.02 to 191.45 of the Revised Code. 13537

Sec. 191.37. Not later than one year after each time money in 13538
the broadband pole replacement fund created in section 191.27 of 13539
the Revised Code is exhausted, the broadband expansion program 13540
authority shall identify, examine, and report on the deployment of 13541
qualifying broadband infrastructure under the Ohio broadband pole 13542
replacement and undergrounding program and the technology 13543
facilitated by the program reimbursements the authority has 13544
awarded. The report shall be published on the department of 13545
development web site. 13546

Sec. 191.40. Not later than ninety days after the effective 13547
date of this section, the director of development shall adopt 13548

rules under Chapter 119. of the Revised Code that are necessary 13549
for successful and efficient administration of the broadband pole 13550
replacement and undergrounding program. 13551

Notwithstanding any provision of section 121.95 of the 13552
Revised Code to the contrary, a regulatory restriction contained 13553
in a rule adopted under this section is not subject to sections 13554
121.95 to 121.953 of the Revised Code. 13555

Sec. 191.43. On the date that is six years after the 13556
effective date of this section, payments under the Ohio broadband 13557
pole replacement fund shall cease and section 191.27 of the 13558
Revised Code shall not be in force or have further application, 13559
except as described in sections 191.44 and 191.45 of the Revised 13560
Code. 13561

Sec. 191.44. The department of development in coordination 13562
with the Ohio broadband expansion program authority shall do the 13563
following, for the period ending six months after the date 13564
described in section 191.43 of the Revised Code: 13565

(A) Complete the review of any program applications that were 13566
submitted prior to the date described in section 191.43 of the 13567
Revised Code and pay program reimbursements for the approved 13568
applications; 13569

(B) Complete the review of any program applications submitted 13570
not later than four months after the date described in section 13571
191.43 of the Revised Code and pay program reimbursements for the 13572
approved applications, if the reimbursements are for costs that 13573
were incurred prior to the date described in section 191.43 of the 13574
Revised Code. 13575

Sec. 191.45. If there is an outstanding balance in the 13576
broadband pole replacement fund after the Ohio broadband pole 13577

replacement program reimbursements are paid pursuant to section 13578
191.44 of the Revised Code, the remaining balance shall be 13579
returned to the original funding sources as determined by the 13580
department of development. 13581

Sec. 301.27. (A) As used in this section: 13582

(1) "Credit card" includes gasoline and telephone credit 13583
cards but excludes any procurement card authorized under section 13584
301.29 of the Revised Code. 13585

(2) "Officer" includes an individual who also is an 13586
appointing authority. 13587

(3) "Gasoline and oil expenses" and "motor vehicle repair and 13588
maintenance expenses" refer to only those expenses incurred for 13589
motor vehicles owned or leased by the county. 13590

(B)(1) A credit card held by a board of county commissioners 13591
or the office of any other county appointing authority shall be 13592
used only to pay the following work-related expenses: 13593

(a) Food expenses; 13594

(b) Transportation expenses; 13595

(c) Gasoline and oil expenses; 13596

(d) Motor vehicle repair and maintenance expenses; 13597

(e) Telephone expenses; 13598

(f) Lodging expenses; 13599

(g) Internet service provider expenses; 13600

(h) In the case of a public children services agency, 13601
expenses for purchases for children for whom the agency is 13602
providing temporary emergency care pursuant to section 5153.16 of 13603
the Revised Code, children in the temporary or permanent custody 13604
of the agency, and children in a planned permanent living 13605

arrangement;	13606
(i) Webinar expenses;	13607
(j) The expenses for purchases of automatic or electronic data processing or record-keeping equipment, software, or services, provided that, in a county that has established an automatic data processing board, the county office and the county officer or employee authorized to use the credit card comply with sections 307.84 to 307.847 of the Revised Code. The expenses paid by a credit card under division (B)(1)(j) of this section shall not exceed ten thousand dollars per quarter, unless the board of county commissioners adopts a resolution approving the payment by credit card of such expenses that exceed that amount during that time period;	13608 13609 13610 13611 13612 13613 13614 13615 13616 13617 13618
(k) Expenses related to temporary and necessary assistance care provided by the county veterans service office;	13619 13620
<u>(l) Fees or charges related to a state-issued license or certificate.</u>	13621 13622
(2) No late charges or finance charges shall be allowed as an allowable expense unless authorized by the board of county commissioners.	13623 13624 13625
(C) A county appointing authority may apply to the board of county commissioners for authorization to have an officer or employee of the appointing authority use a credit card held by that appointing authority. The authorization request shall state whether the card is to be issued only in the name of the office of the appointing authority or whether the issued card also shall include the name of a specified officer or employee.	13626 13627 13628 13629 13630 13631 13632
(D) The debt incurred as a result of the use of a credit card pursuant to this section shall be paid from moneys appropriated to specific appropriation line items of the appointing authority for work-related expenses listed in division (B)(1) of this section.	13633 13634 13635 13636

(E)(1) Except as otherwise provided in division (E)(2) of 13637
this section, every officer or employee authorized to use a credit 13638
card held by the board or appointing authority shall submit to the 13639
board by the first day of each month an estimate of the officer's 13640
or employee's work-related expenses listed in division (B)(1) of 13641
this section for that month along with the specific appropriation 13642
line items from which those expenditures are to be made, unless 13643
the board authorizes, by resolution, the officer or employee to 13644
submit to the board such an estimate for a period longer than one 13645
month. The board may revise the estimate and determine the amount 13646
it approves, if any, not to exceed the estimated amount. The board 13647
shall certify the amount of its determination to the county 13648
auditor along with the specific appropriation line items from 13649
which the expenditures are to be made. After receiving 13650
certification from the county auditor that the determined sum of 13651
money is in the treasury or in the process of collection to the 13652
credit of the specific appropriation line items for which the 13653
credit card is approved for use, and is free from previous and 13654
then-outstanding obligations or certifications, the board shall 13655
authorize the officer or employee to incur debt for the expenses 13656
against the county's credit up to the authorized amount. 13657

(2) In lieu of following the procedure set forth in division 13658
(E)(1) of this section, a board of county commissioners may adopt 13659
a resolution authorizing an officer or employee of an appointing 13660
authority to use a county credit card to pay for specific classes 13661
of the work-related expenses listed in division (B)(1) of this 13662
section, or use a specific credit card for any of those 13663
work-related expenses listed in division (B)(1) of this section, 13664
without submitting an estimate of those expenses to the board as 13665
required by division (E)(1) of this section. Prior to adopting the 13666
resolution, the board shall notify the county auditor. The 13667
resolution shall specify whether the officer's or employee's 13668
exemption extends to the use of a specific credit card, which card 13669

shall be identified by its number, or to one or more specific 13670
work-related uses from the classes of uses permitted under 13671
division (B)(1) of this section. Before any credit card exempted 13672
for specific uses may be used to make purchases for uses other 13673
than those specific uses listed in the resolution, the procedures 13674
outlined in division (E)(1) of this section must be followed or 13675
the use shall be considered an unauthorized use. Use of any credit 13676
card under division (E)(2) of this section shall be limited to the 13677
amount appropriated and encumbered in a specific appropriation 13678
line item for the permitted use or uses designated in the 13679
authorizing resolution, or, in the case of a resolution that 13680
authorizes use of a specific credit card, for each of the 13681
permitted uses listed in division (B) of this section, but only to 13682
the extent the moneys in those specific appropriation line items 13683
are not otherwise encumbered. 13684

(F)(1) Any time a county credit card approved for use for an 13685
authorized amount under division (E)(1) of this section is used 13686
for more than that authorized amount, the appointing authority may 13687
request the board of county commissioners to authorize after the 13688
fact the expenditure of any amount charged beyond the originally 13689
authorized amount if, upon the board's request, the county auditor 13690
certifies that sum of money is in the treasury or in the process 13691
of collection to the credit of the appropriate appropriation line 13692
item for which the credit card was used, and is free from previous 13693
and then-outstanding obligations or certifications. If the card is 13694
used for more than the amount originally authorized and if for any 13695
reason that amount is not authorized after the fact, the county 13696
treasury shall be reimbursed for any amount spent beyond the 13697
originally authorized amount in the following manner: 13698

(a) If the card is issued in the name of a specific officer 13699
or employee, that officer or employee is liable in person and upon 13700
any official bond the officer or employee has given to the county 13701

to reimburse the county treasury for the amount charged to the 13702
county beyond the originally authorized amount. 13703

(b) If the card is issued to the office of the appointing 13704
authority, the appointing authority is liable in person and upon 13705
any official bond the appointing authority has given to the county 13706
for the amount charged to the county beyond the originally 13707
authorized amount. 13708

(2) Any time a county credit card authorized for use under 13709
division (E)(2) of this section is used for more than the amount 13710
appropriated under that division, the county treasury shall be 13711
reimbursed for any amount spent beyond the originally appropriated 13712
amount in the following manner: 13713

(a) If the card is issued in the name of a specific officer 13714
or employee, that officer or employee is liable in person and upon 13715
any official bond the officer or employee has given to the county 13716
for reimbursing the county treasury for any amount charged on the 13717
card beyond the originally appropriated amount. 13718

(b) If the card is issued in the name of the office of the 13719
appointing authority, the appointing authority is liable in person 13720
and upon any official bond the appointing authority has given to 13721
the county for reimbursement for any amount charged on the card 13722
beyond the originally appropriated amount. 13723

(3) Whenever any officer or employee who is authorized to use 13724
a credit card held by the board or the office of any other county 13725
appointing authority suspects the loss, theft, or possibility of 13726
unauthorized use of the card, the officer or employee shall notify 13727
the county auditor and either the officer's or employee's 13728
appointing authority or the board immediately and in writing. 13729

(4) If the county auditor determines there has been a credit 13730
card expenditure beyond the appropriated or authorized amount as 13731
provided in division (E) of this section, the auditor immediately 13732

shall notify the board of county commissioners. When the board 13733
determines, on its own or after notification from the county 13734
auditor, that the county treasury should be reimbursed for credit 13735
card expenditures beyond the appropriated or authorized amount as 13736
provided in divisions (F)(1) and (2) of this section, it shall 13737
give written notice to the county auditor and to the officer or 13738
employee or appointing authority liable to the treasury as 13739
provided in those divisions. If, within thirty days after issuance 13740
of the written notice, the county treasury is not reimbursed for 13741
the amount shown on the written notice, the prosecuting attorney 13742
of the county shall recover that amount from the officer or 13743
employee or appointing authority who is liable under this section 13744
by civil action in any court of appropriate jurisdiction. 13745

(G) Use of a county credit card for any use other than those 13746
permitted under division (B)(1) of this section is a violation of 13747
section 2913.21 of the Revised Code. 13748

Sec. 307.01. (A) A courthouse, ~~jail~~, public comfort station, 13749
offices for county officers, and a county home shall be provided 13750
by the board of county commissioners when, in its judgment, any of 13751
them are needed. Subject to Chapter 342. of the Revised Code, a 13752
jail shall be provided by the board of county commissioners when, 13753
in its judgment, it is needed. The buildings and offices shall be 13754
of such style, dimensions, and expense as the board determines. 13755
All new jails and renovations to existing jails shall be designed, 13756
and all existing jails shall be operated in such a manner as to 13757
comply substantially with the minimum standards for jails in Ohio 13758
adopted by the department of rehabilitation and correction. The 13759
board shall also provide equipment, stationery, and postage, as it 13760
considers reasonably necessary for the proper and convenient 13761
conduct of county offices, and such facilities as will result in 13762
expeditious and economical administration of such offices, except 13763
that, for the purpose of obtaining federal or state reimbursement, 13764

the board may impose on the public children services agency 13765
reasonable charges, not exceeding the amount for which 13766
reimbursement will be made and consistent with cost-allocation 13767
standards adopted by the department of job and family services, 13768
for the provision of office space, supplies, stationery, 13769
utilities, telephone use, postage, and general support services. 13770

The board of county commissioners shall provide all rooms, 13771
fireproof and burglarproof vaults, safes, and other means of 13772
security in the office of the county treasurer that are necessary 13773
for the protection of public moneys and property in the office. 13774

(B) The court of common pleas shall annually submit a written 13775
request for an appropriation to the board of county commissioners 13776
that shall set forth estimated administrative expenses of the 13777
court that the court considers reasonably necessary for its 13778
operation. The board shall conduct a public hearing with respect 13779
to the written request submitted by the court and shall 13780
appropriate the amount of money each year that it determines, 13781
after conducting the public hearing and considering the written 13782
request of the court, is reasonably necessary to meet all 13783
administrative expenses of the court. 13784

If the court considers the appropriation made by the board 13785
pursuant to this division insufficient to meet all the 13786
administrative expenses of the court, it shall commence an action 13787
under Chapter 2731. of the Revised Code in the court of appeals 13788
for the judicial district for a determination of the duty of the 13789
board of county commissioners to appropriate the amount of money 13790
in dispute. The court of appeals shall give priority to the action 13791
filed by the court of common pleas over all cases pending on its 13792
docket. The burden shall be on the court of common pleas to prove 13793
that the appropriation requested is reasonably necessary to meet 13794
all its administrative expenses. If, prior to the filing of an 13795
action under Chapter 2731. of the Revised Code or during the 13796

pendency of the action, any judge of the court exercises the 13797
contempt power of the court of common pleas in order to obtain the 13798
amount of money in dispute, the judge shall not order the 13799
imprisonment of any member of the board of county commissioners 13800
notwithstanding sections 2705.02 to 2705.06 of the Revised Code. 13801

(C) Division (B) of this section does not apply to 13802
appropriations for the probate court or the juvenile court that 13803
are subject to section 2101.11 or 2151.10 of the Revised Code. 13804

(D) The board of county commissioners may provide offices for 13805
or lease offices to a county land reutilization corporation 13806
organized under Chapter 1724. of the Revised Code and, in 13807
connection with such a lease, charge rentals that are at or below 13808
the market rentals for such offices, if the board determines that 13809
providing offices for or leasing offices to the corporation will 13810
promote economic development or the general welfare of the people 13811
of the county through a plan of providing affordable housing, land 13812
reutilization, and community development. 13813

Sec. 307.021. (A) It is hereby declared to be a public 13814
purpose and function of the state, and a matter of urgent 13815
necessity, that the state acquire, construct, or renovate capital 13816
facilities for use as county, multicounty, municipal-county, and 13817
multicounty-municipal jail facilities or workhouses, as 13818
single-county or district community-based correctional facilities 13819
authorized under section 2301.51 of the Revised Code, as minimum 13820
security misdemeanor jails under sections 341.34 and 753.21 of 13821
the Revised Code, and as single-county or joint-county juvenile 13822
facilities authorized under section 2151.65 of the Revised Code in 13823
order to comply with constitutional standards and laws for the 13824
incarceration of alleged and convicted offenders against state and 13825
local laws, and for use as county family court centers. For these 13826
purposes, counties and municipal corporations are designated as 13827

state agencies to perform duties of the state in relation to such 13828
facilities, workhouses, jails, and centers, and such facilities, 13829
workhouses, jails, and centers are designated as state capital 13830
facilities. The treasurer of state is authorized to issue revenue 13831
obligations under Chapter 154. of the Revised Code to pay all or 13832
part of the cost of such state capital facilities as are 13833
designated by law. 13834

The office of the sheriff, due to its responsibilities 13835
concerning alleged and convicted offenders against state laws, is 13836
designated as the state agency having jurisdiction over such jail, 13837
workhouse, community-based correctional, or county minimum 13838
security misdemeanor jail capital facilities in any one county or 13839
over any district community-based correctional facilities. The 13840
corrections commission, due to its responsibilities in relation to 13841
such offenders, is designated as the state agency having 13842
jurisdiction over any such multicounty, municipal-county, or 13843
multicounty-municipal jail, workhouse, or correctional capital 13844
facilities. The office of the chief of police or marshal of a 13845
municipal corporation, due to its responsibilities concerning 13846
certain alleged and convicted criminal offenders, is designated as 13847
the state agency having jurisdiction over any such municipal 13848
corporation minimum security misdemeanor jail capital facilities 13849
in the municipal corporation. The juvenile court, as defined in 13850
section 2151.011 of the Revised Code, is designated as the branch 13851
of state government having jurisdiction over any such family court 13852
center or single-county or joint-county juvenile capital 13853
facilities. It is hereby determined and declared that such capital 13854
facilities are for the purpose of housing such state agencies, 13855
their functions, equipment, and personnel. 13856

(B) The capital facilities provided for in this section may 13857
be included in capital facilities in which one or more 13858
governmental entities are participating or in which other 13859

facilities of the county or counties, or any municipal 13860
corporations, are included pursuant to division (B) of section 13861
154.24 of the Revised Code or in an agreement between any county 13862
or counties and any municipal corporation or municipal 13863
corporations for participating in the joint construction, 13864
acquisition, or improvement of public works, public buildings, or 13865
improvements benefiting the parties in the same manner as set 13866
forth in section 153.61 of the Revised Code. 13867

(C) A county or counties or a municipal corporation or 13868
municipal corporations may contribute to the cost of capital 13869
facilities authorized under this section. 13870

(D) A county or counties, and any municipal corporations, 13871
shall lease capital facilities described in this section that are 13872
constructed, reconstructed, or otherwise improved, which 13873
facilities are financed by the treasurer of state pursuant to 13874
Chapter 154. of the Revised Code, for the use of the county or 13875
counties and any municipal corporations, and may enter into other 13876
agreements ancillary to the construction, reconstruction, 13877
improvement, financing, leasing, or operation of such capital 13878
facilities, including, but not limited to, any agreements required 13879
by the applicable bond proceedings authorized by Chapter 154. of 13880
the Revised Code. 13881

Such lease may obligate the county or counties and any 13882
municipal corporation, as using state agencies under Chapter 154. 13883
of the Revised Code, to occupy and operate such capital facilities 13884
for such period of time as may be specified by law and to pay such 13885
rent as the treasurer of state determines to be appropriate. 13886
Notwithstanding any other section of the Revised Code, any county 13887
or counties or municipal corporation may enter into such a lease, 13888
and any such lease is legally sufficient to obligate the political 13889
subdivision for the term stated in the lease. Any such lease 13890
constitutes an agreement described in division (D) of section 13891

154.06 of the Revised Code. 13892

(E) If rental payments required from the county or counties 13893
or municipal corporation by a lease established pursuant to this 13894
section are not paid in accordance with such lease, the funds 13895
which otherwise would be apportioned to the lessees from the 13896
county undivided local government fund, pursuant to sections 13897
5747.51 to 5747.53 of the Revised Code, shall be reduced by the 13898
amount of rent owed. The county treasurer immediately shall pay 13899
the amount of such reductions to the treasurer of state. 13900

(F) Any lease of capital facilities authorized by this 13901
section, the rentals of which are payable in whole or in part from 13902
appropriations made by the general assembly, is governed by 13903
Chapter 154. of the Revised Code. Such rentals constitute 13904
available receipts as defined in section 154.24 of the Revised 13905
Code and may be pledged for the payment of bond service charges as 13906
provided in that section. 13907

(G) Any provision of section 123.01 of the Revised Code that 13908
applies to buildings and facilities also applies to the buildings 13909
and facilities described in this section, unless it is 13910
inconsistent with this section. 13911

(H) This section applies to the acquisition, construction, 13912
and renovation of jail facilities constructed pursuant to Chapter 13913
342. of the Revised Code. 13914

Sec. 307.86. Anything to be purchased, leased, leased with an 13915
option or agreement to purchase, or constructed, including, but 13916
not limited to, any product, structure, construction, 13917
reconstruction, improvement, maintenance, repair, or service, 13918
except the services of an accountant, architect, attorney at law, 13919
physician, professional engineer, construction project manager, 13920
consultant, surveyor, or appraiser, by or on behalf of the county 13921
or contracting authority, as defined in section 307.92 of the 13922

Revised Code, at a cost in excess of ~~fifty thousand dollars~~ the 13923
amount specified in section 9.17 of the Revised Code, except as 13924
otherwise provided in division (D) of section 713.23 and in 13925
sections 9.48, 125.04, 125.60 to 125.6012, 307.022, 307.041, 13926
307.861, 339.05, 340.036, 4115.31 to 4115.35, 5119.44, 5513.01, 13927
5543.19, 5713.01, and 6137.05 of the Revised Code, shall be 13928
obtained through competitive bidding. No purchase, lease, project, 13929
or other transaction subject to this section shall be divided into 13930
component parts, separate projects, or separate items of work in 13931
order to avoid the requirements of this section. However, 13932
competitive bidding is not required when any of the following 13933
applies: 13934

(A) The board of county commissioners, by a unanimous vote of 13935
its members, makes a determination that a real and present 13936
emergency exists, and that determination and the reasons for it 13937
are entered in the minutes of the proceedings of the board, when 13938
either of the following applies: 13939

(1) The estimated cost is less than one hundred twenty-five 13940
thousand dollars. 13941

(2) There is actual physical disaster to structures, radio 13942
communications equipment, or computers. 13943

For purposes of this division, "unanimous vote" means all 13944
three members of a board of county commissioners when all three 13945
members are present, or two members of the board if only two 13946
members, constituting a quorum, are present. 13947

Whenever a contract of purchase, lease, or construction is 13948
exempted from competitive bidding under division (A)(1) of this 13949
section because the estimated cost is less than one hundred 13950
twenty-five thousand dollars, but the estimated cost is ~~fifty~~ 13951
~~thousand dollars~~ the amount specified in section 9.17 of the 13952
Revised Code or more, the county or contracting authority shall 13953

solicit informal estimates from no fewer than three persons who 13954
could perform the contract, before awarding the contract. With 13955
regard to each such contract, the county or contracting authority 13956
shall maintain a record of such estimates, including the name of 13957
each person from whom an estimate is solicited. The county or 13958
contracting authority shall maintain the record for the longer of 13959
at least one year after the contract is awarded or the amount of 13960
time the federal government requires. 13961

(B)(1) The purchase consists of supplies or a replacement or 13962
supplemental part or parts for a product or equipment owned or 13963
leased by the county, and the only source of supply for the 13964
supplies, part, or parts is limited to a single supplier. 13965

(2) The purchase consists of services related to information 13966
technology, such as programming services, that are proprietary or 13967
limited to a single source. 13968

(C) The purchase is from the federal government, the state, 13969
another county or contracting authority of another county, or a 13970
board of education, educational service center, township, or 13971
municipal corporation. 13972

(D) The purchase is made by a county department of job and 13973
family services under section 329.04 of the Revised Code and 13974
consists of family services duties or workforce development 13975
activities or is made by a county board of developmental 13976
disabilities under section 5126.05 of the Revised Code and 13977
consists of program services, such as direct and ancillary client 13978
services, child care, case management services, residential 13979
services, and family resource services. 13980

(E) The purchase consists of criminal justice services, 13981
social services programs, family services, or workforce 13982
development activities by the board of county commissioners from 13983
nonprofit corporations or associations under programs funded by 13984

the federal government or by state grants. 13985

(F) The purchase consists of any form of an insurance policy 13986
or contract authorized to be issued under Title XXXIX of the 13987
Revised Code or any form of health care plan authorized to be 13988
issued under Chapter 1751. of the Revised Code, or any combination 13989
of such policies, contracts, plans, or services that the 13990
contracting authority is authorized to purchase, and the 13991
contracting authority does all of the following: 13992

(1) Determines that compliance with the requirements of this 13993
section would increase, rather than decrease, the cost of the 13994
purchase; 13995

(2) Requests issuers of the policies, contracts, plans, or 13996
services to submit proposals to the contracting authority, in a 13997
form prescribed by the contracting authority, setting forth the 13998
coverage and cost of the policies, contracts, plans, or services 13999
as the contracting authority desires to purchase; 14000

(3) Negotiates with the issuers for the purpose of purchasing 14001
the policies, contracts, plans, or services at the best and lowest 14002
price reasonably possible. 14003

(G) The purchase consists of computer hardware, software, or 14004
consulting services that are necessary to implement a computerized 14005
case management automation project administered by the Ohio 14006
prosecuting attorneys association and funded by a grant from the 14007
federal government. 14008

(H) Child care services are purchased for provision to county 14009
employees. 14010

(I)(1) Property, including land, buildings, and other real 14011
property, is leased for offices, storage, parking, or other 14012
purposes, and all of the following apply: 14013

(a) The contracting authority is authorized by the Revised 14014

Code to lease the property. 14015

(b) The contracting authority develops requests for proposals 14016
for leasing the property, specifying the criteria that will be 14017
considered prior to leasing the property, including the desired 14018
size and geographic location of the property. 14019

(c) The contracting authority receives responses from 14020
prospective lessors with property meeting the criteria specified 14021
in the requests for proposals by giving notice in a manner 14022
substantially similar to the procedures established for giving 14023
notice under section 307.87 of the Revised Code. 14024

(d) The contracting authority negotiates with the prospective 14025
lessors to obtain a lease at the best and lowest price reasonably 14026
possible considering the fair market value of the property and any 14027
relocation and operational costs that may be incurred during the 14028
period the lease is in effect. 14029

(2) The contracting authority may use the services of a real 14030
estate appraiser to obtain advice, consultations, or other 14031
recommendations regarding the lease of property under this 14032
division. 14033

(J) The purchase is made pursuant to section 5139.34 or 14034
sections 5139.41 to 5139.46 of the Revised Code and is of programs 14035
or services that provide case management, treatment, or prevention 14036
services to any felony or misdemeanor delinquent, unruly youth, 14037
or status offender under the supervision of the juvenile court, 14038
including, but not limited to, community residential care, day 14039
treatment, services to children in their home, or electronic 14040
monitoring. 14041

(K) The purchase is made by a public children services agency 14042
pursuant to section 307.92 or 5153.16 of the Revised Code and 14043
consists of family services, programs, or ancillary services that 14044
provide case management, prevention, or treatment services for 14045

children at risk of being or alleged to be abused, neglected, or 14046
dependent children. 14047

(L) The purchase is to obtain the services of emergency 14048
medical service organizations under a contract made by the board 14049
of county commissioners pursuant to section 307.05 of the Revised 14050
Code with a joint emergency medical services district. 14051

(M) The county contracting authority determines that the use 14052
of competitive sealed proposals would be advantageous to the 14053
county and the contracting authority complies with section 307.862 14054
of the Revised Code. 14055

(N) The purchase consists of used supplies and is made at a 14056
public auction. 14057

Any issuer of policies, contracts, plans, or services listed 14058
in division (F) of this section and any prospective lessor under 14059
division (I) of this section may have the issuer's or prospective 14060
lessor's name and address, or the name and address of an agent, 14061
placed on a special notification list to be kept by the 14062
contracting authority, by sending the contracting authority that 14063
name and address. The contracting authority shall send notice to 14064
all persons listed on the special notification list. Notices shall 14065
state the deadline and place for submitting proposals. The 14066
contracting authority shall mail the notices at least six weeks 14067
prior to the deadline set by the contracting authority for 14068
submitting proposals. Every five years the contracting authority 14069
may review this list and remove any person from the list after 14070
mailing the person notification of that action. 14071

Any contracting authority that negotiates a contract under 14072
division (F) of this section shall request proposals and negotiate 14073
with issuers in accordance with that division at least every three 14074
years from the date of the signing of such a contract, unless the 14075
parties agree upon terms for extensions or renewals of the 14076

contract. Such extension or renewal periods shall not exceed six 14077
years from the date the initial contract is signed. 14078

Any real estate appraiser employed pursuant to division (I) 14079
of this section shall disclose any fees or compensation received 14080
from any source in connection with that employment. 14081

As used in division (N) of this section, "supplies" means any 14082
personal property including equipment, materials, and other 14083
tangible assets. 14084

Sec. 307.861. The county or contracting authority, as defined 14085
in section 307.92 of the Revised Code, may renew a lease which has 14086
been entered into for electronic data processing equipment, 14087
services, or systems, or a radio communications system at a cost 14088
in excess of ~~fifty thousand dollars~~ the amount specified in 14089
section 9.17 of the Revised Code as follows: 14090

(A) The lessor shall submit a written bid to the county or 14091
contracting authority that is the lessee under the lease, stating 14092
the terms under which the lease would be renewed, including the 14093
length of the renewal lease, and the cost of the renewal lease to 14094
the county or contracting authority. The county or contracting 14095
authority may require the lessor to submit a bond with the bid. 14096

(B) The county or contracting authority shall advertise for 14097
and receive competitive bids, as provided in sections 307.87 to 14098
307.90 of the Revised Code, for a lease under the same terms and 14099
for the same period as provided in the bid of the lessor submitted 14100
under division (A) of this section. 14101

(C) The county or contracting authority may renew the lease 14102
with the lessor only if the bid submitted by the lessor under 14103
division (A) of this section is an amount less than the lowest and 14104
best bid submitted pursuant to competitive bidding under division 14105
(B) of this section. 14106

Sec. 307.87. Where competitive bidding is required by section 14107
307.86 of the Revised Code, notice thereof shall be given in the 14108
following manner: 14109

(A) Notice shall be published once a week for not less than 14110
two consecutive weeks preceding the day of the opening of bids in 14111
a newspaper of general circulation within the county for any 14112
purchase, lease, lease with option or agreement to purchase, or 14113
construction contract in excess of fifty thousand dollars. The 14114
contracting authority may also cause notice to be inserted in 14115
trade papers or other publications designated by it or to be 14116
distributed by electronic means, including posting the notice on 14117
the contracting authority's internet site on the world wide web. 14118
If the contracting authority posts the notice on that location on 14119
the world wide web, it may eliminate the second notice otherwise 14120
required to be published in a newspaper of general circulation 14121
within the county, provided that the first notice published in 14122
such a newspaper meets all of the following requirements: 14123

(1) It is published at least two weeks before the opening of 14124
bids. 14125

(2) It includes a statement that the notice is posted on the 14126
contracting authority's internet site on the world wide web. 14127

(3) It includes the internet address of the contracting 14128
authority's internet site on the world wide web. 14129

(4) It includes instructions describing how the notice may be 14130
accessed on the contracting authority's internet site on the world 14131
wide web. 14132

(B) Notices shall state all of the following: 14133

(1) A general description of the subject of the proposed 14134
contract and the time and place where the plans and specifications 14135
or itemized list of supplies, facilities, or equipment and 14136

estimated quantities can be obtained or examined;	14137
(2) The time and place where bids will be opened;	14138
(3) The time and place for filing bids;	14139
(4) The terms of the proposed purchase;	14140
(5) Conditions under which bids will be received;	14141
(6) The existence of a system of preference, if any, for	14142
products mined and produced in Ohio and the United States adopted	14143
pursuant to section 307.90 of the Revised Code.	14144
(C) The contracting authority shall also maintain in a public	14145
place in its office or other suitable public place a bulletin	14146
board upon which it shall post and maintain a copy of such notice	14147
for at least two weeks preceding the day of the opening of the	14148
bids.	14149
Sec. 307.90. (A) The award of all contracts subject to	14150
sections 307.86 to 307.92 of the Revised Code shall be made to the	14151
lowest and best bidder. The bond or bid guaranty of all	14152
unsuccessful bidders shall be returned to them by the contracting	14153
authority immediately upon awarding the contract or rejection of	14154
all bids. The contracting authority may reject all bids.	14155
(B) With respect to any contract for the purchase of	14156
equipment, materials, supplies, insurance, services, or a public	14157
improvement into which a county or its officers may enter, a board	14158
of county commissioners, by resolution, may adopt the model system	14159
of preferences for products mined or produced in Ohio and the	14160
United States and for Ohio-based contractors promulgated pursuant	14161
to division (E) of section 125.11 of the Revised Code. The	14162
resolution shall specify the class or classes of contracts to	14163
which the system of preferences apply, and once adopted, operates	14164
to modify the awarding of such contracts accordingly. While the	14165
system of preferences is in effect, no county officer or employee	14166

~~with the responsibility for doing so shall award a contract to~~ 14167
~~which the system applies in violation of the preference system.~~ 14168

Sec. 308.13. (A) The board of trustees of a regional airport 14169
authority or any officer or employee designated by such board may 14170
make without competitive bidding any contract for any purchase, 14171
lease, lease with option or agreement to purchase any property, or 14172
any construction contract for any work, the cost of which shall 14173
not exceed ~~fifty thousand dollars~~ the amount specified in section 14174
9.17 of the Revised Code. Any purchase, lease, lease with option 14175
or agreement to purchase, or construction contract in excess of 14176
~~fifty thousand dollars~~ the amount specified in section 9.17 of the 14177
Revised Code shall require that a notice calling for bids be 14178
published once a week for not less than two consecutive weeks 14179
preceding the day of the opening of the bids in a newspaper of 14180
general circulation within the territorial boundaries of the 14181
regional airport authority. The regional airport authority also 14182
may cause notice to be inserted in trade papers or other 14183
publications designated by it or to be distributed by electronic 14184
means, including posting the notice on the internet site on the 14185
world wide web of the regional airport authority. If the 14186
contracting authority posts the notice on that internet web site, 14187
the requirement that a second notice be published in a newspaper 14188
of general circulation within the territorial boundaries of the 14189
regional airport authority does not apply provided the first 14190
notice published in that newspaper meets all of the following 14191
requirements: 14192

(1) It is published at least two weeks prior to the day of 14193
the opening of the bids. 14194

(2) It includes a statement that the notice is posted on the 14195
internet site on the world wide web of the regional airport 14196
authority. 14197

(3) It includes the internet address of the internet site on the world wide web of the regional airport authority.

(4) It includes instructions describing how the notice may be accessed on the internet site on the world wide web of the regional airport authority.

No purchase, lease, project, or other transaction subject to this section shall be divided into component parts, separate projects, or separate items of work in order to avoid the requirements of this section.

If the bid is for a contract for the construction, demolition, alteration, repair, or reconstruction of an improvement, it shall meet the requirements of section 153.54 of the Revised Code. If the bid is for any other contract authorized by this section, it shall be accompanied by a good and approved bond with ample security conditioned on the carrying out of the contract as determined by the board. The board may let the contract to the lowest and best bidder. Such contract shall be in writing and shall be accompanied by or shall refer to plans and specifications for the work to be done, as approved by the board. The plans and specifications at all times shall be made and considered part of the contract. The contract shall be approved by the board and signed by its chief executive officer and by the contractor, and shall be executed in duplicate.

(B) The competitive bidding procedures described in division (A) of this section do not apply in any of the following circumstances:

(1) The board of trustees of a regional airport authority, by a majority vote of its members present at any meeting, determines that a real and present emergency exists under any of the following conditions, and the board enters its determination and the reasons for it in its proceedings:

(a) Affecting safety, welfare, or the ability to deliver services;	14229 14230
(b) Arising out of an interruption of contracts essential to the provision of daily air services and other services related to the airport;	14231 14232 14233
(c) Involving actual physical damage to structures, supplies, equipment, or property requiring immediate repair or replacement.	14234 14235
(2) The purchase consists of goods or services, or any combination thereof, and after reasonable inquiry the board or any officer or designee of the board finds that only one source of supply is reasonably available.	14236 14237 14238 14239
(3) The expenditure is for a renewal or renegotiation of a lease or license for telecommunications or informational technology equipment, services, or systems, or for the upgrade of such equipment, services, or systems, or for the maintenance thereof as supplied by the original source or its successors or assigns.	14240 14241 14242 14243 14244 14245
(4) The purchase of goods or services is made from another political subdivision, public agency, public transit system, regional transit authority, the state, or the federal government, or as a third-party beneficiary under a state or federal procurement contract, or as a participant in a department of administrative services contract under division (B) of section 125.04 of the Revised Code or under an approved purchasing plan of this state.	14246 14247 14248 14249 14250 14251 14252 14253
(5) The purchase substantially involves services of a personal, professional, highly technical, or scientific nature, including the services of an attorney, physician, engineer, architect, surveyor, appraiser, investigator, adjuster, advertising consultant, or licensed broker, or involves the special skills or proprietary knowledge required for the operation	14254 14255 14256 14257 14258 14259

of the airport owned by the regional transit authority. 14260

(6) Services or supplies are available from a qualified 14261
nonprofit agency pursuant to sections 4115.31 to 4115.35 of the 14262
Revised Code. 14263

(7) The purchase consists of the product or services of a 14264
public utility. 14265

Sec. 308.21. (A) The board of trustees of a regional airport 14266
authority, the board of directors of a port authority, or the 14267
legislative authority of a municipal corporation that owns, 14268
operates, or maintains a qualifying airport may, by resolution 14269
adopted before January 1, 2024, create an airport development 14270
district for the purpose of developing and implementing plans for 14271
public infrastructure improvements that benefit the qualifying 14272
airport and to finance expenditures to attract or retain airlines, 14273
increase the number of scheduled flights to and from the 14274
qualifying airport, or increase use of the airport by aircraft 14275
having greater passenger capacity or greater first-class seating 14276
availability. The resolution shall include a development plan for 14277
the district that, at minimum, specifies all of the following: 14278

(1) The manner in which the nonprofit corporation that is to 14279
govern the district will be formed, operated, and organized; 14280

(2) The manner in which the board of directors of the 14281
nonprofit corporation that is to govern the district are 14282
appointed; 14283

(3) A plan for the public infrastructure improvements and 14284
other expenditures to be financed by the district; 14285

(4) A description of the territory of the district, which 14286
shall consist of all parcels of real property that are located 14287
within five miles of the qualifying airport. For the purpose of 14288
this division, a parcel is located within five miles of a 14289

qualifying airport if the distance between any portion of the 14290
parcel and any portion of the qualifying airport is five miles or 14291
less. 14292

(B) After adopting a resolution under division (A) of this 14293
section, the board of trustees of the regional airport authority, 14294
board of directors of the port authority, or legislative authority 14295
of the municipal corporation shall submit a copy to the director 14296
of development services. 14297

(C) An airport development district is not a political 14298
subdivision for any purpose prescribed in the Revised Code. A 14299
district shall be considered a public agency under section 102.01 14300
of the Revised Code and a public authority under section 4115.03 14301
of the Revised Code. Districts are subject to sections 121.22 and 14302
121.23 of the Revised Code, but are not subject to sections 121.81 14303
to ~~121.83~~ 121.82 of the Revised Code. 14304

Sec. 317.08. (A) The county recorder shall record all 14305
instruments in one general record series to be known as the 14306
"official records." The county recorder shall record in the 14307
official records all of the following instruments that are 14308
presented for recording, upon payment of the fees prescribed by 14309
law: 14310

(1) Deeds and other instruments of writing for the absolute 14311
and unconditional sale or conveyance of lands, tenements, and 14312
hereditaments; 14313

(2) Notices as provided in sections 5301.47 to 5301.56 of the 14314
Revised Code; 14315

(3) Judgments or decrees in actions brought under section 14316
5303.01 of the Revised Code; 14317

(4) Declarations and bylaws, and all amendments to 14318
declarations and bylaws, as provided in Chapter 5311. of the 14319

Revised Code;	14320
(5) Affidavits as provided in sections 5301.252 and 5301.56 of the Revised Code;	14321 14322
(6) Certificates as provided in section 5311.17 of the Revised Code;	14323 14324
(7) Articles dedicating archaeological preserves accepted by the director of the Ohio history connection under section 149.52 of the Revised Code;	14325 14326 14327
(8) Articles dedicating nature preserves accepted by the director of natural resources under section 1517.05 of the Revised Code;	14328 14329 14330
(9) Conveyances of conservation easements and agricultural easements under section 5301.68 of the Revised Code;	14331 14332
(10) Instruments extinguishing agricultural easements under section 901.21 or 5301.691 of the Revised Code or pursuant to the terms of such an easement granted to a charitable organization under section 5301.68 of the Revised Code;	14333 14334 14335 14336
(11) Instruments or orders described in division (B)(2)(b) of section 5301.56 of the Revised Code;	14337 14338
(12) No further action letters issued under section 122.654 or 3746.11 of the Revised Code;	14339 14340
(13) Covenants not to sue issued under section 3746.12 of the Revised Code, including all covenants not to sue issued pursuant to section 122.654 of the Revised Code;	14341 14342 14343
(14) Restrictions on the use of property contained in a no further action letter issued under section 122.654 of the Revised Code, restrictions on the use of property identified pursuant to division (C)(3)(a) of section 3746.10 of the Revised Code, and restrictions on the use of property contained in a deed or other instrument as provided in division (E) or (F) of section 3737.882	14344 14345 14346 14347 14348 14349

of the Revised Code;	14350
(15) Any easement executed or granted under section 3734.22, 3734.24, 3734.25, or 3734.26 of the Revised Code;	14351 14352
(16) Any environmental covenant entered into in accordance with sections 5301.80 to 5301.92 of the Revised Code;	14353 14354
(17) Memoranda of trust, as described in division (A) of section 5301.255 of the Revised Code, that describe specific real property;	14355 14356 14357
(18) Agreements entered into under section 1506.44 of the Revised Code;	14358 14359
(19) Mortgages, including amendments, supplements, modifications, and extensions of mortgages, or other instruments of writing by which lands, tenements, or hereditaments are or may be mortgaged or otherwise conditionally sold, conveyed, affected, or encumbered;	14360 14361 14362 14363 14364
(20) Executory installment contracts for the sale of land executed after September 29, 1961, that by their terms are not required to be fully performed by one or more of the parties to them within one year of the date of the contracts;	14365 14366 14367 14368
(21) Options to purchase real estate, including supplements, modifications, and amendments of the options, but no option of that nature shall be recorded if it does not state a specific day and year of expiration of its validity;	14369 14370 14371 14372
(22) Any tax certificate sold under section 5721.33 of the Revised Code, or memorandum of it, that is presented for filing of record;	14373 14374 14375
(23) Powers of attorney, including all memoranda of trust, as described in division (A) of section 5301.255 of the Revised Code, that do not describe specific real property;	14376 14377 14378
(24) Plats and maps of town lots, of the subdivision of town	14379

lots, and of other divisions or surveys of lands, any center line 14380
survey of a highway located within the county, the plat of which 14381
shall be furnished by the director of transportation or county 14382
engineer, and all drawings and amendments to drawings, as provided 14383
in Chapter 5311. of the Revised Code; 14384

(25) Leases, memoranda of leases, and supplements, 14385
modifications, and amendments of leases and memoranda of leases, 14386
including a lease described in section 5301.09 of the Revised 14387
Code; 14388

(26) Declarations executed pursuant to section 2133.02 of the 14389
Revised Code and durable powers of attorney for health care 14390
executed pursuant to section 1337.12 of the Revised Code; 14391

(27) Unemployment compensation liens, internal revenue tax 14392
liens, and other liens in favor of the United States as described 14393
in division (A) of section 317.09 of the Revised Code, personal 14394
tax liens, mechanic's liens, agricultural product liens, notices 14395
of liens, certificates of satisfaction or partial release of 14396
estate tax liens, discharges of recognizances, excise and 14397
franchise tax liens on corporations, broker's liens, and liens 14398
provided for in section 1513.33, 1513.37, 3752.13, 4141.23, 14399
~~5111.022~~ 5164.56, or 5311.18 of the Revised Code; ~~and~~ 14400

(28) Corrupt activity lien notices filed pursuant to section 14401
2923.36 of the Revised Code and medicaid fraud lien notices filed 14402
pursuant to section 2933.75 of the Revised Code; 14403

(29) Deeds for the purchase of burial lots or other interment 14404
rights under section 517.07 of the Revised Code. 14405

(B) All instruments or memoranda of instruments entitled to 14406
record shall be recorded in the order in which they are presented 14407
for recording. 14408

The recording of an option to purchase real estate, including 14409
any supplement, modification, and amendment of the option, under 14410

this section shall serve as notice to any purchaser of an interest 14411
in the real estate covered by the option only during the period of 14412
the validity of the option as stated in the option. 14413

(C) In addition to the official records, a county recorder 14414
may elect to keep a separate set of records that contain the 14415
instruments listed in division (A)(24) of this section. 14416

(D) As part of the official records, the county recorder 14417
shall keep a separate set of records containing all transfers, 14418
conveyances, or assignments of any type of tangible or intangible 14419
personal property or any rights or interests in that property if 14420
and to the extent that any person wishes to record that personal 14421
property transaction and if the applicable instrument is 14422
acknowledged before a notary public. If the transferor is a 14423
natural person, the notice of personal property transfer shall be 14424
recorded in the county in this state in which the transferor 14425
maintains the transferor's principal residence. If the transferor 14426
is not a natural person, the notice of personal property transfer 14427
shall be recorded in the county in this state in which the 14428
transferor maintains its principal place of business. If the 14429
transferor does not maintain a principal residence or a principal 14430
place of business in this state and the transfer is to a trustee 14431
of a legacy trust formed pursuant to Chapter 5816. of the Revised 14432
Code, the notice of personal property transfer shall be recorded 14433
in the county in this state where that trustee maintains a 14434
principal residence or principal place of business. In all other 14435
instances, the notice of personal property transfer shall be 14436
recorded in the county in this state where the property described 14437
in the notice is located. 14438

Sec. 317.13. (A) Except as otherwise provided in division (B) 14439
of this section, the county recorder shall record in the official 14440
records, in legible handwriting, typewriting, or printing, or by 14441

any authorized photographic or electronic process, all deeds, 14442
mortgages, plats, or other instruments of writing that are 14443
required or authorized by the Revised Code to be recorded and that 14444
are presented to the county recorder for that purpose. The county 14445
recorder shall record the instruments in regular succession, 14446
according to the priority of presentation, and shall enter the 14447
file number at the beginning of the record. On the record of each 14448
instrument, the county recorder shall record the date and precise 14449
time the instrument was presented for record. All records made, 14450
prior to July 28, 1949, by means authorized by this section or by 14451
section 9.01 of the Revised Code shall be deemed properly made. 14452

~~(B)(1)~~ The county recorder may refuse to record an 14453
instrument of writing presented for recording if the instrument is 14454
not required or authorized by the Revised Code to be recorded or 14455
the county recorder has reasonable cause to believe the instrument 14456
is materially false or fraudulent. ~~This division~~ 14457

(2) The county recorder shall refuse to record a 14458
right-to-list home sale agreement described in division (B) of 14459
section 5301.94 of the Revised Code. 14460

Division (B) of this section does not create a duty upon a 14461
recorder to inspect, evaluate, or investigate an instrument of 14462
writing, including a right-to-list home sale agreement, that is 14463
presented for recording. 14464

(C) If a person presents an instrument of writing to the 14465
county recorder for recording and the county recorder, pursuant to 14466
division (B) of this section, refuses to record the instrument, 14467
the person has a cause of action for an order from the court of 14468
common pleas in the county that the county recorder serves, to 14469
require the county recorder to record the instrument. If the court 14470
determines that the instrument is required or authorized by the 14471
Revised Code to be recorded ~~and~~, is not materially false or 14472

fraudulent, and is not a right-to-list home sale agreement, it 14473
shall order the county recorder to record the instrument. 14474

(D) The county recorder shall keep confidential information 14475
that is subject to a real property confidentiality notice under 14476
section 111.431 of the Revised Code, in accordance with that 14477
section. A copy of the real property confidentiality notice shall 14478
accompany subsequent recordings of the property, unless the 14479
program participant's certification has been canceled under 14480
section 111.431 or 111.45 of the Revised Code. 14481

Sec. 317.321. (A) Not later than the first day of October of 14482
any year, the county recorder may submit to the board of county 14483
commissioners a proposal for funding any of the following: 14484

(1) The acquisition and maintenance of imaging and other 14485
technological equipment and contract services therefor; 14486

(2) To reserve funds for the office's future technology needs 14487
if the county recorder has no immediate plans for the acquisition 14488
of imaging and other technological equipment or contract services, 14489
or to use the county recorder's technology fund as a dedicated 14490
revenue source to repay debt to purchase any imaging and other 14491
technological equipment before the accumulation of adequate 14492
resources to purchase the equipment with cash. 14493

(3) Subject to division (G) of this section, for other 14494
expenses associated with the acquisition and maintenance of 14495
imaging and other technological equipment and contract services. 14496

(B) The proposal shall be in writing and shall include at 14497
least the following: 14498

(1) A request that an amount not to exceed eight dollars of 14499
the total base fees collected for filing or recording a document 14500
for which a fee is charged as required by division (A)(1) of 14501
section 317.32 or by section 1309.525 or 5310.15 of the Revised 14502

Code be placed in the county treasury to the credit of the county 14503
recorder's technology fund; 14504

(2) Except as provided in division (E)(3) of this section, 14505
the number of years, not to exceed five, for which the county 14506
recorder requests that the amount requested under division (A)(1) 14507
of this section be given the designation specified in that 14508
division; 14509

(3) An estimate of the total amount of fees that will be 14510
generated for filing or recording a document for which a fee is 14511
charged as required by division (A)(1) or (2) of section 317.32 of 14512
the Revised Code or by section 1309.525 or 5310.15 of the Revised 14513
Code; 14514

(4) An estimate of the total amount of fees for filing or 14515
recording a document for which a fee is charged as required by 14516
division (A)(1) or (2) of section 317.32 or by section 1309.525 or 14517
5310.15 of the Revised Code that will be credited to the county 14518
recorder's technology fund if the request submitted under division 14519
(B)(1) of this section is approved by the board of county 14520
commissioners. 14521

(C) A proposal for the purposes of division (A)(1) of this 14522
section shall include a description or summary of the imaging and 14523
other technological equipment that the county recorder proposes to 14524
acquire and maintain, and the nature of contract services that the 14525
county recorder proposes to utilize, if the proposal is for those 14526
purposes. A proposal for the purposes of division (A)(2) of this 14527
section shall explain the general future technology needs of the 14528
office for imaging and other technological equipment, or for 14529
revenue to repay debt, if the proposal is for those purposes. A 14530
proposal for the purposes of division (A)(3) of this section shall 14531
identify the other expenses associated with the acquisition and 14532
maintenance of imaging and other technological equipment and 14533
contract services that the county recorder proposes to pay with 14534

moneys in the county recorder's technology fund, if the proposal 14535
is for those purposes. 14536

(D) The board of county commissioners shall receive a 14537
proposal and the clerk shall enter it on the journal. At the same 14538
time, the board shall establish a date, not sooner than fifteen or 14539
later than thirty days after the board receives the proposal, on 14540
which to meet with the recorder to review the proposal. 14541

(E)(1) Except as provided in division (E)(3) of this section, 14542
not later than the fifteenth day of December of any year in which 14543
a proposal is submitted under division (A) of this section, the 14544
board of county commissioners shall approve, reject, or modify the 14545
proposal and notify the county recorder of its action on the 14546
proposal. If the board rejects or modifies the proposal, it shall 14547
make a written finding that the request is for a purpose other 14548
than for a purpose in division (A) of this section, or that the 14549
amount requested is excessive as determined by the board. 14550

(2) A proposal submitted under division (A) of this section 14551
that was approved by the board of county commissioners before, and 14552
is in effect on ~~the effective date of this amendment~~ the effective 14553
date of this amendment, shall continue in effect until January 1, 14554
~~2025~~ 2030, notwithstanding the number of years of funding 14555
specified in the approved proposal. 14556

(3) A proposal submitted under division (A) of this section 14557
between October 1, 2019, and October 1, ~~2023~~ 2028, may request 14558
that an amount that does not exceed three dollars be credited to 14559
the county recorder's technology fund, in addition to the amount 14560
previously approved by the board of county commissioners in a 14561
proposal described in division (E)(2) of this section. The 14562
proposal may be submitted each year during that time period, but 14563
shall be limited to funding in the following fiscal year. If the 14564
total of the amount under division (E)(2) of this section and the 14565
amount requested under this division does not exceed eight 14566

dollars, the board shall approve the proposal and notify the county recorder of its approval.

(4) If the total amount of fees provided for in divisions (B), (E)(2), and (E)(3) of this section is less than eight dollars, a proposal requesting additional fees may be submitted to the board of county commissioners under division (E)(1) of this section, as long as the total amount of the fees in divisions (B) and (E)(2), (3), and (4) of this section that are to be credited to the county recorder's technology fund does not exceed eight dollars, and the proposal is for a number of years, not to exceed five.

(5) When a proposal is approved by the board of county commissioners under division (E) of this section, the county recorder's technology fund is established in the county treasury, and, beginning on the following first day of January, the fees approved shall be deposited in that fund.

(F) The acquisition and maintenance of imaging and other technological equipment, and other associated expenses and contract services therefor, shall be specifically governed by sections 307.80 to 307.806, 307.84 to 307.846, 307.86 to 307.92, and 5705.38, and by division (D) of section 5705.41 of the Revised Code.

(G) If the use of the county recorder's technology fund for the purposes of division (A)(3) of this section includes associated expenses for personnel, the use of the fund for personnel shall be strictly confined to personnel directly related to imaging and other technological equipment, and any compensation increases for those personnel shall not exceed the average of the annual aggregate percentage increase or decrease in the compensation fixed by the board of county commissioners for their employees, and for the officers in section 325.27 of the Revised Code. Use of the fund for compensation bonuses, or for recognizing

outstanding employee performance in a manner described in section 14599
325.25 of the Revised Code, is prohibited. 14600

(H) If a county is under a fiscal caution under section 14601
118.025 of the Revised Code, or is under a fiscal watch or fiscal 14602
emergency as defined in section 118.01 of the Revised Code, the 14603
board of county commissioners, notwithstanding sections 5705.14 to 14604
5705.16 of the Revised Code, may transfer from the county 14605
recorder's technology fund any moneys the board deems necessary. 14606

Sec. 319.202. Before the county auditor indorses any real 14607
property conveyance or manufactured or mobile home conveyance 14608
presented to the auditor pursuant to section 319.20 of the Revised 14609
Code or registers any manufactured or mobile home conveyance 14610
pursuant to section 4503.061 of the Revised Code, the grantee or 14611
the grantee's representative shall submit ~~in triplicate, either~~ 14612
electronically or three written copies of, a statement, in the 14613
form prescribed by the tax commissioner, and other information as 14614
the county auditor may require, declaring the value of real 14615
property or manufactured or mobile home conveyed, except that when 14616
the transfer is exempt under division (G)(3) of section 319.54 of 14617
the Revised Code only a statement of the reason for the exemption 14618
shall be required. Each statement submitted under this section 14619
shall contain the information required under divisions (A) and (B) 14620
of this section. 14621

(A) Each statement submitted under this section shall either: 14622

(1) Contain an affirmation by the grantee that the grantor 14623
has been asked by the grantee or the grantee's representative 14624
whether to the best of the grantor's knowledge either the 14625
preceding or the current year's taxes on the real property or the 14626
current or following year's taxes on the manufactured or mobile 14627
home conveyed will be reduced under division (A) of section 14628
323.152 or under section 4503.065 of the Revised Code and that the 14629

grantor indicated that to the best of the grantor's knowledge the 14630
taxes will not be so reduced; or 14631

(2) Be accompanied by a sworn or affirmed instrument stating: 14632

(a) To the best of the grantor's knowledge the real property 14633
or the manufactured or mobile home that is the subject of the 14634
conveyance is eligible for and will receive a reduction in taxes 14635
for or payable in the current year under division (A) of section 14636
323.152 or under section 4503.065 of the Revised Code and that the 14637
reduction or reductions will be reflected in the grantee's taxes; 14638

(b) The estimated amount of such reductions that will be 14639
reflected in the grantee's taxes; 14640

(c) That the grantor and the grantee have considered and 14641
accounted for the total estimated amount of such reductions to the 14642
satisfaction of both the grantee and the grantor. The auditor 14643
shall indorse the instrument, return it to the grantee or the 14644
grantee's representative, and provide a copy of the indorsed 14645
instrument to the grantor or the grantor's representative. 14646

(B) Each statement submitted under this section shall either: 14647

(1) Contain an affirmation by the grantee that the grantor 14648
has been asked by the grantee or the grantee's representative 14649
whether to the best of the grantor's knowledge the real property 14650
conveyed qualified for the current agricultural use valuation 14651
under section 5713.30 of the Revised Code either for the preceding 14652
or the current year and that the grantor indicated that to the 14653
best of the grantor's knowledge the property conveyed was not so 14654
qualified; or 14655

(2) Be accompanied by a sworn or affirmed instrument stating: 14656

(a) To the best of the grantor's knowledge the real property 14657
conveyed was qualified for the current agricultural use valuation 14658
under section 5713.30 of the Revised Code either for the preceding 14659

or the current year; 14660

(b) To the extent that the property will not continue to 14661
qualify for the current agricultural use valuation either for the 14662
current or the succeeding year, that the property will be subject 14663
to a recoupment charge equal to the tax savings in accordance with 14664
section 5713.34 of the Revised Code; 14665

(c) That the grantor and the grantee have considered and 14666
accounted for the total estimated amount of such recoupment, if 14667
any, to the satisfaction of both the grantee and the grantor. The 14668
auditor shall indorse the instrument, forward it to the grantee or 14669
the grantee's representative, and provide a copy of the indorsed 14670
instrument to the grantor or the grantor's representative. 14671

(C) The grantor shall pay the fee required by division (G)(3) 14672
of section 319.54 of the Revised Code; and, in the event the board 14673
of county commissioners of the county has levied a real property 14674
or a manufactured home transfer tax pursuant to Chapter 322. of 14675
the Revised Code, the amount required by the real property or 14676
manufactured home transfer tax so levied. If the conveyance is 14677
exempt from the fee provided for in division (G)(3) of section 14678
319.54 of the Revised Code and the tax, if any, levied pursuant to 14679
Chapter 322. of the Revised Code, the reason for such exemption 14680
shall be shown on the statement. "Value" means, in the case of any 14681
deed or certificate of title not a gift in whole or part, the 14682
amount of the full consideration therefor, paid or to be paid for 14683
the real estate or manufactured or mobile home described in the 14684
deed or title, including the amount of any mortgage or vendor's 14685
lien thereon. If property sold under a land installment contract 14686
is conveyed by the seller under such contract to a third party and 14687
the contract has been of record at least twelve months prior to 14688
the date of conveyance, "value" means the unpaid balance owed to 14689
the seller under the contract at the time of the conveyance, but 14690
the statement shall set forth the amount paid under such contract 14691

prior to the date of conveyance. In the case of a gift in whole or 14692
part, "value" means the estimated price the real estate or 14693
manufactured or mobile home described in the deed or certificate 14694
of title would bring in the open market and under the then 14695
existing and prevailing market conditions in a sale between a 14696
willing seller and a willing buyer, both conversant with the 14697
property and with prevailing general price levels. No person shall 14698
willfully falsify the value of property conveyed. 14699

(D) The auditor shall indorse each conveyance on its face to 14700
indicate the amount of the conveyance fee and compliance with this 14701
section and if the property is residential rental property include 14702
a statement that the grantee shall file with the county auditor 14703
the information required under division (A) or (C) of section 14704
5323.02 of the Revised Code. The auditor shall retain the original 14705
copy of the statement of value, forward to the tax commissioner 14706
one copy on which shall be noted the most recent assessed value of 14707
the property, and furnish one copy to the grantee or the grantee's 14708
representative. 14709

(E) In order to achieve uniform administration and collection 14710
of the transfer fee required by division (G)(3) of section 319.54 14711
of the Revised Code, the tax commissioner shall adopt and 14712
promulgate rules for the administration and enforcement of the 14713
levy and collection of such fee. 14714

(F) As used in this section, "residential rental property" 14715
has the same meaning as in section 5323.01 of the Revised Code. 14716

Sec. 323.152. In addition to the reduction in taxes required 14717
under section 319.302 of the Revised Code, taxes shall be reduced 14718
as provided in divisions (A) and (B) of this section. 14719

(A)(1)(a) Division (A)(1) of this section applies to any of 14720
the following persons: 14721

(i) A person who is permanently and totally disabled;	14722
(ii) A person who is sixty-five years of age or older;	14723
(iii) A person who is the surviving spouse of a deceased	14724
person who was permanently and totally disabled or sixty-five	14725
years of age or older and who applied and qualified for a	14726
reduction in taxes under this division in the year of death,	14727
provided the surviving spouse is at least fifty-nine but not	14728
sixty-five or more years of age on the date the deceased spouse	14729
dies.	14730
(b) Real property taxes on a homestead owned and occupied, or	14731
a homestead in a housing cooperative occupied, by a person to whom	14732
division (A)(1) of this section applies shall be reduced for each	14733
year for which an application for the reduction has been approved.	14734
The reduction shall equal one of the following amounts, as	14735
applicable to the person:	14736
(i) If the person received a reduction under division (A)(1)	14737
of this section for tax year 2006, the greater of the reduction	14738
for that tax year or the amount computed under division (A)(1)(c)	14739
of this section;	14740
(ii) If the person received, for any homestead, a reduction	14741
under division (A)(1) of this section for tax year 2013 or under	14742
division (A) of section 4503.065 of the Revised Code for tax year	14743
2014 or the person is the surviving spouse of such a person and	14744
the surviving spouse is at least fifty-nine years of age on the	14745
date the deceased spouse dies, the amount computed under division	14746
(A)(1)(c) of this section. For purposes of divisions (A)(1)(b)(ii)	14747
and (iii) of this section, a person receives a reduction under	14748
division (A)(1) of this section or under division (A) of section	14749
4503.065 of the Revised Code for tax year 2013 or 2014,	14750
respectively, if the person files a late application for that	14751
respective tax year that is approved by the county auditor under	14752

~~section 323.153 or 4503.066 of the Revised Code.~~ 14753

(iii) If the person is not described in division (A)(1)(b)(i) 14754
or (ii) of this section and the person's total income does not 14755
exceed thirty thousand dollars, as adjusted under division 14756
(A)(1)(d) of this section, the amount computed under division 14757
(A)(1)(c) of this section. 14758

(c) The amount of the reduction under division (A)(1)(c) of 14759
this section equals the product of the following: 14760

(i) Twenty-five thousand dollars of the true value of the 14761
property in money, as adjusted under division (A)(1)(d) of this 14762
section; 14763

(ii) The assessment percentage established by the tax 14764
commissioner under division (B) of section 5715.01 of the Revised 14765
Code, not to exceed thirty-five per cent; 14766

(iii) The effective tax rate used to calculate the taxes 14767
charged against the property for the current year, where 14768
"effective tax rate" is defined as in section 323.08 of the 14769
Revised Code; 14770

(iv) The quantity equal to one minus the sum of the 14771
percentage reductions in taxes received by the property for the 14772
current tax year under section 319.302 of the Revised Code and 14773
division (B) of section 323.152 of the Revised Code. 14774

(d) ~~Each calendar year, the~~ The tax commissioner shall adjust 14775
the total income threshold described in division (A)(1)(b)(iii) 14776
and the reduction amounts described in divisions (A)(1)(c)(i), 14777
(A)(2), and (A)(3) of this section by completing the following 14778
calculations in September of each year: 14779

(i) Determine the percentage increase in the gross domestic 14780
product deflator determined by the bureau of economic analysis of 14781
the United States department of commerce from the first day of 14782

January of the preceding calendar year to the last day of December 14783
of the preceding calendar year; 14784

(ii) Multiply that percentage increase by the total income 14785
threshold or reduction amount for the current tax year, as 14786
applicable; 14787

(iii) Add the resulting product to the total income threshold 14788
or the reduction amount, as applicable, for the current tax year; 14789

(iv) Round the resulting sum to the nearest multiple of one 14790
hundred dollars. 14791

The commissioner shall certify the amount resulting from ~~the~~ 14792
each adjustment to each county auditor not later than the first 14793
day of December each year. The certified total income threshold 14794
amount applies to the following tax year for persons described in 14795
division (A)(1)(b)(iii) of this section. The certified reduction 14796
amount applies to the following tax year. The commissioner shall 14797
not make the applicable adjustment in any calendar year in which 14798
the amount resulting from the adjustment would be less than the 14799
total income threshold or the reduction amount for the current tax 14800
year. 14801

(2) Real property taxes on a homestead owned and occupied, or 14802
a homestead in a housing cooperative occupied, by a disabled 14803
veteran shall be reduced for each year for which an application 14804
for the reduction has been approved. The reduction shall equal the 14805
product obtained by multiplying fifty thousand dollars of the true 14806
value of the property in money, as adjusted under division 14807
(A)(1)(d) of this section, by the amounts described in divisions 14808
(A)(1)(c)(ii) to (iv) of this section. The reduction is in lieu of 14809
any reduction under section 323.158 of the Revised Code or 14810
division (A)(1) or (3) of this section. The reduction applies to 14811
only one homestead owned and occupied by a disabled veteran. 14812

If a homestead qualifies for a reduction in taxes under 14813

division (A)(2) of this section for the year in which the disabled 14814
veteran dies, and the disabled veteran is survived by a spouse who 14815
occupied the homestead when the disabled veteran died and who 14816
acquires ownership of the homestead or, in the case of a homestead 14817
that is a unit in a housing cooperative, continues to occupy the 14818
homestead, the reduction shall continue through the year in which 14819
the surviving spouse dies or remarries. 14820

(3) Real property taxes on a homestead owned and occupied, or 14821
a homestead in a housing cooperative occupied, by the surviving 14822
spouse of a public service officer killed in the line of duty 14823
shall be reduced for each year for which an application for the 14824
reduction has been approved. The reduction shall equal the product 14825
obtained by multiplying fifty thousand dollars of the true value 14826
of the property in money, as adjusted under division (A)(1)(d) of 14827
this section, by the amounts described in divisions (A)(1)(c)(ii) 14828
to (iv) of this section. The reduction is in lieu of any reduction 14829
under section 323.158 of the Revised Code or division (A)(1) or 14830
(2) of this section. The reduction applies to only one homestead 14831
owned and occupied by such a surviving spouse. A homestead 14832
qualifies for a reduction in taxes under division (A)(3) of this 14833
section for the tax year in which the public service officer dies 14834
through the tax year in which the surviving spouse dies or 14835
remarries. 14836

(B) To provide a partial exemption, real property taxes on 14837
any homestead, and manufactured home taxes on any manufactured or 14838
mobile home on which a manufactured home tax is assessed pursuant 14839
to division (D)(2) of section 4503.06 of the Revised Code, shall 14840
be reduced for each year for which an application for the 14841
reduction has been approved. The amount of the reduction shall 14842
equal two and one-half per cent of the amount of taxes to be 14843
levied by qualifying levies on the homestead or the manufactured 14844
or mobile home after applying section 319.301 of the Revised Code. 14845

For the purposes of this division, "qualifying levy" has the same meaning as in section 319.302 of the Revised Code. 14846
14847

(C) The reductions granted by this section do not apply to special assessments or respread of assessments levied against the homestead, and if there is a transfer of ownership subsequent to the filing of an application for a reduction in taxes, such reductions are not forfeited for such year by virtue of such transfer. 14848
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(D) The reductions in taxable value referred to in this section shall be applied solely as a factor for the purpose of computing the reduction of taxes under this section and shall not affect the total value of property in any subdivision or taxing district as listed and assessed for taxation on the tax lists and duplicates, or any direct or indirect limitations on indebtedness of a subdivision or taxing district. If after application of sections 5705.31 and 5705.32 of the Revised Code, including the allocation of all levies within the ten-mill limitation to debt charges to the extent therein provided, there would be insufficient funds for payment of debt charges not provided for by levies in excess of the ten-mill limitation, the reduction of taxes provided for in sections 323.151 to 323.159 of the Revised Code shall be proportionately adjusted to the extent necessary to provide such funds from levies within the ten-mill limitation. 14854
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(E) No reduction shall be made on the taxes due on the homestead of any person convicted of violating division (D) or (E) of section 323.153 of the Revised Code for a period of three years following the conviction. 14869
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Sec. 323.25. (A) When taxes charged against an entry on the tax duplicate, or any part of those taxes, are not paid within sixty days after delivery of the delinquent land duplicate to the county treasurer as prescribed by section 5721.011 of the Revised 14873
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Code, the county treasurer shall enforce the lien for the taxes by 14877
civil action in the treasurer's official capacity as treasurer, 14878
for the sale of such premises in the same way mortgage liens are 14879
enforced or for the transfer of such premises to an electing 14880
subdivision pursuant to section 323.28 or 323.78 of the Revised 14881
Code, in the court of common pleas of the county, in a municipal 14882
court with jurisdiction, or in the county board of revision with 14883
jurisdiction pursuant to section 323.66 of the Revised Code. 14884
Nothing in this section prohibits the treasurer from instituting 14885
such an action before the delinquent tax list or delinquent vacant 14886
land tax list that includes the premises has been published 14887
pursuant to division (B) of section 5721.03 of the Revised Code if 14888
the list is not published within the time prescribed by that 14889
division. 14890

(B) After the civil action has been instituted, but before 14891
the expiration of the applicable redemption period, any person 14892
entitled to redeem the land may do so by tendering to the county 14893
treasurer an amount sufficient, as determined by the court or 14894
board of revision, to pay the taxes, assessments, penalties, 14895
interest, and charges then due and unpaid, and the costs incurred 14896
in the civil action, and by demonstrating that the property is in 14897
compliance with all applicable zoning regulations, land use 14898
restrictions, and building, health, and safety codes. 14899

(C) If the delinquent land duplicate lists minerals or rights 14900
to minerals listed pursuant to sections 5713.04, 5713.05, and 14901
5713.06 of the Revised Code, the county treasurer may enforce the 14902
lien for taxes against such minerals or rights to minerals by 14903
civil action, in the treasurer's official capacity as treasurer, 14904
in the manner prescribed by this section, or proceed as provided 14905
under section 5721.46 of the Revised Code. 14906

(D) If service by publication is necessary, instead of as 14907
provided by the Rules of Civil Procedure, such publication shall 14908

either be made (1) once a week for three consecutive weeks instead 14909
of as provided by the Rules of Civil Procedure, and the service in 14910
a newspaper of general circulation in the county or (2) once in a 14911
newspaper of general circulation in the county and, beginning one 14912
week thereafter, on a web site of the county or of the court, as 14913
selected by the clerk of the court. Publication on the web site 14914
shall continue until one year after the date a finding is entered 14915
under section 323.28 of the Revised Code with respect to such 14916
property. Any notices published on a web site shall identify the 14917
date the notice is first published on the web site. If proceeding 14918
under division (D)(1) of this section, the second and third 14919
publication of the notice may be abbreviated as authorized under 14920
section 7.16 of the Revised Code. 14921

Service shall be complete, if proceeding under division 14922
(D)(1) of this section, at the expiration of three weeks after the 14923
date of the first publication or, if proceeding under division 14924
(D)(2) of this section, the date that is two weeks after the clerk 14925
causes the notice to be published on the selected web site. If the 14926
prosecuting attorney determines that service upon a defendant may 14927
be obtained ultimately only by publication, the prosecuting 14928
attorney may cause service to be made simultaneously by certified 14929
mail, return receipt requested, ordinary mail, and publication. 14930
The 14931

(E) The county treasurer shall not enforce the lien for taxes 14932
against real property to which any of the following applies: 14933

(A)(1) The real property is the subject of an application for 14934
exemption from taxation under section 5715.27 of the Revised Code 14935
and does not appear on the delinquent land duplicate; 14936

(B)(2) The real property is the subject of a valid delinquent 14937
tax contract under section 323.31 of the Revised Code for which 14938
the county treasurer has not made certification to the county 14939
auditor that the delinquent tax contract has become void in 14940

accordance with that section; 14941

~~(C)~~(3) A tax certificate respecting that property has been 14942
sold under section 5721.32 or 5721.33 of the Revised Code; 14943
provided, however, that nothing in this division shall prohibit 14944
the county treasurer or the county prosecuting attorney from 14945
enforcing the lien of the state and its political subdivisions for 14946
taxes against a certificate parcel with respect to any or all of 14947
such taxes that at the time of enforcement of such lien are not 14948
the subject of a tax certificate. 14949

(F) Upon application of the plaintiff, the court shall 14950
advance such cause on the docket, so that it may be first heard. 14951

The court may order that the proceeding be transferred to the 14952
county board of revision if so authorized under section 323.691 of 14953
the Revised Code. 14954

Sec. 323.69. (A) Upon the completion of the title search 14955
required by section 323.68 of the Revised Code, the prosecuting 14956
attorney, representing the county treasurer, the county land 14957
reutilization corporation, or the certificate holder may file with 14958
the clerk of court a complaint for the foreclosure of each parcel 14959
of abandoned land appearing on the abandoned land list, and for 14960
the equity of redemption on each parcel. The complaint shall name 14961
all parties having any interest of record in the abandoned land 14962
that was discovered in the title search. The prosecuting attorney, 14963
county land reutilization corporation, or certificate holder may 14964
file such a complaint regardless of whether the parcel has 14965
appeared on a delinquent tax list or delinquent vacant land tax 14966
list published pursuant to division (B) of section 5721.03 of the 14967
Revised Code. 14968

(B)(1) In accordance with Civil Rule 4, the clerk of court 14969
promptly shall serve notice of the summons and the complaint filed 14970
under division (A) of this section to the last known address of 14971

the record owner of the abandoned land and to the last known 14972
address of each lienholder or other person having a legal or 14973
equitable ownership interest or security interest of record 14974
identified by the title search. The notice shall inform the 14975
addressee that delinquent taxes stand charged against the 14976
abandoned land; that the land will be sold at public auction or 14977
otherwise disposed of if not redeemed by the owner or other 14978
addressee; that the sale or transfer will occur at a date, time, 14979
and place, and in the manner prescribed in sections 323.65 to 14980
323.79 of the Revised Code; that the owner or other addressee may 14981
redeem the land by paying the total of the impositions against the 14982
land at any time before confirmation of sale or transfer of the 14983
parcel as prescribed in sections 323.65 to 323.79 of the Revised 14984
Code or before the expiration of the alternative redemption 14985
period, as may be applicable to the proceeding; that the case is 14986
being prosecuted by the prosecuting attorney of the county in the 14987
name of the county treasurer for the county in which the abandoned 14988
land is located or by a certificate holder, whichever is 14989
applicable; of the name, address, and telephone number of the 14990
county board of revision before which the action is pending; of 14991
the board case number for the action, which shall be maintained in 14992
the official file and docket of the clerk of court; and that all 14993
subsequent pleadings, petitions, and papers associated with the 14994
case and filed by any interested party must be filed with the 14995
clerk of court and will become part of the case file for the board 14996
of revision. 14997

(2) The notice required by division (B)(1) of this section 14998
also shall inform the addressee that any owner of record may, at 14999
any time on or before the fourteenth day after service of process 15000
is perfected, file a pleading with the clerk of court requesting 15001
that the board transfer the case to a court of competent 15002
jurisdiction to be conducted in accordance with the applicable 15003
laws. 15004

(C) Subject to division (D) of this section, subsequent pleadings, motions, or papers associated with the case and filed with the clerk of court shall be served upon all parties of record in accordance with Civil Rules 4 and 5, except that service by publication in any case requiring such service shall require that any such publication shall be advertised in the manner, and for the time periods and frequency, prescribed in section 5721.18 of the Revised Code. Any inadvertent noncompliance with those rules does not serve to defeat or terminate the case, or subject the case to dismissal, as long as actual notice or service of filed papers is shown by a preponderance of the evidence or is acknowledged by the party charged with notice or service, including by having made an appearance or filing in relation to the case. The county board of revision may conduct evidentiary hearings on the sufficiency of process, service of process, or sufficiency of service of papers in any proceeding arising from a complaint filed under this section. Other than the notice and service provisions contained in Civil Rules 4 and 5, the Rules of Civil Procedure shall not be applicable to the proceedings of the board. The board of revision may utilize procedures contained in the Rules of Civil Procedure to the extent that such use facilitates the needs of the proceedings, such as vacating orders, correcting clerical mistakes, and providing notice to parties. To the extent not otherwise provided in sections 323.65 to 323.79 of the Revised Code, the board may apply the procedures prescribed by sections 323.25 to 323.28 or Chapters 5721., 5722., and 5723. of the Revised Code. Board practice shall be in accordance with the practice and rules, if any, of the board that are promulgated by the board under section 323.66 of the Revised Code and are not inconsistent with sections 323.65 to 323.79 of the Revised Code.

(D)(1) A party shall be deemed to be in default of the proceedings in an action brought under sections 323.65 to 323.79 of the Revised Code if either of the following occurs:

(a) The party fails to appear at any hearing after being 15038
served with notice of the summons and complaint by certified or 15039
ordinary mail. 15040

(b) For a party upon whom notice of summons and complaint is 15041
required by publication as provided under section 5721.18 of the 15042
Revised Code and has been considered ~~served~~ complete pursuant to 15043
that section, the party fails to appear, move, or plead to the 15044
complaint within twenty-eight days after service by publication is 15045
~~completed~~ considered complete. 15046

(2) If a party is deemed to be in default pursuant to 15047
division (D)(1) of this section, no further service of any 15048
subsequent pleadings, papers, or proceedings is required on the 15049
party by the court or any other party. 15050

(E) At any time after a foreclosure action is filed under 15051
this section, the county board of revision may, upon its own 15052
motion, transfer the case to a court pursuant to section 323.691 15053
of the Revised Code if it determines that, given the complexity of 15054
the case or other circumstances, a court would be a more 15055
appropriate forum for the action. 15056

Sec. 340.01. (A) As used in this chapter: 15057

(1) "Addiction," "addiction services," "alcohol and drug 15058
addiction services," "~~alcoholism~~," "alcohol use disorder," 15059
"certifiable services and supports," "community addiction services 15060
provider," "community mental health services provider," "drug 15061
addiction," "gambling addiction services," "included opioid and 15062
co-occurring drug addiction services and recovery supports," 15063
"mental health services," "mental illness," "recovery housing 15064
residence," and "recovery supports" have the same meanings as in 15065
section 5119.01 of the Revised Code. 15066

(2) "Medication-assisted treatment" means alcohol and drug 15067

addiction services that are accompanied by medication approved by 15068
the United States food and drug administration for the treatment 15069
of ~~alcoholism~~ alcohol use disorder or drug addiction, prevention 15070
of relapse of ~~alcoholism or drug addiction~~, or both. 15071

~~(3) "Recovery housing" means housing for individuals 15072
recovering from alcoholism or drug addiction that provides an 15073
alcohol and drug free living environment, peer support, assistance 15074
with obtaining alcohol and drug addiction services, and other 15075
alcoholism and drug addiction recovery assistance. 15076~~

(B) An alcohol, drug addiction, and mental health service 15077
district shall be established in any county or combination of 15078
counties having a population of at least fifty thousand. With the 15079
approval of the director of mental health and addiction services, 15080
any county or combination of counties having a population of less 15081
than fifty thousand may establish such a district. Districts 15082
comprising more than one county shall be known as joint-county 15083
districts. 15084

The board of county commissioners of any county participating 15085
in a joint-county district may submit a resolution requesting 15086
withdrawal from the district together with a comprehensive plan or 15087
plans that are in compliance with rules adopted by the director of 15088
mental health and addiction services under section 5119.22 of the 15089
Revised Code, and that provide for the equitable adjustment and 15090
division of all services, assets, property, debts, and 15091
obligations, if any, of the joint-county district to the board of 15092
alcohol, drug addiction, and mental health services, to the boards 15093
of county commissioners of each county in the district, and to the 15094
director. No county participating in a joint-county service 15095
district may withdraw from the district without the consent of the 15096
director of mental health and addiction services nor earlier than 15097
one year after the submission of such resolution unless all of the 15098
participating counties agree to an earlier withdrawal. Any county 15099

withdrawing from a joint-county district shall continue to have 15100
levied against its tax list and duplicate any tax levied by the 15101
district during the period in which the county was a member of the 15102
district until such time as the levy expires or is renewed or 15103
replaced. 15104

(C) For any tax levied under section 5705.19 of the Revised 15105
Code by a board of a joint-county district formed on or after ~~the~~ 15106
~~effective date of this amendment~~ April 3, 2023, revenue from the 15107
tax shall only be expended for the benefit of the residents of the 15108
county from which the revenue is derived. For the purpose of this 15109
division, a joint-county district is not formed by virtue of a 15110
county joining or withdrawing from a district or if a joint-county 15111
service district merges with another joint-county district. 15112

Sec. 340.032. Subject to rules adopted by the director of 15113
mental health and addiction services after consultation with 15114
relevant constituencies as required by division (A)(10) of section 15115
5119.21 of the Revised Code, each board of alcohol, drug 15116
addiction, and mental health services shall do all of the 15117
following: 15118

(A) Establish, to the extent resources are available, a 15119
community-based continuum of care that includes all of the 15120
following as essential elements: 15121

(1) Prevention and wellness management services; 15122

(2) At least both of the following outreach and engagement 15123
activities: 15124

(a) Locating persons in need of addiction services and 15125
persons in need of mental health services to inform them of 15126
available addiction services, mental health services, and recovery 15127
supports; 15128

(b) Helping persons who receive addiction services and 15129

persons who receive mental health services obtain services	15130
necessary to meet basic human needs for food, clothing, shelter,	15131
medical care, personal safety, and income.	15132
(3) Assessment services;	15133
(4) Care coordination;	15134
(5) Residential services;	15135
(6) At least the following outpatient services:	15136
(a) Nonintensive;	15137
(b) Intensive, such as partial hospitalization and assertive	15138
community treatment;	15139
(c) Withdrawal management;	15140
(d) Emergency and crisis.	15141
(7) Where appropriate, at least the following inpatient	15142
services:	15143
(a) Psychiatric care;	15144
(b) Medically managed alcohol or drug treatment.	15145
(8) At least all of the following recovery supports:	15146
(a) Peer support;	15147
(b) A wide range of housing and support services, including	15148
recovery housing <u>residences</u> ;	15149
(c) Employment, vocational, and educational opportunities;	15150
(d) Assistance with social, personal, and living skills;	15151
(e) Multiple paths to recovery such as twelve-step approaches	15152
and parent advocacy connection;	15153
(f) Support, assistance, consultation, and education for	15154
families, friends, and persons receiving addiction services,	15155
mental health services, and recovery supports.	15156

(9) In accordance with section 340.033 of the Revised Code, 15157
an array of addiction services and recovery supports for all 15158
levels of opioid and co-occurring drug addiction; 15159

(10) Any additional elements the department of mental health 15160
and addiction services, pursuant to section 5119.21 of the Revised 15161
Code, determines are necessary to establish the community-based 15162
continuum of care. 15163

(B) Ensure that the rights of persons receiving any elements 15164
of the community-based continuum of care are protected; 15165

(C) Ensure that persons receiving any elements of the 15166
community-based continuum of care are able to utilize grievance 15167
procedures applicable to the elements. 15168

Sec. 340.033. The array of addiction services and recovery 15169
supports for all levels of opioid and co-occurring drug addiction 15170
required by section 340.032 of the Revised Code to be included in 15171
a community-based continuum of care established under that section 15172
shall include at least ambulatory and sub-acute detoxification, 15173
non-intensive and intensive outpatient services, 15174
medication-assisted treatment, peer support, residential services, 15175
recovery housing residences pursuant to section 340.034 of the 15176
Revised Code, and multiple paths to recovery such as twelve-step 15177
approaches. The services and supports shall be made available in 15178
the service district of each board of alcohol, drug addiction, and 15179
mental health services, except as provided by either of the 15180
following: 15181

(A) Sub-acute detoxification and residential services may be 15182
made available through a contract with one or more providers of 15183
sub-acute detoxification or residential services located in other 15184
service districts. 15185

(B) To the extent authorized by a time-limited waiver issued 15186

under section 5119.221 of the Revised Code, ambulatory 15187
detoxification and medication-assisted treatment may be made 15188
available through a contract with one or more community addiction 15189
services providers located not more than thirty miles beyond the 15190
borders of the board's service district. 15191

The services and supports shall be made available in a manner 15192
that ensures that recipients are able to access the services and 15193
supports they need for opioid and co-occurring drug addiction in 15194
an integrated manner and in accordance with their assessed needs 15195
when changing or obtaining additional addiction services or 15196
recovery supports for such addiction. An individual seeking a 15197
service or support for opioid and co-occurring drug addiction 15198
included in a community-based continuum of care shall not be 15199
denied the service or support on the basis of the individual's 15200
prior experience with the service or support. 15201

Sec. 340.034. All of the following apply to ~~the~~ recovery 15202
housing residences required by section 340.033 of the Revised Code 15203
to be part of included opioid and co-occurring drug addiction 15204
services and recovery supports: 15205

(A) ~~The~~ A recovery housing residence shall comply with the 15206
requirements of being monitored by the department of mental health 15207
and addiction services under sections 5119.39 to 5119.396 of the 15208
Revised Code and any rules adopted under section 5119.397 of the 15209
Revised Code, but the residence is not ~~be~~ subject to residential 15210
facility licensure by the department ~~of mental health and~~ 15211
~~addiction services~~ under section 5119.34 of the Revised Code. 15212

(B) ~~The recovery housing shall not be subject to~~ 15213
~~certification as a recovery support under section 5119.36 of the~~ 15214
~~Revised Code.~~ 15215

(C) ~~The~~ A recovery housing residence shall not be ~~owned and~~ 15216
operated by a board of alcohol, drug addiction, and mental health 15217

services unless any of the following applies: 15218

(1) The board ~~owns and operates~~ operated the recovery housing 15219
residence on July 1, 2017. 15220

(2) The board utilizes local funds in the development, 15221
~~purchase,~~ or operation of the recovery housing residence. 15222

(3) The board determines that there is a need for the board 15223
to assume ~~the ownership and~~ operation of the recovery housing 15224
residence, such as when an existing ~~owner and~~ operator of the 15225
~~recovery housing~~ residence goes out of business, and the board 15226
considers the assumption of ~~ownership and~~ operation of the 15227
~~recovery housing~~ residence to be in the best interest of the 15228
community. 15229

~~(D)~~ (C) A recovery housing residence shall have protocols 15230
for all of the following: 15231

(1) Administrative oversight; 15232

(2) Quality standards; 15233

(3) Policies and procedures, including house rules, for its 15234
residents to which the residents must agree to adhere. 15235

~~(E)~~ (D) Family members of ~~the~~ a resident of a recovery 15236
~~housing's residents~~ housing residence may reside in the ~~recovery~~ 15237
~~housing~~ residence to the extent permitted by protocols of the 15238
~~recovery housing's protocols permit~~ residence. 15239

~~(F)~~ (E) A recovery housing residence shall not limit a 15240
resident's duration of stay to an arbitrary or fixed amount of 15241
time. Instead, each resident's duration of stay shall be 15242
determined by the resident's needs, progress, and willingness to 15243
abide by the ~~recovery housing's~~ residence's protocols, in 15244
collaboration with the ~~recovery housing's owner and~~ residence's 15245
operator, and, if appropriate, in consultation and integration 15246
with a community addiction services provider. 15247

~~(G)~~ (F) A recovery housing residence may permit its residents to receive medication-assisted treatment. 15248
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~~(H)~~ (G) A resident of a recovery housing ~~resident~~ residence may receive addiction services that are certified by the department ~~of mental health and addiction services~~ under section 5119.36 of the Revised Code. 15250
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Sec. 340.036. (A) Subject to division (B) of this section and rules adopted by the director of mental health and addiction services after consultation with relevant constituencies as required by division (A)(10) of section 5119.21 of the Revised Code, each board of alcohol, drug addiction, and mental health services shall enter into contracts with all of the following: 15254
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(1) Public and private facilities for the operation of facility services; 15260
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(2) Community addiction services providers for addiction services and recovery supports; 15262
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(3) Community mental health services providers for mental health services and recovery supports. 15264
15265

(B) No board shall do any of the following: 15266

(1) Contract with a residential facility required to be licensed under section 5119.34 of the Revised Code unless the facility is so licensed; 15267
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(2) Contract with a community addiction services provider or community mental health services provider for certifiable services and supports unless the certifiable services and supports are certified under section 5119.36 of the Revised Code; 15270
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(3) Contract with a community addiction services provider or community mental health services provider for recovery supports that are required by the director to meet quality criteria or core competencies unless the recovery supports meet the criteria or 15274
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15277

competencies.	15278
(C) When a board contracts with a community addiction	15279
services provider or community mental health services provider for	15280
addiction services, mental health services, or recovery supports,	15281
all of the following apply:	15282
(1) The board shall consider both of the following:	15283
(a) The cost effectiveness and quality of the provider's	15284
services and supports;	15285
(b) Continuity of care.	15286
(2) The board may review cost elements, including salary	15287
costs, of the services and supports.	15288
(3) The board may establish, in a way that is most effective	15289
and efficient in meeting local needs, a utilization review process	15290
as part of the contract.	15291
<u>(4) The board may contract with a government entity,</u>	15292
<u>for-profit entity, or nonprofit entity.</u>	15293
(D) If a party to a contract entered into under this section	15294
proposes not to renew the contract or proposes substantial changes	15295
in contract terms, the other party shall be given written notice	15296
at least one hundred twenty days before the expiration date of the	15297
contract. During the first sixty days of this	15298
one-hundred-twenty-day period, both parties shall attempt to	15299
resolve any dispute through good faith collaboration and	15300
negotiation in order to continue to provide services and supports	15301
to persons in need. If the dispute has not been resolved sixty	15302
days before the expiration date of the contract, either party may	15303
notify the director of the unresolved dispute. The director may	15304
require both parties to submit the dispute to another entity with	15305
the cost to be shared by the parties. Not later than twenty days	15306
before the expiration date of the contract or a later date to	15307

which both parties agree, the other entity shall issue to the 15308
parties and director recommendations on how the dispute may be 15309
resolved. The director shall adopt rules establishing the 15310
procedures of this dispute resolution process. 15311

(E) Section 307.86 of the Revised Code does not apply to 15312
contracts entered into under this section. 15313

Sec. 340.08. In accordance with rules or guidelines issued by 15314
the director of mental health and addiction services, each board 15315
of alcohol, drug addiction, and mental health services shall do 15316
all of the following: 15317

(A) Submit to the department of mental health and addiction 15318
services a proposed budget of receipts and expenditures for all 15319
federal, state, and local moneys the board expects to receive. 15320

(1) The proposed budget shall identify funds the board has 15321
available for included opioid and co-occurring drug addiction 15322
services and recovery supports. 15323

(2) The proposed budget shall identify funds the board and 15324
public children services agencies in the board's service district 15325
have available to fund jointly the services described in section 15326
340.15 of the Revised Code. 15327

(3) The board's proposed budget for expenditures of state and 15328
federal funds distributed to the board by the department shall be 15329
deemed an application for funds, and the department shall approve 15330
or disapprove the budget for these expenditures in whole or in 15331
part in accordance with division (G) of section 5119.22 of the 15332
Revised Code. 15333

If a board determines that it is necessary to amend an 15334
approved budget, the board shall submit a proposed amendment to 15335
the director. The director shall approve or disapprove all or part 15336
of the amendment in accordance with division (H) of section 15337

5119.22 of the Revised Code. 15338

(B) Submit to the department a proposed list of addiction 15339
services, mental health services, and recovery supports the board 15340
intends to make available. The board shall include the services 15341
and supports required by section 340.032 of the Revised Code to be 15342
included in the community-based continuum of care and the services 15343
required by section 340.15 of the Revised Code. The board shall 15344
explain the manner in which the board intends to make such 15345
services and supports available. The list shall be compatible with 15346
the budget submitted pursuant to division (A) of this section. The 15347
department shall approve or disapprove the list in whole or in 15348
part in accordance with division (G) of section 5119.22 of the 15349
Revised Code. 15350

If a board determines that it is necessary to amend an 15351
approved list, the board shall submit a proposed amendment to the 15352
director. The director shall approve or disapprove all or part of 15353
the amendment in accordance with division (H) of section 5119.22 15354
of the Revised Code. 15355

(C) Enter into a continuity of care agreement with the state 15356
institution operated by the department of mental health and 15357
addiction services and designated as the institution serving the 15358
district encompassing the board's service district. The continuity 15359
of care agreement shall outline the department's and the board's 15360
responsibilities to plan for and coordinate with each other to 15361
address the needs of board residents who are patients in the 15362
institution, with an emphasis on managing appropriate hospital bed 15363
day use and discharge planning. The continuity of care agreement 15364
shall not require the board to provide addiction services, mental 15365
health services, or recovery supports other than those on the list 15366
of services and supports submitted by the board pursuant to 15367
division (B) of this section and approved by the department in 15368
accordance with division (G) of section 5119.22 of the Revised 15369

Code.	15370
(D) In conjunction with the department, operate a coordinated system for tracking and monitoring persons found not guilty by reason of insanity and committed pursuant to section 2945.40 of the Revised Code who have been granted a conditional release and persons found incompetent to stand trial and committed pursuant to section 2945.39 of the Revised Code who have been granted a conditional release. The system shall do all of the following:	15371 15372 15373 15374 15375 15376 15377
(1) Centralize responsibility for the tracking of those persons;	15378 15379
(2) Provide for uniformity in monitoring those persons;	15380
(3) Provide a mechanism to allow prompt rehospitalization, reinstitutionalization, or detention when a violation of the conditional release or decompensation occurs.	15381 15382 15383
(E) Submit to the department a report summarizing all of the following:	15384 15385
(1) Complaints and grievances received by the board concerning the rights of persons seeking or receiving addiction services, mental health services, or recovery supports;	15386 15387 15388
(2) Investigations of the complaints and grievances;	15389
(3) Outcomes of the investigations.	15390
(F) Provide to the department information to be submitted to the community behavioral health information system or systems established by the department under Chapter 5119. of the Revised Code.	15391 15392 15393 15394
(G) Annually, and upon any change in membership, submit to the department a list of all current members of the board of alcohol, drug addiction, and mental health services, including the appointing authority for each member, and the member's specific qualification for appointment pursuant to section 340.02 or	15395 15396 15397 15398 15399

340.021 of the Revised Code, if applicable.	15400
(H) Submit to the department other information as is reasonably required for purposes of the department's operations, service evaluation, reporting activities, research, system administration, and oversight.	15401 15402 15403 15404
<u>(I) Annually update and publish on the board's web site a list of all opioid treatment programs licensed under section 5119.37 of the Revised Code that are operating within the board's district, based on information obtained from any of the following:</u>	15405 15406 15407 15408
<u>(1) The federal substance abuse and mental health services administration's opioid treatment program directory;</u>	15409 15410
<u>(2) A resource directory created by the department of mental health and addiction services;</u>	15411 15412
<u>(3) The list maintained by the department of mental health and addiction services pursuant to division (P) of section 5119.37 of the Revised Code.</u>	15413 15414 15415
<u>Sec. 342.01. As used in this chapter:</u>	15416
<u>"Basic project cost" means an amount determined in accordance with rules adopted under section 111.15 of the Revised Code by the Ohio facilities construction commission. The basic project cost calculation shall take into consideration the square footage and cost per square foot necessary for the jail facilities, the variation across the state in construction and related costs, the cost of the installation of site utilities and site preparation, the cost of demolition of all or part of any existing jail facilities that are abandoned under the project, the cost of insuring the project until it is completed, any contingency reserve amount prescribed by the commission under division (P) of section 342.06 of the Revised Code, and the professional planning, administration, and design fees that a county may have to pay to</u>	15417 15418 15419 15420 15421 15422 15423 15424 15425 15426 15427 15428 15429

undertake a jail facilities project. 15430

"Installation of site utilities" means the installation of a 15431
site domestic water system, site fire protection system, site gas 15432
distribution system, site sanitary system, site storm drainage 15433
system, site electrical service, site generator system, and site 15434
telephone and data system. 15435

"Jail facility" means a county, multicounty, 15436
municipal-county, or multicounty-municipal jail facility or 15437
workhouse, a minimum security jail under sections 341.34 and 15438
753.21 of the Revised Code, or a single-county or joint-county 15439
juvenile facility authorized under section 2151.65 of the Revised 15440
Code, or another residential facility used for the confinement of 15441
alleged or convicted offenders that is operated by a county or a 15442
combination of a county or counties and other political 15443
subdivisions of this state. 15444

"Multicounty jail facility" means a jail facility intended to 15445
serve two or more counties, and that may be located wholly in one 15446
county or partly in one or more counties that have made an 15447
agreement under section 342.12 of the Revised Code. 15448

"Net bonded indebtedness" means the difference between the 15449
sum of the par value of all outstanding and unpaid bonds and notes 15450
that a board of county commissioners is obligated to pay, and the 15451
amount held in a sinking fund and other indebtedness retirement 15452
funds for their redemption. 15453

"Project" means a project to construct or acquire jail 15454
facilities, or to reconstruct or make additions to existing jail 15455
facilities. 15456

"Site preparation" means the earthwork necessary for 15457
preparation of the building foundation system, the paved 15458
pedestrian and vehicular circulation system, and lawn and planting 15459
on the project site. 15460

Sec. 342.02. (A) The department of taxation shall rank each 15461
county based on its financial need with a percentile ranking using 15462
the following funding formula: 15463

(1) The department shall determine the total value of all 15464
property in the county listed and assessed for taxation on the tax 15465
list as reported by the department in the preceding tax year, and 15466
list each county in order of total value, ascending, so that the 15467
county with the lowest value is number one on the list; 15468

(2) The department also shall rank each county based on the 15469
estimate of the gross amount of taxable retail sales sourced to 15470
the county as reported by the department for the preceding 15471
calendar year, computed by dividing the total amount of tax 15472
revenue received by the county during that period from taxes 15473
levied under sections 5739.021, 5739.026, 5741.021, and 5741.023 15474
of the Revised Code by the aggregate tax rate levied by the county 15475
under sections 5739.021 and 5739.026 of the Revised Code on the 15476
last day of the preceding calendar year, and list each county in 15477
order of total value, ascending, so that the county with the 15478
lowest value is number one on the list, except that any county 15479
that does not currently levy taxes under section 5739.021 or 15480
5739.026 of the Revised Code shall be ranked at number 15481
eighty-eight on the list; 15482

(3) The department shall then, for each county, add the 15483
numbered rank calculated under division (A)(1) of this section to 15484
the numbered rank calculated under division (A)(2) of this 15485
section, and shall order the counties according the sum of the two 15486
ranks, the county with the lowest sum being number one on the 15487
list. The percentile ranking shall be determined by taking the 15488
county's ranking on this final list, dividing it by eighty-eight, 15489
and multiplying it by one hundred. 15490

(4) If the sum calculated under division (A)(3) of this 15491

section is the same for two or more counties, the county with the 15492
lowest population shall receive the lowest final ranking. The 15493
final ranking for the counties should be numbers one through 15494
eighty-eight. 15495

Every other year, on even-numbered years, the department 15496
shall conduct the financial ranking described in this division and 15497
report the ranking to the department of rehabilitation and 15498
correction and the Ohio facilities construction commission. 15499

(B)(1) Upon receiving the financial ranking under division 15500
(A) of this section, the commission shall select a number of 15501
counties among the lowest ranking counties, the number of counties 15502
selected depending upon the commission's projections of the moneys 15503
available and moneys necessary to undertake projects under this 15504
chapter for that year, and invite the selected counties to apply 15505
for assistance under this chapter. Two or more counties may 15506
jointly apply for assistance under this chapter as long as at 15507
least one of the counties was invited to apply. The application 15508
shall be made on a form and in a manner prescribed by the 15509
commission. Upon the application of a county so invited, the 15510
commission may shortlist applicants before proceeding, and shall 15511
proceed with a needs assessment under division (B)(2) of this 15512
section. 15513

(2) Upon the application and shortlisting of invited counties 15514
to receive assistance under this chapter, the commission shall 15515
conduct a needs assessment, or cause a needs assessment to be 15516
conducted, to determine the jail facility needs of the applicant 15517
county. The needs assessment, subject to division (B)(3) of this 15518
section, shall include an on-site assessment of applicable jail 15519
facilities identified as having jail facility needs. The on-site 15520
assessment shall assess the county's need to construct or acquire 15521
new jail facilities and may include an assessment of the county's 15522
need for facility additions or for the reconstruction of existing 15523

facilities in lieu of constructing or acquiring replacement 15524
facilities. 15525

(3) Before conducting an on-site assessment of a county, at 15526
the request of the board of county commissioners, the Ohio 15527
facilities construction commission shall examine any jail 15528
facilities needs assessment that the county has conducted and any 15529
master plan developed for meeting the facility needs of the 15530
county. If the commission determines that the county's needs 15531
assessment or master plan is sufficient for its purposes, and that 15532
any additional needs assessment is not necessary, the commission 15533
may waive the on-site assessment under division (B)(2) of this 15534
section. 15535

(4) Upon conducting the on-site assessment, the commission 15536
shall make a determination of all of the following: 15537

(a) The need of the county for additional jail facilities, or 15538
for renovations or improvements to existing jail facilities, based 15539
on whether and to what extent existing facilities comply with the 15540
standards adopted under division (C) of this section; 15541

(b) The number of jail facilities to be included in a 15542
project; 15543

(c) The estimated annual, monthly, or daily cost of operating 15544
the facility once it is operational, as reported and certified by 15545
the county auditor; 15546

(d) The estimated basic project cost of constructing, 15547
acquiring, reconstructing, or making additions to each facility; 15548

(e) The amount of the basic project cost that the county can 15549
supply through the means described in division (A)(2) of section 15550
342.04 of the Revised Code; 15551

(f) The amount of the cost to be supplied by the state under 15552
section 342.04 of the Revised Code; 15553

(g) The amount of the state's portion to be encumbered in accordance with section 342.04 of the Revised Code in the current and subsequent fiscal years from funds appropriated for purposes of this chapter. 15554
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(5) If the project involves a multicounty jail facility, the Ohio facilities construction commission may determine a multicounty jail facility ranking cost for each county involved. 15558
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(C) The commission, in conjunction with the department of rehabilitation and correction, shall develop a set of standards by which the commission may evaluate the condition of existing jail facilities to determine need under this chapter. These standards shall include the standards developed under section 5120.10 of the Revised Code, and other standards that the commission and the department consider appropriate. In developing or changing these standards, the commission and the department shall solicit input from sheriffs and boards of county commissioners or from organizations representing sheriffs or boards of county commissioners in this state. 15561
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(D) The Ohio facilities construction commission shall then choose from among the applicant counties which counties will receive state funding under this chapter. The commission shall choose based on the results of the financial ranking conducted under division (A) of this section, the results of the needs assessment conducted under division (B) of this section, and the requirements described in sections 342.03 and 342.04 of the Revised Code. If a chosen project is subsequently denied approval by the controlling board under section 342.05 of the Revised Code, or canceled for some other reason, the commission may choose another applicant county under this division that applied for assistance but was not selected under this division. If no counties meet that description, the commission may invite additional counties to apply for assistance under this section. 15572
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Sec. 342.03. The Ohio facilities construction commission, 15586
following the completion of a needs assessment conducted under 15587
division (B) of section 342.02 of the Revised Code, shall make a 15588
determination in favor of constructing, acquiring, reconstructing, 15589
or making additions to a jail facility only upon evidence that the 15590
proposed project conforms to the construction and renovation 15591
standards described in divisions (D) and (E) of section 5120.10 of 15592
the Revised Code, and that it keeps with the needs of the county 15593
or counties as determined by the needs assessment conducted under 15594
division (B) of section 342.02 of the Revised Code. Exceptions 15595
shall be authorized only in those areas where topography, sparsity 15596
of population, and other factors make larger jail facilities 15597
impracticable. 15598

If the board of county commissioners, multicounty jail 15599
facility commission, or the Ohio facilities construction 15600
commission determines that an existing jail facility should be 15601
renovated instead of acquiring a comparable jail facility by new 15602
construction, the Ohio facilities construction commission may 15603
approve the expenditure of project funds for the renovation of 15604
that jail facility up to but not exceeding one hundred per cent of 15605
the estimated cost of acquiring a comparable jail facility by new 15606
construction, if the commission determines that the renovated jail 15607
facility will be operationally efficient, will be adequate for the 15608
future needs of the county or counties, and will comply with the 15609
standards described in section 342.02 of the Revised Code. 15610

Sec. 342.04. (A)(1) A project proposed under sections 342.02 15611
and 342.03 of the Revised Code may be approved only upon 15612
submission of evidence to the Ohio facilities construction 15613
commission by the board of county commissioners or, in the case of 15614
a multicounty jail facility, by a multicounty jail facility 15615
commission, that the county or counties involved in the project 15616

will generate adequate revenue to fund the county portion of the 15617
basic project cost and the operations and maintenance of the 15618
proposed jail facility or facilities. 15619

(2) A county may generate the revenue described in division 15620
(A)(1) of this section by any of the following means, provided the 15621
revenue may be lawfully used for that purpose: 15622

(a) Unencumbered funds of the county; 15623

(b) Issuance of bonds previously authorized by the electors 15624
of the county; 15625

(c) Local donated contributions as authorized under section 15626
342.07 of the Revised Code; 15627

(d) A bond issue or tax levy under section 5705.234 of the 15628
Revised Code; 15629

(e) The proceeds of any other tax levy that may be lawfully 15630
used for that purpose, including a tax levied under division (LL) 15631
of section 5705.19 of the Revised Code or section 5705.233 of the 15632
Revised Code. 15633

(3) The Ohio facilities construction commission shall not 15634
accept a proposal by a county or a multicounty jail facility 15635
commission to rent any portion of the jail facility or facilities 15636
to other political subdivisions as evidence that the county or 15637
multicounty jail facility commission will generate adequate 15638
revenue as described in division (A)(1) of this section. 15639

(4) Evidence submitted under division (A)(1) of this section 15640
shall not be considered sufficient until it has been certified as 15641
true and accurate by the county auditor of each participating 15642
county. 15643

(B) Except as otherwise provided in divisions (C) and (D) of 15644
this section, the portion of the basic project cost supplied by 15645
each county shall be one per cent of the basic project costs times 15646

the percentile in which the county ranks according to the 15647
department of taxation's ranking under division (A) of section 15648
342.02 of the Revised Code, for the fiscal year preceding the 15649
fiscal year in which the controlling board approved the county's 15650
or counties' project under section 342.05 of the Revised Code. 15651

The amount of the county's or counties' portion determined 15652
under this section shall be calculated only as of the date the 15653
controlling board approved the project. 15654

(C) At no time shall a county's, or all of the counties', 15655
portion of the basic project cost be greater than seventy-five per 15656
cent of the total basic project cost. If a county's portion of the 15657
basic project cost is calculated, under division (B) of this 15658
section, to be greater than seventy-five per cent of the total 15659
basic project cost, the county's portion shall be seventy-five per 15660
cent of the basic project cost. In the case of a multicounty jail 15661
facility commission, if the sum of two or more counties' portions 15662
of the total basic project cost are calculated, under division (B) 15663
of this section, to be greater than seventy-five per cent of the 15664
total basic project cost, the counties' portions shall be 15665
determined pro rata, so that the sum of their portions shall be 15666
equal to seventy-five per cent of the total basic project cost. 15667

(D) If the controlling board approves a project for a county 15668
that previously received assistance under this chapter within 15669
twenty years of the date the previous project was approved by the 15670
controlling board, that county's or counties' portion of the basic 15671
project cost for the new project shall be the lesser of the 15672
following: 15673

(1) The portion calculated under division (B) or (C) of this 15674
section; 15675

(2) The greater of the following: 15676

(a) The required percentage of the basic project costs for 15677

the new project or, if the project is a multicounty jail facility, 15678
the county's or counties' required percentage of the basic project 15679
cost pursuant to an agreement under section 342.12 of the Revised 15680
Code; 15681

(b) The percentage of the basic project cost paid by the 15682
county or counties for the previous project. 15683

Sec. 342.05. (A) If the Ohio facilities construction 15684
commission makes a determination under sections 342.01 to 342.04 15685
of the Revised Code in favor of constructing, acquiring, 15686
reconstructing, or making additions to a jail facility, the 15687
project shall be conditionally approved. The conditional approval 15688
shall be submitted to the controlling board for approval. The 15689
controlling board shall approve or reject the commission's 15690
determination, the amount of the state's portion of the basic 15691
project cost, and the amount of the state's portion to be 15692
encumbered in the current fiscal year. If approved by the 15693
controlling board, the commission shall certify the conditional 15694
approval to the board of county commissioners, or to the 15695
multicounty jail facilities commission in the case of a 15696
multicounty jail facilities project undertaken pursuant to section 15697
342.12 of the Revised Code, and shall encumber from the total 15698
funds appropriated for the purpose of this chapter the amount 15699
approved under this section to be encumbered in the current fiscal 15700
year. 15701

The basic project cost for a project approved under this 15702
section shall not exceed the cost that otherwise would have to be 15703
incurred if the jail facilities to be constructed, acquired, or 15704
reconstructed, or the additions to be made to jail facilities, 15705
under the project meet, but do not exceed, the specifications for 15706
plans and materials for jail facilities adopted by the Ohio 15707
facilities construction commission. 15708

(B) No project proposed by a county that previously received 15709
assistance under this chapter and that levied a tax under section 15710
5705.234 of the Revised Code for the purpose of qualifying for 15711
that previous assistance shall be approved by the controlling 15712
board in the twenty years following the controlling board's 15713
approval of the previous project unless the board of county 15714
commissioners or the multicounty jail facility commission 15715
demonstrates to the satisfaction of the Ohio facilities 15716
construction commission that the county or counties have 15717
experienced, since approval of its prior project, an exceptional 15718
increase in need beyond the design capacity under that prior 15719
project as determined by the commission. 15720

If the commission finds that a county's or counties' existing 15721
jail facilities are adequate to meet all of the county's or 15722
counties' needs, the commission may determine that no additional 15723
state assistance be awarded to a county or counties under this 15724
section. 15725

(C) Not later than one hundred twenty days after receiving 15726
notice of an approval, the board of county commissioners, or the 15727
multicounty jail facilities commission as applicable, shall accept 15728
or deny the Ohio facility construction commission's conditional 15729
approval. Additionally, if one or more counties must issue bonds 15730
or levy a tax under section 5705.234 of the Revised Code to 15731
provide adequate revenue for its portion of the basic project 15732
costs or for the maintenance and operation of the jail facility or 15733
facilities, the electors of the county or counties shall approve 15734
the bond issue or levy not later than sixteen months after the 15735
date the county received the commission's conditional approval. If 15736
the commission's conditional approval lapses under this division, 15737
the amount reserved and encumbered for the project shall be 15738
released. If the amount reserved and encumbered for the county's 15739
or counties' project is released, the county or counties shall be 15740

given first priority for project funding as the funds become 15741
available. 15742

Sec. 342.06. If the requisite favorable vote on an election 15743
described in section 5705.234 of the Revised Code is obtained or 15744
the county's or counties' share of the basic project cost is 15745
otherwise met in accordance with section 342.04 of the Revised 15746
Code, the Ohio facilities construction commission shall enter into 15747
a written agreement with the board of county commissioners, or 15748
with the multicounty jail facilities commission in the case of a 15749
multicounty jail facilities project undertaken pursuant to section 15750
342.12 of the Revised Code, for the construction of the project. 15751
The agreement shall include at least the following provisions: 15752

(A) The sale and issuance of bonds or notes in anticipation 15753
thereof, as soon as practicable after the execution of the 15754
agreement, in an amount equal to the county's portion of the basic 15755
project cost, dedicated by the board of county commissioners to 15756
payment of the county's portion of the basic project cost of the 15757
project; provided, that if at that time the county treasurer of 15758
each county in which the facility is located has not commenced the 15759
collection of taxes for the year in which the controlling board 15760
approved the project, the board or boards of county commissioners 15761
shall authorize the issuance of a first installment of bond 15762
anticipation notes in an amount specified by the agreement. If a 15763
first installment of bond anticipation notes is issued, the board 15764
or boards of county commissioners shall, as soon as practicable 15765
after the county treasurer of each county in which the facilities 15766
are located has commenced the collection of taxes on the general 15767
duplicate of real and public utility property for the year in 15768
which the controlling board approved the project, authorize the 15769
issuance of a second and final installment of bond anticipation 15770
notes or a first and final issue of bonds. 15771

The combined value of the first and second installment of 15772
bond anticipation notes or the value of the first and final issue 15773
of bonds shall be equal to the county's portion of the basic 15774
project cost. The proceeds of any of these bonds shall be used 15775
first to retire any bond anticipation notes. Otherwise, the 15776
proceeds of any of these bonds and of any bond anticipation notes, 15777
except the premium and accrued interest thereon, shall be 15778
deposited in the county's project construction fund. In 15779
determining the amount of net bonded indebtedness for the purpose 15780
of fixing the amount of an issue of either bonds or bond 15781
anticipation notes, gross indebtedness shall be reduced by moneys 15782
in the bond retirement fund only to the extent of the moneys 15783
therein on the first day of the year preceding the year in which 15784
the controlling board approved the project. The maximum amount of 15785
indebtedness to be incurred by any board of county commissioners 15786
as its share of the cost of the project is either an amount that 15787
will cause its net bonded indebtedness, as of the first day of the 15788
year following the year in which the controlling board approved 15789
the project, to be within five thousand dollars of the required 15790
level of indebtedness, or an amount equal to the required 15791
percentage of the basic project costs, whichever is greater. All 15792
bonds and bond anticipation notes shall be issued in accordance 15793
with Chapter 133. of the Revised Code, and notes may be renewed as 15794
provided in section 133.22 of the Revised Code. 15795

(B) The transfer of the funds of the board of county 15796
commissioners available for the project, together with the 15797
proceeds of the sale of the bonds or notes, except premium, 15798
accrued interest, and interest included in the amount of the 15799
issue, to the county's project construction fund; 15800

(C) Dedication of any local donated contribution as provided 15801
for under section 342.07 of the Revised Code; 15802

(D) Ownership of or interest in the project during the period 15803

of construction, which shall be divided between the Ohio 15804
facilities construction commission and the board or boards of 15805
county commissioners in proportion to their respective 15806
contributions to the county's or counties' project construction 15807
fund; 15808

(E) Maintenance of the state's interest in the project until 15809
any obligations issued for the project under this chapter are no 15810
longer outstanding; 15811

(F) The insurance of the project by the county or counties 15812
from the time there is an insurable interest therein and so long 15813
as the state retains any ownership or interest in the project 15814
pursuant to division (D) of this section, in amounts and against 15815
risks as the Ohio facilities construction commission shall 15816
require; provided, that the cost of any required insurance until 15817
the project is completed shall be a part of the basic project 15818
cost; 15819

(G) The certification by the director of budget and 15820
management that funds are available and have been set aside to 15821
meet the state's share of the basic project cost as approved by 15822
the controlling board pursuant to section 342.05 of the Revised 15823
Code; 15824

(H) Authorization of the board of county commissioners or the 15825
multicounty jail facility commission to advertise for and receive 15826
construction bids for the project, for and on behalf of the Ohio 15827
facilities construction commission, and to award contracts in the 15828
name of the state subject to approval by the commission; 15829

(I) Provisions for the disbursement of moneys from the 15830
county's project account upon issuance by the Ohio facilities 15831
construction commission or the commission's designated 15832
representative of vouchers for work done to be certified to the 15833
commission by the county auditor of each participating county; 15834

<u>(J) Disposal of any balance left in the county's project construction fund upon completion of the project;</u>	15835
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<u>(K) Provision for deposit of an executed copy of the agreement in the office of the commission;</u>	15837
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<u>(L) Provision for termination of the contract and release of the funds encumbered at the time of the conditional approval, if the proceeds of the sale of the bonds of the board of county commissioners are not paid into the county's project construction fund and if bids for the construction of the project have not been taken within this period after the execution of the agreement as may be fixed by the Ohio facilities construction commission;</u>	15839
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<u>(M) A requirement that the county or counties maintain the project in accordance with a facilities maintenance plan approved by the Ohio facilities construction commission;</u>	15846
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<u>(N) Provision that all state funds reserved and encumbered to pay the state share of the cost of the project and the funds provided by the county or counties to pay for its share of the project cost be spent on the construction and acquisition of the project simultaneously in proportion to the state's and each county's respective shares of that basic project cost as determined under section 342.04 or section 342.12 of the Revised Code, as applicable. However, if a board of county commissioners certifies to the commission that expenditure by the county is necessary to maintain the federal tax status or tax-exempt status of notes or bonds issued by the county to pay for its share of the project cost or to comply with applicable temporary investment periods or spending exceptions to rebate as provided for under federal law in regard to those notes or bonds, the board may commit to spend, or may spend, a greater portion of the funds it provides during any specific period than otherwise would be required under this division.</u>	15849
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(O) A provision stipulating that the Ohio facilities construction commission may prohibit the board from proceeding with any project if the commission determines that the site is not suitable for construction purposes. The commission may perform soil tests in its determination of whether a site is appropriate for construction purposes. 15866
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(P) A provision stipulating that, unless otherwise authorized by the commission, any contingency reserve portion of the construction budget prescribed by the commission shall be used only to pay costs resulting from unforeseen job conditions, to comply with rulings regarding building and other codes, to pay costs related to design clarifications or corrections to contract documents, and to pay the costs of settlements or judgments related to the project. 15872
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Sec. 342.07. (A) As used in this section, "local donated contribution" means any of the following: 15880
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(1) Any moneys irrevocably donated or granted to a board of county commissioners or multicounty jail facility commission by a source other than the state that the board or multicounty jail facility commission has the authority to apply to the project under this chapter and that the board or multicounty jail facility commission has pledged for that purpose by resolution adopted by a majority of its members; 15882
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(2) Any irrevocable letter of credit issued on behalf of a county that the board has encumbered for payment of the county's share of its project under this chapter that has been approved by the Ohio facilities construction commission; 15889
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(3) Any cash a county has on hand that the board has encumbered for payment of the county's share of its project under this chapter that has been approved by the Ohio facilities construction commission, including any year-end operating fund 15893
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balances that can be spent for jail facilities; 15897

(4) Any moneys spent by a source other than the county or the 15898
state for construction or renovation of specific jail facilities 15899
that have been approved by the Ohio facilities construction 15900
commission as part of the basic project cost of the county's 15901
project. The board, the commission, and the entity providing the 15902
local donated contribution under division (A)(4) of this section 15903
shall enter into an agreement identifying the jail facilities to 15904
be acquired by the expenditures made by that entity. The agreement 15905
shall include stipulations that require an audit by the Ohio 15906
facilities construction commission of these expenditures made on 15907
behalf of the county or multicounty jail facility commission and 15908
that specify the maximum amount of credit to be allowed for those 15909
expenditures. Upon completion of the construction or renovation, 15910
the Ohio facilities construction commission shall determine the 15911
actual amount that the commission will credit, at the request of 15912
the board or multicounty jail facility commission, toward the 15913
county's or counties' portion of the basic project cost, or any 15914
project cost overruns. The actual amount of the credit shall not 15915
exceed the lesser of the amount specified in the agreement or the 15916
actual cost of the construction or renovation. 15917

(B) A board of county commissioners or multicounty jail 15918
facility commission may apply a local donated contribution to the 15919
county's or counties' share of the basic project cost or use the 15920
contribution for maintenance and operation of the jail facility or 15921
facilities that are constructed, acquired, reconstructed, or 15922
expanded by the project. 15923

(C) If the county is required to issue bonds or levy tax 15924
under section 5705.234 of the Revised Code as a condition of 15925
receiving assistance under this chapter, the board of county 15926
commissioners may, with the approval of the Ohio facilities 15927
construction commission, reduce the principal amount of bonds 15928

issued or the rate of the tax levied under that section by an 15929
amount commensurate with the local donated contributions applied 15930
to the same purposes. The commission shall not approve a board of 15931
county commissioners' proposal to reduce the amount of bonds 15932
issued or the rate of a tax levied under section 5705.234 of the 15933
Revised Code unless the board demonstrates to the satisfaction of 15934
the commission that the revenue generated under the proposal, when 15935
supplemented by the local donated contributions, is sufficient to 15936
pay the county's share of the basic project cost and provide for 15937
operation and maintenance of the jail facility or facilities. 15938

(D) Except as provided in division (E) of this section, no 15939
state moneys shall be released for a project to which this section 15940
applies until both of the following have occurred: 15941

(1) Any local donated contribution authorized under this 15942
section is first deposited into the county's project construction 15943
fund. 15944

(2) The board or multicounty jail facility commission and the 15945
commission have included a stipulation in their agreement entered 15946
into under section 342.06 of the Revised Code under which the 15947
board or multicounty jail facility commission will deposit into a 15948
fund approved by the commission according to a schedule that does 15949
not extend beyond the anticipated completion date of the project 15950
the total amount of any local donated contribution dedicated by 15951
the board or multicounty jail facility commission for that 15952
purpose. 15953

(E) If any local donated contribution described in division 15954
(A)(4) of this section has been approved under this section, the 15955
state moneys may be released even if the entity providing the 15956
local donated contribution has not spent the moneys so dedicated 15957
as long as the agreement required under that division has been 15958
executed. 15959

Sec. 342.08. (A) Promptly after the board of county commissioners, or the multicounty jail facilities commission, and the Ohio facilities construction commission have entered into the written agreement, the board or boards of county commissioners shall issue its bonds or notes in anticipation of the agreement pursuant to the provision of the agreement required by division (A) of section 342.06 of the Revised Code, or required by section 342.12 of the Revised Code in the case of an agreement between boards of county commissioners for a multicounty jail facilities project, and deposit the proceeds of the agreement in the county's project construction fund pursuant to the provision of the agreement required by division (B) of section 342.06 of the Revised Code. The board of county commissioners or the multicounty jail facilities commission, with the approval of the Ohio facilities construction commission, also shall employ a qualified professional person to prepare preliminary plans, working drawings, specifications, estimates of cost, and such data as the board of county commissioners, or the multicounty jail facilities commission, and the Ohio facilities construction commission consider necessary for the project. When the preliminary plans and preliminary estimates of cost have been prepared, and approved by the board of county commissioners, or the multicounty jail facility commission, if applicable, the plans shall be submitted to the Ohio facilities construction commission and the department of rehabilitation and correction for approval, modification, or rejection. The Ohio facilities construction commission shall consult with the department to ensure that the plans and materials proposed for use in the project comply with specifications for plans and materials that shall be established by the commission in accordance with division (C) of section 342.02 of the Revised Code. When these preliminary plans and preliminary estimates of cost and any modifications thereof have been approved by the

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commission and the board of county commissioners, or multicounty 15992
jail facility commission if applicable, the board or multicounty 15993
jail facility commission shall cause the qualified professional 15994
person to prepare the working drawings, specifications, and 15995
estimates of cost. 15996

(B) Whenever project plans submitted to the commission for 15997
approval under division (A) of this section propose to locate a 15998
facility on a state route or United States highway or within one 15999
mile of a state route or United States highway, the commission 16000
shall send a copy of the plans to the director of transportation. 16001
The director shall review the plans to determine the feasibility 16002
of the proposed ingress and egress to the facility, the traffic 16003
circulation pattern on roadways around the facility, and any 16004
improvements that would be necessary to conform the roadways to 16005
provisions of the manual adopted by the department of 16006
transportation under section 4511.09 of the Revised Code or state 16007
or federal law. The director shall provide a written summary of 16008
the director's findings to the commission in a timely manner. The 16009
commission shall consider the findings in deciding whether to 16010
approve the plans. 16011

Sec. 342.09. When the working drawings, specifications, and 16012
estimates of cost have been approved by the board of county 16013
commissioners, or the multicounty jail facilities commission if 16014
applicable, and the Ohio facilities construction commission 16015
pursuant to section 342.08 of the Revised Code, or section 342.12 16016
of the Revised Code if applicable, the board of county 16017
commissioners or the multicounty jail facilities commission shall 16018
advertise for construction bids in accordance with section 307.86 16019
of the Revised Code. These notices shall state that plans and 16020
specifications for the project are on file in the office of the 16021
Ohio facilities construction commission, at the office of the 16022
department of rehabilitation and correction, and other places as 16023

may be designated in the notice, and the time and place when and
where bids will be received. 16024
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The form of proposal to be submitted by bidders shall be
supplied by the Ohio facilities construction commission. Bidders
may be permitted to bid on all or any of the branches of work and
materials to be furnished and supplied. 16026
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When the construction bids for all branches of work and
materials have been tabulated, the commission shall prepare a
revised estimate of the basic project cost based upon the lowest
responsive and responsible bids received. If the revised estimate
exceeds the estimated basic project cost as approved by the
controlling board pursuant to section 342.05 of the Revised Code,
no contracts may be entered into pursuant to this section unless
this revised estimate is approved by the commission and by the
controlling board. When this revised estimate has been prepared,
and after approvals are given, if necessary, and if the board or
boards of county commissioners have caused to be transferred to
the project construction fund the proceeds from the sale of the
first or first and final installment of its bonds or bond
anticipation notes pursuant to the provision of the written
agreement required by section 342.06 of the Revised Code, and
section 342.12 of the Revised Code, and when the director of
budget and management has certified that there is a balance in the
appropriation, not otherwise obligated to pay precedent
obligations, pursuant to which the state's share of this revised
estimate is required to be paid, the contract for all branches of
work and materials to be furnished and supplied, or for any branch
thereof as determined by the board of county commissioners or the
multicounty jail facilities commission, shall be awarded by the
board of county commissioners or the multicounty jail facilities
commission to the lowest responsible and responsive bidder subject
to the approval of the Ohio facilities construction commission. 16030
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The award shall be made not later than sixty days after the date 16056
on which the bids are opened, and the successful bidder shall 16057
enter into a contract not later than ten days after the successful 16058
bidder is notified of the award of the contract. 16059

Subject to the approval of the Ohio facilities construction 16060
commission, the board of county commissioners or multicounty jail 16061
facilities commission may reject all bids and readvertise. Any 16062
contract made under this section shall be made in the name of the 16063
state and executed on its behalf by the president of the board of 16064
county commissioners and the county auditor of each participating 16065
county. 16066

The provisions of sections 9.312 and 307.86 of the Revised 16067
Code which are applicable to construction contracts shall apply to 16068
construction contracts for the project. 16069

The remedies afforded to any subcontractor, materials 16070
supplier, laborer, mechanic, or persons furnishing material or 16071
machinery for the project under sections 1311.26 to 1311.32 of the 16072
Revised Code, shall apply to contracts entered into under this 16073
section and the itemized statement required by section 1311.26 of 16074
the Revised Code shall be filed with the board of county 16075
commissioners or the multicounty jail facilities commission if 16076
applicable. 16077

Notwithstanding the requirements of this section, a county or 16078
multicounty jail facility commission, with the approval of the 16079
commission, may utilize any otherwise lawful alternative 16080
construction delivery method for the construction of the project. 16081

Sec. 342.10. For any project undertaken with financial 16082
assistance from the state under this chapter, the amount of state 16083
appropriations to be encumbered for the project in each fiscal 16084
year shall be determined by the Ohio facilities construction 16085
commission based on the project's estimated construction schedule 16086

for that year. In each fiscal year subsequent to the first year in 16087
which state appropriations are encumbered for the project, the 16088
commission shall grant the project priority for state funds over 16089
projects for which initial state funding is sought. 16090

Sec. 342.11. (A) The Ohio facilities construction commission 16091
shall request that the controlling board transfer to the county's 16092
or counties' project construction fund the necessary amounts from 16093
amounts appropriated by the general assembly and set aside for 16094
this purpose, from time to time as may be necessary to pay 16095
obligations chargeable to the fund when due. All investment 16096
earnings of a county's project construction fund shall be credited 16097
to the fund. 16098

(B)(1) The county auditor shall disburse funds from the 16099
county's project construction fund, including investment earnings 16100
credited to the fund, only upon the approval of the commission or 16101
the commission's designated representative. The commission or the 16102
commission's designated representative shall issue vouchers 16103
against the fund, in amounts and at times as required by the 16104
contracts for construction of the project. 16105

(2) Notwithstanding anything to the contrary in division 16106
(B)(1) of this section, the board of county commissioners may, by 16107
a duly adopted resolution, choose to use all or part of the 16108
investment earnings of the county's project construction fund that 16109
are attributable to the county's contribution to the fund to pay 16110
the cost of jail facilities or portions or components of jail 16111
facilities that are not included in the county's basic project 16112
cost but that are related to the county's project. If the board of 16113
county commissioners adopts a resolution in favor of using those 16114
investment earnings as authorized under division (B)(2) of this 16115
section, the county auditor shall disburse the amount as 16116
designated and directed by the board. However, if the board 16117

chooses to use any part of the investment earnings for jail facilities or portions or components of jail facilities that are not included in the basic project cost, as authorized under division (B)(2) of this section, and, subsequently, the cost of the project exceeds the amount in the project construction fund, the board shall restore to the project construction fund the full amount of the investment earnings used under division (B)(2) of this section before any additional state moneys shall be released for the project. 16118
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(C) After a certificate of completion has been issued for a project under section 342.15 of the Revised Code, all of the following apply: 16127
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(1) At the discretion of the board of county commissioners, any investment earnings remaining in the project construction fund that are attributable to the county's contribution to the fund shall be: 16130
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(a) Retained in the project construction fund for future projects; 16134
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(b) Transferred to a special fund of the county treasury to be used solely for maintaining the jail facilities included in the project; or 16136
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(c) Transferred to the county's permanent improvement fund. 16139

(2) Any investment earnings remaining in the project construction fund that are attributable to the state's contribution to the fund shall be transferred to the Ohio facilities construction commission for expenditure pursuant to this chapter. 16140
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(3) Any other surplus remaining in the county's project construction fund shall be transferred to the commission and the board of county commissioners in proportion to their respective contributions to the fund. The commission shall use the money 16145
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transferred to it under this division for expenditures pursuant to 16149
this chapter. 16150

Sec. 342.12. (A) Two or more boards of county commissioners 16151
under this chapter may, by agreement, build a multicounty jail 16152
facility. The terms of this agreement may be added to an agreement 16153
under section 342.06 of the Revised Code, or may be made a 16154
supplemental agreement. The boards of county commissioners of each 16155
county may, at their discretion, form a multicounty jail 16156
facilities commission to carry out the tasks of this section. The 16157
commission, if formed, shall administer the agreement. 16158

(B) The contracting counties may agree to apportion their 16159
share of the cost according to their need as ranked by the 16160
department of taxation under section 342.02 of the Revised Code. 16161
Each county shall fund its portion of the cost as otherwise 16162
provided in this chapter. If the electors of one of the counties 16163
fail to approve the tax levy or the issuance of bonds necessary to 16164
fund the county's portion of the cost under section 5705.234 of 16165
the Revised Code within ninety days of the most recent election in 16166
which the electors of a contracting county have approved the tax 16167
levy or issuance of bonds, the other contracting counties are not 16168
obliged to pay any portion of the cost of the county in which the 16169
levy or issuance was not approved. 16170

(C) An agreement under division (A) of this section shall do 16171
all of the following: 16172

(1) Prescribe the structure, management, and responsibilities 16173
of the multicounty jail facilities commission; 16174

(2) Provide for a process to establish the annual budget for 16175
the commission that includes a requirement that the annual budget 16176
be approved by all of the boards of county commissioners of the 16177
member counties; 16178

<u>(3) Apportion the annual operating costs of the commission to each member county;</u>	16179
	16180
<u>(4) Designate the expenditure of funds from the county jail facilities construction fund of each member county;</u>	16181
	16182
<u>(5) Provide for the timing of necessary elections in each county, in accordance with division (B) of this section, for the purpose of levies adopted under and bonds issued under section 5705.234 of the Revised Code;</u>	16183
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	16185
	16186
<u>(6) Provide that each contracting board of county commissioners fulfill its obligations under this chapter once an agreement is reached;</u>	16187
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	16189
<u>(7) Allocate interest in real property purchased with moneys in each county's project construction fund;</u>	16190
	16191
<u>(8) Address amendments to the contract.</u>	16192
<u>(D) An agreement to build a multicounty jail facility under this section is subject to the approval of the Ohio facilities construction commission.</u>	16193
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	16195
<u>Sec. 342.13. There is created the jail facility building fund in the state treasury consisting of any moneys transferred or appropriated to the fund by the general assembly, and any grants, gifts, or contributions received by the Ohio facilities construction commission to be used for the purposes of the fund. All investment earnings of the fund shall be credited to the fund.</u>	16196
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	16201
<u>Moneys transferred or appropriated to the fund by the general assembly and moneys in the fund from grants, gifts, and contributions shall be used for the purposes of this chapter as prescribed by the general assembly and may be used to pay the costs of administering the program under this chapter.</u>	16202
	16203
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<u>Sec. 342.14. The Ohio facilities construction commission</u>	16207

shall have an interest in real property purchased with moneys in 16208
the county's project construction fund. 16209

Once obligations issued to finance a project under this 16210
chapter are no longer outstanding, any interest held by the 16211
commission shall be transferred to the county or multicounty jail 16212
facility commission, in the latter case to be allocated to the 16213
member counties according to the terms of the agreement under 16214
section 342.12 of the Revised Code. 16215

Sec. 342.15. (A) When all of the following have occurred, a 16216
project undertaken under this chapter shall be considered complete 16217
and the Ohio facilities construction commission shall issue a 16218
certificate of completion to the board of county commissioners, or 16219
to a multicounty jail facilities commission if applicable: 16220

(1) All facilities to be constructed under the project, as 16221
specified in the project agreement entered into under section 16222
342.06 of the Revised Code, have been completed in compliance with 16223
the standards described in division (C) of section 342.02 of the 16224
Revised Code, and the board has received a permanent certificate 16225
of occupancy for each of those facilities. 16226

(2) The Ohio facilities construction commission has completed 16227
a final accounting of the project construction fund of each 16228
participating county and has determined that all payments from the 16229
fund or funds were made in compliance with all policies of the 16230
commission. 16231

(3) Any litigation concerning the project has been finally 16232
resolved with no chance of appeal. 16233

(4) All construction management services typically provided 16234
by the commission to counties have been delivered and the 16235
commission has canceled any remaining encumbrance of funds for 16236
those services. 16237

(B) The Ohio facilities construction commission may issue a certificate of completion to a board of county commissioners, or to a multicounty jail facilities commission if applicable, before all of the conditions described in division (A) of this section being satisfied, if the commission determines that the circumstances preventing the conditions from being satisfied are so minor in nature that the project should be considered complete. When issuing a certificate of completion under this division, the commission may specify any of the following:

(1) Any construction or work that has yet to be completed and the manner in which the board or multicounty jail facilities commission shall oversee its completion, which may include procedures for reporting progress to the Ohio facilities construction commission and for accounting of expenditures;

(2) Terms and conditions for the resolution of any pending litigation;

(3) Any remaining responsibilities of the construction manager regarding the project.

(C) The Ohio facilities construction commission may issue a certificate of completion to a board of county commissioners or multicounty jail facilities commission that does not voluntarily participate in the process of closing out the county's project, if the construction manager for the project verifies that all facilities to be constructed under the project, as specified in the project agreement entered into under section 342.06 of the Revised Code, have been completed and the Ohio facilities construction commission determines that those facilities have been occupied for at least one year. In that case, all funds due to the commission under division (C) of section 342.11 of the Revised Code shall be returned to the commission not later than thirty days after receipt of the certificate of completion. If the funds due to the commission have not been returned within sixty days

after receipt of the certificate of completion, the auditor of 16270
state shall issue a finding for recovery against the county or 16271
counties and shall request legal action under section 117.42 of 16272
the Revised Code. 16273

(D) Upon issuance of a certificate of completion under this 16274
section, the Ohio facilities construction commission's ownership 16275
of and interest in the project, as specified in division (D) of 16276
section 342.06 of the Revised Code, shall cease. This cessation 16277
shall not alter or otherwise affect the state's or the 16278
commission's interest in the project or any limitations on the use 16279
of the project as specified in the project agreement pursuant to 16280
divisions (E) and (J) of that section or as specified in section 16281
342.14 of the Revised Code. 16282

Sec. 342.16. (A) The corrective action program is established 16283
to provide funding for the correction of work, in connection with 16284
a project funded under this chapter, that is found after occupancy 16285
of the facility to be defective or to have been omitted. 16286

(B) The Ohio facilities construction commission may provide 16287
funding under this section only if at least one contracting county 16288
notifies the executive director of the commission of the defective 16289
or omitted work within five years after occupancy of the facility 16290
for which the county seeks the funding. 16291

(C) The commission shall establish procedures and deadlines 16292
for counties to follow in applying for assistance under this 16293
section. The procedures shall include definitions of "defective" 16294
and "omitted," and shall require that remediation efforts focus 16295
first on engaging the respective contractors that designed and 16296
constructed the areas that have design or construction-related 16297
issues. The commission shall consider applications on a 16298
case-by-case basis, taking into account the amount of money 16299
appropriated and available for purposes of this section. 16300

(D) The commission may provide funding assistance necessary to take corrective measures after evaluating the defective or omitted work. 16301
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(1) If the work to be corrected or remediated is part of a project not yet completed, the commission may amend the project agreement to increase the project budget and use corrective action funding to provide the state portion of the amendment. If the work to be corrected or remediated is part of a completed project and funds were retained or transferred pursuant to division (C) of section 342.11 of the Revised Code, the commission may enter into a new agreement to address the corrective action. 16304
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(2) Whether or not the project is completed, the county or counties shall contribute a portion of the cost of the corrective action, to be determined in accordance with section 342.04 of the Revised Code. 16312
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(E) The commission shall assess responsibility for the defective or omitted work and seek cost recovery from responsible parties, if applicable. Any recovery of the expense of remediation shall be applied first to the county's or counties' portion of the cost of the corrective action. Any remaining funds shall be applied to the state portion. 16316
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Sec. 349.01. As used in this chapter: 16322

(A) "New community" means a community or development of property in relation to an existing community planned so that the resulting community includes facilities for the conduct of industrial, commercial, residential, cultural, educational, and recreational activities, and designed in accordance with planning concepts for the placement of utility, open space, and other supportive facilities. 16323
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(B) "New community development program" means a program for 16330

the development of a new community characterized by well-balanced 16331
and diversified land use patterns and which includes land 16332
acquisition and land development, the acquisition, construction, 16333
operation, and maintenance of community facilities, and the 16334
provision of services authorized in this chapter. 16335

A new community development program may take into account any 16336
existing community in relation to which a new community is 16337
developed for purposes of being characterized by well-balanced and 16338
diversified land use patterns. 16339

(C) "New community district" means the area of land described 16340
by the developer in the petition as set forth in division (A) of 16341
section 349.03 of the Revised Code for development as a new 16342
community and any lands added to the district by amendment of the 16343
resolution establishing the community authority. 16344

(D) "New community authority" means a body corporate and 16345
politic in this state, established pursuant to section 349.03 of 16346
the Revised Code and governed by a board of trustees as provided 16347
in section 349.04 of the Revised Code. 16348

(E) "Developer" means any person, organized for carrying out 16349
a new community development program who owns or controls, through 16350
leases of at least seventy-five years' duration, options, or 16351
contracts to purchase, the land within a new community district, 16352
or any municipal corporation, township, county, or port authority 16353
that owns the land within a new community district, or has the 16354
ability to acquire such land, either by voluntary acquisition or 16355
condemnation in order to eliminate slum, blighted, and 16356
deteriorated or deteriorating areas and to prevent the recurrence 16357
thereof. "Developer" may also mean a person, municipal 16358
corporation, township, county, or port authority that controls 16359
land within a new community district through leases of at least 16360
seventy-five years' duration. "Developer" includes a lessor that 16361
continues to own and control land for purposes of this chapter 16362

pursuant to leases with a ninety-nine-year renewable term, so long 16363
as all of the following apply: 16364

(1) The developer's new community district consists of at 16365
least five leases described in this section. 16366

(2) The leases are subject to forfeiture for all of the 16367
following: 16368

(a) Failing to pay taxes and assessments; 16369

(b) Failing to pay an annual fee of up to one per cent of 16370
rent for sanitary purposes and improvements made to streets; 16371

(c) Failing to keep the premises as required by sanitary and 16372
police regulations of the developer. 16373

(3) The new community authority is established on or before 16374
December 31, 2024. 16375

(F) "Organizational board of commissioners" means any of the 16376
following: 16377

(1) For a new community district that is located in only one 16378
county, the board of county commissioners of that county; 16379

(2) For a new community district that is located in more than 16380
one county, a board consisting of the members of the board of 16381
county commissioners of each of the counties in which the district 16382
is located, provided that action of the board shall require a 16383
majority vote of the members of each separate board of county 16384
commissioners; ~~or~~ 16385

(3) For a new community district that is located entirely 16386
within the boundaries of a municipal corporation or for a new 16387
community district where more than half of the new community 16388
district is located within the boundaries of the most populous 16389
municipal corporation of a county, the legislative authority of 16390
the municipal corporation; 16391

(4) For a new community district that is comprised entirely 16392

of unincorporated territory within the boundaries of a township 16393
with a population of at least five thousand, and located in a 16394
county with a population of at least two hundred thousand and not 16395
more than four hundred thousand, the board of township trustees of 16396
the township. 16397

(G) "Land acquisition" means the acquisition of real property 16398
and interests in real property as part of a new community 16399
development program. 16400

(H) "Land development" means the process of clearing and 16401
grading land, making, installing, or constructing water 16402
distribution systems, sewers, sewage collection systems, steam, 16403
gas, and electric lines, roads, streets, curbs, gutters, 16404
sidewalks, storm drainage facilities, and other installations or 16405
work, whether within or without the new community district, and 16406
the construction of community facilities. 16407

(I) "Community facilities" means all real property, 16408
buildings, structures, or other facilities, including related 16409
fixtures, equipment, and furnishings, to be owned, operated, 16410
financed, constructed, and maintained under this chapter or in 16411
furtherance of community activities, whether within or without the 16412
new community district, including public, community, village, 16413
neighborhood, or town buildings, centers and plazas, auditoriums, 16414
day care centers, recreation halls, educational facilities, health 16415
care facilities including hospital facilities as defined in 16416
section 140.01 of the Revised Code, telecommunications facilities, 16417
including all facilities necessary to provide telecommunications 16418
service as defined in section 4927.01 of the Revised Code, 16419
recreational facilities, natural resource facilities, including 16420
parks and other open space land, lakes and streams, cultural 16421
facilities, community streets and off-street parking facilities, 16422
pathway and bikeway systems, pedestrian underpasses and 16423
overpasses, lighting facilities, design amenities, or other 16424

community facilities, and buildings needed in connection with 16425
water supply or sewage disposal installations, or energy 16426
facilities including those for renewable or sustainable energy 16427
sources, and steam, gas, or electric lines or installation. 16428

(J) "Cost" as applied to a new community development program 16429
means all costs related to land acquisition and land development, 16430
the acquisition, construction, maintenance, and operation of 16431
community facilities and offices of the community authority, and 16432
of providing furnishings and equipment therefor, financing charges 16433
including interest prior to and during construction and for the 16434
duration of the new community development program, planning 16435
expenses, engineering expenses, administrative expenses including 16436
working capital, and all other expenses necessary and incident to 16437
the carrying forward of the new community development program. 16438

(K) "Income source" means any and all sources of income to 16439
the community authority, including community development charges 16440
of which the new community authority is the beneficiary as 16441
provided in section 349.07 of the Revised Code, rentals, user fees 16442
and other charges received by the new community authority, any 16443
gift or grant received, any moneys received from any funds 16444
invested by or on behalf of the new community authority, and 16445
proceeds from the sale or lease of land and community facilities. 16446

(L) "Community development charge" means: 16447

(1) A dollar amount which shall be determined on the basis of 16448
the assessed valuation of real property or interests in real 16449
property in a new community district, the income of the residents 16450
of such property subject to such charge under section 349.07 of 16451
the Revised Code, if such property is devoted to residential uses 16452
or to the profits, gross receipts, or other revenues of any 16453
business including, but not limited to, rentals received from 16454
leases of real property located in the district, a uniform or 16455
other fee on each parcel of such real property in a new community 16456

district, or any combination of the foregoing bases. 16457

(2) If a new community authority imposes a community 16458
development charge determined on the basis of rentals received 16459
from leases of real property, improvements of any real property 16460
located in the new community district and subject to that charge 16461
may not be exempted from taxation under section 5709.40, 5709.41, 16462
5709.45, 5709.48, 5709.73, or 5709.78 of the Revised Code. 16463

(M) "Proximate ~~city~~ community" means the following: 16464

(1) For a new community district other than a new community 16465
district described in division (M)(2) ~~or~~, (3), or (4) of this 16466
section, any city that, as of the date of filing of the petition 16467
under section 349.03 of the Revised Code, is the city with the 16468
greatest population located in the county in which the proposed 16469
new community district is located, is the city with the greatest 16470
population located in an adjoining county if any portion of such 16471
city is within five miles of any part of the boundaries of such 16472
district, or exercises extraterritorial subdivision authority 16473
under section 711.09 of the Revised Code with respect to any part 16474
of such district. 16475

(2) A municipal corporation in which, at the time of filing 16476
the petition under section 349.03 of the Revised Code, any portion 16477
of the proposed new community district is located. 16478

(3) For a new community district other than a new community 16479
district described in division (M)(2) or (4) of this section, if 16480
at the time of filing the petition under section 349.03 of the 16481
Revised Code, more than one-half of the proposed district is 16482
contained within a joint economic development district created 16483
under sections 715.70 to 715.83 of the Revised Code, the township 16484
containing the greatest portion of the territory of the joint 16485
economic development district. 16486

(4) For a new community district other than a new community 16487

district described in division (M)(2) or (3) of this section, if 16488
at the time of filing the petition under section 343.03 of the 16489
Revised Code the proposed new community district is comprised 16490
entirely of unincorporated territory within the boundaries of a 16491
township with a population of five thousand, and located in a 16492
county with a population of at least two hundred thousand and not 16493
more than four hundred thousand, the township in which the 16494
proposed new community district is located. 16495

(N) "Community activities" means cultural, educational, 16496
governmental, recreational, residential, industrial, commercial, 16497
distribution and research activities, or any combination thereof 16498
~~that includes residential activities.~~ 16499

Sec. 349.03. (A) Proceedings for the organization of a new 16500
community authority shall be initiated by a petition filed by the 16501
developer in the office of the clerk of ~~the~~ an organizational 16502
board of commissioners determined based on where the territory of 16503
the proposed new community district is located. Such petition 16504
shall be signed by the developer and may be signed by each 16505
proximate ~~city~~ community. The legislative authorities of each such 16506
proximate ~~city~~ community shall act in behalf of such ~~city~~ 16507
community. Such petition shall contain: 16508

(1) The name of the proposed new community authority; 16509

(2) The address where the principal office of the authority 16510
will be located or the manner in which the location will be 16511
selected; 16512

(3) A map and a full and accurate description of the 16513
boundaries of the new community district together with a 16514
description of the properties within such boundaries, if any, 16515
which will not be included in the new community district. 16516

(4) A statement setting forth the zoning regulations proposed 16517

for zoning the area within the boundaries of the new community 16518
district for comprehensive development as a new community, and if 16519
the area has been zoned for such development, a certified copy of 16520
the applicable zoning regulations therefor; 16521

(5) A current plan indicating the proposed development 16522
program for the new community district, the land acquisition and 16523
land development activities, community facilities, services 16524
proposed to be undertaken by the new community authority under 16525
such program, the proposed method of financing such activities and 16526
services, including a description of the bases, timing, and manner 16527
of collecting any proposed community development charges, and the 16528
projected total residential population of, and employment within, 16529
the new community; 16530

(6) A suggested number of members, consistent with section 16531
349.04 of the Revised Code, for the board of trustees; 16532

(7) A preliminary economic feasibility analysis, including 16533
the area development pattern and demand, location and proposed new 16534
community district size, present and future socio-economic 16535
conditions, public services provision, financial plan, and the 16536
developer's management capability; 16537

(8) A statement that the development will comply with all 16538
applicable environmental laws and regulations. 16539

Upon the filing of such petition, the organizational board of 16540
commissioners shall determine whether such petition complies with 16541
the requirements of this section as to form and substance. The 16542
board in subsequent proceedings may at any time permit the 16543
petition to be amended in form and substance to conform to the 16544
facts by correcting any errors in the description of the proposed 16545
new community district or in any other particular. 16546

Upon the determination of the organizational board of 16547
commissioners that a sufficient petition has been filed in 16548

accordance with this section, the board shall fix the time and 16549
place of a hearing on the petition for the establishment of the 16550
proposed new community authority. Such hearing shall be held not 16551
less than ninety-five nor more than one hundred fifteen days after 16552
the petition filing date, except that if the petition has been 16553
signed by all proximate ~~eities~~ communities or if the 16554
organizational board of commissioners is the legislative authority 16555
of the only proximate ~~eity~~ community for the proposed new 16556
community district, such hearing shall be held not less than 16557
thirty nor more than forty-five days after the petition filing 16558
date. The clerk of the organizational board of commissioners ~~with~~ 16559
~~which the petition was filed~~ shall give notice thereof by 16560
publication once each week for three consecutive weeks, or as 16561
provided in section 7.16 of the Revised Code, in a newspaper of 16562
general circulation in any county of which a portion is within the 16563
proposed new community district. Except where the organizational 16564
board of commissioners is the legislative authority of the only 16565
proximate ~~eity~~ community for the proposed new community district, 16566
such clerk shall also give written notice of the date, time, and 16567
place of the hearing and furnish a certified copy of the petition 16568
to the clerk of the legislative authority of each proximate ~~eity~~ 16569
community which has not signed such petition. Except where the 16570
organizational board of commissioners is the legislative authority 16571
of the only proximate ~~eity~~ community for the proposed new 16572
community district, in the event that the legislative authority of 16573
a proximate ~~eity~~ community which did not sign the petition does 16574
not approve by ordinance, resolution, or motion the establishment 16575
of the proposed new community authority and does not deliver such 16576
ordinance, resolution, or motion to the clerk of the 16577
organizational board of commissioners ~~with which the petition was~~ 16578
~~filed~~ within ninety days following the date of the first 16579
publication of the notice of the public hearing, the 16580
organizational board of commissioners shall cancel such public 16581

hearing and terminate the proceedings for the establishment of the 16582
new community authority. 16583

Upon the hearing, if the organizational board of 16584
commissioners determines by resolution that the proposed new 16585
community district will be conducive to the public health, safety, 16586
convenience, and welfare, and is intended to result in the 16587
development of a new community, the board shall by its resolution, 16588
declare the new community authority to be organized and a body 16589
politic and corporate with the corporate name designated in the 16590
resolution, and define the boundary of the new community district. 16591
In addition, the resolution shall provide the method of selecting 16592
the board of trustees of the new community authority and fix the 16593
surety for their bonds in accordance with section 349.04 of the 16594
Revised Code. 16595

If the organizational board of commissioners finds that the 16596
establishment of the district will not be conducive to the public 16597
health, safety, convenience, or welfare, or is not intended to 16598
result in the development of a new community, it shall reject the 16599
petition thereby terminating the proceedings for the establishment 16600
of the new community authority. 16601

~~(B)~~(B)(1) At any time after the creation of a new community 16602
authority, the developer may file an application with the clerk of 16603
the organizational board of commissioners with which the original 16604
petition was filed, setting forth a general description of 16605
territory it desires to add or to delete from such district, that 16606
such change will be conducive to the public health, safety, 16607
convenience, and welfare, and will be consistent with the 16608
development of a new community and will not jeopardize the plan of 16609
the new community. ~~¶~~ 16610

(2) If the territory to be added or deleted from a new 16611
community district meets the criteria described in either division 16612
(F)(3) or (4) of section 349.01 of the Revised Code, and the 16613

original petition was not filed with the municipal or township 16614
organizational board of commissioners described in those 16615
divisions, the developer shall also file the application to the 16616
clerk of that municipal or township organizational board of 16617
commissioners. A municipal or township organizational board of 16618
commissioners that receives an application under division (B)(2) 16619
of this section is the acting organizational board of 16620
commissioners for the purposes of division (B)(4) of this section. 16621
Otherwise, the organizational board of commissioners with which 16622
the original petition was filed is the acting organizational board 16623
of commissioners for the purposes of that division. 16624

(3) If the developer is not a municipal corporation, port 16625
authority, or county, all of such an addition to such a district 16626
shall be owned by, or under the control through leases of at least 16627
seventy-five years' duration, options, or contracts to purchase, 16628
of the developer. ~~Upon~~ 16629

(4) Upon the filing of the application, the acting 16630
organizational board of commissioners shall follow the same 16631
procedure as required by this section in relation to the original 16632
petition for the establishment of the proposed new community. The 16633
acting organizational board of commissioners also may determine by 16634
resolution to add territory to such district, provided that the 16635
owner or other person who controls such territory through leases 16636
of at least forty years' duration, options, or contracts to 16637
purchase files a written consent to the addition of such territory 16638
with the clerk of the acting organizational board of 16639
commissioners, and neither the developer ~~does not object nor, if~~ 16640
applicable, the organizational board of commissioners with which 16641
the original petition was filed objects to the addition of such 16642
territory by filing a written objection ~~to the addition of such~~ 16643
~~territory~~ with the clerk of the acting organizational board of 16644
commissioners before the adoption of the resolution adding such 16645

territory to the district. The acting organizational board of 16646
commissioners shall follow the same procedure as required by this 16647
section in relation to the original petition for the establishment 16648
of the proposed new community when adopting such a resolution. 16649

(C) If all or any part of the new community district is 16650
annexed to one or more existing municipal corporations, their 16651
legislative authorities may appoint persons to replace any 16652
appointed citizen member of the board of trustees. The number of 16653
such trustees to be replaced by the municipal corporation shall be 16654
the number, rounded to the lowest integer, bearing the 16655
proportionate relationship to the number of existing appointed 16656
citizen members as the acreage of the new community district 16657
within such municipal corporation bears to the total acreage of 16658
the new community district. If any such municipal corporation 16659
chooses to replace an appointed citizen member, it shall do so by 16660
ordinance, the term of the trustee being replaced shall terminate 16661
thirty days from the date of passage of such ordinance, and the 16662
trustee to be replaced shall be determined by lot. Each newly 16663
appointed member shall assume the term of the member's 16664
predecessor. 16665

Sec. 349.04. The following method of selecting a board of 16666
trustees is deemed to be a compelling state interest. Within ten 16667
days after the new community authority has been established, as 16668
provided in section 349.03 of the Revised Code, an initial board 16669
of trustees shall be appointed as follows: the organizational 16670
board of commissioners shall appoint by resolution at least three, 16671
but not more than six, citizen members of the board of trustees to 16672
represent the interests of present and future residents and 16673
employers of the new community district and one member to serve as 16674
a representative of local government, and the developer shall 16675
appoint a number of members equal to the number of citizen members 16676
to serve as representatives of the developer. 16677

Members shall serve two-year overlapping terms, with two of 16678
each of the initial citizen and developer members appointed to 16679
serve initial one-year terms. The organizational board of 16680
commissioners shall adopt, by further resolution adopted within 16681
one year of such resolution establishing such initial board of 16682
trustees, a method for selection of successor members thereof 16683
which determines the projected total population of the projected 16684
new community and meets the following criteria: 16685

(A) The appointed citizen members shall be replaced by 16686
elected citizen members according to a schedule established by the 16687
organizational board of commissioners calculated to achieve one 16688
such replacement each time the new community district gains a 16689
proportion, having a numerator of one and a denominator of twice 16690
the number of citizen members, of its projected total population 16691
until such time as all of the appointed citizen members are 16692
replaced. 16693

(B) Representatives of the developer shall be replaced by 16694
elected citizen members according to a schedule established by the 16695
organizational board of commissioners calculated to achieve one 16696
such replacement each time the new community district gains a 16697
proportion, having a numerator of one and a denominator equal to 16698
the number of developer members, of its projected total population 16699
until such time as all of the developer's representatives are 16700
replaced. 16701

(C) The representative of local government shall be replaced 16702
by an elected citizen member at the time the new community 16703
district gains three-quarters of its projected total population. 16704

Elected citizen members of the board of trustees shall be 16705
elected by a majority of the residents of the new community 16706
district voting at elections held at the times and in the manner 16707
provided in a resolution of the organizational board of 16708
commissioners. Each citizen member except an appointed citizen 16709

member shall be a qualified elector who resides within the new 16710
community district. The organizational board of commissioners, by 16711
resolution, may adopt an alternative method of selecting or 16712
electing successor members of the board of trustees provided that 16713
if an alternative method of selection is adopted for a new 16714
community authority organized prior to March 22, 2012, the board 16715
of trustees of that authority shall be limited in the collection 16716
of a community development charge, collected pursuant to division 16717
(Q) of section 349.06 of the Revised Code, and the issuance of 16718
bonds or notes, issued pursuant to section 349.08 of the Revised 16719
Code, to the amount or to the extent otherwise permitted for a 16720
board of trustees whose members are not elected by residents of 16721
the new community district. If the alternative method provides for 16722
the election of citizen members, the elections may be held at the 16723
times and in the manner provided in the petition or in a 16724
resolution of the organizational board of commissioners, and the 16725
elected citizen members shall be qualified electors who reside in 16726
the new community district. 16727

Citizen members shall not be employees of or have financial 16728
interest in the developer. If a vacancy occurs in the office of a 16729
member other than a member appointed by the developer, the 16730
organizational board of commissioners may appoint a successor 16731
member for the remainder of the unexpired term. Any appointed 16732
member of the board of trustees may at any time be removed by the 16733
organizational board of commissioners for misfeasance, 16734
nonfeasance, or malfeasance in office. Members appointed by the 16735
developer may also at any time be removed by the developer without 16736
a showing of cause. 16737

Each member of the board of trustees, before entering upon 16738
official duties, shall take and subscribe to an oath before an 16739
officer authorized to administer oaths in Ohio that the member 16740
will honestly and faithfully perform the duties of the member's 16741

office. Such oath shall be filed in the office of the clerk of the 16742
organizational board of commissioners ~~with which the petition was~~ 16743
~~filed~~. Upon taking the oath, the board of trustees shall elect one 16744
of its number as chairperson and another as vice-chairperson, and 16745
shall appoint suitable persons as secretary and treasurer who need 16746
not be members of the board. The treasurer shall be the fiscal 16747
officer of the authority. The board shall adopt by-laws governing 16748
the administration of the affairs of the new community authority. 16749
Each member of the board shall post a bond for the faithful 16750
performance of official duties and give surety therefor in such 16751
amount, but not less than ten thousand dollars, as the resolution 16752
creating such board shall prescribe. 16753

All of the powers of the new community authority shall be 16754
exercised by its board of trustees, but without relief of such 16755
responsibility, such powers may be delegated to committees of the 16756
board or its officers and employees in accordance with its 16757
by-laws. A majority of the board shall constitute a quorum, and a 16758
concurrence of a majority of a quorum in any matter within the 16759
board's duties is sufficient for its determination, provided a 16760
quorum is present when such concurrence is had and a majority of 16761
those members constituting such quorum are trustees not appointed 16762
by the developer. All trustees shall be empowered to vote on all 16763
matters within the authority of the board of trustees, and no vote 16764
by a member appointed by the developer shall be construed to give 16765
rise to civil or criminal liability for conflict of interest on 16766
the part of public officials. 16767

Sec. 349.14. Except as provided in section 349.03 of the 16768
Revised Code, or as otherwise provided in a resolution adopted by 16769
the organizational board of commissioners of a new community 16770
authority, a new community authority organized under this chapter 16771
may be dissolved only on the vote of a majority of the voters of 16772
the new community district at a special election called by the 16773

board of trustees on the question of dissolution. Such an election 16774
may be called only after the board has determined that the new 16775
community development program has been completed, when no 16776
community authority bonds or notes are outstanding, and other 16777
legal indebtedness of the authority has been discharged or 16778
provided for, and only after there has been filed with the board 16779
of trustees a petition requesting such election, signed by a 16780
number of qualified electors residing in the new community 16781
district equal to not less than eight per cent of the total vote 16782
cast for all candidates for governor in the new community district 16783
at the most recent general election at which a governor was 16784
elected. If a majority of the votes cast favor dissolution, the 16785
board of trustees shall, by resolution, declare the authority 16786
dissolved and thereupon the community authority shall be 16787
dissolved. A certified copy of the resolution shall, within 16788
fifteen days after its adoption, be filed with the clerk of the 16789
organizational board of commissioners ~~of the county~~ with which the 16790
original petition for the organization of the new community 16791
authority was filed and with the clerk of any other organizational 16792
board of commissioners where territory of the new community 16793
district was located. 16794

Upon dissolution of a new community authority, the powers 16795
thereof shall cease to exist. Any property of the new community 16796
authority shall vest with a municipal corporation, county, or 16797
township in which that property is located or with the developer 16798
of the new community authority or the developer's designee, all as 16799
provided in a resolution adopted by the organizational board of 16800
commissioners. Any vesting of property in a municipal corporation, 16801
township, or county shall be subject to acceptance of the property 16802
by resolution of the legislative authority of the municipal 16803
corporation, board of township trustees, or board of county 16804
commissioners, as applicable. If the legislative authority of a 16805
municipal corporation, board of township trustees, or board of 16806

county commissioners declines to accept the property, the property 16807
vests with the developer or the developer's designee. Any funds of 16808
the community authority at the time of dissolution shall be 16809
transferred to the municipal corporation and county or township, 16810
as provided in a resolution, in which the new community district 16811
is located in the proportion to the assessed valuation of taxable 16812
real property of the new community authority within such municipal 16813
corporation and township or county as said valuation appears on 16814
the current assessment rolls. 16815

Sec. 503.59. A board of township trustees that has entered 16816
into an agreement with the Ohio air quality development authority 16817
under section 3706.051 of the Revised Code may levy, in accordance 16818
with that agreement, a special assessment upon real property 16819
located in the township specially benefited by an air quality 16820
facility that is the subject of that agreement. 16821

An assessment levied under this section shall be made in any 16822
manner authorized under section 727.01 of the Revised Code and, 16823
except as otherwise provided in this section, in accordance with 16824
the procedures prescribed for special assessments levied by 16825
municipal corporations under Chapter 727. of the Revised Code, 16826
except that where that chapter refers to a municipal corporation, 16827
it shall be deemed to refer to the township and where that chapter 16828
refers to the legislative authority of a municipal corporation, it 16829
shall be deemed to refer to the board of township trustees. All 16830
rights and privileges of an owner of property subject to an 16831
assessment levied under that chapter shall apply to the owner of 16832
property assessed under this section. 16833

No special assessment may be levied under this section unless 16834
the owner of the property to be assessed files a written statement 16835
with the board of township trustees requesting that the assessment 16836
be levied. 16837

Sec. 505.08. After adopting by a unanimous vote a resolution 16838
declaring a real and present emergency in connection with the 16839
administration of township services or the execution of duties 16840
assigned by law to any officer of a township, the board of 16841
township trustees may, by resolution, enter into a contract, 16842
without bidding or advertising, for the purchase of services, 16843
materials, equipment, or supplies needed to meet the emergency if 16844
the estimated cost of the contract is less than ~~fifty thousand~~ 16845
~~dollars~~ the amount specified in section 9.17 of the Revised Code. 16846

During the period of the emergency declared by Executive 16847
Order 2020-01D, issued on March 9, 2020, the board of township 16848
trustees may, by resolution, enter into a contract, without 16849
bidding or advertising, for the purchase of personal protective 16850
equipment needed to meet the emergency, regardless of the 16851
estimated cost of the contract. 16852

"Personal protective equipment" means equipment worn to 16853
minimize exposure to hazards that cause workplace injuries and 16854
illnesses. 16855

Sec. 505.37. (A) The board of township trustees may establish 16856
all necessary rules to guard against the occurrence of fires and 16857
to protect the property and lives of the citizens against damage 16858
and accidents, and may, with the approval of the specifications by 16859
the prosecuting attorney or, if the township has adopted limited 16860
home rule government under Chapter 504. of the Revised Code, with 16861
the approval of the specifications by the township's law director, 16862
purchase, lease, lease with an option to purchase, or otherwise 16863
provide any fire apparatus, mechanical resuscitators, underwater 16864
rescue and recovery equipment, or other fire equipment, 16865
appliances, materials, fire hydrants, and water supply for 16866
fire-fighting and fire and rescue purposes that seems advisable to 16867
the board. The board shall provide for the care and maintenance of 16868

such fire equipment, and, for these purposes, may purchase, lease, 16869
lease with an option to purchase, or construct and maintain 16870
necessary buildings, and it may establish and maintain lines of 16871
fire-alarm communications within the limits of the township. The 16872
board may employ one or more persons to maintain and operate such 16873
fire equipment, or it may enter into an agreement with a volunteer 16874
fire company for the use and operation of the equipment. The board 16875
may compensate the members of a volunteer fire company on any 16876
basis and in any amount that it considers equitable. 16877

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When the estimated cost to purchase fire apparatus, 16879
mechanical resuscitators, underwater rescue and recovery 16880
equipment, or other fire equipment, appliances, materials, fire 16881
hydrants, buildings, or fire-alarm communications equipment or 16882
services exceeds ~~fifty thousand dollars~~ the amount specified in 16883
section 9.17 of the Revised Code, the contract shall be let by 16884
competitive bidding. No purchase or other transaction subject to 16885
this section shall be divided into component parts in order to 16886
avoid the requirements of this section. When competitive bidding 16887
is required, the board shall advertise once a week for not less 16888
than two consecutive weeks in a newspaper of general circulation 16889
within the township. The board may also cause notice to be 16890
inserted in trade papers or other publications designated by it or 16891
to be distributed by electronic means, including posting the 16892
notice on the board's internet web site. If the board posts the 16893
notice on its web site, it may eliminate the second notice 16894
otherwise required to be published in a newspaper of general 16895
circulation within the township, provided that the first notice 16896
published in such newspaper meets all of the following 16897
requirements: 16898

(1) It is published at least two weeks before the opening of 16899
bids. 16900

(2) It includes a statement that the notice is posted on the board's internet web site. 16901
16902

(3) It includes the internet address of the board's internet web site. 16903
16904

(4) It includes instructions describing how the notice may be accessed on the board's internet web site. 16905
16906

The advertisement shall include the time, date, and place where the clerk of the township, or the clerk's designee, will read bids publicly. The time, date, and place of bid openings may be extended to a later date by the board of township trustees, provided that written or oral notice of the change shall be given to all persons who have received or requested specifications not later than ninety-six hours prior to the original time and date fixed for the opening. The board may reject all the bids or accept the lowest and best bid, provided that the successful bidder meets the requirements of section 153.54 of the Revised Code when the contract is for the construction, demolition, alteration, repair, or reconstruction of an improvement. 16907
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(B) The boards of township trustees of any two or more townships, or the legislative authorities of any two or more political subdivisions, or any combination of these, may, through joint action, unite in the joint purchase, lease, lease with an option to purchase, maintenance, use, and operation of fire equipment described in division (A) of this section, or for any other purpose designated in sections 505.37 to 505.42 of the Revised Code, and may prorate the expense of the joint action on any terms that are mutually agreed upon. 16919
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(C) The board of township trustees of any township may, by resolution, whenever it is expedient and necessary to guard against the occurrence of fires or to protect the property and lives of the citizens against damages resulting from their 16928
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occurrence, create a fire district of any portions of the township 16932
that it considers necessary. The board may purchase, lease, lease 16933
with an option to purchase, or otherwise provide any fire 16934
apparatus, mechanical resuscitators, underwater rescue and 16935
recovery equipment, or other fire equipment, appliances, 16936
materials, fire hydrants, and water supply for fire-fighting and 16937
fire and rescue purposes, or may contract for the fire protection 16938
for the fire district as provided in section 9.60 of the Revised 16939
Code. The fire district so created shall be given a separate name 16940
by which it shall be known. 16941

Additional unincorporated territory of the township may be 16942
added to a fire district upon the board's adoption of a resolution 16943
authorizing the addition. A municipal corporation, or a portion of 16944
a municipal corporation, that is within or adjoining the township 16945
may be added to a fire district upon the board's adoption of a 16946
resolution authorizing the addition and the municipal legislative 16947
authority's adoption of a resolution or ordinance requesting the 16948
addition of the municipal corporation or a portion of the 16949
municipal corporation to the fire district. 16950

If the township fire district imposes a tax, additional 16951
unincorporated territory of the township or a municipal 16952
corporation or a portion of a municipal corporation that is within 16953
or adjoining the township shall become part of the fire district 16954
only after all of the following have occurred: 16955

(1) Adoption by the board of township trustees of a 16956
resolution approving the expansion of the territorial limits of 16957
the district and, if the resolution proposes to add a municipal 16958
corporation or a portion of a municipal corporation, adoption by 16959
the municipal legislative authority of a resolution or ordinance 16960
requesting the addition of the municipal corporation or a portion 16961
of the municipal corporation to the district; 16962

(2) Adoption by the board of township trustees of a 16963

resolution recommending the extension of the tax to the additional 16964
territory; 16965

(3) The board requests and obtains from the county auditor 16966
the information required for a tax levy under section 5705.03 of 16967
the Revised Code, in the manner prescribed in that section, except 16968
that the levy's annual collections shall be estimated assuming 16969
that the additional territory has been added to the fire district. 16970

(4) Approval of the tax by the electors of the territory 16971
proposed for addition to the district. 16972

Each resolution of the board adopted under division (C)(2) of 16973
this section shall state the name of the fire district, a 16974
description of the territory to be added, the rate, expressed in 16975
mills for each one dollar of taxable value, the estimated 16976
effective rate, expressed in dollars for each one hundred thousand 16977
dollars of the county auditor's appraised value, and termination 16978
date of the tax, which shall be the rate, estimated effective 16979
rate, and termination date of the tax currently in effect in the 16980
fire district. 16981

The board of trustees shall certify each resolution adopted 16982
under division (C)(2) of this section and the county auditor's 16983
certification under division (C)(3) of this section to the board 16984
of elections in accordance with section 5705.19 of the Revised 16985
Code. The election required under division (C)(4) of this section 16986
shall be held, canvassed, and certified in the manner provided for 16987
the submission of tax levies under section 5705.25 of the Revised 16988
Code, except that the question appearing on the ballot shall read: 16989

"Shall the territory within _____ 16990
(description of the proposed territory to be added) be added to 16991
_____ (name) fire district, and a property tax, 16992
that the county auditor estimates will collect \$_____ annually, at 16993
a rate not exceeding _____ mills for each \$1 of taxable value, 16994

which amounts to \$_____ (here insert estimated effective rate) 16995
for each \$100,000 of the county auditor's appraised value, be in 16996
effect for _____ (here insert the number of years the tax is 16997
to be in effect or "a continuing period of time," as applicable)?" 16998

If the question is approved by at least a majority of the 16999
electors voting on it, the joinder shall be effective as of the 17000
first day of July of the year following approval, and on that 17001
date, the township fire district tax shall be extended to the 17002
taxable property within the territory that has been added. If the 17003
territory that has been added is a municipal corporation or 17004
portion thereof and if it had adopted a tax levy for fire 17005
purposes, the levy is terminated on the effective date of the 17006
joinder in the area of the municipal corporation added to the 17007
district. 17008

Any municipal corporation may withdraw from a township fire 17009
district created under division (C) of this section by the 17010
adoption by the municipal legislative authority of a resolution or 17011
ordinance ordering withdrawal. On the first day of July of the 17012
year following the adoption of the resolution or ordinance of 17013
withdrawal, the withdrawing municipal corporation or the portion 17014
thereof ceases to be a part of the district, and the power of the 17015
fire district to levy a tax upon taxable property in the 17016
withdrawing municipal corporation or the portion thereof 17017
terminates, except that the fire district shall continue to levy 17018
and collect taxes for the payment of indebtedness within the 17019
territory of the fire district as it was composed at the time the 17020
indebtedness was incurred. 17021

Upon the withdrawal of any municipal corporation from a 17022
township fire district created under division (C) of this section, 17023
the county auditor shall ascertain, apportion, and order a 17024
division of the funds on hand, moneys and taxes in the process of 17025
collection except for taxes levied for the payment of 17026

indebtedness, credits, and real and personal property, either in 17027
money or in kind, on the basis of the valuation of the respective 17028
tax duplicates of the withdrawing municipal corporation and the 17029
remaining territory of the fire district. 17030

A board of township trustees may remove unincorporated 17031
territory of the township from the fire district upon the adoption 17032
of a resolution authorizing the removal. On the first day of July 17033
of the year following the adoption of the resolution, the 17034
unincorporated township territory described in the resolution 17035
ceases to be a part of the district, and the power of the fire 17036
district to levy a tax upon taxable property in that territory 17037
terminates, except that the fire district shall continue to levy 17038
and collect taxes for the payment of indebtedness within the 17039
territory of the fire district as it was composed at the time the 17040
indebtedness was incurred. 17041

As used in this section, "the county auditor's appraised 17042
value" and "estimated effective rate" have the same meanings as in 17043
section 5705.01 of the Revised Code. 17044

(D) The board of township trustees of any township, the board 17045
of fire district trustees of a fire district created under section 17046
505.371 of the Revised Code, or the legislative authority of any 17047
municipal corporation may purchase, lease, or lease with an option 17048
to purchase the necessary fire equipment described in division (A) 17049
of this section, buildings, and sites for the township, fire 17050
district, or municipal corporation and issue securities for that 17051
purpose with maximum maturities as provided in section 133.20 of 17052
the Revised Code. The board of township trustees, board of fire 17053
district trustees, or legislative authority may also construct any 17054
buildings necessary to house fire equipment and issue securities 17055
for that purpose with maximum maturities as provided in section 17056
133.20 of the Revised Code. 17057

The board of township trustees, board of fire district 17058

trustees, or legislative authority may issue the securities of the township, fire district, or municipal corporation, signed by the board or designated officer of the municipal corporation and attested by the signature of the township fiscal officer, fire district clerk, or municipal clerk, covering any deferred payments and payable at the times provided, which securities shall bear interest not to exceed the rate determined as provided in section 9.95 of the Revised Code, and shall not be subject to Chapter 133. of the Revised Code. The legislation authorizing the issuance of the securities shall provide for levying and collecting annually by taxation, amounts sufficient to pay the interest on and principal of the securities. The securities shall be offered for sale on the open market or given to the vendor or contractor if no sale is made.

Section 505.40 of the Revised Code does not apply to any securities issued, or any lease with an option to purchase entered into, in accordance with this division.

(E) A board of township trustees of any township or a board of fire district trustees of a fire district created under section 505.371 of the Revised Code may purchase a policy or policies of liability insurance for the officers, employees, and appointees of the fire department, fire district, or joint fire district governed by the board that includes personal injury liability coverage as to the civil liability of those officers, employees, and appointees for false arrest, detention, or imprisonment, malicious prosecution, libel, slander, defamation or other violation of the right of privacy, wrongful entry or eviction, or other invasion of the right of private occupancy, arising out of the performance of their duties.

When a board of township trustees cannot, by deed of gift or by purchase and upon terms it considers reasonable, procure land for a township fire station that is needed in order to respond in

reasonable time to a fire or medical emergency, the board may 17091
appropriate land for that purpose under sections 163.01 to 163.22 17092
of the Revised Code. If it is necessary to acquire additional 17093
adjacent land for enlarging or improving the fire station, the 17094
board may purchase, appropriate, or accept a deed of gift for the 17095
land for these purposes. 17096

(F) As used in this division, "emergency medical service 17097
organization" has the same meaning as in section 4766.01 of the 17098
Revised Code. 17099

A board of township trustees, by adoption of an appropriate 17100
resolution, may choose to have the state board of emergency 17101
medical, fire, and transportation services license any emergency 17102
medical service organization it operates. If the board adopts such 17103
a resolution, Chapter 4766. of the Revised Code, except for 17104
sections 4766.06 and 4766.99 of the Revised Code, applies to the 17105
organization. All rules adopted under the applicable sections of 17106
that chapter also apply to the organization. A board of township 17107
trustees, by adoption of an appropriate resolution, may remove its 17108
emergency medical service organization from the jurisdiction of 17109
the state board of emergency medical, fire, and transportation 17110
services. 17111

Sec. 505.376. When any expenditure of a fire and ambulance 17112
district, other than for the compensation of district employees, 17113
exceeds ~~fifty thousand dollars~~ the amount specified in section 17114
9.17 of the Revised Code, the contract for the expenditure shall 17115
be in writing and made with the lowest and best bidder after 17116
advertising once a week for not less than two consecutive weeks in 17117
a newspaper of general circulation within the district. The board 17118
of trustees of a fire and ambulance district may also cause notice 17119
to be inserted in trade papers or other publications designated by 17120
it or to be distributed by electronic means, including posting the 17121

notice on the board's internet web site. If the board posts the 17122
notice on its web site, it may eliminate the second notice 17123
otherwise required to be published in a newspaper of general 17124
circulation within the district, provided that the first notice 17125
published in such newspaper meets all of the following 17126
requirements: 17127

(A) It is published at least two weeks before the opening of 17128
bids. 17129

(B) It includes a statement that the notice is posted on the 17130
board's internet web site. 17131

(C) It includes the internet address of the board's internet 17132
web site. 17133

(D) It includes instructions describing how the notice may be 17134
accessed on the board's internet web site. 17135

The bids shall be opened and shall be publicly read by the 17136
clerk of the district, or the clerk's designee, at the time, date, 17137
and place specified in the advertisement to bidders or the 17138
specifications. The time, date, and place of bid openings may be 17139
extended to a later date by the board of trustees of the district, 17140
provided that written or oral notice of the change shall be given 17141
to all persons who have received or requested specifications no 17142
later than ninety-six hours prior to the original time and date 17143
fixed for the opening. 17144

Each bid on any contract shall contain the full name of every 17145
person interested in the bid. If the bid is for a contract for the 17146
construction, demolition, alteration, repair, or reconstruction of 17147
an improvement, it shall meet the requirements of section 153.54 17148
of the Revised Code. If the bid is for any other contract, it 17149
shall be accompanied by a sufficient bond or certified check, 17150
cashier's check, or money order on a solvent bank or savings and 17151
loan association that, if the bid is accepted, a contract will be 17152

entered into and the performance of it will be properly secured. 17153
If the bid for work embraces both labor and material, it shall be 17154
separately stated, with the price of the labor and the material. 17155
The board may reject any and all bids. The contract shall be 17156
between the district and the bidder, and the district shall pay 17157
the contract price in cash. When a bonus is offered for completion 17158
of a contract prior to a specified date, the board may exact a 17159
prorated penalty in like sum for each day of delay beyond the 17160
specified date. When there is reason to believe there is collusion 17161
or combination among bidders, the bids of those concerned shall be 17162
rejected. 17163

No expenditure subject to this section shall be divided into 17164
component parts, separate projects, or separate items of work in 17165
order to avoid the requirements of this section. 17166

Sec. 505.38. (A) In each township or fire district that has a 17167
fire department, the head of the department shall be a fire chief, 17168
appointed by the board of township trustees, except that, in a 17169
joint fire district, the fire chief shall be appointed by the 17170
board of fire district trustees. Neither this section nor any 17171
other section of the Revised Code requires, or shall be construed 17172
to require, that the fire chief be a resident of the township or 17173
fire district. 17174

The board shall provide for the employment of firefighters as 17175
it considers best and shall fix their compensation. No person 17176
shall be appointed as a permanent full-time paid member, whose 17177
duties include fire fighting, of the fire department of any 17178
township or fire district unless that person has received a 17179
certificate issued under former section 3303.07 or section 4765.55 17180
of the Revised Code evidencing satisfactory completion of a 17181
firefighter training program. Those appointees shall continue in 17182
office until removed from office as provided by sections 733.35 to 17183

733.39 of the Revised Code. To initiate removal proceedings, and 17184
for that purpose, the board shall designate the fire chief or a 17185
private citizen to investigate the conduct and prepare the 17186
necessary charges in conformity with those sections. 17187

In case of the removal of a fire chief or any member of the 17188
fire department of a township or fire district, an appeal may be 17189
had from the decision of the board to the court of common pleas of 17190
the county in which the township or fire district fire department 17191
is situated to determine the sufficiency of the cause of removal. 17192
The appeal from the findings of the board shall be taken within 17193
ten days. 17194

No person who is appointed as a volunteer firefighter of the 17195
fire department of any township or fire district shall remain in 17196
that position unless either of the following applies: 17197

(1) Within one year of the appointment, the person has 17198
received a certificate issued under former section 3303.07 of the 17199
Revised Code or section 4765.55 of the Revised Code evidencing 17200
satisfactory completion of a firefighter training program. 17201

(2) The person began serving as a permanent full-time paid 17202
firefighter with the fire department of a city or village prior to 17203
July 2, 1970, or as a volunteer firefighter with the fire 17204
department of a city, village, or other township or fire district 17205
prior to July 2, 1979, and receives a certificate issued under 17206
~~division (C)(3) of~~ section 4765.55 of the Revised Code. 17207

No person shall receive an appointment under this section, in 17208
the case of a volunteer firefighter, unless the person has, not 17209
more than sixty days prior to receiving the appointment, passed a 17210
physical examination, given by a licensed physician, a physician 17211
assistant, a clinical nurse specialist, a certified nurse 17212
practitioner, or a certified nurse-midwife, showing that the 17213
person meets the physical requirements necessary to perform the 17214

duties of the position to which the person is appointed as 17215
established by the board of township trustees having jurisdiction 17216
over the appointment. The appointing authority, prior to making an 17217
appointment, shall file with the Ohio police and fire pension fund 17218
or the local volunteer fire fighters' dependents fund board a copy 17219
of the report or findings of that licensed physician, physician 17220
assistant, clinical nurse specialist, certified nurse 17221
practitioner, or certified nurse-midwife. The professional fee for 17222
the physical examination shall be paid for by the board of 17223
township trustees. 17224

(B) In each township not having a fire department, the board 17225
of township trustees shall appoint a fire prevention officer who 17226
shall exercise all of the duties of a fire chief except those 17227
involving the maintenance and operation of fire apparatus. The 17228
board may appoint one or more deputy fire prevention officers who 17229
shall exercise the duties assigned by the fire prevention officer. 17230

The board may fix the compensation for the fire prevention 17231
officer and the fire prevention officer's deputies as it considers 17232
best. The board shall appoint each fire prevention officer and 17233
deputy for a one-year term. An appointee may be reappointed at the 17234
end of a term to another one-year term. Any appointee may be 17235
removed from office during a term as provided by sections 733.35 17236
to 733.39 of the Revised Code. Section 505.45 of the Revised Code 17237
extends to those officers. 17238

(C)(1) Division (A) of this section does not apply to any 17239
township that has a population of ten thousand or more persons 17240
residing within the township and outside of any municipal 17241
corporation, that has its own fire department employing ten or 17242
more full-time paid employees, and that has a civil service 17243
commission established under division (B) of section 124.40 of the 17244
Revised Code. The township shall comply with the procedures for 17245
the employment, promotion, and discharge of firefighters provided 17246

by Chapter 124. of the Revised Code, except as otherwise provided 17247
in divisions (C)(2) and (3) of this section. 17248

(2) The board of township trustees of the township may 17249
appoint the fire chief, and any person so appointed shall be in 17250
the unclassified service under section 124.11 of the Revised Code 17251
and shall serve at the pleasure of the board. Neither this section 17252
nor any other section of the Revised Code requires, or shall be 17253
construed to require, that the fire chief be a resident of the 17254
township. A person who is appointed fire chief under these 17255
conditions and who is removed by the board or resigns from the 17256
position is entitled to return to the classified service in the 17257
township fire department in the position held just prior to the 17258
appointment as fire chief. 17259

(3) The appointing authority of an urban township, as defined 17260
in section 504.01 of the Revised Code, may appoint to a vacant 17261
position any one of the three highest scorers on the eligible list 17262
for a promotional examination. 17263

(4) The board of township trustees shall determine the number 17264
of personnel required and establish salary schedules and 17265
conditions of employment not in conflict with Chapter 124. of the 17266
Revised Code. 17267

(5) No person shall receive an original appointment as a 17268
permanent full-time paid member of the fire department of the 17269
township described in this division unless the person has received 17270
a certificate issued under former section 3303.07 or section 17271
4765.55 of the Revised Code evidencing the satisfactory completion 17272
of a firefighter training program. 17273

(6) Persons employed as firefighters in the township 17274
described in this division on the date a civil service commission 17275
is appointed pursuant to division (B) of section 124.40 of the 17276
Revised Code, without being required to pass a competitive 17277

examination or a firefighter training program, shall retain their 17278
employment and any rank previously granted them by action of the 17279
board of township trustees or otherwise, but those persons are 17280
eligible for promotion only by compliance with Chapter 124. of the 17281
Revised Code. 17282

Sec. 507.02. When the office of township fiscal officer 17283
becomes vacant, or when a township fiscal officer is unable to 17284
carry out the duties of office because of illness, because of 17285
entering the military service of the United States, because of a 17286
court ordered suspension as provided for under section 507.13 of 17287
the Revised Code, or because the fiscal officer is otherwise 17288
incapacitated or disqualified, the board of township trustees 17289
shall appoint a deputy fiscal officer, who shall have full power 17290
to discharge the duties of the office. The deputy fiscal officer 17291
shall serve during the period of time the fiscal officer is absent 17292
or incapacitated, or until a successor fiscal officer is appointed 17293
or elected and qualified as provided in section 503.24 of the 17294
Revised Code. Except as otherwise provided in section 3.061 of the 17295
Revised Code, before entering on the discharge of official duties, 17296
the deputy fiscal officer shall give bond, for the faithful 17297
discharge of official duties, as required under section 507.03 of 17298
the Revised Code. The board shall, by resolution, adjust and 17299
determine the compensation of the fiscal officer and deputy fiscal 17300
officer. The total compensation of both the fiscal officer and any 17301
deputy fiscal officer shall not exceed the sums fixed by section 17302
507.09 of the Revised Code in any one year. 17303

Sec. 511.01. If, in a township, a town hall is to be built, 17304
improved, enlarged, or removed at a cost greater than ~~fifty~~ 17305
~~thousand dollars~~ the amount specified in section 9.17 of the 17306
Revised Code, the board of township trustees shall submit the 17307
question to the electors of such township and shall certify their 17308

resolution to the board of elections not later than four p.m. of 17309
the ninetieth day before the day of the election. 17310

Sec. 511.12. The board of township trustees may prepare plans 17311
and specifications and make contracts for the construction and 17312
erection of a memorial building, monument, statue, or memorial, 17313
for the purposes specified and within the amount authorized by 17314
section 511.08 of the Revised Code. If the total estimated cost of 17315
the construction and erection exceeds ~~fifty thousand dollars~~ the 17316
amount specified in section 9.17 of the Revised Code, the contract 17317
shall be let by competitive bidding. If the estimated cost is 17318
~~fifty thousand dollars~~ the amount specified in section 9.17 of the 17319
Revised Code or less, competitive bidding may be required at the 17320
board's discretion. In making contracts under this section, the 17321
board shall be governed as follows: 17322

(A) Contracts for construction when competitive bidding is 17323
required shall be based upon detailed plans, specifications, forms 17324
of bids, and estimates of cost, adopted by the board. 17325

(B) Contracts shall be made in writing upon concurrence of a 17326
majority of the members of the board, and shall be signed by at 17327
least two of the members and by the contractor. If competitive 17328
bidding is required, no contract shall be made or signed until an 17329
advertisement has been placed in a newspaper, published or of 17330
general circulation in the township, at least twice. The board may 17331
also cause notice to be inserted in trade papers or other 17332
publications designated by it or to be distributed by electronic 17333
means, including posting the notice on the board's internet web 17334
site. If the board posts the notice on its web site, it may 17335
eliminate the second notice otherwise required to be published in 17336
a newspaper published or of general circulation in the township, 17337
provided that the first notice published in such newspaper meets 17338
all of the following requirements: 17339

(1) It is published at least two weeks before the opening of bids. 17340
17341

(2) It includes a statement that the notice is posted on the board's internet web site. 17342
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(3) It includes the internet address of the board's internet web site. 17344
17345

(4) It includes instructions describing how the notice may be accessed on the board's internet web site. 17346
17347

(C) No contract shall be let by competitive bidding except to the lowest and best bidder, who shall meet the requirements of section 153.54 of the Revised Code. 17348
17349
17350

(D) When, in the opinion of the board, it becomes necessary in the prosecution of such work to make alterations or modifications in any contract, the alterations or modifications shall be made only by order of the board, and that order shall be of no effect until the price to be paid for the work or materials under the altered or modified contract has been agreed upon in writing and signed by the contractor and at least two members of the board. 17351
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(E) No contract or alteration or modification of it shall be valid unless made in the manner provided in this section. 17359
17360

(F) No project subject to this section shall be divided into component parts, separate projects, or separate items of work in order to avoid the requirements of this section. 17361
17362
17363

Sec. 515.01. The board of township trustees may provide artificial lights for any road, highway, public place, or building under its supervision or control, or for any territory within the township and outside the boundaries of any municipal corporation, when the board determines that the public safety or welfare requires that the road, highway, public place, building, or 17364
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territory shall be lighted. The lighting may be procured either by 17370
the township installing a lighting system or by contracting with 17371
any person or corporation to furnish lights. 17372

If lights are furnished under contract, the contract may 17373
provide that the equipment employed may be owned by the township 17374
or by the person or corporation supplying the lights. 17375

If the board determines to procure lighting by contract and 17376
the total estimated cost of the contract exceeds ~~fifty thousand~~ 17377
~~dollars~~ the amount specified in section 9.17 of the Revised Code, 17378
the board shall prepare plans and specifications for the lighting 17379
equipment and shall, for two weeks, advertise for bids for 17380
furnishing the lighting equipment, either by posting the 17381
advertisement in three conspicuous places in the township or by 17382
publication of the advertisement once a week, for two consecutive 17383
weeks, in a newspaper of general circulation in the township. Any 17384
such contract for lighting shall be made with the lowest and best 17385
bidder. 17386

The board may also cause notice to be inserted in trade 17387
papers or other publications designated by it or to be distributed 17388
by electronic means, including posting the notice on the board's 17389
internet web site. If the board posts the notice on its web site, 17390
it may eliminate the second notice otherwise required to be 17391
published in a newspaper of general circulation in the township, 17392
provided that the first notice published in such newspaper meets 17393
all of the following requirements: 17394

(A) It is published at least two weeks before the opening of 17395
bids. 17396

(B) It includes a statement that the notice is posted on the 17397
board's internet web site. 17398

(C) It includes the internet address of the board's internet 17399
web site. 17400

(D) It includes instructions describing how the notice may be 17401
accessed on the board's internet web site. 17402

No lighting contract awarded by the board shall be made to 17403
cover a period of more than twenty years. The cost of installing 17404
and operating any lighting system or any light furnished under 17405
contract shall be paid from the general fund of the township 17406
treasury. 17407

No procurement subject to this section shall be divided into 17408
component parts, separate projects, or separate items of work in 17409
order to avoid the requirements of this section. 17410

Sec. 517.07. Upon application, the board of township trustees 17411
shall sell at a reasonable price the number of lots as public 17412
wants demand for burial purposes. Purchasers of lots or other 17413
interment rights, upon complying with the terms of sale, may 17414
receive deeds for the lots or rights which the board shall execute 17415
~~and which shall be recorded by the.~~ The township fiscal officer 17416
shall record each deed in a book the township keeps for that 17417
purpose or with the county recorder under section 317.08 of the 17418
Revised Code. The expense of recording shall be paid by the person 17419
receiving the deed. Upon the application of a head of a family 17420
living in the township, the board shall, without charge, make and 17421
deliver to the applicant a deed for a suitable lot or right for 17422
the interment of the applicant's family, if, in the opinion of the 17423
board and by reason of the circumstances of the family, the 17424
payment would be oppressive. 17425

The terms of sale and any deed for lots executed after July 17426
24, 1986, for an entombment, including a mausoleum, columbarium, 17427
or other interment right executed on or after September 29, 2015, 17428
may include the following requirements: 17429

(A) The grantee shall provide to the board of township 17430
trustees, in writing, a list of the names and addresses of the 17431

persons to whom the grantee's property would pass by intestate 17432
succession. 17433

(B) The grantee shall notify the board in writing of any 17434
subsequent changes in the name or address of any persons to whom 17435
property would descend. 17436

(C) Any person who receives a township cemetery lot or right 17437
by gift, inheritance, or any other means other than the original 17438
conveyance shall, within one year after receiving the interest, 17439
give written notice of the person's name and address to the board 17440
having control of the cemetery, and shall notify the board of any 17441
subsequent changes in the person's name or address. 17442

The terms of sale and any deed for any lots or rights 17443
executed in compliance with the notification requirements set 17444
forth in divisions (A), (B), and (C) of this section shall state 17445
that the board of township trustees shall have right of reentry to 17446
the cemetery lot or right if the notification requirements are not 17447
met. At least ninety days before establishing reentry, the board 17448
shall publish a notice on the board's internet web site, if 17449
applicable, and shall send a notice by certified mail to the last 17450
known owner at the owner's last known address to inform the owner 17451
that the owner's interest in the lot or right will cease unless 17452
the notification requirements are met. If the owner's address is 17453
unknown and cannot reasonably be obtained, it is sufficient to 17454
publish the notice once in a newspaper of general circulation in 17455
the county. In order to establish reentry, the board shall pass a 17456
resolution stating that the conditions of the sale or of the deed 17457
have not been fulfilled, and that the board reclaims its interest 17458
in the lot or right. 17459

The board may limit the terms of sale or the deed for a 17460
cemetery lot or right by specifying that the owner, a member of 17461
the owner's family, or an owner's descendant must use the lot, 17462
tomb, including a mausoleum, or columbarium, or at least a portion 17463

of the lot, tomb, including a mausoleum, or columbarium, within a 17464
specified time period. The board may specify this time period to 17465
be at least twenty but not more than fifty years, with right of 17466
renewal provided at no cost. At least ninety days before the 17467
termination date for use of the cemetery lot, tomb, including a 17468
mausoleum, or columbarium, the board shall publish a notice on the 17469
board's internet web site, if applicable, and shall send a notice 17470
to the owner to inform the owner that the owner's interest in the 17471
lot or right will cease on the termination date unless the owner 17472
contracts for renewal by that date. The board shall send the 17473
notice by certified mail to the owner if the owner is a resident 17474
of the township or is a nonresident whose address is known. If the 17475
owner's address is unknown and cannot reasonably be obtained, it 17476
is sufficient to publish the notice once in a newspaper of general 17477
circulation in the county. 17478

The terms of sale and any deed for lots or rights conveyed 17479
with a termination date shall state that the board shall have 17480
right of reentry to the lot or right at the end of the specified 17481
time period if the lot, tomb, including a mausoleum, or 17482
columbarium, is not used within this time period or renewed for an 17483
extended period. In order to establish reentry, the board shall 17484
pass a resolution stating that the conditions of the sale or of 17485
the deed have not been fulfilled, and that the board reclaims its 17486
interest in the lot or right. The board shall compensate owners of 17487
unused lots or rights who do not renew the terms of sale or the 17488
deed by offering to pay the owner eighty per cent of the purchase 17489
price or to provide another available lot or right, as applicable, 17490
at no additional cost. The board may repurchase any cemetery lot 17491
or right from its owner at any time at a price that is mutually 17492
agreed upon by the board and the owner. 17493

Sec. 517.271. Notwithstanding section 517.22 of the Revised 17494
Code, the company, association, or religious society that most 17495

recently owned and operated a cemetery currently owned by a board 17496
of township trustees may petition the probate court of the county 17497
in which the cemetery is located to transfer the ownership of the 17498
cemetery to the petitioner. 17499

If the court determines that the petitioner has met all of 17500
the following conditions, the court shall transfer the ownership 17501
of the cemetery to the petitioner and shall order the board and 17502
county recorder to give the petitioner all necessary records and 17503
documents concerning the cemetery, including records of the 17504
board's sale of any lots pursuant to section 517.07 of the Revised 17505
Code: 17506

(A) The petitioner has the financial resources necessary to 17507
operate and maintain the cemetery; 17508

(B) The petitioner is in compliance with all applicable laws 17509
and administrative rules concerning the owners and operators of 17510
cemeteries, including registration under section 4767.02 of the 17511
Revised Code; and 17512

(C) The petitioner owes no delinquent taxes. 17513

Sec. 715.18. Any municipal corporation may establish and 17514
furnish the necessary equipment for a department of purchase, 17515
construction, and repair. Such department shall be under the 17516
management of the director of public service, who shall purchase 17517
all material, supplies, tools, machinery, and equipment, and shall 17518
supervise all construction, alterations, and repairs in each of 17519
the municipal departments whether established by law or ordinance. 17520

No such purchase, construction, alteration, or repair shall 17521
be made except upon requisition by the director, the officer at 17522
the head of the department for which it is to be made or done, or 17523
upon the order of the legislative authority of the municipal 17524
corporation, nor shall any purchase, construction, alteration, or 17525

repair for any of such departments be made or done except on 17526
authority of the legislative authority and under sections 735.05 17527
to 735.09 of the Revised Code, if the cost thereof exceeds ~~ten~~ 17528
~~thousand dollars~~ the amount specified in section 9.17 of the 17529
Revised Code. 17530

Sec. 718.01. Any term used in this chapter that is not 17531
otherwise defined in this chapter has the same meaning as when 17532
used in a comparable context in laws of the United States relating 17533
to federal income taxation or in Title LVII of the Revised Code, 17534
unless a different meaning is clearly required. Except as provided 17535
in section 718.81 of the Revised Code, if a term used in this 17536
chapter that is not otherwise defined in this chapter is used in a 17537
comparable context in both the laws of the United States relating 17538
to federal income tax and in Title LVII of the Revised Code and 17539
the use is not consistent, then the use of the term in the laws of 17540
the United States relating to federal income tax shall control 17541
over the use of the term in Title LVII of the Revised Code. 17542

Except as otherwise provided in section 718.81 of the Revised 17543
Code, as used in this chapter: 17544

(A)(1) "Municipal taxable income" means the following: 17545

(a) For a person other than an individual, income apportioned 17546
or situated to the municipal corporation under section 718.02 of 17547
the Revised Code, as applicable, reduced by any pre-2017 net 17548
operating loss carryforward available to the person for the 17549
municipal corporation. 17550

(b)(i) For an individual who is a resident of a municipal 17551
corporation other than a qualified municipal corporation, income 17552
reduced by exempt income to the extent otherwise included in 17553
income, then reduced as provided in division (A)(2) of this 17554
section, and further reduced by any pre-2017 net operating loss 17555
carryforward available to the individual for the municipal 17556

corporation. 17557

(ii) For an individual who is a resident of a qualified 17558
municipal corporation, Ohio adjusted gross income reduced by 17559
income exempted, and increased by deductions excluded, by the 17560
qualified municipal corporation from the qualified municipal 17561
corporation's tax. If a qualified municipal corporation, on or 17562
before December 31, 2013, exempts income earned by individuals who 17563
are not residents of the qualified municipal corporation and net 17564
profit of persons that are not wholly located within the qualified 17565
municipal corporation, such individual or person shall have no 17566
municipal taxable income for the purposes of the tax levied by the 17567
qualified municipal corporation and may be exempted by the 17568
qualified municipal corporation from the requirements of section 17569
718.03 of the Revised Code. 17570

(c) For an individual who is a nonresident of a municipal 17571
corporation, income reduced by exempt income to the extent 17572
otherwise included in income and then, as applicable, apportioned 17573
or situated to the municipal corporation under section 718.02 of 17574
the Revised Code, then reduced as provided in division (A)(2) of 17575
this section, and further reduced by any pre-2017 net operating 17576
loss carryforward available to the individual for the municipal 17577
corporation. 17578

(2) In computing the municipal taxable income of a taxpayer 17579
who is an individual, the taxpayer may subtract, as provided in 17580
division (A)(1)(b)(i) or (c) of this section, the amount of the 17581
individual's employee business expenses reported on the 17582
individual's form 2106 that the individual deducted for federal 17583
income tax purposes for the taxable year, subject to the 17584
limitation imposed by section 67 of the Internal Revenue Code. For 17585
the municipal corporation in which the taxpayer is a resident, the 17586
taxpayer may deduct all such expenses allowed for federal income 17587
tax purposes. For a municipal corporation in which the taxpayer is 17588

not a resident, the taxpayer may deduct such expenses only to the 17589
extent the expenses are related to the taxpayer's performance of 17590
personal services in that nonresident municipal corporation. 17591

(B) "Income" means the following: 17592

(1)(a) For residents, all income, salaries, qualifying wages, 17593
commissions, and other compensation from whatever source earned or 17594
received by the resident, including the resident's distributive 17595
share of the net profit of pass-through entities owned directly or 17596
indirectly by the resident and any net profit of the resident, 17597
except as provided in division (D)(5) of this section. 17598

(b) For the purposes of division (B)(1)(a) of this section: 17599

(i) Any net operating loss of the resident incurred in the 17600
taxable year and the resident's distributive share of any net 17601
operating loss generated in the same taxable year and attributable 17602
to the resident's ownership interest in a pass-through entity 17603
shall be allowed as a deduction, for that taxable year and the 17604
following five taxable years, against any other net profit of the 17605
resident or the resident's distributive share of any net profit 17606
attributable to the resident's ownership interest in a 17607
pass-through entity until fully utilized, subject to division 17608
(B)(1)(d) of this section; 17609

(ii) The resident's distributive share of the net profit of 17610
each pass-through entity owned directly or indirectly by the 17611
resident shall be calculated without regard to any net operating 17612
loss that is carried forward by that entity from a prior taxable 17613
year and applied to reduce the entity's net profit for the current 17614
taxable year. 17615

(c) Division (B)(1)(b) of this section does not apply with 17616
respect to any net profit or net operating loss attributable to an 17617
ownership interest in an S corporation unless shareholders' 17618
distributive shares of net profits from S corporations are subject 17619

to tax in the municipal corporation as provided in division 17620
(C)(14)(b) or (c) of this section. 17621

(d) Any amount of a net operating loss used to reduce a 17622
taxpayer's net profit for a taxable year shall reduce the amount 17623
of net operating loss that may be carried forward to any 17624
subsequent year for use by that taxpayer. In no event shall the 17625
cumulative deductions for all taxable years with respect to a 17626
taxpayer's net operating loss exceed the original amount of that 17627
net operating loss available to that taxpayer. 17628

(2) In the case of nonresidents, all income, salaries, 17629
qualifying wages, commissions, and other compensation from 17630
whatever source earned or received by the nonresident for work 17631
done, services performed or rendered, or activities conducted in 17632
the municipal corporation, including any net profit of the 17633
nonresident, but excluding the nonresident's distributive share of 17634
the net profit or loss of only pass-through entities owned 17635
directly or indirectly by the nonresident. 17636

(3) For taxpayers that are not individuals, net profit of the 17637
taxpayer; 17638

(4) Lottery, sweepstakes, gambling and sports winnings, 17639
winnings from games of chance, and prizes and awards. If the 17640
taxpayer is a professional gambler for federal income tax 17641
purposes, the taxpayer may deduct related wagering losses and 17642
expenses to the extent authorized under the Internal Revenue Code 17643
and claimed against such winnings. 17644

(C) "Exempt income" means all of the following: 17645

(1) The military pay or allowances of members of the armed 17646
forces of the United States or members of their reserve 17647
components, including the national guard of any state; 17648

(2)(a) Except as provided in division (C)(2)(b) of this 17649
section, intangible income; 17650

(b) A municipal corporation that taxed any type of intangible income on March 29, 1988, pursuant to Section 3 of S.B. 238 of the 116th general assembly, may continue to tax that type of income if a majority of the electors of the municipal corporation voting on the question of whether to permit the taxation of that type of intangible income after 1988 voted in favor thereof at an election held on November 8, 1988.

(3) Social security benefits, railroad retirement benefits, unemployment compensation, pensions, retirement benefit payments, payments from annuities, and similar payments made to an employee or to the beneficiary of an employee under a retirement program or plan, disability payments received from private industry or local, state, or federal governments or from charitable, religious or educational organizations, and the proceeds of sickness, accident, or liability insurance policies. As used in division (C)(3) of this section, "unemployment compensation" does not include supplemental unemployment compensation described in section 3402(o)(2) of the Internal Revenue Code.

(4) The income of religious, fraternal, charitable, scientific, literary, or educational institutions to the extent such income is derived from tax-exempt real estate, tax-exempt tangible or intangible property, or tax-exempt activities.

(5) Compensation paid under section 3501.28 or 3501.36 of the Revised Code to a person serving as a precinct election official to the extent that such compensation does not exceed one thousand dollars for the taxable year. Such compensation in excess of one thousand dollars for the taxable year may be subject to taxation by a municipal corporation. A municipal corporation shall not require the payer of such compensation to withhold any tax from that compensation.

(6) Dues, contributions, and similar payments received by charitable, religious, educational, or literary organizations or

labor unions, lodges, and similar organizations;	17683
(7) Alimony and child support received;	17684
(8) Compensation for personal injuries or for damages to property from insurance proceeds or otherwise, excluding compensation paid for lost salaries or wages or compensation from punitive damages;	17685 17686 17687 17688
(9) Income of a public utility when that public utility is subject to the tax levied under section 5727.24 or 5727.30 of the Revised Code. Division (C)(9) of this section does not apply for purposes of Chapter 5745. of the Revised Code.	17689 17690 17691 17692
(10) Gains from involuntary conversions, interest on federal obligations, items of income subject to a tax levied by the state and that a municipal corporation is specifically prohibited by law from taxing, and income of a decedent's estate during the period of administration except such income from the operation of a trade or business;	17693 17694 17695 17696 17697 17698
(11) Compensation or allowances excluded from federal gross income under section 107 of the Internal Revenue Code;	17699 17700
(12) Employee compensation that is not qualifying wages as defined in division (R) of this section;	17701 17702
(13) Compensation paid to a person employed within the boundaries of a United States air force base under the jurisdiction of the United States air force that is used for the housing of members of the United States air force and is a center for air force operations, unless the person is subject to taxation because of residence or domicile. If the compensation is subject to taxation because of residence or domicile, tax on such income shall be payable only to the municipal corporation of residence or domicile.	17703 17704 17705 17706 17707 17708 17709 17710 17711
(14)(a) Except as provided in division (C)(14)(b) or (c) of	17712

this section, an S corporation shareholder's distributive share of 17713
net profits of the S corporation, other than any part of the 17714
distributive share of net profits that represents wages as defined 17715
in section 3121(a) of the Internal Revenue Code or net earnings 17716
from self-employment as defined in section 1402(a) of the Internal 17717
Revenue Code. 17718

(b) If, pursuant to division (H) of former section 718.01 of 17719
the Revised Code as it existed before March 11, 2004, a majority 17720
of the electors of a municipal corporation voted in favor of the 17721
question at an election held on November 4, 2003, the municipal 17722
corporation may continue after 2002 to tax an S corporation 17723
shareholder's distributive share of net profits of an S 17724
corporation. 17725

(c) If, on December 6, 2002, a municipal corporation was 17726
imposing, assessing, and collecting a tax on an S corporation 17727
shareholder's distributive share of net profits of the S 17728
corporation to the extent the distributive share would be 17729
allocated or apportioned to this state under divisions (B)(1) and 17730
(2) of section 5733.05 of the Revised Code if the S corporation 17731
were a corporation subject to taxes imposed under Chapter 5733. of 17732
the Revised Code, the municipal corporation may continue to impose 17733
the tax on such distributive shares to the extent such shares 17734
would be so allocated or apportioned to this state only until 17735
December 31, 2004, unless a majority of the electors of the 17736
municipal corporation voting on the question of continuing to tax 17737
such shares after that date voted in favor of that question at an 17738
election held November 2, 2004. If a majority of those electors 17739
voted in favor of the question, the municipal corporation may 17740
continue after December 31, 2004, to impose the tax on such 17741
distributive shares only to the extent such shares would be so 17742
allocated or apportioned to this state. 17743

(d) A municipal corporation shall be deemed to have elected 17744

to tax S corporation shareholders' distributive shares of net 17745
profits of the S corporation in the hands of the shareholders if a 17746
majority of the electors of a municipal corporation voted in favor 17747
of a question at an election held under division (C)(14)(b) or (c) 17748
of this section. The municipal corporation shall specify by 17749
resolution or ordinance that the tax applies to the distributive 17750
share of a shareholder of an S corporation in the hands of the 17751
shareholder of the S corporation. 17752

~~(15) To the extent authorized under a resolution or ordinance 17753
adopted by a municipal corporation before January 1, 2016, all or 17754
a portion of the The income of individuals or a class of 17755
individuals under eighteen years of age. 17756~~

(16)(a) Except as provided in divisions (C)(16)(b), (c), and 17757
(d) of this section, qualifying wages described in division (B)(1) 17758
or (E) of section 718.011 of the Revised Code to the extent the 17759
qualifying wages are not subject to withholding for the municipal 17760
corporation under either of those divisions. 17761

(b) The exemption provided in division (C)(16)(a) of this 17762
section does not apply with respect to the municipal corporation 17763
in which the employee resided at the time the employee earned the 17764
qualifying wages. 17765

(c) The exemption provided in division (C)(16)(a) of this 17766
section does not apply to qualifying wages that an employer elects 17767
to withhold under division (D)(2) of section 718.011 of the 17768
Revised Code. 17769

(d) The exemption provided in division (C)(16)(a) of this 17770
section does not apply to qualifying wages if both of the 17771
following conditions apply: 17772

(i) For qualifying wages described in division (B)(1) of 17773
section 718.011 of the Revised Code, the employee's employer 17774
withholds and remits tax on the qualifying wages to the municipal 17775

corporation in which the employee's principal place of work is 17776
situated, or, for qualifying wages described in division (E) of 17777
section 718.011 of the Revised Code, the employee's employer 17778
withholds and remits tax on the qualifying wages to the municipal 17779
corporation in which the employer's fixed location is located; 17780

(ii) The employee receives a refund of the tax described in 17781
division (C)(16)(d)(i) of this section on the basis of the 17782
employee not performing services in that municipal corporation. 17783

(17)(a) Except as provided in division (C)(17)(b) or (c) of 17784
this section, compensation that is not qualifying wages paid to a 17785
nonresident individual for personal services performed in the 17786
municipal corporation on not more than twenty days in a taxable 17787
year. 17788

(b) The exemption provided in division (C)(17)(a) of this 17789
section does not apply under either of the following 17790
circumstances: 17791

(i) The individual's base of operation is located in the 17792
municipal corporation. 17793

(ii) The individual is a professional athlete, professional 17794
entertainer, or public figure, and the compensation is paid for 17795
the performance of services in the individual's capacity as a 17796
professional athlete, professional entertainer, or public figure. 17797
For purposes of division (C)(17)(b)(ii) of this section, 17798
"professional athlete," "professional entertainer," and "public 17799
figure" have the same meanings as in section 718.011 of the 17800
Revised Code. 17801

(c) Compensation to which division (C)(17) of this section 17802
applies shall be treated as earned or received at the individual's 17803
base of operation. If the individual does not have a base of 17804
operation, the compensation shall be treated as earned or received 17805
where the individual is domiciled. 17806

(d) For purposes of division (C)(17) of this section, "base of operation" means the location where an individual owns or rents an office, storefront, or similar facility to which the individual regularly reports and at which the individual regularly performs personal services for compensation.

(18) Compensation paid to a person for personal services performed for a political subdivision on property owned by the political subdivision, regardless of whether the compensation is received by an employee of the subdivision or another person performing services for the subdivision under a contract with the subdivision, if the property on which services are performed is annexed to a municipal corporation pursuant to section 709.023 of the Revised Code on or after March 27, 2013, unless the person is subject to such taxation because of residence. If the compensation is subject to taxation because of residence, municipal income tax shall be payable only to the municipal corporation of residence.

(19) In the case of a tax administered, collected, and enforced by a municipal corporation pursuant to an agreement with the board of directors of a joint economic development district under section 715.72 of the Revised Code, the net profits of a business, and the income of the employees of that business, exempted from the tax under division (Q) of that section.

(20) All of the following:

(a) Income derived from disaster work conducted in this state by an out-of-state disaster business during a disaster response period pursuant to a qualifying solicitation received by the business;

(b) Income of a qualifying employee described in division (A)(14)(a) of section 5703.94 of the Revised Code, to the extent such income is derived from disaster work conducted in this state by the employee during a disaster response period pursuant to a

qualifying solicitation received by the employee's employer; 17838

(c) Income of a qualifying employee described in division 17839
(A)(14)(b) of section 5703.94 of the Revised Code, to the extent 17840
such income is derived from disaster work conducted in this state 17841
by the employee during a disaster response period on critical 17842
infrastructure owned or used by the employee's employer. 17843

(21) Income the taxation of which is prohibited by the 17844
constitution or laws of the United States. 17845

Any item of income that is exempt income of a pass-through 17846
entity under division (C) of this section is exempt income of each 17847
owner of the pass-through entity to the extent of that owner's 17848
distributive or proportionate share of that item of the entity's 17849
income. 17850

(D)(1) "Net profit" for a person who is an individual means 17851
the individual's net profit required to be reported on schedule C, 17852
schedule E, or schedule F reduced by any net operating loss 17853
carried forward. For the purposes of division (D)(1) of this 17854
section, the net operating loss carried forward shall be 17855
calculated and deducted in the same manner as provided in division 17856
(D)(3) of this section. 17857

(2) "Net profit" for a person other than an individual means 17858
adjusted federal taxable income reduced by any net operating loss 17859
incurred by the person in a taxable year beginning on or after 17860
January 1, 2017, subject to the limitations of division (D)(3) of 17861
this section. 17862

(3)(a) The amount of such net operating loss shall be 17863
deducted from net profit to the extent necessary to reduce 17864
municipal taxable income to zero, with any remaining unused 17865
portion of the net operating loss carried forward to not more than 17866
five consecutive taxable years following the taxable year in which 17867
the loss was incurred, but in no case for more years than 17868

necessary for the deduction to be fully utilized. 17869

(b) No person shall use the deduction allowed by division 17870
(D)(3) of this section to offset qualifying wages. 17871

(c)(i) For taxable years beginning in 2018, 2019, 2020, 2021, 17872
or 2022, a person may not deduct, for purposes of an income tax 17873
levied by a municipal corporation that levies an income tax before 17874
January 1, 2016, more than fifty per cent of the amount of the 17875
deduction otherwise allowed by division (D)(3) of this section. 17876

(ii) For taxable years beginning in 2023 or thereafter, a 17877
person may deduct, for purposes of an income tax levied by a 17878
municipal corporation that levies an income tax before January 1, 17879
2016, the full amount allowed by division (D)(3) of this section 17880
without regard to the limitation of division 17881
~~(D)(3)(b)(i)~~ (D)(3)(c)(i) of this section. 17882

(d) Any pre-2017 net operating loss carryforward deduction 17883
that is available may be utilized before a taxpayer may deduct any 17884
amount pursuant to division (D)(3) of this section. 17885

(e) Nothing in division (D)(3)(c)(i) of this section 17886
precludes a person from carrying forward, for use with respect to 17887
any return filed for a taxable year beginning after 2018, any 17888
amount of net operating loss that was not fully utilized by 17889
operation of division (D)(3)(c)(i) of this section. To the extent 17890
that an amount of net operating loss that was not fully utilized 17891
in one or more taxable years by operation of division (D)(3)(c)(i) 17892
of this section is carried forward for use with respect to a 17893
return filed for a taxable year beginning in 2019, 2020, 2021, or 17894
2022, the limitation described in division (D)(3)(c)(i) of this 17895
section shall apply to the amount carried forward. 17896

(4) For the purposes of this chapter, and notwithstanding 17897
division (D)(2) of this section, net profit of a disregarded 17898
entity shall not be taxable as against that disregarded entity, 17899

but shall instead be included in the net profit of the owner of 17900
the disregarded entity. 17901

(5) For the purposes of this chapter, and notwithstanding any 17902
other provision of this chapter, the net profit of a publicly 17903
traded partnership that makes the election described in division 17904
(D)(5) of this section shall be taxed as if the partnership were a 17905
C corporation, and shall not be treated as the net profit or 17906
income of any owner of the partnership. 17907

A publicly traded partnership that is treated as a 17908
partnership for federal income tax purposes and that is subject to 17909
tax on its net profits in one or more municipal corporations in 17910
this state may elect to be treated as a C corporation for 17911
municipal income tax purposes. The publicly traded partnership 17912
shall make the election in every municipal corporation in which 17913
the partnership is subject to taxation on its net profits. The 17914
election shall be made on the annual tax return filed in each such 17915
municipal corporation. The publicly traded partnership shall not 17916
be required to file the election with any municipal corporation in 17917
which the partnership is not subject to taxation on its net 17918
profits, but division (D)(5) of this section applies to all 17919
municipal corporations in which an individual owner of the 17920
partnership resides. 17921

(E) "Adjusted federal taxable income," for a person required 17922
to file as a C corporation, or for a person that has elected to be 17923
taxed as a C corporation under division (D)(5) of this section, 17924
means a C corporation's federal taxable income before net 17925
operating losses and special deductions as determined under the 17926
Internal Revenue Code, adjusted as follows: 17927

(1) Deduct intangible income to the extent included in 17928
federal taxable income. The deduction shall be allowed regardless 17929
of whether the intangible income relates to assets used in a trade 17930
or business or assets held for the production of income. 17931

(2) Add an amount equal to five per cent of intangible income 17932
deducted under division (E)(1) of this section, but excluding that 17933
portion of intangible income directly related to the sale, 17934
exchange, or other disposition of property described in section 17935
1221 of the Internal Revenue Code; 17936

(3) Add any losses allowed as a deduction in the computation 17937
of federal taxable income if the losses directly relate to the 17938
sale, exchange, or other disposition of an asset described in 17939
section 1221 or 1231 of the Internal Revenue Code; 17940

(4)(a) Except as provided in division (E)(4)(b) of this 17941
section, deduct income and gain included in federal taxable income 17942
to the extent the income and gain directly relate to the sale, 17943
exchange, or other disposition of an asset described in section 17944
1221 or 1231 of the Internal Revenue Code; 17945

(b) Division (E)(4)(a) of this section does not apply to the 17946
extent the income or gain is income or gain described in section 17947
1245 or 1250 of the Internal Revenue Code. 17948

(5) Add taxes on or measured by net income allowed as a 17949
deduction in the computation of federal taxable income; 17950

(6) In the case of a real estate investment trust or 17951
regulated investment company, add all amounts with respect to 17952
dividends to, distributions to, or amounts set aside for or 17953
credited to the benefit of investors and allowed as a deduction in 17954
the computation of federal taxable income; 17955

(7) Deduct, to the extent not otherwise deducted or excluded 17956
in computing federal taxable income, any income derived from a 17957
transfer agreement or from the enterprise transferred under that 17958
agreement under section 4313.02 of the Revised Code; 17959

(8) Deduct exempt income to the extent not otherwise deducted 17960
or excluded in computing adjusted federal taxable income. 17961

(9) Deduct any net profit of a pass-through entity owned 17962
directly or indirectly by the taxpayer and included in the 17963
taxpayer's federal taxable income unless an affiliated group of 17964
corporations includes that net profit in the group's federal 17965
taxable income in accordance with division (E)(3)(b) of section 17966
718.06 of the Revised Code. 17967

(10) Add any loss incurred by a pass-through entity owned 17968
directly or indirectly by the taxpayer and included in the 17969
taxpayer's federal taxable income unless an affiliated group of 17970
corporations includes that loss in the group's federal taxable 17971
income in accordance with division (E)(3)(b) of section 718.06 of 17972
the Revised Code. 17973

If the taxpayer is not a C corporation, is not a disregarded 17974
entity that has made the election described in division (L)(2) of 17975
this section, is not a publicly traded partnership that has made 17976
the election described in division (D)(5) of this section, and is 17977
not an individual, the taxpayer shall compute adjusted federal 17978
taxable income under this section as if the taxpayer were a C 17979
corporation, except guaranteed payments and other similar amounts 17980
paid or accrued to a partner, former partner, shareholder, former 17981
shareholder, member, or former member shall not be allowed as a 17982
deductible expense unless such payments are a pension or 17983
retirement benefit payment paid to a retired partner, retired 17984
shareholder, or retired member or are in consideration for the use 17985
of capital and treated as payment of interest under section 469 of 17986
the Internal Revenue Code or United States treasury regulations. 17987
Amounts paid or accrued to a qualified self-employed retirement 17988
plan with respect to a partner, former partner, shareholder, 17989
former shareholder, member, or former member of the taxpayer, 17990
amounts paid or accrued to or for health insurance for a partner, 17991
former partner, shareholder, former shareholder, member, or former 17992
member, and amounts paid or accrued to or for life insurance for a 17993

partner, former partner, shareholder, former shareholder, member, 17994
or former member shall not be allowed as a deduction. 17995

Nothing in division (E) of this section shall be construed as 17996
allowing the taxpayer to add or deduct any amount more than once 17997
or shall be construed as allowing any taxpayer to deduct any 17998
amount paid to or accrued for purposes of federal self-employment 17999
tax. 18000

(F) "Schedule C" means internal revenue service schedule C 18001
(form 1040) filed by a taxpayer pursuant to the Internal Revenue 18002
Code. 18003

(G) "Schedule E" means internal revenue service schedule E 18004
(form 1040) filed by a taxpayer pursuant to the Internal Revenue 18005
Code. 18006

(H) "Schedule F" means internal revenue service schedule F 18007
(form 1040) filed by a taxpayer pursuant to the Internal Revenue 18008
Code. 18009

(I) "Internal Revenue Code" has the same meaning as in 18010
section 5747.01 of the Revised Code. 18011

(J) "Resident" means an individual who is domiciled in the 18012
municipal corporation as determined under section 718.012 of the 18013
Revised Code. 18014

(K) "Nonresident" means an individual that is not a resident. 18015

(L)(1) "Taxpayer" means a person subject to a tax levied on 18016
income by a municipal corporation in accordance with this chapter. 18017
"Taxpayer" does not include a grantor trust or, except as provided 18018
in division (L)(2)(a) of this section, a disregarded entity. 18019

(2)(a) A single member limited liability company that is a 18020
disregarded entity for federal tax purposes may be a separate 18021
taxpayer from its single member in all Ohio municipal corporations 18022
in which it either filed as a separate taxpayer or did not file 18023

for its taxable year ending in 2003, if all of the following 18024
conditions are met: 18025

(i) The limited liability company's single member is also a 18026
limited liability company. 18027

(ii) The limited liability company and its single member were 18028
formed and doing business in one or more Ohio municipal 18029
corporations for at least five years before January 1, 2004. 18030

(iii) Not later than December 31, 2004, the limited liability 18031
company and its single member each made an election to be treated 18032
as a separate taxpayer under division (L) of this section as this 18033
section existed on December 31, 2004. 18034

(iv) The limited liability company was not formed for the 18035
purpose of evading or reducing Ohio municipal corporation income 18036
tax liability of the limited liability company or its single 18037
member. 18038

(v) The Ohio municipal corporation that was the primary place 18039
of business of the sole member of the limited liability company 18040
consented to the election. 18041

(b) For purposes of division (L)(2)(a)(v) of this section, a 18042
municipal corporation was the primary place of business of a 18043
limited liability company if, for the limited liability company's 18044
taxable year ending in 2003, its income tax liability was greater 18045
in that municipal corporation than in any other municipal 18046
corporation in Ohio, and that tax liability to that municipal 18047
corporation for its taxable year ending in 2003 was at least four 18048
hundred thousand dollars. 18049

(M) "Person" includes individuals, firms, companies, joint 18050
stock companies, business trusts, estates, trusts, partnerships, 18051
limited liability partnerships, limited liability companies, 18052
associations, C corporations, S corporations, governmental 18053
entities, and any other entity. 18054

(N) "Pass-through entity" means a partnership not treated as 18055
an association taxable as a C corporation for federal income tax 18056
purposes, a limited liability company not treated as an 18057
association taxable as a C corporation for federal income tax 18058
purposes, an S corporation, or any other class of entity from 18059
which the income or profits of the entity are given pass-through 18060
treatment for federal income tax purposes. "Pass-through entity" 18061
does not include a trust, estate, grantor of a grantor trust, or 18062
disregarded entity. 18063

(O) "S corporation" means a person that has made an election 18064
under subchapter S of Chapter 1 of Subtitle A of the Internal 18065
Revenue Code for its taxable year. 18066

(P) "Single member limited liability company" means a limited 18067
liability company that has one direct member. 18068

(Q) "Limited liability company" means a limited liability 18069
company formed under Chapter 1705. or 1706. of the Revised Code or 18070
under the laws of another state. 18071

(R) "Qualifying wages" means wages, as defined in section 18072
3121(a) of the Internal Revenue Code, without regard to any wage 18073
limitations, adjusted as follows: 18074

(1) Deduct the following amounts: 18075

(a) Any amount included in wages if the amount constitutes 18076
compensation attributable to a plan or program described in 18077
section 125 of the Internal Revenue Code. 18078

(b) Any amount included in wages if the amount constitutes 18079
payment on account of a disability related to sickness or an 18080
accident paid by a party unrelated to the employer, agent of an 18081
employer, or other payer. 18082

(c) Any amount attributable to a nonqualified deferred 18083
compensation plan or program described in section 3121(v)(2)(C) of 18084

the Internal Revenue Code if the compensation is included in wages 18085
and the municipal corporation has, by resolution or ordinance 18086
adopted before January 1, 2016, exempted the amount from 18087
withholding and tax. 18088

(d) Any amount included in wages if the amount arises from 18089
the sale, exchange, or other disposition of a stock option, the 18090
exercise of a stock option, or the sale, exchange, or other 18091
disposition of stock purchased under a stock option and the 18092
municipal corporation has, by resolution or ordinance adopted 18093
before January 1, 2016, exempted the amount from withholding and 18094
tax. 18095

(e) Any amount included in wages that is exempt income. 18096

(2) Add the following amounts: 18097

(a) Any amount not included in wages solely because the 18098
employee was employed by the employer before April 1, 1986. 18099

(b) Any amount not included in wages because the amount 18100
arises from the sale, exchange, or other disposition of a stock 18101
option, the exercise of a stock option, or the sale, exchange, or 18102
other disposition of stock purchased under a stock option and the 18103
municipal corporation has not, by resolution or ordinance, 18104
exempted the amount from withholding and tax adopted before 18105
January 1, 2016. Division (R)(2)(b) of this section applies only 18106
to those amounts constituting ordinary income. 18107

(c) Any amount not included in wages if the amount is an 18108
amount described in section 401(k), 403(b), or 457 of the Internal 18109
Revenue Code. Division (R)(2)(c) of this section applies only to 18110
employee contributions and employee deferrals. 18111

(d) Any amount that is supplemental unemployment compensation 18112
benefits described in section 3402(o)(2) of the Internal Revenue 18113
Code and not included in wages. 18114

(e) Any amount received that is treated as self-employment 18115
income for federal tax purposes in accordance with section 18116
1402(a)(8) of the Internal Revenue Code. 18117

(f) Any amount not included in wages if all of the following 18118
apply: 18119

(i) For the taxable year the amount is employee compensation 18120
that is earned outside of the United States and that either is 18121
included in the taxpayer's gross income for federal income tax 18122
purposes or would have been included in the taxpayer's gross 18123
income for such purposes if the taxpayer did not elect to exclude 18124
the income under section 911 of the Internal Revenue Code; 18125

(ii) For no preceding taxable year did the amount constitute 18126
wages as defined in section 3121(a) of the Internal Revenue Code; 18127

(iii) For no succeeding taxable year will the amount 18128
constitute wages; and 18129

(iv) For any taxable year the amount has not otherwise been 18130
added to wages pursuant to either division (R)(2) of this section 18131
or section 718.03 of the Revised Code, as that section existed 18132
before the effective date of H.B. 5 of the 130th general assembly, 18133
March 23, 2015. 18134

(S) "Intangible income" means income of any of the following 18135
types: income yield, interest, capital gains, dividends, or other 18136
income arising from the ownership, sale, exchange, or other 18137
disposition of intangible property including, but not limited to, 18138
investments, deposits, money, or credits as those terms are 18139
defined in Chapter 5701. of the Revised Code, and patents, 18140
copyrights, trademarks, tradenames, investments in real estate 18141
investment trusts, investments in regulated investment companies, 18142
and appreciation on deferred compensation. "Intangible income" 18143
does not include prizes, awards, or other income associated with 18144
any lottery winnings, gambling winnings, or other similar games of 18145

chance. 18146

(T) "Taxable year" means the corresponding tax reporting 18147
period as prescribed for the taxpayer under the Internal Revenue 18148
Code. 18149

(U)(1) "Tax administrator" means, subject to division (U)(2) 18150
of this section, the individual charged with direct responsibility 18151
for administration of an income tax levied by a municipal 18152
corporation in accordance with this chapter, and also includes the 18153
following: 18154

(a) A municipal corporation acting as the agent of another 18155
municipal corporation; 18156

(b) A person retained by a municipal corporation to 18157
administer a tax levied by the municipal corporation, but only if 18158
the municipal corporation does not compensate the person in whole 18159
or in part on a contingency basis; 18160

(c) The central collection agency or the regional income tax 18161
agency or their successors in interest, or another entity 18162
organized to perform functions similar to those performed by the 18163
central collection agency and the regional income tax agency. 18164

(2) "Tax administrator" does not include the tax 18165
commissioner. 18166

(3) A private individual or entity serving in any position 18167
described in division (U)(1)(b) or (c) of this section shall have 18168
no access to criminal history record information. 18169

(V) "Employer" means a person that is an employer for federal 18170
income tax purposes. 18171

(W) "Employee" means an individual who is an employee for 18172
federal income tax purposes. 18173

(X) "Other payer" means any person, other than an 18174
individual's employer or the employer's agent, that pays an 18175

individual any amount included in the federal gross income of the 18176
individual. "Other payer" includes casino operators and video 18177
lottery terminal sales agents. 18178

(Y) "Calendar quarter" means the three-month period ending on 18179
the last day of March, June, September, or December. 18180

(Z) "Form 2106" means internal revenue service form 2106 18181
filed by a taxpayer pursuant to the Internal Revenue Code. 18182

(AA) "Municipal corporation" includes a joint economic 18183
development district or joint economic development zone that 18184
levies an income tax under section 715.691, 715.70, 715.71, or 18185
715.72 of the Revised Code. 18186

(BB) "Disregarded entity" means a single member limited 18187
liability company, a qualifying subchapter S subsidiary, or 18188
another entity if the company, subsidiary, or entity is a 18189
disregarded entity for federal income tax purposes. 18190

(CC) "Generic form" means an electronic or paper form that is 18191
not prescribed by a particular municipal corporation and that is 18192
designed for reporting taxes withheld by an employer, agent of an 18193
employer, or other payer, estimated municipal income taxes, or 18194
annual municipal income tax liability or for filing a refund 18195
claim. 18196

(DD) "Tax return preparer" means any individual described in 18197
section 7701(a)(36) of the Internal Revenue Code and 26 C.F.R. 18198
301.7701-15. 18199

(EE) "Ohio business gateway" means the online computer 18200
network system, created under section 125.30 of the Revised Code, 18201
that allows persons to electronically file business reply forms 18202
with state agencies and includes any successor electronic filing 18203
and payment system. 18204

(FF) "Local board of tax review" and "board of tax review" 18205

mean the entity created under section 718.11 of the Revised Code. 18206

(GG) "Net operating loss" means a loss incurred by a person 18207
in the operation of a trade or business. "Net operating loss" does 18208
not include unutilized losses resulting from basis limitations, 18209
at-risk limitations, or passive activity loss limitations. 18210

(HH) "Casino operator" and "casino facility" have the same 18211
meanings as in section 3772.01 of the Revised Code. 18212

(II) "Video lottery terminal" has the same meaning as in 18213
section 3770.21 of the Revised Code. 18214

(JJ) "Video lottery terminal sales agent" means a lottery 18215
sales agent licensed under Chapter 3770. of the Revised Code to 18216
conduct video lottery terminals on behalf of the state pursuant to 18217
section 3770.21 of the Revised Code. 18218

(KK) "Postal service" means the United States postal service. 18219

(LL) "Certified mail," "express mail," "United States mail," 18220
"postal service," and similar terms include any delivery service 18221
authorized pursuant to section 5703.056 of the Revised Code. 18222

(MM) "Postmark date," "date of postmark," and similar terms 18223
include the date recorded and marked in the manner described in 18224
division (B)(3) of section 5703.056 of the Revised Code. 18225

(NN) "Related member" means a person that, with respect to 18226
the taxpayer during all or any portion of the taxable year, is 18227
either a related entity, a component member as defined in section 18228
1563(b) of the Internal Revenue Code, or a person to or from whom 18229
there is attribution of stock ownership in accordance with section 18230
1563(e) of the Internal Revenue Code except, for purposes of 18231
determining whether a person is a related member under this 18232
division, "twenty per cent" shall be substituted for "5 percent" 18233
wherever "5 percent" appears in section 1563(e) of the Internal 18234
Revenue Code. 18235

(OO) "Related entity" means any of the following: 18236

(1) An individual stockholder, or a member of the 18237
stockholder's family enumerated in section 318 of the Internal 18238
Revenue Code, if the stockholder and the members of the 18239
stockholder's family own directly, indirectly, beneficially, or 18240
constructively, in the aggregate, at least fifty per cent of the 18241
value of the taxpayer's outstanding stock; 18242

(2) A stockholder, or a stockholder's partnership, estate, 18243
trust, or corporation, if the stockholder and the stockholder's 18244
partnerships, estates, trusts, or corporations own directly, 18245
indirectly, beneficially, or constructively, in the aggregate, at 18246
least fifty per cent of the value of the taxpayer's outstanding 18247
stock; 18248

(3) A corporation, or a party related to the corporation in a 18249
manner that would require an attribution of stock from the 18250
corporation to the party or from the party to the corporation 18251
under division (OO)(4) of this section, provided the taxpayer owns 18252
directly, indirectly, beneficially, or constructively, at least 18253
fifty per cent of the value of the corporation's outstanding 18254
stock; 18255

(4) The attribution rules described in section 318 of the 18256
Internal Revenue Code apply for the purpose of determining whether 18257
the ownership requirements in divisions (OO)(1) to (3) of this 18258
section have been met. 18259

(PP)(1) "Assessment" means a written finding by the tax 18260
administrator that a person has underpaid municipal income tax, or 18261
owes penalty and interest, or any combination of tax, penalty, or 18262
interest, to the municipal corporation that commences the person's 18263
time limitation for making an appeal to the local board of tax 18264
review pursuant to section 718.11 of the Revised Code, and has 18265
"ASSESSMENT" written in all capital letters at the top of such 18266

finding. 18267

(2) "Assessment" does not include an informal notice denying 18268
a request for refund issued under division (B)(3) of section 18269
718.19 of the Revised Code, a billing statement notifying a 18270
taxpayer of current or past-due balances owed to the municipal 18271
corporation, a tax administrator's request for additional 18272
information, a notification to the taxpayer of mathematical 18273
errors, or a tax administrator's other written correspondence to a 18274
person or taxpayer that does not meet the criteria prescribed by 18275
division (PP)(1) of this section. 18276

(QQ) "Taxpayers' rights and responsibilities" means the 18277
rights provided to taxpayers in sections 718.11, 718.12, 718.19, 18278
718.23, 718.36, 718.37, 718.38, 5717.011, and 5717.03 of the 18279
Revised Code and the responsibilities of taxpayers to file, 18280
report, withhold, remit, and pay municipal income tax and 18281
otherwise comply with Chapter 718. of the Revised Code and 18282
resolutions, ordinances, and rules adopted by a municipal 18283
corporation for the imposition and administration of a municipal 18284
income tax. 18285

(RR) "Qualified municipal corporation" means a municipal 18286
corporation that, by resolution or ordinance adopted on or before 18287
December 31, 2011, adopted Ohio adjusted gross income, as defined 18288
by section 5747.01 of the Revised Code, as the income subject to 18289
tax for the purposes of imposing a municipal income tax. 18290

(SS)(1) "Pre-2017 net operating loss carryforward" means any 18291
net operating loss incurred in a taxable year beginning before 18292
January 1, 2017, to the extent such loss was permitted, by a 18293
resolution or ordinance of the municipal corporation that was 18294
adopted by the municipal corporation before January 1, 2016, to be 18295
carried forward and utilized to offset income or net profit 18296
generated in such municipal corporation in future taxable years. 18297

(2) For the purpose of calculating municipal taxable income, 18298
any pre-2017 net operating loss carryforward may be carried 18299
forward to any taxable year, including taxable years beginning in 18300
2017 or thereafter, for the number of taxable years provided in 18301
the resolution or ordinance or until fully utilized, whichever is 18302
earlier. 18303

(TT) "Small employer" means any employer that had total 18304
revenue of less than five hundred thousand dollars during the 18305
preceding taxable year. For purposes of this division, "total 18306
revenue" means receipts of any type or kind, including, but not 18307
limited to, sales receipts; payments; rents; profits; gains, 18308
dividends, and other investment income; compensation; commissions; 18309
premiums; money; property; grants; contributions; donations; 18310
gifts; program service revenue; patient service revenue; premiums; 18311
fees, including premium fees and service fees; tuition payments; 18312
unrelated business revenue; reimbursements; any type of payment 18313
from a governmental unit, including grants and other allocations; 18314
and any other similar receipts reported for federal income tax 18315
purposes or under generally accepted accounting principles. "Small 18316
employer" does not include the federal government; any state 18317
government, including any state agency or instrumentality; any 18318
political subdivision; or any entity treated as a government for 18319
financial accounting and reporting purposes. 18320

(UU) "Audit" means the examination of a person or the 18321
inspection of the books, records, memoranda, or accounts of a 18322
person for the purpose of determining liability for a municipal 18323
income tax. 18324

(VV) "Publicly traded partnership" means any partnership, an 18325
interest in which is regularly traded on an established securities 18326
market. A "publicly traded partnership" may have any number of 18327
partners. 18328

(WW) "Tax commissioner" means the tax commissioner appointed 18329

under section 121.03 of the Revised Code. 18330

(XX) "Out-of-state disaster business," "qualifying 18331
solicitation," "qualifying employee," "disaster work," "critical 18332
infrastructure," and "disaster response period" have the same 18333
meanings as in section 5703.94 of the Revised Code. 18334

(YY) "Pension" means a retirement benefit plan, regardless of 18335
whether the plan satisfies the qualifications described under 18336
section 401(a) of the Internal Revenue Code, including amounts 18337
that are taxable under the "Federal Insurance Contributions Act," 18338
Chapter 21 of the Internal Revenue Code, excluding employee 18339
contributions and elective deferrals, and regardless of whether 18340
such amounts are paid in the same taxable year in which the 18341
amounts are included in the employee's wages, as defined by 18342
section 3121(a) of the Internal Revenue Code. 18343

(ZZ) "Retirement benefit plan" means an arrangement whereby 18344
an entity provides benefits to individuals either on or after 18345
their termination of service because of retirement or disability. 18346
"Retirement benefit plan" does not include wage continuation 18347
payments, severance payments, or payments made for accrued 18348
personal or vacation time. 18349

Sec. 718.05. (A) An annual return with respect to the income 18350
tax levied by a municipal corporation shall be completed and filed 18351
by every taxpayer for any taxable year for which the taxpayer is 18352
liable for the tax. If the total credit allowed against the tax as 18353
described in division (D) of section 718.04 of the Revised Code 18354
for the year is equal to or exceeds the tax imposed by the 18355
municipal corporation, no return shall be required unless the 18356
municipal ordinance or resolution levying the tax requires the 18357
filing of a return in such circumstances. 18358

(B) If an individual is deceased, any return or notice 18359
required of that individual shall be completed and filed by that 18360

decedent's executor, administrator, or other person charged with 18361
the property of that decedent. 18362

(C) If an individual is unable to complete and file a return 18363
or notice required by a municipal corporation in accordance with 18364
this chapter, the return or notice required of that individual 18365
shall be completed and filed by the individual's duly authorized 18366
agent, guardian, conservator, fiduciary, or other person charged 18367
with the care of the person or property of that individual. 18368

(D) Returns or notices required of an estate or a trust shall 18369
be completed and filed by the fiduciary of the estate or trust. 18370

(E) No municipal corporation shall deny spouses the ability 18371
to file a joint return. 18372

(F)(1) Each return required to be filed under this section 18373
shall contain the signature of the taxpayer or the taxpayer's duly 18374
authorized agent and of the person who prepared the return for the 18375
taxpayer, and shall include the taxpayer's social security number 18376
or taxpayer identification number. Each return shall be verified 18377
by a declaration under penalty of perjury. 18378

(2) A tax administrator may require a taxpayer who is an 18379
individual to include, with each annual return, amended return, or 18380
request for refund required under this section, copies of only the 18381
following documents: all of the taxpayer's Internal Revenue 18382
Service form W-2, "Wage and Tax Statements," including all 18383
information reported on the taxpayer's federal W-2, as well as 18384
taxable wages reported or withheld for any municipal corporation; 18385
the taxpayer's Internal Revenue Service form 1040 or, in the case 18386
of a return or request required by a qualified municipal 18387
corporation, Ohio form IT-1040; and, with respect to an amended 18388
tax return or refund request, any other documentation necessary to 18389
support the refund request or the adjustments made in the amended 18390
return. An individual taxpayer who files the annual return 18391

required by this section electronically is not required to provide 18392
paper copies of any of the foregoing to the tax administrator 18393
unless the tax administrator requests such copies after the return 18394
has been filed. 18395

(3) A tax administrator may require a taxpayer that is not an 18396
individual to include, with each annual net profit return, amended 18397
net profit return, or request for refund required under this 18398
section, copies of only the following documents: the taxpayer's 18399
Internal Revenue Service form 1041, form 1065, form 1120, form 18400
1120-REIT, form 1120F, or form 1120S, and, with respect to an 18401
amended tax return or refund request, any other documentation 18402
necessary to support the refund request or the adjustments made in 18403
the amended return. 18404

A taxpayer that is not an individual and that files an annual 18405
net profit return electronically through the Ohio business gateway 18406
or in some other manner shall either mail the documents required 18407
under this division to the tax administrator at the time of filing 18408
or, if electronic submission is available, submit the documents 18409
electronically through the Ohio business gateway. The department 18410
of taxation shall publish a method of electronically submitting 18411
the documents required under this division through the Ohio 18412
business gateway on or before January 1, 2016. The department 18413
shall transmit all documents submitted electronically under this 18414
division to the appropriate tax administrator. 18415

(4) After a taxpayer files a tax return, the tax 18416
administrator may request, and the taxpayer shall provide, any 18417
information, statements, or documents required by the municipal 18418
corporation to determine and verify the taxpayer's municipal 18419
income tax liability. The requirements imposed under division (F) 18420
of this section apply regardless of whether the taxpayer files on 18421
a generic form or on a form prescribed by the tax administrator. 18422

(G)(1)(a) Except as otherwise provided in this chapter, each 18423

individual income tax return required to be filed under this 18424
section shall be completed and filed as required by the tax 18425
administrator on or before the date prescribed for the filing of 18426
state individual income tax returns under division (G) of section 18427
5747.08 of the Revised Code. The taxpayer shall complete and file 18428
the return or notice on forms prescribed by the tax administrator 18429
or on generic forms, together with remittance made payable to the 18430
municipal corporation or tax administrator. No remittance is 18431
required if the amount shown to be due is ten dollars or less. A 18432
municipal corporation shall not require a qualifying employee 18433
whose income consists exclusively of exempt income described in 18434
division (C)(20)(b) or (c) of section 718.01 of the Revised Code 18435
to file a return under this section. 18436

(b) Except as otherwise provided in this chapter, each annual 18437
net profit return required to be filed under this section by a 18438
taxpayer that is not an individual shall be completed and filed as 18439
required by the tax administrator on or before the fifteenth day 18440
of the fourth month following the end of the taxpayer's taxable 18441
year. The taxpayer shall complete and file the return or notice on 18442
forms prescribed by the tax administrator or on generic forms, 18443
together with remittance made payable to the municipal corporation 18444
or tax administrator. No remittance is required if the amount 18445
shown to be due is ten dollars or less. 18446

(2)(a) Any taxpayer that has duly requested an automatic 18447
six-month extension for filing the taxpayer's federal income tax 18448
return shall automatically receive an extension for the filing of 18449
a municipal income tax return. The extended due date of the 18450
municipal income tax return for a taxpayer that is an individual 18451
shall be the fifteenth day of the tenth month after the last day 18452
of the taxable year to which the return relates. The extended due 18453
date of the municipal income tax return for a taxpayer that is not 18454
an individual shall be the fifteenth day of the eleventh month 18455

after the last day of the taxable year to which the return 18456
relates. 18457

(b) A taxpayer that has not requested or received a six-month 18458
extension for filing the taxpayer's federal income tax return may 18459
request that the tax administrator grant the taxpayer a six-month 18460
extension of the date for filing the taxpayer's municipal income 18461
tax return. If the request is received by the tax administrator on 18462
or before the date the municipal income tax return is due, the tax 18463
administrator shall grant the taxpayer's requested extension. 18464

(c) An extension of time to file under division (G)(2) of 18465
this section is not an extension of the time to pay any tax due 18466
unless the tax administrator grants an extension of that date. 18467

(3) If the tax commissioner extends for all taxpayers the 18468
date for filing state income tax returns under division (G) of 18469
section 5747.08 of the Revised Code, a taxpayer shall 18470
automatically receive an extension for the filing of a municipal 18471
income tax return. The extended due date of the municipal income 18472
tax return shall be the same as the extended due date of the state 18473
income tax return. 18474

(4) If the tax administrator considers it necessary in order 18475
to ensure the payment of the tax imposed by the municipal 18476
corporation in accordance with this chapter, the tax administrator 18477
may require taxpayers to file returns and make payments otherwise 18478
than as provided in this section, including taxpayers not 18479
otherwise required to file annual returns. 18480

(5) If a taxpayer receives an extension for the filing of a 18481
municipal income tax return under division (G)(2), (3), or (4) of 18482
this section, the tax administrator shall not make any inquiry or 18483
send any notice to the taxpayer with regard to the return on or 18484
before the date the taxpayer files the return or on or before the 18485
extended due date to file the return, whichever occurs first. 18486

If a tax administrator violates division (G)(5) of this section, the municipal corporation shall reimburse the taxpayer for any reasonable costs incurred to respond to such inquiry or notice. 18487
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Division (G)(5) of this section does not apply to an extension received under division (G)(2) of this section if the tax administrator has actual knowledge that the taxpayer failed to file for a federal extension as required to receive the extension under division (G)(2)(a) of this section or failed to file for an extension under division (G)(2)(b) of this section. 18491
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(6) To the extent that any provision in this division conflicts with any provision in section 718.052 of the Revised Code, the provision in that section prevails. 18497
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(H)(1) For taxable years beginning after 2015, a municipal corporation shall not require a taxpayer to remit tax with respect to net profits if the amount due is less than ten dollars. 18500
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(2) Except as provided in division (H)(3) of this section, any taxpayer not required to remit tax to a municipal corporation for a taxable year pursuant to division (H)(1) of this section shall file with the municipal corporation an annual net profit return under division (F)(3) of this section. 18503
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(3) A municipal corporation shall not require a person to file a net profit return under this section if the person's income consists exclusively of exempt income described in division (C)(20)(a) of section 718.01 of the Revised Code. 18508
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(I)(1) If any report, claim, statement, or other document required to be filed, or any payment required to be made, within a prescribed period or on or before a prescribed date under this chapter is delivered after that period or that date by United States mail to the tax administrator or other municipal official with which the report, claim, statement, or other document is 18512
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required to be filed, or to which the payment is required to be 18518
made, the date of the postmark stamped on the cover in which the 18519
report, claim, statement, or other document, or payment is mailed 18520
shall be deemed to be the date of delivery or the date of payment. 18521
"The date of postmark" means, in the event there is more than one 18522
date on the cover, the earliest date imprinted on the cover by the 18523
postal service. 18524

(2) If a payment under this chapter is made by electronic 18525
funds transfer, the payment shall be considered to be made on the 18526
date of the timestamp assigned by the first electronic system 18527
receiving that payment. 18528

(J) The amounts withheld by an employer, the agent of an 18529
employer, or an other payer as described in section 718.03 of the 18530
Revised Code shall be allowed to the recipient of the compensation 18531
as credits against payment of the tax imposed on the recipient by 18532
the municipal corporation, unless the amounts withheld were not 18533
remitted to the municipal corporation and the recipient colluded 18534
with the employer, agent, or other payer in connection with the 18535
failure to remit the amounts withheld. 18536

(K) Each return required by a municipal corporation to be 18537
filed in accordance with this section shall include a box that the 18538
taxpayer may check to authorize another person, including a tax 18539
return preparer who prepared the return, to communicate with the 18540
tax administrator about matters pertaining to the return. The 18541
return or instructions accompanying the return shall indicate that 18542
by checking the box the taxpayer authorizes the tax administrator 18543
to contact the preparer or other person concerning questions that 18544
arise during the examination or other review of the return and 18545
authorizes the preparer or other person only to provide the tax 18546
administrator with information that is missing from the return, to 18547
contact the tax administrator for information about the 18548
examination or other review of the return or the status of the 18549

taxpayer's refund or payments, and to respond to notices about 18550
mathematical errors, offsets, or return preparation that the 18551
taxpayer has received from the tax administrator and has shown to 18552
the preparer or other person. 18553

(L) The tax administrator of a municipal corporation shall 18554
accept for filing a generic form of any income tax return, report, 18555
or document required by the municipal corporation in accordance 18556
with this chapter, provided that the generic form, once completed 18557
and filed, contains all of the information required by ordinance, 18558
resolution, or rules adopted by the municipal corporation or tax 18559
administrator, and provided that the taxpayer or tax return 18560
preparer filing the generic form otherwise complies with the 18561
provisions of this chapter and of the municipal corporation 18562
ordinance or resolution governing the filing of returns, reports, 18563
or documents. 18564

(M) When income tax returns, reports, or other documents 18565
require the signature of a tax return preparer, the tax 18566
administrator shall accept a facsimile of such a signature in lieu 18567
of a manual signature. 18568

(N)(1) As used in this division, "worksite location" has the 18569
same meaning as in section 718.011 of the Revised Code. 18570

(2) A person may notify a tax administrator that the person 18571
does not expect to be a taxpayer with respect to the municipal 18572
corporation for a taxable year if both of the following conditions 18573
apply: 18574

(a) The person was required to file a tax return with the 18575
municipal corporation for the immediately preceding taxable year 18576
because the person performed services at a worksite location 18577
within that municipal corporation. 18578

(b) The person no longer provides services in the municipal 18579
corporation and does not expect to be subject to the municipal 18580

corporation's income tax for the taxable year. 18581

The person shall provide the notice in a signed affidavit 18582
that briefly explains the person's circumstances, including the 18583
location of the previous worksite location and the last date on 18584
which the person performed services or made any sales within the 18585
municipal corporation. The affidavit also shall include the 18586
following statement: "The affiant has no plans to perform any 18587
services within the municipal corporation, make any sales in the 18588
municipal corporation, or otherwise become subject to the tax 18589
levied by the municipal corporation during the taxable year. If 18590
the affiant does become subject to the tax levied by the municipal 18591
corporation for the taxable year, the affiant agrees to be 18592
considered a taxpayer and to properly register as a taxpayer with 18593
the municipal corporation if such a registration is required by 18594
the municipal corporation's resolutions, ordinances, or rules." 18595
The person shall sign the affidavit under penalty of perjury. 18596

(c) If a person submits an affidavit described in division 18597
(N)(2) of this section, the tax administrator shall not require 18598
the person to file any tax return for the taxable year unless the 18599
tax administrator possesses information that conflicts with the 18600
affidavit or if the circumstances described in the affidavit 18601
change. Nothing in division (N) of this section prohibits the tax 18602
administrator from performing an audit of the person. 18603

Sec. 718.27. (A) As used in this section: 18604

(1) "Applicable law" means this chapter, the resolutions, 18605
ordinances, codes, directives, instructions, and rules adopted by 18606
a municipal corporation provided such resolutions, ordinances, 18607
codes, directives, instructions, and rules impose or directly or 18608
indirectly address the levy, payment, remittance, or filing 18609
requirements of a municipal income tax. 18610

(2) "Income tax," "estimated income tax," and "withholding 18611

tax" means any income tax, estimated income tax, and withholding 18612
tax imposed by a municipal corporation pursuant to applicable law, 18613
including at any time before January 1, 2016. 18614

(3) A "return" includes any tax return, report, 18615
reconciliation, schedule, and other document required to be filed 18616
with a tax administrator or municipal corporation by a taxpayer, 18617
employer, any agent of the employer, or any other payer pursuant 18618
to applicable law, including at any time before January 1, 2016. 18619

(4) "Federal short-term rate" means the rate of the average 18620
market yield on outstanding marketable obligations of the United 18621
States with remaining periods to maturity of three years or less, 18622
as determined under section 1274 of the Internal Revenue Code, for 18623
July of the current year. 18624

(5) "Interest rate as described in division (A) of this 18625
section" means the federal short-term rate, rounded to the nearest 18626
whole number per cent, plus five per cent. The rate shall apply 18627
for the calendar year next following the July of the year in which 18628
the federal short-term rate is determined in accordance with 18629
division (A)(4) of this section. 18630

(6) "Unpaid estimated income tax" means estimated income tax 18631
due but not paid by the date the tax is required to be paid under 18632
applicable law. 18633

(7) "Unpaid income tax" means income tax due but not paid by 18634
the date the income tax is required to be paid under applicable 18635
law. 18636

(8) "Unpaid withholding tax" means withholding tax due but 18637
not paid by the date the withholding tax is required to be paid 18638
under applicable law. 18639

(9) "Withholding tax" includes amounts an employer, any agent 18640
of an employer, or any other payer did not withhold in whole or in 18641
part from an employee's qualifying wages, but that, under 18642

applicable law, the employer, agent, or other payer is required to 18643
withhold from an employee's qualifying wages. 18644

(B)(1) This section applies to the following: 18645

(a) Any return required to be filed under applicable law for 18646
taxable years beginning on or after January 1, 2016; 18647

(b) Income tax, estimated income tax, and withholding tax 18648
required to be paid or remitted to the municipal corporation on or 18649
after January 1, 2016. 18650

(2) This section does not apply to returns required to be 18651
filed or payments required to be made before January 1, 2016, 18652
regardless of the filing or payment date. Returns required to be 18653
filed or payments required to be made before January 1, 2016, but 18654
filed or paid after that date shall be subject to the ordinances 18655
or rules, as adopted before January 1, 2016, of the municipal 18656
corporation to which the return is to be filed or the payment is 18657
to be made. 18658

(C) Each municipal corporation levying a tax on income may 18659
impose on a taxpayer, employer, any agent of the employer, and any 18660
other payer, and must attempt to collect, the interest amounts and 18661
penalties prescribed under division (C) of this section when the 18662
taxpayer, employer, any agent of the employer, or any other payer 18663
for any reason fails, in whole or in part, to make to the 18664
municipal corporation timely and full payment or remittance of 18665
income tax, estimated income tax, or withholding tax or to file 18666
timely with the municipal corporation any return required to be 18667
filed. 18668

(1) Interest shall be imposed at the rate described in 18669
division (A) of this section, per annum, on all unpaid income tax, 18670
unpaid estimated income tax, and unpaid withholding tax. 18671

(2)(a) With respect to unpaid income tax and unpaid estimated 18672
income tax, a municipal corporation may impose a penalty equal to 18673

fifteen per cent of the amount not timely paid. 18674

(b) With respect to any unpaid withholding tax, a municipal 18675
corporation may impose a penalty not exceeding fifty per cent of 18676
the amount not timely paid. 18677

(3) With respect to returns other than estimated income tax 18678
returns, a municipal corporation may impose a penalty ~~of not~~ 18679
exceeding twenty-five dollars for each failure to timely file each 18680
return, regardless of the liability shown thereon ~~for each month,~~ 18681
~~or any fraction thereof, during which the return remains unfiled~~ 18682
~~regardless of the liability shown thereon. The penalty shall not~~ 18683
~~exceed one hundred fifty dollars for each failure, except that a~~ 18684
municipal corporation shall abate or refund the penalty assessed 18685
on a taxpayer's first failure to timely file a return after the 18686
taxpayer files that return. 18687

(D)(1) With respect to the income taxes, estimated income 18688
taxes, withholding taxes, and returns, no municipal corporation 18689
shall impose, seek to collect, or collect any penalty, amount of 18690
interest, charges, or additional fees not described in this 18691
section. 18692

(2) With respect to the income taxes, estimated income taxes, 18693
withholding taxes, and returns not described in division (A) of 18694
this section, nothing in this section requires a municipal 18695
corporation to refund or credit any penalty, amount of interest, 18696
charges, or additional fees that the municipal corporation has 18697
properly imposed or collected before January 1, 2016. 18698

(E) Nothing in this section limits the authority of a 18699
municipal corporation to abate or partially abate penalties or 18700
interest imposed under this section when the tax administrator 18701
determines, in the tax administrator's sole discretion, that such 18702
abatement is appropriate. 18703

(F) By the thirty-first day of October of each year the 18704

municipal corporation shall publish the rate described in division 18705
(A) of this section applicable to the next succeeding calendar 18706
year. 18707

(G) The municipal corporation may impose on the taxpayer, 18708
employer, any agent of the employer, or any other payer the 18709
municipal corporation's post-judgment collection costs and fees, 18710
including attorney's fees. 18711

Sec. 718.80. (A) A taxpayer may elect to be subject to 18712
sections 718.80 to 718.95 of the Revised Code in lieu of the 18713
provisions set forth in the remainder of this chapter. 18714
Notwithstanding any other provision of this chapter, upon the 18715
taxpayer's election, both of the following shall apply: 18716

(1) The tax commissioner shall serve as the sole 18717
administrator of each municipal income tax for which the taxpayer 18718
is liable for the term of the election; 18719

(2) The commissioner shall administer the tax pursuant to 18720
sections 718.80 to 718.95 of the Revised Code and any applicable 18721
provision of Chapter 5703. of the Revised Code. 18722

(B)(1) A taxpayer shall make the initial election on or 18723
before the fifteenth day of the fourth month after the beginning 18724
of the taxpayer's taxable year by providing to the tax 18725
commissioner a list of all municipal corporations in which the 18726
taxpayer conducted business during the previous taxable year, on a 18727
form prescribed by the tax commissioner. 18728

(2) At least quarterly, the tax commissioner shall notify 18729
each municipal corporation that a taxpayer lists in its election 18730
under division (B)(1) of this section that the taxpayer has made 18731
the election. 18732

(3)(a) The election, once made by the taxpayer, applies to 18733
the taxable year in which the election is made and to each 18734

subsequent taxable year until the taxpayer notifies the tax commissioner of its termination of the election. 18735
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(b) A notification of termination shall be made, on a form prescribed by the tax commissioner, on or before the fifteenth day of the fourth month of any taxable year. 18737
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(c) Upon a timely and valid termination of the election, the taxpayer is no longer subject to sections 718.80 to 718.95 of the Revised Code, and is instead subject to the provisions set forth in the remainder of this chapter. 18740
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(d) At least quarterly, the tax commissioner shall notify each municipal corporation reported on a taxpayer's most recent return or declaration filed with the commissioner of the taxpayer's termination of its election. 18744
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(4) The tax commissioner shall provide to all municipal corporations imposing a tax on income on or after January 1, 2018, a list of taxpayers that are subject to sections 718.80 to 718.95 of the Revised Code, including the taxpayers' names, addresses, and federal employee identification numbers. The list shall be made available via the portal created under section 718.841 of the Revised Code. 18748
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(C)(1)(a) On or before the thirty-first day of January each year, each municipal corporation imposing a tax on income shall certify to the tax commissioner the rate of the tax in effect on the first day of January of that year. 18755
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(b) If, after the thirty-first day of January of any year, ~~the electors of a municipal corporation approve an increase in~~ changes the rate of the municipal corporation's tax on income such that a new rate takes effect within that year, the municipal corporation shall certify to the tax commissioner the new rate of tax not less than sixty days before the effective date of the ~~increase~~ new rate, after which effective date the commissioner 18759
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shall apply the ~~increased~~ new rate. 18766

(2) A municipal corporation that receives a notification 18767
under division (B)(2) of this section shall submit to the tax 18768
commissioner, on a form prescribed by the commissioner and within 18769
the time prescribed by division (C)(3) of this section, the 18770
following information regarding the taxpayer and any member of an 18771
affiliated group of corporations included on the taxpayer's 18772
consolidated tax return, when applicable: 18773

(a) The amount of any net operating loss that the taxpayer is 18774
entitled to carry forward to a future tax year; 18775

(b) The amount of any net operating loss carryforward 18776
utilized by the taxpayer in prior years; 18777

(c) Any credits granted by the municipal corporation to which 18778
the taxpayer is entitled, the amount of such credits, whether the 18779
credits may be carried forward to future tax years, and, if the 18780
credits may be carried forward, the duration of any such 18781
carryforward; 18782

(d) Any overpayments of tax that the taxpayer has elected to 18783
carry forward to a subsequent tax year; 18784

(e) Any other information the municipal corporation deems 18785
relevant in order to effectuate the tax commissioner's efficient 18786
administration of the tax on the municipal corporation's behalf. 18787

(3) A municipal corporation shall submit the information 18788
required under division (C)(2) of this section to the tax 18789
commissioner within ninety days after the taxpayer files its final 18790
return or within fifteen days after the end of the taxable year 18791
for which the taxpayer made the initial election under division 18792
(B)(1) of this section, whichever occurs first. For the purposes 18793
of this section, "final return" means the return filed with the 18794
municipal corporation for the taxable year immediately preceding 18795
the taxable year for which the taxpayer made the election under 18796

division (B)(1) of this section. 18797

(4) If any municipal corporation fails to timely comply with 18798
division (C)(1), (2), or (3) of this section, the tax commissioner 18799
may notify the director of budget and management, who, upon 18800
receiving such notification, shall withhold a portion of each 18801
payment made to the municipal corporation under section 718.83 of 18802
the Revised Code. The commissioner shall specify the percentage of 18803
the payment to be withheld, not to exceed fifty per cent of the 18804
amount of the payment otherwise due to the municipal corporation 18805
under that section. The director shall compute the withholding on 18806
the basis of the tax rate most recently certified to the tax 18807
commissioner until the municipal corporation complies with 18808
divisions (C)(1), (2), and (3) of this section. 18809

If, after any such withholding, the municipal corporation 18810
complies with divisions (C)(1), (2), and (3) of this section, the 18811
tax commissioner shall notify the director of budget and 18812
management, who shall provide payment to the municipal corporation 18813
under section 718.83 of the Revised Code of such amounts withheld 18814
under this division. 18815

(D) The tax commissioner shall enforce and administer 18816
sections 718.80 to 718.95 of the Revised Code. In addition to any 18817
other powers conferred upon the tax commissioner by law, the tax 18818
commissioner may: 18819

(1) Prescribe all forms necessary to administer those 18820
sections; 18821

(2) Adopt such rules as the tax commissioner finds necessary 18822
to carry out those sections; 18823

(3) Appoint and employ such personnel as are necessary to 18824
carry out the duties imposed upon the tax commissioner by those 18825
sections. 18826

(E) No tax administrator shall utilize sections 718.81 to 18827

718.95 of the Revised Code in the administrator's administration 18828
of a municipal income tax, and those sections shall not be applied 18829
to any taxpayer that has not made the election under this section. 18830

(F) Nothing in this chapter shall be construed to make any 18831
section of this chapter, other than sections 718.01 and 718.80 to 18832
718.95 of the Revised Code, applicable to the tax commissioner's 18833
administration of a municipal income tax or to any taxpayer that 18834
has made the election under this section. 18835

(G) The tax commissioner shall not be considered a tax 18836
administrator, as that term is defined in section 718.01 of the 18837
Revised Code. 18838

Sec. 718.84. (A) Any information gained as a result of 18839
returns, investigations, hearings, or verifications required or 18840
authorized by sections 718.80 to 718.95 of the Revised Code is 18841
confidential, and no person shall disclose such information, 18842
except for official purposes, in accordance with a proper judicial 18843
order, or as provided in section 4123.271 or 5703.21 of the 18844
Revised Code. The tax commissioner may furnish the internal 18845
revenue service with copies of returns filed. This section does 18846
not prohibit the publication of statistics in a form which does 18847
not disclose information with respect to particular taxpayers. 18848

(B) In May and ~~November~~ December of each year, the tax 18849
commissioner shall provide each tax administrator with the 18850
following information for every taxpayer that ~~filed~~ had municipal 18851
taxable income apportionable to the municipal corporation under 18852
this chapter on tax returns filed with the commissioner under 18853
sections 718.80 to 718.95 of the Revised Code ~~and that had~~ 18854
~~municipal taxable income apportionable to the municipal~~ 18855
~~corporation under this chapter for any prior year~~ in the preceding 18856
five or seven months, respectively: 18857

(1) The taxpayer's name, address, and federal employer 18858

identification number; 18859

(2) The taxpayer's apportionment ratio for, and amount of 18860
municipal taxable income apportionable to, the municipal 18861
corporation pursuant to section 718.82 of the Revised Code; 18862

(3) The amount of any pre-2017 net operating loss 18863
carryforward utilized by the taxpayer; 18864

(4) Whether the taxpayer requested that any overpayment be 18865
carried forward to a future taxable year; 18866

(5) The amount of any credit claimed under section 718.94 of 18867
the Revised Code. 18868

(C) Not later than thirty days after each distribution made 18869
to municipal corporations under section 718.83 of the Revised 18870
Code, the tax commissioner shall provide to each municipal 18871
corporation a report stating the name and federal identification 18872
number of every taxpayer that made estimated payments that are 18873
attributable to the municipal corporation and the amount of each 18874
such taxpayer's estimated payment. 18875

(D) Not later than the thirty-first day of January of each 18876
year, every municipal corporation having taxpayers that have made 18877
the election allowed under section 718.80 of the Revised Code 18878
shall provide to the tax commissioner, in a format prescribed by 18879
the commissioner, the name and mailing address of up to two 18880
persons to whom the municipal corporation requests that the 18881
commissioner send the information described in divisions (B) and 18882
(C) of this section. The commissioner shall not provide such 18883
information to any person other than a person who is designated to 18884
receive the information under this section and who is employed by 18885
the municipal corporation or by a tax administrator, as defined in 18886
section 718.01 of the Revised Code, that administers the municipal 18887
corporation's income tax, except as may otherwise be provided by 18888
law. 18889

(E)(1) The tax commissioner may adopt rules that further 18890
govern the terms and conditions under which tax returns filed with 18891
the commissioner under this chapter, and any other information 18892
gained in the performance of the commissioner's duties prescribed 18893
by this chapter, shall be available for inspection by properly 18894
authorized officers, employees, or agents of the municipal 18895
corporations to which the taxpayer's net profit is apportioned 18896
under section 718.82 of the Revised Code. 18897

(2) As used in this division, "properly authorized officer, 18898
employee, or agent" means an officer, employee, or agent of a 18899
municipal corporation who is authorized by charter or ordinance of 18900
the municipal corporation to view or possess information referred 18901
to in section 718.13 of the Revised Code. 18902

(F)(1) If, upon receiving the information described in 18903
division (B) of section 718.91 of the Revised Code or division (B) 18904
or (C) of this section, a municipal corporation discovers that it 18905
has additional information in its possession that could result in 18906
a change to a taxpayer's tax liability, the municipal corporation 18907
may refer the taxpayer to the tax commissioner for an audit. Such 18908
referral shall be made on a form prescribed by the commissioner 18909
and shall include any information that forms the basis for the 18910
referral. 18911

(2) Upon receipt of a referral under division (F)(1) of this 18912
section, the commissioner shall review the referral and may 18913
conduct an audit of the taxpayer that is the subject of the 18914
referral based on the information in the referral and any other 18915
relevant information available to the commissioner. 18916

(3) Nothing in division (F) of this section shall be 18917
construed as forming the sole basis upon which the commissioner 18918
may conduct an audit of a taxpayer. 18919

(4) Nothing in this chapter shall prohibit a municipal 18920

corporation from filing a writ of mandamus if the municipal 18921
corporation believes that the commissioner has violated the 18922
commissioner's fiduciary duty as the administrator of the tax 18923
levied by the municipal corporation. 18924

Sec. 718.85. (A)(1) For each taxable year, every taxpayer 18925
shall file an annual return. Such return, along with the amount of 18926
tax shown to be due on the return less the amount paid for the 18927
taxable year under section 718.88 of the Revised Code, shall be 18928
submitted to the tax commissioner, on a form and in the manner 18929
prescribed by the commissioner, on or before the fifteenth day of 18930
the fourth month following the end of the taxpayer's taxable year. 18931

(2) The remittance shall be made payable to the treasurer of 18932
state and in the form prescribed by the tax commissioner. If the 18933
amount payable with the tax return is ten dollars or less, no 18934
remittance is required. 18935

(B) The tax commissioner shall immediately forward to the 18936
treasurer of state all amounts the commissioner receives pursuant 18937
to sections 718.80 to 718.95 of the Revised Code. The treasurer 18938
shall credit such amounts to the municipal net profit tax fund 18939
which is hereby created in the state treasury. 18940

(C)(1) Each return required to be filed under this section 18941
shall contain the signature of the taxpayer or the taxpayer's duly 18942
authorized agent and of the person who prepared the return for the 18943
taxpayer, and shall include the taxpayer's identification number. 18944
Each return shall be verified by a declaration under penalty of 18945
perjury. 18946

(2)(a) The tax commissioner may require a taxpayer to 18947
include, with each annual tax return, amended return, or request 18948
for refund filed with the commissioner under sections 718.80 to 18949
718.95 of the Revised Code, copies of any relevant documents or 18950
other information. 18951

(b) A taxpayer that files an annual tax return electronically through the Ohio business gateway or in another manner as prescribed by the tax commissioner shall either submit the documents required under this division electronically as prescribed at the time of filing or, if electronic submission is not available, mail the documents to the tax commissioner. The department of taxation shall publish a method of electronically submitting the documents required under this division on or before January 1, 2019.

(3) After a taxpayer files a tax return, the tax commissioner may request, and the taxpayer shall provide, any information, statements, or documents required to determine and verify the taxpayer's municipal income tax.

(D)(1)(a) Any taxpayer that has duly requested an automatic extension for filing the taxpayer's federal income tax return shall automatically receive an extension for the filing of a tax return with the commissioner under this section. The extended due date of the return shall be the fifteenth day of the ~~tenth~~ eleventh month after the last day of the taxable year to which the return relates.

(b) A taxpayer that has not requested or received a six-month extension for filing the taxpayer's federal income tax return may request that the commissioner grant the taxpayer a six-month extension of the date for filing the taxpayer's ~~municipal income~~ tax return. If the commissioner receives the request on or before the date the ~~municipal income~~ tax return is due, the commissioner shall grant the taxpayer's extension request.

(c) An extension of time to file under division (D)(1) of this section is not an extension of the time to pay any tax due unless the tax commissioner grants an extension of that date.

(2) If the commissioner considers it necessary in order to

ensure payment of a tax imposed in accordance with section 718.04 18983
of the Revised Code, the commissioner may require taxpayers to 18984
file returns and make payments otherwise than as provided in this 18985
section, including taxpayers not otherwise required to file annual 18986
returns. 18987

(3) If a taxpayer receives an extension for the filing of a 18988
tax return under division (D)(1) or (2) of this section, the 18989
commissioner shall not make any inquiry or send any notice to the 18990
taxpayer with regard to the return on or before the date the 18991
taxpayer files the return or on or before the extended due date to 18992
file the return, whichever occurs first. 18993

If the commissioner violates division (D)(3) of this section, 18994
the commissioner shall reimburse the taxpayer for any reasonable 18995
costs incurred to respond to such inquiry or notice. Such 18996
reimbursement shall be paid from the general revenue fund. 18997

Division (D)(3) of this section does not apply to an 18998
extension received under division (D)(1) of this section if the 18999
commissioner has actual knowledge that the taxpayer failed to file 19000
for a federal extension as required to receive the extension under 19001
division (D)(1)(a) of this section or failed to file for an 19002
extension under division (D)(1)(b) of this section. 19003

(E) Each return required to be filed in accordance with this 19004
section shall include a box that the taxpayer may check to 19005
authorize another person, including a tax return preparer who 19006
prepared the return, to communicate with the tax commissioner 19007
about matters pertaining to the return. The return or instructions 19008
accompanying the return shall indicate that by checking the box 19009
the taxpayer authorizes the commissioner to contact the preparer 19010
or other person concerning questions that arise during the 19011
examination or other review of the return and authorizes the 19012
preparer or other person only to provide the commissioner with 19013
information that is missing from the return, to contact the 19014

commissioner for information about the examination or other review 19015
of the return or the status of the taxpayer's refund or payments, 19016
and to respond to notices about mathematical errors, offsets, or 19017
return preparation that the taxpayer has received from the 19018
commissioner and has shown to the preparer or other person. 19019

(F) When income tax returns or other documents require the 19020
signature of a tax return preparer, the tax commissioner shall 19021
accept a facsimile or electronic version of such a signature in 19022
lieu of a manual signature. 19023

Sec. 718.89. (A) In addition to any other penalty imposed by 19024
sections 718.80 to 718.95 or Chapter 5703. of the Revised Code, 19025
the following penalties shall apply: 19026

(1) If a taxpayer required to file a tax return under 19027
sections 718.80 to 718.95 of the Revised Code fails to make and 19028
file the return within the time prescribed, including any 19029
extensions of time granted by the tax commissioner, the 19030
commissioner may impose a penalty not exceeding twenty-five 19031
dollars ~~per month or fraction of a month, for each month or~~ 19032
~~fraction of a month elapsing between the due date, including~~ 19033
~~extensions of the due date, and the date on which the return is~~ 19034
~~filed. The aggregate penalty, per instance, under this division~~ 19035
~~shall not exceed one hundred fifty dollars, except that the~~ 19036
commissioner shall abate or refund the penalty assessed on a 19037
taxpayer's first failure to timely file a return after the 19038
taxpayer files that return. 19039

(2) If a person required to file a tax return electronically 19040
under sections 718.80 to 718.95 of the Revised Code fails to do 19041
so, the commissioner may impose a penalty not to exceed the 19042
following: 19043

(a) For each of the first two failures, five per cent of the 19044
amount required to be reported on the return; 19045

(b) For the third and any subsequent failure, ten per cent of 19046
the amount required to be reported on the return. 19047

(3) If a taxpayer that has made the election allowed under 19048
section 718.80 of the Revised Code fails to timely pay an amount 19049
of tax required to be paid under this chapter, the commissioner 19050
may impose a penalty equal to fifteen per cent of the amount not 19051
timely paid. 19052

(4) If a taxpayer files what purports to be a tax return 19053
required by sections 718.80 to 718.95 of the Revised Code that 19054
does not contain information upon which the substantial 19055
correctness of the return may be judged or contains information 19056
that on its face indicates that the return is substantially 19057
incorrect, and the filing of the return in that manner is due to a 19058
position that is frivolous or a desire that is apparent from the 19059
return to delay or impede the administration of sections 718.80 to 19060
718.95 of the Revised Code, a penalty of up to five hundred 19061
dollars may be imposed. 19062

(5) If a taxpayer makes a fraudulent attempt to evade the 19063
reporting or payment of the tax required to be shown on any return 19064
required under sections 718.80 to 718.95 of the Revised Code, a 19065
penalty may be imposed not exceeding the greater of one thousand 19066
dollars or one hundred per cent of the tax required to be shown on 19067
the return. 19068

(6) If any person makes a false or fraudulent claim for a 19069
refund under section 718.91 of the Revised Code, a penalty may be 19070
imposed not exceeding the greater of one thousand dollars or one 19071
hundred per cent of the claim. Any penalty imposed under this 19072
division, any refund issued on the claim, and interest on any 19073
refund from the date of the refund, may be assessed under section 19074
718.90 of the Revised Code without regard to any time limitation 19075
for the assessment imposed by division (A) of that section. 19076

(B) For purposes of this section, the tax required to be 19077
shown on a tax return shall be reduced by the amount of any part 19078
of the tax paid on or before the date, including any extensions of 19079
the date, prescribed for filing the return. 19080

(C) Each penalty imposed under this section shall be in 19081
addition to any other penalty imposed under this section. All or 19082
part of any penalty imposed under this section may be abated by 19083
the tax commissioner. The commissioner may adopt rules governing 19084
the imposition and abatement of such penalties. 19085

(D) All amounts collected under this section shall be 19086
considered as taxes collected under sections 718.80 to 718.95 of 19087
the Revised Code and shall be credited and distributed to 19088
municipal corporations in the same proportion as the underlying 19089
tax liability is required to be distributed to such municipal 19090
corporations under section 718.83 of the Revised Code. 19091

Sec. 727.01. Each municipal corporation shall have special 19092
power to levy and collect special assessments. The legislative 19093
authority of a municipal corporation may assess upon the abutting, 19094
adjacent, and contiguous, or other specially benefited, lots or 19095
lands in the municipal corporation, any part of the cost connected 19096
with the improvement of any street, alley, dock, wharf, pier, 19097
public road, place, boulevard, parkway, or park entrance or an 19098
easement of the municipal corporation available for the purpose of 19099
the improvement to be made in it by grading, draining, curbing, 19100
paving, repaving, repairing, treating the surface with substances 19101
designed to lay the dust on it or preserve it, constructing 19102
sidewalks, piers, wharves, docks, retaining walls, sewers, sewage 19103
disposal works and treatment plants, sewage pumping stations, 19104
water treatment plants, water pumping stations, reservoirs, and 19105
water storage tanks or standpipes, together with the facilities 19106
and appurtenances necessary and proper therefor, drains, 19107

storm-water retention basins, watercourses, water mains, or laying 19108
of water pipe, or the lighting, sprinkling, sweeping, or cleaning 19109
thereof, or removing snow therefrom, any part of the cost and 19110
expense of planting, maintaining, and removing shade trees 19111
thereupon; any part of the cost of a voluntary action, as defined 19112
in section 3746.01 of the Revised Code, undertaken pursuant to 19113
Chapter 3746. of the Revised Code by a special improvement 19114
district created under Chapter 1710. of the Revised Code, 19115
including the cost of acquiring property with respect to which the 19116
voluntary action is undertaken; any part of the cost and expense 19117
of constructing, maintaining, repairing, cleaning, and enclosing 19118
ditches; any part of the cost and expense of operating, 19119
maintaining, and replacing heating and cooling facilities for 19120
enclosed pedestrian canopies and malls; any part of the cost and 19121
expense of acquiring and improving parking facilities and 19122
structures for off-street parking of motor vehicles or of 19123
acquiring land and improving it by clearing, grading, draining, 19124
paving, lighting, erecting, constructing, and equipping it for 19125
parking facilities and structures for off-street parking of motor 19126
vehicles, to the extent authorized by section 717.05 of the 19127
Revised Code, but only if no special assessment made for the 19128
purpose of developing off-street parking facilities and structures 19129
is levied against any land being used solely for off-street 19130
parking or against any land used solely for single or two-family 19131
dwellings; any part of the cost and expense of operating and 19132
maintaining the off-street parking facilities and structures; and 19133
any part of the cost connected with changing the channel of, or 19134
narrowing, widening, dredging, deepening, or improving, any stream 19135
or watercourse, and for constructing or improving any levees or 19136
boulevards on any stream or watercourse, or along or about any 19137
stream or watercourse, together with any retaining wall, riprap 19138
protection, bulkhead, culverts, approaches, flood gates, 19139

waterways, or drains incidental to any stream or watercourse, or 19140
for making any other improvement of any river or lake front, 19141
whether it is privately or publicly owned, which the legislative 19142
authority declares conducive to the public health, convenience, or 19143
welfare. If a program grant is awarded for an eligible project 19144
under sections 122.40 to 122.4077 of the Revised Code, a municipal 19145
corporation may levy, against dwellings that are subject to the 19146
project, a special assessment for the purpose of providing a 19147
contribution from the municipal corporation towards the funding 19148
gap for the project. The assessment shall be at a rate that will 19149
produce a total assessment that is not more than the municipal 19150
corporation's contribution towards the funding gap for the 19151
eligible project as described in the application under section 19152
122.4020 of the Revised Code. In addition, a municipal corporation 19153
may levy a special assessment for public improvement or public 19154
services plans of a district formed under Chapter 1710. of the 19155
Revised Code, as provided in that chapter. In addition, a 19156
municipal corporation may levy a special assessment for an air 19157
quality facility pursuant to an agreement entered into under 19158
section 3706.051 of the Revised Code, provided that the owner of 19159
the property to be assessed files a written statement with the 19160
legislative authority of the municipal corporation requesting that 19161
the assessment be levied. Except as otherwise provided in Chapter 19162
1710. of the Revised Code, special assessments may be levied by 19163
any of the following methods: 19164

(A) By a percentage of the tax value of the property 19165
assessed; 19166

(B) In proportion to the benefits that may result from the 19167
improvement; 19168

(C) By the front foot of the property bounding and abutting 19169
upon the improvement. 19170

Sec. 731.141. In those villages that have established the 19171
position of village administrator, as provided by section 735.271 19172
of the Revised Code, the village administrator shall make 19173
contracts, purchase supplies and materials, and provide labor for 19174
any work under the administrator's supervision involving not more 19175
than ~~fifty thousand dollars~~ the amount specified in section 9.17 19176
of the Revised Code. When an expenditure, other than the 19177
compensation of persons employed by the village, exceeds ~~fifty~~ 19178
~~thousand dollars~~ the amount specified in section 9.17 of the 19179
Revised Code, the expenditure shall first be authorized and 19180
directed by ordinance of the legislative authority of the village. 19181
When so authorized and directed, except where the contract is for 19182
equipment, services, materials, or supplies to be purchased under 19183
division (D) of section 713.23 or section 125.04 or 5513.01 of the 19184
Revised Code, available from a qualified nonprofit agency pursuant 19185
to sections 4115.31 to 4115.35 of the Revised Code, or required to 19186
be purchased from a qualified nonprofit agency under sections 19187
125.60 to 125.6012 of the Revised Code, the village administrator 19188
shall make a written contract with the lowest and best bidder 19189
after advertisement for not less than two nor more than four 19190
consecutive weeks in a newspaper of general circulation within the 19191
village or as provided in section 7.16 of the Revised Code. The 19192
bids shall be opened and shall be publicly read by the village 19193
administrator or a person designated by the village administrator 19194
at the time, date, and place as specified in the advertisement to 19195
bidders or specifications. The time, date, and place of bid 19196
openings may be extended to a later date by the village 19197
administrator, provided that written or oral notice of the change 19198
shall be given to all persons who have received or requested 19199
specifications no later than ninety-six hours prior to the 19200
original time and date fixed for the opening. All contracts shall 19201
be executed in the name of the village and signed on its behalf by 19202

the village administrator and the clerk. No expenditure subject to 19203
this section shall be divided into component parts, separate 19204
projects, or separate items of work in order to avoid the 19205
requirements of this section. 19206

The legislative authority of a village may provide, by 19207
ordinance, for central purchasing for all offices, departments, 19208
divisions, boards, and commissions of the village, under the 19209
direction of the village administrator, who shall make contracts, 19210
purchase supplies or materials, and provide labor for any work of 19211
the village in the manner provided by this section. 19212

Sec. 735.05. The director of public service may make any 19213
contract, purchase supplies or material, or provide labor for any 19214
work under the supervision of the department of public service 19215
involving not more than ~~fifty thousand dollars~~ the amount 19216
specified in section 9.17 of the Revised Code. When an expenditure 19217
within the department, other than the compensation of persons 19218
employed in the department, exceeds ~~fifty thousand dollars~~ the 19219
amount specified in section 9.17 of the Revised Code, the 19220
expenditure shall first be authorized and directed by ordinance of 19221
the city legislative authority. When so authorized and directed, 19222
except where the contract is for equipment, services, materials, 19223
or supplies to be purchased under division (D) of section 713.23 19224
or section 125.04 or 5513.01 of the Revised Code or available from 19225
a qualified nonprofit agency pursuant to sections 4115.31 to 19226
4115.35 of the Revised Code, the director shall make a written 19227
contract with the lowest and best bidder after advertisement for 19228
not less than two nor more than four consecutive weeks in a 19229
newspaper of general circulation within the city or as provided in 19230
section 7.16 of the Revised Code. No expenditure subject to this 19231
section shall be divided into component parts, separate projects, 19232
or separate items of work in order to avoid the requirements of 19233
this section. 19234

Sec. 737.03. The director of public safety shall manage and 19235
make all contracts with reference to police stations, fire houses, 19236
reform schools, infirmaries, hospitals other than municipal 19237
hospitals operated pursuant to Chapter 749. of the Revised Code, 19238
workhouses, farms, pesthouses, and all other charitable and 19239
reformatory institutions. In the control and supervision of those 19240
institutions, the director shall be governed by the provisions of 19241
Title VII of the Revised Code relating to those institutions. 19242

The director may make all contracts and expenditures of money 19243
for acquiring lands for the erection or repairing of station 19244
houses, police stations, fire department buildings, fire cisterns, 19245
and plugs, that are required, for the purchase of engines, 19246
apparatus, and all other supplies necessary for the police and 19247
fire departments, and for other undertakings and departments under 19248
the director's supervision, but no obligation involving an 19249
expenditure of more than ~~fifty thousand dollars~~ the amount 19250
specified in section 9.17 of the Revised Code shall be created 19251
unless first authorized and directed by ordinance. In making, 19252
altering, or modifying those contracts, the director shall be 19253
governed by sections 735.05 to 735.09 of the Revised Code, except 19254
that all bids shall be filed with and opened by the director. The 19255
director shall make no sale or disposition of any property 19256
belonging to the city without first being authorized by resolution 19257
or ordinance of the city legislative authority. 19258

Sec. 737.22. (A) Each village establishing a fire department 19259
shall have a fire chief as the department's head, appointed by the 19260
mayor with the advice and consent of the legislative authority of 19261
the village, who shall continue in office until removed from 19262
office as provided by sections 733.35 to 733.39 of the Revised 19263
Code. Neither this section nor any other section of the Revised 19264
Code requires, or shall be construed to require, that the fire 19265

chief be a resident of the village. 19266

In each village not having a fire department, the mayor 19267
shall, with the advice and consent of the legislative authority of 19268
the village, appoint a fire prevention officer who shall exercise 19269
all of the duties of a fire chief except those involving the 19270
maintenance and operation of fire apparatus. 19271

The legislative authority of the village may fix the 19272
compensation it considers best. The appointee shall continue in 19273
office until removed from office as provided by sections 733.35 to 19274
733.39 of the Revised Code. Section 737.23 of the Revised Code 19275
shall extend to the officer. 19276

(B) The legislative authority of the village may provide for 19277
the appointment of permanent full-time paid firefighters as it 19278
considers best and fix their compensation, or for the services of 19279
volunteer firefighters, who shall be appointed by the mayor with 19280
the advice and consent of the legislative authority, and shall 19281
continue in office until removed from office. 19282

(1) No person shall be appointed as a permanent full-time 19283
paid firefighter of a village fire department, unless either of 19284
the following applies: 19285

(a) The person has received a certificate issued under former 19286
section 3303.07 of the Revised Code or section 4765.55 of the 19287
Revised Code evidencing satisfactory completion of a firefighter 19288
training program. 19289

(b) The person began serving as a permanent full-time paid 19290
firefighter with the fire department of a city or other village 19291
prior to July 2, 1970, and receives a fire training certificate 19292
issued under section 4765.55 of the Revised Code. 19293

(2) No person who is appointed as a volunteer firefighter of 19294
a village fire department shall remain in that position, unless 19295

either of the following applies: 19296

(a) Within one year of the appointment, the person has 19297
received a certificate issued under former section 3303.07 or 19298
section 4765.55 of the Revised Code evidencing satisfactory 19299
completion of a firefighter training program. 19300

(b) The person has served as a permanent full-time paid 19301
firefighter with the fire department of a city or other village 19302
prior to July 2, 1970, or as a volunteer firefighter with the fire 19303
department of a city, township, fire district, or other village 19304
prior to July 2, 1979, and receives a certificate issued under 19305
~~division (C)(3) of~~ section 4765.55 of the Revised Code. 19306

(3) No person shall receive an appointment under this section 19307
unless the person has, not more than sixty days prior to receiving 19308
the appointment, passed a physical examination, given by a 19309
licensed physician, a physician assistant, a clinical nurse 19310
specialist, a certified nurse practitioner, or a certified 19311
nurse-midwife, showing that the person meets the physical 19312
requirements necessary to perform the duties of the position to 19313
which the person is to be appointed as established by the 19314
legislative authority of the village. The appointing authority 19315
shall, prior to making an appointment, file with the Ohio police 19316
and fire pension fund or the local volunteer fire fighters' 19317
dependents fund board a copy of the report or findings of that 19318
licensed physician, physician assistant, clinical nurse 19319
specialist, certified nurse practitioner, or certified 19320
nurse-midwife. The professional fee for the physical examination 19321
shall be paid for by the legislative authority of the village. 19322

Sec. 907.27. As used in sections 907.27 to 907.35, inclusive, 19323
of the Revised Code: 19324

(A) "Person" includes any individual, firm, partnership, 19325
corporation, company, society, or association. 19326

(B) "Distribute" means to offer for sale, hold for sale, 19327
sell, barter, or otherwise supply legume inoculants or 19328
pre-inoculated seed. 19329

(C) "Legume inoculant" means a pure or mixed culture of 19330
bacteria of the genus rhizobium capable of effectively inoculating 19331
a specific kind or specific kinds of legume plants. 19332

(D) "Brand" means a term, word, number, symbol, design, 19333
trademark, or any combination thereof used on the package, tag, or 19334
in advertising to identify the legume inoculants of a manufacturer 19335
or distributor and to distinguish them from those of others and 19336
from each other if on different media or substrata. 19337

(E) "Advertisement" means all representations other than 19338
those on the label, disseminated in any manner or by any means 19339
relating to legume inoculants and pre-inoculated seed. 19340

(F) "Label" means any written or printed matter on the 19341
package of legume inoculant or pre-inoculated seeds, or tag 19342
attached thereto, or to the pertinent invoice. 19343

(G) "Registrant" means a person who has currently registered 19344
a brand of inoculant. 19345

(H) "Pre-inoculated seeds" means legume seeds which have 19346
received prior to sale an application of a legume inoculant 19347
purported to be effective until the expiration date shown on the 19348
label. 19349

(I) "Custom inoculated seeds" means legume seeds to which 19350
application of a legume inoculant is made either at the time of 19351
the sale of the seed, or later, or to seed belonging to another 19352
person either as a service or as a part of the sales contract 19353
involving the sale or distribution either of the legume inoculant 19354
or seed not previously inoculated. It also includes subsequent 19355
application of legume inoculant to pre-inoculated seed when 19356
applied by a custom inoculator. 19357

~~(J) "Legume inoculator" means a person who applies legume inoculant to legume seeds either to produce pre inoculated seed, or custom inoculated seeds but other than for his own use for seeding.~~ 19358
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~~(K) "Sell" includes transfer of ownership or custody, or the receiving of, accepting, or holding on consignment for sale.~~ 19362
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Sec. 907.32. The director of agriculture may: 19364

(A) Refuse to register a brand of legume inoculant or ~~he~~ the director may cancel a registration that previously has been approved when, in ~~his~~ the director's opinion, the brand of legume inoculant is distributed under false or misleading claims; 19365
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~~(B) Refuse to license a legume inoculator or revoke a license previously issued for any violation of sections 907.27 to 907.35 of the Revised Code, or rules adopted thereunder;~~ 19369
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~~(C) Issue a stop sale order on any legume inoculant or pre-inoculated seed that is not registered, that is improperly or insufficiently labeled, that is offered for sale after the expiration date printed thereon, or that has been subjected to devitalizing conditions.~~ 19372
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Sec. 917.01. As used in this chapter: 19377

(A) "Person" means any individual, government agency, political subdivision, partnership, corporation, association, co-operative association, or other business unit. 19378
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(B) "Co-operative association" or "agricultural cooperative association" means any agricultural cooperative organized under Chapter 1729. of the Revised Code and qualified to do business in this state if the director of agriculture finds the association has, in good faith, its entire activities under the control of its members and has been and is exercising full authority in the sale 19381
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of milk or cream for its members. 19387

(C) "Market area" means any area that the director finds is a 19388
natural marketing area and designates as such. 19389

(D) "Dealer" or "milk dealer" means a person who purchases or 19390
receives milk from a producer for the purpose of bottling, 19391
packaging, selling, processing, jobbing, brokering, or 19392
distributing the milk except where the milk is disposed of in the 19393
same container in which it is received, without removal from the 19394
container and without processing in any way except by necessary 19395
refrigeration. Any person who buys and distributes milk in 19396
containers under the person's own label is a dealer. 19397

(E) "Imitation" means imitation as described in 21 C.F.R. 19398
101.3, as amended. 19399

(F) "Milk" means the lacteal secretion, substantially free 19400
from colostrum, obtained by the complete milking of one or more 19401
healthy cows, goats, sheep, or other animals and intended for 19402
either of the following purposes: 19403

(1) To be sold for human consumption or for use in dairy 19404
products; 19405

(2) To be used for human consumption or for use in dairy 19406
products on the premises of a governmental agency or institution. 19407

"Milk" does not include a blend of the lacteal secretions of 19408
different species. 19409

(G) "Grade A milk" means milk produced by a person holding a 19410
valid producer license of the grade A milk category issued 19411
pursuant to section 917.09 of the Revised Code. 19412

(H) "Manufacture milk" means milk produced by a person 19413
holding a valid producer license of the manufacture milk category 19414
issued pursuant to section 917.09 of the Revised Code. 19415

(I) "Producer" or "milk producer" means a grade A milk 19416

producer or a manufacture milk producer.	19417
(J) "Grade A milk producer" means a person located in this state who sells or offers for sale grade A milk obtained from a cow, goat, sheep, or other animal that the person owns or controls.	19418 19419 19420 19421
(K) "Manufacture milk producer" means a person located in this state who sells or offers for sale manufacture milk obtained from a cow, goat, sheep, or other animal that the person owns or controls.	19422 19423 19424 19425
(L) "Grade A milk products" means products derived from grade A milk and having the standard of identity, quality, strength, purity, grade, and, if added, permitted optional ingredients found in the standards of identity established for the products in rules adopted by the director under section 917.02 or 3715.02 of the Revised Code, and includes:	19426 19427 19428 19429 19430 19431
(1) Cottage cheese;	19432
(2) Raw, pasteurized, or aseptically processed products derived from milk and described in either of the following:	19433 19434
(a) The most recent published recommendations of the food and drug administration, public health service, United States department of health and human services;	19435 19436 19437
(b) Rules adopted by the director.	19438
(M) "Manufactured milk products" means all products, other than raw milk for sale to the ultimate consumer and grade A milk products, that are derived from milk and are for human consumption, including:	19439 19440 19441 19442
(1) Butter;	19443
(2) Natural or processed cheese;	19444
(3) Evaporated, condensed, and dry products;	19445

(4) Frozen desserts;	19446
(5) Such other products derived from milk as the director may specify by rule that have the standard of identity, quality, strength, purity, grade, and, if added, permitted optional ingredients found in the standards of identity established for the product in rules adopted by the director under section 917.02 or 3715.02 of the Revised Code.	19447 19448 19449 19450 19451 19452
(N) "Dairy products" means milk, raw milk for sale to the ultimate consumer, grade A milk products, and manufactured milk products.	19453 19454 19455
(O) "Frozen desserts" means frozen desserts, including the mixes, described in 21 C.F.R. 135, as amended, unless otherwise specified by the director by rule.	19456 19457 19458
(P) "Milk plant" means a grade A milk plant or manufacture milk plant.	19459 19460
(Q) "Grade A milk plant" means a place, including a governmental operation, where grade A milk or a grade A milk product is collected, handled, controlled, processed, stored, pasteurized, ultra-pasteurized, repasteurized, aseptically processed, bottled, or prepared for distribution, but does not include a place where a grade A milk product is purchased in packaged form and is stored and handled for the sole purpose of sale to the ultimate consumer.	19461 19462 19463 19464 19465 19466 19467 19468
(R) "Manufacture milk plant" means a place, including a governmental operation, where manufacture milk or a manufactured milk product is collected, handled, controlled, manufactured, processed, stored, pasteurized, ultra-pasteurized, repasteurized, commercially sterilized, aseptically processed, bottled, or prepared for distribution, but does not include a place where a manufactured milk product is purchased in packaged form and is stored and handled for the sole purpose of sale to the ultimate	19469 19470 19471 19472 19473 19474 19475 19476

consumer. 19477

(S) "Raw milk for sale to the ultimate consumer" means the 19478
raw milk sold or offered for sale by a raw milk retailer. 19479

(T) "Raw milk retailer" means a person who, ~~prior to October~~ 19480
~~31, 1965, was engaged continuously in the business of selling or~~ 19481
~~offering~~ sells or offers for sale raw milk directly to ultimate 19482
consumers. 19483

(U) "Processor" or "milk processor" means a grade A milk 19484
processor or a manufacture milk processor. 19485

(V) "Grade A milk processor" means a person who operates or 19486
controls a milk plant, transfer station, receiving station, or 19487
milk transport cleaning facility that is located in this state or 19488
from which grade A milk or grade A milk products are sold or 19489
offered for sale for human consumption, as applicable. 19490

(W) "Manufacture milk processor" means any person who 19491
operates or controls a manufacture milk plant, transfer station, 19492
receiving station, or milk transport cleaning facility that is 19493
located in this state or from which manufacture milk or 19494
manufactured milk products are sold or offered for sale for human 19495
consumption, as applicable. 19496

(X) "Weigher, sampler, or tester" means a person who, in 19497
order to determine volume, weight, or composition for the purpose 19498
of determining price, weighs, tests, or samples either of the 19499
following: 19500

(1) Milk at a dairy farm; 19501

(2) Milk or cream purchased by a dealer from a milk producer 19502
or co-operative association. 19503

(Y) "Hauler" or "milk hauler" means a person who owns or 19504
leases a vehicle or conveyance used to transport raw milk, but 19505
does not include a producer transporting raw milk that the 19506

producer has produced. 19507

(Z) "License" means a license issued under section 917.09 of 19508
the Revised Code and includes a registration issued under division 19509
(J) of that section. 19510

Sec. 917.04. No raw milk retailer shall sell, offer for sale, 19511
or expose for sale raw milk to the ultimate consumer except a raw 19512
milk retailer who, ~~prior to October 31, 1965, was engaged~~ 19513
~~continuously in the business of selling or offering for sale raw~~ 19514
~~milk directly to ultimate consumers,~~ holds a valid raw milk 19515
retailer license issued under section 917.09 of the Revised Code, 19516
and is subject to the rules regulating the sale of raw milk 19517
adopted under this chapter. 19518

No person shall fail to label, in accordance with rules 19519
adopted by the director of agriculture under section 917.02 of the 19520
Revised Code, all final delivery containers used for the sale of 19521
raw milk to ultimate consumers with the words "this product has 19522
not been pasteurized and may contain disease producing organisms. 19523

Sec. 917.09. ~~(A)~~(A)(1) The director of agriculture may issue 19524
the following types of licenses: 19525

~~(1)~~(a) Producer; 19526

~~(2)~~(b) Processor; 19527

~~(3)~~(c) Milk dealer; 19528

~~(4)~~ Raw milk retailer; 19529

~~(5)~~(d) Weigher, sampler, or tester; 19530

~~(6)~~(e) Milk hauler. 19531

(2) The director shall issue a raw milk retailer license to a 19532
person if both of the following apply: 19533

(a) The person submits an application in accordance with this 19534

section; 19535

(b) The person intends to sell, to offer for sale, or to 19536
expose for sale raw milk to the ultimate consumer only at the the 19537
raw milk retailer's farm or at a farmer's market. 19538

(B) The director may adopt rules establishing categories for 19539
each type of license that are based on the grade or type of dairy 19540
product with which the licensee is involved. 19541

(C) Except as provided in section 917.091 of the Revised Code 19542
and division (J) of this section, no person shall act as or hold 19543
the person's self out as a producer; processor; milk dealer; raw 19544
milk retailer; weigher, sampler, or tester; or milk hauler unless 19545
the person holds a valid license issued by the director under this 19546
section. 19547

(D) Each person desiring a license shall submit to the 19548
director a license application on a form prescribed by the 19549
director, accompanied by a license fee in an amount specified in 19550
rules adopted under section 917.02 of the Revised Code. The 19551
applicant shall specify on the application the type of license and 19552
category requested and shall include any other information 19553
required by rules adopted under section 917.02 of the Revised 19554
Code. 19555

(E) Each applicant for a weigher, sampler, or tester license 19556
or registration, prior to issuance of the license or registration, 19557
shall pass an examination that is given in accordance with section 19558
917.08 of the Revised Code and rules adopted under section 917.02 19559
of the Revised Code. 19560

Each applicant for any other type of license issued under 19561
this section, prior to issuance of the license, shall pass an 19562
inspection that is made in accordance with rules adopted under 19563
section 917.02 of the Revised Code. 19564

(F) The director shall not issue a license to an applicant 19565

unless the director determines, through an inspection or 19566
otherwise, that the applicant is in compliance with the 19567
requirements set forth in this chapter and the rules adopted under 19568
it. 19569

(G) Examinations that must be passed prior to issuance of a 19570
weigher, sampler, or tester license, inspections that must be 19571
passed prior to issuance of any other type of license issued under 19572
this section, procedures for issuing and renewing licenses, and 19573
license terms and renewal periods shall comply with rules adopted 19574
under section 917.02 of the Revised Code. 19575

(H) Suspension and revocation of licenses shall comply with 19576
section 917.22 of the Revised Code and rules adopted under section 19577
917.02 of the Revised Code. 19578

(I) Each licensed weigher, sampler, and tester annually shall 19579
meet the continuing education requirements established in rules 19580
adopted under division (B) of section 917.02 of the Revised Code. 19581

(J) A person whose religion prohibits the person from 19582
obtaining a license under this section, in place of a license, 19583
shall register with the director as a producer; processor; milk 19584
dealer; raw milk retailer; weigher, sampler, or tester; or milk 19585
hauler. 19586

The person claiming the exemption from licensure shall 19587
register on a form prescribed by the director and shall meet any 19588
other registration requirements contained in rules adopted under 19589
section 917.02 of the Revised Code. Upon receiving the person's 19590
registration form and determining that the person has satisfied 19591
all requirements for registration, the director shall notify the 19592
person that the person is registered to lawfully operate as a 19593
producer; processor; milk dealer; raw milk retailer; weigher, 19594
sampler, or tester; or milk hauler. 19595

A registrant is subject to all provisions governing 19596

licensees, such as provisions concerning testing, sampling, and 19597
inspection of dairy products. A registrant is subject to 19598
provisions governing issuance of a temporary weigher, sampler, or 19599
tester license under section 917.091 of the Revised Code. A 19600
registration shall be renewed, suspended, and revoked under the 19601
same terms as a license. 19602

Sec. 926.18. (A) When a depositor has made a demand for 19603
settlement of an obligation concerning an agricultural commodity 19604
on which a fee was required to be remitted under section 926.16 of 19605
the Revised Code and the licensed handler is experiencing failure, 19606
as "failure" is defined in section 926.021 of the Revised Code, 19607
and has failed to honor the demand, the depositor, after providing 19608
the director of agriculture or the director's authorized 19609
representative with evidence of the depositor's demand and the 19610
dishonoring of that demand, may file a claim with the director not 19611
later than six months after dishonor of the demand for 19612
indemnification of the depositor's damages, from the agricultural 19613
commodity depositors fund, to be measured as follows: 19614

(1) The commodity advisory commission created in section 19615
926.32 of the Revised Code shall establish the dollar value of the 19616
loss incurred by a depositor holding a receipt or a ticket for 19617
agricultural commodities on which a fee was required and that the 19618
depositor delivered to the handler under a delayed price 19619
agreement, bailment agreement, or feed agreement, or that the 19620
depositor delivered to the handler before delivery was due under a 19621
contract or other agreement between the depositor and handler. The 19622
value shall be based on the fair market price being paid to 19623
producers by handlers for the commodities on the date on which the 19624
director received notice that the receipt or ticket was dishonored 19625
by the handler. All depositors filing claims under this division 19626
shall be bound by the value determined by the commission. 19627

(2) The dollar value of the loss incurred by a depositor who has sold or delivered for sale, exchange, or solicitation or negotiation for sale agricultural commodities on which a fee was required and who is a creditor of the handler for all or a part of the value of the commodities shall be based on the amount stated on the obligation on the date of the sale.

(B) The agricultural commodity depositors fund shall be liable to a depositor for any moneys that are owed to the depositor for commodities deposited with a licensed handler pursuant to a transaction for which the handler must remit a fee under division (B) of section 926.16 of the Revised Code and that are not recovered through other legal and equitable remedies as follows:

(1)(a) The liability of the fund shall equal one hundred per cent of the depositor's loss as determined under division (A)(1) of this section if any of the following applies:

(i) The commodities were stored with the handler under a bailment agreement.

(ii) Payment for the commodities was tendered by the handler and subsequently dishonored, such as payment by a check for which there were insufficient funds or by a check that was written on an account that was frozen by the financial institution.

(iii) The commodities were priced not more than ~~thirty~~ forty-five days prior to the director's suspension of the handler's license under division (E), (G), or (H) of section 926.10 of the Revised Code, and the handler failed to pay for the commodities on or before the date on which the suspension occurred.

(iv) The commodities were priced not more than ~~ninety~~ ninety three hundred sixty-five days prior to the director's suspension of the handler's license under division (E), (G), or (H) of section

926.10 of the Revised Code, the commodities were subject to a 19659
signed, written agreement ~~for deferred~~ between the handler and 19660
depositor to defer payment by the handler not later than ~~ninety~~ 19661
three hundred sixty-five days following the date of delivery, and 19662
the handler failed to pay for the commodities on or before the 19663
payment date established in the written agreement. 19664

(v) The commodities were delivered and marketed under a 19665
delayed price agreement not more than two years prior to the 19666
director's suspension of the handler's license under division (E), 19667
(G), or (H) of section 926.10 of the Revised Code. The delivery 19668
date as marked on the tickets shall be used to determine the 19669
two-year period. 19670

(b) If the commodities were delivered and marketed under a 19671
delayed price agreement more than two years prior to the 19672
director's suspension of the handler's license under division (E), 19673
(G), or (H) of section 926.10 of the Revised Code, the fund has no 19674
liability. 19675

(c) If the deposit of commodities that were the subject of 19676
the depositor's loss involves circumstances other than those 19677
described in division (B)(1)(a) or (b) of this section, the 19678
liability of the fund shall equal ~~one hundred~~ seventy-five per 19679
cent of the ~~first ten thousand dollars of the loss and eighty per~~ 19680
~~cent of the remaining dollar value of that loss as determined~~ 19681
under divisions (A)(1) and (2) of this section. 19682

(2) The aggregate amount recovered by a depositor under all 19683
remedies shall not exceed one hundred per cent of the value of the 19684
depositor's loss. If the moneys recovered by a depositor under all 19685
remedies exceed one hundred per cent of the value of the 19686
depositor's loss, the depositor shall reimburse the fund in the 19687
amount that exceeds the value of that loss. 19688

(C) The director, with the recommendation of the commodity 19689

advisory commission, shall determine the validity of all claims 19690
presented against the fund. A claim filed under this section for 19691
losses on agricultural commodities other than commodities stored 19692
under a bailment agreement shall not be valid unless the depositor 19693
has made a demand for settlement of the obligation within twelve 19694
months after the commodities are priced. Any depositor whose claim 19695
has been refused by the director and the commission may appeal the 19696
refusal either to the court of common pleas of Franklin county or 19697
the court of common pleas of the county in which the depositor 19698
resides. 19699

The director shall provide for payment from the fund to any 19700
depositor whose claim has been found to be valid. 19701

(D) If at any time the fund does not contain sufficient 19702
assets to pay valid claims, the director shall hold those claims 19703
for payment until the fund again contains sufficient assets. 19704
Claims against the fund shall be paid in the order in which they 19705
are presented and found to be valid. 19706

(E) If a depositor files an action for legal or equitable 19707
remedies in a state or federal court having jurisdiction in those 19708
matters that includes a claim against agricultural commodities 19709
upon which the depositor may file a claim against the fund at a 19710
later date, the depositor also shall file with the director a copy 19711
of the action filed with the court. 19712

In the event of payment of a loss under this section, the 19713
director shall be subrogated to the extent of the amount of any 19714
payments to all rights, powers, privileges, and remedies of the 19715
depositor against any person regarding the loss. 19716

The depositor shall render all necessary assistance to aid 19717
the director in securing the rights granted in this section. No 19718
action or claim initiated by the depositor and pending at the time 19719
of payment from the fund may be compromised or settled without the 19720

consent of the director. 19721

(F) If, prior to June 20, 1994, a lawsuit, adversary 19722
proceeding, or other legal proceeding is brought against a 19723
depositor to recover money or payments from funds to which a 19724
depositor has a right of indemnification under this section, and 19725
the depositor retains legal counsel resulting in a cost or expense 19726
to the depositor, upon the rendering of a judgment or other 19727
resolution of the lawsuit, adversary proceeding, or other legal 19728
proceeding, the director, in the director's discretion and with 19729
the approval of the commodity advisory commission, may authorize 19730
indemnification from the fund for attorney's fees paid by the 19731
depositor. Any claim made by a depositor for the payment of 19732
attorney's fees under this division shall be made in the same 19733
manner as a claim under division (A) of this section. 19734

Attorney's fees payable under this division shall be limited 19735
to the actual hourly fee charged or one hundred dollars per hour, 19736
whichever is less, and to a total maximum amount of three hundred 19737
dollars. 19738

Sec. 955.011. (A) When an application is made for 19739
registration of an assistance dog and the owner can show proof by 19740
certificate or other means that the dog is an assistance dog, the 19741
owner of the dog shall be exempt from any fee for the 19742
registration. Registration for an assistance dog shall be 19743
permanent and not subject to annual renewal so long as the dog is 19744
an assistance dog. Certificates and tags stamped "Ohio Assistance 19745
Dog-Permanent Registration," with registration number, shall be 19746
issued upon registration of such a dog. Any certificate and tag 19747
stamped "Ohio Service Dog-Permanent Registration," with 19748
registration number, that was issued for a dog in accordance with 19749
this section as it existed on and after November 26, 2004, but 19750
prior to June 30, 2006, shall remain in effect as valid proof of 19751

the registration of the dog on and after November 26, 2004. 19752
Duplicate certificates and tags for a dog registered in accordance 19753
with this section, upon proper proof of loss, shall be issued and 19754
no fee required. Each duplicate certificate and tag that is issued 19755
shall be stamped "Ohio Assistance Dog-Permanent Registration." 19756

(B) As used in this section and in sections 955.16 and 955.43 19757
of the Revised Code: 19758

(1) "Person with a mobility impairment" means any person, 19759
regardless of age, who is subject to a physiological impairment 19760
regardless of its cause, nature, or extent that renders the person 19761
unable to move about without the aid of crutches, a wheelchair, or 19762
any other form of support, or that limits the person's functional 19763
ability to ambulate, climb, descend, sit, rise, or perform any 19764
related function. "Person with a mobility impairment" includes a 19765
person with a neurological or psychological disability that limits 19766
the person's functional ability to ambulate, climb, descend, sit, 19767
rise, or perform any related function. "Person with a mobility 19768
impairment" also includes a person with a seizure disorder and a 19769
person who is diagnosed with autism. 19770

(2) "Blind" means either of the following: 19771

(a) Vision twenty/two hundred or less in the better eye with 19772
proper correction; 19773

(b) Field defect in the better eye with proper correction 19774
that contracts the peripheral field so that the diameter of the 19775
visual field subtends an angle no greater than twenty degrees. 19776

(3) "Assistance dog" means a dog that has been trained by a 19777
nonprofit or for-profit special agency and that is one of the 19778
following: 19779

(a) A guide dog~~;~~_i 19780

(b) A hearing dog~~;~~_i 19781

~~(c) A service dog that has been trained by a nonprofit special agency.~~ 19782
19783

(4) "Guide dog" means a dog that has been trained or is in training to assist a blind person. 19784
19785

(5) "Hearing dog" means a dog that has been trained or is in training to assist a deaf or hearing-impaired person. 19786
19787

(6) "Service dog" means a dog that has been trained or is in training to assist a person with a mobility impairment. 19788
19789

Sec. 993.04. (A)(1) No person shall operate an amusement ride within the state without a permit issued by the director of agriculture under division (A)(2) of this section. The owner of an amusement ride, whether the ride is a temporary amusement ride or a permanent amusement ride, who desires to operate the amusement ride within the state shall, prior to the operation of the amusement ride and annually thereafter, submit to the department of agriculture an application for a permit, together with the appropriate permit and inspection fee, on a form to be furnished by the department. Prior to issuing any permit the department shall, within thirty days after the date on which it receives the application, inspect each amusement ride described in the application. The owner of an amusement ride shall have the amusement ride ready for inspection not later than two hours after the time that is requested by the person for the inspection. 19790
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(2) For each amusement ride found to comply with the rules adopted by the director under division (B) of this section and division (B) of section 993.08 of the Revised Code, the director shall issue an annual permit, provided that evidence of liability insurance coverage for the amusement ride as required by section 993.06 of the Revised Code is on file with the department. 19805
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(3) The director shall issue with each permit a decal 19811

indicating that the amusement ride has been issued the permit. The 19812
owner of the amusement ride shall affix the decal on the ride at a 19813
location where the decal is easily visible to the patrons of the 19814
ride. A copy of the permit shall be kept on file at the same 19815
address as the location of the amusement ride identified on the 19816
permit, and shall be made available for inspection, upon 19817
reasonable demand, by any person. An owner may operate an 19818
amusement ride prior to obtaining a permit, provided that the 19819
operation is for the purpose of testing the amusement ride or 19820
training amusement ride operators and other employees of the owner 19821
and the amusement ride is not open to the public. 19822

(B)(1) The director, in accordance with Chapter 119. of the 19823
Revised Code, shall adopt rules providing for both of the 19824
following: 19825

(a) A schedule of fines, with no fine exceeding five thousand 19826
dollars, for violations of this chapter or any rules adopted under 19827
this division; 19828

(b) The classification of amusement rides and rules for the 19829
safe operation and inspection of all amusement rides as are 19830
necessary for amusement ride safety and for the protection of the 19831
general public. The classification of amusement rides must 19832
identify those rides that need more comprehensive inspection and 19833
testing in addition to regular state inspections, taking into 19834
account hidden components integral to the safety of the ride. 19835

(2)(a) Rules adopted by the director for the safe operation 19836
and inspection of amusement rides shall be reasonable and shall be 19837
based upon generally accepted engineering standards and practices. 19838
The rules shall establish a minimum number of inspections to be 19839
conducted on each ride depending on the size, complexity, nature 19840
of the ride, and the number of days the ride is in operation 19841
during the year for which the applicable permit is valid. The 19842
rules also shall require the minimum number of inspectors assigned 19843

to inspect a ride or rides to be reasonable and adequate given the 19844
number, size, complexity, and nature of the ride or rides. 19845

(b) In adopting rules under this section, the director may 19846
adopt by reference, in whole or in part, the national fire code or 19847
the national electrical code (NEC) prepared by the national fire 19848
protection association or the American national standards 19849
institute (ANSI), or any other principles, tests, or standards of 19850
nationally recognized technical or scientific authorities. 19851

(c) In adopting rules under this section, the director shall 19852
adopt, by reference, the following chapters of the American 19853
society for testing and materials (ASTM) international regarding 19854
amusement ride safety standards and any other equivalent national 19855
standard: 19856

(i) ASTM F1193-18; 19857

(ii) ASTM F770-18; 19858

(iii) ASTM F2291-18. 19859

(d) Insofar as is practicable and consistent with this 19860
chapter, rules adopted under this division shall be consistent 19861
with the rules of other states. 19862

(3) The department shall cause this chapter and the rules 19863
adopted in accordance with this division and division (B) of 19864
section 993.08 of the Revised Code to be published in pamphlet 19865
form and a copy to be furnished without charge to each owner of an 19866
amusement ride who holds a current permit or is an applicant 19867
therefor. 19868

(C) With respect to an application for a permit for an 19869
amusement ride, an owner may apply to the director for a waiver or 19870
modification of any rule adopted under division (B) of this 19871
section if there are practical difficulties or unnecessary 19872
hardships for the amusement ride to comply with the rules. Any 19873

application shall set forth the reasons for the request. The 19874
director, with the approval of the advisory council on amusement 19875
ride safety, may waive or modify the application of a rule to any 19876
amusement ride if the public safety is secure. Any authorization 19877
by the director under this division shall be in writing and shall 19878
set forth the conditions under which the waiver or modification is 19879
authorized, and the department shall retain separate records of 19880
all proceedings under this division. 19881

(D)(1) The director shall employ and provide for training of 19882
a chief inspector and additional inspectors and employees as may 19883
be necessary to administer and enforce this chapter. The director 19884
may appoint or contract with other persons to perform inspections 19885
of amusement rides, provided that the persons meet the 19886
qualifications for inspectors established by rules adopted under 19887
division (B) of this section and are not owners, or employees of 19888
owners, of any amusement ride subject to inspection under this 19889
chapter. When employing a new chief inspector or an additional 19890
inspector after November 6, 2019, the director shall give 19891
preference to the following: 19892

(a) An individual holding a level one or higher inspector 19893
certification from either the national association of amusement 19894
ride safety officials (NAARSO), the amusement industry 19895
manufacturers and suppliers (AIMS) international, or another 19896
substantially equivalent organization as determined by the 19897
director; and 19898

(b) An individual who intends, within one year of being hired 19899
as an inspector, to complete the requirements for issuance of a 19900
level one or higher inspector certification from NAARSO, AIMS 19901
International, or another substantially equivalent organization as 19902
determined by the director. 19903

(2) No person shall inspect an amusement ride who, within six 19904
months prior to the date of inspection, was an employee of the 19905

owner of the ride. 19906

(3) Before the director contracts with other persons to 19907
inspect amusement rides, the director shall seek the advice of the 19908
advisory council on amusement ride safety on whether to contract 19909
with those persons. The advice shall not be binding upon the 19910
director. After having received the advice of the council, the 19911
director may proceed to contract with inspectors in accordance 19912
with the procedures specified in division (E)(2) of section 19913
1711.11 of the Revised Code. 19914

(4) With the advice and consent of the advisory council on 19915
amusement ride safety, the director may employ a special 19916
consultant to conduct an independent investigation of an amusement 19917
ride accident. This consultant need not be in the civil service of 19918
the state, but shall have qualifications to conduct the 19919
investigation acceptable to the council. 19920

(E)(1) Except as otherwise provided in division (E)(1) of 19921
this section, the department shall charge the following amusement 19922
ride fees: 19923

1	2	19924
A Permit	\$ 225	19925
B Annual inspection and reinspection per ride:		19926
C Kiddie rides	\$ 100	19927
D Roller coaster	\$ 1,200	19928
E Aerial lifts or bungee jumping facilities	\$ 450	19929
F Go karts, per kart	\$ 5	19930
G Other rides	\$ 160	19931
H Midseason operational inspection per ride	\$ 25	19932
I Expedited inspection per ride	\$ 100	19933
J Failure to cancel scheduled	\$ 100	19934

inspection per ride

K Failure to have amusement ride \$ 100 19935
ready for inspection per ride

The go kart inspection fee is in addition to the inspection 19936
fee for the go kart track. 19937

The director shall adopt rules in accordance with Chapter 19938
119. of the Revised Code establishing an annual fee that is less 19939
than one hundred five dollars for an inspection and reinspection 19940
of an inflatable ride. In adopting the rules, the director shall 19941
ensure that the fee reasonably reflects the costs of inspection 19942
and reinspection of an inflatable ride. If the director issues a 19943
permit for an inflatable ride for a time period of less than one 19944
year, the director shall charge a prorated fee for the permit 19945
equal to one-twelfth of the annual permit fee multiplied by the 19946
number of full months for which the permit is issued. 19947

The fees for an expedited inspection, failure to cancel a 19948
scheduled inspection, and failure to have an amusement ride ready 19949
for inspection do not apply to go karts. 19950

As used in division (E)(1) of this section, "expedited 19951
inspection" means an inspection of an amusement ride by the 19952
department not later than ten days after the owner of the 19953
amusement ride files an application for a permit under this 19954
section. 19955

(2) All fees and fines collected by the department under this 19956
chapter shall be deposited in the state treasury to the credit of 19957
the amusement ride inspection fund, which is hereby created, and 19958
shall be used only for the purpose of administering and enforcing 19959
section 1711.11 of the Revised Code and this chapter. 19960

(3) The owner of an amusement ride shall be required to pay a 19961
reinspection fee only if the reinspection is required by division 19962
(B)(2) of this section or rules adopted under that division, if 19963

the reinspection was conducted at the owner's request under 19964
division (F) of this section, if the reinspection is required by 19965
division (F) of this section because of an accident, or if the 19966
reinspection is required by division (F) of section 993.07 of the 19967
Revised Code. If a reinspection is conducted at the request of the 19968
chief officer of a fair, festival, or event where the ride is 19969
operating, the reinspection fee shall be charged to the fair, 19970
festival, or event. 19971

(4) The rules adopted under division (B) of this section 19972
shall define "roller coaster," "aerial lifts," "go karts," and 19973
"other rides" for purposes of determining the fees under division 19974
(E) of this section. The rules shall define "other rides" to 19975
include go kart tracks. 19976

(F) A reinspection of an amusement ride shall take place if 19977
an accident occurs, if the owner of the ride or the chief officer 19978
of the fair, festival, or event where the ride is operating 19979
requests a reinspection, if the chief inspector determines 19980
reinspection is necessary in accordance with section 993.042 of 19981
the Revised Code, or if the reinspection is required by division 19982
(F) of section 993.07 of the Revised Code. 19983

(G) As a supplement to its annual inspection of a temporary 19984
amusement ride, the department may inspect the ride during each 19985
scheduled event, as listed in the schedule of events provided to 19986
the department by the owner pursuant to division (C) of section 19987
993.07 of the Revised Code, at which the ride is operated in this 19988
state. These supplemental inspections are in addition to any other 19989
inspection or reinspection of the ride as may be required under 19990
this chapter or rules adopted under it, and the owner of the 19991
temporary amusement ride is not required to pay an inspection or 19992
reinspection fee for this supplemental inspection unless the 19993
supplemental inspection is being conducted pursuant to division 19994
(B)(2) of this section or rules adopted under that division. 19995

Nothing in this division shall be construed to prohibit the owner 19996
of a temporary amusement ride having a valid permit to operate in 19997
this state from operating the ride at a scheduled event before the 19998
department conducts a supplemental inspection. 19999

(H) The department may annually conduct a midseason 20000
operational inspection of every amusement ride upon which it 20001
conducts an annual inspection pursuant to division (A) of this 20002
section. The midseason operational inspection is in addition to 20003
any other inspection or reinspection of the amusement ride as may 20004
be required pursuant to this chapter. The owner of an amusement 20005
ride shall submit to the department, at the time determined by the 20006
department, the midseason operational inspection fee specified in 20007
division (E) of this section. The director, in accordance with 20008
Chapter 119. of the Revised Code, shall adopt rules specifying the 20009
time period during which the department will conduct midseason 20010
operational inspections. 20011

Sec. 1121.23. (A) As used in this section: 20012

(1) "Control" means either of the following: 20013

(a) The power to vote, directly or indirectly, at least 20014
twenty-five per cent of outstanding voting shares or voting 20015
interests of a licensee or person in control of a licensee; 20016

(b) The power to elect or appoint a majority of executive 20017
officers or directors. 20018

(2) "Director" means an individual elected to serve as the 20019
director of a for-profit corporation pursuant to section 1701.55 20020
of the Revised Code or an individual elected to serve as the 20021
director of a nonprofit corporation pursuant to section 1702.26 of 20022
the Revised Code. 20023

(3) "Executive officer" means president, treasurer, 20024
secretary, any individual at or above the senior vice-president 20025

level or its functional equivalent, any individual at the 20026
vice-president level or its functional equivalent if the 20027
organization does not have senior vice-presidents, and "manager" 20028
as that term is defined in section 1706.01 of the Revised Code. 20029

(4) "Incorporator" has the same meaning as in section 1701.01 20030
of the Revised Code. 20031

(5) "Organizer" has the same meaning as in section 1706.01 of 20032
the Revised Code. 20033

(B)(1) A person is presumed to exercise control when the 20034
person holds the power to vote, directly or indirectly, at least 20035
ten per cent of outstanding voting shares or voting interests of a 20036
licensee or person in control of a licensee. 20037

(2) A person presumed to exercise control under division 20038
(B)(1) of this section can rebut the presumption by establishing, 20039
by a preponderance of the evidence, that the person is a passive 20040
investor. 20041

(C) For purposes of determining the percentage of a person 20042
controlled by any person, the person's interest shall be 20043
aggregated with the interest of any other immediate family member, 20044
including the person's spouse, parents, children, siblings, 20045
mothers- and fathers-in law, sons- and daughters-in law, brothers- 20046
and sisters-in law, and any other person who shares such person's 20047
home. 20048

(D) Whenever the approval of the superintendent of financial 20049
institutions is required under Chapters 1101. to 1127. of the 20050
Revised Code, or under an order or supervisory action issued or 20051
taken under those chapters, for a person to serve as an organizer, 20052
incorporator, director, executive officer, or person who exercises 20053
control, directly or indirectly controls a bank, or to otherwise 20054
have a substantial interest in or participate in the management of 20055
a bank, the superintendent shall request the superintendent of the 20056

bureau of criminal identification and investigation, or a vendor 20057
approved by the bureau, to conduct a criminal records check based 20058
on the person's fingerprints in accordance with section 109.572 of 20059
the Revised Code. The superintendent of financial institutions 20060
shall request that criminal record information from the federal 20061
bureau of investigation be obtained as part of the criminal 20062
records check. Any fee required under division (C)(3) of section 20063
109.572 of the Revised Code shall be paid by the person who is the 20064
subject of the request. 20065

(E) Nothing in this section prohibits the superintendent of 20066
financial institutions from conditionally approving a person to 20067
serve as an organizer, incorporator, director, executive officer, 20068
or person who exercises control, ~~directly or indirectly, controls~~ 20069
~~a bank, or to otherwise have a substantial interest in or~~ 20070
~~participate in the management of a bank,~~ subject to receiving 20071
satisfactory results of the criminal records check. If the 20072
superintendent does not receive the results within ninety days 20073
after the criminal records check was requested, the superintendent 20074
may extend the conditional approval for not more than ninety days. 20075

Sec. 1321.37. (A) Application for an original or renewal 20076
license to make short-term loans shall be in writing, under oath, 20077
and in the form prescribed by the superintendent of financial 20078
institutions, and shall contain the name and address of the 20079
applicant, the location where the business of making loans is to 20080
be conducted, and any further information as the superintendent 20081
requires. At the time of making an application for an original 20082
license, the applicant shall pay to the superintendent a 20083
nonrefundable investigation fee of two hundred dollars. No 20084
investigation fee or any portion thereof shall be refunded after 20085
an original license has been issued. The application for an 20086
original or renewal license shall be accompanied by an original or 20087
renewal license fee, for each business location of one thousand 20088

dollars, except that applications for original licenses issued on 20089
or after the first day of July for any year shall be accompanied 20090
by an original license fee of five hundred dollars, and except 20091
that an application for an original or renewal license, for a 20092
nonprofit corporation that is incorporated under Chapter 1702. of 20093
the Revised Code, shall be accompanied by an original or renewal 20094
license fee, for each business location, that is one-half of the 20095
fee otherwise required. All fees paid to the superintendent 20096
pursuant to this division shall be deposited into the state 20097
treasury to the credit of the consumer finance fund. 20098

(B) Upon the filing of an application for an original license 20099
and, with respect to an application filed for a renewal license, 20100
on a schedule determined by the superintendent by rule adopted 20101
pursuant to section 1321.43 of the Revised Code, and the payment 20102
of fees in accordance with division (A) of this section, the 20103
superintendent shall investigate the facts concerning the 20104
applicant and the requirements provided by this division. The 20105
superintendent shall request the superintendent of the bureau of 20106
criminal identification and investigation, or a vendor approved by 20107
the bureau, to conduct a criminal records check based on the 20108
applicant's fingerprints in accordance with section 109.572 of the 20109
Revised Code. Notwithstanding division ~~(K)~~(L) of section 121.08 of 20110
the Revised Code, the superintendent of financial institutions 20111
shall request that criminal record information from the federal 20112
bureau of investigation be obtained as part of the criminal 20113
records check. The superintendent of financial institutions shall 20114
conduct a civil records check. The superintendent shall approve an 20115
application and issue an original or renewal license to the 20116
applicant if the superintendent finds all of the following: 20117

(1) The financial responsibility, experience, and general 20118
fitness of the applicant are such as to warrant the belief that 20119
the business of making loans will be operated lawfully, honestly, 20120

and fairly under sections 1321.35 to 1321.48 of the Revised Code 20121
and within the purposes of those sections; that the applicant has 20122
fully complied with those sections and any rule or order adopted 20123
or issued pursuant to section 1321.43 of the Revised Code; and 20124
that the applicant is qualified to engage in the business of 20125
making loans under sections 1321.35 to 1321.48 of the Revised 20126
Code. 20127

(2) The applicant is financially sound and has a net worth of 20128
not less than one hundred thousand dollars, or in the case of a 20129
nonprofit corporation that is incorporated under Chapter 1702. of 20130
the Revised Code, a net worth of not less than fifty thousand 20131
dollars. The applicant's net worth shall be computed according to 20132
generally accepted accounting principles. 20133

(3) The applicant has never had revoked a license to make 20134
loans under sections 1321.35 to 1321.48 of the Revised Code, under 20135
former sections 1315.35 to 1315.44 of the Revised Code, or to do 20136
business under sections 1315.21 to 1315.30 of the Revised Code. 20137

(4) Neither the applicant nor any senior officer, or partner 20138
of the applicant, has pleaded guilty to or been convicted of a 20139
disqualifying offense as determined in accordance with section 20140
9.79 of the Revised Code. 20141

(5) Neither the applicant nor any senior officer, or partner 20142
of the applicant, has been subject to any adverse judgment for 20143
conversion, embezzlement, misappropriation of funds, fraud, 20144
misfeasance or malfeasance, or breach of fiduciary duty, or if the 20145
applicant or any of those other persons has been subject to such a 20146
judgment, the applicant has proven to the superintendent, by a 20147
preponderance of the evidence, that the applicant's or other 20148
person's activities and employment record since the judgment show 20149
that the applicant or other person is honest and truthful and 20150
there is no basis in fact for believing that the applicant or 20151
other person will be subject to such a judgment again. 20152

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

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

Sec. 1321.53. (A)(1) An application for a certificate of registration under sections 1321.51 to 1321.60 of the Revised Code shall contain an undertaking by the applicant to abide by those sections. The application shall be in writing, under oath, and in

the form prescribed by the division of financial institutions, and 20185
shall contain any information that the division may require. 20186
Applicants that are foreign corporations shall obtain and maintain 20187
a license pursuant to Chapter 1703. of the Revised Code before a 20188
certificate is issued or renewed. 20189

(2) Upon the filing of the application and the payment by the 20190
applicant of a nonrefundable two-hundred-dollar investigation fee 20191
and a nonrefundable three-hundred-dollar annual registration fee, 20192
the division shall investigate the relevant facts. If the 20193
application involves investigation outside this state, the 20194
applicant may be required by the division to advance sufficient 20195
funds to pay any of the actual expenses of such investigation, 20196
when it appears that these expenses will exceed two hundred 20197
dollars. An itemized statement of any of these expenses which the 20198
applicant is required to pay shall be furnished to the applicant 20199
by the division. No certificate shall be issued unless all the 20200
required fees have been submitted to the division. 20201

(3) The investigation undertaken upon application shall 20202
include both a civil and criminal records check of the applicant 20203
including any individual whose identity is required to be 20204
disclosed in the application. Where the applicant is a business 20205
entity the superintendent shall have the authority to require a 20206
civil and criminal background check of those persons that in the 20207
determination of the superintendent have the authority to direct 20208
and control the operations of the applicant. 20209

(4)(a) Notwithstanding division ~~(K)~~(L) of section 121.08 of 20210
the Revised Code, the superintendent of financial institutions 20211
shall obtain a criminal history records check and, as part of that 20212
records check, request that criminal record information from the 20213
federal bureau of investigation be obtained. To fulfill this 20214
requirement, the superintendent shall request the superintendent 20215

of the bureau of criminal identification and investigation, or a 20216
vendor approved by the bureau, to conduct a criminal records check 20217
based on the applicant's fingerprints or, if the fingerprints are 20218
unreadable, based on the applicant's social security number, in 20219
accordance with section 109.572 of the Revised Code. 20220

(b) Any fee required under division (C)(3) of section 109.572 20221
of the Revised Code shall be paid by the applicant. 20222

(5) If an application for a certificate of registration does 20223
not contain all of the information required under division (A) of 20224
this section, and if such information is not submitted to the 20225
division within ninety days after the superintendent requests the 20226
information in writing, including by electronic transmission or 20227
facsimile, the superintendent may consider the application 20228
withdrawn. 20229

(6) If the division finds that the financial responsibility, 20230
experience, and general fitness of the applicant command the 20231
confidence of the public and warrant the belief that the business 20232
will be operated honestly and fairly in compliance with the 20233
purposes of sections 1321.51 to 1321.60 of the Revised Code and 20234
the rules adopted thereunder, and that the applicant has the 20235
applicable net worth and assets required by division (B) of this 20236
section, the division shall thereupon issue a certificate of 20237
registration to the applicant. The superintendent shall not use a 20238
credit score as the sole basis for a registration denial. 20239

(a)(i) Certificates of registration issued on or after July 20240
1, 2010, shall annually expire on the thirty-first day of 20241
December, unless renewed by the filing of a renewal application 20242
and payment of a three-hundred-dollar nonrefundable annual 20243
registration fee and any assessment as determined by the 20244
superintendent pursuant to division (A)(6)(a)(ii) of this section 20245
on or before the last day of December of each year. No other fee 20246
or assessment shall be required of a registrant by the state or 20247

any political subdivision of this state. 20248

(ii) If the renewal fees billed by the superintendent 20249
pursuant to division (A)(6)(a)(i) of this section are less than 20250
the estimated expenditures of the consumer finance section of the 20251
division of financial institutions, as determined by the 20252
superintendent, for the following fiscal year, the superintendent 20253
may assess each registrant at a rate sufficient to equal in the 20254
aggregate the difference between the renewal fees billed and the 20255
estimated expenditures. Each registrant shall pay the assessed 20256
amount to the superintendent prior to the last day of June. In no 20257
case shall the assessment exceed ten cents per each one hundred 20258
dollars of interest (excluding charge-off recoveries), points, 20259
loan origination charges, and credit line charges collected by 20260
that registrant during the previous calendar year. If such an 20261
assessment is imposed, it shall not be less than two hundred fifty 20262
dollars per registrant and shall not exceed thirty thousand 20263
dollars less the total renewal fees paid pursuant to division 20264
(A)(6)(a)(i) of this section by each registrant. 20265

(b) Registrants shall timely file renewal applications on 20266
forms prescribed by the division and provide any further 20267
information that the division may require. If a renewal 20268
application does not contain all of the information required under 20269
this section, and if that information is not submitted to the 20270
division within ninety days after the superintendent requests the 20271
information in writing, including by electronic transmission or 20272
facsimile, the superintendent may consider the application 20273
withdrawn. 20274

(c) Renewal shall not be granted if the applicant's 20275
certificate of registration is subject to an order of suspension, 20276
revocation, or an unpaid and past due fine imposed by the 20277
superintendent. 20278

(d) If the division finds the applicant does not meet the 20279

conditions set forth in this section, it shall issue a notice of 20280
intent to deny the application, and forthwith notify the applicant 20281
of the denial, the grounds for the denial, and the applicant's 20282
reasonable opportunity to be heard on the action in accordance 20283
with Chapter 119. of the Revised Code. 20284

(7) If there is a change of five per cent or more in the 20285
ownership of a registrant, the division may make any investigation 20286
necessary to determine whether any fact or condition exists that, 20287
if it had existed at the time of the original application for a 20288
certificate of registration, the fact or condition would have 20289
warranted the division to deny the application under division 20290
(A)(6) of this section. If such a fact or condition is found, the 20291
division may, in accordance with Chapter 119. of the Revised Code, 20292
revoke the registrant's certificate. 20293

(B) Each registrant that engages in lending under sections 20294
1321.51 to 1321.60 of the Revised Code shall maintain both of the 20295
following: 20296

(1) A net worth of at least fifty thousand dollars; 20297

(2) For each certificate of registration, assets of at least 20298
fifty thousand dollars either in use or readily available for use 20299
in the conduct of the business. 20300

(C) Not more than one place of business shall be maintained 20301
under the same certificate, but the division may issue additional 20302
certificates to the same registrant upon compliance with sections 20303
1321.51 to 1321.60 of the Revised Code, governing the issuance of 20304
a single certificate. No change in the place of business of a 20305
registrant to a location outside the original municipal 20306
corporation shall be permitted under the same certificate without 20307
the approval of a new application, the payment of the registration 20308
fee and, if required by the superintendent, the payment of an 20309
investigation fee of two hundred dollars. When a registrant wishes 20310

to change its place of business within the same municipal 20311
corporation, it shall give written notice of the change in advance 20312
to the division, which shall provide a certificate for the new 20313
address without cost. If a registrant changes its name, prior to 20314
making loans under the new name it shall give written notice of 20315
the change to the division, which shall provide a certificate in 20316
the new name without cost. Sections 1321.51 to 1321.60 of the 20317
Revised Code do not limit the loans of any registrant to residents 20318
of the community in which the registrant's place of business is 20319
situated. Each certificate shall be kept conspicuously posted in 20320
the place of business of the registrant and is not transferable or 20321
assignable. 20322

(D) Sections 1321.51 to 1321.60 of the Revised Code do not 20323
apply to any of the following: 20324

(1) Entities chartered and lawfully doing business under the 20325
authority of any law of this state, another state, or the United 20326
States as a bank, savings bank, trust company, savings and loan 20327
association, or credit union, or a subsidiary of any such entity, 20328
which subsidiary is regulated by a federal banking agency and is 20329
owned and controlled by such a depository institution; 20330

(2) Life, property, or casualty insurance companies licensed 20331
to do business in this state; 20332

(3) Any person that is a lender making a loan pursuant to 20333
sections 1321.01 to 1321.19 or sections 1321.62 to 1321.701 of the 20334
Revised Code or a business loan as described in division (B)(6) of 20335
section 1343.01 of the Revised Code; 20336

(4) Any political subdivision, or any governmental or other 20337
public entity, corporation, instrumentality, or agency, in or of 20338
the United States or any state of the United States, or any entity 20339
described in division (B)(3) of section 1343.01 of the Revised 20340
Code; 20341

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

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

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

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

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

(2)(a) Notwithstanding division ~~(K)~~(L) of section 121.08 of 20373
the Revised Code, the superintendent shall obtain a criminal 20374
records check on each control person and, as part of that records 20375
check, request that criminal records information from the federal 20376
bureau of investigation be obtained. To fulfill this requirement, 20377
the superintendent shall do either of the following: 20378

(i) Request the superintendent of the bureau of criminal 20379
identification and investigation, or a vendor approved by the 20380
bureau, to conduct a criminal records check based on the control 20381
person's fingerprints or, if the fingerprints are unreadable, 20382
based on the control person's social security number, in 20383
accordance with section 109.572 of the Revised Code; 20384

(ii) Authorize the NMLSR to request a criminal records check 20385
of the control person. 20386

(b) Any fee required under division (C)(3) of section 109.572 20387
of the Revised Code or by the NMLSR shall be paid by the 20388
applicant. 20389

(D) If an application for a license does not contain all of 20390
the information required under division (A) of this section, and 20391
if such information is not submitted to the division or to the 20392
NMLSR within ninety days after the superintendent or the NMLSR 20393
requests the information in writing, including by electronic 20394
transmission or facsimile, the superintendent may consider the 20395
application withdrawn. 20396

(E) If the superintendent of financial institutions finds 20397
that the financial responsibility, experience, and general fitness 20398
of the applicant command the confidence of the public and warrant 20399
the belief that the business will be operated honestly and fairly 20400
in compliance with the purposes of sections 1321.62 to 1321.702 of 20401
the Revised Code and the rules adopted thereunder, and that the 20402
applicant has the requisite net worth and assets required under 20403

section 1321.65 of the Revised Code, the superintendent shall 20404
issue a license to the applicant. The license shall be valid until 20405
the thirty-first day of December of the year in which it is 20406
issued. A person may be licensed under both sections 1321.51 to 20407
1321.60 and sections 1321.62 to 1321.702 of the Revised Code. 20408

(F) If the superintendent finds that the applicant does not 20409
meet the conditions set forth in this section, the superintendent 20410
shall issue a notice of intent to deny the application, and 20411
promptly notify the applicant of the denial, the grounds for the 20412
denial, and the applicant's reasonable opportunity to be heard on 20413
the action in accordance with Chapter 119. of the Revised Code. 20414

Sec. 1346.03. Any information provided to the attorney 20415
general by the department of taxation in accordance with division 20416
~~(C)(5)~~ (C)(2) of section 5703.21 of the Revised Code shall not be 20417
disclosed publicly by the attorney general except when it is 20418
necessary to facilitate compliance with and enforcement of section 20419
1346.01 or 1346.02 of the Revised Code. 20420

Sec. 1501.16. There is hereby created in the state treasury 20421
the performance bond refunds fund. The fund shall consist of money 20422
received by the department of natural resources from other 20423
entities as performance security. Upon the completion of work or 20424
satisfaction of terms for which the performance bond was required, 20425
the money shall be refunded to the pledging entity. In the event 20426
that the performance bond is forfeited, the money shall be 20427
transferred to the appropriate fund within the state treasury. 20428

Sec. 1506.01. As used in this chapter: 20429

(A) "Coastal area" means the waters of Lake Erie, the islands 20430
in the lake, and the lands under and adjacent to the lake, 20431
including transitional areas, wetlands, and beaches. The coastal 20432
area extends in Lake Erie to the international boundary line 20433

between the United States and Canada and landward only to the 20434
extent necessary to include shorelands, the uses of which have a 20435
direct and significant impact on coastal waters as determined by 20436
the director of natural resources. 20437

(B) "Coastal management program" means the comprehensive 20438
action of the state and its political subdivisions cooperatively 20439
to preserve, protect, develop, restore, or enhance the resources 20440
of the coastal area and to ensure wise use of the land and water 20441
resources of the coastal area, giving attention to natural, 20442
cultural, historic, and aesthetic values; agricultural, 20443
recreational, energy, and economic needs; and the national 20444
interest. "Coastal management program" includes the establishment 20445
of objectives, policies, standards, and criteria concerning, 20446
without limitation, protection of air, water, wildlife, rare and 20447
endangered species, wetlands and natural areas, and other natural 20448
resources in the coastal area; management of coastal development 20449
and redevelopment; preservation and restoration of historic, 20450
cultural, and aesthetic coastal features; and public access to the 20451
coastal area for recreation purposes. 20452

(C) "Coastal management program document" means a 20453
comprehensive statement consisting of, without limitation, text, 20454
maps, and illustrations that is adopted by the director in 20455
accordance with this chapter, describes the objectives, policies, 20456
standards, and criteria of the coastal management program for 20457
guiding public and private uses of lands and waters in the coastal 20458
area, lists the governmental agencies, including, without 20459
limitation, state agencies, involved in implementing the coastal 20460
management program, describes their applicable policies and 20461
programs, and cites the statutes and rules under which they may 20462
adopt and implement those policies and programs. 20463

(D) "Person" means any agency of this state, any political 20464
subdivision of this state or of the United States, and any legal 20465

entity defined as a person under section 1.59 of the Revised Code. 20466

(E) "Director" means the director of natural resources or the 20467
director's designee. 20468

(F) "Permanent structure" means any residential, commercial, 20469
industrial, institutional, or agricultural building, any mobile 20470
home as defined in division (O) of section 4501.01 of the Revised 20471
Code, any manufactured home as defined in division (C)(4) of 20472
section 3781.06 of the Revised Code, and any septic system that 20473
receives sewage from a single-family, two-family, or three-family 20474
dwelling, but does not include any recreational vehicle as defined 20475
in section 4501.01 of the Revised Code. 20476

(G) "State agency" or "agency of the state" has the same 20477
meaning as "agency" as defined in section 111.15 of the Revised 20478
Code, except that "state agency" or "agency of the state" includes 20479
a state college or university, a community college district, a 20480
technical college district, or state community college. 20481

(H) "Coastal flood hazard area" means any territory within 20482
the coastal area that has been identified as a flood hazard area 20483
under the "Flood Disaster Protection Act of 1973," 87 Stat. 975, 20484
42 U.S.C.A. 4002, as amended. 20485

(I) "Coastal erosion area" means any territory included in 20486
Lake Erie coastal erosion areas identified by the director under 20487
section 1506.06 of the Revised Code. 20488

(J) "Conservancy district" means a conservancy district that 20489
is established under Chapter 6101. of the Revised Code. 20490

(K) "Park board" means the board of park commissioners of a 20491
park district that is created under Chapter 1545. of the Revised 20492
Code. 20493

(L) "Erosion control structure" means a structure that is 20494
designed solely and specifically to reduce or control erosion of 20495

the shore along or near Lake Erie, including, without limitation, 20496
revetments, seawalls, bulkheads, certain breakwaters, and similar 20497
structures. 20498

(M) "Shore structure" includes, but is not limited to, 20499
beaches; groins; revetments; bulkheads; seawalls; breakwaters; 20500
certain dikes designated by the chief of the division of water 20501
resources; piers; docks; jetties; wharves; marinas; boat ramps; 20502
any associated fill or debris used as part of the construction of 20503
shore structures that may affect shore erosion, wave action, or 20504
inundation; and fill or debris that is placed along or near the 20505
shore, including bluffs, banks, or beach ridges, for the purpose 20506
of stabilizing slopes. 20507

Sec. 1509.01. As used in this chapter: 20508

(A) "Well" means any borehole, whether drilled or bored, 20509
within the state for production, extraction, or injection of any 20510
gas or liquid mineral, excluding potable water to be used as such, 20511
but including natural or artificial brines and oil field waters. 20512
"Well" includes a stratigraphic well. 20513

(B) "Oil" means crude petroleum oil and all other 20514
hydrocarbons, regardless of gravity, that are produced in liquid 20515
form by ordinary production methods, but does not include 20516
hydrocarbons that were originally in a gaseous phase in the 20517
reservoir. 20518

(C) "Gas" means all natural gas and all other fluid 20519
hydrocarbons that are not oil, including condensate. 20520

(D) "Condensate" means liquid hydrocarbons separated at or 20521
near the well pad or along the gas production or gathering system 20522
prior to gas processing. 20523

(E) "Pool" means an underground reservoir containing a common 20524
accumulation of oil or gas, or both, but does not include a gas 20525

storage reservoir. Each zone of a geological structure that is 20526
completely separated from any other zone in the same structure may 20527
contain a separate pool. 20528

(F) "Field" means the general area underlaid by one or more 20529
pools. 20530

(G) "Drilling unit" means the minimum acreage on which one 20531
well may be drilled, but does not apply to a well for injecting 20532
gas into or removing gas from a gas storage reservoir and does not 20533
apply to a stratigraphic well. 20534

(H) "Waste" includes all of the following: 20535

(1) Physical waste, as that term generally is understood in 20536
the oil and gas industry; 20537

(2) Inefficient, excessive, or improper use, or the 20538
unnecessary dissipation, of reservoir energy; 20539

(3) Inefficient storing of oil or gas; 20540

(4) Locating, drilling, equipping, operating, or producing an 20541
oil or gas well in a manner that reduces or tends to reduce the 20542
quantity of oil or gas ultimately recoverable under prudent and 20543
proper operations from the pool into which it is drilled or that 20544
causes or tends to cause unnecessary or excessive surface loss or 20545
destruction of oil or gas; 20546

(5) Other underground or surface waste in the production or 20547
storage of oil, gas, or condensate, however caused. 20548

(I) "Correlative rights" means the reasonable opportunity to 20549
every person entitled thereto to recover and receive the oil and 20550
gas in and under the person's tract or tracts, or the equivalent 20551
thereof, without having to drill unnecessary wells or incur other 20552
unnecessary expense. 20553

(J) "Tract" means a single, individual parcel of land or a 20554
portion of a single, individual parcel of land. 20555

(K) "Owner," unless referring to a mine, means the person who 20556
has the right to drill on a tract or drilling unit, to drill into 20557
and produce from a pool, and to appropriate the oil or gas 20558
produced therefrom either for the person or for others, except 20559
that a person ceases to be an owner with respect to a well when 20560
the well has been plugged in accordance with applicable rules 20561
adopted and orders issued under this chapter. "Owner" does not 20562
include a person who obtains a lease of the mineral rights for oil 20563
and gas on a parcel of land if the person does not attempt to 20564
produce or produce oil or gas from a well or obtain a permit under 20565
this chapter for a well or if the entire interest of a well is 20566
transferred to the person in accordance with division (B) of 20567
section 1509.31 of the Revised Code. 20568

(L) "Royalty interest" means the fee holder's share in the 20569
production from a well, except a stratigraphic well. 20570

(M) "Discovery well" means the first well, except a 20571
stratigraphic well capable of producing oil or gas in commercial 20572
quantities from a pool. 20573

(N) "Prepared clay" means a clay that is plastic and is 20574
thoroughly saturated with fresh water to a weight and consistency 20575
great enough to settle through saltwater in the well in which it 20576
is to be used, except as otherwise approved by the chief of the 20577
division of oil and gas resources management. 20578

(O) "Rock sediment" means the combined cutting and residue 20579
from drilling sedimentary rocks and formation. 20580

(P) "Excavations and workings," "mine," and "pillar" have the 20581
same meanings as in section 1561.01 of the Revised Code. 20582

(Q) "Coal bearing township" means a township designated as 20583
such by the chief of the division of mineral resources management 20584
under section 1561.06 of the Revised Code. 20585

(R) "Gas storage reservoir" means a continuous area of a 20586

subterranean porous sand or rock stratum or strata into which gas 20587
is or may be injected for the purpose of storing it therein and 20588
removing it therefrom and includes a gas storage reservoir as 20589
defined in section 1571.01 of the Revised Code. 20590

(S) "Safe Drinking Water Act" means the "Safe Drinking Water 20591
Act," 88 Stat. 1661 (1974), 42 U.S.C.A. 300(f), as amended by the 20592
"Safe Drinking Water Amendments of 1977," 91 Stat. 1393, 42 20593
U.S.C.A. 300(f), the "Safe Drinking Water Act Amendments of 1986," 20594
100 Stat. 642, 42 U.S.C.A. 300(f), and the "Safe Drinking Water 20595
Act Amendments of 1996," 110 Stat. 1613, 42 U.S.C.A. 300(f), and 20596
regulations adopted under those acts. 20597

(T) "Person" includes any political subdivision, department, 20598
agency, or instrumentality of this state; the United States and 20599
any department, agency, or instrumentality thereof; any legal 20600
entity defined as a person under section 1.59 of the Revised Code; 20601
and any other form of business organization or entity recognized 20602
by the laws of this state. 20603

(U) "Brine" means all saline geological formation water 20604
resulting from, obtained from, or produced in connection with 20605
exploration, drilling, well stimulation, production of oil or gas, 20606
or plugging of a well. 20607

(V) "Waters of the state" means all streams, lakes, ponds, 20608
marshes, watercourses, waterways, springs, irrigation systems, 20609
drainage systems, and other bodies of water, surface or 20610
underground, natural or artificial, that are situated wholly or 20611
partially within this state or within its jurisdiction, except 20612
those private waters that do not combine or effect a junction with 20613
natural surface or underground waters. 20614

(W) "Exempt Mississippian well" means a well that meets all 20615
of the following criteria: 20616

(1) Was drilled and completed before January 1, 1980; 20617

(2) Is located in an unglaciated part of the state;	20618
(3) Was completed in a reservoir no deeper than the Mississippian Big Injun sandstone in areas underlain by Pennsylvanian or Permian stratigraphy, or the Mississippian Berea sandstone in areas directly underlain by Permian stratigraphy;	20619 20620 20621 20622
(4) Is used primarily to provide oil or gas for domestic use.	20623
(X) "Exempt domestic well" means a well that meets all of the following criteria:	20624 20625
(1) Is owned by the owner of the surface estate of the tract on which the well is located;	20626 20627
(2) Is used primarily to provide gas for the owner's domestic use;	20628 20629
(3) Is located more than two hundred feet horizontal distance from any inhabited private dwelling house other than an inhabited private dwelling house located on the tract on which the well is located;	20630 20631 20632 20633
(4) Is located more than two hundred feet horizontal distance from any public building that may be used as a place of resort, assembly, education, entertainment, lodging, trade, manufacture, repair, storage, traffic, or occupancy by the public.	20634 20635 20636 20637
(Y) "Urbanized area" means an area where a well or production facilities of a well are located within a municipal corporation or within a township that has an unincorporated population of more than five thousand in the most recent federal decennial census prior to the issuance of the permit for the well or production facilities.	20638 20639 20640 20641 20642 20643
(Z) "Well stimulation" or "stimulation of a well" means the process of enhancing well productivity, including hydraulic fracturing operations.	20644 20645 20646
(AA) "Production operation" means all operations and	20647

activities and all related equipment, facilities, and other 20648
structures that may be used in or associated with the exploration 20649
and production of oil, gas, or other mineral resources that are 20650
regulated under this chapter, including operations and activities 20651
associated with site preparation, site construction, access road 20652
construction, well drilling, well completion, well stimulation, 20653
well site activities, reclamation, and plugging. "Production 20654
operation" also includes all of the following: 20655

(1) The piping, equipment, and facilities used for the 20656
production and preparation of hydrocarbon gas or liquids for 20657
transportation or delivery; 20658

(2) The processes of extraction and recovery, lifting, 20659
stabilization, treatment, separation, production processing, 20660
storage, waste disposal, and measurement of hydrocarbon gas and 20661
liquids, including related equipment and facilities; 20662

(3) The processes and related equipment and facilities 20663
associated with production compression, gas lift, gas injection, 20664
fuel gas supply, well drilling, well stimulation, and well 20665
completion activities, including dikes, pits, and earthen and 20666
other impoundments used for the temporary storage of fluids and 20667
waste substances associated with well drilling, well stimulation, 20668
and well completion activities; 20669

(4) Equipment and facilities at a wellpad or other location 20670
that are used for the transportation, handling, recycling, 20671
temporary storage, management, processing, or treatment of any 20672
equipment, material, and by-products or other substances from an 20673
operation at a wellpad that may be used or reused at the same or 20674
another operation at a wellpad or that will be disposed of in 20675
accordance with applicable laws and rules adopted under them. 20676

(BB) "Annular overpressurization" means the accumulation of 20677
fluids within an annulus with sufficient pressure to allow 20678

migration of annular fluids into underground sources of drinking water. 20679
20680

(CC) "Orphaned well" means a well that has not been properly plugged or its land surface restored in accordance with this chapter and the rules adopted under it to which either of the following apply: 20681
20682
20683
20684

(1) The owner of the well is unknown, deceased, or cannot be located and the well is abandoned. 20685
20686

(2) The owner of the well has abandoned the well and there is no money available to plug the well in accordance with this chapter and the rules adopted under it. 20687
20688
20689

(DD) "Temporarily inactive well" means a well that has been granted temporary inactive status under section 1509.062 of the Revised Code. 20690
20691
20692

(EE) "Material and substantial violation" means any of the following: 20693
20694

(1) Failure to obtain a permit to drill, reopen, convert, plugback, or plug a well under this chapter; 20695
20696

(2) Failure to obtain, maintain, update, or submit proof of insurance coverage that is required under this chapter; 20697
20698

(3) Failure to obtain, maintain, update, or submit proof of a surety bond that is required under this chapter; 20699
20700

(4) Failure to restore a disturbed land surface as required by section 1509.072 of the Revised Code; 20701
20702

(5) Failure to reimburse the oil and gas well fund pursuant to a final order issued under section 1509.071 of the Revised Code; 20703
20704
20705

(6) Failure to comply with a final nonappealable order of the chief issued under section 1509.04 of the Revised Code; 20706
20707

(7) Failure to submit a report, test result, fee, or document 20708
that is required in this chapter or rules adopted under it. 20709

(FF) "Severer" has the same meaning as in section 5749.01 of 20710
the Revised Code. 20711

(GG) "Horizontal well" means a well that is drilled for the 20712
production of oil or gas in which the wellbore reaches a 20713
horizontal or near horizontal position in the Point Pleasant, 20714
Utica, or Marcellus formation and the well is stimulated. 20715
"Horizontal well" does not include a stratigraphic well. 20716

(HH) "Well pad" means the area that is cleared or prepared 20717
for the drilling of one or more horizontal wells. 20718

(II) "Stratigraphic well" means a borehole that is drilled 20719
within the state on a tract solely to conduct research of the 20720
subsurface geology. "Stratigraphic well" does not include a hole 20721
drilled for seismic shot. 20722

Sec. 1509.03. (A) The chief of the division of oil and gas 20723
resources management shall adopt, rescind, and amend, in 20724
accordance with Chapter 119. of the Revised Code, rules for the 20725
administration, implementation, and enforcement of this chapter. 20726
The rules shall include an identification of the subjects that the 20727
chief shall address when attaching terms and conditions to a 20728
permit with respect to a well and production facilities of a well 20729
that are located within an urbanized area or with respect to a 20730
horizontal well and production facilities associated with a 20731
horizontal well. The subjects shall include all of the following: 20732

(1) Safety concerning the drilling or operation of a well; 20733

(2) Protection of the public and private water supply, 20734
including the amount of water used and the source or sources of 20735
the water; 20736

(3) Fencing and screening of surface facilities of a well; 20737

(4) Containment and disposal of drilling and production wastes;	20738 20739
(5) Construction of access roads for purposes of the drilling and operation of a well;	20740 20741
(6) Noise mitigation for purposes of the drilling of a well and the operation of a well, excluding safety and maintenance operations.	20742 20743 20744
No person shall violate any rule of the chief adopted under this chapter.	20745 20746
(B)(1) Any order issuing, denying, or modifying a permit or notices required to be made by the chief pursuant to this chapter shall be made in compliance with Chapter 119. of the Revised Code, except that personal service may be used in lieu of service by mail. Every order issuing, denying, or modifying a permit under this chapter and described as such shall be considered an adjudication order for purposes of Chapter 119. of the Revised Code. Division (B)(1) of this section does not apply to a permit issued under section 1509.06 of the Revised Code.	20747 20748 20749 20750 20751 20752 20753 20754 20755
(2) Where notice to the owners <u>any person</u> is required by this chapter, the notice shall be given as prescribed by a rule adopted by the chief to govern the giving of notices. The rule shall provide for notice by publication except in those cases where other types of notice are necessary in order to meet the requirements of the law.	20756 20757 20758 20759 20760 20761
(C) The chief or the chief's authorized representative may at any time enter upon lands, public or private, for the purpose of administration or enforcement of this chapter, the rules adopted or orders made thereunder, or terms or conditions of permits or registration certificates issued thereunder and may examine and copy records pertaining to the drilling, conversion, or operation of a well for injection of fluids and logs required by division	20762 20763 20764 20765 20766 20767 20768

(C) of section 1509.223 of the Revised Code. No person shall 20769
prevent or hinder the chief or the chief's authorized 20770
representative in the performance of official duties. If entry is 20771
prevented or hindered, the chief or the chief's authorized 20772
representative may apply for, and the court of common pleas may 20773
issue, an appropriate inspection warrant necessary to achieve the 20774
purposes of this chapter within the court's territorial 20775
jurisdiction. 20776

(D) The chief may issue orders to enforce this chapter, rules 20777
adopted thereunder, and terms or conditions of permits issued 20778
thereunder. Any such order shall be considered an adjudication 20779
order for the purposes of Chapter 119. of the Revised Code. No 20780
person shall violate any order of the chief issued under this 20781
chapter. No person shall violate a term or condition of a permit 20782
or registration certificate issued under this chapter. 20783

(E) Orders of the chief denying, suspending, or revoking a 20784
registration certificate; approving or denying approval of an 20785
application for revision of a registered transporter's plan for 20786
disposal; or to implement, administer, or enforce division (A) of 20787
section 1509.224 and sections 1509.22, 1509.222, 1509.223, 20788
1509.225, and 1509.226 of the Revised Code pertaining to the 20789
transportation of brine by vehicle and the disposal of brine so 20790
transported are not adjudication orders for purposes of Chapter 20791
119. of the Revised Code. The chief shall issue such orders under 20792
division (A) or (B) of section 1509.224 of the Revised Code, as 20793
appropriate. 20794

Sec. 1509.04. (A) The chief of the division of oil and gas 20795
resources management, or the chief's authorized representatives, 20796
shall enforce this chapter and the rules, terms and conditions of 20797
permits and registration certificates, and orders adopted or 20798
issued pursuant thereto, except that any peace officer, as defined 20799

in section 2935.01 of the Revised Code, may arrest for violations 20800
of this chapter involving transportation of brine by vehicle. The 20801
enforcement authority of the chief includes the authority to issue 20802
compliance notices and to enter into compliance agreements. 20803

(B)(1) The chief or the chief's authorized representative may 20804
issue an administrative order to ~~an owner~~ a person for a violation 20805
of this chapter or rules adopted under it, terms and conditions of 20806
a permit issued under it, a registration certificate that is 20807
required under this chapter, or orders issued under this chapter. 20808

(2)(a) If ~~an owner or other~~ a person who is required to 20809
submit a report, test result, fee, or document by this chapter or 20810
rules adopted under it submits a request for an extension of time 20811
to submit the report, test result, fee, or document to the chief 20812
prior to the date on which the report, test result, fee, or 20813
document is due, the chief may grant an extension of not more than 20814
sixty additional days from the original date on which the report, 20815
test result, fee, or document is due. 20816

(b) If ~~an owner or other~~ a person who is required to submit a 20817
report, test result, fee, or document by this chapter or rules 20818
adopted under it fails to submit the report, test result, fee, or 20819
document before or on the date on which it is due and the chief 20820
has not granted an extension of time under division (B)(2)(a) of 20821
this section, the chief shall make reasonable attempts to notify 20822
the ~~owner or other~~ person of the failure to submit the report, 20823
test result, fee, or document. If ~~an owner or other~~ a person who 20824
receives such a notification fails to submit the report, test 20825
result, fee, or document on or before thirty days after the date 20826
on which the chief so notified the ~~owner or other~~ person, the 20827
chief may issue an order under division (B)(2)(c) of this section. 20828

(c) The chief may issue an order finding that ~~an owner~~ a 20829
person has committed a material and substantial violation. 20830

(C) The chief, by order, immediately may suspend drilling, 20831
operating, or plugging activities that are related to a material 20832
and substantial violation and suspend and revoke an unused permit 20833
after finding either of the following: 20834

(1) ~~An owner~~ A person has failed to comply with an order 20835
issued under division (B)(2)(c) of this section that is final and 20836
nonappealable. 20837

(2) ~~An owner~~ A person is causing, engaging in, or maintaining 20838
a condition or activity that the chief determines presents an 20839
imminent danger to the health or safety of the public or that 20840
results in or is likely to result in immediate substantial damage 20841
to the natural resources of this state. 20842

(D)(1) The chief may issue an order under division (C) of 20843
this section without prior notification if reasonable attempts to 20844
notify the ~~owner~~ person have failed or if the ~~owner~~ person is 20845
currently in material breach of a prior order, but in such an 20846
event notification shall be given as soon thereafter as practical. 20847

(2) Not later than five days after the issuance of an order 20848
under division (C) of this section, the chief shall provide the 20849
~~owner~~ person an opportunity to be heard and to present evidence 20850
that one of the following applies: 20851

(a) The condition or activity does not present an imminent 20852
danger to the public health or safety or is not likely to result 20853
in immediate substantial damage to natural resources. 20854

(b) Required records, reports, or logs have been submitted. 20855

(3) If the chief, after considering evidence presented by the 20856
~~owner~~ person under division (D)(2)(a) of this section, determines 20857
that the activities do not present such a threat or that the 20858
required records, reports, or logs have been submitted under 20859
division (D)(2)(b) of this section, the chief shall revoke the 20860
order. The ~~owner~~ person may appeal an order to the court of common 20861

pleas of the county in which the activity that is the subject of 20862
the order is located. 20863

(E) The chief may issue a bond forfeiture order pursuant to 20864
section 1509.071 of the Revised Code for failure to comply with a 20865
final nonappealable order issued or compliance agreement entered 20866
into under this section. 20867

(F) The chief may notify drilling contractors, transporters, 20868
service companies, or other similar entities of the compliance 20869
status of ~~an owner~~ a person. 20870

If the ~~owner~~ person fails to comply with a prior enforcement 20871
action of the chief, the chief may issue a suspension order 20872
without prior notification, but in such an event the chief shall 20873
give notice as soon thereafter as practical. Not later than five 20874
calendar days after the issuance of an order, the chief shall 20875
provide the ~~owner~~ person an opportunity to be heard and to present 20876
evidence that required records, reports, or logs have been 20877
submitted. If the chief, after considering the evidence presented 20878
by the ~~owner~~ person, determines that the requirements have been 20879
satisfied, the chief shall revoke the suspension order. The ~~owner~~ 20880
person may appeal a suspension order to the court of common pleas 20881
of the county in which the activity that is the subject of the 20882
suspension order is located. 20883

(G) The prosecuting attorney of the county or the attorney 20884
general, upon the request of the chief, may apply to the court of 20885
common pleas in the county in which any of the provisions of this 20886
chapter or any rules, terms or conditions of a permit or 20887
registration certificate, or orders adopted or issued pursuant to 20888
this chapter are being violated for a temporary restraining order, 20889
preliminary injunction, or permanent injunction restraining any 20890
person from such violation. 20891

Sec. 1509.051. (A) Except as otherwise provided in division 20892

(B) of this section, Chapter 1509. of the Revised Code and rules 20893
adopted under it apply to a stratigraphic well regardless if a 20894
section refers to a well for oil and gas production or to an 20895
owner. 20896

(B)(1) Notwithstanding section 1509.06 of the Revised Code, 20897
an application for a permit to drill a stratigraphic well shall be 20898
on a form prescribed by the chief of the division of oil and gas 20899
resources management and shall contain the information required 20900
under section 1509.06 of the Revised Code that is applicable. 20901

(2) A person shall not submit more than three applications 20902
per year for a permit to drill a stratigraphic well unless 20903
otherwise approved by the chief. 20904

(3) All of the following do not apply to a stratigraphic 20905
well: 20906

(a) Section 1509.062 of the Revised Code; 20907

(b) Section 1509.11 of the Revised Code; 20908

(c) Section 1509.24 of the Revised Code and the rules adopted 20909
under it relative to minimum acreage requirements for a drilling 20910
unit; 20911

(d) Ohio Administrative Code 1501:9-2; 20912

(e) Ohio Administrative Code 1501:9-3; 20913

(f) Ohio Administrative Code 1501:9-4; 20914

(g) Ohio Administrative Code 1501:9-5; 20915

(h) Ohio Administrative Code 1501:9-7. 20916

(4) A stratigraphic well shall not be transferred to another 20917
person. 20918

(5) The surface location of a stratigraphic well shall not be 20919
within one hundred fifty feet from the property line of the tract 20920

on which the well is drilled. 20921

(6) A stratigraphic well shall be plugged one year after the 20922
well is spudded. 20923

Sec. 1509.11. (A)(1) The owner of any well, except a 20924
horizontal well, that is producing or capable of producing oil or 20925
gas shall file with the chief of the division of oil and gas 20926
resources management, on or before the thirty-first day of March, 20927
a statement of production of oil, gas, and brine for the last 20928
preceding calendar year in such form as the chief may prescribe. 20929
An owner that has more than one hundred such wells in this state 20930
shall submit electronically the statement of production in a 20931
format that is approved by the chief. 20932

(2) The owner of any horizontal well that is producing or 20933
capable of producing oil or gas shall file with the chief, on the 20934
forty-fifth day following the close of each calendar quarter, a 20935
statement of production of oil, gas, and brine for the preceding 20936
calendar quarter in a form that the chief prescribes. An owner 20937
that has more than one hundred horizontal wells in this state 20938
shall submit electronically the statement of production in a 20939
format that is approved by the chief. 20940

(B) The chief shall not disclose information received from 20941
the department of taxation under ~~division (C)(12) of~~ section 20942
5703.21 of the Revised Code until the ~~related~~ statement of 20943
production required by division (A) of this section and related to 20944
that information is filed with the chief. 20945

Sec. 1509.22. (A) Except when acting in accordance with 20946
section 1509.226 of the Revised Code, no person shall place or 20947
cause to be placed in ground water or in or on the land or 20948
discharge or cause to be discharged in surface water brine, crude 20949
oil, natural gas, or other fluids associated with the exploration, 20950

development, well stimulation, production operations, or plugging 20951
of oil and gas resources that causes or could reasonably be 20952
anticipated to cause damage or injury to public health or safety 20953
or the environment. 20954

(B)(1) No person shall store or dispose of brine in violation 20955
of a plan approved under division (A) of section 1509.222 or 20956
section 1509.226 of the Revised Code, in violation of a resolution 20957
submitted under section 1509.226 of the Revised Code, or in 20958
violation of rules or orders applicable to those plans or 20959
resolutions. 20960

(2)(a) On and after January 1, 2014, no person shall store, 20961
recycle, treat, process, or dispose of in this state brine or 20962
other waste substances associated with the exploration, 20963
development, well stimulation, production operations, or plugging 20964
of oil and gas resources without an order or a permit issued under 20965
this section or section 1509.06 or 1509.21 of the Revised Code or 20966
rules adopted under any of those sections. For purposes of 20967
division (B)(2)(a) of this section, a permit or other form of 20968
authorization issued by another agency of the state or a political 20969
subdivision of the state shall not be considered a permit or order 20970
issued by the chief of the division of oil and gas resources 20971
management under this chapter. 20972

(b) Division (B)(2)(a) of this section does not apply to a 20973
person that disposes of such waste substances other than brine in 20974
accordance with Chapter 3734. of the Revised Code and rules 20975
adopted under it. 20976

(C) The chief shall adopt rules regarding storage, recycling, 20977
treatment, processing, and disposal of brine and other waste 20978
substances. The rules shall establish procedures and requirements 20979
in accordance with which a person shall apply for a permit or 20980
order for the storage, recycling, treatment, processing, or 20981
disposal of brine and other waste substances that are not subject 20982

to a permit issued under section 1509.06 or 1509.21 of the Revised Code and in accordance with which the chief may issue such a permit or order. An application for such a permit shall be accompanied by a nonrefundable fee of two thousand five hundred dollars.

The storage, recycling, treatment, processing, and disposal of brine and other waste substances and the chief's rules relating to storage, recycling, treatment, processing, and disposal are subject to all of the following standards:

(1) Brine from any well except an exempt Mississippian well shall be disposed of only as follows:

(a) By injection into an underground formation, including annular disposal if approved by rule of the chief, which injection shall be subject to division (D) of this section;

(b) By surface application in accordance with section 1509.226 of the Revised Code;

(c) In association with a method of enhanced recovery as provided in section 1509.21 of the Revised Code;

(d) In any other manner not specified in divisions (C)(1)(a) to (c) of this section that is approved by a permit or order issued by the chief.

(2) Brine from exempt Mississippian wells shall not be discharged directly into the waters of the state.

(3) Muds, cuttings, and other waste substances shall not be disposed of in violation of this chapter or any rule adopted under it.

(4) Pits or steel tanks shall be used as authorized by the chief for containing brine and other waste substances resulting from, obtained from, or produced in connection with drilling, well stimulation, reworking, reconditioning, plugging back, or plugging

operations. The pits and steel tanks shall be constructed and 21013
maintained to prevent the escape of brine and other waste 21014
substances. 21015

(5) A dike or pit may be used for spill prevention and 21016
control. A dike or pit so used shall be constructed and maintained 21017
to prevent the escape of brine and crude oil, and the reservoir 21018
within such a dike or pit shall be kept reasonably free of brine, 21019
crude oil, and other waste substances. 21020

(6) Impoundments constructed utilizing a synthetic liner 21021
pursuant to the division's specifications may be used for the 21022
temporary storage of waste substances used in the construction, 21023
stimulation, or plugging of a well. 21024

(7) No pit or dike shall be used for the temporary storage of 21025
brine or other waste substances except in accordance with 21026
divisions (C)(4) and (5) of this section. 21027

(8) No pit or dike shall be used for the ultimate disposal of 21028
brine or other liquid waste substances. 21029

(D)(1) No person, without first having obtained a permit from 21030
the chief, shall inject brine or other waste substances resulting 21031
from, obtained from, or produced in connection with oil or gas 21032
drilling, exploration, or production into an underground formation 21033
unless a rule of the chief expressly authorizes the injection 21034
without a permit. The permit shall be in addition to any permit 21035
required by section 1509.05 of the Revised Code, and the permit 21036
application shall be accompanied by a permit fee of one thousand 21037
dollars. The chief shall adopt rules in accordance with Chapter 21038
119. of the Revised Code regarding the injection into wells of 21039
brine and other waste substances resulting from, obtained from, or 21040
produced in connection with oil or gas drilling, exploration, or 21041
production. The rules shall include provisions regarding all of 21042
the following: 21043

(a) Applications for and issuance of the permits required by this division;	21044 21045
(b) Entry to conduct inspections and to examine and copy records to ascertain compliance with this division and rules, orders, and terms and conditions of permits adopted or issued under it;	21046 21047 21048 21049
(c) The provision and maintenance of information through monitoring, recordkeeping, and reporting. In addition, the rules shall require the owner of an injection well who has been issued a permit under division (D) of this section to quarterly submit electronically to the chief information concerning each shipment of brine or other waste substances received by the owner for injection into the well.	21050 21051 21052 21053 21054 21055 21056
(d) The provision and electronic reporting quarterly of information concerning brine and other waste substances from a transporter that is registered under section 1509.222 of the Revised Code prior to the injection of the transported brine or other waste substances;	21057 21058 21059 21060 21061
(e) Any other provisions in furtherance of the goals of this section and the Safe Drinking Water Act.	21062 21063
(2) The chief may adopt rules in accordance with Chapter 119. of the Revised Code authorizing tests to evaluate whether fluids or carbon dioxide may be injected in a reservoir and to determine the maximum allowable injection pressure, which shall be conducted in accordance with methods prescribed in the rules or in accordance with conditions of the permit. In addition, the chief may adopt rules that do both of the following:	21064 21065 21066 21067 21068 21069 21070
(a) Establish the total depth of a well for which a permit has been applied for or issued under this division;	21071 21072
(b) Establish requirements and procedures to protect public health and safety.	21073 21074

(3) To implement the goals of the Safe Drinking Water Act, 21075
the chief shall not issue a permit for the injection of brine or 21076
other waste substances resulting from, obtained from, or produced 21077
in connection with oil or gas drilling, exploration, or production 21078
unless the chief concludes that the applicant has demonstrated 21079
that the injection will not result in the presence of any 21080
contaminant in ground water that supplies or can reasonably be 21081
expected to supply any public water system, such that the presence 21082
of the contaminant may result in the system's not complying with 21083
any national primary drinking water regulation or may otherwise 21084
adversely affect the health of persons. 21085

(4) The chief may issue an order to the owner of a well in 21086
existence on September 10, 2012, to make changes in the operation 21087
of the well in order to correct problems or to address safety 21088
concerns. 21089

(5) This division and rules, orders, and terms and conditions 21090
of permits adopted or issued under it shall be construed to be no 21091
more stringent than required for compliance with the Safe Drinking 21092
Water Act unless essential to ensure that underground sources of 21093
drinking water will not be endangered. 21094

(E) The owner holding a permit, or an assignee or transferee 21095
who has assumed the obligations and liabilities imposed by this 21096
chapter and any rules adopted or orders issued under it pursuant 21097
to section 1509.31 of the Revised Code, and the operator of a well 21098
shall be liable for a violation of this section or any rules 21099
adopted or orders or terms or conditions of a permit issued under 21100
it. 21101

(F) An owner shall replace the water supply of the holder of 21102
an interest in real property who obtains all or part of the 21103
holder's supply of water for domestic, agricultural, industrial, 21104
or other legitimate use from an underground or surface source 21105
where the supply has been substantially disrupted by 21106

contamination, diminution, or interruption proximately resulting 21107
from the owner's oil or gas operation, or the owner may elect to 21108
compensate the holder of the interest in real property for the 21109
difference between the fair market value of the interest before 21110
the damage occurred to the water supply and the fair market value 21111
after the damage occurred if the cost of replacing the water 21112
supply exceeds this difference in fair market values. However, 21113
during the pendency of any order issued under this division, the 21114
owner shall obtain for the holder or shall reimburse the holder 21115
for the reasonable cost of obtaining a water supply from the time 21116
of the contamination, diminution, or interruption by the operation 21117
until the owner has complied with an order of the chief for 21118
compliance with this division or such an order has been revoked or 21119
otherwise becomes not effective. If the owner elects to pay the 21120
difference in fair market values, but the owner and the holder 21121
have not agreed on the difference within thirty days after the 21122
chief issues an order for compliance with this division, within 21123
ten days after the expiration of that thirty-day period, the owner 21124
and the chief each shall appoint an appraiser to determine the 21125
difference in fair market values, except that the holder of the 21126
interest in real property may elect to appoint and compensate the 21127
holder's own appraiser, in which case the chief shall not appoint 21128
an appraiser. The two appraisers appointed shall appoint a third 21129
appraiser, and within thirty days after the appointment of the 21130
third appraiser, the three appraisers shall hold a hearing to 21131
determine the difference in fair market values. Within ten days 21132
after the hearing, the appraisers shall make their determination 21133
by majority vote and issue their final determination of the 21134
difference in fair market values. The chief shall accept a 21135
determination of the difference in fair market values made by 21136
agreement of the owner and holder or by appraisers under this 21137
division and shall make and dissolve orders accordingly. This 21138
division does not affect in any way the right of any person to 21139

enforce or protect, under applicable law, the person's interest in 21140
water resources affected by an oil or gas operation. 21141

(G) In any action brought by the state for a violation of 21142
division (A) of this section involving any well at which annular 21143
disposal is used, there shall be a rebuttable presumption 21144
available to the state that the annular disposal caused the 21145
violation if the well is located within a one-quarter-mile radius 21146
of the site of the violation. 21147

~~(H)(1)~~(H) There is levied on the owner of an injection well 21148
who has been issued a permit under division (D) of this section 21149
the following fees: 21150

~~(a)(1)~~ Five cents per barrel of each substance that is 21151
delivered to a well to be injected in the well when the substance 21152
is produced within the division of oil and gas resources 21153
management regulatory district in which the well is located or 21154
within an adjoining oil and gas resources management regulatory 21155
district; 21156

~~(b)(2)~~ Twenty cents per barrel of each substance that is 21157
delivered to a well to be injected in the well when the substance 21158
is not produced within the division of oil and gas resources 21159
management regulatory district in which the well is located or 21160
within an adjoining oil and gas resources management regulatory 21161
district. 21162

~~(2) The maximum number of barrels of substance per injection 21163
well in a calendar year on which a fee may be levied under 21164
division (H) of this section is five hundred thousand. If in a 21165
calendar year the owner of an injection well receives more than 21166
five hundred thousand barrels of substance to be injected in the 21167
owner's well and if the owner receives at least one substance that 21168
is produced within the division's regulatory district in which the 21169
well is located or within an adjoining regulatory district and at 21170~~

~~least one substance that is not produced within the division's regulatory district in which the well is located or within an adjoining regulatory district, the fee shall be calculated first on all of the barrels of substance that are not produced within the division's regulatory district in which the well is located or within an adjoining district at the rate established in division (H)(2) of this section. The fee then shall be calculated on the barrels of substance that are produced within the division's regulatory district in which the well is located or within an adjoining district at the rate established in division (H)(1) of this section until the maximum number of barrels established in division (H)(2) of this section has been attained.~~

~~(3) The (I) After retaining up to three per cent of the fee under division (K) of this section, the owner of an injection well who is issued a permit under division (D) of this section shall collect the applicable fee levied by division (H) of this section on behalf of the division of oil and gas resources management and forward the fee as follows:~~

~~(1) For any fee collected on the first five hundred thousand barrels of substance to be injected in the owner's well in a calendar year, to the division of oil and gas resources management;~~

~~(2) For any fee collected after the first five hundred thousand barrels in a calendar year:~~

~~(a) Fifty per cent of the fee to the division;~~

~~(b) Fifty per cent of the fee to the county where the injection of the substance occurred if the well is located in an incorporated area of the county or, if the injection well is located in an unincorporated area of the county, fifty per cent of the fee to the township where the injection of the substance occurred.~~

(J)(1) The chief shall transmit all money received under 21202
division ~~(H)~~(I) of this section to the treasurer of state who 21203
shall deposit the money in the state treasury to the credit of the 21204
oil and gas well fund created in section 1509.02 of the Revised 21205
Code. 21206

(2) The county or township shall transmit all money received 21207
under division (I) of this section to the county or township's 21208
general fund, as applicable. 21209

(K) The owner of an injection well who collects the fee 21210
~~levied by~~ pursuant to division (I) of this ~~division~~ section may 21211
retain up to three per cent of the amount that is collected. 21212

~~(4)~~(L) The chief shall adopt rules in accordance with Chapter 21213
119. of the Revised Code establishing requirements and procedures 21214
for collection of the fee ~~levied by~~ pursuant to division ~~(H)~~(I) of 21215
this section. 21216

Sec. 1521.01. As used in this chapter: 21217

(A) "Consumptive use" means a use of water resources, other 21218
than a diversion, that results in a loss of that water to the 21219
basin from which it is withdrawn and includes, but is not limited 21220
to, evaporation, evapotranspiration, and incorporation of water 21221
into a product or agricultural crop. 21222

(B) "Diversion" means a withdrawal of water resources from 21223
either the Lake Erie or Ohio river drainage basin and transfer to 21224
another basin without return. "Diversion" does not include 21225
evaporative loss within the basin of withdrawal. 21226

(C) "Other great lakes states and provinces" means states 21227
other than this state that are parties to the great lakes basin 21228
compact under Chapter 6161. of the Revised Code and the Canadian 21229
provinces of Ontario and Quebec. 21230

(D) "Water resources" means any waters of the state that are 21231

available or may be made available to agricultural, industrial, 21232
commercial, and domestic users. 21233

(E) "Waters of the state" includes all streams, lakes, ponds, 21234
marshes, watercourses, waterways, wells, springs, irrigation 21235
systems, drainage systems, and other bodies or accumulations of 21236
water, surface and underground, natural or artificial, regardless 21237
of the depth of the strata in which underground water is located, 21238
that are situated wholly or partly within or bordering upon this 21239
state or are within its jurisdiction. 21240

(F) "Well" means any excavation, regardless of design or 21241
method of construction, created for any of the following purposes: 21242

(1) Removing ground water from or recharging water into an 21243
aquifer, excluding subsurface drainage systems installed to 21244
enhance agricultural crop production or urban or suburban 21245
landscape management or to control seepage in dams and levees; 21246

(2) Determining the quantity, quality, level, or movement of 21247
ground water in or the stratigraphy of an aquifer, excluding 21248
borings for instrumentation in dams, levees, or highway 21249
embankments; 21250

(3) Removing or exchanging heat from ground water, excluding 21251
horizontal trenches that are installed for water source heat pump 21252
systems. 21253

(G) "Aquifer" means a consolidated or unconsolidated geologic 21254
formation or series of formations that are hydraulically 21255
interconnected and that have the ability to receive, store, or 21256
transmit water. 21257

(H) "Ground water" means all water occurring in an aquifer. 21258

(I) "Ground water stress area" means a definable geographic 21259
area in which ground water quantity is being affected by human 21260
activity or natural forces to the extent that continuous 21261

availability of supply is jeopardized by withdrawals. 21262

(J) "Person" has the same meaning as in section 1.59 of the 21263
Revised Code and also includes the United States, the state, any 21264
political subdivision of the state, and any department, division, 21265
board, commission, agency, or instrumentality of the United 21266
States, the state, or a political subdivision of the state. 21267

(K) "State agency" or "agency of the state" has the same 21268
meaning as "agency" in section 111.15 of the Revised Code, except 21269
that "state agency" or "agency of the state" includes a state 21270
college or university, a community college district, a technical 21271
college district, or state community college. 21272

(L) "Cone of depression" means a depression or low point in 21273
the water table or potentiometric surface of a body of ground 21274
water that develops around a location from which ground water is 21275
being withdrawn. 21276

(M) "Facility" has the same meaning as in section 1522.10 of 21277
the Revised Code. 21278

(N) "Hydrologic study area" means the area within a four-mile 21279
radius from the boundary of the withdrawal area. 21280

(O) "Well field" means a contiguous land area containing two 21281
or more wells that provide water to a facility. 21282

(P) "Withdrawal area" means the proposed well or well field 21283
location or locations. 21284

(Q) "Development" means any artificial change to improved or 21285
unimproved real estate, including the construction of buildings 21286
and other structures, any substantial improvement of a structure, 21287
mining, dredging, filling, grading, paving, excavating, and 21288
drilling operations, and storage of equipment or materials. 21289

(R) "Floodplain" means the area adjoining any river, stream, 21290
watercourse, or lake that has been or may be covered by flood 21291

water.	21292
(S) "Floodplain management" means the implementation of an overall program of corrective and preventive measures for reducing flood damage, including the collection and dissemination of flood information, construction of flood control works, nonstructural flood damage reduction techniques, and adoption of rules, ordinances, or resolutions governing development in floodplains.	21293 21294 21295 21296 21297 21298
(T) "One-hundred-year flood" means a flood having a one per cent chance of being equaled or exceeded in any given year.	21299 21300
(U) "One-hundred-year floodplain" means that portion of a floodplain inundated by a one-hundred-year flood.	21301 21302
(V) "Structure" means a walled and roofed building, including, without limitation, gas or liquid storage tanks and manufactured homes.	21303 21304 21305
(W) "Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty per cent of the market value of the structure before the start of construction of the improvement. "Substantial improvement" includes repairs to structures that have incurred substantial damage regardless of the actual repair work performed. "Substantial improvement" does not include either of the following:	21306 21307 21308 21309 21310 21311 21312 21313
(1) Any project for the improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the state or local code enforcement official having jurisdiction and that are the minimum necessary to ensure safe living conditions;	21314 21315 21316 21317 21318
(2) Any alteration of an historic structure designated or listed pursuant to federal or state law, provided that the alteration will not preclude the structure's continued listing or designation as an historic structure.	21319 21320 21321 21322

(X) "Substantial damage" means damage of any origin that is 21323
sustained by a structure if the cost of restoring the structure to 21324
its condition prior to the damage would equal or exceed fifty per 21325
cent of the market value of the structure before the damage 21326
occurred. 21327

(Y) "National flood insurance program" means the national 21328
flood insurance program established in the "National Flood 21329
Insurance Act of 1968," 82 Stat. 572, 42 U.S.C. 4001, as amended, 21330
and regulations adopted under it. 21331

(Z) "Conservancy district" means a conservancy district 21332
established under Chapter 6101. of the Revised Code. 21333

Sec. 1531.01. As used in this chapter and Chapter 1533. of 21334
the Revised Code: 21335

(A) "Person" means a person as defined in section 1.59 of the 21336
Revised Code or a company; an employee, agent, or officer of such 21337
a person or company; a combination of individuals; the state; a 21338
political subdivision of the state; an interstate body created by 21339
a compact; or the federal government or a department, agency, or 21340
instrumentality of it. 21341

(B) "Resident" means ~~any~~ either of the following: 21342

(1) An individual who has resided in this state for not less 21343
than six months preceding the date of making application for a 21344
license or permit; 21345

(2) An individual who is a full-time student enrolled in an 21346
accredited Ohio public or private college or university and who 21347
resides in this state at the time the individual makes application 21348
for a license or permit and who attests to the individual's 21349
full-time student status in a manner determined by the chief of 21350
the division of wildlife. 21351

(C) "Nonresident" means any individual who does not qualify 21352

as a resident. 21353

(D) "Division rule" or "rule" means any rule adopted by the 21354
chief of the division of wildlife under section 1531.10 of the 21355
Revised Code unless the context indicates otherwise. 21356

(E) "Closed season" means that period of time during which 21357
the taking of wild animals protected by this chapter and Chapter 21358
1533. of the Revised Code is prohibited. 21359

(F) "Open season" means that period of time during which the 21360
taking of wild animals protected by this chapter and Chapter 1533. 21361
of the Revised Code is permitted. 21362

(G) "Take or taking" includes pursuing, shooting, hunting, 21363
killing, trapping, angling, fishing with a trotline, or netting 21364
any clam, mussel, crayfish, aquatic insect, fish, frog, turtle, 21365
wild bird, or wild quadruped, and any lesser act, such as 21366
wounding, or placing, setting, drawing, or using any other device 21367
for killing or capturing any wild animal, whether it results in 21368
killing or capturing the animal or not. "Take or taking" includes 21369
every attempt to kill or capture and every act of assistance to 21370
any other person in killing or capturing or attempting to kill or 21371
capture a wild animal. 21372

(H) "Possession" means both actual and constructive 21373
possession and any control of things referred to. 21374

(I) "Bag limit" means the number, measurement, or weight of 21375
any kind of crayfish, aquatic insects, fish, frogs, turtles, wild 21376
birds, and wild quadrupeds permitted to be taken. 21377

(J) "Transport and transportation" means carrying or moving 21378
or causing to be carried or moved. 21379

(K) "Sell and sale" means barter, exchange, or offer or 21380
expose for sale. 21381

(L) "Whole to include part" means that every provision 21382

relating to any wild animal protected by this chapter and Chapter 21383
1533. of the Revised Code applies to any part of the wild animal 21384
with the same effect as it applies to the whole. 21385

(M) "Angling" means fishing with not more than two hand 21386
lines, not more than two units of rod and line, or a combination 21387
of not more than one hand line and one rod and line, either in 21388
hand or under control at any time while fishing. The hand line or 21389
rod and line shall have attached to it not more than three baited 21390
hooks, not more than three artificial fly rod lures, or one 21391
artificial bait casting lure equipped with not more than three 21392
sets of three hooks each. 21393

(N) "Trotline" means a device for catching fish that consists 21394
of a line having suspended from it, at frequent intervals, 21395
vertical lines with hooks attached. 21396

(O) "Fish" means a cold-blooded vertebrate having fins. 21397

(P) "Measurement of fish" means length from the end of the 21398
nose to the longest tip or end of the tail. 21399

(Q) "Wild birds" includes game birds and nongame birds. 21400

(R) "Game" includes game birds, game quadrupeds, and 21401
fur-bearing animals. 21402

(S) "Game birds" includes mourning doves, ringneck pheasants, 21403
bobwhite quail, ruffed grouse, sharp-tailed grouse, pinnated 21404
grouse, wild turkey, Hungarian partridge, Chukar partridge, 21405
woodcocks, black-breasted plover, golden plover, Wilson's snipe or 21406
jacksnipe, greater and lesser yellowlegs, rail, coots, gallinules, 21407
duck, geese, brant, and crows. 21408

(T) "Nongame birds" includes all other wild birds not 21409
included and defined as game birds or migratory game birds. 21410

(U) "Wild quadrupeds" includes game quadrupeds and 21411
fur-bearing animals. 21412

(V) "Game quadrupeds" includes cottontail rabbits, gray 21413
squirrels, black squirrels, fox squirrels, red squirrels, flying 21414
squirrels, chipmunks, groundhogs or woodchucks, white-tailed deer, 21415
wild boar, elk, and black bears. 21416

(W) "Fur-bearing animals" includes minks, weasels, raccoons, 21417
skunks, opossums, muskrats, fox, beavers, badgers, otters, 21418
coyotes, and bobcats. 21419

(X) "Wild animals" includes mollusks, crustaceans, aquatic 21420
insects, fish, reptiles, amphibians, wild birds, wild quadrupeds, 21421
and all other wild mammals, but does not include domestic deer. 21422

(Y) "Hunting" means pursuing, shooting, killing, following 21423
after or on the trail of, lying in wait for, shooting at, or 21424
wounding wild birds or wild quadrupeds while employing any device 21425
commonly used to kill or wound wild birds or wild quadrupeds 21426
whether or not the acts result in killing or wounding. "Hunting" 21427
includes every attempt to kill or wound and every act of 21428
assistance to any other person in killing or wounding or 21429
attempting to kill or wound wild birds or wild quadrupeds. 21430

(Z) "Trapping" means securing or attempting to secure 21431
possession of a wild bird or wild quadruped by means of setting, 21432
placing, drawing, or using any device that is designed to close 21433
upon, hold fast, confine, or otherwise capture a wild bird or wild 21434
quadruped whether or not the means results in capture. "Trapping" 21435
includes every act of assistance to any other person in capturing 21436
wild birds or wild quadrupeds by means of the device whether or 21437
not the means results in capture. 21438

(AA) "Muskrat spear" means any device used in spearing 21439
muskrats. 21440

(BB) "Channels and passages" means those narrow bodies of 21441
water lying between islands or between an island and the mainland 21442
in Lake Erie. 21443

(CC) "Island" means a rock or land elevation above the waters of Lake Erie having an area of five or more acres above water.

(DD) "Reef" means an elevation of rock, either broken or in place, or gravel shown by the latest United States chart to be above the common level of the surrounding bottom of the lake, other than the rock bottom, or in place forming the base or foundation rock of an island or mainland and sloping from the shore of it. "Reef" also means all elevations shown by that chart to be above the common level of the sloping base or foundation rock of an island or mainland, whether running from the shore of an island or parallel with the contour of the shore of an island or in any other way and whether formed by rock, broken or in place, or from gravel.

(EE) "Fur farm" means any area used exclusively for raising fur-bearing animals or in addition thereto used for hunting game, the boundaries of which are plainly marked as such.

(FF) "Waters" includes any lake, pond, reservoir, stream, channel, lagoon, or other body of water, or any part thereof, whether natural or artificial.

(GG) "Crib" or "car" refers to that particular compartment of the net from which the fish are taken when the net is lifted.

(HH) "Commercial fish" means those species of fish permitted to be taken, possessed, bought, or sold unless otherwise restricted by the Revised Code or division rule and are alewife (*Alosa pseudoharengus*), American eel (*Anguilla rostrata*), bowfin (*Amia calva*), burbot (*Lota lota*), carp (*Cyprinus carpio*), smallmouth buffalo (*Ictiobus bubalus*), bigmouth buffalo (*Ictiobus cyprinellus*), black bullhead (*Ictalurus melas*), yellow bullhead (*Ictalurus natalis*), brown bullhead (*Ictalurus nebulosus*), channel catfish (*Ictalurus punctatus*), flathead catfish (*Pylodictis olivaris*), whitefish (*Coregonus sp.*), cisco (*Coregonus sp.*),

freshwater drum or sheepshead (*Aplodinotus grunniens*), gar 21475
(*Lepisosteus* sp.), gizzard shad (*Dorosoma cepedianum*), goldfish 21476
(*Carassius auratus*), lake trout (*Salvelinus namaycush*), mooneye 21477
(*Hiodon tergisus*), quillback (*Carpiodes cyprinus*), smelt 21478
(*Allosmerus elongatus*, *Hypomesus* sp., *Osmerus* sp., *Spirinchus* 21479
sp.), sturgeon (*Acipenser* sp., *Scaphirhynchus* sp.), sucker other 21480
than buffalo and quillback (*Carpiodes* sp., *Catostomus* sp., 21481
Hypentelium sp., *Minytrema* sp., *Moxostoma* sp.), white bass (*Morone* 21482
chrysops), white perch (*Roccus americanus*), and yellow perch 21483
(*Perca flavescens*). When the common name of a fish is used in this 21484
chapter or Chapter 1533. of the Revised Code, it refers to the 21485
fish designated by the scientific name in this definition. 21486

(II) "Fishing" means taking or attempting to take fish by any 21487
method, and all other acts such as placing, setting, drawing, or 21488
using any device commonly used to take fish whether resulting in a 21489
taking or not. 21490

(JJ) "Fillet" means the pieces of flesh taken or cut from 21491
both sides of a fish, joined to form one piece of flesh. 21492

(KK) "Part fillet" means a piece of flesh taken or cut from 21493
one side of a fish. 21494

(LL) "Round" when used in describing fish means with head and 21495
tail intact. 21496

(MM) "Migrate" means the transit or movement of fish to or 21497
from one place to another as a result of natural forces or 21498
instinct and includes, but is not limited to, movement of fish 21499
induced or caused by changes in the water flow. 21500

(NN) "Spreader bar" means a brail or rigid bar placed across 21501
the entire width of the back, at the top and bottom of the cars in 21502
all trap, crib, and fyke nets for the purpose of keeping the 21503
meshes hanging squarely while the nets are fishing. 21504

(OO) "Fishing guide" means any person who, for consideration 21505

or hire, operates a boat, rents, leases, or otherwise furnishes 21506
angling devices, ice fishing shanties or shelters of any kind, or 21507
other fishing equipment, and accompanies, guides, directs, or 21508
assists any other person in order for the other person to engage 21509
in fishing. 21510

(PP) "Net" means fishing devices with meshes composed of 21511
twine or synthetic material and includes, but is not limited to, 21512
trap nets, fyke nets, crib nets, carp aprons, dip nets, and 21513
seines, except minnow seines and minnow dip nets. 21514

(QQ) "Commercial fishing gear" means seines, trap nets, fyke 21515
nets, dip nets, carp aprons, trotlines, other similar gear, and 21516
any boat used in conjunction with that gear, but does not include 21517
gill nets. 21518

(RR) "Native wildlife" means any species of the animal 21519
kingdom indigenous to this state. 21520

(SS) "Gill net" means a single section of fabric or netting 21521
seamed to a float line at the top and a lead line at the bottom, 21522
which is designed to entangle fish in the net openings as they 21523
swim into it. 21524

(TT) "Tag fishing tournament" means a contest in which a 21525
participant pays a fee, or gives other valuable consideration, for 21526
a chance to win a prize by virtue of catching a tagged or 21527
otherwise specifically marked fish within a limited period of 21528
time. 21529

(UU) "Tenant" means an individual who resides on land for 21530
which the individual pays rent and whose annual income is 21531
primarily derived from agricultural production conducted on that 21532
land, as "agricultural production" is defined in section 929.01 of 21533
the Revised Code. 21534

(VV) "Nonnative wildlife" means any wild animal not 21535
indigenous to this state, but does not include domestic deer. 21536

(WW) "Reptiles" includes common musk turtle (*sternotherus* 21537
odoratus), common snapping turtle (*Chelydra serpentina* 21538
serpentina), spotted turtle (*Clemmys guttata*), eastern box turtle 21539
(*Terrapene carolina carolina*), Blanding's turtle (*Emydoidea* 21540
blandingii), common map turtle (*Graptemys geographica*), ouachita 21541
map turtle (*Graptemys pseudogeographica ouachitensis*), midland 21542
painted turtle (*Chrysemys picta marginata*), red-eared slider 21543
(*Trachemys scripta elegans*), eastern spiny softshell turtle 21544
(*Apalone spinifera spinifera*), midland smooth softshell turtle 21545
(*Apalone mutica mutica*), northern fence lizard (*Sceloporus* 21546
undulatus hyacinthinus), ground skink (*Scincella lateralis*), 21547
five-lined skink (*Eumeces fasciatus*), broadhead skink (*Eumeces* 21548
laticeps), northern coal skink (*Eumeces anthracinus anthracinus*), 21549
European wall lizard (*Podarcis muralis*), queen snake (*Regina* 21550
septemvittata), Kirtland's snake (*Clonophis kirtlandii*), northern 21551
water snake (*Nerodia sipedon sipedon*), Lake Erie watersnake 21552
(*Nerodia sipedon insularum*), copperbelly water snake (*Nerodia* 21553
erythrogaster neglecta), northern brown snake (*Storeria dekayi* 21554
dekayi), midland brown snake (*Storeria dekayi wrightorum*), 21555
northern redbelly snake (*Storeria occipitomaculata* 21556
occipitomaculata), eastern garter snake (*Thamnophis sirtalis* 21557
sirtalis), eastern plains garter snake (*Thamnophis radix radix*), 21558
Butler's garter snake (*Thamnophis butleri*), shorthead garter snake 21559
(*Thamnophis brachystoma*), eastern ribbon snake (*Thamnophis* 21560
sauritus sauritus), northern ribbon snake (*Thamnophis sauritus* 21561
septentrionalis), eastern hognose snake (*Heterodon platirhinos*), 21562
eastern smooth earth snake (*Virginia valeriae valeriae*), northern 21563
ringneck snake (*Diadophis punctatus edwardsii*), midwest worm snake 21564
(*Carphophis amoenus helenae*), eastern worm snake (*Carphophis* 21565
amoenus amoenus), black racer (*Coluber constrictor constrictor*), 21566
blue racer (*Coluber constrictor foxii*), rough green snake 21567
(*opheodrys aestivus*), smooth green snake (*opheodrys vernalis* 21568
vernalis), black rat snake (*Elaphe obsoleta obsoleta*), eastern fox 21569

snake (*Elaphe vulpina gloydi*), black kingsnake (*Lampropeltis
getula nigra*), eastern milk snake (*Lampropeltis triangulum
triangulum*), northern copperhead (*Agkistrodon contortrix mokasen*),
eastern massasauga (*Sistrurus catenatus catenatus*), and timber
rattlesnake (*Crotalus horridus horridus*).

(XX) "Amphibians" includes eastern hellbender (*Cryptobranchus
alleganiensis alleganiensis*), mudpuppy (*Necturus maculosus
maculosus*), red-spotted newt (*Notophthalmus viridescens
viridescens*), Jefferson salamander (*Ambystoma jeffersonianum*),
spotted salamander (*Ambystoma maculatum*), blue-spotted salamander
(*Ambystoma laterale*), smallmouth salamander (*Ambystoma texanum*),
streamside salamander (*Ambystoma barbouri*), marbled salamander
(*Ambystoma opacum*), eastern tiger salamander (*Ambystoma tigrinum
tigrinum*), northern dusky salamander (*Desmognathus fuscus fuscus*),
mountain dusky salamander (*Desmognathus ochrophaeus*), redback
salamander (*Plethodon cinereus*), ravine salamander (*Plethodon
richmondi*), northern slimy salamander (*Plethodon glutinosus*),
Wehrle's salamander (*Plethodon wehrlei*), four-toed salamander
(*Hemidactylium scutatum*), Kentucky spring salamander (*Gyrinophilus
porphyriticus duryi*), northern spring salamander (*Gyrinophilus
porphyriticus porphyriticus*), mud salamander (*Pseudotriton
montanus*), northern red salamander (*Pseudotriton ruber ruber*),
green salamander (*Aneides aeneus*), northern two-lined salamander
(*Eurycea bislineata*), longtail salamander (*Eurycea longicauda
longicauda*), cave salamander (*Eurycea lucifuga*), southern
two-lined salamander (*Eurycea cirrigera*), Fowler's toad (*Bufo
woodhousii fowleri*), American toad (*Bufo americanus*), eastern
spadefoot (*Scaphiopus holbrookii*), Blanchard's cricket frog (*Acris
crepitans blanchardi*), northern spring peeper (*Pseudacris crucifer
crucifer*), gray treefrog (*Hyla versicolor*), Cope's gray treefrog
(*Hyla chrysoscelis*), western chorus frog (*Pseudacris triseriata
triseriata*), mountain chorus frog (*Pseudacris brachyphona*),
bullfrog (*Rana catesbeiana*), green frog (*Rana clamitans melanota*),

northern leopard frog (*Rana pipiens*), pickerel frog (*Rana* 21603
palustris), southern leopard frog (*Rana utricularia*), and wood 21604
frog (*Rana sylvatica*). 21605

(YY) "Deer" means white-tailed deer (*Odocoileus* 21606
virginianus). 21607

(ZZ) "Domestic deer" means nonnative deer that have been 21608
legally acquired or their offspring and that are held in private 21609
ownership for primarily agricultural purposes. 21610

(AAA) "Migratory game bird" includes waterfowl (*Anatidae*); 21611
doves (*Columbidae*); cranes (*Gruidae*); cormorants 21612
(*Phalacrocoracidae*); rails, coots, and gallinules (*Rallidae*); and 21613
woodcock and snipe (*Scolopacidae*). 21614

(BBB) "Accompany" means to go along with another person while 21615
staying within a distance from the person that enables 21616
uninterrupted, unaided visual and auditory communication. 21617

(CCC) "All-purpose vehicle" means any vehicle that is 21618
designed primarily for cross-country travel on land, water, or 21619
land and water and that is steered by wheels, caterpillar treads, 21620
or a combination of wheels and caterpillar treads and includes 21621
vehicles that operate on a cushion of air, vehicles commonly known 21622
as all-terrain vehicles, all-season vehicles, mini-bikes, and 21623
trail bikes. 21624

(DDD) "Wholly enclosed preserve" means an area of land that 21625
is surrounded by a fence that is at least six feet in height, 21626
unless otherwise specified in division rule, and is constructed of 21627
a woven wire mesh, or another enclosure that the division of 21628
wildlife may approve, where game birds, game quadrupeds, reptiles, 21629
amphibians, or fur-bearing animals are raised and may be sold 21630
under the authority of a commercial propagating license or captive 21631
white-tailed deer propagation license obtained under section 21632
1533.71 of the Revised Code. 21633

(EEE) "Commercial bird shooting preserve" means an area of 21634
land where game birds are released and hunted by shooting as 21635
authorized by a commercial bird shooting preserve license obtained 21636
under section 1533.72 of the Revised Code. 21637

(FFF) "Wild animal hunting preserve" means an area of land 21638
where game, captive white-tailed deer, and nonnative wildlife, 21639
other than game birds, are released and hunted as authorized by a 21640
wild animal hunting preserve license obtained under section 21641
1533.721 of the Revised Code. 21642

(GGG) "Captive white-tailed deer" means legally acquired deer 21643
that are held in private ownership at a facility licensed under 21644
section 943.03 or 943.031 of the Revised Code and under section 21645
1533.71 or 1533.721 of the Revised Code. 21646

Sec. 1531.08. In conformity with Section 36 of Article II, 21647
Ohio Constitution, providing for the passage of laws for the 21648
conservation of the natural resources of the state, including 21649
streams, lakes, submerged lands, and swamplands, and in conformity 21650
with this chapter and Chapter 1533. of the Revised Code, the chief 21651
of the division of wildlife has authority and control in all 21652
matters pertaining to the protection, preservation, propagation, 21653
possession, and management of wild animals and may adopt rules 21654
under section 1531.10 of the Revised Code for the management of 21655
wild animals. Notwithstanding division (B) of section 119.03 of 21656
the Revised Code, such rules in proposed form shall be filed under 21657
this section. Each year there shall be a public fish hearing and 21658
public game hearing. The results of the investigation and public 21659
hearing shall be filed in the office of the chief and shall be 21660
kept open for public inspection during all regular office hours. 21661
Modifying or rescinding such rules does not require a public 21662
hearing. 21663

The chief may adopt, amend, rescind, and enforce rules 21664

throughout the state or in any part or waters thereof as provided 21665
by sections 1531.08 to 1531.12 and other sections of the Revised 21666
Code. The rules shall be filed in proposed form and available at 21667
the central wildlife office and at each of the wildlife district 21668
offices, including the Lake Erie unit located at Sandusky, at 21669
least thirty days prior to the date of the hearing required by 21670
division (D) of section 119.03 of the Revised Code. The rules 21671
shall be based upon a public hearing and investigation of the best 21672
available biological information derived from professionally 21673
accepted practices in wildlife and fisheries management. 21674

Each rule adopted under this section shall clearly and 21675
distinctly describe and set forth the waters or area or part 21676
thereof affected by the rule and whether the rule is applicable to 21677
all wild animals or only to certain kinds of species designated 21678
therein. 21679

The chief may regulate any of the following: 21680

(A) Taking and possessing wild animals, at any time and place 21681
or in any number, quantity, or length, and in any manner, and with 21682
such devices as the chief prescribes; 21683

(B) Transportation of such animals or any part thereof; 21684

(C) Buying, selling, offering for sale, or exposing for sale 21685
any such animal or part thereof; 21686

(D) Taking, possessing, transporting, buying, selling, 21687
offering for sale, and exposing for sale commercial fish or any 21688
part thereof, including species taken, length, weight, method of 21689
taking, mesh sizes, specifications of nets and other fishing 21690
devices, seasons, and time and place of taking. 21691

When the chief increases the size of a fish named in section 21692
1533.63 of the Revised Code, any fish that were legally taken, 21693
caught, or possessed prior to the increase may be possessed after 21694
the increase if the possession of the fish has been reported to 21695

the chief prior to the increase, but on or after the date of the 21696
increase the fish may not be sold to a buyer in this state. 21697

If the chief regulates the taking of deer by means of a gun 21698
in accordance with this section, the chief shall ensure that the 21699
deer gun season is open beginning the Friday after Thanksgiving 21700
through the second Sunday following Thanksgiving in addition to 21701
any other time the chief may so designate. 21702

Sec. 1531.13. (A) The law enforcement officers of the 21703
division of wildlife shall be known as "wildlife officers." ~~The 21704~~

(B) ~~The~~ chief of the division of wildlife, wildlife officers, 21705
and such other employees of the division as the chief of the 21706
division of wildlife designates, and other officers who are given 21707
like authority, shall ~~enforce~~ do all of the following: 21708

(1) Enforce all laws pertaining to the taking, possession, 21709
protection, preservation, management, and propagation of wild 21710
animals and all division rules. ~~They shall enforce;~~ 21711

(2) Enforce all laws against hunting without permission of 21712
the owner or authorized agent of the land on which the hunting is 21713
done. ~~They~~ 21714

(C) ~~The chief, wildlife officers, and such other employees of 21715~~
the division as the chief of the division of wildlife designates, 21716
and other officers who are given like authority may ~~arrest on view 21717~~
and without issuance of ~~do any of the following:~~ 21718

(1) Make arrests only after obtaining a warrant. ~~They may 21719~~
~~inspect;~~ 21720

(2) Inspect any container or package ~~at any time except when 21721~~
~~within a building and the owner or person in charge of the 21722~~
~~building objects~~ after obtaining a warrant. The inspection shall 21723
be only for bag limits of wild animals taken in open season or for 21724
wild animals taken during the closed season, or for any kind or 21725

species of those wild animals. 21726

(D) The chief may visit all parts of the state and direct and 21727
assist wildlife officers and other employees in the discharge of 21728
their duties. ~~The~~ 21729

(E) ~~The~~ owners or tenants of private lands or waters are not 21730
liable to wildlife officers for injuries suffered while carrying 21731
out their duties while on the lands or waters of the owners or 21732
tenants unless the injuries are caused by the willful or wanton 21733
misconduct of the owners or tenants. ~~Any~~ 21734

(F) ~~Any~~ regularly employed salaried wildlife officer may 21735
enter any private lands or waters if ~~the~~ both of the following 21736
apply: 21737

(1) ~~The~~ wildlife officer has good cause to believe and does 21738
believe that a law is being violated; 21739

(2) The wildlife officer has obtained a warrant to search 21740
such private lands or waters. 21741

No arrest shall be made without first obtaining a warrant. 21742

(G) A wildlife officer, sheriff, deputy sheriff, constable, 21743
or officer having a similar authority may search any place which 21744
the officer has good reason to believe contains a wild animal or 21745
any part of a wild animal taken or had in possession contrary to 21746
law or division rule, or a boat, gun, net, seine, trap, ferret, or 21747
device used in the violation, and seize any the officer finds so 21748
taken or possessed. If the owner or person in charge of the place 21749
to be searched refuses to permit the search, upon filing an 21750
affidavit in accordance with law with a court having jurisdiction 21751
of the offense and upon receiving a search warrant issued, the 21752
officer forcibly may search the place described, and if in the 21753
search the officer finds any wild animal or part of a wild animal, 21754
or any boat, gun, net, seine, trap, ferret, or device in the 21755
possession of the owner or person in charge, contrary to this 21756

chapter or Chapter 1533. of the Revised Code or division rule, the 21757
officer shall seize it and arrest the person in whose custody or 21758
possession it was found. The wild animal or parts of a wild animal 21759
or boat, gun, net, seine, trap, ferret, or device so found shall 21760
escheat to the state. 21761

(H) Each wildlife officer shall post a bond in a sum not less 21762
than one thousand dollars executed by a surety company authorized 21763
to transact business in this state for the faithful performance of 21764
the duties of the wildlife officer's office. 21765

(I) The chief and wildlife officers have the authority 21766
specified under division (A)(2)(b) of section 2935.03 of the 21767
Revised Code ~~for peace officers of the department of natural~~ 21768
~~resources~~ for the purpose of enforcing the criminal laws of the 21769
state on any property owned, controlled, maintained, or 21770
administered by the department of natural resources and may, 21771
subject to that division, enforce sections 2923.12, 2923.15, and 21772
2923.16 of the Revised Code throughout the state ~~and may arrest~~ 21773
~~without warrant any person who, in the presence of the chief or~~ 21774
~~any wildlife officer, is engaged in the violation of any of those~~ 21775
~~laws.~~ 21776

(J) A wildlife officer may render assistance to a state or 21777
local law enforcement officer at the request of that officer or 21778
may render assistance to a state or local law enforcement officer 21779
in the event of an emergency. Wildlife officers serving outside 21780
the division of wildlife under this section shall be considered as 21781
performing services within their regular employment for the 21782
purposes of compensation, pension or indemnity fund rights, 21783
workers' compensation, and other rights or benefits to which they 21784
may be entitled as incidents of their regular employment. 21785

(K) Wildlife officers serving outside the division of 21786
wildlife under this section retain personal immunity from civil 21787
liability as specified in section 9.86 of the Revised Code and 21788

shall not be considered an employee of a political subdivision for 21789
purposes of Chapter 2744. of the Revised Code. A political 21790
subdivision that uses wildlife officers under this section is not 21791
subject to civil liability under Chapter 2744. of the Revised Code 21792
as the result of any action or omission of any wildlife officer 21793
acting under this section. 21794

Sec. 1531.131. A wildlife officer shall enforce section 21795
3767.32 of the Revised Code and any other laws prohibiting the 21796
dumping of refuse into or along waters, the rules of the 21797
department of natural resources adopted under section 1517.02 of 21798
the Revised Code, and the rules of the director of natural 21799
resources adopted under Chapter 1519. of the Revised Code ~~and.~~ A 21800
wildlife officer shall make arrests for violation of those laws 21801
and rules after obtaining a warrant to do so. The jurisdiction of 21802
a wildlife officer is concurrent with that of the peace officers 21803
of the county, township, or municipal corporation in which the 21804
violation occurs. 21805

Sec. 1531.14. (A) Any person regularly employed by the 21806
division of wildlife ~~for the purpose of conducting, while in the~~ 21807
normal, lawful, and peaceful pursuit of any of the activities 21808
described in division (B) of this section, may enter upon, cross 21809
over, be upon, and remain upon privately owned lands for such 21810
activities and is not subject to arrest for trespass while so 21811
engaged or for that cause thereafter if either of the following 21812
apply: 21813

(1) The person has permission to enter upon, cross over, be 21814
upon, or remain upon the land by the owner or occupant of the 21815
land; 21816

(2) The person has obtained a warrant to enter upon, cross 21817
over, be upon, or remain upon the land. 21818

(B) Division (A) of this section applies to a person 21819
regularly employed by the division of wildlife who is engaged in 21820
any of the following activities: 21821

(1) Conducting research and investigation of game or fish or 21822
their habitat conditions or engaged in restocking game or fish or 21823
in any type of work involved in or incident to game or fish 21824
restoration projects ~~or in the enforcement of~~ 21825

(2) Enforcing laws or division rules relating to game or 21826
fish, ~~or in the enforcement of;~~ 21827

(3) Enforcing section 1531.29 or 3767.32 of the Revised Code, 21828
other laws prohibiting the dumping of refuse in or along streams, 21829
or watercraft laws, ~~while in the normal, lawful, and peaceful~~ 21830
~~pursuit of such investigation, work, or enforcement may enter~~ 21831
~~upon, cross over, be upon, and remain upon privately owned lands~~ 21832
~~for such purposes, and shall not be subject to arrest for trespass~~ 21833
~~while so engaged or for such cause thereafter.~~ 21834

(C) Any such person, upon demand, shall ~~identify himself~~ 21835
provide identification to the owner, tenant, or manager of such 21836
privately owned lands by means of a badge or card bearing ~~his~~ the 21837
person's name and certifying ~~his~~ the person's employment by the 21838
division. 21839

Sec. 1545.21. The board of park commissioners, by resolution, 21840
may submit to the electors of the park district the question of 21841
levying taxes for the use of the district. The resolution shall 21842
declare the necessity of levying such taxes, shall specify the 21843
purpose for which such taxes shall be used, the annual rate 21844
proposed, and the number of consecutive years the rate shall be 21845
levied. Such resolution shall be forthwith certified to the board 21846
of elections in each county in which any part of such district is 21847
located, not later than the ninetieth day before the day of the 21848
election, and the question of the levy of taxes as provided in 21849

such resolution shall be submitted to the electors of the district 21850
at a special election to be held on whichever of the following 21851
occurs first: 21852

(A) The day of the next general election; 21853

(B) The first Tuesday after the first Monday in May in any 21854
calendar year, except that if a presidential primary election is 21855
held in that calendar year, then the day of that election. 21856

The ballot shall set forth the purpose for which the taxes 21857
shall be levied, the levy's estimated annual collections, the 21858
annual rate of levy, expressed in mills for each dollar of taxable 21859
value and in dollars for each one hundred thousand dollars of the 21860
county auditor's appraised value, and the number of years of such 21861
levy. If the tax is to be placed on the current tax list, the form 21862
of the ballot shall state that the tax will be levied in the 21863
current tax year and shall indicate the first calendar year the 21864
tax will be due. 21865

If the resolution of the board of park commissioners provides 21866
that an existing levy will be canceled upon the passage of the new 21867
levy, the board shall request that the county auditor, in addition 21868
to the information the auditor is required to certify under 21869
section 5705.03 of the Revised Code, certify the estimated 21870
effective rate of the existing levy. In such an instance, the 21871
ballot must include a statement that: "an existing levy of ___ 21872
mills (stating the original levy millage) for each \$1 of taxable 21873
value, which amounts to \$___ (estimated effective rate) for each 21874
\$100,000 of the county auditor's appraised value, having ___ years 21875
remaining, will be canceled and replaced upon the passage of this 21876
levy." In such case, the ballot may refer to the new levy as a 21877
"replacement levy" if the new millage does not exceed the original 21878
millage of the levy being canceled or as a "replacement and 21879
additional levy" if the new millage exceeds the original millage 21880

of the levy being canceled. No such replacement levy shall be 21881
submitted to electors at an election held on or after January 1, 21882
2025. If a majority of the electors voting upon the question of 21883
such levy vote in favor thereof, such taxes shall be levied and 21884
shall be in addition to the taxes authorized by section 1545.20 of 21885
the Revised Code, and all other taxes authorized by law. The rate 21886
submitted to the electors at any one time shall not exceed two 21887
mills annually upon each dollar of taxable value unless the 21888
purpose of the levy includes providing operating revenues for one 21889
of Ohio's major metropolitan zoos, as defined in section 4503.74 21890
of the Revised Code, in which case the rate shall not exceed three 21891
mills annually upon each dollar of taxable value. When a tax levy 21892
has been authorized as provided in this section or in section 21893
1545.041 of the Revised Code, the board of park commissioners may 21894
issue bonds pursuant to section 133.24 of the Revised Code in 21895
anticipation of the collection of such levy, provided that such 21896
bonds shall be issued only for the purpose of acquiring and 21897
improving lands. Such levy, when collected, shall be applied in 21898
payment of the bonds so issued and the interest thereon. The 21899
amount of bonds so issued and outstanding at any time shall not 21900
exceed one per cent of the total taxable value in such district. 21901
Such bonds shall bear interest at a rate not to exceed the rate 21902
determined as provided in section 9.95 of the Revised Code. 21903

As used in this section, "the county auditor's appraised 21904
value" and "estimated effective rate" have the same meanings as in 21905
section 5705.01 of the Revised Code. 21906

Sec. 1546.24. There is hereby created in the state treasury 21907
the parks and watercraft federal grants fund. The fund shall 21908
consist of federal funds received by the department of natural 21909
resources for purposes of this section and any other money 21910
credited to the fund. The chief of the division of parks and 21911
watercraft shall use money in the fund for parks and watercraft 21912

projects approved by the director of natural resources. 21913

Sec. 1547.25. (A) No person shall operate or permit to be 21914
operated any vessel, other than a vessel exempted by rules, on the 21915
waters in this state: 21916

(1) That is sixteen feet or greater in length without 21917
carrying aboard one wearable personal flotation device for each 21918
person aboard and one throwable personal flotation device; 21919

(2) That is less than sixteen feet in length, including 21920
paddlecraft of any length, without carrying aboard one wearable 21921
personal flotation device for each person aboard. 21922

(B) No person shall operate or permit to be operated any 21923
commercial vessel on the waters in this state: 21924

(1) That is less than forty feet in length and is not 21925
carrying persons for hire without carrying aboard at least one 21926
wearable personal flotation device for each person aboard; 21927

(2) That is carrying persons for hire or is forty feet in 21928
length or longer and is not carrying persons for hire without 21929
carrying aboard at least one wearable personal flotation device 21930
for each person aboard that complies with all of the following: 21931

(a) It is designed to support the person wearing the wearable 21932
personal flotation device in the water in an upright or slightly 21933
backward position and provides support to the head so that the 21934
face of an unconscious or exhausted person is held above the 21935
water. 21936

(b) It is capable of turning the person wearing the wearable 21937
personal flotation device, upon entering the water, to a safe 21938
flotation position. 21939

(c) It is capable of being worn inside out. 21940

(d) It is capable of supporting a minimum of twenty-two 21941

pounds in fresh water for forty-eight hours.	21942
(e) It is a highly visible color.	21943
(3) That is twenty-six feet in length or longer without	21944
carrying aboard at least one throwable personal flotation device	21945
in addition to the applicable requirements of divisions (B)(1) and	21946
(2) of this section.	21947
(C) Each personal flotation device carried aboard a vessel,	21948
including a commercial vessel, pursuant to this section shall be	21949
coast guard approved and in good and serviceable condition, of	21950
appropriate size for the wearer, readily accessible to each person	21951
aboard the vessel at all times, and used in accordance with any	21952
requirements on its approval label or in accordance with	21953
requirements in its owner's manual if the approval label refers to	21954
such a manual.	21955
(D) A personal flotation device shall not be used in a manner	21956
that is inconsistent with any limitations or restrictions related	21957
to federal approval under 46 C.F.R. 160 or special instructions	21958
for use provided by the manufacturer. Appropriate use shall be	21959
indicated on the label of an approved personal flotation device	21960
with one or more of the following designations:	21961
(1) Conditional approval;	21962
(2) Performance type;	21963
(3) Type one personal flotation device;	21964
(4) Type two personal flotation device;	21965
(5) Type three personal flotation device;	21966
(6) Type four personal flotation device;	21967
(7) Type five personal flotation device;	21968
(8) Throwable personal flotation device;	21969
(9) Wearable personal flotation device.	21970

(E) As used in this section, "commercial vessel" means any vessel used in the carriage of any person or property for a valuable consideration whether flowing directly or indirectly from the owner, partner, or agent or any other person interested in the vessel. "Commercial vessel" does not include any vessel that is manufactured or used primarily for noncommercial use or that is leased, rented, or chartered to another for noncommercial use.

Sec. 1547.27. (A) Except those powercraft ~~propelled by an electric motor and those~~ less than twenty-six feet in length designed for use with an outboard motor, of open construction that is not capable of entrapping explosive or flammable gases or vapors, and not carrying passengers for hire, all powercraft shall carry fire extinguishers as prescribed in this section. The fire extinguishers shall be capable of extinguishing a burning gasoline fire, shall be ~~so placed as to be readily accessible and~~ in such condition as to be ready for immediate and effective use, and shall comply with minimum or higher standards for such extinguishers then prevailing as prescribed by the United States coast guard.

(B) ~~Class~~ Except for vessels subject to exemptions listed in 33 C.F.R. 175.380 or 175.390, any vessel not equipped with fixed fire extinguishing systems in machinery spaces shall carry the following:

(1) Class A and class 1 powercraft shall carry at least one ~~B-1~~ 5-B portable fire extinguisher.

(2) Class 2 powercraft shall carry at least two ~~B-1~~ 5-B portable fire extinguishers or at least one ~~B-2~~ 20-B portable fire extinguisher.

(3) Class 3 powercraft shall carry at least three ~~B-1~~ 5-B portable fire extinguishers, or at least one ~~B-1~~ 5-B portable and one ~~B-2~~ 20-B portable fire extinguishers.

(4) Class 4 powercraft shall carry the number and type of 20-B portable fire extinguishers specified by gross tonnage as prescribed by 33 C.F.R. 175, subpart E.

~~A B 1 fire extinguisher is one containing a minimum of one and one fourth gallons foam, four pounds carbon dioxide, two pounds dry chemical, two and one half pounds halon, or another extinguishing material approved by the United States coast guard, in a quantity approved by the United States coast guard, for such use. A B 2 fire extinguisher is one containing a minimum of two and one half gallons foam, fifteen pounds carbon dioxide, ten pounds dry chemical, ten pounds halon, or another extinguishing material approved by the United States coast guard, in a quantity approved by the United States coast guard, for such use.~~

(C) All portable and semi-portable fire extinguishers for use on a vessel shall:

(1) Be on board the vessel and be readily accessible;

(2) Be of an approved type;

(3) Not be expired or appear to have been previously used;

(4) Be maintained in good and serviceable working condition.

As used in division (C)(4) of this section, "good and serviceable working condition" means all of the following:

(a) If the fire extinguisher has a pressure gauge or indicator, the reading or indicator is in the operable range or position;

(b) The fire extinguisher's lock pin is firmly in place;

(c) The fire extinguisher's discharge nozzle is clean and free of obstruction;

(d) The fire extinguisher does not show visible signs of significant corrosion or damage.

(D) No person shall operate or permit to be operated on the

waters in this state any powercraft that does not comply with this section. 22032
22033

Sec. 1548.03. No person, except as provided in section 22034
1548.05 of the Revised Code, shall sell or otherwise dispose of a 22035
watercraft or outboard motor without delivering to the purchaser 22036
or transferee a physical certificate of title with an assignment 22037
on it as is necessary to show title in the purchaser or 22038
transferee; nor shall any person purchase or otherwise acquire a 22039
watercraft or outboard motor without obtaining a certificate of 22040
title for it in the person's name in accordance with this chapter; 22041
however, a purchaser may take possession of and operate a 22042
watercraft or outboard motor on the waters in this state without a 22043
certificate of title for a period not exceeding ~~thirty~~ sixty days 22044
if the purchaser has been issued and has in the purchaser's 22045
possession a dealer's dated bill of sale or, in the case of a 22046
casual sale, a notarized bill of sale. 22047

Sec. 1707.01. As used in this chapter: 22048

(A) Whenever the context requires it, "division" or "division 22049
of securities" may be read as "director of commerce" or as 22050
"commissioner of securities." 22051

(B) "Security" means any certificate or instrument, or any 22052
oral, written, or electronic agreement, understanding, or 22053
opportunity, that represents title to or interest in, or is 22054
secured by any lien or charge upon, the capital, assets, profits, 22055
property, or credit of any person or of any public or governmental 22056
body, subdivision, or agency. It includes shares of stock, 22057
certificates for shares of stock, an uncertificated security, 22058
membership interests in limited liability companies, voting-trust 22059
certificates, warrants and options to purchase securities, 22060
subscription rights, interim receipts, interim certificates, 22061

promissory notes, all forms of commercial paper, evidences of 22062
indebtedness, bonds, debentures, land trust certificates, fee 22063
certificates, leasehold certificates, syndicate certificates, 22064
endowment certificates, interests in or under profit-sharing or 22065
participation agreements, interests in or under oil, gas, or 22066
mining leases, preorganization or reorganization subscriptions, 22067
preorganization certificates, reorganization certificates, 22068
interests in any trust or pretended trust, any investment 22069
contract, any life settlement interest, any instrument evidencing 22070
a promise or an agreement to pay money, warehouse receipts for 22071
intoxicating liquor, and the currency of any government other than 22072
those of the United States and Canada, but sections 1707.01 to 22073
1707.50 of the Revised Code do not apply to the sale of real 22074
estate. 22075

(C)(1) "Sale" has the full meaning of "sale" as applied by or 22076
accepted in courts of law or equity, and includes every 22077
disposition, or attempt to dispose, of a security or of an 22078
interest in a security. "Sale" also includes a contract to sell, 22079
an exchange, an attempt to sell, an option of sale, a solicitation 22080
of a sale, a solicitation of an offer to buy, a subscription, or 22081
an offer to sell, directly or indirectly, by agent, circular, 22082
pamphlet, advertisement, or otherwise. 22083

(2) "Sell" means any act by which a sale is made. 22084

(3) The use of advertisements, circulars, or pamphlets in 22085
connection with the sale of securities in this state exclusively 22086
to the purchasers specified in division (D) of section 1707.03 of 22087
the Revised Code is not a sale when the advertisements, circulars, 22088
and pamphlets describing and offering those securities bear a 22089
readily legible legend in substance as follows: "This offer is 22090
made on behalf of dealers licensed under sections 1707.01 to 22091
1707.50 of the Revised Code, and is confined in this state 22092
exclusively to institutional investors and licensed dealers." 22093

(4) The offering of securities by any person in conjunction with a licensed dealer by use of advertisement, circular, or pamphlet is not a sale if that person does not otherwise attempt to sell securities in this state.

(5) Any security given with, or as a bonus on account of, any purchase of securities is conclusively presumed to constitute a part of the subject of that purchase and has been "sold."

(6) "Sale" by an owner, pledgee, or mortgagee, or by a person acting in a representative capacity, includes sale on behalf of such party by an agent, including a licensed dealer or salesperson.

(D) "Person," except as otherwise provided in this chapter, means a natural person, firm, partnership, limited partnership, partnership association, syndicate, joint-stock company, unincorporated association, trust or trustee except where the trust was created or the trustee designated by law or judicial authority or by a will, and a corporation or limited liability company organized under the laws of any state, any foreign government, or any political subdivision of a state or foreign government.

(E)(1) "Dealer," except as otherwise provided in this chapter, means every person, other than a salesperson, who engages or professes to engage, in this state, for either all or part of the person's time, directly or indirectly, either in the business of the sale of securities for the person's own account, or in the business of the purchase or sale of securities for the account of others in the reasonable expectation of receiving a commission, fee, or other remuneration as a result of engaging in the purchase and sale of securities. "Dealer" does not mean any of the following:

(a) Any issuer, including any officer, director, employee, or

trustee of, or member or manager of, or partner in, or any general 22125
partner of, any issuer, that sells, offers for sale, or does any 22126
act in furtherance of the sale of a security that represents an 22127
economic interest in that issuer, provided no commission, fee, or 22128
other similar remuneration is paid to or received by the issuer 22129
for the sale; 22130

(b) Any licensed attorney, public accountant, or firm of such 22131
attorneys or accountants, whose activities are incidental to the 22132
practice of the attorney's, accountant's, or firm's profession; 22133

(c) Any person that, for the account of others, engages in 22134
the purchase or sale of securities that are issued and outstanding 22135
before such purchase and sale, if a majority or more of the equity 22136
interest of an issuer is sold in that transaction, and if, in the 22137
case of a corporation, the securities sold in that transaction 22138
represent a majority or more of the voting power of the 22139
corporation in the election of directors; 22140

(d) Any person that brings an issuer together with a 22141
potential investor and whose compensation is not directly or 22142
indirectly based on the sale of any securities by the issuer to 22143
the investor; 22144

(e) Any bank; 22145

(f) Any person that the division of securities by rule 22146
exempts from the definition of "dealer" under division (E)(1) of 22147
this section. 22148

(2) "Licensed dealer" means a dealer licensed under this 22149
chapter. 22150

(F)(1) "Salesman" or "salesperson" means every natural 22151
person, other than a dealer, who is employed, authorized, or 22152
appointed by a dealer to sell securities within this state. 22153

(2) The general partners of a partnership, and the executive 22154

officers of a corporation or unincorporated association, licensed 22155
as a dealer are not salespersons within the meaning of this 22156
definition, nor are clerical or other employees of an issuer or 22157
dealer that are employed for work to which the sale of securities 22158
is secondary and incidental; but the division of securities may 22159
require a license from any such partner, executive officer, or 22160
employee if it determines that protection of the public 22161
necessitates the licensing. 22162

(3) "Licensed salesperson" means a salesperson licensed under 22163
this chapter. 22164

(G) "Issuer" means every person who has issued, proposes to 22165
issue, or issues any security. 22166

(H) "Director" means each director or trustee of a 22167
corporation, each trustee of a trust, each general partner of a 22168
partnership, except a partnership association, each manager of a 22169
partnership association, and any person vested with managerial or 22170
directory power over an issuer not having a board of directors or 22171
trustees. 22172

(I) "Incorporator" means any incorporator of a corporation 22173
and any organizer of, or any person participating, other than in a 22174
representative or professional capacity, in the organization of an 22175
unincorporated issuer. 22176

(J) "Fraud," "fraudulent," "fraudulent acts," "fraudulent 22177
practices," or "fraudulent transactions" means anything recognized 22178
on or after July 22, 1929, as such in courts of law or equity; any 22179
device, scheme, or artifice to defraud or to obtain money or 22180
property by means of any false pretense, representation, or 22181
promise; any fictitious or pretended purchase or sale of 22182
securities; and any act, practice, transaction, or course of 22183
business relating to the purchase or sale of securities that is 22184
fraudulent or that has operated or would operate as a fraud upon 22185

the seller or purchaser. 22186

(K) Except as otherwise specifically provided, whenever any 22187
classification or computation is based upon "par value," as 22188
applied to securities without par value, the average of the 22189
aggregate consideration received or to be received by the issuer 22190
for each class of those securities shall be used as the basis for 22191
that classification or computation. 22192

(L)(1) "Intangible property" means patents, copyrights, 22193
secret processes, formulas, services, good will, promotion and 22194
organization fees and expenses, trademarks, trade brands, trade 22195
names, licenses, franchises, any other assets treated as 22196
intangible according to generally accepted accounting principles, 22197
and securities, accounts receivable, or contract rights having no 22198
readily determinable value. 22199

(2) "Tangible property" means all property other than 22200
intangible property and includes securities, accounts receivable, 22201
and contract rights, when the securities, accounts receivable, or 22202
contract rights have a readily determinable value. 22203

(M) "Public utilities" means those utilities defined in 22204
sections 4905.02, 4905.03, 4907.02, and 4907.03 of the Revised 22205
Code; in the case of a foreign corporation, it means those 22206
utilities defined as public utilities by the laws of its domicile; 22207
and in the case of any other foreign issuer, it means those 22208
utilities defined as public utilities by the laws of the situs of 22209
its principal place of business. The term always includes 22210
railroads whether or not they are so defined as public utilities. 22211

(N) "State" means any state of the United States, any 22212
territory or possession of the United States, the District of 22213
Columbia, and any province of Canada. 22214

(O) "Bank" means any bank, trust company, savings and loan 22215
association, savings bank, or credit union that is incorporated or 22216

organized under the laws of the United States, any state of the 22217
United States, Canada, or any province of Canada and that is 22218
subject to regulation or supervision by that country, state, or 22219
province. 22220

(P) "Include," when used in a definition, does not exclude 22221
other things or persons otherwise within the meaning of the term 22222
defined. 22223

(Q)(1) "Registration by description" means that the 22224
requirements of section 1707.08 of the Revised Code have been 22225
complied with. 22226

(2) "Registration by qualification" means that the 22227
requirements of sections 1707.09 and 1707.11 of the Revised Code 22228
have been complied with. 22229

(3) "Registration by coordination" means that there has been 22230
compliance with section 1707.091 of the Revised Code. ~~Reference in~~ 22231
~~this chapter to registration by qualification also includes~~ 22232
~~registration by coordination unless the context otherwise~~ 22233
~~indicates~~ 22234

(4) Reference in this chapter to "registration by 22235
description" or "registration by qualification" does not include 22236
registration by coordination. 22237

(R) "Intoxicating liquor" includes all liquids and compounds 22238
that contain more than three and two-tenths per cent of alcohol by 22239
weight and are fit for use for beverage purposes. 22240

(S) "Institutional investor" means any of the following, 22241
whether acting for itself or for others in a fiduciary capacity: 22242

(1) A bank or international banking institution; 22243

(2) An insurance company; 22244

(3) A separate account of an insurance company; 22245

(4) An investment company as defined in the "Investment 22246

Company Act of 1940," 15 U.S.C. 80a-3;	22247
(5) A broker-dealer registered under the "Securities Exchange Act of 1934," 15 U.S.C. 78o, as amended, or licensed by the division of securities as a dealer;	22248 22249 22250
(6) An employee pension, profit-sharing, or benefit plan if the plan has total assets in excess of ten million dollars or its investment decisions are made by a named fiduciary, as defined in the "Employee Retirement Income Security Act of 1974," 29 U.S.C. 1001, that is one of the following:	22251 22252 22253 22254 22255
(a) A broker-dealer registered under the "Securities Exchange Act of 1934," 15 U.S.C. 78o, as amended;	22256 22257
(b) An investment adviser registered or exempt from registration under the "Investment Advisers Act of 1940," 15 U.S.C. 80b-3;	22258 22259 22260
(c) An investment adviser registered under this chapter, a bank, or an insurance company.	22261 22262
(7) A plan established and maintained by a state, a political subdivision of a state, or an agency or instrumentality of a state or a political subdivision of a state for the benefit of its employees, if the plan has total assets in excess of ten million dollars or its investment decisions are made by a duly designated public official or by a named fiduciary, as defined in the "Employee Retirement Income Security Act of 1974," 29 U.S.C. 1001, that is one of the following:	22263 22264 22265 22266 22267 22268 22269 22270
(a) A broker-dealer registered under the "Securities Exchange Act of 1934," 15 U.S.C. 78o, as amended;	22271 22272
(b) An investment adviser registered or exempt from registration under the "Investment Advisers Act of 1940," 15 U.S.C. 80b-3;	22273 22274 22275
(c) An investment adviser registered under this chapter, a	22276

bank, or an insurance company. 22277

(8) A trust, if it has total assets in excess of ten million 22278
dollars, its trustee is a bank, and its participants are 22279
exclusively plans of the types identified in division (S)(6) or 22280
(7) of this section, regardless of the size of their assets, 22281
except a trust that includes as participants self-directed 22282
individual retirement accounts or similar self-directed plans; 22283

(9) An organization described in section 501(c)(3) of the 22284
"Internal Revenue Code of 1986," 26 U.S.C. 1, as amended, 22285
corporation, Massachusetts trust or similar business trust, 22286
limited liability company, or partnership, not formed for the 22287
specific purpose of acquiring the securities offered, with total 22288
assets in excess of ten million dollars; 22289

(10) A small business investment company licensed by the 22290
small business administration under section 301(c) of the "Small 22291
Business Investment Act of 1958," 15 U.S.C. 681(c), with total 22292
assets in excess of ten million dollars; 22293

(11) A private business development company as defined in 22294
section 202(a)(22) of the "Investment Advisers Act of 1940," 15 22295
U.S.C. 80b-2(a)(22), with total assets in excess of ten million 22296
dollars; 22297

(12) A federal covered investment adviser acting for its own 22298
account; 22299

(13) A "qualified institutional buyer" as defined in 17 22300
C.F.R. 230.144A(a)(1), other than 17 C.F.R. 230.144A(a)(1)(H); 22301

(14) A "major U.S. institutional investor" as defined in 17 22302
C.F.R. 240.15a-6(b)(4)(i); 22303

(15) Any other person, other than an individual, of 22304
institutional character with total assets in excess of ten million 22305
dollars not organized for the specific purpose of evading this 22306

chapter;	22307
(16) Any other person specified by rule adopted or order issued under this chapter.	22308 22309
(T) A reference to a statute of the United States or to a rule, regulation, or form promulgated by the securities and exchange commission or by another federal agency means the statute, rule, regulation, or form as it exists at the time of the act, omission, event, or transaction to which it is applied under this chapter.	22310 22311 22312 22313 22314 22315
(U) "Securities and exchange commission" means the securities and exchange commission established by the Securities Exchange Act of 1934.	22316 22317 22318
(V)(1) "Control bid" means the purchase of or offer to purchase any equity security of a subject company from a resident of this state if either of the following applies:	22319 22320 22321
(a) After the purchase of that security, the offeror would be directly or indirectly the beneficial owner of more than ten per cent of any class of the issued and outstanding equity securities of the issuer.	22322 22323 22324 22325
(b) The offeror is the subject company, there is a pending control bid by a person other than the issuer, and the number of the issued and outstanding shares of the subject company would be reduced by more than ten per cent.	22326 22327 22328 22329
(2) For purposes of division (V)(1) of this section, "control bid" does not include any of the following:	22330 22331
(a) A bid made by a dealer for the dealer's own account in the ordinary course of business of buying and selling securities;	22332 22333
(b) An offer to acquire any equity security solely in exchange for any other security, or the acquisition of any equity security pursuant to an offer, for the sole account of the	22334 22335 22336

offeror, in good faith and not for the purpose of avoiding the 22337
provisions of this chapter, and not involving any public offering 22338
of the other security within the meaning of Section 4 of Title I 22339
of the "Securities Act of 1933," 48 Stat. 77, 15 U.S.C.A. 77d(2), 22340
as amended; 22341

(c) Any other offer to acquire any equity security, or the 22342
acquisition of any equity security pursuant to an offer, for the 22343
sole account of the offeror, from not more than fifty persons, in 22344
good faith and not for the purpose of avoiding the provisions of 22345
this chapter. 22346

(W) "Offeror" means a person who makes, or in any way 22347
participates or aids in making, a control bid and includes persons 22348
acting jointly or in concert, or who intend to exercise jointly or 22349
in concert any voting rights attached to the securities for which 22350
the control bid is made and also includes any subject company 22351
making a control bid for its own securities. 22352

(X)(1) "Investment adviser" means any person who, for 22353
compensation, engages in the business of advising others, either 22354
directly or through publications or writings, as to the value of 22355
securities or as to the advisability of investing in, purchasing, 22356
or selling securities, or who, for compensation and as a part of 22357
regular business, issues or promulgates analyses or reports 22358
concerning securities. 22359

(2) "Investment adviser" does not mean any of the following: 22360

(a) Any attorney, accountant, engineer, or teacher, whose 22361
performance of investment advisory services described in division 22362
(X)(1) of this section is solely incidental to the practice of the 22363
attorney's, accountant's, engineer's, or teacher's profession; 22364

(b) A publisher of any bona fide newspaper, news magazine, or 22365
business or financial publication of general and regular 22366
circulation; 22367

(c) A person who acts solely as an investment adviser representative;	22368 22369
(d) A bank holding company, as defined in the "Bank Holding Company Act of 1956," 70 Stat. 133, 12 U.S.C. 1841, that is not an investment company;	22370 22371 22372
(e) A bank, or any receiver, conservator, or other liquidating agent of a bank;	22373 22374
(f) Any licensed dealer or licensed salesperson whose performance of investment advisory services described in division (X)(1) of this section is solely incidental to the conduct of the dealer's or salesperson's business as a licensed dealer or licensed salesperson and who receives no special compensation for the services;	22375 22376 22377 22378 22379 22380
(g) Any person, the advice, analyses, or reports of which do not relate to securities other than securities that are direct obligations of, or obligations guaranteed as to principal or interest by, the United States, or securities issued or guaranteed by corporations in which the United States has a direct or indirect interest, and that have been designated by the secretary of the treasury as exempt securities as defined in the "Securities Exchange Act of 1934," 48 Stat. 881, 15 U.S.C. 78c;	22381 22382 22383 22384 22385 22386 22387 22388
(h) Any person that is excluded from the definition of investment adviser pursuant to section 202(a)(11)(A) to (E) of the "Investment Advisers Act of 1940," 15 U.S.C. 80b-2(a)(11), or that has received an order from the securities and exchange commission under section 202(a)(11)(F) of the "Investment Advisers Act of 1940," 15 U.S.C. 80b-2(a)(11)(F), declaring that the person is not within the intent of section 202(a)(11) of the Investment Advisers Act of 1940.	22389 22390 22391 22392 22393 22394 22395 22396
(i) A person who acts solely as a state retirement system investment officer or as a bureau of workers' compensation chief	22397 22398

investment officer; 22399

(j) Any other person that the division designates by rule, if 22400
the division finds that the designation is necessary or 22401
appropriate in the public interest or for the protection of 22402
investors or clients and consistent with the purposes fairly 22403
intended by the policy and provisions of this chapter. 22404

(Y)(1) "Subject company" means an issuer that satisfies both 22405
of the following: 22406

(a) Its principal place of business or its principal 22407
executive office is located in this state, or it owns or controls 22408
assets located within this state that have a fair market value of 22409
at least one million dollars. 22410

(b) More than ten per cent of its beneficial or record equity 22411
security holders are resident in this state, more than ten per 22412
cent of its equity securities are owned beneficially or of record 22413
by residents in this state, or more than one thousand of its 22414
beneficial or record equity security holders are resident in this 22415
state. 22416

(2) The division of securities may adopt rules to establish 22417
more specific application of the provisions set forth in division 22418
(Y)(1) of this section. Notwithstanding the provisions set forth 22419
in division (Y)(1) of this section and any rules adopted under 22420
this division, the division, by rule or in an adjudicatory 22421
proceeding, may make a determination that an issuer does not 22422
constitute a "subject company" under division (Y)(1) of this 22423
section if appropriate review of control bids involving the issuer 22424
is to be made by any regulatory authority of another jurisdiction. 22425

(Z) "Beneficial owner" includes any person who directly or 22426
indirectly through any contract, arrangement, understanding, or 22427
relationship has or shares, or otherwise has or shares, the power 22428
to vote or direct the voting of a security or the power to dispose 22429

of, or direct the disposition of, the security. "Beneficial
ownership" includes the right, exercisable within sixty days, to
acquire any security through the exercise of any option, warrant,
or right, the conversion of any convertible security, or
otherwise. Any security subject to any such option, warrant,
right, or conversion privilege held by any person shall be deemed
to be outstanding for the purpose of computing the percentage of
outstanding securities of the class owned by that person, but
shall not be deemed to be outstanding for the purpose of computing
the percentage of the class owned by any other person. A person
shall be deemed the beneficial owner of any security beneficially
owned by any relative or spouse or relative of the spouse residing
in the home of that person, any trust or estate in which that
person owns ten per cent or more of the total beneficial interest
or serves as trustee or executor, any corporation or entity in
which that person owns ten per cent or more of the equity, and any
affiliate or associate of that person.

(AA) "Offeree" means the beneficial or record owner of any
security that an offeror acquires or offers to acquire in
connection with a control bid.

(BB) "Equity security" means any share or similar security,
or any security convertible into any such security, or carrying
any warrant or right to subscribe to or purchase any such
security, or any such warrant or right, or any other security
that, for the protection of security holders, is treated as an
equity security pursuant to rules of the division of securities.

(CC)(1) "Investment adviser representative" means a
supervised person of an investment adviser, provided that the
supervised person has more than five clients who are natural
persons other than excepted persons defined in division (EE) of
this section, and that more than ten per cent of the supervised
person's clients are natural persons other than excepted persons

defined in division (EE) of this section. "Investment adviser
representative" does not mean any of the following:

(a) A supervised person that does not on a regular basis
solicit, meet with, or otherwise communicate with clients of the
investment adviser;

(b) A supervised person that provides only investment
advisory services described in division (X)(1) of this section by
means of written materials or oral statements that do not purport
to meet the objectives or needs of specific individuals or
accounts;

(c) Any other person that the division designates by rule, if
the division finds that the designation is necessary or
appropriate in the public interest or for the protection of
investors or clients and is consistent with the provisions fairly
intended by the policy and provisions of this chapter.

(2) For the purpose of the calculation of clients in division
(CC)(1) of this section, a natural person and the following
persons are deemed a single client: Any minor child of the natural
person; any relative, spouse, or relative of the spouse of the
natural person who has the same principal residence as the natural
person; all accounts of which the natural person or the persons
referred to in division (CC)(2) of this section are the only
primary beneficiaries; and all trusts of which the natural person
or persons referred to in division (CC)(2) of this section are the
only primary beneficiaries. Persons who are not residents of the
United States need not be included in the calculation of clients
under division (CC)(1) of this section.

(3) If subsequent to March 18, 1999, amendments are enacted
or adopted defining "investment adviser representative" for
purposes of the Investment Advisers Act of 1940 or additional
rules or regulations are promulgated by the securities and

exchange commission regarding the definition of "investment
adviser representative" for purposes of the Investment Advisers
Act of 1940, the division of securities shall, by rule, adopt the
substance of the amendments, rules, or regulations, unless the
division finds that the amendments, rules, or regulations are not
necessary for the protection of investors or in the public
interest.

(DD) "Supervised person" means a natural person who is any of
the following:

(1) A partner, officer, or director of an investment adviser,
or other person occupying a similar status or performing similar
functions with respect to an investment adviser;

(2) An employee of an investment adviser;

(3) A person who provides investment advisory services
described in division (X)(1) of this section on behalf of the
investment adviser and is subject to the supervision and control
of the investment adviser.

(EE) "Excepted person" means a natural person to whom any of
the following applies:

(1) Immediately after entering into the investment advisory
contract with the investment adviser, the person has at least
seven hundred fifty thousand dollars under the management of the
investment adviser.

(2) The investment adviser reasonably believes either of the
following at the time the investment advisory contract is entered
into with the person:

(a) The person has a net worth, together with assets held
jointly with a spouse, of more than one million five hundred
thousand dollars.

(b) The person is a qualified purchaser as defined in

division (FF) of this section. 22523

(3) Immediately prior to entering into an investment advisory 22524
contract with the investment adviser, the person is either of the 22525
following: 22526

(a) An executive officer, director, trustee, general partner, 22527
or person serving in a similar capacity, of the investment 22528
adviser; 22529

(b) An employee of the investment adviser, other than an 22530
employee performing solely clerical, secretarial, or 22531
administrative functions or duties for the investment adviser, 22532
which employee, in connection with the employee's regular 22533
functions or duties, participates in the investment activities of 22534
the investment adviser, provided that, for at least twelve months, 22535
the employee has been performing such nonclerical, nonsecretarial, 22536
or nonadministrative functions or duties for or on behalf of the 22537
investment adviser or performing substantially similar functions 22538
or duties for or on behalf of another company. 22539

If subsequent to March 18, 1999, amendments are enacted or 22540
adopted defining "excepted person" for purposes of the Investment 22541
Advisers Act of 1940 or additional rules or regulations are 22542
promulgated by the securities and exchange commission regarding 22543
the definition of "excepted person" for purposes of the Investment 22544
Advisers Act of 1940, the division of securities shall, by rule, 22545
adopt the substance of the amendments, rules, or regulations, 22546
unless the division finds that the amendments, rules, or 22547
regulations are not necessary for the protection of investors or 22548
in the public interest. 22549

(FF)(1) "Qualified purchaser" means either of the following: 22550

(a) A natural person who owns not less than five million 22551
dollars in investments as defined by rule by the division of 22552
securities; 22553

(b) A natural person, acting for the person's own account or 22554
accounts of other qualified purchasers, who in the aggregate owns 22555
and invests on a discretionary basis, not less than twenty-five 22556
million dollars in investments as defined by rule by the division 22557
of securities. 22558

(2) If subsequent to March 18, 1999, amendments are enacted 22559
or adopted defining "qualified purchaser" for purposes of the 22560
Investment Advisers Act of 1940 or additional rules or regulations 22561
are promulgated by the securities and exchange commission 22562
regarding the definition of "qualified purchaser" for purposes of 22563
the Investment Advisers Act of 1940, the division of securities 22564
shall, by rule, adopt the amendments, rules, or regulations, 22565
unless the division finds that the amendments, rules, or 22566
regulations are not necessary for the protection of investors or 22567
in the public interest. 22568

(GG)(1) "Purchase" has the full meaning of "purchase" as 22569
applied by or accepted in courts of law or equity and includes 22570
every acquisition of, or attempt to acquire, a security or an 22571
interest in a security. "Purchase" also includes a contract to 22572
purchase, an exchange, an attempt to purchase, an option to 22573
purchase, a solicitation of a purchase, a solicitation of an offer 22574
to sell, a subscription, or an offer to purchase, directly or 22575
indirectly, by agent, circular, pamphlet, advertisement, or 22576
otherwise. 22577

(2) "Purchase" means any act by which a purchase is made. 22578

(3) Any security given with, or as a bonus on account of, any 22579
purchase of securities is conclusively presumed to constitute a 22580
part of the subject of that purchase. 22581

(HH) "Life settlement interest" means the entire interest or 22582
any fractional interest in an insurance policy or certificate of 22583
insurance, or in an insurance benefit under such a policy or 22584

certificate, that is the subject of a life settlement contract. 22585

For purposes of this division, "life settlement contract" 22586
means an agreement for the purchase, sale, assignment, transfer, 22587
devise, or bequest of any portion of the death benefit or 22588
ownership of any life insurance policy or contract, in return for 22589
consideration or any other thing of value that is less than the 22590
expected death benefit of the life insurance policy or contract. 22591
"Life settlement contract" includes a viatical settlement contract 22592
as defined in section 3916.01 of the Revised Code, but does not 22593
include any of the following: 22594

(1) A loan by an insurer under the terms of a life insurance 22595
policy, including, but not limited to, a loan secured by the cash 22596
value of the policy; 22597

(2) An agreement with a bank that takes an assignment of a 22598
life insurance policy as collateral for a loan; 22599

(3) The provision of accelerated benefits as defined in 22600
section 3915.21 of the Revised Code; 22601

(4) Any agreement between an insurer and a reinsurer; 22602

(5) An agreement by an individual to purchase an existing 22603
life insurance policy or contract from the original owner of the 22604
policy or contract, if the individual does not enter into more 22605
than one life settlement contract per calendar year; 22606

(6) The initial purchase of an insurance policy or 22607
certificate of insurance from its owner by a viatical settlement 22608
provider, as defined in section 3916.01 of the Revised Code, that 22609
is licensed under Chapter 3916. of the Revised Code. 22610

(II) "State retirement system" means the public employees 22611
retirement system, Ohio police and fire pension fund, state 22612
teachers retirement system, school employees retirement system, 22613
and state highway patrol retirement system. 22614

(JJ) "State retirement system investment officer" means an individual employed by a state retirement system as a chief investment officer, assistant investment officer, or the person in charge of a class of assets or in a position that is substantially equivalent to chief investment officer, assistant investment officer, or person in charge of a class of assets.

(KK) "Bureau of workers' compensation chief investment officer" means an individual employed by the administrator of workers' compensation as a chief investment officer or in a position that is substantially equivalent to a chief investment officer.

Sec. 1707.09. (A)(1) All securities, except those enumerated in section 1707.02 of the Revised Code ~~and~~, those that are the subject matter of a transaction permitted by section 1707.03, 1707.04, or 1707.06 of the Revised Code, and those that are subject to registration by coordination under section 1707.091 of the Revised Code, shall be qualified in the manner provided by this section before being sold in this state. No security subject to registration by coordination under section 1707.091 of the Revised Code shall be subject to any provision of this section.

(2) Applications for qualification, on forms prescribed by the division of securities, shall be made in writing either by the issuer of the securities or by any licensed dealer desiring to sell them within this state and shall be signed by the applicant, sworn to by any individual having knowledge of the facts stated in the application, and filed in the office of the division.

(3) The individual who executes the application for qualification of securities on behalf of the applicant shall state the individual's relationship to the applicant and certify that: the individual has executed the application on behalf of the applicant; the individual is fully authorized to execute and file

the application on behalf of the applicant; the individual is 22646
familiar with the applicant's application; and to the best of the 22647
individual's knowledge, information, and belief, the statements 22648
made in the application are true, and the documents submitted with 22649
the application are true copies of the original documents. 22650

(B) The division shall require the applicant for 22651
qualification of securities to submit to it the following 22652
information: 22653

(1) The names and addresses of the directors or trustees and 22654
of the officers of the issuer, if the issuer is a corporation or 22655
an unincorporated association; of all the members of the issuer, 22656
if the issuer is a limited liability company in which management 22657
is reserved to its members; of all the managers of the issuer, if 22658
the issuer is a limited liability company in which management is 22659
not reserved to its members; of all partners, if the issuer is a 22660
general or limited partnership or a partnership association; and 22661
the name and address of the issuer, if the issuer is an 22662
individual; 22663

(2) The address of the issuer's principal place of business 22664
and principal office in this state, if any; 22665

(3) The purposes and general character of the business 22666
actually being transacted, or to be transacted, by the issuer, and 22667
the purpose of issuing the securities named in the application; 22668

(4) A statement of the capitalization of the issuer; a 22669
balance sheet made up as of the most recent practicable date, 22670
showing the amount and general character of its assets and 22671
liabilities; a description of the security for the qualification 22672
of which application is being made; and copies of all circulars, 22673
prospectuses, advertisements, or other descriptions of the 22674
securities, that are then prepared by or for the issuer, or by or 22675
for the applicant if the applicant is not the issuer, or by or for 22676

both, to be used for distribution or publication in this state; 22677

(5) A statement of the amount of the issuer's income, 22678
expenses, and fixed charges during the last fiscal year or, if the 22679
issuer has been in actual business less than one year, for the 22680
time that the issuer has been in actual business; 22681

(6) A statement showing the price at which the security is to 22682
be offered for sale; 22683

(7) A statement showing the considerations received or to be 22684
received by the issuer of the securities purchased or to be 22685
purchased from the issuer and an itemized statement of all 22686
expenses of financing to be paid from those considerations so as 22687
to show the aggregate net amount actually received or to be 22688
received by the issuer; 22689

(8) All other information, including an opinion of counsel as 22690
to the validity of the securities that are the subject matter of 22691
the application, that the division considers necessary to enable 22692
it to ascertain whether the securities are entitled to 22693
qualification; 22694

(9) If the issuer is a corporation, there shall be filed with 22695
the application a certified copy of its articles of incorporation 22696
with all amendments to the articles, if the articles or amendments 22697
are not already on file in the office of the secretary of state; 22698
if the issuer is a limited liability company, there shall be filed 22699
with the application a certified copy of its articles of 22700
organization with all amendments to the articles, if the articles 22701
or amendments are not already on file in the office of the 22702
secretary of state; if the issuer is a trust or trustee, there 22703
shall be filed with the application a copy of all instruments by 22704
which the trust was created; and if the issuer is a partnership or 22705
an unincorporated association, or any other form of organization, 22706
there shall be filed with the application a copy of its articles 22707

of partnership or association and of all other papers pertaining 22708
to its organization, if the articles or other papers are not 22709
already on file in the office of the secretary of state; 22710

(10) If the application is made with respect to securities to 22711
be sold or distributed by or on behalf of the issuer, or by or on 22712
behalf of an underwriter, as defined in division (N) of section 22713
1707.03 of the Revised Code, a statement showing that the issuer 22714
has received, or will receive at or prior to the delivery of those 22715
securities, not less than eighty-five per cent of the aggregate 22716
price at which all those securities are sold by or on behalf of 22717
the issuer, without deduction for any additional commission, 22718
directly or indirectly, and without liability to pay any 22719
additional sum as commission; 22720

(11) If the division so permits with respect to a security, 22721
an applicant may file with the division, in lieu of the division's 22722
prescribed forms, a copy of the registration statement relating to 22723
the security, with all amendments to that statement, previously 22724
filed with the securities and exchange commission of the United 22725
States under the "Securities Act of 1933," as amended, together 22726
with all additional data, information, and documents that the 22727
division requires. 22728

(C) If the division finds that it is not necessary in the 22729
public interest and for the protection of investors to require all 22730
the information specified in divisions (B)(1) to (10) of this 22731
section, it may permit the filing of applications for 22732
qualification that contain the information that it considers 22733
necessary and appropriate in the public interest and for the 22734
protection of investors, but this provision applies only in the 22735
case of applications for qualification of securities previously 22736
issued and outstanding that may not be made the subject matter of 22737
transactions exempt under division (M) of section 1707.03 of the 22738
Revised Code by reason of the fact that those securities within 22739

one year were purchased outside this state or within one year were 22740
transported into this state. 22741

(D) All the statements, exhibits, and documents required by 22742
the division under this section, except properly certified public 22743
documents, shall be verified by the oath of the applicant for 22744
qualification, of the issuer, or of any individual having 22745
knowledge of the facts, and in the manner and form that may be 22746
required by the division. Failure or refusal to comply with the 22747
requests of the division shall be sufficient reason for a refusal 22748
by the division to register securities. 22749

(E) If it appears to the division that substantially the only 22750
consideration to be paid for any of the securities to be qualified 22751
is to be intangible property of doubtful value, the division may 22752
require that the securities be delivered in escrow to a bank in 22753
this state under the terms that the division may reasonably 22754
prescribe or require to prevent a deceitful misrepresentation or 22755
sale of the securities; that the securities be subordinated in 22756
favor of those sold for sound value until they have a value 22757
bearing a reasonable relation to the value of those sold for sound 22758
value; or that a legend of warning specifying the considerations 22759
paid or to be paid for the securities be stamped or printed on all 22760
advertisements, circulars, pamphlets, or subscription blanks used 22761
in connection with the sale of any securities of the same issuer; 22762
or it may impose a combination of any two or more of these 22763
requirements. 22764

(F) At the time of filing the information prescribed in this 22765
section, the applicant shall pay to the division a filing fee of 22766
one hundred dollars. 22767

(G)(1) The division, at any time, as a prerequisite to 22768
qualification, may make an examination of the issuer of securities 22769
sought to be qualified. The applicant for qualification of any 22770
securities may be required by the division to advance sufficient 22771

funds to pay all or any part of the actual expenses of that 22772
examination, an itemized statement of which shall be furnished the 22773
applicant. 22774

(2) If the division finds that the business of the issuer is 22775
not fraudulently conducted, that the proposed offer or disposal of 22776
securities is not on grossly unfair terms, that the plan of 22777
issuance and sale of the securities referred to in the proposed 22778
offer or disposal would not defraud or deceive, or tend to defraud 22779
or deceive, purchasers, and that division (B)(10) of this section 22780
applies and has been complied with, the division shall notify the 22781
applicant of its findings, and, upon payment of a registration fee 22782
of one-tenth of one per cent of the aggregate price at which the 22783
securities are to be sold to the public in this state, which fee, 22784
however, shall in no case be less than one hundred or more than 22785
one thousand dollars, the division shall register the 22786
qualification of the securities. 22787

(H) An application for qualification of securities may be 22788
amended by the person filing it at any time prior to the 22789
division's action on it either in registering the securities for 22790
qualification or in refusing to do so. Subsequent to any such 22791
action by the division, the person who filed the application may 22792
file with the consent of the division one or more amendments to it 22793
that shall become effective upon the making by the division of the 22794
findings enumerated in division (G) of this section; the giving of 22795
notice of those findings to the applicant by the division; and the 22796
payment by the applicant of the additional fee that would have 22797
been payable had the application, as it previously became 22798
effective, contained the amendment. 22799

(I) When any securities have been qualified and the fees for 22800
the qualification have been paid as provided in this section, any 22801
licensed dealer subsequently may sell the securities under the 22802
qualification, so long as the qualification remains in full force, 22803

and any dealer of that nature that desires may file with the 22804
division a written notice of intention to sell the securities or 22805
any designated portion of them. For that filing, no fee need be 22806
paid. 22807

Sec. 1707.091. (A) Any security for which a registration 22808
statement has been filed pursuant to Section 6 of the Securities 22809
Act of 1933 or for which a notification form and offering circular 22810
has been filed pursuant to regulation A of the general rules and 22811
regulations of the securities and exchange commission, 17 C.F.R. 22812
sections 230.251 to 230.256 and 230.258 to 230.263, as amended 22813
before or after the effective date of this section, in connection 22814
with the same offering ~~may~~ shall be registered by coordination 22815
rather than by qualification under section 1707.09 of the Revised 22816
Code or any other method of registration. 22817

(B) A registration statement filed by or on behalf of the 22818
issuer under this section with the division of securities shall 22819
contain the following information and be accompanied by the 22820
following items in addition to the consent to service of process 22821
required by section 1707.11 of the Revised Code: 22822

(1) One copy of the latest form of prospectus or offering 22823
circular and notification filed with the securities and exchange 22824
commission; 22825

(2) If the division of securities by rule or otherwise 22826
requires, a copy of the articles of incorporation and code of 22827
regulations or bylaws, or their substantial equivalents, as 22828
currently in effect, a copy of any agreements with or among 22829
underwriters, a copy of any indenture or other instrument 22830
governing the issuance of the security to be registered, and a 22831
specimen or copy of the security; 22832

(3) If the division of securities requests, any other 22833
information, or copies of any other documents, filed with the 22834

securities and exchange commission; 22835

(4) An undertaking by the issuer to forward to the division, 22836
promptly and in any event not later than the first business day 22837
after the day they are forwarded to or thereafter are filed with 22838
the securities and exchange commission, whichever occurs first, 22839
all amendments to the federal prospectus, offering circular, 22840
notification form, or other documents filed with the securities 22841
and exchange commission, other than an amendment that merely 22842
delays the effective date; 22843

(5) A filing fee of one hundred dollars. 22844

(C) A registration statement filed under this section becomes 22845
effective, without delay or waiver of any condition by the 22846
division or issuer, either at the moment the federal registration 22847
statement becomes effective or at the time the offering may 22848
otherwise be commenced in accordance with the rules, regulations, 22849
or orders of the securities and exchange commission, if all of the 22850
following conditions are satisfied: 22851

(1) No stop order is in effect, no proceeding is pending 22852
under section 1707.13 of the Revised Code, and no cease and desist 22853
order has been issued pursuant to section 1707.23 of the Revised 22854
Code; 22855

(2) The registration statement has been on file with the 22856
division for at least fifteen days or for such shorter period as 22857
the division by rule or otherwise permits; provided, that if the 22858
registration statement is not filed with the division within five 22859
days of the initial filing with the securities and exchange 22860
commission, the registration statement must be on file with the 22861
division for thirty days or for such shorter period as the 22862
division by rule or otherwise permits. 22863

(3) A statement of the maximum and minimum proposed offering 22864
prices and the maximum underwriting discounts and commissions has 22865

been on file with the division for two full business days or for 22866
such shorter period as the division by rule or otherwise permits 22867
and the offering is made within those limitations; 22868

(4) The division has received a registration fee of one-tenth 22869
of one per cent of the aggregate price at which the securities are 22870
to be sold to the public in this state, which fee, however, shall 22871
in no case be less than one hundred or more than one thousand 22872
dollars. 22873

(D) The issuer shall promptly notify the division by 22874
telephone or telegram of the date and time when the federal 22875
registration statement became effective, or when the offering may 22876
otherwise be commenced in accordance with the rules, regulations, 22877
or orders of the securities and exchange commission, and of the 22878
contents of the price amendment, if any, and shall promptly file 22879
the price amendment. 22880

"Price amendment" for the purpose of this division, means the 22881
final federal registration statement amendment that includes a 22882
statement of the offering price, underwriting and selling 22883
discounts or commissions, amount of proceeds, conversion rates, 22884
call prices, and other matters dependent upon the offering price. 22885

If the division fails to receive the required notice and 22886
required copies of the price amendment, the division may enter a 22887
provisional stop order retroactively denying effectiveness to the 22888
registration statement or suspending its effectiveness until there 22889
is compliance with this division, provided the division promptly 22890
notifies the issuer or its representative by telephone or 22891
telegram, and promptly confirms by letter or telegram when it 22892
notifies by telephone, of the entry of the order. If the issuer or 22893
its representative proves compliance with the requirements of this 22894
division as to notice and price amendment filing, the stop order 22895
is void as of the time of its entry. The division may by rule or 22896
otherwise waive either or both of the conditions specified in 22897

divisions (C)(2) and (3) of this section. If the federal 22898
registration statement becomes effective, or if the offering may 22899
otherwise be commenced in accordance with the rules, regulations, 22900
or orders of the securities and exchange commission, before all of 22901
the conditions specified in divisions (C) and (D) of this section 22902
are satisfied and they are not waived by the division the 22903
registration statement becomes effective as soon as all of the 22904
conditions are satisfied. 22905

If the issuer advises the division of the date when the 22906
federal registration statement is expected to become effective, or 22907
when the offering may otherwise be commenced in accordance with 22908
the rules, regulations, or orders of the securities and exchange 22909
commission, the division shall promptly advise the issuer or its 22910
representative by telephone or telegram, at the issuer's expense, 22911
whether all of the conditions have been satisfied or whether the 22912
division then contemplates the institution of a proceeding under 22913
section 1707.13 or 1707.23 of the Revised Code, but such advice 22914
does not preclude the institution of such a proceeding at any 22915
time. 22916

Sec. 1707.092. (A) For the purposes of selling securities in 22917
this state, except securities that are the subject matter of 22918
transactions enumerated in section 1707.03 of the Revised Code, an 22919
investment company, as defined by the Investment Company Act of 22920
1940, ~~that is registered or has filed a registration statement~~ 22921
~~with the securities and exchange commission under the Investment~~ 22922
~~Company Act of 1940,~~ and a business development company that has 22923
elected to be subject to 15 U.S.C. 80a-54 to 80a-64, shall file 22924
the following with the division of securities: 22925

(1) A notice filing consisting of either of the following: 22926

(a) A copy of the investment company's or business 22927
development company's federal registration statement as filed with 22928

the securities and exchange commission; 22929

(b) A form U-1 or form NF of the North American securities administrators association. 22930
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(2) Appropriate filing fees consisting of both of the following: 22932
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(a) A flat fee of one hundred dollars; 22934

(b) A fee calculated at one-tenth of one per cent of the aggregate price at which the securities are to be sold to the public in this state, which calculated fee, however, shall in no case be less than one hundred or more than one thousand dollars. 22935
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(B)(1) Upon payment of the maximum filing fees as provided in division (A)(2) of this section, an investment company or business development company may sell an indefinite amount of securities in this state. 22939
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(2) An investment company or business development company making a notice filing as provided in this section shall comply with section 1707.11 of the Revised Code. An investment company or business development company that previously filed with the division a valid consent to service of process pursuant to section 1707.11 of the Revised Code may incorporate that consent by reference. 22943
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(C)(1) For offerings involving covered securities, as defined in section 18 of the "Securities Act of 1933," 15 U.S.C. 77r, that are not subject to section 1707.02, 1707.03, 1707.04, 1707.06, 1707.08, 1707.09, or 1707.091 of the Revised Code, or division (A) of this section, a notice filing shall be submitted to the division together with a consent to service of process pursuant to section 1707.11 of the Revised Code and a filing fee as provided in division (A)(2) of this section. 22950
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(2) The notice filing described in division (C)(1) of this 22958

section shall consist of any document filed with the securities 22959
and exchange commission pursuant to the Securities Act of 1933, 22960
together with annual or periodic reports of the value of the 22961
securities sold or offered to be sold to persons located in this 22962
state. 22963

(D) A notice filing submitted under this section shall be 22964
effective for thirteen months. 22965

Sec. 1707.28. (A) No prosecution or action by the division of 22966
securities or the director of commerce for a violation of any 22967
provision of sections 1707.01 to 1707.50 of the Revised Code shall 22968
bar any prosecution or action by the division of securities or the 22969
director of commerce, or be barred by any prosecution or other 22970
action, for the violation of any other provision of any of those 22971
sections or of any other statute; but prosecutions and actions by 22972
the division of securities or the director of commerce for a 22973
violation of any provision of sections 1707.01 to 1707.50 of the 22974
Revised Code must be commenced within ~~five~~ six years after the 22975
commission of the alleged violation. 22976

(B) If the period of limitation provided in division (A) of 22977
this section has expired, prosecution shall be commenced for an 22978
offense of which an element is fraud or breach of a fiduciary 22979
duty, within one year after discovery of the offense either by an 22980
aggrieved person, or by the aggrieved person's legal 22981
representative who is not a party to the offense. 22982

(C) An offense is committed when every element of the offense 22983
occurs. In the case of an offense of which an element is a 22984
continuing course of conduct, the period of limitation does not 22985
begin to run until such a course of conduct or the accused's 22986
accountability for it terminates, whichever occurs first. 22987

(D) The period of limitation does not run during any time 22988
when the corpus delicti remains undiscovered. 22989

Sec. 1710.02. (A)(1) A special improvement district may be 22990
created within the boundaries of any one municipal corporation, 22991
any one township, or any combination of municipal corporations and 22992
townships within a single county, or counties that adjoin one 22993
another, for the purpose of developing and implementing plans for 22994
public improvements and public services that benefit the district. 22995
A district may be created by petition of the owners of real 22996
property within the proposed district, or by an existing qualified 22997
nonprofit corporation. 22998

(2) If the district is created by an existing qualified 22999
nonprofit corporation, the purposes for which the district is 23000
created may be supplemental to the other purposes for which the 23001
corporation is organized. The corporation is considered a special 23002
improvement district only when it acts with respect to a purpose 23003
for which the district is created, and not when it acts with 23004
respect to any other purpose for which it is organized. 23005

(3) All territory in a special improvement district shall be 23006
contiguous; except that the territory in a special improvement 23007
district may be noncontiguous if at least one special energy 23008
improvement project or shoreline improvement project is designated 23009
for each parcel of real property included within the special 23010
improvement district. Additional territory may be added to a 23011
special improvement district created under this chapter for the 23012
purpose of developing and implementing plans for special energy 23013
improvement projects or shoreline improvement projects if at least 23014
one special energy improvement project or shoreline improvement 23015
project, respectively, is designated for each parcel of real 23016
property included within such additional territory and the 23017
addition of territory is authorized by the initial plan proposed 23018
under division (F) of this section or a plan adopted by the board 23019
of directors of the special improvement district under section 23020
1710.06 of the Revised Code. 23021

(4) The district shall be governed by the board of trustees 23022
of a nonprofit corporation. This board shall be known as the board 23023
of directors of the special improvement district. 23024

(5) No special improvement district shall include any church 23025
property, or property of the federal or state government or a 23026
county, township, or municipal corporation, unless the church or 23027
the county, township, or municipal corporation specifically 23028
requests in writing that the property be included within the 23029
district, or unless the church is a member of the existing 23030
qualified nonprofit corporation creating the district at the time 23031
the district is created. 23032

(6) A shoreline improvement project may extend into the 23033
territory of Lake Erie as described in sections 1506.10 and 23034
1506.11 of the Revised Code. However, the state shall remain 23035
exempt from any special assessment that may be levied against that 23036
territory under section 1710.06 and Chapter 727. of the Revised 23037
Code. 23038

(7) More than one district may be created within a 23039
participating political subdivision, but no real property may be 23040
included within more than one district unless the owner of the 23041
property files a written consent with the clerk of the legislative 23042
authority, the township fiscal officer, or the village clerk, as 23043
appropriate. 23044

(8) The area of each district shall be contiguous; except 23045
that the area of a special improvement district may be 23046
noncontiguous if all parcels of real property included within such 23047
area contain at least one special energy improvement or shoreline 23048
improvement thereon. 23049

(B) Subject to division (A)(2) of this section, all of the 23050
following apply: 23051

(1) A district created under this chapter is not a political 23052

subdivision, except for purposes of section 4905.34 of the Revised Code. 23053
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(2) A district created under this chapter shall be considered a public agency under section 102.01 and a public authority under section 4115.03 of the Revised Code. 23055
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(3) Districts created under this chapter are not subject to sections 121.81 to ~~121.83~~ 121.82 of the Revised Code. Districts created under this chapter are subject to sections 121.22 and 121.23 of the Revised Code. 23058
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(4) All records of the district are public records under section 149.43 of the Revised Code, except that records of organizations contracting with a district are not public records under section 149.43 or section 149.431 of the Revised Code solely by reason of any contract with a district. 23062
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(C)(1) Subject to division (C)(2) of this section, both of the following apply: 23067
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(a) Membership on the board of directors of the district shall not be considered as holding a public office. However, each member of the board of directors of a district, each member's designee or proxy, and each officer or employee of a district is a public official or employee under section 102.01 and a public official under section 2921.42 of the Revised Code. District officers and district members and directors and their designees or proxies are not required to file a statement with the Ohio ethics commission under section 102.02 of the Revised Code. 23069
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(b) Directors and their designees shall be entitled to the immunities provided by Chapter 1702. and to the same immunity as an employee under division (A)(6) of section 2744.03 of the Revised Code, except that directors and their designees shall not be entitled to the indemnification provided in section 2744.07 of the Revised Code unless the director or designee is an employee or 23078
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official of a participating political subdivision of the district 23084
and is acting within the scope of the director's or designee's 23085
employment or official responsibilities. 23086

(2) District officers and district members and directors of a 23087
district created by an existing qualified nonprofit corporation, 23088
and their designees or proxies, are public officials or employees 23089
under section 102.01 and public officials under section 2921.42 of 23090
the Revised Code by virtue of their positions with the corporation 23091
only when they act with respect to a purpose for which the 23092
district is created, and not when they act with respect to any 23093
other purpose for which the corporation is organized. 23094

(D) Except as otherwise provided in this section, the 23095
nonprofit corporation that governs a district shall be organized 23096
in the manner described in Chapter 1702. of the Revised Code. 23097
Except in the case of a district created by an existing qualified 23098
nonprofit corporation, the corporation's articles of incorporation 23099
are required to be approved, as provided in division (E) of this 23100
section, by resolution of the legislative authority of each 23101
participating political subdivision of the district. A copy of 23102
that resolution shall be filed along with the articles of 23103
incorporation in the secretary of state's office. 23104

In addition to meeting the requirements for articles of 23105
incorporation set forth in Chapter 1702. of the Revised Code, the 23106
articles of incorporation for the nonprofit corporation governing 23107
a district formed under this chapter shall provide all the 23108
following: 23109

(1) The name for the district, which shall include the name 23110
of each participating political subdivision of the district; 23111

(2) A description of the territory within the district, which 23112
may be all or part of each participating political subdivision. 23113
The description shall be specific enough to enable real property 23114

owners to determine if their property is located within the 23115
district. 23116

(3) A description of the procedure by which the articles of 23117
incorporation may be amended. The procedure shall include 23118
receiving approval of the amendment, by resolution, from the 23119
legislative authority of each participating political subdivision 23120
and filing the approved amendment and resolution with the 23121
secretary of state. 23122

(4) The reasons for creating the district, plus an 23123
explanation of how the district will be conducive to the public 23124
health, safety, peace, convenience, and welfare of the district. 23125

(E) The articles of incorporation for a nonprofit corporation 23126
governing a district created under this chapter and amendments to 23127
them shall be submitted to the municipal executive, if any, and 23128
the legislative authority of each municipal corporation or 23129
township in which the proposed district is to be located. Except 23130
in the case of a district created by an existing qualified 23131
nonprofit corporation, the articles or amendments shall be 23132
accompanied by a petition signed either by the owners of at least 23133
sixty per cent of the front footage of all real property located 23134
in the proposed district that abuts upon any street, alley, public 23135
road, place, boulevard, parkway, park entrance, easement, or other 23136
existing public improvement within the proposed district, 23137
excluding church property or property owned by the state, county, 23138
township, municipal, or federal government, unless a church, 23139
county, township, or municipal corporation has specifically 23140
requested in writing that the property be included in the 23141
district, or by the owners of at least seventy-five per cent of 23142
the area of all real property located within the proposed 23143
district, excluding church property or property owned by the 23144
state, county, township, municipal, or federal government, unless 23145
a church, county, township, or municipal corporation has 23146

specifically requested in writing that the property be included in 23147
the district. Pursuant to Section 2o of Article VIII, Ohio 23148
Constitution, the petition required under this division may be for 23149
the purpose of developing and implementing plans for special 23150
energy improvement projects or shoreline improvement projects, 23151
and, in such case, is determined to be in furtherance of the 23152
purposes set forth in Section 2o of Article VIII, Ohio 23153
Constitution. Except as provided in division (H) of this section, 23154
if a special improvement district is being created under this 23155
chapter for the purpose of developing and implementing plans for 23156
special energy improvement projects or shoreline improvement 23157
projects, the petition required under this division shall be 23158
signed by one hundred per cent of the owners of the area of all 23159
real property located within the proposed special improvement 23160
district, at least one special energy improvement project or 23161
shoreline improvement project shall be designated for each parcel 23162
of real property within the special improvement district, and the 23163
special improvement district may include any number of parcels of 23164
real property as determined by the legislative authority of each 23165
participating political subdivision in which the proposed special 23166
improvement district is to be located. For purposes of determining 23167
compliance with these requirements, the area of the district, or 23168
the front footage and ownership of property, shall be as shown in 23169
the most current records available at the county recorder's office 23170
and the county engineer's office sixty days prior to the date on 23171
which the petition is filed. 23172

Each municipal corporation or township with which the 23173
petition is filed has sixty days to approve or disapprove, by 23174
resolution, the petition, including the articles of incorporation. 23175
In the case of a district created by an existing qualified 23176
nonprofit corporation, each municipal corporation or township has 23177
sixty days to approve or disapprove the creation of the district 23178
after the corporation submits the articles of incorporation or 23179

amendments thereto. This chapter does not prohibit or restrict the 23180
rights of municipal corporations under Article XVIII of the Ohio 23181
Constitution or the right of the municipal legislative authority 23182
to impose reasonable conditions in a resolution of approval. The 23183
acquisition, installation, equipping, and improvement of a special 23184
energy improvement project under this chapter shall not supersede 23185
any local zoning, environmental, or similar law or regulation. In 23186
addition, all activities associated with a shoreline improvement 23187
project that is implemented under this chapter shall comply with 23188
all applicable local zoning requirements, all local, state, and 23189
federal environmental laws and regulations, and all applicable 23190
requirements established in Chapter 1506. of the Revised Code and 23191
rules adopted under it. 23192

(F) Persons proposing creation and operation of the district 23193
may propose an initial plan for public services or public 23194
improvements that benefit all or any part of the district. Any 23195
initial plan shall be submitted as part of the petition proposing 23196
creation of the district or, in the case of a district created by 23197
an existing qualified nonprofit corporation, shall be submitted 23198
with the articles of incorporation or amendments thereto. 23199

An initial plan may include provisions for the following: 23200

(1) Creation and operation of the district and of the 23201
nonprofit corporation to govern the district under this chapter; 23202

(2) Hiring employees and professional services; 23203

(3) Contracting for insurance; 23204

(4) Purchasing or leasing office space and office equipment; 23205

(5) Other actions necessary initially to form, operate, or 23206
organize the district and the nonprofit corporation to govern the 23207
district; 23208

(6) A plan for public improvements or public services that 23209

benefit all or part of the district, which plan shall comply with 23210
the requirements of division (A) of section 1710.06 of the Revised 23211
Code and may include, but is not limited to, any of the permissive 23212
provisions described in the fourth sentence of that division or 23213
listed in divisions (A)(1) to (7) of that section; 23214

(7) If the special improvement district is being created 23215
under this chapter for the purpose of developing and implementing 23216
plans for special energy improvement projects or shoreline 23217
improvement projects, provision for the addition of territory to 23218
the special improvement district. 23219

After the initial plan is approved by all municipal 23220
corporations and townships to which it is submitted for approval 23221
and the district is created, each participating subdivision shall 23222
levy a special assessment within its boundaries to pay for the 23223
costs of the initial plan. The levy shall be for no more than ten 23224
years from the date of the approval of the initial plan; except 23225
that if the proceeds of the levy are to be used to pay the costs 23226
of a special energy improvement project or shoreline improvement 23227
project, the levy of a special assessment shall be for no more 23228
than thirty years from the date of approval of the initial plan. 23229
In the event that additional territory is added to a special 23230
improvement district, the special assessment to be levied with 23231
respect to such additional territory shall commence not earlier 23232
than the date such territory is added and shall be for no more 23233
than thirty years from such date. For purposes of levying an 23234
assessment for this initial plan, the services or improvements 23235
included in the initial plan shall be deemed a special benefit to 23236
property owners within the district. 23237

(G) Each nonprofit corporation governing a district under 23238
this chapter may do the following: 23239

(1) Exercise all powers of nonprofit corporations granted 23240
under Chapter 1702. of the Revised Code that do not conflict with 23241

this chapter;	23242
(2) Develop, adopt, revise, implement, and repeal plans for public improvements and public services for all or any part of the district;	23243 23244 23245
(3) Contract with any person, political subdivision as defined in section 2744.01 of the Revised Code, or state agency as defined in section 1.60 of the Revised Code to develop and implement plans for public improvements or public services within the district;	23246 23247 23248 23249 23250
(4) Contract and pay for insurance for the district and for directors, officers, agents, contractors, employees, or members of the district for any consequences of the implementation of any plan adopted by the district or any actions of the district.	23251 23252 23253 23254
The board of directors of a special improvement district may, acting as agent and on behalf of a participating political subdivision, sell, transfer, lease, or convey any special energy improvement project owned by the participating political subdivision upon a determination by the legislative authority thereof that the project is not required to be owned exclusively by the participating political subdivision for its purposes, for uses determined by the legislative authority thereof as those that will promote the welfare of the people of such participating political subdivision; improve the quality of life and the general and economic well-being of the people of the participating political subdivision; better ensure the public health, safety, and welfare; protect water and other natural resources; provide for the conservation and preservation of natural and open areas and farmlands, including by making urban areas more desirable or suitable for development and revitalization; control, prevent, minimize, clean up, or mediate certain contamination of or pollution from lands in the state and water contamination or pollution; or provide for safe and natural areas and resources.	23255 23256 23257 23258 23259 23260 23261 23262 23263 23264 23265 23266 23267 23268 23269 23270 23271 23272 23273

The legislative authority of each participating political subdivision shall specify the consideration for such sale, transfer, lease, or conveyance and any other terms thereof. Any determinations made by a legislative authority of a participating political subdivision under this division shall be conclusive.

Any sale, transfer, lease, or conveyance of a special energy improvement project by a participating political subdivision or the board of directors of the special improvement district may be made without advertising, receipt of bids, or other competitive bidding procedures applicable to the participating political subdivision or the special improvement district under Chapter 153. or 735. or section 1710.11 of the Revised Code or other representative provisions of the Revised Code.

(H) The owner of real property that is part of a planned community or a condominium development is deemed to have signed the petitions required under division (E) of this section and division (B) of section 1710.06 of the Revised Code with respect to a special improvement district that is being created for the purpose of developing and implementing plans for shoreline improvement projects if the district and the projects have been approved through an alternative process prescribed by the bylaws, declarations, covenants, and restrictions governing the planned community or condominium development. Such an alternative process may consist of a vote of the owners association or unit owners association, the approval of a specified percentage of property owners, or any other procedure authorized by the bylaws, declarations, covenants, and restrictions governing the planned community or condominium development.

As used in this division, "condominium development" and "unit owners association" have the same meanings as in section 5311.01 of the Revised Code, and "planned community," "owners association," "bylaws," and "declaration" have the same meanings

as in section 5312.01 of the Revised Code. 23306

Sec. 1710.06. (A) The board of directors of a special 23307
improvement district may develop and adopt one or more written 23308
plans for public improvements or public services that benefit all 23309
or any part of the district. Each plan shall set forth the 23310
specific public improvements or public services that are to be 23311
provided, identify the area in which they will be provided, and 23312
specify the method of assessment to be used. Each plan for public 23313
improvements or public services shall indicate the period of time 23314
the assessments are to be levied for the improvements and services 23315
and, if public services are included in the plan, the period of 23316
time the services are to remain in effect. Plans for public 23317
improvements may include the planning, design, construction, 23318
reconstruction, enlargement, or alteration of any public 23319
improvements and the acquisition of land for the improvements. 23320
Plans for public improvements or public services may also include, 23321
but are not limited to, provisions for the following: 23322

(1) Creating and operating the district and the nonprofit 23323
corporation under this chapter, including hiring employees and 23324
professional services, contracting for insurance, and purchasing 23325
or leasing office space and office equipment and other 23326
requirements of the district; 23327

(2) Planning, designing, and implementing a public 23328
improvements or public services plan, including hiring 23329
architectural, engineering, legal, appraisal, insurance, 23330
consulting, energy auditing, and planning services, and, for 23331
public services, managing, protecting, and maintaining public and 23332
private facilities, including public improvements; 23333

(3) Conducting court proceedings to carry out this chapter; 23334

(4) Paying damages resulting from the provision of public 23335
improvements or public services and implementing the plans; 23336

(5) Paying the costs of issuing, paying interest on, and 23337
redeeming notes and bonds issued for funding public improvements 23338
and public services plans; 23339

(6) Sale, lease, lease with an option to purchase, conveyance 23340
of other interests in, or other contracts for the acquisition, 23341
construction, maintenance, repair, furnishing, equipping, 23342
operation, or improvement of any special energy improvement 23343
project by the special improvement district, between a 23344
participating political subdivision and the special improvement 23345
district, and between the special improvement district and any 23346
owner of real property in the special improvement district on 23347
which a special energy improvement project has been acquired, 23348
installed, equipped, or improved; and 23349

(7) Aggregating the renewable energy credits generated by one 23350
or more special energy improvement projects within a special 23351
improvement district, upon the consent of the owners of the 23352
credits and for the purpose of negotiating and completing the sale 23353
of such credits. 23354

(B) Once the board of directors of the special improvement 23355
district adopts a plan, it shall submit the plan to the 23356
legislative authority of each participating political subdivision 23357
and the municipal executive of each municipal corporation in which 23358
the district is located, if any. The legislative authorities and 23359
municipal executives shall review the plan and, within sixty days 23360
after receiving it, may submit their comments and recommendations 23361
about it to the district. After reviewing these comments and 23362
recommendations, the board of directors may amend the plan. It may 23363
then submit the plan, amended or otherwise, in the form of a 23364
petition to members of the district whose property may be assessed 23365
for the plan. Once the petition is signed by those members who own 23366
at least sixty per cent of the front footage of property that is 23367
to be assessed and that abuts upon a street, alley, public road, 23368

place, boulevard, parkway, park entrance, easement, or other 23369
public improvement, or those members who own at least seventy-five 23370
per cent of the area to be assessed for the improvement or 23371
service, the petition may be submitted to each legislative 23372
authority for approval. Except as provided in division (H) of 23373
section 1710.02 of the Revised Code, if the special improvement 23374
district was created for the purpose of developing and 23375
implementing plans for special energy improvement projects or 23376
shoreline improvement projects, the petition required under this 23377
division shall be signed by one hundred per cent of the owners of 23378
the area of all real property located within the area to be 23379
assessed for the special energy improvement project or shoreline 23380
improvement project. 23381

Each legislative authority shall, by resolution, approve or 23382
reject the petition within sixty days after receiving it. If the 23383
petition is approved by the legislative authority of each 23384
participating political subdivision, the plan contained in the 23385
petition shall be effective at the earliest date on which a 23386
nonemergency resolution of the legislative authority with the 23387
latest effective date may become effective. A plan may not be 23388
resubmitted to the legislative authorities and municipal 23389
executives more than three times in any twelve-month period. 23390

(C) Each participating political subdivision shall levy, by 23391
special assessment upon specially benefited property located 23392
within the district, the costs of any public improvements or 23393
public services plan contained in a petition approved by the 23394
participating political subdivisions under this section or 23395
division (F) of section 1710.02 of the Revised Code. The levy 23396
shall be made in accordance with the procedures set forth in 23397
Chapter 727. of the Revised Code, except that: 23398

(1) The assessment for each improvements or services plan may 23399
be levied by any one or any combination of the methods of 23400

assessment listed in section 727.01 of the Revised Code, provided 23401
that the assessment is uniformly applied. 23402

(2) For the purpose of levying an assessment, the board of 23403
directors may combine one or more improvements or services plans 23404
or parts of plans and levy a single assessment against specially 23405
benefited property. 23406

(3) For purposes of special assessments levied by a township 23407
pursuant to this chapter, references in Chapter 727. of the 23408
Revised Code to the municipal corporation shall be deemed to refer 23409
to the township, and references to the legislative authority of 23410
the municipal corporation shall be deemed to refer to the board of 23411
township trustees. 23412

(4) Revenue collected from the levy of a special assessment 23413
for the cost of a special energy improvement project may be 23414
assigned and remitted to the Ohio air quality development 23415
authority pursuant to an agreement entered into under section 23416
3706.12 of the Revised Code. 23417

Church property or property owned by a political subdivision, 23418
including any participating political subdivision in which a 23419
special improvement district is located, shall be included in and 23420
be subject to special assessments made pursuant to a plan adopted 23421
under this section or division (F) of section 1710.02 of the 23422
Revised Code, if the church or political subdivision has 23423
specifically requested in writing that its property be included 23424
within the special improvement district and the church or 23425
political subdivision is a member of the district or, in the case 23426
of a district created by an existing qualified nonprofit 23427
corporation, if the church is a member of the corporation. 23428

For tax years 2020 to 2024, qualifying real property, as 23429
defined in section 727.031 of the Revised Code, is exempt from 23430
special assessments levied under division (C) of this section, 23431

provided no delinquent special assessments and related interest 23432
and penalties are levied or assessed against any property owned by 23433
the owner and operator of the qualifying real property for that 23434
tax year. 23435

(D) All rights and privileges of property owners who are 23436
assessed under Chapter 727. of the Revised Code shall be granted 23437
to property owners assessed under this chapter, including those 23438
rights and privileges specified in sections 727.15 to 727.17 and 23439
727.18 to 727.22 of the Revised Code and the right to notice of 23440
the resolution of necessity and the filing of the estimated 23441
assessment under section 727.13 of the Revised Code. Property 23442
owners assessed for public services under this chapter shall have 23443
the same rights and privileges as property owners assessed for 23444
public improvements under this chapter. 23445

Sec. 1739.10. The superintendent of insurance, or any person 23446
appointed by ~~him~~ the superintendent, may examine, as often as ~~he~~ 23447
the superintendent or the superintendent's appointee considers it 23448
necessary, the affairs of a multiple employer welfare arrangement 23449
and its members. 23450

The arrangement shall pay to the superintendent the expenses 23451
incurred by the department of insurance in making an examination 23452
authorized under this section. To the extent that expenses are the 23453
result of the use of the personnel of the examination department 23454
of the department of insurance, the superintendent shall remit 23455
expenses paid to ~~him~~ the superintendent by the arrangement to the 23456
state treasury to the credit of the ~~superintendent's examination~~ 23457
department of insurance operating fund pursuant to section 23458
~~3901.071~~ 3901.021 of the Revised Code. 23459

As used in this section, "expenses" has the same meaning as 23460
in section 3901.07 of the Revised Code. 23461

Sec. 1751.34. (A) Each health insuring corporation and each 23462
applicant for a certificate of authority under this chapter shall 23463
be subject to examination by the superintendent of insurance in 23464
accordance with section 3901.07 of the Revised Code. Section 23465
3901.07 of the Revised Code shall govern every aspect of the 23466
examination, including the circumstances under and frequency with 23467
which it is conducted, the authority of the superintendent and any 23468
examiner or other person appointed by the superintendent, the 23469
liability for the assessment of expenses incurred in conducting 23470
the examination, and the remittance of the assessment to the 23471
~~superintendent's examination~~ department of insurance operating 23472
fund. 23473

(B) The superintendent shall make an examination concerning 23474
the matters subject to the superintendent's consideration in 23475
section 1751.04 of the Revised Code as often as the superintendent 23476
considers it necessary for the protection of the interests of the 23477
people of this state. The expenses of such examinations shall be 23478
assessed against the health insuring corporation being examined in 23479
the manner in which expenses of examinations are assessed against 23480
an insurance company under section 3901.07 of the Revised Code. 23481
Nothing in this division requires the superintendent to make an 23482
examination of any of the following: 23483

(1) A health insuring corporation that covers solely medicaid 23484
recipients; 23485

(2) A health insuring corporation that covers solely medicare 23486
beneficiaries; 23487

(3) A health insuring corporation that covers solely medicaid 23488
recipients and medicare beneficiaries. 23489

(C) An examination, pursuant to section 3901.07 of the 23490
Revised Code, of an insurance company holding a certificate of 23491
authority under this chapter to organize and operate a health 23492

insuring corporation shall include an examination of the health 23493
insuring corporation pursuant to this section and the examination 23494
shall satisfy the requirements of divisions (A) and (B) of this 23495
section. 23496

(D) The superintendent may conduct market conduct 23497
examinations pursuant to section 3901.011 of the Revised Code of 23498
any health insuring corporation as often as the superintendent 23499
considers it necessary for the protection of the interests of 23500
subscribers and enrollees. The expenses of such market conduct 23501
examinations shall be assessed against the health insuring 23502
corporation being examined. All costs, assessments, or fines 23503
collected under this division shall be paid into the state 23504
treasury to the credit of the department of insurance operating 23505
fund. 23506

Sec. 1761.16. (A) A credit union share guaranty corporation 23507
shall file with the superintendent of credit unions an annual 23508
report containing audited financial statements, prepared in 23509
accordance with generally accepted accounting principles or such 23510
other accounting requirements determined by the superintendent of 23511
credit unions, covering the fiscal year within one hundred days 23512
after the close of such fiscal year in accordance with division 23513
(E) of this section and in the form and with such other relevant 23514
information as the superintendent of credit unions may require by 23515
rules adopted under division (C) of section 1761.04 of the Revised 23516
Code. The audited financial statements shall include at least a 23517
balance sheet and a statement of income for the year ended on the 23518
balance sheet date. The report and audited financial statements 23519
shall be accompanied by a report, certificate, or opinion of an 23520
independent certified public accountant or independent public 23521
accountant. Every such report shall be certified by the oath of 23522
the president and secretary of the corporation, and such 23523
verification shall state that the report is true and correct in 23524

all respects to the best of the knowledge and belief of the 23525
persons verifying it. 23526

(B) If the report, certificate, or opinion of the certified 23527
public accountant or independent accountant referred to in 23528
division (A) of this section is qualified pursuant to generally 23529
accepted auditing standards, the superintendent of credit unions 23530
shall require the corporation to take such action as ~~he~~ the 23531
superintendent considers appropriate to permit an independent 23532
accountant to remove such qualification from the report, 23533
certificate, or opinion. The superintendent may reject any 23534
financial statement, report, certificate, or opinion filed 23535
pursuant to division (A) of this section by notifying the 23536
corporation of its rejection and the cause thereof. Within thirty 23537
days after receipt of such notice, the corporation shall correct 23538
such qualification, and the failure to do so is deemed a violation 23539
of this division. The superintendent shall retain a copy of all 23540
filings so rejected. 23541

(C) The superintendent of credit unions shall conduct or 23542
cause to be conducted, not more often than annually and not less 23543
than every three years, an audit examination of the credit union 23544
share guaranty corporation. The audit examination shall include an 23545
actuarial study of the capital adequacy of the corporation. The 23546
corporation shall be assessed the costs of such audit examination, 23547
which assessment shall not exceed one per cent of the capital 23548
contributions and surplus of the corporation. 23549

(D) The superintendent of credit unions may require a special 23550
examination of the corporation in the event the superintendent 23551
determines that there is or will be an impairment of the guarantee 23552
fund as defined in division (C)(1) of section 1761.10 of the 23553
Revised Code. The corporation shall be assessed the cost of such 23554
special examination. 23555

(E) The accounting of the corporation shall be on a calendar 23556

year basis or as otherwise prescribed by the corporation with the 23557
prior written approval of the superintendent of credit unions. The 23558
books of the corporation shall be maintained in accordance with 23559
generally accepted accounting principles. 23560

(F) The corporation shall make any other special report to 23561
the superintendent of credit unions as ~~he~~ the superintendent may 23562
from time to time require. Such a report shall be in the form and 23563
filed at such date as prescribed by the superintendent, and shall, 23564
if required by the superintendent, be verified in such manner as 23565
prescribed. 23566

(G) Each credit union share guaranty corporation shall be 23567
subject to examination by the superintendent of insurance in 23568
accordance with section 3901.07 of the Revised Code. Section 23569
3901.07 of the Revised Code shall govern every aspect of the 23570
examination, including the circumstances under and frequency with 23571
which it is conducted, the authority of the superintendent and any 23572
examiner or other person appointed by the superintendent, the 23573
liability for the assessment of expenses incurred in conducting 23574
the examination, and the remittance of the assessment to the 23575
~~superintendent's examination~~ department of insurance operating 23576
fund. 23577

(H) All of the provisions of this section are in addition to 23578
those chapters of Title XXXIX of the Revised Code specified in 23579
division (A) of section 1761.04 of the Revised Code. 23580

Sec. 1901.261. (A)(1) A municipal court may determine that 23581
for the efficient operation of the court additional funds are 23582
required to computerize the court, to make available computerized 23583
legal research services, or to do both. Upon making a 23584
determination that additional funds are required for either or 23585
both of those purposes, the court shall include in its schedule of 23586
fees and costs under section 1901.26 of the Revised Code one 23587

additional fee not to exceed three dollars on the filing of each 23588
cause of action or appeal equivalent to one described in division 23589
(A), (Q), or (U) of section 2303.20 of the Revised Code and shall 23590
direct the clerk of the court to charge the fee. 23591

(2) All fees collected under this section shall be paid on or 23592
before the twentieth day of the month following the month in which 23593
they are collected to the county treasurer if the court is a 23594
county-operated municipal court or to the city treasurer if the 23595
court is not a county-operated municipal court. The treasurer 23596
shall place the funds from the fees in a separate fund to be 23597
disbursed upon an order of the court, subject to an appropriation 23598
by the board of county commissioners if the court is a 23599
county-operated municipal court or by the legislative authority of 23600
the municipal corporation if the court is not a county-operated 23601
municipal court, or upon an order of the court, subject to the 23602
court making an annual report available to the public listing the 23603
use of all such funds, in an amount not greater than the actual 23604
cost to the court of computerizing the court, procuring and 23605
maintaining computerized legal research services, or both. 23606

(3) If the court determines that the funds in the fund 23607
described in division (A)(2) of this section are more than 23608
sufficient to satisfy the purpose for which the additional fee 23609
described in division (A)(1) of this section was imposed, the 23610
court may declare a surplus in the fund and, subject to an 23611
appropriation by the board of county commissioners if the court is 23612
a county-operated municipal court or by the legislative authority 23613
of the municipal corporation if the court is not a county-operated 23614
municipal court, expend those surplus funds, or upon an order of 23615
the court, subject to the court making an annual report available 23616
to the public listing the use of all such funds, expend those 23617
surplus funds, for other appropriate technological expenses of the 23618
court. 23619

(B)(1) A municipal court may determine that, for the efficient operation of the court, additional funds are required to computerize the office of the clerk of the court and, upon that determination, may include in its schedule of fees and costs under section 1901.26 of the Revised Code an additional fee not to exceed ~~ten~~ twenty dollars on the filing of each cause of action or appeal, on the filing, docketing, and endorsing of each certificate of judgment, or on the docketing and indexing of each aid in execution or petition to vacate, revive, or modify a judgment that is equivalent to one described in division (A), (P), (Q), (T), or (U) of section 2303.20 of the Revised Code. Subject to division (B)(2) of this section, all moneys collected under division (B)(1) of this section shall be paid on or before the twentieth day of the month following the month in which they are collected to the county treasurer if the court is a county-operated municipal court or to the city treasurer if the court is not a county-operated municipal court. The treasurer shall place the funds from the fees in a separate fund to be disbursed, upon an order of the municipal court and subject to an appropriation by the board of county commissioners if the court is a county-operated municipal court or by the legislative authority of the municipal corporation if the court is not a county-operated municipal court, in an amount no greater than the actual cost to the court of procuring and maintaining computer systems for the office of the clerk of the municipal court.

(2) If a municipal court makes the determination described in division (B)(1) of this section, the board of county commissioners of the county if the court is a county-operated municipal court or the legislative authority of the municipal corporation if the court is not a county-operated municipal court, may issue one or more general obligation bonds for the purpose of procuring and maintaining the computer systems for the office of the clerk of the municipal court. In addition to the purposes stated in

division (B)(1) of this section for which the moneys collected 23653
under that division may be expended, the moneys additionally may 23654
be expended to pay debt charges and financing costs related to any 23655
general obligation bonds issued pursuant to division (B)(2) of 23656
this section as they become due. General obligation bonds issued 23657
pursuant to division (B)(2) of this section are Chapter 133. 23658
securities. 23659

Sec. 1901.313. (A) Pleadings or documents may be filed with 23660
the clerk of court either in paper format or in electronic format. 23661

(B)(1) The clerk shall determine whether the filing of 23662
pleadings or documents in electronic format may be accomplished 23663
either by electronic mail or through the use of an online 23664
platform. 23665

(2) The fee for filing pleadings or documents in electronic 23666
format may be paid after the filing. The clerk shall not require 23667
that any fee for the filing of pleadings or documents in 23668
electronic format be paid before the filing, unless the clerk has 23669
provided for an electronic payment system for such filing. 23670

(3) The clerk shall not require a fee for the filing of 23671
pleadings or documents in electronic format that is greater than 23672
the applicable fee for the filing of pleadings or documents in 23673
paper format. 23674

(C) Pleadings and documents filed in paper format may be 23675
converted to an electronic format. Documents created by the clerk 23676
of court in the exercise of the clerk's duties may be created in 23677
an electronic format. 23678

(D) When pleadings or documents are received or created in, 23679
or converted to, an electronic format as provided in this section, 23680
the pleadings or documents in that format shall be considered the 23681
official version of the record. 23682

Sec. 1907.202. (A) Pleadings or documents may be filed with 23683
the clerk of the county court either in paper format or in 23684
electronic format. 23685

(B)(1) The clerk shall determine whether the filing of 23686
pleadings or documents in electronic format may be accomplished 23687
either by electronic mail or through the use of an online 23688
platform. 23689

(2) The fee for filing pleadings or documents in electronic 23690
format may be paid after the filing. The clerk shall not require 23691
that any fee for the filing of pleadings or documents in 23692
electronic format be paid before the filing, unless the clerk has 23693
provided for an electronic payment system for such filing. 23694

(3) The clerk shall not require a fee for the filing of 23695
pleadings or documents in electronic format that is greater than 23696
the applicable fee for the filing of pleadings or documents in 23697
paper format. 23698

(C) Pleadings and documents filed in paper format may be 23699
converted to an electronic format. Documents created by the clerk 23700
of the county court in the exercise of the clerk's duties may be 23701
created in an electronic format. 23702

(D) When pleadings or documents are received or created in, 23703
or converted to, an electronic format as provided in this section, 23704
the pleadings or documents in that format shall be considered the 23705
official version of the record. 23706

Sec. 1907.261. (A)(1) A county court may determine that for 23707
the efficient operation of the court additional funds are required 23708
to computerize the court, to make available computerized legal 23709
research services, or to do both. Upon making a determination that 23710
additional funds are required for either or both of those 23711
purposes, the court shall include in its schedule of fees and 23712

costs under section 1907.24 of the Revised Code one additional fee 23713
not to exceed three dollars on the filing of each cause of action 23714
or appeal equivalent to one described in division (A), (Q), or (U) 23715
of section 2303.20 of the Revised Code and shall direct the clerk 23716
of the court to charge the fee. 23717

(2) All fees collected under this section shall be paid on or 23718
before the twentieth day of the month following the month in which 23719
they are collected to the county treasurer. The treasurer shall 23720
place the funds from the fees in a separate fund to be disbursed 23721
either upon an order of the court, subject to an appropriation by 23722
the board of county commissioners, or upon an order of the court, 23723
subject to the court making an annual report available to the 23724
public listing the use of all such funds, in an amount not greater 23725
than the actual cost to the court of computerizing the court, 23726
procuring and maintaining computerized legal research services, or 23727
both. 23728

(3) If the court determines that the funds in the fund 23729
described in division (A)(2) of this section are more than 23730
sufficient to satisfy the purpose for which the additional fee 23731
described in division (A)(1) of this section was imposed, the 23732
court may declare a surplus in the fund and, subject to an 23733
appropriation by the board of county commissioners, expend those 23734
surplus funds, or upon an order of the court, subject to the court 23735
making an annual report available to the public listing the use of 23736
all such funds, expend those surplus funds, for other appropriate 23737
technological expenses of the court. 23738

(B)(1) A county court may determine that, for the efficient 23739
operation of the court, additional funds are required to 23740
computerize the office of the clerk of the court and, upon that 23741
determination, may include in its schedule of fees and costs under 23742
section 1907.24 of the Revised Code an additional fee not to 23743
exceed ~~ten~~ twenty dollars on the filing of each cause of action or 23744

appeal, on the filing, docketing, and endorsing of each 23745
certificate of judgment, or on the docketing and indexing of each 23746
aid in execution or petition to vacate, revive, or modify a 23747
judgment that is equivalent to one described in division (A), (P), 23748
(Q), (T), or (U) of section 2303.20 of the Revised Code. Subject 23749
to division (B)(2) of this section, all moneys collected under 23750
division (B)(1) of this section shall be paid on or before the 23751
twentieth day of the month following the month in which they are 23752
collected to the county treasurer. The treasurer shall place the 23753
funds from the fees in a separate fund to be disbursed, upon an 23754
order of the county court and subject to an appropriation by the 23755
board of county commissioners, in an amount no greater than the 23756
actual cost to the court of procuring and maintaining computer 23757
systems for the office of the clerk of the county court. 23758

(2) If a county court makes the determination described in 23759
division (B)(1) of this section, the board of county commissioners 23760
of that county may issue one or more general obligation bonds for 23761
the purpose of procuring and maintaining the computer systems for 23762
the office of the clerk of the county court. In addition to the 23763
purposes stated in division (B)(1) of this section for which the 23764
moneys collected under that division may be expended, the moneys 23765
additionally may be expended to pay debt charges and financing 23766
costs related to any general obligation bonds issued pursuant to 23767
division (B)(2) of this section as they become due. General 23768
obligation bonds issued pursuant to division (B)(2) of this 23769
section are Chapter 133. securities. 23770

Sec. 2101.16. (A) Except as provided in section 2101.164 of 23771
the Revised Code, the fees enumerated in this division shall be 23772
charged and collected, if possible, by the probate judge and shall 23773
be in full for all services rendered in the respective 23774
proceedings: 23775

(1) Account, in addition to advertising charges		23776
.....	\$ 12.00	23777
Waivers and proof of notice of hearing on account, per page, minimum one dollar		23778
.....	\$ 1.00	23779
(2) Account of distribution, in addition to advertising charges		23780
.....	\$ 7.00	23781
(3) Adoption of child, petition for		23782
.....	\$ 20.00	23783
(4) Alter or cancel contract for sale or purchase of real property, complaint to		23784
.....	\$ 20.00	23785
(5) Application and order not otherwise provided for in this section or by rule adopted pursuant to division (E) of this section		23786
.....	\$ 5.00	23787
(6) Appropriation suit, per day, hearing in		23788
.....	\$ 20.00	23789
(7) Birth, application for registration of		23790
.....	\$ 7.00	23791
(8) Birth record, application to correct		23792
.....	\$ 5.00	23793
(9) Bond, application for new or additional		23794
.....	\$ 5.00	23795
(10) Bond, application for release of surety or reduction of		23796
.....	\$ 5.00	23797
(11) Bond, receipt for securities deposited in lieu of		23798
.....	\$ 5.00	23799
(12) Certified copy of journal entry, record, or proceeding, per page, minimum fee one dollar		23800
.....	\$ 1.00	23801

(13) Citation and issuing citation, application for		23802
.....	\$ 5.00	23803
(14) Change of name, petition for		23804
.....	\$ 20.00	23805
(15) Claim, application of administrator or executor for allowance of administrator's or executor's own		23806
.....	\$ 10.00	23807
(16) Claim, application to compromise or settle		23808
.....	\$ 10.00	23809
(17) Claim, authority to present		23810
.....	\$ 10.00	23811
(18) Commissioner, appointment of		23812
.....	\$ 5.00	23813
(19) Compensation for extraordinary services and attorney's fees for fiduciary, application for		23814
.....	\$ 5.00	23815
(20) Competency, application to procure adjudication of		23816
.....	\$ 20.00	23817
(21) Complete contract, application to		23818
.....	\$ 10.00	23819
(22) Concealment of assets, citation for		23820
.....	\$ 10.00	23821
(23) Construction of will, complaint for		23822
.....	\$ 20.00	23823
(24) Continue decedent's business, application to		23824
.....	\$ 10.00	23825
Monthly reports of operation		23826
.....	\$ 5.00	23827
(25) Declaratory judgment, complaint for		23828
.....	\$ 20.00	23829
(26) Deposit of will		23830
.....	\$ 5.00	23831
(27) Designation of heir		23832

.....	\$ 20.00	23833
(28) Distribution in kind, application, assent, and order for		23834
.....	\$ 5.00	23835
(29) Distribution under section 2109.36 of the Revised Code, application for an order of		23836
.....	\$ 7.00	23837
(30) Docketing and indexing proceedings, including the filing and noting of all necessary documents, maximum fee, fifteen dollars		23838
.....	\$ 15.00	23839
(31) Exceptions to any proceeding named in this section, contest of appointment or		23840
.....	\$ 10.00	23841
(32) Election of surviving partner to purchase assets of partnership, proceedings relating to		23842
.....	\$ 10.00	23843
(33) Election of surviving spouse under will		23844
.....	\$ 5.00	23845
(34) Fiduciary, including an assignee or trustee of an insolvent debtor or any guardian or conservator accountable to the probate court, appointment of		23846
.....	\$ 35.00	23847
(35) Foreign will, application to record		23848
.....	\$ 10.00	23849
Record of foreign will, additional, per page		23850
.....	\$ 1.00	23851
(36) Forms when supplied by the probate court, not to exceed		23852
.....	\$ 10.00	23853
(37) Heirship, complaint to determine		23854
.....	\$ 20.00	23855
(38) Injunction proceedings		23856

.....	\$ 20.00	23857
(39) Improve real property, petition to		23858
.....	\$ 20.00	23859
(40) Inventory with appraisalment		23860
.....	\$ 10.00	23861
(41) Inventory without appraisalment		23862
.....	\$ 7.00	23863
(42) Investment or expenditure of funds, application for		23864
.....	\$ 10.00	23865
(43) Invest in real property, application to		23866
.....	\$ 10.00	23867
(44) Lease for oil, gas, coal, or other mineral, petition to		23868
.....	\$ 20.00	23869
(45) Lease or lease and improve real property, petition to		23870
.....	\$ 20.00	23871
(46) Marriage license		23872
.....	\$ 10.00	23873
Certified abstract of each marriage		23874
.....	\$ 2.00	23875
(47) Minor or incompetent person, etc., disposal of estate under twenty-five thousand dollars of		23876
.....	\$ 10.00	23877
(48) Mortgage or mortgage and repair or improve real property, complaint to		23878
.....	\$ 20.00	23879
(49) Newly discovered assets, report of		23880
.....	\$ 7.00	23881
(50) Nonresident executor or administrator to bar creditors' claims, proceedings by		23882
.....	\$ 20.00	23883
(51) Power of attorney or revocation of power, bonding company		23884

.....	\$ 10.00	23885
(52) Presumption of death, petition to establish		23886
.....	\$ 20.00	23887
(53) Probating will		23888
.....	\$ 15.00	23889
Proof of notice to beneficiaries		23890
.....	\$ 5.00	23891
(54) Purchase personal property, application of surviving spouse to		23892
.....	\$ 10.00	23893
(55) Purchase real property at appraised value, petition of surviving spouse to		23894
.....	\$ 20.00	23895
(56) Receipts in addition to advertising charges, application and order to record		23896
.....	\$ 5.00	23897
Record of those receipts, additional, per page		23898
.....	\$ 1.00	23899
(57) Record in excess of fifteen hundred words in any proceeding in the probate court, per page		23900
.....	\$ 1.00	23901
(58) Release of estate by mortgagee or other lienholder		23902
.....	\$ 5.00	23903
(59) Relieving an estate from administration under section 2113.03 of the Revised Code or granting an order for a summary release from administration under section 2113.031 of the Revised Code		23904
.....	\$ 60.00	23905
(60) Removal of fiduciary, application for		23906
.....	\$ 10.00	23907
(61) Requalification of executor or administrator		23908
.....	\$ 10.00	23909
(62) Resignation of fiduciary		23910

.....	\$ 5.00	23911
(63) Sale bill, public sale of personal property		23912
.....	\$ 10.00	23913
(64) Sale of personal property and report, application for		23914
.....	\$ 10.00	23915
(65) Sale of real property, petition for		23916
.....	\$ 25.00	23917
(66) Terminate guardianship, petition to		23918
.....	\$ 10.00	23919
(67) Transfer of real property, application, entry, and certificate for		23920
.....	\$ 7.00	23921
(68) Unclaimed money, application to invest		23922
.....	\$ 7.00	23923
(69) Vacate approval of account or order of distribution, motion to		23924
.....	\$ 10.00	23925
(70) Writ of execution		23926
.....	\$ 5.00	23927
(71) Writ of possession		23928
.....	\$ 5.00	23929
(72) Wrongful death, application and settlement of claim for		23930
.....	\$ 20.00	23931
(73) Year's allowance, petition to review		23932
.....	\$ 7.00	23933
(74) Guardian's report, filing and review of		23934
.....	\$ 5.00	23935
(75) Person with a mental illness subject to court order, filing of affidavit and proceedings for		23936
.....	\$ 25.00	23937
(B)(1) In relation to an application for the appointment of a guardian or the review of a report of a guardian under section		23938 23939

2111.49 of the Revised Code, the probate court, pursuant to court order or in accordance with a court rule, may direct that the applicant or the estate pay any or all of the expenses of an investigation conducted pursuant to section 2111.041 or division (A)(2) of section 2111.49 of the Revised Code. If the investigation is conducted by a public employee or investigator who is paid by the county, the fees for the investigation shall be paid into the county treasury. If the court finds that an alleged incompetent or a ward is indigent, the court may waive the costs, fees, and expenses of an investigation.

(2) In relation to the appointment or functioning of a guardian for a minor or the guardianship of a minor, the probate court may direct that the applicant or the estate pay any or all of the expenses of an investigation conducted pursuant to section 2111.042 of the Revised Code. If the investigation is conducted by a public employee or investigator who is paid by the county, the fees for the investigation shall be paid into the county treasury. If the court finds that the guardian or applicant is indigent, the court may waive the costs, fees, and expenses of an investigation.

(3) In relation to the filing of an affidavit of mental illness for a person with a mental illness subject to court order, the court may waive the fee under division (A)(75) of this section if the court finds that the affiant is indigent or for good cause shown.

(C) Thirty dollars of the thirty-five-dollar fee collected pursuant to division (A)(34) of this section and twenty dollars of the sixty-dollar fee collected pursuant to division (A)(59) of this section shall be deposited by the county treasurer in the indigent guardianship fund created pursuant to section 2111.51 of the Revised Code.

(D) The fees of witnesses, jurors, sheriffs, coroners, and constables for services rendered in the probate court or by order

of the probate judge shall be the same as provided for similar 23972
services in the court of common pleas. 23973

(E) The probate court, by rule, may require an advance 23974
deposit for costs, not to exceed one hundred twenty-five dollars, 23975
at the time application is made for an appointment as executor or 23976
administrator or at the time a will is presented for probate. 23977

(F)(1) The "putative father registry fund" is hereby created 23978
in the state treasury. The department of job and family services 23979
shall use the money in the fund to fund the department's costs of 23980
performing its duties related to the putative father registry 23981
established under section 3107.062 of the Revised Code. 23982

(2) If the department determines that money in the putative 23983
father registry fund is more than is needed for its duties related 23984
to the putative father registry, the department may use the 23985
surplus moneys in the fund as permitted in division ~~(C)~~(D) of 23986
section ~~2151.3534~~ 2151.3527, ~~division (B) of section 2151.3535~~, or 23987
section 5103.155 of the Revised Code. 23988

Sec. 2108.35. (A) There is hereby created within the 23989
department of health the second chance trust fund advisory 23990
committee, consisting of thirteen members. The members shall 23991
include the following: 23992

(1) The chairs of the standing committees of the house of 23993
representatives and senate with primary responsibilities for 23994
health legislation; 23995

(2) One representative of each of the following appointed by 23996
the director of health: 23997

(a) An Ohio organ procurement organization that is a member 23998
of the Organ Procurement and Transplantation Network; 23999

(b) An Ohio tissue bank that is an accredited member of the 24000
American association of tissue banks; 24001

(c) An Ohio eye bank that is certified by the eye bank association of America;	24002 24003
(d) The Ohio solid organ transplantation consortium;	24004
(e) A hospital to which both of the following apply:	24005
(i) It is a member of the Ohio hospital association.	24006
(ii) It has a transplant program or a facility that has been verified as a level I or level II trauma center by the American college of surgeons.	24007 24008 24009
(f) The department of health.	24010
(3) Three members of the public appointed by the director who are not affiliated with procurement organizations;	24011 24012
(4) Two members appointed by the director who are either affiliated with procurement organizations or members of the public.	24013 24014 24015
(B) Of the members first appointed under division (A)(2) of this section, the representatives of the organ procurement organization, tissue procurement organization, and eye bank shall serve terms of three years; the representatives of the department of health and Ohio solid organ transplantation consortium shall serve terms of two years; and the member representing the Ohio hospital association shall serve a term of one year. Thereafter, all members shall serve terms of three years.	24016 24017 24018 24019 24020 24021 24022 24023
(C) Members appointed under division (A)(2), (3), or (4) of this section shall be geographically and demographically representative of the state. No more than a total of three members appointed under divisions (A)(2), (3), and (4) of this section shall be affiliated with the same procurement organization or group of procurement organizations. Procurement organizations that recover only one type of organ, tissue, or part, as well as procurement organizations that recover more than one type of	24024 24025 24026 24027 24028 24029 24030 24031

organ, tissue, or part, shall be represented. 24032

~~No individual appointed under division (A)(2), (3), or (4) of~~ 24033
~~this section shall serve more than two consecutive terms,~~ 24034
~~regardless of whether the terms were full or partial terms.~~ Each 24035
member shall serve from the date of appointment until the member's 24036
successor is appointed. All vacancies on the committee shall be 24037
filled for the balance of the unexpired term in the same manner as 24038
the original appointment. 24039

(D) The committee shall ~~annually~~ elect a chairperson from 24040
among its members and shall establish procedures for the 24041
governance of its operations. The committee shall meet at least 24042
semiannually. It shall submit an annual report of its activities 24043
and recommendations to the director of health. 24044

(E) Committee members shall serve without compensation, but 24045
shall be reimbursed from the second chance trust fund for all 24046
actual and necessary expenses incurred in the performance of 24047
official duties. 24048

(F) The committee shall do all of the following: 24049

(1) Make recommendations to the director of health for 24050
projects for funding from the second chance trust fund; 24051

(2) Consult with the registrar of motor vehicles in 24052
formulating proposed rules under division (C)(1) of section 24053
2108.23 of the Revised Code; 24054

(3) As requested, consult with the registrar or director on 24055
other matters related to organ donation; 24056

(4) Approve brochures, written materials, and electronic 24057
media regarding anatomical gifts and anatomical gift procedures 24058
for use in driver training schools pursuant to section 4508.021 of 24059
the Revised Code. 24060

(G) The committee is not subject to section 101.84 of the 24061

Revised Code. 24062

Sec. 2109.21. (A) An administrator, special administrator, 24063
administrator de bonis non, or administrator with the will annexed 24064
shall be a resident of this state and shall be removed on proof 24065
that the administrator is no longer a resident of this state. 24066

~~(B)(1)~~(B)(1)(a) To qualify for appointment as executor or 24067
trustee, an executor or a trustee named in a will or nominated in 24068
accordance with any power of nomination conferred in a will, may 24069
be a resident of this state or, as provided in this division, a 24070
nonresident of this state. To qualify for appointment, a 24071
nonresident executor or trustee named in, or nominated pursuant 24072
to, a will shall be ~~an~~ one of the following: 24073

(i) An individual who is related to the testator by 24074
consanguinity or affinity, ~~or a;~~ 24075

(ii) A private trust company or family trust company 24076
organized under the laws of any state; 24077

(iii) A person who resides in a state that has statutes or 24078
rules that authorize the appointment of a nonresident person who 24079
is not related to the testator by consanguinity or affinity, as an 24080
executor or trustee when named in, or nominated pursuant to, a 24081
will. ~~No such~~ 24082

(b) No executor or trustee under division (B)(1)(a) of this 24083
section shall be refused appointment or removed solely because the 24084
executor or trustee is not a resident of this state. 24085

(c) The court may require that a nonresident executor or 24086
trustee named in, or nominated pursuant to, a will assure that all 24087
of the assets of the decedent that are in the county at the time 24088
of the death of the decedent will remain in the county until 24089
distribution or until the court determines that the assets may be 24090
removed from the county. 24091

(d) The court may require a nonresident private trust company or family trust company appointed under division (B)(1)(a)(ii) of this section to appoint a resident agent to accept service of process, notices, and other documents. 24092
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~~(2)~~(2)(a) In accordance with this division and section 2129.08 of the Revised Code, the court shall appoint as an ancillary administrator a person who is named in the will of a nonresident decedent, or who is nominated in accordance with any power of nomination conferred in the will of a nonresident decedent, as a general executor of the decedent's estate or as executor of the portion of the decedent's estate located in this state, whether or not the person so named or nominated is a resident of this state. 24096
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To qualify for appointment as an ancillary administrator, a person who is not a resident of this state and who is named or nominated as described in this division, shall be ~~an~~ one of the following: 24105
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(i) An individual who is related to the testator by consanguinity or affinity, ~~or a;~~ 24109
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(ii) A private trust company or family trust company organized under the laws of any state; 24111
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(iii) A person who resides in a state that has statutes or rules that authorize the appointment of a nonresident of that state who is not related to the testator by consanguinity or affinity, as an ancillary administrator when the nonresident is named in a will or nominated in accordance with any power of nomination conferred in a will. ~~If~~ 24113
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(b) If a person who is not a resident of this state and who is named or nominated as described in ~~this~~ division (B)(2)(a) of this section so qualifies for appointment as an ancillary administrator and if the provisions of section 2129.08 of the 24119
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Revised Code are satisfied, the court shall not refuse to appoint 24123
the person, and shall not remove the person, as ancillary 24124
administrator solely because the person is not a resident of this 24125
state. 24126

(c) The court may require that an ancillary administrator who 24127
is not a resident of this state and who is named or nominated as 24128
described in ~~this~~ division (B)(2)(a) of this section, assure that 24129
all of the assets of the decedent that are in the county at the 24130
time of the death of the decedent will remain in the county until 24131
distribution or until the court determines that the assets may be 24132
removed from the county. 24133

(d) The court may require a nonresident private trust company 24134
or family trust company appointed under division (B)(2)(a)(ii) of 24135
this section to appoint a resident agent to accept service of 24136
process, notices, and other documents. 24137

(C)(1) A guardian of the estate shall be a resident of this 24138
state, except that the court may appoint a nonresident of this 24139
state as a guardian of the estate if any of the following applies: 24140

(a) The nonresident is named in a will by a parent of a 24141
minor. 24142

(b) The nonresident is selected by a minor over the age of 24143
fourteen years as provided by section 2111.12 of the Revised Code. 24144

(c) The nonresident is nominated in or pursuant to a durable 24145
power of attorney under section 1337.24 of the Revised Code or a 24146
writing as described in division (A) of section 2111.121 of the 24147
Revised Code. 24148

(2) A guardian of the estate, other than a guardian named in 24149
a will by a parent of a minor, selected by a minor over the age of 24150
fourteen years, or nominated in or pursuant to a durable power of 24151
attorney or writing described in division (C)(1)(c) of this 24152
section, may be removed on proof that the guardian of the estate 24153

is no longer a resident of this state. 24154

(3) The court may appoint a resident or nonresident of this 24155
state as a guardian of the person. 24156

(D) Any fiduciary, whose residence qualifications are not 24157
defined in this section, shall be a resident of this state, and 24158
shall be removed on proof that the fiduciary is no longer a 24159
resident of this state. 24160

(E) Any fiduciary, in order to assist in the carrying out of 24161
the fiduciary's fiduciary duties, may employ agents who are not 24162
residents of the county or of this state. 24163

(F) Every fiduciary shall sign and file with the court a 24164
statement of permanent address and shall notify the court of any 24165
change of address. A court may remove a fiduciary if the fiduciary 24166
fails to comply with this division. 24167

Sec. 2151.031. As used in this chapter, an "abused child" 24168
includes any child who: 24169

(A) Is the victim of "sexual activity" as defined under 24170
Chapter 2907. of the Revised Code, where such activity would 24171
constitute an offense under that chapter, except that the court 24172
need not find that any person has been convicted of the offense in 24173
order to find that the child is an abused child; 24174

(B) Is the victim of disseminating, obtaining, or displaying 24175
"materials" or "performances" that are "harmful to juveniles" as 24176
defined under Chapter 2907. of the Revised Code, where such 24177
activity would constitute an offense under that chapter, except 24178
that the court need not find that any person has been convicted of 24179
the offense in order to find that the child is an abused child; 24180

(C) Is endangered as defined in section 2919.22 of the 24181
Revised Code, except that the court need not find that any person 24182
has been convicted under that section in order to find that the 24183

child is an abused child; 24184

~~(C)~~(D) Exhibits evidence of any physical or mental injury or 24185
death, inflicted other than by accidental means, or an injury or 24186
death which is at variance with the history given of it. Except as 24187
provided in division ~~(D)~~(E) of this section, a child exhibiting 24188
evidence of corporal punishment or other physical disciplinary 24189
measure by a parent, guardian, custodian, caretaker, person having 24190
custody or control, or person in loco parentis of a child is not 24191
an abused child under this division if the measure is not 24192
prohibited under section 2919.22 of the Revised Code. 24193

~~(D)~~(E) Because of the acts of ~~his~~ the child's parents, 24194
guardian, ~~or~~ custodian, or caretaker, suffers physical or mental 24195
injury that harms or threatens to harm the child's health or 24196
welfare. 24197

~~(E)~~(F) Is subjected to out-of-home care child abuse. 24198

Sec. 2151.231. (A) The parent, ~~guardian~~, or ~~eustodian~~ 24199
caretaker of a child, ~~the person with whom a child resides~~, or the 24200
child support enforcement agency of the county in which the child, 24201
parent, ~~guardian~~, or ~~eustodian~~ caretaker of the child resides may 24202
bring an action in a juvenile court or other court with 24203
jurisdiction under section 2101.022 or 2301.03 of the Revised Code 24204
under this section requesting the court to issue an order 24205
requiring a parent of the child to pay an amount for the support 24206
of the child without regard to the marital status of the child's 24207
parents. No action may be brought under this section against a 24208
person presumed to be the parent of a child based on an 24209
acknowledgment of paternity that has not yet become final under 24210
former section 3111.211 or 5101.314 or section 2151.232, 3111.25, 24211
or 3111.821 of the Revised Code. 24212

The parties to an action under this section may raise the 24213
issue of the existence or nonexistence of a parent-child 24214

relationship, unless a final and enforceable determination of the 24215
issue has been made with respect to the parties pursuant to 24216
Chapter 3111. of the Revised Code or an acknowledgment of 24217
paternity signed by the child's parents has become final pursuant 24218
to former section 3111.211 or 5101.314 or section 2151.232, 24219
3111.25, or 3111.821 of the Revised Code. If a complaint is filed 24220
under this section and an issue concerning the existence or 24221
nonexistence of a parent-child relationship is raised, the court 24222
shall treat the action as an action pursuant to sections 3111.01 24223
to 3111.18 of the Revised Code. An order issued in an action under 24224
this section does not preclude a party to the action from bringing 24225
a subsequent action pursuant to sections 3111.01 to 3111.18 of the 24226
Revised Code if the issue concerning the existence or nonexistence 24227
of the parent-child relationship was not determined with respect 24228
to the party pursuant to a proceeding under this section, a 24229
proceeding under Chapter 3111. of the Revised Code, or an 24230
acknowledgment of paternity that has become final under former 24231
section 3111.211 or 5101.314 or section 2151.232, 3111.25, or 24232
3111.821 of the Revised Code. An order issued pursuant to this 24233
section shall remain effective until an order is issued pursuant 24234
to sections 3111.01 to 3111.18 of the Revised Code that a 24235
parent-child relationship does not exist between the alleged 24236
father of the child and the child or until the occurrence of an 24237
event described in section 3119.88 of the Revised Code that would 24238
require the order to terminate. 24239

The court, in accordance with sections 3119.29 to 3119.56 of 24240
the Revised Code, shall include in each support order made under 24241
this section the requirement that one or both of the parents 24242
provide for the health care needs of the child to the satisfaction 24243
of the court. 24244

(B) As used in this section, "caretaker" has the same meaning 24245
as in section 3119.01 of the Revised Code. 24246

Sec. 2151.315. (A) As used in this section:	24247
(1) "age-appropriate <u>Age-appropriate</u> " means activities or	24248
items that are generally accepted as suitable for children of the	24249
same chronological age or level of maturity. Age appropriateness	24250
is based on the development of cognitive, emotional, physical, and	24251
behavioral capacity that is typical for an age or age group.	24252
(2) <u>"Resource caregiver" has the same meaning as in section</u>	24253
<u>5103.02 of the Revised Code.</u>	24254
(B) A child who is <u>placed with a resource caregiver or who is</u>	24255
subject to out-of-home care for alleged or adjudicated abused,	24256
neglected, or dependent children is entitled to participate in	24257
age-appropriate extracurricular, enrichment, and social	24258
activities.	24259
(C) A <u>resource caregiver or a person or facility</u> that is	24260
providing out-of-home care for an alleged or adjudicated abused,	24261
neglected, or dependent child shall consider all of the following	24262
when determining whether to give permission for that child to	24263
participate in extracurricular, enrichment, or social activities:	24264
(1) The child's age, maturity, and developmental level to	24265
maintain the overall health and safety of the child;	24266
(2) The potential risk factors and the appropriateness of the	24267
extracurricular, enrichment, or social activity;	24268
(3) The best interest of the child based on information known	24269
by the <u>resource caregiver or a person or facility</u> providing	24270
out-of-home care for an alleged or adjudicated abused, neglected,	24271
or dependent <u>the</u> child;	24272
(4) The importance of encouraging the child's emotional and	24273
developmental growth;	24274
(5) The importance of providing the child with the most	24275
family-like living experience possible;	24276

(6) The behavioral history of the child and the child's ability to safely participate in the extracurricular, enrichment, or social activity. 24277
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(D) A resource caregiver or person or facility that provides out-of-home care to an alleged or adjudicated abused, neglected, or dependent child shall be immune from liability in a civil action to recover damages for injury, death, or loss to person or property caused to the child who participates in an extracurricular, enrichment, or social activity approved by the resource caregiver, person, or facility provided that the resource caregiver, person, or facility considered the factors described in division (C) of this section. 24280
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Sec. 2151.3515. As used in sections 2151.3515 to ~~2151.3535~~ 2151.3533 of the Revised Code: 24289
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(A) "Emergency medical service organization," "emergency medical technician-basic," "emergency medical technician-intermediate," "first responder," and "paramedic" have the same meanings as in section 4765.01 of the Revised Code. 24291
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(B) "Emergency medical service worker" means a first responder, emergency medical technician-basic, emergency medical technician-intermediate, or paramedic. 24295
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(C) "Hospital" has the same meaning as in section 3727.01 of the Revised Code. 24298
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(D) "Hospital employee" means any of the following persons: 24300

(1) A physician who has been granted privileges to practice at the hospital; 24301
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(2) A nurse, physician assistant, or nursing assistant employed by the hospital; 24303
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(3) An authorized person employed by the hospital who is acting under the direction of a physician described in division 24305
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~~(E)(1)~~(D)(1) of this section. 24307

(E) "Law enforcement agency" means an organization or entity 24308
made up of peace officers. 24309

(F) "Nurse" means a person who is licensed under Chapter 24310
4723. of the Revised Code to practice as a registered nurse or 24311
licensed practical nurse. 24312

(G) "Nursing assistant" means a person designated by a 24313
hospital as a nurse aide or nursing assistant whose job is to aid 24314
nurses, physicians, and physician assistants in the performance of 24315
their duties. 24316

(H) "Peace officer" means a sheriff, deputy sheriff, 24317
constable, police officer of a township or joint police district, 24318
marshal, deputy marshal, municipal police officer, or a state 24319
highway patrol trooper. 24320

(I) "Peace officer support employee" means an authorized 24321
person employed by a law enforcement agency who is acting under 24322
the direction of a peace officer. 24323

(J) "Physician" means an individual authorized under Chapter 24324
4731. of the Revised Code to practice medicine and surgery, 24325
osteopathic medicine and surgery, or podiatric medicine and 24326
surgery. 24327

~~(J)~~(K) "Physician assistant" means an individual who holds a 24328
current, valid license to practice as a physician assistant issued 24329
under Chapter 4730. of the Revised Code. 24330

Sec. 2151.3516. A parent may voluntarily deliver ~~his or her~~ 24331
the parent's child who is not older than thirty days, without 24332
intent to return for the child, to a any of the following: 24333

(A) An entity or person specified in section 2151.3517 of the 24334
Revised Code ~~or a;~~ 24335

(B) A peace officer, peace officer support employee, hospital employee, or emergency medical service worker specified in section 2151.3517 of the Revised Code, by calling 9-1-1 and waiting with the child until the officer, support employee, employee, or worker arrives and takes possession of the child; 24336
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(C) A newborn safety incubator provided by an entity described specified in that section 2151.3517 of the Revised Code and that meets the requirements of section 2151.3532 of the Revised Code. 24341
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Sec. 2151.3517. The following entities or persons, while acting in an official capacity on behalf of any of the entities, shall take possession of a child delivered in accordance with section 2151.3516 of the Revised Code: 24345
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(A) A law enforcement agency ~~or~~, a peace officer employed by the agency, or a peace officer support employee; 24349
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(B) A hospital or a person granted the privilege to practice at, or employed by, the hospital; 24351
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(C) An emergency medical service organization or an emergency medical service worker employed by or providing services to the organization. 24353
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Sec. 2151.3518. (A) On taking possession of a child pursuant to section 2151.3517 of the Revised Code, a law enforcement agency, hospital, or emergency medical service organization shall do all the following: 24356
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(1) Perform any act necessary to protect the child's health or safety; 24360
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(2) Notify the public children services agency of the county in which the agency, hospital, or organization is located that the child has been taken into possession; 24362
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(3) If possible, make available to the parent who delivered the child forms developed under section ~~2151.3534~~ 2151.3527 of the Revised Code that are designed to gather medical information concerning the child and the child's parents;

(4) If possible, make available to the parent who delivered the child written materials developed under section ~~2151.3534~~ 2151.3527 of the Revised Code that describe services available to assist parents and newborns;

(5) If the child has suffered a physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the child, attempt to identify and pursue the person who delivered the child.

(B) An emergency medical service worker who takes possession of a child shall, in addition to any act performed under division (A)(1) of this section, perform any medical service the worker is authorized to perform that is necessary to protect the physical health or safety of the child.

Sec. ~~2151.3534~~2151.3527. (A) The director of job and family services shall promulgate forms designed to gather pertinent medical information concerning a deserted child and the child's parents. The forms shall clearly and unambiguously state on each page that the information requested is to facilitate medical care for the child, that the forms may be fully or partially completed or left blank, that completing the forms or parts of the forms is completely voluntary, and that no adverse legal consequence will result from failure to complete any part of the forms.

(B) The director shall promulgate written materials to be made available to the parents of a child delivered pursuant to section 2151.3516 of the Revised Code. The materials shall describe services available to assist parents and newborns and shall include information directly relevant to situations that

might cause parents to desert a child and information on the 24396
procedures for a person to follow in order to reunite with a child 24397
the person delivered under section 2151.3516 of the Revised Code, 24398
including notice that the person will be required to submit to a 24399
DNA test, at that person's expense, to prove that the person is 24400
the parent of the child. 24401

(C) The director of job and family services shall distribute 24402
the medical information forms and written materials promulgated 24403
pursuant to this section to all of the following: 24404

(1) Entities permitted to receive a deserted child as 24405
specified in section 2151.3517 of the Revised Code; 24406

(2) Public children services agencies; 24407

(3) Other public or private agencies that, in the discretion 24408
of the director, are best able to disseminate the forms and 24409
materials to the persons who are most in need of the forms and 24410
materials. 24411

(D) If the department of job and family services determines 24412
that money in the putative father registry fund created under 24413
section 2101.16 of the Revised Code is more than is needed for its 24414
duties related to the putative father registry, the department may 24415
use surplus moneys in the fund for costs related to the 24416
development, distribution, and publication of forms and materials 24417
promulgated pursuant to divisions (A) and (B) of this section. 24418

(E) The department of job and family services shall develop 24419
an educational plan, in collaboration with the Ohio family and 24420
children first cabinet council, for informing at-risk populations 24421
who are most likely to voluntarily deliver a child under section 24422
2151.3516 of the Revised Code concerning the provisions of 24423
sections 2151.3515 to 2151.3533 of the Revised Code. 24424

Sec. 2151.3528. A All of the following apply to a parent who 24425

voluntarily delivers a child under section 2151.3516 of the Revised Code ~~may~~: 24426
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~~(A) The parent may~~ complete all or any part of the medical information forms made available under ~~division (A)(3) of~~ section 2151.3518 of the Revised Code. ~~The~~ 24428
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~~(B) The~~ parent may deliver the fully or partially completed forms at the same time as delivering the child or at a later time. ~~The~~ 24431
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~~(C) The~~ parent is not required to complete all or any part of the forms. 24434
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~~(D) The parent may refuse to accept the materials made~~ available under section 2151.3518 of the Revised Code. 24436
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Sec. 2151.3532. ~~Not later than one hundred eighty days after the effective date of this section, the~~(A) The director of the ~~department of~~ health shall adopt rules in accordance with Chapter 119. of the Revised Code governing newborn safety incubators provided by entities described in section 2151.3517 of the Revised Code. The rules shall provide for all of the following: 24438
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~~(A) Sanitation standards;~~ 24444

~~(B) Procedures to provide emergency care for a child delivered to an incubator;~~ 24445
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~~(C) Manufacturing and manufacturer standards;~~ 24447

~~(D)(1)~~ Design and function requirements that include the following: 24448
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~~(1)(a)~~ Take into account installation at a facility operated by a law enforcement agency, a hospital, or an emergency medical service organization; 24450
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~~(2)(b)~~ Allow a child to be placed anonymously from outside 24453

the facility; 24454

~~(3)(c)~~ Lock the incubator after a child is placed in it so 24455
that a person outside the facility is unable to access the child; 24456

~~(4)(d)~~ Provide a controlled environment for the care and 24457
protection of the child; 24458

~~(5)(e)~~ Provide notification to a centralized location in the 24459
facility within thirty seconds of a child being placed in the 24460
incubator; 24461

~~(6)(f)~~ Trigger a 9-1-1 call if a facility does not respond 24462
within a reasonable amount of time after a child is placed in the 24463
facility's incubator. 24464

~~(E) Operating(2) Manufacturing and manufacturer standards;~~ 24465

(3) Installation and installer standards, including: 24466

(a) Qualifications for installers, including that installers 24467
must maintain appropriate certification and licensing credentials; 24468

(b) Procedures and forms for registration of newborn safety 24469
incubator installers. 24470

(4) Subject to section 2151.3533 of the Revised Code, 24471
operating policies, supervision, and maintenance requirements for 24472
an incubator, ~~including requirements that only a peace officer,~~ 24473
~~emergency medical service worker, or hospital employee supervise~~ 24474
~~the incubator and take custody of a child placed in it;~~ 24475

~~(F) Qualifications for persons to install incubators;~~ 24476

~~(G) Procedures and forms for the registration of qualified~~ 24477
~~incubator installers;~~ 24478

~~(H)(5) Procedures to provide emergency care for a child~~ 24479
placed into an incubator; 24480

(6) Sanitation standards; 24481

(7) Costs for registering and regulating incubators and fees 24482

to cover those costs; 24483

~~(I)~~(8) Creating and posting signs to be placed near or on 24484
incubators to provide information about using them; 24485

~~(J)~~(9) Enforcement of and remedies for violations for failure 24486
to comply with the requirements governing incubators; 24487

~~(K) Any other requirement the department considers necessary 24488
to ensure the safety and welfare of a child placed in an 24489
incubator. 24490~~

(B) Notwithstanding division (A) of section 2151.3526 of the 24491
Revised Code, video surveillance is permitted at the facility 24492
where the incubator is located. The surveillance footage may be 24493
reviewed only when: 24494

(1) A child has been surrendered under the circumstances 24495
described in division (B) of section 2151.3526 of the Revised 24496
Code; 24497

(2) There is reason to believe a crime has been committed 24498
within view of the video surveillance system. 24499

(C) Notwithstanding any provision of section 121.95 of the 24500
Revised Code to the contrary, a regulatory restriction contained 24501
in a rule adopted under division (A) of this section is not 24502
subject to sections 121.95 to 121.953 of the Revised Code. 24503

Sec. 2151.3533. (A) In adopting the rules described in 24504
division (A)(4) of section 2151.3532 of the Revised Code, the 24505
director of health shall specify that a newborn safety incubator 24506
is deemed to be supervised when either of the following is the 24507
case: 24508

(1) A person authorized by section 2151.3517 of the Revised 24509
Code to take possession of a child is present at the facility 24510
where the incubator is located to take possession of a child 24511
placed in the incubator. 24512

(2) An alternate peace officer, peace officer support employee, hospital employee, or emergency medical service worker is dispatched by a secondary alarm that triggers a 9-1-1 call, in accordance with division (A)(1)(f) of section 2151.3532 of the Revised Code, when either of the following is the case: 24513
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24515
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24517

(a) No individual described in division (A) of this section who is present at the facility responds within a reasonable amount of time after a child is placed in the incubator. 24518
24519
24520

(b) Every individual described in section 2151.3517 of the Revised Code who is scheduled to work at the facility when a parent places a child into the incubator has been dispatched on an emergency call. 24521
24522
24523
24524

(B) A person authorized by section 2151.3517 of the Revised Code to take possession of a child is not liable in damages in a civil action for injury, death, or loss to person or property resulting from the person's failure to respond within a reasonable amount of time after a child is placed in the incubator or after the person is dispatched by a secondary alarm, unless that failure constitutes willful or wanton misconduct. 24525
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Sec. 2151.421. (A)(1)(a) No person described in division 24532
(A)(1)(b) of this section who is acting in an official or 24533
professional capacity and knows, or has reasonable cause to 24534
suspect based on facts that would cause a reasonable person in a 24535
similar position to suspect, that a child under eighteen years of 24536
age, or a person under twenty-one years of age with a 24537
developmental disability or physical impairment, has suffered or 24538
faces a threat of suffering any physical or mental wound, injury, 24539
disability, or condition of a nature that reasonably indicates 24540
abuse or neglect of the child shall fail to immediately report 24541
that knowledge or reasonable cause to suspect to the entity or 24542
persons specified in this division. Except as otherwise provided 24543

in this division or section 5120.173 of the Revised Code, the 24544
person making the report shall make it to the public children 24545
services agency or a peace officer in the county in which the 24546
child resides or in which the abuse or neglect is occurring or has 24547
occurred. If the person making the report is a peace officer, the 24548
officer shall make it to the public children services agency in 24549
the county in which the child resides or in which the abuse or 24550
neglect is occurring or has occurred. In the circumstances 24551
described in section 5120.173 of the Revised Code, the person 24552
making the report shall make it to the entity specified in that 24553
section. 24554

(b) Division (A)(1)(a) of this section applies to any person 24555
who is an attorney; health care professional; practitioner of a 24556
limited branch of medicine as specified in section 4731.15 of the 24557
Revised Code; licensed school psychologist; independent marriage 24558
and family therapist or marriage and family therapist; coroner; 24559
administrator or employee of a child day-care center; 24560
administrator or employee of a residential camp, child day camp, 24561
or private, nonprofit therapeutic wilderness camp; administrator 24562
or employee of a certified child care agency or other public or 24563
private children services agency; school teacher; school employee; 24564
school authority; peace officer; humane society agent; dog warden, 24565
deputy dog warden, or other person appointed to act as an animal 24566
control officer for a municipal corporation or township in 24567
accordance with state law, an ordinance, or a resolution; person, 24568
other than a cleric, rendering spiritual treatment through prayer 24569
in accordance with the tenets of a well-recognized religion; 24570
employee of a county department of job and family services who is 24571
a professional and who works with children and families; 24572
superintendent or regional administrator employed by the 24573
department of youth services; superintendent, board member, or 24574
employee of a county board of developmental disabilities; 24575

investigative agent contracted with by a county board of 24576
developmental disabilities; employee of the department of 24577
developmental disabilities; employee of a facility or home that 24578
provides respite care in accordance with section 5123.171 of the 24579
Revised Code; employee of an entity that provides homemaker 24580
services; employee of a qualified organization as defined in 24581
section 2151.90 of the Revised Code; a host family as defined in 24582
section 2151.90 of the Revised Code; foster caregiver; a person 24583
performing the duties of an assessor pursuant to Chapter 3107. or 24584
5103. of the Revised Code; third party employed by a public 24585
children services agency to assist in providing child or family 24586
related services; court appointed special advocate; or guardian ad 24587
litem. 24588

(c) If two or more health care professionals, after providing 24589
health care services to a child, determine or suspect that the 24590
child has been or is being abused or neglected, the health care 24591
professionals may designate one of the health care professionals 24592
to report the abuse or neglect. A single report made under this 24593
division shall meet the reporting requirements of division (A)(1) 24594
of this section. 24595

(2) Except as provided in division (A)(3) of this section, an 24596
attorney or a physician is not required to make a report pursuant 24597
to division (A)(1) of this section concerning any communication 24598
the attorney or physician receives from a client or patient in an 24599
attorney-client or physician-patient relationship, if, in 24600
accordance with division (A) or (B) of section 2317.02 of the 24601
Revised Code, the attorney or physician could not testify with 24602
respect to that communication in a civil or criminal proceeding. 24603

(3) The client or patient in an attorney-client or 24604
physician-patient relationship described in division (A)(2) of 24605
this section is deemed to have waived any testimonial privilege 24606
under division (A) or (B) of section 2317.02 of the Revised Code 24607

with respect to any communication the attorney or physician 24608
receives from the client or patient in that attorney-client or 24609
physician-patient relationship, and the attorney or physician 24610
shall make a report pursuant to division (A)(1) of this section 24611
with respect to that communication, if all of the following apply: 24612

(a) The client or patient, at the time of the communication, 24613
is a child under eighteen years of age or is a person under 24614
twenty-one years of age with a developmental disability or 24615
physical impairment. 24616

(b) The attorney or physician knows, or has reasonable cause 24617
to suspect based on facts that would cause a reasonable person in 24618
similar position to suspect that the client or patient has 24619
suffered or faces a threat of suffering any physical or mental 24620
wound, injury, disability, or condition of a nature that 24621
reasonably indicates abuse or neglect of the client or patient. 24622

(c) The abuse or neglect does not arise out of the client's 24623
or patient's attempt to have an abortion without the notification 24624
of her parents, guardian, or custodian in accordance with section 24625
2151.85 of the Revised Code. 24626

(4)(a) No cleric and no person, other than a volunteer, 24627
designated by any church, religious society, or faith acting as a 24628
leader, official, or delegate on behalf of the church, religious 24629
society, or faith who is acting in an official or professional 24630
capacity, who knows, or has reasonable cause to believe based on 24631
facts that would cause a reasonable person in a similar position 24632
to believe, that a child under eighteen years of age, or a person 24633
under twenty-one years of age with a developmental disability or 24634
physical impairment, has suffered or faces a threat of suffering 24635
any physical or mental wound, injury, disability, or condition of 24636
a nature that reasonably indicates abuse or neglect of the child, 24637
and who knows, or has reasonable cause to believe based on facts 24638
that would cause a reasonable person in a similar position to 24639

believe, that another cleric or another person, other than a 24640
volunteer, designated by a church, religious society, or faith 24641
acting as a leader, official, or delegate on behalf of the church, 24642
religious society, or faith caused, or poses the threat of 24643
causing, the wound, injury, disability, or condition that 24644
reasonably indicates abuse or neglect shall fail to immediately 24645
report that knowledge or reasonable cause to believe to the entity 24646
or persons specified in this division. Except as provided in 24647
section 5120.173 of the Revised Code, the person making the report 24648
shall make it to the public children services agency or a peace 24649
officer in the county in which the child resides or in which the 24650
abuse or neglect is occurring or has occurred. In the 24651
circumstances described in section 5120.173 of the Revised Code, 24652
the person making the report shall make it to the entity specified 24653
in that section. 24654

(b) Except as provided in division (A)(4)(c) of this section, 24655
a cleric is not required to make a report pursuant to division 24656
(A)(4)(a) of this section concerning any communication the cleric 24657
receives from a penitent in a cleric-penitent relationship, if, in 24658
accordance with division (C) of section 2317.02 of the Revised 24659
Code, the cleric could not testify with respect to that 24660
communication in a civil or criminal proceeding. 24661

(c) The penitent in a cleric-penitent relationship described 24662
in division (A)(4)(b) of this section is deemed to have waived any 24663
testimonial privilege under division (C) of section 2317.02 of the 24664
Revised Code with respect to any communication the cleric receives 24665
from the penitent in that cleric-penitent relationship, and the 24666
cleric shall make a report pursuant to division (A)(4)(a) of this 24667
section with respect to that communication, if all of the 24668
following apply: 24669

(i) The penitent, at the time of the communication, is a 24670
child under eighteen years of age or is a person under twenty-one 24671

years of age with a developmental disability or physical 24672
impairment. 24673

(ii) The cleric knows, or has reasonable cause to believe 24674
based on facts that would cause a reasonable person in a similar 24675
position to believe, as a result of the communication or any 24676
observations made during that communication, the penitent has 24677
suffered or faces a threat of suffering any physical or mental 24678
wound, injury, disability, or condition of a nature that 24679
reasonably indicates abuse or neglect of the penitent. 24680

(iii) The abuse or neglect does not arise out of the 24681
penitent's attempt to have an abortion performed upon a child 24682
under eighteen years of age or upon a person under twenty-one 24683
years of age with a developmental disability or physical 24684
impairment without the notification of her parents, guardian, or 24685
custodian in accordance with section 2151.85 of the Revised Code. 24686

(d) Divisions (A)(4)(a) and (c) of this section do not apply 24687
in a cleric-penitent relationship when the disclosure of any 24688
communication the cleric receives from the penitent is in 24689
violation of the sacred trust. 24690

(e) As used in divisions (A)(1) and (4) of this section, 24691
"cleric" and "sacred trust" have the same meanings as in section 24692
2317.02 of the Revised Code. 24693

(B) Anyone who knows, or has reasonable cause to suspect 24694
based on facts that would cause a reasonable person in similar 24695
circumstances to suspect, that a child under eighteen years of 24696
age, or a person under twenty-one years of age with a 24697
developmental disability or physical impairment, has suffered or 24698
faces a threat of suffering any physical or mental wound, injury, 24699
disability, or other condition of a nature that reasonably 24700
indicates abuse or neglect of the child may report or cause 24701
reports to be made of that knowledge or reasonable cause to 24702

suspect to the entity or persons specified in this division. 24703
Except as provided in section 5120.173 of the Revised Code, a 24704
person making a report or causing a report to be made under this 24705
division shall make it or cause it to be made to the public 24706
children services agency or to a peace officer. In the 24707
circumstances described in section 5120.173 of the Revised Code, a 24708
person making a report or causing a report to be made under this 24709
division shall make it or cause it to be made to the entity 24710
specified in that section. 24711

(C) Any report made pursuant to division (A) or (B) of this 24712
section shall be made forthwith either by telephone ~~or~~, in person, 24713
or electronically and shall be followed by a written report, if 24714
requested by the receiving agency or officer. The written report 24715
shall contain: 24716

(1) The names and addresses of the child and the child's 24717
parents or the person or persons having custody of the child, if 24718
known; 24719

(2) The child's age and the nature and extent of the child's 24720
injuries, abuse, or neglect that is known or reasonably suspected 24721
or believed, as applicable, to have occurred or of the threat of 24722
injury, abuse, or neglect that is known or reasonably suspected or 24723
believed, as applicable, to exist, including any evidence of 24724
previous injuries, abuse, or neglect; 24725

(3) Any other information, including, but not limited to, 24726
results and reports of any medical examinations, tests, or 24727
procedures performed under division (D) of this section, that 24728
might be helpful in establishing the cause of the injury, abuse, 24729
or neglect that is known or reasonably suspected or believed, as 24730
applicable, to have occurred or of the threat of injury, abuse, or 24731
neglect that is known or reasonably suspected or believed, as 24732
applicable, to exist. 24733

(D)(1) Any person, who is required by division (A) of this section to report child abuse or child neglect that is known or reasonably suspected or believed to have occurred, may take or cause to be taken color photographs of areas of trauma visible on a child and, if medically necessary for the purpose of diagnosing or treating injuries that are suspected to have occurred as a result of child abuse or child neglect, perform or cause to be performed radiological examinations and any other medical examinations of, and tests or procedures on, the child.

(2) The results and any available reports of examinations, tests, or procedures made under division (D)(1) of this section shall be included in a report made pursuant to division (A) of this section. Any additional reports of examinations, tests, or procedures that become available shall be provided to the public children services agency, upon request.

(3) If a health care professional provides health care services in a hospital, children's advocacy center, or emergency medical facility to a child about whom a report has been made under division (A) of this section, the health care professional may take any steps that are reasonably necessary for the release or discharge of the child to an appropriate environment. Before the child's release or discharge, the health care professional may obtain information, or consider information obtained, from other entities or individuals that have knowledge about the child. Nothing in division (D)(3) of this section shall be construed to alter the responsibilities of any person under sections 2151.27 and 2151.31 of the Revised Code.

(4) A health care professional may conduct medical examinations, tests, or procedures on the siblings of a child about whom a report has been made under division (A) of this section and on other children who reside in the same home as the child, if the professional determines that the examinations,

tests, or procedures are medically necessary to diagnose or treat 24766
the siblings or other children in order to determine whether 24767
reports under division (A) of this section are warranted with 24768
respect to such siblings or other children. The results of the 24769
examinations, tests, or procedures on the siblings and other 24770
children may be included in a report made pursuant to division (A) 24771
of this section. 24772

(5) Medical examinations, tests, or procedures conducted 24773
under divisions (D)(1) and (4) of this section and decisions 24774
regarding the release or discharge of a child under division 24775
(D)(3) of this section do not constitute a law enforcement 24776
investigation or activity. 24777

(E)(1) When a peace officer receives a report made pursuant 24778
to division (A) or (B) of this section, upon receipt of the 24779
report, the peace officer who receives the report shall refer the 24780
report to the appropriate public children services agency, in 24781
accordance with requirements specified under division (B)(6) of 24782
section 2151.4211 of the Revised Code, unless an arrest is made at 24783
the time of the report that results in the appropriate public 24784
children services agency being contacted concerning the possible 24785
abuse or neglect of a child or the possible threat of abuse or 24786
neglect of a child. 24787

(2) When a public children services agency receives a report 24788
pursuant to this division or division (A) or (B) of this section, 24789
upon receipt of the report, the public children services agency 24790
shall do all of the following: 24791

(a) Comply with section 2151.422 of the Revised Code; 24792

(b) If the county served by the agency is also served by a 24793
children's advocacy center and the report alleges sexual abuse of 24794
a child or another type of abuse of a child that is specified in 24795
the memorandum of understanding that creates the center as being 24796

within the center's jurisdiction, comply regarding the report with 24797
the protocol and procedures for referrals and investigations, with 24798
the coordinating activities, and with the authority or 24799
responsibility for performing or providing functions, activities, 24800
and services stipulated in the interagency agreement entered into 24801
under section 2151.428 of the Revised Code relative to that 24802
center; 24803

(c) Unless an arrest is made at the time of the report that 24804
results in the appropriate law enforcement agency being contacted 24805
concerning the possible abuse or neglect of a child or the 24806
possible threat of abuse or neglect of a child, and in accordance 24807
with requirements specified under division (B)(6) of section 24808
2151.4211 of the Revised Code, notify the appropriate law 24809
enforcement agency of the report, if the public children services 24810
agency received either of the following: 24811

(i) A report of abuse of a child; 24812

(ii) A report of neglect of a child that alleges a type of 24813
neglect identified by the department of job and family services in 24814
rules adopted under division (L)(2) of this section. 24815

(F) No peace officer shall remove a child about whom a report 24816
is made pursuant to this section from the child's parents, 24817
stepparents, or guardian or any other persons having custody of 24818
the child without consultation with the public children services 24819
agency, unless, in the judgment of the officer, and, if the report 24820
was made by physician, the physician, immediate removal is 24821
considered essential to protect the child from further abuse or 24822
neglect. The agency that must be consulted shall be the agency 24823
conducting the investigation of the report as determined pursuant 24824
to section 2151.422 of the Revised Code. 24825

(G)(1) Except as provided in section 2151.422 of the Revised 24826
Code or in an interagency agreement entered into under section 24827

2151.428 of the Revised Code that applies to the particular 24828
report, the public children services agency shall investigate, 24829
within twenty-four hours, each report of child abuse or child 24830
neglect that is known or reasonably suspected or believed to have 24831
occurred and of a threat of child abuse or child neglect that is 24832
known or reasonably suspected or believed to exist that is 24833
referred to it under this section to determine the circumstances 24834
surrounding the injuries, abuse, or neglect or the threat of 24835
injury, abuse, or neglect, the cause of the injuries, abuse, 24836
neglect, or threat, and the person or persons responsible. The 24837
investigation shall be made in cooperation with the law 24838
enforcement agency and in accordance with the memorandum of 24839
understanding prepared under sections 2151.4210 to 2151.4224 of 24840
the Revised Code. A representative of the public children services 24841
agency shall, at the time of initial contact with the person 24842
subject to the investigation, inform the person of the specific 24843
complaints or allegations made against the person. The information 24844
shall be given in a manner that is consistent with division (I)(1) 24845
and rules adopted under division (L)(3) of this section and 24846
protects the rights of the person making the report under this 24847
section. 24848

A failure to make the investigation in accordance with the 24849
memorandum is not grounds for, and shall not result in, the 24850
dismissal of any charges or complaint arising from the report or 24851
the suppression of any evidence obtained as a result of the report 24852
and does not give, and shall not be construed as giving, any 24853
rights or any grounds for appeal or post-conviction relief to any 24854
person. The public children services agency shall report each case 24855
to the uniform statewide automated child welfare information 24856
system that the department of job and family services shall 24857
maintain in accordance with section 5101.13 of the Revised Code. 24858
The public children services agency shall submit a report of its 24859
investigation, in writing, to the law enforcement agency. 24860

(2) The public children services agency shall make any 24861
recommendations to the county prosecuting attorney or city 24862
director of law that it considers necessary to protect any 24863
children that are brought to its attention. 24864

(H)(1)(a) Except as provided in divisions (H)(1)(b) and 24865
(I)(3) of this section, any person, health care professional, 24866
hospital, institution, school, health department, or agency shall 24867
be immune from any civil or criminal liability for injury, death, 24868
or loss to person or property that otherwise might be incurred or 24869
imposed as a result of any of the following: 24870

(i) Participating in the making of reports pursuant to 24871
division (A) of this section or in the making of reports in good 24872
faith, pursuant to division (B) of this section; 24873

(ii) Participating in medical examinations, tests, or 24874
procedures under division (D) of this section; 24875

(iii) Providing information used in a report made pursuant to 24876
division (A) of this section or providing information in good 24877
faith used in a report made pursuant to division (B) of this 24878
section; 24879

(iv) Participating in a judicial proceeding resulting from a 24880
report made pursuant to division (A) of this section or 24881
participating in good faith in a proceeding resulting from a 24882
report made pursuant to division (B) of this section. 24883

(b) Immunity under division (H)(1)(a)(ii) of this section 24884
shall not apply when a health care provider has deviated from the 24885
standard of care applicable to the provider's profession. 24886

(c) Notwithstanding section 4731.22 of the Revised Code, the 24887
physician-patient privilege shall not be a ground for excluding 24888
evidence regarding a child's injuries, abuse, or neglect, or the 24889
cause of the injuries, abuse, or neglect in any judicial 24890
proceeding resulting from a report submitted pursuant to this 24891

section. 24892

(2) In any civil or criminal action or proceeding in which it 24893
is alleged and proved that participation in the making of a report 24894
under this section was not in good faith or participation in a 24895
judicial proceeding resulting from a report made under this 24896
section was not in good faith, the court shall award the 24897
prevailing party reasonable attorney's fees and costs and, if a 24898
civil action or proceeding is voluntarily dismissed, may award 24899
reasonable attorney's fees and costs to the party against whom the 24900
civil action or proceeding is brought. 24901

(I)(1) Except as provided in divisions (I)(4) and (N) of this 24902
section and sections 2151.423 and 2151.4210 of the Revised Code, a 24903
report made under this section is confidential. The information 24904
provided in a report made pursuant to this section and the name of 24905
the person who made the report shall not be released for use, and 24906
shall not be used, as evidence in any civil action or proceeding 24907
brought against the person who made the report. Nothing in this 24908
division shall preclude the use of reports of other incidents of 24909
known or suspected abuse or neglect in a civil action or 24910
proceeding brought pursuant to division (M) of this section 24911
against a person who is alleged to have violated division (A)(1) 24912
of this section, provided that any information in a report that 24913
would identify the child who is the subject of the report or the 24914
maker of the report, if the maker of the report is not the 24915
defendant or an agent or employee of the defendant, has been 24916
redacted. In a criminal proceeding, the report is admissible in 24917
evidence in accordance with the Rules of Evidence and is subject 24918
to discovery in accordance with the Rules of Criminal Procedure. 24919

(2)(a) Except as provided in division (I)(2)(b) of this 24920
section, no person shall permit or encourage the unauthorized 24921
dissemination of the contents of any report made under this 24922
section. 24923

(b) A health care professional that obtains the same 24924
information contained in a report made under this section from a 24925
source other than the report may disseminate the information, if 24926
its dissemination is otherwise permitted by law. 24927

(3) A person who knowingly makes or causes another person to 24928
make a false report under division (B) of this section that 24929
alleges that any person has committed an act or omission that 24930
resulted in a child being an abused child or a neglected child is 24931
guilty of a violation of section 2921.14 of the Revised Code. 24932

(4) If a report is made pursuant to division (A) or (B) of 24933
this section and the child who is the subject of the report dies 24934
for any reason at any time after the report is made, but before 24935
the child attains eighteen years of age, the public children 24936
services agency or peace officer to which the report was made or 24937
referred, on the request of the child fatality review board, the 24938
suicide fatality review committee, or the director of health 24939
pursuant to guidelines established under section 3701.70 of the 24940
Revised Code, shall submit a summary sheet of information 24941
providing a summary of the report to the review board or review 24942
committee of the county in which the deceased child resided at the 24943
time of death or to the director. On the request of the review 24944
board, review committee, or director, the agency or peace officer 24945
may, at its discretion, make the report available to the review 24946
board, review committee, or director. If the county served by the 24947
public children services agency is also served by a children's 24948
advocacy center and the report of alleged sexual abuse of a child 24949
or another type of abuse of a child is specified in the memorandum 24950
of understanding that creates the center as being within the 24951
center's jurisdiction, the agency or center shall perform the 24952
duties and functions specified in this division in accordance with 24953
the interagency agreement entered into under section 2151.428 of 24954
the Revised Code relative to that advocacy center. 24955

(5) A Not later than five business days after the 24956
determination of a disposition, a public children services agency 24957
shall advise a person alleged to have inflicted abuse or neglect 24958
on a child who is the subject of a report made pursuant to this 24959
section, including a report alleging sexual abuse of a child or 24960
another type of abuse of a child referred to a children's advocacy 24961
center pursuant to an interagency agreement entered into under 24962
section 2151.428 of the Revised Code, in writing of the 24963
disposition of the investigation. The agency shall not provide to 24964
the person any information that identifies the person who made the 24965
report, statements of witnesses, or police or other investigative 24966
reports. The written notice of disposition shall be made in a form 24967
designated by the department of job and family services and shall 24968
inform the person of the right to appeal the disposition in 24969
accordance with rules adopted under division (L)(3) of this 24970
section. 24971

(J) Any report that is required by this section, other than a 24972
report that is made to the state highway patrol as described in 24973
section 5120.173 of the Revised Code, shall result in protective 24974
services and emergency supportive services being made available by 24975
the public children services agency on behalf of the children 24976
about whom the report is made, ~~in an effort to prevent further~~ 24977
~~neglect or abuse, to enhance their welfare, and, whenever~~ 24978
~~possible, to preserve the family unit intact.~~ The agency required 24979
to provide the services shall be the agency conducting the 24980
investigation of the report pursuant to section 2151.422 of the 24981
Revised Code. If a child is determined to be a candidate for 24982
prevention services, the agency also shall make efforts to prevent 24983
neglect or abuse, to enhance a child's welfare, and to preserve 24984
the family unit intact by referring a report for assessment and 24985
provision of services to an agency providing prevention services. 24986

(K)(1) Except as provided in division (K)(4) or (5) of this 24987

section, a person who is required to make a report under division 24988
(A) of this section may make a reasonable number of requests of 24989
the public children services agency that receives or is referred 24990
the report, or of the children's advocacy center that is referred 24991
the report if the report is referred to a children's advocacy 24992
center pursuant to an interagency agreement entered into under 24993
section 2151.428 of the Revised Code, to be provided with the 24994
following information: 24995

(a) Whether the agency or center has initiated an 24996
investigation of the report; 24997

(b) Whether the agency or center is continuing to investigate 24998
the report; 24999

(c) Whether the agency or center is otherwise involved with 25000
the child who is the subject of the report; 25001

(d) The general status of the health and safety of the child 25002
who is the subject of the report; 25003

(e) Whether the report has resulted in the filing of a 25004
complaint in juvenile court or of criminal charges in another 25005
court. 25006

(2)(a) A person may request the information specified in 25007
division (K)(1) of this section only if, at the time the report is 25008
made, the person's name, address, and telephone number are 25009
provided to the person who receives the report. 25010

(b) When a peace officer or employee of a public children 25011
services agency receives a report pursuant to division (A) or (B) 25012
of this section the recipient of the report shall inform the 25013
person of the right to request the information described in 25014
division (K)(1) of this section. The recipient of the report shall 25015
include in the initial child abuse or child neglect report that 25016
the person making the report was so informed and, if provided at 25017
the time of the making of the report, shall include the person's 25018

name, address, and telephone number in the report. 25019

(c) If the person making the report provides the person's 25020
name and contact information on making the report, the public 25021
children services agency that received or was referred the report 25022
shall send a written notice via United States mail or electronic 25023
mail, in accordance with the person's preference, to the person 25024
not later than seven calendar days after receipt of the report. 25025
The notice shall provide the status of the agency's investigation 25026
into the report made, who the person may contact at the agency for 25027
further information, and a description of the person's rights 25028
under division (K)(1) of this section. 25029

(d) Each request is subject to verification of the identity 25030
of the person making the report. If that person's identity is 25031
verified, the agency shall provide the person with the information 25032
described in division (K)(1) of this section a reasonable number 25033
of times, except that the agency shall not disclose any 25034
confidential information regarding the child who is the subject of 25035
the report other than the information described in those 25036
divisions. 25037

(3) A request made pursuant to division (K)(1) of this 25038
section is not a substitute for any report required to be made 25039
pursuant to division (A) of this section. 25040

(4) If an agency other than the agency that received or was 25041
referred the report is conducting the investigation of the report 25042
pursuant to section 2151.422 of the Revised Code, the agency 25043
conducting the investigation shall comply with the requirements of 25044
division (K) of this section. 25045

(5) A health care professional who made a report under 25046
division (A) of this section, or on whose behalf such a report was 25047
made as provided in division (A)(1)(c) of this section, may 25048
authorize a person to obtain the information described in division 25049

(K)(1) of this section if the person requesting the information is 25050
associated with or acting on behalf of the health care 25051
professional who provided health care services to the child about 25052
whom the report was made. 25053

(6) If the person making the report provides the person's 25054
name and contact information on making the report, the public 25055
children services agency that received or was referred the report 25056
shall send a written notice via United States mail or electronic 25057
mail, in accordance with the person's preference, to the person 25058
not later than seven calendar days after the agency closes the 25059
investigation into the case reported by the person. The notice 25060
shall notify the person that the agency has closed the 25061
investigation. 25062

(L)(1) The director of job and family services shall adopt 25063
rules in accordance with Chapter 119. of the Revised Code to 25064
implement this section. The department of job and family services 25065
may enter into a plan of cooperation with any other governmental 25066
entity to aid in ensuring that children are protected from abuse 25067
and neglect. The department shall make recommendations to the 25068
attorney general that the department determines are necessary to 25069
protect children from child abuse and child neglect. 25070

(2) Not later than ninety days after ~~the effective date of~~ 25071
~~this amendment~~ May 30, 2022, the director of job and family 25072
services shall adopt rules in accordance with Chapter 119. of the 25073
Revised Code to identify the types of neglect of a child that a 25074
public children services agency shall be required to notify law 25075
enforcement of pursuant to division (E)(2)(c)(ii) of this section. 25076

(3) Not later than one hundred eighty days after the 25077
effective date of this amendment, the director of job and family 25078
services shall adopt rules in accordance with Chapter 119. of the 25079
Revised Code to implement a process for a person who is alleged to 25080
have inflicted abuse or neglect on a child who is the subject of a 25081

report made pursuant to this section to appeal the disposition of 25082
such a report. The rules shall include all of the following: 25083

(a) A requirement that the agency notify the person who is 25084
the alleged perpetrator of child abuse or neglect that: 25085

(i) The person has been identified as an alleged perpetrator 25086
of abuse or neglect upon receipt of a good faith report that the 25087
agency screened in for investigation. 25088

(ii) The agency has initiated an investigation of that 25089
report. 25090

(iii) The person's name will be entered into the statewide 25091
automated child welfare information system. 25092

(iv) The person will receive written notification of the 25093
investigation disposition and instructions on how to appeal the 25094
disposition, if the person chooses to do so. 25095

(b) A requirement that the agency provide the person written 25096
notice of the investigation disposition and of the person's right 25097
to appeal the disposition, not later than five days after the 25098
issuance of the disposition; 25099

(c) Procedures to ensure that notifications under divisions 25100
(L)(3)(a) and (L)(3)(b) of this section are successfully provided 25101
to the person; 25102

(d) The method by which an appeal may be made; 25103

(e) A time limit for the person to file an appeal with the 25104
agency; 25105

(f) A time limit for the agency to respond to a request for 25106
an appeal and issue a decision; 25107

(g) Sanctions that may be applied against an agency for 25108
failing to take action within the required time limits. 25109

(4) Notwithstanding any provision of section 121.95 of the 25110

Revised Code to the contrary, a regulatory restriction contained 25111
in a rule adopted under division (L)(3) of this section is not 25112
subject to sections 121.95 to 121.953 of the Revised Code. 25113

(M) Whoever violates division (A) of this section is liable 25114
for compensatory and exemplary damages to the child who would have 25115
been the subject of the report that was not made. A person who 25116
brings a civil action or proceeding pursuant to this division 25117
against a person who is alleged to have violated division (A)(1) 25118
of this section may use in the action or proceeding reports of 25119
other incidents of known or suspected abuse or neglect, provided 25120
that any information in a report that would identify the child who 25121
is the subject of the report or the maker of the report, if the 25122
maker is not the defendant or an agent or employee of the 25123
defendant, has been redacted. 25124

(N)(1) As used in this division: 25125

(a) "Out-of-home care" includes a nonchartered nonpublic 25126
school if the alleged child abuse or child neglect, or alleged 25127
threat of child abuse or child neglect, described in a report 25128
received by a public children services agency allegedly occurred 25129
in or involved the nonchartered nonpublic school and the alleged 25130
perpetrator named in the report holds a certificate, permit, or 25131
license issued by the state board of education under section 25132
3301.071 or Chapter 3319. of the Revised Code. 25133

(b) "Administrator, director, or other chief administrative 25134
officer" means the superintendent of the school district if the 25135
out-of-home care entity subject to a report made pursuant to this 25136
section is a school operated by the district. 25137

(2) No later than the end of the day following the day on 25138
which a public children services agency receives a report of 25139
alleged child abuse or child neglect, or a report of an alleged 25140
threat of child abuse or child neglect, that allegedly occurred in 25141

or involved an out-of-home care entity, the agency shall provide 25142
written notice of the allegations contained in and the person 25143
named as the alleged perpetrator in the report to the 25144
administrator, director, or other chief administrative officer of 25145
the out-of-home care entity that is the subject of the report 25146
unless the administrator, director, or other chief administrative 25147
officer is named as an alleged perpetrator in the report. If the 25148
administrator, director, or other chief administrative officer of 25149
an out-of-home care entity is named as an alleged perpetrator in a 25150
report of alleged child abuse or child neglect, or a report of an 25151
alleged threat of child abuse or child neglect, that allegedly 25152
occurred in or involved the out-of-home care entity, the agency 25153
shall provide the written notice to the owner or governing board 25154
of the out-of-home care entity that is the subject of the report. 25155
The agency shall not provide witness statements or police or other 25156
investigative reports. 25157

(3) No later than three days after the day on which a public 25158
children services agency that conducted the investigation as 25159
determined pursuant to section 2151.422 of the Revised Code makes 25160
a disposition of an investigation involving a report of alleged 25161
child abuse or child neglect, or a report of an alleged threat of 25162
child abuse or child neglect, that allegedly occurred in or 25163
involved an out-of-home care entity, the agency shall send written 25164
notice of the disposition of the investigation to the 25165
administrator, director, or other chief administrative officer and 25166
the owner or governing board of the out-of-home care entity. The 25167
agency shall not provide witness statements or police or other 25168
investigative reports. 25169

(0) As used in this section: 25170

(1) "Children's advocacy center" and "sexual abuse of a 25171
child" have the same meanings as in section 2151.425 of the 25172
Revised Code. 25173

(2) "Health care professional" means an individual who provides health-related services including a physician, hospital intern or resident, dentist, podiatrist, registered nurse, licensed practical nurse, visiting nurse, licensed psychologist, speech pathologist, audiologist, person engaged in social work or the practice of professional counseling, and employee of a home health agency. "Health care professional" does not include a practitioner of a limited branch of medicine as specified in section 4731.15 of the Revised Code, licensed school psychologist, independent marriage and family therapist or marriage and family therapist, or coroner.

(3) "Investigation" means the public children services agency's response to an accepted report of child abuse or neglect through either an alternative response or a traditional response.

(4) "Peace officer" means a sheriff, deputy sheriff, constable, police officer of a township or joint police district, marshal, deputy marshal, municipal police officer, or a state highway patrol trooper.

Sec. 2151.423. A public children services agency shall disclose confidential information discovered during an investigation conducted pursuant to section 2151.421 or 2151.422 of the Revised Code to any federal, state, or local government entity, including any appropriate military authority or any agency providing prevention services to the child, that needs the information to carry out its responsibilities to protect children from abuse or neglect.

Information disclosed pursuant to this section is confidential and is not subject to disclosure pursuant to section 149.43 or 1347.08 of the Revised Code by the agency to whom the information was disclosed. The agency receiving the information shall maintain the confidentiality of information disclosed

pursuant to this section. 25205

Sec. 2151.86. (A)(1) The appointing or hiring officer of any 25206
entity that appoints or employs any person responsible for a 25207
child's care in out-of-home care shall request the superintendent 25208
of BCII to conduct a criminal records check with respect to any 25209
person who is under final consideration for appointment or 25210
employment as a person responsible for a child's care in 25211
out-of-home care. The request shall be made at the time of initial 25212
application for appointment or employment and every four years 25213
thereafter. If the out-of-home care entity is a public school, 25214
educational service center, or chartered nonpublic school, then 25215
section 3319.39 of the Revised Code ~~shall apply~~ applies instead. 25216
If the out-of-home care entity is a child day-care center, type A 25217
family day-care home, type B family day-care home, certified 25218
in-home aide, or child day camp, then section 5104.013 of the 25219
Revised Code ~~shall apply~~ applies instead. If the out-of-home care 25220
entity is an association or institution, including an agency that 25221
arranges adoptions, then sections 5103.25 to 5103.259 of the 25222
Revised Code apply instead. 25223

(2) At the times specified in this division, the 25224
~~administrative director of an agency, or attorney,~~ who arranges an 25225
adoption for a prospective adoptive parent shall request the 25226
superintendent of BCII to conduct a criminal records check with 25227
respect to that prospective adoptive parent and a criminal records 25228
check with respect to all persons eighteen years of age or older 25229
who reside with the prospective adoptive parent. The 25230
~~administrative director or attorney~~ shall request a criminal 25231
records check pursuant to this division at the time of the initial 25232
home study, every ~~four~~ five years after the initial home study ~~at~~ 25233
~~the time of an update,~~ and at the time that an adoptive home study 25234
is completed as a new home study. 25235

~~(3) Before a recommending agency submits a recommendation to the department of job and family services on whether the department should issue a certificate to a foster home under section 5103.03 of the Revised Code, and every four years thereafter prior to a recertification under that section, the administrative director of the agency shall request that the superintendent of BCII conduct a criminal records check with respect to the prospective foster caregiver and a criminal records check with respect to all other persons eighteen years of age or older who reside with the foster caregiver.~~

(B)(1) When the appointing or hiring officer requests, at the time of initial application for appointment or employment, a criminal records check for a person subject to division (A)(1) of this section, the officer shall request that the superintendent of BCII obtain information from the federal bureau of investigation as part of the criminal records check, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671, for the person subject to the criminal records check. In all other cases in which the appointing or hiring officer requests a criminal records check for a person pursuant to division (A)(1) of this section, the officer may request that the superintendent of BCII obtain information from the federal bureau of investigation as part of the criminal records check, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671, for the person subject to the criminal records check.

~~(2) When the administrative director of an agency, or attorney,~~ who arranges an adoption for a prospective adoptive parent requests, at the time of the initial home study, a criminal records check for a person pursuant to division (A)(2) of this section, the ~~administrative director or~~ attorney shall request that the superintendent of BCII obtain information from the

federal bureau of investigation as part of the criminal records 25268
check, including fingerprint-based checks of national crime 25269
information databases as described in 42 U.S.C. 671, for the 25270
person subject to the criminal records check. In all other cases 25271
in which the ~~administrative director of an agency, or attorney,~~ 25272
who arranges an adoption for a prospective adoptive parent 25273
requests a criminal records check for a person pursuant to 25274
division (A)(2) of this section, the ~~administrative director or~~ 25275
attorney may request that the superintendent of BCII include 25276
information from the federal bureau of investigation in the 25277
criminal records check, including fingerprint-based checks of 25278
national crime information databases as described in 42 U.S.C. 25279
671. 25280

~~When the administrative director of a recommending agency 25281
requests, before submitting a recommendation to the department of 25282
job and family services on whether the department should issue a 25283
certificate to a foster home under section 5103.03 of the Revised 25284
Code, a criminal records check for a person pursuant to division 25285
(A)(3) of this section, the administrative director shall request 25286
that the superintendent of BCII obtain information from the 25287
federal bureau of investigation as part of a criminal records 25288
check, including fingerprint based checks of national crime 25289
information databases as described in 42 U.S.C. 671, for the 25290
person subject to the criminal records check. In all other cases 25291
in which the administrative director of a recommending agency 25292
requests a criminal records check for a person pursuant to 25293
division (A)(3) of this section, the administrative director may 25294
request that the superintendent of BCII include information from 25295
the federal bureau of investigation in the criminal records check, 25296
including fingerprint based checks of national crime information 25297
databases as described in 42 U.S.C. 671. 25298~~

(3) Prior to a hearing on a final decree of adoption or 25299

interlocutory order of adoption by a probate court, the 25300
~~administrative director of an agency, or an attorney,~~ who arranges 25301
an adoption for a prospective parent shall provide to the clerk of 25302
the probate court either of the following: 25303

(a) Any information received pursuant to a request made under 25304
this division from the superintendent of BCII or the federal 25305
bureau of investigation as part of the criminal records check, 25306
including fingerprint-based checks of national crime information 25307
databases as described in 42 U.S.C. 671, for the person subject to 25308
the criminal records check; 25309

(b) Written notification that the person subject to a 25310
criminal records check pursuant to this division failed upon 25311
request to provide the information necessary to complete the form 25312
or failed to provide impressions of the person's fingerprints as 25313
required under division (B)(2) of this section. 25314

~~(2)(C)(1)~~ An appointing or hiring officer, ~~administrative~~ 25315
~~director,~~ or attorney required by division (A) of this section to 25316
request a criminal records check shall provide to each person 25317
subject to a criminal records check a copy of the form prescribed 25318
pursuant to division (C)(1) of section 109.572 of the Revised Code 25319
and a standard impression sheet to obtain fingerprint impressions 25320
prescribed pursuant to division (C)(2) of section 109.572 of the 25321
Revised Code, obtain the completed form and impression sheet from 25322
the person, and forward the completed form and impression sheet to 25323
the superintendent of BCII at the time the criminal records check 25324
is requested. 25325

(2) Any person subject to a criminal records check who 25326
receives pursuant to this division a copy of the form prescribed 25327
pursuant to division (C)(1) of section 109.572 of the Revised Code 25328
and a copy of an impression sheet prescribed pursuant to division 25329
(C)(2) of that section and who is requested to complete the form 25330
and provide a set of fingerprint impressions shall complete the 25331

form or provide all the information necessary to complete the form 25332
and shall provide the impression sheet with the impressions of the 25333
person's fingerprints. If a person subject to a criminal records 25334
check, upon request, fails to provide the information necessary to 25335
complete the form or fails to provide impressions of the person's 25336
fingerprints, the appointing or hiring officer shall not appoint 25337
or employ the person as a person responsible for a child's care in 25338
out-of-home care, and a probate court may not issue a final decree 25339
of adoption or an interlocutory order of adoption making the 25340
person an adoptive parent, ~~and the department of job and family~~ 25341
~~services shall not issue a certificate authorizing the prospective~~ 25342
~~foster caregiver to operate a foster home.~~ 25343

~~(C)(1)(D)~~ No appointing or hiring officer shall appoint or 25344
employ a person as a person responsible for a child's care in 25345
out-of-home care, ~~the department of job and family services shall~~ 25346
~~not issue a certificate under section 5103.03 of the Revised Code~~ 25347
~~authorizing a prospective foster caregiver to operate a foster~~ 25348
~~home,~~ and no probate court shall issue a final decree of adoption 25349
or an interlocutory order of adoption making a person an adoptive 25350
parent if the person or, in the case of a ~~prospective foster~~ 25351
~~caregiver or~~ prospective adoptive parent, any person eighteen 25352
years of age or older who resides with the ~~prospective foster~~ 25353
~~caregiver or~~ prospective adoptive parent, previously has been 25354
convicted of or pleaded guilty to any of the violations described 25355
in division (A)(4) of section 109.572 of the Revised Code, unless 25356
the person meets rehabilitation standards established in rules 25357
adopted under division (F) of this section. 25358

~~(2) Prior to certification or recertification under section~~ 25359
~~5103.03 of the Revised Code, the prospective foster caregiver~~ 25360
~~subject to a criminal records check under division (A)(3) of this~~ 25361
~~section shall notify the recommending agency of the revocation of~~ 25362
~~any foster home license, certificate, or other similar~~ 25363

~~authorization in another state occurring within the five years 25364
prior to the date of application to become a foster caregiver in 25365
this state. The failure of a prospective foster caregiver to 25366
notify the recommending agency of any revocation of that type in 25367
another state that occurred within that five year period shall be 25368
grounds for denial of the person's foster home application or the 25369
revocation of the person's foster home certification, whichever is 25370
applicable. If a person has had a revocation in another state 25371
within the five years prior to the date of the application, the 25372
department of job and family services shall not issue a foster 25373
home certificate to the prospective foster caregiver. 25374~~

~~(D)(E) The appointing or hiring officer, administrative 25375
director, or attorney shall pay to the bureau of criminal 25376
identification and investigation the fee prescribed pursuant to 25377
division (C)(3) of section 109.572 of the Revised Code for each 25378
criminal records check conducted in accordance with that section 25379
upon a request pursuant to division (A) of this section. The 25380
officer, director, or attorney may charge the person subject to 25381
the criminal records check a fee for the costs the officer, 25382
director, or attorney incurs in obtaining the criminal records 25383
check. A fee charged under this division shall not exceed the 25384
amount of fees the officer, director, or attorney pays for the 25385
criminal records check. If a fee is charged under this division, 25386
the officer, director, or attorney shall notify the person who is 25387
the applicant at the time of the person's initial application for 25388
appointment or employment, or an adoption to be arranged, or a 25389
certificate to operate a foster home of the amount of the fee and 25390
that, unless the fee is paid, the person who is the applicant will 25391
not be considered for appointment or employment or as an adoptive 25392
parent or foster caregiver. 25393~~

~~(E)(F) The report of any criminal records check conducted by 25394
the bureau of criminal identification and investigation in 25395~~

accordance with section 109.572 of the Revised Code and pursuant 25396
to a request made under division (A) of this section is not a 25397
public record for the purposes of section 149.43 of the Revised 25398
Code and shall not be made available to any person other than the 25399
following: 25400

(1) The person who is the subject of the criminal records 25401
check or the person's representative; 25402

(2) The appointing or hiring officer, ~~administrative~~ 25403
~~director~~, or attorney requesting the criminal records check or the 25404
officer's, ~~director's~~, or attorney's representative; 25405

(3) The department of job and family services, a county 25406
department of job and family services, or a public children 25407
services agency; 25408

(4) Any court, hearing officer, or other necessary individual 25409
involved in a case dealing with the denial of employment, or a 25410
final decree of adoption or interlocutory order of adoption, ~~or a~~ 25411
~~foster home certificate.~~ 25412

~~(F)~~(G) The director of job and family services shall adopt 25413
rules in accordance with Chapter 119. of the Revised Code to 25414
implement this section. The rules shall include rehabilitation 25415
standards a person who has been convicted of or pleaded guilty to 25416
an offense listed in division (A)(4) of section 109.572 of the 25417
Revised Code must meet for an appointing or hiring officer to 25418
appoint or employ the person as a person responsible for a child's 25419
care in out-of-home care, or a probate court to issue a final 25420
decree of adoption or interlocutory order of adoption making the 25421
person an adoptive parent, ~~or the department to issue a~~ 25422
~~certificate authorizing the prospective foster caregiver to~~ 25423
~~operate a foster home or not revoke a foster home certificate for~~ 25424
~~a violation specified in section 5103.0328 of the Revised Code.~~ 25425

~~(G)~~(H) An appointing or hiring officer, ~~administrative~~ 25426

~~director,~~ or attorney required by division (A) of this section to 25427
request a criminal records check shall inform each person who is 25428
the applicant, at the time of the person's initial application for 25429
appointment or employment, or for an adoption to be arranged,~~or a~~ 25430
~~foster home certificate,~~ that the person subject to the criminal 25431
records check is required to provide a set of impressions of the 25432
person's fingerprints and that a criminal records check is 25433
required to be conducted and satisfactorily completed in 25434
accordance with section 109.572 of the Revised Code. 25435

~~(H)~~(I) As used in this section: 25436

(1) "Association" or "institution" have the same meanings as 25437
in section 5103.02 of the Revised Code. 25438

(2) "Children's hospital" means any of the following: 25439

(a) A hospital registered under section 3701.07 of the 25440
Revised Code that provides general pediatric medical and surgical 25441
care, and in which at least seventy-five per cent of annual 25442
inpatient discharges for the preceding two calendar years were 25443
individuals less than eighteen years of age; 25444

(b) A distinct portion of a hospital registered under section 25445
3701.07 of the Revised Code that provides general pediatric 25446
medical and surgical care, has a total of at least one hundred 25447
fifty registered pediatric special care and pediatric acute care 25448
beds, and in which at least seventy-five per cent of annual 25449
inpatient discharges for the preceding two calendar years were 25450
individuals less than eighteen years of age; 25451

(c) A distinct portion of a hospital, if the hospital is 25452
registered under section 3701.07 of the Revised Code as a 25453
children's hospital and the children's hospital meets all the 25454
requirements of division (H)(1)(a) of this section. 25455

~~(2)~~(3) "Criminal records check" has the same meaning as in 25456
section 109.572 of the Revised Code. 25457

~~(3)~~(4) "Person responsible for a child's care in out-of-home care" has the same meaning as in section 2151.011 of the Revised Code, except that it does not include a prospective or current employee of an association or institution, a child daycare center, type A family day-care home, licensed type B family day-care home, day camp, school district, community school, chartered nonpublic school, educational service center, the department of youth services, a prospective or current foster caregiver, a prospective or current adoptive parent working with an agency that arranges adoptions, or a person responsible for a child's care in a hospital or medical clinic other than a children's hospital.

~~(4)~~(5) "Person subject to a criminal records check" means the following:

(a) A person who is under final consideration for appointment or employment as a person responsible for a child's care in out-of-home care;

(b) A prospective or current adoptive parent working with an attorney who arranges adoptions;

~~(c) A prospective or current foster caregiver;~~

~~(d)~~ A person eighteen years old or older who resides with a ~~prospective or current foster caregiver or~~ a prospective or current adoptive parent who is working with an attorney who arranges adoptions.

~~(5)~~(6) "Recommending agency" means a public children services agency, private child placing agency, or private noncustodial agency to which the department of job and family services has delegated a duty to inspect and approve foster homes.

~~(6)~~(7) "Superintendent of BCII" means the superintendent of the bureau of criminal identification and investigation.

Sec. 2301.51. (A)(1) Any county that has a population of two 25488
hundred thousand or more is eligible to formulate a 25489
community-based correctional proposal pursuant to this section and 25490
Chapter 342. of the Revised Code, that, upon implementation, would 25491
provide a community-based correctional facility and program for 25492
the use of that county's court of common pleas in accordance with 25493
sections 2301.51 to 2301.58 of the Revised Code. Any county that 25494
has a population of two hundred thousand or more is eligible to 25495
formulate more than one community-based correctional proposal 25496
pursuant to this section upon approval of the director of 25497
rehabilitation and correction. In determining whether to grant 25498
approval to formulate more than one proposal, the director shall 25499
consider the rate at which the county commits felony offenders to 25500
the state correctional system. If a county formulates more than 25501
one proposal, each proposal shall be for a separate 25502
community-based correctional facility and program. 25503

(2) Two or more adjoining or neighboring counties that have 25504
an aggregate population of two hundred thousand or more are 25505
eligible to formulate a district community-based correctional 25506
proposal pursuant to this section that, upon implementation, would 25507
provide a district community-based correctional facility and 25508
program for the use of those counties' courts of common pleas in 25509
accordance with sections 2301.51 to 2301.58 of the Revised Code. 25510
Two or more adjoining or neighboring counties that have an 25511
aggregate population of two hundred thousand or more are eligible 25512
to formulate more than one district community-based correctional 25513
proposal upon approval of the director of rehabilitation and 25514
correction. In determining whether to grant approval for more than 25515
one proposal, the director shall consider the rate at which the 25516
counties commit felony offenders to the state correctional system. 25517
If two or more adjoining or neighboring counties formulate more 25518
than one proposal, each proposal shall be for a separate district 25519

community-based correctional facility and program. 25520

(3)(a) The formulation of a proposal for a community-based 25521
correctional facility or a district community-based correctional 25522
facility shall begin by the establishment of a judicial advisory 25523
board by judgment entry. The judicial advisory board shall consist 25524
of not less than three judges. Each general division judge of the 25525
court of common pleas in the county or counties wishing to 25526
formulate a proposal or to continue operation of an existing 25527
facility is eligible to become a member of the judicial advisory 25528
board but is not required to do so. In addition, a judicial 25529
advisory board may invite a ~~non-general~~ nongeneral division judge 25530
of a court of common pleas from within the county or counties 25531
proposing the creation of a community-based correctional facility 25532
or district community-based correctional facility or a general 25533
division judge of a court of common pleas from outside the county 25534
or counties proposing the creation of a community-based 25535
correctional facility or district community-based correctional 25536
facility who regularly sends offenders to its facility to become a 25537
member of that judicial advisory board. 25538

(b) A judge shall not receive any additional compensation for 25539
service on a judicial advisory board, but a judge may be 25540
reimbursed for reasonable and necessary expenses incurred as a 25541
result of service on the board. Service of a judge on a judicial 25542
advisory board pursuant to this section is a judicial function. 25543

(c) There shall be a facility governing board for each 25544
community-based correctional facility and program or district 25545
community-based correctional facility and program, whose members 25546
shall be appointed in accordance with division (E) of this 25547
section. 25548

The judicial advisory board shall meet at least once a year 25549
to provide advice to the facility governing board regarding the 25550
public safety needs of the community, admission criteria for any 25551

community-based correctional facility and program or district 25552
community-based correctional facility and program, and the general 25553
requirements of the community-based correctional facility and 25554
program or district community-based correctional facility and 25555
program. The judicial advisory board may meet as often as 25556
considered necessary by its members, may communicate directly with 25557
the division of parole and community services of the department of 25558
rehabilitation and correction, and may provide advice to the 25559
facility governing board specifically regarding the agreement 25560
entered into between the facility governing board and the division 25561
of parole and community services pursuant to section 5120.112 of 25562
the Revised Code. 25563

(4) A facility governing board shall formulate the proposal 25564
for a community-based correctional facility and program or 25565
district community-based correctional facility and program and 25566
shall govern the facility. 25567

(5) Chapter 2744. of the Revised Code applies to the county 25568
or counties served by a community-based correctional facility and 25569
program or district community-based correctional facility and 25570
program established and operated under sections 2301.51 to 2301.58 25571
of the Revised Code, to the community-based correctional facility 25572
and program or district community-based correctional facility and 25573
program so established and operated, and to the facility governing 25574
board of the community-based correctional facility and program or 25575
district community-based correctional facility and program so 25576
established and operated. 25577

(6) The members of the judicial advisory board and of the 25578
facility governing board of a community-based correctional 25579
facility and program or district community-based correctional 25580
facility and program established and operated under sections 25581
2301.51 to 2301.58 of the Revised Code shall be considered to be 25582
public officials or employees for purposes of Chapter 102. of the 25583

Revised Code and public officials or public servants for purposes 25584
of sections 2921.42 and 2921.43 of the Revised Code. 25585

(7) Each member of a facility governing board of a 25586
community-based correctional facility and program or district 25587
community-based correctional facility and program established and 25588
operated under sections 2301.51 to 2301.58 of the Revised Code 25589
shall attend orientation training developed by the judicial 25590
advisory board of the community-based correctional facility and 25591
program or district community-based correctional facility and 25592
program, as well as annual ethics training developed by the 25593
judicial advisory board in consultation with the Ohio ethics 25594
commission or provided by the Ohio ethics commission. 25595

(8) A community-based correctional facility and program or a 25596
district community-based correctional facility and program 25597
established by a judicial corrections board under a prior version 25598
of this section shall continue to exist under its existing 25599
contractual arrangements but, on and after ~~the effective date of~~ 25600
~~this amendment~~ October 12, 2006, shall be governed by a facility 25601
governing board and advised by a judicial advisory board created 25602
according to this section. Appointments to the facility governing 25603
board shall be made in accordance with the appointment procedure 25604
set forth in division (E) of this section. The judicial advisory 25605
board and the board or boards of county commissioners of the 25606
member counties shall make their respective appointments within 25607
thirty days after ~~the effective date of this amendment~~ October 12, 25608
2006. 25609

(B)(1) Each proposal for the establishment of a 25610
community-based correctional facility and program or district 25611
community-based correctional facility and program that is 25612
formulated pursuant to division (A) of this section shall be 25613
submitted by the facility governing board to the division of 25614
parole and community services for its approval under section 25615

5120.10 of the Revised Code. 25616

(2) No person shall be sentenced to or placed in a 25617
community-based correctional facility and program or to a district 25618
community-based correctional facility and program by a court 25619
pursuant to section 2929.16 or 2929.17 of the Revised Code or by 25620
the parole board pursuant to section 2967.28 of the Revised Code, 25621
or otherwise committed or admitted to a facility and program of 25622
that type until after the proposal for the establishment of the 25623
facility and program has been approved by the division of parole 25624
and community services under section 5120.10 of the Revised Code. 25625
A person shall be sentenced to a facility and program of that type 25626
only pursuant to a sanction imposed by a court pursuant to section 25627
2929.16 or 2929.17 of the Revised Code as the sentence or as any 25628
part of the sentence of the person or otherwise shall be committed 25629
or referred to a facility and program of that type only when 25630
authorized by law. 25631

(C) Upon the approval by the division of parole and community 25632
services of a proposal for the establishment of a community-based 25633
correctional facility and program or district community-based 25634
correctional facility and program submitted to it under division 25635
(B) of this section, the facility governing board that submitted 25636
the proposal may establish and operate the facility and program 25637
addressed by the proposal in accordance with the approved proposal 25638
and division (B)(2) of this section. The facility governing board 25639
may submit a request for funding of some or all of its 25640
community-based correctional facilities and programs or district 25641
community-based correctional facilities and programs to the board 25642
of county commissioners of the county, if the facility governing 25643
board serves a community-based correctional facility and program, 25644
or to the boards of county commissioners of all of the member 25645
counties, if the facility governing board serves a district 25646
community-based correctional facility and program. The board or 25647

boards may appropriate, but are not required to appropriate, a sum 25648
of money for funding all aspects of each facility and program as 25649
outlined in sections 2301.51 to 2301.58 of the Revised Code. The 25650
facility governing board has no recourse against a board or boards 25651
of county commissioners if the board or boards of county 25652
commissioners do not appropriate money for funding any facility 25653
and program or if they appropriate money for funding a facility 25654
and program in an amount less than the total amount of the 25655
submitted request for funding. 25656

(D)(1) If a court of common pleas that is being served by a 25657
community-based correctional facility and program established 25658
pursuant to division (C) of this section determines that it no 25659
longer wants to be served by the facility and program, the 25660
facility governing board, upon the advice of the judicial advisory 25661
board, may dissolve the facility and program by notifying, in 25662
writing, the division of parole and community services of the 25663
determination to dissolve the facility and program. If the court 25664
is served by more than one community-based correctional facility 25665
and program, the facility governing board, upon the advice of the 25666
judicial advisory board, may dissolve some or all of the 25667
facilities and programs and, if it does not dissolve all of the 25668
facilities and programs, the facility governing board shall 25669
continue the operation of the remaining facilities and programs. 25670

(2) If all of the courts of common pleas being served by any 25671
district community-based correctional facility and program 25672
established pursuant to division (C) of this section determine 25673
that they no longer want to be served by the facility and program, 25674
the facility governing board, upon the advice of the judicial 25675
advisory board, may dissolve the facility and program by 25676
notifying, in writing, the division of parole and community 25677
services of the determination to dissolve the facility and 25678
program. If the courts are served by more than one district 25679

community-based correctional facility and program, the facility 25680
governing board, upon the advice of the judicial advisory board, 25681
may dissolve some or all of the facilities and programs, and, if 25682
it does not dissolve all of the facilities and programs, it shall 25683
continue the operation of the remaining facilities and programs. 25684

(3) If at least one, but not all, of the courts of common 25685
pleas being served by one or more district community-based 25686
correctional facilities and programs established pursuant to 25687
division (C) of this section determines that it no longer wants to 25688
be served by the facilities and programs, the court may terminate 25689
its involvement with each of the facilities and programs by 25690
entering upon the journal of the court the fact of the 25691
determination to terminate its involvement with the facilities and 25692
programs and by the court notifying, in writing, the division of 25693
parole and community services of the determination to terminate 25694
its involvement with the facilities and programs. 25695

If at least one, but not all, of the courts of common pleas 25696
being served by one or more district community-based correctional 25697
facilities and programs terminates its involvement with each of 25698
the facilities and programs in accordance with this division, the 25699
other courts of common pleas being served by the facilities and 25700
programs may continue to be served by each of the facilities and 25701
programs. A court may use a facility and program by remaining as a 25702
member county of the district community-based correctional 25703
facility and program or by making a written service agreement with 25704
the facility governing board without remaining as a member county. 25705

(E) A facility governing board of a community-based 25706
correctional facility and program shall consist of at least six 25707
members, each member serving a three-year term. A facility 25708
governing board of a district community-based correctional 25709
facility and program shall consist of at least six members, each 25710
member serving a three-year term, except that not more than 25711

one-half of the members shall be from any one county. 25712

The judicial advisory board shall appoint two-thirds of the 25713
members, and the board or boards of county commissioners of the 25714
member counties shall appoint the remaining one-third, or portion 25715
thereof, of the members. Of the initial appointments, one-third of 25716
the members shall be appointed for a one-year term, one-third of 25717
the members shall be appointed for a two-year term, and the 25718
remaining one-third or portion thereof of the members shall be 25719
appointed for a three-year term. Thereafter, terms of persons 25720
appointed to the facility governing board shall be for a 25721
three-year term, with each term ending on the same day of the same 25722
month of the year as did the term it succeeds. 25723

(F) Any member of a facility governing board may be 25724
reappointed to serve additional terms. Vacancies on the board 25725
shall be filled in the same manner as provided for original 25726
appointments. Any member of the board who is appointed to fill a 25727
vacancy occurring before the expiration of the term for which the 25728
member's predecessor was appointed shall hold office for the 25729
remainder of the predecessor's term. Members of the board shall 25730
not receive compensation for their services but may be reimbursed 25731
for reasonable and necessary expenses incurred as a result of 25732
service on the board. 25733

(G) Nothing in this section, sections 2301.52 to 2301.58, or 25734
section 5120.10, 5120.111, or 5120.122 of the Revised Code 25735
modifies or affects or shall be interpreted as modifying or 25736
affecting sections 5149.30 to 5149.37 of the Revised Code. 25737

Sec. 2303.081. (A) Pleadings or documents may be filed with 25738
the clerk of court either in paper format or in electronic format. 25739

(B)(1) The clerk shall determine whether the filing of 25740
pleadings or documents in electronic format may be accomplished 25741
either by electronic mail or through the use of an online 25742

platform. 25743

(2) The fee for filing pleadings or documents in electronic format may be paid after the filing. The clerk shall not require that any fee for the filing of pleadings or documents in electronic format be paid before the filing, unless the clerk has provided for an electronic payment system for such filing. 25744
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(3) The clerk shall not require a fee for the filing of pleadings or documents in electronic format that is greater than the applicable fee for the filing of pleadings or documents in paper format. 25749
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(4) Divisions (B)(1), (2), and (3) of this section do not apply to the filing of pleadings or documents in a probate court or juvenile court. 25753
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(C) Pleadings and documents filed in paper format may be converted to an electronic format. Documents created by the clerk of court in the exercise of the clerk's duties may be created in an electronic format. 25756
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~~(B)~~(D) When pleadings or documents are received or created in, or converted to, an electronic format as provided in ~~division (A)~~ of this section, the pleadings or documents in that format shall be considered the official version of the record. 25760
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Sec. 2307.22. (A) Subject to sections 2307.23 and 2307.24 and except as provided in division (B) of section 2307.70, ~~division (B)~~ divisions (C)(2) and (3) of section 4507.07, section 4399.02, or another section of the Revised Code that expressly establishes joint and several tort liability for specified persons, joint and several tort liability shall be determined as follows: 25764
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(1) In a tort action in which the trier of fact determines that two or more persons proximately caused the same injury or loss to person or property or the same wrongful death and in which 25770
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the trier of fact determines that more than fifty per cent of the 25773
tortious conduct is attributable to one defendant, that defendant 25774
shall be jointly and severally liable in tort for all compensatory 25775
damages that represent economic loss. 25776

(2) If division (A)(1) of this section is applicable, each 25777
defendant who is determined by the trier of fact to be legally 25778
responsible for the same injury or loss to person or property or 25779
the same wrongful death and to whom fifty per cent or less of the 25780
tortious conduct is attributable shall be liable to the plaintiff 25781
only for that defendant's proportionate share of the compensatory 25782
damages that represent economic loss. The proportionate share of a 25783
defendant shall be calculated by multiplying the total amount of 25784
the economic damages awarded to the plaintiff by the percentage of 25785
tortious conduct as determined pursuant to section 2307.23 of the 25786
Revised Code that is attributable to that defendant. 25787

(3) In a tort action in which the trier of fact determines 25788
that two or more persons proximately caused the same injury or 25789
loss to person or property or the same wrongful death and in which 25790
the trier of fact determines that fifty per cent or less of the 25791
tortious conduct is attributable to any defendant against whom an 25792
intentional tort claim has been alleged and established, that 25793
defendant shall be jointly and severally liable in tort for all 25794
compensatory damages that represent economic loss. 25795

(4) If division (A)(3) of this section is applicable, each 25796
defendant against whom an intentional tort claim has not been 25797
alleged and established, who is determined by the trier of fact to 25798
be legally responsible for the same injury or loss to person or 25799
property or the same wrongful death, and to whom fifty per cent or 25800
less of the tortious conduct is attributable shall be liable to 25801
the plaintiff only for that defendant's proportionate share of the 25802
compensatory damages that represent economic loss. The 25803
proportionate share of a defendant shall be calculated by 25804

multiplying the total amount of the economic damages awarded to 25805
the plaintiff by the percentage of tortious conduct as determined 25806
pursuant to section 2307.23 of the Revised Code that is 25807
attributable to that defendant. 25808

(B) Except as otherwise provided in divisions (A)(3) and (4) 25809
of this section, in a tort action in which the trier of fact 25810
determines that two or more persons proximately caused the same 25811
injury or loss to person or property or the same wrongful death 25812
and in which the trier of fact determines that fifty per cent or 25813
less of the tortious conduct is attributable to each defendant, 25814
each defendant shall be liable to the plaintiff only for that 25815
defendant's proportionate share of the compensatory damages that 25816
represent economic loss. The proportionate share of a defendant 25817
shall be calculated by multiplying the total amount of the 25818
economic damages awarded to the plaintiff by the percentage of 25819
tortious conduct as determined pursuant to section 2307.23 of the 25820
Revised Code that is attributable to that defendant. 25821

(C) In a tort action in which the trier of fact determines 25822
that two or more persons proximately caused the same injury or 25823
loss to person or property or the same wrongful death, each 25824
defendant who is determined by the trier of fact to be legally 25825
responsible for the same injury or loss to person or property or 25826
for the same wrongful death shall be liable to the plaintiff only 25827
for that defendant's proportionate share of the compensatory 25828
damages that represent noneconomic loss. The proportionate share 25829
of a defendant shall be calculated by multiplying the total amount 25830
of the noneconomic damages awarded to the plaintiff by the 25831
percentage of tortious conduct as determined pursuant to section 25832
2307.23 of the Revised Code that is attributable to that 25833
defendant. 25834

(D) Sections 2307.25 to 2307.29 of the Revised Code shall 25835
apply to joint and several tort liability that is described in 25836

division (A) of this section. 25837

Sec. 2307.781. (A) As used in this section: 25838

(1) "Liquefied petroleum gas" means a material with a vapor 25839
pressure not exceeding that of commercial propane composed 25840
predominately of the following hydrocarbons or mixtures: 25841

(a) Propane; 25842

(b) Propylene; 25843

(c) Butane; 25844

(d) Butylene. 25845

(2) "Liquefied petroleum gas equipment" means a liquefied 25846
petroleum gas appliance, or any equipment, tank, pipe, regulator, 25847
control, valve, fitting, or other equipment or device intended to 25848
be used in connection with or to supply liquefied petroleum gas to 25849
one or more liquefied petroleum gas appliances. 25850

(3) "Liquefied petroleum gas supplier" means either of the 25851
following: 25852

(a) A person that, in the course of a business conducted for 25853
that purpose, sells, distributes leases, prepares, blends, 25854
packages, labels, or otherwise participates in the placing of 25855
liquefied petroleum gas in the stream of commerce at retail; 25856

(b) A person that, in the course of a business conducted for 25857
that purpose, installs, repairs, or maintains any aspect of 25858
liquefied petroleum gas equipment that allegedly causes harm. 25859

(4) "Use of liquefied petroleum gas" means the distribution, 25860
delivery, sale, or use of liquefied petroleum gas, as well as the 25861
distribution, sale, installation, modification, inspection, or 25862
repair of liquefied petroleum gas equipment. 25863

(B) A liquefied petroleum gas supplier is not subject to 25864
liability for compensatory damages or punitive or exemplary 25865

damages based on a product liability claim that results from the 25866
installation, modification, repair, or servicing of liquefied 25867
petroleum gas equipment by a person other than the liquefied 25868
petroleum gas supplier, unless the liquefied petroleum gas 25869
supplier had received written notification or other actual 25870
knowledge of such installation, modification, repair, or servicing 25871
at least thirty days before the installation, modification, 25872
repair, or servicing occurred. 25873

(C) A liquefied petroleum gas supplier is not subject to 25874
liability for compensatory damages or punitive or exemplary 25875
damages based on a product liability claim that results from the 25876
use or operation of liquefied petroleum gas equipment in a manner 25877
or for a purpose other than that for which it was intended. 25878

(D) A liquefied petroleum gas supplier is not subject to 25879
liability for compensatory damages or punitive or exemplary 25880
damages based on a product liability claim that results from the 25881
installation, modification, repair, or servicing of liquefied 25882
petroleum gas equipment by a person, other than the liquefied 25883
petroleum gas supplier, who is not certified or licensed to 25884
install, modify, repair, or service that equipment. 25885

(E) A liquefied petroleum gas supplier is not subject to 25886
liability for compensatory damages or punitive or exemplary 25887
damages based on a product liability claim that results from the 25888
installation, modification, repair, or servicing of liquefied 25889
petroleum gas equipment by a person, other than the liquefied 25890
petroleum gas supplier, that did not conform to the warning or 25891
instruction of the manufacturer of the liquefied petroleum gas 25892
equipment. 25893

(F) A liquefied petroleum gas supplier is not subject to 25894
liability for compensatory damages or punitive or exemplary 25895
damages based on a product liability claim that results from the 25896
use of liquefied petroleum gas if the actions of the liquefied 25897

petroleum gas supplier in connection with that use complied with 25898
requirements set forth in the Chapters 4101. and 3737. of the 25899
Revised Code and Chapters 901:4-3 and 901:6-2, and rules 25900
1301:7-7-01, 1301:7-7-02, 1301:7-7-09, 1301:7-7-23, 1301:7-7-31, 25901
1301:7-7-33, 1301:7-7-39, 1301:7-7-57, 1301:7-7-58, 1301:7-7-61, 25902
1301-7-7-80, 4101:1-4-01, 4101:1-35-01, 4101:2-2-01, 25903
4101-1:2-15-01, 4101:8-2-01, 4101:8-24-01, 4101:8-44-01, 25904
4123:1-3-16, 4123:1-5-13, and 4501:52-03 of the Administrative 25905
Code. 25906

(G) Divisions (B), (C), (D), (E), and (F) of this section do 25907
not apply if the product liability claim was caused in whole or in 25908
part by intentional misconduct by the liquefied petroleum gas 25909
supplier. 25910

(H) A user of liquefied petroleum gas is presumed to be aware 25911
of the inherent dangerous characteristics of liquefied petroleum 25912
gas. A liquefied petroleum gas supplier is not required to provide 25913
a warning regarding liquefied petroleum gas except as specified in 25914
the Revised Code or Administrative Code. 25915

(I) As a matter of public policy, the general assembly finds 25916
that liquefied petroleum gas, without modification, is not a 25917
defective product. 25918

Sec. 2913.46. (A)(1) As used in this section: 25919

(a) "Electronically transferred benefit" means the transfer 25920
of supplemental nutrition assistance program benefits or WIC 25921
program benefits through the use of an access device. 25922

(b) "WIC program benefits" includes money, coupons, delivery 25923
verification receipts, other documents, food, or other property 25924
received directly or indirectly pursuant to section 17 of the 25925
"Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C.A. 1786, as 25926
amended. 25927

(c) "Access device" means any card, plate, code, account number, or other means of access that can be used, alone or in conjunction with another access device, to obtain payments, allotments, benefits, money, goods, or other things of value or that can be used to initiate a transfer of funds pursuant to section 5101.33 of the Revised Code and the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), or any supplemental food program administered by any department of this state or any county or local agency pursuant to section 17 of the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C.A. 1786, as amended. An "access device" may include any electronic debit card or other means authorized by section 5101.33 of the Revised Code.

(d) "Aggregate value of supplemental nutrition assistance program benefits, WIC program benefits, and electronically transferred benefits involved in the violation" means the total face value of any supplemental nutrition assistance program benefits, plus the total face value of WIC program coupons or delivery verification receipts, plus the total value of other WIC program benefits, plus the total value of any electronically transferred benefit or other access device, involved in the violation.

(e) "Total value of any electronically transferred benefit or other access device" means the total value of the payments, allotments, benefits, money, goods, or other things of value that may be obtained, or the total value of funds that may be transferred, by use of any electronically transferred benefit or other access device at the time of violation.

(f) "Traffic" has the same meaning as "trafficking," as defined in 7 C.F.R. 271.2.

(2) If supplemental nutrition assistance program benefits, WIC program benefits, or electronically transferred benefits or other access devices of various values are used, transferred,

bought, acquired, altered, purchased, possessed, presented for 25960
redemption, or transported in violation of this section over a 25961
period of twelve months, the course of conduct may be charged as 25962
one offense and the values of supplemental nutrition assistance 25963
program benefits, WIC program benefits, or any electronically 25964
transferred benefits or other access devices may be aggregated in 25965
determining the degree of the offense. 25966

~~(B)(1)~~ No individual shall knowingly solicit, possess, 25967
buy, sell, use, alter, accept, or transfer supplemental nutrition 25968
assistance program benefits, WIC program benefits, or any 25969
electronically transferred benefit in any manner not authorized by 25970
the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) and 25971
including regulations adopted under that act, or section 17 of the 25972
"Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1786, as 25973
amended. 25974

(2) No individual shall knowingly traffic supplemental 25975
nutrition assistance program benefits. 25976

(C) No organization, as defined in division (D) of section 25977
2901.23 of the Revised Code, shall do either of the following: 25978

(1) Knowingly allow an employee or agent to solicit, sell, 25979
transfer, traffic, or trade items or services, ~~the purchase of~~ 25980
~~which is prohibited by the Food and Nutrition Act of 2008 (7~~ 25981
~~U.S.C. 2011 et seq.) or section 17 of the "Child Nutrition Act of~~ 25982
~~1966," 80 Stat. 885, 42 U.S.C. 1786, as amended, in exchange for~~ 25983
~~supplemental nutrition assistance program benefits, WIC program~~ 25984
~~benefits, or any electronically transferred benefit~~ in violation 25985
of division (B) of this section; 25986

(2) Negligently allow an employee or agent to solicit, sell, 25987
transfer, traffic, or exchange supplemental nutrition assistance 25988
program benefits, WIC program benefits, or any electronically 25989
transferred benefit ~~for anything of value~~ in violation of division 25990

(B) of this section. 25991

(D) Whoever violates this section is guilty of illegal use of 25992
supplemental nutrition assistance program benefits or WIC program 25993
benefits. Except as otherwise provided in this division, illegal 25994
use of supplemental nutrition assistance program benefits or WIC 25995
program benefits is a felony of the fifth degree. If the aggregate 25996
value of the supplemental nutrition assistance program benefits, 25997
WIC program benefits, and electronically transferred benefits 25998
involved in the violation is one thousand dollars or more and is 25999
less than seven thousand five hundred dollars, illegal use of 26000
supplemental nutrition assistance program benefits or WIC program 26001
benefits is a felony of the fourth degree. If the aggregate value 26002
of the supplemental nutrition assistance program benefits, WIC 26003
program benefits, and electronically transferred benefits involved 26004
in the violation is seven thousand five hundred dollars or more 26005
and is less than one hundred fifty thousand dollars, illegal use 26006
of supplemental nutrition assistance program benefits or WIC 26007
program benefits is a felony of the third degree. If the aggregate 26008
value of the supplemental nutrition assistance program benefits, 26009
WIC program benefits, and electronically transferred benefits 26010
involved in the violation is one hundred fifty thousand dollars or 26011
more, illegal use of supplemental nutrition assistance program 26012
benefits or WIC program benefits is a felony of the second degree. 26013

Sec. 2915.01. As used in this chapter: 26014

(A) "Bookmaking" means the business of receiving or paying 26015
off bets. 26016

(B) "Bet" means the hazarding of anything of value upon the 26017
result of an event, undertaking, or contingency, but does not 26018
include a bona fide business risk. 26019

(C) "Scheme of chance" means a slot machine unless authorized 26020
under Chapter 3772. of the Revised Code, lottery unless authorized 26021

under Chapter 3770. of the Revised Code, numbers game, pool 26022
conducted for profit, or other scheme in which a participant gives 26023
a valuable consideration for a chance to win a prize, but does not 26024
include bingo, a skill-based amusement machine, or a pool not 26025
conducted for profit. "Scheme of chance" includes the use of an 26026
electronic device to reveal the results of a game entry if 26027
valuable consideration is paid, directly or indirectly, for a 26028
chance to win a prize. Valuable consideration is deemed to be paid 26029
for a chance to win a prize in the following instances: 26030

(1) Less than fifty per cent of the goods or services sold by 26031
a scheme of chance operator in exchange for game entries are used 26032
or redeemed by participants at any one location; 26033

(2) Less than fifty per cent of participants who purchase 26034
goods or services at any one location do not accept, use, or 26035
redeem the goods or services sold or purportedly sold; 26036

(3) More than fifty per cent of prizes at any one location 26037
are revealed to participants through an electronic device 26038
simulating a game of chance or a "casino game" as defined in 26039
section 3772.01 of the Revised Code; 26040

(4) The good or service sold by a scheme of chance operator 26041
in exchange for a game entry cannot be used or redeemed in the 26042
manner advertised; 26043

(5) A participant pays more than fair market value for goods 26044
or services offered by a scheme of chance operator in order to 26045
receive one or more game entries; 26046

(6) A participant may use the electronic device to purchase 26047
additional game entries; 26048

(7) A participant may purchase additional game entries by 26049
using points or credits won as prizes while using the electronic 26050
device; 26051

(8) A scheme of chance operator pays out in prize money more than twenty per cent of the gross revenue received at one location; or

(9) A participant makes a purchase or exchange in order to obtain any good or service that may be used to facilitate play on the electronic device.

As used in this division, "electronic device" means a mechanical, video, digital, or electronic machine or device that is capable of displaying information on a screen or other mechanism and that is owned, leased, or otherwise possessed by any person conducting a scheme of chance, or by that person's partners, affiliates, subsidiaries, or contractors. "Electronic device" does not include an electronic instant bingo system.

(D) "Game of chance" means poker, craps, roulette, or other game in which a player gives anything of value in the hope of gain, the outcome of which is determined largely by chance, but does not include bingo.

(E) "Game of chance conducted for profit" means any game of chance designed to produce income for the person who conducts or operates the game of chance, but does not include bingo.

(F) "Gambling device" means any of the following:

(1) A book, totalizer, or other equipment for recording bets;

(2) A ticket, token, or other device representing a chance, share, or interest in a scheme of chance or evidencing a bet;

(3) A deck of cards, dice, gaming table, roulette wheel, slot machine, or other apparatus designed for use in connection with a game of chance;

(4) Any equipment, device, apparatus, or paraphernalia specially designed for gambling purposes;

(5) Bingo supplies sold or otherwise provided, or used, in

violation of this chapter.	26082
(G) "Gambling offense" means any of the following:	26083
(1) A violation of this chapter;	26084
(2) A violation of an existing or former municipal ordinance	26085
or law of this or any other state or the United States	26086
substantially equivalent to any provision of this chapter or a	26087
violation of section 2915.06 of the Revised Code as it existed	26088
prior to July 1, 1996;	26089
(3) An offense under an existing or former municipal	26090
ordinance or law of this or any other state or the United States,	26091
of which gambling is an element;	26092
(4) A conspiracy or attempt to commit, or complicity in	26093
committing, any offense under division (G)(1), (2), or (3) of this	26094
section.	26095
(H) Except as otherwise provided in this chapter, "charitable	26096
organization" means either of the following:	26097
(1) An organization that is exempt from federal income	26098
taxation under subsection 501(a) and described in subsection	26099
501(c)(3) of the Internal Revenue Code;	26100
(2) A volunteer rescue service organization, volunteer	26101
firefighter's organization, veteran's organization, fraternal	26102
organization, or sporting organization that is exempt from federal	26103
income taxation under subsection 501(c)(4), (c)(7), (c)(8),	26104
(c)(10), or (c)(19) of the Internal Revenue Code.	26105
To qualify as a "charitable organization," an organization	26106
shall have been in continuous existence as such in this state for	26107
a period of two years immediately preceding either the making of	26108
an application for a bingo license under section 2915.08 of the	26109
Revised Code or the conducting of any game of chance as provided	26110
in division (D) of section 2915.02 of the Revised Code.	26111

(I) "Religious organization" means any church, body of
communicants, or group that is not organized or operated for
profit and that gathers in common membership for regular worship
and religious observances.

(J) "Veteran's organization" means any individual post or
state headquarters of a national veteran's association or an
auxiliary unit of any individual post of a national veteran's
association, which post, state headquarters, or auxiliary unit is
incorporated as a nonprofit corporation and either has received a
letter from the state headquarters of the national veteran's
association indicating that the individual post or auxiliary unit
is in good standing with the national veteran's association or has
received a letter from the national veteran's association
indicating that the state headquarters is in good standing with
the national veteran's association. As used in this division,
"national veteran's association" means any veteran's association
that has been in continuous existence as such for a period of at
least five years and either is incorporated by an act of the
United States congress or has a national dues-paying membership of
at least five thousand persons.

(K) "Volunteer firefighter's organization" means any
organization of volunteer firefighters, as defined in section
146.01 of the Revised Code, that is organized and operated
exclusively to provide financial support for a volunteer fire
department or a volunteer fire company and that is recognized or
ratified by a county, municipal corporation, or township.

(L) "Fraternal organization" means any society, order, state
headquarters, or association within this state, except a college
or high school fraternity, that is not organized for profit, that
is a branch, lodge, or chapter of a national or state
organization, that exists exclusively for the common business or
sodality of its members.

(M) "Volunteer rescue service organization" means any organization of volunteers organized to function as an emergency medical service organization, as defined in section 4765.01 of the Revised Code.

(N) "Charitable bingo game" means any bingo game described in division (O)(1) or (2) of this section that is conducted by a charitable organization that has obtained a license pursuant to section 2915.08 of the Revised Code and the proceeds of which are used for a charitable purpose.

(O) "Bingo" means either of the following:

(1) A game with all of the following characteristics:

(a) The participants use bingo cards or sheets, including paper formats and electronic representation or image formats, that are divided into twenty-five spaces arranged in five horizontal and five vertical rows of spaces, with each space, except the central space, being designated by a combination of a letter and a number and with the central space being designated as a free space.

(b) The participants cover the spaces on the bingo cards or sheets that correspond to combinations of letters and numbers that are announced by a bingo game operator.

(c) A bingo game operator announces combinations of letters and numbers that appear on objects that a bingo game operator selects by chance, either manually or mechanically, from a receptacle that contains seventy-five objects at the beginning of each game, each object marked by a different combination of a letter and a number that corresponds to one of the seventy-five possible combinations of a letter and a number that can appear on the bingo cards or sheets.

(d) The winner of the bingo game includes any participant who properly announces during the interval between the announcements

of letters and numbers as described in division (O)(1)(c) of this 26175
section, that a predetermined and preannounced pattern of spaces 26176
has been covered on a bingo card or sheet being used by the 26177
participant. 26178

(2) Instant bingo, electronic instant bingo, and raffles. 26179

(P) "Conduct" means to back, promote, organize, manage, carry 26180
on, sponsor, or prepare for the operation of bingo or a game of 26181
chance, a scheme of chance, or a sweepstakes. 26182

(Q) "Bingo game operator" means any person, except security 26183
personnel, who performs work or labor at the site of bingo, 26184
including, but not limited to, collecting money from participants, 26185
handing out bingo cards or sheets or objects to cover spaces on 26186
bingo cards or sheets, selecting from a receptacle the objects 26187
that contain the combination of letters and numbers that appear on 26188
bingo cards or sheets, calling out the combinations of letters and 26189
numbers, distributing prizes, selling or redeeming instant bingo 26190
tickets or cards, selling or redeeming electronic instant bingo 26191
tickets, credits, or vouchers, accessing an electronic instant 26192
bingo system other than as a participant, supervising the 26193
operation of a punch board, selling raffle tickets, selecting 26194
raffle tickets from a receptacle and announcing the winning 26195
numbers in a raffle, and preparing, selling, and serving food or 26196
beverages. "Bingo game operator" does not include a person who is 26197
installing, maintaining, updating, or repairing an electronic 26198
instant bingo system. 26199

(R) "Participant" means any person who plays bingo. 26200

(S) "Bingo session" means a period that includes both of the 26201
following: 26202

(1) Not to exceed five continuous hours for the conduct of 26203
one or more games described in division (O)(1) of this section, 26204
instant bingo, and electronic instant bingo; 26205

(2) A period for the conduct of instant bingo and electronic
instant bingo for not more than two hours before and not more than
two hours after the period described in division (S)(1) of this
section.

(T) "Gross receipts" means all money or assets, including
admission fees, that a person receives from bingo without the
deduction of any amounts for prizes paid out or for the expenses
of conducting bingo. "Gross receipts" does not include any money
directly taken in from the sale of food or beverages by a
charitable organization conducting bingo, or by a bona fide
auxiliary unit or society of a charitable organization conducting
bingo, provided all of the following apply:

(1) The auxiliary unit or society has been in existence as a
bona fide auxiliary unit or society of the charitable organization
for at least two years prior to conducting bingo.

(2) The person who purchases the food or beverage receives
nothing of value except the food or beverage and items customarily
received with the purchase of that food or beverage.

(3) The food and beverages are sold at customary and
reasonable prices.

(U) "Security personnel" includes any person who either is a
sheriff, deputy sheriff, marshal, deputy marshal, township
constable, or member of an organized police department of a
municipal corporation or has successfully completed a peace
officer's training course pursuant to sections 109.71 to 109.79 of
the Revised Code and who is hired to provide security for the
premises on which bingo is conducted.

(V) "Charitable purpose" means that the net profit of bingo,
other than instant bingo or electronic instant bingo, is used by,
or is given, donated, or otherwise transferred to, any of the
following:

(1) Any organization that is described in subsection 26237
509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code 26238
and is either a governmental unit or an organization that is tax 26239
exempt under subsection 501(a) and described in subsection 26240
501(c)(3) of the Internal Revenue Code; 26241

(2) A veteran's organization that is a post, chapter, or 26242
organization of veterans, or an auxiliary unit or society of, or a 26243
trust or foundation for, any such post, chapter, or organization 26244
organized in the United States or any of its possessions, at least 26245
seventy-five per cent of the members of which are veterans and 26246
substantially all of the other members of which are individuals 26247
who are spouses, widows, or widowers of veterans, or such 26248
individuals, provided that no part of the net earnings of such 26249
post, chapter, or organization inures to the benefit of any 26250
private shareholder or individual, and further provided that the 26251
net profit is used by the post, chapter, or organization for the 26252
charitable purposes set forth in division (B)(12) of section 26253
5739.02 of the Revised Code, is used for awarding scholarships to 26254
or for attendance at an institution mentioned in division (B)(12) 26255
of section 5739.02 of the Revised Code, is donated to a 26256
governmental agency, or is used for nonprofit youth activities, 26257
the purchase of United States or Ohio flags that are donated to 26258
schools, youth groups, or other bona fide nonprofit organizations, 26259
promotion of patriotism, or disaster relief; 26260

(3) A fraternal organization that has been in continuous 26261
existence in this state for fifteen years and that uses the net 26262
profit exclusively for religious, charitable, scientific, 26263
literary, or educational purposes, or for the prevention of 26264
cruelty to children or animals, if contributions for such use 26265
would qualify as a deductible charitable contribution under 26266
subsection 170 of the Internal Revenue Code; 26267

(4) A volunteer firefighter's organization that uses the net 26268

profit for the purposes set forth in division (K) of this section. 26269

(W) "Internal Revenue Code" means the "Internal Revenue Code 26270
of 1986," 100 Stat. 2085, 26 U.S.C. 1, as now or hereafter 26271
amended. 26272

(X) "Youth athletic organization" means any organization, not 26273
organized for profit, that is organized and operated exclusively 26274
to provide financial support to, or to operate, athletic 26275
activities for persons who are twenty-one years of age or younger 26276
by means of sponsoring, organizing, operating, or contributing to 26277
the support of an athletic team, club, league, or association. 26278

(Y) "Youth athletic park organization" means any 26279
organization, not organized for profit, that satisfies both of the 26280
following: 26281

(1) It owns, operates, and maintains playing fields that 26282
satisfy both of the following: 26283

(a) The playing fields are used for athletic activities by 26284
one or more organizations, not organized for profit, each of which 26285
is organized and operated exclusively to provide financial support 26286
to, or to operate, athletic activities for persons who are 26287
eighteen years of age or younger by means of sponsoring, 26288
organizing, operating, or contributing to the support of an 26289
athletic team, club, league, or association. 26290

(b) The playing fields are not used for any profit-making 26291
activity at any time during the year. 26292

(2) It uses the proceeds of bingo it conducts exclusively for 26293
the operation, maintenance, and improvement of its playing fields 26294
of the type described in division (Y)(1) of this section. 26295

(Z) "Bingo supplies" means bingo cards or sheets; instant 26296
bingo tickets or cards; electronic bingo aids; raffle tickets; 26297
punch boards; seal cards; instant bingo ticket dispensers; 26298

electronic instant bingo systems; and devices for selecting or 26299
displaying the combination of bingo letters and numbers or raffle 26300
tickets. Items that are "bingo supplies" are not gambling devices 26301
if sold or otherwise provided, and used, in accordance with this 26302
chapter. For purposes of this chapter, "bingo supplies" are not to 26303
be considered equipment used to conduct a bingo game. 26304

(AA) "Instant bingo" means a form of bingo that shall use 26305
folded or banded tickets or paper cards with perforated break-open 26306
tabs, a face of which is covered or otherwise hidden from view to 26307
conceal a number, letter, or symbol, or set of numbers, letters, 26308
or symbols, some of which have been designated in advance as prize 26309
winners, and may also include games in which some winners are 26310
determined by the random selection of one or more bingo numbers by 26311
the use of a seal card or bingo blower. "Instant bingo" also 26312
includes a punch board game. In all "instant bingo" the prize 26313
amount and structure shall be predetermined. "Instant bingo" does 26314
not include electronic instant bingo or any device that is 26315
activated by the insertion of a coin, currency, token, or an 26316
equivalent, and that contains as one of its components a video 26317
display monitor that is capable of displaying numbers, letters, 26318
symbols, or characters in winning or losing combinations. 26319

(BB) "Seal card" means a form of instant bingo that uses 26320
instant bingo tickets in conjunction with a board or placard that 26321
contains one or more seals that, when removed or opened, reveal 26322
predesignated winning numbers, letters, or symbols. 26323

(CC) "Raffle" means a form of bingo in which the one or more 26324
prizes are won by one or more persons who have purchased a raffle 26325
ticket. The one or more winners of the raffle are determined by 26326
drawing a ticket stub or other detachable section from a 26327
receptacle containing ticket stubs or detachable sections 26328
corresponding to all tickets sold for the raffle. "Raffle" does 26329
not include the drawing of a ticket stub or other detachable 26330

section of a ticket purchased to attend a professional sporting event if both of the following apply:

(1) The ticket stub or other detachable section is used to select the winner of a free prize given away at the professional sporting event; and

(2) The cost of the ticket is the same as the cost of a ticket to the professional sporting event on days when no free prize is given away.

(DD) "Punch board" means a form of instant bingo that uses a board containing a number of holes or receptacles of uniform size in which are placed, mechanically and randomly, serially numbered slips of paper that may be punched or drawn from the hole or receptacle. A player may punch or draw the numbered slips of paper from the holes or receptacles and obtain the prize established for the game if the number drawn corresponds to a winning number or, if the punch board includes the use of a seal card, a potential winning number.

(EE) "Gross profit" means gross receipts minus the amount actually expended for the payment of prize awards.

(FF) "Net profit" means gross profit minus expenses.

(GG) "Expenses" means the reasonable amount of gross profit actually expended for all of the following:

(1) The purchase or lease of bingo supplies;

(2) The annual license fee required under section 2915.08 of the Revised Code;

(3) Bank fees and service charges for a bingo session or game account described in section 2915.10 of the Revised Code;

(4) Audits and accounting services;

(5) Safes;

(6) Cash registers;	26360
(7) Hiring security personnel;	26361
(8) Advertising bingo;	26362
(9) Renting premises in which to conduct a bingo session;	26363
(10) Tables and chairs;	26364
(11) Expenses for maintaining and operating a charitable organization's facilities, including, but not limited to, a post home, club house, lounge, tavern, or canteen and any grounds attached to the post home, club house, lounge, tavern, or canteen;	26365 26366 26367 26368
(12) Payment of real property taxes and assessments that are levied on a premises on which bingo is conducted;	26369 26370
(13) Any other product or service directly related to the conduct of bingo that is authorized in rules adopted by the attorney general under division (F)(1) of section 2915.08 of the Revised Code.	26371 26372 26373 26374
(HH) "Person" has the same meaning as in section 1.59 of the Revised Code and includes any firm or any other legal entity, however organized.	26375 26376 26377
(II) "Revoke" means to void permanently all rights and privileges of the holder of a license issued under section 2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable gaming license issued by another jurisdiction.	26378 26379 26380 26381
(JJ) "Suspend" means to interrupt temporarily all rights and privileges of the holder of a license issued under section 2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable gaming license issued by another jurisdiction.	26382 26383 26384 26385
(KK) "Distributor" means any person who purchases or obtains bingo supplies and who does either of the following:	26386 26387
(1) Sells, offers for sale, or otherwise provides or offers	26388

to provide the bingo supplies to another person for use in this state; 26389
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(2) Modifies, converts, adds to, or removes parts from the bingo supplies to further their promotion or sale for use in this state. 26391
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(LL) "Manufacturer" means any person who assembles completed bingo supplies from raw materials, other items, or subparts or who modifies, converts, adds to, or removes parts from bingo supplies to further their promotion or sale. 26394
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(MM) "Gross annual revenues" means the annual gross receipts derived from the conduct of bingo described in division (O)(1) of this section plus the annual net profit derived from the conduct of bingo described in division (O)(2) of this section. 26398
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(NN) "Instant bingo ticket dispenser" means a mechanical device that dispenses an instant bingo ticket or card as the sole item of value dispensed and that has the following characteristics: 26402
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(1) It is activated upon the insertion of United States currency. 26406
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(2) It performs no gaming functions. 26408

(3) It does not contain a video display monitor or generate noise. 26409
26410

(4) It is not capable of displaying any numbers, letters, symbols, or characters in winning or losing combinations. 26411
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(5) It does not simulate or display rolling or spinning reels. 26413
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(6) It is incapable of determining whether a dispensed bingo ticket or card is a winning or nonwinning ticket or card and requires a winning ticket or card to be paid by a bingo game operator. 26415
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(7) It may provide accounting and security features to aid in accounting for the instant bingo tickets or cards it dispenses. 26419
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(8) It is not part of an electronic network and is not interactive. 26421
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(OO)(1) "Electronic bingo aid" means an electronic device used by a participant to monitor bingo cards or sheets purchased at the time and place of a bingo session and that does all of the following: 26423
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26426

(a) It provides a means for a participant to input numbers and letters announced by a bingo caller. 26427
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(b) It compares the numbers and letters entered by the participant to the bingo faces previously stored in the memory of the device. 26429
26430
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(c) It identifies a winning bingo pattern. 26432

(2) "Electronic bingo aid" does not include any device into which a coin, currency, token, or an equivalent is inserted to activate play. 26433
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(PP) "Deal" means a single game of instant bingo tickets, or a single game of electronic instant bingo tickets, all with the same serial number. 26436
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(QQ)(1) "Slot machine" means either of the following: 26439

(a) Any mechanical, electronic, video, or digital device that is capable of accepting anything of value, directly or indirectly, from or on behalf of a player who gives the thing of value in the hope of gain; 26440
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(b) Any mechanical, electronic, video, or digital device that is capable of accepting anything of value, directly or indirectly, from or on behalf of a player to conduct bingo or a scheme or game of chance. 26444
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(2) "Slot machine" does not include a skill-based amusement 26448

machine, an instant bingo ticket dispenser, or an electronic 26449
instant bingo system. 26450

~~(RR) "Net profit from the proceeds of the sale of instant 26451
bingo or electronic instant bingo" means gross profit minus the 26452
ordinary, necessary, and reasonable expense expended for the 26453
purchase of bingo supplies for the purpose of conducting instant 26454
bingo or electronic instant bingo, and, in the case of instant 26455
bingo or electronic instant bingo conducted by a veteran's, 26456
fraternal, or sporting organization, minus the payment by that 26457
organization of real property taxes and assessments levied on a 26458
premises on which instant bingo or electronic instant bingo is 26459
conducted. 26460~~

~~(SS)~~ "Charitable instant bingo organization" means an 26461
organization that is exempt from federal income taxation under 26462
subsection 501(a) and described in subsection 501(c)(3) of the 26463
Internal Revenue Code and is a charitable organization as defined 26464
in this section. A "charitable instant bingo organization" does 26465
not include a charitable organization that is exempt from federal 26466
income taxation under subsection 501(a) and described in 26467
subsection 501(c)(3) of the Internal Revenue Code and that is 26468
created by a veteran's organization, a fraternal organization, or 26469
a sporting organization in regards to bingo conducted or assisted 26470
by a veteran's organization, a fraternal organization, or a 26471
sporting organization pursuant to section 2915.13 of the Revised 26472
Code. 26473

~~(TT)~~(SS) "Game flare" means the board or placard, or 26474
electronic representation of a board or placard, that accompanies 26475
each deal of instant bingo or electronic instant bingo tickets and 26476
that includes the following information for the game: 26477

(1) The name of the game; 26478

(2) The manufacturer's name or distinctive logo; 26479

(3) The form number;	26480
(4) The ticket count;	26481
(5) The prize structure, including the number of winning tickets by denomination and the respective winning symbol or number combinations for the winning tickets;	26482 26483 26484
(6) The cost per play;	26485
(7) The serial number of the game.	26486
(UU)(1) <u>(TT)(1)</u> "Skill-based amusement machine" means a mechanical, video, digital, or electronic device that rewards the player or players, if at all, only with merchandise prizes or with redeemable vouchers redeemable only for merchandise prizes, provided that with respect to rewards for playing the game all of the following apply:	26487 26488 26489 26490 26491 26492
(a) The wholesale value of a merchandise prize awarded as a result of the single play of a machine does not exceed ten dollars;	26493 26494 26495
(b) Redeemable vouchers awarded for any single play of a machine are not redeemable for a merchandise prize with a wholesale value of more than ten dollars;	26496 26497 26498
(c) Redeemable vouchers are not redeemable for a merchandise prize that has a wholesale value of more than ten dollars times the fewest number of single plays necessary to accrue the redeemable vouchers required to obtain that prize; and	26499 26500 26501 26502
(d) Any redeemable vouchers or merchandise prizes are distributed at the site of the skill-based amusement machine at the time of play.	26503 26504 26505
A card for the purchase of gasoline is a redeemable voucher for purposes of division (UU)(1) <u>(TT)(1)</u> of this section even if the skill-based amusement machine for the play of which the card is awarded is located at a place where gasoline may not be legally	26506 26507 26508 26509

distributed to the public or the card is not redeemable at the 26510
location of, or at the time of playing, the skill-based amusement 26511
machine. 26512

(2) A device shall not be considered a skill-based amusement 26513
machine and shall be considered a slot machine if it pays cash or 26514
one or more of the following apply: 26515

(a) The ability of a player to succeed at the game is 26516
impacted by the number or ratio of prior wins to prior losses of 26517
players playing the game. 26518

(b) Any reward of redeemable vouchers is not based solely on 26519
the player achieving the object of the game or the player's score; 26520

(c) The outcome of the game, or the value of the redeemable 26521
voucher or merchandise prize awarded for winning the game, can be 26522
controlled by a source other than any player playing the game. 26523

(d) The success of any player is or may be determined by a 26524
chance event that cannot be altered by player actions. 26525

(e) The ability of any player to succeed at the game is 26526
determined by game features not visible or known to the player. 26527

(f) The ability of the player to succeed at the game is 26528
impacted by the exercise of a skill that no reasonable player 26529
could exercise. 26530

(3) All of the following apply to any machine that is 26531
operated as described in division ~~(UU)(1)~~(TT)(1) of this section: 26532

(a) As used in division ~~(UU)~~(TT) of this section, "game" and 26533
"play" mean one event from the initial activation of the machine 26534
until the results of play are determined without payment of 26535
additional consideration. An individual utilizing a machine that 26536
involves a single game, play, contest, competition, or tournament 26537
may be awarded redeemable vouchers or merchandise prizes based on 26538
the results of play. 26539

(b) Advance play for a single game, play, contest, 26540
competition, or tournament participation may be purchased. The 26541
cost of the contest, competition, or tournament participation may 26542
be greater than a single noncontest, competition, or tournament 26543
play. 26544

(c) To the extent that the machine is used in a contest, 26545
competition, or tournament, that contest, competition, or 26546
tournament has a defined starting and ending date and is open to 26547
participants in competition for scoring and ranking results toward 26548
the awarding of redeemable vouchers or merchandise prizes that are 26549
stated prior to the start of the contest, competition, or 26550
tournament. 26551

(4) For purposes of division ~~(UU)(1)~~(TT)(1) of this section, 26552
the mere presence of a device, such as a pin-setting, 26553
ball-releasing, or scoring mechanism, that does not contribute to 26554
or affect the outcome of the play of the game does not make the 26555
device a skill-based amusement machine. 26556

~~(VV)~~(UU) "Merchandise prize" means any item of value, but 26557
shall not include any of the following: 26558

(1) Cash, gift cards, or any equivalent thereof; 26559

(2) Plays on games of chance, state lottery tickets, or 26560
bingo; 26561

(3) Firearms, tobacco, or alcoholic beverages; or 26562

(4) A redeemable voucher that is redeemable for any of the 26563
items listed in division ~~(VV)(1)~~(UU)(1), (2), or (3) of this 26564
section. 26565

~~(WW)~~(VV) "Redeemable voucher" means any ticket, token, 26566
coupon, receipt, or other noncash representation of value. 26567

~~(XX)~~(WW) "Pool not conducted for profit" means a scheme in 26568
which a participant gives a valuable consideration for a chance to 26569

win a prize and the total amount of consideration wagered is 26570
distributed to a participant or participants. 26571

~~(YY)~~(XX) "Sporting organization" means a hunting, fishing, or 26572
trapping organization, other than a college or high school 26573
fraternity or sorority, that is not organized for profit, that is 26574
affiliated with a state or national sporting organization, 26575
including but not limited to, the league of Ohio sportsmen, and 26576
that has been in continuous existence in this state for a period 26577
of three years. 26578

~~(ZZ)~~(YY) "Community action agency" has the same meaning as in 26579
section 122.66 of the Revised Code. 26580

~~(AAA)~~(1)~~(ZZ)~~(1) "Sweepstakes terminal device" means a 26581
mechanical, video, digital, or electronic machine or device that 26582
is owned, leased, or otherwise possessed by any person conducting 26583
a sweepstakes, or by that person's partners, affiliates, 26584
subsidiaries, or contractors, that is intended to be used by a 26585
sweepstakes participant, and that is capable of displaying 26586
information on a screen or other mechanism. A device is a 26587
sweepstakes terminal device if any of the following apply: 26588

(a) The device uses a simulated game terminal as a 26589
representation of the prizes associated with the results of the 26590
sweepstakes entries. 26591

(b) The device utilizes software such that the simulated game 26592
influences or determines the winning of or value of the prize. 26593

(c) The device selects prizes from a predetermined finite 26594
pool of entries. 26595

(d) The device utilizes a mechanism that reveals the content 26596
of a predetermined sweepstakes entry. 26597

(e) The device predetermines the prize results and stores 26598
those results for delivery at the time the sweepstakes entry 26599

results are revealed. 26600

(f) The device utilizes software to create a game result. 26601

(g) The device reveals the prize incrementally, even though 26602
the device does not influence the awarding of the prize or the 26603
value of any prize awarded. 26604

(h) The device determines and associates the prize with an 26605
entry or entries at the time the sweepstakes is entered. 26606

(2) As used in this division and in section 2915.02 of the 26607
Revised Code: 26608

(a) "Enter" means the act by which a person becomes eligible 26609
to receive any prize offered in a sweepstakes. 26610

(b) "Entry" means one event from the initial activation of 26611
the sweepstakes terminal device until all the sweepstakes prize 26612
results from that activation are revealed. 26613

(c) "Prize" means any gift, award, gratuity, good, service, 26614
credit, reward, or any other thing of value that may be 26615
transferred to a person, whether possession of the prize is 26616
actually transferred, or placed on an account or other record as 26617
evidence of the intent to transfer the prize. 26618

(d) "Sweepstakes terminal device facility" means any location 26619
in this state where a sweepstakes terminal device is provided to a 26620
sweepstakes participant, except as provided in division (G) of 26621
section 2915.02 of the Revised Code. 26622

~~(BBB)~~(AAA) "Sweepstakes" means any game, contest, advertising 26623
scheme or plan, or other promotion where consideration is not 26624
required for a person to enter to win or become eligible to 26625
receive any prize, the determination of which is based upon 26626
chance. "Sweepstakes" does not include bingo as authorized under 26627
this chapter, pari-mutuel wagering as authorized by Chapter 3769. 26628
of the Revised Code, lotteries conducted by the state lottery 26629

commission as authorized by Chapter 3770. of the Revised Code, and 26630
casino gaming as authorized by Chapter 3772. of the Revised Code. 26631

~~(CCC)(1)~~(BBB)(1) "Electronic instant bingo" means a form of 26632
bingo that consists of an electronic or digital representation of 26633
instant bingo in which a participant wins a prize if the 26634
participant's electronic instant bingo ticket contains a 26635
combination of numbers or symbols that was designated in advance 26636
as a winning combination, and to which all of the following apply: 26637

(a) Each deal has a predetermined, finite number of winning 26638
and losing tickets and a predetermined prize amount and deal 26639
structure, provided that there may be multiple winning 26640
combinations in each deal and multiple winning tickets. 26641

(b) Each electronic instant bingo ticket within a deal has a 26642
unique serial number that is not regenerated. 26643

(c) Each electronic instant bingo ticket within a deal is 26644
sold for the same price. 26645

(d) After a participant purchases an electronic instant bingo 26646
ticket, the combination of numbers or symbols on the ticket is 26647
revealed to the participant. 26648

(e) The reveal of numbers or symbols on the ticket may 26649
incorporate an entertainment or bonus theme, provided that the 26650
reveal does not include spinning reels that resemble a slot 26651
machine. 26652

(f) The reveal theme, if any, does not require additional 26653
consideration or award any prize other than any predetermined 26654
prize associated with the electronic instant bingo ticket. 26655

(2) "Electronic instant bingo" shall not include any of the 26656
following: 26657

(a) Any game, entertainment, or bonus theme that replicates 26658
or simulates any of the following: 26659

(i) The gambling games of keno, blackjack, roulette, poker, 26660
craps, other casino-style table games; 26661

(ii) Horse racing; 26662

(iii) Gambling games offered in this state on slot machines 26663
or video lottery terminals. As used in this division, "video 26664
lottery terminal" has the same meaning as in section 3770.21 of 26665
the Revised Code. 26666

(b) Any device operated by dropping one or more coins or 26667
tokens into a slot and pulling a handle or pushing a button or 26668
touchpoint on a touchscreen to activate one to three or more 26669
rotating reels marked into horizontal segments by varying symbols, 26670
where the predetermined prize amount depends on how and how many 26671
of the symbols line up when the rotating reels come to a rest; 26672

(c) Any device that includes a coin or token slot, tray, or 26673
hopper and the ability to dispense coins, cash, tokens, or 26674
anything of value other than a credit ticket voucher. 26675

~~(DDD)~~(CCC) "Electronic instant bingo system" means both of 26676
the following: 26677

(1) A mechanical, electronic, digital, or video device and 26678
associated software to which all of the following apply: 26679

(a) It is used by not more than one player at a time to play 26680
electronic instant bingo on a single screen that is physically 26681
connected to the device; 26682

(b) It is located on the premises of the principal place of 26683
business of a veteran's or fraternal organization that holds a 26684
type II or type III bingo license to conduct electronic instant 26685
bingo at that location issued under section 2915.08 of the Revised 26686
Code. 26687

(2) Any associated equipment or software used to manage, 26688
monitor, or document any aspect of electronic instant bingo. 26689

Sec. 2915.02. (A) No person shall do any of the following:	26690
(1) Engage in bookmaking, or knowingly engage in conduct that facilitates bookmaking;	26691 26692
(2) Establish, promote, or operate or knowingly engage in conduct that facilitates any game of chance conducted for profit or any scheme of chance;	26693 26694 26695
(3) Knowingly procure, transmit, exchange, or engage in conduct that facilitates the procurement, transmission, or exchange of information for use in establishing odds or determining winners in connection with bookmaking or with any game of chance conducted for profit or any scheme of chance;	26696 26697 26698 26699 26700
(4) Engage in betting or in playing any scheme or game of chance as a substantial source of income or livelihood;	26701 26702
(5) Conduct, or participate in the conduct of, a sweepstakes with the use of a sweepstakes terminal device at a sweepstakes terminal device facility and either:	26703 26704 26705
(a) Give to another person any item described in division (VV)(1) <u>(UU)(1)</u> , (2), (3), or (4) of section 2915.01 of the Revised Code as a prize for playing or participating in a sweepstakes; or	26706 26707 26708
(b) Give to another person any merchandise prize, or a redeemable voucher for a merchandise prize, the wholesale value of which is in excess of ten dollars and which is awarded as a single entry for playing or participating in a sweepstakes. Redeemable vouchers shall not be redeemable for a merchandise prize that has a wholesale value of more than ten dollars.	26709 26710 26711 26712 26713 26714
(6) Conduct, or participate in the conduct of, a sweepstakes with the use of a sweepstakes terminal device at a sweepstakes terminal device facility without first obtaining a current annual "certificate of registration" from the attorney general as required by division (F) of this section;	26715 26716 26717 26718 26719

(7) With purpose to violate division (A)(1), (2), (3), (4), 26720
(5), or (6) of this section, acquire, possess, control, or operate 26721
any gambling device. 26722

(B) For purposes of division (A)(1) of this section, a person 26723
facilitates bookmaking if the person in any way knowingly aids an 26724
illegal bookmaking operation, including, without limitation, 26725
placing a bet with a person engaged in or facilitating illegal 26726
bookmaking. For purposes of division (A)(2) of this section, a 26727
person facilitates a game of chance conducted for profit or a 26728
scheme of chance if the person in any way knowingly aids in the 26729
conduct or operation of any such game or scheme, including, 26730
without limitation, playing any such game or scheme. 26731

(C) This section does not prohibit conduct in connection with 26732
gambling expressly permitted by law. 26733

(D) This section does not apply to any of the following: 26734

(1) Games of chance, if all of the following apply: 26735

(a) The games of chance are not craps for money or roulette 26736
for money. 26737

(b) The games of chance are conducted by a charitable 26738
organization that is, and has received from the internal revenue 26739
service a determination letter that is currently in effect, 26740
stating that the organization is, exempt from federal income 26741
taxation under subsection 501(a) and described in subsection 26742
501(c)(3) of the Internal Revenue Code. 26743

(c) The games of chance are conducted at festivals of the 26744
charitable organization that are conducted not more than a total 26745
of five days a calendar year, and are conducted on premises owned 26746
by the charitable organization for a period of no less than one 26747
year immediately preceding the conducting of the games of chance, 26748
on premises leased from a governmental unit, or on premises that 26749
are leased from a veteran's or fraternal organization and that 26750

have been owned by the lessor veteran's or fraternal organization 26751
for a period of no less than one year immediately preceding the 26752
conducting of the games of chance. 26753

A charitable organization shall not lease premises from a 26754
veteran's or fraternal organization to conduct a festival 26755
described in division (D)(1)(c) of this section if the veteran's 26756
or fraternal organization already has leased the premises twelve 26757
times during the preceding year to charitable organizations for 26758
that purpose. If a charitable organization leases premises from a 26759
veteran's or fraternal organization to conduct a festival 26760
described in division (D)(1)(c) of this section, the charitable 26761
organization shall not pay a rental rate for the premises per day 26762
of the festival that exceeds the rental rate per bingo session 26763
that a charitable organization may pay under division (B)(1) of 26764
section 2915.09 of the Revised Code when it leases premises from 26765
another charitable organization to conduct bingo games. 26766

(d) All of the money or assets received from the games of 26767
chance after deduction only of prizes paid out during the conduct 26768
of the games of chance are used by, or given, donated, or 26769
otherwise transferred to, any organization that is described in 26770
subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the Internal 26771
Revenue Code and is either a governmental unit or an organization 26772
that is tax exempt under subsection 501(a) and described in 26773
subsection 501(c)(3) of the Internal Revenue Code; 26774

(e) The games of chance are not conducted during, or within 26775
ten hours of, a bingo game conducted for amusement purposes only 26776
pursuant to section 2915.12 of the Revised Code. 26777

No person shall receive any commission, wage, salary, reward, 26778
tip, donation, gratuity, or other form of compensation, directly 26779
or indirectly, for operating or assisting in the operation of any 26780
game of chance. 26781

(2) Any tag fishing tournament operated under a permit issued 26782
under section 1533.92 of the Revised Code, as "tag fishing 26783
tournament" is defined in section 1531.01 of the Revised Code; 26784

(3) Bingo conducted by a charitable organization that holds a 26785
license issued under section 2915.08 of the Revised Code. 26786

(E) Division (D) of this section shall not be construed to 26787
authorize the sale, lease, or other temporary or permanent 26788
transfer of the right to conduct games of chance, as granted by 26789
that division, by any charitable organization that is granted that 26790
right. 26791

(F) Any person desiring to conduct, or participate in the 26792
conduct of, a sweepstakes with the use of a sweepstakes terminal 26793
device at a sweepstakes terminal device facility shall first 26794
register with the office of the attorney general and obtain an 26795
annual certificate of registration by providing a filing fee of 26796
two hundred dollars and all information as required by rule 26797
adopted under division (H) of this section. Not later than the 26798
tenth day of each month, each sweepstakes terminal device operator 26799
shall file a sweepstakes terminal device monthly report with the 26800
attorney general and provide a filing fee of fifty dollars and all 26801
information required by rule adopted under division (H) of this 26802
section. All information provided to the attorney general under 26803
this division shall be available to law enforcement upon request. 26804

(G) A person may apply to the attorney general, on a form 26805
prescribed by the attorney general, for a certificate of 26806
compliance that the person is not operating a sweepstakes terminal 26807
device facility. The form shall require the person to include the 26808
address of the business location where sweepstakes terminal 26809
devices will be used and to make the following certifications: 26810

(1) That the person will not use more than two sweepstakes 26811
terminal devices at the business location; 26812

(2) That the retail value of sweepstakes prizes to be awarded 26813
at the business location using sweepstakes terminal devices during 26814
a reporting period will be less than three per cent of the gross 26815
revenue received at the business location during the reporting 26816
period; 26817

(3) That no other form of gaming except lottery ticket sales 26818
as authorized under Chapter 3770. of the Revised Code will be 26819
conducted at the business location or in an adjoining area of the 26820
business location; 26821

(4) That any sweepstakes terminal device at the business 26822
location will not allow any deposit of any money, coin, or token, 26823
or the use of any credit card, debit card, prepaid card, or any 26824
other method of similar payment to be used, directly or 26825
indirectly, to participate in a sweepstakes; 26826

(5) That notification of any prize will not take place on the 26827
same day as a participant's sweepstakes entry; and 26828

(6) That the person consents to provide any other information 26829
to the attorney general as required by rule adopted under division 26830
(H) of this section. 26831

The filing fee for a certificate of compliance is two hundred 26832
fifty dollars. The attorney general may charge up to an additional 26833
two hundred fifty dollars for reasonable expenses resulting from 26834
any investigation related to an application for a certificate of 26835
compliance. 26836

A certificate of compliance is effective for one year. The 26837
certificate holder may reapply for a certificate of compliance. A 26838
person issued a certificate of compliance shall file semiannual 26839
reports with the attorney general stating the number of 26840
sweepstakes terminal devices at the business location and that the 26841
retail value of prizes awarded at the business location using 26842
sweepstakes terminal devices is less than three per cent of the 26843

gross revenue received at the business location. 26844

(H) The attorney general shall adopt rules setting forth: 26845

(1) The required information to be submitted by persons 26846
conducting a sweepstakes with the use of a sweepstakes terminal 26847
device at a sweepstakes terminal device facility as described in 26848
division (F) of this section; and 26849

(2) The requirements pertaining to a certificate of 26850
compliance under division (G) of this section, which shall provide 26851
for a person to file a consolidated application and a consolidated 26852
semiannual report if a person has more than one business location. 26853

The attorney general shall issue a certificate of 26854
registration or a certificate of compliance to all persons who 26855
have successfully satisfied the applicable requirements of this 26856
section. The attorney general shall post online a registry of all 26857
properly registered and certified sweepstakes terminal device 26858
operators. 26859

(I) The attorney general may refuse to issue an annual 26860
certificate of registration or certificate of compliance to any 26861
person or, if one has been issued, the attorney general may revoke 26862
a certificate of registration or a certificate of compliance if 26863
the applicant has provided any information to the attorney general 26864
as part of a registration, certification, monthly report, 26865
semiannual report, or any other information that is materially 26866
false or misleading, or if the applicant or any officer, partner, 26867
or owner of five per cent or more interest in the applicant has 26868
violated any provision of this chapter. 26869

(J) The attorney general may take any necessary and 26870
reasonable action to determine a violation of this chapter, 26871
including requesting documents and information, performing 26872
inspections of premises, or requiring the attendance of any person 26873
at an examination under oath. 26874

(K) Whoever violates this section is guilty of gambling, a misdemeanor of the first degree. If the offender previously has been convicted of any gambling offense, gambling is a felony of the fifth degree. Notwithstanding this division, failing to file a sweepstakes terminal device monthly report as required by division (F) of this section or the semiannual report required by division (G) of this section is a misdemeanor of the first degree.

Sec. 2915.06. (A) No person shall give to another person any item described in division ~~(VV)(1)~~(UU)(1), (2), (3), or (4) of section 2915.01 of the Revised Code in exchange for a noncash prize, toy, or novelty received as a reward for playing or operating a skill-based amusement machine or for a free or reduced-price game won on a skill-based amusement machine.

(B) Whoever violates division (A) of this section is guilty of skill-based amusement machine prohibited conduct. A violation of division (A) of this section is a misdemeanor of the first degree for each redemption of a prize that is involved in the violation. If the offender previously has been convicted of a violation of division (A) of this section, a violation of that division is a felony of the fifth degree for each redemption of a prize that is involved in the violation. The maximum fine authorized to be imposed for a felony of the fifth degree shall be imposed upon the offender.

Sec. 2915.08. (A)(1) Except as otherwise permitted under section 2915.092 of the Revised Code, annually before the first day of January, a charitable organization that desires to conduct bingo shall apply to the attorney general for one or more of the following types of licenses to conduct bingo, as appropriate:

(a) A type I license to conduct bingo as described in division (O)(1) of section 2915.01 of the Revised Code;

(b) A type II license to conduct instant bingo, electronic 26905
instant bingo, or both at a bingo session; 26906

(c) A type III license to conduct instant bingo, electronic 26907
instant bingo, or both other than at a bingo session, in 26908
accordance with sections 2915.093 to 2915.095 or sections 2915.13 26909
to 2915.15 of the Revised Code, as applicable. 26910

(2) A veteran's organization or fraternal organization that 26911
is authorized under section 2915.14 of the Revised Code to conduct 26912
electronic instant bingo may be issued only one license to conduct 26913
electronic instant bingo at any one time. The organization may 26914
conduct electronic instant bingo under that license at only one 26915
location specified on the license, which shall be the 26916
organization's principal place of business. 26917

(B) The application shall be accompanied by a license fee as 26918
follows: 26919

(1) If the charitable organization was not licensed to 26920
conduct bingo under this chapter before July 1, 2003, a fee 26921
established by the attorney general by rule adopted pursuant to 26922
section 111.15 of the Revised Code. 26923

(2) If the charitable organization was licensed to conduct 26924
bingo under this chapter before July 1, 2003, the following 26925
applicable fee: 26926

(a) For a type I license for a charitable organization that 26927
wishes to conduct bingo during twenty-six or more weeks in any 26928
calendar year, a license fee of two hundred dollars; 26929

(b) For a type II or type III license for a charitable 26930
organization that previously has not been licensed under this 26931
chapter to conduct instant bingo or electronic instant bingo and 26932
that wishes to conduct bingo during twenty-six or more weeks in 26933
any calendar year, a license fee of five hundred dollars; 26934

(c) For a type II or type III license for a charitable organization that previously has been licensed under this chapter to conduct instant bingo or electronic instant bingo and that desires to conduct bingo during twenty-six or more weeks in any calendar year, a license fee that is based upon the gross profits received by the charitable organization from the operation of instant bingo or electronic instant bingo during the one-year period ending on the thirty-first day of October of the year immediately preceding the year for which the license is sought, and that is one of the following:

(i) ~~Five~~ Seven hundred ~~fifty~~ dollars, if the total is one hundred fifty thousand dollars or less;

(ii) ~~One~~ Two thousand two hundred fifty dollars plus one-fourth per cent of the gross profit, if the total is more than one hundred fifty thousand dollars but less than ~~two~~ or equal to four hundred ~~fifty~~ thousand ~~one~~ dollars;

(iii) Two thousand two hundred fifty dollars plus one-half per cent of the gross profit, if the total is more than ~~two~~ four hundred ~~fifty~~ thousand dollars but less than ~~five~~ or equal to six hundred thousand ~~one~~ dollars;

(iv) Three thousand five hundred dollars plus one per cent of the gross profit, if the total is more than ~~five~~ six hundred thousand dollars but less than or equal to one million ~~one~~ dollars;

(v) Five thousand dollars plus one per cent of the gross profit, if the total is more than one million ~~one~~ dollars ~~or more~~.

~~(e)~~(d) For a type I, type II, or type III license for a charitable organization that desires to conduct bingo during fewer than twenty-six weeks in any calendar year, a reduced license fee established by the attorney general by rule adopted pursuant to section 111.15 of the Revised Code.

(C) The application shall be in the form prescribed by the attorney general, shall be signed and sworn to by the applicant, and shall contain all of the following:

(1) The name and post-office address of the applicant;

(2) A statement that the applicant is a charitable organization and that it has been in continuous existence as a charitable organization in this state for two years immediately preceding the making of the application;

(3) The location at which the organization will conduct bingo, which location shall be within the county in which the principal place of business of the applicant is located, the days of the week and the times on each of those days when bingo will be conducted, whether the organization owns, leases, or subleases the premises, and a copy of the rental agreement if it leases or subleases the premises;

(4) A statement of the applicant's previous history, record, and association that is sufficient to establish that the applicant is a charitable organization, and a copy of a determination letter that is issued by the Internal Revenue Service and states that the organization is tax exempt under subsection 501(a) and described in subsection 501(c)(3), 501(c)(4), 501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19) of the Internal Revenue Code;

(5) A statement as to whether the applicant has ever had any previous application refused, whether it previously has had a license revoked or suspended, and the reason stated by the attorney general for the refusal, revocation, or suspension;

(6) A statement of the charitable purposes for which the net profit derived from bingo described in division (O)(1) of section 2915.01 of the Revised Code will be used, or a statement of how the net profit derived from instant bingo or electronic instant bingo will be distributed in accordance with section 2915.101 of

the Revised Code, as applicable; 26997

(7) Other necessary and reasonable information that the 26998
attorney general may require by rule adopted pursuant to section 26999
111.15 of the Revised Code; 27000

(8) If the applicant is a charitable trust as defined in 27001
section 109.23 of the Revised Code, a statement as to whether it 27002
has registered with the attorney general pursuant to section 27003
109.26 of the Revised Code or filed annual reports pursuant to 27004
section 109.31 of the Revised Code, and, if it is not required to 27005
do either, the exemption in section 109.26 or 109.31 of the 27006
Revised Code that applies to it; 27007

(9) If the applicant is a charitable organization as defined 27008
in section 1716.01 of the Revised Code, a statement as to whether 27009
it has filed with the attorney general a registration statement 27010
pursuant to section 1716.02 of the Revised Code and a financial 27011
report pursuant to section 1716.04 of the Revised Code, and, if it 27012
is not required to do both, the exemption in section 1716.03 of 27013
the Revised Code that applies to it; 27014

(10) In the case of an applicant seeking to qualify as a 27015
youth athletic park organization, a statement issued by a board or 27016
body vested with authority under Chapter 755. of the Revised Code 27017
for the supervision and maintenance of recreation facilities in 27018
the territory in which the organization is located, certifying 27019
that the playing fields owned by the organization were open for 27020
use to all residents of that territory, regardless of race, color, 27021
creed, religion, sex, or national origin, for athletic activities 27022
by youth athletic organizations that do not discriminate on the 27023
basis of race, color, creed, religion, sex, or national origin, 27024
and that the fields were not used for any profit-making activity 27025
at any time during the year. That type of board or body is 27026
authorized to issue the statement upon request and shall issue the 27027
statement if it finds that the applicant's playing fields were so 27028

used. 27029

(D) The attorney general, within thirty days after receiving 27030
a timely filed application from a charitable organization that has 27031
been issued a license under this section that has not expired and 27032
has not been revoked or suspended, shall send a temporary permit 27033
to the applicant specifying the date on which the application was 27034
filed with the attorney general and stating that, pursuant to 27035
section 119.06 of the Revised Code, the applicant may continue to 27036
conduct bingo until a new license is granted or, if the 27037
application is rejected, until fifteen days after notice of the 27038
rejection is mailed to the applicant. The temporary permit does 27039
not affect the validity of the applicant's application and does 27040
not grant any rights to the applicant except those rights 27041
specifically granted in section 119.06 of the Revised Code. The 27042
issuance of a temporary permit by the attorney general pursuant to 27043
this division does not prohibit the attorney general from 27044
rejecting the applicant's application because of acts that the 27045
applicant committed, or actions that the applicant failed to take, 27046
before or after the issuance of the temporary permit. 27047

(E) Within thirty days after receiving an initial license 27048
application from a charitable organization to conduct bingo, the 27049
attorney general shall conduct a preliminary review of the 27050
application and notify the applicant regarding any deficiencies. 27051
Once an application is deemed complete, or beginning on the 27052
thirtieth day after the application is filed, if the attorney 27053
general failed to notify the applicant of any deficiencies, the 27054
attorney general shall have an additional sixty days to conduct an 27055
investigation and either grant, grant with limits, restrictions, 27056
or probationary conditions, or deny the application based on 27057
findings established and communicated in accordance with divisions 27058
(F) and (I) of this section. As an option to granting, granting 27059
with limits, restrictions, or probationary conditions, or denying 27060

an initial license application, the attorney general may grant a 27061
temporary license and request additional time to conduct the 27062
investigation if the attorney general has cause to believe that 27063
additional time is necessary to complete the investigation and has 27064
notified the applicant in writing about the specific concerns 27065
raised during the investigation. 27066

(F)(1) The attorney general shall adopt rules to enforce 27067
sections 2915.01, 2915.02, and 2915.07 to 2915.15 of the Revised 27068
Code to ensure that bingo is conducted in accordance with those 27069
sections and to maintain proper control over the conduct of bingo. 27070
Except as otherwise provided in this section, the rules shall be 27071
adopted pursuant to Chapter 119. of the Revised Code. The attorney 27072
general shall license charitable organizations to conduct bingo in 27073
conformance with this chapter and with the licensing provisions of 27074
Chapter 119. of the Revised Code. 27075

(2) If any of the following applies to an organization, the 27076
attorney general may refuse to grant a license to the 27077
organization, may revoke or suspend the organization's license, or 27078
may place limits, restrictions, or probationary conditions on the 27079
organization's license for a limited or indefinite period, as 27080
determined by the attorney general: 27081

(a) The organization fails or has failed at any time to meet 27082
any requirement of section 109.26, 109.31, or 1716.02, or sections 27083
2915.07 to 2915.15 of the Revised Code, or violates or has 27084
violated any provision of sections 2915.02 or 2915.07 to 2915.13 27085
of the Revised Code or any rule adopted by the attorney general 27086
pursuant to this chapter. 27087

(b) The organization makes or has made an incorrect or false 27088
statement that is material to the granting of the license in an 27089
application filed under this section. 27090

(c) The organization submits or has submitted any incorrect 27091

or false information relating to an application if the information 27092
is material to the granting of the license. 27093

(d) The organization maintains or has maintained any 27094
incorrect or false information that is material to the granting of 27095
the license in the records required to be kept pursuant to section 27096
2915.10 of the Revised Code, if applicable. 27097

(e) The attorney general has good cause to believe that the 27098
organization will not conduct bingo in accordance with sections 27099
2915.07 to 2915.15 of the Revised Code or with any rule adopted by 27100
the attorney general pursuant to this chapter. 27101

(3) If the attorney general has good cause to believe that 27102
any director or officer of the organization has breached the 27103
director's or officer's fiduciary duty to, or committed theft or 27104
any other type of misconduct related to, the organization or any 27105
other charitable organization that has been issued a bingo license 27106
under this chapter, the attorney general may refuse to grant a 27107
license to the organization, may impose limits, restrictions, or 27108
probationary conditions on the license, or may revoke or suspend 27109
the organization's license for a period not to exceed five years. 27110

(4) The attorney general may impose a civil fine on an 27111
organization licensed or permitted under this chapter for failure 27112
to comply with any restrictions, limits, or probationary 27113
conditions on its license, and for failure to comply with this 27114
chapter or any rule adopted under this chapter, according to a 27115
schedule of fines that the attorney general shall adopt in 27116
accordance with Chapter 119. of the Revised Code. 27117

(5) For the purposes of division (F) of this section, any 27118
action of an officer, trustee, agent, representative, or bingo 27119
game operator of an organization is an action of the organization. 27120

(G) The attorney general may grant licenses to charitable 27121
organizations that are branches, lodges, or chapters of national 27122

charitable organizations. 27123

(H) The attorney general shall send notice of any of the 27124
following actions in writing to the prosecuting attorney and 27125
sheriff of the county in which the charitable organization is 27126
located and to any other law enforcement agency in that county 27127
that so requests, of all of the following: 27128

(1) The issuance of a license under this section; 27129

(2) The issuance of an amended license under this section; 27130

(3) The rejection of an application for and refusal to grant 27131
a license under this section; 27132

(4) The revocation of any license previously issued under 27133
this section; 27134

(5) The suspension of any license previously issued under 27135
this section; 27136

(6) The placing of any limits, restrictions, or probationary 27137
conditions placed on a license issued under this section. 27138

(I) A license issued by the attorney general under this 27139
section shall set forth the information contained on the 27140
application of the charitable organization that the attorney 27141
general determines is relevant, including, but not limited to, the 27142
location at which the organization will conduct bingo, whether the 27143
license is a type I, type II, or type III license, and the days of 27144
the week and the times on each of those days when bingo will be 27145
conducted. If the attorney general refuses to grant, places 27146
limits, restrictions, or probationary conditions on, or revokes or 27147
suspends a license, the attorney general shall notify the 27148
applicant in writing and specifically identify the reason for the 27149
refusal, revocation, limit, restriction, probationary condition, 27150
or suspension in narrative form and, if applicable, by identifying 27151
the section of the Revised Code violated. The failure of the 27152

attorney general to give the written notice of the reasons for the 27153
refusal, revocation, limit, restriction, probationary condition, 27154
or suspension or a mistake in the written notice does not affect 27155
the validity of the attorney general's refusal to grant, or the 27156
revocation or suspension of, or limit, restriction, probationary 27157
condition on, a license. If the attorney general fails to give the 27158
written notice or if there is a mistake in the written notice, the 27159
applicant may bring an action to compel the attorney general to 27160
comply with this division or to correct the mistake, but the 27161
attorney general's order refusing to grant, or placing a limit, 27162
restriction, or probationary condition on, or revoking or 27163
suspending, a license shall not be enjoined during the pendency of 27164
the action. 27165

(J)(1)(a) Except as otherwise provided in division (J)(2) of 27166
this section, a charitable organization that has been issued a 27167
license under this section but that cannot conduct bingo at the 27168
location, or on the day of the week or at the time, specified on 27169
the license due to circumstances that make it impractical to do 27170
so, or that desires to conduct instant bingo other than at a bingo 27171
session at additional locations not identified on the license, may 27172
apply in writing, together with an application fee of two hundred 27173
fifty dollars, to the attorney general, at least thirty days prior 27174
to a change in or addition of a location, day of the week, or 27175
time, and request an amended license. 27176

(b) As applicable, the application shall describe the causes 27177
making it impractical for the organization to conduct bingo in 27178
conformity with its license and shall indicate the location, days 27179
of the week, and times on each of those days when it desires to 27180
conduct bingo and, as applicable, shall indicate the additional 27181
locations at which it desires to conduct instant bingo other than 27182
at a bingo session. 27183

(c) Except as otherwise provided in division (J)(3) of this 27184

section, the attorney general shall issue the amended license in 27185
accordance with division (I) of this section, and the organization 27186
shall surrender its original license to the attorney general. 27187

(2)(a) A charitable organization that has been issued a 27188
license under this section to conduct electronic instant bingo but 27189
that cannot conduct electronic instant bingo at the location, or 27190
on the day of the week or at the time, specified on the license 27191
due to circumstances that make it impractical to do so, may apply 27192
in writing, together with an application fee of two hundred fifty 27193
dollars, to the attorney general, at least thirty days prior to a 27194
change in a location, day of the week, or time, and request an 27195
amended license. A charitable organization may not apply for an 27196
amended license to conduct electronic instant bingo at any 27197
additional location. 27198

(b) The application shall describe the causes making it 27199
impractical for the organization to conduct electronic instant 27200
bingo in conformity with its license and shall indicate the 27201
location, days of the week, and times on each of those days when 27202
it desires to conduct electronic instant bingo. 27203

(c) Except as otherwise provided in division (J)(3) of this 27204
section, the attorney general shall issue the amended license in 27205
accordance with division (I) of this section, and the organization 27206
shall surrender its original license to the attorney general. 27207

(3) The attorney general may refuse to grant an amended 27208
license under division (J)(1) or (2) of this section according to 27209
the terms of division (F) of this section. 27210

(K) The attorney general may enter into a written contract 27211
with any other state agency to delegate to that state agency the 27212
powers prescribed to the attorney general under Chapter 2915. of 27213
the Revised Code. 27214

(L) The attorney general, by rule adopted pursuant to section 27215

111.15 of the Revised Code, may adopt rules to determine the 27216
requirements for a charitable organization that is exempt from 27217
federal income taxation under subsection 501(a) and described in 27218
subsection 501(c)(3) of the Internal Revenue Code to be in good 27219
standing in the state. 27220

Sec. 2915.101. (A) As used in this section: 27221

(1) "Net profit from the proceeds of the sale of instant 27222
bingo" means gross profit minus the ordinary, necessary, and 27223
reasonable expense expended for the purchase of bingo supplies for 27224
the purpose of conducting instant bingo and, in the case of 27225
instant bingo conducted by a veteran's, fraternal, or sporting 27226
organization, minus the payment by that organization of real 27227
property taxes and assessments levied on a premises on which 27228
instant bingo is conducted. 27229

(2) "Net profit from the proceeds of the sale of electronic 27230
instant bingo" means gross profit minus the ordinary, necessary, 27231
and reasonable expense expended for the purchase of bingo supplies 27232
for the purpose of conducting electronic instant bingo, and, in 27233
the case of electronic instant bingo conducted by a veteran's or 27234
fraternal organization, minus the payment by that organization of 27235
real property taxes and assessments levied on a premises on which 27236
electronic instant bingo is conducted. 27237

(B) Except as otherwise provided by law, a charitable 27238
organization that conducts instant bingo or electronic instant 27239
bingo shall distribute the net profit from the proceeds of the 27240
sale of instant bingo or electronic instant bingo as follows: 27241

~~(A)(1)~~(1) If a veteran's organization, a fraternal 27242
organization, or a sporting organization conducted the instant 27243
bingo ~~or electronic instant bingo~~, the organization shall 27244
distribute the net profit from the proceeds of the sale of instant 27245
bingo ~~or electronic instant bingo~~, as follows: 27246

(a) For the first ~~two~~ three hundred ~~fifty~~ thirty thousand 27247
dollars, or a greater amount prescribed by the attorney general to 27248
adjust for changes in prices as measured by the consumer price 27249
index as defined in section 325.18 of the Revised Code and other 27250
factors affecting the organization's expenses, as defined in 27251
~~division (CC) of~~ section 2915.01 of the Revised Code, or less of 27252
net profit from the proceeds of the sale of instant bingo ~~or~~ 27253
~~electronic instant bingo~~ generated in a calendar year: 27254

(i) At least twenty-five per cent shall be distributed to an 27255
organization described in division (V)(1) of section 2915.01 of 27256
the Revised Code or to a department or agency of the federal 27257
government, the state, or any political subdivision. 27258

(ii) Not more than seventy-five per cent may be deducted and 27259
retained by the organization for reimbursement of or for the 27260
organization's expenses, as defined in ~~division (CC) of~~ section 27261
2915.01 of the Revised Code, in conducting the instant bingo ~~or~~ 27262
~~electronic instant bingo~~ game. 27263

(b) For any net profit from the proceeds of the sale of 27264
instant bingo ~~or electronic instant bingo~~ of more than ~~two~~ three 27265
hundred ~~fifty~~ thirty thousand dollars or an adjusted amount 27266
generated in a calendar year: 27267

(i) A minimum of fifty per cent shall be distributed to an 27268
organization described in division (V)(1) of section 2915.01 of 27269
the Revised Code or to a department or agency of the federal 27270
government, the state, or any political subdivision. 27271

(ii) Five per cent may be distributed for the organization's 27272
own charitable purposes or to a community action agency. 27273

(iii) Forty-five per cent may be deducted and retained by the 27274
organization for reimbursement of or for the organization's 27275
expenses, as defined in ~~division (CC) of~~ section 2915.01 of the 27276
Revised Code, in conducting the instant bingo ~~or electronic~~ 27277

~~instant bingo~~ game. 27278

(2) For a veteran's organization or a fraternal organization 27279
that conducted the electronic instant bingo, the organization 27280
shall distribute the net profit from the proceeds of the sale of 27281
electronic instant bingo as follows: 27282

(a) For the first three hundred thirty thousand dollars, or a 27283
greater amount prescribed by the attorney general to adjust for 27284
changes in prices as measured by the consumer price index as 27285
defined in section 325.18 of the Revised Code and other factors 27286
affecting the organization's expenses, as defined in section 27287
2915.01 of the Revised Code, or less of net profit from the 27288
proceeds of the sale of electronic instant bingo generated in a 27289
calendar year: 27290

(i) At least twenty-five per cent shall be distributed to an 27291
organization described in division (V)(1) of section 2915.01 of 27292
the Revised Code or to a department or agency of the federal 27293
government, the state, or any political subdivision. 27294

(ii) Not more than seventy-five per cent may be deducted and 27295
retained by the organization for reimbursement of or for the 27296
organization's expenses, as defined in section 2915.01 of the 27297
Revised Code, in conducting the electronic instant bingo game. 27298

(b) For any net profit from the proceeds of the sale of 27299
electronic instant bingo of more than three hundred thirty 27300
thousand dollars or an adjusted amount generated in a calendar 27301
year: 27302

(i) A minimum of fifty per cent shall be distributed to an 27303
organization described in division (V)(1) of section 2915.01 of 27304
the Revised Code or to a department or agency of the federal 27305
government, the state, or any political subdivision. 27306

(ii) Five per cent may be distributed for the organization's 27307
own charitable purposes or to a community action agency. 27308

(iii) Forty-five per cent may be deducted and retained by the organization for reimbursement of or for the organization's expenses, as defined in section 2915.01 of the Revised Code, in conducting the electronic instant bingo game.

(3) If a veteran's organization, a fraternal organization, or a sporting organization does not distribute the full percentages specified in divisions ~~(A)(1)(a)~~(B)(1)(a) and (b) or (B)(2)(a) and (b) of this section for the purposes specified in those divisions, the organization shall distribute the balance of the net profit from the proceeds of the sale of instant bingo or electronic instant bingo not distributed or retained for those purposes to an organization described in division (V)(1) of section 2915.01 of the Revised Code.

~~(B)(C)~~ If a charitable organization other than a veteran's organization, a fraternal organization, or a sporting organization conducted the instant bingo ~~or electronic instant bingo~~, the organization shall distribute one hundred per cent of the net profit from the proceeds of the sale of instant bingo ~~or electronic instant bingo~~ to an organization described in division (V)(1) of section 2915.01 of the Revised Code or to a department or agency of the federal government, the state, or any political subdivision.

~~(C)(D)~~ Nothing in this section prohibits a veteran's organization, a fraternal organization, or a sporting organization from distributing any net profit from the proceeds of the sale of instant bingo or electronic instant bingo to an organization that is described in subsection 501(c)(3) of the Internal Revenue Code when the organization that is described in subsection 501(c)(3) of the Internal Revenue Code is one that makes donations to other organizations and permits donors to advise or direct such donations so long as the donations comply with requirements established in or pursuant to subsection 501(c)(3) of the Internal

Revenue Code. 27341

Sec. 2915.13. (A) Subject to the requirements of sections 27342
2915.14 and 2915.15 of the Revised Code concerning electronic 27343
instant bingo, a veteran's organization, a fraternal organization, 27344
or a sporting organization authorized to conduct a bingo session 27345
pursuant to this chapter may conduct instant bingo, electronic 27346
instant bingo, or both other than at a bingo session under a type 27347
III license issued under section 2915.08 of the Revised Code if 27348
all of the following apply: 27349

(1) The veteran's organization, fraternal organization, or 27350
sporting organization limits the sale of instant bingo or 27351
electronic instant bingo to ~~twelve~~ sixteen hours during any day, 27352
provided that the sale does not begin earlier than ~~ten~~ eight a.m. 27353
and ends not later than two a.m. 27354

(2) The veteran's organization, fraternal organization, or 27355
sporting organization limits the sale of instant bingo or 27356
electronic instant bingo to its own premises and to its own 27357
members and invited guests. 27358

(3) The veteran's organization, fraternal organization, or 27359
sporting organization is raising money for an organization that is 27360
described in subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the 27361
Internal Revenue Code and is ~~either a~~ one of the following: 27362

(a) A governmental unit or an in this state; 27363

(b) An organization that maintains its principal place of 27364
business in this state, ~~that~~ is exempt from federal income 27365
taxation under subsection 501(a) and described in subsection 27366
501(c)(3) of the Internal Revenue Code, and ~~that~~ is in good 27367
standing in this state ~~and executes a written contract with that 27368
organization as required in division (B) of this section;~~ 27369

(c) In the case of a veteran's organization, an entity that 27370

is exempt from federal income taxation under subsection 501(a) and 27371
described in subsection 501(c)(3) of the Internal Revenue Code and 27372
that is affiliated with the national veteran's association of 27373
which the veteran's organization is a post, state headquarters, or 27374
auxiliary unit; 27375

(d) In the case of a fraternal organization, an entity that 27376
is exempt from federal income taxation under subsection 501(a) and 27377
described in subsection 501(c)(3) of the Internal Revenue Code and 27378
that is affiliated with the national organization of which the 27379
fraternal organization is a branch, lodge, or chapter. 27380

(B) If a veteran's organization, fraternal organization, or 27381
sporting organization authorized to conduct instant bingo or 27382
electronic instant bingo pursuant to division (A) of this section 27383
is raising money for another organization that is described in 27384
~~subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the Internal~~ 27385
~~Revenue Code and is either a governmental unit or an organization~~ 27386
~~that maintains its principal place of business in this state, that~~ 27387
~~is exempt from federal income taxation under subsection 501(a) and~~ 27388
~~described in subsection 501(c)(3) of the Internal Revenue Code,~~ 27389
~~and that is in good standing in this state~~ division (A)(3) of this 27390
section, the veteran's organization, fraternal organization, or 27391
sporting organization shall execute a written contract with ~~the~~ 27392
~~that organization that is described in subsection 509(a)(1),~~ 27393
~~509(a)(2), or 509(a)(3) of the Internal Revenue Code and is either~~ 27394
~~a governmental unit or an organization that maintains its~~ 27395
~~principal place of business in this state, that is exempt from~~ 27396
~~federal income taxation under subsection 501(a) and described in~~ 27397
~~subsection 501(c)(3) of the Internal Revenue Code, and that is in~~ 27398
~~good standing in this state~~ in order to conduct instant bingo or 27399
electronic instant bingo. That contract shall include a statement 27400
of the percentage of the net proceeds that the veteran's, 27401
fraternal, or sporting organization will be distributing to ~~the~~ 27402

~~that organization that is described in subsection 509(a)(1), 27403
509(a)(2), or 509(a)(3) of the Internal Revenue Code and is either 27404
a governmental unit or an organization that maintains its 27405
principal place of business in this state, that is exempt from 27406
federal income taxation under subsection 501(a) and described in 27407
subsection 501(c)(3) of the Internal Revenue Code, and that is in 27408
good standing in this state. 27409~~

(C)(1) If a veteran's organization, fraternal organization, 27410
or sporting organization authorized to conduct instant bingo or 27411
electronic instant bingo pursuant to division (A) of this section 27412
has been issued a liquor permit under Chapter 4303. of the Revised 27413
Code, that permit may be subject to suspension, revocation, or 27414
cancellation if the veteran's organization, fraternal 27415
organization, or sporting organization violates a provision of 27416
this chapter. 27417

(2) No veteran's organization, fraternal organization, or 27418
sporting organization that enters into a written contract pursuant 27419
to division (B) of this section shall violate any provision of 27420
this chapter or permit, aid, or abet any other person in violating 27421
any provision of this chapter. 27422

(D) A veteran's organization, fraternal organization, or 27423
sporting organization shall give all required proceeds earned from 27424
the conduct of instant bingo or electronic instant bingo to the 27425
organization with which the veteran's organization, fraternal 27426
organization, or sporting organization has entered into a written 27427
contract. 27428

(E) Whoever violates this section is guilty of illegal 27429
instant bingo or electronic instant bingo conduct. Except as 27430
otherwise provided in this division, illegal instant bingo or 27431
electronic instant bingo conduct is a misdemeanor of the first 27432
degree. If the offender previously has been convicted of a 27433
violation of this section, illegal instant bingo or electronic 27434

instant bingo conduct is a felony of the fifth degree. 27435

Sec. 2915.14. (A) No charitable organization shall conduct 27436
electronic instant bingo unless all of the following are true: 27437

(1) The organization is a veteran's organization described in 27438
~~division (J) of~~ section 2915.01 of the Revised Code, or is a 27439
fraternal organization described in ~~division (L) of~~ section 27440
2915.01 of the Revised Code, and ~~the~~ either of the following: 27441

(a) In the case of a veteran's organization or fraternal 27442
organization not affiliated with a national organization, the 27443
organization qualified as a veteran's organization or fraternal 27444
organization, as applicable, on or before June 30, 2021; 27445

(b) In the case of a veteran's organization or fraternal 27446
organization affiliated with a national organization, the national 27447
organization existed on or before June 30, 2021. 27448

(2) The organization is a veteran's organization described in 27449
subsection 501(c)(4) of the Internal Revenue Code or is, and has 27450
received from the internal revenue service a determination letter 27451
that is currently in effect stating that the organization is, 27452
exempt from federal income taxation under subsection 501(a), and 27453
is described in subsection 501(c)(7), 501(c)(8), 501(c)(10), or 27454
501(c)(19) of the Internal Revenue Code. 27455

(3) The organization has not conducted a raffle in violation 27456
of division (B) of section 2915.092 of the Revised Code using an 27457
electronic raffle machine, as described in Ohio Veterans and 27458
Fraternal Charitable Coalition v. DeWine, Case No. 13-CV-13610 27459
(C.P. Franklin Co. February 23, 2018), at any time on or after 27460
January 1, 2022. 27461

(B) No charitable organization that conducts electronic 27462
instant bingo shall do any of the following: 27463

(1) Possess an electronic instant bingo system that was not 27464

obtained in accordance with this chapter or with any rule adopted under this chapter;	27465 27466
(2) Conduct electronic instant bingo on any day, at any time, or on any premises not specified on the organization's type II or type III license issued under section 2915.08 of the Revised Code;	27467 27468 27469
(3) Hold more than one valid license to conduct electronic instant bingo at any one time;	27470 27471
(4) Conduct electronic instant bingo on more than one premises or on any premises other than the charitable organization's principal place of business;	27472 27473 27474
(5) Operate more than ten <u>twenty</u> electronic bingo systems at the premises on which the charitable organization conducts electronic instant bingo under its license;	27475 27476 27477
(6) Fail to display both of the following conspicuously at the premises on which the charitable organization conducts electronic instant bingo:	27478 27479 27480
(a) The charitable organization's bingo license;	27481
(b) The serial number of each deal of electronic instant bingo tickets being sold.	27482 27483
(7) Permit any person the charitable organization knows, or should have known, to be under eighteen years of age to play electronic instant bingo;	27484 27485 27486
(8) Sell or provide to any person an electronic instant bingo ticket for a price different from the price displayed on the game flare for that deal, except that the charitable organization may give a participant who wins an electronic instant bingo game an electronic instant bingo ticket as a prize in place of a cash prize;	27487 27488 27489 27490 27491 27492
(9) Fail, once an electronic instant bingo deal is begun, to continue to sell tickets in that deal until all prizes have been	27493 27494

awarded;	27495
(10) Permit any person whom the organization knows, or should have known, has been convicted of a felony or gambling offense in any jurisdiction to be a bingo game operator in the conduct of electronic instant bingo;	27496 27497 27498 27499
(11) Permit a bingo game operator to play electronic instant bingo;	27500 27501
(12)(a) Except as otherwise provided in division (B)(12)(b) of this section, pay compensation to a bingo game operator for conducting electronic instant bingo.	27502 27503 27504
(b) Division (B)(12)(a) of this section does not prohibit an employee of a veteran's organization or fraternal organization from redeeming electronic instant bingo tickets or vouchers for the organization's members or invited guests, so long as no portion of the employee's compensation is paid from any bingo receipts.	27505 27506 27507 27508 27509 27510
(13) Pay consulting fees to any person in relation to electronic instant bingo.	27511 27512
(C) No person shall sell, offer to sell, or otherwise provide or offer to provide an electronic instant bingo system to any person for use in this state unless the electronic instant bingo system has been approved under section 2915.15 of the Revised Code.	27513 27514 27515 27516 27517
(D) The attorney general shall adopt rules under Chapter 119. of the Revised Code to ensure the integrity of electronic instant bingo, including, but not limited to, rules governing all of the following:	27518 27519 27520 27521
(1) The requirements to receive a license or endorsement to conduct electronic instant bingo;	27522 27523
(2) The location and number of electronic instant bingo	27524

systems in use, which shall not exceed ten at the single licensed location per organization;	27525 27526
(3) The times when electronic instant bingo may be offered;	27527
(4) Signage requirements in facilities where electronic instant bingo is offered;	27528 27529
(5) Electronic instant bingo device and system specifications, including reveal features and game themes;	27530 27531
(6) Procedures and standards for the review, approval, inspection, and monitoring of electronic instant bingo systems, as described in section 2915.15 of the Revised Code;	27532 27533 27534
(7) Procedures and standards for the review and approval of any changes to technology, systems, or games licensed or permitted under this chapter;	27535 27536 27537
(8) The fees to be charged under section 2915.15 of the Revised Code for review, approval, inspection, and monitoring of electronic instant bingo systems;	27538 27539 27540
(9) Procedures allowing the attorney general to seek a summary suspension of a license to conduct electronic instant bingo or a license to manufacture or distribute electronic instant bingo systems if the attorney general has good cause to believe that the person or organization licensed to conduct electronic instant bingo, or the person or organization licensed to manufacture or distribute electronic instant bingo systems, or any of the organization's employees, officers, directors, agents, representatives, or partners, has violated this chapter or a rule adopted under this chapter.	27541 27542 27543 27544 27545 27546 27547 27548 27549 27550
(E) Whoever knowingly violates division (A), (B), or (C) of this section or a rule adopted under division (D) of this section is guilty of illegal electronic instant bingo conduct. Illegal electronic instant bingo conduct is a misdemeanor of the first	27551 27552 27553 27554

degree, except that if the offender previously has been convicted 27555
of a violation of division (A) or (B) of this section or of a rule 27556
adopted under division (D) of this section, illegal instant bingo 27557
conduct is a felony of the fifth degree. 27558

Sec. 2925.11. (A) No person shall knowingly obtain, possess, 27559
or use a controlled substance or a controlled substance analog. 27560

(B)(1) This section does not apply to any of the following: 27561

(a) Manufacturers, licensed health professionals authorized 27562
to prescribe drugs, pharmacists, owners of pharmacies, and other 27563
persons whose conduct was in accordance with Chapters 3719., 27564
4715., 4723., 4729., 4730., 4731., and 4741. of the Revised Code; 27565

(b) If the offense involves an anabolic steroid, any person 27566
who is conducting or participating in a research project involving 27567
the use of an anabolic steroid if the project has been approved by 27568
the United States food and drug administration; 27569

(c) Any person who sells, offers for sale, prescribes, 27570
dispenses, or administers for livestock or other nonhuman species 27571
an anabolic steroid that is expressly intended for administration 27572
through implants to livestock or other nonhuman species and 27573
approved for that purpose under the "Federal Food, Drug, and 27574
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, 27575
and is sold, offered for sale, prescribed, dispensed, or 27576
administered for that purpose in accordance with that act; 27577

(d) Any person who obtained the controlled substance pursuant 27578
to a prescription issued by a licensed health professional 27579
authorized to prescribe drugs if the prescription was issued for a 27580
legitimate medical purpose and not altered, forged, or obtained 27581
through deception or commission of a theft offense. 27582

As used in division (B)(1)(d) of this section, "deception" 27583
and "theft offense" have the same meanings as in section 2913.01 27584

of the Revised Code. 27585

(2)(a) As used in division (B)(2) of this section: 27586

(i) ~~"Community addiction services provider" has the same~~ 27587
~~meaning as in section 5119.01 of the Revised Code.~~ 27588

~~(ii) "Community control sanction" and "drug treatment~~ 27589
~~program" have has the same meanings meaning as in section 2929.01~~ 27590
of the Revised Code. 27591

~~(iii)~~(ii) "Health care facility" has the same meaning as in 27592
section 2919.16 of the Revised Code. 27593

~~(iv)~~(iii) "Minor drug possession offense" means a violation 27594
of this section that is a misdemeanor or a felony of the fifth 27595
degree. 27596

~~(v)~~(iv) "Post-release control sanction" has the same meaning 27597
as in section 2967.28 of the Revised Code. 27598

~~(vi)~~(v) "Peace officer" has the same meaning as in section 27599
2935.01 of the Revised Code. 27600

~~(vii)~~(vi) "Public agency" has the same meaning as in section 27601
2930.01 of the Revised Code. 27602

~~(viii)~~(vii) "Qualified individual" means a person who is 27603
acting in good faith who seeks or obtains medical assistance for 27604
another person who is experiencing a drug overdose, a person who 27605
experiences a drug overdose and who seeks medical assistance for 27606
that overdose, or a person who is the subject of another person 27607
seeking or obtaining medical assistance for that overdose as 27608
described in division (B)(2)(b) of this section. 27609

~~(ix)~~(viii) "Seek or obtain medical assistance" includes, but 27610
is not limited to making a 9-1-1 call, contacting in person or by 27611
telephone call an on-duty peace officer, or transporting or 27612
presenting a person to a health care facility. 27613

(b) ~~Subject to division (B)(2)(c) of this section, a A~~ 27614

qualified individual shall not be arrested, charged, prosecuted, 27615
convicted, or penalized pursuant to this chapter for a minor drug 27616
possession offense or a violation of section 2925.12, division 27617
(C)(1) of section 2925.14, or section 2925.141 of the Revised Code 27618
if ~~all of the following apply:~~ 27619

~~(i) The the evidence of the obtaining, possession, or use of 27620
the controlled substance or controlled substance analog, drug 27621
abuse instruments, or drug paraphernalia that would be the basis 27622
of the offense was obtained as a result of the qualified 27623
individual seeking the medical assistance or experiencing an 27624
overdose and needing medical assistance. 27625~~

~~(ii) Subject to division (B)(2)(f) of this section, within 27626
thirty days after seeking or obtaining the medical assistance, the 27627
qualified individual seeks and obtains a screening and receives a 27628
referral for treatment from a community addiction services 27629
provider or a properly credentialed addiction treatment 27630
professional. 27631~~

~~(iii) Subject to division (B)(2)(f) of this section, the 27632
qualified individual who obtains a screening and receives a 27633
referral for treatment under division (B)(2)(b)(ii) of this 27634
section, upon the request of any prosecuting attorney, submits 27635
documentation to the prosecuting attorney that verifies that the 27636
qualified individual satisfied the requirements of that division. 27637
The documentation shall be limited to the date and time of the 27638
screening obtained and referral received. 27639~~

(c) If a person who is serving a community control sanction 27640
or is under a sanction on post-release control acts pursuant to 27641
division (B)(2)(b) of this section, then division (B) of section 27642
2929.141, division (B)(2) of section 2929.15, division (D)(3) of 27643
section 2929.25, or division (F)(3) of section 2967.28 of the 27644
Revised Code applies to the person with respect to any violation 27645
of the sanction or post-release control sanction based on a minor 27646

drug possession offense, as defined in section 2925.11 of the 27647
Revised Code, or a violation of section 2925.12, division (C)(1) 27648
of section 2925.14, or section 2925.141 of the Revised Code. 27649

(d) Nothing in division (B)(2)(b) of this section shall be 27650
construed to do any of the following: 27651

(i) Limit the admissibility of any evidence in connection 27652
with the investigation or prosecution of a crime with regards to a 27653
defendant who does not qualify for the protections of division 27654
(B)(2)(b) of this section or with regards to any crime other than 27655
a minor drug possession offense or a violation of section 2925.12, 27656
division (C)(1) of section 2925.14, or section 2925.141 of the 27657
Revised Code committed by a person who qualifies for protection 27658
pursuant to division (B)(2)(b) of this section; 27659

(ii) Limit any seizure of evidence or contraband otherwise 27660
permitted by law; 27661

(iii) Limit or abridge the authority of a peace officer to 27662
detain or take into custody a person in the course of an 27663
investigation or to effectuate an arrest for any offense except as 27664
provided in that division; 27665

(iv) Limit, modify, or remove any immunity from liability 27666
available pursuant to law in effect prior to September 13, 2016, 27667
to any public agency or to an employee of any public agency. 27668

~~(e) Division (B)(2)(b) of this section does not apply to any 27669
person who twice previously has been granted an immunity under 27670
division (B)(2)(b) of this section. No person shall be granted an 27671
immunity under division (B)(2)(b) of this section more than two 27672
times. 27673~~

~~(f) Nothing in this section shall compel any qualified 27674
individual to disclose protected health information in a way that 27675
conflicts with the requirements of the "Health Insurance 27676
Portability and Accountability Act of 1996," 104 Pub. L. No. 191, 27677~~

~~110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and 27678
regulations promulgated by the United States department of health 27679
and human services to implement the act or the requirements of 42 27680
C.F.R. Part 2. 27681~~

(C) Whoever violates division (A) of this section is guilty 27682
of one of the following: 27683

(1) If the drug involved in the violation is a compound, 27684
mixture, preparation, or substance included in schedule I or II, 27685
with the exception of marihuana, cocaine, L.S.D., heroin, any 27686
fentanyl-related compound, hashish, and any controlled substance 27687
analog, whoever violates division (A) of this section is guilty of 27688
aggravated possession of drugs. The penalty for the offense shall 27689
be determined as follows: 27690

(a) Except as otherwise provided in division (C)(1)(b), (c), 27691
(d), or (e) of this section, aggravated possession of drugs is a 27692
felony of the fifth degree, and division (B) of section 2929.13 of 27693
the Revised Code applies in determining whether to impose a prison 27694
term on the offender. 27695

(b) If the amount of the drug involved equals or exceeds the 27696
bulk amount but is less than five times the bulk amount, 27697
aggravated possession of drugs is a felony of the third degree, 27698
and there is a presumption for a prison term for the offense. 27699

(c) If the amount of the drug involved equals or exceeds five 27700
times the bulk amount but is less than fifty times the bulk 27701
amount, aggravated possession of drugs is a felony of the second 27702
degree, and the court shall impose as a mandatory prison term a 27703
second degree felony mandatory prison term. 27704

(d) If the amount of the drug involved equals or exceeds 27705
fifty times the bulk amount but is less than one hundred times the 27706
bulk amount, aggravated possession of drugs is a felony of the 27707
first degree, and the court shall impose as a mandatory prison 27708

term a first degree felony mandatory prison term. 27709

(e) If the amount of the drug involved equals or exceeds one 27710
hundred times the bulk amount, aggravated possession of drugs is a 27711
felony of the first degree, the offender is a major drug offender, 27712
and the court shall impose as a mandatory prison term a maximum 27713
first degree felony mandatory prison term. 27714

(2) If the drug involved in the violation is a compound, 27715
mixture, preparation, or substance included in schedule III, IV, 27716
or V, whoever violates division (A) of this section is guilty of 27717
possession of drugs. The penalty for the offense shall be 27718
determined as follows: 27719

(a) Except as otherwise provided in division (C)(2)(b), (c), 27720
or (d) of this section, possession of drugs is a misdemeanor of 27721
the first degree or, if the offender previously has been convicted 27722
of a drug abuse offense, a felony of the fifth degree. 27723

(b) If the amount of the drug involved equals or exceeds the 27724
bulk amount but is less than five times the bulk amount, 27725
possession of drugs is a felony of the fourth degree, and division 27726
(C) of section 2929.13 of the Revised Code applies in determining 27727
whether to impose a prison term on the offender. 27728

(c) If the amount of the drug involved equals or exceeds five 27729
times the bulk amount but is less than fifty times the bulk 27730
amount, possession of drugs is a felony of the third degree, and 27731
there is a presumption for a prison term for the offense. 27732

(d) If the amount of the drug involved equals or exceeds 27733
fifty times the bulk amount, possession of drugs is a felony of 27734
the second degree, and the court shall impose upon the offender as 27735
a mandatory prison term a second degree felony mandatory prison 27736
term. 27737

(3) If the drug involved in the violation is marihuana or a 27738
compound, mixture, preparation, or substance containing marihuana 27739

other than hashish, whoever violates division (A) of this section 27740
is guilty of possession of marihuana. The penalty for the offense 27741
shall be determined as follows: 27742

(a) Except as otherwise provided in division (C)(3)(b), (c), 27743
(d), (e), (f), or (g) of this section, possession of marihuana is 27744
a minor misdemeanor. 27745

(b) If the amount of the drug involved equals or exceeds one 27746
hundred grams but is less than two hundred grams, possession of 27747
marihuana is a misdemeanor of the fourth degree. 27748

(c) If the amount of the drug involved equals or exceeds two 27749
hundred grams but is less than one thousand grams, possession of 27750
marihuana is a felony of the fifth degree, and division (B) of 27751
section 2929.13 of the Revised Code applies in determining whether 27752
to impose a prison term on the offender. 27753

(d) If the amount of the drug involved equals or exceeds one 27754
thousand grams but is less than five thousand grams, possession of 27755
marihuana is a felony of the third degree, and division (C) of 27756
section 2929.13 of the Revised Code applies in determining whether 27757
to impose a prison term on the offender. 27758

(e) If the amount of the drug involved equals or exceeds five 27759
thousand grams but is less than twenty thousand grams, possession 27760
of marihuana is a felony of the third degree, and there is a 27761
presumption that a prison term shall be imposed for the offense. 27762

(f) If the amount of the drug involved equals or exceeds 27763
twenty thousand grams but is less than forty thousand grams, 27764
possession of marihuana is a felony of the second degree, and the 27765
court shall impose as a mandatory prison term a second degree 27766
felony mandatory prison term of five, six, seven, or eight years. 27767

(g) If the amount of the drug involved equals or exceeds 27768
forty thousand grams, possession of marihuana is a felony of the 27769
second degree, and the court shall impose as a mandatory prison 27770

term a maximum second degree felony mandatory prison term. 27771

(4) If the drug involved in the violation is cocaine or a 27772
compound, mixture, preparation, or substance containing cocaine, 27773
whoever violates division (A) of this section is guilty of 27774
possession of cocaine. The penalty for the offense shall be 27775
determined as follows: 27776

(a) Except as otherwise provided in division (C)(4)(b), (c), 27777
(d), (e), or (f) of this section, possession of cocaine is a 27778
felony of the fifth degree, and division (B) of section 2929.13 of 27779
the Revised Code applies in determining whether to impose a prison 27780
term on the offender. 27781

(b) If the amount of the drug involved equals or exceeds five 27782
grams but is less than ten grams of cocaine, possession of cocaine 27783
is a felony of the fourth degree, and division (B) of section 27784
2929.13 of the Revised Code applies in determining whether to 27785
impose a prison term on the offender. 27786

(c) If the amount of the drug involved equals or exceeds ten 27787
grams but is less than twenty grams of cocaine, possession of 27788
cocaine is a felony of the third degree, and, except as otherwise 27789
provided in this division, there is a presumption for a prison 27790
term for the offense. If possession of cocaine is a felony of the 27791
third degree under this division and if the offender two or more 27792
times previously has been convicted of or pleaded guilty to a 27793
felony drug abuse offense, the court shall impose as a mandatory 27794
prison term one of the prison terms prescribed for a felony of the 27795
third degree. 27796

(d) If the amount of the drug involved equals or exceeds 27797
twenty grams but is less than twenty-seven grams of cocaine, 27798
possession of cocaine is a felony of the second degree, and the 27799
court shall impose as a mandatory prison term a second degree 27800
felony mandatory prison term. 27801

(e) If the amount of the drug involved equals or exceeds 27802
twenty-seven grams but is less than one hundred grams of cocaine, 27803
possession of cocaine is a felony of the first degree, and the 27804
court shall impose as a mandatory prison term a first degree 27805
felony mandatory prison term. 27806

(f) If the amount of the drug involved equals or exceeds one 27807
hundred grams of cocaine, possession of cocaine is a felony of the 27808
first degree, the offender is a major drug offender, and the court 27809
shall impose as a mandatory prison term a maximum first degree 27810
felony mandatory prison term. 27811

(5) If the drug involved in the violation is L.S.D., whoever 27812
violates division (A) of this section is guilty of possession of 27813
L.S.D. The penalty for the offense shall be determined as follows: 27814

(a) Except as otherwise provided in division (C)(5)(b), (c), 27815
(d), (e), or (f) of this section, possession of L.S.D. is a felony 27816
of the fifth degree, and division (B) of section 2929.13 of the 27817
Revised Code applies in determining whether to impose a prison 27818
term on the offender. 27819

(b) If the amount of L.S.D. involved equals or exceeds ten 27820
unit doses but is less than fifty unit doses of L.S.D. in a solid 27821
form or equals or exceeds one gram but is less than five grams of 27822
L.S.D. in a liquid concentrate, liquid extract, or liquid 27823
distillate form, possession of L.S.D. is a felony of the fourth 27824
degree, and division (C) of section 2929.13 of the Revised Code 27825
applies in determining whether to impose a prison term on the 27826
offender. 27827

(c) If the amount of L.S.D. involved equals or exceeds fifty 27828
unit doses, but is less than two hundred fifty unit doses of 27829
L.S.D. in a solid form or equals or exceeds five grams but is less 27830
than twenty-five grams of L.S.D. in a liquid concentrate, liquid 27831
extract, or liquid distillate form, possession of L.S.D. is a 27832

felony of the third degree, and there is a presumption for a 27833
prison term for the offense. 27834

(d) If the amount of L.S.D. involved equals or exceeds two 27835
hundred fifty unit doses but is less than one thousand unit doses 27836
of L.S.D. in a solid form or equals or exceeds twenty-five grams 27837
but is less than one hundred grams of L.S.D. in a liquid 27838
concentrate, liquid extract, or liquid distillate form, possession 27839
of L.S.D. is a felony of the second degree, and the court shall 27840
impose as a mandatory prison term a second degree felony mandatory 27841
prison term. 27842

(e) If the amount of L.S.D. involved equals or exceeds one 27843
thousand unit doses but is less than five thousand unit doses of 27844
L.S.D. in a solid form or equals or exceeds one hundred grams but 27845
is less than five hundred grams of L.S.D. in a liquid concentrate, 27846
liquid extract, or liquid distillate form, possession of L.S.D. is 27847
a felony of the first degree, and the court shall impose as a 27848
mandatory prison term a first degree felony mandatory prison term. 27849

(f) If the amount of L.S.D. involved equals or exceeds five 27850
thousand unit doses of L.S.D. in a solid form or equals or exceeds 27851
five hundred grams of L.S.D. in a liquid concentrate, liquid 27852
extract, or liquid distillate form, possession of L.S.D. is a 27853
felony of the first degree, the offender is a major drug offender, 27854
and the court shall impose as a mandatory prison term a maximum 27855
first degree felony mandatory prison term. 27856

(6) If the drug involved in the violation is heroin or a 27857
compound, mixture, preparation, or substance containing heroin, 27858
whoever violates division (A) of this section is guilty of 27859
possession of heroin. The penalty for the offense shall be 27860
determined as follows: 27861

(a) Except as otherwise provided in division (C)(6)(b), (c), 27862
(d), (e), or (f) of this section, possession of heroin is a felony 27863

of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(b) If the amount of the drug involved equals or exceeds ten unit doses but is less than fifty unit doses or equals or exceeds one gram but is less than five grams, possession of heroin is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(c) If the amount of the drug involved equals or exceeds fifty unit doses but is less than one hundred unit doses or equals or exceeds five grams but is less than ten grams, possession of heroin is a felony of the third degree, and there is a presumption for a prison term for the offense.

(d) If the amount of the drug involved equals or exceeds one hundred unit doses but is less than five hundred unit doses or equals or exceeds ten grams but is less than fifty grams, possession of heroin is a felony of the second degree, and the court shall impose as a mandatory prison term a second degree felony mandatory prison term.

(e) If the amount of the drug involved equals or exceeds five hundred unit doses but is less than one thousand unit doses or equals or exceeds fifty grams but is less than one hundred grams, possession of heroin is a felony of the first degree, and the court shall impose as a mandatory prison term a first degree felony mandatory prison term.

(f) If the amount of the drug involved equals or exceeds one thousand unit doses or equals or exceeds one hundred grams, possession of heroin is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term a maximum first degree felony mandatory

prison term. 27895

(7) If the drug involved in the violation is hashish or a 27896
compound, mixture, preparation, or substance containing hashish, 27897
whoever violates division (A) of this section is guilty of 27898
possession of hashish. The penalty for the offense shall be 27899
determined as follows: 27900

(a) Except as otherwise provided in division (C)(7)(b), (c), 27901
(d), (e), (f), or (g) of this section, possession of hashish is a 27902
minor misdemeanor. 27903

(b) If the amount of the drug involved equals or exceeds five 27904
grams but is less than ten grams of hashish in a solid form or 27905
equals or exceeds one gram but is less than two grams of hashish 27906
in a liquid concentrate, liquid extract, or liquid distillate 27907
form, possession of hashish is a misdemeanor of the fourth degree. 27908

(c) If the amount of the drug involved equals or exceeds ten 27909
grams but is less than fifty grams of hashish in a solid form or 27910
equals or exceeds two grams but is less than ten grams of hashish 27911
in a liquid concentrate, liquid extract, or liquid distillate 27912
form, possession of hashish is a felony of the fifth degree, and 27913
division (B) of section 2929.13 of the Revised Code applies in 27914
determining whether to impose a prison term on the offender. 27915

(d) If the amount of the drug involved equals or exceeds 27916
fifty grams but is less than two hundred fifty grams of hashish in 27917
a solid form or equals or exceeds ten grams but is less than fifty 27918
grams of hashish in a liquid concentrate, liquid extract, or 27919
liquid distillate form, possession of hashish is a felony of the 27920
third degree, and division (C) of section 2929.13 of the Revised 27921
Code applies in determining whether to impose a prison term on the 27922
offender. 27923

(e) If the amount of the drug involved equals or exceeds two 27924
hundred fifty grams but is less than one thousand grams of hashish 27925

in a solid form or equals or exceeds fifty grams but is less than 27926
two hundred grams of hashish in a liquid concentrate, liquid 27927
extract, or liquid distillate form, possession of hashish is a 27928
felony of the third degree, and there is a presumption that a 27929
prison term shall be imposed for the offense. 27930

(f) If the amount of the drug involved equals or exceeds one 27931
thousand grams but is less than two thousand grams of hashish in a 27932
solid form or equals or exceeds two hundred grams but is less than 27933
four hundred grams of hashish in a liquid concentrate, liquid 27934
extract, or liquid distillate form, possession of hashish is a 27935
felony of the second degree, and the court shall impose as a 27936
mandatory prison term a second degree felony mandatory prison term 27937
of five, six, seven, or eight years. 27938

(g) If the amount of the drug involved equals or exceeds two 27939
thousand grams of hashish in a solid form or equals or exceeds 27940
four hundred grams of hashish in a liquid concentrate, liquid 27941
extract, or liquid distillate form, possession of hashish is a 27942
felony of the second degree, and the court shall impose as a 27943
mandatory prison term a maximum second degree felony mandatory 27944
prison term. 27945

(8) If the drug involved is a controlled substance analog or 27946
compound, mixture, preparation, or substance that contains a 27947
controlled substance analog, whoever violates division (A) of this 27948
section is guilty of possession of a controlled substance analog. 27949
The penalty for the offense shall be determined as follows: 27950

(a) Except as otherwise provided in division (C)(8)(b), (c), 27951
(d), (e), or (f) of this section, possession of a controlled 27952
substance analog is a felony of the fifth degree, and division (B) 27953
of section 2929.13 of the Revised Code applies in determining 27954
whether to impose a prison term on the offender. 27955

(b) If the amount of the drug involved equals or exceeds ten 27956

grams but is less than twenty grams, possession of a controlled 27957
substance analog is a felony of the fourth degree, and there is a 27958
presumption for a prison term for the offense. 27959

(c) If the amount of the drug involved equals or exceeds 27960
twenty grams but is less than thirty grams, possession of a 27961
controlled substance analog is a felony of the third degree, and 27962
there is a presumption for a prison term for the offense. 27963

(d) If the amount of the drug involved equals or exceeds 27964
thirty grams but is less than forty grams, possession of a 27965
controlled substance analog is a felony of the second degree, and 27966
the court shall impose as a mandatory prison term a second degree 27967
felony mandatory prison term. 27968

(e) If the amount of the drug involved equals or exceeds 27969
forty grams but is less than fifty grams, possession of a 27970
controlled substance analog is a felony of the first degree, and 27971
the court shall impose as a mandatory prison term a first degree 27972
felony mandatory prison term. 27973

(f) If the amount of the drug involved equals or exceeds 27974
fifty grams, possession of a controlled substance analog is a 27975
felony of the first degree, the offender is a major drug offender, 27976
and the court shall impose as a mandatory prison term a maximum 27977
first degree felony mandatory prison term. 27978

(9) If the drug involved in the violation is a compound, 27979
mixture, preparation, or substance that is a combination of a 27980
fentanyl-related compound and marihuana, one of the following 27981
applies: 27982

(a) Except as otherwise provided in division (C)(9)(b) of 27983
this section, the offender is guilty of possession of marihuana 27984
and shall be punished as provided in division (C)(3) of this 27985
section. Except as otherwise provided in division (C)(9)(b) of 27986
this section, the offender is not guilty of possession of a 27987

fentanyl-related compound under division (C)(11) of this section 27988
and shall not be charged with, convicted of, or punished under 27989
division (C)(11) of this section for possession of a 27990
fentanyl-related compound. 27991

(b) If the offender knows or has reason to know that the 27992
compound, mixture, preparation, or substance that is the drug 27993
involved contains a fentanyl-related compound, the offender is 27994
guilty of possession of a fentanyl-related compound and shall be 27995
punished under division (C)(11) of this section. 27996

(10) If the drug involved in the violation is a compound, 27997
mixture, preparation, or substance that is a combination of a 27998
fentanyl-related compound and any schedule III, schedule IV, or 27999
schedule V controlled substance that is not a fentanyl-related 28000
compound, one of the following applies: 28001

(a) Except as otherwise provided in division (C)(10)(b) of 28002
this section, the offender is guilty of possession of drugs and 28003
shall be punished as provided in division (C)(2) of this section. 28004
Except as otherwise provided in division (C)(10)(b) of this 28005
section, the offender is not guilty of possession of a 28006
fentanyl-related compound under division (C)(11) of this section 28007
and shall not be charged with, convicted of, or punished under 28008
division (C)(11) of this section for possession of a 28009
fentanyl-related compound. 28010

(b) If the offender knows or has reason to know that the 28011
compound, mixture, preparation, or substance that is the drug 28012
involved contains a fentanyl-related compound, the offender is 28013
guilty of possession of a fentanyl-related compound and shall be 28014
punished under division (C)(11) of this section. 28015

(11) If the drug involved in the violation is a 28016
fentanyl-related compound and neither division (C)(9)(a) nor 28017
division (C)(10)(a) of this section applies to the drug involved, 28018

or is a compound, mixture, preparation, or substance that contains 28019
a fentanyl-related compound or is a combination of a 28020
fentanyl-related compound and any other controlled substance and 28021
neither division (C)(9)(a) nor division (C)(10)(a) of this section 28022
applies to the drug involved, whoever violates division (A) of 28023
this section is guilty of possession of a fentanyl-related 28024
compound. The penalty for the offense shall be determined as 28025
follows: 28026

(a) Except as otherwise provided in division (C)(11)(b), (c), 28027
(d), (e), (f), or (g) of this section, possession of a 28028
fentanyl-related compound is a felony of the fifth degree, and 28029
division (B) of section 2929.13 of the Revised Code applies in 28030
determining whether to impose a prison term on the offender. 28031

(b) If the amount of the drug involved equals or exceeds ten 28032
unit doses but is less than fifty unit doses or equals or exceeds 28033
one gram but is less than five grams, possession of a 28034
fentanyl-related compound is a felony of the fourth degree, and 28035
division (C) of section 2929.13 of the Revised Code applies in 28036
determining whether to impose a prison term on the offender. 28037

(c) If the amount of the drug involved equals or exceeds 28038
fifty unit doses but is less than one hundred unit doses or equals 28039
or exceeds five grams but is less than ten grams, possession of a 28040
fentanyl-related compound is a felony of the third degree, and 28041
there is a presumption for a prison term for the offense. 28042

(d) If the amount of the drug involved equals or exceeds one 28043
hundred unit doses but is less than two hundred unit doses or 28044
equals or exceeds ten grams but is less than twenty grams, 28045
possession of a fentanyl-related compound is a felony of the 28046
second degree, and the court shall impose as a mandatory prison 28047
term one of the prison terms prescribed for a felony of the second 28048
degree. 28049

(e) If the amount of the drug involved equals or exceeds two 28050
hundred unit doses but is less than five hundred unit doses or 28051
equals or exceeds twenty grams but is less than fifty grams, 28052
possession of a fentanyl-related compound is a felony of the first 28053
degree, and the court shall impose as a mandatory prison term one 28054
of the prison terms prescribed for a felony of the first degree. 28055

(f) If the amount of the drug involved equals or exceeds five 28056
hundred unit doses but is less than one thousand unit doses or 28057
equals or exceeds fifty grams but is less than one hundred grams, 28058
possession of a fentanyl-related compound is a felony of the first 28059
degree, and the court shall impose as a mandatory prison term the 28060
maximum prison term prescribed for a felony of the first degree. 28061

(g) If the amount of the drug involved equals or exceeds one 28062
thousand unit doses or equals or exceeds one hundred grams, 28063
possession of a fentanyl-related compound is a felony of the first 28064
degree, the offender is a major drug offender, and the court shall 28065
impose as a mandatory prison term the maximum prison term 28066
prescribed for a felony of the first degree. 28067

(D) Arrest or conviction for a minor misdemeanor violation of 28068
this section does not constitute a criminal record and need not be 28069
reported by the person so arrested or convicted in response to any 28070
inquiries about the person's criminal record, including any 28071
inquiries contained in any application for employment, license, or 28072
other right or privilege, or made in connection with the person's 28073
appearance as a witness. 28074

(E) In addition to any prison term or jail term authorized or 28075
required by division (C) of this section and sections 2929.13, 28076
2929.14, 2929.22, 2929.24, and 2929.25 of the Revised Code and in 28077
addition to any other sanction that is imposed for the offense 28078
under this section, sections 2929.11 to 2929.18, or sections 28079
2929.21 to 2929.28 of the Revised Code, the court that sentences 28080
an offender who is convicted of or pleads guilty to a violation of 28081

division (A) of this section may suspend the offender's driver's 28082
or commercial driver's license or permit for not more than five 28083
years. However, if the offender pleaded guilty to or was convicted 28084
of a violation of section 4511.19 of the Revised Code or a 28085
substantially similar municipal ordinance or the law of another 28086
state or the United States arising out of the same set of 28087
circumstances as the violation, the court shall suspend the 28088
offender's driver's or commercial driver's license or permit for 28089
not more than five years. If applicable, the court also shall do 28090
the following: 28091

(1)(a) If the violation is a felony of the first, second, or 28092
third degree, the court shall impose upon the offender the 28093
mandatory fine specified for the offense under division (B)(1) of 28094
section 2929.18 of the Revised Code unless, as specified in that 28095
division, the court determines that the offender is indigent. 28096

(b) Notwithstanding any contrary provision of section 3719.21 28097
of the Revised Code, the clerk of the court shall pay a mandatory 28098
fine or other fine imposed for a violation of this section 28099
pursuant to division (A) of section 2929.18 of the Revised Code in 28100
accordance with and subject to the requirements of division (F) of 28101
section 2925.03 of the Revised Code. The agency that receives the 28102
fine shall use the fine as specified in division (F) of section 28103
2925.03 of the Revised Code. 28104

(c) If a person is charged with a violation of this section 28105
that is a felony of the first, second, or third degree, posts 28106
bail, and forfeits the bail, the clerk shall pay the forfeited 28107
bail pursuant to division (E)(1)(b) of this section as if it were 28108
a mandatory fine imposed under division (E)(1)(a) of this section. 28109

(2) If the offender is a professionally licensed person, in 28110
addition to any other sanction imposed for a violation of this 28111
section, the court immediately shall comply with section 2925.38 28112
of the Revised Code. 28113

(F) It is an affirmative defense, as provided in section 28114
2901.05 of the Revised Code, to a charge of a fourth degree felony 28115
violation under this section that the controlled substance that 28116
gave rise to the charge is in an amount, is in a form, is 28117
prepared, compounded, or mixed with substances that are not 28118
controlled substances in a manner, or is possessed under any other 28119
circumstances, that indicate that the substance was possessed 28120
solely for personal use. Notwithstanding any contrary provision of 28121
this section, if, in accordance with section 2901.05 of the 28122
Revised Code, an accused who is charged with a fourth degree 28123
felony violation of division (C)(2), (4), (5), or (6) of this 28124
section sustains the burden of going forward with evidence of and 28125
establishes by a preponderance of the evidence the affirmative 28126
defense described in this division, the accused may be prosecuted 28127
for and may plead guilty to or be convicted of a misdemeanor 28128
violation of division (C)(2) of this section or a fifth degree 28129
felony violation of division (C)(4), (5), or (6) of this section 28130
respectively. 28131

(G) When a person is charged with possessing a bulk amount or 28132
multiple of a bulk amount, division (E) of section 2925.03 of the 28133
Revised Code applies regarding the determination of the amount of 28134
the controlled substance involved at the time of the offense. 28135

(H) It is an affirmative defense to a charge of possession of 28136
a controlled substance analog under division (C)(8) of this 28137
section that the person charged with violating that offense 28138
obtained, possessed, or used one of the following items that are 28139
excluded from the meaning of "controlled substance analog" under 28140
section 3719.01 of the Revised Code: 28141

(1) A controlled substance; 28142

(2) Any substance for which there is an approved new drug 28143
application; 28144

(3) With respect to a particular person, any substance if an exemption is in effect for investigational use for that person pursuant to federal law to the extent that conduct with respect to that substance is pursuant to that exemption.

(I) Any offender who received a mandatory suspension of the offender's driver's or commercial driver's license or permit under this section prior to September 13, 2016, may file a motion with the sentencing court requesting the termination of the suspension. However, an offender who pleaded guilty to or was convicted of a violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or law of another state or the United States that arose out of the same set of circumstances as the violation for which the offender's license or permit was suspended under this section shall not file such a motion.

Upon the filing of a motion under division (I) of this section, the sentencing court, in its discretion, may terminate the suspension.

Sec. 2927.02. (A) As used in this section and sections 2927.021 and ~~2927.022~~ to 2927.024 of the Revised Code:

(1) "Age verification" means a service provided by an independent third party (other than a manufacturer, producer, distributor, wholesaler, or retailer of cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes) that compares information available from a commercially available database, or aggregate of databases, that regularly are used by government and businesses for the purpose of age and identity verification to personal information provided during an internet sale or other remote method of sale to establish that the purchaser is twenty-one years of age or older.

(2)(a) "Alternative nicotine product" means, subject to

division (A)(2)(b) of this section, an electronic smoking device, 28176
vapor product, or any other product or device that consists of or 28177
contains nicotine that can be ingested into the body by any means, 28178
including, but not limited to, chewing, smoking, absorbing, 28179
dissolving, or inhaling. 28180

(b) "Alternative nicotine product" does not include any of 28181
the following: 28182

(i) Any cigarette or other tobacco product; 28183

(ii) Any product that is a "drug" as that term is defined in 28184
21 U.S.C. 321(g)(1); 28185

(iii) Any product that is a "device" as that term is defined 28186
in 21 U.S.C. 321(h); 28187

(iv) Any product that is a "combination product" as described 28188
in 21 U.S.C. 353(g). 28189

(3) "Cigarette" includes clove cigarettes and hand-rolled 28190
cigarettes. 28191

(4) "Distribute" means to furnish, give, or provide 28192
cigarettes, other tobacco products, alternative nicotine products, 28193
or papers used to roll cigarettes to the ultimate consumer of the 28194
cigarettes, other tobacco products, alternative nicotine products, 28195
or papers used to roll cigarettes. 28196

(5) "Electronic smoking device" means any device that can be 28197
used to deliver aerosolized or vaporized nicotine or any other 28198
substance to the person inhaling from the device including an 28199
electronic cigarette, electronic cigar, electronic hookah, vaping 28200
pen, or electronic pipe. "Electronic smoking device" includes any 28201
component, part, or accessory of such a device, whether or not 28202
sold separately, and includes any substance intended to be 28203
aerosolized or vaporized during the use of the device, whether or 28204
not the substance contains nicotine. "Electronic smoking device" 28205

does not include any product that is a drug, device, or 28206
combination product, as those terms are defined or described in 21 28207
U.S.C. 321 and 353(g). 28208

~~(6) "Proof of age" means a driver's license, a commercial 28209
driver's license, a military identification card, a passport, or 28210
an identification card issued under sections 4507.50 to 4507.52 of 28211
the Revised Code that shows that a person is eighteen years of age 28212
or older. 28213~~

~~(7)~~ "Tobacco product" means any product that is made or 28214
derived from tobacco or that contains any form of nicotine, if it 28215
is intended for human consumption or is likely to be consumed, 28216
whether smoked, heated, chewed, absorbed, dissolved, inhaled, or 28217
ingested by any other means, including, but not limited to, a 28218
cigarette, an electronic smoking device, a cigar, pipe tobacco, 28219
chewing tobacco, snuff, or snus. "Tobacco product" also means any 28220
component or accessory used in the consumption of a tobacco 28221
product, such as filters, rolling papers, pipes, blunt or hemp 28222
wraps, and liquids used in electronic smoking devices, whether or 28223
not ~~they contain~~ the component, accessory, or liquid contains 28224
nicotine. "Tobacco product" does not include any product that is a 28225
drug, device, or combination product, as those terms are defined 28226
or described in 21 U.S.C. 321 and 353(g). 28227

~~(8)~~(7) "Vapor product" means a product, other than a 28228
cigarette or other tobacco product as defined in Chapter 5743. of 28229
the Revised Code, that contains or is made or derived from 28230
nicotine and that is intended and marketed for human consumption, 28231
including by smoking, inhaling, snorting, or sniffing. "Vapor 28232
product" includes any component, part, or additive that is 28233
intended for use in an electronic smoking device, a mechanical 28234
heating element, battery, or electronic circuit and is used to 28235
deliver the product. "Vapor product" does not include any product 28236
that is a drug, device, or combination product, as those terms are 28237

defined or described in 21 U.S.C. 321 and 353(g). "Vapor product" 28238
includes any product containing nicotine, regardless of 28239
concentration. 28240

~~(9)~~(8) "Vending machine" has the same meaning as "coin 28241
machine" in section 2913.01 of the Revised Code. 28242

(B) No manufacturer, producer, distributor, wholesaler, or 28243
retailer of cigarettes, other tobacco products, alternative 28244
nicotine products, or papers used to roll cigarettes, no agent, 28245
employee, or representative of a manufacturer, producer, 28246
distributor, wholesaler, or retailer of cigarettes, other tobacco 28247
products, alternative nicotine products, or papers used to roll 28248
cigarettes, and no other person shall do any of the following: 28249

(1) Give, sell, or otherwise distribute cigarettes, other 28250
tobacco products, alternative nicotine products, or papers used to 28251
roll cigarettes to any person under twenty-one years of age; 28252

(2) Give away, sell, or distribute cigarettes, other tobacco 28253
products, alternative nicotine products, or papers used to roll 28254
cigarettes in any place that does not have posted in a conspicuous 28255
place a legibly printed sign in letters at least one-half inch 28256
high stating that giving, selling, or otherwise distributing 28257
cigarettes, other tobacco products, alternative nicotine products, 28258
or papers used to roll cigarettes to a person under twenty-one 28259
years of age is prohibited by law; 28260

(3) Knowingly furnish any false information regarding the 28261
name, age, or other identification of any person under twenty-one 28262
years of age with purpose to obtain cigarettes, other tobacco 28263
products, alternative nicotine products, or papers used to roll 28264
cigarettes for that person; 28265

(4) Manufacture, sell, or distribute in this state any pack 28266
or other container of cigarettes containing fewer than twenty 28267
cigarettes or any package of roll-your-own tobacco containing less 28268

than six-tenths of one ounce of tobacco;	28269
(5) Sell cigarettes or alternative nicotine products in a smaller quantity than that placed in the pack or other container by the manufacturer;	28270 28271 28272
(6) Give, sell, or otherwise distribute alternative nicotine products, papers used to roll cigarettes, or tobacco products other than cigarettes over the internet or through another remote method without age verification;	28273 28274 28275 28276
<u>(7) Allow an employee under eighteen years of age to sell any tobacco product.</u>	28277 28278
(C) No person shall sell or offer to sell cigarettes, other tobacco products, or alternative nicotine products by or from a vending machine, except in the following locations:	28279 28280 28281
(1) An area within a factory, business, office, or other place not open to the general public;	28282 28283
(2) An area to which persons under twenty-one years of age are not generally permitted access;	28284 28285
(3) Any other place not identified in division (C)(1) or (2) of this section, upon all of the following conditions:	28286 28287
(a) The vending machine is located within the immediate vicinity, plain view, and control of the person who owns or operates the place, or an employee of that person, so that all cigarettes, other tobacco product, and alternative nicotine product purchases from the vending machine will be readily observed by the person who owns or operates the place or an employee of that person. For the purpose of this section, a vending machine located in any unmonitored area, including an unmonitored coatroom, restroom, hallway, or outer waiting area, shall not be considered located within the immediate vicinity, plain view, and control of the person who owns or operates the	28288 28289 28290 28291 28292 28293 28294 28295 28296 28297 28298

place, or an employee of that person. 28299

(b) The vending machine is inaccessible to the public when 28300
the place is closed. 28301

(c) A clearly visible notice is posted in the area where the 28302
vending machine is located that states the following in letters 28303
that are legibly printed and at least one-half inch high: 28304

"It is illegal for any person under the age of 21 to purchase 28305
tobacco or alternative nicotine products." 28306

(D) The following are affirmative defenses to a charge under 28307
division (B)(1) of this section: 28308

(1) The person under twenty-one years of age was accompanied 28309
by a parent, spouse who is twenty-one years of age or older, or 28310
legal guardian of the person under twenty-one years of age. 28311

(2) The person who gave, sold, or distributed cigarettes, 28312
other tobacco products, alternative nicotine products, or papers 28313
used to roll cigarettes to a person under twenty-one years of age 28314
under division (B)(1) of this section is a parent, spouse who is 28315
twenty-one years of age or older, or legal guardian of the person 28316
under twenty-one years of age. 28317

~~(E)~~(E)(1) It is not a violation of division (B)(1) or (2) of 28318
this section for a person to give or otherwise distribute to a 28319
person under twenty-one years of age cigarettes, other tobacco 28320
products, alternative nicotine products, or papers used to roll 28321
cigarettes while the person under twenty-one years of age is 28322
participating in a research protocol if all of the following 28323
apply: 28324

~~(1)~~(a) The parent, guardian, or legal custodian of the person 28325
under twenty-one years of age has consented in writing to the 28326
person under twenty-one years of age participating in the research 28327
protocol. 28328

~~(2)~~(b) An institutional human subjects protection review board, or an equivalent entity, has approved the research protocol. 28329
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~~(3)~~(c) The person under twenty-one years of age is participating in the research protocol at the facility or location specified in the research protocol. 28332
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(2) It is not a violation of division (B)(1) or (2) of this section for an employer to permit an employee eighteen, nineteen, or twenty years of age to sell a tobacco product. 28335
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(F)(1) Whoever violates division (B)(1), (2), (4), (5), ~~or~~ (6), or (7) or (C) of this section is guilty of illegal distribution of cigarettes, other tobacco products, or alternative nicotine products. Except as otherwise provided in this division, illegal distribution of cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the fourth degree. If the offender previously has been convicted of a violation of division (B)(1), (2), (4), (5), ~~or~~ (6), or (7) or (C) of this section, illegal distribution of cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the third degree. 28338
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(2) Whoever violates division (B)(3) of this section is guilty of permitting a person under twenty-one years of age to use cigarettes, other tobacco products, or alternative nicotine products. Except as otherwise provided in this division, permitting a person under twenty-one years of age to use cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the fourth degree. If the offender previously has been convicted of a violation of division (B)(3) of this section, permitting a person under twenty-one years of age to use cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the third degree. 28349
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(G) Any cigarettes, other tobacco products, alternative
nicotine products, or papers used to roll cigarettes that are
given, sold, or otherwise distributed to a person under twenty-one
years of age in violation of this section and that are used,
possessed, purchased, or received by a person under twenty-one
years of age in violation of section 2151.87 of the Revised Code
are subject to seizure and forfeiture as contraband under Chapter
2981. of the Revised Code.

Sec. 2927.023. (A) As used in this section: 28368

(1) "Authorized recipient of tobacco products" means ~~a~~: 28369

(a) In the case of cigarettes, a person who is: 28370

~~(a)(i)~~ Licensed as a cigarette wholesale dealer under section
5743.15 of the Revised Code; 28371
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~~(b)(ii)~~ Licensed as a retail dealer as long as the person
purchases cigarettes with the appropriate tax stamp affixed; 28373
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~~(c)(iii)~~ An export warehouse proprietor as defined in section
5702 of the Internal Revenue Code; 28375
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~~(d)(iv)~~ An operator of a customs bonded warehouse under 19
U.S.C. 1311 or 19 U.S.C. 1555; 28377
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~~(e)(v)~~ An officer, employee, or agent of the federal
government or of this state acting in the person's official
capacity; 28379
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~~(f)(vi)~~ A department, agency, instrumentality, or political
subdivision of the federal government or of this state; or 28382
28383

~~(g)(vii)~~ A person having a consent for consumer shipment
issued by the tax commissioner under section 5743.71 of the
Revised Code. 28384
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(b) In the case of electronic smoking devices or vapor
products, a person who is: 28387
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<u>(i) Licensed as a distributor of tobacco or vapor products</u>	28389
<u>under section 5743.61 of the Revised Code;</u>	28390
<u>(ii) A retail dealer of vapor products, as defined in</u>	28391
<u>division (C)(3) of section 5743.01 of the Revised Code, that is</u>	28392
<u>not licensed as a vapor distributor, as long as the tax levied by</u>	28393
<u>section 5743.51, 5743.62, or 5743.63 of the Revised Code, as</u>	28394
<u>applicable, has been paid;</u>	28395
<u>(iii) An operator of a customs bonded warehouse under 19</u>	28396
<u>U.S.C. 1311 or 19 U.S.C. 1555;</u>	28397
<u>(iv) An officer, employee, or agent of the federal government</u>	28398
<u>or of this state acting in the person's official capacity; or</u>	28399
<u>(v) A department, agency, instrumentality, or political</u>	28400
<u>subdivision of the federal government or of this state.</u>	28401
(2) "Motor carrier" has the same meaning as in section	28402
4923.01 of the Revised Code.	28403
The purpose of this section is to prevent the sale of	28404
<u>cigarettes, electronic smoking devices, and vapor products</u> to	28405
minors and to ensure compliance with the Master Settlement	28406
Agreement, as defined in section 1346.01 of the Revised Code.	28407
(B)(1) No person shall cause to be shipped any cigarettes,	28408
<u>electronic smoking devices, or vapor products</u> to any person in	28409
this state other than an authorized recipient of tobacco products.	28410
(2) No motor carrier, or other person shall knowingly	28411
transport <u>cigarettes, electronic smoking devices, or vapor</u>	28412
<u>products</u> to any person in this state that the carrier or other	28413
person reasonably believes is not an authorized recipient of	28414
tobacco products. If <u>cigarettes, electronic smoking devices, or</u>	28415
<u>vapor products</u> are transported to a home or residence, it shall be	28416
presumed that the motor carrier, or other person knew that the	28417
person to whom the <u>cigarettes, electronic smoking devices, or</u>	28418

vapor products were delivered was not an authorized recipient of 28419
tobacco products. 28420

(C) No person engaged in the business of selling cigarettes, 28421
electronic smoking devices, or vapor products who ships or causes 28422
to be shipped cigarettes, electronic smoking devices, or vapor 28423
products to any person in this state in any container or wrapping 28424
other than the original container or wrapping ~~of the cigarettes~~ 28425
shall fail to plainly and visibly mark the exterior of the 28426
container or wrapping in which the cigarettes, electronic smoking 28427
devices, or vapor products are shipped with the words 28428
"cigarettes-," "electronic smoking devices," or "vapor products," 28429
as applicable. 28430

(D) A court shall impose a fine of up to one thousand dollars 28431
for each violation of division (B)(1), (B)(2), or (C) of this 28432
section. 28433

Sec. 2927.12. (A) As used in this section, "disability" has 28434
the same meaning as in section 4112.01 of the Revised Code. 28435

(B)(1) No person shall violate section 2903.21, 2903.22, 28436
2909.06, or 2909.07, or division (A)(3), (4), or (5) of section 28437
2917.21 of the Revised Code by reason of the race, color, 28438
religion, or national origin of another person or group of 28439
persons. 28440

~~(B)(2)~~ No person shall violate section 2903.21, 2903.22, 28441
2909.06, or 2909.07, or division (A)(3), (4), or (5) of section 28442
2917.21 of the Revised Code by reason of the disability of another 28443
person or group of persons if the other person is a person with a 28444
disability, the person knows or reasonably should know that the 28445
other person is a person with a disability, and it is the person's 28446
specific purpose to commit the offense against a person with a 28447
disability. 28448

(C)(1) Whoever violates division (B)(1) of this section is 28449
guilty of ethnic intimidation. Ethnic intimidation is an offense 28450
of the next higher degree than the offense the commission of which 28451
is a necessary element of ethnic intimidation. 28452

(2) Whoever violates division (B)(2) of this section is 28453
guilty of disability intimidation. Disability intimidation is an 28454
offense of the next higher degree than the offense the commission 28455
of which is a necessary element of disability intimidation. 28456

Sec. 2929.18. (A) Except as otherwise provided in this 28457
division and in addition to imposing court costs pursuant to 28458
section 2947.23 of the Revised Code, the court imposing a sentence 28459
upon an offender for a felony may sentence the offender to any 28460
financial sanction or combination of financial sanctions 28461
authorized under this section or, in the circumstances specified 28462
in section 2929.32 of the Revised Code, may impose upon the 28463
offender a fine in accordance with that section, and shall 28464
sentence the offender to make restitution pursuant to this section 28465
and section 2929.281 of the Revised Code. The victim has a right 28466
not to seek restitution. Financial sanctions that either are 28467
required to be or may be imposed pursuant to this section include, 28468
but are not limited to, the following: 28469

(1) Restitution by the offender to the victim of the 28470
offender's criminal offense or the victim's estate, in an amount 28471
based on the victim's economic loss. In open court, the court 28472
shall order that full restitution be made to the victim, to the 28473
adult probation department that serves the county on behalf of the 28474
victim, to the clerk of courts, or to another agency designated by 28475
the court. At sentencing, the court shall determine the amount of 28476
restitution to be made by the offender. The victim, victim's 28477
representative, victim's attorney, if applicable, the prosecutor 28478
or the prosecutor's designee, and the offender may provide 28479

information relevant to the determination of the amount of 28480
restitution. The amount the court orders as restitution shall not 28481
exceed the amount of the economic loss suffered by the victim as a 28482
direct and proximate result of the commission of the offense. If 28483
the court imposes restitution for the cost of accounting or 28484
auditing done to determine the extent of economic loss, the court 28485
may order restitution for any amount of the victim's costs of 28486
accounting or auditing provided that the amount of restitution is 28487
reasonable and does not exceed the value of property or services 28488
stolen or damaged as a result of the offense. The court shall hold 28489
a hearing on restitution if the offender, victim, victim's 28490
representative, or victim's estate disputes the amount. The court 28491
shall determine the amount of full restitution by a preponderance 28492
of the evidence. All restitution payments shall be credited 28493
against any recovery of economic loss in a civil action brought by 28494
the victim or the victim's estate against the offender. 28495

The court may order that the offender pay a surcharge of not 28496
more than five per cent of the amount of the restitution otherwise 28497
ordered to the entity responsible for collecting and processing 28498
restitution payments. 28499

The victim, victim's estate, or victim's attorney, if 28500
applicable, may file a motion or request that the prosecutor in 28501
the case file a motion, or the offender may file a motion, for 28502
modification of the payment terms of any restitution ordered. If 28503
the court grants the motion, it may modify the payment terms as it 28504
determines appropriate but shall not reduce the amount of 28505
restitution ordered, except as provided in division (A) of section 28506
2929.281 of the Revised Code. The court shall not discharge 28507
restitution until it is fully paid by the offender. 28508

(2) Except as provided in division (B)(1), (3), or (4) of 28509
this section, a fine payable by the offender to the state, to a 28510
political subdivision, or as described in division (B)(2) of this 28511

section to one or more law enforcement agencies, with the amount 28512
of the fine based on a standard percentage of the offender's daily 28513
income over a period of time determined by the court and based 28514
upon the seriousness of the offense. A fine ordered under this 28515
division shall not exceed the maximum conventional fine amount 28516
authorized for the level of the offense under division (A)(3) of 28517
this section. 28518

(3) Except as provided in division (B)(1), (3), or (4) of 28519
this section, a fine payable by the offender to the state, to a 28520
political subdivision when appropriate for a felony, or as 28521
described in division (B)(2) of this section to one or more law 28522
enforcement agencies, in the following amount: 28523

(a) For a felony of the first degree, not more than twenty 28524
thousand dollars; 28525

(b) For a felony of the second degree, not more than fifteen 28526
thousand dollars; 28527

(c) For a felony of the third degree, not more than ten 28528
thousand dollars; 28529

(d) For a felony of the fourth degree, not more than five 28530
thousand dollars; 28531

(e) For a felony of the fifth degree, not more than two 28532
thousand five hundred dollars. 28533

(4) A state fine or costs as defined in section 2949.111 of 28534
the Revised Code. 28535

(5)(a) Reimbursement by the offender of any or all of the 28536
costs of sanctions incurred by the government, including the 28537
following: 28538

(i) All or part of the costs of implementing any community 28539
control sanction, including a supervision fee under section 28540
2951.021 of the Revised Code; 28541

(ii) All or part of the costs of confinement under a sanction 28542
imposed pursuant to section 2929.14, 2929.142, or 2929.16 of the 28543
Revised Code, provided that the amount of reimbursement ordered 28544
under this division shall not exceed the total amount of 28545
reimbursement the offender is able to pay as determined at a 28546
hearing and shall not exceed the actual cost of the confinement; 28547

(iii) All or part of the cost of purchasing and using an 28548
immobilizing or disabling device, including a certified ignition 28549
interlock device, or a remote alcohol monitoring device that a 28550
court orders an offender to use under section 4510.13 of the 28551
Revised Code. 28552

(b) If the offender is sentenced to a sanction of confinement 28553
pursuant to section 2929.14 or 2929.16 of the Revised Code that is 28554
to be served in a facility operated by a board of county 28555
commissioners, a legislative authority of a municipal corporation, 28556
or another local governmental entity, if, pursuant to section 28557
307.93, 341.14, 341.19, 341.23, 753.02, 753.04, 753.16, 2301.56, 28558
or 2947.19 of the Revised Code and section 2929.37 of the Revised 28559
Code, the board, legislative authority, or other local 28560
governmental entity requires prisoners to reimburse the county, 28561
municipal corporation, or other entity for its expenses incurred 28562
by reason of the prisoner's confinement, and if the court does not 28563
impose a financial sanction under division (A)(5)(a)(ii) of this 28564
section, confinement costs may be assessed pursuant to section 28565
2929.37 of the Revised Code. In addition, the offender may be 28566
required to pay the fees specified in section 2929.38 of the 28567
Revised Code in accordance with that section. 28568

(c) Reimbursement by the offender for costs pursuant to 28569
section 2929.71 of the Revised Code; 28570

(d) Reimbursement by the offender for costs pursuant to 28571
section 2917.321 of the Revised Code. 28572

(B)(1) For a first, second, or third degree felony violation 28573
of any provision of Chapter 2925., 3719., or 4729. of the Revised 28574
Code, the sentencing court shall impose upon the offender a 28575
mandatory fine of at least one-half of, but not more than, the 28576
maximum statutory fine amount authorized for the level of the 28577
offense pursuant to division (A)(3) of this section. If an 28578
offender alleges in an affidavit filed with the court prior to 28579
sentencing that the offender is indigent and unable to pay the 28580
mandatory fine and if the court determines the offender is an 28581
indigent person and is unable to pay the mandatory fine described 28582
in this division, the court shall not impose the mandatory fine 28583
upon the offender. 28584

(2) Any mandatory fine imposed upon an offender under 28585
division (B)(1) of this section and any fine imposed upon an 28586
offender under division (A)(2) or (3) of this section for any 28587
fourth or fifth degree felony violation of any provision of 28588
Chapter 2925., 3719., or 4729. of the Revised Code shall be paid 28589
to law enforcement agencies pursuant to division (F) of section 28590
2925.03 of the Revised Code. 28591

(3) For a fourth degree felony OVI offense and for a third 28592
degree felony OVI offense, the sentencing court shall impose upon 28593
the offender a mandatory fine in the amount specified in division 28594
(G)(1)(d) or (e) of section 4511.19 of the Revised Code, whichever 28595
is applicable. The mandatory fine so imposed shall be disbursed as 28596
provided in the division pursuant to which it is imposed. 28597

(4) Notwithstanding any fine otherwise authorized or required 28598
to be imposed under division (A)(2) or (3) or (B)(1) of this 28599
section or section 2929.31 of the Revised Code for a violation of 28600
section 2925.03 of the Revised Code, in addition to any penalty or 28601
sanction imposed for that offense under section 2925.03 or 28602
sections 2929.11 to 2929.18 of the Revised Code and in addition to 28603
the forfeiture of property in connection with the offense as 28604

prescribed in Chapter 2981. of the Revised Code, the court that 28605
sentences an offender for a violation of section 2925.03 of the 28606
Revised Code may impose upon the offender a fine in addition to 28607
any fine imposed under division (A)(2) or (3) of this section and 28608
in addition to any mandatory fine imposed under division (B)(1) of 28609
this section. The fine imposed under division (B)(4) of this 28610
section shall be used as provided in division (H) of section 28611
2925.03 of the Revised Code. A fine imposed under division (B)(4) 28612
of this section shall not exceed whichever of the following is 28613
applicable: 28614

(a) The total value of any personal or real property in which 28615
the offender has an interest and that was used in the course of, 28616
intended for use in the course of, derived from, or realized 28617
through conduct in violation of section 2925.03 of the Revised 28618
Code, including any property that constitutes proceeds derived 28619
from that offense; 28620

(b) If the offender has no interest in any property of the 28621
type described in division (B)(4)(a) of this section or if it is 28622
not possible to ascertain whether the offender has an interest in 28623
any property of that type in which the offender may have an 28624
interest, the amount of the mandatory fine for the offense imposed 28625
under division (B)(1) of this section or, if no mandatory fine is 28626
imposed under division (B)(1) of this section, the amount of the 28627
fine authorized for the level of the offense imposed under 28628
division (A)(3) of this section. 28629

(5) Prior to imposing a fine under division (B)(4) of this 28630
section, the court shall determine whether the offender has an 28631
interest in any property of the type described in division 28632
(B)(4)(a) of this section. Except as provided in division (B)(6) 28633
or (7) of this section, a fine that is authorized and imposed 28634
under division (B)(4) of this section does not limit or affect the 28635
imposition of the penalties and sanctions for a violation of 28636

section 2925.03 of the Revised Code prescribed under those 28637
sections or sections 2929.11 to 2929.18 of the Revised Code and 28638
does not limit or affect a forfeiture of property in connection 28639
with the offense as prescribed in Chapter 2981. of the Revised 28640
Code. 28641

(6) If the sum total of a mandatory fine amount imposed for a 28642
first, second, or third degree felony violation of section 2925.03 28643
of the Revised Code under division (B)(1) of this section plus the 28644
amount of any fine imposed under division (B)(4) of this section 28645
does not exceed the maximum statutory fine amount authorized for 28646
the level of the offense under division (A)(3) of this section or 28647
section 2929.31 of the Revised Code, the court may impose a fine 28648
for the offense in addition to the mandatory fine and the fine 28649
imposed under division (B)(4) of this section. The sum total of 28650
the amounts of the mandatory fine, the fine imposed under division 28651
(B)(4) of this section, and the additional fine imposed under 28652
division (B)(6) of this section shall not exceed the maximum 28653
statutory fine amount authorized for the level of the offense 28654
under division (A)(3) of this section or section 2929.31 of the 28655
Revised Code. The clerk of the court shall pay any fine that is 28656
imposed under division (B)(6) of this section to the county, 28657
township, municipal corporation, park district as created pursuant 28658
to section 511.18 or 1545.04 of the Revised Code, or state law 28659
enforcement agencies in this state that primarily were responsible 28660
for or involved in making the arrest of, and in prosecuting, the 28661
offender pursuant to division (F) of section 2925.03 of the 28662
Revised Code. 28663

(7) If the sum total of the amount of a mandatory fine 28664
imposed for a first, second, or third degree felony violation of 28665
section 2925.03 of the Revised Code plus the amount of any fine 28666
imposed under division (B)(4) of this section exceeds the maximum 28667
statutory fine amount authorized for the level of the offense 28668

under division (A)(3) of this section or section 2929.31 of the Revised Code, the court shall not impose a fine under division (B)(6) of this section.

(8)(a) If an offender who is convicted of or pleads guilty to a violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 2923.32, division (A)(1) or (2) of section 2907.323 involving a minor, or division (B)(1), (2), (3), (4), or (5) of section 2919.22 of the Revised Code also is convicted of or pleads guilty to a specification of the type described in section 2941.1422 of the Revised Code that charges that the offender knowingly committed the offense in furtherance of human trafficking, the sentencing court shall sentence the offender to a financial sanction of restitution by the offender to the victim or the victim's estate, with the restitution including the costs of housing, counseling, and medical and legal assistance incurred by the victim as a direct result of the offense and the greater of the following:

(i) The gross income or value to the offender of the victim's labor or services;

(ii) The value of the victim's labor as guaranteed under the minimum wage and overtime provisions of the "Federal Fair Labor Standards Act of 1938," 52 Stat. 1060, 20 U.S.C. 207, and state labor laws.

(b) If a court imposing sentence upon an offender for a felony is required to impose upon the offender a financial sanction of restitution under division (B)(8)(a) of this section, in addition to that financial sanction of restitution, the court may sentence the offender to any other financial sanction or combination of financial sanctions authorized under this section, including a restitution sanction under division (A)(1) of this section.

(9) In addition to any other fine that is or may be imposed 28700
under this section, the court imposing sentence upon an offender 28701
for a felony that is a sexually oriented offense or a child-victim 28702
oriented offense, as those terms are defined in section 2950.01 of 28703
the Revised Code, may impose a fine of not less than fifty nor 28704
more than five hundred dollars. 28705

(10) For a felony violation of division (A) of section 28706
2921.321 of the Revised Code that results in the death of the 28707
police dog or horse that is the subject of the violation, the 28708
sentencing court shall impose upon the offender a mandatory fine 28709
from the range of fines provided under division (A)(3) of this 28710
section for a felony of the third degree. A mandatory fine imposed 28711
upon an offender under division (B)(10) of this section shall be 28712
paid to the law enforcement agency that was served by the police 28713
dog or horse that was killed in the felony violation of division 28714
(A) of section 2921.321 of the Revised Code to be used as provided 28715
in division (E)(1)(b) of that section. 28716

(11) In addition to any other fine that is or may be imposed 28717
under this section, the court imposing sentence upon an offender 28718
for any of the following offenses that is a felony may impose a 28719
fine of not less than seventy nor more than five hundred dollars, 28720
which, except as provided in division (B)(12) of this section, 28721
shall be transmitted to the treasurer of state to be credited to 28722
the address confidentiality program fund created by section 111.48 28723
of the Revised Code: 28724

(a) Domestic violence; 28725

(b) Menacing by stalking; 28726

(c) Rape; 28727

(d) Sexual battery; 28728

(e) Trafficking in persons; 28729

(f) A violation of section 2905.01, 2905.02, 2907.21, 28730
2907.22, or 2923.32, division (A)(1) or (2) of section 2907.323 28731
involving a minor, or division (B)(1), (2), (3), (4), or (5) of 28732
section 2919.22 of the Revised Code, if the offender also is 28733
convicted of a specification of the type described in section 28734
2941.1422 of the Revised Code that charges that the offender 28735
knowingly committed the offense in furtherance of human 28736
trafficking. 28737

(12)(a) A court that imposes a fine under division (B)(11) of 28738
this section may retain up to twenty-five per cent of amounts 28739
collected in satisfaction of the fine to cover administrative 28740
costs. 28741

(b) A court that imposes a fine under division (B)(11) of 28742
this section may assign up to twenty-five per cent of amounts 28743
collected in satisfaction of the fine to reimburse the prosecuting 28744
attorney for costs associated with prosecution of the offense. 28745

(C)(1) Except as provided in section 2951.021 of the Revised 28746
Code, the offender shall pay reimbursements imposed upon the 28747
offender pursuant to division (A)(5)(a) of this section to pay the 28748
costs incurred by a county pursuant to any sanction imposed under 28749
this section or section 2929.16 or 2929.17 of the Revised Code or 28750
in operating a facility used to confine offenders pursuant to a 28751
sanction imposed under section 2929.16 of the Revised Code to the 28752
county treasurer. The county treasurer shall deposit the 28753
reimbursements in the sanction cost reimbursement fund that each 28754
board of county commissioners shall create in its county treasury. 28755
The county shall use the amounts deposited in the fund to pay the 28756
costs incurred by the county pursuant to any sanction imposed 28757
under this section or section 2929.16 or 2929.17 of the Revised 28758
Code or in operating a facility used to confine offenders pursuant 28759
to a sanction imposed under section 2929.16 of the Revised Code. 28760

(2) Except as provided in section 2951.021 of the Revised 28761

Code, the offender shall pay reimbursements imposed upon the 28762
offender pursuant to division (A)(5)(a) of this section to pay the 28763
costs incurred by a municipal corporation pursuant to any sanction 28764
imposed under this section or section 2929.16 or 2929.17 of the 28765
Revised Code or in operating a facility used to confine offenders 28766
pursuant to a sanction imposed under section 2929.16 of the 28767
Revised Code to the treasurer of the municipal corporation. The 28768
treasurer shall deposit the reimbursements in a special fund that 28769
shall be established in the treasury of each municipal 28770
corporation. The municipal corporation shall use the amounts 28771
deposited in the fund to pay the costs incurred by the municipal 28772
corporation pursuant to any sanction imposed under this section or 28773
section 2929.16 or 2929.17 of the Revised Code or in operating a 28774
facility used to confine offenders pursuant to a sanction imposed 28775
under section 2929.16 of the Revised Code. 28776

(3) Except as provided in section 2951.021 of the Revised 28777
Code, the offender shall pay reimbursements imposed pursuant to 28778
division (A)(5)(a) of this section for the costs incurred by a 28779
private provider pursuant to a sanction imposed under this section 28780
or section 2929.16 or 2929.17 of the Revised Code to the provider. 28781

(D) Except as otherwise provided in this division, a 28782
financial sanction imposed pursuant to division (A) or (B) of this 28783
section is a judgment in favor of the state or a political 28784
subdivision in which the court that imposed the financial sanction 28785
is located, and the offender subject to the financial sanction is 28786
the judgment debtor. A financial sanction of reimbursement imposed 28787
pursuant to division (A)(5)(a)(ii) of this section upon an 28788
offender who is incarcerated in a state facility or a municipal 28789
jail is a judgment in favor of the state or the municipal 28790
corporation, and the offender subject to the financial sanction is 28791
the judgment debtor. A financial sanction of reimbursement imposed 28792
upon an offender pursuant to this section for costs incurred by a 28793

private provider of sanctions is a judgment in favor of the 28794
private provider, and the offender subject to the financial 28795
sanction is the judgment debtor. A financial sanction of a 28796
mandatory fine imposed under division (B)(10) of this section that 28797
is required under that division to be paid to a law enforcement 28798
agency is a judgment in favor of the specified law enforcement 28799
agency, and the offender subject to the financial sanction is the 28800
judgment debtor. A financial sanction of restitution imposed 28801
pursuant to division (A)(1) or (B)(8) of this section is an order 28802
in favor of the victim of the offender's criminal act that can be 28803
collected through a certificate of judgment as described in 28804
division (D)(1) of this section, through execution as described in 28805
division (D)(2) of this section, or through an order as described 28806
in division (D)(3) of this section, and the offender shall be 28807
considered for purposes of the collection as the judgment debtor. 28808
Imposition of a financial sanction and execution on the judgment 28809
does not preclude any other power of the court to impose or 28810
enforce sanctions on the offender. Once the financial sanction is 28811
imposed as a judgment or order under this division, the victim, 28812
private provider, state, or political subdivision may do any of 28813
the following: 28814

(1) Obtain from the clerk of the court in which the judgment 28815
was entered, at no cost, a certificate of judgment that shall be 28816
in the same manner and form as a certificate of judgment issued in 28817
a civil action; 28818

(2) Obtain execution of the judgment or order through any 28819
available procedure, including: 28820

(a) An execution against the property of the judgment debtor 28821
under Chapter 2329. of the Revised Code; 28822

(b) An execution against the person of the judgment debtor 28823
under Chapter 2331. of the Revised Code; 28824

(c) A proceeding in aid of execution under Chapter 2333. of the Revised Code, including:	28825 28826
(i) A proceeding for the examination of the judgment debtor under sections 2333.09 to 2333.12 and sections 2333.15 to 2333.27 of the Revised Code;	28827 28828 28829
(ii) A proceeding for attachment of the person of the judgment debtor under section 2333.28 of the Revised Code;	28830 28831
(iii) A creditor's suit under section 2333.01 of the Revised Code.	28832 28833
(d) The attachment of the property of the judgment debtor under Chapter 2715. of the Revised Code;	28834 28835
(e) The garnishment of the property of the judgment debtor under Chapter 2716. of the Revised Code.	28836 28837
(3) Obtain an order for the assignment of wages of the judgment debtor under section 1321.33 of the Revised Code.	28838 28839
(E) A court that imposes a financial sanction upon an offender may hold a hearing if necessary to determine whether the offender is able to pay the sanction or is likely in the future to be able to pay it.	28840 28841 28842 28843
(F) Each court imposing a financial sanction upon an offender under this section or under section 2929.32 of the Revised Code may designate the clerk of the court or another person to collect the financial sanction. The clerk or other person authorized by law or the court to collect the financial sanction may enter into contracts with one or more public agencies or private vendors for the collection of, amounts due under the financial sanction imposed pursuant to this section or section 2929.32 of the Revised Code. Before entering into a contract for the collection of amounts due from an offender pursuant to any financial sanction imposed pursuant to this section or section 2929.32 of the Revised	28844 28845 28846 28847 28848 28849 28850 28851 28852 28853 28854

Code, a court shall comply with sections 307.86 to 307.92 of the Revised Code. 28855
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(G) If a court that imposes a financial sanction under division (A) or (B) of this section finds that an offender satisfactorily has completed all other sanctions imposed upon the offender and that all restitution that has been ordered has been paid as ordered, the court may suspend any financial sanctions imposed pursuant to this section or section 2929.32 of the Revised Code that have not been paid. 28857
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(H) No financial sanction imposed under this section or section 2929.32 of the Revised Code shall preclude a victim from bringing a civil action against the offender. 28864
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(I) If the court imposes restitution, fines, fees, or incarceration costs on a business or corporation, it is the duty of the person authorized to make disbursements from the assets of the business or corporation to pay the restitution, fines, fees, or incarceration costs from those assets. 28867
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(J) If an offender is sentenced to pay restitution, a fine, fee, or incarceration costs, the clerk of the sentencing court, on request, shall make the offender's payment history available to the prosecutor, victim, victim's representative, victim's attorney, if applicable, the probation department, and the court without cost. 28872
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Sec. 2929.28. (A) In addition to imposing court costs pursuant to section 2947.23 of the Revised Code, the court imposing a sentence upon an offender for a misdemeanor, including a minor misdemeanor, may sentence the offender to any financial sanction or combination of financial sanctions authorized under this section and, if the offender is being sentenced for a criminal offense as defined in section 2930.01 of the Revised Code, shall sentence the offender to make restitution pursuant to 28878
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this section and section 2929.281 of the Revised Code. If the court, in its discretion or as required by this section, imposes one or more financial sanctions, the financial sanctions that may be imposed pursuant to this section include, but are not limited to, the following:

(1) Unless the misdemeanor offense could be disposed of by the traffic violations bureau serving the court under Traffic Rule 13, restitution by the offender to the victim of the offender's crime or the victim's estate, in an amount based on the victim's economic loss. The court may not impose restitution as a sanction pursuant to this division if the offense could be disposed of by the traffic violations bureau serving the court under Traffic Rule 13. If the court requires restitution, the court shall order that the restitution be made to the victim in open court or to the adult probation department that serves the jurisdiction or the clerk of the court on behalf of the victim.

The court shall determine the amount of restitution to be paid by the offender. The victim, victim's representative, victim's attorney, if applicable, the prosecutor or the prosecutor's designee, and the offender may provide information relevant to the determination of the amount of restitution. The amount the court orders as restitution shall not exceed the amount of the economic loss suffered by the victim as a direct and proximate result of the commission of the offense. If the court imposes restitution for the cost of accounting or auditing done to determine the extent of economic loss, the court may order restitution for any amount of the victim's costs of accounting or auditing provided that the amount of restitution is reasonable and does not exceed the value of property or services stolen or damaged as a result of the offense. If the court decides to or is required to impose restitution, the court shall hold an evidentiary hearing on restitution if the offender, victim,

victim's representative, victim's attorney, if applicable, or 28918
victim's estate disputes the amount of restitution. The court 28919
shall determine the amount of full restitution by a preponderance 28920
of the evidence. 28921

All restitution payments shall be credited against any 28922
recovery of economic loss in a civil action brought by the victim 28923
or the victim's estate against the offender. No person may 28924
introduce evidence of an award of restitution under this section 28925
in a civil action for purposes of imposing liability against an 28926
insurer under section 3937.18 of the Revised Code. 28927

The court may order that the offender pay a surcharge, of not 28928
more than five per cent of the amount of the restitution otherwise 28929
ordered, to the entity responsible for collecting and processing 28930
restitution payments. 28931

The victim, victim's attorney, if applicable, or the attorney 28932
for the victim's estate may request that the prosecutor in the 28933
case file a motion, or the offender may file a motion, for 28934
modification of the payment terms of any restitution ordered. If 28935
the court grants the motion, it may modify the payment terms as it 28936
determines appropriate but shall not reduce the amount of 28937
restitution ordered, except as provided in division (A) of section 28938
2929.281 of the Revised Code. 28939

(2) A fine of the type described in divisions (A)(2)(a) and 28940
(b) of this section payable to the appropriate entity as required 28941
by law: 28942

(a) A fine in the following amount: 28943

(i) For a misdemeanor of the first degree, not more than one 28944
thousand dollars; 28945

(ii) For a misdemeanor of the second degree, not more than 28946
seven hundred fifty dollars; 28947

(iii) For a misdemeanor of the third degree, not more than five hundred dollars;	28948 28949
(iv) For a misdemeanor of the fourth degree, not more than two hundred fifty dollars;	28950 28951
(v) For a minor misdemeanor, not more than one hundred fifty dollars.	28952 28953
(b) A state fine or cost as defined in section 2949.111 of the Revised Code.	28954 28955
(3)(a) Reimbursement by the offender of any or all of the costs of sanctions incurred by the government, including, but not limited to, the following:	28956 28957 28958
(i) All or part of the costs of implementing any community control sanction, including a supervision fee under section 2951.021 of the Revised Code and the costs of global positioning system device monitoring;	28959 28960 28961 28962
(ii) All or part of the costs of confinement in a jail or other residential facility, including, but not limited to, a per diem fee for room and board, the costs of medical and dental treatment, and the costs of repairing property damaged by the offender while confined;	28963 28964 28965 28966 28967
(iii) All or part of the cost of purchasing and using an immobilizing or disabling device, including a certified ignition interlock device, or a remote alcohol monitoring device that a court orders an offender to use under section 4510.13 of the Revised Code.	28968 28969 28970 28971 28972
(b) The amount of reimbursement ordered under division (A)(3)(a) of this section shall not exceed the total amount of reimbursement the offender is able to pay and shall not exceed the actual cost of the sanctions. The court may collect any amount of reimbursement the offender is required to pay under that division.	28973 28974 28975 28976 28977

If the court does not order reimbursement under that division, 28978
confinement costs may be assessed pursuant to a repayment policy 28979
adopted under section 2929.37 of the Revised Code. In addition, 28980
the offender may be required to pay the fees specified in section 28981
2929.38 of the Revised Code in accordance with that section. 28982

(B) If the court determines a hearing is necessary, the court 28983
may hold a hearing to determine whether the offender is able to 28984
pay the financial sanction imposed pursuant to this section or 28985
court costs or is likely in the future to be able to pay the 28986
sanction or costs. 28987

If the court determines that the offender is indigent and 28988
unable to pay the financial sanction or court costs, the court 28989
shall consider imposing and may impose a term of community service 28990
under division (A) of section 2929.27 of the Revised Code in lieu 28991
of imposing a financial sanction or court costs. If the court does 28992
not determine that the offender is indigent, the court may impose 28993
a term of community service under division (A) of section 2929.27 28994
of the Revised Code in lieu of or in addition to imposing a 28995
financial sanction under this section and in addition to imposing 28996
court costs. The court may order community service for a minor 28997
misdemeanor pursuant to division (D) of section 2929.27 of the 28998
Revised Code in lieu of or in addition to imposing a financial 28999
sanction under this section and in addition to imposing court 29000
costs. If a person fails to pay a financial sanction or court 29001
costs, the court may order community service in lieu of the 29002
financial sanction or court costs. 29003

(C)(1) The offender shall pay reimbursements imposed upon the 29004
offender pursuant to division (A)(3) of this section to pay the 29005
costs incurred by a county pursuant to any sanction imposed under 29006
this section or section 2929.26 or 2929.27 of the Revised Code or 29007
in operating a facility used to confine offenders pursuant to a 29008
sanction imposed under section 2929.26 of the Revised Code to the 29009

county treasurer. The county treasurer shall deposit the 29010
reimbursements in the county's general fund. The county shall use 29011
the amounts deposited in the fund to pay the costs incurred by the 29012
county pursuant to any sanction imposed under this section or 29013
section 2929.26 or 2929.27 of the Revised Code or in operating a 29014
facility used to confine offenders pursuant to a sanction imposed 29015
under section 2929.26 of the Revised Code. 29016

(2) The offender shall pay reimbursements imposed upon the 29017
offender pursuant to division (A)(3) of this section to pay the 29018
costs incurred by a municipal corporation pursuant to any sanction 29019
imposed under this section or section 2929.26 or 2929.27 of the 29020
Revised Code or in operating a facility used to confine offenders 29021
pursuant to a sanction imposed under section 2929.26 of the 29022
Revised Code to the treasurer of the municipal corporation. The 29023
treasurer shall deposit the reimbursements in the municipal 29024
corporation's general fund. The municipal corporation shall use 29025
the amounts deposited in the fund to pay the costs incurred by the 29026
municipal corporation pursuant to any sanction imposed under this 29027
section or section 2929.26 or 2929.27 of the Revised Code or in 29028
operating a facility used to confine offenders pursuant to a 29029
sanction imposed under section 2929.26 of the Revised Code. 29030

(3) The offender shall pay reimbursements imposed pursuant to 29031
division (A)(3) of this section for the costs incurred by a 29032
private provider pursuant to a sanction imposed under this section 29033
or section 2929.26 or 2929.27 of the Revised Code to the provider. 29034

~~(D)~~(D)(1) In addition to any other fine that is or may be 29035
imposed under this section, the court imposing sentence upon an 29036
offender for misdemeanor domestic violence or menacing by stalking 29037
may impose a fine of not less than seventy nor more than five 29038
hundred dollars, which shall, except as provided in divisions 29039
(D)(2) and (3) of this section, be transmitted to the treasurer of 29040
state to be credited to the address confidentiality program fund 29041

created by section 111.48 of the Revised Code. 29042

(2) A court that imposes a fine under division (D)(1) of this 29043
section may retain up to twenty-five per cent of amounts collected 29044
in satisfaction of the fine to cover administrative costs. 29045

(3) A court that imposes a fine under division (D)(1) of this 29046
section may assign up to twenty-five per cent of amounts collected 29047
in satisfaction of the fine to reimburse the prosecuting attorney 29048
for costs associated with prosecution of the offense. 29049

(E) Except as otherwise provided in this division, a 29050
financial sanction imposed under division (A) of this section is a 29051
judgment in favor of the state or the political subdivision that 29052
operates the court that imposed the financial sanction, and the 29053
offender subject to the financial sanction is the judgment debtor. 29054
A financial sanction of reimbursement imposed pursuant to division 29055
(A)(3)(a)(i) of this section upon an offender is a judgment in 29056
favor of the entity administering the community control sanction, 29057
and the offender subject to the financial sanction is the judgment 29058
debtor. A financial sanction of reimbursement imposed pursuant to 29059
division (A)(3)(a)(ii) of this section upon an offender confined 29060
in a jail or other residential facility is a judgment in favor of 29061
the entity operating the jail or other residential facility, and 29062
the offender subject to the financial sanction is the judgment 29063
debtor. A financial sanction of restitution imposed pursuant to 29064
division (A)(1) of this section is an order in favor of the victim 29065
of the offender's criminal act that can be collected through a 29066
certificate of judgment as described in division (E)(1) of this 29067
section, through execution as described in division (E)(2) of this 29068
section, or through an order as described in division (E)(3) of 29069
this section, and the offender shall be considered for purposes of 29070
the collection as the judgment debtor. 29071

Once the financial sanction is imposed as a judgment or order 29072
under this division, the victim, private provider, state, or 29073

political subdivision may do any of the following: 29074

(1) Obtain from the clerk of the court in which the judgment 29075
was entered, at no charge, a certificate of judgment that shall be 29076
in the same manner and form as a certificate of judgment issued in 29077
a civil action; 29078

(2) Obtain execution of the judgment or order through any 29079
available procedure, including any of the procedures identified in 29080
divisions (D)(1) and (2) of section 2929.18 of the Revised Code. 29081

(3) Obtain an order for the assignment of wages of the 29082
judgment debtor under section 1321.33 of the Revised Code. 29083

(F) The civil remedies authorized under division (E) of this 29084
section for the collection of the financial sanction supplement, 29085
but do not preclude, enforcement of the criminal sentence. 29086

(G) Each court imposing a financial sanction upon an offender 29087
under this section may designate the clerk of the court or another 29088
person to collect the financial sanction. The clerk, or another 29089
person authorized by law or the court to collect the financial 29090
sanction may do the following: 29091

(1) Enter into contracts with one or more public agencies or 29092
private vendors for the collection of amounts due under the 29093
sanction. Before entering into a contract for the collection of 29094
amounts due from an offender pursuant to any financial sanction 29095
imposed pursuant to this section, a court shall comply with 29096
sections 307.86 to 307.92 of the Revised Code. 29097

(2) Permit payment of all or any portion of the sanction in 29098
installments, by financial transaction device if the court is a 29099
county court or a municipal court operated by a county, by credit 29100
or debit card or by another electronic transfer if the court is a 29101
municipal court not operated by a county, or by any other 29102
reasonable method, in any time, and on any terms that court 29103
considers just, except that the maximum time permitted for payment 29104

shall not exceed five years. If the court is a county court or a municipal court operated by a county, the acceptance of payments by any financial transaction device shall be governed by the policy adopted by the board of county commissioners of the county pursuant to section 301.28 of the Revised Code. If the court is a municipal court not operated by a county, the clerk may pay any fee associated with processing an electronic transfer out of public money or may charge the fee to the offender.

(3) To defray administrative costs, charge a reasonable fee to an offender who elects a payment plan rather than a lump sum payment of any financial sanction.

(H) No financial sanction imposed under this section shall preclude a victim from bringing a civil action against the offender.

(I) If the court imposes restitution, fines, fees, or incarceration costs on a business or corporation, it is the duty of the person authorized to make disbursements from assets of the business or corporation to pay the restitution, fines, fees, or incarceration costs from those assets.

(J) If an offender is sentenced to pay restitution, a fine, fee, or incarceration costs, the clerk of the sentencing court, on request, shall make the offender's payment history available to the victim, victim's representative, victim's attorney, if applicable, the prosecutor, the probation department, and the court without cost.

Sec. 2929.34. (A) A person who is convicted of or pleads guilty to aggravated murder, murder, or an offense punishable by life imprisonment and who is sentenced to a term of life imprisonment or a prison term pursuant to that conviction shall serve that term in an institution under the control of the department of rehabilitation and correction.

(B)(1) A person who is convicted of or pleads guilty to a 29136
felony other than aggravated murder, murder, or an offense 29137
punishable by life imprisonment and who is sentenced to a term of 29138
imprisonment or a prison term pursuant to that conviction shall 29139
serve that term as follows: 29140

(a) Subject to divisions (B)(1)(b), (B)(2), and (B)(3) of 29141
this section, in an institution under the control of the 29142
department of rehabilitation and correction if the term is a 29143
prison term or as otherwise determined by the sentencing court 29144
pursuant to section 2929.16 of the Revised Code if the term is not 29145
a prison term; 29146

(b) In a facility of a type described in division (G)(1) of 29147
section 2929.13 of the Revised Code, if the offender is sentenced 29148
pursuant to that division. 29149

(2) If the term is a prison term, the person may be 29150
imprisoned in a jail that is not a minimum security jail pursuant 29151
to agreement under section 5120.161 of the Revised Code between 29152
the department of rehabilitation and correction and the local 29153
authority that operates the jail. 29154

(3)(a) As used in divisions (B)(3)(a) to (d) of this section, 29155
"voluntary county" means any county in which the board of county 29156
commissioners of the county and the administrative judge of the 29157
general division of the court of common pleas of the county enter 29158
into an agreement of the type described in division (B)(3)(b) of 29159
this section and in which the agreement has not been terminated as 29160
described in that division. 29161

~~(b)(b)(i)~~ In any voluntary county, the board of county 29162
commissioners of the county and the administrative judge of the 29163
general division of the court of common pleas of the county may 29164
agree to having the county participate in the ~~procedures regarding~~ 29165
~~local and state confinement established~~ targeted community 29166

alternatives to prison (T-CAP) program for prisoners who serve a term in a facility under pursuant to division (B)(3)(c) of this section by submitting a memorandum of understanding, either as a single county or jointly with other counties, to the department of rehabilitation and correction for approval, pursuant to section 5149.38 of the Revised Code. A board of county commissioners and an administrative judge of a court of common pleas that enter into an agreement of the type described in this division may terminate the agreement, but a termination under this division shall take effect only at the end of the state fiscal biennium in which the termination decision is made.

(ii) The department of rehabilitation and correction shall establish deadlines for a voluntary county to indicate the voluntary county's participation in the targeted community alternatives to prison (T-CAP) program before each state fiscal biennium.

(iii) In reviewing a submitted memorandum of understanding for approval, the department of rehabilitation and correction shall prioritize a voluntary county that has previously been a voluntary county. The department of rehabilitation and correction may review a memorandum of understanding for a new voluntary county if the general assembly has appropriated sufficient funds for that purpose.

(c) Except as provided in division (B)(3)(d) of this section, in any voluntary county, either division (B)(3)(c)(i) or divisions (B)(3)(c)(i) and (ii) of this section shall apply:

(i) On and after July 1, 2018, no person sentenced by the court of common pleas of a voluntary county to a prison term for a felony of the fifth degree shall serve the term in an institution under the control of the department of rehabilitation and correction. The person shall instead serve the sentence as a term of confinement in a facility of a type described in division (C)

or (D) of this section. 29199

(ii) On and after September 1, 2022, no person sentenced by 29200
the court of common pleas of a voluntary county to a prison term 29201
for a felony of the fourth degree shall serve the term in an 29202
institution under the control of the department of rehabilitation 29203
and correction. The person shall instead serve the sentence as a 29204
term of confinement in a facility of a type described in division 29205
(C) or (D) of this section. 29206

Nothing in this division relieves the state of its obligation 29207
to pay for the cost of confinement of the person in a 29208
community-based correctional facility under division (D) of this 29209
section. 29210

(d) Division (B)(3)(c) of this section does not apply to any 29211
person to whom any of the following apply: 29212

(i) The felony of the fourth or fifth degree was an offense 29213
of violence, as defined in section 2901.01 of the Revised Code, a 29214
sex offense under Chapter 2907. of the Revised Code, a violation 29215
of section 2925.03 of the Revised Code, or any offense for which a 29216
mandatory prison term is required. 29217

(ii) The person previously has been convicted of or pleaded 29218
guilty to any felony offense of violence, as defined in section 29219
2901.01 of the Revised Code, unless the felony of the fifth degree 29220
for which the person is being sentenced is a violation of division 29221
(I)(1) of section 2903.43 of the Revised Code. 29222

(iii) The person previously has been convicted of or pleaded 29223
guilty to any felony sex offense under Chapter 2907. of the 29224
Revised Code. 29225

(iv) The person's sentence is required to be served 29226
concurrently to any other sentence imposed upon the person for a 29227
felony that is required to be served in an institution under the 29228
control of the department of rehabilitation and correction. 29229

(C) A person who is convicted of or pleads guilty to one or more misdemeanors and who is sentenced to a jail term or term of imprisonment pursuant to the conviction or convictions shall serve that term in a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse; in a community alternative sentencing center or district community alternative sentencing center when authorized by section 307.932 of the Revised Code; or, if the misdemeanor or misdemeanors are not offenses of violence, in a minimum security jail.

(D) Nothing in this section prohibits the commitment, referral, or sentencing of a person who is convicted of or pleads guilty to a felony to a community-based correctional facility.

Sec. 2930.16. (A) If a defendant is incarcerated, a victim or victim's representative who has requested to receive notice under this section shall be given notice of the incarceration of the defendant. If an alleged juvenile offender is committed to the temporary custody of a school, camp, institution, or other facility operated for the care of delinquent children or to the legal custody of the department of youth services, a victim or victim's representative who has requested to receive notice under this section shall be given notice of the commitment. Promptly after sentence is imposed upon the defendant or the commitment of the alleged juvenile offender is ordered, the court or the court's designee shall notify the prosecutor in the case and the prosecutor shall notify the victim and the victim's representative, if applicable, of the date on which the defendant will be released, or initially will be eligible for release, from confinement or the prosecutor's reasonable estimate of that date or the date on which the alleged juvenile offender will have served the minimum period of commitment or the prosecutor's reasonable estimate of that date. The prosecutor also shall notify the victim and the victim's representative of the name of the

custodial agency of the defendant or alleged juvenile offender and 29262
tell the victim and the victim's representative how to contact 29263
that custodial agency. If the custodial agency is the department 29264
of rehabilitation and correction, the prosecutor shall notify the 29265
victim and the victim's representative of the services offered by 29266
the office of victims' services pursuant to section 5120.60 of the 29267
Revised Code. If the custodial agency is the department of youth 29268
services, the prosecutor shall notify the victim and the victim's 29269
representative of the services provided by the office of victims' 29270
services within the release authority of the department pursuant 29271
to section 5139.55 of the Revised Code and the victim's right 29272
pursuant to section 5139.56 of the Revised Code to submit a 29273
written request to the release authority to be notified of actions 29274
the release authority takes with respect to the alleged juvenile 29275
offender. The victim and the victim's representative shall keep 29276
the custodial agency informed of the victim's or victim's 29277
representative's current contact information. 29278

(B)(1) Upon the victim's or victim's representative's request 29279
or in accordance with division (D) of this section, the court or 29280
the court's designee shall notify the prosecutor in the case and 29281
the prosecutor promptly, but not later than seven days after the 29282
hearing is scheduled or the application is filed, shall notify the 29283
victim and the victim's representative, if applicable, of any 29284
application or hearing for judicial release of the defendant 29285
pursuant to section 2929.20 of the Revised Code or of any hearing 29286
for judicial release or early release of the alleged juvenile 29287
offender pursuant to section 2151.38 of the Revised Code and of 29288
the victim's and victim's representative's right to make a 29289
statement under those sections. If the court does not hold a 29290
hearing or if the victim and victim's representative, if 29291
applicable, do not attend the hearing or make a statement, the 29292
court shall notify the victim and victim's representative of its 29293

ruling in each of those hearings and on each of those applications. 29294
29295

(2) If an offender is sentenced to a prison term pursuant to 29296
division (A)(3) or (B) of section 2971.03 of the Revised Code, on 29297
the request of the victim or victim's representative or in 29298
accordance with division (D) of this section, the court or the 29299
court's designee shall notify the prosecutor in the case and the 29300
prosecutor promptly shall notify the victim and the victim's 29301
representative, if applicable, of any hearing to be conducted 29302
pursuant to section 2971.05 of the Revised Code to determine 29303
whether to modify the requirement that the offender serve the 29304
entire prison term in a state correctional facility in accordance 29305
with division (C) of that section, whether to continue, revise, or 29306
revoke any existing modification of that requirement, or whether 29307
to terminate the prison term in accordance with division (D) of 29308
that section. If the court does not hold a hearing or if the 29309
victim and victim's representative, if applicable, do not attend 29310
the hearing or make a statement, the court shall notify the victim 29311
and the victim's representative of any order issued at the 29312
conclusion of the hearing. 29313

(C)(1) On first contact with a victim, the custodial agency 29314
of a defendant or delinquent child shall verify with the victim 29315
and victim's representative, if applicable, that all information 29316
and requests are current. If a victim's rights request form was 29317
not provided by the prosecutor, the custodial agency shall give 29318
the victim and victim's representative, if applicable, the 29319
victim's rights request form, or similar form that, at a minimum, 29320
contains the required information listed in this section and on 29321
the victim's rights request form. A person claiming direct and 29322
proximate harm as a result of a criminal offense or delinquent act 29323
must affirmatively identify the person's self and request the 29324
notifications provided in this section and section 2967.28 of the 29325

Revised Code. 29326

(2) Upon the victim's or victim's representative's request 29327
made at any time before the particular notice would be due or in 29328
accordance with division (D) of this section, the custodial agency 29329
of a defendant or alleged juvenile offender shall give the victim 29330
and the victim's representative, if applicable, any of the 29331
following notices that is applicable: 29332

(a) At least sixty days before the adult parole authority 29333
recommends a pardon or commutation of sentence for the defendant 29334
or at least sixty days prior to a hearing before the adult parole 29335
authority regarding a grant of parole to the defendant, notice of 29336
the victim's and victim's representative's right to submit a 29337
statement regarding the impact of the defendant's release in 29338
accordance with section 2967.12 of the Revised Code and, if 29339
applicable, of the victim's and victim's representative's right to 29340
appear at a full board hearing of the parole board to give 29341
testimony as authorized by section 5149.101 of the Revised Code; 29342
and at least sixty days prior to a hearing before the department 29343
regarding a determination of whether the inmate must be released 29344
under division (C) or (D)(2) of section 2967.271 of the Revised 29345
Code if the inmate is serving a non-life felony indefinite prison 29346
term, notice of the fact that the inmate will be having a hearing 29347
regarding a possible grant of release, the date of any hearing 29348
regarding a possible grant of release, and the right of any person 29349
to submit a written statement regarding the pending action; 29350

(b) At least sixty days before the defendant is transferred 29351
to transitional control under section 2967.26 of the Revised Code, 29352
notice of the pendency of the transfer and of the victim's and 29353
victim's representative's right under that section to submit a 29354
statement regarding the impact of the transfer; 29355

(c) At least sixty days before the release authority of the 29356
department of youth services holds a release review, release 29357

hearing, or discharge review for the alleged juvenile offender, 29358
notice of the pendency of the review or hearing, of the victim's 29359
and victim's representative's right to make an oral or written 29360
statement regarding the impact of the crime upon the victim or 29361
regarding the possible release or discharge, and, if the notice 29362
pertains to a hearing, of the victim's right to attend and make 29363
statements or comments at the hearing as authorized by section 29364
5139.56 of the Revised Code; 29365

(d) Prompt notice, but not more than three days after the 29366
escape, of the defendant's or alleged juvenile offender's escape 29367
from a facility of the custodial agency in which the defendant was 29368
incarcerated or in which the alleged juvenile offender was placed 29369
after commitment, of the defendant's or alleged juvenile 29370
offender's absence without leave from a mental health or 29371
developmental disabilities facility or from other custody, and of 29372
the capture of the defendant or alleged juvenile offender after an 29373
escape or absence; 29374

(e) Notice of the defendant's or alleged juvenile offender's 29375
death while in confinement or custody within thirty days of the 29376
defendant's or alleged juvenile offender's death; 29377

(f) Notice of the filing of a petition by the director of 29378
rehabilitation and correction pursuant to section 2929.20 of the 29379
Revised Code requesting the early release of the defendant 29380
pursuant to a judicial release under that section within thirty 29381
days of the filing of the petition; 29382

(g) Notice of the defendant's or alleged juvenile offender's 29383
post-conviction release from confinement or custody, including 29384
jail or local custody, and the terms and conditions of the release 29385
as soon as the custodial agency becomes aware of the release. 29386

(D)(1) If a defendant is incarcerated for the commission of 29387
aggravated murder, murder, or an offense of violence that is a 29388

felony of the first, second, or third degree or is under a 29389
sentence of life imprisonment or if an alleged juvenile offender 29390
has been charged with the commission of an act that would be 29391
aggravated murder, murder, or an offense of violence that is a 29392
felony of the first, second, or third degree or be subject to a 29393
sentence of life imprisonment if committed by an adult, except as 29394
otherwise provided in this division, the notices described in 29395
divisions (B) and (C) of this section shall be given regardless of 29396
whether the victim or victim's representative has requested the 29397
notification. The notices described in divisions (B) and (C) of 29398
this section shall not be given under this division to a victim or 29399
victim's representative if the victim or victim's representative 29400
has requested pursuant to division (B)(2) of section 2930.03 of 29401
the Revised Code that the victim or victim's representative not be 29402
provided the notice. Regardless of whether the victim or victim's 29403
representative has requested that the notices described in 29404
division (C) of this section be provided or not be provided, the 29405
custodial agency shall give notice similar to those notices to the 29406
prosecutor in the case, to the sentencing court, to the law 29407
enforcement agency that arrested the defendant or alleged juvenile 29408
offender if any officer of that agency was a victim of the 29409
offense, and to any member of the victim's immediate family who 29410
requests notification. If the notice given under this division to 29411
the victim and victim's representative is based on an offense 29412
committed prior to March 22, 2013, and if the prosecutor or 29413
custodial agency has not previously successfully provided any 29414
notice to the victim and victim's representative under this 29415
division or division (B) or (C) of this section with respect to 29416
that offense and the offender who committed it, the notice also 29417
shall inform the victim and victim's representative that the 29418
victim or victim's representative may request that the victim or 29419
victim's representative not be provided any further notices with 29420
respect to that offense and the offender who committed it and 29421

shall describe the procedure for making that request. If the 29422
notice given under this division to the victim and victim's 29423
representative pertains to a hearing regarding a grant of a parole 29424
to the defendant, the notice also shall inform the victim and 29425
victim's representative that the victim, a member of the victim's 29426
immediate family, or the victim's representative may request a 29427
victim conference, as described in division (E) of this section, 29428
and shall provide an explanation of a victim conference. 29429

The prosecutor or custodial agency may give the notices to 29430
which this division applies by any reasonable means, including, 29431
but not limited to, regular mail, telephone, and electronic mail. 29432
If the prosecutor or custodial agency attempts to provide notice 29433
to a victim or victim's representative under this division but the 29434
attempt is unsuccessful because the prosecutor or custodial agency 29435
is unable to locate the victim or victim's representative, is 29436
unable to provide the notice by its chosen method because it 29437
cannot determine the mailing address, telephone number, or 29438
electronic mail address at which to provide the notice, or, if the 29439
notice is sent by mail, the notice is returned, the prosecutor or 29440
custodial agency shall make another attempt to provide the notice 29441
to the victim or victim's representative. If the second attempt is 29442
unsuccessful, the prosecutor or custodial agency shall make at 29443
least one more attempt to provide the notice. If the notice is 29444
based on an offense committed prior to March 22, 2013, in each 29445
attempt to provide the notice to the victim or victim's 29446
representative, the notice shall include the opt-out information 29447
described in the preceding paragraph. The prosecutor or custodial 29448
agency, in accordance with division (D)(2) of this section, shall 29449
keep a record of all attempts to provide the notice, and of all 29450
notices provided, under this division. 29451

Division (D)(1) of this section, and the notice-related 29452
provisions of divisions (E)(2) and (K) of section 2929.20, 29453

division (H) of section 2967.12, division (E)(1)(b) of section 29454
2967.19 as it existed prior to the effective date of this 29455
amendment, division (A)(3)(b) of section 2967.26, division (D)(1) 29456
of section 2967.28, and division (A)(2) of section 5149.101 of the 29457
Revised Code enacted in the act in which division (D)(1) of this 29458
section was enacted, shall be known as "Roberta's Law." 29459

(2) Each prosecutor and custodial agency that attempts to 29460
give any notice to which division (D)(1) of this section applies 29461
shall keep a record of all attempts to give the notice. The record 29462
shall indicate the person who was to be the recipient of the 29463
notice, the date on which the attempt was made, the manner in 29464
which the attempt was made, and the person who made the attempt. 29465
If the attempt is successful and the notice is given, the record 29466
shall indicate that fact. The record shall be kept in a manner 29467
that allows public inspection of attempts and notices given to 29468
persons other than victims or victims' representatives without 29469
revealing the names, addresses, or other identifying information 29470
relating to victims or victims' representatives. The record of 29471
attempts and notices given to victims or victims' representatives 29472
is not a public record, but the prosecutor or custodial agency 29473
shall provide upon request a copy of that record to a prosecuting 29474
attorney, judge, law enforcement agency, or member of the general 29475
assembly. The record of attempts and notices given to persons 29476
other than victims or victims' representatives is a public record. 29477
A record kept under this division may be indexed by offender name, 29478
or in any other manner determined by the prosecutor or the 29479
custodial agency. Each prosecutor or custodial agency that is 29480
required to keep a record under this division shall determine the 29481
procedures for keeping the record and the manner in which it is to 29482
be kept, subject to the requirements of this division. 29483

(E) The adult parole authority shall adopt rules under 29484
Chapter 119. of the Revised Code providing for a victim 29485

conference, upon request of the victim, a member of the victim's
immediate family, or the victim's representative, prior to a
parole hearing in the case of a prisoner who is incarcerated for
the commission of aggravated murder, murder, or an offense of
violence that is a felony of the first, second, or third degree or
is under a sentence of life imprisonment. The rules shall provide
for, but not be limited to, all of the following:

(1) Subject to division (E)(3) of this section, attendance by
the victim, members of the victim's immediate family, the victim's
representative, and, if practicable, other individuals;

(2) Allotment of up to one hour for the conference;

(3) A specification of the number of persons specified in
division (E)(1) of this section who may be present at any single
victim conference, if limited by the department pursuant to
division (F) of this section.

(F) The department may limit the number of persons specified
in division (E)(1) of this section who may be present at any
single victim conference, provided that the department shall not
limit the number of persons who may be present at any single
conference to fewer than three. If the department limits the
number of persons who may be present at any single victim
conference, the department shall permit and schedule, upon request
of the victim, a member of the victim's immediate family, or the
victim's representative, multiple victim conferences for the
persons specified in division (E)(1) of this section.

(G) Communications during a victim conference held pursuant
to division (E) of this section and the rules adopted by the adult
parole authority under that division shall be confidential and are
not public records under section 149.43 of the Revised Code.

(H) As used in this section, "victim's immediate family" has
the same meaning as in section 2967.12 of the Revised Code.

Sec. 2933.82. (A) As used in this section:	29517
(1)(a) "Biological evidence" means any of the following:	29518
(i) The contents of a sexual assault examination kit;	29519
(ii) Any item that contains blood, semen, hair, saliva, skin tissue, fingernail scrapings, bone, bodily fluids, or any other identifiable biological material that was collected as part of a criminal investigation or delinquent child investigation and that reasonably may be used to incriminate or exculpate any person for an offense or delinquent act.	29520 29521 29522 29523 29524 29525
(b) The definition of "biological evidence" set forth in division (A)(1)(a) of this section applies whether the material in question is cataloged separately, such as on a slide or swab or in a test tube, or is present on other evidence, including, but not limited to, clothing, ligatures, bedding or other household material, drinking cups or containers, or cigarettes.	29526 29527 29528 29529 29530 29531
(2) "Biological material" has the same meaning as in section 2953.71 of the Revised Code.	29532 29533
(3) "DNA," "DNA analysis," "DNA database," "DNA record," and "DNA specimen" have the same meanings as in section 109.573 of the Revised Code.	29534 29535 29536
(4) "Prosecutor" has the same meaning as in section 2935.01 of the Revised Code.	29537 29538
(5) "Governmental evidence-retention entity" means all of the following:	29539 29540
(a) Any law enforcement agency, prosecutor's office, court, public hospital, crime laboratory, or other governmental or public entity or individual within this state that is charged with the collection, storage, or retrieval of biological evidence;	29541 29542 29543 29544
(b) Any official or employee of any entity or individual	29545

described in division (A)(5)(a) of this section. 29546

(B)(1) Each governmental evidence-retention entity that 29547
secures any sexual assault examination kit in relation to an 29548
investigation or prosecution of a criminal offense or delinquent 29549
act that is a violation of section 2905.32 of the Revised Code, or 29550
any biological evidence in relation to an investigation or 29551
prosecution of a criminal offense or delinquent act that is a 29552
violation of section 2903.01, 2903.02, or 2903.03, a violation of 29553
section 2903.04 or 2903.06 that is a felony of the first or second 29554
degree, a violation of section 2907.02 or 2907.03 or division 29555
(A)(4) or (B) of section 2907.05 of the Revised Code, or an 29556
attempt to commit a violation of section 2907.02 of the Revised 29557
Code shall secure the biological evidence for whichever of the 29558
following periods of time is applicable: 29559

(a) For a violation of section 2903.01 or 2903.02 of the 29560
Revised Code, for the period of time that the offense or act 29561
remains unsolved; 29562

(b) For a violation of section 2903.03 or 2905.32, a 29563
violation of section 2903.04 or 2903.06 that is a felony of the 29564
first or second degree, a violation of section 2907.02 or 2907.03 29565
or of division (A)(4) or (B) of section 2907.05 of the Revised 29566
Code, or an attempt to commit a violation of section 2907.02 of 29567
the Revised Code, for a period of thirty years if the offense or 29568
act remains unsolved; 29569

(c) If any person is convicted of or pleads guilty to the 29570
offense, or is adjudicated a delinquent child for committing the 29571
delinquent act, for the earlier of the following: (i) the 29572
expiration of the latest of the following periods of time that 29573
apply to the person: the period of time that the person is 29574
incarcerated, is in a department of youth services institution or 29575
other juvenile facility, is under a community control sanction for 29576
that offense, is under any order of disposition for that act, is 29577

on probation or parole for that offense, is under judicial release 29578
or supervised release for that act, is under post-release control 29579
for that offense, is involved in civil litigation in connection 29580
with that offense or act, or is subject to registration and other 29581
duties imposed for that offense or act under sections 2950.04, 29582
2950.041, 2950.05, and 2950.06 of the Revised Code or (ii) thirty 29583
years. If after the period of thirty years the person remains 29584
incarcerated, then the governmental evidence-retention entity 29585
shall secure the biological evidence until the person is released 29586
from incarceration or dies. 29587

(2)(a) A law enforcement agency shall review all of its 29588
records and reports pertaining to its investigation of any offense 29589
specified in division (B)(1) of this section, except a violation 29590
of section 2905.32 of the Revised Code, as soon as possible after 29591
March 23, 2015. A law enforcement agency shall review all of its 29592
records and reports pertaining to its investigation of any 29593
violation of section 2905.32 of the Revised Code as soon as 29594
possible after ~~the effective date of this amendment~~ April 4, 2023. 29595
If the law enforcement agency's review determines that one or more 29596
persons may have committed or participated in an offense specified 29597
in division (B)(1) of this section or another offense committed 29598
during the course of an offense specified in division (B)(1) of 29599
this section and the agency is in possession of a sexual assault 29600
examination kit secured during the course of the agency's 29601
investigation, as soon as possible, but not later than one year 29602
after March 23, 2015, or, in the case of a violation of section 29603
2905.32 of the Revised Code, not later than one year after ~~the~~ 29604
~~effective date of this amendment~~ April 4, 2023, the agency shall 29605
forward the contents of the kit to the bureau of criminal 29606
identification and investigation or another crime laboratory for a 29607
DNA analysis of the contents of the kit if a DNA analysis has not 29608
previously been performed on the contents of the kit. The law 29609
enforcement agency shall consider the period of time remaining 29610

under section 2901.13 of the Revised Code for commencing the 29611
prosecution of a criminal offense related to the DNA specimens 29612
from the kit as well as other relevant factors in prioritizing the 29613
forwarding of the contents of sexual assault examination kits. 29614

(b) If an investigation is initiated on or after March 23, 29615
2015, or, in the case of a violation of section 2905.32 of the 29616
Revised Code, on or after ~~the effective date of this amendment~~ 29617
April 4, 2023, and if a law enforcement agency investigating an 29618
offense specified in division (B)(1) of this section determines 29619
that one or more persons may have committed or participated in an 29620
offense specified in division (B)(1) of this section or another 29621
offense committed during the course of an offense specified in 29622
division (B)(1) of this section, the law enforcement agency shall 29623
forward the contents of a sexual assault examination kit in the 29624
agency's possession to the bureau or another crime laboratory 29625
within thirty days for a DNA analysis of the contents of the kit. 29626

(c) A law enforcement agency shall be considered in the 29627
possession of a sexual assault examination kit that is not in the 29628
law enforcement agency's possession for purposes of divisions 29629
(B)(2)(a) and (b) of this section if the sexual assault 29630
examination kit contains biological evidence related to the law 29631
enforcement agency's investigation of an offense specified in 29632
division (B)(1) of this section and is in the possession of 29633
another government evidence-retention entity. The law enforcement 29634
agency shall be responsible for retrieving the sexual assault 29635
examination kit from the government evidence-retention entity and 29636
forwarding the contents of the kit to the bureau or another crime 29637
laboratory as required under divisions (B)(2)(a) and (b) of this 29638
section. 29639

(d)(i) The bureau or a laboratory under contract with the 29640
bureau pursuant to division (B)(5) of section 109.573 of the 29641
Revised Code shall perform a DNA analysis of the contents of any 29642

sexual assault examination kit forwarded to the bureau pursuant to 29643
division (B)(2)(a) or (b) of this section as soon as possible 29644
after the bureau receives the contents of the kit. The bureau 29645
shall enter the resulting DNA record into a DNA database. If the 29646
DNA analysis is performed by a laboratory under contract with the 29647
bureau, the laboratory shall forward the biological evidence to 29648
the bureau immediately after the laboratory performs the DNA 29649
analysis. A crime laboratory shall perform a DNA analysis of the 29650
contents of any sexual assault examination kit forwarded to the 29651
crime laboratory pursuant to division (B)(2)(a) or (b) of this 29652
section as soon as possible after the crime laboratory receives 29653
the contents of the kit and shall enter the resulting DNA record 29654
into a DNA database subject to the applicable DNA index system 29655
standards. 29656

(ii) Upon the completion of the DNA analysis by the bureau or 29657
a crime laboratory under contract with the bureau under this 29658
division, the bureau shall return the contents of the sexual 29659
assault examination kit to the law enforcement agency. The law 29660
enforcement agency shall secure the contents of the sexual assault 29661
examination kit in accordance with division (B)(1) of this 29662
section, as applicable. 29663

(e) The failure of any law enforcement agency to comply with 29664
any time limit specified in this section shall not create, and 29665
shall not be construed as creating, any basis or right to appeal, 29666
claim for or right to postconviction relief, or claim for or right 29667
to a new trial or any other claim or right to relief by any 29668
person. 29669

(f) All governmental evidence-retention entities shall submit 29670
reports regarding sexual assault examination kit inventory to the 29671
attorney general as required under section 2933.821 of the Revised 29672
Code. 29673

(3) This section applies to sexual assault examination kits 29674

in the possession of any governmental evidence-retention entity 29675
during an investigation or prosecution of a criminal offense or 29676
delinquent act that is a violation of section 2905.32 of the 29677
Revised Code, and any evidence likely to contain biological 29678
material that was in the possession of any governmental 29679
evidence-retention entity during the investigation and prosecution 29680
of a criminal case or delinquent child case involving a violation 29681
of section 2903.01, 2903.02, or 2903.03, a violation of section 29682
2903.04 or 2903.06 that is a felony of the first or second degree, 29683
a violation of section 2907.02 or 2907.03 or of division (A)(4) or 29684
(B) of section 2907.05 of the Revised Code, or an attempt to 29685
commit a violation of section 2907.02 of the Revised Code. 29686

(4) A governmental evidence-retention entity that possesses 29687
biological evidence shall retain the biological evidence in the 29688
amount and manner sufficient to develop a DNA record from the 29689
biological material contained in or included on the evidence. 29690

(5) Upon written request by the defendant in a criminal case 29691
or the alleged delinquent child in a delinquent child case 29692
involving a violation of section 2903.01, 2903.02, 2903.03, or 29693
2905.32, a violation of section 2903.04 or 2903.06 that is a 29694
felony of the first or second degree, a violation of section 29695
2907.02 or 2907.03 or of division (A)(4) or (B) of section 2907.05 29696
of the Revised Code, or an attempt to commit a violation of 29697
section 2907.02 of the Revised Code, a governmental 29698
evidence-retention entity that possesses biological evidence shall 29699
prepare an inventory of the biological evidence that has been 29700
preserved in connection with the defendant's criminal case or the 29701
alleged delinquent child's delinquent child case. 29702

(6) Except as otherwise provided in division (B)(8) of this 29703
section, a governmental evidence-retention entity that possesses 29704
biological evidence that includes biological material may destroy 29705
the evidence before the expiration of the applicable period of 29706

time specified in division (B)(1) of this section if all of the 29707
following apply: 29708

(a) No other provision of federal or state law requires the 29709
state to preserve the evidence. 29710

(b) The governmental evidence-retention entity, by certified 29711
mail, return receipt requested, provides notice of intent to 29712
destroy the evidence to all of the following: 29713

(i) All persons who remain in custody, incarcerated, in a 29714
department of youth services institution or other juvenile 29715
facility, under a community control sanction, under any order of 29716
disposition, on probation or parole, under judicial release or 29717
supervised release, under post-release control, involved in civil 29718
litigation, or subject to registration and other duties imposed 29719
for that offense or act under sections 2950.04, 2950.041, 2950.05, 29720
and 2950.06 of the Revised Code as a result of a criminal 29721
conviction, delinquency adjudication, or commitment related to the 29722
evidence in question; 29723

(ii) The attorney of record for each person who is in custody 29724
in any circumstance described in division (B)(6)(b)(i) of this 29725
section if the attorney of record can be located; 29726

(iii) The state public defender; 29727

(iv) The office of the prosecutor of record in the case that 29728
resulted in the custody of the person in custody in any 29729
circumstance described in division (B)(6)(b)(i) of this section; 29730

(v) The attorney general. 29731

(c) No person who is notified under division (B)(6)(b) of 29732
this section does either of the following within one year after 29733
the date on which the person receives the notice: 29734

(i) Files a motion for testing of evidence under sections 29735
2953.71 to 2953.81 or section 2953.82 of the Revised Code; 29736

(ii) Submits a written request for retention of evidence to 29737
the governmental evidence-retention entity that provided notice of 29738
its intent to destroy evidence under division (B)(6)(b) of this 29739
section. 29740

(7) Except as otherwise provided in division (B)(8) of this 29741
section, if, after providing notice under division (B)(6)(b) of 29742
this section of its intent to destroy evidence, a governmental 29743
evidence-retention entity receives a written request for retention 29744
of the evidence from any person to whom the notice is provided, 29745
the governmental evidence-retention entity shall retain the 29746
evidence while the person referred to in division (B)(6)(b)(i) of 29747
this section remains in custody, incarcerated, in a department of 29748
youth services institution or other juvenile facility, under a 29749
community control sanction, under any order of disposition, on 29750
probation or parole, under judicial release or supervised release, 29751
under post-release control, involved in civil litigation, or 29752
subject to registration and other duties imposed for that offense 29753
or act under sections 2950.04, 2950.041, 2950.05, and 2950.06 of 29754
the Revised Code as a result of a criminal conviction, delinquency 29755
adjudication, or commitment related to the evidence in question. 29756

(8) A governmental evidence-retention entity that possesses 29757
biological evidence that includes biological material may destroy 29758
the evidence five years after a person pleads guilty or no contest 29759
to a violation of section 2903.01, 2903.02, 2903.03, or 2905.32, a 29760
violation of section 2903.04 or 2903.06 that is a felony of the 29761
first or second degree, a violation of section 2907.02, 2907.03, 29762
division (A)(4) or (B) of section 2907.05, or an attempt to commit 29763
a violation of section 2907.02 of the Revised Code and all appeals 29764
have been exhausted unless, ~~upon~~ either of the following applies: 29765

(a) Upon a motion to the court by the person who pleaded 29766
guilty or no contest or the person's attorney and notice to those 29767
persons described in division (B)(6)(b) of this section requesting 29768

that the evidence not be destroyed, the court finds good cause as 29769
to why that evidence must be retained. 29770

(b) A victim submits a request pursuant to section 109.68 of 29771
the Revised Code for further preservation of a sexual assault 29772
examination kit or its probative contents beyond the intended 29773
destruction or disposal date. 29774

(9) A governmental evidence-retention entity shall not be 29775
required to preserve physical evidence pursuant to this section 29776
that is of such a size, bulk, or physical character as to render 29777
retention impracticable. When retention of physical evidence that 29778
otherwise would be required to be retained pursuant to this 29779
section is impracticable as described in this division, the 29780
governmental evidence-retention entity that otherwise would be 29781
required to retain the physical evidence shall remove and preserve 29782
portions of the material evidence likely to contain biological 29783
evidence related to the offense, in a quantity sufficient to 29784
permit future DNA testing before returning or disposing of that 29785
physical evidence. 29786

(C) The office of the attorney general shall administer and 29787
conduct training programs for law enforcement officers and other 29788
relevant employees who are charged with preserving and cataloging 29789
biological evidence regarding the methods and procedures 29790
referenced in this section. 29791

Sec. 2933.821. (A) As used in this section, "governmental 29792
evidence-retention entity" has the same meaning as in section 29793
2933.82 of the Revised Code. 29794

(B) Within one hundred eighty days after the effective date 29795
of this section, and annually thereafter, all governmental 29796
evidence-retention entities that receive, maintain, store, or 29797
preserve sexual assault evidence kits shall submit a report 29798
containing all of the following information to the attorney 29799

<u>general:</u>	29800
<u>(1) The total number of all tested and untested sexual assault examination kits in possession of each governmental evidence-retention entity, and for each untested kit whether the sexual assault was reported to law enforcement or whether the victim chose not to file a report with law enforcement.</u>	29801 29802 29803 29804 29805
<u>(2) If the governmental evidence-retention entity is a medical facility, the date each untested sexual assault examination kit was reported to law enforcement, if applicable, and the date the kit was delivered to the medical facility.</u>	29806 29807 29808 29809
<u>(3) If the governmental evidence-retention entity is a law enforcement agency, the date each untested sexual assault examination kit was received from a medical facility, the date the kit was submitted to a crime laboratory, or for any kit not submitted to a crime laboratory, the reason the kit was not submitted.</u>	29810 29811 29812 29813 29814 29815
<u>(4) If an untested sexual assault examination kit belongs to another jurisdiction, the date that jurisdiction was notified and the date the kit was retrieved by that jurisdiction, if applicable.</u>	29816 29817 29818 29819
<u>(5) If the governmental evidence-retention entity is a crime laboratory:</u>	29820 29821
<u>(a) The date each sexual assault examination kit was received from law enforcement and from which agency the kit was received;</u>	29822 29823
<u>(b) The date the kit was tested, if applicable;</u>	29824
<u>(c) The date the kit test results were entered into the combined DNA index system maintained by the bureau of criminal identification and investigation or other relevant state or local DNA databases, if applicable, or if a DNA profile has not been created, the reason it was not created;</u>	29825 29826 29827 29828 29829

<u>(d) For untested kits, the reason the kit has not been tested;</u>	29830 29831
<u>(e) The total number of kits in possession of the entity for more than thirty days;</u>	29832 29833
<u>(f) The total number of kits destroyed and the reason for the destruction.</u>	29834 29835
<u>(C) The attorney general shall compile the data from the reports in a summary report. The summary report shall include a list of all governmental evidence-retention entities that failed to participate in the preparation of the report. The annual summary report shall be made public on the attorney general's web site, and shall be submitted to the governor, the speaker of the house of representatives, and the president of the senate.</u>	29836 29837 29838 29839 29840 29841 29842
Sec. 2935.03. (A)(1) A sheriff, deputy sheriff, marshal, deputy marshal, municipal police officer, township constable, police officer of a township or joint police district, member of a police force employed by a metropolitan housing authority under division (D) of section 3735.31 of the Revised Code, member of a police force employed by a regional transit authority under division (Y) of section 306.35 of the Revised Code, state university law enforcement officer appointed under section 3345.04 of the Revised Code, veterans' home police officer appointed under section 5907.02 of the Revised Code, special police officer employed by a port authority under section 4582.04 or 4582.28 of the Revised Code, or a special police officer employed by a municipal corporation at a municipal airport, or other municipal air navigation facility, that has scheduled operations, as defined in section 119.3 of Title 14 of the Code of Federal Regulations, 14 C.F.R. 119.3, as amended, and that is required to be under a security program and is governed by aviation security rules of the transportation security administration of the United States	29843 29844 29845 29846 29847 29848 29849 29850 29851 29852 29853 29854 29855 29856 29857 29858 29859 29860

department of transportation as provided in Parts 1542. and 1544. 29861
of Title 49 of the Code of Federal Regulations, as amended, shall 29862
arrest and detain, until a warrant can be obtained, a person found 29863
violating, within the limits of the political subdivision, 29864
metropolitan housing authority housing project, regional transit 29865
authority facilities or areas of a municipal corporation that have 29866
been agreed to by a regional transit authority and a municipal 29867
corporation located within its territorial jurisdiction, college, 29868
university, veterans' home operated under Chapter 5907. of the 29869
Revised Code, port authority, or municipal airport or other 29870
municipal air navigation facility, in which the peace officer is 29871
appointed, employed, or elected, a law of this state, an ordinance 29872
of a municipal corporation, or a resolution of a township. 29873

~~(2) A(2)(a) Subject to division (A)(2)(b) of this section, a~~ 29874
peace officer of the department of natural resources, a state fire 29875
marshal law enforcement officer described in division (A)(23) of 29876
section 109.71 of the Revised Code, or an individual designated to 29877
perform law enforcement duties under section 511.232, 1545.13, or 29878
6101.75 of the Revised Code shall arrest and detain, until a 29879
warrant can be obtained, a person found violating, within the 29880
limits of the peace officer's, state fire marshal law enforcement 29881
officer's, or individual's territorial jurisdiction, a law of this 29882
state. 29883

(b) As specified in division (A)(2)(a) of this section, a 29884
wildlife officer has the authority to arrest a person found 29885
violating a law of this state within the limits of the wildlife 29886
officer's territorial jurisdiction. However, the wildlife officer 29887
shall make such an arrest only upon issuance of a properly 29888
executed warrant. 29889

(3) The house sergeant at arms, if the house sergeant at arms 29890
has arrest authority pursuant to division (E)(1) of section 29891
101.311 of the Revised Code, and an assistant house sergeant at 29892

arms shall arrest and detain, until a warrant can be obtained, a 29893
person found violating, within the limits of the sergeant at 29894
arms's or assistant sergeant at arms's territorial jurisdiction 29895
specified in division (D)(1)(a) of section 101.311 of the Revised 29896
Code or while providing security pursuant to division (D)(1)(f) of 29897
section 101.311 of the Revised Code, a law of this state, an 29898
ordinance of a municipal corporation, or a resolution of a 29899
township. 29900

(4) The senate sergeant at arms and an assistant senate 29901
sergeant at arms shall arrest and detain, until a warrant can be 29902
obtained, a person found violating, within the limits of the 29903
sergeant at arms's or assistant sergeant at arms's territorial 29904
jurisdiction specified in division (B) of section 101.312 of the 29905
Revised Code, a law of this state, an ordinance of a municipal 29906
corporation, or a resolution of a township. 29907

(B)(1) When there is reasonable ground to believe that an 29908
offense of violence, the offense of criminal child enticement as 29909
defined in section 2905.05 of the Revised Code, the offense of 29910
public indecency as defined in section 2907.09 of the Revised 29911
Code, the offense of domestic violence as defined in section 29912
2919.25 of the Revised Code, the offense of violating a protection 29913
order as defined in section 2919.27 of the Revised Code, the 29914
offense of menacing by stalking as defined in section 2903.211 of 29915
the Revised Code, the offense of aggravated trespass as defined in 29916
section 2911.211 of the Revised Code, a theft offense as defined 29917
in section 2913.01 of the Revised Code, or a felony drug abuse 29918
offense as defined in section 2925.01 of the Revised Code, has 29919
been committed within the limits of the political subdivision, 29920
metropolitan housing authority housing project, regional transit 29921
authority facilities or those areas of a municipal corporation 29922
that have been agreed to by a regional transit authority and a 29923
municipal corporation located within its territorial jurisdiction, 29924

college, university, veterans' home operated under Chapter 5907. 29925
of the Revised Code, port authority, or municipal airport or other 29926
municipal air navigation facility, in which the peace officer is 29927
appointed, employed, or elected or within the limits of the 29928
territorial jurisdiction of the peace officer, a peace officer 29929
described in division (A) of this section may arrest and detain 29930
until a warrant can be obtained any person who the peace officer 29931
has reasonable cause to believe is guilty of the violation. 29932

(2) For purposes of division (B)(1) of this section, the 29933
execution of any of the following constitutes reasonable ground to 29934
believe that the offense alleged in the statement was committed 29935
and reasonable cause to believe that the person alleged in the 29936
statement to have committed the offense is guilty of the 29937
violation: 29938

(a) A written statement by a person alleging that an alleged 29939
offender has committed the offense of menacing by stalking or 29940
aggravated trespass; 29941

(b) A written statement by the administrator of the 29942
interstate compact on mental health appointed under section 29943
5119.71 of the Revised Code alleging that a person who had been 29944
hospitalized, institutionalized, or confined in any facility under 29945
an order made pursuant to or under authority of section 2945.37, 29946
2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the 29947
Revised Code has escaped from the facility, from confinement in a 29948
vehicle for transportation to or from the facility, or from 29949
supervision by an employee of the facility that is incidental to 29950
hospitalization, institutionalization, or confinement in the 29951
facility and that occurs outside of the facility, in violation of 29952
section 2921.34 of the Revised Code; 29953

(c) A written statement by the administrator of any facility 29954
in which a person has been hospitalized, institutionalized, or 29955
confined under an order made pursuant to or under authority of 29956

section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 29957
2945.402 of the Revised Code alleging that the person has escaped 29958
from the facility, from confinement in a vehicle for 29959
transportation to or from the facility, or from supervision by an 29960
employee of the facility that is incidental to hospitalization, 29961
institutionalization, or confinement in the facility and that 29962
occurs outside of the facility, in violation of section 2921.34 of 29963
the Revised Code. 29964

(3)(a) For purposes of division (B)(1) of this section, a 29965
peace officer described in division (A) of this section has 29966
reasonable grounds to believe that the offense of domestic 29967
violence or the offense of violating a protection order has been 29968
committed and reasonable cause to believe that a particular person 29969
is guilty of committing the offense if any of the following 29970
occurs: 29971

(i) A person executes a written statement alleging that the 29972
person in question has committed the offense of domestic violence 29973
or the offense of violating a protection order against the person 29974
who executes the statement or against a child of the person who 29975
executes the statement. 29976

(ii) No written statement of the type described in division 29977
(B)(3)(a)(i) of this section is executed, but the peace officer, 29978
based upon the peace officer's own knowledge and observation of 29979
the facts and circumstances of the alleged incident of the offense 29980
of domestic violence or the alleged incident of the offense of 29981
violating a protection order or based upon any other information, 29982
including, but not limited to, any reasonably trustworthy 29983
information given to the peace officer by the alleged victim of 29984
the alleged incident of the offense or any witness of the alleged 29985
incident of the offense, concludes that there are reasonable 29986
grounds to believe that the offense of domestic violence or the 29987
offense of violating a protection order has been committed and 29988

reasonable cause to believe that the person in question is guilty 29989
of committing the offense. 29990

(iii) No written statement of the type described in division 29991
(B)(3)(a)(i) of this section is executed, but the peace officer 29992
witnessed the person in question commit the offense of domestic 29993
violence or the offense of violating a protection order. 29994

(b) If pursuant to division (B)(3)(a) of this section a peace 29995
officer has reasonable grounds to believe that the offense of 29996
domestic violence or the offense of violating a protection order 29997
has been committed and reasonable cause to believe that a 29998
particular person is guilty of committing the offense, it is the 29999
preferred course of action in this state that the officer arrest 30000
and detain that person pursuant to division (B)(1) of this section 30001
until a warrant can be obtained. 30002

If pursuant to division (B)(3)(a) of this section a peace 30003
officer has reasonable grounds to believe that the offense of 30004
domestic violence or the offense of violating a protection order 30005
has been committed and reasonable cause to believe that family or 30006
household members have committed the offense against each other, 30007
it is the preferred course of action in this state that the 30008
officer, pursuant to division (B)(1) of this section, arrest and 30009
detain until a warrant can be obtained the family or household 30010
member who committed the offense and whom the officer has 30011
reasonable cause to believe is the primary physical aggressor. 30012
There is no preferred course of action in this state regarding any 30013
other family or household member who committed the offense and 30014
whom the officer does not have reasonable cause to believe is the 30015
primary physical aggressor, but, pursuant to division (B)(1) of 30016
this section, the peace officer may arrest and detain until a 30017
warrant can be obtained any other family or household member who 30018
committed the offense and whom the officer does not have 30019
reasonable cause to believe is the primary physical aggressor. 30020

(c) If a peace officer described in division (A) of this section does not arrest and detain a person whom the officer has reasonable cause to believe committed the offense of domestic violence or the offense of violating a protection order when it is the preferred course of action in this state pursuant to division (B)(3)(b) of this section that the officer arrest that person, the officer shall articulate in the written report of the incident required by section 2935.032 of the Revised Code a clear statement of the officer's reasons for not arresting and detaining that person until a warrant can be obtained.

(d) In determining for purposes of division (B)(3)(b) of this section which family or household member is the primary physical aggressor in a situation in which family or household members have committed the offense of domestic violence or the offense of violating a protection order against each other, a peace officer described in division (A) of this section, in addition to any other relevant circumstances, should consider all of the following:

(i) Any history of domestic violence or of any other violent acts by either person involved in the alleged offense that the officer reasonably can ascertain;

(ii) If violence is alleged, whether the alleged violence was caused by a person acting in self-defense;

(iii) Each person's fear of physical harm, if any, resulting from the other person's threatened use of force against any person or resulting from the other person's use or history of the use of force against any person, and the reasonableness of that fear;

(iv) The comparative severity of any injuries suffered by the persons involved in the alleged offense.

(e)(i) A peace officer described in division (A) of this section shall not require, as a prerequisite to arresting or

charging a person who has committed the offense of domestic 30052
violence or the offense of violating a protection order, that the 30053
victim of the offense specifically consent to the filing of 30054
charges against the person who has committed the offense or sign a 30055
complaint against the person who has committed the offense. 30056

(ii) If a person is arrested for or charged with committing 30057
the offense of domestic violence or the offense of violating a 30058
protection order and if the victim of the offense does not 30059
cooperate with the involved law enforcement or prosecuting 30060
authorities in the prosecution of the offense or, subsequent to 30061
the arrest or the filing of the charges, informs the involved law 30062
enforcement or prosecuting authorities that the victim does not 30063
wish the prosecution of the offense to continue or wishes to drop 30064
charges against the alleged offender relative to the offense, the 30065
involved prosecuting authorities, in determining whether to 30066
continue with the prosecution of the offense or whether to dismiss 30067
charges against the alleged offender relative to the offense and 30068
notwithstanding the victim's failure to cooperate or the victim's 30069
wishes, shall consider all facts and circumstances that are 30070
relevant to the offense, including, but not limited to, the 30071
statements and observations of the peace officers who responded to 30072
the incident that resulted in the arrest or filing of the charges 30073
and of all witnesses to that incident. 30074

(f) In determining pursuant to divisions (B)(3)(a) to (g) of 30075
this section whether to arrest a person pursuant to division 30076
(B)(1) of this section, a peace officer described in division (A) 30077
of this section shall not consider as a factor any possible 30078
shortage of cell space at the detention facility to which the 30079
person will be taken subsequent to the person's arrest or any 30080
possibility that the person's arrest might cause, contribute to, 30081
or exacerbate overcrowding at that detention facility or at any 30082
other detention facility. 30083

(g) If a peace officer described in division (A) of this section intends pursuant to divisions (B)(3)(a) to (g) of this section to arrest a person pursuant to division (B)(1) of this section and if the officer is unable to do so because the person is not present, the officer promptly shall seek a warrant for the arrest of the person.

(h) If a peace officer described in division (A) of this section responds to a report of an alleged incident of the offense of domestic violence or an alleged incident of the offense of violating a protection order and if the circumstances of the incident involved the use or threatened use of a deadly weapon or any person involved in the incident brandished a deadly weapon during or in relation to the incident, the deadly weapon that was used, threatened to be used, or brandished constitutes contraband, and, to the extent possible, the officer shall seize the deadly weapon as contraband pursuant to Chapter 2981. of the Revised Code. Upon the seizure of a deadly weapon pursuant to division (B)(3)(h) of this section, section 2981.12 of the Revised Code shall apply regarding the treatment and disposition of the deadly weapon. For purposes of that section, the "underlying criminal offense" that was the basis of the seizure of a deadly weapon under division (B)(3)(h) of this section and to which the deadly weapon had a relationship is any of the following that is applicable:

(i) The alleged incident of the offense of domestic violence or the alleged incident of the offense of violating a protection order to which the officer who seized the deadly weapon responded;

(ii) Any offense that arose out of the same facts and circumstances as the report of the alleged incident of the offense of domestic violence or the alleged incident of the offense of violating a protection order to which the officer who seized the deadly weapon responded.

(4) If, in the circumstances described in divisions (B)(3)(a) 30116
to (g) of this section, a peace officer described in division (A) 30117
of this section arrests and detains a person pursuant to division 30118
(B)(1) of this section, or if, pursuant to division (B)(3)(h) of 30119
this section, a peace officer described in division (A) of this 30120
section seizes a deadly weapon, the officer, to the extent 30121
described in and in accordance with section 9.86 or 2744.03 of the 30122
Revised Code, is immune in any civil action for damages for 30123
injury, death, or loss to person or property that arises from or 30124
is related to the arrest and detention or the seizure. 30125

(C) When there is reasonable ground to believe that a 30126
violation of division (A)(1), (2), (3), (4), or (5) of section 30127
4506.15 or a violation of section 4511.19 of the Revised Code has 30128
been committed by a person operating a motor vehicle subject to 30129
regulation by the public utilities commission of Ohio under Title 30130
XLIX of the Revised Code, a peace officer with authority to 30131
enforce that provision of law may stop or detain the person whom 30132
the officer has reasonable cause to believe was operating the 30133
motor vehicle in violation of the division or section and, after 30134
investigating the circumstances surrounding the operation of the 30135
vehicle, may arrest and detain the person. 30136

(D) If a sheriff, deputy sheriff, marshal, deputy marshal, 30137
municipal police officer, member of a police force employed by a 30138
metropolitan housing authority under division (D) of section 30139
3735.31 of the Revised Code, member of a police force employed by 30140
a regional transit authority under division (Y) of section 306.35 30141
of the Revised Code, special police officer employed by a port 30142
authority under section 4582.04 or 4582.28 of the Revised Code, 30143
special police officer employed by a municipal corporation at a 30144
municipal airport or other municipal air navigation facility 30145
described in division (A) of this section, township constable, 30146
police officer of a township or joint police district, state 30147

university law enforcement officer appointed under section 3345.04 30148
of the Revised Code, peace officer of the department of natural 30149
resources, individual designated to perform law enforcement duties 30150
under section 511.232, 1545.13, or 6101.75 of the Revised Code, 30151
the house sergeant at arms if the house sergeant at arms has 30152
arrest authority pursuant to division (E)(1) of section 101.311 of 30153
the Revised Code, or an assistant house sergeant at arms is 30154
authorized by division (A) or (B) of this section to arrest and 30155
detain, within the limits of the political subdivision, 30156
metropolitan housing authority housing project, regional transit 30157
authority facilities or those areas of a municipal corporation 30158
that have been agreed to by a regional transit authority and a 30159
municipal corporation located within its territorial jurisdiction, 30160
port authority, municipal airport or other municipal air 30161
navigation facility, college, or university in which the officer 30162
is appointed, employed, or elected or within the limits of the 30163
territorial jurisdiction of the peace officer, a person until a 30164
warrant can be obtained, the peace officer, outside the limits of 30165
that territory, may pursue, arrest, and detain that person until a 30166
warrant can be obtained if all of the following apply: 30167

(1) The pursuit takes place without unreasonable delay after 30168
the offense is committed; 30169

(2) The pursuit is initiated within the limits of the 30170
political subdivision, metropolitan housing authority housing 30171
project, regional transit authority facilities or those areas of a 30172
municipal corporation that have been agreed to by a regional 30173
transit authority and a municipal corporation located within its 30174
territorial jurisdiction, port authority, municipal airport or 30175
other municipal air navigation facility, college, or university in 30176
which the peace officer is appointed, employed, or elected or 30177
within the limits of the territorial jurisdiction of the peace 30178
officer; 30179

(3) The offense involved is a felony, a misdemeanor of the first degree or a substantially equivalent municipal ordinance, a misdemeanor of the second degree or a substantially equivalent municipal ordinance, or any offense for which points are chargeable pursuant to section 4510.036 of the Revised Code.

(E) In addition to the authority granted under division (A) or (B) of this section:

(1) A sheriff or deputy sheriff may arrest and detain, until a warrant can be obtained, any person found violating section 4503.11, 4503.21, or 4549.01, sections 4549.08 to 4549.12, section 4549.62, or Chapter 4511. or 4513. of the Revised Code on the portion of any street or highway that is located immediately adjacent to the boundaries of the county in which the sheriff or deputy sheriff is elected or appointed.

(2) A member of the police force of a township police district created under section 505.48 of the Revised Code, a member of the police force of a joint police district created under section 505.482 of the Revised Code, or a township constable appointed in accordance with section 509.01 of the Revised Code, who has received a certificate from the Ohio peace officer training commission under section 109.75 of the Revised Code, may arrest and detain, until a warrant can be obtained, any person found violating any section or chapter of the Revised Code listed in division (E)(1) of this section, other than sections 4513.33 and 4513.34 of the Revised Code, on the portion of any street or highway that is located immediately adjacent to the boundaries of the township police district or joint police district, in the case of a member of a township police district or joint police district police force, or the unincorporated territory of the township, in the case of a township constable. However, if the population of the township that created the township police district served by the member's police force, or the townships and municipal

corporations that created the joint police district served by the 30212
member's police force, or the township that is served by the 30213
township constable, is sixty thousand or less, the member of the 30214
township police district or joint police district police force or 30215
the township constable may not make an arrest under division 30216
(E)(2) of this section on a state highway that is included as part 30217
of the interstate system. 30218

(3) A police officer or village marshal appointed, elected, 30219
or employed by a municipal corporation may arrest and detain, 30220
until a warrant can be obtained, any person found violating any 30221
section or chapter of the Revised Code listed in division (E)(1) 30222
of this section on the portion of any street or highway that is 30223
located immediately adjacent to the boundaries of the municipal 30224
corporation in which the police officer or village marshal is 30225
appointed, elected, or employed. 30226

(4) A peace officer of the department of natural resources, a 30227
state fire marshal law enforcement officer described in division 30228
(A)(23) of section 109.71 of the Revised Code, or an individual 30229
designated to perform law enforcement duties under section 30230
511.232, 1545.13, or 6101.75 of the Revised Code may arrest and 30231
detain, until a warrant can be obtained, any person found 30232
violating any section or chapter of the Revised Code listed in 30233
division (E)(1) of this section, other than sections 4513.33 and 30234
4513.34 of the Revised Code, on the portion of any street or 30235
highway that is located immediately adjacent to the boundaries of 30236
the lands and waters that constitute the territorial jurisdiction 30237
of the peace officer or state fire marshal law enforcement 30238
officer. 30239

(F)(1) A department of mental health and addiction services 30240
special police officer or a department of developmental 30241
disabilities special police officer may arrest without a warrant 30242
and detain until a warrant can be obtained any person found 30243

committing on the premises of any institution under the 30244
jurisdiction of the particular department a misdemeanor under a 30245
law of the state. 30246

A department of mental health and addiction services special 30247
police officer or a department of developmental disabilities 30248
special police officer may arrest without a warrant and detain 30249
until a warrant can be obtained any person who has been 30250
hospitalized, institutionalized, or confined in an institution 30251
under the jurisdiction of the particular department pursuant to or 30252
under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 30253
2945.40, 2945.401, or 2945.402 of the Revised Code and who is 30254
found committing on the premises of any institution under the 30255
jurisdiction of the particular department a violation of section 30256
2921.34 of the Revised Code that involves an escape from the 30257
premises of the institution. 30258

(2)(a) If a department of mental health and addiction 30259
services special police officer or a department of developmental 30260
disabilities special police officer finds any person who has been 30261
hospitalized, institutionalized, or confined in an institution 30262
under the jurisdiction of the particular department pursuant to or 30263
under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 30264
2945.40, 2945.401, or 2945.402 of the Revised Code committing a 30265
violation of section 2921.34 of the Revised Code that involves an 30266
escape from the premises of the institution, or if there is 30267
reasonable ground to believe that a violation of section 2921.34 30268
of the Revised Code has been committed that involves an escape 30269
from the premises of an institution under the jurisdiction of the 30270
department of mental health and addiction services or the 30271
department of developmental disabilities and if a department of 30272
mental health and addiction services special police officer or a 30273
department of developmental disabilities special police officer 30274
has reasonable cause to believe that a particular person who has 30275

been hospitalized, institutionalized, or confined in the 30276
institution pursuant to or under authority of section 2945.37, 30277
2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the 30278
Revised Code is guilty of the violation, the special police 30279
officer, outside of the premises of the institution, may pursue, 30280
arrest, and detain that person for that violation of section 30281
2921.34 of the Revised Code, until a warrant can be obtained, if 30282
both of the following apply: 30283

(i) The pursuit takes place without unreasonable delay after 30284
the offense is committed; 30285

(ii) The pursuit is initiated within the premises of the 30286
institution from which the violation of section 2921.34 of the 30287
Revised Code occurred. 30288

(b) For purposes of division (F)(2)(a) of this section, the 30289
execution of a written statement by the administrator of the 30290
institution in which a person had been hospitalized, 30291
institutionalized, or confined pursuant to or under authority of 30292
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 30293
2945.402 of the Revised Code alleging that the person has escaped 30294
from the premises of the institution in violation of section 30295
2921.34 of the Revised Code constitutes reasonable ground to 30296
believe that the violation was committed and reasonable cause to 30297
believe that the person alleged in the statement to have committed 30298
the offense is guilty of the violation. 30299

(G) As used in this section: 30300

(1) A "department of mental health and addiction services 30301
special police officer" means a special police officer of the 30302
department of mental health and addiction services designated 30303
under section 5119.08 of the Revised Code who is certified by the 30304
Ohio peace officer training commission under section 109.77 of the 30305
Revised Code as having successfully completed an approved peace 30306

officer basic training program. 30307

(2) A "department of developmental disabilities special 30308
police officer" means a special police officer of the department 30309
of developmental disabilities designated under section 5123.13 of 30310
the Revised Code who is certified by the Ohio peace officer 30311
training council under section 109.77 of the Revised Code as 30312
having successfully completed an approved peace officer basic 30313
training program. 30314

(3) "Deadly weapon" has the same meaning as in section 30315
2923.11 of the Revised Code. 30316

(4) "Family or household member" has the same meaning as in 30317
section 2919.25 of the Revised Code. 30318

(5) "Street" or "highway" has the same meaning as in section 30319
4511.01 of the Revised Code. 30320

(6) "Interstate system" has the same meaning as in section 30321
5516.01 of the Revised Code. 30322

(7) "Peace officer of the department of natural resources" 30323
means an employee of the department of natural resources who is a 30324
natural resources law enforcement staff officer designated 30325
pursuant to section 1501.013 of the Revised Code, a forest-fire 30326
investigator appointed pursuant to section 1503.09 of the Revised 30327
Code, a natural resources officer appointed pursuant to section 30328
1501.24 of the Revised Code, or a wildlife officer designated 30329
pursuant to section 1531.13 of the Revised Code. 30330

(8) "Portion of any street or highway" means all lanes of the 30331
street or highway irrespective of direction of travel, including 30332
designated turn lanes, and any berm, median, or shoulder. 30333

Sec. 2967.16. (A) Except as provided in division (D) of this 30334
section, when a paroled prisoner has faithfully performed the 30335
conditions and obligations of the paroled prisoner's parole and 30336

has obeyed the rules and regulations adopted by the adult parole authority that apply to the paroled prisoner, the authority may grant a final release and thereupon shall issue to the paroled prisoner a certificate of final release that shall serve as the minutes of the authority, but the authority shall not grant a final release earlier than one year after the paroled prisoner is released from the institution on parole, and, in the case of a paroled prisoner whose sentence is life imprisonment, the authority shall not grant a final release earlier than five years after the paroled prisoner is released from the institution on parole.

(B)(1) When a prisoner who has been released under a period of post-release control pursuant to section 2967.28 of the Revised Code has faithfully performed the conditions and obligations of the released prisoner's post-release control sanctions and has obeyed the rules and regulations adopted by the adult parole authority that apply to the released prisoner or has the period of post-release control terminated by a court pursuant to section 2929.141 of the Revised Code, the authority may terminate the period of post-release control and issue to the released prisoner a certificate of termination, which shall serve as the minutes of the authority. In the case of a prisoner who has been released under a period of post-release control pursuant to division (B) of section 2967.28 of the Revised Code, the authority shall not terminate post-release control earlier than one year after the released prisoner is released from the institution under a period of post-release control. The authority ~~shall~~ may classify the termination of post-release control as ~~favorable or unfavorable depending on~~ if the offender's conduct and compliance with the conditions of supervision is unsatisfactory. If the authority does not classify the termination of post-release control as unfavorable, the offender's conduct and compliance with the

conditions of post-release control shall be not considered as an 30369
unfavorable termination under this division by a court when the 30370
court, at a future sentencing hearing, is considering the factors 30371
described in division (D)(1) of section 2929.12 of the Revised 30372
Code. In the case of a released prisoner whose sentence is life 30373
imprisonment, the authority shall not terminate post-release 30374
control earlier than five years after the released prisoner is 30375
released from the institution under a period of post-release 30376
control. 30377

(2) The department of rehabilitation and correction, no later 30378
than six months after July 8, 2002, shall adopt a rule in 30379
accordance with Chapter 119. of the Revised Code that establishes 30380
the criteria for the classification of a post-release control 30381
termination as ~~"favorable"~~ or "unfavorable." 30382

(C)(1) Except as provided in division (C)(2) of this section, 30383
the following prisoners or person shall be restored to the rights 30384
and privileges forfeited by a conviction: 30385

(a) A prisoner who has served the entire prison term that 30386
comprises or is part of the prisoner's sentence and has not been 30387
placed under any post-release control sanctions; 30388

(b) A prisoner who has been granted a final release or 30389
termination of post-release control by the adult parole authority 30390
pursuant to division (A) or (B) of this section; 30391

(c) A person who has completed the period of a community 30392
control sanction or combination of community control sanctions, as 30393
defined in section 2929.01 of the Revised Code, that was imposed 30394
by the sentencing court. 30395

(2)(a) As used in division (C)(2)(c) of this section: 30396

(i) "Position of honor, trust, or profit" has the same 30397
meaning as in section 2929.192 of the Revised Code. 30398

(ii) "Public office" means any elected federal, state, or local government office in this state. 30399
30400

(b) For purposes of division (C)(2)(c) of this section, a violation of section 2923.32 of the Revised Code or any other violation or offense that includes as an element a course of conduct or the occurrence of multiple acts is "committed on or after May 13, 2008," if the course of conduct continues, one or more of the multiple acts occurs, or the subject person's accountability for the course of conduct or for one or more of the multiple acts continues, on or after May 13, 2008. 30401
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(c) Division (C)(1) of this section does not restore a prisoner or person to the privilege of holding a position of honor, trust, or profit if the prisoner or person was convicted of or pleaded guilty to committing on or after May 13, 2008, any of the following offenses that is a felony: 30409
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(i) A violation of section 2921.02, 2921.03, 2921.05, 2921.41, 2921.42, or 2923.32 of the Revised Code; 30414
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(ii) A violation of section 2913.42, 2921.04, 2921.11, 2921.12, 2921.31, or 2921.32 of the Revised Code, when the person committed the violation while the person was serving in a public office and the conduct constituting the violation was related to the duties of the person's public office or to the person's actions as a public official holding that public office; 30416
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(iii) A violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially equivalent to any violation listed in division (C)(2)(c)(i) of this section; 30422
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(iv) A violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially equivalent to any violation listed in division (C)(2)(c)(ii) of this section, when the person committed the 30426
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violation while the person was serving in a public office and the 30430
conduct constituting the violation was related to the duties of 30431
the person's public office or to the person's actions as a public 30432
official holding that public office; 30433

(v) A conspiracy to commit, attempt to commit, or complicity 30434
in committing any offense listed in division (C)(2)(c)(i) or 30435
described in division (C)(2)(c)(iii) of this section; 30436

(vi) A conspiracy to commit, attempt to commit, or complicity 30437
in committing any offense listed in division (C)(2)(c)(ii) or 30438
described in division (C)(2)(c)(iv) of this section, if the person 30439
committed the violation while the person was serving in a public 30440
office and the conduct constituting the offense that was the 30441
subject of the conspiracy, that would have constituted the offense 30442
attempted, or constituting the offense in which the person was 30443
complicit was or would have been related to the duties of the 30444
person's public office or to the person's actions as a public 30445
official holding that public office. 30446

(D) Division (A) of this section does not apply to a prisoner 30447
in the shock incarceration program established pursuant to section 30448
5120.031 of the Revised Code. 30449

(E) The final release certificate of a parolee and the 30450
certificate of termination of a prisoner shall serve as the 30451
official minutes of the adult parole authority, and the authority 30452
shall consider those certificates as its official minutes. 30453

Sec. 2967.193. (A)(1) The provisions of this section ~~shall~~ 30454
~~apply, until the date that is one year after the effective date of~~ 30455
~~this amendment, April 4, 2024,~~ to persons confined in a state 30456
correctional institution or in the substance use disorder 30457
treatment program. On and after April 4, 2024, the provisions of 30458
section 2967.194 of the Revised Code apply to persons so confined, 30459
in the manner specified in division (G) of that section. 30460

(2) Except as provided in division (C) of this section and 30461
subject to the maximum aggregate total specified in division 30462
(A)(4) of this section, a person confined in a state correctional 30463
institution or placed in the substance use disorder treatment 30464
program may provisionally earn one day or five days of credit, 30465
based on the category set forth in division (D)(1), (2), (3), (4), 30466
or (5) of this section in which the person is included, toward 30467
satisfaction of the person's stated prison term, as described in 30468
division (F) of this section, for each completed month during 30469
which the person, if confined in a state correctional institution, 30470
productively participates in an education program, vocational 30471
training, employment in prison industries, treatment for substance 30472
abuse, or any other constructive program developed by the 30473
department of rehabilitation and correction with specific 30474
standards for performance by prisoners or during which the person, 30475
if placed in the substance use disorder treatment program, 30476
productively participates in the program. Except as provided in 30477
division (C) of this section and subject to the maximum aggregate 30478
total specified in division (A)(4) of this section, a person so 30479
confined in a state correctional institution who successfully 30480
completes two programs or activities of that type may, in 30481
addition, provisionally earn up to five days of credit toward 30482
satisfaction of the person's stated prison term, as described in 30483
division (F) of this section, for the successful completion of the 30484
second program or activity. The person shall not be awarded any 30485
provisional days of credit for the successful completion of the 30486
first program or activity or for the successful completion of any 30487
program or activity that is completed after the second program or 30488
activity. At the end of each calendar month in which a person 30489
productively participates in a program or activity listed in this 30490
division or successfully completes a program or activity listed in 30491
this division, the department of rehabilitation and correction 30492
shall determine and record the total number of days credit that 30493

the person provisionally earned in that calendar month. If the 30494
person in a state correctional institution violates prison rules 30495
or the person in the substance use disorder treatment program 30496
violates program or department rules, the department may deny the 30497
person a credit that otherwise could have been provisionally 30498
awarded to the person or may withdraw one or more credits 30499
previously provisionally earned by the person. Days of credit 30500
provisionally earned by a person shall be finalized and awarded by 30501
the department subject to administrative review by the department 30502
of the person's conduct. 30503

(3) Unless a person is serving a mandatory prison term or a 30504
prison term for an offense of violence or a sexually oriented 30505
offense, and notwithstanding the maximum aggregate total specified 30506
in division (A)(4) of this section, a person who successfully 30507
completes any of the following shall earn ninety days of credit 30508
toward satisfaction of the person's stated prison term or a ten 30509
per cent reduction of the person's stated prison term, whichever 30510
is less: 30511

(a) An Ohio high school diploma or Ohio certificate of high 30512
school equivalence certified by the Ohio central school system; 30513

(b) A therapeutic drug community program; 30514

(c) All three phases of the department of rehabilitation and 30515
correction's intensive outpatient drug treatment program; 30516

(d) A career technical vocational school program; 30517

(e) A college certification program; 30518

(f) The criteria for a certificate of achievement and 30519
employability as specified in division (A)(1) of section 2961.22 30520
of the Revised Code. 30521

~~(4)(4)(a)~~ Except for persons described in division (A)(3) of 30522
this section and subject to division (A)(4)(b) of this section, 30523

the aggregate days of credit provisionally earned by a person for 30524
program or activity participation and program and activity 30525
completion under this section and the aggregate days of credit 30526
finally credited to a person under this section shall not exceed 30527
eight per cent of the total number of days in the person's stated 30528
prison term. 30529

(b) If a person is confined in a state correctional 30530
institution or in the substance use disorder treatment program 30531
after the effective date of this amendment, and if the person as 30532
of that effective date has met the eight per cent limit specified 30533
in division (A)(4)(a) of this section or the person meets that 30534
eight per cent limit between that effective date and April 3, 30535
2024, both of the following apply with respect to the person: 30536

(i) On and after the effective date of this amendment, the 30537
eight per cent limit specified in division (A)(4)(a) of this 30538
section no longer applies to the person; 30539

(ii) On and after the effective date of this amendment, the 30540
aggregate days of credit provisionally earned by a person for 30541
program or activity participation and program and activity 30542
completion under this section and the aggregate days of credit 30543
finally credited to a person under this section shall not exceed 30544
fifteen per cent of the total number of days in the person's 30545
stated prison term. 30546

(B) The department of rehabilitation and correction shall 30547
adopt rules that specify the programs or activities for which 30548
credit may be earned under this section, the criteria for 30549
determining productive participation in, or completion of, the 30550
programs or activities and the criteria for awarding credit, 30551
including criteria for awarding additional credit for successful 30552
program or activity completion, and the criteria for denying or 30553
withdrawing previously provisionally earned credit as a result of 30554
a violation of prison rules, or program or department rules, 30555

whichever is applicable. 30556

(C) No person confined in a state correctional institution or 30557
placed in a substance use disorder treatment program to whom any 30558
of the following applies shall be awarded any days of credit under 30559
division (A) of this section: 30560

(1) The person is serving a prison term that section 2929.13 30561
or section 2929.14 of the Revised Code specifies cannot be reduced 30562
pursuant to this section or this chapter or is serving a sentence 30563
for which section 2967.13 or division (B) of section 2929.143 of 30564
the Revised Code specifies that the person is not entitled to any 30565
earned credit under this section. 30566

(2) The person is sentenced to death or is serving a prison 30567
term or a term of life imprisonment for aggravated murder, murder, 30568
or a conspiracy or attempt to commit, or complicity in committing, 30569
aggravated murder or murder. 30570

(3) The person is serving a sentence of life imprisonment 30571
without parole imposed pursuant to section 2929.03 or 2929.06 of 30572
the Revised Code, a prison term or a term of life imprisonment 30573
without parole imposed pursuant to section 2971.03 of the Revised 30574
Code, or a sentence for a sexually oriented offense that was 30575
committed on or after September 30, 2011. 30576

(D) This division does not apply to a determination of 30577
whether a person confined in a state correctional institution or 30578
placed in a substance use disorder treatment program may earn any 30579
days of credit under division (A) of this section for successful 30580
completion of a second program or activity. The determination of 30581
whether a person confined in a state correctional institution may 30582
earn one day of credit or five days of credit under division (A) 30583
of this section for each completed month during which the person 30584
productively participates in a program or activity specified under 30585
that division shall be made in accordance with the following: 30586

(1) The offender may earn one day of credit under division 30587
(A) of this section, except as provided in division (C) of this 30588
section, if the most serious offense for which the offender is 30589
confined is any of the following that is a felony of the first or 30590
second degree: 30591

(a) A violation of division (A) of section 2903.04 or of 30592
section 2903.03, 2903.11, 2903.15, 2905.01, 2907.24, 2907.25, 30593
2909.02, 2909.09, 2909.10, 2909.101, 2909.26, 2909.27, 2909.29, 30594
2911.01, 2911.02, 2911.11, 2911.12, 2919.13, 2919.15, 2919.151, 30595
2919.22, 2921.34, 2923.01, 2923.131, 2923.162, 2923.32, 2925.24, 30596
or 2927.24 of the Revised Code; 30597

(b) A conspiracy or attempt to commit, or complicity in 30598
committing, any other offense for which the maximum penalty is 30599
imprisonment for life or any offense listed in division (D)(1)(a) 30600
of this section. 30601

(2) The offender may earn one day of credit under division 30602
(A) of this section, except as provided in division (C) of this 30603
section, if the offender is serving a stated prison term that 30604
includes a prison term imposed for a sexually oriented offense 30605
that the offender committed prior to September 30, 2011. 30606

(3) The offender may earn one day of credit under division 30607
(A) of this section, except as provided in division (C) of this 30608
section, if the offender is serving a stated prison term that 30609
includes a prison term imposed for a felony other than carrying a 30610
concealed weapon an essential element of which is any conduct or 30611
failure to act expressly involving any deadly weapon or dangerous 30612
ordnance. 30613

(4) Except as provided in division (C) of this section, if 30614
the most serious offense for which the offender is confined is a 30615
felony of the first or second degree and divisions (D)(1), (2), 30616
and (3) of this section do not apply to the offender, the offender 30617

may earn one day of credit under division (A) of this section if 30618
the offender committed that offense prior to September 30, 2011, 30619
and the offender may earn five days of credit under division (A) 30620
of this section if the offender committed that offense on or after 30621
September 30, 2011. 30622

(5) Except as provided in division (C) of this section, if 30623
the most serious offense for which the offender is confined is a 30624
felony of the third, fourth, or fifth degree or an unclassified 30625
felony and neither division (D)(2) nor (3) of this section applies 30626
to the offender, the offender may earn one day of credit under 30627
division (A) of this section if the offender committed that 30628
offense prior to September 30, 2011, and the offender may earn 30629
five days of credit under division (A) of this section if the 30630
offender committed that offense on or after September 30, 2011. 30631

(E) The department annually shall seek and consider the 30632
written feedback of the Ohio prosecuting attorneys association, 30633
the Ohio judicial conference, the Ohio public defender, the Ohio 30634
association of criminal defense lawyers, and other organizations 30635
and associations that have an interest in the operation of the 30636
corrections system and the earned credits program under this 30637
section as part of its evaluation of the program and in 30638
determining whether to modify the program. 30639

(F) Days of credit awarded under this section shall be 30640
applied toward satisfaction of a person's stated prison term as 30641
follows: 30642

(1) Toward the definite prison term of a prisoner serving a 30643
definite prison term as a stated prison term; 30644

(2) Toward the minimum and maximum terms of a prisoner 30645
serving an indefinite prison term imposed under division (A)(1)(a) 30646
or (2)(a) of section 2929.14 of the Revised Code for a felony of 30647
the first or second degree committed on or after March 22, 2019. 30648

(G) As used in this section: 30649

(1) "Sexually oriented offense" has the same meaning as in 30650
section 2950.01 of the Revised Code. 30651

(2) "Substance use disorder treatment program" means the 30652
substance use disorder treatment program established by the 30653
department of rehabilitation and correction under section 5120.035 30654
of the Revised Code. 30655

Sec. 2967.194. (A)(1) ~~Beginning one year after the effective~~ 30656
~~date of this section~~ April 4, 2024, the provisions of this section 30657
shall apply, in the manner described in division (G) of this 30658
section, to persons confined on or after that date in a state 30659
correctional institution or in the substance use disorder 30660
treatment program. 30661

(2) Except as provided in division (C) of this section and 30662
subject to the maximum aggregate total specified in division 30663
(A)(4) of this section, a person confined in a state correctional 30664
institution or placed in the substance use disorder treatment 30665
program may provisionally earn one day or five days of credit, 30666
based on the category set forth in division (D)(1) or (2) of this 30667
section in which the person is included, toward satisfaction of 30668
the person's stated prison term, as described in division (F) of 30669
this section, for each completed month during which the person, if 30670
confined in a state correctional institution, productively 30671
participates in an education program, vocational training, 30672
employment in prison industries, treatment for substance abuse, or 30673
any other constructive program developed by the department of 30674
rehabilitation and correction with specific standards for 30675
performance by prisoners or during which the person, if placed in 30676
the substance use disorder treatment program, productively 30677
participates in the program. Except as provided in division (C) of 30678
this section and subject to the maximum aggregate total specified 30679

in division (A)(4) of this section, a person so confined in a 30680
state correctional institution who successfully completes two 30681
programs or activities of that type may, in addition, 30682
provisionally earn up to five days of credit toward satisfaction 30683
of the person's stated prison term, as described in division (F) 30684
of this section, for the successful completion of the second 30685
program or activity. The person shall not be awarded any 30686
provisional days of credit for the successful completion of the 30687
first program or activity or for the successful completion of any 30688
program or activity that is completed after the second program or 30689
activity. At the end of each calendar month in which a person 30690
productively participates in a program or activity listed in this 30691
division or successfully completes a program or activity listed in 30692
this division, the department of rehabilitation and correction 30693
shall determine and record the total number of days credit that 30694
the person provisionally earned in that calendar month. If the 30695
person in a state correctional institution violates prison rules 30696
or the person in the substance use disorder treatment program 30697
violates program or department rules, the department may deny the 30698
person a credit that otherwise could have been provisionally 30699
awarded to the person or may withdraw one or more credits 30700
previously provisionally earned by the person. Days of credit 30701
provisionally earned by a person shall be finalized and awarded by 30702
the department subject to administrative review by the department 30703
of the person's conduct. 30704

(3) Except as provided in division (C) of this section, 30705
unless a person is serving a mandatory prison term or a prison 30706
term for an offense of violence or a sexually oriented offense, 30707
and notwithstanding the maximum aggregate total specified in 30708
division (A)(4) of this section, a person who successfully 30709
completes any diploma, equivalence, program, or criteria 30710
identified in divisions (A)(3)(a) to (g) of this section shall 30711
earn ninety days of credit toward satisfaction of the person's 30712

stated prison term or a ten per cent reduction of the person's 30713
stated prison term, whichever is less, for each such diploma, 30714
equivalence, program, or criteria successfully completed. The 30715
diplomas, equivalences, programs, and criteria for which credit 30716
shall be granted under this division, upon successful completion, 30717
are: 30718

(a) An Ohio high school diploma or Ohio certificate of high 30719
school equivalence certified by the Ohio central school system; 30720

(b) A therapeutic drug community program; 30721

(c) All three phases of the department of rehabilitation and 30722
correction's intensive outpatient drug treatment program; 30723

(d) A career technical vocational school program; 30724

(e) A college certification program; 30725

(f) The criteria for a certificate of achievement and 30726
employability as specified in division (A)(1) of section 2961.22 30727
of the Revised Code; 30728

(g) Any other constructive program developed by the 30729
department of rehabilitation and correction with specific 30730
standards for performance by prisoners. 30731

(4) Except for persons described in division (A)(3) of this 30732
section, the aggregate days of credit provisionally earned by a 30733
person for program or activity participation and program and 30734
activity completion under this section and the aggregate days of 30735
credit finally credited to a person under this section shall not 30736
exceed fifteen per cent of the total number of days in the 30737
person's stated prison term. 30738

(B) The department of rehabilitation and correction shall 30739
adopt rules that specify the programs or activities for which 30740
credit may be earned under this section, the criteria for 30741
determining productive participation in, or completion of, the 30742

programs or activities and the criteria for awarding credit, 30743
including criteria for awarding additional credit for successful 30744
program or activity completion, and the criteria for denying or 30745
withdrawing previously provisionally earned credit as a result of 30746
a violation of prison rules, or program or department rules, 30747
whichever is applicable. 30748

(C) No person confined in a state correctional institution or 30749
placed in a substance use disorder treatment program to whom any 30750
of the following applies shall be awarded any days of credit under 30751
division (A)(2) or (3) of this section: 30752

(1) The person is serving a prison term that section 2929.13 30753
or section 2929.14 of the Revised Code specifies cannot be reduced 30754
pursuant to this section or this chapter or is serving a sentence 30755
for which section 2967.13 or division (B) of section 2929.143 of 30756
the Revised Code specifies that the person is not entitled to any 30757
earned credit under this section. 30758

(2) The person is sentenced to death or is serving a prison 30759
term or a term of life imprisonment for aggravated murder, murder, 30760
or a conspiracy or attempt to commit, or complicity in committing, 30761
aggravated murder or murder. 30762

(3) The person is serving a sentence of life imprisonment 30763
without parole imposed pursuant to section 2929.03 or 2929.06 of 30764
the Revised Code, a prison term or a term of life imprisonment 30765
without parole imposed pursuant to section 2971.03 of the Revised 30766
Code, or a sentence for a sexually oriented offense that was 30767
committed on or after September 30, 2011. 30768

(D) This division does not apply to a determination of 30769
whether a person confined in a state correctional institution or 30770
placed in a substance use disorder treatment program may earn any 30771
days of credit under division (A)(2) of this section for 30772
successful completion of a second program or activity. The 30773

determination of whether a person confined in a state correctional 30774
institution may earn one day of credit or five days of credit 30775
under division (A)(2) of this section for each completed month 30776
during which the person productively participates in a program or 30777
activity specified under that division shall be made in accordance 30778
with the following: 30779

(1) The offender may earn one day of credit under division 30780
(A)(2) of this section, except as provided in division (C) of this 30781
section, if the offender is serving a stated prison term that 30782
includes a prison term imposed for a sexually oriented offense 30783
that the offender committed prior to September 30, 2011. 30784

(2) Except as provided in division (C) of this section, if 30785
division (D)(1) of this section does not apply to the offender, 30786
the offender may earn five days of credit under division (A)(2) of 30787
this section. 30788

(E) The department annually shall seek and consider the 30789
written feedback of the Ohio prosecuting attorneys association, 30790
the Ohio judicial conference, the Ohio public defender, the Ohio 30791
association of criminal defense lawyers, and other organizations 30792
and associations that have an interest in the operation of the 30793
corrections system and the earned credits program under this 30794
section as part of its evaluation of the program and in 30795
determining whether to modify the program. 30796

(F) Days of credit awarded under this section shall be 30797
applied toward satisfaction of a person's stated prison term as 30798
follows: 30799

(1) Toward the definite prison term of a prisoner serving a 30800
definite prison term as a stated prison term; 30801

(2) Toward the minimum and maximum terms of a prisoner 30802
serving an indefinite prison term imposed under division (A)(1)(a) 30803
or (2)(a) of section 2929.14 of the Revised Code for a felony of 30804

the first or second degree committed on or after March 22, 2019. 30805

(G) The provisions of this section apply to persons confined 30806
in a state correctional institution or in the substance use 30807
disorder treatment program on or after ~~the date that is one year~~ 30808
~~after the effective date of this section~~ April 4, 2024, as 30809
follows: 30810

(1) Subject to division (G)(2) of this section, the 30811
provisions apply to a person so confined regardless of whether the 30812
person committed the offense for which the person is confined in 30813
the institution or was placed in the program prior to, on, or 30814
~~after the date that is one year after the effective date of this~~ 30815
~~section~~ April 4, 2024, and regardless of whether the person was 30816
convicted of or pleaded guilty to that offense prior to, on, or 30817
~~after the date that is one year after the effective date of this~~ 30818
~~section~~ April 4, 2024. 30819

(2) The provisions apply to a person so confined only with 30820
respect to the time that the person is so confined on and after 30821
~~the date that is one year after the effective date of this section~~ 30822
April 4, 2024, and the provisions of section 2967.193 of the 30823
Revised Code that were in effect prior to ~~the date that is one~~ 30824
~~year after the effective date of this section~~ April 4, 2024, and 30825
that applied to the person prior to that date, including the 30826
provisions of division (A)(4) of that section as amended by this 30827
act, apply to the person with respect to the time that the person 30828
was so confined prior to ~~the date that is one year after that~~ 30829
~~effective date~~ April 4, 2024. 30830

(H) As used in this section: 30831

(1) "Sexually oriented offense" has the same meaning as in 30832
section 2950.01 of the Revised Code. 30833

(2) "Substance use disorder treatment program" means the 30834
substance use disorder treatment program established by the 30835

department of rehabilitation and correction under section 5120.035 30836
of the Revised Code. 30837

Sec. 3101.08. An ordained or licensed minister of any 30838
religious society or congregation within this state who is 30839
licensed to solemnize marriages, a judge of a county court in 30840
accordance with section 1907.18 of the Revised Code, a judge of a 30841
municipal court in accordance with section 1901.14 of the Revised 30842
Code, a probate judge in accordance with section 2101.27 of the 30843
Revised Code, the mayor of a municipal corporation anywhere within 30844
this state, the superintendent of ~~the state school for the deaf~~ 30845
Ohio deaf and blind education services, or any religious society 30846
in conformity with the rules of its church, may join together as 30847
husband and wife any persons who are not prohibited by law from 30848
being joined in marriage. 30849

Sec. 3103.03. (A) Each married person must support the 30850
person's self and spouse out of the person's property or by the 30851
person's labor. If a married person is unable to do so, the spouse 30852
of the married person must assist in the support so far as the 30853
spouse is able. The biological or adoptive parent of a minor child 30854
must support the parent's minor children out of the parent's 30855
property or by the parent's labor. 30856

(B) Notwithstanding section 3109.01 of the Revised Code and 30857
to the extent provided in section 3119.86 of the Revised Code, the 30858
parental duty of support to children shall continue beyond the age 30859
of majority as long as the child continuously attends on a 30860
full-time basis any recognized and accredited high school. That 30861
duty of support shall continue during seasonal vacation periods. 30862

(C) If a married person neglects to support the person's 30863
spouse in accordance with this section, any other person, in good 30864
faith, may supply the spouse with necessaries for the support of 30865

the spouse and recover the reasonable value of the necessities 30866
supplied from the married person who neglected to support the 30867
spouse unless the spouse abandons that person without cause. 30868

~~(D)~~(D)(1) If a parent neglects to support the parent's minor 30869
child in accordance with this section and if the minor child in 30870
question is unemancipated, any other person, in good faith, may 30871
supply the minor child with necessities for the support of the 30872
minor child and recover the reasonable value of the necessities 30873
supplied from the parent who neglected to support the minor child. 30874

(2) A duty of support may be enforced by a child support 30875
order, as defined under division (B) of section 3119.01 of the 30876
Revised Code. 30877

(E) If a decedent during the decedent's lifetime has 30878
purchased an irrevocable preneed funeral contract pursuant to 30879
section 4717.34 of the Revised Code, then the duty of support owed 30880
to a spouse pursuant to this section does not include an 30881
obligation to pay for the funeral expenses of the deceased spouse. 30882
This division does not preclude a surviving spouse from assuming 30883
by contract the obligation to pay for the funeral expenses of the 30884
deceased spouse. 30885

Sec. 3107.012. (A) A foster caregiver may use the application 30886
prescribed under division (B) of this section to obtain the 30887
services of an agency to arrange an adoption for the foster 30888
caregiver if the foster caregiver seeks to adopt the foster 30889
caregiver's foster child who has resided in the foster caregiver's 30890
home for at least six months prior to the date the foster 30891
caregiver submits the application to the agency. 30892

(B) The department of job and family services shall prescribe 30893
an application for a foster caregiver to use under division (A) of 30894
this section. The application shall not require that the foster 30895
caregiver provide any information the foster caregiver already 30896

provided the department, or undergo an inspection the foster 30897
caregiver already underwent, to obtain a foster home certificate 30898
under section 5103.03 of the Revised Code. 30899

(C) An agency that receives an application prescribed under 30900
division (B) of this section from a foster caregiver authorized to 30901
use the application shall not require, as a condition of the 30902
agency accepting or approving the application, that the foster 30903
caregiver undergo a criminal records check under section ~~2151.86~~ 30904
5103.251 of the Revised Code as a prospective adoptive parent. The 30905
agency shall inform the foster caregiver, in accordance with 30906
~~division (C) of section 2151.86~~ 5103.251 of the Revised Code, that 30907
the foster caregiver must undergo the criminal records check 30908
before a court may issue a final decree of adoption or 30909
interlocutory order of adoption under section 3107.14 of the 30910
Revised Code. 30911

Sec. 3107.033. ~~Not later than June 1, 2009, the~~ The director 30912
of job and family services shall adopt rules in accordance with 30913
Chapter 119. of the Revised Code specifying both of the following: 30914

(A) The manner in which a home study is to be conducted and 30915
the information and documents to be included in a home study 30916
report, which shall include the following: 30917

(1) For adoptions arranged by an attorney, pursuant to 30918
section 3107.034 of the Revised Code, a summary report of a search 30919
of the uniform statewide automated child welfare information 30920
system established in section 5101.13 of the Revised Code and a 30921
report of a check of a central registry of another state if a 30922
request for a check of a central registry of another state is 30923
required under division (A) of section 3107.034 of the Revised 30924
Code. ~~The director shall ensure that rules adopted under this~~ 30925
~~section align the home study content, time period, and process~~ 30926
~~with any foster care home study content, time period, and process~~ 30927

~~required by rules adopted under section 5103.03 of the Revised Code.~~ 30928
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(2) For adoptions arranged by an agency, pursuant to section 5103.252 of the Revised Code, a summary report of a search of the uniform statewide automated child welfare information system established in section 5101.13 of the Revised Code and a report of a check of a central registry of another state if a request for a check of a central registry of another state is required under of section 5103.254 of the Revised Code. 30930
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(3) The director shall ensure that rules adopted under divisions (A)(1) and (2) of this section align the home study content, time period, and process with any foster care home study content, time period, and process required by rules adopted under section 5103.03 of the Revised Code. 30937
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(B) A procedure under which a person whose application for adoption has been denied as a result of a search of the uniform statewide automated child welfare information system established in section 5101.13 of the Revised Code as part of the home study may appeal the denial to the agency that employed the assessor who filed the report. 30942
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Sec. 3107.034. (A) Whenever a prospective adoptive parent or a person eighteen years of age or older who resides with a prospective adoptive parent has resided in another state within the five-year period immediately prior to the date on which a criminal records check is requested for the person under division (A) of section 2151.86 of the Revised Code, the ~~administrative director of an agency, or attorney,~~ who arranges the adoption for the prospective adoptive parent shall request a check of the central registry of abuse and neglect of this state from the department of job and family services regarding the prospective adoptive parent or the person eighteen years of age or older who 30948
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resides with the prospective adoptive parent to enable the ~~agency~~ 30959
~~or~~ attorney to check any child abuse and neglect registry 30960
maintained by that other state. The ~~administrative director or~~ 30961
attorney shall make the request and shall review the results of 30962
the check before a final decree of adoption or an interlocutory 30963
order of adoption making the person an adoptive parent may be 30964
made. Information received pursuant to the request shall be 30965
considered for purposes of this chapter as if it were a summary 30966
report required under section 3107.033 of the Revised Code. The 30967
department of job and family services shall comply with any 30968
request to check the central registry that is similar to the 30969
request described in this division and that is received from any 30970
other state. 30971

(B) The summary report of a search of the uniform statewide 30972
automated child welfare information system established in section 30973
5101.13 of the Revised Code that is required under section 30974
3107.033 of the Revised Code shall contain, if applicable, a 30975
chronological list of abuse and neglect determinations or 30976
allegations of which the person seeking to adopt is subject and in 30977
regards to which a public children services agency has done one of 30978
the following: 30979

(1) Determined that abuse or neglect occurred; 30980

(2) Initiated an investigation, and the investigation is 30981
ongoing; 30982

(3) Initiated an investigation and the agency was unable to 30983
determine whether abuse or neglect occurred. 30984

(C) The summary report required under section 3107.033 of the 30985
Revised Code shall not contain any of the following: 30986

(1) An abuse and neglect determination of which the person 30987
seeking to adopt is subject and in regards to which a public 30988
children services agency determined that abuse or neglect did not 30989

occur; 30990

(2) Information or reports the dissemination of which is 30991
prohibited by, or interferes with eligibility under, the "Child 30992
Abuse Prevention and Treatment Act," 88 Stat. 4 (1974), 42 U.S.C. 30993
5101 et seq., as amended; 30994

(3) The name of the person who or entity that made, or 30995
participated in the making of, the report of abuse or neglect. 30996

(D)(1) An application for adoption may be denied based on a 30997
summary report containing the information described under division 30998
(B)(1) of this section, when considered within the totality of the 30999
circumstances. An application that is denied may be appealed using 31000
the procedure adopted pursuant to division (B) of section 3107.033 31001
of the Revised Code. 31002

(2) An application for adoption shall not be denied solely 31003
based on a summary report containing the information described 31004
under division (B)(2) or (3) of this section. 31005

Sec. 3107.035. (A) At the time of the initial home study, and 31006
every two years thereafter, if the home study is updated, and 31007
until it becomes part of a final decree of adoption or an 31008
interlocutory order of adoption, the ~~agency~~ or attorney that 31009
arranges an adoption for the prospective adoptive parent shall 31010
conduct a search of the United States department of justice 31011
national sex offender public web site regarding the prospective 31012
adoptive parent and all persons eighteen years of age or older who 31013
reside with the prospective adoptive parent. 31014

(B) A petition for adoption may be denied based solely on the 31015
results of the search of the national sex offender public web 31016
site. 31017

(C) The director of job and family services shall adopt rules 31018
in accordance with Chapter 119. of the Revised Code necessary for 31019

the implementation and execution of this section. 31020

Sec. 3107.14. (A) The petitioner and the person sought to be 31021
adopted shall appear at the hearing on the petition, unless the 31022
presence of either is excused by the court for good cause shown. 31023

(B) The court may continue the hearing from time to time to 31024
permit further observation, investigation, or consideration of any 31025
facts or circumstances affecting the granting of the petition, and 31026
may examine the petitioners separate and apart from each other. 31027

(C) If, at the conclusion of the hearing, the court finds 31028
that the required consents have been obtained or excused and that 31029
the adoption is in the best interest of the person sought to be 31030
adopted as supported by the evidence, it may issue, subject to 31031
division ~~(C)~~(1)(D) of section 2151.86, section 3107.064, ~~and~~ 31032
division (E) of section 3107.09, and section 5103.256 of the 31033
Revised Code, and any other limitations specified in this chapter, 31034
a final decree of adoption or an interlocutory order of adoption, 31035
which by its own terms automatically becomes a final decree of 31036
adoption on a date specified in the order, which, except as 31037
provided in division (B) of section 3107.13 of the Revised Code, 31038
shall not be less than six months or more than one year from the 31039
date the person to be adopted is placed in the petitioner's home, 31040
unless sooner vacated by the court for good cause shown. In 31041
determining whether the adoption is in the best interest of the 31042
person sought to be adopted, the court shall not consider the age 31043
of the petitioner if the petitioner is old enough to adopt as 31044
provided by section 3107.03 of the Revised Code. 31045

In an interlocutory order of adoption, the court shall 31046
provide for observation, investigation, and a further report on 31047
the adoptive home during the interlocutory period. 31048

(D) If the requirements for a decree under division (C) of 31049
this section have not been satisfied or the court vacates an 31050

interlocutory order of adoption, or if the court finds that a 31051
person sought to be adopted was placed in the home of the 31052
petitioner in violation of law, the court shall dismiss the 31053
petition and may determine the agency or person to have temporary 31054
or permanent custody of the person, which may include the agency 31055
or person that had custody prior to the filing of the petition or 31056
the petitioner, if the court finds it is in the best interest of 31057
the person as supported by the evidence, or if the person is a 31058
minor, the court may certify the case to the juvenile court of the 31059
county where the minor is then residing for appropriate action and 31060
disposition. 31061

(E) The issuance of a final decree or interlocutory order of 31062
adoption for an adult adoption under division (A)(4) of section 31063
3107.02 of the Revised Code shall not disqualify that adult for 31064
services under section 2151.82 or 2151.83 of the Revised Code. 31065

Sec. 3109.15. There is hereby created within the department 31066
of job and family services the children's trust fund board 31067
consisting of fifteen members. The directors of mental health and 31068
addiction services, health, and job and family services shall be 31069
members of the board. Eight public members shall be appointed by 31070
the governor. These members shall be persons with demonstrated 31071
knowledge in programs for children, shall be representative of the 31072
demographic composition of this state, and, to the extent 31073
practicable, shall be representative of the following categories: 31074
the educational community; the legal community; the social work 31075
community; the medical community; the voluntary sector; and 31076
professional providers of child abuse and child neglect services. 31077
Two members of the board shall be members of the house of 31078
representatives appointed by the speaker of the house of 31079
representatives and shall be members of two different political 31080
parties. Two members of the board shall be members of the senate 31081
appointed by the president of the senate and shall be members of 31082

two different political parties. All members of the board 31083
appointed by the speaker of the house of representatives or the 31084
president of the senate shall serve until the expiration of the 31085
sessions of the general assembly during which they were appointed. 31086
They may be reappointed to an unlimited number of successive terms 31087
of two years at the pleasure of the speaker of the house of 31088
representatives or president of the senate. ~~Public~~ 31089

Public members shall serve terms of three years. Each member 31090
shall serve until the member's successor is appointed, or until a 31091
period of sixty days has elapsed, whichever occurs first. No 31092
public member may serve more than two consecutive full terms. 31093
However, a member may serve two consecutive full terms following 31094
the remainder of a term for which the member was appointed to fill 31095
a vacancy. 31096

All vacancies on the board shall be filled for the balance of 31097
the unexpired term in the same manner as the original appointment. 31098

Any member of the board may be removed by the member's 31099
appointing authority for misconduct, incompetency, or neglect of 31100
duty after first being given the opportunity to be heard in the 31101
member's own behalf. Pursuant to section 3.17 of the Revised Code, 31102
a member, except a member of the general assembly or a judge of 31103
any court in the state, who fails to attend at least three-fifths 31104
of the regular and special meetings held by the board during any 31105
two-year period forfeits the member's position on the board. 31106

Each member of the board shall serve without compensation but 31107
shall be reimbursed for all actual and necessary expenses incurred 31108
in the performance of official duties. 31109

At the beginning of the first year of each even-numbered 31110
general assembly, the chairperson of the board shall be appointed 31111
by the speaker of the house of representatives from among members 31112
of the board who are members of the house of representatives. At 31113

the beginning of the first year of each odd-numbered general 31114
assembly, the chairperson of the board shall be appointed by the 31115
president of the senate from among the members of the board who 31116
are senate members. 31117

The board shall biennially select a vice-chair from among its 31118
nonlegislative members. 31119

Sec. 3109.16. (A) The children's trust fund board, upon the 31120
recommendation of the director of job and family services, shall 31121
approve the employment of an executive director who will 31122
administer the programs of the board. 31123

(B) The department of job and family services shall provide 31124
budgetary, procurement, accounting, and other related management 31125
functions for the board and may adopt rules in accordance with 31126
Chapter 119. of the Revised Code for these purposes. An amount not 31127
to exceed three per cent of the total amount of fees deposited in 31128
the children's trust fund in each fiscal year may be used for 31129
costs directly related to these administrative functions of the 31130
department. Each fiscal year, the board shall approve a budget for 31131
administrative expenditures for the next fiscal year. 31132

(C) The board may request that the department adopt rules the 31133
board considers necessary for the purpose of carrying out the 31134
board's responsibilities under this section, and the department 31135
may adopt those rules. The department may, after consultation with 31136
the board and the executive director, adopt any other rules to 31137
assist the board in carrying out its responsibilities under this 31138
section. In either case, the rules shall be adopted under Chapter 31139
119. of the Revised Code. 31140

(D) The board shall meet at least quarterly at the call of 31141
the chairperson to conduct its official business. All business 31142
transactions of the board shall be conducted in public meetings. 31143
~~Eight~~ A majority of the members of appointed to the board 31144

constitute a quorum. A majority of the quorum is required to make 31145
all decisions of the board. 31146

(E) With respect to funding, all of the following apply: 31147

(1) The board may apply for and accept federal and other 31148
funds for the purpose of funding child abuse and child neglect 31149
prevention programs. 31150

(2) The board may solicit and accept gifts, money, and other 31151
donations from any public or private source, including 31152
individuals, philanthropic foundations or organizations, 31153
corporations, or corporation endowments. 31154

(3) The board may develop private-public partnerships to 31155
support the mission of the children's trust fund. 31156

(4) The acceptance and use of federal and other funds shall 31157
not ~~entail any commitment or pledge of state funds, nor~~ obligate 31158
the general assembly to continue the programs or activities for 31159
which the federal and other funds are made available. 31160

(5) All funds received in the manner described in this 31161
section shall be transmitted to the treasurer of state, who shall 31162
credit them to the children's trust fund created in section 31163
3109.14 of the Revised Code. 31164

Sec. 3109.17. (A) The children's trust fund board shall 31165
establish a strategic plan for child abuse and child neglect 31166
prevention. The plan shall be transmitted to the governor, the 31167
president and minority leader of the senate, and the speaker and 31168
minority leader of the house of representatives and shall be made 31169
available to the general public. 31170

(B) In developing and carrying out the strategic plan, the 31171
children's trust fund board shall, in accordance with rules 31172
adopted by the department pursuant to Chapter 119. of the Revised 31173
Code, do all of the following: 31174

(1) Ensure that an opportunity exists for assistance through	31175
child abuse and child neglect prevention programs to persons	31176
throughout the state of various social and economic backgrounds;	31177
(2) Allocate funds to entities for the purpose of funding	31178
child abuse and child neglect prevention programs that have	31179
statewide significance and that have been approved by the	31180
children's trust fund board;	31181
(3) Provide for the monitoring of expenditures from the	31182
children's trust fund and of programs that receive money from the	31183
children's trust fund;	31184
(4) Establish reporting requirements for both of the	31185
following:	31186
(a) Regional <u>regional</u> child abuse and child neglect	31187
prevention councils, including deadlines for the submission of the	31188
progress and annual reports required under section 3107.172 of the	31189
Revised Code;	31190
(b) Children's advocacy centers, including deadlines for the	31191
submission of reports required under section 3107.178 of the	31192
Revised Code.	31193
(5) Collaborate with appropriate persons and government	31194
entities and facilitate the exchange of information among those	31195
persons and entities for the purpose of child abuse and child	31196
neglect prevention;	31197
(6) Provide for the education of the public and professionals	31198
for the purpose of child abuse and child neglect prevention.	31199
(C) The children's trust fund board shall prepare a report	31200
for each fiscal biennium that delineates the expenditure of money	31201
from the children's trust fund. On or before January 1, 2002, and	31202
on or before the first day of January of a year that follows the	31203
end of a fiscal biennium of this state, the board shall file a	31204

copy of the report with the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives. 31205
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~~(D) The children's trust fund board shall develop a list of all state and federal sources of funding that might be available for establishing, operating, or establishing and operating a children's advocacy center under sections 2151.425 to 2151.428 of the Revised Code. The board periodically shall update the list as necessary. The board shall maintain, or provide for the maintenance of, the list at an appropriate location. That location may be the offices of the department of job and family services. The board shall provide the list upon request to any children's advocacy center or to any person or entity identified in section 2151.426 of the Revised Code as a person or entity that may participate in the establishment of a children's advocacy center.~~ 31208
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Sec. 3109.172. (A) As used in this section, "county prevention specialist" includes the following: 31220
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(1) Members of agencies responsible for the administration of children's services in the counties within a child abuse and child neglect prevention region established in section 3109.171 of the Revised Code; 31222
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(2) Providers of alcohol or drug addiction services or members of boards of alcohol, drug addiction, and mental health services that serve counties within a region; 31226
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(3) Providers of mental health services or members of boards of alcohol, drug addiction, and mental health services that serve counties within a region; 31229
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31231

(4) Members of county boards of developmental disabilities that serve counties within a region; 31232
31233

(5) Members of the educational community appointed by the 31234

superintendent of the school district with the largest enrollment	31235
in the counties within a region;	31236
(6) Juvenile justice officials serving counties within a	31237
region;	31238
(7) Pediatricians, health department nurses, and other	31239
members of the medical community in the counties within a region;	31240
(8) Counselors and social workers serving counties within a	31241
region;	31242
(9) Head start agencies serving counties within a region;	31243
(10) Child care providers serving counties within a region;	31244
(11) <u>Parent advocates with relevant experience and knowledge</u>	31245
<u>of services in a region;</u>	31246
(12) Other persons with demonstrated knowledge in programs	31247
for children serving counties within a region.	31248
(B) Each child abuse and child neglect prevention region	31249
shall have a child abuse and child neglect regional prevention	31250
council as appointed under divisions (C), (D), and (E) of this	31251
section. Each council shall operate in accordance with rules	31252
adopted by the department of job and family services pursuant to	31253
Chapter 119. of the Revised Code.	31254
(C)(1) Each board of county commissioners within a region may	31255
appoint up to two county prevention specialists to the council	31256
representing the county, in accordance with rules adopted by the	31257
department of job and family services under Chapter 119. of the	31258
Revised Code.	31259
(2) The children's trust fund board may appoint additional	31260
county prevention specialists to each region's council at the	31261
board's discretion.	31262
(3) A representative of the council's regional prevention	31263
coordinator shall serve as a nonvoting member of the council.	31264

(D) Each council member appointed under division (C)(1) of 31265
this section shall be appointed for a two-year term. Each council 31266
member appointed under division (C)(2) ~~or (3)~~ of this section 31267
shall be appointed for a three-year term. A member may be 31268
reappointed, but for two consecutive terms only. 31269

(E) A member may be removed from the council by the member's 31270
appointing authority for misconduct, incompetence, or neglect of 31271
duty. 31272

(F) Each appointed member of a council shall serve without 31273
compensation but shall be reimbursed for all actual and necessary 31274
expenses incurred in the performance of official duties. 31275

(G) ~~The representative of the regional prevention coordinator~~ 31276
~~shall serve as~~ A chairperson of the council shall be selected by 31277
the council's regional prevention coordinator from among the 31278
county prevention specialists serving on the council. 31279

(1) The chairperson shall serve as a nonvoting member of the 31280
council. 31281

(2) The chairperson shall preside over council meetings or 31282
may call upon the vice-chairperson to preside over meetings. 31283

(H) At the first regular meeting of the year, which shall be 31284
called by the chairperson, the members shall elect a 31285
vice-chairperson by a majority vote. 31286

(1) The vice-chairperson shall preside over council meetings 31287
in the absence of the chairperson or upon the request of the 31288
chairperson. 31289

(2) The vice-chairperson functions in the same capacity as 31290
the chairperson and becomes a nonvoting member when presiding over 31291
a council meeting. 31292

(I) Each council shall meet at least quarterly. 31293

~~(I)~~(J) Council members shall do all of the following: 31294

(1) Attend meetings of the council on which they serve;	31295
(2) Assist the regional prevention coordinator in conducting a needs assessment to ascertain the child abuse and child neglect prevention programming and services that are needed in their region;	31296 31297 31298 31299
(3) Collaborate on assembling the council's regional prevention plan based on children's trust fund board guidelines pursuant to section 3109.174 of the Revised Code;	31300 31301 31302
(4) Assist the council's regional prevention coordinator with all of the following:	31303 31304
(a) Implementing the regional prevention plan, including monitoring fulfillment of child abuse and child neglect prevention deliverables and achievement of prevention outcomes;	31305 31306 31307
(b) Coordinating county data collection;	31308
(c) Ensuring timely and accurate reporting to the children's trust fund board.	31309 31310
(5) Any additional duties specified in accordance with rules adopted by the department pursuant to Chapter 119. of the Revised Code.	31311 31312 31313
(J) <u>(K)</u> No council member shall participate in matters of the council pertaining to their own interests, including applications for funding by a council member or any entity, public or private, of which a council member serves as either a board member or employee.	31314 31315 31316 31317 31318
(K) <u>(L)</u> Each council shall file with the children's trust fund board, not later than the due dates specified by the board, a progress report and an annual report regarding the council's child abuse and child neglect prevention programs and activities undertaken in accordance with the council's regional prevention plan. The reports shall contain all information required by the	31319 31320 31321 31322 31323 31324

board. 31325

Sec. 3109.178. (A) Each child abuse and child neglect 31326
regional prevention council may request from the children's trust 31327
fund board up to five thousand dollars for each county within the 31328
council's region to be used as one-time, start-up costs for the 31329
establishment and operation of a children's advocacy center to 31330
serve each county in the region or a center to serve two or more 31331
contiguous counties within the region. 31332

(B) On receipt of a request made under this section, the 31333
board shall review and approve or disapprove the request. 31334

(C) If the board disapproves the request, the board shall 31335
send to the requesting council written notice of the disapproval 31336
that states the reasons for the disapproval. 31337

(D) No funds allocated to a council under this section may be 31338
used as start-up costs for any children's advocacy center unless 31339
the center has as a component a primary prevention strategy. 31340

(E) A council that receives funds under this section in any 31341
fiscal year shall not use the funds received in a different fiscal 31342
year or for a different center in any fiscal year without the 31343
approval of the board. 31344

(F) A children's advocacy center established using funds 31345
awarded under this section shall comply with sections 2151.425 to 31346
2151.428 of the Revised Code. 31347

~~(G) Each children's advocacy center that receives funds under 31348
this section shall file with its respective council, by the date 31349
specified by the board, an annual report that includes the 31350
information required by the board. The council shall forward a 31351
copy of the annual report to the board. 31352~~

Sec. 3109.53. To create a power of attorney under section 31353

3109.52 of the Revised Code, a parent, guardian, or custodian 31354
shall use a form that is identical in form and content to the 31355
following: 31356

POWER OF ATTORNEY 31357

I, the undersigned, residing at, in the county of 31358
....., state of, hereby appoint the child's 31359
grandparent,, residing at, in the county of 31360
....., in the state of Ohio, with whom the child of whom I 31361
am the parent, guardian, or custodian is residing, my attorney in 31362
fact to exercise any and all of my rights and responsibilities 31363
regarding the care, physical custody, and control of the child, 31364
....., born, having social security number 31365
(optional), except my authority to consent to marriage 31366
or adoption of the child, and to perform all acts 31367
necessary in the execution of the rights and responsibilities 31368
hereby granted, as fully as I might do if personally present. The 31369
rights I am transferring under this power of attorney include the 31370
ability to enroll the child in school, to obtain from the school 31371
district educational and behavioral information about the child, 31372
to consent to all school-related matters regarding the child, and 31373
to consent to medical, psychological, or dental treatment for the 31374
child. This transfer does not affect my rights in any future 31375
proceedings concerning the custody of the child or the allocation 31376
of the parental rights and responsibilities for the care of the 31377
child and does not give the attorney in fact legal custody of the 31378
child. This transfer does not terminate my right to have regular 31379
contact with the child. 31380

I hereby certify that I am transferring the rights and 31381
responsibilities designated in this power of attorney because one 31382
of the following circumstances exists: 31383

(1) I am: (a) Seriously ill, incarcerated, or about to be 31384

incarcerated, (b) Temporarily unable to provide financial support 31385
or parental guidance to the child, (c) Temporarily unable to 31386
provide adequate care and supervision of the child because of my 31387
physical or mental condition, (d) Homeless or without a residence 31388
because the current residence is destroyed or otherwise 31389
uninhabitable, or (e) In or about to enter a residential treatment 31390
program for substance abuse; 31391

(2) I am a parent of the child, the child's other parent is 31392
deceased, and I have authority to execute the power of attorney; 31393
or 31394

(3) I have a well-founded belief that the power of attorney 31395
is in the child's best interest. 31396

I hereby certify that I am not transferring my rights and 31397
responsibilities regarding the child for the purpose of enrolling 31398
the child in a school or school district so that the child may 31399
participate in the academic or interscholastic athletic programs 31400
provided by that school or district. 31401

~~I understand that this document does not authorize a child 31402
support enforcement agency to redirect child support payments to 31403
the grandparent designated as attorney in fact. I further 31404
understand that to have an existing child support order modified 31405
or a new child support order issued administrative or judicial 31406
proceedings must be initiated. 31407~~

If there is a court order naming me the residential parent 31408
and legal custodian of the child who is the subject of this power 31409
of attorney and I am the sole parent signing this document, I 31410
hereby certify that one of the following is the case: 31411

(1) I have made reasonable efforts to locate and provide 31412
notice of the creation of this power of attorney to the other 31413
parent and have been unable to locate that parent; 31414

(2) The other parent is prohibited from receiving a notice of 31415

relocation; or 31416

(3) The parental rights of the other parent have been 31417
terminated by order of a juvenile court. 31418

This POWER OF ATTORNEY is valid until the occurrence of 31419
whichever of the following events occurs first: (1) I revoke this 31420
POWER OF ATTORNEY in writing and give notice of the revocation to 31421
the grandparent designated as attorney in fact and the juvenile 31422
court with which this POWER OF ATTORNEY was filed; (2) the child 31423
ceases to reside with the grandparent designated as attorney in 31424
fact; (3) this POWER OF ATTORNEY is terminated by court order; (4) 31425
the death of the child who is the subject of the power of 31426
attorney; or (5) the death of the grandparent designated as the 31427
attorney in fact. 31428

WARNING: DO NOT EXECUTE THIS POWER OF ATTORNEY IF ANY 31429
STATEMENT MADE IN THIS INSTRUMENT IS UNTRUE. FALSIFICATION IS A 31430
CRIME UNDER SECTION 2921.13 OF THE REVISED CODE, PUNISHABLE BY THE 31431
SANCTIONS UNDER CHAPTER 2929. OF THE REVISED CODE, INCLUDING A 31432
TERM OF IMPRISONMENT OF UP TO 6 MONTHS, A FINE OF UP TO \$1,000, OR 31433
BOTH. 31434

Witness my hand this day of, 31435

..... 31436

Parent/Custodian/Guardian's signature 31437

..... 31438

Parent's signature 31439

..... 31440

Grandparent designated as attorney in fact 31441

State of Ohio) 31442

) ss: 31443

County of) 31444

Subscribed, sworn to, and acknowledged before me this day 31445

of,	31446
.....	31447
Notary Public	31448
Notices:	31449
1. A power of attorney may be executed only if one of the following circumstances exists: (1) The parent, guardian, or custodian of the child is: (a) Seriously ill, incarcerated, or about to be incarcerated; (b) Temporarily unable to provide financial support or parental guidance to the child; (c) Temporarily unable to provide adequate care and supervision of the child because of the parent's, guardian's, or custodian's physical or mental condition; (d) Homeless or without a residence because the current residence is destroyed or otherwise uninhabitable; or (e) In or about to enter a residential treatment program for substance abuse; (2) One of the child's parents is deceased and the other parent, with authority to do so, seeks to execute a power of attorney; or (3) The parent, guardian, or custodian has a well-founded belief that the power of attorney is in the child's best interest.	31450
2. The signatures of the parent, guardian, or custodian of the child and the grandparent designated as the attorney in fact must be notarized by an Ohio notary public.	31451
	31452
3. A parent, guardian, or custodian who creates a power of attorney must notify the parent of the child who is not the residential parent and legal custodian of the child unless one of the following circumstances applies: (a) the parent is prohibited from receiving a notice of relocation in accordance with section 3109.051 of the Revised Code of the creation of the power of attorney; (b) the parent's parental rights have been terminated by order of a juvenile court pursuant to	31453

Chapter 2151. of the Revised Code; (c) the parent cannot be located with reasonable efforts; (d) both parents are executing the power of attorney. The notice must be sent by certified mail not later than five days after the power of attorney is created and must state the name and address of the person designated as the attorney in fact.

4. A parent, guardian, or custodian who creates a power of attorney must file it with the juvenile court of the county in which the attorney in fact resides, or any other court that has jurisdiction over the child under a previously filed motion or proceeding. The power of attorney must be filed not later than five days after the date it is created and be accompanied by a receipt showing that the notice of creation of the power of attorney was sent to the parent who is not the residential parent and legal custodian by certified mail. 31454
5. This power of attorney does not affect the rights of the child's parents, guardian, or custodian regarding any future proceedings concerning the custody of the child or the allocation of the parental rights and responsibilities for the care of the child and does not give the attorney in fact legal custody of the child. 31455
6. A person or entity that relies on this power of attorney, in good faith, has no obligation to make any further inquiry or investigation. 31456
7. This power of attorney terminates on the occurrence of whichever of the following occurs first: (1) the power of attorney is revoked in writing by the person who created it and that person gives written notice of the revocation to the grandparent who is the attorney in fact and the juvenile court with which the power of attorney was filed; (2) the child ceases to live with the grandparent who is the attorney in fact; (3) the power of attorney is terminated by court order; (4) the death of the child who is the subject of the power of 31457

attorney; or (5) the death of the grandparent designated as the attorney in fact.

If this power of attorney terminates other than by the death of the attorney in fact, the grandparent who served as the attorney in fact shall notify, in writing, all of the following: 31458

(a) Any schools, health care providers, or health insurance coverage provider with which the child has been involved through the grandparent; 31459

(b) Any other person or entity that has an ongoing relationship with the child or grandparent such that the other person or entity would reasonably rely on the power of attorney unless notified of the termination; 31460

(c) The court in which the power of attorney was filed after its creation; 31461

(d) The parent who is not the residential parent and legal custodian of the child who is required to be given notice of its creation. The grandparent shall make the notifications not later than one week after the date the power of attorney terminates. 31462

8. If this power of attorney is terminated by written revocation of the person who created it, or the revocation is regarding a second or subsequent power of attorney, a copy of the revocation must be filed with the court with which that power of attorney was filed. 31463

Additional information: 31464

To the grandparent designated as attorney in fact: 31465

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1. If the child stops living with you, you are required to notify, in writing, any school, health care provider, or health care insurance provider to which you have given this power of attorney. You are also required to notify, in 31467

writing, any other person or entity that has an ongoing relationship with you or the child such that the person or entity would reasonably rely on the power of attorney unless notified. The notification must be made not later than one week after the child stops living with you.

2. You must include with the power of attorney the following information: 31468
 - (a) The child's present address, the addresses of the places where the child has lived within the last five years, and the name and present address of each person with whom the child has lived during that period; 31469
 - (b) Whether you have participated as a party, a witness, or in any other capacity in any other litigation, in this state or any other state, that concerned the allocation, between the parents of the same child, of parental rights and responsibilities for the care of the child and the designation of the residential parent and legal custodian of the child or that otherwise concerned the custody of the same child; 31470
 - (c) Whether you have information of any parenting proceeding concerning the child pending in a court of this or any other state; 31471
 - (d) Whether you know of any person who has physical custody of the child or claims to be a parent of the child who is designated the residential parent and legal custodian of the child or to have parenting time rights with respect to the child or to be a person other than a parent of the child who has custody or visitation rights with respect to the child; 31472
 - (e) Whether you previously have been convicted of or pleaded guilty to any criminal offense involving any act that resulted in a child's being an abused child or a neglected child or previously have been determined, in a case in which a child has been adjudicated an abused child or a neglected child, to be the perpetrator of the abusive or neglectful act 31473

that was the basis of the adjudication.

3. If you receive written notice of revocation of the power of attorney or the parent, custodian, or guardian removes the child from your home and if you believe that the revocation or removal is not in the best interest of the child, you may, within fourteen days, file a complaint in the juvenile court to seek custody. You may retain physical custody of the child until the fourteen-day period elapses or, if you file a complaint, until the court orders otherwise. 31474

To school officials: 31475

1. Except as provided in section 3313.649 of the Revised Code, this power of attorney, properly completed and notarized, authorizes the child in question to attend school in the district in which the grandparent designated as attorney in fact resides and that grandparent is authorized to provide consent in all school-related matters and to obtain from the school district educational and behavioral information about the child. This power of attorney does not preclude the parent, guardian, or custodian of the child from having access to all school records pertinent to the child. 31476
2. The school district may require additional reasonable evidence that the grandparent lives in the school district. 31477
3. A school district or school official that reasonably and in good faith relies on this power of attorney has no obligation to make any further inquiry or investigation. 31478

To health care providers: 31479

1. A person or entity that acts in good faith reliance on a power of attorney to provide medical, psychological, or dental treatment, without actual knowledge of facts contrary to those stated in the power of attorney, is not subject to criminal liability or to civil liability to any person or entity, and is not subject to professional disciplinary action, solely for 31480

such reliance if the power of attorney is completed and the signatures of the parent, guardian, or custodian of the child and the grandparent designated as attorney in fact are notarized.

2. The decision of a grandparent designated as attorney in fact, based on a power of attorney, shall be honored by a health care facility or practitioner, school district, or school official. 31481

Sec. 3109.66. The caretaker authorization affidavit that a grandparent described in section 3109.65 of the Revised Code may execute shall be identical in form and content to the following: 31482
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CARETAKER AUTHORIZATION AFFIDAVIT 31485

Use of this affidavit is authorized by sections 3109.65 to 3109.73 of the Ohio Revised Code. 31486
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Completion of items 1-7 and the signing and notarization of this affidavit is sufficient to authorize the grandparent signing to exercise care, physical custody, and control of the child who is its subject, including authority to enroll the child in school, to discuss with the school district the child's educational progress, to consent to all school-related matters regarding the child, and to consent to medical, psychological, or dental treatment for the child. 31488
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The child named below lives in my home, I am 18 years of age or older, and I am the child's grandparent. 31496
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1. Name of child: 31498
2. Child's date and year of birth: 31499
3. Child's social security number (optional): 31500
4. My name: 31501
5. My home address: 31502
6. My date and year of birth: 31503
7. My Ohio driver's license number or identification card number: 31504

8. Despite having made reasonable attempts, I am either: 31505
- (a) Unable to locate or contact the child's parents, or the child's guardian or custodian; or 31506
 - (b) I am unable to locate or contact one of the child's parents and I am not required to contact the other parent because paternity has not been established; or 31507
 - (c) I am unable to locate or contact one of the child's parents and I am not required to contact the other parent because there is a custody order regarding the child and one of the following is the case: 31508
 - (i) The parent has been prohibited from receiving notice of a relocation; or 31509
 - (ii) The parental rights of the parent have been terminated. 31510
9. I hereby certify that this affidavit is not being executed for the purpose of enrolling the child in a school or school district so that the child may participate in the academic or interscholastic athletic programs provided by that school or district. 31511
- ~~I understand that this document does not authorize a child support enforcement agency to redirect child support payments. I further understand that to have an existing child support order modified or a new child support order issued administrative or judicial proceedings must be initiated.~~ 31512
- WARNING: DO NOT SIGN THIS FORM IF ANY OF THE ABOVE STATEMENTS ARE INCORRECT. FALSIFICATION IS A CRIME UNDER SECTION 2921.13 OF THE REVISED CODE, PUNISHABLE BY THE SANCTIONS UNDER CHAPTER 2929. OF THE REVISED CODE, INCLUDING A TERM OF IMPRISONMENT OF UP TO 6 MONTHS, A FINE OF UP TO \$1,000, OR BOTH. 31513
- I declare that the foregoing is true and correct: 31518
- Signed:..... Date:..... 31519
- Grandparent 31520

State of Ohio)	31521
) ss:	31522
County of)	31523
Subscribed, sworn to, and acknowledged before me this day	31524
of,	31525
.....	31526
Notary Public	31527
Notices:	31528
1. The grandparent's signature must be notarized by an Ohio notary public.	31529
2. The grandparent who executed this affidavit must file it with the juvenile court of the county in which the grandparent resides or any other court that has jurisdiction over the child under a previously filed motion or proceeding not later than five days after the date it is executed.	31530
3. This affidavit does not affect the rights of the child's parents, guardian, or custodian regarding the care, physical custody, and control of the child, and does not give the grandparent legal custody of the child.	31531
4. A person or entity that relies on this affidavit, in good faith, has no obligation to make any further inquiry or investigation.	31532
5. This affidavit terminates on the occurrence of whichever of the following occurs first: (1) the child ceases to live with the grandparent who signs this form; (2) the parent, guardian, or custodian of the child acts to negate, reverse, or otherwise disapprove an action or decision of the grandparent who signed this affidavit, and the grandparent either voluntarily returns the child to the physical custody of the parent, guardian, or custodian or fails to file a complaint to seek custody within fourteen days; (3) the affidavit is	31533

terminated by court order; (4) the death of the child who is the subject of the affidavit; or (5) the death of the grandparent who executed the affidavit.

A parent, guardian, or custodian may negate, reverse, or disapprove a grandparent's action or decision only by delivering written notice of negation, reversal, or disapproval to the grandparent and the person acting on the grandparent's action or decision in reliance on this affidavit. 31534

If this affidavit terminates other than by the death of the grandparent, the grandparent who signed this affidavit shall notify, in writing, all of the following: 31535

(a) Any schools, health care providers, or health insurance coverage provider with which the child has been involved through the grandparent; 31536

(b) Any other person or entity that has an ongoing relationship with the child or grandparent such that the person or entity would reasonably rely on the affidavit unless notified of the termination; 31537

(c) The court in which the affidavit was filed after its creation. 31538

The grandparent shall make the notifications not later than one week after the date the affidavit terminates. 31539

6. The decision of a grandparent to consent to or to refuse medical treatment or school enrollment for a child is superseded by a contrary decision of a parent, custodian, or guardian of the child, unless the decision of the parent, guardian, or custodian would jeopardize the life, health, or safety of the child. 31540

Additional information: 31541

To caretakers: 31542

1. If the child stops living with you, you are required to 31543

notify, in writing, any school, health care provider, or health care insurance provider to which you have given this affidavit. You are also required to notify, in writing, any other person or entity that has an ongoing relationship with you or the child such that the person or entity would reasonably rely on the affidavit unless notified. The notifications must be made not later than one week after the child stops living with you.

2. If you do not have the information requested in item 7 (Ohio driver's license or identification card), provide another form of identification such as your social security number or medicaid number. 31544
3. You must include with the caretaker authorization affidavit the following information: 31545
 - (a) The child's present address, the addresses of the places where the child has lived within the last five years, and the name and present address of each person with whom the child has lived during that period; 31546
 - (b) Whether you have participated as a party, a witness, or in any other capacity in any other litigation, in this state or any other state, that concerned the allocation, between the parents of the same child, of parental rights and responsibilities for the care of the child and the designation of the residential parent and legal custodian of the child or that otherwise concerned the custody of the same child; 31547
 - (c) Whether you have information of any parenting proceeding concerning the child pending in a court of this or any other state; 31548
 - (d) Whether you know of any person who has physical custody of the child or claims to be a parent of the child who is designated the residential parent and legal custodian of the child or to have parenting time rights with respect to the child or to be a person other than a parent of the child who 31549

has custody or visitation rights with respect to the child;

(e) Whether you previously have been convicted of or 31550
pleaded guilty to any criminal offense involving any act that
resulted in a child's being an abused child or a neglected
child or previously have been determined, in a case in which a
child has been adjudicated an abused child or a neglected
child, to be the perpetrator of the abusive or neglectful act
that was the basis of the adjudication.

4. If the child's parent, guardian, or custodian acts to 31551
terminate the caretaker authorization affidavit by delivering
a written notice of negation, reversal, or disapproval of an
action or decision of yours or removes the child from your
home and if you believe that the termination or removal is not
in the best interest of the child, you may, within fourteen
days, file a complaint in the juvenile court to seek custody.
You may retain physical custody of the child until the
fourteen-day period elapses or, if you file a complaint, until
the court orders otherwise.

To school officials: 31552

1. This affidavit, properly completed and notarized, authorizes 31553
the child in question to attend school in the district in
which the grandparent who signed this affidavit resides and
the grandparent is authorized to provide consent in all
school-related matters and to discuss with the school district
the child's educational progress. This affidavit does not
preclude the parent, guardian, or custodian of the child from
having access to all school records pertinent to the child.

2. The school district may require additional reasonable evidence 31554
that the grandparent lives at the address provided in item 5
of the affidavit.

3. A school district or school official that reasonably and in 31555
good faith relies on this affidavit has no obligation to make
any further inquiry or investigation.

4. The act of a parent, guardian, or custodian of the child to negate, reverse, or otherwise disapprove an action or decision of the grandparent who signed this affidavit constitutes termination of this affidavit. A parent, guardian, or custodian may negate, reverse, or disapprove a grandparent's action or decision only by delivering written notice of negation, reversal, or disapproval to the grandparent and the person acting on the grandparent's action or decision in reliance on this affidavit. 31556

To health care providers: 31557

1. A person or entity that acts in good faith reliance on a CARETAKER AUTHORIZATION AFFIDAVIT to provide medical, psychological, or dental treatment, without actual knowledge of facts contrary to those stated in the affidavit, is not subject to criminal liability or to civil liability to any person or entity, and is not subject to professional disciplinary action, solely for such reliance if the applicable portions of the form are completed and the grandparent's signature is notarized. 31558

2. The decision of a grandparent, based on a CARETAKER AUTHORIZATION AFFIDAVIT, shall be honored by a health care facility or practitioner, school district, or school official unless the health care facility or practitioner or educational facility or official has actual knowledge that a parent, guardian, or custodian of a child has made a contravening decision to consent to or to refuse medical treatment for the child. 31559

3. The act of a parent, guardian, or custodian of the child to negate, reverse, or otherwise disapprove an action or decision of the grandparent who signed this affidavit constitutes termination of this affidavit. A parent, guardian, or custodian may negate, reverse, or disapprove a grandparent's action or decision only by delivering written notice of 31560

negation, reversal, or disapproval to the grandparent and the person acting on the grandparent's action or decision in reliance on this affidavit.

Sec. 3111.01. ~~(A)~~(A)(1) As used in sections 3111.01 to 31561
3111.85 of the Revised Code, "parent and child relationship" means 31562
the legal relationship that exists between a child and the child's 31563
natural or adoptive parents and upon which those sections and any 31564
other provision of the Revised Code confer or impose rights, 31565
privileges, duties, and obligations. The "parent and child 31566
relationship" includes the mother and child relationship and the 31567
father and child relationship. 31568

~~(B)~~(2) The parent and child relationship extends equally to 31569
all children and all parents, regardless of the marital status of 31570
the parents. 31571

(B) As used in this chapter, "caretaker" has the same meaning 31572
as in section 3119.01 of the Revised Code. 31573

Sec. 3111.04. (A)(1) Except as provided in division (A)(2) of 31574
this section, an action to determine the existence or nonexistence 31575
of the father and child relationship may be brought by the child 31576
or the child's personal representative, the child's caretaker, the 31577
child's mother or her personal representative, a man alleged or 31578
alleging himself to be the child's father, the child support 31579
enforcement agency of the county in which the child resides if the 31580
child's mother, father, or alleged father is a recipient of public 31581
assistance or of services under Title IV-D of the "Social Security 31582
Act," 88 Stat. 2351 (1975), 42 U.S.C.A. 651, as amended, or the 31583
alleged father's personal representative. 31584

(2) A man alleged or alleging himself to be the child's 31585
father is not eligible to file an action under division (A)(1) of 31586
this section if the man was convicted of or pleaded guilty to rape 31587

or sexual battery, the victim of the rape or sexual battery was 31588
the child's mother, and the child was conceived as a result of the 31589
rape or sexual battery. 31590

(B) An agreement does not bar an action under this section. 31591

(C) If an action under this section is brought before the 31592
birth of the child and if the action is contested, all 31593
proceedings, except service of process and the taking of 31594
depositions to perpetuate testimony, may be stayed until after the 31595
birth. 31596

(D) A recipient of public assistance or of services under 31597
Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 31598
U.S.C.A. 651, as amended, shall cooperate with the child support 31599
enforcement agency of the county in which a child resides to 31600
obtain an administrative determination pursuant to sections 31601
3111.38 to 3111.54 of the Revised Code, or, if necessary, a court 31602
determination pursuant to sections 3111.01 to 3111.18 of the 31603
Revised Code, of the existence or nonexistence of a parent and 31604
child relationship between the father and the child. If the 31605
recipient fails to cooperate, the agency may commence an action to 31606
determine the existence or nonexistence of a parent and child 31607
relationship between the father and the child pursuant to sections 31608
3111.01 to 3111.18 of the Revised Code. 31609

(E) As used in this section: 31610

(1) "Public assistance" means both of the following: 31611

(a) Medicaid; 31612

(b) Ohio works first under Chapter 5107. of the Revised Code. 31613

(2) "Rape" means a violation of section 2907.02 of the 31614
Revised Code or similar law of another state. 31615

(3) "Sexual battery" means a violation of section 2907.03 of 31616
the Revised Code or similar law of another state. 31617

Sec. 3111.041. A caretaker of a child may authorize genetic 31618
testing of the child pursuant to any action or proceeding under 31619
Chapter 3111. of the Revised Code. 31620

Sec. 3111.06. (A) Except as otherwise provided in division 31621
(B) ~~or~~, (C), or (D) of section 3111.381 of the Revised Code, an 31622
action authorized under sections 3111.01 to 3111.18 of the Revised 31623
Code may be brought in the juvenile court or other court with 31624
jurisdiction under section 2101.022 or 2301.03 of the Revised Code 31625
of the county in which the child, the child's mother, or the 31626
alleged father resides or is found or, if the alleged father is 31627
deceased, of the county in which proceedings for the probate of 31628
the alleged father's estate have been or can be commenced, or of 31629
the county in which the child is being provided support by the 31630
county department of job and family services of that county. An 31631
action pursuant to sections 3111.01 to 3111.18 of the Revised Code 31632
to object to an administrative order issued pursuant to former 31633
section 3111.21 or 3111.22 or sections 3111.38 to 3111.54 of the 31634
Revised Code determining the existence or nonexistence of a parent 31635
and child relationship that has not become final and enforceable, 31636
may be brought only in the juvenile court or other court with 31637
jurisdiction of the county in which the child support enforcement 31638
agency that issued the order is located. If an action for divorce, 31639
dissolution, or legal separation has been filed in a court of 31640
common pleas, that court of common pleas has original jurisdiction 31641
to determine if the parent and child relationship exists between 31642
one or both of the parties and any child alleged or presumed to be 31643
the child of one or both of the parties. 31644

(B) A person who has sexual intercourse in this state submits 31645
to the jurisdiction of the courts of this state as to an action 31646
brought under sections 3111.01 to 3111.18 of the Revised Code with 31647
respect to a child who may have been conceived by that act of 31648

intercourse. In addition to any other method provided by the Rules of Civil Procedure, personal jurisdiction may be acquired by personal service of summons outside this state or by certified mail with proof of actual receipt.

Sec. 3111.07. (A) The natural mother, each man presumed to be the father under section 3111.03 of the Revised Code, ~~and~~ each man alleged to be the natural father, and a caretaker of a child shall be made parties to the action brought pursuant to sections 3111.01 to 3111.18 of the Revised Code or, if not subject to the jurisdiction of the court, shall be given notice of the action pursuant to the Rules of Civil Procedure and shall be given an opportunity to be heard. The child support enforcement agency of the county in which the action is brought also shall be given notice of the action pursuant to the Rules of Civil Procedure and shall be given an opportunity to be heard. The court may align the parties. The child shall be made a party to the action unless a party shows good cause for not doing so. Separate counsel shall be appointed for the child if the court finds that the child's interests conflict with those of the mother.

If the person bringing the action knows that a particular man is not or, based upon the facts and circumstances present, could not be the natural father of the child, the person bringing the action shall not allege in the action that the man is the natural father of the child and shall not make the man a party to the action.

(B) If an action is brought pursuant to sections 3111.01 to 3111.18 of the Revised Code and the child to whom the action pertains is or was being provided support by a caretaker, the department of job and family services, a county department of job and family services, or another public agency, the caretaker, department, county department, or agency may intervene for

purposes of collecting or recovering the support. 31680

Sec. 3111.111. If an action is brought pursuant to sections 31681
3111.01 to 3111.18 of the Revised Code to object to a 31682
determination made pursuant to former section 3111.21 or 3111.22 31683
or sections 3111.38 to 3111.54 of the Revised Code that the 31684
alleged father is the natural father of a child, the court, on its 31685
own motion or on the motion of either party, shall issue a 31686
temporary order for the support of the child pursuant to Chapters 31687
3119., 3121., 3123., and 3125. of the Revised Code requiring the 31688
alleged father to pay support to the natural mother or the 31689
~~guardian or legal custodian~~ caretaker of the child. The order 31690
shall remain in effect until the court issues a judgment in the 31691
action pursuant to section 3111.13 of the Revised Code that 31692
determines the existence or nonexistence of a father and child 31693
relationship. If the court, in its judgment, determines that the 31694
alleged father is not the natural father of the child, the court 31695
shall order the person to whom the temporary support was paid 31696
under the order to repay the alleged father all amounts paid for 31697
support under the temporary order. 31698

Sec. 3111.15. (A) If the existence of the father and child 31699
relationship is declared or if paternity or a duty of support has 31700
been adjudicated under sections 3111.01 to 3111.18 of the Revised 31701
Code or under prior law, the obligation of the father may be 31702
enforced in the same or other proceedings by the mother, the 31703
child, the caretaker of the child, or the public authority that 31704
has furnished or may furnish the reasonable expenses of pregnancy, 31705
confinement, education, support, or funeral, or by any other 31706
person, including a private agency, to the extent that any of them 31707
may furnish, has furnished, or is furnishing these expenses. 31708

(B) The court may order support payments to be made to the 31709
mother, the clerk of the court, the caretaker, or a person or 31710

agency designated to administer them for the benefit of the child 31711
under the supervision of the court. 31712

(C) Willful failure to obey the judgment or order of the 31713
court is a civil contempt of the court. 31714

Sec. 3111.21. If the natural mother and alleged father of a 31715
child sign an acknowledgment of paternity affidavit prepared 31716
pursuant to section 3111.31 of the Revised Code with respect to 31717
that child at a child support enforcement agency, the agency shall 31718
provide a notary public to notarize or witnesses to witness the 31719
acknowledgment. 31720

Sec. 3111.22. A child support enforcement agency shall send a 31721
signed and notarized or witnessed acknowledgment of paternity to 31722
the office of child support in the department of job and family 31723
services pursuant to section 3111.23 of the Revised Code. The 31724
agency shall send the acknowledgment no later than ten days after 31725
it has been signed and notarized or witnessed. If the agency knows 31726
a man is presumed under section 3111.03 of the Revised Code to be 31727
the father of the child and the presumed father is not the man who 31728
signed an acknowledgment with respect to the child, the agency 31729
shall not notarize, witness, or send the acknowledgment with 31730
respect to the child pursuant to this section. 31731

Sec. 3111.23. (A) The natural mother, the man acknowledging 31732
he is the natural father, or the other custodian or guardian of a 31733
child, a child support enforcement agency pursuant to section 31734
3111.22 of the Revised Code, a local registrar of vital statistics 31735
pursuant to section 3705.091 of the Revised Code, or a hospital 31736
staff person pursuant to section 3727.17 of the Revised Code, ~~in~~ 31737
~~person or by mail,~~ may file an acknowledgment of paternity with 31738
the office of child support in the department of job and family 31739
services, acknowledging that the child is the child of the man who 31740

signed the acknowledgment. The natural mother, the man 31741
acknowledging he is the natural father, and the other custodian or 31742
guardian of a child, may file an acknowledgment in person or by 31743
mail. A child support enforcement agency, a local registrar of 31744
vital statistics, and a hospital staff person may file an 31745
acknowledgment electronically, in person, or by mail. 31746

(B) The acknowledgment of paternity shall be made: 31747

(1) Made on the affidavit prepared pursuant to section 31748
3111.31 of the Revised Code, shall be signed; 31749

(2) Signed by the natural mother and the man acknowledging 31750
that he is the natural father, and each signature shall be 31751
notarized. The mother and man may sign and have the signature 31752
notarized outside of each other's presence. An acknowledgment 31753
shall be sent and notarized or witnessed in accordance with 31754
division (C) of this section; 31755

(3) Sent to the office no not later than ten days after it 31756
has been signed and notarized. 31757

(C) Each signature in an acknowledgment of paternity shall be 31758
notarized or witnessed by two adult witnesses. The mother and the 31759
man acknowledging that he is the natural father may sign and have 31760
the signature notarized or witnessed outside of each other's 31761
presence. If a person knows a man is presumed under section 31762
3111.03 of the Revised Code to be the natural father of the child 31763
described in this section and that the presumed father is not the 31764
man who signed an acknowledgment with respect to the child, the 31765
person shall not notarize, witness, or file the acknowledgment 31766
pursuant to this section. 31767

Sec. 3111.24. (A) On the filing of an acknowledgment, the 31768
office of child support shall examine the acknowledgment to 31769
determine whether it is completed correctly. The office shall make 31770

the examination no later than five days after the acknowledgment 31771
is filed. If the acknowledgment is completed correctly, the office 31772
shall comply with division (B) of this section. ~~If the~~ 31773
~~acknowledgment is not completed correctly, the office shall return~~ 31774
~~it to the person or entity that filed it. The person or entity~~ 31775
~~shall have ten days from the date the office sends the~~ 31776
~~acknowledgment back to correct it and return it to the office. The~~ 31777
~~office shall send, along with the acknowledgment, a notice stating~~ 31778
~~what needs to be corrected and the amount of time the person or~~ 31779
~~entity has to make the corrections and return the acknowledgment~~ 31780
~~to the office.~~ 31781

~~If the person or entity returns the acknowledgment in a~~ 31782
~~timely manner, the office shall examine the acknowledgment again~~ 31783
~~to determine whether it has been correctly completed. If the~~ 31784
~~acknowledgment has been correctly completed, the office shall~~ 31785
~~comply with division (B) of this section. If the acknowledgment~~ 31786
~~has not been correctly completed the second time or if the~~ 31787
~~acknowledgment is not returned to the office in a timely manner,~~ 31788
~~the acknowledgment is invalid and the office shall return it to~~ 31789
~~the person or entity and shall not enter it into the birth~~ 31790
~~registry. If the office returns an acknowledgment the second time,~~ 31791
~~it shall send a notice to the person or entity stating the errors~~ 31792
~~in the acknowledgment and that the acknowledgment is invalid.~~ 31793

(B) If the office determines an acknowledgment is correctly 31794
completed, the office shall enter the information on the 31795
acknowledgment into the birth registry pursuant to sections 31796
3111.64 and 3111.65 of the Revised Code. After entering the 31797
information in the registry, the office shall send the 31798
acknowledgment to the department of health for storage pursuant to 31799
section 3705.091 of the Revised Code. The office may request that 31800
the department of health send back to the office any 31801
acknowledgment that is being stored by the department of health 31802

pursuant to that section. 31803

(C)(1) Not later than one hundred eighty days after the 31804
effective date of this amendment, the director of job and family 31805
services shall adopt rules in accordance with Chapter 119. of the 31806
Revised Code regarding the management of an acknowledgment of 31807
paternity that is completed incorrectly. The rules shall specify 31808
that the department provide a new acknowledgment of paternity form 31809
and a notice describing the errors to the parties who filed it. 31810

(2) Notwithstanding any provision of section 121.95 of the 31811
Revised Code to the contrary, a regulatory restriction contained 31812
in a rule adopted under division (C)(1) of this section is not 31813
subject to sections 121.95 to 121.953 of the Revised Code. 31814

Sec. 3111.29. Once an acknowledgment of paternity becomes 31815
final under section 3111.25 of the Revised Code, the mother or 31816
~~other custodian or guardian~~ caretaker of the child may do either 31817
of the following: 31818

(A) File a complaint pursuant to section 2151.231 of the 31819
Revised Code in the juvenile court or other court with 31820
jurisdiction under section 2101.022 or 2301.03 of the Revised Code 31821
of the county in which the child or the ~~guardian or legal~~ 31822
~~custodian~~ caretaker of the child resides requesting that the court 31823
order either the father or mother, or both, to pay an amount for 31824
the support of the child; 31825

(B) Contact the child support enforcement agency for 31826
assistance in obtaining a child support order as defined in 31827
section 3119.01 of the Revised Code. 31828

Sec. 3111.31. The department of job and family services shall 31829
prepare an acknowledgment of paternity affidavit that includes in 31830
boldface type at the top of the affidavit the rights and 31831
responsibilities of and the due process safeguards afforded to a 31832

person who acknowledges that he is the natural father of a child, 31833
including that if an alleged father acknowledges a parent and 31834
child relationship he assumes the parental duty of support, that 31835
both signators waive any right to bring an action pursuant to 31836
sections 3111.01 to 3111.18 of the Revised Code or make a request 31837
pursuant to section 3111.38 of the Revised Code, other than for 31838
purposes of rescinding the acknowledgment pursuant to section 31839
3111.27 of the Revised Code in order to ensure expediency in 31840
resolving the question of the existence of a parent and child 31841
relationship, that either parent may rescind the acknowledgment 31842
pursuant to section 3111.27 of the Revised Code, that an action 31843
may be brought pursuant to section 3111.28 of the Revised Code, or 31844
a motion may be filed pursuant to section 3119.961 of the Revised 31845
Code, to rescind the acknowledgment, and that the natural father 31846
has the right to petition a court pursuant to section 3109.12 of 31847
the Revised Code for an order granting him reasonable parenting 31848
time with respect to the child and to petition the court for 31849
custody of the child pursuant to section 2151.23 of the Revised 31850
Code. The affidavit shall include all of the following: 31851

(A) Basic instructions for completing the form, including 31852
instructions that both the natural father and the mother of the 31853
child are required to sign the statement, that they may sign the 31854
statement without being in each other's presence, and that the 31855
signatures must be notarized or witnessed; 31856

(B) Blank spaces to enter the full name, social security 31857
number, date of birth and address of each parent; 31858

(C) Blank spaces to enter the full name, date of birth, and 31859
the residence of the child; 31860

(D) A blank space to enter the name of the hospital or 31861
department of health code number assigned to the hospital, for use 31862
in situations in which the hospital fills out the form pursuant to 31863

section 3727.17 of the Revised Code; 31864

(E) An affirmation by the mother that the information she 31865
supplied is true to the best of her knowledge and belief and that 31866
she is the natural mother of the child named on the form and 31867
assumes the parental duty of support of the child; 31868

(F) An affirmation by the father that the information he 31869
supplied is true to the best of his knowledge and belief, that he 31870
has received information regarding his legal rights and 31871
responsibilities, that he consents to the jurisdiction of the 31872
courts of this state, and that he is the natural father of the 31873
child named on the form and assumes the parental duty of support 31874
of the child; 31875

(G) Signature lines for the mother of the child and the 31876
natural father; 31877

(H) Signature lines for the notary public or witnesses; 31878

(I) An instruction to include or attach any other evidence 31879
necessary to complete the new birth record that is required by the 31880
department by rule. 31881

Sec. 3111.38. At the request of a person described in 31882
division (A) of section 3111.04 of the Revised Code, the child 31883
support enforcement agency of the county in which a child resides 31884
or in which the ~~guardian or legal custodian~~ caretaker of the child 31885
resides shall determine the existence or nonexistence of a parent 31886
and child relationship between an alleged father and the child if 31887
an application for services administered under Title IV-D of the 31888
"Social Security Act," 88 Stat. 2351 (1975), 42 U.S.C. 651, as 31889
amended, or other IV-D referral has been completed and filed. 31890

Sec. 3111.381. (A) Except as provided in divisions (B), (C), 31891
(D), ~~and~~ (E), and (F) of this section, no person may bring an 31892
action under sections 3111.01 to 3111.18 of the Revised Code 31893

unless the person has requested an administrative determination 31894
under section 3111.38 of the Revised Code of the existence or 31895
nonexistence of a parent and child relationship. 31896

(B) An action to determine the existence or nonexistence of a 31897
parent and child relationship may be brought by the child's mother 31898
in the appropriate division of the court of common pleas in the 31899
county in which the child resides, without requesting an 31900
administrative determination, if the child's mother brings the 31901
action in order to request an order to determine the allocation of 31902
parental rights and responsibilities, the payment of all or any 31903
part of the reasonable expenses of the mother's pregnancy and 31904
confinement, or support of the child. The clerk of the court shall 31905
forward a copy of the complaint to the child support enforcement 31906
agency of the county in which the complaint is filed. 31907

(C) An action to determine the existence or nonexistence of a 31908
parent and child relationship may be brought by the putative 31909
father of the child in the appropriate division of the court of 31910
common pleas in the county in which the child resides, without 31911
requesting an administrative determination, if the putative father 31912
brings the action in order to request an order to determine the 31913
allocation of parental rights and responsibilities. The clerk of 31914
the court shall forward a copy of the complaint to the child 31915
support enforcement agency of the county in which the complaint is 31916
filed. 31917

(D) An action to determine the existence or nonexistence of a 31918
parent and child relationship may be brought by the caretaker of 31919
the child in the appropriate division of the court of common pleas 31920
in the county in which the child resides, without requesting an 31921
administrative determination, if the caretaker brings the action 31922
in order to request support of the child. The clerk of the court 31923
shall forward a copy of the complaint to the child support 31924
enforcement agency of the county in which the complaint is filed. 31925

(E) If services are requested by the court, under divisions 31926
(B) ~~and~~, (C), ~~and~~ (D) of this section, of the child support 31927
enforcement agency to determine the existence or nonexistence of a 31928
parent and child relationship, a Title IV-D application must be 31929
completed and delivered to the child support enforcement agency. 31930

~~(E)~~(F) If the alleged father of a child is deceased and 31931
proceedings for the probate of the estate of the alleged father 31932
have been or can be commenced, the court with jurisdiction over 31933
the probate proceedings shall retain jurisdiction to determine the 31934
existence or nonexistence of a parent and child relationship 31935
between the alleged father and any child without an administrative 31936
determination being requested from a child support enforcement 31937
agency. 31938

If an action for divorce, dissolution of marriage, or legal 31939
separation, or an action under section 2151.231 or 2151.232 of the 31940
Revised Code requesting an order requiring the payment of child 31941
support and provision for the health care of a child, has been 31942
filed in a court of common pleas and a question as to the 31943
existence or nonexistence of a parent and child relationship 31944
arises, the court in which the original action was filed shall 31945
retain jurisdiction to determine the existence or nonexistence of 31946
the parent and child relationship without an administrative 31947
determination being requested from a child support enforcement 31948
agency. 31949

If a juvenile court or other court with jurisdiction under 31950
section 2101.022 or 2301.03 of the Revised Code issues a support 31951
order under section 2151.231 or 2151.232 of the Revised Code 31952
relying on a presumption under section 3111.03 of the Revised 31953
Code, the juvenile court or other court with jurisdiction that 31954
issued the support order shall retain jurisdiction if a question 31955
as to the existence of a parent and child relationship arises. 31956

Sec. 3111.44. After issuing a genetic testing order, the 31957
administrative officer may schedule a conference with the mother 31958
and the alleged father to provide information. If a conference is 31959
scheduled and no other man is presumed to be the father of the 31960
child under section 3111.03 of the Revised Code, the 31961
administrative officer shall provide the mother and alleged father 31962
the opportunity to sign an acknowledgment of paternity affidavit 31963
prepared pursuant to section 3111.31 of the Revised Code. If they 31964
sign an acknowledgment of paternity, the administrative officer 31965
shall cancel the genetic testing order the officer had issued. 31966
Regardless of whether a conference is held, if the mother and 31967
alleged father do not sign an acknowledgment of paternity 31968
affidavit or if an affidavit cannot be notarized or witnessed or 31969
filed because another man is presumed under section 3111.03 of the 31970
Revised Code to be the father of the child, the child, the mother, 31971
and the alleged father shall submit to genetic testing in 31972
accordance with the order issued by the administrative officer. 31973

Sec. 3111.48. An administrative officer shall include in an 31974
order issued under section 3111.46 of the Revised Code a notice 31975
that contains the information described in section 3111.49 of the 31976
Revised Code informing the mother, father, and ~~the guardian or~~ 31977
~~legal custodian~~ caretaker of the child of the right to bring an 31978
action under sections 3111.01 to 3111.18 of the Revised Code and 31979
of the effect of failure to timely bring the action. 31980

An agency shall include in an administrative order issued 31981
under section 3111.47 of the Revised Code a notice that contains 31982
the information described in section 3111.50 of the Revised Code 31983
informing the parties of their right to bring an action under 31984
sections 3111.01 to 3111.18 of the Revised Code. 31985

Sec. 3111.49. The mother, alleged father, and ~~guardian or~~ 31986

~~legal custodian~~ caretaker of a child may object to an 31987
administrative order determining the existence or nonexistence of 31988
a parent and child relationship by bringing, within fourteen days 31989
after the date the administrative officer issues the order, an 31990
action under sections 3111.01 to 3111.18 of the Revised Code in 31991
the juvenile court or other court with jurisdiction under section 31992
2101.022 or 2301.03 of the Revised Code in the county in which the 31993
child support enforcement agency that employs the administrative 31994
officer who issued the order is located. If the action is not 31995
brought within the fourteen-day period, the administrative order 31996
is final and enforceable by a court and may not be challenged in 31997
an action or proceeding under Chapter 3111. of the Revised Code. 31998

Sec. 3111.71. The department of job and family services shall 31999
enter into a contract with local hospitals for the provision of 32000
staff by the hospitals to meet with unmarried women who give birth 32001
in or en route to the particular hospital. On or before April 1, 32002
1998, each hospital shall enter into a contract with the 32003
department of job and family services pursuant to this section 32004
regarding the duties imposed by this section and section 3727.17 32005
of the Revised Code concerning paternity establishment. A hospital 32006
that fails to enter into a contract shall not receive the fee from 32007
the department for correctly signed and notarized or witnessed 32008
affidavits submitted by the hospital. 32009

Sec. 3111.72. The contract between the department of job and 32010
family services and a local hospital shall require all of the 32011
following: 32012

(A) That the hospital provide a staff person to meet with 32013
each unmarried mother who gave birth in or en route to the 32014
hospital within twenty-four hours of the birth or before the 32015
mother is released from the hospital; 32016

(B) That the staff person attempt to meet with the father of 32017
the unmarried mother's child if possible; 32018

(C) That the staff person explain to the unmarried mother and 32019
the father, if he is present, the benefit to the child of 32020
establishing a parent and child relationship between the father 32021
and the child and the various proper procedures for establishing a 32022
parent and child relationship; 32023

(D) That the staff person present to the unmarried mother 32024
and, if possible, the father, the pamphlet or statement regarding 32025
the rights and responsibilities of a natural parent that is 32026
prepared and provided by the department of job and family services 32027
pursuant to section 3111.32 of the Revised Code; 32028

(E) That the staff person provide the mother and, if 32029
possible, the father, all forms and statements necessary to 32030
voluntarily establish a parent and child relationship, including, 32031
but not limited to, the acknowledgment of paternity affidavit 32032
prepared by the department of job and family services pursuant to 32033
section 3111.31 of the Revised Code; 32034

(F) That the staff person, at the request of both the mother 32035
and father, help the mother and father complete any form or 32036
statement necessary to establish a parent and child relationship; 32037

(G) That the hospital provide a notary public to notarize, or 32038
witnesses to witness, an acknowledgment of paternity affidavit 32039
signed by the mother and father; 32040

(H) That the staff person present to an unmarried mother who 32041
is not participating in the Ohio works first program established 32042
under Chapter 5107. of the Revised Code or receiving medicaid an 32043
application for Title IV-D services; 32044

(I) That the staff person forward any completed 32045
acknowledgment of paternity, no later than ten days after it is 32046
completed, to the office of child support in the department of job 32047

and family services; 32048

(J) That the department of job and family services pay the 32049
hospital twenty dollars for every correctly signed and notarized 32050
or witnessed acknowledgment of paternity affidavit from the 32051
hospital. 32052

Sec. 3111.78. A parent, ~~guardian, or legal custodian of a~~ 32053
~~child, the person with whom the child resides, or caretaker of the~~ 32054
child, or the child support enforcement agency of the county in 32055
which the child, parent, ~~guardian, or legal custodian~~ or caretaker 32056
of the child resides may do either of the following to require a 32057
man to pay support and provide for the health care needs of the 32058
child if the man is presumed to be the natural father of the child 32059
under section 3111.03 of the Revised Code: 32060

(A) If the presumption is not based on an acknowledgment of 32061
paternity, file a complaint pursuant to section 2151.231 of the 32062
Revised Code in the juvenile court or other court with 32063
jurisdiction under section 2101.022 or 2301.03 of the Revised Code 32064
of the county in which the child, parent, ~~guardian, or legal~~ 32065
~~custodian~~ caretaker resides; 32066

(B) Contact a child support enforcement agency to request 32067
assistance in obtaining an order for support and the provision of 32068
health care for the child. 32069

Sec. 3119.01. (A) As used in the Revised Code, "child support 32070
enforcement agency" means a child support enforcement agency 32071
designated under former section 2301.35 of the Revised Code prior 32072
to October 1, 1997, or a private or government entity designated 32073
as a child support enforcement agency under section 307.981 of the 32074
Revised Code. 32075

(B) As used in this chapter and Chapters 3121., 3123., and 32076
3125. of the Revised Code: 32077

- (1) "Administrative child support order" means any order issued by a child support enforcement agency for the support of a child pursuant to section 3109.19 or 3111.81 of the Revised Code or former section 3111.211 of the Revised Code, section 3111.21 of the Revised Code as that section existed prior to January 1, 1998, or section 3111.20 or 3111.22 of the Revised Code as those sections existed prior to March 22, 2001.
- (2) "Child support order" means either a court child support order or an administrative child support order.
- (3) "Obligee" means the person who is entitled to receive the support payments under a support order.
- (4) "Obligor" means the person who is required to pay support under a support order.
- (5) "Support order" means either an administrative child support order or a court support order.
- (C) As used in this chapter:
- (1) "Caretaker" means any of the following, other than a parent:
- (a) A person with whom the child resides for at least thirty consecutive days, and who is the child's primary caregiver;
- (b) A person who is receiving public assistance on behalf of the child;
- (c) A person or agency with legal custody of the child, including a county department of job and family services or a public children services agency;
- (d) A guardian of the person or the estate of a child;
- (e) Any other appropriate court or agency with custody of the child.
- "Caretaker" excludes a "host family" as defined under section

<u>2151.90 of the Revised Code.</u>	32107
<u>(2)</u> "Cash medical support" means an amount ordered to be paid	32108
in a child support order toward the ordinary medical expenses	32109
incurred during a calendar year.	32110
(2) <u>(3)</u> "Child care cost" means annual out-of-pocket costs for	32111
the care and supervision of a child or children subject to the	32112
order that is related to work or employment training.	32113
(3) <u>(4)</u> "Court child support order" means any order issued by	32114
a court for the support of a child pursuant to Chapter 3115. of	32115
the Revised Code, section 2151.23, 2151.231, 2151.232, 2151.33,	32116
2151.36, 2151.361, 2151.49, 3105.21, 3109.05, 3109.19, 3111.13,	32117
3113.04, 3113.07, 3113.31, 3119.65, or 3119.70 of the Revised	32118
Code, or division (B) of former section 3113.21 of the Revised	32119
Code.	32120
(4) <u>(5)</u> "Court-ordered parenting time" means the amount of	32121
parenting time a parent is to have under a parenting time order or	32122
the amount of time the children are to be in the physical custody	32123
of a parent under a shared parenting order.	32124
(5) <u>(6)</u> "Court support order" means either a court child	32125
support order or an order for the support of a spouse or former	32126
spouse issued pursuant to Chapter 3115. of the Revised Code,	32127
section 3105.18, 3105.65, or 3113.31 of the Revised Code, or	32128
division (B) of former section 3113.21 of the Revised Code.	32129
(6) <u>(7)</u> "CPI-U" means the consumer price index for all urban	32130
consumers, published by the United States department of labor,	32131
bureau of labor statistics.	32132
(7) <u>(8)</u> "Extraordinary medical expenses" means any uninsured	32133
medical expenses incurred for a child during a calendar year that	32134
exceed the total cash medical support amount owed by the parents	32135
during that year.	32136

~~(8)~~(9) "Federal poverty level" has the same meaning as in 32137
section 5121.30 of the Revised Code. 32138

~~(9)~~ (10) "Income" means either of the following: 32139

(a) For a parent who is employed to full capacity, the gross 32140
income of the parent; 32141

(b) For a parent who is unemployed or underemployed, the sum 32142
of the gross income of the parent and any potential income of the 32143
parent. 32144

~~(10)~~(11) "Income share" means the percentage derived from a 32145
comparison of each parent's annual income after allowable 32146
deductions and credits as indicated on the worksheet to the total 32147
annual income of both parents. 32148

~~(11)~~(12) "Insurer" means any person authorized under Title 32149
XXXIX of the Revised Code to engage in the business of insurance 32150
in this state, any health insuring corporation, and any legal 32151
entity that is self-insured and provides benefits to its employees 32152
or members. 32153

~~(12)~~(13) "Gross income" means, except as excluded in division 32154
~~(C)~~(12)~~(C)~~(13) of this section, the total of all earned and 32155
unearned income from all sources during a calendar year, whether 32156
or not the income is taxable, and includes income from salaries, 32157
wages, overtime pay, and bonuses to the extent described in 32158
division (D) of section 3119.05 of the Revised Code; commissions; 32159
royalties; tips; rents; dividends; severance pay; pensions; 32160
interest; trust income; annuities; social security benefits, 32161
including retirement, disability, and survivor benefits that are 32162
not means-tested; workers' compensation benefits; unemployment 32163
insurance benefits; disability insurance benefits; benefits that 32164
are not means-tested and that are received by and in the 32165
possession of the veteran who is the beneficiary for any 32166
service-connected disability under a program or law administered 32167

by the United States department of veterans' affairs or veterans' 32168
administration; spousal support actually received; and all other 32169
sources of income. "Gross income" includes income of members of 32170
any branch of the United States armed services or national guard, 32171
including, amounts representing base pay, basic allowance for 32172
quarters, basic allowance for subsistence, supplemental 32173
subsistence allowance, cost of living adjustment, specialty pay, 32174
variable housing allowance, and pay for training or other types of 32175
required drills; self-generated income; and potential cash flow 32176
from any source. 32177

"Gross income" does not include any of the following: 32178

(a) Benefits received from means-tested government 32179
administered programs, including Ohio works first; prevention, 32180
retention, and contingency; means-tested veterans' benefits; 32181
supplemental security income; supplemental nutrition assistance 32182
program; disability financial assistance; or other assistance for 32183
which eligibility is determined on the basis of income or assets; 32184

(b) Benefits for any service-connected disability under a 32185
program or law administered by the United States department of 32186
veterans' affairs or veterans' administration that are not 32187
means-tested, that have not been distributed to the veteran who is 32188
the beneficiary of the benefits, and that are in the possession of 32189
the United States department of veterans' affairs or veterans' 32190
administration; 32191

(c) Child support amounts received for children who are not 32192
included in the current calculation; 32193

(d) Amounts paid for mandatory deductions from wages such as 32194
union dues but not taxes, social security, or retirement in lieu 32195
of social security; 32196

(e) Nonrecurring or unsustainable income or cash flow items; 32197

(f) Adoption assistance, kinship guardianship assistance, and 32198

foster care maintenance payments made pursuant to Title IV-E of 32199
the "Social Security Act," 94 Stat. 501, 42 U.S.C.A. 670 (1980), 32200
as amended; 32201

(g) State kinship guardianship assistance described in 32202
section 5153.163 of the Revised Code and payment from the kinship 32203
support program described in section 5101.881 of the Revised Code. 32204

~~(13)~~(14) "Nonrecurring or unsustainable income or cash flow 32205
item" means an income or cash flow item the parent receives in any 32206
year or for any number of years not to exceed three years that the 32207
parent does not expect to continue to receive on a regular basis. 32208
"Nonrecurring or unsustainable income or cash flow item" does not 32209
include a lottery prize award that is not paid in a lump sum or 32210
any other item of income or cash flow that the parent receives or 32211
expects to receive for each year for a period of more than three 32212
years or that the parent receives and invests or otherwise uses to 32213
produce income or cash flow for a period of more than three years. 32214

~~(14)~~(15) "Ordinary medical expenses" includes copayments and 32215
deductibles, and uninsured medical-related costs for the children 32216
of the order. 32217

~~(15)~~(a)~~(16)~~(a) "Ordinary and necessary expenses incurred in 32218
generating gross receipts" means actual cash items expended by the 32219
parent or the parent's business and includes depreciation expenses 32220
of business equipment as shown on the books of a business entity. 32221

(b) Except as specifically included in "ordinary and 32222
necessary expenses incurred in generating gross receipts" by 32223
division ~~(c)~~(15)~~(a)~~(c)~~(16)~~(a) of this section, "ordinary and 32224
necessary expenses incurred in generating gross receipts" does not 32225
include depreciation expenses and other noncash items that are 32226
allowed as deductions on any federal tax return of the parent or 32227
the parent's business. 32228

~~(16)~~(17) "Personal earnings" means compensation paid or 32229

payable for personal services, however denominated, and includes 32230
wages, salary, commissions, bonuses, draws against commissions, 32231
profit sharing, vacation pay, or any other compensation. 32232

~~(17)~~(18) "Potential income" means both of the following for a 32233
parent who the court pursuant to a court support order, or a child 32234
support enforcement agency pursuant to an administrative child 32235
support order, determines is voluntarily unemployed or voluntarily 32236
underemployed: 32237

(a) Imputed income that the court or agency determines the 32238
parent would have earned if fully employed as determined from the 32239
following criteria: 32240

(i) The parent's prior employment experience; 32241

(ii) The parent's education; 32242

(iii) The parent's physical and mental disabilities, if any; 32243

(iv) The availability of employment in the geographic area in 32244
which the parent resides; 32245

(v) The prevailing wage and salary levels in the geographic 32246
area in which the parent resides; 32247

(vi) The parent's special skills and training; 32248

(vii) Whether there is evidence that the parent has the 32249
ability to earn the imputed income; 32250

(viii) The age and special needs of the child for whom child 32251
support is being calculated under this section; 32252

(ix) The parent's increased earning capacity because of 32253
experience; 32254

(x) The parent's decreased earning capacity because of a 32255
felony conviction; 32256

(xi) Any other relevant factor. 32257

(b) Imputed income from any nonincome-producing assets of a 32258

parent, as determined from the local passbook savings rate or 32259
another appropriate rate as determined by the court or agency, not 32260
to exceed the rate of interest specified in division (A) of 32261
section 1343.03 of the Revised Code, if the income is significant. 32262

~~(18)~~(19) "Schedule" means the basic child support schedule 32263
created pursuant to section 3119.021 of the Revised Code. 32264

~~(19)~~(20) "Self-generated income" means gross receipts 32265
received by a parent from self-employment, proprietorship of a 32266
business, joint ownership of a partnership or closely held 32267
corporation, and rents minus ordinary and necessary expenses 32268
incurred by the parent in generating the gross receipts. 32269
"Self-generated income" includes expense reimbursements or in-kind 32270
payments received by a parent from self-employment, the operation 32271
of a business, or rents, including company cars, free housing, 32272
reimbursed meals, and other benefits, if the reimbursements are 32273
significant and reduce personal living expenses. 32274

~~(20)~~(21) "Self-sufficiency reserve" means the minimal amount 32275
necessary for an obligor to adequately subsist upon, as determined 32276
under section 3119.021 of the Revised Code. 32277

~~(21)~~(22) "Split parental rights and responsibilities" means a 32278
situation in which there is more than one child who is the subject 32279
of an allocation of parental rights and responsibilities and each 32280
parent is the residential parent and legal custodian of at least 32281
one of those children. 32282

~~(22)~~(23) "Worksheet" means the applicable worksheet created 32283
in rules adopted under section 3119.022 of the Revised Code that 32284
is used to calculate a parent's child support obligation. 32285

Sec. 3119.06. (A) Except as otherwise provided in this 32286
section, in any action in which a court or a child support 32287
enforcement agency issues or modifies a child support order or in 32288

any other proceeding in which a court or agency determines the 32289
amount of child support to be paid pursuant to a child support 32290
order, the court or agency shall issue a minimum child support 32291
order requiring the obligor to pay a minimum of eighty dollars a 32292
month for all the children subject to that order. The court or 32293
agency, in its discretion and in appropriate circumstances, may 32294
issue a minimum child support order of less than eighty dollars a 32295
month or issue an order not requiring the obligor to pay any child 32296
support amount. The circumstances under which a court or agency 32297
may issue such an order include the nonresidential parent's 32298
medically verified or documented physical or mental disability or 32299
institutionalization in a facility for persons with a mental 32300
illness or any other circumstances considered appropriate by the 32301
court or agency. 32302

If a court or agency issues a minimum child support 32303
obligation pursuant to this section and the obligor under the 32304
support order is the recipient of means-tested public assistance, 32305
as described in division ~~(C)(12)(a)~~ (C)(13)(a) of section 3119.01 32306
of the Revised Code, any unpaid amounts of support due under the 32307
support order shall accrue as arrearages from month to month, and 32308
the obligor's current obligation to pay the support due under the 32309
support order is suspended during any period of time that the 32310
obligor is receiving means-tested public assistance and is 32311
complying with any seek work orders issued pursuant to section 32312
3121.03 of the Revised Code. The court, obligee, and child support 32313
enforcement agency shall not enforce the obligation of the obligor 32314
to pay the amount of support due under the support order while the 32315
obligor is receiving means-tested public assistance and is 32316
complying with any seek work orders issued pursuant to section 32317
3121.03 of the Revised Code. 32318

(B) As used in this section, "means-tested public assistance" 32319
includes cash assistance payments under the Ohio works first 32320

program established under Chapter 5107. of the Revised Code, 32321
financial assistance under the disability financial assistance 32322
program established under Chapter 5115. of the Revised Code, 32323
supplemental security income, or means-tested veterans' benefits. 32324

Sec. 3119.07. (A) Except when the parents have split parental 32325
rights and responsibilities, a parent's child support obligation 32326
for a child for whom the parent is the residential parent and 32327
legal custodian shall be presumed to be spent on that child and 32328
shall not become part of a child support order, and a parent's 32329
child support obligation for a child for whom the parent is not 32330
the residential parent and legal custodian shall become part of a 32331
child support order. 32332

(B) If the parents have split parental rights and 32333
responsibilities, the child support obligations of the parents 32334
shall be offset, and ~~the court shall issue a child support order~~ 32335
~~requiring~~ the parent with the larger child support obligation ~~to~~ 32336
shall pay the net amount pursuant to the child support order. 32337

(C) If neither parent of a child who is the subject of a 32338
child support order is the residential parent and legal custodian 32339
of the child and the child resides with a ~~third party who is the~~ 32340
~~legal custodian of the child caretaker, the court shall issue a~~ 32341
~~child support order requiring~~ each parent ~~to~~ shall pay that 32342
parent's child support obligation pursuant to the child support 32343
order. 32344

Sec. 3119.95. A child support order subject to sections 32345
3119.951 to 3119.9541 of the Revised Code shall include the health 32346
care coverage and cash medical support required for the child 32347
subject to the order. 32348

Sec. 3119.951. The caretaker of a child may file an 32349
application for Title IV-D services with the child support 32350

enforcement agency in the county in which the caretaker resides to 32351
obtain support for the care of the child. 32352

Sec. 3119.9511. Not later than twenty days after completion 32353
of an investigation of a child support order under section 32354
3119.955 or 3119.957 of the Revised Code, the child support 32355
enforcement agency shall determine, based on the information 32356
gathered, whether the order shall or shall not be redirected under 32357
sections 3119.9513 and 3119.9515 of the Revised Code. 32358

Sec. 3119.9513. If the child support enforcement agency 32359
determines that a child support order should be redirected, the 32360
agency shall do one of the following: 32361

(A) For an administrative child support order, the agency 32362
shall issue a redirection order that shall include the child 32363
support amount to be redirected and provisions for redirection 32364
regarding health care coverage and cash medical support. 32365

(B) For a court child support order, the agency shall 32366
recommend to the court that has jurisdiction over the support 32367
order to issue a redirection order and include the child support 32368
amount to be redirected and provisions for redirection regarding 32369
health care coverage and cash medical support. 32370

Sec. 3119.9515. (A) On issuing an order or making a 32371
recommendation under section 3119.9513 of the Revised Code, the 32372
child support enforcement agency shall provide notice of the 32373
following to the parent or caretaker of the child subject to the 32374
order or recommendation: 32375

(1) The results of its investigation under section 3119.955 32376
or 3119.957 of the Revised Code; 32377

(2) For an administrative child support order, notice of the 32378

<u>following:</u>	32379
<u>(a) That the agency has issued a redirection order under section 3119.9513 of the Revised Code regarding the child support order and a copy of the redirection order;</u>	32380 32381 32382
<u>(b) The right to object to the redirection order by bringing an action under section 2151.231 of the Revised Code not later than fourteen days after the order is issued;</u>	32383 32384 32385
<u>(c) That the order becomes final and enforceable if no timely objection is made;</u>	32386 32387
<u>(d) The effective date of the order as determined under section 3119.9519 of the Revised Code.</u>	32388 32389
<u>(3) For a court child support order, notice of the following:</u>	32390
<u>(a) That the agency has made a recommendation for a redirection order under section 3119.9513 of the Revised Code to the court that has jurisdiction over the court child support order, and a copy of the recommendation;</u>	32391 32392 32393 32394
<u>(b) The right to object to the redirection by requesting a hearing with the court that has jurisdiction over the court child support order not later than fourteen days after the recommendation is issued;</u>	32395 32396 32397 32398
<u>(c) That the recommendation will be submitted to the court for inclusion in a redirection order, unless a request for a court hearing is made not later than fourteen days after the recommendation is issued;</u>	32399 32400 32401 32402
<u>(d) The effective date of the redirection order as determined under section 3119.9519 of the Revised Code.</u>	32403 32404
<u>(B) The notice under division (A) of this section shall be included as part of the applicable order or recommendation.</u>	32405 32406
<u>Sec. 3119.9517. (A) A parent or caretaker may object to an</u>	32407

order issued under section 3119.9513 of the Revised Code by 32408
bringing an action under section 2151.231 of the Revised Code not 32409
later than fourteen days after the notice is issued under division 32410
(A)(2) of section 3119.9515 of the Revised Code. The order shall 32411
be final and enforceable if no objection is timely made. 32412

(B) A parent or caretaker may object to a recommendation 32413
issued under section 3119.9513 of the Revised Code by requesting a 32414
hearing with the court that has jurisdiction over the court child 32415
support order not later than fourteen days after the 32416
recommendation is issued under division (A)(3) of section 32417
3119.9515 of the Revised Code. The recommendation shall be 32418
submitted to the court for inclusion in a redirection order, 32419
unless a request for a court hearing is made not later than 32420
fourteen days after the recommendation is issued. 32421

Sec. 3119.9519. (A) The redirection of a child support order 32422
under a redirection order that has become final as provided under 32423
section 3119.9517 of the Revised Code shall take effect as of, and 32424
relate back to, the date that the child support enforcement agency 32425
received the Title IV-D services application or referral under 32426
section 3119.953 of the Revised Code that initiated the 32427
proceedings resulting in the order. 32428

(B) A redirection order under section 3119.9517 of the 32429
Revised Code based on a recommendation for redirection shall take 32430
effect as of, and relate back to, the date that the child support 32431
enforcement agency received the Title IV-D services application or 32432
referral under section 3119.953 of the Revised Code that initiated 32433
the proceedings resulting in the redirection order. 32434

Sec. 3119.9523. If a child support enforcement agency 32435
determines under section 3119.953 of the Revised Code that the 32436
child in the care of the caretaker is not subject to an existing 32437

child support order, the agency shall determine, not later than 32438
twenty days after its receipt of the Title IV-D services 32439
application or referral under section 3119.953 of the Revised 32440
Code, whether any reason exists for which a child support order 32441
for the child should be imposed. That determination shall include 32442
whether the caretaker is the child's primary caregiver. 32443

Sec. 3119.9525. If, pursuant to an investigation under 32444
section 3119.9523 of the Revised Code, the child support 32445
enforcement agency determines that a reason exists for a child 32446
support order to be imposed regarding the child subject of the 32447
investigation, the agency shall comply with sections 3111.80 to 32448
3111.84 of the Revised Code. 32449

Sec. 3119.9527. If a child support enforcement agency 32450
receives notice that a caretaker is no longer the primary 32451
caregiver for a child subject to a redirection order or 32452
recommendation issued under section 3119.9513 of the Revised Code, 32453
the agency shall do both of the following: 32454

(A) Investigate whether the caretaker to whom support amounts 32455
are redirected under the existing redirection order or 32456
recommendation is still the primary caregiver for the child; 32457

(B) Take action as applicable under sections 3119.9529 to 32458
3119.9535 of the Revised Code. 32459

Sec. 3119.9529. If, upon investigation under section 32460
3119.9527 of the Revised Code, the child support enforcement 32461
agency determines that the caretaker to whom support amounts are 32462
redirected remains the primary caregiver of the child who is the 32463
subject of the redirection order or recommendation, the agency 32464
shall take no further action on the notice received under section 32465
3119.9527 of the Revised Code. 32466

Sec. 3119.953. (A) On receipt of an application for Title IV-D services from the caretaker of a child under section 3119.951 of the Revised Code, or a Title IV-D services referral regarding the child, the child support enforcement agency shall determine whether the child is the subject of an existing child support order. 32467
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(B) If the child is the subject of an existing child support order, the agency shall comply with sections 3119.955 to 3119.9519 of the Revised Code. 32473
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(C) If the child is not the subject of an existing child support order, the agency shall comply with sections 3119.9523 and 3119.9525 of the Revised Code. 32476
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Sec. 3119.9531. If, after an investigation under section 3119.9527 of the Revised Code, the child support enforcement agency determines that a new caretaker is the primary caregiver for the child who is the subject of the redirection order or recommendation, the agency shall do both of the following: 32479
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(A) Terminate the existing redirection order or request that the court terminate the redirection order based on the recommendation, whichever is applicable; 32484
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(B) Direct the new caretaker to file an application for Title IV-D services under section 3119.951 of the Revised Code. 32487
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Sec. 3119.9533. If, after an investigation under section 3119.9527 of the Revised Code, the child support enforcement agency determines that a parent of the child who is the subject of the redirection order or recommendation is the primary caregiver of the child, the agency shall do one of the following: 32489
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(A) If the parent is the obligee under the child support order that is subject to redirection, terminate the existing 32494
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redirection order or request the court to terminate the 32496
redirection order based on the recommendation, whichever is 32497
applicable. 32498

(B) If the parent is the obligor under the child support 32499
order that is subject to redirection: 32500

(1) Terminate the existing redirection order or request the 32501
court to terminate the redirection order based on the 32502
recommendation, whichever is applicable; and 32503

(2) Notify the obligor that he or she may do the following: 32504

(a) Request that the child support order be terminated 32505
pursuant to section 3119.87 of the Revised Code; 32506

(b) Request either of the following, whichever is applicable: 32507

(i) For an administrative child support order, request a 32508
review of the order under sections 3119.60 and 3119.61 of the 32509
Revised Code; 32510

(ii) For a court child support order, request the court with 32511
jurisdiction over the order to amend the order. 32512

Sec. 3119.9535. If, after an investigation under section 32513
3119.9527 of the Revised Code, the child support enforcement 32514
agency determines that the child who is the subject of the 32515
redirection order or recommendation is not under the care of any 32516
individual, the agency shall do the following: 32517

(A) Terminate the existing redirection order or request the 32518
court to terminate the redirection order based on the 32519
recommendation, whichever is applicable; 32520

(B) If the agency becomes aware of circumstances indicating 32521
that the child may be abused or neglected, make a report under 32522
section 2151.421 of the Revised Code. 32523

Sec. 3119.9537. (A) If a child support enforcement agency receives a notification under section 3119.9527 of the Revised Code, the agency shall impound any funds received on behalf of the child pursuant to the child support order to which the notification applies.

(B) Impoundment shall continue under this section until the occurrence of any of the following:

(1) The agency makes a determination under section 3119.9529 of the Revised Code;

(2) The agency issues a redirection order for a new caretaker under sections 3119.951 to 3119.9519 and 3119.9531 of the Revised Code;

(3) The agency, under section 3119.9533 of the Revised Code, terminates the redirection order or a court terminates its redirection order;

(C) On termination of impoundment as described in division (B) of this section, impounded amounts shall be paid to the obligee designated under the child support order or under the applicable redirection order.

Sec. 3119.9539. Impoundment of child support under section 3119.9537 of the Revised Code regarding a redirection order described in section 3119.9535 of the Revised Code shall continue until further order from the child support enforcement agency administering the administrative child support order or from the court with jurisdiction over the court child support order, whichever is applicable.

Sec. 3119.9541. The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to provide for both of the following:

(A) Requirements for child support enforcement agencies to 32553
conduct investigations and issue findings pursuant to sections 32554
3119.955 and 3119.957 of the Revised Code; 32555

(B) Any other standards, forms, or procedures needed to 32556
ensure uniform implementation of sections 3119.95 to 3119.9539 of 32557
the Revised Code. 32558

Sec. 3119.955. (A) If a child support enforcement agency 32559
determines under section 3119.953 of the Revised Code that there 32560
is an existing child support order regarding the child in the care 32561
of a caretaker, the agency shall determine if any reason exists 32562
for which the child support order should be redirected to the 32563
caretaker. If the agency determines that the caretaker is the 32564
primary caregiver of the child, the agency shall determine that a 32565
reason exists for redirection. 32566

(B) If the agency determines that a reason exists for 32567
redirection, the agency also shall determine all of the following: 32568

(1) The amount of each parent's obligation under the existing 32569
child support order that may be subject to redirection; 32570

(2) Whether any prior redirection has been terminated under 32571
sections 3119.9531 to 3119.9535 of the Revised Code; 32572

(3) Whether any arrearages are owed, and the recommended 32573
payment amount to satisfy such arrears; 32574

(4) If more than one child is subject to the existing child 32575
support order, whether the child support order for all or some of 32576
the children shall be subject to redirection. 32577

(C) The agency shall make the determinations required under 32578
this section not later than twenty days after receipt of a Title 32579
IV-D services application or referral under section 3119.953 of 32580
the Revised Code. 32581

Sec. 3119.957. If the child support enforcement agency 32582
determines under section 3119.955 of the Revised Code that more 32583
than one child is the subject of a child support order and the 32584
order for fewer than all of the children should be redirected, the 32585
agency shall determine the amount of child support to be 32586
redirected, which amount shall equal the pro rata share of the 32587
child support amounts for each such child under the child support 32588
order. The agency also shall make, in relation to the 32589
determination of the amount of child support that may be 32590
redirected, a determination regarding the health care coverage and 32591
cash medical support under the child support order that may be 32592
redirected. 32593

Sec. 3121.29. Each support order, or modification of a 32594
support order, shall contain a notice that states the following in 32595
boldface type and in all capital letters: 32596

"EACH PARTY TO THIS SUPPORT ORDER MUST NOTIFY THE CHILD 32597
SUPPORT ENFORCEMENT AGENCY IN WRITING OF HIS OR HER CURRENT 32598
MAILING ADDRESS, CURRENT RESIDENCE ADDRESS, CURRENT RESIDENCE 32599
TELEPHONE NUMBER, CURRENT DRIVER'S LICENSE NUMBER, AND OF ANY 32600
CHANGES IN THAT INFORMATION. EACH PARTY MUST NOTIFY THE AGENCY OF 32601
ALL CHANGES UNTIL FURTHER NOTICE FROM THE COURT OR AGENCY, 32602
WHICHEVER ISSUED THE SUPPORT ORDER. 32603

IF YOU ARE THE OBLIGOR UNDER A CHILD SUPPORT ORDER AND YOU 32604
FAIL TO MAKE THE REQUIRED NOTIFICATIONS, YOU MAY BE FINED UP TO 32605
\$50 FOR A FIRST OFFENSE, \$100 FOR A SECOND OFFENSE, AND \$500 FOR 32606
EACH SUBSEQUENT OFFENSE. IF YOU ARE AN OBLIGOR OR OBLIGEE UNDER 32607
ANY SUPPORT ORDER ISSUED BY A COURT AND YOU WILLFULLY FAIL TO GIVE 32608
THE REQUIRED NOTICES, YOU MAY BE FOUND IN CONTEMPT OF COURT AND BE 32609
SUBJECTED TO FINES UP TO \$1,000 AND IMPRISONMENT FOR NOT MORE THAN 32610
90 DAYS. 32611

IF YOU ARE AN OBLIGOR OR OBLIGEE AND YOU FAIL TO GIVE THE 32612
REQUIRED NOTICES TO THE CHILD SUPPORT ENFORCEMENT AGENCY, YOU MAY 32613
NOT RECEIVE NOTICE OF THE CHANGES AND REQUESTS TO CHANGE THE CHILD 32614
SUPPORT AMOUNT, HEALTH CARE PROVISIONS, REDIRECTION, OR 32615
TERMINATION OF THE CHILD SUPPORT ORDER. IF YOU ARE AN OBLIGOR AND 32616
YOU FAIL TO GIVE THE REQUIRED NOTICES, YOU MAY NOT RECEIVE NOTICE 32617
OF THE FOLLOWING ENFORCEMENT ACTIONS AGAINST YOU: IMPOSITION OF 32618
LIENS AGAINST YOUR PROPERTY; LOSS OF YOUR PROFESSIONAL OR 32619
OCCUPATIONAL LICENSE, DRIVER'S LICENSE, OR RECREATIONAL LICENSE; 32620
WITHHOLDING FROM YOUR INCOME; ACCESS RESTRICTION AND DEDUCTION 32621
FROM YOUR ACCOUNTS IN FINANCIAL INSTITUTIONS; AND ANY OTHER ACTION 32622
PERMITTED BY LAW TO OBTAIN MONEY FROM YOU TO SATISFY YOUR SUPPORT 32623
OBLIGATION. " 32624

Sec. 3123.89. (A) ~~Subject to section 3770.071 of the Revised 32625
Code, a child support enforcement agency that determines that an 32626
obligor who is the recipient of a lottery prize award is subject 32627
to a final and enforceable determination of default made under 32628
sections 3123.01 to 3123.07 of the Revised Code shall issue an 32629
intercept directive to the director of the state lottery 32630
commission. A copy of this intercept directive shall be sent to 32631
the obligor. 32632~~

~~(B) The intercept directive shall require the director or the 32633
director's designee to transmit an amount or amounts from the 32634
proceeds of the specified lottery prize award to the office of 32635
child support in the department of job and family services. The 32636
intercept directive also shall contain all of the following 32637
information: 32638~~

~~(1) The name, address, and social security number or taxpayer 32639
identification number of the obligor; 32640~~

~~(2) A statement that the obligor has been determined to be in 32641
default under a support order; 32642~~

~~(3) The amount of the arrearage owed by the obligor as determined by the agency.~~ 32643
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~~(C) After receipt of an intercept directive and in accordance with section 3770.071 of the Revised Code, the director or the director's designee shall deduct the amount or amounts specified from the proceeds of the lottery prize award referred to in the directive and transmit the amounts to the office of child support.~~ 32645
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~~(D)~~ The department of job and family services shall develop and implement a real time data match program with the state lottery commission and its lottery sales agents and lottery agents to identify obligors who are subject to a final and enforceable determination of default made under sections 3123.01 to 3123.07 of the Revised Code ~~in accordance with section 3770.071 of the Revised Code.~~ 32650
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~~(E)~~(B) Upon the data match program's implementation, the department, in consultation with the commission, shall promulgate rules to facilitate withholding, in appropriate circumstances and in accordance with section 3770.071 of the Revised Code, by the commission or its lottery sales agents or lottery agents of an amount sufficient to satisfy any past due support owed by an obligor from a lottery prize award owed to the obligor up to the amount of the award. The rules shall describe an expedited method for withholding, and the time frame for transmission of the amount withheld to the department. 32657
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~~(F)~~(C) As used in this section, "lottery prize award" has the same meaning as in section 3770.10 of the Revised Code. 32667
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Sec. 3123.90. (A) As used in this section: 32669

(1) "Casino facility," "casino operator," and "management company" have the meanings defined in section 3772.01 of the Revised Code. 32670
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(2) "Sports gaming proprietor" has the meaning defined in section 3775.01 of the Revised Code. 32673
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(B) The department of job and family services shall develop and implement a real time data match program with each casino facility's casino operator or management company and with each sports gaming proprietor to identify obligors who are subject to a final and enforceable determination of default made under sections 3123.01 to 3123.07 of the Revised Code. 32675
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(C) Upon the data match program's implementation, if a person receives a payout of winnings at a casino facility or from sports gaming in an amount for which reporting to the internal revenue service of the amount is required by section 6041 of the Internal Revenue Code, as amended, the casino operator, management company, or sports gaming proprietor shall refer to the data match program to determine if the person entitled to the winnings is in default under a support order. If the data match program indicates that the person is in default, the casino operator, management company, or sports gaming proprietor shall withhold from the person's winnings an amount sufficient to satisfy any past due support owed by the obligor identified in the data match up to the amount of the winnings. 32681
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(D) Not later than fourteen days after withholding the amount, the casino operator, management company, or sports gaming proprietor shall electronically transmit any amount withheld to the department as payment on the support obligation. 32694
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(E) The department, in consultation with the Ohio casino control commission, may adopt rules under Chapter 119. of the Revised Code as are necessary for implementation of this section. 32698
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Sec. 3125.18. A child support enforcement agency shall administer a Title IV-A program identified under division (A)(4)(c) or ~~(g)~~(h) of section 5101.80 of the Revised Code that 32701
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the department of job and family services provides for the agency 32704
to administer under the department's supervision pursuant to 32705
section 5101.801 of the Revised Code. 32706

Sec. 3301.07. The state board of education shall exercise 32707
under the acts of the general assembly general supervision of the 32708
system of public education in the state. In addition to the powers 32709
otherwise imposed on the state board under the provisions of law, 32710
the board shall have the powers described in this section. 32711

(A) The state board shall exercise policy forming, planning, 32712
and evaluative functions for the public schools of the state 32713
except as otherwise provided by law. 32714

(B)(1) The state board shall exercise leadership in the 32715
improvement of public education in this state, and administer the 32716
educational policies of this state relating to public schools, and 32717
relating to instruction and instructional material, building and 32718
equipment, transportation of pupils, administrative 32719
responsibilities of school officials and personnel, and finance 32720
and organization of school districts, educational service centers, 32721
and territory. Consultative and advisory services in such matters 32722
shall be provided by the board to school districts and educational 32723
service centers of this state. 32724

(2) The state board also shall develop a standard of 32725
financial reporting which shall be used by each school district 32726
board of education and each governing board of an educational 32727
service center, each governing authority of a community school 32728
established under Chapter 3314., each governing body of a STEM 32729
school established under Chapter ~~3328~~. 3326., and each board of 32730
trustees of a college-preparatory boarding school established 32731
under Chapter 3328. of the Revised Code to make its financial 32732
information and annual budgets for each school building under its 32733
control available to the public in a format understandable by the 32734

average citizen. The format shall show, both at the district and 32735
at the school building level, revenue by source; expenditures for 32736
salaries, wages, and benefits of employees, showing such amounts 32737
separately for classroom teachers, other employees required to 32738
hold licenses issued pursuant to sections 3319.22 to 3319.31 of 32739
the Revised Code, and all other employees; expenditures other than 32740
for personnel, by category, including utilities, textbooks and 32741
other educational materials, equipment, permanent improvements, 32742
pupil transportation, extracurricular athletics, and other 32743
extracurricular activities; and per pupil expenditures. The format 32744
shall also include information on total revenue and expenditures, 32745
per pupil revenue, and expenditures for both classroom and 32746
nonclassroom purposes, as defined by the standards adopted under 32747
section 3302.20 of the Revised Code in the aggregate and for each 32748
subgroup of students, as defined by section 3317.40 of the Revised 32749
Code, that receives services provided for by state or federal 32750
funding. 32751

(3) Each school district board, governing authority, 32752
governing body, or board of trustees, or its respective designee, 32753
shall annually report, to the department of education, all 32754
financial information required by the standards for financial 32755
reporting, as prescribed by division (B)(2) of this section and 32756
adopted by the state board. The department shall make all reports 32757
submitted pursuant to this division available in such a way that 32758
allows for comparison between financial information included in 32759
these reports and financial information included in reports 32760
produced prior to July 1, 2013. The department shall post these 32761
reports in a prominent location on its web site and shall notify 32762
each school when reports are made available. 32763

(C) The state board shall administer and supervise the 32764
allocation and distribution of all state and federal funds for 32765
public school education under the provisions of law, and may 32766

prescribe such systems of accounting as are necessary and proper 32767
to this function. It may require county auditors and treasurers, 32768
boards of education, educational service center governing boards, 32769
treasurers of such boards, teachers, and other school officers and 32770
employees, or other public officers or employees, to file with it 32771
such reports as it may prescribe relating to such funds, or to the 32772
management and condition of such funds. 32773

(D)(1) Wherever in Titles IX, XXIII, XXIX, XXXIII, XXXVII, 32774
XLVII, and LI of the Revised Code a reference is made to standards 32775
prescribed under this section or division (D) of this section, 32776
that reference shall be construed to refer to the standards 32777
prescribed under division (D)(2) of this section, unless the 32778
context specifically indicates a different meaning or intent. 32779

(2) The state board shall formulate and prescribe minimum 32780
standards to be applied to all elementary and secondary schools in 32781
this state for the purpose of providing children access to a 32782
general education of high quality according to the learning needs 32783
of each individual, including students with disabilities, 32784
economically disadvantaged students, English learners, and 32785
students identified as gifted. Such standards shall provide 32786
adequately for: the licensing of teachers, administrators, and 32787
other professional personnel and their assignment according to 32788
training and qualifications; efficient and effective instructional 32789
materials and equipment, including library facilities; the proper 32790
organization, administration, and supervision of each school, 32791
including regulations for preparing all necessary records and 32792
reports and the preparation of a statement of policies and 32793
objectives for each school; the provision of safe buildings, 32794
grounds, health and sanitary facilities and services; admission of 32795
pupils, and such requirements for their promotion from grade to 32796
grade as will assure that they are capable and prepared for the 32797
level of study to which they are certified; requirements for 32798

graduation; and such other factors as the board finds necessary. 32799

The state board shall base any standards governing the 32800
promotion of students or requirements for graduation on the 32801
ability of students, at any grade level, to earn credits or 32802
advance upon demonstration of mastery of knowledge and skills 32803
through competency-based learning models. Credits of grade level 32804
advancement shall not require a minimum number of days or hours in 32805
a classroom. 32806

The state board shall base any standards governing the 32807
assignment of staff on ensuring each school has a sufficient 32808
number of teachers to ensure a student has an appropriate level of 32809
interaction to meet each student's personal learning goals. 32810

In the formulation and administration of such standards for 32811
nonpublic schools the board shall also consider the particular 32812
needs, methods and objectives of those schools, provided they do 32813
not conflict with the provision of a general education of a high 32814
quality and provided that regular procedures shall be followed for 32815
promotion from grade to grade of pupils who have met the 32816
educational requirements prescribed. 32817

(3) In addition to the minimum standards required by division 32818
(D)(2) of this section, the state board may formulate and 32819
prescribe the following additional minimum operating standards for 32820
school districts: 32821

(a) Standards for the effective and efficient organization, 32822
administration, and supervision of each school district with a 32823
commitment to high expectations for every student based on the 32824
learning needs of each individual, including students with 32825
disabilities, economically disadvantaged students, English 32826
learners, and students identified as gifted, and commitment to 32827
closing the achievement gap without suppressing the achievement 32828
levels of higher achieving students so that all students achieve 32829

core knowledge and skills in accordance with the statewide 32830
academic standards adopted under section 3301.079 of the Revised 32831
Code; 32832

(b) Standards for the establishment of business advisory 32833
councils under section 3313.82 of the Revised Code; 32834

(c) Standards for school district buildings that may require 32835
the effective and efficient organization, administration, and 32836
supervision of each school district building with a commitment to 32837
high expectations for every student based on the learning needs of 32838
each individual, including students with disabilities, 32839
economically disadvantaged students, English learners, and 32840
students identified as gifted, and commitment to closing the 32841
achievement gap without suppressing the achievement levels of 32842
higher achieving students so that all students achieve core 32843
knowledge and skills in accordance with the statewide academic 32844
standards adopted under section 3301.079 of the Revised Code. 32845

(E) The state board may require as part of the health 32846
curriculum information developed under section 2108.34 of the 32847
Revised Code promoting the donation of anatomical gifts pursuant 32848
to Chapter 2108. of the Revised Code and may provide the 32849
information to high schools, educational service centers, and 32850
joint vocational school district boards of education; 32851

(F) The state board shall prepare and submit annually to the 32852
governor and the general assembly a report on the status, needs, 32853
and major problems of the public schools of the state, with 32854
recommendations for necessary legislative action and a ten-year 32855
projection of the state's public and nonpublic school enrollment, 32856
by year and by grade level. 32857

(G) The state board shall prepare and submit to the director 32858
of budget and management the biennial budgetary requests of the 32859
state board of education, for its agencies and for the public 32860

schools of the state. 32861

(H) The state board shall cooperate with federal, state, and 32862
local agencies concerned with the health and welfare of children 32863
and youth of the state. 32864

(I) The state board shall require such reports from school 32865
districts and educational service centers, school officers, and 32866
employees as are necessary and desirable. The superintendents and 32867
treasurers of school districts and educational service centers 32868
shall certify as to the accuracy of all reports required by law or 32869
state board or state department of education rules to be submitted 32870
by the district or educational service center and which contain 32871
information necessary for calculation of state funding. Any 32872
superintendent who knowingly falsifies such report shall be 32873
subject to license revocation pursuant to section 3319.31 of the 32874
Revised Code. 32875

(J) In accordance with Chapter 119. of the Revised Code, the 32876
state board shall adopt procedures, standards, and guidelines for 32877
the education of children with disabilities pursuant to Chapter 32878
3323. of the Revised Code, including procedures, standards, and 32879
guidelines governing programs and services operated by county 32880
boards of developmental disabilities pursuant to section 3323.09 32881
of the Revised Code. 32882

(K) For the purpose of encouraging the development of special 32883
programs of education for academically gifted children, the state 32884
board shall employ competent persons to analyze and publish data, 32885
promote research, advise and counsel with boards of education, and 32886
encourage the training of teachers in the special instruction of 32887
gifted children. The board may provide financial assistance out of 32888
any funds appropriated for this purpose to boards of education and 32889
educational service center governing boards for developing and 32890
conducting programs of education for academically gifted children. 32891

(L) The state board shall require that all public schools 32892
emphasize and encourage, within existing units of study, the 32893
teaching of energy and resource conservation as recommended to 32894
each district board of education by leading business persons 32895
involved in energy production and conservation, beginning in the 32896
primary grades. 32897

(M) The state board shall formulate and prescribe minimum 32898
standards requiring the use of phonics as a technique in the 32899
teaching of reading in grades kindergarten through ~~three~~ five. In 32900
addition, the state board shall provide in-service training 32901
programs for teachers on the use of phonics as a technique in the 32902
teaching of reading in grades kindergarten through ~~three~~ five. 32903

(N) The state board may adopt rules necessary for carrying 32904
out any function imposed on it by law, and may provide rules as 32905
are necessary for its government and the government of its 32906
employees, and may delegate to the superintendent of public 32907
instruction the management and administration of any function 32908
imposed on it by law. It may provide for the appointment of board 32909
members to serve on temporary committees established by the board 32910
for such purposes as are necessary. Permanent or standing 32911
committees shall not be created. 32912

(O) Upon application from the board of education of a school 32913
district, the superintendent of public instruction may issue a 32914
waiver exempting the district from compliance with the standards 32915
adopted under divisions (B)(2) and (D) of this section, as they 32916
relate to the operation of a school operated by the district. The 32917
state board shall adopt standards for the approval or disapproval 32918
of waivers under this division. The state superintendent shall 32919
consider every application for a waiver, and shall determine 32920
whether to grant or deny a waiver in accordance with the state 32921
board's standards. For each waiver granted, the state 32922
superintendent shall specify the period of time during which the 32923

waiver is in effect, which shall not exceed five years. A district board may apply to renew a waiver.

Sec. 3301.071. (A)(1) In the case of nontax-supported schools, standards for teacher certification prescribed under section 3301.07 of the Revised Code shall provide for certification, without further educational requirements, of any administrator, supervisor, or teacher who has attended and received a bachelor's degree or a master's degree from a college or university accredited by a national or regional association in the United States except that, at the discretion of the state board of education, this requirement may be met by having an equivalent degree from a foreign college or university of comparable standing.

(2) In the case of nonchartered, nontax-supported schools, the standards for teacher certification prescribed under section 3301.07 of the Revised Code shall provide for certification, without further educational requirements, of any administrator, supervisor, or teacher who has attended and received a diploma from a "bible college" or "bible institute" described in division (E) of section 1713.02 of the Revised Code.

(3) A certificate issued under division (A)(3) of this section shall be valid only for teaching foreign language, music, religion, computer technology, or fine arts.

Notwithstanding division (A)(1) of this section, the standards for teacher certification prescribed under section 3301.07 of the Revised Code shall provide for certification of a person as a teacher upon receipt by the state board of an affidavit signed by the chief administrative officer of a chartered nonpublic school seeking to employ the person, stating that the person meets one of the following conditions:

(a) The person has specialized knowledge, skills, or

expertise that qualifies the person to provide instruction. 32955

(b) The person has provided to the chief administrative 32956
officer evidence of at least three years of teaching experience in 32957
a public or nonpublic school. 32958

(c) The person has provided to the chief administrative 32959
officer evidence of completion of a teacher training program named 32960
in the affidavit. 32961

(B) Each person applying for a certificate under this section 32962
for purposes of serving in a nonpublic school chartered by the 32963
state board under section 3301.16 of the Revised Code shall pay a 32964
fee in the amount established under division (A) of section 32965
3319.51 of the Revised Code. Any fees received under this division 32966
shall be paid into the state treasury to the credit of the state 32967
board of education certification fund established under division 32968
(B) of section 3319.51 of the Revised Code. 32969

(C) A person applying for or holding any certificate pursuant 32970
to this section for purposes of serving in a nonpublic school 32971
chartered by the state board is subject to sections 3123.41 to 32972
3123.50 of the Revised Code and any applicable rules adopted under 32973
section 3123.63 of the Revised Code and sections 3319.31 and 32974
3319.311 of the Revised Code. 32975

(D) Divisions (B) and (C) of this section and sections 32976
3319.291, 3319.31, and 3319.311 of the Revised Code do not apply 32977
to any administrators, supervisors, or teachers in nonchartered, 32978
nontax-supported schools. 32979

Sec. 3301.0711. (A) The department of education shall: 32980

(1) Annually furnish to, grade, and score all assessments 32981
required by divisions (A)(1) and (B)(1) of section 3301.0710 of 32982
the Revised Code to be administered by city, local, exempted 32983
village, and joint vocational school districts, except that each 32984

district shall score any assessment administered pursuant to 32985
division (B)(10) of this section. Each assessment so furnished 32986
shall include the data verification code of the student to whom 32987
the assessment will be administered, as assigned pursuant to 32988
division (D)(2) of section 3301.0714 of the Revised Code. In 32989
furnishing the practice versions of Ohio graduation tests 32990
prescribed by division (D) of section 3301.0710 of the Revised 32991
Code, the department shall make the tests available on its web 32992
site for reproduction by districts. In awarding contracts for 32993
grading assessments, the department shall give preference to 32994
Ohio-based entities employing Ohio residents. 32995

(2) Adopt rules for the ethical use of assessments and 32996
prescribing the manner in which the assessments prescribed by 32997
section 3301.0710 of the Revised Code shall be administered to 32998
students. 32999

(B) Except as provided in divisions (C) and (J) of this 33000
section, the board of education of each city, local, and exempted 33001
village school district shall, in accordance with rules adopted 33002
under division (A) of this section: 33003

(1) ~~Administer~~ Until the 2022-2023 school year, administer 33004
the English language arts assessments prescribed under division 33005
(A)(1)(a) of section 3301.0710 of the Revised Code twice annually 33006
to all students in the third grade who have not attained the score 33007
designated for that assessment under division (A)(2)(c) of section 33008
3301.0710 of the Revised Code. Beginning with the 2023-2024 school 33009
year, the English language arts assessments shall be administered 33010
only once to all students in the third grade. 33011

(2) Administer the mathematics assessment prescribed under 33012
division (A)(1)(a) of section 3301.0710 of the Revised Code at 33013
least once annually to all students in the third grade. 33014

(3) Administer the assessments prescribed under division 33015

(A)(1)(b) of section 3301.0710 of the Revised Code at least once annually to all students in the fourth grade.	33016 33017
(4) Administer the assessments prescribed under division (A)(1)(c) of section 3301.0710 of the Revised Code at least once annually to all students in the fifth grade.	33018 33019 33020
(5) Administer the assessments prescribed under division (A)(1)(d) of section 3301.0710 of the Revised Code at least once annually to all students in the sixth grade.	33021 33022 33023
(6) Administer the assessments prescribed under division (A)(1)(e) of section 3301.0710 of the Revised Code at least once annually to all students in the seventh grade.	33024 33025 33026
(7) Administer the assessments prescribed under division (A)(1)(f) of section 3301.0710 of the Revised Code at least once annually to all students in the eighth grade.	33027 33028 33029
(8) Except as provided in division (B)(9) of this section, administer any assessment prescribed under division (B)(1) of section 3301.0710 of the Revised Code as follows:	33030 33031 33032
(a) At least once annually to all tenth grade students and at least twice annually to all students in eleventh or twelfth grade who have not yet attained the score on that assessment designated under that division;	33033 33034 33035 33036
(b) To any person who has successfully completed the curriculum in any high school or the individualized education program developed for the person by any high school pursuant to section 3323.08 of the Revised Code but has not received a high school diploma and who requests to take such assessment, at any time such assessment is administered in the district.	33037 33038 33039 33040 33041 33042
(9) In lieu of the board of education of any city, local, or exempted village school district in which the student is also enrolled, the board of a joint vocational school district shall	33043 33044 33045

administer any assessment prescribed under division (B)(1) of 33046
section 3301.0710 of the Revised Code at least twice annually to 33047
any student enrolled in the joint vocational school district who 33048
has not yet attained the score on that assessment designated under 33049
that division. A board of a joint vocational school district may 33050
also administer such an assessment to any student described in 33051
division (B)(8)(b) of this section. 33052

(10) If the district has a three-year average graduation rate 33053
of not more than seventy-five per cent, administer each assessment 33054
prescribed by division (D) of section 3301.0710 of the Revised 33055
Code in September to all ninth grade students who entered ninth 33056
grade prior to July 1, 2014. 33057

Except as provided in section 3313.614 of the Revised Code 33058
for administration of an assessment to a person who has fulfilled 33059
the curriculum requirement for a high school diploma but has not 33060
passed one or more of the required assessments, the assessments 33061
prescribed under division (B)(1) of section 3301.0710 of the 33062
Revised Code shall not be administered after the date specified in 33063
the rules adopted by the state board of education under division 33064
(D)(1) of section 3301.0712 of the Revised Code. 33065

(11)(a) Except as provided in divisions (B)(11)(b) and (c) of 33066
this section, administer the assessments prescribed by division 33067
(B)(2) of section 3301.0710 and section 3301.0712 of the Revised 33068
Code in accordance with the timeline and plan for implementation 33069
of those assessments prescribed by rule of the state board adopted 33070
under division (D)(1) of section 3301.0712 of the Revised Code; 33071

(b) A student who has presented evidence to the district or 33072
school of having satisfied the condition prescribed by division 33073
(A)(1) of section 3313.618 of the Revised Code to qualify for a 33074
high school diploma prior to the date of the administration of the 33075
assessment prescribed under division (B)(1) of section 3301.0712 33076
of the Revised Code shall not be required to take that assessment. 33077

However, no board shall prohibit a student who is not required to 33078
take such assessment from taking the assessment. 33079

(c) A student shall not be required to retake the Algebra I 33080
end-of-course examination or the English language arts II 33081
end-of-course examination prescribed under division (B)(2) of 33082
section 3301.0712 of the Revised Code in grades nine through 33083
twelve if the student demonstrates at least a proficient level of 33084
skill, as prescribed under division (B)(5)(a) of that section, or 33085
achieves a competency score, as prescribed under division (B)(10) 33086
of that section, in an administration of the examination prior to 33087
grade nine. 33088

(C)(1)(a) In the case of a student receiving special 33089
education services under Chapter 3323. of the Revised Code, the 33090
individualized education program developed for the student under 33091
that chapter shall specify the manner in which the student will 33092
participate in the assessments administered under this section, 33093
except that a student with significant cognitive disabilities to 33094
whom an alternate assessment is administered in accordance with 33095
division (C)(1) of this section and a student determined to have a 33096
disability that includes an intellectual disability as outlined in 33097
guidance issued by the department shall not be required to take 33098
the assessment prescribed under division (B)(1) of section 33099
3301.0712 of the Revised Code. The individualized education 33100
program may excuse the student from taking any particular 33101
assessment required to be administered under this section if it 33102
instead specifies an alternate assessment method approved by the 33103
department of education as conforming to requirements of federal 33104
law for receipt of federal funds for disadvantaged pupils. To the 33105
extent possible, the individualized education program shall not 33106
excuse the student from taking an assessment unless no reasonable 33107
accommodation can be made to enable the student to take the 33108
assessment. No board shall prohibit a student who is not required 33109

to take an assessment under division (C)(1) of this section from 33110
taking the assessment. 33111

(b) Any alternate assessment approved by the department for a 33112
student under this division shall produce measurable results 33113
comparable to those produced by the assessment it replaces in 33114
order to allow for the student's results to be included in the 33115
data compiled for a school district or building under section 33116
3302.03 of the Revised Code. 33117

(c)(i) Any student enrolled in a chartered nonpublic school 33118
who has been identified, based on an evaluation conducted in 33119
accordance with section 3323.03 of the Revised Code or section 504 33120
of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 33121
794, as amended, as a child with a disability shall be excused 33122
from taking any particular assessment required to be administered 33123
under this section if either of the following apply: 33124

(I) A plan developed for the student pursuant to rules 33125
adopted by the state board excuses the student from taking that 33126
assessment. 33127

(II) The chartered nonpublic school develops a written plan 33128
in which the school, in consultation with the student's parents, 33129
determines that an assessment or alternative assessment with 33130
accommodations does not accurately assess the student's academic 33131
performance. The plan shall include an academic profile of the 33132
student's academic performance and shall be reviewed annually to 33133
determine if the student's needs continue to require excusal from 33134
taking the assessment. 33135

(ii) A student with significant cognitive disabilities to 33136
whom an alternate assessment is administered in accordance with 33137
division (C)(1) of this section and a student determined to have a 33138
disability that includes an intellectual disability as outlined in 33139
guidance issued by the department shall not be required to take 33140

the assessment prescribed under division (B)(1) of section 33141
3301.0712 of the Revised Code. 33142

(iii) In the case of any student so excused from taking an 33143
assessment under division (C)(1)(c) of this section, the chartered 33144
nonpublic school shall not prohibit the student from taking the 33145
assessment. 33146

(2) A district board may, for medical reasons or other good 33147
cause, excuse a student from taking an assessment administered 33148
under this section on the date scheduled, but that assessment 33149
shall be administered to the excused student not later than nine 33150
days following the scheduled date. The district board shall 33151
annually report the number of students who have not taken one or 33152
more of the assessments required by this section to the state 33153
board not later than the thirtieth day of June. 33154

~~(3) As used in this division, "English learner" has the same 33155
meaning as in 20 U.S.C. 7801. 33156~~

No school district board shall excuse any English learner 33157
from taking any particular assessment required to be administered 33158
under this section, except ~~as follows:~~ 33159

~~(a) Any that any English learner who has been enrolled in 33160
United States schools for less than two years and for whom no 33161
appropriate accommodations are available based on guidance issued 33162
by the department shall not be required to take the assessment 33163
prescribed under division (B)(1) of section 3301.0712 of the 33164
Revised Code. 33165~~

~~(b) Any English learner who has been enrolled in United 33166
States schools for less than one full school year shall not be 33167
required to take any reading, writing, or English language arts 33168
assessment. 33169~~

However, no board shall prohibit an English learner who is 33170
not required to take ~~an that assessment under division (C)(3) of~~ 33171

~~this section~~ from taking the assessment. A 33172

A board may permit any English learner to take an assessment 33173
required to be administered under this section with appropriate 33174
accommodations, as determined by the department. ~~For~~ 33175

For each English learner, each school district shall annually 33176
assess that student's progress in learning English, in accordance 33177
with procedures approved by the department. 33178

The guidance and procedures issued by the department for the 33179
purposes of division (C)(3) of this section shall comply with the 33180
state board's rules adopted under section 3301.0731 of the Revised 33181
Code. 33182

(4)(a) The governing authority of a chartered nonpublic 33183
school may excuse an English learner from taking any assessment 33184
administered under this section. 33185

(b) No governing authority shall require an English learner 33186
who has been enrolled in United States schools for less than two 33187
years and for whom no appropriate accommodations are available 33188
based on guidance issued by the department to take the assessment 33189
prescribed under division (B)(1) of section 3301.0712 of the 33190
Revised Code. 33191

(c) No governing authority shall prohibit an English learner 33192
from taking an assessment from which the student was excused under 33193
division (C)(4) of this section. 33194

(D)(1) In the school year next succeeding the school year in 33195
which the assessments prescribed by division (A)(1) or (B)(1) of 33196
section 3301.0710 of the Revised Code or former division (A)(1), 33197
(A)(2), or (B) of section 3301.0710 of the Revised Code as it 33198
existed prior to September 11, 2001, are administered to any 33199
student, the board of education of any school district in which 33200
the student is enrolled in that year shall provide to the student 33201
intervention services commensurate with the student's performance, 33202

including any intensive intervention required under section 33203
3313.608 of the Revised Code, in any skill in which the student 33204
failed to demonstrate at least a score at the proficient level on 33205
the assessment. 33206

(2) Following any administration of the assessments 33207
prescribed by division (D) of section 3301.0710 of the Revised 33208
Code to ninth grade students, each school district that has a 33209
three-year average graduation rate of not more than seventy-five 33210
per cent shall determine for each high school in the district 33211
whether the school shall be required to provide intervention 33212
services to any students who took the assessments. In determining 33213
which high schools shall provide intervention services based on 33214
the resources available, the district shall consider each school's 33215
graduation rate and scores on the practice assessments. The 33216
district also shall consider the scores received by ninth grade 33217
students on the English language arts and mathematics assessments 33218
prescribed under division (A)(1)(f) of section 3301.0710 of the 33219
Revised Code in the eighth grade in determining which high schools 33220
shall provide intervention services. 33221

Each high school selected to provide intervention services 33222
under this division shall provide intervention services to any 33223
student whose results indicate that the student is failing to make 33224
satisfactory progress toward being able to attain scores at the 33225
proficient level on the Ohio graduation tests. Intervention 33226
services shall be provided in any skill in which a student 33227
demonstrates unsatisfactory progress and shall be commensurate 33228
with the student's performance. Schools shall provide the 33229
intervention services prior to the end of the school year, during 33230
the summer following the ninth grade, in the next succeeding 33231
school year, or at any combination of those times. 33232

(E) Except as provided in section 3313.608 of the Revised 33233
Code and division (N) of this section, no school district board of 33234

education shall utilize any student's failure to attain a 33235
specified score on an assessment administered under this section 33236
as a factor in any decision to deny the student promotion to a 33237
higher grade level. However, a district board may choose not to 33238
promote to the next grade level any student who does not take an 33239
assessment administered under this section or make up an 33240
assessment as provided by division (C)(2) of this section and who 33241
is not exempt from the requirement to take the assessment under 33242
division (C)(3) of this section. 33243

(F) No person shall be charged a fee for taking any 33244
assessment administered under this section. 33245

(G)(1) Each school district board shall designate one 33246
location for the collection of assessments administered in the 33247
spring under division (B)(1) of this section and those 33248
administered under divisions (B)(2) to (7) of this section. Each 33249
district board shall submit the assessments to the entity with 33250
which the department contracts for the scoring of the assessments 33251
as follows: 33252

(a) If the district's total enrollment in grades kindergarten 33253
through twelve during the first full school week of October was 33254
less than two thousand five hundred, not later than the Friday 33255
after all of the assessments have been administered; 33256

(b) If the district's total enrollment in grades kindergarten 33257
through twelve during the first full school week of October was 33258
two thousand five hundred or more, but less than seven thousand, 33259
not later than the Monday after all of the assessments have been 33260
administered; 33261

(c) If the district's total enrollment in grades kindergarten 33262
through twelve during the first full school week of October was 33263
seven thousand or more, not later than the Tuesday after all of 33264
the assessments have been administered. 33265

However, any assessment that a student takes during the 33266
make-up period described in division (C)(2) of this section shall 33267
be submitted not later than the Friday following the day the 33268
student takes the assessment. 33269

(2) The department or an entity with which the department 33270
contracts for the scoring of the assessment shall send to each 33271
school district board a list of the individual scores of all 33272
persons taking a state achievement assessment as follows: 33273

(a) Except as provided in division (G)(2)(b) or (c) of this 33274
section, within forty-five days after the administration of the 33275
assessments prescribed by sections 3301.0710 and 3301.0712 of the 33276
Revised Code, but in no case shall the scores be returned later 33277
than the thirtieth day of June following the administration; 33278

(b) In the case of the third-grade English language arts 33279
assessment, within forty-five days after the administration of 33280
that assessment, but in no case shall the scores be returned later 33281
than the fifteenth day of June following the administration; 33282

(c) In the case of the writing component of an assessment or 33283
end-of-course examination in the area of English language arts, 33284
except for the third-grade English language arts assessment, the 33285
results may be sent after forty-five days of the administration of 33286
the writing component, but in no case shall the scores be returned 33287
later than the thirtieth day of June following the administration. 33288

(3) For assessments administered under this section by a 33289
joint vocational school district, the department or entity shall 33290
also send to each city, local, or exempted village school district 33291
a list of the individual scores of any students of such city, 33292
local, or exempted village school district who are attending 33293
school in the joint vocational school district. 33294

(4) Beginning with the 2019-2020 school year, a school 33295
district, other public school, or chartered nonpublic school may 33296

administer the third-grade English language arts or mathematics 33297
assessment, or both, in a paper format in any school year for 33298
which the district board of education or school governing body 33299
adopts a resolution indicating that the district or school chooses 33300
to administer the assessment in a paper format. The board or 33301
governing body shall submit a copy of the resolution to the 33302
department of education not later than the first day of May prior 33303
to the school year for which it will apply. If the resolution is 33304
submitted, the district or school shall administer the assessment 33305
in a paper format to all students in the third grade, except that 33306
any student whose individualized education program or plan 33307
developed under section 504 of the "Rehabilitation Act of 1973," 33308
87 Stat. 355, 29 U.S.C. 794, as amended, specifies that taking the 33309
assessment in an online format is an appropriate accommodation for 33310
the student may take the assessment in an online format. 33311

(H) Individual scores on any assessments administered under 33312
this section shall be released by a district board only in 33313
accordance with section 3319.321 of the Revised Code and the rules 33314
adopted under division (A) of this section. No district board or 33315
its employees shall utilize individual or aggregate results in any 33316
manner that conflicts with rules for the ethical use of 33317
assessments adopted pursuant to division (A) of this section. 33318

(I) Except as provided in division (G) of this section, the 33319
department or an entity with which the department contracts for 33320
the scoring of the assessment shall not release any individual 33321
scores on any assessment administered under this section. The 33322
state board shall adopt rules to ensure the protection of student 33323
confidentiality at all times. The rules may require the use of the 33324
data verification codes assigned to students pursuant to division 33325
(D)(2) of section 3301.0714 of the Revised Code to protect the 33326
confidentiality of student scores. 33327

(J) Notwithstanding division (D) of section 3311.52 of the 33328

Revised Code, this section does not apply to the board of 33329
education of any cooperative education school district except as 33330
provided under rules adopted pursuant to this division. 33331

(1) In accordance with rules that the state board shall 33332
adopt, the board of education of any city, exempted village, or 33333
local school district with territory in a cooperative education 33334
school district established pursuant to divisions (A) to (C) of 33335
section 3311.52 of the Revised Code may enter into an agreement 33336
with the board of education of the cooperative education school 33337
district for administering any assessment prescribed under this 33338
section to students of the city, exempted village, or local school 33339
district who are attending school in the cooperative education 33340
school district. 33341

(2) In accordance with rules that the state board shall 33342
adopt, the board of education of any city, exempted village, or 33343
local school district with territory in a cooperative education 33344
school district established pursuant to section 3311.521 of the 33345
Revised Code shall enter into an agreement with the cooperative 33346
district that provides for the administration of any assessment 33347
prescribed under this section to both of the following: 33348

(a) Students who are attending school in the cooperative 33349
district and who, if the cooperative district were not 33350
established, would be entitled to attend school in the city, 33351
local, or exempted village school district pursuant to section 33352
3313.64 or 3313.65 of the Revised Code; 33353

(b) Persons described in division (B)(8)(b) of this section. 33354

Any assessment of students pursuant to such an agreement 33355
shall be in lieu of any assessment of such students or persons 33356
pursuant to this section. 33357

(K)(1)(a) Except as otherwise provided in division (K)(1) or 33358
(2) of this section, each chartered nonpublic school for which at 33359

least sixty-five per cent of its total enrollment is made up of 33360
students who are participating in state scholarship programs shall 33361
administer the assessments prescribed by division (A) of section 33362
3301.0710 of the Revised Code or an alternative standardized 33363
assessment determined by the department. In accordance with 33364
procedures and deadlines prescribed by the department, the parent 33365
or guardian of a student enrolled in the school who is not 33366
participating in a state scholarship program may submit notice to 33367
the chief administrative officer of the school that the parent or 33368
guardian does not wish to have the student take the assessments 33369
prescribed for the student's grade level under division (A) of 33370
section 3301.0710 of the Revised Code. If a parent or guardian 33371
submits an opt-out notice, the school shall not administer the 33372
assessments to that student. This option does not apply to any 33373
assessment required for a high school diploma under section 33374
3313.612 of the Revised Code. 33375

(b) Any chartered nonpublic school that enrolls students who 33376
are participating in state scholarship programs may administer an 33377
alternative standardized assessment determined by the department 33378
instead of the assessments prescribed by division (A) of section 33379
3301.0710 of the Revised Code. 33380

Each chartered nonpublic school subject to division (K)(1)(a) 33381
or (b) of this section shall report the results of each assessment 33382
administered under those divisions to the department. 33383

(2) A chartered nonpublic school may submit to the 33384
superintendent of public instruction a request for a waiver from 33385
administering the elementary assessments prescribed by division 33386
(A) of section 3301.0710 of the Revised Code. The state 33387
superintendent shall approve or disapprove a request for a waiver 33388
submitted under division (K)(2) of this section. No waiver shall 33389
be approved for any school year prior to the 2015-2016 school 33390
year. 33391

To be eligible to submit a request for a waiver, a chartered nonpublic school shall meet the following conditions: 33392
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(a) At least ninety-five per cent of the students enrolled in the school are children with disabilities, as defined under section 3323.01 of the Revised Code, or have received a diagnosis by a school district or from a physician, including a neuropsychiatrist or psychiatrist, or a psychologist who is authorized to practice in this or another state as having a condition that impairs academic performance, such as dyslexia, dyscalculia, attention deficit hyperactivity disorder, or Asperger's syndrome. 33394
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(b) The school has solely served a student population described in division (K)(1)(a) of this section for at least ten years. 33403
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(c) The school provides to the department at least five years of records of internal testing conducted by the school that affords the department data required for accountability purposes, including diagnostic assessments and nationally standardized norm-referenced achievement assessments that measure reading and math skills. 33406
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(3) Any chartered nonpublic school that is not subject to division (K)(1) of this section may participate in the assessment program by administering any of the assessments prescribed by division (A) of section 3301.0710 of the Revised Code. The chief administrator of the school shall specify which assessments the school will administer. Such specification shall be made in writing to the superintendent of public instruction prior to the first day of August of any school year in which assessments are administered and shall include a pledge that the nonpublic school will administer the specified assessments in the same manner as public schools are required to do under this section and rules adopted by the department. 33412
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(4) The department of education shall furnish the assessments prescribed by section 3301.0710 of the Revised Code to each chartered nonpublic school that is subject to division (K)(1) of this section or participates under division (K)(3) of this section.

(L) If a chartered nonpublic school is educating students in grades nine through twelve, the following shall apply:

(1) Except as provided in division (L)(4) of this section, for a student who is enrolled in a chartered nonpublic school that is accredited through the independent schools association of the central states and who is attending the school under a state scholarship program, the student shall either take all of the assessments prescribed by division (B) of section 3301.0712 of the Revised Code or take an alternative assessment approved by the department under section 3313.619 of the Revised Code. However, a student who is excused from taking an assessment under division (C) of this section or has presented evidence to the chartered nonpublic school of having satisfied the condition prescribed by division (A)(1) of section 3313.618 of the Revised Code to qualify for a high school diploma prior to the date of the administration of the assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code shall not be required to take that assessment. No governing authority of a chartered nonpublic school shall prohibit a student who is not required to take such assessment from taking the assessment.

(2) For a student who is enrolled in a chartered nonpublic school that is accredited through the independent schools association of the central states, and who is not attending the school under a state scholarship program, the student shall not be required to take any assessment prescribed under section 3301.0712 or 3313.619 of the Revised Code.

(3)(a) Except as provided in divisions (L)(3)(b) and (4) of

this section, for a student who is enrolled in a chartered 33456
nonpublic school that is not accredited through the independent 33457
schools association of the central states, regardless of whether 33458
the student is attending or is not attending the school under a 33459
state scholarship program, the student shall do one of the 33460
following: 33461

(i) Take all of the assessments prescribed by division (B) of 33462
section 3301.0712 of the Revised Code; 33463

(ii) Take only the assessment prescribed by division (B)(1) 33464
of section 3301.0712 of the Revised Code, provided that the 33465
student's school publishes the results of that assessment for each 33466
graduating class. The published results of that assessment shall 33467
include the overall composite scores, mean scores, twenty-fifth 33468
percentile scores, and seventy-fifth percentile scores for each 33469
subject area of the assessment. 33470

(iii) Take an alternative assessment approved by the 33471
department under section 3313.619 of the Revised Code. 33472

(b) A student who is excused from taking an assessment under 33473
division (C) of this section or has presented evidence to the 33474
chartered nonpublic school of having satisfied the condition 33475
prescribed by division (A)(1) of section 3313.618 of the Revised 33476
Code to qualify for a high school diploma prior to the date of the 33477
administration of the assessment prescribed under division (B)(1) 33478
of section 3301.0712 of the Revised Code shall not be required to 33479
take that assessment. No governing authority of a chartered 33480
nonpublic school shall prohibit a student who is not required to 33481
take such assessment from taking the assessment. 33482

(4) The assessments prescribed by sections 3301.0712 and 33483
3313.619 of the Revised Code shall not be administered to any 33484
student attending the school, if the school meets all of the 33485
following conditions: 33486

(a) At least ninety-five per cent of the students enrolled in the school are children with disabilities, as defined under section 3323.01 of the Revised Code, or have received a diagnosis by a school district or from a physician, including a neuropsychologist or psychiatrist, or a psychologist who is authorized to practice in this or another state as having a condition that impairs academic performance, such as dyslexia, dyscalculia, attention deficit hyperactivity disorder, or Asperger's syndrome.

(b) The school has solely served a student population described in division (L)(4)(a) of this section for at least ten years.

(c) The school makes available to the department at least five years of records of internal testing conducted by the school that affords the department data required for accountability purposes, including growth in student achievement in reading or mathematics, or both, as measured by nationally norm-referenced assessments that have developed appropriate standards for students.

Division (L)(4) of this section applies to any student attending such school regardless of whether the student receives special education or related services and regardless of whether the student is attending the school under a state scholarship program.

(M)(1) The superintendent of ~~the state school for the blind and the superintendent of the state school for the deaf~~ Ohio deaf and blind education services shall administer the assessments described by sections 3301.0710 and 3301.0712 of the Revised Code for the state school for the blind and the state school for the deaf. ~~Each~~ The superintendent of Ohio deaf and blind education services shall administer the assessments in the same manner as district boards are required to do under this section and rules

adopted by the department of education and in conformity with 33519
division (C)(1)(a) of this section. 33520

(2) The department of education shall furnish the assessments 33521
described by sections 3301.0710 and 3301.0712 of the Revised Code 33522
to ~~each~~ the superintendent of Ohio deaf and blind education 33523
services. 33524

(N) Notwithstanding division (E) of this section, a school 33525
district may use a student's failure to attain a score in at least 33526
the proficient range on the mathematics assessment described by 33527
division (A)(1)(a) of section 3301.0710 of the Revised Code or on 33528
an assessment described by division (A)(1)(b), (c), (d), (e), or 33529
(f) of section 3301.0710 of the Revised Code as a factor in 33530
retaining that student in the current grade level. 33531

(O)(1) In the manner specified in divisions (O)(3), (4), (6), 33532
and (7) of this section, the assessments required by division 33533
(A)(1) of section 3301.0710 of the Revised Code shall become 33534
public records pursuant to section 149.43 of the Revised Code on 33535
the thirty-first day of July following the school year that the 33536
assessments were administered. 33537

(2) The department may field test proposed questions with 33538
samples of students to determine the validity, reliability, or 33539
appropriateness of questions for possible inclusion in a future 33540
year's assessment. The department also may use anchor questions on 33541
assessments to ensure that different versions of the same 33542
assessment are of comparable difficulty. 33543

Field test questions and anchor questions shall not be 33544
considered in computing scores for individual students. Field test 33545
questions and anchor questions may be included as part of the 33546
administration of any assessment required by division (A)(1) or 33547
(B) of section 3301.0710 and division (B) of section 3301.0712 of 33548
the Revised Code. 33549

(3) Any field test question or anchor question administered under division (O)(2) of this section shall not be a public record. Such field test questions and anchor questions shall be redacted from any assessments which are released as a public record pursuant to division (O)(1) of this section.

(4) This division applies to the assessments prescribed by division (A) of section 3301.0710 of the Revised Code.

(a) The first administration of each assessment, as specified in former section 3301.0712 of the Revised Code, shall be a public record.

(b) For subsequent administrations of each assessment prior to the 2011-2012 school year, not less than forty per cent of the questions on the assessment that are used to compute a student's score shall be a public record. The department shall determine which questions will be needed for reuse on a future assessment and those questions shall not be public records and shall be redacted from the assessment prior to its release as a public record. However, for each redacted question, the department shall inform each city, local, and exempted village school district of the statewide academic standard adopted by the state board under section 3301.079 of the Revised Code and the corresponding benchmark to which the question relates. The preceding sentence does not apply to field test questions that are redacted under division (O)(3) of this section.

(c) The administrations of each assessment in the 2011-2012, 2012-2013, and 2013-2014 school years shall not be a public record.

(5) Each assessment prescribed by division (B)(1) of section 3301.0710 of the Revised Code shall not be a public record.

(6)(a) Except as provided in division (O)(6)(b) of this section, for the administrations in the 2014-2015, 2015-2016, and

2016-2017 school years, questions on the assessments prescribed 33581
under division (A) of section 3301.0710 and division (B)(2) of 33582
section 3301.0712 of the Revised Code and the corresponding 33583
preferred answers that are used to compute a student's score shall 33584
become a public record as follows: 33585

(i) Forty per cent of the questions and preferred answers on 33586
the assessments on the thirty-first day of July following the 33587
administration of the assessment; 33588

(ii) Twenty per cent of the questions and preferred answers 33589
on the assessment on the thirty-first day of July one year after 33590
the administration of the assessment; 33591

(iii) The remaining forty per cent of the questions and 33592
preferred answers on the assessment on the thirty-first day of 33593
July two years after the administration of the assessment. 33594

The entire content of an assessment shall become a public 33595
record within three years of its administration. 33596

The department shall make the questions that become a public 33597
record under this division readily accessible to the public on the 33598
department's web site. Questions on the spring administration of 33599
each assessment shall be released on an annual basis, in 33600
accordance with this division. 33601

(b) No questions and corresponding preferred answers shall 33602
become a public record under division (O)(6) of this section after 33603
July 31, 2017. 33604

(7) Division (O)(7) of this section applies to the 33605
assessments prescribed by division (A) of section 3301.0710 and 33606
division (B)(2) of section 3301.0712 of the Revised Code. 33607

Beginning with the assessments administered in the spring of 33608
the 2017-2018 school year, not less than forty per cent of the 33609
questions on each assessment that are used to compute a student's 33610

score shall be a public record. The department shall determine 33611
which questions will be needed for reuse on a future assessment 33612
and those questions shall not be public records and shall be 33613
redacted from the assessment prior to its release as a public 33614
record. However, for each redacted question, the department shall 33615
inform each city, local, and exempted village school district of 33616
the corresponding statewide academic standard adopted by the state 33617
board under section 3301.079 of the Revised Code and the 33618
corresponding benchmark to which the question relates. The 33619
department is not required to provide corresponding standards and 33620
benchmarks to field test questions that are redacted under 33621
division (O)(3) of this section. 33622

(P) As used in this section: 33623

(1) "Three-year average" means the average of the most recent 33624
consecutive three school years of data. 33625

(2) "Dropout" means a student who withdraws from school 33626
before completing course requirements for graduation and who is 33627
not enrolled in an education program approved by the state board 33628
of education or an education program outside the state. "Dropout" 33629
does not include a student who has departed the country. 33630

(3) "Graduation rate" means the ratio of students receiving a 33631
diploma to the number of students who entered ninth grade four 33632
years earlier. Students who transfer into the district are added 33633
to the calculation. Students who transfer out of the district for 33634
reasons other than dropout are subtracted from the calculation. If 33635
a student who was a dropout in any previous year returns to the 33636
same school district, that student shall be entered into the 33637
calculation as if the student had entered ninth grade four years 33638
before the graduation year of the graduating class that the 33639
student joins. 33640

(4) "State scholarship programs" means the educational choice 33641

scholarship pilot program established under sections 3310.01 to 33642
3310.17 of the Revised Code, the autism scholarship program 33643
established under section 3310.41 of the Revised Code, the Jon 33644
Peterson special needs scholarship program established under 33645
sections 3310.51 to 3310.64 of the Revised Code, and the pilot 33646
project scholarship program established under sections 3313.974 to 33647
3313.979 of the Revised Code. 33648

(5) "Other public school" means a community school 33649
established under Chapter 3314., a STEM school established under 33650
Chapter 3326., or a college-preparatory boarding school 33651
established under Chapter 3328. of the Revised Code. 33652

(6) "English learner" has the same meaning as in section 33653
3301.0731 of the Revised Code. 33654

Sec. 3301.0714. (A) The state board of education shall adopt 33655
rules for a statewide education management information system. The 33656
rules shall require the state board to establish guidelines for 33657
the establishment and maintenance of the system in accordance with 33658
this section and the rules adopted under this section. The 33659
guidelines shall include: 33660

(1) Standards identifying and defining the types of data in 33661
the system in accordance with divisions (B) and (C) of this 33662
section; 33663

(2) Procedures for annually collecting and reporting the data 33664
to the state board in accordance with division (D) of this 33665
section; 33666

(3) Procedures for annually compiling the data in accordance 33667
with division (G) of this section; 33668

(4) Procedures for annually reporting the data to the public 33669
in accordance with division (H) of this section; 33670

(5) Standards to provide strict safeguards to protect the 33671

confidentiality of personally identifiable student data. 33672

(B) The guidelines adopted under this section shall require 33673
the data maintained in the education management information system 33674
to include at least the following: 33675

(1) Student participation and performance data, for each 33676
grade in each school district as a whole and for each grade in 33677
each school building in each school district, that includes: 33678

(a) The numbers of students receiving each category of 33679
instructional service offered by the school district, such as 33680
regular education instruction, vocational education instruction, 33681
specialized instruction programs or enrichment instruction that is 33682
part of the educational curriculum, instruction for gifted 33683
students, instruction for students with disabilities, and remedial 33684
instruction. The guidelines shall require instructional services 33685
under this division to be divided into discrete categories if an 33686
instructional service is limited to a specific subject, a specific 33687
type of student, or both, such as regular instructional services 33688
in mathematics, remedial reading instructional services, 33689
instructional services specifically for students gifted in 33690
mathematics or some other subject area, or instructional services 33691
for students with a specific type of disability. The categories of 33692
instructional services required by the guidelines under this 33693
division shall be the same as the categories of instructional 33694
services used in determining cost units pursuant to division 33695
(C)(3) of this section. 33696

(b) The numbers of students receiving support or 33697
extracurricular services for each of the support services or 33698
extracurricular programs offered by the school district, such as 33699
counseling services, health services, and extracurricular sports 33700
and fine arts programs. The categories of services required by the 33701
guidelines under this division shall be the same as the categories 33702
of services used in determining cost units pursuant to division 33703

(C)(4)(a) of this section.	33704
(c) Average student grades in each subject in grades nine through twelve;	33705 33706
(d) Academic achievement levels as assessed under sections 3301.0710, 3301.0711, and 3301.0712 of the Revised Code;	33707 33708
(e) The number of students designated as having a disabling condition pursuant to division (C)(1) of section 3301.0711 of the Revised Code;	33709 33710 33711
(f) The numbers of students reported to the state board pursuant to division (C)(2) of section 3301.0711 of the Revised Code;	33712 33713 33714
(g) Attendance rates and the average daily attendance for the year. For purposes of this division, a student shall be counted as present for any field trip that is approved by the school administration.	33715 33716 33717 33718
(h) Expulsion rates;	33719
(i) Suspension rates;	33720
(j) Dropout rates;	33721
(k) Rates of retention in grade;	33722
(l) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules;	33723 33724 33725
(m) Graduation rates, to be calculated in a manner specified by the department of education that reflects the rate at which students who were in the ninth grade three years prior to the current year complete school and that is consistent with nationally accepted reporting requirements;	33726 33727 33728 33729 33730
(n) Results of diagnostic assessments administered to kindergarten students as required under section 3301.0715 of the	33731 33732

Revised Code to permit a comparison of the academic readiness of 33733
kindergarten students. However, no district shall be required to 33734
report to the department the results of any diagnostic assessment 33735
administered to a kindergarten student, except for the language 33736
and reading assessment described in division (A)(2) of section 33737
3301.0715 of the Revised Code, if the parent of that student 33738
requests the district not to report those results. 33739

(o) Beginning on July 1, 2018, for each disciplinary action 33740
which is required to be reported under division ~~(B)(4)~~(B)(5) of 33741
this section, districts and schools also shall include an 33742
identification of the person or persons, if any, at whom the 33743
student's violent behavior that resulted in discipline was 33744
directed. The person or persons shall be identified by the 33745
respective classification at the district or school, such as 33746
student, teacher, or nonteaching employee, but shall not be 33747
identified by name. 33748

Division (B)(1)(o) of this section does not apply after the 33749
date that is two years following the submission of the report 33750
required by Section 733.13 of H.B. 49 of the 132nd general 33751
assembly. 33752

(p) The number of students earning each state diploma seal 33753
included in the system prescribed under division (A) of section 33754
3313.6114 of the Revised Code; 33755

(q) The number of students demonstrating competency for 33756
graduation using each option described in divisions (B)(1)(a) to 33757
(d) of section 3313.618 of the Revised Code; 33758

(r) The number of students completing each foundational and 33759
supporting option as part of the demonstration of competency for 33760
graduation pursuant to division (B)(1)(b) of section 3313.618 of 33761
the Revised Code; 33762

(s) The number of students enrolled in all-day kindergarten, 33763

as defined in section 3321.05 of the Revised Code.	33764
(2) Personnel and classroom enrollment data for each school district, including:	33765
	33766
(a) The total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed employees and nonlicensed employees providing each category of instructional service, instructional support service, and administrative support service used pursuant to division (C)(3) of this section. The guidelines adopted under this section shall require these categories of data to be maintained for the school district as a whole and, wherever applicable, for each grade in the school district as a whole, for each school building as a whole, and for each grade in each school building.	33767
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(b) The total number of employees and the number of full-time equivalent employees providing each category of service used pursuant to divisions (C)(4)(a) and (b) of this section, and the total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed employees and nonlicensed employees providing each category used pursuant to division (C)(4)(c) of this section. The guidelines adopted under this section shall require these categories of data to be maintained for the school district as a whole and, wherever applicable, for each grade in the school district as a whole, for each school building as a whole, and for each grade in each school building.	33777
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(c) The total number of regular classroom teachers teaching classes of regular education and the average number of pupils enrolled in each such class, in each of grades kindergarten through five in the district as a whole and in each school building in the school district.	33789
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(d) The number of lead teachers employed by each school	33794

district and each school building. 33795

(3)(a) Student demographic data for each school district, 33796
including information regarding the gender ratio of the school 33797
district's pupils, the racial make-up of the school district's 33798
pupils, the number of English learners in the district, and an 33799
appropriate measure of the number of the school district's pupils 33800
who reside in economically disadvantaged households. The 33801
demographic data shall be collected in a manner to allow 33802
correlation with data collected under division (B)(1) of this 33803
section. Categories for data collected pursuant to division (B)(3) 33804
of this section shall conform, where appropriate, to standard 33805
practices of agencies of the federal government. 33806

(b) With respect to each student entering kindergarten, 33807
whether the student previously participated in a public preschool 33808
program, a private preschool program, or a head start program, and 33809
the number of years the student participated in each of these 33810
programs. 33811

~~(4)(a) The core curriculum and instructional materials~~ 33812
~~being used for English language arts in each of grades~~ 33813
~~pre-kindergarten to five;~~ 33814

~~(b) The reading intervention programs being used in each of~~ 33815
~~grades pre-kindergarten to twelve.~~ 33816

(5) Any data required to be collected pursuant to federal 33817
law. 33818

(C) The education management information system shall include 33819
cost accounting data for each district as a whole and for each 33820
school building in each school district. The guidelines adopted 33821
under this section shall require the cost data for each school 33822
district to be maintained in a system of mutually exclusive cost 33823
units and shall require all of the costs of each school district 33824
to be divided among the cost units. The guidelines shall require 33825

the system of mutually exclusive cost units to include at least 33826
the following: 33827

(1) Administrative costs for the school district as a whole. 33828
The guidelines shall require the cost units under this division 33829
(C)(1) to be designed so that each of them may be compiled and 33830
reported in terms of average expenditure per pupil in enrolled ADM 33831
in the school district, as determined pursuant to section 3317.03 33832
of the Revised Code. 33833

(2) Administrative costs for each school building in the 33834
school district. The guidelines shall require the cost units under 33835
this division (C)(2) to be designed so that each of them may be 33836
compiled and reported in terms of average expenditure per 33837
full-time equivalent pupil receiving instructional or support 33838
services in each building. 33839

(3) Instructional services costs for each category of 33840
instructional service provided directly to students and required 33841
by guidelines adopted pursuant to division (B)(1)(a) of this 33842
section. The guidelines shall require the cost units under 33843
division (C)(3) of this section to be designed so that each of 33844
them may be compiled and reported in terms of average expenditure 33845
per pupil receiving the service in the school district as a whole 33846
and average expenditure per pupil receiving the service in each 33847
building in the school district and in terms of a total cost for 33848
each category of service and, as a breakdown of the total cost, a 33849
cost for each of the following components: 33850

(a) The cost of each instructional services category required 33851
by guidelines adopted under division (B)(1)(a) of this section 33852
that is provided directly to students by a classroom teacher; 33853

(b) The cost of the instructional support services, such as 33854
services provided by a speech-language pathologist, classroom 33855
aide, multimedia aide, or librarian, provided directly to students 33856

in conjunction with each instructional services category; 33857

(c) The cost of the administrative support services related 33858
to each instructional services category, such as the cost of 33859
personnel that develop the curriculum for the instructional 33860
services category and the cost of personnel supervising or 33861
coordinating the delivery of the instructional services category. 33862

(4) Support or extracurricular services costs for each 33863
category of service directly provided to students and required by 33864
guidelines adopted pursuant to division (B)(1)(b) of this section. 33865
The guidelines shall require the cost units under division (C)(4) 33866
of this section to be designed so that each of them may be 33867
compiled and reported in terms of average expenditure per pupil 33868
receiving the service in the school district as a whole and 33869
average expenditure per pupil receiving the service in each 33870
building in the school district and in terms of a total cost for 33871
each category of service and, as a breakdown of the total cost, a 33872
cost for each of the following components: 33873

(a) The cost of each support or extracurricular services 33874
category required by guidelines adopted under division (B)(1)(b) 33875
of this section that is provided directly to students by a 33876
licensed employee, such as services provided by a guidance 33877
counselor or any services provided by a licensed employee under a 33878
supplemental contract; 33879

(b) The cost of each such services category provided directly 33880
to students by a nonlicensed employee, such as janitorial 33881
services, cafeteria services, or services of a sports trainer; 33882

(c) The cost of the administrative services related to each 33883
services category in division (C)(4)(a) or (b) of this section, 33884
such as the cost of any licensed or nonlicensed employees that 33885
develop, supervise, coordinate, or otherwise are involved in 33886
administering or aiding the delivery of each services category. 33887

(D)(1) The guidelines adopted under this section shall 33888
require school districts to collect information about individual 33889
students, staff members, or both in connection with any data 33890
required by division (B) or (C) of this section or other reporting 33891
requirements established in the Revised Code. The guidelines may 33892
also require school districts to report information about 33893
individual staff members in connection with any data required by 33894
division (B) or (C) of this section or other reporting 33895
requirements established in the Revised Code. The guidelines shall 33896
not authorize school districts to request social security numbers 33897
of individual students. The guidelines shall prohibit the 33898
reporting under this section of a student's name, address, and 33899
social security number to the state board of education or the 33900
department of education. The guidelines shall also prohibit the 33901
reporting under this section of any personally identifiable 33902
information about any student, except for the purpose of assigning 33903
the data verification code required by division (D)(2) of this 33904
section, to any other person unless such person is employed by the 33905
school district or the information technology center operated 33906
under section 3301.075 of the Revised Code and is authorized by 33907
the district or technology center to have access to such 33908
information or is employed by an entity with which the department 33909
contracts for the scoring or the development of state assessments. 33910
The guidelines may require school districts to provide the social 33911
security numbers of individual staff members and the county of 33912
residence for a student. Nothing in this section prohibits the 33913
state board of education or department of education from providing 33914
a student's county of residence to the department of taxation to 33915
facilitate the distribution of tax revenue. 33916

(2)(a) The guidelines shall provide for each school district 33917
or community school to assign a data verification code that is 33918
unique on a statewide basis over time to each student whose 33919
initial Ohio enrollment is in that district or school and to 33920

report all required individual student data for that student 33921
utilizing such code. The guidelines shall also provide for 33922
assigning data verification codes to all students enrolled in 33923
districts or community schools on the effective date of the 33924
guidelines established under this section. The assignment of data 33925
verification codes for other entities, as described in division 33926
(D)(2)(d) of this section, the use of those codes, and the 33927
reporting and use of associated individual student data shall be 33928
coordinated by the department in accordance with state and federal 33929
law. 33930

School districts shall report individual student data to the 33931
department through the information technology centers utilizing 33932
the code. The entities described in division (D)(2)(d) of this 33933
section shall report individual student data to the department in 33934
the manner prescribed by the department. 33935

(b)(i) Except as provided in sections 3301.941, 3310.11, 33936
3310.42, 3310.63, 3313.978, 3317.20, and 5747.057 of the Revised 33937
Code, and in division (D)(2)(b)(ii) of this section, at no time 33938
shall the state board or the department have access to information 33939
that would enable any data verification code to be matched to 33940
personally identifiable student data. 33941

(ii) For the purpose of making per-pupil payments to 33942
community schools under section 3317.022 of the Revised Code, the 33943
department shall have access to information that would enable any 33944
data verification code to be matched to personally identifiable 33945
student data. 33946

(c) Each school district and community school shall ensure 33947
that the data verification code is included in the student's 33948
records reported to any subsequent school district, community 33949
school, or state institution of higher education, as defined in 33950
section 3345.011 of the Revised Code, in which the student 33951
enrolls. Any such subsequent district or school shall utilize the 33952

same identifier in its reporting of data under this section. 33953

(d) The director of any state agency that administers a 33954
publicly funded program providing services to children who are 33955
younger than compulsory school age, as defined in section 3321.01 33956
of the Revised Code, including the directors of health, job and 33957
family services, mental health and addiction services, and 33958
developmental disabilities, shall request and receive, pursuant to 33959
sections 3301.0723 and 5123.0423 of the Revised Code, a data 33960
verification code for a child who is receiving those services. 33961

(E) The guidelines adopted under this section may require 33962
school districts to collect and report data, information, or 33963
reports other than that described in divisions (A), (B), and (C) 33964
of this section for the purpose of complying with other reporting 33965
requirements established in the Revised Code. The other data, 33966
information, or reports may be maintained in the education 33967
management information system but are not required to be compiled 33968
as part of the profile formats required under division (G) of this 33969
section or the annual statewide report required under division (H) 33970
of this section. 33971

(F) Beginning with the school year that begins July 1, 1991, 33972
the board of education of each school district shall annually 33973
collect and report to the state board, in accordance with the 33974
guidelines established by the board, the data required pursuant to 33975
this section. A school district may collect and report these data 33976
notwithstanding section 2151.357 or 3319.321 of the Revised Code. 33977

(G) The state board shall, in accordance with the procedures 33978
it adopts, annually compile the data reported by each school 33979
district pursuant to division (D) of this section. The state board 33980
shall design formats for profiling each school district as a whole 33981
and each school building within each district and shall compile 33982
the data in accordance with these formats. These profile formats 33983
shall: 33984

(1) Include all of the data gathered under this section in a manner that facilitates comparison among school districts and among school buildings within each school district;

(2) Present the data on academic achievement levels as assessed by the testing of student achievement maintained pursuant to division (B)(1)(d) of this section.

(H)(1) The state board shall, in accordance with the procedures it adopts, annually prepare a statewide report for all school districts and the general public that includes the profile of each of the school districts developed pursuant to division (G) of this section. Copies of the report shall be sent to each school district.

(2) The state board shall, in accordance with the procedures it adopts, annually prepare an individual report for each school district and the general public that includes the profiles of each of the school buildings in that school district developed pursuant to division (G) of this section. Copies of the report shall be sent to the superintendent of the district and to each member of the district board of education.

(3) Copies of the reports received from the state board under divisions (H)(1) and (2) of this section shall be made available to the general public at each school district's offices. Each district board of education shall make copies of each report available to any person upon request and payment of a reasonable fee for the cost of reproducing the report. The board shall annually publish in a newspaper of general circulation in the school district, at least twice during the two weeks prior to the week in which the reports will first be available, a notice containing the address where the reports are available and the date on which the reports will be available.

(I) Any data that is collected or maintained pursuant to this

section and that identifies an individual pupil is not a public 34016
record for the purposes of section 149.43 of the Revised Code. 34017

(J) As used in this section: 34018

(1) "School district" means any city, local, exempted 34019
village, or joint vocational school district and, in accordance 34020
with section 3314.17 of the Revised Code, any community school. As 34021
used in division (L) of this section, "school district" also 34022
includes any educational service center or other educational 34023
entity required to submit data using the system established under 34024
this section. 34025

(2) "Cost" means any expenditure for operating expenses made 34026
by a school district excluding any expenditures for debt 34027
retirement except for payments made to any commercial lending 34028
institution for any loan approved pursuant to section 3313.483 of 34029
the Revised Code. 34030

(K) Any person who removes data from the information system 34031
established under this section for the purpose of releasing it to 34032
any person not entitled under law to have access to such 34033
information is subject to section 2913.42 of the Revised Code 34034
prohibiting tampering with data. 34035

(L)(1) In accordance with division (L)(2) of this section and 34036
the rules adopted under division (L)(10) of this section, the 34037
department of education may sanction any school district that 34038
reports incomplete or inaccurate data, reports data that does not 34039
conform to data requirements and descriptions published by the 34040
department, fails to report data in a timely manner, or otherwise 34041
does not make a good faith effort to report data as required by 34042
this section. 34043

(2) If the department decides to sanction a school district 34044
under this division, the department shall take the following 34045
sequential actions: 34046

(a) Notify the district in writing that the department has 34047
determined that data has not been reported as required under this 34048
section and require the district to review its data submission and 34049
submit corrected data by a deadline established by the department. 34050
The department also may require the district to develop a 34051
corrective action plan, which shall include provisions for the 34052
district to provide mandatory staff training on data reporting 34053
procedures. 34054

(b) Withhold up to ten per cent of the total amount of state 34055
funds due to the district for the current fiscal year and, if not 34056
previously required under division (L)(2)(a) of this section, 34057
require the district to develop a corrective action plan in 34058
accordance with that division; 34059

(c) Withhold an additional amount of up to twenty per cent of 34060
the total amount of state funds due to the district for the 34061
current fiscal year; 34062

(d) Direct department staff or an outside entity to 34063
investigate the district's data reporting practices and make 34064
recommendations for subsequent actions. The recommendations may 34065
include one or more of the following actions: 34066

(i) Arrange for an audit of the district's data reporting 34067
practices by department staff or an outside entity; 34068

(ii) Conduct a site visit and evaluation of the district; 34069

(iii) Withhold an additional amount of up to thirty per cent 34070
of the total amount of state funds due to the district for the 34071
current fiscal year; 34072

(iv) Continue monitoring the district's data reporting; 34073

(v) Assign department staff to supervise the district's data 34074
management system; 34075

(vi) Conduct an investigation to determine whether to suspend 34076

or revoke the license of any district employee in accordance with 34077
division (N) of this section; 34078

(vii) If the district is issued a report card under section 34079
3302.03 of the Revised Code, indicate on the report card that the 34080
district has been sanctioned for failing to report data as 34081
required by this section; 34082

(viii) If the district is issued a report card under section 34083
3302.03 of the Revised Code and incomplete or inaccurate data 34084
submitted by the district likely caused the district to receive a 34085
higher performance rating than it deserved under that section, 34086
issue a revised report card for the district; 34087

(ix) Any other action designed to correct the district's data 34088
reporting problems. 34089

(3) Any time the department takes an action against a school 34090
district under division (L)(2) of this section, the department 34091
shall make a report of the circumstances that prompted the action. 34092
The department shall send a copy of the report to the district 34093
superintendent or chief administrator and maintain a copy of the 34094
report in its files. 34095

(4) If any action taken under division (L)(2) of this section 34096
resolves a school district's data reporting problems to the 34097
department's satisfaction, the department shall not take any 34098
further actions described by that division. If the department 34099
withheld funds from the district under that division, the 34100
department may release those funds to the district, except that if 34101
the department withheld funding under division (L)(2)(c) of this 34102
section, the department shall not release the funds withheld under 34103
division (L)(2)(b) of this section and, if the department withheld 34104
funding under division (L)(2)(d) of this section, the department 34105
shall not release the funds withheld under division (L)(2)(b) or 34106
(c) of this section. 34107

(5) Notwithstanding anything in this section to the contrary, 34108
the department may use its own staff or an outside entity to 34109
conduct an audit of a school district's data reporting practices 34110
any time the department has reason to believe the district has not 34111
made a good faith effort to report data as required by this 34112
section. If any audit conducted by an outside entity under 34113
division (L)(2)(d)(i) or (5) of this section confirms that a 34114
district has not made a good faith effort to report data as 34115
required by this section, the district shall reimburse the 34116
department for the full cost of the audit. The department may 34117
withhold state funds due to the district for this purpose. 34118

(6) Prior to issuing a revised report card for a school 34119
district under division (L)(2)(d)(viii) of this section, the 34120
department may hold a hearing to provide the district with an 34121
opportunity to demonstrate that it made a good faith effort to 34122
report data as required by this section. The hearing shall be 34123
conducted by a referee appointed by the department. Based on the 34124
information provided in the hearing, the referee shall recommend 34125
whether the department should issue a revised report card for the 34126
district. If the referee affirms the department's contention that 34127
the district did not make a good faith effort to report data as 34128
required by this section, the district shall bear the full cost of 34129
conducting the hearing and of issuing any revised report card. 34130

(7) If the department determines that any inaccurate data 34131
reported under this section caused a school district to receive 34132
excess state funds in any fiscal year, the district shall 34133
reimburse the department an amount equal to the excess funds, in 34134
accordance with a payment schedule determined by the department. 34135
The department may withhold state funds due to the district for 34136
this purpose. 34137

(8) Any school district that has funds withheld under 34138
division (L)(2) of this section may appeal the withholding in 34139

accordance with Chapter 119. of the Revised Code. 34140

(9) In all cases of a disagreement between the department and 34141
a school district regarding the appropriateness of an action taken 34142
under division (L)(2) of this section, the burden of proof shall 34143
be on the district to demonstrate that it made a good faith effort 34144
to report data as required by this section. 34145

(10) The state board of education shall adopt rules under 34146
Chapter 119. of the Revised Code to implement division (L) of this 34147
section. 34148

(M) No information technology center or school district shall 34149
acquire, change, or update its student administration software 34150
package to manage and report data required to be reported to the 34151
department unless it converts to a student software package that 34152
is certified by the department. 34153

(N) The state board of education, in accordance with sections 34154
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 34155
license as defined under division (A) of section 3319.31 of the 34156
Revised Code that has been issued to any school district employee 34157
found to have willfully reported erroneous, inaccurate, or 34158
incomplete data to the education management information system. 34159

(O) No person shall release or maintain any information about 34160
any student in violation of this section. Whoever violates this 34161
division is guilty of a misdemeanor of the fourth degree. 34162

(P) The department shall disaggregate the data collected 34163
under division (B)(1)(n) of this section according to the race and 34164
socioeconomic status of the students assessed. 34165

(Q) If the department cannot compile any of the information 34166
required by division (I) of section 3302.03 of the Revised Code 34167
based upon the data collected under this section, the department 34168
shall develop a plan and a reasonable timeline for the collection 34169
of any data necessary to comply with that division. 34170

Sec. 3301.0731. As used in this section, "English learner" 34171
has the same meaning as in 20 U.S.C. 7801. 34172

The state board of education shall adopt rules regarding the 34173
identification, instruction, assessment, and reclassification of 34174
English learners. The rules shall conform to the department of 34175
education's plan, as approved by the United States secretary of 34176
education, to comply with the "Elementary and Secondary Education 34177
Act of 1965," 20 U.S.C. 6311 to 6339. 34178

Sec. 3301.132. (A)(1) As used in this section, "policy" means 34179
a written clarification or explanation of a statute or rule that 34180
is initiated by the department of education. "Policy" does not 34181
include any educational guideline, suggestion, or case study 34182
regarding how to comply with a statute or rule or any document or 34183
guideline regarding the internal organization or operation of the 34184
department, including matters regarding administration, personnel, 34185
or accounting. 34186

(2) A policy does not have the force of law. 34187

(B) Policies established by the department shall be subject 34188
to all of the following requirements: 34189

(1) A policy shall comply with the statutes and rules that 34190
are in existence at the time the policy is established. 34191

(2) A policy shall not establish any new requirement. 34192

(3) The first page of each policy shall have printed on it 34193
the following statement in uppercase letters: "THIS POLICY DOES 34194
NOT HAVE THE FORCE OF LAW." 34195

(4) A policy shall state clearly the statutory provision or 34196
administrative rule on which it is based. 34197

(C) Not later than ninety days after the effective date of 34198
this section, and every five years thereafter, the department 34199

shall review each policy that it established prior to the 34200
effective date of this section or that it establishes after that 34201
date and shall prepare written documentation certifying that the 34202
policy has been reviewed. The documentation is a public record 34203
under section 149.43 of the Revised Code. A policy that has not 34204
been so reviewed is void. 34205

(D) A person may file a written complaint at any time with 34206
the superintendent of public instruction alleging that a policy 34207
established by the department of education does not comply with 34208
the requirements established under division (B)(1) or (2) of this 34209
section. Not later than ninety days after receiving the complaint, 34210
the state superintendent shall review the policy and issue a 34211
determination as to whether the policy complies with those 34212
requirements. A determination issued by the state superintendent 34213
under this division is not a final action that is appealable under 34214
this chapter. 34215

(E) The department shall post all proposed policies in a 34216
prominent location on the department's web site. The department 34217
shall establish a public comment period of not less than sixty 34218
days for each proposed policy. If the department receives more 34219
than three public comments during that period, it shall hold at 34220
least one public hearing on the proposal. 34221

(F) Notwithstanding section 149.43 of the Revised Code, not 34222
later than ninety days after the effective date of this section, 34223
the department shall compile a copy of all its policies. The copy 34224
of policies shall be kept current and made available for public 34225
inspection and copying. 34226

Sec. 3301.137. The superintendent of public instruction shall 34227
designate at least one employee of the department of education to 34228
serve as a liaison for school counselors across the state to 34229
support their efforts to advance students' academic and career 34230

development. The superintendent shall give preference to 34231
individuals who hold a valid pupil services license in school 34232
counseling under section 3319.22 of the Revised Code. 34233

Sec. 3301.163. (A) ~~Beginning July 1, 2015~~ Until the 2022-2023 34234
school year, any third-grade student who attends a chartered 34235
nonpublic school with a scholarship awarded under either the 34236
educational choice scholarship pilot program, prescribed in 34237
sections 3310.01 to 3310.17, or the pilot project scholarship 34238
program prescribed in sections 3313.974 to 3313.979 of the Revised 34239
Code, shall be subject to the third-grade reading guarantee 34240
retention provisions under division (A)(2) of section 3313.608 of 34241
the Revised Code, including the exemptions prescribed by that 34242
division. For purposes of determining if a child with a disability 34243
is exempt from retention under this section, an individual 34244
services plan created for the child that has been reviewed by 34245
either the student's school district of residence or the school 34246
district in which the chartered nonpublic school is located and 34247
that specifies that the student is not subject to retention shall 34248
be considered in the same manner as an individualized education 34249
program or plan under section 504 of the "Rehabilitation Act of 34250
1973," 87 Stat. 355, 29 U.S.C. 794, as amended, as prescribed by 34251
division (A)(2) of section 3313.608 of the Revised Code. 34252

As used in this section, "child with a disability" and 34253
"school district of residence" have the same meanings as in 34254
section 3323.01 of the Revised Code. 34255

(B)(1) Each chartered nonpublic school that enrolls students 34256
in any of grades kindergarten through three and that accepts 34257
students under the educational choice scholarship pilot program or 34258
the pilot project scholarship program shall adopt policies and 34259
procedures for the annual assessment of the reading skills of 34260
those students. Each school may use the diagnostic assessment to 34261

measure reading ability for the appropriate grade level prescribed 34262
in division (D) of section 3301.079 of the Revised Code. If the 34263
school uses such assessments, the department of education shall 34264
furnish them to the chartered nonpublic school. 34265

(2) For each student identified as having reading skills 34266
below grade level, the school shall do both of the following: 34267

(a) Provide to the student's parent or guardian, in writing, 34268
all of the following: 34269

(i) Notification that the student has been identified as 34270
having a substantial deficiency in reading; 34271

(ii) Notification Through the 2022-2023 school year, 34272
notification that if the student attains a score in the range 34273
designated under division (A)(3) of section 3301.0710 of the 34274
Revised Code on the assessment prescribed under that section to 34275
measure skill in English language arts expected at the end of 34276
third grade, the student shall be retained unless the student is 34277
exempt under division (A)(1) of section 3313.608 of the Revised 34278
Code. 34279

(b) Provide intensive reading instruction services, as 34280
determined appropriate by the school, to each student identified 34281
under this section. 34282

(C) Each chartered nonpublic school subject to this section 34283
annually shall report to the department the number of students 34284
identified as reading at grade level and the number of students 34285
identified as reading below grade level. 34286

(D) Each chartered nonpublic school shall provide reading 34287
intervention services required under division (B)(2) of this 34288
section to either of the following: 34289

(1) A student in grade four or five who has been identified 34290
as having reading skills below grade level; 34291

(2) A student who has been retained in any of grades kindergarten through three and has received remediation in reading for two school years but continues to read below grade level. 34292
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Sec. 3301.85. (A) The department of education shall submit to the joint committee on agency rule review, created in section 101.35 of the Revised Code, any proposed changes to the manual containing the standards and procedures the department uses to review or audit the full-time equivalency student enrollment reporting by community schools established under Chapter 3314. of the Revised Code. 34295
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(B) When the department submits the proposed changes to the manual, the joint committee on agency rule review shall hold one or more public hearings at which community schools may present testimony on their ability and capacity to comply with the proposed changes. 34302
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(C) The joint committee on agency rule review shall consider any testimony provided at the public hearings required under division (B) of this section and vote to determine whether community schools can reasonably comply with the proposed changes. 34307
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(D) The department shall not implement any changes to the manual that may affect community schools without the joint committee on agency rule review's determination that community schools can reasonably comply with those changes. 34311
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Sec. 3301.91. (A) As used in this section: 34315

(1) "National school breakfast program" means the federal school breakfast program created under 42 U.S.C. 1773. 34316
34317

(2) "National school lunch program" means the federal school lunch program created under 42 U.S.C. 1751. 34318
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(3) "Public school" means a school building operated by a 34320

school district, a community school established under Chapter 34321
3314. of the Revised Code, a STEM school established under Chapter 34322
3326. of the Revised Code, or a building operated by an 34323
educational service center. 34324

(B) The department of education shall reimburse each public 34325
and chartered nonpublic school that participates in the national 34326
school breakfast program, from funds appropriated by the general 34327
assembly for that purpose, an amount equal to the difference 34328
between the federal free reimbursement rate and the federal 34329
reimbursement for a reduced-price breakfast for each student 34330
eligible for a reduced-price breakfast and receiving breakfast. 34331

(C) The department of education shall reimburse each public 34332
school and chartered nonpublic school that participates in the 34333
national school lunch program, from funds appropriated by the 34334
general assembly for that purpose, an amount equal to the 34335
difference between the federal free reimbursement rate and the 34336
federal reimbursement for a reduced-price lunch for each student 34337
eligible for a reduced-price lunch and receiving lunch. 34338

Sec. 3302.03. Not later than the thirty-first day of July of 34339
each year, the department of education shall submit preliminary 34340
report card data for overall academic performance and for each 34341
separate performance measure for each school district, and each 34342
school building, in accordance with this section. 34343

Annually, not later than the fifteenth day of September or 34344
the preceding Friday when that day falls on a Saturday or Sunday, 34345
the department shall assign a letter grade or performance rating 34346
for overall academic performance and for each separate performance 34347
measure for each school district, and each school building in a 34348
district, in accordance with this section. The state board of 34349
education shall adopt rules pursuant to Chapter 119. of the 34350
Revised Code to implement this section. The state board's rules 34351

shall establish performance criteria for each letter grade or 34352
performance rating and prescribe a method by which the department 34353
assigns each letter grade or performance rating. For a school 34354
building to which any of the performance measures do not apply, 34355
due to grade levels served by the building, the department shall 34356
designate the performance measures that are applicable to the 34357
building and that must be calculated separately and used to 34358
calculate the building's overall grade or performance rating. The 34359
department shall issue annual report cards reflecting the 34360
performance of each school district, each building within each 34361
district, and for the state as a whole using the performance 34362
measures and letter grade or performance rating system described 34363
in this section. The department shall include on the report card 34364
for each district and each building within each district the most 34365
recent two-year trend data in student achievement for each subject 34366
and each grade. 34367

(A)(1) For the 2012-2013 school year, the department shall 34368
issue grades as described in division (F) of this section for each 34369
of the following performance measures: 34370

(a) Annual measurable objectives; 34371

(b) Performance index score for a school district or 34372
building. Grades shall be awarded as a percentage of the total 34373
possible points on the performance index system as adopted by the 34374
state board. In adopting benchmarks for assigning letter grades 34375
under division (A)(1)(b) of this section, the state board shall 34376
designate ninety per cent or higher for an "A," at least seventy 34377
per cent but not more than eighty per cent for a "C," and less 34378
than fifty per cent for an "F." 34379

(c) The extent to which the school district or building meets 34380
each of the applicable performance indicators established by the 34381
state board under section 3302.02 of the Revised Code and the 34382
percentage of applicable performance indicators that have been 34383

achieved. In adopting benchmarks for assigning letter grades under 34384
division (A)(1)(c) of this section, the state board shall 34385
designate ninety per cent or higher for an "A." 34386

(d) The four- and five-year adjusted cohort graduation rates. 34387

In adopting benchmarks for assigning letter grades under 34388
division (A)(1)(d), (B)(1)(d), or (C)(1)(d) of this section, the 34389
department shall designate a four-year adjusted cohort graduation 34390
rate of ninety-three per cent or higher for an "A" and a five-year 34391
cohort graduation rate of ninety-five per cent or higher for an 34392
"A." 34393

(e) The overall score under the value-added progress 34394
dimension of a school district or building, for which the 34395
department shall use up to three years of value-added data as 34396
available. The letter grade assigned for this growth measure shall 34397
be as follows: 34398

(i) A score that is at least one standard error of measure 34399
above the mean score shall be designated as an "A." 34400

(ii) A score that is less than one standard error of measure 34401
above but greater than one standard error of measure below the 34402
mean score shall be designated as a "B." 34403

(iii) A score that is less than or equal to one standard 34404
error of measure below the mean score but greater than two 34405
standard errors of measure below the mean score shall be 34406
designated as a "C." 34407

(iv) A score that is less than or equal to two standard 34408
errors of measure below the mean score but is greater than three 34409
standard errors of measure below the mean score shall be 34410
designated as a "D." 34411

(v) A score that is less than or equal to three standard 34412
errors of measure below the mean score shall be designated as an 34413

"F." 34414

Whenever the value-added progress dimension is used as a 34415
graded performance measure in this division and divisions (B) and 34416
(C) of this section, whether as an overall measure or as a measure 34417
of separate subgroups, the grades for the measure shall be 34418
calculated in the same manner as prescribed in division (A)(1)(e) 34419
of this section. 34420

(f) The value-added progress dimension score for a school 34421
district or building disaggregated for each of the following 34422
subgroups: students identified as gifted, students with 34423
disabilities, and students whose performance places them in the 34424
lowest quintile for achievement on a statewide basis. Each 34425
subgroup shall be a separate graded measure. 34426

(2) Not later than April 30, 2013, the state board of 34427
education shall adopt a resolution describing the performance 34428
measures, benchmarks, and grading system for the 2012-2013 school 34429
year and, not later than June 30, 2013, shall adopt rules in 34430
accordance with Chapter 119. of the Revised Code that prescribe 34431
the methods by which the performance measures under division 34432
(A)(1) of this section shall be assessed and assigned a letter 34433
grade, including performance benchmarks for each letter grade. 34434

At least forty-five days prior to the state board's adoption 34435
of rules to prescribe the methods by which the performance 34436
measures under division (A)(1) of this section shall be assessed 34437
and assigned a letter grade, the department shall conduct a public 34438
presentation before the standing committees of the house of 34439
representatives and the senate that consider education legislation 34440
describing such methods, including performance benchmarks. 34441

(3) There shall not be an overall letter grade for a school 34442
district or building for the 2012-2013 school year. 34443

(B)(1) For the 2013-2014 school year, the department shall 34444

issue grades as described in division (F) of this section for each	34445
of the following performance measures:	34446
(a) Annual measurable objectives;	34447
(b) Performance index score for a school district or	34448
building. Grades shall be awarded as a percentage of the total	34449
possible points on the performance index system as created by the	34450
department. In adopting benchmarks for assigning letter grades	34451
under division (B)(1)(b) of this section, the state board shall	34452
designate ninety per cent or higher for an "A," at least seventy	34453
per cent but not more than eighty per cent for a "C," and less	34454
than fifty per cent for an "F."	34455
(c) The extent to which the school district or building meets	34456
each of the applicable performance indicators established by the	34457
state board under section 3302.03 of the Revised Code and the	34458
percentage of applicable performance indicators that have been	34459
achieved. In adopting benchmarks for assigning letter grades under	34460
division (B)(1)(c) of this section, the state board shall	34461
designate ninety per cent or higher for an "A."	34462
(d) The four- and five-year adjusted cohort graduation rates;	34463
(e) The overall score under the value-added progress	34464
dimension of a school district or building, for which the	34465
department shall use up to three years of value-added data as	34466
available.	34467
(f) The value-added progress dimension score for a school	34468
district or building disaggregated for each of the following	34469
subgroups: students identified as gifted in superior cognitive	34470
ability and specific academic ability fields under Chapter 3324.	34471
of the Revised Code, students with disabilities, and students	34472
whose performance places them in the lowest quintile for	34473
achievement on a statewide basis. Each subgroup shall be a	34474
separate graded measure.	34475

(g) Whether a school district or building is making progress 34476
in improving literacy in grades kindergarten through three, as 34477
determined using a method prescribed by the state board. The state 34478
board shall adopt rules to prescribe benchmarks and standards for 34479
assigning grades to districts and buildings for purposes of 34480
division (B)(1)(g) of this section. In adopting benchmarks for 34481
assigning letter grades under divisions (B)(1)(g) and (C)(1)(g) of 34482
this section, the state board shall determine progress made based 34483
on the reduction in the total percentage of students scoring below 34484
grade level, or below proficient, compared from year to year on 34485
the reading and writing diagnostic assessments administered under 34486
section 3301.0715 of the Revised Code and the third grade English 34487
language arts assessment under section 3301.0710 of the Revised 34488
Code, as applicable. The state board shall designate for a "C" 34489
grade a value that is not lower than the statewide average value 34490
for this measure. No grade shall be issued under divisions 34491
(B)(1)(g) and (C)(1)(g) of this section for a district or building 34492
in which less than five per cent of students have scored below 34493
grade level on the diagnostic assessment administered to students 34494
in kindergarten under division (B)(1) of section 3313.608 of the 34495
Revised Code. 34496

(h) For a high mobility school district or building, an 34497
additional value-added progress dimension score. For this measure, 34498
the department shall use value-added data from the most recent 34499
school year available and shall use assessment scores for only 34500
those students to whom the district or building has administered 34501
the assessments prescribed by section 3301.0710 of the Revised 34502
Code for each of the two most recent consecutive school years. 34503

As used in this division, "high mobility school district or 34504
building" means a school district or building where at least 34505
twenty-five per cent of its total enrollment is made up of 34506
students who have attended that school district or building for 34507

less than one year. 34508

(2) In addition to the graded measures in division (B)(1) of 34509
this section, the department shall include on a school district's 34510
or building's report card all of the following without an assigned 34511
letter grade: 34512

(a) The percentage of students enrolled in a district or 34513
building participating in advanced placement classes and the 34514
percentage of those students who received a score of three or 34515
better on advanced placement examinations; 34516

(b) The number of a district's or building's students who 34517
have earned at least three college credits through dual enrollment 34518
or advanced standing programs, such as the post-secondary 34519
enrollment options program under Chapter 3365. of the Revised Code 34520
and state-approved career-technical courses offered through dual 34521
enrollment or statewide articulation, that appear on a student's 34522
transcript or other official document, either of which is issued 34523
by the institution of higher education from which the student 34524
earned the college credit. The credits earned that are reported 34525
under divisions (B)(2)(b) and (C)(2)(c) of this section shall not 34526
include any that are remedial or developmental and shall include 34527
those that count toward the curriculum requirements established 34528
for completion of a degree. 34529

(c) The percentage of students enrolled in a district or 34530
building who have taken a national standardized test used for 34531
college admission determinations and the percentage of those 34532
students who are determined to be remediation-free in accordance 34533
with standards adopted under division (F) of section 3345.061 of 34534
the Revised Code; 34535

(d) The percentage of the district's or the building's 34536
students who receive industry-recognized credentials as approved 34537
under section 3313.6113 of the Revised Code. 34538

(e) The percentage of students enrolled in a district or building who are participating in an international baccalaureate program and the percentage of those students who receive a score of four or better on the international baccalaureate examinations.

(f) The percentage of the district's or building's students who receive an honors diploma under division (B) of section 3313.61 of the Revised Code.

(3) Not later than December 31, 2013, the state board shall adopt rules in accordance with Chapter 119. of the Revised Code that prescribe the methods by which the performance measures under divisions (B)(1)(f) and (B)(1)(g) of this section will be assessed and assigned a letter grade, including performance benchmarks for each grade.

At least forty-five days prior to the state board's adoption of rules to prescribe the methods by which the performance measures under division (B)(1) of this section shall be assessed and assigned a letter grade, the department shall conduct a public presentation before the standing committees of the house of representatives and the senate that consider education legislation describing such methods, including performance benchmarks.

(4) There shall not be an overall letter grade for a school district or building for the 2013-2014, 2014-2015, 2015-2016, and 2016-2017 school years.

(C)(1) For the 2014-2015, 2015-2016, 2016-2017, 2017-2018, 2018-2019, 2019-2020, and 2020-2021 school years, the department shall issue grades as described in division (F) of this section for each of the performance measures prescribed in division (C)(1) of this section. The graded measures are as follows:

(a) Annual measurable objectives. For the 2017-2018 school year, the department shall not include any subgroup data in the annual measurable objectives that includes data from fewer than

twenty-five students. For the 2018-2019 school year, the 34570
department shall not include any subgroup data in the annual 34571
measurable objectives that includes data from fewer than twenty 34572
students. Beginning with the 2019-2020 school year, the department 34573
shall not include any subgroup data in the annual measurable 34574
objectives that includes data from fewer than fifteen students. 34575

(b) Performance index score for a school district or 34576
building. Grades shall be awarded as a percentage of the total 34577
possible points on the performance index system as created by the 34578
department. In adopting benchmarks for assigning letter grades 34579
under division (C)(1)(b) of this section, the state board shall 34580
designate ninety per cent or higher for an "A," at least seventy 34581
per cent but not more than eighty per cent for a "C," and less 34582
than fifty per cent for an "F." 34583

(c) The extent to which the school district or building meets 34584
each of the applicable performance indicators established by the 34585
state board under section 3302.03 of the Revised Code and the 34586
percentage of applicable performance indicators that have been 34587
achieved. In adopting benchmarks for assigning letter grades under 34588
division (C)(1)(c) of this section, the state board shall 34589
designate ninety per cent or higher for an "A." 34590

(d) The four- and five-year adjusted cohort graduation rates; 34591

(e) The overall score under the value-added progress 34592
dimension, or another measure of student academic progress if 34593
adopted by the state board, of a school district or building, for 34594
which the department shall use up to three years of value-added 34595
data as available. 34596

In adopting benchmarks for assigning letter grades for 34597
overall score on value-added progress dimension under division 34598
(C)(1)(e) of this section, the state board shall prohibit the 34599
assigning of a grade of "A" for that measure unless the district's 34600

or building's grade assigned for value-added progress dimension 34601
for all subgroups under division (C)(1)(f) of this section is a 34602
"C" or higher. 34603

For the metric prescribed by division (C)(1)(e) of this 34604
section, the state board may adopt a student academic progress 34605
measure to be used instead of the value-added progress dimension. 34606
If the state board adopts such a measure, it also shall prescribe 34607
a method for assigning letter grades for the new measure that is 34608
comparable to the method prescribed in division (A)(1)(e) of this 34609
section. 34610

(f) The value-added progress dimension score of a school 34611
district or building disaggregated for each of the following 34612
subgroups: students identified as gifted in superior cognitive 34613
ability and specific academic ability fields under Chapter 3324. 34614
of the Revised Code, students with disabilities, and students 34615
whose performance places them in the lowest quintile for 34616
achievement on a statewide basis, as determined by a method 34617
prescribed by the state board. Each subgroup shall be a separate 34618
graded measure. 34619

The state board may adopt student academic progress measures 34620
to be used instead of the value-added progress dimension. If the 34621
state board adopts such measures, it also shall prescribe a method 34622
for assigning letter grades for the new measures that is 34623
comparable to the method prescribed in division (A)(1)(e) of this 34624
section. 34625

(g) Whether a school district or building is making progress 34626
in improving literacy in grades kindergarten through three, as 34627
determined using a method prescribed by the state board. The state 34628
board shall adopt rules to prescribe benchmarks and standards for 34629
assigning grades to a district or building for purposes of 34630
division (C)(1)(g) of this section. The state board shall 34631
designate for a "C" grade a value that is not lower than the 34632

statewide average value for this measure. No grade shall be issued 34633
under division (C)(1)(g) of this section for a district or 34634
building in which less than five per cent of students have scored 34635
below grade level on the kindergarten diagnostic assessment under 34636
division (B)(1) of section 3313.608 of the Revised Code. 34637

(h) For a high mobility school district or building, an 34638
additional value-added progress dimension score. For this measure, 34639
the department shall use value-added data from the most recent 34640
school year available and shall use assessment scores for only 34641
those students to whom the district or building has administered 34642
the assessments prescribed by section 3301.0710 of the Revised 34643
Code for each of the two most recent consecutive school years. 34644

As used in this division, "high mobility school district or 34645
building" means a school district or building where at least 34646
twenty-five per cent of its total enrollment is made up of 34647
students who have attended that school district or building for 34648
less than one year. 34649

(2) In addition to the graded measures in division (C)(1) of 34650
this section, the department shall include on a school district's 34651
or building's report card all of the following without an assigned 34652
letter grade: 34653

(a) The percentage of students enrolled in a district or 34654
building who have taken a national standardized test used for 34655
college admission determinations and the percentage of those 34656
students who are determined to be remediation-free in accordance 34657
with the standards adopted under division (F) of section 3345.061 34658
of the Revised Code; 34659

(b) The percentage of students enrolled in a district or 34660
building participating in advanced placement classes and the 34661
percentage of those students who received a score of three or 34662
better on advanced placement examinations; 34663

(c) The percentage of a district's or building's students who 34664
have earned at least three college credits through advanced 34665
standing programs, such as the college credit plus program under 34666
Chapter 3365. of the Revised Code and state-approved 34667
career-technical courses offered through dual enrollment or 34668
statewide articulation, that appear on a student's college 34669
transcript issued by the institution of higher education from 34670
which the student earned the college credit. The credits earned 34671
that are reported under divisions (B)(2)(b) and (C)(2)(c) of this 34672
section shall not include any that are remedial or developmental 34673
and shall include those that count toward the curriculum 34674
requirements established for completion of a degree. 34675

(d) The percentage of the district's or building's students 34676
who receive an honor's diploma under division (B) of section 34677
3313.61 of the Revised Code; 34678

(e) The percentage of the district's or building's students 34679
who receive industry-recognized credentials as approved under 34680
section 3313.6113 of the Revised Code; 34681

(f) The percentage of students enrolled in a district or 34682
building who are participating in an international baccalaureate 34683
program and the percentage of those students who receive a score 34684
of four or better on the international baccalaureate examinations; 34685

(g) The results of the college and career-ready assessments 34686
administered under division (B)(1) of section 3301.0712 of the 34687
Revised Code; 34688

(h) Whether the school district or building has implemented a 34689
positive behavior intervention and supports framework in 34690
compliance with the requirements of section 3319.46 of the Revised 34691
Code, notated as a "yes" or "no" answer. 34692

(3) The state board shall adopt rules pursuant to Chapter 34693
119. of the Revised Code that establish a method to assign an 34694

overall grade for a school district or school building for the 34695
2017-2018 school year and each school year thereafter. The rules 34696
shall group the performance measures in divisions (C)(1) and (2) 34697
of this section into the following components: 34698

(a) Gap closing, which shall include the performance measure 34699
in division (C)(1)(a) of this section; 34700

(b) Achievement, which shall include the performance measures 34701
in divisions (C)(1)(b) and (c) of this section; 34702

(c) Progress, which shall include the performance measures in 34703
divisions (C)(1)(e) and (f) of this section; 34704

(d) Graduation, which shall include the performance measure 34705
in division (C)(1)(d) of this section; 34706

(e) Kindergarten through third-grade literacy, which shall 34707
include the performance measure in division (C)(1)(g) of this 34708
section; 34709

(f) Prepared for success, which shall include the performance 34710
measures in divisions (C)(2)(a), (b), (c), (d), (e), and (f) of 34711
this section. The state board shall develop a method to determine 34712
a grade for the component in division (C)(3)(f) of this section 34713
using the performance measures in divisions (C)(2)(a), (b), (c), 34714
(d), (e), and (f) of this section. When available, the state board 34715
may incorporate the performance measure under division (C)(2)(g) 34716
of this section into the component under division (C)(3)(f) of 34717
this section. When determining the overall grade for the prepared 34718
for success component prescribed by division (C)(3)(f) of this 34719
section, no individual student shall be counted in more than one 34720
performance measure. However, if a student qualifies for more than 34721
one performance measure in the component, the state board may, in 34722
its method to determine a grade for the component, specify an 34723
additional weight for such a student that is not greater than or 34724
equal to 1.0. In determining the overall score under division 34725

(C)(3)(f) of this section, the state board shall ensure that the 34726
pool of students included in the performance measures aggregated 34727
under that division are all of the students included in the four- 34728
and five-year adjusted graduation cohort. 34729

In the rules adopted under division (C)(3) of this section, 34730
the state board shall adopt a method for determining a grade for 34731
each component in divisions (C)(3)(a) to (f) of this section. The 34732
state board also shall establish a method to assign an overall 34733
grade of "A," "B," "C," "D," or "F" using the grades assigned for 34734
each component. The method the state board adopts for assigning an 34735
overall grade shall give equal weight to the components in 34736
divisions (C)(3)(b) and (c) of this section. 34737

At least forty-five days prior to the state board's adoption 34738
of rules to prescribe the methods for calculating the overall 34739
grade for the report card, as required by this division, the 34740
department shall conduct a public presentation before the standing 34741
committees of the house of representatives and the senate that 34742
consider education legislation describing the format for the 34743
report card, weights that will be assigned to the components of 34744
the overall grade, and the method for calculating the overall 34745
grade. 34746

(D) For the 2021-2022 school year and each school year 34747
thereafter, all of the following apply: 34748

(1) The department shall include on a school district's or 34749
building's report card all of the following performance measures 34750
without an assigned performance rating: 34751

(a) Whether the district or building meets the gifted 34752
performance indicator under division (A)(2) of section 3302.02 of 34753
the Revised Code and the extent to which the district or building 34754
meets gifted indicator performance benchmarks; 34755

(b) The extent to which the district or building meets the 34756

chronic absenteeism indicator under division (A)(3) of section 3302.02 of the Revised Code; 34757
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(c) Performance index score percentage for a district or building, which shall be calculated by dividing the district's or building's performance index score according to the performance index system created by the department by the maximum performance index score for a district or building. The maximum performance index score shall be as follows: 34759
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(i) For a building, the average of the highest two per cent of performance index scores achieved by a building for the school year for which a report card is issued; 34765
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(ii) For a district, the average of the highest two per cent of performance index scores achieved by a district for the school year for which a report card is issued. 34768
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(d) The overall score under the value-added progress dimension of a district or building, for which the department shall use three consecutive years of value-added data. In using three years of value-added data to calculate the measure prescribed under division (D)(1)(d) of this section, the department shall assign a weight of fifty per cent to the most recent year's data and a weight of twenty-five per cent to the data of each of the other years. However, if three consecutive years of value-added data is not available, the department shall use prior years of value-added data to calculate the measure, as follows: 34771
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(i) If two consecutive years of value-added data is not available, the department shall use one year of value-added data to calculate the measure. 34782
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(ii) If two consecutive years of value-added data is available, the department shall use two consecutive years of value-added data to calculate the measure. In using two years of 34785
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value-added data to calculate the measure, the department shall 34788
assign a weight of sixty-seven per cent to the most recent year's 34789
data and a weight of thirty-three per cent to the data of the 34790
other year. 34791

(e) The four-year adjusted cohort graduation rate. 34792

(f) The five-year adjusted cohort graduation rate. 34793

(g) The percentage of students in the district or building 34794
who score proficient or higher on the reading segment of the third 34795
grade English language arts assessment under section 3301.0710 of 34796
the Revised Code. 34797

To the extent possible, the department shall include the 34798
results of the summer administration of the third grade reading 34799
assessment under section 3301.0710 of the Revised Code in the 34800
performance measures prescribed under divisions (D)(1)(g) and (h) 34801
of this section. 34802

(h) Whether a district or building is making progress in 34803
improving literacy in grades kindergarten through three, as 34804
determined using a method prescribed by the department. The method 34805
shall determine progress made based on the reduction in the total 34806
percentage of students scoring below grade level, or below 34807
proficient, compared from year to year on the reading segments of 34808
the diagnostic assessments administered under section 3301.0715 of 34809
the Revised Code, including the kindergarten readiness assessment, 34810
and the third grade English language arts assessment under section 34811
3301.0710 of the Revised Code, as applicable. The method shall not 34812
include a deduction for students who did not pass the third grade 34813
English language arts assessment under section 3301.0710 of the 34814
Revised Code and were not on a reading improvement and monitoring 34815
plan. 34816

The performance measure prescribed under division (D)(1)(h) 34817
of this section shall not be included on the report card of a 34818

district or building in which less than ten per cent of students 34819
have scored below grade level on the diagnostic assessment 34820
administered to students in kindergarten under division (B)(1) of 34821
section 3313.608 of the Revised Code. 34822

(i) The percentage of students in a district or building who 34823
are promoted to the fourth grade and not subject to retention 34824
under division (A)(2) of section 3313.608 of the Revised Code; 34825

(j) A post-secondary readiness measure. This measure shall be 34826
calculated by dividing the number of students included in the 34827
four-year adjusted graduation rate cohort who demonstrate 34828
post-secondary readiness by the total number of students included 34829
in the denominator of the four-year adjusted graduation rate 34830
cohort. Demonstration of post-secondary readiness shall include a 34831
student doing any of the following: 34832

(i) Attaining a remediation-free score, in accordance with 34833
standards adopted under division (F) of section 3345.061 of the 34834
Revised Code, on a nationally standardized assessment prescribed 34835
under division (B)(1) of section 3301.0712 of the Revised Code; 34836

(ii) Attaining required scores on three or more advanced 34837
placement or international baccalaureate examinations. The 34838
required score for an advanced placement examination shall be a 34839
three or better. The required score for an international 34840
baccalaureate examination shall be a four or better. A student may 34841
satisfy this condition with any combination of advanced placement 34842
or international baccalaureate examinations. 34843

(iii) Earning at least twelve college credits through 34844
advanced standing programs, such as the college credit plus 34845
program under Chapter 3365. of the Revised Code, an early college 34846
high school program under section 3313.6013 of the Revised Code, 34847
and state-approved career-technical courses offered through dual 34848
enrollment or statewide articulation, that appear on a student's 34849

college transcript issued by the institution of higher education 34850
from which the student earned the college credit. Earned credits 34851
reported under division (D)(1)(j)(iii) of this section shall 34852
include credits that count toward the curriculum requirements 34853
established for completion of a degree, but shall not include any 34854
remedial or developmental credits. 34855

(iv) Meeting the additional criteria for an honors diploma 34856
under division (B) of section 3313.61 of the Revised Code; 34857

(v) Earning an industry-recognized credential or license 34858
issued by a state agency or board for practice in a vocation that 34859
requires an examination for issuance of that license approved 34860
under section 3313.6113 of the Revised Code; 34861

(vi) Satisfying any of the following conditions: 34862

(I) Completing a pre-apprenticeship aligned with options 34863
established under section 3313.904 of the Revised Code in the 34864
student's chosen career field; 34865

(II) Completing an apprenticeship registered with the 34866
apprenticeship council established under section 4139.02 of the 34867
Revised Code in the student's chosen career field; 34868

(III) Providing evidence of acceptance into an apprenticeship 34869
program after high school that is restricted to participants 34870
eighteen years of age or older. 34871

(vii) Earning a cumulative score of proficient or higher on 34872
three or more state technical assessments aligned with section 34873
3313.903 of the Revised Code in a single career pathway; 34874

(viii) Earning an OhioMeansJobs-readiness seal established 34875
under section 3313.6112 of the Revised Code and completing two 34876
hundred fifty hours of an internship or other work-based learning 34877
experience that is either: 34878

(I) Approved by the business advisory council established 34879

under section 3313.82 of the Revised Code that represents the student's district; or

(II) Aligned to the career-technical education pathway approved by the department in which the student is enrolled.

(ix) Providing evidence that the student has enlisted in a branch of the armed services of the United States as defined in section 5910.01 of the Revised Code.

A student who satisfies more than one of the conditions prescribed under this division shall be counted as one student for the purposes of calculating the measure prescribed under division (D)(1)(j) of this section.

(2) In addition to the performance measures under division (D)(1) of this section, the department shall report on a district's or building's report card all of the following data without an assigned performance rating:

(a) The applicable performance indicators established by the state board under division (A)(1) of section 3302.02 of the Revised Code;

(b) The overall score under the value-added progress dimension of a district or building for the most recent school year;

(c) A composite of the overall scores under the value-added progress dimension of a district or building for the previous three school years or, if only two years of value-added data are available, for the previous two years;

(d) The percentage of students included in the four- and five-year adjusted cohort graduation rates of a district or building who did not receive a high school diploma under section 3313.61 or 3325.08 of the Revised Code. To the extent possible, the department shall disaggregate that data according to the

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following categories:	34910
(i) Students who are still enrolled in the district or building and receiving general education services;	34911 34912
(ii) Students with an individualized education program, as defined in section 3323.01 of the Revised Code, who satisfied the conditions for a high school diploma under section 3313.61 or 3325.08 of the Revised Code, but opted not to receive a diploma and are still receiving education services;	34913 34914 34915 34916 34917
(iii) Students with an individualized education program who have not yet satisfied conditions for a high school diploma under section 3313.61 or 3325.08 of the Revised Code and who are still receiving education services;	34918 34919 34920 34921
(iv) Students who are no longer enrolled in any district or building;	34922 34923
(v) Students who, upon enrollment in the district or building for the first time, had completed fewer units of high school instruction required under section 3313.603 of the Revised Code than other students in the four- or five-year adjusted cohort graduation rate.	34924 34925 34926 34927 34928
The department may disaggregate the data prescribed under division (D)(2)(d) of this section according to other categories that the department determines are appropriate.	34929 34930 34931
(e) The results of the kindergarten diagnostic assessment prescribed under division (D) of section 3301.079 of the Revised Code;	34932 34933 34934
(f) Post-graduate outcomes for students who were enrolled in a district or building and received a high school diploma under section 3313.61 or 3325.08 of the Revised Code in the school year prior to the school year for which the report card is issued, including the percentage of students who:	34935 34936 34937 34938 34939

(i) Enrolled in a post-secondary educational institution. To 34940
the extent possible, the department shall disaggregate that data 34941
according to whether the student enrolled in a four-year 34942
institution of higher education, a two-year institution of higher 34943
education, an Ohio technical center that provides adult technical 34944
education services and is recognized by the chancellor of higher 34945
education, or another type of post-secondary educational 34946
institution. 34947

(ii) Entered an apprenticeship program registered with the 34948
apprenticeship council established under Chapter 4139. of the 34949
Revised Code. The department may include other job training 34950
programs with similar rigor and outcomes. 34951

(iii) Attained gainful employment, as determined by the 34952
department; 34953

(iv) Enlisted in a branch of the armed forces of the United 34954
States, as defined in section 5910.01 of the Revised Code. 34955

(g) Whether the school district or building has implemented a 34956
positive behavior intervention and supports framework in 34957
compliance with the requirements of section 3319.46 of the Revised 34958
Code, notated with a "yes" or "no"; 34959

(h) The number and percentage of high school seniors in each 34960
school year who completed the free application for federal student 34961
aid; 34962

(i) Beginning with the report card issued under this section 34963
for the 2022-2023 school year, a student opportunity profile 34964
measure that reports data regarding the opportunities provided to 34965
students by a district or building. To the extent possible, and 34966
when appropriate, the data shall be disaggregated by grade level 34967
and subgroup. The measure also shall include data regarding the 34968
statewide average, the average for similar school districts, and, 34969
for a building, the average for the district in which the building 34970

is located. The measure shall include all of the following data	34971
for the district or building:	34972
(i) The average ratio of teachers of record to students in	34973
each grade level in a district or building;	34974
(ii) The average ratio of school counselors to students in a	34975
district or building;	34976
(iii) The average ratio of nurses to students in a district	34977
or building;	34978
(iv) The average ratio of licensed librarians and library	34979
media specialists to students in a district or building;	34980
(v) The average ratio of social workers to students in a	34981
district or building;	34982
(vi) The average ratio of mental health professionals to	34983
students in a district or building;	34984
(vii) The average ratio of paraprofessionals to students in a	34985
district or building;	34986
(viii) The percentage of teachers with fewer than three years	34987
of experience teaching in any school;	34988
(ix) The percentage of principals with fewer than three years	34989
of experience as a principal in any school;	34990
(x) The percentage of teachers who are not teaching in the	34991
subject or field for which they are certified or licensed;	34992
(xi) The percentage of kindergarten students who are enrolled	34993
in all-day kindergarten, as defined in section 3321.05 of the	34994
Revised Code;	34995
(xii) The percentage of students enrolled in a performing or	34996
visual arts course;	34997
(xiii) The percentage of students enrolled in a physical	34998
education or wellness course;	34999

(xiv) The percentage of students enrolled in a world language course;	35000 35001
(xv) The percentage of students in grades seven through twelve who are enrolled in a career-technical education course;	35002 35003
(xvi) The percentage of students participating in one or more cocurricular activities;	35004 35005
(xvii) The percentage of students participating in advance placement courses, international baccalaureate courses, honors courses, or courses offered through the college credit plus program established under Chapter 3365. of the Revised Code;	35006 35007 35008 35009
(xviii) The percentage of students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code and receiving gifted services pursuant to that chapter;	35010 35011 35012 35013
(xix) The percentage of students participating in enrichment or support programs offered by the district or building outside of the normal school day;	35014 35015 35016
(xx) The percentage of eligible students participating each school day in school breakfast programs offered by the district or building in accordance with section 3313.813 or 3313.818 of the Revised Code;	35017 35018 35019 35020
(xxi) The percentage of students who are transported by a school bus each school day;	35021 35022
(xxii) The ratio of portable technology devices that students may take home to the number of students.	35023 35024
The department shall include only opportunity measures at the building level for which data for buildings is available, as determined by a school district.	35025 35026 35027
(j)(i) The percentage of students included in the four- and five-year adjusted cohort graduation rates of the district or	35028 35029

building who completed all of grades nine through twelve while 35030
enrolled in the district or building; 35031

(ii) The four-year adjusted cohort graduation rate for only 35032
those students who were continuously enrolled in the same district 35033
or building for grades nine through twelve. 35034

(k) The percentage of students in the district or building to 35035
whom both of the following apply: 35036

(i) The students are promoted to fourth grade and not subject 35037
to retention under division (A)(2) of section 3313.608 of the 35038
Revised Code. 35039

(ii) The students completed all of the grade levels offered 35040
prior to the fourth grade in the district or building. 35041

(3) Except as provided in division (D)(3)(f) of this section, 35042
the department shall use the state board's method prescribed under 35043
rules adopted under division (D)(4) of this section to assign 35044
performance ratings of "one star," "two stars," "three stars," 35045
"four stars," or "five stars," as described in division (F) of 35046
this section, for a district or building for the individual 35047
components prescribed under division (D)(3) of this section. The 35048
department also shall assign an overall performance rating for a 35049
district or building in accordance with division (D)(3)(g) of this 35050
section. The method shall use the performance measures prescribed 35051
under division (D)(1) of this section to calculate performance 35052
ratings for components. The method may report data under division 35053
(D)(2) of this section with corresponding components, but shall 35054
not use the data to calculate performance ratings for that 35055
component. The performance measures and reported data shall be 35056
grouped together into components as follows: 35057

(a) Gap closing. In addition to other criteria determined 35058
appropriate by the department, performance ratings for the gap 35059
closing component shall reflect whether each of the following 35060

performance measures are met or not met:	35061
(i) The gifted performance indicator as described in division (D)(1)(a) of this section;	35062 35063
(ii) The chronic absenteeism indicator as described in division (D)(1)(b) of this section;	35064 35065
(iii) For English learners, an English language proficiency improvement indicator established by the department;	35066 35067
(iv) The subgroup graduation targets;	35068
(v) The subgroup achievement targets in both mathematics and English language arts;	35069 35070
(vi) The subgroup progress targets in both mathematics and English language arts.	35071 35072
Achievement and progress targets under division (D)(3)(a) of this section shall be calculated individually, and districts and buildings shall receive a status of met or not met on each measure. The department shall not require a subgroup of a district or building to meet both the achievement and progress targets at the same time to receive a status of met.	35073 35074 35075 35076 35077 35078
The department shall not include any subgroup data in this measure that includes data from fewer than fifteen students. Any penalty for failing to meet the required assessment participation rate must be partially in proportion to how close the district or building was to meeting the rate requirement.	35079 35080 35081 35082 35083
(b) Achievement, which shall include the performance measure in division (D)(1)(c) of this section and the reported data in division (D)(2)(a) of this section. Performance ratings for the achievement component shall be awarded as a percentage of the maximum performance index score described in division (D)(1)(c) of this section.	35084 35085 35086 35087 35088 35089
(c) Progress, which shall include the performance measure in	35090

division (D)(1)(d) of this section and the reported data in 35091
divisions (D)(2)(b) and (c) of this section; 35092

(d) Graduation, which shall include the performance measures 35093
in divisions (D)(1)(e) and (f) of this section and the reported 35094
data in divisions (D)(2)(d) and (j) of this section. The four-year 35095
adjusted cohort graduation rate shall be assigned a weight of 35096
sixty per cent and the five-year adjusted cohort graduation rate 35097
shall be assigned a weight of forty per cent; 35098

(e) Early literacy, which shall include the performance 35099
measures in divisions (D)(1)(g), (h), and (i) of this section and 35100
the reported data in divisions (D)(2)(e) and (k) of this section. 35101

If the measure prescribed under division (D)(1)(h) of this 35102
section is included in a report card, performance ratings for the 35103
early literacy component shall give a weight of forty per cent to 35104
the measure prescribed under division (D)(1)(g) of this section, a 35105
weight of thirty-five per cent to the measure prescribed under 35106
division (D)(1)(i) of this section, and a weight of twenty-five 35107
per cent to the measure prescribed under division (D)(1)(h) of 35108
this section. 35109

If the measure prescribed under division (D)(1)(h) of this 35110
section is not included in a report card of a district or 35111
building, performance ratings for the early literacy component 35112
shall give a weight of sixty per cent to the measure prescribed 35113
under division (D)(1)(g) of this section and a weight of forty per 35114
cent to the measure prescribed under division (D)(1)(i) of this 35115
section. 35116

(f) College, career, workforce, and military readiness, which 35117
shall include the performance measure in division (D)(1)(j) of 35118
this section and the reported data in division (D)(2)(f) of this 35119
section. 35120

For the 2021-2022, 2022-2023, and 2023-2024 school years, the 35121

department only shall report the data for, and not assign a performance rating to, the college, career, workforce, and military readiness component. The reported data shall include the percentage of students who demonstrate post-secondary readiness using any of the options described in division (D)(1)(j) of this section.

The department shall analyze the data included in the performance measure prescribed in division (D)(1)(j) of this section for the 2021-2022, 2022-2023, and 2023-2024 school years. Using that data, the department shall develop and propose rules for a method to assign a performance rating to the college, career, workforce, and military readiness component based on that measure. The method to assign a performance rating shall not include a tiered structure or per student bonuses. The rules shall specify that a district or building shall not receive lower than a performance rating of three stars for the component if the district's or building's performance on the component meets or exceeds a level of improvement set by the department. Notwithstanding division (D)(4)(b) of this section, more than half of the total districts and buildings may earn a performance rating of three stars on this component to account for the districts and buildings that earned a performance rating of three stars because they met or exceeded the level of improvement set by the department.

The department shall submit the rules to the joint committee on agency rule review. The committee shall conduct at least one public hearing on the proposed rules and approve or disapprove the rules. If the committee approves the rules, the state board shall adopt the rules in accordance with Chapter 119. of the Revised Code. If the rules are adopted, the department shall assign a performance rating to the college, career, workforce, and military readiness component under the rules beginning with the 2024-2025

school year, and for each school year thereafter. If the committee 35154
disapproves the rules, the component shall be included in the 35155
report card only as reported data for the 2024-2025 school year, 35156
and each school year thereafter. 35157

(g)(i) Except as provided for in division (D)(3)(g)(ii) of 35158
this section, beginning with the 2022-2023 school year, under the 35159
state board's method prescribed under rules adopted in division 35160
(D)(4) of this section, the department shall use the performance 35161
ratings assigned for the components prescribed in divisions 35162
(D)(3)(a) to (e) of this section to determine and assign an 35163
overall performance rating of "one star," "one and one-half 35164
stars," "two stars," "two and one-half stars," "three stars," 35165
"three and one-half stars," "four stars," "four and one-half 35166
stars," or "five stars" for a district or building. The method 35167
shall give equal weight to the components in divisions (D)(3)(b) 35168
and (c) of this section. The method shall give equal weight to the 35169
components in divisions (D)(3)(a), (d), and (e) of this section. 35170
The individual weights of each of the components prescribed in 35171
divisions (D)(3)(a), (d), and (e) of this section shall be equal 35172
to one-half of the weight given to the component prescribed in 35173
division (D)(3)(b) of this section. 35174

(ii) If the joint committee on agency rule review approves 35175
the department's rules regarding the college, career, workforce, 35176
and military readiness component as described in division 35177
(D)(3)(f) of this section, for the 2024-2025 school year, and each 35178
school year thereafter, the state board's method shall use the 35179
components in divisions (D)(3)(a), (b), (c), (d), (e), and (f) of 35180
this section to calculate the overall performance rating. The 35181
method shall give equal weight to the components in divisions 35182
(D)(3)(b) and (c) of this section. The method shall give equal 35183
weight to the components prescribed in divisions (D)(3)(a), (d), 35184
(e), and (f) of this section. The individual weights of each of 35185

the components prescribed in divisions (D)(3)(a), (d), (e), and 35186
(f) of this section shall be equal to one-half the weight given to 35187
the component prescribed in division (D)(3)(b) of this section. 35188

If the joint committee on agency rule review disapproves the 35189
department's rules regarding the college, career, workforce, and 35190
military readiness component as described in division (D)(3)(f) of 35191
this section, division (D)(3)(g)(ii) of this section does not 35192
apply. 35193

(4)(a) The state board shall adopt rules in accordance with 35194
Chapter 119. of the Revised Code to establish the performance 35195
criteria, benchmarks, and rating system necessary to implement 35196
divisions (D) and (F) of this section, including the method for 35197
the department to assign performance ratings under division (D)(3) 35198
of this section. 35199

(b) In establishing the performance criteria, benchmarks, and 35200
rating system, the state board shall consult with stakeholder 35201
groups and advocates that represent parents, community members, 35202
students, business leaders, and educators from different school 35203
typology regions. The state board shall use data from prior school 35204
years and simulations to ensure that there is meaningful 35205
differentiation among districts and buildings across all 35206
performance ratings and that, except as permitted in division 35207
(D)(3)(f) of this section, more than half of all districts or 35208
buildings do not earn the same performance rating in any component 35209
or overall performance rating. 35210

(c) The state board shall adopt the rules prescribed by 35211
division (D)(4) of this section not later than March 31, 2022. 35212
However, the department shall notify districts and buildings of 35213
the changes to the report card prescribed in law not later than 35214
one week after ~~the effective date of this amendment~~ September 30, 35215
2021. 35216

(d) Prior to adopting or updating rules under division (D)(4) 35217
of this section, the president of the state board and the 35218
department shall conduct a public presentation before the standing 35219
committees of the house of representatives and the senate that 35220
consider primary and secondary education legislation describing 35221
the format for the report card and the performance criteria, 35222
benchmarks, and rating system, including the method to assign 35223
performance ratings under division (D)(3) of this section. 35224

(E) On or after July 1, 2015, the state board may develop a 35225
measure of student academic progress for high school students 35226
using only data from assessments in English language arts and 35227
mathematics. If the state board develops this measure, each school 35228
district and applicable school building shall be assigned a 35229
separate letter grade for it not sooner than the 2017-2018 school 35230
year. The district's or building's grade for that measure shall 35231
not be included in determining the district's or building's 35232
overall letter grade. 35233

(F)(1) The letter grades assigned to a school district or 35234
building under this section shall be as follows: 35235

(a) "A" for a district or school making excellent progress; 35236

(b) "B" for a district or school making above average 35237
progress; 35238

(c) "C" for a district or school making average progress; 35239

(d) "D" for a district or school making below average 35240
progress; 35241

(e) "F" for a district or school failing to meet minimum 35242
progress. 35243

(2) For the overall performance rating under division (D)(3) 35244
of this section, the department shall include a descriptor for 35245
each performance rating as follows: 35246

(a) "Significantly exceeds state standards" for a performance rating of five stars;	35247 35248
(b) "Exceeds state standards" for a performance rating of four stars or four and one-half stars;	35249 35250
(c) "Meets state standards" for a performance rating of three stars or three and one-half stars;	35251 35252
(d) "Needs support to meet state standards" for a performance rating of two stars or two and one-half stars;	35253 35254
(e) "Needs significant support to meet state standards" for a performance rating of one star or one and one-half stars.	35255 35256
(3) For performance ratings for each component under divisions (D)(3)(a) to (f) of this section, the state board shall include a description of each component and performance rating. The description shall include component-specific context to each performance rating earned, estimated comparisons to other school districts and buildings if appropriate, and any other information determined by the state board. The descriptions shall be not longer than twenty-five words in length when possible. In addition to such descriptions, the state board shall include the descriptors in division (F)(2) of this section for component performance ratings.	35257 35258 35259 35260 35261 35262 35263 35264 35265 35266 35267
(4) Each report card issued under this section shall include all of the following:	35268 35269
(a) A graphic that depicts the performance ratings of a district or school on a color scale. The color associated with a performance rating of three stars shall be green and the color associated with a performance rating of one star shall be red.	35270 35271 35272 35273
(b) An arrow graphic that shows data trends for performance ratings for school districts or buildings. The state board shall determine the data to be used for this graphic, which shall	35274 35275 35276

include at least the three most recent years of data.	35277
(c) A description regarding the weights that are assigned to each component and used to determine an overall performance rating, as prescribed under division (D)(3)(g) of this section, which shall be included in the presentation of the overall performance rating on each report card.	35278 35279 35280 35281 35282
(G) When reporting data on student achievement and progress, the department shall disaggregate that data according to the following categories:	35283 35284 35285
(1) Performance of students by grade-level;	35286
(2) Performance of students by race and ethnic group;	35287
(3) Performance of students by gender;	35288
(4) Performance of students grouped by those who have been enrolled in a district or school for three or more years;	35289 35290
(5) Performance of students grouped by those who have been enrolled in a district or school for more than one year and less than three years;	35291 35292 35293
(6) Performance of students grouped by those who have been enrolled in a district or school for one year or less;	35294 35295
(7) Performance of students grouped by those who are economically disadvantaged;	35296 35297
(8) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;	35298 35299 35300
(9) Performance of students grouped by those who are classified as English learners;	35301 35302
(10) Performance of students grouped by those who have disabilities;	35303 35304
(11) Performance of students grouped by those who are	35305

classified as migrants; 35306

(12) Performance of students grouped by those who are 35307
identified as gifted in superior cognitive ability and the 35308
specific academic ability fields of reading and math pursuant to 35309
Chapter 3324. of the Revised Code. In disaggregating specific 35310
academic ability fields for gifted students, the department shall 35311
use data for those students with specific academic ability in math 35312
and reading. If any other academic field is assessed, the 35313
department shall also include data for students with specific 35314
academic ability in that field as well. 35315

(13) Performance of students grouped by those who perform in 35316
the lowest quintile for achievement on a statewide basis, as 35317
determined by a method prescribed by the state board. 35318

The department may disaggregate data on student performance 35319
according to other categories that the department determines are 35320
appropriate. To the extent possible, the department shall 35321
disaggregate data on student performance according to any 35322
combinations of two or more of the categories listed in divisions 35323
(G)(1) to (13) of this section that it deems relevant. 35324

In reporting data pursuant to division (G) of this section, 35325
the department shall not include in the report cards any data 35326
statistical in nature that is statistically unreliable or that 35327
could result in the identification of individual students. For 35328
this purpose, the department shall not report student performance 35329
data for any group identified in division (G) of this section that 35330
contains less than ten students. If the department does not report 35331
student performance data for a group because it contains less than 35332
ten students, the department shall indicate on the report card 35333
that is why data was not reported. 35334

(H) The department may include with the report cards any 35335
additional education and fiscal performance data it deems 35336

valuable. 35337

(I) The department shall include on each report card a list 35338
of additional information collected by the department that is 35339
available regarding the district or building for which the report 35340
card is issued. When available, such additional information shall 35341
include student mobility data disaggregated by race and 35342
socioeconomic status, college enrollment data, and the reports 35343
prepared under section 3302.031 of the Revised Code. 35344

The department shall maintain a site on the world wide web. 35345
The report card shall include the address of the site and shall 35346
specify that such additional information is available to the 35347
public at that site. The department shall also provide a copy of 35348
each item on the list to the superintendent of each school 35349
district. The district superintendent shall provide a copy of any 35350
item on the list to anyone who requests it. 35351

(J)(1)(a) Except as provided in division (J)(1)(b) of this 35352
section, for any district that sponsors a conversion community 35353
school under Chapter 3314. of the Revised Code, the department 35354
shall combine data regarding the academic performance of students 35355
enrolled in the community school with comparable data from the 35356
schools of the district for the purpose of determining the 35357
performance of the district as a whole on the report card issued 35358
for the district under this section or section 3302.033 of the 35359
Revised Code. 35360

(b) The department shall not combine data from any conversion 35361
community school that a district sponsors if a majority of the 35362
students enrolled in the conversion community school are enrolled 35363
in a dropout prevention and recovery program that is operated by 35364
the school, as described in division (A)(4)(a) of section 3314.35 35365
of the Revised Code. The department shall include as an addendum 35366
to the district's report card the ratings and performance measures 35367
that are required under section 3314.017 of the Revised Code for 35368

any community school to which division (J)(1)(b) of this section 35369
applies. This addendum shall include, at a minimum, the data 35370
specified in divisions (C)(1)(a), (C)(2), and (C)(3) of section 35371
3314.017 of the Revised Code. 35372

(2) Any district that leases a building to a community school 35373
located in the district or that enters into an agreement with a 35374
community school located in the district whereby the district and 35375
the school endorse each other's programs may elect to have data 35376
regarding the academic performance of students enrolled in the 35377
community school combined with comparable data from the schools of 35378
the district for the purpose of determining the performance of the 35379
district as a whole on the district report card. Any district that 35380
so elects shall annually file a copy of the lease or agreement 35381
with the department. 35382

(3) Any municipal school district, as defined in section 35383
3311.71 of the Revised Code, that sponsors a community school 35384
located within the district's territory, or that enters into an 35385
agreement with a community school located within the district's 35386
territory whereby the district and the community school endorse 35387
each other's programs, may exercise either or both of the 35388
following elections: 35389

(a) To have data regarding the academic performance of 35390
students enrolled in that community school combined with 35391
comparable data from the schools of the district for the purpose 35392
of determining the performance of the district as a whole on the 35393
district's report card; 35394

(b) To have the number of students attending that community 35395
school noted separately on the district's report card. 35396

The election authorized under division (J)(3)(a) of this 35397
section is subject to approval by the governing authority of the 35398
community school. 35399

Any municipal school district that exercises an election to 35400
combine or include data under division (J)(3) of this section, by 35401
the first day of October of each year, shall file with the 35402
department documentation indicating eligibility for that election, 35403
as required by the department. 35404

(K) The department shall include on each report card the 35405
percentage of teachers in the district or building who are 35406
properly certified or licensed teachers, as defined in section 35407
3319.074 of the Revised Code, and a comparison of that percentage 35408
with the percentages of such teachers in similar districts and 35409
buildings. 35410

(L)(1) In calculating English language arts, mathematics, 35411
science, American history, or American government assessment 35412
passage rates used to determine school district or building 35413
performance under this section, the department shall include all 35414
students taking an assessment with accommodation or to whom an 35415
alternate assessment is administered pursuant to division (C)(1) 35416
or (3) of section 3301.0711 of the Revised Code and all students 35417
who take substitute examinations approved under division (B)(4) of 35418
section 3301.0712 of the Revised Code in the subject areas of 35419
science, American history and American government. 35420

(2) In calculating performance index scores, rates of 35421
achievement on the performance indicators established by the state 35422
board under section 3302.02 of the Revised Code, and annual 35423
measurable objectives for determining adequate yearly progress for 35424
school districts and buildings under this section, the department 35425
shall do all of the following: 35426

(a) Include for each district or building only those students 35427
who are included in the ADM certified for the first full school 35428
week of October and are continuously enrolled in the district or 35429
building through the time of the spring administration of any 35430
assessment prescribed by division (A)(1) or (B)(1) of section 35431

3301.0710 or division (B) of section 3301.0712 of the Revised Code 35432
that is administered to the student's grade level; 35433

(b) Include cumulative totals from both the fall and spring 35434
administrations of the third grade English language arts 35435
achievement assessment and, to the extent possible, the summer 35436
administration of that assessment; 35437

(c) ~~Except as required by the No Child Left Behind Act of~~ 35438
~~2001, exclude~~ Include for each district or building any English 35439
~~learner who has been enrolled in United States schools for less~~ 35440
~~than one full school year in accordance with the department's~~ 35441
plan, as approved by the United States secretary of education, to 35442
comply with the "Elementary and Secondary Education Act of 1965," 35443
20 U.S.C. 6311 to 6339. 35444

As used in this section, "English learner" has the same 35445
meaning as in section 3301.0731 of the Revised Code. 35446

(M) Beginning with the 2015-2016 school year and at least 35447
once every three years thereafter, the state board of education 35448
shall review and may adjust the benchmarks for assigning letter 35449
grades or performance ratings to the performance measures and 35450
components prescribed under divisions (C)(3), (D), and (E) of this 35451
section. 35452

Sec. 3302.151. (A) Notwithstanding anything to the contrary 35453
in the Revised Code, a school district that qualifies under 35454
division (D) of this section shall be exempt from all of the 35455
following: 35456

(1) The teacher qualification requirements under the 35457
third-grade reading guarantee, as prescribed under divisions 35458
(B)(3)(c) and ~~(H)(I)~~ of section 3313.608 of the Revised Code. This 35459
exemption does not relieve a teacher from holding a valid Ohio 35460
license in a subject area and grade level determined appropriate 35461

by the board of education of that district. 35462

(2) The mentoring component of the Ohio teacher residency 35463
program established under division (A)(1) of section 3319.223 of 35464
the Revised Code, so long as the district utilizes a local 35465
approach to train and support new teachers; 35466

(3) Any provision of the Revised Code or rule or standard of 35467
the state board of education prescribing a minimum or maximum 35468
class size; 35469

(4) Any provision of the Revised Code or rule or standard of 35470
the state board requiring teachers to be licensed specifically in 35471
the grade level in which they are teaching, except unless 35472
otherwise prescribed by federal law. This exemption does not apply 35473
to special education teachers. Nor does this exemption relieve a 35474
teacher from holding a valid Ohio license in the subject area in 35475
which that teacher is teaching and at least some grade level 35476
determined appropriate by the district board. 35477

(B)(1) Notwithstanding anything to the contrary in the 35478
Revised Code, including sections 3319.30 and 3319.36 of the 35479
Revised Code, the superintendent of a school district that 35480
qualifies under division (D) of this section may employ an 35481
individual who is not licensed as required by sections 3319.22 to 35482
3319.30 of the Revised Code, but who is otherwise qualified based 35483
on experience, to teach classes in the district, so long as the 35484
board of education of the school district approves the 35485
individual's employment and provides mentoring and professional 35486
development opportunities to that individual, as determined 35487
necessary by the board. 35488

(2) As a condition of employment under this section, an 35489
individual shall be subject to a criminal records check as 35490
prescribed by section 3319.391 of the Revised Code. In the manner 35491
prescribed by the department of education, the individual shall 35492

submit the criminal records check to the department and shall 35493
register with the department during the period in which the 35494
individual is employed by the district. The department shall use 35495
the information submitted to enroll the individual in the retained 35496
applicant fingerprint database, established under section 109.5721 35497
of the Revised Code, in the same manner as any teacher licensed 35498
under sections 3319.22 to 3319.31 of the Revised Code. 35499

(3) An individual employed pursuant to this division is 35500
subject to Chapter 3307. of the Revised Code. 35501

If the department receives notification of the arrest or 35502
conviction of an individual employed under division (B) of this 35503
section, the department shall promptly notify the employing 35504
district and may take any action authorized under sections 3319.31 35505
and 3319.311 of the Revised Code that it considers appropriate. No 35506
district shall employ any individual under division (B) of this 35507
section if the district learns that the individual has plead 35508
guilty to, has been found guilty by a jury or court of, or has 35509
been convicted of any of the offenses listed in division (C) of 35510
section 3319.31 of the Revised Code. 35511

(C) Notwithstanding anything to the contrary in the Revised 35512
Code, noncompliance with any of the requirements listed in 35513
divisions (A) or (B) of this section shall not disqualify a school 35514
district that qualifies under division (D) of this section from 35515
receiving funds under Chapter 3317. of the Revised Code. 35516

(D) In order for a city, local, or exempted village school 35517
district to qualify for the exemptions described in this section, 35518
the school district shall meet all of the following benchmarks on 35519
the most recent report card issued for that district under section 35520
3302.03 of the Revised Code: 35521

(1) The district received at least eighty-five per cent of 35522
the total possible points for the performance index score 35523

calculated under division (C)(1)(b) or (D)(1)(c) of that section; 35524

(2) The district received a grade of an "A" for performance 35525
indicators met under division (C)(1)(c) of that section. However, 35526
division (D)(2) of this section shall not apply for the 2021-2022 35527
school year or any school year thereafter. 35528

(3) The district has a four-year adjusted cohort graduation 35529
rate of at least ninety-three per cent and a five-year adjusted 35530
cohort graduation rate of at least ninety-five per cent, as 35531
calculated under division (C)(1)(d) or divisions (D)(1)(e) and 35532
(D)(1)(f) of that section. 35533

(E) A school district that meets the requirements prescribed 35534
by division (D) of this section shall be qualified for the 35535
exemptions prescribed by this section for three school years, 35536
beginning with the school year in which the qualifying report card 35537
is issued. 35538

(F) As used in this section, "license" has the same meaning 35539
as in section 3319.31 of the Revised Code. 35540

Sec. 3310.032. (A) A student is an "eligible student" for 35541
purposes of the expansion of the educational choice scholarship 35542
pilot program under this section if the student's resident 35543
district is not a school district in which the pilot project 35544
scholarship program is operating under sections 3313.974 to 35545
3313.979 of the Revised Code, the student is not eligible for an 35546
educational choice scholarship under section 3310.03 of the 35547
Revised Code, and either of the following apply: 35548

(1) The student's family income is at or below ~~two~~ four 35549
hundred fifty per cent of the federal poverty guidelines, as 35550
defined in section 5101.46 of the Revised Code, when the student 35551
applies for a scholarship under this section. 35552

(2) The student's sibling, as defined in section 3310.033 of 35553

the Revised Code, receives a scholarship under this section for at least one of the following:

(a) For the school year immediately prior to the school year for which the student is seeking a scholarship;

(b) For the school year for which the student is seeking a scholarship.

(B) In each fiscal year for which the general assembly appropriates funds for purposes of this section, the department of education shall pay scholarships to attend chartered nonpublic schools in accordance with section 3317.022 of the Revised Code. The number of scholarships awarded under this section shall not exceed the number that can be funded for that school year as authorized by the general assembly.

(C) Scholarships under this section shall be awarded as follows:

(1) For the 2013-2014 school year, to eligible students who are entering kindergarten in that school year for the first time;

(2) For each subsequent school year through the 2019-2020 school year, scholarships shall be awarded to eligible students in the next grade level above the highest grade level awarded in the preceding school year, in addition to the grade levels for which students received scholarships in the preceding school year;

(3) Beginning with the 2020-2021 school year, to eligible students who are entering any of grades kindergarten through twelve in that school year for the first time.

(D) If the number of eligible students who apply for a scholarship under this section exceeds the scholarships available based on the appropriation for this section, the department shall award scholarships in the following order of priority:

(1) First, to eligible students who received scholarships

under this section in the prior school year; 35584

(2) Second, to eligible students with family incomes at or 35585
below ~~one~~ three hundred per cent of the federal poverty 35586
guidelines. If the number of students described in division (D)(2) 35587
of this section who apply for a scholarship exceeds the number of 35588
available scholarships after awards are made under division (D)(1) 35589
of this section, the department shall select students described in 35590
division (D)(2) of this section by lot to receive any remaining 35591
scholarships. 35592

(3) Third, to other eligible students who qualify under this 35593
section. If the number of students described in division (D)(3) of 35594
this section exceeds the number of available scholarships after 35595
awards are made under divisions (D)(1) and (2) of this section, 35596
the department shall select students described in division (D)(3) 35597
of this section by lot to receive any remaining scholarships. 35598

(E) A student who receives a scholarship under this section 35599
remains an eligible student and may continue to receive 35600
scholarships under this section in subsequent school years until 35601
the student completes grade twelve, so long as the student 35602
satisfies the conditions specified in divisions (D)(2) and (3) of 35603
section 3310.03 of the Revised Code. 35604

Once a scholarship is awarded under this section, the student 35605
shall remain eligible for that scholarship for the current school 35606
year and subsequent school years even if the student's family 35607
income rises above the amount specified in division (A) of this 35608
section, provided the student remains enrolled in a chartered 35609
nonpublic school. 35610

Sec. 3310.41. (A) As used in this section: 35611

(1) "Alternative public provider" means either of the 35612
following providers that agrees to enroll a child in the 35613

provider's special education program to implement the child's 35614
individualized education program and to which the child's parent 35615
owes fees for the services provided to the child: 35616

(a) A school district that is not the school district in 35617
which the child is entitled to attend school; 35618

(b) A public entity other than a school district. 35619

(2) "Entitled to attend school" means entitled to attend 35620
school in a school district under section 3313.64 or 3313.65 of 35621
the Revised Code. 35622

(3) "Formula ADM" has the same meaning as in section 3317.02 35623
of the Revised Code. 35624

(4) "Preschool child with a disability" and "individualized 35625
education program" have the same meanings as in section 3323.01 of 35626
the Revised Code. 35627

(5) "Parent" has the same meaning as in section 3313.64 of 35628
the Revised Code, except that "parent" does not mean a parent 35629
whose custodial rights have been terminated. "Parent" also 35630
includes the custodian of a qualified special education child, 35631
when a court has granted temporary, legal, or permanent custody of 35632
the child to an individual other than either of the natural or 35633
adoptive parents of the child or to a government agency. 35634

(6) "Qualified special education child" is a child for whom 35635
all of the following conditions apply: 35636

(a) The school district in which the child is entitled to 35637
attend school has identified the child as autistic. A child who 35638
has been identified as having a "pervasive developmental disorder 35639
- not otherwise specified (PPD-NOS)" shall be considered to be an 35640
autistic child for purposes of this section. 35641

(b) The school district in which the child is entitled to 35642
attend school has developed an individualized education program 35643

under Chapter 3323. of the Revised Code for the child. 35644

(c) The child either: 35645

(i) Was enrolled in the school district in which the child is 35646
entitled to attend school in any grade from preschool through 35647
twelve in the school year prior to the year in which a scholarship 35648
under this section is first sought for the child; or 35649

(ii) Is eligible to enter school in any grade preschool 35650
through twelve in the school district in which the child is 35651
entitled to attend school in the school year in which a 35652
scholarship under this section is first sought for the child. 35653

(7) "Registered private provider" means a nonpublic school or 35654
other nonpublic entity that has been approved by the department of 35655
education to participate in the program established under this 35656
section. 35657

(8) "Special education program" means a school or facility 35658
that provides special education and related services to children 35659
with disabilities. 35660

(B) There is hereby established the autism scholarship 35661
program. Under the program, the department of education shall pay 35662
a scholarship under section 3317.022 of the Revised Code to the 35663
parent of each qualified special education child upon application 35664
of that parent pursuant to procedures and deadlines established by 35665
rule of the state board of education. Each scholarship shall be 35666
used only to pay tuition for the child on whose behalf the 35667
scholarship is awarded to attend a special education program that 35668
implements the child's individualized education program and that 35669
is operated by an alternative public provider or by a registered 35670
private provider, and to pay for other services agreed to by the 35671
provider and the parent of a qualified special education child 35672
that are not included in the individualized education program but 35673
are associated with educating the child. Upon agreement with the 35674

parent of a qualified special education child, the alternative 35675
public provider or the registered private provider may modify the 35676
services provided to the child. The purpose of the scholarship is 35677
to permit the parent of a qualified special education child the 35678
choice to send the child to a special education program, instead 35679
of the one operated by or for the school district in which the 35680
child is entitled to attend school, to receive the services 35681
prescribed in the child's individualized education program once 35682
the individualized education program is finalized and any other 35683
services agreed to by the provider and the parent of a qualified 35684
special education child. The services provided under the 35685
scholarship shall include an educational component or services 35686
designed to assist the child to benefit from the child's 35687
education. 35688

A scholarship under this section shall not be awarded to the 35689
parent of a child while the child's individualized education 35690
program is being developed by the school district in which the 35691
child is entitled to attend school, or while any administrative or 35692
judicial mediation or proceedings with respect to the content of 35693
the child's individualized education program are pending. A 35694
scholarship under this section shall not be used for a child to 35695
attend a public special education program that operates under a 35696
contract, compact, or other bilateral agreement between the school 35697
district in which the child is entitled to attend school and 35698
another school district or other public provider, or for a child 35699
to attend a community school established under Chapter 3314. of 35700
the Revised Code. However, nothing in this section or in any rule 35701
adopted by the state board shall prohibit a parent whose child 35702
attends a public special education program under a contract, 35703
compact, or other bilateral agreement, or a parent whose child 35704
attends a community school, from applying for and accepting a 35705
scholarship under this section so that the parent may withdraw the 35706
child from that program or community school and use the 35707

scholarship for the child to attend a special education program 35708
for which the parent is required to pay for services for the 35709
child. 35710

Except for development of the child's individualized 35711
education program, the school district in which a qualified 35712
special education child is entitled to attend school and the 35713
child's school district of residence, as defined in section 35714
3323.01 of the Revised Code, if different, are not obligated to 35715
provide the child with a free appropriate public education under 35716
Chapter 3323. of the Revised Code for as long as the child 35717
continues to attend the special education program operated by 35718
either an alternative public provider or a registered private 35719
provider for which a scholarship is awarded under the autism 35720
scholarship program. If at any time, the eligible applicant for 35721
the child decides no longer to accept scholarship payments and 35722
enrolls the child in the special education program of the school 35723
district in which the child is entitled to attend school, that 35724
district shall provide the child with a free appropriate public 35725
education under Chapter 3323. of the Revised Code. 35726

A child attending a special education program with a 35727
scholarship under this section shall continue to be entitled to 35728
transportation to and from that program in the manner prescribed 35729
by law. 35730

(C) As prescribed in division (A)(2)(h) of section 3317.03 of 35731
the Revised Code, a child who is not a preschool child with a 35732
disability for whom a scholarship is awarded under this section 35733
shall be counted in the formula ADM of the district in which the 35734
child is entitled to attend school and not in the formula ADM of 35735
any other school district. 35736

(D) A scholarship shall not be paid under section 3317.022 of 35737
the Revised Code to a parent for payment of tuition owed to a 35738
nonpublic entity unless that entity is a registered private 35739

provider. The department shall approve entities that meet the 35740
standards established by rule of the state board for the program 35741
established under this section. 35742

(E) The state board shall adopt rules under Chapter 119. of 35743
the Revised Code prescribing procedures necessary to implement 35744
this section, including, but not limited to, procedures and 35745
deadlines for parents to apply for scholarships, standards for 35746
registered private providers, and procedures for approval of 35747
entities as registered private providers. 35748

The rules also shall specify that intervention services under 35749
the autism scholarship program may be provided by a qualified, 35750
credentialed provider, including, but not limited to, all of the 35751
following: 35752

(1) A behavior analyst certified by a nationally recognized 35753
organization that certifies behavior analysts; 35754

(2) A psychologist licensed to practice in this state under 35755
Chapter 4732. of the Revised Code; 35756

(3) An independent school psychologist or school psychologist 35757
licensed to practice in this state under Chapter 4732. of the 35758
Revised Code; 35759

(4) Any person employed by a licensed psychologist, licensed 35760
independent school psychologist, or licensed school psychologist, 35761
while carrying out specific tasks, under the licensee's 35762
supervision, as an extension of the licensee's legal and ethical 35763
authority as specified under Chapter 4732. of the Revised Code who 35764
is ascribed as "psychology trainee," "psychology assistant," 35765
"psychology intern," or other appropriate term that clearly 35766
implies their supervised or training status; 35767

(5) Unlicensed persons holding a doctoral degree in 35768
psychology or special education from a program approved by the 35769
state board; 35770

(6) <u>A "registered behavior technician" as described under rule 5123-9-41 of the Administrative Code;</u>	35771
	35772
<u>(7) A "certified Ohio behavior analyst" under Chapter 4783. of the Revised Code;</u>	35773
	35774
(8) Any other qualified individual as determined by the state board.	35775
	35776
(F) The department shall provide reasonable notice to all parents of children receiving a scholarship under the autism scholarship program, alternative public providers, and registered private providers of any amendment to a rule governing, or change in the administration of, the autism scholarship program.	35777
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Sec. 3310.43. (A) As used in this section:	35782
(1) "Registered private provider" has the same meaning as in section 3310.41 of the Revised Code.	35783
	35784
(2) "Two years of study" means the equivalent of forty-eight semester hours or seventy-two quarter hours.	35785
	35786
(B) The state board of education may issue an instructional assistant permit to an individual, upon the request of a registered private provider, qualifying that individual to provide services to a child under the autism scholarship program under section 3310.41 of the Revised Code. The permit shall be valid for one year from the date of issue and shall be renewable.	35787
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For an individual to qualify for a permit under this section, the registered private provider shall assure to the state board all of the following:	35793
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	35795
(1) The individual possesses the appropriate skills necessary to perform the duties of an instructional assistant, including the supervision of children and assistance with instructional tasks.	35796
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(2) The individual demonstrates the potential to benefit from	35799

and consents to participating in in-service training, as required 35800
by the registered private provider. 35801

(3) The individual either: 35802

(a) Has an associate degree or higher from an accredited 35803
institution of higher education; 35804

(b) Has completed at least two years of study at an 35805
accredited institution of higher education. 35806

(C) An individual issued a permit under this section may 35807
provide instructional services in the home of a child so long as 35808
the individual is subject to adequate training and supervision. 35809
The state board shall adopt rules, pursuant to Chapter 119. of the 35810
Revised Code, regarding how providers will demonstrate this 35811
supervision. 35812

(D) An individual issued a permit under this section shall be 35813
subject to the requirements of sections 3319.291, 3319.31, 35814
3319.311, and 3319.313 of the Revised Code. 35815

(E) The state board shall not require any of the following 35816
providers to receive a permit under this section to qualify to 35817
provide services to a child, including in-home services, under the 35818
autism scholarship program: 35819

(1) A registered behavior technician as described under rule 35820
5123-9-41 of the Administrative Code; 35821

(2) A certified Ohio behavior technician under Chapter 4783. 35822
of the Revised Code. 35823

Sec. 3313.5310. (A)(1) This section applies to both of the 35824
following: 35825

(a) Any school operated by a school district board of 35826
education; 35827

(b) Any chartered or nonchartered nonpublic school that is 35828

subject to the rules of an interscholastic conference or an organization that regulates interscholastic conferences or events. (2) As used in this section, "athletic activity" means all of the following:

- (a) Interscholastic athletics;
- (b) An athletic contest or competition that is sponsored by or associated with a school that is subject to this section, including cheerleading, club-sponsored sports activities, and sports activities sponsored by school-affiliated organizations;
- (c) Noncompetitive cheerleading that is sponsored by school-affiliated organizations;
- (d) Practices, interschool practices, and scrimmages for all of the activities described in divisions (A)(2)(a), (b), and (c) of this section.

(B) Prior to the start of each athletic season, a school that is subject to this section may hold an informational meeting for students, parents, guardians, other persons having care or charge of a student, physicians, pediatric cardiologists, athletic trainers, and any other persons regarding the symptoms and warning signs of sudden cardiac arrest for all ages of students.

(C) No student shall participate in an athletic activity until the student has submitted to a designated school official a form signed by the student and the parent, guardian, or other person having care or charge of the student stating that the student and the parent, guardian, or other person having care or charge of the student have received and reviewed a copy of the information developed by the departments of health and education and posted on their respective internet web sites as required by section 3707.59 of the Revised Code. A completed form shall be submitted each school year, as defined in section 3313.62 of the Revised Code, in which the student participates in an athletic

activity. 35860

(D) No individual shall coach an athletic activity unless the 35861
individual has completed, ~~on an annual basis,~~ the sudden cardiac 35862
arrest training course approved by the department of health under 35863
division (C) of section 3707.59 of the Revised Code in accordance 35864
with section 3319.303 of the Revised Code. 35865

(E)(1) A student shall not be allowed to participate in an 35866
athletic activity if either of the following is the case: 35867

(a) The student's biological parent, biological sibling, or 35868
biological child has previously experienced sudden cardiac arrest, 35869
and the student has not been evaluated and cleared for 35870
participation in an athletic activity by a physician authorized 35871
under Chapter 4731. of the Revised Code to practice medicine and 35872
surgery or osteopathic medicine and surgery. 35873

(b) The student is known to have exhibited syncope or 35874
fainting at any time prior to or following an athletic activity 35875
and has not been evaluated and cleared for return under division 35876
(E)(3) of this section after exhibiting syncope or fainting. 35877

(2) A student shall be removed by the student's coach from 35878
participation in an athletic activity if the student exhibits 35879
syncope or fainting. 35880

(3) If a student is not allowed to participate in or is 35881
removed from participation in an athletic activity under division 35882
(E)(1) or (2) of this section, the student shall not be allowed to 35883
return to participation until the student is evaluated and cleared 35884
for return in writing by any of the following: 35885

(a) A physician authorized under Chapter 4731. of the Revised 35886
Code to practice medicine and surgery or osteopathic medicine and 35887
surgery, including a physician who specializes in cardiology; 35888

(b) A certified nurse practitioner, clinical nurse 35889

specialist, or certified nurse-midwife who holds a certificate of authority issued under Chapter 4723. of the Revised Code; 35890
35891

(c) A physician assistant licensed under Chapter 4730. of the Revised Code; 35892
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(d) An athletic trainer licensed under Chapter 4755. of the Revised Code. 35894
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The licensed health care providers specified in divisions (E)(3)(a) to (d) of this section may consult with any other licensed or certified health care providers in order to determine whether a student is ready to return to participation. 35896
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(F) A school that is subject to this section shall establish penalties for a coach who violates the provisions of division (E) of this section. 35900
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(G) Nothing in this section shall be construed to abridge or limit any rights provided under a collective bargaining agreement entered into under Chapter 4117. of the Revised Code prior to March 14, 2017. 35903
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(H)(1) A school district, member of a school district board of education, or school district employee or volunteer, including a coach, is not liable in damages in a civil action for injury, death, or loss to person or property allegedly arising from providing services or performing duties under this section, unless the act or omission constitutes willful or wanton misconduct. 35907
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This section does not eliminate, limit, or reduce any other immunity or defense that a school district, member of a school district board of education, or school district employee or volunteer, including a coach, may be entitled to under Chapter 2744. or any other provision of the Revised Code or under the common law of this state. 35913
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(2) A chartered or nonchartered nonpublic school or any 35919

officer, director, employee, or volunteer of the school, including 35920
a coach, is not liable in damages in a civil action for injury, 35921
death, or loss to person or property allegedly arising from 35922
providing services or performing duties under this section, unless 35923
the act or omission constitutes willful or wanton misconduct. 35924

Sec. 3313.5318. As used in this section, "athletic activity" 35925
has the same meaning as in section 3313.5310 of the Revised Code. 35926

(A) No individual shall coach an athletic activity at a 35927
school operated by a school district board of education or any 35928
chartered or nonchartered nonpublic school that is subject to the 35929
rules of an interscholastic conference or an organization that 35930
regulates interscholastic conferences or events unless the 35931
individual has completed a student mental health training course 35932
approved by the department of mental health and addiction services 35933
pursuant to division (B) of this section. The mental health 35934
training course may be combined with or part of another training 35935
course. 35936

(B) On or after the effective date of this section, an 35937
individual shall complete the training prescribed by division (A) 35938
of this section each time the individual applies for or renews a 35939
pupil-activity program permit under section 3319.303 of the 35940
Revised Code. An individual may complete the training at any time 35941
within the duration of the individual's new or renewed permit. 35942
Upon completion, the individual shall present evidence to the 35943
state board of education that the individual has successfully 35944
completed the training described in division (A) of this section. 35945

Sec. 3313.603. (A) As used in this section: 35946

(1) "One unit" means a minimum of one hundred twenty hours of 35947
course instruction, except that for a laboratory course, "one 35948
unit" means a minimum of one hundred fifty hours of course 35949

instruction. 35950

(2) "One-half unit" means a minimum of sixty hours of course instruction, except that for physical education courses, "one-half unit" means a minimum of one hundred twenty hours of course instruction. 35951
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(B) Beginning September 15, 2001, except as required in division (C) of this section and division (C) of section 3313.614 of the Revised Code, the requirements for graduation from every high school shall include twenty units earned in grades nine through twelve and shall be distributed as follows: 35955
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(1) English language arts, four units; 35960

(2) Health, one-half unit; 35961

(3) Mathematics, three units; 35962

(4) Physical education, one-half unit; 35963

(5) Science, two units until September 15, 2003, and three units thereafter, which at all times shall include both of the following: 35964
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35966

(a) Biological sciences, one unit; 35967

(b) Physical sciences, one unit. 35968

(6) History and government, one unit, which shall comply with division (M) of this section and shall include both of the following: 35969
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35971

(a) American history, one-half unit; 35972

(b) American government, one-half unit. 35973

(7) Social studies, two units. 35974

Beginning with students who enter ninth grade for the first time on or after July 1, 2017, the two units of instruction prescribed by division (B)(7) of this section shall include at least one-half unit of instruction in the study of world history 35975
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and civilizations. 35979

(8) Elective units, seven units until September 15, 2003, and 35980
six units thereafter. 35981

Each student's electives shall include at least one unit, or 35982
two half units, chosen from among the areas of 35983
business/technology, fine arts, and/or foreign language. 35984

(C) Beginning with students who enter ninth grade for the 35985
first time on or after July 1, 2010, except as provided in 35986
divisions (D) to (F) of this section, the requirements for 35987
graduation from every public and chartered nonpublic high school 35988
shall include twenty units that are designed to prepare students 35989
for the workforce and college. The units shall be distributed as 35990
follows: 35991

(1) English language arts, four units; 35992

(2) Health, one-half unit, which shall include instruction in 35993
nutrition and the benefits of nutritious foods and physical 35994
activity for overall health; 35995

(3) Mathematics, four units, which shall include one unit of 35996
algebra II or the equivalent of algebra II, or one unit of 35997
advanced computer science as described in the standards adopted 35998
pursuant to division (A)(4) of section 3301.079 of the Revised 35999
Code. However, students who enter ninth grade for the first time 36000
on or after July 1, 2015, and who are pursuing a career-technical 36001
instructional track shall not be required to take algebra II or 36002
advanced computer science, and instead may complete a career-based 36003
pathway mathematics course approved by the department of education 36004
as an alternative. 36005

For students who choose to take advanced computer science in 36006
lieu of algebra II under division (C)(3) of this section, the 36007
school shall communicate to those students that some institutions 36008
of higher education may require algebra II for the purpose of 36009

college admission. Also, the parent, guardian, or legal custodian 36010
of each student who chooses to take advanced computer science in 36011
lieu of algebra II shall sign and submit to the school a document 36012
containing a statement acknowledging that not taking algebra II 36013
may have an adverse effect on college admission decisions. 36014

A student may fulfill one unit of mathematics under division 36015
(C)(3) of this section by completing one-half unit of financial 36016
literacy instruction to satisfy the requirement prescribed under 36017
division (C)(9) of this section and one-half unit of a mathematics 36018
course. The one-half unit course in mathematics shall not be in 36019
algebra II, or its equivalent, or a course for which the state 36020
board requires an end-of-course examination under section 36021
3301.0712 of the Revised Code. 36022

Students who choose to take one unit of advanced computer 36023
science in lieu of algebra II, as described in division (C)(3) of 36024
this section, shall not be permitted to complete one-half unit of 36025
financial literacy instruction to satisfy the mathematics unit 36026
requirements of that division. Instead, those students shall be 36027
required to complete the one-half unit of financial literacy 36028
instruction under division (C)(8) of this section. 36029

(4) Physical education, one-half unit; 36030

(5) Science, three units with inquiry-based laboratory 36031
experience that engages students in asking valid scientific 36032
questions and gathering and analyzing information, which shall 36033
include the following, or their equivalent: 36034

(a) Physical sciences, one unit; 36035

(b) Life sciences, one unit; 36036

(c) Advanced study in one or more of the following sciences, 36037
one unit: 36038

(i) Chemistry, physics, or other physical science; 36039

(ii) Advanced biology or other life science;	36040
(iii) Astronomy, physical geology, or other earth or space science;	36041 36042
(iv) Computer science.	36043
No student shall substitute a computer science course for a life sciences or biology course under division (C)(5) of this section.	36044 36045 36046
(6) History and government, one unit, which shall comply with division (M) of this section and shall include both of the following:	36047 36048 36049
(a) American history, one-half unit;	36050
(b) American government, one-half unit.	36051
(7) Social studies, two units.	36052
Beginning with students who enter ninth grade for the first time on or after July 1, 2017, the two units of instruction prescribed by division (C)(7) of this section shall include at least one-half unit of instruction in the study of world history and civilizations.	36053 36054 36055 36056 36057
(8) Five units consisting of one or any combination of foreign language, fine arts, business, career-technical education, family and consumer sciences, technology which may include computer science, agricultural education, a junior reserve officer training corps (JROTC) program approved by the congress of the United States under title 10 of the United States Code, or English language arts, mathematics, science, or social studies courses not otherwise required under division (C) of this section.	36058 36059 36060 36061 36062 36063 36064 36065
One-half unit of instruction under division (C)(8) of this section may be instruction in financial literacy to satisfy the requirement under division (C)(9) of this section.	36066 36067 36068
(9)(a) Except as provided in division (C)(9)(b) of this	36069

section, for students who enter ninth grade for the first time on 36070
or after July 1, 2022, financial literacy, one-half unit. Each 36071
student shall elect to complete the one-half unit of instruction 36072
in financial literacy either in lieu of one-half unit of 36073
instruction in mathematics under division (C)(3) of this section 36074
or an elective under division (C)(8) of this section. 36075

(b) A student attending a nonpublic school accredited through 36076
the independent schools association of the central states or any 36077
other chartered nonpublic school shall not be required to complete 36078
the one-half unit of financial literacy instruction prescribed in 36079
division (C)(9)(a) of this section, unless that student is 36080
attending the school under a state scholarship program as defined 36081
in section 3301.0711 of the Revised Code. 36082

The study and instruction of financial literacy required 36083
under division (C)(9) of this section shall align with the 36084
academic content standards for financial literacy and 36085
entrepreneurship adopted under division (A)(2) of section 3301.079 36086
of the Revised Code. Schools shall include in the curriculum for 36087
the study and instruction of financial literacy instruction on the 36088
free application for federal student aid. The content and method 36089
of such instruction shall be determined by each school. In 36090
developing the curriculum for the study and instruction of 36091
financial literacy, schools may use available public-private 36092
partnerships and resources and materials that exist in business, 36093
industry, and through the centers for economics education at 36094
institutions of higher education. 36095

Ohioans must be prepared to apply increased knowledge and 36096
skills in the workplace and to adapt their knowledge and skills 36097
quickly to meet the rapidly changing conditions of the 36098
twenty-first century. National studies indicate that all high 36099
school graduates need the same academic foundation, regardless of 36100
the opportunities they pursue after graduation. The goal of Ohio's 36101

system of elementary and secondary education is to prepare all 36102
students for and seamlessly connect all students to success in 36103
life beyond high school graduation, regardless of whether the next 36104
step is entering the workforce, beginning an apprenticeship, 36105
engaging in post-secondary training, serving in the military, or 36106
pursuing a college degree. 36107

The requirements for graduation prescribed in division (C) of 36108
this section are the standard expectation for all students 36109
entering ninth grade for the first time at a public or chartered 36110
nonpublic high school on or after July 1, 2010. A student may 36111
satisfy this expectation through a variety of methods, including, 36112
but not limited to, integrated, applied, career-technical, and 36113
traditional coursework. 36114

Stronger coordination between high schools and institutions 36115
of higher education is necessary to prepare students for more 36116
challenging academic endeavors and to lessen the need for academic 36117
remediation in college, thereby reducing the costs of higher 36118
education for Ohio's students, families, and the state. The state 36119
board and the chancellor of higher education shall develop 36120
policies to ensure that only in rare instances will students who 36121
complete the requirements for graduation prescribed in division 36122
(C) of this section require academic remediation after high 36123
school. 36124

School districts, community schools, and chartered nonpublic 36125
schools shall integrate technology into learning experiences 36126
across the curriculum in order to maximize efficiency, enhance 36127
learning, and prepare students for success in the 36128
technology-driven twenty-first century. Districts and schools 36129
shall use distance and web-based course delivery as a method of 36130
providing or augmenting all instruction required under this 36131
division, including laboratory experience in science. Districts 36132
and schools shall utilize technology access and electronic 36133

learning opportunities provided by the broadcast educational media 36134
commission, chancellor, the Ohio learning network, education 36135
technology centers, public television stations, and other public 36136
and private providers. 36137

(D) Except as provided in division (E) of this section, a 36138
student who enters ninth grade on or after July 1, 2010, and 36139
before July 1, 2016, may qualify for graduation from a public or 36140
chartered nonpublic high school even though the student has not 36141
completed the requirements for graduation prescribed in division 36142
(C) of this section if all of the following conditions are 36143
satisfied: 36144

(1) During the student's third year of attending high school, 36145
as determined by the school, the student and the student's parent, 36146
guardian, or custodian sign and file with the school a written 36147
statement asserting the parent's, guardian's, or custodian's 36148
consent to the student's graduating without completing the 36149
requirements for graduation prescribed in division (C) of this 36150
section and acknowledging that one consequence of not completing 36151
those requirements is ineligibility to enroll in most state 36152
universities in Ohio without further coursework. 36153

(2) The student and parent, guardian, or custodian fulfill 36154
any procedural requirements the school stipulates to ensure the 36155
student's and parent's, guardian's, or custodian's informed 36156
consent and to facilitate orderly filing of statements under 36157
division (D)(1) of this section. Annually, each district or school 36158
shall notify the department of the number of students who choose 36159
to qualify for graduation under division (D) of this section and 36160
the number of students who complete the student's success plan and 36161
graduate from high school. 36162

(3) The student and the student's parent, guardian, or 36163
custodian and a representative of the student's high school 36164
jointly develop a student success plan for the student in the 36165

manner described in division (C)(1) of section 3313.6020 of the Revised Code that specifies the student matriculating to a two-year degree program, acquiring a business and industry-recognized credential, or entering an apprenticeship.

(4) The student's high school provides counseling and support for the student related to the plan developed under division (D)(3) of this section during the remainder of the student's high school experience.

(5)(a) Except as provided in division (D)(5)(b) of this section, the student successfully completes, at a minimum, the curriculum prescribed in division (B) of this section.

(b) Beginning with students who enter ninth grade for the first time on or after July 1, 2014, a student shall be required to complete successfully, at the minimum, the curriculum prescribed in division (B) of this section, except as follows:

(i) Mathematics, four units, one unit which shall be one of the following:

(I) Probability and statistics;

(II) Computer science;

(III) Applied mathematics or quantitative reasoning;

(IV) Any other course approved by the department using standards established by the superintendent not later than October 1, 2014.

(ii) Elective units, five units;

(iii) Science, three units as prescribed by division (B) of this section which shall include inquiry-based laboratory experience that engages students in asking valid scientific questions and gathering and analyzing information.

(E) Each school district and chartered nonpublic school retains the authority to require an even more challenging minimum

curriculum for high school graduation than specified in division 36196
(B) or (C) of this section. A school district board of education, 36197
through the adoption of a resolution, or the governing authority 36198
of a chartered nonpublic school may stipulate any of the 36199
following: 36200

(1) A minimum high school curriculum that requires more than 36201
twenty units of academic credit to graduate; 36202

(2) An exception to the district's or school's minimum high 36203
school curriculum that is comparable to the exception provided in 36204
division (D) of this section but with additional requirements, 36205
which may include a requirement that the student successfully 36206
complete more than the minimum curriculum prescribed in division 36207
(B) of this section; 36208

(3) That no exception comparable to that provided in division 36209
(D) of this section is available. 36210

If a school district or chartered nonpublic school requires a 36211
foreign language as an additional graduation requirement under 36212
division (E) of this section, a student may apply one unit of 36213
instruction in computer coding to satisfy one unit of foreign 36214
language. If a student applies more than one computer coding 36215
course to satisfy the foreign language requirement, the courses 36216
shall be sequential and progressively more difficult. 36217

(F) A student enrolled in a dropout prevention and recovery 36218
program, which program has received a waiver from the department, 36219
may qualify for graduation from high school by successfully 36220
completing a competency-based instructional program administered 36221
by the dropout prevention and recovery program in lieu of 36222
completing the requirements for graduation prescribed in division 36223
(C) of this section. The department shall grant a waiver to a 36224
dropout prevention and recovery program, within sixty days after 36225
the program applies for the waiver, if the program meets all of 36226

the following conditions: 36227

(1) The program serves only students not younger than sixteen 36228
years of age and not older than twenty-one years of age. 36229

(2) The program enrolls students who, at the time of their 36230
initial enrollment, either, or both, are at least one grade level 36231
behind their cohort age groups or experience crises that 36232
significantly interfere with their academic progress such that 36233
they are prevented from continuing their traditional programs. 36234

(3) The program requires students to attain at least the 36235
applicable score designated for each of the assessments prescribed 36236
under division (B)(1) of section 3301.0710 of the Revised Code or, 36237
to the extent prescribed by rule of the state board under division 36238
(D)(5) of section 3301.0712 of the Revised Code, division (B)(2) 36239
of that section. 36240

(4) The program develops a student success plan for the 36241
student in the manner described in division (C)(1) of section 36242
3313.6020 of the Revised Code that specifies the student's 36243
matriculating to a two-year degree program, acquiring a business 36244
and industry-recognized credential, or entering an apprenticeship. 36245

(5) The program provides counseling and support for the 36246
student related to the plan developed under division (F)(4) of 36247
this section during the remainder of the student's high school 36248
experience. 36249

(6) The program requires the student and the student's 36250
parent, guardian, or custodian to sign and file, in accordance 36251
with procedural requirements stipulated by the program, a written 36252
statement asserting the parent's, guardian's, or custodian's 36253
consent to the student's graduating without completing the 36254
requirements for graduation prescribed in division (C) of this 36255
section and acknowledging that one consequence of not completing 36256
those requirements is ineligibility to enroll in most state 36257

universities in Ohio without further coursework. 36258

(7) Prior to receiving the waiver, the program has submitted 36259
to the department an instructional plan that demonstrates how the 36260
academic content standards adopted by the state board under 36261
section 3301.079 of the Revised Code will be taught and assessed. 36262

(8) Prior to receiving the waiver, the program has submitted 36263
to the department a policy on career advising that satisfies the 36264
requirements of section 3313.6020 of the Revised Code, with an 36265
emphasis on how every student will receive career advising. 36266

(9) Prior to receiving the waiver, the program has submitted 36267
to the department a written agreement outlining the future 36268
cooperation between the program and any combination of local job 36269
training, postsecondary education, nonprofit, and health and 36270
social service organizations to provide services for students in 36271
the program and their families. 36272

Divisions (F)(8) and (9) of this section apply only to 36273
waivers granted on or after July 1, 2015. 36274

If the department does not act either to grant the waiver or 36275
to reject the program application for the waiver within sixty days 36276
as required under this section, the waiver shall be considered to 36277
be granted. 36278

(G) Every high school may permit students below the ninth 36279
grade to take advanced work. If a high school so permits, it shall 36280
award high school credit for successful completion of the advanced 36281
work and shall count such advanced work toward the graduation 36282
requirements of division (B) or (C) of this section if the 36283
advanced work was both: 36284

(1) Taught by a person who possesses a license or certificate 36285
issued under section 3301.071, 3319.22, or 3319.222 of the Revised 36286
Code that is valid for teaching high school; 36287

(2) Designated by the board of education of the city, local, 36288
or exempted village school district, the board of the cooperative 36289
education school district, or the governing authority of the 36290
chartered nonpublic school as meeting the high school curriculum 36291
requirements. 36292

Each high school shall record on the student's high school 36293
transcript all high school credit awarded under division (G) of 36294
this section. In addition, if the student completed a seventh- or 36295
eighth-grade fine arts course described in division (K) of this 36296
section and the course qualified for high school credit under that 36297
division, the high school shall record that course on the 36298
student's high school transcript. 36299

(H) The department shall make its individual academic career 36300
plan available through its Ohio career information system web site 36301
for districts and schools to use as a tool for communicating with 36302
and providing guidance to students and families in selecting high 36303
school courses. 36304

(I) A school district or chartered nonpublic school may 36305
integrate academic content in a subject area for which the state 36306
board has adopted standards under section 3301.079 of the Revised 36307
Code into a course in a different subject area, including a 36308
career-technical education course, in accordance with guidance for 36309
integrated coursework developed by the department. Upon successful 36310
completion of an integrated course, a student may receive credit 36311
for both subject areas that were integrated into the course. Units 36312
earned for subject area content delivered through integrated 36313
academic and career-technical instruction are eligible to meet the 36314
graduation requirements of division (B) or (C) of this section. 36315

For purposes of meeting graduation requirements, if an 36316
end-of-course examination has been prescribed under section 36317
3301.0712 of the Revised Code for the subject area delivered 36318
through integrated instruction, the school district or school may 36319

administer the related subject area examinations upon the 36320
student's completion of the integrated course. 36321

Nothing in division (I) of this section shall be construed to 36322
excuse any school district, chartered nonpublic school, or student 36323
from any requirement in the Revised Code related to curriculum, 36324
assessments, or the awarding of a high school diploma. 36325

(J)(1) The state board, in consultation with the chancellor, 36326
shall adopt a statewide plan implementing methods for students to 36327
earn units of high school credit based on a demonstration of 36328
subject area competency, instead of or in combination with 36329
completing hours of classroom instruction. The state board shall 36330
adopt the plan not later than March 31, 2009, and commence phasing 36331
in the plan during the 2009-2010 school year. The plan shall 36332
include a standard method for recording demonstrated proficiency 36333
on high school transcripts. Each school district and community 36334
school shall comply with the state board's plan adopted under this 36335
division and award units of high school credit in accordance with 36336
the plan. The state board may adopt existing methods for earning 36337
high school credit based on a demonstration of subject area 36338
competency as necessary prior to the 2009-2010 school year. 36339

(2) Not later than December 31, 2015, the state board shall 36340
update the statewide plan adopted pursuant to division (J)(1) of 36341
this section to also include methods for students enrolled in 36342
seventh and eighth grade to meet curriculum requirements based on 36343
a demonstration of subject area competency, instead of or in 36344
combination with completing hours of classroom instruction. 36345
Beginning with the 2017-2018 school year, each school district and 36346
community school also shall comply with the updated plan adopted 36347
pursuant to this division and permit students enrolled in seventh 36348
and eighth grade to meet curriculum requirements based on subject 36349
area competency in accordance with the plan. 36350

(3) Not later than December 31, 2017, the department shall 36351

develop a framework for school districts and community schools to 36352
use in granting units of high school credit to students who 36353
demonstrate subject area competency through work-based learning 36354
experiences, internships, or cooperative education. Beginning with 36355
the 2018-2019 school year, each district and community school 36356
shall comply with the framework. Each district and community 36357
school also shall review any policy it has adopted regarding the 36358
demonstration of subject area competency to identify ways to 36359
incorporate work-based learning experiences, internships, and 36360
cooperative education into the policy in order to increase student 36361
engagement and opportunities to earn units of high school credit. 36362

(K) This division does not apply to students who qualify for 36363
graduation from high school under division (D) or (F) of this 36364
section, or to students pursuing a career-technical instructional 36365
track as determined by the school district board of education or 36366
the chartered nonpublic school's governing authority. 36367
Nevertheless, the general assembly encourages such students to 36368
consider enrolling in a fine arts course as an elective. 36369

Beginning with students who enter ninth grade for the first 36370
time on or after July 1, 2010, each student enrolled in a public 36371
or chartered nonpublic high school shall complete two semesters or 36372
the equivalent of fine arts to graduate from high school. The 36373
coursework may be completed in any of grades seven to twelve. Each 36374
student who completes a fine arts course in grade seven or eight 36375
may elect to count that course toward the five units of electives 36376
required for graduation under division (C)(8) of this section, if 36377
the course satisfied the requirements of division (G) of this 36378
section. In that case, the high school shall award the student 36379
high school credit for the course and count the course toward the 36380
five units required under division (C)(8) of this section. If the 36381
course in grade seven or eight did not satisfy the requirements of 36382
division (G) of this section, the high school shall not award the 36383

student high school credit for the course but shall count the 36384
course toward the two semesters or the equivalent of fine arts 36385
required by this division. 36386

(L) Notwithstanding anything to the contrary in this section, 36387
the board of education of each school district and the governing 36388
authority of each chartered nonpublic school may adopt a policy to 36389
excuse from the high school physical education requirement each 36390
student who, during high school, has participated in 36391
interscholastic athletics, marching band, show choir, or 36392
cheerleading for at least two full seasons or in the junior 36393
reserve officer training corps for at least two full school years. 36394
If the board or authority adopts such a policy, the board or 36395
authority shall not require the student to complete any physical 36396
education course as a condition to graduate. However, the student 36397
shall be required to complete one-half unit, consisting of at 36398
least sixty hours of instruction, in another course of study. In 36399
the case of a student who has participated in the junior reserve 36400
officer training corps for at least two full school years, credit 36401
received for that participation may be used to satisfy the 36402
requirement to complete one-half unit in another course of study. 36403

(M) It is important that high school students learn and 36404
understand United States history and the governments of both the 36405
United States and the state of Ohio. Therefore, beginning with 36406
students who enter ninth grade for the first time on or after July 36407
1, 2012, the study of American history and American government 36408
required by divisions (B)(6) and (C)(6) of this section shall 36409
include the study of all of the following documents: 36410

(1) The Declaration of Independence; 36411

(2) The Northwest Ordinance; 36412

(3) The Constitution of the United States with emphasis on 36413
the Bill of Rights; 36414

(4) The Ohio Constitution.	36415
The study of each of the documents prescribed in divisions	36416
(M)(1) to (4) of this section shall include study of that document	36417
in its original context.	36418
The study of American history and government required by	36419
divisions (B)(6) and (C)(6) of this section shall include the	36420
historical evidence of the role of documents such as the	36421
Federalist Papers and the Anti-Federalist Papers to firmly	36422
establish the historical background leading to the establishment	36423
of the provisions of the Constitution and Bill of Rights.	36424
(N) A student may apply one unit of instruction in computer	36425
science to satisfy one unit of mathematics or one unit of science	36426
under division (C) of this section as the student chooses,	36427
regardless of the field of certification of the teacher who	36428
teaches the course, so long as that teacher meets the licensure	36429
requirements prescribed by section 3319.236 of the Revised Code	36430
and, prior to teaching the course, completes a professional	36431
development program determined to be appropriate by the district	36432
board.	36433
If a student applies more than one computer science course to	36434
satisfy curriculum requirements under that division, the courses	36435
shall be sequential and progressively more difficult or cover	36436
different subject areas within computer science.	36437
Sec. 3313.608. (A)(1) Beginning with students who enter third	36438
grade in the school year that starts July 1, 2009, and until June	36439
30, 2013, unless the student is excused under division (C) of	36440
section 3301.0711 of the Revised Code from taking the assessment	36441
described in this section, for any student who does not attain at	36442
least the equivalent level of achievement designated under	36443
division (A)(3) of section 3301.0710 of the Revised Code on the	36444
assessment prescribed under that section to measure skill in	36445

English language arts expected at the end of third grade, each 36446
school district, in accordance with the policy adopted under 36447
section 3313.609 of the Revised Code, shall do one of the 36448
following: 36449

(a) Promote the student to fourth grade if the student's 36450
principal and reading teacher agree that other evaluations of the 36451
student's skill in reading demonstrate that the student is 36452
academically prepared to be promoted to fourth grade; 36453

(b) Promote the student to fourth grade but provide the 36454
student with intensive intervention services in fourth grade; 36455

(c) Retain the student in third grade. 36456

(2) Beginning with students who enter third grade in the 36457
2013-2014 school year and until the effective date of this 36458
amendment, unless the student is excused under division (C) of 36459
section 3301.0711 of the Revised Code from taking the assessment 36460
described in this section, no school district shall promote to 36461
fourth grade any student who does not attain at least the 36462
equivalent level of achievement designated under division (A)(3) 36463
of section 3301.0710 of the Revised Code on the assessment 36464
prescribed under that section to measure skill in English language 36465
arts expected at the end of third grade, unless one of the 36466
following applies: 36467

(a) The student is an English learner who has been enrolled 36468
in United States schools for less than three full school years and 36469
has had less than three years of instruction in an English as a 36470
second language program. 36471

(b) The student is a child with a disability entitled to 36472
special education and related services under Chapter 3323. of the 36473
Revised Code and the student's individualized education program 36474
exempts the student from retention under this division. 36475

(c) The student demonstrates an acceptable level of 36476

performance on an alternative standardized reading assessment as 36477
determined by the department of education. 36478

(d) All of the following apply: 36479

(i) The student is a child with a disability entitled to 36480
special education and related services under Chapter 3323. of the 36481
Revised Code. 36482

(ii) The student has taken the third grade English language 36483
arts achievement assessment prescribed under section 3301.0710 of 36484
the Revised Code. 36485

(iii) The student's individualized education program or plan 36486
under section 504 of the "Rehabilitation Act of 1973," 87 Stat. 36487
355, 29 U.S.C. 794, as amended, shows that the student has 36488
received intensive remediation in reading for two school years but 36489
still demonstrates a deficiency in reading. 36490

(iv) The student previously was retained in any of grades 36491
kindergarten to three. 36492

(e)(i) The student received intensive remediation for reading 36493
for two school years but still demonstrates a deficiency in 36494
reading and was previously retained in any of grades kindergarten 36495
to three. 36496

(ii) A student who is promoted under division (A)(2)(e)(i) of 36497
this section shall continue to receive intensive reading 36498
instruction in grade four. The instruction shall include an 36499
altered instructional day that includes specialized diagnostic 36500
information and specific research-based reading strategies for the 36501
student that have been successful in improving reading among 36502
low-performing readers. 36503

(3) Beginning with students who enter the third grade in the 36504
2023-2024 school year, no school district shall retain a student 36505
under this section based upon the student's score on the 36506

assessment prescribed by section 3301.0710 of the Revised Code to 36507
measure skill in English language arts expected at the end of 36508
third grade. Districts shall continue to offer intervention and 36509
remediation services in the manner prescribed under this section 36510
for students found to be reading below grade level. 36511

(B)(1) Beginning in the 2012-2013 school year, to assist 36512
students in meeting the third grade guarantee established by this 36513
section, each school district board of education shall adopt 36514
policies and procedures with which it annually shall assess the 36515
reading skills of each student, except those students with 36516
significant cognitive disabilities or other disabilities as 36517
authorized by the department on a case-by-case basis, enrolled in 36518
kindergarten to third grade and shall identify students who are 36519
reading below their grade level. The reading skills assessment 36520
shall be completed by the thirtieth day of September for students 36521
in grades one to three, and by the twentieth day of instruction of 36522
the school year for students in kindergarten. Each district shall 36523
use the diagnostic assessment to measure reading ability for the 36524
appropriate grade level adopted under section 3301.079 of the 36525
Revised Code, or a comparable tool approved by the department of 36526
education, to identify such students. The policies and procedures 36527
shall require the students' classroom teachers to be involved in 36528
the assessment and the identification of students reading below 36529
grade level. The assessment may be administered electronically 36530
using live, two-way video and audio connections whereby the 36531
teacher administering the assessment may be in a separate location 36532
from the student. 36533

(2) For each student identified by the diagnostic assessment 36534
prescribed under this section as having reading skills below grade 36535
level, the district shall do both of the following: 36536

(a) Provide to the student's parent or guardian, in writing, 36537
all of the following: 36538

(i) Notification that the student has been identified as 36539
having a substantial deficiency in reading; 36540

(ii) A description of the current services that are provided 36541
to the student; 36542

(iii) A description of the proposed supplemental 36543
instructional services and supports that will be provided to the 36544
student that are designed to remediate the identified areas of 36545
reading deficiency; 36546

~~(iv) Notification that if the student attains a score in the 36547
range designated under division (A)(3) of section 3301.0710 of the 36548
Revised Code on the assessment prescribed under that section to 36549
measure skill in English language arts expected at the end of 36550
third grade, the student shall be retained unless the student is 36551
exempt under division (A) of this section. The notification shall 36552
specify that the assessment under section 3301.0710 of the Revised 36553
Code is not the sole determinant of promotion and that additional 36554
evaluations and assessments are available to the student to assist 36555
parents and the district in knowing when a student is reading at 36556
or above grade level and ready for promotion. 36557~~

(b) Provide intensive reading instruction services and 36558
regular diagnostic assessments to the student immediately 36559
following identification of a reading deficiency until the 36560
development of the reading improvement and monitoring plan 36561
required by division (C) of this section. These intervention 36562
services shall include research-based reading strategies that have 36563
been shown to be successful in improving reading among 36564
low-performing readers and instruction targeted at the student's 36565
identified reading deficiencies. 36566

(3) ~~For~~ Prior to the 2023-2024 school year, for each student 36567
retained under division (A) of this section, the district shall do 36568
all of the following: 36569

(a) Provide intense remediation services until the student is able to read at grade level. The remediation services shall include intensive interventions in reading that address the areas of deficiencies identified under this section including, but not limited to, not less than ninety minutes of reading instruction per day, and may include any of the following:

- (i) Small group instruction;
- (ii) Reduced teacher-student ratios;
- (iii) More frequent progress monitoring;
- (iv) Tutoring or mentoring;
- (v) Transition classes containing third and fourth grade students;
- (vi) Extended school day, week, or year;
- (vii) Summer reading camps.

(b) Establish a policy for the mid-year promotion of a student retained under division (A) of this section who demonstrates that the student is reading at or above grade level;

(c) Provide each student with a teacher who satisfies one or more of the criteria set forth in division ~~(H)~~(I) of this section.

The district shall offer the option for students to receive applicable services from one or more providers other than the district. Providers shall be screened and approved by the district or the department of education. If the student participates in the remediation services and demonstrates reading proficiency in accordance with standards adopted by the department prior to the start of fourth grade, the district shall promote the student to that grade.

(4) For each student retained under division (A) of this section who has demonstrated proficiency in a specific academic ability field, each district shall provide instruction

commensurate with student achievement levels in that specific 36600
academic ability field. 36601

As used in this division, "specific academic ability field" 36602
has the same meaning as in section 3324.01 of the Revised Code. 36603

(C) For each student required to be provided intervention 36604
services under this section, the district shall develop a reading 36605
improvement and monitoring plan within sixty days after receiving 36606
the student's results on the diagnostic assessment or comparable 36607
tool administered under division (B)(1) of this section. The 36608
district shall involve the student's parent or guardian and 36609
classroom teacher in developing the plan. The plan shall include 36610
all of the following: 36611

(1) Identification of the student's specific reading 36612
deficiencies; 36613

(2) A description of the additional instructional services 36614
and support that will be provided to the student to remediate the 36615
identified reading deficiencies; 36616

(3) Opportunities for the student's parent or guardian to be 36617
involved in the instructional services and support described in 36618
division (C)(2) of this section; 36619

(4) A process for monitoring the extent to which the student 36620
receives the instructional services and support described in 36621
division (C)(2) of this section; 36622

(5) A reading curriculum during regular school hours that 36623
does all of the following: 36624

(a) Assists students to read at grade level; 36625

(b) Provides scientifically based and reliable assessment; 36626

(c) Provides initial and ongoing analysis of each student's 36627
reading progress. 36628

~~(6) A statement that if the student does not attain at least 36629~~

~~the equivalent level of achievement designated under division 36630
(A)(3) of section 3301.0710 of the Revised Code on the assessment 36631
prescribed under that section to measure skill in English language 36632
arts expected by the end of third grade, the student may be 36633
retained in third grade. 36634~~

Each student with a reading improvement and monitoring plan 36635
under this division who enters third grade after July 1, 2013, 36636
shall be assigned to a teacher who satisfies one or more of the 36637
criteria set forth in division ~~(H)~~(I) of this section. 36638

The district shall report any information requested by the 36639
department about the reading improvement monitoring plans 36640
developed under this division in the manner required by the 36641
department. 36642

(D) Each school district shall provide reading intervention 36643
services required under division (B)(2) of this section and the 36644
reading improvement and monitoring plans required under division 36645
(C) of this section to either of the following: 36646

(1) A student in grade four or five who has been identified 36647
as having reading skills below grade level; 36648

(2) A student who has been retained in any of grades 36649
kindergarten through three and has received remediation in reading 36650
for two school years but continues to read below grade level. 36651

Each school district shall notify the parent or guardian of 36652
students who receive services or a plan under division (D) of this 36653
section. 36654

(E) Each school district shall report annually to the 36655
department on its implementation and compliance with this section 36656
using guidelines prescribed by the superintendent of public 36657
instruction. The superintendent of public instruction annually 36658
shall report to the governor and general assembly the number and 36659
percentage of students in grades kindergarten through four reading 36660

below grade level based on the diagnostic assessments administered 36661
under division (B) of this section and the achievement assessments 36662
administered under divisions (A)(1)(a) and (b) of section 36663
3301.0710 of the Revised Code in English language arts, aggregated 36664
by school district and building; the types of intervention 36665
services provided to students; and, if available, an evaluation of 36666
the efficacy of the intervention services provided. 36667

~~(E)~~(F) Any summer remediation services funded in whole or in 36668
part by the state and offered by school districts to students 36669
under this section shall meet the following conditions: 36670

(1) The remediation methods are based on reliable educational 36671
research. 36672

(2) The school districts conduct assessment before and after 36673
students participate in the program to facilitate monitoring 36674
results of the remediation services. 36675

(3) The parents of participating students are involved in 36676
programming decisions. 36677

~~(F)~~(G) Any intervention or remediation services required by 36678
this section shall include intensive, explicit, and systematic 36679
instruction. 36680

~~(G)~~(H) This section does not create a new cause of action or 36681
a substantive legal right for any person. 36682

~~(H)(1)~~(I)(1) Except as provided under divisions ~~(H)(2)~~(I)(2), 36683
(3), and (4) of this section, each student described in division 36684
(B)(3) ~~or~~, (C), or (D) of this section who enters third grade for 36685
the first time on or after July 1, 2013, shall be assigned a 36686
teacher who has at least one year of teaching experience and who 36687
satisfies one or more of the following criteria: 36688

(a) The teacher holds a reading endorsement on the teacher's 36689
license and has attained a passing score on the corresponding 36690

assessment for that endorsement, as applicable. 36691

(b) The teacher has completed a master's degree program with 36692
a major in reading. 36693

(c) The teacher was rated "most effective" for reading 36694
instruction consecutively for the most recent two years based on 36695
assessments of student growth measures developed by a vendor and 36696
that is on the list of student assessments approved by the state 36697
board under division (B)(2) of section 3319.112 of the Revised 36698
Code. 36699

(d) The teacher was rated "above expected value added," in 36700
reading instruction, as determined by criteria established by the 36701
department, for the most recent, consecutive two years. 36702

(e) The teacher has earned a passing score on a rigorous test 36703
of principles of scientifically research-based reading instruction 36704
as approved by the state board. 36705

(f) The teacher holds an educator license for teaching grades 36706
pre-kindergarten through three or four through nine issued on or 36707
after July 1, 2017. 36708

(2) Notwithstanding division ~~(H)(1)~~(I)(1) of this section, a 36709
student described in division (B)(3) ~~or~~, (C), or (D) of this 36710
section who enters third grade for the first time on or after July 36711
1, 2013, may be assigned to a teacher with less than one year of 36712
teaching experience provided that the teacher meets one or more of 36713
the criteria described in divisions ~~(H)(1)(a)~~(I)(1)(a) to (f) of 36714
this section and that teacher is assigned a teacher mentor who 36715
meets the qualifications of division ~~(H)(1)~~(I)(1) of this section. 36716

(3) Notwithstanding division ~~(H)(1)~~(I)(1) of this section, a 36717
student described in division (B)(3) ~~or~~, (C), or (D) of this 36718
section who enters third grade for the first time on or after July 36719
1, 2013, but prior to July 1, 2016, may be assigned to a teacher 36720
who holds an alternative credential approved by the department or 36721

who has successfully completed training that is based on 36722
principles of scientifically research-based reading instruction 36723
that has been approved by the department. Beginning on July 1, 36724
2014, the alternative credentials and training described in 36725
division ~~(H)(3)~~(I)(3) of this section shall be aligned with the 36726
reading competencies adopted by the state board of education under 36727
section 3301.077 of the Revised Code. 36728

(4) Notwithstanding division ~~(H)(1)~~(I)(1) of this section, a 36729
student described in division (B)(3) ~~or~~, (C), or (D) of this 36730
section who enters third grade for the first time on or after July 36731
1, 2013, may receive reading intervention or remediation services 36732
under this section from an individual employed as a 36733
speech-language pathologist who holds a license issued by the 36734
state speech and hearing professionals board under Chapter 4753. 36735
of the Revised Code and a professional pupil services license as a 36736
school speech-language pathologist issued by the state board of 36737
education. 36738

(5) A teacher, other than a student's teacher of record, may 36739
provide any services required under this section, so long as that 36740
other teacher meets the requirements of division ~~(H)~~(I) of this 36741
section and the teacher of record and the school principal agree 36742
to the assignment. Any such assignment shall be documented in the 36743
student's reading improvement and monitoring plan. 36744

As used in this division, "teacher of record" means the 36745
classroom teacher to whom a student is assigned. 36746

~~(I)~~(J) Notwithstanding division ~~(H)~~(I) of this section, a 36747
teacher may teach reading to any student who is an English 36748
language learner, and has been in the United States for three 36749
years or less, or to a student who has an individualized education 36750
program developed under Chapter 3323. of the Revised Code if that 36751
teacher holds an alternative credential approved by the department 36752
or has successfully completed training that is based on principles 36753

of scientifically research-based reading instruction that has been 36754
approved by the department. Beginning on July 1, 2014, the 36755
alternative credentials and training described in this division 36756
shall be aligned with the reading competencies adopted by the 36757
state board of education under section 3301.077 of the Revised 36758
Code. 36759

~~(J)~~(K) If, on or after June 4, 2013, a school district or 36760
community school cannot furnish the number of teachers needed who 36761
satisfy one or more of the criteria set forth in division ~~(H)~~(I) 36762
of this section for the 2013-2014 school year, the school district 36763
or community school shall develop and submit a staffing plan by 36764
June 30, 2013. The staffing plan shall include criteria that will 36765
be used to assign a student described in division (B)(3) ~~or~~ (C) 36766
or (D) of this section to a teacher, credentials or training held 36767
by teachers currently teaching at the school, and how the school 36768
district or community school will meet the requirements of this 36769
section. The school district or community school shall post the 36770
staffing plan on its web site for the applicable school year. 36771

Not later than March 1, 2014, and on the first day of March 36772
in each year thereafter, a school district or community school 36773
that has submitted a plan under this division shall submit to the 36774
department a detailed report of the progress the district or 36775
school has made in meeting the requirements under this section. 36776

A school district or community school may request an 36777
extension of a staffing plan beyond the 2013-2014 school year. 36778
Extension requests must be submitted to the department not later 36779
than the thirtieth day of April prior to the start of the 36780
applicable school year. The department may grant extensions valid 36781
through the 2015-2016 school year. 36782

Until June 30, 2015, the department annually shall review all 36783
staffing plans and report to the state board not later than the 36784
thirtieth day of June of each year the progress of school 36785

districts and community schools in meeting the requirements of 36786
this section. 36787

~~(K)~~(L) The department of education shall designate one or 36788
more staff members to provide guidance and assistance to school 36789
districts and community schools in implementing the third grade 36790
guarantee established by this section, including any standards or 36791
requirements adopted to implement the guarantee and to provide 36792
information and support for reading instruction and achievement. 36793

Sec. 3313.6028. (A) As used in this section, "three-cueing 36794
approach" means an instructional method that encourages students 36795
to predict words based on story structure, pictures, typical word 36796
order, letter sounds, or other contextual cues. 36797

(B) The department of education shall establish a list of 36798
high-quality core curriculum and instructional materials in 36799
English language arts, and a list of evidence-based reading 36800
intervention programs, that are aligned with the science of 36801
reading and strategies for effective literacy instruction. 36802

(C) Beginning not later than the 2024-2025 school year, each 36803
school district, community school established under Chapter 3314. 36804
of the Revised Code, and STEM school established under Chapter 36805
3326. of the Revised Code, shall use core curriculum and 36806
instructional materials in English language arts and 36807
evidence-based reading intervention programs only from the lists 36808
established under division (B) of this section. Except as provided 36809
in division (D) of this section, no district or school shall use 36810
any core curriculum, instructional materials, or intervention 36811
program in grades pre-kindergarten to five that use the 36812
three-cueing approach to teach students to read. 36813

(D) A district or school may apply to the department for a 36814
waiver on an individual student basis to use curriculum, 36815
instructional materials, or an intervention program in grades 36816

pre-kindergarten through five that uses the three-cueing approach 36817
to teach students to read, except as follows: 36818

(1) No student for whom a reading improvement and monitoring 36819
plan has been developed under division (C) of section 3313.608 of 36820
the Revised Code shall be eligible for a waiver. 36821

(2) If a student has an individualized education program that 36822
explicitly indicates the three-cueing approach is appropriate for 36823
the student's learning needs, the student shall not be required to 36824
have a waiver. 36825

In determining whether to approve a waiver requested under 36826
this section, the department shall consider the performance of the 36827
student's district or school on the state report card issued under 36828
section 3302.03 of the Revised Code, including on the early 36829
literacy component prescribed under division (D)(3)(e) of that 36830
section. 36831

(E) The department shall identify vendors that provide 36832
professional development to educators, including pre-service 36833
teachers and faculty employed by educator preparation programs, on 36834
the use of high-quality core curriculum and instructional 36835
materials and reading intervention programs on the lists 36836
established under division (B) of this section. 36837

Sec. 3313.61. (A) A diploma shall be granted by the board of 36838
education of any city, exempted village, or local school district 36839
that operates a high school to any person to whom all of the 36840
following apply: 36841

(1) The person has successfully completed the curriculum in 36842
any high school or the individualized education program developed 36843
for the person by any high school pursuant to section 3323.08 of 36844
the Revised Code, or has qualified under division (D) or (F) of 36845
section 3313.603 of the Revised Code, provided that no school 36846

district shall require a student to remain in school for any 36847
specific number of semesters or other terms if the student 36848
completes the required curriculum early; 36849

(2) Subject to section 3313.614 of the Revised Code, the 36850
person has met the assessment requirements of division (A)(2)(a) 36851
or (b) of this section, as applicable. 36852

(a) If the person entered the ninth grade prior to July 1, 36853
2014, the person either: 36854

(i) Has attained at least the applicable scores designated 36855
under division (B)(1) of section 3301.0710 of the Revised Code on 36856
all the assessments required by that division unless the person 36857
was excused from taking any such assessment pursuant to section 36858
3313.532 of the Revised Code or unless division (H) or (L) of this 36859
section applies to the person; 36860

(ii) Has satisfied the alternative conditions prescribed in 36861
section 3313.615 of the Revised Code. 36862

(b) If the person entered the ninth grade on or after July 1, 36863
2014, the person has met the requirement prescribed by section 36864
3313.618 of the Revised Code, except to the extent that the person 36865
is excused from an assessment prescribed by that section pursuant 36866
to section 3313.532 of the Revised Code or division (H) or (L) of 36867
this section. 36868

(3) The person is not eligible to receive an honors diploma 36869
granted pursuant to division (B) of this section. 36870

Except as provided in divisions (C), (E), (J), and (L) of 36871
this section, no diploma shall be granted under this division to 36872
anyone except as provided under this division. 36873

(B) In lieu of a diploma granted under division (A) of this 36874
section, an honors diploma shall be granted, in accordance with 36875
rules of the state board, by any such district board to anyone who 36876

accomplishes all of the following: 36877

(1) Successfully completes the curriculum in any high school 36878
or the individualized education program developed for the person 36879
by any high school pursuant to section 3323.08 of the Revised 36880
Code; 36881

(2) Subject to section 3313.614 of the Revised Code, has met 36882
the assessment requirements of division (B)(2)(a) or (b) of this 36883
section, as applicable. 36884

(a) If the person entered the ninth grade prior to July 1, 36885
2014, the person either: 36886

(i) Has attained at least the applicable scores designated 36887
under division (B)(1) of section 3301.0710 of the Revised Code on 36888
all the assessments required by that division; 36889

(ii) Has satisfied the alternative conditions prescribed in 36890
section 3313.615 of the Revised Code. 36891

(b) If the person entered the ninth grade on or after July 1, 36892
2014, the person has met the requirement prescribed under section 36893
3313.618 of the Revised Code. 36894

(3) Has met additional criteria established by the state 36895
board for the granting of such a diploma. 36896

An honors diploma shall not be granted to a student who is 36897
subject to the requirements prescribed in division (C) of section 36898
3313.603 of the Revised Code but elects the option of division (D) 36899
or (F) of that section. Except as provided in divisions (C), (E), 36900
and (J) of this section, no honors diploma shall be granted to 36901
anyone failing to comply with this division and no more than one 36902
honors diploma shall be granted to any student under this 36903
division. 36904

The state board shall adopt rules prescribing the granting of 36905
honors diplomas under this division. These rules may prescribe the 36906

granting of honors diplomas that recognize a student's achievement 36907
as a whole or that recognize a student's achievement in one or 36908
more specific subjects or both. The rules may prescribe the 36909
granting of an honors diploma recognizing technical expertise for 36910
a career-technical student. In any case, the rules shall designate 36911
two or more criteria for the granting of each type of honors 36912
diploma the board establishes under this division and the number 36913
of such criteria that must be met for the granting of that type of 36914
diploma. The number of such criteria for any type of honors 36915
diploma shall be at least one less than the total number of 36916
criteria designated for that type and no one or more particular 36917
criteria shall be required of all persons who are to be granted 36918
that type of diploma. 36919

(C) Any district board administering any of the assessments 36920
required by section 3301.0710 of the Revised Code to any person 36921
requesting to take such assessment pursuant to division (B)(8)(b) 36922
of section 3301.0711 of the Revised Code shall award a diploma to 36923
such person if the person attains at least the applicable scores 36924
designated under division (B)(1) of section 3301.0710 of the 36925
Revised Code on all the assessments administered and if the person 36926
has previously attained the applicable scores on all the other 36927
assessments required by division (B)(1) of that section or has 36928
been exempted or excused from attaining the applicable score on 36929
any such assessment pursuant to division (H) or (L) of this 36930
section or from taking any such assessment pursuant to section 36931
3313.532 of the Revised Code. 36932

(D) Each diploma awarded under this section shall be signed 36933
by the president and treasurer of the issuing board, the 36934
superintendent of schools, and the principal of the high school. 36935
Each diploma shall bear the date of its issue, be in such form as 36936
the district board prescribes, and be paid for out of the 36937
district's general fund. 36938

(E) A person who is a resident of Ohio and is eligible under state board of education minimum standards to receive a high school diploma based in whole or in part on credits earned while an inmate of a correctional institution operated by the state or any political subdivision thereof, shall be granted such diploma by the correctional institution operating the programs in which such credits were earned, and by the board of education of the school district in which the inmate resided immediately prior to the inmate's placement in the institution. The diploma granted by the correctional institution shall be signed by the director of the institution, and by the person serving as principal of the institution's high school and shall bear the date of issue.

(F) Persons who are not residents of Ohio but who are inmates of correctional institutions operated by the state or any political subdivision thereof, and who are eligible under state board of education minimum standards to receive a high school diploma based in whole or in part on credits earned while an inmate of the correctional institution, shall be granted a diploma by the correctional institution offering the program in which the credits were earned. The diploma granted by the correctional institution shall be signed by the director of the institution and by the person serving as principal of the institution's high school and shall bear the date of issue.

(G) The state board of education shall provide by rule for the administration of the assessments required by sections 3301.0710 and 3301.0712 of the Revised Code to inmates of correctional institutions.

(H) Any person to whom all of the following apply shall be exempted from attaining the applicable score on the assessment in social studies designated under division (B)(1) of section 3301.0710 of the Revised Code, any American history end-of-course examination and any American government end-of-course examination

required under division (B) of section 3301.0712 of the Revised Code if such an exemption is prescribed by rule of the state board under division (D)(3) of section 3301.0712 of the Revised Code, or the test in citizenship designated under former division (B) of section 3301.0710 of the Revised Code as it existed prior to September 11, 2001:

(1) The person is not a citizen of the United States;

(2) The person is not a permanent resident of the United States;

(3) The person indicates no intention to reside in the United States after the completion of high school.

(I) Notwithstanding division (D) of section 3311.19 and division (D) of section 3311.52 of the Revised Code, this section and section 3313.611 of the Revised Code do not apply to the board of education of any joint vocational school district or any cooperative education school district established pursuant to divisions (A) to (C) of section 3311.52 of the Revised Code.

(J) Upon receipt of a notice under division (D) of section 3325.08 or division (D) of section 3328.25 of the Revised Code that a student has received a diploma under either section, the board of education receiving the notice may grant a high school diploma under this section to the student, except that such board shall grant the student a diploma if the student meets the graduation requirements that the student would otherwise have had to meet to receive a diploma from the district. The diploma granted under this section shall be of the same type the notice indicates the student received under section 3325.08 or 3328.25 of the Revised Code.

(K) As used in this division, "English learner" has the same meaning as in ~~division (C)(3) of section 3301.0711~~ 3301.0731 of the Revised Code.

Notwithstanding division (C)(3) of section 3301.0711 of the Revised Code, no English learner who has not either attained the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the assessments required by that division, or met the requirement prescribed by section 3313.618 of the Revised Code, shall be awarded a diploma under this section.

(L)(1) Any student described by division (A)(1) of this section who is subject to divisions (A)(1) to (3) of section 3313.618 of the Revised Code may be awarded a diploma without meeting the requirements prescribed by those divisions provided an individualized education program specifically exempts the student from meeting such requirement. This division does not negate the requirement for a student to take the assessments prescribed by section 3301.0710 or under division (B) of section 3301.0712 of the Revised Code, or alternate assessments required by division (C)(1) of section 3301.0711 of the Revised Code, for the purpose of assessing student progress as required by federal law.

(2) Any student described by division (A)(1) of this section who is subject to division (B) of section 3313.618 of the Revised Code may be awarded a diploma without meeting the requirement prescribed by division (B)(1) of that section provided the student's individualized education program specifically exempts the student from meeting that requirement and either division (L)(2)(a) or (b) of this section applies to the student, as follows:

(a)(i) The student took an alternate assessment in mathematics and English language arts administered to the student in accordance with division (C)(1) of section 3301.0711 of the Revised Code and failed to attain a score established by the state board on one or both assessments.

(ii) The school district offered remedial support to the

student in each subject area in which the student did not attain 37034
the established score and the student received that support. 37035

(iii) The student retook each alternate assessment in which 37036
the student did not attain the established score and the student 37037
did not attain the established score on the retake assessment. 37038

(b)(i) The student took the Algebra I and English language 37039
arts II end-of-course examinations and failed to attain the 37040
competency score as determined under division (B)(10) of section 37041
3301.0712 of the Revised Code on one or both examinations. 37042

(ii) The school district offered remedial support to the 37043
student in each subject area in which the student did not attain 37044
the competency score and the student received that support. 37045

(iii) The student retook each examination in which the 37046
student did not attain the competency score and the student did 37047
not attain the competency score on the retake examination. 37048

Sec. 3313.611. (A) The state board of education shall adopt, 37049
by rule, standards for awarding high school credit equivalent to 37050
credit for completion of high school academic and vocational 37051
education courses to applicants for diplomas under this section. 37052
The standards may permit high school credit to be granted to an 37053
applicant for any of the following: 37054

(1) Work experiences or experiences as a volunteer; 37055

(2) Completion of academic, vocational, or self-improvement 37056
courses offered to persons over the age of twenty-one by a 37057
chartered public or nonpublic school; 37058

(3) Completion of academic, vocational, or self-improvement 37059
courses offered by an organization, individual, or educational 37060
institution other than a chartered public or nonpublic school; 37061

(4) Other life experiences considered by the board to provide 37062
knowledge and learning experiences comparable to that gained in a 37063

classroom setting. 37064

(B) The board of education of any city, exempted village, or 37065
local school district that operates a high school shall grant a 37066
diploma of adult education to any applicant if all of the 37067
following apply: 37068

(1) The applicant is a resident of the district; 37069

(2) The applicant is over the age of twenty-one and has not 37070
been issued a diploma as provided in section 3313.61 of the 37071
Revised Code; 37072

(3) Subject to section 3313.614 of the Revised Code, the 37073
applicant has met the assessment requirements of division 37074
(B)(3)(a) or (b) of this section, as applicable. 37075

(a) Prior to July 1, 2014, the applicant either: 37076

(i) Has attained the applicable scores designated under 37077
division (B)(1) of section 3301.0710 of the Revised Code on all of 37078
the assessments required by that division or was excused or 37079
exempted from any such assessment pursuant to section 3313.532 or 37080
was exempted from attaining the applicable score on any such 37081
assessment pursuant to division (H) or (L) of section 3313.61 of 37082
the Revised Code; 37083

(ii) Has satisfied the alternative conditions prescribed in 37084
section 3313.615 of the Revised Code. 37085

(b) On or after July 1, 2014, has met the requirement 37086
prescribed by section 3313.618 of the Revised Code, except and 37087
only to the extent that the applicant is excused from some portion 37088
of that section pursuant to section 3313.532 of the Revised Code 37089
or division (H) or (L) of section 3313.61 of the Revised Code. 37090

(4) The district board determines, in accordance with the 37091
standards adopted under division (A) of this section, that the 37092
applicant has attained sufficient high school credits, including 37093

equivalent credits awarded under such standards, to qualify as 37094
having successfully completed the curriculum required by the 37095
district for graduation. 37096

(C) If a district board determines that an applicant is not 37097
eligible for a diploma under division (B) of this section, it 37098
shall inform the applicant of the reason the applicant is 37099
ineligible and shall provide a list of any courses required for 37100
the diploma for which the applicant has not received credit. An 37101
applicant may reapply for a diploma under this section at any 37102
time. 37103

(D) If a district board awards an adult education diploma 37104
under this section, the president and treasurer of the board and 37105
the superintendent of schools shall sign it. Each diploma shall 37106
bear the date of its issuance, be in such form as the district 37107
board prescribes, and be paid for from the district's general 37108
fund, except that the state board may by rule prescribe standard 37109
language to be included on each diploma. 37110

(E) As used in this division, "English learner" has the same 37111
meaning as in ~~division (C)(3) of section 3301.0711~~ 3301.0731 of 37112
the Revised Code. 37113

Notwithstanding division (C)(3) of section 3301.0711 of the 37114
Revised Code, no English learner who has not either attained the 37115
applicable scores designated under division (B)(1) of section 37116
3301.0710 of the Revised Code on all the assessments required by 37117
that division, or has not met the requirement prescribed by 37118
section 3313.618 of the Revised Code, shall be awarded a diploma 37119
under this section. 37120

Sec. 3313.612. (A) No nonpublic school chartered by the state 37121
board of education shall grant a high school diploma to any person 37122
unless, subject to section 3313.614 of the Revised Code, the 37123
person has met the assessment requirements of division (A)(1) or 37124

(2) of this section, as applicable. 37125

(1) If the person entered the ninth grade prior to July 1, 37126
2014, the person has attained at least the applicable scores 37127
designated under division (B)(1) of section 3301.0710 of the 37128
Revised Code on all the assessments required by that division, or 37129
has satisfied the alternative conditions prescribed in section 37130
3313.615 of the Revised Code. 37131

(2) If the person entered the ninth grade on or after July 1, 37132
2014, the person has met the requirement prescribed by section 37133
3313.618 or 3313.619 of the Revised Code. 37134

(B) This section does not apply to any of the following: 37135

(1) Any person with regard to any assessment from which the 37136
person was excused pursuant to division (C)(1)(c) of section 37137
3301.0711 of the Revised Code; 37138

(2) Except as provided in division (B)(4) of this section, 37139
any person who attends a nonpublic school accredited through the 37140
independent schools association of the central states, except for 37141
a student attending the school under a state scholarship program 37142
as defined in section 3301.0711 of the Revised Code; 37143

(3) Any person with regard to the social studies assessment 37144
under division (B)(1) of section 3301.0710 of the Revised Code, 37145
any American history end-of-course examination and any American 37146
government end-of-course examination required under division (B) 37147
of section 3301.0712 of the Revised Code if such an exemption is 37148
prescribed by rule of the state board of education under division 37149
(D)(3) of section 3301.0712 of the Revised Code, or the 37150
citizenship test under former division (B) of section 3301.0710 of 37151
the Revised Code as it existed prior to September 11, 2001, if all 37152
of the following apply: 37153

(a) The person is not a citizen of the United States; 37154

(b) The person is not a permanent resident of the United States; 37155
37156

(c) The person indicates no intention to reside in the United States after completion of high school. 37157
37158

(4) Any person who attends a chartered nonpublic school that satisfies the requirements of division (L)(4) of section 3301.0711 of the Revised Code. In the case of such a student, the student's chartered nonpublic school shall determine the student's eligibility for graduation based on the standards of the school's accrediting body. 37159
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(C) As used in this division, "English learner" has the same meaning as in ~~division (C)(3) of section 3301.0711~~ 3301.0731 of the Revised Code. 37165
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37167

Notwithstanding division (C)(3) of section 3301.0711 of the Revised Code, no English learner who has not either attained the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the assessments required by that division, or met the requirement prescribed by section 3313.618 or 3313.619 of the Revised Code, shall be awarded a diploma under this section. 37168
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(D) The state board shall not impose additional requirements or assessments for the granting of a high school diploma under this section that are not prescribed by this section. 37175
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37177

(E) The department of education shall furnish the assessment administered by a nonpublic school pursuant to division (B)(1) of section 3301.0712 of the Revised Code. 37178
37179
37180

Sec. 3313.7117. (A) As used in this section: 37181

(1) "Licensed health care professional" means any of the following: 37182
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(a) A physician authorized under Chapter 4731. of the Revised 37184

<u>Code to practice medicine and surgery or osteopathic medicine and surgery;</u>	37185
	37186
<u>(b) A registered nurse, advanced practice registered nurse, or licensed practical nurse licensed under Chapter 4723. of the Revised Code;</u>	37187
	37188
	37189
<u>(c) A physician assistant licensed under Chapter 4730. of the Revised Code.</u>	37190
	37191
<u>(2) "Seizure disorder" means epilepsy or involuntary disturbance of brain function that may manifest as an impairment, loss of consciousness, behavioral abnormalities, sensory disturbance or convulsions.</u>	37192
	37193
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	37195
<u>(3) "Treating practitioner" means any of the following who has primary responsibility for treating a student's seizure disorder and has been identified as such by the student's parent, guardian, or other person having care or charge of the student or, if the student is at least eighteen years of age, by the student:</u>	37196
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<u>(a) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;</u>	37201
	37202
	37203
<u>(b) An advanced practice registered nurse who holds a current, valid license to practice nursing as an advanced practice registered nurse issued under Chapter 4723. of the Revised Code and is designated as a clinical nurse specialist or certified nurse practitioner in accordance with section 4723.42 of the Revised Code;</u>	37204
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<u>(c) A physician assistant who holds a license issued under Chapter 4730. of the Revised Code, holds a valid prescriber number issued by the state medical board, and has been granted physician-delegated prescriptive authority.</u>	37210
	37211
	37212
	37213
<u>(B) A school nurse, or another district or school employee if</u>	37214

a district or school does not have a school nurse, of each city, 37215
local, exempted village, and joint vocational school district and 37216
the governing authority of a chartered nonpublic school, acting in 37217
collaboration with a student's parents or guardian, shall create 37218
an individualized seizure action plan for each student enrolled in 37219
the school district or chartered nonpublic school who has an 37220
active seizure disorder diagnosis. A plan shall include all of the 37221
following components: 37222

(1) A written request signed by the parent, guardian, or 37223
other person having care or charge of the student, required by 37224
division (C)(1) of section 3313.713 of the Revised Code, to have 37225
one or more drugs prescribed for a seizure disorder administered 37226
to the student; 37227

(2) A written statement from the student's treating 37228
practitioner providing the drug information required by division 37229
(C)(2) of section 3313.713 of the Revised Code for each drug 37230
prescribed to the student for a seizure disorder. 37231

(3) Any other component required by the state board of 37232
education. 37233

(C)(1) The school nurse or a school administrator if the 37234
district does not employ a school nurse, shall notify a school 37235
employee, contractor, and volunteer in writing regarding the 37236
existence and content of each seizure action plan in force if the 37237
employee, contractor, or volunteer does any of the following: 37238

(a) Regularly interacts with the student; 37239

(b) Has legitimate educational interest in the student or is 37240
responsible for the direct supervision of the student; 37241

(c) Is responsible for transportation of the student to and 37242
from school. 37243

(2) The school nurse or a school administrator if the 37244

district does not employ a school nurse, shall identify each 37245
individual who has received training under division (G) of this 37246
section in the administration of drugs prescribed for seizure 37247
disorders. The school nurse, or another district employee if a 37248
district does not employ a school nurse, shall coordinate seizure 37249
disorder care at that school and ensure that all staff described 37250
in division (C)(1) of this section are trained in the care of 37251
students with seizure disorders. 37252

(D) A drug prescribed to a student with a seizure disorder 37253
shall be provided to the school nurse or another person at the 37254
school who is authorized to administer it to the student if the 37255
district does not employ a full-time school nurse. The drug shall 37256
be provided in the container in which it was dispensed by the 37257
prescriber or a licensed pharmacist. 37258

(E) A seizure action plan is effective only for the school 37259
year in which the written request described in division (B)(1) of 37260
this section was submitted and must be renewed at the beginning of 37261
each school year. 37262

(F) A seizure action plan created under division (B) of this 37263
section shall be maintained in the office of the school nurse or 37264
school administrator if the district does not employ a full-time 37265
school nurse. 37266

(G) A school district or governing authority of a chartered 37267
nonpublic school shall designate at least one employee at each 37268
school building it operates, aside from a school nurse, to be 37269
trained on the implementation of seizure action plans every two 37270
years. The district or governing authority shall provide or 37271
arrange for the training of the employee. The training must 37272
include and be consistent with guidelines and best practices 37273
established by a nonprofit organization that supports the welfare 37274
of individuals with epilepsy and seizure disorders, such as the 37275
Epilepsy Alliance Ohio or Epilepsy Foundation of Ohio or other 37276

similar organizations as determined by the department of 37277
education, and address all of the following: 37278

(1) Recognizing the signs and symptoms of a seizure; 37279

(2) The appropriate treatment for a student who exhibits the 37280
symptoms of a seizure; 37281

(3) Administering drugs prescribed for seizure disorders, 37282
subject to section 3313.713 of the Revised Code. 37283

A seizure training program under division (G) of this section 37284
shall not exceed one hour and shall qualify as a professional 37285
development activity for the renewal of educator licenses, 37286
including activities approved by local professional development 37287
committees under division (F) of section 3319.22 of the Revised 37288
Code. If the training is provided to a school district on portable 37289
media by a nonprofit entity, the training shall be provided free 37290
of charge. 37291

(H) A board of education or governing authority shall require 37292
each person it employs as an administrator, guidance counselor, 37293
teacher, or bus driver to complete a minimum of one hour of 37294
self-study training or in-person training on seizure disorders not 37295
later than twenty-four months after the effective date of this 37296
section. Any such person employed after that date shall complete 37297
the training within ninety days of employment. The training shall 37298
qualify as a professional development activity for the renewal of 37299
educator licenses, including activities approved by local 37300
professional development committees under division (F) of section 37301
3319.22 of the Revised Code. 37302

(I)(1) A school or school district, a member of a board or 37303
governing authority, or a district or school employee is not 37304
liable in damages in a civil action for injury, death, or loss to 37305
person or property allegedly arising from providing care or 37306
performing duties under this section unless the act or omission 37307

constitutes willful or wanton misconduct. 37308

This section does not eliminate, limit, or reduce any other 37309
immunity or defense that a school district, member of a school 37310
district board of education, or school district employee may be 37311
entitled to under Chapter 2744. or any other provision of the 37312
Revised Code or under the common law of this state. 37313

(2) A chartered nonpublic school or any officer, director, or 37314
employee of the school is not liable in damages in a civil action 37315
for injury, death, or loss to person or property allegedly arising 37316
from providing care or performing duties under this section unless 37317
the act or omission constitutes willful or wanton misconduct. 37318

Sec. 3313.819. (A) As used in this section, "national school 37319
breakfast program," "national school lunch program," and "public 37320
school" all have the same meanings as in section 3301.91 of the 37321
Revised Code. 37322

(B) A public or chartered nonpublic school that participates 37323
in the national school breakfast program shall provide each 37324
student eligible for a reduced-price breakfast a breakfast at no 37325
cost to the student. 37326

A public or chartered nonpublic school that participates in 37327
the national school lunch program shall provide each student 37328
eligible for a reduced-price lunch a lunch at no cost to the 37329
student. 37330

Sec. 3313.901. (A) As used in this section, "Ohio technical 37331
center" has the same meaning as in section 3333.94 of the Revised 37332
Code. 37333

(B) Upon approval by the department of education, any city, 37334
exempted village, local, or joint vocational school district may 37335
contract with an Ohio technical center to serve students in any of 37336
grades seven to twelve who are enrolled in a career-technical 37337

education program at the district but cannot enroll in a course at 37338
the district for any of the following reasons: 37339

(1) The course is at capacity and cannot serve all students 37340
who want to enroll in the course. 37341

(2) The student has a scheduling conflict that prevents the 37342
student from taking the course at the time offered by the 37343
district. 37344

(3) The district does not offer the course due to lack of 37345
enrollment, lack of a qualified teacher, or lack of facilities. 37346

(4) Any other reason determined by the department. 37347

(C) School districts shall apply to the department for 37348
approval to contract with an Ohio technical center under this 37349
section. Applicants shall submit a plan to the department 37350
describing how the district and the Ohio technical center will 37351
establish a collaborative partnership to provide career-technical 37352
education to students. Prior to approval, the department shall 37353
consider the extent to which the partnership will increase access 37354
to career-technical education courses for students. 37355

(D) If the department approves an application under this 37356
section, the school district that received that approval shall do 37357
all of the following: 37358

(1) Award a student high school credit for completion of any 37359
career-technical education course at an Ohio technical center; 37360

(2) Report the student in the education management 37361
information system established under section 3301.0714 of the 37362
Revised Code as enrolled in the district for the time the student 37363
is taking a course at an Ohio technical center, but the district 37364
shall indicate that the course is being taken through a center 37365
rather than at the district; 37366

(3) Not count a student taking a course at an Ohio technical 37367

center as more than one full-time equivalent student, unless the 37368
student is enrolled full-time in the district during the regularly 37369
scheduled school day and takes the course at the center during 37370
time outside of normal school hours; 37371

(4) Pay the Ohio technical center for each student taking a 37372
course at the technical center. The payment amount shall be the 37373
lesser of the standard tuition charged for the course by the 37374
center or the applicable one of the following: 37375

(a) If the center is located on the same campus as the high 37376
school in which the student is enrolled, the amount equal to the 37377
statewide average base cost per pupil and the amount applicable to 37378
the student pursuant to division (C) of section 3317.014 of the 37379
Revised Code for the portion of the full-time equivalency the 37380
student is enrolled in the course, without application of the 37381
district's state share percentage; 37382

(b) If the center is not located on the same campus as the 37383
high school in which the student is enrolled, \$7,500. 37384

(E) A district and an Ohio technical center may enter into an 37385
agreement under this section to establish alternate amounts than 37386
those prescribed under division (D) of this section that the 37387
district will pay to the center. 37388

(F) A district may use career-technical education funds 37389
received under division (C) of section 3317.014 of the Revised 37390
Code to pay for any costs incurred by students enrolling in 37391
courses at an Ohio technical center under this section. The 37392
department shall consider that cost as an approved 37393
career-technical education expense under division (F) of section 37394
3317.014 of the Revised Code. 37395

(G) Notwithstanding anything to the contrary in the Revised 37396
Code, an individual who holds an adult education permit issued by 37397
the state board of education and is employed by an Ohio technical 37398

center may provide instruction to a student in grades seven 37399
through twelve who is taking a course at an Ohio technical center 37400
under this section. 37401

(H) If the department approves an application from a school 37402
district to contract with an Ohio technical center under this 37403
section, the district shall not prohibit a student enrolled in the 37404
district from taking any course for which the district has 37405
contracted at the technical center. 37406

Sec. 3314.03. A copy of every contract entered into under 37407
this section shall be filed with the superintendent of public 37408
instruction. The department of education shall make available on 37409
its web site a copy of every approved, executed contract filed 37410
with the superintendent under this section. 37411

(A) Each contract entered into between a sponsor and the 37412
governing authority of a community school shall specify the 37413
following: 37414

(1) That the school shall be established as either of the 37415
following: 37416

(a) A nonprofit corporation established under Chapter 1702. 37417
of the Revised Code, if established prior to April 8, 2003; 37418

(b) A public benefit corporation established under Chapter 37419
1702. of the Revised Code, if established after April 8, 2003. 37420

(2) The education program of the school, including the 37421
school's mission, the characteristics of the students the school 37422
is expected to attract, the ages and grades of students, and the 37423
focus of the curriculum; 37424

(3) The academic goals to be achieved and the method of 37425
measurement that will be used to determine progress toward those 37426
goals, which shall include the statewide achievement assessments; 37427

(4) Performance standards, including but not limited to all 37428

applicable report card measures set forth in section 3302.03 or 37429
3314.017 of the Revised Code, by which the success of the school 37430
will be evaluated by the sponsor; 37431

(5) The admission standards of section 3314.06 of the Revised 37432
Code and, if applicable, section 3314.061 of the Revised Code; 37433

(6)(a) Dismissal procedures; 37434

(b) A requirement that the governing authority adopt an 37435
attendance policy that includes a procedure for automatically 37436
withdrawing a student from the school if the student without a 37437
legitimate excuse fails to participate in seventy-two consecutive 37438
hours of the learning opportunities offered to the student. 37439

(7) The ways by which the school will achieve racial and 37440
ethnic balance reflective of the community it serves; 37441

(8) Requirements for financial audits by the auditor of 37442
state. The contract shall require financial records of the school 37443
to be maintained in the same manner as are financial records of 37444
school districts, pursuant to rules of the auditor of state. 37445
Audits shall be conducted in accordance with section 117.10 of the 37446
Revised Code. 37447

(9) An addendum to the contract outlining the facilities to 37448
be used that contains at least the following information: 37449

(a) A detailed description of each facility used for 37450
instructional purposes; 37451

(b) The annual costs associated with leasing each facility 37452
that are paid by or on behalf of the school; 37453

(c) The annual mortgage principal and interest payments that 37454
are paid by the school; 37455

(d) The name of the lender or landlord, identified as such, 37456
and the lender's or landlord's relationship to the operator, if 37457
any. 37458

(10) Qualifications of ~~teachers~~ employees, including a both 37459
of the following: 37460

(a) A requirement that the school's classroom teachers be 37461
licensed in accordance with sections 3319.22 to 3319.31 of the 37462
Revised Code, except that a community school may engage 37463
noncertificated persons to teach up to twelve hours or forty hours 37464
per week pursuant to section 3319.301 of the Revised Code; 37465

(b) A prohibition against the school employing an individual 37466
described in section 3314.104 of the Revised Code in any position. 37467

(11) That the school will comply with the following 37468
requirements: 37469

(a) The school will provide learning opportunities to a 37470
minimum of twenty-five students for a minimum of nine hundred 37471
twenty hours per school year. 37472

(b) The governing authority will purchase liability 37473
insurance, or otherwise provide for the potential liability of the 37474
school. 37475

(c) The school will be nonsectarian in its programs, 37476
admission policies, employment practices, and all other 37477
operations, and will not be operated by a sectarian school or 37478
religious institution. 37479

(d) The school will comply with sections 9.90, 9.91, 109.65, 37480
121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 37481
3301.0712, 3301.0715, 3301.0729, 3301.948, 3302.037, 3313.472, 37482
3313.50, 3313.539, 3313.5310, 3313.5318, 3313.608, 3313.609, 37483
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6024, 37484
3313.6025, 3313.6026, 3313.643, 3313.648, 3313.6411, 3313.66, 37485
3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 3313.669, 37486
3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 37487
3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 3313.7117, 37488
3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.818, 37489

3313.819, 3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 37490
3319.0812, 3319.225, 3319.238, 3319.318, 3319.321, 3319.324, 37491
3319.39, 3319.391, 3319.393, 3319.41, 3319.46, 3320.01, 3320.02, 37492
3320.03, 3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 37493
3321.18, 3321.19, 3322.20, 3322.24, 3323.251, 3327.10, 4111.17, 37494
4113.52, 5502.262, 5502.703, and 5705.391 and Chapters 117., 37495
1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. of the 37496
Revised Code as if it were a school district and will comply with 37497
section 3301.0714 of the Revised Code in the manner specified in 37498
section 3314.17 of the Revised Code. 37499

(e) The school shall comply with Chapter 102. and section 37500
2921.42 of the Revised Code. 37501

(f) The school will comply with sections 3313.61, 3313.611, 37502
3313.614, 3313.617, 3313.618, and 3313.6114 of the Revised Code, 37503
except that for students who enter ninth grade for the first time 37504
before July 1, 2010, the requirement in sections 3313.61 and 37505
3313.611 of the Revised Code that a person must successfully 37506
complete the curriculum in any high school prior to receiving a 37507
high school diploma may be met by completing the curriculum 37508
adopted by the governing authority of the community school rather 37509
than the curriculum specified in Title XXXIII of the Revised Code 37510
or any rules of the state board of education. Beginning with 37511
students who enter ninth grade for the first time on or after July 37512
1, 2010, the requirement in sections 3313.61 and 3313.611 of the 37513
Revised Code that a person must successfully complete the 37514
curriculum of a high school prior to receiving a high school 37515
diploma shall be met by completing the requirements prescribed in 37516
section 3313.6027 and division (C) of section 3313.603 of the 37517
Revised Code, unless the person qualifies under division (D) or 37518
(F) of that section. Each school shall comply with the plan for 37519
awarding high school credit based on demonstration of subject area 37520
competency, and beginning with the 2017-2018 school year, with the 37521

updated plan that permits students enrolled in seventh and eighth 37522
grade to meet curriculum requirements based on subject area 37523
competency adopted by the state board of education under divisions 37524
(J)(1) and (2) of section 3313.603 of the Revised Code. Beginning 37525
with the 2018-2019 school year, the school shall comply with the 37526
framework for granting units of high school credit to students who 37527
demonstrate subject area competency through work-based learning 37528
experiences, internships, or cooperative education developed by 37529
the department under division (J)(3) of section 3313.603 of the 37530
Revised Code. 37531

(g) The school governing authority will submit within four 37532
months after the end of each school year a report of its 37533
activities and progress in meeting the goals and standards of 37534
divisions (A)(3) and (4) of this section and its financial status 37535
to the sponsor and the parents of all students enrolled in the 37536
school. 37537

(h) The school, unless it is an internet- or computer-based 37538
community school, will comply with section 3313.801 of the Revised 37539
Code as if it were a school district. 37540

(i) If the school is the recipient of moneys from a grant 37541
awarded under the federal race to the top program, Division (A), 37542
Title XIV, Sections 14005 and 14006 of the "American Recovery and 37543
Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the 37544
school will pay teachers based upon performance in accordance with 37545
section 3317.141 and will comply with section 3319.111 of the 37546
Revised Code as if it were a school district. 37547

(j) If the school operates a preschool program that is 37548
licensed by the department of education under sections 3301.52 to 37549
3301.59 of the Revised Code, the school shall comply with sections 37550
3301.50 to 3301.59 of the Revised Code and the minimum standards 37551
for preschool programs prescribed in rules adopted by the state 37552
board under section 3301.53 of the Revised Code. 37553

(k) The school will comply with sections 3313.6021 and 37554
3313.6023 of the Revised Code as if it were a school district 37555
unless it is either of the following: 37556

(i) An internet- or computer-based community school; 37557

(ii) A community school in which a majority of the enrolled 37558
students are children with disabilities as described in division 37559
(A)(4)(b) of section 3314.35 of the Revised Code. 37560

(l) The school will comply with section 3321.191 of the 37561
Revised Code, unless it is an internet- or computer-based 37562
community school that is subject to section 3314.261 of the 37563
Revised Code. 37564

(12) Arrangements for providing health and other benefits to 37565
employees; 37566

(13) The length of the contract, which shall begin at the 37567
beginning of an academic year. No contract shall exceed five years 37568
unless such contract has been renewed pursuant to division (E) of 37569
this section. 37570

(14) The governing authority of the school, which shall be 37571
responsible for carrying out the provisions of the contract; 37572

(15) A financial plan detailing an estimated school budget 37573
for each year of the period of the contract and specifying the 37574
total estimated per pupil expenditure amount for each such year. 37575

(16) Requirements and procedures regarding the disposition of 37576
employees of the school in the event the contract is terminated or 37577
not renewed pursuant to section 3314.07 of the Revised Code; 37578

(17) Whether the school is to be created by converting all or 37579
part of an existing public school or educational service center 37580
building or is to be a new start-up school, and if it is a 37581
converted public school or service center building, specification 37582
of any duties or responsibilities of an employer that the board of 37583

education or service center governing board that operated the 37584
school or building before conversion is delegating to the 37585
governing authority of the community school with respect to all or 37586
any specified group of employees provided the delegation is not 37587
prohibited by a collective bargaining agreement applicable to such 37588
employees; 37589

(18) Provisions establishing procedures for resolving 37590
disputes or differences of opinion between the sponsor and the 37591
governing authority of the community school; 37592

(19) A provision requiring the governing authority to adopt a 37593
policy regarding the admission of students who reside outside the 37594
district in which the school is located. That policy shall comply 37595
with the admissions procedures specified in sections 3314.06 and 37596
3314.061 of the Revised Code and, at the sole discretion of the 37597
authority, shall do one of the following: 37598

(a) Prohibit the enrollment of students who reside outside 37599
the district in which the school is located; 37600

(b) Permit the enrollment of students who reside in districts 37601
adjacent to the district in which the school is located; 37602

(c) Permit the enrollment of students who reside in any other 37603
district in the state. 37604

(20) A provision recognizing the authority of the department 37605
of education to take over the sponsorship of the school in 37606
accordance with the provisions of division (C) of section 3314.015 37607
of the Revised Code; 37608

(21) A provision recognizing the sponsor's authority to 37609
assume the operation of a school under the conditions specified in 37610
division (B) of section 3314.073 of the Revised Code; 37611

(22) A provision recognizing both of the following: 37612

(a) The authority of public health and safety officials to 37613

inspect the facilities of the school and to order the facilities 37614
closed if those officials find that the facilities are not in 37615
compliance with health and safety laws and regulations; 37616

(b) The authority of the department of education as the 37617
community school oversight body to suspend the operation of the 37618
school under section 3314.072 of the Revised Code if the 37619
department has evidence of conditions or violations of law at the 37620
school that pose an imminent danger to the health and safety of 37621
the school's students and employees and the sponsor refuses to 37622
take such action. 37623

(23) A description of the learning opportunities that will be 37624
offered to students including both classroom-based and 37625
non-classroom-based learning opportunities that is in compliance 37626
with criteria for student participation established by the 37627
department under division (H)(2) of section 3314.08 of the Revised 37628
Code; 37629

(24) The school will comply with sections 3302.04 and 37630
3302.041 of the Revised Code, except that any action required to 37631
be taken by a school district pursuant to those sections shall be 37632
taken by the sponsor of the school. However, the sponsor shall not 37633
be required to take any action described in division (F) of 37634
section 3302.04 of the Revised Code. 37635

(25) Beginning in the 2006-2007 school year, the school will 37636
open for operation not later than the thirtieth day of September 37637
each school year, unless the mission of the school as specified 37638
under division (A)(2) of this section is solely to serve dropouts. 37639
In its initial year of operation, if the school fails to open by 37640
the thirtieth day of September, or within one year after the 37641
adoption of the contract pursuant to division (D) of section 37642
3314.02 of the Revised Code if the mission of the school is solely 37643
to serve dropouts, the contract shall be void. 37644

- (26) Whether the school's governing authority is planning to seek designation for the school as a STEM school equivalent under section 3326.032 of the Revised Code; 37645
37646
37647
- (27) That the school's attendance and participation policies will be available for public inspection; 37648
37649
- (28) That the school's attendance and participation records shall be made available to the department of education, auditor of state, and school's sponsor to the extent permitted under and in accordance with the "Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any regulations promulgated under that act, and section 3319.321 of the Revised Code; 37650
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- (29) If a school operates using the blended learning model, as defined in section 3301.079 of the Revised Code, all of the following information: 37657
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37659
- (a) An indication of what blended learning model or models will be used; 37660
37661
- (b) A description of how student instructional needs will be determined and documented; 37662
37663
- (c) The method to be used for determining competency, granting credit, and promoting students to a higher grade level; 37664
37665
- (d) The school's attendance requirements, including how the school will document participation in learning opportunities; 37666
37667
- (e) A statement describing how student progress will be monitored; 37668
37669
- (f) A statement describing how private student data will be protected; 37670
37671
- (g) A description of the professional development activities that will be offered to teachers. 37672
37673
- (30) A provision requiring that all moneys the school's 37674

operator loans to the school, including facilities loans or cash 37675
flow assistance, must be accounted for, documented, and bear 37676
interest at a fair market rate; 37677

(31) A provision requiring that, if the governing authority 37678
contracts with an attorney, accountant, or entity specializing in 37679
audits, the attorney, accountant, or entity shall be independent 37680
from the operator with which the school has contracted. 37681

(32) A provision requiring the governing authority to adopt 37682
an enrollment and attendance policy that requires a student's 37683
parent to notify the community school in which the student is 37684
enrolled when there is a change in the location of the parent's or 37685
student's primary residence. 37686

(33) A provision requiring the governing authority to adopt a 37687
student residence and address verification policy for students 37688
enrolling in or attending the school. 37689

(B) The community school shall also submit to the sponsor a 37690
comprehensive plan for the school. The plan shall specify the 37691
following: 37692

(1) The process by which the governing authority of the 37693
school will be selected in the future; 37694

(2) The management and administration of the school; 37695

(3) If the community school is a currently existing public 37696
school or educational service center building, alternative 37697
arrangements for current public school students who choose not to 37698
attend the converted school and for teachers who choose not to 37699
teach in the school or building after conversion; 37700

(4) The instructional program and educational philosophy of 37701
the school; 37702

(5) Internal financial controls. 37703

When submitting the plan under this division, the school 37704

shall also submit copies of all policies and procedures regarding 37705
internal financial controls adopted by the governing authority of 37706
the school. 37707

(C) A contract entered into under section 3314.02 of the 37708
Revised Code between a sponsor and the governing authority of a 37709
community school may provide for the community school governing 37710
authority to make payments to the sponsor, which is hereby 37711
authorized to receive such payments as set forth in the contract 37712
between the governing authority and the sponsor. The total amount 37713
of such payments for monitoring, oversight, and technical 37714
assistance of the school shall not exceed three per cent of the 37715
total amount of payments for operating expenses that the school 37716
receives from the state. 37717

(D) The contract shall specify the duties of the sponsor 37718
which shall be in accordance with the written agreement entered 37719
into with the department of education under division (B) of 37720
section 3314.015 of the Revised Code and shall include the 37721
following: 37722

(1) Monitor the community school's compliance with all laws 37723
applicable to the school and with the terms of the contract; 37724

(2) Monitor and evaluate the academic and fiscal performance 37725
and the organization and operation of the community school on at 37726
least an annual basis; 37727

(3) Report on an annual basis the results of the evaluation 37728
conducted under division (D)(2) of this section to the department 37729
of education and to the parents of students enrolled in the 37730
community school; 37731

(4) Provide technical assistance to the community school in 37732
complying with laws applicable to the school and terms of the 37733
contract; 37734

(5) Take steps to intervene in the school's operation to 37735

correct problems in the school's overall performance, declare the school to be on probationary status pursuant to section 3314.073 of the Revised Code, suspend the operation of the school pursuant to section 3314.072 of the Revised Code, or terminate the contract of the school pursuant to section 3314.07 of the Revised Code as determined necessary by the sponsor;

(6) Have in place a plan of action to be undertaken in the event the community school experiences financial difficulties or closes prior to the end of a school year.

(E) Upon the expiration of a contract entered into under this section, the sponsor of a community school may, with the approval of the governing authority of the school, renew that contract for a period of time determined by the sponsor, but not ending earlier than the end of any school year, if the sponsor finds that the school's compliance with applicable laws and terms of the contract and the school's progress in meeting the academic goals prescribed in the contract have been satisfactory. Any contract that is renewed under this division remains subject to the provisions of sections 3314.07, 3314.072, and 3314.073 of the Revised Code.

(F) If a community school fails to open for operation within one year after the contract entered into under this section is adopted pursuant to division (D) of section 3314.02 of the Revised Code or permanently closes prior to the expiration of the contract, the contract shall be void and the school shall not enter into a contract with any other sponsor. A school shall not be considered permanently closed because the operations of the school have been suspended pursuant to section 3314.072 of the Revised Code.

Sec. 3314.08. (A) As used in this section:

(1) "IEP" has the same meaning as in section 3323.01 of the Revised Code.

(2) "Resident district" means the school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

(B) The state board of education shall adopt rules requiring the governing authority of each community school established under this chapter to annually report all of the following:

(1) The number of students enrolled in grades one through twelve and the full-time equivalent number of students enrolled in kindergarten in the school who are not receiving special education and related services pursuant to an IEP;

(2) The number of enrolled students in grades one through twelve and the full-time equivalent number of enrolled students in kindergarten, who are receiving special education and related services pursuant to an IEP;

(3) The number of students reported under division (B)(2) of this section receiving special education and related services pursuant to an IEP for a disability described in each of divisions (A) to (F) of section 3317.013 of the Revised Code;

(4) The full-time equivalent number of students reported under divisions (B)(1) and (2) of this section who are enrolled in career-technical education programs or classes described in each of divisions (A)(1) to (5) of section 3317.014 of the Revised Code that are provided by the community school;

(5) The number of students reported under divisions (B)(1) and (2) of this section who are not reported under division (B)(4) of this section but who are enrolled in career-technical education programs or classes described in each of divisions (A)(1) to (5) of section 3317.014 of the Revised Code at a joint vocational school district or another district in the career-technical planning district to which the school is assigned;

(6) The number of students reported under divisions (B)(1)

and (2) of this section who are category one to three English learners described in each of divisions (A) to (C) of section 3317.016 of the Revised Code; 37798
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(7) The number of students reported under divisions (B)(1) and (2) of this section who are economically disadvantaged, as defined by the department. A student shall not be categorically excluded from the number reported under division (B)(7) of this section based on anything other than family income. 37801
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(8) For each student, the city, exempted village, or local school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code. 37806
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(9) The number of students enrolled in a preschool program operated by the school that is licensed by the department of education under sections 3301.52 to 3301.59 of the Revised Code who are not receiving special education and related services pursuant to an IEP. 37809
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A school district board and a community school governing authority shall include in their respective reports under division (B) of this section any child admitted in accordance with division (A)(2) of section 3321.01 of the Revised Code. 37814
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A governing authority of a community school shall not include in its report under divisions (B)(1) to (9) of this section any student for whom tuition is charged under division (F) of this section. 37818
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(C)(1)(a) If a community school's costs for a fiscal year for a student receiving special education and related services pursuant to an IEP for a disability described in divisions (B) to (F) of section 3317.013 of the Revised Code exceed the threshold catastrophic cost for serving the student as specified in division (B) of section 3317.0214 of the Revised Code, the school may submit to the superintendent of public instruction documentation, 37822
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as prescribed by the superintendent, of all its costs for that 37829
student. Upon submission of documentation for a student of the 37830
type and in the manner prescribed, the department shall pay to the 37831
community school an amount equal to the school's costs for the 37832
student in excess of the threshold catastrophic costs. 37833

(b) The community school shall report under division 37834
(C)(1)(a) of this section, and the department shall pay for, only 37835
the costs of educational expenses and the related services 37836
provided to the student in accordance with the student's 37837
individualized education program. Any legal fees, court costs, or 37838
other costs associated with any cause of action relating to the 37839
student may not be included in the amount. 37840

(2) In any fiscal year, a community school receiving funds 37841
under division (A)(7) of section 3317.022 of the Revised Code 37842
shall spend those funds only for the purposes that the department 37843
designates as approved for career-technical education expenses. 37844
Career-technical education expenses approved by the department 37845
shall include only expenses connected to the delivery of 37846
career-technical programming to career-technical students. The 37847
department shall require the school to report data annually so 37848
that the department may monitor the school's compliance with the 37849
requirements regarding the manner in which funding received under 37850
division (A)(7) of section 3317.022 of the Revised Code may be 37851
spent. 37852

(3) Notwithstanding anything to the contrary in section 37853
3313.90 of the Revised Code, except as provided in division (C)(5) 37854
of this section, all funds received under division (A)(7) of 37855
section 3317.022 of the Revised Code shall be spent in the 37856
following manner: 37857

(a) At least seventy-five per cent of the funds shall be 37858
spent on curriculum development, purchase, and implementation; 37859
instructional resources and supplies; industry-based program 37860

certification; student assessment, credentialing, and placement; 37861
curriculum specific equipment purchases and leases; 37862
career-technical student organization fees and expenses; home and 37863
agency linkages; work-based learning experiences; professional 37864
development; and other costs directly associated with 37865
career-technical education programs including development of new 37866
programs. 37867

(b) Not more than twenty-five per cent of the funds shall be 37868
used for personnel expenditures. 37869

(4) A community school shall spend the funds it receives 37870
under division (A)(4) of section 3317.022 of the Revised Code in 37871
accordance with section 3317.25 of the Revised Code. 37872

(5) The department may waive the requirement in division 37873
(C)(3) of this section for any community school that exclusively 37874
provides one or more career-technical workforce development 37875
programs in arts and communications that are not 37876
equipment-intensive, as determined by the department. 37877

(6) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, a community 37878
school shall spend the funds it receives under division (A)(5) of 37879
section 3317.022 of the Revised Code only for services for English 37880
learners. 37881

(D) A board of education sponsoring a community school may 37882
utilize local funds to make enhancement grants to the school or 37883
may agree, either as part of the contract or separately, to 37884
provide any specific services to the community school at no cost 37885
to the school. 37886

(E) A community school may not levy taxes or issue bonds 37887
secured by tax revenues. 37888

(F) No community school shall charge tuition for the 37889
enrollment of any student who is a resident of this state. A 37890
community school may charge tuition for the enrollment of any 37891

student who is not a resident of this state. 37892

(G)(1)(a) A community school may borrow money to pay any 37893
necessary and actual expenses of the school in anticipation of the 37894
receipt of any portion of the payments to be received by the 37895
school pursuant to section 3317.022 of the Revised Code. The 37896
school may issue notes to evidence such borrowing. The proceeds of 37897
the notes shall be used only for the purposes for which the 37898
anticipated receipts may be lawfully expended by the school. 37899

(b) A school may also borrow money for a term not to exceed 37900
fifteen years for the purpose of acquiring facilities. 37901

(2) ~~Except for any amount guaranteed under section 3318.50 of~~ 37902
~~the Revised Code, the~~ The state is not liable for debt incurred by 37903
the governing authority of a community school. 37904

(H) The department of education shall adjust the amounts paid 37905
under section 3317.022 of the Revised Code to reflect any 37906
enrollment of students in community schools for less than the 37907
equivalent of a full school year. The state board of education 37908
within ninety days after April 8, 2003, shall adopt in accordance 37909
with Chapter 119. of the Revised Code rules governing the payments 37910
to community schools under section 3317.022 of the Revised Code 37911
including initial payments in a school year and adjustments and 37912
reductions made in subsequent periodic payments to community 37913
schools as provided under section 3317.022 of the Revised Code. 37914
For purposes of this division: 37915

(1) A student shall be considered enrolled in the community 37916
school for any portion of the school year the student is 37917
participating at a college under Chapter 3365. of the Revised 37918
Code. 37919

(2) A student shall be considered to be enrolled in a 37920
community school for the period of time beginning on the later of 37921
the date on which the school both has received documentation of 37922

the student's enrollment from a parent and the student has 37923
commenced participation in learning opportunities as defined in 37924
the contract with the sponsor, or thirty days prior to the date on 37925
which the student is entered into the education management 37926
information system established under section 3301.0714 of the 37927
Revised Code. For purposes of applying this division and divisions 37928
(H)(3) and (4) of this section to a community school student, 37929
"learning opportunities" shall be defined in the contract, which 37930
shall describe both classroom-based and non-classroom-based 37931
learning opportunities and shall be in compliance with criteria 37932
and documentation requirements for student participation which 37933
shall be established by the department. Any student's instruction 37934
time in non-classroom-based learning opportunities shall be 37935
certified by an employee of the community school. A student's 37936
enrollment shall be considered to cease on the date on which any 37937
of the following occur: 37938

(a) The community school receives documentation from a parent 37939
terminating enrollment of the student. 37940

(b) The community school is provided documentation of a 37941
student's enrollment in another public or private school. 37942

(c) The community school ceases to offer learning 37943
opportunities to the student pursuant to the terms of the contract 37944
with the sponsor or the operation of any provision of this 37945
chapter. 37946

Except as otherwise specified in this paragraph, beginning in 37947
the 2011-2012 school year, any student who completed the prior 37948
school year in an internet- or computer-based community school 37949
shall be considered to be enrolled in the same school in the 37950
subsequent school year until the student's enrollment has ceased 37951
as specified in division (H)(2) of this section. The department 37952
shall continue paying amounts for the student under section 37953
3317.022 of the Revised Code without interruption at the start of 37954

the subsequent school year. However, if the student without a 37955
legitimate excuse fails to participate in the first seventy-two 37956
consecutive hours of learning opportunities offered to the student 37957
in that subsequent school year, the student shall be considered 37958
not to have re-enrolled in the school for that school year and the 37959
department shall recalculate the payments to the school for that 37960
school year to account for the fact that the student is not 37961
enrolled. 37962

(3) The department shall determine each community school 37963
student's percentage of full-time equivalency based on the 37964
percentage of learning opportunities offered by the community 37965
school to that student, reported either as number of hours or 37966
number of days, is of the total learning opportunities offered by 37967
the community school to a student who attends for the school's 37968
entire school year. However, no internet- or computer-based 37969
community school shall be credited for any time a student spends 37970
participating in learning opportunities beyond ten hours within 37971
any period of twenty-four consecutive hours. Whether it reports 37972
hours or days of learning opportunities, each community school 37973
shall offer not less than nine hundred twenty hours of learning 37974
opportunities during the school year. 37975

(4) With respect to the calculation of full-time equivalency 37976
under division (H)(3) of this section, the department shall waive 37977
the number of hours or days of learning opportunities not offered 37978
to a student because the community school was closed during the 37979
school year due to disease epidemic, hazardous weather conditions, 37980
law enforcement emergencies, inoperability of school buses or 37981
other equipment necessary to the school's operation, damage to a 37982
school building, or other temporary circumstances due to utility 37983
failure rendering the school building unfit for school use, so 37984
long as the school was actually open for instruction with students 37985
in attendance during that school year for not less than the 37986

minimum number of hours required by this chapter. The department 37987
shall treat the school as if it were open for instruction with 37988
students in attendance during the hours or days waived under this 37989
division. 37990

(I) The department of education shall reduce the amounts paid 37991
under section 3317.022 of the Revised Code to reflect payments 37992
made to colleges under section 3365.07 of the Revised Code. 37993

(J)(1) No student shall be considered enrolled in any 37994
internet- or computer-based community school or, if applicable to 37995
the student, in any community school that is required to provide 37996
the student with a computer pursuant to division (C) of section 37997
3314.22 of the Revised Code, unless both of the following 37998
conditions are satisfied: 37999

(a) The student possesses or has been provided with all 38000
required hardware and software materials and all such materials 38001
are operational so that the student is capable of fully 38002
participating in the learning opportunities specified in the 38003
contract between the school and the school's sponsor as required 38004
by division (A)(23) of section 3314.03 of the Revised Code; 38005

(b) The school is in compliance with division (A) of section 38006
3314.22 of the Revised Code, relative to such student. 38007

(2) In accordance with policies adopted by the superintendent 38008
of public instruction, in consultation with the auditor of state, 38009
the department shall reduce the amounts otherwise payable under 38010
section 3317.022 of the Revised Code to any community school that 38011
includes in its program the provision of computer hardware and 38012
software materials to any student, if such hardware and software 38013
materials have not been delivered, installed, and activated for 38014
each such student in a timely manner or other educational 38015
materials or services have not been provided according to the 38016
contract between the individual community school and its sponsor. 38017

The superintendent of public instruction and the auditor of state shall jointly establish a method for auditing any community school to which this division pertains to ensure compliance with this section.

The superintendent, auditor of state, and the governor shall jointly make recommendations to the general assembly for legislative changes that may be required to assure fiscal and academic accountability for such schools.

(K)(1) If the department determines that a review of a community school's enrollment is necessary, such review shall be completed and written notice of the findings shall be provided to the governing authority of the community school and its sponsor within ninety days of the end of the community school's fiscal year, unless extended for a period not to exceed thirty additional days for one of the following reasons:

(a) The department and the community school mutually agree to the extension.

(b) Delays in data submission caused by either a community school or its sponsor.

(2) If the review results in a finding that additional funding is owed to the school, such payment shall be made within thirty days of the written notice. If the review results in a finding that the community school owes moneys to the state, the following procedure shall apply:

(a) Within ten business days of the receipt of the notice of findings, the community school may appeal the department's determination to the state board of education or its designee.

(b) The board or its designee shall conduct an informal hearing on the matter within thirty days of receipt of such an appeal and shall issue a decision within fifteen days of the conclusion of the hearing.

(c) If the board has enlisted a designee to conduct the hearing, the designee shall certify its decision to the board. The board may accept the decision of the designee or may reject the decision of the designee and issue its own decision on the matter.

(d) Any decision made by the board under this division is final.

(3) If it is decided that the community school owes moneys to the state, the department shall deduct such amount from the school's future payments in accordance with guidelines issued by the superintendent of public instruction.

(L) The department shall not pay to a community school under section 3317.022 of the Revised Code any amount for any of the following:

(1) Any student who has graduated from the twelfth grade of a public or nonpublic high school;

(2) Any student who is not a resident of the state;

(3) Any student who was enrolled in the community school during the previous school year when assessments were administered under section 3301.0711 of the Revised Code but did not take one or more of the assessments required by that section and was not excused pursuant to division (C)(1) or (3) of that section, unless the superintendent of public instruction grants the student a waiver from the requirement to take the assessment and a parent is not paying tuition for the student pursuant to section 3314.26 of the Revised Code. The superintendent may grant a waiver only for good cause in accordance with rules adopted by the state board of education.

(4) Any student who has attained the age of twenty-two years, except for veterans of the armed services whose attendance was interrupted before completing the recognized twelve-year course of the public schools by reason of induction or enlistment in the

armed forces and who apply for enrollment in a community school 38080
not later than four years after termination of war or their 38081
honorable discharge. If, however, any such veteran elects to 38082
enroll in special courses organized for veterans for whom tuition 38083
is paid under federal law, or otherwise, the department shall not 38084
pay to a community school under section 3317.022 of the Revised 38085
Code any amount for that veteran. 38086

Sec. 3314.104. No community school shall employ an individual 38087
in any position if the state board of education permanently 38088
revoked or permanently denied the individual a license under 38089
section 3319.31 of the Revised Code or if the individual entered 38090
into a consent agreement under division (E) of section 3319.311 of 38091
the Revised Code in which the individual agreed never to apply for 38092
a license after the date on which the agreement was entered into. 38093
38094

Sec. 3314.23. (A) Subject to division (B) of this section, 38095
each internet- or computer-based community school shall comply 38096
with the national standards developed by the international 38097
association for K-12 quality online learning developed under a 38098
project led by a partnership between quality matters, the virtual 38099
learning leadership alliance, and the digital learning 38100
collaborative, or any successor organization. 38101

(B) Each internet- or computer-based community school that 38102
initially opens for operation on or after January 1, 2013, shall 38103
comply with the standards required by division (A) of this section 38104
at the time it opens. Each internet- or computer-based community 38105
school that initially opened for operation prior to January 1, 38106
2013, shall comply with the standards required by division (A) of 38107
this section not later than July 1, 2013. 38108

(C) The sponsor of each internet- or computer-based community 38109

school shall be responsible for monitoring, ensuring, and 38110
reporting compliance with the online learning standards described 38111
in divisions (A) and (B) of this section. 38112

Sec. 3315.37. The board of education of a school district may 38113
establish a teacher education loan program and may expend school 38114
funds for the program. The program shall be for the purpose of 38115
making loans to students who are residents of the school district 38116
or graduates of schools in the school district, who are enrolled 38117
in teacher preparation programs at institutions approved by the 38118
chancellor of ~~the Ohio board of regents~~ higher education pursuant 38119
to section 3333.048 of the Revised Code, and who indicate an 38120
intent to teach in the school district providing the loan. The 38121
district board may forgive the obligation to repay any or all of 38122
the principal and interest on the loan if the borrower teaches in 38123
that school district. 38124

The district board shall adopt rules establishing eligibility 38125
criteria, application procedures, procedures for review of 38126
applications, loan amounts, interest, repayment schedules, 38127
conditions under which principal and interest obligations incurred 38128
under the program will be forgiven, and any other matter 38129
incidental to the operation of the program. 38130

The board may contract with a private, nonprofit foundation, 38131
one or more institutions of higher education, or other educational 38132
agencies to administer the program. 38133

The receipt of a loan under this section does not affect a 38134
student's eligibility for assistance, or the amount of such 38135
assistance, granted under section 3315.33, ~~3333.12~~, 3333.122, 38136
3333.22, 3333.26, 5910.04, or 5919.34 of the Revised Code, but the 38137
board's rules may provide for taking such assistance into 38138
consideration when determining a student's eligibility for a loan 38139
under this section. 38140

Sec. 3316.042. The auditor of state, on the auditor of 38141
state's initiative, may conduct a performance audit of a school 38142
district that is under a fiscal caution under section 3316.031 of 38143
the Revised Code, in a state of fiscal watch, or in a state of 38144
fiscal emergency, in which the auditor of state reviews any 38145
programs or areas of operation in which the auditor of state 38146
believes that greater operational efficiencies or enhanced program 38147
results can be achieved. 38148

The auditor of state, in consultation with the department of 38149
education ~~and the office of budget and management, shall determine~~ 38150
~~for which school districts to conduct performance audits under~~ 38151
~~this section. Priority shall be given to districts, may conduct a~~ 38152
performance audit of a school district in fiscal distress, 38153
including districts employing fiscal practices or experiencing 38154
budgetary conditions that could produce a state of fiscal watch or 38155
fiscal emergency, as determined by the auditor of state, ~~in~~ 38156
~~consultation with the department and the office of budget and~~ 38157
~~management.~~ 38158

The cost of a performance audit conducted under this section 38159
shall be paid by the auditor of state with funds appropriated by 38160
the general assembly for that purpose. 38161

A performance audit under this section shall not include 38162
review or evaluation of school district academic performance. 38163

Sec. 3317.011. This section shall apply only for fiscal years 38164
~~2022~~ 2024 and ~~2023~~ 2025. 38165

(A) As used in this section: 38166

(1) "Average administrative assistant salary" means the 38167
average salary of administrative assistants employed by city, 38168
local, and exempted village school districts in this state with 38169
salaries greater than \$20,000 but less than \$65,000, using fiscal 38170

year ~~2018~~ 2022 data, as determined by the department of education. 38171

(2) "Average bookkeeping and accounting employee salary" 38172
means the average salary of bookkeeping employees and accounting 38173
employees employed by city, local, and exempted village school 38174
districts in this state with salaries greater than \$20,000 but 38175
less than \$80,000, using fiscal year ~~2018~~ 2022 data, as determined 38176
by the department. 38177

(3) "Average clerical staff salary" means the average salary 38178
of clerical staff employed by city, local, and exempted village 38179
school districts in this state with salaries greater than \$15,000 38180
but less than \$50,000, using fiscal year ~~2018~~ 2022 data, as 38181
determined by the department. 38182

(4) "Average counselor salary" means the average salary of 38183
counselors employed by city, local, and exempted village school 38184
districts in this state with salaries greater than \$30,000 but 38185
less than \$95,000, using fiscal year ~~2018~~ 2022 data, as determined 38186
by the department. 38187

(5) "Average education management information system support 38188
employee salary" means the average salary of accounting employees 38189
employed by city, local, and exempted village school districts in 38190
this state with salaries greater than \$30,000 but less than 38191
\$90,000, using fiscal year ~~2018~~ 2022 data, as determined by the 38192
department. 38193

(6) "Average librarian and media staff salary" means the 38194
average salary of librarians and media staff employed by city, 38195
local, and exempted village school districts in this state with 38196
salaries greater than \$30,000 but less than \$95,000, using fiscal 38197
year ~~2018~~ 2022 data, as determined by the department. 38198

(7) "Average other district administrator salary" means the 38199
average salary of all assistant superintendents and directors 38200
employed by city, local, and exempted village school districts in 38201

this state with salaries greater than \$50,000 but less than 38202
\$135,000, using fiscal year ~~2018~~ 2022 data, as determined by the 38203
department. 38204

(8) "Average principal salary" means the average salary of 38205
all principals employed by city, local, and exempted village 38206
school districts in this state with salaries greater than \$50,000 38207
but less than \$120,000, using fiscal year ~~2018~~ 2022 data, as 38208
determined by the department. 38209

(9) "Average superintendent salary" means the average salary 38210
of all superintendents employed by city, local, and exempted 38211
village school districts in this state with salaries greater than 38212
\$60,000 but less than \$180,000, using fiscal year ~~2018~~ 2022 data, 38213
as determined by the department. 38214

(10) "Average teacher cost" for a fiscal year is equal to the 38215
sum of the following: 38216

(a) The average salary of teachers employed by city, local, 38217
and exempted village school districts in this state with salaries 38218
greater than \$30,000 but less than \$95,000, using fiscal year ~~2018~~ 38219
2022 data, as determined by the department; 38220

(b) An amount for teacher benefits equal to 0.16 times the 38221
average salary calculated under division (A)(10)(a) of this 38222
section; 38223

(c) An amount for district-paid insurance costs equal to the 38224
following product: 38225

The statewide weighted average employer-paid monthly premium based 38226
on data reported by city, local, and exempted village school 38227
districts to the state employment relations board for the health 38228
insurance survey conducted in accordance with divisions (K)(5) and 38229
(6) of section 4117.02 of the Revised Code using fiscal year ~~2018~~ 38230
2022 data X 12 38231

(11) "Eligible school district" means a city, local, or 38232

exempted village school district that satisfies one of the 38233
following: 38234

(a) The district is a member of an organization that 38235
regulates interscholastic athletics. 38236

(b) The district has teams in at least three different sports 38237
that participate in an interscholastic league. 38238

(B) When calculating a district's aggregate base cost under 38239
this section, the department shall use data from fiscal year ~~2018~~ 38240
2022 for all of the following: 38241

(1) The average salaries determined under divisions (A)(1), 38242
(2), (3), (4), (5), (6), (7), (8), (9), and (10)(a) of this 38243
section; 38244

(2) The amount for teacher benefits determined under division 38245
(A)(10)(b) of this section; 38246

(3) The district-paid insurance costs determined under 38247
division (A)(10)(c) of this section; 38248

(4) The spending determined under divisions (E)(4)(a), 38249
(E)(5)(a), (E)(6)(a), and (H)(1) of this section and the 38250
corresponding student counts determined under divisions (E)(4)(b), 38251
(E)(5)(b), (E)(6)(b), and (H)(2) of this section; 38252

(5) The information determined under division (G)(3) of this 38253
section. 38254

(C) A city, local, or exempted village school district's 38255
aggregate base cost for a fiscal year shall be equal to the 38256
following sum: 38257

(The district's teacher base cost for that fiscal year computed 38258
under division (D) of this section) + (the district's student 38259
support base cost for that fiscal year computed under division (E) 38260
of this section) + (the district's leadership and accountability 38261
base cost for that fiscal year computed under division (F) of this 38262

section) + (the district's building leadership and operations base 38263
cost for that fiscal year computed under division (G) of this 38264
section) + (the athletic co-curricular activities base cost for 38265
that fiscal year computed under division (H) of this section, if 38266
the district is an eligible school district) 38267

(D) The department of education shall compute a district's 38268
teacher base cost for a fiscal year as follows: 38269

(1) Calculate the district's classroom teacher cost for that 38270
fiscal year as follows: 38271

(a) Determine the full-time equivalency of students in the 38272
district's base cost enrolled ADM for that fiscal year that are 38273
enrolled in kindergarten and divide that number by 20; 38274

(b) Determine the full-time equivalency of students in the 38275
district's base cost enrolled ADM for that fiscal year that are 38276
enrolled in grades one through three and divide that number by 23; 38277

(c) Determine the full-time equivalency of students in the 38278
district's base cost enrolled ADM for that fiscal year that are 38279
enrolled in grades four through eight but are not enrolled in a 38280
career-technical education program or class described under 38281
section 3317.014 of the Revised Code and divide that number by 25; 38282

(d) Determine the full-time equivalency of students in the 38283
district's base cost enrolled ADM for that fiscal year that are 38284
enrolled in grades nine through twelve but are not enrolled in a 38285
career-technical education program or class described under 38286
section 3317.014 of the Revised Code and divide that number by 27; 38287

(e) Determine the full-time equivalency of students in the 38288
district's base cost enrolled ADM for that fiscal year that are 38289
enrolled in a career-technical education program or class, as 38290
certified under divisions (B)(11), (12), (13), (14), and (15) of 38291
section 3317.03 of the Revised Code, and divide that number by 18; 38292

(f) Compute the sum of the quotients obtained under divisions 38293

(D)(1)(a), (b), (c), (d), and (e) of this section;	38294
(g) Compute the classroom teacher cost by multiplying the average teacher cost for that fiscal year by the sum computed under division (D)(1)(f) of this section.	38295 38296 38297
(2) Calculate the district's special teacher cost for that fiscal year as follows:	38298 38299
(a) Divide the district's base cost enrolled ADM for that fiscal year by 150;	38300 38301
(b) If the quotient obtained under division (D)(2)(a) of this section is greater than 6, the special teacher cost shall be equal to that quotient multiplied by the average teacher cost for that fiscal year.	38302 38303 38304 38305
(c) If the quotient obtained under division (D)(2)(a) of this section is less than or equal to 6, the special teacher cost shall be equal to 6 multiplied by the average teacher cost for that fiscal year.	38306 38307 38308 38309
(3) Calculate the district's substitute teacher cost for that fiscal year in accordance with the following formula:	38310 38311
(a) Compute the substitute teacher daily rate with benefits by multiplying the substitute teacher daily rate of \$90 by 1.16;	38312 38313
(b) Compute the substitute teacher cost in accordance with the following formula:	38314 38315
[The sum computed under division (D)(1)(f) of this section + (the greater of the quotient obtained under division (D)(2)(a) of this section and 6)] X the amount computed under division (D)(3)(a) of this section X 5	38316 38317 38318 38319
(4) Calculate the district's professional development cost for that fiscal year in accordance with the following formula:	38320 38321
[The sum computed under division (D)(1)(f) of this section + (the greater of the quotient obtained under division (D)(2)(a) of this	38322 38323

section and 6)] X [(the sum of divisions (A)(10)(a) and (b) of 38324
this section for that fiscal year)/180] X 4 38325

(5) Calculate the district's teacher base cost for that 38326
fiscal year, which equals the sum of divisions (D)(1), (2), (3), 38327
and (4) of this section. 38328

(E) The department shall compute a district's student support 38329
base cost for a fiscal year as follows: 38330

(1) Calculate the district's guidance counselor cost for that 38331
fiscal year as follows: 38332

(a) Determine the number of students in the district's base 38333
cost enrolled ADM for that fiscal year that are enrolled in grades 38334
nine through twelve and divide that number by 360; 38335

(b) Compute the counselor cost in accordance with the 38336
following formula: 38337
(The greater of the quotient obtained under division (E)(1)(a) of 38338
this section and 1) X [(the average counselor salary for that 38339
fiscal year X 1.16) + the amount specified under division 38340
(A)(10)(c) of this section for that fiscal year] 38341

(2) Calculate the district's librarian and media staff cost 38342
for that fiscal year as follows: 38343

(a) Divide the district's base cost enrolled ADM for that 38344
fiscal year by 1,000; 38345

(b) Compute the librarian and media staff cost in accordance 38346
with the following formula: 38347
The quotient obtained under division (E)(2)(a) of this section X 38348
[(the average librarian and media staff salary for that fiscal 38349
year X 1.16) + the amount specified under division (A)(10)(c) of 38350
this section for that fiscal year] 38351

(3) Calculate the district's staffing cost for student 38352
wellness and success for that fiscal year as follows: 38353

(a) Divide the district's base cost enrolled ADM for that fiscal year by 250;	38354 38355
(b) Compute the staffing cost for student wellness and success in accordance with the following formula: (The greater of the quotient obtained under division (E)(3)(a) of this section and 5) X [(the average counselor salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of this section for that fiscal year]	38356 38357 38358 38359 38360 38361
(4) Calculate the district's academic co-curricular activities cost for that fiscal year as follows:	38362 38363
(a) Determine the total amount of spending for academic co-curricular activities reported by city, local, and exempted village school districts to the department using fiscal year 2018 <u>2022</u> data;	38364 38365 38366 38367
(b) Determine the sum of the enrolled ADM of every school district in the state using fiscal year 2018 <u>2022</u> data as specified under division (E)(4)(a) of this section;	38368 38369 38370
(c) Compute the academic co-curricular activities cost in accordance with the following formula: (The amount determined under division (E)(4)(a) of this section / the sum determined under division (E)(4)(b) of this section) X the district's base cost enrolled ADM for the fiscal year for which the academic co-curricular activities cost is computed	38371 38372 38373 38374 38375 38376
(5) Calculate the district's building safety and security cost for that fiscal year as follows:	38377 38378
(a) Determine the total amount of spending for building safety and security reported by city, local, and exempted village school districts to the department using fiscal year 2018 <u>2022</u> data;	38379 38380 38381 38382
(b) Determine the sum of the enrolled ADM of every school	38383

district in the state that reported the data specified under 38384
division (E)(5)(a) of this section using fiscal year ~~2018~~ 2022 38385
data; 38386

(c) Compute the building safety and security cost in 38387
accordance with the following formula: 38388

(The amount determined under division (E)(5)(a) of this section / 38389
the sum determined under division (E)(5)(a) of this section) X the 38390
district's base cost enrolled ADM for the fiscal year for which 38391
the building safety and security cost is computed 38392

(6) Calculate the district's supplies and academic content 38393
cost for that fiscal year as follows: 38394

(a) Determine the total amount of spending for supplies and 38395
academic content, excluding supplies for transportation and 38396
maintenance, reported by city, local, and exempted village school 38397
districts to the department using fiscal year ~~2018~~ 2022 data; 38398

(b) Determine the sum of the enrolled ADM of every school 38399
district in the state using fiscal year ~~2018~~ 2022 data as 38400
specified under division (E)(6)(a) of this section; 38401

(c) Compute the supplies and academic content cost in 38402
accordance with the following formula: 38403

(The amount determined under division (E)(6)(a) of this section / 38404
the sum determined under division (E)(6)(b) of this section) X the 38405
district's base cost enrolled ADM for the fiscal year for which 38406
the supplies and academic content cost is computed 38407

(7) Calculate the district's technology cost for that fiscal 38408
year in accordance with the following formula: 38409

\$37.50 X the district's base cost enrolled ADM for that fiscal 38410
year 38411

(8) Calculate the district's student support base cost for 38412
that fiscal year, which equals the sum of divisions (E)(1), (2), 38413
(3), (4), (5), (6), and (7) of this section. 38414

(F) The department shall compute a district's leadership and accountability base cost for a fiscal year as follows: 38415
38416

(1) Calculate the district's superintendent cost for that fiscal year as follows: 38417
38418

(a) If the district's base cost enrolled ADM for that fiscal year is greater than 4,000, then the district's superintendent cost shall be equal to $[(\$160,000 \times 1.16) + \text{the amount specified under division (A)(10)(c) of this section for that fiscal year}]$. 38419
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(b) If the district's base cost enrolled ADM for that fiscal year is less than or equal to 4,000 but greater than or equal to 500, the district's superintendent cost shall be equal to the sum of the following: 38423
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(i) $(\text{The district's base cost enrolled ADM for that fiscal year} - 500) \times \{[(\$160,000 \times 1.16) - (\$80,000 \times 1.16)]/3500\}$; 38427
38428

(ii) $(\$80,000 \times 1.16) + \text{the amount specified under division (A)(10)(c) of this section for that fiscal year}$. 38429
38430

(c) If the district's base cost enrolled ADM is less than 500, then the district's superintendent cost shall be equal to $[(\$80,000 \times 1.16) + \text{the amount specified under division (A)(10)(c) of this section for that fiscal year}]$. 38431
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(2) Calculate the district's treasurer cost for that fiscal year as follows: 38435
38436

(a) If the district's base cost enrolled ADM for that fiscal year is greater than 4,000, then the district's treasurer cost shall be equal to $[(\$130,000 \times 1.16) + \text{the amount specified under division (A)(10)(c) of this section for that fiscal year}]$. 38437
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(b) If the district's base cost enrolled ADM for that fiscal year is less than or equal to 4,000 but greater than or equal to 500, the district's treasurer cost shall be equal to the sum of the following: 38441
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(i) (The district's base cost enrolled ADM for that fiscal year - 500) X $\{[(\$130,000 \times 1.16) - (\$60,000 \times 1.16)]/3500\}$; 38445
38446

(ii) $(\$60,000 \times 1.16)$ + the amount specified under division (A)(10)(c) of this section for that fiscal year. 38447
38448

(c) If the district's base cost enrolled ADM is less than 500, then the district's treasurer cost shall be equal to $[(\$60,000 \times 1.16) + \text{the amount specified under division (A)(10)(c) of this section for that fiscal year}]$. 38449
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(3) Calculate the district's other district administrator cost for that fiscal year as follows: 38453
38454

(a) Divide the average other district administrator salary for that fiscal year by the average superintendent salary for that fiscal year; 38455
38456
38457

(b) Divide the district's base cost enrolled ADM for that fiscal year by 750; 38458
38459

(c) Compute the other district administrator cost in accordance with the following formula: 38460
38461

$\{[(\text{The district's superintendent cost for that fiscal year calculated under division (F)(1) of this section} - \text{the amount specified under division (A)(10)(c) of this section for that fiscal year}) \times \text{the quotient obtained under division (F)(3)(a) of this section}] + \text{the amount specified under division (A)(10)(c) of this section}\} \times (\text{the greater of the quotient obtained under division (F)(3)(b) of this section and } 2)$ 38462
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(4) Calculate the district's fiscal support cost for that fiscal year as follows: 38469
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(a) Divide the district's base cost enrolled ADM for that fiscal year by 850; 38471
38472

(b) Determine the lesser of the following: 38473

(i) The maximum of the quotient obtained under division 38474

(F)(4)(a) of this section and 2;	38475
(ii) 35.	38476
(c) Compute the fiscal support cost in accordance with the following formula:	38477
The number obtained under division (F)(4)(b) of this section X	38479
[(the average bookkeeping and accounting employee salary for that	38480
fiscal year X 1.16) + the amount specified under division	38481
(A)(10)(c) of this section for that fiscal year]	38482
(5) Calculate the district's education management information system support cost for that fiscal year as follows:	38483
(a) Divide the district's base cost enrolled ADM for that fiscal year by 5,000;	38485
(b) Compute the education management information system support cost in accordance with the following formula:	38487
(The greater of the quotient obtained under division (F)(5)(a) of	38488
this section and 1) X [(the average education management	38489
information system support employee salary for that fiscal year X	38491
1.16) + the amount specified under division (A)(10)(c) of this	38492
section for that fiscal year]	38493
(6) Calculate the district's leadership support cost for that fiscal year as follows:	38494
(a) Determine the greater of the quotient obtained under division (F)(3)(b) of this section and 2, and add 1 to that number;	38496
(b) Divide the number obtained under division (F)(6)(a) of this section by 3;	38497
(c) Compute the leadership support cost in accordance with the following formula:	38498
(The greater of the quotient obtained under division (F)(6)(b) of	38499
this section and 1) X [(the average administrative assistant	38500
information system support employee salary for that fiscal year X	38501
1.16) + the amount specified under division (A)(10)(c) of this	38502
section for that fiscal year]	38503
(The greater of the quotient obtained under division (F)(6)(b) of	38504
this section and 1) X [(the average administrative assistant	

salary for that fiscal year X 1.16) + the amount specified under 38505
division (A)(10)(c) of this section for that fiscal year] 38506

(7) Calculate the district's information technology center 38507
support cost for that fiscal year in accordance with the following 38508
formula: 38509
\$31 X the district's base cost enrolled ADM for that fiscal year 38510

(8) Calculate the district's district leadership and 38511
accountability base cost for that fiscal year, which equals the 38512
sum of divisions (F)(1), (2), (3), (4), (5), (6), and (7) of this 38513
section. 38514

(G) The department shall compute a district's building 38515
leadership and operations base cost for a fiscal year as follows: 38516

(1) Calculate the district's building leadership cost for 38517
that fiscal year as follows: 38518

(a) Divide the average principal salary for that fiscal year 38519
by the average superintendent salary for that fiscal year; 38520

(b) Divide the district's base cost enrolled ADM for that 38521
fiscal year by 450; 38522

(c) Compute the building leadership cost in accordance with 38523
the following formula: 38524

{[(The district's superintendent cost for that fiscal year 38525
calculated under division (F)(1) of this section - the amount 38526
specified under division (A)(10)(c) of this section for that 38527
fiscal year) X the quotient obtained under division (G)(1)(a) of 38528
this section] + the amount specified under division (A)(10)(c) of 38529
this section for that fiscal year} X the quotient obtained under 38530
division (G)(1)(b) of this section 38531

(2) Calculate the district's building leadership support cost 38532
for that fiscal year as follows: 38533

(a) Divide the district's base cost enrolled ADM for that 38534

fiscal year by 400; 38535

(b) Determine the number of school buildings in the district 38536
for that fiscal year; 38537

(c) Compute the building leadership support cost in 38538
accordance with the following formula: 38539

(i) If the quotient obtained under division (G)(2)(a) of this 38540
section is less than the number obtained under division (G)(2)(b) 38541
of this section, then the district's building leadership support 38542
cost shall be equal to {the number obtained under division 38543
(G)(2)(b) of this section for that fiscal year X [(the average 38544
clerical staff salary for that fiscal year X 1.16) + the amount 38545
specified under division (A)(10)(c) of this section for that 38546
fiscal year]}. 38547

(ii) If the quotient obtained under division (G)(2)(a) of 38548
this section is greater than or equal to the number obtained under 38549
division (G)(2)(b) of this section, then the district's building 38550
leadership support cost shall be equal to {[the lesser of (the 38551
number obtained under division (G)(2)(b) of this section X 3) and 38552
the quotient obtained under division (G)(2)(a) of this section] X 38553
[(the average clerical staff salary for that fiscal year X 1.16) + 38554
the amount specified under division (A)(10)(c) of this section for 38555
that fiscal year]}. 38556

(3) Calculate the district's building operations cost for 38557
that fiscal year as follows: 38558

(a) ~~Using data for the six most recent fiscal years for which~~ 38559
~~data is available, determine~~ Determine both of the following: 38560

(i) The ~~six-year average of the~~ average building square feet 38561
per pupil for all city, local, and exempted village school 38562
district buildings in the state; 38563

(ii) The ~~six-year~~ average cost per square foot for all city, 38564

local, and exempted village school district buildings in the 38565
state. 38566

(b) Compute the building operations cost in accordance with 38567
the following formula: 38568

The district's base cost enrolled ADM for that fiscal year X 38569
[(the number determined under division (G)(3)(a)(i) of this 38570
section X the number determined under division (G)(3)(a)(ii) of 38571
this section) - (the amount determined under division (E)(5)(a) of 38572
this section for that fiscal year/ the sum determined under 38573
division (E)(5)(b) of this section for that fiscal year)] 38574

(4) Calculate the district's building leadership and 38575
operations base cost for that fiscal year, which equals the sum of 38576
divisions (G)(1), (2), and (3) of this section. 38577

(H) If a district is an eligible school district, the 38578
department shall compute the district's athletic co-curricular 38579
activities base cost for a fiscal year as follows: 38580

(1) Determine the total amount of spending for athletic 38581
co-curricular activities reported by city, local, and exempted 38582
village school districts to the department for that fiscal year; 38583

(2) Determine the sum of the enrolled ADM of every school 38584
district in the state for that fiscal year; 38585

(3) Compute the district's athletic co-curricular activities 38586
base cost in accordance with the following formula: 38587

(The amount determined under division (H)(1) of this section / the 38588
sum determined under division (H)(2) of this section) X the 38589
district's base cost enrolled ADM for the fiscal year for which 38590
the funds for athletic co-curricular activities are computed 38591

Sec. 3317.012. This section shall apply only for fiscal years 38592
~~2022 and 2023~~ 2024 and 2025. 38593

(A) As used in this section, "average administrative 38594

assistant salary," "average bookkeeping and accounting employee salary," "average clerical staff salary," "average counselor salary," "average education management information system support employee salary," "average librarian and media staff salary," "average other district administrator salary," "average principal salary," "average superintendent salary," and "average teacher cost" have the same meanings as in section 3317.011 of the Revised Code. 38595
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(B) When calculating a district's aggregate base cost under this section, the department shall use data from fiscal year ~~2018~~ 2022 for all of the following: 38603
38604
38605

(1) The average salaries determined under divisions (A)(1), (2), (3), (4), (5), (6), (7), (8), (9), and (10)(a) of section 3317.011 of the Revised Code; 38606
38607
38608

(2) The amount for teacher benefits determined under division (A)(10)(b) of section 3317.011 of the Revised Code; 38609
38610

(3) The district-paid insurance costs determined under division (A)(10)(c) of section 3317.011 of the Revised Code; 38611
38612

(4) Spending determined under divisions (E)(4)(a), (E)(5)(a), and (H)(1) of section 3317.011 of the Revised Code and the corresponding student counts determined under divisions (E)(4)(b), (E)(5)(b), and (H)(2) of that section; 38613
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38616

(5) The information determined under division (G)(3) of section 3317.011 of the Revised Code. 38617
38618

(C) A joint vocational school district's aggregate base cost for a fiscal year shall be equal to the following sum: 38619
38620

The district's teacher base cost for that fiscal year computed under division (D) of this section + the district's student support base cost for that fiscal year computed under division (E) of this section + the district's leadership and accountability 38621
38622
38623
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base cost for that fiscal year computed under division (F) of this 38625
section + the district's building leadership and operations base 38626
cost for that fiscal year computed under division (G) of this 38627
section 38628

(D) The department of education shall compute a district's 38629
teacher base cost for a fiscal year as follows: 38630

(1) Calculate the district's classroom teacher cost for that 38631
fiscal year as follows: 38632

(a) Determine the full-time equivalency of students in the 38633
district's base cost enrolled ADM for that fiscal year that are 38634
enrolled in a career-technical education program or class, as 38635
certified under divisions (D)(2)(h), (i), (j), (k), and (l) of 38636
section 3317.03 of the Revised Code, and divide that number by 18; 38637

(b) Determine the full-time equivalency of students in the 38638
district's base cost enrolled ADM for that fiscal year that are 38639
enrolled in grades six through eight but are not enrolled in a 38640
career-technical education program or class described under 38641
section 3317.014 of the Revised Code and divide that number by 25; 38642

(c) Determine the full-time equivalency of students in the 38643
district's base cost enrolled ADM for that fiscal year that are 38644
enrolled in grades nine through twelve but are not enrolled in a 38645
career-technical education program or class described under 38646
section 3317.014 of the Revised Code and divide that number by 27; 38647

(d) Compute the sum of the quotients obtained under divisions 38648
(D)(1)(a), (b), and (c) of this section; 38649

(e) Compute the classroom teacher base cost by multiplying 38650
the average teacher cost for that fiscal year by the sum computed 38651
under division (D)(1)(d) of this section. 38652

(2) Calculate the district's cost for that fiscal year for 38653
teachers providing health and physical education, instruction 38654
regarding employability and soft skills, development and 38655

coordination of internships and job placements, career-technical 38656
student organization activities, pre-apprenticeship and 38657
apprenticeship coordination, and any assessment related to 38658
career-technical education, including any nationally recognized 38659
job skills or end-of-course assessment, as follows: 38660

(a) Divide the district's base cost enrolled ADM for that 38661
fiscal year by 150; 38662

(b) If the quotient obtained under division (D)(2)(a) of this 38663
section is greater than 6, the teacher cost shall be equal to that 38664
quotient multiplied by the average teacher cost for that fiscal 38665
year. 38666

(c) If the quotient obtained under division (D)(2)(a) of this 38667
section is less than or equal to 6, the teacher cost shall be 38668
equal to 6 multiplied by the average teacher cost for that fiscal 38669
year. 38670

(3) Calculate the district's substitute teacher cost for that 38671
fiscal year in accordance with the following formula: 38672

(a) Compute the substitute teacher daily rate with benefits 38673
by multiplying the substitute teacher daily rate of \$90 by 1.16; 38674

(b) Compute the substitute teacher cost in accordance with 38675
the following formula: 38676

[The sum computed under division (D)(1)(d) of this section + (the 38677
greater of the quotient obtained under division (D)(2)(a) of this 38678
section and 6)] X the amount computed under division (D)(3)(a) of 38679
this section X 5 38680

(4) Calculate the district's professional development cost 38681
for that fiscal year in accordance with the following formula: 38682

[The sum computed under division (D)(1)(d) of this section + (the 38683
greater of the quotient obtained under division (D)(2)(a) of this 38684
section and 6)] X [(the sum of divisions (A)(10)(a) and (b) of 38685

section 3317.011 of the Revised Code for that fiscal year)/180] X 38686
4 38687

(5) Calculate the district's teacher base cost for that 38688
fiscal year, which equals the sum of divisions (D)(1), (2), (3), 38689
and (4) of this section. 38690

(E) The department shall compute a district's student support 38691
base cost for a fiscal year as follows: 38692

(1) Calculate the district's guidance counselor cost for that 38693
fiscal year as follows: 38694

(a) Determine the number of students in the district's base 38695
cost enrolled ADM for that fiscal year that are enrolled in grades 38696
nine through twelve and divide that number by 360; 38697

(b) Compute the counselor cost in accordance with the 38698
following formula: 38699

(The greater of the quotient obtained under division (E)(1)(a) of 38700
this section and 1) X [(the average counselor salary for that 38701
fiscal year X 1.16) + the amount specified under division 38702
(A)(10)(c) of section 3317.011 of the Revised Code for that fiscal 38703
year] 38704

(2) Calculate the district's librarian and media staff cost 38705
for that fiscal year as follows: 38706

(a) Divide the district's base cost enrolled ADM for that 38707
fiscal year by 1,000; 38708

(b) Compute the librarian and media staff cost in accordance 38709
with the following formula: 38710

The quotient obtained under division (E)(2)(a) of this section X 38711
[(the average librarian and media staff salary for that fiscal 38712
year X 1.16) + the amount specified under division (A)(10)(c) of 38713
section 3317.011 of the Revised Code for that fiscal year] 38714

(3) Calculate the district's staffing cost for student 38715

wellness and success for that fiscal year as follows: 38716

(a) Divide the district's base cost enrolled ADM for that 38717
fiscal year by 250; 38718

(b) Compute the staffing cost for student wellness and 38719
success in accordance with the following formula: 38720

The quotient obtained under division (E)(3)(a) of this section X 38721
[(the average counselor salary for that fiscal year X 1.16) + the 38722
amount specified under division (A)(10)(c) of section 3317.011 of 38723
the Revised Code for that fiscal year] 38724

(4) Calculate the district's cost for that fiscal year for 38725
career-technical curriculum specialists and coordinators, career 38726
assessment and program placement, recruitment and orientation, 38727
student success coordination, analysis of test results, 38728
development of intervention and remediation plans and monitoring 38729
of those plans, and satellite program coordination in accordance 38730
with the following formula: 38731

[(The amount determined under division (E)(4)(a) of section 38732
3317.011 of the Revised Code for that fiscal year / the sum 38733
determined under division (E)(4)(b) of section 3317.011 of the 38734
Revised Code) + (the amount determined under division (H)(1) of 38735
section 3317.011 of the Revised Code for that fiscal year / the 38736
sum determined under division (H)(2) of section 3317.011 of the 38737
Revised Code)] X the district's base cost enrolled ADM for the 38738
fiscal year for which the district's cost under this division is 38739
computed 38740

(5) Compute the district's building safety and security cost 38741
for that fiscal year in accordance with the following formula: 38742

(The amount determined under division (E)(5)(a) of section 38743
3317.011 of the Revised Code for that fiscal year / the sum 38744
determined under division (E)(5)(b) of section 3317.011 of the 38745
Revised Code) X the district's base cost enrolled ADM for the 38746

fiscal year for which the building safety and security cost is 38747
computed 38748

(6) Compute the district's supplies and academic content cost 38749
for that fiscal year in accordance with the following formula: 38750
(The amount determined under division (E)(6)(a) of section 38751
3317.011 of the Revised Code for that fiscal year / the sum 38752
determined under division (E)(6)(b) of section 3317.011 of the 38753
Revised Code) X the district's base cost enrolled ADM for the 38754
fiscal year for which the supplies and academic content cost is 38755
computed 38756

(7) Calculate the district's technology cost for that fiscal 38757
year in accordance with the following formula: 38758
\$37.50 X the district's base cost enrolled ADM for that fiscal 38759
year 38760

(8) Calculate the district's student support base cost for 38761
that fiscal year, which equals the sum of divisions (E)(1), (2), 38762
(3), (4), (5), (6), and (7) of this section. 38763

(F) The department shall compute a district's leadership and 38764
accountability base cost for a fiscal year as follows: 38765

(1) Calculate the district's superintendent cost for that 38766
fiscal year as follows: 38767

(a) If the district's base cost enrolled ADM for that fiscal 38768
year is greater than 4,000, then the district's superintendent 38769
cost shall be equal to [(\$160,000 X 1.16) + the amount specified 38770
under division (A)(10)(c) of section 3317.011 of the Revised Code 38771
for that fiscal year]. 38772

(b) If the district's base cost enrolled ADM for that fiscal 38773
year is less than or equal to 4,000 but greater than or equal to 38774
500, the district's superintendent cost shall be equal to the sum 38775
of the following: 38776

(i) (The district's base cost enrolled ADM for that fiscal 38777

year - 500) X {[((\$160,000 X 1.16) - (\$80,000 X 1.16)]/3500}; 38778

(ii) (\$80,000 X 1.16) + the amount specified under division 38779
(A)(10)(c) of section 3317.011 of the Revised Code for that fiscal 38780
year. 38781

(c) If the district's base cost enrolled ADM is less than 38782
500, then the district's superintendent cost shall be equal to 38783
[((\$80,000 X 1.16) + the amount specified under division (A)(10)(c) 38784
of section 3317.011 of the Revised Code for that fiscal year]. 38785

(2) Calculate the district's treasurer cost for that fiscal 38786
year as follows: 38787

(a) If the district's base cost enrolled ADM for that fiscal 38788
year is greater than 4,000, then the district's treasurer cost 38789
shall be equal to [(\$130,000 X 1.16) + the amount specified under 38790
division (A)(10)(c) of section 3317.011 of the Revised Code for 38791
that fiscal year]. 38792

(b) If the district's base cost enrolled ADM for that fiscal 38793
year is less than or equal to 4,000 but greater than or equal to 38794
500, the district's treasurer cost shall be equal to the sum of 38795
the following: 38796

(i) (The district's base cost enrolled ADM for that fiscal 38797
year - 500) X {[((\$130,000 X 1.16) - (\$60,000 X 1.16)]/3500}; 38798

(ii) (\$60,000 X 1.16) + the amount specified under division 38799
(A)(10)(c) of section 3317.011 of the Revised Code for that fiscal 38800
year. 38801

(c) If the district's base cost enrolled ADM is less than 38802
500, then the district's treasurer cost shall be equal to 38803
[((\$60,000 X 1.16) + the amount specified under division (A)(10)(c) 38804
of section 3317.011 of the Revised Code for that fiscal year]. 38805

(3) Calculate the district's other district administrator 38806
cost for that fiscal year as follows: 38807

(a) Divide the average other district administrator salary for that fiscal year by the average superintendent salary for that fiscal year;	38808 38809 38810
(b) Divide the district's base cost enrolled ADM for that fiscal year by 750;	38811 38812
(c) Compute the other district administrator cost in accordance with the following formula:	38813 38814
{[(The district's superintendent cost for that fiscal year calculated under division (F)(1) of this section - the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year) X the quotient obtained under division (F)(3)(a) of this section] + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code} X (the greater of the quotient obtained under division (F)(3)(b) of this section and 2)	38815 38816 38817 38818 38819 38820 38821 38822
(4) Calculate the district's fiscal support cost for that fiscal year as follows:	38823 38824
(a) Divide the district's base cost enrolled ADM for that fiscal year by 850;	38825 38826
(b) Determine the lesser of the following:	38827
(i) The maximum of the quotient obtained under division (F)(4)(a) of this section and 2;	38828 38829
(ii) 35.	38830
(c) Compute the fiscal support cost in accordance with the following formula:	38831 38832
The number obtained under division (F)(4)(b) of this section X [(the average bookkeeping and accounting employee salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year]	38833 38834 38835 38836 38837

(5) Calculate the district's education management information system support cost for that fiscal year as follows:	38838 38839
(a) Divide the district's base cost enrolled ADM for that fiscal year by 5,000;	38840 38841
(b) Compute the education management information system support cost in accordance with the following formula: (The greater of the quotient obtained under division (F)(5)(a) of this section and 1) X [(the average education management information system support employee salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year]	38842 38843 38844 38845 38846 38847 38848
(6) Calculate the district's leadership support cost for that fiscal year as follows:	38849 38850
(a) Determine the greater of the quotient obtained under division (F)(3)(b) of this section and 2 and add 1 to that number;	38851 38852
(b) Divide the number obtained under division (F)(6)(a) of this section by 3;	38853 38854
(c) Compute the leadership support cost in accordance with the following formula: (The greater of the quotient obtained under division (F)(6)(b) of this section and 1) X [(the average administrative assistant salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year]	38855 38856 38857 38858 38859 38860 38861
(7) Calculate the district's information technology center support cost for that fiscal year in accordance with the following formula: \$31 X the district's base cost enrolled ADM for that fiscal year	38862 38863 38864 38865
(8) Calculate the district's district leadership and accountability base cost for that fiscal year, which equals the	38866 38867

sum of divisions (F)(1), (2), (3), (4), (5), (6), and (7) of this section; 38868
38869

(G) The department shall compute a district's building leadership and operations base cost for a fiscal year as follows: 38870
38871

(1) Calculate the district's building leadership cost for that fiscal year as follows: 38872
38873

(a) Divide the average principal salary for that fiscal year by the average superintendent salary for that fiscal year; 38874
38875

(b) Divide the district's base cost enrolled ADM for that fiscal year by 450; 38876
38877

(c) Compute the building leadership cost in accordance with the following formula: 38878
38879

{[(The district's superintendent cost for that fiscal year calculated under division (F)(1) of this section - the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year) X the quotient obtained under division (G)(1)(a) of this section] + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year} X the quotient obtained under division (G)(1)(b) of this section 38880
38881
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38887

(2) Calculate the district's building leadership support cost for that fiscal year as follows: 38888
38889

(a) Divide the district's base cost enrolled ADM for that fiscal year by 400; 38890
38891

(b) Determine the number of school buildings in the district for that fiscal year; 38892
38893

(c) Compute the building leadership support cost in accordance with the following formula: 38894
38895

(i) If the quotient obtained under division (G)(2)(a) of this section is less than the number obtained under division (G)(2)(b) 38896
38897

of this section, then the district's building leadership support 38898
cost shall be equal to {the number obtained under division 38899
(G)(2)(b) of this section X [(the average clerical staff salary X 38900
1.16) + the amount specified under division (A)(10)(c) of section 38901
3317.011 of the Revised Code for that fiscal year]}]. 38902

(ii) If the quotient obtained under division (G)(2)(a) of 38903
this section is greater than or equal to the number obtained under 38904
division (G)(2)(b) of this section, then the district's building 38905
leadership support cost shall be equal to {[the lesser of (the 38906
number obtained under division (G)(2)(b) of this section X 3) and 38907
the quotient obtained under division (G)(2)(a) of this section] X 38908
[(the average clerical staff salary for that fiscal year X 1.16) + 38909
the amount specified under division (A)(10)(c) of section 3317.011 38910
of the Revised Code for that fiscal year]}]. 38911

(3) Compute the district's building operations cost for that 38912
fiscal year in accordance with the following formula: 38913
The district's base cost enrolled ADM for that fiscal year X [(the 38914
number determined under division (G)(3)(a)(i) of section 3317.011 38915
of the Revised Code X the number determined under division 38916
(G)(3)(a)(ii) of section 3317.011 of the Revised Code) - (the 38917
amount determined under division (E)(5)(a) of section 3317.011 of 38918
the Revised Code for that fiscal year / the sum determined under 38919
division (E)(5)(b) of section 3317.011 of the Revised Code for 38920
that fiscal year)] 38921

(4) Calculate the district's building leadership and 38922
operations base cost for that fiscal year, which equals the sum of 38923
divisions (G)(1), (2), and (3) of this section. 38924

Sec. 3317.014. (A) The multiples for the following categories 38925
of career-technical education programs approved by the department 38926
of education under section 3317.161 of the Revised Code shall be 38927
as follows: 38928

(1) A multiple of 0.6230 for students enrolled in 38929
career-technical education workforce development programs in 38930
agricultural and environmental systems, construction technologies, 38931
engineering and science technologies, finance, health science, 38932
information technology, and manufacturing technologies, each of 38933
which shall be defined by the department in consultation with the 38934
governor's office of workforce transformation; 38935

(2) A multiple of 0.5905 for students enrolled in workforce 38936
development programs in business and administration, hospitality 38937
and tourism, human services, law and public safety, transportation 38938
systems, and arts and communications, each of which shall be 38939
defined by the department in consultation with the governor's 38940
office of workforce transformation; 38941

(3) A multiple of 0.2154 for students enrolled in 38942
career-based intervention programs, which shall be defined by the 38943
department in consultation with the governor's office of workforce 38944
transformation; 38945

(4) A multiple of 0.1830 for students enrolled in workforce 38946
development programs in education and training, marketing, 38947
workforce development academics, public administration, and career 38948
development, each of which shall be defined by the department of 38949
education in consultation with the governor's office of workforce 38950
transformation; 38951

(5) A multiple of 0.1570 for students enrolled in family and 38952
consumer science programs, which shall be defined by the 38953
department of education in consultation with the governor's office 38954
of workforce transformation. 38955

(B) The multiple for career-technical education associated 38956
services, as defined by the department, shall be 0.0294. 38957

(C) The department of education shall calculate 38958
career-technical education funds for each funding unit that is a 38959

city, local, exempted village, or joint vocational school district 38960
or the community and STEM school unit as follows: 38961

(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the sum of the 38962
following: 38963

(a) The funding unit's category one career-technical 38964
education ADM X the multiple specified in division (A)(1) of this 38965
section X the statewide average career-technical base cost per 38966
pupil for that fiscal year X if the funding unit is a city, local, 38967
exempted village, or joint vocational school district, the 38968
district's state share percentage; 38969

(b) The funding unit's category two career-technical 38970
education ADM X the multiple specified in division (A)(2) of this 38971
section X the statewide average career-technical base cost per 38972
pupil for that fiscal year X if the funding unit is a city, local, 38973
exempted village, or joint vocational school district, the 38974
district's state share percentage; 38975

(c) The funding unit's category three career-technical 38976
education ADM X the multiple specified in division (A)(3) of this 38977
section X the statewide average career-technical base cost per 38978
pupil for that fiscal year X if the funding unit is a city, local, 38979
exempted village, or joint vocational school district, the 38980
district's state share percentage; 38981

(d) The funding unit's category four career-technical 38982
education ADM X the multiple specified in division (A)(4) of this 38983
section X the statewide average career-technical base cost per 38984
pupil for that fiscal year X if the funding unit is a city, local, 38985
exempted village, or joint vocational school district, the 38986
district's state share percentage; 38987

(e) The funding unit's category five career-technical 38988
education ADM X the multiple specified in division (A)(5) of this 38989
section X the statewide average career-technical base cost per 38990

pupil for that fiscal year X if the funding unit is a city, local, 38991
exempted village, or joint vocational school district, the 38992
district's state share percentage. 38993

(2) For fiscal year ~~2024~~ 2026 and each fiscal year 38994
thereafter, the sum of the following: 38995

(a) An amount calculated in a manner determined by the 38996
general assembly times the funding unit's category one 38997
career-technical education ADM; 38998

(b) An amount calculated in a manner determined by the 38999
general assembly times the funding unit's category two 39000
career-technical education ADM; 39001

(c) An amount calculated in a manner determined by the 39002
general assembly times the funding unit's category three 39003
career-technical education ADM; 39004

(d) An amount calculated in a manner determined by the 39005
general assembly times the funding unit's category four 39006
career-technical education ADM; 39007

(e) An amount calculated in a manner determined by the 39008
general assembly times the funding unit's category five 39009
career-technical education ADM. 39010

(3) Payment of funds calculated under division (C) of this 39011
section is subject to approval under section 3317.161 of the 39012
Revised Code. 39013

(D) Subject to division (I) of section 3317.023 of the 39014
Revised Code, the department shall calculate career-technical 39015
associated services funds for each funding unit that is a city, 39016
local, exempted village, or joint vocational school district or 39017
the community and STEM school unit as follows: 39018

(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the following 39019
product: 39020

(If the funding unit is a city, local, exempted village, or joint vocational school district, the funding unit's state share percentage) X the multiple for career-technical education associated services specified under division (B) of this section X the statewide average career-technical base cost per pupil for that fiscal year X the sum of the funding unit's categories one through five career-technical education ADM

(2) For fiscal year ~~2024~~ 2026 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly times the funding unit's categories one through five career-technical education ADM.

(E)(1) In accordance with division (I) of section 3317.023 of the Revised Code, the department shall compute career awareness and exploration funds for each city, local, exempted village, and joint vocational school district, community school established under Chapter 3314. of the Revised Code, and STEM school established under Chapter 3326. of the Revised Code that is part of a career technical planning district. The department shall pay the lead district in each career technical planning district as follows:

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, an amount equal to the following product:

The sum of enrolled ADM for all districts and schools within the career technical planning district X ~~\$2.50~~ \$7.50, for fiscal year ~~2022~~ 2024, or ~~\$5~~ \$10, for fiscal year ~~2023~~ 2025

(b) For fiscal year ~~2024~~ 2026 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly, if the general assembly authorizes such a payment to city, local, exempted village, and joint vocational school districts, community schools, and STEM schools.

(2) The lead district of a career technical planning district shall use career awareness and exploration funds in accordance

with division (H) of this section. 39053

(F)(1) In any fiscal year, a school district receiving funds 39054
calculated under division (C) of this section shall spend those 39055
funds only for the purposes that the department designates as 39056
approved for career-technical education expenses. Career-technical 39057
education expenses approved by the department shall include only 39058
expenses connected to the delivery of career-technical programming 39059
to career-technical students. The department shall require the 39060
school district to report data annually so that the department may 39061
monitor the district's compliance with the requirements regarding 39062
the manner in which funding calculated under division (C) of this 39063
section may be spent. 39064

(2) All funds received under division (C) of this section 39065
shall be spent in the following manner: 39066

(a) At least seventy-five per cent of the funds shall be 39067
spent on curriculum development, purchase, and implementation; 39068
instructional resources and supplies; industry-based program 39069
certification; student assessment, credentialing, and placement; 39070
curriculum specific equipment purchases and leases; 39071
career-technical student organization fees and expenses; home and 39072
agency linkages; work-based learning experiences; professional 39073
development; and other costs directly associated with 39074
career-technical education programs including development of new 39075
programs. 39076

(b) Not more than twenty-five per cent of the funds shall be 39077
used for personnel expenditures. 39078

(G) In any fiscal year, a school district receiving funds 39079
calculated under division (D) of this section, or through a 39080
transfer of funds pursuant to division (I) of section 3317.023 of 39081
the Revised Code, shall spend those funds only for the purposes 39082
that the department designates as approved for career-technical 39083

education associated services expenses, which may include such 39084
purposes as apprenticeship coordinators, coordinators for other 39085
career-technical education services, career-technical evaluation, 39086
and other purposes designated by the department. The department 39087
may deny payment of funds calculated under division (D) of this 39088
section to any district that the department determines is not 39089
operating those services or is using funds calculated under 39090
division (D) of this section, or through a transfer of funds 39091
pursuant to division (I) of section 3317.023 of the Revised Code, 39092
for other purposes. 39093

(H) In any fiscal year, a lead district of a career-technical 39094
planning district receiving funds under division (E) of this 39095
section, shall utilize those funds to deliver relevant career 39096
awareness and exploration programs to all students within its 39097
career technical planning district in a manner that is consistent 39098
with the career-technical planning district's plan that is on file 39099
with the department of education. The lead district that receives 39100
funds under this division shall spend those funds only for the 39101
following purposes: 39102

(1) Delivery of career awareness programs to students 39103
enrolled in grades kindergarten through twelve; 39104

(2) Provision of a common, consistent curriculum to students 39105
throughout their primary and secondary education; 39106

(3) Assistance to teachers in providing a career development 39107
curriculum to students; 39108

(4) Development of a career development plan for each student 39109
that stays with that student for the duration of the student's 39110
primary and secondary education; 39111

(5) Provision of opportunities for students to engage in 39112
activities, such as career fairs, hands-on experiences, and job 39113
shadowing, across all career pathways at each grade level. 39114

The department may deny payment under this division to any district or school that the department determines is using funds paid under this division for other purposes.

Sec. 3317.016. As used in this section, "English learner" has the same meaning as in section 3301.0731 of the Revised Code.

The multiples for English learners shall be as follows:

(A) A multiple of 0.2104 for each student who has been identified as an English learner following the state's standardized identification process enrolled in schools in the United States for 180 school days or less.

(B) A multiple of 0.1577 for each student who, for fiscal years ~~2022~~ 2024 and ~~2023~~ 2025 has been identified as an English learner following the state's standardized identification process and enrolled in schools in the United States for more than 180 school days until the student achieves a proficient score on the spring administration of the state's English language proficiency assessments prescribed by division ~~(C)(3)(b)~~ (C)(3) of section 3301.0711 of the Revised Code or who, for fiscal year ~~2024~~ 2026 and each fiscal year thereafter, satisfies criteria specified by the general assembly for purposes of this division.

(C) A multiple of 0.1053 for each student who, for fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, achieves a score of proficient on the spring administration of the state's English language proficiency assessments prescribed by division ~~(C)(3)(b)~~ (C)(3) of section 3301.0711 of the Revised Code for the two school years following the school year in which the student achieved that level of achievement or who, for fiscal year ~~2024~~ 2026 and each fiscal year thereafter, satisfies criteria specified by the general assembly for purposes of this division.

Sec. 3317.017. This section shall apply only for fiscal years

~~2022~~ 2024 and ~~2023~~ 2025. 39145

(A) The department of education shall compute a city, local, 39146
or exempted village school district's per-pupil local capacity 39147
amount for a fiscal year as follows: 39148

(1) Calculate the district's valuation per pupil for that 39149
fiscal year as follows: 39150

(a) Determine the minimum of the district's three-year 39151
average valuation for the fiscal year for which the calculation is 39152
made and the district's taxable value for the most recent tax year 39153
for which data is available; 39154

(b) Divide the amount determined under division (A)(1)(a) of 39155
this section by the district's base cost enrolled ADM for the 39156
fiscal year for which the calculation is made. 39157

(2) Calculate the district's local share federal adjusted 39158
gross income per pupil for that fiscal year as follows: 39159

(a) Determine the minimum of the following: 39160

(i) The average of the total federal adjusted gross income of 39161
the district's residents for the three most recent tax years for 39162
which data is available, as certified under section 3317.021 of 39163
the Revised Code; 39164

(ii) The total federal adjusted gross income of the 39165
district's residents for the most recent tax year for which data 39166
is available, as certified under section 3317.021 of the Revised 39167
Code. 39168

(b) Divide the amount determined under division (A)(2)(a) of 39169
this section by the district's base cost enrolled ADM for the 39170
fiscal year for which the calculation is made. 39171

(3) Calculate the district's adjusted local share federal 39172
adjusted gross income per pupil for that fiscal year as follows: 39173

(a) Determine both of the following:	39174
(i) The median federal adjusted gross income of the district's residents for the most recent tax year for which data is available, as certified under section 3317.021 of the Revised Code;	39175 39176 39177 39178
(ii) The number of state tax returns filed by taxpayers residing in the district for the most recent tax year for which data is available, as certified under section 3317.021 of the Revised Code.	39179 39180 39181 39182
(b) Compute the product of divisions (A)(3)(a)(i) and (ii) of this section;	39183 39184
(c) Divide the amount determined under division (A)(3)(b) of this section by the district's base cost enrolled ADM for the fiscal year for which the calculation is made.	39185 39186 39187
(4) Calculate the district's per-pupil local capacity percentage as follows:	39188 39189
(a) Determine the median of the median federal adjusted gross incomes determined for all districts statewide under division (A)(3)(a)(i) of this section for that fiscal year;	39190 39191 39192
(b) Divide the district's median federal adjusted gross income for that fiscal year determined under division (A)(3)(a)(i) of this section by the median federal adjusted gross income for all districts statewide determined under division (A)(4)(a) of this section;	39193 39194 39195 39196 39197
(c) Rank all school districts in order of the ratios calculated under division (A)(4)(b) of this section, from the district with the highest ratio calculated under division (A)(4)(b) of this section to the district with the lowest ratio calculated under division (A)(4)(b) of this section;	39198 39199 39200 39201 39202
(d) Determine the district's per-pupil local capacity	39203

percentage as follows: 39204

(i) If the ratio calculated for the district under division 39205
(A)(4)(b) of this section is greater than or equal to the ratio 39206
calculated under division (A)(4)(b) of this section for the 39207
district with the fortieth highest ratio as determined under 39208
division (A)(4)(c) of this section, the district's per-pupil local 39209
capacity percentage shall be equal to 0.025. 39210

(ii) If the ratio calculated for the district under division 39211
(A)(4)(b) of this section is less than the ratio calculated under 39212
division (A)(4)(b) of this section for the district with the 39213
fortieth highest ratio as determined under division (A)(4)(c) of 39214
this section but greater than 1.0, the district's per-pupil local 39215
capacity percentage shall be equal to an amount calculated as 39216
follows: 39217

{[(The ratio calculated for the district under division 39218
(A)(4)(b) of this section - 1) X 0.0025]/ (the ratio calculated 39219
under division (A)(4)(b) of this section for the district with the 39220
fortieth highest ratio as determined under division (A)(4)(c) of 39221
this section - 1)} + 0.0225 39222

(iii) If the ratio calculated for the district under division 39223
(A)(4)(b) of this section is less than or equal to 1.0, the 39224
district's per-pupil local capacity percentage shall be equal to 39225
the amount calculated under division (A)(4)(b) of this section 39226
times 0.0225. 39227

(5) Calculate the district's per-pupil local capacity amount 39228
for that fiscal year as follows: 39229

(The district's valuation per pupil calculated under division 39230
(A)(1) of this section for that fiscal year X the district's 39231
per-pupil local capacity percentage calculated under division 39232
(A)(4) of this section X 0.60) + (the district's local share 39233
adjusted federal gross income per pupil calculated under division 39234

(A)(2) of this section for that fiscal year X the district's per-pupil local capacity percentage calculated under division (A)(4) of this section X 0.20) + (the district's adjusted local share federal adjusted gross income per pupil calculated under division (A)(3) of this section for that fiscal year X the district's per-pupil local capacity percentage calculated under division (A)(4) of this section X 0.20)

(B) The department shall compute a city, local, or exempted village school district's state share for a fiscal year as follows:

(1) If the district's per-pupil local capacity amount for that fiscal year divided by the district's base cost per pupil for that fiscal year is greater than 0.95, then the district's state share shall be equal to (the district's base cost per pupil for that fiscal year X 0.05 X the district's enrolled ADM for that fiscal year).

(2) If the district's per-pupil local capacity amount for that fiscal year divided by the district's base cost per pupil for that fiscal year is less than or equal to 0.95, then the district's state share for that fiscal year shall be equal to [(the district's base cost per pupil for that fiscal year - the district's per-pupil local capacity amount for that fiscal year) X the district's enrolled ADM for that fiscal year].

(C) The department shall compute a city, local, or exempted village school district's state share percentage for a fiscal year as follows:

(the district's base cost per pupil amount for that fiscal year - the district's per pupil local capacity amount for that fiscal year)/(the district's base cost per pupil amount for that fiscal year).

If the result is less than 0.05, the state share percentage shall be 0.05.

Sec. 3317.018. (A) The statewide average base cost per pupil shall be determined as follows:

(1) For fiscal year ~~2022~~ 2024, the statewide average base cost per pupil shall be equal to the sum of the aggregate base cost calculated for all city, local, and exempted village school districts in the state for that fiscal year under section 3317.011 of the Revised Code divided by the sum of the base cost enrolled ADMs of all of the city, local, and exempted village school districts in the state for that fiscal year.

(2) For fiscal year ~~2023~~ 2025, the statewide average base cost per pupil shall be equal to the amount calculated under division (A)(1) of this section.

(B) The statewide average career-technical base cost per pupil shall be determined as follows:

(1) For fiscal year ~~2022~~ 2024, the statewide average career-technical base cost per pupil shall be equal to the sum of the aggregate base cost calculated for all joint vocational school districts in the state for that fiscal year under section 3317.012 of the Revised Code divided by the sum of the base cost enrolled ADMs of all of the joint vocational school districts in the state for that fiscal year.

(2) For fiscal year ~~2023~~ 2025, the statewide average career-technical base cost per pupil shall be equal to the amount calculated under division (B)(1) of this section.

Sec. 3317.019. (A)(1) Subject to division (C) of this section, for fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the department of education shall pay temporary transitional aid to each city, local, and exempted village school district according to the following formula:

(The district's funding base, as that term is defined in section

3317.02 of the Revised Code) - (the district's payment under 39297
section 3317.022 of the Revised Code - the district's payment for 39298
supplemental targeted assistance under section 3317.0218 of the 39299
Revised Code for the fiscal year for which each payment is 39300
computed) 39301

If the computation made under division (A)(1) of this section 39302
results in a negative number, the district's funding under 39303
division (A)(1) of this section shall be zero. 39304

(2) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the department 39305
shall pay temporary transitional transportation aid to that 39306
district according to the following formula: 39307

(The amount calculated for the district for fiscal year 2020 under 39308
division (A)(2) of Section 265.220 of H.B. 166 of the 133rd 39309
general assembly, prior to any funding reductions authorized by 39310
Executive Order 2020-19D, "Implementing Additional Spending 39311
Controls to Balance the State Budget" issued on May 7, 2020) - 39312
(the district's payment for fiscal year 2019 under division (D)(2) 39313
of section 3314.091 of the Revised Code as that division existed 39314
prior to September 30, 2021) - (the district's payment under 39315
section 3317.0212 of the Revised Code for the fiscal year for 39316
which the payment is computed) 39317

If the computation made under division (A)(2) of this section 39318
results in a negative number, the district's funding under 39319
division (A)(2) of this section shall be zero. 39320

(B) If a local school district participates in the 39321
establishment of a joint vocational school district that begins 39322
receiving payments under section 3317.16 of the Revised Code for 39323
fiscal year ~~2022~~ 2024 or fiscal year ~~2023~~ 2025, but does not 39324
receive payments for the fiscal year immediately preceding that 39325
fiscal year, the department shall adjust, as necessary, the 39326
district's funding base, as that term is defined in section 39327
3317.02 of the Revised Code, according to the amounts received by 39328

the district in the immediately preceding fiscal year for 39329
career-technical education students who attend the newly 39330
established joint vocational school district. 39331

(C)(1) For purposes of division (C) of this section, a 39332
district's "decrease threshold" for a fiscal year is the greater 39333
of the following: 39334

(a) Twenty; 39335

(b) Ten per cent of the number of the district's students 39336
counted under division (A)(1)(b) of section 3317.03 of the Revised 39337
Code for the previous fiscal year. 39338

(2) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, if a district 39339
has fewer students counted under division (A)(1)(b) of section 39340
3317.03 of the Revised Code for that fiscal year than for the 39341
previous fiscal year and the positive difference between those two 39342
student counts is greater than or equal to the district's decrease 39343
threshold for that fiscal year, the amount paid to the district 39344
under division (A) of this section shall be reduced by the 39345
following amount: 39346

The statewide average base cost per pupil X [(the positive 39347
difference between the number of the district's students counted 39348
under division (A)(1)(b) of section 3317.03 of the Revised Code 39349
for that fiscal year and the number of the district's students 39350
counted under that division for the previous fiscal year) - the 39351
district's decrease threshold for that fiscal year] 39352

At no time, however, shall the amount paid to a district 39353
under division (A) of this section be less than zero. 39354

Sec. 3317.0110. This section shall apply only for fiscal 39355
years ~~2022~~ 2024 and ~~2023~~ 2025. 39356

(A) As used in this section: 39357

(1) "Average teacher cost" for a fiscal year has the same 39358

meaning as in section 3317.011 of the Revised Code. 39359

(2) "Eligible community or STEM school" means a community or 39360
STEM school that satisfies one of the following: 39361

(a) The school is a member of an organization that regulates 39362
interscholastic athletics. 39363

(b) The school has teams in at least three different sports 39364
that participate in an interscholastic league. 39365

(B) When calculating a community or STEM school's aggregate 39366
base cost under this section, the department shall use data from 39367
fiscal year ~~2018~~ 2022 for the average teacher cost. 39368

(C) A community or STEM school's aggregate base cost for a 39369
fiscal year shall be equal to the following sum: 39370

(The school's teacher base cost for that fiscal year computed 39371
under division (D) of this section) + (the school's student 39372
support base cost for that fiscal year computed under division (E) 39373
of this section) + (the school's leadership and accountability 39374
base cost for that fiscal year computed under division (F) of this 39375
section) + (the school's building leadership and operations base 39376
cost for that fiscal year computed under division (G) of this 39377
section) + (the school's athletic co-curricular activities base 39378
cost for that fiscal year computed under division (H) of this 39379
section, if the school is an eligible community or STEM school) 39380

(D) The department of education shall compute a community or 39381
STEM school's teacher base cost for a fiscal year as follows: 39382

(1) Calculate the school's classroom teacher cost for that 39383
fiscal year as follows: 39384

(a) Determine the full-time equivalency of students enrolled 39385
in the school for that fiscal year that are enrolled in 39386
kindergarten and divide that number by 20; 39387

(b) Determine the full-time equivalency of students enrolled 39388

in the school for that fiscal year that are enrolled in grades one 39389
through three and divide that number by 23; 39390

(c) Determine the full-time equivalency of students enrolled 39391
in the school for that fiscal year that are enrolled in grades 39392
four through eight but are not enrolled in a career-technical 39393
education program or class described under section 3317.014 of the 39394
Revised Code and divide that number by 25; 39395

(d) Determine the full-time equivalency of students enrolled 39396
in the school for that fiscal year that are enrolled in grades 39397
nine through twelve but are not enrolled in a career-technical 39398
education program or class described under section 3317.014 of the 39399
Revised Code and divide that number by 27; 39400

(e) Determine the full-time equivalency of students enrolled 39401
in the school for that fiscal year that are enrolled in a 39402
career-technical education program or class, as reported under 39403
division (B)(4) of section 3314.08 of the Revised Code, and divide 39404
that number by 18; 39405

(f) Compute the sum of the quotients obtained under divisions 39406
(D)(1)(a), (b), (c), (d), and (e) of this section; 39407

(g) Compute the classroom teacher cost by multiplying the 39408
average teacher cost for that fiscal year by the sum computed 39409
under division (D)(1)(f) of this section. 39410

(2) Calculate the school's special teacher cost for that 39411
fiscal year as follows: 39412

(a) Divide the number of students enrolled in the school for 39413
that fiscal year by 150; 39414

(b) Compute the special teacher cost by multiplying the 39415
quotient obtained under division (D)(2)(a) of this section by the 39416
average teacher cost for that fiscal year. 39417

(3) Calculate the school's substitute teacher cost for that 39418

fiscal year in accordance with the following formula: 39419

(a) Compute the substitute teacher daily rate with benefits 39420
by multiplying the substitute teacher daily rate of \$90 by 1.16; 39421

(b) Compute the substitute teacher cost in accordance with 39422
the following formula: 39423

(The sum computed under division (D)(1)(f) of this section + the 39424
quotient obtained under division (D)(2)(a) of this section) X the 39425
amount computed under division (D)(3)(a) of this section X 5 39426

(4) Calculate the school's professional development cost for 39427
that fiscal year in accordance with the following formula: 39428

(The sum computed under division (D)(1)(f) of this section + the 39429
quotient obtained under division (D)(2)(a) of this section) X 39430
[(the sum of divisions (A)(10)(a) and (b) of section 3317.011 of 39431
the Revised Code for that fiscal year)/180] X 4 39432

(5) Calculate the school's teacher base cost for that fiscal 39433
year, which equals the sum of divisions (D)(1), (2), (3), and (4) 39434
of this section. 39435

(E) The department shall compute a community or STEM school's 39436
student support base cost for a fiscal year as follows: 39437

The number of students enrolled in the school for that fiscal year 39438
X [(the sum of the student support base cost calculated for all 39439
city, local, and exempted village school districts in the state 39440
for that fiscal year under division (E) of section 3317.011 of the 39441
Revised Code) / the sum of the base cost enrolled ADMs of all of 39442
the city, local, and exempted village school districts in the 39443
state for that fiscal year] 39444

(F) The department shall compute a community or STEM school's 39445
leadership and accountability base cost for a fiscal year as 39446
follows: 39447

The number of students enrolled in the school for that fiscal year 39448
X (the sum of the leadership and accountability base cost 39449

calculated for all city, local, and exempted village school 39450
districts in the state for that fiscal year under division (F) of 39451
section 3317.011 of the Revised Code / the sum of the base cost 39452
enrolled ADMs of all of the city, local, and exempted village 39453
school districts in the state for that fiscal year) 39454

(G) The department shall compute a community or STEM school's 39455
building leadership and operations base cost for a fiscal year as 39456
follows: 39457

The number of students enrolled in the school for that fiscal year 39458
X (the sum of the building leadership and accountability base cost 39459
calculated for all city, local, and exempted village school 39460
districts in the state for that fiscal year under division (G) of 39461
section 3317.011 of the Revised Code / the sum of the base cost 39462
enrolled ADMs of all of the city, local, and exempted village 39463
school districts in the state for that fiscal year) 39464

(H) If a community or STEM school is an eligible community or 39465
STEM school, the department shall compute the school's athletic 39466
co-curricular activities base cost for a fiscal year as follows: 39467
The number of students enrolled in the school for that fiscal year 39468
X (the amount determined under division (H)(1) of section 3317.011 39469
of the Revised Code / the sum determined under division (H)(2) of 39470
section 3317.011 of the Revised Code) 39471

Sec. 3317.02. As used in this chapter: 39472

(A) "Alternative school" has the same meaning as in section 39473
3313.974 of the Revised Code. 39474

(B) "Autism scholarship unit" means a unit that consists of 39475
all of the students for whom autism scholarships are awarded under 39476
section 3310.41 of the Revised Code. 39477

(C) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, a district's 39478
"base cost enrolled ADM" for a fiscal year means the greater of 39479
the following: 39480

(1) The district's enrolled ADM for the previous fiscal year; 39481

(2) The average of the district's enrolled ADM for the 39482
previous three fiscal years. 39483

(D)(1) "Base cost per pupil" means the following for a city, 39484
local, or exempted village school district: 39485

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the aggregate 39486
base cost calculated for that district for that fiscal year under 39487
section 3317.011 of the Revised Code divided by the district's 39488
base cost enrolled ADM for that fiscal year; 39489

(b) For fiscal year ~~2024~~ 2026 and each fiscal year 39490
thereafter, an amount calculated in a manner determined by the 39491
general assembly. 39492

(2) "Base cost per pupil" means the following for a joint 39493
vocational school district: 39494

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the aggregate 39495
base cost calculated for that district for that fiscal year under 39496
section 3317.012 of the Revised Code divided by the district's 39497
base cost enrolled ADM for that fiscal year; 39498

(b) For fiscal year ~~2024~~ 2026 and each fiscal year 39499
thereafter, an amount calculated in a manner determined by the 39500
general assembly. 39501

(E)(1) "Category one career-technical education ADM" means 39502
the enrollment of students during the school year on a full-time 39503
equivalency basis in career-technical education programs described 39504
in division (A)(1) of section 3317.014 of the Revised Code and, in 39505
the case of a funding unit that is a city, local, exempted 39506
village, or joint vocational school district, certified under 39507
division (B)(11) or (D)(2)(h) of section 3317.03 of the Revised 39508
Code or, in the case of the community and STEM school unit, 39509
reported by all community and STEM schools statewide under 39510

divisions (B)(4) and (5) of section 3314.08 of the Revised Code 39511
and division (D) of section 3326.32 of the Revised Code. 39512

(2) "Category two career-technical education ADM" means the 39513
enrollment of students during the school year on a full-time 39514
equivalency basis in career-technical education programs described 39515
in division (A)(2) of section 3317.014 of the Revised Code and, in 39516
the case of a funding unit that is a city, local, exempted 39517
village, or joint vocational school district, certified under 39518
division (B)(12) or (D)(2)(i) of section 3317.03 of the Revised 39519
Code or, in the case of the community and STEM school unit, 39520
reported by all community and STEM schools statewide under 39521
divisions (B)(4) and (5) of section 3314.08 of the Revised Code 39522
and division (D) of section 3326.32 of the Revised Code. 39523

(3) "Category three career-technical education ADM" means the 39524
enrollment of students during the school year on a full-time 39525
equivalency basis in career-technical education programs described 39526
in division (A)(3) of section 3317.014 of the Revised Code and, in 39527
the case of a funding unit that is a city, local, exempted 39528
village, or joint vocational school district, certified under 39529
division (B)(13) or (D)(2)(j) of section 3317.03 of the Revised 39530
Code or, in the case of the community and STEM school unit, 39531
reported by all community and STEM schools statewide under 39532
divisions (B)(4) and (5) of section 3314.08 of the Revised Code 39533
and division (D) of section 3326.32 of the Revised Code. 39534

(4) "Category four career-technical education ADM" means the 39535
enrollment of students during the school year on a full-time 39536
equivalency basis in career-technical education programs described 39537
in division (A)(4) of section 3317.014 of the Revised Code and, in 39538
the case of a funding unit that is a city, local, exempted 39539
village, or joint vocational school district, certified under 39540
division (B)(14) or (D)(2)(k) of section 3317.03 of the Revised 39541
Code or, in the case of the community and STEM school unit, 39542

reported by all community and STEM schools statewide under 39543
divisions (B)(4) and (5) of section 3314.08 of the Revised Code 39544
and division (D) of section 3326.32 of the Revised Code. 39545

(5) "Category five career-technical education ADM" means the 39546
enrollment of students during the school year on a full-time 39547
equivalency basis in career-technical education programs described 39548
in division (A)(5) of section 3317.014 of the Revised Code and, in 39549
the case of a funding unit that is a city, local, exempted 39550
village, or joint vocational school district, certified under 39551
division (B)(15) or (D)(2)(1) of section 3317.03 of the Revised 39552
Code or, in the case of the community and STEM school unit, 39553
reported by all community and STEM schools statewide under 39554
divisions (B)(4) and (5) of section 3314.08 of the Revised Code 39555
and division (D) of section 3326.32 of the Revised Code. 39556

(F)(1) "Category one English learner ADM" means the full-time 39557
equivalent number of English learners described in division (A) of 39558
section 3317.016 of the Revised Code and, in the case of a funding 39559
unit that is a city, local, exempted village, or joint vocational 39560
school district, certified under division (B)(16) or (D)(2)(m) of 39561
section 3317.03 of the Revised Code or, in the case of the 39562
community and STEM school unit, reported by all community and STEM 39563
schools statewide under division (B)(6) of section 3314.08 of the 39564
Revised Code and division (E) of section 3326.32 of the Revised 39565
Code. 39566

(2) "Category two English learner ADM" means the full-time 39567
equivalent number of English learners described in division (B) of 39568
section 3317.016 of the Revised Code and, in the case of a funding 39569
unit that is a city, local, exempted village, or joint vocational 39570
school district, certified under division (B)(17) or (D)(2)(n) of 39571
section 3317.03 of the Revised Code or, in the case of the 39572
community and STEM school unit, reported by all community and STEM 39573
schools statewide under division (B)(6) of section 3314.08 of the 39574

Revised Code and division (E) of section 3326.32 of the Revised Code. 39575
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(3) "Category three English learner ADM" means the full-time equivalent number of English learners described in division (C) of section 3317.016 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(18) or (D)(2)(o) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B)(6) of section 3314.08 of the Revised Code and division (E) of section 3326.32 of the Revised Code. 39577
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(G)(1) "Category one special education ADM" means the full-time equivalent number of children with disabilities receiving special education services for the disability specified in division (A) of section 3317.013 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(5) or (D)(2)(b) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B)(3) of section 3314.08 of the Revised Code and division (C) of section 3326.32 of the Revised Code. 39587
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(2) "Category two special education ADM" means the full-time equivalent number of children with disabilities receiving special education services for those disabilities specified in division (B) of section 3317.013 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(6) or (D)(2)(c) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B)(3) of section 39598
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3314.08 of the Revised Code and division (C) of section 3326.32 of 39607
the Revised Code. 39608

(3) "Category three special education ADM" means the 39609
full-time equivalent number of students receiving special 39610
education services for those disabilities specified in division 39611
(C) of section 3317.013 of the Revised Code, and, in the case of a 39612
funding unit that is a city, local, exempted village, or joint 39613
vocational school district, certified under division (B)(7) or 39614
(D)(2)(d) of section 3317.03 of the Revised Code or, in the case 39615
of the community and STEM school unit, reported by all community 39616
and STEM schools statewide under division (B)(3) of section 39617
3314.08 of the Revised Code and division (C) of section 3326.32 of 39618
the Revised Code. 39619

(4) "Category four special education ADM" means the full-time 39620
equivalent number of students receiving special education services 39621
for those disabilities specified in division (D) of section 39622
3317.013 of the Revised Code and, in the case of a funding unit 39623
that is a city, local, exempted village, or joint vocational 39624
school district, certified under division (B)(8) or (D)(2)(e) of 39625
section 3317.03 of the Revised Code or, in the case of the 39626
community and STEM school unit, reported by all community and STEM 39627
schools statewide under division (B)(3) of section 3314.08 of the 39628
Revised Code and division (C) of section 3326.32 of the Revised 39629
Code. 39630

(5) "Category five special education ADM" means the full-time 39631
equivalent number of students receiving special education services 39632
for the disabilities specified in division (E) of section 3317.013 39633
of the Revised Code and, in the case of a funding unit that is a 39634
city, local, exempted village, or joint vocational school 39635
district, certified under division (B)(9) or (D)(2)(f) of section 39636
3317.03 of the Revised Code or, in the case of the community and 39637
STEM school unit, reported by all community and STEM schools 39638

statewide under division (B)(3) of section 3314.08 of the Revised Code and division (C) of section 3326.32 of the Revised Code. 39639
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(6) "Category six special education ADM" means the full-time equivalent number of students receiving special education services for the disabilities specified in division (F) of section 3317.013 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district certified under division (B)(10) or (D)(2)(g) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B)(3) of section 3314.08 of the Revised Code and division (C) of section 3326.32 of the Revised Code. 39641
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(H) "Community and STEM school unit" means a unit that consists of all of the students enrolled in community schools established under Chapter 3314. of the Revised Code and science, technology, engineering, and mathematics schools established under Chapter 3326. of the Revised Code. 39651
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(I)(1) "Economically disadvantaged index for a school district" means the following: 39656
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(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the square of the quotient of that district's percentage of students in its enrolled ADM who are identified as economically disadvantaged as defined by the department of education, divided by the percentage of students in the statewide ADM identified as economically disadvantaged. For purposes of this calculation: 39658
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(i) For a city, local, or exempted village school district, the "statewide ADM" equals the sum of the following: 39664
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(I) The enrolled ADM for all city, local, and exempted village school districts combined; 39666
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(II) The statewide enrollment of students in community schools established under Chapter 3314. of the Revised Code; 39668
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(III) The statewide enrollment of students in science, 39670
technology, engineering, and mathematics schools established under 39671
Chapter 3326. of the Revised Code. 39672

(ii) For a joint vocational school district, the "statewide 39673
ADM" equals the sum of the enrolled ADM for all joint vocational 39674
school districts combined. 39675

(b) For fiscal year ~~2024~~ 2026 and each fiscal year 39676
thereafter, an index calculated in a manner determined by the 39677
general assembly. 39678

(2) "Economically disadvantaged index for a community or STEM 39679
school" means the following: 39680

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the square of 39681
the quotient of the percentage of students enrolled in the school 39682
who are identified as economically disadvantaged as defined by the 39683
department of education, divided by the percentage of students in 39684
the statewide ADM identified as economically disadvantaged. For 39685
purposes of this calculation, the "statewide ADM" equals the 39686
"statewide ADM" for city, local, and exempted village school 39687
districts described in division (I)(1)(a)(i) of this section. 39688

(b) For fiscal year ~~2024~~ 2026 and each fiscal year 39689
thereafter, an index calculated in a manner determined by the 39690
general assembly. 39691

(J) "Educational choice scholarship unit" means a unit that 39692
consists of all of the students for whom educational choice 39693
scholarships are awarded under sections 3310.03 and 3310.032 of 39694
the Revised Code. 39695

(K) "Enrolled ADM" means the following: 39696

(1) For a city, local, or exempted village school district, 39697
the enrollment reported under division (A) of section 3317.03 of 39698
the Revised Code, as verified by the superintendent of public 39699

instruction and adjusted if so ordered under division (K) of that 39700
section, and as further adjusted by the department of education, 39701
as follows: 39702

(a) Add the students described in division (A)(1)(b) of 39703
section 3317.03 of the Revised Code; 39704

(b) Subtract the students counted under divisions (A)(2)(a), 39705
(b), (d), (g), (h), (i), and (j) of section 3317.03 of the Revised 39706
Code; 39707

(c) Count only twenty per cent of the number of joint 39708
vocational school district students counted under division (A)(3) 39709
of section 3317.03 of the Revised Code; 39710

(d) Add twenty per cent of the number of students who are 39711
entitled to attend school in the district under section 3313.64 or 39712
3313.65 of the Revised Code and are enrolled in another school 39713
district under a career-technical education compact; 39714

(e) Add twenty per cent of the number of students described 39715
in division (A)(1)(b) of section 3317.03 of the Revised Code who 39716
enroll in a joint vocational school district or under a 39717
career-technical education compact. 39718

(2) For a joint vocational school district, the final number 39719
verified by the superintendent of public instruction, based on the 39720
enrollment reported and certified under division (D) of section 39721
3317.03 of the Revised Code, as adjusted, if so ordered, under 39722
division (K) of that section, and as further adjusted by the 39723
department of education by adding the students described in 39724
division (D)(1)(b) of section 3317.03 of the Revised Code; 39725

(3) For the community and STEM school unit, the sum of the 39726
number of students reported as enrolled in community schools under 39727
divisions (B)(1) and (2) of section 3314.08 of the Revised Code 39728
and the number of students reported as enrolled in STEM schools 39729
under division (A) of section 3326.32 of the Revised Code; 39730

(4) For the educational choice scholarship unit, the number 39731
of students for whom educational choice scholarships are awarded 39732
under sections 3310.03 and 3310.032 of the Revised Code as 39733
reported under division (A)(2)(g) of section 3317.03 of the 39734
Revised Code; 39735

(5) For the pilot project scholarship unit, the number of 39736
students for whom pilot project scholarships are awarded under 39737
sections 3313.974 to 3313.979 of the Revised Code as reported 39738
under division (A)(2)(b) of section 3317.03 of the Revised Code; 39739

(6) For the autism scholarship unit, the number of students 39740
for whom autism scholarships are awarded under section 3310.41 of 39741
the Revised Code as reported under division (A)(2)(h) of section 39742
3317.03 of the Revised Code; 39743

(7) For the Jon Peterson special needs scholarship unit, the 39744
number of students for whom Jon Peterson special needs 39745
scholarships are awarded under sections 3310.51 to 3310.64 of the 39746
Revised Code as reported under division (A)(2)(h) of section 39747
3317.03 of the Revised Code. 39748

(L)(1) "Formula ADM" means, for a city, local, or exempted 39749
village school district, the enrollment reported under division 39750
(A) of section 3317.03 of the Revised Code, as verified by the 39751
superintendent of public instruction and adjusted if so ordered 39752
under division (K) of that section, and as further adjusted by the 39753
department of education, as follows: 39754

(a) Count only twenty per cent of the number of joint 39755
vocational school district students counted under division (A)(3) 39756
of section 3317.03 of the Revised Code; 39757

(b) Add twenty per cent of the number of students who are 39758
entitled to attend school in the district under section 3313.64 or 39759
3313.65 of the Revised Code and are enrolled in another school 39760
district under a career-technical education compact. 39761

(2) "Formula ADM" means, for a joint vocational school district, the final number verified by the superintendent of public instruction, based on the enrollment reported and certified under division (D) of section 3317.03 of the Revised Code, as adjusted, if so ordered, under division (K) of that section.

(M) "FTE basis" means a count of students based on full-time equivalency, in accordance with rules adopted by the department of education pursuant to section 3317.03 of the Revised Code. In adopting its rules under this division, the department shall provide for counting any student in category one, two, three, four, five, or six special education ADM or in category one, two, three, four, or five career-technical education ADM in the same proportion the student is counted in enrolled ADM and formula ADM.

(N) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, "funding base" means, for a city, local, or exempted village school district, the sum of the following as calculated by the department:

(1) The district's "general funding base," which equals the amount calculated as follows:

(a) Compute the sum of the following:

(i) The amount calculated for the district for fiscal year 2020 under division (A)(1) of Section 265.220 of H.B. 166 of the 133rd general assembly after any adjustments required under Section 265.227 of H.B. 166 of the 133rd general assembly and prior to any funding reductions authorized by Executive Order 2020-19D, "Implementing Additional Spending Controls to Balance the State Budget" issued on May 7, 2020;

(ii) ~~Either of the following:~~

~~(I) For fiscal year 2022, the district's payments for fiscal year 2020 under divisions (C)(1), (2), (3), and (4) of section 3313.981 of the Revised Code as those divisions existed prior to September 30, 2021;~~

~~(II)~~ For fiscal ~~year 2023~~ years 2024 and 2025, the district's 39793
payments for fiscal year 2020 under divisions (C)(1), (3), and (4) 39794
of section 3313.981 of the Revised Code as those divisions existed 39795
prior to September 30, 2021. 39796

(b) Subtract from the amount calculated in division (N)(1)(a) 39797
of this section the sum of the following: 39798

(i) The following difference: 39799
(The amount paid to the district under division (A)(5) of section 39800
3317.022 of the Revised Code, as that division existed prior to 39801
September 30, 2021, for fiscal year 2019) - (the amounts deducted 39802
from the district and paid to a community school under division 39803
(C)(1)(e) of section 3314.08 of the Revised Code or a science, 39804
technology, engineering, and mathematics school under division (E) 39805
of section 3326.33 of the Revised Code as those divisions existed 39806
prior to September 30, 2021, for fiscal year 2020 in accordance 39807
with division (A) of Section 265.235 of H.B. 166 of the 133rd 39808
general assembly) 39809

(ii) The payments deducted from the district and paid to a 39810
community school for fiscal year 2020 under divisions (C)(1)(a), 39811
(b), (c), (d), (e), (f), and (g) of section 3314.08 of the Revised 39812
Code as those divisions existed prior to September 30, 2021, in 39813
accordance with division (A) of Section 265.230 of H.B. 166 of the 39814
133rd general assembly; 39815

(iii) The payments deducted from the district and paid to a 39816
science, technology, engineering, and mathematics school for 39817
fiscal year 2020 under divisions (A), (B), (C), (D), (E), (F), and 39818
(G) of section 3326.33 of the Revised Code as those divisions 39819
existed prior to September 30, 2021, in accordance with division 39820
(A) of Section 265.235 of H.B. 166 of the 133rd general assembly; 39821

(iv) The payments deducted from the district under division 39822
(C) of section 3310.08 of the Revised Code as that division 39823

existed prior to September 30, 2021, division (C)(2) of section 3310.41 of the Revised Code as that division existed prior to September 30, 2021, and former section 3310.55 of the Revised Code for fiscal year 2020 and, in the case of a pilot project school district as defined in section 3313.975 of the Revised Code, the funds deducted from the district under Section 265.210 of H.B. 166 of the 133rd general assembly to operate the pilot project scholarship program for fiscal year 2020 under sections 3313.974 to 3313.979 of the Revised Code;

~~(v) Either of the following:~~

~~(I) For fiscal year 2022, the payments subtracted from the district for fiscal year 2020 under divisions (B)(1), (2), and (3) of section 3313.981 of the Revised Code as those divisions existed prior to September 30, 2021;~~

~~(II) For fiscal year 2023 years 2024 and 2025, the payments subtracted from the district for fiscal year 2020 under divisions (B)(1) and (3) of section 3313.981 of the Revised Code as those divisions existed prior to September 30, 2021.~~

(2) The district's "disadvantaged pupil impact aid funding base," which equals the following difference:

(The amount paid to the district under division (A)(5) of section 3317.022 of the Revised Code, as that division existed prior to September 30, 2021, for fiscal year 2019) - (the amounts deducted from the district and paid to a community school under division (C)(1)(e) of section 3314.08 of the Revised Code or a science, technology, engineering, and mathematics school under division (E) of section 3326.33 of the Revised Code as those divisions existed prior to September 30, 2021, for fiscal year 2020 in accordance with division (A) of Section 265.235 of H.B. 166 of the 133rd general assembly)

(O) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, "funding base"

means, for a joint vocational school district, the sum of the 39855
following as calculated by the department: 39856

(1) The district's "general funding base," which equals the 39857
amount calculated as follows: 39858

(a) Compute the sum of the following: 39859

(i) The district's payments for fiscal year 2020 under 39860
Section 265.225 of H.B. 166 of the 133rd general assembly after 39861
any adjustments required under Section 265.227 of H.B. 166 of the 39862
133rd general assembly; 39863

(ii) ~~Either of the following:~~ 39864

~~(I) For fiscal year 2022, the district's payments for fiscal 39865
year 2020 under divisions (D)(1), (2), and (E)(3) of section 39866
3313.981 of the Revised Code as those divisions existed prior to 39867
September 30, 2021;~~ 39868

~~(II) For fiscal year 2023~~ years 2024 and 2025, the district's 39869
payments for fiscal year 2020 under divisions (D)(1) and (2) of 39870
section 3313.981 of the Revised Code as those divisions existed 39871
prior to September 30, 2021. 39872

(b) Subtract from the amount paid to the district under 39873
division (A)(3) of section 3317.16 of the Revised Code, as that 39874
division existed prior to September 30, 2021, for fiscal year 39875
2019. 39876

(2) The district's "disadvantaged pupil impact aid funding 39877
base," which equals the amount paid to the district under division 39878
(A)(3) of section 3317.16 of the Revised Code, as that division 39879
existed prior to September 30, 2021, for fiscal year 2019. 39880

(P) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, "funding base" 39881
for a community school means the following: 39882

(1) For a community school that was in operation for the 39883
entirety of fiscal year 2020, the amount paid to the school for 39884

that fiscal year under division (C)(1) of section 3314.08 of the Revised Code as that division existed prior to September 30, 2021, in accordance with division (A) of Section 265.230 of H.B. 166 of the 133rd general assembly and the amount, if any, paid to the school for that fiscal year under section 3314.085 of the Revised Code in accordance with division (B) of Section 265.230 of H.B. 166 of the 133rd general assembly;

(2) For a community school that was in operation for part of fiscal year 2020, the amount that would have been paid to the school for that fiscal year under division (C)(1) of section 3314.08 of the Revised Code as that division existed prior to September 30, 2021, in accordance with division (A) of Section 265.230 of H.B. 166 of the 133rd general assembly if the school had been in operation for the entirety of that fiscal year, as calculated by the department, and the amount that would have been paid to the school for that fiscal year under section 3314.085 of the Revised Code in accordance with division (B) of Section 265.230 of H.B. 166 of the 133rd general assembly, if any, if the school had been in operation for the entirety of that fiscal year, as calculated by the department;

(3) For a community school that was not in operation for fiscal year 2020, the amount that would have been paid to the school if it was in operation for that school year under division (C)(1) of section 3314.08 of the Revised Code as that division existed prior to September 30, 2021, in accordance with division (A) of Section 265.230 of H.B. 166 of the 133rd general assembly if the school had been in operation for the entirety of that fiscal year, as calculated by the department, and the amount that would have been paid to the school for that fiscal year under section 3314.085 of the Revised Code in accordance with division (B) of Section 265.230 of H.B. 166 of the 133rd general assembly, if any, if the school had been in operation for the entirety of

that fiscal year, as calculated by the department. 39917

(Q) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, "funding base" 39918
for a STEM school means the following: 39919

(1) For a science, technology, engineering, and mathematics 39920
school that was in operation for the entirety of fiscal year 2020, 39921
the amount paid to the school for that fiscal year under section 39922
3326.33 of the Revised Code as that section existed prior to 39923
September 30, 2021, in accordance with division (A) of Section 39924
265.235 of H.B. 166 of the 133rd general assembly and the amount, 39925
if any, paid to the school for that fiscal year under section 39926
3326.41 of the Revised Code in accordance with division (B) of 39927
Section 265.235 of H.B. 166 of the 133rd general assembly; 39928

(2) For a science, technology, engineering, and mathematics 39929
school that was in operation for part of fiscal year 2020, the 39930
amount that would have been paid to the school for that fiscal 39931
year under section 3326.33 of the Revised Code as that section 39932
existed prior to September 30, 2021, in accordance with division 39933
(A) of Section 265.235 of H.B. 166 of the 133rd general assembly 39934
if the school had been in operation for the entirety of that 39935
fiscal year, as calculated by the department, and the amount that 39936
would have been paid to the school for that fiscal year under 39937
section 3326.41 of the Revised Code in accordance with division 39938
(B) of Section 265.235 of H.B. 166 of the 133rd general assembly, 39939
if any, if the school had been in operation for the entirety of 39940
that fiscal year, as calculated by the department; 39941

(3) For a science, technology, engineering, and mathematics 39942
school that was not in operation for fiscal year 2020, the amount 39943
that would have been paid to the school if it was in operation for 39944
that school year under section 3326.33 of the Revised Code as that 39945
section existed prior to September 30, 2021, in accordance with 39946
division (A) of Section 265.235 of H.B. 166 of the 133rd general 39947
assembly if the school had been in operation for the entirety of 39948

that fiscal year, as calculated by the department, and the amount 39949
that would have been paid to the school for that fiscal year under 39950
section 3326.41 of the Revised Code in accordance with division 39951
(B) of Section 265.235 of H.B. 166 of the 133rd general assembly, 39952
if any, if the school had been in operation for the entirety of 39953
that fiscal year, as calculated by the department. 39954

(R) "Funding unit" means any of the following: 39955

(1) A city, local, exempted village, or joint vocational 39956
school district; 39957

(2) The community and STEM school unit; 39958

(3) The educational choice scholarship unit; 39959

(4) The pilot project scholarship unit; 39960

(5) The autism scholarship unit; 39961

(6) The Jon Peterson special needs scholarship unit. 39962

(S) "Jon Peterson special needs scholarship unit" means a 39963
unit that consists of all of the students for whom Jon Peterson 39964
scholarships are awarded under sections 3310.51 to 3310.64 of the 39965
Revised Code. 39966

(T) "Internet- or computer-based community school" has the 39967
same meaning as in section 3314.02 of the Revised Code. 39968

(U) "LRE student with a disability" means a child with a 39969
disability who has an individualized education program providing 39970
for the student to spend more than half of each school day in a 39971
regular school setting with nondisabled students. For purposes of 39972
this division, "individualized education program" and "child with 39973
a disability" have the same meanings as in section 3323.01 of the 39974
Revised Code, and "LRE" is an abbreviation for "least restrictive 39975
environment." 39976

(V) "Medically fragile child" means a child to whom all of 39977
the following apply: 39978

(1) The child requires the services of a doctor of medicine 39979
or osteopathic medicine at least once a week due to the 39980
instability of the child's medical condition. 39981

(2) The child requires the services of a registered nurse on 39982
a daily basis. 39983

(3) The child is at risk of institutionalization in a 39984
hospital, skilled nursing facility, or intermediate care facility 39985
for individuals with intellectual disabilities. 39986

(W)(1) A child may be identified as having an "other health 39987
impairment-major" if the child's condition meets the definition of 39988
"other health impaired" established in rules previously adopted by 39989
the state board of education and if either of the following apply: 39990

(a) The child is identified as having a medical condition 39991
that is among those listed by the superintendent of public 39992
instruction as conditions where a substantial majority of cases 39993
fall within the definition of "medically fragile child." 39994

(b) The child is determined by the superintendent of public 39995
instruction to be a medically fragile child. A school district 39996
superintendent may petition the superintendent of public 39997
instruction for a determination that a child is a medically 39998
fragile child. 39999

(2) A child may be identified as having an "other health 40000
impairment-minor" if the child's condition meets the definition of 40001
"other health impaired" established in rules previously adopted by 40002
the state board of education but the child's condition does not 40003
meet either of the conditions specified in division (W)(1)(a) or 40004
(b) of this section. 40005

(X)(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, a city, 40006
local, exempted village, or joint vocational school district's, 40007
community school's, or STEM school's "general phase-in percentage" 40008
is equal to the percentage for that fiscal year that is determined 40009

by the general assembly. 40010

(2) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, a city, local, 40011
exempted village, or joint vocational school district's "phase-in 40012
percentage for disadvantaged pupil impact aid" is equal to the 40013
percentage for that fiscal year that is determined by the general 40014
assembly. 40015

(Y) "Pilot project scholarship unit" means a unit that 40016
consists of all of the students for whom pilot project 40017
scholarships are awarded under sections 3313.974 to 3313.979 of 40018
the Revised Code. 40019

(Z) "Preschool child with a disability" means a child with a 40020
disability, as defined in section 3323.01 of the Revised Code, who 40021
is at least age three but is not of compulsory school age, as 40022
defined in section 3321.01 of the Revised Code, and who is not 40023
currently enrolled in kindergarten. 40024

(AA) "Related services" includes: 40025

(1) Child study, special education supervisors and 40026
coordinators, speech and hearing services, adaptive physical 40027
development services, occupational or physical therapy, teacher 40028
assistants for children with disabilities whose disabilities are 40029
described in division (B) of section 3317.013 or division (G)(3) 40030
of this section, behavioral intervention, interpreter services, 40031
work study, nursing services, and specialized integrative services 40032
as those terms are defined by the department; 40033

(2) Speech and language services provided to any student with 40034
a disability, including any student whose primary or only 40035
disability is a speech and language disability; 40036

(3) Any related service not specifically covered by other 40037
state funds but specified in federal law, including but not 40038
limited to, audiology and school psychological services; 40039

(4) Any service included in units funded under former	40040
division (O)(1) of section 3317.024 of the Revised Code;	40041
(5) Any other related service needed by children with	40042
disabilities in accordance with their individualized education	40043
programs.	40044
(BB) "School district," unless otherwise specified, means	40045
city, local, and exempted village school districts.	40046
(CC) "Separately educated student with a disability" has the	40047
same meaning as in section 3313.974 of the Revised Code.	40048
(DD) "State education aid" has the same meaning as in section	40049
5751.20 of the Revised Code.	40050
(EE)(1) "State share percentage" means the following for a	40051
city, local, or exempted village school district:	40052
(a) For fiscal years 2022 <u>2024</u> and 2023 <u>2025</u> , the state share	40053
percentage calculated under section 3317.017 of the Revised Code;	40054
(b) For fiscal year 2024 <u>2026</u> and each fiscal year	40055
thereafter, a percentage calculated in a manner determined by the	40056
general assembly.	40057
(2) "State share percentage" means the following for a joint	40058
vocational school district:	40059
(a) For fiscal years 2022 <u>2024</u> and 2023 <u>2025</u> , the percentage	40060
calculated in accordance with the following formula:	40061
The amount computed for the district under division (A)(1) of	40062
section 3317.16 of the Revised Code for that fiscal year / the	40063
aggregate base cost calculated for the district for that fiscal	40064
year under section 3317.012 of the Revised Code	40065
(b) For fiscal year 2024 <u>2026</u> and each fiscal year	40066
thereafter, a percentage calculated in a manner determined by the	40067
general assembly.	40068
(FF) "Statewide average base cost per pupil" means the	40069

following: 40070

(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the statewide 40071
average base cost per pupil calculated under division (A) of 40072
section 3317.018 of the Revised Code; 40073

(2) For fiscal year ~~2024~~ 2026 and each fiscal year 40074
thereafter, an amount calculated in a manner determined by the 40075
general assembly. 40076

(GG) "Statewide average career-technical base cost per pupil" 40077
means the following: 40078

(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the statewide 40079
average career-technical base cost per pupil calculated under 40080
division (B) of section 3317.018 of the Revised Code; 40081

(2) For fiscal year ~~2024~~ 2026 and each fiscal year 40082
thereafter, an amount calculated in a manner determined by the 40083
general assembly. 40084

(HH) "STEM school" means a science, technology, engineering, 40085
and mathematics school established under Chapter 3326. of the 40086
Revised Code. 40087

(II) "Taxes charged and payable" means the taxes charged and 40088
payable against real and public utility property after making the 40089
reduction required by section 319.301 of the Revised Code, plus 40090
the taxes levied against tangible personal property. 40091

(JJ) For purposes of sections 3317.017 and 3317.16 of the 40092
Revised Code, "three-year average valuation" for a fiscal year 40093
means the average of total taxable value for the three most recent 40094
tax years for which data is available, as certified under section 40095
3317.021 of the Revised Code. 40096

(KK) "Total ADM" means, for a city, local, or exempted 40097
village school district, the enrollment reported under division 40098
(A) of section 3317.03 of the Revised Code minus the enrollment 40099

reported under divisions (A)(2)(a), (b), (g), (h), and (i) of that section, as verified by the superintendent of public instruction and adjusted if so ordered under division (K) of that section.

(LL) "Total special education ADM" means the sum of categories one through six special education ADM.

(MM) "Total taxable value" means the sum of the amounts certified for a city, local, exempted village, or joint vocational school district under divisions (A)(1) and (2) of section 3317.021 of the Revised Code.

(NN) "Tuition discount" means any deduction from the base tuition amount per student charged by a chartered nonpublic school, to which the student's family is entitled due to one or more of the following conditions:

(1) The student's family has multiple children enrolled in the same school.

(2) The student's family is a member of or affiliated with a religious or secular organization that provides oversight of the school or from which the school has agreed to enroll students.

(3) The student's parent is an employee of the school.

(4) Some other qualification not based on the income of the student's family or the student's athletic or academic ability and for which all students in the school may qualify.

Sec. 3317.021. (A) On or before the first day of June of each year, the tax commissioner shall certify to the department of education and the office of budget and management the information described in divisions (A)(1) to (5) of this section for each city, exempted village, and local school district, and the information required by divisions (A)(1) and (2) of this section for each joint vocational school district, and it shall be used, along with the information certified under division (B) of this

section, in making the computations for the district under this	40130
chapter.	40131
(1) The taxable value of real and public utility real	40132
property in the school district subject to taxation in the	40133
preceding tax year, by class and by county of location.	40134
(2) The taxable value of tangible personal property,	40135
including public utility personal property, subject to taxation by	40136
the district for the preceding tax year.	40137
(3)(a) The total property tax rate and total taxes charged	40138
and payable for the current expenses for the preceding tax year	40139
and the total property tax rate and the total taxes charged and	40140
payable to a joint vocational district for the preceding tax year	40141
that are limited to or to the extent apportioned to current	40142
expenses.	40143
(b) The portion of the amount of taxes charged and payable	40144
reported for each city, local, and exempted village school	40145
district under division (A)(3)(a) of this section attributable to	40146
a joint vocational school district.	40147
(4) The value of all real and public utility real property in	40148
the school district exempted from taxation minus both of the	40149
following:	40150
(a) The value of real and public utility real property in the	40151
district owned by the United States government and used	40152
exclusively for a public purpose;	40153
(b) The value of real and public utility real property in the	40154
district exempted from taxation under Chapter 725. or 1728. or	40155
section 3735.67, 5709.40, 5709.41, 5709.45, 5709.57, 5709.62,	40156
5709.63, 5709.632, 5709.73, or 5709.78 of the Revised Code.	40157
(5) The total federal adjusted gross income of the residents	40158
of the school district, based on tax returns filed by the	40159

residents of the district, for the most recent year for which this 40160
information is available, and the median Ohio adjusted gross 40161
income of the residents of the school district determined on the 40162
basis of tax returns filed for the second preceding tax year by 40163
the residents of the district. 40164

(6) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the number of 40165
state tax returns filed by the residents of the district for the 40166
most recent year for which this information is available. 40167

(B) On or before the first day of May each year, the tax 40168
commissioner shall certify to the department of education and the 40169
office of budget and management the total taxable real property 40170
value of railroads and, separately, the total taxable tangible 40171
personal property value of all public utilities for the preceding 40172
tax year, by school district and by county of location. 40173

(C) If on the basis of the information certified under 40174
division (A) of this section, the department determines that any 40175
district fails in any year to meet the qualification requirement 40176
specified in division (A) of section 3317.01 of the Revised Code, 40177
the department shall immediately request the tax commissioner to 40178
determine the extent to which any school district income tax 40179
levied by the district under Chapter 5748. of the Revised Code 40180
shall be included in meeting that requirement. Within five days of 40181
receiving such a request from the department, the tax commissioner 40182
shall make the determination required by this division and report 40183
the quotient obtained under division (C)(3) of this section to the 40184
department and the office of budget and management. This quotient 40185
represents the number of mills that the department shall include 40186
in determining whether the district meets the qualification 40187
requirement of division (A) of section 3317.01 of the Revised 40188
Code. 40189

The tax commissioner shall make the determination required by 40190
this division as follows: 40191

(1) Multiply one mill times the total taxable value of the district as determined in divisions (A)(1) and (2) of this section;

(2) Estimate the total amount of tax liability for the current tax year under taxes levied by Chapter 5748. of the Revised Code that are apportioned to current operating expenses of the district, excluding any income tax receipts allocated for the project cost, debt service, or maintenance set-aside associated with a state-assisted classroom facilities project as authorized by section 3318.052 of the Revised Code;

(3) Divide the amount estimated under division (C)(2) of this section by the product obtained under division (C)(1) of this section.

Sec. 3317.022. The department of education shall compute and distribute state core foundation funding to each eligible funding unit that is a city, local, or exempted village school district, the community and STEM school unit, the educational choice scholarship unit, the pilot project scholarship unit, the autism scholarship unit, and the Jon Peterson special needs scholarship unit for the fiscal year, using the information obtained under section 3317.021 of the Revised Code in the calendar year in which the fiscal year begins in accordance with the following:

For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, for a funding unit that is a city, local, or exempted village school district:

The district's funding base + [(the district's state core foundation funding components for that fiscal year calculated under divisions (A)(1), (2), (3), (5), (6), (7), and (8) of this section - the district's general funding base calculated in accordance with division (N)(1) of section 3317.02 of the Revised Code) X the district's general phase-in percentage for that fiscal year] + [(the district's disadvantaged pupil impact aid for that

fiscal year calculated under division (A)(4) of this section - the 40223
district's disadvantaged pupil impact aid funding base calculated 40224
in accordance with division (N)(2) of section 3317.02 of the 40225
Revised Code) X the district's phase-in percentage for 40226
disadvantaged pupil impact aid for that fiscal year] + the 40227
district's supplemental targeted assistance funds calculated under 40228
section 3317.0218 of the Revised Code 40229

For fiscal year ~~2024~~ 2026 and each fiscal year thereafter, 40230
for a funding unit that is a city, local, or exempted village 40231
school district, the sum of the district's state core foundation 40232
funding components for that fiscal year calculated under divisions 40233
(A)(1), (2), (3), (4), (5), (6), (7), and (8) of this section and 40234
the district's supplemental targeted assistance funds calculated 40235
under section 3317.0218 of the Revised Code, if the general 40236
assembly authorizes such payments to these funding units. 40237

For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, for the community 40238
and STEM school unit, an amount calculated in accordance with 40239
section 3317.026 of the Revised Code. 40240

For fiscal years ~~2024~~ 2026 and each fiscal year thereafter, 40241
for the community and STEM school unit, an amount calculated in 40242
accordance with divisions (A)(1), (3), (4), (5), (7), (8), and (9) 40243
of this section, if the general assembly authorizes such payments 40244
to these funding units. 40245

For the educational choice scholarship unit, the amount 40246
calculated under division (A)(10) of this section. 40247

For the pilot project scholarship unit, the amount calculated 40248
under division (A)(11) of this section. 40249

For the autism scholarship unit, the amount calculated under 40250
division (A)(12) of this section. 40251

For the Jon Peterson special needs scholarship unit, the 40252
amount calculated under division (A)(13) of this section. 40253

(A) A funding unit's state core foundation funding components shall be the following:	40254 40255
(1)(a) If the funding unit is a city, local, or exempted village school district, the district's state share, which is equal to the following:	40256 40257 40258
(i) For fiscal years 2022 <u>2024</u> and 2023 <u>2025</u> , the amount calculated under division (B) of section 3317.017 of the Revised Code;	40259 40260 40261
(ii) For fiscal year 2024 <u>2026</u> and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.	40262 40263 40264
(b) If the funding unit is the community and STEM school unit, the aggregate base cost for all schools in that unit, which is equal to the following:	40265 40266 40267
(i) For fiscal years 2022 <u>2024</u> and 2023 <u>2025</u> , the amount calculated under section 3317.0110 of the Revised Code;	40268 40269
(ii) For fiscal year 2024 <u>2026</u> and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.	40270 40271 40272
(2) If the funding unit is a city, local, or exempted village school district, targeted assistance funds equal to the following:	40273 40274
(a) For fiscal years 2022 <u>2024</u> and 2023 <u>2025</u> , an amount calculated under section 3317.0217 of the Revised Code;	40275 40276
(b) For fiscal year 2024 <u>2026</u> and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.	40277 40278 40279
(3) If the funding unit is a city, local, or exempted village school district or the community and STEM school unit, additional state aid for special education and related services provided under Chapter 3323. of the Revised Code calculated as follows:	40280 40281 40282 40283

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the sum of the 40284
following: 40285

(i) The funding unit's category one special education ADM X 40286
the multiple specified in division (A) of section 3317.013 of the 40287
Revised Code X the statewide average base cost per pupil for that 40288
fiscal year X if the funding unit is a city, local, or exempted 40289
village school district, the district's state share percentage; 40290

(ii) The funding unit's category two special education ADM X 40291
the multiple specified in division (B) of section 3317.013 of the 40292
Revised Code X the statewide average base cost per pupil for that 40293
fiscal year X if the funding unit is a city, local, or exempted 40294
village school district, the district's state share percentage; 40295

(iii) The funding unit's category three special education ADM 40296
X the multiple specified in division (C) of section 3317.013 of 40297
the Revised Code X the statewide average base cost per pupil for 40298
that fiscal year X if the funding unit is a city, local, or 40299
exempted village school district, the district's state share 40300
percentage; 40301

(iv) The funding unit's category four special education ADM X 40302
the multiple specified in division (D) of section 3317.013 of the 40303
Revised Code X the statewide average base cost per pupil for that 40304
fiscal year X if the funding unit is a city, local, or exempted 40305
village school district, the district's state share percentage; 40306

(v) The funding unit's category five special education ADM X 40307
the multiple specified in division (E) of section 3317.013 of the 40308
Revised Code X the statewide average base cost per pupil for that 40309
fiscal year X if the funding unit is a city, local, or exempted 40310
village school district, the district's state share percentage; 40311

(vi) The funding unit's category six special education ADM X 40312
the multiple specified in division (F) of section 3317.013 of the 40313
Revised Code X the statewide average base cost per pupil for that 40314

fiscal year X if the funding unit is a city, local, or exempted village school district, the district's state share percentage. 40315
40316

(b) For fiscal year ~~2024~~ 2026 and each fiscal year thereafter, the sum of the following: 40317
40318

(i) An amount calculated in a manner determined by the general assembly times the funding unit's category one special education ADM; 40319
40320
40321

(ii) An amount calculated in a manner determined by the general assembly times the funding unit's category two special education ADM; 40322
40323
40324

(iii) An amount calculated in a manner determined by the general assembly times the funding unit's category three special education ADM; 40325
40326
40327

(iv) An amount calculated in a manner determined by the general assembly times the funding unit's category four special education ADM; 40328
40329
40330

(v) An amount calculated in a manner determined by the general assembly times the funding unit's category five special education ADM; 40331
40332
40333

(vi) An amount calculated in a manner determined by the general assembly times the funding unit's category six special education ADM. 40334
40335
40336

(4) If the funding unit is a city, local, or exempted village school district or the community and STEM school unit, disadvantaged pupil impact aid calculated according to the following formula: 40337
40338
40339
40340

(a) If the funding unit is a city, local, or exempted village school district, an amount equal to the following: 40341
40342

(i) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the following product: 40343
40344

\$422 X (the district's economically disadvantaged index) X the 40345
number of students who are economically disadvantaged as certified 40346
under division (B)(21) of section 3317.03 of the Revised Code 40347

(ii) For fiscal year ~~2024~~ 2026 and each fiscal year 40348
thereafter, an amount calculated in a manner determined by the 40349
general assembly. 40350

(b) If the funding unit is the community and STEM school 40351
unit, an amount equal to the following: 40352

(i) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, an amount 40353
calculated as follows: 40354

(I) For each student in the funding unit's enrolled ADM who 40355
is economically disadvantaged and is not enrolled in an internet- 40356
or computer-based community school, multiply \$422 by the 40357
economically disadvantaged index of the school in which the 40358
student is enrolled; 40359

(II) Compute the funding unit's disadvantaged pupil impact 40360
aid by calculating the sum of the amounts determined under 40361
division (A)(4)(b)(i)(I) of this section. 40362

(ii) For fiscal year ~~2024~~ 2026 and each fiscal year 40363
thereafter, an amount calculated as follows: 40364

(I) For each student in the funding unit's enrolled ADM who 40365
is economically disadvantaged and is not enrolled in an internet- 40366
or computer-based community school, calculate an amount in the 40367
manner determined by the general assembly; 40368

(II) Compute the funding unit's disadvantaged pupil impact 40369
aid by calculating the sum of the amounts determined under 40370
division (A)(4)(b)(ii)(I) of this section. 40371

(5) If the funding unit is a city, local, or exempted village 40372
school district or the community and STEM school unit, English 40373
learner funds calculated as follows: 40374

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the sum of the 40375
following: 40376

(i) The funding unit's category one English learner ADM X the 40377
multiple specified in division (A) of section 3317.016 of the 40378
Revised Code X the statewide average base cost per pupil for that 40379
fiscal year X if the funding unit is a city, local, or exempted 40380
village school district, the district's state share percentage; 40381

(ii) The funding unit's category two English learner ADM X 40382
the multiple specified in division (B) of section 3317.016 of the 40383
Revised Code X the statewide average base cost per pupil for that 40384
fiscal year X if the funding unit is a city, local, or exempted 40385
village school district, the district's state share percentage; 40386

(iii) The funding unit's category three English learner ADM X 40387
the multiple specified in division (C) of section 3317.016 of the 40388
Revised Code X the statewide average base cost per pupil for that 40389
fiscal year X if the funding unit is a city, local, or exempted 40390
village school district, the district's state share percentage. 40391

(b) For fiscal year ~~2024~~ 2026 and each fiscal year 40392
thereafter, the sum of the following: 40393

(i) An amount calculated in a manner determined by the 40394
general assembly times the funding unit's category one English 40395
learner ADM; 40396

(ii) An amount calculated in a manner determined by the 40397
general assembly times the funding unit's category two English 40398
learner ADM; 40399

(iii) An amount calculated in a manner determined by the 40400
general assembly times the funding unit's category three English 40401
learner ADM. 40402

(6)(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, if the 40403
funding unit is a city, local, or exempted village school 40404

district, all of the following: 40405

(i) Gifted identification funds calculated according to the 40406
following formula: 40407
\$24 X the district's enrolled ADM for grades kindergarten through 40408
six X the district's state share percentage 40409

(ii) Gifted referral funds calculated according to the 40410
following formula: 40411
\$2.50 X the district's enrolled ADM X the district's state share 40412
percentage 40413

(iii) Gifted professional development funds calculated 40414
according to the following formula: 40415
(The greater of the number of gifted students enrolled in the 40416
district as certified under division (B)(22) of section 3317.03 of 40417
the Revised Code and ten per cent of the district's enrolled ADM) 40418
X the district's state share percentage X ~~\$7~~ \$21, for fiscal year 40419
~~2022~~ 2024, or ~~\$14~~ \$28, for fiscal year ~~2023~~ 2025 40420

(iv) Gifted unit funding calculated under section 3317.051 of 40421
the Revised Code. 40422

(b) For fiscal year ~~2024~~ 2026 and each fiscal year 40423
thereafter, all of the following: 40424

(i) Gifted identification funds calculated in a manner 40425
determined by the general assembly; 40426

(ii) Gifted referral funds calculated in a manner determined 40427
by the general assembly, if the general assembly authorizes such a 40428
payment; 40429

(iii) Gifted professional development funds calculated in a 40430
manner determined by the general assembly, if the general assembly 40431
authorizes such a payment; 40432

(iv) Gifted unit funding calculated in an amount determined 40433
by the general assembly. 40434

(7) If the funding unit is a city, local, or exempted village school district or the community and STEM school unit, career-technical education funds calculated under division (C) of section 3317.014 of the Revised Code.

(8) If the funding unit is a city, local, or exempted village school district or the community and STEM school unit, career-technical education associated services funds calculated under division (D) of section 3317.014 of the Revised Code.

(9) If the funding unit is the community and STEM school unit, an amount calculated as follows:

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, an amount equal to the following:

[The number of students in the funding unit's enrolled ADM who are reported under division (B)(5) of section 3314.08 of the Revised Code X (the aggregate base cost calculated for all schools in the funding unit for that fiscal year under section 3317.0110 of the Revised Code / the funding unit's enrolled ADM) X.20]

(b) For fiscal year ~~2024~~ 2026 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.

(10) If the funding unit is the educational choice scholarship unit, an amount calculated as follows:

(a) For each student in the funding unit's enrolled ADM, determine the lesser of the following:

(i) The base tuition of the chartered nonpublic school in which the student is enrolled minus the total amount of any applicable tuition discounts for which the student qualifies;

(ii) \$5,500, if the student is in grades kindergarten through eight, or \$7,500, if the student is in grades nine through twelve.

The amounts specified in division (A)(10)(a)(ii) of this

section shall increase in future fiscal years by the same 40465
percentage that the statewide average base cost per pupil 40466
increases in future fiscal years. 40467

(b) Compute the sum of the amounts calculated under division 40468
(A)(10)(a) of this section. 40469

(11) If the funding unit is the pilot project scholarship 40470
unit, an amount calculated as follows: 40471

(a) For each student in the funding unit's enrolled ADM, 40472
determine the lesser of the following: 40473

(i) The net tuition charges of the student's alternative 40474
school; 40475

(ii) \$5,500, if the student is in grades kindergarten through 40476
eight, or \$7,500, if the student is in grades nine through twelve. 40477

The amounts specified in division (A)(11)(a)(ii) of this 40478
section shall increase in future fiscal years by the same 40479
percentage that the statewide average base cost per pupil 40480
increases in future fiscal years. 40481

For purposes of division (A)(11)(a) of this section, the net 40482
tuition and fees charged to a student shall be the tuition amount 40483
specified by the alternative school minus all other financial aid, 40484
discounts, and adjustments received for the student. In cases 40485
where discounts are offered for multiple students from the same 40486
family, and not all students in the same family are scholarship 40487
recipients, the net tuition amount attributable to the scholarship 40488
recipient shall be the lowest net tuition to which the family is 40489
entitled. 40490

The department shall provide for an increase in the amount 40491
determined for any student who is an LRE student with a disability 40492
and shall further increase such amount in the case of any 40493
separately educated student with a disability, as that term is 40494

defined in section 3313.974 of the Revised Code. Such increases 40495
shall take into account the instruction, related services, and 40496
transportation costs of educating such students. 40497

(b) Compute the sum of the amounts calculated under division 40498
(A)(17)(a) of this section. 40499

(12) If the funding unit is the autism scholarship unit, an 40500
amount calculated as follows: 40501

(a) For each student in the funding unit's enrolled ADM, 40502
determine the lesser of the following: 40503

(i) The tuition charged for the student's special education 40504
program, as that term is defined in section 3310.41 of the Revised 40505
Code; 40506

(ii) ~~\$31,500, for fiscal year 2022, and \$32,445, for fiscal~~ 40507
~~year 2023 and each fiscal year thereafter.~~ 40508

(b) Compute the sum of the amounts calculated under division 40509
(A)(12)(a) of this section. 40510

(13) If the funding unit is the Jon Peterson special needs 40511
scholarship unit, an amount calculated as follows: 40512

(a) For each student in the funding unit's enrolled ADM, 40513
determine the least of the following: 40514

(i) The amount of fees charged for that school year by the 40515
student's alternative public provider or registered private 40516
provider, as those terms are defined in section 3310.51 of the 40517
Revised Code; 40518

(ii) ~~\$6,217, for fiscal year 2022, and \$6,414, for fiscal~~ 40519
~~year 2023,~~ plus an amount determined as follows: 40520

(I) If the student is receiving special education services 40521
for a disability specified in division (A) of section 3317.013 of 40522
the Revised Code, ~~\$1,514, for fiscal year 2022, and \$1,562, for~~ 40523
~~fiscal year 2023;~~ 40524

(II) If the student is receiving special education services 40525
for a disability specified in division (B) of section 3317.013 of 40526
the Revised Code, ~~\$3,841, for fiscal year 2022, and \$3,963, for~~ 40527
~~fiscal year 2023;~~ 40528

(III) If the student is receiving special education services 40529
for a disability specified in division (C) of section 3317.013 of 40530
the Revised Code, ~~\$9,465, for fiscal year 2022, and \$9,522, for~~ 40531
~~fiscal year 2023;~~ 40532

(IV) If the student is receiving special education services 40533
for a disability specified in division (D) of section 3317.013 of 40534
the Revised Code, ~~\$12,644, for fiscal year 2022, and \$12,707, for~~ 40535
~~fiscal year 2023;~~ 40536

(V) If the student is receiving special education services 40537
for a disability specified in division (E) of section 3317.013 of 40538
the Revised Code, ~~\$17,193, for fiscal year 2022, and \$17,209, for~~ 40539
~~fiscal year 2023;~~ 40540

(VI) If the student is receiving special education services 40541
for a disability specified in division (F) of section 3317.013 of 40542
the Revised Code, ~~\$24,591, for fiscal year 2022, and \$25,370, for~~ 40543
~~fiscal year 2023.~~ 40544

(iii) \$27,000. 40545

The amount specified ~~for fiscal year 2023~~ in division 40546
(A)(13)(a)(ii) of this section shall increase in future fiscal 40547
years by the same percentage that the statewide average base cost 40548
per pupil increases in future fiscal years. 40549

The amounts specified ~~for fiscal year 2023~~ in divisions 40550
(A)(13)(a)(ii)(I) to (VI) of this section shall increase in future 40551
fiscal years by the same percentage that the amounts calculated by 40552
the general assembly for those categories of special education 40553
services under division (A)(3) of this section increase in future 40554
fiscal years. 40555

(b) Compute the sum of the amounts calculated under division 40556
(A)(13)(a) of this section. 40557

(B) In any fiscal year, a funding unit that is a city, local, 40558
or exempted village school district shall spend for purposes that 40559
the department designates as approved for special education and 40560
related services expenses at least the amount calculated as 40561
follows: 40562

(The base cost per pupil calculated for the district for that 40563
fiscal year X the total special education ADM) + (the district's 40564
category one special education ADM X the multiple specified in 40565
division (A) of section 3317.013 of the Revised Code X the 40566
statewide average base cost per pupil) + (the district's category 40567
two special education ADM X the multiple specified in division (B) 40568
of section 3317.013 of the Revised Code X the statewide average 40569
base cost per pupil) + (the district's category three special 40570
education ADM X the multiple specified in division (C) of section 40571
3317.013 of the Revised Code X the statewide average base cost per 40572
pupil) + (the district's category four special education ADM X the 40573
multiple specified in division (D) of section 3317.013 of the 40574
Revised Code X the statewide average base cost per pupil) + (the 40575
district's category five special education ADM X the multiple 40576
specified in division (E) of section 3317.013 of the Revised Code 40577
X the statewide average base cost per pupil) + (the district's 40578
category six special education ADM X the multiple specified in 40579
division (F) of section 3317.013 of the Revised Code X the 40580
statewide average base cost per pupil) 40581

The purposes approved by the department for special education 40582
expenses shall include, but shall not be limited to, 40583
identification of children with disabilities, compliance with 40584
state rules governing the education of children with disabilities 40585
and prescribing the continuum of program options for children with 40586
disabilities, provision of speech language pathology services, and 40587

the portion of the school district's overall administrative and 40588
overhead costs that are attributable to the district's special 40589
education student population. 40590

(C) A funding unit that is a city, local, or exempted village 40591
school district shall spend the funds it receives under division 40592
(A)(4) of this section in accordance with section 3317.25 of the 40593
Revised Code. 40594

(D)(1) Except as provided in division (B) of section 3317.026 40595
of the Revised Code, the department shall distribute to each 40596
community school established under Chapter 3314. of the Revised 40597
Code and to each STEM school established under Chapter 3326. of 40598
the Revised Code, from the funds paid to the community and STEM 40599
school unit under this section, an amount for each student 40600
enrolled in the school equal to the sum of the following: 40601

(a) The school's base cost per pupil for that fiscal year, 40602
calculated as follows: 40603

(i) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025: 40604
The aggregate base cost calculated for the school for that fiscal 40605
year under section 3317.0110 of the Revised Code / the number of 40606
students enrolled in the school for that fiscal year 40607

(ii) For fiscal year ~~2024~~ 2026 and each fiscal year 40608
thereafter, an amount determined by the general assembly under 40609
division (A)(1)(b)(ii) of this section divided by the number of 40610
students enrolled in the school for that fiscal year. 40611

(b) If the student is a special education student: 40612

(i) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the multiple 40613
specified for the student's special education category under 40614
section 3317.013 of the Revised Code times the statewide average 40615
base cost per pupil; 40616

(ii) For fiscal year ~~2024~~ 2026 and each fiscal year 40617

thereafter, the amount calculated for the student's special 40618
education category in a manner determined by the general assembly 40619
under division (A)(3)(b) of this section. 40620

(c) If the school is not an internet- or computer-based 40621
community school and the student is economically disadvantaged: 40622

(i) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the amount 40623
calculated for the student under division (A)(4)(b)(i)(I) of this 40624
section; 40625

(ii) For fiscal year ~~2024~~ 2026 and each fiscal year 40626
thereafter, an amount calculated for the student in the manner 40627
determined by the general assembly under division (A)(4)(b)(ii)(I) 40628
of this section. 40629

(d) If the school is not an internet- or computer-based 40630
community school and the student is an English learner: 40631

(i) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the multiple 40632
specified for the student's English learner category under section 40633
3317.016 of the Revised Code times the statewide average base cost 40634
per pupil; 40635

(ii) For fiscal year ~~2024~~ 2026 and each fiscal year 40636
thereafter, the amount calculated for the student's special 40637
education category in a manner determined by the general assembly 40638
under division (A)(5)(b) of this section. 40639

(e) If the student is a career-technical education student: 40640

(i) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the multiple 40641
specified for the student's career-technical education category 40642
under section 3317.014 of the Revised Code times the statewide 40643
average career-technical base cost per pupil; 40644

(ii) For fiscal year ~~2024~~ 2026 and each fiscal year 40645
thereafter, the amount calculated for the student's 40646
career-technical education category in a manner determined by the 40647

general assembly under section 3317.014 of the Revised Code. 40648

(f) If the student is a career-technical education student: 40649

(i) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the multiple 40650
for career-technical associated services specified under section 40651
3317.014 of the Revised Code times the statewide average 40652
career-technical base cost per pupil; 40653

(ii) For fiscal year ~~2024~~ 2026 and each fiscal year 40654
thereafter, the amount calculated for career-technical associated 40655
services in a manner determined by the general assembly under 40656
section 3317.014 of the Revised Code. 40657

(2) The department shall distribute to each community school 40658
established under Chapter 3314. of the Revised Code and to each 40659
STEM school established under Chapter 3326. of the Revised Code, 40660
from the funds paid to the community and STEM school unit under 40661
this section, an amount equal to the amount calculated for the 40662
school under division (A)(9) of this section. 40663

(E) The department shall distribute to the parent of each 40664
student for whom an educational choice scholarship is awarded 40665
under section 3310.03 or 3310.032 of the Revised Code, or to the 40666
student if at least eighteen years of age, from the funds paid to 40667
the educational choice scholarship unit under this section, a 40668
scholarship equal to the amount calculated for the student under 40669
division (A)(10)(a) of this section. The scholarship shall be 40670
distributed in monthly partial payments, and the department shall 40671
proportionately reduce or terminate the payments for any student 40672
who withdraws from a chartered nonpublic school prior to the end 40673
of the school year. 40674

For purposes of divisions (E) and (F) of this section, in the 40675
case of a student who is not living with the student's parent, the 40676
department shall distribute the scholarship payments to the 40677
student's guardian, legal custodian, kinship caregiver, foster 40678

caregiver, or caretaker. For the purposes of this division, 40679
"caretaker" has the same meaning as in section 3310.033 of the 40680
Revised Code, "kinship caregiver" has the same meaning as in 40681
section 5101.85 of the Revised Code, and "foster caregiver" has 40682
the same meaning as in section 5103.02 of the Revised Code. 40683

(F) If a student is awarded a pilot project scholarship under 40684
sections 3313.974 to 3313.979 of the Revised Code, the department 40685
shall distribute to the parent of the student, if the student is 40686
attending a registered private school as defined in section 40687
3313.974 of the Revised Code, or the student's school district of 40688
attendance, if the scholarship is to be used for payments to a 40689
public school in a school district adjacent to the pilot project 40690
school district pursuant to section 3327.06 of the Revised Code, a 40691
scholarship from the funds paid to the pilot project scholarship 40692
unit under this section that is equal to the amount calculated for 40693
the student under division (A)(11)(a) of this section. 40694

In the case of a scholarship distributed to a student's 40695
parent, the scholarship shall be distributed in monthly partial 40696
payments. The scholarship amount shall be proportionately reduced 40697
in the case of any such student who is not enrolled in a 40698
registered private school, as that term is defined in section 40699
3313.974 of the Revised Code, for the entire school year. 40700

In the case of a scholarship distributed to a student's 40701
school district of attendance, the department shall, on behalf of 40702
the student's parents, use the scholarship to make the tuition 40703
payments required by section 3327.06 of the Revised Code to the 40704
student's school district of attendance, except that, 40705
notwithstanding sections 3323.13, 3323.14, and 3327.06 of the 40706
Revised Code, the total payments in any school year shall not 40707
exceed the scholarship amount calculated for the student under 40708
division (A)(11)(a) of this section. 40709

(G) The department shall distribute to the parent of each 40710

student for whom an autism scholarship is awarded under section 40711
3310.41 of the Revised Code, from the funds paid to the autism 40712
scholarship unit under this section, a scholarship equal to the 40713
amount calculated for the student under division (A)(12)(a) of 40714
this section. The scholarship shall be distributed from time to 40715
time in partial payments. The scholarship amount shall be 40716
proportionately reduced in the case of any student who is not 40717
enrolled in the special education program for which a scholarship 40718
was awarded under section 3310.41 of the Revised Code for the 40719
entire school year. The department shall make no payments to the 40720
parent of a student while any administrative or judicial mediation 40721
or proceedings with respect to the content of the student's 40722
individualized education program are pending. 40723

(H) The department shall distribute to the parent of each 40724
student for whom a Jon Peterson special needs scholarship is 40725
awarded under sections 3310.51 to 3310.64 of the Revised Code, 40726
from the funds paid to the Jon Peterson special needs scholarship 40727
unit under this section, a scholarship equal to the amount 40728
calculated for the student under division (A)(13)(a) of this 40729
section. The scholarship shall be distributed in periodic 40730
payments, and the department shall proportionately reduce or 40731
terminate the payments for any student who is not enrolled in the 40732
special education program of an alternative public provider or a 40733
registered private provider, as those terms are defined in section 40734
3310.51 of the Revised Code, for the entire school year. 40735

(I) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, a school 40736
district shall spend the funds it receives under division (A)(5) 40737
of this section only for services for English learners. 40738

(J) For fiscal ~~years 2022~~ year 2024 and ~~2023~~ each fiscal year 40739
thereafter, a school district shall spend the funds it receives 40740
under division (A)(6) of this section only for the identification 40741
of gifted students, gifted coordinator services, gifted 40742

intervention specialist services, ~~other service providers approved~~ 40743
~~by the department of education,~~ and gifted professional 40744
development. For fiscal ~~years 2022~~ year 2024 and ~~2023~~ each fiscal 40745
year thereafter, if the department determines that a district is 40746
not in compliance with this division, it shall reduce the 40747
district's payments for that fiscal year under this chapter by an 40748
amount equal to the amount paid to the district for that fiscal 40749
year under division (A)(6) of this section that was not spent in 40750
accordance with this division. The department shall reduce the 40751
payment within one hundred eighty days after the end of that 40752
fiscal year. 40753

Sec. 3317.024. The following shall be distributed monthly, 40754
quarterly, or annually as may be determined by the state board of 40755
education: 40756

(A) An amount for each island school district and each joint 40757
state school district for the operation of each high school and 40758
each elementary school maintained within such district and for 40759
capital improvements for such schools. Such amounts shall be 40760
determined on the basis of standards adopted by the state board of 40761
education. However, for fiscal years 2012 and 2013, an island 40762
district shall receive the lesser of its actual cost of operation, 40763
as certified to the department of education, or ninety-three per 40764
cent of the amount the district received in state operating 40765
funding for fiscal year 2011. If an island district received no 40766
funding for fiscal year 2011, it shall receive no funding for 40767
either of fiscal year 2012 or 2013. 40768

(B) An amount for each school district required to pay 40769
tuition for a child in an institution maintained by the department 40770
of youth services pursuant to section 3317.082 of the Revised 40771
Code, provided the child was not included in the calculation of 40772
the district's formula ADM, as that term is defined in section 40773

3317.02 of the Revised Code, for the preceding school year. 40774

(C)(1) An amount for the approved cost of transporting 40775
eligible pupils with disabilities attending a special education 40776
program approved by the department of education whom it is 40777
impossible or impractical to transport by regular school bus in 40778
the course of regular route transportation provided by the school 40779
district or educational service center. For fiscal years ~~2022~~ 2024 40780
and ~~2023~~ 2025, this amount shall be equal to the actual costs 40781
incurred in the prior fiscal year by the district or service 40782
center when transporting those students, as reported to the 40783
department, multiplied by one of the following: 40784

(a) For a district, the percentage determined for the 40785
district for that fiscal year under divisions (E)(1)(c)(i) and 40786
(ii) of section 3317.0212 of the Revised Code; 40787

(b) For a service center, ~~twenty-nine~~ thirty-seven and 40788
~~one-sixth~~ one-half per cent for fiscal year ~~2022~~ 2024 and 40789
~~thirty-three~~ forty-one and ~~one-third~~ two-thirds per cent for 40790
fiscal year ~~2023~~ 2025. 40791

(2) No district or service center is eligible to receive a 40792
payment under division (C) of this section for the cost of 40793
transporting any pupil whom it transports by regular school bus 40794
and who is included in the district's transportation ADM. 40795

(3) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, both of the 40796
following apply: 40797

(a) The state board shall also establish the deadline for 40798
each district and service center to report its actual costs for 40799
transporting students described in division (C)(1) of this 40800
section. 40801

(b) The costs reported by each district and service center 40802
under division (C) of this section shall be subject to periodic, 40803
random audits by the department. 40804

(D) An amount to each school district, including each cooperative education school district, pursuant to section 3313.81 of the Revised Code to assist in providing free lunches to needy children. The amounts shall be determined on the basis of rules adopted by the state board of education.

(E)(1) An amount for auxiliary services to each school district, for each pupil attending a chartered nonpublic elementary or high school within the district that has not elected to receive funds under division (E)(2) of this section.

(2)(a) An amount for auxiliary services paid directly to each chartered nonpublic school that has elected to receive funds under division (E)(2) of this section for each pupil attending the school. To elect to receive funds under division (E)(2) of this section, a school, by the first day of April of each odd-numbered year, shall notify the department and the school district in which the school is located of the election and shall submit to the department an affidavit certifying that the school shall expend the funds in the manner outlined in section 3317.062 of the Revised Code. The election shall take effect the following first day of July. The school subsequently may rescind its election, but it may do so only in an odd-numbered year by notifying the department and the school district in which the school is located of the rescission not later than the first day of April of that year. Beginning the following first day of July after the rescission, the school shall receive funds under division (E)(1) of this section.

(b) Not later later than ten days after the notification of approval and issuance of a charter to a nonpublic school, that school may elect to receive funds under division (E)(2) of this section. If no election is made, the chartered nonpublic school shall receive funds under division (E)(1) of this section. The school may subsequently change its election in accordance with

division (E)(2)(a) of this section. 40837

(c) A chartered nonpublic school that elects to receive 40838
auxiliary services funds under division (E)(2) of this section may 40839
designate an organization that oversees one or more nonpublic 40840
schools to receive those funds on its behalf. 40841

(i) Each chartered nonpublic school that designates an 40842
organization to receive auxiliary services funds on its behalf 40843
shall notify the department of education of the organization's 40844
name not later than the first day of April of each odd-numbered 40845
year. 40846

(ii) A school may rescind its decision, but may do so only in 40847
each odd-numbered year by notifying the department of that 40848
rescission not later than the first day of April of that year. A 40849
rescission submitted in compliance with this division takes effect 40850
on the following first day of July, and the school district may 40851
elect to then begin receiving auxiliary services funds directly or 40852
as specified under division (E)(1) of this section. 40853

(iii) An organization shall disburse the auxiliary services 40854
funds of all chartered nonpublic schools that have designated the 40855
organization to receive funds on their behalf in accordance with 40856
division ~~(E)(2)(b)~~ (E)(2)(c) of this section. If multiple chartered 40857
nonpublic schools designate the same organization to receive 40858
auxiliary services funds on their behalf, that organization may 40859
use one or more accounts for the purposes of managing the funds. 40860
The organization shall maintain appropriate accounting and 40861
reporting standards and ensure that each chartered nonpublic 40862
school receives the auxiliary services funds to which the school 40863
is entitled. 40864

(iv) Each chartered nonpublic school that elects to receive 40865
funds directly in accordance with division (E)(2) of this section 40866
or the organization designated to receive and disburse auxiliary 40867

services funds on behalf of a chartered nonpublic school shall 40868
maintain records of receipt and expenditures of the funds in a 40869
manner that conforms with generally accepted accounting 40870
principles. 40871

(v) The department of education shall create and disseminate 40872
a standardized reporting form that chartered nonpublic schools and 40873
organizations designated to receive funds in accordance with 40874
division ~~(E)(2)(b)~~(E)(2)(c) of this section may use to comply with 40875
division ~~(E)(2)(b)(iv)~~(E)(2)(c)(iv) of this section. However, the 40876
department shall not require schools to use that form. 40877

(vi) An organization that manages a school's auxiliary 40878
services funds pursuant to a designation made in accordance with 40879
division ~~(E)(2)(b)~~(E)(2)(c) of this section may require the 40880
school's governing authority to pay a fee for that service that 40881
does not exceed four per cent of the total amount of payments for 40882
auxiliary services that the school receives from the state. A 40883
school may pay any fee assessed pursuant to division 40884
~~(E)(2)(b)(vi)~~(E)(2)(c)(vi) of this section using auxiliary 40885
services funds. 40886

~~(e)(d)~~ The amount paid under divisions (E)(1) and (2) of this 40887
section shall equal the total amount appropriated for the 40888
implementation of sections 3317.06 and 3317.062 of the Revised 40889
Code divided by the average daily membership in grades 40890
kindergarten through twelve in chartered nonpublic elementary and 40891
high schools within the state as determined as of the last day of 40892
October of each school year. 40893

(F) An amount for each county board of developmental 40894
disabilities for the approved cost of transportation required for 40895
children attending special education programs operated by the 40896
county board under section 3323.09 of the Revised Code. For fiscal 40897
years ~~2022~~ 2024 and ~~2023~~ 2025, this amount shall be equal to the 40898
actual costs incurred in the prior fiscal year by the county board 40899

when transporting those students multiplied by ~~twenty-nine~~ 40900
~~thirty-seven~~ and ~~one-sixth~~ one-half per cent for fiscal year ~~2022~~ 40901
2024 and ~~thirty-three~~ forty-one and ~~one-third~~ two-thirds per cent 40902
for fiscal year ~~2023~~ 2025. 40903

(G) An amount to each institution defined under section 40904
3317.082 of the Revised Code providing elementary or secondary 40905
education to children other than children receiving special 40906
education under section 3323.091 of the Revised Code. This amount 40907
for any institution in any fiscal year shall equal the total of 40908
all tuition amounts required to be paid to the institution under 40909
division (A)(1) of section 3317.082 of the Revised Code. 40910

The state board of education or any other board of education 40911
or governing board may provide for any resident of a district or 40912
educational service center territory any educational service for 40913
which funds are made available to the board by the United States 40914
under the authority of public law, whether such funds come 40915
directly or indirectly from the United States or any agency or 40916
department thereof or through the state or any agency, department, 40917
or political subdivision thereof. 40918

Sec. 3317.026. This section shall apply only for fiscal years 40919
~~2022~~ 2024 and ~~2023~~ 2025. 40920

(A) For each fiscal year, the department of education shall 40921
calculate an amount for the community and STEM school unit as 40922
follows: 40923

(1) For each community school and STEM school, determine the 40924
sum of the following: 40925

(a) The aggregate base cost calculated for the school for 40926
that fiscal year under section 3317.0110 of the Revised Code; 40927

(b) The sum of the following: 40928

(i) The school's category one special education ADM X the 40929

multiple specified in division (A) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year;

(ii) The school's category two special education ADM X the multiple specified in division (B) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year;

(iii) The school's category three special education ADM X the multiple specified in division (C) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year;

(iv) The school's category four special education ADM X the multiple specified in division (D) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year;

(v) The school's category five special education ADM X the multiple specified in division (E) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year;

(vi) The school's category six special education ADM X the multiple specified in division (F) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year.

(c) If the school is not an internet- or computer-based community school, an amount of disadvantaged pupil impact aid equal to the following:

$\$422 \times$ the school's economically disadvantaged index X the number of students in the school's enrolled ADM who are economically disadvantaged

(d) If the school is not an internet- or computer-based community school, the sum of the following:

(i) The school's category one English learner ADM X the 40961
multiple specified in division (A) of section 3317.016 of the 40962
Revised Code X the statewide average base cost per pupil for that 40963
fiscal year; 40964

(ii) The school's category two English learner ADM X the 40965
multiple specified in division (B) of section 3317.016 of the 40966
Revised Code X the statewide average base cost per pupil for that 40967
fiscal year; 40968

(iii) The school's category three English learner ADM X the 40969
multiple specified in division (C) of section 3317.016 of the 40970
Revised Code X the statewide average base cost per pupil for that 40971
fiscal year. 40972

(e) The sum of the following: 40973

(i) The school's category one career-technical education ADM 40974
X the multiple specified under division (A)(1) of section 3317.014 40975
of the Revised Code X the statewide average career-technical base 40976
cost per pupil for that fiscal year; 40977

(ii) The school's category two career-technical education ADM 40978
X the multiple specified under division (A)(2) of section 3317.014 40979
of the Revised Code X the statewide average career-technical base 40980
cost per pupil for that fiscal year; 40981

(iii) The school's category three career-technical education 40982
ADM X the multiple specified under division (A)(3) of section 40983
3317.014 of the Revised Code X the statewide average 40984
career-technical base cost per pupil for that fiscal year; 40985

(iv) The school's category four career-technical education 40986
ADM X the multiple specified under division (A)(4) of section 40987
3317.014 of the Revised Code X the statewide average 40988
career-technical base cost per pupil for that fiscal year; 40989

(v) The school's category five career-technical education ADM 40990

X the multiple specified under division (A)(5) of section 3317.014 40991
of the Revised Code X the statewide average career-technical base 40992
cost per pupil for that fiscal year. 40993

(f) An amount equal to the following: 40994

The multiple for career-technical associated services specified 40995
under division (B) of section 3317.014 of the Revised Code X the 40996
statewide average career-technical base cost per pupil for that 40997
fiscal year X the sum of the school's categories one through five 40998
career-technical education ADM 40999

(g) If the school is a community school, an amount equal to 41000
the following: 41001

The number of students reported by the community school under 41002
division (B)(5) of section 3314.08 of the Revised Code X (the 41003
aggregate base cost calculated for the school for that fiscal year 41004
under section 3317.0110 of the Revised Code / the school's 41005
enrolled ADM) X 0.20 41006

(2) For each community and STEM school, determine the lesser 41007
of the following: 41008

(a) The following sum: 41009

The school's funding base + {[the sum calculated for the school 41010
under division (A) of this section) - the school's funding base] X 41011
the school's general phase-in percentage for that fiscal year} 41012

(b) The sum of the amounts calculated for the school for that 41013
fiscal year under division (A) of this section. 41014

(3) Compute the sum of the amounts determined under division 41015
(B) of this section to determine the amount calculated for the 41016
community and STEM school unit. 41017

(B) Notwithstanding division (D) of section 3317.022 of the 41018
Revised Code, for each fiscal year, the department shall 41019
distribute to each community school and each STEM school, from the 41020
funds paid to the community and STEM school unit under section 41021

3317.022 of the Revised Code, an amount equal to the amount 41022
determined for that school under division (A)(2) of this section. 41023

Sec. 3317.0212. (A) As used in this section: 41024

(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, "assigned bus" 41025
means a school bus used to transport qualifying riders. 41026

(2) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, "density" means 41027
the total riders per square mile of a school district. 41028

(3) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, "nontraditional 41029
ridership" means the average number of qualifying riders who are 41030
enrolled in a community school established under Chapter 3314. of 41031
the Revised Code, in a STEM school established under Chapter 3326. 41032
of the Revised Code, or in a nonpublic school and are provided 41033
school bus service by a school district during the first full week 41034
of October. 41035

(4) "Qualifying riders" means the following: 41036

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, resident 41037
students enrolled in preschool and regular education in grades 41038
kindergarten to twelve who are provided school bus service by a 41039
school district, including students with dual enrollment in a 41040
joint vocational school district or a cooperative education school 41041
district, and students enrolled in a community school, STEM 41042
school, or nonpublic school; 41043

(b) For fiscal year ~~2024~~ 2026 and each fiscal year 41044
thereafter, students specified by the general assembly. 41045

(5) "Qualifying ridership" means the following: 41046

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the greater of 41047
the average number of qualifying riders counted in the morning or 41048
counted in the afternoon who are provided school bus service by a 41049
school district during the first full week of October; 41050

(b) For fiscal year ~~2024~~ 2026 and each fiscal year 41051
thereafter, a ridership determined in a manner specified by the 41052
general assembly. 41053

(6) "Rider density" means the following: 41054

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the following 41055
quotient: 41056

A school district's total number of qualifying riders/ the number 41057
of square miles in the district 41058

(b) For fiscal year ~~2024~~ 2026 and each fiscal year 41059
thereafter, a number calculated in a manner determined by the 41060
general assembly. 41061

(7) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, "riders" means 41062
students enrolled in regular and special education in grades 41063
kindergarten through twelve who are provided school bus service by 41064
a school district, including students with dual enrollment in a 41065
joint vocational school district or a cooperative education school 41066
district, and students enrolled in a community school, STEM 41067
school, or nonpublic school. 41068

(8) "School bus service" means a school district's 41069
transportation of qualifying riders in any of the following types 41070
of vehicles: 41071

(a) School buses owned or leased by the district; 41072

(b) School buses operated by a private contractor hired by 41073
the district; 41074

(c) School buses operated by another school district or 41075
entity with which the district has contracted, either as part of a 41076
consortium for the provision of transportation or otherwise. 41077

(B) Not later than the first day of November, for fiscal 41078
years ~~2022~~ 2024 and ~~2023~~ 2025, or a date determined by the general 41079
assembly, for fiscal year ~~2024~~ 2026 and each fiscal year 41080

thereafter, of each year, each city, local, and exempted village 41081
school district shall report to the department of education its 41082
qualifying ridership and any other information requested by the 41083
department. Subsequent adjustments to the reported numbers shall 41084
be made only in accordance with rules adopted by the department. 41085

(C) The department shall calculate the statewide 41086
transportation cost per student as follows: 41087

(1) Determine each city, local, and exempted village school 41088
district's transportation cost per student by dividing the 41089
district's total costs for school bus service in the previous 41090
fiscal year by its qualifying ridership in the previous fiscal 41091
year. 41092

(2) After excluding districts that do not provide school bus 41093
service and the ten districts with the highest transportation 41094
costs per student and the ten districts with the lowest 41095
transportation costs per student, divide the aggregate cost for 41096
school bus service for the remaining districts in the previous 41097
fiscal year by the aggregate qualifying ridership of those 41098
districts in the previous fiscal year. 41099

(D) The department shall calculate the statewide 41100
transportation cost per mile as follows: 41101

(1) Determine each city, local, and exempted village school 41102
district's transportation cost per mile by dividing the district's 41103
total costs for school bus service in the previous fiscal year by 41104
its total number of miles driven for school bus service in the 41105
previous fiscal year. 41106

(2) After excluding districts that do not provide school bus 41107
service and the ten districts with the highest transportation 41108
costs per mile and the ten districts with the lowest 41109
transportation costs per mile, divide the aggregate cost for 41110
school bus service for the remaining districts in the previous 41111

fiscal year by the aggregate miles driven for school bus service 41112
in those districts in the previous fiscal year. 41113

(E) The department shall calculate each city, local, and 41114
exempted village school district's transportation base payment as 41115
follows: 41116

(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025: 41117

(a) Calculate the sum of the following: 41118

(i) The product of the statewide transportation cost per 41119
student and the number of students counted in the district's 41120
qualifying ridership for the current fiscal year who are enrolled 41121
in the district; 41122

(ii) 1.5 times the statewide transportation cost per student 41123
times the number of students counted in the district's qualifying 41124
ridership for the current fiscal year who are enrolled in 41125
community schools established under Chapter 3314. of the Revised 41126
Code or STEM schools established under Chapter 3326. of the 41127
Revised Code; 41128

(iii) 2.0 times the statewide transportation cost per student 41129
times the number of students counted in the district's qualifying 41130
ridership for the current fiscal year who are enrolled in 41131
nonpublic schools. 41132

(b) Calculate the sum of the following: 41133

(i) The product of the statewide transportation cost per mile 41134
and the number of miles driven for school bus service as reported 41135
for qualifying riders for the current fiscal year who are enrolled 41136
in the district; 41137

(ii) 1.5 times the statewide transportation cost per mile 41138
times the number of miles driven for school bus service as 41139
reported for qualifying riders for the current fiscal year who are 41140
enrolled in community schools or STEM schools; 41141

(iii) 2.0 times the statewide transportation cost per mile 41142
times the number of miles driven for school bus service as 41143
reported for qualifying riders for the current fiscal year who are 41144
enrolled in nonpublic schools. 41145

(c) Multiply the greater of the amounts calculated under 41146
divisions (E)(1)(a) and (b) of this section by the following: 41147

(i) For fiscal year ~~2022~~ 2024, the greater of ~~twenty-nine~~ 41148
~~thirty-seven~~ and ~~one-sixth~~ one-half per cent or the district's 41149
state share percentage, as defined in section 3317.02 of the 41150
Revised Code; 41151

(ii) For fiscal year ~~2023~~ 2025, the greater of ~~thirty-three~~ 41152
~~forty-one~~ and ~~one-third~~ two-thirds per cent or the district's 41153
state share percentage. 41154

(2) For fiscal year ~~2024~~ 2026 and each fiscal year 41155
thereafter, an amount determined by the general assembly. 41156

(F) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the department 41157
shall pay a district's efficiency adjustment payment in accordance 41158
with divisions (F)(1) to (3) of this section. For fiscal year ~~2024~~ 41159
2026 and each fiscal year thereafter, the department shall pay a 41160
district's efficiency adjustment payment in a manner determined by 41161
the general assembly, if the general assembly authorizes such a 41162
payment to districts. 41163

(1) The department annually shall establish a target number 41164
of qualifying riders per assigned bus for each city, local, and 41165
exempted village school district. The department shall use the 41166
most recently available data in establishing the target number. 41167
The target number shall be based on the statewide median number of 41168
riders per assigned bus as adjusted to reflect the district's 41169
density in comparison to the density of all other districts. The 41170
department shall post on the department's web site each district's 41171
target number of riders per assigned bus and a description of how 41172

the target number was determined. 41173

(2) The department shall determine each school district's 41174
efficiency index by dividing the district's number of riders per 41175
assigned bus by its target number of riders per assigned bus. 41176

(3) The department shall determine each city, local, and 41177
exempted village school district's efficiency adjustment payment 41178
as follows: 41179

(a) If the district's efficiency index is equal to or greater 41180
than 1.5, the efficiency adjustment payment shall be calculated 41181
according to the following formula: 41182
0.15 X the district's transportation base payment calculated under 41183
division (E) of this section 41184

(b) If the district's efficiency index is less than 1.5 but 41185
greater than or equal to 1.0, the efficiency adjustment payment 41186
shall be calculated according to the following formula: 41187
{[(The district's efficiency index - 1) X 0.15]/0.5} X the 41188
district's transportation base payment calculated under division 41189
(E) of this section 41190

(c) If the district's efficiency index is less than 1.0, the 41191
efficiency adjustment payment shall be zero. 41192

(G) In addition to funds paid under divisions (E), (F), and 41193
(H) of this section, each city, local, and exempted village 41194
district shall receive in accordance with rules adopted by the 41195
state board of education a payment for students transported by 41196
means other than school bus service and whose transportation is 41197
not funded under division (C) of section 3317.024 of the Revised 41198
Code. The rules shall include provisions for school district 41199
reporting of such students. 41200

(H)(1) For purposes of division (H) of this section, a school 41201
district's "transportation supplement percentage" means the 41202
following: 41203

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the following quotient: 41204
41205

(28 - the district's rider density) / 100 41206

If the result of the calculation for a district under 41207
division (H)(1)(a) of this section is less than zero, the 41208
district's transportation supplement percentage shall be zero. 41209

(b) For fiscal year ~~2024~~ 2026 and each fiscal year 41210
thereafter, a percentage calculated in a manner determined by the 41211
general assembly. 41212

(2) The department shall pay each district a transportation 41213
supplement calculated according to the following formula: 41214

The district's transportation supplement percentage X the amount 41215
calculated for the district under division (E)(1)(b) of this 41216
section X 0.55 41217

(I)(1) If a school district board and a community school 41218
governing authority elect to enter into an agreement under 41219
division (A) of section 3314.091 of the Revised Code, the 41220
department shall make payments to the community school according 41221
to the terms of the agreement for each student actually 41222
transported under division (C)(1) of that section. If a community 41223
school governing authority accepts transportation responsibility 41224
under division (B) of that section, the department shall make 41225
payments to the community school for each student actually 41226
transported or for whom transportation is arranged by the 41227
community school under division (C)(1) of that section, calculated 41228
as follows: 41229

(a) For any fiscal year which the general assembly has 41230
specified that transportation payments to school districts be 41231
based on an across-the-board percentage of the district's payment 41232
for the previous school year, the per pupil payment to the 41233
community school shall be the following quotient: 41234

(i) The total amount calculated for the school district in which the child is entitled to attend school for student transportation other than transportation of children with disabilities; divided by

(ii) The number of students included in the district's transportation ADM for the current fiscal year, as calculated under section 3317.03 of the Revised Code, plus the number of students enrolled in the community school not counted in the district's transportation ADM who are transported under division (B)(1) or (2) of section 3314.091 of the Revised Code.

(b) For any fiscal year which the general assembly has specified that the transportation payments to school districts be calculated in accordance with this section and any rules of the state board of education implementing this section, the payment to the community school shall be the following:

(i) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, either of the following:

(I) If the school district in which the student is entitled to attend school would have used a method of transportation for the student for which payments are computed and paid under division (E) of this section, 1.0 times the statewide transportation cost per student, as calculated in division (C) of this section;

(II) If the school district in which the student is entitled to attend school would have used a method of transportation for the student for which payments are computed and paid in a manner described in division (G) of this section, the amount that would otherwise be computed for and paid to the district.

(ii) For fiscal year ~~2024~~ 2026 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.

The community school, however, is not required to use the same method to transport the student.

As used in this division, "entitled to attend school" means entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

(2) A community school shall be paid under division (I)(2) of this section only for students who are eligible as specified in section 3327.01 of the Revised Code and division (C)(1) of section 3314.091 of the Revised Code, and whose transportation to and from school is actually provided, who actually utilized transportation arranged, or for whom a payment in lieu of transportation is made by the community school's governing authority. To qualify for the payments, the community school shall report to the department, in the form and manner required by the department, data on the number of students transported or whose transportation is arranged, the number of miles traveled, cost to transport, and any other information requested by the department.

Sec. 3317.0213. (A) The department of education shall compute and pay in accordance with this section additional state aid for preschool children with disabilities to each city, local, and exempted village school district and to each institution, as defined in section 3323.091 of the Revised Code. Funding shall be provided for children who are not enrolled in kindergarten and who are under age six on the thirtieth day of September of the academic year, or on the first day of August of the academic year if the school district in which the child is enrolled has adopted a resolution under division (A)(3) of section 3321.01 of the Revised Code, but not less than age three on the first day of December of the academic year.

For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the additional state aid shall be calculated under the following formula:

($\$4,000 \times$ the number of students who are preschool children with disabilities) + the sum of the following: 41297
41298

(1) The district's or institution's category one special education students who are preschool children with disabilities \times the multiple specified in division (A) of section 3317.013 of the Revised Code \times the statewide average base cost per pupil for that fiscal year \times the district's state share percentage \times 0.50; 41299
41300
41301
41302
41303

(2) The district's or institution's category two special education students who are preschool children with disabilities \times the multiple specified in division (B) of section 3317.013 of the Revised Code \times the statewide average base cost per pupil for that fiscal year \times the district's state share percentage \times 0.50; 41304
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41306
41307
41308

(3) The district's or institution's category three special education students who are preschool children with disabilities \times the multiple specified in division (C) of section 3317.013 of the Revised Code \times the statewide average base cost per pupil for that fiscal year \times the district's state share percentage \times 0.50; 41309
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41311
41312
41313

(4) The district's or institution's category four special education students who are preschool children with disabilities \times the multiple specified in division (D) of section 3317.013 of the Revised Code \times the statewide average base cost per pupil for that fiscal year \times the district's state share percentage \times 0.50; 41314
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(5) The district's or institution's category five special education students who are preschool children with disabilities \times the multiple specified in division (E) of section 3317.013 of the Revised Code \times the statewide average base cost per pupil for that fiscal year \times the district's state share percentage \times 0.50; 41319
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(6) The district's or institution's category six special education students who are preschool children with disabilities \times the multiple specified in division (F) of section 3317.013 of the Revised Code \times the statewide average base cost per pupil for that 41324
41325
41326
41327

fiscal year X the district's state share percentage X 0.50. 41328

For fiscal year ~~2024~~ 2026 and each fiscal year thereafter, 41329
the additional state aid shall be calculated for each category of 41330
special education students who are preschool children with 41331
disabilities using a formula specified by the general assembly. 41332

The special education disability categories for preschool 41333
children used in this section are the same categories prescribed 41334
in section 3317.013 of the Revised Code. 41335

As used in division (A) of this section, the state share 41336
percentage of a student enrolled in an institution is the state 41337
share percentage of the school district in which the student is 41338
entitled to attend school under section 3313.64 or 3313.65 of the 41339
Revised Code. 41340

(B) If an educational service center is providing services to 41341
students who are preschool children with disabilities under 41342
agreement with the city, local, or exempted village school 41343
district in which the students are entitled to attend school, that 41344
district may authorize the department to transfer funds computed 41345
under this section to the service center providing those services. 41346

(C) If a county DD board is providing services to students 41347
who are preschool children with disabilities under agreement with 41348
the city, local, or exempted village school district in which the 41349
students are entitled to attend school, the department shall 41350
deduct from the district's payment computed under division (A) of 41351
this section the total amount of those funds that are attributable 41352
to the students served by the county DD board and pay that amount 41353
to that board. 41354

Sec. 3317.0215. (A)(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 41355
2025, the department of education shall withhold from the 41356
aggregate amount paid for a fiscal year to each city, local, 41357

exempted village, and joint vocational school district, community 41358
school established under Chapter 3314. of the Revised Code, and 41359
science, technology, engineering, and mathematics school 41360
established under Chapter 3326. of the Revised Code an amount 41361
equal to the following: 41362

(a) In the case of a city, local, or exempted village school 41363
district, the aggregate amount of special education funding paid 41364
to the district under division (A)(3) of section 3317.022 of the 41365
Revised Code times 0.10, subject to any funding limitations 41366
enacted by the general assembly to the computation. 41367

(b) In the case of a community school or STEM school, the 41368
aggregate amount of special education funding paid to the school 41369
under division (A)(1)(b) of section 3317.026 of the Revised Code 41370
times 0.10, subject to any funding limitations enacted by the 41371
general assembly to the computation. 41372

(c) In the case of a joint vocational school district, the 41373
aggregate amount of special education funding paid to the school 41374
under division (A)(2) of section 3317.16 of the Revised Code times 41375
0.10, subject to any funding limitations enacted by the general 41376
assembly to the computation. 41377

(2) For fiscal year ~~2024~~ 2026 and each fiscal year 41378
thereafter, the department of education shall withhold from the 41379
aggregate amount paid for a fiscal year to each city, local, 41380
exempted village, and joint vocational school district, community 41381
school, and science, technology, engineering, and mathematics 41382
school an amount determined by the general assembly, if any, for 41383
purposes of this section. 41384

(B) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the department 41385
shall use the amount of funds withheld under division (A) of this 41386
section for purposes of division (C)(1) of section 3314.08 of the 41387
Revised Code, section 3317.0214 of the Revised Code, division (B) 41388

of section 3317.16 of the Revised Code, and section 3326.34 of the Revised Code.

For fiscal year ~~2024~~ 2026 and each fiscal year thereafter, the department shall use the amount of funds withheld under division (A) of this section, if any, for purposes determined by the general assembly.

Sec. 3317.0217. This section shall apply only for fiscal years ~~2022~~ 2024 and ~~2023~~ 2025.

Payment of the amount calculated for a school district under this section shall be made under division (A) of section 3317.022 of the Revised Code.

(A) For each fiscal year, the department of education shall compute targeted assistance funds for city, local, and exempted village school districts, in accordance with the following formula:

A district's capacity amount for that fiscal year calculated under division (B) of this section + a district's wealth amount for that fiscal year calculated under division (C) of this section

(B) The department shall calculate each district's capacity amount for a fiscal year as follows:

(1) Calculate each district's weighted wealth for that fiscal year, which equals the following sum:

(The amount determined for the district for that fiscal year under division (A)(1)(a) of section 3317.017 of the Revised Code X 0.6)

+ (the amount determined for the district for that fiscal year under division (A)(2)(a) of section 3317.017 of the Revised Code X 0.4)

(2) Determine the median weighted wealth of all school districts in this state for that fiscal year;

(3) Compute each district's capacity index for that fiscal

year by dividing the median weighted wealth of all school districts in this state for that fiscal year by the district's weighted wealth for that fiscal year; 41419
41420
41421

(4) Compute each district's capacity amount for that fiscal year as follows: 41422
41423

(a) The district's capacity amount shall be zero if the district satisfies either of the following criteria for that fiscal year: 41424
41425
41426

(i) The district's capacity index is less than 1. 41427

(ii) The district's enrolled ADM is less than 200. 41428

(b) If the district does not satisfy either of the criteria specified in division (B)(4)(a) of this section for that fiscal year, the district's capacity amount for that fiscal year shall be calculated as follows: 41429
41430
41431
41432

(i) Compute the following amount for the district: 41433
(The median weighted wealth of all school districts in this state for that fiscal year X 0.008) - (the district's weighted wealth for that fiscal year X 0.008) 41434
41435
41436

(ii) If the district's enrolled ADM for that fiscal year is greater than or equal to 200 but less than or equal to 400, the district's capacity amount for that fiscal year shall be equal to 0.05 X the amount computed under division (B)(4)(b)(i) of this section. 41437
41438
41439
41440
41441

(iii) If the district's enrolled ADM for that fiscal year is greater than 400 and less than 600, the district's capacity amount for that fiscal year shall be calculated in accordance with the following formula: 41442
41443
41444
41445

{[0.95 X (the district's enrolled ADM for that fiscal year - 400)/200] + 0.05} X the amount computed under division (B)(4)(b)(i) of this section 41446
41447
41448

(iv) If the district's enrolled ADM for that fiscal year is greater than or equal to 600, the district's capacity amount for that fiscal year shall be equal to the amount computed under division (B)(4)(b)(i) of this section.

(C) The department shall calculate each district's wealth amount for a fiscal year as follows:

(1) Calculate each district's weighted wealth per pupil for that fiscal year, which equals the following quotient:

The district's weighted wealth for that fiscal year calculated under division (B)(1) of this section/ (the district's enrolled ADM for that fiscal year - the students described in division (A)(1)(b) of section 3317.03 of the Revised Code + the students described in division (A)(2)(d) of section 3317.03 of the Revised Code)

(2) Determine the median weighted wealth per pupil of all school districts in this state for that fiscal year;

(3) Compute each district's wealth index for that fiscal year by dividing the median weighted wealth per pupil of all school districts in this state for that fiscal year by the district's weighted wealth per pupil for that fiscal year;

(4) Compute each district's wealth amount for that fiscal year, as follows:

(a) If the district's wealth index computed under division (C)(3) of this section for that fiscal year is less than 0.8, the district's wealth amount for that fiscal year shall be zero.

(b) If the district's wealth index computed under division (C)(3) of this section for that fiscal year is greater than or equal to 0.8, the district's wealth amount for that fiscal year shall be calculated in accordance with the following formula:

[(The median weighted wealth per pupil of all school districts in

this state for that fiscal year X 0.014) - (the district's 41479
weighted wealth per pupil for that fiscal year X 0.0112)] X the 41480
district's enrolled ADM for that fiscal year 41481

Sec. 3317.0218. This section shall apply only for fiscal 41482
years ~~2022~~ 2024 and ~~2023~~ 2025. 41483

For each fiscal year, the department of education shall 41484
compute supplemental targeted assistance for each city, local, and 41485
exempted village school district as follows: 41486

(A) Determine if the district satisfies both of the following 41487
criteria: 41488

(1) The wealth index calculated for the district for fiscal 41489
year 2019 under division (A)(4) of former section 3317.0217 of the 41490
Revised Code as it existed prior to ~~the effective date of this~~ 41491
~~section~~ September 30, 2021, is greater than 1.6; 41492

(2) The district's enrolled ADM for fiscal year 2019 is less 41493
than eighty-eight per cent of the district's total ADM for fiscal 41494
year 2019. 41495

(B) Determine the maximum of the wealth indices calculated 41496
under division (A)(4) of former section 3317.0217 of the Revised 41497
Code as it existed prior to ~~the effective date of this section~~ 41498
September 30, 2021, for all districts that satisfy both of the 41499
criteria specified under division (A) of this section; 41500

(C) If the district satisfies both of the criteria specified 41501
under division (A) of this section, compute the district's 41502
supplemental amount as the product of the following: 41503

(1) $\{[(\text{The number specified under division (A)(1) of this}$ 41504
 $\text{section} - 1.6) / (\text{the number determined under division (B) of this}$ 41505
 $\text{section} - 1.6)] \times 675\} + 75;$ 41506

(2) The district's enrolled ADM. 41507

(D) If the district does not satisfy both of the criteria 41508

specified under division (A) of this section, the district's 41509
supplemental amount shall be equal to zero. 41510

Sec. 3317.051. (A) The department of education shall compute 41511
and pay to a school district funds based on units for services to 41512
students identified as gifted under Chapter 3324. of the Revised 41513
Code as prescribed by this section. 41514

(B) The department shall allocate gifted units for a school 41515
district as follows: 41516

(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025: 41517

(a) One gifted coordinator unit shall be allocated for every 41518
3,300 students in a district's enrolled ADM, with a minimum of 0.5 41519
units and a maximum of 8 units allocated for the district. 41520

(b) One kindergarten through eighth grade gifted intervention 41521
specialist unit shall be allocated for every 140 gifted students 41522
enrolled in grades kindergarten through eight in the district, as 41523
certified under division (B)(22) of section 3317.03 of the Revised 41524
Code, with a minimum of 0.3 units allocated for the district. 41525

(c) One ninth through twelfth grade gifted intervention 41526
specialist unit shall be allocated for every 140 gifted students 41527
enrolled in grades nine through twelve in the district, as 41528
certified under division (B)(22) of section 3317.03 of the Revised 41529
Code, with a minimum of 0.3 units allocated for the district. 41530

(2) For fiscal year ~~2024~~ 2026 and each fiscal year 41531
thereafter, in the manner prescribed by the general assembly. 41532

(C) The department shall pay an amount to a school district 41533
for gifted units as follows: 41534

(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, an amount equal 41535
to the following sum: 41536

(\$85,776 X the number of units allocated to a school district 41537

under division (B)(1)(a) of this section X the district's state 41538
share percentage) + (\$89,378 X the number of units allocated to a 41539
school district under division (B)(1)(b) of this section X the 41540
district's state share percentage) + (\$80,974 X the number of 41541
units allocated to a school district under division (B)(1)(c) of 41542
this section X the district's state share percentage) 41543

(2) For fiscal year ~~2024~~ 2026 and each fiscal year 41544
thereafter, an amount calculated in a manner determined by the 41545
general assembly. 41546

(D) A school district may assign gifted unit funding that it 41547
receives under division (C) of this section to another school 41548
district, an educational service center, a community school, or a 41549
STEM school as part of an arrangement to provide services to the 41550
district. 41551

Sec. 3317.11. (A) As used in this section: 41552

(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, "base amount" 41553
is equal to \$356,250. 41554

(2) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, "funding base" 41555
means an amount calculated by the department of education that is 41556
equal to the amount an educational service center would have 41557
received under Section 265.360 of H.B. 166 of the 133rd general 41558
assembly for fiscal year 2020 using the student counts of the 41559
school districts with which the service center has service 41560
agreements for the fiscal year for which payments under this 41561
section are being made. 41562

(3) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, "general 41563
phase-in percentage" for an educational service center means the 41564
"general phase-in percentage" for school districts as defined in 41565
section 3317.02 of the Revised Code. 41566

(4) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, "student count" 41567

means the count calculated under division (G)(1) of section 41568
3313.843 of the Revised Code. 41569

(B)(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the 41570
department of education shall pay the governing board of each 41571
educational service center an amount equal to the following: 41572

The educational service center's funding base + [(the amount 41573
calculated for the educational service center for that fiscal year 41574
under division (C) of this section - the educational service 41575
center's funding base) X the educational service center's general 41576
phase-in percentage for that fiscal year] 41577

(2) For fiscal year ~~2024~~ 2026 and each fiscal year 41578
thereafter, the department shall pay the governing board of each 41579
educational service center an amount calculated in a manner 41580
determined by the general assembly. 41581

(C) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the department 41582
shall calculate an amount for each educational service center as 41583
follows: 41584

(1) If the educational service center has a student count of 41585
5,000 students or less, the base amount. 41586

(2) If the educational service center has a student count 41587
greater than 5,000 students but less than or equal to 35,000 41588
students, the following sum: 41589

The base amount + [(the educational service center's student count 41590
- 5,000) X \$24.72] 41591

(3) If the educational service center has a student count 41592
greater than 35,000 students, the following sum: 41593

The base amount + (30,000 X \$24.72) + [(the educational service 41594
center's student count - 35,000) X \$30.90] 41595

Sec. 3317.13. (A) As used in this section and section 3317.14 41596
of the Revised Code: 41597

(1) "Years of service" includes the following: 41598

(a) All years of teaching service in the same school district 41599
or educational service center, regardless of training level, with 41600
each year consisting of at least one hundred twenty days under a 41601
teacher's contract; 41602

(b) All years of teaching service in a chartered, nonpublic 41603
school located in Ohio as a teacher licensed pursuant to section 41604
3319.22 of the Revised Code or in another public school, 41605
regardless of training level, with each year consisting of at 41606
least one hundred twenty days under a teacher's contract; 41607

(c) All years of teaching service in a chartered school or 41608
institution or a school or institution that subsequently became 41609
chartered or a chartered special education program or a special 41610
education program that subsequently became chartered operated by 41611
the state or by a subdivision or other local governmental unit of 41612
this state as a teacher licensed pursuant to section 3319.22 of 41613
the Revised Code, regardless of training level, with each year 41614
consisting of at least one hundred twenty days; and 41615

(d) All years of active military service in the armed forces 41616
of the United States, as defined in section 3307.75 of the Revised 41617
Code, to a maximum of five years. For purposes of this 41618
calculation, a partial year of active military service of eight 41619
continuous months or more in the armed forces shall be counted as 41620
a full year. 41621

(2) "Teacher" means all teachers employed by the board of 41622
education of any school district, including any cooperative 41623
education or joint vocational school district and all teachers 41624
employed by any educational service center governing board. 41625

(B) No teacher shall be paid a salary less than that provided 41626
in the schedule set forth in division (C) of this section. In 41627
calculating the minimum salary any teacher shall be paid pursuant 41628

to this section, years of service shall include the sum of all 41629
years of the teacher's teaching service included in divisions 41630
(A)(1)(a), (b), (c), and (d) of this section; except that any 41631
school district or educational service center employing a teacher 41632
new to the district or educational service center shall grant such 41633
teacher a total of not more than ten years of service pursuant to 41634
divisions (A)(1)(b), (c), and (d) of this section. 41635

Upon written complaint to the superintendent of public 41636
instruction that the board of education of a district or the 41637
governing board of an educational service center governing board 41638
has failed or refused to annually adopt a salary schedule or to 41639
pay salaries in accordance with the salary schedule set forth in 41640
division (C) of this section, the superintendent of public 41641
instruction shall cause to be made an immediate investigation of 41642
such complaint. If the superintendent finds that the conditions 41643
complained of exist, the superintendent shall order the board to 41644
correct such conditions within ten days from the date of the 41645
finding. No moneys shall be distributed to the district or 41646
educational service center under this chapter until the 41647
superintendent has satisfactory evidence of the board of 41648
education's full compliance with such order. 41649

Each teacher shall be fully credited with placement in the 41650
appropriate academic training level column in the district's or 41651
educational service center's salary schedule with years of service 41652
properly credited pursuant to this section or section 3317.14 of 41653
the Revised Code. No rule shall be adopted or exercised by any 41654
board of education or educational service center governing board 41655
which restricts the placement or the crediting of annual salary 41656
increments for any teacher according to the appropriate academic 41657
training level column. 41658

(C) Minimum salaries exclusive of retirement and sick leave 41659
for teachers shall be as follows: 41660

	Teachers with Less than Bachelor's Degree		Teachers with a Bachelor's Degree		Teachers with Five Years of Training, but no Master's Degree		Teachers with a Master's Degree or Higher		
Years of Service	Per Cent*	Dollar Amount	Per Cent*	Dollar Amount	Per Cent*	Dollar Amount	Per Cent*	Dollar Amount	
0	86.5	25,950 <u>34,600</u>	100.0	30,000 <u>40,000</u>	103.8	31,140 <u>41,520</u>	109.5	32,850 <u>43,800</u>	41661 41662 41663 41664 41665
1	90.0	27,000 <u>36,000</u>	103.8	31,140 <u>41,520</u>	108.1	32,430 <u>43,240</u>	114.3	34,290 <u>45,720</u>	41666 41667
2	93.5	28,050 <u>37,400</u>	107.6	32,280 <u>43,040</u>	112.4	33,720 <u>44,960</u>	119.1	35,730 <u>47,640</u>	41668
3	97.0	29,100 <u>38,800</u>	111.4	33,420 <u>44,560</u>	116.7	35,010 <u>46,680</u>	123.9	37,170 <u>49,560</u>	
4	100.5	30,150 <u>40,200</u>	115.2	34,560 <u>46,080</u>	121.0	36,300 <u>48,400</u>	128.7	38,610 <u>51,480</u>	
5	104.0	31,200 <u>41,600</u>	119.0	35,700 <u>47,600</u>	125.3	37,590 <u>50,120</u>	133.5	40,050 <u>53,400</u>	
6	104.0	31,200 <u>41,600</u>	122.8	36,840 <u>49,120</u>	129.6	38,880 <u>51,840</u>	138.3	41,490 <u>55,320</u>	
7	104.0	31,200 <u>41,600</u>	126.6	37,980 <u>50,640</u>	133.9	40,170 <u>53,560</u>	143.1	42,930 <u>57,240</u>	
8	104.0	31,200 <u>41,600</u>	130.4	39,120 <u>52,160</u>	138.2	41,460 <u>55,280</u>	147.9	44,370 <u>59,160</u>	
9	104.0	31,200 <u>41,600</u>	134.2	40,260 <u>53,680</u>	142.5	42,750 <u>57,000</u>	152.7	45,810 <u>61,080</u>	
10	104.0	31,200 <u>41,600</u>	138.0	41,400 <u>55,200</u>	146.8	44,040 <u>58,720</u>	157.5	47,250 <u>63,000</u>	
11	104.0	31,200 <u>41,600</u>	141.8	42,540 <u>56,720</u>	151.1	45,330 <u>60,440</u>	162.3	48,690 <u>64,920</u>	

* Percentages represent the percentage which each salary is 41680

of the base amount. 41681

For purposes of determining the minimum salary at any level 41682
of training and service, the base of one hundred per cent shall be 41683
the base amount. The percentages used in this section show the 41684
relationships between the minimum salaries required by this 41685
section and the base amount and shall not be construed as 41686
requiring any school district or educational service center to 41687
adopt a schedule containing salaries in excess of the amounts set 41688
forth in this section for corresponding levels of training and 41689
experience. 41690

As used in this division: 41691

(1) "Base amount" means ~~thirty~~ forty thousand dollars. 41692

(2) "Five years of training" means at least one hundred fifty 41693
semester hours, or the equivalent, and a bachelor's degree from a 41694
recognized college or university. 41695

(D) For purposes of this section, all credited training shall 41696
be from a recognized college or university. 41697

Sec. 3317.16. The department of education shall compute and 41698
distribute state core foundation funding to each funding unit that 41699
is a joint vocational school district for the fiscal year as 41700
follows: 41701

For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025: 41702

The district's funding base + [(the district's state core 41703
foundation funding components for that fiscal year calculated 41704
under divisions (A)(1), (2), (4), (5), and (6) of this section - 41705
the district's general funding base) X the district's general 41706
phase-in percentage for that fiscal year] + [(the district's 41707
disadvantaged pupil impact aid for that fiscal year calculated 41708
under division (A)(3) of this section - the district's 41709
disadvantaged pupil impact aid funding base) X the district's 41710

phase-in percentage for disadvantaged pupil impact aid for that 41711
fiscal year] 41712

For fiscal year ~~2024~~ 2026 and each fiscal year thereafter, 41713
the sum of the district's state core foundation funding components 41714
for that fiscal year calculated under divisions (A)(1), (2), (3), 41715
(4), (5), and (6) of this section. 41716

(A) A district's state core foundation funding components 41717
shall be all of the following: 41718

(1) The district's state share of the base cost, which is 41719
equal to the following: 41720

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, an amount 41721
calculated according to the following formula: 41722

(The district's base cost calculated under section 3317.012 of the 41723
Revised Code) - (0.0005 X the lesser of the district's three-year 41724
average valuation or the district's most recent valuation) 41725

However, no district shall receive an amount under division 41726
(A)(1) of this section that is less than 0.05 times the base cost 41727
calculated for the district under section 3317.012 of the Revised 41728
Code. 41729

(b) For fiscal year ~~2024~~ 2026 and each fiscal year 41730
thereafter, an amount calculated in a manner determined by the 41731
general assembly. 41732

(2) Additional state aid for special education and related 41733
services provided under Chapter 3323. of the Revised Code 41734
calculated as follows: 41735

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the sum of the 41736
following: 41737

(i) The district's category one special education ADM X the 41738
multiple specified in division (A) of section 3317.013 of the 41739
Revised Code X the statewide average base cost per pupil for that 41740

fiscal year X the district's state share percentage; 41741

(ii) The district's category two special education ADM X the 41742
multiple specified in division (B) of section 3317.013 of the 41743
Revised Code X the statewide average base cost per pupil for that 41744
fiscal year X the district's state share percentage; 41745

(iii) The district's category three special education ADM X 41746
the multiple specified in division (C) of section 3317.013 of the 41747
Revised Code X the statewide average base cost per pupil for that 41748
fiscal year X the district's state share percentage; 41749

(iv) The district's category four special education ADM X the 41750
multiple specified in division (D) of section 3317.013 of the 41751
Revised Code X the statewide average base cost per pupil for that 41752
fiscal year X the district's state share percentage; 41753

(v) The district's category five special education ADM X the 41754
multiple specified in division (E) of section 3317.013 of the 41755
Revised Code X the statewide average base cost per pupil for that 41756
fiscal year X the district's state share percentage; 41757

(vi) The district's category six special education ADM X the 41758
multiple specified in division (F) of section 3317.013 of the 41759
Revised Code X the statewide average base cost per pupil for that 41760
fiscal year X the district's state share percentage. 41761

(b) For fiscal year ~~2024~~ 2026 and each fiscal year 41762
thereafter, the sum of the following: 41763

(i) An amount calculated in a manner determined by the 41764
general assembly times the funding unit's category one special 41765
education ADM; 41766

(ii) An amount calculated in a manner determined by the 41767
general assembly times the funding unit's category two special 41768
education ADM; 41769

(iii) An amount calculated in a manner determined by the 41770

general assembly times the funding unit's category three special education ADM;	41771 41772
(iv) An amount calculated in a manner determined by the general assembly times the funding unit's category four special education ADM;	41773 41774 41775
(v) An amount calculated in a manner determined by the general assembly times the funding unit's category five special education ADM;	41776 41777 41778
(vi) An amount calculated in a manner determined by the general assembly times the funding unit's category six special education ADM.	41779 41780 41781
(3) Disadvantaged pupil impact aid calculated as follows:	41782
(a) For fiscal years 2022 <u>2024</u> and 2023 <u>2025</u> , an amount calculated according to the following formula:	41783 41784
\$422 X the district's economically disadvantaged index X the number of students who are economically disadvantaged as certified under division (D)(2)(p) of section 3317.03 of the Revised Code	41785 41786 41787
(b) For fiscal year 2024 <u>2026</u> and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.	41788 41789 41790
(4) English learner funds calculated as follows:	41791
(a) For fiscal years 2022 <u>2024</u> and 2023 <u>2025</u> , the sum of the following:	41792 41793
(i) The district's category one English learner ADM X the multiple specified in division (A) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage;	41794 41795 41796 41797
(ii) The district's category two English learner ADM X the multiple specified in division (B) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that	41798 41799 41800

fiscal year X the district's state share percentage; 41801

(iii) The district's category three English learner ADM X the 41802
multiple specified in division (C) of section 3317.016 of the 41803
Revised Code X the statewide average base cost per pupil for that 41804
fiscal year X the district's state share percentage. 41805

(b) For fiscal year ~~2024~~ 2026 and each fiscal year 41806
thereafter, the sum of the following: 41807

(i) An amount calculated in a manner determined by the 41808
general assembly times the funding unit's category one English 41809
learner ADM; 41810

(ii) An amount calculated in a manner determined by the 41811
general assembly times the funding unit's category two English 41812
learner ADM; 41813

(iii) An amount calculated in a manner determined by the 41814
general assembly times the funding unit's category three English 41815
learner ADM. 41816

(5) Career-technical education funds calculated under 41817
division (C) of section 3317.014 of the Revised Code. 41818

(6) Career-technical education associated services funds 41819
calculated under division (D) of section 3317.014 of the Revised 41820
Code. 41821

(B)(1) If a joint vocational school district's costs for a 41822
fiscal year for a student in its categories two through six 41823
special education ADM exceed the threshold catastrophic cost for 41824
serving the student, as specified in division (B) of section 41825
3317.0214 of the Revised Code, the district may submit to the 41826
superintendent of public instruction documentation, as prescribed 41827
by the superintendent, of all of its costs for that student. Upon 41828
submission of documentation for a student of the type and in the 41829
manner prescribed, the department shall pay to the district an 41830

amount equal to the sum of the following: 41831

(a) One-half of the district's costs for the student in 41832
excess of the threshold catastrophic cost; 41833

(b) The product of one-half of the district's costs for the 41834
student in excess of the threshold catastrophic cost multiplied by 41835
the district's state share percentage. 41836

(2) The district shall report under division (B)(1) of this 41837
section, and the department shall pay for, only the costs of 41838
educational expenses and the related services provided to the 41839
student in accordance with the student's individualized education 41840
program. Any legal fees, court costs, or other costs associated 41841
with any cause of action relating to the student may not be 41842
included in the amount. 41843

(C)(1) For each student with a disability receiving special 41844
education and related services under an individualized education 41845
program, as defined in section 3323.01 of the Revised Code, at a 41846
joint vocational school district, the resident district or, if the 41847
student is enrolled in a community school, the community school 41848
shall be responsible for the amount of any costs of providing 41849
those special education and related services to that student that 41850
exceed the sum of the amount calculated for those services 41851
attributable to that student under division (A) of this section. 41852

Those excess costs shall be calculated using a formula 41853
approved by the department. 41854

(2) The board of education of the joint vocational school 41855
district may report the excess costs calculated under division 41856
(C)(1) of this section to the department of education. 41857

(3) If the board of education of the joint vocational school 41858
district reports excess costs under division (C)(2) of this 41859
section, the department shall pay the amount of excess cost 41860
calculated under division (C)(2) of this section to the joint 41861

vocational school district and shall deduct that amount as 41862
provided in division (C)(3)(a) or (b) of this section, as 41863
applicable: 41864

(a) If the student is not enrolled in a community school, the 41865
department shall deduct the amount from the account of the 41866
student's resident district pursuant to division (J) of section 41867
3317.023 of the Revised Code. 41868

(b) If the student is enrolled in a community school, the 41869
department shall deduct the amount from the account of the 41870
community school pursuant to section 3314.083 of the Revised Code. 41871

(D) A joint vocational school district shall spend the funds 41872
it receives under division (A)(3) of this section in accordance 41873
with section 3317.25 of the Revised Code. 41874

(E) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, a school 41875
district shall spend the funds it receives under division (A)(4) 41876
of this section only for services for English learners. 41877

(F) As used in this section: 41878

(1) "Community school" means a community school established 41879
under Chapter 3314. of the Revised Code. 41880

(2) "Resident district" means the city, local, or exempted 41881
village school district in which a student is entitled to attend 41882
school under section 3313.64 or 3313.65 of the Revised Code. 41883

Sec. 3317.162. (A) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, 41884
the department of education shall pay temporary transitional aid 41885
to each joint vocational school district according to the 41886
following formula: 41887

(The district's funding base, as that term is defined in 41888
section 3317.02 of the Revised Code) - (the district's payment 41889
under section 3317.16 of the Revised Code for the fiscal year for 41890
which the payment is computed) 41891

If the computation made under division (A) of this section 41892
results in a negative number, the district's funding under 41893
division (A) of this section shall be zero. 41894

(B) If a joint vocational school district begins receiving 41895
payments under section 3317.16 of the Revised Code for fiscal year 41896
~~2022~~ 2024 or fiscal year ~~2023~~ 2025 but does not receive payments 41897
for the fiscal year immediately preceding that fiscal year, the 41898
department shall establish the district's funding base, as that 41899
term is defined in section 3317.02 of the Revised Code, as an 41900
amount equal to the absolute value of the sum of the associated 41901
adjustments of any local school district's funding base under 41902
division (C) of section 3317.019 of the Revised Code. 41903

Sec. 3317.20. This section does not apply to preschool 41904
children with disabilities. 41905

(A) As used in this section: 41906

(1) "Applicable special education amount" means the amount 41907
specified in section 3317.013 of the Revised Code for a disability 41908
described in that section. 41909

(2) "Child's school district" means the school district in 41910
which a child is entitled to attend school pursuant to section 41911
3313.64 or 3313.65 of the Revised Code. 41912

(3) "State share percentage" means the state share percentage 41913
of the child's school district. 41914

(B) The department shall annually pay each county board of 41915
developmental disabilities for each child with a disability, other 41916
than a preschool child with a disability, for whom the county 41917
board provides special education and related services an amount 41918
equal to the following: 41919

(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the statewide 41920
average base cost per pupil + (state share percentage X the 41921

applicable special education multiple X the statewide average base 41922
cost per pupil); 41923

(2) For fiscal year ~~2024~~ 2026 and each fiscal year 41924
thereafter, an amount determined by the general assembly. 41925

(C) Each county board of developmental disabilities shall 41926
report to the department, in the manner specified by the 41927
department, the name of each child for whom the county board of 41928
developmental disabilities provides special education and related 41929
services and the child's school district. 41930

(D)(1) For the purpose of verifying the accuracy of the 41931
payments under this section, the department may request from 41932
either of the following entities the data verification code 41933
assigned under division (D)(2) of section 3301.0714 of the Revised 41934
Code to any child who is placed with a county board of 41935
developmental disabilities: 41936

(a) The child's school district; 41937

(b) The independent contractor engaged to create and maintain 41938
data verification codes. 41939

(2) Upon a request by the department under division (D)(1) of 41940
this section for the data verification code of a child, the 41941
child's school district shall submit that code to the department 41942
in the manner specified by the department. If the child has not 41943
been assigned a code, the district shall assign a code to that 41944
child and submit the code to the department by a date specified by 41945
the department. If the district does not assign a code to the 41946
child by the specified date, the department shall assign a code to 41947
the child. 41948

The department annually shall submit to each school district 41949
the name and data verification code of each child residing in the 41950
district for whom the department has assigned a code under this 41951
division. 41952

(3) The department shall not release any data verification code that it receives under division (D) of this section to any person except as provided by law. 41953
41954
41955

(E) Any document relative to special education and related services provided by a county board of developmental disabilities that the department holds in its files that contains both a student's name or other personally identifiable information and the student's data verification code shall not be a public record under section 149.43 of the Revised Code. 41956
41957
41958
41959
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Sec. 3317.201. This section does not apply to preschool children with disabilities. 41962
41963

(A) As used in this section, the "total special education amount" for an institution means the following: 41964
41965

(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the sum of the following amounts: 41966
41967

(a) The number of children certified by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as receiving services for a disability described in division (A) of section 3317.013 of the Revised Code multiplied by the multiple specified in that division multiplied by the statewide average base cost per pupil; 41968
41969
41970
41971
41972
41973

(b) The number of children certified by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as receiving services for a disability described in division (B) of section 3317.013 of the Revised Code multiplied by the multiple specified in that division multiplied by the statewide average base cost per pupil; 41974
41975
41976
41977
41978
41979

(c) The number of children certified by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as receiving services for a disability described in division (C) of 41980
41981
41982

section 3317.013 of the Revised Code multiplied by the multiple 41983
specified in that division multiplied by the statewide average 41984
base cost per pupil; 41985

(d) The number of children certified by the institution under 41986
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 41987
receiving services for a disability described in division (D) of 41988
section 3317.013 of the Revised Code multiplied by the multiple 41989
specified in that division multiplied by the statewide average 41990
base cost per pupil; 41991

(e) The number of children certified by the institution under 41992
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 41993
receiving services for a disability described in division (E) of 41994
section 3317.013 of the Revised Code multiplied by the multiple 41995
specified in that division multiplied by the statewide average 41996
base cost per pupil; 41997

(f) The number of children certified by the institution under 41998
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 41999
receiving services for a disability described in division (F) of 42000
section 3317.013 of the Revised Code multiplied by the multiple 42001
specified in that division multiplied by the statewide average 42002
base cost per pupil. 42003

(2) For fiscal year ~~2024~~ 2026 and each fiscal year 42004
thereafter, the sum of the following amounts: 42005

(a) An amount calculated in a manner determined by the 42006
general assembly times the number of children certified by the 42007
institution under division (G)(1)(a)(i) of section 3317.03 of the 42008
Revised Code as receiving services for a disability described in 42009
division (A) of section 3317.013 of the Revised Code; 42010

(b) An amount calculated in a manner determined by the 42011
general assembly times the number of children certified by the 42012
institution under division (G)(1)(a)(i) of section 3317.03 of the 42013

Revised Code as receiving services for a disability described in 42014
division (B) of section 3317.013 of the Revised Code; 42015

(c) An amount calculated in a manner determined by the 42016
general assembly times the number of children certified by the 42017
institution under division (G)(1)(a)(i) of section 3317.03 of the 42018
Revised Code as receiving services for a disability described in 42019
division (C) of section 3317.013 of the Revised Code; 42020

(d) An amount calculated in a manner determined by the 42021
general assembly times the number of children certified by the 42022
institution under division (G)(1)(a)(i) of section 3317.03 of the 42023
Revised Code as receiving services for a disability described in 42024
division (D) of section 3317.013 of the Revised Code; 42025

(e) An amount calculated in a manner determined by the 42026
general assembly times the number of children certified by the 42027
institution under division (G)(1)(a)(i) of section 3317.03 of the 42028
Revised Code as receiving services for a disability described in 42029
division (E) of section 3317.013 of the Revised Code; 42030

(f) An amount calculated in a manner determined by the 42031
general assembly times the number of children certified by the 42032
institution under division (G)(1)(a)(i) of section 3317.03 of the 42033
Revised Code as receiving services for a disability described in 42034
division (F) of section 3317.013 of the Revised Code. 42035

(B) For each fiscal year, the department of education shall 42036
pay each state institution required to provide special education 42037
services under division (A) of section 3323.091 of the Revised 42038
Code an amount equal to the institution's total special education 42039
amount. 42040

Sec. 3317.25. (A) As used in this section, "disadvantaged 42041
pupil impact aid" means the following: 42042

(1) For a city, local, or exempted village school district, 42043

the funds received under division (A)(4)(a) of section 3317.022 of the Revised Code; 42044
42045

(2) For a joint vocational school district, the funds received under division (A)(3) of section 3317.16 of the Revised Code; 42046
42047
42048

(3) For a community school established under Chapter 3314. of the Revised Code, the funds received under division (A)(4)(b) of section 3317.022 of the Revised Code; 42049
42050
42051

(4) For a STEM school established under Chapter 3326. of the Revised Code, the funds received under division (A)(4)(b) of section 3317.022 of the Revised Code. 42052
42053
42054

(B)(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, a city, local, exempted village, or joint vocational school district, community school, or STEM school shall spend the disadvantaged pupil impact aid it receives for any of the following initiatives or a combination of any of the following initiatives: 42055
42056
42057
42058
42059

(a) Extended school day and school year; 42060

(b) Reading improvement and intervention that is aligned with the science of reading and evidence-based strategies for effective literacy instruction; 42061
42062
42063

(c) Instructional technology or blended learning; 42064

(d) Professional development in the science of reading and evidence-based strategies for effective literacy instruction for teachers of students in kindergarten through third grade; 42065
42066
42067

(e) Dropout prevention; 42068

(f) School safety and security measures; 42069

(g) Community learning centers that address barriers to learning; 42070
42071

(h) Academic interventions for students in any of grades six 42072

through twelve; 42073

(i) Employment of an individual who has successfully 42074
completed the bright new leaders for Ohio schools program as a 42075
principal or an assistant principal under section 3319.272 of the 42076
Revised Code; 42077

(j) Mental health services, including telehealth services, community-based behavioral health services, and recovery supports; 42078
42079

(k) Culturally appropriate, evidence-based or 42080
evidence-informed prevention education services, including 42081
youth-led programming and ~~social and emotional learning~~ curricula 42082
to promote mental health and prevent substance use and suicide, and trauma-informed services; 42083
42084

(l) Services for homeless youth; 42085

(m) Services for child welfare involved youth; 42086

(n) Community liaisons or programs that connect students to 42087
community resources, including behavioral wellness coordinators 42088
and city connects, communities in schools, and other similar 42089
programs; 42090

(o) Physical health care services, including telehealth 42091
services and community-based health services; 42092

(p) Family engagement and support services; 42093

(q) Student services provided prior to or after the regularly 42094
scheduled school day or any time school is not in session, 42095
including mentoring programs. 42096

(2) For fiscal year ~~2024~~ 2026 and each fiscal year 42097
thereafter, each city, local, exempted village, and joint 42098
vocational school district, community school, and STEM school 42099
shall spend the disadvantaged pupil impact aid it receives for one 42100
or more initiatives specified by the general assembly. 42101

(C)(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, each city, 42102

local, exempted village, and joint vocational school district, 42103
community school, and STEM school that is subject to the 42104
requirements of this section shall develop a plan for utilizing 42105
the disadvantaged pupil impact aid it receives in coordination 42106
with at least one of the following community partners: 42107

(a) A board of alcohol, drug addiction, and mental health 42108
services established under Chapter 340. of the Revised Code; 42109

(b) An educational service center; 42110

(c) A county board of developmental disabilities; 42111

(d) A community-based mental health treatment provider; 42112

(e) A board of health of a city or general health district; 42113

(f) A county department of job and family services; 42114

(g) A nonprofit organization with experience serving 42115
children; 42116

(h) A public hospital agency. 42117

(2) For fiscal year ~~2024~~ 2026 and each fiscal year 42118
thereafter, each city, local, exempted village, and joint 42119
vocational school district, community school, and STEM school that 42120
is subject to the requirements of this section shall develop a 42121
plan for utilizing the disadvantaged pupil impact aid it receives 42122
in the manner specified by the general assembly, if the general 42123
assembly requires city, local, exempted village, and joint 42124
vocational school districts, community schools, and STEM schools 42125
to develop such a plan. 42126

(D) After the end of each fiscal year, each city, local, 42127
exempted village, or joint vocational school district, community 42128
school, and STEM school shall submit a report to the department of 42129
education describing the initiative or initiatives on which the 42130
district's or school's disadvantaged pupil impact aid were spent 42131
during that fiscal year. For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, 42132

this report shall be submitted in a manner prescribed by the 42133
department and shall also describe the amount of money that was 42134
spent on each initiative. 42135

(E) Starting in 2015, the department shall submit a report of 42136
the information it receives under division (C) of this section to 42137
the general assembly not later than the first day of December of 42138
each odd-numbered year in accordance with section 101.68 of the 42139
Revised Code. 42140

Sec. 3317.26. (A) As used in this section, "student wellness 42141
and success funds" means the following: 42142

(1) For a city, local, or exempted village school district, 42143
the funds received under division (E)(3) of section 3317.011 of 42144
the Revised Code, subject to the state share and any phase-in 42145
established by the general assembly; 42146

(2) For a joint vocational school district, the funds 42147
received under division (E)(3) of section 3317.012 of the Revised 42148
Code, subject to the state share and any phase-in established by 42149
the general assembly; 42150

(3) For a community school established under Chapter 3314. of 42151
the Revised Code, the funds received under division (E) of section 42152
3317.0110 of the Revised Code for student wellness and success 42153
funds, as determined by the department, subject to any phase-in 42154
established by the general assembly; 42155

(4) For a STEM school established under Chapter 3326. of the 42156
Revised Code, the funds received under division (E) of section 42157
3317.0110 of the Revised Code for student wellness and success 42158
funds, as determined by the department, subject to any phase-in 42159
established by the general assembly. 42160

(B) For each fiscal year, the department of education shall 42161
notify each city, local, exempted village, and joint vocational 42162

school district, community school, and STEM school, of the portion 42163
of the district or school's state share of the base cost 42164
calculated under section 3317.022 or 3317.16 of the Revised Code, 42165
that is attributable to the staffing cost for the student wellness 42166
and success component of the base cost, as determined by the 42167
department. 42168

(C) In each fiscal year, a city, local, exempted village or 42169
joint vocational school district, community school, or STEM school 42170
shall spend the student wellness and success funds it receives for 42171
any of the initiatives, or a combination of any of the 42172
initiatives, described in divisions (B)(1)(j) to (g) of section 42173
3317.25 of the Revised Code. 42174

(D) Not less than fifty per cent of the amount determined 42175
under division (B) of this section shall be spent on initiatives 42176
described under division (B)(1)(j) or (o) of section 3317.25 of 42177
the Revised Code, or a combination of both. 42178

(E) Each city, local, exempted village, joint vocational 42179
school district, community school, and STEM school that is subject 42180
to the requirements of this section shall develop a plan to 42181
utilize the student wellness and success funds it receives in 42182
coordination with a community mental health prevention or 42183
treatment provider or local board of alcohol, drug addiction, and 42184
mental health services established under Chapter 340. of the 42185
Revised Code and one of the community partners identified under 42186
division (C) of section 3317.25 of the Revised Code. 42187

(F) Within thirty days of the creation or amendment of the 42188
plan required under division (E) of this section, each city, 42189
local, exempted village, or joint vocational school district, 42190
community school, and STEM school shall share the plan at a public 42191
meeting of the board of education or governing authority and post 42192
the plan on the district or school's web site. 42193

(G)(1) All student wellness and success funds allocated in any of fiscal years 2020 to 2023 shall be expended prior to June 30, 2025. Any unexpended funds shall be repaid to the department.

(2) Beginning in fiscal year 2024, all student wellness and success funds shall be spent by the end of the following fiscal year. Any unexpended funds shall be repaid to the department.

(H)(1) If the department determines that a city, local, exempted village, joint vocational school district, community school, or STEM school has not spent funds in accordance with divisions (C) and (D) of this section, the department may require a corrective action plan.

(2) If a city, local, exempted village, joint vocational school district, community school, or STEM school is determined to be out of compliance with the corrective action plan described under division (H)(1) of this section, the department may withhold student wellness and success from that district or school.

(I) At the end of each fiscal year, each district and school shall submit a report to the department, in a manner determined by the department, describing the initiative or initiatives on which the district or school's funds were spent under this section during that fiscal year.

Sec. 3318.024. In the first year of a capital biennium, any funds appropriated to the Ohio facilities construction commission for classroom facilities projects under this chapter in the previous capital biennium that were not spent or encumbered, or for which an encumbrance has been canceled under section 3318.05 of the Revised Code, shall be used by the commission only for projects under sections 3318.01 to 3318.20 of the Revised Code, subject to appropriation by the general assembly.

In the second year of a capital biennium, any funds

appropriated to the Ohio facilities construction commission for 42224
classroom facilities projects under this chapter that were not 42225
spent or encumbered in the first year of the biennium and which 42226
are in excess of an amount equal to half of the appropriations for 42227
the capital biennium, or for which an encumbrance has been 42228
canceled under section 3318.05 of the Revised Code, shall be used 42229
by the commission only for projects under sections 3318.01 to 42230
3318.20, 3318.33, 3318.351, 3318.364, 3318.37, 3318.371, 3318.38, 42231
and 3318.40 to 3318.46 of the Revised Code, subject to 42232
appropriation by the general assembly. 42233

Sec. 3318.032. (A) Except as otherwise provided in divisions 42234
(C) and (D) of this section, the portion of the basic project cost 42235
supplied by the school district shall be the greater of: 42236

(1) The required percentage of the basic project costs; 42237

(2)(a) For all districts except a district that opts to 42238
divide its entire classroom facilities needs into segments to be 42239
completed separately as authorized by section 3318.034 of the 42240
Revised Code, an amount necessary to raise the school district's 42241
net bonded indebtedness, as of the date the controlling board 42242
approved the project, to within five thousand dollars of the 42243
required level of indebtedness; 42244

(b) For a district that opts to divide its entire classroom 42245
facilities needs into segments to be completed separately as 42246
authorized by section 3318.034 of the Revised Code, an amount 42247
necessary to raise the school district's net bonded indebtedness, 42248
as of the date the controlling board approved the project, to 42249
within five thousand dollars of the following: 42250

The required level of indebtedness X (the basic 42251
project cost of the segment as approved 42252
by the controlling board / the estimated basic 42253
project cost of the district's entire classroom facilities 42254

needs as determined jointly by the staff of the Ohio 42255
facilities construction commission and the district) 42256

(B) The amount of the district's share determined under this 42257
section shall be calculated only as of the date the controlling 42258
board approved the project, and that amount applies throughout the 42259
~~thirteen-month~~ sixteen-month period permitted under section 42260
3318.05 of the Revised Code for the district's electors to approve 42261
the propositions described in that section. If the amount reserved 42262
and encumbered for a project is released because the electors do 42263
not approve those propositions within that period, and the school 42264
district later receives the controlling board's approval for the 42265
project, subject to a new project scope and estimated costs under 42266
section 3318.054 of the Revised Code, the district's portion shall 42267
be recalculated in accordance with this section as of the date of 42268
the controlling board's subsequent approval. 42269

(C) At no time shall a school district's portion of the basic 42270
project cost be greater than ninety-five per cent of the total 42271
basic project cost. 42272

(D) If the controlling board approves a project under 42273
sections 3318.01 to 3318.20 of the Revised Code for a school 42274
district that previously received assistance under those sections 42275
or section 3318.37 of the Revised Code within the twenty-year 42276
period prior to the date on which the controlling board approves 42277
the new project, the district's portion of the basic project cost 42278
for the new project shall be the lesser of the following: 42279

(1) The portion calculated under division (A) of this 42280
section; 42281

(2) The greater of the following: 42282

(a) The required percentage of the basic project costs for 42283
the new project; 42284

(b) The percentage of the basic project cost paid by the 42285

district for the previous project. 42286

Sec. 3318.05. The conditional approval of the Ohio facilities 42287
construction commission for a project shall lapse and the amount 42288
reserved and encumbered for such project shall be released unless 42289
the school district board accepts such conditional approval within 42290
one hundred twenty days following the date of certification of the 42291
conditional approval to the school district board and the electors 42292
of the school district vote favorably on both of the propositions 42293
described in divisions (A) and (B) of this section within ~~thirteen~~ 42294
sixteen months of the date of such certification, except that a 42295
school district described in division (C) of this section does not 42296
need to submit the proposition described in division (B) of this 42297
section. The propositions described in divisions (A) and (B) of 42298
this section shall be combined in a single proposal. If the 42299
district board or the district's electors fail to meet such 42300
requirements and the amount reserved and encumbered for the 42301
district's project is released, the district shall be given first 42302
priority for project funding as such funds become available, 42303
subject to section 3318.054 of the Revised Code. 42304

(A) On the question of issuing bonds of the school district 42306
board, for the school district's portion of the basic project 42307
cost, in an amount equal to the school district's portion of the 42308
basic project cost less the amount of the proceeds of any 42309
securities authorized or to be authorized under division (J) of 42310
section 133.06 of the Revised Code and dedicated by the school 42311
district board to payment of the district's portion of the basic 42312
project cost; and 42313

(B) On the question of levying a tax the proceeds of which 42314
shall be used to pay the cost of maintaining or upgrading the 42315
classroom facilities included in the project. Such tax shall be at 42316

the rate of not less than one-half mill for each dollar of 42317
valuation for a period of twenty-three years, subject to any 42318
extension approved under section 3318.061 of the Revised Code. 42319

(C) If a school district has in place a tax levied under 42320
section 5705.21 of the Revised Code for general permanent 42321
improvements for a continuing period of time and the proceeds of 42322
such tax can be used for maintenance or upgrades, or if a district 42323
agrees to the transfers described in section 3318.051 of the 42324
Revised Code, the school district need not levy the additional tax 42325
required under division (B) of this section, provided the school 42326
district board includes in the agreement entered into under 42327
section 3318.08 of the Revised Code provisions either: 42328

(1) Earmarking an amount from the proceeds of that permanent 42329
improvement tax for maintenance or upgrades of classroom 42330
facilities equivalent to the amount of the additional tax and for 42331
the equivalent number of years otherwise required under this 42332
section; 42333

(2) Requiring the transfer of money in accordance with 42334
section 3318.051 of the Revised Code. 42335

The district board subsequently may rescind the agreement to 42336
make the transfers under section 3318.051 of the Revised Code only 42337
so long as the electors of the district have approved, in 42338
accordance with section 3318.063 of the Revised Code, the levy of 42339
a tax for the maintenance or upgrades of the classroom facilities 42340
acquired under the district's project and that levy continues to 42341
be collected as approved by the electors. 42342

(D) Proceeds of the tax to be used for maintenance or upgrade 42343
of the classroom facilities under either division (B) or (C)(1) of 42344
this section, and transfers of money in accordance with section 42345
3318.051 of the Revised Code shall be deposited into a separate 42346
fund established by the school district for such purpose. 42347

(E) Proceeds of the tax to be used for maintenance or 42348
upgrades of the classroom facilities under either division (B) or 42349
(C)(1) of this section shall not be used to upgrade classroom 42350
facilities, unless the district board submits to the Ohio 42351
facilities construction commission a proposal regarding the use of 42352
those proceeds for upgrades and the commission approves the 42353
proposal. 42354

Sec. 3318.051. (A) Any city, exempted village, or local 42355
school district that commences a project under sections 3318.01 to 42356
3318.20, 3318.33, 3318.36, 3318.37, or 3318.38 of the Revised Code 42357
~~on or after September 5, 2006,~~ need not levy the tax otherwise 42358
required under division (B) of section 3318.05 of the Revised 42359
Code, if the district board of education adopts a resolution 42360
petitioning the Ohio facilities construction commission to approve 42361
the transfer of money in accordance with this section and the 42362
commission approves that transfer. If so approved, the commission 42363
and the district board shall enter into an agreement under which 42364
the board, in each of twenty-three consecutive years beginning in 42365
the year in which the board and the commission enter into the 42366
project agreement under section 3318.08 of the Revised Code, shall 42367
transfer into the maintenance fund required by division (D) of 42368
section 3318.05 of the Revised Code not less than an amount equal 42369
to one-half mill for each dollar of the district's valuation 42370
unless and until the agreement to make those transfers is 42371
rescinded by the district board pursuant to division (F) of this 42372
section. 42373

(B) On the first day of July each year, or on an alternative 42374
date prescribed by the commission, the district treasurer shall 42375
certify to the commission and the auditor of state that the amount 42376
required for the year has been transferred. The auditor of state 42377
shall include verification of the transfer as part of any audit of 42378
the district under section 117.11 of the Revised Code. If the 42379

auditor of state finds that less than the required amount has been 42380
deposited into a district's maintenance fund, the auditor of state 42381
shall notify the district board of education in writing of that 42382
fact and require the board to deposit into the fund, within ninety 42383
days after the date of the notice, the amount by which the fund is 42384
deficient for the year. If the district board fails to demonstrate 42385
to the auditor of state's satisfaction that the board has made the 42386
deposit required in the notice, the auditor of state shall notify 42387
the department of education. At that time, the department shall 42388
withhold an amount equal to ten per cent of the district's funds 42389
calculated for the current fiscal year under Chapter 3317. of the 42390
Revised Code until the auditor of state notifies the department 42391
that the auditor of state is satisfied that the board has made the 42392
required transfer. 42393

(C) Money transferred to the maintenance fund shall be used 42394
for the maintenance or, upon approval of the Ohio facilities 42395
construction commission, upgrade of the facilities acquired under 42396
the district's project. 42397

(D) The transfers to the maintenance fund under this section 42398
does not affect a district's obligation to establish and maintain 42399
a capital and maintenance fund under section 3315.18 of the 42400
Revised Code. 42401

(E) Any decision by the commission to approve or not approve 42402
the transfer of money under this section is final and not subject 42403
to appeal. The commission shall not be responsible for errors or 42404
miscalculations made in deciding whether to approve a petition to 42405
make transfers under this section. 42406

(F) If the district board determines that it no longer can 42407
continue making the transfers agreed to under this section, the 42408
board may rescind the agreement only so long as the electors of 42409
the district have approved, in accordance with section 3318.063 of 42410
the Revised Code, the levy of a tax for the maintenance of the 42411

classroom facilities acquired under the district's project and 42412
that levy continues to be collected as approved by the electors. 42413
That levy shall be for a number of years that is equal to the 42414
difference between twenty-three years and the number of years that 42415
the district made transfers under this section and shall be at the 42416
rate of not less than one-half mill for each dollar of the 42417
district's valuation. The district board shall continue to make 42418
the transfers agreed to under this section until that levy has 42419
been approved by the electors. 42420

Sec. 3318.054. (A) If conditional approval of a city, 42421
exempted village, or local school district's project lapses as 42422
provided in section 3318.05 of the Revised Code, or if conditional 42423
approval of a joint vocational school district's project lapses as 42424
provided in division (D) of section 3318.41 of the Revised Code, 42425
because the district's electors have not approved the ballot 42426
measures necessary to generate the district's portion of the basic 42427
project cost, and if the district board desires to seek a new 42428
conditional approval of the project, the district board shall 42429
request that the Ohio facilities construction commission set the 42430
scope, basic project cost, and school district portion of the 42431
basic project cost prior to resubmitting the ballot measures to 42432
the electors. To do so, the commission shall use the district's 42433
current assessed tax valuation and the district's percentile for 42434
the prior fiscal year. For a district that has entered into an 42435
agreement under section 3318.36 of the Revised Code and desires to 42436
proceed with a project under sections 3318.01 to 3318.20 of the 42437
Revised Code, the district's portion of the basic project cost 42438
shall be the percentage specified in that agreement. The project 42439
scope and basic costs established under this division shall be 42440
valid for ~~thirteen~~ sixteen months from the date the commission 42441
approves them. 42442

(B) Upon the commission's approval under division (A) of this 42443

section, the district board may submit the ballot measures to the district's electors for approval of the project based on the new project scope and estimated costs. Upon electoral approval of those measures, the district shall be given first priority for project funding as such funds become available.

(C) When the commission determines that funds are available for the district's project, the commission shall do all of the following:

(1) Determine the school district portion of the basic project cost under section 3318.032 of the Revised Code, in the case of a city, exempted village, or local school district, or under section 3318.42 of the Revised Code, in the case of a joint vocational school district;

(2) Conditionally approve the project and submit it to the controlling board for approval pursuant to section 3318.04 of the Revised Code;

(3) Encumber funds for the project under section 3318.11 of the Revised Code;

(4) Enter into an agreement with the district board under section 3318.08 of the Revised Code.

Sec. 3318.055. Notwithstanding any provision to the contrary in sections 3318.05, 3318.06, 3318.061, 3318.08, 3318.33, 3318.36, 3318.361, and 3318.38 of the Revised Code, if the amount of money that would be raised in a school district by the twenty-three year maintenance tax specified in those sections during the first twelve-month period of its collection, as estimated by the department of taxation, would be less than ten per cent of the amount of money that the school district was required to deposit into its capital and maintenance fund during the most recent fiscal year under section 3315.18 of the Revised Code, the school

district shall not be required to include such maintenance tax on 42474
a ballot proposal, as otherwise required under sections 3318.05, 42475
3318.06, 3318.061, 3318.08, 3318.33, 3318.36, 3318.361, and 42476
3318.38 of the Revised Code. 42477

Sec. 3318.084. (A) Notwithstanding anything to the contrary 42478
in Chapter 3318. of the Revised Code, a school district board may 42479
apply any local donated contribution toward any of the following: 42480

(1) The district's portion of the basic project cost of a 42481
project under either sections 3318.01 to 3318.20 or sections 42482
3318.40 to 3318.45 of the Revised Code to reduce the amount of 42483
bonds the district otherwise must issue in order to receive state 42484
assistance under those sections; 42485

(2) If the school district is not a joint vocational school 42486
district proceeding under sections 3318.40 to 3318.45 of the 42487
Revised Code, an offset of all or part of a district's obligation 42488
to levy the tax described in division (B) of section 3318.05 of 42489
the Revised Code, which shall be applied only in the manner 42490
prescribed in division (B) of this section; 42491

(3) If the school district is a joint vocational school 42492
district proceeding under sections 3318.40 to 3318.45 of the 42493
Revised Code, all or part of the amount the school district is 42494
obligated to set aside for maintenance of the classroom facilities 42495
acquired under that project pursuant to section 3318.43 of the 42496
Revised Code. 42497

(B) No school district board shall apply any local donated 42498
contribution under division (A)(2) of this section unless the Ohio 42499
facilities construction commission first approves that 42500
application. 42501

Upon the request of the school district board to apply local 42502
donated contribution under division (A)(2) of this section, the 42503

commission in consultation with the department of taxation shall 42504
determine the amount of total revenue that likely would be 42505
generated by one-half mill of the tax described in division (B) of 42506
section 3318.05 of the Revised Code over the entire 42507
twenty-three-year period required under that section and shall 42508
deduct from that amount any amount of local donated contribution 42509
that the board has committed to apply under division (A)(2) of 42510
this section. The commission then shall determine in consultation 42511
with the department of taxation the rate of tax over twenty-three 42512
years necessary to generate the amount of a one-half mill tax not 42513
offset by the local donated contribution. Notwithstanding anything 42514
to the contrary in section 3318.06, 3318.061, or 3318.361 of the 42515
Revised Code, the rate determined by the commission shall be the 42516
rate for which the district board shall seek elector approval 42517
under those sections to meet its obligation under division (B) of 42518
section 3318.05 of the Revised Code. In the case of a complete 42519
offset of the district's obligation under division (B) of section 42520
3318.05 of the Revised Code, the district shall not be required to 42521
levy the tax otherwise required under that section. At the end of 42522
the twenty-three-year period of the tax required under division 42523
(B) of section 3318.05 of the Revised Code, whether or not the tax 42524
is actually levied, the commission in consultation of the 42525
department of taxation shall recalculate the amount that would 42526
have been generated by the tax if it had been levied at one-half 42527
mill. If the total amount actually generated over that period from 42528
both the tax that was actually levied and any local donated 42529
contribution applied under division (A)(2) of this section is less 42530
than the amount that would have been raised by a one-half mill 42531
tax, the district shall pay any difference. If the total amount 42532
actually raised in such manner is greater than the amount that 42533
would have been raised by a one-half mill tax the difference shall 42534
be zero and no payments shall be made by either the district or 42535
the commission. 42536

(C) As used in this section, "local donated contribution" 42537
means any of the following: 42538

(1) Any moneys irrevocably donated or granted to a school 42539
district board by a source other than the state which the board 42540
has the authority to apply to the school district's project under 42541
sections 3318.01 to 3318.20 of the Revised Code and which the 42542
board has pledged for that purpose by resolution adopted by a 42543
majority of its members; 42544

(2) Any irrevocable letter of credit issued on behalf of a 42545
school district which the school district board has encumbered for 42546
payment of the school district's share of its project under 42547
sections 3318.01 to 3318.20 of the Revised Code that has been 42548
approved by the commission in consultation with the department of 42549
education; 42550

(3) Any cash a school district has on hand that the school 42551
district board has encumbered for payment of the school district's 42552
share of its project under sections 3318.01 to 3318.20 of the 42553
Revised Code that has been approved by the commission in 42554
consultation with the department of education, including the 42555
following: 42556

(a) Any year-end operating fund balances that can be spent 42557
for classroom facilities; 42558

(b) Any cash resulting from a lease-purchase agreement that 42559
the school district board has entered into under section 3313.375 42560
of the Revised Code, provided that the agreement and the related 42561
financing documents contain provisions protecting the state's 42562
superior interest in the project. 42563

(4) Any moneys spent by a source other than the school 42564
district or the state for construction or renovation of specific 42565
classroom facilities that have been approved by the commission as 42566
part of the basic project cost of the district's project. The 42567

school district, the commission, and the entity providing the 42568
local donated contribution under division (C)(4) of this section 42569
shall enter into an agreement identifying the classroom facilities 42570
to be acquired by the expenditures made by that entity. The 42571
agreement shall include, but not be limited to, stipulations that 42572
require an audit by the commission of such expenditures made on 42573
behalf of the district and that specify the maximum amount of 42574
credit to be allowed for those expenditures. Upon completion of 42575
the construction or renovation, the commission shall determine the 42576
actual amount that the commission will credit, at the request of 42577
the district board, toward the district's portion of the basic 42578
project cost, any project cost overruns, or the basic project cost 42579
of future segments if the project has been divided into segments 42580
under section 3318.33 or 3318.38 of the Revised Code. The actual 42581
amount of the credit shall not exceed the lesser of the amount 42582
specified in the agreement or the actual cost of the construction 42583
or renovation. 42584

(D) No state moneys shall be released for a project to which 42585
this section applies until: 42586

(1) Any local donated contribution authorized under division 42587
(A)(1) of this section is first deposited into the school 42588
district's project construction fund. 42589

(2) The school district board and the commission have 42590
included a stipulation in their agreement entered into under 42591
section 3318.08 of the Revised Code under which the board will 42592
deposit into a fund approved by the commission according to a 42593
schedule that does not extend beyond the anticipated completion 42594
date of the project the total amount of any local donated 42595
contribution authorized under division (A)(2) or (3) of this 42596
section and dedicated by the board for that purpose. 42597

However, if any local donated contribution as described in 42598
division (C)(4) of this section has been approved under this 42599

section, the state moneys may be released even if the entity 42600
providing that local donated contribution has not spent the moneys 42601
so dedicated as long as the agreement required under that section 42602
has been executed. 42603

Sec. 3318.33. (A) The accelerated Appalachian school building 42604
assistance program is hereby established. Under the program, 42605
notwithstanding section 3318.02 of the Revised Code, any school 42606
district that has any territory within the Appalachian region, as 42607
defined in section 107.21 of the Revised Code, and that has not 42608
been approved to receive assistance under sections 3318.01 to 42609
3318.20 of the Revised Code prior to the effective date of this 42610
section, may, beginning on that date, apply for approval of and be 42611
approved for such assistance. Except as otherwise provided in this 42612
section, any project approved and undertaken pursuant to this 42613
section shall comply with all provisions of sections 3318.01 to 42614
3318.20 of the Revised Code. 42615

(B) The Ohio facilities construction commission shall provide 42616
assistance to school districts eligible for assistance under this 42617
section in the following manner: 42618

(1) Each fiscal biennium, the commission shall select to 42619
receive assistance under this section not fewer than three school 42620
districts eligible for such assistance until all such eligible 42621
districts have received assistance under sections 3318.01 to 42622
3318.20 of the Revised Code. 42623

(2) Notwithstanding section 3318.02 of the Revised Code, the 42624
commission shall conduct an on-site visit and shall assess the 42625
classroom facilities needs of each school district eligible for 42626
assistance under this section that is selected under division 42627
(B)(1) of this section. 42628

(3) Any school district eligible for assistance under this 42629
section and selected under division (B)(1) of this section may 42630

apply to the commission for conditional approval of its project as 42631
determined by the assessment conducted under division (B)(2) of 42632
this section. The commission shall conditionally approve that 42633
project and submit it to the controlling board for approval 42634
pursuant to section 3318.04 of the Revised Code. 42635

(C)(1) If the controlling board approves a project submitted 42636
under division (B)(3) of this section, the commission and the 42637
school district shall enter into an agreement as prescribed in 42638
section 3318.05 of the Revised Code. 42639

(2) Any district to which this section applies may opt to 42640
divide the district's entire classroom facilities needs, as those 42641
needs are jointly determined by the staff of the commission and 42642
the school district, into discrete segments as prescribed in 42643
section 3318.034 of the Revised Code. 42644

(D) Under the program, to incentivize a district's electors 42645
to vote favorably on both of the propositions described in 42646
divisions (A) and (B) of section 3318.05 of the Revised Code, the 42647
commission shall reduce the district's portion of the basic 42648
project cost, as it is determined under section 3318.032 of the 42649
Revised Code, as follows: 42650

(1) If, in the first election in which the propositions 42651
appear on the ballot the district's electors vote favorably for 42652
the propositions, the district's portion of the basic project cost 42653
shall be reduced by twenty per cent. 42654

(2) If, in the second election in which the propositions 42655
appear on the ballot the district's electors vote favorably for 42656
the propositions, the district's portion of the basic project cost 42657
shall be reduced by fifteen per cent. 42658

(3) If, in the third election in which the propositions 42659
appear on the ballot the district's electors vote favorably for 42660
the propositions, the district's portion of the basic project cost 42661

shall be reduced by twelve per cent. 42662

(E) In the event that the electors of an eligible school district vote favorably on both provisions described in divisions (A) and (B) of this section in the fiscal year in which this section becomes effective but prior to the effective date of this section, that district is entitled to participate in the program in the same manner as a district that passes the propositions on or after the effective date of this section. 42663
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(F) If, for any fiscal year, the amount appropriated for all projects or segments approved by the commission under the program is not adequate, the commission shall proportionately reduce the amount of state funds each of the districts with an approved project or segment receives under this section for that fiscal year. However, each of those districts shall be eligible for continued assistance under this section in subsequent fiscal years until its project or segment is completed. 42670
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(G) In any fiscal year in which the general assembly does not fund the program, any eligible school district that has not yet received assistance under the program retains its eligibility to receive assistance under sections 3318.01 to 3318.20 of the Revised Code in the same order it was scheduled to receive assistance prior to becoming eligible for the program. 42678
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Sec. 3318.364. In any fiscal year, the Ohio facilities construction commission may, at its discretion, provide assistance under sections 3318.01 to 3318.20 of the Revised Code to a school district that has entered into an expedited local partnership agreement under section 3318.36 of the Revised Code before the district is otherwise eligible for that assistance based on its percentile rank, if the commission determines all of the following: 42684
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(A) The district has made an expenditure of local resources 42692

under its expedited local partnership agreement on a discrete part 42693
of its district-wide project. 42694

(B) The district is ready to complete its district-wide 42695
project or a segment of the project, in accordance with section 42696
3318.034 of the Revised Code. 42697

(C) The district is in compliance with division (D)(2) of 42698
section 3318.36 of the Revised Code. 42699

(D) Sufficient state funds have been appropriated for 42700
classroom facilities projects for the fiscal year to pay the state 42701
share of the district's project or segment after paying the state 42702
share of projects for all of the following: 42703

(1) Districts that previously had their conditional approval 42704
lapse pursuant to section 3318.05 of the Revised Code; 42705

(2) Districts eligible for assistance under division (B)(2) 42706
of section 3318.04 of the Revised Code; 42707

(3) Districts participating in the exceptional needs school 42708
facilities assistance program under section 3318.37 or 3318.371 of 42709
the Revised Code; 42710

(4) Districts participating in ~~the~~ an accelerated ~~urban~~ 42711
school building assistance program under section 3318.33 or 42712
3318.38 of the Revised Code. 42713

Assistance under this section shall be offered to eligible 42714
districts in the order of their percentile rankings at the time 42715
they entered into their expedited local partnership agreements, 42716
from lowest to highest percentile. In the event that more than one 42717
district has the same percentile ranking, those districts shall be 42718
offered assistance in the order of the date they entered into 42719
their expedited local partnership agreements, from earliest to 42720
latest date. 42721

As used in this section, "local resources" and "percentile" 42722

have the same meanings as in section 3318.36 of the Revised Code. 42723

Sec. 3318.37. (A)(1) As used in this section: 42724

(a) "Full maintenance amount" has the same meaning as in 42725
section 3318.034 of the Revised Code. 42726

(b) A "school district with an exceptional need for immediate 42727
classroom facilities assistance" means a school district with an 42728
exceptional need for new facilities in order to protect the health 42729
and safety of all or a portion of its students. 42730

(2) No school district that participates in the school 42731
building assistance expedited local partnership program under 42732
section 3318.36 of the Revised Code shall receive assistance under 42733
the program established under this section unless the following 42734
conditions are satisfied: 42735

(a) The district board adopted a resolution certifying its 42736
intent to participate in the school building assistance expedited 42737
local partnership program under section 3318.36 of the Revised 42738
Code prior to September 14, 2000. 42739

(b) The district was selected by the Ohio facilities 42740
construction commission for participation in the school building 42741
assistance expedited local partnership program under section 42742
3318.36 of the Revised Code in the manner prescribed by the 42743
commission under that section as it existed prior to September 14, 42744
2000. 42745

(B)(1) There is hereby established the exceptional needs 42746
school facilities assistance program. Under the program, the Ohio 42747
facilities construction commission may set aside from the moneys 42748
annually appropriated to it for classroom facilities assistance 42749
projects up to twenty-five per cent for assistance to school 42750
districts with exceptional needs for immediate classroom 42751
facilities assistance. At least ten per cent of the amount set 42752

aside shall be spent on school districts seeking facilities 42753
maintenance, repairs, or replacements described in division (E) of 42754
this section. 42755

(2)(a) After consulting with education and construction 42756
experts, the commission shall adopt guidelines for identifying 42757
school districts with an exceptional need for immediate classroom 42758
facilities assistance. 42759

(b) The guidelines shall include application forms and 42760
instructions for school districts to use in applying for 42761
assistance under this section. 42762

(3) The commission shall evaluate the classroom facilities, 42763
and the need for replacement classroom facilities from the 42764
applications received under this section. The commission, 42765
utilizing the guidelines adopted under division (B)(2)(a) of this 42766
section, shall prioritize the school districts to be assessed. 42767

Notwithstanding section 3318.02 of the Revised Code, the 42768
commission may conduct on-site evaluation of the school districts 42769
prioritized under this section and approve and award funds until 42770
such time as all funds set aside under division (B)(1) of this 42771
section have been encumbered. However, the commission need not 42772
conduct the evaluation of facilities if the commission determines 42773
that a district's assessment conducted under section 3318.36 of 42774
the Revised Code is sufficient for purposes of this section. 42775

(4) Notwithstanding division (A) of section 3318.05 of the 42776
Revised Code, the school district's portion of the basic project 42777
cost under this section shall be the "required percentage of the 42778
basic project costs," as defined in division (K) of section 42779
3318.01 of the Revised Code. 42780

(5) Except as otherwise specified in this section, any 42781
project undertaken with assistance under this section shall comply 42782
with all provisions of sections 3318.01 to 3318.20 of the Revised 42783

Code. A school district may receive assistance under sections 42784
3318.01 to 3318.20 of the Revised Code for the remainder of the 42785
district's classroom facilities needs as assessed under this 42786
section when the district is eligible for such assistance pursuant 42787
to section 3318.02 of the Revised Code, but any classroom facility 42788
constructed with assistance under this section shall not be 42789
included in a district's project at that time unless the 42790
commission determines the district has experienced the increased 42791
enrollment specified in division (B)(1) of section 3318.04 of the 42792
Revised Code. 42793

(C) No school district shall receive assistance under this 42794
section for a classroom facility that has been included in the 42795
discrete part of the district's classroom facilities needs 42796
identified and addressed in the district's project pursuant to an 42797
agreement entered into under section 3318.36 of the Revised Code, 42798
unless the district's entire classroom facilities plan consists of 42799
only a single building designed to house grades kindergarten 42800
through twelve. 42801

(D)(1) When undertaking a project under this section, a 42802
school district may elect to prorate its full maintenance amount 42803
by setting aside for maintenance the amount calculated under 42804
division (D)(2) of this section to maintain the classroom 42805
facilities acquired under the project, if the district will use 42806
one or more of the alternative methods authorized in sections 42807
3318.051, 3318.052, and 3318.084 of the Revised Code to generate 42808
the entire amount calculated under that division. If the district 42809
so elects, the commission and the district shall include in the 42810
agreement entered into under section 3318.08 of the Revised Code a 42811
statement specifying that the district will use the amount 42812
calculated under that division only to maintain the classroom 42813
facilities acquired under the project under this section. 42814

(2) The commission shall calculate the amount for a school 42815

district to maintain the classroom facilities acquired under a 42816
project under this section as follows: 42817

The full maintenance amount X (the school district's portion 42818
of the basic project cost under this section / the school 42819
district's portion of the basic project cost for the district's 42820
entire classroom facilities needs, as determined jointly by the 42821
staff of the commission and the district) 42822

(3) A school district may elect to prorate its full 42823
maintenance amount for any number of projects under this section, 42824
provided the district will use one or more of the alternative 42825
methods authorized in sections 3318.051, 3318.052, and 3318.084 of 42826
the Revised Code to generate the entire amount calculated under 42827
division (D)(2) of this section to maintain the classroom 42828
facilities acquired under each project for which it so elects. If 42829
the district cannot use one or more of those alternative methods 42830
to generate the entire amount calculated under that division, the 42831
district shall levy the tax described in division (B) of section 42832
3318.05 of the Revised Code or an extension of that tax under 42833
section 3318.061 of the Revised Code in an amount necessary to 42834
generate the remainder of its full maintenance amount. The 42835
commission shall calculate the remainder of the district's full 42836
maintenance amount as follows: 42837

The full maintenance amount - the sum of the amounts 42838
calculated for the district under division (D)(2) of this section 42839
for each of the district's prior projects under this section 42840

(4) In no case shall the sum of the amounts calculated for a 42841
school district's maintenance of classroom facilities under 42842
divisions (D)(2) and (3) of this section exceed the amount that 42843
would have been required for maintenance if the district had 42844
elected to meet its entire classroom facilities needs with a 42845
project under sections 3318.01 to 3318.20 of the Revised Code and 42846
had not undertaken one or more projects under this section. 42847

(5) If a school district commenced a project under this section prior to September 10, 2012, but has not completed that project, and has not levied the tax described in division (B) of section 3318.05 of the Revised Code or an extension of that tax under section 3318.061 of the Revised Code, the district may request approval from the commission to prorate its full maintenance amount in accordance with divisions (D)(1) to (4) of this section. If the commission approves the request, the commission and the district shall amend the agreement entered into under section 3318.08 of the Revised Code to reflect the change.

(E)(1) A school district that has not been invited to request assistance under this section may do so annually, provided the school district is in need of facilities maintenance, repairs, or replacement and has previously completed a classroom facilities construction project under which the twenty-three year maintenance funding requirement described in division (B) of section 3318.05 of the Revised Code has lapsed.

(2) The commission shall establish an application process for requests submitted under division (E) of this section.

Sec. 3318.41. (A)(1) The Ohio facilities construction commission annually shall assess the classroom facilities needs of the number of joint vocational school districts that the commission reasonably expects to be able to provide assistance to in a fiscal year, based on the amount set aside for that fiscal year under division (B) of section 3318.40 of the Revised Code and the order of priority prescribed in division (B) of section 3318.42 of the Revised Code, except that in fiscal year 2004 the commission shall conduct at least the five assessments prescribed in division (E) of section 3318.40 of the Revised Code.

Upon conducting an assessment of the classroom facilities needs of a school district, the commission shall make a

determination of all of the following: 42879

(a) The number of classroom facilities to be included in a 42880
project and the basic project cost of acquiring the classroom 42881
facilities included in the project. The number of facilities and 42882
basic project cost shall be determined in accordance with the 42883
specifications adopted under section 3318.311 of the Revised Code 42884
except to the extent that compliance with such specifications is 42885
waived by the commission pursuant to the rule of the commission 42886
adopted under division (F) of section 3318.40 of the Revised Code. 42887

(b) The school district's portion of the basic project cost 42888
as determined under division (C) of section 3318.42 of the Revised 42889
Code; 42890

(c) The remaining portion of the basic project cost that 42891
shall be supplied by the state; 42892

(d) The amount of the state's portion of the basic project 42893
cost to be encumbered in accordance with section 3318.11 of the 42894
Revised Code in the current and subsequent fiscal years from funds 42895
set aside under division (B) of section 3318.40 of the Revised 42896
Code. 42897

(2) Divisions (A), (C), and (D) of section 3318.03 of the 42898
Revised Code apply to any project under sections 3318.40 to 42899
3318.45 of the Revised Code. 42900

(B)(1) If the commission makes a determination under division 42901
(A) of this section in favor of the acquisition of classroom 42902
facilities for a project under sections 3318.40 to 3318.45 of the 42903
Revised Code, such project shall be conditionally approved. Such 42904
conditional approval shall be submitted to the controlling board 42905
for approval. The controlling board shall immediately approve or 42906
reject the commission's determination, conditional approval, the 42907
amount of the state's portion of the basic project cost, and the 42908
amount of the state's portion of the basic project cost to be 42909

encumbered in the current fiscal year. In the event of approval by the controlling board, the commission shall certify the conditional approval to the joint vocational school district board of education and shall encumber the approved funds for the current fiscal year.

(2) No school district that receives assistance under sections 3318.40 to 3318.45 of the Revised Code shall have another such project conditionally approved until the expiration of twenty years after the school district's prior project was conditionally approved, unless the school district board demonstrates to the satisfaction of the commission that the school district has experienced since conditional approval of its prior project an exceptional increase in enrollment or program requirements significantly above the school district's design capacity under that prior project as determined by rule of the commission. Any rule adopted by the commission to implement this division shall be tailored to address the classroom facilities needs of joint vocational school districts.

(C) In addition to generating the amount of the school district's portion of the basic project cost as determined under division (C) of section 3318.42 of the Revised Code, in order for a school district to receive assistance under sections 3318.40 to 3318.45 of the Revised Code, the school district board shall set aside school district moneys for the maintenance of the classroom facilities included in the school district's project in the amount and manner prescribed in section 3318.43 of the Revised Code.

(D)(1) The conditional approval for a project certified under division (B)(1) of this section shall lapse and the amount reserved and encumbered for such project shall be released unless both of the following conditions are satisfied:

(a) Within one hundred twenty days following the date of certification of the conditional approval to the joint vocational

school district board, the school district board accepts the 42942
conditional approval and certifies to the commission the school 42943
district board's plan to generate the school district's portion of 42944
the basic project cost, as determined under division (C) of 42945
section 3318.42 of the Revised Code, and to set aside moneys for 42946
maintenance of the classroom facilities acquired under the 42947
project, as prescribed in section 3318.43 of the Revised Code. 42948

(b) Within ~~thirteen~~ sixteen months following the date of 42949
certification of the conditional approval to the school district 42950
board, the electors of the school district vote favorably on any 42951
ballot measures proposed by the school district board to generate 42952
the school district's portion of the basic project cost. 42953

(2) If the school district board or electors fail to satisfy 42954
the conditions prescribed in division (D)(1) of this section and 42955
the amount reserved and encumbered for the school district's 42956
project is released, the school district shall be given first 42957
priority over other joint vocational school districts for project 42958
funding under sections 3318.40 to 3318.45 of the Revised Code as 42959
such funds become available, subject to section 3318.054 of the 42960
Revised Code. 42961

(E) If the conditions prescribed in division (D)(1) of this 42962
section are satisfied, the commission and the school district 42963
board shall enter into an agreement as prescribed in section 42964
3318.08 of the Revised Code and shall proceed with the development 42965
of plans, cost estimates, designs, drawings, and specifications as 42966
prescribed in section 3318.091 of the Revised Code. 42967

(F) Costs in excess of those approved by the commission under 42968
section 3318.091 of the Revised Code shall be payable only as 42969
provided in sections 3318.042 and 3318.083 of the Revised Code. 42970

(G) Advertisement for bids and the award of contracts for 42971
construction of any project under sections 3318.40 to 3318.45 of 42972

the Revised Code shall be conducted in accordance with section 42973
3318.10 of the Revised Code. 42974

(H) In accordance with division (R) of section 3318.08 of the 42975
Revised Code, the state funds reserved and encumbered and the 42976
funds provided by the school district to pay the basic project 42977
cost of a project under sections 3318.40 to 3318.45 of the Revised 42978
Code shall be spent simultaneously in proportion to the state's 42979
and the school district's respective portions of that basic 42980
project cost. 42981

(I) Sections 3318.13, 3318.14, and 3318.16 of the Revised 42982
Code apply to projects under sections 3318.40 to 3318.45 of the 42983
Revised Code. 42984

Sec. 3319.077. (A) As used in this section: 42985

(1) "Dyslexia" has the same meaning as in section 3323.25 of 42986
the Revised Code. 42987

(2) "Ohio dyslexia committee" means the committee established 42988
under section 3325.25 of the Revised Code. 42989

(3) "Special education" has the same meaning as in section 42990
3323.01 of the Revised Code. 42991

(4) "Teacher" does not include any teacher who provides 42992
instruction in fine arts, music, or physical education. 42993

(B)(1) The department of education, in collaboration with the 42994
Ohio dyslexia committee, shall maintain a list of training that 42995
fulfills the professional development requirements prescribed in 42996
division (C) of this section. The list may consist of online or 42997
classroom learning models. 42998

(2) Each approved training shall align with the guidebook 42999
developed under section 3323.25 of the Revised Code, be 43000
evidence-based, and require instruction and training for 43001
identifying characteristics of dyslexia and understanding the 43002

pedagogy for instructing students with dyslexia. 43003

(3) The Ohio dyslexia committee shall prescribe a total 43004
number of clock hours of instruction in training approved under 43005
this section for a teacher to complete to satisfy the professional 43006
development requirements prescribed in division (C) of this 43007
section. The Ohio dyslexia committee shall prescribe a total 43008
number of clock hours that is not less than six clock hours and 43009
not more than eighteen clock hours. 43010

(C)(1) Division (C)(1) of this section applies to any teacher 43011
who was employed by a local, city, or exempted village school 43012
district on April 12, 2021, and is still employed by that district 43013
on the dates specified under division (C)(1)(a), (b), or (c) of 43014
this section as follows: 43015

(a) Not later than the beginning of the 2023-2024 school 43016
year, each district teacher employed by a local, city, or exempted 43017
village school district who provides instruction for students in 43018
kindergarten and first grade, including those providing special 43019
education instruction, shall complete the number of instructional 43020
hours in approved professional development training required by 43021
the committee under this section. 43022

~~(2)(b) Not later than the beginning of the 2024-2025 school 43023
year September 15, 2024, each district teacher employed by a 43024
school district who provides instruction for students in grades 43025
two and three, including those providing special education 43026
instruction, shall complete the number of instructional hours in 43027
approved professional development training required by the 43028
committee under this section. 43029~~

~~(3)(c) Not later than the beginning of the 2025-2026 school 43030
year September 15, 2025, each district teacher employed by a 43031
school district who provides special education instruction for 43032
students in grades four through twelve shall complete a 43033~~

professional development training approved under division (B) of 43034
this section. 43035

(2) Any teacher hired by a local, city, or exempted village 43036
school district after April 12, 2021, who provides instruction for 43037
students in any of grades kindergarten through three, including a 43038
teacher providing special education instruction, or who provides 43039
special education instruction for students in any of grades four 43040
through twelve shall complete professional development training in 43041
accordance with division (C)(1)(a), (b), or (c) of this section by 43042
the later of two years after the date of hire or the date 43043
specified under division (C)(1)(a), (b), or (c) of this section, 43044
unless the teacher completed the training while employed by a 43045
different district under division (C)(1) of this section. 43046

(D) Any professional development training completed by a 43047
teacher prior to April 12, 2021, that is then included on the list 43048
of training approved under division (B)(1) of this section shall 43049
count toward the number of instructional hours in approved 43050
professional development training required under division (C) of 43051
this section. 43052

(E) Nothing in this section shall prohibit a school district 43053
from requiring employees who are not subject to this section from 43054
completing professional development training approved under 43055
division (B) of this section. 43056

Sec. 3319.088. As used in this section, "educational 43057
assistant" means any nonteaching employee in a school district who 43058
directly assists a teacher as defined in section 3319.09 of the 43059
Revised Code, by performing duties for which a license issued 43060
pursuant to sections 3319.22 to 3319.30 of the Revised Code is not 43061
required. 43062

(A) The state board of education shall issue educational aide 43063
permits and educational paraprofessional licenses for educational 43064

assistants and shall adopt rules for the issuance and renewal of 43065
such permits and licenses which shall be consistent with the 43066
provisions of this section. Educational aide permits and 43067
educational paraprofessional licenses may be of several types and 43068
the rules shall prescribe the minimum qualifications of education 43069
and health for the service to be authorized under each type. The 43070
prescribed minimum qualifications may require special training or 43071
educational courses designed to qualify a person to perform 43072
effectively the duties authorized under an educational aide permit 43073
or educational paraprofessional license. 43074

(B)(1) Any application for a permit or license, or a renewal 43075
or duplicate of a permit or license, under this section shall be 43076
accompanied by the payment of a fee in the amount established 43077
under division (A) of section 3319.51 of the Revised Code. Any 43078
fees received under this division shall be paid into the state 43079
treasury to the credit of the state board of education licensure 43080
fund established under division (B) of section 3319.51 of the 43081
Revised Code. 43082

(2) Any person applying for or holding a permit or license 43083
pursuant to this section is subject to sections 3123.41 to 3123.50 43084
of the Revised Code and any applicable rules adopted under section 43085
3123.63 of the Revised Code and sections 3319.31 and 3319.311 of 43086
the Revised Code. 43087

(C) Educational assistants shall at all times while in the 43088
performance of their duties be under the supervision and direction 43089
of a teacher as defined in section 3319.09 of the Revised Code. 43090
Educational assistants may assist a teacher to whom assigned in 43091
the supervision of pupils, in assisting with instructional tasks, 43092
and in the performance of duties which, in the judgment of the 43093
teacher to whom the assistant is assigned, may be performed by a 43094
person not licensed pursuant to sections 3319.22 to 3319.30 of the 43095
Revised Code and for which a teaching license, issued pursuant to 43096

sections 3319.22 to 3319.30 of the Revised Code is not required. 43097
The duties of an educational assistant shall not include the 43098
assignment of grades to pupils. The duties of an educational 43099
assistant need not be performed in the physical presence of the 43100
teacher to whom assigned, but the activity of an educational 43101
assistant shall at all times be under the direction of the teacher 43102
to whom assigned. The assignment of an educational assistant need 43103
not be limited to assisting a single teacher. In the event an 43104
educational assistant is assigned to assist more than one teacher 43105
the assignments shall be clearly delineated and so arranged that 43106
the educational assistant shall never be subject to simultaneous 43107
supervision or direction by more than one teacher. 43108

Educational assistants assigned to supervise children shall, 43109
when the teacher to whom assigned is not physically present, 43110
maintain the degree of control and discipline that would be 43111
maintained by the teacher. 43112

Educational assistants may not be used in place of classroom 43113
teachers or other employees and any payment of compensation by 43114
boards of education to educational assistants for such services is 43115
prohibited. The ratio between the number of licensed teachers and 43116
the pupils in a school district may not be decreased by 43117
utilization of educational assistants and no grouping, or other 43118
organization of pupils, for utilization of educational assistants 43119
shall be established which is inconsistent with sound educational 43120
practices and procedures. A school district may employ up to one 43121
full time equivalent educational assistant for each six full time 43122
equivalent licensed employees of the district. Educational 43123
assistants shall not be counted as licensed employees for purposes 43124
of state support in the school foundation program and no grouping 43125
or regrouping of pupils with educational assistants may be counted 43126
as a class or unit for school foundation program purposes. Neither 43127
special courses required by the regulations of the state board of 43128

education, prescribing minimum qualifications of education for an 43129
educational assistant, nor years of service as an educational 43130
assistant shall be counted in any way toward qualifying for a 43131
teacher license, for a teacher contract of any type, or for 43132
determining placement on a salary schedule in a school district as 43133
a teacher. 43134

(D) Educational assistants employed by a board of education 43135
shall have all rights, benefits, and legal protection available to 43136
other nonteaching employees in the school district, except that 43137
provisions of Chapter 124. of the Revised Code shall not apply to 43138
any person employed as an educational assistant, and shall be 43139
members of the school employees retirement system. Educational 43140
assistants shall be compensated according to a salary plan adopted 43141
annually by the board. 43142

Except as provided in this section nonteaching employees 43143
shall not serve as educational assistants without first obtaining 43144
an appropriate educational aide permit or educational 43145
paraprofessional license from the state board of education. A 43146
nonteaching employee who is the holder of a valid educational aide 43147
permit or educational paraprofessional license shall neither 43148
render nor be required to render services inconsistent with the 43149
type of services authorized by the permit or license held. No 43150
person shall receive compensation from a board of education for 43151
services rendered as an educational assistant in violation of this 43152
provision. 43153

Nonteaching employees whose functions are solely 43154
secretarial-clerical and who do not perform any other duties as 43155
educational assistants, even though they assist a teacher and work 43156
under the direction of a teacher shall not be required to hold a 43157
permit or license issued pursuant to this section. ~~Students~~ 43158
~~preparing to become licensed teachers or educational assistants~~ 43159
~~shall not be required to hold an educational aide permit or~~ 43160

~~paraprofessional license for such periods of time as such students
are assigned, as part of their training program, to work with a
teacher in a school district. Such students shall not be
compensated for such services.~~

Following the determination of the assignment and general job
description of an educational assistant and subject to supervision
by the teacher's immediate administrative officer, a teacher to
whom an educational assistant is assigned shall make all final
determinations of the duties to be assigned to such assistant.
Teachers shall not be required to hold a license designated for
being a supervisor or administrator in order to perform the
necessary supervision of educational assistants.

(E) No person who is, or who has been employed as an
educational assistant shall divulge, except to the teacher to whom
assigned, or the administrator of the school in the absence of the
teacher to whom assigned, or when required to testify in a court
or proceedings, any personal information concerning any pupil in
the school district which was obtained or obtainable by the
educational assistant while so employed. Violation of this
provision is grounds for disciplinary action or dismissal, or
both.

(F) Notwithstanding anything to the contrary in this section,
the superintendent of a school district may allow an employee who
does not hold a permit or license issued under this section to
work as a substitute for an educational assistant who is absent on
account of illness or on a leave of absence, or to fill a
temporary position created by an emergency, provided that the
superintendent believes the employee's application materials
indicate that the employee is qualified to obtain a permit or
license under this section.

An employee shall begin work as a substitute under this
division not earlier than on the date on which the employee files

an application with the state board for a permit or license under 43193
this section. An employee shall cease working as a substitute 43194
under this division on the earliest of the following: 43195

(1) The date on which the employee files a valid permit or 43196
license issued under this section with the superintendent; 43197

(2) The date on which the employee is denied a permit or 43198
license under this section; 43199

(3) Sixty days following the date on which the employee began 43200
work as a substitute under this division. 43201

The superintendent shall ensure that an employee assigned to 43202
work as a substitute under division (F) of this section has 43203
undergone a criminal records check in accordance with section 43204
3319.391 of the Revised Code. 43205

Sec. 3319.0812. (A) The state board of education shall adopt 43206
rules in accordance with Chapter 119. of the Revised Code, 43207
establishing the standards and requirements for obtaining a 43208
pre-service teacher permit. The permit shall be required for an 43209
individual who is enrolled in an educator preparation program in 43210
order to participate in any student classroom teaching or other 43211
training experience that involves students in any of grades 43212
pre-kindergarten through twelve in a public or chartered nonpublic 43213
school and that is required for completion of the program. 43214

(B) Notwithstanding section 3319.226 of the Revised Code, a 43215
school district or school may employ an individual who holds a 43216
permit issued under this section as a substitute teacher. The 43217
individual may teach for up to the equivalent of one full 43218
semester, subject to the approval of the employing district board 43219
of education or school governing authority and may be compensated 43220
for that service. The district superintendent or chief 43221
administrator of the school may request that the board or 43222

governing authority approve one or more additional subsequent 43223
semester-long periods of teaching for the individual. 43224

(C) A pre-service teacher permit shall be valid for three 43225
years. The department of education, on a case-by-case basis, may 43226
extend the permit's duration as needed to enable the permit holder 43227
to complete the educator preparation program in which the permit 43228
holder is enrolled. 43229

(D) An individual applying for a pre-service teacher permit 43230
shall be subject to a criminal records check as prescribed by 43231
section 3319.39 of the Revised Code. In the manner prescribed by 43232
the department, the individual shall submit the criminal records 43233
check to the department. The department shall use the information 43234
submitted to enroll the individual in the retained applicant 43235
fingerprint database, established under section 109.5721 of the 43236
Revised Code, in the same manner as any teacher licensed under 43237
section 3319.22 to 3319.31 of the Revised Code. 43238

If the department receives notification of the arrest or 43239
conviction of an individual under division (D) of this section, 43240
the department shall promptly notify the applicable educator 43241
preparation program and any school district or school in which the 43242
pre-service teacher has been employed or assigned as part of the 43243
program and may take any action authorized under sections 3319.31 43244
and 3319.311 of the Revised Code that it considers to be 43245
appropriate. Upon receiving notification from the department of an 43246
arrest or conviction of an individual under division (D) of this 43247
section, the educator preparation program shall provide to the 43248
department a list of all school districts and schools to which the 43249
pre-service teacher has been assigned as a part of the program. 43250

Sec. 3319.22. (A)(1) The state board of education shall issue 43251
the following educator licenses: 43252

(a) A resident educator license, which shall be valid for two 43253

years and shall be renewable for reasons specified by rules 43254
adopted by the state board pursuant to division (A)(3) of this 43255
section. The state board, on a case-by-case basis, may extend the 43256
license's duration as necessary to enable the license holder to 43257
complete the Ohio teacher residency program established under 43258
section 3319.223 of the Revised Code; 43259

(b) A professional educator license, which shall be valid for 43260
five years and shall be renewable; 43261

(c) A senior professional educator license, which shall be 43262
valid for five years and shall be renewable; 43263

(d) A lead professional educator license, which shall be 43264
valid for five years and shall be renewable. 43265

Licenses issued under division (A)(1) of this section on and 43266
after November 2, 2018, shall specify whether the educator is 43267
licensed to teach grades pre-kindergarten through ~~five, grades~~ 43268
~~four through nine~~ eight, or grades ~~seven~~ six through twelve. The 43269
changes to the grade band specifications under this ~~amendment~~ 43270
section shall not apply to a person who holds a license under 43271
division (A)(1) of this section prior to November 2, 2018. 43272
Further, the changes to the grade band specifications under this 43273
~~amendment~~ section shall not apply to any license issued to teach 43274
in the area of ~~computer information science~~, bilingual education, 43275
dance, drama or theater, world language, health, library or media, 43276
music, physical education, teaching English to speakers of other 43277
languages, career-technical education, or visual arts or to any 43278
license issued to an intervention specialist, including a gifted 43279
intervention specialist, or to any other license that does not 43280
align to the grade band specifications. 43281

(2)(a) Except as provided in division (A)(2)(b) of this 43282
section, the state board may issue any additional educator 43283
licenses of categories, types, and levels the board elects to 43284

provide. 43285

(b) Not later than December 31, 2024, the state board shall 43286
cease licensing school psychologists. The state board shall 43287
coordinate with the state board of psychology to transition to 43288
licensure under Chapter 4732. of the Revised Code any school 43289
psychologists licensed under rules adopted in accordance with 43290
sections 3301.07 and 3319.22 of the Revised Code. 43291

(3) The state board shall adopt rules establishing the 43292
standards and requirements for obtaining each educator license 43293
issued under this section. The rules shall also include the 43294
reasons for which a resident educator license may be renewed under 43295
division (A)(1)(a) of this section. 43296

(B) The rules adopted under this section shall require at 43297
least the following standards and qualifications for the educator 43298
licenses described in division (A)(1) of this section: 43299

(1) An applicant for a resident educator license shall hold 43300
at least a bachelor's degree from an accredited teacher 43301
preparation program or be a participant in the teach for America 43302
program and meet the qualifications required under section 43303
3319.227 of the Revised Code. 43304

(2) An applicant for a professional educator license shall: 43305

(a) Hold at least a bachelor's degree from an institution of 43306
higher education accredited by a regional accrediting 43307
organization; 43308

(b) Have successfully completed the Ohio teacher residency 43309
program established under section 3319.223 of the Revised Code, if 43310
the applicant's current or most recently issued license is a 43311
resident educator license issued under this section or an 43312
alternative resident educator license issued under section 3319.26 43313
of the Revised Code. 43314

(3) An applicant for a senior professional educator license shall:	43315 43316
(a) Hold at least a master's degree from an institution of higher education accredited by a regional accrediting organization;	43317 43318 43319
(b) Have previously held a professional educator license issued under this section or section 3319.222 or under former section 3319.22 of the Revised Code;	43320 43321 43322
(c) Meet the criteria for the accomplished or distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code.	43323 43324 43325 43326
(4) An applicant for a lead professional educator license shall:	43327 43328
(a) Hold at least a master's degree from an institution of higher education accredited by a regional accrediting organization;	43329 43330 43331
(b) Have previously held a professional educator license or a senior professional educator license issued under this section or a professional educator license issued under section 3319.222 or former section 3319.22 of the Revised Code;	43332 43333 43334 43335
(c) Meet the criteria for the distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code;	43336 43337 43338
(d) Either hold a valid certificate issued by the national board for professional teaching standards or meet the criteria for a master teacher or other criteria for a lead teacher adopted by the educator standards board under division (F)(4) or (5) of section 3319.61 of the Revised Code.	43339 43340 43341 43342 43343
(C) The state board shall align the standards and	43344

qualifications for obtaining a principal license with the 43345
standards for principals adopted by the state board under section 43346
3319.61 of the Revised Code. 43347

(D) If the state board requires any examinations for educator 43348
licensure, the department of education shall provide the results 43349
of such examinations received by the department to the chancellor 43350
of higher education, in the manner and to the extent permitted by 43351
state and federal law. 43352

(E) Any rules the state board of education adopts, amends, or 43353
rescinds for educator licenses under this section, division (D) of 43354
section 3301.07 of the Revised Code, or any other law shall be 43355
adopted, amended, or rescinded under Chapter 119. of the Revised 43356
Code except as follows: 43357

(1) Notwithstanding division (E) of section 119.03 and 43358
division (A)(1) of section 119.04 of the Revised Code, in the case 43359
of the adoption of any rule or the amendment or rescission of any 43360
rule that necessitates institutions' offering preparation programs 43361
for educators and other school personnel that are approved by the 43362
chancellor of higher education under section 3333.048 of the 43363
Revised Code to revise the curriculum of those programs, the 43364
effective date shall not be as prescribed in division (E) of 43365
section 119.03 and division (A)(1) of section 119.04 of the 43366
Revised Code. Instead, the effective date of such rules, or the 43367
amendment or rescission of such rules, shall be the date 43368
prescribed by section 3333.048 of the Revised Code. 43369

(2) Notwithstanding the authority to adopt, amend, or rescind 43370
emergency rules in division (G) of section 119.03 of the Revised 43371
Code, this authority shall not apply to the state board of 43372
education with regard to rules for educator licenses. 43373

(F)(1) The rules adopted under this section establishing 43374
standards requiring additional coursework for the renewal of any 43375

educator license shall require a school district and a chartered 43376
nonpublic school to establish local professional development 43377
committees. In a nonpublic school, the chief administrative 43378
officer shall establish the committees in any manner acceptable to 43379
such officer. The committees established under this division shall 43380
determine whether coursework that a district or chartered 43381
nonpublic school teacher proposes to complete meets the 43382
requirement of the rules. The department of education shall 43383
provide technical assistance and support to committees as the 43384
committees incorporate the professional development standards 43385
adopted by the state board of education pursuant to section 43386
3319.61 of the Revised Code into their review of coursework that 43387
is appropriate for license renewal. The rules shall establish a 43388
procedure by which a teacher may appeal the decision of a local 43389
professional development committee. 43390

(2) In any school district in which there is no exclusive 43391
representative established under Chapter 4117. of the Revised 43392
Code, the professional development committees shall be established 43393
as described in division (F)(2) of this section. 43394

Not later than the effective date of the rules adopted under 43395
this section, the board of education of each school district shall 43396
establish the structure for one or more local professional 43397
development committees to be operated by such school district. The 43398
committee structure so established by a district board shall 43399
remain in effect unless within thirty days prior to an anniversary 43400
of the date upon which the current committee structure was 43401
established, the board provides notice to all affected district 43402
employees that the committee structure is to be modified. 43403
Professional development committees may have a district-level or 43404
building-level scope of operations, and may be established with 43405
regard to particular grade or age levels for which an educator 43406
license is designated. 43407

Each professional development committee shall consist of at least three classroom teachers employed by the district, one principal employed by the district, and one other employee of the district appointed by the district superintendent. For committees with a building-level scope, the teacher and principal members shall be assigned to that building, and the teacher members shall be elected by majority vote of the classroom teachers assigned to that building. For committees with a district-level scope, the teacher members shall be elected by majority vote of the classroom teachers of the district, and the principal member shall be elected by a majority vote of the principals of the district, unless there are two or fewer principals employed by the district, in which case the one or two principals employed shall serve on the committee. If a committee has a particular grade or age level scope, the teacher members shall be licensed to teach such grade or age levels, and shall be elected by majority vote of the classroom teachers holding such a license and the principal shall be elected by all principals serving in buildings where any such teachers serve. The district superintendent shall appoint a replacement to fill any vacancy that occurs on a professional development committee, except in the case of vacancies among the elected classroom teacher members, which shall be filled by vote of the remaining members of the committee so selected.

Terms of office on professional development committees shall be prescribed by the district board establishing the committees. The conduct of elections for members of professional development committees shall be prescribed by the district board establishing the committees. A professional development committee may include additional members, except that the majority of members on each such committee shall be classroom teachers employed by the district. Any member appointed to fill a vacancy occurring prior to the expiration date of the term for which a predecessor was appointed shall hold office as a member for the remainder of that

term. 43441

The initial meeting of any professional development 43442
committee, upon election and appointment of all committee members, 43443
shall be called by a member designated by the district 43444
superintendent. At this initial meeting, the committee shall 43445
select a chairperson and such other officers the committee deems 43446
necessary, and shall adopt rules for the conduct of its meetings. 43447
Thereafter, the committee shall meet at the call of the 43448
chairperson or upon the filing of a petition with the district 43449
superintendent signed by a majority of the committee members 43450
calling for the committee to meet. 43451

(3) In the case of a school district in which an exclusive 43452
representative has been established pursuant to Chapter 4117. of 43453
the Revised Code, professional development committees shall be 43454
established in accordance with any collective bargaining agreement 43455
in effect in the district that includes provisions for such 43456
committees. 43457

If the collective bargaining agreement does not specify a 43458
different method for the selection of teacher members of the 43459
committees, the exclusive representative of the district's 43460
teachers shall select the teacher members. 43461

If the collective bargaining agreement does not specify a 43462
different structure for the committees, the board of education of 43463
the school district shall establish the structure, including the 43464
number of committees and the number of teacher and administrative 43465
members on each committee; the specific administrative members to 43466
be part of each committee; whether the scope of the committees 43467
will be district levels, building levels, or by type of grade or 43468
age levels for which educator licenses are designated; the lengths 43469
of terms for members; the manner of filling vacancies on the 43470
committees; and the frequency and time and place of meetings. 43471
However, in all cases, except as provided in division (F)(4) of 43472

this section, there shall be a majority of teacher members of any 43473
professional development committee, there shall be at least five 43474
total members of any professional development committee, and the 43475
exclusive representative shall designate replacement members in 43476
the case of vacancies among teacher members, unless the collective 43477
bargaining agreement specifies a different method of selecting 43478
such replacements. 43479

(4) Whenever an administrator's coursework plan is being 43480
discussed or voted upon, the local professional development 43481
committee shall, at the request of one of its administrative 43482
members, cause a majority of the committee to consist of 43483
administrative members by reducing the number of teacher members 43484
voting on the plan. 43485

(G)(1) The department of education, educational service 43486
centers, county boards of developmental disabilities, college and 43487
university departments of education, head start programs, and the 43488
Ohio education computer network may establish local professional 43489
development committees to determine whether the coursework 43490
proposed by their employees who are licensed or certificated under 43491
this section or section 3319.222 of the Revised Code, or under the 43492
former version of either section as it existed prior to October 43493
16, 2009, meet the requirements of the rules adopted under this 43494
section. They may establish local professional development 43495
committees on their own or in collaboration with a school district 43496
or other agency having authority to establish them. 43497

Local professional development committees established by 43498
county boards of developmental disabilities shall be structured in 43499
a manner comparable to the structures prescribed for school 43500
districts in divisions (F)(2) and (3) of this section, as shall 43501
the committees established by any other entity specified in 43502
division (G)(1) of this section that provides educational services 43503
by employing or contracting for services of classroom teachers 43504

licensed or certificated under this section or section 3319.222 of 43505
the Revised Code, or under the former version of either section as 43506
it existed prior to October 16, 2009. All other entities specified 43507
in division (G)(1) of this section shall structure their 43508
committees in accordance with guidelines which shall be issued by 43509
the state board. 43510

(2) Educational service centers may establish local 43511
professional development committees to serve educators who are not 43512
employed in schools in this state, including pupil services 43513
personnel who are licensed under this section. Local professional 43514
development committees shall be structured in a manner comparable 43515
to the structures prescribed for school districts in divisions 43516
(F)(2) and (3) of this section. 43517

These committees may agree to review the coursework, 43518
continuing education units, or other equivalent activities related 43519
to classroom teaching or the area of licensure that is proposed by 43520
an individual who satisfies both of the following conditions: 43521

(a) The individual is licensed or certificated under this 43522
section or under the former version of this section as it existed 43523
prior to October 16, 2009. 43524

(b) The individual is not currently employed as an educator 43525
or is not currently employed by an entity that operates a local 43526
professional development committee under this section. 43527

Any committee that agrees to work with such an individual 43528
shall work to determine whether the proposed coursework, 43529
continuing education units, or other equivalent activities meet 43530
the requirements of the rules adopted by the state board under 43531
this section. 43532

(3) Any public agency that is not specified in division 43533
(G)(1) or (2) of this section but provides educational services 43534
and employs or contracts for services of classroom teachers 43535

licensed or certificated under this section or section 3319.222 of 43536
the Revised Code, or under the former version of either section as 43537
it existed prior to October 16, 2009, may establish a local 43538
professional development committee, subject to the approval of the 43539
department of education. The committee shall be structured in 43540
accordance with guidelines issued by the state board. 43541

(H) Not later than July 1, 2016, the state board, in 43542
accordance with Chapter 119. of the Revised Code, shall adopt 43543
rules pursuant to division (A)(3) of this section that do both of 43544
the following: 43545

(1) Exempt consistently high-performing teachers from the 43546
requirement to complete any additional coursework for the renewal 43547
of an educator license issued under this section or section 43548
3319.26 of the Revised Code. The rules also shall specify that 43549
such teachers are exempt from any requirements prescribed by 43550
professional development committees established under divisions 43551
(F) and (G) of this section. 43552

(2) For purposes of division (H)(1) of this section, the 43553
state board shall define the term "consistently high-performing 43554
teacher." 43555

Sec. 3319.223. (A) The superintendent of public instruction 43556
and the chancellor of higher education jointly shall establish the 43557
Ohio teacher residency program, which shall be a two-year, 43558
entry-level program for classroom teachers. Except as provided in 43559
division (B) of this section, the teacher residency program shall 43560
include at least the following components: 43561

(1) Mentoring by teachers+, which may be provided online or 43562
in person. The department of education shall provide participants 43563
and mentors with access to online professional development 43564
resources and sample videos of Ohio classroom lessons submitted 43565
for the assessment prescribed under division (A)(3) of this 43566

section at no cost. 43567

(2) Counseling, as determined necessary by the school 43568
district or school, to ensure that program participants receive 43569
needed professional development. The department shall provide to 43570
each participant who does not receive a passing score on the 43571
assessment under division (A)(3) of this section, at no cost, the 43572
opportunity to meet online with an instructional coach who is a 43573
certified assessor of the assessment to review the participant's 43574
assessment score results and discuss improvement strategies and 43575
professional development. 43576

Participants who choose to meet with an instructional coach 43577
shall select from an online pool of instructional coaches who have 43578
completed training and are approved by the department. The 43579
characteristics of each coach's school or district, including its 43580
size, typology, and demographics, shall be made available. 43581
However, participants shall not be required to choose an 43582
instructional coach from a similar district or school. 43583

Participants who have not taken the assessment under division 43584
(A)(3) of this section may meet online with department-approved 43585
instructional coaches if the participant's school district or 43586
school pays the costs associated with the meetings. 43587

(3) Measures of appropriate progression through the program, 43588
which shall include the performance-based assessment prescribed by 43589
the state board of education for resident educators. The state 43590
board shall not limit the number of attempts to successfully 43591
complete the performance-based assessment. 43592

An individual may submit the assessment between the first 43593
Tuesday of October and the first Friday of April of the 43594
individual's second year of the program. The results of the 43595
assessment shall be returned within thirty days unless a new 43596
assessor is contracted, in which case the results shall be 43597

returned in forty-five days. 43598

(B) No individual who is teaching career-technical courses 43599
under an alternative resident educator license issued under 43600
section 3319.26 of the Revised Code or rule of the state board 43601
shall be required to do either of the following: 43602

(1) Complete the conditions of the Ohio teacher residency 43603
program that a participant, as of September 29, 2015, would have 43604
been required to complete during the participant's first and 43605
second year of teaching under an alternative resident educator 43606
license. 43607

(2) Take a performance-based assessment. 43608

(C) The teacher residency program shall be aligned with the 43609
standards for teachers adopted by the state board under section 43610
3319.61 of the Revised Code and best practices identified by the 43611
superintendent of public instruction. 43612

(D) Each person who holds a resident educator license issued 43613
under section 3319.22 or 3319.227 of the Revised Code or an 43614
alternative resident educator license issued under section 3319.26 43615
of the Revised Code shall participate in the teacher residency 43616
program. Successful completion of the program shall be required to 43617
qualify any such person for a professional educator license issued 43618
under section 3319.22 of the Revised Code. 43619

Sec. 3319.225. Beginning with the first school year that 43620
begins on or after the effective date of this section, the board 43621
of education of each school district shall provide one day of 43622
professional development leave each school year, to observe a 43623
veteran classroom teacher, for each teacher employed by the 43624
district who is licensed under section 3319.22 of the Revised Code 43625
and who is not a superintendent, assistant superintendent, 43626
principal, assistant principal, or other administrator, as defined 43627

in section 3319.02 of the Revised Code. 43628

Each local professional development committee established 43629
under section 3319.22 of the Revised Code shall consider a 43630
teacher's observation of a veteran teacher as part of the 43631
continuing education required for license renewal under that 43632
section. 43633

Sec. 3319.2213. (A) The state board of education shall issue 43634
an initial five-year professional pupil services license in school 43635
counseling under section 3319.22 of the Revised Code to an 43636
applicant for that license if the applicant has done all of the 43637
following: 43638

(1) Completed a school counselor preparation program approved 43639
by the state board; 43640

(2) Passed an examination prescribed by the state board; 43641

(3) Attained a master's degree; 43642

(4) Successfully completed a six hundred hour internship in a 43643
school setting; 43644

(5) Successfully completed twelve hours of training about the 43645
building and construction trades and available apprenticeships. 43646
The training shall be completed on a construction site or at a 43647
training facility for the building and construction trades. An 43648
applicant may count that twelve hours of training toward meeting 43649
the six hundred hour internship requirement prescribed in division 43650
(A)(4) of this section. 43651

The training shall include information about both of the 43652
following: 43653

(a) The pay and benefits available to people who work in the 43654
building and construction trades in the applicant's community; 43655

(b) Job opportunities for boilermakers, electrical workers, 43656

bricklayers, insulators, laborers, iron workers, plumbers and 43657
pipefitters, roofers, plasterers and cement masons, sheet metal 43658
workers, painters and glaziers, elevator constructors, operating 43659
engineers, teamsters, and carpenters. 43660

(B) The state board shall require an individual who holds a 43661
valid professional pupil services license in school counseling to 43662
complete four hours of training described in division (A)(5) of 43663
this section to renew that license. An individual may count those 43664
four hours toward meeting continuing education unit requirements 43665
established by the state board for licensure renewal. 43666

Sec. 3319.236. (A) Except as provided in division (B) or (E) 43667
of this section, a school district shall require an individual to 43668
hold a valid educator license in computer science, or have a 43669
license endorsement in computer technology and a passing score on 43670
a content examination in the area of computer science, to teach 43671
computer science courses. 43672

(B) A school district may employ an individual, for the 43673
purpose of teaching computer science courses, who holds a valid 43674
educator license ~~in any of grades kindergarten through twelve,~~ 43675
provided the individual meets the requirements established by 43676
rules of the state board of education to qualify for a 43677
supplemental teaching license for teaching computer science. The 43678
rules shall require an applicant for a supplemental teaching 43679
license to pass a content examination in the area of computer 43680
science. The rules also shall permit an individual, after at least 43681
two years of successfully teaching computer science courses under 43682
the supplemental teaching license, to advance to a standard 43683
educator license in computer science by completing a pedagogy 43684
course applicable to the grade levels in which the individual is 43685
teaching. However, the rules may exempt an individual teaching 43686
computer science from the requirement to complete a pedagogy 43687

course if the individual previously completed a pedagogy course 43688
applicable to the grade levels in which the individual is 43689
teaching. 43690

(C) In order for an individual to teach advanced placement 43691
computer science courses, a school district shall require the 43692
individual to also complete a professional development program 43693
endorsed or provided by the organization that creates and 43694
administers national advanced placement examinations. For this 43695
purpose, the individual may complete the program at any time 43696
during the calendar year. 43697

(D) Notwithstanding section 3301.012 of the Revised Code, as 43698
used in this section, "computer science courses" means any courses 43699
that are reported in the education management information system 43700
established under section 3301.0714 of the Revised Code as 43701
computer science courses and which are aligned to computer science 43702
standards adopted by the state board of education. 43703

(E) The state board of education shall adopt rules to create 43704
a computer science teaching license for industry professionals to 43705
teach computer science to specific grades. The holder of a 43706
computer science teaching license for industry professionals shall 43707
be limited to teaching forty hours in a week in the subject area 43708
of computer science, as defined in section 3322.01 of the Revised 43709
Code. The superintendent of public instruction shall consult with 43710
the chancellor of higher education in creating and revising the 43711
requirements for computer science teacher licensure. 43712

(F) Licenses issued under this section shall specify whether 43713
the educator is licensed to teach grades pre-kindergarten through 43714
five, grades four through nine, or grades seven through twelve. 43715

Sec. 3319.26. (A) The state board of education shall adopt 43716
rules establishing the standards and requirements for obtaining an 43717
alternative resident educator license for teaching in grades 43718

kindergarten to twelve, or the equivalent, in a designated subject 43719
area or in the area of intervention specialist, as defined by rule 43720
of the state board. The rules shall also include the reasons for 43721
which an alternative resident educator license may be renewed 43722
under division (D) of this section. 43723

(B) The superintendent of public instruction and the 43724
chancellor of higher education jointly shall develop an intensive 43725
pedagogical training institute to provide instruction in the 43726
principles and practices of teaching for individuals seeking an 43727
alternative resident educator license. The instruction shall cover 43728
such topics as student development and learning, pupil assessment 43729
procedures, curriculum development, classroom management, and 43730
teaching methodology. 43731

(C) The rules adopted under this section shall require 43732
applicants for the alternative resident educator license to 43733
satisfy the following conditions prior to issuance of the license, 43734
but they shall not require applicants to have completed a major or 43735
coursework in the subject area for which application is being 43736
made: 43737

(1) Hold a minimum of a baccalaureate degree; 43738

(2) Successfully complete the pedagogical training institute 43739
described in division (B) of this section or the preservice 43740
training provided to participants of a teacher preparation program 43741
that has been approved by the chancellor. The chancellor may 43742
approve any such program that requires participants to hold a 43743
bachelor's degree; have either a cumulative undergraduate grade 43744
point average of at least 2.5 out of 4.0, or its equivalent or a 43745
cumulative graduate school grade point average of at least 3.0 out 43746
of 4.0; and successfully complete the program's preservice 43747
training. 43748

(3) Pass an examination in the subject area for which 43749

application is being made. 43750

(D) An alternative resident educator license shall be valid 43751
for ~~four~~ two years and shall be renewable for reasons specified by 43752
rules adopted by the state board pursuant to division (A) of this 43753
section. The state board, on a case-by-case basis, may extend the 43754
license's duration as necessary to enable the license holder to 43755
complete the Ohio teacher residency program established under 43756
section 3319.223 of the Revised Code. 43757

(E) The rules shall require the holder of an alternative 43758
resident educator license, as a condition of continuing to hold 43759
the license, to do all of the following: 43760

(1) Participate in the Ohio teacher residency program under 43761
section 3319.223 of the revised Code; 43762

(2) Show satisfactory progress in taking and successfully 43763
completing one of the following: 43764

(a) At least twelve additional semester hours, or the 43765
equivalent, of college coursework in the principles and practices 43766
of teaching in such topics as student development and learning, 43767
pupil assessment procedures, curriculum development, classroom 43768
management, and teaching methodology; 43769

(b) Professional development provided by a teacher 43770
preparation program that has been approved by the chancellor under 43771
division (C)(2) of this section. 43772

(3) Take an assessment of professional knowledge in the 43773
second year of teaching under the license. 43774

(F) The rules shall provide for the granting of a 43775
professional educator license to a holder of an alternative 43776
resident educator license upon successfully completing all of the 43777
following: 43778

(1) ~~Four~~ Two years of teaching under the alternative license; 43779

(2) The additional college coursework or professional development described in division (E)(2) of this section; 43780
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(3) The assessment of professional knowledge described in division (E)(3) of this section. The standards for successfully completing this assessment and the manner of conducting the assessment shall be the same as for any other individual who is required to take the assessment pursuant to rules adopted by the state board under section 3319.22 of the Revised Code. 43782
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(4) The Ohio teacher residency program; 43788

(5) All other requirements for a professional educator license adopted by the state board under section 3319.22 of the Revised Code. 43789
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(G) A person who is assigned to teach in this state as a participant in the teach for America program or who has completed two years of teaching in another state as a participant in that program shall be eligible for a license only under section 3319.227 of the Revised Code and shall not be eligible for a license under this section. 43792
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(H) The holder of an alternative resident educator license may teach preschool students under that license. 43798
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Sec. 3319.27. (A) The state board of education shall adopt rules that establish an alternative principal license. The rules establishing an alternative principal license shall include a requirement that an applicant have obtained classroom teaching experience. Beginning on the effective date of the rules, the state board shall cease to issue temporary educator licenses pursuant to former section 3319.225 of the Revised Code as it existed prior to April 12, 2021, for employment as a principal. Any person who on the effective date of the rules holds a valid temporary educator license issued under that section and is 43800
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employed as a principal shall be allowed to continue employment as 43810
a principal until the expiration of the license. Employment of any 43811
such person as a principal by a school district after the 43812
expiration of the temporary educator license shall be contingent 43813
upon the state board issuing the person an alternative principal 43814
license in accordance with the rules adopted under this division. 43815

(B) The state board shall adopt rules that establish an 43816
alternative administrator license, which shall be valid for 43817
employment as a superintendent or in any other administrative 43818
position except principal. Beginning on the effective date of the 43819
rules, the state board shall cease to issue temporary educator 43820
licenses pursuant to former section 3319.225 of the Revised Code 43821
as it existed prior to April 12, 2021, for employment as a 43822
superintendent or in any other administrative position except 43823
principal. Any person who on the effective date of the rules holds 43824
a valid temporary educator license issued under that section and 43825
is employed as a superintendent or in any other administrative 43826
position except principal shall be allowed to continue employment 43827
in that position until the expiration of the license. Employment 43828
of any such person as a superintendent or in any other 43829
administrative position except principal by a school district 43830
after the expiration of the temporary educator license shall be 43831
contingent upon the state board issuing the person an alternative 43832
administrator license in accordance with the rules adopted under 43833
this division. 43834

Sec. 3319.285. (A) As used in this section: 43835

(1) "Eligible military individual" includes any of the 43836
following: 43837

(a) An active-duty member of any branch of the United States 43838
armed forces; 43839

(b) A veteran of any branch of the United States armed forces 43840

who separated from service with an honorable discharge; 43841

(c) A member of the national guard or a member of a reserve component of the United States armed forces; 43842
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(d) A spouse of a member or veteran described in division (A)(1)(a), (b), or (c) of this section. 43844
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(2) "Teacher" has the same meaning as in section 3319.09 of the Revised Code. 43846
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(B) The state board of education, in consultation with the chancellor of higher education, shall adopt rules to establish an alternative military educator license for eligible military individuals. The rules shall ensure that eligible military individuals can obtain an educator license to work as a teacher in a public school on an expedited timeline. The rules shall allow eligible military individuals to apply leadership training or other military training toward requirements for college coursework, professional development, content knowledge examinations, or other licensure requirements. 43848
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(C) The department of education may work with the credential review board created under section 3319.65 of the Revised Code to determine the types of military training that correspond with the educational training needed to be a successful teacher. 43858
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Sec. 3319.303. (A) The state board of education shall adopt rules establishing standards and requirements for obtaining a pupil-activity program permit for any individual who does not hold a valid educator license, certificate, or permit issued by the state board under section 3319.22, 3319.26, or 3319.27 of the Revised Code. The permit issued under this section shall be valid for coaching, supervising, or directing a pupil-activity program under section 3313.53 of the Revised Code. Subject to the provisions of section 3319.31 of the Revised Code, a permit issued 43862
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under this division shall be valid for three years and shall be 43871
renewable. 43872

(B) The state board shall adopt rules applicable to 43873
individuals who hold valid educator licenses, certificates, or 43874
permits issued by the state board under section 3319.22, 3319.26, 43875
or 3319.27 of the Revised Code setting forth standards to assure 43876
any such individual's competence to direct, supervise, or coach a 43877
pupil-activity program described in section 3313.53 of the Revised 43878
Code. The rules adopted under this division shall not be more 43879
stringent than the standards set forth in rules applicable to 43880
individuals who do not hold such licenses, certificates, or 43881
permits adopted under division (A) of this section. Subject to the 43882
provisions of section 3319.31 of the Revised Code, a permit issued 43883
to an individual under this division shall be valid for the same 43884
number of years as the individual's educator license, certificate, 43885
or permit issued under section 3319.22, 3319.26, or 3319.27 of the 43886
Revised Code and shall be renewable. 43887

(C) As a condition to issuing or renewing a pupil-activity 43888
program permit to coach interscholastic athletics: 43889

(1) The state board shall require each individual applying 43890
for a first permit ~~on or after April 26, 2013,~~ to successfully 43891
complete a training program that is specifically focused on brain 43892
trauma and brain injury management and the sudden cardiac arrest 43893
training course approved by the department of health under 43894
division (C) of section 3707.59 of the Revised Code. 43895

(2) The state board shall require each individual applying 43896
for a permit renewal ~~on or after that date~~ to present evidence 43897
that the individual has successfully completed, within the 43898
duration of the individual's previous three years, a permit, both 43899
of the following: 43900

(a) A training program in recognizing the symptoms of 43901

concussions and head injuries to which the department of health 43902
has provided a link on its internet web site under section 3707.52 43903
of the Revised Code or a training program authorized and required 43904
by an organization that regulates interscholastic athletic 43905
competition and conducts interscholastic athletic events; 43906

(b) The sudden cardiac arrest training course approved by the 43907
department of health under division (C) of section 3707.59 of the 43908
Revised Code. 43909

(3) The state board shall require each individual applying 43910
for a permit renewal on or after the effective date of this 43911
amendment to present evidence that the individual has complied 43912
with the student mental health training requirement under section 43913
3313.5318 of the Revised Code. 43914

Sec. 3319.324. (A) As used in this section, "school records" 43915
includes any academic records, student assessment data, or other 43916
information for which there is a legitimate educational interest. 43917

(B) When any school district or chartered nonpublic school 43918
receives a request from another district or school to which a 43919
student has transferred for that student's school records, the 43920
district or school receiving the request shall respond, within 43921
five school days after receiving the request, by transmitting to 43922
the requesting district or school either the student's school 43923
records as authorized under section 3319.321 of the Revised Code 43924
or, if the district or school has no record of the student's 43925
attendance, a statement of that fact. 43926

The provisions of this section are in addition to, and do not 43927
affect the obligations of a school district or school to comply 43928
with, the requirements of division (D) of section 3313.642 and 43929
section 3313.672 of the Revised Code. 43930

Sec. 3319.58. (A) As used in this section: 43931

<u>(1) "Eligible teacher" means an individual who satisfies all</u>	43932
<u>of the following conditions:</u>	43933
<u>(a) The individual is an Ohio resident.</u>	43934
<u>(b) The individual holds a valid educator license issued</u>	43935
<u>under section 3319.22 of the Revised Code.</u>	43936
<u>(c) The individual is employed full-time for the first time</u>	43937
<u>as a classroom teacher.</u>	43938
<u>(d) The individual received a bachelor's degree awarded by</u>	43939
<u>any public or private institution of higher education in this</u>	43940
<u>state.</u>	43941
<u>(e) The individual has outstanding student loans for the</u>	43942
<u>degree described in division (A)(1)(d) of this section.</u>	43943
<u>(f) The individual has made timely payments in accordance</u>	43944
<u>with the terms of the individual's repayment schedule for the</u>	43945
<u>outstanding student loans described in division (A)(1)(e) of this</u>	43946
<u>section.</u>	43947
<u>(2) "Qualifying school" means a school building operated by a</u>	43948
<u>school district, a community school established under Chapter</u>	43949
<u>3314., a STEM school established under Chapter 3326., or a</u>	43950
<u>college-preparatory boarding school established under Chapter</u>	43951
<u>3328. of the Revised Code to which the department of education and</u>	43952
<u>the chancellor of higher education jointly determine that both of</u>	43953
<u>the following applies:</u>	43954
<u>(a) The school building has persistently low performance</u>	43955
<u>ratings on its state report card under section 3302.03 or 3314.017</u>	43956
<u>of the Revised Code.</u>	43957
<u>(b) The school building has difficulty attracting and</u>	43958
<u>retaining classroom teachers who hold a valid educator license</u>	43959
<u>issued under section 3319.22 of the Revised Code.</u>	43960
<u>(B) The department of education and the chancellor of higher</u>	43961

education jointly shall establish and administer a teacher loan 43962
repayment program. Under the program, the department shall pay the 43963
amount specified in division (C) of this section to repay 43964
outstanding student loans described in division (A)(1)(e) of this 43965
section on behalf of the eligible teacher, if the teacher applies 43966
to receive an award under the program upon being employed by a 43967
qualifying school and subsequently is employed by that school in a 43968
position providing instruction for five consecutive school years 43969
in a high-needs subject area as determined by the department. An 43970
eligible teacher shall receive only one award under the program. 43971
The department shall make a payment directly to the eligible 43972
teacher's lender. 43973

(C) The amount for each award under the program shall be the 43974
lesser of forty thousand dollars or the total amount of the 43975
outstanding student loans described in division (A)(1)(e) of the 43976
section for an eligible teacher who meets the requirement 43977
prescribed in division (B) of this section. 43978

(D) The department and the chancellor jointly shall adopt 43979
rules to administer the program. 43980

(E) The teacher loan repayment fund is hereby created in the 43981
state treasury, to consist of such amounts designated for the 43982
purposes of the fund by the general assembly. The fund shall be 43983
used to make awards under the program established under this 43984
section. 43985

Sec. 3322.01. As used in this chapter: 43986

(A) "Computer science" includes logical reasoning, computing 43987
systems, networks and the internet, data and data analysis, 43988
algorithms and programming, impacts of computing, web development, 43989
and structured problem solving skills related to these 43990
disciplines. 43991

(B) "Council" means the Ohio computer science council 43992
established under section 3322.02 of the Revised Code. 43993

(C) "Governing entity" and "nonpublic secondary school" have 43994
the same meanings as in section 3365.01 of the Revised Code. 43995

(D) "Public secondary school" means a school serving grades 43996
seven through twelve in a city, local, or exempted village school 43997
district, a joint vocational school district, a community school 43998
established under Chapter 3314. of the Revised Code, a STEM school 43999
established under Chapter 3326. of the Revised Code, a 44000
college-preparatory boarding school established under Chapter 44001
3328. of the Revised Code, the state school for the deaf, the 44002
state school for the blind, or an institution operated by the 44003
department of youth services. 44004

Sec. 3322.02. The Ohio computer science council is hereby 44005
created. The council shall foster and encourage increased 44006
participation in computer science education across all counties 44007
through afterschool programs, summer camps, and other educational 44008
enrichment partnerships. 44009

The council shall consist of eleven voting members appointed 44010
by the governor, with the advice and consent of the senate, two 44011
nonvoting members of the house of representatives appointed by the 44012
speaker of the house, and two nonvoting members of the senate 44013
appointed by the president of the senate. The members appointed 44014
from each house of the general assembly shall not be from the same 44015
political party. 44016

Terms of office for members appointed by the governor shall 44017
be for five years, beginning on the second day of July and ending 44018
on the first day of July. 44019

The legislative members shall be appointed within ten days of 44020
the convening of the first regular session of each general 44021

assembly and shall serve through December 31 of the following 44022
year. Each member shall hold office from the date of appointment 44023
until the end of the term for which the member was appointed. Any 44024
member appointed to fill a vacancy occurring prior to the 44025
expiration of the term for which the member's predecessor was 44026
appointed shall hold office for the remainder of that term. 44027

Any member appointed by the governor shall continue in office 44028
subsequent to the expiration date of the member's term until the 44029
member's successor takes office, or until a period of sixty days 44030
has elapsed, whichever occurs first. The governor shall name the 44031
chair and vice-chair of the council, who shall serve in those 44032
positions at the governor's pleasure. Members of the council shall 44033
serve without compensation but are entitled to reimbursement for 44034
expenses incurred in connection with official business of the 44035
council. 44036

Persons appointed to the council by the governor shall have 44037
broad knowledge and experience in computer science, business, 44038
primary education, secondary education, or postsecondary 44039
education. 44040

The chancellor of higher education shall provide staff and 44041
other administrative services for the council. 44042

Sec. 3322.03. The council shall do all of the following: 44043

(A) Survey the computer science educational resources and 44044
needs of the state; 44045

(B) Develop a plan for and fund grants for afterschool, 44046
summer, and related enrichment programs to increase participation 44047
and foster deeper engagement by all youth in the state with 44048
computer science; 44049

(C) Create and maintain records on the distribution of funds 44050
awarded through the council. 44051

Sec. 3322.04. The council may do all of the following: 44052

(A) Within the limits of available funds, award and 44053
administer grants for afterschool, summer, and other enrichment 44054
programs that support the objectives of the council; 44055

(B) Establish and appoint members to advisory committees to 44056
advise and assist in the performance of its functions, and, within 44057
the limits of available funds, contract with consultants to 44058
facilitate its work; 44059

(C) Adopt, in accordance with Chapter 119. of the Revised 44060
Code, any rules necessary to administer Chapter 3322. of the 44061
Revised Code. 44062

Sec. 3322.05. The council shall meet at least once each 44063
calendar year and may meet more frequently if its workload 44064
demand. Council members, however, may not receive expenses for 44065
attendance at more than four meetings each year. The council may 44066
meet anywhere in the state. 44067

Sec. 3322.06. The council may receive and administer any 44068
funds granted to this state by the federal government for purposes 44069
compatible with the mission of this chapter and shall administer 44070
any state funds appropriated for that purpose. The council may 44071
also accept and administer on behalf of the state any gifts, 44072
donations, or bequests made to it for the encouragement and 44073
development of computer science education, afterschool programs, 44074
summer programs, or other related educational enrichment. 44075

Sec. 3322.07. The Ohio computer science council gifts and 44076
donations fund is hereby created in the state treasury. The fund 44077
shall consist of gifts and donations made to the council and fees 44078
paid for conferences the council sponsors. The fund may be used to 44079
pay for the council's operating expenses, including payroll, 44080

personnel services, maintenance, equipment, and subsidy payments 44081
as well as for grants awarded as part of the council's mission. 44082
All moneys deposited into the fund shall be received and expended 44083
pursuant to the council's duty to foster and encourage increased 44084
participation in computer science education across all counties in 44085
this state through afterschool programs, summer camps, and other 44086
educational enrichment partnerships. 44087

Sec. 3322.20. (A) The Ohio computer science promise program 44088
is hereby established. Beginning with the 2024-2025 school year, 44089
under the program, a student in any of grades seven through twelve 44090
who is a resident of this state may, at no cost to the student, 44091
enroll in and receive high school credit for one computer science 44092
course per academic year that is not offered by the student's 44093
public or nonpublic secondary school, provided the student is 44094
accepted into an eligible course offered by an approved provider 44095
and there are sufficient funds to support enrollment. 44096

(B) All Ohio computer science promise program eligible 44097
courses and providers shall be approved by the department of 44098
education in consultation with the chancellor of higher education 44099
to be eligible for funding. The department annually shall publish 44100
a list of approved providers and courses. 44101

(C)(1) Any student enrolled in a public secondary school may 44102
participate in the program if the student meets the applicable 44103
eligibility criteria. 44104

(2) Any student enrolled in a nonpublic secondary school may 44105
participate in the program in a manner prescribed by the 44106
chancellor of higher education if the nonpublic school chooses to 44107
participate in the program. 44108

(D) Governing entities shall grant high school credit for 44109
courses approved to receive funding through the Ohio computer 44110

science promise program. 44111

(E) All public secondary schools shall participate in the 44112
program and are subject to the requirements of this chapter. Any 44113
nonpublic secondary school that chooses to participate in the 44114
program shall also be subject to the requirements of this chapter. 44115

(F) The chancellor of higher education, in accordance with 44116
Chapter 119. of the Revised Code and in consultation with the 44117
state superintendent, shall adopt rules governing the program. 44118

Sec. 3322.24. (A) All governing entities shall count courses 44119
successfully completed under this chapter for high school credit 44120
toward the graduation requirements and subject area requirements 44121
of the governing entity. If a course comparable to one a 44122
participant completed with an approved provider is offered by the 44123
governing entity, the governing entity shall award comparable 44124
credit. If no comparable course is offered, the governing entity 44125
shall grant an appropriate number of elective credits to the 44126
participant. 44127

(B) If there is a dispute between the governing entity of a 44128
participant's school and a participant regarding high school 44129
credits granted for a course, the participant may appeal the 44130
decision to the department of education. The department's decision 44131
regarding any high school credits granted under this section is 44132
final. 44133

(C) Evidence of successful completion of each course and the 44134
high school credits awarded by the school shall be included in the 44135
student's record. The record shall indicate that the credits were 44136
earned as a participant under this chapter and shall include the 44137
name of the educational provider at which the credits were earned. 44138

Sec. 3323.25. (A) As used in this section and section 44139
3323.251 of the Revised Code: 44140

(1) "Dyslexia" means a specific learning disorder that is neurological in origin and that is characterized by unexpected difficulties with accurate or fluent word recognition and by poor spelling and decoding abilities not consistent with the person's intelligence, motivation, and sensory capabilities, which difficulties typically result from a deficit in the phonological component of language.

(2) "Appropriate certification" means either of the following:

(a) Certification at a certified level, or higher, from a research-based, structured literacy program;

(b) Any other certification as recognized by a majority vote of the Ohio dyslexia committee.

(B)(1) The department of education shall establish the Ohio dyslexia committee which shall consist of the following members:

(a) A school district superintendent appointed by the superintendent of public instruction;

(b) An elementary school principal appointed by the state superintendent;

(c) A classroom teacher appointed by the state superintendent. The teacher shall have an appropriate certification and at least two years of experience teaching in a structured literacy program.

(d) An educational service center employee appointed by the state superintendent. The employee shall have an appropriate certification.

(e) An employee of the department of education appointed by the state superintendent;

(f) A parent of a child with dyslexia or an adult with dyslexia appointed by the international dyslexia association in

Ohio; 44171

(g) An individual with experience in higher education and 44172
teacher preparation programs appointed by the chancellor of higher 44173
education. The individual appointed by the chancellor shall have 44174
an appropriate certification. 44175

(h) A board member of the international dyslexia association 44176
in Ohio appointed by the international dyslexia association in 44177
Ohio. The board member shall have an appropriate certification. 44178

(i) A school psychologist appointed by the state 44179
superintendent; 44180

(j) A reading intervention specialist appointed by the state 44181
superintendent. The reading intervention specialist shall have an 44182
appropriate certification. 44183

(k) A speech-language pathologist appointed by the state 44184
speech and hearing professionals board. The speech-language 44185
pathologist shall have an appropriate certification. 44186

(2) Each appointing authority shall determine a selection 44187
process for the appointments under this section. Each appointing 44188
authority that is not the state superintendent shall make and 44189
submit to the department each appointment prescribed under this 44190
section not later than thirty days after April 12, 2021. The state 44191
superintendent also shall make each appointment prescribed to the 44192
state superintendent under this section not later than that date. 44193
Members of the committee shall serve at the pleasure of their 44194
appointing authority. 44195

(3) An individual may be appointed to the committee without 44196
required certification or experience if the appointing authority 44197
determines that the individual has sufficient experience in the 44198
individual's respective field. 44199

(4) The state superintendent shall convene the first meeting 44200

of the committee within thirty days after nine members have been 44201
appointed to the committee. At the first meeting, members of the 44202
committee shall elect one of the members as chairperson. 44203

(5) The department shall provide facilities for the meetings 44204
of the committee. 44205

(C)(1) Not later than December 31, 2021, the Ohio dyslexia 44206
committee shall develop a guidebook regarding the best practices 44207
and methods for universal screening, intervention, and remediation 44208
for children with dyslexia or children displaying dyslexic 44209
characteristics and tendencies using a structured literacy 44210
program. 44211

(2) The committee shall provide an opportunity for public 44212
input when developing the guidebook, in the manner determined by 44213
the committee. 44214

(3) Prior to its distribution, the guidebook shall be subject 44215
to final approval by the state board of education. 44216

(4) The guidebook shall be developed and issued to districts 44217
and schools in an electronic format. After the initial development 44218
of the guidebook, the Ohio dyslexia committee shall update the 44219
guidebook as necessary. 44220

(D) Not later than December 31, 2021, the department, in 44221
collaboration with the Ohio dyslexia committee, shall do all of 44222
the following: 44223

(1) Provide structured literacy program professional 44224
development for teachers in evidence-based dyslexia screening and 44225
intervention practices for the purposes of section 3319.077 of the 44226
Revised Code. 44227

(2) Assist school districts and other public schools in 44228
establishing multidisciplinary teams to support the 44229
identification, intervention, and remediation of dyslexia; 44230

(3) Develop reporting mechanisms for districts and schools to submit to the department the information and data required in the guidebook developed under this section;

(4) Develop academic standards for kindergarten in reading and writing that incorporate a structured literacy program;

(5) Provide on the department's web site information about training for teachers about dyslexia that is available at minimal or no cost.

(E) The department, in collaboration with the Ohio dyslexia committee, shall identify reliable, valid, universal, and evidence-based screening and intervention measures that evaluate the literacy skills of students enrolled in grades kindergarten through five using a structured literacy program. The department shall identify a tier one dyslexia screening measure by January 1, 2024, and make that screening measure available to districts and schools at no cost to the districts and schools. Districts and schools may use the tier one screening measure provided under this division to satisfy the screening requirements in section 3323.251 of the Revised Code beginning in the 2024-2025 school year.

(F) The Ohio dyslexia committee may do any of the following:

(1) Recommend appropriate ratios in school buildings for students to teachers who have received certification in identifying and addressing dyslexia;

(2) Recommend which other school personnel, including school psychologists or speech-language pathologists, should receive certification in identifying and addressing dyslexia;

(3) Consider and make recommendations regarding whether professional development required under section 3319.077 of the Revised Code should require the completion of a practicum.

Sec. 3323.251. (A) Each school district and other public

school shall do all of the following: 44261

(1) For the 2023-2024 school year, administer a tier one 44262
dyslexia screening measure to a student to whom either of the 44263
following applies: 44264

(a) The student is enrolled in any of grades kindergarten 44265
through three, or the student transfers into the district or 44266
school midyear and is enrolled in any of grades kindergarten 44267
through three. A screening measure shall be administered to a 44268
student enrolled in kindergarten after January 1, 2024, but prior 44269
to January 1, 2025. 44270

(b) The student is enrolled in any of grades four through 44271
six, or the student transfers into the district or school midyear 44272
and is enrolled in any of grades four through six, and either of 44273
the following applies: 44274

(i) The student's parent, guardian, or custodian requests 44275
that the screening measure be administered to the student. 44276

(ii) A classroom teacher requests that the screening measure 44277
be administered to the student and the student's parent, guardian, 44278
or custodian grants permission for the screening measure to be 44279
administered. 44280

A school district may implement the screening under division 44281
(A)(1) of this section prior to the 2023-2024 school year. 44282

A screening measure administered under division (A)(1) of 44283
this section shall be aligned to the grade level in which the 44284
student is enrolled at the time the screening is administered. 44285

(2) For the 2024-2025 school year and each school year 44286
thereafter, administer a tier one dyslexia screening measure to a 44287
student to whom either of the following applies: 44288

(a) A student enrolled in kindergarten, or a student who 44289
transfers into the district or school midyear and is enrolled in 44290

kindergarten. A screening measure shall be administered to a 44291
student after the first day of January of the school year in which 44292
the student is enrolled in kindergarten and prior to the first day 44293
of January of the following school year. 44294

(b) A student enrolled in any of grades one through six, or a 44295
student who transfers into the district or school midyear and is 44296
enrolled in any of grades one through six, if either of the 44297
following applies: 44298

(i) The student's parent, guardian, or custodian requests 44299
that the screening measure be administered to the student. 44300

(ii) A classroom teacher requests that the screening measure 44301
be administered to the student and the student's parent, guardian, 44302
or custodian grants permission for the screening measure to be 44303
administered. 44304

A district or school may administer a tier two dyslexia 44305
screening measure to a student to whom the district or school 44306
administers a tier one screening measure under division (A)(1) or 44307
(2) of this section. In that case, a district or school shall not 44308
be required to complete division (A)(4) of this section. 44309

A screening measure administered under division (A)(2) of 44310
this section shall be aligned to the grade level in which the 44311
student is enrolled at the time the screening is administered. 44312

(3) Identify each student that is at risk of dyslexia based 44313
on the student's results on the tier one screening measure and 44314
notify the student's parent, guardian, or custodian that the 44315
student has been identified as being at risk. 44316

(4) Monitor the progress of each at-risk student toward 44317
attaining grade-level reading and writing skills for up to six 44318
weeks. The district or school shall check each at-risk student's 44319
progress on at least the second week, fourth week, and sixth week 44320
after the student is identified as being at risk. If no progress 44321

is observed during the monitoring period, the district or school 44322
shall notify the parent, guardian, or custodian of the student and 44323
administer a tier two dyslexia screening measure to the student. 44324

(5) Report to a student's parent or guardian the student's 44325
results on a tier two screening measure approved by the Ohio 44326
dyslexia committee within thirty days after the measure's 44327
administration. If, as determined by the tier two screening 44328
measure, the student is identified as having dyslexia tendencies, 44329
the student's parent or guardian shall be provided with 44330
information about reading development, the risk factors for 44331
dyslexia, and descriptions for evidenced-based interventions. 44332

(6) If a student demonstrates markers for dyslexia, provide 44333
the student's parents or guardian with a written explanation of 44334
the district or school's structured literacy program. 44335

~~(B)(1) Beginning in the 2023-2024 school year, each district~~ 44336
~~or school shall~~ In the case of a transfer student described in 44337
division (A)(1) or (2) of this section, the following apply: 44338

~~(a) Administer a tier one dyslexia screening measure to each~~ 44339
~~kindergarten student that transfers into the district or school~~ 44340
~~midyear during the school's regularly scheduled screening of the~~ 44341
~~kindergarten class or within thirty days after the student's~~ 44342
~~enrollment if the screening already has been completed; If the~~ 44343
student is enrolled in kindergarten, the tier one dyslexia 44344
screening measure shall be administered to the student during the 44345
school's regularly scheduled screening of the kindergarten class 44346
or within thirty days after the student's enrollment if so 44347
required under this section, or within thirty days after the 44348
student's parent, guardian, or custodian requests the screening or 44349
grants permission for a screening. 44350

~~(b) Administer a tier one dyslexia screening measure to each~~ 44351
~~student in grades one through six that transfers into the district~~ 44352

~~er school midyear within thirty days after the student's~~ 44353
~~enrollment. If the student is enrolled in any of grades one~~ 44354
~~through six, the tier one dyslexia screening measure shall be~~ 44355
~~administered to the student within thirty days after the student's~~ 44356
~~enrollment if so required under this section, or within thirty~~ 44357
~~days after the student's parent, guardian, or custodian requests~~ 44358
~~the screening under division (A)(1)(b)(i) or (A)(2)(b)(i) of this~~ 44359
~~section or grants permission for the screening under division~~ 44360
~~(A)(1)(b)(ii) or (A)(2)(b)(ii) of this section.~~ 44361

(c) No district or school shall be required to administer a 44362
tier one dyslexia screening measure to a student who transfers 44363
into the district or school midyear if the student's records 44364
indicate that such a screening was administered to the student by 44365
the district or school from which the student transferred during 44366
that school year. 44367

(2) If a student is identified as being at risk of dyslexia 44368
under division (B)(1) of this section, the district or school 44369
shall administer a tier two screening measure in a timely manner. 44370

(C) Each district or school shall do all of the following: 44371

(1) Comply with any provisions that are statutorily required, 44372
as they pertain to the guidebook developed under division (C) of 44373
section 3323.25 of the Revised Code; 44374

(2) Select screening and intervention measures to administer 44375
to students from the measures identified under division (E) of 44376
section 3323.25 of the Revised Code; 44377

(3) Establish a multidisciplinary team to administer 44378
screening and intervention measures and analyze the results of the 44379
measures. The team shall include trained and certified personnel 44380
and a stakeholder with expertise in the identification, 44381
intervention, and remediation of dyslexia. 44382

(4) Report to the department of education the results of 44383

screening measures administered under this section. 44384

In addition, districts and schools may utilize any best 44385
practices and recommendations contained in the guidebook developed 44386
under division (C) of section 3323.25 of the Revised Code. 44387

Sec. 3324.05. (A) Each school district shall submit an annual 44388
report to the department of education specifying the number of 44389
students in each of grades kindergarten through twelve screened, 44390
the number assessed, and the number identified as gifted in each 44391
category specified in section 3324.03 of the Revised Code. ~~For~~ 44392
~~fiscal years 2022 and 2023, this~~ The report shall also specify the 44393
number of students served in each category specified in section 44394
3324.03 of the Revised Code. 44395

(B) ~~For fiscal years 2022 and 2023, not~~ Not later than the 44396
thirty-first day of October annually, the department shall publish 44397
both of the following using data submitted by school districts 44398
under the education management information system established 44399
under section 3301.0714 of the Revised Code: 44400

(1) Services offered by each school district to students 44401
identified as gifted in each of the following grade bands: 44402

(a) Kindergarten through ~~third~~ second grade; 44403

(b) Third through sixth grade; 44404

~~Fourth~~ (c) Seventh through eighth grade; 44405

~~(e)~~(d) Ninth through twelfth grade. 44406

(2) The number of licensed gifted intervention specialists 44407
and coordinators employed or contracted by each school district. 44408

(C) The department of education shall audit each school 44409
district's identification numbers at least once every three years 44410
and may select any district at random or upon complaint or 44411
suspicion of noncompliance for a further audit to determine 44412

compliance with sections 3324.03 to 3324.06 of the Revised Code. 44413
~~If a school district's audit under this division occurs during~~ 44414
~~fiscal year 2022 or 2023,~~ In each year the department audits a 44415
school district under this section, the department shall also 44416
audit the district's service numbers. 44417

(D) The department shall provide technical assistance to any 44418
district found in noncompliance under division (C) of this 44419
section. For fiscal years 2022 and 2023, the department shall 44420
reduce funds received by the district under Chapter 3317. of the 44421
Revised Code by any amount if the district continues to be 44422
noncompliant. For fiscal year 2024 and each fiscal year 44423
thereafter, the department may reduce funds received by the 44424
district under Chapter 3317. of the Revised Code by any amount if 44425
the district continues to be noncompliant. 44426

Sec. 3324.09. ~~(A) For fiscal years 2022 and 2023,~~ Not 44427
later than the thirtieth day of October annually, the department 44428
of education shall publish on its web site the funds received for 44429
the previous fiscal year by each school district under division 44430
(A)(6) of section 3317.022 of the Revised Code for the 44431
identification of and services provided to the district's gifted 44432
students and each district's expenditures of those funds. 44433

~~(B) For fiscal year 2024 and each fiscal year thereafter,~~ 44434
~~later than the thirtieth day of October,~~ the department shall 44435
~~publish on its web site each school district's expenditures for~~ 44436
~~the previous fiscal year of funds received under division (A)(6)~~ 44437
~~of section 3317.022 of the Revised Code for the identification of~~ 44438
~~and services provided to the district's gifted students.~~ 44439

Sec. 3325.01. The Ohio deaf and blind education services is 44440
hereby established and shall include the state school for the deaf 44441
and the state school for the blind. Ohio deaf and blind education 44442

services shall be operate under the control and supervision of the 44443
state board of education. On the recommendation of the 44444
superintendent of public instruction, the state board of education 44445
shall appoint a superintendent for Ohio deaf and blind education 44446
services, who shall supervise the state school for the deaf and a 44447
~~superintendent for~~ the state school for the blind, ~~each of whom.~~ 44448
The superintendent of Ohio deaf and blind education services shall 44449
serve at the pleasure of the state board of education. The 44450
superintendent of Ohio deaf and blind education services may 44451
create additional divisions to meet the educational needs of 44452
students throughout the state who are deaf, hard of hearing, 44453
blind, visually impaired, or deafblind. 44454

Sec. 3325.011. Subject to the regulations adopted by the 44455
state board of education, the state school for the deaf shall be 44456
open to receive persons who are deaf, ~~partially deaf~~ hard of 44457
hearing, and ~~both blind and deaf~~ deafblind residents of this 44458
state, who, in the judgment of the superintendent of public 44459
instruction and the superintendent of ~~the school for the deaf~~ Ohio 44460
deaf and blind education services, due to such disability, cannot 44461
be educated in the public school system and are suitable persons 44462
to receive instructions according to the methods employed in such 44463
school. ~~The superintendent of the school for the deaf may pay the~~ 44464
~~expenses necessary for the instruction of children who are both~~ 44465
~~blind and deaf, who are resident of this state, in any suitable~~ 44466
~~institution.~~ 44467

Sec. 3325.02. (A) As used in this chapter, a person with a 44468
"visual impairment" means ~~blindness, partial blindness,~~ 44469
~~deaf-blindness~~ the person is blind, visually impaired, deafblind, 44470
or has multiple disabilities if one of the disabilities is vision 44471
related. 44472

(B) Subject to the regulations adopted by the state board of 44473

education, the state school for the blind shall be open to receive 44474
persons who are residents of this state, whose disabilities are 44475
visual impairments, and who, in the judgment of the superintendent 44476
of public instruction and the superintendent of ~~the school for the~~ 44477
~~blind~~ Ohio deaf and blind education services, due to such 44478
disability, cannot be educated in the public school system and are 44479
suitable persons to receive instructions according to the methods 44480
employed in the school. 44481

Sec. 3325.03. The superintendent of ~~the state school for the~~ 44482
~~deaf or the superintendent of the state school for the blind~~ Ohio 44483
deaf and blind education services may return to its parents, 44484
~~guardian, or proper agency~~ any pupil under his the 44485
superintendent's jurisdiction, ~~who~~ to the pupil's resident school 44486
district if, in the opinion of ~~such~~ the superintendent and the 44487
superintendent of public instruction, that pupil is not making 44488
sufficient progress ~~in its school or industrial work~~ to justify 44489
~~its~~ continuance as a pupil ~~in such school~~ at the state school for 44490
the deaf or the state school for the blind. 44491

Sec. 3325.04. The superintendent of ~~the state school for the~~ 44492
~~deaf and the superintendent of the state school for the blind~~ Ohio 44493
deaf and blind education services, with the approval of the 44494
superintendent of public instruction, shall, ~~for their respective~~ 44495
~~schools and~~ subject to the rules and regulations of the civil 44496
service, employ suitable teachers, nurses, and other ~~help~~ staff 44497
necessary to operate Ohio deaf and blind education services and 44498
provide ~~the~~ proper instruction and care ~~for~~ to the pupils under 44499
~~their~~ the jurisdiction of the superintendent of Ohio deaf and 44500
blind education services. 44501

~~No individual hired on or after the effective date of this~~ 44502
~~amendment as a classroom teacher at the state school for the blind~~ 44503
~~shall be permitted to retain employment as a teacher at the school~~ 44504

~~unless prior to the date of such hiring, or within one year of 44505
that date, the individual completes at least two courses of 44506
instruction in braille at an institution of higher education or 44507
demonstrates equivalent competency in the use of braille to the 44508
satisfaction of the superintendent of the state school for the 44509
blind. 44510~~

Sec. 3325.05. The state board of education may provide for 44511
the further and higher education of any blind pupils, who in its 44512
judgment are capable of receiving sufficient benefit to render 44513
them more efficient as citizens, by ~~appointing readers for~~ 44514
providing appropriate assistive technology to enable such persons 44515
to read from textbooks and pamphlets used in their studies while 44516
in attendance as regularly matriculated students in any college, 44517
university, or technical or professional school located in this 44518
state and authorized to grant degrees. Any fund appropriated for 44519
such purpose shall be distributed under the direct supervision of 44520
the state board of education. No person shall receive the benefit 44521
conferred by this section who has not had an actual residence in 44522
this state for at least one year. 44523

Sec. 3325.06. (A) ~~The state board of~~ Ohio deaf and blind 44524
education services shall institute and establish a program of 44525
education ~~by the department of education~~ to train parents of deaf 44526
or hard of hearing children of preschool age. The object and 44527
purpose of the educational program shall be to aid and assist the 44528
parents of deaf or hard of hearing children of preschool age in 44529
affording to the children the means of optimum communicational 44530
facilities. 44531

(B) ~~The state board of education~~ Ohio deaf and blind 44532
education services shall institute and establish a program of 44533
education to train and assist parents of blind or visually 44534
impaired children of preschool age ~~whose disabilities are visual~~ 44535

~~impairments~~. The object and purpose of the educational program 44536
shall be to enable the parents of blind or visually impaired 44537
children of preschool age ~~whose disabilities are visual~~ 44538
~~impairments~~ to provide their children with learning experiences 44539
that develop early literacy, communication, mobility, and daily 44540
living skills so the children can function independently in their 44541
living environments. 44542

Sec. 3325.07. ~~The state board of~~ Ohio deaf and blind 44543
education services in carrying out this section and division (A) 44544
of section 3325.06 of the Revised Code shall, insofar as 44545
practicable, plan, present, and carry into effect an educational 44546
program by means of any of the following methods of instruction: 44547

(A) Classes for parents of deaf or hard of hearing children 44548
of preschool age; 44549

(B) A ~~nursery school~~ preschool where parent and child ~~would~~ 44550
may enter the ~~nursery school~~ preschool as a unit; 44551

(C) Correspondence course; 44552

(D) Personal consultations and interviews; 44553

(E) Day-care or child development courses; 44554

(F) Summer enrichment courses; 44555

(G) By such other means or methods as the superintendent of 44556
~~the state school for the deaf~~ Ohio deaf and blind education 44557
services deems advisable that would permit a deaf or hard of 44558
hearing child of preschool age to ~~construct a pattern of~~ build 44559
communication skills at an early age. 44560

The superintendent may allow children who are not deaf or 44561
hard of hearing to participate in the methods of instruction 44562
described in divisions (A) to (G) of this section as a means to 44563
assist deaf or hard of hearing children to ~~construct a pattern of~~ 44564
build communication skills. The superintendent shall establish 44565

policies and procedures regarding the participation of children 44566
who are not deaf or hard of hearing. 44567

The superintendent may establish reasonable fees for 44568
participation in the methods of instruction described in divisions 44569
(A) to (G) of this section to defray the costs of carrying them 44570
out. The superintendent shall determine the manner by which any 44571
such fees shall be collected. All fees shall be deposited in the 44572
even start fees and gifts fund, which is hereby created in the 44573
state treasury. The money in the fund shall be used to implement 44574
this section. 44575

Sec. 3325.071. ~~The state board of~~ Ohio deaf and blind 44576
education services in carrying out this section and division (B) 44577
of section 3325.06 of the Revised Code shall, insofar as 44578
practicable, plan, present, and carry into effect an educational 44579
program by means of any of the following methods of instruction: 44580

(A) Classes for parents of children of preschool age whose 44581
disabilities are visual impairments, independently or in 44582
cooperation with community agencies; 44583

~~(B) Periodic interactive parent child classes for infants and~~ 44584
~~toddlers whose disabilities are visual impairments~~ A preschool 44585
where a parent and child may enter the preschool as a unit; 44586

(C) Correspondence course; 44587

(D) Personal consultations and interviews; 44588

(E) Day-care or child development courses for children and 44589
parents; 44590

(F) Summer enrichment courses; 44591

(G) By such other means or methods as the superintendent of 44592
~~the state school for the blind~~ Ohio deaf and blind education 44593
services deems advisable that would permit a child of preschool 44594
age whose disability is a visual impairment to ~~construct a pattern~~ 44595

~~of~~ build communication skills and develop literacy, mobility, and independence at an early age. 44596
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The superintendent may allow children who do not have disabilities that are visual impairments to participate in the methods of instruction described in divisions (A) to (G) of this section so that children of preschool age whose disabilities are visual impairments are able to learn alongside their peers while receiving specialized instruction that is based on early learning and development strategies. The superintendent shall establish policies and procedures regarding the participation of children who do not have disabilities that are visual impairments. 44598
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The superintendent may establish reasonable fees for participation in the methods of instruction described in divisions (A) to (G) of this section to defray the costs of carrying them out. The superintendent shall determine the manner by which any such fees shall be collected. All fees shall be deposited in the state school for the blind even start fees and gifts fund, which is hereby created in the state treasury. The money in the fund shall be used to implement this section. 44607
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Sec. 3325.08. (A) A diploma shall be granted by the superintendent of ~~the state school for the blind and the superintendent of the state school for the deaf~~ Ohio deaf and blind education services to any student enrolled in ~~one of these state schools~~ the state school for the blind or the state school for the deaf to whom all of the following apply: 44615
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(1) The student has successfully completed the individualized education program developed for the student for the student's high school education pursuant to section 3323.08 of the Revised Code; 44621
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(2) Subject to section 3313.614 of the Revised Code, the student has met the assessment requirements of division (A)(2)(a) or (b) of this section, as applicable. 44624
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(a) If the student entered the ninth grade prior to July 1, 2014, the student either:

- (i) Has attained at least the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the assessments prescribed by that division unless division (L) of section 3313.61 of the Revised Code applies to the student;
- (ii) Has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code.

(b) If the student entered the ninth grade on or after July 1, 2014, the student has met the requirement prescribed by section 3313.618 of the Revised Code, except to the extent that division (L) of section 3313.61 of the Revised Code applies to the student.

(3) The student is not eligible to receive an honors diploma granted pursuant to division (B) of this section.

No diploma shall be granted under this division to anyone except as provided under this division.

(B) In lieu of a diploma granted under division (A) of this section, the superintendent of ~~the state school for the blind and the superintendent of the state school for the deaf~~ Ohio deaf and blind education services shall grant an honors diploma, in the same manner that the boards of education of school districts grant such diplomas under division (B) of section 3313.61 of the Revised Code, to any student enrolled in ~~one of these state schools~~ the state school for the blind or the state school for the deaf who accomplishes all of the following:

- (1) Successfully completes the individualized education program developed for the student for the student's high school education pursuant to section 3323.08 of the Revised Code;
- (2) Subject to section 3313.614 of the Revised Code, has met the assessment requirements of division (B)(2)(a) or (b) of this

section, as applicable. 44657

(a) If the student entered the ninth grade prior to July 1, 44658
2014, the student either: 44659

(i) Has attained at least the applicable scores designated 44660
under division (B)(1) of section 3301.0710 of the Revised Code on 44661
all the assessments prescribed under that division; 44662

(ii) Has satisfied the alternative conditions prescribed in 44663
section 3313.615 of the Revised Code. 44664

(b) If the student entered the ninth grade on or after July 44665
1, 2014, the student has met the requirement prescribed by section 44666
3313.618 of the Revised Code. 44667

(3) Has met additional criteria for granting an honors 44668
diploma. 44669

These additional criteria shall be the same as those 44670
prescribed by the state board under division (B) of section 44671
3313.61 of the Revised Code for the granting of such diplomas by 44672
school districts. No honors diploma shall be granted to anyone 44673
failing to comply with this division and not more than one honors 44674
diploma shall be granted to any student under this division. 44675

(C) A diploma or honors diploma awarded under this section 44676
shall be signed by the superintendent of public instruction and 44677
the superintendent of ~~the state school for the blind or the~~ 44678
~~superintendent of the state school for the deaf, as applicable~~ 44679
Ohio deaf and blind education services. Each diploma shall bear 44680
the date of its issue and be in such form as the ~~school~~ 44681
superintendent of Ohio deaf and blind education services 44682
prescribes. 44683

(D) Upon granting a diploma to a student under this section, 44684
the superintendent of ~~the state school in which the student is~~ 44685
~~enrolled~~ Ohio deaf and blind education services shall provide 44686

notice of receipt of the diploma to the board of education of the 44687
school district where the student is entitled to attend school 44688
under section 3313.64 or 3313.65 of the Revised Code when not 44689
residing at the state school for the blind or the state school for 44690
the deaf. The notice shall indicate the type of diploma granted. 44691

Sec. 3325.09. (A) ~~The state board of~~ Ohio deaf and blind 44692
education services shall institute and establish career-technical 44693
education and work training programs for secondary and 44694
post-secondary students ~~whose disabilities are visual impairments~~ 44695
who are blind, visually impaired, deaf, hard of hearing, or 44696
deafblind. These programs shall develop communication, mobility, 44697
and work skills and assist students in becoming productive members 44698
of society so that they can contribute to their communities and 44699
living environments. 44700

(B) ~~The state school for the blind~~ Ohio deaf and blind 44701
education services may use any gifts, donations, or bequests it 44702
receives under section 3325.10 or 3325.15 of the Revised Code for 44703
one or more of the following purposes that are related to 44704
career-technical and work training programs for secondary and 44705
post-secondary students ~~whose disabilities are visual impairments~~ 44706
who are blind, visually impaired, deaf, hard of hearing, or 44707
deafblind: 44708

(1) Room and board; 44709

(2) Training in mobility and orientation; 44710

(3) Activities that teach daily living skills; 44711

(4) Rehabilitation technology; 44712

(5) Activities that teach group and individual social and 44713
interpersonal skills; 44714

(6) Work placement in the community by the school or a 44715
community agency; 44716

(7) Transportation to and from work sites or locations of community interaction; 44717
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(8) Supervision and management of programs and services. 44719

(C) For the purposes of division (B) of this section, Ohio deaf and blind education services shall use funds received under section 3325.10 or 3325.15 of the Revised Code only for the school for which the funds were designated. 44720
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Sec. 3325.10. ~~The state school for the blind~~ Ohio deaf and blind education services may receive and administer any federal funds relating to the education of students at the state school for the blind whose disabilities are visual impairments, including secondary and post-secondary students. ~~The school for the blind~~ Ohio deaf and blind education services also may accept and administer any gifts, donations, or bequests made to it for programs or services relating to the education of students at the state school for the blind whose disabilities are visual impairments, including secondary and post-secondary students. 44724
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Sec. 3325.11. There is hereby created in the state treasury ~~the state school for the blind~~ Ohio deaf and blind education services student activity and work-study fund. Moneys received from donations, bequests, the ~~school~~ vocational ~~program~~ programs of the state school for the blind and the state school for the deaf, and any other moneys designated for deposit in the fund by the superintendent of ~~the state school for the blind~~ Ohio deaf and blind education services shall be credited to the fund. Notwithstanding section 3325.01 of the Revised Code, the approval of the state board of education is not required to designate money for deposit into the fund. ~~The school for the blind~~ Ohio deaf and blind education services shall use money in the fund for the state school for the blind, the state school for the deaf, and Ohio deaf 44734
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and blind education services' operating expenses, including, but 44747
not limited to, personal services, maintenance, and equipment 44748
related to student support, activities, and vocational programs, 44749
and for providing scholarships to students for further training 44750
upon graduation. 44751

Sec. 3325.12. Money deposited with the superintendent of ~~the~~ 44752
~~state school for the blind and the superintendent of the state~~ 44753
~~school for the deaf~~ Ohio deaf and blind education services by 44754
parents, relatives, guardians, and friends for the special benefit 44755
of any pupil at the state school for the blind or the state school 44756
for the deaf shall remain in the hands of the ~~respective~~ 44757
superintendent for use accordingly. ~~Each~~ The superintendent shall 44758
deposit the money into one or more personal deposit funds. ~~Each~~ 44759
The superintendent shall keep itemized book accounts of the 44760
receipt and disposition of the money, which books shall be open at 44761
all times to the inspection of the superintendent of public 44762
instruction. The superintendent of ~~the state school for the blind~~ 44763
~~and the superintendent of the state school for the deaf~~ each Ohio 44764
deaf and blind education services shall adopt ~~rules~~ procedures 44765
governing the deposit, transfer, withdrawal, or investment of the 44766
money and the investment earnings of the money. 44767

Whenever a pupil ceases to be enrolled in the state school 44768
for the blind or the state school for the deaf, if personal money 44769
of the pupil remains in the hands of the ~~respective~~ superintendent 44770
of Ohio deaf and blind education services and no demand is made 44771
upon the superintendent by the pupil or the pupil's parent or 44772
guardian, the superintendent shall hold the money in a personal 44773
deposit fund for a period of at least one year. During that time, 44774
the superintendent shall make every effort possible to locate the 44775
pupil or the pupil's parent or guardian. If, at the end of this 44776
period, no demand has been made for the money ~~held by~~ of a pupil 44777

~~in the state school for the blind, the superintendent of the state~~ 44778
~~school for the blind shall dispose of the money by transferring it~~ 44779
~~to the state school for the blind student activity and work study~~ 44780
~~educational program expense fund established by section 3325.11~~ 44781
~~3325.17~~ of the Revised Code. If at the end of this period, no 44782
demand has been made for the money ~~held by~~ of a pupil in the state 44783
school for the deaf, the superintendent ~~of the state school for~~ 44784
~~the deaf~~ shall dispose of the money by transferring it to the 44785
state school for the deaf educational program expenses fund 44786
established by section 3325.16 of the Revised Code. 44787

Sec. 3325.13. ~~The state school for the blind~~ Ohio deaf and 44788
blind education services employees food service fund is hereby 44789
created in the state treasury. The fund shall consist of payments 44790
received from employees who make purchases from the ~~school's~~ food 44791
service program of the state school for the blind or state school 44792
for the deaf. Notwithstanding section 3325.01 of the Revised Code, 44793
the approval of the state board of education is not required to 44794
designate money for deposit into the fund. ~~The school for the~~ 44795
~~blind~~ Ohio deaf and blind education services shall use money in 44796
the fund to pay costs associated with ~~the school's~~ Ohio deaf and 44797
blind education services' food service program. 44798

Sec. 3325.15. ~~The state school for the deaf~~ Ohio deaf and 44799
blind education services may receive and administer any federal 44800
funds relating to the education of deaf ~~or hearing impaired, hard~~ 44801
of hearing, or deafblind students. ~~The school for the deaf~~ Ohio 44802
deaf and blind education services also may accept and administer 44803
any gifts, donations, or bequests given to it for programs or 44804
services relating to the education of deaf or ~~hearing impaired~~ 44805
hard of hearing students and the state school for the deaf. 44806

Sec. 3325.16. There is hereby created in the state treasury 44807

the state school for the deaf educational program expenses fund. 44808
Moneys received by ~~the~~ Ohio deaf and blind education services for 44809
the state school for the deaf from donations, bequests, student 44810
fundraising activities, fees charged for camps and workshops, gate 44811
receipts from athletic contests, and the student work experience 44812
program operated by the school, and any other moneys designated 44813
for deposit in the fund by the superintendent of ~~the school~~ Ohio 44814
deaf and blind education services, shall be credited to the fund. 44815
Notwithstanding section 3325.01 of the Revised Code, the approval 44816
of the state board of education is not required to designate money 44817
for deposit into the fund. ~~The state school for the deaf~~ Ohio deaf 44818
and blind education services shall use moneys in the fund for 44819
educational programs, after-school activities, and expenses 44820
associated with student activities and clubs at the state school 44821
for the deaf. 44822

Sec. 3325.17. There is hereby created in the state treasury 44823
the state school for the blind educational program expense fund. 44824
Moneys received by ~~the~~ Ohio deaf and blind education services for 44825
the state school for the blind from donations, bequests, student 44826
fundraising activities, fees charged for camps, workshops, and 44827
summer work and learn cooperative programs, gate receipts from 44828
school activities, and any other moneys designated for deposit in 44829
the fund by the superintendent of ~~the school~~ Ohio deaf and blind 44830
education services, shall be credited to the fund. Notwithstanding 44831
section 3325.01 of the Revised Code, the approval of the state 44832
board of education is not required to designate money for deposit 44833
into the fund. ~~The state school for the blind~~ Ohio deaf and blind 44834
education services shall use moneys in the fund for educational 44835
programs, after-school activities, and expenses associated with 44836
student activities at the state school for the blind. 44837

Sec. 3326.11. Each science, technology, engineering, and 44838
mathematics school established under this chapter and its 44839
governing body shall comply with sections 9.90, 9.91, 109.65, 44840
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 44841
3301.0714, 3301.0715, 3301.0729, 3301.948, 3302.037, 3313.14, 44842
3313.15, 3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 44843
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3313.614, 3313.615, 3313.617, 3313.618, 3313.6114, 3313.643, 44847
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3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 3313.671, 44849
3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 44850
3313.719, 3313.7112, 3313.7117, 3313.721, 3313.80, 3313.801, 44851
3313.814, 3313.816, 3313.817, 3313.818, 3313.819, 3313.86, 44852
3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 3319.0812, 44853
3319.21, 3319.225, 3319.238, 3319.318, 3319.32, 3319.321, 44854
3319.324, 3319.35, 3319.39, 3319.391, 3319.393, 3319.41, 3319.45, 44855
3319.46, 3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 3321.05, 44856
3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 44857
3322.20, 3322.24, 3323.251, 3327.10, 4111.17, 4113.52, 5502.262, 44858
5502.703, and 5705.391 and Chapters 102., 117., 1347., 2744., 44859
3307., 3309., 3365., 3742., 4112., 4123., 4141., and 4167. of the 44860
Revised Code as if it were a school district. 44861

Sec. 3326.44. For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, a 44862
STEM school shall spend the funding it receives under division 44863
(A)(5) of section 3317.022 of the Revised Code only for services 44864
for English learners. 44865

Sec. 3327.01. Notwithstanding division (D) of section 3311.19 44866
and division (D) of section 3311.52 of the Revised Code, this 44867

section and sections 3327.011, 3327.012, and 3327.02 of the 44868
Revised Code do not apply to any joint vocational or cooperative 44869
education school district. 44870

In all city, local, and exempted village school districts 44871
where resident school pupils in grades kindergarten through eight 44872
live more than two miles from the school for which the state board 44873
of education prescribes minimum standards pursuant to division (D) 44874
of section 3301.07 of the Revised Code and to which they are 44875
assigned by the board of education of the district of residence or 44876
to and from the nonpublic or community school which they attend, 44877
the board of education shall provide transportation for such 44878
pupils to and from that school except as provided in section 44879
3327.02 of the Revised Code. 44880

In all city, local, and exempted village school districts 44881
where pupil transportation is required under a career-technical 44882
plan approved by the state board of education under section 44883
3313.90 of the Revised Code, for any student attending a 44884
career-technical program operated by another school district, 44885
including a joint vocational school district, as prescribed under 44886
that section, the board of education of the student's district of 44887
residence shall provide transportation from the public high school 44888
operated by that district to which the student is assigned to the 44889
career-technical program. 44890

In all city, local, and exempted village school districts, 44891
the board may provide transportation for resident school pupils in 44892
grades nine through twelve to and from the high school to which 44893
they are assigned by the board of education of the district of 44894
residence or to and from the nonpublic or community high school 44895
which they attend for which the state board of education 44896
prescribes minimum standards pursuant to division (D) of section 44897
3301.07 of the Revised Code. 44898

A board of education shall not be required to transport 44899

elementary or high school pupils to and from a nonpublic or 44900
community school where such transportation would require more than 44901
thirty minutes of direct travel time as measured by school bus 44902
from the public school building to which the pupils would be 44903
assigned if attending the public school designated by the district 44904
of residence. 44905

Where it is impractical to transport a pupil by school 44906
conveyance, a board of education may offer payment, in lieu of 44907
providing such transportation in accordance with section 3327.02 44908
of the Revised Code. 44909

A board of education shall provide transportation to students 44910
enrolled in a community school or nonpublic school in accordance 44911
with this section on each day in which that school is open for 44912
operation with students in attendance, regardless of whether the 44913
district's own schools are open for operation with students in 44914
attendance on that day. However, a board of education shall not be 44915
required to transport elementary or high school pupils to and from 44916
a nonpublic or community school on Saturday or Sunday, unless a 44917
board of education and a nonpublic or community school have an 44918
agreement in place to do so before the first day of July of the 44919
school year in which the agreement takes effect. 44920

In all city, local, and exempted village school districts, 44921
the board shall provide transportation for all children who are so 44922
disabled that they are unable to walk to and from the school for 44923
which the state board of education prescribes minimum standards 44924
pursuant to division (D) of section 3301.07 of the Revised Code 44925
and which they attend. In case of dispute whether the child is 44926
able to walk to and from the school, the health commissioner shall 44927
be the judge of such ability. In all city, exempted village, and 44928
local school districts, the board shall provide transportation to 44929
and from school or special education classes for mentally disabled 44930
children in accordance with standards adopted by the state board 44931

of education. 44932

When transportation of pupils is provided the conveyance 44933
shall be run on a time schedule that shall be adopted and put in 44934
force by the board not later than ten days after the beginning of 44935
the school term. The operator of every school bus or motor van 44936
owned and operated by any school district or educational service 44937
center or privately owned and operated under contract with any 44938
school district or service center in this state shall deliver 44939
students enrolled in preschool through twelfth grades to their 44940
respective public and nonpublic schools not sooner than thirty 44941
minutes prior to the beginning of school and to be available to 44942
pick them up not later than thirty minutes after the close of 44943
their respective schools each day. 44944

A board of education shall provide each pupil in grades 44945
kindergarten through eight substantially the same level of 44946
transportation service, route and schedule convenience, and 44947
pick-up and drop-off times relative to the pupil's school's start 44948
and end times regardless of whether the pupil attends a school 44949
operated by the board of education or a nonpublic or community 44950
school. 44951

The cost of any transportation service authorized by this 44952
section shall be paid first out of federal funds, if any, 44953
available for the purpose of pupil transportation, and secondly 44954
out of state appropriations, in accordance with regulations 44955
adopted by the state board of education. 44956

No transportation of any pupils shall be provided by any 44957
board of education to or from any school which in the selection of 44958
pupils, faculty members, or employees, practices discrimination 44959
against any person on the grounds of race, color, religion, or 44960
national origin. 44961

Sec. 3328.24. A college-preparatory boarding school 44962

established under this chapter and its board of trustees shall 44963
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 44964
3301.0714, 3301.0729, 3301.948, 3302.037, 3313.5318, 3313.6013, 44965
3313.6021, 3313.6024, 3313.6025, 3313.6026, 3313.617, 3313.618, 44966
3313.6114, 3313.6411, 3313.668, 3313.669, 3313.6610, 3313.7112, 44967
3313.7117, 3313.721, 3313.89, 3319.073, 3319.077, 3319.078, 44968
3319.318, 3319.324, 3319.39, 3319.391, 3319.393, 3319.46, 3320.01, 44969
3320.02, 3320.03, 3323.251, and 5502.262, and Chapter 3365. of the 44970
Revised Code as if the school were a school district and the 44971
school's board of trustees were a district board of education. 44972

Sec. 3332.092. Any school subject to this chapter receiving 44973
money under section ~~3333.12~~ or 3333.122 of the Revised Code on 44974
behalf of a student who is determined by the state board of career 44975
colleges and schools to be ineligible under such section because 44976
the program in which the student is enrolled does not lead to an 44977
associate or baccalaureate degree, shall be liable to the state 44978
for the amount specified in section ~~3333.12~~ or 3333.122 of the 44979
Revised Code. The state board of career colleges and schools shall 44980
suspend the certificate of registration of a school receiving 44981
money under section ~~3333.12~~ or 3333.122 of the Revised Code for 44982
such ineligible student until such time as the money is repaid to 44983
the ~~Ohio board~~ department of ~~regents~~ higher education. 44984

Sec. ~~3333.03~~ 3333.01. (A) There is hereby created the 44985
department of higher education, which shall be composed of the 44986
chancellor of higher education and the chancellor's employees, 44987
agents, and representatives. The chancellor shall perform the 44988
functions, exercise the powers, and discharge the duties as are 44989
assigned to the chancellor by law. 44990

(B) The governor, with the advice and consent of the senate, 44991
shall appoint the chancellor of higher education. The chancellor 44992

shall serve at the pleasure of the governor, and the governor 44993
shall prescribe the chancellor's duties in addition to the 44994
chancellor's duties prescribed by law. The governor shall fix the 44995
compensation for the chancellor. The chancellor shall be a member 44996
of the governor's cabinet. 44997

(C) The chancellor is responsible for appointing and fixing 44998
the compensation of all professional, administrative, and clerical 44999
employees and staff members necessary to assist in the performance 45000
of the chancellor's duties. All employees and staff shall serve at 45001
the chancellor's pleasure. 45002

(D) The chancellor shall be a person qualified by training 45003
and experience to understand the problems and needs of the state 45004
in the field of higher education and to devise programs, plans, 45005
and methods of solving the problems and meeting the needs. 45006

(E) Neither the chancellor nor any staff member or employee 45007
of the chancellor shall be a trustee, officer, or employee of any 45008
public or private college or university while serving as 45009
chancellor, staff member, or employee. 45010

Sec. 3333.012. Whenever the term "Ohio board of regents" is 45011
used, referred to, or designated in any statute, rule, contract, 45012
grant, or other document, the use, reference, or designation shall 45013
be construed to mean the "chancellor of higher education," ~~except~~ 45014
~~in sections 3333.01, 3333.011, 3333.02, and 3333.032 of the~~ 45015
~~Revised Code or unless the use, reference, or designation of the~~ 45016
~~term "Ohio board of regents" relates to the board's duties to give~~ 45017
~~advice to the chancellor or~~ unless another section of law 45018
expressly provides otherwise. 45019

Whenever the term "chancellor of the Ohio board of regents" 45020
or "chancellor" is used, referred to, or designated in any 45021
statute, rule, contract, grant, or other document, the use, 45022
reference, or designation shall be construed to mean the 45023

chancellor of higher education. 45024

Sec. 3333.021. As used in this section, "university" means 45025
any college or university that receives a state appropriation. 45026

(A) This division does not apply to proposed rules, 45027
amendments, or rescissions subject to legislative review under 45028
section 106.02 of the Revised Code. No action taken by the 45029
chancellor of higher education that could reasonably be expected 45030
to have an effect on the revenue or expenditures of any university 45031
shall take effect unless at least two weeks prior to the date on 45032
which the action is taken, the chancellor has filed with the 45033
speaker of the house of representatives, the president of the 45034
senate, and the legislative service commission, ~~and the director~~ 45035
~~of budget and management~~ a fiscal analysis of the proposed action. 45036
The analysis shall include an estimate of the amount by which, 45037
during the current and ensuing fiscal biennium, the action would 45038
increase or decrease the university's revenues or expenditures and 45039
increase or decrease any state expenditures and any other 45040
information the chancellor considers necessary to explain the 45041
action's fiscal effect. 45042

(B) Within three days of the date the chancellor files with 45043
the clerk of the senate a proposed rule, amendment, or rescission 45044
that is subject to legislative review and invalidation under 45045
section 106.02 of the Revised Code, the chancellor shall file with 45046
the speaker of the house of representatives, the president of the 45047
senate, and the legislative service commission, ~~and the director~~ 45048
~~of budget and management~~ a fiscal analysis of the proposed rule. 45049
The analysis shall include an estimate of the amount by which, 45050
during the current and ensuing fiscal biennium, the action would 45051
increase or decrease any university's revenues or expenditures and 45052
increase or decrease state revenues or expenditures and any other 45053
information the chancellor considers necessary to explain the 45054

fiscal effect of the rule, amendment, or rescission. No rule, 45055
amendment, or rescission shall take effect unless the chancellor 45056
has complied with this division. 45057

Sec. 3333.032. The ~~Ohio board~~ chancellor of ~~regents~~ higher 45058
education shall submit to the general assembly, in accordance with 45059
division (B) of section 101.68 of the Revised Code, and to the 45060
governor, an annual report on the condition of higher education in 45061
this state, including the performance of the chancellor of higher 45062
education. 45063

Sec. 3333.04. The chancellor of higher education shall: 45064

(A) Make studies of state policy in the field of higher 45065
education and formulate a master plan for higher education for the 45066
state, considering the needs of the people, the needs of the 45067
state, and the role of individual public and private institutions 45068
within the state in fulfilling these needs; 45069

(B)(1) Report annually to the governor and the general 45070
assembly on the findings from the chancellor's studies and the 45071
master plan for higher education for the state; 45072

(2) Report at least semiannually to the general assembly and 45073
the governor the enrollment numbers at each state-assisted 45074
institution of higher education. 45075

(C) Approve or disapprove the establishment of new branches 45076
or academic centers of state colleges and universities; 45077

(D) Approve or disapprove the establishment of state 45078
technical colleges or any other state institution of higher 45079
education; 45080

(E) Recommend the nature of the programs, undergraduate, 45081
graduate, professional, state-financed research, and public 45082
services which should be offered by the state colleges, 45083

universities, and other state-assisted institutions of higher 45084
education in order to utilize to the best advantage their 45085
facilities and personnel; 45086

(F) Recommend to the state colleges, universities, and other 45087
state-assisted institutions of higher education graduate or 45088
professional programs, including, but not limited to, doctor of 45089
philosophy, doctor of education, and juris doctor programs, that 45090
could be eliminated because they constitute unnecessary 45091
duplication, as shall be determined using the process developed 45092
pursuant to this division, or for other good and sufficient cause. 45093
Prior to recommending a program for elimination, the chancellor 45094
shall ~~request the board of regents to~~ hold at least one public 45095
hearing on the matter ~~and advise the chancellor on~~ to determine 45096
whether the program should be recommended for elimination. The 45097
~~board~~ chancellor shall provide notice of each hearing within a 45098
reasonable amount of time prior to its scheduled date. ~~Following~~ 45099
~~the hearing, the board shall issue a recommendation to the~~ 45100
~~chancellor. The chancellor shall consider the board's~~ 45101
~~recommendation but shall not be required to accept it.~~ 45102

For purposes of determining the amounts of any state 45103
instructional subsidies paid to state colleges, universities, and 45104
other state-assisted institutions of higher education, the 45105
chancellor may exclude students enrolled in any program that the 45106
chancellor has recommended for elimination pursuant to this 45107
division except that the chancellor shall not exclude any such 45108
student who enrolled in the program prior to the date on which the 45109
chancellor initially commences to exclude students under this 45110
division. 45111

The chancellor and state colleges, universities, and other 45112
state-assisted institutions of higher education shall jointly 45113
develop a process for determining which existing graduate or 45114
professional programs constitute unnecessary duplication. 45115

(G) Recommend to the state colleges, universities, and other state-assisted institutions of higher education programs which should be added to their present programs;

(H) Conduct studies for the state colleges, universities, and other state-assisted institutions of higher education to assist them in making the best and most efficient use of their existing facilities and personnel;

(I) Make recommendations to the governor and general assembly concerning the development of state-financed capital plans for higher education; the establishment of new state colleges, universities, and other state-assisted institutions of higher education; and the establishment of new programs at the existing state colleges, universities, and other institutions of higher education;

(J) Review the appropriation requests of the public community colleges and the state colleges and universities and submit to the office of budget and management and to the chairpersons of the finance committees of the house of representatives and of the senate the chancellor's recommendations in regard to the biennial higher education appropriation for the state, including appropriations for the individual state colleges and universities and public community colleges. For the purpose of determining the amounts of instructional subsidies to be paid to state-assisted colleges and universities, the chancellor shall define "full-time equivalent student" by program per academic year. The definition may take into account the establishment of minimum enrollment levels in technical education programs below which support allowances will not be paid. Except as otherwise provided in this section, the chancellor shall make no change in the definition of "full-time equivalent student" in effect on November 15, 1981, which would increase or decrease the number of subsidy-eligible full-time equivalent students, without first submitting a fiscal

impact statement to the president of the senate, the speaker of 45148
the house of representatives, the legislative service commission, 45149
and the director of budget and management. The chancellor shall 45150
work in close cooperation with the director of budget and 45151
management in this respect and in all other matters concerning the 45152
expenditures of appropriated funds by state colleges, 45153
universities, and other institutions of higher education. 45154

(K) Seek the cooperation and advice of the officers and 45155
trustees of both public and private colleges, universities, and 45156
other institutions of higher education in the state in performing 45157
the chancellor's duties and making the chancellor's plans, 45158
studies, and recommendations; 45159

(L) Appoint advisory committees consisting of persons 45160
associated with public or private secondary schools, members of 45161
the state board of education, or personnel of the state department 45162
of education; 45163

(M) Appoint advisory committees consisting of college and 45164
university personnel, or other persons knowledgeable in the field 45165
of higher education, or both, in order to obtain their advice and 45166
assistance in defining and suggesting solutions for the problems 45167
and needs of higher education in this state; 45168

(N) Approve or disapprove all new degrees and new degree 45169
programs at all state colleges, universities, and other 45170
state-assisted institutions of higher education. 45171

When considering approval of a new degree or degree program 45172
for a state institution of higher education, as defined in section 45173
3345.011 of the Revised Code, the chancellor shall take into 45174
account the extent to which the degree or degree program aligns 45175
with the state's workforce development priorities. 45176

(O) Adopt such rules as are necessary to carry out the 45177
chancellor's duties and responsibilities. The rules shall 45178

prescribe procedures for the chancellor to follow when taking 45179
actions associated with the chancellor's duties and 45180
responsibilities and shall indicate which types of actions are 45181
subject to those procedures. The procedures adopted under this 45182
division shall be in addition to any other procedures prescribed 45183
by law for such actions. However, if any other provision of the 45184
Revised Code or rule adopted by the chancellor prescribes 45185
different procedures for such an action, the procedures adopted 45186
under this division shall not apply to that action to the extent 45187
they conflict with the procedures otherwise prescribed by law. The 45188
procedures adopted under this division shall include at least the 45189
following: 45190

(1) Provision for public notice of the proposed action; 45191

(2) An opportunity for public comment on the proposed action, 45192
which may include a public hearing on the action by the ~~board of~~ 45193
~~regents~~ chancellor; 45194

(3) Methods for parties that may be affected by the proposed 45195
action to submit comments during the public comment period; 45196

~~(4) Submission of recommendations from the board of regents 45197
regarding the proposed action, at the request of the chancellor;~~ 45198

~~(5) Written publication of the final action taken by the 45199
chancellor and the chancellor's rationale for the action;~~ 45200

~~(6)~~(5) A timeline for the process described in divisions 45201
(O)(1) to ~~(5)~~(4) of this section. 45202

(P) Make recommendations to the governor and the general 45203
assembly regarding the design and funding of the student financial 45204
aid programs specified in sections ~~3333.12~~, 3333.122, 3333.21 to 45205
3333.26, and 5910.02 of the Revised Code; 45206

(Q) Participate in education-related state or federal 45207
programs on behalf of the state and assume responsibility for the 45208

administration of such programs in accordance with applicable 45209
state or federal law; 45210

(R) Adopt rules for student financial aid programs as 45211
required by sections ~~3333.127~~, 3333.122, 3333.21 to 3333.26, 45212
3333.28, and 5910.02 of the Revised Code, and perform any other 45213
administrative functions assigned to the chancellor by those 45214
sections; 45215

(S) Conduct enrollment audits of state-supported institutions 45216
of higher education; 45217

(T) Appoint consortia of college and university personnel to 45218
advise or participate in the development and operation of 45219
statewide collaborative efforts, including the Ohio supercomputer 45220
center, the Ohio academic resources network, OhioLink, and the 45221
Ohio learning network. For each consortium, the chancellor shall 45222
designate a college or university to serve as that consortium's 45223
fiscal agent, financial officer, and employer. Any funds 45224
appropriated for the consortia shall be distributed to the fiscal 45225
agents for the operation of the consortia. A consortium shall 45226
follow the rules of the college or university that serves as its 45227
fiscal agent. The chancellor may restructure existing consortia, 45228
appointed under this division, in accordance with procedures 45229
adopted under divisions (O)(1) to ~~(6)~~(5) of this section. 45230

(U) Adopt rules establishing advisory duties and 45231
responsibilities of the ~~board~~ department of ~~regents~~ higher 45232
education not otherwise prescribed by law; 45233

(V) Respond to requests for information about higher 45234
education from members of the general assembly and direct staff to 45235
conduct research or analysis as needed for this purpose. 45236

Sec. 3333.041. (A) On or before the last day of December of 45237
each year, the chancellor of higher education shall submit to the 45238

governor and, in accordance with section 101.68 of the Revised Code, the general assembly a report or reports concerning all of the following:

(1) The status of graduates of Ohio school districts at state institutions of higher education during the twelve-month period ending on the thirtieth day of September of the current calendar year. The report shall list, by school district, the number of graduates of each school district who attended a state institution of higher education and the percentage of each district's graduates enrolled in a state institution of higher education during the reporting period who were required during such period by the college or university, as a prerequisite to enrolling in those courses generally required for first-year students, to enroll in a remedial course in English, including composition or reading, mathematics, and any other area designated by the chancellor. The chancellor also shall make the information described in division (A)(1) of this section available to the board of education of each city, exempted village, and local school district.

Each state institution of higher education shall, by the first day of November of each year, submit to the chancellor in the form specified by the chancellor the information the chancellor requires to compile the report.

(2) The following information with respect to the Ohio tuition trust authority:

(a) The name of each investment manager that is a minority business enterprise or a women's business enterprise with which the chancellor contracts;

(b) The amount of assets managed by investment managers that are minority business enterprises or women's business enterprises, expressed as a percentage of assets managed by investment managers

with which the chancellor has contracted; 45270

(c) Efforts by the chancellor to increase utilization of 45271
investment managers that are minority business enterprises or 45272
women's business enterprises. 45273

(3) The chancellor's strategy in assigning choose Ohio first 45274
scholarships, as established under section 3333.61 of the Revised 45275
Code, among state universities and colleges and how the actual 45276
awards fit that strategy. 45277

(4) The academic and economic impact of the Ohio 45278
co-op/internship program established under section 3333.72 of the 45279
Revised Code. At a minimum, the report shall include the 45280
following: 45281

(a) Progress and performance metrics for each initiative that 45282
received an award in the previous fiscal year; 45283

(b) Economic indicators of the impact of each initiative, and 45284
all initiatives as a whole, on the regional economies and the 45285
statewide economy; 45286

(c) The chancellor's strategy in allocating awards among 45287
state institutions of higher education and how the actual awards 45288
fit that strategy. 45289

(B) On or before the fifteenth day of February of each year, 45290
the ~~director~~ chancellor shall submit to the governor and, in 45291
accordance with section 101.68 of the Revised Code, the general 45292
assembly a report concerning aggregate academic growth data for 45293
students assigned to graduates of teacher preparation programs 45294
approved under section 3333.048 of the Revised Code who teach 45295
English language arts or mathematics in any of grades four to 45296
eight in a public school in Ohio. For this purpose, the ~~director~~ 45297
chancellor shall use the value-added progress dimension prescribed 45298
by section 3302.021 of the Revised Code or the alternative student 45299
academic progress measure if adopted under division (C)(1)(e) of 45300

section 3302.03 of the Revised Code. The ~~director~~ chancellor shall 45301
aggregate the data by graduating class for each approved teacher 45302
preparation program, except that if a particular class has ten or 45303
fewer graduates to which this division applies, the ~~director~~ 45304
chancellor shall report the data for a group of classes over a 45305
three-year period. In no case shall the report identify any 45306
individual graduate. The department of education shall share any 45307
data necessary for the report with the ~~director~~ chancellor. 45308

(C) As used in this section: 45309

(1) "Minority business enterprise" has the same meaning as in 45310
section 122.71 of the Revised Code. 45311

(2) "State institution of higher education" and "state 45312
university" have the same meanings as in section 3345.011 of the 45313
Revised Code. 45314

(3) "State university or college" has the same meaning as in 45315
section 3345.12 of the Revised Code. 45316

(4) "Women's business enterprise" means a business, or a 45317
partnership, corporation, limited liability company, or joint 45318
venture of any kind, that is owned and controlled by women who are 45319
United States citizens and residents of this state. 45320

Sec. 3333.044. (A) The chancellor of higher education may 45321
contract with any consultants that are necessary for the discharge 45322
of the chancellor's duties under this chapter. 45323

(B) The chancellor may purchase, upon the terms that the 45324
chancellor determines to be advisable, one or more policies of 45325
insurance from insurers authorized to do business in this state 45326
that insure consultants who have contracted with the chancellor 45327
under division (A) of this section or members of an advisory 45328
committee appointed under section 3333.04 of the Revised Code, 45329
with respect to the activities of the consultants or advisory 45330

committee members in the course of the performance of their 45331
responsibilities as consultants or advisory committee members. 45332

(C) Subject to the approval of the controlling board, the 45333
chancellor may contract with any entities for the discharge of the 45334
chancellor's duties and responsibilities under any of the programs 45335
established pursuant to sections ~~3333.12~~, 3333.122, 3333.21 to 45336
3333.28, and 5120.55, and Chapter 5910. of the Revised Code. The 45337
chancellor shall not enter into a contract under this division 45338
unless the proposed contractor demonstrates that its primary 45339
purpose is to promote access to higher education by providing 45340
student financial assistance through loans, grants, or 45341
scholarships, and by providing high quality support services and 45342
information to students and their families with regard to such 45343
financial assistance. 45344

Chapter 125. of the Revised Code does not apply to contracts 45345
entered into pursuant to this section. In awarding contracts under 45346
this division, the chancellor shall consider factors such as the 45347
cost of the administration of the contract, the experience of the 45348
contractor, and the contractor's ability to properly execute the 45349
contract. 45350

Sec. 3333.045. As used in this section, "state university or 45351
college" means any state university listed in section 3345.011 of 45352
the Revised Code, the northeast Ohio medical university, any 45353
community college under Chapter 3354. of the Revised Code, any 45354
university branch district under Chapter 3355. of the Revised 45355
Code, any technical college under Chapter 3357. of the Revised 45356
Code, and any state community college under Chapter 3358. of the 45357
Revised Code. 45358

The chancellor of higher education shall work with the 45359
attorney general, the auditor of state, and the Ohio ethics 45360
commission to develop a model for training members of the boards 45361

of trustees of all state universities and colleges ~~and members of~~ 45362
~~the board of regents~~ regarding the authority and responsibilities 45363
of a board of trustees ~~or the board of regents~~. This model shall 45364
include a review of fiduciary responsibilities, ethics, and fiscal 45365
management. Use of this model by members of boards of trustees ~~and~~ 45366
~~the board of regents~~ shall be voluntary. 45367

Sec. 3333.048. (A) Not later than one year after October 16, 45368
2009, the chancellor of higher education ~~and, in consultation with~~ 45369
the superintendent of public instruction ~~jointly,~~ shall ~~do the~~ 45370
~~following:~~ 45371

~~(1) In, in~~ accordance with Chapter 119. of the Revised Code, 45372
establish metrics ~~and educator preparation programs~~ for the 45373
preparation of educators and other school personnel and the 45374
institutions of higher education that are engaged in their 45375
preparation. The metrics ~~and to be used in~~ educator preparation 45376
programs shall ~~be do all of the following:~~ 45377

(2) Be aligned with the standards and qualifications for 45378
educator licenses adopted by the state board of education under 45379
section 3319.22 of the Revised Code and the requirements of the 45380
Ohio teacher residency program established under section 3319.223 45381
of the Revised Code. ~~The metrics and educator preparation programs~~ 45382
~~also shall ensure;~~ 45383

(2) Ensure that educators and other school personnel are 45384
adequately prepared to use the value-added progress dimension 45385
prescribed by section 3302.021 of the Revised Code or the 45386
alternative student academic progress measure if adopted under 45387
division (C)(1)(e) of section 3302.03 of the Revised Code. 45388

~~(2) Provide for the inspection of institutions of higher~~ 45389
~~education desiring to prepare educators and other school~~ 45390
~~personnel. ;~~ 45391

(3) Ensure that all educators complete coursework in evidence-based strategies for effective literacy instruction aligned to the science of reading, which includes phonics, phonemic awareness, fluency comprehension, and vocabulary development, and is part of a structured literacy program; 45392
45393
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(4) Ensure that clinical preparation for all educators who are responsible for teaching reading only occur in the classrooms where the local education agency has verified that the practicing teachers have training in literacy instruction strategies aligned to the science of reading, use instructional materials aligned to the science of reading from the list established under section 3313.6028 of the Revised Code, and actively implement a structured literacy approach. 45397
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~~(B) Not later than one year after October 16, 2009, the chancellor shall approve institutions of higher education engaged in the preparation of educators and other school personnel that maintain satisfactory training procedures and records of performance, as determined by the~~ 45405
The chancellor shall do all of 45406
the following: 45407
45408
45409
45410

(1) Develop an auditing process that clearly documents the degree to which every educator preparation program at an institution of higher education is effectively teaching the science of reading as follows: 45411
45412
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(a) By December 31, 2023, complete an initial survey of educator preparation programs, establish metrics for the audits, and update standards to reflect new requirements; 45415
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45417

(b) Grant a one-year grace period for all institutions to meet new standards and requirements under this section to begin on January 1, 2024; 45418
45419
45420

(c) On January 1, 2025, begin conducting audits of each institution that offers educator preparation programs. 45421
45422

The chancellor shall revoke approval for programs that are 45423
found to be not in alignment and do not address the findings of 45424
the audit within a year. All programs shall be reviewed every four 45425
years thereafter to ensure continued alignment. 45426

(2) Annually create a summary of literacy instruction 45427
strategies and practices in place for all educator preparation 45428
programs based on the program audits, including institution-level 45429
summaries, until all programs reach the required alignment 45430
specified in division (A)(3) of this section; 45431

(3) In conjunction with the department of education, do all 45432
of the following: 45433

(a) Publicly release the summaries with local education 45434
agencies not later than the thirty-first day of March of each 45435
year; 45436

(b) Identify a list of approved vendors who can provide 45437
professional development experiences that are consistent with the 45438
science of reading to educators who are responsible for teaching 45439
reading, including faculty in educator preparation programs; 45440

(c) Develop a public dashboard that reports the first-time 45441
passage rates of students, by institution, on the foundations of 45442
reading licensure test. 45443

(C) If the metrics established under division ~~(A)(1)(A)~~ of 45444
this section require an institution of higher education that 45445
prepares teachers to satisfy the standards of an independent 45446
accreditation organization, the chancellor shall permit each 45447
institution to satisfy the standards of any applicable national 45448
educator preparation accrediting agency recognized by the United 45449
States department of education. 45450

(D) The metrics and educator preparation programs established 45451
under division ~~(A)(1)(A)~~ of this section may require an 45452
institution of higher education, as a condition of approval by the 45453

chancellor, to make changes in the curricula of its preparation 45454
programs for educators and other school personnel. 45455

Notwithstanding division (E) of section 119.03 and division 45456
(A)(1) of section 119.04 of the Revised Code, any metrics, 45457
educator preparation programs, rules, and regulations, or any 45458
amendment or rescission of such metrics, educator preparation 45459
programs, rules, and regulations, adopted under this section that 45460
necessitate institutions offering preparation programs for 45461
educators and other school personnel approved by the chancellor to 45462
revise the curricula of those programs shall not be effective for 45463
at least one year after the first day of January next succeeding 45464
the publication of the said change. 45465

Each institution shall allocate money from its existing 45466
revenue sources to pay the cost of making the curricular changes. 45467

(E) The chancellor shall notify the state board of the 45468
metrics and educator preparation programs established under 45469
division ~~(A)(1)(A)~~ of this section ~~and the institutions of higher~~ 45470
~~education approved under division (B) of this section.~~ The state 45471
board shall publish the metrics, and educator preparation 45472
programs, ~~and approved institutions~~ with the standards and 45473
qualifications for each type of educator license. 45474

(F) The graduates of educator preparation programs approved 45475
by the chancellor shall be licensed by the state board in 45476
accordance with the standards and qualifications adopted under 45477
section 3319.22 of the Revised Code. 45478

Sec. 3333.122. ~~(A)~~(A)(1) As used in this section: 45479

(a) "State university" has the same meaning as in section 45480
3345.011 of the Revised Code. 45481

(b) "Private university or college" means a private, 45482
nonprofit institution in this state holding a certificate of 45483

authorization pursuant to Chapter 1713. of the Revised Code. 45484

(c) "Private career college" means either a career college in 45485
this state that holds a certificate of registration from the state 45486
board of career colleges and schools under Chapter 3332. of the 45487
Revised Code or a private institution exempt from regulation under 45488
Chapter 3332. of the Revised Code as prescribed in section 45489
3333.046 of the Revised Code, if the program has a certificate of 45490
authorization pursuant to Chapter 1713. of the Revised Code. 45491

(2) The chancellor of higher education shall adopt rules to 45492
carry out this section and as authorized under section 3333.123 of 45493
the Revised Code. The rules shall include definitions of the terms 45494
"resident," "expected family contribution," "full-time student," 45495
"three-quarters-time student," "half-time student," 45496
"one-quarter-time student," "state cost of attendance," and 45497
"accredited" for the purpose of those sections. 45498

(B) Only an Ohio resident who meets both of the following is 45499
eligible for a grant awarded under this section: 45500

(1) The resident first enrolls as follows: 45501

(a) Prior to the 2023-2024 academic year and has an expected 45502
family contribution, or the equivalent according to a different 45503
measure of student financial need established under federal law, 45504
of two thousand one hundred ninety dollars or less; 45505

(b) For the 2023-2024 academic year or any academic year 45506
thereafter and has an expected family contribution, or the 45507
equivalent according to a different measure of student financial 45508
need established under federal law, of ten thousand dollars or 45509
less. 45510

(2) The resident enrolls in one of the following: 45511

(a) An undergraduate program, or a nursing diploma program 45512
approved by the board of nursing under section 4723.06 of the 45513

Revised Code, at a state-assisted state institution of higher 45514
education, as defined in section 3345.12 of the Revised Code, if 45515
the resident first enrolls prior to the 2023-2024 academic year, 45516
or at the main campus of a state university if the resident first 45517
enrolls in the 2023-2024 academic year or any academic year 45518
thereafter, that meets the requirements of Title VI of the Civil 45519
Rights Act of 1964; 45520

(b) An undergraduate program, or a nursing diploma program 45521
approved by the board of nursing under section 4723.06 of the 45522
Revised Code, at a private, ~~nonprofit institution~~ university or 45523
college in this state ~~holding a certificate of authorization~~ 45524
~~pursuant to Chapter 1713. of the Revised Code;~~ 45525

(c) An undergraduate program, or a nursing diploma program 45526
approved by the board of nursing under section 4723.06 of the 45527
Revised Code, at a private career college in this state ~~that holds~~ 45528
~~a certificate of registration from the state board of career~~ 45529
~~colleges and schools under Chapter 3332. of the Revised Code or at~~ 45530
~~a private institution exempt from regulation under Chapter 3332.~~ 45531
~~of the Revised Code as prescribed in section 3333.046 of the~~ 45532
~~Revised Code, if the program has a certificate of authorization~~ 45533
~~pursuant to Chapter 1713. of the Revised Code.~~ 45534

(d) A comprehensive transition and postsecondary program that 45535
is certified by the United States department of education. For 45536
purposes of this section, a "comprehensive transition and 45537
postsecondary program" means a degree, certificate, or non-degree 45538
program that is designed to support persons with intellectual 45539
disabilities who are receiving academic, career, technical, and 45540
independent living instruction at an institution of higher 45541
education in order to prepare for gainful employment as defined in 45542
20 U.S.C. 1140. 45543

(C)(1) The chancellor shall establish and administer a 45544
needs-based financial aid grants program based on the United 45545

States department of education's method of determining financial 45546
need. The program shall be known as the Ohio college opportunity 45547
grant program. The general assembly shall support the needs-based 45548
financial aid program by such sums and in such manner as it may 45549
provide, but the chancellor also may receive funds from other 45550
sources to support the program. If, for any academic year, the 45551
amounts available for support of the program are inadequate to 45552
provide grants to all eligible students, the chancellor shall do 45553
one of the following: 45554

(a) Give preference in the payment of grants based upon 45555
expected family contribution or a different measure of student 45556
financial need established under federal law, beginning with the 45557
~~lowest expected family contribution category~~ neediest students 45558
based on federal criteria and proceeding upward by category to ~~the~~ 45559
~~highest expected family contribution category~~ those students with 45560
less need; 45561

(b) Proportionately reduce the amount of each grant to be 45562
awarded for the academic year under this section; 45563

(c) Use an alternate formula for such grants that addresses 45564
the shortage of available funds and has been submitted to and 45565
approved by the controlling board. 45566

(2) The needs-based financial aid grant shall be paid to the 45567
eligible student through the institution in which the student is 45568
enrolled, except that no needs-based financial aid grant shall be 45569
paid to any person serving a term of imprisonment. Applications 45570
for the grants shall be made as prescribed by the chancellor, and 45571
such applications may be made in conjunction with and upon the 45572
basis of information provided in conjunction with student 45573
assistance programs funded by agencies of the United States 45574
government or from financial resources of the institution of 45575
higher education. The institution shall certify that the student 45576
applicant meets the requirements set forth in division (B) of this 45577

section. Needs-based financial aid grants shall be provided to an 45578
eligible student only as long as the student is making appropriate 45579
progress toward a nursing diploma, an associate or bachelor's 45580
degree, or completion of a comprehensive transition and 45581
postsecondary program. No student shall be eligible to receive a 45582
grant for more than ten semesters, fifteen quarters, or the 45583
equivalent of five academic years. A grant made to an eligible 45584
student on the basis of less than full-time enrollment shall be 45585
based on the number of credit hours for which the student is 45586
enrolled and shall be computed in accordance with a formula 45587
adopted by rule issued by the chancellor. No student shall receive 45588
more than one grant on the basis of less than full-time 45589
enrollment. 45590

(D)(1) Except as provided in divisions (D)(4) and (5) of this 45591
section, no grant awarded under this section shall exceed the 45592
total ~~state~~ cost of attendance. 45593

~~(2)(2)(a)~~ Subject to divisions (D)(1), (3), (4), and (5) of 45594
this section, for students who first enroll prior to the 2023-2024 45595
academic year, the chancellor shall determine the maximum per 45596
student award amount for each institutional sector by subtracting 45597
the sum of the maximum Pell grant and maximum expected family 45598
contribution amounts, as determined by the chancellor, from the 45599
average instructional and general fees charged by the 45600
institutional sector. ~~The~~ 45601

(b) Subject to divisions (D)(1), (3), (4) and (5) of this 45602
section, a student who first enrolls in the 2023-2024 academic 45603
year shall receive the following award amount for each fiscal year 45604
for which the student receives a grant awarded under this section: 45605

(i) For a student enrolled in the main campus of a state 45606
university, four thousand dollars; 45607

(ii) For a student enrolled in a private university or 45608

college, five thousand dollars; 45609

(iii) For a student enrolled in a private career college, one thousand six hundred dollars. 45610
45611

(c) Subject to divisions (D)(1), (3), (4) and (5) of this section, a student who first enrolls in the 2024-2025 academic year or any academic year thereafter shall receive the following award amount for each fiscal year for which the student receives a grant awarded under this section: 45612
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(i) For a student enrolled in the main campus of a state university, six thousand dollars; 45617
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(ii) For a student enrolled in a private university or college, six thousand dollars; 45619
45620

(iii) For a student enrolled in a private career college, one thousand six hundred dollars. 45621
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The department of higher education shall publish on its web site an annual Ohio college opportunity award table. Except as provided for in section 3333.126 of the Revised Code, in no case shall the grant amount for such a student exceed any maximum that the chancellor may set by rule. 45623
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(3) For a student enrolled for a semester or quarter in addition to the portion of the academic year covered by a grant under this section, the maximum grant amount shall be a percentage of the maximum specified in any table established in rules adopted by the chancellor as provided in division (A) of this section. The maximum grant for a fourth quarter shall be one-third of the maximum amount so prescribed. The maximum grant for a third semester shall be one-half of the maximum amount so prescribed. 45628
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(4) If a student is enrolled in a two-year institution of higher education and is eligible for an education and training voucher through the Ohio education and training voucher program 45636
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that receives federal funding under the John H. Chafee foster care independence program, 42 U.S.C. 677, the amount of a grant awarded under this section may exceed the total ~~state~~ cost of attendance to additionally cover housing costs.

(5) For a student who is receiving federal veterans' benefits under the "All-Volunteer Force Educational Assistance Program," 38 U.S.C. 3001 et seq., or "Post-9/11 Veterans Educational Assistance Program," 38 U.S.C. 3301 et seq., or any successor program, the amount of a grant awarded under this section shall be applied toward the total ~~state~~ cost of attendance and the student's housing costs and living expenses. Living expenses shall include reasonable costs for room and board.

(E) No grant shall be made to any student in a course of study in theology, religion, or other field of preparation for a religious profession unless such course of study leads to an accredited bachelor of arts, bachelor of science, associate of arts, or associate of science degree.

(F)(1) Except as provided in division (F)(2) of this section, no grant shall be made to any student for enrollment during a fiscal year in an institution with a cohort default rate determined by the United States secretary of education pursuant to the "Higher Education Amendments of 1986," 100 Stat. 1278, 1408, 20 U.S.C.A. 1085, as amended, as of the fifteenth day of June preceding the fiscal year, equal to or greater than thirty per cent for each of the preceding two fiscal years.

(2) Division (F)(1) of this section does not apply in the case of either of the following:

(a) The institution pursuant to federal law appeals its loss of eligibility for federal financial aid and the United States secretary of education determines its cohort default rate after recalculation is lower than the rate specified in division (F)(1)

of this section or the secretary determines due to mitigating 45670
circumstances that the institution may continue to participate in 45671
federal financial aid programs. The chancellor shall adopt rules 45672
requiring any such appellant to provide information to the 45673
chancellor regarding an appeal. 45674

(b) Any student who has previously received a grant pursuant 45675
to any provision of this section, including prior to the section's 45676
amendment by H.B. 1 of the 128th general assembly, effective July 45677
17, 2009, and who meets all other eligibility requirements of this 45678
section. 45679

(3) The chancellor shall adopt rules for the notification of 45680
all institutions whose students will be ineligible to participate 45681
in the grant program pursuant to division (F)(1) of this section. 45682

(4) A student's attendance at any institution whose students 45683
are ineligible for grants due to division (F)(1) of this section 45684
shall not affect that student's eligibility to receive a grant 45685
when enrolled in another institution. 45686

(G) Institutions of higher education that enroll students 45687
receiving needs-based financial aid grants under this section 45688
shall report to the chancellor all students who have received such 45689
needs-based financial aid grants but are no longer eligible for 45690
all or part of those grants and shall refund any moneys due the 45691
state within thirty days after the beginning of the quarter or 45692
term immediately following the quarter or term in which the 45693
student was no longer eligible to receive all or part of the 45694
student's grant. There shall be an interest charge of one per cent 45695
per month on all moneys due and payable after such thirty-day 45696
period. The chancellor shall immediately notify ~~the office of~~ 45697
~~budget and management and~~ the legislative service commission of 45698
all refunds so received. 45699

(H) Division (H) of this section applies to each state 45700

university, private university or college, and private career college that enrolls students receiving needs-based financial aid under this section. 45701
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No state university, private university or college, or private career college shall make any change to its scholarship or financial aid programs with the goal or net effect of shifting the cost burden of those programs to the Ohio college opportunity grant program. 45704
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Each state university, private university or college, and private career college shall provide at least the same level of needs-based financial aid to its students as it provided in the immediately prior academic year in terms of either the aggregate aid to all students or on a per student basis. The chancellor may grant a university, college, or career college a temporary waiver from that requirement if the chancellor determines exceptional circumstances make it necessary. The chancellor shall determine the terms of the waiver. 45709
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Sec. 3333.127. (A) As used in this section: 45718

(1) "Cost of attendance" has the same meaning as in 20 U.S.C. 108711. 45719
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(2) "Eligible student" means a student to whom all of the following apply: 45721
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(a) The student is a resident of this state under rules adopted by the chancellor of higher education under section 3333.31 of the Revised Code. 45723
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(b) The student has not attained a bachelor's degree from a qualifying institution or an institution of higher education in another state prior to applying for a grant under this section. 45726
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(c) The student, while in good standing, disenrolled from a qualifying institution and did not transfer to a qualifying 45729
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institution or an institution of higher education in another state 45731
in the two semesters or eight months immediately following the 45732
student's disenrollment. For the purposes of this division, "good 45733
standing" includes being in good academic standing and not having 45734
a record of disciplinary issues, including being suspended or 45735
expelled from the qualifying institution. 45736

Qualifying institutions that do not use a semester calendar 45737
shall use eight months as the metric for determining a student's 45738
disenrollment period. 45739

(d) Subject to division (A)(2)(c) of this section, the 45740
student enrolls in a qualifying institution within ~~five~~ ten years 45741
of disenrolling from the qualifying institution. 45742

(e) The student is not enrolled in the college credit plus 45743
program established under Chapter 3365. of the Revised Code. 45744

(f) The student meets any other eligibility criteria 45745
determined necessary by the chancellor. 45746

(3) "Qualifying institution" means any of the following: 45747

(a) A state institution of higher education, as defined in 45748
section 3345.011 of the Revised Code; 45749

(b) A private nonprofit institution of higher education that 45750
holds a certificate of authorization pursuant to Chapter 1713. of 45751
the Revised Code; 45752

(c) An institution with a certificate of registration from 45753
the state board of career colleges and schools under Chapter 3332. 45754
of the Revised Code; 45755

(d) A private institution exempt from regulation under 45756
Chapter 3332. of the Revised Code as prescribed in section 45757
3333.046 of the Revised Code; 45758

(e) An Ohio technical center, as defined in section 3333.94 45759
of the Revised Code. 45760

(B) The chancellor shall establish the second chance grant 45761
program. Under the program, the chancellor shall award a ~~one-time~~ 45762
grant of not more than ~~two~~ three thousand dollars per academic 45763
year to each eligible student approved to participate in the 45764
program. The chancellor may award a grant to a student for each 45765
academic year until the student completes the degree, if the 45766
chancellor, in consultation with a qualifying institution, 45767
determines that subsequent awards beyond the first are an 45768
essential element of student success and degree completion. 45769

(C) Eligible students shall apply to participate in the 45770
program in a form and manner prescribed by the chancellor. The 45771
chancellor shall approve each applicant who is enrolled in a 45772
qualifying institution and who has a cost of attendance remaining 45773
for the academic year in which the application is approved after 45774
all other financial aid for which that applicant qualifies has 45775
been applied to the applicant's account at the institution. The 45776
chancellor shall approve applications in the order in which they 45777
are received. 45778

(D) The chancellor shall pay grants to the qualifying 45779
institution in which a participant is enrolled in the academic 45780
year in which the participant's application is approved. The 45781
qualifying institution shall apply the grant to a participant's 45782
cost of attendance for that academic year. If any amount of the 45783
grant remains after it is applied to the participant's cost of 45784
attendance for that year, the qualifying institution shall apply 45785
that remaining amount to the participant's cost of attendance for 45786
any other academic year in which the student is enrolled in the 45787
institution. The qualifying institution shall return to the 45788
chancellor any grant amount remaining after a participant 45789
graduates or disenrolls from the institution. 45790

(E) In each academic year, the chancellor shall submit to the 45791
general assembly, in accordance with section 101.68 of the Revised 45792

Code, a report that contains all of the following: 45793

(1) The number of eligible students participating in the 45794
program who received a grant in that academic year; 45795

(2) The qualifying institutions from which the participants 45796
disenrolled, as described in division (A)(2)(c) of this section; 45797

(3) The types of academic programs in which the participants 45798
were enrolled prior to disenrolling from qualifying institutions; 45799

(4) The types of academic programs in which participants were 45800
enrolled when they received grants under the program; 45801

(5) Information regarding how the grants were used; 45802

(6) If the participant completed a degree program with the 45803
grant. 45804

(F) The second chance grant program fund is hereby created in 45805
the state treasury, to consist of such amounts designated for the 45806
purposes of the fund by the general assembly. The fund shall be 45807
administered by the chancellor and shall be used to pay grants 45808
under the program established under this section. The fund also 45809
may be used by the chancellor to implement and administer the 45810
second chance grant program. 45811

(G) The chancellor shall adopt rules to administer the 45812
program. 45813

Sec. 3333.16. (A) As used in this section: 45814

(1) "State institution of higher education" means an 45815
institution of higher education as defined in section 3345.12 of 45816
the Revised Code. 45817

(2) "State university" has the same meaning as in section 45818
3345.011 of the Revised Code. 45819

(B) The chancellor of higher education shall do all of the 45820
following: 45821

(1) Establish policies and procedures applicable to all state institutions of higher education that ensure that students can begin higher education at any state institution of higher education and transfer coursework and degrees to any other state institution of higher education without unnecessary duplication or institutional barriers. The purpose of this requirement is to allow students to attain their highest educational aspirations in the most efficient and effective manner for the students and the state. These policies and procedures shall require state institutions of higher education to make changes or modifications, as needed, to strengthen course content so as to ensure equivalency for that course at any state institution of higher education.

(2) Develop and implement a universal course equivalency classification system for state institutions of higher education so that the transfer of students and the transfer and articulation of equivalent courses or specified learning modules or units completed by students are not inhibited by inconsistent judgment about the application of transfer credits. Coursework completed within such a system at one state institution of higher education and transferred to another institution shall be applied to the student's degree objective in the same manner as equivalent coursework completed at the receiving institution.

(3) Develop an electronic equivalency management tool to assist in the transfer of coursework and degrees between state institutions of higher education without unnecessary duplication or institutional barriers, to help minimize inconsistent judgment about the application of transfer credits, and to assist in allowing transfer credits to be applied to a student's degree objective in the same manner at each state institution of higher education. The electronic equivalency management tool shall include the universal documentation of course and program

equivalencies statewide. Additionally, the electronic equivalency 45854
management tool shall be incorporated into a web site. 45855

(4) Develop a system of transfer policies that ensure that 45856
graduates with associate degrees which include completion of 45857
approved transfer modules shall be admitted to a state institution 45858
of higher education, shall be able to compete for admission to 45859
specific programs on the same basis as students native to the 45860
institution, and shall have priority over out-of-state associate 45861
degree graduates and transfer students. To assist a student in 45862
advising and transferring, all state institutions of higher 45863
education shall fully implement the information system for 45864
advising and transferring selected by, contracted for, or 45865
developed by the chancellor. 45866

(5) Examine the feasibility of developing a transfer 45867
marketing agenda that includes materials and interactive 45868
technology to inform the citizens of Ohio about the availability 45869
of transfer options at state institutions of higher education and 45870
to encourage adults to return to colleges and universities for 45871
additional education; 45872

(6) Study, in consultation with the state board of career 45873
colleges and schools, and in light of existing criteria and any 45874
other criteria developed by the articulation and transfer advisory 45875
council, the feasibility of credit recognition and transferability 45876
to state institutions of higher education for graduates who have 45877
received associate degrees from a career college or school with a 45878
certificate of registration from the state board of career 45879
colleges and schools under Chapter 3332. of the Revised Code. 45880

(C) All provisions of the existing articulation and transfer 45881
policy developed by the chancellor shall remain in effect except 45882
where amended by this section. 45883

(D) ~~Not later than December 1, 2018, the~~ The chancellor shall 45884

update and implement the policies and procedures established 45885
pursuant to this section to ensure that any associate degree 45886
offered at a state institution of higher education may be 45887
transferred and applied to a bachelor degree program in an 45888
equivalent field at any other state institution of higher 45889
education without unnecessary duplication or institutional 45890
barriers. The policies and procedures shall ensure that each 45891
transferred associate degree applies to the student's degree 45892
objective in the same manner as equivalent coursework completed by 45893
the student at the receiving institution. 45894

When updating and implementing the policies and procedures 45895
pursuant to this division, the chancellor shall seek input from 45896
faculty and academic leaders in each academic field or discipline. 45897

(E) If a state university refuses to accept and grant credit 45898
for any general education coursework that is both completed at a 45899
different state institution of higher education and subject to the 45900
policies, procedures, or systems prescribed under division (B) of 45901
this section, the state university shall provide the student that 45902
did not receive college credit for the completed general education 45903
coursework information to utilize the institution's transfer 45904
appeal process and information to utilize the department of higher 45905
education's student complaint portal. 45906

~~(F) The Ohio articulation and transfer network oversight 45907
board established by the chancellor shall conduct a study of 45908
current rules regarding the transfer of college credit between 45909
state institutions of higher education. Not later than one year 45910
after the effective date of this amendment, the board shall issue 45911
a report to the general assembly, in accordance with section 45912
101.68 of the Revised Code, that includes the findings of the 45913
board's study, as well as any recommendations regarding changes to 45914
the rules. 45915~~

<u>Sec. 3333.24. (A) As used in this section:</u>	45916
<u>(1) "Eligible student" means a student to whom all of the following apply:</u>	45917
<u>(a) The student is a resident of this state under rules adopted by the chancellor of higher education under section 3333.31 of the Revised Code.</u>	45918
<u>(a) The student is a resident of this state under rules adopted by the chancellor of higher education under section 3333.31 of the Revised Code.</u>	45919
<u>(a) The student is a resident of this state under rules adopted by the chancellor of higher education under section 3333.31 of the Revised Code.</u>	45920
<u>(a) The student is a resident of this state under rules adopted by the chancellor of higher education under section 3333.31 of the Revised Code.</u>	45921
<u>(b) The student has completed a free application for federal student aid for the year for which the grant is to be awarded.</u>	45922
<u>(b) The student has completed a free application for federal student aid for the year for which the grant is to be awarded.</u>	45923
<u>(c) The student enrolls in a qualified program at a community, state community, or technical college.</u>	45924
<u>(c) The student enrolls in a qualified program at a community, state community, or technical college.</u>	45925
<u>(2) "Qualified program" means a credit or noncredit program that leads to an industry-recognized credential, certificate, or degree and prepares the student for a job that meets either of the following criteria:</u>	45926
<u>(2) "Qualified program" means a credit or noncredit program that leads to an industry-recognized credential, certificate, or degree and prepares the student for a job that meets either of the following criteria:</u>	45927
<u>(2) "Qualified program" means a credit or noncredit program that leads to an industry-recognized credential, certificate, or degree and prepares the student for a job that meets either of the following criteria:</u>	45928
<u>(2) "Qualified program" means a credit or noncredit program that leads to an industry-recognized credential, certificate, or degree and prepares the student for a job that meets either of the following criteria:</u>	45929
<u>(a) It is identified as an "in-demand" or "critical" job as determined by the office of workforce transformation.</u>	45930
<u>(a) It is identified as an "in-demand" or "critical" job as determined by the office of workforce transformation.</u>	45931
<u>(b) It is submitted by a community, state community, or technical college and will meet regional workforce needs, as approved by the chancellor.</u>	45932
<u>(b) It is submitted by a community, state community, or technical college and will meet regional workforce needs, as approved by the chancellor.</u>	45933
<u>(b) It is submitted by a community, state community, or technical college and will meet regional workforce needs, as approved by the chancellor.</u>	45934
<u>(B) The chancellor of higher education shall establish the Ohio work ready grant program. Under the program, the chancellor shall award a grant of up to three thousand dollars to eligible students enrolled in a qualified program. Grant award amounts made to eligible students enrolled on either a full-time or part-time basis shall be computed in accordance with rules adopted by the chancellor. No student shall be eligible to receive a grant for more than six semesters or the equivalent of three academic years.</u>	45935
<u>(B) The chancellor of higher education shall establish the Ohio work ready grant program. Under the program, the chancellor shall award a grant of up to three thousand dollars to eligible students enrolled in a qualified program. Grant award amounts made to eligible students enrolled on either a full-time or part-time basis shall be computed in accordance with rules adopted by the chancellor. No student shall be eligible to receive a grant for more than six semesters or the equivalent of three academic years.</u>	45936
<u>(B) The chancellor of higher education shall establish the Ohio work ready grant program. Under the program, the chancellor shall award a grant of up to three thousand dollars to eligible students enrolled in a qualified program. Grant award amounts made to eligible students enrolled on either a full-time or part-time basis shall be computed in accordance with rules adopted by the chancellor. No student shall be eligible to receive a grant for more than six semesters or the equivalent of three academic years.</u>	45937
<u>(B) The chancellor of higher education shall establish the Ohio work ready grant program. Under the program, the chancellor shall award a grant of up to three thousand dollars to eligible students enrolled in a qualified program. Grant award amounts made to eligible students enrolled on either a full-time or part-time basis shall be computed in accordance with rules adopted by the chancellor. No student shall be eligible to receive a grant for more than six semesters or the equivalent of three academic years.</u>	45938
<u>(B) The chancellor of higher education shall establish the Ohio work ready grant program. Under the program, the chancellor shall award a grant of up to three thousand dollars to eligible students enrolled in a qualified program. Grant award amounts made to eligible students enrolled on either a full-time or part-time basis shall be computed in accordance with rules adopted by the chancellor. No student shall be eligible to receive a grant for more than six semesters or the equivalent of three academic years.</u>	45939
<u>(B) The chancellor of higher education shall establish the Ohio work ready grant program. Under the program, the chancellor shall award a grant of up to three thousand dollars to eligible students enrolled in a qualified program. Grant award amounts made to eligible students enrolled on either a full-time or part-time basis shall be computed in accordance with rules adopted by the chancellor. No student shall be eligible to receive a grant for more than six semesters or the equivalent of three academic years.</u>	45940
<u>(B) The chancellor of higher education shall establish the Ohio work ready grant program. Under the program, the chancellor shall award a grant of up to three thousand dollars to eligible students enrolled in a qualified program. Grant award amounts made to eligible students enrolled on either a full-time or part-time basis shall be computed in accordance with rules adopted by the chancellor. No student shall be eligible to receive a grant for more than six semesters or the equivalent of three academic years.</u>	45941
<u>(B) The chancellor of higher education shall establish the Ohio work ready grant program. Under the program, the chancellor shall award a grant of up to three thousand dollars to eligible students enrolled in a qualified program. Grant award amounts made to eligible students enrolled on either a full-time or part-time basis shall be computed in accordance with rules adopted by the chancellor. No student shall be eligible to receive a grant for more than six semesters or the equivalent of three academic years.</u>	45942
<u>(C) Eligible students shall apply to participate in the program in a form and manner prescribed by the chancellor. The chancellor shall determine the form and manner of payments.</u>	45943
<u>(C) Eligible students shall apply to participate in the program in a form and manner prescribed by the chancellor. The chancellor shall determine the form and manner of payments.</u>	45944
<u>(C) Eligible students shall apply to participate in the program in a form and manner prescribed by the chancellor. The chancellor shall determine the form and manner of payments.</u>	45945

(D)(1) The program shall be funded in the sums and manner designated for such purpose by the general assembly, but the chancellor also may receive funds from other sources to support the program. 45946
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(2) If, for any academic year, the amounts available for support of the program are inadequate to provide grants to all eligible students, the chancellor may establish different grant amounts based on the number of applicants and the total amount of funds set aside for that purpose. 45950
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(E) The chancellor, in consultation with the providers of qualified programs, shall collect and report program metrics that include all of the following: 45955
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(1) Demographics of recipients, including: 45958

(a) Age, disaggregated as follows: 45959

(i) Twenty-four years and younger; 45960

(ii) Twenty-five to thirty-four years; 45961

(iii) Thirty-five to forty-nine years; 45962

(iv) Fifty years and older. 45963

(b) Gender; 45964

(c) Race and ethnicity; 45965

(d) Enrollment status as full- or part-time; 45966

(e) Pell grant status. 45967

(2) Success rates of recipients, including program retention and completion; 45968
45969

(3) Total number of industry-recognized credentials awarded, disaggregated by subject or program area. 45970
45971

Sec. 3333.26. (A) Any citizen of this state who has resided within the state for one year, who was in the active service of 45972
45973

the United States as a soldier, sailor, nurse, or marine between 45974
~~April 6, 1917~~ September 1, 1939, and ~~November 11, 1918~~ September 45975
2, 1945, and who has been honorably discharged from that service, 45976
shall be admitted to any school, college, or university that 45977
receives state funds in support thereof, without being required to 45978
pay any tuition or matriculation fee, but is not relieved from the 45979
payment of laboratory or similar fees. 45980

(B)(1) As used in this section: 45981

(a) "Volunteer firefighter" has the meaning as in division 45982
(B)(1) of section 146.01 of the Revised Code. 45983

(b) "Public service officer" means an Ohio firefighter, 45984
volunteer firefighter, police officer, member of the state highway 45985
patrol, employee designated to exercise the powers of police 45986
officers pursuant to section 1545.13 of the Revised Code, or other 45987
peace officer as defined by division (B) of section 2935.01 of the 45988
Revised Code, or a person holding any equivalent position in 45989
another state. 45990

(c) "Qualified former spouse" means the former spouse of a 45991
public service officer, or of a member of the armed services of 45992
the United States, who is the custodial parent of a minor child of 45993
that marriage pursuant to an order allocating the parental rights 45994
and responsibilities for care of the child issued pursuant to 45995
section 3109.04 of the Revised Code. 45996

(d) "Operation enduring freedom" means that period of 45997
conflict which began October 7, 2001, and ends on a date declared 45998
by the president of the United States or the congress. 45999

(e) "Operation Iraqi freedom" means that period of conflict 46000
which began March 20, 2003, and ends on a date declared by the 46001
president of the United States or the congress. 46002

(f) "Combat zone" means an area that the president of the 46003

United States by executive order designates, for purposes of 26 46004
U.S.C. 112, as an area in which armed forces of the United States 46005
are or have engaged in combat. 46006

(2) Subject to division (D) of this section, any resident of 46007
this state who is under twenty-six years of age, or under thirty 46008
years of age if the resident has been honorably discharged from 46009
the armed services of the United States, who is the child of a 46010
public service officer killed in the line of duty or of a member 46011
of the armed services of the United States killed in the line of 46012
duty during operation enduring freedom or operation Iraqi freedom, 46013
and who is admitted to any state university or college as defined 46014
in division (A)(1) of section 3345.12 of the Revised Code, 46015
community college, state community college, university branch, or 46016
technical college shall not be required to pay any tuition or any 46017
student fee for up to four academic years of education, which 46018
shall be at the undergraduate level, or a certificate program as 46019
prescribed under division (E) of this section. 46020

A child of a member of the armed services of the United 46021
States killed in the line of duty during operation enduring 46022
freedom or operation Iraqi freedom is eligible for a waiver of 46023
tuition and student fees under this division only if the student 46024
is not eligible for a war orphans and severely disabled veterans' 46025
children scholarship authorized by Chapter 5910. of the Revised 46026
Code. In any year in which the war orphans and severely disabled 46027
veterans' children scholarship board reduces the percentage of 46028
tuition covered by a war orphans and severely disabled veterans' 46029
children scholarship below one hundred per cent pursuant to 46030
division (A) of section 5910.04 of the Revised Code, the waiver of 46031
tuition and student fees under this division for a child of a 46032
member of the armed services of the United States killed in the 46033
line of duty during operation enduring freedom or operation Iraqi 46034
freedom shall be reduced by the same percentage. 46035

(3) Subject to division (D) of this section, any resident of this state who is the spouse or qualified former spouse of a public service officer killed in the line of duty, and who is admitted to any state university or college as defined in division (A)(1) of section 3345.12 of the Revised Code, community college, state community college, university branch, or technical college, shall not be required to pay any tuition or any student fee for up to four academic years of education, which shall be at the undergraduate level, or a certificate program as prescribed under division (E) of this section.

(4) Any resident of this state who is the spouse or qualified former spouse of a member of the armed services of the United States killed in the line of duty while serving in a combat zone after May 7, 1975, and who is admitted to any state university or college as defined in division (A)(1) of section 3345.12 of the Revised Code, community college, state community college, university branch, or technical college, shall not be required to pay any tuition or any student fee for up to four years of academic education, which shall be at the undergraduate level, or a certificate program as prescribed under division (E) of this section. In order to qualify under division (B)(4) of this section, the spouse or qualified former spouse shall have been a resident of this state at the time the member was killed in the line of duty.

(C) Any institution that is not subject to division (B) of this section and that holds a valid certificate of registration issued under Chapter 3332. of the Revised Code, a valid certificate issued under Chapter 4709. of the Revised Code, or a valid license issued under Chapter 4713. of the Revised Code, or that is nonprofit and has a certificate of authorization issued under section 1713.02 of the Revised Code, or that is a private institution exempt from regulation under Chapter 3332. of the

Revised Code as prescribed in section 3333.046 of the Revised Code, which reduces tuition and student fees of a student who is eligible to attend an institution of higher education under the provisions of division (B) of this section by an amount indicated by the chancellor of higher education shall be eligible to receive a grant in that amount from the chancellor.

Each institution that enrolls students under division (B) of this section shall report to the chancellor, by the first day of July of each year, the number of students who were so enrolled and the average amount of all such tuition and student fees waived during the preceding year. The chancellor shall determine the average amount of all such tuition and student fees waived during the preceding year. The average amount of the tuition and student fees waived under division (B) of this section during the preceding year shall be the amount of grants that participating institutions shall receive under this division during the current year, but no grant under this division shall exceed the tuition and student fees due and payable by the student prior to the reduction referred to in this division. The grants shall be made for two certificate programs or four years of undergraduate education of an eligible student.

(D) Notwithstanding anything to the contrary in section 3333.31 of the Revised Code, for the purposes of divisions (B)(2) and (3) of this section, the child, spouse, or qualified former spouse of a public service officer or a member of the armed services of the United States killed in the line of duty shall be considered a resident of this state for the purposes of this section if the child, spouse, or qualified former spouse was a resident of this state at the time that the public service officer or member of the armed services was killed.

However, no child, spouse, or qualified former spouse of a public service officer or a member of the armed services of the

United States killed in the line of duty shall be required to be a 46100
resident of this state at the time the public service officer or 46101
member of the armed services of the United States was killed in 46102
order to receive benefits under divisions (B)(2) and (3) of this 46103
section. 46104

(E) A child, spouse, or qualified former spouse of a public 46105
service officer or a member of the armed services killed in the 46106
line of duty shall receive benefits for a certificate program in 46107
accordance with division (B) or (C) of this section, except that a 46108
particular child, spouse, or qualified former spouse shall not 46109
receive benefits for: 46110

(1) More than two certificate programs; 46111

(2) A total number of academic credits or instructional hours 46112
equivalent to more than four academic years; 46113

(3) For any particular academic year, an amount that is 46114
greater than eight thousand dollars. 46115

Sec. 3333.28. (A) The chancellor of higher education shall 46116
establish the nurse education assistance program, the purpose of 46117
which shall be to make loans to students enrolled in prelicensure 46118
nurse education programs at institutions approved by the board of 46119
nursing under section 4723.06 of the Revised Code and 46120
postlicensure nurse education programs approved by the chancellor 46121
under section 3333.04 of the Revised Code or offered by an 46122
institution holding a certificate of authorization issued under 46123
Chapter 1713. of the Revised Code. The board of nursing shall 46124
assist the chancellor in administering the program. 46125

(B) There is hereby created in the state treasury the nurse 46126
education assistance fund, which shall consist of all money 46127
transferred to it pursuant to section 4743.05 of the Revised Code. 46128
The fund shall be used by the chancellor for loans made under 46129

division (A) of this section and for expenses of administering the loan program. 46130
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(C) Between July 1, 2005, and January 1, 2012, the chancellor shall distribute money in the nurse education assistance fund in the following manner: 46132
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(1)(a) Fifty per cent of available funds shall be awarded as loans to registered nurses enrolled in postlicensure nurse education programs described in division (A) of this section. To be eligible for a loan, the applicant shall provide the chancellor with a letter of intent to practice as a faculty member at a prelicensure or postlicensure program for nursing in this state upon completion of the applicant's academic program. 46135
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(b) If the borrower of a loan under division (C)(1)(a) of this section secures employment as a faculty member of an approved nursing education program in this state within six months following graduation from an approved nurse education program, the chancellor may forgive the principal and interest of the student's loans received under division (C)(1)(a) of this section at a rate of twenty-five per cent per year, for a maximum of four years, for each year in which the borrower is so employed. A deferment of the service obligation, and other conditions regarding the forgiveness of loans may be granted as provided by the rules adopted under division (D)(7) of this section. 46142
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(c) Loans awarded under division (C)(1)(a) of this section shall be awarded on the basis of the student's expected family contribution, with preference given to those applicants with the lowest expected family contribution. However, the chancellor may consider other factors the chancellor determines relevant in ranking the applications. 46153
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(d) Each loan awarded to a student under division (C)(1)(a) of this section shall be not less than five thousand dollars per 46159
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year. 46161

(2) Twenty-five per cent of available funds shall be awarded 46162
to students enrolled in prelicensure nurse education programs for 46163
registered nurses, as defined in section 4723.01 of the Revised 46164
Code. 46165

(3) Twenty-five per cent of available funds shall be awarded 46166
to students enrolled in nurse education programs as determined by 46167
the chancellor, with preference given to programs aimed at 46168
increasing enrollment in an area of need. 46169

After January 1, 2012, the chancellor shall determine the 46170
manner in which to distribute loans under this section. 46171

(D) Subject to the requirements specified in division (C) of 46172
this section, the chancellor shall adopt rules in accordance with 46173
Chapter 119. of the Revised Code establishing: 46174

(1) Eligibility criteria for receipt of a loan; 46175

(2) Loan application procedures; 46176

(3) The amounts in which loans may be made and the total 46177
amount that may be loaned to an individual; 46178

(4) The total amount of loans that can be made each year; 46179

(5) The percentage of the money in the fund that must remain 46180
in the fund at all times as a fund balance; 46181

(6) Interest and principal repayment schedules; 46182

(7) Conditions under which a portion of principal and 46183
interest obligations incurred by an individual under the program 46184
will be forgiven; 46185

(8) Conditions under which all or a portion of the principal 46186
and interest obligations incurred by an individual who is deployed 46187
on active duty outside of the state or who is the spouse of a 46188
person deployed on active duty outside of the state may be 46189

deferred or forgiven.	46190
(9) Ways that the program may be used to encourage individuals who are members of minority groups to enter the nursing profession;	46191 46192 46193
(10) Any other matters incidental to the operation of the program.	46194 46195
(E) The obligation to repay a portion of the principal and interest on a loan made under this section shall be forgiven if the recipient of the loan meets the criteria for forgiveness established by division (C)(1)(b) of this section, in the case of loans awarded under division (C)(1)(a) of this section, or by the chancellor under the rule adopted under division (D)(7) of this section, in the case of other loans awarded under this section.	46196 46197 46198 46199 46200 46201 46202
(F) The obligation to repay all or a portion of the principal and interest on a loan made under this section may be deferred or forgiven if the recipient of the loan meets the criteria for deferment or forgiveness established by the chancellor under the rule adopted under division (D)(8) of this section.	46203 46204 46205 46206 46207
(G) The receipt of a loan under this section shall not affect a student's eligibility for assistance, or the amount of that assistance, granted under section 3333.127 , 3333.122, 3333.22, 3333.26, 5910.03, 5910.032, or 5919.34 of the Revised Code, but the rules of the chancellor may provide for taking assistance received under those sections into consideration when determining a student's eligibility for a loan under this section.	46208 46209 46210 46211 46212 46213 46214
(H) As used in this section, "active duty" means active duty pursuant to an executive order of the president of the United States, an act of the congress of the United States, or section 5919.29 or 5923.21 of the Revised Code.	46215 46216 46217 46218
<u>Sec. 3333.302.</u> (A) As used in this section:	46219

(1) "Academic record" includes grade point average, high school and college transcript information, standardized assessment scores, scores on the end-of-course examinations prescribed under section 3301.0712 of the Revised Code, and any other measure of postsecondary readiness determined appropriate by the chancellor of higher education. 46220
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(2) "Postsecondary institution" means any of the following: 46226

(a) A state institution of higher education, as defined in section 3345.011 of the Revised Code; 46227
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(b) A private nonprofit institution of higher education that holds a certificate of authorization under Chapter 1713. of the Revised Code; 46229
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(c) An Ohio technical center, as defined in section 3333.94 of the Revised Code. 46232
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(3) "School governing body" means the board of education of a city, local, exempted village, or joint vocational school district, the governing authority of a chartered nonpublic school, the governing authority of a community school established under Chapter 3314. of the Revised Code, or the governing body of a STEM school established under Chapter 3326. of the Revised Code. 46234
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(B) The chancellor of higher education, in consultation with the superintendent of public instruction, shall establish a direct admissions pilot program to notify students enrolled in grade twelve at participating high schools about whether they meet the admissions criteria for participating postsecondary institutions. 46240
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Under the pilot program, the chancellor shall establish a process that uses a student's academic record to determine whether the student meets the admissions requirements. To the extent practicable, and in accordance with applicable law, the chancellor shall use using existing primary, secondary, and higher education student information systems to automate the process and use 46245
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information held by a participating student's high school to 46251
minimize the need for the student to provide any additional 46252
information. 46253

The chancellor shall endeavor to implement the pilot program 46254
so that students graduating in the 2024-2025 school year may 46255
participate in the program. 46256

(C) The chancellor may do any of the following: 46257

(1) Establish eligibility requirements for students, school 46258
governing bodies, and postsecondary institutions who elect to 46259
participate in the pilot program; 46260

(2) Consult with stakeholders and form advisory councils as 46261
necessary to design and operate the pilot program; 46262

(3) Terminate the pilot program if the chancellor determines 46263
its operation is impracticable. 46264

(D) A school governing body or postsecondary institution 46265
shall apply to participate in the pilot program in a form and 46266
manner prescribed by the chancellor. The chancellor shall approve 46267
the applications of school governing bodies or postsecondary 46268
institutions that meet any eligibility requirements established 46269
under division (C) of this section. 46270

A participating school governing body may adopt a written 46271
policy authorizing any high school it operates to participate in 46272
the pilot program. Not later than ninety days after the adoption 46273
of the policy, the school governing body shall transmit an 46274
electronic copy of the policy to the chancellor and the state 46275
superintendent. 46276

A participating school governing body shall develop a 46277
procedure to determine whether a student who wants to participate 46278
in the pilot program meets any eligibility requirements 46279
established under division (C) of this section. 46280

(E) At least once each school year, the chancellor, in consultation with the state superintendent, shall issue a report on the pilot program. The chancellor shall set a deadline for the report's issuance. The report shall include information about the number of students who participate in the program. The report also shall evaluate, to the extent practicable, the impact of the program on postsecondary outcomes for students from populations traditionally underserved in higher education.

The chancellor shall submit the report to the governor, the president of the senate, and the speaker of the house of representatives.

(F) No student, school governing body, or postsecondary institution shall be required to participate in the pilot program.

Sec. 3333.375. (A)(1) There are hereby created the Ohio outstanding scholarship and the Ohio priority needs fellowship programs payment funds, which shall be in the custody of the treasurer of state, but shall not be a part of the state treasury.

(2) The payment funds shall consist solely of all moneys returned to the treasurer of state, as issuer of certain tax-exempt student loan revenue bonds, from all indentures of trust, both presently existing and future, created as a result of tax-exempt student loan revenue bonds issued under Chapter 3366. of the Revised Code, and any moneys earned from allowable investments of the payment funds under division (B) of this section.

(3) Except as provided in division (E) of this section, the payment funds shall be used solely for scholarship and fellowships awarded under sections 3333.37 to 3333.375 of the Revised Code by the chancellor of higher education and for any necessary administrative expenses incurred by the chancellor in administering the scholarship and fellowship programs.

(B) The treasurer of state may invest any moneys in the 46312
payment funds not currently needed for scholarship and fellowship 46313
payments in any kind of investments in which moneys of the public 46314
employees retirement system may be invested under Chapter 145. of 46315
the Revised Code. 46316

(C)(1) The instruments of title of all investments shall be 46317
delivered to the treasurer of state or to a qualified trustee 46318
designated by the treasurer of state as provided in section 135.18 46319
of the Revised Code. 46320

(2) The treasurer of state shall collect both principal and 46321
investment earnings on all investments as they become due and pay 46322
them into the payment funds. 46323

(3) All deposits to the payment funds shall be made in public 46324
depositories of this state and secured as provided in section 46325
135.18 of the Revised Code. 46326

(D) On or before March 1, 2001, and on or before the first 46327
day of March in each subsequent year, the treasurer of state shall 46328
provide to the chancellor a statement indicating the moneys in the 46329
Ohio outstanding scholarship and the Ohio priority needs 46330
fellowship programs payment funds that are available for the 46331
upcoming academic year to award scholarships and fellowships under 46332
sections 3333.37 to 3333.375 of the Revised Code. 46333

(E) The chancellor may use funds the treasurer has indicated 46334
as available pursuant to division (D) of this section to support 46335
distribution of state need-based financial aid in accordance with 46336
~~sections 3333.12 and~~ section 3333.122 of the Revised Code. 46337

Sec. 3333.38. (A) As used in this section: 46338

(1) "Institution of higher education" includes all of the 46339
following: 46340

(a) A state institution of higher education, as defined in 46341

section 3345.011 of the Revised Code; 46342

(b) A nonprofit institution issued a certificate of 46343
authorization under Chapter 1713. of the Revised Code; 46344

(c) A private institution exempt from regulation under 46345
Chapter 3332. of the Revised Code, as prescribed in section 46346
3333.046 of the Revised Code; 46347

(d) An institution of higher education with a certificate of 46348
registration from the state board of career colleges and schools 46349
under Chapter 3332. of the Revised Code. 46350

(2) "Student financial assistance supported by state funds" 46351
includes assistance granted under sections 3315.33, ~~3333.127~~ 46352
3333.122, 3333.125, 3333.21, 3333.26, 3333.28, 3333.372, 3333.391, 46353
5910.03, 5910.032, and 5919.34 of the Revised Code, financed by an 46354
award under the choose Ohio first scholarship program established 46355
under section 3333.61 of the Revised Code, or financed by an award 46356
under the Ohio co-op/internship program established under section 46357
3333.72 of the Revised Code, and any other post-secondary student 46358
financial assistance supported by state funds. 46359

(B) An individual who is convicted of, pleads guilty to, or 46360
is adjudicated a delinquent child for one of the following 46361
violations shall be ineligible to receive any student financial 46362
assistance supported by state funds at an institution of higher 46363
education for two calendar years from the time the individual 46364
applies for assistance of that nature: 46365

(1) A violation of section 2917.02 or 2917.03 of the Revised 46366
Code; 46367

(2) A violation of section 2917.04 of the Revised Code that 46368
is a misdemeanor of the fourth degree; 46369

(3) A violation of section 2917.13 of the Revised Code that 46370
is a misdemeanor of the fourth or first degree and occurs within 46371

the proximate area where four or more others are acting in a 46372
course of conduct in violation of section 2917.11 of the Revised 46373
Code. 46374

(C) If an individual is convicted of, pleads guilty to, or is 46375
adjudicated a delinquent child for committing a violation of 46376
section 2917.02 or 2917.03 of the Revised Code, and if the 46377
individual is enrolled in a state-supported institution of higher 46378
education, the institution in which the individual is enrolled 46379
shall immediately dismiss the individual. No state-supported 46380
institution of higher education shall admit an individual of that 46381
nature for one academic year after the individual applies for 46382
admission to a state-supported institution of higher education. 46383
This division does not limit or affect the ability of a 46384
state-supported institution of higher education to suspend or 46385
otherwise discipline its students. 46386

Sec. 3333.393. (A) As used in this section and in section 46387
3333.394 of the Revised Code: 46388

(1) "Academic year" shall be as defined by the chancellor of 46389
higher education. 46390

(2) "Parent" means the parent, guardian, or custodian of a 46391
qualified student as described by this section. 46392

(3) "Qualified service" means teaching at a qualifying 46393
school. 46394

(4) "Qualifying school" means a school district building 46395
identified as "high need" by the chancellor and meets both of the 46396
following conditions: 46397

(a) The school building has difficulty attracting and 46398
retaining classroom teachers who hold a valid educator license 46399
issued under section 3319.22 of the Revised Code; 46400

(b) The school is operated by the same school district from 46401

which the recipient of a scholarship graduated from high school or 46402
was employed. 46403

(5) "Qualifying employee" means an individual employed at a 46404
qualifying school and who either holds an educational aide permit 46405
or educational paraprofessional license issued under section 46406
3319.088 or a substitute license under section 3319.226 of the 46407
Revised Code. 46408

(B) The grow your own teacher college scholarship program is 46409
hereby established. Under the program, the chancellor of higher 46410
education, in conjunction with the department of education, shall 46411
award scholarships to the following: 46412

(1) Low-income high school seniors who commit to teaching in 46413
a qualifying school for a minimum of four years upon graduation 46414
from a teacher training program at a state institution of higher 46415
education or an Ohio nonprofit institution of higher education 46416
that has a certificate of authorization under Chapter 1713. of the 46417
Revised Code. 46418

(2) Qualifying employees who commit to teaching in a 46419
qualifying school for a minimum of four years upon graduation from 46420
a teacher training program at a state institution of higher 46421
education or an Ohio nonprofit institution of higher education 46422
that has a certificate of authorization under Chapter 1713. of the 46423
Revised Code. 46424

Each scholarship shall be awarded for up to four academic 46425
years and shall not exceed \$7,500 for each academic year. 46426

(C) The department and the chancellor shall develop an 46427
application process for awarding scholarships under the program. 46428
The department and the chancellor also shall appoint a highly 46429
qualified and diverse application committee to assist in the 46430
selection of scholarship recipients. 46431

(D)(1) Scholarships shall be awarded to students under 46432

division (B)(1) of this section who meet both of the following 46433
conditions: 46434

(a) Received a high school diploma or honors diploma under 46435
section 3313.61 of the Revised Code; 46436

(b) Commit to completing the four-year teaching obligation 46437
within not more than six years after graduating from the teacher 46438
training program. 46439

(2) Scholarships shall be awarded to qualifying employees 46440
under division (B)(2) of this section who commit to completing the 46441
four-year teaching obligation within not more than six years after 46442
graduating from the teacher training program. Qualifying employees 46443
shall be permitted to complete coursework associated with a 46444
teacher training program on evenings or weekends as necessary 46445
while maintaining employment at a qualifying school. 46446

(E) A teacher training program, in consultation with the 46447
department of education, may grant credit to a qualifying employee 46448
who has commensurate work experience at a qualifying school under 46449
this section for completion of a teacher training program. 46450

(F) The chancellor shall require that all applicants to the 46451
grow your own teacher program file a statement of service status 46452
in compliance with section 3345.32 of the Revised Code, if 46453
applicable, and that all applicants have not been convicted of, 46454
plead guilty to, or adjudicated a delinquent child for any 46455
violation listed in section 3333.38 of the Revised Code. 46456

(G) Recipients shall complete the four-year teaching 46457
commitment within not more than six years after graduating from 46458
the teacher training program. Failure to fulfill the commitment 46459
shall convert the scholarship into a loan to be repaid under 46460
section 3333.394 of the Revised Code. 46461

Sec. 3333.394. (A)(1) Each recipient who accepts a 46462

scholarship under the grow your own teacher program under section 3333.393 of the Revised Code shall sign a promissory note payable to the state in the event the recipient does not satisfy the service requirement under division (G) of section 3333.393 of the Revised Code or the scholarship is terminated. The amount payable under the note shall be the amount of total scholarships accepted by the recipient under the program. 46463
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(2) Each recipient shall be awarded an amount of up to \$7,500 at the beginning of each school year in which the recipient begins or maintains qualifying employment as defined in section 3333.393 of the Revised Code. Upon completion of that school year, the amount the recipient received at the beginning of the year shall be forgiven. An individual may receive an award under this division for up to four years. 46470
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(3) Failure to complete a full school year of employment converts the award made under division (A)(1) of this section into a loan to be repaid. The loan to be repaid shall be the amount of the award made at the beginning of that school year. 46477
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(4) An award made under this division shall not exceed \$7,500 in each school year. The total amount awarded to an individual under this section and section 3333.393 of the Revised Code shall not exceed the total cost of a qualifying employee's loans for a teacher training program. 46481
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(B)(1) As specified in division (A)(2) of this section, the amount of the annual award made under division (A) of this section shall be forgiven following completion of one year of qualified employment by the recipient in accordance with division (G) of section 3333.393 of the Revised Code. 46486
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(2) An award also shall be forgiven in the event that a recipient dies, becomes totally and permanently disabled, or is unable to complete the required qualified service as a result of a 46491
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reduction in force at the recipient's school of employment before 46494
the end of the academic year. 46495

(C) The scholarship shall be deemed terminated upon the 46496
recipient's separation from employment at a qualifying school or 46497
the recipient's failure to meet the standards of the scholarship 46498
as determined by the department and the chancellor and shall be 46499
converted to a loan to be repaid under division (A) of this 46500
section. 46501

(D) The chancellor and the attorney general shall collect 46502
payments on the converted loan in accordance with section 131.02 46503
of the Revised Code, but shall not charge an interest rate on such 46504
payments. 46505

Sec. 3333.70. (A) The ~~director~~ chancellor of higher education 46506
shall establish and administer the Ohio higher education 46507
innovation grant program to promote educational excellence and 46508
economic efficiency throughout the state in order to stabilize or 46509
reduce student tuition rates at institutions of higher education. 46510
Under the program, the ~~director~~ chancellor shall award grants to 46511
state institutions of higher education, as defined in section 46512
3345.011 of the Revised Code, and private nonprofit institutions 46513
for innovative projects that incorporate academic achievement and 46514
economic efficiencies. State institutions of higher education and 46515
private nonprofit institutions may apply for grants and initiate 46516
collaboration with other institutions of higher education, either 46517
public or private, on such projects. 46518

(B) The ~~director~~ chancellor shall adopt rules to administer 46519
the program including, but not limited to, requirements that each 46520
grant application provides for all of the following: 46521

(1) A system by which to measure academic achievement and 46522
reductions in expenditures, both in funding and administration; 46523

(2) Demonstration of how the project will be sustained beyond 46524
the grant period and continue to provide substantial value and 46525
lasting impact; 46526

(3) Proof of commitment from all parties responsible for the 46527
implementation of the project; 46528

(4) Implementation of an ongoing evaluation process and 46529
improvement plans, as necessary. 46530

(C) As used in this section, "private nonprofit institution" 46531
means a nonprofit institution in this state that has a certificate 46532
of authorization pursuant to Chapter 1713. of the Revised Code. 46533

Sec. 3345.027. (A) As used in this section, "state 46534
institution of higher education" has the same meaning as in 46535
section 3345.011 of the Revised Code. 46536

(B) A state institution of higher education, as defined in 46537
section 3345.011 of the Revised Code, shall not withhold a 46538
student's official transcripts from a potential employer because 46539
the student owes money to the institution, provided the student 46540
has authorized the transcripts to be sent to the employer and the 46541
employer affirms to the institution that the transcripts are a 46542
prerequisite of employment. 46543

(C)(1) Not later than December 1, 2023, the board of trustees 46544
of each state institution of higher education shall formally 46545
consider and adopt a resolution determining whether to end the 46546
practice of transcript withholding. Once adopted, each state 46547
institution shall submit a copy of the resolution to the 46548
chancellor of higher education. 46549

(2) In adopting the resolution required under this division, 46550
each board of trustees shall consider and evaluate all of the 46551
following factors: 46552

(a) The extent to which ending the practice of transcript 46553

withholding will promote the state's post-secondary education attainment and workforce goals; 46554
46555

(b) The rate of collection on overdue balances resulting from the historical practice of transcript withholding, as documented by the attorney general; 46556
46557
46558

(c) The extent to which ending the practice of transcript withholding will help students who have disenrolled from the state institution complete an education, whether at the same institution or another state institution. 46559
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46561
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If a board of trustees resolves to maintain the practice of transcript withholding, the board shall include in the resolution a summary of its evaluation of the factors contained in division (C)(2) of this section. 46563
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(3) Not later than January 1, 2024, the chancellor shall provide a copy of each resolution submitted under this division to the governor, the speaker of the house of representatives, and the president of the senate. 46567
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Sec. 3345.033. (A) As used in this section: 46571

"Rule" includes the enactment of a new rule or the amendment or rescission of an existing rule. 46572
46573

"State institution of higher education" means a state university identified in section 3345.011 of the Revised Code, the northeast Ohio medical university, or a community college, state community college, or technical college. 46574
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(B) When a state institution of higher education adopts a rule, the state institution of higher education shall post the rule on its web site, ~~and the director of the legislative service commission shall publish or cause publication of the rule in the register of Ohio and in any electronic Administrative Code published by or under contract with the director. The state~~ 46578
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~~institution of higher education also electronically shall file a 46584
copy of the rule with the joint committee on agency rule review. 46585
The rule is not subject to review by the joint committee. But the 46586
joint committee shall accommodate the rule to the rule watch 46587
system. 46588~~

(C) A state institution of higher education shall maintain 46589
the posting of its rules on its web site, and periodically shall 46590
verify the posting. A state institution of higher education is not 46591
entitled to rely on a rule that is not currently posted on its web 46592
site. 46593

(D) A rule posted on a state institution of higher 46594
education's web site in accordance with this section is not 46595
subject to review by the joint committee on agency rule review. 46596
Such a rule is not subject to section 111.15 or 119.03 of the 46597
Revised Code unless the law requiring or permitting the rule to be 46598
adopted requires the rule to be adopted under either section. 46599

Sec. 3345.10. (A) As used in this section, "state institution 46600
of higher education" has the same meaning as in section 3345.011 46601
of the Revised Code. 46602

(B) Each state institution of higher education shall 46603
establish competitive bidding procedures for the purchase of 46604
printed material and shall award all contracts for the purchase of 46605
printed material in accordance with those procedures. The 46606
procedures shall require the institution to evaluate all bids 46607
received for all contracts for the purchase of printed material in 46608
accordance with the criteria and procedures established pursuant 46609
to divisions ~~(C)(1)~~(B)(1) and (2) of section 125.09 of the Revised 46610
Code for determining whether bidders will produce the printed 46611
material at manufacturing facilities within this state or in 46612
accordance with the criteria and procedures established pursuant 46613
to division ~~(C)(4)~~(B)(4) or (5) of that section for determining 46614

whether bidders are otherwise qualified. 46615

An institution shall select, in accordance with the 46616
procedures it establishes under this section, a bid from among 46617
bidders that fulfill the criteria specified in the applicable 46618
divisions of section 125.09 of the Revised Code where sufficient 46619
competition can be generated within this state to ensure that 46620
compliance with this requirement will not result in paying an 46621
excessive price or acquiring a disproportionately inferior 46622
product. If there are two or more bids from among those bidders, 46623
it shall be deemed that there is sufficient competition to prevent 46624
paying an excessive price or acquiring a disproportionately 46625
inferior product. 46626

Sec. 3345.14. (A) As used in this section, "state college or 46627
university" means any state university or college defined in 46628
division (A)(1) of section 3345.12 of the Revised Code, and any 46629
other institution of higher education defined in division (A)(2) 46630
of that section. 46631

(B) All rights to and interests in discoveries, inventions, 46632
or patents which result from research or investigation conducted 46633
in any experiment station, bureau, laboratory, research facility, 46634
or other facility of any state college or university, or by 46635
employees of any state college or university acting within the 46636
scope of their employment or with funding, equipment, or 46637
infrastructure provided by or through any state college or 46638
university, shall be the sole property of that college or 46639
university. No person, firm, association, corporation, or 46640
governmental agency which uses the facilities of such college or 46641
university in connection with such research or investigation and 46642
no faculty member, employee, or student of such college or 46643
university participating in or making such discoveries or 46644
inventions, shall have any rights to or interests in such 46645

discoveries or inventions, including income therefrom, except as 46646
may, by determination of the board of trustees of such college or 46647
university, be assigned, licensed, transferred, or paid to such 46648
persons or entities in accordance with division (C) of this 46649
section or in accordance with rules adopted under division (D) of 46650
this section. 46651

(C) As may be determined from time to time by the board of 46652
trustees of any state college or university, the college or 46653
university may retain, assign, license, transfer, sell, or 46654
otherwise dispose of, in whole or in part and upon such terms as 46655
the board of trustees may direct, any and all rights to, interests 46656
in, or income from any such discoveries, inventions, or patents 46657
which the college or university owns or may acquire. Such 46658
dispositions may be to any individual, firm, association, 46659
corporation, or governmental agency, or to any faculty member, 46660
employee, or student of the college or university as the board of 46661
trustees may direct. Any and all income or proceeds derived or 46662
retained from such dispositions shall be applied to the general or 46663
special use of the college or university as determined by the 46664
board of trustees of such college or university. 46665

(D)(1) Notwithstanding any provision of the Revised Code to 46666
the contrary, including but not limited to sections 102.03, 46667
102.04, 2921.42, and 2921.43 of the Revised Code, the board of 46668
trustees of any state college or university shall adopt rules ~~in~~ 46669
~~accordance with section 111.15 of the Revised Code~~ that set forth 46670
circumstances under which an employee of the college or university 46671
may solicit or accept, and under which a person may give or 46672
promise to give to such an employee, a financial interest in any 46673
firm, corporation, or other association to which the board has 46674
assigned, licensed, transferred, or sold the college or 46675
university's interests in its intellectual property, including 46676
discoveries or inventions made or created by that employee or in 46677

patents issued to that employee. 46678

(2) Rules established under division (D)(1) of this section 46679
shall include the following: 46680

(a) A requirement that each college or university employee 46681
disclose to the college or university board of trustees any 46682
financial interest the employee holds in a firm, corporation, or 46683
other association as described in division (D)(1) of this section; 46684

(b) A requirement that all disclosures made under division 46685
(D)(2)(a) of this section are reviewed by officials designated by 46686
the college or university board of trustees. The officials 46687
designated under this division shall determine the information 46688
that shall be disclosed and safeguards that shall be applied in 46689
order to manage, reduce, or eliminate any actual or potential 46690
conflict of interest. 46691

(c) A requirement that in implementing division (D) of this 46692
section all members of the college or university board of trustees 46693
shall be governed by Chapter 102. and sections 2921.42 and 2921.43 46694
of the Revised Code. 46695

(d) Guidelines to ensure that any financial interest held by 46696
any employee of the college or university does not result in 46697
misuse of the students, employees, or resources of the college or 46698
university for the benefit of the firm, corporation, or other 46699
association in which such interest is held or does not otherwise 46700
interfere with the duties and responsibilities of the employee who 46701
holds such an interest. 46702

(3) Rules established under division (D)(1) of this section 46703
may include other provisions at the discretion of the college or 46704
university board of trustees. 46705

(E) Notwithstanding division (D) of this section, the Ohio 46706
ethics commission retains authority to provide assistance to a 46707
college or university board of trustees in the implementation of 46708

division (D)(2) of this section and to address any matter that is 46709
outside the scope of the exception to division (B) of this section 46710
as set forth in division (D) of this section or as set forth in 46711
rules established under division (D) of this section. 46712

Sec. 3345.32. (A) As used in this section: 46713

(1) "State university or college" means the institutions 46714
described in section 3345.27 of the Revised Code and the northeast 46715
Ohio medical university. 46716

(2) "Resident" has the meaning specified by rule of the 46717
chancellor of higher education. 46718

(3) "Statement of selective service status" means a statement 46719
certifying one of the following: 46720

(a) That the individual filing the statement has registered 46721
with the selective service system in accordance with the "Military 46722
Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 453, as 46723
amended; 46724

(b) That the individual filing the statement is not required 46725
to register with the selective service for one of the following 46726
reasons: 46727

(i) The individual is under eighteen or over twenty-six years 46728
of age. 46729

(ii) The individual is on active duty with the armed forces 46730
of the United States other than for training in a reserve or 46731
national guard unit. 46732

(iii) The individual is a nonimmigrant alien lawfully in the 46733
United States in accordance with section 101 (a)(15) of the 46734
"Immigration and Nationality Act," 8 U.S.C. 1101, as amended. 46735

(iv) The individual is not a citizen of the United States and 46736
is a permanent resident of the Trust Territory of the Pacific 46737

Islands or the Northern Mariana Islands. 46738

(4) "Institution of higher education" means any eligible 46739
institution approved by the United States department of education 46740
pursuant to the "Higher Education Act of 1965," 79 Stat. 1219, as 46741
amended, or any institution whose students are eligible for 46742
financial assistance under any of the programs described by 46743
division (E) of this section. 46744

(B) The chancellor shall, by rule, specify the form of 46745
statements of selective service status to be filed in compliance 46746
with divisions (C) to (E) of this section. Each statement of 46747
selective service status shall contain a section wherein a male 46748
student born after December 31, 1959, certifies that the student 46749
has registered with the selective service system in accordance 46750
with the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C. 46751
App. 453, as amended. For those students not required to register 46752
with the selective service, as specified in divisions (A)(2)(b)(i) 46753
to (iv) of this section, a section shall be provided on the 46754
statement of selective service status for the certification of 46755
nonregistration and for an explanation of the reason for the 46756
exemption. The chancellor may require that such statements be 46757
accompanied by documentation specified by rule of the chancellor. 46758

(C) A state university or college that enrolls in any course, 46759
class, or program a male student born after December 31, 1959, who 46760
has not filed a statement of selective service status with the 46761
university or college shall, regardless of the student's 46762
residency, charge the student any tuition surcharge charged 46763
students who are not residents of this state. 46764

(D) No male born after December 31, 1959, shall be eligible 46765
to receive any loan, grant, scholarship, or other financial 46766
assistance for educational expenses granted under section 3315.33, 46767
~~3333.12~~, 3333.122, 3333.125, 3333.21, 3333.22, 3333.26, 3333.391, 46768
5910.03, 5910.032, or 5919.34 of the Revised Code, financed by an 46769

award under the choose Ohio first scholarship program established 46770
under section 3333.61 of the Revised Code, or financed by an award 46771
under the Ohio co-op/internship program established under section 46772
3333.72 of the Revised Code, unless that person has filed a 46773
statement of selective service status with that person's 46774
institution of higher education. 46775

(E) If an institution of higher education receives a 46776
statement from an individual certifying that the individual has 46777
registered with the selective service system in accordance with 46778
the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 46779
453, as amended, or that the individual is exempt from 46780
registration for a reason other than that the individual is under 46781
eighteen years of age, the institution shall not require the 46782
individual to file any further statements. If it receives a 46783
statement certifying that the individual is not required to 46784
register because the individual is under eighteen years of age, 46785
the institution shall require the individual to file a new 46786
statement of selective service status each time the individual 46787
seeks to enroll for a new academic term or makes application for a 46788
new loan or loan guarantee or for any form of financial assistance 46789
for educational expenses, until it receives a statement certifying 46790
that the individual has registered with the selective service 46791
system or is exempt from registration for a reason other than that 46792
the individual is under eighteen years of age. 46793

Sec. 3345.57. (A) As used in this section, "state institution 46794
of higher education" has the same meaning as in section 3345.011 46795
of the Revised Code. 46796

(B) A state institution of higher education may establish a 46797
program under which an employee of the institution may donate that 46798
employee's accrued but unused paid leave to another employee of 46799
the institution who has no accrued but unused paid leave and who 46800

has a critical need for it because of circumstances such as a 46801
serious illness or the serious illness of a member of the 46802
employee's immediate family. If a state institution of higher 46803
education establishes a leave donation program under this section, 46804
the institution shall adopt rules ~~in accordance with section~~ 46805
~~111.15 of the Revised Code~~ to provide for the administration of 46806
the program. These rules shall include, but not be limited to, 46807
provisions that identify the circumstances under which leave may 46808
be donated and that specify the amount, types, and value of leave 46809
that may be donated. 46810

Sec. 3345.60. (A) As used in this section, "institution of 46811
higher education" includes all of the following: 46812

(1) A state institution of higher education as defined in 46813
section 3345.011 of the Revised Code; 46814

(2) A private, nonprofit institution in this state holding a 46815
certificate of authorization pursuant to Chapter 1713. of the 46816
Revised Code; 46817

(3) A career college or school that holds a certificate of 46818
registration from the state board of career colleges and schools 46819
under Chapter 3332. of the Revised Code or a private institution 46820
exempt from regulation under Chapter 3332. of the Revised Code as 46821
prescribed in section 3333.046 of the Revised Code, if the program 46822
has a certificate of authorization pursuant to Chapter 1713. of 46823
the Revised Code. 46824

(B) Each institution of higher education shall do both of the 46825
following: 46826

(1) Make explicitly clear on its web site that a student has 46827
a right to access a transcript for purposes of seeking employment 46828
regardless of whether that student owes an institutional debt; 46829

(2) Post a list of resources available to students who owe an 46830

institutional debt, including payment plans, opportunities for 46831
settlement, and any other programs that work to prevent students 46832
from dropping out. 46833

Sec. 3345.69. (A) As used in this section: 46834

(1) "State institution of higher education" has the same 46835
meaning as in section 3345.011 of the Revised Code. 46836

(2) "Board of trustees of a state institution of higher 46837
education" has the same meaning as in section 3345.61 of the 46838
Revised Code. 46839

(B) The chairperson of the interuniversity council of Ohio 46840
and the secretary of the Ohio association of community colleges 46841
shall assist in coordinating the organization and operation of a 46842
committee to carry out this section. The committee shall be 46843
comprised of the presidents of the state institutions of higher 46844
education or their designees. The committee, in consultation with 46845
the Ohio facilities construction commission, shall develop 46846
guidelines for the board of trustees of each state institution of 46847
higher education to use in ensuring energy efficiency and 46848
conservation in on- and off-campus buildings. At a minimum, 46849
guidelines under this section shall do all of the following: 46850

(1) Include a goal to reduce on- and off-campus building 46851
energy consumption by at least twenty per cent by 2014, using 46852
calendar year 2004 as the benchmark year, while recognizing the 46853
diverse nature and different energy demands and uses of such 46854
buildings and measures already taken to increase building energy 46855
efficiency and conservation; 46856

(2) Prescribe minimum energy efficiency and conservation 46857
standards for any new, on- or off-campus capital improvement 46858
project with a construction cost of one hundred thousand dollars 46859
or more, which standards shall be based on general building type 46860

and cost-effectiveness; 46861

(3) Prescribe minimum energy efficiency and conservation 46862
standards for the leasing of an off-campus space of at least 46863
twenty-thousand square feet; 46864

(4) Incorporate best practices into energy efficiency and 46865
conservation standards and plans; 46866

(5) Provide that each board develop its own fifteen-year plan 46867
for phasing in energy efficiency and conservation projects; 46868

(6) Provide that project impact assessments include the 46869
fiscal effects of energy efficiency and conservation 46870
recommendations and plans; 46871

(7) Establish mechanisms for each board to report 46872
periodically to the committee on its progress relative to the 46873
guidelines. 46874

(C) The board of trustees of a state institution of higher 46875
education shall adopt rules ~~under section 111.15 of the Revised~~ 46876
~~Code~~ to carry out the guidelines established pursuant to division 46877
(B) of this section, including in the execution of the board's 46878
authority under sections 3345.62 to 3345.66 of the Revised Code. 46879

Sec. 3354.121. (A)(1) Each community college district may 46880
acquire, by purchase, lease, lease-purchase, lease with option to 46881
purchase, or otherwise, construct, equip, furnish, reconstruct, 46882
alter, enlarge, remodel, renovate, rehabilitate, improve, 46883
maintain, repair, and operate, and lease to or from others, 46884
auxiliary facilities or education facilities, except housing and 46885
dining facilities, and may pay for the facilities out of available 46886
receipts of such district. To pay all or part of the costs of 46887
auxiliary facilities or education facilities, except housing and 46888
dining facilities, and any combination of them, and to refund 46889
obligations previously issued for such purpose, each community 46890

college district may issue obligations in the manner provided by 46891
and subject to the applicable provisions of section 3345.12 of the 46892
Revised Code. 46893

(2) A community college district that is located either 46894
within one mile of a four-year private, nonprofit institution of 46895
higher education in the state or within one-quarter mile of a 46896
facility that, on January 1, 2023, rented at least seventy-five 46897
rooms to students at such district, may acquire, by purchase, 46898
lease, lease-purchase, lease with option to purchase, or 46899
otherwise, construct, equip, furnish, reconstruct, alter, enlarge, 46900
remodel, renovate, rehabilitate, improve, maintain, repair, and 46901
operate, and lease to or from others, housing and dining 46902
facilities, and may pay for the facilities out of the available 46903
receipts of such district. To pay all or part of the costs of the 46904
housing and dining facilities, and to refund obligations 46905
previously issued for such purpose, the community college district 46906
may issue obligations in the manner provided by and subject to the 46907
applicable provisions of section 3345.12 of the Revised Code. 46908

(B) Except as otherwise provided in this section, the 46909
definitions set forth in section 3345.12 of the Revised Code apply 46910
to this section. 46911

(C) Fee variations provided for in division (G) of section 46912
3354.09 of the Revised Code need not be applied to fees pledged to 46913
secure obligations. 46914

(D) The obligations authorized by this section are not bonded 46915
indebtedness of the community college district, shall not 46916
constitute general obligations or the pledge of the full faith and 46917
credit of such district, and the holders or owners thereof shall 46918
have no right to require the board to levy or collect any taxes 46919
for the payment of bond service charges, but they shall have the 46920
right to payment thereof solely from the available receipts and 46921
funds pledged for such payment as authorized by section 3345.12 of 46922

the Revised Code and this section. 46923

The bond proceedings may provide the method whereby the 46924
general administrative overhead expense of the district shall be 46925
allocated among the several operations and facilities of the 46926
district for purposes of determining any operating and maintenance 46927
expenses payable from the pledged available receipts prior to the 46928
provision for payment of bond service charges, and for other 46929
purposes of the bond proceedings. 46930

(E) The powers granted in this section are in addition to any 46931
other powers at any time granted by the Constitution and laws of 46932
the state, and not in derogation thereof or restrictions thereon. 46933

Sec. 3365.07. The department of education shall calculate and 46934
pay state funds to colleges for participants in the college credit 46935
plus program under division (B) of section 3365.06 of the Revised 46936
Code pursuant to this section. For a nonpublic secondary school 46937
participant, a nonchartered nonpublic secondary school 46938
participant, or a home-instructed participant, the department 46939
shall pay state funds pursuant to this section only if that 46940
participant is awarded funding according to rules adopted by the 46941
chancellor of higher education, in consultation with the 46942
superintendent of public instruction, pursuant to section 3365.071 46943
of the Revised Code. The program shall be the sole mechanism by 46944
which state funds are paid to colleges for students to earn 46945
transcripted credit for college courses while enrolled in both a 46946
secondary school and a college, with the exception of state funds 46947
paid to colleges according to an agreement described in division 46948
(A)(1) of section 3365.02 of the Revised Code. 46949

(A) For each public or nonpublic secondary school participant 46950
enrolled in a public college: 46951

(1) If no agreement has been entered into under division 46952
(A)(2) of this section, both of the following shall apply: 46953

(a) The department shall pay to the college the applicable amount as follows:

(i) For a participant enrolled in a college course delivered on the college campus, at another location operated by the college, or online, the lesser of the default ceiling amount or the college's standard rate;

(ii) For a participant enrolled in a college course delivered at the participant's secondary school but taught by college faculty, the lesser of fifty per cent of the default ceiling amount or the college's standard rate;

(iii) For a participant enrolled in a college course delivered at the participant's secondary school and taught by a high school teacher who has met the credential requirements established for purposes of the program in rules adopted by the chancellor, the default floor amount.

(b) The participant's secondary school shall pay for textbooks, and the college shall waive payment of all other fees related to participation in the program.

(2) The governing entity of a participant's secondary school and the college may enter into an agreement to establish an alternative payment structure for tuition, textbooks, and fees. Under such an agreement, payments for each participant made by the department shall be not less than the default floor amount, unless approved by the chancellor, and not more than either the default ceiling amount or the college's standard rate, whichever is less. The chancellor may approve an agreement that includes a payment below the default floor amount, as long as the provisions of the agreement comply with all other requirements of this chapter to ensure program quality. If no agreement is entered into under division (A)(2) of this section, both of the following shall apply:

(a) The department shall pay to the college the applicable 46985
default amounts prescribed by division (A)(1)(a) of this section, 46986
depending upon the method of delivery and instruction. 46987

(b) In accordance with division (A)(1)(b) of this section, 46988
the participant's secondary school shall pay for textbooks, and 46989
the college shall waive payment of all other fees related to 46990
participation in the program. 46991

(3) No participant that is enrolled in a public college shall 46992
be charged for any tuition, textbooks, or other fees related to 46993
participation in the program. 46994

(B) For each public secondary school participant enrolled in 46995
a private college: 46996

(1) If no agreement has been entered into under division 46997
(B)(2) of this section, the department shall pay to the college 46998
the applicable amount calculated in the same manner as in division 46999
(A)(1)(a) of this section. 47000

(2) The governing entity of a participant's secondary school 47001
and the college may enter into an agreement to establish an 47002
alternative payment structure for tuition, textbooks, and fees. 47003
Under such an agreement, payments shall be not less than the 47004
default floor amount, unless approved by the chancellor, and not 47005
more than either the default ceiling amount or the college's 47006
standard rate, whichever is less. 47007

If an agreement is entered into under division (B)(2) of this 47008
section, both of the following shall apply: 47009

(a) The department shall make a payment to the college for 47010
each participant that is equal to the default floor amount, unless 47011
approved by the chancellor to pay an amount below the default 47012
floor amount. The chancellor may approve an agreement that 47013
includes a payment below the default floor amount, as long as the 47014
provisions of the agreement comply with all other requirements of 47015

this chapter to ensure program quality. 47016

(b) Payment for costs for the participant that exceed the 47017
amount paid by the department pursuant to division (B)(2)(a) of 47018
this section shall be negotiated by the school and the college. 47019
The agreement may include a stipulation permitting the charging of 47020
a participant. 47021

However, under no circumstances shall: 47022

(i) Payments for a participant made by the department under 47023
division (B)(2) of this section exceed the lesser of the default 47024
ceiling amount or the college's standard rate; 47025

(ii) The amount charged to a participant under division 47026
(B)(2) of this section exceed the difference between the maximum 47027
per participant charge amount and the default floor amount; 47028

(iii) The sum of the payments made by the department for a 47029
participant and the amount charged to that participant under 47030
division (B)(2) of this section exceed the following amounts, as 47031
applicable: 47032

(I) For a participant enrolled in a college course delivered 47033
on the college campus, at another location operated by the 47034
college, or online, the maximum per participant charge amount; 47035

(II) For a participant enrolled in a college course delivered 47036
at the participant's secondary school but taught by college 47037
faculty, one hundred twenty-five dollars; 47038

(III) For a participant enrolled in a college course 47039
delivered at the participant's secondary school and taught by a 47040
high school teacher who has met the credential requirements 47041
established for purposes of the program in rules adopted by the 47042
chancellor, one hundred dollars. 47043

(iv) A participant that is identified as economically 47044
disadvantaged according to rules adopted by the department be 47045

charged under division (B)(2) of this section for any tuition, 47046
textbooks, or other fees related to participation in the program. 47047

(C) For each nonpublic secondary school participant enrolled 47048
in a private or eligible out-of-state college, the department 47049
shall pay to the college the applicable amount calculated in the 47050
same manner as in division (A)(1)(a) of this section. Payment for 47051
costs for the participant that exceed the amount paid by the 47052
department shall be negotiated by the governing body of the 47053
nonpublic secondary school and the college. 47054

However, under no circumstances shall: 47055

(1) The payments for a participant made by the department 47056
under this division exceed the lesser of the default ceiling 47057
amount or the college's standard rate. 47058

(2) Any nonpublic secondary school participant, who is 47059
enrolled in that secondary school with a scholarship awarded under 47060
either the educational choice scholarship pilot program, as 47061
prescribed by sections 3310.01 to 3310.17, or the pilot project 47062
scholarship program, as prescribed by sections 3313.974 to 47063
3313.979 of the Revised Code, and who qualifies as a low-income 47064
student under either of those programs, be charged for any 47065
tuition, textbooks, or other fees related to participation in the 47066
college credit plus program. 47067

(D) For each nonchartered nonpublic secondary school 47068
participant and each home-instructed participant enrolled in a 47069
public, private, or eligible out-of-state college, the department 47070
shall pay to the college the lesser of the default ceiling amount 47071
or the college's standard rate, if that participant is enrolled in 47072
a college course delivered on the college campus, at another 47073
location operated by the college, or online. 47074

(E) Not later than thirty days after the end of each term, 47075
each college expecting to receive payment for the costs of a 47076

participant under this section shall notify the department of the 47077
number of enrolled credit hours for each participant. 47078

(F) The department shall make the applicable payments under 47079
this section to each college, which provided proper notification 47080
to the department under division (E) of this section, for the 47081
number of enrolled credit hours for participants enrolled in the 47082
college under division (B) of section 3365.06 of the Revised Code. 47083
Except in cases involving incomplete participant information or a 47084
dispute of participant information, payments shall be made by the 47085
last day of January for participants who were enrolled during the 47086
fall term and by the last day of July for participants who were 47087
enrolled during the spring term. The department shall not make any 47088
payments to a college under this section if a participant withdrew 47089
from a course prior to the date on which a withdrawal from the 47090
course would have negatively affected the participant's 47091
transcripted grade, as prescribed by the college's established 47092
withdrawal policy. 47093

(1) Payments made for public secondary school participants 47094
under this section shall be deducted as follows: 47095

(a) For a participant enrolled in a school district, from the 47096
school foundation payments made to the participant's school 47097
district. If the participant is enrolled in a joint vocational 47098
school district, a portion of the amount shall be deducted from 47099
the payments to the joint vocational school district and a portion 47100
shall be deducted from the payments to the participant's city, 47101
local, or exempted village school district in accordance with the 47102
full-time equivalency of the student's enrollment in each 47103
district. 47104

(b) For a participant enrolled in a community school 47105
established under Chapter 3314. of the Revised Code, from the 47106
payments made to that school under section 3317.022 of the Revised 47107
Code; 47108

(c) For a participant enrolled in a STEM school, from the 471109
payments made to that school under section 3317.022 of the Revised 471110
Code; 471111

(d) For a participant enrolled in a college-preparatory 471112
boarding school, from the payments made to that school under 471113
section 3328.34 of the Revised Code; 471114

(e) For a participant enrolled in the state school for the 471115
deaf or the state school for the blind, from the amount paid to 471116
that school with funds appropriated by the general assembly for 471117
support of ~~that school~~ Ohio deaf and blind education services; 471118

(f) For a participant enrolled in an institution operated by 471119
the department of youth services, from the amount paid to that 471120
institution with funds appropriated by the general assembly for 471121
support of that institution. 471122

Amounts deducted under divisions (F)(1)(a) to (f) of this 471123
section shall be calculated in accordance with rules adopted by 471124
the chancellor, in consultation with the state superintendent, 471125
pursuant to division (B) of section 3365.071 of the Revised Code 471126

(2) Payments made for nonpublic secondary school 471127
participants, nonchartered nonpublic secondary school 471128
participants, and home-instructed participants under this section 471129
shall be deducted from moneys appropriated by the general assembly 471130
for such purpose. Payments shall be allocated and distributed in 471131
accordance with rules adopted by the chancellor, in consultation 471132
with the state superintendent, pursuant to division (A) of section 471133
3365.071 of the Revised Code. 471134

(G) Any public college that enrolls a student under division 471135
(B) of section 3365.06 of the Revised Code may include that 471136
student in the calculation used to determine its state share of 471137
instruction funds appropriated to the department of higher 471138
education by the general assembly. 471139

Sec. 3365.131. One or more public or nonpublic colleges, in collaboration with one or more industry partners, may submit to the chancellor of higher education a proposal to establish a statewide innovative waiver pathway. Under a pathway established under this section, a student who does not otherwise meet traditional college readiness standards may participate in the college credit plus program. Upon completing a pathway, a student shall receive an industry-recognized credential or a certificate aligned with an in-demand job, as defined in section 3333.94 of the Revised Code.

The chancellor may approve a statewide innovative waiver pathway. Any public or nonpublic secondary school or public or nonpublic college may use an approved statewide innovative waiver pathway.

The chancellor, in consultation with the superintendent of public instruction, may adopt guidelines and procedures regarding statewide innovative waiver pathways.

Sec. 3375.41. When a board of library trustees appointed pursuant to section 3375.06, 3375.10, 3375.12, 3375.15, 3375.22, or 3375.30 of the Revised Code determines to construct, demolish, alter, repair, or reconstruct a library or make any improvements or repairs, the cost of which will exceed ~~fifty thousand dollars~~ the amount specified in section 9.17 of the Revised Code, except in cases of urgent necessity or for the security and protection of library property, it shall proceed as follows:

(A) The board shall advertise for a period of two weeks for sealed bids in a newspaper of general circulation in the district or as provided in section 7.16 of the Revised Code. If no newspaper has a general circulation in the district, the board shall post the advertisement in three public places in the

district. The advertisement shall be entered in full by the fiscal officer on the record of proceedings of the board. 47170
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(B) The sealed bids shall be filed with the fiscal officer by twelve noon of the last day stated in the advertisement. 47172
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(C) The sealed bids shall be opened at the next meeting of the board, shall be publicly read by the fiscal officer, and shall be entered in full on the records of the board; provided that the board, by resolution, may provide for the public opening and reading of the bids by the fiscal officer, immediately after the time for their filing has expired, at the usual place of meeting of the board, and for the tabulation of the bids and a report of the tabulation to the board at its next meeting. 47174
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(D) Each sealed bid shall contain the name of every person interested in it and shall meet the requirements of section 153.54 of the Revised Code. 47182
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(E) When both labor and materials are embraced in the work bid for, the board may require that each be separately stated in the sealed bid, with their price, or may require that bids be submitted without the separation. 47185
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(F) None but the lowest responsible bid shall be accepted. The board may reject all the bids or accept any bid for both labor and material for the improvement or repair that is the lowest in the aggregate. 47189
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47192

(G) The contract shall be between the board and the bidders. The board shall pay the contract price for the work in cash at the times and in the amounts as provided by sections 153.12, 153.13, and 153.14 of the Revised Code. 47193
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(H) When two or more bids are equal, in whole or in part, and are lower than any others, either may be accepted, but in no case shall the work be divided between these bidders. 47197
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47199

(I) When there is reason to believe there is collusion or 47200
combination among the bidders, the bids of those concerned in the 47201
collusion or combination shall be rejected. 47202

(J) No project subject to this section shall be divided into 47203
component parts, separate projects, or items of work in order to 47204
avoid the requirements of this section. 47205

Sec. 3501.01. As used in the sections of the Revised Code 47206
relating to elections and political communications: 47207

(A) "General election" means the election held on the first 47208
Tuesday after the first Monday in each November. 47209

(B) "Regular municipal election" means the election held on 47210
the first Tuesday after the first Monday in November in each 47211
odd-numbered year. 47212

(C) "Regular state election" means the election held on the 47213
first Tuesday after the first Monday in November in each 47214
even-numbered year. 47215

(D) "Special election" means any election other than those 47216
elections defined in other divisions of this section. A special 47217
election may be held only on the first Tuesday after the first 47218
Monday in May or November, on the first Tuesday after the first 47219
Monday in August in accordance with section 3501.022 of the 47220
Revised Code, or on the day authorized by a particular municipal 47221
or county charter for the holding of a primary election, ~~except~~ 47222
~~that in any year in which a presidential primary election is held,~~ 47223
~~no special election shall be held in May, except as authorized by~~ 47224
~~a municipal or county charter, but may be held on the third~~ 47225
~~Tuesday after the first Monday in March.~~ 47226

(E)(1) "Primary" or "primary election" means an election held 47227
for the purpose of nominating persons as candidates of political 47228
parties for election to offices, and for the purpose of electing 47229

persons as members of the controlling committees of political 47230
parties and as delegates and alternates to the conventions of 47231
political parties. Primary elections shall be held on the first 47232
Tuesday after the first Monday in May of each year ~~except in years~~ 47233
~~in which a presidential primary election is held.~~ 47234

(2) "Presidential primary election" means a primary election 47235
as defined by division (E)(1) of this section at which an election 47236
is held for the purpose of choosing delegates and alternates to 47237
the national conventions of the major political parties pursuant 47238
to section 3513.12 of the Revised Code. Unless otherwise 47239
specified, presidential primary elections are included in 47240
references to primary elections. ~~In years in which a presidential~~ 47241
~~primary election is held, all primary elections shall be held on~~ 47242
~~the third Tuesday after the first Monday in March except as~~ 47243
~~otherwise authorized by a municipal or county charter.~~ 47244

(F) "Political party" means any group of voters meeting the 47245
requirements set forth in section 3517.01 of the Revised Code for 47246
the formation and existence of a political party. 47247

(1) "Major political party" means any political party 47248
organized under the laws of this state whose candidate for 47249
governor or nominees for presidential electors received not less 47250
than twenty per cent of the total vote cast for such office at the 47251
most recent regular state election. 47252

(2) "Minor political party" means any political party 47253
organized under the laws of this state that meets either of the 47254
following requirements: 47255

(a) Except as otherwise provided in this division, the 47256
political party's candidate for governor or nominees for 47257
presidential electors received less than twenty per cent but not 47258
less than three per cent of the total vote cast for such office at 47259
the most recent regular state election. A political party that 47260

meets the requirements of this division remains a political party 47261
for a period of four years after meeting those requirements. 47262

(b) The political party has filed with the secretary of 47263
state, subsequent to its failure to meet the requirements of 47264
division (F)(2)(a) of this section, a petition that meets the 47265
requirements of section 3517.01 of the Revised Code. 47266

A newly formed political party shall be known as a minor 47267
political party until the time of the first election for governor 47268
or president which occurs not less than twelve months subsequent 47269
to the formation of such party, after which election the status of 47270
such party shall be determined by the vote for the office of 47271
governor or president. 47272

(G) "Dominant party in a precinct" or "dominant political 47273
party in a precinct" means that political party whose candidate 47274
for election to the office of governor at the most recent regular 47275
state election at which a governor was elected received more votes 47276
than any other person received for election to that office in such 47277
precinct at such election. 47278

(H) "Candidate" means any qualified person certified in 47279
accordance with the provisions of the Revised Code for placement 47280
on the official ballot of a primary, general, or special election 47281
to be held in this state, or any qualified person who claims to be 47282
a write-in candidate, or who knowingly assents to being 47283
represented as a write-in candidate by another at either a 47284
primary, general, or special election to be held in this state. 47285

(I) "Independent candidate" means any candidate who claims 47286
not to be affiliated with a political party, and whose name has 47287
been certified on the office-type ballot at a general or special 47288
election through the filing of a statement of candidacy and 47289
nominating petition, as prescribed in section 3513.257 of the 47290
Revised Code. 47291

(J) "Nonpartisan candidate" means any candidate whose name is required, pursuant to section 3505.04 of the Revised Code, to be listed on the nonpartisan ballot, including all candidates for judge of a municipal court, county court, or court of common pleas, for member of any board of education, for municipal or township offices in which primary elections are not held for nominating candidates by political parties, and for offices of municipal corporations having charters that provide for separate ballots for elections for these offices.

(K) "Party candidate" means any candidate who claims to be a member of a political party and who has been certified to appear on the office-type ballot at a general or special election as the nominee of a political party because the candidate has won the primary election of the candidate's party for the public office the candidate seeks, has been nominated under section 3517.012, or is selected by party committee in accordance with section 3513.31 of the Revised Code.

(L) "Officer of a political party" includes, but is not limited to, any member, elected or appointed, of a controlling committee, whether representing the territory of the state, a district therein, a county, township, a city, a ward, a precinct, or other territory, of a major or minor political party.

(M) "Question or issue" means any question or issue certified in accordance with the Revised Code for placement on an official ballot at a general or special election to be held in this state.

(N) "Elector" or "qualified elector" means a person having the qualifications provided by law to be entitled to vote.

(O) "Voter" means an elector who votes at an election.

(P) "Voting residence" means that place of residence of an elector which shall determine the precinct in which the elector may vote.

(Q) "Precinct" means a district within a county established 47323
by the board of elections of such county within which all 47324
qualified electors having a voting residence therein may vote at 47325
the same polling place. 47326

(R) "Polling place" means that place provided for each 47327
precinct at which the electors having a voting residence in such 47328
precinct may vote. 47329

(S) "Board" or "board of elections" means the board of 47330
elections appointed in a county pursuant to section 3501.06 of the 47331
Revised Code. 47332

(T) "Political subdivision" means a county, township, city, 47333
village, or school district. 47334

(U) "Election officer" or "election official" means any of 47335
the following: 47336

(1) Secretary of state; 47337

(2) Employees of the secretary of state serving the division 47338
of elections in the capacity of attorney, administrative officer, 47339
administrative assistant, elections administrator, office manager, 47340
or clerical supervisor; 47341

(3) Director of a board of elections; 47342

(4) Deputy director of a board of elections; 47343

(5) Member of a board of elections; 47344

(6) Employees of a board of elections; 47345

(7) Precinct election officials; 47346

(8) Employees appointed by the boards of elections on a 47347
temporary or part-time basis. 47348

(V) "Acknowledgment notice" means a notice sent by a board of 47349
elections, on a form prescribed by the secretary of state, 47350
informing a voter registration applicant or an applicant who 47351

wishes to change the applicant's residence or name of the status 47352
of the application; the information necessary to complete or 47353
update the application, if any; and if the application is 47354
complete, the precinct in which the applicant is to vote. 47355

(W) "Confirmation notice" means a notice sent by a board of 47356
elections, on a form prescribed by the secretary of state, to a 47357
registered elector to confirm the registered elector's current 47358
address. 47359

(X) "Designated agency" means an office or agency in the 47360
state that provides public assistance or that provides 47361
state-funded programs primarily engaged in providing services to 47362
persons with disabilities and that is required by the National 47363
Voter Registration Act of 1993 to implement a program designed and 47364
administered by the secretary of state for registering voters, or 47365
any other public or government office or agency that implements a 47366
program designed and administered by the secretary of state for 47367
registering voters, including the department of job and family 47368
services, the program administered under section 3701.132 of the 47369
Revised Code by the department of health, the department of mental 47370
health and addiction services, the department of developmental 47371
disabilities, the opportunities for Ohioans with disabilities 47372
agency, and any other agency the secretary of state designates. 47373
"Designated agency" does not include public high schools and 47374
vocational schools, public libraries, or the office of a county 47375
treasurer. 47376

(Y) "National Voter Registration Act of 1993" means the 47377
"National Voter Registration Act of 1993," 107 Stat. 77, 42 47378
U.S.C.A. 1973gg. 47379

(Z) "Voting Rights Act of 1965" means the "Voting Rights Act 47380
of 1965," 79 Stat. 437, 42 U.S.C.A. 1973, as amended. 47381

(AA)(1) "Photo identification" means one of the following 47382

documents that includes the individual's name and photograph and 47383
is not expired: 47384

(a) An Ohio driver's license, state identification card, or 47385
interim identification form issued by the registrar of motor 47386
vehicles or a deputy registrar under Chapter 4506. or 4507. of the 47387
Revised Code; 47388

(b) A United States passport or passport card; 47389

(c) A United States military identification card, Ohio 47390
national guard identification card, or United States department of 47391
veterans affairs identification card. 47392

(2) A "copy" of an individual's photo identification means 47393
images of both the front and back of a document described in 47394
division (AA)(1) of this section, except that if the document is a 47395
United States passport, a copy of the photo identification means 47396
an image of the passport's identification page that includes the 47397
individual's name, photograph, and other identifying information 47398
and the passport's expiration date. 47399

(BB) "Driver's license" means a license or permit issued by 47400
the registrar or a deputy registrar under Chapter 4506. or 4507. 47401
of the Revised Code that authorizes an individual to drive. 47402
"Driver's license" includes a driver's license, commercial 47403
driver's license, probationary license, restricted license, 47404
motorcycle operator's license, or temporary instruction permit 47405
identification card. "Driver's license" does not include a 47406
~~nonrenewable~~ limited term license issued under section 4507.09 of 47407
the Revised Code. 47408

(CC) "State identification card" means a card issued by the 47409
registrar or a deputy registrar under sections 4507.50 to 4507.52 47410
of the Revised Code. 47411

(DD) "Interim identification form" means the document issued 47412
by the registrar or a deputy registrar to an applicant for a 47413

driver's license or state identification card that contains all of 47414
the information otherwise found on the license or card and that an 47415
applicant may use as a form of identification until the physical 47416
license or card arrives in the mail. 47417

Sec. 3501.27. (A) All precinct election officials shall 47418
complete a program of instruction pursuant to division (B) of this 47419
section. No person who has been convicted of a felony or any 47420
violation of the election laws, who is unable to read and write 47421
the English language readily, or who is a candidate for an office 47422
to be voted for by the voters of the precinct in which the person 47423
is to serve shall serve as an election officer. A person when 47424
appointed as an election officer shall receive from the board of 47425
elections a certificate of appointment that may be revoked at any 47426
time by the board for good and sufficient reasons. The certificate 47427
shall be in the form the board prescribes and shall specify the 47428
precinct, ward, or district in and for which the person to whom it 47429
is issued is appointed to serve, the date of appointment, and the 47430
expiration of the person's term of service. 47431

(B) Each board shall establish a program as prescribed by the 47432
secretary of state for the instruction of election officers in the 47433
rules, procedures, and law relating to elections. In each program, 47434
the board shall use training materials prepared by the secretary 47435
of state and may use additional materials prepared by or on behalf 47436
of the board. The board may use the services of unpaid volunteers 47437
in conducting its program and may reimburse those volunteers for 47438
necessary and actual expenses incurred in participating in the 47439
program. 47440

The board shall train each new election officer before the 47441
new officer participates in the first election in that capacity. 47442
The board shall instruct election officials who have been trained 47443
previously only when the board or secretary of state considers 47444

that instruction necessary, but the board shall reinstruct such 47445
persons, other than voting location managers, at least once in 47446
every three years and shall reinstruct voting location managers 47447
before the primary election in even-numbered years. The board 47448
shall schedule any program of instruction within sixty days prior 47449
to the election in which the officials to be trained will 47450
participate. 47451

(C) The duties of a precinct election official in each 47452
polling place shall be performed only by an individual who has 47453
successfully completed the requirements of the program, unless 47454
such an individual is unavailable after reasonable efforts to 47455
obtain such services. 47456

(D) The secretary of state shall establish a program for the 47457
instruction of members of boards of elections and employees of 47458
boards in the rules, procedures, and law relating to elections. 47459
Each member and employee shall complete the training program 47460
within six months after the member's or employee's original 47461
appointment or employment, and thereafter each member and employee 47462
shall complete a training program to update their knowledge once 47463
every four years or more often as determined by the secretary of 47464
state. 47465

(E) The secretary of state shall ~~reimburse each county for~~ 47466
~~make grants to the boards of elections to pay~~ the cost of programs 47467
established pursuant to division (B) of this section, ~~once the~~ 47468
~~secretary of state has received an itemized statement of expenses~~ 47469
~~for such instruction programs from the county. The itemized~~ 47470
~~statement shall be in a form prescribed by the secretary of state.~~ 47471

Sec. 3509.05. (A) When an elector receives an absent voter's 47472
ballot pursuant to the elector's application or request, the 47473
elector shall, before placing any marks on the ballot, note 47474
whether there are any voting marks on it. If there are any voting 47475

marks, the ballot shall be returned immediately to the board of 47476
elections; otherwise, the elector shall cause the ballot to be 47477
marked, folded in a manner that the stub on it and the 47478
indorsements and facsimile signatures of the members of the board 47479
of elections on the back of it are visible, and placed and sealed 47480
within the identification envelope received from the board of 47481
elections for that purpose. Then, the elector shall cause the 47482
statement of voter on the outside of the identification envelope 47483
to be completed and signed, under penalty of election 47484
falsification. 47485

(B) The elector shall provide one of the following: 47486

(1) The elector's Ohio driver's license or state 47487
identification card number on the statement of voter on the 47488
identification envelope; 47489

(2) The last four digits of the elector's social security 47490
number on the statement of voter on the identification envelope; 47491

(3) A copy of the elector's photo identification in the 47492
return envelope with the identification envelope. 47493

(C)(1) The elector shall mail the identification envelope to 47494
the office of the board of elections in the return envelope, 47495
postage prepaid, or the elector may personally deliver it to the 47496
office of the board, or the spouse of the elector, the father, 47497
mother, father-in-law, mother-in-law, grandfather, grandmother, 47498
brother, or sister of the whole or half blood, or the son, 47499
daughter, adopting parent, adopted child, stepparent, stepchild, 47500
uncle, aunt, nephew, or niece of the elector may deliver it to the 47501
office of the board. The return envelope shall be returned by no 47502
other person, in no other manner, and to no other location, except 47503
as otherwise provided in section 3509.08 of the Revised Code. 47504

(2) If the board maintains multiple offices in the county, as 47505

permitted under division (C) of section 3501.10 of the Revised Code, the board may designate any of its offices for the return of absent voter's ballots under this section, provided that the board shall designate only one office to which absent voter's ballots shall be returned under this section.

(3)(a) The board of elections may place not more than one secure receptacle outside the office of the board, on the property on which the office of the board is located, for the purpose of receiving absent voter's ballots under this section.

(b) A secure receptacle shall be open to receive ballots only during the period beginning on the first day after the close of voter registration before the election and ending at seven-thirty p.m. on the day of the election. The receptacle shall be open to receive ballots at all times during that period.

(c) A secure receptacle shall be monitored by recorded video surveillance at all times. The video recordings are a public record. The board shall do one of the following:

(i) Make the video recordings available for inspection ~~immediately upon request, notwithstanding any contrary provision of~~ in accordance with section 149.43 of the Revised Code.

(ii) Make each day's video recording available to the public on the internet for streaming or download without charge within twenty-four hours after the recording ends and make the video recordings available to the public upon request in accordance with section 149.43 of the Revised Code.

(d) Only a bipartisan team of election officials may open a secure receptacle or handle its contents. A bipartisan team of election officials shall collect the contents of each secure receptacle and deliver them to the board for processing at least once each day and at seven-thirty p.m. on the day of the election. If, at seven-thirty p.m. on the day of the election, there are

persons waiting in line to deposit absent voter's ballots in a 47537
receptacle, those persons shall be permitted to deposit the 47538
ballots. 47539

(4)(a) During the period beginning on the forty-fifth day 47540
before election day and ending on the day after election day, on 47541
each day the office of the board of elections is open for 47542
business, the board shall report to the secretary of state all of 47543
the following information concerning the previous business day: 47544

(i) The number of return envelopes purporting to contain 47545
absent voter's ballots or uniformed services or overseas absent 47546
voter's ballots the board received by personal delivery, other 47547
than to a receptacle described in division (C)(3) of this section; 47548

(ii) If the board has placed a secure receptacle outside the 47549
office of the board under division (C)(3) of this section, the 47550
number of return envelopes purporting to contain absent voter's 47551
ballots or uniformed services or overseas absent voter's ballots 47552
the board received in the receptacle. 47553

(b) As soon as practicable after receiving a report under 47554
division (C)(4)(a) of this section, the secretary of state shall 47555
make the information in the report available to the public on the 47556
secretary of state's official web site. 47557

(D)(1) Except as otherwise provided in division (D)(2) of 47558
this section, all envelopes containing marked absent voter's 47559
ballots shall be delivered to the office of the board not later 47560
than the close of the polls on the day of an election. Absent 47561
voter's ballots delivered to the office of the board later than 47562
the times specified shall not be counted, but shall be kept by the 47563
board in the sealed identification envelopes in which they are 47564
delivered, until the time provided by section 3505.31 of the 47565
Revised Code for the destruction of all other ballots used at the 47566
election for which ballots were provided, at which time they shall 47567

be destroyed. 47568

(2)(a) Except as otherwise provided in division (D)(2)(b) of 47569
this section, any return envelope that is postmarked prior to the 47570
day of the election shall be delivered to the director prior to 47571
the fifth day after the election. Ballots delivered in envelopes 47572
postmarked prior to the day of the election that are received 47573
after the close of the polls on election day through the fourth 47574
day thereafter shall be counted on the fifth day at the board of 47575
elections in the manner provided in divisions (C) and (D) of 47576
section 3509.06 of the Revised Code or in the manner provided in 47577
division (E) of that section, as applicable. Any such ballots that 47578
are received by the director later than the fourth day following 47579
the election shall not be counted, but shall be kept by the board 47580
in the sealed identification envelopes as provided in division (A) 47581
of this section. 47582

(b) Division (D)(2)(a) of this section shall not apply to any 47583
mail that is postmarked using a postage evidencing system, 47584
including a postage meter, as defined in 39 C.F.R. 501.1. 47585

Sec. 3517.02. (A)(1) All members of controlling committees of 47586
a major political party shall be elected by direct vote of the 47587
members of the party, except as otherwise provided in section 47588
3517.05 of the Revised Code. Their names shall be placed upon the 47589
official ballot, and, notwithstanding division (B) of section 47590
3513.23 of the Revised Code, the persons receiving the highest 47591
number of votes for committeepersons shall be the members of those 47592
controlling committees. ~~Each~~ 47593

(2) Each member of a controlling committee shall be a 47594
~~resident and~~ qualified elector of this state and, except as 47595
otherwise provided in division (A)(3) of this section, shall be a 47596
resident and qualified elector of the district, ward, or precinct 47597
that the member is elected to represent. ~~All~~ 47598

(3) A county controlling committee may adopt a bylaw specifying that a person who is appointed to fill a vacancy on the committee under section 3517.05 of the Revised Code is not required to be a resident of the precinct the person is to represent, so long as the person is a resident of the township or municipal corporation in which the precinct is located. A member of a county controlling committee who is appointed pursuant to such a bylaw shall have the same duties and privileges as a member of the committee who resides in the precinct the member represents. A county controlling committee that adopts such a bylaw shall file a copy of its updated constitution and bylaws with the board of elections.

(B) All members of controlling committees of a minor political party shall be determined in accordance with party rules.

(C) Each political party shall file with the office of the secretary of state a copy of its constitution and bylaws, if any, within thirty days of adoption or amendment. Each party shall also file with the office of the secretary of state a list of members of its controlling committees and other party officials within thirty days of their election or appointment.

Sec. 3517.03. The controlling committees of each major political party or organization shall be a state central committee consisting of two members, one a man and one a woman, representing either each congressional district in the state or each senatorial district in the state, as the outgoing committee determines; a county central committee consisting of one member ~~from~~ representing each election precinct in the county, or of one member ~~from~~ representing each ward in each city and ~~from~~ representing each township in the county, as the outgoing committee determines; and such district, city, township, or other

committees as the rules of the party provide. 47630

All the members of such committees shall be members of the 47631
party and shall be elected for terms of either two or four years, 47632
as determined by party rules, by direct vote at the primary held 47633
in an even-numbered year. Except as otherwise provided in section 47634
3517.02 of the Revised Code, candidates for election as state 47635
central committee members shall be elected at primaries in the 47636
same manner as provided in sections 3513.01 to 3513.32 of the 47637
Revised Code for the nomination of candidates for office in a 47638
county. Candidates for election as members of the county central 47639
committee shall be elected at primaries in the same manner as 47640
provided in those sections for the nomination of candidates for 47641
county offices, except as otherwise provided in sections 3513.051 47642
and 3517.02 of the Revised Code. 47643

Each major party controlling committee shall elect an 47644
executive committee that shall have the powers granted to it by 47645
the party controlling committee, and provided to it by law. When a 47646
judicial, senatorial, or congressional district is comprised of 47647
more than one county, the chairperson and secretary of the county 47648
central committee from each county in that district shall 47649
constitute the judicial, senatorial, or congressional committee of 47650
the district. When a judicial, senatorial, or congressional 47651
district is included within a county, the county central committee 47652
shall constitute the judicial, senatorial, or congressional 47653
committee of the district. 47654

A minor political party may elect controlling committees at a 47655
primary election in the even-numbered year by filing a plan for 47656
party organization with the secretary of state on or before the 47657
ninetieth day before the day of the primary election. The plan 47658
shall specify which offices are to be elected and provide the 47659
procedure for qualification of candidates for those offices. 47660
Candidates to be elected pursuant to the plan shall be designated 47661

and qualified on or before the ninetieth day before the day of the 47662
election. Such parties may, in lieu of electing a controlling 47663
committee or other officials, choose such committee or other 47664
officials in accordance with party rules. Each such party shall 47665
file the names and addresses of members of its controlling 47666
committee and party officers with the secretary of state. 47667

Sec. 3701.021. (A) The director of health shall adopt, in 47668
accordance with Chapter 119. of the Revised Code, such rules as 47669
are necessary to carry out sections 3701.021 to 3701.0210 of the 47670
Revised Code, including, but not limited to, rules to establish 47671
the following: 47672

(1) Subject to division (D) of this section, medical and 47673
financial eligibility requirements for the program for ~~medically~~ 47674
~~handicapped~~ children and youth with special health care needs; 47675

(2) Subject to division (C) of this section, eligibility 47676
requirements for providers who provide goods and services for the 47677
program for ~~medically handicapped~~ children and youth with special 47678
health care needs; 47679

(3) Procedures to be followed by the department of health in 47680
disqualifying providers for violating requirements adopted under 47681
division (A)(2) of this section; 47682

(4) Procedures to be used by the department regarding 47683
application for diagnostic services under division (B) of section 47684
3701.023 of the Revised Code and payment for those services under 47685
division (E) of that section; 47686

(5) Standards for the provision of service coordination by 47687
the department of health and city and general health districts; 47688

(6) Procedures for the department to use to determine the 47689
amount to be paid annually by each county for services for 47690
~~medically handicapped~~ children and youth with special health care 47691

needs and to allow counties to retain funds under divisions (A)(2) 47692
and (3) of section 3701.024 of the Revised Code; 47693

(7) Financial eligibility requirements for services for Ohio 47694
residents twenty-one years of age or older who have cystic 47695
fibrosis; 47696

(8) Criteria for payment of approved providers who provide 47697
goods and services for ~~medically handicapped~~ children and youth 47698
with special health care needs; 47699

(9) Criteria for the department to use in determining whether 47700
the payment of health insurance premiums of participants in the 47701
program for ~~medically handicapped~~ children and youth with special 47702
health care needs is cost-effective; 47703

(10) Procedures for appeal of denials of applications under 47704
divisions (A) and (D) of section 3701.023 of the Revised Code, 47705
disqualification of providers, and amounts paid for services; 47706

(11) Terms of appointment for members of the ~~medically~~ 47707
~~handicapped children's~~ children and youth with special health care 47708
needs medical advisory council created in section 3701.025 of the 47709
Revised Code; 47710

(12) Eligibility requirements for the hemophilia program, 47711
including income and hardship requirements; 47712

(13) If a manufacturer discount program is established under 47713
division (J)(1) of section 3701.023 of the Revised Code, 47714
procedures for administering the program, including criteria and 47715
other requirements for participation in the program by 47716
manufacturers of drugs and nutritional formulas. 47717

(B) The department of health shall develop a manual of 47718
operational procedures and guidelines for the program for 47719
~~medically handicapped~~ children and youth with special health care 47720
needs to implement sections 3701.021 to 3701.0210 of the Revised 47721

Code. 47722

(C) A medicaid provider, as defined in section 5164.01 of the Revised Code, is eligible to be a provider of the same goods and services for the program for ~~medically handicapped~~ children and youth with special health care needs that the provider is approved to provide for the medicaid program and the director shall approve such a provider for participation in the program for ~~medically handicapped~~ children and youth with special health care needs. 47723
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(D) In establishing medical and financial eligibility requirements for the program for ~~medically handicapped~~ children and youth with special health care needs, the director of health shall not specify an age restriction that excludes from eligibility an individual who is either of the following: 47730
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(1) Beginning on July 1, 2021, less than twenty-two years of age; 47735
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(2) Beginning on July 1, 2022, less than twenty-three years of age. 47737
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Sec. 3701.022. As used in sections 3701.021 to 3701.0210 of the Revised Code: 47739
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(A) "~~Medically handicapped child~~ Child or youth with special health care needs" means an Ohio resident who meets the age requirements set forth in division (D) of section 3701.021 of the Revised Code who ~~suffers primarily from~~ has an organic disease, defect, or a congenital or acquired ~~physically handicapping and associated~~ medical condition that may hinder the achievement of normal growth and development. 47741
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(B) "Provider" means a health professional, hospital, medical equipment supplier, and any individual, group, or agency that is approved by the department of health pursuant to division (C) of section 3701.023 of the Revised Code and that provides or intends 47748
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to provide goods or services to a child who is eligible for the 47752
program for ~~medically handicapped~~ children and youth with special 47753
health care needs. 47754

(C) "Service coordination" means case management services 47755
provided to ~~medically handicapped~~ children and youth with special 47756
health care needs that promote effective and efficient 47757
organization and utilization of public and private resources and 47758
ensure that care rendered is family-centered, community-based, and 47759
coordinated. 47760

(D)(1) "Third party" means any person or government entity 47761
other than the following: 47762

(a) A ~~medically handicapped~~ child or youth with special 47763
health care needs participating in the program for ~~medically~~ 47764
~~handicapped~~ children and youth with special health care needs or 47765
the ~~child's~~ child or youth's parent or guardian; 47766

(b) The department or any program administered by the 47767
department, including the "Maternal and Child Health Block Grant," 47768
Title V of the "Social Security Act," 95 Stat. 818 (1981), 42 47769
U.S.C.A. 701, as amended; 47770

(c) The "caring program for children" operated by the 47771
nonprofit community mutual insurance corporation. 47772

(2) "Third party" includes all of the following: 47773

(a) Any trust established to benefit a ~~medically handicapped~~ 47774
child or youth with special health care needs participating in the 47775
program or the ~~child's~~ child or youth's family or guardians, if 47776
the trust was established after the date the ~~medically handicapped~~ 47777
child or youth with special health care needs applied to 47778
participate in the program; 47779

(b) That portion of a trust designated to pay for the medical 47780
and ancillary care of a ~~medically handicapped~~ child or youth with 47781

special health care needs, if the trust was established on or 47782
before the date the ~~medically handicapped~~ child or youth with 47783
special health care needs applied to participate in the program; 47784

(c) The program awarding reparations to victims of crime 47785
established under sections 2743.51 to 2743.72 of the Revised Code. 47786

(E) "Third-party benefits" means any and all benefits paid by 47787
a third party to or on behalf of a ~~medically handicapped~~ child or 47788
youth with special health care needs participating in the program 47789
or the ~~child's~~ child or youth's parent or guardian for goods or 47790
services that are authorized by the department pursuant to 47791
division (B) or (D) of section 3701.023 of the Revised Code. 47792

(F) "Hemophilia program" means the hemophilia program the 47793
department of health is required to establish and administer under 47794
section 3701.029 of the Revised Code. 47795

Sec. 3701.023. (A) The department of health shall review 47796
applications for eligibility for the program for ~~medically~~ 47797
~~handicapped~~ children and youth with special health care needs that 47798
are submitted to the department by city and general health 47799
districts and physician providers approved in accordance with 47800
division (C) of this section. The department shall determine 47801
whether the applicants meet the medical and financial eligibility 47802
requirements established by the director of health pursuant to 47803
division (A)(1) of section 3701.021 of the Revised Code, and by 47804
the department in the manual of operational procedures and 47805
guidelines for the program for ~~medically handicapped~~ children and 47806
youth with special health care needs developed pursuant to 47807
division (B) of that section. Referrals of potentially eligible 47808
children and youth for the program may be submitted to the 47809
department on behalf of the child or youth by parents, guardians, 47810
public health nurses, or any other interested person. The 47811
department of health may designate other agencies to refer 47812

applicants to the department of health. 47813

(B) In accordance with the procedures established in rules 47814
adopted under division (A)(4) of section 3701.021 of the Revised 47815
Code, the department of health shall authorize a provider or 47816
providers to provide to any Ohio resident under twenty-one years 47817
of age, without charge to the resident or the resident's family 47818
and without restriction as to the economic status of the resident 47819
or the resident's family, diagnostic services necessary to 47820
determine whether the resident has a ~~medically handicapping~~ 47821
medical diagnosis resulting in, or potentially medically 47822
~~handicapping condition~~ resulting in, special health care needs. 47823

(C) The department of health shall review the applications of 47824
health professionals, hospitals, medical equipment suppliers, and 47825
other individuals, groups, or agencies that apply to become 47826
providers. The department shall enter into a written agreement 47827
with each applicant who is determined, pursuant to the 47828
requirements set forth in rules adopted under division (A)(2) of 47829
section 3701.021 of the Revised Code, to be eligible to be a 47830
provider in accordance with the provider agreement required by the 47831
medicaid program. No provider shall charge a ~~medically handicapped~~ 47832
child or youth with special health care needs or the ~~child's child~~ 47833
or youth's parent or guardian for services authorized by the 47834
department under division (B) or (D) of this section. 47835

The department, in accordance with rules adopted under 47836
division (A)(3) of section 3701.021 of the Revised Code, may 47837
disqualify any provider from further participation in the program 47838
for violating any requirement set forth in rules adopted under 47839
division (A)(2) of that section. The disqualification shall not 47840
take effect until a written notice, specifying the requirement 47841
violated and describing the nature of the violation, has been 47842
delivered to the provider and the department has afforded the 47843
provider an opportunity to appeal the disqualification under 47844

division (H) of this section. 47845

(D) The department of health shall evaluate applications from 47846
city and general health districts and approved physician providers 47847
for authorization to provide treatment services, service 47848
coordination, and related goods to children or youth determined to 47849
be eligible for the program for ~~medically handicapped~~ children and 47850
youth with special health care needs pursuant to division (A) of 47851
this section. The department shall authorize necessary treatment 47852
services, service coordination, and related goods for each 47853
eligible child or youth in accordance with an individual plan of 47854
treatment for the child or youth. As an alternative, the 47855
department may authorize payment of health insurance premiums on 47856
behalf of eligible children or youth when the department 47857
determines, in accordance with criteria set forth in rules adopted 47858
under division (A)(9) of section 3701.021 of the Revised Code, 47859
that payment of the premiums is cost-effective. 47860

(E) The department of health shall pay, from appropriations 47861
to the department, any necessary expenses, including but not 47862
limited to, expenses for diagnosis, treatment, service 47863
coordination, supportive services, transportation, and accessories 47864
and their upkeep, provided to ~~medically handicapped~~ children and 47865
youth with special health care needs, provided that the provision 47866
of the goods or services is authorized by the department under 47867
division (B) or (D) of this section. Money appropriated to the 47868
department of health may also be expended for reasonable 47869
administrative costs incurred by the program. The department of 47870
health also may purchase liability insurance covering the 47871
provision of services under the program for ~~medically handicapped~~ 47872
children and youth with special health care needs by physicians 47873
and other health care professionals. 47874

Payments made to providers by the department of health 47875
pursuant to this division for inpatient hospital care, outpatient 47876

care, and all other medical assistance furnished to eligible 47877
recipients shall be made in accordance with rules adopted by the 47878
director of health pursuant to division (A) of section 3701.021 of 47879
the Revised Code. 47880

The departments of health and medicaid shall jointly 47881
implement procedures to ensure that duplicate payments are not 47882
made under the program for ~~medically handicapped~~ children and 47883
youth with special health care needs and the medicaid program and 47884
to identify and recover duplicate payments. 47885

(F) At the time of applying for participation in the program 47886
for ~~medically handicapped~~ children and youth with special health 47887
care needs, a ~~medically handicapped~~ child or youth with special 47888
health care needs or the ~~child's~~ child or youth's parent or 47889
guardian shall disclose the identity of any third party against 47890
whom the child or youth or the ~~child's~~ child or youth's parent or 47891
guardian has or may have a right of recovery for goods and 47892
services provided under division (B) or (D) of this section. The 47893
department of health shall require a ~~medically handicapped~~ child 47894
or youth with special health care needs who receives services from 47895
the program or the ~~child's~~ child or youth's parent or guardian to 47896
apply for all third-party benefits for which the child or youth 47897
may be eligible and require the child or youth, parent, or 47898
guardian to apply all third-party benefits received to the amount 47899
determined under division (E) of this section as the amount 47900
payable for goods and services authorized under division (B) or 47901
(D) of this section. The department is the payer of last resort 47902
and shall pay for authorized goods or services, up to the amount 47903
determined under division (E) of this section for the authorized 47904
goods or services, only to the extent that payment for the 47905
authorized goods or services is not made through third-party 47906
benefits. When a third party fails to act on an application or 47907
claim for benefits by a ~~medically handicapped~~ child or youth with 47908

special health care needs or the ~~child's~~ child or youth's parent or guardian, the department shall pay for the goods or services only after ninety days have elapsed since the date the child or youth, parents, or guardians made an application or claim for all third-party benefits. Third-party benefits received shall be applied to the amount determined under division (E) of this section. Third-party payments for goods and services not authorized under division (B) or (D) of this section shall not be applied to payment amounts determined under division (E) of this section. Payment made by the department shall be considered payment in full of the amount determined under division (E) of this section. Medicaid payments for persons eligible for the medicaid program shall be considered payment in full of the amount determined under division (E) of this section.

(G) The department of health shall administer a program to provide services to Ohio residents who are twenty-one or more years of age who have cystic fibrosis and who meet the eligibility requirements established in rules adopted by the director of health pursuant to division (A)(7) of section 3701.021 of the Revised Code, subject to all provisions of this section, but not subject to section 3701.024 of the Revised Code.

(H) The department of health shall provide for appeals, in accordance with rules adopted under section 3701.021 of the Revised Code, of denials of applications for the program for ~~medically handicapped~~ children and youth with special health care needs under division (A) or (D) of this section, disqualification of providers, or amounts paid under division (E) of this section. Appeals under this division are not subject to Chapter 119. of the Revised Code.

The department may designate ombudspersons to assist ~~medically handicapped~~ children and youth with special health care needs or their parents or guardians, upon the request of the

children or youth, parents, or guardians, in filing appeals under 47941
this division and to serve as ~~children's~~ children or youth's, 47942
parents', or guardians' advocates in matters pertaining to the 47943
administration of the program for ~~medically handicapped~~ children 47944
and youth with special health care needs and eligibility for 47945
program services. The ombudspersons shall receive no compensation 47946
but shall be reimbursed by the department, in accordance with 47947
rules of the office of budget and management, for their actual and 47948
necessary travel expenses incurred in the performance of their 47949
duties. 47950

(I) The department of health, and city and general health 47951
districts providing service coordination pursuant to division 47952
(A)(2) of section 3701.024 of the Revised Code, shall provide 47953
service coordination in accordance with the standards set forth in 47954
the rules adopted under section 3701.021 of the Revised Code, 47955
without charge, and without restriction as to economic status. 47956

(J)(1) The department of health may establish a manufacturer 47957
discount program under which a manufacturer of a drug or 47958
nutritional formula is permitted to enter into an agreement with 47959
the department to provide a discount on the price of the drug or 47960
nutritional formula distributed to ~~medically handicapped~~ children 47961
and youth with special health care needs participating in the 47962
program for ~~medically handicapped~~ children and youth with special 47963
health care needs. The program shall be administered in accordance 47964
with rules adopted under section 3701.021 of the Revised Code. 47965

(2) If a manufacturer enters into an agreement with the 47966
department as described in division (J)(1) of this section, the 47967
manufacturer and the department may negotiate the amount and terms 47968
of the discount. 47969

(3) In lieu of establishing a discount program as described 47970
in division (J)(1) of this section, the department and a 47971
manufacturer of a drug or nutritional formula may discuss a 47972

donation of drugs, nutritional formulas, or money by the 47973
manufacturer to the department. 47974

(K) As used in this division "209(b) option" has the same 47975
meaning as in section 5166.01 of the Revised Code. 47976

The program for ~~medically handicapped~~ children and youth with 47977
special health care needs and the program the department of health 47978
administers pursuant to division (G) of this section shall 47979
continue to assist individuals who have cystic fibrosis and are 47980
enrolled in those programs in qualifying for medicaid under the 47981
spenddown process in the same manner it assists such individuals 47982
on ~~the effective date of this amendment~~ September 29, 2015, 47983
regardless of whether the department of medicaid continues to 47984
implement the 209(b) option. 47985

Sec. 3701.024. (A)(1) Under a procedure established in rules 47986
adopted under section 3701.021 of the Revised Code, the department 47987
of health shall determine the amount each county shall provide 47988
annually for the program for ~~medically handicapped~~ children and 47989
youth with special health care needs, based on a proportion of the 47990
county's total general property tax duplicate, not to exceed 47991
one-tenth of a mill, and charge the county for any part of 47992
expenses incurred under the program for treatment services on 47993
behalf of ~~medically handicapped~~ children and youth with special 47994
health care needs having legal settlement in the county that is 47995
not paid from federal funds or through the medicaid program. The 47996
department shall not charge the county for expenses exceeding the 47997
difference between the amount determined under division (A)(1) of 47998
this section and any amounts retained under divisions (A)(2) and 47999
(3) of this section. 48000

All amounts collected by the department under division (A)(1) 48001
of this section shall be deposited into the state treasury to the 48002
credit of the ~~medically handicapped children county~~ children and 48003

youth with special health care needs-county assessment fund, which 48004
is hereby created. The fund shall be used by the department to 48005
comply with sections 3701.021 to 3701.028 of the Revised Code. 48006

(2) The department, in accordance with rules adopted under 48007
section 3701.021 of the Revised Code, may allow each county to 48008
retain up to ten per cent of the amount determined under division 48009
(A)(1) of this section to provide funds to city or general health 48010
districts of the county with which the districts shall provide 48011
service coordination, public health nursing, or transportation 48012
services for ~~medically handicapped~~ children and youth with special 48013
health care needs. 48014

(3) In addition to any amount retained under division (A)(2) 48015
of this section, the department, in accordance with rules adopted 48016
under section 3701.021 of the Revised Code, may allow counties 48017
that it determines have significant numbers of potentially 48018
eligible ~~medically handicapped~~ children and youth with special 48019
health care needs to retain an amount equal to the difference 48020
between: 48021

(a) Twenty-five per cent of the amount determined under 48022
division (A)(1) of this section; 48023

(b) Any amount retained under division (A)(2) of this 48024
section. 48025

Counties shall use amounts retained under division (A)(3) of 48026
this section to provide funds to city or general health districts 48027
of the county with which the districts shall conduct outreach 48028
activities to increase participation in the program for ~~medically~~ 48029
~~handicapped~~ children and youth with special health care needs. 48030

(4) Prior to any increase in the millage charged to a county, 48031
the director of health shall hold a public hearing on the proposed 48032
increase and shall give notice of the hearing to each board of 48033
county commissioners that would be affected by the increase at 48034

least thirty days prior to the date set for the hearing. Any 48035
county commissioner may appear and give testimony at the hearing. 48036
Any increase in the millage any county is required to provide for 48037
the program for ~~medically handicapped~~ children and youth with 48038
special health care needs shall be determined, and notice of the 48039
amount of the increase shall be provided to each affected board of 48040
county commissioners, no later than the first day of June of the 48041
fiscal year next preceding the fiscal year in which the increase 48042
will take effect. 48043

(B) Each board of county commissioners shall establish a 48044
~~medically handicapped children's~~ children and youth with special 48045
health care needs fund and shall appropriate thereto an amount, 48046
determined in accordance with division (A)(1) of this section, for 48047
the county's share in providing medical, surgical, and other aid 48048
to ~~medically handicapped~~ children and youth with special health 48049
care needs residing in such county and for the purposes specified 48050
in divisions (A)(2) and (3) of this section. Each county shall use 48051
money retained under divisions (A)(2) and (3) of this section only 48052
for the purposes specified in those divisions. 48053

Sec. 3701.025. There is hereby created the ~~medically~~ 48054
~~handicapped children's~~ children and youth with special health care 48055
needs medical advisory council consisting of twenty-one members to 48056
be appointed by the director of health for terms set in accordance 48057
with rules adopted by the director under division (A)(11) of 48058
section 3701.021 of the Revised Code. The ~~medically handicapped~~ 48059
~~children's~~ children and youth with special health care needs 48060
medical advisory council shall advise the director regarding the 48061
administration of the program for ~~medically handicapped~~ children 48062
and youth with special health care needs, the suitable quality of 48063
medical practice for providers, and the requirements for medical 48064
eligibility for the program. 48065

All members of the council shall be licensed physicians, 48066
surgeons, dentists, and other professionals in the field of 48067
medicine, representative of the various disciplines involved in 48068
the treatment of children and youth with ~~medically handicapping~~ 48069
~~conditions~~ special health care needs, and representative of the 48070
treatment facilities involved, such as hospitals, private and 48071
public health clinics, and private physicians' offices, and shall 48072
be eligible for the program. 48073

Members of the council shall receive no compensation, but 48074
shall receive their actual and necessary travel expenses incurred 48075
in the performance of their official duties in accordance with the 48076
rules of the office of budget and management. 48077

Sec. 3701.026. (A) The acceptance of assistance under the 48078
program for ~~medically handicapped~~ children and youth with special 48079
health care needs gives a right of subrogation to the department 48080
of health against the liability of a third party for the costs of 48081
goods or services paid by the department under division (E) of 48082
section 3701.023 of the Revised Code. The department's subrogation 48083
claim shall not exceed the total cost of the goods and services 48084
paid under division (E) of section 3701.023 of the Revised Code. 48085

(B) To enforce its subrogation rights, the department may do 48086
any of the following: 48087

(1) Intervene or join in any action or proceeding brought by 48088
a ~~medically handicapped~~ child or youth with special health care 48089
needs or ~~his~~ the child or youth's parent or guardian against any 48090
third party who may be liable for the cost of goods and services 48091
paid under division (E) of section 3701.023 of the Revised Code; 48092

(2) Institute and pursue legal proceedings against any third 48093
party who may be liable for the cost of goods and services paid 48094
under division (E) of section 3701.023 of the Revised Code; 48095

(3) Initiate legal proceedings in conjunction with a 48096
~~medically handicapped~~ child or youth with special health care 48097
needs or ~~his~~ the child or youth's parent or guardian against any 48098
third party who may be liable for the cost of goods and services 48099
paid under division (E) of section 3701.023 of the Revised Code. 48100

(C) When an action or claim is brought against a third party 48101
by a ~~medically handicapped~~ child or youth with special health care 48102
needs participating in the program or ~~his~~ the child or youth's 48103
parent or guardian, the entire amount of any settlement or 48104
compromise of the action or claim, or any court award or judgment, 48105
is subject to the subrogation right of the department. If all or 48106
part of settlement, compromise, award, or judgment is established 48107
in the form of a trust to benefit the child or youth or ~~his~~ the 48108
child or youth's family or guardians, the department may waive its 48109
right of subrogation against all or part of the trust. Any 48110
settlement, compromise, award, or judgment that excludes the costs 48111
of goods and services paid under division (E) of section 3701.023 48112
of the Revised Code shall not preclude the department from 48113
enforcing its subrogation right under this section. 48114

(D) No settlement, compromise, judgment, or award or any 48115
recovery in any action or claim by a ~~medically handicapped~~ child 48116
or youth with special health care needs or ~~his~~ the child or 48117
youth's parent or guardian when the department has a right of 48118
subrogation shall be made final without first giving the 48119
department notice and the opportunity to perfect its right of 48120
subrogation. If the department is not given notice, the child or 48121
youth, parent, or guardian is liable to reimburse the department 48122
for the cost of goods and services paid under division (E) of 48123
section 3701.023 of the Revised Code out of any recovery received. 48124
The third party becomes liable to the department as soon as the 48125
third party is notified in writing of the valid claims for 48126
subrogation under this section. 48127

(E) Subrogation does not apply to that portion of any 48128
judgment, award, settlement, or compromise of a claim, to the 48129
extent that attorney's fees, costs, or other expenses are incurred 48130
by a ~~medically handicapped~~ child or youth with special health care 48131
needs or ~~his~~ the child or youth's parent or guardian in securing 48132
the judgment, award, settlement, or compromise, or to the extent 48133
that the cost of goods and services specified in divisions (B) and 48134
(D) of section 3701.023 of the Revised Code are paid by the child 48135
or youth, parent, or guardian. Attorney's fees and costs or other 48136
expenses in securing any recovery shall not be assessed against 48137
any subrogated claim of the department. 48138

Sec. 3701.027. The department of health shall administer 48139
funds received from the "Maternal and Child Health Block Grant," 48140
Title V of the "Social Security Act," 95 Stat. 818 (1981), 42 48141
U.S.C.A. 701, as amended, for programs including the program for 48142
~~medically handicapped~~ children and youth with special health care 48143
needs, and to provide technical assistance and consultation to 48144
city and general health districts and local health planning 48145
organizations in implementing local, community-based, 48146
family-centered, coordinated systems of care for ~~medically~~ 48147
~~handicapped~~ children and youth with special health care needs. The 48148
department may make grants to persons and other entities for the 48149
provision of services with the funds. In addition, the department 48150
may use the funds to purchase liability insurance covering the 48151
provision of services under the programs by physicians and other 48152
health care professionals, and to pay health insurance premiums on 48153
behalf of ~~medically handicapped~~ children and youth with special 48154
health care needs participating in the program for ~~medically~~ 48155
~~handicapped~~ children and youth with special health care needs when 48156
the department determines, in accordance with criteria set forth 48157
in rules adopted under division (A)(9) of section 3701.021 of the 48158
Revised Code, that payment of the premiums is cost effective. 48159

In determining eligibility for services provided with funds 48160
received from the "Maternal and Child Health Block Grant," the 48161
department may use the application form established under section 48162
5163.40 of the Revised Code. The department may require applicants 48163
to furnish their social security numbers. Funds from the "Maternal 48164
and Child Health Block Grant" that are administered for the 48165
purpose of providing family planning services shall be distributed 48166
in accordance with section 3701.033 of the Revised Code. 48167

Sec. 3701.028. (A) The following records of the program for 48168
~~medically handicapped~~ children and youth with special health care 48169
needs and of programs funded with funds received from the 48170
"Maternal and Child Health Block Grant," Title V of the "Social 48171
Security Act," 95 Stat. 818 (1981), 42 U.S.C.A. 701, as amended, 48172
are confidential and are not public records within the meaning of 48173
section 149.43 of the Revised Code: 48174

(1) Records that pertain to medical history, diagnosis, 48175
treatment, or medical condition; 48176

(2) Reports of psychological diagnosis and treatment and 48177
reports of social workers; 48178

(3) Reports of public health nurses. 48179

(B) The department of health shall not release any records 48180
specified in division (A) of this section without consent of the 48181
subject of the record or, if the subject is a minor, ~~his~~ the 48182
minor's parent or guardian, except as necessary to do any of the 48183
following: 48184

(1) Administer the program for ~~medically handicapped~~ children 48185
and youth with special health care needs or other programs funded 48186
with funds received from the "Maternal and Child Health Block 48187
Grant"; 48188

(2) Coordinate the provision of services under the programs 48189

with other state agencies and city and general health districts; 48190

(3) Coordinate payment of providers. 48191

No person or government entity to whom the director, for the 48192
purposes specified in this division, releases records described in 48193
division (A) of this section shall release those records without 48194
consent of the subject of the record or, if the subject is a 48195
minor, ~~his~~ the minor's parent or guardian, except as necessary for 48196
any of the reasons described in this division. 48197

Sec. 3701.0210. The ~~medically handicapped children's~~ children 48198
and youth with special health care needs medical advisory council 48199
shall appoint a hemophilia advisory subcommittee to advise the 48200
director of health and council on all matters pertaining to the 48201
care and treatment of persons with hemophilia. The duties of the 48202
subcommittee include, but are not limited to, the monitoring of 48203
care and treatment of children and adults who suffer from 48204
hemophilia or from other similar blood disorders. 48205

The subcommittee shall consist of not fewer than fifteen 48206
members, each of whom shall be appointed to terms of four years. 48207
The members of the subcommittee shall elect a chairperson from 48208
among the appointed membership to serve a term of two years. 48209
Members of the subcommittee shall serve without compensation, 48210
except that they may be reimbursed for travel expenses to and from 48211
meetings of the subcommittee. 48212

Members shall be appointed to represent all geographic areas 48213
of this state. Not fewer than five members of the subcommittee 48214
shall be persons with hemophilia or family members of persons with 48215
hemophilia. Not fewer than five members shall be providers of 48216
health care services to persons with hemophilia. Not fewer than 48217
five members shall be experts in fields of importance to treatment 48218
of persons with hemophilia, including experts in infectious 48219
diseases, insurance, and law. 48220

Notwithstanding section 101.83 of the Revised Code, that 48221
section does not apply to the ~~medically handicapped children's~~ 48222
children and youth with special health care needs medical advisory 48223
council hemophilia advisory subcommittee, and the subcommittee 48224
shall not expire under that section. 48225

Sec. 3701.25. (A) As used in sections 3701.25 to 3701.255 of 48226
the Revised Code: 48227

(1) "Certified nurse practitioner" and "clinical nurse 48228
specialist" have the same meanings as in section 4723.01 of the 48229
Revised Code. 48230

(2) "Hospital" has the same meaning as in section 3722.01 of 48231
the Revised Code. 48232

(3) "Parkinson's disease" means a chronic and progressive 48233
neurological disorder resulting from a deficiency of the 48234
neurotransmitter dopamine as the consequence of specific 48235
degenerative changes in the area of the brain called the basal 48236
ganglia. It is characterized by tremor at rest, slow movements, 48237
muscle rigidity, stooped posture, and unsteady or shuffling gait. 48238

(4) "Parkinsonisms" means conditions related to Parkinson's 48239
disease that cause a combination of the movement abnormalities 48240
seen in Parkinson's disease, such as tremor at rest, slow 48241
movement, muscle rigidity, impaired speech, or muscle stiffness, 48242
which often overlap with and can evolve from what appears to be 48243
Parkinson's disease. Examples of Parkinsonisms include: 48244

(a) Multiple system atrophy; 48245

(b) Dementia with Lewy bodies; 48246

(c) Corticobasal degeneration; 48247

(d) Progressive supranuclear palsy. 48248

(5) "Physician" means an individual authorized under Chapter 48249

4731. of the Revised Code to practice medicine and surgery or 48250
osteopathic medicine and surgery. 48251

(6) "Physician assistant" means an individual authorized 48252
under Chapter 4730. of the Revised Code to practice as a physician 48253
assistant. 48254

(B) Within one year of the effective date of this section, 48255
the director of health shall establish and maintain a Parkinson's 48256
disease registry for the collection and monitoring of the 48257
incidence of Parkinson's disease in Ohio. 48258

(C) The director shall supervise the registry and the 48259
collection and dissemination of data included in the registry. The 48260
director may enter into contracts, grants, or other agreements as 48261
necessary to maintain the registry, including data sharing 48262
contracts with data reporting entities and their associated 48263
electronic medical record systems vendors. The director shall 48264
include the data collected by the registry in the Ohio public 48265
health information warehouse. 48266

(D) Within thirty days of the establishment of the registry 48267
and at least quarterly thereafter, each individual case of 48268
Parkinson's disease or a Parkinsonism shall be reported to the 48269
registry in a format specified by the director by one of the 48270
following: 48271

(1) The certified nurse practitioner, clinical nurse 48272
specialist, physician, or physician assistant who diagnosed or 48273
treated the individual's Parkinson's disease or Parkinsonism; 48274

(2) The group practice, hospital, or other health care 48275
facility that employs or contracts with the medical professional 48276
described in division (D)(1) of this section. 48277

(E) Each medical professional or health care facility 48278
specified in division (D) of this section shall inform patients 48279
diagnosed with Parkinson's disease or a Parkinsonism at the time 48280

of diagnosis or treatment of the Parkinson's disease registry and 48281
of the patient's right not to participate. If a patient chooses 48282
not to participate in the registry, the medical professional or 48283
health care facility shall report to the registry only the 48284
existence of the Parkinson's disease or Parkinsonism case and no 48285
other information. 48286

(F) The director or a representative of a director may 48287
inspect upon reasonable notice a representative sample of the 48288
medical records of patients with Parkinson's disease diagnosed, 48289
treated, or admitted at a group practice, hospital, or other 48290
health care facility. 48291

(G) Each medical professional or health care facility 48292
specified in division (D) of this section who in good faith 48293
submits a Parkinson's disease report to the registry is not liable 48294
in any cause of action arising from the submission of the report. 48295

(H) Nothing in sections 3701.25 to 3701.255 of the Revised 48296
Code shall be deemed to compel any individual to submit to any 48297
medical examination or supervision by the department of health, 48298
any of its authorized representatives, or an approved researcher. 48299
No individual who seeks information from or obtains registry data 48300
pursuant to section 3701.251 of the Revised Code shall contact a 48301
patient in the registry or a patient's family unless the director 48302
has first obtained the permission of the patient or the patient's 48303
family. The director shall coordinate its activities with the 48304
individual requesting such contact and may authorize the 48305
individual to perform these contacts under the direction of the 48306
director. 48307

(I) Facilities or individuals providing diagnostic or 48308
treatment services to patients with Parkinson's disease may 48309
maintain separate facility-based Parkinson's disease registries. 48310

(J) Within thirty days of the effective date of this section, 48311

the director shall publish the reporting requirements established 48312
by this section on the department of health's internet web site. 48313
The director also may notify professional associations 48314
representing health care providers and hospitals of the reporting 48315
requirements. 48316

Sec. 3701.251. (A) Except as otherwise provided in this 48317
section, all data collected by the Parkinson's disease registry is 48318
confidential. Notwithstanding any other law to the contrary, any 48319
disclosure of confidential data authorized by this section shall 48320
include only the data necessary for the stated purpose of the 48321
requested disclosure, shall be used only for the approved purpose, 48322
and shall not be further disclosed. 48323

(B) The director of health may enter into agreements to 48324
furnish data collected in the Parkinson's disease registry to 48325
other states' Parkinson's disease registries, federal Parkinson's 48326
disease control agencies, local health officers, and local health 48327
researchers. Before confidential data is disclosed to an 48328
out-of-state registry, federal agency, health officer, or 48329
researcher, the requesting entity shall agree in writing to 48330
maintain the confidentiality of that information. Researchers also 48331
shall do the following: 48332

(1) Obtain approval of their institutional review board in 48333
accordance with federal requirements for the protection of human 48334
subjects established in 45 C.F.R. 46, and, as applicable, 21 48335
C.F.R. 56, the HIPAA privacy rule as defined in section 3798.01 of 48336
the Revised Code, and other relevant federal regulations, state 48337
laws, and policies of the institution where the research will be 48338
conducted; 48339

(2) Provide documentation to the director that demonstrates 48340
to the director's satisfaction that the researcher has established 48341
the procedures and ability to maintain the confidentiality of the 48342

information. 48343

(C) The director shall maintain an accurate record of all individuals who are given access to confidential data. The record shall include the following: 48344
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(1) Name of the department of health employee authorizing access; 48347
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(2) Name, title, address, and organizational affiliation of the individual given access; 48349
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(3) Dates of access; 48351

(4) Specific purpose for which the data will be used. 48352

Records of access shall be open to public inspection during the normal operating hours of the department. 48353
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(D) Notwithstanding any other law to the contrary, confidential data shall not be disclosed, discoverable, or compelled to be produced in any civil, criminal, administrative, or other proceeding. Confidential data shall not be deemed admissible as evidence in any civil, criminal, administrative, or other tribunal or court for any reason. 48355
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(E) This section does not prohibit the publication of reports and aggregate statistical data by the director that do not identify individual cases or individual sources of data. 48361
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(F) The patient or the patient's guardian to whom the information pertains shall have access to the patient's own data. 48364
48365

Sec. 3701.252. (A) There is hereby created the Parkinson's disease registry advisory committee. The committee shall consist of the director of health and the following members appointed by the director: 48366
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(1) A neurologist; 48370

(2) A movement disorder specialist; 48371

<u>(3) A primary care provider;</u>	48372
<u>(4) A physician informaticist;</u>	48373
<u>(5) A public health professional;</u>	48374
<u>(6) A population health researcher familiar with disease registries;</u>	48375 48376
<u>(7) A Parkinson's disease researcher;</u>	48377
<u>(8) A patient living with Parkinson's disease;</u>	48378
<u>(9) Any other members the director deems necessary.</u>	48379
<u>(B) The committee shall do all of the following:</u>	48380
<u>(1) Assist the director of health in the development and implementation of the Parkinson's disease registry;</u>	48381 48382
<u>(2) Determine what data shall be collected based on the following four core categories of data:</u>	48383 48384
<u>(a) Patient demographics;</u>	48385
<u>(b) Geography;</u>	48386
<u>(c) Diagnosis;</u>	48387
<u>(d) Information that enables de-duplication of patient records in the registry.</u>	48388 48389
<u>(3) Determine the information to be included on the department of health's Ohio Parkinson's research registry internet web site established pursuant to section 3701.254 of the Revised Code;</u>	48390 48391 48392 48393
<u>(4) Advise the director on maintaining and improving the registry;</u>	48394 48395
<u>(5) Conduct a review of the registry within five years of the effective date of this section, including how it is being used and whether it is fulfilling its intended purpose, and recommend any necessary changes to update the registry.</u>	48396 48397 48398 48399

(C) The director shall serve as the chairperson of the 48400
committee. 48401

(D) Each member shall serve without compensation except to 48402
the extent that serving on the committee is considered part of the 48403
member's regular duties of employment. 48404

(E) The committee shall meet at the call of the chairperson 48405
but not less than twice annually. The committee's first meeting 48406
shall occur within ninety days of the effective date of this 48407
section. Meetings may take place in-person or virtually at the 48408
discretion of the chairperson. 48409

(F) The department of health shall provide meeting space and 48410
other administrative support for the committee. 48411

Sec. 3701.253. Within six months of the establishment of the 48412
Parkinson's disease registry, and annually thereafter, the 48413
director of health shall submit a report to the general assembly 48414
in accordance with section 101.68 of the Revised Code summarizing 48415
the following: 48416

(A) The incidence and rates of Parkinson's disease in Ohio by 48417
county; 48418

(B) The number of new cases reported to the Parkinson's 48419
disease registry in the previous year; 48420

(C) Demographic information including age, gender, and race. 48421

Sec. 3701.254. (A) Within one year of the effective date of 48422
this section, the director of health shall create and maintain the 48423
Ohio Parkinson's research registry internet web site. 48424

(B) The web site shall describe the registry and provide any 48425
relevant or helpful information as determined by the Parkinson's 48426
disease registry advisory committee pursuant to section 3701.252 48427
of the Revised Code. 48428

(C) The director shall publish the annual report described in section 3701.253 of the Revised Code on the web site. 48429
48430

Sec. 3701.255. (A) The director of health shall adopt rules in accordance with Chapter 119. of the Revised Code to do all of the following regarding the Parkinson's disease registry: 48431
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(1) Specify the data to be collected and the format in which it is to be submitted to the registry, in collaboration with the Parkinson's disease registry advisory committee established pursuant to section 3701.252 of the Revised Code; 48434
48435
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(2) Develop guidelines and procedures for requesting access to data, reviewing data access requests, and approving data access requests; 48438
48439
48440

(3) Create a coding system to remove individually identifying information from the data collected in the registry. 48441
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(B) The director shall periodically review and revise data collection requirements to adapt to new knowledge and technology regarding Parkinson's disease and health data collection. 48443
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(C) Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under this section is not subject to sections 121.95 to 121.953 of the Revised Code. 48446
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Sec. 3701.501. (A)(1) Except as provided in division (A)(2) of this section, all newborn children shall be screened for the presence of the genetic, endocrine, and metabolic disorders specified in rules adopted pursuant to this section. 48450
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(2) Division (A)(1) of this section does not apply in any of the following circumstances: 48454
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(a) If the parents of the child object to the screening on the grounds that it conflicts with their religious tenets and 48456
48457

practices; 48458

(b) With respect to the screening for Krabbe disease 48459
described in division (C)(1)(b) of this section, if the parents of 48460
the child communicate their decision to forgo the screening; 48461

(c) If appropriate laboratory equipment is not available. 48462

(B) There is hereby created the newborn screening advisory 48463
council to advise the director of health regarding the screening 48464
of newborn children for genetic, endocrine, and metabolic 48465
disorders. The council shall engage in an ongoing review of the 48466
newborn screening requirements established under this section and 48467
shall provide recommendations and reports to the director as the 48468
director requests and as the council considers necessary. The 48469
director may assign other duties to the council, as the director 48470
considers appropriate. 48471

The council shall consist of fourteen members appointed by 48472
the director. In making appointments, the director shall select 48473
individuals and representatives of entities with interest and 48474
expertise in newborn screening, including such individuals and 48475
entities as health care professionals, hospitals, children's 48476
hospitals, regional genetic centers, regional sickle cell centers, 48477
newborn screening coordinators, and members of the public. 48478

The department of health shall provide meeting space, staff 48479
services, and other technical assistance required by the council 48480
in carrying out its duties. Members of the council shall serve 48481
without compensation, but shall be reimbursed for their actual and 48482
necessary expenses incurred in attending meetings of the council 48483
or performing assignments for the council. 48484

The council is not subject to sections 101.82 to 101.87 of 48485
the Revised Code. 48486

(C)(1)(a) Subject to division (C)(1)(b) of this section, the 48487
director of health shall adopt rules in accordance with Chapter 48488

119. of the Revised Code specifying the disorders for which each newborn child must be screened. 48489
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(b) In adopting the rules, all of the following apply: 48491

(i) The director shall specify Krabbe disease as a disorder 48492
for which a newborn child who is born on or after July 1, 2016, 48493
must be screened. 48494

(ii) The director shall specify spinal muscular atrophy and 48495
X-linked adrenoleukodystrophy as disorders for which a newborn 48496
child who is born on or after ~~the date that is two hundred forty~~ 48497
~~days after the effective date of this amendment~~ May 28, 2022, must 48498
be screened. 48499

(iii) The director shall specify Duchenne muscular dystrophy 48500
as a disorder for which a newborn child who is born on or after 48501
the date that is two hundred forty days after the effective date 48502
of this amendment must be screened. 48503

(iv) Not later than six months after receiving a 48504
recommendation as described in division (C)(3)(b) of this section, 48505
the director shall specify for screening a disorder recommended as 48506
described in division (C)(3)(b) of this section, with such 48507
screening to begin not later than one year after the date that the 48508
rule specifying the disorder for screening becomes effective. 48509

(2) The newborn screening advisory council shall evaluate 48510
genetic, metabolic, and endocrine disorders to assist the director 48511
in determining which disorders should be included in the 48512
screenings required under this section. In determining whether a 48513
disorder should be included, the council shall consider all of the 48514
following: 48515

(a) The disorder's incidence, mortality, and morbidity; 48516

(b) Whether the disorder causes disability if diagnosis, 48517
treatment, and early intervention are delayed; 48518

(c) The potential for successful treatment of the disorder; 48519

(d) The expected benefits to children and society in relation 48520
to the risks and costs associated with screening for the disorder; 48521

(e) Whether a screening for the disorder can be conducted 48522
without taking an additional blood sample or specimen; 48523

(f) Whether the secretary of the United States department of 48524
health and human services has included the disorder in the federal 48525
recommended uniform screening panel. 48526

(3)(a) Based on the considerations specified in division 48527
(C)(2) of this section, the council shall make recommendations to 48528
the director of health for the adoption of rules under division 48529
(C)(1) of this section. 48530

(b) In the case of a disorder included within the federal 48531
recommended uniform screening panel, the council shall determine 48532
not later than six months after the date of the disorder's 48533
inclusion on the federal panel whether or not to recommend to the 48534
director that each newborn child be screened for the disorder. If 48535
the council recommends screening for the disorder, the council 48536
shall submit to the director as soon as practicable a 48537
recommendation for such screening. 48538

(c) The director shall promptly and thoroughly review each 48539
recommendation the council submits. 48540

(D) The director shall adopt rules in accordance with Chapter 48541
119. of the Revised Code establishing standards and procedures for 48542
the screenings required by this section. The rules shall include 48543
standards and procedures for all of the following: 48544

(1) Causing rescreenings to be performed when initial 48545
screenings have abnormal results; 48546

(2) Designating the person or persons who will be responsible 48547
for causing screenings and rescreenings to be performed; 48548

(3) Giving to the parents of a child notice of the required 48549
initial screening and the possibility that rescreenings may be 48550
necessary; 48551

(4) Communicating to the parents of a child the results of 48552
the child's screening and any rescreenings that are performed; 48553

(5) Giving notice of the results of an initial screening and 48554
any rescreenings to the person who caused the child to be screened 48555
or rescreened, or to another person or government entity when the 48556
person who caused the child to be screened or rescreened cannot be 48557
contacted; 48558

(6) Referring children who receive abnormal screening or 48559
rescreening results to providers of follow-up services, including 48560
the services made available through funds disbursed under division 48561
(F) of this section. 48562

(E)(1) Except as provided in divisions (E)(2) and (3) of this 48563
section, all newborn screenings required by this section shall be 48564
performed by the public health laboratory authorized under section 48565
3701.22 of the Revised Code. 48566

(2) If the director determines that the public health 48567
laboratory is unable to perform screenings for all of the 48568
disorders specified in the rules adopted under division (C) of 48569
this section, the director shall select another laboratory to 48570
perform the screenings. The director shall select the laboratory 48571
by issuing a request for proposals. The director may accept 48572
proposals submitted by laboratories located outside this state. At 48573
the conclusion of the selection process, the director shall enter 48574
into a written contract with the selected laboratory. If the 48575
director determines that the laboratory is not complying with the 48576
terms of the contract, the director shall immediately terminate 48577
the contract and another laboratory shall be selected and 48578
contracted with in the same manner. 48579

(3) Any rescreening caused to be performed pursuant to this section may be performed by the public health laboratory or one or more other laboratories designated by the director. Any laboratory the director considers qualified to perform rescreenings may be designated, including a laboratory located outside this state. If more than one laboratory is designated, the person responsible for causing a rescreening to be performed is also responsible for selecting the laboratory to be used.

(F)(1) The director shall adopt rules in accordance with Chapter 119. of the Revised Code establishing a fee that shall be charged and collected in addition to or in conjunction with any laboratory fee that is charged and collected for performing the screenings required by this section. The fee, which shall be not less than fourteen dollars, shall be disbursed as follows:

(a) Not less than ten dollars and twenty-five cents shall be deposited in the state treasury to the credit of the genetics services fund, which is hereby created. Not less than seven dollars and twenty-five cents of each fee credited to the genetics services fund shall be used to defray the costs of the programs authorized by section 3701.502 of the Revised Code. Not less than three dollars from each fee credited to the genetics services fund shall be used to defray costs of phenylketonuria programs.

(b) Not less than three dollars and seventy-five cents shall be deposited into the state treasury to the credit of the sickle cell fund, which is hereby created. Money credited to the sickle cell fund shall be used to defray costs of programs authorized by section 3701.131 of the Revised Code.

(2) In adopting rules under division (F)(1) of this section, the director shall not establish a fee that differs according to whether a screening is performed by the public health laboratory or by another laboratory selected by the director pursuant to division (E)(2) of this section.

Sec. 3701.507. (A) To assist in implementing sections 48612
3701.503 to 3701.509 of the Revised Code, the ~~medically~~ 48613
~~handicapped children's~~ children and youth with special health care 48614
needs medical advisory council created in section 3701.025 of the 48615
Revised Code shall appoint a permanent infant hearing screening 48616
subcommittee. The subcommittee shall consist of the following 48617
members: 48618

- (1) One otolaryngologist; 48619
- (2) One neonatologist; 48620
- (3) One pediatrician; 48621
- (4) One neurologist; 48622
- (5) One hospital administrator; 48623
- (6) Two or more audiologists who are experienced in infant 48624
hearing screening and evaluation; 48625
- (7) One speech-language pathologist licensed under section 48626
4753.07 of the Revised Code; 48627
- (8) Two persons who are each a parent of a hearing-impaired 48628
child; 48629
- (9) One geneticist; 48630
- (10) One epidemiologist; 48631
- (11) One adult who is deaf or hearing impaired; 48632
- (12) One representative from an organization for persons who 48633
are deaf or hearing impaired; 48634
- (13) One family advocate; 48635
- (14) One nurse from a well-baby neonatal nursery; 48636
- (15) One nurse from a special care neonatal nursery; 48637
- (16) One teacher of persons who are deaf who works with 48638

infants and toddlers;	48639
(17) One representative of the health insurance industry;	48640
(18) One representative of the <u>program for children and youth</u>	48641
with medical handicaps program <u>special health care needs</u> ;	48642
(19) One representative of the department of education;	48643
(20) One representative of the department of medicaid;	48644
(21) Any other person the advisory council appoints.	48645
(B) The infant hearing subcommittee shall:	48646
(1) Consult with the director of health regarding the	48647
administration of sections 3701.503 to 3701.509 of the Revised	48648
Code;	48649
(2) Advise and make recommendations regarding proposed rules	48650
prior to their adoption by the director under section 3701.508 of	48651
the Revised Code;	48652
(3) Consult with the director of health and advise and make	48653
recommendations regarding program development and implementation	48654
under sections 3701.503 to 3701.509 of the Revised Code, including	48655
all of the following:	48656
(a) Establishment under section 3701.504 of the Revised Code	48657
of the statewide hearing screening, tracking, and early	48658
intervention program to identify newborn and infant hearing	48659
impairment;	48660
(b) Identification of locations where hearing evaluations may	48661
be conducted;	48662
(c) Recommendations for methods and techniques of hearing	48663
screening and hearing evaluation;	48664
(d) Referral, data recording and compilation, and procedures	48665
to encourage follow-up hearing care;	48666
(e) Maintenance of a register of newborns and infants who do	48667

not pass the hearing screening; 48668

(f) Preparation of the information required by section 48669
3701.506 of the Revised Code. 48670

Sec. 3701.508. (A) The director of health shall adopt rules 48671
governing the statewide hearing screening, tracking, and early 48672
intervention program established under section 3701.504 of the 48673
Revised Code, including rules that do all of the following: 48674

(1) Specify how hospitals and freestanding birthing centers 48675
are to comply with the requirements of section 3701.505 of the 48676
Revised Code, including methods to be used for hearing screening, 48677
except that with regard to the physiologic equipment to be used 48678
for hearing screening, the rules may require only that the 48679
equipment be capable of giving reliable results and may not 48680
specify particular equipment or a particular type of equipment; 48681

(2) Provide that no newborn or infant shall be required to 48682
undergo a hearing screening if the parent, guardian, or custodian 48683
of the newborn or infant objects on the grounds that the screening 48684
conflicts with the parent's, guardian's, or custodian's religious 48685
tenets and practices; 48686

(3) Provide for situations in which the parent, guardian, or 48687
custodian of a newborn or infant objects to a hearing screening 48688
for reasons other than religious tenets and practices; 48689

(4) Specify how the department of health will determine 48690
whether a person is financially unable to pay for a hearing 48691
screening and define "third-party payer" for the purpose of 48692
reimbursement of hearing screening by the department under section 48693
3701.505 of the Revised Code; 48694

(5) Specify an inexpensive and efficient format and 48695
procedures for the submission of hearing screening information 48696
from hospitals and freestanding birthing centers to the department 48697

of health; 48698

(6) Specify a procedure whereby the department may conduct 48699
timely reviews of hearing screening information submissions for 48700
purposes of quality assurance, training, and disease prevention 48701
and control; 48702

(7) Specify any additional information that hospitals and 48703
freestanding birthing centers are to provide to the ~~medically~~ 48704
~~handicapped children's~~ children and youth with special health care 48705
needs medical advisory council's infant hearing screening 48706
subcommittee under section 3701.509 of the Revised Code. 48707

(B) In addition to the rules adopted under division (A) of 48708
this section, the director shall adopt rules that specify the 48709
training that must be completed by persons who will conduct 48710
hearing screenings. In adopting these rules, the director shall 48711
consider incorporating cost-saving training methods, including 48712
computer-assisted learning and on-site training. Neither the rules 48713
nor the director of health may establish a minimum educational 48714
level for persons conducting hearing screenings. 48715

(C) All rules adopted under this section shall be adopted in 48716
accordance with Chapter 119. of the Revised Code and shall be 48717
adopted so as to take effect not later than six months after 48718
August 1, 2002. 48719

Sec. 3701.509. (A) The department of health shall develop a 48720
mechanism to analyze and interpret the hearing screening 48721
information to be reported under division (B) of this section. The 48722
department shall notify all hospitals and freestanding birthing 48723
centers subject to the reporting requirements of the date the 48724
department anticipates that the mechanism will be complete. After 48725
the mechanism is complete, the department shall notify each 48726
hospital and freestanding birthing center subject to the reporting 48727
requirement of the date by which the hospital or center must 48728

submit its first report. 48729

(B) Subject to division (A) of this section and in accordance 48730
with rules adopted by the director of health under section 48731
3701.508 of the Revised Code, each hospital and freestanding 48732
birthing center that has conducted a hearing screening required by 48733
section 3701.505 of the Revised Code shall provide to the 48734
department of health for use by the ~~medically handicapped~~ 48735
~~children's~~ children and youth with special health care needs 48736
medical advisory council's infant hearing screening subcommittee 48737
information specifying all of the following: 48738

(1) The number of newborns born in the hospital or 48739
freestanding birthing center and the number of newborns and 48740
infants not screened because they were transferred to another 48741
hospital; 48742

(2) The number of newborns and infants referred to the 48743
hospital or freestanding birthing center for a hearing screening 48744
and the number of those newborns and infants who received a 48745
hearing screening; 48746

(3) The number of newborns and infants who did not pass the 48747
hearing screenings conducted by the hospital or freestanding 48748
birthing center; 48749

(4) Any other information concerning the program established 48750
under section 3701.504 of the Revised Code. 48751

(C) The department of health shall conduct a timely review of 48752
the information submitted by hospitals and freestanding birthing 48753
centers in accordance with rules adopted by the director under 48754
section 3701.508 of the Revised Code. 48755

(D) The infant hearing screening subcommittee, with the 48756
support of the department of health, shall compile and summarize 48757
the information submitted to the department by hospitals and 48758

freestanding birthing centers under division (B) of this section. 48759
Beginning with the first year after the mechanism developed under 48760
division (A) of this section is complete, the subcommittee shall 48761
annually prepare and transmit a report to the director of health, 48762
the speaker of the house of representatives, and the president of 48763
the senate. The council shall make the report available to the 48764
public. 48765

(E) The department and all members of the subcommittee shall 48766
maintain the confidentiality of patient-identifying information 48767
submitted under division (B) of this section and section 3701.505 48768
of the Revised Code. The information is not a public record under 48769
section 149.43 of the Revised Code, except to the extent that the 48770
information is used in preparing reports under this section. 48771

Nothing in this division prohibits the department from 48772
providing patient-identifying information to other entities as it 48773
considers necessary to implement the statewide tracking and early 48774
intervention components of the program established under section 48775
3701.504 of the Revised Code. Any entity that receives 48776
patient-identifying information from the department shall maintain 48777
the confidentiality of the information. 48778

Sec. 3701.741. (A) Each health care provider and medical 48779
records company shall provide copies of medical records in 48780
accordance with this section. 48781

(B) Except as provided in divisions (C) and (E) of this 48782
section, a health care provider or medical records company that 48783
receives a request for a copy of a patient's medical record shall 48784
charge not more than the amounts set forth in this section. 48785

~~(1) If (1)(a) Except as provided in division (B)(1)(b) of~~ 48786
this section, if the request is made by the patient ~~or,~~ the 48787
patient's personal representative, or a person who holds a power 48788
of attorney or other written authorization to act on the patient's 48789

~~behalf regarding access to the patient's medical records, total 48790
costs for copies and all services related to those copies shall 48791
not exceed the sum of the following: 48792~~

~~(a) Except as provided in division (B)(1)(b) of this section, 48793
with respect to data recorded on paper or electronically, the 48794
following amounts adjusted in accordance with section 3701.742 of 48795
the Revised Code: 48796~~

~~(i) Two dollars and seventy four cents per page for the first 48797
ten pages; 48798~~

~~(ii) Fifty seven cents per page for pages eleven through 48799
fifty; 48800~~

~~(iii) Twenty three cents per page for pages fifty one and 48801
higher; 48802~~

~~(b) With respect to data resulting from an x ray, magnetic 48803
resonance imaging (MRI), or computed axial tomography (CAT) scan 48804
and recorded on paper or film, one dollar and eighty seven cents 48805
per page; 48806~~

~~(c) The actual cost of any related postage incurred by the 48807
health care provider or medical records company be reasonable and 48808
cost-based and shall include only costs that are authorized under 48809
federal laws and regulations. 48810~~

~~(b) If the request is made by a person identified in division 48811
(B)(1)(a) of this section and the request is for access to digital 48812
records or electronically transmitted records, the total cost for 48813
that access or for the electronic transmission, and all related 48814
services, shall not exceed fifty dollars. 48815~~

~~(2) If the request is made ~~other than~~ by the patient or the 48816
patient's personal representative anyone other than a person 48817
identified in division (B)(1)(a) of this section, total costs for 48818
copies and all services related to those copies shall not exceed 48819~~

the sum of the following: 48820

(a) An initial fee of sixteen dollars and eighty-four cents 48821
adjusted in accordance with section 3701.742 of the Revised Code, 48822
which shall compensate for the records search; 48823

(b) Except as provided in division (B)(2)(c) of this section, 48824
with respect to data recorded on paper or electronically, the 48825
following amounts adjusted in accordance with section 3701.742 of 48826
the Revised Code: 48827

(i) One dollar and eleven cents per page for the first ten 48828
pages; 48829

(ii) Fifty-seven cents per page for pages eleven through 48830
fifty; 48831

(iii) Twenty-three cents per page for pages fifty-one and 48832
higher. 48833

(c) With respect to data resulting from an x-ray, magnetic 48834
resonance imaging (MRI), or computed axial tomography (CAT) scan 48835
and recorded on paper or film, one dollar and eighty-seven cents 48836
per page; 48837

(d) The actual cost of any related postage incurred by the 48838
health care provider or medical records company. 48839

(C)(1) On request, a health care provider or medical records 48840
company shall provide one copy of the patient's medical record and 48841
one copy of any records regarding treatment performed subsequent 48842
to the original request, not including copies of records already 48843
provided, without charge to the following: 48844

(a) The bureau of workers' compensation, in accordance with 48845
Chapters 4121. and 4123. of the Revised Code and the rules adopted 48846
under those chapters; 48847

(b) The industrial commission, in accordance with Chapters 48848
4121. and 4123. of the Revised Code and the rules adopted under 48849

those chapters; 48850

(c) The department of medicaid or a county department of job 48851
and family services, in accordance with Chapters 5160., 5161., 48852
5162., 5163., 5164., 5165., 5166., and 5167. of the Revised Code 48853
and the rules adopted under those chapters; 48854

(d) The attorney general, in accordance with sections 2743.51 48855
to 2743.72 of the Revised Code and any rules that may be adopted 48856
under those sections; 48857

(e) A patient, patient's personal representative, or 48858
authorized person if the medical record is necessary to support a 48859
claim under Title II or Title XVI of the "Social Security Act," 49 48860
Stat. 620 (1935), 42 U.S.C.A. 401 and 1381, as amended, and the 48861
request is accompanied by documentation that a claim has been 48862
filed. 48863

(2) Nothing in division (C)(1) of this section requires a 48864
health care provider or medical records company to provide a copy 48865
without charge to any person or entity not listed in division 48866
(C)(1) of this section. 48867

(D) Division (C) of this section shall not be construed to 48868
supersede any rule of the bureau of workers' compensation, the 48869
industrial commission, or the department of medicaid. 48870

(E) A health care provider or medical records company may 48871
enter into a contract with either of the following for the copying 48872
of medical records at a fee other than as provided in division (B) 48873
of this section: 48874

(1) A patient, a patient's personal representative, or an 48875
authorized person; 48876

(2) An insurer authorized under Title XXXIX of the Revised 48877
Code to do the business of sickness and accident insurance in this 48878
state or health insuring corporations holding a certificate of 48879

authority under Chapter 1751. of the Revised Code. 48880

(F) This section does not apply to medical records the 48881
copying of which is covered by section 173.20 of the Revised Code 48882
or by 42 C.F.R. 483.10. 48883

Sec. 3701.78. (A) There is hereby created the commission on 48884
minority health, consisting of ~~twenty-one~~ twenty-two members. The 48885
governor shall appoint to the commission nine members from among 48886
health researchers, health planners, and health professionals. The 48887
governor also shall appoint two members who are representatives of 48888
the lupus awareness and education program. The speaker of the 48889
house of representatives shall appoint to the commission two 48890
members of the house of representatives, not more than one of whom 48891
is a member of the same political party, and the president of the 48892
senate shall appoint to the commission two members of the senate, 48893
not more than one of whom is a member of the same political party. 48894
The following shall be members of the commission: the directors of 48895
health, mental health and addiction services, developmental 48896
disabilities, aging, and job and family services, or their 48897
designees; the medicaid director, or the director's designee; and 48898
the superintendent of public instruction, or the superintendent's 48899
designee. 48900

The commission shall elect a chairperson from among its 48901
members. 48902

Of the members appointed by the governor, five shall be 48903
appointed to initial terms of one year, and four shall be 48904
appointed to initial terms of two years. Thereafter, all members 48905
appointed by the governor shall be appointed to terms of two 48906
years. All members of the commission appointed by the speaker of 48907
the house of representatives or the president of the senate shall 48908
be nonvoting members of the commission and be appointed within 48909
thirty days after the commencement of the first regular session of 48910

each general assembly, and shall serve until the expiration of the 48911
session of the general assembly during which they were appointed. 48912

Members of the commission shall serve without compensation, 48913
but shall be reimbursed for the actual and necessary expenses they 48914
incur in the performance of their official duties. 48915

(B) The commission shall promote health and the prevention of 48916
disease among members of minority groups. Each year the commission 48917
shall distribute grants from available funds to community-based 48918
health groups to be used to promote health and the prevention of 48919
disease among members of minority groups. As used in this 48920
division, "minority group" means any of the following economically 48921
disadvantaged groups: Blacks, American Indians, Hispanics, and 48922
Orientals. The commission shall adopt and maintain rules pursuant 48923
to Chapter 119. of the Revised Code to provide for the 48924
distribution of these grants. No group shall qualify to receive a 48925
grant from the commission unless it receives at least twenty per 48926
cent of its funds from sources other than grants distributed under 48927
this section. 48928

(C) The commission may appoint such employees as it considers 48929
necessary to carry out its duties under this section. The 48930
department of health shall provide office space for the 48931
commission. 48932

(D) The commission shall meet at the call of its chairperson 48933
to conduct its official business. A majority of the voting members 48934
of the commission constitute a quorum. The votes of at least eight 48935
voting members of the commission are necessary for the commission 48936
to take any official action or to approve the distribution of 48937
grants under this section. 48938

Sec. 3701.953. (A) The department of health shall create an 48939
infant mortality scorecard. The scorecard shall report all of the 48940
following: 48941

(1) The state's performance on population health measures, 48942
including the infant mortality rate, preterm birth rate, and low 48943
birth weight rate, delineated by race, ethnic group, region of the 48944
state, and the state as a whole; 48945

(2) Preliminary data the department possesses on the state's 48946
unexpected infant death rate; 48947

(3) To the extent such information is available, the state's 48948
performance on outcome measures identified by the department that 48949
are related to preconception health, reproductive health, prenatal 48950
care, labor and delivery, smoking, infant safe sleep practices, 48951
breastfeeding, and behavioral health, delineated by race, ethnic 48952
group, region of the state, and the state as a whole; 48953

(4) A comparison of the state's performance on the population 48954
health measures specified in division (A)(1) of this section and, 48955
to the extent such information is available, the state's 48956
performance on outcome measures specified in division (A)(3) of 48957
this section with the targets for the measures, or the targets for 48958
the objectives similar to the measures, established by the United 48959
States department of health and human services through the healthy 48960
people 2020 initiative or a subsequent initiative; 48961

(5) Any other information on maternal and child health that 48962
the department considers appropriate. 48963

(B) The scorecard shall be ~~updated each calendar quarter and~~ 48964
~~made available on the department's internet web site~~ built and 48965
automated to refresh data in real time on a data dashboard to be 48966
made publicly available. 48967

(C) The scorecard shall include a description of the data 48968
sources and methodology used to complete the scorecard. 48969

Sec. 3702.511. (A) Except as provided in division (B) of this 48970
section and section 3702.512 of the Revised Code, the following 48971

activities are reviewable under sections 3702.51 to 3702.62 of the Revised Code:	48972
	48973
(1) Establishment, development, or construction of a new long-term care facility;	48974
	48975
(2) Replacement of an existing long-term care facility;	48976
(3) Renovation of or addition to a long-term care facility that involves a capital expenditure of four million dollars or more, not including expenditures for equipment, staffing, or operational costs;	48977
	48978
	48979
	48980
(4) An increase in long-term care bed capacity;	48981
(5) A relocation of long-term care beds from one physical facility or site to another, excluding relocation of beds within a long-term care facility or among buildings of a long-term care facility at the same site;	48982
	48983
	48984
	48985
(6) Expenditure of more than one hundred ten per cent of the maximum expenditure specified in a certificate of need concerning long-term care beds;	48986
	48987
	48988
(7) Any failure to conduct a reviewable activity in substantial accordance with the approved application for which a certificate of need was granted, including a change in the site, if the failure occurs within five years after implementation of the reviewable activity for which the certificate was granted.	48989
	48990
	48991
	48992
	48993
(B) The following activities are not subject to review under sections 3702.51 to 3702.62 of the Revised Code:	48994
	48995
(1) Acquisition of computer hardware or software;	48996
(2) Acquisition of a telephone system;	48997
(3) Construction or acquisition of parking facilities;	48998
(4) Correction of cited deficiencies that constitute an imminent threat to public health or safety and are in violation of	48999
	49000

federal, state, or local fire, building, or safety statutes, 49001
ordinances, rules, or regulations; 49002

(5) Acquisition of an existing long-term care facility that 49003
does not involve a change in the number of the beds; 49004

(6) Mergers, consolidations, or other corporate 49005
reorganizations of long-term care facilities that do not involve a 49006
change in the number of beds; 49007

(7) Construction, repair, or renovation of bathroom 49008
facilities; 49009

(8) Construction of laundry facilities, waste disposal 49010
facilities, dietary department projects, heating and air 49011
conditioning projects, administrative offices, and portions of 49012
medical office buildings used exclusively for physician services; 49013

(9) Removal of asbestos from a health care facility. 49014

Only that portion of a project that is described in this 49015
division is not reviewable. 49016

Sec. 3702.52. The director of health shall administer a state 49017
certificate of need program in accordance with sections 3702.51 to 49018
3702.62 of the Revised Code and rules adopted under those 49019
sections. Administration of the program shall include both a 49020
standard review process and an expedited review process. 49021

(A) The director shall issue rulings on whether a particular 49022
proposed project is a reviewable activity. The director shall 49023
issue a ruling not later than forty-five days after receiving a 49024
request for a ruling accompanied by the information needed to make 49025
the ruling, except that if an expedited review is requested, the 49026
ruling shall be issued not later than thirty days after receiving 49027
the request for a ruling accompanied by the information needed to 49028
make the ruling. If the director does not issue a ruling in the 49029
required time, the project shall be considered to have been ruled 49030

not a reviewable activity. 49031

(B)(1) Each application for a certificate of need shall be 49032
submitted to the director on forms and in the manner prescribed by 49033
the director. An application for which expedited review is 49034
requested must meet the same requirements as all other 49035
applications. 49036

Each application shall include a plan for obligating the 49037
capital expenditures or implementing the proposed project on a 49038
timely basis in accordance with section 3702.524 of the Revised 49039
Code. Each application shall also include all other information 49040
required by rules adopted under division (B) of section 3702.57 of 49041
the Revised Code. 49042

(2) Each application shall be accompanied by the application 49043
fee established in rules adopted under division ~~(G)~~(F) of section 49044
3702.57 of the Revised Code. Application fees received by the 49045
director under this division shall be deposited into the state 49046
treasury to the credit of the certificate of need fund, which is 49047
hereby created. The director shall use the fund only to pay the 49048
costs of administering sections 3702.11 to 3702.20, 3702.30, and 49049
3702.51 to 3702.62 of the Revised Code and rules adopted under 49050
those sections. An application fee is nonrefundable unless the 49051
director determines that the application cannot be accepted. 49052

(3) The director shall review applications for certificates 49053
of need. As part of a review, the director shall determine whether 49054
an application is complete. The director shall not consider an 49055
application to be complete unless the application meets all 49056
criteria for a complete application specified in rules adopted 49057
under section 3702.57 of the Revised Code. For an application 49058
being considered under the standard review process, the director 49059
shall mail to the applicant a written notice that the application 49060
is complete, or a written request for additional information, not 49061
later than thirty days after receiving an application or a 49062

response to an earlier request for information. For an application 49063
for which expedited review is requested, the director's notice or 49064
request shall be mailed not later than fourteen days after the 49065
director receives the application or a response to an earlier 49066
request for information. Except as provided in section 3702.522 of 49067
the Revised Code, the director shall not make more than two 49068
requests for additional information. For either the standard or 49069
expedited review process, the director shall make a final 49070
determination regarding an application's completeness and issue a 49071
notice of the determination not later than one hundred eighty days 49072
after the date the director received the initial application. 49073

The director's determination that an application is not 49074
complete is final and not subject to appeal. 49075

(4) Except as necessary to comply with a subpoena issued 49076
under division (F) of this section, after a notice of completeness 49077
has been received, no person shall make revisions to information 49078
that was submitted to the director before the director mailed the 49079
notice of completeness or knowingly discuss in person or by 49080
telephone the merits of the application with the director. A 49081
person may supplement an application after a notice of 49082
completeness has been received by submitting clarifying 49083
information to the director. 49084

(C) All of the following apply to the process of granting or 49085
denying a certificate of need: 49086

(1) If the project proposed in a certificate of need 49087
application meets all of the applicable certificate of need 49088
criteria for approval under sections 3702.51 to 3702.62 of the 49089
Revised Code and the rules adopted under those sections, the 49090
director shall grant a certificate of need for all or part of the 49091
project that is the subject of the application by the applicable 49092
deadline specified in division (C)(4) of this section or any 49093
extension of it under division (C)(5) of this section. 49094

(2) The director's grant of a certificate of need does not affect, and sets no precedent for, the director's decision to grant or deny other applications for similar reviewable activities.

(3) Any affected person may submit written comments regarding an application. The director shall consider all written comments received by the forty-fifth day after the application is submitted to the director, except that to be considered in an expedited review, written comments must be received by the twenty-first day after the application is submitted.

(4) Except as provided in division (C)(5) of this section, the director shall grant or deny certificate of need applications not later than sixty days after mailing the notice of completeness unless the application is receiving expedited review. If the application is receiving expedited review, the director shall grant or deny the application not later than forty-five days after mailing the notice of completeness.

(5) Except as provided in division (C)(6) of this section, the director or the applicant may extend the deadline prescribed in division (C)(4) of this section once, for no longer than thirty days, by written notice before the end of the deadline prescribed by division (C)(4) of this section. An extension by the director under division (C)(5) of this section shall apply to all applications that are in comparative review.

(6) No applicant in a comparative review may extend the deadline specified in division (C)(4) of this section.

(7) If the director does not grant or deny the certificate by the applicable deadline specified in division (C)(4) of this section or any extension of it under division (C)(5) of this section, the certificate shall be considered to have been granted.

~~(8) In granting a certificate of need, the director shall~~

~~specify as the maximum capital expenditure the certificate holder 49126
may obligate under the certificate a figure equal to one hundred 49127
ten per cent of the approved project cost. 49128~~

(9) In granting a certificate of need, the director may grant 49129
the certificate with conditions that must be met by the holder of 49130
the certificate. 49131

(D) When a certificate of need is granted for a project under 49132
which beds are to be relocated, upon completion of the project for 49133
which the certificate of need was granted a number of beds equal 49134
to the number of beds relocated shall cease to be operated in the 49135
long-term care facility from which they are relocated, except that 49136
the beds may continue to be operated for not more than fifteen 49137
days to allow relocation of residents to the facility to which the 49138
beds have been relocated. Notwithstanding section 3721.03 of the 49139
Revised Code, if the relocated beds are in a home licensed under 49140
Chapter 3721. of the Revised Code, the facility's license is 49141
automatically reduced by the number of beds relocated effective 49142
fifteen days after the beds are relocated. If the beds are in a 49143
facility that is certified as a skilled nursing facility or 49144
nursing facility under Title XVIII or XIX of the "Social Security 49145
Act," the certification for the beds shall be surrendered. If the 49146
beds are registered under section 3701.07 of the Revised Code as 49147
skilled nursing beds or long-term care beds, the director shall 49148
remove the beds from registration not later than fifteen days 49149
after the beds are relocated. 49150

(E) During the period beginning with the granting of a 49151
certificate of need and ending five years after implementation of 49152
the reviewable activity for which the certificate was granted, the 49153
director shall monitor the activities of the person granted the 49154
certificate to determine whether the reviewable activity is 49155
conducted in substantial accordance with the certificate. A 49156
reviewable activity shall not be determined to be not in 49157

substantial accordance with the certificate of need solely because 49158
of either of the following: 49159

(1) A decrease in bed capacity; 49160

(2) A change in the owner or operator of the facility unless 49161
any of the circumstances specified in division (B) of section 49162
3702.59 of the Revised Code apply to the new owner or operator. 49163

(F) When reviewing applications for certificates of need, 49164
considering appeals under section 3702.60 of the Revised Code, or 49165
monitoring activities of persons granted certificates of need, the 49166
director may issue and enforce, in the manner provided in section 49167
119.09 of the Revised Code, subpoenas and subpoenas duces tecum to 49168
compel a person to testify and produce documents relevant to 49169
review of the application, consideration of the appeal, or 49170
monitoring of the activities. In addition, the director or the 49171
director's designee may visit the sites where the activities are 49172
or will be conducted. 49173

(G) The director may withdraw certificates of need. 49174

(H) All long-term care facilities shall submit to the 49175
director, upon request, any information prescribed by rules 49176
adopted under division ~~(H)~~(G) of section 3702.57 of the Revised 49177
Code that is necessary to conduct reviews of certificate of need 49178
applications and to develop criteria for reviews. 49179

(I) Any decision to grant or deny a certificate of need shall 49180
consider the special needs and circumstances resulting from moral 49181
and ethical values and the free exercise of religious rights of 49182
long-term care facilities administered by religious organizations, 49183
and the special needs and circumstances of inner city and rural 49184
communities. 49185

Sec. 3702.532. When the director of health determines that a 49186
person has violated section 3702.53 of the Revised Code, the 49187

director shall send a notice to the person by certified mail, 49188
return receipt requested, specifying the activity constituting the 49189
violation and the penalties imposed under section 3702.54 ~~or~~ 49190
~~3702.541~~ of the Revised Code. 49191

Sec. 3702.54. ~~Except as provided in section 3702.541 of the~~ 49192
~~Revised Code, divisions~~ Divisions (A) and (B) of this section 49193
apply when the director of health determines that a person has 49194
violated section 3702.53 of the Revised Code. 49195

(A) The director shall impose a civil penalty on the person 49196
in an amount equal to the greatest of the following: 49197

(1) Three thousand dollars; 49198

(2) Five per cent of the operating cost of the activity that 49199
constitutes the violation during the period of time it was 49200
conducted in violation of section 3702.53 of the Revised Code; 49201

(3) If a certificate of need was granted, two per cent of the 49202
total ~~approved~~ capital cost associated with implementation of the 49203
activity for which the certificate of need was granted. 49204

In no event, however, shall the penalty exceed two hundred 49205
fifty thousand dollars. 49206

(B)(1) Notwithstanding section 3702.52 of the Revised Code, 49207
the director shall refuse to accept for review any application for 49208
a certificate of need filed by or on behalf of the person, or any 49209
successor to the person or entity related to the person, for a 49210
period of not less than one year and not more than three years 49211
after the director mails the notice of the director's 49212
determination under section 3702.532 of the Revised Code or, if 49213
the determination is appealed under section 3702.60 of the Revised 49214
Code, the issuance of the order upholding the determination that 49215
is not subject to further appeal. In determining the length of 49216
time during which applications will not be accepted, the director 49217

may consider any of the following: 49218

(a) The nature and magnitude of the violation; 49219

(b) The ability of the person to have averted the violation; 49220

(c) Whether the person disclosed the violation to the 49221
director before the director commenced ~~his~~ investigation of the 49222
violation; 49223

(d) The person's history of compliance with sections 3702.51 49224
to 3702.62 and the rules adopted under section 3702.57 of the 49225
Revised Code; 49226

(e) Any community hardship that may result from refusing to 49227
accept future applications from the person. 49228

(2) Notwithstanding the one-year minimum imposed by division 49229
(B)(1) of this section, the director may establish a period of 49230
less than one year during which the director will refuse to accept 49231
certificate of need applications if, after reviewing all 49232
information available to the director, the director determines and 49233
expressly indicates in the notice mailed under section 3702.532 of 49234
the Revised Code that refusing to accept applications for a longer 49235
period would result in hardship to the community in which the 49236
person provides long-term care services. The director's finding of 49237
community hardship shall not affect the granting or denial of any 49238
future certificate of need application filed by the person. 49239

Sec. 3702.544. Each person required by section 3702.54 ~~or~~ 49240
~~3702.541~~ of the Revised Code to pay a civil penalty shall do so 49241
not later than sixty days after receiving the notice mailed under 49242
section 3702.532 of the Revised Code or, if the person appeals 49243
under section 3702.60 of the Revised Code the director of health's 49244
determination that a violation has occurred, not later than sixty 49245
days after the issuance of an order upholding the director's 49246
determination that is not subject to further appeal. The civil 49247

penalties shall be paid to the director. The director shall 49248
deposit them into the certificate of need fund created by section 49249
3702.52 of the Revised Code. 49250

Sec. 3702.55. A person that the director of health determines 49251
has violated section 3702.53 of the Revised Code shall cease 49252
conducting the activity that constitutes the violation or 49253
utilizing the facility resulting from the violation not later than 49254
thirty days after the person receives the notice mailed under 49255
section 3702.532 of the Revised Code or, if the person appeals the 49256
director's determination under section 3702.60 of the Revised 49257
Code, thirty days after the person receives an order upholding the 49258
director's determination that is not subject to further appeal. 49259

If any person determined to have violated section 3702.53 of 49260
the Revised Code fails to cease conducting an activity or using a 49261
facility as required by this section or if the person continues to 49262
seek payment or reimbursement for services rendered or costs 49263
incurred in conducting the activity as prohibited by section 49264
3702.56 of the Revised Code, in addition to the penalties imposed 49265
under section 3702.54 ~~or 3702.541~~ of the Revised Code: 49266

(A) The director of health may refuse to include any beds 49267
involved in the activity in the bed capacity of a hospital for 49268
purposes of registration under section 3701.07 of the Revised 49269
Code; 49270

(B) The director of health may refuse to license, or may 49271
revoke a license or reduce bed capacity previously granted to, a 49272
hospice care program under section 3712.04 of the Revised Code; a 49273
nursing home, residential care facility, or home for the aging 49274
under section 3721.02 of the Revised Code; or any beds within any 49275
of those facilities that are involved in the activity; 49276

(C) A political subdivision certified under section 3721.09 49277
of the Revised Code may refuse to license, or may revoke a license 49278

or reduce bed capacity previously granted to, a nursing home, 49279
residential care facility, or home for the aging, or any beds 49280
within any of those facilities that are involved in the activity; 49281

(D) The director of mental health and addiction services may 49282
refuse to license under section 5119.33 of the Revised Code, or 49283
may revoke a license or reduce bed capacity previously granted to, 49284
a hospital receiving mentally ill persons or beds within such a 49285
hospital that are involved in the activity; 49286

(E) The department of medicaid may refuse to enter into a 49287
provider agreement that includes a facility, beds, or services 49288
that result from the activity. 49289

Sec. 3702.57. (A) The director of health shall adopt rules 49290
establishing procedures and criteria for reviews of applications 49291
for certificates of need and issuance, denial, or withdrawal of 49292
certificates. 49293

(1) In adopting rules that establish criteria for reviews of 49294
applications of certificates of need, the director shall consider 49295
the availability of and need for long-term care beds to provide 49296
care and treatment to persons diagnosed as having traumatic brain 49297
injuries and shall prescribe criteria for reviewing applications 49298
that propose to add long-term care beds to provide care and 49299
treatment to persons diagnosed as having traumatic brain injuries. 49300

(2) The criteria for reviews of applications for certificates 49301
of need shall relate to the need for the reviewable activity and 49302
shall pertain to all of the following matters: 49303

(a) The impact of the reviewable activity on the cost and 49304
quality of long-term care services in the relevant service area, 49305
including, but not limited, to the historical and projected 49306
utilization of the services to which the application pertains and 49307
the effect of the reviewable activity on utilization of other 49308

providers of similar services; 49309

(b) The quality of the services to be provided as the result 49310
of the activity, as evidenced by the historical performance of the 49311
persons that will be involved in providing the services and by the 49312
provisions that are proposed in the application to ensure quality, 49313
including but not limited to adequate available personnel, 49314
available ancillary and support services, available equipment, 49315
size and configuration of physical plant, and relations with other 49316
providers; 49317

(c) The impact of the reviewable activity on the availability 49318
and accessibility of the type of services proposed in the 49319
application to the population of the relevant service area, and 49320
the level of access to the services proposed in the application 49321
that will be provided to medically underserved individuals such as 49322
recipients of public assistance and individuals who have no health 49323
insurance or whose health insurance is insufficient; 49324

(d) The activity's short- and long-term financial feasibility 49325
and cost-effectiveness, the impact of the activity on the 49326
applicant's costs and charges, and a comparison of the applicant's 49327
costs and charges with those of providers of similar services in 49328
the applicant's proposed service area; 49329

(e) The advantages, disadvantages, and costs of alternatives 49330
to the reviewable activity; 49331

(f) The impact of the activity on all other providers of 49332
similar services in the relevant service area, including the 49333
impact on their utilization, market share, and financial status; 49334

(g) The historical performance of the applicant and related 49335
or affiliated parties in complying with previously granted 49336
certificates of need and any applicable certification, 49337
accreditation, or licensure requirements; 49338

(h) The historical performance of the applicant and related 49339

or affiliated parties in providing cost-effective long-term care services; 49340
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(i) The special needs and circumstances of the applicant or population proposed to be served by the proposed project, including research activities, prevalence of particular diseases, unusual demographic characteristics, cost-effective contractual affiliations, and other special circumstances; 49342
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(j) The appropriateness of the zoning status of the proposed site of the activity; 49347
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(k) The participation by the applicant in research conducted by the United States food and drug administration or clinical trials sponsored by the national institutes of health. 49349
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(3) The criteria for reviews of applications shall include a formula for determining each county's long-term care bed need for purposes of section 3702.593 of the Revised Code and may include other formulas for determining need for beds. 49352
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Any rules prescribing criteria that establish ratios of beds to population shall specify the bases for establishing the ratios or mitigating factors or exceptions to the ratios. 49356
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(B) The director shall adopt rules specifying all of the following: 49359
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(1) Information that must be provided in applications for certificates of need; 49361
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(2) Procedures for reviewing applications for completeness of information; 49363
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(3) Criteria for determining that the application is complete; 49365
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(4) Procedures for making a final determination regarding an application's completeness and issuing a notice of the determination within the one-hundred-eighty-day time frame 49367
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specified in division (B)(3) of section 3702.52 of the Revised Code. 49370
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(C) The director shall adopt rules specifying requirements 49372
that holders of certificates of need must meet in order for the 49373
certificates to remain valid and establishing definitions and 49374
requirements for obligation of capital expenditures and 49375
implementation of projects authorized by certificates of need. 49376

The rules shall not specify a maximum capital expenditure 49377
that a certificate holder may obligate under a certificate of 49378
need. 49379

(D) The director shall adopt rules establishing criteria and 49380
procedures under which the director of health may withdraw a 49381
certificate of need if the holder fails to meet requirements for 49382
continued validity of the certificate. 49383

(E) The director shall adopt rules establishing procedures 49384
under which the department of health shall monitor project 49385
implementation activities of holders of certificates of need. The 49386
rules adopted under this division also may establish procedures 49387
for monitoring implementation activities of persons that have 49388
received nonreviewability rulings. 49389

~~(F) The director shall adopt rules establishing procedures~~ 49390
~~under which the director of health shall review certificates of~~ 49391
~~need whose holders exceed or appear likely to exceed an~~ 49392
~~expenditure maximum specified in a certificate.~~ 49393

~~(G)~~ The director shall adopt rules establishing certificate 49394
of need application fees sufficient to pay the costs incurred by 49395
the department for administering sections 3702.51 to 3702.62 of 49396
the Revised Code. Unless rules are adopted under this division 49397
establishing different application fees, the application fee for a 49398
project not involving a capital expenditure shall be three 49399
thousand dollars and the application fee for a project involving a 49400

capital expenditure shall be nine-tenths of one per cent of the 49401
capital expenditure proposed subject to a minimum of three 49402
thousand dollars and a maximum of twenty thousand dollars. 49403

~~(H)~~(G) The director shall adopt rules specifying information 49404
that is necessary to conduct reviews of certificate of need 49405
applications and to develop criteria for reviews that long-term 49406
care facilities are to submit to the director under division (H) 49407
of section 3702.52 of the Revised Code. 49408

~~(I)~~(H) The director shall adopt rules defining "affiliated 49409
person," "related person," and "ultimate controlling interest" for 49410
purposes of section 3702.523 of the Revised Code. 49411

~~(J)~~(I) The director shall adopt rules prescribing 49412
requirements for holders of certificates of need to demonstrate to 49413
the director under section 3702.525 of the Revised Code that 49414
reasonable progress is being made toward completion of the 49415
reviewable activity and establishing standards by which the 49416
director shall determine whether reasonable progress is being 49417
made. 49418

~~(K)~~(J) The director shall adopt all rules under divisions (A) 49419
to ~~(J)~~(I) of this section in accordance with Chapter 119. of the 49420
Revised Code. The director may adopt other rules as necessary to 49421
carry out the purposes of sections 3702.51 to 3702.62 of the 49422
Revised Code. 49423

Sec. 3702.60. (A) The applicant for a certificate of need may 49424
appeal to the director of health a decision issued by the director 49425
to grant or deny a certificate of need application. The person 49426
that requested a reviewability ruling may appeal to the director 49427
with respect to the resulting ruling issued by the director. 49428

The appeal by the applicant or person shall be made in 49429
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accordance with Chapter 119. of the Revised Code, and the director 49431
shall provide an adjudication hearing in accordance with that 49432
chapter. In the appeal, the applicant or person must prove by a 49433
preponderance of the evidence that the director's decision or 49434
ruling is not in accordance with sections 3702.52 to 3702.62 of 49435
the Revised Code or rules adopted under those sections. 49436

The applicant or person that was a party to and participated 49437
in an adjudication hearing conducted under this division may 49438
appeal to the tenth district court of appeals the decision issued 49439
by the director following the adjudication hearing. 49440

(B) The holder of a certificate of need may appeal to the 49441
director in accordance with Chapter 119. of the Revised Code a 49442
decision issued by the director under section 3702.52 or 3702.525 49443
of the Revised Code to withdraw a certificate of need, and the 49444
director shall provide an adjudication hearing in accordance with 49445
that chapter. The person may appeal the director's ruling in the 49446
adjudication hearing to the tenth district court of appeals. 49447

(C) Any person determined by the director to have violated 49448
section 3702.53 of the Revised Code may appeal that determination, 49449
or the penalties imposed under section 3702.54 ~~or 3702.541~~ of the 49450
Revised Code, to the director in accordance with Chapter 119. of 49451
the Revised Code, and the director shall provide an adjudication 49452
hearing in accordance with that chapter. The person may appeal the 49453
director's ruling in the adjudication hearing to the tenth 49454
district court of appeals. 49455

(D) Each person appealing under this section to the director 49456
shall file with the director, not later than thirty days after the 49457
decision, ruling, or determination of the director was mailed, a 49458
notice of appeal designating the decision, ruling, or 49459
determination appealed from. 49460

(E) Each person appealing under this section to the tenth 49461

district court of appeals shall file with the court, not later 49462
than thirty days after the date the director's adjudication order 49463
was mailed, a notice of appeal designating the order appealed 49464
from. The appellant also shall file notice with the director not 49465
later than thirty days after the date the order was mailed. 49466

(1) Not later than thirty days after receipt of the notice of 49467
appeal, the director shall prepare and certify to the court the 49468
complete record of the proceedings out of which the appeal arises. 49469
The expense of preparing and transcribing the record shall be 49470
taxed as part of the costs of the appeal. In the event that the 49471
record or a part thereof is not certified within the time 49472
prescribed by this division, the appellant may apply to the court 49473
for an order that the record be certified. 49474

(2) In hearing the appeal, the court shall consider only the 49475
evidence contained in the record certified to it by the director. 49476
The court may remand the matter to the director for the admission 49477
of additional evidence on a finding that the additional evidence 49478
is material, newly discovered, and could not with reasonable 49479
diligence have been ascertained before the hearing before the 49480
director. Except as otherwise provided by statute, the court shall 49481
give the hearing on the appeal preference over all other civil 49482
matters, irrespective of the position of the proceedings on the 49483
calendar of the court. 49484

(3) The court shall affirm the director's order if it finds, 49485
upon consideration of the entire record and any additional 49486
evidence admitted under division (E)(2) of this section, that the 49487
order is supported by reliable, probative, and substantial 49488
evidence and is in accordance with law. In the absence of such a 49489
finding, it shall reverse, vacate, or modify the order. 49490

(4) If the court determines that the director committed 49491
material procedural error, the court shall remand the matter to 49492
the director for further consideration or action. 49493

(F) No person may intervene in an appeal brought under this section. 49494
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Sec. 3702.61. In addition to the sanctions imposed under sections 3702.54, ~~3702.541~~, and 3702.55 of the Revised Code, if any person violates section 3702.53 of the Revised Code, the attorney general may commence necessary legal proceedings in the court of common pleas of Franklin county to enjoin the person from such violation until the requirements of sections 3702.51 to 3702.62 of the Revised Code have been satisfied. At the request of the director of health, the attorney general shall commence any necessary proceedings. The court has jurisdiction to grant and, on a showing of a violation, shall grant appropriate injunctive relief. 49496
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Sec. 3704.14. (A)(1) If the director of environmental protection determines that implementation of a motor vehicle inspection and maintenance program is necessary for the state to effectively comply with the federal Clean Air Act after June 30, ~~2019~~ 2023, the director may provide for the implementation of the program in those counties in this state in which such a program is federally mandated. Upon making such a determination, the director of environmental protection may request the director of administrative services to extend the terms of the contract that was entered into under the authority of Am. Sub. H.B. 64 of the 131st general assembly. Upon receiving the request, the director of administrative services shall extend the contract, beginning on July 1, ~~2019~~ 2023, in accordance with this section. The contract shall be extended for a period of up to twenty-four months with the contractor who conducted the motor vehicle inspection and maintenance program under that contract. 49507
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(2) Prior to the expiration of the contract extension that is authorized by division (A)(1) of this section, the director of 49523
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environmental protection shall request the director of 49525
administrative services to enter into a contract with a vendor to 49526
operate a decentralized motor vehicle inspection and maintenance 49527
program in each county in this state in which such a program is 49528
federally mandated through June 30, ~~2023~~ 2027, with an option for 49529
the state to renew the contract for a period of up to twenty-four 49530
months through June 30, ~~2025~~ 2029. The contract shall ensure that 49531
the decentralized motor vehicle inspection and maintenance program 49532
achieves at least the same emission reductions as achieved by the 49533
program operated under the authority of the contract that was 49534
extended under division (A)(1) of this section. The director of 49535
administrative services shall select a vendor through a 49536
competitive selection process in compliance with Chapter 125. of 49537
the Revised Code. 49538

(3) Notwithstanding any law to the contrary, the director of 49539
administrative services shall ensure that a competitive selection 49540
process regarding a contract to operate a decentralized motor 49541
vehicle inspection and maintenance program in this state 49542
incorporates the following, which shall be included in the 49543
contract: 49544

(a) For purposes of expanding the number of testing locations 49545
for consumer convenience, a requirement that the vendor utilize 49546
established local businesses, auto repair facilities, or leased 49547
properties to operate state-approved inspection and maintenance 49548
testing facilities; 49549

(b) A requirement that the vendor selected to operate the 49550
program provide notification of the program's requirements to each 49551
owner of a motor vehicle that is required to be inspected under 49552
the program. The contract shall require the notification to be 49553
provided not later than sixty days prior to the date by which the 49554
owner of the motor vehicle is required to have the motor vehicle 49555
inspected. The director of environmental protection and the vendor 49556

shall jointly agree on the content of the notice. However, the 49557
notice shall include at a minimum the locations of all inspection 49558
facilities within a specified distance of the address that is 49559
listed on the owner's motor vehicle registration; 49560

(c) A requirement that the vendor comply with testing 49561
methodology and supply the required equipment approved by the 49562
director of environmental protection as specified in the 49563
competitive selection process in compliance with Chapter 125. of 49564
the Revised Code. 49565

(4) A decentralized motor vehicle inspection and maintenance 49566
program operated under this section shall comply with division (B) 49567
of this section. The director of environmental protection shall 49568
administer the decentralized motor vehicle inspection and 49569
maintenance program operated under this section. 49570

(B) The decentralized motor vehicle inspection and 49571
maintenance program authorized by this section, at a minimum, 49572
shall do all of the following: 49573

(1) Comply with the federal Clean Air Act; 49574

(2) Provide for the issuance of inspection certificates; 49575

(3) Provide for a new car exemption for motor vehicles four 49576
years old or newer and provide that a new motor vehicle is exempt 49577
for four years regardless of whether legal title to the motor 49578
vehicle is transferred during that period; 49579

(4) Provide for an exemption for battery electric motor 49580
vehicles. 49581

(C) The director of environmental protection shall adopt 49582
rules in accordance with Chapter 119. of the Revised Code that the 49583
director determines are necessary to implement this section. The 49584
director may continue to implement and enforce rules pertaining to 49585
the motor vehicle inspection and maintenance program previously 49586

implemented under former section 3704.14 of the Revised Code as 49587
that section existed prior to its repeal and reenactment by Am. 49588
Sub. H.B. 66 of the 126th general assembly, provided that the 49589
rules do not conflict with this section. 49590

(D) There is hereby created in the state treasury the auto 49591
emissions test fund, which shall consist of money received by the 49592
director from any cash transfers, state and local grants, and 49593
other contributions that are received for the purpose of funding 49594
the program established under this section. The director of 49595
environmental protection shall use money in the fund solely for 49596
the implementation, supervision, administration, operation, and 49597
enforcement of the motor vehicle inspection and maintenance 49598
program established under this section. Money in the fund shall 49599
not be used for either of the following: 49600

(1) To pay for the inspection costs incurred by a motor 49601
vehicle dealer so that the dealer may provide inspection 49602
certificates to an individual purchasing a motor vehicle from the 49603
dealer when that individual resides in a county that is subject to 49604
the motor vehicle inspection and maintenance program; 49605

(2) To provide payment for more than one free passing 49606
emissions inspection or a total of three emissions inspections for 49607
a motor vehicle in any three-hundred-sixty-five-day period. The 49608
owner or lessee of a motor vehicle is responsible for inspection 49609
fees that are related to emissions inspections beyond one free 49610
passing emissions inspection or three total emissions inspections 49611
in any three-hundred-sixty-five-day period. Inspection fees that 49612
are charged by a contractor conducting emissions inspections under 49613
a motor vehicle inspection and maintenance program shall be 49614
approved by the director of environmental protection. 49615

(E) The motor vehicle inspection and maintenance program 49616
established under this section expires upon the termination of all 49617
contracts entered into under this section and shall not be 49618

implemented beyond the final date on which termination occurs. 49619

(F) As used in this section "battery electric motor vehicle" 49620
has the same meaning as in section 4501.01 of the Revised Code. 49621

Sec. 3705.091. (A) If the natural mother and alleged father 49622
of a child sign an acknowledgment of paternity affidavit prepared 49623
pursuant to section 3111.31 of the Revised Code with respect to 49624
that child at the office of the local registrar, the local 49625
registrar shall provide a notary public to notarize, or witnesses 49626
to witness, the acknowledgment. The local registrar shall send a 49627
signed and notarized or witnessed acknowledgment of paternity to 49628
the office of child support in the department of job and family 49629
services pursuant to section 3111.22 of the Revised Code. The 49630
local registrar shall send the acknowledgment no later than ten 49631
days after it has been signed and notarized or witnessed. If the 49632
local registrar knows a man is presumed under section 3111.03 of 49633
the Revised Code to be the father of the child and that the 49634
presumed father is not the man who signed or is attempting to sign 49635
an acknowledgment with respect to the child, the local registrar 49636
shall not notarize, witness, or send the acknowledgment pursuant 49637
to this section. 49638

(B) The local registrar of vital statistics shall provide an 49639
acknowledgment of paternity affidavit described in division (A) of 49640
this section to any person that requests it. 49641

(C) The department of health shall store all acknowledgments 49642
of paternity affidavits it receives pursuant to section 3111.24 of 49643
the Revised Code. The department of health shall send to the 49644
office any acknowledgment the department is storing that the 49645
office requests. The department of health shall adopt rules 49646
pursuant to Chapter 119. of the Revised Code to govern the method 49647
of storage of the acknowledgments and to implement this section. 49648

(D) The department of health and the department of job and 49649

family services shall enter into an agreement regarding expenses 49650
incurred by the department of health in comparing acknowledgment 49651
of paternity affidavits to birth records and storage of 49652
acknowledgment of paternity affidavits. 49653

Sec. 3705.17. The body of a person whose death occurs in this 49654
state shall not be interred, deposited in a vault or tomb, 49655
cremated, or otherwise disposed of by a funeral director until a 49656
burial permit is issued by a local registrar or sub-registrar of 49657
vital statistics. No such permit shall be issued by a local 49658
registrar or sub-registrar until a satisfactory death, fetal 49659
death, or provisional death certificate is filed with the local 49660
registrar or sub-registrar. When the medical certification as to 49661
the cause of death cannot be provided by the attending physician 49662
or coroner prior to burial, for sufficient cause, as determined by 49663
rule of the director of health, the funeral director may file a 49664
provisional death certificate with the local registrar or 49665
sub-registrar for the purpose of securing a burial or 49666
burial-transit permit. When the funeral director files a 49667
provisional death certificate to secure a burial or burial-transit 49668
permit, the funeral director shall file a satisfactory and 49669
complete death certificate within five days after the date of 49670
death. The director of health, by rule, may provide additional 49671
time for filing a satisfactory death certificate. A burial permit 49672
authorizing cremation shall not be issued upon the filing of a 49673
provisional certificate of death. 49674

When a funeral director or other person obtains a burial 49675
permit from a local registrar or sub-registrar, the registrar or 49676
sub-registrar shall charge a fee of three dollars for the issuance 49677
of the burial permit. Two dollars and fifty cents of each fee 49678
collected for a burial permit shall be paid into the state 49679
treasury to the credit of the ~~division of real estate in the~~ 49680
~~department of commerce~~ cemetery registration fund created under 49681

section 4767.03 of the Revised Code to be used by the division of real estate and professional licensing in the department of commerce in discharging its duties prescribed in Chapter 4767. of the Revised Code and the Ohio cemetery dispute resolution commission created by section 4767.05 of the Revised Code. A local registrar or sub-registrar shall transmit payments of that portion of the amount of each fee collected under this section to the treasurer of state on a quarterly basis or more frequently, if possible. The director of health, by rule, shall provide for the issuance of a burial permit without the payment of the fee required by this section if the total cost of the burial will be paid by an agency or instrumentality of the United States, the state or a state agency, or a political subdivision of the state.

The director of commerce may by rule adopted in accordance with Chapter 119. of the Revised Code reduce the total amount of the fee required by this section and that portion of the amount of the fee required to be paid to the credit of the division of real estate and professional licensing for the use of the division and the Ohio cemetery dispute resolution commission, if the director determines that the total amount of funds the fee is generating at the amount required by this section exceeds the amount of funds the division of real estate and professional licensing and the commission need to carry out their powers and duties prescribed in Chapter 4767. of the Revised Code.

No person in charge of any premises in which interments or cremations are made shall inter or cremate or otherwise dispose of a body, unless it is accompanied by a burial permit. Each person in charge of a cemetery, crematory, or other place of disposal shall indorse upon a burial permit the date of interment, cremation, or other disposal and shall retain such permits for a period of at least five years. The person in charge shall keep an accurate record of all interments, cremations, or other disposal

of dead bodies, made in the premises under the person's charge, 49714
stating the name of the deceased person, place of death, date of 49715
burial, cremation, or other disposal, and name and address of the 49716
funeral director. Such record shall at all times be open to public 49717
inspection. 49718

Sec. 3706.01. As used in this chapter: 49719

(A) "Governmental agency" means a department, division, or 49720
other unit of state government, a municipal corporation, county, 49721
township, and other political subdivision, or any other public 49722
corporation or agency having the power to acquire, construct, or 49723
operate air quality facilities, the United States or any agency 49724
thereof, and any agency, commission, or authority established 49725
pursuant to an interstate compact or agreement. 49726

(B) "Person" means any individual, firm, partnership, 49727
association, or corporation, or any combination thereof. 49728

(C) "Air contaminant" means particulate matter, dust, fumes, 49729
gas, mist, smoke, noise, vapor, heat, radioactivity, radiation, or 49730
odorous substance, or any combination thereof. 49731

(D) "Air pollution" means the presence in the ambient air of 49732
one or more air contaminants in sufficient quantity and of such 49733
characteristics and duration as to injure human health or welfare, 49734
plant or animal life, or property, or that unreasonably interferes 49735
with the comfortable enjoyment of life or property. 49736

(E) "Ambient air" means that portion of the atmosphere 49737
outside of buildings and other enclosures, stacks, or ducts that 49738
surrounds human, plant, or animal life, or property. 49739

(F) "Emission" means the release into the outdoor atmosphere 49740
of an air contaminant. 49741

(G) "Air quality facility" means any of the following: 49742

(1) Any method, modification or replacement of property, 49743

process, device, structure, or equipment that removes, reduces, 49744
prevents, contains, alters, conveys, stores, disperses, or 49745
disposes of air contaminants or substances containing air 49746
contaminants, or that renders less noxious or reduces the 49747
concentration of air contaminants in the ambient air, including, 49748
without limitation, facilities and expenditures that qualify as 49749
air pollution control facilities under section 103 (C)(4)(F) of 49750
the Internal Revenue Code of 1954, as amended, and regulations 49751
adopted thereunder; 49752

(2) Motor vehicle inspection stations operated in accordance 49753
with, and any equipment used for motor vehicle inspections 49754
conducted under, section 3704.14 of the Revised Code and rules 49755
adopted under it; 49756

(3) Ethanol or other biofuel facilities, including any 49757
equipment used at the ethanol or other biofuel facility for the 49758
production of ethanol or other biofuels; 49759

(4) Any property or portion thereof used for the collection, 49760
storage, treatment, utilization, processing, or final disposal of 49761
a by-product or solid waste resulting from any method, process, 49762
device, structure, or equipment that removes, reduces, prevents, 49763
contains, alters, conveys, stores, disperses, or disposes of air 49764
contaminants, or that renders less noxious or reduces the 49765
concentration of air contaminants in the ambient air; 49766

(5) Any property, device, or equipment that promotes the 49767
reduction of emissions of air contaminants into the ambient air 49768
through improvements in the efficiency of energy utilization or 49769
energy conservation; 49770

(6) Any coal research and development project conducted under 49771
Chapter 1555. of the Revised Code; 49772

(7) As determined by the director of the Ohio coal 49773
development office, any property or portion thereof that is used 49774

for the collection, storage, treatment, utilization, processing, 49775
or final disposal of a by-product resulting from a coal research 49776
and development project as defined in section 1555.01 of the 49777
Revised Code or from the use of clean coal technology, excluding 49778
any property or portion thereof that is used primarily for other 49779
subsequent commercial purposes; 49780

(8) Any property or portion thereof that is part of the 49781
FutureGen project of the United States department of energy or 49782
related to the siting of the FutureGen project; 49783

(9) Any property, device, or equipment that promotes the 49784
reduction of emissions of air contaminants into the ambient air 49785
through the generation of clean, renewable energy with renewable 49786
energy resources or advanced energy resources as defined in 49787
section 3706.25 of the Revised Code; 49788

(10) Any property, device, structure, or equipment necessary 49789
for the manufacture and production of equipment described as an 49790
air quality facility under this chapter; 49791

(11) Any property, device, or equipment related to the 49792
recharging or refueling of vehicles that promotes the reduction of 49793
emissions of air contaminants into the ambient air through the use 49794
of an alternative fuel as defined in section 125.831 of the 49795
Revised Code or the use of a renewable energy resource as defined 49796
in section 3706.25 of the Revised Code; 49797

(12) Any special energy improvement project, as defined in 49798
section 1710.01 of the Revised Code, that promotes the reduction 49799
of emissions of air contaminants into the ambient air. 49800

"Air quality facility" further includes any property or 49801
system to be used in whole or in part for any of the purposes in 49802
divisions (G)(1) to ~~(11)~~ (12) of this section, whether another 49803
purpose is also served, and any property or system incidental to 49804
or that has to do with, or the end purpose of which is, any of the 49805

foregoing. Air quality facilities that are defined in this 49806
division for industry, commerce, distribution, or research, 49807
including public utility companies, are hereby determined to be 49808
those that qualify as facilities for the control of air pollution 49809
and thermal pollution related to air under Section 13 of Article 49810
VIII, Ohio Constitution. 49811

(H) "Project" or "air quality project" means any air quality 49812
facility, including undivided or other interests therein, acquired 49813
or to be acquired or constructed or to be constructed by the Ohio 49814
air quality development authority under this chapter, or acquired 49815
or to be acquired or constructed or to be constructed by a 49816
governmental agency or person with all or a part of the cost 49817
thereof being paid from a loan or grant from the authority under 49818
this chapter or otherwise paid from the proceeds of air quality 49819
revenue bonds, including all buildings and facilities that the 49820
authority determines necessary for the operation of the project, 49821
together with all property, rights, easements, and interests that 49822
may be required for the operation of the project. 49823

(I) "Cost" as applied to an air quality project means the 49824
cost of acquisition and construction, the cost of acquisition of 49825
all land, rights-of-way, property rights, easements, franchise 49826
rights, and interests required for such acquisition and 49827
construction, the cost of demolishing or removing any buildings or 49828
structures on land so acquired, including the cost of acquiring 49829
any lands to which such buildings or structures may be moved, the 49830
cost of acquiring or constructing and equipping a principal office 49831
and sub-offices of the authority, the cost of diverting highways, 49832
interchange of highways, and access roads to private property, 49833
including the cost of land or easements for such access roads, the 49834
cost of public utility and common carrier relocation or 49835
duplication, the cost of all machinery, furnishings, and 49836
equipment, financing charges, interest prior to and during 49837

construction and for no more than eighteen months after completion 49838
of construction, engineering, expenses of research and development 49839
with respect to air quality facilities, the cost of any commodity 49840
contract, including fees and expenses related thereto, legal 49841
expenses, plans, specifications, surveys, studies, estimates of 49842
cost and revenues, working capital, other expenses necessary or 49843
incident to determining the feasibility or practicability of 49844
acquiring or constructing such project, administrative expense, 49845
and such other expense as may be necessary or incident to the 49846
acquisition or construction of the project, the financing of such 49847
acquisition or construction, including the amount authorized in 49848
the resolution of the authority providing for the issuance of air 49849
quality revenue bonds to be paid into any special funds from the 49850
proceeds of such bonds, and the financing of the placing of such 49851
project in operation. Any obligation, cost, or expense incurred by 49852
any governmental agency or person for surveys, borings, 49853
preparation of plans and specifications, and other engineering 49854
services, or any other cost described above, in connection with 49855
the acquisition or construction of a project may be regarded as a 49856
part of the cost of that project and may be reimbursed out of the 49857
proceeds of air quality revenue bonds as authorized by this 49858
chapter. 49859

(J) "Owner" includes an individual, copartnership, 49860
association, or corporation having any title or interest in any 49861
property, rights, easements, or interests authorized to be 49862
acquired by this chapter. 49863

(K) "Revenues" means all rentals and other charges received 49864
by the authority for the use or services of any air quality 49865
project, any gift or grant received with respect to any air 49866
quality project, any moneys received with respect to the lease, 49867
sublease, sale, including installment sale or conditional sale, or 49868
other disposition of an air quality project, moneys received in 49869

repayment of and for interest on any loans made by the authority 49870
to a person or governmental agency, whether from the United States 49871
or any department, administration, or agency thereof, or 49872
otherwise, proceeds of such bonds to the extent that use thereof 49873
for payment of principal of, premium, if any, or interest on the 49874
bonds is authorized by the authority, amounts received or 49875
otherwise derived from a commodity contract or from the sale of 49876
the related commodity under such a contract, proceeds from any 49877
insurance, condemnation, or guaranty pertaining to a project or 49878
property mortgaged to secure bonds or pertaining to the financing 49879
of the project, and income and profit from the investment of the 49880
proceeds of air quality revenue bonds or of any revenues. 49881

(L) "Public roads" includes all public highways, roads, and 49882
streets in the state, whether maintained by the state, county, 49883
city, township, or other political subdivision. 49884

(M) "Public utility facilities" includes tracks, pipes, 49885
mains, conduits, cables, wires, towers, poles, and other equipment 49886
and appliances of any public utility. 49887

(N) "Construction," unless the context indicates a different 49888
meaning or intent, includes reconstruction, enlargement, 49889
improvement, or providing furnishings or equipment. 49890

(O) "Air quality revenue bonds," unless the context indicates 49891
a different meaning or intent, includes air quality revenue notes, 49892
air quality revenue renewal notes, and air quality revenue 49893
refunding bonds, except that notes issued in anticipation of the 49894
issuance of bonds shall have a maximum maturity of five years as 49895
provided in section 3706.05 of the Revised Code and notes or 49896
renewal notes issued as the definitive obligation may be issued 49897
maturing at such time or times with a maximum maturity of forty 49898
years from the date of issuance of the original note. 49899

(P) "Solid waste" means any garbage; refuse; sludge from a 49900

waste water treatment plant, water supply treatment plant, or air 49901
pollution control facility; and other discarded material, 49902
including solid, liquid, semisolid, or contained gaseous material 49903
resulting from industrial, commercial, mining, and agricultural 49904
operations, and from community activities, but not including solid 49905
or dissolved material in domestic sewage, or solid or dissolved 49906
material in irrigation return flows or industrial discharges that 49907
are point sources subject to permits under section 402 of the 49908
"Federal Water Pollution Control Act Amendments of 1972," 86 Stat. 49909
880, 33 U.S.C.A. 1342, as amended, or source, special nuclear, or 49910
byproduct material as defined by the "Atomic Energy Act of 1954," 49911
68 Stat. 921, 42 U.S.C.A. 2011, as amended. 49912

(Q) "Sludge" means any solid, semisolid, or liquid waste, 49913
other than a recyclable by-product, generated from a municipal, 49914
commercial, or industrial waste water treatment plant, water 49915
supply plant, or air pollution control facility or any other such 49916
wastes having similar characteristics and effects. 49917

(R) "Ethanol or other biofuel facility" means a plant at 49918
which ethanol or other biofuel is produced. 49919

(S) "Ethanol" means fermentation ethyl alcohol derived from 49920
agricultural products, including potatoes, cereal, grains, cheese 49921
whey, and sugar beets; forest products; or other renewable or 49922
biomass resources, including residue and waste generated from the 49923
production, processing, and marketing of agricultural products, 49924
forest products, and other renewable or biomass resources, that 49925
meets all of the specifications in the American society for 49926
testing and materials (ASTM) specification D 4806-88 and is 49927
denatured as specified in Parts 20 and 21 of Title 27 of the Code 49928
of Federal Regulations. 49929

(T) "Biofuel" means any fuel that is made from cellulosic 49930
biomass resources, including renewable organic matter, crop waste 49931
residue, wood, aquatic plants and other crops, animal waste, solid 49932

waste, or sludge, and that is used for the production of energy 49933
for transportation or other purposes. 49934

(U) "FutureGen project" means the buildings, equipment, and 49935
real property and functionally related buildings, equipment, and 49936
real property, including related research projects that support 49937
the development and operation of the buildings, equipment, and 49938
real property, designated by the United States department of 49939
energy and the FutureGen industrial alliance, inc., as the 49940
coal-fueled, zero-emissions power plant designed to prove the 49941
technical and economic feasibility of producing electricity and 49942
hydrogen from coal and nearly eliminating carbon dioxide emissions 49943
through capture and permanent storage. 49944

(V) "Commodity contract" means a contract or series of 49945
contracts entered into in connection with the acquisition or 49946
construction of air quality facilities for the purchase or sale of 49947
a commodity that is eligible for prepayment with the proceeds of 49948
federally tax exempt bonds under sections 103, 141, and 148 of the 49949
Internal Revenue Code of 1986, as amended, and regulations adopted 49950
under it. 49951

Sec. 3706.051. (A) The Ohio air quality development authority 49952
may enter into an agreement with the legislative authority of a 49953
municipal corporation or a board of township trustees that 49954
provides for all of the following: 49955

(1) The authority may issue revenue bonds or notes under 49956
section 3706.05 of the Revised Code for the purpose of paying any 49957
part of the cost of an air quality facility described under 49958
division (G)(12) of section 3706.01 of the Revised Code. 49959

(2) The municipal corporation or township may levy a special 49960
assessment under section 503.59 or 727.01 of the Revised Code upon 49961
property specially benefited by that air quality facility. 49962

(3) The municipal corporation or township shall pledge special assessments levied under division (A)(2) of this section for the payment of bonds or notes issued under division (A)(1) of this section. 49963
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(B) If the municipal corporation or township is a participating political subdivision of a special improvement district organized under Chapter 1710. of the Revised Code for the purpose of developing and implementing plans for special energy improvement projects, the municipal corporation or township shall provide notice to the special improvement district of the following: 49967
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(1) The agreement entered into under division (A) of this section; 49974
49975

(2) The air quality facility for which property is to be assessed pursuant to that division. 49976
49977

Sec. 3706.12. The Ohio air quality development authority may charge, alter, and collect rentals or other charges for the use or services of any air quality project and contract in the manner provided by this section with one or more persons, one or more governmental agencies, or any combination thereof, desiring the use or services of such project, and fix the terms, conditions, rentals, or other charges for such use or services. Such rentals or other charges shall not be subject to supervision or regulation by any other authority, commission, board, bureau, or agency of the state and such contract may provide for acquisition by such person or governmental agency of all or any part of such air quality project for such consideration payable over the period of the contract or otherwise as the authority in its sole discretion determines to be appropriate, but subject to the provisions of any resolution authorizing the issuance of air quality revenue bonds or notes or air quality revenue refunding bonds of the authority 49978
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or any trust agreement securing the same. Any governmental agency 49994
that has power to construct, operate, and maintain air quality 49995
facilities may enter into a contract or lease with the authority 49996
whereby the use or services of any air quality project of the 49997
authority will be made available to such governmental agency and 49998
may pay for such use or services such rentals or other charges as 49999
may be agreed to by the authority and such governmental agency. 50000

Any governmental agency or combination of governmental 50001
agencies may cooperate with the authority in the acquisition or 50002
construction of an air quality project and shall enter into such 50003
agreements with the authority as may be necessary, with a view to 50004
effective cooperative action and safeguarding of the respective 50005
interests of the parties thereto, which agreements shall provide 50006
for such contributions by the parties thereto in such proportion 50007
as may be agreed upon and such other terms as may be mutually 50008
satisfactory to the parties including without limitation the 50009
authorization of the construction of the project by one of the 50010
parties acting as agent for all of the parties and the ownership 50011
and control of the project by the authority to the extent 50012
necessary or appropriate for purposes of the issuance of air 50013
quality revenue bonds by the authority. Any governmental agency 50014
may provide the funds for the payment of such contribution as is 50015
required under such agreements by the levy of taxes, assessments 50016
or rentals and other charges for the use of the utility system of 50017
which the air quality project is a part or to which it is 50018
connected, if otherwise authorized by the laws governing such 50019
governmental agency in the construction of the type of air quality 50020
project provided for in the agreements, and may pay the proceeds 50021
from the collection of such taxes, assessments, utility rentals, 50022
or other charges to the authority pursuant to such agreements; or 50023
the governmental agency may issue bonds or notes, if authorized by 50024
such laws, in anticipation of the collection of such taxes, 50025
assessments, utility rentals, or other charges and may pay the 50026

proceeds of such bonds or notes to the authority pursuant to such 50027
agreements. In addition any governmental agency may provide the 50028
funds for the payment of such contribution by the appropriation of 50029
money or, if otherwise authorized by law, by the issuance of bonds 50030
or notes and may pay such appropriated money or the proceeds of 50031
such bonds or notes to the authority pursuant to such agreements. 50032
The agreement by the governmental agency to provide such 50033
contribution, whether from appropriated money or from the proceeds 50034
of such taxes, assessments, utility rentals, or other charges, or 50035
such bonds or notes, or any combination thereof, shall not be 50036
subject to Chapter 133. of the Revised Code or any regulations or 50037
limitations contained therein. The proceeds from the collection of 50038
such taxes or assessments, and any interest earned thereon, shall 50039
be paid into a special fund immediately upon the collection 50040
thereof by the governmental agency for the purpose of providing 50041
such contribution at the times required under such agreements. 50042

When the contribution of any governmental agency is to be 50043
made over a period of time from the proceeds of the collection of 50044
special assessments, the interest accrued and to accrue before the 50045
first installment of such assessments shall be collected which is 50046
payable by such governmental agency on such contribution under the 50047
terms and provisions of such agreements shall be treated as part 50048
of the cost of the improvement for which such assessments are 50049
levied, and that portion of such assessments as are collected in 50050
installments shall bear interest at the same rate as such 50051
governmental agency is obligated to pay on such contribution under 50052
the terms and provisions of such agreements and for the same 50053
period of time as the contribution is to be made under such 50054
agreements. If the assessment or any installment thereof is not 50055
paid when due, it shall bear interest until the payment thereof at 50056
the same rate as such contribution and the county auditor shall 50057
annually place on the tax list and duplicate the interest 50058
applicable to such assessment and the penalty and additional 50059

interest thereon as otherwise authorized by law. 50060

Any governmental agency, pursuant to a favorable vote of the 50061
electors in an election held before or after June 1, 1970, for the 50062
purpose of issuing bonds to provide funds to acquire, construct, 50063
or equip, or provide real estate and interests in real estate for, 50064
an air quality facility, whether or not such governmental agency, 50065
at the time of such election, had the authority to pay the 50066
proceeds from such bonds or notes issued in anticipation thereof 50067
to the authority as provided in this section, may issue such bonds 50068
or notes in anticipation of the issuance thereof and pay the 50069
proceeds thereof to the authority in accordance with its agreement 50070
with the authority; provided, that the legislative authority of 50071
the governmental agency find and determine that the air quality 50072
project to be acquired or constructed by the authority in 50073
cooperation with such governmental agency will serve the same 50074
public purpose and meet substantially the same public need as the 50075
facility otherwise proposed to be acquired or constructed by the 50076
governmental agency with the proceeds of such bonds or notes. 50077

The authority may enter into an agreement under this section 50078
with a municipal corporation, a township, or a special improvement 50079
district created under Chapter 1710. of the Revised Code pursuant 50080
to which the authority issues air quality revenue bonds or notes 50081
under section 3706.05 of the Revised Code and remits the proceeds 50082
to the municipal corporation, township, district, or other party 50083
to the transaction to pay any part of the cost of an air quality 50084
facility described in division (G)(12) of section 3706.01 of the 50085
Revised Code. Under the agreement, the municipal corporation, 50086
township, or district shall assign and remit the proceeds of a 50087
special assessment levied under Chapter 727. or section 1710.06 of 50088
the Revised Code for paying the costs of that air quality facility 50089
to the authority, or its agents or assignees, for the purpose of 50090
servicing those bonds and notes. 50091

Sec. 3711.14. (A) In accordance with Chapter 119. of the Revised Code, the director of health may do any of the following:

(1) Impose a civil penalty of not less than one thousand dollars and not more than two hundred fifty thousand dollars on a person who violates a provision of this chapter or the rules adopted under it;

(2) Summarily suspend, in accordance with division (B) of this section, a license issued under this chapter if the director believes there is clear and convincing evidence that the continued operation of a maternity unit, newborn care nursery, or maternity home presents a danger of immediate and serious harm to the public;

(3) Revoke a license issued under this chapter if the director determines that a violation of a provision of this chapter or the rules adopted under it has occurred in such a manner as to pose an imminent threat of serious physical or life-threatening danger.

(B) If the director suspends a license under division (A)(2) of this section, the director shall ~~issue~~ serve a written order of suspension ~~and cause it to be delivered by certified mail or in person~~ in accordance with ~~section~~ sections 119.05 and 119.07 of the Revised Code. The order shall not be subject to suspension by the court while an appeal filed under section 119.12 of the Revised Code is pending. If the individual subject to the suspension requests an adjudication, the date set for the adjudication shall be within fifteen days but not earlier than seven days after the individual makes the request, unless another date is agreed to by both the individual and the director. The summary suspension shall remain in effect, unless reversed by the director, until a final adjudication order issued by the director pursuant to this section and Chapter 119. of the Revised Code

becomes effective. 50123

The director shall issue a final adjudication order not later 50124
than ninety days after completion of the adjudication. If the 50125
director does not issue a final order within the ninety-day 50126
period, the summary suspension shall be void, but any final 50127
adjudication order issued subsequent to the ninety-day period 50128
shall not be affected. 50129

(C) If the director issues an order revoking or suspending a 50130
license issued under this chapter and the license holder continues 50131
to operate a maternity unit, newborn care nursery, or maternity 50132
home, the director may ask the attorney general to apply to the 50133
court of common pleas of the county in which the person is located 50134
for an order enjoining the person from operating the unit, 50135
nursery, or home. The court shall grant the order on a showing 50136
that the person is operating the unit, nursery, or home. 50137

Sec. 3714.073. (A) In addition to the fee levied under 50138
division (A)(1) of section 3714.07 of the Revised Code, beginning 50139
July 1, 2005, there is hereby levied on the disposal of 50140
construction and demolition debris at a construction and 50141
demolition debris facility that is licensed under this chapter or 50142
at a solid waste facility that is licensed under Chapter 3734. of 50143
the Revised Code and on the disposal of asbestos or 50144
asbestos-containing materials or products at a construction and 50145
demolition debris facility that is licensed under this chapter or 50146
at a solid waste facility that is licensed under Chapter 3734. of 50147
the Revised Code the following fees: 50148

(1) A fee of twelve and one-half cents per cubic yard or 50149
twenty-five cents per ton, as applicable, the proceeds of which 50150
shall be deposited in the state treasury to the credit of the soil 50151
and water conservation district assistance fund created in section 50152
940.15 of the Revised Code; 50153

(2) A fee of ~~thirty seven and one half~~ thirty-five cents per 50154
cubic yard or ~~seventy five~~ seventy cents per ton, as applicable, 50155
the proceeds of which shall be deposited in the state treasury to 50156
the credit of the recycling and litter prevention fund created in 50157
section 3736.03 of the Revised Code; 50158

(3) A fee of two and one-half cents per cubic yard or five 50159
cents per ton, as applicable, the proceeds of which shall be 50160
deposited in the state treasury to the credit of the waste 50161
management fund created in section 3734.061 of the Revised Code. 50162

(B) The owner or operator of a construction and demolition 50163
debris facility or a solid waste facility, as a trustee of the 50164
state, shall calculate the amount of money generated from the fees 50165
levied under this section and remit the money from the fees in the 50166
manner that is established in divisions (A)(2) and (3) of section 50167
3714.07 of the Revised Code for the fee that is levied under 50168
division (A)(1) of that section and may enter into an agreement 50169
for the quarterly payment of money generated from the fees in the 50170
manner established in division (B) of that section for the 50171
quarterly payment of money generated from the fee that is levied 50172
under division (A)(1) of that section. 50173

(C) The amount of money that is calculated by the owner or 50174
operator of a construction and demolition debris facility or a 50175
solid waste facility and remitted to a board of health or the 50176
director of environmental protection, as applicable, pursuant to 50177
this section shall be transmitted by the board or director to the 50178
treasurer of state not later than forty-five days after the 50179
receipt of the money to be credited to the soil and water 50180
conservation district assistance fund or the recycling and litter 50181
prevention fund, as applicable. 50182

(D) This section does not apply to the disposal of 50183
construction and demolition debris at a solid waste facility that 50184
is licensed under Chapter 3734. of the Revised Code if the owner 50185

or operator of the facility chooses to collect fees on the 50186
disposal of the construction and demolition debris and asbestos or 50187
asbestos-containing materials or products that are identical to 50188
the fees that are collected under Chapters 343. and 3734. of the 50189
Revised Code on the disposal of solid wastes at that facility. 50190

(E) This section does not apply to the disposal of source 50191
separated materials that are exclusively composed of reinforced or 50192
nonreinforced concrete, asphalt, clay tile, building or paving 50193
brick, or building or paving stone at a construction and 50194
demolition debris facility that is licensed under this chapter 50195
when either of the following applies: 50196

(1) The materials are placed within the limits of 50197
construction and demolition debris placement at the facility as 50198
specified in the license issued to the facility under section 50199
3714.06 of the Revised Code, are not placed within the unloading 50200
zone of the facility, and are used as a fire prevention measure in 50201
accordance with rules adopted by the director under section 50202
3714.02 of the Revised Code. 50203

(2) The materials are not placed within the unloading zone of 50204
the facility or within the limits of construction and demolition 50205
debris placement at the facility as specified in the license 50206
issued to the facility under section 3714.06 of the Revised Code, 50207
but are used as fill material, either alone or in conjunction with 50208
clean soil, sand, gravel, or other clean aggregates, in legitimate 50209
fill operations for construction purposes at the facility or to 50210
bring the facility up to a consistent grade. 50211

Sec. 3721.01. (A) As used in sections 3721.01 to 3721.09 and 50212
3721.99 of the Revised Code: 50213

(1)(a) "Home" means an institution, residence, or facility 50214
that provides, for a period of more than twenty-four hours, 50215
whether for a consideration or not, accommodations to three or 50216

more unrelated individuals who are dependent upon the services of 50217
others, including a nursing home, residential care facility, home 50218
for the aging, and a veterans' home operated under Chapter 5907. 50219
of the Revised Code. 50220

(b) "Home" also means both of the following: 50221

(i) Any facility that a person, as defined in section 3702.51 50222
of the Revised Code, proposes for certification as a skilled 50223
nursing facility or nursing facility under Title XVIII or XIX of 50224
the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, 50225
as amended, and for which a certificate of need, other than a 50226
certificate to recategorize hospital beds as described in section 50227
3702.521 of the Revised Code or division (R)(7)(d) of the version 50228
of section 3702.51 of the Revised Code in effect immediately prior 50229
to April 20, 1995, has been granted to the person under sections 50230
3702.51 to 3702.62 of the Revised Code after August 5, 1989; 50231

(ii) A county home or district home that is or has been 50232
licensed as a residential care facility. 50233

(c) "Home" does not mean any of the following: 50234

(i) Except as provided in division (A)(1)(b) of this section, 50235
a public hospital or hospital as defined in section 3701.01 or 50236
5122.01 of the Revised Code; 50237

(ii) A residential facility as defined in section 5119.34 of 50238
the Revised Code; 50239

(iii) A residential facility as defined in section 5123.19 of 50240
the Revised Code; 50241

(iv) A community addiction services provider as defined in 50242
section 5119.01 of the Revised Code; 50243

(v) A facility licensed under section 5119.37 of the Revised 50244
Code to operate an opioid treatment program; 50245

(vi) A facility providing services under contract with the 50246

department of developmental disabilities under section 5123.18 of 50247
the Revised Code; 50248

(vii) A facility operated by a hospice care program licensed 50249
under section 3712.04 of the Revised Code that is used exclusively 50250
for care of hospice patients; 50251

(viii) A facility operated by a pediatric respite care 50252
program licensed under section 3712.041 of the Revised Code that 50253
is used exclusively for the care of pediatric respite care 50254
patients or a location operated by a pediatric transition care 50255
program registered under section 3712.042 of the Revised Code that 50256
is used exclusively for the care of pediatric transition care 50257
patients; 50258

(ix) A facility, infirmary, or other entity that is operated 50259
by a religious order, provides care exclusively to members of 50260
religious orders who take vows of celibacy and live by virtue of 50261
their vows within the orders as if related, and does not 50262
participate in the medicare program or the medicaid program if on 50263
January 1, 1994, the facility, infirmary, or entity was providing 50264
care exclusively to members of the religious order; 50265

(x) A county home or district home that has never been 50266
licensed as a residential care facility. 50267

(2) "Unrelated individual" means one who is not related to 50268
the owner or operator of a home or to the spouse of the owner or 50269
operator as a parent, grandparent, child, grandchild, brother, 50270
sister, niece, nephew, aunt, uncle, or as the child of an aunt or 50271
uncle. 50272

(3) "Mental impairment" does not mean mental illness, as 50273
defined in section 5122.01 of the Revised Code, or developmental 50274
disability, as defined in section 5123.01 of the Revised Code. 50275

(4) "Skilled nursing care" means procedures that require 50276
technical skills and knowledge beyond those the untrained person 50277

possesses and that are commonly employed in providing for the 50278
physical, mental, and emotional needs of the ill or otherwise 50279
incapacitated. "Skilled nursing care" includes, but is not limited 50280
to, the following: 50281

(a) Irrigations, catheterizations, application of dressings, 50282
and supervision of special diets; 50283

(b) Objective observation of changes in the patient's 50284
condition as a means of analyzing and determining the nursing care 50285
required and the need for further medical diagnosis and treatment; 50286

(c) Special procedures contributing to rehabilitation; 50287

(d) Administration of medication by any method ordered by a 50288
physician, such as hypodermically, rectally, or orally, including 50289
observation of the patient after receipt of the medication; 50290

(e) Carrying out other treatments prescribed by the physician 50291
that involve a similar level of complexity and skill in 50292
administration. 50293

(5)(a) "Personal care services" means services including, but 50294
not limited to, the following: 50295

(i) Assisting residents with activities of daily living; 50296

(ii) Assisting residents with self-administration of 50297
medication, in accordance with rules adopted under section 3721.04 50298
of the Revised Code; 50299

(iii) Preparing special diets, other than complex therapeutic 50300
diets, for residents pursuant to the instructions of a physician 50301
or a licensed dietitian, in accordance with rules adopted under 50302
section 3721.04 of the Revised Code. 50303

(b) "Personal care services" does not include "skilled 50304
nursing care" as defined in division (A)(4) of this section. A 50305
facility need not provide more than one of the services listed in 50306
division (A)(5)(a) of this section to be considered to be 50307

providing personal care services. 50308

(6) "Nursing home" means a home used for the reception and 50309
care of individuals who by reason of illness or physical or mental 50310
impairment require skilled nursing care and of individuals who 50311
require personal care services but not skilled nursing care. A 50312
nursing home is licensed to provide personal care services and 50313
skilled nursing care. 50314

(7) "Residential care facility" means a home that provides 50315
either of the following: 50316

(a) Accommodations for seventeen or more unrelated 50317
individuals and supervision and personal care services for three 50318
or more of those individuals who are dependent on the services of 50319
others by reason of age or physical or mental impairment; 50320

(b) Accommodations for three or more unrelated individuals, 50321
supervision and personal care services for at least three of those 50322
individuals who are dependent on the services of others by reason 50323
of age or physical or mental impairment, and, to at least one of 50324
those individuals, any of the skilled nursing care authorized by 50325
section 3721.011 of the Revised Code. 50326

(8) "Home for the aging" means a home that provides services 50327
as a residential care facility and a nursing home, except that the 50328
home provides its services only to individuals who are dependent 50329
on the services of others by reason of both age and physical or 50330
mental impairment. 50331

The part or unit of a home for the aging that provides 50332
services only as a residential care facility is licensed as a 50333
residential care facility. The part or unit that may provide 50334
skilled nursing care beyond the extent authorized by section 50335
3721.011 of the Revised Code is licensed as a nursing home. 50336

(9) "County home" and "district home" mean a county home or 50337
district home operated under Chapter 5155. of the Revised Code. 50338

(10) "Change of operator" has the same meaning as in section 5165.01 of the Revised Code. 50339
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(11) "Related party" has the same meaning as in section 5165.01 of the Revised Code. 50341
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(12) "SFF list" means the list of nursing facilities created by the United States department of health and human services under the special focus facility program. 50343
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(13) "Special focus facility program" means the program conducted by the United States secretary of health and human services pursuant to section 1919(f)(10) of the "Social Security Act," 42 U.S.C. 1396r(f)(10). 50346
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(B) The director of health may further classify homes. For the purposes of this chapter, any residence, institution, hotel, congregate housing project, or similar facility that meets the definition of a home under this section is such a home regardless of how the facility holds itself out to the public. 50350
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(C) For purposes of this chapter, personal care services or skilled nursing care shall be considered to be provided by a facility if they are provided by a person employed by or associated with the facility or by another person pursuant to an agreement to which neither the resident who receives the services nor the resident's sponsor is a party. 50355
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(D) Nothing in division (A)(4) of this section shall be construed to permit skilled nursing care to be imposed on an individual who does not require skilled nursing care. 50361
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Nothing in division (A)(5) of this section shall be construed to permit personal care services to be imposed on an individual who is capable of performing the activity in question without assistance. 50364
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(E) Division (A)(1)(c)(ix) of this section does not prohibit 50368

a facility, infirmary, or other entity described in that division 50369
from seeking licensure under sections 3721.01 to 3721.09 of the 50370
Revised Code or certification under Title XVIII or XIX of the 50371
"Social Security Act." However, such a facility, infirmary, or 50372
entity that applies for licensure or certification must meet the 50373
requirements of those sections or titles and the rules adopted 50374
under them and obtain a certificate of need from the director of 50375
health under section 3702.52 of the Revised Code. 50376

(F) Nothing in this chapter, or rules adopted pursuant to it, 50377
shall be construed as authorizing the supervision, regulation, or 50378
control of the spiritual care or treatment of residents or 50379
patients in any home who rely upon treatment by prayer or 50380
spiritual means in accordance with the creed or tenets of any 50381
recognized church or religious denomination. 50382

Sec. 3721.026. (A) ~~If the operation of a nursing home is~~ 50383
~~assigned or transferred to a different person, the person to whom~~ 50384
~~the operation is assigned or transferred must~~ undergoes a change 50385
of operator, all of the following requirements must be satisfied 50386
before the director of health may issue a license authorizing the 50387
person to operate the nursing home, ~~submit to the director~~ 50388
~~documentation showing that the person meets all of the following~~ 50389
~~requirements:~~ 50390

(1) ~~Unless the assignment or transfer is in the form of a~~ 50391
~~lease of the nursing home, the person has financial resources that~~ 50392
~~the director determines are sufficient to cover any reasonably~~ 50393
~~anticipated revenue shortfall for at least twelve months after the~~ 50394
~~assignment or transfer.~~ The person completes a change of operator 50395
license application on a form prescribed by the director and pays 50396
the applicable fee as determined by the director. The director 50397
shall make the application available on the department of health's 50398
publicly available web site. 50399

<u>The change of operator license application established under</u>	50400
<u>this section shall include all of the following:</u>	50401
<u>(a) Full and complete disclosure of all direct and indirect</u>	50402
<u>owners owning at least five per cent of each of the following:</u>	50403
<u>(i) The applicant, if the applicant is an entity;</u>	50404
<u>(ii) The owner of the nursing home, if the owner is a</u>	50405
<u>different person from the applicant;</u>	50406
<u>(iii) The manager of the nursing home, if the manager is a</u>	50407
<u>different person from the applicant;</u>	50408
<u>(iv) Each related party that provides or will provide</u>	50409
<u>services to the nursing home, whether through contracts with the</u>	50410
<u>applicant, owner, or manager of the nursing home.</u>	50411
<u>(b) Full and complete disclosure of the direct or indirect</u>	50412
<u>ownership interest of each individual identified in division</u>	50413
<u>(A)(1)(a) of this section in a current or previously licensed</u>	50414
<u>nursing home in this state or another state, including disclosure</u>	50415
<u>of whether any of the following occurred with respect to an</u>	50416
<u>identified nursing home within the five years immediately</u>	50417
<u>preceding the date of application:</u>	50418
<u>(i) Voluntary or involuntary closure of the nursing home;</u>	50419
<u>(ii) Voluntary or involuntary bankruptcy proceedings;</u>	50420
<u>(iii) Voluntary or involuntary receivership proceedings;</u>	50421
<u>(iv) License suspension, denial, or revocation;</u>	50422
<u>(v) Injunction proceedings initiated by a regulatory agency;</u>	50423
<u>(vi) The nursing home is listed in table A, table B, or table</u>	50424
<u>D on the SFF list under the special focus facility program;</u>	50425
<u>(vii) A civil or criminal action was filed against it by a</u>	50426
<u>state or federal entity.</u>	50427
<u>(c) Submission of all fully executed contracts with related</u>	50428

parties, lease agreements, and management agreements pertaining to 50429
the nursing home; 50430

(d) Any additional information that the director considers 50431
necessary to determine the ownership, operation, management, and 50432
control of the nursing home. 50433

~~(2) If the assignment or transfer is in the form of a lease~~ 50434
~~of the nursing home, either of the following applies to the~~ 50435
~~person:~~ The application fee required under division (A)(1) of this 50436
section is credited to the general operations fund established 50437
under section 3701.83 of the Revised Code. 50438

~~(a) The person has obtained~~ (3)(a) Except for applications 50439
that meet the requirements specified in division (A)(3)(b) of this 50440
section, the applicant submits evidence of a bond that has a term 50441
of at least twelve months, has an annual renewal, and is or other 50442
financial security reasonably acceptable to the director for an 50443
amount not less than one million the product of the number of 50444
licensed beds in the nursing home, as reflected in the 50445
application, multiplied by ten thousand dollars. 50446

(i) The bond or other financial security shall be renewed or 50447
maintained for five years after the effective date of the change 50448
of operator. If the bond or other financial security is not 50449
renewed or maintained in accordance with this division, the 50450
director shall revoke the nursing home operator's license. 50451

~~(b) If the person is unable to obtain a bond that meets the~~ 50452
~~requirements of division (A)(2)(a) of this section at a cost the~~ 50453
~~director determines to be reasonable or operates other nursing~~ 50454
~~homes in this state, the person has financial resources that the~~ 50455
~~director determines are sufficient to cover any reasonably~~ 50456
~~anticipated revenue shortfall for at least twelve months after the~~ 50457
~~assignment or transfer~~ (ii) The director may utilize the bond or 50458
other financial security required under division (A)(3)(a)(i) of 50459

<u>this section if any of the following occur during the five-year</u>	50460
<u>period for which the bond or other financial security is required:</u>	50461
<u>(I) The nursing home is voluntarily or involuntarily closed.</u>	50462
<u>(II) The nursing home or its owner or operator is the subject</u>	50463
<u>of voluntary or involuntary bankruptcy proceedings.</u>	50464
<u>(III) The nursing home or its owner or operator is the</u>	50465
<u>subject of voluntary or involuntary receivership proceedings.</u>	50466
<u>(IV) The license to operate the nursing home is suspended,</u>	50467
<u>denied, or revoked.</u>	50468
<u>(V) The nursing home undergoes a change of operator, unless</u>	50469
<u>the new applicant submits a bond or other financial security in</u>	50470
<u>accordance with this section.</u>	50471
<u>(VI) The nursing home appears in table A, table B, or table D</u>	50472
<u>on the SFF list under the special focus facility program.</u>	50473
<u>(b) An applicant who meets both of the following conditions</u>	50474
<u>is not required to provide evidence of the bond or other financial</u>	50475
<u>security required under division (A)(3)(a) of this section:</u>	50476
<u>(i) The applicant owns at least fifty per cent of the nursing</u>	50477
<u>home and its assets or at least fifty per cent of the entity that</u>	50478
<u>owns the nursing home and its assets.</u>	50479
<u>(ii) The applicant has operated a nursing home in this state</u>	50480
<u>for at least sixty consecutive months.</u>	50481
(3) The person <u>(4) A person who is a direct or indirect owner</u>	50482
<u>of fifty per cent or more of the applicant is an individual who</u>	50483
<u>has at least five years of experience as an operator, manager, or</u>	50484
<u>either of the following:</u>	50485
<u>(a) An administrator of a nursing home located in this state</u>	50486
<u>or another state;</u>	50487
<u>(b) A direct or indirect owner of at least five per cent in</u>	50488

either of the following: 50489

(i) An operator of a nursing home located in this state or another state; 50490
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(ii) A manager of a nursing home located in this state or another state. 50492
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~~(4)~~(5) The person has applicant submits copies of the nursing home's policies and procedures, including plans for quality assurance and risk management that are required for the operation of the nursing home. 50494
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~~(5)~~(6) The person has applicant submits general and professional liability insurance coverage that provides coverage of at least one million dollars per occurrence and three million dollars aggregate. 50498
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(7) The applicant demonstrates that sufficient numbers of qualified staff, by training or experience, will be employed to properly care for the type and number of nursing home residents. 50502
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~~(B) The documentation required by divisions (A)(1) and (2)(b) of this section shall include projected financial statements for the nursing home for the twelve month period after the assignment or transfer of the operation of the nursing home.~~ 50505
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~~The documentation required by division (A)(3) of this section shall include a list of each currently or previously licensed nursing home located in this or another state in which the person has or previously had any percentage of ownership. The percentage of ownership may have been in the operation, real property, or both of the nursing home.~~ 50509
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~~(C)~~ The requirements established by this section are in addition to the other requirements established by this chapter and the rules adopted under it for a license to operate a nursing home. If any of the requirements established by this section are 50515
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not satisfied, the director shall deny a change of operator 50519
license application. An applicant may appeal the denial of a 50520
change of operator license application in accordance with Chapter 50521
119. of the Revised Code. 50522

(C) An applicant shall notify the director within ten days of 50523
any change in the information or documentation required by this 50524
section, whether the change occurs before or after the effective 50525
date of the change of operator. If an applicant fails to notify 50526
the director in accordance with this division, the director shall 50527
impose a civil penalty of two thousand dollars for each day of 50528
noncompliance. 50529

(D) If the director becomes aware that a change of operator 50530
has occurred and the entering operator failed to submit an 50531
application in accordance with this section, or an application was 50532
filed but the information provided was fraudulent, the director 50533
shall impose a civil penalty of two thousand dollars for each day 50534
of noncompliance after the date the director becomes aware that 50535
the change of operator has occurred. If the entering operator 50536
fails to submit an application or new application in accordance 50537
with this section within sixty days of the director becoming aware 50538
of the change of operator, the director shall begin the process of 50539
revoking a nursing home license as specified in section 3721.03 of 50540
the Revised Code. 50541

(E) It is the intent of the general assembly in amending this 50542
section to require full and complete disclosure and transparency 50543
with respect to the ownership, operation, and management of each 50544
licensed nursing home located in this state. The director may 50545
adopt rules as necessary to implement this section. Any rules 50546
shall be adopted in accordance with Chapter 119. of the Revised 50547
Code. 50548

Sec. 3721.13. (A) The rights of residents of a home shall 50549

include, but are not limited to, the following: 50550

(1) The right to a safe and clean living environment pursuant 50551
to the medicare and medicaid programs and applicable state laws 50552
and rules adopted by the director of health; 50553

(2) The right to be free from physical, verbal, mental, and 50554
emotional abuse and to be treated at all times with courtesy, 50555
respect, and full recognition of dignity and individuality; 50556

(3) Upon admission and thereafter, the right to adequate and 50557
appropriate medical treatment and nursing care and to other 50558
ancillary services that comprise necessary and appropriate care 50559
consistent with the program for which the resident contracted. 50560
This care shall be provided without regard to considerations such 50561
as race, color, religion, national origin, age, or source of 50562
payment for care. 50563

(4) The right to have all reasonable requests and inquiries 50564
responded to promptly; 50565

(5) The right to have clothes and bed sheets changed as the 50566
need arises, to ensure the resident's comfort or sanitation; 50567

(6) The right to obtain from the home, upon request, the name 50568
and any specialty of any physician or other person responsible for 50569
the resident's care or for the coordination of care; 50570

(7) The right, upon request, to be assigned, within the 50571
capacity of the home to make the assignment, to the staff 50572
physician of the resident's choice, and the right, in accordance 50573
with the rules and written policies and procedures of the home, to 50574
select as the attending physician a physician who is not on the 50575
staff of the home. If the cost of a physician's services is to be 50576
met under a federally supported program, the physician shall meet 50577
the federal laws and regulations governing such services. 50578

(8) The right to participate in decisions that affect the 50579

resident's life, including the right to communicate with the 50580
physician and employees of the home in planning the resident's 50581
treatment or care and to obtain from the attending physician 50582
complete and current information concerning medical condition, 50583
prognosis, and treatment plan, in terms the resident can 50584
reasonably be expected to understand; the right of access to all 50585
information in the resident's medical record; and the right to 50586
give or withhold informed consent for treatment after the 50587
consequences of that choice have been carefully explained. When 50588
the attending physician finds that it is not medically advisable 50589
to give the information to the resident, the information shall be 50590
made available to the resident's sponsor on the resident's behalf, 50591
if the sponsor has a legal interest or is authorized by the 50592
resident to receive the information. The home is not liable for a 50593
violation of this division if the violation is found to be the 50594
result of an act or omission on the part of a physician selected 50595
by the resident who is not otherwise affiliated with the home. 50596

(9) The right to withhold payment for physician visitation if 50597
the physician did not visit the resident; 50598

(10) The right to confidential treatment of personal and 50599
medical records, and the right to approve or refuse the release of 50600
these records to any individual outside the home, except in case 50601
of transfer to another home, hospital, or health care system, as 50602
required by law or rule, or as required by a third-party payment 50603
contract; 50604

(11) The right to privacy during medical examination or 50605
treatment and in the care of personal or bodily needs; 50606

(12) The right to refuse, without jeopardizing access to 50607
appropriate medical care, to serve as a medical research subject; 50608

(13) The right to be free from physical or chemical 50609
restraints or prolonged isolation except to the minimum extent 50610

necessary to protect the resident from injury to self, others, or 50611
to property and except as authorized in writing by the attending 50612
physician for a specified and limited period of time and 50613
documented in the resident's medical record. Prior to authorizing 50614
the use of a physical or chemical restraint on any resident, the 50615
attending physician shall make a personal examination of the 50616
resident and an individualized determination of the need to use 50617
the restraint on that resident. 50618

Physical or chemical restraints or isolation may be used in 50619
an emergency situation without authorization of the attending 50620
physician only to protect the resident from injury to self or 50621
others. Use of the physical or chemical restraints or isolation 50622
shall not be continued for more than twelve hours after the onset 50623
of the emergency without personal examination and authorization by 50624
the attending physician. The attending physician or a staff 50625
physician may authorize continued use of physical or chemical 50626
restraints for a period not to exceed thirty days, and at the end 50627
of this period and any subsequent period may extend the 50628
authorization for an additional period of not more than thirty 50629
days. The use of physical or chemical restraints shall not be 50630
continued without a personal examination of the resident and the 50631
written authorization of the attending physician stating the 50632
reasons for continuing the restraint. 50633

If physical or chemical restraints are used under this 50634
division, the home shall ensure that the restrained resident 50635
receives a proper diet. In no event shall physical or chemical 50636
restraints or isolation be used for punishment, incentive, or 50637
convenience. 50638

(14) The right to the pharmacist of the resident's choice and 50639
the right to receive pharmaceutical supplies and services at 50640
reasonable prices not exceeding applicable and normally accepted 50641
prices for comparably packaged pharmaceutical supplies and 50642

services within the community; 50643

(15) The right to exercise all civil rights, unless the 50644
resident has been adjudicated incompetent pursuant to Chapter 50645
2111. of the Revised Code and has not been restored to legal 50646
capacity, as well as the right to the cooperation of the home's 50647
administrator in making arrangements for the exercise of the right 50648
to vote; 50649

(16) The right of access to opportunities that enable the 50650
resident, at the resident's own expense or at the expense of a 50651
third-party payer, to achieve the resident's fullest potential, 50652
including educational, vocational, social, recreational, and 50653
habilitation programs; 50654

(17) The right to consume a reasonable amount of alcoholic 50655
beverages at the resident's own expense, unless not medically 50656
advisable as documented in the resident's medical record by the 50657
attending physician or unless contradictory to written admission 50658
policies; 50659

(18) The right to use tobacco at the resident's own expense 50660
under the home's safety rules and under applicable laws and rules 50661
of the state, unless not medically advisable as documented in the 50662
resident's medical record by the attending physician or unless 50663
contradictory to written admission policies; 50664

(19) The right to retire and rise in accordance with the 50665
resident's reasonable requests, if the resident does not disturb 50666
others or the posted meal schedules and upon the home's request 50667
remains in a supervised area, unless not medically advisable as 50668
documented by the attending physician; 50669

(20) The right to observe religious obligations and 50670
participate in religious activities; the right to maintain 50671
individual and cultural identity; and the right to meet with and 50672
participate in activities of social and community groups at the 50673

resident's or the group's initiative; 50674

(21) The right upon reasonable request to private and 50675
unrestricted communications with the resident's family, social 50676
worker, and any other person, unless not medically advisable as 50677
documented in the resident's medical record by the attending 50678
physician, except that communications with public officials or 50679
with the resident's attorney or physician shall not be restricted. 50680
Private and unrestricted communications shall include, but are not 50681
limited to, the right to: 50682

(a) Receive, send, and mail sealed, unopened correspondence; 50683

(b) Reasonable access to a telephone for private 50684
communications; 50685

(c) Private visits at any reasonable hour. 50686

(22) The right to assured privacy for visits by the spouse, 50687
or if both are residents of the same home, the right to share a 50688
room within the capacity of the home, unless not medically 50689
advisable as documented in the resident's medical record by the 50690
attending physician; 50691

(23) The right upon reasonable request to have room doors 50692
closed and to have them not opened without knocking, except in the 50693
case of an emergency or unless not medically advisable as 50694
documented in the resident's medical record by the attending 50695
physician; 50696

(24) The right to retain and use personal clothing and a 50697
reasonable amount of possessions, in a reasonably secure manner, 50698
unless to do so would infringe on the rights of other residents or 50699
would not be medically advisable as documented in the resident's 50700
medical record by the attending physician; 50701

(25) The right to be fully informed, prior to or at the time 50702
of admission and during the resident's stay, in writing, of the 50703

basic rate charged by the home, of services available in the home, 50704
and of any additional charges related to such services, including 50705
charges for services not covered under the medicare or medicaid 50706
program. The basic rate shall not be changed unless thirty days' 50707
notice is given to the resident or, if the resident is unable to 50708
understand this information, to the resident's sponsor. 50709

(26) The right of the resident and person paying for the care 50710
to examine and receive a bill at least monthly for the resident's 50711
care from the home that itemizes charges not included in the basic 50712
rates; 50713

(27)(a) The right to be free from financial exploitation; 50714

(b) The right to manage the resident's own personal financial 50715
affairs, or, if the resident has delegated this responsibility in 50716
writing to the home, to receive upon written request at least a 50717
quarterly accounting statement of financial transactions made on 50718
the resident's behalf. The statement shall include: 50719

(i) A complete record of all funds, personal property, or 50720
possessions of a resident from any source whatsoever, that have 50721
been deposited for safekeeping with the home for use by the 50722
resident or the resident's sponsor; 50723

(ii) A listing of all deposits and withdrawals transacted, 50724
which shall be substantiated by receipts which shall be available 50725
for inspection and copying by the resident or sponsor. 50726

(28) The right of the resident to be allowed unrestricted 50727
access to the resident's property on deposit at reasonable hours, 50728
unless requests for access to property on deposit are so 50729
persistent, continuous, and unreasonable that they constitute a 50730
nuisance; 50731

(29) The right to receive reasonable notice before the 50732
resident's room or roommate is changed, including an explanation 50733
of the reason for either change. 50734

(30) The right not to be transferred or discharged from the home unless the transfer is necessary because of one of the following: 50735
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(a) The welfare and needs of the resident cannot be met in the home. 50738
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(b) The resident's health has improved sufficiently so that the resident no longer needs the services provided by the home. 50740
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(c) The safety of individuals in the home is endangered. 50742

(d) The health of individuals in the home would otherwise be endangered. 50743
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(e) The resident has failed, after reasonable and appropriate notice, to pay or to have the medicare or medicaid program pay on the resident's behalf, for the care provided by the home. A resident shall not be considered to have failed to have the resident's care paid for if the resident has applied for medicaid, unless both of the following are the case: 50745
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(i) The resident's application, or a substantially similar previous application, has been denied. 50751
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(ii) If the resident appealed the denial, the denial was upheld. 50753
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(f) The home's license has been revoked, the home is being closed pursuant to section 3721.08, sections 5165.60 to 5165.89, or section 5155.31 of the Revised Code, or the home otherwise ceases to operate. 50755
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(g) The resident is a recipient of medicaid, and the home's participation in the medicaid program is involuntarily terminated or denied. 50759
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(h) The resident is a beneficiary under the medicare program, and the home's participation in the medicare program is involuntarily terminated or denied. 50762
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(31) The right not to be transferred or discharged from the home to a location that is incapable of meeting the resident's health care and safety needs. 50765
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(32) The right not to be transferred or discharged from the home without adequate preparation prior to the transfer or discharge to ensure a safe and orderly transfer or discharge from the home, including proper arrangements for medication, equipment, health care services, and other necessary services. 50768
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(33) All rights provided under 42 C.F.R. 483.15 and 483.21 and any other transfer or discharge rights provided under federal law. 50773
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(34) The right to voice grievances and recommend changes in policies and services to the home's staff, to employees of the department of health, or to other persons not associated with the operation of the home, of the resident's choice, free from restraint, interference, coercion, discrimination, or reprisal. This right includes access to a residents' rights advocate, and the right to be a member of, to be active in, and to associate with persons who are active in organizations of relatives and friends of nursing home residents and other organizations engaged in assisting residents. 50776
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~~(32)~~(35) The right to have any significant change in the resident's health status reported to the resident's sponsor. As soon as such a change is known to the home's staff, the home shall make a reasonable effort to notify the sponsor within twelve hours. 50786
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~~(33)~~(36) The right, if the resident has requested the care and services of a hospice care program, to choose a hospice care program licensed under Chapter 3712. of the Revised Code that best meets the resident's needs. 50791
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(B) A sponsor may act on a resident's behalf to assure that 50795

the home does not deny the residents' rights under sections 50796
3721.10 to 3721.17 of the Revised Code. 50797

(C) Any attempted waiver of the rights listed in division (A) 50798
of this section is void. 50799

Sec. 3721.16. For each resident of a home, ~~notice of all of~~ 50800
the following apply with respect to a proposed transfer or 50801
~~discharge shall be in accordance with this section. from the home:~~ 50802

(A)(1) The administrator of a home shall notify a resident in 50803
writing, and the resident's sponsor in writing by certified mail, 50804
return receipt requested, in advance of any proposed transfer or 50805
discharge from the home. The administrator shall send a copy of 50806
the notice to the state department of health. The notice shall be 50807
provided at least thirty days in advance of the proposed transfer 50808
or discharge, unless any of the following applies: 50809

(a) The resident's health has improved sufficiently to allow 50810
a more immediate discharge or transfer to a less skilled level of 50811
care; 50812

(b) The resident has resided in the home less than thirty 50813
days; 50814

(c) An emergency arises in which the safety of individuals in 50815
the home is endangered; 50816

(d) An emergency arises in which the health of individuals in 50817
the home would otherwise be endangered; 50818

(e) An emergency arises in which the resident's urgent 50819
medical needs necessitate a more immediate transfer or discharge. 50820

In any of the circumstances described in divisions (A)(1)(a) 50821
to (e) of this section, the notice shall be provided as many days 50822
in advance of the proposed transfer or discharge as is 50823
practicable. 50824

(2) The notice required under division (A)(1) of this section shall include all of the following:

- (a) The reasons for the proposed transfer or discharge;
- (b) The proposed date the resident is to be transferred or discharged;
- (c) Subject to division (A)(3) of this section, a proposed location to which the resident may relocate and a notice that the resident and resident's sponsor may choose another location to which the resident will relocate;
- (d) Notice of the right of the resident and the resident's sponsor to an impartial hearing at the home on the proposed transfer or discharge, and of the manner in which and the time within which the resident or sponsor may request a hearing pursuant to section 3721.161 of the Revised Code;
- (e) A statement that the resident will not be transferred or discharged before the date specified in the notice unless the home and the resident or, if the resident is not competent to make a decision, the home and the resident's sponsor, agree to an earlier date;
- (f) The address of the legal services office of the department of health;
- (g) The name, address, and telephone number of a representative of the state long-term care ombudsman program and, if the resident or patient has a developmental disability or mental illness, the name, address, and telephone number of the Ohio protection and advocacy system.

(3) The proposed location to which a resident may relocate as specified pursuant to division (A)(2)(c) of this section in the proposed transfer or discharge notice shall be capable of meeting the resident's health-care and safety needs. The proposed location

for relocation need not have accepted the resident at the time the notice is issued to the resident and resident's sponsor.

(B) No home shall transfer or discharge a resident before the date specified in the notice required by division (A) of this section unless the home and the resident or, if the resident is not competent to make a decision, the home and the resident's sponsor, agree to an earlier date.

(C) Transfer or discharge actions shall be documented in the resident's medical record by the home if there is a medical basis for the action.

(D) A resident or resident's sponsor may challenge a transfer or discharge by requesting an impartial hearing pursuant to section 3721.161 of the Revised Code, unless the transfer or discharge is required because of one of the following reasons:

(1) The home's license has been revoked under this chapter;

(2) The home is being closed pursuant to section 3721.08, sections 5165.60 to 5165.89, or section 5155.31 of the Revised Code;

(3) The resident is a recipient of medicaid and the home's participation in the medicaid program has been involuntarily terminated or denied by the federal government;

(4) The resident is a beneficiary under the medicare program and the home's certification under the medicare program has been involuntarily terminated or denied by the federal government.

(E) If a resident is to be transferred or discharged pursuant to this section, the home ~~from which the resident is being transferred~~ proposing the transfer or discharged discharge shall provide the resident with adequate preparation prior to the transfer or discharge to ensure a safe and orderly transfer or discharge from the home, and the home or alternative setting to

which the resident is to be transferred or discharged shall have 50885
accepted the resident for transfer or discharge. 50886

(F) At the time of a transfer or discharge of a resident who 50887
is a recipient of medicaid from a home to a hospital or for 50888
therapeutic leave, the home shall provide notice in writing to the 50889
resident and in writing by certified mail, return receipt 50890
requested, to the resident's sponsor, specifying the number of 50891
days, if any, during which the resident will be permitted under 50892
the medicaid program to return and resume residence in the home 50893
and specifying the medicaid program's coverage of the days during 50894
which the resident is absent from the home. An individual who is 50895
absent from a home for more than the number of days specified in 50896
the notice and continues to require the services provided by the 50897
facility shall be given priority for the first available bed in a 50898
semi-private room. 50899

Sec. 3721.161. (A) Not later than thirty days after the date 50900
a resident or the resident's sponsor receives under section 50901
3721.16 of the Revised Code a notice of a proposed transfer or 50902
discharge, whichever date of receiving the notice is later, the 50903
resident or resident's sponsor may challenge the proposed transfer 50904
or discharge by submitting a written request for a hearing to the 50905
state department of health. On receiving the request, the 50906
department shall conduct a hearing in accordance with section 50907
3721.162 of the Revised Code to determine whether the proposed 50908
transfer or discharge complies with ~~division~~ divisions (A)(30) to 50909
(33) of section 3721.13 and section 3721.16 of the Revised Code. 50910

(B) Except in the circumstances described in divisions 50911
(A)(1)(a) to (e) of section 3721.16 of the Revised Code, if a 50912
resident or the resident's sponsor submits a written hearing 50913
request not later than ten days after the date the resident or ~~the~~ 50914
resident's sponsor received notice of the proposed transfer or 50915

discharge, whichever date of receiving the notice is later, the 50916
home shall not transfer or discharge the resident unless the 50917
department determines after the hearing that the transfer or 50918
discharge complies with ~~division~~ divisions (A)(30) to (33) of 50919
section 3721.13 and section 3721.16 of the Revised Code or the 50920
department's determination to the contrary is reversed on appeal. 50921

(C) If a resident or the resident's sponsor does not request 50922
a hearing pursuant to division (A) of this section, the home may 50923
transfer or discharge the resident on the date specified in the 50924
notice required by division (A) of section 3721.16 of the Revised 50925
Code or thereafter, unless the home and the resident or, if the 50926
resident is not competent to make a decision, the home and the 50927
resident's sponsor, agree to an earlier date. 50928

(D) If ~~the~~ a resident or the resident's sponsor requests a 50929
hearing in writing pursuant to division (A) of this section and 50930
the home transfers or discharges the resident before the 50931
department issues a hearing decision, the home shall readmit the 50932
resident in the first available bed if the department determines 50933
after the hearing that the transfer or discharge does not comply 50934
with ~~division~~ divisions (A)(30) to (33) of section 3721.13 and 50935
section 3721.16 of the Revised Code or the department's 50936
determination to the contrary is reversed on appeal. 50937

Sec. 3721.162. (A) On receiving a request pursuant to section 50938
3721.161 of the Revised Code, the department of health shall 50939
conduct hearings under this section in accordance with 42 C.F.R. 50940
431, subpart E, to determine whether the proposed transfer or 50941
discharge of the resident from the home complies with ~~division~~ 50942
divisions (A)(30) to (33) of section 3721.13 and section 3721.16 50943
of the Revised Code. 50944

(B) The department shall employ or contract with an attorney 50945
to serve as hearing officer. The hearing officer shall conduct a 50946

hearing in the home not later than ten days after the date the 50947
department receives a request pursuant to section 3721.161 of the 50948
Revised Code, unless the resident and the home or, if the resident 50949
is not competent to make a decision, the resident's sponsor and 50950
the home, agree otherwise. The hearing shall be recorded on 50951
audiotape, but neither the recording nor a transcript of the 50952
recording shall be part of the official record of the hearing. A 50953
hearing conducted under this section is not subject to section 50954
121.22 of the Revised Code. 50955

(C) Unless the parties otherwise agree, the hearing officer 50956
shall issue a decision within five days of the date the hearing 50957
concludes. In all cases, a decision shall be issued not later than 50958
thirty days after the department receives a request pursuant to 50959
section 3721.161 of the Revised Code. The hearing officer's 50960
decision shall be served on the resident or resident's sponsor and 50961
the home by certified mail. The hearing officer's decision shall 50962
be considered the final decision of the department. 50963

(D) A resident, resident's sponsor, or home may appeal the 50964
decision of the department to the court of common pleas pursuant 50965
to section 119.12 of the Revised Code. The appeal shall be 50966
governed by section 119.12 of the Revised Code, except for all of 50967
the following: 50968

(1) The resident, resident's sponsor, or home shall file the 50969
appeal in the court of common pleas of the county in which the 50970
home is located. 50971

(2) The resident or resident's sponsor may apply to the court 50972
for designation as an indigent and, if the court grants the 50973
application, the resident or resident's sponsor shall not be 50974
required to furnish the costs of the appeal. 50975

(3) The appeal shall be filed with the department and the 50976
court within thirty days after the hearing officer's decision is 50977

served. The appealing party shall serve the opposing party a copy 50978
of the notice of appeal by hand-delivery or certified mail, return 50979
receipt requested. If the home is the appealing party, it shall 50980
provide a copy of the notice of appeal to both the resident and 50981
the resident's sponsor or attorney, if known. 50982

(4) The department shall not file a transcript of the hearing 50983
with the court unless the court orders it to do so. The court 50984
shall issue such an order only if it finds that the parties are 50985
unable to stipulate to the facts of the case and that the 50986
transcript is essential to the determination of the appeal. If the 50987
court orders the department to file the transcript, the department 50988
shall do so not later than thirty days after the day the court 50989
issues the order. 50990

(E) The court shall not require an appellant to pay a bond as 50991
a condition of issuing a stay pending its decision. 50992

(F) The resident, resident's sponsor, home, or department may 50993
commence a civil action in the court of common pleas of the county 50994
in which the home is located to enforce the decision of the 50995
department or the court. If the court finds that the resident or 50996
home has not complied with the decision, it shall enjoin the 50997
violation and order other appropriate relief, including attorney's 50998
fees. 50999

Sec. 3722.04. If a hospital licensed under this chapter is 51000
assigned, sold, or transferred to a new owner, within thirty days 51001
of the assignment, sale, or transfer, the new owner shall apply to 51002
the director of health for a license transfer. The application 51003
shall be submitted to the director in the form and manner 51004
prescribed in rules adopted under section 3722.06 of the Revised 51005
Code. 51006

The new owner is responsible for compliance with any action 51007
taken or proposed by the director under section 3722.07 or 3722.08 51008

of the Revised Code. If a notice has been ~~issued~~ served under 51009
~~section~~ sections 119.05 and 119.07 of the Revised Code, the new 51010
owner becomes party to the notice. 51011

Sec. 3722.07. (A) Each hospital licensed under this chapter 51012
shall comply with the requirements of this chapter and the rules 51013
adopted under it. 51014

(B) In accordance with Chapter 119. of the Revised Code, if 51015
the director of health finds that a license holder has violated 51016
any requirement of this chapter or the rules adopted under it, the 51017
director may do any of the following: 51018

(1) Impose a civil penalty of not less than one thousand 51019
dollars and not more than two hundred fifty thousand dollars; 51020

(2) Require the license holder to submit a plan to correct or 51021
mitigate the violation; 51022

(3) Suspend a health care service or revoke a license issued 51023
under this chapter if the director determines that the license 51024
holder is not in substantial compliance with this chapter or the 51025
rules adopted under it. 51026

(C)(1) If the director takes action under division (B)(3) of 51027
this section, the director shall give written notice of proposed 51028
action to the hospital. The notice shall specify all of the 51029
following: 51030

(a) The nature of the conditions giving rise to the 51031
director's judgment; 51032

(b) The measures that the director determines the hospital 51033
must take to respond to the conditions; 51034

(c) The date, which shall be not later than thirty days after 51035
the notice is delivered, on which the director intends to suspend 51036
the health care service or revoke the license if the conditions 51037
are not corrected and the director determines that the license 51038

holder has not come into substantial compliance with this chapter 51039
or the rules adopted under it. 51040

(2) If the licensed hospital notifies the director, within 51041
the period of time specified in division (C)(1)(c) of this 51042
section, that the conditions giving rise to the director's 51043
determination have been corrected and that the hospital is in 51044
substantial compliance with this chapter and the rules adopted 51045
under it, the director shall conduct an inspection. The director 51046
may suspend the health care service or revoke the license if the 51047
director determines on the basis of the inspection that the 51048
conditions have not been corrected and the license holder has not 51049
come into substantial compliance with this chapter or the rules 51050
adopted under it. 51051

(3) If the licensed hospital fails to notify the director, 51052
within the period of time specified in division (C)(1)(c) of this 51053
section, that the conditions giving rise to the director's 51054
determination have been corrected and that the hospital is in 51055
substantial compliance with this chapter and the rules adopted 51056
under it, the director may suspend the health care service or 51057
revoke the license. 51058

(D) If the director suspends a health care service or revokes 51059
a license under division (C) of this section, the director shall 51060
~~issue~~ serve a written order of suspension or revocation ~~and cause~~ 51061
~~it to be delivered by certified mail or in person~~ in accordance 51062
with ~~section~~ sections 119.05 and 119.07 of the Revised Code. If 51063
the license holder subject to the suspension or revocation 51064
requests an adjudication, the date set for the adjudication shall 51065
be within seven days after the license holder makes the request, 51066
unless another date is agreed to by both the individual and the 51067
director. The suspension or revocation shall remain in effect, 51068
unless reversed by the director, until a final adjudication order 51069
issued by the director pursuant to this section and Chapter 119. 51070

of the Revised Code becomes effective. 51071

The director shall issue a final adjudication order not later 51072
than fourteen days after completion of the adjudication. If the 51073
director does not issue a final order within the fourteen-day 51074
period, the suspension or revocation is void, but any final 51075
adjudication order issued subsequent to the fourteen-day period 51076
shall not be affected. 51077

(E) If the director issues a final adjudication order 51078
suspending a health care service or suspending or revoking a 51079
license issued under this chapter and the license holder continues 51080
to operate a hospital, the director may ask the attorney general 51081
to apply to the court of common pleas of the county in which the 51082
hospital is located for an order enjoining the license holder from 51083
operating the hospital. 51084

Sec. 3727.11. A hospital shall not represent itself as a 51085
comprehensive stroke center, thrombectomy-capable stroke center, 51086
primary stroke center, or acute stroke ready hospital unless it is 51087
recognized as such by the department of health under section 51088
3727.13 of the Revised Code. 51089

This section does not prohibit a hospital from representing 51090
itself as having a relationship or affiliation with a hospital 51091
recognized by the department of health under section 3727.13 of 51092
the Revised Code or a hospital in another state that is certified 51093
as a comprehensive stroke center, thrombectomy-capable stroke 51094
center, primary stroke center, or acute stroke ready hospital by 51095
an accrediting organization approved by the federal centers for 51096
medicare and medicaid services. 51097

Sec. 3727.12. (A) A person or government entity seeking 51098
recognition of a hospital as a comprehensive stroke center, 51099
thrombectomy-capable stroke center, primary stroke center, or 51100

acute stroke ready hospital by the department of health under 51101
section 3727.13 of the Revised Code shall file with the department 51102
an application for recognition. The application shall be submitted 51103
in the manner prescribed by the department. 51104

(B)(1) To be eligible for recognition as a comprehensive 51105
stroke center under section 3727.13 of the Revised Code, a 51106
hospital must be certified as a comprehensive stroke center by an 51107
accrediting organization approved by the federal centers for 51108
medicare and medicaid services or an organization acceptable to 51109
the department under division (C) of this section. 51110

(2) To be eligible for recognition as a thrombectomy-capable 51111
stroke center under section 3727.13 of the Revised Code, a 51112
hospital must be certified as a thrombectomy-capable stroke center 51113
by an accrediting organization approved by the federal centers for 51114
medicare and medicaid services or an organization acceptable to 51115
the department under division (C) of this section. 51116

(3) To be eligible for recognition as a primary stroke center 51117
under section 3727.13 of the Revised Code, a hospital must be 51118
certified as a primary stroke center by an accrediting 51119
organization approved by the federal centers for medicare and 51120
medicaid services or an organization acceptable to the department 51121
under division (C) of this section. 51122

~~(3)~~(4) To be eligible for recognition as an acute stroke 51123
ready hospital under section 3727.13 of the Revised Code, a 51124
hospital must be certified as an acute stroke ready hospital by an 51125
accrediting organization approved by the federal centers for 51126
medicare and medicaid services or an organization acceptable to 51127
the department under division (C) of this section. 51128

(C) For purposes of division (B) of this section, to be 51129
acceptable to the department an organization must certify 51130
comprehensive stroke centers, thrombectomy-capable stroke center, 51131

primary stroke centers, or acute stroke ready hospitals in 51132
accordance with nationally recognized certification guidelines. 51133

Sec. 3727.13. (A)(1) The department of health shall recognize 51134
as a comprehensive stroke center a hospital that satisfies the 51135
requirements of division (B)(1) of section 3727.12 of the Revised 51136
Code and submits a complete application. 51137

~~(2)(a)~~(2) The department shall recognize as a 51138
thrombectomy-capable stroke center a hospital that satisfies the 51139
requirements of division (B)(2) of section 3727.12 of the Revised 51140
Code and submits a complete application. 51141

(3)(a) The department shall recognize as a primary stroke 51142
center a hospital that satisfies the requirements of division 51143
~~(B)(2)~~ (B)(3) of section 3727.12 of the Revised Code and submits a 51144
complete application. 51145

(b) If a hospital satisfying the requirements of division 51146
~~(B)(2)~~ (B)(3) of section 3727.12 of the Revised Code has attained 51147
supplementary levels of stroke care distinction as identified by 51148
an accrediting organization approved by the federal centers for 51149
medicare and medicaid services or an organization accepted by the 51150
department under section 3727.12 of the Revised Code, including by 51151
offering patients mechanical endovascular therapy, the department 51152
shall include that distinction in its recognition. 51153

~~(3)~~(4) The department shall recognize as an acute stroke 51154
ready hospital a hospital that satisfies the requirements of 51155
division ~~(B)(3)~~ (B)(4) of section 3727.12 of the Revised Code and 51156
submits a complete application. 51157

(B) The department shall end its recognition of a hospital 51158
made under division (A) of this section if the accrediting 51159
organization described in division (B) of section 3727.12 of the 51160
Revised Code that certified the hospital revokes, rescinds, or 51161

otherwise terminates the hospital's certification with that organization or the certification expires.

(C) Not later than the first day of January and July each year, the department shall compile and send a list of hospitals recognized under division (A) of this section to the medical director and cooperating physician advisory board of each emergency medical service organization, as defined in section 4765.01 of the Revised Code. The department also shall maintain a comprehensive list of recognized hospitals on its internet web site and update the list not later than thirty days after a hospital is recognized under division (A) of this section or its recognition ends under division (B) of this section.

Sec. 3727.131. (A)(1) In an effort to improve the quality of care for patients affected by stroke, the department of health shall establish and maintain a process for the collection, transmission, compilation, and oversight of data related to stroke care. Such data shall be collected, transmitted, compiled, and overseen in a manner prescribed by the director of health.

As part of the process and except as provided in division (A)(2) of this section, the department shall establish or utilize a stroke registry database to store information, statistics, and other data on stroke care, including information, statistics, and data that align with nationally recognized treatment guidelines and performance measures.

(2) If the department established or utilized, prior to the effective date of this section, a stroke registry database that meets the requirements of this section, then both of the following apply:

(a) Division (A)(1) of this section shall not be construed to require the department to establish or utilize another such database.

(b) The department shall maintain both the process and stroke registry database described in this section, including in the event federal moneys are no longer available to support the process or database. 51193
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(B) Not later than six months after the effective date of this section, the director of health shall adopt rules as necessary to implement this section, including rules specifying all of the following: 51197
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(1) The information, statistics, and other data to be collected, which shall do both of the following: 51201
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(a) Align with stroke consensus metrics developed and approved by both of the following: (i) The United States centers for disease control and prevention; (ii) Accreditation organizations that are approved by the United States centers for medicare and medicaid services and that certify stroke centers. 51203
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(b) Include at a minimum both of the following: 51208

(i) Data that is consistent with nationally recognized treatment guidelines for patients with confirmed stroke; 51209
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(ii) In the case of mechanical endovascular thrombectomy, data regarding the treatment's processes, complications, and outcomes, including data required by national certifying organizations. 51211
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(2) The manner in which the information, statistics, and other data are to be collected; 51215
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(3) The manner in which the information, statistics, and other data are to be transmitted for inclusion in the stroke registry database. 51217
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(C) When adopting rules as described in division (B) of this section, all of the following apply: 51220
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(1) The director of health shall do all of the following: 51222

(a) Consider nationally recognized stroke care performance measures; 51223
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(b) Designate an electronic platform for the collection and transmission of data. 51225
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When designating the platform, the director shall consider nationally recognized stroke data platforms. 51227
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(c) In an effort to avoid duplication and redundancy, coordinate, to every extent possible, with hospitals recognized by the department under section 3727.13 of the Revised Code and national voluntary health organizations involved in stroke quality improvement. 51229
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(2) The director of health may specify that, of the information, statistics, or other data that is collected, only samples are to be transmitted for inclusion in the stroke registry database. 51234
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(3) The rules shall be adopted in accordance with Chapter 119. of the Revised Code. 51238
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(4) Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under this section is not subject to sections 121.95 to 121.953 of the Revised Code. 51240
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(D)(1) Except as provided in division (D)(2) of this section, each hospital that is recognized by the department under section 3727.13 of the Revised Code as a comprehensive stroke center, thrombectomy-capable stroke center, or primary stroke center shall do both of the following: 51244
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(a) Collect the information, statistics, and other data specified by the director in rules adopted under division (B) of this section; 51249
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(b) Transmit the information, statistics, and other data for 51252

inclusion in the stroke registry database. 51253

A hospital may contract with a third-party organization for the collection and transmission of the information, statistics, and other data. If a hospital contracts with a third-party organization, the organization shall collect and transmit such information, statistics, and other data for inclusion in the stroke registry database. 51254
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(2) The data described in division (B)(1)(b)(ii) of this section shall be collected and transmitted only by a hospital that is recognized by the department under section 3727.13 of the Revised Code as a thrombectomy-capable stroke center. 51260
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(3) In the case of a hospital that is recognized by the department under section 3727.13 of the Revised Code as an acute stroke ready hospital, the collection and transmission of the data described in division (B) of this section is encouraged. 51264
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(E) The information, statistics, or other data collected or transmitted as required or encouraged by this section shall not identify or tend to identify any particular patient. 51268
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(F) The department may establish an oversight committee to advise and monitor the department in implementing this section and to assist the department in developing short- and long-term goals for the stroke registry database. 51271
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If established, the membership of the committee shall consist of individuals with expertise or experience in data collection, data management, or stroke care, including both of the following: 51275
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(1) Individuals representing organizations advocating on behalf of those with stroke or cardiovascular conditions; 51278
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(2) Individuals representing hospitals recognized by the department under section 3727.13 of the Revised Code. 51280
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Sec. 3727.14. If an accrediting organization approved by the 51282

federal centers for medicare and medicaid services or an 51283
organization that certifies hospitals in accordance with 51284
nationally recognized certification guidelines establishes a level 51285
of stroke certification that is in addition to the ~~three~~ four 51286
levels described in sections 3727.11 to 3727.13 of the Revised 51287
Code, the department of health shall recognize a hospital 51288
certified at that additional level. 51289

For purposes of this section, the department and a hospital 51290
shall comply with sections 3727.11 to 3727.13 of the Revised Code 51291
as if the certification and recognition described in this section 51292
were one of the ~~three~~ four levels described in sections 3727.11 to 51293
3727.13 of the Revised Code. 51294

Sec. 3727.17. Each hospital shall provide a staff person to 51295
do all of the following: 51296

(A) Meet with each unmarried mother who gave birth in or en 51297
route to the hospital within twenty-four hours after the birth or 51298
before the mother is released from the hospital; 51299

(B) Attempt to meet with the father of the unmarried mother's 51300
child if possible; 51301

(C) Explain to the unmarried mother and the father, if the 51302
father is present, the benefit to the child of establishing a 51303
parent and child relationship between the father and the child and 51304
the various proper procedures for establishing a parent and child 51305
relationship; 51306

(D) Present to the unmarried mother and, if possible, the 51307
father, the pamphlet or statement regarding the rights and 51308
responsibilities of a natural parent prepared by the department of 51309
job and family services pursuant to section 3111.32 of the Revised 51310
Code; 51311

(E) Provide the unmarried mother, and if possible the father, 51312

all forms and statements necessary to voluntarily establish a 51313
parent and child relationship, including the acknowledgment of 51314
paternity form prepared by the department of job and family 51315
services pursuant to section 3111.31 of the Revised Code; 51316

(F) Upon both the mother's and father's request, help the 51317
mother and father complete any specific form or statement 51318
necessary to establish a parent and child relationship; 51319

(G) Present to an unmarried mother who is not a recipient of 51320
medicaid or a participant in Ohio works first an application for 51321
Title IV-D services; 51322

(H) Mail the voluntary acknowledgment of paternity, no later 51323
than ten days after it is completed, to the office of child 51324
support in the department of job and family services. 51325

Each hospital shall provide a notary public to notarize, or 51326
witnesses to witness, an acknowledgment of paternity signed by the 51327
mother and father. If a hospital knows or determines that a man is 51328
presumed under section 3111.03 of the Revised Code to be the 51329
father of the child described in this section and that the 51330
presumed father is not the man who signed or is attempting to sign 51331
an acknowledgment with respect to the child, the hospital shall 51332
take no further action with regard to the acknowledgment and shall 51333
not mail the acknowledgment pursuant to this section. 51334

A hospital may contract with a person or government entity to 51335
fulfill its responsibilities under this section and sections 51336
3111.71 to 3111.74 of the Revised Code. Services provided by a 51337
hospital under this section or pursuant to a contract under 51338
sections 3111.71 and 3111.77 of the Revised Code do not constitute 51339
the practice of law. A hospital shall not be subject to criminal 51340
or civil liability for any damage or injury alleged to result from 51341
services provided pursuant to this section or sections 3111.71 to 51342
3111.74 of the Revised Code unless the hospital acted with 51343

malicious purpose, in bad faith, or in a wanton or reckless manner. 51344
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Sec. 3733.41. As used in ~~sections 3733.41 to 3733.49 of the Revised Code~~ this chapter: 51346
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(A) "Agricultural labor camp" means one or more buildings or structures, trailers, tents, or vehicles, together with any land appertaining thereto, established, operated, or used as temporary living quarters for two or more families or five or more persons intending to engage in or engaged in agriculture or related food processing, whether occupancy is by rent, lease, or mutual agreement. "Agricultural labor camp" does not include a hotel or motel, or a manufactured home park regulated pursuant to sections 4781.26 to 4781.52 of the Revised Code, and rules adopted thereunder. 51348
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(B) "Board of health" means the board of health of a city or general health district or the authority having the duties of a board of health in any city as authorized by section 3709.05 of the Revised Code or an authorized representative of the board of health. 51358
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(C) "Director" means the director of health or the authorized representative of the director of health. 51363
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(D) "Licensor" means the director of health. 51365

(E) "Person" means the state, any political subdivision, public or private corporation, partnership, association, trust, individual, or other entity. 51366
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(F) "State monitor advocate" means an individual appointed under 20 C.F.R. 653.108. 51369
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Sec. 3733.43. (A) Except as otherwise provided in this division, prior to the fifteenth day of April in each year, every 51371
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person who intends to operate an agricultural labor camp shall 51373
make application to the licenser for a license to operate such 51374
camp, effective for the calendar year in which it is issued. The 51375
licensor may accept an application on or after the fifteenth day 51376
of April. The license fees specified in this division shall be 51377
submitted to the licenser with the application for a license. No 51378
agricultural labor camp shall be operated in this state without a 51379
license. Any person operating an agricultural labor camp without a 51380
current and valid agricultural labor camp license is not excepted 51381
from compliance with ~~sections 3733.41 to 3733.49 of the Revised~~ 51382
~~Code~~ this chapter by holding a valid and current hotel license. 51383
Each person proposing to open an agricultural labor camp shall 51384
submit with the application for a license any plans required by 51385
any rule adopted under section 3733.42 of the Revised Code. For 51386
any license issued on or after July 1, 2009, the annual license 51387
fee is one hundred fifty dollars, unless the application for a 51388
license is made on or after the fifteenth day of April in any 51389
given year, in which case the annual license fee is one hundred 51390
sixty-six dollars. For any license issued on or after July 1, 51391
2009, an additional fee of twenty dollars per housing unit per 51392
year shall be assessed to defray the costs of enforcing ~~sections~~ 51393
~~3733.41 to 3733.49 of the Revised Code~~ this chapter, unless the 51394
application for a license is made on or after the fifteenth day of 51395
April in any given year, in which case an additional fee of 51396
forty-two dollars and fifty cents per housing unit shall be 51397
assessed. All fees collected under this division shall be 51398
deposited in the state treasury to the credit of the general 51399
operations fund created in section 3701.83 of the Revised Code and 51400
shall be used for the administration and enforcement of ~~sections~~ 51401
~~3733.41 to 3733.49 of the Revised Code~~ this chapter and rules 51402
adopted thereunder. 51403

(B) Any license under this section may be denied, suspended, 51404
or revoked by the licenser for violation of ~~sections 3733.41 to~~ 51405

~~3733.49 of the Revised Code~~ this chapter or the rules adopted 51406
thereunder. Unless there is an immediate serious public health 51407
hazard, no denial, suspension, or revocation of a license shall be 51408
made effective until the person operating the agricultural labor 51409
camp has been given notice in writing of the specific violations 51410
and a reasonable time to make corrections. When the licensor 51411
determines that an immediate serious public health hazard exists, 51412
the licensor shall issue an order denying or suspending the 51413
license without a prior hearing. 51414

(C) All proceedings under this section are subject to Chapter 51415
119. of the Revised Code except as provided in section 3733.431 of 51416
the Revised Code. 51417

(D) Every occupant of an agricultural labor camp shall keep 51418
that part of the dwelling unit, and premises thereof, that the 51419
occupant occupies and controls in a clean and sanitary condition. 51420

Sec. 3733.431. Chapter 119. of the Revised Code applies to 51421
all adjudications under ~~sections 3733.41 to 3733.49 of the Revised~~ 51422
~~Code~~ this chapter except that: 51423

(A) The director of health shall notify a licensee that ~~he~~ 51424
the licensee is entitled to a hearing if ~~he~~ the licensee requests 51425
it within ten days of the time the notice informing ~~him~~ the 51426
licensee of ~~his~~ the licensee's right to a hearing was mailed; 51427

(B) If the licensee requests a hearing, the date set for the 51428
hearing shall be within ten days after the licensee has requested 51429
a hearing; 51430

(C) The director shall not apply for a postponement or 51431
continuation of an adjudication hearing. If the licensee requests 51432
a postponement or continuation of an adjudication hearing, it 51433
shall not be granted unless the licensee demonstrates that an 51434
unusual hardship will be incurred in meeting the hearing date. If 51435

the director grants a postponement or continuation on the grounds 51436
of an unusual hardship to the licensee, the record shall document 51437
the nature and cause of the unusual hardship. 51438

(D) If the director of health appoints a referee or examiner 51439
to conduct the hearing: 51440

(1) A copy of the written adjudication report and 51441
recommendation of the referee or examiner shall be served by 51442
certified mail upon the director and the licensee or ~~his~~ the 51443
licensee's attorney or other representative of record within three 51444
working days of the conclusion of the hearing; 51445

(2) The licensee is not entitled to file written objections 51446
to the report; 51447

(3) The director shall approve, modify, or disapprove of the 51448
report and recommendations within three working days of receiving 51449
the report. 51450

(E) A notice of appeal of an adverse adjudication decision 51451
shall be filed within fifteen days of the mailing of the 51452
director's order; 51453

(F) The court shall not suspend an adjudication order pending 51454
disposition of the appeal. Any adjudication order issued by the 51455
director shall remain in force pending final disposition of the 51456
appeal. 51457

Sec. 3733.45. (A) The licensor shall inspect all agricultural 51458
labor camps and shall require compliance with ~~sections 3733.41 to~~ 51459
~~3733.49 of the Revised Code~~ this chapter and the rules adopted 51460
thereunder prior to the issuance of a license. Upon receipt of a 51461
complaint from the ~~migrant agricultural ombudsperson~~ state monitor 51462
advocate or upon the basis of a licensor's own information that an 51463
agricultural labor camp is operating without a license, the 51464
licensor shall inspect the camp. If the camp is operating without 51465

a license, the licensor shall require the camp to comply with 51466
~~sections 3733.41 to 3733.49 of the Revised Code~~ this chapter and 51467
the rules adopted under ~~these sections~~ it. No license shall be 51468
issued unless results of water supply tests indicate that the 51469
water supply meets required standards or if any violations exist 51470
concerning sanitation, drainage, or habitability of housing units. 51471
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(B) The licensor shall, upon issuance of each license, 51473
distribute posters containing the toll-free telephone number of 51474
the ~~migrant agricultural ombudsperson established in section~~ 51475
~~3733.49 of the Revised Code~~ state monitor advocate and information 51476
in English and Spanish describing the purpose of the 51477
~~ombudsperson's~~ state monitor advocate's office, ~~as provided in~~ 51478
~~that section~~ under 20 C.F.R. Parts 651, 653, 654, and 658. The 51479
licensor shall provide at least two posters to the licensee, one 51480
for the licensee's personal use and at least one that shall be 51481
posted in a conspicuous place within the camp. 51482

(C) The licensor may, upon proper identification to the 51483
operator or the operator's agent, enter on any property or into 51484
any structure at any reasonable time for the purpose of making 51485
inspections required by this section. 51486

The licensor shall make at least one inspection prior to 51487
licensing. The licensor shall make such other inspections as the 51488
licensor considers necessary to enforce ~~sections 3733.41 to~~ 51489
~~3733.49 of the Revised Code~~ this chapter adequately. 51490

(D) Any plans submitted to the licensor shall be in 51491
compliance with rules adopted pursuant to section 3733.42 of the 51492
Revised Code and shall be approved or disapproved within thirty 51493
days after they are filed. 51494

(E) The licensor shall issue an annual report that shall 51495
accurately reflect the results of that year's inspections, 51496

including, but not limited to, numbers of inspections, number of 51497
violations found, and action taken in regard to violations. The 51498
report shall also include an assessment of any problems found in 51499
that year and proposed solutions for them. 51500

Sec. 3733.46. (A) The director of health is the licensor and 51501
shall administer and enforce ~~sections 3733.41 to 3733.49 of the~~ 51502
~~Revised Code~~ this chapter and the rules adopted thereunder. 51503

(B) If the director determines that a board of health can 51504
satisfactorily enforce ~~sections 3733.41 to 3733.49 of the Revised~~ 51505
~~Code~~ this chapter and the rules adopted thereunder, ~~he~~ the 51506
director shall delegate ~~his~~ the director's authority to enforce 51507
~~sections 3733.41 to 3733.49 of the Revised Code~~ this chapter and 51508
the rules adopted thereunder to the board. The director may enter 51509
an agreement with a board of health to which ~~he~~ the director has 51510
delegated ~~his~~ the director's authority to enforce ~~sections 3733.41~~ 51511
~~to 3733.49 of the Revised Code~~ this chapter, to provide funds to 51512
the board of health to carry out this duty. The director shall 51513
retain authority to issue, deny, renew, suspend, or revoke 51514
licenses authorizing the operation of agricultural labor camps. 51515

Sec. 3733.47. The attorney general, or the prosecuting 51516
attorney of the county, or the city director of law shall upon 51517
complaint of the licensor prosecute to termination or bring an 51518
action for a temporary restraining order or preliminary or 51519
permanent injunction against any person violating ~~sections 3733.41~~ 51520
~~to 3733.49 of the Revised Code~~ this chapter or the rules adopted 51521
thereunder. The common pleas court in which an action for a 51522
temporary restraining order or preliminary or permanent injunction 51523
is filed has the jurisdiction to grant such relief upon a showing 51524
that the respondent named in the complaint is in violation of 51525
~~sections 3733.41 to 3733.49 of the Revised Code~~ this chapter or 51526
the rules adopted thereunder. 51527

Sec. 3733.471. (A) Any person who believes that violations of 51528
~~sections 3733.41 to 3733.49~~ this chapter, Chapter 4109., or 51529
Chapter 4111. of the Revised Code are taking place may report or 51530
cause reports to be made of the information directly to the 51531
~~migrant agricultural ombudsman's office as provided in section~~ 51532
~~3733.49 of the Revised Code~~ state monitor advocate. No person who 51533
files a report is liable for civil damages resulting from the 51534
report if the report was made on the basis of personal knowledge 51535
and belief, and not on the basis of hearsay, and was made in good 51536
faith and without recklessness as to the truth of the information 51537
contained in the report. 51538

(B) The ~~migrant agricultural ombudsman's office~~ state monitor 51539
advocate shall immediately forward to the attorney general all 51540
reports that ~~it~~ the state monitor advocate receives under division 51541
(A) of this section. Within forty-eight hours of receiving a 51542
report alleging that conditions in violation of ~~sections 3733.41~~ 51543
~~to 3733.49~~ this chapter, Chapter 4109., or Chapter 4111. of the 51544
Revised Code exist that cause a direct or serious threat to the 51545
health or safety of migrant agricultural laborers, the attorney 51546
general, or the attorney general in conjunction with the director 51547
of health, shall investigate the complaint. If after an 51548
investigation period, which shall not exceed forty-eight hours, 51549
the attorney general finds probable cause to believe that existing 51550
conditions cause a direct or serious threat to the health or 51551
safety of the laborers, the attorney general, or the attorney 51552
general in conjunction with the appropriate prosecuting attorney, 51553
shall bring an action for a temporary restraining order or a 51554
preliminary or permanent injunction. 51555

(C) The attorney general, or the attorney general in 51556
conjunction with the director of health, shall, within seven days 51557
of receiving a complaint that does not allege a serious health or 51558
safety violation of ~~sections 3733.41 to 3733.49~~ this chapter, 51559

Chapter 4109., or Chapter 4111. of the Revised Code, begin an investigation of the complaint. If after an investigation period, which shall not exceed fourteen days, the attorney general finds probable cause to believe that a violation of ~~sections 3733.41 to 3733.49~~ this chapter, Chapter 4109., or Chapter 4111. of the Revised Code exists, ~~he~~ the attorney general shall refer the matter to the appropriate prosecuting attorney, who shall prosecute the complaint.

(D) The ~~migrant agricultural ombudsman's office~~ state monitor advocate shall treat as confidential all information that ~~it~~ the state monitor advocate receives as a result of reports filed with ~~it~~ the state monitor advocate under division (A) of this section and shall not reveal that information to any person except under division (B) of this section or as required in the course of an investigation or prosecution.

Sec. 3734.01. As used in this chapter:

(A) "Board of health" means the board of health of a city or general health district or the authority having the duties of a board of health in any city as authorized by section 3709.05 of the Revised Code.

(B) "Director" means the director of environmental protection.

(C) "Health district" means a city or general health district as created by or under authority of Chapter 3709. of the Revised Code.

(D) "Agency" means the environmental protection agency.

(E) "Solid wastes" means such unwanted residual solid or semisolid material as results from industrial, commercial, agricultural, and community operations, excluding earth or material from construction, mining, or demolition operations, or

other waste materials of the type that normally would be included 51590
in demolition debris, nontoxic fly ash and bottom ash, including 51591
at least ash that results from the combustion of coal and ash that 51592
results from the combustion of coal in combination with scrap 51593
tires where scrap tires comprise not more than fifty per cent of 51594
heat input in any month, spent nontoxic foundry sand, nontoxic, 51595
nonhazardous, unwanted fired and unfired, glazed and unglazed, 51596
structural products made from shale and clay products, and slag 51597
and other substances that are not harmful or inimical to public 51598
health, and includes, but is not limited to, garbage, scrap tires, 51599
combustible and noncombustible material, street dirt, and debris. 51600
"Solid wastes" does not include any material that is an infectious 51601
waste ~~or~~, a hazardous waste, or any post-use polymers and 51602
recovered feedstocks converted at an advanced recycling facility 51603
or held at such a facility prior to conversion through an advanced 51604
recycling process. 51605

(F) "Disposal" means the discharge, deposit, injection, 51606
dumping, spilling, leaking, emitting, or placing of any solid 51607
wastes or hazardous waste into or on any land or ground or surface 51608
water or into the air, except if the disposition or placement 51609
constitutes storage or treatment or, if the solid wastes consist 51610
of scrap tires, the disposition or placement constitutes a 51611
beneficial use or occurs at a scrap tire recovery facility 51612
licensed under section 3734.81 of the Revised Code. "Disposal" 51613
does not include ~~the process of converting post-use polymers and~~ 51614
~~recoverable feedstocks using gasification or pyrolysis~~ advanced 51615
recycling. 51616

(G) "Person" includes the state, any political subdivision 51617
and other state or local body, the United States and any agency or 51618
instrumentality thereof, and any legal entity defined as a person 51619
under section 1.59 of the Revised Code. 51620

(H) "Open burning" means the burning of solid wastes in an 51621

open area or burning of solid wastes in a type of chamber or 51622
vessel that is not approved or authorized in rules adopted by the 51623
director under section 3734.02 of the Revised Code or, if the 51624
solid wastes consist of scrap tires, in rules adopted under 51625
division (V) of this section or section 3734.73 of the Revised 51626
Code, or the burning of treated or untreated infectious wastes in 51627
an open area or in a type of chamber or vessel that is not 51628
approved in rules adopted by the director under section 3734.021 51629
of the Revised Code. 51630

(I) "Open dumping" means the depositing of solid wastes into 51631
a body or stream of water or onto the surface of the ground at a 51632
site that is not licensed as a solid waste facility under section 51633
3734.05 of the Revised Code or, if the solid wastes consist of 51634
scrap tires, as a scrap tire collection, storage, monocell, 51635
monofill, or recovery facility under section 3734.81 of the 51636
Revised Code; the depositing of solid wastes that consist of scrap 51637
tires onto the surface of the ground at a site or in a manner not 51638
specifically identified in divisions (C)(2) to (5), (7), or (10) 51639
of section 3734.85 of the Revised Code; the depositing of 51640
untreated infectious wastes into a body or stream of water or onto 51641
the surface of the ground; or the depositing of treated infectious 51642
wastes into a body or stream of water or onto the surface of the 51643
ground at a site that is not licensed as a solid waste facility 51644
under section 3734.05 of the Revised Code. 51645

(J) "Hazardous waste" means any waste or combination of 51646
wastes in solid, liquid, semisolid, or contained gaseous form that 51647
in the determination of the director, because of its quantity, 51648
concentration, or physical or chemical characteristics, may do 51649
either of the following: 51650

(1) Cause or significantly contribute to an increase in 51651
mortality or an increase in serious irreversible or incapacitating 51652
reversible illness; 51653

(2) Pose a substantial present or potential hazard to human health or safety or to the environment when improperly stored, treated, transported, disposed of, or otherwise managed.

"Hazardous waste" includes any substance identified by regulation as hazardous waste under the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended, and does not include any substance that is subject to the "Atomic Energy Act of 1954," 68 Stat. 919, 42 U.S.C.A. 2011, as amended.

(K) "Treat" or "treatment," when used in connection with hazardous waste, means any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize the waste; recover energy or material resources from the waste; render the waste nonhazardous or less hazardous, safer to transport, store, or dispose of, or amenable for recovery or storage; or reduce the volume of the waste. When used in connection with infectious wastes, "treat" or "treatment" means any method, technique, or process that renders the wastes noninfectious so that it is no longer an infectious waste and is no longer an infectious substance as defined in applicable federal law, including, without limitation, steam sterilization and incineration, and, in the instance of wastes identified in division (R)(7) of this section, to substantially reduce or eliminate the potential for the wastes to cause lacerations or puncture wounds.

(L) "Manifest" means the form used for identifying the quantity, composition, origin, routing, and destination of hazardous waste during its transportation from the point of generation to the point of disposal, treatment, or storage.

(M)(1) When used in connection with hazardous waste, "storage" means the holding of hazardous waste for a temporary

period in such a manner that it remains retrievable and 51686
substantially unchanged physically and chemically and, at the end 51687
of the period, is treated; disposed of; stored elsewhere; or 51688
reused, recycled, or reclaimed in a beneficial manner; 51689

(2) When used in connection with scrap tires, "storage" means 51690
the holding of scrap tires for a temporary period in such a manner 51691
that they remain retrievable and, at the end of that period, are 51692
beneficially used; stored elsewhere; placed in a scrap tire 51693
monocell or monofill facility licensed under section 3734.81 of 51694
the Revised Code; processed at a scrap tire recovery facility 51695
licensed under that section or a solid waste incineration or 51696
energy recovery facility subject to regulation under this chapter; 51697
or transported to a scrap tire monocell, monofill, or recovery 51698
facility, any other solid waste facility authorized to dispose of 51699
scrap tires, or a facility that will beneficially use the scrap 51700
tires, that is located in another state and is operating in 51701
compliance with the laws of the state in which the facility is 51702
located; 51703

(3) When used in connection with ~~recoverable~~ recovered 51704
feedstocks or post-use polymers, "storage" means holding 51705
~~recoverable~~ recovered feedstocks or post-use polymers for a period 51706
of less than ninety days, provided all of the following apply: 51707

(a) The ~~recoverable~~ recovered feedstocks or post-use polymers 51708
remain retrievable and substantially unchanged physically and 51709
chemically; 51710

(b) The storage of ~~recoverable~~ recovered feedstocks or 51711
post-use polymers does not cause a nuisance; 51712

(c) The storage of ~~recoverable~~ recovered feedstocks or 51713
post-use polymers does not pose a threat from vectors; 51714

(d) The storage of ~~recoverable~~ recovered feedstocks or 51715
post-use polymers does not adversely impact public health, safety, 51716

or the environment; 51717

(e) Prior to the end of the storage period of less than 51718
ninety days, the ~~recoverable~~ recovered feedstocks or post-use 51719
polymers are converted ~~using gasification or pyrolysis through~~ 51720
advanced recycling. 51721

(N) "Facility" means any site, location, tract of land, 51722
installation, or building used for incineration, composting, 51723
sanitary landfilling, or other methods of disposal of solid wastes 51724
or, if the solid wastes consist of scrap tires, for the 51725
collection, storage, or processing of the solid wastes; for the 51726
transfer of solid wastes; for the treatment of infectious wastes; 51727
or for the storage, treatment, or disposal of hazardous waste. 51728

(O) "Closure" means the time at which a hazardous waste 51729
facility will no longer accept hazardous waste for treatment, 51730
storage, or disposal, the time at which a solid waste facility 51731
will no longer accept solid wastes for transfer or disposal or, if 51732
the solid wastes consist of scrap tires, for storage or 51733
processing, or the effective date of an order revoking the permit 51734
for a hazardous waste facility or the registration certificate, 51735
permit, or license for a solid waste facility, as applicable. 51736
"Closure" includes measures performed to protect public health or 51737
safety, to prevent air or water pollution, or to make the facility 51738
suitable for other uses, if any, including, but not limited to, 51739
the removal of processing residues resulting from solid wastes 51740
that consist of scrap tires; the establishment and maintenance of 51741
a suitable cover of soil and vegetation over cells in which 51742
hazardous waste or solid wastes are buried; minimization of 51743
erosion, the infiltration of surface water into such cells, the 51744
production of leachate, and the accumulation and runoff of 51745
contaminated surface water; the final construction of facilities 51746
for the collection and treatment of leachate and contaminated 51747
surface water runoff, except as otherwise provided in this 51748

division; the final construction of air and water quality 51749
monitoring facilities, except as otherwise provided in this 51750
division; the final construction of methane gas extraction and 51751
treatment systems; or the removal and proper disposal of hazardous 51752
waste or solid wastes from a facility when necessary to protect 51753
public health or safety or to abate or prevent air or water 51754
pollution. With regard to a solid waste facility that is a scrap 51755
tire facility, "closure" includes the final construction of 51756
facilities for the collection and treatment of leachate and 51757
contaminated surface water runoff and the final construction of 51758
air and water quality monitoring facilities only if those actions 51759
are determined to be necessary. 51760

(P) "Premises" means either of the following: 51761

(1) Geographically contiguous property owned by a generator; 51762

(2) Noncontiguous property that is owned by a generator and 51763
connected by a right-of-way that the generator controls and to 51764
which the public does not have access. Two or more pieces of 51765
property that are geographically contiguous and divided by public 51766
or private right-of-way or rights-of-way are a single premises. 51767

(Q) "Post-closure" means that period of time following 51768
closure during which a hazardous waste facility is required to be 51769
monitored and maintained under this chapter and rules adopted 51770
under it, including, without limitation, operation and maintenance 51771
of methane gas extraction and treatment systems, or the period of 51772
time after closure during which a scrap tire monocell or monofill 51773
facility licensed under section 3734.81 of the Revised Code is 51774
required to be monitored and maintained under this chapter and 51775
rules adopted under it. 51776

(R) "Infectious wastes" means any wastes or combination of 51777
wastes that include cultures and stocks of infectious agents and 51778
associated biologicals, human blood and blood products, and 51779

substances that were or are likely to have been exposed to or 51780
contaminated with or are likely to transmit an infectious agent or 51781
zoonotic agent, including all of the following: 51782

(1) Laboratory wastes; 51783

(2) Pathological wastes; 51784

(3) Animal blood and blood products; 51785

(4) Animal carcasses and parts; 51786

(5) Waste materials from the rooms of humans, or the 51787
enclosures of animals, that have been isolated because of 51788
diagnosed communicable disease that are likely to transmit 51789
infectious agents. Such waste materials from the rooms of humans 51790
do not include any wastes of patients who have been placed on 51791
blood and body fluid precautions under the universal precaution 51792
system established by the centers for disease control in the 51793
public health service of the United States department of health 51794
and human services, except to the extent specific wastes generated 51795
under the universal precautions system have been identified as 51796
infectious wastes by rules adopted under division (R)(7) of this 51797
section. 51798

(6) Sharp wastes used in the treatment, diagnosis, or 51799
inoculation of human beings or animals; 51800

(7) Any other waste materials generated in the diagnosis, 51801
treatment, or immunization of human beings or animals, in research 51802
pertaining thereto, or in the production or testing of 51803
biologicals, that the director of health, by rules adopted in 51804
accordance with Chapter 119. of the Revised Code, identifies as 51805
infectious wastes after determining that the wastes present a 51806
substantial threat to human health when improperly managed because 51807
they are contaminated with, or are likely to be contaminated with, 51808
infectious agents. 51809

As used in this division, "blood products" does not include 51810
patient care waste such as bandages or disposable gowns that are 51811
lightly soiled with blood or other body fluids unless those wastes 51812
are soiled to the extent that the generator of the wastes 51813
determines that they should be managed as infectious wastes. 51814

(S) "Infectious agent" means a type of microorganism, 51815
pathogen, virus, or proteinaceous infectious particle that can 51816
cause or significantly contribute to disease in or death of human 51817
beings. 51818

(T) "Zoonotic agent" means a type of microorganism, pathogen, 51819
or virus that causes disease in vertebrate animals, is 51820
transmissible to human beings, and can cause or significantly 51821
contribute to disease in or death of human beings. 51822

(U) "Solid waste transfer facility" means any site, location, 51823
tract of land, installation, or building that is used or intended 51824
to be used primarily for the purpose of transferring solid wastes 51825
that were generated off the premises of the facility from vehicles 51826
or containers into other vehicles for transportation to a solid 51827
waste disposal facility. "Solid waste transfer facility" does not 51828
include an advanced recycling facility or any facility that 51829
consists solely of portable containers that have an aggregate 51830
volume of fifty cubic yards or less nor any facility where 51831
legitimate recycling activities are conducted. 51832

(V) "Beneficially use" includes: 51833

(1) With regard to scrap tires, to use a scrap tire in a 51834
manner that results in a commodity for sale or exchange or in any 51835
other manner authorized as a beneficial use in rules adopted by 51836
the director in accordance with Chapter 119. of the Revised Code; 51837

(2) With regard to material from a horizontal well that has 51838
come in contact with a refined oil-based substance and that is not 51839
technologically enhanced naturally occurring radioactive material, 51840

to use the material in any manner authorized as a beneficial use 51841
in rules adopted by the director under section 3734.125 of the 51842
Revised Code. 51843

(W) "Commercial car," "commercial tractor," "farm machinery," 51844
"motor bus," "vehicles," "motor vehicle," and "semitrailer" have 51845
the same meanings as in section 4501.01 of the Revised Code. 51846

(X) "Construction equipment" means road rollers, traction 51847
engines, power shovels, power cranes, and other equipment used in 51848
construction work, or in mining or producing or processing 51849
aggregates, and not designed for or used in general highway 51850
transportation. 51851

(Y) "Motor vehicle salvage dealer" has the same meaning as in 51852
section 4738.01 of the Revised Code. 51853

(Z) "Scrap tire" means an unwanted or discarded tire. 51854

(AA) "Scrap tire collection facility" means any facility that 51855
meets all of the following qualifications: 51856

(1) The facility is used for the receipt and storage of whole 51857
scrap tires from the public prior to their transportation to a 51858
scrap tire storage, monocell, monofill, or recovery facility 51859
licensed under section 3734.81 of the Revised Code; a solid waste 51860
incineration or energy recovery facility subject to regulation 51861
under this chapter; a premises within the state where the scrap 51862
tires will be beneficially used; or a scrap tire storage, 51863
monocell, monofill, or recovery facility, any other solid waste 51864
disposal facility authorized to dispose of scrap tires, or a 51865
facility that will beneficially use the scrap tires, that is 51866
located in another state, and that is operating in compliance with 51867
the laws of the state in which the facility is located. 51868

(2) The facility exclusively stores scrap tires in portable 51869
containers. 51870

(3) The aggregate storage of the portable containers in which 51871
the scrap tires are stored does not exceed five thousand cubic 51872
feet. 51873

(BB) "Scrap tire monocell facility" means an individual site 51874
within a solid waste landfill that is used exclusively for the 51875
environmentally sound storage or disposal of whole scrap tires or 51876
scrap tires that have been shredded, chipped, or otherwise 51877
mechanically processed. 51878

(CC) "Scrap tire monofill facility" means an engineered 51879
facility used or intended to be used exclusively for the storage 51880
or disposal of scrap tires, including at least facilities for the 51881
submergence of whole scrap tires in a body of water. 51882

(DD) "Scrap tire recovery facility" means any facility, or 51883
portion thereof, for the processing of scrap tires for the purpose 51884
of extracting or producing usable products, materials, or energy 51885
from the scrap tires through a controlled combustion process, 51886
mechanical process, or chemical process. "Scrap tire recovery 51887
facility" includes any facility that uses the controlled 51888
combustion of scrap tires in a manufacturing process to produce 51889
process heat or steam or any facility that produces usable heat or 51890
electric power through the controlled combustion of scrap tires in 51891
combination with another fuel, but does not include any solid 51892
waste incineration or energy recovery facility that is designed, 51893
constructed, and used for the primary purpose of incinerating 51894
mixed municipal solid wastes and that burns scrap tires in 51895
conjunction with mixed municipal solid wastes, or any tire 51896
retreading business, tire manufacturing finishing center, or tire 51897
adjustment center having on the premises of the business a single, 51898
covered scrap tire storage area at which not more than four 51899
thousand scrap tires are stored. 51900

(EE) "Scrap tire storage facility" means any facility where 51901
whole scrap tires are stored prior to their transportation to a 51902

scrap tire monocell, monofill, or recovery facility licensed under 51903
section 3734.81 of the Revised Code; a solid waste incineration or 51904
energy recovery facility subject to regulation under this chapter; 51905
a premises within the state where the scrap tires will be 51906
beneficially used; or a scrap tire storage, monocell, monofill, or 51907
recovery facility, any other solid waste disposal facility 51908
authorized to dispose of scrap tires, or a facility that will 51909
beneficially use the scrap tires, that is located in another 51910
state, and that is operating in compliance with the laws of the 51911
state in which the facility is located. 51912

(FF) "Used oil" means any oil that has been refined from 51913
crude oil, or any synthetic oil, that has been used and, as a 51914
result of that use, is contaminated by physical or chemical 51915
impurities. "Used oil" includes only those substances identified 51916
as used oil by the United States environmental protection agency 51917
under the "Used Oil Recycling Act of 1980," 94 Stat. 2055, 42 51918
U.S.C.A. 6901a, as amended. 51919

(GG) "Accumulated speculatively" has the same meaning as in 51920
rules adopted by the director under section 3734.12 of the Revised 51921
Code. 51922

(HH) "Horizontal well" has the same meaning as in section 51923
1509.01 of the Revised Code. 51924

(II) "Technologically enhanced naturally occurring 51925
radioactive material" has the same meaning as in section 3748.01 51926
of the Revised Code. 51927

(JJ) "Post-use polymer" means a plastic ~~polymer~~ to which ~~both~~ 51928
all of the following apply: 51929

(1) It is derived from any ~~source and is not being used for~~ 51930
~~its original intended purpose~~ industrial, commercial, 51931
agricultural, or domestic activities, and includes pre-consumer 51932
recovered materials and post-consumer materials. 51933

(2) Its use or intended use is ~~to manufacture crude oil,~~ 51934
~~fuels, other~~ as feedstock for the manufacturing of feedstocks, raw 51935
materials, other intermediate products, or final products using 51936
~~pyrolysis or gasification~~ advanced recycling. 51937

~~"Post use polymer"~~ (3) It has been sorted from solid waste 51938
and other regulated waste, but may contain incidental contaminants 51939
or impurities, such as paper labels or metal rings. 51940

(4) It is not mixed with solid waste or hazardous waste 51941
onsite or during processing at the advanced recycling facility. 51942

(5) It is processed at an advanced recycling facility or held 51943
at such facility prior to processing. 51944

(KK) "Pyrolysis" means a manufacturing process through which 51945
post-use polymers or recovered feedstocks are heated in the 51946
absence of oxygen until melted and thermally decomposed, either 51947
noncatalytically or catalytically, and are then cooled, condensed, 51948
and converted ~~to one of the following:~~ 51949

~~(1) Crude oil, diesel, gasoline, home heating oil, or another~~ 51950
~~fuel;~~ 51951

~~(2) Feedstocks;~~ 51952

~~(3) Diesel and gasoline blendstocks;~~ 51953

~~(4) Chemicals, waxes, or lubricants;~~ 51954

~~(5) Other~~ into valuable raw materials, intermediate products, 51955
~~or~~ final products, plastic monomers, chemicals, naphtha, waxes, or 51956
plastic and chemical feedstocks that are returned to economic 51957
utility in the form of raw materials and products. 51958

(LL) "Gasification" means a manufacturing process through 51959
which ~~recoverable~~ post-use polymers or recovered feedstocks are 51960
heated ~~and converted into a fuel gas mixture~~ in an 51961
~~oxygen deficient~~ oxygen-controlled atmosphere, ~~and the mixture is~~ 51962
converted into fuel, ~~including ethanol and transportation fuel,~~ 51963

syngas, followed by conversion into valuable raw, intermediate, and final products, including plastic monomers, chemicals, ~~or~~ ether waxes, lubricants, coatings, and plastic and chemical feedstocks that are returned to economic utility in the form of raw materials or products.

(MM) "~~Recoverable~~ Recovered feedstock" means one or more of the following materials, ~~derived from nonrecycled waste,~~ that have not been mixed with solid waste or hazardous waste on-site or during processing at an advanced recycling facility and have been processed for use as a feedstock in a gasification facility:

(1) Post-use polymers;

(2) Materials for which the United States environmental protection agency has made a non-waste determination ~~under 40 C.F.R. 241.3(e)~~ or has otherwise determined are feedstocks and are not solid waste.

"Recovered feedstock" does not include unprocessed municipal solid waste.

(NN) "Advanced recycling" means a manufacturing process for the conversion of post-use polymers and recovered feedstocks into basic raw materials, feedstocks, chemicals, and other recycled products through processes that include pyrolysis, gasification, depolymerization, catalytic cracking, reforming, hydrogenation, solvolysis, chemolysis, and other similar technologies. "Advanced recycling" does not include incineration of plastics or waste-to-energy processes and products sold as fuel. "Advanced recycling" is "recycling" as defined in section 3736.01 of the Revised Code.

(OO) "Recycled products" include products produced at advanced recycling facilities including, monomers, oligomers, recycled plastics, plastic and chemical feedstocks, basic and unfinished chemicals, waxes, lubricants, coatings, and adhesives.

<u>(PP) "Advanced recycling facility" means a manufacturing facility that stores and converts post-use polymers and recovered feedstocks it receives using advanced recycling.</u>	51995
	51996
	51997
<u>(OO) "Depolymerization" means a manufacturing process where post-use polymers are broken into smaller molecules such as monomers and oligomers or raw, intermediate, or final products, plastics and chemical feedstocks, basic and unfinished chemicals, waxes, lubricants, and coatings.</u>	51998
	51999
	52000
	52001
	52002
<u>(RR) "Mass balance attribution" means a chain of custody accounting methodology with rules defined by a third-party certification system that enables the attribution of the mass of advanced recycling feedstocks to one or more advanced recycling products.</u>	52003
	52004
	52005
	52006
	52007
<u>(SS) "Recycled plastic" means products that are produced from either of the following:</u>	52008
	52009
<u>(1) Mechanical recycling of pre-consumer recovered feedstocks or plastics, and post-consumer plastics;</u>	52010
	52011
<u>(2) The advanced recycling of pre-consumer recovered feedstocks or plastics, and post-consumer plastics via mass balance attribution under a third party certification system.</u>	52012
	52013
	52014
<u>(TT) "Solvolysis" means a manufacturing process to make useful products through which post-use polymers are purified by removing additives and contaminants with the aid of solvents and are heated at low temperatures or pressurized. "Solvolysis" includes hydrolysis, aminolysis, ammonolysis, methanolysis, and glycolysis.</u>	52015
	52016
	52017
	52018
	52019
	52020
<u>(UU) "Useful products" means products produced through solvolysis, including monomers, intermediates, valuable chemicals, plastics and chemical feedstocks, and raw materials.</u>	52021
	52022
	52023
<u>(VV) "Third-party certification system" means an</u>	52024

international and multi-national third-party certification system 52025
that consists of a set of rules for the implementation of mass 52026
balance attribution approaches for advanced recycling of 52027
materials. "Third-party certification system" includes 52028
international sustainability and carbon certification, underwriter 52029
laboratories, SCS recycled content, roundtable on sustainable 52030
biomaterials, ecoloop, and REDcert2. 52031

Sec. 3734.48. (A) As used in this section: 52032

(1) "Coal combustion residuals" means fly ash, bottom ash, 52033
boiler slag, and flue gas desulfurization materials generated from 52034
burning coal for the purpose of generating electricity by electric 52035
utilities and independent power producers, as defined in 40 C.F.R. 52036
Part 257. 52037

(2) "Coal combustion residuals landfill" means an area of 52038
land or an excavation that receives coal combustion residuals that 52039
is not a coal combustion residuals surface impoundment, an 52040
underground injection well, a salt dome formation, a salt bed 52041
formation, an underground or surface mine, or a cave. "Coal 52042
combustion residuals landfill" includes sand and gravel pits and 52043
quarries that receive coal combustion residuals, coal combustion 52044
residuals piles, and any practice that does not meet the 52045
definition of a beneficial use of coal combustion residuals under 52046
40 C.F.R. Part 257. 52047

(3) "Coal combustion residuals pile" means any 52048
noncontainerized accumulation of solid, nonflowing coal combustion 52049
residuals that is placed on the land. "Coal combustion residuals 52050
pile" does not mean coal combustion residuals that are 52051
beneficially used off-site. 52052

(4) "Coal combustion residuals surface impoundment" means a 52053
natural topographic depression, manmade excavation, or diked area 52054
that is designed to hold an accumulation of coal combustion 52055

residuals and liquids and a coal combustion residual unit at which 52056
coal combustion residuals are treated, stored, or disposed in 52057
accordance with 40 C.F.R. Part 257. 52058

(5) "Coal combustion residuals unit" means any coal 52059
combustion residuals landfill, coal combustion residuals surface 52060
impoundment, including any lateral expansion of a coal combustion 52061
residuals unit, or a combination thereof. "Coal combustion 52062
residuals unit" includes both new units and units existing prior 52063
to the effective date of this section unless otherwise specified 52064
in 40 C.F.R. Part 257. 52065

(B) The director of environmental protection, in accordance 52066
with Chapter 119. of the Revised Code, shall adopt rules having 52067
uniform application throughout the state governing coal combustion 52068
residuals units. The director shall ensure that the rules are 52069
equivalent to, but not more stringent than, 40 C.F.R. Part 257. 52070
The rules shall address all of the following: 52071

(1) Additional definitions relating to coal combustion 52072
residuals; 52073

(2) Siting criteria; 52074

(3) Groundwater monitoring requirements; (4) Design and 52075
construction requirements; 52076

(5) Financial assurance requirements; 52077

(6) Closure and post-closure requirements; 52078

(7) Any other requirement that the director determines is 52079
necessary for the administration of this section. 52080

(C) Except as provided in division (D) of this section, a 52081
coal combustion residuals unit that is subject to rules adopted 52082
under this section or 40 C.F.R. Part 257 is not subject to any of 52083
the following: 52084

(1) Any other section of this chapter; 52085

<u>(2) Rules adopted under any other section of this chapter;</u>	52086
<u>(3) Section 6111.04 of the Revised Code.</u>	52087
<u>(D) The director may adopt rules under this section that</u>	52088
<u>require a coal combustion residuals unit to obtain a</u>	52089
<u>permit-to-install or national pollutant discharge elimination</u>	52090
<u>system permit under section 6111.03 of the Revised Code.</u>	52091
<u>(E) The director shall prescribe and furnish any forms</u>	52092
<u>necessary to administer and enforce this section. The director may</u>	52093
<u>cooperate with and enter into agreements with other state, local,</u>	52094
<u>or federal agencies to carry out the purposes of this section.</u>	52095
<u>(F) Notwithstanding any provision of section 121.95 of the</u>	52096
<u>Revised Code to the contrary, a regulatory restriction contained</u>	52097
<u>in a rule adopted under this section is not subject to sections</u>	52098
<u>121.95 to 121.953 of the Revised Code.</u>	52099
Sec. 3734.57. (A) The following fees are hereby levied on the	52100
transfer or disposal of solid wastes in this state:	52101
(1) Ninety <u>Seventy-one</u> cents per ton through June 30, 2024	52102
<u>2026</u> , twenty eleven cents of the proceeds of which shall be	52103
deposited in the state treasury to the credit of the hazardous	52104
waste facility management fund created in section 3734.18 of the	52105
Revised Code and seventy <u>sixty</u> cents of the proceeds of which	52106
shall be deposited in the state treasury to the credit of the	52107
hazardous waste clean-up fund created in section 3734.28 of the	52108
Revised Code;	52109
(2) An additional seventy-five <u>ninety</u> cents per ton through	52110
June 30, 2024 <u>2026</u> , the proceeds of which shall be deposited in	52111
the state treasury to the credit of the waste management fund	52112
created in section 3734.061 of the Revised Code-;	52113
(3) An additional two dollars and eighty-five <u>eighty-one</u>	52114
cents per ton through June 30, 2024 <u>2026</u> , the proceeds of which	52115

shall be deposited in the state treasury to the credit of the 52116
environmental protection fund created in section 3745.015 of the 52117
Revised Code; 52118

(4) An additional twenty-five cents per ton through June 30, 52119
~~2024~~ 2026, the proceeds of which shall be deposited in the state 52120
treasury to the credit of the soil and water conservation district 52121
assistance fund created in section 940.15 of the Revised Code; 52122

(5) An additional eight cents per ton through June 30, 2026, 52123
the proceeds of which shall be deposited in the state treasury to 52124
the credit of the national priority list remedial support fund 52125
created in section 3734.579 of the Revised Code. 52126

In the case of solid wastes that are taken to a solid waste 52127
transfer facility located in this state prior to being transported 52128
for disposal at a solid waste disposal facility located in this 52129
state or outside of this state, the fees levied under this 52130
division shall be collected by the owner or operator of the 52131
transfer facility as a trustee for the state. The amount of fees 52132
required to be collected under this division at such a transfer 52133
facility shall equal the total tonnage of solid wastes received at 52134
the facility multiplied by the fees levied under this division. In 52135
the case of solid wastes that are not taken to a solid waste 52136
transfer facility located in this state prior to being transported 52137
to a solid waste disposal facility, the fees shall be collected by 52138
the owner or operator of the solid waste disposal facility as a 52139
trustee for the state. The amount of fees required to be collected 52140
under this division at such a disposal facility shall equal the 52141
total tonnage of solid wastes received at the facility that was 52142
not previously taken to a solid waste transfer facility located in 52143
this state multiplied by the fees levied under this division. Fees 52144
levied under this division do not apply to materials separated 52145
from a mixed waste stream for recycling by a generator or 52146
materials removed from the solid waste stream through recycling, 52147

as "recycling" is defined in rules adopted under section 3734.02 52148
of the Revised Code. 52149

The owner or operator of a solid waste transfer facility or 52150
disposal facility, as applicable, shall prepare and file with the 52151
director of environmental protection each month a return 52152
indicating the total tonnage of solid wastes received at the 52153
facility during that month and the total amount of the fees 52154
required to be collected under this division during that month. In 52155
addition, the owner or operator of a solid waste disposal facility 52156
shall indicate on the return the total tonnage of solid wastes 52157
received from transfer facilities located in this state during 52158
that month for which the fees were required to be collected by the 52159
transfer facilities. The monthly returns shall be filed on a form 52160
prescribed by the director. Not later than thirty days after the 52161
last day of the month to which a return applies, the owner or 52162
operator shall mail to the director the return for that month 52163
together with the fees required to be collected under this 52164
division during that month as indicated on the return or may 52165
submit the return and fees electronically in a manner approved by 52166
the director. If the return is filed and the amount of the fees 52167
due is paid in a timely manner as required in this division, the 52168
owner or operator may retain a discount of three-fourths of one 52169
per cent of the total amount of the fees that are required to be 52170
paid as indicated on the return. 52171

The owner or operator may request an extension of not more 52172
than thirty days for filing the return and remitting the fees, 52173
provided that the owner or operator has submitted such a request 52174
in writing to the director together with a detailed description of 52175
why the extension is requested, the director has received the 52176
request not later than the day on which the return is required to 52177
be filed, and the director has approved the request. If the fees 52178
are not remitted within thirty days after the last day of the 52179

month to which the return applies or are not remitted by the last 52180
day of an extension approved by the director, the owner or 52181
operator shall not retain the three-fourths of one per cent 52182
discount and shall pay an additional ten per cent of the amount of 52183
the fees for each month that they are late. For purposes of 52184
calculating the late fee, the first month in which fees are late 52185
begins on the first day after the deadline has passed for timely 52186
submitting the return and fees, and one additional month shall be 52187
counted every thirty days thereafter. 52188

The owner or operator of a solid waste facility may request a 52189
refund or credit of fees levied under this division and remitted 52190
to the director that have not been paid to the owner or operator. 52191
Such a request shall be made only if the fees have not been 52192
collected by the owner or operator, have become a debt that has 52193
become worthless or uncollectable for a period of six months or 52194
more, and may be claimed as a deduction, including a deduction 52195
claimed if the owner or operator keeps accounts on an accrual 52196
basis, under the "Internal Revenue Code of 1954," 68A Stat. 50, 26 52197
U.S.C. 166, as amended, and regulations adopted under it. Prior to 52198
making a request for a refund or credit, an owner or operator 52199
shall make reasonable efforts to collect the applicable fees. A 52200
request for a refund or credit shall not include any costs 52201
resulting from those efforts to collect unpaid fees. 52202

A request for a refund or credit of fees shall be made in 52203
writing, on a form prescribed by the director, and shall be 52204
supported by evidence that may be required in rules adopted by the 52205
director under this chapter. After reviewing the request, and if 52206
the request and evidence submitted with the request indicate that 52207
a refund or credit is warranted, the director shall grant a refund 52208
to the owner or operator or shall permit a credit to be taken by 52209
the owner or operator on a subsequent monthly return submitted by 52210
the owner or operator. The amount of a refund or credit shall not 52211

exceed an amount that is equal to ninety days' worth of fees owed 52212
to an owner or operator by a particular debtor of the owner or 52213
operator. A refund or credit shall not be granted by the director 52214
to an owner or operator more than once in any twelve-month period 52215
for fees owed to the owner or operator by a particular debtor. 52216

If, after receiving a refund or credit from the director, an 52217
owner or operator receives payment of all or part of the fees, the 52218
owner or operator shall remit the fees with the next monthly 52219
return submitted to the director together with a written 52220
explanation of the reason for the submittal. 52221

For purposes of computing the fees levied under this division 52222
or division (B) of this section, any solid waste transfer or 52223
disposal facility that does not use scales as a means of 52224
determining gate receipts shall use a conversion factor of three 52225
cubic yards per ton of solid waste or one cubic yard per ton for 52226
baled waste, as applicable. 52227

The fees levied under this division and divisions (B) and (C) 52228
of this section are in addition to all other applicable fees and 52229
taxes and shall be paid by the customer or a political subdivision 52230
to the owner or operator of a solid waste transfer or disposal 52231
facility. In the alternative, the fees shall be paid by a customer 52232
or political subdivision to a transporter of waste who 52233
subsequently transfers the fees to the owner or operator of such a 52234
facility. The fees shall be paid notwithstanding the existence of 52235
any provision in a contract that the customer or a political 52236
subdivision may have with the owner or operator or with a 52237
transporter of waste to the facility that would not require or 52238
allow such payment regardless of whether the contract was entered 52239
prior to or after October 16, 2009. For those purposes, "customer" 52240
means a person who contracts with, or utilizes the solid waste 52241
services of, the owner or operator of a solid waste transfer or 52242
disposal facility or a transporter of solid waste to such a 52243

facility. 52244

(B) For the purposes specified in division (G) of this 52245
section, the solid waste management policy committee of a county 52246
or joint solid waste management district may levy fees upon the 52247
following activities: 52248

(1) The disposal at a solid waste disposal facility located 52249
in the district of solid wastes generated within the district; 52250

(2) The disposal at a solid waste disposal facility within 52251
the district of solid wastes generated outside the boundaries of 52252
the district, but inside this state; 52253

(3) The disposal at a solid waste disposal facility within 52254
the district of solid wastes generated outside the boundaries of 52255
this state. 52256

The solid waste management plan of the county or joint 52257
district approved under section 3734.521 or 3734.55 of the Revised 52258
Code and any amendments to it, or the resolution adopted under 52259
this division, as appropriate, shall establish the rates of the 52260
fees levied under divisions (B)(1), (2), and (3) of this section, 52261
if any, and shall specify whether the fees are levied on the basis 52262
of tons or cubic yards as the unit of measurement. A solid waste 52263
management district that levies fees under this division on the 52264
basis of cubic yards shall do so in accordance with division (A) 52265
of this section. 52266

The fee levied under division (B)(1) of this section shall be 52267
not less than one dollar per ton nor more than two dollars per 52268
ton, the fee levied under division (B)(2) of this section shall be 52269
not less than two dollars per ton nor more than four dollars per 52270
ton, and the fee levied under division (B)(3) of this section 52271
shall be not more than the fee levied under division (B)(1) of 52272
this section. 52273

Prior to the approval of the solid waste management plan of a 52274

district under section 3734.55 of the Revised Code, the solid 52275
waste management policy committee of a district may levy fees 52276
under this division by adopting a resolution establishing the 52277
proposed amount of the fees. Upon adopting the resolution, the 52278
committee shall deliver a copy of the resolution to the board of 52279
county commissioners of each county forming the district and to 52280
the legislative authority of each municipal corporation and 52281
township under the jurisdiction of the district and shall prepare 52282
and publish the resolution and a notice of the time and location 52283
where a public hearing on the fees will be held. Upon adopting the 52284
resolution, the committee shall deliver written notice of the 52285
adoption of the resolution; of the amount of the proposed fees; 52286
and of the date, time, and location of the public hearing to the 52287
director and to the fifty industrial, commercial, or institutional 52288
generators of solid wastes within the district that generate the 52289
largest quantities of solid wastes, as determined by the 52290
committee, and to their local trade associations. The committee 52291
shall make good faith efforts to identify those generators within 52292
the district and their local trade associations, but the 52293
nonprovision of notice under this division to a particular 52294
generator or local trade association does not invalidate the 52295
proceedings under this division. The publication shall occur at 52296
least thirty days before the hearing. After the hearing, the 52297
committee may make such revisions to the proposed fees as it 52298
considers appropriate and thereafter, by resolution, shall adopt 52299
the revised fee schedule. Upon adopting the revised fee schedule, 52300
the committee shall deliver a copy of the resolution doing so to 52301
the board of county commissioners of each county forming the 52302
district and to the legislative authority of each municipal 52303
corporation and township under the jurisdiction of the district. 52304
Within sixty days after the delivery of a copy of the resolution 52305
adopting the proposed revised fees by the policy committee, each 52306
such board and legislative authority, by ordinance or resolution, 52307

shall approve or disapprove the revised fees and deliver a copy of 52308
the ordinance or resolution to the committee. If any such board or 52309
legislative authority fails to adopt and deliver to the policy 52310
committee an ordinance or resolution approving or disapproving the 52311
revised fees within sixty days after the policy committee 52312
delivered its resolution adopting the proposed revised fees, it 52313
shall be conclusively presumed that the board or legislative 52314
authority has approved the proposed revised fees. The committee 52315
shall determine if the resolution has been ratified in the same 52316
manner in which it determines if a draft solid waste management 52317
plan has been ratified under division (B) of section 3734.55 of 52318
the Revised Code. 52319

The committee may amend the schedule of fees levied pursuant 52320
to a resolution adopted and ratified under this division by 52321
adopting a resolution establishing the proposed amount of the 52322
amended fees. The committee may repeal the fees levied pursuant to 52323
such a resolution by adopting a resolution proposing to repeal 52324
them. Upon adopting such a resolution, the committee shall proceed 52325
to obtain ratification of the resolution in accordance with this 52326
division. 52327

Not later than fourteen days after declaring the new fees to 52328
be ratified or the fees to be repealed under this division, the 52329
committee shall notify by certified mail the owner or operator of 52330
each solid waste disposal facility that is required to collect the 52331
fees of the ratification and the amount of the fees or of the 52332
repeal of the fees. Collection of any fees shall commence or 52333
collection of repealed fees shall cease on the first day of the 52334
second month following the month in which notification is sent to 52335
the owner or operator. 52336

Fees levied under this division also may be established, 52337
amended, or repealed by a solid waste management policy committee 52338
through the adoption of a new district solid waste management 52339

plan, the adoption of an amended plan, or the amendment of the 52340
plan or amended plan in accordance with sections 3734.55 and 52341
3734.56 of the Revised Code or the adoption or amendment of a 52342
district plan in connection with a change in district composition 52343
under section 3734.521 of the Revised Code. 52344

Not later than fourteen days after the director issues an 52345
order approving a district's solid waste management plan, amended 52346
plan, or amendment to a plan or amended plan that establishes, 52347
amends, or repeals a schedule of fees levied by the district, the 52348
committee shall notify by certified mail the owner or operator of 52349
each solid waste disposal facility that is required to collect the 52350
fees of the approval of the plan or amended plan, or the amendment 52351
to the plan, as appropriate, and the amount of the fees, if any. 52352
In the case of an initial or amended plan approved under section 52353
3734.521 of the Revised Code in connection with a change in 52354
district composition, other than one involving the withdrawal of a 52355
county from a joint district, the committee, within fourteen days 52356
after the change takes effect pursuant to division (G) of that 52357
section, shall notify by certified mail the owner or operator of 52358
each solid waste disposal facility that is required to collect the 52359
fees that the change has taken effect and of the amount of the 52360
fees, if any. Collection of any fees shall commence or collection 52361
of repealed fees shall cease on the first day of the second month 52362
following the month in which notification is sent to the owner or 52363
operator. 52364

If, in the case of a change in district composition involving 52365
the withdrawal of a county from a joint district, the director 52366
completes the actions required under division (G)(1) or (3) of 52367
section 3734.521 of the Revised Code, as appropriate, forty-five 52368
days or more before the beginning of a calendar year, the policy 52369
committee of each of the districts resulting from the change that 52370
obtained the director's approval of an initial or amended plan in 52371

connection with the change, within fourteen days after the 52372
director's completion of the required actions, shall notify by 52373
certified mail the owner or operator of each solid waste disposal 52374
facility that is required to collect the district's fees that the 52375
change is to take effect on the first day of January immediately 52376
following the issuance of the notice and of the amount of the fees 52377
or amended fees levied under divisions (B)(1) to (3) of this 52378
section pursuant to the district's initial or amended plan as so 52379
approved or, if appropriate, the repeal of the district's fees by 52380
that initial or amended plan. Collection of any fees set forth in 52381
such a plan or amended plan shall commence on the first day of 52382
January immediately following the issuance of the notice. If such 52383
an initial or amended plan repeals a schedule of fees, collection 52384
of the fees shall cease on that first day of January. 52385

If, in the case of a change in district composition involving 52386
the withdrawal of a county from a joint district, the director 52387
completes the actions required under division (G)(1) or (3) of 52388
section 3734.521 of the Revised Code, as appropriate, less than 52389
forty-five days before the beginning of a calendar year, the 52390
director, on behalf of each of the districts resulting from the 52391
change that obtained the director's approval of an initial or 52392
amended plan in connection with the change proceedings, shall 52393
notify by certified mail the owner or operator of each solid waste 52394
disposal facility that is required to collect the district's fees 52395
that the change is to take effect on the first day of January 52396
immediately following the mailing of the notice and of the amount 52397
of the fees or amended fees levied under divisions (B)(1) to (3) 52398
of this section pursuant to the district's initial or amended plan 52399
as so approved or, if appropriate, the repeal of the district's 52400
fees by that initial or amended plan. Collection of any fees set 52401
forth in such a plan or amended plan shall commence on the first 52402
day of the second month following the month in which notification 52403
is sent to the owner or operator. If such an initial or amended 52404

plan repeals a schedule of fees, collection of the fees shall 52405
cease on the first day of the second month following the month in 52406
which notification is sent to the owner or operator. 52407

If the schedule of fees that a solid waste management 52408
district is levying under divisions (B)(1) to (3) of this section 52409
is amended or repealed, the fees in effect immediately prior to 52410
the amendment or repeal shall continue to be collected until 52411
collection of the amended fees commences or collection of the 52412
repealed fees ceases, as applicable, as specified in this 52413
division. In the case of a change in district composition, money 52414
so received from the collection of the fees of the former 52415
districts shall be divided among the resulting districts in 52416
accordance with division (B) of section 343.012 of the Revised 52417
Code and the agreements entered into under division (B) of section 52418
343.01 of the Revised Code to establish the former and resulting 52419
districts and any amendments to those agreements. 52420

For the purposes of the provisions of division (B) of this 52421
section establishing the times when newly established or amended 52422
fees levied by a district are required to commence and the 52423
collection of fees that have been amended or repealed is required 52424
to cease, "fees" or "schedule of fees" includes, in addition to 52425
fees levied under divisions (B)(1) to (3) of this section, those 52426
levied under section 3734.573 or 3734.574 of the Revised Code. 52427

(C) For the purposes of defraying the added costs to a 52428
municipal corporation or township of maintaining roads and other 52429
public facilities and of providing emergency and other public 52430
services, and compensating a municipal corporation or township for 52431
reductions in real property tax revenues due to reductions in real 52432
property valuations resulting from the location and operation of a 52433
solid waste disposal facility within the municipal corporation or 52434
township, a municipal corporation or township in which such a 52435
solid waste disposal facility is located may levy a fee of not 52436

more than twenty-five cents per ton on the disposal of solid wastes at a solid waste disposal facility located within the boundaries of the municipal corporation or township regardless of where the wastes were generated.

The legislative authority of a municipal corporation or township may levy fees under this division by enacting an ordinance or adopting a resolution establishing the amount of the fees. Upon so doing the legislative authority shall mail a certified copy of the ordinance or resolution to the board of county commissioners or directors of the county or joint solid waste management district in which the municipal corporation or township is located or, if a regional solid waste management authority has been formed under section 343.011 of the Revised Code, to the board of trustees of that regional authority, the owner or operator of each solid waste disposal facility in the municipal corporation or township that is required to collect the fee by the ordinance or resolution, and the director of environmental protection. Although the fees levied under this division are levied on the basis of tons as the unit of measurement, the legislative authority, in its ordinance or resolution levying the fees under this division, may direct that the fees be levied on the basis of cubic yards as the unit of measurement based upon a conversion factor of three cubic yards per ton generally or one cubic yard per ton for baled wastes.

Not later than five days after enacting an ordinance or adopting a resolution under this division, the legislative authority shall so notify by certified mail the owner or operator of each solid waste disposal facility that is required to collect the fee. Collection of any fee levied on or after March 24, 1992, shall commence on the first day of the second month following the month in which notification is sent to the owner or operator.

(D)(1) The fees levied under divisions (A), (B), and (C) of

this section do not apply to the disposal of solid wastes that: 52469

(a) Are disposed of at a facility owned by the generator of 52470
the wastes when the solid waste facility exclusively disposes of 52471
solid wastes generated at one or more premises owned by the 52472
generator regardless of whether the facility is located on a 52473
premises where the wastes are generated; 52474

(b) Are generated from the combustion of coal, or from the 52475
combustion of primarily coal, regardless of whether the disposal 52476
facility is located on the premises where the wastes are 52477
generated; 52478

(c) Are asbestos or asbestos-containing materials or products 52479
disposed of at a construction and demolition debris facility that 52480
is licensed under Chapter 3714. of the Revised Code or at a solid 52481
waste facility that is licensed under this chapter. 52482

(2) Except as provided in section 3734.571 of the Revised 52483
Code, any fees levied under division (B)(1) of this section apply 52484
to solid wastes originating outside the boundaries of a county or 52485
joint district that are covered by an agreement for the joint use 52486
of solid waste facilities entered into under section 343.02 of the 52487
Revised Code by the board of county commissioners or board of 52488
directors of the county or joint district where the wastes are 52489
generated and disposed of. 52490

(3) When solid wastes, other than solid wastes that consist 52491
of scrap tires, are burned in a disposal facility that is an 52492
incinerator or energy recovery facility, the fees levied under 52493
divisions (A), (B), and (C) of this section shall be levied upon 52494
the disposal of the fly ash and bottom ash remaining after burning 52495
of the solid wastes and shall be collected by the owner or 52496
operator of the sanitary landfill where the ash is disposed of. 52497

(4) When solid wastes are delivered to a solid waste transfer 52498
facility, the fees levied under divisions (B) and (C) of this 52499

section shall be levied upon the disposal of solid wastes 52500
transported off the premises of the transfer facility for disposal 52501
and shall be collected by the owner or operator of the solid waste 52502
disposal facility where the wastes are disposed of. 52503

(5) The fees levied under divisions (A), (B), and (C) of this 52504
section do not apply to sewage sludge that is generated by a waste 52505
water treatment facility holding a national pollutant discharge 52506
elimination system permit and that is disposed of through 52507
incineration, land application, or composting or at another 52508
resource recovery or disposal facility that is not a landfill. 52509

(6) The fees levied under divisions (A), (B), and (C) of this 52510
section do not apply to solid wastes delivered to a solid waste 52511
composting facility for processing. When any unprocessed solid 52512
waste or compost product is transported off the premises of a 52513
composting facility and disposed of at a landfill, the fees levied 52514
under divisions (A), (B), and (C) of this section shall be 52515
collected by the owner or operator of the landfill where the 52516
unprocessed waste or compost product is disposed of. 52517

(7) When solid wastes that consist of scrap tires are 52518
processed at a scrap tire recovery facility, the fees levied under 52519
divisions (A), (B), and (C) of this section shall be levied upon 52520
the disposal of the fly ash and bottom ash or other solid wastes 52521
remaining after the processing of the scrap tires and shall be 52522
collected by the owner or operator of the solid waste disposal 52523
facility where the ash or other solid wastes are disposed of. 52524

(8) The director of environmental protection may issue an 52525
order exempting from the fees levied under this section solid 52526
wastes, including, but not limited to, scrap tires, that are 52527
generated, transferred, or disposed of as a result of a contract 52528
providing for the expenditure of public funds entered into by the 52529
administrator or regional administrator of the United States 52530
environmental protection agency, the director of environmental 52531

protection, or the director of administrative services on behalf 52532
of the director of environmental protection for the purpose of 52533
remediating conditions at a hazardous waste facility, solid waste 52534
facility, or other location at which the administrator or regional 52535
administrator or the director of environmental protection has 52536
reason to believe that there is a substantial threat to public 52537
health or safety or the environment or that the conditions are 52538
causing or contributing to air or water pollution or soil 52539
contamination. An order issued by the director of environmental 52540
protection under division (D)(8) of this section shall include a 52541
determination that the amount of the fees not received by a solid 52542
waste management district as a result of the order will not 52543
adversely impact the implementation and financing of the 52544
district's approved solid waste management plan and any approved 52545
amendments to the plan. Such an order is a final action of the 52546
director of environmental protection. 52547

(E) The fees levied under divisions (B) and (C) of this 52548
section shall be collected by the owner or operator of the solid 52549
waste disposal facility where the wastes are disposed of as a 52550
trustee for the county or joint district and municipal corporation 52551
or township where the wastes are disposed of. Moneys from the fees 52552
levied under division (B) of this section shall be forwarded to 52553
the board of county commissioners or board of directors of the 52554
district in accordance with rules adopted under division (H) of 52555
this section. Moneys from the fees levied under division (C) of 52556
this section shall be forwarded to the treasurer or such other 52557
officer of the municipal corporation as, by virtue of the charter, 52558
has the duties of the treasurer or to the fiscal officer of the 52559
township, as appropriate, in accordance with those rules. 52560

(F) Moneys received by the treasurer or other officer of the 52561
municipal corporation under division (E) of this section shall be 52562
paid into the general fund of the municipal corporation. Moneys 52563

received by the fiscal officer of the township under that division 52564
shall be paid into the general fund of the township. The treasurer 52565
or other officer of the municipal corporation or the township 52566
fiscal officer, as appropriate, shall maintain separate records of 52567
the moneys received from the fees levied under division (C) of 52568
this section. 52569

(G) Moneys received by the board of county commissioners or 52570
board of directors under division (E) of this section or section 52571
3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code 52572
shall be paid to the county treasurer, or other official acting in 52573
a similar capacity under a county charter, in a county district or 52574
to the county treasurer or other official designated by the board 52575
of directors in a joint district and kept in a separate and 52576
distinct fund to the credit of the district. If a regional solid 52577
waste management authority has been formed under section 343.011 52578
of the Revised Code, moneys received by the board of trustees of 52579
that regional authority under division (E) of this section shall 52580
be kept by the board in a separate and distinct fund to the credit 52581
of the district. Moneys in the special fund of the county or joint 52582
district arising from the fees levied under division (B) of this 52583
section and the fee levied under division (A) of section 3734.573 52584
of the Revised Code shall be expended by the board of county 52585
commissioners or directors of the district in accordance with the 52586
district's solid waste management plan or amended plan approved 52587
under section 3734.521, 3734.55, or 3734.56 of the Revised Code 52588
exclusively for the following purposes: 52589

(1) Preparation of the solid waste management plan of the 52590
district under section 3734.54 of the Revised Code, monitoring 52591
implementation of the plan, and conducting the periodic review and 52592
amendment of the plan required by section 3734.56 of the Revised 52593
Code by the solid waste management policy committee; 52594

(2) Implementation of the approved solid waste management 52595

plan or amended plan of the district, including, without 52596
limitation, the development and implementation of solid waste 52597
recycling or reduction programs; 52598

(3) Providing financial assistance to boards of health within 52599
the district, if solid waste facilities are located within the 52600
district, for enforcement of this chapter and rules, orders, and 52601
terms and conditions of permits, licenses, and variances adopted 52602
or issued under it, other than the hazardous waste provisions of 52603
this chapter and rules adopted and orders and terms and conditions 52604
of permits issued under those provisions; 52605

(4) Providing financial assistance to each county within the 52606
district to defray the added costs of maintaining roads and other 52607
public facilities and of providing emergency and other public 52608
services resulting from the location and operation of a solid 52609
waste facility within the county under the district's approved 52610
solid waste management plan or amended plan; 52611

(5) Pursuant to contracts entered into with boards of health 52612
within the district, if solid waste facilities contained in the 52613
district's approved plan or amended plan are located within the 52614
district, for paying the costs incurred by those boards of health 52615
for collecting and analyzing samples from public or private water 52616
wells on lands adjacent to those facilities; 52617

(6) Developing and implementing a program for the inspection 52618
of solid wastes generated outside the boundaries of this state 52619
that are disposed of at solid waste facilities included in the 52620
district's approved solid waste management plan or amended plan; 52621

(7) Providing financial assistance to boards of health within 52622
the district for the enforcement of section 3734.03 of the Revised 52623
Code or to local law enforcement agencies having jurisdiction 52624
within the district for enforcing anti-littering laws and 52625
ordinances; 52626

(8) Providing financial assistance to boards of health of health districts within the district that are on the approved list under section 3734.08 of the Revised Code to defray the costs to the health districts for the participation of their employees responsible for enforcement of the solid waste provisions of this chapter and rules adopted and orders and terms and conditions of permits, licenses, and variances issued under those provisions in the training and certification program as required by rules adopted under division (L) of section 3734.02 of the Revised Code;

(9) Providing financial assistance to individual municipal corporations and townships within the district to defray their added costs of maintaining roads and other public facilities and of providing emergency and other public services resulting from the location and operation within their boundaries of a composting, energy or resource recovery, incineration, or recycling facility that either is owned by the district or is furnishing solid waste management facility or recycling services to the district pursuant to a contract or agreement with the board of county commissioners or directors of the district;

(10) Payment of any expenses that are agreed to, awarded, or ordered to be paid under section 3734.35 of the Revised Code and of any administrative costs incurred pursuant to that section. In the case of a joint solid waste management district, if the board of county commissioners of one of the counties in the district is negotiating on behalf of affected communities, as defined in that section, in that county, the board shall obtain the approval of the board of directors of the district in order to expend moneys for administrative costs incurred.

Prior to the approval of the district's solid waste management plan under section 3734.55 of the Revised Code, moneys in the special fund of the district arising from the fees shall be expended for those purposes in the manner prescribed by the solid

waste management policy committee by resolution. 52659

Notwithstanding division (G)(6) of this section as it existed 52660
prior to October 29, 1993, or any provision in a district's solid 52661
waste management plan prepared in accordance with division 52662
(B)(2)(e) of section 3734.53 of the Revised Code as it existed 52663
prior to that date, any moneys arising from the fees levied under 52664
division (B)(3) of this section prior to January 1, 1994, may be 52665
expended for any of the purposes authorized in divisions (G)(1) to 52666
(10) of this section. 52667

(H) The director shall adopt rules in accordance with Chapter 52668
119. of the Revised Code prescribing procedures for collecting and 52669
forwarding the fees levied under divisions (B) and (C) of this 52670
section to the boards of county commissioners or directors of 52671
county or joint solid waste management districts and to the 52672
treasurers or other officers of municipal corporations and the 52673
fiscal officers of townships. The rules also shall prescribe the 52674
dates for forwarding the fees to the boards and officials and may 52675
prescribe any other requirements the director considers necessary 52676
or appropriate to implement and administer divisions (A), (B), and 52677
(C) of this section. 52678

Sec. 3734.579. (A) There is hereby created in the state 52679
treasury the national priority list remedial support fund. The 52680
fund shall consist of transfer and disposal fees paid into the 52681
fund under division (A)(5) of section 3734.57 of the Revised Code. 52682

(B) The director of environmental protection shall use the 52683
fund to pay for the state's removal and remedial actions and long 52684
term operation and maintenance costs or applicable cost shares for 52685
actions taken under the federal "Comprehensive Environmental 52686
Response, Compensation, and Liability Act of 1980," 42 U.S.C. 52687
9601, et seq. The director may use money in the fund to enter into 52688
contracts and grant agreements with federal, state, or local 52689

government agencies, nonprofit organizations, colleges, and 52690
universities to carry out the responsibilities of the 52691
environmental protection agency for which money may be expended 52692
from the fund. 52693

Sec. 3734.74. The director of environmental protection, in 52694
accordance with Chapter 119. of the Revised Code, shall adopt and 52695
may amend or rescind rules governing the transportation of scrap 52696
tires and the registration of persons engaged in the 52697
transportation of scrap tires. The rules shall do all of the 52698
following: 52699

(A) Require that, before being issued a registration 52700
certificate under section 3734.83 of the Revised Code, a 52701
transporter submit a surety bond, a letter of credit, or other 52702
financial assurance acceptable to the director, as specified by 52703
the director in the rules, in an amount of not ~~less~~ more than 52704
~~twenty ten~~ ten thousand dollars as the director considers necessary to 52705
cover the costs of cleanup of tires improperly accumulated or 52706
discarded by the transporter and to cover liability for sudden 52707
accidental occurrences that result in damage or injury to persons 52708
or property or to the environment; 52709

(B) Establish a system of shipping papers to accompany 52710
shipments of scrap tires. The shipping paper for each shipment 52711
shall include at least all of the following information: 52712

(1) The name and address of each transporter who transported 52713
the shipment of scrap tires; 52714

(2) The number of the registration certificate issued under 52715
section 3734.83 of the Revised Code for each transporter who 52716
transported the shipment of scrap tires, the signature of the 52717
individual transporting the scrap tires for each transporter, and 52718
the date or dates on which they were transported; 52719

(3) The quantity in weight or volume of the scrap tires being transported; 52720
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(4) The address of the scrap tire collection, storage, monocell, monofill, or recovery facility, or other premises, where the scrap tires were deposited, or of any other registered transporter with whom the scrap tires were deposited, and the signature of the individual accepting receipt of the scrap tires for the facility or other transporter. 52722
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The rules adopted under division (B) of this section shall require that the shipping papers be prepared on a form prescribed by the director and that all shipping papers be retained by a registered transporter for not less than three years. 52728
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(C) Require that each registered transporter submit a report to the director not later than the thirty-first day of January of each year concerning all shipments of scrap tires transported by the transporter during the preceding calendar year. The report shall include at least the following information: 52732
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(1) The total quantity in weight or volume of scrap tires transported by the registered transporter; 52737
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(2) The total quantity in weight or volume of scrap tires transported to each collection, storage, monocell, monofill, or recovery facility, or other premises, or deposited with another registered transporter. 52739
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Sec. 3734.822. (A) As used in this section, "political subdivision" means any body corporate and politic that is responsible for governmental activities in a geographic area smaller than the state, including a county, municipal corporation, and township. 52743
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(B) There is hereby created in the state treasury the scrap tire grant fund, consisting of moneys transferred to the fund 52748
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under section 3734.82 of the Revised Code. The director of 52750
environmental protection may make grants from the fund for the 52751
following purposes: 52752

(1) Supporting market development activities for scrap tires 52753
and synthetic rubber from tire manufacturing processes and tire 52754
recycling processes; 52755

(2) Supporting scrap tire amnesty and cleanup events 52756
sponsored or hosted by the state, including any state agency, or 52757
by any solid waste management districts district or other 52758
political subdivision. 52759

Grants awarded under division ~~(A)(1)~~(B)(1) of this section 52760
may be awarded to individuals, businesses, and entities certified 52761
under division (F)(6) of section 3734.49 of the Revised Code. 52762

~~(B)~~(C) Projects and activities that are eligible for grants 52763
under division ~~(A)(1)~~(B)(1) of this section shall be evaluated for 52764
funding using, at a minimum, the following criteria: 52765

(1) The degree to which a proposed project contributes to the 52766
increased use of scrap tires generated in this state; 52767

(2) The degree of local financial support for a proposed 52768
project; 52769

(3) The technical merit and quality of a proposed project. 52770

Sec. 3734.83. (A) Except as provided in division (D) of this 52771
section, no person shall transport scrap tires anywhere in this 52772
state unless the business or governmental entity that employs the 52773
person first registers with and obtains a registration certificate 52774
from the director of environmental protection. No more than one 52775
registration certificate shall be required of any single business 52776
or governmental entity. An applicant shall file an application 52777
with the director in such form as the director prescribes. The 52778
application shall contain such information as the director 52779

prescribes, including at least the name and address of the 52780
principal office of the applicant in this state, provided that the 52781
information shall not include the license plate number or vehicle 52782
identification number of any motor vehicle used by the applicant 52783
to transport scrap tires. ~~Each application for a registration 52784
certificate shall be accompanied by a registration fee of not more 52785
than three hundred dollars as established by rules adopted by the 52786
director in accordance with Chapter 119. of the Revised Code, 52787
except that a motor vehicle salvage dealer licensed under Chapter 52788
4738. of the Revised Code shall be issued a registration 52789
certificate or renewal of a registration certificate under this 52790
section without the payment of any registration fee if the salvage 52791
dealer transports only scrap tires obtained as a direct 52792
consequence of receiving motor vehicles for salvage and transports 52793
the tires only on motor vehicles owned or leased by him. 52794~~

A registration certificate issued under this section is valid 52795
for one year from its effective date and may be renewed annually 52796
for a term of one year by submission to the director of a renewal 52797
application on a form prescribed by the director ~~and payment of 52798
the registration fee established in rules adopted under this 52799
section. The registration and renewal fees shall be credited to 52800
the scrap tire management fund created in section 3734.82 of the 52801
Revised Code. 52802~~

A transporter registered under this division shall maintain a 52803
copy of the registration certificate in each motor vehicle used by 52804
the registrant to transport scrap tires. 52805

(B) The director may issue an order in accordance with 52806
Chapter 119. of the Revised Code denying, suspending, or revoking 52807
the registration certificate of a person who is registered under 52808
this section and who has violated, or whose employee has violated, 52809
any of the scrap tire provisions of this chapter or a rule adopted 52810
under them while transporting scrap tires. A transporter whose 52811

registration certificate has been denied, suspended, or revoked 52812
shall immediately notify each of ~~his~~ the transporter's customers 52813
of that fact by certified mail. 52814

(C) Except as provided in division (D) of this section, no 52815
person who possesses scrap tires shall cause them to be 52816
transported by any person who is not registered as a transporter 52817
under this section. 52818

(D) Divisions (A) and (C) of this section do not apply to any 52819
of the following: 52820

(1) A person who transports ten or fewer scrap tires in a 52821
single load; ~~any~~ 52822

(2) Any person who transports scrap tires for ~~his~~ the 52823
person's own use in agriculture or in producing or processing 52824
aggregates; ~~any~~ 52825

(3) Any political subdivision engaging in the collection of 52826
solid wastes other than scrap tires, or any person engaging in the 52827
collection of such solid wastes under a license or franchise from 52828
a political subdivision, when ten or fewer scrap tires are 52829
transported with any single load of other types of solid wastes; 52830
~~or any~~ 52831

(4) Any person who is engaged primarily in the retail sale of 52832
tires for farm machinery, construction equipment, commercial cars, 52833
commercial tractors, motor buses, or semitrailers and who 52834
transports twenty-five or fewer whole scrap tires in a single load 52835
and not more than two hundred fifty scrap tires in a calendar 52836
year, all of which tires either are or were used primarily as 52837
tires for farm machinery, construction equipment, commercial cars, 52838
commercial tractors, motor buses, or semitrailers; 52839

(5) Any of the following entities conducting a scrap tire 52840
clean up event or community tire amnesty collection event that has 52841
received written concurrence from the environmental protection 52842

<u>agency:</u>	52843
<u>(a) A nonprofit organization;</u>	52844
<u>(b) Federal, state, or local government;</u>	52845
<u>(c) A university;</u>	52846
<u>(d) Other civic organization.</u>	52847
(E) A transporter of scrap tires is liable for the safe	52848
delivery of any scrap tires from the time he <u>the transporter</u>	52849
obtains them until he <u>the transporter</u> delivers them to a scrap	52850
tire collection, storage, monocell, monofill, or recovery facility	52851
licensed under section 3734.81 of the Revised Code; delivers them	52852
to a solid waste incineration or energy recovery facility subject	52853
to regulation under this chapter; delivers them to a premises	52854
where they will be beneficially used; delivers them to another	52855
transporter registered under this section; or transports them out	52856
of the state. A generator of scrap tires who has complied with	52857
division (C) of this section is not liable under statute or common	52858
law in his <u>the</u> capacity as the generator of the scrap tires for	52859
the actions or omissions of any transporter registered under this	52860
section or any scrap tire collection, storage, monocell, monofill,	52861
or recovery facility licensed under section 3734.81 of the Revised	52862
Code, or any solid waste incineration or energy recovery facility	52863
subject to regulation under this chapter, with respect to the	52864
scrap tires transported by the registered transporter and is not	52865
liable in his <u>the</u> capacity as the generator of the scrap tires for	52866
violations of any scrap tire provision of this chapter or rules	52867
adopted under those provisions governing scrap tire collection,	52868
storage, monocell, monofill, or recovery facilities and the	52869
transportation of scrap tires, or any other provision of this	52870
chapter and rules adopted under it governing solid waste	52871
incineration and energy recovery facilities, with respect to the	52872
scrap tires handled by any such licensed facility or transported	52873

by the registered transporter. 52874

This division does not apply to a person who transports ten 52875
or fewer scrap tires in a single load or who transports any number 52876
of scrap tires for ~~his~~ the person's own use in agriculture or in 52877
producing or processing aggregates. 52878

(F) A generator of scrap tires who, in good faith and prior 52879
to the time when transporters of scrap tires are required to be 52880
registered pursuant to rules adopted under section 3734.74 of the 52881
Revised Code, caused scrap tires generated by ~~him~~ the generator to 52882
be transported by another is not liable under statute or common 52883
law in ~~his~~ the capacity as the generator of the scrap tires for 52884
the actions or omissions of the transporter, or of any other 52885
person to whom the transporter delivered the scrap tires, with 52886
respect to the scrap tires transported by the transporter. 52887

Sec. 3734.85. (A) On and after the effective date of the 52888
rules adopted under sections 3734.70, 3734.71, 3734.72, and 52889
3734.73 of the Revised Code, the director of environmental 52890
protection may take action under this section to abate 52891
accumulations of scrap tires. If the director determines that an 52892
accumulation of scrap tires constitutes a danger to the public 52893
health or safety or to the environment, the director shall issue 52894
an order under section 3734.13 of the Revised Code to the person 52895
responsible for the accumulation of scrap tires directing that 52896
person, ~~within one hundred twenty days after the issuance of the~~ 52897
~~order,~~ to remove the accumulation of scrap tires from the premises 52898
on which it is located and transport the tires to a scrap tire 52899
storage, monocell, monofill, or recovery facility licensed under 52900
section 3734.81 of the Revised Code, to such a facility in another 52901
state operating in compliance with the laws of the state in which 52902
it is located, or to any other solid waste disposal facility in 52903
another state that is operating in compliance with the laws of 52904

that state. If the person responsible for causing the accumulation 52905
of scrap tires is a person different from the owner of the land on 52906
which the accumulation is located, the director may issue such an 52907
order to the landowner. 52908

If the director is unable to ascertain immediately the 52909
identity of the person responsible for causing the accumulation of 52910
scrap tires, the director shall examine the records of the 52911
applicable board of health and law enforcement agencies to 52912
ascertain that person's identity. Before initiating any 52913
enforcement or removal actions under this division against the 52914
owner of the land on which the accumulation is located, the 52915
director shall initiate any such actions against the person that 52916
the director has identified as responsible for causing the 52917
accumulation of scrap tires. Failure of the director to make 52918
diligent efforts to ascertain the identity of the person 52919
responsible for causing the accumulation of scrap tires or to 52920
initiate an action against the person responsible for causing the 52921
accumulation shall not constitute an affirmative defense by a 52922
landowner to an enforcement action initiated by the director under 52923
this division requiring immediate removal of any accumulation of 52924
scrap tires. 52925

Upon the written request of the recipient of an order issued 52926
under this division, the director may extend the time for 52927
compliance with the order if the request demonstrates that the 52928
recipient has acted in good faith to comply with the order. If the 52929
recipient of an order issued under this division fails to comply 52930
with each milestone established in the order within ~~one hundred~~ 52931
~~twenty days after the issuance of~~ the period of time specified in 52932
the order or, if the time for compliance with the order was so 52933
extended, within that time, the director shall take such actions 52934
as the director considers reasonable and necessary to remove and 52935
properly manage the scrap tires located on the land named in the 52936

order. The director, through employees of the environmental 52937
protection agency or a contractor, may enter upon the land on 52938
which the accumulation of scrap tires is located and remove and 52939
transport them to a scrap tire recovery facility for processing, 52940
to a scrap tire storage facility for storage, or to a scrap tire 52941
monocell or monofill facility for storage or disposal. 52942

When performing a removal action under this section, the 52943
director also may remove, transport, and dispose of any of the 52944
following if the removal is required by the order issued under 52945
this division: 52946

(1) Any additional solid wastes that were open dumped on the 52947
land named in the order; 52948

(2) Any construction and demolition debris that was illegally 52949
disposed of on the land named in the order. 52950

The director shall enter into contracts for the storage, 52951
disposal, or processing of scrap tires removed through removal 52952
operations conducted under this section. 52953

If a person to whom a removal order is issued under this 52954
division fails to comply with the order and if the director 52955
performs a removal action under this section, the person to whom 52956
the removal order is issued is liable to the director for the 52957
costs incurred by the director for conducting the removal 52958
operation~~7~~. The costs incurred include the storage at a scrap tire 52959
storage facility, storage, transportation, processing, or disposal 52960
at a scrap tire monocell or monofill facility, or processing of 52961
the scrap tires so removed, the transportation of the scrap tires 52962
from the site of the accumulation to the scrap tire storage, 52963
monocell, monofill, or recovery facility where the scrap tires 52964
were stored, disposed of, or processed or any additional solid 52965
wastes or construction and demolition debris removed in accordance 52966
with this division, and the administrative and legal expenses 52967

incurred by the director in connection with the removal operation. 52968
The director shall keep an itemized record of those costs. Upon 52969
completion of the actions for which the costs were incurred, the 52970
director ~~shall~~ may record the costs at the office of the county 52971
recorder of the county in which the accumulation of scrap tires 52972
was, additional solid wastes, and construction and demolition 52973
debris were located. The costs so recorded constitute a lien on 52974
the property on which the accumulation of scrap tires ~~was,~~ 52975
additional solid wastes, and construction and demolition debris 52976
were located until discharged. Upon the written request of the 52977
director, the attorney general shall bring a civil action against 52978
the person responsible for the accumulation of the scrap tires 52979
that were the subject of the removal operation to recover the 52980
costs for which the person is liable under this division. Any 52981
money so received or recovered shall be credited to the scrap tire 52982
management fund created in section 3734.82 of the Revised Code. 52983

If, in a civil action brought under this division, an owner 52984
of real property is ordered to pay to the director the costs of a 52985
removal action that removed an accumulation of scrap tires from 52986
the person's land or if a lien is placed on the person's land for 52987
the costs of such a removal action, and, in either case, if the 52988
landowner was not the person responsible for causing the 52989
accumulation of scrap tires so removed, the landowner may bring a 52990
civil action against the person who was responsible for causing 52991
the accumulation to recover the amount of the removal costs that 52992
the court ordered the landowner to pay to the director or the 52993
amount of the removal costs certified to the county recorder as a 52994
lien on the landowner's property, whichever is applicable. If the 52995
landowner prevails in the civil action against the person who was 52996
responsible for causing the accumulation of scrap tires, the 52997
court, as it considers appropriate, may award to the landowner the 52998
reasonable attorney's fees incurred by the landowner for bringing 52999
the action, court costs, and other reasonable expenses incurred by 53000

the landowner in connection with the civil action. A landowner 53001
shall bring such a civil action within two years after making the 53002
final payment of the removal costs to the director pursuant to the 53003
judgment rendered against the landowner in the civil action 53004
brought under this division upon the director's request or within 53005
two years after the director certified the costs of the removal 53006
action to the county recorder, as appropriate. A person who, at 53007
the time that a removal action was conducted under this division, 53008
owned the land on which the removal action was performed may bring 53009
an action under this division to recover the costs of the removal 53010
action from the person responsible for causing the accumulation of 53011
scrap tires so removed regardless of whether the person owns the 53012
land at the time of bringing the action. 53013

Subject to the limitations set forth in division (G) of 53014
section 3734.82 of the Revised Code, the director may use moneys 53015
in the scrap tire management fund for conducting removal actions 53016
under this division. Any moneys recovered under this division 53017
shall be credited to the scrap tire management fund. 53018

(B) The director shall initiate enforcement and removal 53019
actions under division (A) of this section in accordance with the 53020
following descending listing of priorities: 53021

(1) Accumulations of scrap tires that the director finds 53022
constitute a fire hazard or threat to public health; 53023

(2) Accumulations of scrap tires determined by the director 53024
to contain more than one million scrap tires; 53025

(3) Accumulations of scrap tires in densely populated areas; 53026

(4) Other accumulations of scrap tires that the director or 53027
board of health of the health district in which the accumulation 53028
is located determines constitute a public nuisance; 53029

(5) Any other accumulations of scrap tires present on 53030
premises operating without a valid license issued under section 53031

3734.05 or 3734.81 of the Revised Code. 53032

(C) The director shall not take enforcement and removal 53033
actions under division (A) of this section against the owner or 53034
operator of, or the owner of the land on which is located, any of 53035
the following: 53036

(1) A premises where not more than one hundred scrap tires 53037
are present at any time; 53038

(2) The premises of a business engaging in the sale of tires 53039
at retail that meets either of the following criteria: 53040

(a) Not more than one thousand scrap tires are present on the 53041
premises at any time in an unsecured, uncovered outdoor location. 53042

(b) Any number of scrap tires are secured in a building or a 53043
covered, enclosed container, trailer, or installation. 53044

(3) The premises of a tire retreading business, a tire 53045
manufacturing finishing center, or a tire adjustment center on 53046
which is located a single, covered scrap tire storage area where 53047
not more than four thousand scrap tires are stored; 53048

(4) The premises of a business that removes tires from motor 53049
vehicles in the ordinary course of business and on which is 53050
located a single scrap tire storage area that occupies not more 53051
than twenty-five hundred square feet; 53052

(5) A solid waste facility licensed under section 3734.05 of 53053
the Revised Code that stores scrap tires on the surface of the 53054
ground if the total land area on which scrap tires are actually 53055
stored does not exceed ten thousand square feet; 53056

(6) A premises where not more than two hundred fifty scrap 53057
tires are stored or kept for agricultural use; 53058

(7) A construction site where scrap tires are stored for use 53059
or used in road resurfacing or the construction of embankments; 53060

(8) A scrap tire collection, storage, monocell, monofill, or 53061

recovery facility licensed under section 3734.81 of the Revised Code; 53062
53063

(9) A solid waste incineration or energy recovery facility 53064
that is subject to regulation under this chapter and that burns 53065
scrap tires; 53066

(10) A premises where scrap tires are beneficially used and 53067
for which the notice required by rules adopted under section 53068
3734.84 of the Revised Code has been given; 53069

(11) A transporter registered under section 3734.83 of the 53070
Revised Code that collects and holds scrap tires in a covered 53071
trailer or vehicle for not longer than thirty days prior to 53072
transporting them to their final destination. 53073

(D) Nothing in this section restricts any right any person 53074
may have under statute or common law to enforce or seek 53075
enforcement of any law applicable to the management of scrap 53076
tires, abate a nuisance, or seek any other appropriate relief. 53077

(E) An owner of real property is not liable under division 53078
(A) of this section for the cost of the removal of up to ten 53079
thousand scrap tires on the owner's property, or more at the 53080
director's discretion, and no lien shall attach to the property 53081
under this section, if all of the following conditions are met: 53082

(1) The tires were placed on the property after the owner 53083
acquired title to the property, or the tires were placed on the 53084
property before the owner acquired title to the property and the 53085
owner acquired title to the property by bequest or devise. 53086

(2) The owner of the property did not have knowledge that the 53087
tires were being placed on the property, or the owner posted on 53088
the property signs prohibiting dumping or took other action to 53089
prevent the placing of tires on the property. 53090

(3) The owner of the property did not participate in or 53091

consent to the placing of the tires on the property. 53092

(4) The owner of the property received no financial benefit 53093
from the placing of the tires on the property or otherwise having 53094
the tires on the property. 53095

(5) Title to the property was not transferred to the owner 53096
for the purpose of evading liability under division (A) of this 53097
section. 53098

(6) The person responsible for placing the tires on the 53099
property, in doing so, was not acting as an agent for the owner of 53100
the property. 53101

Sec. 3734.901. (A)(1) For the purpose of providing revenue to 53102
defray the cost of administering and enforcing the scrap tire 53103
provisions of this chapter, rules adopted under those provisions, 53104
and terms and conditions of orders, variances, and licenses issued 53105
under those provisions; to abate accumulations of scrap tires; to 53106
make grants supporting market development activities for scrap 53107
tires and synthetic rubber from tire manufacturing processes and 53108
tire recycling processes and to support scrap tire amnesty and 53109
cleanup events; to make loans to promote the recycling or recovery 53110
of energy from scrap tires; and to defray the costs of 53111
administering and enforcing sections 3734.90 to 3734.9014 of the 53112
Revised Code, a fee of fifty cents per tire is hereby levied on 53113
the sale of tires. The proceeds of the fee shall be deposited in 53114
the state treasury to the credit of the scrap tire management fund 53115
created in section 3734.82 of the Revised Code. The fee is levied 53116
from the first day of the calendar month that begins next after 53117
thirty days from October 29, 1993, through June 30, ~~2024~~ 2026. 53118

(2) Beginning on July 1, 2011, and ending on June 30, ~~2024~~ 53119
2026, there is hereby levied an additional fee of fifty cents per 53120
tire on the sale of tires the proceeds of which shall be deposited 53121
in the state treasury to the credit of the soil and water 53122

conservation district assistance fund created in section 940.15 of 53123
the Revised Code. 53124

(B) Only one sale of the same article shall be used in 53125
computing the amount of the fee due. 53126

Sec. 3737.02. (A) The fire marshal may collect fees to cover 53127
the costs of performing inspections and other duties that the fire 53128
marshal is authorized or required by law to perform. Except as 53129
provided in division (B) of this section, all fees collected by 53130
the fire marshal shall be deposited to the credit of the fire 53131
marshal's fund. 53132

(B)(1) All of the following shall be credited to the 53133
underground storage tank administration fund, which is hereby 53134
created in the state treasury: 53135

(a) Fees collected under sections 3737.88 and 3737.881 of the 53136
Revised Code for operation of the underground storage tank and 53137
underground storage tank installer certification programs; 53138

(b) Moneys recovered under section 3737.89 of the Revised 53139
Code for the state's costs of undertaking corrective or 53140
enforcement actions under that section or section 3737.882 of the 53141
Revised Code; 53142

(c) Fines and penalties collected under section 3737.882 of 53143
the Revised Code and other moneys, including corrective action 53144
enforcement case settlements or bankruptcy case awards or 53145
settlements, received by the fire marshal under sections 3737.88 53146
to 3737.89 of the Revised Code. 53147

(2) All interest earned on moneys credited to the underground 53148
storage tank administration fund shall be credited to the fund. 53149
Moneys credited to the underground storage tank administration 53150
fund shall be used by the fire marshal for implementation and 53151
enforcement of underground storage tank, corrective action, and 53152

installer certification programs under sections 3737.88 to 3737.89 53153
of the Revised Code. 53154

~~(C) There is hereby created in the state treasury the 53155
underground storage tank revolving loan fund. The fund shall 53156
consist of amounts repaid for underground storage tank revolving 53157
loans under section 3737.883 of the Revised Code and moneys 53158
described in division (B)(1)(c) of this section that are allocated 53159
to the fund in accordance with division (D)(1) of this section. 53160
Moneys in the fund shall be used by the fire marshal to make 53161
underground storage tank revolving loans under section 3737.883 of 53162
the Revised Code. 53163~~

~~(D)(1) If the director of commerce determines that the cash 53164
balance in the underground storage tank administration fund is in 53165
excess of the amount needed for implementation and enforcement of 53166
the underground storage tank, corrective action, and installer 53167
certification programs under sections 3737.88 to 3737.89 of the 53168
Revised Code, the director may certify the excess amount to the 53169
director of budget and management. Upon certification, the 53170
director of budget and management may transfer from the 53171
underground storage tank administration fund to the underground 53172
storage tank revolving loan fund any amount up to, but not 53173
exceeding, the amount certified by the director of commerce, 53174
provided the amount transferred consists only of moneys described 53175
in division (B)(1)(c) of this section. 53176~~

~~(2) If the director of commerce determines that the cash 53177
balance in the underground storage tank administration fund is 53178
insufficient to implement and enforce the underground storage 53179
tank, corrective action, and installer certification programs 53180
under sections 3737.88 to 3737.89 of the Revised Code, the 53181
director may certify the amount needed to the director of budget 53182
and management. Upon certification, the director of budget and 53183
management may transfer from the underground storage tank 53184~~

~~revolving loan fund to the underground storage tank administration 53185
fund any amount up to, but not exceeding, the amount certified by 53186
the director of commerce. 53187~~

(E) The fire marshal shall take all actions necessary to 53188
obtain any federal funding available to carry out the fire 53189
marshal's responsibilities under sections 3737.88 to 3737.89 of 53190
the Revised Code and federal laws regarding the cleaning up of 53191
releases of petroleum, as "release" is defined in section 3737.87 53192
of the Revised Code, including, without limitation, any federal 53193
funds that are available to reimburse the state for the costs of 53194
undertaking corrective actions for such releases of petroleum. The 53195
state may, when appropriate, return to the United States any 53196
federal funds recovered under sections 3737.882 and 3737.89 of the 53197
Revised Code. 53198

Sec. 3737.83. The fire marshal shall, as part of the state 53199
fire code, adopt rules to: 53200

(A) Establish minimum standards of performance for fire 53201
protection equipment and fire fighting equipment; 53202

(B) Establish minimum standards of training, fix minimum 53203
qualifications, and require certificates for all persons who 53204
engage in the business for profit of installing, testing, 53205
repairing, or maintaining fire protection equipment; 53206

(C) Provide for the issuance of certificates required under 53207
division (B) of this section and establish the fees to be charged 53208
for such certificates. A certificate shall be granted, renewed, or 53209
revoked according to rules the fire marshal shall adopt. 53210

(D) Establish minimum standards of flammability for consumer 53211
goods in any case where the federal government or any department 53212
or agency thereof has established, or may from time to time 53213
establish standards of flammability for consumer goods. The 53214

standards established by the fire marshal shall be identical to 53215
the minimum federal standards. 53216

In any case where the federal government or any department or 53217
agency thereof, establishes standards of flammability for consumer 53218
goods subsequent to the adoption of a flammability standard by the 53219
fire marshal, standards previously adopted by the fire marshal 53220
shall not continue in effect to the extent such standards are not 53221
identical to the minimum federal standards. 53222

With respect to the adoption of minimum standards of 53223
flammability, this division shall supersede any authority granted 53224
a political subdivision by any other section of the Revised Code. 53225

(E) Establish minimum standards pursuant to section 5104.05 53226
of the Revised Code for fire prevention and fire safety in child 53227
day-care centers and in type A family day-care homes, as defined 53228
in section 5104.01 of the Revised Code. 53229

(F) Establish minimum standards for fire prevention and 53230
safety in a residential facility licensed under section 5119.34 of 53231
the Revised Code that provides accommodations, supervision, and 53232
personal care services for three to sixteen unrelated adults. The 53233
fire marshal shall adopt the rules under this division in 53234
consultation with the director of mental health and addiction 53235
services and interested parties designated by the director of 53236
mental health and addiction services. 53237

(G)(1) Establish that occupant load shall not include an 53238
exterior patio that has a means of egress on at least three sides 53239
or within fifty feet of an open side and in which each means of 53240
egress is compliant with the "Americans with Disabilities Act of 53241
1990," 42 U.S.C. 12102, et seq. 53242

(2) Notwithstanding any provision of section 121.95 of the 53243
Revised Code to the contrary, a regulatory restriction contained 53244
in a rule adopted under division (G)(1) of this section is not 53245

subject to sections 121.95 to 121.953 of the Revised Code. 53246

Sec. 3737.833. (A) As used in this section, "retail establishment" means a place of business open to the general public for the sale of goods or services. 53247
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(B) If the fire code official having jurisdiction over a retail establishment, including a retail establishment that is under construction and not yet open to the public, is unable to conduct an inspection or issue a permit required by the state fire code adopted pursuant to sections 3737.82 and 3737.83 of the Revised Code, for more than five business days, the owner, operator, or developer of the retail establishment may seek a temporary permit from any fire code official authorized to conduct such an inspection or issue such a permit elsewhere in this state. If that fire code official grants a temporary permit, the permit is valid for fourteen calendar days. 53250
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Sec. 3737.88. (A)(1) The fire marshal shall have 53261
responsibility for implementation of the underground storage tank 53262
program and corrective action program for releases of petroleum 53263
from underground storage tanks established by the "Resource 53264
Conservation and Recovery Act of 1976," 90 Stat. 2795, 42 U.S.C.A. 53265
6901, as amended. To implement the programs, the fire marshal may 53266
adopt, amend, and rescind such rules, conduct such inspections, 53267
require annual registration of underground storage tanks, issue 53268
such citations and orders to enforce those rules, enter into 53269
environmental covenants in accordance with sections 5301.80 to 53270
5301.92 of the Revised Code, and perform such other duties, as are 53271
consistent with those programs. The fire marshal, by rule, may 53272
delegate the authority to conduct inspections of underground 53273
storage tanks to certified fire safety inspectors. 53274

(2) In the place of any rules regarding release containment 53275

and release detection for underground storage tanks adopted under 53276
division (A)(1) of this section, the fire marshal, by rule, shall 53277
designate areas as being sensitive for the protection of human 53278
health and the environment and adopt alternative rules regarding 53279
release containment and release detection methods for new and 53280
upgraded underground storage tank systems located in those areas. 53281
In designating such areas, the fire marshal shall take into 53282
consideration such factors as soil conditions, hydrogeology, water 53283
use, and the location of public and private water supplies. Not 53284
later than July 11, 1990, the fire marshal shall file the rules 53285
required under this division with the secretary of state, director 53286
of the legislative service commission, and joint committee on 53287
agency rule review in accordance with divisions (B) and (C) of 53288
section 119.03 of the Revised Code. 53289

(3) Notwithstanding sections 3737.87 to 3737.89 of the 53290
Revised Code, a person who is not a responsible person, as 53291
determined by the fire marshal pursuant to this chapter, may 53292
conduct a voluntary action in accordance with Chapter 3746. of the 53293
Revised Code and rules adopted under it for either of the 53294
following: 53295

(a) A class C release; 53296

(b) A release, other than a class C release, that is subject 53297
to the rules adopted by the fire marshal under division (B) of 53298
section 3737.882 of the Revised Code pertaining to a corrective 53299
action, provided that both of the following apply: 53300

(i) The voluntary action also addresses hazardous substances 53301
or petroleum that is not subject to the rules adopted under 53302
division (B) of section 3737.882 of the Revised Code pertaining to 53303
a corrective action. 53304

(ii) The fire marshal has not issued an administrative order 53305
concerning the release or referred the release to the attorney 53306

general for enforcement. 53307

The director of environmental protection, pursuant to section 53308
3746.12 of the Revised Code, may issue a covenant not to sue to 53309
any person who properly completes a voluntary action with respect 53310
to any such release in accordance with Chapter 3746. of the 53311
Revised Code and rules adopted under it. 53312

(B) Before adopting any rule under this section or section 53313
3737.881 or 3737.882 of the Revised Code, the fire marshal shall 53314
file written notice of the proposed rule with the chairperson of 53315
the state fire council, and, within sixty days after notice is 53316
filed, the council may file responses to or comments on and may 53317
recommend alternative or supplementary rules to the fire marshal. 53318
At the end of the sixty-day period or upon the filing of 53319
responses, comments, or recommendations by the council, the fire 53320
marshal may adopt the rule filed with the council or any 53321
alternative or supplementary rule recommended by the council. 53322

(C) The state fire council may recommend courses of action to 53323
be taken by the fire marshal in carrying out the fire marshal's 53324
duties under this section. The council shall file its 53325
recommendations in the office of the fire marshal, and, within 53326
sixty days after the recommendations are filed, the fire marshal 53327
shall file with the chairperson of the council comments on, and 53328
proposed action in response to, the recommendations. 53329

(D) For the purpose of sections 3737.87 to 3737.89 of the 53330
Revised Code, the fire marshal shall adopt, and may amend and 53331
rescind, rules identifying or listing hazardous substances. The 53332
rules shall be consistent with and equivalent in scope, coverage, 53333
and content to regulations identifying or listing hazardous 53334
substances adopted under the "Comprehensive Environmental 53335
Response, Compensation, and Liability Act of 1980," 94 Stat. 2779, 53336
42 U.S.C.A. 9602, as amended, except that the fire marshal shall 53337
not identify or list as a hazardous substance any hazardous waste 53338

identified or listed in rules adopted under division (A) of 53339
section 3734.12 of the Revised Code. 53340

(E) Except as provided in division (A)(3) of this section, 53341
the fire marshal shall have exclusive jurisdiction to regulate the 53342
storage, treatment, and disposal of petroleum contaminated soil 53343
generated from corrective actions undertaken in response to 53344
releases of petroleum from underground storage tank systems. The 53345
fire marshal may adopt, amend, or rescind such rules as the fire 53346
marshal considers to be necessary or appropriate to regulate the 53347
storage, treatment, or disposal of petroleum contaminated soil so 53348
generated. 53349

(F) The fire marshal shall adopt, amend, and rescind rules 53350
under sections 3737.88 to ~~3737.883~~ 3737.882 of the Revised Code in 53351
accordance with Chapter 119. of the Revised Code. 53352

Sec. 3737.882. (A) If, after an examination or inspection, 53353
the fire marshal or an assistant fire marshal finds that a release 53354
of petroleum is suspected, the fire marshal shall take such action 53355
as the fire marshal considers necessary to ensure that a suspected 53356
release is confirmed or disproved and, if the occurrence of a 53357
release is confirmed, to correct the release. These actions may 53358
include one or more of the following: 53359

(1) Issuance of a citation and order requiring the 53360
responsible person to undertake, in a manner consistent with the 53361
requirements of section 9003 of the "Resource Conservation and 53362
Recovery Act of 1976," 98 Stat. 3279, 42 U.S.C.A. 6991b, as 53363
amended, applicable regulations adopted thereunder, and rules 53364
adopted under division (B) of this section, such actions as are 53365
necessary to protect human health and the environment, including, 53366
without limitation, the investigation of a suspected release; 53367

(2) Requesting the attorney general to bring a civil action 53368
for appropriate relief, including a temporary restraining order or 53369

preliminary or permanent injunction, in the court of common pleas 53370
of the county in which a suspected release is located or in which 53371
the release occurred, to obtain the corrective action necessary to 53372
protect human health and the environment. In granting any such 53373
relief, the court shall ensure that the terms of the temporary 53374
restraining order or injunction are sufficient to provide 53375
comprehensive corrective action to protect human health and the 53376
environment. 53377

(3) Entry onto premises and undertaking corrective action 53378
with respect to a release of petroleum if, in the fire marshal's 53379
judgment, such action is necessary to protect human health and the 53380
environment. Any corrective action undertaken by the fire marshal 53381
or assistant fire marshal under division (A)(3) of this section 53382
shall be consistent with the requirements of sections 9003 and 53383
9005 of the "Resource Conservation and Recovery Act of 1976," 98 53384
Stat. 3279, 42 U.S.C.A. 6991b, and 98 Stat. 3284, 42 U.S.C.A. 53385
6991e, respectively, as amended, applicable regulations adopted 53386
thereunder, and rules adopted under division (B) of this section. 53387

(B) The fire marshal shall adopt, and may amend and rescind, 53388
such rules as the fire marshal considers necessary to establish 53389
standards for corrective actions for suspected and confirmed 53390
releases of petroleum and standards for the recovery of costs 53391
incurred for undertaking corrective or enforcement actions with 53392
respect to such releases. The rules also shall include 53393
requirements for financial responsibility for the cost of 53394
corrective actions for and compensation of bodily injury and 53395
property damage incurred by third parties that are caused by 53396
releases of petroleum. Rules regarding financial responsibility 53397
shall, without limitation, require responsible persons to provide 53398
evidence that the parties guaranteeing payment of the deductible 53399
amount established under division (E) or (F) of section 3737.91 of 53400
the Revised Code are, at a minimum, secondarily liable for all 53401

corrective action and third-party liability costs incurred within 53402
the scope of the deductible amount. The rules shall be consistent 53403
with sections 9003 and 9005 of the "Resource Conservation and 53404
Recovery Act of 1976," 98 Stat. 3279, 42 U.S.C.A. 6991b, and 98 53405
Stat. 3284, 42 U.S.C.A. 6991e, respectively, as amended, and 53406
applicable regulations adopted thereunder. 53407

(C)(1) No person shall violate or fail to comply with a rule 53408
adopted under division (A) of section 3737.88 of the Revised Code 53409
or division (B) of this section, and no person shall violate or 53410
fail to comply with the terms of any order issued under division 53411
(A) of section 3737.88 of the Revised Code or division (A)(1) of 53412
this section. 53413

(2) Whoever violates division (C)(1) of this section or 53414
division (F) of section 3737.881 of the Revised Code shall pay a 53415
civil penalty of not more than ten thousand dollars for each day 53416
that the violation continues. The fire marshal may, by order, 53417
assess a civil penalty under this division, or the fire marshal 53418
may request the attorney general to bring a civil action for 53419
imposition of the civil penalty in the court of common pleas of 53420
the county in which the violation occurred. If the fire marshal 53421
determines that a responsible person is in violation of division 53422
(C)(1) of this section or division (F) of section 3737.881 of the 53423
Revised Code, the fire marshal may request the attorney general to 53424
bring a civil action for appropriate relief, including a temporary 53425
restraining order or preliminary or permanent injunction, in the 53426
court of common pleas of the county in which the underground 53427
storage tank or, in the case of a violation of division (F)(3) of 53428
section 3737.881 of the Revised Code, the training program that is 53429
the subject of the violation is located. The court shall issue a 53430
temporary restraining order or an injunction upon a demonstration 53431
that a violation of division (C)(1) of this section or division 53432
(F) of section 3737.881 of the Revised Code has occurred or is 53433

occurring. 53434

Any action brought by the attorney general under this 53435
division is a civil action, governed by the Rules of Civil 53436
Procedure and other rules of practice and procedure applicable to 53437
civil actions. 53438

~~Nothing in section 3737.883 of the Revised Code limits the 53439
powers of the fire marshal or the attorney general under this 53440
division. 53441~~

(D) Orders issued under division (A) of section 3737.88 of 53442
the Revised Code and divisions (A)(1) and (C) of this section, and 53443
appeals thereof, are subject to and governed by Chapter 3745. of 53444
the Revised Code. Such orders shall be issued without the 53445
necessity for issuance of a proposed action under that chapter. 53446
For purposes of appeals of any such orders, the term "director" as 53447
used in Chapter 3745. of the Revised Code includes the fire 53448
marshal and an assistant fire marshal. 53449

(E) Any restrictions on the use of real property for the 53450
purpose of the achievement by an owner or operator of applicable 53451
standards pursuant to rules adopted under division (B) of this 53452
section shall be contained in a deed or in another instrument that 53453
is signed and acknowledged by the property owner in the same 53454
manner as a deed or an environmental covenant that is entered into 53455
in accordance with sections 5301.80 to 5301.92 of the Revised 53456
Code. The deed, other instrument containing the restrictions, or 53457
environmental covenant shall be filed and recorded in the office 53458
of the county recorder of the county in which the property is 53459
located. Pursuant to Chapter 5309. of the Revised Code, if the use 53460
restrictions or environmental covenant are connected with 53461
registered land, as defined in section 5309.01 of the Revised 53462
Code, the restrictions or environmental covenant shall be entered 53463
as a memorial on the page of the register where the title of the 53464
owner is registered. 53465

(F) Any restrictions on the use of real property for the purpose of the achievement by a person that is not a responsible person, or by a person undertaking a voluntary action of applicable standards pursuant to rules adopted under division (B) of this section shall be contained in an environmental covenant that is entered into in accordance with sections 5301.80 to 5301.92 of the Revised Code. The environmental covenant shall be filed and recorded in the office of the county recorder of the county in which the property is located. Pursuant to Chapter 5309. of the Revised Code, if the environmental covenant is connected with registered land, as defined in section 5309.01 of the Revised Code, the environmental covenant shall be entered as a memorial on the page of the register where the title of the owner is registered.

Sec. 3740.01. As used in this chapter:

(A) "Community-based long-term care provider" means a provider, as defined in section 173.39 of the Revised Code.

(B) "Community-based long-term care subcontractor" means a subcontractor, as defined in section 173.38 of the Revised Code.

(C) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

(D) "Direct care" means any of the following:

(1) Any service identified in divisions (G)(1) to (6) of this section that is provided in a patient's place of residence used as the patient's home;

(2) Any activity that requires the person performing the activity to be routinely alone with a patient or to routinely have access to a patient's personal property or financial documents regarding a patient;

(3) For each home health agency individually, any other

routine service or activity that the chief administrator of the 53496
home health agency designates as direct care. 53497

(E) "Disqualifying offense" means any of the offenses listed 53498
or described in divisions (A)(3)(a) to (e) of section 109.572 of 53499
the Revised Code. 53500

(F) "Employee" means a person employed by a home health 53501
agency in a full-time, part-time, or temporary position that 53502
involves providing direct care to an individual and a person who 53503
works in such a position due to being referred to a home health 53504
agency by an employment service. 53505

(G) "Home health agency" means a person or government entity, 53506
other than a nursing home, residential care facility, hospice care 53507
program, pediatric respite care program, pediatric transition care 53508
program, informal respite care provider, provider certified by the 53509
department of developmental disabilities under Chapter 5123. of 53510
the Revised Code, residential facility licensed under section 53511
5119.34 or 5123.19 of the Revised Code, shared living provider, or 53512
immediate family member, that has the primary function of 53513
providing any of the following services to a patient at a place of 53514
residence used as the patient's home: 53515

(1) Skilled nursing care; 53516

(2) Physical therapy; 53517

(3) Occupational therapy; 53518

(4) Speech-language pathology; 53519

(5) Medical social services; 53520

(6) Home health aide services. 53521

(H) "Home health aide services" means any of the following 53522
services provided by an employee of a home health agency: 53523

(1) Hands-on bathing or assistance with a tub bath or shower; 53524

(2) Assistance with dressing, ambulation, and toileting;	53525
(3) Catheter care but not insertion;	53526
(4) Meal preparation and feeding.	53527
(I) "Hospice care program," "pediatric respite care program," and "pediatric transition care program" have the same meanings as in section 3712.01 of the Revised Code.	53528 53529 53530
(J) "Immediate family member" means a parent, stepparent, grandparent, legal guardian, grandchild, brother, sister, stepsibling, spouse, son, daughter, stepchild, aunt, uncle, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, and daughter-in-law.	53531 53532 53533 53534 53535
(K) "Medical social services" means services provided by a social worker under the direction of a patient's attending physician.	53536 53537 53538
(L) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.	53539 53540
(M) "Nonagency provider" means a person who provides direct care to an individual on a self-employed basis and does not employ, directly or through contract, another person to provide the services. "Nonagency provider" does not include any of the following:	53541 53542 53543 53544 53545
(1) A caregiver who is an immediate family member of the individual receiving direct care;	53546 53547
(2) A person who provides direct care to not more than two individuals who are not immediate family members of the care provider;	53548 53549 53550
(3) A volunteer;	53551
(4) A person who is certified under section 5104.12 of the Revised Code to provide publicly funded child care as an in-home aide;	53552 53553 53554

(5) A person who provides privately funded child care;	53555
(6) A caregiver who is certified by the department of developmental disabilities under Chapter 5123. of the Revised Code;	53556 53557 53558
<u>(7) A person who operates a residential facility licensed under section 5119.34 of the Revised Code;</u>	53559 53560
<u>(8) A person who provides self-directed services, as that term is defined in 42 U.S.C. 1396n(i)(1)(G)(iii)(II), including a person who is certified by the department of aging or registered as a self-directed individual provider through an area agency on aging.</u>	53561 53562 53563 53564 53565
(N) "Nonmedical home health services" means any of the following:	53566 53567
(1) Any service identified in divisions (H)(1) to (4) of this section;	53568 53569
(2) Personal care services;	53570
(3) Any other service the director of health designates as a nonmedical home health service in rules adopted under section 3740.10 of the Revised Code.	53571 53572 53573
(O) "Nursing home," "residential care facility," and "skilled nursing care" have the same meanings as in section 3721.01 of the Revised Code.	53574 53575 53576
(P) "Occupational therapy" has the same meaning as in section 4755.04 of the Revised Code.	53577 53578
(Q) "Personal care services" means any of the following provided to an individual in the individual's home or community:	53579 53580
(1) Hands-on assistance with activities of daily living and instrumental activities of daily living, when incidental to assistance with activities of daily living;	53581 53582 53583

(2) Assistance managing the individual's home and handling personal affairs;	53584 53585
(3) Assistance with self-administration of medications;	53586
(4) Homemaker services when incidental to any of the services identified in divisions (Q)(1) to (3) of this section or when essential to the health and welfare of the individual specifically, not the individual's family;	53587 53588 53589 53590
(5) Respite services for the individual's caregiver;	53591
(6) Errands completed outside of the presence of the individual if needed to maintain the individual's health and safety, including picking up prescriptions and groceries.	53592 53593 53594
(R) "Physical therapy" has the same meaning as in section 4755.40 of the Revised Code.	53595 53596
(S) "Residential facility" has the same meaning as in section 5123.19 of the Revised Code.	53597 53598
(T) "Skilled home health services" means any of the following:	53599 53600
(1) Any service identified in divisions (G)(1) to (5) of this section;	53601 53602
(2) Any other service the director of health designates as a skilled home health service in rules adopted under section 3740.10 of the Revised Code.	53603 53604 53605
(U) <u>(T)</u> "Social worker" means a person licensed under Chapter 4757. of the Revised Code to practice as a social worker or independent social worker.	53606 53607 53608
(V) <u>(U)</u> "Speech-language pathology" has the same meaning as in section 4753.01 of the Revised Code.	53609 53610
(W) <u>(V)</u> "Waiver agency" has the same meaning as in section 5164.342 of the Revised Code.	53611 53612

Sec. 3742.11. (A) As used in this section, "renovation, repair, and painting rule" means the rule adopted by the United States environmental protection agency pursuant to the "Toxic Substances Control Act of 1978," 15 U.S.C. 2601. 53613
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(B) The director of health may enter into agreements with the United States environmental protection agency for the administration and enforcement of the renovation, repair, and painting rule. The director also may accept available assistance in support of any agreement. 53617
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(C) The director may adopt rules in accordance with Chapter 119. of the Revised Code for the administration and enforcement of this section. If the director adopts such rules, the director shall specify all of the following in the rules: 53622
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(1) Provisions governing application for certification, approval and denial of certification, and renewal, suspension, and revocation of certification under this section; 53626
53627
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(2) Fees for any certification issued or renewed under this section; 53629
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(3) Requirements for training and certification, which must include levels of training and periodic refresher training for certifications issued under this section; 53631
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53633

(4) Procedures to be followed by a person certified under this section to undertake renovation, repair, and painting projects and to prevent public exposure to lead hazards and ensure worker protection during renovation, repair, or painting projects; 53634
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(5) Provisions governing the imposition of civil penalties for violations of procedures adopted under this section. Civil penalties shall not exceed five thousand dollars per violation. 53638
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(6) Record-keeping and reporting requirements for a person certified under this section; 53641
53642

(7) Procedures for the approval of training providers under this section, including specific training course requirements; 53643
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(8) Any other procedures and requirements that the director determines necessary for the implementation of this section. 53645
53646

Sec. 3745.11. (A) Applicants for and holders of permits, 53647
licenses, variances, plan approvals, and certifications issued by 53648
the director of environmental protection pursuant to Chapters 53649
3704., 3734., 6109., and 6111. of the Revised Code shall pay a fee 53650
to the environmental protection agency for each such issuance and 53651
each application for an issuance as provided by this section. No 53652
fee shall be charged for any issuance for which no application has 53653
been submitted to the director. 53654

(B) Except as otherwise provided in division (C)(2) of this 53655
section, beginning July 1, 1994, each person who owns or operates 53656
an air contaminant source and who is required to apply for and 53657
obtain a Title V permit under section 3704.036 of the Revised Code 53658
shall pay the fees set forth in this division. For the purposes of 53659
this division, total emissions of air contaminants may be 53660
calculated using engineering calculations, emissions factors, 53661
material balance calculations, or performance testing procedures, 53662
as authorized by the director. 53663

The following fees shall be assessed on the total actual 53664
emissions from a source in tons per year of the regulated 53665
pollutants particulate matter, sulfur dioxide, nitrogen oxides, 53666
organic compounds, and lead: 53667

(1) Fifteen dollars per ton on the total actual emissions of 53668
each such regulated pollutant during the period July through 53669
December 1993, to be collected no sooner than July 1, 1994; 53670

(2) Twenty dollars per ton on the total actual emissions of 53671
each such regulated pollutant during calendar year 1994, to be 53672

collected no sooner than April 15, 1995; 53673

(3) Twenty-five dollars per ton on the total actual emissions 53674
of each such regulated pollutant in calendar year 1995, and each 53675
subsequent calendar year, to be collected no sooner than the 53676
fifteenth day of April of the year next succeeding the calendar 53677
year in which the emissions occurred. 53678

The fees levied under this division do not apply to that 53679
portion of the emissions of a regulated pollutant at a facility 53680
that exceed four thousand tons during a calendar year. 53681

(C)(1) The fees assessed under division (B) of this section 53682
are for the purpose of providing funding for the Title V permit 53683
program. 53684

(2) The fees assessed under division (B) of this section do 53685
not apply to emissions from any electric generating unit 53686
designated as a Phase I unit under Title IV of the federal Clean 53687
Air Act prior to calendar year 2000. Those fees shall be assessed 53688
on the emissions from such a generating unit commencing in 53689
calendar year 2001 based upon the total actual emissions from the 53690
generating unit during calendar year 2000 and shall continue to be 53691
assessed each subsequent calendar year based on the total actual 53692
emissions from the generating unit during the preceding calendar 53693
year. 53694

(3) The director shall issue invoices to owners or operators 53695
of air contaminant sources who are required to pay a fee assessed 53696
under division (B) or (D) of this section. Any such invoice shall 53697
be issued no sooner than the applicable date when the fee first 53698
may be collected in a year under the applicable division, shall 53699
identify the nature and amount of the fee assessed, and shall 53700
indicate that the fee is required to be paid within thirty days 53701
after the issuance of the invoice. 53702

(D)(1) Except as provided in division (D)(2) of this section, 53703

beginning January 1, 2004, each person who owns or operates an air 53704
contaminant source; who is required to apply for a permit to 53705
operate pursuant to rules adopted under division (G), or a 53706
variance pursuant to division (H), of section 3704.03 of the 53707
Revised Code; and who is not required to apply for and obtain a 53708
Title V permit under section 3704.03 of the Revised Code shall pay 53709
a single fee based upon the sum of the actual annual emissions 53710
from the facility of the regulated pollutants particulate matter, 53711
sulfur dioxide, nitrogen oxides, organic compounds, and lead in 53712
accordance with the following schedule: 53713

Total tons per year 53714		
of regulated pollutants 53715	Annual fee	
emitted 53716	per facility	
More than 0, but less than 10 53717	\$ 100	
10 or more, but less than 50 53718	200	
50 or more, but less than 100 53719	300	
100 or more 53720	700	

(2)(a) As used in division (D) of this section, "synthetic 53721
minor facility" means a facility for which one or more permits to 53722
install or permits to operate have been issued for the air 53723
contaminant sources at the facility that include terms and 53724
conditions that lower the facility's potential to emit air 53725
contaminants below the major source thresholds established in 53726
rules adopted under section 3704.036 of the Revised Code. 53727

(b) Beginning January 1, 2000, through June 30, ~~2024~~ 2026, 53728
each person who owns or operates a synthetic minor facility shall 53729
pay an annual fee based on the sum of the actual annual emissions 53730
from the facility of particulate matter, sulfur dioxide, nitrogen 53731
dioxide, organic compounds, and lead in accordance with the 53732
following schedule: 53733

Combined total tons 53734		
per year of all regulated 53735	Annual fee	

pollutants emitted	per facility	
Less than 10	\$ 170	53737
10 or more, but less than 20	340	53738
20 or more, but less than 30	670	53739
30 or more, but less than 40	1,010	53740
40 or more, but less than 50	1,340	53741
50 or more, but less than 60	1,680	53742
60 or more, but less than 70	2,010	53743
70 or more, but less than 80	2,350	53744
80 or more, but less than 90	2,680	53745
90 or more, but less than 100	3,020	53746
100 or more	3,350	53747

(3) The fees assessed under division (D)(1) of this section shall be collected annually no sooner than the fifteenth day of April, commencing in 2005. The fees assessed under division (D)(2) of this section shall be collected no sooner than the fifteenth day of April, commencing in 2000. The fees assessed under division (D) of this section in a calendar year shall be based upon the sum of the actual emissions of those regulated pollutants during the preceding calendar year. For the purpose of division (D) of this section, emissions of air contaminants may be calculated using engineering calculations, emission factors, material balance calculations, or performance testing procedures, as authorized by the director. The director, by rule, may require persons who are required to pay the fees assessed under division (D) of this section to pay those fees biennially rather than annually.

(E)(1) Consistent with the need to cover the reasonable costs of the Title V permit program, the director annually shall increase the fees prescribed in division (B) of this section by the percentage, if any, by which the consumer price index for the most recent calendar year ending before the beginning of a year exceeds the consumer price index for calendar year 1989. Upon calculating an increase in fees authorized by division (E)(1) of

this section, the director shall compile revised fee schedules for 53769
the purposes of division (B) of this section and shall make the 53770
revised schedules available to persons required to pay the fees 53771
assessed under that division and to the public. 53772

(2) For the purposes of division (E)(1) of this section: 53773

(a) The consumer price index for any year is the average of 53774
the consumer price index for all urban consumers published by the 53775
United States department of labor as of the close of the 53776
twelve-month period ending on the thirty-first day of August of 53777
that year. 53778

(b) If the 1989 consumer price index is revised, the director 53779
shall use the revision of the consumer price index that is most 53780
consistent with that for calendar year 1989. 53781

(F) Each person who is issued a permit to install pursuant to 53782
rules adopted under division (F) of section 3704.03 of the Revised 53783
Code on or after July 1, 2003, shall pay the fees specified in the 53784
following schedules: 53785

(1) Fuel-burning equipment (boilers, furnaces, or process 53786
heaters used in the process of burning fuel for the primary 53787
purpose of producing heat or power by indirect heat transfer) 53788
Input capacity (maximum) 53789

(million British thermal units per hour)	Permit to install	
Greater than 0, but less than 10	\$ 200	53791
10 or more, but less than 100	400	53792
100 or more, but less than 300	1000	53793
300 or more, but less than 500	2250	53794
500 or more, but less than 1000	3750	53795
1000 or more, but less than 5000	6000	53796
5000 or more	9000	53797

Units burning exclusively natural gas, number two fuel oil, 53798
or both shall be assessed a fee that is one-half the applicable 53799

amount shown in division (F)(1) of this section.		53800
(2) Combustion turbines and stationary internal combustion engines designed to generate electricity		53801
Generating capacity (mega watts)	Permit to install	53802
0 or more, but less than 10	\$ 25	53803
10 or more, but less than 25	150	53804
25 or more, but less than 50	300	53805
50 or more, but less than 100	500	53806
100 or more, but less than 250	1000	53807
250 or more	2000	53808
(3) Incinerators		53809
Input capacity (pounds per hour)	Permit to install	53810
0 to 100	\$ 100	53811
101 to 500	500	53812
501 to 2000	1000	53813
2001 to 20,000	1500	53814
more than 20,000	3750	53815
(4)(a) Process		53816
Process weight rate (pounds per hour)	Permit to install	53817
0 to 1000	\$ 200	53818
1001 to 5000	500	53819
5001 to 10,000	750	53820
10,001 to 50,000	1000	53821
more than 50,000	1250	53822
In any process where process weight rate cannot be ascertained, the minimum fee shall be assessed. A boiler, furnace, combustion turbine, stationary internal combustion engine, or process heater designed to provide direct heat or power to a process not designed to generate electricity shall be assessed a fee established in division (F)(4)(a) of this section. A combustion turbine or stationary internal combustion engine designed to generate electricity shall be assessed a fee		53823
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established in division (F)(2) of this section. 53832

(b) Notwithstanding division (F)(4)(a) of this section, any 53833
person issued a permit to install pursuant to rules adopted under 53834
division (F) of section 3704.03 of the Revised Code shall pay the 53835
fees set forth in division (F)(4)(c) of this section for a process 53836
used in any of the following industries, as identified by the 53837
applicable two-digit, three-digit, or four-digit standard 53838
industrial classification code according to the Standard 53839
Industrial Classification Manual published by the United States 53840
office of management and budget in the executive office of the 53841
president, 1987, as revised: 53842

Major group 10, metal mining; 53843

Major group 12, coal mining; 53844

Major group 14, mining and quarrying of nonmetallic minerals; 53845

Industry group 204, grain mill products; 53846

2873 Nitrogen fertilizers; 53847

2874 Phosphatic fertilizers; 53848

3281 Cut stone and stone products; 53849

3295 Minerals and earth, ground or otherwise treated; 53850

4221 Grain elevators (storage only); 53851

5159 Farm related raw materials; 53852

5261 Retail nurseries and lawn and garden supply stores. 53853

(c) The fees set forth in the following schedule apply to the 53854
issuance of a permit to install pursuant to rules adopted under 53855
division (F) of section 3704.03 of the Revised Code for a process 53856
identified in division (F)(4)(b) of this section: 53857

Process weight rate (pounds per Permit to install 53858
hour)

0 to 10,000 \$ 200 53859

10,001 to 50,000	400	53860
50,001 to 100,000	500	53861
100,001 to 200,000	600	53862
200,001 to 400,000	750	53863
400,001 or more	900	53864
(5) Storage tanks		53865
Gallons (maximum useful capacity)	Permit to install	53866
0 to 20,000	\$ 100	53867
20,001 to 40,000	150	53868
40,001 to 100,000	250	53869
100,001 to 500,000	400	53870
500,001 or greater	750	53871
(6) Gasoline/fuel dispensing facilities		53872
For each gasoline/fuel		53873
dispensing facility (includes all	Permit to install	53874
units at the facility)	\$ 100	53875
(7) Dry cleaning facilities		53876
For each dry cleaning		53877
facility (includes all units	Permit to install	53878
at the facility)	\$ 100	53879
(8) Registration status		53880
For each source covered	Permit to install	53881
by registration status	\$ 75	53882
(G) An owner or operator who is responsible for an asbestos		53883
demolition or renovation project pursuant to rules adopted under		53884
section 3704.03 of the Revised Code shall pay, upon submitting a		53885
notification pursuant to rules adopted under that section, the		53886
fees set forth in the following schedule:		53887
Action	Fee	53888
Each notification	\$75	53889
Asbestos removal	\$3/unit	53890

Asbestos cleanup \$4/cubic yard 53891

For purposes of this division, "unit" means any combination of 53892
linear feet or square feet equal to fifty. 53893

(H) A person who is issued an extension of time for a permit 53894
to install an air contaminant source pursuant to rules adopted 53895
under division (F) of section 3704.03 of the Revised Code shall 53896
pay a fee equal to one-half the fee originally assessed for the 53897
permit to install under this section, except that the fee for such 53898
an extension shall not exceed two hundred dollars. 53899

(I) A person who is issued a modification to a permit to 53900
install an air contaminant source pursuant to rules adopted under 53901
section 3704.03 of the Revised Code shall pay a fee equal to 53902
one-half of the fee that would be assessed under this section to 53903
obtain a permit to install the source. The fee assessed by this 53904
division only applies to modifications that are initiated by the 53905
owner or operator of the source and shall not exceed two thousand 53906
dollars. 53907

(J) Notwithstanding division (F) of this section, a person 53908
who applies for or obtains a permit to install pursuant to rules 53909
adopted under division (F) of section 3704.03 of the Revised Code 53910
after the date actual construction of the source began shall pay a 53911
fee for the permit to install that is equal to twice the fee that 53912
otherwise would be assessed under the applicable division unless 53913
the applicant received authorization to begin construction under 53914
division (W) of section 3704.03 of the Revised Code. This division 53915
only applies to sources for which actual construction of the 53916
source begins on or after July 1, 1993. The imposition or payment 53917
of the fee established in this division does not preclude the 53918
director from taking any administrative or judicial enforcement 53919
action under this chapter, Chapter 3704., 3714., 3734., or 6111. 53920
of the Revised Code, or a rule adopted under any of them, in 53921
connection with a violation of rules adopted under division (F) of 53922

section 3704.03 of the Revised Code. 53923

As used in this division, "actual construction of the source" 53924
means the initiation of physical on-site construction activities 53925
in connection with improvements to the source that are permanent 53926
in nature, including, without limitation, the installation of 53927
building supports and foundations and the laying of underground 53928
pipework. 53929

(K)(1) Money received under division (B) of this section 53930
shall be deposited in the state treasury to the credit of the 53931
Title V clean air fund created in section 3704.035 of the Revised 53932
Code. Annually, not more than fifty cents per ton of each fee 53933
assessed under division (B) of this section on actual emissions 53934
from a source and received by the environmental protection agency 53935
pursuant to that division may be transferred by the director using 53936
an interstate transfer voucher to the state treasury to the credit 53937
of the small business assistance fund created in section 3706.19 53938
of the Revised Code. In addition, annually, the amount of money 53939
necessary for the operation of the office of ombudsperson as 53940
determined under division (B) of that section shall be transferred 53941
to the state treasury to the credit of the small business 53942
ombudsperson fund created by that section. 53943

(2) Money received by the agency pursuant to divisions (D), 53944
(F), (G), (H), (I), and (J) of this section shall be deposited in 53945
the state treasury to the credit of the non-Title V clean air fund 53946
created in section 3704.035 of the Revised Code. 53947

(L)(1) A person applying for a plan approval for a wastewater 53948
treatment works pursuant to section 6111.44, 6111.45, or 6111.46 53949
of the Revised Code shall pay a nonrefundable fee of one hundred 53950
dollars plus sixty-five one-hundredths of one per cent of the 53951
estimated project cost through June 30, ~~2024~~ 2026, and a 53952
nonrefundable application fee of one hundred dollars plus 53953
two-tenths of one per cent of the estimated project cost on and 53954

after July 1, ~~2024~~ 2026, except that the total fee shall not 53955
exceed fifteen thousand dollars through June 30, ~~2024~~ 2026, and 53956
five thousand dollars on and after July 1, ~~2024~~ 2026. The fee 53957
shall be paid at the time the application is submitted. 53958

(2) A person who has entered into an agreement with the 53959
director under section 6111.14 of the Revised Code shall pay an 53960
administrative service fee for each plan submitted under that 53961
section for approval that shall not exceed the minimum amount 53962
necessary to pay administrative costs directly attributable to 53963
processing plan approvals. The director annually shall calculate 53964
the fee and shall notify all persons who have entered into 53965
agreements under that section, or who have applied for agreements, 53966
of the amount of the fee. 53967

(3)(a)(i) Not later than January 30, ~~2022~~ 2024, and January 53968
30, ~~2023~~ 2025, a person holding an NPDES discharge permit issued 53969
pursuant to Chapter 6111. of the Revised Code with an average 53970
daily discharge flow of five thousand gallons or more shall pay a 53971
nonrefundable annual discharge fee. Any person who fails to pay 53972
the fee at that time shall pay an additional amount that equals 53973
ten per cent of the required annual discharge fee. 53974

(ii) The billing year for the annual discharge fee 53975
established in division (L)(3)(a)(i) of this section shall consist 53976
of a twelve-month period beginning on the first day of January of 53977
the year preceding the date when the annual discharge fee is due. 53978
In the case of an existing source that permanently ceases to 53979
discharge during a billing year, the director shall reduce the 53980
annual discharge fee, including the surcharge applicable to 53981
certain industrial facilities pursuant to division (L)(3)(c) of 53982
this section, by one-twelfth for each full month during the 53983
billing year that the source was not discharging, but only if the 53984
person holding the NPDES discharge permit for the source notifies 53985
the director in writing, not later than the first day of October 53986

of the billing year, of the circumstances causing the cessation of discharge. 53987
53988

(iii) The annual discharge fee established in division 53989
(L)(3)(a)(i) of this section, except for the surcharge applicable 53990
to certain industrial facilities pursuant to division (L)(3)(c) of 53991
this section, shall be based upon the average daily discharge flow 53992
in gallons per day calculated using first day of May through 53993
thirty-first day of October flow data for the period two years 53994
prior to the date on which the fee is due. In the case of NPDES 53995
discharge permits for new sources, the fee shall be calculated 53996
using the average daily design flow of the facility until actual 53997
average daily discharge flow values are available for the time 53998
period specified in division (L)(3)(a)(iii) of this section. The 53999
annual discharge fee may be prorated for a new source as described 54000
in division (L)(3)(a)(ii) of this section. 54001

(b)(i) An NPDES permit holder that is a public discharger 54002
shall pay the fee specified in the following schedule: 54003

Average daily discharge flow	Fee due by	
	January 30,	54004
	2022 <u>2024</u> , and	54005
	January 30, 2023	54006
	<u>2025</u>	54007
5,000 to 49,999	\$ 200	54008
50,000 to 100,000	500	54009
100,001 to 250,000	1,050	54010
250,001 to 1,000,000	2,600	54011
1,000,001 to 5,000,000	5,200	54012
5,000,001 to 10,000,000	10,350	54013
10,000,001 to 20,000,000	15,550	54014
20,000,001 to 50,000,000	25,900	54015
50,000,001 to 100,000,000	41,400	54016
100,000,001 or more	62,100	54017

(ii) Public dischargers owning or operating two or more 54018
publicly owned treatment works serving the same political 54019
subdivision, as "treatment works" is defined in section 6111.01 of 54020
the Revised Code, and that serve exclusively political 54021
subdivisions having a population of fewer than one hundred 54022
thousand persons shall pay an annual discharge fee under division 54023
(L)(3)(b)(i) of this section that is based on the combined average 54024
daily discharge flow of the treatment works. 54025

(c)(i) An NPDES permit holder that is an industrial 54026
discharger, other than a coal mining operator identified by P in 54027
the third character of the permittee's NPDES permit number, shall 54028
pay the fee specified in the following schedule: 54029

Average daily	Fee due by	
discharge flow	January 30,	
	2022 <u>2024</u> , and	
	January 30, 2023	
	<u>2025</u>	
5,000 to 49,999	\$ 250	54034
50,000 to 250,000	1,200	54035
250,001 to 1,000,000	2,950	54036
1,000,001 to 5,000,000	5,850	54037
5,000,001 to 10,000,000	8,800	54038
10,000,001 to 20,000,000	11,700	54039
20,000,001 to 100,000,000	14,050	54040
100,000,001 to 250,000,000	16,400	54041
250,000,001 or more	18,700	54042

(ii) In addition to the fee specified in the above schedule, 54043
an NPDES permit holder that is an industrial discharger classified 54044
as a major discharger during all or part of the annual discharge 54045
fee billing year specified in division (L)(3)(a)(ii) of this 54046
section shall pay a nonrefundable annual surcharge of seven 54047
thousand five hundred dollars not later than January 30, ~~2022~~ 54048

2024, and not later than January 30, ~~2023~~ 2025. Any person who 54049
fails to pay the surcharge at that time shall pay an additional 54050
amount that equals ten per cent of the amount of the surcharge. 54051

(d) Notwithstanding divisions (L)(3)(b) and (c) of this 54052
section, a public discharger, that is not a separate municipal 54053
storm sewer system, identified by I in the third character of the 54054
permittee's NPDES permit number and an industrial discharger 54055
identified by I, J, L, V, W, X, Y, or Z in the third character of 54056
the permittee's NPDES permit number shall pay a nonrefundable 54057
annual discharge fee of one hundred eighty dollars not later than 54058
January 30, ~~2022~~ 2024, and not later than January 30, ~~2023~~ 2025. 54059
Any person who fails to pay the fee at that time shall pay an 54060
additional amount that equals ten per cent of the required fee. 54061

(4) Each person obtaining an NPDES permit for municipal storm 54062
water discharge shall pay a nonrefundable storm water annual 54063
discharge fee of ten dollars per one-tenth of a square mile of 54064
area permitted. The fee shall not exceed ten thousand dollars and 54065
shall be payable on or before January 30, 2004, and the thirtieth 54066
day of January of each year thereafter. Any person who fails to 54067
pay the fee on the date specified in division (L)(4) of this 54068
section shall pay an additional amount per year equal to ten per 54069
cent of the annual fee that is unpaid. 54070

(5) The director shall transmit all moneys collected under 54071
division (L) of this section to the treasurer of state for deposit 54072
into the state treasury to the credit of the surface water 54073
protection fund created in section 6111.038 of the Revised Code. 54074

(6) As used in this section: 54075

(a) "NPDES" means the federally approved national pollutant 54076
discharge elimination system individual and general program for 54077
issuing, modifying, revoking, reissuing, terminating, monitoring, 54078
and enforcing permits and imposing and enforcing pretreatment 54079

requirements under Chapter 6111. of the Revised Code and rules 54080
adopted under it. 54081

(b) "Public discharger" means any holder of an NPDES permit 54082
identified by P in the second character of the NPDES permit number 54083
assigned by the director. 54084

(c) "Industrial discharger" means any holder of an NPDES 54085
permit identified by I in the second character of the NPDES permit 54086
number assigned by the director. 54087

(d) "Major discharger" means any holder of an NPDES permit 54088
classified as major by the regional administrator of the United 54089
States environmental protection agency in conjunction with the 54090
director. 54091

(M) Through June 30, ~~2024~~ 2026, a person applying for a 54092
license or license renewal to operate a public water system under 54093
section 6109.21 of the Revised Code shall pay the appropriate fee 54094
established under this division at the time of application to the 54095
director. Any person who fails to pay the fee at that time shall 54096
pay an additional amount that equals ten per cent of the required 54097
fee. The director shall transmit all moneys collected under this 54098
division to the treasurer of state for deposit into the drinking 54099
water protection fund created in section 6109.30 of the Revised 54100
Code. 54101

Except as provided in divisions (M)(4) and (5) of this 54102
section, fees required under this division shall be calculated and 54103
paid in accordance with the following schedule: 54104

(1) For the initial license required under section 6109.21 of 54105
the Revised Code for any public water system that is a community 54106
water system as defined in section 6109.01 of the Revised Code, 54107
and for each license renewal required for such a system prior to 54108
January 31, ~~2024~~ 2026, the fee is: 54109

Number of service connections	Fee amount	54110
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Not more than 49	\$ 112	54111
50 to 99	176	54112
Number of service connections	Average cost per connection	54113
100 to 2,499	\$ 1.92	54114
2,500 to 4,999	1.48	54115
5,000 to 7,499	1.42	54116
7,500 to 9,999	1.34	54117
10,000 to 14,999	1.16	54118
15,000 to 24,999	1.10	54119
25,000 to 49,999	1.04	54120
50,000 to 99,999	.92	54121
100,000 to 149,999	.86	54122
150,000 to 199,999	.80	54123
200,000 or more	.76	54124

A public water system may determine how it will pay the total amount of the fee calculated under division (M)(1) of this section, including the assessment of additional user fees that may be assessed on a volumetric basis.

As used in division (M)(1) of this section, "service connection" means the number of active or inactive pipes, goosenecks, pigtails, and any other fittings connecting a water main to any building outlet.

(2) For the initial license required under section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a nontransient population, and for each license renewal required for such a system prior to January 31, ~~2024~~ 2026, the fee is:

Population served	Fee amount	54138
Fewer than 150	\$ 112	54139
150 to 299	176	54140
300 to 749	384	54141
750 to 1,499	628	54142

1,500 to 2,999	1,268	54143
3,000 to 7,499	2,816	54144
7,500 to 14,999	5,510	54145
15,000 to 22,499	9,048	54146
22,500 to 29,999	12,430	54147
30,000 or more	16,820	54148

As used in division (M)(2) of this section, "population served" means the total number of individuals having access to the water supply during a twenty-four-hour period for at least sixty days during any calendar year. In the absence of a specific population count, that number shall be calculated at the rate of three individuals per service connection.

(3) For the initial license required under section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a transient population, and for each license renewal required for such a system prior to January 31, ~~2024~~ 2026, the fee is:

Number of wells or sources, other than surface water, supplying system	Fee amount	
1	\$112	54161
2	112	54162
3	176	54163
4	278	54164
5	568	54165
System designated as using a surface water source	792	54166 54167

As used in division (M)(3) of this section, "number of wells or sources, other than surface water, supplying system" means those wells or sources that are physically connected to the plumbing system serving the public water system.

(4) A public water system designated as using a surface water source shall pay a fee of seven hundred ninety-two dollars or the

amount calculated under division (M)(1) or (2) of this section, 54174
whichever is greater. 54175

(5) An applicant for an initial license who is proposing to 54176
operate a new public water supply system shall submit a fee that 54177
equals a prorated amount of the appropriate fee for the remainder 54178
of the licensing year. 54179

(N)(1) A person applying for a plan approval for a public 54180
water supply system under section 6109.07 of the Revised Code 54181
shall pay a fee of one hundred fifty dollars plus thirty-five 54182
hundredths of one per cent of the estimated project cost, except 54183
that the total fee shall not exceed twenty thousand dollars 54184
through June 30, ~~2024~~ 2026, and fifteen thousand dollars on and 54185
after July 1, ~~2024~~ 2026. The fee shall be paid at the time the 54186
application is submitted. 54187

(2) A person who has entered into an agreement with the 54188
director under division (A)(2) of section 6109.07 of the Revised 54189
Code shall pay an administrative service fee for each plan 54190
submitted under that section for approval that shall not exceed 54191
the minimum amount necessary to pay administrative costs directly 54192
attributable to processing plan approvals. The director annually 54193
shall calculate the fee and shall notify all persons that have 54194
entered into agreements under that division, or who have applied 54195
for agreements, of the amount of the fee. 54196

(3) Through June 30, ~~2024~~ 2026, the following fee, on a per 54197
survey basis, shall be charged any person for services rendered by 54198
the state in the evaluation of laboratories and laboratory 54199
personnel for compliance with accepted analytical techniques and 54200
procedures established pursuant to Chapter 6109. of the Revised 54201
Code for determining the qualitative characteristics of water: 54202

microbiological 54203

MMO-MUG \$2,000 54204

MF	2,100	54205
MMO-MUG and MF	2,550	54206
organic chemical	5,400	54207
trace metals	5,400	54208
standard chemistry	2,800	54209
limited chemistry	1,550	54210

On and after July 1, ~~2024~~ 2026, the following fee, on a per survey basis, shall be charged any such person:

microbiological	\$ 1,650	54213
organic chemicals	3,500	54214
trace metals	3,500	54215
standard chemistry	1,800	54216
limited chemistry	1,000	54217

The fee for those services shall be paid at the time the request for the survey is made. Through June 30, ~~2024~~ 2026, an individual laboratory shall not be assessed a fee under this division more than once in any three-year period unless the person requests the addition of analytical methods or analysts, in which case the person shall pay five hundred dollars for each additional survey requested.

As used in division (N)(3) of this section:

- (a) "MF" means membrane filtration.
- (b) "MMO" means minimal medium ONPG.
- (c) "MUG" means 4-methylumbelliferyl-beta-D-glucuronide.
- (d) "ONPG" means o-nitrophenyl-beta-D-galactopyranoside.

The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

(O) Any person applying to the director to take an

examination for certification as an operator of a water supply system or wastewater system under Chapter 6109. or 6111. of the Revised Code that is administered by the director, at the time the application is submitted, shall pay a fee in accordance with the following schedule through November 30, ~~2024~~ 2026:

Class A operator	\$ 80	54240
Class I operator	105	54241
Class II operator	120	54242
Class III operator	130	54243
Class IV operator	145	54244

On and after December 1, ~~2024~~ 2026, the applicant shall pay a fee in accordance with the following schedule:

Class A operator	\$ 50	54247
Class I operator	70	54248
Class II operator	80	54249
Class III operator	90	54250
Class IV operator	100	54251

Any person applying to the director for certification as an operator of a water supply system or wastewater system who has passed an examination administered by an examination provider approved by the director shall pay a certification fee of forty-five dollars.

A person shall pay a biennial certification renewal fee for each applicable class of certification in accordance with the following schedule:

Class A operator	\$25	54260
Class I operator	35	54261
Class II operator	45	54262
Class III operator	55	54263
Class IV operator	65	54264

If a certification renewal fee is received by the director more than thirty days, but not more than one year, after the

expiration date of the certification, the person shall pay a 54267
certification renewal fee in accordance with the following 54268
schedule: 54269

Class A operator	\$45	54270
Class I operator	55	54271
Class II operator	65	54272
Class III operator	75	54273
Class IV operator	85	54274

A person who requests a replacement certificate shall pay a 54275
fee of twenty-five dollars at the time the request is made. 54276

Any person applying to be a water supply system or wastewater 54277
treatment system examination provider shall pay an application fee 54278
of five hundred dollars. Any person approved by the director as a 54279
water supply system or wastewater treatment system examination 54280
provider shall pay an annual fee that is equal to ten per cent of 54281
the fees that the provider assesses and collects for administering 54282
water supply system or wastewater treatment system certification 54283
examinations in this state for the calendar year. The fee shall be 54284
paid not later than forty-five days after the end of a calendar 54285
year. 54286

The director shall transmit all moneys collected under this 54287
division to the treasurer of state for deposit into the drinking 54288
water protection fund created in section 6109.30 of the Revised 54289
Code. 54290

(P) Any person submitting an application for an industrial 54291
water pollution control certificate under section 6111.31 of the 54292
Revised Code, as that section existed before its repeal by H.B. 95 54293
of the 125th general assembly, shall pay a nonrefundable fee of 54294
five hundred dollars at the time the application is submitted. The 54295
director shall transmit all moneys collected under this division 54296
to the treasurer of state for deposit into the surface water 54297
protection fund created in section 6111.038 of the Revised Code. A 54298

person paying a certificate fee under this division shall not pay 54299
an application fee under division (S)(1) of this section. On and 54300
after June 26, 2003, persons shall file such applications and pay 54301
the fee as required under sections 5709.20 to 5709.27 of the 54302
Revised Code, and proceeds from the fee shall be credited as 54303
provided in section 5709.212 of the Revised Code. 54304

(Q) Except as otherwise provided in division (R) of this 54305
section, a person issued a permit by the director for a new solid 54306
waste disposal facility other than an incineration or composting 54307
facility, a new infectious waste treatment facility other than an 54308
incineration facility, or a modification of such an existing 54309
facility that includes an increase in the total disposal or 54310
treatment capacity of the facility pursuant to Chapter 3734. of 54311
the Revised Code shall pay a fee of ten dollars per thousand cubic 54312
yards of disposal or treatment capacity, or one thousand dollars, 54313
whichever is greater, except that the total fee for any such 54314
permit shall not exceed eighty thousand dollars. A person issued a 54315
modification of a permit for a solid waste disposal facility or an 54316
infectious waste treatment facility that does not involve an 54317
increase in the total disposal or treatment capacity of the 54318
facility shall pay a fee of one thousand dollars. A person issued 54319
a permit to install a new, or modify an existing, solid waste 54320
transfer facility under that chapter shall pay a fee of two 54321
thousand five hundred dollars. A person issued a permit to install 54322
a new or to modify an existing solid waste incineration or 54323
composting facility, or an existing infectious waste treatment 54324
facility using incineration as its principal method of treatment, 54325
under that chapter shall pay a fee of one thousand dollars. The 54326
increases in the permit fees under this division resulting from 54327
the amendments made by Amended Substitute House Bill 592 of the 54328
117th general assembly do not apply to any person who submitted an 54329
application for a permit to install a new, or modify an existing, 54330
solid waste disposal facility under that chapter prior to 54331

September 1, 1987; any such person shall pay the permit fee 54332
established in this division as it existed prior to June 24, 1988. 54333
In addition to the applicable permit fee under this division, a 54334
person issued a permit to install or modify a solid waste facility 54335
or an infectious waste treatment facility under that chapter who 54336
fails to pay the permit fee to the director in compliance with 54337
division (V) of this section shall pay an additional ten per cent 54338
of the amount of the fee for each week that the permit fee is 54339
late. 54340

Permit and late payment fees paid to the director under this 54341
division shall be credited to the general revenue fund. 54342

(R)(1) A person issued a registration certificate for a scrap 54343
tire collection facility under section 3734.75 of the Revised Code 54344
shall pay a fee of two hundred dollars, except that if the 54345
facility is owned or operated by a motor vehicle salvage dealer 54346
licensed under Chapter 4738. of the Revised Code, the person shall 54347
pay a fee of twenty-five dollars. 54348

(2) A person issued a registration certificate for a new 54349
scrap tire storage facility under section 3734.76 of the Revised 54350
Code shall pay a fee of three hundred dollars, except that if the 54351
facility is owned or operated by a motor vehicle salvage dealer 54352
licensed under Chapter 4738. of the Revised Code, the person shall 54353
pay a fee of twenty-five dollars. 54354

(3) A person issued a permit for a scrap tire storage 54355
facility under section 3734.76 of the Revised Code shall pay a fee 54356
of one thousand dollars, except that if the facility is owned or 54357
operated by a motor vehicle salvage dealer licensed under Chapter 54358
4738. of the Revised Code, the person shall pay a fee of fifty 54359
dollars. 54360

(4) A person issued a permit for a scrap tire monocell or 54361
monofill facility under section 3734.77 of the Revised Code shall 54362

pay a fee of ten dollars per thousand cubic yards of disposal 54363
capacity or one thousand dollars, whichever is greater, except 54364
that the total fee for any such permit shall not exceed eighty 54365
thousand dollars. 54366

(5) A person issued a registration certificate for a scrap 54367
tire recovery facility under section 3734.78 of the Revised Code 54368
shall pay a fee of one hundred dollars. 54369

(6) A person issued a permit for a scrap tire recovery 54370
facility under section 3734.78 of the Revised Code shall pay a fee 54371
of one thousand dollars. 54372

(7) In addition to the applicable registration certificate or 54373
permit fee under divisions (R)(1) to (6) of this section, a person 54374
issued a registration certificate or permit for any such scrap 54375
tire facility who fails to pay the registration certificate or 54376
permit fee to the director in compliance with division (V) of this 54377
section shall pay an additional ten per cent of the amount of the 54378
fee for each week that the fee is late. 54379

(8) The registration certificate, permit, and late payment 54380
fees paid to the director under divisions (R)(1) to (7) of this 54381
section shall be credited to the scrap tire management fund 54382
created in section 3734.82 of the Revised Code. 54383

(S)(1)(a) Except as otherwise provided, any person applying 54384
for a permit, variance, or plan approval under Chapter 6109. or 54385
6111. of the Revised Code shall pay a nonrefundable application 54386
fee of one hundred dollars at the time the application is 54387
submitted through June 30, ~~2024~~ 2026, and a nonrefundable 54388
application fee of fifteen dollars at the time the application is 54389
submitted on and after July 1, ~~2024~~ 2026. 54390

(b)(i) Except as otherwise provided in divisions 54391
(S)(1)(b)(iii) and (iv) of this section, through June 30, ~~2024~~ 54392
2026, any person applying for an NPDES permit under Chapter 6111. 54393

of the Revised Code shall pay a nonrefundable application fee of 54394
two hundred dollars at the time of application for the permit. On 54395
and after July 1, ~~2024~~ 2026, such a person shall pay a 54396
nonrefundable application fee of fifteen dollars at the time of 54397
application. 54398

(ii) In addition to the nonrefundable application fee, any 54399
person applying for an NPDES permit under Chapter 6111. of the 54400
Revised Code shall pay a design flow discharge fee based on each 54401
point source to which the issuance is applicable in accordance 54402
with the following schedule: 54403

Design flow discharge (gallons per day)	Fee	
0 to 1,000	\$ 0	54405
1,001 to 5,000	100	54406
5,001 to 50,000	200	54407
50,001 to 100,000	300	54408
100,001 to 300,000	525	54409
over 300,000	750	54410

(iii) Notwithstanding divisions (S)(1)(b)(i) and (ii) of this 54411
section, the application and design flow discharge fee for an 54412
NPDES permit for a public discharger identified by the letter I in 54413
the third character of the NPDES permit number shall not exceed 54414
nine hundred fifty dollars. 54415

(iv) Notwithstanding divisions (S)(1)(b)(i) and (ii) of this 54416
section, the application and design flow discharge fee for an 54417
NPDES permit for a coal mining operation regulated under Chapter 54418
1513. of the Revised Code shall not exceed four hundred fifty 54419
dollars per mine. 54420

(v) A person issued a modification of an NPDES permit shall 54421
pay a nonrefundable modification fee equal to the application fee 54422
and one-half the design flow discharge fee based on each point 54423
source, if applicable, that would be charged for an NPDES permit, 54424
except that the modification fee shall not exceed six hundred 54425

dollars. 54426

(c) In addition to the application fee established under 54427
division (S)(1)(b)(i) of this section, any person applying for an 54428
NPDES general storm water construction permit shall pay a 54429
nonrefundable fee of twenty dollars per acre for each acre that is 54430
permitted above five acres at the time the application is 54431
submitted. However, the per acreage fee shall not exceed three 54432
hundred dollars. In addition to the application fee established 54433
under division (S)(1)(b)(i) of this section, any person applying 54434
for an NPDES general storm water industrial permit shall pay a 54435
nonrefundable fee of one hundred fifty dollars at the time the 54436
application is submitted. 54437

(d) The director shall transmit all moneys collected under 54438
division (S)(1) of this section pursuant to Chapter 6109. of the 54439
Revised Code to the treasurer of state for deposit into the 54440
drinking water protection fund created in section 6109.30 of the 54441
Revised Code. 54442

(e) The director shall transmit all moneys collected under 54443
division (S)(1) of this section pursuant to Chapter 6111. of the 54444
Revised Code and under division (S)(2) of this section to the 54445
treasurer of state for deposit into the surface water protection 54446
fund created in section 6111.038 of the Revised Code. 54447

(f) If a person submits an electronic application for a 54448
registration certificate, permit, variance, or plan approval for 54449
which an application fee is established under division (S)(1) of 54450
this section, the person shall pay all applicable fees as 54451
expeditiously as possible after the submission of the electronic 54452
application. An application for a registration certificate, 54453
permit, variance, or plan approval for which an application fee is 54454
established under division (S)(1) of this section shall not be 54455
reviewed or processed until the applicable application fee, and 54456
any other fees established under this division, are paid. 54457

(2) A person applying for coverage under an NPDES general discharge permit for household sewage treatment systems shall pay a nonrefundable fee of two hundred dollars at the time of application for initial permit coverage. No fee is required for an application for permit coverage renewal.

(T) The director may adopt, amend, and rescind rules in accordance with Chapter 119. of the Revised Code that do all of the following:

(1) Prescribe fees to be paid by applicants for and holders of any license, permit, variance, plan approval, or certification required or authorized by Chapter 3704., 3734., 6109., or 6111. of the Revised Code that are not specifically established in this section. The fees shall be designed to defray the cost of processing, issuing, revoking, modifying, denying, and enforcing the licenses, permits, variances, plan approvals, and certifications.

The director shall transmit all moneys collected under rules adopted under division (T)(1) of this section pursuant to Chapter 6109. of the Revised Code to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

The director shall transmit all moneys collected under rules adopted under division (T)(1) of this section pursuant to Chapter 6111. of the Revised Code to the treasurer of state for deposit into the surface water protection fund created in section 6111.038 of the Revised Code.

(2) Exempt the state and political subdivisions thereof, including education facilities or medical facilities owned by the state or a political subdivision, or any person exempted from taxation by section 5709.07 or 5709.12 of the Revised Code, from any fee required by this section;

(3) Provide for the waiver of any fee, or any part thereof, 54489
otherwise required by this section whenever the director 54490
determines that the imposition of the fee would constitute an 54491
unreasonable cost of doing business for any applicant, class of 54492
applicants, or other person subject to the fee; 54493

(4) Prescribe measures that the director considers necessary 54494
to carry out this section. 54495

(U) When the director reasonably demonstrates that the direct 54496
cost to the state associated with the issuance of a permit, 54497
license, variance, plan approval, or certification exceeds the fee 54498
for the issuance or review specified by this section, the director 54499
may condition the issuance or review on the payment by the person 54500
receiving the issuance or review of, in addition to the fee 54501
specified by this section, the amount, or any portion thereof, in 54502
excess of the fee specified under this section. The director shall 54503
not so condition issuances for which a fee is prescribed in 54504
division (S)(1)(b)(iii) of this section. 54505

(V) Except as provided in divisions (L), (M), (P), and (S) of 54506
this section or unless otherwise prescribed by a rule of the 54507
director adopted pursuant to Chapter 119. of the Revised Code, all 54508
fees required by this section are payable within thirty days after 54509
the issuance of an invoice for the fee by the director or the 54510
effective date of the issuance of the license, permit, variance, 54511
plan approval, or certification. If payment is late, the person 54512
responsible for payment of the fee shall pay an additional ten per 54513
cent of the amount due for each month that it is late. 54514

(W) As used in this section, "fuel-burning equipment," 54515
"fuel-burning equipment input capacity," "incinerator," 54516
"incinerator input capacity," "process," "process weight rate," 54517
"storage tank," "gasoline dispensing facility," "dry cleaning 54518
facility," "design flow discharge," and "new source treatment 54519
works" have the meanings ascribed to those terms by applicable 54520

rules or standards adopted by the director under Chapter 3704. or 54521
6111. of the Revised Code. 54522

(X) As used in divisions (B), (D), (E), (F), (H), (I), and 54523
(J) of this section, and in any other provision of this section 54524
pertaining to fees paid pursuant to Chapter 3704. of the Revised 54525
Code: 54526

(1) "Facility," "federal Clean Air Act," "person," and "Title 54527
V permit" have the same meanings as in section 3704.01 of the 54528
Revised Code. 54529

(2) "Title V permit program" means the following activities 54530
as necessary to meet the requirements of Title V of the federal 54531
Clean Air Act and 40 C.F.R. part 70, including at least: 54532

(a) Preparing and adopting, if applicable, generally 54533
applicable rules or guidance regarding the permit program or its 54534
implementation or enforcement; 54535

(b) Reviewing and acting on any application for a Title V 54536
permit, permit revision, or permit renewal, including the 54537
development of an applicable requirement as part of the processing 54538
of a permit, permit revision, or permit renewal; 54539

(c) Administering the permit program, including the 54540
supporting and tracking of permit applications, compliance 54541
certification, and related data entry; 54542

(d) Determining which sources are subject to the program and 54543
implementing and enforcing the terms of any Title V permit, not 54544
including any court actions or other formal enforcement actions; 54545

(e) Emission and ambient monitoring; 54546

(f) Modeling, analyses, or demonstrations; 54547

(g) Preparing inventories and tracking emissions; 54548

(h) Providing direct and indirect support to small business 54549
stationary sources to determine and meet their obligations under 54550

the federal Clean Air Act pursuant to the small business 54551
stationary source technical and environmental compliance 54552
assistance program required by section 507 of that act and 54553
established in sections 3704.18, 3704.19, and 3706.19 of the 54554
Revised Code. 54555

(3) "Organic compound" means any chemical compound of carbon, 54556
excluding carbon monoxide, carbon dioxide, carbonic acid, metallic 54557
carbides or carbonates, and ammonium carbonate. 54558

(Y)(1) Except as provided in divisions (Y)(2), (3), and (4) 54559
of this section, each sewage sludge facility shall pay a 54560
nonrefundable annual sludge fee equal to three dollars and fifty 54561
cents per dry ton of sewage sludge, including the dry tons of 54562
sewage sludge in materials derived from sewage sludge, that the 54563
sewage sludge facility treats or disposes of in this state. The 54564
annual volume of sewage sludge treated or disposed of by a sewage 54565
sludge facility shall be calculated using the first day of January 54566
through the thirty-first day of December of the calendar year 54567
preceding the date on which payment of the fee is due. 54568

(2)(a) Except as provided in division (Y)(2)(d) of this 54569
section, each sewage sludge facility shall pay a minimum annual 54570
sewage sludge fee of one hundred dollars. 54571

(b) The annual sludge fee required to be paid by a sewage 54572
sludge facility that treats or disposes of exceptional quality 54573
sludge in this state shall be thirty-five per cent less per dry 54574
ton of exceptional quality sludge than the fee assessed under 54575
division (Y)(1) of this section, subject to the following 54576
exceptions: 54577

(i) Except as provided in division (Y)(2)(d) of this section, 54578
a sewage sludge facility that treats or disposes of exceptional 54579
quality sludge shall pay a minimum annual sewage sludge fee of one 54580
hundred dollars. 54581

(ii) A sewage sludge facility that treats or disposes of exceptional quality sludge shall not be required to pay the annual sludge fee for treatment or disposal in this state of exceptional quality sludge generated outside of this state and contained in bags or other containers not greater than one hundred pounds in capacity.

A thirty-five per cent reduction for exceptional quality sludge applies to the maximum annual fees established under division (Y)(3) of this section.

(c) A sewage sludge facility that transfers sewage sludge to another sewage sludge facility in this state for further treatment prior to disposal in this state shall not be required to pay the annual sludge fee for the tons of sewage sludge that have been transferred. In such a case, the sewage sludge facility that disposes of the sewage sludge shall pay the annual sludge fee. However, the facility transferring the sewage sludge shall pay the one-hundred-dollar minimum fee required under division (Y)(2)(a) of this section.

In the case of a sewage sludge facility that treats sewage sludge in this state and transfers it out of this state to another entity for disposal, the sewage sludge facility in this state shall be required to pay the annual sludge fee for the tons of sewage sludge that have been transferred.

(d) A sewage sludge facility that generates sewage sludge resulting from an average daily discharge flow of less than five thousand gallons per day is not subject to the fees assessed under division (Y) of this section.

(3) No sewage sludge facility required to pay the annual sludge fee shall be required to pay more than the maximum annual fee for each disposal method that the sewage sludge facility uses. The maximum annual fee does not include the additional amount that

may be charged under division (Y)(5) of this section for late 54613
payment of the annual sludge fee. The maximum annual fee for the 54614
following methods of disposal of sewage sludge is as follows: 54615

(a) Incineration: five thousand dollars; 54616

(b) Preexisting land reclamation project or disposal in a 54617
landfill: five thousand dollars; 54618

(c) Land application, land reclamation, surface disposal, or 54619
any other disposal method not specified in division (Y)(3)(a) or 54620
(b) of this section: twenty thousand dollars. 54621

(4)(a) In the case of an entity that generates sewage sludge 54622
or a sewage sludge facility that treats sewage sludge and 54623
transfers the sewage sludge to an incineration facility for 54624
disposal, the incineration facility, and not the entity generating 54625
the sewage sludge or the sewage sludge facility treating the 54626
sewage sludge, shall pay the annual sludge fee for the tons of 54627
sewage sludge that are transferred. However, the entity or 54628
facility generating or treating the sewage sludge shall pay the 54629
one-hundred-dollar minimum fee required under division (Y)(2)(a) 54630
of this section. 54631

(b) In the case of an entity that generates sewage sludge and 54632
transfers the sewage sludge to a landfill for disposal or to a 54633
sewage sludge facility for land reclamation or surface disposal, 54634
the entity generating the sewage sludge, and not the landfill or 54635
sewage sludge facility, shall pay the annual sludge fee for the 54636
tons of sewage sludge that are transferred. 54637

(5) Not later than the first day of April of the calendar 54638
year following March 17, 2000, and each first day of April 54639
thereafter, the director shall issue invoices to persons who are 54640
required to pay the annual sludge fee. The invoice shall identify 54641
the nature and amount of the annual sludge fee assessed and state 54642
the first day of May as the deadline for receipt by the director 54643

of objections regarding the amount of the fee and the first day of 54644
July as the deadline for payment of the fee. 54645

Not later than the first day of May following receipt of an 54646
invoice, a person required to pay the annual sludge fee may submit 54647
objections to the director concerning the accuracy of information 54648
regarding the number of dry tons of sewage sludge used to 54649
calculate the amount of the annual sludge fee or regarding whether 54650
the sewage sludge qualifies for the exceptional quality sludge 54651
discount established in division (Y)(2)(b) of this section. The 54652
director may consider the objections and adjust the amount of the 54653
fee to ensure that it is accurate. 54654

If the director does not adjust the amount of the annual 54655
sludge fee in response to a person's objections, the person may 54656
appeal the director's determination in accordance with Chapter 54657
119. of the Revised Code. 54658

Not later than the first day of June, the director shall 54659
notify the objecting person regarding whether the director has 54660
found the objections to be valid and the reasons for the finding. 54661
If the director finds the objections to be valid and adjusts the 54662
amount of the annual sludge fee accordingly, the director shall 54663
issue with the notification a new invoice to the person 54664
identifying the amount of the annual sludge fee assessed and 54665
stating the first day of July as the deadline for payment. 54666

Not later than the first day of July, any person who is 54667
required to do so shall pay the annual sludge fee. Any person who 54668
is required to pay the fee, but who fails to do so on or before 54669
that date shall pay an additional amount that equals ten per cent 54670
of the required annual sludge fee. 54671

(6) The director shall transmit all moneys collected under 54672
division (Y) of this section to the treasurer of state for deposit 54673
into the surface water protection fund created in section 6111.038 54674

of the Revised Code. The moneys shall be used to defray the costs 54675
of administering and enforcing provisions in Chapter 6111. of the 54676
Revised Code and rules adopted under it that govern the use, 54677
storage, treatment, or disposal of sewage sludge. 54678

(7) Beginning in fiscal year 2001, and every two years 54679
thereafter, the director shall review the total amount of moneys 54680
generated by the annual sludge fees to determine if that amount 54681
exceeded six hundred thousand dollars in either of the two 54682
preceding fiscal years. If the total amount of moneys in the fund 54683
exceeded six hundred thousand dollars in either fiscal year, the 54684
director, after review of the fee structure and consultation with 54685
affected persons, shall issue an order reducing the amount of the 54686
fees levied under division (Y) of this section so that the 54687
estimated amount of moneys resulting from the fees will not exceed 54688
six hundred thousand dollars in any fiscal year. 54689

If, upon review of the fees under division (Y)(7) of this 54690
section and after the fees have been reduced, the director 54691
determines that the total amount of moneys collected and 54692
accumulated is less than six hundred thousand dollars, the 54693
director, after review of the fee structure and consultation with 54694
affected persons, may issue an order increasing the amount of the 54695
fees levied under division (Y) of this section so that the 54696
estimated amount of moneys resulting from the fees will be 54697
approximately six hundred thousand dollars. Fees shall never be 54698
increased to an amount exceeding the amount specified in division 54699
(Y)(7) of this section. 54700

Notwithstanding section 119.06 of the Revised Code, the 54701
director may issue an order under division (Y)(7) of this section 54702
without the necessity to hold an adjudicatory hearing in 54703
connection with the order. The issuance of an order under this 54704
division is not an act or action for purposes of section 3745.04 54705
of the Revised Code. 54706

- (8) As used in division (Y) of this section: 54707
- (a) "Sewage sludge facility" means an entity that performs 54708
treatment on or is responsible for the disposal of sewage sludge. 54709
- (b) "Sewage sludge" means a solid, semi-solid, or liquid 54710
residue generated during the treatment of domestic sewage in a 54711
treatment works as defined in section 6111.01 of the Revised Code. 54712
"Sewage sludge" includes, but is not limited to, scum or solids 54713
removed in primary, secondary, or advanced wastewater treatment 54714
processes. "Sewage sludge" does not include ash generated during 54715
the firing of sewage sludge in a sewage sludge incinerator, grit 54716
and screenings generated during preliminary treatment of domestic 54717
sewage in a treatment works, animal manure, residue generated 54718
during treatment of animal manure, or domestic septage. 54719
- (c) "Exceptional quality sludge" means sewage sludge that 54720
meets all of the following qualifications: 54721
- (i) Satisfies the class A pathogen standards in 40 C.F.R. 54722
503.32(a); 54723
- (ii) Satisfies one of the vector attraction reduction 54724
requirements in 40 C.F.R. 503.33(b)(1) to (b)(8); 54725
- (iii) Does not exceed the ceiling concentration limitations 54726
for metals listed in table one of 40 C.F.R. 503.13; 54727
- (iv) Does not exceed the concentration limitations for metals 54728
listed in table three of 40 C.F.R. 503.13. 54729
- (d) "Treatment" means the preparation of sewage sludge for 54730
final use or disposal and includes, but is not limited to, 54731
thickening, stabilization, and dewatering of sewage sludge. 54732
- (e) "Disposal" means the final use of sewage sludge, 54733
including, but not limited to, land application, land reclamation, 54734
surface disposal, or disposal in a landfill or an incinerator. 54735
- (f) "Land application" means the spraying or spreading of 54736

sewage sludge onto the land surface, the injection of sewage 54737
sludge below the land surface, or the incorporation of sewage 54738
sludge into the soil for the purposes of conditioning the soil or 54739
fertilizing crops or vegetation grown in the soil. 54740

(g) "Land reclamation" means the returning of disturbed land 54741
to productive use. 54742

(h) "Surface disposal" means the placement of sludge on an 54743
area of land for disposal, including, but not limited to, 54744
monofills, surface impoundments, lagoons, waste piles, or 54745
dedicated disposal sites. 54746

(i) "Incinerator" means an entity that disposes of sewage 54747
sludge through the combustion of organic matter and inorganic 54748
matter in sewage sludge by high temperatures in an enclosed 54749
device. 54750

(j) "Incineration facility" includes all incinerators owned 54751
or operated by the same entity and located on a contiguous tract 54752
of land. Areas of land are considered to be contiguous even if 54753
they are separated by a public road or highway. 54754

(k) "Annual sludge fee" means the fee assessed under division 54755
(Y)(1) of this section. 54756

(l) "Landfill" means a sanitary landfill facility, as defined 54757
in rules adopted under section 3734.02 of the Revised Code, that 54758
is licensed under section 3734.05 of the Revised Code. 54759

(m) "Preexisting land reclamation project" means a 54760
property-specific land reclamation project that has been in 54761
continuous operation for not less than five years pursuant to 54762
approval of the activity by the director and includes the 54763
implementation of a community outreach program concerning the 54764
activity. 54765

Sec. 3770.03. ~~(A)~~(A)(1) The state lottery commission shall 54766

promulgate rules pursuant to Chapter 119. of the Revised Code, and 54767
shall adopt operating procedures, under which a statewide lottery 54768
and statewide joint lottery may be conducted, which includes, and 54769
since the original enactment of this section has included, the 54770
authority for the commission to operate video lottery terminal 54771
games and all other lottery games. Any reference in this chapter 54772
to tickets shall not be construed to in any way limit the 54773
authority of the commission to operate video lottery terminal 54774
games or lottery sports gaming. ~~Nothing in this chapter shall~~ 54775
~~restrict the authority of the commission to promulgate rules~~ 54776
~~related to the operation of games utilizing video lottery~~ 54777
~~terminals as described in section 3770.21 of the Revised Code. The~~ 54778
~~rules shall be promulgated pursuant to Chapter 119. of the Revised~~ 54779
~~Code, except that instant game rules shall be promulgated pursuant~~ 54780
~~to section 111.15 of the Revised Code but are not subject to~~ 54781
~~division (D) of that section. Subjects covered in these rules~~ 54782
~~shall~~ 54783

(2) Except regarding matters about which this chapter 54784
explicitly requires the commission to promulgate rules under 54785
Chapter 119. of the Revised Code, the commission instead may adopt 54786
operating procedures for the conduct of lottery games. Those 54787
operating procedures shall include, but need not be limited to, 54788
the following: 54789

~~(1)~~(a) The type of lottery to be conducted; 54790

~~(2)~~(b) The prices of tickets in the lottery; 54791

~~(3)~~(c) The number, nature, and value of prize awards, the 54792
manner and frequency of prize drawings, and the manner in which 54793
prizes shall be awarded to holders of winning tickets. 54794

(3) The commission shall publish all of its operating 54795
procedures on its official web site and shall make copies of its 54796
operating procedures available to the public upon request. 54797

(4) An operating procedure adopted under this section is not 54798
considered a rule under section 111.15 of the Revised Code. 54799

(5) All rules of the commission that are in effect on the 54800
effective date of this amendment remain effective unless the 54801
commission rescinds them. 54802

(B) The commission shall promulgate rules, ~~in addition to~~ 54803
~~those described in division (A) of this section,~~ pursuant to 54804
Chapter 119. of the Revised Code ~~under which a statewide lottery~~ 54805
~~and statewide joint lottery games may be conducted. Subjects~~ 54806
~~covered in these rules shall include, but not be limited to,~~ 54807
concerning all of the following: 54808

(1) The locations at which lottery tickets may be sold and 54809
the manner in which they are to be sold. These rules may authorize 54810
the sale of lottery tickets by commission personnel or other 54811
licensed individuals from traveling show wagons at the state fair, 54812
and at any other expositions the director of the commission 54813
considers acceptable. These rules shall prohibit commission 54814
personnel or other licensed individuals from soliciting from an 54815
exposition the right to sell lottery tickets at that exposition, 54816
but shall allow commission personnel or other licensed individuals 54817
to sell lottery tickets at an exposition if the exposition 54818
requests commission personnel or licensed individuals to do so. 54819
These rules may also address the accessibility of sales agent 54820
locations to commission products in accordance with the "Americans 54821
with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C. 12101 et 54822
seq. 54823

(2) The manner in which lottery sales revenues are to be 54824
collected, including authorization for the director to impose 54825
penalties for failure by lottery sales agents to transfer revenues 54826
to the commission in a timely manner; 54827

(3) The amount of compensation to be paid to licensed lottery 54828

sales agents; 54829

(4) The substantive criteria for the licensing of lottery 54830
sales agents consistent with section 3770.05 of the Revised Code, 54831
and procedures for revoking or suspending their licenses 54832
consistent with Chapter 119. of the Revised Code. If 54833
circumstances, such as the nonpayment of funds owed by a lottery 54834
sales agent, or other circumstances related to the public safety, 54835
convenience, or trust, require immediate action, the director may 54836
suspend a license without affording an opportunity for a prior 54837
hearing under section 119.07 of the Revised Code. 54838

(5) Special game rules to implement any agreements signed by 54839
the governor that the director enters into with other lottery 54840
jurisdictions under division (J) of section 3770.02 of the Revised 54841
Code to conduct statewide joint lottery games. The rules shall 54842
require that the entire net proceeds of those games that remain, 54843
after associated operating expenses, prize disbursements, lottery 54844
sales agent bonuses, commissions, and reimbursements, and any 54845
other expenses necessary to comply with the agreements or the 54846
rules are deducted from the gross proceeds of those games, be 54847
transferred to the lottery profits education fund under division 54848
(B) of section 3770.06 of the Revised Code. 54849

~~(6) Any other subjects the commission determines are necessary 54850
for Rules establishing any of the following with respect to the 54851
operation of video lottery terminal games, ~~including the 54852~~
~~establishment of any:~~ 54853~~

~~(a) Any fees, fines, or payment schedules, ~~or the 54854~~
~~establishment of a;~~ 54855~~

~~(b) Any voluntary exclusion program. 54856~~

(C) Chapter 2915. of the Revised Code does not apply to, 54857
affect, or prohibit lotteries conducted pursuant to this chapter. 54858

(D) The commission may promulgate rules, ~~in addition to those 54859~~

~~described in divisions (A) and (B) of this section, pursuant to~~ 54860
~~Chapter 119. of the Revised Code that establish any standards~~ 54861
governing the display of advertising and celebrity images on 54862
lottery tickets and on other items that are used in the conduct 54863
of, or to promote, the statewide lottery and statewide joint 54864
lottery games. Any revenue derived from the sale of advertising 54865
displayed on lottery tickets and on those other items shall be 54866
considered, for purposes of section 3770.06 of the Revised Code, 54867
to be related proceeds in connection with the statewide lottery or 54868
gross proceeds from statewide joint lottery games, as applicable. 54869

(E)(1) The commission shall meet with the director at least 54870
once each month and shall convene other meetings at the request of 54871
the chairperson or any five of the members. No action taken by the 54872
commission shall be binding unless at least five of the members 54873
present vote in favor of the action. A written record shall be 54874
made of the proceedings of each meeting and shall be transmitted 54875
forthwith to the governor, the president of the senate, the senate 54876
minority leader, the speaker of the house of representatives, and 54877
the house minority leader. 54878

(2) The director shall present to the commission a report 54879
each month, showing the total revenues, prize disbursements, and 54880
operating expenses of the state lottery for the preceding month. 54881
As soon as practicable after the end of each fiscal year, the 54882
commission shall prepare and transmit to the governor and the 54883
general assembly a report of lottery revenues, prize 54884
disbursements, and operating expenses for the preceding fiscal 54885
year and any recommendations for legislation considered necessary 54886
by the commission. 54887

Sec. 3770.06. (A) There is hereby created the state lottery 54888
gross revenue fund, which shall be in the custody of the treasurer 54889
of state but shall not be part of the state treasury. All gross 54890

revenues received from sales of lottery tickets, fines, fees, and 54891
related proceeds in connection with the statewide lottery, all 54892
gross proceeds of lottery sports gaming described in sections 54893
3770.23 to 3770.25 of the Revised Code, and all gross proceeds 54894
from statewide joint lottery games shall be deposited into the 54895
fund. The treasurer of state shall invest any portion of the fund 54896
not needed for immediate use in the same manner as, and subject to 54897
all provisions of law with respect to the investment of, state 54898
funds. The treasurer of state shall disburse money from the fund 54899
on order of the director of the state lottery commission or the 54900
director's designee. 54901

Except for gross proceeds from statewide joint lottery games, 54902
all revenues of the state lottery gross revenue fund that are not 54903
paid to holders of winning lottery tickets, that are not required 54904
to meet short-term prize liabilities, that are not credited to 54905
lottery sales agents in the form of bonuses, commissions, or 54906
reimbursements, that are not paid to financial institutions to 54907
reimburse those institutions for sales agent nonsufficient funds, 54908
and that are collected from sales agents for remittance to 54909
insurers under contract to provide sales agent bonding services 54910
shall be transferred to the state lottery fund, which is hereby 54911
created in the state treasury. In addition, all revenues of the 54912
state lottery gross revenue fund that represent the gross proceeds 54913
from the statewide joint lottery games and that are not paid to 54914
holders of winning lottery tickets, that are not required to meet 54915
short-term prize liabilities, that are not credited to lottery 54916
sales agents in the form of bonuses, commissions, or 54917
reimbursements, and that are not necessary to cover operating 54918
expenses associated with those games or to otherwise comply with 54919
the agreements signed by the governor that the director enters 54920
into under division (J) of section 3770.02 of the Revised Code or 54921
the rules the commission adopts under division (B)(5) of section 54922

3770.03 of the Revised Code shall be transferred to the state 54923
lottery fund. All investment earnings of the fund shall be 54924
credited to the fund. Moneys shall be disbursed from the fund 54925
pursuant to vouchers approved by the director. Total disbursements 54926
for monetary prize awards to holders of winning lottery tickets in 54927
connection with the statewide lottery, other than lottery sports 54928
gaming, and purchases of goods and services awarded as prizes to 54929
holders of winning lottery tickets shall be of an amount equal to 54930
at least fifty per cent of the total revenue accruing from the 54931
sale of lottery tickets. 54932

(B) Pursuant to Section 6 of Article XV, Ohio Constitution, 54933
there is hereby established in the state treasury the lottery 54934
profits education fund. Whenever, in the judgment of the director 54935
of the state lottery commission, the amount to the credit of the 54936
state lottery fund that does not represent proceeds from statewide 54937
joint lottery games is in excess of that needed to meet the 54938
maturing obligations of the commission and as working capital for 54939
its further operations, the director of the state lottery 54940
commission shall recommend the amount of the excess to be 54941
transferred to the lottery profits education fund, and the 54942
director of budget and management may transfer the excess to the 54943
lottery profits education fund in connection with the statewide 54944
lottery. In addition, whenever, in the judgment of the director of 54945
the state lottery commission, the amount to the credit of the 54946
state lottery fund that represents proceeds from statewide joint 54947
lottery games equals the entire net proceeds of those games as 54948
described in division (B)(5) of section 3770.03 of the Revised 54949
Code and the rules adopted under that division, the director of 54950
the state lottery commission shall recommend the amount of the 54951
proceeds to be transferred to the lottery profits education fund, 54952
and the director of budget and management may transfer those 54953
proceeds to the lottery profits education fund. Investment 54954
earnings of the lottery profits education fund shall be credited 54955

to the fund. 54956

The lottery profits education fund shall be used solely for 54957
the support of elementary, secondary, vocational, and special 54958
education programs as determined in appropriations made by the 54959
general assembly, or as provided in applicable bond proceedings 54960
for the payment of debt service on obligations issued to pay costs 54961
of capital facilities, including those for a system of common 54962
schools throughout the state pursuant to section 2n of Article 54963
VIII, Ohio Constitution. When determining the availability of 54964
money in the lottery profits education fund, the director of 54965
budget and management may consider all balances and estimated 54966
revenues of the fund. 54967

(C) There is hereby established in the state treasury the 54968
deferred prizes trust fund. With the approval of the director of 54969
budget and management, an amount sufficient to fund annuity prizes 54970
shall be transferred from the state lottery fund and credited to 54971
the trust fund. The treasurer of state shall credit all earnings 54972
arising from investments purchased under this division to the 54973
trust fund. Within sixty days after the end of each fiscal year, 54974
the treasurer of state shall certify to the director of budget and 54975
management whether the actuarial amount of the trust fund is 54976
sufficient over the fund's life for continued funding of all 54977
remaining deferred prize liabilities as of the last day of the 54978
fiscal year just ended. Also, within that sixty days, the director 54979
of budget and management shall certify the amount of investment 54980
earnings necessary to have been credited to the trust fund during 54981
the fiscal year just ending to provide for such continued funding 54982
of deferred prizes. Any earnings credited in excess of the latter 54983
certified amount shall be transferred to the lottery profits 54984
education fund. 54985

To provide all or a part of the amounts necessary to fund 54986
deferred prizes awarded by the commission in connection with the 54987

statewide lottery, the treasurer of state, in consultation with 54988
the commission, may invest moneys contained in the deferred prizes 54989
trust fund which represents proceeds from the statewide lottery in 54990
obligations of the type permitted for the investment of state 54991
funds but whose maturities are thirty years or less. 54992
Notwithstanding the requirements of any other section of the 54993
Revised Code, to provide all or part of the amounts necessary to 54994
fund deferred prizes awarded by the commission in connection with 54995
statewide joint lottery games, the treasurer of state, in 54996
consultation with the commission, may invest moneys in the trust 54997
fund which represent proceeds derived from the statewide joint 54998
lottery games in accordance with the rules the commission adopts 54999
under division (B)(5) of section 3770.03 of the Revised Code. 55000
Investments of the trust fund are not subject to the provisions of 55001
division (A)(11) of section 135.143 of the Revised Code limiting 55002
to twenty-five per cent the amount of the state's total average 55003
portfolio that may be invested in debt interests other than 55004
commercial paper and limiting to five per cent the amount that may 55005
be invested in debt interests, including commercial paper, of a 55006
single issuer. 55007

All purchases made under this division shall be effected on a 55008
delivery versus payment method and shall be in the custody of the 55009
treasurer of state. 55010

The treasurer of state may retain an investment advisor, if 55011
necessary. The commission shall pay any costs incurred by the 55012
treasurer of state in retaining an investment advisor. 55013

(D) The auditor of state shall conduct annual audits of all 55014
funds and any other audits as the auditor of state or the general 55015
assembly considers necessary. The auditor of state may examine all 55016
records, files, and other documents of the commission, and records 55017
of lottery sales agents that pertain to their activities as 55018
agents, for purposes of conducting authorized audits. 55019

(E) The state lottery commission shall establish an internal audit plan before the beginning of each fiscal year, subject to the approval of the office of internal audit in the office of budget and management. At the end of each fiscal year, the commission shall prepare and submit an annual report to the office of internal audit for the office's review and approval, specifying the internal audit work completed by the end of that fiscal year and reporting on compliance with the annual internal audit plan. Any preliminary or final report of the findings and recommendations of an internal audit performed by the commission under this division, and all associated work papers, are confidential and are not public records under section 149.43 of the Revised Code until after the final report of the internal audit's findings and recommendations is submitted to the director of the commission and to the chairperson of the commission or the chairperson's designee.

(F) Whenever, in the judgment of the director of budget and management, an amount of net state lottery proceeds is necessary to be applied to the payment of debt service on obligations, all as defined in sections 151.01 and 151.03 of the Revised Code, the director shall transfer that amount directly from the state lottery fund or from the lottery profits education fund to the bond service fund defined in those sections. The provisions of this division are subject to any prior pledges or obligation of those amounts to the payment of bond service charges as defined in division (C) of section 3318.21 of the Revised Code, as referred to in division (B) of this section.

Sec. 3770.071. ~~(A)(1)~~ If the amount of the prize money or the cost of goods or services awarded as a lottery prize award meets or exceeds the reportable winnings amounts set by 26 U.S.C. 6041, or a subsequent analogous section of the Internal Revenue Code, the director of the state lottery commission or the director's

~~designee shall require the person entitled to the prize award to 55052
affirm in writing, under oath, or by electronic means, consult the 55053
data match program established under section 3123.89 of the 55054
Revised Code to determine whether or not the person is in subject 55055
to a final and enforceable determination of default made under a 55056
support order sections 3123.01 to 3123.07 of the Revised Code. The 55057
director or the director's designee also may take any additional 55058
appropriate steps to determine if the person entitled to the prize 55059
award is in default under a support order. If the person entitled 55060
to the prize award affirms that the person is in default under a 55061
support order, or if the director or the director's designee 55062
determines that the person is in default under a support order, 55063
the director or the director's designee shall temporarily withhold 55064
payment of the prize award and notify the child support 55065
enforcement agency that administers the support order that the 55066
person is entitled to a prize award, of the amount of the prize 55067
award, and, if the prize award is to be paid in annual 55068
installments, of the number of installments. 55069~~

~~(2) Upon receipt of the notice from the director or the 55070
director's designee, the child support enforcement agency shall 55071
conduct an investigation to determine whether the person entitled 55072
to the lottery prize award is subject to a final and enforceable 55073
determination of default made under sections 3123.01 to 3123.07 of 55074
the Revised Code. If the agency determines that the person is so 55075
subject, it shall issue an intercept directive as described in 55076
section 3123.89 of the Revised Code to the director at lottery 55077
commission headquarters requiring the director or the director's 55078
designee to deduct shall withhold an amount from any unpaid the 55079
prize award or any annual installment payment of an unpaid prize 55080
award, a specified amount for support in satisfaction of the 55081
support order under which the person is in default in accordance 55082
with section 3123.89 of the Revised Code. To the extent possible, 55083~~

~~the amount specified to be deducted under the intercept directive 55084
shall satisfy the amount ordered for support in the support order 55085
under which the person is in default. 55086~~

~~A child support enforcement agency shall issue an intercept 55087
directive within thirty days from the date the director or the 55088
director's designee notifies the agency under division (A)(1) of 55089
this section. Within thirty days after the date on which the 55090
agency issues the intercept directive, the director or the 55091
director's designee shall pay the amount specified in the 55092
intercept directive to the office of child support in the 55093
department of job and family services. But, if the prize award is 55094
to be paid in annual installments, the director or the director's 55095
designee, on the date the next installment payment is due, shall 55096
deduct the amount specified in the intercept directive from that 55097
installment and, if necessary, any subsequent annual installments, 55098
at the time those installments become due and owing to the prize 55099
winner, and pay the amount to the office of child support. 55100~~

~~(B) As used in this section: 55101~~

~~(1) "Support order" has the same meaning as in section 55102
3119.01 of the Revised Code. 55103~~

~~(2) "Default" has the same meaning as in section 3121.01 of 55104
the Revised Code. 55105~~

~~(C) No person shall knowingly make a false affirmation or 55106
oath required by division (A) of this section. 55107~~

Sec. 3770.99. (A) Whoever is prohibited from claiming a 55108
lottery prize award under division (E) of section 3770.07 of the 55109
Revised Code and attempts to claim or is paid a lottery prize 55110
award is guilty of a minor misdemeanor, and shall provide 55111
restitution to the state lottery commission of any moneys 55112
erroneously paid as a lottery prize award to that person. 55113

(B) Whoever violates ~~division (C) of section 3770.071 or~~ 55114
section 3770.08 of the Revised Code is guilty of a misdemeanor of 55115
the third degree. 55116

Sec. 3772.01. As used in this chapter: 55117

(A) "Applicant" means any person who applies to the 55118
commission for a license under this chapter. 55119

(B) "Casino control commission fund" means the casino control 55120
commission fund described in Section 6(C)(3)(d) of Article XV, 55121
Ohio Constitution, the money in which shall be used to fund the 55122
commission and its related affairs. 55123

(C) "Casino facility" means a casino facility as defined in 55124
Section 6(C)(9) of Article XV, Ohio Constitution. 55125

(D) "Casino game" means any slot machine or table game as 55126
defined in this chapter. 55127

(E) "Casino gaming" means any type of slot machine or table 55128
game wagering, using money, casino credit, or any representative 55129
of value, authorized in any of the states of Indiana, Michigan, 55130
Pennsylvania, and West Virginia as of January 1, 2009, and 55131
includes slot machine and table game wagering subsequently 55132
authorized by, but shall not be limited by, subsequent 55133
restrictions placed on such wagering in such states. "Casino 55134
gaming" does not include bingo, as authorized in Section 6 of 55135
Article XV, Ohio Constitution and conducted as of January 1, 2009; 55136
horse racing where the pari-mutuel system of wagering is 55137
conducted, as authorized under the laws of this state as of 55138
January 1, 2009; or sports gaming. 55139

(F) "Casino gaming employee" means any employee of a casino 55140
operator or management company, but not a key employee, and as 55141
further defined in section 3772.131 of the Revised Code. 55142

(G) "Casino operator" means any person, trust, corporation, 55143

partnership, limited partnership, association, limited liability 55144
company, or other business enterprise that directly or indirectly 55145
holds an ownership or leasehold interest in a casino facility. 55146
"Casino operator" does not include an agency of the state, any 55147
political subdivision of the state, any person, trust, 55148
corporation, partnership, limited partnership, association, 55149
limited liability company, or other business enterprise that may 55150
have an interest in a casino facility, but who is legally or 55151
contractually restricted from conducting casino gaming. 55152

(H) "Central system" means a computer system that provides 55153
the following functions related to casino gaming equipment used in 55154
connection with casino gaming authorized under this chapter: 55155
security, auditing, data and information retrieval, and other 55156
purposes deemed necessary and authorized by the commission. 55157

(I) "Cheat" means to alter the result of a casino game, the 55158
element of chance, the operation of a machine used in a casino 55159
game, or the method of selection of criteria that determines (a) 55160
the result of the casino game, (b) the amount or frequency of 55161
payment in a casino game, (c) the value of a wagering instrument, 55162
or (d) the value of a wagering credit. "Cheat" does not include an 55163
individual who, without the assistance of another individual or 55164
without the use of a physical aid or device of any kind, uses the 55165
individual's own ability to keep track of the value of cards 55166
played and uses predictions formed as a result of the tracking 55167
information in the individual's playing and betting strategy. 55168

(J) "Commission" means the Ohio casino control commission. 55169

(K) "Gaming agent" means a peace officer employed by the 55170
commission that is vested with duties to enforce this chapter and 55171
conduct other investigations into the conduct of the casino gaming 55172
and the maintenance of the equipment that the commission considers 55173
necessary and proper and is in compliance with section 109.77 of 55174
the Revised Code. 55175

(L) "Gaming-related vendor" means any individual, 55176
partnership, corporation, association, trust, or any other group 55177
of individuals, however organized, who supplies gaming-related 55178
equipment, goods, or services to a casino operator or management 55179
company, that are directly related to or affect casino gaming 55180
authorized under this chapter, including, but not limited to, the 55181
manufacture, sale, distribution, or repair of slot machines and 55182
table game equipment. 55183

(M) "Holding company" means any corporation, firm, 55184
partnership, limited partnership, limited liability company, 55185
trust, or other form of business organization not a natural person 55186
which directly or indirectly does any of the following: 55187

(1) Has the power or right to control a casino operator, 55188
management company, or gaming-related vendor license applicant or 55189
licensee; 55190

(2) Holds an ownership interest of five per cent or more, as 55191
determined by the commission, in a casino operator, management 55192
company, or gaming-related vendor license applicant or licensee; 55193

(3) Holds voting rights with the power to vote five per cent 55194
or more of the outstanding voting rights of a casino operator, 55195
management company, or gaming-related vendor applicant or 55196
licensee. 55197

(N) "Initial investment" includes costs related to 55198
demolition, engineering, architecture, design, site preparation, 55199
construction, infrastructure improvements, land acquisition, 55200
fixtures and equipment, insurance related to construction, and 55201
leasehold improvements. 55202

(O) "Institutional investor" means any of the following 55203
entities owning five per cent or more, but less than twenty-five 55204
per cent, of an ownership interest in a casino facility, casino 55205
operator, management company, or holding company: a corporation, 55206

bank, insurance company, pension fund or pension fund trust, 55207
retirement fund, including funds administered by a public agency, 55208
employees' profit-sharing fund or employees' profit-sharing trust, 55209
any association engaged, as a substantial part of its business or 55210
operations, in purchasing or holding securities, including a hedge 55211
fund, mutual fund, or private equity fund, or any trust in respect 55212
of which a bank is trustee or cotrustee, investment company 55213
registered under the "Investment Company Act of 1940," 15 U.S.C. 55214
80a-1 et seq., collective investment trust organized by banks 55215
under Part Nine of the Rules of the Comptroller of the Currency, 55216
closed-end investment trust, chartered or licensed life insurance 55217
company or property and casualty insurance company, investment 55218
advisor registered under the "Investment Advisors Act of 1940," 15 55219
U.S.C. 80 b-1 et seq., and such other persons as the commission 55220
may reasonably determine to qualify as an institutional investor 55221
for reasons consistent with this chapter, and that does not 55222
exercise control over the affairs of a licensee and its ownership 55223
interest in a licensee is for investment purposes only, as set 55224
forth in division (F) of section 3772.10 of the Revised Code. 55225

(P) "Key employee" means any executive, employee, agent, or 55226
other individual who has the power to exercise significant 55227
influence over decisions concerning any part of the operation of a 55228
person that has applied for or holds a casino operator, management 55229
company, or gaming-related vendor license or the operation of a 55230
holding company of a person that has applied for or holds a casino 55231
operator, management company, or gaming-related vendor license, 55232
including: 55233

(1) An officer, director, trustee, partner, or an equivalent 55234
fiduciary; 55235

(2) An individual who holds a direct or indirect ownership 55236
interest of five per cent or more; 55237

(3) An individual who performs the function of a principal 55238

executive officer, principal operating officer, principal 55239
accounting officer, or an equivalent officer; 55240

(4) Any other individual the commission determines to have 55241
the power to exercise significant influence over decisions 55242
concerning any part of the operation. 55243

(Q) "Licensed casino operator" means a casino operator that 55244
has been issued a license by the commission and that has been 55245
certified annually by the commission to have paid all applicable 55246
fees, taxes, and debts to the state. 55247

(R) "Majority ownership interest" in a license or in a casino 55248
facility, as the case may be, means ownership of more than fifty 55249
per cent of such license or casino facility, as the case may be. 55250
For purposes of the foregoing, whether a majority ownership 55251
interest is held in a license or in a casino facility, as the case 55252
may be, shall be determined under the rules for constructive 55253
ownership of stock provided in Treas. Reg. 1.409A-3(i)(5)(iii) as 55254
in effect on January 1, 2009. 55255

(S) "Management company" means an organization retained by a 55256
casino operator to manage a casino facility and provide services 55257
such as accounting, general administration, maintenance, 55258
recruitment, and other operational services. 55259

(T) "Ohio law enforcement training fund" means the state law 55260
enforcement training fund described in Section 6(C)(3)(f) of 55261
Article XV, Ohio Constitution, the money in which shall be used to 55262
enhance public safety by providing training opportunities to the 55263
law enforcement community. 55264

(U) "Person" includes, but is not limited to, an individual 55265
or a combination of individuals; a sole proprietorship, a firm, a 55266
company, a joint venture, a partnership of any type, a joint-stock 55267
company, a corporation of any type, a corporate subsidiary of any 55268
type, a limited liability company, a business trust, or any other 55269

business entity or organization; an assignee; a receiver; a trustee in bankruptcy; an unincorporated association, club, society, or other unincorporated entity or organization; entities that are disregarded for federal income tax purposes; and any other nongovernmental, artificial, legal entity that is capable of engaging in business.

(V) "Problem casino gambling and addictions fund" means the state problem gambling and addictions fund described in Section 6(C)(3)(g) of Article XV, Ohio Constitution, the money in which shall be used for treatment of problem gambling and substance abuse, and for related research.

(W) "Promotional gaming credit" means a slot machine or table game credit, discount, or other similar item issued to a patron to enable the placement of, or increase in, a wager at a slot machine or table game.

(X) "Slot machine" means any mechanical, electrical, or other device or machine which, upon insertion of a coin, token, ticket, or similar object, or upon payment of any consideration, is available to play or operate, the play or operation of which, whether by reason of the skill of the operator or application of the element of chance, or both, makes individual prize determinations for individual participants in cash, premiums, merchandise, tokens, or any thing of value, whether the payoff is made automatically from the machine or in any other manner, but does not include any device that is a skill-based amusement machine, or an electronic instant bingo system, as defined in section 2915.01 of the Revised Code.

(Y) "Table game" means any game played with cards, dice, or any mechanical, electromechanical, or electronic device or machine for money, casino credit, or any representative of value. "Table game" does not include slot machines.

(Z) "Upfront license" means the first plenary license issued to a casino operator.

(AA) "Voluntary exclusion program" means a program provided by the commission that allows persons to voluntarily exclude themselves from the gaming areas of facilities under the jurisdiction of the commission by placing their name on a voluntary exclusion list and following the procedures set forth by the commission.

(BB) "Sports gaming," "sports gaming proprietor," "sports gaming facility," "sporting event," "mobile management services provider," and "management services provider" have the same meanings as in section 3775.01 of the Revised Code. A person is considered to be involved in a sporting event if division (F)(3) of section 3775.13 of the Revised Code applies to the person with respect to that sporting event.

Sec. 3772.031. (A)(1) The general assembly finds that the exclusion or ejection of certain persons from casino facilities and from sports gaming is necessary to effectuate the intents and purposes of this chapter and Chapter 3775. of the Revised Code and to maintain strict and effective regulation of casino gaming and sports gaming. The general assembly specifically finds that the exclusion from sports gaming of persons who threaten violence or harm against persons who are involved in sporting events, where the threat is related to sports gaming, is necessary to effectuate the intent of Chapter 3775. Of the Revised Code and to protect the interests of this state.

(2) The commission, by rule, shall provide for a list of persons who are to be excluded or ejected from a casino facility and a list of persons who are to be excluded or ejected from a sports gaming facility and from participating in the play or operation of sports gaming in this state. Persons included on an

exclusion list shall be identified by name and physical 55332
description. The commission shall publish the exclusion lists on 55333
its web site, and shall transmit a copy of the exclusion lists 55334
periodically to casino operators and sports gaming proprietors, as 55335
applicable, as they are initially issued and thereafter as they 55336
are revised from time to time. 55337

(3) A casino operator shall take steps necessary to ensure 55338
that all its key employees and casino gaming employees are aware 55339
of and understand the casino exclusion list and its function, and 55340
that all its key employees and casino gaming employees are kept 55341
aware of the content of the casino exclusion list as it is issued 55342
and thereafter revised from time to time. 55343

(4) A sports gaming proprietor shall take steps necessary to 55344
ensure that its appropriate agents and employees are aware of and 55345
understand the sports gaming exclusion list and its function, and 55346
that all its appropriate agents and employees are kept aware of 55347
the content of the sports gaming exclusion list as it is issued 55348
and thereafter revised from time to time. 55349

(B) The casino exclusion list may include any person whose 55350
presence in a casino facility is determined by the commission to 55351
pose a threat to the interests of the state, to achieving the 55352
intents and purposes of this chapter, or to the strict and 55353
effective regulation of casino gaming. The sports gaming exclusion 55354
list may include any person who threatens violence or harm against 55355
any person who is involved in a sporting event, where the threat 55356
is related to sports gaming, or whose presence in a sports gaming 55357
facility or whose participation in the play or operation of sports 55358
gaming in this state is determined by the commission to pose a 55359
threat to the interests of the state, to achieving the intents and 55360
purposes of Chapter 3775. of the Revised Code, or to the strict 55361
and effective regulation of sports gaming. In determining whether 55362
to include a person on an exclusion list, the commission may 55363

consider: 55364

(1) Any prior conviction of a crime that is a felony under 55365
the laws of this state, another state, or the United States, a 55366
crime involving moral turpitude, or a violation of the gaming laws 55367
of this state, another state, or the United States; and 55368

(2) A violation, or a conspiracy to violate, any provision of 55369
this chapter or Chapter 3775. of the Revised Code, as applicable, 55370
that consists of: 55371

(a) A failure to disclose an interest in a gaming facility or 55372
a sports gaming-related person or entity for which the person must 55373
obtain a license; 55374

(b) Purposeful evasion of taxes or fees; 55375

(c) A notorious or unsavory reputation that would adversely 55376
affect public confidence and trust that casino gaming or sports 55377
gaming is free from criminal or corruptive elements; or 55378

(d) A violation of an order of the commission or of any other 55379
governmental agency that warrants exclusion or ejection of the 55380
person from a casino facility, from a sports gaming facility, or 55381
from participating in the play or operation of sports gaming in 55382
this state. 55383

(3) If the person has pending charges or indictments for a 55384
gaming or gambling crime or a crime related to the integrity of 55385
gaming operations in any state; 55386

(4) If the person's conduct or reputation is such that the 55387
person's presence within a casino facility or in the sports gaming 55388
industry in this state may call into question the honesty and 55389
integrity of the casino gaming or sports gaming operations or 55390
interfere with the orderly conduct of the casino gaming or sports 55391
gaming operations; 55392

(5) If the person is a career or professional offender whose 55393

presence in a casino facility or in the sports gaming industry in 55394
this state would be adverse to the interest of licensed gaming in 55395
this state; 55396

(6) If the person has a known relationship or connection with 55397
a career or professional offender whose presence in a casino 55398
facility or in the sports gaming industry in this state would be 55399
adverse to the interest of licensed gaming in this state; 55400

(7) If the commission has suspended the person's gaming 55401
privileges; 55402

(8) If the commission has revoked the person's licenses 55403
related to this chapter or Chapter 3775. of the Revised Code; 55404

(9) If the commission determines that the person poses a 55405
threat to the safety of patrons or employees of a casino facility 55406
or a sports gaming facility; 55407

(10) If the person has threatened violence or harm against a 55408
person who is involved in the sporting event, where the threat was 55409
related to sports gaming with respect to that sporting event; 55410

(11) If the person has a history of conduct involving the 55411
disruption of gaming operations within a casino facility or in the 55412
sports gaming industry in this state. 55413

Race, color, creed, national origin or ancestry, or sex are 55414
not grounds for placing a person on an exclusion list. 55415

(C) The commission shall notify a person of the commission's 55416
intent to include such person on one or both exclusion lists. The 55417
notice shall be provided by personal service, by certified mail to 55418
the person's last known address, or, if service cannot be 55419
accomplished by personal service or certified mail, by publication 55420
daily for two weeks in a newspaper of general circulation within 55421
the county in which the person resides and in a newspaper of 55422
general circulation within each county in which a casino facility 55423

or sports gaming facility, as applicable, is located. 55424

(D)(1) Except as otherwise provided in this section, a person 55425
who receives notice of intent to include the person on an 55426
exclusion list is entitled, upon the person's request, to an 55427
adjudication hearing under Chapter 119. of the Revised Code, in 55428
which the person may demonstrate why the person should not be 55429
included on the exclusion list or lists. The person shall request 55430
such an adjudication hearing not later than thirty days after the 55431
person receives the notice by personal service or certified mail, 55432
or not later than thirty days after the last newspaper publication 55433
of the notice. 55434

(2) If the person does not request a hearing in accordance 55435
with division (D)(1) of this section, the commission may, but is 55436
not required to, conduct an adjudication hearing under Chapter 55437
119. of the Revised Code. The commission may reopen an 55438
adjudication under this section at any time. 55439

(3) If the adjudication hearing, order, or any appeal thereof 55440
under Chapter 119. of the Revised Code results in an order that 55441
the person should not be included on the exclusion list or lists, 55442
the commission shall publish a revised exclusion list that does 55443
not include the person. The commission also shall notify casino 55444
operators or sports gaming proprietors, as applicable, that the 55445
person has been removed from the exclusion list or lists. A casino 55446
operator shall take all steps necessary to ensure its key 55447
employees and casino gaming employees are made aware that the 55448
person has been removed from the casino exclusion list. A sports 55449
gaming proprietor shall take all steps necessary to ensure its 55450
appropriate agents and employees are made aware that the person 55451
has been removed from the sports gaming exclusion list. 55452

(E) This section does not apply to any voluntary exclusion 55453
list created as part of a voluntary exclusion program under this 55454
chapter or Chapter 3775. of the Revised Code. 55455

Sec. 3774.01. As used in this chapter:	55456
(A) "Commission" means the Ohio casino control commission.	55457
(B) "Entry fee" means cash or cash equivalent that a fantasy contest operator requires to be paid by a fantasy contest player to participate in a fantasy contest.	55458 55459 55460
(C) "Fantasy contest" means a simulated game or contest with an entry fee that satisfies all of the following conditions:	55461 55462
(1) The value of all prizes and awards offered to winning fantasy contest players is established and made known to the players in advance of the contest.	55463 55464 55465
(2) All winning outcomes reflect the relative knowledge and skill of the fantasy contest players and are determined predominantly by accumulated statistical results of the performance of managing rosters of athletes whose performance directly corresponds with the actual performance of athletes in professional sports competitions.	55466 55467 55468 55469 55470 55471
(3) Winning outcomes are not based on randomized or historical events, or on the score, point spread, or any performance of any single actual team or combination of teams or solely on any single performance of an individual athlete or player in any single actual event.	55472 55473 55474 55475 55476
(4) The game or contest does not involve horses or horse racing.	55477 55478
(D) "Fantasy contest operator" means a person that offers fantasy contests with an entry fee for a prize or award to the general public. Fantasy contest operator does not include a person that offers a pool not conducted for profit as defined under division (XX) (<u>WW</u>) of section 2915.01 of the Revised Code.	55479 55480 55481 55482 55483
(E) "Fantasy contest platform" means any digital or online method through which a fantasy contest operator provides access to	55484 55485

a fantasy contest. 55486

(F) "Fantasy contest player" means a person who participates 55487
in a fantasy contest offered by a fantasy contest operator. 55488

(G) "Holding company" means any corporation, firm, 55489
partnership, limited partnership, limited liability company, 55490
trust, or other form of business organization not a natural person 55491
that directly or indirectly does any of the following: 55492

(1) Has the power or right to control a fantasy contest 55493
operator; 55494

(2) Holds an ownership interest of ten per cent or more, as 55495
determined by the commission, in a fantasy contest operator; 55496

(3) Holds voting rights with the power to vote ten per cent 55497
or more of the outstanding voting rights of a fantasy contest 55498
operator. 55499

(H) "Key employee" means a person, employed by a fantasy 55500
contest operator, who is responsible for ensuring, and has the 55501
authority necessary to ensure, that all requirements under this 55502
chapter and the rules adopted under this chapter and division (L) 55503
of section 3772.03 of the Revised Code are met. 55504

(I) "Management company" means an organization retained by a 55505
fantasy contest operator to manage a fantasy contest platform and 55506
provide services such as accounting, general administration, 55507
maintenance, recruitment, and other operational services. 55508

(J) "Material nonpublic information" means information 55509
related to the play of a fantasy contest by a fantasy contest 55510
player that is not readily available to the general public and is 55511
obtained as a result of a person's employment. 55512

(K) "Script" means a list of commands that a 55513
fantasy-contest-related computer program can execute and that is 55514
created by a fantasy contest player, or by a third party for a 55515

fantasy contest player, to automate processes on a fantasy contest platform. 55516
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Sec. 3775.01. As used in this chapter: 55518

(A) "Applicant" means a person that applies to the Ohio casino control commission for a license under this chapter. 55519
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(B) "Casino operator" has the same meaning as in section 3772.01 of the Revised Code. 55521
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(C) "Collegiate sport or athletic event" means a sport or athletic event offered or sponsored by, or played in connection with, a public or private institution that offers educational services beyond the secondary level. 55523
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(D) "Commission" means the Ohio casino control commission. 55527

(E) "Esports event" means an organized video game competition that is regulated by a sports governing body and that is held between professional players who play individually or as teams. 55528
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(F) "Lottery sports gaming" has the same meaning as in section 3770.23 of the Revised Code. 55531
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(G)(1) "Mobile management services provider" means a person that contracts with a type A sports gaming proprietor under section 3775.05 of the Revised Code to operate sports gaming on behalf of the sports gaming proprietor and that is licensed by the Ohio casino control commission as a mobile management services provider under that section. 55533
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(2) "Management services provider" means a person that contracts with a type B sports gaming proprietor under section 3775.051 of the Revised Code to operate sports gaming on behalf of the sports gaming proprietor and that is licensed by the Ohio casino control commission as a management services provider under that section. 55539
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(H) "Official league data" means statistics, results, 55545
outcomes, and other data related to a sporting event provided by 55546
the appropriate sports governing body or its designee. 55547

(I) "Online sports pool" means sports gaming in which a wager 55548
on a sporting event is made through a computer or mobile device 55549
and accepted through an online gaming web site that is operated by 55550
a type A sports gaming proprietor or mobile management services 55551
provider. 55552

(J) "Professional sport or athletic event" means an event at 55553
which two or more persons participate in sports or athletic events 55554
and receive compensation, or the potential for compensation based 55555
on their performance, in excess of actual expenses for their 55556
participation in the event. 55557

(K) "Professional sports organization" means any of the 55558
following: 55559

(1) The owner of a professional sports team in this state 55560
that is a member of the national football league, the national 55561
hockey league, major league baseball, major league soccer, or the 55562
national basketball association; 55563

(2) The owner of a sports facility in this state that hosts 55564
an annual tournament on the professional golf association tour or 55565
a wholly owned for-profit subsidiary of the owner, if the owner is 55566
a nonprofit corporation or organization; 55567

(3) A promoter of a national association for stock car auto 55568
racing national touring race conducted in this state. 55569

(L) "Promotional gaming credit" means a credit, discount, or 55570
other similar item issued to a patron to enable the placement of, 55571
or increase in, a wager on a sporting event. 55572

(M) "Proposition bet" means a wager on a sporting event that 55573
is based on whether an identified instance or statistical 55574

achievement will occur, will be achieved, or will be surpassed, 55575
other than the score or outcome of the sporting event or parts of 55576
the sporting event, such as quarters, halves, periods, or innings. 55577

(N)(1) Except as otherwise provided in divisions (N)(2) and 55578
(3) of this section, "sporting event" means any professional sport 55579
or athletic event, any collegiate sport or athletic event, any 55580
Olympic or international sports competition event, any motor race 55581
event, any esports event, any horse race, or any other special 55582
event the Ohio casino control commission authorizes for sports 55583
gaming, the individual performance statistics of athletes or 55584
participants in such an event, or a combination of those. 55585

(2) "Sporting event" does not include an event for primary or 55586
secondary school students, whether conducted or sponsored by a 55587
primary or secondary school or by another person, or the 55588
individual performance statistics of athletes or participants in 55589
such an event. 55590

(3) "Sporting event" includes an event that involves athletes 55591
or participants who are under eighteen years of age, or the 55592
individual performance statistics of athletes or participants in 55593
the event, only if the Ohio casino control commission authorizes 55594
the event for sports gaming. 55595

(O)(1) "Sports gaming" means the business of accepting wagers 55596
on sporting events. 55597

(2) Except as otherwise provided in division ~~(O)(3)~~ (O)(4) of 55598
this section and in section 3770.25 of the Revised Code, "sports 55599
gaming" includes any system or method of wagering on sporting 55600
events that the Ohio casino control commission approves, including 55601
exchange wagering, parlays, spreads, over-under, moneyline, 55602
in-game wagering, single game bets, teaser bets, in-play bets, 55603
proposition bets, pools, pari-mutuel sports wagering pools, or 55604
straight bets. 55605

(3) In the case of wagering on the outcome of a horse race authorized under Chapter 3769. of the Revised Code, other than pari-mutuel wagering authorized under that chapter, the Ohio casino control commission shall approve the system or method of wagering in cooperation with the state racing commission. 55606
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(4) "Sports gaming" does not include any of the following: 55611

(a) ~~Wagering~~ Pari-mutuel wagering on the outcome of a horse racing race, as authorized under Chapter 3769. of the Revised Code; 55612
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(b) Lottery games authorized under Chapter 3770. of the Revised Code, including video lottery terminals, other than lottery sports gaming authorized under sections 3770.23 to 3770.25 of the Revised Code; 55615
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(c) Casino gaming authorized under division (C) of Section 6 of Article XV, Ohio Constitution and Chapter 3772. of the Revised Code; 55619
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(d) Fantasy contests authorized under Chapter 3774. of the Revised Code. 55622
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(P) "Sports gaming equipment" means any of the following that directly relate to or affect, or are used or consumed in, the operation of sports gaming: 55624
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(1) Any mechanical, electronic, or other device, mechanism, or equipment, including a self-service sports gaming terminal; 55627
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(2) Any software, application, components, or other goods; 55629

(3) Anything to be installed or used on a patron's personal device. 55630
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(Q) "Sports gaming facility" means a designated area of a building or structure in which patrons may place wagers on sporting events with a type B sports gaming proprietor either in person or using self-service sports gaming terminals. 55632
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(R) "Sports gaming license" means a sports gaming proprietor license, a mobile management services provider license, a management services provider license, a sports gaming occupational license, a type C sports gaming host license, or a sports gaming supplier license issued by the Ohio casino control commission under this chapter.

(S) "Sports gaming licensee" means a person who holds a valid sports gaming license.

(T) "Sports gaming proprietor" means a person licensed by the Ohio casino control commission to offer sports gaming in this state as a type A, type B, or type C sports gaming proprietor.

(U) "Sports gaming receipts" has the same meaning as in section 5753.01 of the Revised Code.

(V)(1) "Sports gaming supplier" means a person or entity that provides sports gaming equipment or related services to a sports gaming proprietor, mobile management services provider, or management services provider, including providing services, directly or indirectly, that are necessary to create a betting market or to determine bet outcomes.

(2) A sports gaming supplier that provides sports gaming equipment or services to be used through a sports gaming proprietor, mobile management services provider, or management services provider is not considered a sports gaming proprietor, mobile management services provider, or management services provider solely on that basis.

(3) A sports governing body that provides official league data concerning its own sporting event to a sports gaming proprietor, mobile management services provider, management services provider, or sports gaming supplier is not considered a sports gaming supplier solely on that basis.

(W) "Sports gaming voluntary exclusion program" means the

program described in division (B)(11) of section 3775.02 of the Revised Code. 55667
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(X) "Sports governing body" means a regional, national, or international organization having ultimate authority over the rules and codes of conduct with respect to a sporting event and the participants in the sporting event. 55669
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(Y) "Type A sports gaming proprietor" means a sports gaming proprietor licensed by the Ohio casino control commission to offer sports gaming through an online sports pool. 55673
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(Z) "Type B sports gaming proprietor" means a sports gaming proprietor licensed by the Ohio casino control commission to offer sports gaming at a sports gaming facility. 55676
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(AA) "Type C sports gaming proprietor" means a sports gaming proprietor licensed by the Ohio casino control commission to offer sports gaming through self-service or clerk-operated sports gaming terminals located at type C sports gaming hosts' facilities. 55679
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(BB) "Type C sports gaming host" means the owner of a facility with a an A-1-A, A-1c, D-1, D-2, or D-5 liquor permit issued under Chapter 4303. of the Revised Code who is licensed by the Ohio casino control commission to offer sports gaming at the facility through a type C sports gaming proprietor. 55683
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(CC) "Video lottery sales agent" means an agent of the state lottery authorized to operate video lottery terminals under section 3770.21 of the Revised Code. 55688
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(DD) "Wager" or "bet" means to risk a sum of money or thing of value on an uncertain occurrence. 55691
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Sec. 3775.07. (A)(1) The owner of a facility with a an A-1-A, A-1c, D-1, D-2, or D-5 liquor permit issued under Chapter 4303. of the Revised Code who offers sports gaming through a type C sports gaming proprietor using self-service or clerk-operated sports 55693
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gaming terminals located at the facility shall hold an appropriate 55697
and valid type C sports gaming host license issued by the Ohio 55698
casino control commission at all times. 55699

(2) The commission shall issue a type C sports gaming host 55700
license to any eligible applicant that the state lottery 55701
commission recommends. Notwithstanding any contrary provision of 55702
this chapter, an applicant for an initial or renewed type C sports 55703
gaming host license is not required to undergo a criminal 55704
background check or licensure suitability investigation in order 55705
to receive the license. The commission shall investigate the 55706
applicant to determine whether the applicant is eligible for the 55707
license and to ensure that the applicant complies with all 55708
applicable provisions of this chapter and of the rules of the 55709
commission. 55710

(B) An applicant for an initial or renewed type C sports 55711
gaming host license shall apply for the license on a form 55712
prescribed by the commission and shall pay a nonrefundable 55713
application fee in an amount prescribed by the commission by rule. 55714

(C) Upon receiving an initial or renewed type C sports gaming 55715
host license, the applicant shall pay a nonrefundable license fee 55716
of one thousand dollars. 55717

(D)(1) Subject to division (D)(2) of this section, a type C 55718
sports gaming proprietor and a type C sports gaming host may enter 55719
into an agreement specifying the terms under which the type C 55720
sports gaming host offers sports gaming through the type C sports 55721
gaming proprietor, such as terms requiring the type C sports 55722
gaming proprietor and the type C sports gaming host to share the 55723
proceeds of sports gaming conducted at the type C sports gaming 55724
host's facility. A type C sports gaming proprietor shall notify 55725
the Ohio casino control commission of each type C sports gaming 55726
host that offers sports gaming through the type C sports gaming 55727

proprietor. 55728

(2) A type C sports gaming proprietor shall not require a 55729
type C sports gaming host to pay any portion of the cost of 55730
acquiring, installing, operating, adapting, or maintaining any 55731
self-service sports gaming terminal in a type C sports gaming 55732
host's facility. 55733

(3) Subject to the terms of the type C sports gaming hosts's 55734
agreement with a type C sports gaming proprietor, a type C sports 55735
gaming host may offer sports gaming through a different type C 55736
sports gaming proprietor than the one identified in the type C 55737
sports gaming host's license application during the period of the 55738
license. The type C sports gaming proprietor shall notify the 55739
commission of the change before the change takes effect, in 55740
accordance with the rules of the commission. 55741

(E) A type C sports gaming host license shall be valid for a 55742
term of three years. In order to renew a type C sports gaming host 55743
license, the licensee shall apply to the commission for a renewed 55744
license in the same manner as for an initial license. 55745

Sec. 3775.10. (A) A sports gaming proprietor shall do all of 55746
the following: 55747

(1) Conduct all sports gaming activities and functions in a 55748
manner that does not pose a threat to the public health, safety, 55749
or welfare of the citizens of this state; 55750

(2) Adopt comprehensive house rules for game play governing 55751
sports gaming transactions with its patrons, including rules that 55752
specify the amounts to be paid on winning wagers and the effect of 55753
schedule changes, and submit them to the Ohio casino control 55754
commission for approval before implementing them. The sports 55755
gaming proprietor shall publish its house rules as part of its 55756
minimum internal control standards, shall display the house rules, 55757

together with any other information the commission considers 55758
appropriate, conspicuously in each sports gaming facility and in 55759
any other place or manner prescribed by the commission, and shall 55760
make copies of its house rules readily available to patrons. 55761

(3) Keep current in all payments and obligations to the 55762
commission; 55763

(4) Provide a secure location for the placement, operation, 55764
and use of sports gaming equipment; 55765

(5) Prevent any person from tampering with or interfering 55766
with the operation of sports gaming; 55767

(6) Employ commercially reasonable methods to prevent the 55768
sports gaming proprietor and its agents and employees from 55769
disclosing any confidential information in the possession of the 55770
sports gaming proprietor that could affect the conduct of sports 55771
gaming; 55772

(7) Ensure that sports gaming conducted at a sports gaming 55773
facility is within the sight and control of designated employees 55774
of the sports gaming proprietor and that sports gaming is 55775
conducted under continuous observation by security equipment in 55776
conformity with the specifications and requirements of the 55777
commission; 55778

(8) Ensure that sports gaming occurs only in the locations 55779
and manner approved by the commission; 55780

(9) Ensure that all sports gaming is monitored in accordance 55781
with division (I) of section 3775.02 of the Revised Code; 55782

(10) Maintain sufficient funds and other supplies to conduct 55783
sports gaming at all times; 55784

(11) Maintain daily records showing the sports gaming 55785
proprietor's sports gaming receipts and timely file with the 55786
commission any additional reports required by rule or by other 55787

provisions of the Revised Code; 55788

(12) Withhold all required amounts from patrons' sports gaming winnings; 55789
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(13) Submit to the commission, each fiscal year, an audit of the sports gaming proprietor's financial transactions and the condition of the sports gaming proprietor's total operations prepared by a certified public accountant in accordance with generally accepted accounting principles and applicable state and federal laws; 55791
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(14) Submit to the commission, at least once every three years, an audit of the sports gaming proprietor's information technology systems and security protocols prepared by a qualified, independent, and capable third party, as determined by, and in a manner approved by, the commission; 55797
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(15) Promptly provide anonymized sports gaming data to a sports governing body or a state university that submits a valid request for the data under division (B)(13) or (14) of section 3775.02 of the Revised Code; 55802
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(16) Offer wagering on horse racing that is conducted in this state and authorized under Chapter 3769. of the Revised Code at all times that such horse racing is conducted. This division applies to a sports gaming proprietor only during a calendar year in which the sports gaming proprietor offers wagering on horse racing conducted outside this state. 55806
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(17) Comply with all applicable provisions of the "Interstate Horseracing Act of 1978," 15 U.S.C. 3001, et seq. 55812
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(B) A sports gaming proprietor immediately shall report to the commission any information in the sports gaming proprietor's possession related to any of the following: 55814
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(1) Any wager in violation of this chapter or rules adopted 55817

under this chapter or of federal law;	55818
(2) Abnormal sports gaming activity or patterns that may indicate a concern regarding the integrity of a sporting event;	55819 55820
(3) Suspicious wagering activities;	55821
(4) Any conduct that corrupts a wagering outcome of a sporting event for purposes of financial gain;	55822 55823
(5) Any criminal or disciplinary proceedings commenced against the sports gaming proprietor by any person other than the commission in connection with the sports gaming proprietor's operations.	55824 55825 55826 55827
(C) A sports gaming proprietor may manage risk associated with wagers by rejecting or pooling one or more wagers or by laying off one or more wagers with another sports gaming proprietor.	55828 55829 55830 55831
(D) A sports gaming proprietor may employ a system that offsets loss or manages risk in the operation of sports gaming under this chapter through the use of a liquidity pool in another jurisdiction in which the sports gaming proprietor or an affiliate or other third party also holds licensure, provided that at all times adequate protections are maintained to ensure sufficient funds are available to pay patrons.	55832 55833 55834 55835 55836 55837 55838
(E) A sports gaming proprietor may provide promotional gaming credits to patrons, subject to oversight by the commission.	55839 55840
(F) If a sports gaming patron does not claim a winning wager from a sports gaming proprietor within one year from the last day on which the sporting event is held, the sports gaming proprietor's obligation to pay the winnings shall expire, and the sports gaming proprietor shall remit the winnings to the commission, which shall deposit them in the sports gaming revenue fund.	55841 55842 55843 55844 55845 55846 55847

(G) A sports gaming proprietor is not liable under the laws 55848
of this state to any party, including a patron, for disclosing 55849
information as required under this chapter or for refusing to 55850
disclose information that is not required by law to be disclosed. 55851

(H)(1) A sports gaming proprietor shall maintain the 55852
confidentiality of any information provided to the sports gaming 55853
proprietor by a sports governing body that the sports governing 55854
body designates as confidential, except as otherwise required by 55855
law or by order of the commission. The sports gaming proprietor 55856
shall not use such confidential information for business or 55857
marketing purposes, except with the express written approval of 55858
the sports governing body. 55859

(2) A sports governing body shall maintain the 55860
confidentiality of any information provided to the sports 55861
governing body by a sports gaming proprietor that the sports 55862
gaming proprietor designates as confidential, except as otherwise 55863
required by law or by order of the commission. The sports 55864
governing body shall not use such confidential information for 55865
business or marketing purposes, except with the express written 55866
approval of the sports gaming proprietor. 55867

Sec. 3781.032. (A) As used in this section: 55868

(1) "Retail establishment" means a place of business open to 55869
the general public for the sale of goods or services. 55870

(2) "State and local building code" means Chapters 3781. and 55871
3791. of the Revised Code, rules adopted pursuant to those 55872
chapters, and municipal corporation regulations adopted in 55873
accordance with section 3781.01 of the Revised Code. 55874

(B) If the department or agency of the state or any political 55875
subdivision having jurisdiction to enforce state and local 55876
building code on a retail establishment, including a retail 55877

establishment that is under construction and not yet open to the public, is unable to conduct an inspection or issue a permit required by state and local building code for more than five business days, the owner, operator, or developer of the retail establishment may seek a temporary permit from any building code official authorized to conduct such an inspection or issue such a permit elsewhere in this state. If that building code official grants a temporary permit, the permit is valid for fourteen calendar days.

Sec. 3781.062. The director of commerce, in collaboration with the state fire marshal, the board of building standards, and representatives of local building departments, shall develop guidelines for the enforcement of the Ohio building code and state fire code in a coordinated manner, including the interaction of exemptions from one code with the requirements of the other code.

Sec. 3781.10. (A)(1) The board of building standards shall formulate and adopt rules governing the erection, construction, repair, alteration, and maintenance of all buildings or classes of buildings specified in section 3781.06 of the Revised Code, including land area incidental to those buildings, the construction of industrialized units, the installation of equipment, and the standards or requirements for materials used in connection with those buildings. The board shall incorporate those rules into separate residential and nonresidential building codes. The standards shall relate to the conservation of energy and the safety and sanitation of those buildings.

(2) The rules governing nonresidential buildings are the lawful minimum requirements specified for those buildings and industrialized units, except that no rule other than as provided in division (C) of section 3781.108 of the Revised Code that specifies a higher requirement than is imposed by any section of

the Revised Code is enforceable. The rules governing residential 55909
buildings are uniform requirements for residential buildings in 55910
any area with a building department certified to enforce the state 55911
residential building code. In no case shall any local code or 55912
regulation differ from the state residential building code unless 55913
that code or regulation addresses subject matter not addressed by 55914
the state residential building code or is adopted pursuant to 55915
section 3781.01 of the Revised Code. 55916

(3) The rules adopted pursuant to this section are complete, 55917
lawful alternatives to any requirements specified for buildings or 55918
industrialized units in any section of the Revised Code. Except as 55919
otherwise provided in division (I) of this section, the board 55920
shall, on its own motion or on application made under sections 55921
3781.12 and 3781.13 of the Revised Code, formulate, propose, 55922
adopt, modify, amend, or repeal the rules to the extent necessary 55923
or desirable to effectuate the purposes of sections 3781.06 to 55924
3781.18 of the Revised Code. 55925

(B) The board shall report to the general assembly proposals 55926
for amendments to existing statutes relating to the purposes 55927
declared in section 3781.06 of the Revised Code that public health 55928
and safety and the development of the arts require and shall 55929
recommend any additional legislation to assist in carrying out 55930
fully, in statutory form, the purposes declared in that section. 55931
The board shall prepare and submit to the general assembly a 55932
summary report of the number, nature, and disposition of the 55933
petitions filed under sections 3781.13 and 3781.14 of the Revised 55934
Code. 55935

(C) On its own motion or on application made under sections 55936
3781.12 and 3781.13 of the Revised Code, and after thorough 55937
testing and evaluation, the board shall determine by rule that any 55938
particular fixture, device, material, process of manufacture, 55939
manufactured unit or component, method of manufacture, system, or 55940

method of construction complies with performance standards adopted 55941
pursuant to section 3781.11 of the Revised Code. The board shall 55942
make its determination with regard to adaptability for safe and 55943
sanitary erection, use, or construction, to that described in any 55944
section of the Revised Code, wherever the use of a fixture, 55945
device, material, method of manufacture, system, or method of 55946
construction described in that section of the Revised Code is 55947
permitted by law. The board shall amend or annul any rule or issue 55948
an authorization for the use of a new material or manufactured 55949
unit on any like application. No department, officer, board, or 55950
commission of the state other than the board of building standards 55951
or the board of building appeals shall permit the use of any 55952
fixture, device, material, method of manufacture, newly designed 55953
product, system, or method of construction at variance with what 55954
is described in any rule the board of building standards adopts or 55955
issues or that is authorized by any section of the Revised Code. 55956
Nothing in this section shall be construed as requiring approval, 55957
by rule, of plans for an industrialized unit that conforms with 55958
the rules the board of building standards adopts pursuant to 55959
section 3781.11 of the Revised Code. 55960

(D) The board shall recommend rules, codes, and standards to 55961
help carry out the purposes of section 3781.06 of the Revised Code 55962
and to help secure uniformity of state administrative rulings and 55963
local legislation and administrative action to the bureau of 55964
workers' compensation, the director of commerce, any other 55965
department, officer, board, or commission of the state, and to 55966
legislative authorities and building departments of counties, 55967
townships, and municipal corporations, and shall recommend that 55968
they audit those recommended rules, codes, and standards by any 55969
appropriate action that they are allowed pursuant to law or the 55970
constitution. 55971

(E)(1) The board shall certify municipal, township, and 55972

county building departments, the personnel of those building 55973
departments, persons described in division (E)(7) of this section, 55974
and employees of individuals, firms, the state, or corporations 55975
described in division (E)(7) of this section to exercise 55976
enforcement authority, to accept and approve plans and 55977
specifications, and to make inspections, pursuant to sections 55978
3781.03, 3791.04, and 4104.43 of the Revised Code. 55979

(2) The board shall certify departments, personnel, and 55980
persons to enforce the state residential building code, to enforce 55981
the nonresidential building code, or to enforce both the 55982
residential and the nonresidential building codes. Any department, 55983
personnel, or person may enforce only the type of building code 55984
for which certified. 55985

(3) The board shall not require a building department, its 55986
personnel, or any persons that it employs to be certified for 55987
residential building code enforcement if that building department 55988
does not enforce the state residential building code. The board 55989
shall specify, in rules adopted pursuant to Chapter 119. of the 55990
Revised Code, the requirements for certification for residential 55991
and nonresidential building code enforcement, which shall be 55992
consistent with this division. The requirements for residential 55993
and nonresidential certification may differ. Except as otherwise 55994
provided in this division, the requirements shall include, but are 55995
not limited to, the satisfactory completion of an initial 55996
examination and, to remain certified, the completion of a 55997
specified number of hours of continuing building code education 55998
within each three-year period following the date of certification 55999
which shall be not less than thirty hours. The rules shall provide 56000
that continuing education credits and certification issued by the 56001
council of American building officials, national model code 56002
organizations, and agencies or entities the board recognizes are 56003
acceptable for purposes of this division. The rules shall specify 56004

requirements that are consistent with the provisions of section 56005
5903.12 of the Revised Code relating to active duty military 56006
service and are compatible, to the extent possible, with 56007
requirements the council of American building officials and 56008
national model code organizations establish. 56009

(4) The board shall establish and collect a certification and 56010
renewal fee for building department personnel, and persons and 56011
employees of persons, firms, or corporations as described in this 56012
section, who are certified pursuant to this division. 56013

(5) Any individual certified pursuant to this division shall 56014
complete the number of hours of continuing building code education 56015
that the board requires or, for failure to do so, forfeit 56016
certification. 56017

(6) This division does not require or authorize the board to 56018
certify personnel of municipal, township, and county building 56019
departments, and persons and employees of persons, firms, or 56020
corporations as described in this section, whose responsibilities 56021
do not include the exercise of enforcement authority, the approval 56022
of plans and specifications, or making inspections under the state 56023
residential and nonresidential building codes. 56024

(7) Enforcement authority for approval of plans and 56025
specifications and enforcement authority for inspections may be 56026
exercised, and plans and specifications may be approved and 56027
inspections may be made on behalf of a municipal corporation, 56028
township, or county, by any of the following who the board of 56029
building standards certifies: 56030

(a) Officers or employees of the municipal corporation, 56031
township, or county; 56032

(b) Persons, or employees of persons, firms, or corporations, 56033
pursuant to a contract to furnish architectural, engineering, or 56034
other services to the municipal corporation, township, or county; 56035

(c) Officers or employees of, and persons under contract with, a municipal corporation, township, county, health district, or other political subdivision, pursuant to a contract to furnish architectural, engineering, or other services;

(d) Officers or employees of the division of industrial compliance in the department of commerce pursuant to a contract authorized by division (B) of section 121.083 of the Revised Code.

(8) Municipal, township, and county building departments have jurisdiction within the meaning of sections 3781.03, 3791.04, and 4104.43 of the Revised Code, only with respect to the types of buildings and subject matters for which they are certified under this section.

(9) A certified municipal, township, or county building department may exercise enforcement authority, accept and approve plans and specifications, and make inspections pursuant to sections 3781.03, 3791.04, and 4104.43 of the Revised Code for a park district created pursuant to Chapter 1545. of the Revised Code upon the approval, by resolution, of the board of park commissioners of the park district requesting the department to exercise that authority and conduct those activities, as applicable.

(10) Certification shall be granted upon application by the municipal corporation, the board of township trustees, or the board of county commissioners and approval of that application by the board of building standards. The application shall set forth:

(a) Whether the certification is requested for residential or nonresidential buildings, or both;

(b) The number and qualifications of the staff composing the building department;

(c) The names, addresses, and qualifications of persons, firms, or corporations contracting to furnish work or services

pursuant to division (E)(7)(b) of this section; 56067

(d) The names of any other municipal corporation, township, 56068
county, health district, or political subdivision under contract 56069
to furnish work or services pursuant to division (E)(7) of this 56070
section; 56071

(e) The proposed budget for the operation of the building 56072
department. 56073

(11) The board of building standards shall adopt rules 56074
governing all of the following: 56075

(a) The certification of building department personnel and 56076
persons and employees of persons, firms, or corporations 56077
exercising authority pursuant to division (E)(7) of this section. 56078
The rules shall disqualify any employee of the department or 56079
person who contracts for services with the department from 56080
performing services for the department when that employee or 56081
person would have to pass upon, inspect, or otherwise exercise 56082
authority over any labor, material, or equipment the employee or 56083
person furnishes for the construction, alteration, or maintenance 56084
of a building or the preparation of working drawings or 56085
specifications for work within the jurisdictional area of the 56086
department. The department shall provide other similarly qualified 56087
personnel to enforce the residential and nonresidential building 56088
codes as they pertain to that work. 56089

(b) The minimum services to be provided by a certified 56090
building department. 56091

(12) The board of building standards may revoke or suspend 56092
certification to enforce the residential and nonresidential 56093
building codes, on petition to the board by any person affected by 56094
that enforcement or approval of plans, or by the board on its own 56095
motion. Hearings shall be held and appeals permitted on any 56096
proceedings for certification or revocation or suspension of 56097

certification in the same manner as provided in section 3781.101 56098
of the Revised Code for other proceedings of the board of building 56099
standards. 56100

(13) Upon certification, and until that authority is revoked, 56101
any county or township building department shall enforce the 56102
residential and nonresidential building codes for which it is 56103
certified without regard to limitation upon the authority of 56104
boards of county commissioners under Chapter 307. of the Revised 56105
Code or boards of township trustees under Chapter 505. of the 56106
Revised Code. 56107

(F) In addition to hearings sections 3781.06 to 3781.18 and 56108
3791.04 of the Revised Code require, the board of building 56109
standards shall make investigations and tests, and require from 56110
other state departments, officers, boards, and commissions 56111
information the board considers necessary or desirable to assist 56112
it in the discharge of any duty or the exercise of any power 56113
mentioned in this section or in sections 3781.06 to 3781.18, 56114
3791.04, and 4104.43 of the Revised Code. 56115

(G) The board shall adopt rules and establish reasonable fees 56116
for the review of all applications submitted where the applicant 56117
applies for authority to use a new material, assembly, or product 56118
of a manufacturing process. The fee shall bear some reasonable 56119
relationship to the cost of the review or testing of the 56120
materials, assembly, or products and for the notification of 56121
approval or disapproval as provided in section 3781.12 of the 56122
Revised Code. 56123

(H) The residential construction advisory committee shall 56124
provide the board with a proposal for a state residential building 56125
code that the committee recommends pursuant to division (D)(1) of 56126
section 4740.14 of the Revised Code. Upon receiving a 56127
recommendation from the committee that is acceptable to the board, 56128
the board shall adopt rules establishing that code as the state 56129

residential building code. 56130

(I)(1) The committee may provide the board with proposed 56131
rules to update or amend the state residential building code that 56132
the committee recommends pursuant to division (E) of section 56133
4740.14 of the Revised Code. 56134

(2) If the board receives a proposed rule to update or amend 56135
the state residential building code as provided in division (I)(1) 56136
of this section, the board either may accept or reject the 56137
proposed rule for incorporation into the residential building 56138
code. If the board does not act to either accept or reject the 56139
proposed rule within ninety days after receiving the proposed rule 56140
from the committee as described in division (I)(1) of this 56141
section, the proposed rule shall become part of the residential 56142
building code. 56143

(J) The board shall cooperate with the director of job and 56144
family services when the director promulgates rules pursuant to 56145
section 5104.05 of the Revised Code regarding safety and 56146
sanitation in type A family day-care homes. 56147

(K) The board shall adopt rules to implement the requirements 56148
of section 3781.108 of the Revised Code. 56149

(L) The board shall establish a grant program to assist 56150
building departments certified by the board pursuant to division 56151
(E) of this section in the recruitment, training, and retention of 56152
qualified personnel. 56153

Sec. 3781.102. (A) Any county or municipal building 56154
department certified pursuant to division (E) of section 3781.10 56155
of the Revised Code as of September 14, 1970, and that, as of that 56156
date, was inspecting single-family, two-family, and three-family 56157
residences, and any township building department certified 56158
pursuant to division (E) of section 3781.10 of the Revised Code, 56159

is hereby declared to be certified to inspect single-family, 56160
two-family, and three-family residences containing industrialized 56161
units, and shall inspect the buildings or classes of buildings 56162
subject to division (E) of section 3781.10 of the Revised Code. 56163

(B) Each board of county commissioners may adopt, by 56164
resolution, rules establishing standards and providing for the 56165
licensing of electrical and heating, ventilating, and air 56166
conditioning contractors who are not required to hold a valid and 56167
unexpired license pursuant to Chapter 4740. of the Revised Code. 56168

Rules adopted by a board of county commissioners pursuant to 56169
this division may be enforced within the unincorporated areas of 56170
the county and within any municipal corporation where the 56171
legislative authority of the municipal corporation has contracted 56172
with the board for the enforcement of the county rules within the 56173
municipal corporation pursuant to section 307.15 of the Revised 56174
Code. The rules shall not conflict with rules adopted by the board 56175
of building standards pursuant to section 3781.10 of the Revised 56176
Code or by the department of commerce pursuant to Chapter 3703. of 56177
the Revised Code. This division does not impair or restrict the 56178
power of municipal corporations under Section 3 of Article XVIII, 56179
Ohio Constitution, to adopt rules concerning the erection, 56180
construction, repair, alteration, and maintenance of buildings and 56181
structures or of establishing standards and providing for the 56182
licensing of specialty contractors pursuant to section 715.27 of 56183
the Revised Code. 56184

A board of county commissioners, pursuant to this division, 56185
may require all electrical contractors and heating, ventilating, 56186
and air conditioning contractors, other than those who hold a 56187
valid and unexpired license issued pursuant to Chapter 4740. of 56188
the Revised Code, to successfully complete an examination, test, 56189
or demonstration of technical skills, and may impose a fee and 56190

additional requirements for a license to engage in their 56191
respective occupations within the jurisdiction of the board's 56192
rules under this division. 56193

(C) No board of county commissioners shall require any 56194
specialty contractor who holds a valid and unexpired license 56195
issued pursuant to Chapter 4740. of the Revised Code to 56196
successfully complete an examination, test, or demonstration of 56197
technical skills in order to engage in the type of contracting for 56198
which the license is held, within the unincorporated areas of the 56199
county and within any municipal corporation whose legislative 56200
authority has contracted with the board for the enforcement of 56201
county regulations within the municipal corporation, pursuant to 56202
section 307.15 of the Revised Code. 56203

(D) A board may impose a fee for registration of a specialty 56204
contractor who holds a valid and unexpired license issued pursuant 56205
to Chapter 4740. of the Revised Code before that specialty 56206
contractor may engage in the type of contracting for which the 56207
license is held within the unincorporated areas of the county and 56208
within any municipal corporation whose legislative authority has 56209
contracted with the board for the enforcement of county 56210
regulations within the municipal corporation, pursuant to section 56211
307.15 of the Revised Code, provided that the fee is the same for 56212
all specialty contractors who wish to engage in that type of 56213
contracting. If a board imposes such a fee, the board immediately 56214
shall permit a specialty contractor who presents proof of holding 56215
a valid and unexpired license and pays the required fee to engage 56216
in the type of contracting for which the license is held within 56217
the unincorporated areas of the county and within any municipal 56218
corporation whose legislative authority has contracted with the 56219
board for the enforcement of county regulations within the 56220
municipal corporation, pursuant to section 307.15 of the Revised 56221
Code. 56222

(E) The political subdivision associated with each municipal, township, and county building department the board of building standards certifies pursuant to division (E) of section 3781.10 of the Revised Code may prescribe fees to be paid by persons, political subdivisions, or any department, agency, board, commission, or institution of the state, for the acceptance and approval of plans and specifications, and for the making of inspections, pursuant to sections 3781.03 and 3791.04 of the Revised Code.

(F) Each political subdivision that prescribes fees pursuant to division (E) of this section shall collect, on behalf of the board of building standards, fees equal to the following:

(1) Three per cent of the fees the political subdivision collects in connection with nonresidential buildings;

(2) One per cent of the fees the political subdivision collects in connection with residential buildings.

(G)(1) The board shall adopt rules, in accordance with Chapter 119. of the Revised Code, specifying the manner in which the fee assessed pursuant to division (F) of this section shall be collected and remitted monthly to the board. The board shall pay the fees into the state treasury to the credit of the industrial compliance operating fund created in section 121.084 of the Revised Code.

(2) All money credited to the industrial compliance operating fund under this division shall be used exclusively for the following:

(a) Operating costs of the board;

(b) Providing services, including educational programs, for the building departments that are certified by the board pursuant to division (E) of section 3781.10 of the Revised Code;

(c) Paying the expenses of the residential construction advisory committee, including the expenses of committee members as provided in section 4740.14 of the Revised Code. 56253
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(d) Implementation of the program established by division (L) of section 3781.10 of the Revised Code. 56256
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(H) A board of county commissioners that adopts rules providing for the licensing of electrical and heating, ventilating, and air conditioning contractors, pursuant to division (B) of this section, may accept, for purposes of satisfying the requirements of rules adopted under that division, a valid and unexpired license issued pursuant to Chapter 4740. of the Revised Code that is held by an electrical or heating, ventilating, and air conditioning contractor, for the construction, replacement, maintenance, or repair of one-family, two-family, or three-family dwelling houses or accessory structures incidental to those dwelling houses. 56258
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(I) A board of county commissioners shall not register a specialty contractor who is required to hold a license under Chapter 4740. of the Revised Code but does not hold a valid license issued under that chapter. 56269
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(J) As used in this section, "specialty contractor" means a heating, ventilating, and air conditioning contractor, refrigeration contractor, electrical contractor, plumbing contractor, or hydronics contractor, as those contractors are described in Chapter 4740. of the Revised Code. 56273
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Sec. 3796.02. There is hereby established a division of marijuana control in the department of commerce. The medical marijuana control program in the department of commerce and the state board of pharmacy is hereby established in the division of marijuana control. The ~~department~~ division shall provide for the licensure of medical marijuana cultivators ~~and~~, processors, retail 56278
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~~dispensaries, and the licensure of laboratories that test medical~~ 56284
~~marijuana. The board division shall also provide for the licensure~~ 56285
~~of retail dispensaries and the registration of patients and their~~ 56286
~~caregivers. The department and board division shall administer the~~ 56287
~~medical marijuana control program.~~ 56288

Sec. 3796.03. ~~(A)(1) Except as provided in division (A)(2) of~~ 56289
~~this section, not later than one year after September 8, 2016, the~~ 56290
~~department of commerce (A) The division of marijuana control shall~~ 56291
adopt rules establishing standards and procedures for the medical 56292
marijuana control program. 56293

~~(2) The department shall adopt rules establishing standards~~ 56294
~~and procedures for the licensure of cultivators not later than two~~ 56295
~~hundred forty days after September 8, 2016.~~ 56296

~~(3) All rules adopted under this section shall be adopted in~~ 56297
accordance with Chapter 119. of the Revised Code. 56298

(B) The rules shall do all of the following: 56299

(1) Establish application procedures and fees for licenses it 56300
issues under this chapter; 56301

(2) Specify both of the following: 56302

(a) The conditions that must be met to be eligible for 56303
licensure; 56304

(b) In accordance with section 9.79 of the Revised Code, the 56305
criminal offenses for which an applicant will be disqualified from 56306
licensure pursuant to that section. 56307

(3) Establish, in accordance with section 3796.05 of the 56308
Revised Code, the number of cultivator licenses and retail 56309
dispensary licenses that will be permitted at any one time; 56310

(4) Establish a license renewal schedule, renewal procedures, 56311
and renewal fees; 56312

- (5) Specify reasons for which a license may be suspended, including without prior hearing, revoked, or not be renewed or issued and the reasons for which a civil penalty may be imposed on a license holder; 56313
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- (6) Establish standards under which a license suspension may be lifted; 56317
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- (7) Establish procedures for registration of patients and caregivers and requirements that must be met to be eligible for registration; 56319
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- (8) Establish training requirements for employees of retail dispensaries; 56322
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- (9) Specify if a cultivator, processor, retail dispensary, or laboratory that is licensed under this chapter and that existed at a location before a school, church, public library, public playground, or public park became established within five hundred feet of the cultivator, processor, retail dispensary, or laboratory, may remain in operation or shall relocate or have its license revoked by the ~~board~~ division; 56324
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- ~~(8)~~(10) Specify, by form and tetrahydrocannabinol content, a maximum ninety-day supply of medical marijuana that may be possessed; 56331
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- (11) Specify the paraphernalia or other accessories that may be used in the administration to a registered patient of medical marijuana; 56334
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- (12) Establish procedures for the issuance of patient or caregiver identification cards; 56337
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- (13) Specify the forms of or methods of using medical marijuana that are attractive to children; 56339
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- (14) Specify both of the following: 56341
- (a) Subject to division ~~(B)(8)(b)~~(B)(14)(b) of this section, 56342

the criminal offenses for which a person will be disqualified from 56343
employment with a license holder; 56344

(b) Which of the criminal offenses specified pursuant to 56345
division ~~(B)(8)(a)~~(B)(14)(a) of this section will not disqualify a 56346
person from employment with a license holder if the person was 56347
convicted of or pleaded guilty to the offense more than five years 56348
before the date the employment begins. 56349

~~(9)(15)~~ Establish a program to assist patients who are 56350
veterans or indigent in obtaining medical marijuana in accordance 56351
with this chapter; 56352

(16) Establish, in accordance with section 3796.05 of the 56353
Revised Code, standards and procedures for the testing of medical 56354
marijuana by a laboratory licensed under this chapter. 56355

(C) In addition to the rules described in division (B) of 56356
this section, the ~~department~~ division may adopt any other rules it 56357
considers necessary for the program's administration and the 56358
implementation and enforcement of this chapter. 56359

(D) When adopting rules under this section, the ~~department~~ 56360
division shall consider standards and procedures that have been 56361
found to be best practices relative to the use and regulation of 56362
medical marijuana. 56363

Sec. 3796.032. This chapter does not authorize the ~~department~~ 56364
~~of commerce or the state board of pharmacy~~ division of marijuana 56365
control to oversee or limit research conducted at a state 56366
university, academic medical center, or private research and 56367
development organization that is related to marijuana and is 56368
approved by an agency, board, center, department, or institute of 56369
the United States government, including any of the following: 56370

(A) The agency for health care research and quality; 56371

(B) The national institutes of health; 56372

(C) The national academy of sciences;	56373
(D) The centers for medicare and medicaid services;	56374
(E) The United States department of defense;	56375
(F) The centers for disease control and prevention;	56376
(G) The United States department of veterans affairs;	56377
(H) The drug enforcement administration;	56378
(I) The food and drug administration;	56379
(J) Any board recognized by the national institutes of health	56380
for the purpose of evaluating the medical value of health care	56381
services.	56382
Sec. 3796.05. (A) When establishing the number of cultivator	56383
licenses that will be permitted at any one time, the department of	56384
commerce <u>division of marijuana control</u> shall consider both of the	56385
following:	56386
(1) The population of this state;	56387
(2) The number of patients seeking to use medical marijuana.	56388
(B) When establishing the number of retail dispensary	56389
licenses that will be permitted at any one time, the state board	56390
of pharmacy <u>division</u> shall consider all of the following:	56391
(1) The population of this state;	56392
(2) The number of patients seeking to use medical marijuana;	56393
(3) The geographic distribution of dispensary sites in an	56394
effort to ensure patient access to medical marijuana.	56395
(C) When establishing standards and procedures for the	56396
testing of medical marijuana, the department <u>division</u> shall do all	56397
of the following:	56398
(1) Specify when testing must be conducted;	56399

(2) Determine the minimum amount of medical marijuana that must be tested;	56400 56401
(3) Specify the manner in which testing is to be conducted in an effort to ensure uniformity of medical marijuana products processed for and dispensed to patients;	56402 56403 56404
(4) Specify the manner in which test results are provided.	56405
Sec. 3796.06. (A) Only the following forms of medical marijuana may be dispensed under this chapter:	56406 56407
(1) Oils;	56408
(2) Tinctures;	56409
(3) Plant material;	56410
(4) Edibles;	56411
(5) Patches;	56412
(6) Any other form approved by the state board of pharmacy <u>division of marijuana control</u> under section 3796.061 of the Revised Code.	56413 56414 56415
(B) With respect to the methods of using medical marijuana, all of the following apply:	56416 56417
(1) The smoking or combustion of medical marijuana is prohibited.	56418 56419
(2) The vaporization of medical marijuana is permitted;.	56420
(3) The state board of pharmacy <u>division</u> may approve additional methods of using medical marijuana, other than smoking or combustion, under section 3796.061 of the Revised Code.	56421 56422 56423
(C) Any form or method that is considered attractive to children, as specified in rules adopted by the board <u>division</u> , is prohibited.	56424 56425 56426
(D) With respect to tetrahydrocannabinol content, all of the	56427

following apply: 56428

(1) Plant material shall have a tetrahydrocannabinol content 56429
of not more than thirty-five per cent. 56430

(2) Extracts shall have a tetrahydrocannabinol content of not 56431
more than seventy per cent. 56432

Sec. 3796.061. (A) Any person may submit a petition to the 56433
state ~~board of pharmacy~~ division of marijuana control requesting 56434
that a form of or method of using medical marijuana be approved 56435
for the purposes of section 3796.06 of the Revised Code. A 56436
petition shall be submitted to the ~~board~~ division in a manner 56437
prescribed by the ~~board~~ division. A petition shall not seek to 56438
approve a method of using medical marijuana that involves smoking 56439
or combustion. 56440

(B) On receipt of a petition, the ~~board~~ division shall review 56441
it to determine whether to approve the form of or method of using 56442
medical marijuana described in the petition. The ~~board~~ division 56443
may consolidate the review of petitions for the same or similar 56444
forms or methods. In making its determination, the ~~board~~ division 56445
shall consult with one or more experts and review any relevant 56446
scientific evidence. 56447

(C) The ~~board~~ division shall approve or deny the petition in 56448
accordance with any rules adopted by the ~~board~~ division under this 56449
section. The ~~board's~~ division's decision is final. 56450

(D) The ~~board~~ division may adopt rules as necessary to 56451
implement this section. The rules shall be adopted in accordance 56452
with Chapter 119. of the Revised Code. 56453

Sec. 3796.08. (A)(1) A Until one hundred eighty days 56454
following the effective date of this amendment, a patient seeking 56455
to use medical marijuana or a caregiver seeking to assist a 56456
patient in the use or administration of medical marijuana shall 56457

apply to the state board of pharmacy for registration. On and 56458
after one hundred eighty days following the effective date of this 56459
amendment, a patient seeking to use medical marijuana or a 56460
caregiver seeking to assist a patient in the use or administration 56461
of medical marijuana shall apply to the division of marijuana 56462
control for registration. The physician who holds a certificate to 56463
recommend issued by the state medical board and is treating the 56464
patient or the physician's delegate shall submit the application 56465
on the patient's or caregiver's behalf in the manner established 56466
in rules adopted under section ~~3796.04~~ 3796.03 of the Revised 56467
Code. 56468

(2) The application shall include all of the following: 56469

(a) A statement from the physician certifying all of the 56470
following: 56471

(i) That a bona fide physician-patient relationship exists 56472
between the physician and patient; 56473

(ii) That the patient has been diagnosed with a qualifying 56474
medical condition; 56475

(iii) That the physician or physician delegate has requested 56476
from the drug database a report of information related to the 56477
patient that covers at least the twelve months immediately 56478
preceding the date of the report; 56479

(iv) That the physician has informed the patient of the risks 56480
and benefits of medical marijuana as it pertains to the patient's 56481
qualifying medical condition and medical history. 56482

(b) In the case of an application submitted on behalf of a 56483
patient, the name or names of the one or more caregivers that will 56484
assist the patient in the use or administration of medical 56485
marijuana; 56486

(c) In the case of an application submitted on behalf of a 56487

caregiver, the name of the patient or patients that the caregiver seeks to assist in the use or administration of medical marijuana. 56488
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(3) If the application is complete and meets the requirements established in rules, the board or division, as applicable, shall register the patient or caregiver and issue to the patient or caregiver an identification card. 56490
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(B) The board or division, as applicable, shall not make public any information reported to or collected by the board or division, as applicable, under this section that identifies or would tend to identify any specific patient. 56494
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Information collected by the board or division, as applicable, pursuant to this section is confidential and not a public record. The board or division, as applicable, may share identifying information with a licensed retail dispensary for the purpose of confirming that a person has a valid registration. Information that does not identify a person may be released in summary, statistical, or aggregate form. 56498
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(C) A registration expires according to the renewal schedule established in rules adopted under section ~~3796.04~~ 3796.03 of the Revised Code and may be renewed in accordance with procedures established in those rules. 56505
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Sec. 3796.10. (A) An entity that seeks to dispense at retail medical marijuana shall file an application for licensure with the ~~state board of pharmacy~~ division of marijuana control. The entity shall file an application for each location from which it seeks to operate. Each application shall be submitted in accordance with rules adopted under section ~~3796.04~~ 3796.03 of the Revised Code. 56509
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(B) The ~~board~~ division shall issue a license to an applicant if all of the following conditions are met: 56515
56516

(1) The report of the criminal records check conducted 56517

pursuant to section 3796.12 of the Revised Code with respect to 56518
the application demonstrates that the person subject to the 56519
criminal records check requirement has not been convicted of or 56520
pleaded guilty to any of the disqualifying offenses specified in 56521
rules adopted under section 9.79 and division (B)(2)(b) of section 56522
~~3796.04~~ 3796.03 of the Revised Code. 56523

(2) The applicant demonstrates that it does not have an 56524
ownership or investment interest in or compensation arrangement 56525
with any of the following: 56526

(a) A laboratory licensed under this chapter; 56527

(b) An applicant for a license to conduct laboratory testing. 56528

(3) The applicant demonstrates that it does not share any 56529
corporate officers or employees with any of the following: 56530

(a) A laboratory licensed under this chapter; 56531

(b) An applicant for a license to conduct laboratory testing. 56532

(4) The applicant demonstrates that it will not be located 56533
within five hundred feet of a school, church, public library, 56534
public playground, or public park. 56535

(5) The information provided to the ~~board~~ division pursuant 56536
to section 3796.11 of the Revised Code demonstrates that the 56537
applicant is in compliance with the applicable tax laws of this 56538
state. 56539

(6) The applicant meets all other licensure eligibility 56540
conditions established in rules adopted under section ~~3796.04~~ 56541
3796.03 of the Revised Code. 56542

(C) The ~~board~~ division shall issue not less than fifteen per 56543
cent of retail dispensary licenses to entities that are owned and 56544
controlled by United States citizens who are residents of this 56545
state and are members of one of the following economically 56546
disadvantaged groups: Blacks or African Americans, American 56547

Indians, Hispanics or Latinos, and Asians. If no applications or 56548
an insufficient number of applications are submitted by such 56549
entities that meet the conditions set forth in division (B) of 56550
this section, the licenses shall be issued according to usual 56551
procedures. 56552

As used in this division, "owned and controlled" means that 56553
at least fifty-one per cent of the business, including corporate 56554
stock if a corporation, is owned by persons who belong to one or 56555
more of the groups set forth in this division, and that those 56556
owners have control over the management and day-to-day operations 56557
of the business and an interest in the capital, assets, and 56558
profits and losses of the business proportionate to their 56559
percentage of ownership. 56560

(D) A license expires according to the renewal schedule 56561
established in rules adopted under section ~~3796.04~~ 3796.03 of the 56562
Revised Code and may be renewed in accordance with the procedures 56563
established in those rules. 56564

Sec. 3796.11. (A)(1) Notwithstanding section 149.43 of the 56565
Revised Code or any other public records law to the contrary or 56566
any law relating to the confidentiality of tax return information, 56567
upon the request of the ~~department of commerce or state board of~~ 56568
~~pharmacy~~ division of marijuana control, the department of taxation 56569
shall provide to the ~~department of commerce or board~~ division all 56570
of the following information: 56571

(a) Whether an applicant for licensure under this chapter is 56572
in compliance with the applicable tax laws of this state; 56573

(b) Any past or pending violation by the applicant of those 56574
tax laws, and any penalty imposed on the applicant for such a 56575
violation. 56576

(2) The ~~department of commerce or board~~ division shall 56577

request the information only as it pertains to an application for 56578
licensure that the ~~department of commerce or board~~ division, as 56579
applicable, is reviewing. 56580

(3) The department of taxation may charge the ~~department of~~ 56581
~~commerce or board~~ division a reasonable fee to cover the 56582
administrative cost of providing the information. 56583

(B) Information received under this section is confidential. 56584
Except as otherwise permitted by other state law or federal law, 56585
the ~~department of commerce or board~~ division shall not make the 56586
information available to any person other than the applicant for 56587
licensure to whom the information applies. 56588

Sec. 3796.12. (A) As used in this section, "criminal records 56589
check" has the same meaning as in section 109.572 of the Revised 56590
Code. 56591

(B)(1) As part of the application process for a license 56592
issued under this chapter, the ~~department of commerce or state~~ 56593
~~board of pharmacy, whichever is issuing the license,~~ division of 56594
marijuana control shall require each of the following to complete 56595
a criminal records check: 56596

(a) An administrator or other person responsible for the 56597
daily operation of the entity seeking the license; 56598

(b) An owner or prospective owner, officer or prospective 56599
officer, or board member or prospective board member of the entity 56600
seeking the license. 56601

(2) If a person subject to the criminal records check 56602
requirement does not present proof of having been a resident of 56603
this state for the five-year period immediately prior to the date 56604
the criminal records check is requested or provide evidence that 56605
within that five-year period the superintendent of the bureau of 56606
criminal identification and investigation has requested 56607

information about the person from the federal bureau of 56608
investigation in a criminal records check, the ~~department or board~~ 56609
division shall request that the person obtain through the 56610
superintendent a criminal records request from the federal bureau 56611
of investigation as part of the criminal records check of the 56612
person. Even if a person presents proof of having been a resident 56613
of this state for the five-year period, the ~~department or board~~ 56614
division may request that the person obtain information through 56615
the superintendent from the federal bureau of investigation in the 56616
criminal records check. 56617

(C) The ~~department or board~~ division shall provide the 56618
following to each person who is subject to the criminal records 56619
check requirement: 56620

(1) Information about accessing, completing, and forwarding 56621
to the superintendent of the bureau of criminal identification and 56622
investigation the form prescribed pursuant to division (C)(1) of 56623
section 109.572 of the Revised Code and the standard impression 56624
sheet to obtain fingerprint impressions prescribed pursuant to 56625
division (C)(2) of that section; 56626

(2) Written notification that the person is to instruct the 56627
superintendent to submit the completed report of the criminal 56628
records check directly to the ~~department or board~~ division. 56629

(D) Each person who is subject to the criminal records check 56630
requirement shall pay to the bureau of criminal identification and 56631
investigation the fee prescribed pursuant to division (C)(3) of 56632
section 109.572 of the Revised Code for the criminal records check 56633
conducted of the person. 56634

(E) The report of any criminal records check conducted by the 56635
bureau of criminal identification and investigation in accordance 56636
with section 109.572 of the Revised Code and pursuant to a request 56637
made under this section is not a public record for the purposes of 56638

section 149.43 of the Revised Code and shall not be made available 56639
to any person other than the following: 56640

(1) The person who is the subject of the criminal records 56641
check or the person's representative; 56642

(2) The members and staff of the ~~department or board~~ 56643
division; 56644

(3) A court, hearing officer, or other necessary individual 56645
involved in a case dealing with either of the following: 56646

(a) A license denial resulting from the criminal records 56647
check; 56648

(b) A civil or criminal action regarding the medical 56649
marijuana control program or any violation of this chapter. 56650

(F) The ~~department or board~~ division shall deny a license if, 56651
after receiving the information and notification required by this 56652
section, a person subject to the criminal records check 56653
requirement fails to do either of the following: 56654

(1) Access, complete, or forward to the superintendent of the 56655
bureau of criminal identification and investigation the form 56656
prescribed pursuant to division (C)(1) of section 109.572 of the 56657
Revised Code or the standard impression sheet prescribed pursuant 56658
to division (C)(2) of that section; 56659

(2) Instruct the superintendent to submit the completed 56660
report of the criminal records check directly to the ~~department or~~ 56661
~~board~~ division. 56662

Sec. 3796.13. (A) Each person seeking employment with an 56663
entity licensed under this chapter shall comply with sections 56664
4776.01 to 4776.04 of the Revised Code. Except as provided in 56665
division (B) of this section, such an entity shall not employ the 56666
person unless the person ~~complies with those sections and the~~ has 56667
submitted a criminal records check under those sections. The 56668

report of the resulting criminal records check ~~demonstrates~~ shall 56669
demonstrate that the person has not been convicted of or pleaded 56670
guilty to ~~the following~~: 56671

~~(1) Any~~ any of the disqualifying offenses specified in rules 56672
adopted under division ~~(B)(8)(a)~~(B)(14)(a) of section 3796.03 of 56673
the Revised Code if the person is seeking employment with an 56674
entity licensed by the ~~department of commerce~~ division of 56675
marijuana control under this chapter: 56676

~~(2) Any of the disqualifying offenses specified in rules~~ 56677
~~adopted under division (B)(14)(a) of section 3796.04 of the~~ 56678
~~Revised Code if the person is seeking employment with an entity~~ 56679
~~licensed by the state board of pharmacy under this chapter.~~ 56680

(B) An entity is not prohibited by division (A) of this 56681
section from employing a person if ~~the following applies~~: 56682

~~(1) In the case of a person seeking employment with an entity~~ 56683
~~licensed by the department of commerce under this chapter, the~~ 56684
disqualifying offense the person was convicted of or pleaded 56685
guilty to is one of the offenses specified in rules adopted under 56686
division ~~(B)(8)(b)~~(B)(14)(b) of section 3796.03 of the Revised 56687
Code and the person was convicted of or pleaded guilty to the 56688
offense more than five years before the date the employment 56689
begins. 56690

~~(2) In the case of a person seeking employment with an entity~~ 56691
~~licensed by the state board of pharmacy under this chapter, the~~ 56692
~~disqualifying offense the person was convicted of or pleaded~~ 56693
~~guilty to is one of the offenses specified in rules adopted under~~ 56694
division ~~(B)(14)(b) of section 3796.04 of the Revised Code and the~~ 56695
~~person was convicted of or pleaded guilty to the offense more than~~ 56696
~~five years before the date the employment begins.~~ 56697

Sec. 3796.14. ~~(A)(1)~~(A) The department of commerce division 56698

of marijuana control may do any of the following for any reason 56699
specified in rules adopted under section 3796.03 of the Revised 56700
Code: 56701

~~(a)~~(1) Suspend, suspend without prior hearing, revoke, or 56702
refuse to renew a license it issued under this chapter or a 56703
license or a registration the state board of pharmacy issued prior 56704
to the transfer of regulatory authority over the medical marijuana 56705
control program to the division; 56706

~~(b)~~(2) Refuse to issue a license; 56707

~~(e)~~(3) Impose on a license holder a civil penalty in an 56708
amount to be determined by the ~~department~~ division. 56709

(4) With respect to a suspension of a retail dispensary 56710
license without prior hearing, the division may utilize a 56711
telephone conference call to review the allegations and take a 56712
vote. The division shall suspend a license without prior hearing 56713
only if it finds clear and convincing evidence that continued 56714
distribution of medical marijuana by the license holder presents a 56715
danger of immediate and serious harm to others. The suspension 56716
shall remain in effect, unless lifted by the division, until the 56717
division issues its final adjudication order. If the division does 56718
not issue the order within ninety days after the adjudication 56719
hearing, the suspension shall be lifted on the ninety-first day 56720
following the hearing. 56721

The ~~department's~~ division's actions under ~~this~~ division (A) 56722
of this section shall be taken in accordance with Chapter 119. of 56723
the Revised Code. 56724

~~(2) The department may inspect the premises of an applicant~~ 56725
~~for licensure or holder of a current, valid cultivator, processor,~~ 56726
~~or laboratory license issued under this chapter without prior~~ 56727
~~notice to the applicant or license holder.~~ 56728

~~(B)(1) The state board of pharmacy may do any of the following for any reason specified in rules adopted under section 3796.04 of the Revised Code:~~

~~(a) Suspend, suspend without prior hearing, revoke, or refuse to renew a license or registration it issued under this chapter;~~

~~(b) Refuse to issue a license;~~

~~(c) Impose on a license holder a civil penalty in an amount to be determined by the board.~~

~~The board's actions under this division shall be taken in accordance with Chapter 119. of the Revised Code.~~

~~(2)(B) The board division may inspect all of the following for any reason specified in rules adopted under section 3796.03 of the Revised Code without prior notice to the applicant or license holder:~~

~~(a)(1) The premises of an applicant for licensure or holder of a current, valid cultivator, processor, retail dispensary, or laboratory license issued under this chapter;~~

~~(b) The premises of and all (2) All records maintained pursuant to this chapter by a holder of a current, valid retail dispensary license.~~

~~(3) With respect to a suspension without prior hearing, the board may utilize a telephone conference call to review the allegations and take a vote. The board shall suspend without prior hearing only if it finds clear and convincing evidence that continued distribution of medical marijuana presents a danger of immediate and serious harm to others. The board shall comply with section 119.07 of the Revised Code.~~

~~The suspension shall remain in effect, unless lifted by the board, until the board issues its final adjudication order. If the board does not issue the order within ninety days after the~~

adjudication hearing, ~~the suspension shall be lifted on the~~ 56759
~~ninety first day following the hearing.~~ 56760

(C) Whenever it appears to the division, from its files, upon 56761
complaint, or otherwise, that any person or entity has engaged in, 56762
is engaged in, or is about to engage in any practice declared to 56763
be illegal or prohibited by this chapter or the rules adopted 56764
under this chapter, or when the division believes it to be in the 56765
best interest of the public or patients, the division may do any 56766
of the following: 56767

(1) Investigate the person or entity as authorized pursuant 56768
to this chapter or the rules adopted under this chapter; 56769

(2) Issue subpoenas to any person or entity for the purpose 56770
of compelling either of the following: 56771

(a) The attendance and testimony of witnesses; 56772

(b) The production of books, accounts, papers, records, or 56773
documents. 56774

(D) If a person or entity fails to comply with any order of 56775
the division or a subpoena issued by the division pursuant to this 56776
section, a judge of the court of common pleas of the county in 56777
which the person resides or the entity may be served, on 56778
application of the division, shall compel obedience by attachment 56779
proceedings as for contempt, as in the case of disobedience with 56780
respect to the requirements of a subpoena issued from such court 56781
or a refusal to testify in such court. 56782

Sec. 3796.15. (A) The state board of pharmacy division of 56783
marijuana control shall enforce this chapter, or cause it to be 56784
enforced, sections 3796.08, 3796.10, 3796.20, 3796.22, and 3796.23 56785
of the Revised Code. If ~~it~~ the division has information that any 56786
provision of those sections this chapter or any rule adopted under 56787
this chapter has been violated, it shall investigate the matter 56788

and take any action as it considers appropriate. 56789

(B) Nothing in this chapter shall be construed to require the 56790
~~state board of pharmacy~~ division to enforce minor violations if 56791
the ~~board~~ division determines that the public interest is 56792
adequately served by a notice or warning to the alleged offender. 56793

(C) If the ~~board~~ division suspends, revokes, or refuses to 56794
renew any license or registration issued under this chapter and 56795
determines that there is clear and convincing evidence of a danger 56796
of immediate and serious harm to any person, the ~~board~~ division 56797
may place under seal all medical marijuana owned by or in the 56798
possession, custody, or control of the affected license holder or 56799
registrant. Except as provided in this division, the ~~board~~ 56800
division of marijuana control shall not dispose of the medical 56801
marijuana sealed under this division until the license holder or 56802
registrant exhausts all of the holder's or registrant's appeal 56803
rights under Chapter 119. of the Revised Code. The court involved 56804
in such an appeal may order the ~~board~~ division, during the 56805
pendency of the appeal, to sell medical marijuana that is 56806
perishable. The ~~board~~ division shall deposit the proceeds of the 56807
sale with the court. 56808

Sec. 3796.16. (A)(1) The ~~state board of pharmacy~~ division of 56809
marijuana control shall attempt in good faith to negotiate and 56810
enter into a reciprocity agreement with any other state under 56811
which a medical marijuana registry identification card or 56812
equivalent authorization that is issued by the other state is 56813
recognized in this state, if the ~~board~~ division determines that 56814
both of the following apply: 56815

(a) The eligibility requirements imposed by the other state 56816
for that authorization are substantially comparable to the 56817
eligibility requirements for a patient or caregiver registration 56818
and identification card issued under this chapter. 56819

(b) The other state recognizes a patient or caregiver registration and identification card issued under this chapter. 56820
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(2) The ~~board~~ division shall not negotiate any agreement with any other state under which an authorization issued by the other state is recognized in this state other than as provided in division (A)(1) of this section. 56822
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(B) If a reciprocity agreement is entered into in accordance with division (A) of this section, the authorization issued by the other state shall be recognized in this state, shall be accepted and valid in this state, and grants the patient or caregiver the same right to use, possess, obtain, or administer medical marijuana in this state as a patient or caregiver who was registered and issued an identification card under this chapter. 56826
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(C) The ~~board~~ division may adopt any rules as necessary to implement this section. 56833
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Sec. 3796.17. The ~~state board of pharmacy~~ division of marijuana control shall establish a toll-free telephone line to respond to inquiries from patients, caregivers, and health professionals regarding adverse reactions to medical marijuana and to provide information about available services and assistance. The ~~board~~ division may contract with a separate entity to establish and maintain the telephone line on behalf of the ~~board~~ division. 56835
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Sec. 3796.19. (A) Notwithstanding any conflicting provision of the Revised Code, the holder of a current, valid processor license issued under this chapter may do any of the following: 56843
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(1) Obtain medical marijuana from one or more licensed cultivators; 56846
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(2) Subject to division (B) of this section, process medical marijuana obtained from one or more licensed cultivators into a 56848
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form described in section 3796.06 of the Revised Code; 56850

(3) Deliver or sell processed medical marijuana to one or 56851
more licensed retail dispensaries. 56852

(B) When processing medical marijuana, a licensed processor 56853
shall do both of the following: 56854

(1) Package the medical marijuana in accordance with 56855
child-resistant effectiveness standards described in 16 C.F.R. 56856
1700.15(b) on ~~the effective date of this section~~ September 8, 56857
2016; 56858

(2) Label the medical marijuana packaging with the product's 56859
tetrahydrocannabinol and cannabidiol content; 56860

(3) Comply with any packaging or labeling requirements 56861
established in rules adopted by the ~~department of commerce~~ 56862
division of marijuana control under section 3796.03 of the Revised 56863
Code. 56864

Sec. 3796.20. (A) Notwithstanding any conflicting provision 56865
of the Revised Code, the holder of a current, valid retail 56866
dispensary license issued under this chapter, or previously issued 56867
by the state board of pharmacy, may do both of the following: 56868

(1) Obtain medical marijuana from one or more processors; 56869

(2) Dispense or sell medical marijuana in accordance with 56870
division (B) of this section. 56871

(B) When dispensing or selling medical marijuana, a licensed 56872
retail dispensary shall do all of the following: 56873

(1) Dispense or sell only upon a showing of a current, valid 56874
identification card and in accordance with a written 56875
recommendation issued by a physician ~~in accordance with an~~ holding 56876
a certificate to recommend issued by the state medical board under 56877
section 4731.30 of the Revised Code; 56878

(2) Report to the drug database the information required by section 4729.771 of the Revised Code;	56879 56880
(3) Label the package containing medical marijuana with the following information:	56881 56882
(a) The name and address of the licensed processor and retail dispensary;	56883 56884
(b) The name of the patient and caregiver, if any;	56885
(c) The name of the physician who recommended treatment with medical marijuana;	56886 56887
(d) The directions for use, if any, as recommended by the physician;	56888 56889
(e) The date on which the medical marijuana was dispensed;	56890
(f) The quantity, strength, kind, or form of medical marijuana contained in the package.	56891 56892
(C) When operating a licensed retail dispensary, both of the following apply:	56893 56894
(1) A dispensary shall use only employees who have met the training requirements established in rules adopted under section 3796.04 <u>3796.03</u> of the Revised Code.	56895 56896 56897
(2) A dispensary shall not make public any information it collects that identifies or would tend to identify any specific patient.	56898 56899 56900
Sec. 3796.22. (A) Notwithstanding any conflicting provision of the Revised Code, a patient registered under this chapter who obtains medical marijuana from a retail dispensary licensed under this chapter may do both of the following:	56901 56902 56903 56904
(1) Use medical marijuana;	56905
(2) Possess medical marijuana, subject to division (B) of	56906

this section; 56907

(3) Possess any paraphernalia or accessories specified in 56908
rules adopted under section ~~3796.04~~ 3796.03 of the Revised Code. 56909

(B) The amount of medical marijuana possessed by a registered 56910
patient shall not exceed a ninety-day supply, as specified in 56911
rules adopted under section ~~3796.04~~ 3796.03 of the Revised Code. 56912

(C) A registered patient shall not be subject to arrest or 56913
criminal prosecution for doing any of the following in accordance 56914
with this chapter: 56915

(1) Obtaining, using, or possessing medical marijuana; 56916

(2) Possessing any paraphernalia or accessories specified in 56917
rules adopted under section ~~3796.04~~ 3796.03 of the ~~Revised~~ Revised 56918
Code. 56919

(D) This section does not authorize a registered patient to 56920
operate a vehicle, streetcar, trackless trolley, watercraft, or 56921
aircraft while under the influence of medical marijuana. 56922

Sec. 3796.23. (A) Notwithstanding any conflicting provision 56923
of the Revised Code, a caregiver registered under this chapter who 56924
obtains medical marijuana from a retail dispensary licensed under 56925
this chapter may do both of the following: 56926

(1) Possess medical marijuana on behalf of a registered 56927
patient under the caregiver's care, subject to division (B) of 56928
this section; 56929

(2) Assist a registered patient under the caregiver's care in 56930
the use or administration of medical marijuana; 56931

(3) Possess any paraphernalia or accessories specified in 56932
rules adopted under section ~~3796.04~~ 3796.03 of the Revised Code. 56933

(B) The amount of medical marijuana possessed by a registered 56934
caregiver on behalf of a registered patient shall not exceed a 56935

ninety-day supply, as specified in rules adopted under section 56936
~~3796.04~~ 3796.03 of the Revised Code. If a caregiver provides care 56937
to more than one registered patient, the caregiver shall maintain 56938
separate inventories of medical marijuana for each patient. 56939

(C) A registered caregiver shall not be subject to arrest or 56940
criminal prosecution for doing any of following in accordance with 56941
this chapter: 56942

(1) Obtaining or possessing medical marijuana on behalf of a 56943
registered patient; 56944

(2) Assisting a registered patient in the use or 56945
administration of medical marijuana; 56946

(3) Possessing any paraphernalia or accessories specified in 56947
rules adopted under section ~~3796.04~~ 3796.03 of the Revised Code. 56948

(D) This section does not permit a registered caregiver to 56949
personally use medical marijuana, unless the caregiver is also a 56950
registered patient. 56951

Sec. 3796.27. (A) As used in this section: 56952

(1) "Financial institution" means any of the following: 56953

(a) Any bank, trust company, savings and loan association, 56954
savings bank, or credit union or any affiliate, agent, or employee 56955
of a bank, trust company, savings and loan association, savings 56956
bank, or credit union; 56957

(b) Any money transmitter licensed under sections 1315.01 to 56958
1315.18 of the Revised Code or any affiliate, agent, or employee 56959
of such a licensee. 56960

(2) "Financial services" means services that a financial 56961
institution is authorized to provide under Title XI, sections 56962
1315.01 to 1315.18, or Chapter 1733. of the Revised Code, as 56963
applicable. 56964

(B) A financial institution that provides financial services 56965
to any cultivator, processor, retail dispensary, or laboratory 56966
licensed under this chapter shall be exempt from any criminal law 56967
of this state an element of which may be proven by substantiating 56968
that a person provides financial services to a person who 56969
possesses, delivers, or manufactures marijuana or marijuana 56970
derived products, including section 2925.05 of the Revised Code 56971
and sections 2923.01 and 2923.03 of the Revised Code as those 56972
sections apply to violations of Chapter 2925. of the Revised Code, 56973
if the cultivator, processor, retail dispensary, or laboratory is 56974
in compliance with this chapter and the applicable tax laws of 56975
this state. 56976

(C)(1) Notwithstanding section 149.43 of the Revised Code or 56977
any other public records law to the contrary, upon the request of 56978
a financial institution, the ~~department of commerce or state board~~ 56979
~~of pharmacy~~ division of marijuana control shall provide to the 56980
financial institution all of the following information: 56981

(a) Whether a person with whom the financial institution is 56982
seeking to do business is a cultivator, processor, retail 56983
dispensary, or laboratory licensed under this chapter; 56984

(b) The name of any other business or individual affiliated 56985
with the person; 56986

(c) An unredacted copy of the application for a license under 56987
this chapter, and any supporting documentation, that was submitted 56988
by the person; 56989

(d) If applicable, information relating to sales and volume 56990
of product sold by the person; 56991

(e) Whether the person is in compliance with this chapter; 56992

(f) Any past or pending violation by the person of this 56993
chapter, and any penalty imposed on the person for such a 56994
violation. 56995

(2) The ~~department or board~~ division may charge a financial 56996
institution a reasonable fee to cover the administrative cost of 56997
providing the information. 56998

(D) Information received by a financial institution under 56999
division (C) of this section is confidential. Except as otherwise 57000
permitted by other state law or federal law, a financial 57001
institution shall not make the information available to any person 57002
other than the customer to whom the information applies and any 57003
trustee, conservator, guardian, personal representative, or agent 57004
of that customer. 57005

Sec. 3796.30. (A) Except as provided in division (B) of this 57006
section, no medical marijuana cultivator, processor, retail 57007
dispensary, or laboratory that tests medical marijuana shall be 57008
located within five hundred feet of the boundaries of a parcel of 57009
real estate having situated on it a school, church, public 57010
library, public playground, or public park. 57011

If the relocation of a cultivator, processor, retail 57012
dispensary, or laboratory licensed under this chapter results in 57013
the cultivator, processor, retail dispensary, or laboratory being 57014
located within five hundred feet of the boundaries of a parcel of 57015
real estate having situated on it a school, church, public 57016
library, public playground, or public park, the ~~department of~~ 57017
~~commerce or state board of pharmacy~~ division of marijuana control 57018
shall revoke the license it previously issued to the cultivator, 57019
processor, retail dispensary, or laboratory. 57020

(B) This section does not apply to research related to 57021
marijuana conducted at a state university, academic medical 57022
center, or private research and development organization as part 57023
of a research protocol approved by an institutional review board 57024
or equivalent entity. 57025

(C) As used in this section and sections ~~3796.04~~ 3796.03 and 57026

3796.12 of the Revised Code: 57027

"Church" has the meaning defined in section 1710.01 of the Revised Code. 57028
57029

"Public library" means a library provided for under Chapter 3375. of the Revised Code. 57030
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"Public park" means a park established by the state or a political subdivision of the state including a county, township, municipal corporation, or park district. 57032
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"Public playground" means a playground established by the state or a political subdivision of the state including a county, township, municipal corporation, or park district. 57035
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"School" means a child day-care center as defined under section 5104.01 of the Revised Code, a preschool as defined under section 2950.034 of the Revised Code, or a public or nonpublic primary school or secondary school. 57038
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Sec. 3796.32. The state board of pharmacy shall allow the division of marijuana control to access the drug database established and maintained by the board pursuant to section 4729.75 of the Revised Code as needed to ensure compliance with this chapter and rules adopted under this chapter. 57042
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Sec. 3798.12. As used in this section, "agency" has the same meaning as in section 111.15 of the Revised Code, except that "agency" includes a state college or university, a community college district, a technical college district, or state community college. 57047
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(A) Except as provided in division (B) of this section, any of the following pertaining to the confidentiality, privacy, security, or privileged status of protected health information transacted, maintained in, or accessed through a health 57052
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information exchange is unenforceable if it conflicts with this	57056
chapter:	57057
(1) A section of the Revised Code that is not in this	57058
chapter;	57059
(2) A rule as defined in section 119.01 of the Revised Code;	57060
(3) An internal management rule as defined in section 111.15	57061
of the Revised Code;	57062
(4) Guidance issued by an agency;	57063
(5) Orders or regulations of a board of health of a city	57064
health district made under section 3709.20 of the Revised Code;	57065
(6) Orders or regulations of a board of health of a general	57066
health district made under section 3709.21 of the Revised Code;	57067
(7) An ordinance or resolution adopted by a political	57068
subdivision;	57069
(8) A professional code of ethics.	57070
(B) Division (A) of this section does not render	57071
unenforceable or restrict in any manner any of the following:	57072
(1) A provision of the Revised Code that on the effective	57073
date of this section <u>September 10, 2012</u> , requires a person or	57074
governmental entity to disclose protected health information to a	57075
state agency, political subdivision, or other governmental entity;	57076
(2) The confidential status of proceedings and records within	57077
the scope of a peer review committee of a health care entity as	57078
described in section 2305.252 of the Revised Code;	57079
(3) The confidential status of quality assurance program	57080
activities and quality assurance records as described in section	57081
5122.32 of the Revised Code;	57082
(4) The testimonial privilege established by division (B) of	57083
section 2317.02 of the Revised Code;	57084

(5) An item described in divisions (A)(1) to (8) of this section that governs any of the following:	57085 57086
(a) The confidentiality, privacy, security, or privileged status of protected health information in the possession or custody of an agency;	57087 57088 57089
(b) The process for obtaining from a patient consent to the provision of health care or consent for participation in medical or other scientific research;	57090 57091 57092
(c) The process for determining whether an adult has a physical or mental impairment or an adult's capacity to make health care decisions for purposes of Chapter 5126. of the Revised Code;	57093 57094 57095 57096
(d) The process for determining whether a minor has been emancipated.	57097 57098
(6) When a minor is authorized to consent to the minor's own receipt of health care or make medical decisions on the minor's own behalf, including the circumstances described in sections 2907.29, 3709.241, 3719.012, 5120.172, 5122.04, and 5126.043 of the Revised Code.	57099 57100 57101 57102 57103
Sec. 3901.021. (A) Three-fourths of all appointment and other fees collected under division (B) of section 3905.20 of the Revised Code shall be paid into the state treasury to the credit of the department of insurance operating fund, which is hereby created. The remaining one-fourth shall be credited to the general revenue fund. Other revenues collected by the superintendent of insurance, such as registration fees for sponsored seminars or conferences and grants from private entities, shall be paid into the state treasury to the credit of the department of insurance operating fund.	57104 57105 57106 57107 57108 57109 57110 57111 57112 57113
(B) Seven-tenths of all fees collected under divisions	57114

(A)(2), (A)(3), and (A)(6) of section 3905.40 of the Revised Code 57115
shall be paid into the state treasury to the credit of the 57116
department of insurance operating fund. The remaining three-tenths 57117
shall be credited to the general revenue fund. 57118

(C) All operating expenses of the department of insurance 57119
~~except~~, including those expenses defined under section 3901.07 of 57120
the Revised Code, shall be paid from the department of insurance 57121
operating fund. 57122

Sec. 3901.07. (A) As used in this section, "insurer" means 57123
any person doing or authorized to do any insurance business in 57124
this state. 57125

(B)(1) Before issuing any license to do the business of 57126
insurance in this state, the superintendent of insurance, or a 57127
person appointed by ~~him~~ the superintendent, may examine the 57128
financial affairs of any insurer. 57129

(2) The superintendent, or any person appointed by ~~him~~ the 57130
superintendent, may examine, as often as ~~he~~ the superintendent or 57131
appointee considers it desirable, the affairs of any insurer and 57132
of any person as to any matter relevant to the financial affairs 57133
of the insurer or to the examination. 57134

(3) The superintendent, or any person appointed by ~~him~~ the 57135
superintendent, shall examine each domestic insurer at least once 57136
every three years as to its condition, fulfillment of its 57137
contractual obligations, and compliance with applicable laws, 57138
provided that ~~he~~ the superintendent or appointee may defer making 57139
the examination for a longer period not to exceed five years. 57140

(C) In scheduling and determining the nature, scope, and 57141
frequency of any examination authorized or required by division 57142
(B) of this section, the superintendent shall consider such 57143
matters as the results of financial statement analyses and ratios, 57144

changes in management or ownership, actuarial opinions, reports of independent certified public accountants, and any other criteria ~~he~~ the superintendent considers appropriate.

(D) The superintendent, in lieu of making any examination authorized or required by division (B) of this section, may accept the report of an examination of a foreign or alien insurer made and certified by the superintendent of insurance or other insurance supervisory official of the state or government of domicile or state of entry. The examination of an alien insurer shall be limited to its United States business except as otherwise required by the superintendent.

(E) Whenever the superintendent determines to examine the affairs of any insurer pursuant to any examination authorized or required by division (B) of this section, ~~he~~ the superintendent shall appoint as examiners one or more competent persons not employed by or interested in any insurer except as a policyholder. The superintendent shall instruct the examiners as to the scope of the examination.

Each examiner appointed under this division shall have convenient access at all reasonable hours to the books, records, files, securities, and other documents of the insurer, its managers, agents, or other persons that are relevant to the examination. The examiner may administer oaths and examine any person under oath as to any matter relevant to the affairs of the insurer or the examination.

(F) If the superintendent finds the accounts of an insurer being examined pursuant to any examination authorized or required by division (B) of this section to be inadequate or improperly kept or posted and if the insurer has been afforded a reasonable opportunity to correct the accounts, the superintendent may employ or require the insurer to employ experts to rewrite, post, or balance the accounts. The employment of experts under this

division shall be at the expense of the insurer. 57177

(G) In connection with any examination authorized or required 57178
by division (B) of this section, the superintendent may appoint 57179
one or more competent persons to appraise the real property of the 57180
insurer or any real property on which the insurer holds security. 57181

(H) The examiner in charge of any examination authorized or 57182
required by division (B) of this section shall make a true report 57183
of the examination, verified under oath, that shall comprise only 57184
facts appearing upon the books, records, or other documents of the 57185
insurer or its agents or other persons examined, or as ascertained 57186
from the sworn testimony of its officers or agents or other 57187
persons examined concerning its affairs, and such conclusions and 57188
recommendations as may be reasonably warranted from those facts. 57189
The reports so verified shall be prima-facie evidence in any 57190
action or proceeding for the rehabilitation or liquidation of the 57191
insurer brought in the name of the state against the insurer or 57192
its officers or agents. 57193

(I) The examined insurer, within thirty days after the 57194
postmark on the envelope in which the report was mailed, may file 57195
with the superintendent written objections to the report. The 57196
objections shall be attached to and made a part of the report, 57197
which then shall be placed in the files of the department of 57198
insurance as a public record. 57199

(J)(1) The officers, directors, managers, employees, and 57200
agents of an insurer shall facilitate in every way any examination 57201
authorized or required by division (B) of this section and, to the 57202
extent of their authority, aid the examiners and persons appointed 57203
or employed pursuant to divisions (E), (F), and (G) of this 57204
section in conducting the examination. 57205

(2) No officer, director, manager, employee, or agent of an 57206
insurer shall do any of the following: 57207

(a) Fail to comply with division (J)(1) of this section; 57208

(b) Refuse, without just cause, to be examined under oath; 57209

(c) Knowingly obstruct or interfere with an examiner or any 57210
person appointed or employed pursuant to division (E), (F), or (G) 57211
of this section in the exercise of his the examiner's, 57212
appointee's, or employee's authority under this section. 57213

(3) No insurer shall refuse to submit to an examination 57214
authorized or required by division (B) of this section. The 57215
superintendent, in accordance with Chapter 119. of the Revised 57216
Code, may suspend or revoke or refuse to issue or renew the 57217
license of any insurer that violates division (J)(3) of this 57218
section. 57219

(K) Personnel conducting an examination shall be compensated 57220
for each day or portion thereof worked at the rates provided in 57221
the examiners' handbook published by the national association of 57222
insurance commissioners or the rates applicable to such personnel 57223
under section 124.15 or 124.152 of the Revised Code, whichever are 57224
higher. Such personnel shall also be reimbursed for their travel 57225
and living expenses at rates not to exceed the rates provided in 57226
the examiners' handbook published by the association. Personnel 57227
who are appointed by the superintendent, but are not employees of 57228
the department of insurance, shall be compensated for their work 57229
and travel and living expenses at reasonable and customary rates. 57230

(L) If an examination is made of any insurer, the expenses 57231
thereof shall be paid by the insurer. 57232

The superintendent shall provide each insurer with an 57233
itemized statement of the expenses incurred in the performance of 57234
the examination functions authorized or required by this section. 57235
Upon receipt of the superintendent's statement, the insurer shall 57236
remit the amount thereof to the superintendent who shall remit to 57237
the treasurer of state pursuant to section ~~3901.071~~ 3901.021 of 57238

the Revised Code for deposit in the superintendent's examination	57239
<u>department of insurance operating fund.</u>	57240
(M) As used in this section, "expenses" means:	57241
(1) The entire compensation for each day or portion thereof	57242
worked by all personnel, including those who are not employees of	57243
the department of insurance, in:	57244
(a) The conduct of such examination calculated at the rates	57245
provided in the examiners' handbook published by the national	57246
association of insurance commissioners;	57247
(b) The review and analysis of the annual and any interim	57248
financial statements of insurers licensed in this state;	57249
(c) The ongoing evaluation and monitoring of the financial	57250
affairs of licensed insurers;	57251
(d) The preparation of the premium or franchise tax liability	57252
of licensed insurers;	57253
(e) The review and evaluation of foreign and alien insurers	57254
seeking a license in this state;	57255
(f) A portion of the training and continuing education costs	57256
of examiners.	57257
(2) Travel and living expenses of all personnel, including	57258
those who are not employees of the department, directly engaged in	57259
the conduct of such examination calculated at rates not to exceed	57260
the rates provided in the examiners' handbook published by the	57261
association;	57262
(3) All other incidental expenses incurred by or on behalf of	57263
such personnel in the conduct of such examination;	57264
(4) An allocated share of all expenses not paid as described	57265
in division (M)(1), (2), or (3) of this section that are	57266
necessarily incurred in carrying out the duties of the	57267
superintendent under this section, including the expenses of	57268

direct overhead and support staff for the examiners and persons 57269
appointed or employed pursuant to divisions (E), (F), and (G) of 57270
this section. 57271

Sec. 3901.071. All moneys collected by the superintendent of 57272
insurance for expenses incurred by the superintendent in 57273
conducting examinations pursuant to the Revised Code of the 57274
financial affairs of any insurance company doing business in this 57275
state, for which the insurance company examined is required to pay 57276
the costs, shall be paid to the superintendent. The superintendent 57277
shall deposit the money in the state treasury to the credit of the 57278
~~superintendent's examination fund, which is hereby established.~~ 57279
~~Any funds expended or obligated therefrom by the superintendent~~ 57280
~~shall be expended or obligated solely for defrayment of the costs~~ 57281
~~of examinations of the financial affairs of insurance companies~~ 57282
~~made by the superintendent pursuant to the Revised Code department~~ 57283
of insurance operating fund. For purposes of this section, 57284
"insurance company" means any domestic or foreign stock company, 57285
risk retention group, mutual company, mutual protective 57286
association, fraternal benefit society, reciprocal or 57287
inter-insurance exchange, and health insuring corporation, 57288
regardless of the type of coverage written, benefits provided, or 57289
guarantees made by each. 57290

Sec. 3902.63. (A) As used in this section, "licensed health 57291
professional" means the following: 57292

(1) A physician authorized under Chapter 4731. of the Revised 57293
Code to practice medicine and surgery or osteopathic medicine and 57294
surgery; 57295

(2) An advanced practice registered nurse who holds a 57296
current, valid license issued under Chapter 4723. of the Revised 57297
Code that authorizes the practice of nursing as an advanced 57298

practice registered nurse and is designated as a clinical specialist, certified nurse-midwife, or certified nurse practitioner; 57299
57300
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(3) A physician assistant licensed under Chapter 4730. of the Revised Code. 57302
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(B) A health benefit plan shall cover pasteurized human donor milk and human milk fortifiers, in both hospital and home settings, for an infant whose gestationally corrected age is less than twelve months, if all of the following apply: 57304
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(1) A licensed health professional signs an order stating that human donor milk or human milk fortifiers are medically necessary because the infant meets any of the following criteria: 57308
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(a) The infant has a birth weight less than eighteen hundred grams or body weight below healthy levels. 57311
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(b) The infant has a gestational age at birth of thirty-four weeks or less. 57313
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(c) The infant has any congenital or acquired condition for which the health professional determines that the use of pasteurized human donor milk or human milk fortifiers will support the treatment of the condition and recovery of the infant. 57315
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(2) The infant is medically or physically unable to receive maternal breast milk or participate in breast-feeding, or the infant's mother is medically or physically unable to produce breast milk in sufficient quantities or of adequate caloric density, despite lactation support. 57319
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(C) Reimbursement for pasteurized human donor milk and human milk fortifiers shall be separate from the hospital payment for inpatient services. 57324
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(D) The superintendent of insurance may adopt rules in accordance with Chapter 119. of the Revised Code to implement this 57327
57328

section. 57329

Sec. 3919.19. Each corporation, company, or association 57330
organized under section 3919.01 of the Revised Code and each 57331
applicant for a certificate of authority under this chapter shall 57332
be subject to examination by the superintendent of insurance in 57333
accordance with section 3901.07 of the Revised Code. Section 57334
3901.07 of the Revised Code shall govern every aspect of the 57335
examination, including the circumstances under and frequency with 57336
which it is conducted, the authority of the superintendent and any 57337
examiner or other person appointed by the superintendent, the 57338
liability for the assessment of expenses incurred in conducting 57339
the examination, and the remittance of the assessment to the 57340
~~superintendent's examination~~ department of insurance operating 57341
fund. 57342

Sec. 3921.28. (A)(1) Each domestic fraternal benefit society 57343
and each applicant for a certificate of incorporation as a 57344
domestic fraternal benefit society shall be subject to examination 57345
by the superintendent of insurance in accordance with section 57346
3901.07 of the Revised Code. Section 3901.07 of the Revised Code 57347
shall govern every aspect of the examination, including the 57348
circumstances under and frequency with which it is conducted, and 57349
the authority of the superintendent and any examiner or other 57350
person appointed by the superintendent. 57351

(2)(a) A domestic fraternal benefit society shall be liable 57352
for the payment of any additional expense of an examination 57353
resulting from unreasonable delays by the society in fulfilling a 57354
request for documents or information by the examiner conducting 57355
the examination. A delay is deemed unreasonable if the examiner 57356
has made two separate unfulfilled requests for the same documents 57357
or information. A request for records or information from an 57358
examiner shall allow the fraternal benefit society a minimum of 57359

ten business days to fulfill the request. 57360

(b) In the event of an unreasonable delay, the examiner shall 57361
notify the superintendent, who shall set a hearing, under Chapter 57362
119. of the Revised Code, to determine if there has been an 57363
unreasonable delay because of the fraternal benefit society's 57364
response to a request for documents or information and to 57365
calculate the additional expense incurred by the superintendent as 57366
a result of the unreasonable delay. 57367

(3) A summary of the examination of the superintendent and 57368
any recommendations or statements of the superintendent that 57369
accompany the report, shall be read at the first meeting of the 57370
board of directors or corresponding body of the society following 57371
the receipt thereof, and if directed so to do by the 57372
superintendent, shall also be read at the first meeting of the 57373
supreme legislative or governing body of the society following the 57374
receipt thereof. A copy of the report, recommendations, and 57375
statements of the superintendent shall be furnished by the society 57376
to each member of the board of directors or other governing body. 57377

(B) Each foreign or alien fraternal benefit society 57378
transacting or applying for admission to transact business in this 57379
state shall be subject to examination by the superintendent in 57380
accordance with section 3901.07 of the Revised Code. Section 57381
3901.07 of the Revised Code shall govern every aspect of the 57382
examination, including the circumstances under and frequency with 57383
which it is conducted, the authority of the superintendent and any 57384
examiner or other person appointed by the superintendent, the 57385
liability for the assessment of expenses incurred in conducting 57386
the examination, and the remittance of the assessment to the 57387
~~superintendent's examination~~ department of insurance operating 57388
fund. 57389

Sec. 3923.332. (A) No medicare supplement policy or 57390

certificate in force in this state shall contain benefits that 57391
duplicate benefits provided by medicare. 57392

(B) Notwithstanding section 3923.04 of the Revised Code or 57393
any other provision of law of this state, a medicare supplement 57394
policy or certificate shall not exclude or limit benefits for 57395
losses incurred more than six months from the effective date of 57396
coverage because it involved a preexisting condition. The policy 57397
or certificate shall not define a preexisting condition more 57398
restrictively than a condition for which medical advice was given 57399
or treatment was recommended by or received from a physician 57400
within six months before the effective date of coverage. 57401

(C) The superintendent of insurance shall adopt reasonable 57402
rules to establish specific standards for policy provisions of 57403
medicare supplement policies and certificates. The standards shall 57404
be in addition to and in accordance with applicable laws of this 57405
state, including sections 3923.03 to 3923.09 of the Revised Code. 57406
No requirement in Title XVII or XXXIX of the Revised Code relating 57407
to minimum required policy benefits, other than the minimum 57408
standards contained in section 3923.33 and sections 3923.331 to 57409
3923.339 of the Revised Code, shall apply to medicare supplement 57410
policies and certificates. The standards may cover, but are not 57411
limited to: 57412

- (1) Terms of renewability; 57413
- (2) Initial and subsequent conditions of eligibility; 57414
- (3) Nonduplication of coverage; 57415
- (4) Probationary periods; 57416
- (5) Benefit limitations, exceptions, and reductions; 57417
- (6) Elimination periods; 57418
- (7) Requirements for replacement; 57419
- (8) Recurrent conditions; and 57420

(9) Definitions of terms. 57421

(D) The superintendent shall adopt reasonable rules to 57422
establish minimum standards for benefits, claims payment, 57423
advertising and marketing practices and compensation arrangements, 57424
and reporting practices, for medicare supplement policies and 57425
certificates. 57426

(1) The superintendent shall not prohibit the following types 57427
of solicitation: 57428

(a) Print solicitation such as leaflets, flyers, or door 57429
hangers left at residences or on motor vehicles; 57430

(b) In-person solicitations of individuals at the 57431
individual's residence or in public or common areas such as 57432
parking lots, hallways, lobbies, or sidewalks; 57433

(c) Telephonic or electronic solicitation such as electronic 57434
voicemail messages, text messages, or direct social media 57435
messages. 57436

(2) The superintendent may prohibit in-person solicitation at 57437
nursing homes and residential care facilities. As used in this 57438
division, "nursing home" and "residential care facility" have the 57439
same meanings as in section 3721.01 of the Revised Code. 57440

(E) The superintendent may adopt from time to time such 57441
reasonable rules as are necessary to conform medicare supplement 57442
policies and certificates to the requirements of federal law and 57443
regulations promulgated thereunder, including but not limited to: 57444

(1) Requiring refunds or credits if the policies or 57445
certificates do not meet loss ratio requirements; 57446

(2) Establishing a uniform methodology for calculating and 57447
reporting loss ratios; 57448

(3) Assuring public access to policies, premiums, and loss 57449
ratio information of issuers of medicare supplement insurance; 57450

(4) Establishing a process for approving or disapproving 57451
policy forms and certificate forms and proposed premium increases; 57452

(5) Establishing a policy for holding public hearings prior 57453
to approval of premium increases; and 57454

(6) Establishing standards for medicare select policies and 57455
certificates. 57456

(F) The superintendent may adopt reasonable rules that 57457
specify prohibited policy provisions not otherwise specifically 57458
authorized by any provision in the Revised Code that, in the 57459
opinion of the superintendent, are unjust, unfair, or unfairly 57460
discriminatory to any person insured or proposed to be insured 57461
under a medicare supplement policy or certificate. 57462

Sec. 3930.13. The Ohio commercial insurance joint 57463
underwriting association shall be subject to examination by the 57464
superintendent of insurance in accordance with section 3901.07 of 57465
the Revised Code. Section 3901.07 of the Revised Code shall govern 57466
every aspect of the examination, including the circumstances under 57467
and frequency with which it is conducted, the authority of the 57468
superintendent and any examiner or other person appointed by the 57469
superintendent, the liability for the assessment of expenses 57470
incurred in conducting the examination, and the remittance of the 57471
assessment to the ~~superintendent's examination~~ department of 57472
insurance operating fund. 57473

Sec. 3931.08. Each attorney designated under section 3931.01 57474
of the Revised Code and each applicant for a license under section 57475
3931.10 of the Revised Code shall be subject to examination by the 57476
superintendent of insurance in accordance with section 3901.07 of 57477
the Revised Code. Section 3901.07 of the Revised Code shall govern 57478
every aspect of the examination, including the circumstances under 57479
and frequency with which it is conducted, the authority of the 57480

superintendent and any examiner or other person appointed by the 57481
superintendent, the liability for the assessment of expenses 57482
incurred in conducting the examination, and the remittance of the 57483
assessment to the ~~superintendent's examination~~ department of 57484
insurance operating fund. 57485

As used in section "expenses" means those items included 57486
under division (M) of section 3901.07 of the Revised Code. 57487

Sec. 3959.12. (A) Any license issued under sections 3959.01 57488
to 3959.16 of the Revised Code may be suspended for a period not 57489
to exceed two years, revoked, or not renewed by the superintendent 57490
of insurance after notice to the licensee and hearing in 57491
accordance with Chapter 119. of the Revised Code. The 57492
superintendent may suspend, revoke, or refuse to renew a license 57493
if upon investigation and proof the superintendent finds that the 57494
licensee has done any of the following: 57495

(1) Knowingly violated any provision of sections 3959.01 to 57496
3959.16 or 3959.20 of the Revised Code or any rule promulgated by 57497
the superintendent; 57498

(2) Knowingly made a material misstatement in the application 57499
for the license; 57500

(3) Obtained or attempted to obtain a license through 57501
misrepresentation or fraud; 57502

(4) Misappropriated or converted to the licensee's own use or 57503
improperly withheld insurance company premiums or contributions 57504
held in a fiduciary capacity, excluding, however, any interest 57505
earnings received by the administrator as disclosed in writing by 57506
the administrator to the plan sponsor; 57507

(5) In the transaction of business under the license, used 57508
fraudulent, coercive, or dishonest practices; 57509

(6) Failed to appear without reasonable cause or excuse in 57510

response to a subpoena, examination, warrant, or other order 57511
lawfully issued by the superintendent; 57512

(7) Is affiliated with or under the same general management 57513
or interlocking directorate or ownership of another administrator 57514
that transacts business in this state and is not licensed under 57515
sections 3959.01 to 3959.16 of the Revised Code; 57516

(8) Had a license suspended, revoked, or not renewed in any 57517
other state, district, territory, or province on grounds identical 57518
to those stated in sections 3959.01 to 3959.16 of the Revised 57519
Code; 57520

(9) Been convicted of a financially related felony; 57521

(10) Failed to report a felony conviction as required under 57522
section 3959.13 of the Revised Code. 57523

(B) Upon receipt of notice of the order of suspension in 57524
accordance with ~~section~~ sections 119.05 and 119.07 of the Revised 57525
Code, the licensee shall promptly deliver the license to the 57526
superintendent, unless the order of suspension is appealed under 57527
section 119.12 of the Revised Code. 57528

(C) Any person whose license is revoked or whose application 57529
is denied pursuant to sections 3959.01 to 3959.16 of the Revised 57530
Code is ineligible to apply for an administrators license for two 57531
years. 57532

(D) The superintendent may impose a monetary fine against a 57533
licensee if, upon investigation and after notice and opportunity 57534
for hearing in accordance with Chapter 119. of the Revised Code, 57535
the superintendent finds that the licensee has done either of the 57536
following: 57537

(1) Committed fraud or engaged in any illegal or dishonest 57538
activity in connection with the administration of pharmacy benefit 57539
management services; 57540

(2) Violated any provision of section 3959.111 of the Revised Code or any rule adopted by the superintendent pursuant to or to implement that section.

Sec. 3964.03. (A) A captive insurance company shall be organized under Chapter 1701., 1702., 1705., or 1706. of the Revised Code.

(B) A captive insurance company shall not operate in this state unless all of the following are met:

(1) The captive insurance company obtains from the superintendent a license to do the business of captive insurance in this state.

(2) The captive insurance company's board of directors holds at least one meeting each year in this state.

(3) The captive insurance company maintains its principal place of business in this state.

(4) The person managing the captive insurance company is a resident of this state.

(5) The captive insurance company appoints a registered agent to accept service of process and act on its behalf in this state.

(C) Whenever an agent required under division (B)(5) of this section cannot, with reasonable diligence, be found at the registered office of the captive insurance company, the superintendent shall be an agent of such a captive insurance company upon whom any process, notice, or demand may be served.

(D) A captive insurance company seeking a license to be a captive insurance company in this state shall file an application with the superintendent and shall submit all of the following along with the application:

(1) A certified copy of its articles of incorporation,

bylaws, or other organizational document and code of regulations; 57570

(2) A statement, made under oath by the president and 57571
secretary, in a form prescribed by the superintendent, showing the 57572
captive insurance company's financial condition; 57573

(3) A statement of the captive insurance company's assets 57574
relative to its risks, detailing the amount of assets and their 57575
liquidity; 57576

(4) An account of the adequacy of the expertise, experience, 57577
and character of the person or persons who will manage the captive 57578
insurance company; 57579

(5) An account of the loss prevention programs of the persons 57580
that the captive insurance company insures; 57581

(6) Actuarial assumptions and methodologies that will be 57582
utilized in calculating reserves; 57583

(7) Any other information considered necessary by the 57584
superintendent to determine whether the proposed captive insurance 57585
company will be able to meet its obligations. 57586

(E)(1) A special purpose financial captive insurance company 57587
shall follow the national association of insurance commissioner's 57588
accounting practices and procedures manual. 57589

(2)(a) Upon request, the superintendent may allow a special 57590
purpose financial captive insurance company to use a reserve basis 57591
other than that found in the national association of insurance 57592
commissioner's accounting practices and procedures manual. 57593

(b) The superintendent, in accordance with Chapter 119. of 57594
the Revised Code, shall adopt rules that define acceptable 57595
alternative reserve bases. 57596

(c) Such rules shall be adopted prior to availability for use 57597
of any such alternative reserve basis and shall ensure that the 57598
resulting reserves meet all of the following conditions: 57599

(i) Quantify the benefits and guarantees, and the funding, 57600
associated with the contracts and their risks at a level of 57601
conservatism that reflects conditions that include unfavorable 57602
events that have a reasonable probability of occurring during the 57603
lifetime of the contracts. For policies or contracts with 57604
significant tail risk, reflects conditions appropriately adverse 57605
to quantify the tail risk. 57606

(ii) Incorporate assumptions, risk analysis methods, and 57607
financial models and management techniques that are consistent 57608
with, but not necessarily identical to, those utilized within the 57609
company's overall risk assessment process, while recognizing 57610
potential differences in financial reporting structures and any 57611
prescribed assumptions or methods; 57612

(iii) Provide margins for uncertainty including adverse 57613
deviation and estimation error, such that the greater the 57614
uncertainty the larger the margin and resulting reserve. 57615

(d) An alternative basis for calculating a reserve approved 57616
by the superintendent shall be treated as a public document after 57617
the date the alternative basis for calculating the reserve has 57618
been approved, regardless of the application of the uniform trade 57619
secrets act set forth in sections 1333.61 to 1333.69 of the 57620
Revised Code. 57621

(3) The special purpose financial captive insurance company 57622
shall submit a request for an alternative reserve basis in 57623
writing, and affirmed by the company's appointed actuary, that 57624
includes, at a minimum, the following information for the 57625
superintendent to consider in evaluating the request: 57626

(a) The reserves based on the national association of 57627
insurance commissioner's accounting practices and procedures 57628
manual and the reserves based on the proposed alternative method 57629
for calculation and the difference between these two calculations; 57630

(b) A detailed analysis of the proposed alternative method 57631
explaining why the use of an alternative basis for calculating the 57632
reserve is appropriate; 57633

(c) All assumptions utilized within the proposed alternative 57634
method, together with the source of the assumptions, as well as 57635
information, satisfactory to the superintendent, supporting the 57636
appropriateness of the assumptions and analysis and identifying 57637
the assumptions that result in the greatest variability in the 57638
reserve and how that analysis was used in setting those 57639
assumptions; 57640

(d) A detailed overview of the corporate governance and 57641
oversight of the actuarial valuation function; 57642

(e) Any other information the superintendent may require to 57643
assess the proposed alternative method for approval or 57644
disapproval. 57645

(4) At the expense of the special purpose financial captive 57646
insurance company, the superintendent may require the company to 57647
secure the affirmation of an independent qualified actuary in 57648
support of any alternative basis for calculating the reserve that 57649
is requested pursuant to this section or to assist the 57650
superintendent in the review of said request. 57651

(5) If the superintendent approves the use of an alternative 57652
basis for calculating a reserve, the special purpose financial 57653
captive insurance company, and the ceding insurer shall each 57654
include a note in its financial statements disclosing the use of a 57655
basis other than the national association of insurance 57656
commissioner's accounting practices and procedures manual and the 57657
difference between the reserve amount determined under the 57658
alternative basis and the reserve amount that would have been 57659
determined had the company utilized the national association of 57660
insurance commissioner's accounting practices and procedures 57661

manual. 57662

(6)(a) The superintendent shall establish an acceptable total 57663
capital and surplus requirement for each insurance company that 57664
will cede risks and obligations to a special purpose financial 57665
captive insurance company. The total capital and surplus 57666
requirement must be met at the time the special purpose financial 57667
captive insurance company applies for a license to do the business 57668
of captive insurance. The total capital and surplus requirement 57669
shall be determined in accordance with a minimum required total 57670
capital and surplus methodology that meets both of the following 57671
requirements: 57672

(i) Is consistent with current risk-based capital principles; 57673

(ii) Takes into account all material risks and obligations, 57674
as well as the assets, of the insurance company. 57675

(b) An insurance company ceding risks and obligations to a 57676
special purpose financial captive insurance company shall fully 57677
disclose all material risks and obligations, as well as its assets 57678
and all affiliated captive insurance company risks. The ceding 57679
insurance company shall advise the superintendent whenever there 57680
is a material change to such risks, obligations, or assets. 57681

(F) In determining whether to approve an application for a 57682
license, the superintendent shall consider all of the following: 57683

(1) The character, reputation, financial standing, and 57684
purposes of the incorporators, or other founders, of the captive 57685
insurance company; 57686

(2) The character, reputation, financial responsibility, 57687
experience relating to insurance, and business qualifications of 57688
the officers and directors of the captive insurance company; 57689

(3) The amount of liquidity and assets of the captive 57690
insurance company relative to the risks to be assumed; 57691

(4) The adequacy of the expertise, experience, and character of the person or persons who will manage the captive insurance company;	57692 57693 57694
(5) The overall soundness of the plan of operation;	57695
(6) The adequacy of the loss prevention programs of the persons that the captive insurance company insures.	57696 57697
(G)(1) Each captive insurance company that offers direct insurance to its parent shall submit to the superintendent for approval a detailed description of the coverages, deductibles, coverage limits, proposed rates or rating plans, documentation from a qualified actuary that demonstrates the actuarial soundness of the proposed rates or rating plans, and other such additional information as the superintendent may require.	57698 57699 57700 57701 57702 57703 57704
(2)(a) Any captive insurance company licensed under the provisions of this chapter that seeks to make any material change to any item described in division (G)(1) of this section shall submit to the superintendent for approval a detailed description of the revision, documentation from a qualified actuary that demonstrates the actuarial soundness of the revised rates or rating plans, and other such additional information as the superintendent may require.	57705 57706 57707 57708 57709 57710 57711 57712
(b) Each filing under division (G)(2)(a) of this section is deemed approved thirty days after the filing is received by the superintendent of insurance, unless the filing is disapproved by the superintendent during that thirty-day period.	57713 57714 57715 57716
(c) If at any time subsequent to the thirty-day review period the superintendent finds that a filing does not demonstrate actuarial soundness, the superintendent shall hold a hearing requiring the captive insurance company to show cause why an order should not be made by the superintendent to disapprove the revised rates or rating plans.	57717 57718 57719 57720 57721 57722

(d) If, upon such a hearing, the superintendent finds that the captive insurance company failed to demonstrate the actuarial soundness of the rates or rating plans, the superintendent shall issue an order directing the captive insurance company to cease and desist from using the revised rates or rating plans and to use rates or rating plans as determined appropriate by the superintendent.

(H) Except as otherwise provided in this division, documents and information submitted by a captive insurance company pursuant to this section are not subject to section 149.43 of the Revised Code, and are confidential, and may not be disclosed by the superintendent or any employee of the department of insurance without the written consent of the company.

(1) Such documents and information may be discoverable in a civil action in which the captive insurance company filing the material is a party upon a finding by a court of competent jurisdiction that the information sought is relevant and necessary to the case and the information sought is unavailable from other, nonconfidential sources.

(2) The superintendent may, at the superintendent's sole discretion, share documents required under this section with the chief deputy rehabilitator, the chief deputy liquidator, other deputy rehabilitators and liquidators, and any other person employed by, or acting on behalf of the superintendent pursuant to Chapter 3901. or 3903. of the Revised Code, with other local, state, federal, and international regulatory and law enforcement agencies, with local, state, and federal prosecutors, and with the national association of insurance commissioners and its affiliates and subsidiaries provided that the recipient agrees to maintain the confidential or privileged status of the documents and has authority to do so.

(I)(1) Each applicant for a license to do the business of a

captive insurance company in this state shall pay to the 57755
superintendent a nonrefundable fee of five hundred dollars for 57756
processing its application for a license. The superintendent is 57757
authorized to retain legal, financial, and examination services 57758
from outside the department, at the expense of the applicant. Each 57759
captive insurance company shall annually pay a license renewal fee 57760
of five hundred dollars. 57761

(2) The fees collected pursuant to division (I)(1) of this 57762
section shall be deposited into the state treasury to the credit 57763
of the ~~captive department of insurance regulation and supervision~~ 57764
~~operating fund created under section 3964.15 of the Revised Code.~~ 57765

Sec. 3964.13. (A)(1) Not later than the second day of March 57766
of each year, a captive insurance company shall pay to the 57767
superintendent of insurance a fee computed in accordance with both 57768
of the following: 57769

(a) 0.35 per cent on its net direct premiums; 57770

(b) 0.15 per cent on revenue from assumed reinsurance 57771
premiums. 57772

(2) The annual minimum aggregate fee to be paid by a captive 57773
insurance company calculated under this division shall be seven 57774
thousand five hundred dollars. The annual maximum aggregate fee to 57775
be paid by a captive insurance company calculated under this 57776
division shall be two hundred fifty thousand dollars. 57777

(B) The fee on reinsurance premiums set forth under division 57778
(A)(1)(b) of this section shall not be levied on premiums for 57779
risks or portions of risks that are subject to the fee under 57780
division (A)(1)(a) of this section. 57781

(C) A captive insurance company shall not pay any reinsurance 57782
fee pursuant to division (A)(1)(b) of this section on revenue 57783
related to the receipt of assets by the captive insurance company 57784

in exchange for the assumption of loss reserves and other 57785
liabilities of another insurance company that is under common 57786
ownership and control with the captive insurance company, if the 57787
transaction is part of a plan to discontinue the operation of the 57788
other insurance company and the intent of the exchange is to renew 57789
or maintain such business with the captive insurance company. 57790

(D)(1) The fee imposed in division (A) of this section shall 57791
be calculated on an annual basis, notwithstanding policies, 57792
contracts, insurance, or contracts of reinsurance issued on a 57793
multi-year basis. 57794

(2) In the case of multi-year policies or contracts, the 57795
premium shall be prorated for purposes of determining the fee 57796
required under division (A) of this section. 57797

(E) All fees collected under this section shall be deposited 57798
into the state treasury to the credit of the ~~captive~~ department of 57799
insurance ~~regulation and supervision~~ operating fund. 57800

Sec. 3964.15. (A) ~~There is hereby created in the state~~ 57801
~~treasury the captive insurance regulation and supervision fund,~~ 57802
~~which shall consist of all fees, fines, penalties, and assessments~~ 57803
~~received by the superintendent under this chapter.~~ 57804

~~(B)~~ The superintendent may charge captive insurance companies 57805
for any of the following expenses incurred in carrying out this 57806
chapter: 57807

(1) The entire compensation for each day, or portion thereof, 57808
worked by all personnel, including those who are not employees of 57809
the department of insurance, in any of the following capacities: 57810

(a) The conduct of an examination, calculated at the rates 57811
provided in the financial condition examiners' handbook published 57812
by the national association of insurance commissioners; 57813

(b) The review and analysis of a company's annual report 57814

submitted pursuant to section 3964.07 of the Revised Code, and any 57815
interim financial statements and examination reports or related 57816
documents of captive insurance companies in this state; 57817

(c) The ongoing evaluation and monitoring of the financial 57818
affairs of captive insurance companies; 57819

(d) The determination and review of the premium franchise fee 57820
liability of a captive insurance company; 57821

(e) The training and continuing education costs of examiners 57822
and analysts. 57823

(2) Travel and living expenses of all personnel, including 57824
those who are not employees of the department of insurance, 57825
directly engaged in the conduct of an examination calculated at 57826
rates not to exceed the rates provided in the financial condition 57827
examiners' handbook published by the national association of 57828
insurance commissioners; 57829

(3) All other incidental expenses incurred by or on behalf of 57830
such personnel in the conduct of such examination; 57831

(4) An allocated share of all expenses not described in 57832
division ~~(B)(1)~~(A)(1), (2), or (3) of this section, but that are 57833
necessarily incurred in carrying out the duties of the 57834
superintendent under this chapter, including the expenses of 57835
direct overhead and support staff for the examiners and persons 57836
appointed or employed pursuant to section 3964.08 of the Revised 57837
Code. 57838

~~(C)(B)~~ All amounts collected by the superintendent under 57839
division ~~(B)(A)~~ of this section shall be deposited into the state 57840
treasury to the credit of the ~~captive department of insurance~~ 57841
~~regulation and supervision operating~~ fund. 57842

~~(D) At the discretion of the superintendent, the expenses of~~ 57843
~~the captive insurance regulation and supervision fund may be~~ 57844

~~covered by the department of insurance operating fund created~~ 57845
~~under section 3901.021 of the Revised Code.~~ 57846

~~(E)~~(C) As used in this section, "examination" means the 57847
examination required under section 3964.08 of the Revised Code. 57848

Sec. 4117.14. (A) The procedures contained in this section 57849
govern the settlement of disputes between an exclusive 57850
representative and a public employer concerning the termination or 57851
modification of an existing collective bargaining agreement or 57852
negotiation of a successor agreement, or the negotiation of an 57853
initial collective bargaining agreement. 57854

(B)(1) In those cases where there exists a collective 57855
bargaining agreement, any public employer or exclusive 57856
representative desiring to terminate, modify, or negotiate a 57857
successor collective bargaining agreement shall: 57858

(a) Serve written notice upon the other party of the proposed 57859
termination, modification, or successor agreement. The party must 57860
serve the notice not less than sixty days prior to the expiration 57861
date of the existing agreement or, in the event the existing 57862
collective bargaining agreement does not contain an expiration 57863
date, not less than sixty days prior to the time it is proposed to 57864
make the termination or modifications or to make effective a 57865
successor agreement. 57866

(b) Offer to bargain collectively with the other party for 57867
the purpose of modifying or terminating any existing agreement or 57868
negotiating a successor agreement; 57869

(c) Notify the state employment relations board of the offer 57870
by serving upon the board a copy of the written notice to the 57871
other party and a copy of the existing collective bargaining 57872
agreement. 57873

(2) In the case of initial negotiations between a public 57874

employer and an exclusive representative, where a collective 57875
bargaining agreement has not been in effect between the parties, 57876
any party may serve notice upon the board and the other party 57877
setting forth the names and addresses of the parties and offering 57878
to meet, for a period of ninety days, with the other party for the 57879
purpose of negotiating a collective bargaining agreement. 57880

If the settlement procedures specified in divisions (B), (C), 57881
and (D) of this section govern the parties, where those procedures 57882
refer to the expiration of a collective bargaining agreement, it 57883
means the expiration of the sixty-day period to negotiate a 57884
collective bargaining agreement referred to in this subdivision, 57885
or in the case of initial negotiations, it means the ninety-day 57886
period referred to in this subdivision. 57887

(3) The parties shall continue in full force and effect all 57888
the terms and conditions of any existing collective bargaining 57889
agreement, without resort to strike or lock-out, for a period of 57890
sixty days after the party gives notice or until the expiration 57891
date of the collective bargaining agreement, whichever occurs 57892
later, or for a period of ninety days where applicable. 57893

(4) Upon receipt of the notice, the parties shall enter into 57894
collective bargaining. 57895

(C) In the event the parties are unable to reach an 57896
agreement, they may submit, at any time prior to forty-five days 57897
before the expiration date of the collective bargaining agreement, 57898
the issues in dispute to any mutually agreed upon dispute 57899
settlement procedure which supersedes the procedures contained in 57900
this section. 57901

(1) The procedures may include: 57902

(a) Conventional arbitration of all unsettled issues; 57903

(b) Arbitration confined to a choice between the last offer 57904
of each party to the agreement as a single package; 57905

(c) Arbitration confined to a choice of the last offer of 57906
each party to the agreement on each issue submitted; 57907

(d) The procedures described in division (C)(1)(a), (b), or 57908
(c) of this section and including among the choices for the 57909
arbitrator, the recommendations of the fact finder, if there are 57910
recommendations, either as a single package or on each issue 57911
submitted; 57912

(e) Settlement by a citizens' conciliation council composed 57913
of three residents within the jurisdiction of the public employer. 57914
The public employer shall select one member and the exclusive 57915
representative shall select one member. The two members selected 57916
shall select the third member who shall chair the council. If the 57917
two members cannot agree upon a third member within five days 57918
after their appointments, the board shall appoint the third 57919
member. Once appointed, the council shall make a final settlement 57920
of the issues submitted to it pursuant to division (G) of this 57921
section. 57922

(f) Any other dispute settlement procedure mutually agreed to 57923
by the parties. 57924

(2) If, fifty days before the expiration date of the 57925
collective bargaining agreement, the parties are unable to reach 57926
an agreement, any party may request the state employment relations 57927
board to intervene. The request shall set forth the names and 57928
addresses of the parties, the issues involved, and, if applicable, 57929
the expiration date of any agreement. 57930

The board shall intervene and investigate the dispute to 57931
determine whether the parties have engaged in collective 57932
bargaining. 57933

If an impasse exists or forty-five days before the expiration 57934
date of the collective bargaining agreement if one exists, the 57935
board shall appoint a mediator to assist the parties in the 57936

collective bargaining process. 57937

(3) Any time after the appointment of a mediator, either 57938
party may request the appointment of a fact-finding panel. Within 57939
fifteen days after receipt of a request for a fact-finding panel, 57940
the board shall appoint a fact-finding panel of not more than 57941
three members who have been selected by the parties in accordance 57942
with rules established by the board, from a list of qualified 57943
persons maintained by the board. 57944

(a) The fact-finding panel shall, in accordance with rules 57945
and procedures established by the board that include the 57946
regulation of costs and expenses of fact-finding, gather facts and 57947
make recommendations for the resolution of the matter. The board 57948
shall by its rules require each party to specify in writing the 57949
unresolved issues and its position on each issue to the 57950
fact-finding panel. The fact-finding panel shall make final 57951
recommendations as to all the unresolved issues. 57952

(b) The board may continue mediation, order the parties to 57953
engage in collective bargaining until the expiration date of the 57954
agreement, or both. 57955

(4) The following guidelines apply to fact-finding: 57956

(a) The fact-finding panel may establish times and place of 57957
hearings which shall be, where feasible, in the jurisdiction of 57958
the state. 57959

(b) The fact-finding panel shall conduct the hearing pursuant 57960
to rules established by the board. 57961

(c) Upon request of the fact-finding panel, the board shall 57962
issue subpoenas for hearings conducted by the panel. 57963

(d) The fact-finding panel may administer oaths. 57964

(e) The board shall prescribe guidelines for the fact-finding 57965
panel to follow in making findings. In making its recommendations, 57966

the fact-finding panel shall take into consideration the factors 57967
listed in divisions (G)(7)(a) to (f) of this section. 57968

(f) The fact-finding panel may attempt mediation at any time 57969
during the fact-finding process. From the time of appointment 57970
until the fact-finding panel makes a final recommendation, it 57971
shall not discuss the recommendations for settlement of the 57972
dispute with parties other than the direct parties to the dispute. 57973

(5) The fact-finding panel, acting by a majority of its 57974
members, shall transmit its findings of fact and recommendations 57975
on the unresolved issues to the public employer and employee 57976
organization involved and to the board no later than fourteen days 57977
after the appointment of the fact-finding panel, unless the 57978
parties mutually agree to an extension. The parties shall share 57979
the cost of the fact-finding panel in a manner agreed to by the 57980
parties. 57981

(6)(a) Not later than seven days after the findings and 57982
recommendations are sent, the legislative body, by a three-fifths 57983
vote of its total membership, and in the case of the public 57984
employee organization, the membership, by a three-fifths vote of 57985
the total membership, may reject the recommendations; if neither 57986
rejects the recommendations, the recommendations shall be deemed 57987
agreed upon as the final resolution of the issues submitted and a 57988
collective bargaining agreement shall be executed between the 57989
parties, including the fact-finding panel's recommendations, 57990
except as otherwise modified by the parties by mutual agreement. 57991
If either the legislative body or the public employee organization 57992
rejects the recommendations, the board shall publicize the 57993
findings of fact and recommendations of the fact-finding panel. 57994
The board shall adopt rules governing the procedures and methods 57995
for public employees to vote on the recommendations of the 57996
fact-finding panel. 57997

(b) As used in division (C)(6)(a) of this section, 57998

"legislative body" means the controlling board when the state or 57999
any of its agencies, authorities, commissions, boards, or other 58000
branch of public employment is party to the fact-finding process. 58001

(D) If the parties are unable to reach agreement within seven 58002
days after the publication of findings and recommendations from 58003
the fact-finding panel or the collective bargaining agreement, if 58004
one exists, has expired, then the: 58005

(1) Public employees, who are members of a police or fire 58006
department, members of the state highway patrol, deputy sheriffs, 58007
dispatchers employed by a police, fire, or sheriff's department or 58008
the state highway patrol or civilian dispatchers employed by a 58009
public employer other than a police, fire, or sheriff's department 58010
to dispatch police, fire, sheriff's department, or emergency 58011
medical or rescue personnel and units, an exclusive nurse's unit, 58012
employees of ~~the state school for the deaf or the state school for~~ 58013
~~the blind~~ Ohio deaf and blind education services, employees of any 58014
public employee retirement system, corrections officers, guards at 58015
penal or mental institutions, special police officers appointed in 58016
accordance with sections 5119.08 and 5123.13 of the Revised Code, 58017
psychiatric attendants employed at mental health forensic 58018
facilities, youth leaders employed at juvenile correctional 58019
facilities, or members of a law enforcement security force that is 58020
established and maintained exclusively by a board of county 58021
commissioners and whose members are employed by that board, shall 58022
submit the matter to a final offer settlement procedure pursuant 58023
to a board order issued forthwith to the parties to settle by a 58024
conciliator selected by the parties. The parties shall request 58025
from the board a list of five qualified conciliators and the 58026
parties shall select a single conciliator from the list by 58027
alternate striking of names. If the parties cannot agree upon a 58028
conciliator within five days after the board order, the board 58029
shall on the sixth day after its order appoint a conciliator from 58030

a list of qualified persons maintained by the board or shall 58031
request a list of qualified conciliators from the American 58032
arbitration association and appoint therefrom. 58033

(2) Public employees other than those listed in division 58034
(D)(1) of this section have the right to strike under Chapter 58035
4117. of the Revised Code provided that the employee organization 58036
representing the employees has given a ten-day prior written 58037
notice of an intent to strike to the public employer and to the 58038
board, and further provided that the strike is for full, 58039
consecutive work days and the beginning date of the strike is at 58040
least ten work days after the ending date of the most recent prior 58041
strike involving the same bargaining unit; however, the board, at 58042
its discretion, may attempt mediation at any time. 58043

(E) Nothing in this section shall be construed to prohibit 58044
the parties, at any time, from voluntarily agreeing to submit any 58045
or all of the issues in dispute to any other alternative dispute 58046
settlement procedure. An agreement or statutory requirement to 58047
arbitrate or to settle a dispute pursuant to a final offer 58048
settlement procedure and the award issued in accordance with the 58049
agreement or statutory requirement is enforceable in the same 58050
manner as specified in division (B) of section 4117.09 of the 58051
Revised Code. 58052

(F) Nothing in this section shall be construed to prohibit a 58053
party from seeking enforcement of a collective bargaining 58054
agreement or a conciliator's award as specified in division (B) of 58055
section 4117.09 of the Revised Code. 58056

(G) The following guidelines apply to final offer settlement 58057
proceedings under division (D)(1) of this section: 58058

(1) The parties shall submit to final offer settlement those 58059
issues that are subject to collective bargaining as provided by 58060
section 4117.08 of the Revised Code and upon which the parties 58061

have not reached agreement and other matters mutually agreed to by 58062
the public employer and the exclusive representative; except that 58063
the conciliator may attempt mediation at any time. 58064

(2) The conciliator shall hold a hearing within thirty days 58065
of the board's order to submit to a final offer settlement 58066
procedure, or as soon thereafter as is practicable. 58067

(3) The conciliator shall conduct the hearing pursuant to 58068
rules developed by the board. The conciliator shall establish the 58069
hearing time and place, but it shall be, where feasible, within 58070
the jurisdiction of the state. Not later than five calendar days 58071
before the hearing, each of the parties shall submit to the 58072
conciliator, to the opposing party, and to the board, a written 58073
report summarizing the unresolved issues, the party's final offer 58074
as to the issues, and the rationale for that position. 58075

(4) Upon the request by the conciliator, the board shall 58076
issue subpoenas for the hearing. 58077

(5) The conciliator may administer oaths. 58078

(6) The conciliator shall hear testimony from the parties and 58079
provide for a written record to be made of all statements at the 58080
hearing. The board shall submit for inclusion in the record and 58081
for consideration by the conciliator the written report and 58082
recommendation of the fact-finders. 58083

(7) After hearing, the conciliator shall resolve the dispute 58084
between the parties by selecting, on an issue-by-issue basis, from 58085
between each of the party's final settlement offers, taking into 58086
consideration the following: 58087

(a) Past collectively bargained agreements, if any, between 58088
the parties; 58089

(b) Comparison of the issues submitted to final offer 58090
settlement relative to the employees in the bargaining unit 58091

involved with those issues related to other public and private 58092
employees doing comparable work, giving consideration to factors 58093
peculiar to the area and classification involved; 58094

(c) The interests and welfare of the public, the ability of 58095
the public employer to finance and administer the issues proposed, 58096
and the effect of the adjustments on the normal standard of public 58097
service; 58098

(d) The lawful authority of the public employer; 58099

(e) The stipulations of the parties; 58100

(f) Such other factors, not confined to those listed in this 58101
section, which are normally or traditionally taken into 58102
consideration in the determination of the issues submitted to 58103
final offer settlement through voluntary collective bargaining, 58104
mediation, fact-finding, or other impasse resolution procedures in 58105
the public service or in private employment. 58106

(8) Final offer settlement awards made under Chapter 4117. of 58107
the Revised Code are subject to Chapter 2711. of the Revised Code. 58108

(9) If more than one conciliator is used, the determination 58109
must be by majority vote. 58110

(10) The conciliator shall make written findings of fact and 58111
promulgate a written opinion and order upon the issues presented 58112
to the conciliator, and upon the record made before the 58113
conciliator and shall mail or otherwise deliver a true copy 58114
thereof to the parties and the board. 58115

(11) Increases in rates of compensation and other matters 58116
with cost implications awarded by the conciliator may be effective 58117
only at the start of the fiscal year next commencing after the 58118
date of the final offer settlement award; provided that if a new 58119
fiscal year has commenced since the issuance of the board order to 58120
submit to a final offer settlement procedure, the awarded 58121

increases may be retroactive to the commencement of the new fiscal 58122
year. The parties may, at any time, amend or modify a 58123
conciliator's award or order by mutual agreement. 58124

(12) The parties shall bear equally the cost of the final 58125
offer settlement procedure. 58126

(13) Conciliators appointed pursuant to this section shall be 58127
residents of the state. 58128

(H) All final offer settlement awards and orders of the 58129
conciliator made pursuant to Chapter 4117. of the Revised Code are 58130
subject to review by the court of common pleas having jurisdiction 58131
over the public employer as provided in Chapter 2711. of the 58132
Revised Code. If the public employer is located in more than one 58133
court of common pleas district, the court of common pleas in which 58134
the principal office of the chief executive is located has 58135
jurisdiction. 58136

(I) The issuance of a final offer settlement award 58137
constitutes a binding mandate to the public employer and the 58138
exclusive representative to take whatever actions are necessary to 58139
implement the award. 58140

Sec. 4117.15. (A) Whenever a strike by members of a police or 58141
fire department, members of the state highway patrol, deputy 58142
sheriffs, dispatchers employed by a police, fire, or sheriff's 58143
department or the state highway patrol or civilian dispatchers 58144
employed by a public employer other than a police, fire, or 58145
sheriff's department to dispatch police, fire, sheriff's 58146
department, or emergency medical or rescue personnel and units, an 58147
exclusive nurse's unit, employees of ~~the state school for the deaf~~ 58148
~~or the state school for the blind~~ Ohio deaf and blind education 58149
services, employees of any public employee retirement system, 58150
correction officers, guards at penal or mental institutions, or 58151
special police officers appointed in accordance with sections 58152

5119.08 and 5123.13 of the Revised Code, psychiatric attendants 58153
employed at mental health forensic facilities, youth leaders 58154
employed at juvenile correctional facilities, or members of a law 58155
enforcement security force that is established and maintained 58156
exclusively by a board of county commissioners and whose members 58157
are employed by that board, a strike by other public employees 58158
during the pendency of the settlement procedures set forth in 58159
section 4117.14 of the Revised Code, or a strike during the term 58160
or extended term of a collective bargaining agreement occurs, the 58161
public employer may seek an injunction against the strike in the 58162
court of common pleas of the county in which the strike is 58163
located. 58164

(B) An unfair labor practice by a public employer is not a 58165
defense to the injunction proceeding noted in division (A) of this 58166
section. Allegations of unfair labor practices during the 58167
settlement procedures set forth in section 4117.14 of the Revised 58168
Code shall receive priority by the state employment relations 58169
board. 58170

(C) No public employee is entitled to pay or compensation 58171
from the public employer for the period engaged in any strike. 58172

Sec. 4121.443. (A) The bureau of workers' compensation may 58173
summarily suspend the certification of a provider to participate 58174
in the health partnership program created under sections 4121.44 58175
and 4121.441 of the Revised Code without a prior hearing if the 58176
bureau determines any of the following apply to the provider: 58177

(1) The professional license, certification, or registration 58178
held by the provider to practice the provider's profession has 58179
been revoked or suspended for an indefinite period of time or for 58180
a period of more than thirty days, subsequent to the provider's 58181
certification to participate in the health partnership program. 58182

(2) The provider has been convicted of or has pleaded guilty 58183

to a violation of section 2913.48 or sections 2923.31 to 2923.36 58184
of the Revised Code or has been convicted of or pleaded guilty to 58185
any other criminal offense related to the delivery of or billing 58186
for health care services. 58187

(3) The bureau determines, by clear and convincing evidence, 58188
that the continued participation by the provider in the health 58189
partnership program presents a danger of immediate and serious 58190
harm to claimants. 58191

(B) The bureau shall ~~issue~~ serve a written order of summary 58192
suspension ~~by certified mail or in person~~ in accordance with 58193
~~section~~ sections 119.05 and 119.07 of the Revised Code. If the 58194
provider subject to the summary suspension requests an 58195
adjudicatory hearing by the bureau, the date set for the hearing 58196
shall be not later than fifteen days, but not earlier than seven 58197
days, after the provider requests the hearing, unless otherwise 58198
agreed to by both the bureau and the provider. 58199

(C) If an order issued pursuant to this section is appealed, 58200
the court may stay execution of the order and fix the terms of the 58201
stay, if the court finds both of the following: 58202

(1) That an unusual hardship to the appellant will result 58203
from execution of the order pending appeal; 58204

(2) That the health, safety, and welfare of the public will 58205
not be threatened by staying execution of the order pending 58206
appeal. 58207

(D) A court or agency order staying the suspension of a 58208
professional license, certification, or registration shall not 58209
affect the ability of the bureau to suspend the certification of a 58210
provider to participate in the health partnership program under 58211
this section. 58212

(E) The summary suspension of a certification of a provider 58213
under this section shall not affect the ability of that provider 58214

to receive payment for services rendered prior to the effective 58215
date of the suspension. 58216

(F) Any summary suspension imposed under this section shall 58217
remain in effect, unless reversed on appeal, until a final 58218
adjudication order issued by the bureau pursuant to this section 58219
and Chapter 119. of the Revised Code takes effect. The bureau 58220
shall issue its final adjudication order within seventy-five days 58221
after completion of its hearing. A failure to issue the order 58222
within the seventy-five-day time period shall result in 58223
dissolution of the summary suspension order but shall not 58224
invalidate any subsequent, final adjudication order. 58225

(G) As used in this section, "provider" does not include a 58226
hospital. 58227

Sec. 4123.543. (A) As used in this section, "customer model 58228
enterprise," "employer model enterprise," "inmate," and "federal 58229
prison industries enhancement certification program" have the same 58230
meanings as in section 5145.163 of the Revised Code. 58231

(B)(1) The department of rehabilitation and correction shall 58232
be considered the employer of an inmate for purposes of this 58233
chapter and Chapters 4121., 4127., and 4131. of the Revised Code 58234
if the inmate works in a customer model enterprise. 58235

(2) If the enterprise for which an inmate works is an 58236
employer model enterprise, the private participant of the 58237
enterprise shall be considered the employer of the inmate for 58238
purposes of this chapter. 58239

(C)(1) An inmate who is injured or who contracts an 58240
occupational disease arising out of participation in authorized 58241
work activity in the federal prison industries enhancement 58242
certification program may file a claim for compensation or 58243
benefits under this chapter and Chapters 4121., 4127., and 4131. 58244

of the Revised Code while the claimant is in the custody of the 58245
department. 58246

(2) The dependent of an inmate who is killed or dies as the 58247
result of an occupational disease contracted in the course of 58248
participation in authorized work activity in the federal prison 58249
industries enhancement certification program may file a claim for 58250
compensation and benefits under this chapter and Chapters 4121., 58251
4127., and 4131. of the Revised Code. 58252

(D) Notwithstanding any provision of this chapter or Chapter 58253
4121. of the Revised Code to the contrary, a claimant who files a 58254
claim pursuant to division (C)(1) of this section while in the 58255
custody of the department shall receive medical treatment and have 58256
medical determinations for purposes of this chapter and Chapter 58257
4121. of the Revised Code made by the department's medical 58258
providers. Medical determinations made by the department's 58259
providers shall be limited to initial claim allowances and 58260
requests for additional conditions. The claimant may request a 58261
review by the department's chief medical officer. In the event of 58262
an appeal, the claimant may receive a medical evaluation from a 58263
medical practitioner affiliated within the department's network of 58264
third-party medical contractors or a medical practitioner in a 58265
managed care organization certified by the bureau of workers' 58266
compensation under section 4121.44 of the Revised Code and located 58267
in Franklin county. 58268

(E) In accordance with division (J) of section 4123.54 of the 58269
Revised Code, compensation or benefits are not payable to a 58270
claimant during the period of confinement of the claimant in any 58271
correctional institution or county jail. Any remaining amount of 58272
an award of compensation or benefits for an injury or occupational 58273
disease arising out of participation in authorized work activity 58274
in the federal prison industries enhancement certification program 58275
shall be paid to or on behalf of a claimant after the claimant is 58276

released from imprisonment. If a claimant is reimprisoned, 58277
compensation and benefits shall be suspended during the claimant's 58278
imprisonment but shall resume on the claimant's release from 58279
imprisonment. 58280

(F) The administrator of workers' compensation may adopt 58281
rules necessary to implement this section. 58282

Sec. 4141.02. A nonprofit organization that does not meet the 58283
definition of employer for purposes of this chapter pursuant to 58284
division (A)(1)(a) of section 4141.01 of the Revised Code, and 58285
that does not elect to become an employer subject to this chapter 58286
pursuant to division (A)(4) of section 4141.01 of the Revised 58287
Code, shall notify the organization's employees upon hiring that 58288
the organization, and the employee's employment with the 58289
organization, are exempt from this chapter. 58290

Sec. 4141.21. (A) Except as provided in division (B) of this 58291
section 4141.162 of the Revised Code, and subject to section 58292
4141.43 of the Revised Code, the information maintained by the 58293
director of job and family services or the unemployment 58294
compensation review commission or furnished to the director or 58295
commission by employers or employees pursuant to this chapter is 58296
for the exclusive use and information of the department of job and 58297
family services and the commission in the discharge of their 58298
duties and shall not be open to the public or be used in any court 58299
in any action or proceeding pending therein, or be admissible in 58300
evidence in any action, other than one arising under this chapter 58301
or section 5733.42 of the Revised Code disclosed. All of the Such 58302
information is not a public record under section 149.43 of the 58303
Revised Code. 58304

(B) The director may adopt rules in accordance with Chapter 58305
119. of the Revised Code to allow for the disclosure of 58306

information otherwise protected from disclosure under division (A) 58307
of this section that conform to requirements of federal law 58308
governing such disclosure, including rules that allow for the 58309
following: 58310

(1) The release of information by the consent of the director 58311
or the commission; 58312

(2) The release of information in accordance with sections 58313
1347.08, 4141.162, and 4141.43 of the Revised Code or in 58314
accordance with an order of a judge of a court of record; 58315

(3) The release of information about an individual or 58316
employer to that individual or employer, or to the individual's or 58317
employer's authorized representative, on request; 58318

(4) The release of information and records necessary or 58319
useful in the determination of any particular claim for benefits 58320
or necessary in verifying any charge to an employer's account 58321
under sections 4141.23 to 4141.26 of the Revised Code ~~shall be~~ 58322
~~available~~ for examination and use by the employer and the employee 58323
involved or their authorized representatives in the hearing of 58324
such cases, ~~and that information may be tabulated and published;~~ 58325
58326

(5) The release of information in statistical form for the 58327
use and information of ~~the state departments and the public~~ or an 58328
agency or other entity. 58329

Sec. 4141.241. (A)(1) Any nonprofit organization described in 58330
division (X) of section 4141.01 of the Revised Code, which becomes 58331
subject to this chapter on or after January 1, 1972, shall pay 58332
contributions under section 4141.25 of the Revised Code, unless it 58333
elects, in accordance with this division, to pay to the director 58334
of job and family services for deposit in the unemployment 58335
compensation fund an amount in lieu of contributions equal to the 58336

amount of regular benefits plus one half of extended benefits paid 58337
from that fund that is attributable to service in the employ of 58338
the nonprofit organization to individuals whose service, during 58339
the base period of the claims, was within the effective period of 58340
such election. 58341

(2) Any nonprofit organization which becomes subject to this 58342
chapter after January 1, 1972, may elect to become liable for 58343
payments in lieu of contributions for a period of not less than 58344
the remainder of that calendar year and the next calendar year, 58345
beginning with the date on which such subjectivity begins, by 58346
filing a written notice of its election with the director not 58347
later than thirty days immediately following the date of the 58348
determination of such subjectivity. 58349

(3) Any nonprofit organization which makes an election in 58350
accordance with this division will continue to be liable for 58351
payments in lieu of contributions for the period described in this 58352
division and until it files with the director a written notice 58353
terminating its election. The notice shall be filed not later than 58354
thirty days prior to the beginning of the calendar year for which 58355
the termination is to become effective. 58356

(4) Any nonprofit organization which has been paying 58357
contributions for a period subsequent to January 1, 1972, may 58358
change to a reimbursable basis by filing with the director, not 58359
later than thirty days prior to the beginning of any calendar 58360
year, a written notice of election to become liable for payments 58361
in lieu of contributions. The election shall not be terminable by 58362
the organization during that calendar year and the next calendar 58363
year. 58364

(5) The director, in accordance with any rules the director 58365
prescribes, shall notify each nonprofit organization of any 58366
determination which the director may make of its status as an 58367
employer and of the effective date of any election which it makes 58368

and of any termination of the election. Any determinations shall 58369
be subject to reconsideration, appeal, and review in accordance 58370
with section 4141.26 of the Revised Code. 58371

(B) Except as provided in division (I) of section 4141.29 of 58372
the Revised Code, benefits based on service with a nonprofit 58373
organization granted a reimbursing status under this section shall 58374
be payable in the same amount, on the same terms, and subject to 58375
the same conditions, as benefits payable on the basis of other 58376
service subject to this chapter. Payments in lieu of contributions 58377
shall be made in accordance with this division and division (D) of 58378
section 4141.24 of the Revised Code. 58379

(1)(a) At the end of each calendar quarter, or at the end of 58380
any other period as determined by the director under division 58381
(D)(4) of section 4141.24 of the Revised Code, the director shall 58382
bill each nonprofit organization or group of such organizations 58383
which has elected to make payments in lieu of contributions for an 58384
amount equal to the full amount of regular benefits plus one half 58385
of the amount of extended benefits paid during such quarter or 58386
other prescribed period which is attributable to service in the 58387
employ of such organization. 58388

(b) In the computation of the amount of benefits to be 58389
charged to employers liable for payments in lieu of contributions, 58390
all benefits attributable to service described in division 58391
(B)(1)(a) of this section shall be computed and charged to such 58392
organization as described in division (D) of section 4141.24 of 58393
the Revised Code, and, except as provided in division (D)(2) of 58394
section 4141.24 of the Revised Code, no portion of the amount may 58395
be charged to the mutualized account established by division (B) 58396
of section 4141.25 of the Revised Code. 58397

(c) The director may prescribe regulations under which 58398
organizations, which have elected to make payments in lieu of 58399
contributions, may request permission to make such payments in 58400

equal installments throughout the year with an adjustment at the 58401
end of the year for any excess or shortage of the amount of such 58402
installment payments compared with the total amount of benefits 58403
actually charged the organization's account during the year. In 58404
making any adjustment, where the total installment payments are 58405
less than the actual benefits charged, the organization shall be 58406
liable for payment of the unpaid balance in accordance with 58407
division (B)(2) of this section. If the total installment payments 58408
exceed the actual benefits charged, all or part of the excess may, 58409
at the discretion of the director, be refunded or retained in the 58410
fund as part of the payments which may be required in the next 58411
year. 58412

(2) Payment of any bill rendered under division (B)(1) of 58413
this section shall be made not later than thirty days after the 58414
bill was mailed to the last known address of the organization or 58415
was otherwise delivered to it, unless there has been an 58416
application for review and redetermination in accordance with 58417
division (B)(4) of this section. 58418

(3) Payments made by an organization under this section shall 58419
not be deducted or deductible, in whole or in part, from the 58420
remuneration of individuals in the employ of the organization. 58421

(4) An organization may file an application for review and 58422
redetermination of the amounts appearing on any bill rendered to 58423
such organization under division (B)(1) of this section. The 58424
application shall be filed and determined under division (D)(4) of 58425
section 4141.24 of the Revised Code. 58426

(5) Past-due payments of amounts in lieu of contributions 58427
shall be subject to the same interest rates and collection 58428
procedures that apply to past-due contributions under sections 58429
4141.23 and ~~414.27~~ 4141.27 of the Revised Code. In case of failure 58430
to file a required quarterly report within the time prescribed by 58431
the director, the nonprofit organization shall be subject to a 58432

forfeiture pursuant to section 4141.20 of the Revised Code for 58433
each quarterly report that is not timely filed. 58434

All interest and forfeitures collected under this division 58435
shall be paid into the unemployment compensation special 58436
administrative fund as provided in section 4141.11 of the Revised 58437
Code. 58438

(6) All payments in lieu of contributions collected under 58439
this section shall be paid into the unemployment compensation fund 58440
as provided in section 4141.09 of the Revised Code. Any refunds of 58441
such payments shall be paid from the unemployment compensation 58442
fund, as provided in section 4141.09 of the Revised Code. 58443

(C)(1) Any nonprofit organization, or group of such 58444
organizations approved under division (D) of this section, that 58445
elects to become liable for payments in lieu of contributions 58446
shall be required within thirty days after the effective date of 58447
its election, to execute and file with the director a surety bond 58448
approved by the director ~~or it may elect instead to deposit with~~ 58449
~~the director approved municipal or other bonds, or approved~~ 58450
~~securities, or a combination thereof, or other forms of collateral~~ 58451
~~security approved by the director.~~ 58452

(2)(a) The amount of the bond ~~or deposit~~ required shall be 58453
equal to three per cent of the organization's wages paid for 58454
employment as defined in section 4141.01 of the Revised Code that 58455
would have been taxable had the organization been a subject 58456
employer during the four calendar quarters immediately preceding 58457
the effective date of the election, or the amount established by 58458
the director within the limitation provided in division 58459
~~(C)(2)(d)~~ (C)(2)(c) of this section, whichever is the less. The 58460
effective date of the amount of the bond ~~or other collateral~~ 58461
~~security~~ required after the employer initially is determined by 58462
the director to be liable for payments in lieu of contributions 58463
shall be the renewal date ~~in the case of a~~ the bond ~~or the~~ 58464

~~biennial anniversary of the effective date of election in the case~~ 58465
~~of deposit of securities or other forms of collateral security~~ 58466
~~approved by the director, whichever date shall be most recent and~~ 58467
~~applicable.~~ If the nonprofit organization did not pay wages in 58468
each of such four calendar quarters, the amount of the bond ~~or~~ 58469
~~deposit~~ shall be as determined by the director under regulations 58470
prescribed for this purpose. 58471

(b) Any bond ~~or other form of collateral security approved by~~ 58472
~~the director~~ deposited under this division shall be in force for a 58473
period of not less than two calendar years and shall be renewed 58474
with the approval of the director, at such times as the director 58475
may prescribe, but not less frequently than at two-year intervals 58476
as long as the organization continues to be liable for payments in 58477
lieu of contributions. The director shall require adjustments to 58478
be made in a previously filed bond ~~or other form of collateral~~ 58479
~~security~~ as the director considers appropriate. If the bond ~~or~~ 58480
~~other form of collateral security~~ is to be increased, the adjusted 58481
bond ~~or collateral security~~ shall be filed by the organization 58482
within thirty days of the date that notice of the required 58483
adjustment was mailed or otherwise delivered to it. Failure by any 58484
organization covered by such bond ~~or collateral security~~ to pay 58485
the full amount of payments in lieu of contributions when due, 58486
together with any applicable interest provided for in division 58487
(B)(5) of this section, shall render the surety liable on the bond 58488
~~or collateral security~~ to the extent of the bond ~~or collateral~~ 58489
~~security~~, as though the surety was the organization. 58490

(c) ~~Any securities accepted in lieu of surety bond by the~~ 58491
~~director shall be deposited with the treasurer of state who shall~~ 58492
~~have custody thereof and retain the same in the treasurer of~~ 58493
~~state's possession, or release them, according to conditions~~ 58494
~~prescribed by regulations of the director. Income from the~~ 58495
~~securities, held in custody by the treasurer of state, shall~~ 58496

~~accrue to the benefit of the depositor and shall be distributed to 58497
the depositor in the absence of any notification from the director 58498
that the depositor is in default on any payment owed to the 58499
director. The director may require the sale of any such bonds to 58500
the extent necessary to satisfy any unpaid payments in lieu of 58501
contributions, together with any applicable interest or 58502
forfeitures provided for in division (B)(5) of this section. The 58503
director shall require the employer within thirty days following 58504
any sale of deposited securities, under this subdivision, to 58505
deposit additional securities, surety bond, or combination of 58506
both, to make whole the employer's security deposit at the 58507
approved level. Any cash remaining from the sale of such 58508
securities may, at the discretion of the director, be refunded in 58509
whole or in part, or be paid into the unemployment compensation 58510
fund to cover future payments required of the organization. 58511~~

~~(d) The required bond or deposit for any nonprofit 58512
organization, or group of such organizations approved by the 58513
director under division (D) of this section, that is determined by 58514
the director to be liable for payments in lieu of contributions 58515
effective beginning on and after January 1, 1996, but prior to 58516
January 1, 1998, and the required bond or deposit for any renewed 58517
elections under division (C)(2)(b) of this section effective 58518
during that period shall not exceed one million two hundred fifty 58519
thousand dollars. The required bond or deposit for any nonprofit 58520
organization, or group of such organizations approved by the 58521
director under division (D) of this section, that is determined to 58522
be liable for payments in lieu of contributions effective on and 58523
after January 1, 1998, and the required bond or deposit for any 58524
renewed elections effective on and after January 1, 1998, shall 58525
not exceed two million dollars. 58526~~

~~(3) If any nonprofit organization fails to file a bond or 58527
make a deposit, or to file a bond in an increased amount or to 58528~~

~~make whole the amount of a previously made deposit,~~ as provided 58529
under this division, the director may terminate the organization's 58530
election to make payments in lieu of contributions effective for 58531
the quarter following such failure and the termination shall 58532
continue for not less than the remainder of that calendar year and 58533
the next calendar year, beginning with the quarter in which the 58534
termination becomes effective; except that the director may extend 58535
for good cause the applicable filing, ~~deposit, or adjustment~~ 58536
period by not more than thirty days. 58537

(D)(1) Two or more nonprofit organizations that have become 58538
liable for payments in lieu of contributions, in accordance with 58539
division (A) of this section, may file a joint application to the 58540
director for the establishment of the group account for the 58541
purpose of sharing the cost of benefits paid that are attributable 58542
to service in the employ of those employers. Notwithstanding 58543
division (E) of section 4141.242 of the Revised Code, hospitals 58544
operated by this state or a political subdivision may participate 58545
in a group account with nonprofit organizations under the 58546
procedures set forth in this section. Each application shall 58547
identify and authorize a group representative to act as the 58548
group's agent for the purposes of this division. 58549

(2) Upon the director's approval of the application, the 58550
director shall establish a group account for the employers 58551
effective as of the beginning of the calendar quarter in which the 58552
director receives the application and shall notify the group's 58553
representative of the effective date of the account. The account 58554
shall remain in effect for not less than two years and thereafter 58555
until terminated by the director or upon application by the group. 58556

(3) Upon establishment of the account, each member of the 58557
group shall be liable, in the event that the group representative 58558
fails to pay any bill issued to it pursuant to division (B) of 58559
this section, for payments in lieu of contributions with respect 58560

to each calendar quarter in the amount that bears the same ratio 58561
to the total benefits paid in the quarter that are attributable to 58562
service performed in the employ of all members of the group as the 58563
total wages paid for service in employment by the member in the 58564
quarter bear to the total wages paid during the quarter for 58565
service performed in the employ of all members of the group. 58566

(4) The director shall adopt regulations as considered 58567
necessary with respect to the following: applications for 58568
establishment, bonding, maintenance, and termination of group 58569
accounts that are authorized by this section; addition of new 58570
members to and withdrawal of active members from such accounts; 58571
and the determination of the amounts that are payable under this 58572
division by the group representative and in the event of default 58573
in payment by the group representative, members of the group, and 58574
the time and manner of payments. 58575

Sec. 4141.28. BENEFITS 58576

(A) FILINGS 58577

Applications for determination of benefit rights and claims 58578
for benefits shall be filed with the director of job and family 58579
services. Such applications and claims also may be filed with an 58580
employee of another state or federal agency charged with the duty 58581
of accepting applications and claims for unemployment benefits or 58582
with an employee of the unemployment insurance commission of 58583
Canada. 58584

When an unemployed individual files an application for 58585
determination of benefit rights, the director shall furnish the 58586
individual with an explanation of the individual's appeal rights. 58587
The explanation shall describe clearly the different levels of 58588
appeal and explain where and when each appeal must be filed. 58589

(B) APPLICATION FOR DETERMINATION OF BENEFIT RIGHTS 58590

In filing an application, an individual shall furnish the 58591
director with the name and address of the individual's most recent 58592
separating employer and the individual's statement of the reason 58593
for separation from the employer. The director shall promptly 58594
notify the individual's most recent separating employer of the 58595
filing and request the reason for the individual's unemployment, 58596
unless that notice is not necessary under conditions the director 58597
establishes by rule. The director may request from the individual 58598
or any employer information necessary for the determination of the 58599
individual's right to benefits. The employer shall provide the 58600
information requested within ten working days after the request is 58601
sent. If an employer fails to provide requested information within 58602
ten working days, the director shall provide to the tax 58603
commissioner the individual's and employer's names, addresses, 58604
taxpayer identification numbers if available, and any additional 58605
information required by the tax commissioner. The tax commissioner 58606
shall confirm to the director whether the individual was included 58607
on the most recent annual return filed by the employer pursuant to 58608
division (F) of section 5747.07 of the Revised Code. The tax 58609
commissioner shall inform the director if the tax commissioner is 58610
unable to provide the requested confirmation. If necessary to 58611
ensure prompt determination and payment of benefits, the director 58612
shall base the determination on the information that is available. 58613

An individual filing an application for determination of 58614
benefit rights shall disclose, at the time of filing, whether or 58615
not the individual owes child support obligations. 58616

An individual filing an application for determination of 58617
benefit rights shall furnish proof of identity at the time of 58618
filing in the manner prescribed by the director. The director 58619
shall adopt rules to prescribe the manner in which an applicant 58620
shall furnish proof of identity. 58621

(C) MASS LAYOFFS 58622

An employer who lays off or separates within any seven-day period fifty or more individuals because of lack of work shall furnish notice to the director of the dates of layoff or separation and the approximate number of individuals being laid off or separated. The notice shall be furnished at least three working days prior to the date of the first day of such layoff or separation. In addition, at the time of the layoff or separation the employer shall furnish to the individual and to the director information necessary to determine the individual's eligibility for unemployment compensation.

(D) DETERMINATION OF BENEFIT RIGHTS

The director shall promptly examine any application for determination of benefit rights. On the basis of the information available to the director under this chapter, the director shall determine whether or not the application is valid, and if valid, the date on which the benefit year shall commence and the weekly benefit amount. The director shall promptly notify the applicant, employers in the applicant's base period, and any other interested parties of the determination and the reasons for it. In addition, the determination issued to the claimant shall include the total amount of benefits payable. The determination issued to each chargeable base period employer shall include the total amount of benefits that may be charged to the employer's account.

(E) CLAIM FOR BENEFITS

The director shall examine the first claim and any additional claim for benefits. On the basis of the information available, the director shall determine whether the claimant's most recent separation and, to the extent necessary, prior separations from work, allow the claimant to qualify for benefits. Written notice of the determination granting or denying benefits shall be sent to the claimant, the most recent separating employer, and any other employer involved in the determination, except that written notice

is not required to be sent to the claimant if the reason for 58655
separation is lack of work and the claim is allowed. 58656

If the director identifies an eligibility issue, the director 58657
shall immediately send notice to the claimant of the issue 58658
identified, specify the week or weeks involved, and identify what 58659
the claimant must do to address the issue or who the claimant may 58660
contact for more information. The claimant has a minimum of five 58661
business days after the notice is sent to respond to the 58662
information included in the notice, and after the time allowed as 58663
determined by the director, the director shall make a 58664
determination. The claimant's response may include a request for a 58665
fact-finding interview when the eligibility issue is raised by an 58666
informant or source other than the claimant, or when the 58667
eligibility issue, if determined adversely, disqualifies the 58668
claimant for the duration of the claimant's period of 58669
unemployment. 58670

When the determination of a continued claim for benefits 58671
results in a disallowed claim, the director shall notify the 58672
claimant of the disallowance and the reasons for it. 58673

(F) ELIGIBILITY NOTICE 58674

Any base period or subsequent employer of a claimant who has 58675
knowledge of specific facts affecting the claimant's right to 58676
receive benefits for any week may notify the director in writing 58677
of those facts. The director shall prescribe a form for such 58678
eligibility notice, but failure to use the form shall not preclude 58679
the director's examination of any notice. 58680

To be considered valid, an eligibility notice must: contain 58681
in writing, a statement that identifies either a source who has 58682
firsthand knowledge of the information or an informant who can 58683
identify the source; provide specific and detailed information 58684
that may potentially disqualify the claimant; provide the name and 58685

address of the source or the informant; and appear to the director 58686
to be reliable and credible. 58687

An eligibility notice is timely filed if received or 58688
postmarked prior to or within forty-five calendar days after the 58689
end of the week with respect to which a claim for benefits is 58690
filed by the claimant. An employer who timely files a valid 58691
eligibility notice shall be an interested party to the claim for 58692
benefits which is the subject of the notice. 58693

The director shall consider the information contained in the 58694
eligibility notice, together with other available information. 58695
After giving the claimant notice and an opportunity to respond, 58696
the director shall make a determination and inform the notifying 58697
employer, the claimant, and other interested parties of the 58698
determination. 58699

(G) CORRECTED DETERMINATION 58700

If the director finds within the two hundred eight calendar 58701
weeks beginning with the Sunday of the week during which an 58702
application for benefit rights was filed that a determination made 58703
by the director was erroneous due to an error in an employer's 58704
report or any typographical or clerical error in the director's 58705
determination, or as shown by correct remuneration information 58706
received by the director, the director shall issue a corrected 58707
determination to all interested parties. The corrected 58708
determination shall take precedence over and void the prior 58709
determination of the director. The director shall not issue a 58710
corrected determination when the commission or a court has 58711
jurisdiction with respect to that determination. 58712

(H) EFFECT OF COMMISSION DECISIONS 58713

In making determinations, the director shall follow decisions 58714
of the unemployment compensation review commission which have 58715
become final with respect to claimants similarly situated. 58716

(I) PROMPT PAYMENTS	58717
If benefits are allowed by the director, a hearing officer, the commission, or a court, the director shall pay benefits promptly, notwithstanding any further appeal, provided that if benefits are denied on appeal, of which the parties have notice and an opportunity to be heard, the director shall withhold payment of benefits pending a decision on any further appeal.	58718 58719 58720 58721 58722 58723
Sec. 4141.31. (A) Benefits otherwise payable for any week shall be reduced by the amount of remuneration or other payments a claimant receives with respect to such week as follows:	58724 58725 58726
(1) Remuneration in lieu of notice;	58727
(2) Compensation for wage loss under division (B) of section 4123.56 of the Revised Code or a similar provision under the workers' compensation law of any state or the United States;	58728 58729 58730
(3) Payments in the form of retirement, or pension allowances as provided under section 4141.312 of the Revised Code;	58731 58732
(4) Except as otherwise provided in division (D) of this section, remuneration in the form of separation or termination pay paid to an employee at the time of the employee's separation from employment;	58733 58734 58735 58736
(5) Vacation pay or allowance <u>Amounts</u> payable under the law, terms of a labor-management contract or agreement, or other contract of hire, which payments are allocated to designated weeks, <u>for either of the following:</u>	58737 58738 58739 58740
<u>(a) Vacation pay or allowance;</u>	58741
<u>(b) Holiday pay or allowance.</u>	58742
(6) <u>Bonuses payable under the law, terms of a labor-management contract or agreement, or other contract of hire;</u>	58743 58744
<u>(7) The determinable value of cost savings days.</u>	58745

If payments under this division are paid with respect to a month then the amount of remuneration deemed to be received with respect to any week during such month shall be computed by multiplying such monthly amount by twelve and dividing the product by fifty-two. If there is no designation of the period with respect to which payments to an individual are made under this section then an amount equal to such individual's normal weekly wage shall be attributed to and deemed paid with respect to the first and each succeeding week following the individual's separation or termination from the employment of the employer making the payment until such amount so paid is exhausted.

If benefits for any week, when reduced as provided in this division, result in an amount not a multiple of one dollar, such benefits shall be rounded to the next lower multiple of one dollar.

Any payment allocated by the employer or the director of job and family services to weeks under division (A)(1), (4), or (5) of this section shall be deemed to be remuneration for the purposes of establishing a qualifying week and a benefit year under divisions (O)(1) and (R) of section 4141.01 of the Revised Code.

(B) Benefits payable for any week shall not be reduced by the amount of remuneration a claimant receives with respect to such week in the form of drill or reserve pay received by a member of the Ohio national guard or the armed forces reserve for attendance at a regularly scheduled drill or meeting.

(C) No benefits shall be paid for any week with respect to which or a part of which an individual has received or is seeking unemployment benefits under an unemployment compensation law of any other state or of the United States, provided the disqualifications shall not apply if the appropriate agency of such other state or of the United States finally determines that an individual is not entitled to such unemployment benefits. A law

of the United States providing any payment of any type and in any 58778
amounts for periods of unemployment due to lack of work shall be 58779
considered an unemployment compensation law of the United States. 58780

(D) Benefits payable for any week shall not be reduced by the 58781
amount of military severance, disability, or separation pay paid 58782
to an individual who is a former member of the armed forces of the 58783
United States. 58784

(E) Remuneration for personal services includes cost savings 58785
days, as defined in division (DD) of section 4141.01 of the 58786
Revised Code, for which employees continue to accrue employee 58787
benefits that have a determinable value. Any unemployment 58788
compensation benefits that may be payable as a result of cost 58789
savings days shall be reduced as provided in division (A)(6) of 58790
this section. 58791

Sec. 4141.43. (A) ~~The Except as provided in division (B) of~~ 58792
~~this section, the~~ director of job and family services may 58793
~~cooperate with the industrial commission, the bureau of workers'~~ 58794
~~compensation, the United States internal revenue service, the~~ 58795
~~United States employment service, and other similar departments~~ 58796
~~and agencies, as determined by the director, in the exchange or~~ 58797
~~disclosure of information as to wages, employment, payrolls,~~ 58798
~~unemployment, and other information. The director may employ,~~ 58799
~~jointly with one or more of such agencies or departments,~~ 58800
~~auditors, examiners, inspectors, and other employees necessary for~~ 58801
~~the administration of this chapter and employment and training~~ 58802
~~services for workers in the state.~~ 58803

~~(B) The director may make the state's record relating to the~~ 58804
~~administration of this chapter available to the railroad~~ 58805
~~retirement board and may furnish the board at the board's expense~~ 58806
~~such copies thereof as the board deems necessary for its purposes~~ 58807
~~adopt rules to allow for the disclosure of information otherwise~~ 58808

protected from disclosure under section 4141.21 of the Revised Code that conform to requirements of federal law governing such disclosure as follows: 58809
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(1) To a federal or state public official, or an agent or contractor of such an official, for use in the performance of official duties, including research related to the administration of those duties; 58812
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(2) Pursuant to an order of a judge of a court of record; 58816

(3) Pursuant to a subpoena issued by a local, state, or federal government official, other than a clerk of court on behalf of a litigant; 58817
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(4) To a prosecuting authority, law enforcement officer, or law enforcement agency if the director determines that providing the information is in the best interests of the public and does not interfere with the efficient administration of the department of job and family services; 58820
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(5) To a consumer reporting agency; 58825

(6) Pursuant to a requirement of federal law. 58826

(B) Information otherwise protected from disclosure under section 4141.21 of the Revised Code shall not be disclosed for the purpose of solicitation of contributions or expenditures to or on behalf of a candidate for public or political office or to a political party. 58827
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(C) The director may afford reasonable cooperation with every agency of the United States charged with the administration of any unemployment compensation law. 58832
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(D) The director may enter into arrangements with the appropriate agencies of other states or of the United States or Canada whereby individuals performing services in this and other states for a single employer under circumstances not specifically 58835
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provided for in division (B) of section 4141.01 of the Revised 58839
Code or in similar provisions in the unemployment compensation 58840
laws of such other states shall be deemed to be engaged in 58841
employment performed entirely within this state or within one of 58842
such other states or within Canada, and whereby potential rights 58843
to benefits accumulated under the unemployment compensation laws 58844
of several states or under such a law of the United States, or 58845
both, or of Canada may constitute the basis for the payment of 58846
benefits through a single appropriate agency under terms that the 58847
director finds will be fair and reasonable as to all affected 58848
interests and will not result in any substantial loss to the 58849
unemployment compensation fund. 58850

(E) The director may enter into agreements with the 58851
appropriate agencies of other states or of the United States or 58852
Canada: 58853

(1) Whereby services or wages upon the basis of which an 58854
individual may become entitled to benefits under the unemployment 58855
compensation law of another state or of the United States or 58856
Canada shall be deemed to be employment or wages for employment by 58857
employers for the purposes of qualifying claimants for benefits 58858
under this chapter, and the director may estimate the number of 58859
weeks of employment represented by the wages reported to the 58860
director for such claimants by such other agency, provided such 58861
other state agency or agency of the United States or Canada has 58862
agreed to reimburse the unemployment compensation fund for such 58863
portion of benefits paid under this chapter upon the basis of such 58864
services or wages as the director finds will be fair and 58865
reasonable as to all affected interests; 58866

(2) Whereby the director will reimburse other state or 58867
federal or Canadian agencies charged with the administration of 58868
unemployment compensation laws with such reasonable portion of 58869
benefits, paid under the law of such other states or of the United 58870

States or of Canada upon the basis of employment or wages for 58871
employment by employers, as the director finds will be fair and 58872
reasonable as to all affected interests. Reimbursements so payable 58873
shall be deemed to be benefits for the purpose of section 4141.09 58874
and division (A) of section 4141.30 of the Revised Code. However, 58875
no reimbursement so payable shall be charged against any 58876
employer's account for the purposes of section 4141.24 of the 58877
Revised Code if the employer's account, under the same or similar 58878
circumstances, with respect to benefits charged under the 58879
provisions of this chapter, other than this section, would not be 58880
charged or, if the claimant at the time the claimant files the 58881
combined wage claim cannot establish benefit rights under this 58882
chapter. This noncharging shall not be applicable to a nonprofit 58883
organization that has elected to make payments in lieu of 58884
contributions under section 4141.241 of the Revised Code, except 58885
as provided in division (D)(2) of section 4141.24 of the Revised 58886
Code. The director may make to other state or federal or Canadian 58887
agencies and receive from such other state or federal or Canadian 58888
agencies reimbursements from or to the unemployment compensation 58889
fund, in accordance with arrangements pursuant to this section. 58890

(3) Notwithstanding division (B)(2)(f) of section 4141.01 of 58891
the Revised Code, the director may enter into agreements with 58892
other states whereby services performed for a crew leader, as 58893
defined in division (BB) of section 4141.01 of the Revised Code, 58894
may be covered in the state in which the crew leader either: 58895

(a) Has the crew leader's place of business or from which the 58896
crew leader's business is operated or controlled; 58897

(b) Resides if the crew leader has no place of business in 58898
any state. 58899

(F) The director may apply for an advance to the unemployment 58900
compensation fund and do all things necessary or required to 58901
obtain such advance and arrange for the repayment of such advance 58902

in accordance with Title XII of the "Social Security Act" as 58903
amended. 58904

(G) The director may enter into reciprocal agreements or 58905
arrangements with the appropriate agencies of other states in 58906
regard to services on vessels engaged in interstate or foreign 58907
commerce whereby such services for a single employer, wherever 58908
performed, shall be deemed performed within this state or within 58909
such other states. 58910

(H) The director shall participate in any arrangements for 58911
the payment of compensation on the basis of combining an 58912
individual's wages and employment, covered under this chapter, 58913
with the individual's wages and employment covered under the 58914
unemployment compensation laws of other states which are approved 58915
by the United States secretary of labor in consultation with the 58916
state unemployment compensation agencies as reasonably calculated 58917
to assure the prompt and full payment of compensation in such 58918
situations and which include provisions for: 58919

(1) Applying the base period of a single state law to a claim 58920
involving the combining of an individual's wages and employment 58921
covered under two or more state unemployment compensation laws, 58922
and 58923

(2) Avoiding the duplicate use of wages and employment by 58924
reason of such combining. 58925

~~(I)~~(I)(1) The director shall cooperate with the United States 58926
department of labor to the fullest extent consistent with this 58927
chapter, and shall take such action, through the adoption of 58928
appropriate rules, regulations, and administrative methods and 58929
standards, as may be necessary to secure to this state and its 58930
citizens all advantages available under the provisions of the 58931
"Social Security Act" that relate to unemployment compensation, 58932
the "Federal Unemployment Tax Act," (1970) 84 Stat. 713, 26 58933

U.S.C.A. 3301 to 3311, the "Wagner-Peyser Act," (1933) 48 Stat. 58934
113, 29 U.S.C.A. 49, the "Federal-State Extended Unemployment 58935
Compensation Act of 1970," 84 Stat. 596, 26 U.S.C.A. 3306, and the 58936
"Workforce Innovation and Opportunity Act," 29 U.S.C.A. 3101 et 58937
seq. 58938

(2) Nothing in division (I)(1) of this section requires the 58939
director to participate in, nor precludes the director from 58940
ceasing to participate in, any voluntary, optional, special, or 58941
emergency program offered by the federal government, including 58942
programs offered under any of the federal acts listed in division 58943
(I)(1) of this section, the "Coronavirus Aid, Relief, and Economic 58944
Security Act," 15 U.S.C. 9023, or any other federal program 58945
enacted to address exceptional unemployment conditions. 58946

(J) The director may disclose wage information furnished to 58947
or maintained by the director under Chapter 4141. of the Revised 58948
Code to a consumer reporting agency as defined by the "Fair Credit 58949
Reporting Act," 84 Stat. 1128, 15 U.S.C.A. 1681a, as amended, for 58950
the purpose of verifying an individual's income under a written 58951
agreement that requires all of the following: 58952

(1) A written statement of informed consent from the 58953
individual whose information is to be disclosed; 58954

(2) A written statement confirming that the consumer 58955
reporting agency and any other entity to which the information is 58956
disclosed or released will safeguard the information from illegal 58957
or unauthorized disclosure; 58958

(3) A written statement confirming that the consumer 58959
reporting agency will pay to the bureau all costs associated with 58960
the disclosure. 58961

The director shall prescribe a manner and format in which 58962
this information may be provided. 58963

~~(K) The director shall adopt rules defining the requirements 58964~~

~~of the release of individual income verification information 58965
specified in division (J) of this section, which shall include all 58966
terms and conditions necessary to meet the requirements of federal 58967
law as interpreted by the United States department of labor or 58968
considered necessary by the director for the proper administration 58969
of this division. 58970~~

(L) The director shall disclose information furnished to or 58971
maintained by the director under this chapter upon request and on 58972
a reimbursable basis as required by section 303 of the "Social 58973
Security Act," 42 U.S.C.A. 503, and section 3304 of the "Internal 58974
Revenue Code," 26 U.S.C.A. 3304. 58975

Sec. 4301.441. Any information provided to a state agency by 58976
the department of taxation in accordance with ~~division (C)(11) of~~ 58977
section 5703.21 of the Revised Code for the purpose of verifying a 58978
permit holder's gallonage or noncompliance with taxes levied under 58979
this chapter or Chapter 4305. of the Revised Code shall not be 58980
disclosed publicly by that agency, except for purposes of 58981
enforcement, to deny the renewal of a liquor permit, or to report 58982
such information to the alcohol and tobacco tax and trade bureau 58983
in the United States department of the treasury. 58984

Sec. 4301.62. (A) As used in this section: 58985

(1) "Chauffeured limousine" means a vehicle registered under 58986
section 4503.24 of the Revised Code. 58987

(2) "Street," "highway," and "motor vehicle" have the same 58988
meanings as in section 4511.01 of the Revised Code. 58989

(B) No person shall have in the person's possession an opened 58990
container of beer or intoxicating liquor in any of the following 58991
circumstances: 58992

(1) Except as provided in division (C)(1)(e) of this section, 58993
in an agency store; 58994

(2) Except as provided in division (C) or (J) of this section, on the premises of the holder of any permit issued by the division of liquor control;	58995 58996 58997
(3) In any other public place;	58998
(4) Except as provided in division (D) or (E) of this section, while operating or being a passenger in or on a motor vehicle on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking;	58999 59000 59001 59002 59003
(5) Except as provided in division (D) or (E) of this section, while being in or on a stationary motor vehicle on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking.	59004 59005 59006 59007
(C)(1) A person may have in the person's possession an opened container of any of the following:	59008 59009
(a) Beer or intoxicating liquor that has been lawfully purchased for consumption on the premises where bought from the holder of an A-1-A, A-2, A-2f, A-3a, D-1, D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, D-7, D-8, D-9, E, F, F-2, F-5, F-7, or F-8 permit;	59010 59011 59012 59013 59014 59015
(b) Beer, wine, or mixed beverages served for consumption on the premises by the holder of an F-3 permit, wine served as a tasting sample by an A-2, A-2f, S-1, or S-2 permit holder for consumption on the premises of a farmers market for which an F-10 permit has been issued, or wine served for consumption on the premises by the holder of an F-4 or F-6 permit;	59016 59017 59018 59019 59020 59021
(c) Beer or intoxicating liquor consumed on the premises of a convention facility as provided in section 4303.201 of the Revised Code;	59022 59023 59024

(d) Beer or intoxicating liquor to be consumed during 59025
tastings and samplings approved by rule of the liquor control 59026
commission; 59027

(e) Spirituous liquor to be consumed for purposes of a 59028
tasting sample, as defined in section 4301.171 of the Revised 59029
Code; 59030

(f) Beer, wine, or mixed beverages to be consumed on a boat 59031
as provided in section 4303.187 of the Revised Code; 59032

(g) Beer or intoxicating liquor to be consumed in an outdoor 59033
area described in division (B)(1) of section 4303.188 of the 59034
Revised Code. 59035

(2) A person may have in the person's possession on an F 59036
liquor permit premises an opened container of beer or intoxicating 59037
liquor that was not purchased from the holder of the F permit if 59038
the premises for which the F permit is issued is a music festival 59039
and the holder of the F permit grants permission for that 59040
possession on the premises during the period for which the F 59041
permit is issued. As used in this division, "music festival" means 59042
a series of outdoor live musical performances, extending for a 59043
period of at least three consecutive days and located on an area 59044
of land of at least forty acres. 59045

(3)(a) A person may have in the person's possession on a D-2 59046
liquor permit premises an opened or unopened container of wine 59047
that was not purchased from the holder of the D-2 permit if the 59048
premises for which the D-2 permit is issued is an outdoor 59049
performing arts center, the person is attending an orchestral 59050
performance, and the holder of the D-2 permit grants permission 59051
for the possession and consumption of wine in certain 59052
predesignated areas of the premises during the period for which 59053
the D-2 permit is issued. 59054

(b) As used in division (C)(3)(a) of this section: 59055

(i) "Orchestral performance" means a concert comprised of a group of not fewer than forty musicians playing various musical instruments.

(ii) "Outdoor performing arts center" means an outdoor performing arts center that is located on not less than one hundred fifty acres of land and that is open for performances from the first day of April to the last day of October of each year.

(4) A person may have in the person's possession an opened or unopened container of beer or intoxicating liquor at an outdoor location at which the person is attending an orchestral performance as defined in division (C)(3)(b)(i) of this section if the person with supervision and control over the performance grants permission for the possession and consumption of beer or intoxicating liquor in certain predesignated areas of that outdoor location.

(5) A person may have in the person's possession on an F-9 liquor permit premises an opened or unopened container of beer or intoxicating liquor that was not purchased from the holder of the F-9 permit if the person is attending either of the following:

(a) An orchestral performance and the F-9 permit holder grants permission for the possession and consumption of beer or intoxicating liquor in certain predesignated areas of the premises during the period for which the F-9 permit is issued;

(b) An outdoor performing arts event or orchestral performance that is free of charge and the F-9 permit holder annually hosts not less than twenty-five other events or performances that are free of charge on the permit premises.

As used in division (C)(5) of this section, "orchestral performance" has the same meaning as in division (C)(3)(b) of this section.

(6)(a) A person may have in the person's possession on the

property of an outdoor motorsports facility an opened or unopened 59087
container of beer or intoxicating liquor that was not purchased 59088
from the owner of the facility if both of the following apply: 59089

(i) The person is attending a racing event at the facility; 59090
and 59091

(ii) The owner of the facility grants permission for the 59092
possession and consumption of beer or intoxicating liquor on the 59093
property of the facility. 59094

(b) As used in division (C)(6)(a) of this section: 59095

(i) "Racing event" means a motor vehicle racing event 59096
sanctioned by one or more motor racing sanctioning organizations. 59097

(ii) "Outdoor motorsports facility" means an outdoor 59098
racetrack to which all of the following apply: 59099

(I) It is two and four-tenths miles or more in length. 59100

(II) It is located on two hundred acres or more of land. 59101

(III) The primary business of the owner of the facility is 59102
the hosting and promoting of racing events. 59103

(IV) The holder of a D-1, D-2, or D-3 permit is located on 59104
the property of the facility. 59105

(7)(a) A person may have in the person's possession an opened 59106
container of beer or intoxicating liquor at an outdoor location 59107
within an outdoor refreshment area created under section 4301.82 59108
of the Revised Code if the opened container of beer or 59109
intoxicating liquor was purchased from an A-1, A-1-A, A-1c, A-2, 59110
A-2f, D class, or F class permit holder to which both of the 59111
following apply: 59112

(i) The permit holder's premises is located within the 59113
outdoor refreshment area. 59114

(ii) The permit held by the permit holder has an outdoor 59115

refreshment area designation. 59116

(b) Division (C)(7) of this section does not authorize a 59117
person to do either of the following: 59118

(i) Enter the premises of an establishment within an outdoor 59119
refreshment area while possessing an opened container of beer or 59120
intoxicating liquor acquired elsewhere; 59121

(ii) Possess an opened container of beer or intoxicating 59122
liquor while being in or on a motor vehicle within an outdoor 59123
refreshment area, unless the possession is otherwise authorized 59124
under division (D) or (E) of this section. 59125

(c) As used in division (C)(7) of this section, "D class 59126
permit holder" does not include a D-6 or D-8 permit holder. 59127

(8)(a) A person may have in the person's possession on the 59128
property of a market, within a defined F-8 permit premises, an 59129
opened container of beer or intoxicating liquor that was purchased 59130
from a D permit premises that is located immediately adjacent to 59131
the market if both of the following apply: 59132

(i) The market grants permission for the possession and 59133
consumption of beer and intoxicating liquor within the defined F-8 59134
permit premises; 59135

(ii) The market is hosting an event pursuant to an F-8 permit 59136
and the market has notified the division of liquor control about 59137
the event in accordance with division (A)(3) of section 4303.208 59138
of the Revised Code. 59139

(b) As used in division (C)(8) of this section, "market" 59140
means a market, for which an F-8 permit is held, that has been in 59141
operation since 1860. 59142

(D) This section does not apply to a person who pays all or a 59143
portion of the fee imposed for the use of a chauffeured limousine 59144
pursuant to a prearranged contract, or the guest of the person, 59145

when all of the following apply: 59146

(1) The person or guest is a passenger in the limousine. 59147

(2) The person or guest is located in the limousine, but is 59148
not occupying a seat in the front compartment of the limousine 59149
where the operator of the limousine is located. 59150

(3) The limousine is located on any street, highway, or other 59151
public or private property open to the public for purposes of 59152
vehicular travel or parking. 59153

(E) An opened bottle of wine that was purchased from the 59154
holder of a permit that authorizes the sale of wine for 59155
consumption on the premises where sold is not an opened container 59156
for the purposes of this section if both of the following apply: 59157

(1) The opened bottle of wine is securely resealed by the 59158
permit holder or an employee of the permit holder before the 59159
bottle is removed from the premises. The bottle shall be secured 59160
in such a manner that it is visibly apparent if the bottle has 59161
been subsequently opened or tampered with. 59162

(2) The opened bottle of wine that is resealed in accordance 59163
with division (E)(1) of this section is stored in the trunk of a 59164
motor vehicle or, if the motor vehicle does not have a trunk, 59165
behind the last upright seat or in an area not normally occupied 59166
by the driver or passengers and not easily accessible by the 59167
driver. 59168

(F)(1) Except if an ordinance or resolution is enacted or 59169
adopted under division (F)(2) of this section, this section does 59170
not apply to a person who, pursuant to a prearranged contract, is 59171
a passenger riding on a commercial quadricycle when all of the 59172
following apply: 59173

(a) The person is not occupying a seat in the front of the 59174
commercial quadricycle where the operator is steering or braking. 59175

(b) The commercial quadricycle is being operated on a street, 59176
highway, or other public or private property open to the public 59177
for purposes of vehicular travel or parking. 59178

(c) The person has in their possession on the commercial 59179
quadricycle an opened container of beer or wine. 59180

(d) The person has in their possession on the commercial 59181
quadricycle not more than either thirty-six ounces of beer or 59182
eighteen ounces of wine. 59183

(2) The legislative authority of a municipal corporation or 59184
township may enact an ordinance or adopt a resolution, as 59185
applicable, that prohibits a passenger riding on a commercial 59186
quadricycle from possessing an opened container of beer or wine. 59187

(3) As used in this section, "commercial quadricycle" means a 59188
vehicle that has fully-operative pedals for propulsion entirely by 59189
human power and that meets all of the following requirements: 59190

(a) It has four wheels and is operated in a manner similar to 59191
a bicycle. 59192

(b) It has at least five seats for passengers. 59193

(c) It is designed to be powered by the pedaling of the 59194
operator and the passengers. 59195

(d) It is used for commercial purposes. 59196

(e) It is operated by the vehicle owner or an employee of the 59197
owner. 59198

(G) This section does not apply to a person that has in the 59199
person's possession an opened container of beer or intoxicating 59200
liquor on the premises of a market if the beer or intoxicating 59201
liquor has been purchased from a D liquor permit holder that is 59202
located in the market. 59203

As used in division (G) of this section, "market" means an 59204
establishment that: 59205

(1) Leases space in the market to individual vendors, not less than fifty per cent of which are retail food establishments or food service operations licensed under Chapter 3717. of the Revised Code;

(2) Has an indoor sales floor area of not less than twenty-two thousand square feet;

(3) Hosts a farmer's market on each Saturday from April through December.

(H)(1) As used in this section, "alcoholic beverage" has the same meaning as in section 4303.185 of the Revised Code.

(2) An alcoholic beverage in a closed container being transported under section 4303.185 of the Revised Code to its final destination is not an opened container for the purposes of this section if the closed container is securely sealed in such a manner that it is visibly apparent if the closed container has been subsequently opened or tampered with after sealing.

(I) This section does not apply to a person who has in the person's possession an opened container of beer or intoxicating liquor in a public-use airport, as described in division (D)(2)(a)(iii) of section 4303.181 of the Revised Code, when both of the following apply:

(1) Consumption of the opened container of beer or intoxicating liquor occurs in the area of the airport terminal that is restricted to persons taking flights to and from the airport; and

(2) The consumption is authorized under division (D)(2)(a) of section 4303.181 of the Revised Code.

(J) This section does not apply to a person that has in the person's possession an opened container of homemade beer or wine that is served in accordance with division (E) of section 4301.201

of the Revised Code. 59236

Sec. 4303.041. (A) An A-3a permit may be issued to a 59237
distiller that manufactures less than one hundred thousand gallons 59238
of spirituous liquor per year. An A-3a permit holder may sell to a 59239
personal consumer, in sealed containers for consumption off the 59240
premises where manufactured, spirituous liquor that the permit 59241
holder manufactures, but sales to the personal consumer may occur 59242
only by an in-person transaction at the permit premises. The A-3a 59243
permit holder shall not ship, send, or use an H permit holder to 59244
deliver spirituous liquor to the personal consumer. 59245

"Distiller" means a person in this state who mashes, 59246
ferments, distills, and ages spirituous liquor. 59247

~~(B)(1)(B)~~ Except as otherwise provided in this section, no 59248
A-3a permit shall be issued unless the sale of spirituous liquor 59249
by the glass for consumption on the premises or by the package for 59250
consumption off the premises is authorized in the election 59251
precinct in which the A-3a permit is proposed to be located. 59252

~~(2) Division (B)(1) of this section does not prohibit the 59253
issuance of an A-3a permit to an applicant for such a permit who 59254
has filed an application with the division of liquor control 59255
before March 22, 2012. 59256~~

(C)(1) An A-3a permit holder may offer for sale tasting 59257
samples of spirituous liquor. The A-3a permit holder shall not 59258
serve more than four tasting samples of spirituous liquor per 59259
person per day. A tasting sample shall not exceed a quarter ounce. 59260
Tasting samples shall be only for the purpose of allowing a 59261
purchaser to determine, by tasting only, the quality and character 59262
of the spirituous liquor. The tasting samples shall be offered for 59263
sale in accordance with rules adopted by the division of liquor 59264
control. 59265

(2) An A-3a permit holder shall sell not more than three 59266
liters of spirituous liquor per day from the permit premises to 59267
the same personal consumer. 59268

(D) An A-3a permit holder may sell spirituous liquor in 59269
sealed containers for consumption off the premises where 59270
manufactured as an independent contractor under agreement, by 59271
virtue of the permit, with the division of liquor control. The 59272
price at which the A-3a permit holder shall sell each spirituous 59273
liquor product to a personal consumer is to be determined by the 59274
division of liquor control. For an A-3a permit holder to purchase 59275
and then offer spirituous liquor for retail sale, the spirituous 59276
liquor need not first leave the physical possession of the A-3a 59277
permit holder to be so registered. The spirituous liquor that the 59278
A-3a permit holder buys from the division of liquor control shall 59279
be maintained in a separate area of the permit premises for sale 59280
to personal consumers. The A-3a permit holder shall sell such 59281
spirituous liquor in sealed containers for consumption off the 59282
premises where manufactured as an independent contractor by virtue 59283
of the permit issued by the division of liquor control, but the 59284
permit holder shall not be compensated as provided in division 59285
(A)(1) of section 4301.17 of the Revised Code. Each A-3a permit 59286
holder shall be subject to audit by the division of liquor 59287
control. Each A-3a permit holder shall execute and file with the 59288
division a surety bond, in an amount established by the division, 59289
that is conditioned on the faithful performance of the permit 59290
holder's duties as prescribed by the division. 59291

~~(D)~~(E) The fee for the A-3a permit is two dollars per 59292
fifty-gallon barrel. 59293

~~(E)~~(F) The holder of an A-3a permit may also exercise the 59294
same privileges as the holder of an A-3 permit. 59295

Sec. 4303.187. (A) The division of liquor control may issue a 59296

<u>D-10 permit to the owner or operator of a retail food</u>	59297
<u>establishment or a food service operation licensed under Chapter</u>	59298
<u>3717. of the Revised Code that operates as a restaurant for</u>	59299
<u>purposes of this chapter and that meets all of the following:</u>	59300
<u>(1) The owner or operator holds a D class permit for the</u>	59301
<u>restaurant;</u>	59302
<u>(2) The restaurant is located on, or immediately adjacent to,</u>	59303
<u>the shoreline of a navigable body of water;</u>	59304
<u>(3) The restaurant offers to its patrons boat rides on a boat</u>	59305
<u>that is owned or operated by the owner or operator of the</u>	59306
<u>restaurant and that is operated on the navigable body of water.</u>	59307
<u>(B) A D-10 permit holder may sell beer, wine, or mixed</u>	59308
<u>beverages in glass or container for consumption on the boat that</u>	59309
<u>is owned or operated by the permit holder and that is operated on</u>	59310
<u>the navigable body of water that the permit holder's restaurant is</u>	59311
<u>located on or immediately adjacent to.</u>	59312
<u>(C) A D-10 permit holder may sell beer, wine, or mixed</u>	59313
<u>beverages during the same hours as a holder of a D-5 permit as</u>	59314
<u>authorized under this chapter or Chapter 4301. of the Revised Code</u>	59315
<u>or the rules of the liquor control commission.</u>	59316
<u>(D) The fee for the D-10 permit is one hundred dollars.</u>	59317
<u>Sec. 4303.188. (A) As used in this section:</u>	59318
<u>(1) "Alcoholic beverage" means beer, wine, mixed beverages,</u>	59319
<u>or spirituous liquor.</u>	59320
<u>(2) "Personal consumer" means an individual who is at least</u>	59321
<u>twenty-one years of age and who intends to use a purchased</u>	59322
<u>alcoholic beverage only for personal consumption and not for</u>	59323
<u>resale or other commercial purposes.</u>	59324
<u>(3) "Qualified permit holder" has the same meaning as in</u>	59325

section 4301.82 of the Revised Code. 59326

(B)(1) Notwithstanding any other provision of law to the 59327
contrary and in addition to areas in which a qualified permit 59328
holder is authorized to sell alcoholic beverages under the 59329
qualified permit holder's permit, a qualified permit holder may 59330
sell alcoholic beverages by the individual drink for consumption 59331
as follows: 59332

(a) In any area of the qualified permit holder's property in 59333
which sales are not currently authorized and that is outdoors, 59334
including the qualified permit holder's parking area; 59335

(b) In any outdoor area of public property that is 59336
immediately adjacent to the qualified permit holder's premises and 59337
that is owned by a municipal corporation or township, provided 59338
that the permit holder obtains written consent in accordance with 59339
division (C) of this section; 59340

(c) In any outdoor area of private property that is 59341
immediately adjacent to the qualified permit holder's premises, 59342
provided that the permit holder obtains the written consent of the 59343
owner of the private property. 59344

(2) If a qualified permit holder sells alcoholic beverages in 59345
the outdoor area, the qualified permit holder shall clearly 59346
delineate the area where personal consumers may consume alcoholic 59347
beverages. 59348

(C) For purposes of division (B)(1)(b) of this section, a 59349
qualified permit holder shall obtain the written consent of either 59350
of the following: 59351

(1) If the public property is located in a municipal 59352
corporation, the executive officer of the municipal corporation or 59353
the executive officer's designee. If the executive officer or the 59354
executive officer's designee denies consent, the qualified permit 59355
holder may appeal the denial to the legislative authority of the 59356

municipal corporation. The legislative authority may adopt a 59357
resolution requesting the executive officer to reconsider the 59358
executive officer's denial. 59359

(2) If the public property is located in the unincorporated 59360
area of a township, the legislative authority of the township by 59361
the adoption of a resolution consenting to the sale of alcoholic 59362
beverages in the outdoor area. 59363

(D) A qualified permit holder that intends to sell alcoholic 59364
beverages by the individual drink in an outdoor area under 59365
division (B)(1) of this section shall notify the division of 59366
liquor control and the investigative unit of the department of 59367
public safety of the area in which the qualified permit holder 59368
intends to sell the alcoholic beverages. The qualified permit 59369
holder shall provide the notice not later than ten days prior to 59370
the commencement of such sales. 59371

(E) A qualified permit holder or the holder's employee shall 59372
deliver each alcoholic beverage sold to a personal consumer in an 59373
outdoor area authorized under this section. 59374

Sec. 4303.2011. (A) As used in this section, "nonprofit 59375
organization" means a corporation, association, group, 59376
institution, society, or other organization that: 59377

(1) Is exempt from federal income taxation; 59378

(2) Has a membership of two hundred fifty or more persons. 59379

(B) The division of liquor control may issue an F-11 permit 59380
to a nonprofit organization to conduct an event if the event has 59381
all of the following characteristics: 59382

(1) The event is coordinated by the nonprofit organization 59383
and the nonprofit organization is responsible for the activities 59384
at the event. 59385

(2) One of the event's purposes is the introduction, 59386

showcasing, or promotion of craft beers manufactured in this state. 59387
59388

(3) The event includes the sale of food for consumption on the premises where sold. 59389
59390

(4) The event features at least twenty A-1c permit holders, who are members of the nonprofit organization that has organized the event, as participants. The nonprofit organization may allow any number of A-1 permit holders to participate in the event. 59391
59392
59393
59394

(C) An F-11 permit holder may sell, at the event, beer that it has purchased from the A-1 or A-1c permit holders that are participating in the event or from the participating A-1 or A-1c permit holder's assigned B-1 permit holder. The F-11 permit holder may sell the beer in four-ounce samples or in containers not exceeding sixteen ounces for consumption on the premises where sold. 59395
59396
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The F-11 permit holder may sell beer on the F-11 permit premises only where and when the sale of beer is otherwise permitted by law. 59402
59403
59404

(D) The F-11 permit holder shall clearly define and sufficiently restrict the premises of the event to allow proper enforcement of the permit by state and local law enforcement officers. If an F-11 permit is issued for all or a portion of the same premises for which another class of permit is issued, that permit holder's privileges are suspended in that portion of the premises in which the F-11 permit is in effect. 59405
59406
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(E)(1) No F-11 permit is effective for more than seventy-two consecutive hours. However, for purposes of an exposition at the state fairgrounds, an F-11 permit is effective for the duration of the exposition. 59412
59413
59414
59415

(2) No sales of beer shall take place under an F-11 permit after one a.m. 59416
59417

(F) The division shall not issue more than six F-11 permits 59418
to the same nonprofit organization in any one calendar year. 59419

(G) An applicant for an F-11 permit shall apply for the 59420
permit not later than thirty days prior to the first day of the 59421
event for which the permit is sought. In the application, the 59422
applicant shall list all of the A-1 and A-1c permit holders that 59423
will participate in the event. The fee for the F-11 permit is 59424
sixty dollars for each day of the event. 59425

The division shall prepare and make available an F-11 permit 59426
application form and may require applicants for and holders of the 59427
F-11 permit to provide information that is in addition to that 59428
required by this section and that is necessary for the 59429
administration of this section. 59430

(H)(1) An F-11 permit holder is responsible, and is subject 59431
to penalties, for any violations of this chapter or Chapter 4301. 59432
of the Revised Code that occur during the event. 59433

(2) An F-11 permit holder shall not allow an A-1 or A-1c 59434
permit holder to participate in the event if the A-1 or A-1c 59435
permit or, if applicable, the A-1-A permit of that A-1 or A-1c 59436
permit holder is under suspension. 59437

(3) The division may refuse to issue an F-11 permit to an 59438
applicant if both of the following apply: 59439

(a) The applicant has pleaded guilty to or has been convicted 59440
of violating this chapter or Chapter 4301. of the Revised Code 59441
while operating under a previously issued F-11 permit. 59442

(b) The violation occurred within the two years preceding the 59443
filing of the new F-11 permit application. 59444

(I) Notwithstanding any provision of section 4301.24 of the 59445
Revised Code or any rule adopted by the liquor control commission 59446
to the contrary, employees of an A-1 or A-1c permit holder or B-1 59447

permit holder, or employees or agents of a B-1 permit holder may 59448
assist an F-11 permit holder in serving beer at an event for which 59449
an F-11 permit is issued. 59450

Sec. 4303.271. (A) Except as provided in divisions (B) and 59451
(D) of this section, the holder of a permit issued under sections 59452
4303.02 to 4303.232 of the Revised Code, who files an application 59453
for the renewal of the same class of permit for the same premises, 59454
shall be entitled to the renewal of the permit. The division of 59455
liquor control shall renew the permit unless the division rejects 59456
for good cause any renewal application, subject to the right of 59457
the applicant to appeal the rejection to the liquor control 59458
commission. 59459

(B) The legislative authority of the municipal corporation, 59460
the board of township trustees, or the board of county 59461
commissioners of the county in which a permit premises is located 59462
may object to the renewal of a permit issued under sections 59463
4303.11 to 4303.183 of the Revised Code for any of the reasons 59464
contained in division (A) of section 4303.292 of the Revised Code. 59465
Any objection shall be made no later than thirty days prior to the 59466
expiration of the permit, and the division shall accept the 59467
objection if it is postmarked no later than thirty days prior to 59468
the expiration of the permit. The objection shall be made by a 59469
resolution specifying the reasons for objecting to the renewal and 59470
requesting a hearing, but no objection shall be based upon 59471
noncompliance of the permit premises with local zoning regulations 59472
that prohibit the sale of beer or intoxicating liquor in an area 59473
zoned for commercial or industrial uses, for a permit premises 59474
that would otherwise qualify for a proper permit issued by the 59475
division. The resolution shall be accompanied by a statement by 59476
the chief legal officer of the political subdivision that, in the 59477
chief legal officer's opinion, the objection is based upon 59478
substantial legal grounds within the meaning and intent of 59479

division (A) of section 4303.292 of the Revised Code. 59480

Upon receipt of a resolution of a legislative authority or 59481
board objecting to the renewal of a permit and a statement from 59482
the chief legal officer, the division shall set a time for the 59483
hearing and send by certified mail to the permit holder, at the 59484
permit holder's usual place of business, a copy of the resolution 59485
and notice of the hearing. The division shall then hold a hearing 59486
in the central office of the division, except that, upon written 59487
request of the legislative authority or board, the hearing shall 59488
be held in the county seat of the county in which the permit 59489
premises is located, to determine whether the renewal shall be 59490
denied for any of the reasons contained in division (A) of section 59491
4303.292 of the Revised Code. Only the reasons for refusal 59492
contained in division (A) of section 4303.292 of the Revised Code 59493
and specified in the resolution of objection shall be considered 59494
at the hearing. 59495

The permit holder and the objecting legislative authority or 59496
board shall be parties to the proceedings under this section and 59497
shall have the right to be present, to be represented by counsel, 59498
to offer evidence, to require the attendance of witnesses, and to 59499
cross-examine witnesses at the hearing. 59500

(C) An application for renewal of a permit shall be filed 59501
with the division at least fifteen days prior to the expiration of 59502
an existing permit, and the existing permit shall continue in 59503
effect as provided in section 119.06 of the Revised Code until the 59504
application is approved or rejected by the division. Any holder of 59505
a permit, which has expired through failure to be renewed as 59506
provided in this section, shall obtain a renewal of the permit, 59507
upon filing an application for renewal with the division, at any 59508
time within thirty days from the date of the expired permit. A 59509
penalty of ten per cent of the permit fee shall be paid by the 59510
permit holder if the application for renewal is not filed at least 59511

fifteen days prior to the expiration of the permit. 59512

(D)(1) Annually, the tax commissioner shall examine the 59513
department of taxation's records for the horse-racing, alcoholic 59514
beverage, motor fuel, petroleum activity, sales or use, cigarette, 59515
other tobacco products, employer withholding, commercial activity, 59516
and gross casino revenue tax and gross receipts taxes levied 59517
pursuant to section 5739.101 of the Revised Code for each holder 59518
of a permit issued under sections 4303.02 to 4303.232 of the 59519
Revised Code to determine if the permit holder is delinquent in 59520
filing any returns, submitting any information required by the 59521
commissioner, or remitting any payments with respect to those 59522
taxes or any fees, charges, penalties, or interest related to 59523
those taxes. 59524

If any delinquency or liability exists, the commissioner 59525
shall send a notice of that fact ~~by certified mail, return receipt~~ 59526
~~requested, to the permit holder in the manner provided in section~~ 59527
5703.37 of the Revised Code. The notice shall specify, in as much 59528
detail as is possible, the periods for which returns have not been 59529
filed and the nature and amount of unpaid assessments and other 59530
liabilities and shall be sent on or before the first day of the 59531
third month preceding the month in which the permit expires. The 59532
commissioner also shall notify the division of liquor control of 59533
the delinquency or liability, identifying the permit holder by 59534
name and permit number. 59535

(2)(a) Except as provided in division (D)(4) of this section, 59536
the division of liquor control shall not renew the permit of any 59537
permit holder the tax commissioner has identified as being 59538
delinquent in filing any returns, providing any information, or 59539
remitting any payments with respect to the taxes listed in 59540
division (D)(1) of this section as of the first day of the sixth 59541
month preceding the month in which the permit expires, or of any 59542
permit holder the commissioner has identified as having been 59543

assessed by the department on or before the first day of the third 59544
month preceding the month in which the permit expires, until the 59545
division is notified by the commissioner that the delinquency, 59546
liability, or assessment has been resolved. 59547

(b)(i) Within ninety days after the date on which the permit 59548
expires, any permit holder whose permit is not renewed under this 59549
division may file an appeal with the liquor control commission. 59550
The commission shall notify the tax commissioner regarding the 59551
filing of any such appeal. During the period in which the appeal 59552
is pending, the permit shall not be renewed by the division. The 59553
permit shall be reinstated if the permit holder and the 59554
commissioner or the attorney general demonstrate to the liquor 59555
control commission that the commissioner's notification of a 59556
delinquency or assessment was in error or that the issue of the 59557
delinquency or assessment has been resolved. 59558

(ii) A permit holder who has filed an appeal under division 59559
(D)(2)(b)(i) of this section may file a motion to withdraw the 59560
appeal. The division of liquor control may renew a permit holder's 59561
permit if the permit holder has withdrawn such an appeal and the 59562
division receives written certification from the tax commissioner 59563
that the permit holder's delinquency or assessment has been 59564
resolved. 59565

(3) A permit holder notified of delinquency or liability 59566
under this section may protest the notification to the tax 59567
commissioner on the basis that no return or information is 59568
delinquent and no tax, fee, charge, penalty, or interest is 59569
outstanding. The commissioner shall expeditiously consider any 59570
evidence submitted by the permit holder and, if it is determined 59571
that the notification was in error, immediately shall inform the 59572
division of liquor control that the renewal application may be 59573
granted. The renewal shall not be denied if the delinquency or 59574
unreported liability is the subject of a bona fide dispute as to 59575

the validity of the delinquency or unreported liability and is the 59576
subject of an assessment and of an appeal properly filed by the 59577
permit holder. 59578

(4) If the commissioner concludes that under the 59579
circumstances the permit holder's delinquency or liability has 59580
been conditionally resolved, the commissioner shall allow the 59581
permit to be renewed, conditioned upon the permit holder's 59582
continuing performance in satisfying the delinquency and 59583
liability. The conditional nature of the renewal shall be 59584
specified in the notification given to the division of liquor 59585
control under division (D)(1) of this section. Upon receipt of 59586
notice of the resolution, the division shall issue a conditional 59587
renewal. If the taxpayer defaults on any agreement to pay the 59588
delinquency or liability or fails to keep subsequent tax or fee 59589
payments current, the liquor control commission, upon request and 59590
proof of the default or failure to keep subsequent tax or fee 59591
payments current, shall indefinitely suspend the permit holder's 59592
permit until all taxes or fees and interest due are paid. 59593

(5) The commissioner may adopt rules to assist in 59594
administering the duties imposed by this section. 59595

Sec. 4303.30. The rights granted by any ~~D-2, D-3, D-3a, D-4,~~ 59596
~~D-4a, D-5, D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k,~~ 59597
~~D-5l, D-5m, D-5n, D-5o, or D-6~~ permit that authorizes on-premises 59598
consumption of beer, mixed beverages, wine, or spirituous liquor 59599
shall be exercised at not more than two fixed counters, commonly 59600
known as bars, in rooms or places on the permit premises, where 59601
beer, mixed beverages, wine, or spirituous liquor is sold to the 59602
public for consumption on the premises. For each additional fixed 59603
counter on the permit premises where those beverages are sold for 59604
consumption on the premises, the permit holder shall obtain a 59605
duplicate ~~D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5e, D-5f,~~ 59606

~~D 5g, D 5h, D 5i, D 5j, D 5k, D 5l, D 5m, D 5n, D 5o, or D 6~~ 59607
permit for the class of permit already issued. 59608

The holder of any ~~D 2, D 3, D 3a, D 4, D 4a, D 5, D 5a, D 5b,~~ 59609
~~D 5c, D 5f, D 5g, D 5h, D 5i, D 5j, D 5k, D 5l, D 5m, D 5n, D 5o,~~ 59610
~~or D 6~~ such permit shall be granted, upon application to the 59611
division of liquor control, a duplicate ~~D 2, D 3, D 3a, D 4, D 4a,~~ 59612
~~D 5, D 5a, D 5b, D 5c, D 5f, D 5g, D 5h, D 5i, D 5j, D 5k, D 5l,~~ 59613
~~D 5m, D 5n, D 5o, or D 6~~ permit for each additional fixed counter 59614
on the permit premises at which beer, mixed beverages, wine, or 59615
spirituous liquor is sold for consumption on the premises, 59616
provided the application is made in the same manner as an 59617
application for an original permit. The application shall be 59618
identified with DUPLICATE printed on the permit application form 59619
furnished by the department, in boldface type. The application 59620
shall identify by name, or otherwise amply describe, the room or 59621
place on the premises where the duplicate permit is to be 59622
operative. Each duplicate permit shall be issued only to the same 59623
individual, firm, or corporation as that of the original permit 59624
and shall be an exact duplicate in size and word content as the 59625
original permit, except that it shall show on it the name or other 59626
ample identification of the room, or place, for which it is issued 59627
and shall have DUPLICATE printed on it in boldface type. A 59628
duplicate permit shall bear the same number as the original 59629
permit. The fee for a duplicate permit is: ~~D 1, one hundred~~ 59630
~~dollars; D 2, one hundred dollars; D 3, four hundred dollars;~~ 59631
~~D 3a, four hundred dollars; D 4, two hundred dollars; D 5, one~~ 59632
~~thousand dollars; D 5a, one thousand dollars; D 5b, one thousand~~ 59633
~~dollars; D 5c, four hundred dollars; D 5e, six hundred fifty~~ 59634
~~dollars; D 5f, one thousand dollars; D 5o, one thousand dollars;~~ 59635
~~D 6, one hundred dollars when issued to the holder of a D 4a~~ 59636
~~permit; and in all other cases one hundred dollars or an amount~~ 59637
which is twenty per cent of the fees fee payable for ~~the A 1 A,~~ 59638
~~D 2, D 3, D 3a, D 4, D 5, D 5a, D 5b, D 5c, D 5f, D 5g, D 5h,~~ 59639

~~D 5i, D 5j, D 5k, D 5l, D 5m, D 5n, D 5o, and D 6~~ permits the 59640
original permit issued to the same premises, whichever is higher. 59641
Application for a duplicate permit may be filed any time during 59642
the life of an original permit. The fee for each duplicate ~~D 2,~~ 59643
~~D 3, D 3a, D 4, D 4a, D 5, D 5a, D 5b, D 5c, D 5f, D 5g, D 5h,~~ 59644
~~D 5i, D 5j, D 5k, D 5l, D 5m, D 5n, D 5o, or D 6~~ permit shall be 59645
paid in accordance with section 4303.24 of the Revised Code. 59646

Sec. 4503.03. (A)(1)(a) Except as provided in division (B) of 59647
this section, the registrar of motor vehicles may designate one or 59648
more of the following persons to act as a deputy registrar in each 59649
county: 59650

(i) The county auditor in any county, ~~subject to division~~ 59651
~~(A)(1)(b)(i) of this section;~~ 59652

(ii) The clerk of a court of common pleas in any county, ~~subject to division~~ 59653
~~(A)(1)(b)(ii) of this section;~~ 59654

(iii) An individual; 59655

(iv) A nonprofit corporation as defined in division (C) of 59656
section 1702.01 of the Revised Code. 59657

~~(b)(i) If the population of a county is forty thousand or~~ 59658
~~less according to the most recent federal decennial census and if~~ 59659
~~the county auditor is designated by the registrar as a deputy~~ 59660
~~registrar, no other person need be designated in the county to act~~ 59661
~~as a deputy registrar.~~ 59662

~~(ii) The registrar may designate a clerk of a court of common~~ 59663
~~pleas as a deputy registrar if the population of the county is~~ 59664
~~forty thousand or less according to the last federal census. In a~~ 59665
~~county with a population greater than forty thousand but not more~~ 59666
~~than fifty thousand according to the last federal census, the~~ 59667
~~clerk of a court of common pleas is eligible to act as a deputy~~ 59668
~~registrar and may participate in the competitive selection process~~ 59669

~~for the award of a deputy registrar contract by applying in the same manner as any other person. All fees collected and retained by a clerk for conducting deputy registrar services shall be paid into the county treasury to the credit of the certificate of title administration fund created under section 325.33 of the Revised Code.~~

~~Notwithstanding the county population restrictions in division (A)(1)(b) of this section, if no person applies to act under contract as a deputy registrar in a county and the county auditor is not designated as a deputy registrar, the registrar may ask the clerk of a court of common pleas to serve as the deputy registrar for that county.~~

~~(e)(b)~~ As part of the selection process in awarding a deputy registrar contract, the registrar shall consider the customer service performance record of any person previously awarded a deputy registrar contract pursuant to division (A)(1) of this section.

(2) Deputy registrars shall accept applications for the annual license tax for any vehicle not taxed under section 4503.63 of the Revised Code and shall assign distinctive numbers in the same manner as the registrar. Such deputies shall be located in such locations ~~in the county~~ as the registrar sees fit. ~~There~~ Except as provided in division (A)(3) of this section, there shall be at least one deputy registrar in each county.

(3) The registrar need not appoint a deputy registrar in a county to which all of the following apply:

(a) No individual, nonprofit corporation, or, where applicable, clerk of court of common pleas participates in the competitive selection process to be designated as a deputy registrar;

(b) Neither the county auditor nor the clerk of court of

common pleas agrees to be designated as a deputy registrar; 59701

(c) No individual or nonprofit corporation agrees to be designated as a deputy registrar; 59702
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(d) No deputy registrar operating an existing deputy registrar agency in another county agrees to be designated as the deputy registrar for that county. 59704
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(4) The registrar may reestablish a deputy registrar in any county without a deputy registrar if any of the following apply: 59707
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(a) The county auditor requests to be designated as a deputy registrar; 59709
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(b) The clerk of court of common pleas requests to be designated as a deputy registrar; 59711
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(c) A deputy registrar operating an existing deputy registrar agency in another county requests to be designated as a deputy registrar for that county; 59713
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(d) A qualified individual or nonprofit corporation requests to be designated as a deputy registrar. In the event that two or more qualified individuals, nonprofit corporations, or a combination thereof, request to be designated as a deputy registrar, the registrar may make the designation through the competitive selection process. 59716
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Deputy registrar contracts are subject to the provisions of division (B) of section 125.081 of the Revised Code. 59722
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(B)(1) The registrar shall not designate any person to act as a deputy registrar under division (A)(1) of this section if the person or, where applicable, the person's spouse or a member of the person's immediate family has made, within the current calendar year or any one of the previous three calendar years, one or more contributions totaling in excess of one hundred dollars to any person or entity included in division (A)(2) of section 59724
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4503.033 of the Revised Code. As used in this division, "immediate family" has the same meaning as in division (D) of section 102.01 of the Revised Code, and "entity" includes any political party and any "continuing association" as defined in division (C)(4) of section 3517.01 of the Revised Code or "political action committee" as defined in division (C)(8) of that section that is primarily associated with that political party. For purposes of this division, contributions to any continuing association or any political action committee that is primarily associated with a political party shall be aggregated with contributions to that political party.

The contribution limitations contained in this division do not apply to any county auditor or clerk of a court of common pleas. A county auditor or clerk of a court of common pleas is not required to file the disclosure statement or pay the filing fee required under section 4503.033 of the Revised Code. The limitations of this division also do not apply to a deputy registrar who, subsequent to being awarded a deputy registrar contract, is elected to an office of a political subdivision.

(2) The registrar shall not designate either of the following to act as a deputy registrar:

(a) Any elected public official other than a county auditor or, as authorized by division ~~(A)(1)(b)~~(A)(1) of this section, a clerk of a court of common pleas, acting in an official capacity, except that, the registrar shall continue and may renew a contract with any deputy registrar who, subsequent to being awarded a deputy registrar contract, is elected to an office of a political subdivision;

(b) Any person holding a current, valid contract to conduct motor vehicle inspections under section 3704.14 of the Revised Code.

(3) As used in division (B) of this section, "political subdivision" has the same meaning as in section 3501.01 of the Revised Code. 59762
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(C)(1) Except as provided in division (C)(2) of this section, 59765
deputy registrars are independent contractors and neither they nor 59766
their employees are employees of this state, except that nothing 59767
in this section shall affect the status of county auditors or 59768
clerks of courts of common pleas as public officials, nor the 59769
status of their employees as employees of any of the counties of 59770
this state, which are political subdivisions of this state. Each 59771
deputy registrar shall be responsible for the payment of all 59772
unemployment compensation premiums, all workers' compensation 59773
premiums, social security contributions, and any and all taxes for 59774
which the deputy registrar is legally responsible. Each deputy 59775
registrar shall comply with all applicable federal, state, and 59776
local laws requiring the withholding of income taxes or other 59777
taxes from the compensation of the deputy registrar's employees. 59778
Each deputy registrar shall maintain during the entire term of the 59779
deputy registrar's contract a policy of business liability 59780
insurance satisfactory to the registrar and shall hold the 59781
department of public safety, the director of public safety, the 59782
bureau of motor vehicles, and the registrar harmless upon any and 59783
all claims for damages arising out of the operation of the deputy 59784
registrar agency. 59785

(2) For purposes of Chapter 4141. of the Revised Code, 59786
determinations concerning the employment of deputy registrars and 59787
their employees shall be made under Chapter 4141. of the Revised 59788
Code. 59789

(D)(1) With the approval of the director, the registrar shall 59790
adopt rules governing deputy registrars. The rules shall do all of 59791
the following: 59792

(a) Establish requirements governing the terms of the 59793

contract between the registrar and each deputy registrar and the services to be performed; 59794
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(b) Establish requirements governing the amount of bond to be given as provided in this section; 59796
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(c) Establish requirements governing the size and location of the deputy's office; 59798
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(d) Establish requirements governing the leasing of equipment necessary to conduct the vision screenings required under section 4507.12 of the Revised Code and training in the use of the equipment; 59800
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(e) Encourage every deputy registrar to inform the public of the location of the deputy registrar's office and hours of operation by means of public service announcements; 59804
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(f) Allow any deputy registrar to advertise in regard to the operation of the deputy registrar's office, including allowing nonprofit corporations operating as a deputy registrar to advertise that a specified amount of proceeds collected by the nonprofit corporation are directed to a specified charitable organization or philanthropic cause; 59807
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(g) Specify the hours the deputy's office is to be open to the public and require as a minimum that one deputy's office in each county be open to the public for at least four hours each weekend, provided that if only one deputy's office is located within the boundary of the county seat, that office is the office that shall be open for the four-hour period each weekend; 59813
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(h) Specify that every deputy registrar, upon request, provide any person with information about the location and office hours of all deputy registrars in the county; 59819
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(i) Allow a deputy registrar contract to be awarded to a nonprofit corporation formed under the laws of this state; 59822
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~~(j) Except as provided in division (D)(2) of this section, prohibit any deputy registrar from operating more than one deputy registrar's office at any time;~~ 59824
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~~(k) For the duration of any deputy registrar contract, require that the deputy registrar occupy a primary residence in a location that is within a one hour commute time from the deputy registrar's office or offices. The rules shall require the registrar to determine commute time by using multiple established internet based mapping services.~~ 59827
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~~(l)~~ Establish procedures for a deputy registrar to request the authority to collect reinstatement fees under sections 4507.1612, 4507.45, 4509.101, 4509.81, 4510.10, 4510.22, 4510.72, and 4511.191 of the Revised Code and to transmit the reinstatement fees and two dollars of the service fee collected under those sections. The registrar shall ensure that at least one deputy registrar in each county has the necessary equipment and is able to accept reinstatement fees. The registrar shall deposit the service fees received from a deputy registrar under those sections into the public safety - highway purposes fund created in section 4501.06 of the Revised Code and shall use the money for deputy registrar equipment necessary in connection with accepting reinstatement fees. 59833
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~~(m)~~(k) Establish standards for a deputy registrar, when the deputy registrar is not a county auditor or a clerk of a court of common pleas, to sell advertising rights to third party businesses to be placed in the deputy registrar's office; 59846
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~~(n)~~(l) Allow any deputy registrar that is not a county auditor or a clerk of a court of common pleas to operate a vending machine; 59850
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~~(o)~~(m) Establish such other requirements as the registrar and director consider necessary to provide a high level of service. 59853
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(2) ~~Notwithstanding division (D)(1)(j) of this section, the~~ 59855
The rules may allow both of the following: 59856

(a) The registrar to award a contract to a deputy registrar 59857
to operate more than one deputy registrar's office if determined 59858
by the registrar to be practical; 59859

(b) A nonprofit corporation formed for the purposes of 59860
providing automobile-related services to its members or the public 59861
and that provides such services from more than one location in 59862
this state to operate a deputy registrar office at any location. 59863

(3) As a daily adjustment, the bureau of motor vehicles shall 59864
credit to a deputy registrar the amount established under section 59865
4503.038 of the Revised Code for each damaged license plate or 59866
validation sticker the deputy registrar replaces as a service to a 59867
member of the public. 59868

(4)(a) With the prior approval of the registrar, each deputy 59869
registrar may conduct at the location of the deputy registrar's 59870
office any business that is consistent with the functions of a 59871
deputy registrar and that is not specifically mandated or 59872
authorized by this or another chapter of the Revised Code or by 59873
implementing rules of the registrar. 59874

(b) In accordance with guidelines the director of public 59875
safety shall establish, a deputy registrar may operate or contract 59876
for the operation of a vending machine at a deputy registrar 59877
location if products of the vending machine are consistent with 59878
the functions of a deputy registrar. 59879

(c) A deputy registrar may enter into an agreement with the 59880
Ohio turnpike and infrastructure commission pursuant to division 59881
(A)(11) of section 5537.04 of the Revised Code for the purpose of 59882
allowing the general public to acquire from the deputy registrar 59883
the electronic toll collection devices that are used under the 59884
multi-jurisdiction electronic toll collection agreement between 59885

the Ohio turnpike and infrastructure commission and any other 59886
entities or agencies that participate in such an agreement. The 59887
approval of the registrar is not necessary if a deputy registrar 59888
engages in this activity. 59889

(5) Not later than July 1, 2025, the registrar shall provide 59890
every deputy registrar access to an internet-based application 59891
programming interface that does all of the following: 59892

(a) Assigns each deputy registrar a unique credential for use 59893
of the interface; 59894

(b) Allows each deputy registrar to provide online services 59895
and transactions for bureau of motor vehicle services otherwise 59896
provided at a deputy registrar agency; 59897

(c) Limits the use of the interface to the deputy registrars, 59898
the authorized agents of the deputy registrars, and the authorized 59899
agents of the registrar necessary for technical support. 59900

The registrar may adopt rules in accordance with Chapter 119. 59901
of the Revised Code to implement and administer division (D)(5) of 59902
this section. Notwithstanding any provision of section 121.95 of 59903
the Revised Code to the contrary, a regulatory restriction 59904
contained in a rule adopted under division (D)(5) of this section 59905
is not subject to sections 121.95 to 121.953 of the Revised Code. 59906

(6) As used in this section and in section 4507.01 of the 59907
Revised Code, "nonprofit corporation" has the same meaning as in 59908
section 1702.01 of the Revised Code. 59909

(E)(1) Unless otherwise terminated and except for interim 59910
contracts lasting not longer than one year, contracts with deputy 59911
registrars shall be entered into through a competitive selection 59912
process and shall be limited in duration as follows: 59913

(a) For contracts entered into between July 1, 1996 and June 59914
29, 2014, for a period of not less than two years, but not more 59915

than three years; 59916

(b) For contracts entered into on or after June 29, 2014, for 59917
a period of five years, unless the registrar determines that a 59918
shorter contract term is appropriate for a particular deputy 59919
registrar. 59920

(2) All contracts with deputy registrars shall expire on the 59921
last Saturday of June in the year of their expiration. Prior to 59922
the expiration of any deputy registrar contract, the registrar, 59923
with the approval of the director, may award a one-year contract 59924
extension to any deputy registrar who has provided exemplary 59925
service based upon objective performance evaluations. 59926

(3)(a) The auditor of state may examine the accounts, 59927
reports, systems, and other data of each deputy registrar at least 59928
every two years. The registrar, with the approval of the director, 59929
shall immediately remove a deputy who violates any provision of 59930
the Revised Code related to the duties as a deputy, any rule 59931
adopted by the registrar, or a term of the deputy's contract with 59932
the registrar. The registrar also may remove a deputy who, in the 59933
opinion of the registrar, has engaged in any conduct that is 59934
either unbecoming to one representing this state or is 59935
inconsistent with the efficient operation of the deputy's office. 59936

(b) If the registrar, with the approval of the director, 59937
determines that there is good cause to believe that a deputy 59938
registrar or a person proposing for a deputy registrar contract 59939
has engaged in any conduct that would require the denial or 59940
termination of the deputy registrar contract, the registrar may 59941
require the production of books, records, and papers as the 59942
registrar determines are necessary, and may take the depositions 59943
of witnesses residing within or outside the state in the same 59944
manner as is prescribed by law for the taking of depositions in 59945
civil actions in the court of common pleas, and for that purpose 59946
the registrar may issue a subpoena for any witness or a subpoena 59947

duces tecum to compel the production of any books, records, or 59948
papers, directed to the sheriff of the county where the witness 59949
resides or is found. Such a subpoena shall be served and returned 59950
in the same manner as a subpoena in a criminal case is served and 59951
returned. The fees of the sheriff shall be the same as that 59952
allowed in the court of common pleas in criminal cases. Witnesses 59953
shall be paid the fees and mileage provided for under section 59954
119.094 of the Revised Code. The fees and mileage shall be paid 59955
from the fund in the state treasury for the use of the agency in 59956
the same manner as other expenses of the agency are paid. 59957

In any case of disobedience or neglect of any subpoena served 59958
on any person or the refusal of any witness to testify to any 59959
matter regarding which the witness lawfully may be interrogated, 59960
the court of common pleas of any county where the disobedience, 59961
neglect, or refusal occurs or any judge of that court, on 59962
application by the registrar, shall compel obedience by attachment 59963
proceedings for contempt, as in the case of disobedience of the 59964
requirements of a subpoena issued from that court, or a refusal to 59965
testify in that court. 59966

(4) Nothing in division (E) of this section shall be 59967
construed to require a hearing of any nature prior to the 59968
termination of any deputy registrar contract by the registrar, 59969
with the approval of the director, for cause. 59970

(F) Except as provided in section 2743.03 of the Revised 59971
Code, no court, other than the court of common pleas of Franklin 59972
county, has jurisdiction of any action against the department of 59973
public safety, the director, the bureau, or the registrar to 59974
restrain the exercise of any power or authority, or to entertain 59975
any action for declaratory judgment, in the selection and 59976
appointment of, or contracting with, deputy registrars. Neither 59977
the department, the director, the bureau, nor the registrar is 59978
liable in any action at law for damages sustained by any person 59979

because of any acts of the department, the director, the bureau, 59980
or the registrar, or of any employee of the department or bureau, 59981
in the performance of official duties in the selection and 59982
appointment of, and contracting with, deputy registrars. 59983

(G) The registrar shall assign to each deputy registrar a 59984
series of numbers sufficient to supply the demand at all times in 59985
the area the deputy registrar serves, and the registrar shall keep 59986
a record in the registrar's office of the numbers within the 59987
series assigned. Except as otherwise provided in section 3.061 of 59988
the Revised Code, each deputy shall be required to give bond in 59989
the amount of at least twenty-five thousand dollars, or in such 59990
higher amount as the registrar determines necessary, based on a 59991
uniform schedule of bond amounts established by the registrar and 59992
determined by the volume of registrations handled by the deputy. 59993
The form of the bond shall be prescribed by the registrar. The 59994
bonds required of deputy registrars, in the discretion of the 59995
registrar, may be individual or schedule bonds or may be included 59996
in any blanket bond coverage carried by the department. 59997

(H) Each deputy registrar shall keep a file of each 59998
application received by the deputy and shall register that motor 59999
vehicle with the name and address of its owner. 60000

(I) Upon request, a deputy registrar shall make the physical 60001
inspection of a motor vehicle and issue the physical inspection 60002
certificate required in section 4505.061 of the Revised Code. 60003

(J) Each deputy registrar shall file a report semiannually 60004
with the registrar of motor vehicles listing the number of 60005
applicants for licenses the deputy has served, the number of voter 60006
registration applications the deputy has completed and transmitted 60007
to the board of elections, and the number of voter registration 60008
applications declined. 60009

Sec. 4503.038. (A) Not later than ninety days after ~~the~~ 60010

~~effective date of this amendment July 3, 2019~~, the registrar of 60011
motor vehicles shall adopt rules in accordance with Chapter 119. 60012
of the Revised Code establishing a service fee that applies for 60013
purposes of sections 4503.03, 4503.036, 4503.042, 4503.10, 60014
4503.102, 4503.12, 4503.182, 4503.24, 4503.44, 4503.65, 4505.061, 60015
4506.08, 4507.24, 4507.50, 4507.52, 4509.05, 4519.03, 4519.05, 60016
4519.10, 4519.56, and 4519.69 of the Revised Code. The service fee 60017
shall be ~~five~~ six dollars. 60018

(B) Not later than ninety days after ~~the effective date of~~ 60019
~~this amendment July 3, 2019~~, the registrar shall adopt rules in 60020
accordance with Chapter 119. of the Revised Code establishing 60021
prorated service fees that apply for purposes of multi-year 60022
registrations authorized under section 4503.103 of the Revised 60023
Code. 60024

(C) Notwithstanding any provision of section 121.95 of the 60025
Revised Code to the contrary, a regulatory restriction contained 60026
in a rule adopted under this section is not subject to sections 60027
121.95 to 121.953 of the Revised Code. 60028

Sec. 4503.065. (A)(1) Division (A) of this section applies to 60029
any of the following persons: 60030

(a) An individual who is permanently and totally disabled; 60031

(b) An individual who is sixty-five years of age or older; 60032

(c) An individual who is the surviving spouse of a deceased 60033
person who was permanently and totally disabled or sixty-five 60034
years of age or older and who applied and qualified for a 60035
reduction in assessable value under this section in the year of 60036
death, provided the surviving spouse is at least fifty-nine but 60037
not sixty-five or more years of age on the date the deceased 60038
spouse dies. 60039

(2) The manufactured home tax on a manufactured or mobile 60040

home that is paid pursuant to division (C) of section 4503.06 of 60041
the Revised Code and that is owned and occupied as a home by an 60042
individual whose domicile is in this state and to whom this 60043
section applies, shall be reduced for any tax year for which an 60044
application for such reduction has been approved, provided the 60045
individual did not acquire ownership from a person, other than the 60046
individual's spouse, related by consanguinity or affinity for the 60047
purpose of qualifying for the reduction. An owner includes a 60048
settlor of a revocable or irrevocable inter vivos trust holding 60049
the title to a manufactured or mobile home occupied by the settlor 60050
as of right under the trust. 60051

(a) For manufactured and mobile homes for which the tax 60052
imposed by section 4503.06 of the Revised Code is computed under 60053
division (D)(2) of that section, the reduction shall equal one of 60054
the following amounts, as applicable to the person: 60055

(i) If the person received a reduction under this section for 60056
tax year 2007, the greater of the reduction for that tax year or 60057
the amount computed under division (A)(2)(b) of this section; 60058

(ii) If the person received, for any homestead, a reduction 60059
under division (A) of this section for tax year 2014 or under 60060
division (A)(1) of section 323.152 of the Revised Code for tax 60061
year 2013 or the person is the surviving spouse of such a person 60062
and the surviving spouse is at least fifty-nine years of age on 60063
the date the deceased spouse dies, the amount computed under 60064
division (A)(2)(b) of this section. ~~For purposes of divisions 60065
(A)(2)(a)(ii) and (iii) of this section, a person receives a 60066
reduction under division (A) of this section or division (A)(1) of 60067
section 323.152 of the Revised Code for tax year 2014 or 2013, 60068
respectively, if the person files a late application for that 60069
respective tax year that is approved by the county auditor under 60070
section 4503.066 or 323.153 of the Revised Code. 60071~~

(iii) If the person is not described in division (A)(2)(a)(i) 60072

or (ii) of this section and the person's total income does not 60073
exceed thirty thousand dollars, as adjusted under division 60074
(A)(2)(e) of this section, the amount computed under division 60075
(A)(2)(b) of this section. 60076

(b) The amount of the reduction under division (A)(2)(b) of 60077
this section equals the product of the following: 60078

(i) Twenty-five thousand dollars of the true value of the 60079
property in money, as adjusted under division (A)(2)(e) of this 60080
section; 60081

(ii) The assessment percentage established by the tax 60082
commissioner under division (B) of section 5715.01 of the Revised 60083
Code, not to exceed thirty-five per cent; 60084

(iii) The effective tax rate used to calculate the taxes 60085
charged against the property for the current year, where 60086
"effective tax rate" is defined as in section 323.08 of the 60087
Revised Code; 60088

(iv) The quantity equal to one minus the sum of the 60089
percentage reductions in taxes received by the property for the 60090
current tax year under section 319.302 of the Revised Code and 60091
division (B) of section 323.152 of the Revised Code. 60092

(c) For manufactured and mobile homes for which the tax 60093
imposed by section 4503.06 of the Revised Code is computed under 60094
division (D)(1) of that section, the reduction shall equal one of 60095
the following amounts, as applicable to the person: 60096

(i) If the person received a reduction under this section for 60097
tax year 2007, the greater of the reduction for that tax year or 60098
the amount computed under division (A)(2)(d) of this section; 60099

(ii) If the person received, for any homestead, a reduction 60100
under division (A) of this section for tax year 2014 or under 60101
division (A)(1) of section 323.152 of the Revised Code for tax 60102

year 2013 or the person is the surviving spouse of such a person 60103
and the surviving spouse is at least fifty-nine years of age on 60104
the date the deceased spouse dies, the amount computed under 60105
division (A)(2)(d) of this section. ~~For purposes of divisions~~ 60106
~~(A)(2)(c)(ii) and (iii) of this section, a person receives a~~ 60107
~~reduction under division (A) of this section or under division~~ 60108
~~(A)(1) of section 323.152 of the Revised Code for tax year 2014 or~~ 60109
~~2013, respectively, if the person files a late application for a~~ 60110
~~refund of overpayments for that respective tax year that is~~ 60111
~~approved by the county auditor under section 4503.066 of the~~ 60112
~~Revised Code.~~ 60113

(iii) If the person is not described in division (A)(2)(c)(i) 60114
or (ii) of this section and the person's total income does not 60115
exceed thirty thousand dollars, as adjusted under division 60116
(A)(2)(e) of this section, the amount computed under division 60117
(A)(2)(d) of this section. 60118

(d) The amount of the reduction under division (A)(2)(d) of 60119
this section equals the product of the following: 60120

(i) Twenty-five thousand dollars of the cost to the owner, or 60121
the market value at the time of purchase, whichever is greater, as 60122
those terms are used in division (D)(1) of section 4503.06 of the 60123
Revised Code, and as adjusted under division (A)(2)(e) of this 60124
section; 60125

(ii) The percentage from the appropriate schedule in division 60126
(D)(1)(b) of section 4503.06 of the Revised Code; 60127

(iii) The assessment percentage of forty per cent used in 60128
division (D)(1)(b) of section 4503.06 of the Revised Code; 60129

(iv) The tax rate of the taxing district in which the home 60130
has its situs. 60131

(e) ~~Each calendar year, the~~ The tax commissioner shall adjust 60132
the income threshold described in divisions (A)(2)(a)(iii) and 60133

(A)(2)(c)(iii) and the reduction amounts described in divisions 60134
(A)(2)(b)(i), (A)(2)(d)(i), (B)(1), (B)(2), (C)(1), and (C)(2) of 60135
this section by completing the following calculations in September 60136
of each year: 60137

(i) Determine the percentage increase in the gross domestic 60138
product deflator determined by the bureau of economic analysis of 60139
the United States department of commerce from the first day of 60140
January of the preceding calendar year to the last day of December 60141
of the preceding calendar year; 60142

(ii) Multiply that percentage increase by the total income 60143
threshold or reduction amount for the ensuing tax year, as 60144
applicable; 60145

(iii) Add the resulting product to the total income threshold 60146
or reduction amount, as applicable for the ensuing tax year; 60147

(iv) Round the resulting sum to the nearest multiple of one 60148
hundred dollars. 60149

The commissioner shall certify the amount resulting from ~~the~~ 60150
each adjustment to each county auditor not later than the first 60151
day of December each year. The certified amount applies to the 60152
second ensuing tax year. The commissioner shall not make the 60153
applicable adjustment in any calendar year in which the amount 60154
resulting from the adjustment would be less than the total income 60155
threshold or the reduction amount for the ensuing tax year. 60156

(B) The manufactured home tax levied pursuant to division (C) 60157
of section 4503.06 of the Revised Code on a manufactured or mobile 60158
home that is owned and occupied by a disabled veteran shall be 60159
reduced for any tax year for which an application for such 60160
reduction has been approved, provided the disabled veteran did not 60161
acquire ownership from a person, other than the disabled veteran's 60162
spouse, related by consanguinity or affinity for the purpose of 60163
qualifying for the reduction. An owner includes an owner within 60164

the meaning of division (A)(2) of this section. 60165

(1) For manufactured and mobile homes for which the tax 60166
imposed by section 4503.06 of the Revised Code is computed under 60167
division (D)(2) of that section, the reduction shall equal the 60168
product obtained by multiplying fifty thousand dollars of the true 60169
value of the property in money, as adjusted under division 60170
(A)(2)(e) of this section, by the amounts described in divisions 60171
(A)(2)(b)(ii) to (iv) of this section. 60172

(2) For manufactured and mobile homes for which the tax 60173
imposed by section 4503.06 of the Revised Code is computed under 60174
division (D)(1) of that section, the reduction shall equal the 60175
product obtained by multiplying fifty thousand dollars of the cost 60176
to the owner, or the market value at the time of purchase, 60177
whichever is greater, as those terms are used in division (D)(1) 60178
of section 4503.06 of the Revised Code, as adjusted under division 60179
(A)(2)(e) of this section, by the amounts described in divisions 60180
(A)(2)(d)(ii) to (iv) of this section. 60181

The reduction is in lieu of any reduction under section 60182
4503.0610 of the Revised Code or division (A) or (C) of this 60183
section. The reduction applies to only one manufactured or mobile 60184
home owned and occupied by a disabled veteran. 60185

If a manufactured or mobile home qualifies for a reduction in 60186
taxes under this division for the year in which the disabled 60187
veteran dies, and the disabled veteran is survived by a spouse who 60188
occupied the home when the disabled veteran died and who acquires 60189
ownership of the home, the reduction shall continue through the 60190
year in which the surviving spouse dies or remarries. 60191

(C) The manufactured home tax levied pursuant to division (C) 60192
of section 4503.06 of the Revised Code on a manufactured or mobile 60193
home that is owned and occupied by the surviving spouse of a 60194
public service officer killed in the line of duty shall be reduced 60195

for any tax year for which an application for such reduction has 60196
been approved, provided the surviving spouse did not acquire 60197
ownership from a person, other than the surviving spouse's 60198
deceased public service officer spouse, related by consanguinity 60199
or affinity for the purpose of qualifying for the reduction. An 60200
owner includes an owner within the meaning of division (A)(2) of 60201
this section. 60202

(1) For manufactured and mobile homes for which the tax 60203
imposed by section 4503.06 of the Revised Code is computed under 60204
division (D)(2) of that section, the reduction shall equal the 60205
product obtained by multiplying fifty thousand dollars of the true 60206
value of the property in money, as adjusted under division 60207
(A)(2)(e) of this section, by the amounts described in divisions 60208
(A)(2)(b)(ii) to (iv) of this section. 60209

(2) For manufactured and mobile homes for which the tax 60210
imposed by section 4503.06 of the Revised Code is computed under 60211
division (D)(1) of that section, the reduction shall equal the 60212
product obtained by multiplying fifty thousand dollars of the cost 60213
to the owner, or the market value at the time of purchase, 60214
whichever is greater, as those terms are used in division (D)(1) 60215
of section 4503.06 of the Revised Code, as adjusted under division 60216
(A)(2)(e) of this section, by the amounts described in divisions 60217
(A)(2)(d)(ii) to (iv) of this section. 60218

The reduction is in lieu of any reduction under section 60219
4503.0610 of the Revised Code or division (A) or (B) of this 60220
section. The reduction applies to only one manufactured or mobile 60221
home owned and occupied by such a surviving spouse. A manufactured 60222
or mobile home qualifies for a reduction in taxes under this 60223
division for the tax year in which the public service officer dies 60224
through the tax year in which the surviving spouse dies or 60225
remarries. 60226

(D) If the owner or the spouse of the owner of a manufactured 60227

or mobile home is eligible for a homestead exemption on the land 60228
upon which the home is located, the reduction to which the owner 60229
or spouse is entitled under this section shall not exceed the 60230
difference between the reduction to which the owner or spouse is 60231
entitled under division (A), (B), or (C) of this section and the 60232
amount of the reduction under the homestead exemption. 60233

(E) No reduction shall be made with respect to the home of 60234
any person convicted of violating division (C) or (D) of section 60235
4503.066 of the Revised Code for a period of three years following 60236
the conviction. 60237

Sec. 4503.27. A manufacturer, dealer, or distributor shall 60238
~~make application~~ apply for registration, for each place in this 60239
state at which the business of manufacturing, dealing, or 60240
distributing of motor vehicles is carried on. The application 60241
shall show the make of motor vehicles manufactured, dealt in, or 60242
distributed at such place and shall show the taxing district in 60243
which the place of business is located. Upon the filing of such 60244
application and the payment of the annual tax ~~and postage therefor~~ 60245
imposed by section 4503.09 of the Revised Code, the registrar of 60246
motor vehicles shall assign to the applicant a distinctive number 60247
~~which that~~ must be carried and displayed by each such motor 60248
vehicle in like manner as provided by law for other motor vehicles 60249
while it is operated on the public highway until it is sold or 60250
transferred. At the time the registrar assigns the distinctive 60251
number the registrar shall furnish one ~~placard~~ license plate with 60252
the number thereon. Such manufacturer, dealer, or distributor may 60253
procure a reasonable number of ~~certified copies of the~~ additional 60254
~~registration certificate~~ certificates upon the payment for each of 60255
an annual fee of five dollars and the appropriate postage as 60256
required by the registrar. With each ~~of the certified copies~~ 60257
additional registration certificate the registrar shall furnish 60258
one ~~placard~~ license plate with the same numbering provided in the 60259

original registration certificate, and shall add thereto such 60260
special designation as necessary to distinguish one ~~set of~~ 60261
~~placards~~ license plate from another. 60262

The registrar shall not assign any distinctive number and 60263
shall not furnish any ~~placards~~ license plates to any dealer or 60264
distributor unless the dealer or distributor, at the time of 60265
~~making~~ application for the ~~placards~~ license plates, produces 60266
evidence to show that the dealer or distributor is the holder 60267
either of a motor vehicle dealer's license required by section 60268
4517.04 or 4517.05 of the Revised Code or a distributor's license 60269
required by section 4517.08 of the Revised Code. Such evidence 60270
shall be presented in the manner prescribed by the registrar. 60271

Sec. 4503.271. A new motor vehicle may be operated on the 60272
public roads or highways of this state without displaying a 60273
license plate ~~or placard~~ issued to a manufacturer, dealer, or 60274
distributor under section 4503.27 of the Revised Code or any other 60275
license plate specified in the Revised Code if all of the 60276
following apply to the new motor vehicle: 60277

(A) The new motor vehicle was being transported on a railroad 60278
car; 60279

(B) The railroad car or the train of which the railroad car 60280
was a part was involved in an accident that required the unloading 60281
of the new motor vehicle from the railroad car in order to 60282
preserve its condition or to facilitate the process of returning 60283
the accident site to its normal state; 60284

(C) The operator of the new motor vehicle was instructed by a 60285
law enforcement officer at the accident site to drive the new 60286
motor vehicle from the accident site directly to another location 60287
for the purpose of removing the new motor vehicle from the 60288
accident site and storing the new motor vehicle; 60289

(D) The operator of the new motor vehicle proceeds from the 60290
accident site to the storage location utilizing the most direct 60291
route. 60292

Sec. 4503.28. (A) No person who is a manufacturer of, dealer 60293
in, or distributor of motor vehicles shall fail to file an 60294
application for registration ~~and~~ to pay the tax for the 60295
registration, and to apply for and pay the legal fees for as many 60296
~~certified copies of the~~ additional registration certificates as 60297
the law requires. 60298

(B) Whoever violates this section is guilty of a misdemeanor 60299
of the fourth degree. 60300

Sec. 4503.30. (A) Any ~~placards~~ license plates issued by the 60301
registrar of motor vehicles and bearing the distinctive number 60302
assigned to a manufacturer, dealer, or distributor pursuant to 60303
section 4503.27 of the Revised Code may be displayed on any motor 60304
vehicle, other than commercial cars, or on any motorized bicycle 60305
owned by the manufacturer, dealer, or distributor, or lawfully in 60306
the possession or control of the manufacturer, or the agent or 60307
employee of the manufacturer, the dealer, or the agent or employee 60308
of the dealer, the distributor, or the agent or employee of the 60309
distributor, ~~and~~. Such license plates shall be displayed on no 60310
other motor vehicle or motorized bicycle. ~~A placard~~ 60311

(B)(1) A license plate issued to a dealer under section 60312
4503.27 of the Revised Code may be displayed on a motor vehicle, 60313
other than a commercial car, owned by a dealer when the vehicle is 60314
in transit from a dealer to a purchaser, when the vehicle is being 60315
demonstrated for sale or lease, or when the vehicle otherwise is 60316
being utilized by the dealer. ~~A~~ 60317

(2) A vehicle bearing a ~~placard~~ license plate issued to a 60318
dealer under section 4503.27 of the Revised Code may be operated 60319

by the dealer, an agent or employee of the dealer, a prospective purchaser, or a third party operating the vehicle with the permission of the dealer.

~~Such placards~~ (C) A license plate issued to a manufacturer, dealer, or distributor pursuant to section 4503.27 of the Revised Code may be displayed on commercial cars only when the cars are in transit from a manufacturer to a dealer, from a distributor to a dealer or distributor, or from a dealer to a purchaser, or when the cars are being demonstrated for sale or lease, ~~and~~. Such a license plate shall not be displayed when the cars are being used for delivery, hauling, transporting, or other commercial purpose.

~~(B)~~(D) Whoever violates this section is guilty of a misdemeanor of the third degree.

Sec. 4503.301. (A) A manufacturer, dealer, or distributor of motor vehicles may apply for a reasonable number of commercial car demonstration ~~placards~~ license plates. The application shall show the make of commercial cars, commercial tractors, trailers, and semitrailers manufactured, dealt, or distributed in and shall show the taxing district in which the applicant's place of business is located.

Upon the filing of such application and the payment of an annual fee of five hundred dollars and appropriate postage as required by the registrar of motor vehicles, the registrar shall assign to the applicant a distinctive ~~placard~~ and number and the requested license plates with the number thereon. Such ~~placards~~ license plates shall be known as "commercial car demonstration ~~placards~~ license plates," and shall expire on a date prescribed by the registrar. Upon the first application by any person for such ~~placards~~ license plates, the registrar shall prorate the annual fee in accordance with section 4503.11 of the Revised Code; for all renewals or replacements of such ~~placards~~ license plates, the

registrar shall collect the full amount of the annual fee. 60351

Commercial car demonstration ~~placards~~ license plates may be 60352
displayed on commercial cars, commercial tractors, trailers and 60353
semitrailers owned by the manufacturer, dealer, or distributor, 60354
when those vehicles are operated by or being demonstrated to a 60355
prospective purchaser. In addition to the purposes permitted by 60356
section 4503.30 of the Revised Code, the ~~placards~~ license plates 60357
provided for in this section may be displayed on vehicles operated 60358
or used for delivery, hauling, transporting, or any other lawful 60359
purpose. When such ~~placards~~ license plates are used, the ~~placards~~ 60360
license plates provided for in section 4503.30 of the Revised Code 60361
need not be displayed. 60362

The operator of any commercial car, commercial tractor, 60363
trailer, or semitrailer displaying the ~~placards~~ license plates 60364
provided for in this section, at all times, shall carry with the 60365
operator a letter from the manufacturer, dealer, or distributor 60366
authorizing the use of such manufacturer's, dealer's, or 60367
distributor's commercial car demonstration ~~placards~~ license 60368
plates. 60369

When such ~~placards~~ license plates are used on any commercial 60370
car or commercial tractor, such power unit shall be considered 60371
duly registered and licensed for the purposes of section 4503.38 60372
of the Revised Code. 60373

(B) No manufacturer, dealer, or distributor of motor vehicles 60374
shall use the commercial car demonstration ~~placard~~ license plates 60375
for purposes other than those authorized by this section. 60376

(C) Whoever violates division (B) of this section is guilty 60377
of a misdemeanor of the third degree. 60378

Sec. 4503.31. (A) As used in this section, "person" includes, 60379
but is not limited to, any person engaged in the business of 60380

manufacturing or distributing, or selling at retail, displaying, 60381
offering for sale, or dealing in, motorized bicycles who is not 60382
subject to section 4503.09 of the Revised Code, or an Ohio 60383
nonprofit corporation engaged in the business of testing of motor 60384
vehicles. 60385

(B) Persons other than manufacturers, dealers, or 60386
distributors may register annually with the registrar of motor 60387
vehicles and obtain ~~placards~~ license plates to be displayed on 60388
motor vehicles as provided by this section. Applications for 60389
annual registration shall be made at the time provided for payment 60390
of the tax ~~and postage~~ otherwise imposed on manufacturers, 60391
dealers, or distributors by section 4503.09 of the Revised Code 60392
and shall be in the manner to be prescribed by the registrar. The 60393
fee for such registration shall be twenty-five dollars and shall 60394
not be reduced when the registration is for a part of a year. 60395
Applicants may procure a reasonable number of ~~certified copies of~~ 60396
~~such~~ additional registration certificates upon the payment of a 60397
fee of five dollars and appropriate postage as required by the 60398
registrar for each copy. 60399

(C) Upon the filing of the application and the payment of the 60400
fee and postage prescribed by this section, the registrar shall 60401
issue to each applicant a certificate of registration and assign a 60402
distinctive number and furnish one ~~placard~~ license plate with the 60403
number thereon. With each ~~of the certified copies of the~~ 60404
additional registration certificate provided for in this section 60405
the registrar shall furnish one ~~placard~~ license plate with the 60406
same numbering assigned in the original registration certificate 60407
and shall add thereto such special designation as necessary to 60408
distinguish one ~~set of placards~~ license plate from another. All 60409
~~placards~~ license plates furnished by the registrar pursuant to 60410
this section shall be so marked as to be distinguishable from 60411
~~placards~~ license plates issued to dealers, manufacturers, or 60412

distributors. ~~Placards~~ 60413

(D) Except as provided by divisions (E) and (F) of this 60414
section, license plates issued pursuant to this section may be 60415
used only on ~~motor~~ the following: 60416

(1) Motor vehicles or motorized bicycles owned and being used 60417
in testing or being demonstrated for purposes of sale or lease; ~~or~~ 60418
~~on motor~~ 60419

(2) Motor vehicles subject to the rights and remedies of a 60420
secured party being exercised under Chapter 1309. of the Revised 60421
Code; ~~or on motor~~ 60422

(3) Motor vehicles being held or transported by any insurance 60423
company for purposes of salvage disposition; ~~or on motor~~ 60424

(4) Motor vehicles being transported by any persons regularly 60425
engaged in salvage operations or scrap metal processing from the 60426
point of acquisition to their established place of business; ~~or on~~ 60427
~~motor~~ 60428

(5) Motor vehicles owned by or in the lawful possession of an 60429
Ohio nonprofit corporation while being used in the testing of 60430
those motor vehicles. 60431

~~Placards~~ (E) License plates issued pursuant to this section 60432
also may be used by ~~persons~~ all of the following: 60433

(1) Persons regularly engaged in the business of 60434
rustproofing, reconditioning, or installing equipment or trim on 60435
motor vehicles for motor vehicle dealers and shall be used 60436
exclusively when such motor vehicles are being transported to or 60437
from the motor vehicle dealer's place of business; ~~and by persons~~ 60438

(2) Persons engaged in manufacturing articles for attachment 60439
to motor vehicles when such motor vehicles are being transported 60440
to or from places where mechanical equipment is attached to the 60441
chassis of such new motor vehicles; ~~or on motor vehicles being~~ 60442

~~towed by any persons~~ 60443

(3) Persons regularly and primarily engaged in the business 60444
of towing motor vehicles while such ~~vehicle is~~ motor vehicles are 60445
being towed to a point of storage. 60446

~~Placards~~ (F) License plates issued pursuant to this section 60447
also may be used on trailers being transported by persons engaged 60448
in the business of selling tangible personal property other than 60449
motor vehicles. 60450

(G) No person required to register an apportionable vehicle 60451
under the international registration plan shall apply for or 60452
receive a ~~placard~~ license plate for that vehicle under this 60453
section. 60454

(H) The fees collected by the registrar pursuant to this 60455
section shall be paid into the public safety - highway purposes 60456
fund established in section 4501.06 of the Revised Code and used 60457
for the purposes described in that section. 60458

Sec. 4503.311. A manufacturer of or dealer in trailers for 60459
transporting watercraft may apply for registration with the 60460
registrar of motor vehicles for each place in this state where the 60461
manufacturer or dealer carries on the business of manufacturing or 60462
dealing in such trailers. Applications for annual registration 60463
shall be made at the time provided for payment of the tax imposed 60464
on manufacturers and dealers by section 4503.09 of the Revised 60465
Code and shall be in the manner to be prescribed by the registrar. 60466
The fee for such registration shall be twenty-five dollars and 60467
shall not be reduced when the registration is for a part of a 60468
year. 60469

Upon the filing of such application and the payment of the 60470
fee and appropriate postage as required by the registrar ~~of motor~~ 60471
~~vehicles~~, the registrar shall assign to the applicant a 60472

distinctive number which shall be displayed on the rear of each 60473
trailer while it is operated on the public highway. Such trailer 60474
may be operated on the public highway while loaded, until it is 60475
sold or transferred. At the time the registrar assigns the 60476
distinctive number, the registrar shall furnish one ~~placard~~ 60477
license plate with the number thereon. Such manufacturer or dealer 60478
may procure a reasonable number of ~~certified copies of the~~ 60479
additional registration certificate certificates upon the payment 60480
of a fee of five dollars and postage. With each ~~of such certified~~ 60481
~~copies~~ additional registration certificate, the registrar shall 60482
furnish one ~~placard~~ license plate with the same number provided in 60483
the original registration certificate, and shall add thereto such 60484
special designation as necessary to distinguish one ~~set of~~ 60485
~~placards~~ license plate from another. All ~~placards~~ license plates 60486
furnished by the registrar pursuant to this section shall be so 60487
marked as to be distinguishable from ~~placards~~ license plates 60488
issued to dealers in or manufacturers of motor vehicles. 60489

The fees collected by the registrar pursuant to this section 60490
shall be paid into the public safety - highway purposes fund 60491
established in section 4501.06 of the Revised Code and used for 60492
the purposes described in that section. 60493

Sec. 4503.312. As used in this section: 60494

(A) "Utility trailer" means any trailer, except a travel 60495
trailer or trailer for transporting watercraft, having a gross 60496
weight of less than four thousand pounds. 60497

(B) "Snowmobile" and "all-purpose vehicle" have the same 60498
meanings as in section 4519.01 of the Revised Code. 60499

(C) "Distributor" means any person authorized by a 60500
manufacturer of utility trailers or trailers for transporting 60501
motorcycles, snowmobiles, or all-purpose vehicles to distribute 60502
new trailers to persons for purposes of resale. 60503

A manufacturer, distributor, or retail seller of utility trailers or trailers for transporting motorcycles, snowmobiles, or all-purpose vehicles may apply for registration with the registrar of motor vehicles for each place in this state where the manufacturer, distributor, or retail seller carries on the business of manufacturing, distributing, or selling at retail such trailers. Applications for annual registration shall be made at the time provided for payment of the tax imposed by section 4503.09 of the Revised Code; shall be in the manner to be prescribed by the registrar; and shall be accompanied by an affidavit certifying that the applicant is a manufacturer, distributor, or retail seller of utility trailers or trailers for transporting motorcycles, snowmobiles, or all-purpose vehicles. The fee for such registration shall be twenty-five dollars and shall not be reduced when the registration is for a part of a year.

Upon the filing of the application and affidavit, and payment of the fee and appropriate postage as required by the registrar, the registrar shall assign to the applicant a distinctive number which shall be displayed on the rear of each trailer when it is operated on the public highway. Any trailer for transporting motorcycles, snowmobiles, or all-purpose vehicles that is not loaded may be operated on the public highway until it is sold or transferred; and any utility trailer that is not loaded, or that is being used to transport another utility trailer for purposes of demonstration or delivery, may be operated on the public highway until it is sold or transferred.

At the time the registrar assigns the distinctive number, the registrar shall furnish one ~~placard~~ license plate with the number thereon. The manufacturer, distributor, or retail seller may procure a reasonable number of ~~certified copies of the additional registration certificate~~ certificates upon the payment of a fee of

five dollars and postage. With each ~~of such certified copies~~ 60536
additional registration certificate, the registrar shall furnish 60537
one ~~placard~~ license plate with the same number provided in the 60538
original registration certificate, and shall add thereto such 60539
special designation as necessary to distinguish one ~~set of~~ 60540
~~placards~~ license plate from another. All ~~placards~~ license plates 60541
furnished by the registrar pursuant to this section shall be so 60542
marked as to be distinguishable from ~~placards~~ license plates 60543
issued to dealers in or manufacturers of motor vehicles or 60544
trailers for transporting watercraft. 60545

The fees collected by the registrar pursuant to this section 60546
shall be paid into the public safety - highway purposes fund 60547
established by section 4501.06 of the Revised Code and used for 60548
the purposes described in that section. 60549

Sec. 4503.32. (A) No person shall use the license ~~placards~~ 60550
plates provided for in section 4503.31 of the Revised Code 60551
contrary to said section. 60552

(B) Whoever violates this section is guilty of a misdemeanor 60553
of the third degree. 60554

Sec. 4503.33. A person, firm, or corporation engaged in this 60555
state as a drive-away operator or trailer transporter or both in 60556
the business of transporting and delivering, by means of the full 60557
mount method, the saddle mount method, the tow bar method, 60558
tow-away method, or any combination thereof, or under their own 60559
power, new motor vehicles from the manufacturer or any other point 60560
of origin to any point of destination, or used motor vehicles from 60561
any individual, firm, or corporation to any point of destination, 60562
or both, shall ~~make application~~ apply to the registrar of motor 60563
vehicles for an "in transit" permit. This application shall be 60564
accompanied by a registration fee of fifty dollars, and shall show 60565

such information as is considered necessary by the registrar. Upon 60566
the filing of the application and the payment of the annual fee 60567
and appropriate postage as required by the registrar, the 60568
registrar shall issue to each permittee a certificate of 60569
registration bearing a distinctive number or designation of the 60570
registration and one ~~placard~~ license plate bearing a corresponding 60571
number or designation, ~~which placard must.~~ The license plate shall 60572
be carried and displayed by each such motor vehicle in like manner 60573
as provided by law for other motor vehicles while operated upon a 60574
public highway in transit from the manufacturer or any other point 60575
of origin to any point of destination. 60576

A permittee may procure a reasonable number of ~~certified~~ 60577
~~copies of such~~ additional registration certificate certificates 60578
upon the payment of a fee of three dollars and postage. With each 60579
such ~~certified copy~~ additional registration certificate the 60580
registrar shall furnish one ~~placard~~ license plate with the same 60581
numbering or designation provided in the original registration 60582
certificate, and the registrar may add thereto such special 60583
designation as may be necessary to distinguish one ~~placard~~ license 60584
plate from another. 60585

No person required to register an apportionable vehicle under 60586
the international registration plan shall apply for or receive a 60587
~~placard~~ license plate for that vehicle under this section. 60588

Sec. 4503.34. (A) No person who is a drive-away operator or 60589
trailer transporter, or both, engaged in the business of 60590
transporting and delivering new motor vehicles or used motor 60591
vehicles, or both, by means of the full mount method, the saddle 60592
mount method, the tow bar method, the tow-away method, or any 60593
combination thereof, or under their own power, shall fail to file 60594
an application as required by section 4503.33 of the Revised Code, 60595
~~and~~ to pay the fees therefor, and to apply for and pay the legal 60596

fees for as many ~~certified copies~~ additional registration 60597
certificates thereof as said section requires. 60598

(B) Whoever violates this section is guilty of a minor 60599
misdemeanor. 60600

Sec. 4503.44. (A) As used in this section and in section 60601
4511.69 of the Revised Code: 60602

(1) "Person with a disability that limits or impairs the 60603
ability to walk" means any person who, as determined by a health 60604
care provider, meets any of the following criteria: 60605

(a) Cannot walk two hundred feet without stopping to rest; 60606

(b) Cannot walk without the use of, or assistance from, a 60607
brace, cane, crutch, another person, prosthetic device, 60608
wheelchair, or other assistive device; 60609

(c) Is restricted by a lung disease to such an extent that 60610
the person's forced (respiratory) expiratory volume for one 60611
second, when measured by spirometry, is less than one liter, or 60612
the arterial oxygen tension is less than sixty millimeters of 60613
mercury on room air at rest; 60614

(d) Uses portable oxygen; 60615

(e) Has a cardiac condition to the extent that the person's 60616
functional limitations are classified in severity as class III or 60617
class IV according to standards set by the American heart 60618
association; 60619

(f) Is severely limited in the ability to walk due to an 60620
arthritic, neurological, or orthopedic condition; 60621

(g) Is blind, legally blind, or severely visually impaired. 60622

(2) "Organization" means any private organization or 60623
corporation, or any governmental board, agency, department, 60624

division, or office, that, as part of its business or program, 60625
transports persons with disabilities that limit or impair the 60626
ability to walk on a regular basis in a motor vehicle that has not 60627
been altered for the purpose of providing it with accessible 60628
equipment for use by persons with disabilities. This definition 60629
does not apply to division (I) of this section. 60630

(3) "Health care provider" means a physician, physician 60631
assistant, advanced practice registered nurse, optometrist, or 60632
chiropractor as defined in this section except that an optometrist 60633
shall only make determinations as to division (A)(1)(g) of this 60634
section. 60635

(4) "Physician" means a person licensed to practice medicine 60636
or surgery or osteopathic medicine and surgery under Chapter 4731. 60637
of the Revised Code. 60638

(5) "Chiropractor" means a person licensed to practice 60639
chiropractic under Chapter 4734. of the Revised Code. 60640

(6) "Advanced practice registered nurse" means a certified 60641
nurse practitioner, clinical nurse specialist, certified 60642
registered nurse anesthetist, or certified nurse-midwife who holds 60643
a certificate of authority issued by the board of nursing under 60644
Chapter 4723. of the Revised Code. 60645

(7) "Physician assistant" means a person who is licensed as a 60646
physician assistant under Chapter 4730. of the Revised Code. 60647

(8) "Optometrist" means a person licensed to engage in the 60648
practice of optometry under Chapter 4725. of the Revised Code. 60649

(9) "Removable windshield placard" includes a standard 60650
removable windshield placard, a temporary removable windshield 60651
placard, or a permanent removable windshield placard, unless 60652
otherwise specified. 60653

(B)(1) An organization, or a person with a disability that 60654

limits or impairs the ability to walk, may apply for the 60655
registration of any motor vehicle the organization or person owns 60656
or leases. When a motor vehicle has been altered for the purpose 60657
of providing it with accessible equipment for a person with a 60658
disability that limits or impairs the ability to walk, but is 60659
owned or leased by someone other than such a person, the owner or 60660
lessee may apply to the registrar of motor vehicles or a deputy 60661
registrar for registration under this section. The application for 60662
registration of a motor vehicle owned or leased by a person with a 60663
disability that limits or impairs the ability to walk shall be 60664
accompanied by a signed statement from the applicant's health care 60665
provider certifying that the applicant meets at least one of the 60666
criteria contained in division (A)(1) of this section and that the 60667
disability is expected to continue for more than six consecutive 60668
months. The application for registration of a motor vehicle that 60669
has been altered for the purpose of providing it with accessible 60670
equipment for a person with a disability that limits or impairs 60671
the ability to walk but is owned by someone other than such a 60672
person shall be accompanied by such documentary evidence of 60673
vehicle alterations as the registrar may require by rule. 60674

(2) When an organization, a person with a disability that 60675
limits or impairs the ability to walk, or a person who does not 60676
have a disability that limits or impairs the ability to walk but 60677
owns a motor vehicle that has been altered for the purpose of 60678
providing it with accessible equipment for a person with a 60679
disability that limits or impairs the ability to walk first 60680
submits an application for registration of a motor vehicle under 60681
this section and every fifth year thereafter, the organization or 60682
person shall submit a signed statement from the applicant's health 60683
care provider, a completed application, and any required 60684
documentary evidence of vehicle alterations as provided in 60685
division (B)(1) of this section, and also a power of attorney from 60686
the owner of the motor vehicle if the applicant leases the 60687

vehicle. Upon submission of these items, the registrar or deputy 60688
registrar shall issue to the applicant appropriate vehicle 60689
registration and a set of license plates and validation stickers, 60690
or validation stickers alone when required by section 4503.191 of 60691
the Revised Code. In addition to the letters and numbers 60692
ordinarily inscribed thereon, the license plates shall be 60693
imprinted with the international symbol of access. The license 60694
plates and validation stickers shall be issued upon payment of the 60695
regular license fee as prescribed under section 4503.04 of the 60696
Revised Code and any motor vehicle tax levied under Chapter 4504. 60697
of the Revised Code, and the payment of a service fee equal to the 60698
amount ~~specified in division (D) or (G) of~~ established under 60699
section ~~4503.10~~ 4503.038 of the Revised Code. 60700

(3) A person with a disability that limits or impairs the 60701
ability to walk, but whose disability is not readily apparent to 60702
another person, may apply to the registrar, in accordance with 60703
divisions (B)(1) and (2) of this section, for a license plate with 60704
an orange international symbol of access imprinted on the plate. 60705
The registrar shall provide for and issue such a license plate. 60706

All other rules relating to the issuance, expiration, 60707
revocation, surrender, and proper display of a license plate apply 60708
to a license plate issued under this division. Nothing in this 60709
division shall be construed to require a person who qualifies for 60710
a license plate under division (B) of this section to apply for 60711
and obtain the license plate with the orange international symbol 60712
of access. 60713

(C)(1) A person with a disability that limits or impairs the 60714
ability to walk may apply to the registrar ~~of motor vehicles~~ for a 60715
removable windshield placard by completing and signing an 60716
application provided by the registrar. ~~The~~ 60717

(2) The person shall include with the application a 60718
prescription from the person's health care provider prescribing 60719

such a placard for the person based upon a determination that the person meets at least one of the criteria contained in division (A)(1) of this section. The health care provider shall state on the prescription the length of time the health care provider expects the applicant to have the disability that limits or impairs the person's ability to walk. If the length of time the applicant is expected to have the disability is six consecutive months or less, the applicant shall submit an application for a temporary removable windshield placard. If the length of time the applicant is expected to have the disability is permanent, the applicant shall submit an application for a permanent removable windshield placard. All other applicants shall submit an application for a standard removable windshield placard.

(3) In addition to one placard or one or more sets of license plates, a person with a disability that limits or impairs the ability to walk is entitled to one additional placard, but only if the person applies separately for the additional placard, states the reasons why the additional placard is needed, and the registrar, in the registrar's discretion determines that good and justifiable cause exists to approve the request for the additional placard.

~~(2)~~(4) An organization may apply to the registrar of motor vehicles for a standard removable windshield placard by completing and signing an application provided by the registrar. The organization shall comply with any procedures the registrar establishes by rule. The organization shall include with the application documentary evidence that the registrar requires by rule showing that the organization regularly transports persons with disabilities that limit or impair the ability to walk.

~~(3)~~ Upon (5) The registrar or deputy registrar shall issue to an applicant a standard removable windshield placard, a temporary removable windshield placard, or a permanent removable windshield

placard, as applicable, upon receipt of a all of the following: 60752

(a) A completed and signed application for a removable 60753
windshield placard,~~the;~~ 60754

(b) The accompanying documents required under division ~~(C)(1)~~ 60755
or ~~(2)(C)(2) or (4) of this section,~~ and payment; 60756

(c) Payment of a service fee equal to the amount ~~specified in~~ 60757
division ~~(D) or (G) of established under~~ section 4503.10 4503.038 60758
of the Revised Code, ~~the registrar or deputy registrar shall issue~~ 60759
to the applicant a removable windshield placard, which for a 60760
standard removable windshield placard or a temporary removable 60761
windshield placard, or payment of fifteen dollars for a permanent 60762
windshield placard. 60763

(6) The removable windshield placard shall ~~bear~~ display the 60764
date of expiration on both sides of the placard, ~~or the word~~ 60765
"permanent" if the placard is a permanent removable windshield 60766
placard, and shall be valid until expired, revoked, or 60767
surrendered. ~~Every~~ Except for a permanent removable windshield 60768
placard, which has no expiration, a removable windshield placard 60769
expires as described in division ~~(C)(4) of this section,~~ but in on 60770
the earliest of the following two dates: 60771

(a) The date that the person issued the placard is expected 60772
to no longer have the disability that limits or impairs the 60773
ability to walk, as indicated on the prescription submitted with 60774
the application for the placard; 60775

(b) Five years after the date of issuance on the placard. 60776

In no case shall a removable windshield placard be valid for 60777
a period of less than sixty days. ~~Removable~~ 60778

(7) Standard removable windshield placards shall be renewable 60779
upon application as ~~provided in division (C)(1) or (2) of this~~ 60780
section and upon payment of a service fee equal to the amount 60781

~~specified in division (D) or (G) of established under section 4503.10 4503.038 of the Revised Code for the renewal of a removable windshield placard.~~ The registrar shall provide the application form and shall determine the information to be included thereon. ~~The~~

(8) ~~The~~ registrar ~~also~~ shall determine the form and size of each type of the removable windshield placard, the material of which it is to be made, any differences in color between each type of placard to make them readily identifiable, and any other information to be included thereon, and shall adopt rules relating to the issuance, expiration, revocation, surrender, and proper display of such placards. A temporary removable windshield placard shall display the word "temporary" in letters of such size as the registrar shall prescribe. Any placard issued after October 14, 1999, shall be manufactured in a manner that allows the expiration date of the placard to be indicated on it through the punching, drilling, boring, or creation by any other means of holes in the placard.

~~(4)~~(9) In addition to the designs of the removable windshield placards specified in division (C)(8) of this section, the registrar shall provide for and issue an orange standard removable windshield placard with a white international symbol of access imprinted on it. A person with a disability that limits or impairs the ability to walk whose disability is not readily apparent to another person may apply to the registrar for the orange standard removable windshield placard. The placard shall otherwise be created with the same form, size, and material and shall display the same information as the standard removable windshield placard. All other requirements established under this section and under rules relating to the issuance, expiration, revocation, surrender, and proper display of a standard removable windshield placard shall apply. Nothing in this division shall be construed to

require a person to apply for and obtain a placard issued in 60814
accordance with division (C)(9) of this section, instead of the 60815
other removable windshield placards issued under this section. 60816

(10) At the time a removable windshield placard is issued to 60817
a person with a disability that limits or impairs the ability to 60818
walk, the registrar or deputy registrar shall enter into the 60819
records of the bureau of motor vehicles the last date on which the 60820
person will have that disability, as indicated on the accompanying 60821
prescription. ~~Not~~ For a standard removable windshield placard, not 60822
less than thirty days prior to that date and all removable 60823
windshield placard any renewal dates, the bureau shall send a 60824
renewal notice to that person at the person's last known address 60825
as shown in the records of the bureau, informing the person that 60826
the person's removable windshield placard will expire on the 60827
indicated date ~~not to exceed five years from the date of issuance,~~ 60828
and that the person is required to renew the placard by submitting 60829
to the registrar or a deputy registrar another prescription, ~~as~~ 60830
~~described in division (C)(1) or (2) of this section,~~ and by 60831
complying with the renewal provisions ~~prescribed in division~~ 60832
~~(C)(3) of this section.~~ If such a prescription is not received by 60833
the registrar or a deputy registrar by that date, the placard 60834
issued to that person expires and no longer is valid, and this 60835
fact shall be recorded in the records of the bureau. 60836

~~(5)~~(11) At least once every year, on a date determined by the 60837
registrar, the bureau shall examine the records of the office of 60838
vital statistics, located within the department of health, that 60839
pertain to deceased persons, and also the bureau's records of all 60840
persons who have been issued removable windshield placards ~~and~~ 60841
~~temporary removable windshield placards.~~ If the records of the 60842
office of vital statistics indicate that a person to whom a 60843
removable windshield placard ~~or temporary removable windshield~~ 60844
~~placard~~ has been issued is deceased, the bureau shall cancel that 60845

placard, and note the cancellation in its records. 60846

The office of vital statistics shall make available to the 60847
bureau all information necessary to enable the bureau to comply 60848
with division ~~(C)(5)~~(C)(11) of this section. 60849

~~(6)(12)~~ Nothing in this section shall be construed to require 60850
a person or organization to apply for a removable windshield 60851
placard or accessible license plates if the accessible license 60852
plates issued to the person or organization under prior law have 60853
not expired or been surrendered or revoked. 60854

~~(D)(1)(a)~~ A person with a disability that limits or impairs 60855
the ability to walk may apply to the registrar or a deputy 60856
registrar for a temporary removable windshield placard. The 60857
application for a temporary removable windshield placard shall be 60858
accompanied by a prescription from the applicant's health care 60859
provider prescribing such a placard for the applicant, provided 60860
that the applicant meets at least one of the criteria contained in 60861
division ~~(A)(1)~~ of this section and that the disability is 60862
expected to continue for six consecutive months or less. The 60863
health care provider shall state on the prescription the length of 60864
time the health care provider expects the applicant to have the 60865
disability that limits or impairs the applicant's ability to walk, 60866
which cannot exceed six months from the date of the prescription. 60867
Upon receipt of an application for a temporary removable 60868
windshield placard, presentation of the prescription from the 60869
applicant's health care provider, and payment of a service fee 60870
equal to the amount specified in division ~~(D)~~ or ~~(C)~~ of section 60871
4503.10 of the Revised Code, the registrar or deputy registrar 60872
shall issue to the applicant a temporary removable windshield 60873
placard. 60874

~~(b)(D)~~ Any active-duty member of the armed forces of the 60875
United States, including the reserve components of the armed 60876
forces and the national guard, who has an illness or injury that 60877

limits or impairs the ability to walk may apply to the registrar 60878
or a deputy registrar for a temporary removable windshield 60879
placard. With the application, the person shall present evidence 60880
of the person's active-duty status and the illness or injury. 60881
Evidence of the illness or injury may include a current department 60882
of defense convalescent leave statement, any department of defense 60883
document indicating that the person currently has an ill or 60884
injured casualty status or has limited duties, or a prescription 60885
from any health care provider prescribing the placard for the 60886
applicant. Upon receipt of the application and the necessary 60887
evidence, the registrar or deputy registrar shall issue the 60888
applicant the temporary removable windshield placard without the 60889
payment of any service fee. 60890

~~(2) The temporary removable windshield placard shall be of 60891
the same size and form as the removable windshield placard, shall 60892
be printed in white on a red colored background, and shall bear 60893
the word "temporary" in letters of such size as the registrar 60894
shall prescribe. A temporary removable windshield placard also 60895
shall bear the date of expiration on the front and back of the 60896
placard, and shall be valid until expired, surrendered, or 60897
revoked, but in no case shall such a placard be valid for a period 60898
of less than sixty days. The registrar shall provide the 60899
application form and shall determine the information to be 60900
included on it, provided that the registrar shall not require a 60901
health care provider's prescription or certification for a person 60902
applying under division (D)(1)(b) of this section. The registrar 60903
also shall determine the material of which the temporary removable 60904
windshield placard is to be made and any other information to be 60905
included on the placard and shall adopt rules relating to the 60906
issuance, expiration, surrender, revocation, and proper display of 60907
those placards. Any temporary removable windshield placard issued 60908
after October 14, 1999, shall be manufactured in a manner that 60909
allows for the expiration date of the placard to be indicated on 60910~~

~~it through the punching, drilling, boring, or creation by any other means of holes in the placard.~~ 60911
60912

(E) If an applicant for a removable windshield placard is a veteran of the armed forces of the United States whose disability, as defined in division (A)(1) of this section, is service-connected, the registrar or deputy registrar, upon receipt of the application, presentation of a signed statement from the applicant's health care provider certifying the applicant's disability, and presentation of such documentary evidence from the department of veterans affairs that the disability of the applicant meets at least one of the criteria identified in division (A)(1) of this section and is service-connected as the registrar may require by rule, but without the payment of any service fee, shall issue the applicant a removable windshield placard that is valid until expired, surrendered, or revoked. 60913
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~~(F)~~(F)(1) Upon a conviction of a violation of division (H) or (I) of this section, the court shall report the conviction, and send the placard, if available, to the registrar, who thereupon shall revoke the privilege of using the placard and send notice in writing to the placardholder at that holder's last known address as shown in the records of the bureau, and the placardholder shall return the placard if not previously surrendered to the court, to the registrar within ten days following mailing of the notice. 60926
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(2) Whenever a person to whom a removable windshield placard has been issued moves to another state, the person shall surrender the placard to the registrar; and whenever an organization to which a placard has been issued changes its place of operation to another state, the organization shall surrender the placard to the registrar. 60934
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(3) If a person no longer requires a permanent removable windshield placard, the person shall notify and surrender the placard to the registrar or deputy registrar within ten days of no 60940
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longer requiring the placard. The person may still apply for a 60943
standard removable windshield placard or temporary removable 60944
windshield placard, if applicable. 60945

(G) Subject to division (F) of section 4511.69 of the Revised 60946
Code, the operator of a motor vehicle displaying a removable 60947
windshield placard, ~~temporary removable windshield placard,~~ or the 60948
accessible license plates authorized by this section is entitled 60949
to park the motor vehicle in any accessible parking location 60950
reserved for persons with disabilities that limit or impair the 60951
ability to walk. 60952

(H) No person or organization that is not eligible for the 60953
issuance of license plates or any placard under this section shall 60954
willfully and falsely represent that the person or organization is 60955
so eligible. 60956

No person or organization shall display license plates issued 60957
under this section unless the license plates have been issued for 60958
the vehicle on which they are displayed and are valid. 60959

(I) No person or organization to which a removable windshield 60960
placard ~~or temporary removable windshield placard~~ is issued shall 60961
do either of the following: 60962

(1) Display or permit the display of the placard on any motor 60963
vehicle when having reasonable cause to believe the motor vehicle 60964
is being used in connection with an activity that does not include 60965
providing transportation for persons with disabilities that limit 60966
or impair the ability to walk; 60967

(2) Refuse to return or surrender the placard, when required. 60968

(J) If a removable windshield placard, ~~temporary removable~~ 60969
~~windshield placard,~~ or parking card is lost, destroyed, or 60970
mutilated, the placardholder or cardholder may obtain a duplicate 60971
by doing both of the following: 60972

(1) Furnishing suitable proof of the loss, destruction, or mutilation to the registrar; 60973
60974

(2) Paying a service fee equal to the amount ~~specified in~~ 60975
~~division (D) or (C) of section 4503.10 of the Revised Code paid~~ 60976
when the placardholder obtained the original placard. 60977

Any placardholder or cardholder who loses a placard ~~or card~~ 60978
and, after obtaining a duplicate, finds the original, immediately 60979
shall surrender the original placard ~~or card~~ to the registrar. 60980

(K)(1) The registrar shall pay all fees received under this 60981
section for the issuance of removable windshield placards ~~or~~ 60982
~~temporary removable windshield placards~~ or duplicate removable 60983
windshield placards ~~or cards~~ into the state treasury to the credit 60984
of the public safety - highway purposes fund created in section 60985
4501.06 of the Revised Code. 60986

(2) In addition to the fees collected under this section, the 60987
registrar or deputy registrar shall ask each person applying for a 60988
removable windshield placard ~~or temporary removable windshield~~ 60989
~~placard~~ or duplicate removable windshield placard or license plate 60990
issued under this section, whether the person wishes to make a 60991
two-dollar voluntary contribution to support rehabilitation 60992
employment services. The registrar shall transmit the 60993
contributions received under this division to the treasurer of 60994
state for deposit into the rehabilitation employment fund, which 60995
is hereby created in the state treasury. A deputy registrar shall 60996
transmit the contributions received under this division to the 60997
registrar in the time and manner prescribed by the registrar. The 60998
contributions in the fund shall be used by the opportunities for 60999
Ohioans with disabilities agency to purchase services related to 61000
vocational evaluation, work adjustment, personal adjustment, job 61001
placement, job coaching, and community-based assessment from 61002
accredited community rehabilitation program facilities. 61003

(L) For purposes of enforcing this section, every peace officer is deemed to be an agent of the registrar. Any peace officer or any authorized employee of the bureau of motor vehicles who, in the performance of duties authorized by law, becomes aware of a person whose removable windshield placard or parking card has been revoked pursuant to this section, may confiscate that placard or parking card and return it to the registrar. The registrar shall prescribe any forms used by law enforcement agencies in administering this section.

No peace officer, law enforcement agency employing a peace officer, or political subdivision or governmental agency employing a peace officer, and no employee of the bureau is liable in a civil action for damages or loss to persons arising out of the performance of any duty required or authorized by this section. As used in this division, "peace officer" has the same meaning as in division (B) of section 2935.01 of the Revised Code.

(M) All applications for registration of motor vehicles, and removable windshield placards, ~~and temporary removable windshield placards~~ issued under this section, all renewal notices for such items, and all other publications issued by the bureau that relate to this section shall set forth the criminal penalties that may be imposed upon a person who violates any provision relating to accessible license plates issued under this section, the parking of vehicles displaying such license plates, and the issuance, procurement, use, and display of removable windshield placards ~~and temporary removable windshield placards~~ issued under this section.

(N) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

Sec. 4505.061. (A) If the application for a certificate of title refers to a motor vehicle last previously registered in another state, the application shall be accompanied by a physical

inspection certificate issued by the ~~department of public safety~~ 61035
registrar of motor vehicles. A physical inspection of a motor 61036
vehicle shall consist of verifying the make, body type, model, and 61037
mileage of, and manufacturer's vehicle identification number ~~of~~ 61038
from, the motor vehicle for which the certificate of title is 61039
desired. 61040

(B) The physical inspection certificate shall be in such form 61041
as is designated by the registrar ~~of motor vehicles. The~~ Except as 61042
provided for in division (C) of this section, the physical 61043
inspection of the motor vehicle shall ~~be made~~ occur at a either of 61044
the following: 61045

(1) A deputy registrar's office, ~~or at an;~~ 61046

(2) An established place of business ~~operated by~~ of a 61047
licensed motor vehicle dealer located in this state. Additionally, 61048
the 61049

(C) The physical inspection of a salvage vehicle owned by an 61050
insurance company may be made at an established place of business 61051
~~operated by a~~ of any of the following that is licensed and located 61052
in this state: 61053

(1) A motor vehicle salvage dealer, ~~;~~ 61054

(2) A salvage motor vehicle auction, ~~or;~~ 61055

(3) A salvage motor vehicle pool ~~licensed under Chapter 4738.~~ 61056
~~of the Revised Code. The~~ 61057

(D) The deputy registrar, motor vehicle dealer, motor vehicle 61058
salvage dealer, salvage motor vehicle auction, or salvage motor 61059
vehicle pool may charge a maximum fee equal to the amount 61060
established under section 4503.038 of the Revised Code for 61061
conducting the physical inspection. 61062

(E) The clerk of the court of common pleas shall charge a fee 61063
of one dollar and fifty cents for the processing of each physical 61064

inspection certificate. The clerk shall retain fifty cents of the 61065
one dollar and fifty cents so charged and shall pay the remaining 61066
one dollar to the registrar by monthly returns, which shall be 61067
forwarded to the registrar not later than the fifth day of the 61068
month next succeeding that in which the certificate is received by 61069
the clerk. The registrar shall pay such remaining sums into the 61070
public safety - highway purposes fund established by section 61071
4501.06 of the Revised Code. 61072

Sec. 4506.04. (A) No person shall do any of the following: 61073

(1) Drive a commercial motor vehicle while having in the 61074
person's possession or otherwise under the person's control more 61075
than one valid driver's license issued by this state, any other 61076
state, or by a foreign jurisdiction; 61077

(2) Drive a commercial motor vehicle on a highway in this 61078
state in violation of an out-of-service order, while the person's 61079
driving privilege is suspended, revoked, or canceled, or while the 61080
person is subject to disqualification; 61081

(3) Drive a motor vehicle on a highway in this state under 61082
authority of a commercial driver's license issued by another state 61083
or a foreign jurisdiction, after having been a resident of this 61084
state for thirty days or longer; 61085

(4) Knowingly give false information in any application or 61086
certification required by section 4506.07 of the Revised Code; 61087

(5) Knowingly provide false statements or engage in any 61088
fraudulent act related to testing for a commercial driver's 61089
license as required in section 4506.09 of the Revised Code. 61090

(B) The department of public safety shall give every 61091
conviction occurring out of this state and notice of which is 61092
received after December 31, 1989, full faith and credit and treat 61093
it for sanctioning purposes under this chapter as though the 61094

conviction had occurred in this state. 61095

(C)(1) Whoever violates division (A)(1), (2), or (3) of this 61096
section is guilty of a misdemeanor of the first degree. 61097

(2) Whoever violates division (A)(4) or (5) of this section 61098
is guilty of falsification, a misdemeanor of the first degree. In 61099
addition, the provisions of section 4507.19 of the Revised Code 61100
apply. 61101

Sec. 4506.06. (A) The registrar of motor vehicles, upon 61102
receiving an application for a commercial driver's license 61103
temporary instruction permit, may issue the permit to any person 61104
who is at least eighteen years of age and holds a valid driver's 61105
license, other than a restricted license, issued under Chapter 61106
4507. of the Revised Code. The registrar shall not issue a 61107
commercial driver's license temporary instruction permit for a 61108
period exceeding ~~six~~ twelve months. ~~The registrar shall grant only~~ 61109
~~one renewal of such a permit in a two year period.~~ A commercial 61110
driver's license temporary instruction permit is a prerequisite ~~to~~ 61111
~~the~~ for the following: 61112

(1) An initial issuance of a commercial driver's license ~~and~~ 61113
~~the~~ when a skills test is required; 61114

(2) An upgrade of a commercial driver's license ~~if the~~ 61115
~~upgrade requires~~ when a skills test is required. 61116

(B) The holder of a commercial driver's license temporary 61117
instruction permit, unless otherwise disqualified, may drive a 61118
commercial motor vehicle only when the holder has the permit in 61119
the holder's actual possession and is accompanied by a person who: 61120

(1) Holds a valid commercial driver's license and all 61121
necessary endorsements for the type of vehicle being driven; 61122

(2) Occupies a seat beside the permit holder for the purpose 61123
of giving instruction in driving the motor vehicle; and 61124

(3) Has the permit holder under observation and direct supervision. 61125
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(C)(1) The director of public safety shall adopt rules, in accordance with Chapter 119. of the Revised Code, authorizing the waiver of the knowledge test that is generally required in order to obtain a commercial driver's license temporary instruction permit. In order to obtain the waiver, an applicant for a commercial driver's license temporary instruction permit shall certify and provide evidence that, during the one-year period immediately preceding the application for the permit, all of the following apply: 61127
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(a) As authorized under 49 C.F.R. 383.77, the applicant is or was regularly employed and designated as one of the following: 61136
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(i) A motor transport operator - 88M, army; 61138

(ii) A PATRIOT launching station operator - 14T, army; 61139

(iii) A fueler - 92F, army; 61140

(iv) A vehicle operator - 2T1, air force; 61141

(v) A fueler - 2F0, air force; 61142

(vi) A pavement and construction equipment operator - 3E2, air force; 61143
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(vii) A motor vehicle operator - 3531, marine corps; 61145

(viii) An equipment operator - E.O., navy. 61146

(b) The applicant has been operating a vehicle representative of the type of commercial motor vehicle that the applicant expects to operate upon separation from the military or operated such a vehicle immediately preceding such separation. 61147
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(c) The applicant has not held more than one license simultaneously, excluding any military license. 61151
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(d) The applicant has not had any license suspended, revoked, 61153

or canceled. 61154

(e) The applicant has not had any convictions, for any type 61155
of motor vehicle, for the offenses for which disqualification is 61156
prescribed in section 4506.16 of the Revised Code. 61157

(f) The applicant has not had more than one conviction, for 61158
any type of motor vehicle, for a serious traffic violation. 61159

(g) The applicant has not had any violation of a military, 61160
state, or local law relating to motor vehicle traffic control, 61161
other than a parking violation, arising in connection with any 61162
traffic accident and has no record of an accident in which the 61163
applicant was at fault. 61164

(2) The waiver established under division (C) of this section 61165
does not apply to a United States reserve technician. 61166

(D) Whoever violates division (A) or (B) of this section is 61167
guilty of a misdemeanor of the first degree. 61168

Sec. 4506.09. (A) The registrar of motor vehicles, subject to 61169
approval by the director of public safety, shall adopt rules 61170
conforming with applicable standards adopted by the federal motor 61171
carrier safety administration as regulations under Pub. L. No. 61172
103-272, 108 Stat. 1014 to 1029 (1994), 49 U.S.C.A. 31301 to 61173
31317. The rules shall establish requirements for the 61174
qualification and testing of persons applying for a commercial 61175
driver's license, which are in addition to other requirements 61176
established by this chapter. Except as provided in division (B) of 61177
this section, the highway patrol or any other employee of the 61178
department of public safety the registrar authorizes shall 61179
supervise and conduct the testing of persons applying for a 61180
commercial driver's license. 61181

(B) The director may adopt rules, in accordance with Chapter 61182
119. of the Revised Code and applicable requirements of the 61183

federal motor carrier safety administration, authorizing the 61184
skills test specified in this section to be administered by any 61185
person, by an agency of this or another state, or by an agency, 61186
department, or instrumentality of local government. Each party 61187
authorized under this division to administer the skills test may 61188
charge a maximum divisible fee of one hundred fifteen dollars for 61189
each skills test given as part of a commercial driver's license 61190
examination. The fee shall consist of not more than twenty-seven 61191
dollars for the pre-trip inspection portion of the test, not more 61192
than twenty-seven dollars for the off-road maneuvering portion of 61193
the test, and not more than sixty-one dollars for the on-road 61194
portion of the test. Each such party may require an appointment 61195
fee in the same manner provided in division (E)(2) of this 61196
section, except that the maximum amount such a party may require 61197
as an appointment fee is one hundred fifteen dollars. The skills 61198
test administered by another party under this division shall be 61199
the same as otherwise would be administered by this state. The 61200
other party shall enter into an agreement with the director that, 61201
without limitation, does all of the following: 61202

(1) Allows the director or the director's representative and 61203
the federal motor carrier safety administration or its 61204
representative to conduct random examinations, inspections, and 61205
audits of the other party, whether covert or overt, without prior 61206
notice; 61207

(2) Requires the director or the director's representative to 61208
conduct on-site inspections of the other party at least annually; 61209

(3) Requires that all examiners of the other party meet the 61210
same qualification and training standards as examiners of the 61211
department of public safety, including criminal background checks 61212
and the standards applicable to the class of vehicle and 61213
endorsements for which an applicant taking the skills test is 61214
applying, to the extent necessary to conduct skills tests in the 61215

manner required by 49 C.F.R. 383.110 through 383.135. In 61216
accordance with federal guidelines, any examiner employed on July 61217
1, 2017, shall have a criminal background check conducted at least 61218
once, and any examiner hired after July 1, 2015, shall have a 61219
criminal background check conducted after the examiner is 61220
initially hired. 61221

(4) Requires either that state employees take, at least 61222
annually and as though the employees were test applicants, the 61223
tests actually administered by the other party, that the director 61224
test a sample of drivers who were examined by the other party to 61225
compare the test results, or that state employees accompany a test 61226
applicant during an actual test; 61227

(5) Unless the other party is a governmental entity, requires 61228
the other party to initiate and maintain a bond in an amount 61229
determined by the director to sufficiently pay for the retesting 61230
of drivers in the event that the other party or its skills test 61231
examiners are involved in fraudulent activities related to skills 61232
testing; 61233

(6) Requires the other party to use only skills test 61234
examiners who have successfully completed a commercial driver's 61235
license examiner training course as prescribed by the director, 61236
and have been certified by the state as a commercial driver's 61237
license skills test examiner qualified to administer the 61238
applicable skills tests; 61239

(7) Requires the other party to use designated road test 61240
routes that have been approved by the director; 61241

(8) Requires the other party to schedule all skills test 61242
appointments through a system or method provided by the director. 61243
If a system or method is not provided by the director, the other 61244
party ~~to~~ shall submit a schedule of skills test appointments to 61245
the director weekly. The director may request that any additions 61246

to the schedule of skills test appointments, made after the weekly 61247
submission, be submitted to the director not later than two 61248
business days prior to ~~each~~ the additional skills test+ 61249
appointment. 61250

(9) Requires the other party to maintain copies of the 61251
following records at its principal place of business: 61252

(a) The other party's commercial driver's license skills 61253
testing program certificate; 61254

(b) Each skills test examiner's certificate of authorization 61255
to administer skills tests for the classes and types of commercial 61256
motor vehicles listed in the certificate; 61257

(c) Each completed skills test scoring sheet for the current 61258
calendar year as well as the prior two calendar years; 61259

(d) A complete list of the test routes that have been 61260
approved by the director; 61261

(e) A complete and accurate copy of each examiner's training 61262
record; 61263

(f) A copy of the agreement that the other party made with 61264
the director. 61265

(10) If the other party also is a driver training school, 61266
prohibits its skills test examiners from administering skills 61267
tests to applicants that the examiner personally trained; 61268

(11) Requires each skills test examiner to administer a 61269
complete skills test to a minimum of ~~thirty-two~~ ten different 61270
individuals per calendar year; 61271

(12) Reserves to this state the right to take prompt and 61272
appropriate remedial action against the other party and its skills 61273
test examiners if the other party or its skills test examiners 61274
fail to comply with standards of this state or federal standards 61275
for the testing program or with any other terms of the contract. 61276

(C) The director shall enter into an agreement with the department of education authorizing the skills test specified in this section to be administered by the department at any location operated by the department for purposes of training and testing school bus drivers, provided that the agreement between the director and the department complies with the requirements of division (B) of this section. Skills tests administered by the department shall be limited to persons applying for a commercial driver's license with a school bus endorsement.

(D)(1) The director shall adopt rules, in accordance with Chapter 119. of the Revised Code, authorizing waiver of the skills test specified in this section for any applicant for a commercial driver's license who meets all of the following requirements:

(a) As authorized under 49 C.F.R. 383.77, the applicant operates a commercial motor vehicle for military purposes and is one of the following:

(i) Active duty military personnel;

(ii) A member of the military reserves;

(iii) A member of the national guard on active duty, including full-time national guard duty, part-time national guard training, and national guard military technicians;

(iv) Active duty U.S. coast guard personnel.

(b) The applicant certifies that, during the two-year period immediately preceding application for a commercial driver's license, all of the following apply:

(i) The applicant has not had more than one license, excluding any military license.

(ii) The applicant has not had any license suspended, revoked, or canceled.

(iii) The applicant has not had any convictions for any type

of motor vehicle for the offenses for which disqualification is 61307
prescribed in section 4506.16 of the Revised Code. 61308

(iv) The applicant has not had more than one conviction for 61309
any type of motor vehicle for a serious traffic violation. 61310

(v) The applicant has not had any violation of a state or 61311
local law relating to motor vehicle traffic control other than a 61312
parking violation arising in connection with any traffic accident 61313
and has no record of an accident in which the applicant was at 61314
fault. 61315

(c) In accordance with rules adopted by the director, the 61316
applicant certifies and also provides evidence of all of the 61317
following: 61318

(i) That the applicant is or was regularly employed in a 61319
military position requiring operation of a commercial motor 61320
vehicle; 61321

(ii) That the applicant was exempt from the requirements of 61322
this chapter under division (B)(6) of section 4506.03 of the 61323
Revised Code; 61324

(iii) That, for at least two years immediately preceding the 61325
date of application or at least two years immediately preceding 61326
the date the applicant separated from military service or 61327
employment, the applicant regularly operated a vehicle 61328
representative of the commercial motor vehicle type that the 61329
applicant operates or expects to operate. 61330

(2) The waiver established under division (D)(1) of this 61331
section does not apply to United States reserve technicians. 61332

(E)(1) The department of public safety may charge and collect 61333
a divisible fee of fifty dollars for each skills test given as 61334
part of a commercial driver's license examination. The fee shall 61335
consist of ten dollars for the pre-trip inspection portion of the 61336

test, ten dollars for the off-road maneuvering portion of the 61337
test, and thirty dollars for the on-road portion of the test. 61338

(2) No applicant is eligible to take the skills test until a 61339
minimum of fourteen days have elapsed since the initial issuance 61340
of a commercial driver's license temporary instruction permit to 61341
the applicant. The director may require an applicant for a 61342
commercial driver's license who schedules an appointment with the 61343
highway patrol or other authorized employee of the department of 61344
public safety to take all portions of the skills test and to pay 61345
an appointment fee of fifty dollars at the time of scheduling the 61346
appointment. If the applicant appears at the time and location 61347
specified for the appointment and takes all portions of the skills 61348
test during that appointment, the appointment fee serves as the 61349
skills test fee. If the applicant schedules an appointment to take 61350
all portions of the skills test and fails to appear at the time 61351
and location specified for the appointment, the director shall not 61352
refund any portion of the appointment fee. If the applicant 61353
schedules an appointment to take all portions of the skills test 61354
and appears at the time and location specified for the 61355
appointment, but declines or is unable to take all portions of the 61356
skills test, the director shall not refund any portion of the 61357
appointment fee. If the applicant cancels a scheduled appointment 61358
forty-eight hours or more prior to the time of the appointment 61359
time, the applicant shall not forfeit the appointment fee. 61360

An applicant for a commercial driver's license who schedules 61361
an appointment to take one or more, but not all, portions of the 61362
skills test is required to pay an appointment fee equal to the 61363
costs of each test scheduled, as prescribed in division (E)(1) of 61364
this section, when scheduling such an appointment. If the 61365
applicant appears at the time and location specified for the 61366
appointment and takes all the portions of the skills test during 61367
that appointment that the applicant was scheduled to take, the 61368

appointment fee serves as the skills test fee. If the applicant 61369
schedules an appointment to take one or more, but not all, 61370
portions of the skills test and fails to appear at the time and 61371
location specified for the appointment, the director shall not 61372
refund any portion of the appointment fee. If the applicant 61373
schedules an appointment to take one or more, but not all, 61374
portions of the skills test and appears at the time and location 61375
specified for the appointment, but declines or is unable to take 61376
all portions of the skills test that the applicant was scheduled 61377
to take, the director shall not refund any portion of the 61378
appointment fee. If the applicant cancels a scheduled appointment 61379
forty-eight hours or more prior to the time of the appointment 61380
time, the applicant shall not forfeit the appointment fee. 61381

(3) The department of public safety shall deposit all fees it 61382
collects under division (E) of this section in the public safety - 61383
highway purposes fund established in section 4501.06 of the 61384
Revised Code. 61385

(F)(1) Unless an applicant for a commercial driver's license 61386
has successfully completed the training required under 49 C.F.R. 61387
380, subpart F, the applicant is not eligible to do any of the 61388
following: 61389

(a) Take the skills test required for initial issuance of a 61390
class A or a class B commercial driver's license; 61391

(b) Take the skills test required for initial issuance of a 61392
passenger (P) or school bus (S) endorsement on the applicant's 61393
commercial driver's license; 61394

(c) Take the knowledge test required for initial issuance of 61395
a hazardous materials (H) endorsement on the applicant's 61396
commercial driver's license. 61397

Before an applicant takes the applicable skills or knowledge 61398
test, the registrar shall electronically verify, through the 61399

federal motor carrier safety administration's training provider registry, that an applicant has completed the required training under 49 C.F.R. 380, subpart F. 61400
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(2) The training required under 49 C.F.R. 380, subpart F, and under division (F)(1) of this section may be provided by either of the following: 61403
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(a) A driver training school pursuant to section 4508.031 of the Revised Code; 61406
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(b) An authorized driver training provider listed on the federal motor carrier safety administration's training provider registry. 61408
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(G) A person who has successfully completed commercial driver's license training in this state but seeks a commercial driver's license in another state where the person is domiciled may schedule an appointment to take the skills test in this state and shall pay the appropriate appointment fee. Upon the person's completion of the skills test, this state shall electronically transmit the applicant's results to the state where the person is domiciled. If a person who is domiciled in this state takes a skills test in another state, this state shall accept the results of the skills test from the other state. If the person passed the other state's skills test and meets all of the other licensing requirements set forth in this chapter and rules adopted under this chapter, the registrar of motor vehicles or a deputy registrar shall issue a commercial driver's license to that person. 61411
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(H) Unless otherwise specified, the director or the director's representative shall conduct the examinations, inspections, audits, and test monitoring set forth in divisions (B)(2), (3), and (4) of this section at least annually. If the other party or any of its skills test examiners fail to comply 61426
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with state or federal standards for the skills testing program, 61431
the director or the director's representative shall take prompt 61432
and appropriate remedial action against the party and its skills 61433
test examiners. Remedial action may include termination of the 61434
agreement or revocation of a skills test examiner's certification. 61435

(I) As used in this section, "skills test" means a test of an 61436
applicant's ability to drive the type of commercial motor vehicle 61437
for which the applicant seeks a commercial driver's license by 61438
having the applicant drive such a motor vehicle while under the 61439
supervision of an authorized state driver's license examiner or 61440
tester. 61441

Sec. 4506.10. (A) No person who holds a valid commercial 61442
driver's license shall drive a commercial motor vehicle unless the 61443
person is physically qualified to do so. 61444

(1) Any person applying for a commercial driver's license or 61445
commercial driver's license temporary instruction permit, the 61446
renewal or upgrade of a commercial driver's license or commercial 61447
driver's license temporary instruction permit, or the transfer of 61448
a commercial driver's license from out of state shall self-certify 61449
to the registrar for purposes of 49 C.F.R. 383.71, one of the 61450
following in regard to the applicant's operation of a commercial 61451
motor vehicle, as applicable: 61452

(a)(i) If the applicant operates or expects to operate a 61453
commercial motor vehicle in interstate or foreign commerce and is 61454
subject to and meets the requirements under 49 C.F.R. part 391, 61455
the applicant shall self-certify that the applicant is 61456
non-excepted interstate and shall provide the registrar with the 61457
original or a copy of a medical examiner's certificate and each 61458
subsequently issued medical examiner's certificate prepared by a 61459
qualified medical examiner to maintain a medically certified 61460
status on the applicant's commercial driver licensing system 61461

driver record; 61462

(ii) If the applicant operates or expects to operate a 61463
commercial motor vehicle in interstate commerce, but engages in 61464
transportation or operations excepted under 49 C.F.R. 390.3(f), 61465
391.2, 391.68, or 398.3 from all or parts of the qualification 61466
requirements of 49 C.F.R. part 391, the applicant shall 61467
self-certify that the applicant is excepted interstate and is not 61468
required to obtain a medical examiner's certificate. 61469

(b)(i) If the applicant operates only in intrastate commerce 61470
and is subject to state driver qualification requirements, the 61471
applicant shall self-certify that the applicant is non-excepted 61472
intrastate; 61473

(ii) If the applicant operates only in intrastate commerce 61474
and is excepted from all or parts of the state driver 61475
qualification requirements, the applicant shall self-certify that 61476
the applicant is excepted intrastate. 61477

(2) Notwithstanding the expiration date on a person's 61478
commercial driver's license or commercial driver's license 61479
temporary instruction permit, every commercial driver's license or 61480
commercial driver's license temporary instruction permit holder 61481
shall provide the registrar with the certification required by 61482
this section, on or after January 30, 2012, but prior to January 61483
30, 2014. 61484

(B) A person is qualified to drive a school bus if the person 61485
holds a valid commercial driver's license along with the proper 61486
endorsements, and if the person has been certified as medically 61487
qualified in accordance with rules adopted by the department of 61488
education. 61489

(C)(1) Except as provided in division (C)(2) of this section, 61490
only a medical examiner who is listed on the national registry of 61491
certified medical examiners established by the federal motor 61492

carrier safety administration shall perform a medical examination 61493
required by this section. 61494

(2) A person licensed under Chapter 4725. of the Revised Code 61495
to practice optometry in this state, or licensed under any similar 61496
law of another state, may perform any part of an examination 61497
required by this section that pertains to visual acuity, field of 61498
vision, and the ability to recognize colors. 61499

(3) The individual who performed an examination conducted 61500
pursuant to this section shall complete any written documentation 61501
of a physical examination on a form that substantially complies 61502
with the requirements of 49 C.F.R. 391.43(h). 61503

(D) Whenever good cause appears, the registrar, upon issuing 61504
a commercial driver's license or commercial driver's license 61505
temporary instruction permit under this chapter, may impose 61506
restrictions suitable to the licensee's driving ability with 61507
respect to the type of motor vehicle or special mechanical control 61508
devices required on a motor vehicle that the licensee may operate, 61509
or such other restrictions applicable to the licensee as the 61510
registrar determines to be necessary. 61511

The registrar may either issue a special restricted license 61512
or may set forth upon the usual license form the restrictions 61513
imposed. 61514

The registrar, upon receiving satisfactory evidence of any 61515
violation of the restrictions of the license, may impose a class D 61516
license suspension of the license for the period of time specified 61517
in division (B)(4) of section 4510.02 of the Revised Code. 61518

The registrar, upon receiving satisfactory evidence that an 61519
applicant or holder of a commercial driver's license or commercial 61520
driver's license temporary instruction permit has violated 61521
division (A)(4) or (A)(5) of section 4506.04 of the Revised Code 61522
~~and knowingly given false information in any application or~~ 61523

~~certification required by section 4506.07 of the Revised Code,~~ 61524
shall cancel the person's commercial driver's license or 61525
commercial driver's license temporary instruction permit or any 61526
pending application from the person for a commercial driver's 61527
license, commercial driver's license temporary instruction permit, 61528
or class D driver's license for a period of at least sixty days, 61529
during which time no application for a commercial driver's 61530
license, commercial driver's license temporary instruction permit, 61531
or class D driver's license shall be received from the person. 61532

(E) Whoever violates this section is guilty of a misdemeanor 61533
of the first degree. 61534

Sec. 4506.11. (A) Every commercial driver's license shall be 61535
marked "commercial driver's license" or "CDL" and shall be of such 61536
material and so designed as to prevent its reproduction or 61537
alteration without ready detection. The commercial driver's 61538
license for licensees under twenty-one years of age shall have 61539
characteristics prescribed by the registrar of motor vehicles 61540
distinguishing it from that issued to a licensee who is twenty-one 61541
years of age or older. Every commercial driver's license shall 61542
display all of the following information: 61543

(1) The name and residence address of the licensee; 61544

(2) A ~~color~~ photograph of the licensee showing the licensee's 61545
uncovered face; 61546

(3) A physical description of the licensee, including sex, 61547
height, weight, and color of eyes and hair; 61548

(4) The licensee's date of birth; 61549

(5) The licensee's social security number if the person has 61550
requested that the number be displayed in accordance with section 61551
4501.31 of the Revised Code or if federal law requires the social 61552
security number to be displayed and any number or other identifier 61553

the director of public safety considers appropriate and 61554
establishes by rules adopted under Chapter 119. of the Revised 61555
Code and in compliance with federal law; 61556

(6) The licensee's signature; 61557

(7) The classes of commercial motor vehicles the licensee is 61558
authorized to drive and any endorsements or restrictions relating 61559
to the licensee's driving of those vehicles; 61560

(8) The name of this state; 61561

(9) The dates of issuance and of expiration of the license; 61562

(10) If the licensee has certified willingness to make an 61563
anatomical gift under section 2108.05 of the Revised Code, any 61564
symbol chosen by the registrar of motor vehicles to indicate that 61565
the licensee has certified that willingness; 61566

(11) If the licensee has executed a durable power of attorney 61567
for health care or a declaration governing the use or 61568
continuation, or the withholding or withdrawal, of life-sustaining 61569
treatment and has specified that the licensee wishes the license 61570
to indicate that the licensee has executed either type of 61571
instrument, any symbol chosen by the registrar to indicate that 61572
the licensee has executed either type of instrument; 61573

(12) ~~On and after October 7, 2009, if~~ If the licensee has 61574
specified that the licensee wishes the license to indicate that 61575
the licensee is a veteran, active duty, or reservist of the armed 61576
forces of the United States and has presented a copy of the 61577
licensee's DD-214 form or an equivalent document, any symbol 61578
chosen by the registrar to indicate that the licensee is a 61579
veteran, active duty, or reservist of the armed forces of the 61580
United States; 61581

(13) If the licensee is a noncitizen of the United States, a 61582
notation designating that the licensee is a noncitizen; 61583

(14) Any other information the registrar considers advisable and requires by rule. 61584
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(B) The registrar may establish and maintain a file of negatives of photographs taken for the purposes of this section. 61586
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(C) Neither the registrar nor any deputy registrar shall issue a commercial driver's license to anyone under twenty-one years of age that does not have the characteristics prescribed by the registrar distinguishing it from the commercial driver's license issued to persons who are twenty-one years of age or older. 61588
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(D) Whoever violates division (C) of this section is guilty of a minor misdemeanor. 61594
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Sec. 4506.15. (A) No person who holds a commercial driver's license or commercial driver's license temporary instruction permit or who operates a motor vehicle for which a commercial driver's license or permit is required shall do any of the following: 61596
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(1) Drive a commercial motor vehicle while having a measurable or detectable amount of alcohol or of a controlled substance in the person's blood, breath, or urine; 61601
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(2) Drive a commercial motor vehicle while having an alcohol concentration of four-hundredths of one per cent or more by whole blood or breath; 61604
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(3) Drive a commercial motor vehicle while having an alcohol concentration of forty-eight-thousandths of one per cent or more by blood serum or blood plasma; 61607
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(4) Drive a commercial motor vehicle while having an alcohol concentration of fifty-six-thousandths of one per cent or more by urine; 61610
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(5) Drive a motor vehicle while under the influence of a 61613

controlled substance;	61614
(6) Drive a motor vehicle in violation of section 4511.19 of the Revised Code or a municipal OVI ordinance as defined in section 4511.181 of the Revised Code;	61615 61616 61617
(7) Use a motor vehicle in the commission of a felony;	61618
(8) Refuse to submit to a test under section 4506.17 or 4511.191 of the Revised Code;	61619 61620
(9) Operate a commercial motor vehicle while the person's commercial driver's license or permit or other commercial driving privileges are revoked, suspended, canceled, or disqualified;	61621 61622 61623
(10) Cause a fatality through the negligent operation of a commercial motor vehicle, including, but not limited to, the offenses of aggravated vehicular homicide, vehicular homicide, and vehicular manslaughter;	61624 61625 61626 61627
(11) Fail to stop after an accident in violation of sections 4549.02 to 4549.03 of the Revised Code;	61628 61629
(12) Drive a commercial motor vehicle in violation of any provision of sections 4511.61 to 4511.63 of the Revised Code or any federal or local law or ordinance pertaining to railroad-highway grade crossings;	61630 61631 61632 61633
(13) Use a motor vehicle in the commission of a felony involving the manufacture, distribution, or dispensing of a controlled substance as defined in section 3719.01 of the Revised Code or the possession with intent to manufacture, distribute, or dispense a controlled substance;	61634 61635 61636 61637 61638
<u>(14) Use a commercial motor vehicle in the commission of a violation of section 2905.32 of the Revised Code or any other substantially equivalent offense established under federal law or the laws of another state.</u>	61639 61640 61641 61642
(B) Whoever violates this section is guilty of a misdemeanor	61643

of the first degree. 61644

(C) The offenses established under this section are strict liability offenses and section 2901.20 of the Revised Code does not apply. The designation of these offenses as strict liability offenses shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense. 61645
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Sec. 4506.16. (A) Any person who is found to have been convicted of a violation of an out-of-service order shall be disqualified by the registrar of motor vehicles as follows: 61651
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(1) If the person has not been convicted previously of a violation of an out-of-service order, the period of disqualification is one hundred eighty days. 61654
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(2) If, during any ten-year period, the driver is convicted of a second violation of an out-of-service order in an incident separate from the incident that resulted in the first violation, the period of disqualification is two years. 61657
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(3) If, during any ten-year period, the driver is convicted of a third or subsequent violation of an out-of-service order in an incident separate from the incidents that resulted in the previous violations during that ten-year period, the period of disqualification is three years. 61661
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(B)(1) A driver is disqualified for one hundred eighty days if the driver is convicted of a first violation of an out-of-service order while transporting hazardous materials required to be placarded under the "Hazardous Materials Transportation Act," 88 Stat. 2156 (1975), 49 U.S.C.A. 1801, as amended, or while operating a motor vehicle designed to transport sixteen or more passengers, including the driver. 61666
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(2) A driver is disqualified for a period of three years if, 61673

during any ten-year period, the driver is convicted of a second or 61674
subsequent violation, in an incident separate from the incident 61675
that resulted in a previous violation during that ten-year period, 61676
of an out-of-service order while transporting hazardous materials 61677
required to be placarded under that act, or while operating a 61678
motor vehicle designed to transport sixteen or more passengers, 61679
including the driver. 61680

(C) Whoever violates division (A)(1) of section 4506.15 of 61681
the Revised Code or a similar law of another state or a foreign 61682
jurisdiction, immediately shall be placed out-of-service for 61683
twenty-four hours, in addition to any disqualification required by 61684
this section and any other penalty imposed by the Revised Code. 61685

(D) The registrar of motor vehicles shall disqualify any 61686
holder of a commercial driver's license or commercial driver's 61687
license temporary instruction permit, or any operator of a 61688
commercial motor vehicle for which a commercial driver's license 61689
or permit is required, from operating a commercial motor vehicle 61690
as follows: 61691

(1) Upon a first conviction for a violation of any provision 61692
of divisions (A)(2) to (12) of section 4506.15 of the Revised Code 61693
or a similar law of another state or a foreign jurisdiction, or 61694
upon a first suspension imposed under section 4511.191 of the 61695
Revised Code or a similar law of another state or foreign 61696
jurisdiction, one year; 61697

(2) Upon a second conviction for a violation of any provision 61698
of divisions (A)(2) to (12) of section 4506.15 of the Revised Code 61699
or a similar law of another state or a foreign jurisdiction, or 61700
upon a second suspension imposed under section 4511.191 of the 61701
Revised Code or a similar law of another state or foreign 61702
jurisdiction, or any combination of such violations arising from 61703
two or more separate incidents, the person shall be disqualified 61704
for life or for any other period of time as determined by the 61705

United States secretary of transportation and designated by the 61706
director of public safety by rule; 61707

(3) Upon a first conviction for any of the following 61708
violations while transporting hazardous materials, three years: 61709

(a) Divisions (A)(2) to (12) of section 4506.15 of the 61710
Revised Code; 61711

(b) A similar law of another state or a foreign jurisdiction. 61712

(4) Upon conviction of a violation of division (A)(13) or 61713
(A)(14) of section 4506.15 of the Revised Code or a similar law of 61714
another state or a foreign jurisdiction, the person shall be 61715
disqualified for life; 61716

(5)(a) Upon conviction of two serious traffic violations 61717
involving the operation of a commercial motor vehicle by the 61718
person and arising from separate incidents occurring in a 61719
three-year period, the person shall be disqualified for sixty 61720
days, which disqualification shall be imposed consecutively to any 61721
other separate disqualification imposed under division (D)(5) or 61722
(6) of this section; 61723

(b) Upon conviction of three or more serious traffic 61724
violations involving the operation of a commercial motor vehicle 61725
by the person and arising from separate incidents occurring in a 61726
three-year period, the person shall be disqualified for one 61727
hundred twenty days, which disqualification shall be imposed 61728
consecutively to any other separate disqualification imposed under 61729
division (D)(5) or (6) of this section; 61730

(6)(a) Upon conviction of two serious traffic violations 61731
involving the operation of a vehicle other than a commercial motor 61732
vehicle by the person and arising from separate incidents 61733
occurring in a three-year period, the person shall be disqualified 61734
for sixty days if the conviction results in the suspension, 61735
cancellation, or revocation of the holder's commercial driver's 61736

license or commercial driver's license temporary instruction 61737
permit, or noncommercial motor vehicle driving privileges, which 61738
disqualification shall be imposed consecutively to any other 61739
separate disqualification imposed under division (D)(5) or (6) of 61740
this section; 61741

(b) Upon conviction of three or more serious traffic 61742
violations involving the operation of a vehicle other than a 61743
commercial motor vehicle by the person and arising from separate 61744
incidents occurring in a three-year period, the person shall be 61745
disqualified for one hundred twenty days if the conviction results 61746
in the suspension, cancellation, or revocation of the holder's 61747
commercial driver's license or permit, or noncommercial motor 61748
vehicle driving privileges, which disqualification shall be 61749
imposed consecutively to any other separate disqualification 61750
imposed under division (D)(5) or (6) of this section. 61751

(7) Upon a first conviction involving the operation of a 61752
commercial motor vehicle in violation of any provisions of 61753
sections 4511.61 to 4511.63 of the Revised Code or a similar law 61754
of another state or foreign jurisdiction, not less than sixty 61755
days; 61756

(8) Upon a second conviction involving the operation of a 61757
commercial motor vehicle in violation of any provisions of 61758
sections 4511.61 to 4511.63 of the Revised Code or a similar law 61759
of another state or foreign jurisdiction within three years of the 61760
first such conviction, not less than one hundred twenty days; 61761

(9) Upon a third or subsequent conviction involving the 61762
operation of a commercial motor vehicle in violation of any 61763
provisions of sections 4511.61 to 4511.63 of the Revised Code or a 61764
similar law of another state or foreign jurisdiction within three 61765
years of the first such conviction, not less than one year; 61766

(10) Upon receiving notification from the federal motor 61767

carrier safety administration, the registrar immediately, prior to 61768
any hearing, shall disqualify any commercial motor vehicle driver 61769
whose driving is determined to constitute an imminent hazard as 61770
defined under federal motor carrier safety regulation 49 C.F.R. 61771
383.52. 61772

(E) For the purposes of this section, conviction of a 61773
violation for which disqualification is required includes 61774
conviction under any municipal ordinance that is substantially 61775
similar to any section of the Revised Code that is set forth in 61776
division (D) of this section and may be evidenced by any of the 61777
following: 61778

(1) A judgment entry of a court of competent jurisdiction in 61779
this or any other state; 61780

(2) An administrative order of a state agency of this or any 61781
other state having statutory jurisdiction over commercial drivers; 61782

(3) A computer record obtained from or through the commercial 61783
driver's license information system; 61784

(4) A computer record obtained from or through a state agency 61785
of this or any other state having statutory jurisdiction over 61786
commercial drivers or the records of commercial drivers. 61787

(F) For purposes of this section, conviction of disqualifying 61788
offenses committed in a noncommercial motor vehicle are included 61789
if either of the following applies: 61790

(1) The offense occurred after the person obtained the 61791
person's commercial driver's license or commercial driver's 61792
license temporary instruction permit. 61793

(2) The offense occurs on or after September 30, 2005. 61794

(G) If a person commits a serious traffic violation by 61795
operating a commercial motor vehicle without having a commercial 61796
driver's license or commercial driver's license temporary 61797

instruction permit in the person's possession as described in 61798
division (II)(3)(e) of section 4506.01 of the Revised Code and the 61799
person then submits proof to either the enforcement agency that 61800
issued the citation for the violation or to the court with 61801
jurisdiction over the case before the date of the person's initial 61802
appearance that shows that the person held a valid commercial 61803
driver's license or permit at the time of the violation, the 61804
violation shall not be deemed to be a serious traffic violation. 61805

(H) Any record described in division (C) of this section 61806
shall be deemed to be self-authenticating when it is received by 61807
the bureau of motor vehicles. 61808

(I) When disqualifying a driver, the registrar shall cause 61809
the records of the bureau to be updated to reflect that action 61810
within ten days after it occurs. 61811

(J) The registrar immediately shall notify a driver who is 61812
finally convicted of any offense described in section 4506.15 of 61813
the Revised Code or division (D)(4), (5), or (6) of this section 61814
and thereby is subject to disqualification, of the offense or 61815
offenses involved, of the length of time for which 61816
disqualification is to be imposed, and that the driver may request 61817
a hearing within thirty days of the mailing of the notice to show 61818
cause why the driver should not be disqualified from operating a 61819
commercial motor vehicle. If a request for such a hearing is not 61820
made within thirty days of the mailing of the notice, the order of 61821
disqualification is final. The registrar may designate hearing 61822
examiners who, after affording all parties reasonable notice, 61823
shall conduct a hearing to determine whether the disqualification 61824
order is supported by reliable evidence. The registrar shall adopt 61825
rules to implement this division. 61826

(K) Any person who is disqualified from operating a 61827
commercial motor vehicle under this section may apply to the 61828
registrar for a driver's license to operate a motor vehicle other 61829

than a commercial motor vehicle, provided the person's commercial 61830
driver's license is not otherwise suspended. A person whose 61831
commercial driver's license is suspended shall not apply to the 61832
registrar for or receive a driver's license under Chapter 4507. of 61833
the Revised Code during the period of suspension. 61834

(L) The disqualifications imposed under this section are in 61835
addition to any other penalty imposed by the Revised Code. 61836

(M) Any conviction for an offense that would lead to 61837
disqualification as specified in this section, whether committed 61838
in a commercial motor vehicle or a vehicle other than a commercial 61839
motor vehicle, shall be counted for the purposes of determining 61840
the number of violations and the appropriate disqualification 61841
period under this section. 61842

Sec. 4506.17. (A) Both of the following are deemed to have 61843
given consent to a test or tests of the person's whole blood, 61844
blood serum or plasma, breath, or urine for the purpose of 61845
determining the person's alcohol concentration or the presence of 61846
any controlled substance or a metabolite of a controlled 61847
substance: 61848

(1) A person while operating a commercial motor vehicle that 61849
requires a commercial driver's license or commercial driver's 61850
license temporary instruction permit; 61851

(2) A person who holds a commercial driver's license or 61852
commercial driver's license temporary instruction permit while 61853
operating a motor vehicle, including a commercial motor vehicle. 61854

(B) A test or tests as provided in division (A) of this 61855
section may be administered at the direction of a peace officer 61856
having reasonable ground to stop or detain the person and, after 61857
investigating the circumstances surrounding the operation of the 61858
motor vehicle, also having reasonable ground to believe the person 61859

was driving the motor vehicle while having a measurable or 61860
detectable amount of alcohol or of a controlled substance or a 61861
metabolite of a controlled substance in the person's whole blood, 61862
blood serum or plasma, breath, or urine. Any such test shall be 61863
given within two hours of the time of the alleged violation. 61864

(C) A person requested by a peace officer to submit to a test 61865
under division (A) of this section shall be advised by the peace 61866
officer that a refusal to submit to the test will result in the 61867
person immediately being placed out-of-service for a period of 61868
twenty-four hours and being disqualified from operating a 61869
commercial motor vehicle for a period of not less than one year, 61870
and that the person is required to surrender the person's 61871
commercial driver's license or permit to the peace officer. 61872

(D) If a person refuses to submit to a test after being 61873
warned as provided in division (C) of this section or submits to a 61874
test that discloses the presence of an amount of alcohol or a 61875
controlled substance prohibited by divisions (A)(1) to ~~(5)~~(6) of 61876
section 4506.15 of the Revised Code or a metabolite of a 61877
controlled substance, the person immediately shall surrender the 61878
person's commercial driver's license or permit to the peace 61879
officer. The peace officer shall forward the license or permit, 61880
together with a sworn report, to the registrar of motor vehicles 61881
certifying that the test was requested pursuant to division (A) of 61882
this section and that the person either refused to submit to 61883
testing or submitted to a test that disclosed the presence of one 61884
of the prohibited concentrations of a substance listed in 61885
divisions (A)(1) to ~~(5)~~(6) of section 4506.15 of the Revised Code 61886
or a metabolite of a controlled substance. The form and contents 61887
of the report required by this section shall be established by the 61888
registrar by rule, but shall contain the advice to be read to the 61889
driver and a statement to be signed by the driver acknowledging 61890
that the driver has been read the advice and that the form was 61891

shown to the driver. 61892

(E) Upon receipt of a sworn report from a peace officer as 61893
provided in division (D) of this section, or upon receipt of 61894
notification that a person has been disqualified under a similar 61895
law of another state or foreign jurisdiction, the registrar shall 61896
disqualify the person named in the report from driving a 61897
commercial motor vehicle for the period described below: 61898

(1) Upon a first incident, one year; 61899

(2) Upon an incident of refusal or of a prohibited 61900
concentration of alcohol, a controlled substance, or a metabolite 61901
of a controlled substance after one or more previous incidents of 61902
either refusal or of a prohibited concentration of alcohol, a 61903
controlled substance, or a metabolite of a controlled substance, 61904
the person shall be disqualified for life or such lesser period as 61905
prescribed by rule by the registrar. 61906

(F) A test of a person's whole blood or a person's blood 61907
serum or plasma given under this section shall comply with the 61908
applicable provisions of division (D) of section 4511.19 of the 61909
Revised Code and any physician, registered nurse, emergency 61910
medical technician-intermediate, emergency medical 61911
technician-paramedic, or qualified technician, chemist, or 61912
phlebotomist who withdraws whole blood or blood serum or plasma 61913
from a person under this section, and any hospital, first-aid 61914
station, clinic, or other facility at which whole blood or blood 61915
serum or plasma is withdrawn from a person pursuant to this 61916
section, is immune from criminal liability, and from civil 61917
liability that is based upon a claim of assault and battery or 61918
based upon any other claim of malpractice, for any act performed 61919
in withdrawing whole blood or blood serum or plasma from the 61920
person. The immunity provided in this division also extends to an 61921
emergency medical service organization that employs an emergency 61922
medical technician-intermediate or emergency medical 61923

technician-paramedic who withdraws blood under this section. 61924

(G) When a person submits to a test under this section, the 61925
results of the test, at the person's request, shall be made 61926
available to the person, the person's attorney, or the person's 61927
agent, immediately upon completion of the chemical test analysis. 61928
The person also may have an additional test administered by a 61929
physician, a registered nurse, or a qualified technician, chemist, 61930
or phlebotomist of the person's own choosing as provided in 61931
division (D) of section 4511.19 of the Revised Code for tests 61932
administered under that section, and the failure to obtain such a 61933
test has the same effect as in that division. 61934

(H) No person shall refuse to immediately surrender the 61935
person's commercial driver's license or permit to a peace officer 61936
when required to do so by this section. 61937

(I) A peace officer issuing an out-of-service order or 61938
receiving a commercial driver's license or permit surrendered 61939
under this section may remove or arrange for the removal of any 61940
commercial motor vehicle affected by the issuance of that order or 61941
the surrender of that license. 61942

(J)(1) Except for civil actions arising out of the operation 61943
of a motor vehicle and civil actions in which the state is a 61944
plaintiff, no peace officer of any law enforcement agency within 61945
this state is liable in compensatory damages in any civil action 61946
that arises under the Revised Code or common law of this state for 61947
an injury, death, or loss to person or property caused in the 61948
performance of official duties under this section and rules 61949
adopted under this section, unless the officer's actions were 61950
manifestly outside the scope of the officer's employment or 61951
official responsibilities, or unless the officer acted with 61952
malicious purpose, in bad faith, or in a wanton or reckless 61953
manner. 61954

(2) Except for civil actions that arise out of the operation of a motor vehicle and civil actions in which the state is a plaintiff, no peace officer of any law enforcement agency within this state is liable in punitive or exemplary damages in any civil action that arises under the Revised Code or common law of this state for any injury, death, or loss to person or property caused in the performance of official duties under this section of the Revised Code and rules adopted under this section, unless the officer's actions were manifestly outside the scope of the officer's employment or official responsibilities, or unless the officer acted with malicious purpose, in bad faith, or in a wanton or reckless manner.

(K) When disqualifying a driver, the registrar shall cause the records of the bureau of motor vehicles to be updated to reflect the disqualification within ten days after it occurs.

(L) The registrar immediately shall notify a driver who is subject to disqualification of the disqualification, of the length of the disqualification, and that the driver may request a hearing within thirty days of the mailing of the notice to show cause why the driver should not be disqualified from operating a commercial motor vehicle. If a request for such a hearing is not made within thirty days of the mailing of the notice, the order of disqualification is final. The registrar may designate hearing examiners who, after affording all parties reasonable notice, shall conduct a hearing to determine whether the disqualification order is supported by reliable evidence. The registrar shall adopt rules to implement this division.

(M) Any person who is disqualified from operating a commercial motor vehicle under this section may apply to the registrar for a driver's license to operate a motor vehicle other than a commercial motor vehicle, provided the person's commercial driver's license or permit is not otherwise suspended. A person

whose commercial driver's license or permit is suspended shall not 61987
apply to the registrar for or receive a driver's license under 61988
Chapter 4507. of the Revised Code during the period of suspension. 61989

(N) Whoever violates division (H) of this section is guilty 61990
of a misdemeanor of the first degree. 61991

(O) As used in this section, "emergency medical 61992
technician-intermediate" and "emergency medical 61993
technician-paramedic" have the same meanings as in section 4765.01 61994
of the Revised Code. 61995

Sec. 4507.01. (A) As used in this chapter, "motor vehicle," 61996
"motorized bicycle," "state," "owner," "operator," "chauffeur," 61997
and "highways" have the same meanings as in section 4501.01 of the 61998
Revised Code. 61999

"Driver's license" means a class D license issued to any 62000
person to operate a motor vehicle or motor-driven cycle, other 62001
than a commercial motor vehicle, and includes "probationary 62002
license," "restricted license," "limited term license," and any 62003
operator's or chauffeur's license issued before January 1, 1990. 62004

"Probationary license" means the license issued to any person 62005
between sixteen and eighteen years of age to operate a motor 62006
vehicle. 62007

"Restricted license" means the license issued to any person 62008
to operate a motor vehicle subject to conditions or restrictions 62009
imposed by the registrar of motor vehicles. 62010

"Commercial driver's license" means the license issued to a 62011
person under Chapter 4506. of the Revised Code to operate a 62012
commercial motor vehicle. 62013

"Commercial motor vehicle" has the same meaning as in section 62014
4506.01 of the Revised Code. 62015

"Motorcycle operator's temporary instruction permit, license, 62016

or endorsement" includes a temporary instruction permit, license, 62017
or endorsement for a motor-driven cycle or motor scooter unless 62018
otherwise specified. 62019

"Motorized bicycle license" means the license issued under 62020
section 4511.521 of the Revised Code to any person to operate a 62021
motorized bicycle including a "probationary motorized bicycle 62022
license." 62023

"Probationary motorized bicycle license" means the license 62024
issued under section 4511.521 of the Revised Code to any person 62025
between fourteen and sixteen years of age to operate a motorized 62026
bicycle. 62027

"Identification card" means a card issued under sections 62028
4507.50 ~~and 4507.51~~ to 4507.52 of the Revised Code. 62029

"Resident" means a person who, in accordance with standards 62030
prescribed in rules adopted by the registrar, resides in this 62031
state on a permanent basis. 62032

"Temporary resident" means a person who, in accordance with 62033
standards prescribed in rules adopted by the registrar, resides in 62034
this state on a temporary basis. 62035

(B) In the administration of this chapter and Chapter 4506. 62036
of the Revised Code, the registrar has the same authority as is 62037
conferred on the registrar by section 4501.02 of the Revised Code. 62038
Any act of an authorized deputy registrar of motor vehicles under 62039
direction of the registrar is deemed the act of the registrar. 62040

To carry out this chapter, the registrar shall appoint such 62041
deputy registrars in each county as are necessary. 62042

The registrar also shall provide at each place where an 62043
application for a driver's or commercial driver's license or 62044
identification card may be made the necessary equipment to take a 62045
~~eele~~ photograph of the applicant for such license or card as 62046

required under section 4506.11 or 4507.06 of the Revised Code, and 62047
to conduct the vision screenings required by section 4507.12 of 62048
the Revised Code. 62049

The registrar shall assign one or more deputy registrars to 62050
any driver's license examining station operated under the 62051
supervision of the director of public safety, whenever the 62052
registrar considers such assignment possible. Space shall be 62053
provided in the driver's license examining station for any such 62054
deputy registrar so assigned. The deputy registrars shall not 62055
exercise the powers conferred by such sections upon the registrar, 62056
unless they are specifically authorized to exercise such powers by 62057
such sections. 62058

(C) No agent for any insurance company, writing automobile 62059
insurance, shall be appointed deputy registrar, and any such 62060
appointment is void. No deputy registrar shall in any manner 62061
solicit any form of automobile insurance, nor in any manner 62062
advise, suggest, or influence any licensee or applicant for 62063
license for or against any kind or type of automobile insurance, 62064
insurance company, or agent, nor have the deputy registrar's 62065
office directly connected with the office of any automobile 62066
insurance agent, nor impart any information furnished by any 62067
applicant for a license or identification card to any person, 62068
except the registrar. This division shall not apply to any 62069
nonprofit corporation appointed deputy registrar. 62070

(D) The registrar shall immediately remove a deputy registrar 62071
who violates the requirements of this chapter. 62072

Sec. 4507.06. (A)(1) Every application for a driver's 62073
license, motorcycle operator's license or endorsement, or 62074
motor-driven cycle or motor scooter license or endorsement, or 62075
duplicate of any such license or endorsement, shall be made upon 62076
the approved form furnished by the registrar of motor vehicles and 62077

shall be signed by the applicant. 62078

Every application shall state the following: 62079

(a) The applicant's name, date of birth, social security 62080
number if such has been assigned, sex, general description, 62081
including height, weight, color of hair, and eyes, residence 62082
address, including county of residence, duration of residence in 62083
this state, and country of citizenship; 62084

(b) Whether the applicant previously has been licensed as an 62085
operator, chauffeur, driver, commercial driver, or motorcycle 62086
operator and, if so, when, by what state, and whether such license 62087
is suspended or canceled at the present time and, if so, the date 62088
of and reason for the suspension or cancellation; 62089

(c) Whether the applicant is now or ever has been afflicted 62090
with epilepsy, or whether the applicant now has any physical or 62091
mental disability or disease and, if so, the nature and extent of 62092
the disability or disease, giving the names and addresses of 62093
physicians then or previously in attendance upon the applicant; 62094

(d) Whether an applicant for a duplicate driver's license, 62095
duplicate license containing a motorcycle operator endorsement, or 62096
duplicate license containing a motor-driven cycle or motor scooter 62097
endorsement has pending a citation for violation of any motor 62098
vehicle law or ordinance, a description of any such citation 62099
pending, and the date of the citation; 62100

(e) If an applicant has not certified the applicant's 62101
willingness to make an anatomical gift under section 2108.05 of 62102
the Revised Code, whether the applicant wishes to certify 62103
willingness to make such an anatomical gift, which shall be given 62104
no consideration in the issuance of a license or endorsement; 62105

(f) Whether the applicant has executed a valid durable power 62106
of attorney for health care pursuant to sections 1337.11 to 62107

1337.17 of the Revised Code or has executed a declaration 62108
governing the use or continuation, or the withholding or 62109
withdrawal, of life-sustaining treatment pursuant to sections 62110
2133.01 to 2133.15 of the Revised Code and, if the applicant has 62111
executed either type of instrument, whether the applicant wishes 62112
the applicant's license to indicate that the applicant has 62113
executed the instrument; 62114

(g) Whether the applicant is a veteran, active duty, or 62115
reservist of the armed forces of the United States and, if the 62116
applicant is such, whether the applicant wishes the applicant's 62117
license to indicate that the applicant is a veteran, active duty, 62118
or reservist of the armed forces of the United States by a 62119
military designation on the license. 62120

(2) Every applicant for a driver's license applying in person 62121
at a deputy registrar office shall be photographed ~~in color~~ at the 62122
time the application for the license is made. The application 62123
shall state any additional information that the registrar 62124
requires. 62125

(B) The registrar or a deputy registrar, in accordance with 62126
section 3503.11 of the Revised Code, shall register as an elector 62127
any person who applies for a license or endorsement under division 62128
(A) of this section, or for a renewal or duplicate of the license 62129
or endorsement, if the applicant is eligible and wishes to be 62130
registered as an elector. The decision of an applicant whether to 62131
register as an elector shall be given no consideration in the 62132
decision of whether to issue the applicant a license or 62133
endorsement, or a renewal or duplicate. 62134

(C) The registrar or a deputy registrar, in accordance with 62135
section 3503.11 of the Revised Code, shall offer the opportunity 62136
of completing a notice of change of residence or change of name to 62137
any applicant for a driver's license or endorsement under division 62138
(A) of this section, or for a renewal or duplicate of the license 62139

or endorsement, if the applicant is a registered elector who has 62140
changed the applicant's residence or name and has not filed such a 62141
notice. 62142

(D) In addition to any other information it contains, the 62143
approved form furnished by the registrar of motor vehicles for an 62144
application for a license or endorsement or an application for a 62145
duplicate of any such license or endorsement shall inform 62146
applicants that the applicant must present a copy of the 62147
applicant's DD-214 or an equivalent document in order to qualify 62148
to have the license or duplicate indicate that the applicant is a 62149
veteran, active duty, or reservist of the armed forces of the 62150
United States based on a request made pursuant to division 62151
(A)(1)(g) of this section. 62152

Sec. 4507.061. (A) ~~Beginning on and after July 1, 2022, the~~ 62153
The registrar of motor vehicles may authorize the online renewal 62154
of a driver's license, commerical driver's license, or 62155
identification card issued by the bureau of motor vehicles for 62156
eligible applicants. An applicant is eligible for online renewal 62157
if all of the following apply: 62158

(1) The applicant's current driver's license, commerical 62159
driver's license, or identification card was processed in person 62160
at a deputy registrar office. 62161

(2) The applicant has a photo on file with the bureau of 62162
motor vehicles from the applicant's current driver's license, 62163
commerical driver's license, or identification card. 62164

(3) The applicant's current driver's license, commerical 62165
driver's license, or identification card expires on the birthday 62166
of the applicant in the fourth year after the date it was issued. 62167

(4) The applicant is applying for a driver's license, 62168
commerical driver's license, or identification card that expires 62169

on the birthday of the applicant in the fourth year after the date 62170
it is issued. 62171

(5) The applicant's current driver's license, commerical 62172
driver's license, or identification card is unexpired or expired 62173
not more than six months prior to the date of the application. 62174

(6) The applicant is a citizen or a permanent resident of the 62175
United States and a permanent resident of this state. 62176

(7) ~~The applicant is~~ applicant's current driver's license, 62177
commercial driver's license, or identification card was issued 62178
when the applicant was twenty-one years of age or older, ~~but,~~ 62179

(8) The applicant is less than sixty-five years of age. 62180

~~(8)~~(9) The applicant's current driver's license, commerical 62181
driver's license, or driving privileges are not suspended, 62182
canceled, revoked, or restricted, and the applicant is not 62183
otherwise prohibited by law from obtaining a driver's license, 62184
commerical driver's license, or identification card. 62185

~~(9)~~(10) The applicant has no changes to the applicant's name 62186
or personal information, other than a change of address. 62187

~~(10)~~(11) The applicant has no medical restrictions that would 62188
require the applicant to apply for a driver's license, commerical 62189
driver's license, or identification card in person at a deputy 62190
registrar office. The registrar shall determine the medical 62191
restrictions that require in person applications. 62192

(12) For a commercial driver's license, the applicant 62193
complies with all the requirements of Chapter 4506. of the Revised 62194
Code, including self-certification and medical certificate 62195
requirements. 62196

(13) For a commercial driver's license, the applicant is not 62197
under any restriction specified by any federal regulation. 62198

(B) An applicant may not submit an application online for any 62199

of the following:	62200
(1) A temporary instruction permit;	62201
(2) A commercial driver's license or a commercial driver's license temporary instruction permit;	62202 62203
(3) An initial issuance of an Ohio driver's license, <u>commerical driver's license</u> , or identification card;	62204 62205
(4) An initial issuance of a federally compliant driver's license or identification card;	62206 62207
(5) An ignition interlock license;	62208
(6) A nonrenewable <u>limited term driver's license or</u> <u>nonrenewable commerical driver's license</u> .	62209 62210
(C) The registrar may require an applicant to provide a digital copy of any identification documents and supporting documents as required by statute or administrative rule to comply with current state and federal requirements.	62211 62212 62213 62214
(D) Except as otherwise provided, an applicant shall comply with all other applicable laws related to the issuance of a driver's license, <u>commerical driver's license</u> , or identification card in order to renew a driver's license, <u>commerical driver's</u> <u>license</u> , or identification card under this section.	62215 62216 62217 62218 62219
(E) The registrar may adopt rules in accordance with Chapter 119. of the Revised Code to implement and administer this section.	62220 62221
Sec. 4507.07. (A) <u>As used in this section:</u>	62222
(1) <u>"Minor's representative" means a person who has custody</u> <u>of a minor under the age of eighteen and who is one of the</u> <u>following:</u>	62223 62224 62225
(a) <u>A representative of a PCPA or PCSA;</u>	62226
(b) <u>A resource caregiver who has placement of a child in the</u>	62227

custody of a PCPA or PCSA. 62228

(2) "PCPA" means a private child placing agency. 62229

(3) "PCSA" means a public children services agency. 62230

(4) "Resource caregiver" has the same meaning as in section 62231
5103.02 of the Revised Code. 62232

(B)(1) The registrar of motor vehicles shall not grant the 62233
application of any minor under eighteen years of age for a 62234
probationary license, a restricted license, or a temporary 62235
instruction permit, unless the application is signed by one of the 62236
minor's parents, the minor's guardian, another person having 62237
custody of the applicant, or, if there is no parent or guardian, a 62238
responsible person who is willing to assume the obligation imposed 62239
under this section. A responsible person may include a minor's 62240
representative. 62241

(2) At the time a minor under eighteen years of age submits 62242
an application for a license or permit at a driver's license 62243
examining station, the adult who signs the application shall 62244
present identification establishing that the adult is the 62245
individual whose signature appears on the application. The 62246
registrar shall prescribe, by rule, the types of identification 62247
that are suitable for the purposes of this paragraph. If the adult 62248
who signs the application does not provide identification as 62249
required by this paragraph, the application shall not be accepted. 62250

(3) When a minor under eighteen years of age applies for a 62251
probationary license, a restricted license, or a temporary 62252
instruction permit, the registrar shall give the adult who signs 62253
the application notice of the potential liability that may be 62254
imputed to the adult pursuant to division ~~(B)~~(C)(1) of this 62255
section and notice of how the adult may prevent any liability from 62256
being imputed to the adult pursuant to that division. 62257

~~(B)~~ Any (C)(1) Except as otherwise provided in divisions 62258

(C)(2) and (3) of this section, any negligence, or willful or 62259
wanton misconduct, that is committed by a minor under eighteen 62260
years of age when driving a motor vehicle upon a highway shall be 62261
imputed to the person who has signed the application of the minor 62262
for a probationary license, restricted license, or temporary 62263
instruction permit, which person shall be jointly and severally 62264
liable with the minor for any damages caused by the negligence or 62265
the willful or wanton misconduct. This joint and several liability 62266
is not subject to section 2307.22 or 2315.36 of the Revised Code 62267
with respect to a tort claim that otherwise is subject to that 62268
section. 62269

(2) There shall be no imputed liability imposed under this 62270
division (C)(1) of this section if a minor under eighteen years of 62271
age has proof of financial responsibility with respect to the 62272
operation of a motor vehicle owned by the minor or, if the minor 62273
is not the owner of a motor vehicle, with respect to the minor's 62274
operation of any motor vehicle, in the form and in the amounts 62275
required under Chapter 4509. of the Revised Code. 62276

~~(C)~~(3) There is no imputed liability under division (C)(1) of 62277
this section with respect to a minor's representative who signs an 62278
application for a probationary license, a restricted license, or a 62279
temporary instruction permit on behalf of the minor under division 62280
(B) of this section. 62281

(4) The department of job and family services or minor's 62282
representative shall verify that the minor has proof of financial 62283
responsibility in the form and amounts required by Chapter 4509. 62284
of the Revised Code before the minor's representative signs the 62285
minor's application for a probationary license, restricted 62286
license, or temporary instruction permit. The department may 62287
provide proof of financial responsibility for the minor directly 62288
or through a third party acting on its behalf. The department, 62289
third party, or minor's representative shall provide the registrar 62290

proof of financial responsibility in the form and amounts required 62291
by Chapter 4509. of the Revised Code. 62292

(D)(1) Any person who has signed the application of a minor 62293
under eighteen years of age for a license or permit subsequently 62294
may surrender to the registrar the license or temporary 62295
instruction permit of the minor and request that the license or 62296
permit be canceled. The registrar then shall cancel the license or 62297
temporary instruction permit, and the person who signed the 62298
application of the minor shall be relieved from the liability 62299
imposed by division ~~(B)~~(C)(1) of this section. 62300

(2) If the department of job and family services or a minor's 62301
representative determines that a minor does not have proof of 62302
financial responsibility, the department or minor's representative 62303
shall notify the registrar and surrender the minor's license or 62304
temporary instruction permit and request that it be canceled. The 62305
registrar shall cancel the license or temporary instruction 62306
permit. 62307

~~(D)~~(E) Any minor under eighteen years of age whose 62308
probationary license, restricted license, or temporary instruction 62309
permit is surrendered to the registrar by the person who signed 62310
the application for the license or permit and whose license or 62311
temporary instruction permit subsequently is canceled by the 62312
registrar may obtain a new license or temporary instruction permit 62313
without having to undergo the examinations otherwise required by 62314
sections 4507.11 and 4507.12 of the Revised Code and without 62315
having to tender the fee for that license or temporary instruction 62316
permit, if the minor is able to produce another parent, guardian, 62317
other person having custody of the minor, or other adult, and that 62318
adult is willing to assume the liability imposed under division 62319
~~(B)~~(C)(1) of this section. That adult shall comply with the 62320
procedures contained in division ~~(A)~~(B) of this section. 62321

Sec. 4507.08. (A) No probationary license shall be issued to 62322
any person under the age of eighteen who has been adjudicated an 62323
unruly or delinquent child or a juvenile traffic offender for 62324
having committed any act that if committed by an adult would be a 62325
drug abuse offense, as defined in section 2925.01 of the Revised 62326
Code, a violation of division (B) of section 2917.11, or a 62327
violation of division (A) of section 4511.19 of the Revised Code, 62328
unless the person has been required by the court to attend a drug 62329
abuse or alcohol abuse education, intervention, or treatment 62330
program specified by the court and has satisfactorily completed 62331
the program. 62332

(B) No temporary instruction permit or driver's license shall 62333
be issued to any person whose license has been suspended, during 62334
the period for which the license was suspended, nor to any person 62335
whose license has been canceled, under Chapter 4510. or any other 62336
provision of the Revised Code. 62337

(C) No temporary instruction permit or driver's license shall 62338
be issued to any person whose commercial driver's license is 62339
suspended under Chapter 4510. or any other provision of the 62340
Revised Code during the period of the suspension. 62341

No temporary instruction permit or driver's license shall be 62342
issued to any person when issuance is prohibited by division (A) 62343
of section 4507.091 of the Revised Code. 62344

(D) No temporary instruction permit or driver's license shall 62345
be issued to, or retained by, any of the following persons: 62346

(1) Any person who has alcoholism, or is addicted to the use 62347
of controlled substances to the extent that the use constitutes an 62348
impairment to the person's ability to operate a motor vehicle with 62349
the required degree of safety; 62350

(2) Any person who is under the age of eighteen and has been 62351

adjudicated an unruly or delinquent child or a juvenile traffic 62352
offender for having committed any act that if committed by an 62353
adult would be a drug abuse offense, as defined in section 2925.01 62354
of the Revised Code, a violation of division (B) of section 62355
2917.11, or a violation of division (A) of section 4511.19 of the 62356
Revised Code, unless the person has been required by the court to 62357
attend a drug abuse or alcohol abuse education, intervention, or 62358
treatment program specified by the court and has satisfactorily 62359
completed the program; 62360

(3) Any person who, in the opinion of the registrar, has a 62361
physical or mental disability or disease that prevents the person 62362
from exercising reasonable and ordinary control over a motor 62363
vehicle while operating the vehicle upon the highways, except that 62364
a restricted license ~~effective for six months~~ may be issued to any 62365
person otherwise qualified who is or has been subject to any 62366
condition resulting in episodic impairment of consciousness or 62367
loss of muscular control and whose condition, in the opinion of 62368
the registrar, is dormant or is sufficiently under medical control 62369
that the person is capable of exercising reasonable and ordinary 62370
control over a motor vehicle. A restricted license ~~effective for~~ 62371
~~six months~~ shall be issued to any person who otherwise is 62372
qualified and who is subject to any condition that causes episodic 62373
impairment of consciousness or a loss of muscular control if the 62374
person presents a statement from a licensed physician that the 62375
person's condition is under effective medical control and the 62376
period of time for which the control has been continuously 62377
maintained, unless, thereafter, a medical examination is ordered 62378
and, pursuant thereto, cause for denial is found. 62379

A person to whom a ~~six-month~~ restricted license has been 62380
issued shall give notice of the person's medical condition to the 62381
registrar on forms provided by the registrar and signed by the 62382
licensee's physician at intervals required by the registrar. The 62383

~~notice shall be sent to the registrar six months after the~~ 62384
~~issuance of the license. Subsequent restricted licenses issued to~~ 62385
~~the same individual shall be effective for six months~~ determine 62386
the validity period of a restricted license. 62387

(4) Any person who is unable to understand highway warnings 62388
or traffic signs or directions given in the English language; 62389

(5) Any person making an application whose driver's license 62390
or driving privileges are under cancellation, revocation, or 62391
suspension in the jurisdiction where issued or any other 62392
jurisdiction, until the expiration of one year after the license 62393
was canceled or revoked or until the period of suspension ends. 62394
Any person whose application is denied under this division may 62395
file a petition in the municipal court or county court in whose 62396
jurisdiction the person resides agreeing to pay the cost of the 62397
proceedings and alleging that the conduct involved in the offense 62398
that resulted in suspension, cancellation, or revocation in the 62399
foreign jurisdiction would not have resulted in a suspension, 62400
cancellation, or revocation had the offense occurred in this 62401
state. If the petition is granted, the petitioner shall notify the 62402
registrar by a certified copy of the court's findings and a 62403
license shall not be denied under this division. 62404

(6) Any person who is under a class one or two suspension 62405
imposed for a violation of section 2903.01, 2903.02, 2903.04, 62406
2903.06, 2903.08, 2903.11, 2921.331, or 2923.02 of the Revised 62407
Code or whose driver's or commercial driver's license or permit 62408
was permanently revoked prior to January 1, 2004, for a 62409
substantially equivalent violation pursuant to section 4507.16 of 62410
the Revised Code; 62411

(7) Any person who is not a resident or temporary resident of 62412
this state. 62413

(E) No person whose driver's license or permit has been 62414

suspended under Chapter 4510. of the Revised Code or any other 62415
provision of the Revised Code shall have driving privileges 62416
reinstated if the registrar determines that a warrant has been 62417
issued in this state or any other state for the person's arrest 62418
and that warrant is an active warrant. 62419

Sec. 4507.09. ~~(A)(A)(1)~~ Except as provided in division (B) of 62420
this section, every driver's license issued to a resident of this 62421
state expires on the birthday of the applicant in the fourth or 62422
eighth year after the date it is issued, based on the period of 62423
renewal requested by the applicant. A ~~person~~ resident who is 62424
sixty-five years of age or older may only apply for a driver's 62425
license that expires on the birthday of the applicant in the 62426
fourth year after the date it is issued. ~~Every driver's license~~ 62427
~~issued to a temporary resident expires in accordance with rules~~ 62428
~~adopted by the registrar of motor vehicles.~~ In no event shall any 62429
license be issued for a period longer than eight years and ninety 62430
days. 62431

Subject to the requirements of section 4507.12 of the Revised 62432
Code, every driver's license issued to a resident is renewable at 62433
any time prior to its expiration ~~and any license of a temporary~~ 62434
~~resident is nonrenewable. A nonrenewable~~ 62435

(2) A driver's license issued to a temporary resident shall 62436
expire in accordance with rules adopted by the registrar of motor 62437
vehicles. A driver's license issued to a temporary resident is a 62438
limited term license, but may be ~~replaced with a new license~~ 62439
renewed within ninety days prior to its expiration in accordance 62440
with division (E) of this section. ~~No~~ 62441

(3) No refund shall be made or credit given for the unexpired 62442
portion of the driver's license that is renewed. The registrar ~~of~~ 62443
~~motor vehicles~~ shall notify each person whose driver's license has 62444
expired within forty-five days after the date of expiration. 62445

Notification shall be made by regular mail sent to the person's 62446
last known address as shown in the records of the bureau of motor 62447
vehicles. Failure to provide such notification shall not be 62448
construed as a renewal or extension of any license. ~~For~~ 62449

(4) For the purposes of this section, the date of birth of 62450
any applicant born on the twenty-ninth day of February shall be 62451
deemed to be the first day of March in any year in which there is 62452
no twenty-ninth day of February. 62453

(B) Every driver's license or renewal of a driver's license 62454
issued to ~~an~~ a resident applicant who is sixteen years of age or 62455
older, but less than twenty-one years of age, expires on the 62456
twenty-first birthday of the applicant, except that an applicant 62457
who applies no more than thirty days before the applicant's 62458
twenty-first birthday shall be issued a license in accordance with 62459
division (A) of this section. 62460

(C) Each person licensed as a driver under this chapter shall 62461
notify the registrar of any change in the person's address within 62462
ten days following that change. The notification shall be in 62463
writing on a form provided by the registrar and shall include the 62464
full name, date of birth, license number, county of residence, 62465
social security number, and new address of the person. 62466

(D) No driver's license shall be renewed when renewal is 62467
prohibited by division (A) of section 4507.091 of the Revised 62468
Code. 62469

~~(E) A nonrenewable~~ (E)(1) Except as provided in division 62470
(E)(2) of this section, a limited term license shall not be issued 62471
to a temporary resident for a period longer than the expiration 62472
date of the temporary resident's authorized stay in the United 62473
States, or for four years from the date of issuance, whichever 62474
date is earliest. 62475

(2) If there is no expiration date for a temporary resident's 62476

authorized stay in the United States, a limited term license shall 62477
not be issued to the temporary resident for a period longer than 62478
one year from the date of issuance. 62479

(3) A limited term license may be ~~replaced with a new license~~ 62480
renewed within ninety days prior to its expiration upon the 62481
applicant's presentation of documentation verifying the 62482
applicant's legal presence or continued temporary lawful status in 62483
the United States. ~~A nonrenewable license expires on the same date~~ 62484
~~listed on the legal presence documentation, or on the same date in~~ 62485
~~the fourth year after the date the nonrenewable license is issued,~~ 62486
~~whichever comes first.~~ 62487

(3) A nonrenewable limited term license is not transferable, 62488
and the applicant may not rely on it to obtain a driver's license 62489
in another state. 62490

(4) In accordance with Chapter 119. of the Revised Code, the 62491
registrar of motor vehicles shall adopt rules governing 62492
nonrenewable limited term licenses for temporary residents. ~~At a~~ 62493
~~minimum, the rules shall include provisions specifying all of the~~ 62494
~~following:~~ 62495

~~(1) That no nonrenewable license may extend beyond the~~ 62496
~~duration of the applicant's temporary residence in this state;~~ 62497

~~(2) That no nonrenewable license may be replaced by a new~~ 62498
~~license unless the applicant provides acceptable documentation of~~ 62499
~~the person's identity and of the applicant's continued temporary~~ 62500
~~residence in this state;~~ 62501

~~(3) That no nonrenewable license is valid to apply for a~~ 62502
~~driver's license in any other state;~~ 62503

~~(4) That every nonrenewable license may contain any security~~ 62504
~~features that the registrar prescribes.~~ 62505

Sec. 4507.13. (A)(1) The registrar of motor vehicles shall 62506

issue a driver's license to every person licensed as an operator 62507
of motor vehicles other than commercial motor vehicles. No person 62508
licensed as a commercial motor vehicle driver under Chapter 4506. 62509
of the Revised Code need procure a driver's license, but no person 62510
shall drive any commercial motor vehicle unless licensed as a 62511
commercial motor vehicle driver. 62512

(2) Every driver's license shall display all of the following 62513
information: 62514

(a) The distinguishing number assigned to the licensee; 62515

(b) The licensee's name and date of birth; 62516

(c) The licensee's residence address and county of residence; 62517

(d) A color photograph of the licensee; 62518

(e) A brief description of the licensee for the purpose of 62519
identification; 62520

(f) A facsimile of the signature of the licensee as it 62521
appears on the application for the license; 62522

(g) A notation, in a manner prescribed by the registrar, 62523
indicating any condition described in division (D)(3) of section 62524
4507.08 of the Revised Code to which the licensee is subject; 62525

(h) If the licensee has executed a durable power of attorney 62526
for health care or a declaration governing the use or 62527
continuation, or the withholding or withdrawal, of life-sustaining 62528
treatment and has specified that the licensee wishes the license 62529
to indicate that the licensee has executed either type of 62530
instrument, any symbol chosen by the registrar to indicate that 62531
the licensee has executed either type of instrument; 62532

(i) If the licensee has specified that the licensee wishes 62533
the license to indicate that the licensee is a veteran, active 62534
duty, or reservist of the armed forces of the United States and 62535

has presented a copy of the licensee's DD-214 form or an 62536
equivalent document, any symbol chosen by the registrar to 62537
indicate that the licensee is a veteran, active duty, or reservist 62538
of the armed forces of the United States; 62539

(j) If the licensee is a noncitizen of the United States, a 62540
notation designating that the licensee is a noncitizen; 62541

(k) Any additional information that the registrar requires by 62542
rule. 62543

(3) No license shall display the licensee's social security 62544
number unless the licensee specifically requests that the 62545
licensee's social security number be displayed on the license. If 62546
federal law requires the licensee's social security number to be 62547
displayed on the license, the social security number shall be 62548
displayed on the license notwithstanding this section. 62549

(4) The driver's license for licensees under twenty-one years 62550
of age shall have characteristics prescribed by the registrar 62551
distinguishing it from that issued to a licensee who is twenty-one 62552
years of age or older, except that a driver's license issued to a 62553
person who applies no more than thirty days before the applicant's 62554
twenty-first birthday shall have the characteristics of a license 62555
issued to a person who is twenty-one years of age or older. 62556

(5) The ~~driver's~~ limited term license issued to a temporary 62557
resident shall contain the word "~~nonrenewable~~" "limited term" and 62558
shall have any additional characteristics prescribed by the 62559
registrar distinguishing it from a license issued to a resident. 62560

(6) Every driver's or commercial driver's license displaying 62561
a motorcycle operator's endorsement and every restricted license 62562
to operate a motor vehicle also shall display the designation 62563
"novice," if the endorsement or license is issued to a person who 62564
is eighteen years of age or older and previously has not been 62565
licensed to operate a motorcycle by this state or another 62566

jurisdiction recognized by this state. The "novice" designation 62567
shall be effective for one year after the date of issuance of the 62568
motorcycle operator's endorsement or license. 62569

(7) Each license issued under this section shall be of such 62570
material and so designed as to prevent its reproduction or 62571
alteration without ready detection. 62572

(B) Except in regard to a driver's license issued to a person 62573
who applies no more than thirty days before the applicant's 62574
twenty-first birthday, neither the registrar nor any deputy 62575
registrar shall issue a driver's license to anyone under 62576
twenty-one years of age that does not have the characteristics 62577
prescribed by the registrar distinguishing it from the driver's 62578
license issued to persons who are twenty-one years of age or 62579
older. 62580

(C) The registrar shall ensure that driver's licenses issued 62581
in accordance with the federal "Real ID Act," 49 U.S.C. 30301, et 62582
seq., comply with the regulations specified in 6 C.F.R. part 37. 62583

(D) Whoever violates division (B) of this section is guilty 62584
of a minor misdemeanor. 62585

Sec. 4507.18. (A) The registrar of motor vehicles shall 62586
permit all of the following to renew a driver's license or 62587
motorcycle operator's endorsement issued by this state by 62588
electronic means: 62589

(1) Any person who is on active duty in the armed forces of 62590
the United States who is stationed outside of this state; 62591

(2) The spouse of a person described in division (A)(1) of 62592
this section who is also outside of this state; 62593

(3) The dependents of a person described in division (A)(1) 62594
of this section who are also outside of this state. 62595

(B) The registrar shall require all of the following: 62596

(1) That the applicant provide a digital copy of the applicant's military identification card or military dependent identification card;

(2) That any spouse or dependent applicant provide a digital copy of a form provided by the registrar demonstrating that the applicant received and passed a vision examination in accordance with the vision requirements under section 4507.12 of the Revised Code;

(3) That the applicant provide a digital copy of a current two inch by two inch ~~color~~ passport quality photograph with a white background to be used as the applicant's new driver's license or motorcycle operator's endorsement photograph;

(4) That the applicant provide a digital copy of any identification documents and supporting documents as required by statute or administrative rule to comply with current state and federal requirements.

(C) The registrar shall make it possible for applicants to upload and send by electronic means all required copies of supporting documents and photographs for a driver's license or motorcycle operator's endorsement renewal under this section.

(D)(1) This section does not impact a person's ability to use the exemption from the license requirements available under division (B) of section 4507.03 of the Revised Code.

(2) This section does not prevent a person who is permitted to renew a driver's license or motorcycle operator's endorsement by electronic means under this section from making an application, as provided in section 4507.10 of the Revised Code, in person at a deputy ~~registrar~~ registrar's office.

(E) The registrar shall adopt rules under Chapter 119. of the Revised Code to implement and administer this section.

Sec. 4507.50. (A)(1) The registrar of motor vehicles or a 62627
deputy registrar shall issue an identification card to a person 62628
when all of the following apply: 62629

(a) The registrar or deputy registrar receives an application 62630
completed in accordance with section 4507.51 of the Revised Code 62631
and, if the person is under seventeen years of age, payment of the 62632
applicable fees. 62633

(b) The person is a resident or a temporary resident of this 62634
state. 62635

(c) The person is not licensed as an operator of a motor 62636
vehicle in this state or another licensing jurisdiction. 62637

(d) The person does not hold an identification card from 62638
another jurisdiction. 62639

(2)(a) The registrar of motor vehicles or a deputy registrar 62640
may issue a temporary identification card when all of the 62641
following apply: 62642

(i) The registrar or deputy registrar receives an application 62643
completed in accordance with section 4507.51 of the Revised Code 62644
and payment of the applicable fees. 62645

(ii) The person is a resident or temporary resident of this 62646
state. 62647

(iii) The person's Ohio driver's or commercial driver's 62648
license has been suspended or canceled. 62649

(iv) The person does not hold an identification card from 62650
another jurisdiction. 62651

(b) The temporary identification card shall be identical to 62652
an identification card, except that it shall be printed on its 62653
face with a statement that the card is valid ~~during the effective~~ 62654
~~dates of the suspension or cancellation of the cardholder's~~ 62655

~~license, or until the birthday of the cardholder in the fourth~~ 62656
~~year after the date on which it is issued, whichever is shorter~~ 62657
for a temporary period. The temporary period shall be in 62658
accordance with the expiration dates specified in section 4507.501 62659
of the Revised Code. 62660

(c) The cardholder shall surrender the temporary 62661
identification card to the registrar or any deputy registrar 62662
before the cardholder's driver's or commercial driver's license is 62663
restored or reissued. 62664

(B)(1) Except as provided in division (D) of this section, an 62665
applicant who is under seventeen years of age shall pay the 62666
following fees prior to issuance of an identification card or a 62667
temporary identification card: 62668

(a) A fee of three dollars and fifty cents if the card will 62669
expire on the applicant's birthday four years after the date of 62670
issuance or a fee of six dollars if the card will expire on the 62671
applicant's birthday eight years after the date of issuance; 62672

(b) A fee equal to the amount established under section 62673
4503.038 of the Revised Code if the card will expire on the 62674
applicant's birthday four years after the date of issuance or 62675
twice that amount if the card will expire on the applicant's 62676
birthday eight years after the date of issuance; 62677

(c) A fee of one dollar and fifty cents if the card will 62678
expire on the applicant's birthday four years after the date of 62679
issuance or three dollars if the card will expire on the 62680
applicant's birthday eight years after the date of issuance, for 62681
the authentication of the documents required for processing an 62682
identification card or temporary identification card. A deputy 62683
registrar that authenticates the required documents shall retain 62684
the entire amount of the fee. 62685

(2) The fees collected for issuing an identification card 62686

under this section, except for any fees allowed to the deputy registrar, shall be paid into the state treasury to the credit of the public safety - highway purposes fund created in section 4501.06 of the Revised Code.

(C) A person seventeen years of age or older may apply to the registrar or a deputy registrar for the issuance to that person of an identification card or a temporary identification card under this section without payment of any fee prescribed in division (B) of this section.

(D) A resident who is ~~eligible for an identification card with an expiration date that is in accordance with division (A)(8)(b) of section 4507.52 of the Revised Code~~ permanently or irreversibly disabled and who is under seventeen years of age may apply to the registrar or a deputy registrar for the issuance of an identification card under this section without payment of any fee as prescribed in division (B) of this section. As used in this section, "permanently or irreversibly disabled" means a condition of disability from which there is no present indication of recovery.

An application made under division (D) of this section shall be accompanied by such documentary evidence of disability as the registrar may require by rule.

Sec. 4507.501. (A) An identification card issued to a resident shall expire, unless canceled or surrendered earlier, on the birthday of the cardholder in the fourth or the eighth year after the date on which it is issued, based on the period of renewal requested by the applicant.

(B) A temporary identification card issued to a resident shall expire on the earliest of the following dates:

(1) After the effective dates of the suspension or

<u>cancellation of the cardholder's driver's or commercial driver's</u>	62717
<u>license;</u>	62718
<u>(2) The birthday of the cardholder in the fourth year after</u>	62719
<u>the date on which it is issued.</u>	62720
<u>(C)(1) Subject to rules adopted under division (D) of this</u>	62721
<u>section, a limited term identification card issued to a temporary</u>	62722
<u>resident who has a definite expiration date for the resident's</u>	62723
<u>authorized stay in the United States shall expire on the earliest</u>	62724
<u>of the following dates:</u>	62725
<u>(a) The expiration date of the applicant's authorized stay in</u>	62726
<u>the United States;</u>	62727
<u>(b) Four years from the date of issuance.</u>	62728
<u>(2) Subject to rules adopted under division (D) of this</u>	62729
<u>section, a limited term identification card issued to a temporary</u>	62730
<u>resident who has no expiration date for the applicant's authorized</u>	62731
<u>stay in the United States shall expire one year from the date of</u>	62732
<u>issuance.</u>	62733
<u>(D) The registrar of motor vehicles shall adopt rules in</u>	62734
<u>accordance with Chapter 119. of the Revised Code governing limited</u>	62735
<u>term identification cards for temporary residents and limited term</u>	62736
<u>temporary identification cards for temporary residents.</u>	62737
<u>(E) A cardholder may renew the cardholder's identification</u>	62738
<u>card within ninety days prior to the day on which it expires by</u>	62739
<u>filing an application and paying the prescribed fee, if required,</u>	62740
<u>in accordance with section 4507.50 of the Revised Code. A limited</u>	62741
<u>term identification card or limited term temporary identification</u>	62742
<u>card may only be renewed upon verification of the applicant's</u>	62743
<u>continued temporary lawful status in the United States and the</u>	62744
<u>applicant's compliance with any other applicable requirements.</u>	62745
Sec. 4507.51. (A)(1) Every application for an identification	62746

card or duplicate shall be made on a form furnished or in a manner 62747
specified by the registrar of motor vehicles, shall be signed by 62748
the applicant, and by the applicant's parent or guardian if the 62749
applicant is under eighteen years of age, and shall contain the 62750
following information pertaining to the applicant: name, date of 62751
birth, sex, general description including the applicant's height, 62752
weight, hair color, and eye color, address, country of 62753
citizenship, and social security number. The application also 62754
shall include, for an applicant who has not already certified the 62755
applicant's willingness to make an anatomical gift under section 62756
2108.05 of the Revised Code, whether the applicant wishes to 62757
certify willingness to make such an anatomical gift and shall 62758
include information about the requirements of sections 2108.01 to 62759
2108.29 of the Revised Code that apply to persons who are less 62760
than eighteen years of age. The statement regarding willingness to 62761
make such a donation shall be given no consideration in the 62762
decision of whether to issue an identification card. Each 62763
applicant applying in person at a deputy registrar office shall be 62764
photographed ~~in color~~ at the time of making application. 62765

(2)(a) The application also shall state whether the applicant 62766
has executed a valid durable power of attorney for health care 62767
pursuant to sections 1337.11 to 1337.17 of the Revised Code or has 62768
executed a declaration governing the use or continuation, or the 62769
withholding or withdrawal, of life-sustaining treatment pursuant 62770
to sections 2133.01 to 2133.15 of the Revised Code and, if the 62771
applicant has executed either type of instrument, whether the 62772
applicant wishes the identification card issued to indicate that 62773
the applicant has executed the instrument. 62774

(b) The application also shall state whether the applicant is 62775
a veteran, active duty, or reservist of the armed forces of the 62776
United States and, if the applicant is such, whether the applicant 62777
wishes the identification card issued to indicate that the 62778

applicant is a veteran, active duty, or reservist of the armed 62779
forces of the United States by a military designation on the 62780
identification card. 62781

(3) The registrar or deputy registrar, in accordance with 62782
section 3503.11 of the Revised Code, shall register as an elector 62783
any person who applies for an identification card or duplicate if 62784
the applicant is eligible and wishes to be registered as an 62785
elector. The decision of an applicant whether to register as an 62786
elector shall be given no consideration in the decision of whether 62787
to issue the applicant an identification card or duplicate. 62788

(B) Except as provided in section 4507.061 of the Revised 62789
Code, the application for an identification card or duplicate 62790
shall be filed in the office of the registrar or deputy registrar. 62791
Each applicant shall present documentary evidence as required by 62792
the registrar of the applicant's age and identity, and the 62793
applicant shall swear that all information given is true. An 62794
identification card issued by the department of rehabilitation and 62795
correction under section 5120.59 of the Revised Code or an 62796
identification card issued by the department of youth services 62797
under section 5139.511 of the Revised Code shall be sufficient 62798
documentary evidence under this division upon verification of the 62799
applicant's social security number by the registrar or a deputy 62800
registrar. Upon issuing an identification card under this section 62801
for a person who has been issued an identification card under 62802
section 5120.59 or section 5139.511 of the Revised Code, the 62803
registrar or deputy registrar shall destroy the identification 62804
card issued under section 5120.59 or section 5139.511 of the 62805
Revised Code. 62806

All applications for an identification card or duplicate 62807
under this section shall be filed in duplicate, and if submitted 62808
to a deputy registrar, a copy shall be forwarded to the registrar. 62809
The registrar shall prescribe rules for the manner in which a 62810

deputy registrar is to file and maintain applications and other 62811
records. The registrar shall maintain a suitable, indexed record 62812
of all applications denied and cards issued or canceled. 62813

(C) In addition to any other information it contains, the 62814
form furnished by the registrar of motor vehicles for an 62815
application for an identification card or duplicate shall inform 62816
applicants that the applicant must present a copy of the 62817
applicant's DD-214 or an equivalent document in order to qualify 62818
to have the card or duplicate indicate that the applicant is an 62819
honorably discharged veteran of the armed forces of the United 62820
States based on a request made pursuant to division (A)(2)(b) of 62821
this section. 62822

Sec. 4507.52. (A)(1) Each identification card issued by the 62823
registrar of motor vehicles or a deputy registrar shall display a 62824
distinguishing number assigned to the cardholder, and shall 62825
display the following inscription: 62826

"STATE OF OHIO IDENTIFICATION CARD 62827

This card is not valid for the purpose of operating a motor 62828
vehicle. It is provided solely for the purpose of establishing the 62829
identity of the bearer described on the card, ~~who currently is not~~ 62830
~~licensed to operate a motor vehicle in the state of Ohio.~~ 62831

(2) The identification card shall display substantially the 62832
same information as contained in the application and as described 62833
in division (A)(1) of section 4507.51 of the Revised Code, 62834
including, if the cardholder is a noncitizen of the United States, 62835
a notation designating that the cardholder is a noncitizen. The 62836
identification card shall not display the cardholder's social 62837
security number unless the cardholder specifically requests that 62838
the cardholder's social security number be displayed on the card. 62839
If federal law requires the cardholder's social security number to 62840
be displayed on the identification card, the social security 62841

number shall be displayed on the card notwithstanding this 62842
section. 62843

(3) The identification card also shall display the ~~color~~ 62844
photograph of the cardholder. 62845

(4) If the cardholder has executed a durable power of 62846
attorney for health care or a declaration governing the use or 62847
continuation, or the withholding or withdrawal, of life-sustaining 62848
treatment and has specified that the cardholder wishes the 62849
identification card to indicate that the cardholder has executed 62850
either type of instrument, the card also shall display any symbol 62851
chosen by the registrar to indicate that the cardholder has 62852
executed either type of instrument. 62853

(5) If the cardholder has specified that the cardholder 62854
wishes the identification card to indicate that the cardholder is 62855
a veteran, active duty, or reservist of the armed forces of the 62856
United States and has presented a copy of the cardholder's DD-214 62857
form or an equivalent document, the card also shall display any 62858
symbol chosen by the registrar to indicate that the cardholder is 62859
a veteran, active duty, or reservist of the armed forces of the 62860
United States. 62861

(6) The card shall be designed as to prevent its reproduction 62862
or alteration without ready detection. 62863

(7) The identification card for persons under twenty-one 62864
years of age shall have characteristics prescribed by the 62865
registrar distinguishing it from that issued to a person who is 62866
twenty-one years of age or older, except that an identification 62867
card issued to a person who applies no more than thirty days 62868
before the applicant's twenty-first birthday shall have the 62869
characteristics of an identification card issued to a person who 62870
is twenty-one years of age or older. 62871

~~(8)(a) Except as provided in division (A)(8)(b) of this 62872~~

~~section, every (8) Every~~ identification card issued to a resident 62873
of this state shall ~~expire, unless canceled or surrendered~~ 62874
~~earlier, on the birthday of the cardholder in the fourth or the~~ 62875
~~eighth year after the date on which it is issued, based on the~~ 62876
~~period of renewal requested by the applicant~~ display the 62877
expiration date of the card, in accordance with section 4507.501 62878
of the Revised Code. 62879

~~(b) Upon request, the registrar or a deputy registrar shall~~ 62880
~~issue an identification card to a resident of this state who is~~ 62881
~~permanently or irreversibly disabled that shall expire, unless~~ 62882
~~canceled or surrendered earlier, on the birthday of the cardholder~~ 62883
~~in the eighth year after the date on which it is issued. The~~ 62884
~~registrar shall issue a reminder notice to a cardholder, at the~~ 62885
~~last known address of the cardholder, six months before the~~ 62886
~~identification card is scheduled to expire. The registrar shall~~ 62887
~~adopt rules governing the documentation a cardholder shall submit~~ 62888
~~to certify that the cardholder is permanently or irreversibly~~ 62889
~~disabled.~~ 62890

~~As used in this section, "permanently or irreversibly~~ 62891
~~disabled" means a condition of disability from which there is no~~ 62892
~~present indication of recovery.~~ 62893

~~(e)(9) Every~~ identification card issued to a temporary 62894
resident shall expire in accordance with section 4507.501 of the 62895
Revised Code and rules adopted by the registrar and is 62896
~~nonrenewable, but may be replaced with a new identification card~~ 62897
~~upon the applicant's compliance with all applicable requirements~~ 62898
limited term. Every limited term identification card and limited 62899
term temporary identification card shall contain the words 62900
"limited term" and shall have any additional characteristics 62901
prescribed by the registrar distinguishing it from an 62902
identification card issued to a resident. 62903

~~(9) A cardholder may renew the cardholder's identification~~ 62904

~~card within ninety days prior to the day on which it expires by 62905
filing an application and paying the prescribed fee, if required, 62906
in accordance with section 4507.50 of the Revised Code. 62907~~

~~(10) If a cardholder applies for a driver's or commercial 62908
driver's license in this state or another licensing jurisdiction, 62909
the cardholder shall surrender the cardholder's identification 62910
card to the registrar or any deputy registrar before the license 62911
is issued. 62912~~

(B)(1) If a card is lost, destroyed, or mutilated, the person 62913
to whom the card was issued may obtain a duplicate by doing both 62914
of the following: 62915

(a) Furnishing suitable proof of the loss, destruction, or 62916
mutilation to the registrar or a deputy registrar; 62917

(b) Filing an application and presenting documentary evidence 62918
under section 4507.51 of the Revised Code. 62919

(2) A cardholder may apply to obtain a reprint of the 62920
cardholder's identification card through electronic means in 62921
accordance with section 4507.40 of the Revised Code. 62922

~~(3) Any person who loses a card and, after obtaining a 62923
duplicate or reprint, finds the original, immediately shall 62924
surrender the original to the registrar or a deputy registrar. 62925~~

~~(4) A cardholder may obtain a replacement identification card 62926
that reflects any change of the cardholder's name by furnishing 62927
suitable proof of the change to the registrar or a deputy 62928
registrar and surrendering the cardholder's existing card. 62929~~

~~(5)~~(4) Except as provided in division ~~(A)~~(6)(B)(5) or ~~(7)~~(6) 62930
of this section, when a cardholder applies for a duplicate, 62931
reprint, or replacement identification card, the cardholder shall 62932
pay the following fees: 62933

(a) Two dollars and fifty cents; 62934

(b) A deputy registrar or service fee equal to the amount 62935
established under section 4503.038 of the Revised Code. 62936

~~(6)(5)~~ The following cardholders may apply for a duplicate, 62937
reprint, or replacement identification card without payment of any 62938
fee prescribed in division ~~(B)(5)(B)(4)~~ of this section: 62939

(a) A disabled veteran who has a service-connected disability 62940
rated at one hundred per cent by the veterans' administration; 62941

(b) A resident who is permanently or irreversibly disabled 62942
~~and who is unemployed.~~ 62943

~~(7)(6)~~ A cardholder who is seventeen years of age or older 62944
may apply for a replacement identification card without payment of 62945
any fee prescribed in division ~~(B)(5)(B)(4)~~ of this section. 62946

~~(8)(7)~~ A duplicate, reprint, or replacement identification 62947
card expires on the same date as the card it replaces. 62948

(C) The registrar shall cancel any card upon determining that 62949
the card was obtained unlawfully, issued in error, or was altered. 62950
~~The registrar also shall cancel any card that is surrendered to~~ 62951
~~the registrar or to a deputy registrar after the holder has~~ 62952
~~obtained a duplicate, reprint, replacement, or driver's or~~ 62953
~~commercial driver's license.~~ 62954

(D)(1) No agent of the state or its political subdivisions 62955
shall condition the granting of any benefit, service, right, or 62956
privilege upon the possession by any person of an identification 62957
card. Nothing in this section shall preclude any publicly operated 62958
or franchised transit system from using an identification card for 62959
the purpose of granting benefits or services of the system. 62960

(2) No person shall be required to apply for, carry, or 62961
possess an identification card. 62962

(E) Except in regard to an identification card issued to a 62963
person who applies no more than thirty days before the applicant's 62964

twenty-first birthday, neither the registrar nor any deputy registrar shall issue an identification card to a person under twenty-one years of age that does not have the characteristics prescribed by the registrar distinguishing it from the identification card issued to persons who are twenty-one years of age or older.

(F) The registrar shall ensure that identification cards issued in accordance with the federal "Real ID Act," 49 U.S.C. 30301, et seq., comply with the regulations specified in 6 C.F.R. part 37.

(G) Whoever violates division (E) of this section is guilty of a minor misdemeanor.

Sec. 4508.06. (A) The director of public safety may refuse to issue, or may suspend or revoke, a license or may impose a fine of not more than ten thousand dollars per occurrence in any case in which the director finds the applicant or licensee has violated any of the provisions of this chapter, or any of the rules adopted by the director, or has failed to pay a fine imposed under this division. No person whose license has been suspended or revoked under this section shall fail to return the license to the director.

(B) In addition to the reasons for a suspension under division (A) of this section, the director may suspend a driver training instructor license without a prior hearing if the director believes there exists clear and convincing evidence of any of the following:

(1) The license holder has engaged in conduct that presents a clear and present danger to a student or students.

(2) The license holder has engaged in inappropriate contact with a student. "Inappropriate contact" means any of the

following: 62995

(a) Causing or attempting to cause "physical harm," as 62996
defined in division (A)(3) of section 2901.01 of the Revised Code; 62997

(b) "Sexual activity," as defined in division (C) of section 62998
2907.01 of the Revised Code; 62999

(c) Engaging in any communication, either directly or through 63000
"telecommunication," as defined in division (X) of section 2913.01 63001
of the Revised Code, that is of a sexual nature or intended to 63002
abuse, threaten, or harass the student. 63003

(3) The license holder has been convicted of a felony, or a 63004
misdemeanor that directly relates to the fitness of that person to 63005
provide driving instruction. 63006

(C) In addition to the reasons for a suspension under 63007
division (A) of this section, the director may suspend a driver 63008
training school license without a prior hearing if the director 63009
believes there exists clear and convincing evidence of any of the 63010
following: 63011

(1) There exists a clear and present danger to the health, 63012
safety, or welfare of students should the school be permitted to 63013
continue operation. 63014

(2) At the time the contract for training was signed, there 63015
was no intention to provide training, or no ability to provide 63016
training to students. 63017

(3) Any school official knowingly allowed inappropriate 63018
contact, as defined in division (B)(2) of this section, between 63019
instructors and students. 63020

(D) Immediately following a decision to impose a suspension 63021
without a prior hearing under division (B) or (C) of this section, 63022
the director, in accordance with ~~section~~ sections 119.05 and 63023
119.07 of the Revised Code, shall issue a written order of 63024

suspension, cause it to be ~~delivered to~~ served on the license holder, and notify the license holder of the opportunity for a hearing. If timely requested by the license holder, a hearing shall be conducted in accordance with Chapter 119. of the Revised Code. 63025
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(E) The director shall deposit all fines collected under division (A) of this section into the state treasury to the credit of the public safety - highway purposes fund created by section 4501.06 of the Revised Code. 63030
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(F) Whoever fails to return a license that has been suspended or revoked under division (A), (B), or (C) of this section is guilty of failing to return a suspended or revoked license, a minor misdemeanor or, on a second or subsequent offense within two years after the first offense, a misdemeanor of the fourth degree. 63034
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Sec. 4510.43. (A)(1) The director of public safety, upon consultation with the director of health and in accordance with Chapter 119. of the Revised Code, shall certify immobilizing and disabling devices and, subject to section 4510.45 of the Revised Code, shall publish and make available to the courts, without charge, a list of licensed manufacturers of ignition interlock devices and approved devices together with information about the manufacturers of the devices and where they may be obtained. The manufacturer of an immobilizing or disabling device shall pay the cost of obtaining the certification of the device to the director of public safety, and the director shall deposit the payment in the state indigent drivers alcohol treatment fund established by section 4511.191 of the Revised Code. 63039
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(2) The director of public safety, in accordance with Chapter 119. of the Revised Code, shall adopt and publish rules setting forth the requirements for obtaining the certification of an immobilizing or disabling device. The director of public safety 63052
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shall not certify an immobilizing or disabling device under this 63056
section unless it meets the requirements specified and published 63057
by the director in the rules adopted pursuant to this division. A 63058
certified device may consist of an ignition interlock device, an 63059
ignition blocking device initiated by time or magnetic or 63060
electronic encoding, an activity monitor, or any other device that 63061
reasonably assures compliance with an order granting limited 63062
driving privileges. Ignition interlock devices shall be certified 63063
annually. 63064

The requirements for an immobilizing or disabling device that 63065
is an ignition interlock device shall require that the 63066
manufacturer of the device submit to the department of public 63067
safety a certificate from an independent testing laboratory 63068
indicating that the device meets or exceeds the standards of the 63069
national highway traffic safety administration, as defined in 63070
section 4511.19 of the Revised Code, that are in effect at the 63071
time of the director's decision regarding certification of the 63072
device, shall include provisions for setting a minimum and maximum 63073
calibration range, and shall include, but shall not be limited to, 63074
specifications that the device complies with all of the following: 63075

(a) It does not impede the safe operation of the vehicle. 63076

(b) It has features that make circumvention difficult and 63077
that do not interfere with the normal use of the vehicle, and the 63078
features are operating and functioning. 63079

(c) It correlates well with established measures of alcohol 63080
impairment. 63081

(d) It works accurately and reliably in an unsupervised 63082
environment. 63083

(e) It is resistant to tampering and shows evidence of 63084
tampering if tampering is attempted. 63085

(f) It is difficult to circumvent and requires premeditation 63086

to do so. 63087

(g) It minimizes inconvenience to a sober user. 63088

(h) It requires a proper, deep-lung breath sample or other 63089
accurate measure of the concentration by weight of alcohol in the 63090
breath. 63091

(i) It operates reliably over the range of automobile 63092
environments. 63093

(j) It is made by a manufacturer who is covered by product 63094
liability insurance. 63095

(k) Beginning January 1, 2020, it is equipped with a camera. 63096

(3) The director of public safety may adopt, in whole or in 63097
part, the guidelines, rules, regulations, studies, or independent 63098
laboratory tests performed and relied upon by other states, or 63099
their agencies or commissions, in the certification or approval of 63100
immobilizing or disabling devices. 63101

(4) The director of public safety shall adopt rules in 63102
accordance with Chapter 119. of the Revised Code for the design of 63103
a warning label that shall be affixed to each immobilizing or 63104
disabling device upon installation. The label shall contain a 63105
warning that any person tampering, circumventing, or otherwise 63106
misusing the device is subject to a fine, imprisonment, or both 63107
and may be subject to civil liability. 63108

(5) The director of public safety shall establish a 63109
certificate of installation that a manufacturer of immobilizing or 63110
disabling devices shall sign and provide to a person upon the 63111
completion of the installation of such a device on the person's 63112
motor vehicle. The director also shall adopt rules in accordance 63113
with Chapter 119. of the Revised Code that govern procedures for 63114
confirming and inspecting the installation of immobilizing or 63115
disabling devices. 63116

(B) A court considering the use of a prototype device in a pilot program shall advise the director of public safety, thirty days before the use, of the prototype device and its protocol, methodology, manufacturer, and licensor, lessor, other agent, or owner, and the length of the court's pilot program. A prototype device shall not be used for a violation of section 4510.14 or 4511.19 of the Revised Code, a violation of a municipal OVI ordinance, or in relation to a suspension imposed under section 4511.191 of the Revised Code. A court that uses a prototype device in a pilot program, periodically during the existence of the program and within fourteen days after termination of the program, shall report in writing to the director of public safety regarding the effectiveness of the prototype device and the program.

(C) If a person has been granted limited or unlimited driving privileges with a condition of the privileges being that the motor vehicle that is operated under the privileges must be equipped with an immobilizing or disabling device, the person may operate a motor vehicle that is owned by the person's employer only if the person is required to operate that motor vehicle in the course and scope of the offender's employment. Such a person may operate that vehicle without the installation of an immobilizing or disabling device, provided that the employer has been notified that the person has limited driving privileges and of the nature of the restriction and further provided that the person has proof of the employer's notification in the person's possession while operating the employer's vehicle for normal business duties. A motor vehicle owned by a business that is partly or entirely owned or controlled by a person with limited driving privileges is not a motor vehicle owned by an employer, for purposes of this division.

Sec. 4510.45. (A)(1) A manufacturer of ignition interlock devices that desires for its devices to be certified under section 4510.43 of the Revised Code and then to be included on the list of

certified devices that the department of public safety compiles 63149
and makes available to courts pursuant to that section first shall 63150
obtain a license from the department under this section. The 63151
department, in accordance with Chapter 119. of the Revised Code, 63152
shall adopt any rules that are necessary to implement this 63153
licensing requirement. 63154

(2) A manufacturer shall apply to the department for the 63155
license and shall include all information the department may 63156
require by rule. Each application, including an application for 63157
license renewal, shall be accompanied by an application fee of one 63158
hundred dollars, which the department shall deposit into the state 63159
treasury to the credit of the state indigent drivers alcohol 63160
treatment fund created by section 4511.191 of the Revised Code. 63161
Each application also shall be accompanied by a signed agreement, 63162
in a form established by the director, affirming that the 63163
manufacturer agrees to install and monitor all devices produced by 63164
that manufacturer and affirming that the manufacturer agrees to 63165
charge a reduced fee, established by the department, for the 63166
installation and monitoring of a device used by a person who is 63167
deemed to be an indigent offender by the court that granted 63168
limited or unlimited driving privileges to the offender subject to 63169
the condition that the offender use a certified ignition interlock 63170
device. 63171

(3) Upon receipt of a completed application, if the 63172
department finds that a manufacturer has complied with all 63173
application requirements, the department shall issue a license to 63174
the manufacturer. A manufacturer that has been issued a license 63175
under this section is eligible immediately to have the models of 63176
ignition interlock devices it produces certified under section 63177
4510.43 of the Revised Code and then included on the list of 63178
certified devices that the department compiles and makes available 63179
to courts pursuant to that section. 63180

(4)(a) A license issued under this section shall expire 63181
annually on a date selected by the department. The department 63182
shall reject the license application of a manufacturer if any of 63183
the following apply: 63184

(i) The application is not accompanied by the application fee 63185
or the required agreement. 63186

(ii) The department finds that the manufacturer has not 63187
complied with all application requirements. 63188

(iii) The license application is a renewal application and 63189
the manufacturer failed to file the annual report or failed to pay 63190
the fee as required by division (B) of this section. 63191

(iv) The license application is a renewal application and the 63192
manufacturer failed to monitor or report violations as required 63193
under section 4510.46 of the Revised Code. 63194

(b) The department may reject the license application of a 63195
manufacturer if the manufacturer has a history of failing to 63196
properly install immobilizing or disabling devices. 63197

(c) A manufacturer whose license application is rejected by 63198
the department may appeal the decision to the director of public 63199
safety. The director or the director's designee shall hold a 63200
hearing on the matter not more than thirty days from the date of 63201
the manufacturer's appeal. If the director or the director's 63202
designee upholds the denial of the manufacturer's application for 63203
a license, the manufacturer may appeal the decision to the 63204
Franklin county court of common pleas. If the director or the 63205
director's designee reverses the denial of the manufacturer's 63206
application for a license, the director or the director's designee 63207
shall issue a written order directing that the department issue a 63208
license to the manufacturer. 63209

(B) Every manufacturer of ignition interlock devices that is 63210
issued a license under this section shall file an annual report 63211

with the department on a form the department prescribes on or 63212
before a date the department prescribes. The annual report shall 63213
state the amount of net profit the manufacturer earned during a 63214
twelve-month period specified by the department that is 63215
attributable to the sales of that manufacturer's certified 63216
ignition interlock devices to purchasers in this state. Each 63217
manufacturer shall pay a fee equal to five per cent of the amount 63218
of the net profit described in this division. 63219

The department may permit annual reports to be filed via 63220
electronic means. 63221

(C) The department shall deposit all fees it receives from 63222
manufacturers under this section into the state treasury to the 63223
credit of the state indigent drivers alcohol treatment fund 63224
created by section 4511.191 of the Revised Code. All money so 63225
deposited into that fund that is paid by the department of mental 63226
health and addiction services to county indigent drivers alcohol 63227
treatment funds, county juvenile indigent drivers alcohol 63228
treatment funds, and municipal indigent drivers alcohol treatment 63229
funds shall be used only as described in division (H)(3) of 63230
section 4511.191 of the Revised Code. 63231

(D)(1) The director may make an assessment, based on any 63232
information in the director's possession, against any manufacturer 63233
that fails to file an annual report or pay the fee required by 63234
division (B) of this section. The director, in accordance with 63235
Chapter 119. of the Revised Code, shall adopt rules governing 63236
assessments and assessment procedures and related provisions. In 63237
adopting these rules, the director shall incorporate the 63238
provisions of section 5751.09 of the Revised Code to the greatest 63239
extent possible, except that the director is not required to 63240
incorporate any provisions of that section that by their nature 63241
are not applicable, appropriate, or necessary to assessments made 63242
by the director under this section. 63243

(2) A manufacturer may appeal the final determination of the director regarding an assessment made by the director under this section. The director, in accordance with Chapter 119. of the Revised Code, shall adopt rules governing such appeals. In adopting these rules, the director shall incorporate the provisions of section 5717.02 of the Revised Code to the greatest extent possible, except that the director is not required to incorporate any provisions of that section that by their nature are not applicable, appropriate, or necessary to appeals of assessments made by the director under this section.

(E) The director, in accordance with Chapter 119. of the Revised Code, shall adopt a penalty schedule setting forth the monetary penalties to be imposed upon a manufacturer that is issued a license under this section and fails to file an annual report or pay the fee required by division (B) of this section in a timely manner. The penalty amounts shall not exceed the maximum penalty amounts established in section 5751.06 of the Revised Code for similar or equivalent facts or circumstances.

(F)(1) No manufacturer of ignition interlock devices that is required by division (B) of this section to file an annual report with the department or to pay a fee shall fail to do so as required by that division.

(2) No manufacturer of ignition interlock devices that is required by division (B) of this section to file an annual report with the department shall file a report that contains incorrect or erroneous information.

(G) Whoever violates division (F)(2) of this section is guilty of a misdemeanor of the first degree. The department shall remove from the list of certified devices described in division (A)(1) of this section the ignition interlock devices manufactured by a manufacturer that violates division (F)(1) or (2) of this section.

Sec. 4511.191. (A)(1) As used in this section: 63276

(a) "Physical control" has the same meaning as in section 63277
4511.194 of the Revised Code. 63278

(b) "Alcohol monitoring device" means any device that 63279
provides for continuous alcohol monitoring, any ignition interlock 63280
device, any immobilizing or disabling device other than an 63281
ignition interlock device that is constantly available to monitor 63282
the concentration of alcohol in a person's system, or any other 63283
device that provides for the automatic testing and periodic 63284
reporting of alcohol consumption by a person and that a court 63285
orders a person to use as a sanction imposed as a result of the 63286
person's conviction of or plea of guilty to an offense. 63287

(c) "Community addiction services provider" has the same 63288
meaning as in section 5119.01 of the Revised Code. 63289

(d) "IDATF" means indigent drivers alcohol treatment fund. 63290

(2) Any person who operates a vehicle, streetcar, or 63291
trackless trolley upon a highway or any public or private property 63292
used by the public for vehicular travel or parking within this 63293
state or who is in physical control of a vehicle, streetcar, or 63294
trackless trolley shall be deemed to have given consent to a 63295
chemical test or tests of the person's whole blood, blood serum or 63296
plasma, breath, or urine to determine the alcohol, drug of abuse, 63297
controlled substance, metabolite of a controlled substance, or 63298
combination content of the person's whole blood, blood serum or 63299
plasma, breath, or urine if arrested for a violation of division 63300
(A) or (B) of section 4511.19 of the Revised Code, section 63301
4511.194 of the Revised Code or a substantially equivalent 63302
municipal ordinance, or a municipal OVI ordinance. 63303

(3) The chemical test or tests under division (A)(2) of this 63304
section shall be administered at the request of a law enforcement 63305

officer having reasonable grounds to believe the person was 63306
operating or in physical control of a vehicle, streetcar, or 63307
trackless trolley in violation of a division, section, or 63308
ordinance identified in division (A)(2) of this section. The law 63309
enforcement agency by which the officer is employed shall 63310
designate which of the tests shall be administered. 63311

(4) Any person who is dead or unconscious, or who otherwise 63312
is in a condition rendering the person incapable of refusal, shall 63313
be deemed to have consented as provided in division (A)(2) of this 63314
section, and the test or tests may be administered, subject to 63315
sections 313.12 to 313.16 of the Revised Code. 63316

(5)(a) If a law enforcement officer arrests a person for a 63317
violation of division (A) or (B) of section 4511.19 of the Revised 63318
Code, section 4511.194 of the Revised Code or a substantially 63319
equivalent municipal ordinance, or a municipal OVI ordinance and 63320
if the person if convicted would be required to be sentenced under 63321
division (G)(1)(c), (d), or (e) of section 4511.19 of the Revised 63322
Code, the law enforcement officer shall request the person to 63323
submit, and the person shall submit, to a chemical test or tests 63324
of the person's whole blood, blood serum or plasma, breath, or 63325
urine for the purpose of determining the alcohol, drug of abuse, 63326
controlled substance, metabolite of a controlled substance, or 63327
combination content of the person's whole blood, blood serum or 63328
plasma, breath, or urine. A law enforcement officer who makes a 63329
request pursuant to this division that a person submit to a 63330
chemical test or tests is not required to advise the person of the 63331
consequences of submitting to, or refusing to submit to, the test 63332
or tests and is not required to give the person the form described 63333
in division (B) of section 4511.192 of the Revised Code, but the 63334
officer shall advise the person at the time of the arrest that if 63335
the person refuses to take a chemical test the officer may employ 63336
whatever reasonable means are necessary to ensure that the person 63337

submits to a chemical test of the person's whole blood or blood serum or plasma. The officer shall also advise the person at the time of the arrest that the person may have an independent chemical test taken at the person's own expense. Divisions (A)(3) and (4) of this section apply to the administration of a chemical test or tests pursuant to this division.

(b) If a person refuses to submit to a chemical test upon a request made pursuant to division (A)(5)(a) of this section, the law enforcement officer who made the request may employ whatever reasonable means are necessary to ensure that the person submits to a chemical test of the person's whole blood or blood serum or plasma. A law enforcement officer who acts pursuant to this division to ensure that a person submits to a chemical test of the person's whole blood or blood serum or plasma is immune from criminal and civil liability based upon a claim for assault and battery or any other claim for the acts, unless the officer so acted with malicious purpose, in bad faith, or in a wanton or reckless manner.

(B)(1) Upon receipt of the sworn report of a law enforcement officer who arrested a person for a violation of division (A) or (B) of section 4511.19 of the Revised Code, section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance, or a municipal OVI ordinance that was completed and sent to the registrar of motor vehicles and a court pursuant to section 4511.192 of the Revised Code in regard to a person who refused to take the designated chemical test, the registrar shall enter into the registrar's records the fact that the person's driver's or commercial driver's license or permit or nonresident operating privilege was suspended by the arresting officer under this division and that section and the period of the suspension, as determined under this section. The suspension shall be subject to appeal as provided in section 4511.197 of the Revised Code. The

suspension shall be for whichever of the following periods 63370
applies: 63371

(a) Except when division (B)(1)(b), (c), or (d) of this 63372
section applies and specifies a different class or length of 63373
suspension, the suspension shall be a class C suspension for the 63374
period of time specified in division (B)(3) of section 4510.02 of 63375
the Revised Code. 63376

(b) If the arrested person, within ten years of the date on 63377
which the person refused the request to consent to the chemical 63378
test, had refused one previous request to consent to a chemical 63379
test or had been convicted of or pleaded guilty to one violation 63380
of division (A) of section 4511.19 of the Revised Code or one 63381
other equivalent offense, the suspension shall be a class B 63382
suspension imposed for the period of time specified in division 63383
(B)(2) of section 4510.02 of the Revised Code. 63384

(c) If the arrested person, within ten years of the date on 63385
which the person refused the request to consent to the chemical 63386
test, had refused two previous requests to consent to a chemical 63387
test, had been convicted of or pleaded guilty to two violations of 63388
division (A) of section 4511.19 of the Revised Code or other 63389
equivalent offenses, or had refused one previous request to 63390
consent to a chemical test and also had been convicted of or 63391
pleaded guilty to one violation of division (A) of section 4511.19 63392
of the Revised Code or other equivalent offenses, which violation 63393
or offense arose from an incident other than the incident that led 63394
to the refusal, the suspension shall be a class A suspension 63395
imposed for the period of time specified in division (B)(1) of 63396
section 4510.02 of the Revised Code. 63397

(d) If the arrested person, within ten years of the date on 63398
which the person refused the request to consent to the chemical 63399
test, had refused three or more previous requests to consent to a 63400
chemical test, had been convicted of or pleaded guilty to three or 63401

more violations of division (A) of section 4511.19 of the Revised Code or other equivalent offenses, or had refused a number of previous requests to consent to a chemical test and also had been convicted of or pleaded guilty to a number of violations of division (A) of section 4511.19 of the Revised Code or other equivalent offenses that cumulatively total three or more such refusals, convictions, and guilty pleas, the suspension shall be for five years.

(2) The registrar shall terminate a suspension of the driver's or commercial driver's license or permit of a resident or of the operating privilege of a nonresident, or a denial of a driver's or commercial driver's license or permit, imposed pursuant to division (B)(1) of this section upon receipt of notice that the person has entered a plea of guilty to, or that the person has been convicted after entering a plea of no contest to, operating a vehicle in violation of section 4511.19 of the Revised Code or in violation of a municipal OVI ordinance, if the offense for which the conviction is had or the plea is entered arose from the same incident that led to the suspension or denial.

The registrar shall credit against any judicial suspension of a person's driver's or commercial driver's license or permit or nonresident operating privilege imposed pursuant to section 4511.19 of the Revised Code, or pursuant to section 4510.07 of the Revised Code for a violation of a municipal OVI ordinance, any time during which the person serves a related suspension imposed pursuant to division (B)(1) of this section.

(C)(1) Upon receipt of the sworn report of the law enforcement officer who arrested a person for a violation of division (A) or (B) of section 4511.19 of the Revised Code or a municipal OVI ordinance that was completed and sent to the registrar and a court pursuant to section 4511.192 of the Revised Code in regard to a person whose test results indicate that the

person's whole blood, blood serum or plasma, breath, or urine 63434
contained at least the concentration of alcohol specified in 63435
division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the 63436
Revised Code or at least the concentration of a listed controlled 63437
substance or a listed metabolite of a controlled substance 63438
specified in division (A)(1)(j) of section 4511.19 of the Revised 63439
Code, the registrar shall enter into the registrar's records the 63440
fact that the person's driver's or commercial driver's license or 63441
permit or nonresident operating privilege was suspended by the 63442
arresting officer under this division and section 4511.192 of the 63443
Revised Code and the period of the suspension, as determined under 63444
divisions (C)(1)(a) to (d) of this section. The suspension shall 63445
be subject to appeal as provided in section 4511.197 of the 63446
Revised Code. The suspension described in this division does not 63447
apply to, and shall not be imposed upon, a person arrested for a 63448
violation of section 4511.194 of the Revised Code or a 63449
substantially equivalent municipal ordinance who submits to a 63450
designated chemical test. The suspension shall be for whichever of 63451
the following periods applies: 63452

(a) Except when division (C)(1)(b), (c), or (d) of this 63453
section applies and specifies a different period, the suspension 63454
shall be a class E suspension imposed for the period of time 63455
specified in division (B)(5) of section 4510.02 of the Revised 63456
Code. 63457

(b) The suspension shall be a class C suspension for the 63458
period of time specified in division (B)(3) of section 4510.02 of 63459
the Revised Code if the person has been convicted of or pleaded 63460
guilty to, within ten years of the date the test was conducted, 63461
one violation of division (A) of section 4511.19 of the Revised 63462
Code or one other equivalent offense. 63463

(c) If, within ten years of the date the test was conducted, 63464
the person has been convicted of or pleaded guilty to two 63465

violations of a statute or ordinance described in division 63466
(C)(1)(b) of this section, the suspension shall be a class B 63467
suspension imposed for the period of time specified in division 63468
(B)(2) of section 4510.02 of the Revised Code. 63469

(d) If, within ten years of the date the test was conducted, 63470
the person has been convicted of or pleaded guilty to more than 63471
two violations of a statute or ordinance described in division 63472
(C)(1)(b) of this section, the suspension shall be a class A 63473
suspension imposed for the period of time specified in division 63474
(B)(1) of section 4510.02 of the Revised Code. 63475

(2) The registrar shall terminate a suspension of the 63476
driver's or commercial driver's license or permit of a resident or 63477
of the operating privilege of a nonresident, or a denial of a 63478
driver's or commercial driver's license or permit, imposed 63479
pursuant to division (C)(1) of this section upon receipt of notice 63480
that the person has entered a plea of guilty to, or that the 63481
person has been convicted after entering a plea of no contest to, 63482
operating a vehicle in violation of section 4511.19 of the Revised 63483
Code or in violation of a municipal OVI ordinance, if the offense 63484
for which the conviction is had or the plea is entered arose from 63485
the same incident that led to the suspension or denial. 63486

The registrar shall credit against any judicial suspension of 63487
a person's driver's or commercial driver's license or permit or 63488
nonresident operating privilege imposed pursuant to section 63489
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 63490
Revised Code for a violation of a municipal OVI ordinance, any 63491
time during which the person serves a related suspension imposed 63492
pursuant to division (C)(1) of this section. 63493

(D)(1) A suspension of a person's driver's or commercial 63494
driver's license or permit or nonresident operating privilege 63495
under this section for the time described in division (B) or (C) 63496
of this section is effective immediately from the time at which 63497

the arresting officer serves the notice of suspension upon the 63498
arrested person. Any subsequent finding that the person is not 63499
guilty of the charge that resulted in the person being requested 63500
to take the chemical test or tests under division (A) of this 63501
section does not affect the suspension. 63502

(2) If a person is arrested for operating a vehicle, 63503
streetcar, or trackless trolley in violation of division (A) or 63504
(B) of section 4511.19 of the Revised Code or a municipal OVI 63505
ordinance, or for being in physical control of a vehicle, 63506
streetcar, or trackless trolley in violation of section 4511.194 63507
of the Revised Code or a substantially equivalent municipal 63508
ordinance, regardless of whether the person's driver's or 63509
commercial driver's license or permit or nonresident operating 63510
privilege is or is not suspended under division (B) or (C) of this 63511
section or Chapter 4510. of the Revised Code, the person's initial 63512
appearance on the charge resulting from the arrest shall be held 63513
within five days of the person's arrest or the issuance of the 63514
citation to the person, subject to any continuance granted by the 63515
court pursuant to section 4511.197 of the Revised Code regarding 63516
the issues specified in that division. 63517

(E) When it finally has been determined under the procedures 63518
of this section and sections 4511.192 to 4511.197 of the Revised 63519
Code that a nonresident's privilege to operate a vehicle within 63520
this state has been suspended, the registrar shall give 63521
information in writing of the action taken to the motor vehicle 63522
administrator of the state of the person's residence and of any 63523
state in which the person has a license. 63524

(F) At the end of a suspension period under this section, 63525
under section 4511.194, section 4511.196, or division (G) of 63526
section 4511.19 of the Revised Code, or under section 4510.07 of 63527
the Revised Code for a violation of a municipal OVI ordinance and 63528
upon the request of the person whose driver's or commercial 63529

driver's license or permit was suspended and who is not otherwise 63530
subject to suspension, cancellation, or disqualification, the 63531
registrar shall return the driver's or commercial driver's license 63532
or permit to the person upon the occurrence of all of the 63533
conditions specified in divisions (F)(1) and (2) of this section: 63534

(1) A showing that the person has proof of financial 63535
responsibility, a policy of liability insurance in effect that 63536
meets the minimum standards set forth in section 4509.51 of the 63537
Revised Code, or proof, to the satisfaction of the registrar, that 63538
the person is able to respond in damages in an amount at least 63539
equal to the minimum amounts specified in section 4509.51 of the 63540
Revised Code. 63541

(2) Subject to the limitation contained in division (F)(3) of 63542
this section, payment by the person to the registrar or an 63543
eligible deputy registrar of a license reinstatement fee of four 63544
hundred seventy-five dollars, which fee shall be deposited in the 63545
state treasury and credited as follows: 63546

(a) One hundred twelve dollars and fifty cents shall be 63547
credited to the statewide treatment and prevention fund created by 63548
section 4301.30 of the Revised Code. Money credited to the fund 63549
under this section shall be used for purposes identified under 63550
section 5119.22 of the Revised Code. 63551

(b) Seventy-five dollars shall be credited to the reparations 63552
fund created by section 2743.191 of the Revised Code. 63553

(c) Thirty-seven dollars and fifty cents shall be credited to 63554
the state indigent drivers alcohol treatment fund, which is hereby 63555
established in the state treasury. The department of mental health 63556
and addiction services shall distribute the moneys in that fund to 63557
the county ~~indigent drivers alcohol treatment funds~~ IDATFs, the 63558
county juvenile ~~indigent drivers alcohol treatment funds~~ IDATFs, 63559
and the municipal ~~indigent drivers alcohol treatment funds~~ IDATFs 63560

that are required to be established by counties and municipal 63561
corporations pursuant to division (H) of this section to be used 63562
only as provided in division (H)(3) of this section. Moneys in the 63563
fund that are not distributed to a county ~~indigent drivers alcohol~~ 63564
~~treatment fund~~ IDATF, a county juvenile ~~indigent drivers alcohol~~ 63565
~~treatment fund~~ IDATF, or a municipal ~~indigent drivers alcohol~~ 63566
~~treatment fund~~ IDATF under division (H) of this section because 63567
the director of mental health and addiction services does not have 63568
the information necessary to identify the county or municipal 63569
corporation where the offender or juvenile offender was arrested 63570
may be transferred by the director of budget and management to the 63571
statewide treatment and prevention fund created by section 4301.30 63572
of the Revised Code, upon certification of the amount by the 63573
director of mental health and addiction services. 63574

(d) Seventy-five dollars shall be credited to the 63575
opportunities for Ohioans with disabilities agency established by 63576
section 3304.15 of the Revised Code, to the services for 63577
rehabilitation fund, which is hereby established. The fund shall 63578
be used to match available federal matching funds where 63579
appropriate, ~~and or~~ or for any other purpose or program of the agency 63580
~~to rehabilitate persons with disabilities to help them become~~ 63581
~~employed and independent.~~ 63582

(e) Seventy-five dollars shall be deposited into the state 63583
treasury and credited to the drug abuse resistance education 63584
programs fund, which is hereby established, to be used by the 63585
attorney general for the purposes specified in division (F)(4) of 63586
this section. 63587

(f) Thirty dollars shall be credited to the public safety - 63588
highway purposes fund created by section 4501.06 of the Revised 63589
Code. 63590

(g) Twenty dollars shall be credited to the trauma and 63591
emergency medical services fund created by section 4513.263 of the 63592

Revised Code. 63593

(h) Fifty dollars shall be credited to the indigent drivers 63594
interlock and alcohol monitoring fund, which is hereby established 63595
in the state treasury. Moneys in the fund shall be distributed by 63596
the department of public safety to the county indigent drivers 63597
interlock and alcohol monitoring funds, the county juvenile 63598
indigent drivers interlock and alcohol monitoring funds, and the 63599
municipal indigent drivers interlock and alcohol monitoring funds 63600
that are required to be established by counties and municipal 63601
corporations pursuant to this section, and shall be used only to 63602
pay the cost of an immobilizing or disabling device, including a 63603
certified ignition interlock device, or an alcohol monitoring 63604
device used by an offender or juvenile offender who is ordered to 63605
use the device by a county, juvenile, or municipal court judge and 63606
who is determined by the county, juvenile, or municipal court 63607
judge not to have the means to pay for the person's use of the 63608
device. 63609

(3) If a person's driver's or commercial driver's license or 63610
permit is suspended under this section, under section 4511.196 or 63611
division (G) of section 4511.19 of the Revised Code, under section 63612
4510.07 of the Revised Code for a violation of a municipal OVI 63613
ordinance or under any combination of the suspensions described in 63614
division (F)(3) of this section, and if the suspensions arise from 63615
a single incident or a single set of facts and circumstances, the 63616
person is liable for payment of, and shall be required to pay to 63617
the registrar or an eligible deputy registrar, only one 63618
reinstatement fee of four hundred seventy-five dollars. The 63619
reinstatement fee shall be distributed by the bureau in accordance 63620
with division (F)(2) of this section. 63621

(4) The attorney general shall use amounts in the drug abuse 63622
resistance education programs fund to award grants to law 63623
enforcement agencies to establish and implement drug abuse 63624

resistance education programs in public schools. Grants awarded to 63625
a law enforcement agency under this section shall be used by the 63626
agency to pay for not more than fifty per cent of the amount of 63627
the salaries of law enforcement officers who conduct drug abuse 63628
resistance education programs in public schools. The attorney 63629
general shall not use more than six per cent of the amounts the 63630
attorney general's office receives under division (F)(2)(e) of 63631
this section to pay the costs it incurs in administering the grant 63632
program established by division (F)(2)(e) of this section and in 63633
providing training and materials relating to drug abuse resistance 63634
education programs. 63635

The attorney general shall report to the governor and the 63636
general assembly each fiscal year on the progress made in 63637
establishing and implementing drug abuse resistance education 63638
programs. These reports shall include an evaluation of the 63639
effectiveness of these programs. 63640

(5) In addition to the reinstatement fee under this section, 63641
if the person pays the reinstatement fee to a deputy registrar, 63642
the deputy registrar shall collect a service fee of ten dollars to 63643
compensate the deputy registrar for services performed under this 63644
section. The deputy registrar shall retain eight dollars of the 63645
service fee and shall transmit the reinstatement fee, plus two 63646
dollars of the service fee, to the registrar in the manner the 63647
registrar shall determine. 63648

(G) Suspension of a commercial driver's license under 63649
division (B) or (C) of this section shall be concurrent with any 63650
period of disqualification under section 3123.611 or 4506.16 of 63651
the Revised Code or any period of suspension under section 3123.58 63652
of the Revised Code. No person who is disqualified for life from 63653
holding a commercial driver's license under section 4506.16 of the 63654
Revised Code shall be issued a driver's license under Chapter 63655
4507. of the Revised Code during the period for which the 63656

commercial driver's license was suspended under division (B) or 63657
(C) of this section. No person whose commercial driver's license 63658
is suspended under division (B) or (C) of this section shall be 63659
issued a driver's license under Chapter 4507. of the Revised Code 63660
during the period of the suspension. 63661

(H)(1) Each county shall establish ~~an indigent drivers~~ 63662
~~alcohol treatment fund IDATF~~ and a juvenile ~~indigent drivers~~ 63663
~~alcohol treatment fund IDATF~~. Each municipal corporation in which 63664
there is a municipal court shall establish an ~~indigent drivers~~ 63665
~~alcohol treatment fund IDATF~~. All revenue that the general 63666
assembly appropriates to the ~~indigent drivers alcohol treatment~~ 63667
~~fund state IDATF~~ for transfer to a county ~~indigent drivers alcohol~~ 63668
~~treatment fund IDATF~~, a county juvenile ~~indigent drivers alcohol~~ 63669
~~treatment fund IDATF~~, or a municipal ~~indigent drivers alcohol~~ 63670
~~treatment fund IDATF~~, all portions of fees that are paid under 63671
division (F) of this section and that are credited under that 63672
division to the ~~indigent drivers alcohol treatment fund state~~ 63673
~~IDATF~~ in the state treasury for a county ~~indigent drivers alcohol~~ 63674
~~treatment fund IDATF~~, a county juvenile ~~indigent drivers alcohol~~ 63675
~~treatment fund IDATF~~, or a municipal ~~indigent drivers alcohol~~ 63676
~~treatment fund IDATF~~, all portions of additional costs imposed 63677
under section 2949.094 of the Revised Code that are specified for 63678
deposit into a county, county juvenile, or municipal ~~indigent~~ 63679
~~drivers alcohol treatment fund IDATF~~ by that section, and all 63680
portions of fines that are specified for deposit into a county or 63681
municipal ~~indigent drivers alcohol treatment fund IDATF~~ by section 63682
4511.193 of the Revised Code shall be deposited into that county 63683
~~indigent drivers alcohol treatment fund IDATF~~, county juvenile 63684
~~indigent drivers alcohol treatment fund IDATF~~, or municipal 63685
~~indigent drivers alcohol treatment fund IDATF~~. The portions of the 63686
fees paid under division (F) of this section that are to be so 63687
deposited shall be determined in accordance with division (H)(2) 63688
of this section. Additionally, all portions of fines that are paid 63689

for a violation of section 4511.19 of the Revised Code or of any 63690
prohibition contained in Chapter 4510. of the Revised Code, and 63691
that are required ~~under section 4511.19 or any provision of~~ 63692
~~Chapter 4510. of the Revised Code~~ to be deposited into a county 63693
~~indigent drivers alcohol treatment fund~~ IDATF or municipal 63694
~~indigent drivers alcohol treatment fund~~ IDATF shall be deposited 63695
into the appropriate fund in accordance with the applicable 63696
division of the section or provision. 63697

(2) That portion of the license reinstatement fee that is 63698
paid under division (F) of this section and that is credited under 63699
that division to the ~~indigent drivers alcohol treatment fund~~ IDATF 63700
shall be deposited into a county ~~indigent drivers alcohol~~ 63701
~~treatment fund~~ IDATF, a county juvenile ~~indigent drivers alcohol~~ 63702
~~treatment fund~~ IDATF, or a municipal ~~indigent drivers alcohol~~ 63703
~~treatment fund~~ IDATF as follows: 63704

(a) Regarding a suspension imposed under this section, that 63705
portion of the fee shall be deposited as follows: 63706

(i) If the fee is paid by a person who was charged in a 63707
county court with the violation that resulted in the suspension or 63708
in the imposition of the court costs, the portion shall be 63709
deposited into the county ~~indigent drivers alcohol treatment fund~~ 63710
IDATF under the control of that court; 63711

(ii) If the fee is paid by a person who was charged in a 63712
juvenile court with the violation that resulted in the suspension 63713
or in the imposition of the court costs, the portion shall be 63714
deposited into the county juvenile ~~indigent drivers alcohol~~ 63715
~~treatment fund~~ IDATF established in the county served by the 63716
court; 63717

(iii) If the fee is paid by a person who was charged in a 63718
municipal court with the violation that resulted in the suspension 63719
or in the imposition of the court costs, the portion shall be 63720

deposited into the municipal ~~indigent drivers alcohol treatment~~ 63721
~~fund~~ IDATF under the control of that court. 63722

(b) Regarding a suspension imposed under section 4511.19 of 63723
the Revised Code or under section 4510.07 of the Revised Code for 63724
a violation of a municipal OVI ordinance, that portion of the fee 63725
shall be deposited as follows: 63726

(i) If the fee is paid by a person whose license or permit 63727
was suspended by a county court, the portion shall be deposited 63728
into the county ~~indigent drivers alcohol treatment fund~~ IDATF 63729
under the control of that court; 63730

(ii) If the fee is paid by a person whose license or permit 63731
was suspended by a municipal court, the portion shall be deposited 63732
into the municipal ~~indigent drivers alcohol treatment fund~~ IDATF 63733
under the control of that court. 63734

(3)(a) As used in division (H)(3) of this section, "indigent 63735
person" means a person who is ~~convicted~~ determined to be indigent 63736
by a court under division (H)(4) of this section and to whom one 63737
or more of the following apply: 63738

(i) The person is convicted of a criminal offense, and the 63739
court determines that substance abuse was a contributing factor 63740
leading to the commission of that offense. 63741

(ii) The person is adjudicated a delinquent child or found to 63742
be a juvenile traffic offender, and the court determines that 63743
substance abuse was a contributing factor leading to that 63744
adjudication or finding. 63745

(iii) The person is convicted of a violation of division (A) 63746
or (B) of section 4511.19 of the Revised Code or a substantially 63747
similar municipal ordinance ~~or found to be a juvenile traffic~~ 63748
~~offender by reason of a violation of division (A) or (B) of~~ 63749
~~section 4511.19 of the Revised Code or a substantially similar~~ 63750
municipal ordinance, who and is ordered by the court to attend an 63751

alcohol and drug addiction treatment program, ~~and who is~~ 63752
~~determined by the court under division (H)(5) of this section to~~ 63753
~~be unable to pay the cost of the assessment or the cost of~~ 63754
~~attendance at the treatment program.~~ 63755

(iv) The person is found to be a juvenile traffic offender by 63756
reason of a violation of division (A) or (B) of section 4511.19 of 63757
the Revised Code or a substantially similar municipal ordinance 63758
and is ordered by the court to attend an alcohol and drug 63759
addiction treatment program. 63760

(b) A county, juvenile, or municipal court judge, by order, 63761
may make expenditures from a county ~~indigent drivers alcohol~~ 63762
~~treatment fund IDATF~~, a county juvenile ~~indigent drivers alcohol~~ 63763
~~treatment fund IDATF~~, or a municipal ~~indigent drivers alcohol~~ 63764
~~treatment fund IDATF~~ with respect to an indigent person for any of 63765
the following: 63766

(i) To pay the cost of an assessment that is conducted by an 63767
appropriately licensed clinician at either a driver intervention 63768
program that is certified under section 5119.38 of the Revised 63769
Code or at a community addiction services provider whose alcohol 63770
and drug addiction services are certified under section 5119.36 of 63771
the Revised Code; 63772

(ii) To pay the cost of alcohol addiction services, drug 63773
addiction services, or integrated alcohol and drug addiction 63774
services at a community addiction services provider whose alcohol 63775
and drug addiction services are certified under section 5119.36 of 63776
the Revised Code; 63777

(iii) To pay the cost of transportation to attend an 63778
assessment as provided under division (H)(3)(b)(i) of this section 63779
or addiction services as provided under division (H)(3)(b)(ii) of 63780
this section. 63781

(iv) To pay the cost of recovery supports, as defined in 63782

section 5119.01 of the Revised Code. 63783

The alcohol and drug addiction services board or the board of 63784
alcohol, drug addiction, and mental health services established 63785
pursuant to section 340.02 or 340.021 of the Revised Code and 63786
serving the alcohol, drug addiction, and mental health service 63787
district in which the court is located shall administer the 63788
indigent drivers alcohol treatment program of the court. When a 63789
court orders an offender or juvenile traffic offender to obtain an 63790
assessment or attend an alcohol and drug addiction treatment 63791
program, the board shall determine which program is suitable to 63792
meet the needs of the offender or juvenile traffic offender, and 63793
when a suitable program is located and space is available at the 63794
program, the offender or juvenile traffic offender shall attend 63795
the program designated by the board. ~~A reasonable amount not to~~ 63796
~~exceed five per cent of the amounts credited to and deposited into~~ 63797
~~the county indigent drivers alcohol treatment fund, the county~~ 63798
~~juvenile indigent drivers alcohol treatment fund, or the municipal~~ 63799
~~indigent drivers alcohol treatment fund serving every court whose~~ 63800
~~program is administered by that board shall be paid to the board~~ 63801
~~to cover the costs it incurs in administering those indigent~~ 63802
~~drivers alcohol treatment programs.~~ 63803

(c) If a county, juvenile, or municipal court, in 63804
consultation with the board of alcohol, drug addiction, and mental 63805
health services serving the alcohol, drug addiction, and mental 63806
health service district in which the court is located, determines 63807
that the amount of money in its county IDATF, county juvenile 63808
IDATF, or municipal IDATF, as applicable, is more than sufficient 63809
to satisfy the purposes of the fund, the court may take one or 63810
more of the following actions: 63811

(i) Transfer an amount determined appropriate by the court 63812
from that fund to another court in the same county to be used as 63813
specified in division (H)(3)(b) of this section. If funds are so 63814

transferred, the court initiating the transfer shall notify the 63815
board it consulted with pursuant to division (H)(3)(c) of this 63816
section. 63817

(ii) Transfer an amount determined appropriate by the court 63818
from that fund to the board of alcohol, drug addiction, and mental 63819
health services it consulted with pursuant to division (H)(3)(c) 63820
of this section. Such money shall be used by the board in a manner 63821
consistent with division (H)(3)(b) of this section. 63822

(iii) Spend an amount determined appropriate by the court to 63823
cover part or all of the cost of purchasing alcohol monitoring 63824
devices to be used in conjunction with division (H)(3)(d) of this 63825
section, upon exhaustion of moneys in the indigent drivers 63826
interlock and alcohol monitoring fund for the use of an alcohol 63827
monitoring device. 63828

(iv) Spend an amount determined appropriate by the court for 63829
staffing, equipment, supplies, training, drug testing, or any 63830
other expenses associated with the administration of any 63831
specialized docket program established within the court and 63832
certified by the supreme court. 63833

(d) Upon exhaustion of moneys in the indigent drivers 63834
interlock and alcohol monitoring fund for the use of an alcohol 63835
monitoring device, a county, juvenile, or municipal court judge 63836
may use moneys in the county ~~indigent drivers alcohol treatment~~ 63837
fund IDATF, county juvenile ~~indigent drivers alcohol treatment~~ 63838
fund IDATF, or municipal ~~indigent drivers alcohol treatment fund~~ 63839
IDATF in either of the following manners: 63840

(i) If the source of the moneys was an appropriation of the 63841
general assembly, a portion of a fee that was paid under division 63842
(F) of this section, a portion of a fine that was specified for 63843
deposit into the fund by section 4511.193 of the Revised Code, or 63844
a portion of a fine that was paid for a violation of section 63845

4511.19 of the Revised Code or of a provision contained in Chapter 63846
4510. of the Revised Code that was required to be deposited into 63847
the fund, to pay for the continued use of an alcohol monitoring 63848
device by an offender or juvenile traffic offender, in conjunction 63849
with a treatment program approved by the department of mental 63850
health and addiction services, when such use is determined 63851
clinically necessary by the treatment program and when the court 63852
determines that the offender or juvenile traffic offender is 63853
unable to pay all or part of the daily monitoring or cost of the 63854
device; 63855

(ii) If the source of the moneys was a portion of an 63856
additional court cost imposed under section 2949.094 of the 63857
Revised Code, to pay for the continued use of an alcohol 63858
monitoring device by an offender or juvenile traffic offender when 63859
the court determines that the offender or juvenile traffic 63860
offender is unable to pay all or part of the daily monitoring or 63861
cost of the device. The moneys may be used for a device as 63862
described in this division if the use of the device is in 63863
conjunction with a treatment program approved by the department of 63864
mental health and addiction services, when the use of the device 63865
is determined clinically necessary by the treatment program, but 63866
the use of a device is not required to be in conjunction with a 63867
treatment program approved by the department in order for the 63868
moneys to be used for the device as described in this division. 63869

~~(4) If a county, juvenile, or municipal court determines, in 63870
consultation with the alcohol and drug addiction services board or 63871
the board of alcohol, drug addiction, and mental health services 63872
established pursuant to section 340.02 or 340.021 of the Revised 63873
Code and serving the alcohol, drug addiction, and mental health 63874
district in which the court is located, that the funds in the 63875
county indigent drivers alcohol treatment fund, the county 63876
juvenile indigent drivers alcohol treatment fund, or the municipal 63877~~

~~indigent drivers alcohol treatment fund under the control of the 63878
court are more than sufficient to satisfy the purpose for which 63879
the fund was established, as specified in divisions (H)(1) to (3) 63880
of this section, the court may declare a surplus in the fund. If 63881
the court declares a surplus in the fund, the court may take one 63882
or more of the following actions with regard to the amount of the 63883
surplus in the fund: 63884~~

~~(a) Expend any of the surplus amount for alcohol and drug 63885
abuse assessment and treatment, and for the cost of transportation 63886
related to assessment and treatment, of persons who are charged in 63887
the court with committing a criminal offense or with being a 63888
delinquent child or juvenile traffic offender and in relation to 63889
whom both of the following apply: 63890~~

~~(i) The court determines that substance abuse was a 63891
contributing factor leading to the criminal or delinquent activity 63892
or the juvenile traffic offense with which the person is charged. 63893~~

~~(ii) The court determines that the person is unable to pay 63894
the cost of the alcohol and drug abuse assessment and treatment 63895
for which the surplus money will be used. 63896~~

~~(b) Expend any of the surplus amount to pay all or part of 63897
the cost of purchasing alcohol monitoring devices to be used in 63898
conjunction with division (H)(3)(c) of this section, upon 63899
exhaustion of moneys in the indigent drivers interlock and alcohol 63900
monitoring fund for the use of an alcohol monitoring device. 63901~~

~~(c) Transfer to another court in the same county any of the 63902
surplus amount to be utilized in a manner consistent with division 63903
(H)(3) of this section. If surplus funds are transferred to 63904
another court, the court that transfers the funds shall notify the 63905
alcohol and drug addiction services board or the board of alcohol, 63906
drug addiction, and mental health services that serves the 63907
alcohol, drug addiction, and mental health service district in 63908~~

~~which that court is located.~~ 63909

~~(d) Transfer to the alcohol and drug addiction services board 63910
or the board of alcohol, drug addiction, and mental health 63911
services that serves the alcohol, drug addiction, and mental 63912
health service district in which the court is located any of the 63913
surplus amount to be utilized in a manner consistent with division 63914
(H)(3) of this section or for board contracted recovery support 63915
services. 63916~~

~~(e) Expend any of the surplus amount for the cost of 63917
staffing, equipment, training, drug testing, supplies, and other 63918
expenses of any specialized docket program established within the 63919
court and certified by the supreme court. 63920~~

~~(5) In order to determine if an offender does not have the 63921
means to pay for the offender's attendance at an alcohol and drug 63922
addiction treatment program for purposes of division (H)(3) of 63923
this section or if an alleged offender or delinquent child is 63924
unable to pay the costs specified in division (H)(4) of this 63925
section, the 63926~~

~~The court shall use the indigent client eligibility 63927
guidelines and the standards of indigency established by the state 63928
public defender to ~~make the determination~~ determine if an 63929
offender, juvenile traffic offender, or delinquent child is 63930
indigent and does not have the means to pay for any item specified 63931
in divisions (H)(3)(b)(i) to (H)(3)(b)(iv) of this section. 63932~~

~~(6) The court shall identify and refer any community 63933
addiction services provider that intends to provide alcohol and 63934
drug addiction services and has not had its alcohol and drug 63935
addiction services certified under section 5119.36 of the Revised 63936
Code and that is interested in receiving amounts from the surplus 63937
in the fund declared under division (H)(4) of this section to the 63938
department of mental health and addiction services in order for 63939~~

~~the community addiction services provider to have its alcohol and 63940
drug addiction services certified by the department. The 63941
department shall keep a record of applicant referrals received 63942
pursuant to this division and shall submit a report on the 63943
referrals each year to the general assembly. If a community 63944
addiction services provider interested in having its alcohol and 63945
drug addiction services certified makes an application pursuant to 63946
section 5119.36 of the Revised Code, the community addiction 63947
services provider is eligible to receive surplus funds as long as 63948
the application is pending with the department. The department of 63949
mental health and addiction services must offer technical 63950
assistance to the applicant. If the interested community addiction 63951
services provider withdraws the certification application, the 63952
department must notify the court, and the court shall not provide 63953
the interested community addiction services provider with any 63954
further surplus funds. 63955~~

(7)(a)(5)(a) Not later than the fifteenth day of July of each 63956
year, each court with a county IDATF, county juvenile IDATF, or 63957
municipal IDATF, as applicable, shall submit all of the following 63958
information to the board of alcohol, drug addiction, and mental 63959
health services serving the alcohol, drug addiction, and mental 63960
health service district in which the court is located: 63961

(i) The balance of funds in each fund specified in division 63962
(H)(5)(a) of this section under the court's control on the 63963
thirtieth day of June of that year; 63964

(ii) The amount, if any, the court transferred from each fund 63965
specified in division (H)(5)(a) of this section to another court 63966
in its same county; 63967

(iii) The amount the court spent in the state fiscal year 63968
that ended on the thirtieth day of June of that year from each 63969
fund specified in division (H)(5)(a) of this section; 63970

(iv) The number of indigent persons served in the state 63971
fiscal year that ended on the thirtieth day of June of that year 63972
from each fund specified in division (H)(5)(a) of this section. 63973

(b) Each alcohol and drug addiction services board and board 63974
of alcohol, drug addiction, and mental health services established 63975
pursuant to section 340.02 or 340.021 of the Revised Code shall 63976
compile the information submitted by each court under division 63977
(H)(5)(a) of this section into an annual report for that board's 63978
area, clearly delineating the items specified in that division for 63979
each court. A board shall submit to the department of mental 63980
health and addiction services an its annual report for each 63981
indigent drivers alcohol treatment fund in that board's area to 63982
the department of mental health and addiction services not later 63983
than the first day of September of each year. 63984

(b) The report, which shall be submitted not later than sixty 63985
days after the end of the state fiscal year, shall provide the 63986
total payment that was made from the fund, including the number of 63987
indigent consumers that received treatment services and the number 63988
of indigent consumers that received an alcohol monitoring device. 63989
The report shall identify the treatment program and expenditure 63990
for an alcohol monitoring device for which that payment was made. 63991
The report shall include the fiscal year balance of each indigent 63992
drivers alcohol treatment fund located in that board's area. In 63993
the event that a surplus is declared in the fund pursuant to 63994
division (H)(4) of this section, the report also shall provide the 63995
total payment that was made from the surplus moneys and identify 63996
the authorized purpose for which that payment was made. 63997

(c) If a board is unable to obtain adequate information to 63998
develop the report to submit to the department for a from any 63999
particular indigent drivers alcohol treatment fund court for 64000
purposes of preparing its annual report, the board shall submit a 64001
report detailing the effort made in obtaining the information 64002

specify that fact in the annual report. 64003

(I)(1) Each county shall establish an indigent drivers 64004
interlock and alcohol monitoring fund and a juvenile indigent 64005
drivers interlock and alcohol treatment fund. Each municipal 64006
corporation in which there is a municipal court shall establish an 64007
indigent drivers interlock and alcohol monitoring fund. All 64008
revenue that the general assembly appropriates to the indigent 64009
drivers interlock and alcohol monitoring fund for transfer to a 64010
county indigent drivers interlock and alcohol monitoring fund, a 64011
county juvenile indigent drivers interlock and alcohol monitoring 64012
fund, or a municipal indigent drivers interlock and alcohol 64013
monitoring fund, all portions of license reinstatement fees that 64014
are paid under division (F)(2) of this section and that are 64015
credited under that division to the indigent drivers interlock and 64016
alcohol monitoring fund in the state treasury, and all portions of 64017
fines that are paid under division (G) of section 4511.19 of the 64018
Revised Code and that are credited by division (G)(5)(e) of that 64019
section to the indigent drivers interlock and alcohol monitoring 64020
fund in the state treasury shall be deposited in the appropriate 64021
fund in accordance with division (I)(2) of this section. 64022

(2) That portion of the license reinstatement fee that is 64023
paid under division (F) of this section and that portion of the 64024
fine paid under division (G) of section 4511.19 of the Revised 64025
Code and that is credited under either division to the indigent 64026
drivers interlock and alcohol monitoring fund shall be deposited 64027
into a county indigent drivers interlock and alcohol monitoring 64028
fund, a county juvenile indigent drivers interlock and alcohol 64029
monitoring fund, or a municipal indigent drivers interlock and 64030
alcohol monitoring fund as follows: 64031

(a) If the fee or fine is paid by a person who was charged in 64032
a county court with the violation that resulted in the suspension 64033
or fine, the portion shall be deposited into the county indigent 64034

drivers interlock and alcohol monitoring fund under the control of 64035
that court. 64036

(b) If the fee or fine is paid by a person who was charged in 64037
a juvenile court with the violation that resulted in the 64038
suspension or fine, the portion shall be deposited into the county 64039
juvenile indigent drivers interlock and alcohol monitoring fund 64040
established in the county served by the court. 64041

(c) If the fee or fine is paid by a person who was charged in 64042
a municipal court with the violation that resulted in the 64043
suspension, the portion shall be deposited into the municipal 64044
indigent drivers interlock and alcohol monitoring fund under the 64045
control of that court. 64046

(3) If a county, juvenile, or municipal court determines that 64047
the funds in the county indigent drivers interlock and alcohol 64048
monitoring fund, the county juvenile indigent drivers interlock 64049
and alcohol monitoring fund, or the municipal indigent drivers 64050
interlock and alcohol monitoring fund under the control of that 64051
court are more than sufficient to satisfy the purpose for which 64052
the fund was established as specified in division (F)(2)(h) of 64053
this section, the court may declare a surplus in the fund. The 64054
court then may order the transfer of a specified amount into the 64055
county ~~indigent drivers alcohol treatment fund~~ IDATF, the county 64056
juvenile ~~indigent drivers alcohol treatment fund~~ IDATF, or the 64057
municipal ~~indigent drivers alcohol treatment fund~~ IDATF under the 64058
control of that court to be utilized in accordance with division 64059
(H) of this section. 64060

Sec. 4511.204. (A) No person shall operate a motor vehicle, 64061
trackless trolley, or streetcar on any street, highway, or 64062
property open to the public for vehicular traffic while using, 64063
holding, or physically supporting with any part of the person's 64064
body an electronic wireless communications device. 64065

(B) Division (A) of this section does not apply to any of the following: 64066
64067

(1) A person using an electronic wireless communications device to make contact, for emergency purposes, with a law enforcement agency, hospital or health care provider, fire department, or other similar emergency agency or entity; 64068
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(2) A person driving a public safety vehicle while using an electronic wireless communications device in the course of the person's duties; 64072
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(3) A person using an electronic wireless communications device when the person's motor vehicle is in a stationary position and is outside a lane of travel, at a traffic control signal that is currently directing traffic to stop, or parked on a road or highway due to an emergency or road closure; 64075
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(4) A person using and holding an electronic wireless communications device directly near the person's ear for the purpose of making, receiving, or conducting a telephone call, provided that the person does not manually enter letters, numbers, or symbols into the device; 64080
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(5) A person receiving wireless messages on an electronic wireless communications device regarding the operation or navigation of a motor vehicle; safety-related information, including emergency, traffic, or weather alerts; or data used primarily by the motor vehicle, provided that the person does not hold or support the device with any part of the person's body; 64085
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(6) A person using the speaker phone function of the electronic wireless communications device, provided that the person does not hold or support the device with any part of the person's body; 64091
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(7) A person using an electronic wireless communications device for navigation purposes, provided that the person does not 64095
64096

do either of the following during the use: 64097

(a) Manually enter letters, numbers, or symbols into the 64098
device; 64099

(b) Hold or support the device with any part of the person's 64100
body; 64101

(8) A person using a feature or function of the electronic 64102
wireless communications device with a single touch or single 64103
swipe, provided that the person does not do either of the 64104
following during the use: 64105

(a) Manually enter letters, numbers, or symbols into the 64106
device; 64107

(b) Hold or support the device with any part of the person's 64108
body; 64109

(9) A person operating a commercial truck while using a 64110
mobile data terminal that transmits and receives data; 64111

(10) A person operating a utility service vehicle or a 64112
vehicle for or on behalf of a utility, if the person is acting in 64113
response to an emergency, power outage, or circumstance that 64114
affects the health or safety of individuals; 64115

(11) A person using an electronic wireless communications 64116
device in conjunction with a voice-operated or hands-free feature 64117
or function of the vehicle or of the device without the use of 64118
either hand except to activate, deactivate, or initiate the 64119
feature or function with a single touch or swipe, provided the 64120
person does not hold or support the device with any part of the 64121
person's body; 64122

(12) A person using technology that physically or 64123
electronically integrates the device into the motor vehicle, 64124
provided that the person does not do either of the following 64125
during the use: 64126

(a) Manually enter letters, numbers, or symbols into the device; 64127
64128

(b) Hold or support the device with any part of the person's body. 64129
64130

(13) A person storing an electronic wireless communications device in a holster, harness, or article of clothing on the person's body. 64131
64132
64133

(C)(1) On January 31 of each year, the department of public safety shall issue a report to the general assembly that specifies the number of citations issued for violations of this section during the previous calendar year. 64134
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(2) If a law enforcement officer issues an offender a ticket, citation, or summons for a violation of division (A) of this section, the officer shall do both of the following: 64138
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(a) Report the issuance of the ticket, citation, or summons to the officer's law enforcement agency; 64141
64142

(b) Ensure that such report indicates the offender's race. 64143

(D)(1) Whoever violates division (A) of this section is guilty of operating a motor vehicle while using an electronic wireless communication device, an unclassified misdemeanor. 64144
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(a) Except as provided in divisions (D)(1)(b), (c), (d), and (2) of this section, the court shall impose upon the offender a fine of not more than one hundred fifty dollars. 64147
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(b) If, within two years of the violation, the offender has been convicted of or pleaded guilty to one prior violation of this section or a substantially equivalent municipal ordinance, the court shall impose upon the offender a fine of not more than two hundred fifty dollars. 64150
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(c) If, within two years of the violation, the offender has been convicted of or pleaded guilty to two or more prior 64155
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violations of this section or a substantially equivalent municipal ordinance, the court shall impose upon the offender a fine of not more than five hundred dollars. The court also may impose a suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for ninety days.

(d) Notwithstanding divisions (D)(1)(a) to (c) of this section, if the offender was operating the motor vehicle at the time of the violation in a construction zone where a sign was posted in accordance with section 4511.98 of the Revised Code, the court, in addition to all other penalties provided by law, shall impose upon the offender a fine of two times the amount imposed for the violation under division (D)(1)(a), (b), or (c) of this section, as applicable.

(2) In lieu of payment of the fine of one hundred fifty dollars under division (D)(1)(a) of this section and the assessment of points under division (D)(4) of this section, the offender instead may elect to attend the distracted driving safety course, as described in section 4511.991 of the Revised Code. If the offender attends and successfully completes the course within ninety days of the violation of division (A) of this section, the offender shall be issued written evidence that the offender successfully completed the course. The offender shall not be required to pay the fine and shall not have the points assessed against that offender's driver's license if the offender submits the written evidence to the court. However, successful completion of the course does not result in a dismissal of the charges for the violation, and the violation is a prior offense under divisions (D)(1)(b) and (c) of this section if the offender commits a subsequent violation or violations of division (A) of this section within two years of the offense for which the course was completed.

(3) The court may impose any other penalty authorized under 64189
sections 2929.21 to 2929.28 of the Revised Code. However, the 64190
court shall not impose a fine or a suspension not otherwise 64191
specified in division (D)(1) of this section. The court also shall 64192
not impose a jail term or community residential sanction. 64193

(4) Except as provided in division (D)(2) of this section, 64194
points shall be assessed for a violation of division (A) of this 64195
section in accordance with section 4510.036 of the Revised Code. 64196

(5) The offense established under this section is a strict 64197
liability offense and section 2901.20 of the Revised Code does not 64198
apply. The designation of this offense as a strict liability 64199
offense shall not be construed to imply that any other offense, 64200
for which there is no specified degree of culpability, is not a 64201
strict liability offense. 64202

(E) This section shall not be construed as invalidating, 64203
preempting, or superseding a substantially equivalent municipal 64204
ordinance that prescribes penalties for violations of that 64205
ordinance that are greater than the penalties prescribed in this 64206
section for violations of this section. 64207

(F) A prosecution for an offense in violation of this section 64208
does not preclude a prosecution for an offense in violation of a 64209
substantially equivalent municipal ordinance based on the same 64210
conduct. However, the two offenses are allied offenses of similar 64211
import under section 2941.25 of the Revised Code. 64212

(G)(1) A law enforcement officer does not have probable cause 64213
and shall not stop the operator of a motor vehicle for purposes of 64214
enforcing this section unless the officer visually observes the 64215
operator using, holding, or physically supporting with any part of 64216
the person's body the electronic wireless communications device. 64217

(2) A law enforcement officer who stops the operator of a 64218
motor vehicle, trackless trolley, or streetcar for a violation of 64219

division (A) of this section shall inform the operator that the operator may decline a search of the operator's electronic wireless communications device. The officer shall not do any of the following:

(a) Access the device without a warrant, unless the operator voluntarily and unequivocally gives consent for the officer to access the device;

(b) Confiscate the device while awaiting the issuance of a warrant to access the device;

(c) Obtain consent from the operator to access the device through coercion or any other improper means. Any consent by the operator to access the device shall be voluntary and unequivocal before the officer may access the device without a warrant.

(H) As used in this section:

(1) "Electronic wireless communications device" includes any of the following:

(a) A wireless telephone;

(b) A text-messaging device;

(c) A personal digital assistant;

(d) A computer, including a laptop computer and a computer tablet;

(e) Any device capable of displaying a video, movie, broadcast television image, or visual image;

(f) Any other substantially similar wireless device that is designed or used to communicate text, initiate or receive communication, or exchange information or data.

An "electronic wireless communications device" does not include a two-way radio transmitter or receiver used by a person who is licensed by the federal communications commission to

participate in the amateur radio service. 64249

(2) "Voice-operated or hands-free feature or function" means 64250
a feature or function that allows a person to use an electronic 64251
wireless communications device without the use of either hand, 64252
except to activate, deactivate, or initiate the feature or 64253
function with a single touch or single swipe. 64254

(3) "Utility" means an entity specified in division (A), (C), 64255
(D), (E), or (G) of section 4905.03 of the Revised Code. 64256

(4) "Utility service vehicle" means a vehicle owned or 64257
operated by a utility. 64258

Sec. 4511.34. (A) As used in this section: 64259

(1) "Connected vehicle" means a motor vehicle that exchanges 64260
information with another motor vehicle, with infrastructure, or 64261
with other road users by way of electronic communications 64262
technology. 64263

(2) "Vehicle platoon" means the linking of two or more 64264
connected vehicles using electronic vehicle-to-vehicle 64265
communication technology where the first connected vehicle in the 64266
platoon sets the speed and direction for the rest of the connected 64267
vehicles enabling all connected vehicles in the platoon to follow 64268
at a close distance. 64269

(B)(1) The operator of a motor vehicle, streetcar, or 64270
trackless trolley shall not follow another vehicle, streetcar, or 64271
trackless trolley more closely than is reasonable and prudent, 64272
having due regard for the speed of such vehicle, streetcar, or 64273
trackless trolley, and the traffic upon and the condition of the 64274
highway. 64275

(2) The driver of any truck, or motor vehicle drawing another 64276
vehicle, when traveling upon a roadway outside a business or 64277
residence district shall maintain a sufficient space, whenever 64278

conditions permit, between such vehicle and another vehicle ahead 64279
so an overtaking motor vehicle may enter and occupy such space 64280
without danger. This paragraph does not prevent overtaking and 64281
passing nor does it apply to any lane specially designated for use 64282
by trucks. 64283

(3) Outside a municipal corporation, the driver of any truck, 64284
or motor vehicle when drawing another vehicle, while ascending to 64285
the crest of a grade beyond which the driver's view of a roadway 64286
is obstructed, shall not follow within three hundred feet of 64287
another truck, or motor vehicle drawing another vehicle. This 64288
paragraph shall not apply to ~~any~~ either of the following: 64289

(a) Any lane specially designated for use by trucks; 64290

(b) A vehicle platoon. 64291

(4) Motor vehicles being driven upon any roadway outside of a 64292
business or residence district in a caravan or motorcade, shall 64293
maintain a sufficient space between such vehicles so an overtaking 64294
vehicle may enter and occupy such space without danger. This 64295
paragraph shall not apply to funeral processions. 64296

~~(B)~~(C) Except as otherwise provided in this division, whoever 64297
violates this section is guilty of a minor misdemeanor. If, within 64298
one year of the offense, the offender previously has been 64299
convicted of or pleaded guilty to one predicate motor vehicle or 64300
traffic offense, whoever violates this section is guilty of a 64301
misdemeanor of the fourth degree. If, within one year of the 64302
offense, the offender previously has been convicted of two or more 64303
predicate motor vehicle or traffic offenses, whoever violates this 64304
section is guilty of a misdemeanor of the third degree. 64305

If the offender commits the offense while distracted and the 64306
distracting activity is a contributing factor to the commission of 64307
the offense, the offender is subject to the additional fine 64308
established under section 4511.991 of the Revised Code. 64309

Sec. 4511.69. (A) Every vehicle stopped or parked upon a roadway where there is an adjacent curb shall be stopped or parked with the right-hand wheels of the vehicle parallel with and not more than twelve inches from the right-hand curb, unless it is impossible to approach so close to the curb; in such case the stop shall be made as close to the curb as possible and only for the time necessary to discharge and receive passengers or to load or unload merchandise. Local authorities by ordinance may permit angle parking on any roadway under their jurisdiction, except that angle parking shall not be permitted on a state route within a municipal corporation unless an unoccupied roadway width of not less than twenty-five feet is available for free-moving traffic.

(B) Local authorities by ordinance may permit parking of vehicles with the left-hand wheels adjacent to and within twelve inches of the left-hand curb of a one-way roadway.

(C)(1)(a) Except as provided in division (C)(1)(b) of this section, no vehicle or trackless trolley shall be stopped or parked on a road or highway with the vehicle or trackless trolley facing in a direction other than the direction of travel on that side of the road or highway.

(b) The operator of a motorcycle may back the motorcycle into an angled parking space so that when the motorcycle is parked it is facing in a direction other than the direction of travel on the side of the road or highway.

(2) The operator of a motorcycle may back the motorcycle into a parking space that is located on the side of, and parallel to, a road or highway. The motorcycle may face any direction when so parked. Not more than two motorcycles at a time shall be parked in a parking space as described in division (C)(2) of this section irrespective of whether or not the space is metered.

(D) Notwithstanding any statute or any rule, resolution, or

ordinance adopted by any local authority, air compressors, 64341
tractors, trucks, and other equipment, while being used in the 64342
construction, reconstruction, installation, repair, or removal of 64343
facilities near, on, over, or under a street or highway, may stop, 64344
stand, or park where necessary in order to perform such work, 64345
provided a flagperson is on duty or warning signs or lights are 64346
displayed as may be prescribed by the director of transportation. 64347

(E) Accessible parking locations and privileges for persons 64348
with disabilities that limit or impair the ability to walk shall 64349
be provided and designated by all political subdivisions and by 64350
the state and all agencies and instrumentalities thereof at all 64351
offices and facilities, where parking is provided, whether owned, 64352
rented, or leased, and at all publicly owned parking garages. The 64353
locations shall be designated through the posting of an elevated 64354
sign, whether permanently affixed or movable, imprinted with the 64355
international symbol of access and shall be reasonably close to 64356
exits, entrances, elevators, and ramps. All elevated signs posted 64357
in accordance with this division and division (C) of section 64358
3781.111 of the Revised Code shall be mounted on a fixed or 64359
movable post, and the distance from the ground to the bottom edge 64360
of the sign shall measure not less than five feet. If a new sign 64361
or a replacement sign designating an accessible parking location 64362
is posted on or after October 14, 1999, there also shall be 64363
affixed upon the surface of that sign or affixed next to the 64364
designating sign a notice that states the fine applicable for the 64365
offense of parking a motor vehicle in the designated accessible 64366
parking location if the motor vehicle is not legally entitled to 64367
be parked in that location. 64368

(F)(1)(a) No person shall stop, stand, or park any motor 64369
vehicle at accessible parking locations provided under division 64370
(E) of this section or at accessible clearly marked parking 64371
locations provided in or on privately owned parking lots, parking 64372

garages, or other parking areas and designated in accordance with 64373
that division, unless one of the following applies: 64374

(i) The motor vehicle is being operated by or for the 64375
transport of a person with a disability that limits or impairs the 64376
ability to walk and is displaying a valid removable windshield 64377
placard or accessible license plates; 64378

(ii) The motor vehicle is being operated by or for the 64379
transport of a person with a disability and is displaying a 64380
parking card or accessible license plates. 64381

(b) Any motor vehicle that is parked in an accessible marked 64382
parking location in violation of division (F)(1)(a)(i) or (ii) of 64383
this section may be towed or otherwise removed from the parking 64384
location by the law enforcement agency of the political 64385
subdivision in which the parking location is located. A motor 64386
vehicle that is so towed or removed shall not be released to its 64387
owner until the owner presents proof of ownership of the motor 64388
vehicle and pays all towing and storage fees normally imposed by 64389
that political subdivision for towing and storing motor vehicles. 64390
If the motor vehicle is a leased vehicle, it shall not be released 64391
to the lessee until the lessee presents proof that that person is 64392
the lessee of the motor vehicle and pays all towing and storage 64393
fees normally imposed by that political subdivision for towing and 64394
storing motor vehicles. 64395

(c) If a person is charged with a violation of division 64396
(F)(1)(a)(i) or (ii) of this section, it is an affirmative defense 64397
to the charge that the person suffered an injury not more than 64398
seventy-two hours prior to the time the person was issued the 64399
ticket or citation and that, because of the injury, the person 64400
meets at least one of the criteria contained in division (A)(1) of 64401
section 4503.44 of the Revised Code. 64402

(2) No person shall stop, stand, or park any motor vehicle in 64403

an area that is commonly known as an access aisle, which area is 64404
marked by diagonal stripes and is located immediately adjacent to 64405
an accessible parking location provided under division (E) of this 64406
section or at an accessible clearly marked parking location 64407
provided in or on a privately owned parking lot, parking garage, 64408
or other parking area and designated in accordance with that 64409
division. 64410

(G) When a motor vehicle is being operated by or for the 64411
transport of a person with a disability that limits or impairs the 64412
ability to walk and is displaying a removable windshield placard 64413
~~or a temporary removable windshield placard~~ or accessible license 64414
plates, or when a motor vehicle is being operated by or for the 64415
transport of a person with a disability and is displaying a 64416
parking card or accessible license plates, the motor vehicle is 64417
permitted to park for a period of two hours in excess of the legal 64418
parking period permitted by local authorities, except where local 64419
ordinances or police rules provide otherwise or where the vehicle 64420
is parked in such a manner as to be clearly a traffic hazard. 64421

(H) No owner of an office, facility, or parking garage where 64422
accessible parking locations are required to be designated in 64423
accordance with division (E) of this section shall fail to 64424
properly mark the accessible parking locations in accordance with 64425
that division or fail to maintain the markings of the accessible 64426
locations, including the erection and maintenance of the fixed or 64427
movable signs. 64428

(I) Nothing in this section shall be construed to require a 64429
person or organization to apply for a removable windshield placard 64430
or accessible license plates if the parking card or accessible 64431
license plates issued to the person or organization under prior 64432
law have not expired or been surrendered or revoked. 64433

(J)(1) Whoever violates division (A) or (C) of this section 64434
is guilty of a minor misdemeanor. 64435

(2)(a) Whoever violates division (F)(1)(a)(i) or (ii) of this section is guilty of a misdemeanor and shall be punished as provided in division (J)(2)(a) and (b) of this section. Except as otherwise provided in division (J)(2)(a) of this section, an offender who violates division (F)(1)(a)(i) or (ii) of this section shall be fined not less than two hundred fifty nor more than five hundred dollars. An offender who violates division (F)(1)(a)(i) or (ii) of this section shall be fined not more than one hundred dollars if the offender, prior to sentencing, proves either of the following to the satisfaction of the court:

(i) At the time of the violation of division (F)(1)(a)(i) of this section, the offender or the person for whose transport the motor vehicle was being operated had been issued a removable windshield placard that then was valid or accessible license plates that then were valid but the offender or the person neglected to display the placard or license plates as described in division (F)(1)(a)(i) of this section.

(ii) At the time of the violation of division (F)(1)(a)(ii) of this section, the offender or the person for whose transport the motor vehicle was being operated had been issued a parking card that then was valid or accessible license plates that then were valid but the offender or the person neglected to display the card or license plates as described in division (F)(1)(a)(ii) of this section.

(b) In no case shall an offender who violates division (F)(1)(a)(i) or (ii) of this section be sentenced to any term of imprisonment.

An arrest or conviction for a violation of division (F)(1)(a)(i) or (ii) of this section does not constitute a criminal record and need not be reported by the person so arrested or convicted in response to any inquiries contained in any application for employment, license, or other right or privilege,

or made in connection with the person's appearance as a witness. 64468

The clerk of the court shall pay every fine collected under 64469
divisions (J)(2) and (3) of this section to the political 64470
subdivision in which the violation occurred. Except as provided in 64471
division (J)(2) of this section, the political subdivision shall 64472
use the fine moneys it receives under divisions (J)(2) and (3) of 64473
this section to pay the expenses it incurs in complying with the 64474
signage and notice requirements contained in division (E) of this 64475
section. The political subdivision may use up to fifty per cent of 64476
each fine it receives under divisions (J)(2) and (3) of this 64477
section to pay the costs of educational, advocacy, support, and 64478
assistive technology programs for persons with disabilities, and 64479
for public improvements within the political subdivision that 64480
benefit or assist persons with disabilities, if governmental 64481
agencies or nonprofit organizations offer the programs. 64482

(3) Whoever violates division (F)(2) of this section shall be 64483
fined not less than two hundred fifty nor more than five hundred 64484
dollars. 64485

In no case shall an offender who violates division (F)(2) of 64486
this section be sentenced to any term of imprisonment. An arrest 64487
or conviction for a violation of division (F)(2) of this section 64488
does not constitute a criminal record and need not be reported by 64489
the person so arrested or convicted in response to any inquiries 64490
contained in any application for employment, license, or other 64491
right or privilege, or made in connection with the person's 64492
appearance as a witness. 64493

(4) Whoever violates division (H) of this section shall be 64494
punished as follows: 64495

(a) Except as otherwise provided in division (J)(4) of this 64496
section, the offender shall be issued a warning. 64497

(b) If the offender previously has been convicted of or 64498

pleaded guilty to a violation of division (H) of this section or 64499
of a municipal ordinance that is substantially similar to that 64500
division, the offender shall not be issued a warning but shall be 64501
fined not more than twenty-five dollars for each parking location 64502
that is not properly marked or whose markings are not properly 64503
maintained. 64504

(K) As used in this section: 64505

(1) "Person with a disability" means any person who has lost 64506
the use of one or both legs or one or both arms, who is blind, 64507
deaf, or unable to move without the aid of crutches or a 64508
wheelchair, or whose mobility is restricted by a permanent 64509
cardiovascular, pulmonary, or other disabling condition. 64510

(2) "Person with a disability that limits or impairs the 64511
ability to walk" has the same meaning as in section 4503.44 of the 64512
Revised Code. 64513

(3) "Accessible license plates" and "removable windshield 64514
placard" mean any license plates ~~or, standard~~ removable windshield 64515
placard, permanent removable windshield placard, or temporary 64516
removable windshield placard issued under section 4503.41 or 64517
4503.44 of the Revised Code, and also mean any substantially 64518
similar license plates or removable windshield placard ~~or~~ 64519
~~temporary removable windshield placard~~ issued by a state, 64520
district, country, or sovereignty. 64521

Sec. 4511.76. (A) The department of public safety, by and 64522
with the advice of the superintendent of public instruction, shall 64523
adopt and enforce rules relating to the construction, design, and 64524
equipment, including lighting equipment required by section 64525
4511.771 of the Revised Code, of all school buses both publicly 64526
and privately owned and operated in this state. 64527

(B) The department of education, by and with the advice of 64528

the director of public safety, shall adopt and enforce rules 64529
relating to the operation of all vehicles used for pupil 64530
transportation. 64531

(C) No person shall operate a vehicle used for pupil 64532
transportation within this state in violation of the rules of the 64533
department of education or the department of public safety. No 64534
person, being the owner thereof or having the supervisory 64535
responsibility therefor, shall permit the operation of a vehicle 64536
used for pupil transportation within this state in violation of 64537
the rules of the department of education or the department of 64538
public safety. 64539

(D) The department of public safety shall adopt and enforce 64540
rules relating to the issuance of a license under section 4511.763 64541
of the Revised Code. The rules may relate to the condition of the 64542
equipment to be operated; the liability and property damage 64543
insurance carried by the applicant; the posting of satisfactory 64544
and sufficient bond; and such other rules as the director of 64545
public safety determines reasonably necessary for the safety of 64546
the pupils to be transported. 64547

(E) A chartered nonpublic school may own and operate, or 64548
contract with a vendor that supplies, a vehicle originally 64549
designed for not more than nine passengers, not including the 64550
driver, to transport students to and from regularly scheduled 64551
school sessions when one of the following applies: 64552

(1) A student's school district of residence has declared the 64553
transportation of the student impractical pursuant to section 64554
3327.02 of the Revised Code; or 64555

(2) A student does not live within thirty minutes of the 64556
chartered nonpublic school and the student's school district is 64557
not required to transport the student under section 3327.01 of the 64558
Revised Code. 64559

(F) A school district may own and operate, or contract with a vendor that supplies, a vehicle originally designed for not more than nine passengers, not including the driver, to transport students to and from regularly scheduled school sessions, if all of the following apply to the operation of that vehicle: 64560
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(1) The number of students to be transported is not more than nine; 64565
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(2) The students attend a chartered nonpublic school, and the school district regularly transports students to that chartered nonpublic school; 64567
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(3) The driver of the vehicle meets the requirements specified for a driver of a school bus or motor van under section 3327.10 of the Revised Code and any corresponding rules adopted by the department of education. Notwithstanding that section or any department rules to the contrary, the driver is not required to have a commercial driver's license but shall have a current, valid driver's license, and shall be accustomed to operating the vehicle used to transport the students. 64570
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(G) As used in this section, "vehicle used for pupil transportation" means any vehicle that is identified as such by the department of education by rule and that is subject to Chapter 3301-83 of the Administrative Code. 64578
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~~(G)~~(H) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to one or more violations of this section or section 4511.63, 4511.761, 4511.762, 4511.764, 4511.77, or 4511.79 of the Revised Code or a municipal ordinance that is substantially similar to any of those sections, whoever violates this section is guilty of a misdemeanor of the fourth degree. 64582
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Sec. 4511.991. (A) As used in this section and each section 64590
referenced in division (B) of this section, all of the following 64591
apply: 64592

(1) "Distracted" means doing either of the following while 64593
operating a vehicle: 64594

(a) Using an electronic wireless communications device, as 64595
defined in section 4511.204 of the Revised Code, in violation of 64596
that section—*i* 64597

(b) Engaging in any activity that is not necessary to the 64598
operation of a vehicle and impairs, or reasonably would be 64599
expected to impair, the ability of the operator to drive the 64600
vehicle safely. 64601

(2) "Distracted" does not include operating a motor vehicle 64602
while wearing an earphone or earplug over or in both ears at the 64603
same time. A person who so wears earphones or earplugs may be 64604
charged with a violation of section 4511.84 of the Revised Code. 64605

(3) "Distracted" does not include conducting any activity 64606
while operating a utility service vehicle or a vehicle for or on 64607
behalf of a utility, provided that the driver of the vehicle is 64608
acting in response to an emergency, power outage, or a 64609
circumstance affecting the health or safety of individuals. 64610

As used in division (A)(3) of this section: 64611

(a) "Utility" means an entity specified in division (A), (C), 64612
(D), (E), or (G) of section 4905.03 of the Revised Code. 64613

(b) "Utility service vehicle" means a vehicle owned or 64614
operated by a utility. 64615

(B) If an offender violates section 4511.03, 4511.051, 64616
4511.12, 4511.121, 4511.132, 4511.21, 4511.211, 4511.213, 4511.22, 64617
4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 4511.30, 64618
4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 4511.37, 64619

4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 4511.431, 64620
4511.44, 4511.441, 4511.451, 4511.46, 4511.47, 4511.54, 4511.55, 64621
4511.57, 4511.58, 4511.59, 4511.60, 4511.61, 4511.64, 4511.71, 64622
4511.711, 4511.712, 4511.713, 4511.72, or 4511.73 of the Revised 64623
Code while distracted and the distracting activity is a 64624
contributing factor to the commission of the violation, the 64625
offender is subject to the applicable penalty for the violation 64626
and, notwithstanding section 2929.28 of the Revised Code, is 64627
subject to an additional fine of not more than one hundred dollars 64628
as follows: 64629

(1) Subject to Traffic Rule 13, if a law enforcement officer 64630
issues an offender a ticket, citation, or summons for a violation 64631
of any of the aforementioned sections of the Revised Code that 64632
indicates that the offender was distracted while committing the 64633
violation and that the distracting activity was a contributing 64634
factor to the commission of the violation, the offender may enter 64635
a written plea of guilty and waive the offender's right to contest 64636
the ticket, citation, or summons in a trial provided that the 64637
offender pays the total amount of the fine established for the 64638
violation and pays the additional fine of one hundred dollars. 64639

In lieu of payment of the additional fine of one hundred 64640
dollars, the offender instead may elect to attend a distracted 64641
driving safety course, the duration and contents of which shall be 64642
established by the director of public safety. If the offender 64643
attends and successfully completes the course within ninety days 64644
of the underlying violation that resulted in the imposition of the 64645
additional fine under division (B) of this section, the offender 64646
shall be issued written evidence that the offender successfully 64647
completed the course. The offender shall be required to pay the 64648
total amount of the fine established for the violation, but shall 64649
not be required to pay the additional fine of one hundred dollars, 64650
so long as the offender submits to the court both the offender's 64651

payment in full and such written evidence. 64652

(2) If the offender appears in person to contest the ticket, 64653
citation, or summons in a trial and the offender pleads guilty to 64654
or is convicted of the violation, the court, in addition to all 64655
other penalties provided by law, may impose the applicable penalty 64656
for the violation and may impose the additional fine of not more 64657
than one hundred dollars. 64658

If the court imposes upon the offender the applicable penalty 64659
for the violation and an additional fine of not more than one 64660
hundred dollars, the court shall inform the offender that, in lieu 64661
of payment of the additional fine of not more than one hundred 64662
dollars, the offender instead may elect to attend the distracted 64663
driving safety course described in division (B)(1) of this 64664
section. If the offender elects the course option and attends and 64665
successfully completes the course within ninety days of the 64666
underlying violation that resulted in the imposition of the 64667
additional fine under division (B) of this section, the offender 64668
shall be issued written evidence that the offender successfully 64669
completed the course. The offender shall be required to pay the 64670
total amount of the fine established for the violation, but shall 64671
not be required to pay the additional fine of not more than one 64672
hundred dollars, so long as the offender submits to the court the 64673
offender's payment and such written evidence. 64674

(C) If a law enforcement officer issues an offender a ticket, 64675
citation, or summons for a violation of any of the sections of the 64676
Revised Code listed in division (B) of this section that indicates 64677
that the offender was distracted while committing the violation 64678
and that the distracting activity was a contributing factor to the 64679
commission of the violation, the officer shall do both of the 64680
following: 64681

(1) Report the issuance of the ticket, citation, or summons 64682
to the officer's law enforcement agency; 64683

(2) Ensure that such report indicates the offender's race. 64684

Sec. 4513.17. (A) Whenever a motor vehicle equipped with 64685
headlights also is equipped with any auxiliary lights or spotlight 64686
or any other light on the front thereof projecting a beam of an 64687
intensity greater than three hundred candle power, not more than a 64688
total of five of any such lights on the front of a vehicle shall 64689
be lighted at any one time when the vehicle is upon a highway. 64690

(B) Any lighted light or illuminating device upon a motor 64691
vehicle, other than headlights, spotlights, signal lights, or 64692
auxiliary driving lights, that projects a beam of light of an 64693
intensity greater than three hundred candle power, shall be so 64694
directed that no part of the beam will strike the level of the 64695
roadway on which the vehicle stands at a distance of more than 64696
seventy-five feet from the vehicle. 64697

(C)(1) Flashing lights are prohibited on motor vehicles, 64698
except as a means for indicating a right or a left turn, or in the 64699
presence of a vehicular traffic hazard requiring unusual care in 64700
approaching, or overtaking or passing. 64701

(2) The prohibition in division (C)(1) of this section does 64702
not apply to any of the following: 64703

(a) Emergency vehicles, road service vehicles servicing or 64704
towing a disabled vehicle, stationary waste collection vehicles 64705
actively collecting garbage, refuse, trash, or recyclable 64706
materials on the roadside, rural mail delivery vehicles, vehicles 64707
as provided in section 4513.182 of the Revised Code, highway 64708
maintenance vehicles, and similar equipment operated by the 64709
department or local authorities, provided such vehicles are 64710
equipped with and display, when used on a street or highway for 64711
the special purpose necessitating such lights, a flashing, 64712
oscillating, or rotating amber light; 64713

(b) Vehicles or machinery permitted by section 4513.111 of the Revised Code to have a flashing red light; 64714
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(c) Farm machinery and vehicles escorting farm machinery, provided such machinery and vehicles are equipped with and display, when used on a street or highway, a flashing, oscillating, or rotating amber light. Farm machinery also may display the lights described in section 4513.111 of the Revised Code. 64716
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(d) A funeral hearse or funeral escort vehicle, provided that the funeral hearse or funeral escort vehicle is equipped with and displays, when used on a street or highway for the special purpose necessitating such lights, a flashing, oscillating, or rotating purple or amber light; 64722
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(e) A vehicle being used for emergency preparedness, response, and recovery activities, as those terms are defined in section 5502.21 of the Revised Code, that is equipped with and displays, when used on a street or highway for the special purpose necessitating such lights, a flashing, oscillating, or rotating amber or red and white light, provided that the vehicle is being operated by a person from one of the following and the vehicle is clearly marked with the applicable agency's or authority's insignia: 64727
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(i) The Ohio emergency management agency; 64736

(ii) A countywide emergency management agency established under section 5502.26 of the Revised Code; 64737
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(iii) A regional authority for emergency management established under section 5502.27 of the Revised Code; 64739
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(iv) A program for emergency management established under section 5502.271 of the Revised Code. 64741
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(3) Division (C)(1) of this section does not apply to 64743

animal-drawn vehicles subject to section 4513.114 of the Revised Code. 64744
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(D)(1) Except a person operating a public safety vehicle, as defined in division (E) of section 4511.01 of the Revised Code, an emergency management agency vehicle, as described in division (C)(2)(e) of this section, or a school bus, no person shall operate, move, or park upon, or permit to stand within the right-of-way of any public street or highway any vehicle or equipment that is equipped with and displaying a flashing red or a flashing combination red and white light, or an oscillating or rotating red light, or a combination red and white oscillating or rotating light. 64746
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(2) Except a public law enforcement officer, or other person sworn to enforce the criminal and traffic laws of the state, operating a public safety vehicle when on duty, no person shall operate, move, or park upon, or permit to stand within the right-of-way of any street or highway any vehicle or equipment that is equipped with, or upon which is mounted, and displaying a flashing blue or a flashing combination blue and white light, or an oscillating or rotating blue light, or a combination blue and white oscillating or rotating light. 64756
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(E) This section does not prohibit the use of warning lights required by law or the simultaneous flashing of turn signals on disabled vehicles or on vehicles being operated in unfavorable atmospheric conditions in order to enhance their visibility. This section also does not prohibit the simultaneous flashing of turn signals or warning lights either on farm machinery or vehicles escorting farm machinery, when used on a street or highway. 64765
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(F) Whoever violates this section is guilty of a minor misdemeanor. 64772
64773

Sec. 4517.01. As used in sections 4517.01 to 4517.65 of the 64774

Revised Code: 64775

(A) "Persons" includes individuals, ~~firms~~, partnerships, 64776
associations, joint stock companies, corporations, sole 64777
proprietorships, limited liability companies, limited liability 64778
partnerships, business trusts, and any other legally recognized 64779
business entities or any combinations of individuals. 64780

(B) "Motor vehicle" means motor vehicle as defined in section 64781
4501.01 of the Revised Code and also includes "all-purpose 64782
vehicle" and "off-highway motorcycle" as those terms are defined 64783
in section 4519.01 of the Revised Code. "Motor vehicle" does not 64784
include a snowmobile as defined in section 4519.01 of the Revised 64785
Code or manufactured and mobile homes. 64786

(C) "New motor vehicle" means a motor vehicle, the legal 64787
title to which has never been transferred by a manufacturer, 64788
remanufacturer, distributor, or dealer to an ultimate purchaser. 64789

(D) "Ultimate purchaser" means, with respect to any new motor 64790
vehicle, the first person, other than a dealer purchasing in the 64791
capacity of a dealer, who in good faith purchases such new motor 64792
vehicle for purposes other than resale. 64793

(E) "Business" includes any activities engaged in by any 64794
person for the object of gain, benefit, or advantage either direct 64795
or indirect, including activities conducted through the internet 64796
or another computer network. 64797

(F) "Engaging in business" means commencing, conducting, or 64798
continuing in business, or liquidating a business when the 64799
liquidator thereof holds self out to be conducting such business; 64800
making a casual sale or otherwise making transfers in the ordinary 64801
course of business when the transfers are made in connection with 64802
the disposition of all or substantially all of the transferor's 64803
assets is not engaging in business. 64804

(G) "Retail sale" or "~~sale~~ selling at retail" means the act 64805

or attempted act of selling, bartering, exchanging, or otherwise 64806
disposing of a motor vehicle, including through use of the 64807
internet or another computer network, to an ultimate purchaser for 64808
use as a consumer. 64809

(H) "Retail installment contract" includes any contract in 64810
the form of a note, chattel mortgage, conditional sales contract, 64811
lease, agreement, or other instrument payable in one or more 64812
installments over a period of time and arising out of the retail 64813
sale of a motor vehicle. 64814

(I) "Farm machinery" means all machines and tools used in the 64815
production, harvesting, and care of farm products. 64816

(J) "Dealer" or "motor vehicle dealer" means any new motor 64817
vehicle dealer, any motor vehicle leasing dealer, and any used 64818
motor vehicle dealer. 64819

(K) "New motor vehicle dealer" means any person engaged in 64820
the business of selling at retail, displaying, offering for sale, 64821
or dealing in new motor vehicles pursuant to a contract or 64822
agreement entered into with the manufacturer, remanufacturer, or 64823
distributor of the motor vehicles. 64824

(L) "Used motor vehicle dealer" means any person engaged in 64825
the business of selling, displaying, offering for sale, or dealing 64826
in used motor vehicles, at retail or wholesale, but does not mean 64827
any new motor vehicle dealer selling, displaying, offering for 64828
sale, or dealing in used motor vehicles incidentally to engaging 64829
in the business of selling, displaying, offering for sale, or 64830
dealing in new motor vehicles, any person engaged in the business 64831
of dismantling, salvaging, or rebuilding motor vehicles by means 64832
of using used parts, or any public officer performing official 64833
duties. 64834

(M) "Motor vehicle leasing dealer" means any person engaged 64835
in the business of regularly making available, offering to make 64836

available, or arranging for another person to use a motor vehicle 64837
pursuant to a bailment, lease, sublease, or other contractual 64838
arrangement under which a charge is made for its use at a periodic 64839
rate for a term of thirty days or more, and title to the motor 64840
vehicle is in and remains in the motor vehicle leasing dealer who 64841
originally leases it, irrespective of whether or not the motor 64842
vehicle is the subject of a later sublease, and not in the user, 64843
~~but~~ including any financial institution acting as a lessor for a 64844
lease or sublease. "Motor vehicle leasing dealer" does not mean 64845
include a new motor vehicle dealer that is not the lessor and that 64846
only assists in arranging a lease on the lessor's behalf or a 64847
manufacturer or its affiliate leasing to its employees or to 64848
dealers. 64849

(N) "Salesperson" means any person employed by a dealer to 64850
sell, display, and offer for sale, or deal in motor vehicles for a 64851
commission, compensation, or other valuable consideration, but 64852
does not mean any public officer performing official duties. 64853

(O) "Casual sale" means any transfer of a motor vehicle by a 64854
person other than a new motor vehicle dealer, used motor vehicle 64855
dealer, motor vehicle salvage dealer, as defined in division (A) 64856
of section 4738.01 of the Revised Code, salesperson, motor vehicle 64857
auction owner, manufacturer, or distributor acting in the capacity 64858
of a dealer, salesperson, auction owner, manufacturer, or 64859
distributor, to a person who purchases the motor vehicle for use 64860
as a consumer. 64861

(P) "Motor vehicle auction owner" means any person who is 64862
engaged wholly or in part in the business of auctioning motor 64863
vehicles, but does not mean a construction equipment auctioneer or 64864
a construction equipment auction licensee. 64865

(Q) "Manufacturer" means a person who manufactures, 64866
assembles, or imports motor vehicles, including motor homes, but 64867
does not mean a person who only assembles or installs a body, 64868

special equipment unit, finishing trim, or accessories on a motor 64869
vehicle chassis supplied by a manufacturer or distributor. 64870

(R) "Tent-type fold-out camping trailer" means any vehicle 64871
intended to be used, when stationary, as a temporary shelter with 64872
living and sleeping facilities, and that is subject to the 64873
following properties and limitations: 64874

(1) A minimum of twenty-five per cent of the fold-out portion 64875
of the top and sidewalls combined must be constructed of canvas, 64876
vinyl, or other fabric, and form an integral part of the shelter. 64877

(2) When folded, the unit must not exceed: 64878

(a) Fifteen feet in length, exclusive of bumper and tongue; 64879

(b) Sixty inches in height from the point of contact with the 64880
ground; 64881

(c) Eight feet in width; 64882

(d) One ton gross weight at time of sale. 64883

(S) "Distributor" means any person authorized by a motor 64884
vehicle manufacturer to distribute new motor vehicles to licensed 64885
new motor vehicle dealers, but does not mean a person who only 64886
assembles or installs a body, special equipment unit, finishing 64887
trim, or accessories on a motor vehicle chassis supplied by a 64888
manufacturer or distributor. 64889

(T) "Flea market" means a market place, other than a dealer's 64890
location licensed under this chapter, where a space or location is 64891
provided for a fee or compensation to a seller to exhibit and 64892
offer for sale or trade, motor vehicles to the general public. 64893

(U) "Franchise" means any written agreement, contract, or 64894
understanding between any motor vehicle manufacturer or 64895
remanufacturer engaged in commerce and any motor vehicle dealer 64896
that purports to fix the legal rights and liabilities of the 64897
parties to such agreement, contract, or understanding. 64898

(V) "Franchisee" means a person who receives new motor vehicles from the franchisor under a franchise agreement and who offers, sells, and provides service for such new motor vehicles to the general public.

(W) "Franchisor" means a new motor vehicle manufacturer, remanufacturer, or distributor who supplies new motor vehicles under a franchise agreement to a franchisee.

(X) "Dealer organization" means a state or local trade association the membership of which is comprised predominantly of new motor vehicle dealers.

(Y) "Factory representative" means a representative employed by a manufacturer, remanufacturer, or by a factory branch primarily for the purpose of promoting the sale of its motor vehicles, parts, or accessories to dealers or for supervising or contacting its dealers or prospective dealers.

(Z) "Administrative or executive management" means those individuals who are not subject to federal wage and hour laws.

(AA) "Good faith" means honesty in the conduct or transaction concerned and the observance of reasonable commercial standards of fair dealing in the trade as is defined in section 1301.201 of the Revised Code, including, but not limited to, the duty to act in a fair and equitable manner so as to guarantee freedom from coercion, intimidation, or threats of coercion or intimidation; provided however, that recommendation, endorsement, exposition, persuasion, urging, or argument shall not be considered to constitute a lack of good faith.

(BB) "Coerce" means to compel or attempt to compel by failing to act in good faith or by threat of economic harm, breach of contract, or other adverse consequences. Coerce does not mean to argue, urge, recommend, or persuade.

(CC) "Relevant market area" means any area within a radius of

ten miles from the site of a potential new dealership, except that 64930
for manufactured home or recreational vehicle dealerships the 64931
radius shall be twenty-five miles. The ten-mile radius shall be 64932
measured from the dealer's established place of business that is 64933
used exclusively for the purpose of selling, displaying, offering 64934
for sale, or dealing in motor vehicles. 64935

(DD) "Wholesale" or "at wholesale" means the act or attempted 64936
act of selling, bartering, exchanging, or otherwise disposing of a 64937
motor vehicle to a transferee for the purpose of resale and not 64938
for ultimate consumption by that transferee. 64939

(EE) "Motor vehicle wholesaler" means any person licensed as 64940
a dealer under the laws of another state and engaged in the 64941
business of selling, displaying, or offering for sale used motor 64942
vehicles, at wholesale, but does not mean any motor vehicle dealer 64943
as defined in this section. 64944

(FF)(1) "Remanufacturer" means a person who assembles or 64945
installs passenger seating, walls, a roof elevation, or a body 64946
extension on a conversion van with the motor vehicle chassis 64947
supplied by a manufacturer or distributor, a person who modifies a 64948
truck chassis supplied by a manufacturer or distributor for use as 64949
a public safety or public service vehicle, a person who modifies a 64950
motor vehicle chassis supplied by a manufacturer or distributor 64951
for use as a limousine or hearse, or a person who modifies an 64952
incomplete motor vehicle cab and chassis supplied by a new motor 64953
vehicle dealer or distributor for use as a tow truck, but does not 64954
mean either of the following: 64955

(a) A person who assembles or installs passenger seating, a 64956
roof elevation, or a body extension on a recreational vehicle as 64957
defined in division (Q) and referred to in division (B) of section 64958
4501.01 of the Revised Code; 64959

(b) A person who assembles or installs equipment or 64960

accessories for ~~persons~~ a person with ~~disabilities~~ a disability 64961
that limits or impairs the ability to walk, as defined in section 64962
4503.44 of the Revised Code, upon a motor vehicle chassis supplied 64963
by a manufacturer or distributor. 64964

(2) For the purposes of division (FF)(1) of this section, 64965
"public safety vehicle or public service vehicle" means a fire 64966
truck, ambulance, school bus, street sweeper, garbage packing 64967
truck, or cement mixer, or a mobile self-contained facility 64968
vehicle. 64969

(3) For the purposes of division (FF)(1) of this section, 64970
"limousine" means a motor vehicle, designed only for the purpose 64971
of carrying nine or fewer passengers, that a person modifies by 64972
cutting the original chassis, lengthening the wheelbase by forty 64973
inches or more, and reinforcing the chassis in such a way that all 64974
modifications comply with all applicable federal motor vehicle 64975
safety standards. No person shall qualify as or be deemed to be a 64976
remanufacturer who produces limousines unless the person has a 64977
written agreement with the manufacturer of the chassis the person 64978
utilizes to produce the limousines to complete properly the 64979
remanufacture of the chassis into limousines. 64980

(4) For the purposes of division (FF)(1) of this section, 64981
"hearse" means a motor vehicle, designed only for the purpose of 64982
transporting a single casket, that is equipped with a compartment 64983
designed specifically to carry a single casket that a person 64984
modifies by cutting the original chassis, lengthening the 64985
wheelbase by ten inches or more, and reinforcing the chassis in 64986
such a way that all modifications comply with all applicable 64987
federal motor vehicle safety standards. No person shall qualify as 64988
or be deemed to be a remanufacturer who produces hearses unless 64989
the person has a written agreement with the manufacturer of the 64990
chassis the person utilizes to produce the hearses to complete 64991
properly the remanufacture of the chassis into hearses. 64992

(5) For the purposes of division (FF)(1) of this section, 64993
"mobile self-contained facility vehicle" means a mobile classroom 64994
vehicle, mobile laboratory vehicle, bookmobile, bloodmobile, 64995
testing laboratory, and mobile display vehicle, each of which is 64996
designed for purposes other than for passenger transportation and 64997
other than the transportation or displacement of cargo, freight, 64998
materials, or merchandise. A vehicle is remanufactured into a 64999
mobile self-contained facility vehicle in part by the addition of 65000
insulation to the body shell, and installation of all of the 65001
following: a generator, electrical wiring, plumbing, holding 65002
tanks, doors, windows, cabinets, shelving, and heating, 65003
ventilating, and air conditioning systems. 65004

(6) For the purposes of division (FF)(1) of this section, 65005
"tow truck" means both of the following: 65006

(a) An incomplete cab and chassis that are purchased by a 65007
remanufacturer from a new motor vehicle dealer or distributor of 65008
the cab and chassis and on which the remanufacturer then installs 65009
in a permanent manner a wrecker body it purchases from a 65010
manufacturer or distributor of wrecker bodies, installs an 65011
emergency flashing light pylon and emergency lights upon the mast 65012
of the wrecker body or rooftop, and installs such other related 65013
accessories and equipment, including push bumpers, front grille 65014
guards with pads and other custom-ordered items such as painting, 65015
special lettering, and safety striping so as to create a complete 65016
motor vehicle capable of lifting and towing another motor vehicle. 65017

(b) An incomplete cab and chassis that are purchased by a 65018
remanufacturer from a new motor vehicle dealer or distributor of 65019
the cab and chassis and on which the remanufacturer then installs 65020
in a permanent manner a car carrier body it purchases from a 65021
manufacturer or distributor of car carrier bodies, installs an 65022
emergency flashing light pylon and emergency lights upon the 65023
rooftop, and installs such other related accessories and 65024

equipment, including push bumpers, front grille guards with pads 65025
and other custom-ordered items such as painting, special 65026
lettering, and safety striping. 65027

As used in division (FF)(6)(b) of this section, "car carrier 65028
body" means a mechanical or hydraulic apparatus capable of lifting 65029
and holding a motor vehicle on a flat level surface so that one or 65030
more motor vehicles can be transported, once the car carrier is 65031
permanently installed upon an incomplete cab and chassis. 65032

(GG) "~~Operating~~ Operate as a new motor vehicle dealership" 65033
means engaging in activities such as displaying, offering for 65034
sale, and selling new motor vehicles at retail, operating a 65035
service facility to perform repairs and maintenance on motor 65036
vehicles, offering for sale and selling motor vehicle parts at 65037
retail, and conducting all other acts that are usual and customary 65038
to the operation of a new motor vehicle dealership. For the 65039
purposes of this chapter only, possession of either a valid new 65040
motor vehicle dealer franchise agreement or a new motor vehicle 65041
dealers license, or both of these items, is not evidence that a 65042
person is operating as a new motor vehicle dealership. 65043

(HH) "Outdoor power equipment" means garden and small utility 65044
tractors, walk-behind and riding mowers, chainsaws, and tillers. 65045

(II) "Remote service facility" means premises that are 65046
separate from a licensed new motor vehicle dealer's sales facility 65047
by not more than one mile and that are used by the dealer to 65048
perform repairs, warranty work, recall work, and maintenance on 65049
motor vehicles pursuant to a franchise agreement entered into with 65050
a manufacturer of motor vehicles. A remote service facility shall 65051
be deemed to be part of the franchise agreement and is subject to 65052
all the rights, duties, obligations, and requirements of Chapter 65053
4517. of the Revised Code that relate to the performance of motor 65054
vehicle repairs, warranty work, recall work, and maintenance work 65055
by new motor vehicle dealers. 65056

(JJ) "Recreational vehicle" has the same meaning as in section 4501.01 of the Revised Code. 65057
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(KK) "Construction equipment auctioneer" means a person who holds both a valid auction firm license issued under Chapter 4707. of the Revised Code and a valid construction equipment auction license issued under this chapter. 65059
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(LL) "Large construction or transportation equipment" means vehicles having a gross vehicle weight rating of more than ten thousand pounds and includes road rollers, traction engines, power shovels, power cranes, commercial cars and trucks, or farm trucks, and other similar vehicles obtained primarily from the construction, mining, transportation or farming industries. 65063
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(MM) "Local market conditions" includes, but is not limited to: 65069
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(1) Demographics in the franchisee's area; 65071

(2) Geographical and market characteristics in the franchisee's area; 65072
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(3) Local economic circumstances; 65074

(4) The proximity of other motor vehicle dealers of the same line-make; 65075
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(5) The proximity of motor vehicle manufacturing facilities; 65077

(6) The buying patterns of motor vehicle purchasers; 65078

(7) Customer drive time and drive distance. 65079

(NN) "Established place of business" means a permanent, enclosed building or structure that meets all of the following requirements: 65080
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(1) It is either owned, leased, or rented by the motor vehicle dealer. 65083
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(2) It meets local zoning or municipal requirements. 65085

(3) It is regularly occupied by at least one person. 65086

(4) It is easily accessible to the public. 65087

(5) The records and files necessary to conduct the business 65088
are generally kept and maintained at the location or are readily 65089
accessible and available for reasonable inspection from the 65090
location. 65091

"Established place of business" does not mean a residence, 65092
tent, temporary stand, storage shed, lot, or any temporary 65093
quarters, unless authorized by the registrar of motor vehicles. 65094

Sec. 4517.05. (A) Each person applying for a used motor 65095
vehicle dealer's license shall ~~annually~~ biennially, before the 65096
first day of April, make out and deliver to the registrar of motor 65097
vehicles, upon a blank to be furnished by the registrar for that 65098
purpose, a separate application for license for each county in 65099
which such business is to be conducted. The application shall be 65100
in the form prescribed by the registrar, shall be signed and sworn 65101
to by the applicant, and, in addition to such other information as 65102
is required by the registrar, shall include the information 65103
specified in divisions (A) to (H) of section 4517.04 of the 65104
Revised Code. The application shall be accompanied by a 65105
photograph, as prescribed by the registrar, of each place of 65106
business operated, or to be operated, by the applicant. An 65107
application for a used motor vehicle dealer's license by any 65108
person who is subject to division (B)(1) of this section shall be 65109
accompanied by documentation, as prescribed by the motor vehicle 65110
dealers board, showing that within the immediately preceding six 65111
months, an owner, officer, partner, or director of the business 65112
entity applying for the used motor vehicle dealer's license has 65113
successfully completed a used motor vehicle dealer training 65114
course. 65115

(B)(1) Except as provided in divisions (B)(2) and (3) of this 65116

section, an owner, officer, partner, or director of a business 65117
entity applying for a used motor vehicle dealer license ninety 65118
days or more after ~~the effective date of this amendment~~ September 65119
4, 2012, shall, within six months immediately preceding the date 65120
of applying for the license, successfully complete a used motor 65121
vehicle dealer training course that complies with the rules of the 65122
motor vehicle dealers board adopted under division (C) of this 65123
section. 65124

(2) No person applying for a used motor vehicle dealer's 65125
license shall be required to have an owner, officer, partner, or 65126
director of the business entity complete a used motor vehicle 65127
dealer training course if any owner, officer, partner, or director 65128
of the business entity held a used or new motor vehicle dealer's 65129
license within the two-year period immediately preceding the date 65130
of application and the previously held license was not revoked or 65131
suspended. 65132

(3) No person applying for a used motor vehicle dealer's 65133
license shall be required to have an owner, officer, partner, or 65134
director of the related business entity complete a used motor 65135
vehicle dealer training course if the person holds a salvage motor 65136
vehicle auction license pursuant to Chapter 4738. of the Revised 65137
Code or a motor vehicle auction owner license pursuant to Chapter 65138
4517. of the Revised Code. 65139

(C)(1) In accordance with Chapter 119. of the Revised Code, 65140
the motor vehicle dealers board shall adopt rules governing used 65141
motor vehicle dealer training courses. The rules shall do all of 65142
the following: 65143

(a) Require a course provider to be an institution of higher 65144
education, as defined in section 3345.12 of the Revised Code, or a 65145
relevant professional or trade association that has been in 65146
existence for more than five years and has a majority of members 65147
who are motor vehicle dealers licensed in this state; 65148

- (b) Establish any additional qualifications for course providers; 65149
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- (c) Establish the course curriculum, which shall include information on applicable federal and state law, including consumer protection laws, and shall require at least six hours but not more than twenty-four hours of instruction; 65151
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- (d) Prescribe the form for the certificate of completion, which shall require the course provider to attest that the person named on the certificate successfully completed at least six hours of used motor vehicle dealer training; 65155
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- (e) Establish any other reasonable requirements the board considers necessary. 65159
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- (2) The board shall maintain information received from any course provider concerning course location, content, length, and cost and shall provide the information to any person upon request. 65161
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- (3) The registrar shall not issue a used motor vehicle dealer license to any person subject to division (B)(1) of this section unless an owner, officer, partner, or director of a business entity applying for the used motor vehicle dealer license has successfully completed a used motor vehicle dealer training course that complies with the requirements of this division. 65164
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- (D)(1) Any person offering used motor vehicle dealer training courses shall do all of the following: 65170
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- (a) Conform the course to rules of the motor vehicle dealers board; 65172
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- (b) Establish reasonable fees for courses offered; 65174
- (c) Issue, on a form prescribed by the board, a certificate of completion to each person who successfully completes a course of instruction; 65175
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- (d) Notify the board of the course location, content, length, 65178

and cost. 65179

(2) A course provider may use information and material from 65180
the bureau of motor vehicles and the attorney general. 65181

(E) Nothing in this section shall affect or apply to new 65182
motor vehicle dealer licensing. 65183

Sec. 4517.06. Each person applying for a motor vehicle 65184
leasing dealer's license shall ~~annually~~ biennially, before the 65185
first day of April, make out and deliver to the registrar of motor 65186
vehicles, upon a blank to be furnished by the registrar for that 65187
purpose, a separate application for license for each county in 65188
which the business of leasing motor vehicles, as described in 65189
division (M) of section 4517.01 of the Revised Code, is to be 65190
conducted. The application shall be in the form prescribed by the 65191
registrar, shall be signed and sworn to ~~be~~ by the applicant, and, 65192
in addition to such other information as is required by the 65193
registrar, shall include the information specified in divisions 65194
(A) to (H) of section 4517.04 of the Revised Code. The application 65195
shall be accompanied by a photograph, as prescribed by the 65196
registrar, of each place of business operated, or to be operated, 65197
by the applicant. 65198

Sec. 4517.07. Each person applying for a motor vehicle 65199
auction owner's license shall ~~annually~~ biennially, before the 65200
first day of April, make out and deliver to the registrar of motor 65201
vehicles, upon a blank to be furnished by the registrar for that 65202
purpose, a separate application for license for each county in 65203
which such business is to be conducted. The application shall be 65204
in the form prescribed by the registrar, shall be signed and sworn 65205
to by the applicant, and, in addition to such other information as 65206
is required by the registrar, shall include the information 65207
specified in divisions (A) to (H) of section 4517.04 of the 65208

Revised Code. The application shall be accompanied by a 65209
photograph, as prescribed by the registrar, of each place of 65210
business operated, or to be operated, by the applicant. 65211

The business records, relating to the auctioning of motor 65212
vehicles, of a licensed motor vehicle auction owner shall be open 65213
for reasonable inspection by the registrar or ~~his~~ the registrar's 65214
authorized agent. 65215

Sec. 4517.08. Each person applying for a distributor's 65216
license shall ~~annually~~ biennially, before the first day of April, 65217
make out and deliver to the registrar of motor vehicles, upon a 65218
blank to be furnished by the registrar for that purpose, a 65219
separate application for license for each place of business 65220
maintained. The application shall be in the form prescribed by the 65221
registrar, shall be signed and sworn to by the applicant, and, in 65222
addition to such other information as is required by the 65223
registrar, shall include: 65224

(A) Name of applicant and location of principal place of 65225
distribution; 65226

(B) The county or counties in which business is to be 65227
conducted; 65228

(C) A statement showing the makes of motor vehicles to be 65229
distributed; 65230

(D) The information specified in divisions (B), (C), (E), 65231
(F), (G), and (H) of section 4517.04 of the Revised Code. 65232

At the time of application, the applicant shall furnish to 65233
the registrar a true copy of ~~his~~ the applicant's appointment as a 65234
distributor by a motor vehicle manufacturer. The appointment shall 65235
be signed and sworn to by the applicant. The application shall 65236
also be accompanied by a photograph, as prescribed by the 65237
registrar, of each place of business operated, or to be operated, 65238

by the applicant. 65239

Sec. 4517.10. ~~At~~ Except as provided by section 4517.101 of 65240
the Revised Code, at the time the registrar of motor vehicles 65241
grants the application of any person for a license as motor 65242
vehicle dealer, motor vehicle leasing dealer, distributor, motor 65243
vehicle auction owner, or motor vehicle salesperson, the registrar 65244
shall issue to the person a license. The registrar shall prescribe 65245
different forms for the licenses of motor vehicle dealers, motor 65246
vehicle leasing dealers, distributors, motor vehicle auction 65247
owners, and motor vehicle salespersons, and all licenses shall 65248
include the name and post-office address of the person licensed. 65249

The fee for a motor vehicle dealer's license and a motor 65250
vehicle leasing dealer's license shall be fifty dollars. In 65251
addition to the license fee, the registrar shall collect from each 65252
applicant for an initial motor vehicle dealer's license and motor 65253
vehicle leasing dealer's license a separate fee in an amount equal 65254
to the last assessment required by section 4505.181 of the Revised 65255
Code for all motor vehicle dealers and motor vehicle leasing 65256
dealers. The registrar shall deposit the separate fee into the 65257
state treasury to the credit of the title defect recision fund 65258
created in section 1345.52 of the Revised Code. The fee for a 65259
salesperson's license shall be ten dollars. The fee for a motor 65260
vehicle auction owner's license shall be one hundred dollars for 65261
each location. The fee for a distributor's license shall be one 65262
hundred dollars for each distributorship. In all cases, the fee 65263
shall accompany the application for license. 65264

The registrar may require each applicant for a license issued 65265
under this chapter to pay an additional fee, which shall be used 65266
by the registrar to pay the costs of obtaining a record of any 65267
arrests and convictions of the applicant from the Ohio bureau of 65268
identification and investigation. The amount of the fee shall be 65269

equal to that paid by the registrar to obtain such record. 65270

If a motor vehicle dealer or a motor vehicle leasing dealer 65271
has more than one place of business in the county, the dealer 65272
shall make application, in such form as the registrar prescribes, 65273
for a certified copy of the license issued to the dealer for each 65274
place of business operated. In the event of the loss, mutilation, 65275
or destruction of a license issued under sections 4517.01 to 65276
4517.65 of the Revised Code, any licensee may make application to 65277
the registrar, in such form as the registrar prescribes, for a 65278
duplicate copy thereof. The fee for a certified or duplicate copy 65279
of a motor vehicle dealer's, motor vehicle leasing dealer's, 65280
distributor's, or auction owner's license, is two dollars, and the 65281
fee for a duplicate copy of a salesperson's license is one dollar. 65282
All fees for such copies shall accompany the applications. 65283

Beginning on September 16, 2004, all motor vehicle dealers' 65284
licenses, motor vehicle leasing dealers' licenses, distributors' 65285
licenses, auction owners' licenses, and all salespersons' licenses 65286
issued or renewed shall expire biennially on a day within the 65287
two-year cycle that is prescribed by the registrar, unless sooner 65288
suspended or revoked. Before the first day after the day 65289
prescribed by the registrar in the year that the license expires, 65290
each licensed motor vehicle dealer, motor vehicle leasing dealer, 65291
distributor, and auction owner and each licensed salesperson, in 65292
the year in which the license will expire, shall file an 65293
application, in such form as the registrar prescribes, for the 65294
renewal of such license. The fee for renewing a motor vehicle 65295
dealer's license and a motor vehicle leasing dealer's license 65296
shall be fifty dollars. The fee for renewing a salesperson's 65297
license shall be ten dollars. The fee for renewing a motor vehicle 65298
auction owner's license shall be one hundred dollars for each 65299
location. The fee for renewing a distributor's license shall be 65300
one hundred dollars for each distributorship. In all cases the 65301

license renewal fee shall accompany the renewal application. 65302

Any salesperson's license shall be suspended upon the 65303
termination, suspension, or revocation of the license of the motor 65304
vehicle dealer for whom the salesperson is acting, or upon the 65305
salesperson leaving the service of the motor vehicle dealer; 65306
provided that upon the termination, suspension, or revocation of 65307
the license of the motor vehicle dealer for whom the salesperson 65308
is acting, or upon the salesperson leaving the service of a 65309
licensed motor vehicle dealer, the licensed salesperson, upon 65310
entering the service of any other licensed motor vehicle dealer, 65311
shall make application to the registrar, in such form as the 65312
registrar prescribes, to have the salesperson's license 65313
reinstated, transferred, and registered as a salesperson for the 65314
other dealer. If the information contained in the application is 65315
satisfactory to the registrar, the registrar shall have the 65316
salesperson's license reinstated, transferred, and registered as a 65317
salesperson for the other dealer. The fee for the reinstatement 65318
and transfer of license shall be two dollars. No license issued to 65319
a motor vehicle dealer, motor vehicle leasing dealer, auction 65320
owner, or salesperson, under sections 4517.01 to 4517.65 of the 65321
Revised Code shall be transferable to any other person. 65322

Each motor vehicle dealer, motor vehicle leasing dealer, 65323
distributor, and auction owner shall keep the dealer's or auction 65324
owner's license or a certified copy thereof posted in a 65325
conspicuous place in each place of business. A dealer shall keep a 65326
current list of the dealer's licensed salespersons, showing the 65327
names, addresses, and serial numbers of their licenses and shall 65328
make the list available upon request. Each salesperson shall keep 65329
the salesperson's license or a certified copy thereof at the 65330
salesperson's place of business and shall provide such license or 65331
copy upon demand to any inspector of the bureau of motor vehicles, 65332
state highway patrol trooper, police officer, or person with whom 65333

the salesperson seeks to transact business as a motor vehicle salesperson. 65334
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The notice of refusal to grant a license shall disclose the reason for refusal. 65336
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Sec. 4517.101. (A) When a person is first issued a used motor vehicle dealer license under this chapter, the registrar of motor vehicles shall issue a provisional license for a period of one hundred eighty days from the date of issuance. Not later than one hundred eighty days after the date of issuance of the provisional license, the registrar, or an agent of the registrar, shall inspect or cause to be inspected the place of business of the person who is the holder of the provisional license. 65338
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(B) If the person conducting the inspection determines that the provisional license holder has complied with all the requirements with which holders of used motor vehicle dealer licenses under this chapter are required to comply, the person shall notify the provisional license holder of that fact. The person conducting the inspection shall notify the registrar that the provisional license holder is in compliance, and the registrar shall issue to the provisional license holder a used motor vehicle dealer license without provisional status. A license without provisional status remains valid until its expiration date unless it is suspended or revoked in accordance with this chapter. 65346
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(C) If the person conducting the inspection determines that the provisional license holder has not complied with all the requirements with which holders of used motor vehicle dealer licenses issued under this chapter are required to comply, the person shall notify the provisional license holder of that fact. The person conducting the inspection shall notify the registrar of the noncompliance. In accordance with Chapter 119. of the Revised Code, the registrar shall send the provisional license holder 65357
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written notice informing the holder that the holder's license is 65365
revoked and that the holder may appeal the revocation to the motor 65366
vehicle dealers board. Immediately upon revoking the provisional 65367
license of the license holder, the registrar shall enter a final 65368
order together with the registrar's findings and certify the same 65369
to the motor vehicle dealers board. 65370

(D) Notwithstanding any other provision of this section, any 65371
owner, officer, partner, or director of the applicant business 65372
entity that currently holds a valid new motor vehicle dealer 65373
license or held a new motor vehicle dealer license within the 65374
two-year period immediately preceding the date of the application 65375
that was not suspended or revoked is exempt from the issuance of a 65376
provisional used motor vehicle dealer license. 65377

Sec. 4517.23. (A) Any licensed motor vehicle dealer, motor 65378
vehicle leasing dealer, or distributor shall notify the registrar 65379
of motor vehicles concerning any change in status as a dealer, 65380
motor vehicle leasing dealer, or distributor during the period for 65381
which the dealer, or distributor is licensed, if the change of 65382
status concerns any of the following: 65383

(1) Personnel of owners, partners, officers, or directors; 65384

(2) Location of office or principal place of business; 65385

(3) The business telephone number or electronic mail address 65386
for the motor vehicle dealer, motor vehicle leasing dealer, or 65387
distributor; 65388

(4) In the case of a motor vehicle dealer, any contract or 65389
agreement with any manufacturer or distributor; and in the case of 65390
a distributor, any contract or agreement with any manufacturer. 65391

(B) The notification required by division (A) of this section 65392
shall be made by filing with the registrar, within fifteen days 65393
after the change of status, a supplemental statement in a form 65394

prescribed by the registrar showing in what respect the status has 65395
been changed. If the change involves a change in any contract or 65396
agreement between any manufacturer or distributor, and dealer, or 65397
any manufacturer and distributor, the supplemental statement shall 65398
be accompanied by such copies of contracts, statements, and 65399
certificates as would have been required by sections 4517.01 to 65400
4517.45 of the Revised Code if the change had occurred prior to 65401
the licensee's application for license. 65402

The motor vehicle dealers board may adopt a rule exempting 65403
from the notification requirement of division (A)(1) of this 65404
section any dealer if stock in the dealer or its parent company is 65405
publicly traded and if there are public records with state or 65406
federal agencies that provide the information required by division 65407
(A)(1) of this section. 65408

(C) Whoever violates this section is guilty of a misdemeanor 65409
of the fourth degree. 65410

Sec. 4701.13. The accountancy board shall publish ~~annually~~ 65411
and maintain a printed publicly available and searchable 65412
electronic register. The ~~printed~~ register shall contain ~~in~~ 65413
~~separate lists~~ the names and business addresses, license numbers, 65414
license types, license status, and disciplinary history for any 65415
actions taken under section 4701.16 of the Revised Code of all 65416
certified public accountants and public accountants holding ~~Ohio~~ 65417
~~permits~~ licenses issued under this chapter as of the date of 65418
~~preparation of~~ the register is accessed. 65419

Sec. 4703.01. The governor shall appoint an architects board, 65420
which shall be composed of five individuals, four of whom shall be 65421
architects who have been in active practice in the state for not 65422
less than ~~ten~~ five years previous to their appointment, and one of 65423
whom shall be a member of the general public and who is not an 65424

architect. 65425

At the expiration of the term of office of each of the 65426
members the governor shall, with the advice and consent of the 65427
senate appoint a successor. Terms of office shall be for five 65428
years, commencing on the third day of October and ending on the 65429
second day of October. Each member shall hold office from the date 65430
of appointment until the end of the term for which appointed. The 65431
governor may, upon bona fide complaint and for good cause shown, 65432
after ten days' notice to the member against whom charges may be 65433
filed, and after opportunity for hearing, remove any member of 65434
said board for inefficiency, neglect of duty, or malfeasance in 65435
office. Any member appointed to fill a vacancy occurring prior to 65436
the expiration of the term for which the member's predecessor was 65437
appointed shall hold office for the remainder of such term. Any 65438
member shall continue in office subsequent to the expiration date 65439
of the member's term until the member's successor takes office, or 65440
until a period of sixty days has elapsed, whichever occurs first. 65441

The members of said board shall, before entering upon the 65442
discharge of their duties, subscribe to and file with the 65443
secretary of state the constitutional oath of office. 65444

Sec. 4703.15. (A) The architects board may by three 65445
concurring votes deny renewal of, revoke, or suspend any 65446
certificate of qualification to practice architecture, issued or 65447
renewed under sections 4703.10, 4703.13, and 4703.14 of the 65448
Revised Code, or any certificate of authorization, issued or 65449
renewed under sections 4703.13 and 4703.18 of the Revised Code, if 65450
proof satisfactory to the board is presented in any of the 65451
following cases: 65452

(1) In case it is shown that the certificate was obtained by 65453
fraud; 65454

(2) In case the holder of the certificate has been found 65455

guilty by the board or by a court of justice of any fraud or 65456
deceit in the holder's professional practice, or has been 65457
convicted of a felony by a court of justice; 65458

(3) In case the holder has been found guilty by the board of 65459
gross negligence, incompetency, or misconduct in the performance 65460
of the holder's services as an architect or in the practice of 65461
architecture; 65462

(4) In case the holder of the certificate has been found 65463
guilty by the board of signing plans for the construction of a 65464
building as a "registered architect" where the holder is not the 65465
actual architect of such building and where the holder is without 65466
prior written consent of the architect originating the design or 65467
other documents used in the plans; 65468

(5) In case the holder of the certificate has been found 65469
guilty by the board of aiding and abetting another person or 65470
persons not properly registered as required by sections 4703.01 to 65471
4703.19 of the Revised Code, in the performance of activities that 65472
in any manner or extent constitute the practice of architecture. 65473

(B) In addition to disciplinary action the board may take 65474
against a certificate holder under division (A) of this section or 65475
section 4703.151 of the Revised Code, the board may impose a fine 65476
against a certificate holder who obtained a certificate by fraud 65477
or who is found guilty of any act specified in divisions (A)(2) to 65478
(A)(5) of this section or who violates any rule governing the 65479
standards of service, conduct, and practice adopted pursuant to 65480
section 4703.02 of the Revised Code. The fine imposed shall be not 65481
more than one thousand dollars for each offense but shall not 65482
exceed five thousand dollars regardless of the number of offenses 65483
the certificate holder has committed between the time the fine is 65484
imposed and the time any previous fine was imposed. 65485

(C) If a person fails to request a hearing within thirty days 65486

after the date the board, in accordance with ~~section~~ sections 65487
119.05 and 119.07 of the Revised Code, notifies the person of the 65488
board's intent to act against the person under division (A) of 65489
this section, the board by a majority vote of a quorum of the 65490
board members may take the action against a person without holding 65491
an adjudication hearing. 65492

Sec. 4703.44. The administrative procedures of the Ohio 65493
landscape architects board shall be governed by Chapter 119. of 65494
the Revised Code, and the board's authorized representatives may 65495
administer oaths, take depositions, and issue subpoenas to compel 65496
the attendance of witnesses and the production of books, papers, 65497
records, memoranda, or other information necessary to the carrying 65498
out of sections 4703.30 to 4703.52 of the Revised Code. 65499

If a person fails to request a hearing within thirty days 65500
after the date the board, in accordance with ~~section~~ sections 65501
119.05 and 119.07 of the Revised Code, notifies the person of the 65502
board's intent to act against the person under section 4703.41 of 65503
the Revised Code, the board, by a majority vote of a quorum of the 65504
board members, may take the action against a person without 65505
holding an adjudication hearing. 65506

Sec. 4707.101. (A) A licensed auctioneer shall complete eight 65507
hours of continuing education in accordance with this section 65508
prior to renewal of the license under section 4707.10 of the 65509
Revised Code. The auction firm manager of a licensed auction firm 65510
shall complete eight hours of continuing education in accordance 65511
with this section prior to the renewal of the auction firm license 65512
under section 4707.10 of the Revised Code. 65513

(B)(1) Except as provided in division (B)(2) of this section, 65514
a licensed auctioneer and an auction firm manager shall complete 65515
the eight hours of continuing education as follows: 65516

(a) Three of the hours shall include areas of instruction in any of the following areas: an overview of this chapter and rules adopted under it, including any recent amendments to that chapter or rules; contract law; the uniform commercial code; auction ethics; or trust or escrow accounts.

(b) Five of the hours shall include areas of instruction in any of the following areas: advertising and marketing; business math and accounting; insurance and liability; federal firearms law; business management; motor vehicle auctions; real estate auctions; or personal property auctions.

(2) If a licensed auctioneer has been issued a license with a period of validity of twelve months or less, the auctioneer shall complete four hours of continuing education as follows:

(a) One hour in the areas of instruction described in division (B)(1)(a) of this section;

(b) Three hours in the areas of instruction described in division (B)(1)(b) of this section.

(C) A licensed auctioneer or an auction firm manager of a licensed auction firm may complete an area of instruction for continuing education hours in another state if both of the following apply:

(1) The area of instruction has been approved by the appropriate state governing body in the other state.

(2) The Ohio auctioneers commission approves the completion of the area of instruction by the auctioneer or an auction firm manager in the other state.

(D) The continuing education requirements established under this section do not apply to a licensed auctioneer to which both of the following apply:

(1) The licensed auctioneer was licensed as an apprentice

auctioneer under section 4707.09 of the Revised Code, as it 65547
existed prior to its repeal by H.B. 321 of the 134th general 65548
assembly on September 13, 2022. 65549

(2) The licensed auctioneer completed that apprenticeship 65550
prior to that date. 65551

Sec. 4713.64. (A) The state cosmetology and barber board may 65552
take disciplinary action under this chapter for any of the 65553
following: 65554

(1) Failure to comply with the safety, sanitation, and 65555
licensing requirements of this chapter or rules adopted under it; 65556

(2) Continued practice by an individual knowingly having an 65557
infectious or contagious disease; 65558

(3) Habitual drunkenness or addiction to any habit-forming 65559
drug; 65560

(4) Willful false and fraudulent or deceptive advertising; 65561

(5) Falsification of any record or application required to be 65562
filed with the board; 65563

(6) Failure to pay a fine or abide by a suspension order 65564
issued by the board; 65565

(7) Failure to cooperate with an investigation or inspection; 65566

(8) Failure to respond to a subpoena; 65567

(9) Conviction of or plea of guilty to a violation of section 65568
2905.32 of the Revised Code; 65569

(10) In the case of a salon, any individual's conviction of 65570
or plea of guilty to a violation of section 2905.32 of the Revised 65571
Code for an activity that took place on the premises of the salon. 65572

(B) On determining that there is cause for disciplinary 65573
action, the board may do one or more of the following: 65574

(1) Deny, revoke, or suspend a license, permit, or registration issued by the board under this chapter; 65575
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(2) Impose a fine; 65577

(3) Require the holder of a license, permit, or registration issued under this chapter to take corrective action courses. 65578
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(C)(1) Except as provided in divisions (C)(2) and (3) of this section, the board shall take disciplinary action pursuant to an adjudication under Chapter 119. of the Revised Code. 65580
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(2) The board may take disciplinary action without conducting an adjudication under Chapter 119. of the Revised Code against an individual or salon who violates division (A)(9) or (10) of this section. After the board takes such disciplinary action, the board shall give written notice to the subject of the disciplinary action of the right to request a hearing under Chapter 119. of the Revised Code. 65583
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(3) In lieu of an adjudication, the board may enter into a consent agreement with the holder of a license, permit, or registration issued under this chapter. A consent agreement that is ratified by a majority vote of a quorum of the board members is considered to constitute the findings and orders of the board with respect to the matter addressed in the agreement. If the board does not ratify a consent agreement, the admissions and findings contained in the agreement are of no effect, and the case shall be scheduled for adjudication under Chapter 119. of the Revised Code. 65590
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(D) The amount and content of corrective action courses and other relevant criteria shall be established by the board in rules adopted under section 4713.08 of the Revised Code. 65599
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(E)(1) The board may impose a separate fine for each offense listed in division (A) of this section. The amount of the first fine issued for a violation as the result of an inspection shall be not more than two hundred fifty dollars if the violator has not 65602
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previously been fined for that offense. Any fines issued for 65606
additional violations during such an inspection shall not be more 65607
than one hundred dollars for each additional violation. The fine 65608
shall be not more than five hundred dollars if the violator has 65609
been fined for the same offense once before. Any fines issued for 65610
additional violations during a second inspection shall not be more 65611
than two hundred dollars for each additional violation. The fine 65612
shall be not more than one thousand dollars if the violator has 65613
been fined for the same offense two or more times before. Any 65614
fines issued for additional violations during a third inspection 65615
shall not be more than three hundred dollars for each additional 65616
violation. 65617

(2) The board shall issue an order notifying a violator of a 65618
fine imposed under division (E)(1) of this section. The notice 65619
shall specify the date by which the fine is to be paid. The date 65620
shall be less than forty-five days after the board issues the 65621
order. 65622

(3) At the request of a violator who is temporarily unable to 65623
pay a fine, or upon its own motion, the board may extend the time 65624
period within which the violator shall pay the fine up to ninety 65625
days after the date the board issues the order. 65626

(4) If a violator fails to pay a fine by the date specified 65627
in the board's order and does not request an extension within ten 65628
days after the date the board issues the order, or if the violator 65629
fails to pay the fine within the extended time period as described 65630
in division (E)(3) of this section, the board shall add to the 65631
fine an additional penalty equal to ten per cent of the fine. 65632

(5) If a violator fails to pay a fine within ninety days 65633
after the board issues the order, the board shall add to the fine 65634
interest at a rate specified by the board in rules adopted under 65635
section 4713.08 of the Revised Code. 65636

(6) If the fine, including any interest or additional penalty, remains unpaid on the ninety-first day after the board issues an order under division (E)(2) of this section, the amount of the fine and any interest or additional penalty shall be certified to the attorney general for collection in the form and manner prescribed by the attorney general. The attorney general may assess the collection cost to the amount certified in such a manner and amount as prescribed by the attorney general.

(F) In the case of an offense of failure to comply with division (A) or (B)(2) or (3) of section 4713.50 of the Revised Code, the board shall impose a fine of five hundred dollars if the violator has not previously been fined for that offense. If the violator has previously been fined for the offense, the board may impose a fine in accordance with this division or take another action in accordance with division (B) of this section.

(G) The board shall notify a licensee or registrant who is in violation of division (A) of this section and the owner of the salon in which the conditions constituting the violation were found. The individual receiving the notice of violation and the owner of the salon may request a hearing pursuant to section 119.07 of the Revised Code. If the individual or owner fails to request a hearing or enter into a consent agreement thirty days after the date the board, in accordance with ~~section~~ sections 119.05 and 119.07 of the Revised Code and division (J) of this section, notifies the individual or owner of the board's intent to act against the individual or owner under division (A) of this section, the board by a majority vote of a quorum of the board members may take the action against the individual or owner without holding an adjudication hearing.

(H) The board, after a hearing in accordance with Chapter 119. of the Revised Code or pursuant to a consent agreement, may suspend a license, permit, or registration if the licensee, permit

holder, or registrant fails to correct an unsafe condition that 65669
exists in violation of the board's rules or fails to cooperate in 65670
an inspection. If a violation of this chapter or rules adopted 65671
under it has resulted in a condition reasonably believed by an 65672
inspector to create an immediate danger to the health and safety 65673
of any individual using the facility, the inspector may suspend 65674
the license or permit of the facility or the individual 65675
responsible for the violation without a prior hearing until the 65676
condition is corrected or until a hearing in accordance with 65677
Chapter 119. of the Revised Code is held or a consent agreement is 65678
entered into and the board either upholds the suspension or 65679
reinstates the license, permit, or registration. 65680

(I) The board shall not take disciplinary action against an 65681
individual licensed to operate a salon or school of cosmetology 65682
for a violation of this chapter that was committed by an 65683
individual licensed to practice a branch of cosmetology, while 65684
practicing within the salon or school, when the individual's 65685
actions were beyond the control of the salon owner or school. 65686

~~(J) In addition to the methods of notification required under 65687
section 119.07 of the Revised Code, the board may send the notices 65688
required under divisions (C)(2), (E)(2), and (G) of this section 65689
by any delivery method that is traceable and requires that the 65690
delivery person obtain a signature to verify that the notice has 65691
been delivered. The board also may send the notices by electronic 65692
mail, provided that the electronic mail delivery system certifies 65693
that a notice has been received. 65694~~

Sec. 4715.036. (A) As used in this section: 65695

(1) "Personal identifying information" has the same meaning 65696
as in section 2913.49 of the Revised Code. 65697

(2) "Confidential law enforcement investigatory record" has 65698
the same meaning as in section 149.43 of the Revised Code, except 65699

that it excludes information provided by an information source or 65700
witness to whom confidentiality has been reasonably promised, 65701
which information would reasonably tend to disclose the source's 65702
or witness's identity. 65703

(B) If the state dental board notifies an applicant, license 65704
holder, or other individual of an opportunity for a hearing 65705
pursuant to ~~section~~ sections 119.05 and 119.07 of the Revised 65706
Code, the board shall state in the notice that the individual is 65707
entitled to receive at least sixty days before the hearing, on the 65708
individual's request and as described in division (C) of this 65709
section, one copy of each item the board procures or creates in 65710
the course of its investigation on the individual. Such items may 65711
include, but are not limited to, the one or more complaints filed 65712
with the board; correspondence, reports, and statements; 65713
deposition transcripts; and patient dental records. 65714

(C) On receipt of a request for copies of investigative items 65715
from an individual who is notified under division (B) of this 65716
section of an opportunity for a hearing, the board shall provide 65717
the copies to the individual in accordance with, and subject to, 65718
all of the following: 65719

(1) The board shall provide the copies in a timely manner. 65720

(2) The board may charge a fee for providing the copies, but 65721
the amount of the fee shall be set at a reasonable cost to the 65722
individual. 65723

(3) Before providing the copies, the board shall determine 65724
whether the investigative items contain any personal identifying 65725
information regarding a complainant. If the board determines that 65726
the investigative items contain such personal identifying 65727
information, or any other information that would reveal the 65728
complainant's identity, the board shall redact the information 65729
from the copies it provides to the individual. 65730

(4) The board shall not provide either of the following: 65731

(a) Any information that is subject to the attorney-client 65732
privilege or work product doctrine, or that would reveal the 65733
investigatory processes or methods of investigation used by the 65734
board; 65735

(b) Any information that would constitute a confidential law 65736
enforcement investigatory record. 65737

(D) If a request for copies of investigative items is made 65738
pursuant to this section, the board in its scheduling of a hearing 65739
for the individual shall, notwithstanding section 119.07 of the 65740
Revised Code, schedule the hearing for a date that is at least 65741
sixty-one days after the board provides the individual with the 65742
copies of the items. 65743

(E)(1) After the board notifies an individual of an 65744
opportunity for a hearing, the individual may ask the board to 65745
issue either or both of the following: 65746

(a) A subpoena to compel the attendance and testimony of any 65747
witness at the hearing; 65748

(b) A subpoena for the production of books, records, papers, 65749
or other tangible items. 65750

(2) On receipt of an individual's request under division 65751
(E)(1) of this section, the board shall issue the subpoena. 65752

In the case of a subpoena for the production of books, 65753
records, papers, or other tangible items, the person or government 65754
entity subject to the subpoena shall comply with the subpoena at 65755
least thirty days prior to the date the individual's hearing is 65756
scheduled to be held. 65757

Sec. 4715.30. (A) Except as provided in division (K) of this 65758
section, an applicant for or holder of a certificate or license 65759
issued under this chapter is subject to disciplinary action by the 65760

state dental board for any of the following reasons: 65761

(1) Employing or cooperating in fraud or material deception 65762
in applying for or obtaining a license or certificate; 65763

(2) Obtaining or attempting to obtain money or anything of 65764
value by intentional misrepresentation or material deception in 65765
the course of practice; 65766

(3) Advertising services in a false or misleading manner or 65767
violating the board's rules governing time, place, and manner of 65768
advertising; 65769

(4) Commission of an act that constitutes a felony in this 65770
state, regardless of the jurisdiction in which the act was 65771
committed; 65772

(5) Commission of an act in the course of practice that 65773
constitutes a misdemeanor in this state, regardless of the 65774
jurisdiction in which the act was committed; 65775

(6) Conviction of, a plea of guilty to, a judicial finding of 65776
guilt of, a judicial finding of guilt resulting from a plea of no 65777
contest to, or a judicial finding of eligibility for intervention 65778
in lieu of conviction for, any felony or of a misdemeanor 65779
committed in the course of practice; 65780

(7) Engaging in lewd or immoral conduct in connection with 65781
the provision of dental services; 65782

(8) Selling, prescribing, giving away, or administering drugs 65783
for other than legal and legitimate therapeutic purposes, or 65784
conviction of, a plea of guilty to, a judicial finding of guilt 65785
of, a judicial finding of guilt resulting from a plea of no 65786
contest to, or a judicial finding of eligibility for intervention 65787
in lieu of conviction for, a violation of any federal or state law 65788
regulating the possession, distribution, or use of any drug; 65789

(9) Providing or allowing dental hygienists, expanded 65790

function dental auxiliaries, or other practitioners of auxiliary 65791
dental occupations working under the certificate or license 65792
holder's supervision, or a dentist holding a temporary limited 65793
continuing education license under division (C) of section 4715.16 65794
of the Revised Code working under the certificate or license 65795
holder's direct supervision, to provide dental care that departs 65796
from or fails to conform to accepted standards for the profession, 65797
whether or not injury to a patient results; 65798

(10) Inability to practice under accepted standards of the 65799
profession because of physical or mental disability, dependence on 65800
alcohol or other drugs, or excessive use of alcohol or other 65801
drugs; 65802

(11) Violation of any provision of this chapter or any rule 65803
adopted thereunder; 65804

(12) Failure to use universal blood and body fluid 65805
precautions established by rules adopted under section 4715.03 of 65806
the Revised Code; 65807

(13) Except as provided in division (H) of this section, 65808
either of the following: 65809

(a) Waiving the payment of all or any part of a deductible or 65810
copayment that a patient, pursuant to a health insurance or health 65811
care policy, contract, or plan that covers dental services, would 65812
otherwise be required to pay if the waiver is used as an 65813
enticement to a patient or group of patients to receive health 65814
care services from that certificate or license holder; 65815

(b) Advertising that the certificate or license holder will 65816
waive the payment of all or any part of a deductible or copayment 65817
that a patient, pursuant to a health insurance or health care 65818
policy, contract, or plan that covers dental services, would 65819
otherwise be required to pay. 65820

(14) Failure to comply with section 4715.302 or 4729.79 of 65821

the Revised Code, unless the state board of pharmacy no longer 65822
maintains a drug database pursuant to section 4729.75 of the 65823
Revised Code; 65824

(15) Any of the following actions taken by an agency 65825
responsible for authorizing, certifying, or regulating an 65826
individual to practice a health care occupation or provide health 65827
care services in this state or another jurisdiction, for any 65828
reason other than the nonpayment of fees: the limitation, 65829
revocation, or suspension of an individual's license to practice; 65830
acceptance of an individual's license surrender; denial of a 65831
license; refusal to renew or reinstate a license; imposition of 65832
probation; or issuance of an order of censure or other reprimand; 65833

(16) Failure to cooperate in an investigation conducted by 65834
the board under division (D) of section 4715.03 of the Revised 65835
Code, including failure to comply with a subpoena or order issued 65836
by the board or failure to answer truthfully a question presented 65837
by the board at a deposition or in written interrogatories, except 65838
that failure to cooperate with an investigation shall not 65839
constitute grounds for discipline under this section if a court of 65840
competent jurisdiction has issued an order that either quashes a 65841
subpoena or permits the individual to withhold the testimony or 65842
evidence in issue; 65843

(17) Failure to comply with the requirements in section 65844
3719.061 of the Revised Code before issuing for a minor a 65845
prescription for an opioid analgesic, as defined in section 65846
3719.01 of the Revised Code; 65847

(18) Failure to comply with the requirements of sections 65848
4715.71 and 4715.72 of the Revised Code regarding the operation of 65849
a mobile dental facility. 65850

(B) A manager, proprietor, operator, or conductor of a dental 65851
facility shall be subject to disciplinary action if any dentist, 65852

dental hygienist, expanded function dental auxiliary, or qualified 65853
personnel providing services in the facility is found to have 65854
committed a violation listed in division (A) of this section and 65855
the manager, proprietor, operator, or conductor knew of the 65856
violation and permitted it to occur on a recurring basis. 65857

(C) Subject to Chapter 119. of the Revised Code, the board 65858
may take one or more of the following disciplinary actions if one 65859
or more of the grounds for discipline listed in divisions (A) and 65860
(B) of this section exist: 65861

(1) Censure the license or certificate holder; 65862

(2) Place the license or certificate on probationary status 65863
for such period of time the board determines necessary and require 65864
the holder to: 65865

(a) Report regularly to the board upon the matters which are 65866
the basis of probation; 65867

(b) Limit practice to those areas specified by the board; 65868

(c) Continue or renew professional education until a 65869
satisfactory degree of knowledge or clinical competency has been 65870
attained in specified areas. 65871

(3) Suspend the certificate or license; 65872

(4) Revoke the certificate or license. 65873

Where the board places a holder of a license or certificate 65874
on probationary status pursuant to division (C)(2) of this 65875
section, the board may subsequently suspend or revoke the license 65876
or certificate if it determines that the holder has not met the 65877
requirements of the probation or continues to engage in activities 65878
that constitute grounds for discipline pursuant to division (A) or 65879
(B) of this section. 65880

Any order suspending a license or certificate shall state the 65881
conditions under which the license or certificate will be 65882

restored, which may include a conditional restoration during which 65883
time the holder is in a probationary status pursuant to division 65884
(C)(2) of this section. The board shall restore the license or 65885
certificate unconditionally when such conditions are met. 65886

(D) If the physical or mental condition of an applicant or a 65887
license or certificate holder is at issue in a disciplinary 65888
proceeding, the board may order the license or certificate holder 65889
to submit to reasonable examinations by an individual designated 65890
or approved by the board and at the board's expense. The physical 65891
examination may be conducted by any individual authorized by the 65892
Revised Code to do so, including a physician assistant, a clinical 65893
nurse specialist, a certified nurse practitioner, or a certified 65894
nurse-midwife. Any written documentation of the physical 65895
examination shall be completed by the individual who conducted the 65896
examination. 65897

Failure to comply with an order for an examination shall be 65898
grounds for refusal of a license or certificate or summary 65899
suspension of a license or certificate under division (E) of this 65900
section. 65901

(E) If a license or certificate holder has failed to comply 65902
with an order under division (D) of this section, the board may 65903
apply to the court of common pleas of the county in which the 65904
holder resides for an order temporarily suspending the holder's 65905
license or certificate, without a prior hearing being afforded by 65906
the board, until the board conducts an adjudication hearing 65907
pursuant to Chapter 119. of the Revised Code. If the court 65908
temporarily suspends a holder's license or certificate, the board 65909
shall give written notice of the suspension personally or by 65910
certified mail to the license or certificate holder. Such notice 65911
shall inform the license or certificate holder of the right to a 65912
hearing pursuant to Chapter 119. of the Revised Code. 65913

(F) Any holder of a certificate or license issued under this 65914

chapter who has pleaded guilty to, has been convicted of, or has 65915
had a judicial finding of eligibility for intervention in lieu of 65916
conviction entered against the holder in this state for aggravated 65917
murder, murder, voluntary manslaughter, felonious assault, 65918
kidnapping, rape, sexual battery, gross sexual imposition, 65919
aggravated arson, aggravated robbery, or aggravated burglary, or 65920
who has pleaded guilty to, has been convicted of, or has had a 65921
judicial finding of eligibility for treatment or intervention in 65922
lieu of conviction entered against the holder in another 65923
jurisdiction for any substantially equivalent criminal offense, is 65924
automatically suspended from practice under this chapter in this 65925
state and any certificate or license issued to the holder under 65926
this chapter is automatically suspended, as of the date of the 65927
guilty plea, conviction, or judicial finding, whether the 65928
proceedings are brought in this state or another jurisdiction. 65929
Continued practice by an individual after the suspension of the 65930
individual's certificate or license under this division shall be 65931
considered practicing without a certificate or license. The board 65932
shall notify the suspended individual of the suspension of the 65933
individual's certificate or license under this division ~~by~~ 65934
~~certified mail or in person~~ in accordance with ~~section~~ sections 65935
119.05 and 119.07 of the Revised Code. If an individual whose 65936
certificate or license is suspended under this division fails to 65937
make a timely request for an adjudicatory hearing, the board shall 65938
enter a final order revoking the individual's certificate or 65939
license. 65940

(G) If the supervisory investigative panel determines both of 65941
the following, the panel may recommend that the board suspend an 65942
individual's certificate or license without a prior hearing: 65943

(1) That there is clear and convincing evidence that an 65944
individual has violated division (A) of this section; 65945

(2) That the individual's continued practice presents a 65946

danger of immediate and serious harm to the public. 65947

Written allegations shall be prepared for consideration by 65948
the board. The board, upon review of those allegations and by an 65949
affirmative vote of not fewer than four dentist members of the 65950
board and seven of its members in total, excluding any member on 65951
the supervisory investigative panel, may suspend a certificate or 65952
license without a prior hearing. A telephone conference call may 65953
be utilized for reviewing the allegations and taking the vote on 65954
the summary suspension. 65955

The board shall ~~issue~~ serve a written order of suspension ~~by~~ 65956
~~certified mail or in person~~ in accordance with ~~section~~ sections 65957
119.05 and 119.07 of the Revised Code. The order shall not be 65958
subject to suspension by the court during pendency or any appeal 65959
filed under section 119.12 of the Revised Code. If the individual 65960
subject to the summary suspension requests an adjudicatory hearing 65961
by the board, the date set for the hearing shall be within fifteen 65962
days, but not earlier than seven days, after the individual 65963
requests the hearing, unless otherwise agreed to by both the board 65964
and the individual. 65965

Any summary suspension imposed under this division shall 65966
remain in effect, unless reversed on appeal, until a final 65967
adjudicative order issued by the board pursuant to this section 65968
and Chapter 119. of the Revised Code becomes effective. The board 65969
shall issue its final adjudicative order within seventy-five days 65970
after completion of its hearing. A failure to issue the order 65971
within seventy-five days shall result in dissolution of the 65972
summary suspension order but shall not invalidate any subsequent, 65973
final adjudicative order. 65974

(H) Sanctions shall not be imposed under division (A)(13) of 65975
this section against any certificate or license holder who waives 65976
deductibles and copayments as follows: 65977

(1) In compliance with the health benefit plan that expressly 65978
allows such a practice. Waiver of the deductibles or copayments 65979
shall be made only with the full knowledge and consent of the plan 65980
purchaser, payer, and third-party administrator. Documentation of 65981
the consent shall be made available to the board upon request. 65982

(2) For professional services rendered to any other person 65983
who holds a certificate or license issued pursuant to this chapter 65984
to the extent allowed by this chapter and the rules of the board. 65985

(I) In no event shall the board consider or raise during a 65986
hearing required by Chapter 119. of the Revised Code the 65987
circumstances of, or the fact that the board has received, one or 65988
more complaints about a person unless the one or more complaints 65989
are the subject of the hearing or resulted in the board taking an 65990
action authorized by this section against the person on a prior 65991
occasion. 65992

(J) The board may share any information it receives pursuant 65993
to an investigation under division (D) of section 4715.03 of the 65994
Revised Code, including patient records and patient record 65995
information, with law enforcement agencies, other licensing 65996
boards, and other governmental agencies that are prosecuting, 65997
adjudicating, or investigating alleged violations of statutes or 65998
administrative rules. An agency or board that receives the 65999
information shall comply with the same requirements regarding 66000
confidentiality as those with which the state dental board must 66001
comply, notwithstanding any conflicting provision of the Revised 66002
Code or procedure of the agency or board that applies when it is 66003
dealing with other information in its possession. In a judicial 66004
proceeding, the information may be admitted into evidence only in 66005
accordance with the Rules of Evidence, but the court shall require 66006
that appropriate measures are taken to ensure that confidentiality 66007
is maintained with respect to any part of the information that 66008
contains names or other identifying information about patients or 66009

complainants whose confidentiality was protected by the state 66010
dental board when the information was in the board's possession. 66011
Measures to ensure confidentiality that may be taken by the court 66012
include sealing its records or deleting specific information from 66013
its records. 66014

(K) The board shall not refuse to issue a license or 66015
certificate to an applicant for either of the following reasons 66016
unless the refusal is in accordance with section 9.79 of the 66017
Revised Code: 66018

(1) A conviction or plea of guilty to an offense; 66019

(2) A judicial finding of eligibility for treatment or 66020
intervention in lieu of a conviction. 66021

Sec. 4717.04. (A) The board of embalmers and funeral 66022
directors shall adopt rules in accordance with Chapter 119. of the 66023
Revised Code for the government, transaction of the business, and 66024
the management of the affairs of the board of embalmers and 66025
funeral directors and the crematory review board, and for the 66026
administration and enforcement of this chapter. These rules shall 66027
include all of the following: 66028

(1) The nature, scope, content, and form of the application 66029
that must be completed and license examination that must be passed 66030
in order to receive an embalmer's license or a funeral director's 66031
license under section 4717.05 of the Revised Code. The rules shall 66032
ensure both of the following: 66033

(a) That the embalmer's license examination tests the 66034
applicant's knowledge through at least a comprehensive section and 66035
an Ohio laws section; 66036

(b) That the funeral director's license examination tests the 66037
applicant's knowledge through at least a comprehensive section, an 66038
Ohio laws section, and a sanitation section. 66039

- (2) The minimum license examination score necessary to be licensed under section 4717.05 of the Revised Code as an embalmer or as a funeral director; 66040
66041
66042
- (3) Procedures for determining the dates of the embalmer's and funeral director's license examinations, which shall be administered at least once each year, the time and place of each examination, and the supervision required for each examination; 66043
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- (4) Procedures for determining whether the board shall accept an applicant's compliance with the licensure, registration, or certification requirements of another state as grounds for granting the applicant a license under this chapter; 66047
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66050
- (5) A determination of whether completion of a nationally recognized embalmer's or funeral director's examination sufficiently meets the license requirements for the comprehensive section of either the embalmer's or the funeral director's license examination administered under this chapter; 66051
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66053
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66055
- (6) Continuing education requirements for licensed embalmers and funeral directors; 66056
66057
- (7) Requirements for the licensing and operation of funeral homes; 66058
66059
- (8) Requirements for the licensing and operation of embalming facilities; 66060
66061
- (9) A schedule that lists, and specifies a forfeiture commensurate with, each of the following types of conduct which, for the purposes of division (A)(9) of this section and section 4717.15 of the Revised Code, are violations of this chapter: 66062
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66065
- (a) Obtaining a license under this chapter by fraud or misrepresentation either in the application or in passing the required examination for the license; 66066
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66068
- (b) Purposely violating any provision of sections 4717.01 to 66069

4717.15 of the Revised Code or a rule adopted under any of those 66070
sections; division (A) or (B) of section 4717.23; division (B)(1) 66071
or (2), (C)(1) or (2), (D), (E), or (F)(1) or (2), or divisions 66072
(H) to (K) of section 4717.26; division (D)(1) of section 4717.27; 66073
or divisions (A) to (C) of section 4717.28 of the Revised Code; 66074

(c) Committing unprofessional conduct; 66075

(d) Knowingly permitting an unlicensed person, other than a 66076
person serving an apprenticeship, to engage in the profession or 66077
business of embalming or funeral directing under the licensee's 66078
supervision; 66079

(e) Refusing to promptly submit the custody of a dead human 66080
body or cremated remains upon the express order of the person 66081
legally entitled to the body; 66082

(f) Transferring a license to operate a funeral home, 66083
embalming facility, or crematory facility from one owner or 66084
operator to another, or from one location to another, without 66085
notifying the board and following the requirements of section 66086
4717.11 of the Revised Code; 66087

(g) Misleading the public using false or deceptive 66088
advertising; 66089

(h) Failing to forward to the board on or before its due date 66090
the annual report of preneed funeral sales required by division 66091
(J) of section 4717.31 of the Revised Code. If the annual report 66092
is sent to the board by United States mail, it shall be postmarked 66093
on or before the due date for the submission of the annual report 66094
in order to be timely filed with the board. Mail that is not 66095
postmarked shall be considered filed on the date it is received by 66096
the board. 66097

Each instance of the commission of any of the types of 66098
conduct described in division (A)(9) of this section is a separate 66099
violation. The rules adopted under division (A)(9) of this section 66100

shall establish the amount of the forfeiture for a violation of 66101
each of those divisions. The forfeiture for a first violation 66102
shall not exceed five thousand dollars, and the forfeiture for a 66103
second or subsequent violation shall not exceed ten thousand 66104
dollars. The amount of the forfeiture may differ among the types 66105
of violations according to what the board considers the 66106
seriousness of each violation. 66107

(10) Requirements for the licensing and operation of 66108
crematory facilities; 66109

(11) Procedures for the board to take possession of and to 66110
arrange the lawful disposition of unclaimed cremated remains that 66111
were held or stored at a funeral home or crematory that has been 66112
closed; 66113

(12) Procedures for the issuance of duplicate licenses; 66114

(13) Requirements for criminal records checks of applicants 66115
under section 4776.03 of the Revised Code; 66116

(14) The amount and content of corrective action courses 66117
required by the board under section 4717.14 of the Revised Code. 66118

(B) The board may adopt rules governing the educational 66119
standards for licensure as an embalmer or funeral director, or 66120
obtaining a permit to be a crematory operator, and the standards 66121
of service and practice to be followed in embalming, funeral 66122
directing, and cremation, and in the operation of funeral homes, 66123
embalming facilities, and crematory facilities in this state. 66124

(C) Nothing in this chapter authorizes the board of embalmers 66125
and funeral directors to regulate cemeteries, except that the 66126
board shall license and regulate funeral homes, embalming 66127
facilities, and crematory facilities located at cemeteries in 66128
accordance with this chapter. 66129

(D) If the executive director of the board has knowledge or 66130

notice of a violation of division (A)(1), (3), (5), or (6) of 66131
section 4717.13 of the Revised Code or that a person is engaging 66132
in the business or profession of funeral directing in violation of 66133
division (A)(14) of that section, the executive director shall 66134
~~investigate the matter, and, upon probable cause appearing, cause~~ 66135
~~an attorney employed by or contracting with the board to file a~~ 66136
~~complaint and prosecute the offender. When requested by the~~ 66137
~~executive director, the prosecuting attorney of the proper county~~ 66138
~~or the attorney general shall take charge of and conduct such~~ 66139
prosecution notify the appropriate law enforcement authority for 66140
investigation. 66141

Sec. 4717.14. (A) The board of embalmers and funeral 66142
directors may, except as provided in division (G) of this section, 66143
refuse to grant or renew, or may suspend or revoke, any license or 66144
permit issued under this chapter or may require the holder of a 66145
license or permit to take corrective action courses for any of the 66146
following reasons: 66147

(1) The holder of a license or permit obtained the license or 66148
permit by fraud or misrepresentation either in the application or 66149
in passing the examination. 66150

(2) The licensee or permit holder has been convicted of or 66151
has pleaded guilty to a felony or of any crime involving moral 66152
turpitude. 66153

(3) The applicant, licensee, or permit holder has recklessly 66154
violated any provision of sections 4717.01 to 4717.15 or a rule 66155
adopted under any of those sections; division (A) or (B) of 66156
section 4717.23; division (B)(1) or (2), (C)(1) or (2), (D), (E), 66157
or (F)(1) or (2), or divisions (H) to (K) of section 4717.26; 66158
division (D)(1) of section 4717.27; or divisions (A) to (C) of 66159
section 4717.28 of the Revised Code; or any provisions of sections 66160
4717.31 to 4717.38 of the Revised Code; any rule or order of the 66161

department of health or a board of health of a health district 66162
governing the disposition of dead human bodies; or any other rule 66163
or order applicable to the applicant or licensee. 66164

(4) The licensee or permit holder has committed immoral or 66165
unprofessional conduct. 66166

(5) The applicant or licensee knowingly permitted an 66167
unlicensed person, other than a person serving an apprenticeship, 66168
to engage in the profession or business of embalming or funeral 66169
directing under the applicant's or licensee's supervision. 66170

(6) The applicant, licensee, or permit holder has been 66171
habitually intoxicated, or is addicted to the use of morphine, 66172
cocaine, or other habit-forming or illegal drugs. 66173

(7) The applicant, licensee, or permit holder has refused to 66174
promptly submit the custody of a dead human body or cremated 66175
remains upon the express order of the person legally entitled to 66176
the body or cremated remains. 66177

(8) The licensee or permit holder loaned the licensee's own 66178
license or the permit holder's own permit, or the applicant, 66179
licensee, or permit holder borrowed or used the license or permit 66180
of another person, or knowingly aided or abetted the granting of 66181
an improper license or permit. 66182

(9) The applicant, licensee, or permit holder misled the 66183
public by using false or deceptive advertising. As used in this 66184
division, "false and deceptive advertising" includes, but is not 66185
limited to, any of the following: 66186

(a) Using the names of persons who are not licensed to 66187
practice funeral directing in a way that leads the public to 66188
believe that such persons are engaging in funeral directing; 66189

(b) Using any name for the funeral home other than the name 66190
under which the funeral home is licensed; 66191

(c) Using in the funeral home's name the surname of an individual who is not directly, actively, or presently associated with the funeral home, unless such surname has been previously and continuously used by the funeral home.

(B)(1) The board of embalmers and funeral directors shall refuse to grant or renew, or shall suspend or revoke a license or permit only in accordance with Chapter 119. of the Revised Code.

(2) The board shall send to the crematory review board written notice that it proposes to refuse to issue or renew, or proposes to suspend or revoke, a license to operate a crematory facility. If, after the conclusion of the adjudicatory hearing on the matter conducted under division (F) of section 4717.03 of the Revised Code, the board of embalmers and funeral directors finds that any of the circumstances described in divisions (A)(1) to (9) of this section apply to the person named in its proposed action, the board may issue a final order under division (F) of section 4717.03 of the Revised Code refusing to issue or renew, or suspending or revoking, the person's license to operate a crematory facility.

(C) If the board of embalmers and funeral directors determines that there is clear and convincing evidence that any of the circumstances described in divisions (A)(1) to (9) of this section apply to the holder of a license or permit issued under this chapter and that the licensee's or permit holder's continued practice presents a danger of immediate and serious harm to the public, the board may suspend the licensee's license or permit holder's permit without a prior adjudicatory hearing. The executive director of the board shall prepare written allegations for consideration by the board.

The board, after reviewing the written allegations, may suspend a license or permit without a prior hearing.

Notwithstanding section 121.22 of the Revised Code, the board
may suspend a license or permit under this division by utilizing a
telephone conference call to review the allegations and to take a
vote.

The board shall ~~issue~~ serve a written order of suspension ~~by~~
~~a delivery system or in person~~ in accordance with ~~section~~ sections
119.05 and 119.07 of the Revised Code. Such an order is not
subject to suspension by the court during the pendency of any
appeal filed under section 119.12 of the Revised Code. If the
licensee or permit holder requests an adjudicatory hearing by the
board, the date set for the hearing shall be within fifteen days,
but not earlier than seven days, after the licensee or permit
holder has requested a hearing, unless the board and the licensee
or permit holder agree to a different time for holding the
hearing.

Upon issuing a written order of suspension to the holder of a
license to operate a crematory facility, the board of embalmers
and funeral directors shall send written notice of the issuance of
the order to the crematory review board. The crematory review
board shall hold an adjudicatory hearing on the order under
division (F) of section 4717.03 of the Revised Code within fifteen
days, but not earlier than seven days, after the issuance of the
order, unless the crematory review board and the licensee agree to
a different time for holding the adjudicatory hearing.

Any summary suspension imposed under this division shall
remain in effect, unless reversed on appeal, until a final
adjudicatory order issued by the board of embalmers and funeral
directors pursuant to this division and Chapter 119. of the
Revised Code, or division (F) of section 4717.03 of the Revised
Code, as applicable, becomes effective. The board of embalmers and
funeral directors shall issue its final adjudicatory order within
sixty days after the completion of its hearing or, in the case of

the summary suspension of a license to operate a crematory 66255
facility, within sixty days after completion of the adjudicatory 66256
hearing by the crematory review board. A failure to issue the 66257
order within that time results in the dissolution of the summary 66258
suspension order, but does not invalidate any subsequent final 66259
adjudicatory order. 66260

(D) If the board of embalmers and funeral directors suspends 66261
or revokes a funeral director's license or a license to operate a 66262
funeral home for any reason identified in division (A) of this 66263
section, the board may file a complaint with the court of common 66264
pleas in the county where the violation occurred requesting 66265
appointment of a receiver and the sequestration of the assets of 66266
the funeral home that held the suspended or revoked license or the 66267
licensed funeral home that employs the funeral director that held 66268
the suspended or revoked license. If the court of common pleas is 66269
satisfied with the application for a receivership, the court may 66270
appoint a receiver. 66271

The board or a receiver may employ and procure whatever 66272
assistance or advice is necessary in the receivership or 66273
liquidation and distribution of the assets of the funeral home, 66274
and, for that purpose, may retain officers or employees of the 66275
funeral home as needed. All expenses of the receivership or 66276
liquidation shall be paid from the assets of the funeral home and 66277
shall be a lien on those assets, and that lien shall be a priority 66278
to any other lien. 66279

(E) Any holder of a license or permit issued under this 66280
chapter who has pleaded guilty to, has been found by a judge or 66281
jury to be guilty of, or has had a judicial finding of eligibility 66282
for treatment in lieu of conviction entered against the individual 66283
in this state for aggravated murder, murder, voluntary 66284
manslaughter, felonious assault, kidnapping, rape, sexual battery, 66285
gross sexual imposition, aggravated arson, aggravated robbery, or 66286

aggravated burglary, or who has pleaded guilty to, has been found 66287
by a judge or jury to be guilty of, or has had a judicial finding 66288
of eligibility for treatment in lieu of conviction entered against 66289
the individual in another jurisdiction for any substantially 66290
equivalent criminal offense, is hereby suspended from practice 66291
under this chapter by operation of law, and any license or permit 66292
issued to the individual under this chapter is hereby suspended by 66293
operation of law as of the date of the guilty plea, verdict or 66294
finding of guilt, or judicial finding of eligibility for treatment 66295
in lieu of conviction, regardless of whether the proceedings are 66296
brought in this state or another jurisdiction. The board shall 66297
notify the suspended individual of the suspension of the 66298
individual's license or permit by the operation of ~~this division~~ 66299
~~by a delivery system or in person law~~ in accordance with ~~section~~ 66300
sections 119.05 and 119.07 of the Revised Code. If an individual 66301
whose license or permit is suspended under this division fails to 66302
make a timely request for an adjudicatory hearing, the board shall 66303
enter a final order revoking the license. 66304

(F) No person whose license or permit has been suspended or 66305
revoked under or by the operation of this section shall knowingly 66306
practice embalming, funeral directing, or cremation, or operate a 66307
funeral home, embalming facility, or crematory facility until the 66308
board has reinstated the person's license or permit. 66309

(G) The board shall not refuse to issue a license or permit 66310
to an applicant because of a conviction of or plea of guilty to a 66311
criminal offense unless the refusal is in accordance with section 66312
9.79 of the Revised Code. 66313

Sec. 4717.26. (A) The crematory facility may schedule the 66314
time for the cremation of a dead human body to occur at the 66315
crematory facility's own convenience at any time after the 66316
conditions set forth in division (A) or (B) of section 4717.23 of 66317

the Revised Code, as applicable, have been met and the decedent or body parts have been delivered to the facility, unless, in the case of a dead human body, the crematory facility has received specific instructions to the contrary on the cremation authorization form authorizing the cremation of the decedent executed under section 4717.21, 4717.24, or 4717.25 of the Revised Code. The crematory facility becomes responsible for a dead human body or body parts when the body or body parts have been delivered to or accepted by the facility or an employee or agent of the facility.

(B) No crematory operator or crematory facility shall fail to do either of the following:

(1) Upon receipt at the crematory facility of any dead human body that has not been embalmed, and subject to the prohibition set forth in division (C)(1) of this section, place the body in a holding or refrigerated facility at the crematory facility and keep the body in the holding or refrigerated facility until near the time the cremation process commences or until the body is held at the facility for eight hours or longer. If the body is held for eight hours or longer, place the body in a refrigerated facility at the crematory facility and keep the body in the refrigerated facility until near the time the cremation process commences;

(2) Upon receipt of any dead human body that has been embalmed, place the body in a holding facility at the crematory facility and keep the body in the holding facility until the cremation process commences.

(C) No crematory operator or crematory facility shall do either of the following, unless the instructions contained in the cremation authorization form authorizing the cremation of the decedent executed under section 4717.21, 4717.24, or 4717.25 of the Revised Code specifically provide otherwise:

(1) Remove any dead human body from the casket or alternative 66349
container in which the body was delivered to or accepted by the 66350
crematory facility; 66351

(2) Fail to cremate the casket or alternative container in 66352
which the body was delivered or accepted, in its entirety with the 66353
body. 66354

(D) No crematory facility shall simultaneously cremate more 66355
than one decedent or body parts removed from more than one 66356
decedent or living person in the same cremation chamber unless the 66357
cremation authorization forms executed under section 4717.21, 66358
4717.24, or 4717.25 of the Revised Code authorizing the cremation 66359
of each of the decedents or body parts removed from each decedent 66360
or living person specifically authorize such a simultaneous 66361
cremation. This division does not prohibit the use of cremation 66362
equipment that contains more than one cremation chamber. 66363

(E) No crematory facility shall permit any persons other than 66364
employees of the crematory facility, the authorizing agent for the 66365
cremation of the decedent who is to be, is being, or was cremated, 66366
persons designated to be present at the cremation of the decedent 66367
on the cremation authorization form executed under section 4717.21 66368
or 4717.24 of the Revised Code, and persons authorized by the 66369
individual who is actually in charge of the crematory facility, to 66370
be present in the holding facility or cremation room while any 66371
dead human bodies or body parts are being held there prior to 66372
cremation or are being cremated or while any cremated remains are 66373
being removed from the cremation chamber. 66374

(F)(1) No crematory facility shall remove any dental gold, 66375
body parts, organs, or other items of value from a dead human body 66376
prior to the cremation or from the cremated remains after 66377
cremation unless the cremation authorization form authorizing the 66378
cremation of the decedent executed under section 4717.21 or 66379
4717.24 of the Revised Code specifically authorizes the removal 66380

thereof. 66381

(2) No crematory facility that removes any dental gold, body 66382
parts, organs, or other items from a dead human body or assists in 66383
such removal shall charge a fee for doing so that exceeds the 66384
actual cost to the crematory facility for performing or assisting 66385
in the removal. 66386

(G) Upon the completion of each cremation, the crematory 66387
facility shall remove from the cremation chamber all of the 66388
cremation residue that is practicably recoverable. If the 66389
cremation authorization form executed under section 4717.21, 66390
4717.24, or 4717.25 of the Revised Code specifies that the 66391
cremated remains are to be placed in an urn, the crematory 66392
facility shall place them in the type of urn specified on the 66393
authorization form. If the authorization form does not specify 66394
that the cremated remains are to be placed in an urn, the 66395
crematory facility shall place them in a temporary container. If 66396
not all of the recovered cremated remains will fit in the urn 66397
selected or the temporary container, the crematory facility shall 66398
place the remainder in a separate temporary container, and the 66399
cremated remains placed in the separate temporary container shall 66400
be delivered, released, or disposed of along with those in the urn 66401
or other temporary container. Nothing in this section requires a 66402
crematory facility to recover any specified quantity or quality of 66403
cremated remains upon the completion of a cremation, but only 66404
requires a crematory facility to recover from the cremation 66405
chamber all of the cremation residue that is practicably 66406
recoverable. 66407

(H) No crematory facility shall knowingly represent to an 66408
authorizing agent or a designee of an authorizing agent that an 66409
urn or temporary container contains the recovered cremated remains 66410
of a specific decedent or of body parts removed from a specific 66411
decedent or living person when it does not. This division does not 66412

prohibit the making of such a representation because of the 66413
presence in the recovered cremated remains of de minimus amounts 66414
of the cremated remains of another decedent or of body parts 66415
removed from another decedent or living person that were not 66416
practicably recoverable and that remained in the cremation chamber 66417
after the cremated remains from previous cremations were removed. 66418

(I) No crematory facility or funeral director shall ship or 66419
cause to be shipped any cremated remains by a class or method of 66420
mail, common carrier service, or delivery service that does not 66421
have an internal system for tracing the location of the cremated 66422
remains during shipment and that does not require a signed receipt 66423
from the person accepting delivery of the cremated remains. 66424

(J) No crematory facility shall fail to establish and 66425
maintain a system for accurately identifying each dead human body 66426
in the facility's possession, and for identifying each decedent or 66427
living person from which body parts in the facility's possession 66428
were removed, throughout all phases of the holding and cremation 66429
process. 66430

(K) No crematory facility shall knowingly use or allow the 66431
use of the same cremation chamber for the cremation of dead human 66432
bodies, or human body parts, and animals. 66433

Sec. 4723.281. (A) As used in this section, with regard to 66434
offenses committed in Ohio, "aggravated murder," "murder," 66435
"voluntary manslaughter," "felonious assault," "kidnapping," 66436
"rape," "sexual battery," "gross sexual imposition," "aggravated 66437
arson," "aggravated robbery," and "aggravated burglary" mean such 66438
offenses as defined in Title XXIX of the Revised Code; with regard 66439
to offenses committed in other jurisdictions, the terms mean 66440
offenses comparable to offenses defined in Title XXIX of the 66441
Revised Code. 66442

(B) When there is clear and convincing evidence that 66443

continued practice by an individual licensed under this chapter 66444
presents a danger of immediate and serious harm to the public, as 66445
determined on consideration of the evidence by the president and 66446
the executive director of the board of nursing, the president and 66447
director shall impose on the individual a summary suspension 66448
without a hearing. An individual serving as president or executive 66449
director in the absence of the president or executive director may 66450
take any action that this section requires or authorizes the 66451
president or executive director to take. 66452

Immediately following the decision to impose a summary 66453
suspension, the board shall ~~issue~~ serve a written order of 66454
suspension ~~and cause it to be delivered by certified mail or in~~ 66455
~~person~~ in accordance with ~~section~~ sections 119.05 and 119.07 of 66456
the Revised Code. The order shall not be subject to suspension by 66457
the court during the pendency of any appeal filed under section 66458
119.12 of the Revised Code. If the individual subject to the 66459
suspension requests an adjudication, the date set for the 66460
adjudication shall be within fifteen days but not earlier than 66461
seven days after the individual makes the request, unless another 66462
date is agreed to by both the individual and the board. The 66463
summary suspension shall remain in effect, unless reversed by the 66464
board, until a final adjudication order issued by the board 66465
pursuant to this section and Chapter 119. of the Revised Code 66466
becomes effective. 66467

The board shall issue its final adjudication order within 66468
ninety days after completion of the adjudication. If the board 66469
does not issue a final order within the ninety-day period, the 66470
summary suspension shall be void, but any final adjudication order 66471
issued subsequent to the ninety-day period shall not be affected. 66472

(C) The license or certificate issued to an individual under 66473
this chapter is automatically suspended on that individual's 66474
conviction of, plea of guilty to, or judicial finding with regard 66475

to any of the following: aggravated murder, murder, voluntary
manslaughter, felonious assault, kidnapping, rape, sexual battery,
gross sexual imposition, aggravated arson, aggravated robbery, or
aggravated burglary. The suspension shall remain in effect from
the date of the conviction, plea, or finding until an adjudication
is held under Chapter 119. of the Revised Code. If the board has
knowledge that an automatic suspension has occurred, it shall
notify the individual subject to the suspension. If the individual
is notified and either fails to request an adjudication within the
time periods established by Chapter 119. of the Revised Code or
fails to participate in the adjudication, the board shall enter a
final order permanently revoking the person's license or
certificate.

Sec. 4723.89. (A) As used in this section:

(1) "Doula" means a trained, nonmedical professional who
provides continuous physical, emotional, and informational support
to a pregnant woman during any of the following periods,
regardless of whether the woman's pregnancy results in a live
birth:

(a) The antepartum period;

(b) The intrapartum period;

(c) The postpartum period.

(2) "Doula certification organization" means all of the
following organizations that are recognized, at an international,
national, state, or local level, for training and certifying
doulas:

(a) Birthing beautiful communities;

(b) Restoring our own through transformation;

(c) The international childbirth education association;

<u>(d) DONA international;</u>	66505
<u>(e) Birthworks international;</u>	66506
<u>(f) Childbirth and postpartum professional association;</u>	66507
<u>(g) Childbirth international;</u>	66508
<u>(h) Commonsense childbirth inc.;</u>	66509
<u>(i) Any other recognized organization that the board of nursing considers appropriate.</u>	66510 66511
<u>(B) Beginning on the date that occurs one year after the effective date of this section, a person shall not use or assume the title "certified doula" unless the person holds a certificate issued under this section by the board of nursing.</u>	66512 66513 66514 66515
<u>(C) The board shall adopt rules in accordance with Chapter 119. of the Revised Code establishing standards and procedures for issuing certificates to doulas under this section. The rules shall include all of the following:</u>	66516 66517 66518 66519
<u>(1) Requirements for certification as a doula, including a requirement that a doula either be certified by a doula certification organization or, if not certified, have education and experience considered by the board to be appropriate, as specified in the rules;</u>	66520 66521 66522 66523 66524
<u>(2) Requirements for renewal of a certificate and continuing education;</u>	66525 66526
<u>(3) Requirements for training on racial bias, health disparities, and cultural competency as a condition of initial certification and certificate renewal;</u>	66527 66528 66529
<u>(4) Certificate application and renewal fees, as well as a waiver of those fees for applicants with a family income not exceeding three hundred per cent of the federal poverty line;</u>	66530 66531 66532
<u>(5) Requirements and standards of practice for certified</u>	66533

doulas; 66534

(6) The amount of a fine to be imposed under division (E) of this section; 66535
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(7) Any other standards or procedures the board considers necessary to implement this section. 66537
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(D) The board shall develop and regularly update a registry of doulas who hold certificates issued under this section. The registry shall be made available to the public on a web site maintained by the board. 66539
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(E) In an adjudication under Chapter 119. of the Revised Code, the board may impose a fine against any person who violates division (B) of this section. On request of the board, the attorney general shall bring and prosecute to judgment a civil action to collect any fine imposed under this division that remains unpaid. 66543
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Sec. 4723.90. (A) For the period of the program operated under section 5164.071 of the Revised Code, there is hereby established within the board of nursing the doula advisory board. 66549
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(B)(1) The advisory board shall consist of at least thirteen but not more than fifteen members appointed by the board of nursing, including at least one representative from birthing beautiful communities and one representative from restoring our own through transformation. 66552
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The overall composition of the membership of the advisory board shall be as follows: 66557
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(a) At least three members shall represent communities most impacted by negative maternal and infant health outcomes. 66559
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(b) At least six members shall be doulas with current, valid certification from a doula certification organization. 66561
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(c) At least one member shall be a public health official, physician, nurse, or social worker. 66563
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(d) At least one member shall be a consumer. 66565

(2) Both of the following apply to the board of nursing in appointing members to the advisory board: 66566
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(a) A good faith effort shall be made to select members who represent counties with higher rates of infant and maternal mortality, particularly those counties with the largest disparities. 66568
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(b) Priority shall be given to individuals with direct service experience providing care to infants and pregnant and postpartum women. 66572
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(C) The advisory board, by a majority vote of a quorum of its members, shall select an individual to serve as its chairperson. The advisory board may replace a chairperson in the same manner. 66575
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(D) Of the initial appointments to the advisory board, half shall be appointed to a term of one year and half shall be appointed to a term of two years. Thereafter, all terms shall be two years. The board of nursing shall fill a vacancy as soon as practicable. 66578
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(E) If requested, a member shall receive per diem compensation for, as well as reimbursement of actual and necessary expenses incurred pursuant to, fulfilling the member's duties on the advisory board. 66583
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(F) The advisory board shall meet at the call of the advisory board's chairperson as often as the chairperson determines necessary for timely completion of the board's duties as described in this section. 66587
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(G) The board of nursing shall provide meeting space, staff services, and other technical assistance required by the advisory 66591
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board in carrying out its duties. 66593

(H) The advisory board shall do all of the following: 66594

(1) Provide general advice, guidance, and recommendations to 66595
the board of nursing regarding doula certification and the 66596
adoption of rules under divisions (C)(3) and (5) of section 66597
4723.89 of the Revised Code; 66598

(2) Provide general advice, guidance, and recommendations to 66599
the department of medicaid regarding the program operated under 66600
section 5164.071 of the Revised Code; 66601

(3) Make recommendations to the medicaid director regarding 66602
the adoption of rules for purposes of section 5164.071 of the 66603
Revised Code. 66604

Sec. 4725.24. If the secretary of the state vision 66605
professionals board and the board's supervising member of 66606
investigations determine that there is clear and convincing 66607
evidence that an optometrist has violated division (B) of section 66608
4725.19 of the Revised Code and that the optometrist's continued 66609
practice presents a danger of immediate and serious harm to the 66610
public, they may recommend that the board suspend without a prior 66611
hearing the optometrist's certificate of licensure. Written 66612
allegations shall be prepared for consideration by the full board. 66613

The board, upon review of those allegations and by an 66614
affirmative vote of three members other than the secretary and 66615
supervising member may order the suspension without a prior 66616
hearing. A telephone conference call may be utilized for reviewing 66617
the allegations and taking the vote on the summary suspension. 66618

The board shall ~~issue~~ serve a written order of suspension ~~by~~ 66619
~~certified mail or in person~~ in accordance with ~~section~~ sections 66620
119.05 and 119.07 of the Revised Code. The order shall not be 66621
subject to suspension by the court during pendency of any appeal 66622

filed under section 119.12 of the Revised Code. If the individual 66623
subject to the summary suspension requests an adjudicatory hearing 66624
by the board, the date set for the hearing shall be within fifteen 66625
days, but not earlier than seven days, after the individual 66626
requests the hearing, unless otherwise agreed to by both the board 66627
and the individual. 66628

Any summary suspension imposed under this division shall 66629
remain in effect, unless reversed on appeal, until a final 66630
adjudicative order issued by the board pursuant to section 4725.19 66631
of the Revised Code and Chapter 119. of the Revised Code becomes 66632
effective. The board shall issue its final adjudicative order 66633
within sixty days after completion of its hearing. A failure to 66634
issue the order within sixty days shall result in dissolution of 66635
the summary suspension order but shall not invalidate any 66636
subsequent, final adjudicative order. 66637

Sec. 4730.25. (A) The state medical board, by an affirmative 66638
vote of not fewer than six members, may revoke or may refuse to 66639
grant a license to practice as a physician assistant to a person 66640
found by the board to have committed fraud, misrepresentation, or 66641
deception in applying for or securing the license. 66642

(B) Except as provided in division (N) of this section, the 66643
board, by an affirmative vote of not fewer than six members, 66644
shall, to the extent permitted by law, limit, revoke, or suspend 66645
an individual's license to practice as a physician assistant or 66646
prescriber number, refuse to issue a license to an applicant, 66647
refuse to renew a license, refuse to reinstate a license, or 66648
reprimand or place on probation the holder of a license for any of 66649
the following reasons: 66650

(1) Failure to practice in accordance with the supervising 66651
physician's supervision agreement with the physician assistant, 66652
including, if applicable, the policies of the health care facility 66653

in which the supervising physician and physician assistant are practicing; 66654
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(2) Failure to comply with the requirements of this chapter, Chapter 4731. of the Revised Code, or any rules adopted by the board; 66656
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(3) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter, Chapter 4731. of the Revised Code, or the rules adopted by the board; 66659
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(4) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills; 66663
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(5) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice; 66667
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(6) Administering drugs for purposes other than those authorized under this chapter; 66671
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(7) Willfully betraying a professional confidence; 66673

(8) Making a false, fraudulent, deceptive, or misleading statement in soliciting or advertising for employment as a physician assistant; in connection with any solicitation or advertisement for patients; in relation to the practice of medicine as it pertains to physician assistants; or in securing or attempting to secure a license to practice as a physician assistant. 66674
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As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because 66681
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of a failure to disclose material facts, is intended or is likely 66684
to create false or unjustified expectations of favorable results, 66685
or includes representations or implications that in reasonable 66686
probability will cause an ordinarily prudent person to 66687
misunderstand or be deceived. 66688

(9) Representing, with the purpose of obtaining compensation 66689
or other advantage personally or for any other person, that an 66690
incurable disease or injury, or other incurable condition, can be 66691
permanently cured; 66692

(10) The obtaining of, or attempting to obtain, money or 66693
anything of value by fraudulent misrepresentations in the course 66694
of practice; 66695

(11) A plea of guilty to, a judicial finding of guilt of, or 66696
a judicial finding of eligibility for intervention in lieu of 66697
conviction for, a felony; 66698

(12) Commission of an act that constitutes a felony in this 66699
state, regardless of the jurisdiction in which the act was 66700
committed; 66701

(13) A plea of guilty to, a judicial finding of guilt of, or 66702
a judicial finding of eligibility for intervention in lieu of 66703
conviction for, a misdemeanor committed in the course of practice; 66704

(14) A plea of guilty to, a judicial finding of guilt of, or 66705
a judicial finding of eligibility for intervention in lieu of 66706
conviction for, a misdemeanor involving moral turpitude; 66707

(15) Commission of an act in the course of practice that 66708
constitutes a misdemeanor in this state, regardless of the 66709
jurisdiction in which the act was committed; 66710

(16) Commission of an act involving moral turpitude that 66711
constitutes a misdemeanor in this state, regardless of the 66712
jurisdiction in which the act was committed; 66713

(17) A plea of guilty to, a judicial finding of guilt of, or 66714
a judicial finding of eligibility for intervention in lieu of 66715
conviction for violating any state or federal law regulating the 66716
possession, distribution, or use of any drug, including 66717
trafficking in drugs; 66718

(18) Any of the following actions taken by the state agency 66719
responsible for regulating the practice of physician assistants in 66720
another state, for any reason other than the nonpayment of fees: 66721
the limitation, revocation, or suspension of an individual's 66722
license to practice; acceptance of an individual's license 66723
surrender; denial of a license; refusal to renew or reinstate a 66724
license; imposition of probation; or issuance of an order of 66725
censure or other reprimand; 66726

(19) A departure from, or failure to conform to, minimal 66727
standards of care of similar physician assistants under the same 66728
or similar circumstances, regardless of whether actual injury to a 66729
patient is established; 66730

(20) Violation of the conditions placed by the board on a 66731
license to practice as a physician assistant; 66732

(21) Failure to use universal blood and body fluid 66733
precautions established by rules adopted under section 4731.051 of 66734
the Revised Code; 66735

(22) Failure to cooperate in an investigation conducted by 66736
the board under section 4730.26 of the Revised Code, including 66737
failure to comply with a subpoena or order issued by the board or 66738
failure to answer truthfully a question presented by the board at 66739
a deposition or in written interrogatories, except that failure to 66740
cooperate with an investigation shall not constitute grounds for 66741
discipline under this section if a court of competent jurisdiction 66742
has issued an order that either quashes a subpoena or permits the 66743
individual to withhold the testimony or evidence in issue; 66744

(23) Assisting suicide, as defined in section 3795.01 of the Revised Code; 66745
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(24) Prescribing any drug or device to perform or induce an abortion, or otherwise performing or inducing an abortion; 66747
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(25) Failure to comply with section 4730.53 of the Revised Code, unless the board no longer maintains a drug database pursuant to section 4729.75 of the Revised Code; 66749
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(26) Failure to comply with the requirements in section 3719.061 of the Revised Code before issuing for a minor a prescription for an opioid analgesic, as defined in section 3719.01 of the Revised Code; 66752
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(27) Having certification by the national commission on certification of physician assistants or a successor organization expire, lapse, or be suspended or revoked; 66756
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(28) The revocation, suspension, restriction, reduction, or termination of clinical privileges by the United States department of defense or department of veterans affairs or the termination or suspension of a certificate of registration to prescribe drugs by the drug enforcement administration of the United States department of justice; 66759
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(29) Failure to comply with terms of a consult agreement entered into with a pharmacist pursuant to section 4729.39 of the Revised Code. 66765
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(C) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with a physician assistant or applicant to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by an affirmative vote of not fewer than six members of the board, shall constitute 66768
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the findings and order of the board with respect to the matter 66776
addressed in the agreement. If the board refuses to ratify a 66777
consent agreement, the admissions and findings contained in the 66778
consent agreement shall be of no force or effect. 66779

(D) For purposes of divisions (B)(12), (15), and (16) of this 66780
section, the commission of the act may be established by a finding 66781
by the board, pursuant to an adjudication under Chapter 119. of 66782
the Revised Code, that the applicant or license holder committed 66783
the act in question. The board shall have no jurisdiction under 66784
these divisions in cases where the trial court renders a final 66785
judgment in the license holder's favor and that judgment is based 66786
upon an adjudication on the merits. The board shall have 66787
jurisdiction under these divisions in cases where the trial court 66788
issues an order of dismissal upon technical or procedural grounds. 66789

(E) The sealing or expungement of conviction records by any 66790
court shall have no effect upon a prior board order entered under 66791
the provisions of this section or upon the board's jurisdiction to 66792
take action under the provisions of this section if, based upon a 66793
plea of guilty, a judicial finding of guilt, or a judicial finding 66794
of eligibility for intervention in lieu of conviction, the board 66795
issued a notice of opportunity for a hearing prior to the court's 66796
order to seal or expunge the records. The board shall not be 66797
required to seal, destroy, redact, or otherwise modify its records 66798
to reflect the court's sealing or expungement of conviction 66799
records. 66800

(F) For purposes of this division, any individual who holds a 66801
license issued under this chapter, or applies for a license issued 66802
under this chapter, shall be deemed to have given consent to 66803
submit to a mental or physical examination when directed to do so 66804
in writing by the board and to have waived all objections to the 66805
admissibility of testimony or examination reports that constitute 66806
a privileged communication. 66807

(1) In enforcing division (B)(4) of this section, the board, 66808
upon a showing of a possible violation, may compel any individual 66809
who holds a license issued under this chapter or who has applied 66810
for a license pursuant to this chapter to submit to a mental 66811
examination, physical examination, including an HIV test, or both 66812
a mental and physical examination. The expense of the examination 66813
is the responsibility of the individual compelled to be examined. 66814
Failure to submit to a mental or physical examination or consent 66815
to an HIV test ordered by the board constitutes an admission of 66816
the allegations against the individual unless the failure is due 66817
to circumstances beyond the individual's control, and a default 66818
and final order may be entered without the taking of testimony or 66819
presentation of evidence. If the board finds a physician assistant 66820
unable to practice because of the reasons set forth in division 66821
(B)(4) of this section, the board shall require the physician 66822
assistant to submit to care, counseling, or treatment by 66823
physicians approved or designated by the board, as a condition for 66824
an initial, continued, reinstated, or renewed license. An 66825
individual affected under this division shall be afforded an 66826
opportunity to demonstrate to the board the ability to resume 66827
practicing in compliance with acceptable and prevailing standards 66828
of care. 66829

(2) For purposes of division (B)(5) of this section, if the 66830
board has reason to believe that any individual who holds a 66831
license issued under this chapter or any applicant for a license 66832
suffers such impairment, the board may compel the individual to 66833
submit to a mental or physical examination, or both. The expense 66834
of the examination is the responsibility of the individual 66835
compelled to be examined. Any mental or physical examination 66836
required under this division shall be undertaken by a treatment 66837
provider or physician qualified to conduct such examination and 66838
chosen by the board. 66839

Failure to submit to a mental or physical examination ordered 66840
by the board constitutes an admission of the allegations against 66841
the individual unless the failure is due to circumstances beyond 66842
the individual's control, and a default and final order may be 66843
entered without the taking of testimony or presentation of 66844
evidence. If the board determines that the individual's ability to 66845
practice is impaired, the board shall suspend the individual's 66846
license or deny the individual's application and shall require the 66847
individual, as a condition for initial, continued, reinstated, or 66848
renewed licensure, to submit to treatment. 66849

Before being eligible to apply for reinstatement of a license 66850
suspended under this division, the physician assistant shall 66851
demonstrate to the board the ability to resume practice or 66852
prescribing in compliance with acceptable and prevailing standards 66853
of care. The demonstration shall include the following: 66854

(a) Certification from a treatment provider approved under 66855
section 4731.25 of the Revised Code that the individual has 66856
successfully completed any required inpatient treatment; 66857

(b) Evidence of continuing full compliance with an aftercare 66858
contract or consent agreement; 66859

(c) Two written reports indicating that the individual's 66860
ability to practice has been assessed and that the individual has 66861
been found capable of practicing according to acceptable and 66862
prevailing standards of care. The reports shall be made by 66863
individuals or providers approved by the board for making such 66864
assessments and shall describe the basis for their determination. 66865

The board may reinstate a license suspended under this 66866
division after such demonstration and after the individual has 66867
entered into a written consent agreement. 66868

When the impaired physician assistant resumes practice or 66869
prescribing, the board shall require continued monitoring of the 66870

physician assistant. The monitoring shall include compliance with 66871
the written consent agreement entered into before reinstatement or 66872
with conditions imposed by board order after a hearing, and, upon 66873
termination of the consent agreement, submission to the board for 66874
at least two years of annual written progress reports made under 66875
penalty of falsification stating whether the physician assistant 66876
has maintained sobriety. 66877

(G) If the secretary and supervising member determine that 66878
there is clear and convincing evidence that a physician assistant 66879
has violated division (B) of this section and that the 66880
individual's continued practice or prescribing presents a danger 66881
of immediate and serious harm to the public, they may recommend 66882
that the board suspend the individual's license without a prior 66883
hearing. Written allegations shall be prepared for consideration 66884
by the board. 66885

The board, upon review of those allegations and by an 66886
affirmative vote of not fewer than six of its members, excluding 66887
the secretary and supervising member, may suspend a license 66888
without a prior hearing. A telephone conference call may be 66889
utilized for reviewing the allegations and taking the vote on the 66890
summary suspension. 66891

The board shall ~~issue~~ serve a written order of suspension ~~by~~ 66892
~~certified mail or in person~~ in accordance with ~~section~~ sections 66893
119.05 and 119.07 of the Revised Code. The order shall not be 66894
subject to suspension by the court during pendency of any appeal 66895
filed under section 119.12 of the Revised Code. If the physician 66896
assistant requests an adjudicatory hearing by the board, the date 66897
set for the hearing shall be within fifteen days, but not earlier 66898
than seven days, after the physician assistant requests the 66899
hearing, unless otherwise agreed to by both the board and the 66900
license holder. 66901

A summary suspension imposed under this division shall remain 66902

in effect, unless reversed on appeal, until a final adjudicative order issued by the board pursuant to this section and Chapter 119. of the Revised Code becomes effective. The board shall issue its final adjudicative order within sixty days after completion of its hearing. Failure to issue the order within sixty days shall result in dissolution of the summary suspension order, but shall not invalidate any subsequent, final adjudicative order.

(H) If the board takes action under division (B)(11), (13), or (14) of this section, and the judicial finding of guilt, guilty plea, or judicial finding of eligibility for intervention in lieu of conviction is overturned on appeal, upon exhaustion of the criminal appeal, a petition for reconsideration of the order may be filed with the board along with appropriate court documents. Upon receipt of a petition and supporting court documents, the board shall reinstate the individual's license. The board may then hold an adjudication under Chapter 119. of the Revised Code to determine whether the individual committed the act in question. Notice of opportunity for hearing shall be given in accordance with Chapter 119. of the Revised Code. If the board finds, pursuant to an adjudication held under this division, that the individual committed the act, or if no hearing is requested, it may order any of the sanctions identified under division (B) of this section.

(I) The license to practice issued to a physician assistant and the physician assistant's practice in this state are automatically suspended as of the date the physician assistant pleads guilty to, is found by a judge or jury to be guilty of, or is subject to a judicial finding of eligibility for intervention in lieu of conviction in this state or treatment or intervention in lieu of conviction in another state for any of the following criminal offenses in this state or a substantially equivalent criminal offense in another jurisdiction: aggravated murder,

murder, voluntary manslaughter, felonious assault, kidnapping, 66935
rape, sexual battery, gross sexual imposition, aggravated arson, 66936
aggravated robbery, or aggravated burglary. Continued practice 66937
after the suspension shall be considered practicing without a 66938
license. 66939

The board shall notify the individual subject to the 66940
suspension ~~by certified mail or in person~~ in accordance with 66941
~~section~~ sections 119.05 and 119.07 of the Revised Code. If an 66942
individual whose license is suspended under this division fails to 66943
make a timely request for an adjudication under Chapter 119. of 66944
the Revised Code, the board shall enter a final order permanently 66945
revoking the individual's license to practice. 66946

(J) In any instance in which the board is required by Chapter 66947
119. of the Revised Code to give notice of opportunity for hearing 66948
and the individual subject to the notice does not timely request a 66949
hearing in accordance with section 119.07 of the Revised Code, the 66950
board is not required to hold a hearing, but may adopt, by an 66951
affirmative vote of not fewer than six of its members, a final 66952
order that contains the board's findings. In that final order, the 66953
board may order any of the sanctions identified under division (A) 66954
or (B) of this section. 66955

(K) Any action taken by the board under division (B) of this 66956
section resulting in a suspension shall be accompanied by a 66957
written statement of the conditions under which the physician 66958
assistant's license may be reinstated. The board shall adopt rules 66959
in accordance with Chapter 119. of the Revised Code governing 66960
conditions to be imposed for reinstatement. Reinstatement of a 66961
license suspended pursuant to division (B) of this section 66962
requires an affirmative vote of not fewer than six members of the 66963
board. 66964

(L) When the board refuses to grant or issue to an applicant 66965
a license to practice as a physician assistant, revokes an 66966

individual's license, refuses to renew an individual's license, or 66967
refuses to reinstate an individual's license, the board may 66968
specify that its action is permanent. An individual subject to a 66969
permanent action taken by the board is forever thereafter 66970
ineligible to hold the license and the board shall not accept an 66971
application for reinstatement of the license or for issuance of a 66972
new license. 66973

(M) Notwithstanding any other provision of the Revised Code, 66974
all of the following apply: 66975

(1) The surrender of a license issued under this chapter is 66976
not effective unless or until accepted by the board. Reinstatement 66977
of a license surrendered to the board requires an affirmative vote 66978
of not fewer than six members of the board. 66979

(2) An application made under this chapter for a license may 66980
not be withdrawn without approval of the board. 66981

(3) Failure by an individual to renew a license in accordance 66982
with section 4730.14 of the Revised Code shall not remove or limit 66983
the board's jurisdiction to take disciplinary action under this 66984
section against the individual. 66985

(N) The board shall not refuse to issue a license to an 66986
applicant because of a conviction, plea of guilty, judicial 66987
finding of guilt, judicial finding of eligibility for intervention 66988
in lieu of conviction, or the commission of an act that 66989
constitutes a criminal offense, unless the refusal is in 66990
accordance with section 9.79 of the Revised Code. 66991

Sec. 4731.22. (A) The state medical board, by an affirmative 66992
vote of not fewer than six of its members, may limit, revoke, or 66993
suspend a license or certificate to practice or certificate to 66994
recommend, refuse to grant a license or certificate, refuse to 66995
renew a license or certificate, refuse to reinstate a license or 66996

certificate, or reprimand or place on probation the holder of a 66997
license or certificate if the individual applying for or holding 66998
the license or certificate is found by the board to have committed 66999
fraud during the administration of the examination for a license 67000
or certificate to practice or to have committed fraud, 67001
misrepresentation, or deception in applying for, renewing, or 67002
securing any license or certificate to practice or certificate to 67003
recommend issued by the board. 67004

(B) Except as provided in division (P) of this section, the 67005
board, by an affirmative vote of not fewer than six members, 67006
shall, to the extent permitted by law, limit, revoke, or suspend a 67007
license or certificate to practice or certificate to recommend, 67008
refuse to issue a license or certificate, refuse to renew a 67009
license or certificate, refuse to reinstate a license or 67010
certificate, or reprimand or place on probation the holder of a 67011
license or certificate for one or more of the following reasons: 67012

(1) Permitting one's name or one's license or certificate to 67013
practice to be used by a person, group, or corporation when the 67014
individual concerned is not actually directing the treatment 67015
given; 67016

(2) Failure to maintain minimal standards applicable to the 67017
selection or administration of drugs, or failure to employ 67018
acceptable scientific methods in the selection of drugs or other 67019
modalities for treatment of disease; 67020

(3) Except as provided in section 4731.97 of the Revised 67021
Code, selling, giving away, personally furnishing, prescribing, or 67022
administering drugs for other than legal and legitimate 67023
therapeutic purposes or a plea of guilty to, a judicial finding of 67024
guilt of, or a judicial finding of eligibility for intervention in 67025
lieu of conviction of, a violation of any federal or state law 67026
regulating the possession, distribution, or use of any drug; 67027

(4) Willfully betraying a professional confidence. 67028

For purposes of this division, "willfully betraying a 67029
professional confidence" does not include providing any 67030
information, documents, or reports under sections 307.621 to 67031
307.629 of the Revised Code to a child fatality review board; does 67032
not include providing any information, documents, or reports under 67033
sections 307.631 to 307.6410 of the Revised Code to a drug 67034
overdose fatality review committee, a suicide fatality review 67035
committee, or hybrid drug overdose fatality and suicide fatality 67036
review committee; does not include providing any information, 67037
documents, or reports under sections 307.651 to 307.659 of the 67038
Revised Code to a domestic violence fatality review board; does 67039
not include providing any information, documents, or reports to 67040
the director of health pursuant to guidelines established under 67041
section 3701.70 of the Revised Code; does not include written 67042
notice to a mental health professional under section 4731.62 of 67043
the Revised Code; and does not include the making of a report of 67044
an employee's use of a drug of abuse, or a report of a condition 67045
of an employee other than one involving the use of a drug of 67046
abuse, to the employer of the employee as described in division 67047
(B) of section 2305.33 of the Revised Code. Nothing in this 67048
division affects the immunity from civil liability conferred by 67049
section 2305.33 or 4731.62 of the Revised Code upon a physician 67050
who makes a report in accordance with section 2305.33 or notifies 67051
a mental health professional in accordance with section 4731.62 of 67052
the Revised Code. As used in this division, "employee," 67053
"employer," and "physician" have the same meanings as in section 67054
2305.33 of the Revised Code. 67055

(5) Making a false, fraudulent, deceptive, or misleading 67056
statement in the solicitation of or advertising for patients; in 67057
relation to the practice of medicine and surgery, osteopathic 67058
medicine and surgery, podiatric medicine and surgery, or a limited 67059

branch of medicine; or in securing or attempting to secure any 67060
license or certificate to practice issued by the board. 67061

As used in this division, "false, fraudulent, deceptive, or 67062
misleading statement" means a statement that includes a 67063
misrepresentation of fact, is likely to mislead or deceive because 67064
of a failure to disclose material facts, is intended or is likely 67065
to create false or unjustified expectations of favorable results, 67066
or includes representations or implications that in reasonable 67067
probability will cause an ordinarily prudent person to 67068
misunderstand or be deceived. 67069

(6) A departure from, or the failure to conform to, minimal 67070
standards of care of similar practitioners under the same or 67071
similar circumstances, whether or not actual injury to a patient 67072
is established; 67073

(7) Representing, with the purpose of obtaining compensation 67074
or other advantage as personal gain or for any other person, that 67075
an incurable disease or injury, or other incurable condition, can 67076
be permanently cured; 67077

(8) The obtaining of, or attempting to obtain, money or 67078
anything of value by fraudulent misrepresentations in the course 67079
of practice; 67080

(9) A plea of guilty to, a judicial finding of guilt of, or a 67081
judicial finding of eligibility for intervention in lieu of 67082
conviction for, a felony; 67083

(10) Commission of an act that constitutes a felony in this 67084
state, regardless of the jurisdiction in which the act was 67085
committed; 67086

(11) A plea of guilty to, a judicial finding of guilt of, or 67087
a judicial finding of eligibility for intervention in lieu of 67088
conviction for, a misdemeanor committed in the course of practice; 67089

(12) Commission of an act in the course of practice that
constitutes a misdemeanor in this state, regardless of the
jurisdiction in which the act was committed;

(13) A plea of guilty to, a judicial finding of guilt of, or
a judicial finding of eligibility for intervention in lieu of
conviction for, a misdemeanor involving moral turpitude;

(14) Commission of an act involving moral turpitude that
constitutes a misdemeanor in this state, regardless of the
jurisdiction in which the act was committed;

(15) Violation of the conditions of limitation placed by the
board upon a license or certificate to practice;

(16) Failure to pay license renewal fees specified in this
chapter;

(17) Except as authorized in section 4731.31 of the Revised
Code, engaging in the division of fees for referral of patients,
or the receiving of a thing of value in return for a specific
referral of a patient to utilize a particular service or business;

(18) Subject to section 4731.226 of the Revised Code,
violation of any provision of a code of ethics of the American
medical association, the American osteopathic association, the
American podiatric medical association, or any other national
professional organizations that the board specifies by rule. The
state medical board shall obtain and keep on file current copies
of the codes of ethics of the various national professional
organizations. The individual whose license or certificate is
being suspended or revoked shall not be found to have violated any
provision of a code of ethics of an organization not appropriate
to the individual's profession.

For purposes of this division, a "provision of a code of
ethics of a national professional organization" does not include
any provision that would preclude the making of a report by a

physician of an employee's use of a drug of abuse, or of a 67121
condition of an employee other than one involving the use of a 67122
drug of abuse, to the employer of the employee as described in 67123
division (B) of section 2305.33 of the Revised Code. Nothing in 67124
this division affects the immunity from civil liability conferred 67125
by that section upon a physician who makes either type of report 67126
in accordance with division (B) of that section. As used in this 67127
division, "employee," "employer," and "physician" have the same 67128
meanings as in section 2305.33 of the Revised Code. 67129

(19) Inability to practice according to acceptable and 67130
prevailing standards of care by reason of mental illness or 67131
physical illness, including, but not limited to, physical 67132
deterioration that adversely affects cognitive, motor, or 67133
perceptive skills. 67134

In enforcing this division, the board, upon a showing of a 67135
possible violation, may compel any individual authorized to 67136
practice by this chapter or who has submitted an application 67137
pursuant to this chapter to submit to a mental examination, 67138
physical examination, including an HIV test, or both a mental and 67139
a physical examination. The expense of the examination is the 67140
responsibility of the individual compelled to be examined. Failure 67141
to submit to a mental or physical examination or consent to an HIV 67142
test ordered by the board constitutes an admission of the 67143
allegations against the individual unless the failure is due to 67144
circumstances beyond the individual's control, and a default and 67145
final order may be entered without the taking of testimony or 67146
presentation of evidence. If the board finds an individual unable 67147
to practice because of the reasons set forth in this division, the 67148
board shall require the individual to submit to care, counseling, 67149
or treatment by physicians approved or designated by the board, as 67150
a condition for initial, continued, reinstated, or renewed 67151
authority to practice. An individual affected under this division 67152

shall be afforded an opportunity to demonstrate to the board the ability to resume practice in compliance with acceptable and prevailing standards under the provisions of the individual's license or certificate. For the purpose of this division, any individual who applies for or receives a license or certificate to practice under this chapter accepts the privilege of practicing in this state and, by so doing, shall be deemed to have given consent to submit to a mental or physical examination when directed to do so in writing by the board, and to have waived all objections to the admissibility of testimony or examination reports that constitute a privileged communication.

(20) Except as provided in division (F)(1)(b) of section 4731.282 of the Revised Code or when civil penalties are imposed under section 4731.225 of the Revised Code, and subject to section 4731.226 of the Revised Code, violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provisions of this chapter or any rule promulgated by the board.

This division does not apply to a violation or attempted violation of, assisting in or abetting the violation of, or a conspiracy to violate, any provision of this chapter or any rule adopted by the board that would preclude the making of a report by a physician of an employee's use of a drug of abuse, or of a condition of an employee other than one involving the use of a drug of abuse, to the employer of the employee as described in division (B) of section 2305.33 of the Revised Code. Nothing in this division affects the immunity from civil liability conferred by that section upon a physician who makes either type of report in accordance with division (B) of that section. As used in this division, "employee," "employer," and "physician" have the same meanings as in section 2305.33 of the Revised Code.

(21) The violation of section 3701.79 of the Revised Code or

of any abortion rule adopted by the director of health pursuant to 67185
section 3701.341 of the Revised Code; 67186

(22) Any of the following actions taken by an agency 67187
responsible for authorizing, certifying, or regulating an 67188
individual to practice a health care occupation or provide health 67189
care services in this state or another jurisdiction, for any 67190
reason other than the nonpayment of fees: the limitation, 67191
revocation, or suspension of an individual's license to practice; 67192
acceptance of an individual's license surrender; denial of a 67193
license; refusal to renew or reinstate a license; imposition of 67194
probation; or issuance of an order of censure or other reprimand; 67195

(23) The violation of section 2919.12 of the Revised Code or 67196
the performance or inducement of an abortion upon a pregnant woman 67197
with actual knowledge that the conditions specified in division 67198
(B) of section 2317.56 of the Revised Code have not been satisfied 67199
or with a heedless indifference as to whether those conditions 67200
have been satisfied, unless an affirmative defense as specified in 67201
division (H)(2) of that section would apply in a civil action 67202
authorized by division (H)(1) of that section; 67203

(24) The revocation, suspension, restriction, reduction, or 67204
termination of clinical privileges by the United States department 67205
of defense or department of veterans affairs or the termination or 67206
suspension of a certificate of registration to prescribe drugs by 67207
the drug enforcement administration of the United States 67208
department of justice; 67209

(25) Termination or suspension from participation in the 67210
medicare or medicaid programs by the department of health and 67211
human services or other responsible agency; 67212

(26) Impairment of ability to practice according to 67213
acceptable and prevailing standards of care because of habitual or 67214
excessive use or abuse of drugs, alcohol, or other substances that 67215

impair ability to practice. 67216

For the purposes of this division, any individual authorized 67217
to practice by this chapter accepts the privilege of practicing in 67218
this state subject to supervision by the board. By filing an 67219
application for or holding a license or certificate to practice 67220
under this chapter, an individual shall be deemed to have given 67221
consent to submit to a mental or physical examination when ordered 67222
to do so by the board in writing, and to have waived all 67223
objections to the admissibility of testimony or examination 67224
reports that constitute privileged communications. 67225

If it has reason to believe that any individual authorized to 67226
practice by this chapter or any applicant for licensure or 67227
certification to practice suffers such impairment, the board may 67228
compel the individual to submit to a mental or physical 67229
examination, or both. The expense of the examination is the 67230
responsibility of the individual compelled to be examined. Any 67231
mental or physical examination required under this division shall 67232
be undertaken by a treatment provider or physician who is 67233
qualified to conduct the examination and who is chosen by the 67234
board. 67235

Failure to submit to a mental or physical examination ordered 67236
by the board constitutes an admission of the allegations against 67237
the individual unless the failure is due to circumstances beyond 67238
the individual's control, and a default and final order may be 67239
entered without the taking of testimony or presentation of 67240
evidence. If the board determines that the individual's ability to 67241
practice is impaired, the board shall suspend the individual's 67242
license or certificate or deny the individual's application and 67243
shall require the individual, as a condition for initial, 67244
continued, reinstated, or renewed licensure or certification to 67245
practice, to submit to treatment. 67246

Before being eligible to apply for reinstatement of a license 67247

or certificate suspended under this division, the impaired 67248
practitioner shall demonstrate to the board the ability to resume 67249
practice in compliance with acceptable and prevailing standards of 67250
care under the provisions of the practitioner's license or 67251
certificate. The demonstration shall include, but shall not be 67252
limited to, the following: 67253

(a) Certification from a treatment provider approved under 67254
section 4731.25 of the Revised Code that the individual has 67255
successfully completed any required inpatient treatment; 67256

(b) Evidence of continuing full compliance with an aftercare 67257
contract or consent agreement; 67258

(c) Two written reports indicating that the individual's 67259
ability to practice has been assessed and that the individual has 67260
been found capable of practicing according to acceptable and 67261
prevailing standards of care. The reports shall be made by 67262
individuals or providers approved by the board for making the 67263
assessments and shall describe the basis for their determination. 67264

The board may reinstate a license or certificate suspended 67265
under this division after that demonstration and after the 67266
individual has entered into a written consent agreement. 67267

When the impaired practitioner resumes practice, the board 67268
shall require continued monitoring of the individual. The 67269
monitoring shall include, but not be limited to, compliance with 67270
the written consent agreement entered into before reinstatement or 67271
with conditions imposed by board order after a hearing, and, upon 67272
termination of the consent agreement, submission to the board for 67273
at least two years of annual written progress reports made under 67274
penalty of perjury stating whether the individual has maintained 67275
sobriety. 67276

(27) A second or subsequent violation of section 4731.66 or 67277
4731.69 of the Revised Code; 67278

(28) Except as provided in division (N) of this section:	67279
(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers the individual's services, otherwise would be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that individual;	67280 67281 67282 67283 67284 67285
(b) Advertising that the individual will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers the individual's services, otherwise would be required to pay.	67286 67287 67288 67289 67290
(29) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code;	67291 67292 67293
(30) Failure to provide notice to, and receive acknowledgment of the notice from, a patient when required by section 4731.143 of the Revised Code prior to providing nonemergency professional services, or failure to maintain that notice in the patient's medical record;	67294 67295 67296 67297 67298
(31) Failure of a physician supervising a physician assistant to maintain supervision in accordance with the requirements of Chapter 4730. of the Revised Code and the rules adopted under that chapter;	67299 67300 67301 67302
(32) Failure of a physician or podiatrist to enter into a standard care arrangement with a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner with whom the physician or podiatrist is in collaboration pursuant to section 4731.27 of the Revised Code or failure to fulfill the responsibilities of collaboration after entering into a standard care arrangement;	67303 67304 67305 67306 67307 67308 67309

- (33) Failure to comply with the terms of a consult agreement entered into with a pharmacist pursuant to section 4729.39 of the Revised Code; 67310
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67312
- (34) Failure to cooperate in an investigation conducted by the board under division (F) of this section, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board in an investigative interview, an investigative office conference, at a deposition, or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue; 67313
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- (35) Failure to supervise an acupuncturist in accordance with Chapter 4762. of the Revised Code and the board's rules for providing that supervision; 67323
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- (36) Failure to supervise an anesthesiologist assistant in accordance with Chapter 4760. of the Revised Code and the board's rules for supervision of an anesthesiologist assistant; 67326
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- (37) Assisting suicide, as defined in section 3795.01 of the Revised Code; 67329
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- (38) Failure to comply with the requirements of section 2317.561 of the Revised Code; 67331
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- (39) Failure to supervise a radiologist assistant in accordance with Chapter 4774. of the Revised Code and the board's rules for supervision of radiologist assistants; 67333
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- (40) Performing or inducing an abortion at an office or facility with knowledge that the office or facility fails to post the notice required under section 3701.791 of the Revised Code; 67336
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- (41) Failure to comply with the standards and procedures 67339

established in rules under section 4731.054 of the Revised Code 67340
for the operation of or the provision of care at a pain management 67341
clinic; 67342

(42) Failure to comply with the standards and procedures 67343
established in rules under section 4731.054 of the Revised Code 67344
for providing supervision, direction, and control of individuals 67345
at a pain management clinic; 67346

(43) Failure to comply with the requirements of section 67347
4729.79 or 4731.055 of the Revised Code, unless the state board of 67348
pharmacy no longer maintains a drug database pursuant to section 67349
4729.75 of the Revised Code; 67350

(44) Failure to comply with the requirements of section 67351
2919.171, 2919.202, or 2919.203 of the Revised Code or failure to 67352
submit to the department of health in accordance with a court 67353
order a complete report as described in section 2919.171 or 67354
2919.202 of the Revised Code; 67355

(45) Practicing at a facility that is subject to licensure as 67356
a category III terminal distributor of dangerous drugs with a pain 67357
management clinic classification unless the person operating the 67358
facility has obtained and maintains the license with the 67359
classification; 67360

(46) Owning a facility that is subject to licensure as a 67361
category III terminal distributor of dangerous drugs with a pain 67362
management clinic classification unless the facility is licensed 67363
with the classification; 67364

(47) Failure to comply with any of the requirements regarding 67365
making or maintaining medical records or documents described in 67366
division (A) of section 2919.192, division (C) of section 67367
2919.193, division (B) of section 2919.195, or division (A) of 67368
section 2919.196 of the Revised Code; 67369

(48) Failure to comply with the requirements in section 67370

3719.061 of the Revised Code before issuing for a minor a 67371
prescription for an opioid analgesic, as defined in section 67372
3719.01 of the Revised Code; 67373

(49) Failure to comply with the requirements of section 67374
4731.30 of the Revised Code or rules adopted under section 67375
4731.301 of the Revised Code when recommending treatment with 67376
medical marijuana; 67377

(50) Practicing at a facility, clinic, or other location that 67378
is subject to licensure as a category III terminal distributor of 67379
dangerous drugs with an office-based opioid treatment 67380
classification unless the person operating that place has obtained 67381
and maintains the license with the classification; 67382

(51) Owning a facility, clinic, or other location that is 67383
subject to licensure as a category III terminal distributor of 67384
dangerous drugs with an office-based opioid treatment 67385
classification unless that place is licensed with the 67386
classification; 67387

(52) A pattern of continuous or repeated violations of 67388
division (E)(2) or (3) of section 3963.02 of the Revised Code; 67389

(53) Failure to fulfill the responsibilities of a 67390
collaboration agreement entered into with an athletic trainer as 67391
described in section 4755.621 of the Revised Code; 67392

(54) Failure to take the steps specified in section 4731.911 67393
of the Revised Code following an abortion or attempted abortion in 67394
an ambulatory surgical facility or other location that is not a 67395
hospital when a child is born alive. 67396

(C) Disciplinary actions taken by the board under divisions 67397
(A) and (B) of this section shall be taken pursuant to an 67398
adjudication under Chapter 119. of the Revised Code, except that 67399
in lieu of an adjudication, the board may enter into a consent 67400
agreement with an individual to resolve an allegation of a 67401

violation of this chapter or any rule adopted under it. A consent 67402
agreement, when ratified by an affirmative vote of not fewer than 67403
six members of the board, shall constitute the findings and order 67404
of the board with respect to the matter addressed in the 67405
agreement. If the board refuses to ratify a consent agreement, the 67406
admissions and findings contained in the consent agreement shall 67407
be of no force or effect. 67408

A telephone conference call may be utilized for ratification 67409
of a consent agreement that revokes or suspends an individual's 67410
license or certificate to practice or certificate to recommend. 67411
The telephone conference call shall be considered a special 67412
meeting under division (F) of section 121.22 of the Revised Code. 67413

If the board takes disciplinary action against an individual 67414
under division (B) of this section for a second or subsequent plea 67415
of guilty to, or judicial finding of guilt of, a violation of 67416
section 2919.123 or 2919.124 of the Revised Code, the disciplinary 67417
action shall consist of a suspension of the individual's license 67418
or certificate to practice for a period of at least one year or, 67419
if determined appropriate by the board, a more serious sanction 67420
involving the individual's license or certificate to practice. Any 67421
consent agreement entered into under this division with an 67422
individual that pertains to a second or subsequent plea of guilty 67423
to, or judicial finding of guilt of, a violation of that section 67424
shall provide for a suspension of the individual's license or 67425
certificate to practice for a period of at least one year or, if 67426
determined appropriate by the board, a more serious sanction 67427
involving the individual's license or certificate to practice. 67428

(D) For purposes of divisions (B)(10), (12), and (14) of this 67429
section, the commission of the act may be established by a finding 67430
by the board, pursuant to an adjudication under Chapter 119. of 67431
the Revised Code, that the individual committed the act. The board 67432
does not have jurisdiction under those divisions if the trial 67433

court renders a final judgment in the individual's favor and that 67434
judgment is based upon an adjudication on the merits. The board 67435
has jurisdiction under those divisions if the trial court issues 67436
an order of dismissal upon technical or procedural grounds. 67437

(E) The sealing or expungement of conviction records by any 67438
court shall have no effect upon a prior board order entered under 67439
this section or upon the board's jurisdiction to take action under 67440
this section if, based upon a plea of guilty, a judicial finding 67441
of guilt, or a judicial finding of eligibility for intervention in 67442
lieu of conviction, the board issued a notice of opportunity for a 67443
hearing prior to the court's order to seal or expunge the records. 67444
The board shall not be required to seal, expunge, destroy, redact, 67445
or otherwise modify its records to reflect the court's sealing of 67446
conviction records. 67447

(F)(1) The board shall investigate evidence that appears to 67448
show that a person has violated any provision of this chapter or 67449
any rule adopted under it. Any person may report to the board in a 67450
signed writing any information that the person may have that 67451
appears to show a violation of any provision of this chapter or 67452
any rule adopted under it. In the absence of bad faith, any person 67453
who reports information of that nature or who testifies before the 67454
board in any adjudication conducted under Chapter 119. of the 67455
Revised Code shall not be liable in damages in a civil action as a 67456
result of the report or testimony. Each complaint or allegation of 67457
a violation received by the board shall be assigned a case number 67458
and shall be recorded by the board. 67459

(2) Investigations of alleged violations of this chapter or 67460
any rule adopted under it shall be supervised by the supervising 67461
member elected by the board in accordance with section 4731.02 of 67462
the Revised Code and by the secretary as provided in section 67463
4731.39 of the Revised Code. The president may designate another 67464
member of the board to supervise the investigation in place of the 67465

supervising member. No member of the board who supervises the 67466
investigation of a case shall participate in further adjudication 67467
of the case. 67468

(3) In investigating a possible violation of this chapter or 67469
any rule adopted under this chapter, or in conducting an 67470
inspection under division (E) of section 4731.054 of the Revised 67471
Code, the board may question witnesses, conduct interviews, 67472
administer oaths, order the taking of depositions, inspect and 67473
copy any books, accounts, papers, records, or documents, issue 67474
subpoenas, and compel the attendance of witnesses and production 67475
of books, accounts, papers, records, documents, and testimony, 67476
except that a subpoena for patient record information shall not be 67477
issued without consultation with the attorney general's office and 67478
approval of the secretary and supervising member of the board. 67479

(a) Before issuance of a subpoena for patient record 67480
information, the secretary and supervising member shall determine 67481
whether there is probable cause to believe that the complaint 67482
filed alleges a violation of this chapter or any rule adopted 67483
under it and that the records sought are relevant to the alleged 67484
violation and material to the investigation. The subpoena may 67485
apply only to records that cover a reasonable period of time 67486
surrounding the alleged violation. 67487

(b) On failure to comply with any subpoena issued by the 67488
board and after reasonable notice to the person being subpoenaed, 67489
the board may move for an order compelling the production of 67490
persons or records pursuant to the Rules of Civil Procedure. 67491

(c) A subpoena issued by the board may be served by a 67492
sheriff, the sheriff's deputy, or a board employee or agent 67493
designated by the board. Service of a subpoena issued by the board 67494
may be made by delivering a copy of the subpoena to the person 67495
named therein, reading it to the person, or leaving it at the 67496
person's usual place of residence, usual place of business, or 67497

address on file with the board. When serving a subpoena to an 67498
applicant for or the holder of a license or certificate issued 67499
under this chapter, service of the subpoena may be made by 67500
certified mail, return receipt requested, and the subpoena shall 67501
be deemed served on the date delivery is made or the date the 67502
person refuses to accept delivery. If the person being served 67503
refuses to accept the subpoena or is not located, service may be 67504
made to an attorney who notifies the board that the attorney is 67505
representing the person. 67506

(d) A sheriff's deputy who serves a subpoena shall receive 67507
the same fees as a sheriff. Each witness who appears before the 67508
board in obedience to a subpoena shall receive the fees and 67509
mileage provided for under section 119.094 of the Revised Code. 67510

(4) All hearings, investigations, and inspections of the 67511
board shall be considered civil actions for the purposes of 67512
section 2305.252 of the Revised Code. 67513

(5) A report required to be submitted to the board under this 67514
chapter, a complaint, or information received by the board 67515
pursuant to an investigation or pursuant to an inspection under 67516
division (E) of section 4731.054 of the Revised Code is 67517
confidential and not subject to discovery in any civil action. 67518

The board shall conduct all investigations or inspections and 67519
proceedings in a manner that protects the confidentiality of 67520
patients and persons who file complaints with the board. The board 67521
shall not make public the names or any other identifying 67522
information about patients or complainants unless proper consent 67523
is given or, in the case of a patient, a waiver of the patient 67524
privilege exists under division (B) of section 2317.02 of the 67525
Revised Code, except that consent or a waiver of that nature is 67526
not required if the board possesses reliable and substantial 67527
evidence that no bona fide physician-patient relationship exists. 67528

The board may share any information it receives pursuant to 67529
an investigation or inspection, including patient records and 67530
patient record information, with law enforcement agencies, other 67531
licensing boards, and other governmental agencies that are 67532
prosecuting, adjudicating, or investigating alleged violations of 67533
statutes or administrative rules. An agency or board that receives 67534
the information shall comply with the same requirements regarding 67535
confidentiality as those with which the state medical board must 67536
comply, notwithstanding any conflicting provision of the Revised 67537
Code or procedure of the agency or board that applies when it is 67538
dealing with other information in its possession. In a judicial 67539
proceeding, the information may be admitted into evidence only in 67540
accordance with the Rules of Evidence, but the court shall require 67541
that appropriate measures are taken to ensure that confidentiality 67542
is maintained with respect to any part of the information that 67543
contains names or other identifying information about patients or 67544
complainants whose confidentiality was protected by the state 67545
medical board when the information was in the board's possession. 67546
Measures to ensure confidentiality that may be taken by the court 67547
include sealing its records or deleting specific information from 67548
its records. 67549

(6) On a quarterly basis, the board shall prepare a report 67550
that documents the disposition of all cases during the preceding 67551
three months. The report shall contain the following information 67552
for each case with which the board has completed its activities: 67553

(a) The case number assigned to the complaint or alleged 67554
violation; 67555

(b) The type of license or certificate to practice, if any, 67556
held by the individual against whom the complaint is directed; 67557

(c) A description of the allegations contained in the 67558
complaint; 67559

(d) The disposition of the case. 67560

The report shall state how many cases are still pending and 67561
shall be prepared in a manner that protects the identity of each 67562
person involved in each case. The report shall be a public record 67563
under section 149.43 of the Revised Code. 67564

(G) If the secretary and supervising member determine both of 67565
the following, they may recommend that the board suspend an 67566
individual's license or certificate to practice or certificate to 67567
recommend without a prior hearing: 67568

(1) That there is clear and convincing evidence that an 67569
individual has violated division (B) of this section; 67570

(2) That the individual's continued practice presents a 67571
danger of immediate and serious harm to the public. 67572

Written allegations shall be prepared for consideration by 67573
the board. The board, upon review of those allegations and by an 67574
affirmative vote of not fewer than six of its members, excluding 67575
the secretary and supervising member, may suspend a license or 67576
certificate without a prior hearing. A telephone conference call 67577
may be utilized for reviewing the allegations and taking the vote 67578
on the summary suspension. 67579

The board shall ~~issue~~ serve a written order of suspension ~~by~~ 67580
~~certified mail or in person~~ in accordance with ~~section~~ sections 67581
119.05 and 119.07 of the Revised Code. The order shall not be 67582
subject to suspension by the court during pendency of any appeal 67583
filed under section 119.12 of the Revised Code. If the individual 67584
subject to the summary suspension requests an adjudicatory hearing 67585
by the board, the date set for the hearing shall be within fifteen 67586
days, but not earlier than seven days, after the individual 67587
requests the hearing, unless otherwise agreed to by both the board 67588
and the individual. 67589

Any summary suspension imposed under this division shall 67590

remain in effect, unless reversed on appeal, until a final 67591
adjudicative order issued by the board pursuant to this section 67592
and Chapter 119. of the Revised Code becomes effective. The board 67593
shall issue its final adjudicative order within seventy-five days 67594
after completion of its hearing. A failure to issue the order 67595
within seventy-five days shall result in dissolution of the 67596
summary suspension order but shall not invalidate any subsequent, 67597
final adjudicative order. 67598

(H) If the board takes action under division (B)(9), (11), or 67599
(13) of this section and the judicial finding of guilt, guilty 67600
plea, or judicial finding of eligibility for intervention in lieu 67601
of conviction is overturned on appeal, upon exhaustion of the 67602
criminal appeal, a petition for reconsideration of the order may 67603
be filed with the board along with appropriate court documents. 67604
Upon receipt of a petition of that nature and supporting court 67605
documents, the board shall reinstate the individual's license or 67606
certificate to practice. The board may then hold an adjudication 67607
under Chapter 119. of the Revised Code to determine whether the 67608
individual committed the act in question. Notice of an opportunity 67609
for a hearing shall be given in accordance with Chapter 119. of 67610
the Revised Code. If the board finds, pursuant to an adjudication 67611
held under this division, that the individual committed the act or 67612
if no hearing is requested, the board may order any of the 67613
sanctions identified under division (B) of this section. 67614

(I) The license or certificate to practice issued to an 67615
individual under this chapter and the individual's practice in 67616
this state are automatically suspended as of the date of the 67617
individual's second or subsequent plea of guilty to, or judicial 67618
finding of guilt of, a violation of section 2919.123 or 2919.124 67619
of the Revised Code. In addition, the license or certificate to 67620
practice or certificate to recommend issued to an individual under 67621
this chapter and the individual's practice in this state are 67622

automatically suspended as of the date the individual pleads 67623
guilty to, is found by a judge or jury to be guilty of, or is 67624
subject to a judicial finding of eligibility for intervention in 67625
lieu of conviction in this state or treatment or intervention in 67626
lieu of conviction in another jurisdiction for any of the 67627
following criminal offenses in this state or a substantially 67628
equivalent criminal offense in another jurisdiction: aggravated 67629
murder, murder, voluntary manslaughter, felonious assault, 67630
kidnapping, rape, sexual battery, gross sexual imposition, 67631
aggravated arson, aggravated robbery, or aggravated burglary. 67632
Continued practice after suspension shall be considered practicing 67633
without a license or certificate. 67634

The board shall notify the individual subject to the 67635
suspension ~~by certified mail or in person~~ in accordance with 67636
~~section~~ sections 119.05 and 119.07 of the Revised Code. If an 67637
individual whose license or certificate is automatically suspended 67638
under this division fails to make a timely request for an 67639
adjudication under Chapter 119. of the Revised Code, the board 67640
shall do whichever of the following is applicable: 67641

(1) If the automatic suspension under this division is for a 67642
second or subsequent plea of guilty to, or judicial finding of 67643
guilt of, a violation of section 2919.123 or 2919.124 of the 67644
Revised Code, the board shall enter an order suspending the 67645
individual's license or certificate to practice for a period of at 67646
least one year or, if determined appropriate by the board, 67647
imposing a more serious sanction involving the individual's 67648
license or certificate to practice. 67649

(2) In all circumstances in which division (I)(1) of this 67650
section does not apply, enter a final order permanently revoking 67651
the individual's license or certificate to practice. 67652

(J) If the board is required by Chapter 119. of the Revised 67653
Code to give notice of an opportunity for a hearing and if the 67654

individual subject to the notice does not timely request a hearing 67655
in accordance with section 119.07 of the Revised Code, the board 67656
is not required to hold a hearing, but may adopt, by an 67657
affirmative vote of not fewer than six of its members, a final 67658
order that contains the board's findings. In that final order, the 67659
board may order any of the sanctions identified under division (A) 67660
or (B) of this section. 67661

(K) Any action taken by the board under division (B) of this 67662
section resulting in a suspension from practice shall be 67663
accompanied by a written statement of the conditions under which 67664
the individual's license or certificate to practice may be 67665
reinstated. The board shall adopt rules governing conditions to be 67666
imposed for reinstatement. Reinstatement of a license or 67667
certificate suspended pursuant to division (B) of this section 67668
requires an affirmative vote of not fewer than six members of the 67669
board. 67670

(L) When the board refuses to grant or issue a license or 67671
certificate to practice to an applicant, revokes an individual's 67672
license or certificate to practice, refuses to renew an 67673
individual's license or certificate to practice, or refuses to 67674
reinstate an individual's license or certificate to practice, the 67675
board may specify that its action is permanent. An individual 67676
subject to a permanent action taken by the board is forever 67677
thereafter ineligible to hold a license or certificate to practice 67678
and the board shall not accept an application for reinstatement of 67679
the license or certificate or for issuance of a new license or 67680
certificate. 67681

(M) Notwithstanding any other provision of the Revised Code, 67682
all of the following apply: 67683

(1) The surrender of a license or certificate issued under 67684
this chapter shall not be effective unless or until accepted by 67685
the board. A telephone conference call may be utilized for 67686

acceptance of the surrender of an individual's license or 67687
certificate to practice. The telephone conference call shall be 67688
considered a special meeting under division (F) of section 121.22 67689
of the Revised Code. Reinstatement of a license or certificate 67690
surrendered to the board requires an affirmative vote of not fewer 67691
than six members of the board. 67692

(2) An application for a license or certificate made under 67693
the provisions of this chapter may not be withdrawn without 67694
approval of the board. 67695

(3) Failure by an individual to renew a license or 67696
certificate to practice in accordance with this chapter or a 67697
certificate to recommend in accordance with rules adopted under 67698
section 4731.301 of the Revised Code shall not remove or limit the 67699
board's jurisdiction to take any disciplinary action under this 67700
section against the individual. 67701

(4) At the request of the board, a license or certificate 67702
holder shall immediately surrender to the board a license or 67703
certificate that the board has suspended, revoked, or permanently 67704
revoked. 67705

(N) Sanctions shall not be imposed under division (B)(28) of 67706
this section against any person who waives deductibles and 67707
copayments as follows: 67708

(1) In compliance with the health benefit plan that expressly 67709
allows such a practice. Waiver of the deductibles or copayments 67710
shall be made only with the full knowledge and consent of the plan 67711
purchaser, payer, and third-party administrator. Documentation of 67712
the consent shall be made available to the board upon request. 67713

(2) For professional services rendered to any other person 67714
authorized to practice pursuant to this chapter, to the extent 67715
allowed by this chapter and rules adopted by the board. 67716

(O) Under the board's investigative duties described in this 67717

section and subject to division (F) of this section, the board 67718
shall develop and implement a quality intervention program 67719
designed to improve through remedial education the clinical and 67720
communication skills of individuals authorized under this chapter 67721
to practice medicine and surgery, osteopathic medicine and 67722
surgery, and podiatric medicine and surgery. In developing and 67723
implementing the quality intervention program, the board may do 67724
all of the following: 67725

(1) Offer in appropriate cases as determined by the board an 67726
educational and assessment program pursuant to an investigation 67727
the board conducts under this section; 67728

(2) Select providers of educational and assessment services, 67729
including a quality intervention program panel of case reviewers; 67730

(3) Make referrals to educational and assessment service 67731
providers and approve individual educational programs recommended 67732
by those providers. The board shall monitor the progress of each 67733
individual undertaking a recommended individual educational 67734
program. 67735

(4) Determine what constitutes successful completion of an 67736
individual educational program and require further monitoring of 67737
the individual who completed the program or other action that the 67738
board determines to be appropriate; 67739

(5) Adopt rules in accordance with Chapter 119. of the 67740
Revised Code to further implement the quality intervention 67741
program. 67742

An individual who participates in an individual educational 67743
program pursuant to this division shall pay the financial 67744
obligations arising from that educational program. 67745

(P) The board shall not refuse to issue a license to an 67746
applicant because of a conviction, plea of guilty, judicial 67747
finding of guilt, judicial finding of eligibility for intervention 67748

in lieu of conviction, or the commission of an act that 67749
constitutes a criminal offense, unless the refusal is in 67750
accordance with section 9.79 of the Revised Code. 67751

Sec. 4731.37. (A) As used in this section: 67752

(1) "Physician" means an individual authorized under this 67753
chapter to practice medicine and surgery or osteopathic medicine 67754
and surgery. 67755

(2) "Sonographer" means an individual who uses ultrasonic 67756
imaging devices to produce diagnostic images, scans, or videos or 67757
three-dimensional volumes of anatomical and diagnostic data. 67758

(B) A physician may delegate to a sonographer the authority 67759
to administer intravenously an ultrasound enhancing agent if all 67760
of the following conditions are met: 67761

(1) The physician's normal course of practice and expertise 67762
includes the intravenous administration of ultrasound enhancing 67763
agents. 67764

(2) The facility where the physician practices has developed, 67765
in accordance with clinical standards and industry guidelines, 67766
standards for administering ultrasound enhancing agents 67767
intravenously and has included the facility's standards in a 67768
written practice protocol. 67769

(3) The sonographer, as determined by the facility where the 67770
physician practices, satisfies all of the following: 67771

(a) Has successfully completed an education and training 67772
program in sonography; 67773

(b) Is certified or registered as a sonographer by another 67774
jurisdiction or a nationally recognized accrediting organization; 67775

(c) Has successfully completed training in the intravenous 67776
administration of ultrasound enhancing agents that was provided in 67777

any of the following ways: 67778

(i) As part of an education and training program in sonography; 67779
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(ii) As part of training provided to the sonographer by the physician who delegates to the sonographer the authority to administer intravenously an ultrasound enhancing agent; 67781
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(iii) As part of a training program developed and offered by the facility in which the physician practices. 67784
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(C) A sonographer may administer intravenously an ultrasound enhancing agent if all of the following conditions are met: 67786
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(1) In accordance with division (B) of this section, a physician delegates to the sonographer the authority to administer the agent. 67788
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(2) The sonographer administers the agent in accordance with the written practice protocol described in division (B) of this section. 67791
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(3) The delegating physician is physically present at the facility where the sonographer administers the agent. 67794
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Division (C)(3) of this section does not require the delegating physician to be in the same room as the sonographer when the sonographer administers the agent. 67796
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67798

(D) This section does not prohibit any of the following from administering intravenously an ultrasound enhancing agent: 67799
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(1) An individual who is otherwise authorized by the Revised Code to administer intravenously an ultrasound enhancing agent, including a physician assistant licensed under Chapter 4730. of the Revised Code or a registered nurse or licensed practical nurse licensed under Chapter 4723. of the Revised Code; 67801
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(2) An individual who meets all of the following conditions: 67806

<u>(a) Has successfully completed an education and training program in sonography;</u>	67807 67808
<u>(b) Has applied for certification or registration as a sonographer with another jurisdiction or a nationally recognized accrediting organization;</u>	67809 67810 67811
<u>(c) Is awaiting that certification's or registration's issuance;</u>	67812 67813
<u>(d) Administers intravenously an ultrasound enhancing agent under the general supervision of a physician and the direct supervision of either a sonographer described in divisions (B) and (C) of this section or an individual otherwise authorized to administer intravenously ultrasound enhancing agents.</u>	67814 67815 67816 67817 67818
<u>(3) An individual who is enrolled in an education and training program in sonography and, as part of the program, administers intravenously ultrasound enhancing agents.</u>	67819 67820 67821
<u>(E) For purposes of this section, the authority to administer an ultrasound enhancing agent intravenously also includes the authority to insert, maintain, and remove any mechanism necessary for the agent's administration.</u>	67822 67823 67824 67825
Sec. 4731.481. No physician shall do either of the following:	67826 67827
(A) Furnish a person with a prescription in order to enable the person to be issued a <u>standard</u> removable windshield placard, temporary removable windshield placard, <u>permanent removable windshield placard</u> , or license plates under section 4503.44 of the Revised Code, knowing that the person does not meet any of the criteria contained in division (A)(1) of that section;	67828 67829 67830 67831 67832 67833
(B) Furnish a person with a prescription described in division (A) of this section and knowingly misstate on the prescription the length of time the physician expects the person	67834 67835 67836

to have the disability that limits or impairs the person's ability 67837
to walk in order to enable the person to retain a placard issued 67838
under section 4503.44 of the Revised Code for a period of time 67839
longer than that which would be estimated by a similar 67840
practitioner under the same or similar circumstances. 67841

Sec. 4732.17. (A) Subject to division (F) of this section and 67842
except as provided in division (G) of this section, the state 67843
board of psychology may take any of the actions specified in 67844
division (C) of this section against an applicant for or a person 67845
who holds a license issued under this chapter on any of the 67846
following grounds as applicable: 67847

(1) Conviction, including a plea of guilty or no contest, of 67848
a felony, or of any offense involving moral turpitude, in a court 67849
of this or any other state or in a federal court; 67850

(2) A judicial finding of eligibility for intervention in 67851
lieu of conviction for a felony or any offense involving moral 67852
turpitude in a court of this or any other state or in a federal 67853
court; 67854

(3) Using fraud or deceit in the procurement of the license 67855
to practice psychology, independent school psychology, or school 67856
psychology or knowingly assisting another in the procurement of 67857
such a license through fraud or deceit; 67858

(4) Accepting commissions or rebates or other forms of 67859
remuneration for referring persons to other professionals; 67860

(5) Willful, unauthorized communication of information 67861
received in professional confidence; 67862

(6) Being negligent in the practice of psychology, 67863
independent school psychology, or school psychology; 67864

(7) Inability to practice according to acceptable and 67865
prevailing standards of care by reason of a mental, emotional, 67866

physiological, or pharmacological condition or substance abuse; 67867

(8) Subject to section 4732.28 of the Revised Code, violating 67868
any rule of professional conduct promulgated by the board; 67869

(9) Practicing in an area of psychology for which the person 67870
is clearly untrained or incompetent; 67871

(10) An adjudication by a court, as provided in section 67872
5122.301 of the Revised Code, that the person is incompetent for 67873
the purpose of holding the license. Such person may have the 67874
person's license issued or restored only upon determination by a 67875
court that the person is competent for the purpose of holding the 67876
license and upon the decision by the board that such license be 67877
issued or restored. The board may require an examination prior to 67878
such issuance or restoration. 67879

(11) Waiving the payment of all or any part of a deductible 67880
or copayment that a patient, pursuant to a health insurance or 67881
health care policy, contract, or plan that covers psychological 67882
services, would otherwise be required to pay if the waiver is used 67883
as an enticement to a patient or group of patients to receive 67884
health care services from that provider; 67885

(12) Advertising that the person will waive the payment of 67886
all or any part of a deductible or copayment that a patient, 67887
pursuant to a health insurance or health care policy, contract, or 67888
plan that covers psychological services, would otherwise be 67889
required to pay; 67890

(13) Any of the following actions taken by the agency 67891
responsible for authorizing or certifying the person to practice 67892
or regulating the person's practice of a health care occupation or 67893
provision of health care services in this state or another 67894
jurisdiction, as evidenced by a certified copy of that agency's 67895
records and findings for any reason other than the nonpayment of 67896
fees: 67897

(a) Limitation, revocation, or suspension of the person's license to practice;	67898 67899
(b) Acceptance of the person's license surrender;	67900
(c) Denial of a license to the person;	67901
(d) Refuse to renew or reinstate the person's license;	67902
(e) Imposition of probation on the person;	67903
(f) Issuance of an order of censure or other reprimand against the person;	67904 67905
(g) Other negative action or finding against the person about which information is available to the public.	67906 67907
(14) Offering or rendering psychological services after a license issued under this chapter has expired due to a failure to timely register under section 4732.14 of the Revised Code or complete continuing education requirements;	67908 67909 67910 67911
(15) Offering or rendering psychological services after a license issued under this chapter has been placed in retired status pursuant to section 4732.142 of the Revised Code;	67912 67913 67914
(16) Unless the person is an independent school psychologist or school psychologist licensed under this chapter:	67915 67916
(a) Offering or rendering independent school psychological or school psychological services after a license issued under this chapter has expired due to a failure to timely register under section 4732.14 of the Revised Code or complete continuing education requirements;	67917 67918 67919 67920 67921
(b) Offering or rendering independent school psychological or school psychological services after a license issued under this chapter has been placed in retired status pursuant to section 4732.142 of the Revised Code.	67922 67923 67924 67925
(17) Violating any adjudication order or consent agreement	67926

adopted by the board; 67927

(18) Failure to submit to mental, cognitive, substance abuse, 67928
or medical evaluations, or a combination of these evaluations, 67929
ordered by the board under division (E) of this section. 67930

(B) Notwithstanding divisions (A)(11) and (12) of this 67931
section, sanctions shall not be imposed against any license holder 67932
who waives deductibles and copayments: 67933

(1) In compliance with the health benefit plan that expressly 67934
allows such a practice. Waiver of the deductibles or copays shall 67935
be made only with the full knowledge and consent of the plan 67936
purchaser, payer, and third-party administrator. Such consent 67937
shall be made available to the board upon request. 67938

(2) For professional services rendered to any other person 67939
licensed pursuant to this chapter to the extent allowed by this 67940
chapter and the rules of the board. 67941

(C) For any of the reasons specified in division (A) of this 67942
section, the board may do one or more of the following: 67943

(1) Refuse to issue a license to an applicant; 67944

(2) Issue a reprimand to a license holder; 67945

(3) Suspend the license of a license holder; 67946

(4) Revoke the license of a license holder; 67947

(5) Limit or restrict the areas of practice of an applicant 67948
or a license holder; 67949

(6) Require mental, substance abuse, or physical evaluations, 67950
or any combination of these evaluations, of an applicant or a 67951
license holder; 67952

(7) Require remedial education and training of an applicant 67953
or a license holder. 67954

(D) When it revokes the license of a license holder under 67955

division (C)(4) of this section, the board may specify that the 67956
revocation is permanent. An individual subject to permanent 67957
revocation is forever thereafter ineligible to hold a license, and 67958
the board shall not accept an application for reinstatement of the 67959
license or issuance of a new license. 67960

(E) When the board issues a notice of opportunity for a 67961
hearing on the basis of division (A)(7) of this section, the 67962
supervising member of the board, with cause and upon consultation 67963
with the board's executive director and the board's legal counsel, 67964
may compel the applicant or license holder to submit to mental, 67965
cognitive, substance abuse, or medical evaluations, or a 67966
combination of these evaluations, by a person or persons selected 67967
by the board. Notice shall be given to the applicant or license 67968
holder in writing signed by the supervising member, the executive 67969
director, and the board's legal counsel. The applicant or license 67970
holder is deemed to have given consent to submit to these 67971
evaluations and to have waived all objections to the admissibility 67972
of testimony or evaluation reports that constitute a privileged 67973
communication. The expense of the evaluation or evaluations shall 67974
be the responsibility of the applicant or license holder who is 67975
evaluated. 67976

(F) Before the board may take action under this section, 67977
written charges shall be filed with the board by the secretary and 67978
a hearing shall be had thereon in accordance with Chapter 119. of 67979
the Revised Code, except as follows: 67980

(1) On receipt of a complaint that any of the grounds listed 67981
in division (A) of this section exist, the state board of 67982
psychology may suspend a license issued under this chapter prior 67983
to holding a hearing in accordance with Chapter 119. of the 67984
Revised Code if it determines, based on the complaint, that there 67985
is an immediate threat to the public. A telephone conference call 67986
may be used to conduct an emergency meeting for review of the 67987

matter by a quorum of the board, taking the vote, and 67988
memorializing the action in the minutes of the meeting. 67989

After suspending a license pursuant to division (F)(1) of 67990
this section, the board shall notify the license holder of the 67991
suspension in accordance with ~~section~~ sections 119.05 and 119.07 67992
of the Revised Code. If the individual whose license is suspended 67993
fails to make a timely request for an adjudication under Chapter 67994
119. of the Revised Code, the board shall enter a final order 67995
permanently revoking the license. 67996

(2) The board shall adopt rules establishing a case 67997
management schedule for pre-hearing procedures by the hearing 67998
examiner or presiding board member. The schedule shall include 67999
applicable deadlines related to the hearing process, including all 68000
of the following: 68001

(a) The date of the hearing; 68002

(b) The date for the disclosure of witnesses and exhibits; 68003

(c) The date for the disclosure of the identity of expert 68004
witnesses and the exchange of written reports; 68005

(d) The deadline for submitting a request for the issuance of 68006
a subpoena for the hearing as provided under Chapter 119. of the 68007
Revised Code and division (F)(4) of this section. 68008

(3) Either party to the hearing may submit a written request 68009
to the other party for a list of witnesses and copies of documents 68010
intended to be introduced at the hearing. The request shall be in 68011
writing and shall be served not less than thirty-seven days prior 68012
to the hearing, unless the hearing officer or presiding board 68013
member grants an extension of time to make the request. Not later 68014
than thirty days before the hearing, the responding party shall 68015
provide the requested list of witnesses, summary of their 68016
testimony, and copies of documents to the requesting party, unless 68017
the hearing officer or presiding board member grants an extension. 68018

Failure to timely provide a list or copies requested in accordance 68019
with this section may, at the discretion of the hearing officer or 68020
presiding board member, result in exclusion from the hearing of 68021
the witnesses, testimony, or documents. 68022

(4) In addition to subpoenas for the production of books, 68023
records, and papers requested under Chapter 119. of the Revised 68024
Code, either party may ask the board to issue a subpoena for the 68025
production of other tangible items. 68026

The person subject to a subpoena for the production of books, 68027
records, papers, or other tangible items shall respond to the 68028
subpoena at least twenty days prior to the date of the hearing. If 68029
a person fails to respond to a subpoena issued by the board, after 68030
providing reasonable notice to the person, the board, the hearing 68031
officer, or both may proceed with enforcement of the subpoena 68032
pursuant to section 119.09 of the Revised Code. 68033

(G) The board shall not refuse to issue a license to an 68034
applicant because of a conviction or plea of guilty or no contest 68035
to an offense or a judicial finding of eligibility for 68036
intervention in lieu of conviction, unless the refusal is in 68037
accordance with section 9.79 of the Revised Code. 68038

Sec. 4734.161. No chiropractor shall do either of the 68039
following: 68040

(A) Furnish a person with a prescription in order to enable 68041
the person to be issued a standard removable windshield placard, 68042
temporary removable windshield placard, permanent removable 68043
windshield placard, or license plates under section 4503.44 of the 68044
Revised Code, knowing that the person does not meet any of the 68045
criteria contained in division (A)(1) of that section; 68046

(B) Furnish a person with a prescription described in 68047
division (A) of this section and knowingly misstate on the 68048

prescription the length of time the chiropractor expects the 68049
person to have the disability that limits or impairs the person's 68050
ability to walk in order to enable the person to retain a placard 68051
issued under section 4503.44 of the Revised Code for a period of 68052
time longer than that which would be estimated by a similar 68053
practitioner under the same or similar circumstances. 68054

Sec. 4734.36. A chiropractor who in this state pleads guilty 68055
to or is convicted of aggravated murder, murder, voluntary 68056
manslaughter, felonious assault, kidnapping, rape, sexual battery, 68057
gross sexual imposition, aggravated arson, aggravated robbery, or 68058
aggravated burglary, or who in another jurisdiction pleads guilty 68059
to or is convicted of any substantially equivalent criminal 68060
offense, is automatically suspended from practice in this state 68061
and the license issued under this chapter to practice chiropractic 68062
is automatically suspended as of the date of the guilty plea or 68063
conviction. If applicable, the chiropractor's certificate issued 68064
under this chapter to practice acupuncture is automatically 68065
suspended at the same time. Continued practice after suspension 68066
under this section shall be considered practicing chiropractic 68067
without a license and, if applicable, acupuncture without a 68068
certificate. On receiving notice or otherwise becoming aware of 68069
the conviction, the state chiropractic board shall notify the 68070
individual of the suspension under this section ~~by certified mail~~ 68071
~~or in person~~ in accordance with ~~section~~ sections 119.05 and 119.07 68072
of the Revised Code. If an individual whose license and, if 68073
applicable, certificate to practice acupuncture is suspended under 68074
this section fails to make a timely request for an adjudication, 68075
the board shall enter a final order revoking the individual's 68076
license and, if applicable, certificate to practice acupuncture. 68077

Sec. 4734.37. If the state chiropractic board determines that 68078
there is clear and convincing evidence that a person who has been 68079

granted a license to practice chiropractic and, if applicable, 68080
certificate to practice acupuncture under this chapter has 68081
committed an act that subjects the person's license and, if 68082
applicable, certificate to board action under section 4734.31 of 68083
the Revised Code and that the person's continued practice presents 68084
a danger of immediate and serious harm to the public, the board 68085
may suspend the license and, if applicable, certificate without a 68086
prior hearing. A telephone conference call may be utilized for 68087
reviewing the matter and taking the vote. 68088

The board shall ~~issue~~ serve a written order of suspension ~~by~~ 68089
~~certified mail or in person~~ in accordance with ~~section~~ sections 68090
119.05 and 119.07 of the Revised Code. The order is not subject to 68091
suspension by the court during pendency of any appeal filed under 68092
section 119.12 of the Revised Code. If the person subject to the 68093
suspension requests an adjudication by the board, the date set for 68094
the adjudication shall be within twenty days, but not earlier than 68095
seven days, after the request, unless otherwise agreed to by both 68096
the board and the person subject to the suspension. 68097

Any summary suspension imposed under this section shall 68098
remain in effect, unless reversed on appeal, until a final 68099
adjudicative order issued by the board pursuant to section 4734.31 68100
and Chapter 119. of the Revised Code becomes effective. The board 68101
shall issue its final adjudicative order within sixty days after 68102
completion of its adjudication. A failure to issue the order 68103
within sixty days shall result in dissolution of the summary 68104
suspension order but shall not invalidate any subsequent, final 68105
adjudicative order. 68106

Sec. 4735.01. As used in this chapter: 68107

(A) "Real estate broker" includes any person, partnership, 68108
association, limited liability company, limited liability 68109
partnership, or corporation, foreign or domestic, who for another, 68110

whether pursuant to a power of attorney or otherwise, and who for 68111
a fee, commission, or other valuable consideration, or with the 68112
intention, or in the expectation, or upon the promise of receiving 68113
or collecting a fee, commission, or other valuable consideration 68114
does any of the following: 68115

(1) Sells, exchanges, purchases, rents, or leases, or 68116
negotiates the sale, exchange, purchase, rental, or leasing of any 68117
real estate; 68118

(2) Offers, attempts, or agrees to negotiate the sale, 68119
exchange, purchase, rental, or leasing of any real estate; 68120

(3) Lists, or offers, attempts, or agrees to list, or 68121
auctions, or offers, attempts, or agrees to auction, any real 68122
estate; 68123

(4) Buys or offers to buy, sells or offers to sell, or 68124
otherwise deals in options on real estate; 68125

(5) Operates, manages, or rents, or offers or attempts to 68126
operate, manage, or rent, other than as custodian, caretaker, or 68127
janitor, any building or portions of buildings to the public as 68128
tenants; 68129

(6) Advertises or holds self out as engaged in the business 68130
of selling, exchanging, purchasing, renting, or leasing real 68131
estate; 68132

(7) Directs or assists in the procuring of prospects or the 68133
negotiation of any transaction, other than mortgage financing, 68134
which does or is calculated to result in the sale, exchange, 68135
leasing, or renting of any real estate; 68136

(8) Is engaged in the business of charging an advance fee or 68137
contracting for collection of a fee in connection with any 68138
contract whereby the broker undertakes primarily to promote the 68139
sale, exchange, purchase, rental, or leasing of real estate 68140

through its listing in a publication issued primarily for such 68141
purpose, or for referral of information concerning such real 68142
estate to brokers, or both, except that this division does not 68143
apply to a publisher of listings or compilations of sales of real 68144
estate by their owners; 68145

(9) Collects rental information for purposes of referring 68146
prospective tenants to rental units or locations of such units and 68147
charges the prospective tenants a fee. 68148

(B) "Real estate" includes leaseholds as well as any and 68149
every interest or estate in land situated in this state, whether 68150
corporeal or incorporeal, whether freehold or nonfreehold, and the 68151
improvements on the land, but does not include cemetery interment 68152
rights. 68153

(C) "Real estate salesperson" means any person associated 68154
with a licensed real estate broker to do or to deal in any acts or 68155
transactions set out or comprehended by the definition of a real 68156
estate broker, for compensation or otherwise. 68157

(D) "Institution of higher education" includes all of the 68158
following: 68159

(1) A state institution of higher education, as defined in 68160
section 3345.011 of the Revised Code; 68161

(2) A nonprofit institution issued a certificate of 68162
authorization under Chapter 1713. of the Revised Code; 68163

(3) A private institution exempt from regulation under 68164
Chapter 3332. of the Revised Code, as prescribed in section 68165
3333.046 of the Revised Code. 68166

(4) An institution with a certificate of registration from 68167
the state board of career colleges and schools under Chapter 3332. 68168
of the Revised Code that is approved to offer degree programs in 68169
accordance with section 3332.05 of the Revised Code. 68170

(E) "Foreign real estate" means real estate not situated in 68171
this state and any interest in real estate not situated in this 68172
state. 68173

(F) "Foreign real estate dealer" includes any person, 68174
partnership, association, limited liability company, limited 68175
liability partnership, or corporation, foreign or domestic, who 68176
for another, whether pursuant to a power of attorney or otherwise, 68177
and who for a fee, commission, or other valuable consideration, or 68178
with the intention, or in the expectation, or upon the promise of 68179
receiving or collecting a fee, commission, or other valuable 68180
consideration, does or deals in any act or transaction specified 68181
or comprehended in division (A) of this section with respect to 68182
foreign real estate. 68183

(G) "Foreign real estate salesperson" means any person 68184
associated with a licensed foreign real estate dealer to do or 68185
deal in any act or transaction specified or comprehended in 68186
division (A) of this section with respect to foreign real estate, 68187
for compensation or otherwise. 68188

(H) Any person, partnership, association, limited liability 68189
company, limited liability partnership, or corporation, who, for 68190
another, in consideration of compensation, by fee, commission, 68191
salary, or otherwise, or with the intention, in the expectation, 68192
or upon the promise of receiving or collecting a fee, does, or 68193
offers, attempts, or agrees to engage in, any single act or 68194
transaction contained in the definition of a real estate broker, 68195
whether an act is an incidental part of a transaction, or the 68196
entire transaction, shall be constituted a real estate broker or 68197
real estate salesperson under this chapter. 68198

(I)(1) The terms "real estate broker," "real estate 68199
salesperson," "foreign real estate dealer," and "foreign real 68200
estate salesperson" do not include a person, partnership, 68201
association, limited liability company, limited liability 68202

partnership, or corporation, or the regular employees thereof, who 68203
perform any of the acts or transactions specified or comprehended 68204
in division (A) of this section, whether or not for, or with the 68205
intention, in expectation, or upon the promise of receiving or 68206
collecting a fee, commission, or other valuable consideration: 68207

(a) With reference to real estate situated in this state 68208
owned by such person, partnership, association, limited liability 68209
company, limited liability partnership, or corporation, or 68210
acquired on its own account in the regular course of, or as an 68211
incident to the management of the property and the investment in 68212
it; 68213

(b) As receiver or trustee in bankruptcy, as guardian, 68214
executor, administrator, trustee, assignee, commissioner, or any 68215
person doing the things mentioned in this section, under authority 68216
or appointment of, or incident to a proceeding in, any court, or 68217
as a bona fide public officer, or as executor, trustee, or other 68218
bona fide fiduciary under any trust agreement, deed of trust, 68219
will, or other instrument that has been executed in good faith 68220
creating a like bona fide fiduciary obligation; 68221

(c) As a public officer while performing the officer's 68222
official duties; 68223

(d) As an attorney at law in the performance of the 68224
attorney's duties; 68225

(e) As a person who engages in the brokering of the sale of 68226
business assets, not including the sale, lease, exchange, or 68227
assignment of any interest in real estate; 68228

(f) As a person who engages in the sale of manufactured homes 68229
as defined in division (C)(4) of section 3781.06 of the Revised 68230
Code, or of mobile homes as defined in division (O) of section 68231
4501.01 of the Revised Code, provided the sale does not include 68232
the negotiation, sale, lease, exchange, or assignment of any 68233

interest in real estate; 68234

(g) As a person who engages in the sale of commercial real 68235
estate pursuant to the requirements of section 4735.022 of the 68236
Revised Code; 68237

(h) As an oil and gas land professional in the performance of 68238
the oil and gas land professional's duties, provided the oil and 68239
gas land professional is not engaged in the purchase or sale of a 68240
fee simple absolute interest in oil and gas or other real estate 68241
and the oil and gas land professional complies with division (A) 68242
of section 4735.023 of the Revised Code; 68243

(i) As an oil and gas land professional employed by the 68244
person, partnership, association, limited liability company, 68245
limited liability partnership, or corporation for which the oil 68246
and gas land professional is performing the oil and gas land 68247
professional's duties. 68248

(2) A person, partnership, association, limited liability 68249
company, limited liability partnership, or corporation exempt 68250
under division (I)(1)(a) of this section shall be limited by the 68251
legal interest in the real estate held by that person or entity to 68252
performing any of the acts or transactions specified in or 68253
comprehended by division (A) of this section. 68254

(J) "Disabled licensee" means a person licensed pursuant to 68255
this chapter who is under a severe disability which is of such a 68256
nature as to prevent the person from being able to attend any 68257
instruction lasting at least three hours in duration. 68258

(K) "Division of real estate" may be used interchangeably 68259
with, and for all purposes has the same meaning as, "division of 68260
real estate and professional licensing." 68261

(L) "Superintendent" or "superintendent of real estate" means 68262
the superintendent of the division of real estate and professional 68263
licensing of this state. Whenever the division or superintendent 68264

of real estate is referred to or designated in any statute, rule, 68265
contract, or other document, the reference or designation shall be 68266
deemed to refer to the division or superintendent of real estate 68267
and professional licensing, as the case may be. 68268

(M) "Inactive license" means the license status in which a 68269
salesperson's license is in the possession of the division, 68270
renewed as required under this chapter or rules adopted under this 68271
chapter, and not associated with a real estate broker. 68272

(N) "Broker's license on deposit" means the license status in 68273
which a broker's license is in the possession of the division of 68274
real estate and professional licensing and renewed as required 68275
under this chapter or rules adopted under this chapter. 68276

(O) "Suspended license" means the license status that 68277
prohibits a licensee from providing services that require a 68278
license under this chapter for a specified interval of time. 68279

(P) "Reactivate" means the process prescribed by the 68280
superintendent of real estate and professional licensing to remove 68281
a license from an inactive, suspended, or broker's license on 68282
deposit status to allow a licensee to provide services that 68283
require a license under this chapter. 68284

(Q) "Revoked" means the license status in which the license 68285
is void and not eligible for reactivation. 68286

(R) "Commercial real estate" means any parcel of real estate 68287
in this state other than real estate containing one to four 68288
residential units. "Commercial real estate" does not include 68289
single-family residential units such as condominiums, townhouses, 68290
manufactured homes, or homes in a subdivision when sold, leased, 68291
or otherwise conveyed on a unit-by-unit basis, even when those 68292
units are a part of a larger building or parcel of real estate 68293
containing more than four residential units. 68294

(S) "Out-of-state commercial broker" includes any person, 68295

partnership, association, limited liability company, limited liability partnership, or corporation that is licensed to do business as a real estate broker in a jurisdiction other than Ohio.

(T) "Out-of-state commercial salesperson" includes any person affiliated with an out-of-state commercial broker who is not licensed as a real estate salesperson in Ohio.

(U) "Exclusive right to sell or lease listing agreement" means an agency agreement between a seller and broker that meets the requirements of section 4735.55 of the Revised Code and does both of the following:

(1) Grants the broker the exclusive right to represent the seller in the sale or lease of the seller's property;

(2) Provides the broker will be compensated if the broker, the seller, or any other person or entity produces a purchaser or tenant in accordance with the terms specified in the listing agreement or if the property is sold or leased during the term of the listing agreement to anyone other than to specifically exempted persons or entities.

(V) "Exclusive agency agreement" means an agency agreement between a seller and broker that meets the requirements of section 4735.55 of the Revised Code and does both of the following:

(1) Grants the broker the exclusive right to represent the seller in the sale or lease of the seller's property;

(2) Provides the broker will be compensated if the broker or any other person or entity produces a purchaser or tenant in accordance with the terms specified in the listing agreement or if the property is sold or leased during the term of the listing agreement, unless the property is sold or leased solely through the efforts of the seller or to the specifically exempted persons or entities.

(W) "Exclusive purchaser agency agreement" means an agency agreement between a purchaser and broker that meets the requirements of section 4735.55 of the Revised Code and does both of the following:

(1) Grants the broker the exclusive right to represent the purchaser in the purchase or lease of property;

(2) Provides the broker will be compensated in accordance with the terms specified in the exclusive agency agreement or if a property is purchased or leased by the purchaser during the term of the agency agreement unless the property is specifically exempted in the agency agreement.

The agreement may authorize the broker to receive compensation from the seller or the seller's agent and may provide that the purchaser is not obligated to compensate the broker if the property is purchased or leased solely through the efforts of the purchaser.

(X) "Seller" means a party in a real estate transaction who is the potential transferor of property. "Seller" includes an owner of property who is seeking to sell the property and a landlord who is seeking to rent or lease property to another person.

(Y) "Resigned" means the license status in which a license has been voluntarily and permanently surrendered to or is otherwise in the possession of the division of real estate and professional licensing, may not be renewed or reactivated in accordance with the requirements specified in this chapter or the rules adopted pursuant to it, and is not associated with a real estate broker.

(Z) "Bona fide" means made in good faith or without purpose of circumventing license law.

(AA) "Associate broker" means an individual licensed as a

real estate broker under this chapter who does not function as the principal broker or a management level licensee.

(BB) "Brokerage" means a corporation, partnership, limited partnership, association, limited liability company, limited liability partnership, or sole proprietorship, foreign or domestic, that has been issued a broker's license. "Brokerage" includes the affiliated licensees who have been assigned management duties that include supervision of licensees whose duties may conflict with those of other affiliated licensees.

(CC) "Credit-eligible course" means a credit or noncredit-bearing course that is both of the following:

(1) The course is offered by an institution of higher education.

(2) The course is eligible for academic credit that may be applied toward the requirements for a degree at the institution of higher education.

(DD) "Distance education" means courses required by divisions (B)(6) and (G) of section 4735.07, divisions (F)(6) and (J) of section 4735.09, and division (A) of section 4735.141 of the Revised Code in which instruction is accomplished through use of interactive, electronic media and where the teacher and student are separated by distance or time, or both.

(EE) "Licensee" means any individual licensed as a real estate broker or salesperson by the Ohio real estate commission pursuant to this chapter.

(FF) "Management level licensee" means a licensee who is employed by or affiliated with a real estate broker and who has supervisory responsibility over other licensees employed by or affiliated with that real estate broker.

(GG) "Oil and gas land professional" means a person regularly

engaged in the preparation and negotiation of agreements for the 68388
purpose of exploring for, transporting, producing, or developing 68389
oil and gas mineral interests, including, but not limited to, oil 68390
and gas leases and pipeline easements. 68391

(HH) "Principal broker" means an individual licensed as a 68392
real estate broker under this chapter who oversees and directs the 68393
operations of the brokerage. 68394

(II) "Right-to-list home sale agreement" means an agreement 68395
whereby the owner of residential real estate agrees to provide 68396
another person with exclusive rights to list the real estate for 68397
sale at a future date in exchange for monetary consideration, or 68398
an equivalent to monetary consideration, and that meets one or 68399
both of the following: 68400

(1) The agreement states that it runs with the land or 68401
otherwise purports to bind future owners of the residential real 68402
estate; 68403

(2) The agreement purports to be a lien, encumbrance, or 68404
other real property security interest. 68405

Sec. 4735.03. There is hereby created the Ohio real estate 68406
commission, consisting of five members who shall be appointed by 68407
the governor, with the advice and consent of the senate. Four 68408
members shall have been engaged in the real estate business as 68409
licensed real estate brokers in the state for a period of ten 68410
years immediately preceding the appointment. One member shall 68411
represent the public. Terms of office shall be for five years, 68412
commencing on the first day of July and ending on the thirtieth 68413
day of June. Each member shall hold office from the date of 68414
appointment until the end of the term for which appointed. No more 68415
than three members shall be members of any one political party and 68416
no member of the commission concurrently may be a member of the 68417
commission and the real estate appraiser board created pursuant to 68418

section 4763.02 of the Revised Code. Each member, before entering 68419
upon the duties of office, shall subscribe to and file with the 68420
secretary of state the constitutional oath of office. All 68421
vacancies which occur shall be filled in the manner prescribed for 68422
the regular appointments to the commission. Any member appointed 68423
to fill a vacancy occurring prior to the expiration of the term 68424
for which the member's predecessor was appointed shall hold office 68425
for the remainder of such term. Any member shall continue in 68426
office subsequent to the expiration date of the member's term 68427
until the member's successor takes office, or until a period of 68428
sixty days has elapsed, whichever occurs first. No member shall 68429
hold office for more than two consecutive full terms. Annually, 68430
upon the qualification of the member appointed in such year, the 68431
commission shall organize by selecting from its members a 68432
president and vice-president, and shall do all things necessary 68433
and proper to carry out and enforce this chapter. A majority of 68434
the members of the commission shall constitute a quorum, but a 68435
lesser number may adjourn from time to time. Each member of the 68436
commission shall receive an amount fixed pursuant to section 68437
124.14 of the Revised Code for each day employed in the discharge 68438
of official duties, and the member's actual and necessary expenses 68439
incurred in the discharge of those duties. 68440

The commission or the superintendent of real estate may 68441
investigate complaints concerning the violation of section 4735.02 68442
or 4735.25 of the Revised Code and may subpoena witnesses in 68443
connection with such investigations as provided in section 4735.04 68444
of the Revised Code. The commission or the superintendent may make 68445
application to the appropriate court for an order enjoining the 68446
violation of section 4735.02 or 4735.25 of the Revised Code, and 68447
upon a showing by the commission or the superintendent that any 68448
person, firm, partnership, association, limited liability company, 68449
limited liability partnership, or corporation has violated or is 68450
about to violate section 4735.02 or 4735.25 of the Revised Code, 68451

an injunction, restraining order, or such other order as may be 68452
appropriate shall be granted by such court. 68453

The commission shall: 68454

(A) Adopt canons of ethics for the real estate industry; 68455

(B) Upon appeal by any party affected, or may upon its own 68456
motion, review any order or application determination of the 68457
superintendent, and may reverse, vacate, or modify any order of 68458
the superintendent; 68459

(C) Administer ~~the real estate education and research fund~~ 68460
and hear appeals from orders of the superintendent regarding 68461
claims ~~against that fund or~~ against the real estate recovery fund; 68462

(D) Direct the superintendent on the content, scheduling, 68463
instruction, and offerings of real estate courses for salesperson 68464
and broker educational requirements; 68465

(E) Disseminate to licensees and the public, information 68466
relative to commission activities and decisions; 68467

(F) Notify licensees of changes in state and federal civil 68468
rights laws pertaining to discrimination in the purchase or sale 68469
of real estate and relevant case law, and inform licensees that 68470
they are subject to disciplinary action if they do not comply with 68471
the changes; 68472

(G) Publish and furnish to public libraries and to brokers 68473
booklets on housing and remedies available to dissatisfied clients 68474
under this chapter and Chapter 4112. of the Revised Code; 68475

(H) Provide training to commission members and employees of 68476
the division of real estate and professional licensing on issues 68477
relative to the real estate industry, which may include but not be 68478
limited to investigative techniques, real estate law, and real 68479
estate practices and procedures. 68480

Sec. 4735.05. (A) The Ohio real estate commission is a part 68481
of the department of commerce for administrative purposes. The 68482
director of commerce is ex officio the executive officer of the 68483
commission, or the director may designate any employee of the 68484
department as superintendent of real estate and professional 68485
licensing to act as executive officer of the commission. 68486

The commission and the real estate appraiser board created 68487
pursuant to section 4763.02 of the Revised Code shall each submit 68488
to the director a list of three persons whom the commission and 68489
the board consider qualified to be superintendent within sixty 68490
days after the office of superintendent becomes vacant. The 68491
director shall appoint a superintendent from the lists submitted 68492
by the commission and the board, and the superintendent shall 68493
serve at the pleasure of the director. 68494

(B) The superintendent, except as otherwise provided, shall 68495
do all of the following in regard to this chapter: 68496

(1) Administer this chapter; 68497

(2) Issue all orders necessary to implement this chapter; 68498

(3) Investigate complaints concerning the violation of this 68499
chapter or the conduct of any licensee; 68500

(4) Establish and maintain an investigation and audit section 68501
to investigate complaints and conduct inspections, audits, and 68502
other inquiries as in the judgment of the superintendent are 68503
appropriate to enforce this chapter. The investigators or auditors 68504
have the right to review and audit the business records of 68505
licensees and continuing education course providers during normal 68506
business hours. 68507

(5) Appoint a hearing examiner for any proceeding involving 68508
disciplinary action under section 3123.47, 4735.052, or 4735.18 of 68509
the Revised Code; 68510

(6) Administer the real estate recovery fund.	68511
(C) The superintendent may do all of the following:	68512
(1) In connection with investigations and audits under	68513
division (B) of this section, subpoena witnesses as provided in	68514
section 4735.04 of the Revised Code;	68515
(2) Apply to the appropriate court to enjoin any violation of	68516
this chapter. Upon a showing by the superintendent that any person	68517
has violated or is about to violate any provision of this chapter,	68518
the court shall grant an injunction, restraining order, or other	68519
appropriate order.	68520
(3) Recommend the appointment of an ancillary trustee who is	68521
qualified as determined by the superintendent in any of the	68522
following instances:	68523
(a) Upon the death of a licensed broker, if there is no other	68524
licensed broker within the brokerage, upon application by any	68525
interested party, subject to the approval by the appropriate	68526
probate court, to conclude the business transactions of the	68527
deceased broker;	68528
(b) Upon the revocation of a licensed broker, if there is no	68529
other licensed broker within the brokerage, to conclude the	68530
business transactions of the revoked broker;	68531
(c) Upon the incapacitation, suspension, or incarceration of	68532
a licensed broker, if there is no other licensed broker within the	68533
brokerage, to continue the business transactions of the brokerage	68534
for a period of time not to exceed the period of incapacitation,	68535
suspension, or incarceration.	68536
(4) In conjunction with the enforcement of this chapter, when	68537
the superintendent of real estate has reasonable cause to believe	68538
that an applicant or licensee has committed a criminal offense,	68539
the superintendent of real estate may request the superintendent	68540

of the bureau of criminal identification and investigation to 68541
conduct a criminal records check of the applicant or licensee. The 68542
superintendent of the bureau of criminal identification and 68543
investigation shall obtain information from the federal bureau of 68544
investigation as part of the criminal records check of the 68545
applicant or licensee. The superintendent of real estate may 68546
assess the applicant or licensee a fee equal to the fee assessed 68547
for the criminal records check. 68548

(5) In conjunction with the enforcement of this chapter, 68549
issue advisory letters in lieu of initiating disciplinary action 68550
under section 4735.051 or 4735.052 of the Revised Code or issuing 68551
a citation under section 4735.16 or 4735.181 of the Revised Code. 68552

(D) All information that is obtained by investigators and 68553
auditors performing investigations or conducting inspections, 68554
audits, and other inquiries pursuant to division (B)(4) of this 68555
section, from licensees, complainants, or other persons, and all 68556
reports, documents, and other work products that arise from that 68557
information and that are prepared by the investigators, auditors, 68558
or other personnel of the department, shall be held in confidence 68559
by the superintendent, the investigators and auditors, and other 68560
personnel of the department. ~~Notwithstanding any provision of the~~ 68561
~~Revised Code to the contrary, all~~ All information obtained by 68562
investigators or auditors from an informal mediation meeting held 68563
pursuant to section 4735.051 of the Revised Code, including but 68564
not limited to the agreement to mediate and the accommodation 68565
agreement, shall be held in confidence by the superintendent, 68566
investigators, auditors, and other personnel of the department. 68567

(E) This section does not require or prevent the division of 68568
real estate and professional licensing from releasing information 68569
relating to licensees to the ~~superintendent of financial~~ 68570
~~institutions for purposes relating to the administration of~~ 68571
~~Chapter 1322. of the Revised Code, division of financial~~ 68572

institutions, division of securities, and the division of 68573
industrial compliance for purposes relating to the administration 68574
of the Revised Code chapters enforced by those divisions; to the 68575
superintendent of insurance for purposes relating to the 68576
administration of Chapter 3953. of the Revised Code; to the 68577
attorney general; or to local law enforcement agencies and local 68578
prosecutors. Information released by the division pursuant to this 68579
section remains confidential. 68580

Sec. 4735.052. (A) Upon receipt of a written complaint or 68581
upon the superintendent's own motion, the superintendent may 68582
investigate any person that has allegedly violated section 68583
4735.02, 4735.023, or 4735.25 of the Revised Code, except that the 68584
superintendent shall not initiate an investigation, pursuant to 68585
this section, of any person who held a suspended or inactive 68586
license under this chapter on the date of the alleged violation. 68587

(B) If, after investigation, the superintendent determines 68588
there exists reasonable evidence of a violation of section 68589
4735.02, 4735.023, or 4735.25 of the Revised Code, within fourteen 68590
business days after that determination, the superintendent shall 68591
send the party who is the subject of the investigation, a written 68592
notice, by regular mail, that includes all of the following 68593
information: 68594

(1) A description of the activity in which the party 68595
allegedly is engaging or has engaged that is a violation of 68596
section 4735.02, 4735.023, or 4735.25 of the Revised Code; 68597

(2) The applicable law allegedly violated; 68598

(3) A statement informing the party that a hearing concerning 68599
the alleged violation will be held, upon the party's request, 68600
before a hearing examiner pursuant to Chapter 119. of the Revised 68601
Code. 68602

(C)(1) If a hearing is requested, the hearing examiner shall 68603
hear the testimony of all parties present at the hearing and 68604
consider any written testimony submitted pursuant to this section, 68605
and determine if there has been a violation of section 4735.02, 68606
4735.023, or 4735.25 of the Revised Code. 68607

(2) After the conclusion of formal hearings, the hearing 68608
examiner shall file a report of findings of fact and conclusions 68609
of law with the superintendent, the commission, the complainant, 68610
and the parties. Within twenty days of receipt of such copy of the 68611
written report of findings of fact and conclusions of law, the 68612
parties and the division may file with the commission written 68613
objections to the report, which shall be considered by the 68614
commission before approving, modifying, or disapproving the 68615
report. 68616

(3) The commission shall review the hearing examiner's report 68617
at the next regularly scheduled commission meeting held at least 68618
twenty business days after receipt of the hearing examiner's 68619
report. The commission shall hear the testimony of the complainant 68620
or the parties upon request. 68621

(4) The commission shall decide whether to impose 68622
disciplinary sanctions upon a party for a violation of section 68623
4735.02 or 4735.023 of the Revised Code. If the commission finds 68624
that a violation has occurred, the commission may assess a civil 68625
penalty, in an amount it determines, not to exceed one thousand 68626
dollars per violation. Each day a violation occurs or continues is 68627
a separate violation. The commission shall determine the terms of 68628
payment. The commission shall maintain a record of the proceedings 68629
of the hearing and issue a written opinion to all parties, citing 68630
its findings and grounds for any action taken. 68631

(D) Civil penalties collected under this section shall be 68632
deposited in the real estate operating fund, which is created in 68633
the state treasury under section 4735.211 of the Revised Code. 68634

(E) If a party fails to pay a civil penalty assessed pursuant to this section within the time prescribed by the commission, the superintendent shall forward to the attorney general the name of the party, any other identifying information, and the amount of the civil penalty, for the purpose of collecting that civil penalty. In addition to the civil penalty assessed pursuant to this section, the party also shall pay any fee assessed by the attorney general for collection of the civil penalty.

(F) The superintendent may reserve the right to bring a civil action against a party that fails to pay a civil penalty for breach of contract in a court of competent jurisdiction.

Sec. 4735.06. (A) Application for a license as a real estate broker shall be made to the superintendent of real estate on forms furnished by the superintendent and filed with the superintendent and shall be signed by the applicant or its members or officers. Each application shall state the name of the person applying and the location of the place of business for which the license is desired, and give such other information as the superintendent requires in the form of application prescribed by the superintendent.

(B)(1) If the applicant is a partnership, limited liability company, limited liability partnership, or association, the names of all the members also shall be stated, and, if the applicant is a corporation, the names of its president and of each of its officers also shall be stated.

The superintendent has the right to reject the application of any partnership, association, limited liability company, limited liability partnership, or corporation if the name proposed to be used by such partnership, association, limited liability company, limited liability partnership, or corporation is likely to mislead the public or if the name is not such as to distinguish it from

the name of any existing partnership, association, limited liability company, limited liability partnership, or corporation licensed under this chapter, unless there is filed with the application the written consent of such existing partnership, association, limited liability company, limited liability partnership, or corporation, executed by a duly authorized representative of it, permitting the use of the name of such existing partnership, association, limited liability company, limited liability partnership, or corporation. 68666
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(2) The superintendent shall approve the use of a trade name by a brokerage, if the name meets both of the following criteria: 68675
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(a) The proposed name is not the same as or is clearly distinguishable from a name registered with the division of real estate and professional licensing by another existing brokerage. If the superintendent determines that the proposed name is not clearly distinguishable from any other existing brokerage, the superintendent may approve the use of the trade name if there is filed with the superintendent the written consent of the existing brokerage with the same or similar name. 68677
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(b) The name is not misleading or likely to mislead the public. 68685
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(3) The superintendent may approve the use of more than one trade name for a brokerage. 68687
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(4) When a brokerage has received the approval of the superintendent to conduct business under one or more trade names, those trade names shall be the only identifying names used by the brokerage in all advertising. 68689
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(C) A fee of one hundred thirty-five dollars shall accompany the application for a real estate broker's license. The initial licensing period commences at the time the license is issued and ends on the applicant's first birthday thereafter. However, if the 68693
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applicant was an inactive or active salesperson immediately 68697
preceding application for a broker's license, then the initial 68698
licensing period shall commence at the time the broker's license 68699
is issued and ends on the date the licensee's continuing education 68700
is due as set when the applicant was a salesperson. The 68701
application fee shall be nonrefundable. A fee of one hundred 68702
thirty-five dollars shall be charged by the superintendent for 68703
each successive application made by an applicant. In the case of 68704
issuance of a three-year license, upon passing the examination, or 68705
upon waiver of the examination requirement, if the superintendent 68706
determines it is necessary, the applicant shall submit an 68707
additional fee determined by the superintendent based upon the 68708
number of years remaining in a real estate salesperson's licensing 68709
period. 68710

(D) ~~One dollar of each application fee for a real estate 68711
broker's license shall be credited to the real estate education 68712
and research fund, which is hereby created in the state treasury.~~ 68713
The Ohio real estate commission may use the division of real 68714
estate operating fund created under section 4735.211 of the 68715
Revised Code in discharging the duties prescribed in divisions 68716
(E), (F), (G), and (H) of section 4735.03 of the Revised Code and 68717
~~shall~~ may use it in the advancement of education and research in 68718
real estate at any institution of higher education in the state, 68719
or in contracting with any such institution or a trade 68720
organization for a particular research or educational project in 68721
the field of real estate, or in advancing loans, not exceeding two 68722
thousand dollars, to applicants for salesperson licenses, to 68723
defray the costs of satisfying the educational requirements of 68724
division (F) of section 4735.09 of the Revised Code. Such loans 68725
shall be made according to rules established by the commission 68726
under the procedures of Chapter 119. of the Revised Code, and they 68727
shall be repaid to the fund within three years of the time they 68728
are made. No more than twenty-five thousand dollars shall be lent 68729

from the fund in any one fiscal year. 68730

The governor may appoint a representative from the executive 68731
branch to be a member ex officio of the commission for the purpose 68732
of advising on research requests or educational projects. The 68733
commission shall report to the general assembly on the third 68734
Tuesday after the third Monday in January of each year setting 68735
forth the total amount contained in the fund and the amount of 68736
each research grant that it has authorized and the amount of each 68737
research grant requested. A copy of all research reports shall be 68738
submitted to the state library of Ohio and the library of the 68739
legislative service commission. 68740

(E) If the superintendent, with the consent of the 68741
commission, enters into an agreement with a national testing 68742
service to administer the real estate broker's examination, 68743
pursuant to division (A) of section 4735.07 of the Revised Code, 68744
the superintendent may require an applicant to pay the testing 68745
service's examination fee directly to the testing service. If the 68746
superintendent requires the payment of the examination fee 68747
directly to the testing service, each applicant shall submit to 68748
the superintendent a processing fee in an amount determined by the 68749
Ohio real estate commission pursuant to division (A)(2) of section 68750
4735.10 of the Revised Code. 68751

Sec. 4735.07. (A) The superintendent of real estate, with the 68752
consent of the Ohio real estate commission, may enter into 68753
agreements with recognized national testing services to administer 68754
the real estate broker's examination under the superintendent's 68755
supervision and control, consistent with the requirements of this 68756
chapter as to the contents of such examination. 68757

(B) No applicant for a real estate broker's license shall 68758
take the broker's examination who has not established to the 68759
satisfaction of the superintendent that the applicant: 68760

- (1) Is honest and truthful; 68761
- (2)(a) Has not been convicted of a disqualifying offense as 68762
determined in accordance with section 9.79 of the Revised Code; 68763
- (b) Has not been finally adjudged by a court to have violated 68764
any municipal, state, or federal civil rights laws relevant to the 68765
protection of purchasers or sellers of real estate or, if the 68766
applicant has been so adjudged, at least two years have passed 68767
since the court decision and the superintendent has disregarded 68768
the adjudication because the applicant has proven, by a 68769
preponderance of the evidence, that the applicant's activities and 68770
employment record since the adjudication show that the applicant 68771
is honest and truthful, and there is no basis in fact for 68772
believing that the applicant will again violate the laws involved. 68773
- (3) Has not, during any period in which the applicant was 68774
licensed under this chapter, violated any provision of, or any 68775
rule adopted pursuant to, this chapter, or, if the applicant has 68776
violated any such provision or rule, has established to the 68777
satisfaction of the superintendent that the applicant will not 68778
again violate such provision or rule; 68779
- (4) Is at least eighteen years of age; 68780
- (5) Has been a licensed real estate broker or salesperson for 68781
at least ~~two years; during at least~~ two of the five years 68782
preceding the person's application, ~~has worked as a licensed real~~ 68783
~~estate broker or salesperson for an average of at least thirty~~ 68784
~~hours per week;~~ and has completed one of the following: 68785
- (a) At least twenty real estate transactions, in which 68786
property was sold for another by the applicant while acting in the 68787
capacity of a real estate broker or salesperson; 68788
- (b) Such equivalent experience as is defined by rules adopted 68789
by the commission. 68790

(6)(a) If licensed as a real estate salesperson prior to 68791
August 1, 2001, successfully has completed at an institution of 68792
higher education all of the following credit-eligible courses by 68793
either classroom instruction or distance education: 68794

(i) Thirty hours of instruction in real estate practice; 68795

(ii) Thirty hours of instruction that includes the subjects 68796
of Ohio real estate law, municipal, state, and federal civil 68797
rights law, new case law on housing discrimination, desegregation 68798
issues, and methods of eliminating the effects of prior 68799
discrimination. If feasible, the instruction in Ohio real estate 68800
law shall be taught by a member of the faculty of an accredited 68801
law school. If feasible, the instruction in municipal, state, and 68802
federal civil rights law, new case law on housing discrimination, 68803
desegregation issues, and methods of eliminating the effects of 68804
prior discrimination shall be taught by a staff member of the Ohio 68805
civil rights commission who is knowledgeable with respect to those 68806
subjects. The requirements of this division do not apply to an 68807
applicant who is admitted to practice before the supreme court. 68808

(iii) Thirty hours of instruction in real estate appraisal; 68809

(iv) Thirty hours of instruction in real estate finance; 68810

(v) Three quarter hours, or its equivalent in semester hours, 68811
in financial management; 68812

(vi) Three quarter hours, or its equivalent in semester 68813
hours, in human resource or personnel management; 68814

(vii) Three quarter hours, or its equivalent in semester 68815
hours, in applied business economics; 68816

(viii) Three quarter hours, or its equivalent in semester 68817
hours, in business law. 68818

(b) If licensed as a real estate salesperson on or after 68819
August 1, 2001, successfully has completed at an institution of 68820

higher education all of the following credit-eligible courses by 68821
either classroom instruction or distance education: 68822

(i) Forty hours of instruction in real estate practice; 68823

(ii) Forty hours of instruction that includes the subjects of 68824
Ohio real estate law, municipal, state, and federal civil rights 68825
law, new case law on housing discrimination, desegregation issues, 68826
and methods of eliminating the effects of prior discrimination. If 68827
feasible, the instruction in Ohio real estate law shall be taught 68828
by a member of the faculty of an accredited law school. If 68829
feasible, the instruction in municipal, state, and federal civil 68830
rights law, new case law on housing discrimination, desegregation 68831
issues, and methods of eliminating the effects of prior 68832
discrimination shall be taught by a staff member of the Ohio civil 68833
rights commission who is knowledgeable with respect to those 68834
subjects. The requirements of this division do not apply to an 68835
applicant who is admitted to practice before the supreme court. 68836

(iii) Twenty hours of instruction in real estate appraisal; 68837

(iv) Twenty hours of instruction in real estate finance; 68838

(v) The training in the amount of hours specified under 68839
divisions (B)(6)(a)(v), (vi), (vii), and (viii) of this section. 68840

(c) Division (B)(6)(a) or (b) of this section does not apply 68841
to any applicant who holds a valid real estate salesperson's 68842
license issued prior to January 2, 1972. Divisions (B)(6)(a)(v), 68843
(vi), (vii), and (viii) or division (B)(6)(b)(v) of this section 68844
do not apply to any applicant who holds a valid real estate 68845
salesperson's license issued prior to January 3, 1984. 68846

(d) Divisions (B)(6)(a)(iii) and (B)(6)(b)(iii) of this 68847
section do not apply to any new applicant who holds a valid Ohio 68848
real estate appraiser license or certificate issued prior to the 68849
date of application for a real estate broker's license. 68850

(e) Successful completion of the instruction required by 68851
division (B)(6)(a) or (b) of this section shall be determined by 68852
the law in effect on the date the instruction was completed. 68853

(7) If licensed as a real estate salesperson on or after 68854
January 3, 1984, satisfactorily has completed a minimum of two 68855
years of post-secondary education, or its equivalent in semester 68856
or quarter hours, at an institution of higher education, and has 68857
fulfilled the requirements of division (B)(6)(a) or (b) of this 68858
section. The requirements of division (B)(6)(a) or (b) of this 68859
section may be included in the two years of post-secondary 68860
education, or its equivalent in semester or quarter hours, that is 68861
required by this division. The post-secondary education 68862
requirement may be satisfied by completing the credit-eligible 68863
courses using either classroom instruction or distance education. 68864
Successful completion of any course required by this section shall 68865
be determined by the law in effect on the date the course was 68866
completed. 68867

(C) Each applicant for a broker's license shall be examined 68868
in the principles of real estate practice, Ohio real estate law, 68869
and financing and appraisal, and as to the duties of real estate 68870
brokers and real estate salespersons, the applicant's knowledge of 68871
real estate transactions and instruments relating to them, and the 68872
canons of business ethics pertaining to them. The commission from 68873
time to time shall promulgate such canons and cause them to be 68874
published in printed form. 68875

(D) Examinations shall be administered with reasonable 68876
accommodations in accordance with the requirements of the 68877
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 68878
U.S.C. 12101. The contents of an examination shall be consistent 68879
with the requirements of division (B)(6) of this section and with 68880
the other specific requirements of this section. An applicant who 68881
has completed the requirements of division (B)(6) of this section 68882

at the time of application shall be examined no later than twelve 68883
months after the applicant is notified of admission to the 68884
examination. 68885

(E) The superintendent may waive one or more of the 68886
requirements of this section in the case of an application from a 68887
nonresident real estate broker pursuant to a reciprocity agreement 68888
with the licensing authority of the state from which the 68889
nonresident applicant holds a valid real estate broker license. 68890

(F) There shall be no limit placed on the number of times an 68891
applicant may retake the examination. 68892

(G)(1) Not earlier than the date of issue of a real estate 68893
broker's license to a licensee, but not later than twelve months 68894
after the date of issue of a real estate broker's license to a 68895
licensee, the licensee shall submit proof satisfactory to the 68896
superintendent, on forms made available by the superintendent, of 68897
the completion of ten hours of instruction that shall be completed 68898
in schools, seminars, and educational institutions that are 68899
approved by the commission. Approval of the curriculum and 68900
providers shall be granted according to rules adopted pursuant to 68901
section 4735.10 of the Revised Code and may be taken through 68902
classroom instruction or distance education. 68903

If the required proof of completion is not submitted to the 68904
superintendent within twelve months of the date a license is 68905
issued under this section, the license of the real estate broker 68906
is suspended automatically without the taking of any action by the 68907
superintendent. The broker's license shall not be reactivated by 68908
the superintendent until it is established, to the satisfaction of 68909
the superintendent, that the requirements of this division have 68910
been met and that the licensee is in compliance with this chapter. 68911
A licensee's license is revoked automatically without the taking 68912
of any action by the superintendent if the licensee fails to 68913
submit proof of completion of the education requirements specified 68914

under division (G)(1) of this section within twelve months of the 68915
date the license is suspended. 68916

(2) If the license of a real estate broker is suspended 68917
pursuant to division (G)(1) of this section, the license of a real 68918
estate salesperson associated with that broker correspondingly is 68919
suspended pursuant to division (H) of section 4735.20 of the 68920
Revised Code. However, the suspended license of the associated 68921
real estate salesperson shall be reactivated and no fee shall be 68922
charged or collected for that reactivation if all of the following 68923
occur: 68924

(a) That broker subsequently submits satisfactory proof to 68925
the superintendent that the broker has complied with the 68926
requirements of division (G)(1) of this section and requests that 68927
the broker's license as a real estate broker be reactivated; 68928

(b) The superintendent then reactivates the broker's license 68929
as a real estate broker; 68930

(c) The associated real estate salesperson intends to 68931
continue to be associated with that broker and otherwise is in 68932
compliance with this chapter. 68933

Sec. 4735.09. (A) Application for a license as a real estate 68934
salesperson shall be made to the superintendent of real estate on 68935
forms furnished by the superintendent and signed by the applicant. 68936
The application shall be in the form prescribed by the 68937
superintendent and shall contain such information as is required 68938
by this chapter and the rules of the Ohio real estate commission. 68939
The application shall be accompanied by the recommendation of the 68940
real estate broker with whom the applicant is associated or with 68941
whom the applicant intends to be associated, certifying that the 68942
applicant is honest and truthful, and has not been finally 68943
adjudged by a court to have violated any municipal, state, or 68944
federal civil rights laws relevant to the protection of purchasers 68945

or sellers of real estate, which conviction or adjudication the applicant has not disclosed to the superintendent, and recommending that the applicant be admitted to the real estate salesperson examination.

(B) A fee of eighty-one dollars shall accompany the application, which fee includes the fee for the initial year of the licensing period, if a license is issued. The initial year of the licensing period commences at the time the license is issued and ends on the applicant's first birthday thereafter. The application fee shall be nonrefundable. A fee of eighty-one dollars shall be charged by the superintendent for each successive application made by the applicant. ~~One dollar of each application fee shall be credited to the real estate education and research fund.~~

(C) There shall be no limit placed on the number of times an applicant may retake the examination.

(D) The superintendent, with the consent of the commission, may enter into an agreement with a recognized national testing service to administer the real estate salesperson's examination under the superintendent's supervision and control, consistent with the requirements of this chapter as to the contents of the examination.

If the superintendent, with the consent of the commission, enters into an agreement with a national testing service to administer the real estate salesperson's examination, the superintendent may require an applicant to pay the testing service's examination fee directly to the testing service. If the superintendent requires the payment of the examination fee directly to the testing service, each applicant shall submit to the superintendent a processing fee in an amount determined by the Ohio real estate commission pursuant to division (A)(1) of section

4735.10 of the Revised Code. 68977

(E) The superintendent shall issue a real estate 68978
salesperson's license when satisfied that the applicant has 68979
received a passing score on each portion of the salesperson's 68980
examination as determined by rule by the real estate commission, 68981
except that the superintendent may waive one or more of the 68982
requirements of this section in the case of an applicant who is a 68983
licensed real estate salesperson in another state pursuant to a 68984
reciprocity agreement with the licensing authority of the state 68985
from which the applicant holds a valid real estate salesperson's 68986
license. 68987

(F) No applicant for a salesperson's license shall take the 68988
salesperson's examination who has not established to the 68989
satisfaction of the superintendent that the applicant: 68990

(1) Is honest and truthful; 68991

(2)(a) Has not been convicted of a disqualifying offense as 68992
determined in accordance with section 9.79 of the Revised Code; 68993

(b) Has not been finally adjudged by a court to have violated 68994
any municipal, state, or federal civil rights laws relevant to the 68995
protection of purchasers or sellers of real estate or, if the 68996
applicant has been so adjudged, at least two years have passed 68997
since the court decision and the superintendent has disregarded 68998
the adjudication because the applicant has proven, by a 68999
preponderance of the evidence, that the applicant is honest and 69000
truthful, and there is no basis in fact for believing that the 69001
applicant again will violate the laws involved. 69002

(3) Has not, during any period in which the applicant was 69003
licensed under this chapter, violated any provision of, or any 69004
rule adopted pursuant to this chapter, or, if the applicant has 69005
violated such provision or rule, has established to the 69006
satisfaction of the superintendent that the applicant will not 69007

again violate such provision or rule; 69008

(4) Is at least eighteen years of age; 69009

(5) If born after the year 1950, has a high school diploma or 69010
a certificate of high school equivalence issued by the department 69011
of education; 69012

(6) Has successfully completed at an institution of higher 69013
education all of the following credit-eligible courses by either 69014
classroom instruction or distance education: 69015

(a) Forty hours of instruction in real estate practice; 69016

(b) Forty hours of instruction that includes the subjects of 69017
Ohio real estate law, municipal, state, and federal civil rights 69018
law, new case law on housing discrimination, desegregation issues, 69019
and methods of eliminating the effects of prior discrimination. If 69020
feasible, the instruction in Ohio real estate law shall be taught 69021
by a member of the faculty of an accredited law school. If 69022
feasible, the instruction in municipal, state, and federal civil 69023
rights law, new case law on housing discrimination, desegregation 69024
issues, and methods of eliminating the effects of prior 69025
discrimination shall be taught by a staff member of the Ohio civil 69026
rights commission who is knowledgeable with respect to those 69027
subjects. The requirements of this division do not apply to an 69028
applicant who is admitted to practice before the supreme court. 69029

(c) Twenty hours of instruction in real estate appraisal; 69030

(d) Twenty hours of instruction in real estate finance. 69031

(G)(1) Successful completion of the instruction required by 69032
division (F)(6) of this section shall be determined by the law in 69033
effect on the date the instruction was completed. 69034

(2) Division (F)(6)(c) of this section does not apply to any 69035
new applicant who holds a valid Ohio real estate appraiser license 69036
or certificate issued prior to the date of application for a real 69037

estate salesperson's license. 69038

(H) Only for noncredit course offerings, an institution of 69039
higher education shall obtain approval from the appropriate state 69040
authorizing entity prior to offering a real estate course that is 69041
designed and marketed as satisfying the salesperson license 69042
education requirements of division (F)(6) of this section. The 69043
state authorizing entity may consult with the superintendent in 69044
reviewing the course for compliance with this section. 69045

(I) Any person who has not been licensed as a real estate 69046
salesperson or broker within a four-year period immediately 69047
preceding the person's current application for the salesperson's 69048
examination shall have successfully completed the prelicensure 69049
instruction required by division (F)(6) of this section within a 69050
ten-year period immediately preceding the person's current 69051
application for the salesperson's examination. 69052

(J) Not earlier than the date of issue of a real estate 69053
salesperson's license to a licensee, but not later than twelve 69054
months after the date of issue of a real estate salesperson 69055
license to a licensee, the licensee shall submit proof 69056
satisfactory to the superintendent, on forms made available by the 69057
superintendent, of the completion of twenty hours of instruction 69058
that shall be completed in schools, seminars, and educational 69059
institutions approved by the commission. The instruction shall 69060
include, but is not limited to, current practices relating to 69061
commercial real estate, property management, short sales, and land 69062
contracts; contract law; federal and state programs; economic 69063
conditions; and fiduciary responsibility. Approval of the 69064
curriculum and providers shall be granted according to rules 69065
adopted pursuant to section 4735.10 of the Revised Code and may be 69066
taken through classroom instruction or distance education. 69067

If proof of completion of the required instruction is not 69068
submitted within twelve months of the date a license is issued 69069

under this section, the licensee's license is suspended 69070
automatically without the taking of any action by the 69071
superintendent. The superintendent immediately shall notify the 69072
broker with whom such salesperson is associated of the suspension 69073
of the salesperson's license. A salesperson whose license has been 69074
suspended under this division shall have twelve months after the 69075
date of the suspension of the salesperson's license to submit 69076
proof of successful completion of the instruction required under 69077
this division. No such license shall be reactivated by the 69078
superintendent until it is established, to the satisfaction of the 69079
superintendent, that the requirements of this division have been 69080
met and that the licensee is in compliance with this chapter. A 69081
licensee's license is revoked automatically without the taking of 69082
any action by the superintendent when the licensee fails to submit 69083
the required proof of completion of the education requirements 69084
under division (I) of this section within twelve months of the 69085
date the license is suspended. 69086

(K) Examinations shall be administered with reasonable 69087
accommodations in accordance with the requirements of the 69088
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 69089
U.S.C. 12189. The contents of an examination shall be consistent 69090
with the classroom instructional requirements of division (F)(6) 69091
of this section. An applicant who has completed the classroom 69092
instructional requirements of division (F)(6) of this section at 69093
the time of application shall be examined no later than twelve 69094
months after the applicant is notified of the applicant's 69095
admission to the examination. 69096

Sec. 4735.12. (A) The real estate recovery fund is hereby 69097
created in the state treasury, to be administered by the 69098
superintendent of real estate. Amounts collected by the 69099
superintendent as prescribed in this section and interest earned 69100
on the assets of the fund shall be credited by the treasurer of 69101

state to the fund. The amount of money in the fund shall be 69102
ascertained by the superintendent as of the first day of July of 69103
each year. 69104

The commission, in accordance with rules adopted under 69105
division (A)(2)(g) of section 4735.10 of the Revised Code, shall 69106
impose a special assessment not to exceed ten dollars per year for 69107
each year of a licensing period on each licensee filing a notice 69108
of renewal under section 4735.14 of the Revised Code if the amount 69109
available in the fund is less than two hundred fifty thousand 69110
dollars on the first day of July preceding that filing. The 69111
commission shall not impose a special assessment if the amount 69112
available in the fund exceeds two hundred fifty thousand dollars 69113
on the first day of July preceding that filing. 69114

(B)(1) Any person who obtains a final judgment in any court 69115
of competent jurisdiction against any broker or salesperson 69116
licensed under this chapter, on the grounds of conduct that is in 69117
violation of this chapter or the rules adopted under it, and that 69118
is associated with an act or transaction that only a licensed real 69119
estate broker or licensed real estate salesperson is authorized to 69120
perform as specified in division (A) or (C) of section 4735.01 of 69121
the Revised Code, may file a verified application, as described in 69122
division (B)(3) of this section, in the court of common pleas of 69123
Franklin county for an order directing payment out of the real 69124
estate recovery fund of the portion of the judgment that remains 69125
unpaid and that represents the actual and direct loss sustained by 69126
the applicant. 69127

(2) Punitive damages, attorney's fees, and interest on a 69128
judgment are not recoverable from the fund. In the discretion of 69129
the superintendent of real estate, court costs may be recovered 69130
from the fund, and, if the superintendent authorizes the recovery 69131
of court costs, the order of the court of common pleas then may 69132
direct their payment from the fund. 69133

(3) The application shall specify the nature of the act or transaction upon which the underlying judgment was based, the activities of the applicant in pursuit of remedies available under law for the collection of judgments, and the actual and direct losses, attorney's fees, and the court costs sustained or incurred by the applicant. The applicant shall attach to the application a copy of each pleading and order in the underlying court action.

(4) The court shall order the superintendent to make such payments out of the fund when the person seeking the order has shown all of the following:

(a) The person has obtained a judgment, as provided in this division;

(b) All appeals from the judgment have been exhausted and the person has given notice to the superintendent, as required by division (C) of this section;

(c) The person is not a spouse of the judgment debtor, or the personal representative of such spouse;

(d) The person has diligently pursued the person's remedies against all the judgment debtors and all other persons liable to the person in the transaction for which the person seeks recovery from the fund;

(e) The person is making the person's application not more than one year after termination of all proceedings, including appeals, in connection with the judgment.

(5) Divisions (B)(1) to (4) of this section do not apply to any of the following:

(a) Actions arising from property management accounts maintained in the name of the property owner;

(b) A bonding company when it is not a principal in a real estate transaction;

(c) A person in an action for the payment of a commission or fee for the performance of an act or transaction specified or comprehended in division (A) or (C) of section 4735.01 of the Revised Code;

(d) Losses incurred by investors in real estate if the applicant and the licensee are principals in the investment.

(C) A person who applies to a court of common pleas for an order directing payment out of the fund shall file notice of the application with the superintendent. The superintendent may defend any such action on behalf of the fund and shall have recourse to all appropriate means of defense and review, including examination of witnesses, verification of actual and direct losses, and challenges to the underlying judgment required in division (B)(4)(a) of this section to determine whether the underlying judgment is based on activity only a licensed broker or licensed salesperson is permitted to perform. The superintendent may move the court at any time to dismiss the application when it appears there are no triable issues and the application is without merit. The motion may be supported by affidavit of any person having knowledge of the facts and may be made on the basis that the application, including the judgment referred to in it, does not form the basis for a meritorious recovery claim; provided, that the superintendent shall give written notice to the applicant at least ten days before such motion. The superintendent may, subject to court approval, compromise a claim based upon the application of an aggrieved party. The superintendent shall not be bound by any prior compromise or stipulation of the judgment debtor.

(D) Notwithstanding any other provision of this section, the liability of the fund shall not exceed forty thousand dollars for any one licensee. If a licensee's license is reactivated as provided in division (E) of this section, the liability of the fund for the licensee under this section shall again be forty

thousand dollars, but only for transactions that occur subsequent 69196
to the time of reactivation. 69197

If the forty-thousand-dollar liability of the fund is 69198
insufficient to pay in full the valid claims of all aggrieved 69199
persons by whom claims have been filed against any one licensee, 69200
the forty thousand dollars shall be distributed among them in the 69201
ratio that their respective claims bear to the aggregate of valid 69202
claims or in such other manner as the court finds equitable. 69203
Distribution of moneys shall be among the persons entitled to 69204
share in it, without regard to the order of priority in which 69205
their respective judgments may have been obtained or their claims 69206
have been filed. Upon petition of the superintendent, the court 69207
may require all claimants and prospective claimants against one 69208
licensee to be joined in one action, to the end that the 69209
respective rights of all such claimants to the fund may be 69210
equitably adjudicated and settled. 69211

(E) If the superintendent pays from the fund any amount in 69212
settlement of a claim or toward satisfaction of a judgment against 69213
a licensed broker or salesperson, the license of the broker or 69214
salesperson shall be automatically suspended upon the date of 69215
payment from the fund. The superintendent shall not reactivate the 69216
suspended license of that broker or salesperson until the broker 69217
or salesperson has repaid in full, plus interest per annum at the 69218
rate specified in division (A) of section 1343.03 of the Revised 69219
Code, the amount paid from the fund on the broker's or 69220
salesperson's account. A discharge in bankruptcy does not relieve 69221
a person from the suspension and requirements for reactivation 69222
provided in this section unless the underlying judgment has been 69223
included in the discharge and has not been reaffirmed by the 69224
debtor. 69225

(F) If, at any time, the money deposited in the fund is 69226
insufficient to satisfy any duly authorized claim or portion of a 69227

claim, the superintendent shall, when sufficient money has been 69228
deposited in the fund, satisfy such unpaid claims or portions, in 69229
the order that such claims or portions were originally filed, plus 69230
accumulated interest per annum at the rate specified in division 69231
(A) of section 1343.03 of the Revised Code. 69232

(G) When, upon the order of the court, the superintendent has 69233
paid from the fund any sum to the judgment creditor, the 69234
superintendent shall be subrogated to all of the rights of the 69235
judgment creditor to the extent of the amount so paid, and the 69236
judgment creditor shall assign all the judgment creditor's right, 69237
title, and interest in the judgment to the superintendent to the 69238
extent of the amount so paid. Any amount and interest so recovered 69239
by the superintendent on the judgment shall be deposited in the 69240
fund. 69241

(H) Nothing contained in this section shall limit the 69242
authority of the superintendent to take disciplinary action 69243
against any licensee under other provisions of this chapter; nor 69244
shall the repayment in full of all obligations to the fund by any 69245
licensee nullify or modify the effect of any other disciplinary 69246
proceeding brought pursuant to this chapter. 69247

(I) The superintendent ~~shall~~ may collect from the fund a 69248
service fee in an amount equivalent to the interest rate specified 69249
in division (A) of section 1343.03 of the Revised Code multiplied 69250
by the annual interest earned on the assets of the fund, to defray 69251
the expenses incurred in the administration of the fund. 69252

Sec. 4735.13. (A) Every real estate broker licensed under 69253
this chapter shall have and maintain a definite place of business 69254
in this state. A post office box address is not a definite place 69255
of business for purposes of this section. The license of a real 69256
estate broker shall be prominently displayed in the office or 69257
place of business of the broker, and no license shall authorize 69258

the licensee to do business except from the location specified in 69259
it. If the broker maintains more than one place of business within 69260
the state, the broker shall apply for and procure a duplicate 69261
license for each branch office maintained by the broker. Each 69262
branch office shall be in the charge of a licensed broker or 69263
salesperson. The branch office license shall be prominently 69264
displayed at the branch office location. 69265

(B) The license of each real estate salesperson shall be 69266
mailed to and remain in the possession of the licensed broker with 69267
whom the salesperson is or is to be associated until the licensee 69268
places the license on inactive or resigned status or until the 69269
salesperson leaves the brokerage or is terminated. The broker 69270
shall keep each salesperson's license in a way that it can, and 69271
shall on request, be made immediately available for public 69272
inspection at the office or place of business of the broker. 69273
Except as provided in divisions (G) and (H) of this section, 69274
immediately upon the salesperson's leaving the association or 69275
termination of the association of a real estate salesperson with 69276
the broker, the broker shall return the salesperson's license to 69277
the superintendent of real estate. 69278

The failure of a broker to return the license of a real 69279
estate salesperson or broker who leaves or who is terminated, via 69280
certified mail return receipt requested, within three business 69281
days of the receipt of a written request from the superintendent 69282
for the return of the license, is prima-facie evidence of 69283
misconduct under division (A)(6) of section 4735.18 of the Revised 69284
Code. 69285

(C) A licensee shall notify the superintendent in writing 69286
within fifteen days of any of the following occurrences: 69287

(1) The licensee is convicted of a felony. 69288

(2) The licensee is convicted of a crime involving moral 69289

turpitude.	69290
(3) The licensee is found to have violated any federal,	69291
state, or municipal civil rights law pertaining to discrimination	69292
in housing.	69293
(4) The licensee is found to have engaged in a discriminatory	69294
practice pertaining to housing accommodations described in	69295
division (H) of section 4112.02 of the Revised Code.	69296
(5) The licensee is the subject of an order by the department	69297
of commerce, the department of insurance, or the department of	69298
agriculture revoking or permanently surrendering any professional	69299
license, certificate, or registration.	69300
(6) The licensee is the subject of an order by any government	69301
agency concerning real estate, financial matters, or the	69302
performance of fiduciary duties with respect to any license,	69303
certificate, or registration.	69304
If a licensee fails to notify the superintendent within the	69305
required time, the superintendent immediately may suspend the	69306
license of the licensee.	69307
Any court that convicts a licensee of a violation of any	69308
municipal civil rights law pertaining to housing discrimination	69309
also shall notify the Ohio civil rights commission within fifteen	69310
days of the conviction.	69311
(D) In case of any change of business location, a broker	69312
shall give notice to the superintendent, on a form prescribed by	69313
the superintendent, within thirty days after the change of	69314
location, whereupon the superintendent shall issue new licenses	69315
for the unexpired period without charge. If a broker changes a	69316
business location without giving the required notice and without	69317
receiving new licenses that action is prima-facie evidence of	69318
misconduct under division (A)(6) of section 4735.18 of the Revised	69319
Code.	69320

(E) If a real estate broker desires to associate with another real estate broker in the capacity of a real estate salesperson, the broker shall apply to the superintendent to deposit the broker's real estate broker's license with the superintendent and for the issuance of a real estate salesperson's license. The application shall be made on a form prescribed by the superintendent and shall be accompanied by the recommendation of the real estate broker with whom the applicant intends to become associated and a fee of thirty-four dollars for the real estate salesperson's license. ~~One dollar of the fee shall be credited to the real estate education and research fund.~~ If the superintendent is satisfied that the applicant is honest and truthful, has not been convicted of a disqualifying offense as determined in accordance with section 9.79 of the Revised Code, and has not been finally adjudged by a court to have violated any municipal, state, or federal civil rights laws relevant to the protection of purchasers or sellers of real estate, and that the association of the real estate broker and the applicant will be in the public interest, the superintendent shall grant the application and issue a real estate salesperson's license to the applicant. Any license so deposited with the superintendent shall be subject to this chapter. A broker who intends to deposit the broker's license with the superintendent, as provided in this section, shall give written notice of this fact in a format prescribed by the superintendent to all salespersons associated with the broker when applying to place the broker's license on deposit.

(F) If a real estate broker desires to become a member or officer of a partnership, association, limited liability company, limited liability partnership, or corporation that is or intends to become a licensed real estate broker, the broker shall notify the superintendent of the broker's intentions. The notice of intention shall be on a form prescribed by the superintendent and shall be accompanied by a fee of thirty-four dollars. ~~One dollar~~

~~of the fee shall be credited to the real estate education and 69354
research fund. 69355~~

A licensed real estate broker who is a member or officer of a 69356
partnership, association, limited liability company, limited 69357
liability partnership, or corporation shall only act as a real 69358
estate broker for such partnership, association, limited liability 69359
company, limited liability partnership, or corporation. 69360

(G)(1) If a real estate broker or salesperson enters the 69361
armed forces, the broker or salesperson may place the broker's or 69362
salesperson's license on deposit with the Ohio real estate 69363
commission. The licensee shall not be required to renew the 69364
license until the renewal date that follows the date of discharge 69365
from the armed forces. Any license deposited with the commission 69366
shall be subject to this chapter. 69367

Any licensee whose license is on deposit under this division 69368
and who fails to meet the continuing education requirements of 69369
section 4735.141 of the Revised Code because the licensee is in 69370
the armed forces shall satisfy the commission that the licensee 69371
has complied with the continuing education requirements within 69372
twelve months of the licensee's first birthday after discharge or 69373
within the amount of time equal to the total number of months the 69374
licensee spent on active duty, whichever is greater. The licensee 69375
shall submit proper documentation of active duty service and the 69376
length of that active duty service to the superintendent. The 69377
extension shall not exceed the total number of months that the 69378
licensee served in active duty. The superintendent shall notify 69379
the licensee of the licensee's obligations under section 4735.141 69380
of the Revised Code at the time the licensee applies for 69381
reactivation of the licensee's license. 69382

(2) If a licensee is a spouse of a member of the armed forces 69383
and the spouse's service resulted in the licensee's absence from 69384
this state, both of the following apply: 69385

(a) The licensee shall not be required to renew the license 69386
until the renewal date that follows the date of the spouse's 69387
discharge from the armed forces. 69388

(b) If the licensee fails to meet the continuing education 69389
requirements of section 4735.141 of the Revised Code, the licensee 69390
shall satisfy the commission that the licensee has complied with 69391
the continuing education requirements within twelve months after 69392
the licensee's first birthday after the spouse's discharge or 69393
within the amount of time equal to the total number of months the 69394
licensee's spouse spent on active duty, whichever is greater. The 69395
licensee shall submit proper documentation of the spouse's active 69396
duty service and the length of that active duty service. This 69397
extension shall not exceed the total number of months that the 69398
licensee's spouse served in active duty. 69399

(3) In the case of a licensee as described in division (G)(2) 69400
of this section, who holds the license through a reciprocity 69401
agreement with another state, the spouse's service shall have 69402
resulted in the licensee's absence from the licensee's state of 69403
residence for the provisions of that division to apply. 69404

(4) As used in this division, "armed forces" means the armed 69405
forces of the United States or reserve component of the armed 69406
forces of the United States including the Ohio national guard or 69407
the national guard of any other state. 69408

(H) If a licensed real estate salesperson submits an 69409
application to the superintendent to leave the association of one 69410
broker to associate with a different broker, the broker possessing 69411
the licensee's license need not return the salesperson's license 69412
to the superintendent. The superintendent may process the 69413
application regardless of whether the licensee's license is 69414
returned to the superintendent. 69415

Sec. 4735.143. (A) Each person applying for a license 69416

pursuant to section 4735.07 or 4735.09 of the Revised Code shall 69417
submit one complete set of fingerprint impressions directly to the 69418
superintendent of the bureau of criminal identification and 69419
investigation for the purpose of conducting a criminal records 69420
check. The applicant shall provide the fingerprint impressions 69421
using a method the superintendent of the bureau of criminal 69422
identification and investigation prescribes and fill out the form 69423
the superintendent prescribes pursuant to division (C) of section 69424
109.572 of the Revised Code. Upon receiving an application under 69425
this section, the superintendent of real estate and professional 69426
licensing shall request the superintendent of the bureau of 69427
criminal identification and investigation, or a vendor approved by 69428
the bureau, to conduct a criminal records check based on the 69429
applicant's fingerprint impressions in accordance with division 69430
(A)(16) of section 109.572 of the Revised Code. Notwithstanding 69431
division ~~(K)~~(L) of section 121.08 of the Revised Code, the 69432
superintendent of real estate and professional licensing shall 69433
request that criminal record information based on the applicant's 69434
fingerprints be obtained from the federal bureau of investigation 69435
as part of the criminal records check. Any fee required under 69436
division (C)(3) of section 109.572 of the Revised Code shall be 69437
paid by the applicant. 69438

(B) An applicant who disclosed on the application that the 69439
applicant has been convicted of any criminal offense shall only be 69440
permitted to take the examination after the results of the 69441
criminal records check have been received by the superintendent 69442
and the superintendent has made a determination to disregard the 69443
conviction because the applicant has proven to the superintendent, 69444
by a preponderance of the evidence, that the applicant's 69445
activities and employment record since the conviction show that 69446
the applicant is honest, truthful, and of good reputation, and 69447
there is no basis in fact for believing that the applicant again 69448

will violate the laws involved. 69449

(C) Persons who have indicated on the application that they 69450
have not been convicted of any criminal offense, shall, if all 69451
other requirements for licensure have been satisfied, be permitted 69452
to take the real estate examination for which the applicant has 69453
applied prior to the superintendent's receipt of the results of 69454
the criminal records check. If the applicant receives a passing 69455
score on the examination and meets the other requirements for the 69456
license, the superintendent shall issue a provisional license 69457
pending the results of the criminal records check. During this 69458
provisional status, the licensee may perform acts that require a 69459
real estate license. If the results of the criminal records check 69460
subsequently confirm that the licensee has no convictions, the 69461
provisional status shall be removed. If it is determined that the 69462
licensee has been convicted of any criminal offense, the 69463
superintendent may immediately suspend the license of the 69464
licensee. 69465

(D) Any entity offering the prelicensure education required 69466
to obtain a real estate license in this state shall, prior to a 69467
student's enrollment in a class, notify the student of both of the 69468
following: 69469

(1) That a conviction of a criminal offense may disqualify an 69470
individual from obtaining a real estate license; 69471

(2) The student's rights under section 9.78 of the Revised 69472
Code to request a determination as to whether such a conviction 69473
will disqualify the student. 69474

Sec. 4735.15. (A) The nonrefundable fees for reactivation or 69475
transfer of a license shall be as follows: 69476

(1) Reactivation or transfer of a broker's license into or 69477
out of a partnership, association, limited liability company, 69478

limited liability partnership, or corporation or from one 69479
partnership, association, limited liability company, limited 69480
liability partnership, or corporation to another partnership, 69481
association, limited liability company, limited liability 69482
partnership, or corporation, thirty-four dollars. An application 69483
for such transfer shall be made to the superintendent of real 69484
estate on forms provided by the superintendent. 69485

(2) Reactivation or transfer of a license by a real estate 69486
salesperson, thirty-four dollars. 69487

(B) Except as may otherwise be specified pursuant to division 69488
(F) of this section or any rules adopted by the Ohio real estate 69489
commission pursuant to division (A)(2)(b) of section 4735.10 of 69490
the Revised Code, the nonrefundable fees are as follows for each 69491
licensing period: 69492

(1) Branch office license, twenty dollars; 69493

(2) Renewal of a three-year real estate broker's license, two 69494
hundred forty-three dollars. If the licensee is a partnership, 69495
association, limited liability company, limited liability 69496
partnership, or corporation, the full broker's renewal fee shall 69497
be required for each member of such partnership, association, 69498
limited liability company, limited liability partnership, or 69499
corporation that is a real estate broker. If the real estate 69500
broker has not less than eleven nor more than twenty real estate 69501
salespersons associated with the broker, an additional fee of 69502
sixty-four dollars shall be assessed to the brokerage. For every 69503
additional ten real estate salespersons or fraction of that 69504
number, the brokerage assessment fee shall be increased in the 69505
amount of thirty-seven dollars. 69506

(3) Renewal of a three-year real estate salesperson's 69507
license, one hundred eighty-two dollars; 69508

(4) Renewal of a real estate broker's or salesperson's 69509

license filed within twelve months after the licensee's renewal 69510
date, an additional late filing penalty of fifty per cent of the 69511
required three-year fee; 69512

(5) Foreign real estate dealer's license and each renewal of 69513
the license, thirty dollars per salesperson employed by the 69514
dealer, but not less than two hundred three dollars; 69515

(6) Foreign real estate salesperson's license and each 69516
renewal of the license, sixty-eight dollars. 69517

(C) All fees collected under this section shall be paid to 69518
the treasurer of state. ~~One dollar of each such fee shall be~~ 69519
~~credited to the real estate education and research fund, except~~ 69520
~~that for fees that are assessed only once every three years, one~~ 69521
~~dollar and fifty cents of each triennial fee shall be credited to~~ 69522
~~the real estate education and research fund.~~ 69523

(D) In all cases, the fee and any penalty shall accompany the 69524
application for the license, license transfer, or license 69525
reactivation or shall accompany the filing of the renewal. 69526

(E) The commission may establish by rule reasonable fees for 69527
services not otherwise established by this chapter. 69528

(F) The commission may adopt rules that provide for a 69529
reduction in the fees established in divisions (B)(2) and (3) of 69530
this section. 69531

Sec. 4735.18. (A) Subject to section 4735.32 of the Revised 69532
Code, the superintendent of real estate, upon the superintendent's 69533
own motion, may investigate the conduct of any licensee. Subject 69534
to division (E) of this section and section 4735.32 of the Revised 69535
Code, the Ohio real estate commission shall impose disciplinary 69536
sanctions upon any licensee who, whether or not acting in the 69537
licensee's capacity as a real estate broker or salesperson, or in 69538
handling the licensee's own property, is found to have been 69539

convicted of a felony or a crime of moral turpitude, and may 69540
impose disciplinary sanctions upon any licensee who, in the 69541
licensee's capacity as a real estate broker or salesperson, or in 69542
handling the licensee's own property, is found guilty of: 69543

(1) Knowingly making any misrepresentation; 69544

(2) Making any false promises with intent to influence, 69545
persuade, or induce; 69546

(3) A continued course of misrepresentation or the making of 69547
false promises through agents, salespersons, advertising, or 69548
otherwise; 69549

(4) Acting for more than one party in a transaction except as 69550
permitted by and in compliance with section 4735.71 of the Revised 69551
Code; 69552

(5) Failure within a reasonable time to account for or to 69553
remit any money coming into the licensee's possession which 69554
belongs to others; 69555

(6) Dishonest or illegal dealing, gross negligence, 69556
incompetency, or misconduct; 69557

(7)(a) By final adjudication by a court, a violation of any 69558
municipal or federal civil rights law relevant to the protection 69559
of purchasers or sellers of real estate or, by final adjudication 69560
by a court, any unlawful discriminatory practice pertaining to the 69561
purchase or sale of real estate prohibited by Chapter 4112. of the 69562
Revised Code, provided that such violation arose out of a 69563
situation wherein parties were engaged in bona fide efforts to 69564
purchase, sell, or lease real estate, in the licensee's practice 69565
as a licensed real estate broker or salesperson; 69566

(b) A second or subsequent violation of any unlawful 69567
discriminatory practice pertaining to the purchase or sale of real 69568
estate prohibited by Chapter 4112. of the Revised Code or any 69569

second or subsequent violation of municipal or federal civil 69570
rights laws relevant to purchasing or selling real estate whether 69571
or not there has been a final adjudication by a court, provided 69572
that such violation arose out of a situation wherein parties were 69573
engaged in bona fide efforts to purchase, sell, or lease real 69574
estate. For any second offense under this division, the commission 69575
shall suspend for a minimum of two months or revoke the license of 69576
the broker or salesperson. For any subsequent offense, the 69577
commission shall revoke the license of the broker or salesperson. 69578

(8) Procuring a license under this chapter, for the licensee 69579
or any salesperson by fraud, misrepresentation, or deceit; 69580

(9) Having violated or failed to comply with any provision of 69581
sections 4735.51 to 4735.74 of the Revised Code or having 69582
willfully disregarded or violated any other provisions of this 69583
chapter; 69584

(10) As a real estate broker, having demanded, without 69585
reasonable cause, other than from a broker licensed under this 69586
chapter, a commission to which the licensee is not entitled, or, 69587
as a real estate salesperson, having demanded, without reasonable 69588
cause, a commission to which the licensee is not entitled; 69589

(11) Except as permitted under section 4735.20 of the Revised 69590
Code, having paid commissions or fees to, or divided commissions 69591
or fees with, anyone not licensed as a real estate broker or 69592
salesperson under this chapter or anyone not operating as an 69593
out-of-state commercial real estate broker or salesperson under 69594
section 4735.022 of the Revised Code; 69595

(12) Having falsely represented membership in any real estate 69596
professional association of which the licensee is not a member; 69597

(13) Having accepted, given, or charged any undisclosed 69598
commission, rebate, or direct profit on expenditures made for a 69599
principal; 69600

- (14) Having offered anything of value other than the consideration recited in the sales contract as an inducement to a person to enter into a contract for the purchase or sale of real estate or having offered real estate or the improvements on real estate as a prize in a lottery or scheme of chance;
- (15) Having acted in the dual capacity of real estate broker and undisclosed principal, or real estate salesperson and undisclosed principal, in any transaction;
- (16) Having guaranteed, authorized, or permitted any person to guarantee future profits which may result from the resale of real property;
- (17) Having advertised or placed a sign on any property offering it for sale or for rent without the consent of the owner or the owner's authorized agent;
- (18) Having induced any party to a contract of sale or lease to break such contract for the purpose of substituting in lieu of it a new contract with another principal;
- (19) Having negotiated the sale, exchange, or lease of any real property directly with a seller, purchaser, lessor, or tenant knowing that such seller, purchaser, lessor, or tenant is represented by another broker under a written exclusive agency agreement, exclusive right to sell or lease listing agreement, or exclusive purchaser agency agreement with respect to such property except as provided for in section 4735.75 of the Revised Code;
- (20) Having offered real property for sale or for lease without the knowledge and consent of the owner or the owner's authorized agent, or on any terms other than those authorized by the owner or the owner's authorized agent;
- (21) Having published advertising, whether printed, radio, display, or of any other nature, which was misleading or inaccurate in any material particular, or in any way having

misrepresented any properties, terms, values, policies, or 69632
services of the business conducted; 69633

(22) Having knowingly withheld from or inserted in any 69634
statement of account or invoice any statement that made it 69635
inaccurate in any material particular; 69636

(23) Having published or circulated unjustified or 69637
unwarranted threats of legal proceedings which tended to or had 69638
the effect of harassing competitors or intimidating their 69639
customers; 69640

(24) Having failed to keep complete and accurate records of 69641
all transactions for a period of three years from the date of the 69642
transaction, such records to include copies of listing forms, 69643
earnest money receipts, offers to purchase and acceptances of 69644
them, records of receipts and disbursements of all funds received 69645
by the licensee as broker and incident to the licensee's 69646
transactions as such, and records required pursuant to divisions 69647
(C)(4) and (5) of section 4735.20 of the Revised Code, and any 69648
other instruments or papers related to the performance of any of 69649
the acts set forth in the definition of a real estate broker; 69650

(25) Failure of a real estate broker or salesperson to 69651
furnish all parties involved in a real estate transaction true 69652
copies of all listings and other agreements to which they are a 69653
party, at the time each party signs them; 69654

(26) Failure to maintain at all times a special or trust bank 69655
account in a depository of a state or federally chartered 69656
institution located in this state. The account shall be 69657
noninterest-bearing, separate and distinct from any personal or 69658
other account of the broker, and, except as provided in division 69659
(A)(27) of this section, shall be used for the deposit and 69660
maintenance of all escrow funds, security deposits, and other 69661
moneys received by the broker in a fiduciary capacity. The name, 69662

account number, if any, and location of the depository wherein 69663
such special or trust account is maintained shall be submitted in 69664
writing to the superintendent. Checks drawn on such special or 69665
trust bank accounts are deemed to meet the conditions imposed by 69666
section 1349.21 of the Revised Code. Funds deposited in the trust 69667
or special account in connection with a purchase agreement shall 69668
be maintained in accordance with section 4735.24 of the Revised 69669
Code. 69670

(27) Failure to maintain at all times a special or trust bank 69671
account in a depository of a state or federally chartered 69672
institution in this state, to be used exclusively for the deposit 69673
and maintenance of all rents, security deposits, escrow funds, and 69674
other moneys received by the broker in a fiduciary capacity in the 69675
course of managing real property. This account shall be separate 69676
and distinct from any other account maintained by the broker. The 69677
name, account number, and location of the depository shall be 69678
submitted in writing to the superintendent. This account may earn 69679
interest, which shall be paid to the property owners on a pro rata 69680
basis. 69681

Division (A)(27) of this section does not apply to brokers 69682
who are not engaged in the management of real property on behalf 69683
of real property owners. 69684

(28) Having failed to put definite expiration dates in all 69685
written agency agreements to which the broker is a party; 69686

(29) Having an unsatisfied final judgment or lien in any 69687
court of record against the licensee arising out of the licensee's 69688
conduct as a licensed broker or salesperson; 69689

(30) Failing to render promptly upon demand a full and 69690
complete statement of the expenditures by the broker or 69691
salesperson of funds advanced by or on behalf of a party to a real 69692
estate transaction to the broker or salesperson for the purpose of 69693

performing duties as a licensee under this chapter in conjunction 69694
with the real estate transaction; 69695

(31) Failure within a reasonable time, after the receipt of 69696
the commission by the broker, to render an accounting to and pay a 69697
real estate salesperson the salesperson's earned share of it; 69698

(32) Performing any service for another constituting the 69699
practice of law, as determined by any court of law; 69700

(33) Having been adjudicated incompetent ~~for the purpose of~~ 69701
~~holding the license~~ by a court, as provided in section 5122.301 of 69702
the Revised Code. A license revoked or suspended under this 69703
division shall be reactivated upon proof to the commission of the 69704
removal of the disability. 69705

(34) Having authorized or permitted a person to act as an 69706
agent in the capacity of a real estate broker, or a real estate 69707
salesperson, who was not then licensed as a real estate broker or 69708
real estate salesperson under this chapter or who was not then 69709
operating as an out-of-state commercial real estate broker or 69710
salesperson under section 4735.022 of the Revised Code; 69711

(35) Having knowingly inserted or participated in inserting 69712
any materially inaccurate term in a document, including naming a 69713
false consideration; 69714

(36) Having failed to inform the licensee's client of the 69715
existence of an offer or counteroffer or having failed to present 69716
an offer or counteroffer in a timely manner, unless otherwise 69717
instructed by the client, provided the instruction of the client 69718
does not conflict with any state or federal law; 69719

(37) Having failed to comply with section 4735.24 of the 69720
Revised Code; 69721

(38) Having acted as a broker without authority, impeded the 69722
ability of a principal broker to perform any of the duties 69723

described in section 4735.081 of the Revised Code, or impeded the 69724
ability a management level licensee to perform the licensee's 69725
duties; 69726

(39) Entering into a right-to-list home sale agreement. 69727

(B) Whenever the commission, pursuant to section 4735.051 of 69728
the Revised Code, imposes disciplinary sanctions for any violation 69729
of this section, the commission also may impose such sanctions 69730
upon the broker with whom the salesperson is affiliated if the 69731
commission finds that the broker had knowledge of the 69732
salesperson's actions that violated this section. 69733

(C) The commission shall, pursuant to section 4735.051 of the 69734
Revised Code, impose disciplinary sanctions upon any foreign real 69735
estate dealer or salesperson who, in that capacity or in handling 69736
the dealer's or salesperson's own property, is found guilty of any 69737
of the acts or omissions specified or comprehended in division (A) 69738
of this section insofar as the acts or omissions pertain to 69739
foreign real estate. If the commission imposes such sanctions upon 69740
a foreign real estate salesperson for a violation of this section, 69741
the commission also may suspend or revoke the license of the 69742
foreign real estate dealer with whom the salesperson is affiliated 69743
if the commission finds that the dealer had knowledge of the 69744
salesperson's actions that violated this section. 69745

(D) The commission may suspend, in whole or in part, the 69746
imposition of the penalty of suspension of a license under this 69747
section. 69748

(E) A person licensed under this chapter who represents a 69749
party to a transaction or a proposed transaction involving the 69750
sale, purchase, exchange, lease, or management of real property 69751
that is or will be used in the cultivation, processing, 69752
dispensing, or testing of medical marijuana under Chapter 3796. of 69753
the Revised Code, or who receives, holds, or disburses funds from 69754

a real estate brokerage trust account in connection with such a 69755
transaction, shall not be subject to disciplinary sanctions under 69756
this chapter solely because the licensed person engaged in 69757
activities permitted under this chapter and related to activities 69758
under Chapter 3796. of the Revised Code. 69759

Sec. 4735.211. All fines imposed under section 4735.051 of 69760
the Revised Code, and all fees and charges collected under 69761
sections 4735.06, 4735.09, 4735.13, 4735.15, 4735.25, 4735.27, 69762
4735.28, and 4735.29 of the Revised Code, except such fees as are 69763
paid to the ~~real estate education and research fund~~ and real 69764
estate recovery fund as provided in this chapter, shall be paid 69765
into the state treasury to the credit of the division of real 69766
estate operating fund, which is hereby created. ~~All operating~~ 69767
Operating expenses of the division of real estate shall be paid 69768
from the division of real estate operating fund. 69769

The division of real estate operating fund shall be assessed 69770
a proportionate share of the administrative costs of the 69771
department of commerce in accordance with procedures prescribed by 69772
the director of commerce. Such assessments shall be paid from the 69773
division of real estate operating fund to the division of 69774
administration fund. 69775

~~If funds in the division of real estate operating fund are 69776
determined by the director of commerce to be in excess of those 69777
necessary to fund all the expenses of the division in any 69778
biennium, the director may pay the excess funds to the real estate 69779
education and research fund. 69780~~

Sec. 4738.071. (A) When a person is first issued a license 69781
under this chapter, the registrar of motor vehicles shall issue a 69782
provisional license ~~shall have provisional status~~ for a period of 69783
one hundred eighty days from the date of issuance. Not later than 69784

one hundred eighty days after the date of issuance of a the 69785
provisional license, the registrar ~~of motor vehicles,~~ or an agent 69786
of the registrar, shall inspect or cause to be inspected the place 69787
of business of ~~any~~ the person who is the holder of the provisional 69788
license. ~~If~~ 69789

(B) If the person conducting the inspection determines that 69790
the provisional license holder has complied with all the 69791
requirements with which holders of licenses issued under this 69792
chapter are required to comply, ~~he~~ the person shall notify the 69793
license holder of that fact. The notification initially may be 69794
verbal, but shall be followed by a written notice. The person 69795
conducting the inspection ~~also~~ shall notify the registrar of that 69796
fact, and the registrar shall ~~send~~ issue to the provisional 69797
license holder ~~written notice informing him that his a~~ license ~~no~~ 69798
~~longer has~~ without provisional status ~~and shall remain.~~ A license 69799
without provisional status remains valid until its expiration date 69800
unless it is suspended or revoked in accordance with this chapter. 69801

(C) If the person conducting the inspection determines that 69802
the provisional license holder has not complied with all the 69803
requirements with which holders of licenses issued under this 69804
chapter are required to comply, ~~he~~ the person shall notify the 69805
provisional license holder of that fact. The notification 69806
~~initially~~ may be verbal, but shall be followed by a written 69807
notice. The person conducting the inspection ~~also~~ shall notify the 69808
registrar of ~~that fact,~~ and the noncompliance. In accordance with 69809
Chapter 119. of the Revised Code, the registrar shall send the 69810
provisional license holder written notice informing ~~him~~ the 69811
license holder that ~~his~~ the holder's license is revoked and that 69812
~~he~~ the holder may appeal the revocation to the motor vehicle 69813
salvage dealer's licensing board. Immediately upon revoking the 69814
provisional license of the license holder, the registrar shall 69815
enter a final order together with ~~his~~ the registrar's findings and 69816

certify the same to the motor vehicle salvage dealer's licensing board. 69817
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Sec. 4738.08. (A) Any person licensed under this chapter shall notify the registrar of motor vehicles concerning any change in the status of ~~his~~ the person's business during the period for which ~~he~~ the person is licensed, if the change of status concerns the following: 69819
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~~(A)~~(1) Personnel of owners, partners, officers, or directors; 69824

~~(B)~~(2) Location of office or principal place of business; 69825

(3) Contact information where the person can be reached, including a valid telephone number and electronic mail address. 69826
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(B) Notification shall be made by filing with the registrar, within fifteen days after the change of status, a supplemental statement in a form prescribed by the registrar showing in what respects the status has been changed. 69828
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Sec. 4740.16. (A) An investigator appointed by the director of commerce, on behalf of the appropriate specialty section of the Ohio construction industry licensing board may investigate any person who allegedly has violated section 4740.13 of the Revised Code. If, after an investigation pursuant to section 4740.05 of the Revised Code, the appropriate specialty section determines that reasonable evidence exists that a person has violated section 4740.13 of the Revised Code, the appropriate specialty section shall ~~send~~ serve a written notice to that person in the same manner as prescribed in ~~section~~ sections 119.05 and 119.07 of the Revised Code for licensees. 69832
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(B) The appropriate specialty section shall hold a hearing regarding the alleged violation in the same manner prescribed for an adjudication hearing under section 119.09 of the Revised Code. If the appropriate specialty section, after the hearing, 69843
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determines a violation has occurred, the appropriate specialty 69847
section, upon an affirmative vote of a majority of its members, 69848
may impose a fine on the person, not exceeding one thousand 69849
dollars per violation per day and may file a complaint against the 69850
person with the appropriate local prosecutor for criminal 69851
prosecution. The appropriate specialty section's determination is 69852
an order that the person may appeal in accordance with section 69853
119.12 of the Revised Code. 69854

(C) If the appropriate specialty section assesses a person a 69855
civil penalty for a violation of section 4740.13 of the Revised 69856
Code and the person fails to pay that civil penalty within the 69857
time period prescribed by the appropriate specialty section, the 69858
appropriate specialty section shall forward to the attorney 69859
general the name of the person and the amount of the civil penalty 69860
for the purpose of collecting that civil penalty. In addition to 69861
the civil penalty assessed pursuant to this section, the person 69862
also shall pay any fee assessed by the attorney general for 69863
collection of the civil penalty. 69864

(D) If a person fails to request a hearing within thirty days 69865
after the date the appropriate specialty section, in accordance 69866
with section 119.07 of the Revised Code, notifies the person of 69867
the section's intent to act against the person under division (A) 69868
of this section, the section, by majority vote of a quorum of the 69869
section members, may take the action against a person without 69870
holding an adjudication hearing. 69871

Sec. 4741.22. (A) The state veterinary medical licensing 69872
board may, except as provided in division (B) of this section, 69873
refuse to issue or renew a license, limited license, registration, 69874
or temporary permit to or of any applicant who, and may issue a 69875
reprimand to, suspend or revoke the license, limited license, 69876
registration, or the temporary permit of, or impose a civil 69877

penalty pursuant to this section upon any person holding a 69878
license, limited license, or temporary permit to practice 69879
veterinary medicine or any person registered as a registered 69880
veterinary technician who: 69881

(1) In the conduct of the person's practice does not conform 69882
to the rules of the board or the standards of the profession 69883
governing proper, humane, sanitary, and hygienic methods to be 69884
used in the care and treatment of animals; 69885

(2) Uses fraud, misrepresentation, or deception in any 69886
application or examination for licensure, or any other 69887
documentation created in the course of practicing veterinary 69888
medicine; 69889

(3) Is found to be physically or psychologically addicted to 69890
alcohol or an illegal or controlled substance, as defined in 69891
section 3719.01 of the Revised Code, to such a degree as to render 69892
the person unfit to practice veterinary medicine; 69893

(4) Directly or indirectly employs or lends the person's 69894
services to a solicitor for the purpose of obtaining patients; 69895

(5) Obtains a fee on the assurance that an incurable disease 69896
can be cured; 69897

(6) Advertises in a manner that violates section 4741.21 of 69898
the Revised Code; 69899

(7) Divides fees or charges or has any arrangement to share 69900
fees or charges with any other person, except on the basis of 69901
services performed; 69902

(8) Sells any biologic containing living, dead, or sensitized 69903
organisms or products of those organisms, except in a manner that 69904
the board by rule has prescribed; 69905

(9) Is convicted of or pleads guilty to any felony or crime 69906
involving illegal or prescription drugs, or fails to report to the 69907

board within sixty days of the individual's conviction of, plea of guilty to, or treatment in lieu of conviction involving a felony, misdemeanor of the first degree, or offense involving illegal or prescription drugs;

(10) Is convicted of any violation of section 959.13 of the Revised Code;

(11) Swears falsely in any affidavit required to be made by the person in the course of the practice of veterinary medicine;

(12) Fails to report promptly to the proper official any known reportable disease;

(13) Fails to report promptly vaccinations or the results of tests when required to do so by law or rule;

(14) Has been adjudicated incompetent for the purpose of holding the license or permit by a court, as provided in Chapter 2111. of the Revised Code, and has not been restored to legal capacity for that purpose;

(15) Permits a person who is not a licensed veterinarian, a veterinary student, or a registered veterinary technician to engage in work or perform duties in violation of this chapter;

(16) Is guilty of gross incompetence or gross negligence;

(17) Has had a license to practice veterinary medicine or a license, registration, or certificate to engage in activities as a registered veterinary technician revoked, suspended, or acted against by disciplinary action by an agency similar to this board of another state, territory, or country or the District of Columbia;

(18) Is or has practiced with a revoked, suspended, inactive, expired, or terminated license or registration;

(19) Represents self as a specialist unless certified as a specialist by the board;

(20) In the person's capacity as a veterinarian or registered
veterinary technician makes or files a report, health certificate,
vaccination certificate, or other document that the person knows
is false or negligently or intentionally fails to file a report or
record required by any applicable state or federal law;

(21) Fails to use reasonable care in the administration of
drugs or acceptable scientific methods in the selection of those
drugs or other modalities for treatment of a disease or in conduct
of surgery;

(22) Makes available a dangerous drug, as defined in section
4729.01 of the Revised Code, to any person other than for the
specific treatment of an animal patient;

(23) Refuses to permit a board investigator or the board's
designee to inspect the person's business premises during regular
business hours, except as provided in division (A) of section
4741.26 of the Revised Code;

(24) Violates any order of the board or fails to comply with
a subpoena of the board;

(25) Fails to maintain medical records as required by rule of
the board;

(26) Engages in cruelty to animals;

(27) Uses, prescribes, or sells any veterinary prescription
drug or biologic, or prescribes any extra-label use of any
over-the-counter drug or dangerous drug in the absence of a valid
veterinary-client-patient relationship.

(B) The board shall not refuse to issue a license, limited
license, registration, or temporary permit to an applicant because
of a conviction of or plea of guilty to an offense unless the
refusal is in accordance with section 9.79 of the Revised Code.

(C) Except as provided in division ~~(D)~~(F) of this section,

before the board may revoke, deny, refuse to renew, or suspend a 69968
license, registration, or temporary permit or otherwise discipline 69969
the holder of a license, registration, or temporary permit, the 69970
executive director shall file written charges with the board. The 69971
board shall conduct a hearing on the charges as provided in 69972
Chapter 119. of the Revised Code. 69973

(D)(1) Except as otherwise provided in division (D)(2) of 69974
this section, if the board, after a hearing conducted pursuant to 69975
Chapter 119. of the Revised Code, revokes, refuses to renew, or 69976
suspends a license, registration, or temporary permit for a 69977
violation of this section, section 4741.23, division (C) or (D) of 69978
section 4741.19, or division (B), (C), or (D) of section 4741.21 69979
of the Revised Code, the board may impose a civil penalty upon the 69980
holder of the license, permit, or registration of not less than 69981
one hundred dollars or more than one thousand dollars. 69982

(2) Except as provided in division (D) of this section, the 69983
board shall impose a civil penalty for a violation of division 69984
(B)(1) of section 959.07 or division (C) of section 959.09 of the 69985
Revised Code by a licensed veterinarian as follows: 69986

(a) One hundred dollars for a second violation of division 69987
(B)(1) of section 959.07 of the Revised Code or a first violation 69988
of division (C) of section 959.09 of the Revised Code; 69989

(b) Five hundred dollars for any subsequent violation of 69990
division (B)(1) of section 959.07 or division (C) of section 69991
959.09 of the Revised Code. 69992

(3) In addition to the civil penalty and any other penalties 69993
imposed pursuant to this chapter, the board may assess any holder 69994
of a license, permit, or registration the costs of the hearing 69995
conducted under this section if the board determines that the 69996
holder has violated any provision for which the board may impose a 69997
civil penalty under this section. 69998

(E) For a first violation of division (B)(1) of section 69999
959.07 of the Revised Code by a licensed veterinarian, the board 70000
shall issue a confidential written warning to the licensed 70001
veterinarian and shall not take any other disciplinary action 70002
under this section. The board shall include in the warning an 70003
explanation of the violation and the reporting requirement 70004
specified under section 959.07 of the Revised Code. 70005

(F) The executive director may recommend that the board 70006
suspend an individual's certificate of license without a prior 70007
hearing if the executive director determines both of the 70008
following: 70009

(1) There is clear and convincing evidence that division 70010
(A)(3), (9), (14), (22), or (26) of this section applies to the 70011
individual. 70012

(2) The individual's continued practice presents a danger of 70013
immediate and serious harm to the public. 70014

The executive director shall prepare written allegations for 70015
consideration by the board. The board, upon review of those 70016
allegations and by an affirmative vote of not fewer than four of 70017
its members, may suspend the certificate without a prior hearing. 70018
A telephone conference call may be utilized for reviewing the 70019
allegations and taking the vote on the suspension. 70020

The board shall ~~issue~~ serve a written order of suspension ~~by~~ 70021
~~certified mail or in person~~ in accordance with ~~section~~ sections 70022
119.05 and 119.07 of the Revised Code. If the individual subject 70023
to the suspension requests an adjudicatory hearing by the board, 70024
the date set for the hearing shall be not later than fifteen days, 70025
but not earlier than seven days after the individual requests the 70026
hearing unless otherwise agreed to by both the board and the 70027
individual. 70028

A suspension imposed under this division shall remain in 70029

effect, unless reversed on appeal, until a final adjudicative order issued by the board under this section and Chapter 119. of the Revised Code becomes effective. The board shall issue its final adjudicative order not later than ninety days after completion of its hearing. Failure to issue the order within ninety days results in dissolution of the suspension order, but does not invalidate any subsequent, final adjudicative order.

~~(F)~~(G) A license or registration issued to an individual under this chapter is automatically suspended upon that individual's conviction of or plea of guilty to or upon a judicial finding with regard to any of the following: aggravated murder, murder, voluntary manslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary. The suspension shall remain in effect from the date of the conviction, plea, or finding until an adjudication is held under Chapter 119. of the Revised Code. If the board has knowledge that an automatic suspension has occurred, it shall notify the individual subject to the suspension. If the individual is notified and either fails to request an adjudication within the time periods established by Chapter 119. of the Revised Code or fails to participate in the adjudication, the board shall enter a final order permanently revoking the individual's license or registration.

Sec. 4743.05. (A) Except as otherwise provided in sections 4701.20, 4723.062, 4723.082, 4729.65, 4781.121, and 4781.28 of the Revised Code, all money collected under Chapters 3773., 4701., 4703., 4709., 4713., 4715., 4717., 4723., 4725., 4729., 4732., 4733., 4734., 4736., 4741., 4744., 4747., 4753., 4755., 4757., 4758., 4771., 4775., 4779., ~~and 4781., and 4789.~~ of the Revised Code shall be paid into the state treasury to the credit of the occupational licensing and regulatory fund, which is hereby created for use in administering such chapters.

(B) At the end of each quarter, the director of budget and management shall transfer from the occupational licensing and regulatory fund to the nurse education assistance fund created in section 3333.28 of the Revised Code the amount certified to the director under division (B) of section 4723.08 of the Revised Code.

(C) At the end of each quarter, the director shall transfer from the occupational licensing and regulatory fund to the certified public accountant education assistance fund created in section 4701.26 of the Revised Code the amount certified to the director under division (H)(2) of section 4701.10 of the Revised Code.

(D) On August 30, 2021, and every two years thereafter, the director shall transfer from the occupational licensing and regulatory fund to the veterinary student debt assistance fund created in section 4741.56 of the Revised Code the amount certified to the director under section 4741.57 of the Revised Code.

Sec. 4745.05. Each licensing agency shall ask each person applying for or renewing a license whether the person wishes to make a voluntary contribution to the save our sight fund established under section 3701.21 of the Revised Code. All donations collected under this section during each calendar quarter shall be forwarded to the treasurer of state, who shall deposit the donations into the save our sight fund.

Sec. 4751.02. (A) There is hereby established in the department of aging a board of executives of long-term services and supports, which board shall be composed of the following eleven members:

(1) Four members who are nursing home administrators, owners

of nursing homes, or officers of corporations owning nursing 70092
homes, and who shall have an understanding of person-centered 70093
care, and experience with a range of long-term services and 70094
supports settings; 70095

(2)(a) Three members who work in long-term services and 70096
supports settings that are not nursing homes, and who shall have 70097
an understanding of person-centered care, and experience with a 70098
range of long-term services and supports settings; 70099

(b) At least one of the members described in division 70100
(A)(2)(a) of this section shall be a home health administrator, 70101
hospice administrator, an owner of a home health agency or hospice 70102
care program, or an officer of a home health agency or hospice 70103
care program. 70104

(3) One member who is a member of the academic community; 70105

(4) One member who is a consumer of services ~~offered, or who~~ 70106
represents a consumer of services, in a long-term services and 70107
supports setting; 70108

(5) One nonvoting member who is a representative of the 70109
department of health, designated by the director of health, who is 70110
involved in the nursing home survey and certification process, who 70111
shall serve in an advisory capacity only; 70112

(6) One nonvoting member who is a representative of the 70113
office of the state long-term care ombudsman, designated by the 70114
state long-term care ombudsman, who shall serve in an advisory 70115
capacity only. 70116

All members of the board shall be citizens of the United 70117
States and residents of this state. No member of the board who is 70118
appointed under divisions (A)(3) to (6) of this section may have 70119
or acquire any direct financial interest in a nursing home or 70120
long-term services and supports settings. 70121

(B) The term of office for each appointed member of the board shall be for three years, commencing on the twenty-eighth day of May and ending on the twenty-seventh day of May. Each member shall serve from the date of appointment until the end of the term for which appointed. No member shall serve more than two consecutive full terms.

(C) Appointments to the board shall be made by the governor. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of such term. Any appointed member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office, or until a period of sixty days has elapsed, whichever occurs first.

(D) The governor may remove any member of the board for misconduct, incapacity, incompetence, or neglect of duty after the member so charged has been served with a written statement of charges and has been given an opportunity to be heard.

(E) Each member of the board, except the member designated by the director of health and the member designated by the ombudsman, shall be paid in accordance with section 124.15 of the Revised Code and each member shall be reimbursed for the member's actual and necessary expenses incurred in the discharge of such duties.

(F) The board shall elect annually from its membership a chairperson and a vice-chairperson.

(G) The board shall hold and conduct meetings quarterly and at such other times as its business requires. A majority of the voting members of the board shall constitute a quorum. The affirmative vote of a majority of the voting members of the board is necessary for the board to act.

(H) The board shall appoint a secretary who has no financial

interest in a long-term services and supports setting, and may 70153
employ and prescribe the powers and duties of such employees and 70154
consultants as are necessary to carry out this chapter and the 70155
rules adopted under it. 70156

Sec. 4751.30. (A) Any person may submit to the board of 70157
executives of long-term services and supports a complaint that the 70158
person reasonably believes that another person has violated, or 70159
failed to comply with a requirement of, this chapter or a rule 70160
adopted under section 4751.04 of the Revised Code. All of the 70161
following apply to complaints submitted to the board under this 70162
section: 70163

(1) They are Complaints and all information and documentation 70164
related to an investigation conducted by the board pursuant to a 70165
complaint, are confidential and not subject to discovery in any 70166
civil action, except that the confidential information may be used 70167
by the board in any hearing it conducts pursuant to Chapter 119. 70168
of the Revised Code. 70169

(2) They Complaints are not public records for purposes of 70170
section 149.43 of the Revised Code. 70171

(3) They Complaints are not subject to inspection or copying 70172
under section 1347.08 of the Revised Code. 70173

(B) Except as provided in division (D) of section 4751.31 of 70174
the Revised Code, the board shall protect the confidentiality of 70175
each person who submits a complaint to the board under this 70176
section. Any entity that receives confidential information shall 70177
maintain the confidentiality of the information in the same manner 70178
as the board, notwithstanding any conflicting provision of the 70179
Revised Code or procedure of the entity. 70180

(C) Information that is confidential under this section may 70181
be admitted in a judicial proceeding only in accordance with the 70182

Rules of Evidence of the court. The court shall require that 70183
appropriate measures are taken to ensure that confidentiality is 70184
maintained with respect to any part of the information that 70185
contains names or other identifying information about patients or 70186
a person who submitted a complaint to the board under this 70187
section. The court shall take measures to ensure confidentiality, 70188
which may include sealing records or redacting or deleting 70189
specific information from records. 70190

Sec. 4755.11. (A) In accordance with Chapter 119. of the 70191
Revised Code, the occupational therapy section of the Ohio 70192
occupational therapy, physical therapy, and athletic trainers 70193
board may suspend, revoke, or, except as provided in division (B) 70194
of this section, refuse to issue or renew an occupational 70195
therapist license or occupational therapy assistant license, or 70196
may reprimand, fine, place a license holder on probation, or 70197
require the license holder to take corrective action courses, for 70198
any of the following: 70199

(1) Conviction of an offense involving moral turpitude or a 70200
felony, regardless of the state or country in which the conviction 70201
occurred; 70202

(2) Violation of any provision of sections 4755.04 to 4755.13 70203
of the Revised Code; 70204

(3) Violation of any lawful order or rule of the occupational 70205
therapy section; 70206

(4) Obtaining or attempting to obtain a license issued by the 70207
occupational therapy section by fraud or deception, including the 70208
making of a false, fraudulent, deceptive, or misleading statement 70209
in relation to these activities; 70210

(5) Negligence, unprofessional conduct, or gross misconduct 70211
in the practice of the profession of occupational therapy; 70212

(6) Accepting commissions or rebates or other forms of remuneration for referring persons to other professionals;	70213 70214
(7) Communicating, without authorization, information received in professional confidence;	70215 70216
(8) Using controlled substances, habit forming drugs, or alcohol to an extent that it impairs the ability to perform the work of an occupational therapist or occupational therapy assistant;	70217 70218 70219 70220
(9) Practicing in an area of occupational therapy for which the individual is untrained or incompetent;	70221 70222
(10) Failing the licensing or Ohio jurisprudence examination;	70223
(11) Aiding, abetting, directing, or supervising the unlicensed practice of occupational therapy;	70224 70225
(12) Denial, revocation, suspension, or restriction of authority to practice a health care occupation, including occupational therapy, for any reason other than a failure to renew, in Ohio or another state or jurisdiction;	70226 70227 70228 70229
(13) Except as provided in division (C) of this section:	70230
(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers occupational therapy, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider;	70231 70232 70233 70234 70235 70236
(b) Advertising that the individual will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers occupational therapy, would otherwise be required to pay.	70237 70238 70239 70240 70241
(14) Working or representing oneself as an occupational	70242

therapist or occupational therapy assistant without a current and 70243
valid license issued by the occupational therapy section; 70244

(15) Engaging in a deceptive trade practice, as defined in 70245
section 4165.02 of the Revised Code; 70246

(16) Violation of the standards of ethical conduct in the 70247
practice of occupational therapy as identified by the occupational 70248
therapy section; 70249

(17) A departure from, or the failure to conform to, minimal 70250
standards of care required of licensees, whether or not actual 70251
injury to a patient is established; 70252

(18) An adjudication by a court that the applicant or 70253
licensee is incompetent for the purpose of holding a license and 70254
has not thereafter been restored to legal capacity for that 70255
purpose; 70256

(19)(a) Except as provided in division (A)(19)(b) of this 70257
section, failure to cooperate with an investigation conducted by 70258
the occupational therapy section, including failure to comply with 70259
a subpoena or orders issued by the section or failure to answer 70260
truthfully a question presented by the section at a deposition or 70261
in written interrogatories. 70262

(b) Failure to cooperate with an investigation does not 70263
constitute grounds for discipline under this section if a court of 70264
competent jurisdiction issues an order that either quashes a 70265
subpoena or permits the individual to withhold the testimony or 70266
evidence at issue. 70267

(20) Conviction of a misdemeanor reasonably related to the 70268
practice of occupational therapy, regardless of the state or 70269
country in which the conviction occurred; 70270

(21) Inability to practice according to acceptable and 70271
prevailing standards of care because of mental or physical 70272

illness, including physical deterioration that adversely affects	70273
cognitive, motor, or perception skills;	70274
(22) Violation of conditions, limitations, or agreements	70275
placed by the occupational therapy section on a license to	70276
practice;	70277
(23) Making a false, fraudulent, deceptive, or misleading	70278
statement in the solicitation of or advertising for patients in	70279
relation to the practice of occupational therapy;	70280
(24) Failure to complete continuing education requirements as	70281
prescribed in rules adopted by the occupational therapy section	70282
under section 4755.06 of the Revised Code;	70283
(25) Regardless of whether it is consensual, engaging in any	70284
of the following with a patient other than the spouse of the	70285
occupational therapist or occupational therapy assistant:	70286
(a) Sexual conduct, as defined in section 2907.01 of the	70287
Revised Code;	70288
(b) Sexual contact, as defined in section 2907.01 of the	70289
Revised Code;	70290
(c) Verbal behavior that is sexually demeaning to the patient	70291
or may be reasonably interpreted by the patient as sexually	70292
demeaning.	70293
(B) The occupational therapy section shall not refuse to	70294
issue a license to an applicant because of a criminal conviction	70295
unless the refusal is in accordance with section 9.79 of the	70296
Revised Code.	70297
(C) Sanctions shall not be imposed under division (A)(13) of	70298
this section against any individual who waives deductibles and	70299
copayments as follows:	70300
(1) In compliance with the health benefit plan that expressly	70301
allows such a practice. Waiver of the deductibles or copayments	70302

shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Documentation of the consent shall be made available to the section upon request.

(2) For professional services rendered to any other person licensed pursuant to sections 4755.04 to 4755.13 of the Revised Code to the extent allowed by those sections and the rules of the occupational therapy section.

(D) Except as provided in division (E) of this section, the suspension or revocation of a license under this section is not effective until either the order for suspension or revocation has been affirmed following an adjudication hearing, or the time for requesting a hearing has elapsed.

When a license is revoked under this section, application for reinstatement may not be made sooner than one year after the date of revocation. The occupational therapy section may accept or refuse an application for reinstatement and may require that the applicant pass an examination as a condition of reinstatement.

When a license holder is placed on probation under this section, the occupational therapy section's probation order shall be accompanied by a statement of the conditions under which the individual may be removed from probation and restored to unrestricted practice.

(E) On receipt of a complaint that a person who holds a license issued by the occupational therapy section has committed any of the prohibited actions listed in division (A) of this section, the section may immediately suspend the license prior to holding a hearing in accordance with Chapter 119. of the Revised Code if it determines, based on the complaint, that the licensee poses an immediate threat to the public. The section may review the allegations and vote on the suspension by telephone conference call. If the section votes to suspend a license under this

division, the section shall ~~issue~~ serve a written order of summary 70334
suspension to the licensee in accordance with ~~section~~ sections 70335
119.05 and 119.07 of the Revised Code. If the individual whose 70336
license is suspended fails to make a timely request for an 70337
adjudication under Chapter 119. of the Revised Code, the section 70338
shall enter a final order permanently revoking the individual's 70339
license. Notwithstanding section 119.12 of the Revised Code, a 70340
court of common pleas shall not grant a suspension of the 70341
section's order of summary suspension pending the determination of 70342
an appeal filed under that section. Any order of summary 70343
suspension issued under this division shall remain in effect, 70344
unless reversed on appeal, until a final adjudication order issued 70345
by the section pursuant to division (A) of this section becomes 70346
effective. The section shall issue its final adjudication order 70347
regarding an order of summary suspension issued under this 70348
division not later than ninety days after completion of its 70349
hearing. Failure to issue the order within ninety days shall 70350
result in immediate dissolution of the suspension order, but shall 70351
not invalidate any subsequent, final adjudication order. 70352

(F) If any person other than a person who holds a license 70353
issued under section 4755.08 of the Revised Code has engaged in 70354
any practice that is prohibited under sections 4755.04 to 4755.13 70355
of the Revised Code or the rules of the occupational therapy 70356
section, the section may apply to the court of common pleas of the 70357
county in which the violation occurred, for an injunction or other 70358
appropriate order restraining this conduct, and the court shall 70359
issue this order. 70360

Sec. 4755.411. The physical therapy section of the Ohio 70361
occupational therapy, physical therapy, and athletic trainers 70362
board shall adopt rules in accordance with Chapter 119. of the 70363
Revised Code pertaining to the following: 70364

(A) Fees for the verification of a license and license reinstatement, and other fees established by the section;	70365 70366
(B) Provisions for the section's government and control of its actions and business affairs;	70367 70368
(C) Minimum curricula for physical therapy education programs that prepare graduates to be licensed in this state as physical therapists and physical therapist assistants;	70369 70370 70371
(D) Eligibility criteria to take the examinations required under sections 4755.43 and 4755.431 of the Revised Code;	70372 70373
(E) The form and manner for filing applications for licensure with the section;	70374 70375
(F) For purposes of section 4755.46 of the Revised Code, all of the following:	70376 70377
(1) A schedule regarding when licenses to practice as a physical therapist and physical therapist assistant expire during a biennium;	70378 70379 70380
(2) An additional fee, not to exceed thirty-five dollars, that may be imposed if a licensee files a late application for renewal;	70381 70382 70383
(3) The conditions under which the license of a person who files a late application for renewal will be reinstated.	70384 70385
(G) The issuance, renewal, suspension, and permanent revocation of a license and the conduct of hearings;	70386 70387
(H) Appropriate ethical conduct in the practice of physical therapy;	70388 70389
(I) Requirements, including continuing education requirements, for restoring licenses that are inactive or have lapsed through failure to renew;	70390 70391 70392
(J) Conditions that may be imposed for reinstatement of a	70393

license following suspension pursuant to section 4755.47 of the Revised Code; 70394
70395

(K) For purposes of sections 4755.45 and 4755.451 of the Revised Code, both of the following: 70396
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(1) Identification of the credentialing organizations from which the section will accept education equivalency evaluations for foreign physical therapist education and foreign physical therapist assistant education. The physical therapy section shall identify only those credentialing organizations that use a course evaluation tool or form approved by the physical therapy section. 70398
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(2) Evidence, other than the evaluations described in division (K)(1) of this section, that the section will consider for purposes of evaluating whether an applicant's education is reasonably equivalent to the educational requirements that were in force for licensure in this state as a physical therapist or physical therapist assistant on the date of either of the following: 70404
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(a) The applicant's initial licensure or registration in another state or country; 70411
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(b) The applicant's completion of a physical therapist education program or physical therapist assistant education program if the country in which the education program was completed does not issue a physical therapist or physical therapist assistant license or registration. 70413
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(L) Standards of conduct for physical therapists and physical therapist assistants, including requirements for supervision, delegation, and practicing with or without referral or prescription; 70418
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(M) Appropriate display of a license; 70422

(N) Procedures for a licensee to follow in notifying the 70423

section within thirty days of a change in name or address, or 70424
both; 70425

(O) The amount and content of corrective action courses 70426
required by the board under section 4755.47 of the Revised Code. 70427

Sec. 4755.45. (A) The physical therapy section of the Ohio 70428
occupational therapy, physical therapy, and athletic trainers 70429
board shall issue to an applicant a license to practice as a 70430
physical therapist without requiring the applicant to have passed 70431
the national examination for physical therapists described in 70432
division (A) of section 4755.43 of the Revised Code within one 70433
year of filing an application described in section 4755.42 of the 70434
Revised Code if all of the following conditions are ~~true~~ met: 70435

(1) The applicant presents evidence satisfactory to the 70436
physical therapy section that the applicant received a score on 70437
the national physical therapy examination described in division 70438
(A) of section 4755.43 of the Revised Code that would have been a 70439
passing score according to the board in the year the applicant sat 70440
for the examination; 70441

(2) The applicant presents evidence satisfactory to the 70442
physical therapy section that the applicant passed the 70443
jurisprudence examination described in division (B) of section 70444
4755.43 of the Revised Code; 70445

(3) The applicant ~~holds~~ either: 70446

(a) Holds a current and valid license or registration to 70447
practice physical therapy in another state or country; 70448

(b) Completed a physical therapist education program in a 70449
country that does not issue a physical therapist license or 70450
registration. 70451

(4) Subject to division (B) of this section, the applicant 70452
can demonstrate that the applicant's education is reasonably 70453

equivalent to the educational requirements that were in force for 70454
licensure in this state on the date of either of the following: 70455

(a) The applicant's initial licensure or registration in the 70456
other state or country; 70457

(b) The applicant's completion of a physical therapist 70458
education program if the country in which the education program 70459
was completed does not issue a physical therapist license or 70460
registration. 70461

(5) The applicant pays the fee described in division (B) of 70462
section 4755.42 of the Revised Code; 70463

(6) The applicant is not in violation of any section of this 70464
chapter or rule adopted under it. 70465

~~(B) For purposes of division (A)(4) of this section, if If, 70466
after receiving the results of an education equivalency evaluation 70467
from a credentialing organization identified by the section 70468
pursuant to rules adopted under section 4755.411 of the Revised 70469
Code, the section determines that, regardless of the results of 70470
the evaluation, the applicant's education ~~is~~ does not ~~reasonably~~ 70471
~~equivalent to the educational requirements that were in force for~~ 70472
~~licensure in this state on the date of the applicant's initial~~ 70473
~~licensure or registration in another state or foreign country~~ meet 70474
the conditions of division (A)(4) of this section, the section 70475
shall send a written notice to the applicant stating that the 70476
section is denying the applicant's application and stating the 70477
specific reason why the section is denying the applicant's 70478
application. The section shall send the notice to the applicant 70479
through certified mail within thirty days after the section makes 70480
that determination. 70481~~

Sec. 4755.451. (A) The physical therapy section of the Ohio 70482
occupational therapy, physical therapy, and athletic trainers 70483

board shall issue to an applicant a license as a physical 70484
therapist assistant without requiring the applicant to have passed 70485
the national examination for physical therapist assistants 70486
described in division (A) of section 4755.431 of the Revised Code 70487
within one year of filing an application described in section 70488
4755.421 of the Revised Code if all of the following conditions 70489
are ~~true~~ met: 70490

(1) The applicant presents evidence satisfactory to the 70491
physical therapy section that the applicant received a score on 70492
the national physical therapy examination described in division 70493
(A) of section 4755.431 of the Revised Code that would have been a 70494
passing score according to the board in the year the applicant sat 70495
for the examination; 70496

(2) The applicant presents evidence satisfactory to the 70497
physical therapy section that the applicant passed the 70498
jurisprudence examination described in division (B) of section 70499
4755.431 of the Revised Code; 70500

(3) The applicant ~~holds~~ either: 70501

(a) Holds a current and valid license or registration to 70502
practice as a physical therapist assistant in another state or 70503
country; 70504

(b) Completed a physical therapist assistant education 70505
program in a country that does not issue a physical therapist 70506
assistant license or registration. 70507

(4) Subject to division (B) of this section, the applicant 70508
can demonstrate that the applicant's education is reasonably 70509
equivalent to the educational requirements that were in force for 70510
licensure in this state on the date of either of the following: 70511

(a) The applicant's initial licensure or registration in the 70512
other state or country; 70513

(b) The applicant's completion of a physical therapist assistant education program if the country in which the education program was completed does not issue a physical therapist assistant license or registration. 70514
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(5) The applicant pays the fee described in division (B) of section 4755.421 of the Revised Code; 70518
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(6) The applicant is not in violation of any section of this chapter or rule adopted under it. 70520
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~~(B) For purposes of division (A)(4) of this section, if~~ If, 70522
after receiving the results of an education equivalency evaluation 70523
from a credentialing organization identified by the section 70524
pursuant to rules adopted under section 4755.411 of the Revised 70525
Code, the section determines that, regardless of the results of 70526
the evaluation, the applicant's education ~~is~~ does not ~~reasonably~~ 70527
~~equivalent to the educational requirements that were in force for~~ 70528
~~licensure in this state on the date of the applicant's initial~~ 70529
~~licensure or registration in another state or foreign country~~ meet 70530
the conditions of division (A)(4) of this section, the section 70531
shall send a written notice to the applicant stating that the 70532
section is denying the applicant's application and stating the 70533
specific reason why the section is denying the applicant's 70534
application. The section shall send the notice to the applicant 70535
through certified mail within thirty days after the section makes 70536
the determination. 70537

Sec. 4755.47. (A) In accordance with Chapter 119. of the 70538
Revised Code, the physical therapy section of the Ohio 70539
occupational therapy, physical therapy, and athletic trainers 70540
board may, except as provided in division (B) of this section, 70541
refuse to grant a license to an applicant for an initial or 70542
renewed license as a physical therapist or physical therapist 70543
assistant or, by an affirmative vote of not less than five 70544

members, may limit, suspend, or revoke the license of a physical 70545
therapist or physical therapist assistant or reprimand, fine, 70546
place a license holder on probation, or require the license holder 70547
to take corrective action courses, on any of the following 70548
grounds: 70549

(1) Habitual indulgence in the use of controlled substances, 70550
other habit-forming drugs, or alcohol to an extent that affects 70551
the individual's professional competency; 70552

(2) Conviction of a felony or a crime involving moral 70553
turpitude, regardless of the state or country in which the 70554
conviction occurred; 70555

(3) Obtaining or attempting to obtain a license issued by the 70556
physical therapy section by fraud or deception, including the 70557
making of a false, fraudulent, deceptive, or misleading statement; 70558

(4) An adjudication by a court, as provided in section 70559
5122.301 of the Revised Code, that the applicant or licensee is 70560
incompetent for the purpose of holding the license and has not 70561
thereafter been restored to legal capacity for that purpose; 70562

(5) Subject to section 4755.471 of the Revised Code, 70563
violation of the code of ethics adopted by the physical therapy 70564
section; 70565

(6) Violating or attempting to violate, directly or 70566
indirectly, or assisting in or abetting the violation of or 70567
conspiring to violate sections 4755.40 to 4755.56 of the Revised 70568
Code or any order issued or rule adopted under those sections; 70569

(7) Failure of one or both of the examinations required under 70570
section 4755.43 or 4755.431 of the Revised Code; 70571

(8) Permitting the use of one's name or license by a person, 70572
group, or corporation when the one permitting the use is not 70573
directing the treatment given; 70574

- (9) Denial, revocation, suspension, or restriction of authority to practice a health care occupation, including physical therapy, for any reason other than a failure to renew, in Ohio or another state or jurisdiction; 70575
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- (10) Failure to maintain minimal standards of practice in the administration or handling of drugs, as defined in section 4729.01 of the Revised Code, or failure to employ acceptable scientific methods in the selection of drugs, as defined in section 4729.01 of the Revised Code, or other modalities for treatment; 70579
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- (11) Willful betrayal of a professional confidence; 70584
- (12) Making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients in relation to the practice of physical therapy; 70585
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- (13) A departure from, or the failure to conform to, minimal standards of care required of licensees when under the same or similar circumstances, whether or not actual injury to a patient is established; 70588
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- (14) Obtaining, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice; 70592
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- (15) Violation of the conditions of limitation or agreements placed by the physical therapy section on a license to practice; 70594
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- (16) Failure to renew a license in accordance with section 4755.46 of the Revised Code; 70596
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- (17) Except as provided in section 4755.471 of the Revised Code, engaging in the division of fees for referral of patients or receiving anything of value in return for a specific referral of a patient to utilize a particular service or business; 70598
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- (18) Inability to practice according to acceptable and prevailing standards of care because of mental illness or physical illness, including physical deterioration that adversely affects 70602
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cognitive, motor, or perception skills; 70605

(19) The revocation, suspension, restriction, or termination 70606
of clinical privileges by the United States department of defense 70607
or department of veterans affairs; 70608

(20) Termination or suspension from participation in the 70609
medicare or medicaid program established under Title XVIII and 70610
Title XIX, respectively, of the "Social Security Act," 49 Stat. 70611
620 (1935), 42 U.S.C. 301, as amended, for an act or acts that 70612
constitute a violation of sections 4755.40 to 4755.56 of the 70613
Revised Code; 70614

(21) Failure of a physical therapist to maintain supervision 70615
of a student, physical therapist assistant, unlicensed support 70616
personnel, other assistant personnel, or a license applicant in 70617
accordance with the requirements of sections 4755.40 to 4755.56 of 70618
the Revised Code and rules adopted under those sections; 70619

(22) Failure to complete continuing education requirements as 70620
prescribed in section 4755.51 or 4755.511 of the Revised Code or 70621
to satisfy any rules applicable to continuing education 70622
requirements that are adopted by the physical therapy section; 70623

(23) Conviction of a misdemeanor when the act that 70624
constitutes the misdemeanor occurs during the practice of physical 70625
therapy; 70626

(24)(a) Except as provided in division (A)(24)(b) of this 70627
section, failure to cooperate with an investigation conducted by 70628
the physical therapy section, including failure to comply with a 70629
subpoena or orders issued by the section or failure to answer 70630
truthfully a question presented by the section at a deposition or 70631
in written interrogatories. 70632

(b) Failure to cooperate with an investigation does not 70633
constitute grounds for discipline under this section if a court of 70634
competent jurisdiction issues an order that either quashes a 70635

subpoena or permits the individual to withhold the testimony or 70636
evidence at issue. 70637

(25) Regardless of whether it is consensual, engaging in any 70638
of the following with a patient other than the spouse of the 70639
physical therapist or physical therapist assistant: 70640

(a) Sexual conduct, as defined in section 2907.01 of the 70641
Revised Code; 70642

(b) Sexual contact, as defined in section 2907.01 of the 70643
Revised Code; 70644

(c) Verbal behavior that is sexually demeaning to the patient 70645
or may be reasonably interpreted by the patient as sexually 70646
demeaning. 70647

(26) Failure to notify the physical therapy section of a 70648
change in name, business address, or home address within thirty 70649
days after the date of change; 70650

(27) Except as provided in division (C) of this section: 70651

(a) Waiving the payment of all or any part of a deductible or 70652
copayment that a patient, pursuant to a health insurance or health 70653
care policy, contract, or plan that covers physical therapy, would 70654
otherwise be required to pay if the waiver is used as an 70655
enticement to a patient or group of patients to receive health 70656
care services from that provider; 70657

(b) Advertising that the individual will waive the payment of 70658
all or any part of a deductible or copayment that a patient, 70659
pursuant to a health insurance or health care policy, contract, or 70660
plan that covers physical therapy, would otherwise be required to 70661
pay. 70662

(28) Violation of any section of this chapter or rule adopted 70663
under it. 70664

(B) The physical therapy section shall not refuse to issue a 70665

license to an applicant because of a criminal conviction unless 70666
the refusal is in accordance with section 9.79 of the Revised 70667
Code. 70668

(C) Sanctions shall not be imposed under division (A)(27) of 70669
this section against any individual who waives deductibles and 70670
copayments as follows: 70671

(1) In compliance with the health benefit plan that expressly 70672
allows such a practice. Waiver of the deductibles or copayments 70673
shall be made only with the full knowledge and consent of the plan 70674
purchaser, payer, and third-party administrator. Documentation of 70675
the consent shall be made available to the physical therapy 70676
section upon request. 70677

(2) For professional services rendered to any other person 70678
licensed pursuant to sections 4755.40 to 4755.56 of the Revised 70679
Code to the extent allowed by those sections and the rules of the 70680
physical therapy section. 70681

(D) When a license is revoked under this section, application 70682
for reinstatement may not be made sooner than one year after the 70683
date of revocation. The physical therapy section may accept or 70684
refuse an application for reinstatement and may require that the 70685
applicant pass an examination as a condition for reinstatement. 70686

When a license holder is placed on probation under this 70687
section, the physical therapy section's order for placement on 70688
probation shall be accompanied by a statement of the conditions 70689
under which the individual may be removed from probation and 70690
restored to unrestricted practice. 70691

(E) When an application for an initial or renewed license is 70692
refused under this section, the physical therapy section shall 70693
notify the applicant in writing of the section's decision to 70694
refuse issuance of a license and the reason for its decision. 70695

(F) On receipt of a complaint that a person licensed by the 70696

physical therapy section has committed any of the actions listed 70697
in division (A) of this section, the physical therapy section may 70698
immediately suspend the license of the physical therapist or 70699
physical therapist assistant prior to holding a hearing in 70700
accordance with Chapter 119. of the Revised Code if it determines, 70701
based on the complaint, that the person poses an immediate threat 70702
to the public. The physical therapy section may review the 70703
allegations and vote on the suspension by telephone conference 70704
call. If the physical therapy section votes to suspend a license 70705
under this division, the physical therapy section shall ~~issue~~ 70706
serve a written order of summary suspension to the person in 70707
accordance with ~~section~~ sections 119.05 and 119.07 of the Revised 70708
Code. If the person fails to make a timely request for an 70709
adjudication under Chapter 119. of the Revised Code, the physical 70710
therapy section shall enter a final order permanently revoking the 70711
person's license. Notwithstanding section 119.12 of the Revised 70712
Code, a court of common pleas shall not grant a suspension of the 70713
physical therapy section's order of summary suspension pending the 70714
determination of an appeal filed under that section. Any order of 70715
summary suspension issued under this division shall remain in 70716
effect, unless reversed on appeal, until a final adjudication 70717
order issued by the physical therapy section pursuant to division 70718
(A) of this section becomes effective. The physical therapy 70719
section shall issue its final adjudication order regarding an 70720
order of summary suspension issued under this division not later 70721
than ninety days after completion of its hearing. Failure to issue 70722
the order within ninety days shall result in immediate dissolution 70723
of the suspension order, but shall not invalidate any subsequent, 70724
final adjudication order. 70725

Sec. 4755.482. (A) Except as otherwise provided in divisions 70726
(B) and (C) of this section, a person shall not teach a physical 70727
therapy theory and procedures course in physical therapy education 70728

without obtaining a license as a physical therapist from the 70729
physical therapy section of the Ohio occupational therapy, 70730
physical therapy, and athletic trainers board. 70731

(B) A person who is registered or licensed as a physical 70732
therapist under the laws of another state shall not teach a 70733
physical therapy theory and procedures course in physical therapy 70734
education for more than one year without obtaining a license as a 70735
physical therapist from the physical therapy section. 70736

(C) A person who is registered or licensed as a physical 70737
therapist under the laws of a foreign country and is not 70738
registered or licensed as a physical therapist in any state who 70739
wishes to teach a physical therapy theory and procedures course in 70740
physical therapy education in this state, or an institution that 70741
wishes the person to teach such a course at the institution, may 70742
apply to the physical therapy section to request authorization for 70743
the person to teach such a course for a period of not more than 70744
one year. Any member of the physical therapy section may approve 70745
the person's or institution's application. No person described in 70746
this division shall teach such a course for longer than one year 70747
without obtaining a license from the physical therapy section. 70748

(D) The physical therapy section may investigate any person 70749
who allegedly has violated this section. The physical therapy 70750
section has the same powers to investigate an alleged violation of 70751
this section as those powers specified in section 4755.02 of the 70752
Revised Code. If, after investigation, the physical therapy 70753
section determines that reasonable evidence exists that a person 70754
has violated this section, within seven days after that 70755
determination, the physical therapy section shall ~~send~~ serve a 70756
written notice to that person in the same manner as prescribed in 70757
~~section~~ sections 119.05 and 119.07 of the Revised Code for 70758
licensees, except that the notice shall specify that a hearing 70759

will be held and specify the date, time, and place of the hearing. 70760

The physical therapy section shall hold a hearing regarding 70761
the alleged violation in the same manner prescribed for an 70762
adjudication hearing under section 119.09 of the Revised Code. If 70763
the physical therapy section, after the hearing, determines a 70764
violation has occurred, the physical therapy section may 70765
discipline the person in the same manner as the physical therapy 70766
section disciplines licensees under section 4755.47 of the Revised 70767
Code. The physical therapy section's determination is an order 70768
that the person may appeal in accordance with section 119.12 of 70769
the Revised Code. 70770

If a person who allegedly committed a violation of this 70771
section fails to appear for a hearing, the physical therapy 70772
section may request the court of common pleas of the county where 70773
the alleged violation occurred to compel the person to appear 70774
before the physical therapy section for a hearing. If the physical 70775
therapy section assesses a person a civil penalty for a violation 70776
of this section and the person fails to pay that civil penalty 70777
within the time period prescribed by the physical therapy section, 70778
the physical therapy section shall forward to the attorney general 70779
the name of the person and the amount of the civil penalty for the 70780
purpose of collecting that civil penalty. In addition to the civil 70781
penalty assessed pursuant to this section, the person also shall 70782
pay any fee assessed by the attorney general for collection of the 70783
civil penalty. 70784

Sec. 4755.64. (A) In accordance with Chapter 119. of the 70785
Revised Code, the athletic trainers section of the Ohio 70786
occupational therapy, physical therapy, and athletic trainers 70787
board may suspend, revoke, or, except as provided in division (B) 70788
of this section, refuse to issue or renew an athletic trainers 70789
license, or reprimand, fine, or place a licensee on probation, for 70790

any of the following:	70791
(1) Conviction of a felony or offense involving moral turpitude, regardless of the state or country in which the conviction occurred;	70792 70793 70794
(2) Violation of sections 4755.61 to 4755.65 of the Revised Code or any order issued or rule adopted thereunder;	70795 70796
(3) Obtaining a license through fraud, false or misleading representation, or concealment of material facts;	70797 70798
(4) Negligence or gross misconduct in the practice of athletic training;	70799 70800
(5) Violating the standards of ethical conduct in the practice of athletic training as adopted by the athletic trainers section under section 4755.61 of the Revised Code;	70801 70802 70803
(6) Using any controlled substance or alcohol to the extent that the ability to practice athletic training at a level of competency is impaired;	70804 70805 70806
(7) Practicing in an area of athletic training for which the individual is untrained or incompetent, or practicing without the referral of a practitioner described in division (A) of section 4755.623 of the Revised Code;	70807 70808 70809 70810
(8) Employing, directing, or supervising a person in the performance of athletic training procedures who is not authorized to practice as a licensed athletic trainer under this chapter;	70811 70812 70813
(9) Misrepresenting educational attainments or the functions the individual is authorized to perform for the purpose of obtaining some benefit related to the individual's athletic training practice;	70814 70815 70816 70817
(10) Failing the licensing examination;	70818
(11) Aiding or abetting the unlicensed practice of athletic	70819

training; 70820

(12) Denial, revocation, suspension, or restriction of 70821
authority to practice a health care occupation, including athletic 70822
training, for any reason other than a failure to renew, in Ohio or 70823
another state or jurisdiction; 70824

(13) Regardless of whether it is consensual, engaging in any 70825
of the following with a patient other than the spouse of the 70826
athletic trainer: 70827

(a) Sexual conduct, as defined in section 2907.01 of the 70828
Revised Code; 70829

(b) Sexual contact, as defined in section 2907.01 of the 70830
Revised Code; 70831

(c) Verbal behavior that is sexually demeaning to the patient 70832
or may be reasonably interpreted by the patient as sexually 70833
demeaning; 70834

(14) In the case of an athletic trainer who has entered into 70835
a collaboration agreement as described in section 4755.621 of the 70836
Revised Code, failing to practice in accordance with the 70837
agreement. 70838

(B) The athletic trainers section shall not refuse to issue a 70839
license to an applicant because of a criminal conviction unless 70840
the refusal is in accordance with section 9.79 of the Revised 70841
Code. 70842

(C) If the athletic trainers section places a licensee on 70843
probation under division (A) of this section, the section's order 70844
for placement on probation shall be accompanied by a written 70845
statement of the conditions under which the person may be removed 70846
from probation and restored to unrestricted practice. 70847

(D) A licensee whose license has been revoked under division 70848
(A) of this section may apply to the athletic trainers section for 70849

reinstatement of the license one year following the date of 70850
revocation. The athletic trainers section may accept or deny the 70851
application for reinstatement and may require that the applicant 70852
pass an examination as a condition for reinstatement. 70853

(E) On receipt of a complaint that a person licensed by the 70854
athletic trainers section has committed any of the prohibited 70855
actions listed in division (A) of this section, the section may 70856
immediately suspend the license of a licensed athletic trainer 70857
prior to holding a hearing in accordance with Chapter 119. of the 70858
Revised Code if it determines, based on the complaint, that the 70859
licensee poses an immediate threat to the public. The section may 70860
review the allegations and vote on the suspension by telephone 70861
conference call. If the section votes to suspend a license under 70862
this division, the section shall ~~issue~~ serve a written order of 70863
summary suspension to the licensed athletic trainer in accordance 70864
with ~~section~~ sections 119.05 and 119.07 of the Revised Code. If 70865
the individual whose license is suspended fails to make a timely 70866
request for an adjudication under Chapter 119. of the Revised 70867
Code, the section shall enter a final order permanently revoking 70868
the individual's license. Notwithstanding section 119.12 of the 70869
Revised Code, a court of common pleas shall not grant a suspension 70870
of the section's order of summary suspension pending the 70871
determination of an appeal filed under that section. Any order of 70872
summary suspension issued under this division shall remain in 70873
effect, unless reversed on appeal, until a final adjudication 70874
order issued by the section pursuant to division (A) of this 70875
section becomes effective. The section shall issue its final 70876
adjudication order regarding an order of summary suspension issued 70877
under this division not later than ninety days after completion of 70878
its hearing. Failure to issue the order within ninety days shall 70879
result in immediate dissolution of the suspension order, but shall 70880
not invalidate any subsequent, final adjudication order. 70881

Sec. 4757.03. (A) There is hereby created the counselor, 70882
social worker, and marriage and family therapist board, consisting 70883
of fifteen members. The governor shall appoint the members with 70884
the advice and consent of the senate. 70885

(1) Four members shall be individuals licensed under this 70886
chapter as licensed professional clinical counselors or licensed 70887
professional counselors. At all times, the counselor membership 70888
shall include at least one individual who has received a doctoral 70889
degree in counseling from an accredited educational institution 70890
recognized by the board and holds a graduate level teaching 70891
position in a counselor education program. 70892

(2) Four members shall be individuals licensed under this 70893
chapter as independent marriage and family therapists or marriage 70894
and family therapists. At all times, the marriage and family 70895
therapist membership shall include one educator who holds a 70896
teaching position in a master's degree marriage and family therapy 70897
program at an accredited educational institution recognized by the 70898
board. 70899

(3) ~~Two~~ Four members shall be individuals licensed under this 70900
chapter as independent social workers. ~~Two members~~ or social 70901
workers, provided that at least one member, at the time the member 70902
is appointed to the board, shall be individuals licensed under 70903
this chapter as a social workers, at least one of whom must hold a 70904
bachelor's or master's degree in social work from an accredited 70905
educational institution recognized by the board worker. At all 70906
times, ~~the social worker membership~~ at least one of the members 70907
appointed under this division shall include ~~one~~ an educator who 70908
holds a teaching position in a baccalaureate or master's degree 70909
social work program at an accredited educational institution 70910
recognized by the board. 70911

(4) Three members shall be representatives of the general 70912

public who have not practiced professional counseling, marriage and family therapy, or social work and have not been involved in the delivery of professional counseling, marriage and family therapy, or social work services. At least one of the members representing the general public shall be at least sixty years of age. During their terms the public members shall not practice professional counseling, marriage and family therapy, or social work or be involved in the delivery of professional counseling, marriage and family therapy, or social work services.

(B) Both of the following apply to each member specified in divisions (A)(1), (2), and (3) of this section:

(1) During the five years preceding appointment to the board, the member shall have actively engaged in the practice of the member's profession. A member holding a teaching position shall have actively engaged in the practice of the member's profession by conducting research in the member's profession or by educating and training master's, doctoral, or postdoctoral students in the member's profession, as applicable.

(2) During the two years immediately preceding appointment, the member shall have devoted the majority of their professional time to the activity described in division (B)(1) of this section while residing in this state.

(C) At least three members, one from each of the board's professional standards committees, during the five years preceding appointment, shall have practiced at a public agency or at an organization that is certified or licensed by the department of developmental disabilities, the department of alcohol and drug addiction services, the department of job and family services, or the department of mental health.

(D) Not more than eight members of the board may be members of the same political party ~~or sex~~.

(E) At least one member of the board shall be of African, 70944
Native American, Hispanic, or Asian descent. 70945

(F) Terms of office shall be three years, each term ending on 70946
the same day of the same month of the year as did the term that it 70947
succeeds. As a result of the dates of initial appointment, the 70948
number of terms expiring each year are four, five, or six. 70949

(G) A member shall hold office from the date of appointment 70950
until the end of the term for which the member was appointed. A 70951
member appointed to fill a vacancy occurring prior to the 70952
expiration of the term for which the member's predecessor was 70953
appointed shall hold office for the remainder of that term. A 70954
member shall continue in office after the expiration date of the 70955
member's term until a successor takes office. Members may be 70956
reappointed, except that if a person has held office for two 70957
consecutive full terms, the person shall not be reappointed to the 70958
board sooner than one year after the expiration of the second full 70959
term as a member of the board. 70960

Sec. 4757.361. (A) As used in this section, with regard to 70961
offenses committed in Ohio, "aggravated murder," "murder," 70962
"voluntary manslaughter," "felonious assault," "kidnapping," 70963
"rape," "sexual battery," "gross sexual imposition," "aggravated 70964
arson," "aggravated robbery," and "aggravated burglary" mean such 70965
offenses as defined in Title XXIX of the Revised Code; with regard 70966
to offenses committed in other jurisdictions, the terms mean 70967
offenses comparable to offenses defined in Title XXIX of the 70968
Revised Code. 70969

(B) When there is clear and convincing evidence that 70970
continued practice by an individual licensed under this chapter 70971
presents a danger of immediate and serious harm to the public, as 70972
determined on consideration of the evidence by the professional 70973
standards committees of the counselor, social worker, and marriage 70974

and family therapist board, the appropriate committee shall impose 70975
on the individual a summary suspension without a hearing. 70976

Immediately following the decision to impose a summary 70977
suspension, the appropriate committee shall ~~issue~~ serve a written 70978
order of suspension ~~and cause it to be delivered by certified mail~~ 70979
~~or in person~~ in accordance with ~~section~~ sections 119.05 and 119.07 70980
of the Revised Code. The order shall not be subject to suspension 70981
by the court during the pendency of any appeal filed under section 70982
119.12 of the Revised Code. If the individual subject to the 70983
suspension requests an adjudication, the date set for the 70984
adjudication shall be within fifteen days but not earlier than 70985
seven days after the individual makes the request, unless another 70986
date is agreed to by both the individual and the committee 70987
imposing the suspension. The summary suspension shall remain in 70988
effect, unless reversed by the committee, until a final 70989
adjudication order issued by the committee pursuant to this 70990
section and Chapter 119. of the Revised Code becomes effective. 70991

The committee shall issue its final adjudication order within 70992
ninety days after completion of the adjudication. If the committee 70993
does not issue a final order within the ninety-day period, the 70994
summary suspension shall be void, but any final adjudication order 70995
issued subsequent to the ninety-day period shall not be affected. 70996

(C) The license issued to an individual under this chapter is 70997
automatically suspended on that individual's conviction of, plea 70998
of guilty to, or judicial finding with regard to any of the 70999
following: aggravated murder, murder, voluntary manslaughter, 71000
felonious assault, kidnapping, rape, sexual battery, gross sexual 71001
imposition, aggravated arson, aggravated robbery, or aggravated 71002
burglary. The suspension shall remain in effect from the date of 71003
the conviction, plea, or finding until an adjudication is held 71004
under Chapter 119. of the Revised Code. If the appropriate 71005
committee has knowledge that an automatic suspension has occurred, 71006

it shall notify the individual subject to the suspension. If the 71007
individual is notified and either fails to request an adjudication 71008
within the time periods established by Chapter 119. of the Revised 71009
Code or fails to participate in the adjudication, the committee 71010
shall enter a final order permanently revoking the person's 71011
license or certificate. 71012

Sec. 4759.07. (A) The state medical board, by an affirmative 71013
vote of not fewer than six members, shall, except as provided in 71014
division (B) of this section, and to the extent permitted by law, 71015
limit, revoke, or suspend an individual's license or limited 71016
permit, refuse to issue a license or limited permit to an 71017
individual, refuse to renew a license or limited permit, refuse to 71018
reinstate a license or limited permit, or reprimand or place on 71019
probation the holder of a license or limited permit for one or 71020
more of the following reasons: 71021

(1) Except when civil penalties are imposed under section 71022
4759.071 of the Revised Code, violating or attempting to violate, 71023
directly or indirectly, or assisting in or abetting the violation 71024
of, or conspiring to violate, any provision of this chapter or the 71025
rules adopted by the board; 71026

(2) Making a false, fraudulent, deceptive, or misleading 71027
statement in the solicitation of or advertising for patients; in 71028
relation to the practice of dietetics; or in securing or 71029
attempting to secure any license or permit issued by the board 71030
under this chapter. 71031

As used in division (A)(2) of this section, "false, 71032
fraudulent, deceptive, or misleading statement" means a statement 71033
that includes a misrepresentation of fact, is likely to mislead or 71034
deceive because of a failure to disclose material facts, is 71035
intended or is likely to create false or unjustified expectations 71036
of favorable results, or includes representations or implications 71037

that in reasonable probability will cause an ordinarily prudent 71038
person to misunderstand or be deceived. 71039

(3) Committing fraud during the administration of the 71040
examination for a license to practice or committing fraud, 71041
misrepresentation, or deception in applying for, renewing, or 71042
securing any license or permit issued by the board; 71043

(4) A plea of guilty to, a judicial finding of guilt of, or a 71044
judicial finding of eligibility for intervention in lieu of 71045
conviction for, a felony; 71046

(5) Commission of an act that constitutes a felony in this 71047
state, regardless of the jurisdiction in which the act was 71048
committed; 71049

(6) A plea of guilty to, a judicial finding of guilt of, or a 71050
judicial finding of eligibility for intervention in lieu of 71051
conviction for, a misdemeanor committed in the course of practice; 71052

(7) Commission of an act in the course of practice that 71053
constitutes a misdemeanor in this state, regardless of the 71054
jurisdiction in which the act was committed; 71055

(8) A plea of guilty to, a judicial finding of guilt of, or a 71056
judicial finding of eligibility for intervention in lieu of 71057
conviction for, a misdemeanor involving moral turpitude; 71058

(9) Commission of an act involving moral turpitude that 71059
constitutes a misdemeanor in this state, regardless of the 71060
jurisdiction in which the act was committed; 71061

(10) A record of engaging in incompetent or negligent conduct 71062
in the practice of dietetics; 71063

(11) A departure from, or failure to conform to, minimal 71064
standards of care of similar practitioners under the same or 71065
similar circumstances, whether or not actual injury to a patient 71066
is established; 71067

- (12) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice; 71068
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- (13) Violation of the conditions of limitation placed by the board on a license or permit; 71071
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- (14) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, physical deterioration that adversely affects cognitive, motor, or perceptive skills; 71073
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- (15) Any of the following actions taken by an agency responsible for authorizing, certifying, or regulating an individual to practice a health care occupation or provide health care services in this state or another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand; 71077
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- (16) The revocation, suspension, restriction, reduction, or termination of practice privileges by the United States department of defense or department of veterans affairs; 71086
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- (17) Termination or suspension from participation in the medicare or medicaid programs by the department of health and human services or other responsible agency for any act or acts that also would constitute a violation of division (A)(11), (12), or (14) of this section; 71089
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- (18) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice; 71094
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- (19) Failure to cooperate in an investigation conducted by 71098

the board under division (B) of section 4759.05 of the Revised Code, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board in an investigative interview, an investigative office conference, at a deposition, or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue;

(20) Representing with the purpose of obtaining compensation or other advantage as personal gain or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured.

(B) The board shall not refuse to issue a license or limited permit to an applicant because of a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for an offense unless the refusal is in accordance with section 9.79 of the Revised Code.

(C) Any action taken by the board under division (A) of this section resulting in a suspension from practice shall be accompanied by a written statement of the conditions under which the individual's license or permit may be reinstated. The board shall adopt rules governing conditions to be imposed for reinstatement. Reinstatement of a license or permit suspended pursuant to division (A) of this section requires an affirmative vote of not fewer than six members of the board.

(D) When the board refuses to grant or issue a license or permit to an applicant, revokes an individual's license or permit, refuses to renew an individual's license or permit, or refuses to reinstate an individual's license or permit, the board may specify that its action is permanent. An individual subject to a permanent

action taken by the board is forever thereafter ineligible to hold 71131
a license or permit and the board shall not accept an application 71132
for reinstatement of the license or permit or for issuance of a 71133
new license or permit. 71134

(E) Disciplinary actions taken by the board under division 71135
(A) of this section shall be taken pursuant to an adjudication 71136
under Chapter 119. of the Revised Code, except that in lieu of an 71137
adjudication, the board may enter into a consent agreement with an 71138
individual to resolve an allegation of a violation of this chapter 71139
or any rule adopted under it. A consent agreement, when ratified 71140
by an affirmative vote of not fewer than six members of the board, 71141
shall constitute the findings and order of the board with respect 71142
to the matter addressed in the agreement. If the board refuses to 71143
ratify a consent agreement, the admissions and findings contained 71144
in the consent agreement shall be of no force or effect. 71145

A telephone conference call may be utilized for ratification 71146
of a consent agreement that revokes or suspends an individual's 71147
license or permit. The telephone conference call shall be 71148
considered a special meeting under division (F) of section 121.22 71149
of the Revised Code. 71150

(F) In enforcing division (A)(14) of this section, the board, 71151
upon a showing of a possible violation, may compel any individual 71152
authorized to practice by this chapter or who has submitted an 71153
application pursuant to this chapter to submit to a mental 71154
examination, physical examination, including an HIV test, or both 71155
a mental and a physical examination. The expense of the 71156
examination is the responsibility of the individual compelled to 71157
be examined. Failure to submit to a mental or physical examination 71158
or consent to an HIV test ordered by the board constitutes an 71159
admission of the allegations against the individual unless the 71160
failure is due to circumstances beyond the individual's control, 71161
and a default and final order may be entered without the taking of 71162

testimony or presentation of evidence. If the board finds an individual unable to practice because of the reasons set forth in division (A)(14) of this section, the board shall require the individual to submit to care, counseling, or treatment by physicians approved or designated by the board, as a condition for initial, continued, reinstated, or renewed authority to practice. An individual affected under this division shall be afforded an opportunity to demonstrate to the board the ability to resume practice in compliance with acceptable and prevailing standards under the provisions of the individual's license or permit. For the purpose of division (A)(14) of this section, any individual who applies for or receives a license or permit under this chapter accepts the privilege of practicing in this state and, by so doing, shall be deemed to have given consent to submit to a mental or physical examination when directed to do so in writing by the board, and to have waived all objections to the admissibility of testimony or examination reports that constitute a privileged communication.

(G) For the purposes of division (A)(18) of this section, any individual authorized to practice by this chapter accepts the privilege of practicing in this state subject to supervision by the board. By filing an application for or holding a license or permit under this chapter, an individual shall be deemed to have given consent to submit to a mental or physical examination when ordered to do so by the board in writing, and to have waived all objections to the admissibility of testimony or examination reports that constitute privileged communications.

If it has reason to believe that any individual authorized to practice by this chapter or any applicant for a license or permit suffers such impairment, the board may compel the individual to submit to a mental or physical examination, or both. The expense of the examination is the responsibility of the individual

compelled to be examined. Any mental or physical examination 71195
required under this division shall be undertaken by a treatment 71196
provider or physician who is qualified to conduct the examination 71197
and who is chosen by the board. 71198

Failure to submit to a mental or physical examination ordered 71199
by the board constitutes an admission of the allegations against 71200
the individual unless the failure is due to circumstances beyond 71201
the individual's control, and a default and final order may be 71202
entered without the taking of testimony or presentation of 71203
evidence. If the board determines that the individual's ability to 71204
practice is impaired, the board shall suspend the individual's 71205
license or permit or deny the individual's application and shall 71206
require the individual, as a condition for an initial, continued, 71207
reinstated, or renewed license or permit, to submit to treatment. 71208

Before being eligible to apply for reinstatement of a license 71209
or permit suspended under this division, the impaired practitioner 71210
shall demonstrate to the board the ability to resume practice in 71211
compliance with acceptable and prevailing standards of care under 71212
the provisions of the practitioner's license or permit. The 71213
demonstration shall include, but shall not be limited to, the 71214
following: 71215

(1) Certification from a treatment provider approved under 71216
section 4731.25 of the Revised Code that the individual has 71217
successfully completed any required inpatient treatment; 71218

(2) Evidence of continuing full compliance with an aftercare 71219
contract or consent agreement; 71220

(3) Two written reports indicating that the individual's 71221
ability to practice has been assessed and that the individual has 71222
been found capable of practicing according to acceptable and 71223
prevailing standards of care. The reports shall be made by 71224
individuals or providers approved by the board for making the 71225

assessments and shall describe the basis for their determination. 71226

The board may reinstate a license or permit suspended under 71227
this division after that demonstration and after the individual 71228
has entered into a written consent agreement. 71229

When the impaired practitioner resumes practice, the board 71230
shall require continued monitoring of the individual. The 71231
monitoring shall include, but not be limited to, compliance with 71232
the written consent agreement entered into before reinstatement or 71233
with conditions imposed by board order after a hearing, and, upon 71234
termination of the consent agreement, submission to the board for 71235
at least two years of annual written progress reports made under 71236
penalty of perjury stating whether the individual has maintained 71237
sobriety. 71238

(H) If the secretary and supervising member determine both of 71239
the following, they may recommend that the board suspend an 71240
individual's license or permit without a prior hearing: 71241

(1) That there is clear and convincing evidence that an 71242
individual has violated division (A) of this section; 71243

(2) That the individual's continued practice presents a 71244
danger of immediate and serious harm to the public. 71245

Written allegations shall be prepared for consideration by 71246
the board. The board, upon review of those allegations and by an 71247
affirmative vote of not fewer than six of its members, excluding 71248
the secretary and supervising member, may suspend a license or 71249
permit without a prior hearing. A telephone conference call may be 71250
utilized for reviewing the allegations and taking the vote on the 71251
summary suspension. 71252

The board shall ~~issue~~ serve a written order of suspension ~~by~~ 71253
~~certified mail or in person~~ in accordance with ~~section~~ sections 71254
119.05 and 119.07 of the Revised Code. The order shall not be 71255
subject to suspension by the court during pendency of any appeal 71256

filed under section 119.12 of the Revised Code. If the individual 71257
subject to the summary suspension requests an adjudicatory hearing 71258
by the board, the date set for the hearing shall be within fifteen 71259
days, but not earlier than seven days, after the individual 71260
requests the hearing, unless otherwise agreed to by both the board 71261
and the individual. 71262

Any summary suspension imposed under this division shall 71263
remain in effect, unless reversed on appeal, until a final 71264
adjudicative order issued by the board pursuant to this section 71265
and Chapter 119. of the Revised Code becomes effective. The board 71266
shall issue its final adjudicative order within seventy-five days 71267
after completion of its hearing. A failure to issue the order 71268
within seventy-five days shall result in dissolution of the 71269
summary suspension order but shall not invalidate any subsequent, 71270
final adjudicative order. 71271

(I) If the board is required by Chapter 119. of the Revised 71272
Code to give notice of an opportunity for a hearing and if the 71273
individual subject to the notice does not timely request a hearing 71274
in accordance with section 119.07 of the Revised Code, the board 71275
is not required to hold a hearing, but may adopt, by an 71276
affirmative vote of not fewer than six of its members, a final 71277
order that contains the board's findings. In the final order, the 71278
board may order any of the sanctions identified under division (A) 71279
of this section. 71280

(J) For purposes of divisions (A)(5), (7), and (9) of this 71281
section, the commission of the act may be established by a finding 71282
by the board, pursuant to an adjudication under Chapter 119. of 71283
the Revised Code, that the individual committed the act. The board 71284
does not have jurisdiction under those divisions if the trial 71285
court renders a final judgment in the individual's favor and that 71286
judgment is based upon an adjudication on the merits. The board 71287
has jurisdiction under those divisions if the trial court issues 71288

an order of dismissal upon technical or procedural grounds. 71289

(K) The sealing or expungement of conviction records by any 71290
court shall have no effect upon a prior board order entered under 71291
this section or upon the board's jurisdiction to take action under 71292
this section if, based upon a plea of guilty, a judicial finding 71293
of guilt, or a judicial finding of eligibility for intervention in 71294
lieu of conviction, the board issued a notice of opportunity for a 71295
hearing prior to the court's order to seal or expunge the records. 71296
The board shall not be required to seal, destroy, redact, or 71297
otherwise modify its records to reflect the court's sealing or 71298
expungement of conviction records. 71299

(L) If the board takes action under division (A)(4), (6), or 71300
(8) of this section, and the judicial finding of guilt, guilty 71301
plea, or judicial finding of eligibility for intervention in lieu 71302
of conviction is overturned on appeal, upon exhaustion of the 71303
criminal appeal, a petition for reconsideration of the order may 71304
be filed with the board along with appropriate court documents. 71305
Upon receipt of a petition for reconsideration and supporting 71306
court documents, the board shall reinstate the individual's 71307
license or permit. The board may then hold an adjudication under 71308
Chapter 119. of the Revised Code to determine whether the 71309
individual committed the act in question. Notice of an opportunity 71310
for a hearing shall be given in accordance with Chapter 119. of 71311
the Revised Code. If the board finds, pursuant to an adjudication 71312
held under this division, that the individual committed the act or 71313
if no hearing is requested, the board may order any of the 71314
sanctions identified under division (A) of this section. 71315

(M) The license or permit issued to an individual under this 71316
chapter and the individual's practice in this state are 71317
automatically suspended as of the date the individual pleads 71318
guilty to, is found by a judge or jury to be guilty of, or is 71319
subject to a judicial finding of eligibility for intervention in 71320

lieu of conviction in this state or treatment or intervention in 71321
lieu of conviction in another jurisdiction for any of the 71322
following criminal offenses in this state or a substantially 71323
equivalent criminal offense in another jurisdiction: aggravated 71324
murder, murder, voluntary manslaughter, felonious assault, 71325
kidnapping, rape, sexual battery, gross sexual imposition, 71326
aggravated arson, aggravated robbery, or aggravated burglary. 71327
Continued practice after suspension shall be considered practicing 71328
without a license or permit. 71329

The board shall ~~notify~~ serve the individual subject to the 71330
suspension ~~by certified mail or in person~~ in accordance with 71331
~~section~~ sections 119.05 and 119.07 of the Revised Code. If an 71332
individual whose license or permit is automatically suspended 71333
under this division fails to make a timely request for an 71334
adjudication under Chapter 119. of the Revised Code, the board 71335
shall enter a final order permanently revoking the individual's 71336
license or permit. 71337

(N) Notwithstanding any other provision of the Revised Code, 71338
all of the following apply: 71339

(1) The surrender of a license or permit issued under this 71340
chapter shall not be effective unless or until accepted by the 71341
board. A telephone conference call may be utilized for acceptance 71342
of the surrender of an individual's license or permit. The 71343
telephone conference call shall be considered a special meeting 71344
under division (F) of section 121.22 of the Revised Code. 71345
Reinstatement of a license or permit surrendered to the board 71346
requires an affirmative vote of not fewer than six members of the 71347
board. 71348

(2) An application for a license or permit made under the 71349
provisions of this chapter may not be withdrawn without approval 71350
of the board. 71351

(3) Failure by an individual to renew a license or permit in accordance with this chapter shall not remove or limit the board's jurisdiction to take any disciplinary action under this section against the individual.

(4) At the request of the board, a license or permit holder shall immediately surrender to the board a license or permit that the board has suspended, revoked, or permanently revoked.

Sec. 4760.13. (A) The state medical board, by an affirmative vote of not fewer than six members, may revoke or may refuse to grant a license to practice as an anesthesiologist assistant to a person found by the board to have committed fraud, misrepresentation, or deception in applying for or securing the license.

(B) The board, by an affirmative vote of not fewer than six members, shall, except as provided in division (C) of this section, and to the extent permitted by law, limit, revoke, or suspend an individual's license to practice as an anesthesiologist assistant, refuse to issue a license to an applicant, refuse to renew a license, refuse to reinstate a license, or reprimand or place on probation the holder of a license for any of the following reasons:

(1) Permitting the holder's name or license to be used by another person;

(2) Failure to comply with the requirements of this chapter, Chapter 4731. of the Revised Code, or any rules adopted by the board;

(3) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter, Chapter 4731. of the Revised Code, or the rules adopted by the board;

(4) A departure from, or failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances whether or not actual injury to the patient is established;

(5) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills;

(6) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice;

(7) Willfully betraying a professional confidence;

(8) Making a false, fraudulent, deceptive, or misleading statement in securing or attempting to secure a license to practice as an anesthesiologist assistant.

As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

(9) The obtaining of, or attempting to obtain, money or a thing of value by fraudulent misrepresentations in the course of practice;

(10) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;

(11) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;

(12) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;

(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;

(14) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;

(15) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;

(16) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for violating any state or federal law regulating the possession, distribution, or use of any drug, including trafficking in drugs;

(17) Any of the following actions taken by the state agency responsible for regulating the practice of anesthesiologist assistants in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand;

(18) Violation of the conditions placed by the board on a license to practice;

(19) Failure to use universal blood and body fluid 71442
precautions established by rules adopted under section 4731.051 of 71443
the Revised Code; 71444

(20) Failure to cooperate in an investigation conducted by 71445
the board under section 4760.14 of the Revised Code, including 71446
failure to comply with a subpoena or order issued by the board or 71447
failure to answer truthfully a question presented by the board at 71448
a deposition or in written interrogatories, except that failure to 71449
cooperate with an investigation shall not constitute grounds for 71450
discipline under this section if a court of competent jurisdiction 71451
has issued an order that either quashes a subpoena or permits the 71452
individual to withhold the testimony or evidence in issue; 71453

(21) Failure to comply with any code of ethics established by 71454
the national commission for the certification of anesthesiologist 71455
assistants; 71456

(22) Failure to notify the state medical board of the 71457
revocation or failure to maintain certification from the national 71458
commission for certification of anesthesiologist assistants. 71459

(C) The board shall not refuse to issue a certificate to an 71460
applicant because of a plea of guilty to, a judicial finding of 71461
guilt of, or a judicial finding of eligibility for intervention in 71462
lieu of conviction for an offense unless the refusal is in 71463
accordance with section 9.79 of the Revised Code. 71464

(D) Disciplinary actions taken by the board under divisions 71465
(A) and (B) of this section shall be taken pursuant to an 71466
adjudication under Chapter 119. of the Revised Code, except that 71467
in lieu of an adjudication, the board may enter into a consent 71468
agreement with an anesthesiologist assistant or applicant to 71469
resolve an allegation of a violation of this chapter or any rule 71470
adopted under it. A consent agreement, when ratified by an 71471
affirmative vote of not fewer than six members of the board, shall 71472

constitute the findings and order of the board with respect to the 71473
matter addressed in the agreement. If the board refuses to ratify 71474
a consent agreement, the admissions and findings contained in the 71475
consent agreement shall be of no force or effect. 71476

(E) For purposes of divisions (B)(11), (14), and (15) of this 71477
section, the commission of the act may be established by a finding 71478
by the board, pursuant to an adjudication under Chapter 119. of 71479
the Revised Code, that the applicant or license holder committed 71480
the act in question. The board shall have no jurisdiction under 71481
these divisions in cases where the trial court renders a final 71482
judgment in the license holder's favor and that judgment is based 71483
upon an adjudication on the merits. The board shall have 71484
jurisdiction under these divisions in cases where the trial court 71485
issues an order of dismissal on technical or procedural grounds. 71486

(F) The sealing or expungement of conviction records by any 71487
court shall have no effect on a prior board order entered under 71488
the provisions of this section or on the board's jurisdiction to 71489
take action under the provisions of this section if, based upon a 71490
plea of guilty, a judicial finding of guilt, or a judicial finding 71491
of eligibility for intervention in lieu of conviction, the board 71492
issued a notice of opportunity for a hearing prior to the court's 71493
order to seal or expunge the records. The board shall not be 71494
required to seal, destroy, redact, or otherwise modify its records 71495
to reflect the court's sealing or expungement of conviction 71496
records. 71497

(G) For purposes of this division, any individual who holds a 71498
license to practice issued under this chapter, or applies for a 71499
license to practice, shall be deemed to have given consent to 71500
submit to a mental or physical examination when directed to do so 71501
in writing by the board and to have waived all objections to the 71502
admissibility of testimony or examination reports that constitute 71503
a privileged communication. 71504

(1) In enforcing division (B)(5) of this section, the board, 71505
on a showing of a possible violation, may compel any individual 71506
who holds a license to practice issued under this chapter or who 71507
has applied for a license to practice pursuant to this chapter to 71508
submit to a mental or physical examination, or both. A physical 71509
examination may include an HIV test. The expense of the 71510
examination is the responsibility of the individual compelled to 71511
be examined. Failure to submit to a mental or physical examination 71512
or consent to an HIV test ordered by the board constitutes an 71513
admission of the allegations against the individual unless the 71514
failure is due to circumstances beyond the individual's control, 71515
and a default and final order may be entered without the taking of 71516
testimony or presentation of evidence. If the board finds an 71517
anesthesiologist assistant unable to practice because of the 71518
reasons set forth in division (B)(5) of this section, the board 71519
shall require the anesthesiologist assistant to submit to care, 71520
counseling, or treatment by physicians approved or designated by 71521
the board, as a condition for an initial, continued, reinstated, 71522
or renewed license to practice. An individual affected by this 71523
division shall be afforded an opportunity to demonstrate to the 71524
board the ability to resume practicing in compliance with 71525
acceptable and prevailing standards of care. 71526

(2) For purposes of division (B)(6) of this section, if the 71527
board has reason to believe that any individual who holds a 71528
license to practice issued under this chapter or any applicant for 71529
a license to practice suffers such impairment, the board may 71530
compel the individual to submit to a mental or physical 71531
examination, or both. The expense of the examination is the 71532
responsibility of the individual compelled to be examined. Any 71533
mental or physical examination required under this division shall 71534
be undertaken by a treatment provider or physician qualified to 71535
conduct such examination and chosen by the board. 71536

Failure to submit to a mental or physical examination ordered 71537
by the board constitutes an admission of the allegations against 71538
the individual unless the failure is due to circumstances beyond 71539
the individual's control, and a default and final order may be 71540
entered without the taking of testimony or presentation of 71541
evidence. If the board determines that the individual's ability to 71542
practice is impaired, the board shall suspend the individual's 71543
license or deny the individual's application and shall require the 71544
individual, as a condition for an initial, continued, reinstated, 71545
or renewed license to practice, to submit to treatment. 71546

Before being eligible to apply for reinstatement of a license 71547
suspended under this division, the anesthesiologist assistant 71548
shall demonstrate to the board the ability to resume practice in 71549
compliance with acceptable and prevailing standards of care. The 71550
demonstration shall include the following: 71551

(a) Certification from a treatment provider approved under 71552
section 4731.25 of the Revised Code that the individual has 71553
successfully completed any required inpatient treatment; 71554

(b) Evidence of continuing full compliance with an aftercare 71555
contract or consent agreement; 71556

(c) Two written reports indicating that the individual's 71557
ability to practice has been assessed and that the individual has 71558
been found capable of practicing according to acceptable and 71559
prevailing standards of care. The reports shall be made by 71560
individuals or providers approved by the board for making such 71561
assessments and shall describe the basis for their determination. 71562

The board may reinstate a license suspended under this 71563
division after such demonstration and after the individual has 71564
entered into a written consent agreement. 71565

When the impaired anesthesiologist assistant resumes 71566
practice, the board shall require continued monitoring of the 71567

anesthesiologist assistant. The monitoring shall include 71568
monitoring of compliance with the written consent agreement 71569
entered into before reinstatement or with conditions imposed by 71570
board order after a hearing, and, on termination of the consent 71571
agreement, submission to the board for at least two years of 71572
annual written progress reports made under penalty of 71573
falsification stating whether the anesthesiologist assistant has 71574
maintained sobriety. 71575

(H) If the secretary and supervising member determine that 71576
there is clear and convincing evidence that an anesthesiologist 71577
assistant has violated division (B) of this section and that the 71578
individual's continued practice presents a danger of immediate and 71579
serious harm to the public, they may recommend that the board 71580
suspend the individual's license without a prior hearing. Written 71581
allegations shall be prepared for consideration by the board. 71582

The board, on review of the allegations and by an affirmative 71583
vote of not fewer than six of its members, excluding the secretary 71584
and supervising member, may suspend a license without a prior 71585
hearing. A telephone conference call may be utilized for reviewing 71586
the allegations and taking the vote on the summary suspension. 71587

The board shall ~~issue~~ serve a written order of suspension ~~by~~ 71588
~~certified mail or in person~~ in accordance with ~~section~~ sections 71589
119.05 and 119.07 of the Revised Code. The order shall not be 71590
subject to suspension by the court during pendency of any appeal 71591
filed under section 119.12 of the Revised Code. If the 71592
anesthesiologist assistant requests an adjudicatory hearing by the 71593
board, the date set for the hearing shall be within fifteen days, 71594
but not earlier than seven days, after the anesthesiologist 71595
assistant requests the hearing, unless otherwise agreed to by both 71596
the board and the license holder. 71597

A summary suspension imposed under this division shall remain 71598
in effect, unless reversed on appeal, until a final adjudicative 71599

order issued by the board pursuant to this section and Chapter 71600
119. of the Revised Code becomes effective. The board shall issue 71601
its final adjudicative order within sixty days after completion of 71602
its hearing. Failure to issue the order within sixty days shall 71603
result in dissolution of the summary suspension order, but shall 71604
not invalidate any subsequent, final adjudicative order. 71605

(I) If the board takes action under division (B)(11), (13), 71606
or (14) of this section, and the judicial finding of guilt, guilty 71607
plea, or judicial finding of eligibility for intervention in lieu 71608
of conviction is overturned on appeal, on exhaustion of the 71609
criminal appeal, a petition for reconsideration of the order may 71610
be filed with the board along with appropriate court documents. On 71611
receipt of a petition and supporting court documents, the board 71612
shall reinstate the license to practice. The board may then hold 71613
an adjudication under Chapter 119. of the Revised Code to 71614
determine whether the individual committed the act in question. 71615
Notice of opportunity for hearing shall be given in accordance 71616
with Chapter 119. of the Revised Code. If the board finds, 71617
pursuant to an adjudication held under this division, that the 71618
individual committed the act, or if no hearing is requested, it 71619
may order any of the sanctions specified in division (B) of this 71620
section. 71621

(J) The license to practice of an anesthesiologist assistant 71622
and the assistant's practice in this state are automatically 71623
suspended as of the date the anesthesiologist assistant pleads 71624
guilty to, is found by a judge or jury to be guilty of, or is 71625
subject to a judicial finding of eligibility for intervention in 71626
lieu of conviction in this state or treatment of intervention in 71627
lieu of conviction in another jurisdiction for any of the 71628
following criminal offenses in this state or a substantially 71629
equivalent criminal offense in another jurisdiction: aggravated 71630
murder, murder, voluntary manslaughter, felonious assault, 71631

kidnapping, rape, sexual battery, gross sexual imposition, 71632
aggravated arson, aggravated robbery, or aggravated burglary. 71633
Continued practice after the suspension shall be considered 71634
practicing without a license. 71635

The board shall ~~notify~~ serve the individual subject to the 71636
suspension ~~by certified mail or in person~~ in accordance with 71637
~~section~~ sections 119.05 and 119.07 of the Revised Code. If an 71638
individual whose license is suspended under this division fails to 71639
make a timely request for an adjudication under Chapter 119. of 71640
the Revised Code, the board shall enter a final order permanently 71641
revoking the individual's license to practice. 71642

(K) In any instance in which the board is required by Chapter 71643
119. of the Revised Code to give notice of opportunity for hearing 71644
and the individual subject to the notice does not timely request a 71645
hearing in accordance with section 119.07 of the Revised Code, the 71646
board is not required to hold a hearing, but may adopt, by an 71647
affirmative vote of not fewer than six of its members, a final 71648
order that contains the board's findings. In the final order, the 71649
board may order any of the sanctions identified under division (A) 71650
or (B) of this section. 71651

(L) Any action taken by the board under division (B) of this 71652
section resulting in a suspension shall be accompanied by a 71653
written statement of the conditions under which the 71654
anesthesiologist assistant's license may be reinstated. The board 71655
shall adopt rules in accordance with Chapter 119. of the Revised 71656
Code governing conditions to be imposed for reinstatement. 71657
Reinstatement of a license suspended pursuant to division (B) of 71658
this section requires an affirmative vote of not fewer than six 71659
members of the board. 71660

(M) When the board refuses to grant or issue a license to 71661
practice as an anesthesiologist assistant to an applicant, revokes 71662
an individual's license, refuses to renew an individual's license, 71663

or refuses to reinstate an individual's license, the board may 71664
specify that its action is permanent. An individual subject to a 71665
permanent action taken by the board is forever thereafter 71666
ineligible to hold a license to practice as an anesthesiologist 71667
assistant and the board shall not accept an application for 71668
reinstatement of the license or for issuance of a new license. 71669

(N) Notwithstanding any other provision of the Revised Code, 71670
all of the following apply: 71671

(1) The surrender of a license to practice issued under this 71672
chapter is not effective unless or until accepted by the board. 71673
Reinstatement of a license surrendered to the board requires an 71674
affirmative vote of not fewer than six members of the board. 71675

(2) An application made under this chapter for a license to 71676
practice may not be withdrawn without approval of the board. 71677

(3) Failure by an individual to renew a license to practice 71678
in accordance with section 4760.06 of the Revised Code shall not 71679
remove or limit the board's jurisdiction to take disciplinary 71680
action under this section against the individual. 71681

Sec. 4761.09. (A) The state medical board, by an affirmative 71682
vote of not fewer than six members, shall, except as provided in 71683
division (B) of this section, and to the extent permitted by law, 71684
limit, revoke, or suspend an individual's license or limited 71685
permit, refuse to issue a license or limited permit to an 71686
individual, refuse to renew a license or limited permit, refuse to 71687
reinstate a license or limited permit, or reprimand or place on 71688
probation the holder of a license or limited permit for one or 71689
more of the following reasons: 71690

(1) A plea of guilty to, a judicial finding of guilt of, or a 71691
judicial finding of eligibility for intervention in lieu of 71692
conviction for, a felony; 71693

(2) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;

(3) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;

(4) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;

(5) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;

(6) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;

(7) Except when civil penalties are imposed under section 4761.091 of the Revised Code, violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter or the rules adopted by the board;

(8) Making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of respiratory care; or in securing or attempting to secure any license or permit issued by the board under this chapter.

As used in division (A)(8) of this section, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications

that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived. 71725
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(9) Committing fraud during the administration of the examination for a license to practice or committing fraud, misrepresentation, or deception in applying for, renewing, or securing any license or permit issued by the board; 71727
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(10) A departure from, or failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established; 71731
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(11) Violating the standards of ethical conduct adopted by the board, in the practice of respiratory care; 71735
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(12) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice; 71737
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(13) Violation of the conditions of limitation placed by the board upon a license or permit; 71740
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(14) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills; 71742
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(15) Any of the following actions taken by an agency responsible for authorizing, certifying, or regulating an individual to practice a health care occupation or provide health care services in this state or another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand; 71746
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(16) The revocation, suspension, restriction, reduction, or 71755
termination of practice privileges by the United States department 71756
of defense or department of veterans affairs; 71757

(17) Termination or suspension from participation in the 71758
medicare or medicaid programs by the department of health and 71759
human services or other responsible agency for any act or acts 71760
that also would constitute a violation of division (A)(10), (12), 71761
or (14) of this section; 71762

(18) Impairment of ability to practice according to 71763
acceptable and prevailing standards of care because of habitual or 71764
excessive use or abuse of drugs, alcohol, or other substances that 71765
impair ability to practice; 71766

(19) Failure to cooperate in an investigation conducted by 71767
the board under division (E) of section 4761.03 of the Revised 71768
Code, including failure to comply with a subpoena or order issued 71769
by the board or failure to answer truthfully a question presented 71770
by the board in an investigative interview, an investigative 71771
office conference, at a deposition, or in written interrogatories, 71772
except that failure to cooperate with an investigation shall not 71773
constitute grounds for discipline under this section if a court of 71774
competent jurisdiction has issued an order that either quashes a 71775
subpoena or permits the individual to withhold the testimony or 71776
evidence in issue; 71777

(20) Practicing in an area of respiratory care for which the 71778
person is clearly untrained or incompetent or practicing in a 71779
manner that conflicts with section 4761.17 of the Revised Code; 71780

(21) Employing, directing, or supervising a person who is not 71781
authorized to practice respiratory care under this chapter in the 71782
performance of respiratory care procedures; 71783

(22) Misrepresenting educational attainments or authorized 71784
functions for the purpose of obtaining some benefit related to the 71785

practice of respiratory care; 71786

(23) Assisting suicide as defined in section 3795.01 of the Revised Code; 71787
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(24) Representing, with the purpose of obtaining compensation or other advantage as personal gain or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured. 71789
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Disciplinary actions taken by the board under division (A) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with an individual to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by an affirmative vote of not fewer than six members of the board, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the consent agreement shall be of no effect. 71793
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A telephone conference call may be utilized for ratification of a consent agreement that revokes or suspends an individual's license or permit. The telephone conference call shall be considered a special meeting under division (F) of section 121.22 of the Revised Code. 71804
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(B) The board shall not refuse to issue a license or limited permit to an applicant because of a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for an offense unless the refusal is in accordance with section 9.79 of the Revised Code. 71809
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(C) Any action taken by the board under division (A) of this section resulting in a suspension from practice shall be accompanied by a written statement of the conditions under which 71814
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the individual's license or permit may be reinstated. The board 71817
shall adopt rules governing conditions to be imposed for 71818
reinstatement. Reinstatement of a license or permit suspended 71819
pursuant to division (A) of this section requires an affirmative 71820
vote of not fewer than six members of the board. 71821

(D) When the board refuses to grant or issue a license or 71822
permit to an applicant, revokes an individual's license or permit, 71823
refuses to renew an individual's license or permit, or refuses to 71824
reinstatement of a license or permit, the board may specify 71825
that its action is permanent. An individual subject to a permanent 71826
action taken by the board is forever thereafter ineligible to hold 71827
a license or permit and the board shall not accept an application 71828
for reinstatement of the license or permit or for issuance of a 71829
new license or permit. 71830

(E) If the board is required by Chapter 119. of the Revised 71831
Code to give notice of an opportunity for a hearing and if the 71832
individual subject to the notice does not timely request a hearing 71833
in accordance with section 119.07 of the Revised Code, the board 71834
is not required to hold a hearing, but may adopt, by an 71835
affirmative vote of not fewer than six of its members, a final 71836
order that contains the board's findings. In the final order, the 71837
board may order any of the sanctions identified under division (A) 71838
of this section. 71839

(F) In enforcing division (A)(14) of this section, the board, 71840
upon a showing of a possible violation, may compel any individual 71841
authorized to practice by this chapter or who has submitted an 71842
application pursuant to this chapter to submit to a mental 71843
examination, physical examination, including an HIV test, or both 71844
a mental and a physical examination. The expense of the 71845
examination is the responsibility of the individual compelled to 71846
be examined. Failure to submit to a mental or physical examination 71847
or consent to an HIV test ordered by the board constitutes an 71848

admission of the allegations against the individual unless the 71849
failure is due to circumstances beyond the individual's control, 71850
and a default and final order may be entered without the taking of 71851
testimony or presentation of evidence. If the board finds an 71852
individual unable to practice because of the reasons set forth in 71853
division (A)(14) of this section, the board shall require the 71854
individual to submit to care, counseling, or treatment by 71855
physicians approved or designated by the board, as a condition for 71856
initial, continued, reinstated, or renewed authority to practice. 71857
An individual affected under this division shall be afforded an 71858
opportunity to demonstrate to the board the ability to resume 71859
practice in compliance with acceptable and prevailing standards 71860
under the provisions of the individual's license or permit. For 71861
the purpose of division (A)(14) of this section, any individual 71862
who applies for or receives a license or permit to practice under 71863
this chapter accepts the privilege of practicing in this state 71864
and, by so doing, shall be deemed to have given consent to submit 71865
to a mental or physical examination when directed to do so in 71866
writing by the board, and to have waived all objections to the 71867
admissibility of testimony or examination reports that constitute 71868
a privileged communication. 71869

(G) For the purposes of division (A)(18) of this section, any 71870
individual authorized to practice by this chapter accepts the 71871
privilege of practicing in this state subject to supervision by 71872
the board. By filing an application for or holding a license or 71873
permit under this chapter, an individual shall be deemed to have 71874
given consent to submit to a mental or physical examination when 71875
ordered to do so by the board in writing, and to have waived all 71876
objections to the admissibility of testimony or examination 71877
reports that constitute privileged communications. 71878

If it has reason to believe that any individual authorized to 71879
practice by this chapter or any applicant for a license or permit 71880

suffers such impairment, the board may compel the individual to 71881
submit to a mental or physical examination, or both. The expense 71882
of the examination is the responsibility of the individual 71883
compelled to be examined. Any mental or physical examination 71884
required under this division shall be undertaken by a treatment 71885
provider or physician who is qualified to conduct the examination 71886
and who is chosen by the board. 71887

Failure to submit to a mental or physical examination ordered 71888
by the board constitutes an admission of the allegations against 71889
the individual unless the failure is due to circumstances beyond 71890
the individual's control, and a default and final order may be 71891
entered without the taking of testimony or presentation of 71892
evidence. If the board determines that the individual's ability to 71893
practice is impaired, the board shall suspend the individual's 71894
license or permit or deny the individual's application and shall 71895
require the individual, as a condition for an initial, continued, 71896
reinstated, or renewed license or permit, to submit to treatment. 71897

Before being eligible to apply for reinstatement of a license 71898
or permit suspended under this division, the impaired practitioner 71899
shall demonstrate to the board the ability to resume practice in 71900
compliance with acceptable and prevailing standards of care under 71901
the provisions of the practitioner's license or permit. The 71902
demonstration shall include, but shall not be limited to, the 71903
following: 71904

(1) Certification from a treatment provider approved under 71905
section 4731.25 of the Revised Code that the individual has 71906
successfully completed any required inpatient treatment; 71907

(2) Evidence of continuing full compliance with an aftercare 71908
contract or consent agreement; 71909

(3) Two written reports indicating that the individual's 71910
ability to practice has been assessed and that the individual has 71911

been found capable of practicing according to acceptable and 71912
prevailing standards of care. The reports shall be made by 71913
individuals or providers approved by the board for making the 71914
assessments and shall describe the basis for their determination. 71915

The board may reinstate a license or permit suspended under 71916
this division after that demonstration and after the individual 71917
has entered into a written consent agreement. 71918

When the impaired practitioner resumes practice, the board 71919
shall require continued monitoring of the individual. The 71920
monitoring shall include, but not be limited to, compliance with 71921
the written consent agreement entered into before reinstatement or 71922
with conditions imposed by board order after a hearing, and, upon 71923
termination of the consent agreement, submission to the board for 71924
at least two years of annual written progress reports made under 71925
penalty of perjury stating whether the individual has maintained 71926
sobriety. 71927

(H) If the secretary and supervising member determine both of 71928
the following, they may recommend that the board suspend an 71929
individual's license or permit without a prior hearing: 71930

(1) That there is clear and convincing evidence that an 71931
individual has violated division (A) of this section; 71932

(2) That the individual's continued practice presents a 71933
danger of immediate and serious harm to the public. 71934

Written allegations shall be prepared for consideration by 71935
the board. The board, upon review of those allegations and by an 71936
affirmative vote of not fewer than six of its members, excluding 71937
the secretary and supervising member, may suspend a license or 71938
permit without a prior hearing. A telephone conference call may be 71939
utilized for reviewing the allegations and taking the vote on the 71940
summary suspension. 71941

The board shall ~~issue~~ serve a written order of suspension ~~by~~ 71942

~~certified mail or in person~~ in accordance with ~~section~~ sections 71943
119.05 and 119.07 of the Revised Code. The order shall not be 71944
subject to suspension by the court during pendency of any appeal 71945
filed under section 119.12 of the Revised Code. If the individual 71946
subject to the summary suspension requests an adjudicatory hearing 71947
by the board, the date set for the hearing shall be within fifteen 71948
days, but not earlier than seven days, after the individual 71949
requests the hearing, unless otherwise agreed to by both the board 71950
and the individual. 71951

Any summary suspension imposed under this division shall 71952
remain in effect, unless reversed on appeal, until a final 71953
adjudicative order issued by the board pursuant to this section 71954
and Chapter 119. of the Revised Code becomes effective. The board 71955
shall issue its final adjudicative order within seventy-five days 71956
after completion of its hearing. A failure to issue the order 71957
within seventy-five days shall result in dissolution of the 71958
summary suspension order but shall not invalidate any subsequent, 71959
final adjudicative order. 71960

(I) For purposes of divisions (A)(2), (4), and (6) of this 71961
section, the commission of the act may be established by a finding 71962
by the board, pursuant to an adjudication under Chapter 119. of 71963
the Revised Code, that the individual committed the act. The board 71964
does not have jurisdiction under those divisions if the trial 71965
court renders a final judgment in the individual's favor and that 71966
judgment is based upon an adjudication on the merits. The board 71967
has jurisdiction under those divisions if the trial court issues 71968
an order of dismissal upon technical or procedural grounds. 71969

(J) The sealing or expungement of conviction records by any 71970
court shall have no effect upon a prior board order entered under 71971
this section or upon the board's jurisdiction to take action under 71972
this section if, based upon a plea of guilty, a judicial finding 71973
of guilt, or a judicial finding of eligibility for intervention in 71974

lieu of conviction, the board issued a notice of opportunity for a hearing prior to the court's order to seal or expunge the records. The board shall not be required to seal, destroy, redact, or otherwise modify its records to reflect the court's sealing or expungement of conviction records.

(K) If the board takes action under division (A)(1), (3), or (5) of this section, and the judicial finding of guilt, guilty plea, or judicial finding of eligibility for intervention in lieu of conviction is overturned on appeal, upon exhaustion of the criminal appeal, a petition for reconsideration of the order may be filed with the board along with appropriate court documents. Upon receipt of a petition for reconsideration and supporting court documents, the board shall reinstate the individual's license or permit. The board may then hold an adjudication under Chapter 119. of the Revised Code to determine whether the individual committed the act in question. Notice of an opportunity for a hearing shall be given in accordance with Chapter 119. of the Revised Code. If the board finds, pursuant to an adjudication held under this division, that the individual committed the act or if no hearing is requested, the board may order any of the sanctions identified under division (A) of this section.

(L) The license or permit issued to an individual under this chapter and the individual's practice in this state are automatically suspended as of the date the individual pleads guilty to, is found by a judge or jury to be guilty of, or is subject to a judicial finding of eligibility for intervention in lieu of conviction in this state or treatment or intervention in lieu of conviction in another jurisdiction for any of the following criminal offenses in this state or a substantially equivalent criminal offense in another jurisdiction: aggravated murder, murder, voluntary manslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition,

aggravated arson, aggravated robbery, or aggravated burglary. 72007
Continued practice after suspension shall be considered practicing 72008
without a license or permit. 72009

The board shall ~~notify~~ serve the individual subject to the 72010
suspension ~~by certified mail or in person~~ in accordance with 72011
~~section~~ sections 119.05 and 119.07 of the Revised Code. If an 72012
individual whose license or permit is automatically suspended 72013
under this division fails to make a timely request for an 72014
adjudication under Chapter 119. of the Revised Code, the board 72015
shall enter a final order permanently revoking the individual's 72016
license or permit. 72017

(M) Notwithstanding any other provision of the Revised Code, 72018
all of the following apply: 72019

(1) The surrender of a license or permit issued under this 72020
chapter shall not be effective unless or until accepted by the 72021
board. A telephone conference call may be utilized for acceptance 72022
of the surrender of an individual's license or permit. The 72023
telephone conference call shall be considered a special meeting 72024
under division (F) of section 121.22 of the Revised Code. 72025
Reinstatement of a license or permit surrendered to the board 72026
requires an affirmative vote of not fewer than six members of the 72027
board. 72028

(2) An application for a license or permit made under the 72029
provisions of this chapter may not be withdrawn without approval 72030
of the board. 72031

(3) Failure by an individual to renew a license or permit in 72032
accordance with this chapter shall not remove or limit the board's 72033
jurisdiction to take any disciplinary action under this section 72034
against the individual. 72035

(4) At the request of the board, a license or permit holder 72036
shall immediately surrender to the board a license or permit that 72037

the board has suspended, revoked, or permanently revoked. 72038

Sec. 4762.13. (A) The state medical board, by an affirmative 72039
vote of not fewer than six members, may revoke or may refuse to 72040
grant a license to practice as an oriental medicine practitioner 72041
or license to practice as an acupuncturist to a person found by 72042
the board to have committed fraud, misrepresentation, or deception 72043
in applying for or securing the license. 72044

(B) The board, by an affirmative vote of not fewer than six 72045
members, shall, except as provided in division (C) of this 72046
section, and to the extent permitted by law, limit, revoke, or 72047
suspend an individual's license to practice, refuse to issue a 72048
license to an applicant, refuse to renew a license, refuse to 72049
reinstate a license, or reprimand or place on probation the holder 72050
of a license for any of the following reasons: 72051

(1) Permitting the holder's name or license to be used by 72052
another person; 72053

(2) Failure to comply with the requirements of this chapter, 72054
Chapter 4731. of the Revised Code, or any rules adopted by the 72055
board; 72056

(3) Violating or attempting to violate, directly or 72057
indirectly, or assisting in or abetting the violation of, or 72058
conspiring to violate, any provision of this chapter, Chapter 72059
4731. of the Revised Code, or the rules adopted by the board; 72060

(4) A departure from, or failure to conform to, minimal 72061
standards of care of similar practitioners under the same or 72062
similar circumstances whether or not actual injury to the patient 72063
is established; 72064

(5) Inability to practice according to acceptable and 72065
prevailing standards of care by reason of mental illness or 72066
physical illness, including physical deterioration that adversely 72067

affects cognitive, motor, or perceptive skills;	72068
(6) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice;	72069 72070 72071 72072
(7) Willfully betraying a professional confidence;	72073
(8) Making a false, fraudulent, deceptive, or misleading statement in soliciting or advertising for patients or in securing or attempting to secure a license to practice as an oriental medicine practitioner or license to practice as an acupuncturist.	72074 72075 72076 72077
As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.	72078 72079 72080 72081 72082 72083 72084 72085
(9) Representing, with the purpose of obtaining compensation or other advantage personally or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured;	72086 72087 72088 72089
(10) The obtaining of, or attempting to obtain, money or a thing of value by fraudulent misrepresentations in the course of practice;	72090 72091 72092
(11) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;	72093 72094 72095
(12) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was	72096 72097

committed;	72098
(13) A plea of guilty to, a judicial finding of guilt of, or	72099
a judicial finding of eligibility for intervention in lieu of	72100
conviction for, a misdemeanor committed in the course of practice;	72101
(14) A plea of guilty to, a judicial finding of guilt of, or	72102
a judicial finding of eligibility for intervention in lieu of	72103
conviction for, a misdemeanor involving moral turpitude;	72104
(15) Commission of an act in the course of practice that	72105
constitutes a misdemeanor in this state, regardless of the	72106
jurisdiction in which the act was committed;	72107
(16) Commission of an act involving moral turpitude that	72108
constitutes a misdemeanor in this state, regardless of the	72109
jurisdiction in which the act was committed;	72110
(17) A plea of guilty to, a judicial finding of guilt of, or	72111
a judicial finding of eligibility for intervention in lieu of	72112
conviction for violating any state or federal law regulating the	72113
possession, distribution, or use of any drug, including	72114
trafficking in drugs;	72115
(18) Any of the following actions taken by the state agency	72116
responsible for regulating the practice of oriental medicine or	72117
acupuncture in another jurisdiction, for any reason other than the	72118
nonpayment of fees: the limitation, revocation, or suspension of	72119
an individual's license to practice; acceptance of an individual's	72120
license surrender; denial of a license; refusal to renew or	72121
reinstate a license; imposition of probation; or issuance of an	72122
order of censure or other reprimand;	72123
(19) Violation of the conditions placed by the board on a	72124
license to practice as an oriental medicine practitioner or	72125
license to practice as an acupuncturist;	72126
(20) Failure to use universal blood and body fluid	72127

precautions established by rules adopted under section 4731.051 of 72128
the Revised Code; 72129

(21) Failure to cooperate in an investigation conducted by 72130
the board under section 4762.14 of the Revised Code, including 72131
failure to comply with a subpoena or order issued by the board or 72132
failure to answer truthfully a question presented by the board at 72133
a deposition or in written interrogatories, except that failure to 72134
cooperate with an investigation shall not constitute grounds for 72135
discipline under this section if a court of competent jurisdiction 72136
has issued an order that either quashes a subpoena or permits the 72137
individual to withhold the testimony or evidence in issue; 72138

(22) Failure to comply with the standards of the national 72139
certification commission for acupuncture and oriental medicine 72140
regarding professional ethics, commitment to patients, commitment 72141
to the profession, and commitment to the public; 72142

(23) Failure to have adequate professional liability 72143
insurance coverage in accordance with section 4762.22 of the 72144
Revised Code; 72145

(24) Failure to maintain a current and active designation as 72146
a diplomate in oriental medicine, diplomate of acupuncture and 72147
Chinese herbology, or diplomate in acupuncture, as applicable, 72148
from the national certification commission for acupuncture and 72149
oriental medicine, including revocation by the commission of the 72150
individual's designation, failure by the individual to meet the 72151
commission's requirements for redesignation, or failure to notify 72152
the board that the appropriate designation has not been 72153
maintained. 72154

(C) The board shall not refuse to issue a certificate to an 72155
applicant because of a plea of guilty to, a judicial finding of 72156
guilt of, or a judicial finding of eligibility for intervention in 72157
lieu of conviction for an offense unless the refusal is in 72158

accordance with section 9.79 of the Revised Code. 72159

(D) Disciplinary actions taken by the board under divisions 72160
(A) and (B) of this section shall be taken pursuant to an 72161
adjudication under Chapter 119. of the Revised Code, except that 72162
in lieu of an adjudication, the board may enter into a consent 72163
agreement with an oriental medicine practitioner or acupuncturist 72164
or applicant to resolve an allegation of a violation of this 72165
chapter or any rule adopted under it. A consent agreement, when 72166
ratified by an affirmative vote of not fewer than six members of 72167
the board, shall constitute the findings and order of the board 72168
with respect to the matter addressed in the agreement. If the 72169
board refuses to ratify a consent agreement, the admissions and 72170
findings contained in the consent agreement shall be of no force 72171
or effect. 72172

(E) For purposes of divisions (B)(12), (15), and (16) of this 72173
section, the commission of the act may be established by a finding 72174
by the board, pursuant to an adjudication under Chapter 119. of 72175
the Revised Code, that the applicant or license holder committed 72176
the act in question. The board shall have no jurisdiction under 72177
these divisions in cases where the trial court renders a final 72178
judgment in the license holder's favor and that judgment is based 72179
upon an adjudication on the merits. The board shall have 72180
jurisdiction under these divisions in cases where the trial court 72181
issues an order of dismissal upon technical or procedural grounds. 72182

(F) The sealing or expungement of conviction records by any 72183
court shall have no effect upon a prior board order entered under 72184
the provisions of this section or upon the board's jurisdiction to 72185
take action under the provisions of this section if, based upon a 72186
plea of guilty, a judicial finding of guilt, or a judicial finding 72187
of eligibility for intervention in lieu of conviction, the board 72188
issued a notice of opportunity for a hearing or entered into a 72189
consent agreement prior to the court's order to seal or expunge 72190

the records. The board shall not be required to seal, destroy, 72191
redact, or otherwise modify its records to reflect the court's 72192
sealing or expungement of conviction records. 72193

(G) For purposes of this division, any individual who holds a 72194
license to practice issued under this chapter, or applies for a 72195
license to practice, shall be deemed to have given consent to 72196
submit to a mental or physical examination when directed to do so 72197
in writing by the board and to have waived all objections to the 72198
admissibility of testimony or examination reports that constitute 72199
a privileged communication. 72200

(1) In enforcing division (B)(5) of this section, the board, 72201
upon a showing of a possible violation, may compel any individual 72202
who holds a license to practice issued under this chapter or who 72203
has applied for a license pursuant to this chapter to submit to a 72204
mental examination, physical examination, including an HIV test, 72205
or both a mental and physical examination. The expense of the 72206
examination is the responsibility of the individual compelled to 72207
be examined. Failure to submit to a mental or physical examination 72208
or consent to an HIV test ordered by the board constitutes an 72209
admission of the allegations against the individual unless the 72210
failure is due to circumstances beyond the individual's control, 72211
and a default and final order may be entered without the taking of 72212
testimony or presentation of evidence. If the board finds an 72213
oriental medicine practitioner or acupuncturist unable to practice 72214
because of the reasons set forth in division (B)(5) of this 72215
section, the board shall require the individual to submit to care, 72216
counseling, or treatment by physicians approved or designated by 72217
the board, as a condition for an initial, continued, reinstated, 72218
or renewed license to practice. An individual affected by this 72219
division shall be afforded an opportunity to demonstrate to the 72220
board the ability to resume practicing in compliance with 72221
acceptable and prevailing standards of care. 72222

(2) For purposes of division (B)(6) of this section, if the board has reason to believe that any individual who holds a license to practice issued under this chapter or any applicant for a license suffers such impairment, the board may compel the individual to submit to a mental or physical examination, or both. The expense of the examination is the responsibility of the individual compelled to be examined. Any mental or physical examination required under this division shall be undertaken by a treatment provider or physician qualified to conduct such examination and chosen by the board.

Failure to submit to a mental or physical examination ordered by the board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence. If the board determines that the individual's ability to practice is impaired, the board shall suspend the individual's license or deny the individual's application and shall require the individual, as a condition for an initial, continued, reinstated, or renewed license, to submit to treatment.

Before being eligible to apply for reinstatement of a license suspended under this division, the oriental medicine practitioner or acupuncturist shall demonstrate to the board the ability to resume practice in compliance with acceptable and prevailing standards of care. The demonstration shall include the following:

(a) Certification from a treatment provider approved under section 4731.25 of the Revised Code that the individual has successfully completed any required inpatient treatment;

(b) Evidence of continuing full compliance with an aftercare contract or consent agreement;

(c) Two written reports indicating that the individual's

ability to practice has been assessed and that the individual has 72254
been found capable of practicing according to acceptable and 72255
prevailing standards of care. The reports shall be made by 72256
individuals or providers approved by the board for making such 72257
assessments and shall describe the basis for their determination. 72258

The board may reinstate a license suspended under this 72259
division after such demonstration and after the individual has 72260
entered into a written consent agreement. 72261

When the impaired individual resumes practice, the board 72262
shall require continued monitoring of the individual. The 72263
monitoring shall include monitoring of compliance with the written 72264
consent agreement entered into before reinstatement or with 72265
conditions imposed by board order after a hearing, and, upon 72266
termination of the consent agreement, submission to the board for 72267
at least two years of annual written progress reports made under 72268
penalty of falsification stating whether the individual has 72269
maintained sobriety. 72270

(H) If the secretary and supervising member determine both of 72271
the following, they may recommend that the board suspend an 72272
individual's license to practice without a prior hearing: 72273

(1) That there is clear and convincing evidence that an 72274
oriental medicine practitioner or acupuncturist has violated 72275
division (B) of this section; 72276

(2) That the individual's continued practice presents a 72277
danger of immediate and serious harm to the public. 72278

Written allegations shall be prepared for consideration by 72279
the board. The board, upon review of the allegations and by an 72280
affirmative vote of not fewer than six of its members, excluding 72281
the secretary and supervising member, may suspend a license 72282
without a prior hearing. A telephone conference call may be 72283
utilized for reviewing the allegations and taking the vote on the 72284

summary suspension. 72285

The board shall ~~issue~~ serve a written order of suspension ~~by~~ 72286
~~certified mail or in person~~ in accordance with ~~section~~ sections 72287
119.05 and 119.07 of the Revised Code. The order shall not be 72288
subject to suspension by the court during pendency of any appeal 72289
filed under section 119.12 of the Revised Code. If the oriental 72290
medicine practitioner or acupuncturist requests an adjudicatory 72291
hearing by the board, the date set for the hearing shall be within 72292
fifteen days, but not earlier than seven days, after the hearing 72293
is requested, unless otherwise agreed to by both the board and the 72294
license holder. 72295

A summary suspension imposed under this division shall remain 72296
in effect, unless reversed on appeal, until a final adjudicative 72297
order issued by the board pursuant to this section and Chapter 72298
119. of the Revised Code becomes effective. The board shall issue 72299
its final adjudicative order within sixty days after completion of 72300
its hearing. Failure to issue the order within sixty days shall 72301
result in dissolution of the summary suspension order, but shall 72302
not invalidate any subsequent, final adjudicative order. 72303

(I) If the board takes action under division (B)(11), (13), 72304
or (14) of this section, and the judicial finding of guilt, guilty 72305
plea, or judicial finding of eligibility for intervention in lieu 72306
of conviction is overturned on appeal, upon exhaustion of the 72307
criminal appeal, a petition for reconsideration of the order may 72308
be filed with the board along with appropriate court documents. 72309
Upon receipt of a petition and supporting court documents, the 72310
board shall reinstate the license. The board may then hold an 72311
adjudication under Chapter 119. of the Revised Code to determine 72312
whether the individual committed the act in question. Notice of 72313
opportunity for hearing shall be given in accordance with Chapter 72314
119. of the Revised Code. If the board finds, pursuant to an 72315
adjudication held under this division, that the individual 72316

committed the act, or if no hearing is requested, it may order any 72317
of the sanctions specified in division (B) of this section. 72318

(J) The license to practice of an oriental medicine 72319
practitioner or acupuncturist and the practitioner's or 72320
acupuncturist's practice in this state are automatically suspended 72321
as of the date the practitioner or acupuncturist pleads guilty to, 72322
is found by a judge or jury to be guilty of, or is subject to a 72323
judicial finding of eligibility for intervention in lieu of 72324
conviction in this state or treatment or intervention in lieu of 72325
conviction in another jurisdiction for any of the following 72326
criminal offenses in this state or a substantially equivalent 72327
criminal offense in another jurisdiction: aggravated murder, 72328
murder, voluntary manslaughter, felonious assault, kidnapping, 72329
rape, sexual battery, gross sexual imposition, aggravated arson, 72330
aggravated robbery, or aggravated burglary. Continued practice 72331
after the suspension shall be considered practicing without a 72332
license. 72333

The board shall ~~notify~~ serve the individual subject to the 72334
suspension ~~by certified mail or in person~~ in accordance with 72335
~~section~~ sections 119.05 and 119.07 of the Revised Code. If an 72336
individual whose license is suspended under this division fails to 72337
make a timely request for an adjudication under Chapter 119. of 72338
the Revised Code, the board shall enter a final order permanently 72339
revoking the individual's license. 72340

(K) In any instance in which the board is required by Chapter 72341
119. of the Revised Code to give notice of opportunity for hearing 72342
and the individual subject to the notice does not timely request a 72343
hearing in accordance with section 119.07 of the Revised Code, the 72344
board is not required to hold a hearing, but may adopt, by an 72345
affirmative vote of not fewer than six of its members, a final 72346
order that contains the board's findings. In the final order, the 72347
board may order any of the sanctions identified under division (A) 72348

or (B) of this section. 72349

(L) Any action taken by the board under division (B) of this 72350
section resulting in a suspension shall be accompanied by a 72351
written statement of the conditions under which the license may be 72352
reinstated. The board shall adopt rules in accordance with Chapter 72353
119. of the Revised Code governing conditions to be imposed for 72354
reinstatement. Reinstatement of a license suspended pursuant to 72355
division (B) of this section requires an affirmative vote of not 72356
fewer than six members of the board. 72357

(M) When the board refuses to grant or issue a license to an 72358
applicant, revokes an individual's license, refuses to renew an 72359
individual's license, or refuses to reinstate an individual's 72360
license, the board may specify that its action is permanent. An 72361
individual subject to a permanent action taken by the board is 72362
forever thereafter ineligible to hold a license to practice as an 72363
oriental medicine practitioner or license to practice as an 72364
acupuncturist and the board shall not accept an application for 72365
reinstatement of the license or for issuance of a new license. 72366

(N) Notwithstanding any other provision of the Revised Code, 72367
all of the following apply: 72368

(1) The surrender of a license to practice as an oriental 72369
medicine practitioner or license to practice as an acupuncturist 72370
issued under this chapter is not effective unless or until 72371
accepted by the board. Reinstatement of a license surrendered to 72372
the board requires an affirmative vote of not fewer than six 72373
members of the board. 72374

(2) An application made under this chapter for a license may 72375
not be withdrawn without approval of the board. 72376

(3) Failure by an individual to renew a license in accordance 72377
with section 4762.06 of the Revised Code shall not remove or limit 72378
the board's jurisdiction to take disciplinary action under this 72379

section against the individual. 72380

Sec. 4763.05. (A)(1)(a) A person shall make application for 72381
an initial state-certified general real estate appraiser 72382
certificate, an initial state-certified residential real estate 72383
appraiser certificate, an initial state-licensed residential real 72384
estate appraiser license, or an initial state-registered real 72385
estate appraiser assistant registration in writing to the 72386
superintendent of real estate on a form the superintendent 72387
prescribes. The application shall include the address of the 72388
applicant's principal place of business and all other addresses at 72389
which the applicant currently engages in the business of 72390
performing real estate appraisals and the address of the 72391
applicant's current residence. The superintendent shall retain the 72392
applicant's current residence address in a separate record which 72393
does not constitute a public record for purposes of section 149.43 72394
of the Revised Code. The application shall indicate whether the 72395
applicant seeks certification as a general real estate appraiser 72396
or as a residential real estate appraiser, licensure as a 72397
residential real estate appraiser, or registration as a real 72398
estate appraiser assistant and be accompanied by the prescribed 72399
examination and certification, registration, or licensure fees set 72400
forth in section 4763.09 of the Revised Code. The application also 72401
shall include a pledge, signed by the applicant, that the 72402
applicant will comply with the standards set forth in this 72403
chapter; and a statement that the applicant understands the types 72404
of misconduct for which disciplinary proceedings may be initiated 72405
against the applicant pursuant to this chapter. 72406

(b) Upon the filing of an application and payment of any 72407
examination and certification, registration, or licensure fees, 72408
the superintendent of real estate shall request the superintendent 72409
of the bureau of criminal identification and investigation, or a 72410
vendor approved by the bureau, to conduct a criminal records check 72411

based on the applicant's fingerprints in accordance with section 72412
109.572 of the Revised Code. Notwithstanding division ~~(K)~~(L) of 72413
section 121.08 of the Revised Code, the superintendent of real 72414
estate shall request that criminal record information from the 72415
federal bureau of investigation be obtained as part of the 72416
criminal records check. Any fee required under division (C)(3) of 72417
section 109.572 of the Revised Code shall be paid by the 72418
applicant. 72419

(2) For purposes of providing funding for the real estate 72420
appraiser recovery fund established by section 4763.16 of the 72421
Revised Code, the real estate appraiser board shall levy an 72422
assessment against each person issued an initial certificate, 72423
registration, or license and against current licensees, 72424
registrants, and certificate holders, as required by board rule. 72425
The assessment is in addition to the application and examination 72426
fees for initial applicants required by division (A)(1) of this 72427
section and the renewal fees required for current certificate 72428
holders, registrants, and licensees. The superintendent of real 72429
estate shall deposit the assessment into the state treasury to the 72430
credit of the real estate appraiser recovery fund. The assessment 72431
for initial certificate holders, registrants, and licensees shall 72432
be paid prior to the issuance of a certificate, registration, or 72433
license, and for current certificate holders, registrants, and 72434
licensees, at the time of renewal. 72435

(B) An applicant for an initial general real estate appraiser 72436
certificate, residential real estate appraiser certificate, or 72437
residential real estate appraiser license shall possess experience 72438
in real estate appraisal as the board prescribes by rule. In 72439
addition to any other information required by the board, the 72440
applicant shall furnish, under oath, a detailed listing of the 72441
appraisal reports or file memoranda for each year for which 72442
experience is claimed and, upon request of the superintendent or 72443

the board, shall make available for examination a sample of the 72444
appraisal reports prepared by the applicant in the course of the 72445
applicant's practice. 72446

(C) An applicant for an initial certificate, registration, or 72447
license shall be at least eighteen years of age, honest, and 72448
truthful and shall present satisfactory evidence to the 72449
superintendent that the applicant has successfully completed any 72450
education requirements the board prescribes by rule. 72451

(D) An applicant for an initial general real estate appraiser 72452
or residential real estate appraiser certificate or residential 72453
real estate appraiser license shall take and successfully complete 72454
a written examination in order to qualify for the certificate or 72455
license. 72456

The board shall prescribe the examination requirements by 72457
rule. 72458

(E)(1) A person who has obtained a residential real estate 72459
appraiser license, a residential real estate appraiser 72460
certificate, or a general real estate appraiser certificate from 72461
another state may apply to obtain a license or certificate issued 72462
under this chapter provided the state that issued the license or 72463
certificate has requirements that meet or exceed the requirements 72464
found in this chapter. The board shall adopt rules relating to 72465
this division. The application for obtaining a license or 72466
certificate under this division may include any of the following: 72467

(a) A pledge, signed by the applicant, that the applicant 72468
will comply with the standards set forth in this chapter; 72469

(b) A statement that the applicant understands the types of 72470
misconduct for which disciplinary proceedings may be initiated 72471
against the applicant pursuant to this chapter; 72472

(c) A consent to service of process. 72473

(2)(a) The board shall recognize on a temporary basis a certification or license issued in another state and shall register on a temporary basis an appraiser who is certified or licensed in another state if all of the following apply:

(i) The temporary registration is to perform an appraisal assignment that is part of a federally related transaction.

(ii) The appraiser's business in this state is of a temporary nature.

(iii) The appraiser registers with the board pursuant to this division.

(b) An appraiser who is certified or licensed in another state shall register with the board for temporary practice before performing an appraisal assignment in this state in connection with a federally related transaction.

(c) The board shall adopt rules relating to registration for the temporary recognition of certification and licensure of appraisers from another state. The registration for temporary recognition of certified or licensed appraisers from another state shall not authorize completion of more than one appraisal assignment in this state. The board shall not issue more than two registrations for temporary practice to any one applicant in any calendar year. The application for obtaining a registration under this division may include any of the following:

(i) A pledge, signed by the applicant, that the applicant will comply with the standards set forth in this chapter;

(ii) A statement that the applicant understands the types of misconduct for which disciplinary proceedings may be initiated against the applicant pursuant to this chapter;

(iii) A consent to service of process.

(3) The board may enter into reciprocal agreements with other

states. The board shall prescribe reciprocal agreement 72504
requirements by rule. 72505

(F) The superintendent shall not issue a certificate, 72506
registration, or license to, or recognize on a temporary basis an 72507
appraiser from another state that is a corporation, partnership, 72508
or association. This prohibition shall not be construed to prevent 72509
a certificate holder or licensee from signing an appraisal report 72510
on behalf of a corporation, partnership, or association. 72511

(G) Every person licensed, registered, or certified under 72512
this chapter shall notify the superintendent, on a form provided 72513
by the superintendent, of a change in the address of the 72514
licensee's, registrant's, or certificate holder's principal place 72515
of business or residence within thirty days of the change. If a 72516
licensee's, registrant's, or certificate holder's license, 72517
registration, or certificate is revoked or not renewed, the 72518
licensee, registrant, or certificate holder immediately shall 72519
return the annual and any renewal certificate, registration, or 72520
license to the superintendent. 72521

(H)(1) The superintendent shall not issue a certificate, 72522
registration, or license to any person, or recognize on a 72523
temporary basis an appraiser from another state, who does not meet 72524
applicable minimum criteria for state certification, registration, 72525
or licensure prescribed by federal law or rule. 72526

(2) The superintendent shall not refuse to issue a general 72527
real estate appraiser certificate, residential real estate 72528
appraiser certificate, residential real estate appraiser license, 72529
or real estate appraiser assistant registration to any person 72530
because of a conviction of or plea of guilty to any criminal 72531
offense unless the refusal is in accordance with section 9.79 of 72532
the Revised Code. 72533

Sec. 4763.11. (A) Within ten business days after a person 72534

files a written complaint against a person certified, registered, 72535
or licensed under this chapter with the division of real estate, 72536
the superintendent of real estate shall acknowledge receipt of the 72537
complaint by sending notice to the certificate holder, registrant, 72538
or licensee that includes a copy of the complaint. The 72539
acknowledgement to the complainant and the notice to the 72540
certificate holder, registrant, or licensee may state that an 72541
informal mediation meeting will be held with the complainant, the 72542
certificate holder, registrant, or licensee, and an investigator 72543
from the investigation and audit section of the division, if the 72544
complainant and certificate holder, registrant, or licensee both 72545
file a request for such a meeting within twenty calendar days 72546
after the acknowledgment and notice are mailed. 72547

(B) If the complainant and certificate holder, registrant, or 72548
licensee both file with the division requests for an informal 72549
mediation meeting, the superintendent shall notify the complainant 72550
and certificate holder, registrant, or licensee of the date of the 72551
meeting, by regular mail. If the complainant and certificate 72552
holder, registrant, or licensee reach an accommodation at an 72553
informal mediation meeting, the investigator shall report the 72554
accommodation to the superintendent, the complainant, and the 72555
certificate holder, registrant, or licensee and the complaint file 72556
shall be closed upon the superintendent receiving satisfactory 72557
notice that the accommodation has been fulfilled. 72558

(C) If the complainant and certificate holder, registrant, or 72559
licensee fail to agree to an informal mediation meeting or fail to 72560
reach an accommodation agreement, or fail to fulfill an 72561
accommodation agreement, the superintendent shall assign the 72562
complaint to an investigator for an investigation into the conduct 72563
of the certificate holder, registrant, or licensee against whom 72564
the complaint is filed. 72565

(D) Upon the conclusion of the investigation, the 72566
investigator shall file a written report of the results of the 72567
investigation with the superintendent. The superintendent shall 72568
review the report and determine whether there exists reasonable 72569
and substantial evidence of a violation of division (G) of this 72570
section by the certificate holder, registrant, or licensee. 72571

(1) If the superintendent finds evidence exists showing a 72572
violation of division (G) of this section by a certificate holder, 72573
registrant, or licensee, the superintendent shall notify the 72574
complainant and certificate holder, registrant, or licensee of the 72575
determination. The certificate holder, registrant, or licensee may 72576
enter into a settlement agreement with the superintendent. The 72577
settlement agreement is subject to board approval, and the board 72578
shall prescribe requirements by rule for such settlement 72579
agreements. The certificate holder, registrant, or licensee may 72580
request a hearing pursuant to Chapter 119. of the Revised Code. If 72581
a formal hearing is conducted, the hearing examiner shall file a 72582
report that contains findings of fact and conclusions of law with 72583
the division hearing administrator. The division hearing 72584
administrator shall serve the hearing examiner report on the 72585
superintendent, the assistant attorney general representing the 72586
superintendent in the matter, the board, the complainant and the 72587
certificate holder, licensee, or registrant, and if applicable, 72588
counsel representing the complainant, certificate holder, 72589
licensee, or registrant. Service of the hearing examiner report on 72590
the complainant and on the certificate holder, licensee, or 72591
registrant shall comply with division (K) of this section. Service 72592
of the hearing examiner's report on the superintendent, the 72593
assistant attorney general representing the superintendent in the 72594
matter, and the board shall be by either regular mail or 72595
electronic means. Service of the hearing examiner report on 72596
counsel representing the complainant, certificate holder, 72597
licensee, or registrant shall be by regular mail. 72598

Within ten calendar days of receipt by the assistant attorney 72599
general representing the superintendent of the copy of the hearing 72600
examiner's report served by the division hearing administrator, 72601
the assistant attorney general may file with the board written 72602
objections to the hearing examiner's report, which shall be 72603
considered by the board before approving, modifying, or rejecting 72604
the hearing examiner's report. Within ten calendar days of receipt 72605
by the certificate holder, licensee, or registrant of the copy of 72606
the hearing examiner's report served by the division hearing 72607
administrator, the certificate holder, licensee, or registrant may 72608
file with the board written objections to the hearing examiner's 72609
report, which shall be considered by the board before approving, 72610
modifying, or rejecting the hearing examiner's report. Within ten 72611
calendar days of receipt by the superintendent of the copy of the 72612
hearing examiner's report served by the division hearing 72613
administrator, the superintendent may grant an extension of time 72614
to file written objections to the hearing examiner's report for 72615
good cause shown. 72616

(2) If the superintendent finds, following the conclusion of 72617
the investigation, that evidence does not exist showing a 72618
violation of division (G) of this section by the certificate 72619
holder, registrant, or licensee, the superintendent shall notify 72620
the complainant and certificate holder, registrant, or licensee of 72621
that determination and the basis for the determination. Within 72622
fifteen business days after the superintendent notifies the 72623
complainant and certificate holder, registrant, or licensee that 72624
such evidence does not exist, the complainant may file with the 72625
division a request that the real estate appraiser board review the 72626
determination. If the complainant files such request, the board 72627
shall review the determination at the next regularly scheduled 72628
meeting held at least fifteen business days after the request is 72629
filed but no longer than six months after the request is filed. 72630
The board may hear the testimony of the complainant, certificate 72631

holder, registrant, or licensee at the meeting upon the request of 72632
that party. If the board affirms the determination of the 72633
superintendent, the superintendent shall notify the complainant 72634
and the certificate holder, registrant, or licensee within five 72635
business days thereafter. If the board reverses the determination 72636
of the superintendent, the matter shall be returned to the 72637
superintendent for additional investigation or review. 72638

(E) The board shall review the hearing examiner's report and 72639
the evidence at the next regularly scheduled board meeting held at 72640
least fifteen business days after receipt of the examiner's 72641
report. The board may hear the testimony of the complainant, 72642
certificate holder, registrant, or licensee upon request. If the 72643
complainant is the Ohio civil rights commission, the board shall 72644
review the complaint. 72645

(F) If the board determines that a licensee, registrant, or 72646
certificate holder has violated this chapter for which 72647
disciplinary action may be taken under division (G) of this 72648
section, after review of the hearing examiner's report and the 72649
evidence as provided in division (E) of this section, or after 72650
review of a settlement agreement entered into pursuant to division 72651
(D)(1) of this section, the board shall order the disciplinary 72652
action the board considers appropriate, which may include, but is 72653
not limited to, any of the following: 72654

(1) Reprimand of the certificate holder, registrant, or 72655
licensee; 72656

(2) Imposition of a fine, not exceeding, two thousand five 72657
hundred dollars per violation; 72658

(3) Requirement of the completion of additional education 72659
courses. Any course work imposed pursuant to this section shall 72660
not count toward continuing education requirements or prelicense 72661
or precertification requirements set forth in section 4763.05 of 72662

the Revised Code. 72663

(4) Suspension of the certificate, registration, or license 72664
for a specific period of time; 72665

(5) Revocation or surrender of the certificate, registration, 72666
or license. 72667

The decision and order of the board is final, except that 72668
following the review of the hearing examiner report and the 72669
evidence as provided in division (E) of this section, the decision 72670
and order of the board is subject to review in the manner provided 72671
for in Chapter 119. of the Revised Code and appeal to any court of 72672
common pleas. If the board orders a disciplinary action as 72673
provided in division (F)(2) or (3) of this section, the 72674
superintendent may grant an extension of time to satisfy the 72675
board-ordered disciplinary action for good cause shown. 72676

(G) The board shall take any disciplinary action authorized 72677
by this section against a certificate holder, registrant, or 72678
licensee or an applicant who obtains a certificate, registration, 72679
or license pursuant to this chapter who is found to have committed 72680
any of the following acts, omissions, or violations: 72681

(1) As an applicant, procuring or attempting to procure a 72682
certificate, registration, or license pursuant to section 4763.05, 72683
4763.06, or 4763.07 of the Revised Code by knowingly making a 72684
false statement, submitting false information, refusing to provide 72685
complete information in response to a question in an application 72686
for certification, registration, or licensure, or by any means of 72687
fraud or misrepresentation; 72688

(2) Paying, or attempting to pay, anything of value, other 72689
than the fees or assessments required by this chapter, to any 72690
member or employee of the board for the purpose of procuring a 72691
certificate, registration, or license; 72692

(3) In a criminal proceeding, being convicted of or pleading 72693

guilty or no contest to a felony; a crime involving moral 72694
turpitude; or a crime involving theft, receiving stolen property, 72695
embezzlement, forgery, fraud, passing bad checks, money 72696
laundering, drug trafficking, or any criminal offense involving 72697
money or securities, including a violation of an existing or 72698
former law of this state, any other state, or the United States 72699
that is substantially equivalent to such an offense; 72700

(4) Dishonesty, fraud, or misrepresentation, with the intent 72701
to either benefit the certificate holder, registrant, or licensee 72702
or another person or injure another person; 72703

(5) Violation of any of the standards for the development, 72704
preparation, communication, or reporting of an appraisal report 72705
set forth in this chapter and rules of the board; 72706

(6) Failure or refusal to exercise reasonable diligence in 72707
developing, preparing, or communicating an appraisal report; 72708

(7) Negligence or incompetence in developing, preparing, 72709
communicating, or reporting an appraisal report; 72710

(8) Violating this chapter or the rules adopted thereunder; 72711

(9) Accepting an appraisal assignment where the employment is 72712
contingent upon the appraiser preparing or reporting a 72713
predetermined estimate, analysis, or opinion, or where the fee to 72714
be paid for the appraisal is contingent upon the opinion, 72715
conclusion, or valuation attained or upon the consequences 72716
resulting from the appraisal assignment; 72717

(10) Violating the confidential nature of governmental 72718
records to which the certificate holder, registrant, or licensee 72719
gained access through employment or engagement as an appraiser by 72720
a governmental agency; 72721

(11) Entry of final judgment against the certificate holder, 72722
registrant, or licensee on the grounds of fraud, deceit, 72723

misrepresentation, or gross negligence in performing any appraisal of real estate;	72724 72725
(12) Violating any federal or state civil rights law;	72726
(13) Having published advertising, whether printed, radio, display, or of any other nature, which was misleading or inaccurate in any material particular, or in any way having misrepresented any appraisal or specialized service;	72727 72728 72729 72730
(14) Failing to provide copies of records to the superintendent or failing to maintain records as required by section 4763.14 of the Revised Code. Failure of a certificate holder, licensee, or registrant to comply with a subpoena issued under division (C)(1) of section 4763.03 of the Revised Code is prima-facie evidence of a violation of division (G)(14) of section 4763.11 of the Revised Code.	72731 72732 72733 72734 72735 72736 72737
(15) Failing to provide notice to the board as required in division (I) of this section;	72738 72739
(16) In the case of a certificate holder acting as a supervisory appraiser, refusing to sign an appraiser experience log required by rule for a person making application for an initial state-certified general real estate appraiser certificate, state-certified residential real estate appraiser certificate, or state-licensed residential real estate appraiser license, unless there is reasonable and substantial evidence that there is false information contained within the log;	72740 72741 72742 72743 72744 72745 72746 72747
(17) Being sanctioned or disciplined in another jurisdiction as a real estate appraiser;	72748 72749
(18) Failing to provide assistance, whenever possible, to the members and staff of the board or to the division of real estate in the enforcement of this chapter and the rules adopted under it.	72750 72751 72752
(H) The board immediately shall notify the superintendent of	72753

real estate of any disciplinary action taken under this section 72754
against a certificate holder, registrant, or licensee who also is 72755
licensed under Chapter 4735. of the Revised Code, and also shall 72756
notify any other federal, state, or local agency and any other 72757
public or private association that the board determines is 72758
responsible for licensing or otherwise regulating the professional 72759
or business activity of the appraiser. Additionally, the board 72760
shall notify the complainant and any other party who may have 72761
suffered financial loss because of the certificate holder's, 72762
registrant's, or licensee's violations, that the complainant or 72763
other party may sue for recovery under section 4763.16 of the 72764
Revised Code. The notice provided under this division shall 72765
specify the conduct for which the certificate holder, registrant, 72766
or licensee was disciplined and the disciplinary action taken by 72767
the board and the result of that conduct. 72768

(I) A certificate holder, registrant, or licensee shall 72769
notify the board within fifteen days of the agency's issuance of 72770
an order revoking or permanently surrendering any professional 72771
license, certificate, or registration by any public entity other 72772
than the division of real estate. A certificate holder, 72773
registrant, or licensee who is convicted of or pleads guilty or no 72774
contest to a crime as described in division (G)(3) of this section 72775
shall notify the board of the conviction or plea within fifteen 72776
days of the conviction or plea. 72777

(J) If the board determines that a certificate holder, 72778
registrant, or licensee has violated this chapter for which 72779
disciplinary action may be taken under division (G) of this 72780
section as a result of an investigation conducted by the 72781
superintendent upon the superintendent's own motion or upon the 72782
request of the board, the superintendent shall notify the 72783
certificate holder, registrant, or licensee of the certificate 72784
holder's, registrant's, or licensee's right to a hearing pursuant 72785

to Chapter 119. of the Revised Code and, if applicable, to an 72786
appeal of a final determination of such administrative proceedings 72787
to any court of common pleas. 72788

(K) Notwithstanding ~~section~~ sections 119.05 and 119.07 of the 72789
Revised Code, acknowledgment of complaint notices issued under 72790
division (A) of this section and continuance notices associated 72791
with hearings conducted under this section may be sent by regular 72792
mail and a certificate of mailing shall be obtained for the 72793
notices. All other notices issued to a complainant and to a 72794
certificate holder, registrant, licensee, or other party pursuant 72795
to this section shall be mailed via certified mail, return receipt 72796
requested. When any notice is sent by certified mail, return 72797
receipt requested, and is returned because the notice was 72798
unclaimed, then that notice is deemed served if the superintendent 72799
subsequently sends the notice by regular mail and a certificate of 72800
mailing is obtained for the notice. If a notice, whether sent by 72801
certified mail, return receipt requested, or by regular mail with 72802
a certificate of mailing, is returned for failure of delivery, 72803
then the superintendent shall make personal delivery of the notice 72804
by an employee or agent of the department of commerce or shall 72805
cause a summary of the substantive provisions of the notice to be 72806
published once a week for three consecutive weeks in a newspaper 72807
of general circulation in the county where the last known address 72808
of the party is located. When notice is given by publication, a 72809
proof of publication affidavit, with the first publication of the 72810
notice set forth in the affidavit, shall be mailed by regular mail 72811
to the party at the party's last known address. The notice shall 72812
be deemed received as of the date of the last publication of the 72813
summary. An employee or agent of the department of commerce may 72814
make personal delivery of the notice upon the party at any time. 72815
Refusal of delivery by personal service or by mail is not failure 72816
of delivery and service is deemed to be complete. Failure of 72817
delivery occurs only when a mailed notice is returned by the 72818

postal authorities marked undeliverable, address or addressee 72819
unknown, or forwarding address unknown or expired. 72820

Sec. 4763.15. Except for moneys required to be transferred 72821
into the real estate appraiser recovery fund pursuant to section 72822
4763.16 of the Revised Code ~~or as required pursuant to this~~ 72823
~~section~~, the superintendent of real estate may deposit all fees 72824
collected under this chapter into the state treasury to the credit 72825
of the real estate appraiser operating fund, ~~which is hereby~~ 72826
created under section 4735.211 of the Revised Code. All operating 72827
expenses of the real estate appraiser board and the superintendent 72828
of real estate relating to the administration and enforcement of 72829
this chapter and Chapter 4768. of the Revised Code shall be paid 72830
from ~~this~~ the real estate operating fund. ~~The fund shall be~~ 72831
~~assessed a proportionate share of the administrative cost of the~~ 72832
~~department of commerce in accordance with procedures prescribed by~~ 72833
~~the director of commerce, and the assessment shall be paid from~~ 72834
~~the operating fund to the division of administration fund.~~ 72835

~~If, in any biennium, the director of commerce determines that~~ 72836
~~moneys in the operating fund exceed those necessary to fund the~~ 72837
~~activities of the board and of the superintendent of real estate~~ 72838
~~that relate to this chapter and Chapter 4768. of the Revised Code,~~ 72839
~~the director may pay the excess funds to the real estate appraiser~~ 72840
~~recovery fund.~~ 72841

Sec. 4763.16. (A) The real estate appraiser recovery fund is 72842
hereby created in the state treasury, to be administered by the 72843
superintendent of real estate. The treasurer of state shall credit 72844
to the fund amounts collected by the superintendent as prescribed 72845
in this section and interest earned on the assets of the fund. The 72846
superintendent shall ascertain the balance of the fund as of the 72847
first day of October of each year. If that balance is less than 72848
two hundred thousand dollars at any time, the director of budget 72849

and management, upon the request of the superintendent and 72850
approval of the controlling board, may transfer from the real 72851
estate ~~appraiser~~ operating fund created under section 4735.211 of 72852
the Revised Code to the real estate appraiser recovery fund a sum 72853
as will bring the real estate appraiser recovery fund to that 72854
amount. 72855

(B) When any person obtains a final judgment in any court of 72856
competent jurisdiction against a certificate holder, registrant, 72857
or licensee, based upon conduct that is in violation of this 72858
chapter or the rules adopted under it, which conduct occurred on 72859
or after the date of their certification, registration, or 72860
licensure, and that is associated with an act or transaction of a 72861
certificate holder, registrant, or licensee specified in this 72862
chapter, that person may file a verified complaint, as described 72863
in this division, in the Franklin county court of common pleas for 72864
an order directing payment out of the real estate appraiser 72865
recovery fund of the portion of the judgment that remains unpaid 72866
and that represents the actual and direct loss of the person for 72867
the act or transaction upon which the underlying judgment was 72868
based, and court costs, if awarded in the underlying judgment, 72869
provided that no person shall receive more than ten thousand 72870
dollars from the fund for any one judgment. A bonding or insurance 72871
company or any partnership, corporation, or association that uses 72872
any tool to develop a valuation of real property for purposes of a 72873
loan or that employs, retains, or engages as an independent 72874
contractor a person licensed, registered, or certified as a real 72875
estate appraiser in its usual or occasional operations may not 72876
seek an order directing, and is not eligible for, payment out of 72877
the fund. Punitive or exemplary damages are not recoverable from 72878
the fund. 72879

The complaint shall specify the nature of the act or 72880
transaction upon which the underlying judgment was based, the 72881

activities of the applicant in pursuit of remedies available under 72882
law for the collection of judgments, and the amount of the fee 72883
paid by the applicant to the certificate holder, registrant, or 72884
licensee. The applicant shall attach to the complaint a copy of 72885
each pleading and order in the underlying court action. 72886

The Franklin county court of common pleas shall order the 72887
superintendent to make payments out of the fund when the person 72888
seeking the order has shown all of the following: 72889

(1) The person has obtained a judgment, as provided in this 72890
division; 72891

(2) All appeals from the judgment have been exhausted and the 72892
person has given notice to the superintendent, as required by 72893
division (C) of this section; 72894

(3) The person is not a spouse of the certificate holder, 72895
registrant, or licensee, or the personal representative of the 72896
spouse; 72897

(4) The person has diligently pursued the person's remedies 72898
against all the certificate holders, registrants, licensees, and 72899
all other persons liable to the person in the transaction for 72900
which the person seeks recovery from the fund; 72901

(5) The person is making a complaint not more than one year 72902
after termination of all proceedings, including appeals, in 72903
connection with the judgment. 72904

(C) A person who applies to the Franklin county court of 72905
common pleas for an order directing payment out of the fund shall 72906
file notice of the complaint with the superintendent. The 72907
superintendent shall send notice to the affected certificate 72908
holder, registrant, or licensee, where possible. The 72909
superintendent may defend the action on behalf of the fund and 72910
shall have recourse to all appropriate means of defense and 72911
review, including examination of witnesses. The superintendent may 72912

move the court at any time to dismiss the complaint when it 72913
appears there are no triable issues and the complaint is without 72914
merit. The motion may be supported by affidavit of any person 72915
having knowledge of the facts and may be made on the basis that 72916
the complaint, including the judgment referred to in the 72917
complaint, does not form the basis for a meritorious recovery 72918
claim. The superintendent may, subject to court approval, 72919
compromise a claim based upon the complaint of an aggrieved party. 72920
The superintendent is not bound by any prior compromise or 72921
stipulation of the certificate holder, registrant, or licensee. 72922
Upon petition of the superintendent, the court may require all 72923
claimants and prospective claimants against one certificate 72924
holder, registrant, or licensee to be joined in one action, to the 72925
end that the respective rights of all such claimants to the fund 72926
may be equitably adjudicated and settled. 72927

(D) If the superintendent pays from the fund any amount in 72928
settlement of a claim or toward satisfaction of a judgment against 72929
a certificate holder, registrant, or licensee, the certificate, 72930
registration, or license of the certificate holder, registrant, or 72931
licensee automatically is suspended upon the date of payment from 72932
the fund. No certificate, registration, or license that has been 72933
suspended pursuant to this division shall be reinstated until the 72934
certificate holder, registrant, or licensee has repaid in full, 72935
plus interest per annum at the rate specified in division (A) of 72936
section 1343.03 of the Revised Code, the amount paid from the fund 72937
on the certificate holder's, registrant's, or licensee's account. 72938
A discharge in bankruptcy does not relieve a person from the 72939
suspension and requirements for reinstatement provided in this 72940
section. 72941

(E) If, at any time, the money deposited in the fund is 72942
insufficient to satisfy any duly authorized claim or portion of a 72943
claim, the superintendent shall, when sufficient money has been 72944

deposited in the fund, satisfy the unpaid claims or portions, in 72945
the order that the claims or portions were originally filed, plus 72946
accumulated interest per annum at the rate specified in division 72947
(A) of section 1343.03 of the Revised Code. 72948

(F) When, upon the order of the court, the superintendent has 72949
paid from the fund any sum to the judgment creditor, the 72950
superintendent is subrogated to all of the rights of the judgment 72951
creditor to the extent of the amount so paid, and the judgment 72952
creditor shall assign all of the judgment creditor's right, title, 72953
and interest in the judgment to the superintendent to the extent 72954
of the amount so paid. The superintendent shall deposit in the 72955
fund any amount and interest so recovered by the superintendent on 72956
the judgment. 72957

(G) Nothing contained in this section shall limit the 72958
authority of the real estate appraiser board to take disciplinary 72959
action against a certificate holder, registrant, or licensee under 72960
other provisions of this chapter. The repayment in full of all 72961
obligations to the fund by a certificate holder, registrant, or 72962
licensee does not nullify or modify the effect of any other 72963
disciplinary proceeding brought pursuant to this chapter, unless 72964
repayment is imposed as a condition in that proceeding. 72965

(H) The superintendent shall collect from the fund a service 72966
fee in an amount equivalent to the interest rate specified in 72967
division (A) of section 1343.03 of the Revised Code multiplied by 72968
the annual interest earned on the assets of the fund, to defray 72969
the expenses incurred in the administration of the fund. 72970

Sec. 4764.04. (A) There is hereby created the Ohio home 72971
inspector board consisting of seven members. The governor shall 72972
appoint five members who are licensed home inspectors. The 72973
president of the senate and the speaker of the house of 72974
representatives each shall appoint one member who represents the 72975

public and has no financial interest in the home inspection 72976
industry. Not more than four members of the board shall be members 72977
of the same political party. 72978

(B) The governor, president of the senate, and speaker of the 72979
house of representatives shall make the initial appointments to 72980
the board not later than ninety days after ~~the effective date of~~ 72981
~~this section~~ April 5, 2019. Of the initial appointments to the 72982
board, the governor shall appoint one member to a term ending one 72983
year after ~~the effective date of this section~~ April 5, 2019, two 72984
members to a term ending three years after that date, and two 72985
members to a term ending five years after that date. The president 72986
of the senate shall appoint one member to a term ending two years 72987
after that date, and the speaker of the house of representatives 72988
shall appoint one member to a term ending four years after that 72989
date. Thereafter, each term shall be for five years, ending on the 72990
same day of the same month as the term that it succeeds. Each 72991
member shall hold office from the date of appointment until the 72992
end of the term for which the member was appointed. Vacancies 72993
shall be filled in the manner provided for original appointments. 72994
A member appointed to fill a vacancy prior to the expiration of a 72995
term shall hold office for the remainder of that term. A member 72996
shall continue in office subsequent to the expiration of the term 72997
until the member's successor takes office. 72998

(C) Annually, at the first regularly scheduled board meeting 72999
following the first day of September, the board shall organize by 73000
selecting from among its members a chairperson and a vice 73001
chairperson by majority vote. The board shall meet at least once 73002
per calendar quarter to conduct its business. A majority of the 73003
members of the board constitutes a quorum to transact and vote on 73004
all business that comes before the board. 73005

(D) The members of the board shall not be compensated but 73006

shall be reimbursed for actual expenses reasonably incurred in the performance of their duties as members.

(E) The person who, or office that, appointed a member may remove that member for misconduct, neglect of duty, incapacity, or malfeasance.

(F) The Ohio home inspector board is a part of the department of commerce for administrative purposes. The director of commerce is ex officio the executive officer of the board, or the director may designate the superintendent of real estate and professional licensing to act as executive officer of the board.

Sec. 4764.05. (A) The In addition to any other duties imposed on the Ohio home inspector board, the board shall adopt rules, in accordance with Chapter 119. of the Revised Code, in furtherance of this chapter, including, but not limited to, rules to do all of the following:

(1) Establish standards to govern the issuance, renewal, suspension, and revocation of licenses, other sanctions that may be imposed for violations of this chapter, the conduct of hearings related to these actions, and the process of reactivating a license;

(2) Establish the amount of the following fees:

(a) Establish the following fees in an amount that is sufficient to defray necessary expenses incurred in the administration of this chapter:

(i) The fee for applying for and receiving a license issued under section 4764.07 of the Revised Code and the special assessment for the home inspection recovery fund created in section 4764.21 of the Revised Code, which together shall not exceed two hundred fifty dollars;

(ii) The fee for renewal of a license under section 4764.09

of the Revised Code and the special assessment for the home 73037
inspection recovery fund created in section 4764.21 of the Revised 73038
Code, which together shall not exceed two hundred fifty dollars. 73039

(b) The renewal late fee described in division (B)(2) of 73040
section 4764.09 of the Revised Code; 73041

(c) The fee an institution or organization described in 73042
division (A)(7) of this section shall pay to receive approval to 73043
offer continuing education courses and programs; 73044

(d) The fee an institution or organization that is approved 73045
to offer continuing education courses and programs shall pay for 73046
each course or program that the institution or organization wishes 73047
to have the superintendent of real estate and professional 73048
licensing approve pursuant to the rules adopted by the board under 73049
division (A)(8) of this section; 73050

(e) Any other fees as required by this chapter. 73051

(3) In accordance with division (C) of this section, specify 73052
methods and procedures the board shall use to approve a curriculum 73053
of education a person must successfully complete to obtain a 73054
license under this chapter; 73055

(4) In accordance with division (D) of this section, specify 73056
methods and procedures the board shall use to approve a curriculum 73057
of experience that a person may elect to complete the proof of 73058
experience requirement specified in division (D)(6) of section 73059
4764.07 of the Revised Code; 73060

(5) Establish the administrative reporting and review 73061
requirements for parallel inspections or equivalency for field 73062
experience to assure that an applicant for a license satisfies the 73063
requirements of division (D)(6) of section 4764.07 of the Revised 73064
Code, as applicable; 73065

(6) Establish a curriculum for continuing education that a 73066

licensed home inspector shall complete to satisfy the requirements 73067
for continuing education specified in section 4764.08 of the 73068
Revised Code and procedures to assure continuing education 73069
requirements are updated periodically to make those requirements 73070
consistent with home inspection industry practices; 73071

(7) Establish requirements an institution or organization 73072
shall satisfy to obtain approval to provide courses or programs 73073
that enable a licensed home inspector to satisfy the requirements 73074
for continuing education specified in section 4764.08 of the 73075
Revised Code and establish procedures that the superintendent of 73076
real estate and professional licensing shall use to approve an 73077
institution or organization that satisfies the requirements the 73078
board establishes; 73079

(8) Establish procedures and standards that the 73080
superintendent shall use to approve courses and programs, 73081
including online courses and programs, offered by an institution 73082
or organization that is approved by the superintendent to offer 73083
continuing education courses or programs pursuant to the rules 73084
adopted by the board under division (A)(7) of this section; 73085

(9) Establish reporting requirements for a licensed home 73086
inspector to follow to demonstrate that the licensed home 73087
inspector successfully completed the continuing education 73088
requirements specified in section 4764.08 of the Revised Code; 73089

(10) Establish requirements for conducting home inspections, 73090
standards of practice for home inspectors, and conflict of 73091
interest prohibitions to the extent that those provisions do not 73092
conflict with divisions (A)(2) to (5) of section 4764.14 of the 73093
Revised Code; 73094

(11) Specify requirements for settlement agreements entered 73095
into between the superintendent and a licensed home inspector 73096
under division (C) of section 4764.13 of the Revised Code; 73097

(12) Establish procedures for providing licensees with notice and applications for renewal under section 4764.09 of the Revised Code;	73098 73099 73100
(13) Establish a set of standards of practice and canons of ethics for the home inspection industry;	73101 73102
(14) Establish directions for the superintendent of real estate and professional licensing to follow regarding the scheduling, instruction, and offerings of home inspection courses a person must successfully complete to obtain a license issued under this chapter;	73103 73104 73105 73106 73107
(15) Establish requirements a licensed home inspector shall satisfy to obtain approval to prepare and conduct peer review sessions;	73108 73109 73110
<u>(16) Authorize the board, as the board determines appropriate, to request the superintendent of real estate and professional licensing to initiate investigations for possible violations of this chapter or the rules adopted pursuant thereto;</u>	73111 73112 73113 73114
<u>(17) Any other rules necessary in furtherance of this chapter.</u>	73115 73116
(B) The board shall do all of the following:	73117
(1) On appeal by any party affected, or on its own motion, review any order of or application determination made by the superintendent, and as the board determines necessary, reverse, vacate, modify, or sustain such an order or determination;	73118 73119 73120 73121
(2) Hear appeals from orders of the superintendent regarding claims against the home inspection recovery fund created under section 4764.21 of the Revised Code;	73122 73123 73124
(3) Disseminate to licensees and the public information relative to board activities and decisions;	73125 73126
(4) <u>(3)</u> Notify licensees of changes in state and federal laws	73127

pertaining to home inspections and relevant case law and inform 73128
licensees that they are subject to disciplinary action if they do 73129
not comply with the changes. 73130

(C) The board shall approve a curriculum of education a 73131
person must successfully complete to obtain a license issued under 73132
this chapter. The board shall approve a curriculum of education 73133
that satisfies all of the following requirements: 73134

(1) The curriculum is offered by an accredited public or 73135
private institution of higher education or a professional 73136
organization that has been approved by the board to offer a 73137
curriculum. 73138

(2) The curriculum includes a requirement that a person, to 73139
successfully complete the curriculum, complete at least eighty 73140
hours of classroom or online prelicensing instruction, including 73141
instruction about compliance with the requirements specified in 73142
this chapter, inspection safety, report writing, and any other 73143
administrative matters required by the board. 73144

(3) The curriculum satisfies any other requirements the board 73145
established in rules it adopts. 73146

(D) The board shall determine the equivalency of field 73147
experience that a person may elect to complete to satisfy the 73148
proof of experience requirement specified in division (D)(6) of 73149
section 4764.07 of the Revised Code. The board shall approve only 73150
a curriculum of experience that includes a requirement that a 73151
person, to successfully complete the curriculum, must perform at 73152
least forty hours of work in the home inspection field that allows 73153
the person to obtain practical experience or training regarding 73154
home inspections. The board shall approve only a curriculum of 73155
experience that includes a requirement that a person, to 73156
successfully complete the curriculum, must complete a peer review 73157
session with a licensed home inspector approved by the board 73158

before applying for a license. The peer review session may be used 73159
as part of the required eighty hours of prelicensing education. 73160

Sec. 4764.06. (A) The superintendent of real estate and 73161
professional licensing shall do all of the following: 73162

(1) Administer this chapter; 73163

(2) Provide the Ohio home inspector board with meeting space, 73164
staff services, and other technical assistance required by the 73165
board to carry out the duties of the board under this chapter; 73166

(3) Provide each applicant for a home inspector license with 73167
a copy of the requirements for home inspections specified in rules 73168
adopted by the board pursuant to division (A)(10) of section 73169
4764.05 of the Revised Code, and make those requirements available 73170
to the public by posting them on the web site maintained by the 73171
department of commerce; 73172

(4) In accordance with division (B) of this section, issue a 73173
home inspector license to, or renew a home inspector license for, 73174
any person who satisfies the requirements specified in this 73175
chapter for such licensure or renewal, and make a list of those 73176
licensed home inspectors available to the public by posting the 73177
list on the web site maintained by the department of commerce; 73178

(5) Administer the home inspector recovery fund created under 73179
section 4764.21 of the Revised Code; 73180

(6) Establish procedures, in accordance with division ~~(K)~~(L) 73181
of section 121.08 of the Revised Code, to have fingerprint-based 73182
criminal records checks conducted by the bureau of criminal 73183
identification and investigation for all applicants for licensure; 73184

(7) In accordance with the procedures specified in rules 73185
adopted by the board in accordance with division (A)(7) of section 73186
4764.05 of the Revised Code, approve an institution or 73187
organization wishing to provide continuing education courses or 73188

programs if that institution or organization satisfies the 73189
requirements specified in rules adopted by the board in accordance 73190
with that division and pays the fee established in rules adopted 73191
by the board pursuant to division (A)(2)(c) of that section; 73192

(8) In accordance with the procedures specified in rules 73193
adopted by the board in accordance with division (A)(8) of section 73194
4764.05 of the Revised Code, approve a course or program that a 73195
licensed home inspector may complete to satisfy the continuing 73196
education requirements specified in section 4764.08 of the Revised 73197
Code if all of the following are satisfied: 73198

(a) The course or program is offered by an institution or 73199
organization approved by the superintendent pursuant to division 73200
(A)(7) of this section. 73201

(b) The course or program satisfies the standards established 73202
in rules adopted by the board pursuant to division (A)(8) of 73203
section 4764.05 of the Revised Code. 73204

(c) The institution or organization pays the fee established 73205
in rules adopted by the board pursuant to division (A)(2)(d) of 73206
section 4764.05 of the Revised Code. 73207

(9) Issue all orders necessary to implement this chapter; 73208

(10) In accordance with section 4764.12 of the Revised Code, 73209
investigate complaints concerning an alleged violation of this 73210
chapter or the conduct of any licensee and subpoena witnesses in 73211
connection with those investigations, as provided in that section. 73212
The subpoena may contain a direction that the witness produce and 73213
bring any documents, work files, inspection reports, records, or 73214
papers mentioned in the subpoena. 73215

(11) Establish and maintain an investigation and audit 73216
section to investigate complaints and conduct inspections, audits, 73217
and other inquiries as in the judgment of the superintendent are 73218
appropriate to enforce this chapter. The superintendent shall 73219

utilize the investigators and auditors employed pursuant to 73220
division (B)(4) of section 4735.05 of the Revised Code to assist 73221
in performing the duties specified in division (A)(10) of this 73222
section. 73223

(12) Specify the information that must be provided on an 73224
application for licensure under this chapter; 73225

(13) Establish procedures for processing, approving, and 73226
denying applications for licensure under this chapter; 73227

(14) Specify the format and content of all affidavits and 73228
other documents required for the administration of this chapter; 73229

(15) Appoint a hearing officer for any proceeding involving a 73230
determination under section 3123.47 of the Revised Code, 73231
disciplinary action arising under section 4764.02 or division 73232
(A)(6) of section 4764.14 of the Revised Code, or a proceeding 73233
under section 4764.16 of the Revised Code. 73234

(B) The superintendent shall not issue a license to a 73235
corporation, limited liability company, partnership, or 73236
association, although a licensed home inspector may sign a home 73237
inspection report in a representative capacity on behalf of any of 73238
those types of entities. 73239

Sec. 4764.07. (A) To obtain a license to perform home 73240
inspections, a person shall submit both of the following to the 73241
superintendent of real estate and professional licensing: 73242

(1) An application meeting the requirements of division (D) 73243
of this section on a form the superintendent provides; 73244

(2) The fee established in rules adopted by the Ohio home 73245
inspector board pursuant to division (A)(2)(a) of section 4764.05 73246
of the Revised Code. 73247

(B) Each person applying for a license shall submit one 73248
complete set of fingerprints directly to the superintendent of the 73249

bureau of criminal identification and investigation for the 73250
purpose of conducting a criminal records check. The person shall 73251
provide the fingerprints using a method the superintendent of the 73252
bureau of criminal identification and investigation prescribes 73253
pursuant to division (C)(2) of section 109.572 of the Revised Code 73254
and fill out the form the superintendent of the bureau of criminal 73255
identification and investigation prescribes pursuant to division 73256
(C)(1) of section 109.572 of the Revised Code. Upon receiving an 73257
application under this section, the superintendent of real estate 73258
and professional licensing shall request the superintendent of the 73259
bureau of criminal identification and investigation, or a vendor 73260
approved by the bureau, to conduct a criminal records check based 73261
on the applicant's fingerprint impressions in accordance with 73262
division (A)(15) of section 109.572 of the Revised Code. 73263
Notwithstanding division ~~(K)~~(L) of section 121.08 of the Revised 73264
Code, the superintendent of real estate and professional licensing 73265
shall request that criminal record information based on the 73266
applicant's fingerprints be obtained from the federal bureau of 73267
investigation as part of the criminal records check. Any fee 73268
required under division (C)(3) of section 109.572 of the Revised 73269
Code shall be paid by the applicant. 73270

(C) The superintendent shall issue a license to perform home 73271
inspections to applicants who satisfy the requirements set forth 73272
in this section, subject to section 4768.14 of the Revised Code. 73273

(D) Except as otherwise specified in division (E) of this 73274
section, the application shall include all of the following: 73275

(1) A pledge the applicant signs, agreeing to comply with the 73276
rules adopted by the board pursuant to division (A)(10) of section 73277
4764.05 of the Revised Code; 73278

(2) A statement that the applicant understands the grounds 73279
for any disciplinary action that may be initiated under this 73280
chapter; 73281

(3) Proof of holding a comprehensive general liability insurance policy or a commercial general liability insurance policy in accordance with division (A) of section 4764.11 of the Revised Code;	73282 73283 73284 73285
(4) Proof of successfully passing, within two years before the date of the application, the national home inspector examination;	73286 73287 73288
(5) Proof of successfully completing a curriculum of education approved by the board in accordance with rules the board adopts pursuant to division (A)(3) of section 4764.05 of the Revised Code;	73289 73290 73291 73292
(6) Proof that the applicant has experience in the field of home inspections through either of the following:	73293 73294
(a) Successful completion of a curriculum of experience approved by the board in accordance with rules the board adopts pursuant to divisions (A)(4) and (D) of section 4764.05 of the Revised Code;	73295 73296 73297 73298
(b) Successful completion of ten parallel inspections or equivalent experience as determined by the board pursuant to division (A)(5) of section 4764.05 of the Revised Code;	73299 73300 73301
(7) Proof that the applicant is at least eighteen years of age;	73302 73303
(8) Proof that the applicant has graduated from the twelfth grade, received a general educational development diploma, or satisfactorily completed a program that is the equivalent to graduating from the twelfth grade or receiving a general educational development diploma;	73304 73305 73306 73307 73308
(9) Any other information the board requires that the board determines is relevant to receiving a license to practice as a licensed home inspector.	73309 73310 73311

(E) The superintendent shall not require a person described 73312
in division (B) or (C) of section 4764.03 of the Revised Code who 73313
wishes to obtain a license to perform home inspections under this 73314
chapter to submit proof of education and experience as required 73315
under divisions (D)(5) and (6) of this section in the person's 73316
application in order for that person to receive a license. Such a 73317
person, however, shall satisfy all other requirements specified in 73318
divisions (A) and (D) of this section and provide proof of 73319
licensure in good standing described in division (B) or (C) of 73320
section 4764.03 of the Revised Code to receive a license. 73321

(F) The act of submitting an application to the 73322
superintendent does not create, shall not be construed as 73323
creating, and is not intended to indicate licensure as a home 73324
inspector. 73325

Sec. 4764.08. During each three-year period that a license is 73326
valid, a licensed home inspector shall successfully complete not 73327
less than ~~fourteen~~ forty-two hours of continuing education 73328
instruction ~~annually~~ in courses or programs directly applicable to 73329
the standards of practice and requirements specified in rules 73330
adopted by the Ohio home inspector board pursuant to division 73331
(A)(10) of section 4764.05 of the Revised Code. 73332

The superintendent of real estate and professional licensing 73333
shall accept only those courses and programs the superintendent 73334
approves in accordance with division (A)(8) of section 4764.06 of 73335
the Revised Code prior to the date the licensed home inspector 73336
completes the course or program. The superintendent shall not 73337
include parallel inspections completed by a person for credit 73338
toward satisfying the continuing education requirements specified 73339
in this section. 73340

Sec. 4764.16. (A) Upon receipt of a written complaint or upon 73341

the motion of the superintendent of real estate and professional 73342
licensing, the superintendent may investigate any person who is 73343
not a licensed home inspector who has allegedly violated section 73344
4764.02 of the Revised Code. 73345

(B) The superintendent has the same powers to investigate an 73346
alleged violation of section 4764.02 of the Revised Code by a 73347
person who is not licensed as a home inspector as those powers are 73348
specified in section 4764.12 of the Revised Code. If, after an 73349
investigation pursuant to section 4764.12 of the Revised Code, the 73350
superintendent determines that reasonable evidence exists that an 73351
unlicensed person has violated section 4764.02 of the Revised 73352
Code, within seven days after that determination, the 73353
superintendent shall ~~send~~ serve a written notice ~~to that person by~~ 73354
~~regular mail~~ in accordance with sections 119.05 and 119.07 of the 73355
Revised Code and shall include in the notice the information 73356
specified in section 119.07 of the Revised Code for notices given 73357
to licensees, except that the notice shall specify that a hearing 73358
will be held and specify the date, time, and place of the hearing. 73359

(C) The Ohio home inspector board shall hold a hearing 73360
regarding the alleged violation in the same manner prescribed for 73361
an adjudication hearing under section 119.09 of the Revised Code. 73362
If the board, after the hearing, determines a violation has 73363
occurred, the board may impose a civil penalty on the person, not 73364
exceeding five hundred dollars per violation which is distinct 73365
from any criminal fine imposed pursuant to section 4764.99 of the 73366
Revised Code. Each day a violation occurs or continues is a 73367
separate violation. The superintendent may approve a payment plan 73368
if the unlicensed person requests such. The board shall maintain a 73369
transcript of the proceedings of the hearing and issue a written 73370
order to all parties, citing its findings and grounds for any 73371
action taken. The board's determination regarding a violation of 73372
section 4764.02 of the Revised Code is an order that the person 73373

may appeal in accordance with section 119.12 of the Revised Code. 73374

(D) If the unlicensed person who allegedly committed a 73375
violation of section 4764.02 of the Revised Code fails to appear 73376
for a hearing, the board may request the court of common pleas of 73377
the county where the alleged violation occurred to compel the 73378
person to appear before the board for a hearing. 73379

(E) If the board assesses an unlicensed person a civil 73380
penalty for a violation of section 4764.02 of the Revised Code and 73381
the person fails to pay that civil penalty within the time period 73382
prescribed by the board, the superintendent shall forward to the 73383
attorney general the name of the person and the amount of the 73384
civil penalty for the purpose of collecting that civil penalty. In 73385
addition to the civil penalty assessed pursuant to this section, 73386
the person also shall pay any fee assessed by the attorney general 73387
for collection of the civil penalty. 73388

If the board finds, or an unlicensed person admits to the 73389
board, a violation of section 4764.02 of the Revised Code, the 73390
superintendent shall not issue to the person a home inspector 73391
license without prior board approval. 73392

Sec. 4764.18. Except as provided in section 4764.21 of the 73393
Revised Code, the superintendent of real estate and professional 73394
licensing shall deposit all money collected under this chapter in 73395
the state treasury to the credit of the home inspectors real 73396
estate operating fund, ~~which is hereby created. Money credited to~~ 73397
~~the fund shall be used solely by the superintendent to pay costs~~ 73398
~~associated with the administration and enforcement of this~~ 73399
chapter. 73400

Sec. 4764.21. (A) The home inspection recovery fund is hereby 73401
created in the state treasury, to be administered by the 73402
superintendent of real estate and professional licensing. Amounts 73403

collected by the superintendent as prescribed in this section and 73404
interest earned on the assets of the fund shall be ascertained by 73405
the superintendent as of the first day of July each year. 73406

The Ohio home inspector board, in accordance with rules 73407
adopted under division (A)(2) of section 4764.05 of the Revised 73408
Code, shall impose a special assessment not to exceed five dollars 73409
per year for each year of a licensing period on each person 73410
applying for a license under section 4764.07 of the Revised Code 73411
and on each licensee filing a notice of renewal under section 73412
4764.09 of the Revised Code if the amount available in the fund is 73413
less than ~~two hundred and fifty thousand~~ one million dollars on 73414
the first day of July preceding that filing. ~~The board may impose~~ 73415
~~a special assessment not to exceed three dollars per year for each~~ 73416
~~year of a licensing period if the amount available is greater than~~ 73417
~~five hundred thousand dollars, but less than one million dollars~~ 73418
~~on the first day of July preceding that filing.~~ The board shall 73419
not impose a special assessment if the amount available in the 73420
fund equals or exceeds one million dollars on the first day of 73421
July preceding that filing. 73422

(B)(1) Any person who obtains a final judgment in any court 73423
of competent jurisdiction against any home inspector licensed 73424
under this chapter, on the grounds of conduct that is in violation 73425
of this chapter or the rules adopted under it, and that is 73426
associated with an act or transaction that only a licensed home 73427
inspector is authorized to perform as specified in section 4764.02 73428
of the Revised Code, may file an application, as described in 73429
division (B)(3) of this section, in the court of common pleas of 73430
Franklin county for an order directing payment out of the home 73431
inspection recovery fund of the portion of the judgment that 73432
remains unpaid and that represents an actual and direct loss 73433
sustained by the applicant. 73434

(2) Punitive damages, attorney's fees, and interest on a judgment are not recoverable from the fund. The superintendent may allow court costs to be recovered from the fund, and, if the superintendent authorizes the recovery of court costs, the order of the court of common pleas then may direct their payment from the fund.

(3) The applicant shall describe in the application the nature of the act or transaction on which the underlying judgment was based, the activities of the applicant in pursuit of remedies available under law for the collection of judgments, and the actual and direct losses, attorney's fees, and the court costs sustained or incurred by the applicant. The applicant shall attach to the application a copy of each pleading and order in the underlying court action.

(4) The court shall order the superintendent to make payments out of the fund when the person seeking the order has shown all of the following:

(a) The person has obtained a judgment, as provided in this division;

(b) All appeals from the judgment have been exhausted and the person has given notice to the superintendent, as required by division (C) of this section;

(c) The person is not a spouse of the judgment debtor, or the personal representative of the spouse;

(d) The person has diligently pursued the person's remedies against all the judgment debtors and all other persons liable to the person in the transaction for which the person seeks recovery from the fund;

(e) The person is applying not more than one year after termination of all proceedings, including appeals, in connection with the judgment.

(5) Divisions (B)(1) to (4) of this section do not apply to any of the following: 73466
73467

(a) Actions arising from home inspections conducted by an unlicensed individual; 73468
73469

(b) A bonding company when it is not a principal in the real estate transaction; 73470
73471

(c) A person in an action for the payment of a fee or other compensation for the performance of an act or transaction specified or comprehended in division (A) or (C) of section 4764.02 of the Revised Code; 73472
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(d) Losses incurred by investors in real estate if the applicant and the licensee are principals in the investment. 73476
73477

(C) A person who applies to a court of common pleas for an order directing payment out of the fund shall file notice of the application with the superintendent. The superintendent may defend any action on behalf of the fund and shall have recourse to all appropriate means of defense and review, including examination of witnesses, verification of actual and direct losses, and challenges to the underlying judgment required in division (B)(4)(a) of this section to determine whether the underlying judgment is based on activity only a licensed home inspector is permitted to perform. The superintendent may move the court at any time to dismiss the application when it appears there are no triable issues and the application is without merit. The motion may be supported by affidavit of any person having knowledge of the facts and may be made on the basis that the application, including the judgment referred to in it, does not form the basis for a meritorious recovery claim; provided, that the superintendent shall give written notice to the applicant at least ten days before making the motion. The superintendent may, subject to court approval, compromise a claim based upon the application 73478
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of an aggrieved party. The superintendent shall not be bound by 73497
any prior compromise or stipulation of the judgment debtor. 73498

(D) Notwithstanding any other provision of this section to 73499
the contrary, the liability of the fund shall not exceed forty 73500
thousand dollars for any one licensee. If a licensee's license is 73501
reactivated as provided in division (E) of this section, the 73502
liability of the fund for the licensee under this section shall 73503
again be forty thousand dollars, but only for transactions that 73504
occur subsequent to the time of reactivation. 73505

If the forty-thousand-dollar liability of the fund is 73506
insufficient to pay in full the valid claims of all aggrieved 73507
persons by whom claims have been filed against any one licensee, 73508
the forty thousand dollars shall be distributed among them in the 73509
ratio that their respective claims bear to the aggregate of valid 73510
claims or in any other manner as the court finds equitable. 73511
Distribution of moneys shall be among the persons entitled to 73512
share in it, without regard to the order of priority in which 73513
their respective judgments may have been obtained or their claims 73514
have been filed. Upon petition of the superintendent, the court 73515
may require all claimants and prospective claimants against one 73516
licensee to be joined in one action, to the end that the 73517
respective rights of all the claimants to the fund may be 73518
equitably adjudicated and settled. 73519

(E) If the superintendent pays from the fund any amount in 73520
settlement of a claim or toward satisfaction of a judgment against 73521
a licensed home inspector, the superintendent may suspend the home 73522
inspector's license. The superintendent shall not reactivate the 73523
suspended license of that home inspector until the home inspector 73524
has repaid in full, plus interest per annum at the rate specified 73525
in division (A) of section 1343.03 of the Revised Code, the amount 73526
paid from the fund on the home inspector's account. A discharge in 73527
bankruptcy does not relieve a person from the suspension and 73528

requirements for reactivation provided in this section unless the 73529
underlying judgment has been included in the discharge and has not 73530
been reaffirmed by the debtor. 73531

(F) If, at any time, the money deposited in the fund is 73532
insufficient to satisfy any duly authorized claim or portion of a 73533
claim, the superintendent shall, when sufficient money has been 73534
deposited in the fund, satisfy the unpaid claims or portions, in 73535
the order that the claims or portions were originally filed, plus 73536
accumulated interest per annum at the rate specified in division 73537
(A) of section 1343.03 of the Revised Code. 73538

(G) When, upon the order of the court, the superintendent has 73539
paid from the fund any sum to the judgment creditor, the 73540
superintendent shall be subrogated to all of the rights of the 73541
judgment creditor to the extent of the amount so paid, and the 73542
judgment creditor shall assign all the judgment creditor's right, 73543
title, and interest in the judgment to the superintendent to the 73544
extent of the amount so paid. Any amount and interest so recovered 73545
by the superintendent on the judgment shall be deposited in the 73546
fund. 73547

(H) Nothing contained in this section shall limit the 73548
authority of the superintendent to take disciplinary action 73549
against any licensee under other provisions of this chapter; nor 73550
shall the repayment in full of all obligations to the fund by any 73551
licensee nullify or modify the effect of any other disciplinary 73552
proceeding brought pursuant to this chapter. 73553

(I) The superintendent shall collect from the fund a service 73554
fee in an amount equivalent to the interest rate specified in 73555
division (A) of section 1343.03 of the Revised Code multiplied by 73556
the annual interest earned on the assets of the fund, to defray 73557
the expenses incurred in the administration of the fund. 73558

Sec. 4765.02. (A)(1) There is hereby created the state board 73559

of emergency medical, fire, and transportation services within the 73560
division of emergency medical services of the department of public 73561
safety. The board shall consist of the members specified in this 73562
section who are residents of this state. The governor, with the 73563
advice and consent of the senate, shall appoint all members of the 73564
board, except the employee of the department of public safety 73565
designated by the director of public safety under this section to 73566
be a member of the board. In making the appointments, the governor 73567
shall appoint only members with background or experience in 73568
emergency medical services or trauma care and shall attempt to 73569
include members representing urban and rural areas, various 73570
geographical regions of the state, and various schools of 73571
training. 73572

(2) One member of the board shall be a physician certified by 73573
the American board of emergency medicine or the American 73574
osteopathic board of emergency medicine who is active in the 73575
practice of emergency medicine and is actively involved with an 73576
emergency medical service organization. The governor shall appoint 73577
this member from among ~~three~~ persons nominated by the Ohio chapter 73578
of the American college of emergency physicians and ~~three~~ persons 73579
nominated by the Ohio osteopathic association. One member shall be 73580
a physician certified by the American board of surgery or the 73581
American osteopathic board of surgery who is active in the 73582
practice of trauma surgery and is actively involved with emergency 73583
medical services. The governor shall appoint this member from 73584
among ~~three~~ persons nominated by the Ohio chapter of the American 73585
college of surgeons and ~~three~~ persons nominated by the Ohio 73586
osteopathic association. One member shall be a physician certified 73587
by the American academy of pediatrics or American osteopathic 73588
board of pediatrics who is active in the practice of pediatric 73589
emergency medicine and actively involved with an emergency medical 73590
service organization. The governor shall appoint this member from 73591
among ~~three~~ persons nominated by the Ohio chapter of the American 73592

academy of pediatrics and ~~three~~ persons nominated by the Ohio 73593
osteopathic association. One member shall be the administrator of 73594
a hospital located in this state. The governor shall appoint this 73595
member from among ~~three~~ persons nominated by OHA: the association 73596
for hospitals and health systems, ~~three~~ persons nominated by the 73597
Ohio osteopathic association, and ~~three~~ persons nominated by the 73598
association of Ohio children's hospitals. One member shall be an 73599
adult or pediatric trauma program manager or trauma program 73600
director who is involved in the daily management of a verified 73601
trauma center. The governor shall appoint this member from among 73602
~~three~~ persons nominated by the Ohio nurses association, ~~three~~ 73603
persons nominated by the Ohio society of trauma nurse leaders, and 73604
~~three~~ persons nominated by the Ohio state council of the emergency 73605
nurses association. One member shall be the chief of a fire 73606
department that is also an emergency medical service organization 73607
in which more than fifty per cent of the persons who provide 73608
emergency medical services are full-time paid employees. The 73609
governor shall appoint this member from among ~~three~~ persons 73610
nominated by the Ohio fire chiefs' association. One member shall 73611
be the chief of a fire department that is also an emergency 73612
medical service organization in which more than fifty per cent of 73613
the persons who provide emergency medical services are volunteers. 73614
The governor shall appoint this member from among ~~three~~ persons 73615
nominated by the Ohio fire chiefs' association. One member shall 73616
be a person who is certified to teach under section 4765.23 of the 73617
Revised Code and holds a valid certificate to practice as an EMT, 73618
AEMT, or paramedic. ~~The governor shall appoint this member from~~ 73619
~~among three persons nominated by the Ohio emergency medical~~ 73620
~~technician instructors association and the Ohio~~ 73621
~~instructor/coordinators' society.~~ One member shall be an EMT, 73622
AEMT, or paramedic, and one member shall be a paramedic. The 73623
governor shall appoint these members from among ~~three~~ EMTs ~~or,~~ 73624
AEMTs, ~~and three~~ paramedics nominated by the Ohio association of 73625

professional fire fighters and ~~three~~ EMTs, ~~three~~ AEMTs, and ~~three~~ 73626
paramedics nominated by the northern Ohio fire fighters. One 73627
member shall be an EMT, AEMT, or paramedic, and one member shall 73628
be a paramedic. The governor shall appoint these members from 73629
among ~~three~~ EMTs ~~or~~ AEMTs, and ~~three~~ paramedics nominated by the 73630
Ohio state firefighter's association. One member shall be a person 73631
whom the governor shall appoint from among an EMT, AEMT, or a 73632
paramedic nominated by the Ohio association of emergency medical 73633
services or the Ohio ambulance and medical transportation 73634
association. One member shall be an EMT, AEMT, or a paramedic, 73635
whom the governor shall appoint from among ~~three~~ persons nominated 73636
by the Ohio ambulance and medical transportation association. One 73637
member shall be a paramedic, whom the governor shall appoint from 73638
among ~~three~~ persons nominated by the Ohio ambulance and medical 73639
transportation association. One member shall be the owner or 73640
operator of a private emergency medical service organization whom 73641
the governor shall appoint from among ~~three~~ persons nominated by 73642
the Ohio ambulance and medical transportation association. One 73643
member shall be a member of a third-service emergency medical 73644
service agency or organization whom the governor shall appoint 73645
from among ~~three~~ persons nominated by the Ohio EMS chiefs 73646
association. One member shall be a provider of mobile intensive 73647
care unit transportation in this state whom the governor shall 73648
appoint from among ~~three~~ persons nominated by the Ohio association 73649
of critical care transport. One member shall be a provider of 73650
air-medical transportation in this state whom the governor shall 73651
appoint from among ~~three~~ persons nominated by the Ohio association 73652
of critical care transport. One member shall be the owner or 73653
operator of a nonemergency medical service organization in this 73654
state that provides ambulette services whom the governor shall 73655
appoint from among ~~three~~ persons nominated by the Ohio ambulance 73656
and medical transportation association. 73657

The governor may refuse to appoint any of the persons 73658

nominated by one or more organizations under division (A)(2) of 73659
this section, except the employee of the department of public 73660
safety designated by the director of public safety under this 73661
section to be a member of the board. In that event, the 73662
organization or organizations shall continue to nominate ~~the~~ 73663
~~required number of~~ persons until the governor appoints to the 73664
board one or more of the persons nominated by the organization or 73665
organizations. If any nominating organization ceases to exist or 73666
fails to make a nomination of a member within sixty days of a 73667
vacancy, the governor may appoint any person who meets the 73668
designated professional qualifications for that member. 73669

The director of public safety shall designate an employee of 73670
the department of public safety to serve as a member of the board 73671
at the director's pleasure. This member shall serve as a liaison 73672
between the department and the division of emergency medical 73673
services in cooperation with the executive director of the board. 73674

(B) Terms of office of all members appointed by the governor 73675
shall be for three years, each term ending on the same day of the 73676
same month as did the term it succeeds. Each member shall hold 73677
office from the date of appointment until the end of the term for 73678
which the member was appointed. A member shall continue in office 73679
subsequent to the expiration date of the member's term until the 73680
member's successor takes office, or until a period of ~~sixty days~~ 73681
three years has elapsed, whichever occurs first. 73682

Each vacancy shall be filled in the same manner as the 73683
original appointment. A member appointed to fill a vacancy 73684
occurring prior to the expiration of the term for which the 73685
member's predecessor was appointed shall hold office for the 73686
remainder of the unexpired term. 73687

The term of a member shall expire if the member ceases to 73688
meet any of the requirements to be appointed as that member. The 73689
governor may remove any member from office for neglect of duty, 73690

malfeasance, misfeasance, or nonfeasance, after an adjudication 73691
hearing held in accordance with Chapter 119. of the Revised Code. 73692

(C) The members of the board shall serve without compensation 73693
but shall be reimbursed for their actual and necessary expenses 73694
incurred in carrying out their duties as board members. 73695

(D) The board shall organize by annually selecting a chair 73696
and vice-chair from among its members. The board may adopt bylaws 73697
to regulate its affairs. A majority of all members of the board 73698
shall constitute a quorum. No action shall be taken without the 73699
concurrence of a majority of all members of the board. The board 73700
shall meet at least four times annually and at the call of the 73701
chair. The chair shall call a meeting on the request of the 73702
executive director or the medical director of the board or on the 73703
written request of five members. The board shall maintain written 73704
or electronic records of its meetings. 73705

(E) Upon twenty-four hours' notice from a member of the 73706
board, the member's employer shall release the member from the 73707
member's employment duties to attend meetings of the full board. 73708
Nothing in this division requires the employer of a member of the 73709
board to compensate the member for time the member is released 73710
from employment duties under this paragraph, but any civil 73711
immunity, workers' compensation, disability, or similar coverage 73712
that applies to a member of the board as a result of the member's 73713
employment shall continue to apply while the member is released 73714
from employment duties under this paragraph. 73715

Sec. 4765.04. (A) The firefighter and fire safety inspector 73716
training committee of the state board of emergency medical, fire, 73717
and transportation services is hereby created and shall consist of 73718
the members of the board who are chiefs of fire departments, and 73719
the members of the board who are emergency medical 73720
technicians-basic, emergency medical technicians-intermediate, and 73721

emergency medical technicians-paramedic appointed from among 73722
persons nominated by the Ohio association of professional fire 73723
fighters or the northern Ohio fire fighters and from among persons 73724
nominated by the Ohio state firefighter's association. Each member 73725
of the committee, except the chairperson, may designate a person 73726
with fire experience to serve in that member's place. The members 73727
of the committee or their designees shall select a chairperson 73728
from among the members or their designees. 73729

The committee may conduct investigations in the course of 73730
discharging its duties under this chapter. In the course of an 73731
investigation, the committee may issue subpoenas. If a person 73732
subpoenaed fails to comply with the subpoena, the committee may 73733
authorize its chairperson to apply to the court of common pleas in 73734
the county where the person to be subpoenaed resides for an order 73735
compelling compliance in the same manner as compliance with a 73736
subpoena issued by the court is compelled. 73737

(B) The trauma committee of the state board of emergency 73738
medical, fire, and transportation services is hereby created and 73739
shall consist of the following members appointed by the director 73740
of public safety: 73741

(1) A physician who is certified by the American board of 73742
surgery or American osteopathic board of surgery and actively 73743
practices general trauma surgery, appointed from among ~~three~~ 73744
persons nominated by the Ohio chapter of the American college of 73745
surgeons, ~~three~~ persons nominated by the Ohio state medical 73746
association, and ~~three~~ persons nominated by the Ohio osteopathic 73747
association; 73748

(2) A physician who is certified by the American board of 73749
surgery or the American osteopathic board of surgery and actively 73750
practices orthopedic trauma surgery, appointed from among ~~three~~ 73751
persons nominated by the Ohio orthopedic society and ~~three~~ persons 73752

nominated by the Ohio osteopathic association; 73753

(3) A physician who is certified by the American board of 73754
neurological surgeons or the American osteopathic board of surgery 73755
and actively practices neurosurgery on trauma victims, appointed 73756
from among ~~three~~ persons nominated by the Ohio state neurological 73757
society and ~~three~~ persons nominated by the Ohio osteopathic 73758
association; 73759

(4) A physician who is certified by the American board of 73760
surgeons or American osteopathic board of surgeons and actively 73761
specializes in treating burn victims, appointed from among ~~three~~ 73762
persons nominated by the Ohio chapter of the American college of 73763
surgeons and ~~three~~ persons nominated by the Ohio osteopathic 73764
association; 73765

(5) A dentist who is certified by the American board of oral 73766
and maxillofacial surgery and actively practices oral and 73767
maxillofacial surgery, appointed from among ~~three~~ persons 73768
nominated by the Ohio dental association; 73769

(6) A physician who is certified by the American board of 73770
physical medicine and rehabilitation or American osteopathic board 73771
of physical medicine and rehabilitation and actively provides 73772
rehabilitative care to trauma victims, appointed from among ~~three~~ 73773
persons nominated by the Ohio society of physical medicine and 73774
rehabilitation and ~~three~~ persons nominated by the Ohio osteopathic 73775
association; 73776

(7) A physician who is certified by the American board of 73777
surgery or American osteopathic board of surgery with special 73778
qualifications in pediatric surgery and actively practices 73779
pediatric trauma surgery, appointed from among ~~three~~ persons 73780
nominated by the Ohio chapter of the American academy of 73781
pediatrics and ~~three~~ persons nominated by the Ohio osteopathic 73782
association; 73783

(8) A physician who is certified by the American board of emergency medicine or American osteopathic board of emergency medicine, actively practices emergency medicine, and is actively involved in emergency medical services, appointed from among ~~three~~ persons nominated by the Ohio chapter of the American college of emergency physicians and ~~three~~ persons nominated by the Ohio osteopathic association;

(9) A physician who is certified by the American board of pediatrics, American osteopathic board of pediatrics, American board of emergency medicine, or American osteopathic board of emergency medicine, is sub-boarded in pediatric emergency medicine, actively practices pediatric emergency medicine, and is actively involved in emergency medical services, appointed from among ~~three~~ persons nominated by the Ohio chapter of the American academy of pediatrics, ~~three~~ persons nominated by the Ohio chapter of the American college of emergency physicians, and ~~three~~ persons nominated by the Ohio osteopathic association;

(10) A physician who is certified by the American board of surgery, American osteopathic board of surgery, American board of emergency medicine, or American osteopathic board of emergency medicine and is the chief medical officer of an air medical organization, appointed from among ~~three~~ persons nominated by the Ohio association of air medical services;

(11) A coroner or medical examiner appointed from among ~~three people~~ persons nominated by the Ohio state coroners' association;

(12) A registered nurse who actively practices trauma nursing at an adult or pediatric trauma center, appointed from among ~~three~~ persons nominated by the Ohio association of trauma nurse coordinators;

(13) A registered nurse who actively practices emergency nursing and is actively involved in emergency medical services,

appointed from among ~~three~~ persons nominated by the Ohio chapter of the emergency nurses' association; 73815
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(14) The chief trauma registrar of an adult or pediatric trauma center, appointed from among ~~three~~ persons nominated by the alliance of Ohio trauma registrars; 73817
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(15) The administrator of an adult or pediatric trauma center, appointed from among ~~three~~ persons nominated by the Ohio hospital association, ~~three~~ persons nominated by the Ohio osteopathic association, ~~three~~ persons nominated by the association of Ohio children's hospitals, and ~~three~~ persons nominated by the health forum of Ohio; 73820
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(16) The administrator of a hospital that is not a trauma center and actively provides emergency care to adult or pediatric trauma patients, appointed from among ~~three~~ persons nominated by the Ohio hospital association, ~~three~~ persons nominated by the Ohio osteopathic association, ~~three~~ persons nominated by the association of Ohio children's hospitals, and ~~three~~ persons nominated by the health forum of Ohio; 73826
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(17) The operator of an ambulance company that actively provides trauma care to emergency patients, appointed from among ~~three~~ persons nominated by the Ohio ambulance association; 73833
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(18) The chief of a fire department that actively provides trauma care to emergency patients, appointed from among ~~three~~ persons nominated by the Ohio fire chiefs' association; 73836
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(19) An EMT or paramedic who is certified under this chapter and actively provides trauma care to emergency patients, appointed from among ~~three~~ persons nominated by the Ohio association of professional firefighters, ~~three~~ persons nominated by the northern Ohio fire fighters, ~~three~~ persons nominated by the Ohio state firefighters' association, and ~~three~~ persons nominated by the Ohio association of emergency medical services; 73839
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(20) A person who actively advocates for trauma victims, 73846
appointed from ~~three~~ persons nominated by the Ohio brain injury 73847
association; 73848

(21) A physician or nurse who has substantial administrative 73849
responsibility for trauma care provided in or by an adult or 73850
pediatric trauma center, appointed from among ~~three~~ persons 73851
nominated by the Ohio hospital association, ~~three~~ persons 73852
nominated by the Ohio osteopathic association, ~~three~~ persons 73853
nominated by the association of Ohio children's hospitals, and 73854
~~three~~ persons nominated by the health forum of Ohio; 73855

(22) Three representatives of hospitals that are not trauma 73856
centers and actively provide emergency care to trauma patients, 73857
appointed from among ~~three~~ persons nominated by the Ohio hospital 73858
association, ~~three~~ persons nominated by the Ohio osteopathic 73859
association, ~~three~~ persons nominated by the association of Ohio 73860
children's hospitals, and ~~three~~ persons nominated by the health 73861
forum of Ohio. The representatives may be hospital administrators, 73862
physicians, nurses, or other clinical professionals. 73863

Members of the committee shall have substantial experience in 73864
the categories they represent, shall be residents of this state, 73865
and may be members of the state board of emergency medical, fire, 73866
and transportation services. In appointing members of the 73867
committee, the director shall attempt to include members 73868
representing urban and rural areas, various geographical areas of 73869
the state, and various schools of training. The director shall not 73870
appoint to the committee more than one member who is employed by 73871
or who primarily practices at the same hospital, ~~health system~~, or 73872
emergency medical service organization. 73873

The director may refuse to appoint any of the persons 73874
nominated by an organization or organizations under this division. 73875
In that event, the organization or organizations shall continue to 73876
nominate ~~the required number of~~ persons until the director 73877

appoints to the committee one or more of the persons nominated by 73878
the organization or organizations. If any nominating organization 73879
ceases to exist or fails to make a nomination of a member to the 73880
committee within sixty days of a vacancy, the director may appoint 73881
any person who meets the designated professional qualifications 73882
for that member. 73883

Initial appointments to the committee shall be made by the 73884
director not later than ninety days after November 3, 2000. 73885
Members of the committee shall serve at the pleasure of the 73886
director, except that any member of the committee who ceases to be 73887
qualified for the position to which the member was appointed shall 73888
cease to be a member of the committee. Vacancies on the committee 73889
shall be filled in the same manner as original appointments. 73890

The members of the committee shall serve without compensation 73891
but shall be reimbursed for actual and necessary expenses incurred 73892
in carrying out duties as members of the committee. 73893

The committee shall select a chairperson and vice-chairperson 73894
from among its members. A majority of all members of the committee 73895
shall constitute a quorum. No action shall be taken without the 73896
concurrence of a majority of all members of the committee. The 73897
committee shall meet at the call of the chair, upon written 73898
request of five members of the committee, and at the direction of 73899
the state board of emergency medical, fire, and transportation 73900
services. The committee shall not meet at times or locations that 73901
conflict with meetings of the board. The executive director and 73902
medical director of the state board of emergency medical, fire, 73903
and transportation services may participate in any meeting of the 73904
committee and shall do so at the request of the committee. 73905

The committee shall advise and assist the state board of 73906
emergency medical, fire, and transportation services in matters 73907
related to adult and pediatric trauma care and the establishment 73908
and operation of the state trauma registry. In matters relating to 73909

the state trauma registry, the board and the committee shall 73910
consult with trauma registrars from adult and pediatric trauma 73911
centers in the state. The committee may appoint a subcommittee to 73912
advise and assist with the trauma registry. The subcommittee may 73913
include persons with expertise relevant to the trauma registry who 73914
are not members of the board or committee. 73915

(C)(1) The medical transportation committee of the state 73916
board of emergency medical, fire, and transportation services is 73917
hereby created. The committee shall consist of members appointed 73918
by the board in accordance with rules adopted by the board. In 73919
appointing members of the committee, the board shall attempt to 73920
include members representing urban and rural areas and various 73921
geographical areas of the state, and shall ensure the members have 73922
substantial experience in the transportation of patients, 73923
including addressing the unique issues of mobile intensive care 73924
and air medical services. The members of the committee shall be 73925
residents of this state and may be members of the board. The 73926
members of the committee shall serve without compensation but 73927
shall be reimbursed for actual and necessary expenses incurred in 73928
carrying out duties as members of the committee. The committee 73929
shall select a chairperson and vice-chairperson from among its 73930
members. A majority of all members of the committee shall 73931
constitute a quorum. No action shall be taken without the 73932
concurrence of a majority of all members of the committee. The 73933
committee shall meet at the call of the chair and at the direction 73934
of the board. The committee shall not meet at times or locations 73935
that conflict with meetings of the board. The committee shall 73936
advise and assist the board in matters related to the licensing of 73937
nonemergency medical service, emergency medical service, and air 73938
medical service organizations in this state. 73939

(2) There is hereby created the critical care subcommittee of 73940
the medical transportation committee. The membership of the 73941

subcommittee and the conduct of the subcommittee's business shall 73942
conform to rules adopted by the board. The subcommittee shall 73943
advise and assist the committee and board in matters relating to 73944
mobile intensive care and air medical service organizations in 73945
this state. 73946

(D) The state board of emergency medical, fire, and 73947
transportation services may appoint other committees and 73948
subcommittees as it considers necessary. 73949

(E) The state board of emergency medical, fire, and 73950
transportation services, and any of its committees or 73951
subcommittees, may request assistance from any state agency. The 73952
board and its committees and subcommittees may permit persons who 73953
are not members of those bodies to participate in deliberations of 73954
those bodies, but no person who is not a member of the board shall 73955
vote on the board and no person who is not a member of a committee 73956
created under division (A), (B), or (C) of this section shall vote 73957
on that committee. 73958

(F) Sections 101.82 to 101.87 of the Revised Code do not 73959
apply to the committees established under divisions (A), (B), and 73960
(C) of this section. 73961

Sec. 4765.11. (A) The state board of emergency medical, fire, 73962
and transportation services shall adopt, and may amend and 73963
rescind, rules in accordance with Chapter 119. of the Revised Code 73964
and divisions (C) and (D) of this section that establish all of 73965
the following: 73966

(1) Procedures for its governance and the control of its 73967
actions and business affairs; 73968

(2) Standards for the performance of emergency medical 73969
services by first responders, emergency medical technicians-basic, 73970
emergency medical technicians-intermediate, and emergency medical 73971

technicians-paramedic;	73972
(3) Application fees for certificates of accreditation,	73973
certificates of approval, certificates to teach, and certificates	73974
to practice, which shall be deposited into the trauma and	73975
emergency medical services fund created in section 4513.263 of the	73976
Revised Code;	73977
(4) Criteria for determining when the application or renewal	73978
fee for a certificate to practice may be waived because an	73979
applicant cannot afford to pay the fee;	73980
(5) Procedures for issuance and renewal of certificates of	73981
accreditation, certificates of approval, certificates to teach,	73982
and certificates to practice, including any measures necessary to	73983
implement section 9.79 of the Revised Code and any procedures	73984
necessary to ensure that adequate notice of renewal is provided in	73985
accordance with division (D) of section 4765.30 of the Revised	73986
Code;	73987
(6) Procedures for suspending or revoking certificates of	73988
accreditation, certificates of approval, certificates to teach,	73989
and certificates to practice;	73990
(7) Grounds for suspension or revocation of a certificate to	73991
practice issued under section 4765.30 of the Revised Code and for	73992
taking any other disciplinary action against a first responder,	73993
EMT-basic, EMT-I, or paramedic;	73994
(8) Procedures for taking disciplinary action against a first	73995
responder, EMT-basic, EMT-I, or paramedic;	73996
(9) Standards for certificates of accreditation and	73997
certificates of approval;	73998
(10) Qualifications for certificates to teach;	73999
(11) Requirements for a certificate to practice;	74000
(12) The curricula, number of hours of instruction and	74001

training, and instructional materials to be used in adult and	74002
pediatric emergency medical services training programs and adult	74003
and pediatric emergency medical services continuing education	74004
programs;	74005
(13) Procedures for conducting courses in recognizing	74006
symptoms of life-threatening allergic reactions and in calculating	74007
proper dosage levels and administering injections of epinephrine	74008
to adult and pediatric patients who suffer life-threatening	74009
allergic reactions;	74010
(14) Examinations for certificates to practice;	74011
(15) Procedures for administering examinations for	74012
certificates to practice;	74013
(16) Procedures for approving examinations that demonstrate	74014
competence to have a certificate to practice renewed without	74015
completing an emergency medical services continuing education	74016
program;	74017
(17) Procedures for granting extensions and exemptions of	74018
emergency medical services continuing education requirements;	74019
(18) Specifications of the emergency medical services that	74020
first responders are authorized to perform under section 4765.35	74021
of the Revised Code, that EMTs-basic are authorized to perform	74022
under section 4765.37 of the Revised Code, that EMTs-I are	74023
authorized to perform under section 4765.38 of the Revised Code,	74024
and that paramedics are authorized to perform under section	74025
4765.39 of the Revised Code;	74026
(19) Standards and procedures for implementing the	74027
requirements of section 4765.06 of the Revised Code, including	74028
designations of the persons who are required to report information	74029
to the board and the types of information to be reported;	74030
(20) Procedures for administering the emergency medical	74031

services grant program established under section 4765.07 of the Revised Code; 74032
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(21) Procedures consistent with Chapter 119. of the Revised Code for appealing decisions of the board; 74034
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(22) Minimum qualifications and peer review and quality improvement requirements for persons who provide medical direction to emergency medical service personnel, including, subject to division (B) of section 4765.42 of the Revised Code, qualifications for a physician to be eligible to serve as the medical director of an emergency medical service organization or a member of its cooperating physician advisory board; 74036
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(23) The manner in which a patient, or a patient's parent, guardian, or custodian, may consent to the board releasing identifying information about the patient under division (D) of section 4765.102 of the Revised Code; 74043
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(24) Circumstances under which a training program or continuing education program, or portion of either type of program, may be taught by a person who does not hold a certificate to teach issued under section 4765.23 of the Revised Code; 74047
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(25) Certification cycles for certificates issued under sections 4765.23 and 4765.30 of the Revised Code and certificates issued by the executive director of the state board of emergency medical, fire, and transportation services under section 4765.55 of the Revised Code that establish a common expiration date for all certificates. 74051
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(B) The board may adopt, and may amend and rescind, rules in accordance with Chapter 119. of the Revised Code and divisions (C) and (D) of this section that establish any of the following: 74057
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(1) Specifications of information that may be collected under the trauma system registry and incidence reporting system created under section 4765.06 of the Revised Code; 74060
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(2) Standards and procedures for implementing any of the 74063
recommendations made by any committees of the board or under 74064
section 4765.04 of the Revised Code; 74065

(3) Procedures and requirements for conducting background 74066
checks on applicants for the issuance and renewal of certificates 74067
of accreditation, certificates of approval, certificates to teach, 74068
and certificates to practice in accordance with section 109.578 of 74069
the Revised Code; 74070

(4) Any other rules necessary to implement this chapter. 74071

(C) In developing and administering rules adopted under this 74072
chapter, the state board of emergency medical, fire, and 74073
transportation services shall consult with regional directors and 74074
regional advisory boards appointed under section 4765.05 of the 74075
Revised Code and emphasize the special needs of pediatric and 74076
geriatric patients. 74077

(D) On and after April 6, 2023, the executive director shall 74078
not ~~require certification~~ issue to any new applicant a certificate 74079
to practice as an emergency medical services assistant instructor 74080
and ~~shall not adopt or enforce rules or issue a certificate~~ 74081
~~regarding the position of an emergency medical services assistant~~ 74082
~~instructor~~. Any emergency medical services assistant instructor 74083
certificate that was issued in accordance with rules adopted under 74084
division (A) of this section prior to April 6, 2023, ~~remain~~ 74085
remains valid ~~only until the expiration date of the certificate,~~ 74086
subject to any conditions or responsibilities of retaining the 74087
validity of that certificate, until the holder of the certificate 74088
allows it to expire or lapse. The certificate ~~shall not~~ may be 74089
renewed by the holder of that certificate. The board shall adopt, 74090
amend, or rescind rules in accordance with Chapter 119. of the 74091
Revised Code in order to effectuate this division. 74092

(E) Except as otherwise provided in this division, before 74093

adopting, amending, or rescinding any rule under this chapter, the 74094
board shall submit the proposed rule to the director of public 74095
safety for review. The director may review the proposed rule for 74096
not more than sixty days after the date it is submitted. If, 74097
within this sixty-day period, the director approves the proposed 74098
rule or does not notify the board that the rule is disapproved, 74099
the board may adopt, amend, or rescind the rule as proposed. If, 74100
within this sixty-day period, the director notifies the board that 74101
the proposed rule is disapproved, the board shall not adopt, 74102
amend, or rescind the rule as proposed unless at least twelve 74103
members of the board vote to adopt, amend, or rescind it. 74104

This division does not apply to an emergency rule adopted in 74105
accordance with section 119.03 of the Revised Code. 74106

Sec. 4765.112. (A) The state board of emergency medical, 74107
fire, and transportation services, by an affirmative vote of the 74108
majority of its members, may suspend without a prior hearing a 74109
certificate to practice issued under this chapter if the board 74110
determines that there is clear and convincing evidence that 74111
continued practice by the certificate holder presents a danger of 74112
immediate and serious harm to the public and that the certificate 74113
holder has done any of the following: 74114

(1) Furnished false, fraudulent, or misleading information to 74115
the board; 74116

(2) Engaged in activities that exceed those permitted by the 74117
individual's certificate; 74118

(3) In a court of this or any other state or federal court 74119
been convicted of, pleaded guilty to, or been the subject of a 74120
judicial finding of guilt of, a judicial finding of guilt 74121
resulting from a plea of no contest to, or a judicial finding of 74122
eligibility for intervention in lieu of conviction for, a felony 74123
or for a misdemeanor committed in the course of practice or 74124

involving gross immorality or moral turpitude. 74125

(B) Immediately following the decision to impose a summary 74126
suspension, the board, in accordance with ~~section~~ sections 119.05 74127
and 119.07 of the Revised Code, shall ~~issue~~ serve a written order 74128
of suspension, ~~cause it to be delivered to~~ on the certificate 74129
holder, and notify the certificate holder of the opportunity for a 74130
hearing. If timely requested by the certificate holder, a hearing 74131
shall be conducted in accordance with section 4765.115 of the 74132
Revised Code. 74133

Sec. 4765.114. (A) A certificate to practice emergency 74134
medical services issued under this chapter is automatically 74135
suspended on the certificate holder's conviction of, plea of 74136
guilty to, or judicial finding of guilt of any of the following: 74137
aggravated murder, murder, voluntary manslaughter, felonious 74138
assault, kidnapping, rape, sexual battery, gross sexual 74139
imposition, aggravated arson, aggravated burglary, aggravated 74140
robbery, or a substantially equivalent offense committed in this 74141
or another jurisdiction. Continued practice after the suspension 74142
is practicing without a certificate. 74143

(B) If the state board of emergency medical, fire, and 74144
transportation services has knowledge that an automatic suspension 74145
has occurred, it shall ~~notify~~ serve, in accordance with ~~section~~ 74146
sections 119.05 and 119.07 of the Revised Code, the certificate 74147
holder of the suspension and of the opportunity for a hearing. If 74148
timely requested by the certificate holder, a hearing shall be 74149
conducted in accordance with section 4765.115 of the Revised Code. 74150

Sec. 4765.55. (A) The executive director of the state board 74151
of emergency medical, fire, and transportation services, with the 74152
advice and counsel of the firefighter and fire safety inspector 74153
training committee of the state board of emergency medical, fire, 74154

and transportation services, shall assist in the establishment and 74155
maintenance by any state agency, or any county, township, city, 74156
village, school district, or educational service center of a fire 74157
service training program for the training of all persons in 74158
positions of any fire training certification level approved by the 74159
executive director, including full-time paid firefighters, 74160
part-time paid firefighters, volunteer firefighters, and fire 74161
safety inspectors in this state. The executive director, with the 74162
advice and counsel of the committee, shall adopt rules to regulate 74163
those firefighter and fire safety inspector training programs, and 74164
other training programs approved by the executive director. The 74165
rules may include, but need not be limited to, training 74166
curriculum, certification examinations, training schedules, 74167
minimum hours of instruction, attendance requirements, required 74168
equipment and facilities, basic physical requirements, and methods 74169
of training for all persons in positions of any fire training 74170
certification level approved by the executive director, including 74171
full-time paid firefighters, part-time paid firefighters, 74172
volunteer firefighters, and fire safety inspectors. The rules 74173
adopted to regulate training programs for volunteer firefighters 74174
shall not require more than thirty-six hours of training. 74175

The executive director, with the advice and counsel of the 74176
committee, shall provide for the classification and chartering of 74177
fire service training programs in accordance with rules adopted 74178
under division (B) of this section, and may take action against 74179
any chartered training program or applicant, in accordance with 74180
rules adopted under divisions (B)(4) and (5) of this section, for 74181
failure to meet standards set by the adopted rules. 74182

(B) The executive director, with the advice and counsel of 74183
the firefighter and fire safety inspector training committee of 74184
the state board of emergency medical, fire, and transportation 74185
services, shall adopt, and may amend or rescind, rules under 74186

Chapter 119. of the Revised Code that establish all of the	74187
following:	74188
(1) Requirements for, and procedures for chartering, the	74189
training programs regulated by this section;	74190
(2) Requirements for, and requirements and procedures for	74191
obtaining and renewing, an instructor certificate to teach the	74192
training programs and continuing education classes regulated by	74193
this section;	74194
(3) Requirements for, and requirements and procedures for	74195
obtaining and renewing, any of the fire training certificates	74196
regulated by this section;	74197
(4) Grounds and procedures for suspending, revoking,	74198
restricting, or refusing to issue or renew any of the certificates	74199
or charters regulated by this section, which grounds shall be	74200
limited to one of the following:	74201
(a) Failure to satisfy the education or training requirements	74202
of this section;	74203
(b) Conviction of a felony offense;	74204
(c) Conviction of a misdemeanor involving moral turpitude;	74205
(d) Conviction of a misdemeanor committed in the course of	74206
practice;	74207
(e) In the case of a chartered training program or applicant,	74208
failure to meet standards set by the rules adopted under this	74209
division.	74210
(5) Grounds and procedures for imposing and collecting fines,	74211
not to exceed one thousand dollars, in relation to actions taken	74212
under division (B)(4) of this section against persons holding	74213
certificates and charters regulated by this section, the fines to	74214
be deposited into the trauma and emergency medical services fund	74215
established under section 4513.263 of the Revised Code;	74216

(6) Continuing education requirements for certificate holders, including a requirement that credit shall be granted for in-service training programs conducted by local entities. The continuing education requirements shall not require more than thirty-six hours of continuing education every three-year certification cycle. Local entities may require additional continuing education, provided that completion of such additional continuing education is not required for renewal of certification.

(7) Procedures for considering the granting of an extension or exemption of fire service continuing education requirements;

(8) Certification cycles for which the certificates and charters regulated by this section are valid;

(9) If determined necessary by the executive director, procedures and requirements for conducting background checks on applicants for the issuance and renewal of certification as a fire safety inspector in accordance with section 109.578 of the Revised Code.

(C)(1) The executive director, with the advice and counsel of the firefighter and fire safety inspector training committee of the state board of emergency medical, fire, and transportation services, shall issue or renew an instructor certificate to teach the training programs and continuing education classes regulated by this section to any applicant that the executive director determines meets the qualifications established in rules adopted under division (B) of this section, and may take disciplinary action against an instructor certificate holder or applicant in accordance with rules adopted under division (B) of this section.

(2) On and after ~~the effective date of this amendment~~ April 6, 2023, the executive director shall not ~~require certification~~ issue to any new applicant a certificate to practice as an assistant fire instructor ~~and shall not adopt or enforce rules or~~

~~issue a certificate regarding the position of assistant fire~~ 74248
~~instructor.~~ Any assistant fire instructor certificate that was 74249
issued in accordance with rules adopted under division (B) of this 74250
section prior to ~~the effective date of this amendment~~ April 6, 74251
2023, remains valid ~~until the expiration date of the certificate,~~ 74252
subject to any conditions or responsibilities of retaining the 74253
validity of that certificate, until the holder of the certificate 74254
allows it to expire or lapse. The certificate ~~shall not~~ may be 74255
renewed by the holder of that certificate. The executive director 74256
shall adopt, amend, or rescind rules in accordance with Chapter 74257
119. of the Revised Code in order to effectuate division (C)(2) of 74258
this section. 74259

(3) The executive director, with the advice and counsel of 74260
the committee, shall charter or renew the charter of any training 74261
program that the executive director determines meets the 74262
qualifications established in rules adopted under division (B) of 74263
this section, and may take disciplinary action against the holder 74264
of a charter in accordance with rules adopted under division (B) 74265
of this section. 74266

(D) The executive director shall issue or renew a fire 74267
training certificate for a firefighter, a fire safety inspector, 74268
or another position of any fire training certification level 74269
approved by the executive director, to any applicant that the 74270
executive director determines meets the qualifications established 74271
in rules adopted under division (B) of this section and may take 74272
disciplinary actions against a certificate holder or applicant in 74273
accordance with rules adopted under division (B) of this section. 74274

(E) Certificates issued under this section shall be on a form 74275
prescribed by the executive director, with the advice and counsel 74276
of the firefighter and fire safety inspector training committee of 74277
the state board of emergency medical, fire, and transportation 74278
services. 74279

(F)(1) The executive director, with the advice and counsel of the firefighter and fire safety inspector training committee of the state board of emergency medical, fire, and transportation services, shall establish criteria for evaluating the standards maintained by other states and the branches of the United States military for firefighter, fire safety inspector, and fire instructor training programs, and other training programs recognized by the executive director, to determine whether the standards are equivalent to those established under this section and shall establish requirements and procedures for issuing a certificate to each person who presents proof to the executive director of having satisfactorily completed a training program that meets those standards.

(2) The executive director, with the committee's advice and counsel, shall adopt rules establishing requirements and procedures for issuing a fire training certificate in lieu of completing a chartered training program.

(G) Nothing in this section invalidates any other section of the Revised Code relating to the fire training academy. Section 4765.11 of the Revised Code does not affect any powers and duties granted to the executive director under this section.

(H) Notwithstanding any provision of division (B)(4) of this section to the contrary, the executive director shall not adopt rules for refusing to issue any of the certificates or charters regulated by this section to an applicant because of a criminal conviction unless the rules establishing grounds and procedures for refusal are in accordance with section 9.79 of the Revised Code.

Sec. 4766.07. (A) Except as otherwise provided by rule of the state board of emergency medical, fire, and transportation services, each emergency medical service organization,

nonemergency medical service organization, and air medical service 74311
organization subject to licensure under this chapter shall possess 74312
a valid permit for each ambulance, ambulette, rotorcraft air 74313
ambulance, fixed wing air ambulance, and nontransport vehicle it 74314
owns or leases that is or will be used by the licensee to perform 74315
the services permitted by the license. Each licensee and license 74316
applicant shall submit the appropriate fee and an application for 74317
a permit for each ambulance, ambulette, rotorcraft air ambulance, 74318
fixed wing air ambulance, and nontransport vehicle to the state 74319
board of emergency medical, fire, and transportation services on 74320
forms provided by the board. The application shall include 74321
documentation that the vehicle or aircraft meets the appropriate 74322
standards set by the board, that the vehicle or aircraft has been 74323
inspected pursuant to division (C) of this section, that the 74324
permit applicant maintains insurance as provided in section 74325
4766.06 of the Revised Code, and that the vehicle or aircraft and 74326
permit applicant meet any other requirements established under 74327
rules adopted by the board. 74328

The state board of emergency medical, fire, and 74329
transportation services may adopt rules in accordance with Chapter 74330
119. of the Revised Code to authorize the temporary use of a 74331
vehicle or aircraft for which a permit is not possessed under this 74332
section in back-up or disaster situations. 74333

(B)(1) Within ~~sixty~~ forty-five days after receiving a 74334
completed application for a permit, the board shall issue or deny 74335
the permit. The board shall deny an application if it determines 74336
that the permit applicant, vehicle, or aircraft does not meet the 74337
requirements of this chapter and the rules adopted under it that 74338
apply to permits for ambulances, ambulettes, rotorcraft air 74339
ambulances, fixed wing air ambulances, and nontransport vehicles. 74340
The board shall send notice of the denial of an application by 74341
certified mail to the permit applicant. The permit applicant may 74342

request a hearing within ten days after receipt of the notice. If 74343
the board receives a timely request, it shall hold a hearing in 74344
accordance with Chapter 119. of the Revised Code. 74345

(2) If the board issues the vehicle permit for an ambulance, 74346
ambulette, or nontransport vehicle, it also shall issue a decal, 74347
in a form prescribed by rule, to be displayed on the rear window 74348
of the vehicle. The board shall not issue a decal until all of the 74349
requirements for licensure and permit issuance have been met. 74350

(3) If the board issues the aircraft permit for a rotorcraft 74351
air ambulance or fixed wing air ambulance, it also shall issue a 74352
decal, in a form prescribed by rule, to be displayed on the left 74353
fuselage aircraft window in a manner that complies with all 74354
applicable federal aviation regulations. The board shall not issue 74355
a decal until all of the requirements for licensure and permit 74356
issuance have been met. 74357

(C) In addition to any other requirements that the board 74358
establishes by rule, a licensee or license applicant applying for 74359
an initial vehicle or aircraft permit under division (A) of this 74360
section shall submit to the board the vehicle or aircraft for 74361
which the permit is sought. Thereafter, a licensee shall annually 74362
submit to the board each vehicle or aircraft for which a permit 74363
has been issued. 74364

(1) The board shall conduct a physical inspection of an 74365
ambulance, ambulette, or nontransport vehicle to determine its 74366
roadworthiness and compliance with standard motor vehicle 74367
requirements. 74368

(2) The board shall conduct a physical inspection of the 74369
medical equipment, communication system, and interior of an 74370
ambulance to determine the operational condition and safety of the 74371
equipment and the ambulance's interior and to determine whether 74372
the ambulance is in compliance with the federal requirements for 74373

ambulance construction that were in effect at the time the 74374
ambulance was manufactured, as specified by the general services 74375
administration in the various versions of its publication titled 74376
"federal specification for the star-of-life ambulance, 74377
KKK-A-1822." 74378

(3) The board shall conduct a physical inspection of the 74379
equipment, communication system, and interior of an ambulette to 74380
determine the operational condition and safety of the equipment 74381
and the ambulette's interior and to determine whether the 74382
ambulette is in compliance with state requirements for ambulette 74383
construction. The board shall determine by rule requirements for 74384
the equipment, communication system, interior, and construction of 74385
an ambulette. 74386

(4) The board shall conduct a physical inspection of the 74387
medical equipment, communication system, and interior of a 74388
rotorcraft air ambulance or fixed wing air ambulance to determine 74389
the operational condition and safety of the equipment and the 74390
aircraft's interior. 74391

(5) The board shall issue a certificate to the applicant for 74392
each vehicle or aircraft that passes the inspection and may assess 74393
a fee for each inspection, as established by the board. 74394

(6) The board shall adopt rules regarding the implementation 74395
and coordination of inspections. The rules may permit the board to 74396
contract with a third party to conduct the inspections required of 74397
the board under this section. 74398

Sec. 4766.11. (A) The state board of emergency medical, fire, 74399
and transportation services may investigate alleged violations of 74400
this chapter or the rules adopted under it and may investigate any 74401
complaints received regarding alleged violations. 74402

In addition to any other remedies available and regardless of 74403

whether an adequate remedy at law exists, the board may apply to 74404
the court of common pleas in the county where a violation of any 74405
provision of this chapter or any rule adopted pursuant thereto is 74406
occurring for a temporary or permanent injunction restraining a 74407
person from continuing to commit that violation. On a showing that 74408
a person has committed a violation, the court shall grant the 74409
injunction. 74410

In conducting an investigation under this section, the board 74411
may issue subpoenas compelling the attendance and testimony of 74412
witnesses and the production of books, records, and other 74413
documents pertaining to the investigation. If a person fails to 74414
obey a subpoena from the board, the board may apply to the court 74415
of common pleas in the county where the investigation is being 74416
conducted for an order compelling the person to comply with the 74417
subpoena. On application by the board, the court shall compel 74418
obedience by attachment proceedings for contempt, as in the case 74419
of disobedience of the requirements of a subpoena from the court 74420
or a refusal to testify therein. 74421

(B) The board may suspend a license issued under this chapter 74422
without a prior hearing if it determines that there is evidence 74423
that the license holder is subject to action under this section 74424
and that there is clear and convincing evidence that continued 74425
operation by the license holder presents a danger of immediate and 74426
serious harm to the public. The chairperson and executive director 74427
of the board shall make a preliminary determination and describe 74428
the evidence on which they made their determination to the board 74429
members. The board by resolution may designate another board 74430
member to act in place of the chairperson or another employee to 74431
act in place of the executive director in the event that the 74432
chairperson or executive director is unavailable or unable to act. 74433
Upon review of the allegations, the board, by the affirmative vote 74434
of a majority of its members, may suspend the license without a 74435

hearing. 74436

Immediately following the decision by the board to suspend a 74437
license under this division, the board shall ~~issue~~ serve a written 74438
order of suspension ~~and cause it to be delivered~~ in accordance 74439
with ~~section~~ sections 119.05 and 119.07 of the Revised Code. If 74440
the license holder subject to the suspension requests an 74441
adjudication hearing by the board, the date set for the 74442
adjudication shall be within fifteen days but not earlier than 74443
seven days after the request unless another date is agreed to by 74444
the license holder and the board. 74445

Any summary suspension imposed under this division remains in 74446
effect, unless reversed by the board, until a final adjudicative 74447
order issued by the board pursuant to this section and Chapter 74448
119. of the Revised Code becomes effective. The board shall issue 74449
its final adjudicative order not less than ninety days after 74450
completion of its adjudication hearing. Failure to issue the order 74451
by that day shall cause the summary suspension order to end, but 74452
such failure shall not affect the validity of any subsequent final 74453
adjudication order. 74454

Sec. 4767.03. (A)(1) The owner or the person responsible for 74455
the operation and maintenance of a cemetery shall apply to the 74456
division of real estate in the department of commerce to register 74457
the cemetery on forms prescribed by the division. With the 74458
application, the applicant shall submit the documentation required 74459
in division (A) of section 4767.04 of the Revised Code and a 74460
registration fee of twenty-five dollars for one cemetery, forty 74461
dollars for two cemeteries, and fifty dollars for three or more 74462
cemeteries, except that no fee shall be required of any political 74463
subdivision. 74464

(2) The director of commerce, by rule adopted in accordance 74465
with Chapter 119. of the Revised Code, may reduce the amount of 74466

the registration fee required by this section in any year if the 74467
director determines that the total amount of funds the fee is 74468
generating at the amount specified by this section exceeds the 74469
amount of funds the division of real estate and the Ohio cemetery 74470
dispute resolution commission created by section 4767.05 of the 74471
Revised Code need to carry out their powers and duties under this 74472
chapter. If the director so reduces the amount of the registration 74473
fee, the director shall reduce it for all owners or other persons 74474
required to pay the fee under division (A)(1) of this section and 74475
shall require that the reduced fee be paid according to the number 74476
of cemeteries owned, operated, or maintained as required under 74477
that division. If the director has reduced the fee under division 74478
(A)(2) of this section, the director may later raise it up to the 74479
amounts specified in division (A)(1) of this section if, in any 74480
year, the director determines that the total amount of funds the 74481
fee is generating at the reduced amount is insufficient for the 74482
division of real estate and the Ohio cemetery dispute resolution 74483
commission to carry out their powers and duties under this 74484
chapter. 74485

(B) Upon receipt of the completed application form, 74486
documentation, and, if required, registration fee, the division of 74487
real estate shall issue a certificate of registration to the 74488
applicant. The applicant shall display the certificate in a 74489
conspicuous place on the premises of the cemetery for which the 74490
registration was obtained, except that, if the applicant is the 74491
governing body of a political subdivision or person acting on 74492
behalf of that governing body, the certificate shall be kept on 74493
file and be available for public inspection at the office of the 74494
governing body. 74495

(C) Except as otherwise provided in this division, each 74496
registration issued pursuant to this section shall expire annually 74497
on the thirtieth day of September and shall be renewed by the 74498

owner or the person responsible for the operation and maintenance 74499
of the cemetery for the continued operation of the cemetery. The 74500
renewal fee shall be the same as the initial registration fees 74501
prescribed in division (A) of this section. 74502

The registration of a cemetery operated and maintained by a 74503
political subdivision shall not expire unless the political 74504
subdivision ceases to operate and maintain the cemetery. A 74505
political subdivision operating and maintaining a cemetery is not 74506
required to renew or update the registration of that cemetery 74507
unless there is a change in the information required under 74508
division (A) of section 4767.04 of the Revised Code or unless 74509
additional land is acquired to increase the size of the cemetery. 74510

(D) All registration and renewal fees collected pursuant to 74511
this section shall be paid into the state treasury to the credit 74512
of the cemetery registration fund, which is hereby created in the 74513
state treasury. The division of real estate in the department of 74514
commerce ~~to be used by the division~~ shall use the fund to carry 74515
out its powers and duties under this chapter and by the Ohio 74516
cemetery dispute resolution commission created by section 4767.05 74517
of the Revised Code. 74518

Sec. 4767.10. (A) ~~The cemetery grant fund is created in the~~ 74519
~~state treasury.~~ The division of real estate in the department of 74520
commerce ~~shall deposit into the fund one dollar of each two~~ 74521
~~dollars and fifty cents portion of the burial permit fee received~~ 74522
~~under section 3705.17 of the Revised Code. The division shall use~~ 74523
~~moneys in the fund~~ one dollar of each burial permit fee collected 74524
pursuant to section 3705.17 of the Revised Code and paid into the 74525
state treasury to the credit of the cemetery registration fund 74526
created under section 4767.03 of the Revised Code to advance 74527
grants to cemeteries registered with the division to defray the 74528
costs of exceptional cemetery maintenance or training cemetery 74529

personnel in the maintenance and operation of cemeteries. The 74530
division may not provide a grant to a corporation or association 74531
that operates a cemetery for profit. ~~In each fiscal year, the~~ 74532
~~division may not advance grants totaling more than eighty per cent~~ 74533
~~of the appropriation to the cemetery grant fund for that fiscal~~ 74534
~~year.~~ The division shall advance grants from the cemetery 74535
registration fund in accordance with rules adopted by the Ohio 74536
cemetery dispute resolution commission under Chapter 119. of the 74537
Revised Code. 74538

(B) The director of commerce may increase, by rule adopted 74539
under Chapter 119. of the Revised Code, the amount of total grants 74540
the division may advance in a fiscal year if the director 74541
determines the total amount of funds generated exceeds the amount 74542
of funds the division needs to carry out its powers and duties 74543
under this section. If the director determines the increased 74544
amount depletes the amount of funds the division needs to carry 74545
out its powers and duties under this section, the director may 74546
decrease the amount not below the amount specified in division (A) 74547
of this section. 74548

Sec. 4768.03. The real estate appraiser board shall do all of 74549
the following: 74550

(A) Adopt rules, in accordance with Chapter 119. of the 74551
Revised Code in furtherance of this chapter, including, but not 74552
limited to, all of the following: 74553

(1) Procedures for criminal records checks that are required 74554
under section 4768.06 of the Revised Code, in accordance with 74555
division ~~(K)~~(L) of section 121.08 and division (C) of section 74556
4768.06 of the Revised Code; 74557

(2) The following nonrefundable fees: 74558

(a) The initial appraisal management company license fee, 74559

which shall not exceed two thousand dollars; 74560

(b) The annual renewal fee, which shall not exceed two 74561
thousand dollars; 74562

(c) The late filing fee, which shall not exceed one thousand 74563
dollars, for the renewal of a license under division (C) of 74564
section 4768.07 of the Revised Code. 74565

(3) Requirements for settlement agreements that the 74566
superintendent of real estate and professional licensing and an 74567
appraisal management company or other person may enter into under 74568
division (H) of section 4768.13 or division (C) of section 4768.14 74569
of the Revised Code; 74570

(4) Presumptions of compliance with regard to the customary 74571
and reasonable fees required under division (B) of section 4768.12 74572
of the Revised Code. In adopting rules under division (A)(4) of 74573
this section, the board shall consider presumptions of compliance 74574
promulgated for the same purpose under the federal "Truth in 74575
Lending Act," 82 Stat. 146, 15 U.S.C. 1631 et seq.; 74576

(5) Rules regarding consent to service of process for 74577
appraisal management companies in accordance with division (A)(6) 74578
of section 4768.06 of the Revised Code. 74579

(B) Determine the appropriate disciplinary actions to be 74580
taken against a person, including a licensee, under section 74581
4768.13 of the Revised Code; 74582

(C) Hear appeals, pursuant to Chapter 119. of the Revised 74583
Code, from decisions and orders that the superintendent issues 74584
pursuant to this chapter; 74585

(D) Request that the superintendent initiate an investigation 74586
of a violation of this chapter or the rules adopted under it, as 74587
the board determines appropriate. 74588

Sec. 4768.06. (A) To obtain an appraisal management company 74589

license, each applicant shall submit all of the following to the 74590
superintendent of real estate and professional licensing: 74591

(1) A completed application on a form the superintendent 74592
provides; 74593

(2) The name of a controlling person who will be the main 74594
contact between the appraisal management company and the division 74595
of real estate and professional licensing and the real estate 74596
appraiser board; 74597

(3) Payment of the fee established for initial licensure 74598
under division (A)(2) of section 4768.03 of the Revised Code; 74599

(4) A list of all owners and controlling persons of the 74600
appraisal management company; 74601

(5) A statement that each owner and controlling person of the 74602
appraisal management company satisfies the requirements set forth 74603
in divisions (B)(1) to (4) of this section; 74604

(6) A completed consent to service of process in this state 74605
as prescribed by rule of the real estate appraiser board; 74606

(7) A statement that the applicant understands the grounds 74607
for any disciplinary action that may be initiated under this 74608
chapter; 74609

(8) The name of each state in which the appraisal management 74610
company holds an appraisal management company license, 74611
certificate, or registration and affirmation that the applicant is 74612
in good standing in each state where the applicant holds a 74613
license, certificate, or registration; 74614

(9) A statement that the applicant acknowledges that a system 74615
or process must be in place to verify that any appraiser added to 74616
the appraisal management company's appraiser panel for the purpose 74617
of performing real estate appraisal services in this state holds a 74618
license or certificate under Chapter 4763. of the Revised Code and 74619

is in good standing with this state; 74620

(10) A statement that the applicant acknowledges that a 74621
system or process must be in place to review the work of 74622
appraisers who are performing real estate appraisal services for 74623
compliance with the uniform standards of professional appraisal 74624
practice; 74625

(11) A statement that the applicant acknowledges that a 74626
system or process must be in place to verify that any employee of, 74627
or independent contractor to, the appraisal management company 74628
that performs an appraisal review shall be an appraiser licensed 74629
or certified pursuant to Chapter 4763. of the Revised Code, 74630
provided the property that is the subject of the appraisal is 74631
located in this state; 74632

(12) A statement that the applicant acknowledges that the 74633
controlling person who will be the main contact between the 74634
appraisal management company and the division of real estate and 74635
professional licensing and the real estate appraiser board 74636
described in division (A)(2) of this section has successfully 74637
completed fifteen hours of uniform standards of professional 74638
appraisal practice and thereafter must complete seven hours of 74639
instruction in uniform standards of professional appraisal 74640
practice at least once every two years; 74641

(13) A statement that the applicant acknowledges that a 74642
system or process must be in place to disclose to its client the 74643
actual fees paid to an appraiser for appraisal services separately 74644
from any other fees or charges for appraisal management services; 74645

(14) A statement that the applicant acknowledges that a 74646
system or process must be in place to disclose the license, 74647
certificate, or registration number of the appraisal management 74648
company on each engagement letter used in assigning an appraisal 74649
request for real estate appraisal assignments within the state; 74650

(15) A statement that the applicant acknowledges that it is required to report suspected violations of Chapter 4763. of the Revised Code by a person licensed, registered, or certified under that chapter;

(16) A statement that the applicant acknowledges that the real estate appraiser board or the superintendent may require the applicant to submit to an audit, conducted by staff of the division of real estate and professional licensing, of the applicant's operations or books;

(17) A statement that the applicant acknowledges that it is required to comply with section 129e of the "Truth in Lending Act," 82 Stat. 146, 15 U.S.C. 1639e.

(B) Each owner and controlling person of an appraisal management company shall satisfy all of the following criteria:

(1) Be an individual who is at least eighteen years of age;

(2) Have graduated the twelfth grade or received a certificate of high school equivalence as defined in section 4109.06 of the Revised Code;

(3) Be honest, truthful, and of good moral character;

(4) Have not had a license, certificate, or registration to act as an appraiser that has been refused, denied, canceled, surrendered, or revoked in this state or in any other state for a substantive reason. A designated controlling person may have had a license or certificate to act as an appraiser refused, denied, canceled, revoked, or surrendered in lieu of revocation in a state for a nonsubstantive reason if the license or certificate was subsequently granted or reinstated;

(5) Submit to a criminal records check in accordance with this section and any rule that the superintendent adopts under division (A)(1) of section 4768.03 of the Revised Code.

(C) Upon receiving an application under this section, the
superintendent shall request the superintendent of the bureau of
criminal identification and investigation, or a vendor approved by
the bureau, to conduct a criminal records check based on the
fingerprint impressions of each owner and controlling person of
the applicant in accordance with division (A)(15) of section
109.572 of the Revised Code. Notwithstanding division ~~(K)~~(L) of
section 121.08 of the Revised Code, the superintendent of real
estate and professional licensing shall request that the
superintendent of the bureau of criminal identification and
investigation obtain criminal record information from the federal
bureau of investigation be obtained as part of the criminal
records check. Any fee required under division (C)(3) of section
109.572 of the Revised Code shall be paid by the applicant.

(D)(1) Subject to section 4768.08 of the Revised Code and
except as provided in division (D)(2) of this section, the
superintendent shall issue a license to the applicant if the
applicant and each owner and controlling person of the applicant
satisfies the requirements of this section.

(2) The superintendent shall not issue a license to an
applicant if any owner or controlling person of the applicant has
been convicted of or pleaded guilty or no contest to a felony.
However, if an owner or controlling person of the applicant has
pleaded guilty or no contest to or been convicted of a felony, the
superintendent shall not consider the conviction or plea if the
person has proven to the superintendent, by a preponderance of the
evidence, that the person's activities and employment record since
the conviction or plea show that the person is honest, truthful,
and of good moral character, and there is no basis in fact for
believing that the person will commit a felony again.

(E) A license issued under this section shall be valid for
one year after the date of issue.

Sec. 4768.14. (A) Upon receipt of a written complaint or upon 74713
the superintendent of real estate and professional licensing's own 74714
motion, the superintendent may investigate any person that 74715
allegedly violated division (A)(1) of section 4768.02 of the 74716
Revised Code. 74717

(B) If, after investigation, the superintendent determines 74718
there exists reasonable evidence of a violation of division (A)(1) 74719
of section 4768.02 of the Revised Code, within fourteen business 74720
days after that determination, the superintendent shall send the 74721
party who is the subject of the investigation a written notice, by 74722
regular mail, that includes all of the following information: 74723

(1) A description of the activity in which the party 74724
allegedly is engaging or has engaged that is a violation of 74725
division (A)(1) of section 4768.02 of the Revised Code; 74726

(2) The applicable law allegedly violated; 74727

(3) A statement informing the party that a hearing concerning 74728
the alleged violation will be held before a hearing examiner, and 74729
a statement giving the date and place of that hearing; 74730

(4) A statement informing the party that the party or the 74731
party's attorney may appear in person at the hearing and present 74732
evidence and examine witnesses appearing for and against the 74733
party, or the party may submit written testimony stating any 74734
positions, arguments, or contentions. 74735

(C) At any time after the superintendent notifies a person of 74736
the superintendent's determination in accordance with division (B) 74737
of this section but before a hearing is held on the matter, the 74738
person may apply to the superintendent to enter into a settlement 74739
agreement regarding the alleged violation. The superintendent and 74740
the person shall comply with the requirements for settlement 74741
agreements established by rules adopted by the board under 74742

division (A)(3) of section 4768.03 of the Revised Code. If the 74743
parties enter into the settlement agreement, the hearing before 74744
the hearing examiner shall be postponed and the board shall review 74745
the settlement agreement at its next regularly scheduled meeting. 74746
If the board disapproves the settlement agreement, the hearing 74747
before the hearing examiner shall be rescheduled. 74748

(D) The hearing examiner shall hear the testimony of all 74749
parties present at the hearing and consider any written testimony 74750
submitted pursuant to division (B)(4) of this section. At the 74751
conclusion of the hearing, the hearing examiner shall determine if 74752
there has been a violation of division (A)(1) of section 4768.02 74753
of the Revised Code. 74754

(E) After the conclusion of formal hearings, the hearing 74755
examiner shall file with the superintendent, the real estate 74756
appraiser board, the complainant, and the parties a written report 74757
setting forth the examiner's findings of fact and conclusions of 74758
law and a recommendation of the action to be taken by the 74759
superintendent. Within ten days of receiving a copy of that 74760
report, the parties and the division of real estate and 74761
professional licensing may file with the board written objections 74762
to the report. The board shall consider the objections before 74763
approving, modifying, or disapproving the report. 74764

The board shall review the hearing examiner's report at the 74765
next regularly scheduled board meeting held at least fifteen 74766
business days after receipt of the hearing examiner's report. The 74767
board shall hear the testimony of the complainant or the parties. 74768

(F) After reviewing the hearing examiner's report pursuant to 74769
division (E) of this section, or after reviewing the settlement 74770
agreement pursuant to division (C) of this section, the board 74771
shall decide whether to impose sanctions upon a party for a 74772
violation of division (A)(1) of section 4768.02 of the Revised 74773
Code. The board may assess a civil penalty in an amount it 74774

determines, not to exceed one thousand dollars per violation, not 74775
to exceed ten thousand dollars in aggregate. Each day a violation 74776
occurs or continues is a separate violation. The board shall 74777
determine the terms of payment. The board shall maintain a 74778
transcript of the proceedings of the hearing and issue a written 74779
opinion to all parties, citing its findings and grounds for any 74780
action taken. If the board approved a settlement agreement entered 74781
into pursuant to division (C) of this section in relation to the 74782
violation, the civil penalty shall not be inconsistent with that 74783
settlement agreement. 74784

(G) Civil penalties collected under this section shall be 74785
deposited in the real estate ~~appraiser~~ operating fund created 74786
under section ~~4763.15~~ 4735.211 of the Revised Code. 74787

(H) If a party fails to pay a civil penalty assessed pursuant 74788
to this section within the time prescribed by the board, the 74789
superintendent shall forward to the attorney general the name of 74790
the party and the amount of the civil penalty, for the purpose of 74791
collecting that civil penalty. The party shall pay the fee 74792
assessed by the attorney general for collection of the civil 74793
penalty in addition to the civil penalty assessed pursuant to this 74794
section in an amount not to exceed ten thousand dollars. 74795

Sec. 4768.15. The superintendent of real estate and 74796
professional licensing shall deposit all moneys collected under 74797
this chapter into the state treasury to the credit of the real 74798
estate ~~appraiser~~ operating fund created under section ~~4763.15~~ 74799
4735.211 of the Revised Code. 74800

Sec. 4774.13. (A) The state medical board, by an affirmative 74801
vote of not fewer than six members, may revoke or may refuse to 74802
grant a license to practice as a radiologist assistant to an 74803
individual found by the board to have committed fraud, 74804

misrepresentation, or deception in applying for or securing the license. 74805
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(B) The board, by an affirmative vote of not fewer than six members, shall, except as provided in division (C) of this section, and to the extent permitted by law, limit, revoke, or suspend an individual's license to practice as a radiologist assistant, refuse to issue a license to an applicant, refuse to renew a license, refuse to reinstate a license, or reprimand or place on probation the holder of a license for any of the following reasons: 74807
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(1) Permitting the holder's name or license to be used by another person; 74815
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(2) Failure to comply with the requirements of this chapter, Chapter 4731. of the Revised Code, or any rules adopted by the board; 74817
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(3) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter, Chapter 4731. of the Revised Code, or the rules adopted by the board; 74820
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(4) A departure from, or failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances whether or not actual injury to the patient is established; 74824
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(5) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills; 74828
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(6) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair 74832
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ability to practice;	74835
(7) Willfully betraying a professional confidence;	74836
(8) Making a false, fraudulent, deceptive, or misleading statement in securing or attempting to secure a license to practice as a radiologist assistant.	74837 74838 74839
As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.	74840 74841 74842 74843 74844 74845 74846 74847
(9) The obtaining of, or attempting to obtain, money or a thing of value by fraudulent misrepresentations in the course of practice;	74848 74849 74850
(10) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;	74851 74852 74853
(11) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;	74854 74855 74856
(12) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;	74857 74858 74859
(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;	74860 74861 74862
(14) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the	74863 74864

jurisdiction in which the act was committed; 74865

(15) Commission of an act involving moral turpitude that 74866
constitutes a misdemeanor in this state, regardless of the 74867
jurisdiction in which the act was committed; 74868

(16) A plea of guilty to, a judicial finding of guilt of, or 74869
a judicial finding of eligibility for intervention in lieu of 74870
conviction for violating any state or federal law regulating the 74871
possession, distribution, or use of any drug, including 74872
trafficking in drugs; 74873

(17) Any of the following actions taken by the state agency 74874
responsible for regulating the practice of radiologist assistants 74875
in another jurisdiction, for any reason other than the nonpayment 74876
of fees: the limitation, revocation, or suspension of an 74877
individual's license to practice; acceptance of an individual's 74878
license surrender; denial of a license; refusal to renew or 74879
reinstate a license; imposition of probation; or issuance of an 74880
order of censure or other reprimand; 74881

(18) Violation of the conditions placed by the board on a 74882
license to practice as a radiologist assistant; 74883

(19) Failure to use universal blood and body fluid 74884
precautions established by rules adopted under section 4731.051 of 74885
the Revised Code; 74886

(20) Failure to cooperate in an investigation conducted by 74887
the board under section 4774.14 of the Revised Code, including 74888
failure to comply with a subpoena or order issued by the board or 74889
failure to answer truthfully a question presented by the board at 74890
a deposition or in written interrogatories, except that failure to 74891
cooperate with an investigation shall not constitute grounds for 74892
discipline under this section if a court of competent jurisdiction 74893
has issued an order that either quashes a subpoena or permits the 74894
individual to withhold the testimony or evidence in issue; 74895

(21) Failure to maintain a license as a radiographer under Chapter 4773. of the Revised Code; 74896
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(22) Failure to maintain certification as a registered radiologist assistant from the American registry of radiologic technologists, including revocation by the registry of the assistant's certification or failure by the assistant to meet the registry's requirements for annual registration, or failure to notify the board that the certification as a registered radiologist assistant has not been maintained; 74898
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(23) Failure to comply with any of the rules of ethics included in the standards of ethics established by the American registry of radiologic technologists, as those rules apply to an individual who holds the registry's certification as a registered radiologist assistant. 74905
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(C) The board shall not refuse to issue a license to an applicant because of a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for an offense unless the refusal is in accordance with section 9.79 of the Revised Code. 74910
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(D) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with a radiologist assistant or applicant to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by an affirmative vote of not fewer than six members of the board, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the consent agreement shall be of no force or effect. 74915
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(E) For purposes of divisions (B)(11), (14), and (15) of this section, the commission of the act may be established by a finding by the board, pursuant to an adjudication under Chapter 119. of the Revised Code, that the applicant or license holder committed the act in question. The board shall have no jurisdiction under these divisions in cases where the trial court renders a final judgment in the license holder's favor and that judgment is based upon an adjudication on the merits. The board shall have jurisdiction under these divisions in cases where the trial court issues an order of dismissal on technical or procedural grounds.

(F) The sealing or expungement of conviction records by any court shall have no effect on a prior board order entered under the provisions of this section or on the board's jurisdiction to take action under the provisions of this section if, based upon a plea of guilty, a judicial finding of guilt, or a judicial finding of eligibility for intervention in lieu of conviction, the board issued a notice of opportunity for a hearing prior to the court's order to seal or expunge the records. The board shall not be required to seal, destroy, redact, or otherwise modify its records to reflect the court's sealing or expungement of conviction records.

(G) For purposes of this division, any individual who holds a license to practice as a radiologist assistant issued under this chapter, or applies for a license, shall be deemed to have given consent to submit to a mental or physical examination when directed to do so in writing by the board and to have waived all objections to the admissibility of testimony or examination reports that constitute a privileged communication.

(1) In enforcing division (B)(5) of this section, the board, on a showing of a possible violation, may compel any individual who holds a license to practice as a radiologist assistant issued under this chapter or who has applied for a license to submit to a

mental or physical examination, or both. A physical examination 74959
may include an HIV test. The expense of the examination is the 74960
responsibility of the individual compelled to be examined. Failure 74961
to submit to a mental or physical examination or consent to an HIV 74962
test ordered by the board constitutes an admission of the 74963
allegations against the individual unless the failure is due to 74964
circumstances beyond the individual's control, and a default and 74965
final order may be entered without the taking of testimony or 74966
presentation of evidence. If the board finds a radiologist 74967
assistant unable to practice because of the reasons set forth in 74968
division (B)(5) of this section, the board shall require the 74969
radiologist assistant to submit to care, counseling, or treatment 74970
by physicians approved or designated by the board, as a condition 74971
for an initial, continued, reinstated, or renewed license. An 74972
individual affected by this division shall be afforded an 74973
opportunity to demonstrate to the board the ability to resume 74974
practicing in compliance with acceptable and prevailing standards 74975
of care. 74976

(2) For purposes of division (B)(6) of this section, if the 74977
board has reason to believe that any individual who holds a 74978
license to practice as a radiologist assistant issued under this 74979
chapter or any applicant for a license suffers such impairment, 74980
the board may compel the individual to submit to a mental or 74981
physical examination, or both. The expense of the examination is 74982
the responsibility of the individual compelled to be examined. Any 74983
mental or physical examination required under this division shall 74984
be undertaken by a treatment provider or physician qualified to 74985
conduct such examination and chosen by the board. 74986

Failure to submit to a mental or physical examination ordered 74987
by the board constitutes an admission of the allegations against 74988
the individual unless the failure is due to circumstances beyond 74989
the individual's control, and a default and final order may be 74990

entered without the taking of testimony or presentation of 74991
evidence. If the board determines that the individual's ability to 74992
practice is impaired, the board shall suspend the individual's 74993
license or deny the individual's application and shall require the 74994
individual, as a condition for an initial, continued, reinstated, 74995
or renewed license to practice, to submit to treatment. 74996

Before being eligible to apply for reinstatement of a license 74997
suspended under this division, the radiologist assistant shall 74998
demonstrate to the board the ability to resume practice in 74999
compliance with acceptable and prevailing standards of care. The 75000
demonstration shall include the following: 75001

(a) Certification from a treatment provider approved under 75002
section 4731.25 of the Revised Code that the individual has 75003
successfully completed any required inpatient treatment; 75004

(b) Evidence of continuing full compliance with an aftercare 75005
contract or consent agreement; 75006

(c) Two written reports indicating that the individual's 75007
ability to practice has been assessed and that the individual has 75008
been found capable of practicing according to acceptable and 75009
prevailing standards of care. The reports shall be made by 75010
individuals or providers approved by the board for making such 75011
assessments and shall describe the basis for their determination. 75012

The board may reinstate a license suspended under this 75013
division after such demonstration and after the individual has 75014
entered into a written consent agreement. 75015

When the impaired radiologist assistant resumes practice, the 75016
board shall require continued monitoring of the radiologist 75017
assistant. The monitoring shall include monitoring of compliance 75018
with the written consent agreement entered into before 75019
reinstatement or with conditions imposed by board order after a 75020
hearing, and, on termination of the consent agreement, submission 75021

to the board for at least two years of annual written progress 75022
reports made under penalty of falsification stating whether the 75023
radiologist assistant has maintained sobriety. 75024

(H) If the secretary and supervising member determine that 75025
there is clear and convincing evidence that a radiologist 75026
assistant has violated division (B) of this section and that the 75027
individual's continued practice presents a danger of immediate and 75028
serious harm to the public, they may recommend that the board 75029
suspend the individual's license to practice without a prior 75030
hearing. Written allegations shall be prepared for consideration 75031
by the board. 75032

The board, on review of the allegations and by an affirmative 75033
vote of not fewer than six of its members, excluding the secretary 75034
and supervising member, may suspend a license without a prior 75035
hearing. A telephone conference call may be utilized for reviewing 75036
the allegations and taking the vote on the summary suspension. 75037

The board shall ~~issue~~ serve a written order of suspension ~~by~~ 75038
~~certified mail or in person~~ in accordance with ~~section~~ sections 75039
119.05 and 119.07 of the Revised Code. The order shall not be 75040
subject to suspension by the court during pendency of any appeal 75041
filed under section 119.12 of the Revised Code. If the radiologist 75042
assistant requests an adjudicatory hearing by the board, the date 75043
set for the hearing shall be within fifteen days, but not earlier 75044
than seven days, after the radiologist assistant requests the 75045
hearing, unless otherwise agreed to by both the board and the 75046
license holder. 75047

A summary suspension imposed under this division shall remain 75048
in effect, unless reversed on appeal, until a final adjudicative 75049
order issued by the board pursuant to this section and Chapter 75050
119. of the Revised Code becomes effective. The board shall issue 75051
its final adjudicative order within sixty days after completion of 75052
its hearing. Failure to issue the order within sixty days shall 75053

result in dissolution of the summary suspension order, but shall 75054
not invalidate any subsequent, final adjudicative order. 75055

(I) If the board takes action under division (B)(10), (12), 75056
or (13) of this section, and the judicial finding of guilt, guilty 75057
plea, or judicial finding of eligibility for intervention in lieu 75058
of conviction is overturned on appeal, on exhaustion of the 75059
criminal appeal, a petition for reconsideration of the order may 75060
be filed with the board along with appropriate court documents. On 75061
receipt of a petition and supporting court documents, the board 75062
shall reinstate the license to practice as a radiologist 75063
assistant. The board may then hold an adjudication under Chapter 75064
119. of the Revised Code to determine whether the individual 75065
committed the act in question. Notice of opportunity for hearing 75066
shall be given in accordance with Chapter 119. of the Revised 75067
Code. If the board finds, pursuant to an adjudication held under 75068
this division, that the individual committed the act, or if no 75069
hearing is requested, it may order any of the sanctions specified 75070
in division (B) of this section. 75071

(J) The license to practice of a radiologist assistant and 75072
the assistant's practice in this state are automatically suspended 75073
as of the date the radiologist assistant pleads guilty to, is 75074
found by a judge or jury to be guilty of, or is subject to a 75075
judicial finding of eligibility for intervention in lieu of 75076
conviction in this state or treatment of intervention in lieu of 75077
conviction in another jurisdiction for any of the following 75078
criminal offenses in this state or a substantially equivalent 75079
criminal offense in another jurisdiction: aggravated murder, 75080
murder, voluntary manslaughter, felonious assault, kidnapping, 75081
rape, sexual battery, gross sexual imposition, aggravated arson, 75082
aggravated robbery, or aggravated burglary. Continued practice 75083
after the suspension shall be considered practicing without a 75084
license. 75085

The board shall ~~notify~~ serve the individual subject to the 75086
suspension ~~by certified mail or in person~~ in accordance with 75087
~~section~~ sections 119.05 and 119.07 of the Revised Code. If an 75088
individual whose license is suspended under this division fails to 75089
make a timely request for an adjudication under Chapter 119. of 75090
the Revised Code, the board shall enter a final order permanently 75091
revoking the individual's license. 75092

(K) In any instance in which the board is required by Chapter 75093
119. of the Revised Code to give notice of opportunity for hearing 75094
and the individual subject to the notice does not timely request a 75095
hearing in accordance with section 119.07 of the Revised Code, the 75096
board is not required to hold a hearing, but may adopt, by an 75097
affirmative vote of not fewer than six of its members, a final 75098
order that contains the board's findings. In the final order, the 75099
board may order any of the sanctions identified under division (A) 75100
or (B) of this section. 75101

(L) Any action taken by the board under division (B) of this 75102
section resulting in a suspension shall be accompanied by a 75103
written statement of the conditions under which the radiologist 75104
assistant's license may be reinstated. The board shall adopt rules 75105
in accordance with Chapter 119. of the Revised Code governing 75106
conditions to be imposed for reinstatement. Reinstatement of a 75107
license suspended pursuant to division (B) of this section 75108
requires an affirmative vote of not fewer than six members of the 75109
board. 75110

(M) When the board refuses to grant or issue a license to 75111
practice as a radiologist assistant to an applicant, revokes an 75112
individual's license, refuses to renew an individual's license, or 75113
refuses to reinstate an individual's license, the board may 75114
specify that its action is permanent. An individual subject to a 75115
permanent action taken by the board is forever thereafter 75116
ineligible to hold a license to practice as a radiologist 75117

assistant and the board shall not accept an application for 75118
reinstatement of the license or for issuance of a new license. 75119

(N) Notwithstanding any other provision of the Revised Code, 75120
all of the following apply: 75121

(1) The surrender of a license to practice as a radiologist 75122
assistant issued under this chapter is not effective unless or 75123
until accepted by the board. Reinstatement of a license 75124
surrendered to the board requires an affirmative vote of not fewer 75125
than six members of the board. 75126

(2) An application made under this chapter for a license to 75127
practice may not be withdrawn without approval of the board. 75128

(3) Failure by an individual to renew a license to practice 75129
in accordance with section 4774.06 of the Revised Code shall not 75130
remove or limit the board's jurisdiction to take disciplinary 75131
action under this section against the individual. 75132

Sec. 4776.01. As used in this chapter: 75133

(A) "License" means an authorization evidenced by a license, 75134
certificate, registration, permit, card, or other authority that 75135
is issued or conferred by a licensing agency to a licensee or to 75136
an applicant for an initial license by which the licensee or 75137
initial license applicant has or claims the privilege to engage in 75138
a profession, occupation, or occupational activity, or, except in 75139
the case of the state dental board, to have control of and operate 75140
certain specific equipment, machinery, or premises, over which the 75141
licensing agency has jurisdiction. 75142

(B) Except as provided in section 4776.20 of the Revised 75143
Code, "licensee" means the person to whom the license is issued by 75144
a licensing agency. "Licensee" includes a person who, for purposes 75145
of section 3796.13 of the Revised Code, has complied with sections 75146
4776.01 to 4776.04 of the Revised Code and has been determined by 75147

~~the department of commerce or state board of pharmacy~~ division of marijuana control, as the applicable licensing agency, to meet the requirements for employment.

(C) Except as provided in section 4776.20 of the Revised Code, "licensing agency" means any of the following:

(1) The board authorized by Chapters 4701., 4717., 4725., 4729., 4730., 4731., 4732., 4734., 4740., 4741., 4747., 4751., 4753., 4755., 4757., 4759., 4760., 4761., 4762., 4774., 4778., 4779., and 4783. of the Revised Code to issue a license to engage in a specific profession, occupation, or occupational activity, or to have charge of and operate certain specific equipment, machinery, or premises.

(2) The state dental board, relative to its authority to issue a license pursuant to section 4715.12, 4715.16, 4715.21, or 4715.27 of the Revised Code;

(3) ~~The department of commerce or state board of pharmacy~~ division of marijuana control, relative to its authority under Chapter 3796. of the Revised Code and any rules adopted under that chapter with respect to a person who is subject to section 3796.13 of the Revised Code;

(4) The director of agriculture, relative to the director's authority to issue licenses under Chapter 928. of the Revised Code.

(D) "Applicant for an initial license" includes persons seeking a license for the first time and persons seeking a license by reciprocity, endorsement, or similar manner of a license issued in another state. "Applicant for an initial license" also includes a person who, for purposes of section 3796.13 of the Revised Code, is required to comply with sections 4776.01 to 4776.04 of the Revised Code.

(E) "Applicant for a restored license" includes persons

seeking restoration of a license under section 4730.14, 4730.28, 75179
4731.222, 4731.281, 4759.062, 4759.063, 4760.06, 4760.061, 75180
4761.06, 4761.061, 4762.06, 4762.061, 4774.06, 4774.061, 4778.07, 75181
or 4778.071 of the Revised Code. "Applicant for a restored 75182
license" does not include a person seeking restoration of a 75183
license under section 4751.33 of the Revised Code. 75184

(F) "Criminal records check" has the same meaning as in 75185
section 109.572 of the Revised Code. 75186

Sec. 4776.20. (A) As used in this section: 75187

(1) "Licensing agency" means, in addition to each board 75188
identified in division (C) of section 4776.01 of the Revised Code, 75189
the board or other government entity authorized to issue a license 75190
under Chapters 4703., 4707., 4709., 4712., 4713., 4719., 4723., 75191
4727., 4728., 4733., 4735., 4736., 4737., 4738., 4740., 4742., 75192
4747., 4749., 4752., 4753., 4758., 4759., 4763., 4764., 4765., 75193
4766., 4771., 4773., ~~and~~ 4781., and 4789. of the Revised Code. 75194
"Licensing agency" includes an administrative officer that has 75195
authority to issue a license. 75196

(2) "Licensee" means, in addition to a licensee as described 75197
in division (B) of section 4776.01 of the Revised Code, the person 75198
to whom a license is issued by the board or other government 75199
entity authorized to issue a license under Chapters 4703., 4707., 75200
4709., 4712., 4713., 4719., 4723., 4727., 4728., 4733., 4735., 75201
4736., 4737., 4738., 4740., 4742., 4747., 4749., 4751., 4752., 75202
4753., 4758., 4759., 4763., 4764., 4765., 4766., 4771., 4773., ~~and~~ 75203
4781., and 4789. of the Revised Code. 75204

(3) "Prosecutor" has the same meaning as in section 2935.01 75205
of the Revised Code. 75206

(B) On a licensee's conviction of, plea of guilty to, 75207
judicial finding of guilt of, or judicial finding of guilt 75208

resulting from a plea of no contest to the offense of trafficking 75209
in persons in violation of section 2905.32 of the Revised Code, 75210
the prosecutor in the case shall promptly notify the licensing 75211
agency of the conviction, plea, or finding and provide the 75212
licensee's name and residential address. On receipt of this 75213
notification, the licensing agency shall immediately suspend the 75214
licensee's license. 75215

(C) If there is a conviction of, plea of guilty to, judicial 75216
finding of guilt of, or judicial finding of guilt resulting from a 75217
plea of no contest to the offense of trafficking in persons in 75218
violation of section 2905.32 of the Revised Code and all or part 75219
of the violation occurred on the premises of a facility that is 75220
licensed by a licensing agency, the prosecutor in the case shall 75221
promptly notify the licensing agency of the conviction, plea, or 75222
finding and provide the facility's name and address and the 75223
offender's name and residential address. On receipt of this 75224
notification, the licensing agency shall immediately suspend the 75225
facility's license. 75226

(D) Notwithstanding any provision of the Revised Code to the 75227
contrary, the suspension of a license under division (B) or (C) of 75228
this section shall be implemented by a licensing agency without a 75229
prior hearing. After the suspension, the licensing agency shall 75230
give written notice to the subject of the suspension of the right 75231
to request a hearing under Chapter 119. of the Revised Code. After 75232
a hearing is held, the licensing agency shall either revoke or 75233
permanently revoke the license of the subject of the suspension, 75234
unless it determines that the license holder has not been 75235
convicted of, pleaded guilty to, been found guilty of, or been 75236
found guilty based on a plea of no contest to the offense of 75237
trafficking in persons in violation of section 2905.32 of the 75238
Revised Code. 75239

Sec. 4778.14. (A) The state medical board, by an affirmative
vote of not fewer than six members, may revoke or may refuse to
grant a license to practice as a genetic counselor to an
individual found by the board to have committed fraud,
misrepresentation, or deception in applying for or securing the
license.

(B) The board, by an affirmative vote of not fewer than six
members, shall, except as provided in division (C) of this
section, and to the extent permitted by law, limit, revoke, or
suspend an individual's license to practice as a genetic
counselor, refuse to issue a license to an applicant, refuse to
renew a license, refuse to reinstate a license, or reprimand or
place on probation the holder of a license for any of the
following reasons:

(1) Permitting the holder's name or license to be used by
another person;

(2) Failure to comply with the requirements of this chapter,
Chapter 4731. of the Revised Code, or any rules adopted by the
board;

(3) Violating or attempting to violate, directly or
indirectly, or assisting in or abetting the violation of, or
conspiring to violate, any provision of this chapter, Chapter
4731. of the Revised Code, or the rules adopted by the board;

(4) A departure from, or failure to conform to, minimal
standards of care of similar practitioners under the same or
similar circumstances whether or not actual injury to the patient
is established;

(5) Inability to practice according to acceptable and
prevailing standards of care by reason of mental illness or
physical illness, including physical deterioration that adversely

affects cognitive, motor, or perceptive skills;	75270
(6) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice;	75271 75272 75273 75274
(7) Willfully betraying a professional confidence;	75275
(8) Making a false, fraudulent, deceptive, or misleading statement in securing or attempting to secure a license to practice as a genetic counselor.	75276 75277 75278
As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.	75279 75280 75281 75282 75283 75284 75285 75286
(9) The obtaining of, or attempting to obtain, money or a thing of value by fraudulent misrepresentations in the course of practice;	75287 75288 75289
(10) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;	75290 75291 75292
(11) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;	75293 75294 75295
(12) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;	75296 75297 75298
(13) A plea of guilty to, a judicial finding of guilt of, or	75299

a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude; 75300
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(14) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 75302
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(15) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 75305
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(16) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for violating any state or federal law regulating the possession, distribution, or use of any drug, including trafficking in drugs; 75308
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(17) Any of the following actions taken by an agency responsible for authorizing, certifying, or regulating an individual to practice a health care occupation or provide health care services in this state or in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand; 75313
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(18) Violation of the conditions placed by the board on a license to practice as a genetic counselor; 75322
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(19) Failure to cooperate in an investigation conducted by the board under section 4778.18 of the Revised Code, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board at a deposition or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction 75324
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has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue;

(20) Failure to maintain the individual's status as a certified genetic counselor;

(21) Failure to comply with the code of ethics established by the national society of genetic counselors.

(C) The board shall not refuse to issue a license to an applicant because of a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for an offense unless the refusal is in accordance with section 9.79 of the Revised Code.

(D) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with a genetic counselor or applicant to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by an affirmative vote of not fewer than six members of the board, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the consent agreement shall be of no force or effect.

A telephone conference call may be utilized for ratification of a consent agreement that revokes or suspends an individual's license. The telephone conference call shall be considered a special meeting under division (F) of section 121.22 of the Revised Code.

(E) For purposes of divisions (B)(11), (14), and (15) of this section, the commission of the act may be established by a finding by the board, pursuant to an adjudication under Chapter 119. of

the Revised Code, that the applicant or license holder committed 75362
the act in question. The board shall have no jurisdiction under 75363
these divisions in cases where the trial court renders a final 75364
judgment in the license holder's favor and that judgment is based 75365
upon an adjudication on the merits. The board shall have 75366
jurisdiction under these divisions in cases where the trial court 75367
issues an order of dismissal on technical or procedural grounds. 75368

(F) The sealing or expungement of conviction records by any 75369
court shall have no effect on a prior board order entered under 75370
the provisions of this section or on the board's jurisdiction to 75371
take action under the provisions of this section if, based upon a 75372
plea of guilty, a judicial finding of guilt, or a judicial finding 75373
of eligibility for intervention in lieu of conviction, the board 75374
issued a notice of opportunity for a hearing or took other formal 75375
action under Chapter 119. of the Revised Code prior to the court's 75376
order to seal or expunge the records. The board shall not be 75377
required to seal, destroy, redact, or otherwise modify its records 75378
to reflect the court's sealing or expungement of conviction 75379
records. 75380

(G) For purposes of this division, any individual who holds a 75381
license to practice as a genetic counselor, or applies for a 75382
license, shall be deemed to have given consent to submit to a 75383
mental or physical examination when directed to do so in writing 75384
by the board and to have waived all objections to the 75385
admissibility of testimony or examination reports that constitute 75386
a privileged communication. 75387

(1) In enforcing division (B)(5) of this section, the board, 75388
on a showing of a possible violation, may compel any individual 75389
who holds a license to practice as a genetic counselor or who has 75390
applied for a license to practice as a genetic counselor to submit 75391
to a mental or physical examination, or both. A physical 75392
examination may include an HIV test. The expense of the 75393

examination is the responsibility of the individual compelled to 75394
be examined. Failure to submit to a mental or physical examination 75395
or consent to an HIV test ordered by the board constitutes an 75396
admission of the allegations against the individual unless the 75397
failure is due to circumstances beyond the individual's control, 75398
and a default and final order may be entered without the taking of 75399
testimony or presentation of evidence. If the board finds a 75400
genetic counselor unable to practice because of the reasons set 75401
forth in division (B)(5) of this section, the board shall require 75402
the genetic counselor to submit to care, counseling, or treatment 75403
by physicians approved or designated by the board, as a condition 75404
for an initial, continued, reinstated, or renewed license to 75405
practice. An individual affected by this division shall be 75406
afforded an opportunity to demonstrate to the board the ability to 75407
resume practicing in compliance with acceptable and prevailing 75408
standards of care. 75409

(2) For purposes of division (B)(6) of this section, if the 75410
board has reason to believe that any individual who holds a 75411
license to practice as a genetic counselor or any applicant for a 75412
license suffers such impairment, the board may compel the 75413
individual to submit to a mental or physical examination, or both. 75414
The expense of the examination is the responsibility of the 75415
individual compelled to be examined. Any mental or physical 75416
examination required under this division shall be undertaken by a 75417
treatment provider or physician qualified to conduct such 75418
examination and chosen by the board. 75419

Failure to submit to a mental or physical examination ordered 75420
by the board constitutes an admission of the allegations against 75421
the individual unless the failure is due to circumstances beyond 75422
the individual's control, and a default and final order may be 75423
entered without the taking of testimony or presentation of 75424
evidence. If the board determines that the individual's ability to 75425

practice is impaired, the board shall suspend the individual's 75426
license or deny the individual's application and shall require the 75427
individual, as a condition for an initial, continued, reinstated, 75428
or renewed license, to submit to treatment. 75429

Before being eligible to apply for reinstatement of a license 75430
suspended under this division, the genetic counselor shall 75431
demonstrate to the board the ability to resume practice in 75432
compliance with acceptable and prevailing standards of care. The 75433
demonstration shall include the following: 75434

(a) Certification from a treatment provider approved under 75435
section 4731.25 of the Revised Code that the individual has 75436
successfully completed any required inpatient treatment; 75437

(b) Evidence of continuing full compliance with an aftercare 75438
contract or consent agreement; 75439

(c) Two written reports indicating that the individual's 75440
ability to practice has been assessed and that the individual has 75441
been found capable of practicing according to acceptable and 75442
prevailing standards of care. The reports shall be made by 75443
individuals or providers approved by the board for making such 75444
assessments and shall describe the basis for their determination. 75445

The board may reinstate a license suspended under this 75446
division after such demonstration and after the individual has 75447
entered into a written consent agreement. 75448

When the impaired genetic counselor resumes practice, the 75449
board shall require continued monitoring of the genetic counselor. 75450
The monitoring shall include monitoring of compliance with the 75451
written consent agreement entered into before reinstatement or 75452
with conditions imposed by board order after a hearing, and, on 75453
termination of the consent agreement, submission to the board for 75454
at least two years of annual written progress reports made under 75455
penalty of falsification stating whether the genetic counselor has 75456

maintained sobriety. 75457

(H) If the secretary and supervising member determine both of 75458
the following, they may recommend that the board suspend an 75459
individual's license to practice without a prior hearing: 75460

(1) That there is clear and convincing evidence that a 75461
genetic counselor has violated division (B) of this section; 75462

(2) That the individual's continued practice presents a 75463
danger of immediate and serious harm to the public. 75464

Written allegations shall be prepared for consideration by 75465
the board. The board, on review of the allegations and by an 75466
affirmative vote of not fewer than six of its members, excluding 75467
the secretary and supervising member, may suspend a license 75468
without a prior hearing. A telephone conference call may be 75469
utilized for reviewing the allegations and taking the vote on the 75470
summary suspension. 75471

The board shall ~~issue~~ serve a written order of suspension ~~by~~ 75472
~~certified mail or in person~~ in accordance with ~~section~~ sections 75473
119.05 and 119.07 of the Revised Code. The order shall not be 75474
subject to suspension by the court during pendency of any appeal 75475
filed under section 119.12 of the Revised Code. If the genetic 75476
counselor requests an adjudicatory hearing by the board, the date 75477
set for the hearing shall be within fifteen days, but not earlier 75478
than seven days, after the genetic counselor requests the hearing, 75479
unless otherwise agreed to by both the board and the genetic 75480
counselor. 75481

A summary suspension imposed under this division shall remain 75482
in effect, unless reversed on appeal, until a final adjudicative 75483
order issued by the board pursuant to this section and Chapter 75484
119. of the Revised Code becomes effective. The board shall issue 75485
its final adjudicative order within sixty days after completion of 75486
its hearing. Failure to issue the order within sixty days shall 75487

result in dissolution of the summary suspension order, but shall 75488
not invalidate any subsequent, final adjudicative order. 75489

(I) If the board takes action under division (B)(10), (12), 75490
or (13) of this section, and the judicial finding of guilt, guilty 75491
plea, or judicial finding of eligibility for intervention in lieu 75492
of conviction is overturned on appeal, on exhaustion of the 75493
criminal appeal, a petition for reconsideration of the order may 75494
be filed with the board along with appropriate court documents. On 75495
receipt of a petition and supporting court documents, the board 75496
shall reinstate the license to practice as a genetic counselor. 75497
The board may then hold an adjudication under Chapter 119. of the 75498
Revised Code to determine whether the individual committed the act 75499
in question. Notice of opportunity for hearing shall be given in 75500
accordance with Chapter 119. of the Revised Code. If the board 75501
finds, pursuant to an adjudication held under this division, that 75502
the individual committed the act, or if no hearing is requested, 75503
it may order any of the sanctions specified in division (B) of 75504
this section. 75505

(J) The license to practice as a genetic counselor and the 75506
counselor's practice in this state are automatically suspended as 75507
of the date the genetic counselor pleads guilty to, is found by a 75508
judge or jury to be guilty of, or is subject to a judicial finding 75509
of eligibility for intervention in lieu of conviction in this 75510
state or treatment of intervention in lieu of conviction in 75511
another jurisdiction for any of the following criminal offenses in 75512
this state or a substantially equivalent criminal offense in 75513
another jurisdiction: aggravated murder, murder, voluntary 75514
manslaughter, felonious assault, kidnapping, rape, sexual battery, 75515
gross sexual imposition, aggravated arson, aggravated robbery, or 75516
aggravated burglary. Continued practice after the suspension shall 75517
be considered practicing without a license. 75518

The board shall ~~notify~~ serve the individual subject to the 75519

suspension ~~by certified mail or in person~~ in accordance with 75520
~~section sections 119.05 and~~ 119.07 of the Revised Code. If an 75521
individual whose license is suspended under this division fails to 75522
make a timely request for an adjudication under Chapter 119. of 75523
the Revised Code, the board shall enter a final order permanently 75524
revoking the individual's license to practice. 75525

(K) In any instance in which the board is required by Chapter 75526
119. of the Revised Code to give notice of opportunity for hearing 75527
and the individual subject to the notice does not timely request a 75528
hearing in accordance with section 119.07 of the Revised Code, the 75529
board is not required to hold a hearing, but may adopt, by an 75530
affirmative vote of not fewer than six of its members, a final 75531
order that contains the board's findings. In the final order, the 75532
board may order any of the sanctions identified under division (A) 75533
or (B) of this section. 75534

(L) Any action taken by the board under division (B) of this 75535
section resulting in a suspension shall be accompanied by a 75536
written statement of the conditions under which the license of the 75537
genetic counselor may be reinstated. The board shall adopt rules 75538
in accordance with Chapter 119. of the Revised Code governing 75539
conditions to be imposed for reinstatement. Reinstatement of a 75540
license suspended pursuant to division (B) of this section 75541
requires an affirmative vote of not fewer than six members of the 75542
board. 75543

(M) When the board refuses to grant or issue a license to 75544
practice as a genetic counselor to an applicant, revokes an 75545
individual's license, refuses to renew an individual's license, or 75546
refuses to reinstate an individual's license, the board may 75547
specify that its action is permanent. An individual subject to a 75548
permanent action taken by the board is forever thereafter 75549
ineligible to hold a license to practice as a genetic counselor 75550
and the board shall not accept an application for reinstatement of 75551

the license or for issuance of a new license. 75552

(N) Notwithstanding any other provision of the Revised Code, 75553
all of the following apply: 75554

(1) The surrender of a license to practice as a genetic 75555
counselor is not effective unless or until accepted by the board. 75556
A telephone conference call may be utilized for acceptance of the 75557
surrender of an individual's license. The telephone conference 75558
call shall be considered a special meeting under division (F) of 75559
section 121.22 of the Revised Code. Reinstatement of a license 75560
surrendered to the board requires an affirmative vote of not fewer 75561
than six members of the board. 75562

(2) An application made under this chapter for a license to 75563
practice may not be withdrawn without approval of the board. 75564

(3) Failure by an individual to renew a license in accordance 75565
with section 4778.06 of the Revised Code shall not remove or limit 75566
the board's jurisdiction to take disciplinary action under this 75567
section against the individual. 75568

Sec. 4779.29. If the Ohio occupational therapy, physical 75569
therapy, and athletic trainers board determines that there is 75570
clear and convincing evidence that an individual licensed under 75571
this chapter is engaging or has engaged in conduct described in 75572
division (A) of section 4779.28 of the Revised Code and that the 75573
license holder's continued practice presents a danger of immediate 75574
and serious harm to the public, the board may suspend the 75575
individual's license without an adjudicatory hearing. A telephone 75576
conference call may be used for reviewing the matter and taking 75577
the vote. 75578

If the board votes to suspend an individual's license, the 75579
board shall ~~issue~~ serve a written order of suspension ~~by certified~~ 75580
~~mail or in person~~ in accordance with ~~section~~ sections 119.05 and 75581

119.07 of the Revised Code. The order is not subject to suspension 75582
by a court during pendency of any appeal filed under section 75583
119.12 of the Revised Code. If the license holder requests an 75584
adjudicatory hearing by the board, the date set for the hearing 75585
shall be not later than fifteen days, but not earlier than seven 75586
days, after the request, unless otherwise agreed to by the board 75587
and the license holder. 75588

Any suspension imposed under this section shall remain in 75589
effect, unless reversed on appeal, until a final adjudicative 75590
order issued by the board pursuant to section 119.12 of the 75591
Revised Code becomes effective. The board shall issue its final 75592
adjudicative order within sixty days after completion of its 75593
hearing. A failure to issue an order within sixty days shall 75594
result in the dissolution of the summary suspension order, but 75595
shall not invalidate any subsequent, final adjudicative order. 75596

Sec. 4779.35. (A) The Ohio occupational therapy, physical 75597
therapy, and athletic trainers board shall appoint an orthotics, 75598
prosthetics, and pedorthics advisory council for the purpose of 75599
advising the board on issues relating to the practice of 75600
orthotics, prosthetics, and pedorthics and the investigation of 75601
complaints regarding the practice of orthotics, prosthetics, and 75602
pedorthics. 75603

The advisory council shall consist of not more than five 75604
individuals knowledgeable in the area of orthotics, prosthetics, 75605
and pedorthics. A majority of the council members shall be 75606
individuals actively engaged in the practice of orthotics, 75607
prosthetics, and pedorthics who meet the requirements for 75608
licensure under Chapter 4779. of the Revised Code. 75609

The Ohio orthotics and prosthetics association, or its 75610
successor organization, may nominate the names of up to three 75611
qualified individuals for consideration by the board in making 75612

appointments for each vacancy on the council. 75613

(B) ~~Not later than ninety days after January 1, 2018, the~~ 75614
~~board shall make initial appointments to the council.~~ Members 75615
shall serve three-year ~~staggered~~ terms of office in accordance 75616
with rules adopted by the board. ~~Thereafter, terms of office shall~~ 75617
~~be for three years,~~ with each term ending on the same day of the 75618
same month as did the term that it succeeds. A council member 75619
shall continue in office subsequent to the expiration date of the 75620
member's term until a successor is appointed and takes office, or 75621
until a period of ~~sixty~~ ninety days has elapsed, whichever occurs 75622
first. Each council member shall hold office from the date of 75623
appointment until the end of the term for which the member was 75624
appointed. 75625

(C) With approval from the director of administrative 75626
services, members may receive an amount fixed under division (J) 75627
of section 124.15 of the Revised Code for each day the member is 75628
performing the member's official duties and be reimbursed for 75629
actual and necessary expenses incurred in performing those duties. 75630

(D) The council shall meet at least ~~four~~ three times per year 75631
and at such other times as may be necessary to carry out its 75632
responsibilities. 75633

(E) The council shall submit to the board recommendations 75634
concerning all of the following: 75635

(1) Requirements for issuing a license to practice orthotics, 75636
prosthetics, and pedorthics, including the educational and 75637
experience requirements that must be met to receive a license; 75638

(2) Existing and proposed rules pertaining to the practice of 75639
orthotics, prosthetics, and pedorthics and the administration and 75640
enforcement of this chapter; 75641

(3) Standards for the approval of educational programs 75642
required to qualify for licensure and continuing education 75643

programs for licensure renewal;	75644
(4) Procedures for the issuance and renewal of licenses;	75645
(5) Fees for the issuance and renewal of a license to practice orthotics, prosthetics, and pedorthics;	75646 75647
(6) Standards of practice and ethical conduct in the practice of orthotics, prosthetics, and pedorthics;	75648 75649
(7) Complaints concerning alleged violation of Chapter 4779. of the Revised Code or grounds for the suspension, revocation, refusal to issue, or issuance of probationary licenses;	75650 75651 75652
(8) The safe and effective practice of orthotics, prosthetics, and pedorthics;	75653 75654
(9) Requirements for issuing a license to practice orthotics, prosthetics, or orthotics and prosthetics to an applicant with unique and exceptional qualifications, including standards for satisfactory evidence for the applicant to be eligible for the license.	75655 75656 75657 75658 75659
Sec. 4781.04. (A) The department of commerce, division of industrial compliance shall adopt rules pursuant to Chapter 119. of the Revised Code to do all of the following:	75660 75661 75662
(1) Establish uniform standards that govern the installation of manufactured housing that are consistent with, and not less stringent than, the model standards for the design and installation of manufactured housing the secretary of the United States department of housing and urban development adopts;	75663 75664 75665 75666 75667
(2) Govern the inspection of the installation of manufactured housing. The rules shall specify that the division of industrial compliance, any building department or personnel of any department, or any private third party, certified pursuant to section 4781.07 of the Revised Code shall conduct all inspections of the installation of manufactured housing located in	75668 75669 75670 75671 75672 75673

~~manufactured home parks~~ this state to determine compliance with 75674
the uniform installation standards the division of industrial 75675
compliance establishes pursuant to this section. 75676

(3) Govern the design, construction, installation, approval, 75677
and inspection of foundations and the base support systems for 75678
manufactured housing. The rules shall specify that the division of 75679
industrial compliance, any building department or personnel of any 75680
department, or any private third party, certified pursuant to 75681
section 4781.07 of the Revised Code shall conduct all inspections 75682
of the installation, foundations, and base support systems of 75683
manufactured housing located in manufactured home parks to 75684
determine compliance with the uniform installation standards and 75685
foundation and base support system design the division of 75686
industrial compliance establishes pursuant to this section. 75687

(4) Govern the training, experience, and education 75688
requirements for manufactured housing installers; 75689

(5) Establish a code of ethics for manufactured housing 75690
installers; 75691

(6) Govern the issuance, revocation, and suspension of 75692
licenses to manufactured housing installers; 75693

(7) Establish fees for the issuance and renewal of licenses, 75694
for conducting inspections to determine an applicant's compliance 75695
with this chapter and the rules adopted pursuant to it, and for 75696
the division's expenses incurred in implementing this chapter; 75697

(8) Establish conditions under which a licensee may enter 75698
into contracts to fulfill the licensee's responsibilities; 75699

(9) Govern the investigation of complaints concerning any 75700
complaints involving the conduct of any licensed manufactured 75701
housing installer or person installing manufactured housing 75702
without a license; 75703

(10) Establish a dispute resolution program for the timely resolution of warranty issues involving new manufactured homes, disputes regarding responsibility for the correction or repair of defects in manufactured housing, and the installation of manufactured housing. The rules shall provide for the timely resolution of disputes between manufacturers, manufactured housing dealers, and installers regarding the correction or repair of defects in manufactured housing that are reported by the purchaser of the home during the one-year period beginning on the date of installation of the home. The rules also shall provide that decisions made regarding the dispute under the program are not binding upon the purchaser of the home or the other parties involved in the dispute unless the purchaser so agrees in a written acknowledgement that the purchaser signs and delivers to the program within ten business days after the decision is issued.

(11) Establish the requirements and procedures for the certification of building departments and building department personnel pursuant to section 4781.07 of the Revised Code;

(12) Establish fees to be charged to building departments and building department personnel applying for certification and renewal of certification pursuant to section 4781.07 of the Revised Code;

(13) Develop a policy regarding the maintenance of records for any inspection authorized or conducted pursuant to this chapter. Any record maintained under division (A)(13) of this section shall be a public record under section 149.43 of the Revised Code.

(B) The division of industrial compliance shall do all of the following:

(1) Prepare and administer a licensure examination to determine an applicant's knowledge of manufactured housing

installation and other aspects of installation the division	75735
determines appropriate;	75736
(2) Select, provide, or procure appropriate examination	75737
questions and answers for the licensure examination and establish	75738
the criteria for successful completion of the examination;	75739
(3) Prepare and distribute any application form sections	75740
4781.01 to 4781.11 of the Revised Code require;	75741
(4) Receive applications for licenses and renewal of licenses	75742
and issue licenses to qualified applicants;	75743
(5) Establish procedures for processing, approving, and	75744
disapproving applications for licensure;	75745
(6) Retain records of applications for licensure, including	75746
all application materials submitted and a written record of the	75747
action taken on each application;	75748
(7) Review the design and plans for manufactured housing	75749
installations, foundations, and support systems;	75750
(8) Inspect a sample of homes at a percentage the division	75751
determines to evaluate the construction and installation of	75752
manufactured housing installations, foundations, and support	75753
systems to determine compliance with the standards the division	75754
adopts;	75755
(9) Investigate complaints concerning violations of this	75756
chapter or the rules adopted pursuant to it, or the conduct of any	75757
manufactured housing installer;	75758
(10) Determine appropriate disciplinary actions for	75759
violations of this chapter;	75760
(11) Conduct audits and inquiries of manufactured housing	75761
installers as appropriate for the enforcement of this chapter. The	75762
division, or any person the division employs for the purpose, may	75763
review and audit the business records of any manufactured housing	75764

installer during normal business hours. 75765

(12) Approve an installation training course, which may be 75766
offered by the Ohio manufactured homes association or other 75767
entity. 75768

(C) Nothing in this section, or in any rule adopted by the 75769
division of industrial compliance, shall be construed to limit the 75770
authority of a board of health to enforce section 3701.344 or 75771
Chapters 3703., 3718., and 3781. of the Revised Code or limit the 75772
authority of the department of administrative services to lease 75773
space for the use of a state agency and to group together state 75774
offices in any city in the state as provided in section 123.01 of 75775
the Revised Code. 75776

(D) The department of commerce, division of real estate and 75777
professional licensing may adopt rules pursuant to Chapter 119. of 75778
the Revised Code necessary for administration of the provisions of 75779
this chapter related to manufactured home dealers, brokers, and 75780
salespersons. 75781

Sec. 4781.121. (A) The division of industrial compliance, 75782
pursuant to section 4781.04 of the Revised Code, may investigate 75783
any person who allegedly has committed a violation. If, after an 75784
investigation the division determines that reasonable evidence 75785
exists that a person has committed a violation, within seven days 75786
after that determination, the division shall ~~send~~ serve a written 75787
notice to that person in the same manner as prescribed in ~~section~~ 75788
sections 119.05 and 119.07 of the Revised Code for licensees, 75789
except that the notice shall specify that a hearing will be held 75790
and specify the date, time, and place of the hearing. 75791

(B) The division of industrial compliance shall hold a 75792
hearing regarding the alleged violation in the same manner 75793
prescribed for an adjudication hearing under section 119.09 of the 75794
Revised Code. If the division, after the hearing, determines that 75795

a violation has occurred, the division may impose a fine not exceeding one thousand dollars per violation per day. The division's determination is an order that the person may appeal in accordance with section 119.12 of the Revised Code.

(C) If the person who allegedly committed a violation fails to appear for a hearing, the division of industrial compliance may request the court of common pleas of the county where the alleged violation occurred to compel the person to appear before the division for a hearing.

(D) If the division assesses a person a civil penalty for a violation and the person fails to pay that civil penalty within the time period prescribed by the division pursuant to section 131.02 of the Revised Code, the division shall forward to the attorney general the name of the person and the amount of the civil penalty for the purpose of collecting that civil penalty. In addition to the civil penalty assessed pursuant to this section, the person also shall pay any fee assessed by the attorney general for collection of the civil penalty.

(E) The authority provided to the division of industrial compliance pursuant to this section, and any fine imposed under this section, shall be in addition to, and not in lieu of, all penalties and other remedies provided in this chapter. Any fines collected pursuant to this section shall be used solely to administer and enforce this chapter and rules adopted under it. Any fees collected pursuant to this section shall be transmitted to the treasurer of state and shall be credited to the industrial compliance operating fund created in section 121.084 of the Revised Code and the rules adopted thereunder. The fees shall be used only for the purpose of administering and enforcing sections 4781.26 to 4781.35 of the Revised Code and the rules adopted thereunder.

(F) As used in this section, "violation" means a violation of

section 4781.11, 4781.16, 4781.27, or 4781.57 or any rule adopted 75828
pursuant to section 4781.04 of the Revised Code. 75829

Sec. 4781.17. (A) Each person applying for a manufactured 75830
housing dealer's license or manufactured housing broker's license 75831
shall complete and deliver to the department of commerce, division 75832
of real estate, before the first day of April, a separate 75833
application for license for each county in which the business of 75834
selling or brokering manufactured or mobile homes is to be 75835
conducted. The application shall be in the form prescribed by the 75836
division of real estate and accompanied by the fee established by 75837
the division of real estate. The applicant shall sign and swear to 75838
the application that shall include all of the following: 75839

(1) Name of applicant and location of principal place of 75840
business; 75841

(2) Name or style under which business is to be conducted 75842
and, if a corporation, the state of incorporation; 75843

(3) Name and address of each owner or partner and, if a 75844
corporation, the names of the officers and directors; 75845

(4) The county in which the business is to be conducted and 75846
the address of each place of business therein; 75847

(5) A statement of the previous history, record, and 75848
association of the applicant and of each owner, partner, officer, 75849
and director, that is sufficient to establish to the satisfaction 75850
of the division of real estate the reputation in business of the 75851
applicant; 75852

(6) A statement showing whether the applicant has previously 75853
applied for a manufactured housing dealer's license, manufactured 75854
housing broker's license, manufactured housing salesperson's 75855
license, or, prior to July 1, 2010, a motor vehicle dealer's 75856
license, manufactured home broker's license, or motor vehicle 75857

salesperson's license, and the result of the application, and 75858
whether the applicant has ever been the holder of any such license 75859
that was revoked or suspended; 75860

(7) If the applicant is a corporation or partnership, a 75861
statement showing whether any partner, employee, officer, or 75862
director has been refused a manufactured housing dealer's license, 75863
manufactured housing broker's license, manufactured housing 75864
salesperson's license, or, prior to July 1, 2010, a motor vehicle 75865
dealer's license, manufactured home broker's license, or motor 75866
vehicle salesperson's license, or has been the holder of any such 75867
license that was revoked or suspended; 75868

(8) Any other information required by the division of real 75869
estate. 75870

(B) Each person applying for a manufactured housing 75871
salesperson's license shall complete and deliver to the division 75872
of real estate before the first day of July an application for 75873
license. The application shall be in the form prescribed by the 75874
division of real estate and shall be accompanied by the fee 75875
established by the division. The applicant shall sign and swear to 75876
the application that shall include all of the following: 75877

(1) Name and post-office address of the applicant; 75878

(2) Name and post-office address of the manufactured housing 75879
dealer or manufactured housing broker for whom the applicant 75880
intends to act as salesperson; 75881

(3) A statement of the applicant's previous history, record, 75882
and association, that is sufficient to establish to the 75883
satisfaction of the division of real estate the applicant's 75884
reputation in business; 75885

(4) A statement as to whether the applicant intends to engage 75886
in any occupation or business other than that of a manufactured 75887
housing salesperson; 75888

(5) A statement as to whether the applicant has ever had any previous application for a manufactured housing salesperson license refused or, prior to July 1, 2010, any application for a motor vehicle salesperson license refused, and whether the applicant has previously had a manufactured housing salesperson or motor vehicle salesperson license revoked or suspended;

(6) A statement as to whether the applicant was an employee of or salesperson for a manufactured housing dealer or manufactured housing broker whose license was suspended or revoked;

(7) A statement of the manufactured housing dealer or manufactured housing broker named therein, designating the applicant as the dealer's or broker's salesperson;

(8) Any other information required by the division of real estate.

(C) Any application for a manufactured housing dealer or manufactured housing broker delivered to the division of real estate under this section also shall be accompanied by a photograph, as prescribed by the division, of each place of business operated, or to be operated, by the applicant.

(D) The division of real estate shall deposit all license fees into the state treasury to the credit of the ~~manufactured homes regulatory~~ real estate operating fund created under section 4735.211 of the Revised Code.

Sec. 4781.54. (A) The division of real estate and professional licensing shall deposit all the fees collected in the administration and enforcement sections 4781.16 to 4781.25 of the Revised Code into the ~~manufactured homes regulatory~~ real estate operating fund, which is hereby created under section 4735.211 of the Revised Code. ~~All~~ In addition to the purposes described in

section 4735.211 of the Revised Code, money deposited into the 75919
fund shall be used ~~to pay the operating expenses of the division~~ 75920
~~or~~ as ~~otherwise~~ described in ~~those~~ sections 4781.16 to 4781.25 of 75921
the Revised Code. 75922

(B) The division of industrial compliance shall deposit all 75923
fees collected in the administration and enforcement sections of 75924
4781.04 to 4781.14 and sections 4781.26 to 4781.35 of the Revised 75925
Code into the industrial compliance operating fund created in 75926
section 121.084 of the Revised Code. All money deposited into the 75927
fund shall be used to pay the operating expenses of the division 75928
or as otherwise described in those sections. 75929

Sec. 4783.10. On receipt of a complaint that any of the 75930
grounds listed in division (A) of section 4783.09 of the Revised 75931
Code exist, the state board of psychology may suspend the 75932
certificate of the certified Ohio behavior analyst prior to 75933
holding a hearing in accordance with Chapter 119. of the Revised 75934
Code if it determines, based on the complaint, that an immediate 75935
threat to the public exists. 75936

After suspending a certificate pursuant to this section, the 75937
board shall ~~notify~~ serve notice on the certified Ohio behavior 75938
analyst of the suspension in accordance with ~~section~~ sections 75939
119.05 and 119.07 of the Revised Code. If the individual whose 75940
certificate is suspended fails to make a timely request for an 75941
adjudication under Chapter 119. of the Revised Code, the board 75942
shall enter a final order permanently revoking the individual's 75943
certificate. 75944

Sec. 4789.01. As used in this chapter: 75945

(A)(1) "Art therapy" means the integrated use of 75946
psychotherapeutic principles and methods with art media and the 75947
creative process to assist individuals, families, or groups in 75948

<u>doing any of the following:</u>	75949
<u>(a) Improving cognitive and sensory-motor functions;</u>	75950
<u>(b) Increasing self-awareness and self-esteem;</u>	75951
<u>(c) Coping with grief and traumatic experiences;</u>	75952
<u>(d) Enhancing cognitive abilities;</u>	75953
<u>(e) Resolving conflicts and distress;</u>	75954
<u>(f) Enhancing social functioning;</u>	75955
<u>(g) Identifying and assessing clients' needs to implement</u>	75956
<u>therapeutic intervention to meet developmental, behavioral,</u>	75957
<u>mental, and emotional needs.</u>	75958
<u>(2) "Art therapy" includes therapeutic intervention to</u>	75959
<u>facilitate alternative modes of receptive and expressive</u>	75960
<u>communication and evaluation and assessment to define and</u>	75961
<u>implement art-based treatment plans to address cognitive,</u>	75962
<u>behavioral, developmental, and emotional needs.</u>	75963
<u>(B) "Practice of art therapy" means the rendering or offering</u>	75964
<u>to render art therapy in the prevention or treatment of cognitive,</u>	75965
<u>developmental, emotional, or behavioral disabilities or</u>	75966
<u>conditions.</u>	75967
<u>(C) "Licensee" means an individual who is licensed to</u>	75968
<u>practice art therapy under this chapter.</u>	75969
<u>(D) "Client" means an individual who receives art therapy</u>	75970
<u>from a licensee.</u>	75971
<u>Sec. 4789.02. The counselor, social worker, and marriage and</u>	75972
<u>family therapist board shall implement and administer this chapter</u>	75973
<u>and adopt a policy that concerns the intervention for and</u>	75974
<u>treatment of any impaired individual holding a license issued</u>	75975
<u>under the chapter.</u>	75976

Sec. 4789.03. The buckeye art therapy association or its 75977
successor organization shall provide the counselor, social worker, 75978
and marriage and family therapist board with expertise and 75979
assistance in carrying out the board's duties pursuant to this 75980
chapter. 75981

Sec. 4789.04. (A) An individual seeking a license to practice 75982
art therapy under this chapter shall submit to the counselor, 75983
social worker, and marriage and family therapist board a completed 75984
application on a form prescribed by the counselor, social worker, 75985
and marriage and family therapist board and an application fee of 75986
twenty-five dollars. The board may prorate the application fee for 75987
an initial license. 75988

The application shall include information the counselor, 75989
social worker, and marriage and family therapist board considers 75990
necessary to process the application, including evidence 75991
satisfactory to the counselor, social worker, and marriage and 75992
family therapist board that the applicant meets the requirements 75993
specified in division (B) of this section. No part of the 75994
application fee shall be returned to the applicant or applied to 75995
another application. 75996

(B) To be eligible for a license to practice art therapy 75997
under this chapter, an applicant shall demonstrate to the 75998
counselor, social worker, and marriage and family therapist board 75999
that the applicant meets all of the following requirements: 76000

(1) The applicant is at least eighteen years of age. 76001

(2) The applicant has attained a master's degree or higher 76002
degree from a graduate program in art therapy that one of the 76003
following applies to at the time the degree was conferred: 76004

(a) The program is approved by the American art therapy 76005
association or its successor organization. 76006

(b) The program is accredited by the commission on accreditation of allied health education programs or its successor organization. 76007
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(c) The counselor, social worker, and marriage and family therapist board considers the program to be substantially equivalent to a program approved or accredited under division (B)(2)(a) or (b) of this section. 76010
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(3) The applicant has completed at least two years of postgraduate supervised clinical experience in the practice of art therapy that meets the posteducation supervised art therapy experience requirements that the art therapy credentials board, its successor organization, or an equivalent organization recognized by the counselor, social worker, and marriage and family therapist board required for an individual to become a registered art therapist at the time the experience was completed. 76014
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(4) The applicant has a board certification in good standing with the art therapy credentials board, its successor organization, or an equivalent organization recognized by the counselor, social worker, and marriage and family therapist board. 76022
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(5) The applicant has satisfied any other requirements established by the counselor, social worker, and marriage and family therapist board. 76026
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(C) Not later than sixty days after receiving a complete application, except as provided in division (E) of this section, the counselor, social worker, and marriage and family therapist board shall issue a license to practice art therapy to an applicant if the board determines that the applicant satisfies the requirements of division (B) of this section. An affirmative vote of a majority of the members of the board is required to determine that an applicant meets the requirements. 76029
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(D) The counselor, social worker, and marriage and family 76037

therapist board may waive the requirements of division (B) of this 76038
section and issue a license to practice art therapy to an 76039
applicant if, not later than one year after the effective date of 76040
this section, the applicant files an application with the board 76041
that includes evidence satisfactory to the board that the 76042
applicant meets all of the following requirements: 76043

(1) The applicant holds a credential in good standing with 76044
the art therapy credentials board, its successor organization, or 76045
an equivalent organization recognized by the counselor, social 76046
worker, and marriage and family therapist board. 76047

(2) The applicant has practiced art therapy for at least five 76048
years. 76049

(3) The applicant satisfies any additional requirements 76050
established by the counselor, social worker, and marriage and 76051
family therapist board. 76052

(E) The counselor, social worker, and marriage and family 76053
therapist board shall issue a license to practice art therapy in 76054
accordance with Chapter 4796. of the Revised Code to an applicant 76055
if either of the following applies: 76056

(1) The applicant holds a license in another state. 76057

(2) The applicant has satisfactory work experience, a 76058
government certification, or a private certification as described 76059
in that chapter as an art therapist in a state that does not issue 76060
that license. 76061

Sec. 4789.05. (A) A license issued under section 4789.04 of 76062
the Revised Code shall expire biennially and may be renewed in 76063
accordance with this section. A licensee seeking to renew a 76064
license to practice art therapy shall, on or before the 76065
thirty-first day of January of each even-numbered year, apply for 76066
renewal of the license. The counselor, social worker, and marriage 76067

and family therapist board may establish a different expiration date for an initial license. The board shall provide renewal notices at least one month before the expiration date. 76068
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(B) A licensee shall submit a renewal application to the counselor, social worker, and marriage and family therapist board in a manner prescribed by the board and a renewal fee of twenty-five dollars. 76071
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(C) To be eligible for renewal, a licensee shall certify to the board that the licensee has done all of the following: 76075
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(1) Maintained board certification with the art therapy credentials board, its successor organization, or an equivalent organization recognized by the counselor, social worker, and marriage and family therapist board; 76077
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(2) Completed at least forty hours of the continuing education that is required to maintain board certification with the art therapy credentials board, its successor organization, or an equivalent organization recognized by the counselor, social worker, and marriage and family therapist board; 76081
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(3) Report any criminal offense to which the applicant has pleaded guilty, of which the licensee has been found guilty, or for which the applicant has been found eligible for intervention in lieu of conviction, since last signing an application for a license under this chapter. 76086
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(D) If a licensee submits a renewal application that the counselor, social worker, and marriage and family therapist board considers to be complete and qualifies for renewal pursuant to division (C) of this section, the board shall issue to the licensee a renewed license to practice art therapy. 76091
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(E) The counselor, social worker, and marriage and family therapist board may require a random sample of licensees to submit materials documenting that the licensee has complied with 76096
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divisions (C)(1) and (2) of this section. If the board finds 76099
through the random sample or any other means that a licensee has 76100
not complied with those divisions, the board may refuse to renew 76101
the licensee's license or may take any other action the board may 76102
take under this chapter. 76103

Sec. 4789.06. (A) A license to practice art therapy that is 76104
not renewed on or before its expiration date is automatically 76105
suspended on its expiration date. 76106

(B) If a license has been suspended pursuant to division (A) 76107
of this section, the counselor, social worker, and marriage and 76108
family therapist board shall reinstate the license if the 76109
individual qualifies for renewal pursuant to section 4789.05 of 76110
the Revised Code and pays a monetary penalty to be established by 76111
the board. 76112

(C) If a license has been suspended pursuant to division (A) 76113
of this section for more than two years, the board may impose 76114
terms and conditions for reinstatement in addition to those 76115
specified in division (B) of this section, including the 76116
following: 76117

(1) Requiring the applicant to pass an oral or written 76118
examination, or both, to determine the applicant's fitness to 76119
resume the practice of art therapy; 76120

(2) Requiring the applicant to obtain additional training and 76121
to pass an examination on completion of the training; 76122

(3) Restricting or limiting the extent, scope, or type of 76123
practice in which an applicant may engage. 76124

Sec. 4789.07. (A) A licensee may treat affective, behavioral, 76125
and cognitive disorders or problems specified in the edition of 76126
the diagnostic and statistical manual of mental disorders 76127
published by the American psychiatric association designated by 76128

the counselor, social worker, and marriage and family therapist board. 76129
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(B) A license issued under this chapter does not authorize the licensee to do either of the following: 76131
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(1) Administer or prescribe drugs; 76133

(2) Perform psychological testing intended to measure or diagnose serious mental illness. 76134
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Sec. 4789.08. (A) As used in this section: 76136

(1) "Willfully betraying a professional confidence" and "false, fraudulent, deceptive, or misleading statement" have the same meanings as in section 4731.22 of the Revised Code. 76137
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(2) "Privileged communication" means any information obtained through the practice of art therapy, including client records, artwork, verbal or artistic expressions, assessment results, or assessment interpretations. 76140
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(B) The counselor, social worker, and marriage and family therapist board, by an affirmative vote of a majority of the members, may limit, revoke, suspend, or refuse to grant a license to practice art therapy to an individual found by the board to have committed fraud, misrepresentation, or deception in applying for or securing the license. 76144
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(C) Except as provided in division (G) of this section, the board, by an affirmative vote of a majority of the members, shall, to the extent permitted by law, limit, revoke, suspend, or refuse to issue, renew, or reinstate a license, or reprimand or place on probation a licensee for any of the following reasons: 76150
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(1) Failure to comply with the requirements of this chapter; 76155

(2) Permitting the licensee's name or license to be used by another individual; 76156
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(3) Failure to employ acceptable scientific methods in the selection of modalities for treatment provided under a license to practice art therapy; 76158
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(4) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a violation of any federal or state law regulating the possession, distribution, or use of any drug; 76161
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(5) Willfully betraying a professional confidence; 76165

(6) Making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for clients; in relation to the practice of art therapy; or in securing or attempting to secure any license or certificate to practice issued by the board; 76166
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(7) A departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a client is established; 76171
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(8) Representing, with the purpose of obtaining compensation or other advantage as personal gain or for any other individual, that an incurable disease or injury, or other incurable condition, can be permanently cured; 76175
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(9) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of the practice of art therapy; 76179
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(10) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony; 76182
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(11) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed; 76185
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(12) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of the practice of art therapy; 76188
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(13) Commission of an act in the course of the practice of art therapy that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 76192
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(14) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude; 76195
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(15) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 76198
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(16) Violation of the conditions of limitation placed by the board on a license to practice art therapy; 76201
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(17) Failure to pay license renewal fees required by this chapter; 76203
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(18) Inability to practice art therapy according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills; 76205
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(19) Impairment of ability to practice art therapy according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair the ability to practice; 76209
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(20) Failure to maintain the confidentiality of privileged communications without the written consent of a client or a client's parent or guardian, as applicable, unless otherwise required by law, court order, or necessity to protect public health and safety; 76213
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(21) Failure to comply with the continuing education requirements necessary to renew a license to practice art therapy; 76218
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(22) Failure to comply with any standards for the ethical practice of art therapy that the board adopts; 76220
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(23) Failure to cooperate in an investigation conducted by the board under division (E) of this section, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board in an investigative interview. 76222
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(D) Disciplinary actions taken by the board under divisions (B) and (C) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with an individual to resolve an allegation of a violation of this chapter. A consent agreement, when ratified by an affirmative vote of a majority of the members of the board, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the consent agreement are of no force or effect. 76227
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(E) The board shall investigate evidence that appears to show that an individual has violated any provision of this chapter. Any individual may report to the board in a signed writing any information that the individual may have that appears to show a violation of any provision of this chapter. Investigations of alleged violations of this chapter shall be conducted by the board in the same manner as the board conducts investigations under section 4757.38 of the Revised Code. 76238
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(F) Notwithstanding any provision of the Revised Code to the contrary, all of the following apply: 76246
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(1) The surrender of a license issued under this chapter is 76248

not effective until accepted by the board. A telephone conference 76249
call may be used for acceptance of the surrender of an 76250
individual's license to practice art therapy. The telephone 76251
conference call shall be considered a special meeting under 76252
division (F) of section 121.22 of the Revised Code. Reinstatement 76253
of a license to practice art therapy surrendered to the board 76254
requires an affirmative vote of a majority of the members of the 76255
board. 76256

(2) An application for a license to practice art therapy 76257
under this chapter may not be withdrawn without approval of the 76258
board. 76259

(3) Failure of an individual to renew a license to practice 76260
art therapy in accordance with section 4789.05 of the Revised Code 76261
does not remove or limit the board's jurisdiction to take any 76262
disciplinary action under this section against the individual. 76263

(G) The board shall not refuse to issue a license to an 76264
applicant because of a conviction of, plea of guilty to, judicial 76265
finding of guilt of, or judicial finding of eligibility for 76266
intervention in lieu of conviction for an offense unless the 76267
refusal is in accordance with section 9.79 of the Revised Code. 76268

Sec. 4789.09. On receipt of a notice pursuant to section 76269
3123.43 of the Revised Code, the counselor, social worker, and 76270
marriage and family therapist board shall comply with sections 76271
3123.41 to 3123.50 of the Revised Code and any applicable rules 76272
adopted under section 3123.63 of the Revised Code with respect to 76273
a license to practice art therapy issued under this chapter. 76274

Sec. 4789.10. The counselor, social worker, and marriage and 76275
family therapist board shall comply with section 4776.20 of the 76276
Revised Code. 76277

Sec. 4928.54. ~~The director of development services shall~~ 76278
public utilities commission may aggregate percentage of income 76279
payment plan program customers for the purpose of establishing a 76280
competitive procurement process for the supply of competitive 76281
retail electric service for those customers. The process shall be 76282
an auction. Only bidders certified under section 4928.08 of the 76283
Revised Code may participate in the auction. 76284

Sec. 4928.543. ~~The director of development services~~ 76285
public utilities commission shall adopt rules in accordance with Chapter 76286
119. of the Revised Code to implement sections 4928.54~~7~~, and 76287
4928.541~~7~~, ~~and 4928.542~~ of the Revised Code. The rules shall ensure 76288
a fair and unbiased auction process and the performance of the 76289
winning bidder or bidders. 76290

Sec. 4928.544. (A) For the purpose of facilitating compliance 76291
with sections 4928.54~~7~~, and 4928.541~~7~~, ~~and 4928.542~~ of the Revised 76292
Code~~7~~, ~~and upon written request by the director of development~~ 76293
~~services~~, the public utilities commission shall ~~design, manage,~~ 76294
~~and supervise the competitive procurement process required by~~ 76295
~~established under section 4928.54 of the Revised Code~~ inform the 76296
director of development if the commission intends to aggregate 76297
percentage of income payment plan customers pursuant to section 76298
4928.54 of the Revised Code. For the director's consideration of 76299
possible universal service rider adjustments under division (B) of 76300
section 4928.52 of the Revised Code, the commission shall inform 76301
the director of development of the decision to aggregate such 76302
customers as soon as possible after the decision is made. 76303
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To the extent reasonably possible, and to minimize costs, the 76305
competitive procurement process may be designed based on any 76306
existing competitive procurement process for the establishment of 76307

the default generation supply price for electric distribution 76308
utilities. To the extent necessary to transition percentage of 76309
income payment plan customers from a competitive procurement 76310
process to the applicable standard service offer under sections 76311
4928.141, 4928.142, and 4928.143 of the Revised Code, the design 76312
for the competitive procurement process during such transition may 76313
include full or partial auctions of those customers. 76314

This division does not preclude a process design that is 76315
based on a competitive procurement process that applies to the 76316
combined certified territories of electric distribution utilities 76317
subject to common ownership. 76318

(B) The director ~~of development services~~ shall reimburse the 76319
commission for its costs incurred under division (A) of this 76320
section. The reimbursements constitute administrative costs of the 76321
low-income customer assistance programs for the purpose of 76322
division (A) of section 4928.51 of the Revised Code. 76323

Sec. 4928.85. As used in sections 4928.85 to 4928.89 of the 76324
Revised Code: 76325

(A) "Infrastructure development" means the planning, 76326
development, and construction of utility infrastructure, including 76327
the following: 76328

(1) Substation facilities and extensions of transmission and 76329
distribution facilities that a utility owns and operates; 76330

(2) Performance of electric load studies. 76331

(B) "Economic development project" means a land development 76332
containing a minimum of ten contiguous acres that has the 76333
potential for commercial or industrial development and that does 76334
not currently have adequate electric distribution service from a 76335
utility. 76336

(C) "Infrastructure development costs" means costs incurred 76337

by a utility for infrastructure development, which costs are 76338
directly attributable to an economic development project. 76339
"Infrastructure development costs" include the following: 76340

(1) An allowance for funds used during construction, 76341
depreciation, return on equity, ongoing operation and maintenance, 76342
and tax expenses; 76343

(2) Project planning costs; 76344

(3) Costs associated with obtaining the right of way for the 76345
economic development project. 76346

(D) "JobsOhio" means the nonprofit corporation formed under 76347
section 187.01 of the Revised Code. "JobsOhio" includes the 76348
department of development at any time when a contract under 76349
section 187.04 of the Revised Code is not in effect. 76350

(E) "Utility" means an "electric distribution utility" or 76351
"electric cooperative." 76352

Sec. 4928.86. After filing a request for disbursement from 76353
the all Ohio future fund under section 126.62 of the Revised Code, 76354
a utility may file an application with the public utilities 76355
commission for approval of infrastructure development necessary to 76356
support or enable a state or local economic development project, 76357
including any project approved, certified, or funded by JobsOhio. 76358
Prior to beginning the infrastructure development, the utility 76359
shall file, and receive commission approval of, the application. 76360

Sec. 4928.88. An infrastructure development application filed 76361
under section 4928.86 of the Revised Code shall include each of 76362
the following: 76363

(A) Descriptions of the economic development project and the 76364
infrastructure development necessary to support or enable that 76365
project, including the general location and type of facilities 76366

that the applicant proposes to replace, construct, or improve; 76367

(B) A description of potential uses or new customers that may be served by the economic development project; 76368
76369

(C) A summary of the infrastructure development costs to be expended on the economic development project; 76370
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(D) The proposed start and completion dates for the infrastructure development; 76372
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(E) A statement of support of the economic development project from any state or local entity involved with the project; 76374
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(F) Other information the applicant considers relevant for consideration by the public utilities commission. 76376
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Sec. 4928.89. (A)(1) The public utilities commission may approve an infrastructure development application and the collection of infrastructure development costs under this section, if the infrastructure development is necessary to support or enable a state or local economic development project. 76378
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(2) JobsOhio may provide a recommendation to the commission regarding the approval or denial of the application. 76383
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(B) The commission shall approve or deny the application within forty-five days after the application filing date. If the commission does not approve or deny the application within that period, the application shall be deemed approved as filed unless the commission suspends the application for good cause shown. If the commission suspends the application, the commission shall approve, deny, or hold a hearing on the application not later than forty-five days after the date the suspension begins. If the commission holds a hearing, it shall issue an order approving or denying the application within thirty days of the final date of the hearing. 76385
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Sec. 4934.01. As used in section 4934.01 to 4934.14 of the 76396
Revised Code: 76397

(A) "Direct current fast charging station" means an electric 76398
vehicle charging system capable of distributing electricity at 76399
fifty kilowatts or more of direct current to an electric 76400
vehicle's rechargeable battery at a voltage of two hundred volts 76401
or more. 76402

(B) "Electric cooperative" and "electric distribution 76403
utility" have the same meanings as in section 4928.01 of the 76404
Revised Code. 76405

(C) "Electric vehicle" means a vehicle that is powered wholly 76406
by a system that can be recharged via an external source of 76407
electricity, including a vehicle for public or private use that is 76408
a passenger car, commercial car or truck, a vehicle used for 76409
public transit, a vehicle used in a vehicle fleet, a vehicle used 76410
in construction work, and a vehicle used in industrial or 76411
warehouse work. 76412

(D) "Electric vehicle charging provider" means the owner or 76413
operator of an electric vehicle charging station. "Electric 76414
vehicle charging provider" excludes any of the following that owns 76415
or operates an electric vehicle charging station: 76416

(1) An electric cooperative; 76417

(2) An electric distribution utility; 76418

(3) An affiliate or subsidiary of an electric distribution 76419
utility. 76420

(E) "Electric vehicle charging station" means any 76421
nonresidential electric vehicle charging system that is both of 76422
the following: 76423

(1) Capable of distributing electricity from a source outside 76424
an electric vehicle to the electric vehicle; 76425

(2) A direct current fast charging station or level two charging station. 76426
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(F) "Level two charging station" means any electric vehicle charging system capable of distributing electricity at a minimum of three or a maximum of twenty kilowatts of alternating current to an electric vehicle's rechargeable battery at a voltage of two hundred volts or more. 76428
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(G) "Make-ready infrastructure" means electrical infrastructure required to accommodate the electric load of an electric vehicle charging station. "Make-ready infrastructure" excludes an electric vehicle charging station. 76433
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Sec. 4934.03. (A) No electric distribution utility may own or operate publicly available electric vehicle charging stations except through a separate affiliate or subsidiary that is not subject to public utilities commission jurisdiction. 76437
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(B)(1) No electric distribution utility may charge its affiliate or subsidiary a subsidized rate, fee, or charge for electric service distributed to the affiliate's or subsidiary's publicly available electric vehicle charging stations. 76441
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(2) An electric distribution utility affiliate or subsidiary that owns or operates an electric vehicle charging station shall be subject to the same rates, terms, and conditions that apply to electric vehicle charging providers located in the electric distribution utility's certified territory. 76445
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Sec. 4934.05. Revenues received by an electric distribution utility for providing electric distribution service shall not, directly or indirectly, subsidize investments in the ownership or operation of electric vehicle charging stations. 76450
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Sec. 4934.08. (A) An electric cooperative that owns or 76454

operates publicly available electric vehicle charging stations 76455
shall maintain separate books and records of its electric vehicle 76456
charging station service. A cooperative shall not include in the 76457
rates it charges for electric service any electric vehicle 76458
charging station costs, or any other costs, unrelated to the 76459
provision of electric service. 76460

(B) An electric cooperative that owns or operates publicly 76461
available electric vehicle charging stations shall be subject to 76462
the same rates, terms, and conditions for the operation of 76463
electric vehicle charging stations that apply to electric vehicle 76464
charging providers in the cooperative's designated service 76465
territory. 76466

Sec. 4934.11. Nothing in sections 4934.01 to 4934.14 of the 76467
Revised Code prohibits an electric distribution utility or 76468
electric cooperative from recovering the costs of make-ready 76469
infrastructure through rates or charges authorized under the 76470
electric distribution utility's distribution rate case under 76471
section 4909.18 of the Revised Code or through rates or charges 76472
implemented by the cooperative, as applicable, so long as such 76473
subsidies for make-ready infrastructure are offered to electric 76474
vehicle charging providers on a nondiscriminatory basis. 76475

Sec. 4934.14. Nothing in sections 4934.01 to 4934.14 of the 76476
Revised Code shall be construed to prohibit an electric 76477
distribution utility or electric cooperative from operating, 76478
leasing, installing, or otherwise procuring service from an 76479
electric vehicle charging station on its own premises for the sole 76480
purpose of serving its own electric vehicles. 76481

Sec. 5101.136. If a person requests the department of job and 76482
family services to conduct a search of whether that person's name 76483

has been placed or remains in the statewide automated child 76484
welfare information system as an alleged perpetrator of child 76485
abuse or neglect and a search reveals that a "substantiated" 76486
disposition exists, the department shall send a letter to the 76487
person who requested the search indicating a "match." 76488

Sec. 5101.137. The department of job and family services 76489
shall expunge substantiated dispositions of child abuse or neglect 76490
that are older than ten years from the statewide automated child 76491
welfare information system. 76492

Sec. 5101.26. As used in this section and in sections 5101.27 76493
to 5101.30 of the Revised Code: 76494

(A) "Community control sanction" has the same meaning as in 76495
section 2929.01 of the Revised Code. 76496

(B) "County agency" means a county department of job and 76497
family services or a public children services agency. 76498

~~(B)~~(C) "Fleeing felon" means an individual who is 76499
fleeing to avoid prosecution, or custody or confinement after 76500
conviction, under the laws of the place from which the individual 76501
is fleeing, for a crime, or an attempt to commit a crime, that is 76502
would be classified as a felony under the laws of the place from 76503
which the individual is fleeing, or, in the case of New Jersey, a 76504
high misdemeanor, regardless of whether the individual has 76505
departed from the individual's usual place of residence or who is 76506
violating a condition of probation or parole under a federal or 76507
state law. The department may adopt rules regarding the 76508
verification of "fleeing felon" status for the purposes of this 76509
chapter. 76510

~~(C)~~(D) "Information" means records as defined in section 76511
149.011 of the Revised Code, any other documents in any format, 76512

and data derived from records and documents that are generated, 76513
acquired, or maintained by the department of job and family 76514
services, a county agency, or an entity performing duties on 76515
behalf of the department or a county agency. 76516

~~(D)(E)~~ "Law enforcement agency" means has the state highway 76517
patrol, an agency that employs peace officers as defined in 76518
section 109.71 of the Revised Code, the adult parole authority, a 76519
county department of probation, a prosecuting attorney, the 76520
attorney general, similar agencies of other states, federal law 76521
enforcement agencies, and postal inspectors. "Law enforcement 76522
agency" includes the peace officers and other law enforcement 76523
officers employed by the agency. 76524

~~(E)~~ same meaning as in section 109.573 of the Revised Code. 76525

~~(F)~~ "Post-release control sanction" has the same meaning as 76526
in section 2967.01 of the Revised Code. 76527

~~(G)~~ "Public assistance" means financial assistance or social 76528
services that are provided under a program administered by the 76529
department of job and family services or a county agency pursuant 76530
to Chapter 329., 5101., 5104., 5107., or 5108. of the Revised Code 76531
or an executive order issued under section 107.17 of the Revised 76532
Code. a program financed with federal, state, or local funds to 76533
provide aid in the form of money or vendor payments to families or 76534
individuals on the basis of need and other eligibility conditions. 76535
"Public assistance" does not mean medical assistance provided 76536
under a medical assistance program, as defined in section 5160.01 76537
of the Revised Code. 76538

~~(F)(H)~~ "Public assistance recipient" means an applicant for 76539
or recipient or former recipient of public assistance. 76540

~~(G)(I)~~ "Publicly funded child care" has the same meaning as 76541
in section 5104.01 of the Revised Code. 76542

~~(H)(J)~~ "Tuberculosis control unit" means the county 76543

tuberculosis control unit designated by a board of county 76544
commissioners under section 339.72 of the Revised Code or the 76545
district tuberculosis control unit designated pursuant to an 76546
agreement entered into by two or more boards of community 76547
commissioners under that section. 76548

Sec. 5101.27. (A) Except as ~~permitted otherwise provided by~~ 76549
~~this section, section 5101.273, 5101.28, or 5101.29 of the Revised~~ 76550
~~Code, law~~ or rules adopted under section 5101.30 of the Revised 76551
~~Code, or when required by federal law, no person or government~~ 76552
~~entity shall knowingly solicit, disclose, receive, use, permit the~~ 76553
~~use of, or participate in the use of any~~ the department of job and 76554
family services and county agencies shall keep confidential and 76555
accessible only to its employees, except by the consent of the 76556
department or the order of a judge or a court of record, 76557
information regarding a public assistance recipient ~~for any~~ 76558
~~purpose not directly connected with the administration of a public~~ 76559
~~assistance program.~~ 76560

(B) Information may not be disclosed for solicitation of 76561
contributions or expenditures to or on behalf of a candidate for 76562
public or political office or a political party. To the extent 76563
permitted by federal law, the department of job and family 76564
services ~~and county agencies shall do all~~ may release information 76565
regarding a public assistance recipient to any of the following: 76566

(1) ~~Release information regarding a public assistance~~ 76567
~~recipient for purposes directly connected to the administration of~~ 76568
~~the program to a~~ A government entity responsible for administering 76569
that public assistance program for purposes directly connected to 76570
the administration of the program; 76571

(2) ~~Provide information regarding a public assistance~~ 76572
~~recipient to a~~ A law enforcement agency for the purpose of any 76573
investigation, prosecution, or criminal or civil proceeding 76574

relating to the administration of ~~that~~ a public assistance program; 76575
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~~(3) Provide, for purposes directly connected to the administration of a program~~ 76577
An entity administering a public utility services program that assists needy individuals with the 76578
costs of public utility services, ~~information regarding a recipient of financial assistance provided under a program~~ 76579
~~administered by the department or a county agency pursuant to Chapter 5107. or 5108. of the Revised Code to an entity administering the public utility services program;~~ 76580
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(4) A state or federal government agency for use in the performance of that agency's official duties, including research related to the administration of those duties, or to an agent or contractor of a state or federal government agency to whom disclosure would be permissible; 76585
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(5) Any agency of the United States charged with the administration of any public assistance program, and any state or federal official for purposes of oversight and audits of such programs; 76590
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(6) Individuals, public and private entities, agencies, and institutions, private companies or organizations, partnerships, business trusts, or other business entities or ventures, research organizations, whether for profit or not for profit, or combinations or consortiums of any of the foregoing for the purpose of conducting or supporting research related to the welfare of the people of the state, provision or performance of a state or federal government program, or for academic purposes; 76594
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(7) Information that does not identify an individual is not protected information and may be released in summary, statistical, or aggregate form. 76602
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(C)(1) To the extent permitted by federal law and subject to 76605

division (C)(2) of this section, the department of job and family services shall release, for purposes directly connected to a public health investigation related to section 3301.531 or 5104.037 of the Revised Code, information regarding a public assistance recipient who receives publicly funded child care, so long as all of the following conditions are met:

(a) The department of health or the tuberculosis control unit has initiated a public health investigation related to section 3301.531 or 5104.037 of the Revised Code and has assessed the investigation as an emergency.

(b) The department of health or the tuberculosis control unit has notified the department of job and family services about the investigation and has requested that the department of job and family services release the information for purposes of the investigation.

(c) The department of job and family services is unable to timely obtain voluntary, written authorization ~~that complies with section 5101.272 of the Revised Code from the recipient, as permitted by division (D) of this section.~~

(2) If the conditions specified in division (C)(1) of this section are met, the department of job and family services shall release to the department of health or the tuberculosis control unit the minimum information necessary to fulfill the needs of the department of health or tuberculosis control unit related to the public health investigation.

(3) If the department of job and family services releases information pursuant to division (C) of this section, it shall immediately notify the public assistance recipient.

(D) ~~To~~ Notwithstanding any other provision of this section and to the extent permitted by federal law and section 1347.08 of the Revised Code, the department and of job and family services or

~~a county agencies agency shall provide access to~~ may release 76637
information regarding a public assistance recipient to ~~all of the~~ 76638
~~following:~~ 76639

~~(1) The public assistance recipient;~~ 76640

~~(2) The authorized representative;~~ 76641

~~(3) The legal guardian of the recipient;~~ 76642

~~(4) The attorney of the recipient, if the attorney has~~ 76643
~~written authorization that complies with section 5101.272 of the~~ 76644
~~Revised Code from the~~ or any other person or entity identified by 76645
~~the recipient.~~ 76646

~~(E) To the extent permitted by federal law and subject to~~ 76647
~~division (F) of this section, the department and county agencies~~ 76648
~~may do both of the following:~~ 76649

~~(1) Release information about a public assistance recipient~~ 76650
if the recipient gives voluntary, written authorization ~~that~~ 76651
~~complies with section 5101.272 of the Revised Code;~~ 76652

~~(2) Release information regarding a public assistance~~ 76653
~~recipient to a state, federal, or federally assisted program that~~ 76654
~~provides cash or in-kind assistance or services directly to~~ 76655
~~individuals based on need or for the purpose of protecting~~ 76656
~~children to a government entity responsible for administering a~~ 76657
~~children's protective services program, to the extent permitted by~~ 76658
that the written authorization. 76659

~~(F) Except when the release is required by division (B), (C),~~ 76660
~~or (D) of this section or is authorized by division (E)(2) of this~~ 76661
~~section, the department or county agency shall release the~~ 76662
~~information only in accordance with the authorization. The~~ 76663
department or county agency shall provide, at no cost, a copy of 76664
each written authorization to the individual who signed it. 76665

~~(G)~~(E) The department of job and family services may adopt 76666

rules defining "~~authorized representative~~" for purposes of 76667
~~division (D)(2)~~ that contain guidelines necessary for the 76668
implementation of this section. 76669

Sec. 5101.28. (A)(1) On request of the department of job and 76670
family services or a county agency, a law enforcement agency shall 76671
provide information regarding public assistance recipients to 76672
enable the department or county agency to determine, for 76673
eligibility purposes, whether a recipient or a member of a 76674
recipient's assistance group is a ~~fugitive~~ fleeing felon or 76675
violating a condition of probation, a community control sanction, 76676
~~parole,~~ or a post-release control sanction imposed under state or 76677
federal law. 76678

(2) A county agency may enter into a written agreement with a 76679
local law enforcement agency establishing procedures concerning 76680
access to information and providing for compliance with ~~division~~ 76681
~~(F)~~ of this section. 76682

(B) To the extent permitted by federal law, the department 76683
and county agencies shall provide information regarding recipients 76684
of public assistance ~~under a program administered by the state~~ 76685
~~department or a county agency pursuant to Chapter 5107. or 5108.~~ 76686
~~of the Revised Code~~ to a law enforcement ~~agencies~~ agency on 76687
request for ~~the purposes of investigations, prosecutions, and~~ 76688
~~criminal and civil proceedings that are within the scope of use in~~ 76689
the performance of the law enforcement ~~agencies'~~ agency's official 76690
duties. 76691

(C) Information about a public assistance recipient shall be 76692
exchanged, obtained, or shared only if the department, county 76693
agency, or law enforcement agency requesting the information gives 76694
sufficient information to specifically identify the recipient. In 76695
addition to the recipient's name, identifying information may 76696
include the recipient's current or last known address, social 76697

security number, other identifying number, age, gender, physical 76698
characteristics, any information specified in an agreement entered 76699
into under division (A) of this section, or any information 76700
considered appropriate by the department or agency. 76701

~~(D)(1) The department and its officers and employees are not 76702
liable in damages in a civil action for any injury, death, or loss 76703
to person or property that allegedly arises from the release of 76704
information in accordance with divisions (A), (B), and (C) of this 76705
section. This section does not affect any immunity or defense that 76706
the department and its officers and employees may be entitled to 76707
under another section of the Revised Code or the common law of 76708
this state, including section 9.86 of the Revised Code. 76709~~

~~(2) The county agencies and their employees are not liable in 76710
damages in a civil action for any injury, death, or loss to person 76711
or property that allegedly arises from the release of information 76712
in accordance with divisions (A), (B), and (C) of this section. 76713
"Employee" has the same meaning as in division (B) of section 76714
2744.01 of the Revised Code. This section does not affect any 76715
immunity or defense that the county agencies and their employees 76716
may be entitled to under another section of the Revised Code or 76717
the common law of this state, including section 2744.02 and 76718
division (A)(6) of section 2744.03 of the Revised Code. 76719~~

~~(E)(D)~~ To the extent permitted by federal law, the department 76720
and county agencies shall provide access to information to the 76721
auditor of state acting pursuant to Chapter 117. or sections 76722
5101.181 and 5101.182 of the Revised Code and to any other 76723
government entity authorized by federal law to conduct an audit 76724
of, or similar activity involving, a public assistance program. 76725

~~(F)(E)~~ The auditor of state shall prepare an annual report on 76726
the outcome of the agreements required under division (A) of this 76727
section. The report shall include the number of fugitive fleeing 76728
felons, probation ~~and parole~~ violators, and violators of community 76729

control sanctions and post-release control sanctions apprehended 76730
during the immediately preceding year as a result of the exchange 76731
of information pursuant to that division. The auditor of state 76732
shall file the report with the governor, the president and 76733
minority leader of the senate, and the speaker and minority leader 76734
of the house of representatives. The state department, county 76735
agencies, and law enforcement agencies shall cooperate with the 76736
auditor of state's office in gathering the information required 76737
under this division. 76738

~~(G)~~(F) To the extent permitted by ~~federal~~ law, nothing in 76739
this section prohibits the department of job and family services, 76740
county departments of job and family services, and employees of 76741
the departments ~~may report~~ from reporting to a public children 76742
services agency or other appropriate agency information on known 76743
or suspected physical or mental injury, sexual abuse or 76744
exploitation, or negligent treatment or maltreatment, of a child 76745
~~receiving public assistance, if circumstances indicate that the~~ 76746
~~child's health or welfare is threatened.~~ 76747

~~(H) As used in this section:~~ 76748

~~(1) "Community control sanction" has the same meaning as in~~ 76749
~~section 2929.01 of the Revised Code.~~ 76750

~~(2) "Post release control sanction" has the same meaning as~~ 76751
~~in section 2967.01 of the Revised Code.~~ 76752

Sec. 5101.29. When contained in a record held by the 76753
department of job and family services or a county agency, the 76754
following are not public records for purposes of section 149.43 of 76755
the Revised Code: 76756

(A) Names and other identifying information regarding 76757
children enrolled in or attending a child day-care center or home 76758
subject to licensure or registration under Chapter 5104. of the 76759

Revised Code; 76760

(B) Names and other identifying information regarding 76761
children placed with an institution or association certified under 76762
section 5103.03 of the Revised Code; 76763

(C) Names and other identifying information regarding a 76764
person who makes an oral or written complaint regarding an 76765
institution, association, child day-care center, or home subject 76766
to licensure or registration to the department or other state or 76767
county entity responsible for enforcing Chapter 5103. or 5104. of 76768
the Revised Code; 76769

(D)(1) Except as otherwise provided in division (D)(2) of 76770
this section, names, documentation, and other identifying 76771
information regarding a foster caregiver or a prospective foster 76772
caregiver, including the foster caregiver application for 76773
certification under section 5103.03 of the Revised Code and the 76774
home study conducted pursuant to section 5103.0324 of the Revised 76775
Code. 76776

(2) Notwithstanding division (D)(1) of this section, the 76777
following are public records for the purposes of section 149.43 of 76778
the Revised Code, when contained in a record held by the 76779
department of job and family services, a county agency, or other 76780
governmental entity: 76781

(a) All of the following information regarding a currently 76782
certified foster caregiver who has had a foster care certificate 76783
revoked pursuant to Chapter 5103. of the Revised Code or, after 76784
receiving a current or current renewed certificate has been 76785
convicted of, pleaded guilty to, or indicted or otherwise charged 76786
with any offense described in ~~division (C)(1) of section 2151.86~~ 76787
5103.256 of the Revised Code: 76788

(i) The foster caregiver's name, date of birth, and county of 76789
residence; 76790

(ii) The date of the foster caregiver's certification; 76791

(iii) The date of each placement of a foster child into the 76792
foster caregiver's home; 76793

(iv) If applicable, the date of the removal of a foster child 76794
from the foster caregiver's home and the reason for the foster 76795
child's removal unless release of such information would be 76796
detrimental to the foster child or other children residing in the 76797
foster caregiver's home; 76798

(v) If applicable, the date of the foster care certificate 76799
revocation and all documents related to the revocation unless 76800
otherwise not a public record pursuant to section 149.43 of the 76801
Revised Code. 76802

(b) Nonidentifying foster care statistics including, but not 76803
limited to, the number of foster caregivers and foster care 76804
certificate revocations. 76805

Sec. 5101.342. The Ohio commission on fatherhood shall do 76806
both of the following: 76807

(A) Organize a state summit on fatherhood every four years; 76808

(B) Prepare a report each year that does the following: 76809

(1) Identifies resources available to fund fatherhood-related 76810
programs and explores the creation of initiatives to do the 76811
following: 76812

(a) Build the parenting skills of fathers; 76813

(b) Provide employment-related services for low-income, 76814
noncustodial fathers; 76815

(c) Prevent premature fatherhood; 76816

(d) Provide services to fathers who are inmates in or have 76817
just been released from imprisonment in a state correctional 76818
institution, as defined in section 2967.01 of the Revised Code, or 76819

in any other detention facility, as defined in section 2921.01 of 76820
the Revised Code, so that they are able to maintain or reestablish 76821
their relationships with their families; 76822

(e) Reconcile fathers with their families; 76823

(f) Increase public awareness of the critical role fathers 76824
play. 76825

(2) Describes the commission's expectations for the outcomes 76826
of fatherhood-related programs and initiatives and the methods the 76827
commission uses for conducting annual measures of those outcomes. 76828

(C) Pursuant to section 5101.805 of the Revised Code, the 76829
commission may make recommendations to the director of job and 76830
family services regarding funding, approval, and implementation of 76831
fatherhood programs in this state that meet at least one of the 76832
four purposes of the temporary assistance for needy families block 76833
grant, as specified in 42 U.S.C. 601. 76834

(D) The portion of the report prepared pursuant to division 76835
(B)(2) of this section shall be prepared by the commission in 76836
collaboration with the director of job and family services. 76837

~~(D)~~(E) The commission shall submit each report prepared 76838
pursuant to division (B) of this section to the president and 76839
minority leader of the senate, speaker and minority leader of the 76840
house of representatives, governor, and chief justice of the 76841
supreme court. The first report is due not later than one year 76842
after the last of the initial appointments to the commission is 76843
made under section 5101.341 of the Revised Code. 76844

Sec. 5101.35. (A) As used in this section: 76845

(1)(a) "Agency" means the following entities that administer 76846
a family services program: 76847

(i) The department of job and family services; 76848

- (ii) A county department of job and family services; 76849
- (iii) A public children services agency; 76850
- (iv) A private or government entity administering, in whole 76851
or in part, a family services program for or on behalf of the 76852
department of job and family services or a county department of 76853
job and family services or public children services agency. 76854
- (b) If the department of medicaid contracts with the 76855
department of job and family services to hear appeals authorized 76856
by section 5160.31 of the Revised Code regarding medical 76857
assistance programs, "agency" includes the department of medicaid. 76858
- (2) "Appellant" means an applicant, participant, former 76859
participant, recipient, or former recipient of a family services 76860
program who is entitled by federal or state law to a hearing 76861
regarding a decision or order of the agency that administers the 76862
program. 76863
- (3)(a) "Family services program" means all of the following: 76864
- (i) A Title IV-A program as defined in section 5101.80 of the 76865
Revised Code; 76866
- (ii) Programs that provide assistance under Chapter 5104. of 76867
the Revised Code; 76868
- (iii) Programs that provide assistance under section 76869
5101.141, 5101.461, 5101.54, 5119.41, 5153.163, or 5153.165 of the 76870
Revised Code; 76871
- (iv) Title XX social services provided under section 5101.46 76872
of the Revised Code, other than such services provided by the 76873
department of mental health and addiction services, the department 76874
of developmental disabilities, a board of alcohol, drug addiction, 76875
and mental health services, or a county board of developmental 76876
disabilities. 76877
- (b) If the department of medicaid contracts with the 76878

department of job and family services to hear appeals authorized 76879
by section 5160.31 of the Revised Code regarding medical 76880
assistance programs, "family services program" includes medical 76881
assistance programs. 76882

(4) "Medical assistance program" has the same meaning as in 76883
section 5160.01 of the Revised Code. 76884

(B) Except as provided by divisions (G) and (H) of this 76885
section, an appellant who appeals under federal or state law a 76886
decision or order of an agency administering a family services 76887
program shall, at the appellant's request, be granted a state 76888
hearing by the department of job and family services. This state 76889
hearing shall be conducted in accordance with rules adopted under 76890
this section. The state hearing shall be recorded, but neither the 76891
recording nor a transcript of the recording shall be part of the 76892
official record of the proceeding. Except as provided in section 76893
5160.31 of the Revised Code, a state hearing decision is binding 76894
upon the agency and department, unless it is reversed or modified 76895
on appeal to the director of job and family services or a court of 76896
common pleas. 76897

(C) Except as provided by division (G) of this section, an 76898
appellant who disagrees with a state hearing decision may make an 76899
administrative appeal to the director of job and family services 76900
in accordance with rules adopted under this section. This 76901
administrative appeal does not require a hearing, but the director 76902
or the director's designee shall review the state hearing decision 76903
and previous administrative action and may affirm, modify, remand, 76904
or reverse the state hearing decision. An administrative appeal 76905
decision is the final decision of the department and, except as 76906
provided in section 5160.31 of the Revised Code, is binding upon 76907
the department and agency, unless it is reversed or modified on 76908
appeal to the court of common pleas. 76909

(D) An agency shall comply with a decision issued pursuant to 76910

division (B) or (C) of this section within the time limits 76911
established by rules adopted under this section. If a county 76912
department of job and family services or a public children 76913
services agency fails to comply within these time limits, the 76914
department may take action pursuant to section 5101.24 of the 76915
Revised Code. If another agency, other than the department of 76916
medicaid, fails to comply within the time limits, the department 76917
may force compliance by withholding funds due the agency or 76918
imposing another sanction established by rules adopted under this 76919
section. 76920

(E) An appellant who disagrees with an administrative appeal 76921
decision of the director of job and family services or the 76922
director's designee issued under division (C) of this section may 76923
appeal from the decision to the court of common pleas pursuant to 76924
section 119.12 of the Revised Code. The appeal shall be governed 76925
by section 119.12 of the Revised Code except that: 76926

(1) The person may appeal to the court of common pleas of the 76927
county in which the person resides, or to the court of common 76928
pleas of Franklin county if the person does not reside in this 76929
state. 76930

(2) The person may apply to the court for designation as an 76931
indigent and, if the court grants this application, the appellant 76932
shall not be required to furnish the costs of the appeal. 76933

(3) The appellant shall mail the notice of appeal to the 76934
department of job and family services and file notice of appeal 76935
with the court within thirty days after the department mails the 76936
administrative appeal decision to the appellant. For good cause 76937
shown, the court may extend the time for mailing and filing notice 76938
of appeal, but such time shall not exceed six months from the date 76939
the department mails the administrative appeal decision. Filing 76940
notice of appeal with the court shall be the only act necessary to 76941
vest jurisdiction in the court. 76942

(4) The department shall be required to file a transcript of the testimony of the state hearing with the court only if the court orders the department to file the transcript. The court shall make such an order only if it finds that the department and the appellant are unable to stipulate to the facts of the case and that the transcript is essential to a determination of the appeal. The department shall file the transcript not later than thirty days after the day such an order is issued.

(F) The department of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section, including rules governing the following:

(1) State hearings under division (B) of this section. The rules shall include provisions regarding notice of eligibility termination and the opportunity of an appellant appealing a decision or order of a county department of job and family services to request a county conference with the county department before the state hearing is held.

(2) Administrative appeals under division (C) of this section;

(3) Time limits for complying with a decision issued under division (B) or (C) of this section;

(4) Sanctions that may be applied against an agency under division (D) of this section.

(G) The department of job and family services may adopt rules in accordance with Chapter 119. of the Revised Code establishing an appeals process for an appellant who appeals a decision or order regarding a Title IV-A program identified under division (A)(4)(c), (d), (e), (f), ~~or~~ (g), or (h) of section 5101.80 of the Revised Code that is different from the appeals process established by this section. The different appeals process may include having a state agency that administers the Title IV-A

program pursuant to an interagency agreement entered into under 76974
section 5101.801 of the Revised Code administer the appeals 76975
process. 76976

(H) If an appellant receiving medicaid through a health 76977
insuring corporation that holds a certificate of authority under 76978
Chapter 1751. of the Revised Code is appealing a denial of 76979
medicaid services based on lack of medical necessity or other 76980
clinical issues regarding coverage by the health insuring 76981
corporation, the person hearing the appeal may order an 76982
independent medical review if that person determines that a review 76983
is necessary. The review shall be performed by a health care 76984
professional with appropriate clinical expertise in treating the 76985
recipient's condition or disease. The department shall pay the 76986
costs associated with the review. 76987

A review ordered under this division shall be part of the 76988
record of the hearing and shall be given appropriate evidentiary 76989
consideration by the person hearing the appeal. 76990

(I) The requirements of Chapter 119. of the Revised Code 76991
apply to a state hearing or administrative appeal under this 76992
section only to the extent, if any, specifically provided by rules 76993
adopted under this section. 76994

Sec. 5101.54. (A) The director of job and family services 76995
shall administer the supplemental nutrition assistance program in 76996
accordance with the Food and Nutrition Act of 2008 (7 U.S.C. 2011 76997
et seq.). The department of job and family services may: 76998

(1) Prepare and submit to the secretary of the United States 76999
department of agriculture a plan for the administration of the 77000
supplemental nutrition assistance program; 77001

(2) Prescribe forms for applications, certificates, reports, 77002
records, and accounts of county departments of job and family 77003

services, and other matters; 77004

(3) Require such reports and information from each county 77005
department of job and family services as may be necessary and 77006
advisable; 77007

(4) Administer and expend any sums appropriated by the 77008
general assembly for the purposes of the supplemental nutrition 77009
assistance program and all sums paid to the state by the United 77010
States as authorized by the Food and Nutrition Act of 2008; 77011

(5) Conduct such investigations as are necessary; 77012

(6) Enter into interagency agreements and cooperate with 77013
investigations conducted by the department of public safety, 77014
including providing information for investigative purposes, 77015
exchanging property and records, passing through federal financial 77016
participation, modifying any agreements with the United States 77017
department of agriculture, providing for the supply, security, and 77018
accounting of supplemental nutrition assistance program benefits 77019
for investigative purposes, and meeting any other requirements 77020
necessary for the detection and deterrence of illegal activities 77021
in the supplemental nutrition assistance program; 77022

(7) Adopt rules in accordance with Chapter 119. of the 77023
Revised Code governing employment and training requirements of 77024
recipients of supplemental nutrition assistance program benefits, 77025
including rules specifying which recipients are subject to the 77026
requirements and establishing sanctions for failure to satisfy the 77027
requirements. The rules shall be consistent with 7 U.S.C. 2015, 77028
including its work and employment and training requirements, and, 77029
to the extent practicable, shall provide for the recipients to 77030
participate in work activities, developmental activities, and 77031
alternative work activities described in sections 5107.40 to 77032
5107.69 of the Revised Code that are comparable to programs 77033
authorized by 7 U.S.C. 2015(d)(4). The rules may reference rules 77034

adopted under section 5107.05 of the Revised Code governing work 77035
activities, developmental activities, and alternative work 77036
activities described in sections 5107.40 to 5107.69 of the Revised 77037
Code. 77038

(8) Adopt rules in accordance with section 111.15 of the 77039
Revised Code that are consistent with the Food and Nutrition Act 77040
of 2008, the regulations adopted thereunder, and this section 77041
governing the following: 77042

(a) Eligibility requirements for the supplemental nutrition 77043
assistance program; 77044

(b) Sanctions for failure to comply with eligibility 77045
requirements; 77046

(c) Allotment of supplemental nutrition assistance program 77047
benefits; 77048

(d) To the extent permitted under federal statutes and 77049
regulations, a system under which some or all recipients of 77050
supplemental nutrition assistance program benefits subject to 77051
employment and training requirements established by rules adopted 77052
under division (A)(7) of this section receive the benefits after 77053
satisfying the requirements; 77054

(e) Administration of the program by county departments of 77055
job and family services; 77056

(f) Other requirements necessary for the efficient 77057
administration of the program. 77058

(9) Submit a plan to the United States secretary of 77059
agriculture for the department of job and family services to 77060
operate a simplified supplemental nutrition assistance program 77061
pursuant to 7 U.S.C. 2035 under which requirements governing the 77062
Ohio works first program established under Chapter 5107. of the 77063
Revised Code also govern the supplemental nutrition assistance 77064

program in the case of households receiving supplemental nutrition 77065
assistance program benefits and participating in Ohio works first. 77066

(10) Collect information on suspicious electronic benefit 77067
transfer card transactions and provide the information to each 77068
impacted county department for analysis and investigation. Such 77069
information shall include transactions of even dollar amounts, 77070
full monthly benefit amounts, multiple same-day transactions, 77071
out-of-state transactions, and any other suspicious trends. 77072

(B) A household that is entitled to receive supplemental 77073
nutrition assistance program benefits and that is determined to be 77074
in immediate need of nutrition assistance shall receive 77075
certification of eligibility for program benefits, pending 77076
verification, within twenty-four hours, or, if mitigating 77077
circumstances occur, within seventy-two hours, after application, 77078
if: 77079

(1) The results of the application interview indicate that 77080
the household will be eligible upon full verification; 77081

(2) Information sufficient to confirm the statements in the 77082
application has been obtained from at least one additional source, 77083
not a member of the applicant's household. Such information shall 77084
be recorded in the case file and shall include: 77085

(a) The name of the person who provided the name of the 77086
information source; 77087

(b) The name and address of the information source; 77088

(c) A summary of the information obtained. 77089

The period of temporary eligibility shall not exceed one 77090
month from the date of certification of temporary eligibility. If 77091
eligibility is established by full verification, benefits shall 77092
continue without interruption as long as eligibility continues. 77093

There is no limit on the number of times a household may 77094

receive expedited certification of eligibility under this division 77095
as long as before each expedited certification all of the 77096
information identified in division (F)(1) of this section was 77097
verified for the household at the last expedited certification or 77098
the household's eligibility was certified under normal processing 77099
standards since the last expedited certification. 77100

At the time of application, the county department of job and 77101
family services shall provide to a household described in this 77102
division a list of community assistance programs that provide 77103
emergency food. 77104

(C) Before certifying supplemental nutrition assistance 77105
program benefits, the department shall verify the eligibility of 77106
each household in accordance with division (F) of this section. 77107
All applications shall be approved or denied through full 77108
verification within thirty days from receipt of the application by 77109
the county department of job and family services. 77110

(D) Nothing in this section shall be construed to prohibit 77111
the certification of households that qualify under federal 77112
regulations to receive supplemental nutrition assistance program 77113
benefits without charge under the Food and Nutrition Act of 2008. 77114

(E) Any person who applies for the supplemental nutrition 77115
assistance program shall receive a voter registration application 77116
under section 3503.10 of the Revised Code. 77117

(F)(1) In order to verify household eligibility as required 77118
by federal regulations and this section, the department shall, 77119
except as provided in division (F)(2) of this section, verify at 77120
least the following information before certifying supplemental 77121
nutrition assistance program benefits: 77122

(a) Household composition; 77123

(b) Identity; 77124

(c) Citizenship and alien eligibility status;	77125
(d) Social security numbers;	77126
(e) State residency status;	77127
(f) Disability status;	77128
(g) Gross nonexempt income;	77129
(h) Utility expenses;	77130
(i) Medical expenses;	77131
(j) Enrollment status in other state-administered public assistance programs within and outside this state;	77132 77133
(k) Any available information related to potential identity fraud or identity theft.	77134 77135
(2) A household's eligibility for supplemental nutrition assistance program benefits may be certified before all of the information identified in division (F)(1) of this section is verified if the household's certification is being expedited under division (B) of this section.	77136 77137 77138 77139 77140
(3) On at least a quarterly basis and consistent with federal regulations, as information is received by a county department of job and family services, the county department shall review and act on information identified in division (F)(1) of this section that indicates a change in circumstances that may affect eligibility, to the extent such information is available to the department.	77141 77142 77143 77144 77145 77146 77147
(4) Consistent with federal regulations, as part of the application for public assistance and before certifying benefits under the supplemental nutrition assistance program, the department shall require an applicant, or a person acting on the applicant's behalf, to verify the identity of the members of the applicant household.	77148 77149 77150 77151 77152 77153

(5)(a) The department shall sign a memorandum of understanding with any department, agency, or division as needed to obtain the information identified in division (F)(1) of this section.

(b) The department may contract with one or more independent vendors to provide the information identified in division (F)(1) of this section.

(c) Nothing in this section prevents the department or a county department of job and family services from receiving or reviewing additional information related to eligibility not identified in this section or from contracting with one or more independent vendors to provide additional information not identified in this section.

(6) The department shall explore joining a multistate cooperative, such as the national accuracy clearinghouse, to identify individuals enrolled in public assistance programs outside of this state.

(G) The department shall use the same criteria to verify gross nonexempt income from self-employment pursuant to division (F)(1) of this section as were used during initial certification when:

(1) Reviewing information pursuant to division (F)(3) of this section regarding households with income from self-employment;

(2) Recertifying households with income from self-employment.

(H) If the department receives information concerning a household certified to receive supplemental nutrition assistance program benefits that indicates a change in circumstances that may affect eligibility, the department shall take action in accordance with federal regulations, including verifying unclear information, providing prior written notice of a change or adverse action, and

notifying the household of the right to a fair hearing. 77185

~~(H)~~(I) In the case of suspected fraud, the department shall 77186
refer the case for an administrative disqualification hearing or 77187
to the county prosecutor of the county in which the applicant or 77188
recipient resides for investigation, or both. 77189

~~(I)~~(J) The department shall adopt rules in accordance with 77190
Chapter 119. of the Revised Code to implement divisions (F) to 77191
~~(H)~~(I) of this section. 77192

~~(J)~~(K) Except as prohibited by federal law, the department 77193
may assign any of the duties described in this section to any 77194
county department of job and family services. 77195

Sec. 5101.80. (A) As used in this section and in section 77196
5101.801 of the Revised Code: 77197

(1) "County family services agency" has the same meaning as 77198
in section 307.981 of the Revised Code. 77199

(2) "State agency" has the same meaning as in section 9.82 of 77200
the Revised Code. 77201

(3) "Title IV-A administrative agency" means both of the 77202
following: 77203

(a) A county family services agency or state agency 77204
administering a Title IV-A program under the supervision of the 77205
department of job and family services; 77206

(b) A government agency or private, not-for-profit entity 77207
administering a project funded in whole or in part with funds 77208
provided under the Title IV-A demonstration program created under 77209
section 5101.803 of the Revised Code. 77210

(4) "Title IV-A program" means all of the following that are 77211
funded in part with funds provided under the temporary assistance 77212
for needy families block grant established by Title IV-A of the 77213

"Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended: 77214
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(a) The Ohio works first program established under Chapter 5107. of the Revised Code; 77216
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(b) The prevention, retention, and contingency program established under Chapter 5108. of the Revised Code; 77218
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(c) A program established by the general assembly or an executive order issued by the governor that is administered or supervised by the department of job and family services pursuant to section 5101.801 of the Revised Code; 77220
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(d) The kinship permanency incentive program created under section 5101.802 of the Revised Code; 77224
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(e) The Title IV-A demonstration program created under section 5101.803 of the Revised Code; 77226
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(f) The Ohio parenting and pregnancy program created under section 5101.804 of the Revised Code; 77228
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(g) Fatherhood programs recommended by the Ohio commission on fatherhood under section 5101.805 of the Revised Code; 77230
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(h) A component of a Title IV-A program identified under divisions (A)(4)(a) to ~~(f)~~(g) of this section that the Title IV-A state plan prepared under division (C)(1) of this section identifies as a component. 77232
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(B) The department of job and family services shall act as the single state agency to administer and supervise the administration of Title IV-A programs. The Title IV-A state plan and amendments to the plan prepared under division (C) of this section are binding on Title IV-A administrative agencies. No Title IV-A administrative agency may establish, by rule or otherwise, a policy governing a Title IV-A program that is inconsistent with a Title IV-A program policy established, in rule

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or otherwise, by the director of job and family services. 77244

(C) The department of job and family services shall do all of 77245
the following: 77246

(1) Prepare and submit to the United States secretary of 77247
health and human services a Title IV-A state plan for Title IV-A 77248
programs; 77249

(2) Prepare and submit to the United States secretary of 77250
health and human services amendments to the Title IV-A state plan 77251
that the department determines necessary, including amendments 77252
necessary to implement Title IV-A programs identified in divisions 77253
(A)(4)(c) to ~~(g)~~(h) of this section; 77254

(3) Prescribe forms for applications, certificates, reports, 77255
records, and accounts of Title IV-A administrative agencies, and 77256
other matters related to Title IV-A programs; 77257

(4) Make such reports, in such form and containing such 77258
information as the department may find necessary to assure the 77259
correctness and verification of such reports, regarding Title IV-A 77260
programs; 77261

(5) Require reports and information from each Title IV-A 77262
administrative agency as may be necessary or advisable regarding a 77263
Title IV-A program; 77264

(6) Afford a fair hearing in accordance with section 5101.35 77265
of the Revised Code to any applicant for, or participant or former 77266
participant of, a Title IV-A program aggrieved by a decision 77267
regarding the program; 77268

(7) Administer and expend, pursuant to Chapters 5104., 5107., 77269
and 5108. of the Revised Code and sections 5101.801, 5101.802, 77270
5101.803, and 5101.804 of the Revised Code, any sums appropriated 77271
by the general assembly for the purpose of those chapters and 77272
sections and all sums paid to the state by the secretary of the 77273

treasury of the United States as authorized by Title IV-A of the 77274
"Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as 77275
amended; 77276

(8) Conduct investigations and audits as are necessary 77277
regarding Title IV-A programs; 77278

(9) Enter into reciprocal agreements with other states 77279
relative to the provision of Ohio works first and prevention, 77280
retention, and contingency to residents and nonresidents; 77281

(10) Contract with a private entity to conduct an independent 77282
on-going evaluation of the Ohio works first program and the 77283
prevention, retention, and contingency program. The contract must 77284
require the private entity to do all of the following: 77285

(a) Examine issues of process, practice, impact, and 77286
outcomes; 77287

(b) Study former participants of Ohio works first who have 77288
not participated in Ohio works first for at least one year to 77289
determine whether they are employed, the type of employment in 77290
which they are engaged, the amount of compensation they are 77291
receiving, whether their employer provides health insurance, 77292
whether and how often they have received benefits or services 77293
under the prevention, retention, and contingency program, and 77294
whether they are successfully self sufficient; 77295

(c) Provide the department with reports at times the 77296
department specifies. 77297

(11) Not later than the last day of each January and July, 77298
prepare a report containing information on the following: 77299

(a) Individuals exhausting the time limits for participation 77300
in Ohio works first set forth in section 5107.18 of the Revised 77301
Code. 77302

(b) Individuals who have been exempted from the time limits 77303

set forth in section 5107.18 of the Revised Code and the reasons 77304
for the exemption. 77305

(D) The department shall provide copies of the reports it 77306
receives under division (C)(10) of this section and prepares under 77307
division (C)(11) of this section to the governor, the president 77308
and minority leader of the senate, and the speaker and minority 77309
leader of the house of representatives. The department shall 77310
provide copies of the reports to any private or government entity 77311
on request. 77312

(E) An authorized representative of the department or a 77313
county family services agency or state agency administering a 77314
Title IV-A program shall have access to all records and 77315
information bearing thereon for the purposes of investigations 77316
conducted pursuant to this section. An authorized representative 77317
of a government entity or private, not-for-profit entity 77318
administering a project funded in whole or in part with funds 77319
provided under the Title IV-A demonstration program shall have 77320
access to all records and information bearing on the project for 77321
the purpose of investigations conducted pursuant to this section. 77322

Sec. 5101.801. (A) Except as otherwise provided by the law 77323
enacted by the general assembly or executive order issued by the 77324
governor establishing the Title IV-A program, a Title IV-A program 77325
identified under division (A)(4)(c), (d), (e), (f), ~~or (g)~~, or (h) 77326
of section 5101.80 of the Revised Code shall provide benefits and 77327
services that are not "assistance" as defined in 45 C.F.R. 77328
260.31(a) and are benefits and services that 45 C.F.R. 260.31(b) 77329
excludes from the definition of assistance. 77330

(B)(1) Except as otherwise provided by the law enacted by the 77331
general assembly or executive order issued by the governor 77332
establishing the Title IV-A program, the department of job and 77333
family services shall do either of the following regarding a Title 77334

IV-A program identified under division (A)(4)(c), (d), (e), (f), 77335
~~or (g), or (h)~~ of section 5101.80 of the Revised Code: 77336

(a) Administer the program or supervise a county family 77337
services agency's administration of the program; 77338

(b) Enter into an interagency agreement with a state agency 77339
for the state agency to administer the program under the 77340
department's supervision. 77341

(2) The department may enter into an agreement with a 77342
government entity and, to the extent permitted by federal law, a 77343
private, not-for-profit entity for the entity to receive funding 77344
for a project under the Title IV-A demonstration program created 77345
under section 5101.803 of the Revised Code. 77346

(3) To the extent permitted by federal law, the department 77347
may enter into an agreement with a private, not-for-profit entity 77348
for the entity to receive funds under the Ohio parenting and 77349
pregnancy program created under section 5101.804 of the Revised 77350
Code. 77351

(4) To the extent permitted by federal law, the department 77352
may enter into an agreement with a private, not-for-profit entity 77353
for the entity to receive funds as recommended by the Ohio 77354
commission on fatherhood under section 5101.805 of the Revised 77355
Code. 77356

(C) The department may adopt rules governing Title IV-A 77357
programs identified under divisions (A)(4)(c), (d), (e), (f), ~~and~~ 77358
(g), and (h) of section 5101.80 of the Revised Code. Rules 77359
governing financial and operational matters of the department or 77360
between the department and county family services agencies shall 77361
be adopted as internal management rules adopted in accordance with 77362
section 111.15 of the Revised Code. All other rules shall be 77363
adopted in accordance with Chapter 119. of the Revised Code. 77364

(D) If the department enters into an agreement regarding a 77365

Title IV-A program identified under division (A)(4)(c), (e), (f),
~~or (g), or (h)~~ of section 5101.80 of the Revised Code pursuant to
division (B)(1)(b) or (2) of this section, the agreement shall
include at least all of the following:

(1) A requirement that the state agency or entity comply with
the requirements for the program or project, including all of the
following requirements established by federal statutes and
regulations, state statutes and rules, the United States office of
management and budget, and the Title IV-A state plan prepared
under section 5101.80 of the Revised Code:

(a) Eligibility;

(b) Reports;

(c) Benefits and services;

(d) Use of funds;

(e) Appeals for applicants for, and recipients and former
recipients of, the benefits and services;

(f) Audits.

(2) A complete description of all of the following:

(a) The benefits and services that the program or project is
to provide;

(b) The methods of program or project administration;

(c) The appeals process under section 5101.35 of the Revised
Code for applicants for, and recipients and former recipients of,
the program or project's benefits and services;

(d) Other requirements that the department requires be
included.

(3) Procedures for the department to approve a policy,
established by rule or otherwise, that the state agency or entity
establishes for the program or project before the policy is

established; 77395

(4) Provisions regarding how the department is to reimburse 77396
the state agency or entity for allowable expenditures under the 77397
program or project that the department approves, including all of 77398
the following: 77399

(a) Limitations on administrative costs; 77400

(b) The department, at its discretion, doing either of the 77401
following: 77402

(i) Withholding no more than five per cent of the funds that 77403
the department would otherwise provide to the state agency or 77404
entity for the program or project; 77405

(ii) Charging the state agency or entity for the costs to the 77406
department of performing, or contracting for the performance of, 77407
audits and other administrative functions associated with the 77408
program or project. 77409

(5) If the state agency or entity arranges by contract, 77410
grant, or other agreement for another entity to perform a function 77411
the state agency or entity would otherwise perform regarding the 77412
program or project, the state agency or entity's responsibilities 77413
for both of the following: 77414

(a) Ensuring that the other entity complies with the 77415
agreement between the state agency or entity and department and 77416
federal statutes and regulations and state statutes and rules 77417
governing the use of funds for the program or project; 77418

(b) Auditing the other entity in accordance with requirements 77419
established by the United States office of management and budget. 77420

(6) The state agency or entity's responsibilities regarding 77421
the prompt payment, including any interest assessed, of any 77422
adverse audit finding, final disallowance of federal funds, or 77423
other sanction or penalty imposed by the federal government, 77424

auditor of state, department, a court, or other entity regarding 77425
funds for the program or project; 77426

(7) Provisions for the department to terminate the agreement 77427
or withhold reimbursement from the state agency or entity if 77428
either of the following occur: 77429

(a) The federal government disapproves the program or project 77430
or reduces federal funds for the program or project; 77431

(b) The state agency or entity fails to comply with the terms 77432
of the agreement. 77433

(8) Provisions for both of the following: 77434

(a) The department and state agency or entity determining the 77435
performance outcomes expected for the program or project; 77436

(b) An evaluation of the program or project to determine its 77437
success in achieving the performance outcomes determined under 77438
division (D)(8)(a) of this section. 77439

(E) To the extent consistent with the law enacted by the 77440
general assembly or executive order issued by the governor 77441
establishing the Title IV-A program and subject to the approval of 77442
the director of budget and management, the director of job and 77443
family services may terminate a Title IV-A program identified 77444
under division (A)(4)(c), (d), (e), (f), ~~or~~ (g), or (h) of section 77445
5101.80 of the Revised Code or reduce funding for the program if 77446
the director of job and family services determines that federal or 77447
state funds are insufficient to fund the program. If the director 77448
of budget and management approves the termination or reduction in 77449
funding for such a program, the director of job and family 77450
services shall issue instructions for the termination or funding 77451
reduction. If a Title IV-A administrative agency is administering 77452
the program, the agency is bound by the termination or funding 77453
reduction and shall comply with the director's instructions. 77454

(F) The director of job and family services may adopt 77455
internal management rules in accordance with section 111.15 of the 77456
Revised Code as necessary to implement this section. The rules are 77457
binding on each Title IV-A administrative agency. 77458

Sec. 5101.805. (A) Subject to division (E) of section 77459
5101.801 of the Revised Code, the Ohio commission on fatherhood, 77460
created under section 5101.34 of the Revised Code, may make 77461
recommendations to the director of job and family services 77462
concerning the funding, approval, and implementation of fatherhood 77463
programs in this state that meet at least one of the four purposes 77464
of the temporary assistance for needy families block grant, as 77465
specified in 42 U.S.C. 601. 77466

(B) The department of job and family services may provide 77467
funding under this section to government entities and, to the 77468
extent permitted by federal law, private, not-for-profit entities 77469
with which the department enters into agreements under division 77470
(B)(4) of section 5101.801 of the Revised Code. 77471

Sec. 5101.806. (A) The department of job and family services 77472
shall prepare and submit to the governor not later than the first 77473
day of November in each even-numbered year a TANF spending plan 77474
describing the anticipated spending of temporary assistance for 77475
needy families block grant funds for the upcoming state fiscal 77476
biennium. The report shall be prepared in such a manner as to 77477
facilitate the inclusion of the information contained in the 77478
report in the governor's budget in accordance with division (D)(7) 77479
of section 107.03 of the Revised Code. 77480

(B)(1) Not later than ~~thirty~~ sixty days after the end of the 77481
first state fiscal year of a fiscal biennium, the department shall 77482
prepare and submit an updated TANF spending plan to the 77483
chairperson of a standing committee of the house of 77484

representatives designated by the speaker of the house of 77485
representatives, the chairperson of a standing committee of the 77486
senate designated by the president of the senate, and the minority 77487
leaders of both the house of representatives and the senate. The 77488
updated TANF spending plan shall, at a minimum, include both of 77489
the following: 77490

(a) The total amount of temporary assistance for needy 77491
families block grant funds distributed during the first fiscal 77492
year of the fiscal biennium. 77493

(b) An updated estimate of the total amount of temporary 77494
assistance for needy families block grant funds that will be 77495
distributed during the second fiscal year of the fiscal biennium. 77496

(2) A chairperson of a standing committee designated by the 77497
speaker of the house of representatives or president of the senate 77498
under division (B)(1) of this section may call the director of job 77499
and family services to testify before the committee regarding the 77500
TANF spending plan. 77501

Sec. 5103.02. As used in sections 5103.03 to ~~5103.181~~ 5103.17 77502
of the Revised Code: 77503

(A)(1) "Association" or "institution" includes all of the 77504
following: 77505

(a) Any incorporated or unincorporated organization, society, 77506
association, or agency, public or private, that receives or cares 77507
for children for two or more consecutive weeks; 77508

(b) Any individual, including the operator of a foster home, 77509
who, for hire, gain, or reward, receives or cares for children for 77510
two or more consecutive weeks, unless the individual is related to 77511
them by blood or marriage; 77512

(c) Any individual not in the regular employ of a court, or 77513
of an institution or association certified in accordance with 77514

section 5103.03 of the Revised Code, who in any manner becomes a 77515
party to the placing of children in foster homes, unless the 77516
individual is related to such children by blood or marriage or is 77517
the appointed guardian of such children. 77518

(2) "Association" or "institution" does not include any of 77519
the following: 77520

(a) Any organization, society, association, school, agency, 77521
child guidance center, detention or rehabilitation facility, or 77522
children's clinic licensed, regulated, approved, operated under 77523
the direction of, or otherwise certified by the department of 77524
education, a local board of education, the department of youth 77525
services, the department of mental health and addiction services, 77526
or the department of developmental disabilities; 77527

(b) Any individual who provides care for only a single-family 77528
group, placed there by their parents or other relative having 77529
custody; 77530

(c) A private, nonprofit therapeutic wilderness camp; 77531

(d) A qualified organization as defined in section 2151.90 of 77532
the Revised Code. 77533

(B) "Family foster home" means a foster home that is not a 77534
specialized foster home. 77535

(C) "Foster caregiver" means a person holding a valid foster 77536
home certificate issued under section 5103.03 of the Revised Code. 77537

(D) "Foster home" means a private residence in which children 77538
are received apart from their parents, guardian, or legal 77539
custodian, by an individual reimbursed for providing the children 77540
nonsecure care, supervision, or training twenty-four hours a day. 77541
"Foster home" does not include care provided for a child in the 77542
home of a person other than the child's parent, guardian, or legal 77543
custodian while the parent, guardian, or legal custodian is 77544

temporarily away. Family foster homes and specialized foster homes 77545
are types of foster homes. 77546

(E) "Kinship caregiver" has the same meaning as in section 77547
5101.85 of the Revised Code. 77548

(F) "Medically fragile foster home" means a foster home that 77549
provides specialized medical services designed to meet the needs 77550
of children with intensive health care needs who meet all of the 77551
following criteria: 77552

(1) Under rules adopted by the medicaid director governing 77553
medicaid payments for long-term care services, the children 77554
require a skilled level of care. 77555

(2) The children require the services of a doctor of medicine 77556
or osteopathic medicine at least once a week due to the 77557
instability of their medical conditions. 77558

(3) The children require the services of a registered nurse 77559
on a daily basis. 77560

(4) The children are at risk of institutionalization in a 77561
hospital, skilled nursing facility, or intermediate care facility 77562
for individuals with intellectual disabilities. 77563

(G) "Private, nonprofit therapeutic wilderness camp" means a 77564
structured, alternative residential setting for children who are 77565
experiencing emotional, behavioral, moral, social, or learning 77566
difficulties at home or school in which all of the following are 77567
the case: 77568

(1) The children spend the majority of their time, including 77569
overnight, either outdoors or in a primitive structure. 77570

(2) The children have been placed there by their parents or 77571
another relative having custody. 77572

(3) The camp accepts no public funds for use in its 77573
operations. 77574

(H) "Recommending agency" means a public children services agency, private child placing agency, or private noncustodial agency that recommends that the department of job and family services take any of the following actions under section 5103.03 of the Revised Code regarding a foster home:

(1) Issue a certificate; 77580

(2) Deny a certificate; 77581

(3) ~~Renew a certificate;~~ 77582

~~(4) Deny renewal of a certificate;~~ 77583

~~(5) Revoke a certificate.~~ 77584

(I) "Resource caregiver" means a foster caregiver or a kinship caregiver. 77585
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(J) "Resource family" means a foster home or the kinship caregiver family. 77587
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(K) "Specialized foster home" means a medically fragile foster home or a treatment foster home. 77589
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(L) "Treatment foster home" means a foster home that incorporates special rehabilitative services designed to treat the specific needs of the children received in the foster home and that receives and cares for children who are emotionally or behaviorally disturbed, who are chemically dependent, who have developmental disabilities, or who otherwise have exceptional needs. 77591
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Sec. 5103.03. (A) The director of job and family services shall adopt rules as necessary for the adequate and competent management and certification of institutions or associations. The director shall ensure that foster care home study rules adopted under this section align any home study content, time period, and process with any home study content, time period, and process

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required by rules adopted under section 3107.033 of the Revised Code. 77604
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(B)(1) Except for facilities under the control of the department of youth services, places of detention for children established and maintained pursuant to sections 2152.41 to 2152.44 of the Revised Code, and child day-care centers subject to Chapter 5104. of the Revised Code, the department of job and family services shall pass upon the fitness of every institution and association that receives, or desires to receive and care for children, or places children in private homes, at a frequency established by rules adopted under division (A) of this section. 77606
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(2) When the department of job and family services is satisfied as to the care given such children, and that the requirements of the statutes and rules covering the management of such institutions and associations are being complied with, it shall issue to the institution or association a certificate to that effect. A certificate is valid for a length of time determined by rules adopted under division (A) of this section. When determining whether an institution or association meets a particular requirement for certification, the department may consider the institution or association to have met the requirement if the institution or association shows to the department's satisfaction that it has met a comparable requirement to be accredited by a nationally recognized accreditation organization. 77615
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(3) The department may issue a temporary certificate valid for less than one year authorizing an institution or association to operate until minimum requirements have been met. 77629
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(4) An institution or association that knowingly makes a false statement that is included as a part of certification under this section is guilty of the offense of falsification under 77632
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section 2921.13 of the Revised Code and the department shall not 77635
certify that institution or association. 77636

(5) The department shall not issue a certificate to a 77637
prospective foster home or prospective specialized foster home 77638
pursuant to this section if the prospective foster home or 77639
prospective specialized foster home operates as a type A family 77640
day-care home pursuant to Chapter 5104. of the Revised Code. The 77641
department shall not issue a certificate to a prospective 77642
specialized foster home if the prospective specialized foster home 77643
operates a type B family day-care home pursuant to Chapter 5104. 77644
of the Revised Code. 77645

(C) The department may revoke a certificate pursuant to an 77646
adjudication under Chapter 119. of the Revised Code if it finds 77647
that the institution or association is in violation of law or 77648
rule. No juvenile court shall commit a child to an association or 77649
institution that is required to be certified under this section if 77650
its certificate has been revoked or, if after revocation, the date 77651
of reissue is less than fifteen months prior to the proposed 77652
commitment. 77653

(D) On a frequency specified by the department by rules 77654
adopted under division (A) of this section, each institution or 77655
association desiring certification ~~or recertification~~ shall submit 77656
to the department a report showing its condition, management, 77657
competency to care adequately for the children who have been or 77658
may be committed to it or to whom it provides care or services, 77659
the system of visitation it employs for children placed in private 77660
homes, and other information the department requires. 77661

(E) The department shall, not less than once each year, send 77662
a list of certified institutions and associations to each juvenile 77663
court and certified association or institution. 77664

(F) No person shall receive children or receive or solicit 77665

money on behalf of such an institution or association not so 77666
certified or whose certificate has been revoked. 77667

(G)(1) The director may delegate by rule any duties imposed 77668
on it by this section to inspect and approve family foster homes 77669
and specialized foster homes to public children services agencies, 77670
private child placing agencies, or private noncustodial agencies. 77671

(2) The director shall adopt rules that require a foster 77672
caregiver or other individual certified to operate a foster home 77673
under this section to notify the recommending agency that the 77674
foster caregiver or other individual is licensed to operate a type 77675
B family day-care home under Chapter 5104. of the Revised Code. 77676

(H) If the director of job and family services determines 77677
that an institution or association that cares for children is 77678
operating without a certificate, the director may petition the 77679
court of common pleas in the county in which the institution or 77680
association is located for an order enjoining its operation. The 77681
court shall grant injunctive relief upon a showing that the 77682
institution or association is operating without a certificate. 77683

(I) If both of the following are the case, the director of 77684
job and family services may petition the court of common pleas of 77685
any county in which an institution or association that holds a 77686
certificate under this section operates for an order, and the 77687
court may issue an order, preventing the institution or 77688
association from receiving additional children into its care or an 77689
order removing children from its care: 77690

(1) The department has evidence that the life, health, or 77691
safety of one or more children in the care of the institution or 77692
association is at imminent risk. 77693

(2) The department has issued a proposed adjudication order 77694
pursuant to Chapter 119. of the Revised Code to ~~deny renewal of or~~ 77695
revoke the certificate of the institution or association. 77696

Sec. 5103.032. (A) Except as provided in division (B) of this section and in section 5103.033 of the Revised Code, the department of job and family services may ~~not-renew~~ revoke a foster home certificate under section 5103.03 of the Revised Code ~~unless if~~ the foster caregiver fails to successfully ~~completes~~ complete continuing training in accordance with the foster caregiver's needs assessment and continuing training plan developed and implemented under section 5103.035 of the Revised Code.

(B) A foster caregiver shall be given an additional amount of time within which the foster caregiver must complete the continuing training required under division (A) of this section in accordance with rules adopted by the department of job and family services if either of the following applies:

(1) The foster caregiver has served in active duty outside this state with a branch of the armed forces of the United States for more than thirty days in the preceding two-year period.

(2) The foster caregiver has served in active duty as a member of the Ohio organized militia, as defined in section 5923.01 of the Revised Code, for more than thirty days in the preceding two-year period and that active duty relates to either an emergency in or outside of this state or to military duty in or outside of this state.

Sec. 5103.033. (A) The department of job and family services may issue ~~or-renew~~ a certificate under section 5103.03 of the Revised Code to a foster home for the care of a child who is in the custody of a public children services agency or private child placing agency pursuant to an agreement entered into under section 5103.15 of the Revised Code regarding a child who was less than six months of age on the date the agreement was executed if the

prospective foster caregiver or foster caregiver successfully 77727
completes the following: 77728

(1) A preplacement training program approved under section 77729
5103.038 of the Revised Code or a program provided under division 77730
(B) of section 5103.30 of the Revised Code; 77731

(2) Continuing training in accordance with the foster 77732
caregiver's needs assessment and continuing training plan 77733
developed and implemented under section 5103.035 of the Revised 77734
Code. 77735

(B) A foster caregiver to whom either division (B)(1) or (2) 77736
of this section applies shall be given an additional amount of 77737
time within which to complete the continuing training required 77738
under division (A)(2) of this section in accordance with rules 77739
adopted by the department of job and family services: 77740

(1) The foster caregiver has served in active duty outside 77741
this state with a branch of the armed forces of the United States 77742
for more than thirty days in the preceding two-year period. 77743

(2) The foster caregiver has served in active duty as a 77744
member of the Ohio organized militia, as defined in section 77745
5923.01 of the Revised Code, for more than thirty days in the 77746
preceding two-year period and that active duty relates to either 77747
an emergency in or outside of this state or to military duty in or 77748
outside of this state. 77749

Sec. 5103.036. (A) For the purpose of determining whether a 77750
prospective foster caregiver or foster caregiver has satisfied the 77751
requirement of section 5103.031 or 5103.032 of the Revised Code, a 77752
recommending agency shall accept training obtained from either of 77753
the following: 77754

(1) Any preplacement or continuing training program approved 77755
by the department of job and family services under section 77756

5103.038 of the Revised Code; 77757

(2) The Ohio child welfare training program pursuant to 77758
divisions (B) and (C) of section 5103.30 of the Revised Code. 77759

(B) A recommending agency may require that a prospective 77760
foster caregiver or foster caregiver successfully complete 77761
additional training as a condition of the agency recommending that 77762
the department of job and family services certify ~~or recertify~~ the 77763
prospective foster caregiver or foster caregiver's foster home 77764
under section 5103.03 of the Revised Code. 77765

Sec. 5103.0313. Except as provided in section 5103.303 of the 77766
Revised Code, the department of job and family services shall 77767
compensate a private child placing agency or private noncustodial 77768
agency for the cost of procuring or operating preplacement and 77769
continuing training programs approved by the department of job and 77770
family services under section 5103.038 of the Revised Code for 77771
prospective foster caregivers and foster caregivers who are 77772
recommended for ~~initial~~ certification ~~or recertification~~ by the 77773
agency. 77774

The compensation shall be paid to the agency in the form of 77775
an allowance to reimburse the agency for the cost of training 77776
pursuant to the rules adopted by the department of job and family 77777
services in accordance with section 5103.0316 of the Revised Code. 77778

Sec. 5103.0314. The department of job and family services 77779
shall adopt rules regarding the compensation of a recommending 77780
agency for any training the agency requires a foster caregiver to 77781
undergo as a condition of the agency recommending the department 77782
certify the foster caregiver's foster home under section 5103.03 77783
of the Revised Code if the training is in excess of the training 77784
required under section 5103.031 of the Revised Code. 77785

The department of job and family services shall adopt rules 77786

regarding the compensation of a recommending agency for any 77787
training the agency requires a foster caregiver to undergo as a 77788
condition of the agency recommending the department ~~recertify~~ 77789
continue certifying the foster caregiver's foster home under 77790
section 5103.03 of the Revised Code if the training is in addition 77791
to the minimum training required under section 5103.032 of the 77792
Revised Code. 77793

Sec. 5103.0322. On receipt of a recommendation from a public 77794
children services agency, private child placing agency, or private 77795
noncustodial agency regarding an application for, ~~or renewal of,~~ a 77796
family foster home or treatment foster home certification under 77797
section 5103.03 of the Revised Code, the department of job and 77798
family services shall decide whether to issue ~~or renew~~ the 77799
certificate. The department shall notify the agency and the 77800
applicant ~~or certificate holder~~ of its decision. If the 77801
department's decision is different from the recommendation of the 77802
agency, the department shall state in the notice the reason that 77803
the decision is different from the recommendation. 77804

Sec. 5103.0323. (A) As used in this section, "American 77805
institute of certified public accountants auditing standards" and 77806
"AICPA auditing standards" mean the auditing standards published 77807
by the American institute of certified public accountants. 77808

(B) ~~The first time that~~ Not later than two years after the 77809
date of certification, and at least every two years thereafter, a 77810
private child placing agency or private noncustodial agency ~~seeks~~ 77811
~~renewal of a certificate issued under section 5103.03 of the~~ 77812
~~Revised Code,~~ it shall provide the department of job and family 77813
services, ~~as a condition of renewal,~~ evidence of an independent 77814
financial statement audit performed by a licensed public 77815
accounting firm following applicable AICPA auditing standards for 77816
the two most recent fiscal year years. ~~Thereafter, when an agency~~ 77817

~~seeks renewal of its certificate, it shall provide the department
evidence of an independent financial statement audit performed by
a licensed public accounting firm following applicable AICPA
auditing standards for the two most recent previous fiscal years
it is possible for an independent audit to have been conducted.~~

(C) ~~For an agency to be eligible for renewal, the~~ The
independent audits must demonstrate that the agency operated in a
fiscally accountable manner as determined by the department of job
and family services.

(D) The director of job and family services may adopt rules
as necessary to implement this section. The director shall adopt
the rules in accordance with section ~~111.15~~119.03 of the Revised
Code.

Sec. 5103.0326. (A) A recommending agency may recommend that
the department of job and family services ~~not renew~~ revoke a
foster home certificate under section 5103.03 of the Revised Code
if the foster caregiver refused to accept the placement of any
children into the foster home during the ~~current certification~~
period preceding twelve months. Based on the agency's
recommendation, the department may ~~refuse to renew~~ revoke a foster
home certificate pursuant to an adjudication under Chapter 119. of
the Revised Code.

(B) The department of job and family services may ~~revoke,~~
pursuant to an adjudication under Chapter 119. of the Revised
Code, the certification of any foster caregiver who has not cared
for one or more foster children in the foster caregiver's home
within the preceding twelve months. Prior to the revocation of any
certification pursuant to this division, the recommending agency
shall have the opportunity to provide good cause for the
department to continue the certification and not revoke the
certification. If the department decides to revoke the

certification, the department shall notify the recommending agency 77849
that the certification will be revoked. 77850

Sec. 5103.0328. (A) Not later than ninety-six hours after 77851
receiving notice from the superintendent of the bureau of criminal 77852
identification and investigation pursuant to section 109.5721 of 77853
the Revised Code that a foster caregiver has been arrested for, 77854
convicted of, or pleaded guilty to any foster 77855
caregiver-disqualifying offense, and not later than ninety-six 77856
hours after learning in any other manner that a foster caregiver 77857
has been arrested for, convicted of, or pleaded guilty to any 77858
foster caregiver-disqualifying offense, the department of job and 77859
family services shall provide notice of that arrest, conviction, 77860
or guilty plea to both the recommending agency relative to the 77861
foster caregiver and the custodial agency of any child currently 77862
placed with that caregiver. 77863

(B) If a recommending agency receives notice from the 77864
department of job and family services pursuant to division (A) of 77865
this section that a foster caregiver has been convicted of or 77866
pleaded guilty to any foster caregiver-disqualifying offense, or 77867
if a recommending agency learns in any other manner that a foster 77868
caregiver has been convicted of or pleaded guilty to any foster 77869
caregiver-disqualifying offense, the recommending agency shall 77870
assess the foster caregiver's overall situation for safety 77871
concerns and forward any recommendations, if applicable, for 77872
revoking the foster caregiver's certificate to the department for 77873
the department's review for possible revocation. 77874

(C) As used in this section, "foster caregiver-disqualifying 77875
offense" means any offense or violation listed or described in 77876
~~division (C)(1) of section 2151.86~~ 5103.256 of the Revised Code. 77877

Sec. 5103.05. (A) As used in this section and section 77878

5103.051 of the Revised Code: 77879

(1) "Children's residential center" means a facility that is 77880
operated by a private child placing agency, private noncustodial 77881
agency, or public children services agency, that has been 77882
certified by the department of job and family services to operate 77883
a children's residential center, and in which eleven or more 77884
children, including the children of any staff residing at the 77885
facility, are given nonsecure care and supervision twenty-four 77886
hours a day. 77887

(2) "Children's crisis care facility" has the same meaning as 77888
in section 5103.13 of the Revised Code. 77889

(3) "County children's home" means a facility established 77890
under section 5153.21 of the Revised Code. 77891

(4) "District children's home" means a facility established 77892
under section 5153.42 of the Revised Code. 77893

(5) "Group home for children" means any public or private 77894
facility that is operated by a private child placing agency, 77895
private noncustodial agency, or public children services agency, 77896
that has been certified by the department to operate a group home 77897
for children, and that meets all of the following criteria: 77898

(a) Gives, for compensation, a maximum of ten children, 77899
including the children of the operator or any staff who reside in 77900
the facility, nonsecure care and supervision twenty-four hours a 77901
day by a person or persons who are unrelated to the children by 77902
blood or marriage, or who is not the appointed guardian of any of 77903
the children; 77904

(b) Is not certified as a foster home; 77905

(c) Receives or cares for children for two or more 77906
consecutive weeks. 77907

"Group home for children" does not include any facility that 77908

provides care for children from only a single-family group, placed 77909
at the facility by the children's parents or other relative having 77910
custody. 77911

(6) "Residential facility" means a group home for children, 77912
children's crisis care facility, children's residential center, 77913
residential parenting facility that provides twenty-four-hour 77914
child care, county children's home, or district children's home. A 77915
foster home is not a residential facility. 77916

(7) "Residential parenting facility" means a facility 77917
operated by a private child placing agency, private noncustodial 77918
agency, or public children services agency, that has been 77919
certified by the department to operate a residential parenting 77920
facility, in which teenage mothers and their children reside for 77921
the purpose of keeping mother and child together, teaching 77922
parenting and life skills to the mother, and assisting teenage 77923
mothers in obtaining educational or vocational training and 77924
skills. 77925

(8) "Nonsecure care and supervision" means care and 77926
supervision of a child in a residential facility that does not 77927
confine or prevent movement of the child within the facility or 77928
from the facility. 77929

(B) Within ten days after the commencement of operations at a 77930
residential facility, the facility shall provide the following to 77931
all county, municipal, or township law enforcement agencies, 77932
emergency management agencies, and fire departments with 77933
jurisdiction over the facility: 77934

(1) Written notice that the facility is located and will be 77935
operating in the agency's or department's jurisdiction. The 77936
written notice shall provide the address of the facility, identify 77937
the facility as a group home for children, children's crisis care 77938
facility, children's residential center, residential parenting 77939

facility, county children's home, or district children's home, and 77940
provide contact information for the facility. 77941

(2) A copy of the facility's procedures for emergencies and 77942
disasters established pursuant to rules adopted under section 77943
5103.03 of the Revised Code; 77944

(3) A copy of the facility's medical emergency plan 77945
established pursuant to rules adopted under section 5103.03 of the 77946
Revised Code; 77947

(4) A copy of the facility's community engagement plan 77948
established pursuant to rules adopted under section 5103.051 of 77949
the Revised Code. 77950

(C) Within ten days of a ~~facility's recertification by the~~ 77951
~~department~~ any change to the facility's information described in 77952
divisions (B)(2), (3), and (4) of this section, the facility shall 77953
provide to all county, municipal, or township law enforcement 77954
agencies, emergency management agencies, and fire departments with 77955
jurisdiction over the facility updated copies of the information 77956
required to be provided under divisions (B)(2), (3), and (4) of 77957
this section. 77958

(D) The department may adopt rules in accordance with Chapter 77959
119. of the Revised Code necessary to implement this section. 77960

Sec. 5103.13. (A) As used in this section and section 77961
5103.131 of the Revised Code: 77962

(1)(a) "Children's crisis care facility" means a facility 77963
that has as its primary purpose the provision of residential and 77964
other care to either or both of the following: 77965

(i) One or more preteens voluntarily placed in the facility 77966
by the preteen's parent or other caretaker who is facing a crisis 77967
that causes the parent or other caretaker to seek temporary care 77968
for the preteen and referral for support services; 77969

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

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

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

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

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

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

(3) "Pediatric medical service" means medical service required to be provided by, or with oversight from, a licensed medical professional, including prescribing medication, administering rectal or intravenous medication, and outpatient laboratory service, and providing for sick visits, on-site well child exams, and children assisted by medical technology.

(4) "Preteen" means an individual under thirteen years of

age. 78001

(B) No person shall operate a children's crisis care facility 78002
or hold a children's crisis care facility out as a certified 78003
children's crisis care facility unless there is a valid children's 78004
crisis care facility certificate issued under this section for the 78005
facility. 78006

(C)(1) A person seeking to operate a children's crisis care 78007
facility shall apply to the director of job and family services to 78008
obtain a certificate for the facility. 78009

(2)(a) The director shall certify the person's children's 78010
crisis care facility if the facility meets all of the 78011
certification standards established in rules adopted under 78012
division (H) of this section and the person complies with all of 78013
the rules governing the certification of children's crisis care 78014
facilities adopted under that division. The issuance of a 78015
children's crisis care facility certificate does not exempt the 78016
facility from a requirement to obtain another certificate or 78017
license mandated by law. 78018

(b) The director shall not issue a waiver to a person for 78019
compliance with any of the requirements imposed under this section 78020
or any of the rules adopted under division (H) of this section. 78021

(D) No certified children's crisis care facility shall do any 78022
of the following: 78023

(1) Provide residential care to a preteen for more than one 78024
hundred twenty days in a calendar year; 78025

(2) Provide residential care to a preteen for more than 78026
ninety consecutive days, which shall include the aggregate of days 78027
spent at different facility locations if a preteen is transferred 78028
in accordance with division (E)(4) of this section; 78029

(3) Provide residential care to a preteen for more than 78030

fourteen consecutive days if a public children services agency or 78031
private child placing agency placed the preteen in the facility; 78032

(4) Fail to comply with ~~section 2151.86~~ sections 5103.251, 78033
5103.252, 5103.253, 5103.254, and 5103.255 of the Revised Code. 78034

(E) A certified children's crisis care facility shall do the 78035
following: 78036

(1) Employ a licensed social worker, a licensed independent 78037
social worker, a licensed professional counselor, or a licensed 78038
professional clinical counselor; 78039

(2) Require, if pediatric medical service is provided at the 78040
facility, the following for the provision of pediatric medical 78041
service: 78042

(a) Medical service to be provided by a qualified, licensed, 78043
and insured medical professional; 78044

(b) All staff, volunteers, and interns to comply with the 78045
privacy requirements of the "Health Insurance Portability and 78046
Accountability Act of 1996," 104 Pub. L. No. 191, 110 Stat. 2021, 78047
42 U.S.C. 1320d et seq., as amended; 78048

(c) If a preteen is admitted by the preteen's parent or 78049
caretaker and if the preteen requires ongoing medical care 78050
following discharge from the facility, a medical professional or 78051
licensed social worker to make the medical professional's or 78052
social worker's best effort to ensure the parent or caretaker is 78053
competent to provide the ongoing care; 78054

(d) The facility to have a dedicated and private enclosed 78055
space for the purpose of a medical professional to receive and 78056
treat patients and that contains a sink or tub, medical exam 78057
table, medical record system, and pediatric medical equipment. 78058

(3) Require, if a preteen is admitted by the preteen's parent 78059
or caretaker, the facility's licensed social worker, licensed 78060

independent social worker, licensed professional counselor, or 78061
licensed professional clinical counselor to make their best 78062
efforts to ensure the parent or caretaker is competent in the 78063
basic parenting skills needed to care for the preteen; 78064

(4) Require only a transfer summary for the transfer of a 78065
preteen from one certified children's crisis care facility 78066
location to another, if the facility has more than one location; 78067

(5) Require the facility to have a dedicated and private 78068
enclosed space for the purpose of completing required admission 78069
paperwork and medical forms; 78070

(6) Require the facility to develop a visitation plan for the 78071
preteen's parent or caretaker with the preteen while residential 78072
care is being provided, which shall occur during awake hours and 78073
not include overnight visits, for the parent or caretaker with the 78074
preteen. 78075

(F) A certified children's crisis care facility may do the 78076
following: 78077

(1) Count administrative staff, interns, and volunteers 78078
toward child staff ratios required under paragraph (G) of rule 78079
5101:2-9-36 of the Administrative Code for up to three hours if 78080
the administrative staff, interns, or volunteers meet the 78081
following requirements: 78082

(a) Completed training in the mission of the children's 78083
crisis care facility; 78084

(b) Completed training pursuant to rule 5101:2-9-03 of the 78085
Administrative Code; 78086

(c) Are supervised by facility staff. 78087

(2) Use contracted transportation providers, on whom criminal 78088
records checks have been conducted in accordance with section 78089
2151.86 or 5103.251 of the Revised Code, to transport preteens, if 78090

such use is necessary for the facility to maintain required child 78091
staff ratios. 78092

(G) The director of job and family services may suspend or 78093
revoke a children's crisis care facility's certificate pursuant to 78094
Chapter 119. of the Revised Code if the facility violates or fails 78095
to comply with any of the requirements under this section or 78096
ceases to meet any of the certification standards established in 78097
rules adopted under division (H) of this section or the facility's 78098
operator ceases to comply with any of the rules governing the 78099
certification of children's crisis care facilities adopted under 78100
that division. 78101

(H) Not later than ninety days after September 21, 2006, the 78102
director of job and family services shall adopt rules pursuant to 78103
Chapter 119. of the Revised Code for the certification of 78104
children's crisis care facilities. The rules shall specify that a 78105
certificate shall not be issued to an applicant if the conditions 78106
at the children's crisis care facility would jeopardize the health 78107
or safety of the preteens placed in the facility. 78108

Sec. 5103.162. (A) Except as provided in division (B) of this 78109
section, a ~~foster~~ resource caregiver shall be immune from 78110
liability in a civil action to recover damages for injury, death, 78111
or loss to person or property allegedly caused by an act or 78112
omission in connection with a power, duty, responsibility, or 78113
authorization under this chapter or under rules adopted under 78114
authority of this chapter. 78115

(B) The immunity described in division (A) of this section 78116
does not apply to a ~~foster~~ resource caregiver if, in relation to 78117
the act or omission in question, any of the following applies: 78118

(1) The act or omission was manifestly outside the scope of 78119
the ~~foster~~ resource caregiver's power, duty, responsibility, or 78120
authorization. 78121

(2) The act or omission was with malicious purpose, in bad faith, or in a wanton or reckless manner. 78122
78123

(3) Liability for the act or omission is expressly imposed by a section of the Revised Code. 78124
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(C)(1) A ~~foster~~ resource caregiver shall use a reasonable and prudent parent standard when ~~considering~~ doing any of the following: 78126
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(a) Considering whether to authorize a foster child who resides in the ~~foster~~ resource home to participate in extracurricular, enrichment, and social activities; 78129
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(b) Signing an application for a probationary license, restricted license, or a temporary instruction permit on behalf of the child. 78132
78133
78134

(2) A public children services agency, private child placing agency, or private noncustodial agency that serves as the child's custodian or as the supervising agency for the ~~foster~~ resource caregiver shall be immune from liability in a civil action to recover damages for injury, death, or loss to person or property that result from a ~~foster~~ resource caregiver's or agency's decisions using a reasonable and prudent parent standard in accordance with division ~~(C)(1)~~ (C)(1)(a) or (b) of this section. 78135
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(3) Nothing in this section shall affect, limit, abridge, or otherwise modify the immunities and defenses available to a public children services agency as a political subdivision under Chapter 2744. of the Revised Code. 78143
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(4) As used in this section, "reasonable and prudent parent standard" means the standard characterized by careful and sensible parental decisions that maintain the child's health, safety, and best interests while at the same time encouraging the child's emotional and developmental growth, that a caregiver or agency shall use when determining whether to allow a child in the care of 78147
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a ~~foster~~ resource caregiver to participate in extracurricular, 78153
enrichment, and social activities. 78154

Sec. 5103.163. (A) The department of job and family services 78155
shall adopt rules in accordance with Chapter 119. of the Revised 78156
Code to establish and enforce a resource family bill of rights for 78157
resource families providing care for individuals who are in the 78158
custody or care and placement of an agency that provides Title 78159
IV-E reimbursable services pursuant to sections 5103.03 to 78160
~~5103.181~~ 5103.17 of the Revised Code. 78161

(B) If the rights of the resource family conflict with the 78162
rights of the individual established by section 2151.316 of the 78163
Revised Code, division (B) of section 2151.316 of the Revised Code 78164
shall apply. 78165

(C) The rights established by rules under this section shall 78166
not create grounds for a civil action against the department, the 78167
recommending agency, or the custodial agency. 78168

Sec. 5103.20. The interstate compact for the placement of 78169
children is hereby enacted into law and entered into with all 78170
other jurisdictions legally joining therein in form substantially 78171
as follows: 78172

ARTICLE I. 78173

PURPOSE 78174

The purpose of this compact is to: 78175

(A) Provide a process through which children subject to this 78176
compact are placed in safe and suitable homes in a timely manner. 78177

(B) Facilitate ongoing supervision of a placement, the 78178
delivery of services, and communication between the states. 78179

(C) Provide operating procedures that will ensure that 78180
children are placed in safe and suitable homes in a timely manner. 78181

(D) Provide for the promulgation and enforcement of 78182
administrative rules implementing the provisions of this compact 78183
and regulating the covered activities of the member states. 78184

(E) Provide for uniform data collection and information 78185
sharing between member states under this compact. 78186

(F) Promote coordination between this compact, the Interstate 78187
Compacts for Juveniles, the Interstate Compact on Adoption and 78188
Medical Assistance and other compacts affecting the placement of 78189
and which provide services to children otherwise subject to this 78190
compact. 78191

(G) Provide for a state's continuing legal jurisdiction and 78192
responsibility for placement and care of a child that it would 78193
have had if the placement were intrastate. 78194

(H) Provide for the promulgation of guidelines, in 78195
collaboration with Indian tribes, for interstate cases involving 78196
Indian children as is or may be permitted by federal law. 78197

ARTICLE II. 78198

DEFINITIONS 78199

As used in this compact: 78200

(A) "Approved placement" means the public child placing 78201
agency in the receiving state has determined after an assessment 78202
that the placement is both safe and suitable for the child ~~and is~~ 78203
~~in compliance with the applicable laws of the receiving state~~ 78204
~~governing the placement of children therein.~~ 78205

(B) "Assessment" means an evaluation of a prospective 78206
placement by a public child placing agency in the receiving state 78207
to determine ~~whether~~ if the placement meets the individualized 78208
needs of the child, including but not limited to the child's 78209
safety and stability, health and well-being, and mental, 78210
emotional, and physical development. An assessment is only 78211
applicable to a placement by a public child placing agency. 78212

(C) "Child" means an individual who has not attained the age of eighteen (18). 78213
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(D) "Certification" means to attest, declare, or swear to before a judge or notary public. 78215
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(E) "Default" means the failure of a member state to perform the obligations or responsibilities imposed upon it by this compact, the bylaws or rules of the Interstate Commission. 78217
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(F) "Home study" means an evaluation of a home environment conducted in accordance with the applicable requirements of the state in which the home is located, and documents the preparation and the suitability of the placement resource for placement of a child in accordance with the laws and requirements of the state in which the home is located. 78220
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~~(E)~~(G) "Indian tribe" means any Indian tribe, band, nation, or other organized group or community of Indians recognized as eligible for services provided to Indians by the Secretary of the Interior because of their status as Indians, including any Alaskan native village as defined in section 3 (c) of the Alaska Native Claims Settlement Act at 43 USC section 1602(c). 78226
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~~(F)~~(H) "Interstate Commission for the Placement of Children" means the commission that is created under Article VIII of this compact and which is generally referred to as the Interstate Commission. 78232
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~~(G)~~(I) "Jurisdiction" means the power and authority of a court to hear and decide matters. 78236
78237

(J) "Legal risk placement" ("legal risk adoption") means a placement made preliminary to an adoption where the prospective adoptive parents acknowledge in writing that a child can be ordered returned to the sending state or the birth mother's state of residence, if different from the sending state, and a final decree of adoption shall not be entered in any jurisdiction until 78238
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all required consents are obtained or are dispensed with in 78244
accordance with applicable law. 78245

~~(H)~~(K) "Member state" means a state that has enacted this 78246
compact. 78247

~~(I)~~(L) "Non-custodial parent" means a person who, at the time 78248
of the commencement of court proceedings in the sending state, 78249
does not have sole legal custody of the child or has joint legal 78250
custody of a child, and who is not the subject of allegations or 78251
findings of child abuse or neglect. 78252

~~(J)~~(M) "Non-member state" means a state which has not enacted 78253
this compact. 78254

~~(K)~~(N) "Notice of residential placement" means information 78255
regarding a placement into a residential facility provided to the 78256
receiving state including, but not limited to the name, date, and 78257
place of birth of the child, the identity and address of the 78258
parent or legal guardian, evidence of authority to make the 78259
placement, and the name and address of the facility in which the 78260
child will be placed. Notice of residential placement shall also 78261
include information regarding a discharge and any unauthorized 78262
absence from the facility. 78263

~~(L)~~(O) "Placement" means the act by a public or private child 78264
placing agency intended to arrange for the care or custody of a 78265
child in another state. 78266

~~(M)~~(P) "Private child placing agency" means any private 78267
corporation, agency, foundation, institution, or charitable 78268
organization, or any private person or attorney that facilitates, 78269
causes, or is involved in the placement of a child from one state 78270
to another and that is not an instrumentality of the state or 78271
acting under color of state law. 78272

~~(N)~~(Q) "Provisional placement" means ~~that~~ a determination 78273
made by the public child placing agency in the receiving state ~~has~~ 78274

~~determined~~ that the proposed placement is safe and suitable, and, 78275
to the extent allowable, the receiving state has temporarily 78276
waived its standards or requirements otherwise applicable to 78277
prospective foster or adoptive parents so as to not delay the 78278
placement. Completion of the receiving state requirements 78279
regarding training for prospective foster or adoptive parents 78280
shall not delay an otherwise safe and suitable placement. 78281

~~(O)~~(R) "Public child placing agency" means any government 78282
child welfare agency or child protection agency or a private 78283
entity under contract with such an agency, regardless of whether 78284
they act on behalf of a state, county, municipality, or other 78285
governmental unit and which facilitates, causes, or is involved in 78286
the placement of a child from one state to another. 78287

~~(P)~~(S) "Receiving state" means the state to which a child is 78288
sent, brought, or caused to be sent or brought. 78289

~~(Q)~~(T) "Relative" means someone who is related to the child 78290
as a parent, step-parent, sibling by half or whole blood or by 78291
adoption, grandparent, aunt, uncle, or first cousin or a 78292
non-relative with such significant ties to the child that they may 78293
be regarded as relatives as determined by the court in the sending 78294
state. 78295

~~(R)~~(U) "Residential Facility" means a facility providing a 78296
level of care that is sufficient to substitute for parental 78297
responsibility or foster care, and is beyond what is needed for 78298
assessment or treatment of an acute condition. For purposes of the 78299
compact, residential facilities do not include institutions 78300
primarily educational in character, hospitals, or other medical 78301
facilities. 78302

~~(S)~~(V) "Rule" means a written directive, mandate, standard, 78303
or principle issued by the Interstate Commission promulgated 78304
pursuant to Article XI of this compact that is of general 78305

applicability and that implements, interprets or prescribes a 78306
policy or provision of the compact. "Rule" has the force and 78307
effect of ~~statutory law~~ an administrative rule in a member state, 78308
and includes the amendment, repeal, or suspension of an existing 78309
rule. 78310

~~(T)~~(W) "Sending state" means the state from which the 78311
placement of a child is initiated. 78312

~~(U)~~(X) "Service member's permanent duty station" means the 78313
military installation where an active duty Armed Services member 78314
is currently assigned and is physically located under competent 78315
orders that do not specify the duty as temporary. 78316

~~(V)~~(Y) "Service member's state of ~~local~~ legal residence" 78317
means the state in which the active duty Armed Services member is 78318
considered a resident for tax and voting purposes. 78319

~~(W)~~(Z) "State" means a state of the United States, the 78320
District of Columbia, the Commonwealth of Puerto Rico, the U.S. 78321
Virgin Islands, Guam, American Samoa, the Northern Marianas 78322
Islands and any other territory of the United States. 78323

~~(X)~~(AA) "State court" means a judicial body of a state that 78324
is vested by law with responsibility for adjudicating cases 78325
involving abuse, neglect, deprivation, delinquency or status 78326
offenses of individuals who have not attained the age of eighteen 78327
(18). 78328

~~(Y)~~(BB) "Supervision" means monitoring provided by the 78329
receiving state once a child has been placed in a receiving state 78330
pursuant to this compact. 78331

ARTICLE III. 78332

APPLICABILITY 78333

(A) Except as otherwise provided in Article III, Section B, 78334
this compact shall apply to: 78335

(1) The interstate placement of a child subject to ongoing court jurisdiction in the sending state, due to allegations or findings that the child has been abused, neglected, or deprived as defined by the laws of the sending state, provided, however, that the placement of such a child into a residential facility shall only require notice of residential placement to the receiving state prior to placement.

(2) The interstate placement of a child adjudicated delinquent or unmanageable based on the laws of the sending state and subject to ongoing court jurisdiction of the sending state if:

(a) The child is being placed in a residential facility in another member state and is not covered under another compact; or

(b) The child is being placed in another member state and the determination of safety and suitability of the placement and services required is not provided through another compact.

(3) The interstate placement of any child by a public child placing agency or private child placing agency as defined in this compact as a preliminary step to a possible adoption.

(B) The provisions of this compact shall not apply to:

(1) The interstate placement of a child in a custody proceeding in which a public child placing agency is not a party, provided, the placement is not intended to effectuate an adoption.

(2) The interstate placement of a child with a non-relative in a receiving state by a parent with the legal authority to make such a placement provided, however, that the placement is not intended to effectuate an adoption.

~~(2)~~(3) The interstate placement of a child by one relative with the lawful authority to make such a placement directly with a relative in a receiving state.

~~(3)~~(4) The placement of a child, not subject to Article III,

Section A, into a residential facility by his parent. 78366

~~(4)~~(5) The placement of a child with a non-custodial parent 78367
provided that: 78368

(a) The non-custodial parent proves to the satisfaction of a 78369
court in the sending state a substantial relationship with the 78370
child; and 78371

(b) The court in the sending state makes a written finding 78372
that placement with the non-custodial parent is in the best 78373
interests of the child; and 78374

(c) The court in the sending state dismisses its jurisdiction 78375
over the child's case in interstate placements in which the public 78376
child placing agency is a party to the proceeding. 78377

~~(5)~~(6) A child entering the United States from a foreign 78378
country for the purpose of adoption or leaving the United States 78379
to go to a foreign country for the purpose of adoption in that 78380
country. 78381

~~(6)~~(7) Cases in which a U.S. citizen child living overseas 78382
with his family, at least one of whom is in the U.S. Armed 78383
Services, and who is stationed overseas, is removed and placed in 78384
a state. 78385

~~(7)~~(8) The sending of a child by a public child placing 78386
agency or a private child placing agency for a visit as defined by 78387
the rules of the Interstate Commission. 78388

(C) For purposes of determining the applicability of this 78389
compact to the placement of a child with a family in the Armed 78390
Services, the public child placing agency or private child placing 78391
agency may choose the state of the service member's permanent duty 78392
station or the service member's declared legal residence. 78393

(D) Nothing in this compact shall be construed to prohibit 78394
the concurrent application of the provisions of this compact with 78395

other applicable interstate compacts including the Interstate Compact for Juveniles and the Interstate Compact on Adoption and Medical Assistance. The Interstate Commission may in cooperation with other interstate compact commissions having responsibility for the interstate movement, placement or transfer of children, promulgate like rules to ensure the coordination of services, timely placement of children, and the reduction of unnecessary or duplicative administrative or procedural requirements.

ARTICLE IV.

JURISDICTION

(A) The Except as provided in Article IV, Section H and Article V, Section B, paragraph two and three concerning private and independent adoptions, and in interstate placements in which the public child placing agency is not a party to a custody proceeding, the sending state shall retain jurisdiction over a child with respect to all matters of custody and disposition of the child which it would have had if the child had remained in the sending state. Such jurisdiction shall also include the power to order the return of the child to the sending state.

(B) When an issue of child protection or custody is brought before a court in the receiving state, such court shall confer with the court of the sending state to determine the most appropriate forum for adjudication.

(C) In cases that are before courts and subject to this compact, the taking of testimony for hearings before any judicial officer may occur in person or by telephone, audio-video conference, or such other means as approved by the rules of the Interstate Commission; and judicial officers may communicate with other judicial officers and persons involved in the interstate process as may be permitted by their Canons of Judicial Conduct and any rules promulgated by the Interstate Commission.

(D) In accordance with its own laws, the court in the sending

state shall have authority to terminate its jurisdiction if: 78428

(1) The child is reunified with the parent in the receiving 78429
state who is the subject of allegations or findings of abuse or 78430
neglect, only with the concurrence of the public child placing 78431
agency in the receiving state; or 78432

(2) The child is adopted; or 78433

(3) The child reaches the age of majority under the laws of 78434
the sending state; or 78435

(4) The child achieves legal independence pursuant to the 78436
laws of the sending state; or 78437

(5) A guardianship is created by a court in the receiving 78438
state with the concurrence of the court in the sending state; or 78439

(6) An Indian tribe has petitioned for and received 78440
jurisdiction from the court in the sending state; or 78441

(7) The public child placing agency of the sending state 78442
requests termination and has obtained the concurrence of the 78443
public child placing agency in the receiving ~~the~~ state. 78444

~~(D)~~(E) When a sending state court terminates its 78445
jurisdiction, the receiving state child placing agency shall be 78446
notified. 78447

~~(E)~~(F) Nothing in this article shall defeat a claim of 78448
jurisdiction by a receiving state court sufficient to deal with an 78449
act of truancy, delinquency, crime or behavior involving a child 78450
as defined by the laws of the receiving state committed by the 78451
child in the receiving state which would be a violation of its 78452
laws. 78453

~~(F)~~(G) Nothing in this article shall limit the receiving 78454
state's ability to take emergency jurisdiction for the protection 78455
of the child. 78456

(H) The substantive laws of the state in which an adoption 78457

will be finalized shall solely govern all issues relating to the 78458
adoption of the child and the court in which the adoption 78459
proceeding is filed shall have subject matter jurisdiction 78460
regarding all substantive issues relating to the adoption except: 78461

(1) When the child is a ward of another court that 78462
established jurisdiction over the child prior to the placement; or 78463

(2) When the child is in the legal custody of a public agency 78464
in the sending state; or 78465

(3) When a court in the sending state has otherwise 78466
appropriately assumed jurisdiction over the child, prior to the 78467
submission of the request for approval of placement. 78468

(I) A final decree of adoption shall not be entered in any 78469
jurisdiction until the placement is authorized as an "approved 78470
placement" by the public child placing agency in the receiving 78471
state. 78472

ARTICLE V. 78473

ASSESSMENTS 78474

(A) Prior to sending, bringing, or causing a child to be sent 78475
or brought into a receiving state, the public child placing agency 78476
shall provide a written request for assessment to the receiving 78477
state. 78478

~~(B) Prior to the sending, bringing, or causing a child to be~~ 78479
~~sent or brought into a receiving state, the~~ 78480
For placements by a 78481
private child placing agency, a child may be sent or brought, or
caused to be sent or brought, into a receiving state, upon receipt 78482
and immediate review of the required content in a request for 78483
approval of a placement in both the sending and receiving state 78484
public child placing agency. The required content to accompany a 78485
request for approval shall include all of the following: 78486

~~(1) Provide evidence that the applicable laws of the sending~~ 78487
~~state have been complied with~~ A request for approval identifying 78488

the child, birth parent(s), the prospective adoptive parent(s), and the supervising agency, signed by the person requesting approval; and 78489
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~~(2) Certification that the consent or relinquishment is in compliance with applicable law of the birth parent's state of residence or, where permitted, the laws of the state of where the finalization of the adoption will occur~~ 78492
The appropriate consents or relinquishments signed by the birth parents in accordance with the laws of the sending state, or, where permitted, the laws of the state where the adoption will be finalized; and 78493
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~~(3) Request through the public child placing agency in the sending state an assessment to be conducted in the receiving state~~ 78499
Certification by a licensed attorney or authorized agent of a private adoption agency that the consent or relinquishment is in compliance with the applicable laws of the sending state, or, where permitted, the laws of the state where finalization of the adoption will occur; and 78500
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~~(4) Upon completion of the assessment, obtain the approval of the public child placing agency in the receiving state~~ 78506
A home study; and 78507
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(5) An acknowledgment of legal risk signed by the prospective adoptive parents. 78509
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(C) The sending state and the receiving state may request additional information or documents prior to finalization of an approved placement, but they may not delay travel by the prospective adoptive parents with the child if the required content for approval has been submitted, received, and reviewed by the public child placing agency in both the sending state and the receiving state. 78511
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(D) Approval from the public child placing agency in the receiving state for a provisional or approved placement is 78518
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required as provided for in the rules of the Interstate Commission. 78520
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(E) The procedures for making and the request for an assessment shall contain all information and be in such form as provided for in the rules of the Interstate Commission. 78522
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~~(D)~~(F) Upon receipt of a request from the public child welfare placing agency of the sending state, the receiving state shall initiate an assessment of the proposed placement to determine its safety and suitability. If the proposed placement is a placement with a relative, the public child placing agency of the sending state may request a determination ~~of whether the placement qualifies as~~ for a provisional placement. 78525
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~~(E)~~(G) The public child placing agency in the receiving state may request from the public child placing agency or the private child placing agency in the sending state, and shall be entitled to receive supporting or additional information necessary to complete the assessment. 78532
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~~(F)~~(H) The public child placing agency in the receiving state shall approve a provisional placement and complete or arrange for the completion of the assessment within the timeframes established by the rules of the Interstate Commission. 78537
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(I) For a placement by a private child placing agency, the sending state shall not impose any additional requirements to complete the home study that are not required by the receiving state, unless adoption is finalized in the sending state. 78541
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~~(G)~~(J) The Interstate Commission may develop uniform standards for the assessment of the safety and suitability of interstate placements. 78545
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ARTICLE VI. 78548

PLACEMENT AUTHORITY 78549

(A) Except as otherwise provided in ~~Article VI, Section C~~ 78550

this compact, no child subject to this compact shall be placed 78551
into a receiving state until approval for such placement is 78552
obtained. 78553

(B) If the public child placing agency in the receiving state 78554
does not approve the proposed placement then the child shall not 78555
be placed. The receiving state shall provide written documentation 78556
of any such determination in accordance with the rules promulgated 78557
by the Interstate Commission. Such determination is not subject to 78558
judicial review in the sending state. 78559

(C) If the proposed placement is not approved, any interested 78560
party shall have standing to seek an administrative review of the 78561
receiving state's determination. 78562

(1) The administrative review and any further judicial review 78563
associated with the determination shall be conducted in the 78564
receiving state pursuant to its applicable ~~administrative~~ 78565
~~procedures~~ Administrative Procedures Act. 78566

(2) If a determination not to approve the placement of the 78567
child in the receiving state is overturned upon review, the 78568
placement shall be deemed approved, provided however that all 78569
administrative or judicial remedies have been exhausted or the 78570
time for such remedies has passed. 78571

ARTICLE VII. 78572

STATE RESPONSIBILITY 78573

(A) For the interstate placement of a child made by a public 78574
child placing agency or state court: 78575

(1) The public child placing agency in the sending state 78576
shall have financial responsibility for: 78577

(a) The ongoing support and maintenance for the child during 78578
the period of the placement, unless otherwise provided for in the 78579
receiving state; and 78580

(b) As determined by the public child placing agency in the sending state, services for the child beyond the public services for which the child is eligible in the receiving state.

(2) The receiving state shall only have financial responsibility for:

(a) Any assessment conducted by the receiving state; and

(b) Supervision conducted by the receiving state at the level necessary to support the placement as agreed upon by the public child placing agencies of the receiving and sending state.

(3) Nothing in this provision shall prohibit public child placing agencies in the sending state from entering into agreements with licensed agencies or persons in the receiving state to conduct assessments and provide supervision.

(B) For the placement of a child by a private child placing agency preliminary to a possible adoption, the private child placing agency shall be:

(1) Legally responsible for the child during the period of placement as provided for in the law of the sending state until the finalization of the adoption.

(2) Financially responsible for the child absent a contractual agreement to the contrary.

~~(C) A private child placing agency shall be responsible for any assessment conducted in the receiving state and any supervision conducted by the receiving state at the level required by the laws of the receiving state or the rules of the Interstate Commission.~~

~~(D)~~ The public child placing agency in the receiving state shall provide timely assessments, as provided for in the rules of the Interstate Commission.

~~(E)~~(D) The public child placing agency in the receiving state

shall provide, or arrange for the provision of, supervision and 78611
services for the child, including timely reports, during the 78612
period of the placement. 78613

~~(F)~~(E) Nothing in this compact shall be construed as to limit 78614
the authority of the public child placing agency in the receiving 78615
state from contracting with a licensed agency or person in the 78616
receiving state for an assessment or the provision of supervision 78617
or services for the child or otherwise authorizing the provision 78618
of supervision or services by a licensed agency during the period 78619
of placement. 78620

~~(G)~~(F) Each member state shall provide for coordination among 78621
its branches of government concerning the state's participation 78622
in, and compliance with, the compact and Interstate Commission 78623
activities, through the creation of an advisory council or use of 78624
an existing body or board. 78625

~~(H)~~(G) Each member state shall establish a central state 78626
compact office, which shall be responsible for state compliance 78627
with the compact and the rules of the Interstate Commission. 78628

~~(I)~~(H) The public child placing agency in the sending state 78629
shall oversee compliance with the provisions of the Indian Child 78630
Welfare Act (25 USC 1901 et seq.) for placements subject to the 78631
provisions of this compact, prior to placement. 78632

~~(J)~~(I) With the consent of the Interstate Commission, states 78633
may enter into limited agreements that facilitate the timely 78634
assessment and provision of services and supervisions of 78635
placements under this compact. 78636

ARTICLE VIII. 78637

INTERSTATE COMMISSION FOR THE PLACEMENT OF CHILDREN 78638

The member states hereby establish, by way of this compact, a 78639
commission known as the "Interstate Commission for the Placement 78640
of Children." The activities of the Interstate Commission are the 78641

formation of public policy and are a discretionary state function. 78642

The Interstate Commission shall: 78643

(A) Be joint commission of the member states and shall have 78644
the responsibilities, powers and duties set forth herein, and such 78645
additional powers as may be conferred upon it by subsequent 78646
concurrent action of the respective legislatures of the member 78647
states. 78648

(B) Consist of one commissioner from each member state who 78649
shall be appointed by the executive head of the state human 78650
services administration with ultimate responsibility for the child 78651
welfare program. The appointed commissioner shall have the legal 78652
authority to vote on policy related matters governed by this 78653
compact binding the state. 78654

(1) Each member state represented at a meeting of the 78655
Interstate Commission is entitled to one vote. 78656

(2) A majority of the member states shall constitute a quorum 78657
for the transaction of business, unless a larger quorum is 78658
required by the bylaws of the Interstate Commission. 78659

(3) A representative shall not delegate a vote to another 78660
member state. 78661

(4) A representative may delegate voting authority to another 78662
person from their state for a specified meeting. 78663

(C) In addition to the commissioners of each member state, 78664
the Interstate Commission shall include persons who are members of 78665
interested organizations as defined in the bylaws or rules of the 78666
Interstate Commission. Such members shall be ex officio and shall 78667
not be entitled to vote on any matter before the Interstate 78668
Commission. 78669

(D) Establish an executive committee which shall have the 78670
authority to administer the day-to-day operations and 78671

administration of the Interstate Commission. It shall not have the 78672
power to engage in rulemaking. 78673

ARTICLE IX. 78674

POWERS AND DUTIES OF THE INTERSTATE COMMISSION 78675

The Interstate Commission shall have the following powers: 78676

(A) To promulgate rules and take all necessary actions to 78677
effect the goals, purposes, and obligations as enumerated in this 78678
compact. 78679

(B) To provide for dispute resolution among member states. 78680

(C) To issue, upon request of a member state, advisory 78681
opinions concerning the meaning or interpretation of the 78682
interstate compact, its bylaws, rules, or actions. 78683

(D) To enforce compliance with this compact or the bylaws or 78684
rules of the Interstate Commission pursuant to Article XII. 78685

(E) Collect standardized data concerning the interstate 78686
placement of children subject to this compact as directed through 78687
its rules which shall specify the data to be collected, the means 78688
of collection, and data exchange and reporting requirements. 78689

(F) To establish and maintain offices as may be necessary for 78690
the transacting of its business. 78691

(G) To purchase and maintain insurance and bonds. 78692

(H) To hire or contract for services of personnel or 78693
consultants as necessary to carry out its functions under the 78694
compact and establish personnel qualification policies, and rates 78695
of compensation. 78696

(I) To establish and appoint committees and officers 78697
including, but not limited to, an executive committee as required 78698
by Article X. 78699

(J) To accept any and all donations and grants of money, 78700
equipment, supplies, materials, and services, and to receive, 78701

utilize, and dispose thereof. 78702

(K) To lease, purchase, accept contributions or donations of, 78703
or otherwise to own, hold, improve or use any property, real, 78704
personal, or mixed. 78705

(L) To sell, convey, mortgage, pledge, lease, exchange, 78706
abandon, or otherwise dispose of any property, real, personal, or 78707
mixed. 78708

(M) To establish a budget and make expenditures. 78709

(N) To adopt a seal and bylaws governing the management and 78710
operation of the Interstate Commission. 78711

(O) To report annually to the legislatures, governors, the 78712
judiciary, and state advisory councils of the member states 78713
concerning the activities of the Interstate Commission during the 78714
preceding year. Such reports shall also include any 78715
recommendations that may have been adopted by the Interstate 78716
Commission. 78717

(P) To coordinate and provide education, training, and public 78718
awareness regarding the interstate movement of children for 78719
officials involved in such activity. 78720

(Q) To maintain books and records in accordance with the 78721
bylaws of the Interstate Commission. 78722

(R) To perform such functions as may be necessary or 78723
appropriate to achieve the purposes of this compact. 78724

ARTICLE X. 78725

ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION 78726

(A) Bylaws: 78727

(1) Within 12 months after the first Interstate Commission 78728
meeting, the Interstate Commission shall adopt bylaws to govern 78729
its conduct as may be necessary or appropriate to carry out the 78730
purposes of the compact. 78731

(2) The Interstate Commission's bylaws and rules shall 78732
establish conditions and procedures under which the Interstate 78733
Commission shall make its information and official records 78734
available to the public for inspection or copying. The Interstate 78735
Commission may exempt from disclosure information or official 78736
records to the extent they would adversely affect personal privacy 78737
rights or proprietary interests. 78738

(B) Meetings: 78739

(1) The Interstate Commission shall meet at least once each 78740
calendar year. The chairperson may call additional meetings and, 78741
upon the request of a simple majority of the member states shall 78742
call additional meetings. 78743

(2) Public notice shall be given by the Interstate Commission 78744
of all meetings and all meetings shall be open to the public, 78745
except as set forth in the rules or as otherwise provided in the 78746
compact. The Interstate Commission and its committees may close a 78747
meeting, or portion thereof, where it determines by two-thirds 78748
vote that an open meeting would be likely to: 78749

(a) Relate solely to the Interstate Commission's internal 78750
personnel practices and procedures; or 78751

(b) Disclose matters specifically exempted from disclosure by 78752
federal law; or 78753

(c) Disclose financial or commercial information which is 78754
privileged, proprietary, or confidential in nature; or 78755

(d) Involve accusing a person of a crime, or formally 78756
censuring a person; or 78757

(e) Disclose information of a personal nature where 78758
disclosure would constitute a clearly unwarranted invasion of 78759
personal privacy or physically endanger one or more persons; or 78760

(f) Disclose investigative records compiled for law 78761

enforcement purposes; or 78762

(g) Specifically relate to the Interstate Commission's 78763
participation in a civil action or other legal proceeding. 78764

(3) For a meeting, or portion of a meeting, closed pursuant 78765
to this provision, the Interstate Commission's legal counsel or 78766
designee shall certify that the meeting may be closed and shall 78767
reference each relevant exemption provision. The Interstate 78768
Commission shall keep minutes which shall fully and clearly 78769
describe all matters discussed in a meeting and shall provide a 78770
full and accurate summary of actions taken, and the reasons 78771
therefore, including a description of the views expressed and the 78772
record of a roll call vote. All documents considered in connection 78773
with an action shall be identified in such minutes. All minutes 78774
and documents of a closed meeting shall remain under seal, subject 78775
to release by a majority vote of the Interstate Commission or by 78776
court order. 78777

(4) The bylaws may provide for meetings of the Interstate 78778
Commission to be conducted by telecommunication or other 78779
electronic communication. 78780

(C) Officers and Staff: 78781

(1) The Interstate Commission may, through its executive 78782
committee, appoint or retain a staff director for such period, 78783
upon such terms and conditions and for such compensation as the 78784
Interstate Commission may deem appropriate. The staff director 78785
shall serve as secretary to the Interstate Commission, but shall 78786
not have a vote. The staff director may hire and supervise such 78787
other staff as may be authorized by the Interstate Commission. 78788

(2) The Interstate Commission shall elect, from among its 78789
members, a chairperson and a vice chairperson of the executive 78790
committee and other necessary officers, each of whom shall have 78791
such authority and duties as may be specified in the bylaws. 78792

(D) Qualified Immunity, Defense and Indemnification: 78793

(1) The Interstate Commission's staff director and its 78794
employees shall be immune from suit and liability, either 78795
personally or in their official capacity, for a claim for damage 78796
to or loss of property or personal injury or other civil liability 78797
caused or arising out of or relating to an actual or alleged act, 78798
error, or omission that occurred, or that such person had a 78799
reasonable basis for believing occurred within the scope of 78800
Commission employment, duties, or responsibilities; provided, that 78801
such person shall not be protected from suit or liability for 78802
damage, loss, injury, or liability caused by a criminal act or the 78803
intentional or willful and wanton misconduct of such person. 78804

(a) The liability of the Interstate Commission's staff 78805
director and employees or Interstate Commission representatives, 78806
acting within the scope of such person's employment or duties for 78807
acts, errors, or omissions occurring within such person's state 78808
may not exceed the limits of liability set forth under the 78809
Constitution and laws of that state for state officials, 78810
employees, and agents. The Interstate Commission is considered to 78811
be an instrumentality of the states for the purposes of any such 78812
action. Nothing in this subsection shall be construed to protect 78813
such person from suit or liability for damage, loss, injury, or 78814
liability caused by a criminal act or the intentional or willful 78815
and wanton misconduct of such person. 78816

(b) The Interstate Commission shall defend the staff director 78817
and its employees and, subject to the approval of the Attorney 78818
General or other appropriate legal counsel of the member state 78819
shall defend the commissioner of a member state in a civil action 78820
seeking to impose liability arising out of an actual or alleged 78821
act, error or omission that occurred within the scope of 78822
Interstate Commission employment, duties or responsibilities, or 78823
that the defendant had a reasonable basis for believing occurred 78824

within the scope of Interstate Commission employment, duties, or 78825
responsibilities, provided that the actual or alleged act, error, 78826
or omission did not result from intentional or willful and wanton 78827
misconduct on the part of such person. 78828

(c) To the extent not covered by the state involved, member 78829
state, or the Interstate Commission, the representatives or 78830
employees of the Interstate Commission shall be held harmless in 78831
the amount of a settlement or judgment, including attorney's fees 78832
and costs, obtained against such persons arising out of an actual 78833
or alleged act, error, or omission that occurred within the scope 78834
of Interstate Commission employment, duties, or responsibilities, 78835
or that such persons had a reasonable basis for believing occurred 78836
within the scope of the Interstate Commission employment, duties, 78837
or responsibilities, provided that the actual or alleged act, 78838
error, or omission did not result from intentional or willful and 78839
wanton misconduct on the part of such persons. 78840

ARTICLE XI. 78841

RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION 78842

(A) The Interstate Commission shall promulgate and publish 78843
rules in order to effectively and efficiently achieve the purposes 78844
of the compact. 78845

(B) Rulemaking shall occur pursuant to the criteria set forth 78846
in this article and the bylaws and rules adopted pursuant thereto. 78847
Such rulemaking shall substantially conform to the principles of 78848
the "Model State Administrative Procedures Act," 1981 Act, Uniform 78849
Laws Annotated, Vol. 15, p.1 (2000), or such other administrative 78850
procedure acts as the Interstate Commission deems appropriate 78851
consistent with due process requirements under the United States 78852
Constitution as now or hereafter interpreted by the U.S. Supreme 78853
Court. All rules and amendments shall become binding as of the 78854
date specified, as published with the final version of the rule as 78855
approved by the Interstate Commission. 78856

(C) When promulgating a rule, the Interstate Commission shall, at a minimum:

(1) Publish the proposed rule's entire text stating the reason(s) for that proposed rule; and

(2) Allow and invite any and all persons to submit written data, facts, opinions and arguments, which information shall be added to the record, and be made publicly available; and

(3) Promulgate a final rule and its effective date, if appropriate, based on input from state or local officials, or interested parties.

(D) Rules promulgated by the Interstate Commission shall have the force and effect of ~~statutory law~~ administrative rules and shall ~~supersede any state law, rule or regulation to the extent of any conflict~~ be binding in the compacting states to the extent and in the manner provided for in this compact.

(E) Not later than 60 days after a rule is promulgated, an interested person may file a petition in the U.S. District Court for the District of Columbia or in the Federal District Court where the Interstate Commission's principal office is located for judicial review of such rule. If the court finds that the Interstate Commission's action is not supported by substantial evidence in the rulemaking record, the court shall hold the rule unlawful and set it aside.

(F) If a majority of the legislatures of the member states rejects a rule, those states may by enactment of a statute or resolution in the same manner used to adopt the compact cause that such rule shall have no further force and effect in any member state.

(G) The existing rules governing the operation of the Interstate ~~Company~~ Compact on the Placement of Children superseded by this act shall be null and void no less than 12, but no more

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than 24 months after the first meeting of the Interstate Commission created hereunder, as determined by the members during the first meeting. 78888
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(H) Within the first 12 months of operation, the Interstate Commission shall promulgate rules addressing the following: 78891
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(1) Transition rules; 78893

(2) Forms and procedures; 78894

(3) Time lines; 78895

(4) Data collection and reporting; 78896

(5) Rulemaking; 78897

(6) Visitation; 78898

(7) Progress reports/supervision; 78899

(8) Sharing of information/confidentiality; 78900

(9) Financing of the Interstate Commission; 78901

(10) Mediation, arbitration and dispute resolution; 78902

(11) Education, training and technical assistance; 78903

(12) Enforcement; 78904

(13) Coordination with other interstate compacts. 78905

(I) Upon determination by a majority of the members of the Interstate Commission that an emergency exists: 78906
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(1) The Interstate Commission may promulgate an emergency rule only if it is required to: 78908
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(a) Protect the children covered by this compact from an imminent threat to their health, safety and well-being; or 78910
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(b) Prevent loss of federal or state funds; or 78912

(c) Meet a deadline for the promulgation of an administrative rule required by federal law. 78913
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(2) An emergency rule shall become effective immediately upon adoption, provided that the usual rulemaking procedures provided hereunder shall be retroactively applied to said rule as soon as reasonably possible, but no later than 90 days after the effective date of the emergency rule.

(3) An emergency rule shall be promulgated as provided for in the rules of the Interstate Commission.

ARTICLE XII.

OVERSIGHT, DISPUTE RESOLUTION, ENFORCEMENT

(A) Oversight:

(1) The Interstate Commission shall oversee the administration and operations of the compact.

(2) The executive, legislative and judicial branches of state government in each member state shall enforce this compact and the rules of the Interstate Commission and shall take all actions necessary and appropriate to effectuate the compact's purposes and intent. The compact and its rules shall ~~supercede state law, rules or regulations~~ be binding in the compacting states to the extent ~~of any conflict therewith~~ and in the manner provided for in this compact.

(3) All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this compact.

(4) The Interstate Commission shall be entitled to receive service of process in any action in which the validity of a compact provision or rule is the issue for which a judicial determination has been sought and shall have standing to intervene in any proceedings. Failure to provide service of process to the Interstate Commission shall render any judgment, order or other determination, however so captioned or classified, void as to the Interstate Commission, this compact, its bylaws or rules of the

Interstate Commission. 78946

(B) Dispute Resolution: 78947

(1) The Interstate Commission shall attempt, upon the request 78948
of a member state, to resolve disputes which are subject to the 78949
compact and which may arise among member states and between member 78950
and non-member states. 78951

(2) The Interstate Commission shall promulgate a rule 78952
providing for both mediation and binding dispute resolution for 78953
disputes among compacting states. The costs of such mediation or 78954
dispute resolution shall be the responsibility of the parties to 78955
the dispute. 78956

(C) Enforcement: 78957

(1) If the Interstate Commission determines that a member 78958
state has defaulted in the performance of its obligations or 78959
responsibilities under this compact, its bylaws or rules, the 78960
Interstate Commission may: 78961

(a) Provide remedial training and specific technical 78962
assistance; or 78963

(b) Provide written notice to the defaulting state and other 78964
member states, of the nature of the default and the means of 78965
curing the default. The Interstate Commission shall specify the 78966
conditions by which the defaulting state must cure its default; or 78967

(c) By majority vote of the members, initiate against a 78968
defaulting member state legal action in the United States District 78969
Court for the District of Columbia or, at the discretion of the 78970
Interstate Commission, in the federal district where the 78971
Interstate Commission has its principal offices, to enforce 78972
compliance with the provisions of the compact, its bylaws or 78973
rules. The relief sought may include both injunctive relief and 78974
damages. In the event judicial enforcement is necessary the 78975

prevailing party shall be awarded all costs of such litigation 78976
including reasonable attorney's fees; or 78977

(d) Avail itself of any other remedies available under state 78978
law or the regulation of official or professional conduct. 78979

ARTICLE XIII. 78980

FINANCING OF THE COMMISSION 78981

(A) The Interstate Commission shall pay, or provide for the 78982
payment of the reasonable expenses of its establishment, 78983
organization and ongoing activities. 78984

(B) The Interstate Commission may levy on and collect an 78985
annual assessment from each member state to cover the cost of the 78986
operations and activities of the Interstate Commission and its 78987
staff which must be in a total amount sufficient to cover the 78988
Interstate Commission's annual budget as approved by its members 78989
each year. The aggregate annual assessment amount shall be 78990
allocated based upon a formula to be determined by the Interstate 78991
Commission which shall promulgate a rule binding upon all member 78992
states. 78993

(C) The Interstate Commission shall not incur obligations of 78994
any kind prior to securing the funds adequate to meet the same; 78995
nor shall the Interstate Commission pledge the credit of any of 78996
the member states, except by and with the authority of the member 78997
state. 78998

(D) The Interstate Commission shall keep accurate accounts of 78999
all receipts and disbursements. The receipts and disbursements of 79000
the Interstate Commission shall be subject to the audit and 79001
accounting procedures established under its bylaws. However, all 79002
receipts and disbursements of funds handled by the Interstate 79003
Commission shall be audited yearly by a certified or licensed 79004
public accountant and the report of the audit shall be included in 79005
and become part of the annual report of the Interstate Commission. 79006

ARTICLE XIV.

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MEMBER STATES, EFFECTIVE DATE AND AMENDMENT

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(A) Any state is eligible to become a member state.

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(B) The compact shall become effective and binding upon legislative enactment of the compact into law by no less than 35 states. The effective date shall be the later of July 1, 2007 or upon enactment of the compact into law by the 35th state. Thereafter it shall become effective and binding as to any other member state upon enactment of the compact into law by that state. The ~~governors~~ executive heads of the state human services administration with ultimate responsibility for the child welfare program of non-member states or their designees shall be invited to participate in the activities of the Interstate Commission on a non-voting basis prior to adoption of the compact by all states.

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(C) The Interstate Commission may propose amendments to the compact for enactment by the member states. No amendment shall become effective and binding on the member states unless and until it is enacted into law by unanimous consent of the member states.

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ARTICLE XV.

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WITHDRAWAL AND DISSOLUTION

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(A) Withdrawal:

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(1) Once effective, the compact shall continue in force and remain binding upon each and every member state; provided that a member state may withdraw from the compact specifically repealing the statute which enacted the compact into law.

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(2) Withdrawal from this compact shall be by the enactment of a statute repealing the same. The effective date of withdrawal shall be the effective date of the repeal of the statute.

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(3) The withdrawing state shall immediately notify the president of the Interstate Commission in writing upon the introduction of legislation repealing this compact in the

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withdrawing state. The Interstate Commission shall then notify the 79038
other member states of the withdrawing state's intent to withdraw. 79039

(4) The withdrawing state is responsible for all assessments, 79040
obligations and liabilities incurred through the effective date of 79041
withdrawal. 79042

(5) Reinstatement following withdrawal of a member state 79043
shall occur upon the withdrawing ~~stated~~ state reenacting the 79044
compact or upon such later date as determined by the members of 79045
the Interstate Commission. 79046

(B) Dissolution of Compact: 79047

(1) This compact shall dissolve effective upon the date of 79048
the withdrawal or default of the member state which reduces the 79049
membership in the compact to one member state. 79050

(2) Upon the dissolution of this compact, the compact becomes 79051
null and void and shall be of no further force or effect, and the 79052
business and affairs of the Interstate Commission shall be 79053
concluded and surplus funds shall be distributed in accordance 79054
with the bylaws. 79055

ARTICLE XVI. 79056

SEVERABILITY AND CONSTRUCTION 79057

(A) The provisions of this compact shall be severable, and if 79058
any phrase, clause, sentence or provision is deemed unenforceable, 79059
the remaining provisions of the compact shall be enforceable. 79060

(B) The provisions of this compact shall be liberally 79061
construed to effectuate its purposes. 79062

(C) Nothing in this compact shall be construed to prohibit 79063
the concurrent applicability of other interstate compacts to which 79064
the states are members. 79065

ARTICLE XVII. 79066

BINDING EFFECT OF COMPACT AND OTHER LAWS 79067

(A) Other Laws:	79068
(1) (1) Nothing herein prevents the enforcement of any other law of a member state that is not inconsistent with this compact.	79069 79070
(2) All member states' laws conflicting with this compact or its rules are superseded to the extent of the conflict.	79071 79072
(B) Binding Effect of the Compact:	79073
(1) All lawful actions of the Interstate Commission, including all rules and bylaws promulgated by the Interstate Commission, are binding upon the member states.	79074 79075 79076
(2) All agreements between the Interstate Commission and the member states are binding in accordance with their terms.	79077 79078
(3) In the event any provision of the compact exceeds the constitutional limits imposed on the legislature of any member state, such provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.	79079 79080 79081 79082 79083
ARTICLE XVIII.	79084
INDIAN TRIBES	79085
Notwithstanding any other provision in this compact, the Interstate Commission may promulgate guidelines to permit Indian tribes to utilize the compact to achieve any or all of the purposes of the compact as specified in Article I. The Interstate Commission shall make reasonable efforts to consult with Indian tribes in promulgating guidelines to reflect the diverse circumstances of the various Indian tribes.	79086 79087 79088 79089 79090 79091 79092
<u>Sec. 5103.25. (A) As used in this section and sections 5103.251 to 5103.259 of the Revised Code:</u>	79093 79094
<u>(1) "Agency" has the same meaning as in section 3107.01 of the Revised Code.</u>	79095 79096

<u>(2) "Applicant" means any of the following:</u>	79097
<u>(a) A person who is under final consideration for appointment</u>	79098
<u>or employment as board president, administrator, officer, or an</u>	79099
<u>employee of an association or institution or an agency;</u>	79100
<u>(b) A person who is under final consideration as a</u>	79101
<u>subcontractor, intern, or volunteer of an association or</u>	79102
<u>institution or agency;</u>	79103
<u>(c) A prospective or current foster caregiver;</u>	79104
<u>(d) A prospective or current adoptive parent who is working</u>	79105
<u>with an agency;</u>	79106
<u>(e) A person eighteen years of age or older who resides with</u>	79107
<u>a prospective or current foster caregiver or with an adoptive</u>	79108
<u>parent who is working with an agency.</u>	79109
<u>(3) "Association" or "institution" has the same meaning as in</u>	79110
<u>section 5103.02 of the Revised Code.</u>	79111
<u>(4) "Criminal records check" has the same meaning as in</u>	79112
<u>section 109.572 of the Revised Code.</u>	79113
<u>(5) "Recommending agency" has the same meaning as in section</u>	79114
<u>5103.02 of the Revised Code.</u>	79115
<u>(6) "Superintendent of BCII" has the same meaning as in</u>	79116
<u>section 2151.86 of the Revised Code.</u>	79117
<u>Sec. 5103.251. (A) The director of job and family services</u>	79118
<u>shall request the superintendent of BCII to conduct a criminal</u>	79119
<u>records check for all applicants at the times specified:</u>	79120
<u>(1) For an administrator, president, officer, or member of a</u>	79121
<u>board of an association or institution, at the time of initial</u>	79122
<u>application for certification of the agency, initial nomination to</u>	79123
<u>the board, or initial application for employment and every five</u>	79124
<u>years thereafter;</u>	79125

(2)(a) For a prospective foster caregiver or adult resident of the prospective foster caregiver's home, at the time of initial application for certification and every five years thereafter; 79126
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(b) For a minor resident of the prospective foster caregiver's home, at the time the resident turns eighteen years old and then every five years thereafter. 79129
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(3)(a) For a prospective adoptive parent or adult resident of the prospective adoptive parent's home, at the time of the initial home study and every five years thereafter; 79132
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(b) For a minor resident of the prospective adoptive parent's home, at the time the resident turns eighteen years old and then every five years thereafter. 79135
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(4)(a) Except as provided in division (A)(4)(b) of this section, for employment of a person or engagement of a subcontractor, intern, or volunteer by an association or institution, at the time of initial application for employment or engagement and every five years thereafter; 79138
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(b) For an applicant who has been determined eligible for appointment, employment, or engagement after a review of a criminal records check within the past five years and who has been employed by an association or institution within the past one hundred eighty consecutive days, every five years after the date of the initial determination. 79143
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(B)(1) An initial criminal records check requested under division (A) of this section shall include a request that the superintendent of BCII obtain information from the federal bureau of investigation as part of the criminal records check for the person, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671 for the person subject to the criminal records check. 79149
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(2) A criminal records check requested at any time other than 79156

the time of initial application or nomination may include a 79157
request that the superintendent of BCII obtain information from 79158
the federal bureau of investigation as part of the criminal 79159
records check for the person, including fingerprint-based checks 79160
of national crime information databases as described in 42 U.S.C. 79161
671 for the person subject to the criminal records check. 79162

(C) With respect to a criminal records check requested for a 79163
person described in division (A) of this section, the director 79164
shall do all of the following: 79165

(1) Provide to the person a copy of the form prescribed 79166
pursuant to division (C)(1) of section 109.572 of the Revised Code 79167
and a standard impression sheet to obtain fingerprint impressions 79168
prescribed pursuant to division (C)(2) of that section; 79169

(2) Obtain the completed form and impression sheet from the 79170
person; 79171

(3) Forward the completed form and impression sheet to the 79172
superintendent of BCII; 79173

(4) Review the results of the criminal records check and take 79174
such action as required in division (E) of this section. 79175

(D) A person who receives from the director a copy of the 79176
form and standard impression sheet and who is requested to 79177
complete the form and provide a set of fingerprint impressions 79178
shall complete the form or provide all the information necessary 79179
to complete the form and shall provide the impression sheet with 79180
the impressions of the person's fingerprints with instructions to 79181
provide the results to the director of job and family services. If 79182
the person, upon request, fails to provide the information 79183
necessary to complete the form or fails to provide impressions of 79184
the person's fingerprints, the director may consider the failure a 79185
reason to deny certification or to determine an applicant 79186
ineligible for appointment, employment, or engagement and a 79187

probate court may not issue a final decree of adoption or an
interlocutory order of adoption making the person an adoptive
parent. 79188
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(E) Except as provided in rules adopted under section
5103.259 of the Revised Code, on review of the results of the
criminal records check the director shall do the following, as
applicable: 79191
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(1) Deny or revoke a certification of a prospective or
current foster caregiver, if any of the following apply: 79195
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(a) A person for whom a criminal records check was required
under division (A) of this section has been convicted of or
pleaded guilty to any of the violations described in division
(A)(4) of section 109.572 of the Revised Code or an offense of
another state or the United States that is substantially
equivalent to an offense listed in division (A)(4) of section
109.572 of the Revised Code. 79197
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(b) A resident of the prospective foster caregiver's or
foster caregiver's home is under eighteen years of age and has
been adjudicated a delinquent child for committing either a
violation of any section listed in division (A)(4) of section
109.572 of the Revised Code or an offense of another state or the
United States that is substantially equivalent to an offense
listed in division (A)(4) of section 109.572 of the Revised Code. 79204
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(c) The prospective foster caregiver has had a revocation of
any foster home license, certificate, or other similar
authorization in another state, or failed to notify the
recommending agency of any revocation of that type in another
state, in accordance with division (B) of section 5103.254 of the
Revised Code. 79211
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(2) Determine a prospective adoptive parent is ineligible for
adoption or deny a final decree of adoption or interlocutory order 79217
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of adoption if the prospective adoptive parent or any person 79219
eighteen years or older who resides in the prospective adoptive 79220
parent's home previously has been convicted of or pleaded guilty 79221
to any of the violations described in division (A)(4) of section 79222
109.572 of the Revised Code or an offense of another state or the 79223
United States that is substantially equivalent to an offense 79224
listed in division (A)(4) of section 109.572 of the Revised Code. 79225

(3) Determine a prospective or current employee, appointee, 79226
subcontractor, intern, or volunteer as ineligible for employment, 79227
appointment, or engagement if the person has been convicted of or 79228
pleaded guilty to any of the violations described in division 79229
(A)(4) of section 109.572 of the Revised Code or an offense of 79230
another state or the United States that is substantially 79231
equivalent to an offense listed in division (A)(4) of section 79232
109.572 of the Revised Code. 79233

(F) Each association, institution, or agency shall pay to the 79234
bureau of criminal identification and investigation the fee 79235
prescribed pursuant to division (C)(3) of section 109.572 of the 79236
Revised Code for each criminal records check conducted in 79237
accordance with that section upon a request made pursuant to 79238
division (A) of this section. An association, institution, or 79239
agency may charge an applicant a fee for the costs it incurs in 79240
obtaining a criminal records check under this section. A fee 79241
charged under this division shall not exceed the amount the 79242
association, institution, or agency pays under this section. If a 79243
fee is charged, the association, institution, or agency shall 79244
notify the applicant at the time of the applicant's initial 79245
certification, home study, or application of the amount of the fee 79246
and that, unless the fee is paid, the association, institution, or 79247
agency will not consider the applicant for certification, 79248
adoption, employment, appointment, or engagement. 79249

Sec. 5103.252. (A) The director of job and family services shall search the central registry of abuse and neglect contained within the uniform statewide automated child welfare information system for all applicants at the times specified: 79250
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(1) For an administrator, president, officer, or member of the board, at the time of initial application for certification of the agency, at the initial nomination to the board, or initial application for employment and every five years thereafter; 79254
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(2)(a) For a prospective foster caregiver or adult resident of the prospective foster caregiver's home, at the time of initial application for certification and every five years thereafter; 79258
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(b) For a minor resident of the prospective foster caregiver's home, at the time the resident turns eighteen years old and then every five years thereafter. 79261
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(3)(a) For a prospective adoptive parent or adult resident of the prospective adoptive parent's home, at the time of the initial home study and every five years thereafter; 79264
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(b) For a minor resident of the prospective adoptive parent's home, at the time the resident turns eighteen years old and then every five years thereafter. 79267
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(4)(a) Except as provided in division (A)(4)(b) of this section, for employment of a person or engagement of a subcontractor, intern, or volunteer by an association or institution, at the time of initial application for employment or engagement and every five years thereafter; 79270
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(b) For an applicant who has been determined eligible for appointment, employment, or engagement after a check of the central registry within the past five years and who has been employed by an association or institution within the past one hundred eighty consecutive days, every five years after the date 79275
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of the initial determination. 79280

(B)(1) When conducting a search of the central registry 79281
pursuant to division (A) of this section, the director shall 79282
create a summary report of the search that contains, as 79283
applicable, a chronological list of abuse and neglect 79284
determinations or allegations of which the person is subject and 79285
in regards to which a public children services agency has done one 79286
of the following: 79287

(a) Determined that abuse or neglect occurred; 79288

(b) Initiated an investigation, and the investigation is 79289
ongoing; 79290

(c) Initiated an investigation, and the agency was unable to 79291
determine whether abuse or neglect occurred. 79292

(2) The summary report shall not contain any of the 79293
following: 79294

(a) An abuse and neglect determination to which the person is 79295
subject and the public children services agency determined that 79296
abuse or neglect did not occur; 79297

(b) Information or reports the dissemination of which is 79298
prohibited by, or interferes with eligibility under, the "Child 79299
Abuse Prevention and Treatment Act," 42 U.S.C. 5101 et seq.; 79300

(c) The name of the person or entity who made, or 79301
participated in the making of, the report of abuse or neglect. 79302

(C)(1) A certification of a prospective or current foster 79303
caregiver, or prospective adoptive parent's home study, may be 79304
denied or revoked based on a summary report containing the 79305
information described in division (B)(1)(a) of this section or an 79306
offense of another state or the United States that is 79307
substantially equivalent to an offense listed in that division, 79308
when considered within the totality of the circumstances. 79309

(2) A certification of a prospective or current foster caregiver, or prospective adoptive parent's home study, shall not be denied or revoked based solely on a summary report containing the information described under division (B)(1)(b) or (c) of this section. 79310
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(D) If the director determines that the information described in division (B)(1)(a) of this section, or an offense of another state or the United States that is substantially equivalent to an offense listed in that division, when viewed within the totality of the circumstances, reasonably leads to the conclusion that the person may directly or indirectly endanger the health, safety, or welfare of children, the director shall determine an appointee, employee, subcontractor, intern, or volunteer ineligible for appointment to or employment or engagement with the association or institution. 79315
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Sec. 5103.253. (A) The director of job and family services shall inspect the state registry of sex offenders and childvictim offenders established under section 2950.13 of the Revised Code and the national sex offender registry as described in 42 U.S.C. 16901 to determine if any applicant is registered or required to be registered as an offender. The director shall inspect each registry for all applicants at the times specified: 79325
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(1) For an administrator, president, officer, or member of the board, at the time of initial application for certification of the agency, at the initial nomination to the board, or initial application for employment and every five years thereafter; 79332
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(2)(a) For a prospective foster caregiver or adult resident of the prospective foster caregiver's home, at the time of initial application for certification and every five years thereafter; 79336
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(b) For a minor resident of the prospective foster caregiver's home, at the time the resident turns eighteen years 79339
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old and then every five years thereafter. 79341

(3)(a) For a prospective adoptive parent or adult resident of the prospective adoptive parent's home, at the time of the initial home study and every five years thereafter; 79342
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(b) For a minor resident of the prospective adoptive parent's home, at the time the resident turns eighteen years old and then every five years thereafter. 79345
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(4)(a) Except as provided in division (A)(4)(b) of this section, for employment or engagement by an association or institution, at the time of initial application for employment or engagement and every five years thereafter; 79348
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(b) For an applicant who has been determined eligible for appointment, employment, or engagement after an inspection of the state registry of sex offenders and child-victim offenders and the national sex offender registry, or a substantially equivalent inspection under section 5103.256 of the Revised Code, within the past five years and who has been employed by an association or institution within the past one hundred eighty consecutive days, every five years after the date of the initial determination. 79352
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(B) If the director determines that the applicant is registered or required to be registered on a registry described in this section, the director shall do the following, as applicable: 79360
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(1) Refuse to issue a certification; 79363

(2) Revoke a certification; 79364

(3) Determine a prospective adoptive parent ineligible to adopt a child; 79365
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(4) Determine the applicant ineligible for employment, appointment, or engagement with the association or institution. 79367
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(C) A petition for adoption may be denied based solely on the results of the search of the national sex offender public web 79369
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site. 79371

Sec. 5103.254. (A) Whenever the director of job and family services requests a criminal records check, searches the uniform statewide automated child welfare information system, or inspects the state registry of sex offenders and child-victim offenders and national sex offender registry as required by sections 5103.251, 5103.252, and 5103.253 of the Revised Code and finds that a person who is subject to the requirements of those sections has resided in another state during the previous five years, the director shall request the results from a search of the following systems from the other state: 79372
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(1) A criminal records database; 79382

(2) The uniform statewide automated child welfare information system, comprehensive child welfare information system, or the equivalent; 79383
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(3) The state registry of sex offenders. 79386

(B) Before certification under section 5103.03 of the Revised Code, a prospective foster caregiver subject to a criminal records check under section 5103.251 of the Revised Code shall notify the recommending agency of the revocation of any foster home license, certificate, or other similar authorization in another state occurring within the five years immediately preceding the date of application to become a foster caregiver in this state. The failure of a prospective foster caregiver to notify the recommending agency of any such revocation is grounds for denial of the person's foster home application or the revocation of the person's foster home certification, whichever is applicable. If a person has had a revocation in another state within the five years immediately preceding the date of the application, the department of job and family services shall not issue a foster home certificate to the prospective foster caregiver. 79387
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(C) Whenever the director receives from an agency of another state a request for a criminal records check or for information from the uniform statewide automated child welfare information system or state registry of sex offenders and childvictim offenders that is related to an association or institution, prospective or current foster caregiver, or prospective adoptive parent, the director shall provide to that other state's agency the results of the records check and information from the system and registry. 79402
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Sec. 5103.255. (A) Before employing or appointing a person as board president, or as an administrator or officer, an institution or association shall do the following regarding the person: 79411
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(1) Request a certified search of the findings for recovery database; 79415
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(2) Conduct a database review at the federal web site known as the system for award management. 79417
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(B) The institution or association may refuse to hire or appoint a person as board president, or as an administrator or officer based on the results of a certified search or database review described in division (A) of this section, when considered within the totality of circumstances. 79419
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Sec. 5103.256. (A) Whenever the director of job and family services determines a person ineligible for appointment, employment, engagement, certification, or approval as an adoptive parent under sections 5107.251 to 5107.255 of the Revised Code, the director shall as soon as practicable notify the following, as applicable, of that determination: 79424
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(1) The association or institution that is considering the person for appointment, employment, or engagement; 79430
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(2) The agency that is arranging the adoption or recommending foster caregiver certification. 79432
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(B) An association, institution, or agency shall not appoint, employ, or engage a person who is determined under sections 5103.251, 5103.252, 5103.253, and 5103.255 of the Revised Code to be ineligible for appointment, employment, or engagement, and an agency shall not approve an application of a prospective adoptive parent or recommend the certification of a foster caregiver who is determined under sections 5103.251, 5103.252, and 5103.253 of the Revised Code to be ineligible. 79434
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Sec. 5103.257. The director of job and family services may delegate to any private or public entity any of the duties related to carrying out background checks imposed upon the department by sections 5103.251 to 5103.255 of the Revised Code. 79442
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Sec. 5103.258. Any information obtained under sections 5107.251 to 5107.255 of the Revised Code is confidential and is not a public record for the purposes of section 149.43 of the Revised Code. The information shall not be made available to any person other than the following: 79446
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(A) The person who is the subject of the inspection or the person's representative; 79451
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(B) The director of job and family services or a public or private entity to which the director has delegated duties of the department of job and family services pursuant to section 5103.257 of the Revised Code; 79453
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(C) The director of a public children services agency; 79457

(D) The director of an agency; 79458

(E) Any court, hearing officer, or other necessary individual involved in a case dealing with a denial of employment, a final 79459
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decree of adoption or interlocutory order of adoption, or a denial 79461
or revocation of a foster home certificate. 79462

Sec. 5103.259. The director of job and family services shall 79463
adopt rules as necessary to implement sections 5107.251 to 79464
5107.258 of the Revised Code. The rules shall be adopted in 79465
accordance with Chapter 119. of the Revised Code. The rules shall 79466
specify exceptions to the prohibitions in division (A)(4) of 79467
section 5103.251 of the Revised Code for a person who has been 79468
convicted of or pleaded guilty to a criminal offense listed in 79469
division (A)(4) of section 109.572 of the Revised Code but who 79470
meets standards in regard to rehabilitation set by the director. 79471

Sec. 5103.37. The Ohio child welfare training program 79472
coordinator shall do all the following ~~pursuant to the contract~~ 79473
~~entered into under section 5103.35 of the Revised Code:~~ 79474

(A) Manage, coordinate, and evaluate all of the program's 79475
training provided under section 5103.30 of the Revised Code; 79476

(B) Develop curriculum, resources, and products for the 79477
training; 79478

(C) Provide fiscal management and technical assistance to 79479
regional training ~~centers~~ staff established under section ~~5103.42~~ 79480
5103.41 of the Revised Code; 79481

(D) Cooperate with the regional training ~~centers~~ staff to 79482
schedule sessions for the training, provide notices of the 79483
training sessions, and provide training materials for the 79484
sessions; 79485

(E) Employ and compensate instructors for the training; 79486

(F) Create individual training needs assessments for use 79487
pursuant to sections 5153.125 and 5153.126 of the Revised Code; 79488

(G) Provide staff for the Ohio child welfare training program 79489

steering committee established under section 5103.39 of the Revised Code; 79490
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(H) Conduct any other activities necessary for the development, implementation, and management of the program as specified in the contract; 79492
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(I) Identify the competencies needed to do the jobs that the training is for so that the training helps the development of those competencies; 79495
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(J) Ensure that the training provides the knowledge, skill, and ability needed to do the jobs that the training is for. 79498
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Sec. 5103.391. The director of job and family services shall appoint all of the following to serve on the Ohio child welfare training program steering committee: 79500
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(A) Employees of the department of job and family services; 79503

(B) One representative of each of the regional training centers established under section ~~5103.42~~ 5103.41 of the Revised Code; 79504
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(C) One representative of a statewide organization that represents the interests of public children services agencies; 79507
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(D) One representative of the Ohio child welfare training program coordinator; 79509
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(E) Two current foster caregivers certified by the department of job and family services under section 5103.03 of the Revised Code; 79511
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(F) Employees of public children services agencies. 79514

Sec. 5103.41. ~~Prior to the beginning of the fiscal biennium that first follows October 5, 2000, the~~ The department of job and family services, in consultation with the Ohio child welfare 79515
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training program steering committee, shall designate ~~eight~~ 79518
training regions in the state. The department, at times it 79519
selects, shall review the composition of the training regions. The 79520
committee, at times it selects, shall also review the training 79521
regions' composition and provide the department recommendations on 79522
changes. The department may change the composition of the training 79523
regions as the department considers necessary. ~~Each training~~ 79524
~~region shall contain only one regional training center established~~ 79525
~~and maintained under section 5103.42 of the Revised Code.~~ 79526

The department may make a grant to a public children services 79527
agency that establishes and maintains a regional training center 79528
under this section for the purpose of wholly or partially 79529
subsidizing the operation of the center. The department shall 79530
specify in the grant all of the center's duties, including the 79531
duties specified in section 5103.42 of the Revised Code. 79532

Sec. ~~5103.422~~ 5103.42. A regional training center's staff's 79533
responsibilities shall include all of the following: 79534

(A) Securing facilities suitable for conducting the training 79535
provided under section 5103.30 of the Revised Code; 79536

(B) Providing administrative services and paying all 79537
administrative costs related to the conduct of the training; 79538

(C) Maintaining a database of the data contained in the 79539
individual training needs assessments for each PCSA caseworker and 79540
PCSA caseworker supervisor employed by a public children services 79541
agency located in the training region ~~served by the center;~~ 79542

(D) Analyzing training needs of PCSA caseworkers and PCSA 79543
caseworker supervisors employed by a public children services 79544
agency and other training populations described in section 5103.30 79545
of the Revised Code and located in the training region ~~served by~~ 79546
~~the center;~~ 79547

(E) Coordinating the training ~~at the center~~ for the region 79548
with the Ohio child welfare training program coordinator. 79549

Sec. 5103.50. (A) As used in ~~this section and~~ sections 79550
~~5103.51~~ 5103.50 to 5103.55 of the Revised Code, "private, 79551
nonprofit therapeutic wilderness camp" has the same meaning as in 79552
section 5103.02 of the Revised Code. 79553

(B) The director of job and family services shall adopt rules 79554
in accordance with Chapter 119. of the Revised Code to implement 79555
standards set forth in division (D) of this section and section 79556
5103.54 of the Revised Code that are substantially similar, as 79557
determined by the director, to other similarly situated providers 79558
of residential care to children. 79559

(C) The director of job and family services shall issue a 79560
license to a private, nonprofit therapeutic wilderness camp that 79561
submits an application to the director, on a form prescribed by 79562
the director, that indicates to the director's satisfaction that 79563
the camp meets the standards set forth in rules adopted under 79564
division (B) of this section. 79565

(D) In accordance with rules adopted by the director under 79566
division (B) of this section, the camp shall develop and implement 79567
written policies that establish all of the following: 79568

(1) Standards for hiring, training, and supervising staff; 79569

(2) Standards for behavioral intervention, including 79570
standards prohibiting the use of prone restraint and governing the 79571
use of other restraints or isolation; 79572

(3) Standards for recordkeeping, including specifying 79573
information that must be included in each child's record, who may 79574
access records, confidentiality, maintenance, security, and 79575
disposal of records; 79576

(4) A procedure for handling complaints about the camp from 79577

the children attending the camp, their families, staff, and the public; 79578
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(5) Standards for emergency and disaster preparedness, including procedures for emergency evacuation and standards requiring that a method of emergency communication be accessible at all times; 79580
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(6) Standards that ensure the protection of children's civil rights; 79584
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(7) Standards for the admission and discharge of children attending the camp, including standards for emergency discharge; 79586
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(8) Standards for the supervision of children, including minimum staff to child ratios; 79588
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(9) Standards for ensuring proper medical care, including administration of medications; 79590
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(10) Standards for proper notification of critical incidents; 79592

(11) Standards regarding the health and safety of residents, including proper health department approvals, fire inspections, and food service licenses; 79593
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(12) Standards for ensuring the reporting requirements under section 2151.421 of the Revised Code are met. 79596
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(E) The camp shall ensure that no child resides at the camp for more than twelve consecutive months, unless the camp has completed a full evaluation that determines the child is not ready for reunification with the child's family or guardian. Such evaluation shall include any outside professional determined to be necessary by the director of job and family services. This evaluation shall be conducted in accordance with rules adopted by the director. 79598
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(F) The camp shall cooperate with any request from the director for an inspection or for access to records or written 79606
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policies of the camp. 79608

(G) The camps shall ensure that no child is left without 79609
supervision of camp staff at any time. 79610

(H) The camp shall ensure that if there is a weather 79611
emergency or warning issued by the national weather service in the 79612
camp's geographic area, the children will be moved to a safe 79613
structure guarded from the weather event. 79614

(I) The camp shall ensure that all sharp tools used in the 79615
camp, including axes and knives, are locked unless in use by camp 79616
staff or otherwise under camp staff supervision. 79617

Sec. 5103.6010. A residential infant care center shall do the 79618
following: 79619

(A) If using medication to treat infants, hold a terminal 79620
distributor of dangerous drugs license issued by the state board 79621
of pharmacy under section 4729.54 of the Revised Code. 79622

(B) Comply, except as otherwise provided in this section and 79623
section 5103.6011 of the Revised Code, with all requirements under 79624
rule 5101:2-9-02 of the Administrative Code; 79625

(C) Develop a plan of safe care in accordance with the 79626
"Comprehensive Addiction and Recovery Act of 2016," Pub. L. No. 79627
114-198, for an infant born substance exposed as follows: 79628

(1) Assist with the health and substance use disorder 79629
treatment needs of the infant and affected family or caregiver; 79630

(2) Develop and implement a program to monitor, support, and 79631
connect affected families or caregivers through the provision of 79632
and referral to appropriate services for the infant and affected 79633
family or caregiver. 79634

(D) Develop and implement a program for parents and 79635
caregivers that, either individually or in a group setting, 79636

teaches parenting skills, bonding, and caring for the infant's special needs. 79637
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(E) Require both of the following: 79639

(1) Child-care staff, volunteers, and interns in positions responsible for the daily direct care or supervision of children to be at least eighteen years old and have a high school diploma or certificate of high school equivalence; 79640
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(2) Volunteers and interns who are under twenty-one years of age to be supervised. 79644
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(F) Request a criminal records check with respect to volunteers and interns in accordance with section ~~2151.86~~ 5103.251 of the Revised Code; 79646
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(G) Employ registered nurses, patient care assistants, or licensed professional nurses to meet required child-to-staff ratios; 79649
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(H) Require the center's peer supporter, family advocate, licensed social worker, licensed independent social worker, licensed professional counselor, or licensed professional clinical counselor to do the following: 79652
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(1) Provide wraparound services to affected family and caregivers; 79656
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(2) Coordinate and cooperate with any transferring hospital, public children services agency, and private child placing agency; 79658
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(3) Refer affected families or caregivers to appropriate community agencies and services for support and aftercare; 79660
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(4) Follow up with affected families and caregivers following the infant's discharge. 79662
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(I)(1) Encourage employee-supervised dyad care and permit one of the infant's parents or caregivers to room-in with the infant for bonding and education; 79664
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(2) Provide the following for dyad care and rooming-in:	79667
(a) A single bed and all necessary bed sheets, pillow cases, pillows, and blankets;	79668 79669
(b) All meals and snacks, which shall be provided in a designated family kitchen area if the center has such an area;	79670 79671
(c) A minimum of one private shower and toilet for the use of the parents or caregivers who are rooming-in.	79672 79673
(3) Notify the parent or caregiver that the center's rules and policies shall be followed or rooming-in may be restricted or canceled.	79674 79675 79676
(J) Have one bathing room for every six infants that includes a minimum of one hip level bathtub with hot and cold water, one changing station, and a door with a full-length glass window for safety and observation;	79677 79678 79679 79680
(K) Meet the child-to-staff ratio of at least one awake child-care staff on duty at all times for every five infants;	79681 79682
(L) Use cribs and other infant sleep products that meet the United States consumer product safety commission's safety standards for safe sleep;	79683 79684 79685
(M) Follow the department of health's safe sleep education program recommendations established under section 3701.66 of the Revised Code.	79686 79687 79688
Sec. 5104.042. (A) The department of job and family services may suspend, without a prior hearing, the license of a child day-care center, type A family day-care home, or licensed type B family day-care home if any of the following occur:	79689 79690 79691 79692
(1) A child dies or suffers a serious injury while receiving child care in the center, type A home, or licensed type B home.	79693 79694
(2) A public children services agency receives a report	79695

pursuant to section 2151.421 of the Revised Code, and the person 79696
alleged to have inflicted abuse or neglect on the child who is the 79697
subject of the report is any of the following: 79698

(a) The owner, licensee, or administrator of the center, type 79699
A home, or licensed type B home; 79700

(b) An employee of the center, type A home, or licensed type 79701
B home who has not immediately been placed on administrative leave 79702
or released from employment; 79703

(c) Any person who resides in the type A home or licensed 79704
type B home. 79705

(3) An owner, licensee, administrator, or employee of the 79706
center, type A home, or licensed type B home, or a resident of the 79707
type A home or licensed type B home is charged by an indictment, 79708
information, or complaint with an offense relating to the abuse or 79709
neglect of a child. 79710

(4) The department or a county department of job and family 79711
services determines that the center, type A home, or licensed type 79712
B home created a serious risk to the health or safety of a child 79713
receiving child care in the center, type A home, or licensed type 79714
B home that resulted in or could have resulted in a child's death 79715
or injury. 79716

(5) The department determines that the owner or licensee of 79717
the center, type A home, or licensed type B home does not meet the 79718
requirements of section 5104.013 of the Revised Code. 79719

(B) The department shall ~~issue~~ serve a written order of 79720
suspension ~~and furnish a copy to~~ on the licensee ~~either by~~ 79721
~~certified mail or in person~~ as described in ~~section~~ sections 79722
119.05 and 119.07 of the Revised Code. The licensee may request an 79723
adjudicatory hearing before the department pursuant to sections 79724
119.06 to 119.12 of the Revised Code. 79725

(C) Any summary suspension imposed under this section shall 79726
remain in effect until any of the following occurs: 79727

(1) The public children services agency completes its 79728
investigation of the report pursuant to section 2151.421 of the 79729
Revised Code and determines that all of the allegations are 79730
unsubstantiated. 79731

(2) All criminal charges are disposed of through dismissal or 79732
a finding of not guilty. 79733

(3) The department issues pursuant to Chapter 119. of the 79734
Revised Code a final order terminating the suspension. 79735

(D) The center, type A home, or licensed type B home shall 79736
not provide child care while the summary suspension remains in 79737
effect. Upon issuance of the order of suspension, the licensee 79738
shall inform the caretaker parent of each child receiving child 79739
care in the center, type A home, or licensed type B home of the 79740
suspension. 79741

(E) The director of job and family services may adopt rules 79742
in accordance with Chapter 119. of the Revised Code establishing 79743
standards and procedures for the summary suspension of licenses. 79744

(F) This section does not limit the authority of the 79745
department to revoke a license pursuant to section 5104.04 of the 79746
Revised Code. 79747

Sec. 5104.08. (A) There is hereby created in the department 79748
of job and family services a child care advisory council to advise 79749
and assist the department in the administration of this chapter 79750
and in the development of child care. The council shall consist of 79751
~~twenty-two~~ twenty-five voting members appointed by the director of 79752
job and family services with the approval of the governor. The 79753
director of job and family services, the director of developmental 79754
disabilities, the director of mental health and addiction 79755

services, the superintendent of public instruction, the director 79756
of the head start collaboration office, the director of health, 79757
the director of commerce, one member appointed by the director of 79758
job and family services representing child care, one member 79759
appointed by the director of job and family services representing 79760
child welfare, and the state fire marshal shall serve as nonvoting 79761
members of the council. 79762

Six members shall be representatives of child care centers 79763
subject to licensing, the members to represent a variety of 79764
centers, including nonprofit and proprietary, from different 79765
geographical areas of the state. At least three members shall be 79766
parents, guardians, or custodians of children receiving child care 79767
or publicly funded child care in the child's own home, a center, a 79768
type A home, a head start program, a licensed type B home, or a 79769
~~type B home~~ an approved day camp at the time of appointment. Three 79770
members shall be representatives of in-home aides, type A homes, 79771
or licensed type B homes, ~~or type B homes or head start programs.~~ 79772
One member shall be a representative of approved child day camps. 79773
One member shall be a representative of head start programs. At 79774
least six members shall represent county departments of job and 79775
family services. At least one member from a county department of 79776
job and family services or county children services board shall 79777
represent public children services agencies. The remaining members 79778
shall be representatives of the teaching, child development, and 79779
health professions, and other individuals interested in the 79780
welfare of children. At least six members of the council shall not 79781
be employees or licensees of a child day-care center, head start 79782
program, or type A home, or providers operating a licensed type B 79783
home ~~or type B home~~ approved child day camp, or in-home aides. 79784

Appointments shall be for three-year terms. Vacancies shall 79785
be filled for the unexpired terms. A member of the council is 79786
subject to removal by the director of job and family services for 79787

a willful and flagrant exercise of authority or power that is not 79788
authorized by law, for a refusal or willful neglect to perform any 79789
official duty as a member of the council imposed by law, or for 79790
being guilty of misfeasance, malfeasance, nonfeasance, or gross 79791
neglect of duty as a member of the council. 79792

There shall be two co-chairpersons of the council. One 79793
co-chairperson shall be the director of job and family services or 79794
the director's designee, and one co-chairperson shall be elected 79795
by the members of the council. The council shall meet as often as 79796
is necessary to perform its duties, provided that it shall meet at 79797
least once in each quarter of each calendar year and at the call 79798
of the co-chairpersons. The co-chairpersons or their designee 79799
shall send to each member a written notice of the date, time, and 79800
place of each meeting. 79801

Members of the council shall serve without compensation, but 79802
shall be reimbursed for necessary expenses. 79803

(B) The child care advisory council shall advise the director 79804
on matters affecting the licensing of centers, type A homes, and 79805
type B homes ~~and~~; the certification of in-home aides; the approval 79806
of child day camps; publicly funded child care; and the step up to 79807
quality program established under section 5104.29 of the Revised 79808
Code. The council shall make an annual report to the director of 79809
job and family services that addresses the availability, 79810
affordability, accessibility, and quality of child care and that 79811
summarizes the recommendations and plans of action that the 79812
council has ~~proposed~~ taken to the director during the preceding 79813
fiscal year. The director of job and family services shall provide 79814
copies of the report to the governor, speaker and minority leader 79815
of the house of representatives, and the president and minority 79816
leader of the senate and, on request, shall make copies available 79817
to the public. 79818

(C) The director of job and family services shall adopt rules 79819

in accordance with Chapter 119. of the Revised Code to implement 79820
this section. 79821

Sec. 5104.30. (A) The department of job and family services 79822
is hereby designated as the state agency responsible for 79823
administration and coordination of federal and state funding for 79824
publicly funded child care in this state. Publicly funded child 79825
care shall be provided to the following: 79826

(1) Recipients of transitional child care as provided under 79827
section 5104.34 of the Revised Code; 79828

(2) Participants in the Ohio works first program established 79829
under Chapter 5107. of the Revised Code; 79830

(3) Individuals who would be participating in the Ohio works 79831
first program if not for a sanction under section 5107.16 of the 79832
Revised Code and who continue to participate in a work activity, 79833
developmental activity, or alternative work activity pursuant to 79834
an assignment under section 5107.42 of the Revised Code; 79835

(4) A family receiving publicly funded child care on October 79836
1, 1997, until the family's income reaches one hundred fifty per 79837
cent of the federal poverty line; 79838

(5) Subject to available funds, other individuals determined 79839
eligible in accordance with rules adopted under section 5104.38 of 79840
the Revised Code. 79841

The department shall apply to the United States department of 79842
health and human services for authority to operate a coordinated 79843
program for publicly funded child care, if the director of job and 79844
family services determines that the application is necessary. For 79845
purposes of this section, the department of job and family 79846
services may enter into agreements with other state agencies that 79847
are involved in regulation or funding of child care. The 79848
department shall consider the special needs of migrant workers 79849

when it administers and coordinates publicly funded child care and 79850
shall develop appropriate procedures for accommodating the needs 79851
of migrant workers for publicly funded child care. 79852

(B) The department of job and family services shall 79853
distribute state and federal funds for publicly funded child care, 79854
including appropriations of state funds for publicly funded child 79855
care and appropriations of federal funds available under the child 79856
care block grant act, Title IV-A, and Title XX. The department may 79857
use any state funds appropriated for publicly funded child care as 79858
the state share required to match any federal funds appropriated 79859
for publicly funded child care. 79860

(C) In the use of federal funds available under the child 79861
care block grant act, all of the following apply: 79862

(1) The department may use the federal funds to hire staff to 79863
prepare any rules required under this chapter and to administer 79864
and coordinate federal and state funding for publicly funded child 79865
care. 79866

(2) Not more than five per cent of the aggregate amount of 79867
the federal funds received for a fiscal year may be expended for 79868
administrative costs. 79869

(3) The department shall allocate and use at least four per 79870
cent of the federal funds for the following: 79871

(a) Activities designed to provide comprehensive consumer 79872
education to parents and the public; 79873

(b) Activities that increase parental choice; 79874

(c) Activities, including child care resource and referral 79875
services, designed to improve the quality, and increase the 79876
supply, of child care; 79877

(d) Establishing the step up to quality program pursuant to 79878
section 5104.29 of the Revised Code. 79879

(4) The department shall ensure that the federal funds will 79880
be used only to supplement, and will not be used to supplant, 79881
federal, state, and local funds available on the effective date of 79882
the child care block grant act for publicly funded child care and 79883
related programs. If authorized by rules adopted by the department 79884
pursuant to section 5104.42 of the Revised Code, county 79885
departments of job and family services may purchase child care 79886
from funds obtained through any other means. 79887

(D) The department shall encourage the development of 79888
suitable child care throughout the state, especially in areas with 79889
high concentrations of recipients of public assistance and 79890
families with low incomes. The department shall encourage the 79891
development of suitable child care designed to accommodate the 79892
special needs of migrant workers. On request, the department, 79893
through its employees or contracts with state or community child 79894
care resource and referral service organizations, shall provide 79895
consultation to groups and individuals interested in developing 79896
child care. The department of job and family services may enter 79897
into interagency agreements with the department of education, the 79898
chancellor of higher education, the department of development, and 79899
other state agencies and entities whenever the cooperative efforts 79900
of the other state agencies and entities are necessary for the 79901
department of job and family services to fulfill its duties and 79902
responsibilities under this chapter. 79903

The department shall develop and maintain a registry of 79904
persons providing child care. The director shall adopt rules in 79905
accordance with Chapter 119. of the Revised Code establishing 79906
procedures and requirements for the registry's administration. 79907

(E)(1) The director shall adopt rules in accordance with 79908
Chapter 119. of the Revised Code establishing both of the 79909
following: 79910

(a) Reimbursement rates for providers of publicly funded 79911

child care not later than the first day of July in each 79912
odd-numbered year; 79913

(b) A procedure for reimbursing and paying providers of 79914
publicly funded child care. 79915

(2) In establishing reimbursement rates under division 79916
(E)(1)(a) of this section, the director shall do all of the 79917
following: 79918

(a) Use the information obtained from the market rate survey 79919
or alternative methodology developed and conducted in accordance 79920
with 45 C.F.R. 98.45; 79921

(b) Establish an enhanced reimbursement rate for providers 79922
who provide child care for caretaker parents who work 79923
nontraditional hours; 79924

(c) With regard to the step up to quality program established 79925
pursuant to section 5104.29 of the Revised Code, establish 79926
enhanced reimbursement rates for child day-care providers that 79927
participate in the program. 79928

(3) In establishing reimbursement rates under division 79929
(E)(1)(a) of this section, the director may establish different 79930
reimbursement rates based on any of the following: 79931

(a) Geographic location of the provider; 79932

(b) Type of care provided; 79933

(c) Age of the child served; 79934

(d) Special needs of the child served; 79935

(e) Whether the expanded hours of service are provided; 79936

(f) Whether weekend service is provided; 79937

(g) Whether the provider has exceeded the minimum 79938
requirements of state statutes and rules governing child care; 79939

(h) Any other factors the director considers appropriate. 79940

Sec. 5104.302. (A) In addition to establishing reimbursement rates for publicly funded child care providers in each odd-numbered year, as required by section 5104.30 of the Revised Code, the director of job and family services shall contract with a third-party entity to analyze for the subsequent even-numbered year information regarding the prices charged for child care. 79941
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(B) Based on the information analyzed by the third-party entity, the director may adjust for the even-numbered year the reimbursement rates established for the previous odd-numbered year. To make such an adjustment, the director shall adopt rules in accordance with Chapter 119. of the Revised Code. 79947
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(C) When analyzing information regarding the prices charged for child care for an even-numbered year, a third-party entity under contract with the director may consider the most recent market rate survey or alternative methodology conducted as described in division (E) of section 5104.30 of the Revised Code. 79952
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Sec. 5107.02. As used in this chapter: 79957

(A) "Adult" means an individual who is not a minor child. 79958

(B) "Assistance group" means a group of individuals treated as a unit for purposes of determining eligibility for and the amount of assistance provided under Ohio works first. 79959
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(C) "Custodian" means an individual who has legal custody, as defined in section 2151.011 of the Revised Code, of a minor child or comparable status over a minor child created by a court of competent jurisdiction in another state. 79962
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(D) "Domestic violence" means being subjected to any of the following: 79966
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(1) Physical acts that resulted in, or threatened to result in, physical injury to the individual; 79968
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(2) Sexual abuse;	79970
(3) Sexual activity involving a dependent child;	79971
(4) Being forced as the caretaker relative of a dependent child to engage in nonconsensual sexual acts or activities;	79972 79973
(5) Threats of, or attempts at, physical or sexual abuse;	79974
(6) Mental abuse;	79975
(7) Neglect or deprivation of medical care.	79976
(E) "Guardian" means an individual that is granted authority by a probate court pursuant to Chapter 2111. of the Revised Code, or a court of competent jurisdiction in another state, to exercise parental rights over a minor child to the extent provided in the court's order and subject to residual parental rights of the minor child's parents.	79977 79978 79979 79980 79981 79982
(F) "LEAP program" means the learning, earning, and parenting program conducted under section 5107.30 of the Revised Code.	79983 79984
(G) "Minor child" means either of the following:	79985
(1) An individual who has not attained age eighteen;	79986
(2) An individual who has not attained age nineteen and is a full-time student in a secondary school or in the equivalent level of vocational or technical training.	79987 79988 79989
(H) "Minor head of household" means a minor child who is either of the following:	79990 79991
(1) Is married, at least six months pregnant, and a member of an assistance group that does not include an adult;	79992 79993
(2) Is married and is a parent of a child included in the same assistance group that does not include an adult.	79994 79995
(I) "Ohio works first" means the program established by this chapter known as temporary assistance for needy families in Title IV-A.	79996 79997 79998

(J) "Payment standard" means the amount specified in rules 79999
adopted under section 5107.05 of the Revised Code that is the 80000
maximum amount of cash assistance an assistance group may receive 80001
under Ohio works first from state and federal funds. 80002

(K) "Specified relative" means the following individuals who 80003
are age eighteen or older: 80004

(1) The following individuals related by blood or adoption: 80005

(a) Grandparents, including grandparents with the prefix 80006
"great," "great-great," or "great-great-great"; 80007

(b) Siblings; 80008

(c) Aunts, uncles, nephews, and nieces, including such 80009
relatives with the prefix "great," "great-great," "grand," or 80010
"great-grand"; 80011

(d) First cousins and first cousins once removed. 80012

(2) Stepparents and stepsiblings; 80013

(3) Spouses and former spouses of individuals named in 80014
division (K)(1) or (2) of this section. 80015

(L) "Title IV-A" or "Title IV-D" means Title IV-A or Title 80016
IV-D of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 80017
301, as amended. 80018

Sec. 5107.10. (A) As used in this section: 80019

(1) "Countable income," "gross earned income," and "gross 80020
unearned income" have the meanings established in rules adopted 80021
under section 5107.05 of the Revised Code. 80022

(2) "Federal poverty guidelines" has the same meaning as in 80023
section 5101.46 of the Revised Code, except that references to a 80024
person's family in the definition shall be deemed to be references 80025
to the person's assistance group. 80026

(3) "Gross income" means gross earned income and gross unearned income. 80027
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(4) "Strike" means continuous concerted action in failing to report to duty; willful absence from one's position; or stoppage of work in whole from the full, faithful, and proper performance of the duties of employment, for the purpose of inducing, influencing, or coercing a change in wages, hours, terms, and other conditions of employment. "Strike" does not include a stoppage of work by employees in good faith because of dangerous or unhealthful working conditions at the place of employment that are abnormal to the place of employment. 80029
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(B) Under the Ohio works first program, an assistance group shall receive, except as otherwise provided by this chapter, time-limited cash assistance. In the case of an assistance group that includes a minor head of household or adult, assistance shall be provided in accordance with the self-sufficiency contract entered into under section 5107.14 of the Revised Code. 80038
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(C)(1) To be eligible to participate in Ohio works first, an assistance group must meet all of the following requirements: 80044
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(a) The assistance group, except as provided in division (E) of this section, must include at least one of the following: 80046
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(i) A minor child who, except as provided in section 5107.24 of the Revised Code, resides with a parent, or specified relative caring for the child, or, to the extent permitted by Title IV-A and federal regulations adopted until Title IV-A, resides with a guardian or custodian caring for the child; 80048
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(ii) A parent residing with and caring for the parent's minor child who receives supplemental security income under Title XVI of the "Social Security Act," 86 Stat. 1475 (1972), 42 U.S.C.A. 1383, as amended, or federal, state, or local adoption assistance; 80053
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(iii) A specified relative residing with and caring for a 80057

minor child who is related to the specified relative in a manner 80058
that makes the specified relative a specified relative and 80059
receives supplemental security income or federal, state, or local 80060
foster care assistance, kinship guardianship assistance, kinship 80061
support program payments, or adoption assistance; 80062

(iv) A pregnant woman ~~at least six months pregnant~~. 80063

(b) The assistance group must meet the income requirements 80064
established by division (D) of this section. 80065

(c) No member of the assistance group may be involved in a 80066
strike. 80067

(d) The assistance group must satisfy the requirements for 80068
Ohio works first established by this chapter and section 5101.83 80069
of the Revised Code. 80070

(e) The assistance group must meet requirements for Ohio 80071
works first established by rules adopted under section 5107.05 of 80072
the Revised Code. 80073

(2) In addition to meeting the requirements specified in 80074
division (C)(1) of this section, a member of an assistance group 80075
who is required by section 5116.10 of the Revised Code to 80076
participate in the comprehensive case management and employment 80077
program must participate in that program to be eligible to 80078
participate in Ohio works first. 80079

(D)(1) Except as provided in division (D)(4) of this section, 80080
to determine whether an assistance group is initially eligible to 80081
participate in Ohio works first, a county department of job and 80082
family services shall do the following: 80083

(a) Determine whether the assistance group's gross income 80084
exceeds fifty per cent of the federal poverty guidelines. In 80085
making this determination, the county department shall disregard 80086
amounts that federal statutes or regulations and sections 5101.17 80087

and 5117.10 of the Revised Code require be disregarded. The 80088
assistance group is ineligible to participate in Ohio works first 80089
if the assistance group's gross income, less the amounts 80090
disregarded, exceeds fifty per cent of the federal poverty 80091
guidelines. 80092

(b) If the assistance group's gross income, less the amounts 80093
disregarded pursuant to division (D)(1)(a) of this section, does 80094
not exceed fifty per cent of the federal poverty guidelines, 80095
determine whether the assistance group's countable income is less 80096
than the payment standard. The assistance group is ineligible to 80097
participate in Ohio works first if the assistance group's 80098
countable income equals or exceeds the payment standard. 80099

(2) For the purpose of determining whether an assistance 80100
group meets the income requirement established by division 80101
(D)(1)(a) of this section, the annual revision that the United 80102
States department of health and human services makes to the 80103
federal poverty guidelines shall go into effect on the first day 80104
of July of the year for which the revision is made. 80105

(3) To determine whether an assistance group participating in 80106
Ohio works first continues to be eligible to participate, a county 80107
department of job and family services shall determine whether the 80108
assistance group's countable income continues to be less than the 80109
payment standard. In making this determination, the county 80110
department shall disregard an amount specified in rules adopted 80111
under section 5107.05 of the Revised Code and fifty per cent of 80112
the remainder of the assistance group's gross earned income. No 80113
amounts shall be disregarded from the assistance group's gross 80114
unearned income. The assistance group ceases to be eligible to 80115
participate in Ohio works first if its countable income, less the 80116
amounts disregarded, equals or exceeds the payment standard. 80117

(4) If an assistance group reapplies to participate in Ohio 80118
works first not more than four months after ceasing to 80119

participate, a county department of job and family services shall 80120
use the income requirement established by division (D)(3) of this 80121
section to determine eligibility for resumed participation rather 80122
than the income requirement established by division (D)(1) of this 80123
section. 80124

(E)(1) An assistance group may continue to participate in 80125
Ohio works first even though a public children services agency 80126
removes the assistance group's minor children from the assistance 80127
group's home due to abuse, neglect, or dependency if the agency 80128
does both of the following: 80129

(a) Notifies the county department of job and family services 80130
at the time the agency removes the children that it believes the 80131
children will be able to return to the assistance group within six 80132
months; 80133

(b) Informs the county department at the end of each of the 80134
first five months after the agency removes the children that the 80135
parent, guardian, custodian, or specified relative of the children 80136
is cooperating with the case plans prepared for the children under 80137
section 2151.412 of the Revised Code and that the agency is making 80138
reasonable efforts to return the children to the assistance group. 80139

(2) An assistance group may continue to participate in Ohio 80140
works first pursuant to division (E)(1) of this section for not 80141
more than six payment months. This division does not affect the 80142
eligibility of an assistance group that includes a pregnant woman 80143
~~at least six months pregnant.~~ 80144

Sec. 5107.36. An individual is ineligible for assistance 80145
under Ohio works first if either of the following apply: 80146

(A) The individual is a ~~fugitive~~ fleeing felon as defined in 80147
section ~~5101.20~~ 5101.26 of the Revised Code; 80148

(B) The individual is violating a condition of probation, a 80149

community control sanction, ~~parole~~, or a post-release control 80150
sanction imposed under federal or state law. 80151

Sec. 5107.54. (A) There is hereby established, as a work 80152
activity under Ohio works first, the work experience program. A 80153
participant of Ohio works first placed in the program shall 80154
receive work experience from private and government entities. 80155

Participants of Ohio works first assigned to the work 80156
experience program are not employees of the department of job and 80157
family services or a county department of job and family services. 80158
The operation of the work experience program does not constitute 80159
the operation of an employment agency by the department of job and 80160
family services or a county department of job and family services. 80161

(B) County departments of job and family services shall 80162
develop work projects to which participants of Ohio works first 80163
are assigned under the work experience program. Work projects may 80164
include assignments with private and government entities. Examples 80165
of work projects a county department may develop include unpaid 80166
internships, refurbishing publicly assisted housing, and having a 80167
participant volunteer to work at the head start agency in which 80168
the participant's minor child is enrolled. Each county department 80169
shall make a list of the work projects available to the public. 80170

(C) Unless a county department of job and family services 80171
pays the premiums for the entity, a private or government entity 80172
with which a participant of Ohio works first is placed in and 80173
participates in the work experience program shall pay premiums to 80174
the bureau of workers' compensation on account of the participant. 80175

Sec. 5107.58. In accordance with a federal waiver granted by 80176
the United States secretary of health and human services pursuant 80177
to a request made under former section 5101.09 of the Revised 80178
Code, county departments of job and family services may establish 80179

and administer as a work activity for minor heads of households 80180
and adults participating in Ohio works first an education program 80181
under which the participant is enrolled full-time in 80182
post-secondary education leading to vocation at a state 80183
institution of higher education, as defined in section 3345.031 of 80184
the Revised Code; a private nonprofit college or university that 80185
possesses a certificate of authorization issued ~~by the Ohio board~~ 80186
~~of regents~~ pursuant to Chapter 1713. of the Revised Code, or is 80187
exempted by division (E) of section 1713.02 of the Revised Code 80188
from the requirement of a certificate; a school that holds a 80189
certificate of registration and program authorization issued by 80190
the state board of career colleges and schools under Chapter 3332. 80191
of the Revised Code; a private institution exempt from regulation 80192
under Chapter 3332. of the Revised Code as prescribed in section 80193
3333.046 of the Revised Code; or a school that has entered into a 80194
contract with the county department of job and family services. 80195
The participant shall make reasonable efforts, as determined by 80196
the county department, to obtain a loan, scholarship, grant, or 80197
other assistance to pay for the tuition, including a federal Pell 80198
grant under 20 U.S.C.A. 1070a, ~~an Ohio instructional grant under~~ 80199
~~section 3333.12 of the Revised Code,~~ and an Ohio college 80200
opportunity grant under section 3333.122 of the Revised Code. If 80201
the participant has made reasonable efforts but is unable to 80202
obtain sufficient assistance to pay the tuition the program may 80203
pay the tuition. On or after October 1, 1998, the county 80204
department may enter into a loan agreement with the participant to 80205
pay the tuition. The total period for which tuition is paid and 80206
loans made shall not exceed two years. If the participant, 80207
pursuant to division (B)(3) of section 5107.43 of the Revised 80208
Code, volunteers to participate in the education program for more 80209
hours each week than the participant is assigned to the program, 80210
the program may pay or the county department may loan the cost of 80211
the tuition for the additional voluntary hours as well as the cost 80212

of the tuition for the assigned number of hours. The participant 80213
may receive, for not more than three years, support services, 80214
including publicly funded child care under Chapter 5104. of the 80215
Revised Code and transportation, that the participant needs to 80216
participate in the program. To receive support services in the 80217
third year, the participant must be, as determined by the 80218
educational institution in which the participant is enrolled, in 80219
good standing with the institution. 80220

A county department that provides loans under this section 80221
shall establish procedures governing loan application for and 80222
approval and administration of loans granted pursuant to this 80223
section. 80224

Sec. 5119.01. (A) As used in this chapter: 80225

(1) "Addiction" means the chronic and habitual use of 80226
alcoholic beverages, the use of a drug of abuse as defined in 80227
section 3719.011 of the Revised Code, or the use of gambling by an 80228
individual to the extent that the individual no longer can control 80229
the individual's use of alcohol, the individual becomes physically 80230
or psychologically dependent on the drug, the individual's use of 80231
alcohol or drugs endangers the health, safety, or welfare of the 80232
individual or others, or the individual's gambling causes 80233
psychological, financial, emotional, marital, legal, or other 80234
difficulties endangering the health, safety, or welfare of the 80235
individual or others. 80236

(2) "Addiction services" means services, including 80237
intervention, for the treatment of persons with alcohol, drug, or 80238
gambling addictions, and for the prevention of such addictions. 80239

(3) "Alcohol and drug addiction services" means services, 80240
including intervention, for the treatment of persons with 80241
~~alcoholism~~ alcohol use disorder or persons who abuse drugs of 80242
abuse and for the prevention of ~~alcoholism~~ alcohol use disorder 80243

and drug addiction. 80244

(4) "~~Alcoholism~~" "Alcohol use disorder" means ~~the chronic and~~ 80245
~~habitual use of alcoholic beverages by an individual to the extent~~ 80246
~~that the individual no longer can~~ a medical condition 80247
characterized by an individual's impaired ability to stop or 80248
control the individual's use of alcohol or endangers the use 80249
despite adverse social, occupational, or health, safety, or 80250
welfare of the individual or others consequences. An alcohol use 80251
disorder may be classified as mild, moderate, or severe. 80252

(5) "Certifiable services and supports" means all of the 80253
following: 80254

(a) Alcohol and drug addiction services; 80255

(b) Mental health services; 80256

(c) The types of recovery supports that are specified in 80257
rules adopted under section 5119.36 of the Revised Code as 80258
requiring certification under that section. 80259

(6) "Community addiction services provider" means an agency, 80260
association, corporation or other legal entity, individual, or 80261
program that provides one or more of the following: 80262

(a) Alcohol and drug addiction services that are certified by 80263
the director of mental health and addiction services under section 80264
5119.36 of the Revised Code; 80265

(b) Gambling addiction services; 80266

(c) Recovery supports that are related to alcohol and drug 80267
addiction services or gambling addiction services and paid for 80268
with federal, state, or local funds administered by the department 80269
of mental health and addiction services or a board of alcohol, 80270
drug addiction, and mental health services. 80271

(7) "Community mental health services provider" means an 80272
agency, association, corporation, individual, or program that 80273

provides either of the following: 80274

(a) Mental health services that are certified by the director 80275
of mental health and addiction services under section 5119.36 of 80276
the Revised Code; 80277

(b) Recovery supports that are related to mental health 80278
services and paid for with federal, state, or local funds 80279
administered by the department of mental health and addiction 80280
services or a board of alcohol, drug addiction, and mental health 80281
services. 80282

(8) "Drug addiction" means the use of a drug of abuse, as 80283
defined in section 3719.011 of the Revised Code, by an individual 80284
to the extent that the individual becomes physically or 80285
psychologically dependent on the drug or endangers the health, 80286
safety, or welfare of the individual or others. 80287

(9) "Gambling addiction" means the use of gambling by an 80288
individual to the extent that it causes psychological, financial, 80289
emotional, marital, legal, or other difficulties endangering the 80290
health, safety, or welfare of the individual or others. 80291

(10) "Gambling addiction services" means services for the 80292
treatment of persons who have a gambling addiction and for the 80293
prevention of gambling addiction. 80294

(11) "Hospital" means a hospital or inpatient unit licensed 80295
by the department of mental health and addiction services under 80296
section 5119.33 of the Revised Code, and any institution, 80297
hospital, or other place established, controlled, or supervised by 80298
the department under ~~Chapter 5119. of the Revised Code~~ this 80299
chapter. 80300

(12) "Included opioid and co-occurring drug addiction 80301
services and recovery supports" means the addiction services and 80302
recovery supports that, pursuant to section 340.033 of the Revised 80303
Code, are included in the array of services and recovery supports 80304

for all levels of opioid and co-occurring drug addiction required 80305
to be included in the community-based continuum of care 80306
established under section 340.032 of the Revised Code. 80307

(13) "Medication-assisted treatment" has the same meaning as 80308
in section 340.01 of the Revised Code. 80309

(14) "Mental illness" means a substantial disorder of 80310
thought, mood, perception, orientation, or memory that grossly 80311
impairs judgment, behavior, capacity to recognize reality, or 80312
ability to meet the ordinary demands of life. 80313

(15) "Mental health services" means services for the 80314
assessment, care, or treatment of persons who have a mental 80315
illness and for the prevention of mental illness. 80316

(16) "Opioid treatment program" has the same meaning as in 42 80317
C.F.R. 8.2. 80318

(17) "Recovery housing residence" means a residence for 80319
individuals recovering from alcohol use disorder or drug addiction 80320
that provides an alcohol and drug-free living environment, peer 80321
support, assistance with obtaining alcohol and drug addiction 80322
services, and other recovery assistance for alcohol use disorder 80323
and drug addiction. 80324

(18) "Recovery supports" means assistance that is intended to 80325
help an individual with ~~alcoholism~~ alcohol use disorder, drug 80326
addiction, or mental illness, or a member of such an individual's 80327
family, initiate and sustain the individual's recovery from 80328
~~alcoholism~~ alcohol use disorder, drug addiction, or mental 80329
illness. "Recovery supports" does not mean alcohol and drug 80330
addiction services or mental health services. 80331

~~(18)(a) "Residence"~~ (19)(a) "Residence," except when 80332
referring to a recovery housing residence or the meaning of 80333
"residence" in section 5119.90 of the Revised Code, means a 80334
person's physical presence in a county with intent to remain 80335

there, except in either of the following circumstances: 80336

(i) If a person is receiving a mental health treatment 80337
service at a facility that includes nighttime sleeping 80338
accommodations, "residence" means that county in which the person 80339
maintained the person's primary place of residence at the time the 80340
person entered the facility; 80341

(ii) If a person is committed pursuant to section 2945.38, 80342
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, 80343
"residence" means the county where the criminal charges were 80344
filed. 80345

(b) When the residence of a person is disputed, the matter of 80346
residence shall be referred to the department of mental health and 80347
addiction services for investigation and determination. Residence 80348
shall not be a basis for a board of alcohol, drug addiction, and 80349
mental health services to deny services to any person present in 80350
the board's service district, and the board shall provide services 80351
for a person whose residence is in dispute while residence is 80352
being determined and for a person in an emergency situation. 80353

(B) Any reference in this chapter to a board of alcohol, drug 80354
addiction, and mental health services also refers to an alcohol 80355
and drug addiction services board or a community mental health 80356
board in a service district in which an alcohol and drug addiction 80357
services board or a community mental health board has been 80358
established under section 340.021 or former section 340.02 of the 80359
Revised Code. 80360

Sec. 5119.19. ~~(A)(1)~~(A) As used in this section: 80361

~~(a)(1)~~ "Community-based correctional facility" has the same 80362
meaning as in section 2929.01 of the Revised Code. 80363

(2) "Drug used in medication-assisted treatment" means a drug 80364
approved by the United States food and drug administration for use 80365

in medication-assisted treatment, regardless of the method the drug is administered or the form in which it is dispensed, including an oral drug, an injectable drug, or a long-acting or extended-release drug. "Drug used in medication-assisted treatment" includes all of the following:

(a) A full agonist;

(b) A partial agonist;

(c) An antagonist.

(3) "Drug used in withdrawal management or detoxification" means a drug approved by the United States food and drug administration for use in, or a drug in standard use for, mitigating opioid or alcohol withdrawal symptoms or assisting with detoxification, regardless of the method the drug is administered or the form in which it is dispensed, including an oral drug, an injectable drug, or a long-acting or extended-release drug. "Drug used in withdrawal management or detoxification" includes all of the following:

(a) A full agonist;

(b) A partial agonist;

(c) An antagonist;

(d) An alpha-2 adrenergic agonist.

(4) "Medication-assisted treatment" has the same meaning as in section 340.01 of the Revised Code.

(5) "Prescribed drug" has the same meaning as in section 5164.01 of the Revised Code.

~~(b)~~(6)(a) "Psychotropic drug" means, except as provided in division (A)(2)(A)(6)(b) of this section, a drug that has the capability of changing or controlling mental functioning or behavior through direct pharmacological action. "Psychotropic drug" includes all of the following:

(i) Antipsychotic medications, including those administered or dispensed in a long-acting injectable form; 80396
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(ii) Antidepressant medications; 80398

(iii) Anti-anxiety medications; 80399

(iv) Mood stabilizing medications. 80400

~~(2)~~(b) "Psychotropic drug" excludes a stimulant prescribed for the treatment of attention deficit hyperactivity disorder. 80401
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(7) "Withdrawal management or detoxification" means a set of medical interventions aimed at managing the acute physical symptoms of intoxication and withdrawal. Withdrawal management seeks to minimize the physical harm caused by the intoxication and withdrawal from a substance of abuse. Detoxification denotes a clearing of toxins from the body of the patient who is acutely intoxicated, dependent on a substance of abuse, or both. 80403
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(B) There is hereby created the ~~psychotropic~~ behavioral health drug reimbursement program. The program shall be administered by the department of mental health and addiction services. 80410
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The purpose of the program is to provide state reimbursement to counties for the cost of ~~psychotropic~~ the following drugs that are administered or dispensed to inmates of county jails in this state and individuals confined in community-based correctional facilities in this state: psychotropic drugs, drugs used in medication-assisted treatment, and drugs used in withdrawal management or detoxification. ~~Each~~ 80414
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Each county shall ensure that inmates of county jails and individuals confined in community-based correctional facilities have access to all ~~psychotropic~~ behavioral health drugs specified in this division that are prescribed drugs covered by the fee-for-service component of the medicaid program. 80421
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(C) The department, based on factors it considers 80426
appropriate, shall allocate an amount to each county for 80427
reimbursement of ~~such psychotropic~~ drug costs incurred by the 80428
county pursuant to this section. 80429

~~(C)~~(D) The director of mental health and addiction services 80430
may adopt rules as necessary to implement this section. The rules, 80431
if adopted, shall be adopted in accordance with Chapter 119. of 80432
the Revised Code. 80433

Sec. 5119.33. ~~(A)(1)~~(A) The department of mental health and 80434
addiction services shall inspect and license all hospitals that 80435
receive mentally ill persons, except those hospitals managed by 80436
the department. No hospital may receive for care or treatment, 80437
either at public or private expense, any person who is or appears 80438
to be mentally ill, whether or not so adjudicated, unless the 80439
hospital has received a license from the department authorizing it 80440
to receive for care or treatment persons who are mentally ill or 80441
the hospital is managed by the department. 80442

~~(2) No such~~(B) A license described in division (A) of this 80443
section shall not be granted to a hospital for the treatment of 80444
mentally ill persons unless ~~the~~ both of the following are the 80445
case: 80446

(1) The department is satisfied, after investigation, that 80447
the hospital is managed and operated by qualified persons, is 80448
adequately staffed and equipped to operate, and has on its staff 80449
one or more qualified physicians responsible for the medical care 80450
of the patients confined there. At least one such physician shall 80451
be a psychiatrist. 80452

(2) The department is satisfied, after reviewing records and 80453
information it requires as specified in rules adopted under 80454
division (C) of this section, that the hospital and all owners, 80455
sponsors, medical directors, administrators, and principals of the 80456

hospital have been in good standing to operate a hospital for the 80457
care and treatment of mentally ill persons, or a similar hospital, 80458
in all other locations where the hospital or such other person has 80459
been operating a similar hospital, during the three-year period 80460
immediately preceding the date of application. 80461

~~(B)~~(C) The department shall adopt rules under Chapter 119. of 80462
the Revised Code prescribing minimum standards for the operation 80463
of hospitals for the care and treatment of mentally ill persons 80464
and; specifying the records and information that must be submitted 80465
to demonstrate good standing for purposes of division (B) of this 80466
section; and establishing standards and procedures for the 80467
issuance, renewal, or revocation of full, probationary, and 80468
interim licenses. No license shall be granted to any hospital 80469
established or used for the care of mentally ill persons unless 80470
such hospital is operating in accordance with this section and 80471
rules adopted pursuant to this section. A full license shall 80472
expire one year after the date of issuance, a probationary license 80473
shall expire at the time prescribed by rule adopted pursuant to 80474
Chapter 119. of the Revised Code by the director of mental health 80475
and addiction services, and an interim license shall expire ninety 80476
days after the date of issuance. A full, probationary, or interim 80477
license may be renewed, except that an interim license may be 80478
renewed only twice. The department may fix reasonable fees for 80479
licenses and for license renewals. Such hospitals are subject to 80480
inspection and on-site review by the department. 80481

~~(C)~~(D) Except as otherwise provided in Chapter 5122. of the 80482
Revised Code, neither the director of mental health and addiction 80483
services; an employee of the department; a board of alcohol, drug 80484
addiction, and mental health services or employee of a community 80485
mental health services provider; nor any other public official 80486
shall hospitalize any mentally ill person for care or treatment in 80487
any hospital that is not licensed in accordance with this section. 80488

~~(D)(1)~~(E)(1) The department may issue an order suspending the admission of patients who are mentally ill to a hospital for care or treatment if it finds either of the following:

(a) The hospital is not in compliance with rules adopted by the director pursuant to this section.

(b) The hospital has been cited for more than one violation of statutes or rules during any previous period of time during which the hospital is licensed pursuant to this section.

(2)(a) Except as provided in division ~~(D)(2)(b)~~(E)(2)(b) of this section, proceedings initiated to suspend the admission of patients are governed by Chapter 119. of the Revised Code.

(b) If a suspension of admissions is proposed because the director has determined that the licensee has demonstrated a pattern of serious noncompliance or that a violation creates a substantial risk to the health and safety of patients, the director may issue an order imposing the suspension of admissions before providing an opportunity for an adjudication under Chapter 119. of the Revised Code. The director shall lift the order for the suspension of admissions if the director determines that the violation that formed the basis for the order has been corrected.

(3) Appeals from proceedings initiated to order the suspension of admissions shall be conducted in accordance with Chapter 119. of the Revised Code, unless the order was issued before providing an opportunity for an adjudication, in which case all of the following apply:

(a) The licensee may request a hearing not later than ten days after ~~receiving the notice specified being served in section~~ accordance with sections 119.05 and 119.07 of the Revised Code.

(b) If a timely request for a hearing that includes the licensee's current address is made, the hearing shall commence not later than thirty days after the department receives the request.

(c) After commencing, the hearing shall continue 80520
uninterrupted, except for Saturdays, Sundays, and legal holidays, 80521
unless other interruptions are agreed to by the licensee and the 80522
director. 80523

(d) If the hearing is conducted by a hearing examiner, the 80524
hearing examiner shall file a report and recommendations with the 80525
department not later than ten days after the last of the 80526
following: 80527

(i) The close of the hearing; 80528

(ii) If a transcript of the proceedings is ordered, the 80529
hearing examiner receives the transcript; 80530

(iii) If post-hearing briefs are timely filed, the hearing 80531
examiner receives the briefs. 80532

(e) The hearing examiner shall send a written copy of the 80533
report and recommendations, by certified mail, to the licensee, or 80534
the licensee's attorney, if applicable, not later than five days 80535
after the report is filed with the department. 80536

(f) Not later than five days after receiving the report and 80537
recommendations, the licensee may file objections with the 80538
department. 80539

(g) Not later than fifteen days after the hearing examiner 80540
files the report and recommendations, the department shall issue 80541
an order approving, modifying, or disapproving the report and 80542
recommendations. 80543

(h) Notwithstanding the pendency of the hearing, the 80544
department shall lift the order for the suspension of admissions 80545
if the department determines the violation that formed the basis 80546
for the order has been corrected. 80547

~~(E)(1)~~(F)(1) Any license issued by the department under this 80548
section may be revoked or not renewed by the department for any of 80549

the following reasons: 80550

(a) The hospital is no longer a suitable place for the care 80551
or treatment of mentally ill persons. 80552

(b) The hospital refuses to be subject to inspection or 80553
on-site review by the department. 80554

(c) The hospital has failed to furnish humane, kind, and 80555
adequate treatment and care. 80556

(d) The hospital fails to comply with the licensure rules of 80557
the department. 80558

(2) Proceedings initiated to deny applications for full or 80559
probationary licenses, to refuse to renew full or probationary 80560
licenses, or to revoke full or probationary licenses are governed 80561
by Chapter 119. of the Revised Code. If an order has been issued 80562
suspending the admission of patients, the order remains in effect 80563
during the pendency of those proceedings. 80564

~~(F)(1)~~(G)(1) In a proceeding initiated to suspend the 80565
admission of patients, to deny an application for a full or 80566
probationary license, to refuse to renew a full or probationary 80567
license, or to revoke a full or probationary license, the 80568
department may order the suspension, denial, refusal, or 80569
revocation regardless of whether some or all of the deficiencies 80570
that prompted the proceedings have been corrected at the time of 80571
the hearing. 80572

(2) When the department issues an order suspending the 80573
admission of patients, denies an application for a full or 80574
probationary license, refuses to renew a full or probationary 80575
license, or revokes a full or probationary license, the department 80576
shall not grant an opportunity for submitting a plan of 80577
correction. 80578

~~(G)~~(H) The department may inspect, conduct an on-site review, 80579

and review the records of any hospital that the department has 80580
reason to believe is operating without a license. 80581

Sec. 5119.34. (A) As used in this section and sections 80582
5119.341 and 5119.342 of the Revised Code: 80583

(1) "Accommodations" means housing, daily meal preparation, 80584
laundry, housekeeping, arranging for transportation, social and 80585
recreational activities, maintenance, security, and other services 80586
that do not constitute personal care services or skilled nursing 80587
care. 80588

(2) "ADAMHS board" means a board of alcohol, drug addiction, 80589
and mental health services. 80590

(3) "Adult" means a person who is eighteen years of age or 80591
older, other than a person described in division (A)(4) of this 80592
section who is between eighteen and twenty-one years of age. 80593

(4) "Child" means a person who is under eighteen years of age 80594
or a person with a mental disability who is under twenty-one years 80595
of age. 80596

(5) "Community mental health services provider" means a 80597
community mental health services provider as defined in section 80598
5119.01 of the Revised Code. 80599

(6) "Community mental health services" means any mental 80600
health services certified by the department pursuant to section 80601
5119.36 of the Revised Code. 80602

(7) "Operator" means the person or persons, firm, 80603
partnership, agency, governing body, association, corporation, or 80604
other entity that is responsible for the administration and 80605
management of a residential facility and that is the applicant for 80606
a residential facility license. 80607

(8) "Personal care services" means services including, but 80608
not limited to, the following: 80609

(a) Assisting residents with activities of daily living;	80610
(b) Assisting residents with self-administration of medication in accordance with rules adopted under this section;	80611 80612
(c) Preparing special diets, other than complex therapeutic diets, for residents pursuant to the instructions of a physician or a licensed dietitian, in accordance with rules adopted under this section.	80613 80614 80615 80616
"Personal care services" does not include "skilled nursing care" as defined in section 3721.01 of the Revised Code. A facility need not provide more than one of the services listed in division (A)(8) of this section to be considered to be providing personal care services.	80617 80618 80619 80620 80621
(9) "Room and board" means the provision of sleeping and living space, meals or meal preparation, laundry services, housekeeping services, or any combination thereof.	80622 80623 80624
(10) "Residential state supplement program" means the program established under section 5119.41 of the Revised Code.	80625 80626
(11) "Supervision" means any of the following:	80627
(a) Observing a resident to ensure the resident's health, safety, and welfare while the resident engages in activities of daily living or other activities;	80628 80629 80630
(b) Reminding a resident to perform or complete an activity, such as reminding a resident to engage in personal hygiene or other self-care activities;	80631 80632 80633
(c) Assisting a resident in making or keeping an appointment.	80634
(12) "Unrelated" means that a resident is not related to the owner or operator of a residential facility or to the owner's or operator's spouse as a parent, grandparent, child, stepchild, grandchild, brother, sister, niece, nephew, aunt, or uncle, or as the child of an aunt or uncle.	80635 80636 80637 80638 80639

(B)(1) A "residential facility" is a publicly or privately operated home or facility that falls into one of the following categories:

(a) Class one facilities provide accommodations, supervision, personal care services, and mental health services for one or more unrelated adults with mental illness or one or more unrelated children or adolescents with severe emotional disturbances;

(b) Class two facilities provide accommodations, supervision, and personal care services to any of the following:

(i) One or two unrelated persons with mental illness;

(ii) One or two unrelated adults who are receiving payments under the residential state supplement program;

(iii) Three to sixteen unrelated adults.

(c) Class three facilities provide room and board for five or more unrelated adults with mental illness.

(2) "Residential facility" does not include any of the following:

(a) A hospital subject to licensure under section 5119.33 of the Revised Code or an institution maintained, operated, managed, and governed by the department of mental health and addiction services for the hospitalization of mentally ill persons pursuant to section 5119.14 of the Revised Code;

(b) A residential facility licensed under section 5123.19 of the Revised Code or otherwise regulated by the department of developmental disabilities;

(c) An institution or association subject to certification under section 5103.03 of the Revised Code;

(d) A facility operated by a hospice care program licensed under section 3712.04 of the Revised Code that is used exclusively for care of hospice patients;

(e) A nursing home, residential care facility, or home for the aging as defined in section 3721.02 of the Revised Code; 80670
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(f) A facility licensed under section 5119.37 of the Revised Code to operate an opioid treatment program; 80672
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(g) Any facility that receives funding for operating costs from the department of development under any program established to provide emergency shelter housing or transitional housing for the homeless; 80674
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(h) A terminal care facility for the homeless that has entered into an agreement with a hospice care program under section 3712.07 of the Revised Code; 80678
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(i) A facility approved by the veterans administration under section 104(a) of the "Veterans Health Care Amendments of 1983," 97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for the placement and care of veterans; 80681
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(j) The residence of a relative or guardian of a person with mental illness. 80685
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(C) Nothing in division (B) of this section shall be construed to permit personal care services to be imposed on a resident who is capable of performing the activity in question without assistance. 80687
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(D) Except in the case of a residential facility described in division (B)(1)(a) of this section, members of the staff of a residential facility shall not administer medication to the facility's residents, but may do any of the following: 80691
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(1) Remind a resident when to take medication and watch to ensure that the resident follows the directions on the container; 80695
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(2) Assist a resident in the self-administration of medication by taking the medication from the locked area where it is stored, in accordance with rules adopted pursuant to this 80697
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section, and handing it to the resident. If the resident is 80700
physically unable to open the container, a staff member may open 80701
the container for the resident. 80702

(3) Assist a physically impaired but mentally alert resident, 80703
such as a resident with arthritis, cerebral palsy, or Parkinson's 80704
disease, in removing oral or topical medication from containers 80705
and in consuming or applying the medication, upon request by or 80706
with the consent of the resident. If a resident is physically 80707
unable to place a dose of medicine to the resident's mouth without 80708
spilling it, a staff member may place the dose in a container and 80709
place the container to the mouth of the resident. 80710

~~(E)(1) Except as provided in division (E)(2) of this section,~~ 80711
~~a(E) A person operating or seeking to operate a residential~~ 80712
facility shall apply for licensure of the facility to the 80713
department of mental health and addiction services. The 80714
application shall be submitted by the operator. When applying for 80715
the license, the applicant shall pay to the department the 80716
application fee specified in rules adopted under division (N) of 80717
this section. The fee is nonrefundable. 80718

The department shall send a copy of an application to the 80719
ADAMHS board serving the county in which the person operates or 80720
seeks to operate the facility. The ADAMHS board shall review the 80721
application and provide to the department any information about 80722
the applicant or the facility that the board would like the 80723
department to consider in reviewing the application. 80724

~~(2) A person may not apply for a license to operate a~~ 80725
~~residential facility if the person is or has been the owner,~~ 80726
~~operator, or manager of a residential facility for which a license~~ 80727
~~to operate was revoked or for which renewal of a license was~~ 80728
~~refused for any reason other than nonpayment of the license~~ 80729
~~renewal fee, unless both of the following conditions are met:~~ 80730

~~(a) A period of not less than two years has elapsed since the date the director of mental health and addiction services issued the order revoking or refusing to renew the facility's license.~~

~~(b) The director's revocation or refusal to renew the license was not based on an act or omission at the facility that violated a resident's right to be free from abuse, neglect, or exploitation.~~

(F) The department of mental health and addiction services shall inspect and license the operation of residential facilities. The department ~~shall consider the past record of the facility and the applicant or licensee in arriving at its licensure decision~~ may issue a license to operate a residential facility only if both of the following are the case:

(1) The department is satisfied, after investigation, that the facility is managed and operated by qualified persons and is adequately staffed and equipped to operate.

(2) The department is satisfied, after reviewing records and information it requires as specified in rules adopted under division (N) of this section, that the facility and all owners and operators of the facility have been in good standing in all other locations where the facility or such other person has been operating a facility, or a similar facility, during the three-year period immediately preceding the date of application.

The department may issue full, probationary, and interim licenses. A full license shall expire up to three years after the date of issuance, a probationary license shall expire in a shorter period of time as specified in rules adopted by the director of mental health and addiction services under division (N) of this section, and an interim license shall expire ninety days after the date of issuance. A license may be renewed in accordance with rules adopted by the director under division (N) of this section.

The renewal application shall be submitted by the operator. When 80762
applying for renewal of a license, the applicant shall pay to the 80763
department the renewal fee specified in rules adopted under 80764
division (N) of this section. The fee is nonrefundable. 80765

(G)(1) If the department finds any of the following with 80766
respect to a residential facility, the department may issue an 80767
order suspending the admission of residents to the facility, 80768
refuse to issue or renew a license for the facility, or revoke the 80769
facility's license: 80770

(a) The facility is not in compliance with rules adopted by 80771
the director pursuant to division (N) of this section; 80772

(b) Any facility operated by the applicant or licensee has 80773
been cited for a pattern of serious noncompliance or repeated 80774
violations of statutes or rules during the period of current or 80775
previous licenses; 80776

(c) The applicant or licensee submits false or misleading 80777
information as part of a license application, renewal, or 80778
investigation. 80779

(2) Proceedings initiated to deny applications for full or 80780
probationary licenses, to refuse to renew full or probationary 80781
licenses, or to revoke full or probationary licenses are governed 80782
by Chapter 119. of the Revised Code. If an order has been issued 80783
suspending the admission of residents to the facility, the order 80784
remains in effect during the pendency of those proceedings. 80785

Proceedings initiated to suspend the admission of residents 80786
to a facility are governed by Chapter 119. of the Revised Code, 80787
except as provided in division (H) of this section. 80788

(3) In a proceeding initiated to suspend the admission of 80789
residents to a facility, to deny an application for a full or 80790
probationary license, to refuse to renew a full or probationary 80791
license, or to revoke a full or probationary license, the 80792

department may order the suspension, denial, refusal, or 80793
revocation regardless of whether some or all of the deficiencies 80794
that prompted the proceedings have been corrected at the time of 80795
the hearing. 80796

(4) When the department issues an order suspending the 80797
admission of residents to a facility, denies an application for a 80798
full or probationary license, refuses to renew a full or 80799
probationary license, or revokes a full or probationary license, 80800
the department shall not grant an opportunity for submitting a 80801
plan of correction. 80802

(H)(1) If a suspension of admissions of residents to a 80803
facility is proposed because the director has determined that the 80804
licensee has demonstrated a pattern of serious noncompliance or 80805
that a violation creates a substantial risk to the health and 80806
safety of residents, the director may issue an order imposing the 80807
suspension of admissions before providing an opportunity for an 80808
adjudication under Chapter 119. of the Revised Code. The director 80809
shall lift the order for the suspension of admissions if the 80810
director determines that the violation that formed the basis for 80811
the order has been corrected. 80812

(2) Appeals from proceedings initiated to order the 80813
suspension of admissions to a facility shall be conducted in 80814
accordance with Chapter 119. of the Revised Code, unless the order 80815
was issued before providing an opportunity for an adjudication, in 80816
which case all of the following apply: 80817

(a) The licensee may request a hearing not later than ten 80818
days after ~~receiving the notice specified being served in section~~ 80819
accordance with sections 119.05 and 119.07 of the Revised Code. 80820

(b) If a timely request for a hearing that includes the 80821
licensee's current address is made, the hearing shall commence not 80822
later than thirty days after the department receives the request. 80823

(c) After commencing, the hearing shall continue 80824
uninterrupted, except for Saturdays, Sundays, and legal holidays, 80825
unless other interruptions are agreed to by the licensee and the 80826
director. 80827

(d) If the hearing is conducted by a hearing examiner, the 80828
hearing examiner shall file a report and recommendations with the 80829
department not later than ten days after the last of the 80830
following: 80831

(i) The close of the hearing; 80832

(ii) If a transcript of the proceedings is ordered, the 80833
hearing examiner receives the transcript; 80834

(iii) If post-hearing briefs are timely filed, the hearing 80835
examiner receives the briefs. 80836

(e) The hearing examiner shall send a written copy of the 80837
report and recommendations, by certified mail, to the licensee, or 80838
the licensee's attorney, if applicable, not later than five days 80839
after the report is filed with the department. 80840

(f) Not later than five days after receiving the report and 80841
recommendations, the licensee may file objections with the 80842
department. 80843

(g) Not later than fifteen days after the hearing examiner 80844
files the report and recommendations, the department shall issue 80845
an order approving, modifying, or disapproving the report and 80846
recommendations. 80847

(h) Notwithstanding the pendency of the hearing, the 80848
department shall lift the order for the suspension of admissions 80849
if the department determines the violation that formed the basis 80850
for the order has been corrected. 80851

(I) The department may issue an interim license to operate a 80852
residential facility if both of the following conditions are met: 80853

(1) The department determines that the closing of or the need to remove residents from another residential facility has created an emergency situation requiring immediate removal of residents and an insufficient number of licensed beds are available.

(2) The residential facility applying for an interim license meets standards established for interim licenses in rules adopted by the director under division (N) of this section.

An interim license shall be valid for ninety days and may be renewed by the director no more than twice. Proceedings initiated to deny applications for or to revoke interim licenses under this division are not subject to Chapter 119. of the Revised Code.

(J)(1) The department of mental health and addiction services may conduct an inspection of a residential facility as follows:

(a) Prior to issuance of a license for the facility;

(b) Prior to renewal of the license;

(c) To determine whether the facility has completed a plan of correction required pursuant to division (J)(2) of this section and corrected deficiencies to the satisfaction of the department and in compliance with this section and rules adopted pursuant to it;

(d) Upon complaint by any individual or agency;

(e) At any time the director considers an inspection to be necessary in order to determine whether the facility is in compliance with this section and rules adopted pursuant to this section.

(2) In conducting inspections the department may conduct an on-site examination and evaluation of the residential facility and its personnel, activities, and services. The department shall have access to examine and copy all records, accounts, and any other documents relating to the operation of the residential facility,

including records pertaining to residents, and shall have access 80884
to the facility in order to conduct interviews with the operator, 80885
staff, and residents. Following each inspection and review, the 80886
department shall complete a report listing any deficiencies, and 80887
including, when appropriate, a time table within which the 80888
operator shall correct the deficiencies. The department may 80889
require the operator to submit a plan of correction describing how 80890
the deficiencies will be corrected. 80891

(K) No person shall do any of the following: 80892

(1) Operate a residential facility unless the facility holds 80893
a valid license; 80894

(2) Violate any of the conditions of licensure after having 80895
been granted a license; 80896

(3) Interfere with a state or local official's inspection or 80897
investigation of a residential facility; 80898

(4) Violate any of the provisions of this section or any 80899
rules adopted pursuant to this section. 80900

(L) The following may enter a residential facility at any 80901
time: 80902

(1) Employees designated by the director of mental health and 80903
addiction services; 80904

(2) Employees of an ADAMHS board under either of the 80905
following circumstances: 80906

(a) When a resident of the facility is receiving services 80907
from a community mental health services provider under contract 80908
with that ADAMHS board or another ADAMHS board; 80909

(b) When authorized by section 340.05 of the Revised Code. 80910

(3) Employees of a community mental health services provider 80911
under either of the following circumstances: 80912

(a) When the provider has a person receiving services residing in the facility;	80913 80914
(b) When the provider is acting as an agent of an ADAMHS board other than the board with which it is under contract.	80915 80916
(4) Representatives of the state long-term care ombudsman program when the facility provides accommodations, supervision, and personal care services for three to sixteen unrelated adults or to one or two unrelated adults who are receiving payments under the residential state supplement program.	80917 80918 80919 80920 80921
The persons specified in division (L) of this section shall be afforded access to examine and copy all records, accounts, and any other documents relating to the operation of the residential facility, including records pertaining to residents.	80922 80923 80924 80925
(M) Employees of the department of mental health and addiction services may enter, for the purpose of investigation, any institution, residence, facility, or other structure which has been reported to the department as, or that the department has reasonable cause to believe is, operating as a residential facility without a valid license.	80926 80927 80928 80929 80930 80931
(N) The director shall adopt and may amend and rescind rules pursuant to Chapter 119. of the Revised Code governing the licensing and operation of residential facilities. The rules shall establish all of the following:	80932 80933 80934 80935
(1) Minimum standards for the health, safety, adequacy, and cultural competency of treatment of and services for persons in residential facilities;	80936 80937 80938
(2) Procedures for the issuance, renewal, or revocation of the licenses of residential facilities;	80939 80940
(3) <u>The records and other information that must be submitted to demonstrate good standing for purposes of division (F) of this</u>	80941 80942

<u>section;</u>	80943
<u>(4)</u> Procedures for conducting background investigations for prospective or current operators, employees, volunteers, and other non-resident occupants who may have direct access to facility residents;	80944 80945 80946 80947
(4) <u>(5)</u> The fee to be paid when applying for a new residential facility license or renewing the license;	80948 80949
(5) <u>(6)</u> Procedures for the operator of a residential facility to follow when notifying the ADAMHS board serving the county in which the facility is located when the facility is serving residents with mental illness or severe mental disability, including the circumstances under which the operator is required to make such a notification;	80950 80951 80952 80953 80954 80955
(6) <u>(7)</u> Procedures for the issuance and termination of orders of suspension of admission of residents to a residential facility;	80956 80957
(7) <u>(8)</u> Measures to be taken by residential facilities relative to residents' medication;	80958 80959
(8) <u>(9)</u> Requirements relating to preparation of special diets;	80960
(9) <u>(10)</u> The maximum number of residents who may be served in a residential facility;	80961 80962
(10) <u>(11)</u> The rights of residents of residential facilities and procedures to protect such rights;	80963 80964
(11) <u>(12)</u> Standards and procedures under which the director may waive the requirements of any of the rules adopted.	80965 80966
(0)(1) The department may withhold the source of any complaint reported as a violation of this section when the department determines that disclosure could be detrimental to the department's purposes or could jeopardize the investigation. The department may disclose the source of any complaint if the complainant agrees in writing to such disclosure and shall	80967 80968 80969 80970 80971 80972

disclose the source upon order by a court of competent jurisdiction. 80973
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(2) Any person who makes a complaint under division (O)(1) of this section, or any person who participates in an administrative or judicial proceeding resulting from such a complaint, is immune from civil liability and is not subject to criminal prosecution, other than for perjury, unless the person has acted in bad faith or with malicious purpose. 80975
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(P)(1) The director of mental health and addiction services may petition the court of common pleas of the county in which a residential facility is located for an order enjoining any person from operating a residential facility without a license or from operating a licensed facility when, in the director's judgment, there is a present danger to the health or safety of any of the occupants of the facility. The court shall have jurisdiction to grant such injunctive relief upon a showing that the respondent named in the petition is operating a facility without a license or there is a present danger to the health or safety of any residents of the facility. 80981
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(2) When the court grants injunctive relief in the case of a facility operating without a license, the court shall issue, at a minimum, an order enjoining the facility from admitting new residents to the facility and an order requiring the facility to assist with the safe and orderly relocation of the facility's residents. 80992
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(3) If injunctive relief is granted against a facility for operating without a license and the facility continues to operate without a license, the director shall refer the case to the attorney general for further action. 80998
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(Q) The director may fine a person for violating division (K) of this section. The fine shall be five hundred dollars for a 81002
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first offense; for each subsequent offense, the fine shall be one 81004
thousand dollars. The director's actions in imposing a fine shall 81005
be taken in accordance with Chapter 119. of the Revised Code. 81006

Sec. 5119.35. (A) Except as provided in division (B) of this 81007
section, if a mental health service or alcohol and drug addiction 81008
service has been specified in rules adopted under this section as 81009
a service that is required to be certified, no person or 81010
government entity shall provide ~~any of the following alcohol and~~ 81011
~~drug addiction services~~ that service unless the services have it 81012
has been certified under section 5119.36 of the Revised Code+ 81013

~~(1) Withdrawal management addiction services provided in a~~ 81014
~~setting other than an acute care hospital;~~ 81015

~~(2) Addiction services provided in a residential treatment~~ 81016
~~setting;~~ 81017

~~(3) Addiction services provided on an outpatient basis.~~ 81018

(B) Division (A) of this section does not apply to either of 81019
the following: 81020

(1) An individual who holds a valid license, certificate, or 81021
registration issued by this state authorizing the practice of a 81022
health care profession that includes the performance of ~~the~~ 81023
services any service that is required to be certified as described 81024
in ~~divisions (A)(1) to (3) of~~ this section, regardless of whether 81025
the ~~services are~~ service is performed as part of a sole 81026
proprietorship, partnership, or group practice; 81027

(2) An individual who provides ~~the services~~ any service that 81028
is required to be certified as described in ~~divisions (A)(1) to~~ 81029
~~(3) of~~ this section as part of an employment or contractual 81030
relationship with a hospital outpatient clinic that is accredited 81031
by an accreditation agency or organization approved by the 81032
director of mental health and addiction services. 81033

(C) No person or government entity that is subject to this section is eligible to receive, for a service that is subject to this section, any federal funds, state funds, or funds administered by a board of alcohol, drug addiction, and mental health services, unless that service has been certified under section 5119.36 of the Revised Code. This limitation is in addition to the criminal penalty that applies for violating division (A) of this section. 81034
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(D) The director may adopt rules in accordance with Chapter 119. of the Revised Code to specify mental health services and alcohol and drug addiction services that are required to be certified under section 5119.36 of the Revised Code. Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under this section is not subject to sections 121.95 to 121.953 of the Revised Code. 81042
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Sec. 5119.36. ~~(A) A community mental health services provider applicant or community addiction services provider applicant~~ person or government entity that seeks initial certification of its one or more certifiable services and supports, or that seeks to renew certification of one or more certifiable services and supports, shall submit an application to the director of mental health and addiction services. On receipt of the application, the director ~~may conduct an on-site review and shall evaluate the applicant to determine whether its certifiable services and supports satisfy~~ the standards established by divisions (B) and (C) of this section and any rules adopted under this section are satisfied or continue to be satisfied by the applicant. ~~The director shall make the evaluation, and, if~~ As part of the determination, the director ~~conducts~~ may conduct an on-site review of the applicant~~7~~. In doing so, the director may ~~make~~ conduct the review~~7~~ in cooperation with a board of alcohol, drug addiction, 81050
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and mental health services that seeks to contract or has a 81066
contract with the applicant under section 340.036 of the Revised 81067
Code. 81068

~~(B) Subject to section 5119.361 of the Revised Code, the~~ 81069
(B)(1) Beginning on the effective date of this amendment, an 81070
applicant seeking initial certification of certifiable services 81071
and supports shall be accredited to provide those services and 81072
supports by one or more national accrediting organizations 81073
specified in division (B)(3) of this section that offer 81074
accreditation for those services and supports or equivalent 81075
services and supports. 81076

(2) Beginning October 1, 2025, an applicant seeking to renew 81077
certification of certifiable services and supports shall be 81078
accredited to provide those services and supports by one or more 81079
national accrediting organizations specified in division (B)(3) of 81080
this section that offer accreditation for those services and 81081
supports or equivalent services and supports. 81082

(3) For purposes of divisions (B)(1) and (2) of this section, 81083
the director shall accept appropriate accreditation of an 81084
applicant's certifiable services and supports from any of the 81085
following national accrediting organizations: 81086

(a) The joint commission; 81087

(b) The commission on accreditation of rehabilitation 81088
facilities; 81089

(c) The council on accreditation; 81090

(d) Any other national accrediting organization the director 81091
considers appropriate. 81092

(C) In addition to meeting the accreditation standard set 81093
forth in division (B) of this section, an applicant seeking 81094
initial or renewed certification of one or more certifiable 81095

services and supports shall meet both of the following, as 81096
determined by the director: 81097

(1) The applicant shall have adequate staff and equipment to 81098
provide the certifiable services and supports; 81099

(2) The applicant and all owners and principals of the 81100
applicant shall be in good standing in all other locations where 81101
the applicant has been providing certifiable services and supports 81102
during the three-year period immediately preceding the date of the 81103
application, based on a review of records and information required 81104
to be submitted as specified in rules adopted under this section. 81105

(D)(1) Except as provided in division (D)(2) of this section, 81106
if the director determines that an applicant has paid any required 81107
certification fee, that the applicant's accreditation of 81108
certifiable services and supports is current and appropriate for 81109
the services and supports for which the applicant is seeking 81110
initial or renewed certification, that the applicant meets the 81111
requirements of division (C) of this section, and that the 81112
applicant meets any other requirements established by this section 81113
or rules adopted under it, the director shall certify the services 81114
and supports or renew the certification of the services and 81115
supports, as applicable. Except as provided in division (I) of 81116
this section, the director shall issue or renew the certification 81117
without further evaluation of the services and supports. 81118

(2) Prior to October 1, 2025, if an applicant that seeks to 81119
renew certification of certifiable services and supports is not 81120
accredited to provide those services and supports by one or more 81121
national accrediting organizations specified in division (B)(3) of 81122
this section, the director shall conduct an evaluation of the 81123
applicant to determine whether the applicant's certifiable 81124
services and supports of a community mental health services 81125
provider applicant or community addiction services provider 81126
applicant satisfy the standards for certification. The evaluation 81127

is in addition to any on-site review conducted under division (A) 81128
of this section and shall be performed in cooperation with a board 81129
of alcohol, drug addiction, and mental health services that seeks 81130
to contract or has a contract with the applicant under section 81131
340.036 of the Revised Code. If the director determines that an 81132
applicant has paid any required certification fee, that the 81133
applicant's certifiable services and supports satisfy the 81134
standards for renewed certification and ~~the applicant has paid the~~ 81135
~~fee required by this section, that the applicant meets the~~ 81136
requirements of division (C) of this section, and that the 81137
applicant meets any other requirements established by this section 81138
or the rules adopted under it, the director shall certify the 81139
certifiable services and supports. 81140

~~No community mental health services provider shall be~~ 81141
~~eligible to receive for its certifiable services and supports any~~ 81142
~~state funds, federal funds, or funds administered by a board of~~ 81143
~~alcohol, drug addiction, and mental health services, unless those~~ 81144
~~certifiable services and supports have been certified by the~~ 81145
~~director.~~ 81146

~~No person or government entity subject to section 5119.35 of~~ 81147
~~the Revised Code or any other community addiction services~~ 81148
~~provider shall be eligible to receive for its services described~~ 81149
~~in that section or its other certifiable services and supports any~~ 81150
~~state funds, federal funds, or funds administered by a board of~~ 81151
~~alcohol, drug addiction, and mental health services, unless those~~ 81152
~~services or other certifiable services and supports have been~~ 81153
~~certified by the director.~~ 81154

(C)(E) For purposes of the accreditation requirements of this 81155
section, both of the following apply: 81156

(1) The director may review the accrediting organizations 81157
specified in division (B)(3) of this section to evaluate whether 81158
the accreditation standards and processes used by the 81159

organizations are consistent with service delivery models the 81160
director considers appropriate for mental health services, alcohol 81161
and drug addiction services, or physical health services. The 81162
director may communicate to an accrediting organization any 81163
identified concerns, trends, needs, and recommendations. 81164

(2) The director shall require a community mental health 81165
services provider and a community addiction services provider to 81166
notify the director not later than ten days after any change in 81167
the provider's accreditation status. The provider may notify the 81168
director by providing a copy of the relevant document the provider 81169
received from the accrediting organization. 81170

(F) The director may require a community mental health 81171
services provider or a community addiction services provider to 81172
submit to the director cost reports pertaining to the provider. 81173

(G) The director may refuse to certify certifiable services 81174
and supports, refuse to renew certification, or revoke 81175
certification if any of the following apply to an applicant for 81176
certification or the holder of the certification: 81177

(1) The applicant or holder is not in compliance with rules 81178
adopted under this section. 81179

(2) The applicant or holder has been cited for a pattern of 81180
serious noncompliance or repeated violations of statutes or rules 81181
during the current certification period or any previous 81182
certification period. 81183

(3) The applicant or holder has been found to be in violation 81184
of section 5119.396 of the Revised Code; 81185

(4) The applicant or holder submits false or misleading 81186
information as part of a certification application, renewal, or 81187
investigation. 81188

~~(D)~~(H) Proceedings initiated to deny applications to certify 81189

certifiable services and supports, to refuse to renew 81190
certification, or to revoke certification are governed by Chapter 81191
119. of the Revised Code. If an order has been issued suspending 81192
admissions to a community addiction services provider ~~that~~ 81193
~~provides overnight accommodations~~, as provided in division ~~(H)~~(M) 81194
of this section, the order remains in effect during the pendency 81195
of those proceedings. 81196

~~(E)~~(I) The director may conduct an on-site review or 81197
otherwise evaluate a community mental health services provider or 81198
a community addiction services provider at any time based on 81199
cause, including complaints made by or on behalf of persons 81200
receiving mental health services or alcohol and drug addiction 81201
services and confirmed or alleged deficiencies brought to the 81202
attention of the director. This authority does not affect the 81203
director's duty to conduct the inspections required by section 81204
5119.37 of the Revised Code. 81205

In conducting an on-site review under this division, the 81206
director may do so in cooperation with a board of alcohol, drug 81207
addiction, and mental health services that seeks to contract or 81208
has a contract with the applicant under section 340.036 of the 81209
Revised Code. In conducting any other evaluation under this 81210
division, the director shall do so in cooperation with such a 81211
board. 81212

(J) If the director determines that ~~a community mental health 81213
services provider applicant's or a community addiction services 81214
provider~~ an applicant's certifiable services and supports do not 81215
satisfy the standards for certification, the director may request 81216
that the appropriate board of alcohol, drug addiction, and mental 81217
health services reallocate any funds for the certifiable services 81218
and supports the applicant was to provide to ~~another~~ a community 81219
mental health services provider or community addiction services 81220
provider whose certifiable services and supports satisfy the 81221

standards. If the board does not reallocate such funds in a 81222
reasonable period of time, the director may withhold state and 81223
federal funds for the certifiable services and supports and 81224
allocate those funds directly to a community mental health 81225
services provider or community addiction services provider whose 81226
certifiable services and supports satisfy the standards. 81227

~~(F)(K)~~ Each ~~community mental health services provider~~ 81228
~~applicant or community addiction services provider~~ applicant 81229
seeking initial or renewed certification of its certifiable 81230
services and supports ~~under this section~~ shall pay a fee for the 81231
certification required by this section, unless the applicant is 81232
exempt under rules adopted under this section. Fees shall be paid 81233
into the state treasury to the credit of the sale of goods and 81234
services fund created pursuant to section 5119.45 of the Revised 81235
Code. 81236

~~(G)(L)~~ The director shall adopt rules in accordance with 81237
Chapter 119. of the Revised Code to implement this section. ~~The~~ 81238
Notwithstanding any provision of section 121.95 of the Revised 81239
Code to the contrary, a regulatory restriction contained in a rule 81240
adopted under this section is not subject to sections 121.95 to 81241
121.953 of the Revised Code. 81242

The rules shall do all of the following: 81243

(1) Subject to section 340.034 of the Revised Code, specify 81244
the types of recovery supports that are required to be certified 81245
under this section; 81246

(2) Establish certification standards for certifiable 81247
services and supports that are consistent with nationally 81248
recognized applicable standards and facilitate participation in 81249
federal assistance programs. The rules shall include as 81250
certification standards only requirements that improve the quality 81251
of certifiable services and supports or the health and safety of 81252

persons receiving certifiable services and supports. The standards shall address at a minimum all of the following:	81253 81254
(a) Reporting major unusual incidents to the director;	81255
(b) Procedures for applicants for and persons receiving certifiable services and supports to file grievances and complaints;	81256 81257 81258
(c) Seclusion;	81259
(d) Restraint;	81260
(e) Requirements regarding the physical facilities in which certifiable services and supports are provided;	81261 81262
(f) Requirements with regard to health, safety, adequacy, and cultural specificity and sensitivity;	81263 81264
(g) Standards for evaluating certifiable services and supports;	81265 81266
(h) Standards and procedures for granting full, probationary, and interim certification of the certifiable services and supports of a community mental health services provider applicant or community addiction services provider <u>an</u> applicant;	81267 81268 81269 81270
(i) Standards and procedures for revoking the certification of a community mental health services provider's or community addiction services provider's certifiable services and supports that do not continue to meet the minimum standards established pursuant to this section;	81271 81272 81273 81274 81275
(j) The limitations to be placed on a provider whose certifiable services and supports are granted probationary or interim certification;	81276 81277 81278
(k) Development of written policies addressing the rights of persons receiving certifiable services and supports, including all of the following:	81279 81280 81281

(i) The right to a copy of the written policies addressing the rights of persons receiving certifiable services and supports;	81282 81283
(ii) The right at all times to be treated with consideration and respect for the person's privacy and dignity;	81284 81285
(iii) The right to have access to the person's own psychiatric, medical, or other treatment records unless access is specifically restricted in the person's treatment plan for clear treatment reasons;	81286 81287 81288 81289
(iv) The right to have a client rights officer provided by the provider or board of alcohol, drug addiction, and mental health services advise the person of the person's rights, including the person's rights under Chapter 5122. of the Revised Code if the person is committed to the provider or board.	81290 81291 81292 81293 81294
<u>(l) Documentation that must be submitted as evidence of holding appropriate accreditation;</u>	81295 81296
<u>(m) A process by which the director may review the accreditation standards and process used by the national accrediting organizations specified in division (B)(3) of this section.</u>	81297 81298 81299 81300
(3) Establish the process for certification of certifiable services and supports;	81301 81302
(4) Set the amount of <u>initial and renewal</u> certification review fees <u>and any reasons for which applicants may be exempt from the fees;</u>	81303 81304 81305
(5) Specify the type of notice and hearing to be provided prior to a decision on whether to reallocate funds;	81306 81307
<u>(6) Establish a process by which the director, based on deficiencies identified as a result of conducting an on-site review or otherwise evaluating a community mental health services provider or community addiction services provider under division</u>	81308 81309 81310 81311

(I) of this section, may take any range of correction actions, 81312
including revocation of the provider's certification; 81313

(7) Specify the records and information that must be 81314
submitted to demonstrate good standing for purposes of division 81315
(C) of this section. 81316

~~(H)(1)~~(M)(1) The director may issue an order suspending 81317
admissions to a community addiction services provider that 81318
provides overnight accommodations if the director finds either of 81319
the following: 81320

(a) The provider's certifiable services and supports are not 81321
in compliance with rules adopted under this section; 81322

(b) The provider has been cited for more than one violation 81323
of statutes or rules during any previous certification period of 81324
the provider. 81325

(2)(a) Except as provided in division ~~(H)(2)(b)~~(M)(2)(b) of 81326
this section, proceedings initiated to suspend admissions to a 81327
community addiction services provider that provides overnight 81328
accommodations are governed by Chapter 119. of the Revised Code. 81329

(b) If a suspension of admissions is proposed because the 81330
director has determined that the provider has demonstrated a 81331
pattern of serious noncompliance or that a violation creates a 81332
substantial risk to the health and safety of patients, the 81333
director may issue an order suspending admissions before providing 81334
an opportunity for an adjudication under Chapter 119. of the 81335
Revised Code. The director shall lift the order for the suspension 81336
of admissions if the director determines that the violation that 81337
formed the basis for the order has been corrected. 81338

(3) Appeals from proceedings initiated to order the 81339
suspension of admissions shall be conducted in accordance with 81340
Chapter 119. of the Revised Code, unless the order was issued 81341
before providing an opportunity for an adjudication, in which case 81342

all of the following apply: 81343

(a) The provider may request a hearing not later than ten 81344
days after ~~receiving the notice specified~~ being served in ~~section~~ 81345
accordance with sections 119.05 and 119.07 of the Revised Code. 81346

(b) If a timely request for a hearing that includes the 81347
provider's current address is made, the hearing shall commence not 81348
later than thirty days after the department receives the request. 81349

(c) After commencing, the hearing shall continue 81350
uninterrupted, except for Saturdays, Sundays, and legal holidays, 81351
unless other interruptions are agreed to by the provider and the 81352
director. 81353

(d) If the hearing is conducted by a hearing examiner, the 81354
hearing examiner shall file a report and recommendations with the 81355
department not later than ten days after the last of the 81356
following: 81357

(i) The close of the hearing; 81358

(ii) If a transcript of the proceedings is ordered, the 81359
hearing examiner receives the transcript; 81360

(iii) If post-hearing briefs are timely filed, the hearing 81361
examiner receives the briefs. 81362

(e) The hearing examiner shall send a written copy of the 81363
report and recommendations, by certified mail, to the provider, or 81364
the provider's attorney, if applicable, not later than five days 81365
after the report is filed with the department. 81366

(f) Not later than five days after receiving the report and 81367
recommendations, the provider may file objections with the 81368
department. 81369

(g) Not later than fifteen days after the hearing examiner 81370
files the report and recommendations, the department shall issue 81371
an order approving, modifying, or disapproving the report and 81372

recommendations. 81373

(h) Notwithstanding the pendency of the hearing, the 81374
department shall lift the order for the suspension of admissions 81375
if the department determines the violation that formed the basis 81376
for the order has been corrected. 81377

~~(I)~~(1)~~(N)~~(1) In a proceeding initiated to suspend admissions 81378
to a community addiction services provider that provides overnight 81379
accommodations, to deny an application for certification of 81380
certifiable services and supports, to refuse to renew 81381
certification, or to revoke certification, the department may 81382
order the suspension, denial, refusal, or revocation regardless of 81383
whether some or all of the deficiencies that prompted the 81384
proceedings have been corrected at the time of the hearing. 81385

(2) When the department issues an order suspending admissions 81386
to a community addiction services provider that provides overnight 81387
accommodations, denies an application for certification of 81388
certifiable services and supports, refuses to renew certification, 81389
or revokes a certification, the department shall not grant an 81390
opportunity for submitting a plan of correction. 81391

~~(J)~~(O) The department of mental health and addiction services 81392
shall maintain a current list of community addiction services 81393
providers and shall provide a copy of the list to a judge of a 81394
court of common pleas who requests a copy for the use of the judge 81395
under division (H) of section 2925.03 of the Revised Code. The 81396
list shall identify each provider by its name, its address, and 81397
the county in which it is located. 81398

~~(K)~~(P) No person shall represent in any manner that a 81399
community mental health services provider's or community addiction 81400
services provider's certifiable services and supports are 81401
certified by the director if the certifiable services and supports 81402
are not so certified at the time the representation is made. 81403

Sec. 5119.37. (A)(1)(a) Except as provided in division 81404
(A)(1)(b) of this section, no person or government entity shall 81405
operate an opioid treatment program requiring certification, as 81406
certification is defined in 42 C.F.R. 8.2, unless the person or 81407
government entity is a community addiction services provider and 81408
the program is licensed under this section. 81409

(b) Division (A)(1)(a) of this section does not apply to a 81410
program operated by the United States department of veterans 81411
affairs. 81412

(2) No community addiction services provider licensed under 81413
this section shall operate an opioid treatment program in a manner 81414
inconsistent with this section and the rules adopted under it. 81415

(B) A community addiction services provider seeking a license 81416
to operate an opioid treatment program shall apply to the 81417
department of mental health and addiction services. The department 81418
shall review all applications received. 81419

(C) The department may issue a license to operate an opioid 81420
treatment program to a community addiction services provider only 81421
if all of the following apply: 81422

(1) During the three-year period immediately preceding the 81423
date of application, the provider or any owner, sponsor, medical 81424
director, administrator, or principal of the provider has been in 81425
good standing to operate an opioid treatment program in all other 81426
locations where the provider or such other person has been 81427
operating a similar program, as evidenced by both of the 81428
following: 81429

(a) Not having been denied a license, certificate, or similar 81430
approval to operate an opioid treatment program by this state or 81431
another jurisdiction; 81432

(b) Not having been the subject of any of the following in 81433

this state or another jurisdiction: 81434

(i) An action that resulted in the suspension or revocation 81435
of the license, certificate, or similar approval of the provider 81436
or other person; 81437

(ii) A voluntary relinquishment, withdrawal, or other action 81438
taken by the provider or other person to avoid suspension or 81439
revocation of the license, certificate, or similar approval; 81440

(iii) A disciplinary action that was based, in whole or in 81441
part, on the provider or other person engaging in the 81442
inappropriate prescribing, dispensing, administering, personally 81443
furnishing, diverting, storing, supplying, compounding, or selling 81444
of a controlled substance or other dangerous drug. 81445

(2) It affirmatively appears to the department that the 81446
provider is adequately staffed and equipped to operate an opioid 81447
treatment program. 81448

(3) It affirmatively appears to the department that the 81449
provider will operate an opioid treatment program in strict 81450
compliance with all laws relating to drug abuse and the rules 81451
adopted by the department. 81452

(4) Except as provided in division (D) of this section and 81453
section 5119.371 of the Revised Code, if the provider is seeking 81454
an initial license for a particular location, the proposed opioid 81455
treatment program is not located on a parcel of real estate that 81456
is within a radius of five hundred linear feet of the boundaries 81457
of a parcel of real estate having situated on it a public or 81458
private school, child day-care center licensed under Chapter 5104. 81459
of the Revised Code, or child-serving agency regulated by the 81460
department under this chapter. 81461

(5) The provider meets any additional requirements 81462
established by the department in rules adopted under division (F) 81463
of this section. 81464

(D) The department may waive the requirement of division 81465
(C)(4) of this section if it receives, from each public or private 81466
school, child day-care center, or child-serving agency that is 81467
within the five hundred linear feet radius described in that 81468
division, a letter of support for the location. The department 81469
shall determine whether a letter of support is satisfactory for 81470
purposes of waiving the requirement. 81471

(E)(1) Except as provided in division (E)(2) of this section, 81472
a license to operate an opioid treatment program shall expire two 81473
years from the date of issuance. Licenses may be renewed. 81474

(2) In circumstances in which the director of mental health 81475
and addiction services has concerns regarding compliance of a 81476
community addiction services provider licensed as an opioid 81477
treatment program, the department shall notify the provider of 81478
those concerns and stipulate that the provider's license expires 81479
annually on a date determined by the department. 81480

(F) The department shall establish procedures and adopt rules 81481
for licensing, inspection, and supervision of community addiction 81482
services providers that operate an opioid treatment program. The 81483
rules shall establish standards for the control, storage, 81484
furnishing, use, dispensing, and administering of medications used 81485
in medication-assisted treatment; prescribe minimum standards for 81486
the operation of the opioid treatment program component of the 81487
provider's operations; and comply with federal laws and 81488
regulations. 81489

All rules adopted under this division shall be adopted in 81490
accordance with Chapter 119. of the Revised Code. All actions 81491
taken by the department regarding the licensing of providers to 81492
operate opioid treatment programs shall be conducted in accordance 81493
with Chapter 119. of the Revised Code, except as provided in 81494
division (L) of this section. 81495

(G)(1) The department shall inspect all community addiction services providers licensed to operate an opioid treatment program. Inspections shall be conducted at least biennially and may be conducted more frequently.

In addition, the department may inspect any provider or other person that it reasonably believes to be operating an opioid treatment program without a license issued under this section.

(2) When conducting an inspection, the department may do both of the following:

(a) Examine and copy all records, accounts, and other documents relating to the provider's or other person's operations, including records pertaining to patients or clients;

(b) Conduct interviews with any individual employed by or contracted or otherwise associated with the provider or person, including an administrator, staff person, patient, or client.

(3) No person or government entity shall interfere with a state or local government official acting on behalf of the department while conducting an inspection.

(H) A community addiction services provider shall not administer or dispense methadone in a tablet, powder, or intravenous form. Methadone shall be administered or dispensed only in a liquid form intended for ingestion.

A community addiction services provider shall not administer or dispense a medication used in medication-assisted treatment for pain or other medical reasons.

(I) As used in this division, "program sponsor" means a person who assumes responsibility for the operation and employees of the opioid treatment program component of a community addiction services provider's operations.

A provider shall not permit an individual to act as a program

sponsor, medical director, or director of the provider if the 81526
individual is receiving a medication used in medication-assisted 81527
treatment from any community addiction services provider. 81528

(J) The department may issue orders to ensure compliance with 81529
all laws relating to drug abuse and the rules adopted under this 81530
section. Subject to section 5119.27 of the Revised Code, the 81531
department may hold hearings, require the production of relevant 81532
matter, compel testimony, issue subpoenas, and make adjudications. 81533
Upon failure of a person without lawful excuse to obey a subpoena 81534
or to produce relevant matter, the department may apply to a court 81535
of common pleas for an order compelling compliance. 81536

(K) The department may refuse to issue, or may withdraw or 81537
revoke, a license to operate an opioid treatment program. A 81538
license may be refused if a community addiction services provider 81539
does not meet the requirements of division (C) of this section. A 81540
license may be withdrawn at any time the department determines 81541
that the provider no longer meets the requirements for receiving 81542
the license. A license may be revoked in accordance with division 81543
(L) of this section. 81544

Once a license is issued under this section, the department 81545
shall not consider the requirement of division (C)(4) of this 81546
section in determining whether to renew, withdraw, or revoke the 81547
license or whether to reissue the license as a result of a change 81548
in ownership. 81549

(L) If the department finds reasonable cause to believe that 81550
a community addiction services provider licensed under this 81551
section is in violation of any state or federal law or rule 81552
relating to drug abuse, the department may issue an order 81553
immediately revoking the license, subject to division (M) of this 81554
section. The department shall set a date not more than fifteen 81555
days later than the date of the order of revocation for a hearing 81556
on the continuation or cancellation of the revocation. For good 81557

cause, the department may continue the hearing on application of 81558
any interested party. In conducting hearings, the department has 81559
all the authority and power set forth in division (J) of this 81560
section. Following the hearing, the department shall either 81561
confirm or cancel the revocation. The hearing shall be conducted 81562
in accordance with Chapter 119. of the Revised Code, except that 81563
the provider shall not be permitted to operate an opioid treatment 81564
program pending the hearing or pending any appeal from an 81565
adjudication made as a result of the hearing. Notwithstanding any 81566
provision of Chapter 119. of the Revised Code to the contrary, a 81567
court shall not stay or suspend any order of revocation issued by 81568
the department under this division pending judicial appeal. 81569

(M) The department shall not revoke a license to operate an 81570
opioid treatment program unless all clients receiving medication 81571
used in medication-assisted treatment from the community addiction 81572
services provider are provided adequate substitute medication or 81573
treatment. For purposes of this division, the department may 81574
transfer the clients to other providers licensed to operate opioid 81575
treatment programs or replace any or all of the administrators and 81576
staff of the provider with representatives of the department who 81577
shall continue on a provisional basis the opioid treatment 81578
component of the provider's operations. 81579

(N) Each time the department receives an application from a 81580
community addiction services provider for a license to operate an 81581
opioid treatment program, issues or refuses to issue a license, or 81582
withdraws or revokes a license, the department shall notify the 81583
board of alcohol, drug addiction, and mental health services of 81584
each alcohol, drug addiction, and mental health service district 81585
in which the provider operates. 81586

(O) Whenever it appears to the department from files, upon 81587
complaint, or otherwise, that a community addiction services 81588
provider has engaged in any practice declared to be illegal or 81589

prohibited by section 3719.61 of the Revised Code, or any other 81590
state or federal laws or regulations relating to drug abuse, or 81591
when the department believes it to be in the best interest of the 81592
public and necessary for the protection of the citizens of the 81593
state, the department may request criminal proceedings by laying 81594
before the prosecuting attorney of the proper county any evidence 81595
of criminality which may come to its knowledge. 81596

(P) The department shall maintain a current list of community 81597
addiction services providers licensed by the department under this 81598
section and shall provide a copy of the current list to a judge of 81599
a court of common pleas who requests a copy for the use of the 81600
judge under division (H) of section 2925.03 of the Revised Code 81601
and to a board of alcohol, drug addiction, and mental health 81602
services that requests a copy for purposes of division (I)(3) of 81603
section 340.08 of the Revised Code. The list of licensed community 81604
addiction services providers shall identify each licensed provider 81605
by its name, its address, and the county in which it is located. 81606

Sec. 5119.39. (A) The department of mental health and 81607
addiction services shall monitor the operation of recovery housing 81608
in this state by doing either of the following: 81609

(1) Certifying recovery housing residences through a process 81610
established by the department; 81611

(2) Accept accreditation, or its equivalent for the service 81612
of recovery housing, from one or more of the following: 81613

(a) The Ohio affiliate of the national alliance for recovery 81614
residences; 81615

(b) Oxford house, inc.; 81616

(c) Any other organization that is designated by the 81617
department for purposes of this section. 81618

(B) If the department certifies recovery housing residences, 81619

the department shall, in rules adopted under section 5119.397 of 81620
the Revised Code, establish requirements for initial certification 81621
and renewal certification, as well as grounds and procedures for 81622
disciplinary action against operators of recovery housing 81623
residences. 81624

Sec. 5119.391. (A) The department of mental health and 81625
addiction services shall monitor the establishment of recovery 81626
housing residences in this state. 81627

(B) For purposes of division (A) of this section, and within 81628
the timeframe specified in division (C) of this section, each 81629
person or government entity that will operate a recovery housing 81630
residence on or after the effective date of this section, 81631
including any recovery housing that was established and in 81632
operation prior to the effective date of this section, shall file 81633
with the department, on a form prescribed by the department, all 81634
of the following information: 81635

(1) The name of the recovery housing residence and any other 81636
name under which the residence does business; 81637

(2) The address of the recovery housing residence; 81638

(3) The name of the person or government entity operating the 81639
residence; 81640

(4) The primary telephone number and electronic mail address 81641
for the recovery housing operator; 81642

(5) The date the recovery housing residence was first 81643
occupied, or will be occupied, by its first resident; 81644

(6) Information related to any existing accreditation or its 81645
equivalent that the recovery housing residence has obtained or is 81646
in the process of obtaining; 81647

(7) Any other information the department considers 81648
appropriate. 81649

(C) The form required by division (B) of this section shall 81650
be filed with the department as follows: 81651

(1) For a recovery housing residence that began operating 81652
before the effective date of this section, not later than thirty 81653
days after the effective date of this section; 81654

(2) For a recovery housing residence that will begin 81655
operating on or after the effective date of this section, not 81656
later than thirty days after the first resident begins occupying 81657
the residence. 81658

(D) If the department accepts accreditation or its equivalent 81659
from an organization specified in section 5119.39 of the Revised 81660
Code, the department may provide copies of forms filed in 81661
accordance with this section to any such organization. 81662

Sec. 5119.392. (A) Beginning January 1, 2025, no person or 81663
government entity shall operate a recovery housing residence 81664
unless either of the following applies: 81665

(1)(a) If the department of mental health and addiction 81666
services certifies recovery housing residences, the recovery 81667
housing residence is certified by the department. 81668

(b) If the department accepts accreditation or its equivalent 81669
from an organization specified in section 5119.39 of the Revised 81670
Code, the residence is accredited by such an organization. 81671

(2) The recovery housing residence has been operating for not 81672
more than eighteen months and is actively engaged in efforts to 81673
obtain certification or accreditation, as applicable. For purposes 81674
of identifying this eighteen-month timeframe, a recovery housing 81675
residence is considered to begin operating on the date that the 81676
first resident occupies the residence, as specified on the form 81677
filed in accordance with section 5119.391 of the Revised Code. 81678

(B) If the director of mental health and addiction services 81679

determines that a recovery housing residence is operating in 81680
violation of this section, the director may petition the court of 81681
common pleas of the county in which the recovery housing residence 81682
is located for an order enjoining operation of the recovery 81683
housing residence. 81684

Sec. 5119.393. (A) The department of mental health and 81685
addiction services shall establish a procedure to receive and 81686
investigate complaints from residents, staff, and the public 81687
regarding recovery housing residences. The department may contract 81688
with one or more of the organizations specified in section 5119.39 81689
of the Revised Code to fulfill some or all of the functions 81690
associated with receiving and investigating complaints. 81691

(B) Any organization under contract with the department to 81692
receive and investigate complaints shall make reports to the 81693
department as follows: 81694

(1) Not less than monthly, the contractor shall report the 81695
status of each pending investigation and shall report the outcome 81696
of each investigation that has been completed since the last 81697
report was made; 81698

(2) As soon as practicable, but not later than ten days after 81699
making an adverse decision, if a contractor's accreditation or its 81700
equivalent is accepted by the department for purposes of section 81701
5119.39 of the Revised Code, the contractor shall report that 81702
decision to the department in a manner prescribed by the 81703
department. 81704

Sec. 5119.394. (A) The department of mental health and 81705
addiction services shall establish and maintain a registry of 81706
recovery housing residences that meet the criteria described in 81707
division (A)(1) or (2) of section 5119.392 of the Revised Code. 81708
For each residence, the registry shall include all of the 81709

following: 81710

(1) Information on the form required by division (B) of section 5119.391 of the Revised Code; 81711
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(2) If a complaint received under section 5119.393 of the Revised Code has been investigated, a description of the complaint, the date the complaint was submitted to the department or its contractor, and the outcome of the investigation; 81713
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(3) Any other information the department considers appropriate. 81717
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(B) The department shall immediately remove from the registry a recovery housing residence that ceases to meet the criteria described in division (A)(1) or (2) of section 5119.392 of the Revised Code, including if the criteria described in those divisions ceases to be met because the residence has had its certification or accreditation, as applicable, revoked or not renewed. 81719
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(C) The department shall make the registry available to the public on the department's web site. 81726
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Sec. 5119.395. Beginning January 1, 2025, no person or government entity shall advertise or represent any residence or other building to be a recovery housing residence, sober living home, or any other alcohol and drug free housing for persons recovering from alcohol use disorder or drug addiction unless the residence or building meets either of the following conditions: 81728
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(A) The residence or building is on the registry established and maintained under section 5119.394 of the Revised Code; 81734
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(B) The residence or building is regulated by the department of rehabilitation and correction under section 2967.14 of the Revised Code. 81736
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Sec. 5119.396. Beginning January 1, 2025, community addiction services providers and community mental health services providers shall not refer clients to a recovery housing residence unless the residence is on the registry established and maintained under section 5119.394 of the Revised Code on the date that the referral is made. Community addiction services providers and community mental health services providers shall maintain records of all referrals made to recovery housing residences.

Sec. 5119.397. The director of mental health and addiction services may adopt rules in accordance with Chapter 119. of the Revised Code to implement sections 5119.39 to 5119.396 of the Revised Code. Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under this section is not subject to sections 121.95 to 121.953 of the Revised Code.

Sec. 5119.48. (A) The department of mental health and addiction services shall create the all roads lead to home program. The program shall include all of the following initiatives:

(1) A media campaign. As part of the campaign, the department shall develop public service announcements and shall make the announcements available to television and radio media outlets. The announcements shall be made available beginning on January 1, 2018, and at least twice annually, once between January and March of each year, and once in September of each year as part of national recovery month.

(2) A web site as described in division (C) of this section;

(3) A twenty-four-hour hotline, that is operated by a call center, for the purpose of helping individuals access addiction services.

(B) The media campaign described in division (A)(1) of this section shall do all of the following: 81769
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(1) Include messages to reduce the stigma associated with seeking help for drug addiction; 81771
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(2) Provide directions for people who are in need of drug addiction assistance to a web-based location that includes all of the following: 81773
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(a) Information on where to find help for drug addiction; 81776

(b) Information on intervention and referral options; 81777

(c) Contact information for county board drug addiction assistance authorities. 81778
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(3) Prioritize its efforts in media markets that have the highest rates of drug overdose deaths in this state; 81780
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(4) Utilize television and radio public service announcements provided to media outlets, as well as internet advertising models such as low-cost social media outlets. 81782
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(C) Before January 1, 2018, the department shall create a web site as described in division (A)(2) of this section that offers all of the following components: 81785
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(1) If reasonably available for use, an evidence-based self-reporting screening tool approved by the department's medical director; 81788
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(2) Community detoxification and withdrawal management options and community treatment options; 81791
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(3) A searchable database of certified substance abuse providers organized by zip code; 81793
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(4) Information on recovery supports, including recovery housing residences; 81795
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(5) Clinical information regarding what a person may expect 81797

during detoxification, withdrawal, and treatment. 81798

(D) The department may contract with private vendors for the 81799
creation and maintenance of the interactive web site described in 81800
division (C) of this section. 81801

Sec. 5119.61. (A) The department of mental health and 81802
addiction services shall collect and compile statistics and other 81803
information on the care and treatment of persons with mental 81804
disabilities, and the care, treatment, and rehabilitation of 81805
persons with ~~alcoholism~~ alcohol use disorder, persons with drug 81806
dependencies, persons in danger of drug dependence, and persons 81807
with or in danger of developing a gambling addiction in this 81808
state. The information shall include, without limitation, 81809
information on the number of such persons, the type of drug 81810
involved, if any, the type of care, treatment, or rehabilitation 81811
prescribed or undertaken, and the success or failure of the care, 81812
treatment, or rehabilitation. The department shall collect 81813
information about addiction services, mental health services, and 81814
recovery supports delivered and persons served as required for 81815
reporting and evaluation relating to state and federal funds 81816
expended for such purposes. 81817

(B) No community addiction services provider or community 81818
mental health services provider shall fail to supply statistics 81819
and other information within its knowledge and with respect to its 81820
addiction services, mental health services, and recovery supports 81821
upon request of the department. 81822

(C) Communications by a person seeking aid in good faith for 81823
~~alcoholism~~ alcohol use disorder or drug dependence are 81824
confidential, and this section does not require the collection or 81825
permit the disclosure of information which reveals or comprises 81826
the identity of any person seeking aid. 81827

(D) Based on the information collected and compiled under 81828

division (A) of this section, the department shall develop a 81829
project to assess the outcomes of persons served by community 81830
addiction services providers and community mental health services 81831
providers that receive funds distributed by the department. 81832

(E) The director of mental health and addiction services may 81833
fine a community addiction services provider or community mental 81834
health services provider for violating division (B) of this 81835
section. In determining whether to impose a fine, the director 81836
shall consider whether the provider has engaged in a pattern of 81837
noncompliance. If a fine is imposed, it shall be one thousand 81838
dollars for a first failure to comply with division (B) of this 81839
section and two thousand dollars for each subsequent failure. The 81840
director's actions in imposing a fine shall be taken in accordance 81841
with Chapter 119. of the Revised Code. 81842

All fines collected under this division shall be deposited in 81843
the state treasury to the credit of the department's statewide 81844
treatment and prevention fund created by section 4301.30 of the 81845
Revised Code. 81846

Sec. 5119.90. As used in sections 5119.90 to 5119.98 of the 81847
Revised Code: 81848

(A) "Alcohol and other drug abuse" means ~~alcoholism~~ alcohol 81849
use disorder or drug addiction. 81850

(B) "Another drug" means a controlled substance as defined in 81851
section 3719.01 of the Revised Code or a harmful intoxicant as 81852
defined in section 2925.01 of the Revised Code. 81853

(C) "Board of alcohol, drug addiction, and mental health 81854
services" means a board of alcohol, drug addiction, and mental 81855
health services established under section 340.02 or 340.021 of the 81856
Revised Code. 81857

(D) "Danger" or "threat of danger to self, family, or others" 81858

means substantial physical harm or threat of substantial physical 81859
harm upon self, family, or others. 81860

(E) "Hospital" has the same meaning as in section 3701.01 or 81861
3727.01 of the Revised Code but does not include either a hospital 81862
operated by the department of mental health and addiction services 81863
or an inpatient unit licensed by the department. 81864

(F) "Intoxicated" means being under the influence of alcohol, 81865
another drug, or both alcohol and another drug and, as a result, 81866
having a significantly impaired ability to function. 81867

(G) "Petitioner" means a person who institutes a proceeding 81868
under sections 5119.91 to 5119.98 of the Revised Code. 81869

(H) "Probate court" means the probate division of the court 81870
of common pleas. 81871

(I) "Qualified health professional" means a person that is 81872
properly credentialed or licensed to conduct a drug and alcohol 81873
assessment and diagnosis under Ohio law. 81874

(J) "Residence" means the legal residence of a person as 81875
determined by applicable principles governing conflicts of law. 81876

(K) "Respondent" means a person alleged in a petition filed 81877
or hearing under sections 5119.91 to 5119.98 of the Revised Code 81878
to be a person who is experiencing alcohol and other drug abuse 81879
and who may be ordered under those sections to undergo treatment. 81880

(L) "Treatment" means services and programs for the care and 81881
rehabilitation of intoxicated persons and persons experiencing 81882
alcohol and other drug abuse. "Treatment" includes residential 81883
treatment, a halfway house setting, and an intensive outpatient or 81884
outpatient level of care. 81885

Sec. 5119.99. (A) Whoever violates section 5119.333, division 81886
(A) of section 5119.392, or section 5119.395 of the Revised Code 81887
is guilty of a misdemeanor of the first degree. 81888

(B) Whoever violates division ~~(B)~~(K)(1) of section ~~5119.61~~
5119.34 of the Revised Code is guilty of a misdemeanor of the
fourth degree.

(C) Whoever violates section 5119.27 or 5119.28, division (A)
of section 5119.35, division ~~(K)~~(P) of section 5119.36, or
division (A)(1) or (2) of section 5119.37 of the Revised Code is
guilty of a felony of the fifth degree.

Sec. 5120.10. (A)(1) The director of rehabilitation and
correction, by rule, shall promulgate minimum standards for jails
in Ohio, including minimum security jails dedicated under section
341.34 or 753.21 of the Revised Code. Whenever the director files
a rule or an amendment to a rule in final form with both the
secretary of state and the director of the legislative service
commission pursuant to section 111.15 of the Revised Code, the
director of rehabilitation and correction promptly shall send a
copy of the rule or amendment, if the rule or amendment pertains
to minimum jail standards, by ordinary mail to the political
subdivisions or affiliations of political subdivisions that
operate jails to which the standards apply.

(2) The rules promulgated in accordance with division (A)(1)
of this section shall serve as criteria for the investigative and
supervisory powers and duties vested by division (D) of this
section in the division of parole and community services of the
department of rehabilitation and correction or in another division
of the department to which those powers and duties are assigned.

(B) The director may initiate an action in the court of
common pleas of the county in which a facility that is subject to
the rules promulgated under division (A)(1) of this section is
situated to enjoin compliance with the minimum standards for jails
or with the minimum standards and minimum renovation,
modification, and construction criteria for jails.

(C) Upon the request of an administrator of a jail facility, 81920
the chief executive of a municipal corporation, or a board of 81921
county commissioners, the director of rehabilitation and 81922
correction or the director's designee shall grant a variance from 81923
the minimum standards for jails in Ohio for a facility that is 81924
subject to one of those minimum standards when the director 81925
determines that strict compliance with the minimum standards would 81926
cause unusual, practical difficulties or financial hardship, that 81927
existing or alternative practices meet the intent of the minimum 81928
standards, and that granting a variance would not seriously affect 81929
the security of the facility, the supervision of the inmates, or 81930
the safe, healthful operation of the facility. If the director or 81931
the director's designee denies a variance, the applicant may 81932
appeal the denial pursuant to section 119.12 of the Revised Code. 81933

(D) The following powers and duties shall be exercised by the 81934
division of parole and community services unless assigned to 81935
another division by the director: 81936

(1) The investigation and supervision of county and municipal 81937
jails, workhouses, minimum security jails, and other correctional 81938
institutions and agencies; 81939

(2) The review and approval of plans submitted to the 81940
department of rehabilitation and correction pursuant to division 81941
(E) of this section; 81942

(3) The management and supervision of the adult parole 81943
authority created by section 5149.02 of the Revised Code; 81944

(4) The review and approval of proposals for community-based 81945
correctional facilities and programs and district community-based 81946
correctional facilities and programs that are submitted pursuant 81947
to division (B) of section 2301.51 of the Revised Code; 81948

(5) The distribution of funds made available to the division 81949
for purposes of assisting in the renovation, maintenance, and 81950

operation of community-based correctional facilities and programs 81951
and district community-based correctional facilities and programs 81952
in accordance with section 5120.112 of the Revised Code; 81953

(6) The performance of the duty imposed upon the department 81954
of rehabilitation and correction in section 5149.31 of the Revised 81955
Code to establish and administer a program of subsidies to 81956
eligible municipal corporations, counties, and groups of 81957
contiguous counties for the development, implementation, and 81958
operation of community-based corrections programs; 81959

(7) Licensing halfway houses and community residential 81960
centers for the care and treatment of adult offenders in 81961
accordance with section 2967.14 of the Revised Code; 81962

(8) Contracting with a public or private agency or a 81963
department or political subdivision of the state that operates a 81964
licensed halfway house or community residential center for the 81965
provision of housing, supervision, and other services to parolees, 81966
releasees, persons placed under a residential sanction, persons 81967
under transitional control, and other eligible offenders in 81968
accordance with section 2967.14 of the Revised Code; 81969

(9) Working with the Ohio facilities construction commission 81970
in accordance with Chapter 342. of the Revised Code. 81971

Other powers and duties may be assigned by the director of 81972
rehabilitation and correction to the division of parole and 81973
community services. This section does not apply to the department 81974
of youth services or its institutions or employees. 81975

(E) No plan for any new jail, workhouse, or lockup, and no 81976
plan for a substantial addition or alteration to an existing jail, 81977
workhouse, or lockup, shall be adopted unless the officials 81978
responsible for adopting the plan have submitted the plan to the 81979
department of rehabilitation and correction for approval, and the 81980
department has approved the plan as provided in division (D)(2) of 81981

this section. 81982

Sec. 5120.658. (A) As used in this section, "doula" has the same meaning as in section 4723.89 of the Revised Code. 81983
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(B) During the period beginning one year after the effective date of this section and ending five years after the effective date of this section, the department of rehabilitation and correction shall operate a program to provide to inmates participating in any prison nursery program established under section 5120.65 of the Revised Code doula services that are provided by a doula certified under section 4723.89 of the Revised Code. 81985
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(C) The department may adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under this section is not subject to sections 121.95 to 121.953 of the Revised Code. 81993
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Sec. 5123.0412. (A) The department of developmental disabilities shall charge each county board of developmental disabilities an annual fee equal to one and one-quarter per cent of the total value of all medicaid paid claims for home and community-based services provided during the year to an individual eligible for services from the county board, except that the department shall not charge the fee for home and community-based services provided under the medicaid waiver component known as the transitions developmental disabilities waiver. A county board shall not pass on to a provider of home and community-based services the cost of a fee charged to the county board under this section. 81999
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(B) The amounts collected from the fees charged under this 82011

section shall be deposited into the department of developmental 82012
disabilities administration and oversight fund, which is hereby 82013
created in the state treasury. The department shall use the money 82014
in the fund for both of the following purposes: 82015

(1) Medicaid administrative costs, including administrative 82016
and oversight costs of medicaid case management services and home 82017
and community-based services. The administrative and oversight 82018
costs of medicaid case management services and home and 82019
community-based services shall include costs for staff, systems, 82020
and other resources the department needs and dedicates solely to 82021
the following duties associated with the services: 82022

(a) Eligibility determinations; 82023

(b) Training; 82024

(c) Fiscal management; 82025

(d) Claims processing; 82026

(e) Quality assurance oversight; 82027

(f) Other duties the department identifies. 82028

(2) Providing technical support to county boards with respect 82029
to their medicaid local administrative authority under section 82030
5126.055 of the Revised Code for the services. 82031

~~(C) The department shall submit an annual report to the 82032
director of budget and management certifying how the department 82033
spent the money in the fund for the purposes specified in division 82034
(B) of this section. 82035~~

Sec. 5123.0419. (A) The director of developmental 82036
disabilities shall establish an interagency workgroup on autism. 82037
The purpose of the workgroup shall be to improve the coordination 82038
of the state's efforts to address the service needs of individuals 82039
with autism spectrum disorders and the families of those 82040

individuals. In fulfilling this purpose, the director may enter 82041
into interagency agreements with the government entities 82042
represented by the members of the workgroup. The agreements may 82043
specify any or all of the following: 82044

(1) The roles and responsibilities of government entities 82045
that enter into the agreements; 82046

(2) Procedures regarding the receipt, transfer, and 82047
expenditure of funds necessary to achieve the goals of the 82048
workgroup; 82049

(3) The projects to be undertaken and activities to be 82050
performed by the government entities that enter into the 82051
agreements. 82052

~~(B)~~(B)(1) The entity contracted to administer programs and 82053
coordinate services for infants, preschool and school-age 82054
children, and adults with autism and low incidence disabilities 82055
under section 3323.32 of the Revised Code shall serve as the 82056
coordinating body of the workgroup. 82057

(2) The coordinating body of the workgroup shall ensure that 82058
the workgroup submits an annual report to the director of 82059
developmental disabilities by the thirty-first day of December of 82060
each year that includes recommendations for the workgroup's 82061
priorities and goals for the next year. 82062

(3) The department shall contract with the coordinating body 82063
on the implementation of the recommendations and other department 82064
initiatives for individuals with autism and other low incidence 82065
disabilities. 82066

(C) Money received from government entities represented by 82067
the members of the workgroup shall be deposited into the state 82068
treasury to the credit of the interagency workgroup on autism 82069
fund, which is hereby created in the state treasury. Money 82070

credited to the fund shall be used by the department of 82071
developmental disabilities solely to support the activities of the 82072
workgroup. 82073

(D) The workgroup shall hold at least two meetings per year 82074
that are open to the public for the purposes of reporting its work 82075
and hearing public feedback. 82076

Sec. 5123.19. (A) As used in sections 5123.19 to 5123.20 of 82077
the Revised Code: 82078

(1) "Independent living arrangement" means an arrangement in 82079
which an individual with a developmental disability resides in an 82080
individualized setting chosen by the individual or the 82081
individual's guardian, which is not dedicated principally to the 82082
provision of residential services for individuals with 82083
developmental disabilities, and for which no financial support is 82084
received for rendering such service from any governmental agency 82085
by a provider of residential services. 82086

(2) "Licensee" means the person or government agency that has 82087
applied for a license to operate a residential facility and to 82088
which the license was issued under this section. 82089

(3) "Political subdivision" means a municipal corporation, 82090
county, or township. 82091

(4) "Related party" has the same meaning as in section 82092
5123.16 of the Revised Code except that "provider" as used in the 82093
definition of "related party" means a person or government entity 82094
that held or applied for a license to operate a residential 82095
facility, rather than a person or government entity certified to 82096
provide supported living. 82097

(5)(a) Except as provided in division (A)(5)(b) of this 82098
section, "residential facility" means a home or facility, 82099
including an ICF/IID, in which an individual with a developmental 82100

disability resides. 82101

(b) "Residential facility" does not mean any of the 82102
following: 82103

(i) The home of a relative or legal guardian in which an 82104
individual with a developmental disability resides; 82105

(ii) A respite care home certified under section 5126.05 of 82106
the Revised Code; 82107

(iii) A county home or district home operated pursuant to 82108
Chapter 5155. of the Revised Code; 82109

(iv) A dwelling in which the only residents with 82110
developmental disabilities are in independent living arrangements 82111
or are being provided supported living; 82112

(v) A location registered as a pediatric transition care 82113
program under section 3712.042 of the Revised Code. 82114

(B) Every person or government agency desiring to operate a 82115
residential facility shall apply for licensure of the facility to 82116
the director of developmental disabilities unless the residential 82117
facility is subject to section 3721.02, 5103.03, 5119.33, or 82118
division (B)(1)(b) of section 5119.34 of the Revised Code. 82119

(C)(1) Subject to section 5123.196 of the Revised Code, the 82120
director of developmental disabilities shall license the operation 82121
of residential facilities. An initial license shall be issued for 82122
a period that does not exceed one year, unless the director denies 82123
the license under division (D) of this section. A license shall be 82124
renewed for a period that does not exceed three years, unless the 82125
director refuses to renew the license under division (D) of this 82126
section. The director, when issuing or renewing a license, shall 82127
specify the period for which the license is being issued or 82128
renewed. A license remains valid for the length of the licensing 82129
period specified by the director, unless the license is 82130

terminated, revoked, or voluntarily surrendered. 82131

(2) Notwithstanding sections 5123.043, 5123.196, and 5123.197 82132
of the Revised Code and rules adopted under section 5123.04 of the 82133
Revised Code, the director shall issue a new license for a 82134
residential facility if the facility meets the following 82135
conditions: 82136

(a) The residential facility will be certified as an ICF/IID; 82137

(b) The building in which the residential facility will be 82138
operated was operated as a residential facility under a lease for 82139
not fewer than twenty years before the date of application for a 82140
new license; 82141

(c) The former operator of the residential facility relocated 82142
the beds previously in the facility to another site that will be 82143
licensed as a residential facility; 82144

(d) The residential facility will be located in Preble, 82145
Clermont, or Warren county; 82146

(e) The residential facility will contain eight beds; 82147

(f) The licensee will make a good faith effort to serve 82148
multi-system youth or adults with severe behavioral challenges at 82149
the residential facility or at one or more other residential 82150
facilities for which licenses are issued under division (C) of 82151
this section. 82152

(3) The director shall issue not more than five licenses 82153
under division (C)(2) of this section. 82154

(D) If it is determined that an applicant or licensee is not 82155
in compliance with a provision of this chapter that applies to 82156
residential facilities or the rules adopted under such a 82157
provision, the director may deny issuance of a license, refuse to 82158
renew a license, terminate a license, revoke a license, issue an 82159
order for the suspension of admissions to a facility, issue an 82160

order for the placement of a monitor at a facility, issue an order 82161
for the immediate removal of residents, or take any other action 82162
the director considers necessary consistent with the director's 82163
authority under this chapter regarding residential facilities. In 82164
the director's selection and administration of the sanction to be 82165
imposed, all of the following apply: 82166

(1) The director may deny, refuse to renew, or revoke a 82167
license, if the director determines that the applicant or licensee 82168
has demonstrated a pattern of serious noncompliance or that a 82169
violation creates a substantial risk to the health and safety of 82170
residents of a residential facility. 82171

(2) The director may terminate a license if more than twelve 82172
consecutive months have elapsed since the residential facility was 82173
last occupied by a resident or a notice required by division (J) 82174
of this section is not given. 82175

(3) The director may issue an order for the suspension of 82176
admissions to a facility for any violation that may result in 82177
sanctions under division (D)(1) of this section and for any other 82178
violation specified in rules adopted under division (G)(2) of this 82179
section. If the suspension of admissions is imposed for a 82180
violation that may result in sanctions under division (D)(1) of 82181
this section, the director may impose the suspension before 82182
providing an opportunity for an adjudication under Chapter 119. of 82183
the Revised Code. The director shall lift an order for the 82184
suspension of admissions when the director determines that the 82185
violation that formed the basis for the order has been corrected. 82186

(4) The director may order the placement of a monitor at a 82187
residential facility for any violation specified in rules adopted 82188
under division (G)(2) of this section. The director shall lift the 82189
order when the director determines that the violation that formed 82190
the basis for the order has been corrected. 82191

(5) When the director initiates license revocation 82192
proceedings, no opportunity for submitting a plan of correction 82193
shall be given. The director shall notify the licensee by letter 82194
of the initiation of the proceedings. The letter shall list the 82195
deficiencies of the residential facility and inform the licensee 82196
that no plan of correction will be accepted. The director shall 82197
also send a copy of the letter to the county board of 82198
developmental disabilities. Except in the case of a licensee that 82199
is an ICF/IID, the county board shall send a copy of the letter to 82200
each of the following: 82201

(a) Each resident who receives services from the licensee; 82202

(b) The guardian of each resident who receives services from 82203
the licensee if the resident has a guardian; 82204

(c) The parent or guardian of each resident who receives 82205
services from the licensee if the resident is a minor. 82206

(6) Pursuant to rules which shall be adopted in accordance 82207
with Chapter 119. of the Revised Code, the director may order the 82208
immediate removal of residents from a residential facility 82209
whenever conditions at the facility present an immediate danger of 82210
physical or psychological harm to the residents. 82211

(7) In determining whether a residential facility is being 82212
operated in compliance with a provision of this chapter that 82213
applies to residential facilities or the rules adopted under such 82214
a provision, or whether conditions at a residential facility 82215
present an immediate danger of physical or psychological harm to 82216
the residents, the director may rely on information obtained by a 82217
county board of developmental disabilities or other governmental 82218
agencies. 82219

(8) In proceedings initiated to deny, refuse to renew, or 82220
revoke licenses, the director may deny, refuse to renew, or revoke 82221
a license regardless of whether some or all of the deficiencies 82222

that prompted the proceedings have been corrected at the time of 82223
the hearing. 82224

(E)(1) Except as provided in division (E)(2) of this section, 82225
appeals from proceedings initiated to impose a sanction under 82226
division (D) of this section shall be conducted in accordance with 82227
Chapter 119. of the Revised Code. 82228

(2) Appeals from proceedings initiated to order the 82229
suspension of admissions to a facility shall be conducted in 82230
accordance with Chapter 119. of the Revised Code, unless the order 82231
was issued before providing an opportunity for an adjudication, in 82232
which case all of the following apply: 82233

(a) The licensee may request a hearing not later than ten 82234
days after ~~receiving the notice specified~~ being served in ~~section~~ 82235
accordance with sections 119.05 and 119.07 of the Revised Code. 82236

(b) If a timely request for a hearing that includes the 82237
licensee's current address is made, the hearing shall commence not 82238
later than thirty days after the department receives the request. 82239

(c) After commencing, the hearing shall continue 82240
uninterrupted, except for Saturdays, Sundays, and legal holidays, 82241
unless other interruptions are agreed to by the licensee and the 82242
director. 82243

(d) If the hearing is conducted by a hearing examiner, the 82244
hearing examiner shall file a report and recommendations not later 82245
than ten days after the last of the following: 82246

(i) The close of the hearing; 82247

(ii) If a transcript of the proceedings is ordered, the 82248
hearing examiner receives the transcript; 82249

(iii) If post-hearing briefs are timely filed, the hearing 82250
examiner receives the briefs. 82251

(e) A copy of the written report and recommendation of the 82252

hearing examiner shall be sent, by certified mail, to the licensee 82253
and the licensee's attorney, if applicable, not later than five 82254
days after the report is filed. 82255

(f) Not later than five days after the hearing examiner files 82256
the report and recommendations, the licensee may file objections 82257
to the report and recommendations. 82258

(g) Not later than fifteen days after the hearing examiner 82259
files the report and recommendations, the director shall issue an 82260
order approving, modifying, or disapproving the report and 82261
recommendations. 82262

(h) Notwithstanding the pendency of the hearing, the director 82263
shall lift the order for the suspension of admissions when the 82264
director determines that the violation that formed the basis for 82265
the order has been corrected. 82266

(F) Neither a person or government agency whose application 82267
for a license to operate a residential facility is denied nor a 82268
related party of the person or government agency may apply for a 82269
license to operate a residential facility before the date that is 82270
five years after the date of the denial. Neither a licensee whose 82271
residential facility license is revoked nor a related party of the 82272
licensee may apply for a residential facility license before the 82273
date that is five years after the date of the revocation. 82274

(G) In accordance with Chapter 119. of the Revised Code, the 82275
director shall adopt and may amend and rescind rules for licensing 82276
and regulating the operation of residential facilities. The rules 82277
for residential facilities that are ICFs/IID may differ from those 82278
for other residential facilities. The rules shall establish and 82279
specify the following: 82280

(1) Procedures and criteria for issuing and renewing 82281
licenses, including procedures and criteria for determining the 82282
length of the licensing period that the director must specify for 82283

each license when it is issued or renewed;	82284
(2) Procedures and criteria for denying, refusing to renew, terminating, and revoking licenses and for ordering the suspension of admissions to a facility, placement of a monitor at a facility, and the immediate removal of residents from a facility;	82285 82286 82287 82288
(3) Fees for issuing and renewing licenses, which shall be deposited into the program fee fund created under section 5123.033 of the Revised Code;	82289 82290 82291
(4) Procedures for surveying residential facilities;	82292
(5) Classifications for the various types of residential facilities;	82293 82294
(6) The maximum number of individuals who may be served in a particular type of residential facility;	82295 82296
(7) Uniform procedures for admission of individuals to and transfers and discharges of individuals from residential facilities;	82297 82298 82299
(8) Other standards for the operation of residential facilities and the services provided at residential facilities;	82300 82301
(9) Procedures for waiving any provision of any rule adopted under this section.	82302 82303
(H)(1) Before issuing a license, the director shall conduct a survey of the residential facility for which application is made. The director shall conduct a survey of each licensed residential facility at least once during the period the license is valid and may conduct additional inspections as needed. A survey includes but is not limited to an on-site examination and evaluation of the residential facility, its personnel, and the services provided there. The director may assign to a county board of developmental disabilities or the department of health the responsibility to conduct any survey or inspection under this section.	82304 82305 82306 82307 82308 82309 82310 82311 82312 82313

(2) In conducting surveys, the director shall be given access 82314
to the residential facility; all records, accounts, and any other 82315
documents related to the operation of the facility; the licensee; 82316
the residents of the facility; and all persons acting on behalf 82317
of, under the control of, or in connection with the licensee. The 82318
licensee and all persons on behalf of, under the control of, or in 82319
connection with the licensee shall cooperate with the director in 82320
conducting the survey. 82321

(3) Following each survey, the director shall provide the 82322
licensee with a report listing the date of the survey, any 82323
citations issued as a result of the survey, and the statutes or 82324
rules that purportedly have been violated and are the bases of the 82325
citations. The director shall also do both of the following: 82326

(a) Specify a date by which the licensee may appeal any of 82327
the citations; 82328

(b) When appropriate, specify a timetable within which the 82329
licensee must submit a plan of correction describing how the 82330
problems specified in the citations will be corrected and, the 82331
date by which the licensee anticipates the problems will be 82332
corrected. 82333

(4) If the director initiates a proceeding to revoke a 82334
license, the director shall include the report required by 82335
division (H)(3) of this section with the notice of the proposed 82336
revocation the director sends to the licensee. In this 82337
circumstance, the licensee may not submit a plan of correction. 82338

(5) After a plan of correction is submitted, the director 82339
shall approve or disapprove the plan. If the plan of correction is 82340
approved, a copy of the approved plan shall be provided, not later 82341
than five business days after it is approved, to any person or 82342
government entity who requests it and made available on the 82343
internet web site maintained by the department of developmental 82344

disabilities. If the plan of correction is not approved and the 82345
director initiates a proceeding to revoke the license, a copy of 82346
the survey report shall be provided to any person or government 82347
entity that requests it and shall be made available on the 82348
internet web site maintained by the department. 82349

(6) The director shall initiate disciplinary action against 82350
any department employee who notifies or causes the notification to 82351
any unauthorized person of an unannounced survey of a residential 82352
facility by an authorized representative of the department. 82353

(I) In addition to any other information which may be 82354
required of applicants for a license pursuant to this section, the 82355
director shall require each applicant to provide a copy of an 82356
approved plan for a proposed residential facility pursuant to 82357
section 5123.042 of the Revised Code. This division does not apply 82358
to renewal of a license or to an applicant for an initial or 82359
modified license who meets the requirements of section 5123.197 of 82360
the Revised Code. 82361

(J)(1) A licensee shall notify the owner of the building in 82362
which the licensee's residential facility is located of any 82363
significant change in the identity of the licensee or management 82364
contractor before the effective date of the change if the licensee 82365
is not the owner of the building. 82366

(2) Pursuant to rules, which shall be adopted in accordance 82367
with Chapter 119. of the Revised Code, the director may require 82368
notification to the department of any significant change in the 82369
ownership of a residential facility or in the identity of the 82370
licensee or management contractor. If the director determines that 82371
a significant change of ownership is proposed, the director shall 82372
consider the proposed change to be an application for development 82373
by a new operator pursuant to section 5123.042 of the Revised Code 82374
and shall advise the applicant within sixty days of the 82375
notification that the current license shall continue in effect or 82376

a new license will be required pursuant to this section. If the 82377
director requires a new license, the director shall permit the 82378
facility to continue to operate under the current license until 82379
the new license is issued, unless the current license is revoked, 82380
refused to be renewed, or terminated in accordance with Chapter 82381
119. of the Revised Code. 82382

(3) A licensee shall transfer to the new licensee or 82383
management contractor all records related to the residents of the 82384
facility following any significant change in the identity of the 82385
licensee or management contractor. 82386

(K) A county board of developmental disabilities and any 82387
interested person may file complaints alleging violations of 82388
statute or department rule relating to residential facilities with 82389
the department. All complaints shall state the facts constituting 82390
the basis of the allegation. The department shall not reveal the 82391
source of any complaint unless the complainant agrees in writing 82392
to waive the right to confidentiality or until so ordered by a 82393
court of competent jurisdiction. 82394

The department shall adopt rules in accordance with Chapter 82395
119. of the Revised Code establishing procedures for the receipt, 82396
referral, investigation, and disposition of complaints filed with 82397
the department under this division. 82398

(L) Before issuing a license under this section to a 82399
residential facility that will accommodate at any time more than 82400
one individual with a developmental disability, the director 82401
shall, by first class mail, notify the following: 82402

(1) If the facility will be located in a municipal 82403
corporation, the clerk of the legislative authority of the 82404
municipal corporation; 82405

(2) If the facility will be located in unincorporated 82406
territory, the clerk of the appropriate board of county 82407

commissioners and the fiscal officer of the appropriate board of township trustees. 82408
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The director shall not issue the license for ten days after mailing the notice, excluding Saturdays, Sundays, and legal holidays, in order to give the notified local officials time in which to comment on the proposed issuance. 82410
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Any legislative authority of a municipal corporation, board of county commissioners, or board of township trustees that receives notice under this division of the proposed issuance of a license for a residential facility may comment on it in writing to the director within ten days after the director mailed the notice, excluding Saturdays, Sundays, and legal holidays. If the director receives written comments from any notified officials within the specified time, the director shall make written findings concerning the comments and the director's decision on the issuance of the license. If the director does not receive written comments from any notified local officials within the specified time, the director shall continue the process for issuance of the license. 82414
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(M) Any person may operate a licensed residential facility that provides room and board, personal care, habilitation services, and supervision in a family setting for at least six but not more than eight individuals with developmental disabilities as a permitted use in any residential district or zone, including any single-family residential district or zone, of any political subdivision. These residential facilities may be required to comply with area, height, yard, and architectural compatibility requirements that are uniformly imposed upon all single-family residences within the district or zone. 82427
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(N) Any person may operate a licensed residential facility that provides room and board, personal care, habilitation services, and supervision in a family setting for at least nine 82437
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but not more than sixteen individuals with developmental 82440
disabilities as a permitted use in any multiple-family residential 82441
district or zone of any political subdivision, except that a 82442
political subdivision that has enacted a zoning ordinance or 82443
resolution establishing planned unit development districts may 82444
exclude these residential facilities from those districts, and a 82445
political subdivision that has enacted a zoning ordinance or 82446
resolution may regulate these residential facilities in 82447
multiple-family residential districts or zones as a conditionally 82448
permitted use or special exception, in either case, under 82449
reasonable and specific standards and conditions set out in the 82450
zoning ordinance or resolution to: 82451

(1) Require the architectural design and site layout of the 82452
residential facility and the location, nature, and height of any 82453
walls, screens, and fences to be compatible with adjoining land 82454
uses and the residential character of the neighborhood; 82455

(2) Require compliance with yard, parking, and sign 82456
regulation; 82457

(3) Limit excessive concentration of these residential 82458
facilities. 82459

(O) This section does not prohibit a political subdivision 82460
from applying to residential facilities nondiscriminatory 82461
regulations requiring compliance with health, fire, and safety 82462
regulations and building standards and regulations. 82463

(P) Divisions (M) and (N) of this section are not applicable 82464
to municipal corporations that had in effect on June 15, 1977, an 82465
ordinance specifically permitting in residential zones licensed 82466
residential facilities by means of permitted uses, conditional 82467
uses, or special exception, so long as such ordinance remains in 82468
effect without any substantive modification. 82469

(Q)(1) The director may issue an interim license to operate a 82470

residential facility to an applicant for a license under this 82471
section if either of the following is the case: 82472

(a) The director determines that an emergency exists 82473
requiring immediate placement of individuals in a residential 82474
facility, that insufficient licensed beds are available, and that 82475
the residential facility is likely to receive a permanent license 82476
under this section within thirty days after issuance of the 82477
interim license. 82478

(b) The director determines that the issuance of an interim 82479
license is necessary to meet a temporary need for a residential 82480
facility. 82481

(2) To be eligible to receive an interim license, an 82482
applicant must meet the same criteria that must be met to receive 82483
a permanent license under this section, except for any differing 82484
procedures and time frames that may apply to issuance of a 82485
permanent license. 82486

(3) An interim license shall be valid for thirty days and may 82487
be renewed by the director for a period not to exceed one hundred 82488
eighty days. 82489

(4) The director shall adopt rules in accordance with Chapter 82490
119. of the Revised Code as the director considers necessary to 82491
administer the issuance of interim licenses. 82492

(R) Notwithstanding rules adopted pursuant to this section 82493
establishing the maximum number of individuals who may be served 82494
in a particular type of residential facility, a residential 82495
facility shall be permitted to serve the same number of 82496
individuals being served by the facility on the effective date of 82497
the rules or the number of individuals for which the facility is 82498
authorized pursuant to a current application for a certificate of 82499
need with a letter of support from the department of developmental 82500
disabilities and which is in the review process prior to April 4, 82501

1986. 82502

This division does not preclude the department from 82503
suspending new admissions to a residential facility pursuant to a 82504
written order issued under section 5124.70 of the Revised Code. 82505

(S) The director may enter at any time, for purposes of 82506
investigation, any home, facility, or other structure that has 82507
been reported to the director or that the director has reasonable 82508
cause to believe is being operated as a residential facility 82509
without a license issued under this section. 82510

The director may petition the court of common pleas of the 82511
county in which an unlicensed residential facility is located for 82512
an order enjoining the person or governmental agency operating the 82513
facility from continuing to operate without a license. The court 82514
may grant the injunction on a showing that the person or 82515
governmental agency named in the petition is operating a 82516
residential facility without a license. The court may grant the 82517
injunction, regardless of whether the residential facility meets 82518
the requirements for receiving a license under this section. 82519

Sec. 5123.35. (A) There is hereby created the Ohio 82520
developmental disabilities council, which shall serve as an 82521
advocate for all persons with developmental disabilities. The 82522
council shall act in accordance with the "Developmental 82523
Disabilities Assistance and Bill of Rights Act of 2000," 42 U.S.C. 82524
15001. The governor shall appoint the members of the council in 82525
accordance with 42 U.S.C. 15025. 82526

(B) The council shall develop the state plan required by 82527
federal law as a condition of receiving federal assistance under 82528
42 U.S.C. 15021 to 15029. The department of developmental 82529
disabilities, as the state agency selected by the governor for 82530
purposes of receiving the federal assistance, shall receive, 82531
account for, and disburse funds based on the state plan and shall 82532

provide assurances and other administrative support services 82533
required as a condition of receiving the federal assistance. 82534

(C) The federal funds may be disbursed through grants to or 82535
contracts with persons and government agencies for the provision 82536
of necessary or useful goods and services for persons with 82537
developmental disabilities. The council may award the grants or 82538
enter into the contracts. 82539

(D) The council may award grants to or enter into contracts 82540
with a member of the council or an entity that the member 82541
represents if all of the following apply: 82542

(1) The member serves on the council as a representative of 82543
one of the principal state agencies concerned with services for 82544
persons with developmental disabilities as specified in 42 U.S.C. 82545
15025(b)(4), a representative of a university affiliated program 82546
as defined in 42 U.S.C. 15002(5), or a representative of the Ohio 82547
protection and advocacy system, as defined in section 5123.60 of 82548
the Revised Code. 82549

(2) The council determines that the member or the entity the 82550
member represents is capable of providing the goods or services 82551
specified under the terms of the grant or contract. 82552

(3) The member has not taken part in any discussion or vote 82553
of the council related to awarding the grant or entering into the 82554
contract, including service as a member of a review panel 82555
established by the council to award grants or enter into contracts 82556
or to make recommendations with regard to awarding grants or 82557
entering into contracts. 82558

(E) A member of the council is not in violation of Chapter 82559
102. or section 2921.42 of the Revised Code with regard to 82560
receiving a grant or entering into a contract under this section 82561
if the requirements of division (D) of this section have been met. 82562

(F)(1) Notwithstanding division (C) of section 121.22 of the 82563

Revised Code, the requirement for a member's presence in person at 82564
a meeting in order to be part of a quorum or to vote does not 82565
apply if the council holds a meeting by interactive video 82566
conference and all of the following apply: 82567

(a) A primary meeting location that is open and accessible to 82568
the public is established for the meeting of the council; 82569

(b) A clear video and audio connection is established that 82570
enables all meeting participants at the primary meeting location 82571
to witness the participation of each member; 82572

~~(c) A roll call vote is recorded for each vote taken;~~ 82573

~~(d)~~ The minutes of the council identify which members 82574
participated by interactive video conference. 82575

(2) Notwithstanding division (C) of section 121.22 of the 82576
Revised Code, the requirement for a member's presence in person at 82577
a meeting in order to be part of a quorum or to vote does not 82578
apply if the council holds a meeting by teleconference and all of 82579
the following apply: 82580

(a) The council has determined its membership does not have 82581
access to and the council cannot provide access to the equipment 82582
needed to conduct interactive video conferencing; 82583

(b) A primary meeting location that is open and accessible to 82584
the public is established for the meeting of the council; 82585

(c) A clear audio connection is established that enables all 82586
meeting participants at the primary meeting location to hear the 82587
participation of each member; 82588

~~(d) A roll call vote is recorded for each vote taken;~~ 82589

~~(e)~~ The minutes of the council identify which members 82590
participated by teleconference. 82591

(3) The council shall adopt any rules the council considers 82592
necessary to implement this section. The rules shall be adopted in 82593

accordance with Chapter 119. of the Revised Code. At a minimum, 82594
the rules shall do all of the following: 82595

(a) Authorize council members to remotely attend a council 82596
meeting by interactive video conference or teleconference in lieu 82597
of attending the meeting in person; 82598

(b) Establish a minimum number of members required to be 82599
physically present in person at the primary meeting location if 82600
the council conducts a meeting by interactive video conference or 82601
teleconference; 82602

~~(c) Establish geographic restrictions for participation in 82603
meetings by interactive video conference or teleconference;~~ 82604

~~(d)~~ Establish a policy for distributing and circulating 82605
necessary documents to council members, the public, and the media 82606
in advance of a meeting at which members are permitted to attend 82607
by interactive video conference or teleconference; 82608

~~(e)~~(d) Establish a method for verifying the identity of a 82609
member who remotely attends a meeting by teleconference. 82610

Sec. 5123.68. As used in sections 5123.68 to 5123.685 of the 82611
Revised Code: 82612

(A) "Adult" means an individual who is either of the 82613
following: 82614

(1) Eighteen years of age or older; 82615

(2) An emancipated minor. 82616

(B) "Principal" means an adult with a developmental 82617
disability who seeks to enter, or has entered, into a supported 82618
decision-making agreement. 82619

(C) "Supported decision-making" means the process of 82620
supporting and accommodating an adult with a developmental 82621
disability without impeding the adult's self-determination, 82622

<u>through making, communicating, and implementing life decisions</u>	82623
<u>including:</u>	82624
<u>(1) Where, and with whom, the adult lives;</u>	82625
<u>(2) The services, supports, and medical care the adult</u> <u>receives;</u>	82626 82627
<u>(3) Where the adult works;</u>	82628
<u>(4) Any other matter impacting the adult's life.</u>	82629
<u>(D) "Supported decision-making agreement" is an agreement</u> <u>between an adult with a developmental disability and one or more</u> <u>supporters chosen by the adult that may be informal and occur</u> <u>naturally or may be formal and documented through a written</u> <u>agreement entered into pursuant to section 5123.683 of the Revised</u> <u>Code.</u>	82630 82631 82632 82633 82634 82635
<u>(E) "Supporter" means an adult chosen by an adult with a</u> <u>developmental disability to support the adult in a supported</u> <u>decision-making agreement.</u>	82636 82637 82638
<u>Sec. 5123.681. (A) Based on the principle that all adults</u> <u>with developmental disabilities should be afforded all of the</u> <u>rights set forth in section 5123.62 of the Revised Code, all</u> <u>adults with developmental disabilities are presumed to be capable</u> <u>of making decisions regarding their lives and activities of daily</u> <u>living and are presumed to be competent to handle their own</u> <u>affairs, unless otherwise determined by a court of competent</u> <u>jurisdiction.</u>	82639 82640 82641 82642 82643 82644 82645 82646
<u>(B) The fact that an adult has a developmental disability</u> <u>does not, by itself, void the presumption of capacity and</u> <u>competency described in division (A) of this section.</u>	82647 82648 82649
<u>(C) The manner in which an adult with a developmental</u> <u>disability communicates with others is not grounds for a finding</u> <u>that the adult is incapable of managing the adult's affairs or of</u>	82650 82651 82652

entering into a supported decision-making agreement. 82653

(D) Execution of a supported decision-making agreement by an adult with a developmental disability is not evidence of incapacity and shall not be used as such. 82654
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(E) An adult with a developmental disability who has entered into a supported decision-making agreement is not precluded from acting independently of the agreement or from seeking personal information without the assistance of the supporter. 82657
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(F) Evidence of either a formal or informal supported decision-making agreement may be presented as a less restrictive alternative to guardianship pursuant to division (C)(5) of section 2111.02 of the Revised Code. 82661
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Sec. 5123.682. A supported decision-making agreement may be established by either of the following: 82665
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(A) Pursuant to a written agreement in accordance with section 5123.683 of the Revised Code; 82667
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(B) Naturally, without a written agreement, when an adult with a developmental disability relies upon natural supports or chosen supporters to assist with decisions in the adult's daily life. 82669
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Sec. 5123.683. (A) A written supported decision-making agreement shall be executed in accordance with this section. 82673
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(B)(1) The written agreement shall be entered into by the adult with a developmental disability as the principal and one or more supporters. 82675
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(2) The agreement shall be signed and acknowledged voluntarily, without coercion or undue influence, by the principal. 82678
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The principal's signature shall be witnessed by either a 82681

notary public or two adult witnesses who are not parties to the 82682
supported decision-making agreement. The witnesses must attest 82683
that the agreement was signed of the principal's own free will and 82684
accord. 82685

(C) The department of developmental disabilities shall 82686
develop a model-supported decision-making agreement that may be 82687
used by a principal and one or more supporters for the purposes of 82688
this section. 82689

Sec. 5123.684. (A) Except as otherwise limited by the 82690
principal, a supporter may assist the principal with all of the 82691
following: 82692

(1) Making informed decisions; 82693

(2) Understanding information, options, responsibilities, and 82694
consequences associated with the decisions; 82695

(3) Communicating the decisions to third parties; 82696

(4) Obtaining and understanding information relevant to life 82697
decisions, including medical, psychological, financial, 82698
employment, medicaid, educational, or other records; 82699

(5) Monitoring information about the principal's affairs and 82700
services, including future services; 82701

(6) Understanding the principal's personal values, beliefs, 82702
and preferences, including the principal's cultural, ethnic, or 82703
religious heritage, and using this information to advocate for the 82704
implementation of the principal's wishes and decisions; 82705

(7) Accompanying the principal and participating in 82706
discussions with third parties. 82707

(B)(1) The supporter shall assist the principal in accessing, 82708
collecting, or obtaining only information that is relevant to a 82709
decision authorized by the supported decision-making agreement. 82710

(2) If the supporter assists the principal in accessing, collecting, or obtaining personal information protected under either the "Health Insurance Portability and Accountability Act of 1996," 42 U.S.C. 1320d-2, or the "Family Educational Rights and Privacy Act of 1974," 20 U.S.C. 1232g, the supporter shall keep the information confidential. 82711
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(3) The existence of a supported decision-making agreement does not preclude the principal from seeking personal information without the assistance of the supporter. 82717
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(C) The supporter may exercise the authority granted in the supported decision-making agreement. The supporter owes the principal a fiduciary duty to act in accordance with the supported decision-making agreement. The supporter shall not act in contradiction to the expressed wishes or decision-making authority of the principal. 82720
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(D)(1) In the event the supporter has a conflict of interest or potential conflict of interest in a decision made by the principal, the supporter shall do both of the following: 82726
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(a) Fully disclose the conflict of interest to the principal and any other members of the principal's support team, including a service and support administrator or qualified intellectual disability professional; 82729
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(b) Refrain from advising or assisting the principal on or with the decision. 82733
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(2) A supporter who intentionally fails to disclose a conflict of interest or who otherwise breaches the supporter's fiduciary duty to the principal is liable to the principal for all reasonable damages incurred as a result. 82735
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Sec. 5123.685. A principal may revoke an informal supported decision-making agreement at any time by notifying the supporter. 82739
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A principal may revoke a written supported decision-making agreement in writing and shall provide a copy of the revocation to the supporter. 82741
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Sec. 5124.01. As used in this chapter: 82744

(A) "Addition" means an increase in an ICF/IID's square footage. 82745
82746

(B) "Affiliated operator" means an operator affiliated with either of the following: 82747
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(1) The exiting operator for whom the affiliated operator is to assume liability for the entire amount of the exiting operator's debt under the medicaid program or the portion of the debt that represents the franchise permit fee the exiting operator owes; 82749
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(2) The entering operator involved in the change of operator with the exiting operator specified in division (B)(1) of this section. 82754
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(C) "Allowable costs" means an ICF/IID's costs that the department of developmental disabilities determines are reasonable. Fines paid under section 5124.99 of the Revised Code are not allowable costs. 82757
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(D) "Capital costs" means an ICF/IID's costs of ownership and costs of nonextensive renovation. 82761
82762

(E) "Case-mix score" means the measure determined under section 5124.192 or 5124.193 of the Revised Code of the relative direct-care resources needed to provide care and habilitation to an ICF/IID resident. 82763
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(F) "Change of operator" means an entering operator becoming the operator of an ICF/IID in the place of the exiting operator. 82767
82768

(1) Actions that constitute a change of operator include the 82769

following:	82770
(a) A change in an exiting operator's form of legal organization, including the formation of a partnership or corporation from a sole proprietorship;	82771 82772 82773
(b) A transfer of all the exiting operator's ownership interest in the operation of the ICF/IID to the entering operator, regardless of whether ownership of any or all of the real property or personal property associated with the ICF/IID is also transferred;	82774 82775 82776 82777 82778
(c) A lease of the ICF/IID to the entering operator or the exiting operator's termination of the exiting operator's lease;	82779 82780
(d) If the exiting operator is a partnership, dissolution of the partnership;	82781 82782
(e) If the exiting operator is a partnership, a change in composition of the partnership unless both of the following apply:	82783 82784
(i) The change in composition does not cause the partnership's dissolution under state law.	82785 82786
(ii) The partners agree that the change in composition does not constitute a change in operator.	82787 82788
(f) If the operator is a corporation, dissolution of the corporation, a merger of the corporation into another corporation that is the survivor of the merger, or a consolidation of one or more other corporations to form a new corporation.	82789 82790 82791 82792
(2) The following, alone, do not constitute a change of operator:	82793 82794
(a) A contract for an entity to manage an ICF/IID as the operator's agent, subject to the operator's approval of daily operating and management decisions;	82795 82796 82797
(b) A change of ownership, lease, or termination of a lease of real property or personal property associated with an ICF/IID	82798 82799

if an entering operator does not become the operator in place of 82800
an exiting operator; 82801

(c) If the operator is a corporation, a change of one or more 82802
members of the corporation's governing body or transfer of 82803
ownership of one or more shares of the corporation's stock, if the 82804
same corporation continues to be the operator. 82805

(G) "Cost center" means the following: 82806

(1) Capital costs; 82807

(2) Direct care costs; 82808

(3) Indirect care costs; 82809

(4) Other protected costs. 82810

(H)(1) Except as provided in division (H)(2) of this section, 82811
"cost report year" means the calendar year immediately preceding 82812
the calendar year in which a fiscal year for which a medicaid 82813
payment rate determination is made begins. 82814

(2) When a cost report the department of developmental 82815
disabilities accepts under division (A) or (C)(1)(b) of section 82816
5124.101 of the Revised Code is used in determining an ICF/IID's 82817
medicaid payment rate, "cost report year" means the period that 82818
the cost report covers. 82819

(I) "Costs of nonextensive renovations" means the actual 82820
expense incurred by an ICF/IID for depreciation or amortization 82821
and interest on renovations approved by the department of 82822
developmental disabilities as nonextensive renovations. 82823

(J)(1) "Costs of ownership" means the actual expenses 82824
incurred by an ICF/IID for all of the following: 82825

(a) Subject to division (J)(2) of this section, depreciation 82826
and interest on any capital assets that cost five hundred dollars 82827
or more per item, including the following: 82828

(i) Buildings;	82829
(ii) Building improvements that are not approved as nonextensive renovations for the purpose of section 5124.17 of the Revised Code;	82830 82831 82832
(iii) Equipment;	82833
(iv) Transportation equipment.	82834
(b) Amortization and interest on land improvements and leasehold improvements;	82835 82836
(c) Amortization of financing costs;	82837
(d) Except as provided in division (AA) of this section, lease and rent of land, building, and equipment.	82838 82839
(2) The costs of capital assets of less than five hundred dollars per item may be considered costs of ownership in accordance with an ICF/IID provider's practice.	82840 82841 82842
(K)(1) "Date of licensure" means the following:	82843
(a) In the case of an ICF/IID that was originally licensed as a nursing home under Chapter 3721. of the Revised Code, the date that it was originally so licensed, regardless that it was subsequently licensed as a residential facility under section 5123.19 of the Revised Code;	82844 82845 82846 82847 82848
(b) In the case of an ICF/IID that was originally licensed as a residential facility under section 5123.19 of the Revised Code, the date it was originally so licensed;	82849 82850 82851
(c) In the case of an ICF/IID that was not required by law to be licensed as a nursing home or residential facility when it was originally operated as a residential facility, the date it first was operated as a residential facility, regardless of the date the ICF/IID was first licensed as a nursing home or residential facility.	82852 82853 82854 82855 82856 82857

(2) If, after an ICF/IID's original date of licensure, more residential facility beds are added to the ICF/IID or all or part of the ICF/IID undergoes an extensive renovation, the ICF/IID has a different date of licensure for the additional beds or extensively renovated portion of the ICF/IID. This does not apply, however, to additional beds when both of the following apply:

(a) The additional beds are located in a part of the ICF/IID that was constructed at the same time as the continuing beds already located in that part of the ICF/IID.

(b) The part of the ICF/IID in which the additional beds are located was constructed as part of the ICF/IID at a time when the ICF/IID was not required by law to be licensed as a nursing home or residential facility.

(3) The definition of "date of licensure" in this section applies in determinations of ICFs/IID's medicaid payment rates but does not apply in determinations of ICFs/IID's franchise permit fees under sections 5168.60 to 5168.71 of the Revised Code.

(L) "Desk-reviewed" means that an ICF/IID's costs as reported on a cost report filed under section 5124.10 or 5124.101 of the Revised Code have been subjected to a desk review under section 5124.108 of the Revised Code and preliminarily determined to be allowable costs.

(M) "Developmental center" means a residential facility that is maintained and operated by the department of developmental disabilities.

(N) "Direct care costs" means all of the following costs incurred by an ICF/IID:

(1) Costs for registered nurses, licensed practical nurses, and nurse aides employed by the ICF/IID;

(2) Costs for direct care staff, administrative nursing

staff, medical directors, respiratory therapists, physical 82888
therapists, physical therapy assistants, occupational therapists, 82889
occupational therapy assistants, speech therapists, audiologists, 82890
habilitation staff (including habilitation supervisors), qualified 82891
intellectual disability professionals, program directors, social 82892
services staff, activities staff, psychologists, psychology 82893
assistants, social workers, counselors, and other persons holding 82894
degrees qualifying them to provide therapy; 82895

(3) Costs of purchased nursing services; 82896

(4) Costs of training and staff development, employee 82897
benefits, payroll taxes, and workers' compensation premiums or 82898
costs for self-insurance claims and related costs as specified in 82899
rules adopted under section 5124.03 of the Revised Code, for 82900
personnel listed in divisions (N)(1), (2), and (3) of this 82901
section; 82902

(5) Costs of quality assurance; 82903

(6) Costs of consulting and management fees related to direct 82904
care; 82905

(7) Allocated direct care home office costs; 82906

(8) Costs of off-site day programming, including day 82907
programming that is provided in an area that is not certified by 82908
the director of health as an ICF/IID under Title XIX and 82909
regardless of either of the following: 82910

(a) Whether or not the area in which the day programming is 82911
provided is less than two hundred feet away from the ICF/IID; 82912

(b) Whether or not the day programming is provided by an 82913
individual or organization that is a related party to the ICF/IID 82914
provider. 82915

(9) Costs of other direct-care resources that are specified 82916
as direct care costs in rules adopted under section 5124.03 of the 82917

Revised Code.	82918
(O) "Downsized ICF/IID" means an ICF/IID that permanently reduced its medicaid-certified capacity pursuant to a plan approved by the department of developmental disabilities under section 5123.042 of the Revised Code.	82919 82920 82921 82922
(P) "Effective date of a change of operator" means the day the entering operator becomes the operator of the ICF/IID.	82923 82924
(Q) "Effective date of a facility closure" means the last day that the last of the residents of the ICF/IID resides in the ICF/IID.	82925 82926 82927
(R) "Effective date of an involuntary termination" means the date the department of medicaid terminates the operator's provider agreement for the ICF/IID or the last day that such a provider agreement is in effect when the department cancels or refuses to revalidate it.	82928 82929 82930 82931 82932
(S) "Effective date of a voluntary termination" means the day the ICF/IID ceases to accept medicaid recipients.	82933 82934
(T) "Entering operator" means the person or government entity that will become the operator of an ICF/IID when a change of operator occurs or following an involuntary termination.	82935 82936 82937
(U) "Exiting operator" means any of the following:	82938
(1) An operator that will cease to be the operator of an ICF/IID on the effective date of a change of operator;	82939 82940
(2) An operator that will cease to be the operator of an ICF/IID on the effective date of a facility closure;	82941 82942
(3) An operator of an ICF/IID that is undergoing or has undergone a voluntary termination;	82943 82944
(4) An operator of an ICF/IID that is undergoing or has undergone an involuntary termination.	82945 82946

(V)(1) Subject to divisions (V)(2) and (3) of this section, 82947
"facility closure" means either of the following: 82948

(a) Discontinuance of the use of the building, or part of the 82949
building, that houses the facility as an ICF/IID that results in 82950
the relocation of all of the facility's residents; 82951

(b) Conversion of the building, or part of the building, that 82952
houses an ICF/IID to a different use with any necessary license or 82953
other approval needed for that use being obtained and one or more 82954
of the facility's residents remaining in the facility to receive 82955
services under the new use. 82956

(2) A facility closure occurs regardless of any of the 82957
following: 82958

(a) The operator completely or partially replacing the 82959
ICF/IID by constructing a new ICF/IID or transferring the 82960
ICF/IID's license to another ICF/IID; 82961

(b) The ICF/IID's residents relocating to another of the 82962
operator's ICFs/IID; 82963

(c) Any action the department of health takes regarding the 82964
ICF/IID's medicaid certification that may result in the transfer 82965
of part of the ICF/IID's survey findings to another of the 82966
operator's ICFs/IID; 82967

(d) Any action the department of developmental disabilities 82968
takes regarding the ICF/IID's license under section 5123.19 of the 82969
Revised Code. 82970

(3) A facility closure does not occur if all of the ICF/IID's 82971
residents are relocated due to an emergency evacuation and one or 82972
more of the residents return to a medicaid-certified bed in the 82973
ICF/IID not later than thirty days after the evacuation occurs. 82974

(W) "Fiscal year" means the fiscal year of this state, as 82975
specified in section 9.34 of the Revised Code. 82976

(X) "Franchise permit fee" means the fee imposed by sections 5168.60 to 5168.71 of the Revised Code. 82977
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(Y) "Home and community-based services" has the same meaning as in section 5123.01 of the Revised Code. 82979
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(Z) "ICF/IID services" has the same meaning as in 42 C.F.R. 440.150. 82981
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(AA)(1) "Indirect care costs" means all reasonable costs incurred by an ICF/IID other than capital costs, direct care costs, and other protected costs. "Indirect care costs" includes costs of habilitation supplies, pharmacy consultants, medical and habilitation records, program supplies, incontinence supplies, food, enterals, dietary supplies and personnel, laundry, housekeeping, security, administration, liability insurance, bookkeeping, purchasing department, human resources, communications, travel, dues, license fees, subscriptions, home office costs not otherwise allocated, legal services, accounting services, minor equipment, maintenance and repair expenses, help-wanted advertising, informational advertising, start-up costs, organizational expenses, other interest, property insurance, employee training and staff development, employee benefits, payroll taxes, and workers' compensation premiums or costs for self-insurance claims and related costs, as specified in rules adopted under section 5124.03 of the Revised Code, for personnel listed in this division. Notwithstanding division (J) of this section, "indirect care costs" also means the cost of equipment, including vehicles, acquired by operating lease executed before December 1, 1992, if the costs are reported as administrative and general costs on the ICF/IID's cost report for the cost reporting period ending December 31, 1992. 82983
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(2) For the purpose of division (AA)(1) of this section, an operating lease shall be construed in accordance with generally accepted accounting principles. 83006
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(BB) "Inpatient days" means both of the following: 83009

(1) All days during which a resident, regardless of payment 83010
source, occupies a bed in an ICF/IID that is included in the 83011
ICF/IID's medicaid-certified capacity; 83012

(2) All days for which payment is made under section 5124.34 83013
of the Revised Code. 83014

(CC) "Intermediate care facility for individuals with 83015
intellectual disabilities" and "ICF/IID" mean an intermediate care 83016
facility for the mentally retarded as defined in the "Social 83017
Security Act," section 1905(d), 42 U.S.C. 1396d(d). 83018

(DD) "Involuntary termination" means the department of 83019
medicaid's termination of, cancellation of, or refusal to 83020
revalidate the operator's provider agreement for the ICF/IID when 83021
such action is not taken at the operator's request. 83022

(EE) "Maintenance and repair expenses" means expenditures 83023
that are necessary and proper to maintain an asset in a normally 83024
efficient working condition and that do not extend the useful life 83025
of the asset two years or more. "Maintenance and repair expenses" 83026
includes the costs of ordinary repairs such as painting and 83027
wallpapering. 83028

(FF) "Medicaid-certified capacity" means the number of an 83029
ICF/IID's beds that are certified for participation in medicaid as 83030
ICF/IID beds. 83031

(GG) "Medicaid days" means both of the following: 83032

(1) All days during which a resident who is a medicaid 83033
recipient eligible for ICF/IID services occupies a bed in an 83034
ICF/IID that is included in the ICF/IID's medicaid-certified 83035
capacity; 83036

(2) All days for which payment is made under section 5124.34 83037
of the Revised Code. 83038

(HH)(1) "New ICF/IID" means an ICF/IID for which the provider obtains an initial provider agreement following the director of health's medicaid certification of the ICF/IID, including such an ICF/IID that replaces one or more ICFs/IID for which a provider previously held a provider agreement.

(2) "New ICF/IID" does not mean either of the following:

(a) An ICF/IID for which the entering operator seeks a provider agreement pursuant to section 5124.511 or 5124.512 or (pursuant to section 5124.515) section 5124.07 of the Revised Code;

(b) A downsized ICF/IID or partially converted ICF/IID.

(II) "Nursing home" has the same meaning as in section 3721.01 of the Revised Code.

(JJ) "Operator" means the person or government entity responsible for the daily operating and management decisions for an ICF/IID.

(KK) "Other protected costs" means costs incurred by an ICF/IID for medical supplies; real estate, franchise, and property taxes; natural gas, fuel oil, water, electricity, sewage, and refuse and hazardous medical waste collection; allocated other protected home office costs; and any additional costs defined as other protected costs in rules adopted under section 5124.03 of the Revised Code.

(LL)(1) "Owner" means any person or government entity that has at least five per cent ownership or interest, either directly, indirectly, or in any combination, in any of the following regarding an ICF/IID:

(a) The land on which the ICF/IID is located;

(b) The structure in which the ICF/IID is located;

(c) Any mortgage, contract for deed, or other obligation

secured in whole or in part by the land or structure on or in 83069
which the ICF/IID is located; 83070

(d) Any lease or sublease of the land or structure on or in 83071
which the ICF/IID is located. 83072

(2) "Owner" does not mean a holder of a debenture or bond 83073
related to an ICF/IID and purchased at public issue or a regulated 83074
lender that has made a loan related to the ICF/IID unless the 83075
holder or lender operates the ICF/IID directly or through a 83076
subsidiary. 83077

(MM) "Partially converted ICF/IID" means an ICF/IID that 83078
converted some, but not all, of its beds to providing home and 83079
community-based services under the individual options waiver 83080
pursuant to section 5124.60 or 5124.61 of the Revised Code. 83081

(NN) For the purpose of the total per medicaid day payment 83082
rate determined for an ICF/IID under division (A) of section 83083
5124.15 of the Revised Code and the initial total per medicaid day 83084
payment rate determined for a new ICF/IID under section 5124.151 83085
of the Revised Code: 83086

(1) "Peer group 1" means each ICF/IID with a 83087
medicaid-certified capacity exceeding sixteen. 83088

(2) "Peer group 2" means each ICF/IID with a 83089
medicaid-certified capacity exceeding eight but not exceeding 83090
sixteen. 83091

(3) "Peer group 3" means each ICF/IID with a 83092
medicaid-certified capacity of seven or eight. 83093

(4) "Peer group 4" means each ICF/IID with a 83094
medicaid-certified capacity not exceeding six, other than an 83095
ICF/IID that is in peer group 5-A. 83096

(5) "Peer group 5" means each ICF/IID to which all of the 83097
following apply: 83098

(a) The ICF/IID is first certified as an ICF/IID after July 1, 2014. 83099
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(b) The ICF/IID has a medicaid-certified capacity not exceeding six. 83101
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(c) The ICF/IID has a contract with the department of developmental disabilities that is for fifteen years and includes a provision for the department to approve all admissions to, and discharges from, the ICF/IID. 83103
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(d) The ICF/IID's residents are admitted to the ICF/IID directly from a developmental center or have been determined by the department to be at risk of admission to a developmental center. 83107
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(6) "Peer group 6" means each ICF/IID to which all of the following apply: 83111
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(a) The ICF/IID has submitted a best practices protocol for providing services to youth up to twenty-one years of age in need of intensive behavior support services that has been approved by the department of developmental disabilities. 83113
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(b) The ICF/IID, or a distinct unit of the ICF/IID, has a medicaid-certified capacity not exceeding six. 83117
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(c) The ICF/IID has a contract with the department that includes a provision for the department to approve all admissions to the ICF/IID. 83119
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(d) The ICF/IID has agreed to be reimbursed in accordance with the reimbursement methodology established under the rules authorized by section 5124.03 of the Revised Code. 83122
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(OO)(1) Except as provided in division (OO)(2) of this section, "per diem" means an ICF/IID's desk-reviewed, actual, allowable costs in a given cost center in a cost reporting period, divided by the facility's inpatient days for that cost reporting 83125
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period. 83129

(2) When determining indirect care costs for the purpose of 83130
section 5124.21 of the Revised Code, "per diem" means an ICF/IID's 83131
actual, allowable indirect care costs in a cost reporting period 83132
divided by the greater of the ICF/IID's inpatient days for that 83133
period or the number of inpatient days the ICF/IID would have had 83134
during that period if its occupancy rate had been eighty-five per 83135
cent. 83136

(PP) "Provider" means an operator with a valid provider 83137
agreement. 83138

(QQ) "Provider agreement" means a provider agreement, as 83139
defined in section 5164.01 of the Revised Code, that is between 83140
the department of medicaid and the operator of an ICF/IID for the 83141
provision of ICF/IID services under the medicaid program. 83142

(RR) "Purchased nursing services" means services that are 83143
provided in an ICF/IID by registered nurses, licensed practical 83144
nurses, or nurse aides who are not employees of the ICF/IID. 83145

(SS) "Reasonable" means that a cost is an actual cost that is 83146
appropriate and helpful to develop and maintain the operation of 83147
resident care facilities and activities, including normal standby 83148
costs, and that does not exceed what a prudent buyer pays for a 83149
given item or services. Reasonable costs may vary from provider to 83150
provider and from time to time for the same provider. 83151

(TT) "Related party" means an individual or organization 83152
that, to a significant extent, has common ownership with, is 83153
associated or affiliated with, has control of, or is controlled 83154
by, a provider. 83155

(1) An individual who is a relative of an owner is a related 83156
party. 83157

(2) Common ownership exists when an individual or individuals 83158

possess significant ownership or equity in both the provider and 83159
the other organization. Significant ownership or equity exists 83160
when an individual or individuals possess five per cent ownership 83161
or equity in both the provider and a supplier. Significant 83162
ownership or equity is presumed to exist when an individual or 83163
individuals possess ten per cent ownership or equity in both the 83164
provider and another organization from which the provider 83165
purchases or leases real property. 83166

(3) Control exists when an individual or organization has the 83167
power, directly or indirectly, to significantly influence or 83168
direct the actions or policies of an organization. 83169

(4) An individual or organization that supplies goods or 83170
services to a provider shall not be considered a related party if 83171
all of the following conditions are met: 83172

(a) The supplier is a separate bona fide organization. 83173

(b) A substantial part of the supplier's business activity of 83174
the type carried on with the provider is transacted with others 83175
than the provider and there is an open, competitive market for the 83176
types of goods or services the supplier furnishes. 83177

(c) The types of goods or services are commonly obtained by 83178
other ICFs/IID from outside organizations and are not a basic 83179
element of resident care ordinarily furnished directly to 83180
residents by the ICFs/IID. 83181

(d) The charge to the provider is in line with the charge for 83182
the goods or services in the open market and no more than the 83183
charge made under comparable circumstances to others by the 83184
supplier. 83185

(UU) "Relative of owner" means an individual who is related 83186
to an owner of an ICF/IID by one of the following relationships: 83187

(1) Spouse; 83188

(2) Natural parent, child, or sibling;	83189
(3) Adopted parent, child, or sibling;	83190
(4) Stepparent, stepchild, stepbrother, or stepsister;	83191
(5) Father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law;	83192 83193
(6) Grandparent or grandchild;	83194
(7) Foster caregiver, foster child, foster brother, or foster sister.	83195 83196
(VV) For the purpose of determining an ICF/IID's per medicaid day capital component rate under section 5124.17 of the Revised Code, "renovation" means an ICF/IID's betterment, improvement, or restoration, other than an addition, through a capital expenditure.	83197 83198 83199 83200 83201
(WW) "Residential facility" has the same meaning as in section 5123.19 of the Revised Code.	83202 83203
(XX) "Secondary building" means a building or part of a building, other than an ICF/IID, in which the owner of one or more ICFs/IID has administrative work regarding the ICFs/IID performed or records regarding the ICFs/IID stored.	83204 83205 83206 83207
(YY) "Sponsor" means an adult relative, friend, or guardian of an ICF/IID resident who has an interest or responsibility in the resident's welfare.	83208 83209 83210
(ZZ) "Title XIX" means Title XIX of the "Social Security Act," 42 U.S.C. 1396, et seq.	83211 83212
(AAA) "Title XVIII" means Title XVIII of the "Social Security Act," 42 U.S.C. 1395, et seq.	83213 83214
(BBB) "Voluntary termination" means an operator's voluntary election to terminate the participation of an ICF/IID in the medicaid program but to continue to provide service of the type	83215 83216 83217

provided by a residential facility as defined in section 5123.19 83218
of the Revised Code. 83219

Sec. 5124.15. (A) Except as otherwise provided by section 83220
5124.101 of the Revised Code, sections 5124.151 to 5124.154 of the 83221
Revised Code, and divisions (B) and (C) of this section, the total 83222
per medicaid day payment rate that the department of developmental 83223
disabilities shall pay to an ICF/IID provider for ICF/IID services 83224
the provider's ICF/IID provides during a fiscal year shall equal 83225
the sum of all of the following: 83226

(1) The per medicaid day capital component rate determined 83227
for the ICF/IID under section 5124.17 of the Revised Code; 83228

(2) The per medicaid day direct care costs component rate 83229
determined for the ICF/IID under section 5124.19 of the Revised 83230
Code; 83231

(3) The per medicaid day indirect care costs component rate 83232
determined for the ICF/IID under section 5124.21 of the Revised 83233
Code; 83234

(4) The per medicaid day other protected costs component rate 83235
determined for the ICF/IID under section 5124.23 of the Revised 83236
Code; 83237

(5) The sum of the following: 83238

(a) The per medicaid day quality incentive payment determined 83239
for the ICF/IID under section 5124.24 of the Revised Code; 83240

(b) A direct support personnel payment equal to two and 83241
four-hundredths per cent of the ICF/IID's desk-reviewed, actual, 83242
allowable, per medicaid day direct care costs from the applicable 83243
cost report year; 83244

(c) A professional workforce development payment equal to 83245
thirteen and fifty-five hundredths for state fiscal year 2024 and 83246
twenty and eighty-one hundredths during fiscal year 2025 per cent 83247

of the ICF/IID's desk-reviewed, actual, allowable, per medicaid 83248
day direct care costs from the applicable cost report year. 83249

(B) The total per medicaid day payment rate for an ICF/IID 83250
that is in peer group 5 shall not exceed the average total per 83251
medicaid day payment rate in effect on July 1, 2013, for 83252
developmental centers. 83253

(C) The department shall adjust the total per medicaid day 83254
payment rate otherwise determined for an ICF/IID under this 83255
section as directed by the general assembly through the enactment 83256
of law governing medicaid payments to ICF/IID providers. 83257

(D)(1) In addition to paying an ICF/IID provider the total 83258
per medicaid day payment rate determined for the provider's 83259
ICF/IID under divisions (A), (B), and (C) of this section for a 83260
fiscal year, the department may do either or both of the 83261
following: 83262

(a) In accordance with section 5124.25 of the Revised Code, 83263
pay the provider a rate add-on for ventilator-dependent outlier 83264
ICF/IID services if the rate add-on is to be paid under that 83265
section and the department approves the provider's application for 83266
the rate add-on; 83267

(b) In accordance with section 5124.26 of the Revised Code, 83268
pay the provider for outlier ICF/IID services the ICF/IID provides 83269
to residents identified as needing intensive behavioral health 83270
support services if the rate add-on is to be paid under that 83271
section and the department approves the provider's application for 83272
the rate add-on. 83273

(2) The rate add-ons are not to be part of the ICF/IID's 83274
total per medicaid day payment rate. 83275

Sec. 5124.45. The department of developmental disabilities 83276
shall transmit to the treasurer of state for deposit in the 83277

general revenue fund amounts collected from the following:	83278
(A) Recoupments and voluntary repayments made under section	83279
5124.39 of the Revised Code;	83280
(B) Refunds required by, and interest charged under, section	83281
5124.41 of the Revised Code;	83282
(C) (B) Penalties imposed under section 5124.42 of the Revised	83283
Code.	83284
Sec. 5124.70. (A) This section does not apply to either <u>any</u>	83285
of the following:	83286
(1) An ICF/IID to which both of the following apply:	83287
(a) On or before January 1, 2015, the ICF/IID became a	83288
downsized ICF/IID or partially converted ICF/IID.	83289
(b) On January 1, 2015, the ICF/IID's medicaid-certified	83290
capacity was at least twenty per cent less than the greatest	83291
medicaid-certified capacity it had before it became a downsized	83292
ICF/IID or partially converted ICF/IID.	83293
(2) An ICF/IID's sleeping room in which more than two	83294
residents reside if both of the following apply:	83295
(a) All of the residents of the sleeping room are under	83296
twenty-one years of age.	83297
(b) The parents or guardians of all of the residents of the	83298
sleeping room consent to the residents residing in a sleeping room	83299
with more than two residents.	83300
(3) <u>An ICF/IID to which any of the following apply on the</u>	83301
<u>effective date of this amendment:</u>	83302
<u>(a) The ICF/IID has a medicaid-certified capacity between</u>	83303
<u>sixty and seventy beds and is located in a county with a</u>	83304
<u>population between forty thousand five hundred and forty-one</u>	83305

thousand according to the 2020 federal decennial census. 83306

(b) The ICF/IID has a medicaid-certified capacity between 83307
ninety and one hundred beds and is located in a county with a 83308
population between two hundred forty-two thousand and two hundred 83309
forty-three thousand according to the 2020 federal decennial 83310
census. 83311

(c) The ICF/IID has a medicaid-certified capacity between 83312
fifty-five and sixty beds and is located in a county with a 83313
population between four hundred thousand and five hundred thousand 83314
according to the 2020 federal decennial census. 83315

(d) The ICF/IID has a medicaid-certified capacity between 83316
ninety and one hundred beds and is located in a county with a 83317
population between one million three hundred thousand and one 83318
million four hundred thousand according to the 2020 federal 83319
decennial census. 83320

(e) The ICF/IID has a medicaid-certified capacity between one 83321
hundred twenty and one hundred thirty beds and is located in a 83322
county with a population between one hundred sixty thousand and 83323
one hundred sixty-two thousand according to the 2020 federal 83324
decennial census. 83325

(B) Except as provided in divisions (G) and (H) of this 83326
section, an ICF/IID provider shall not permit more than two 83327
residents to reside in the same sleeping room. 83328

(C)(1) If, on ~~the effective date of this section~~ September 83329
29, 2015, more than two residents of an ICF/IID reside in the same 83330
sleeping room, the ICF/IID provider shall submit to the department 83331
of developmental disabilities for its review a plan to come into 83332
compliance with division (B) of this section. The provider shall 83333
submit the plan not later than December 31, 2015. 83334

(2) The plan shall include all of the following: 83335

(a) The date by which not more than two residents will reside 83336
in the same sleeping room, which shall be not later than June 30, 83337
2025; 83338

(b) Detailed descriptions of the actions the ICF/IID provider 83339
will take to come into compliance with division (B) of this 83340
section, which shall include becoming either a downsized ICF/IID 83341
or a partially converted ICF/IID. 83342

(c) The ICF/IID's projected medicaid-certified capacity for 83343
each year covered by the plan, which must demonstrate that the 83344
provider will make regular progress toward coming into compliance 83345
with division (B) of this section; 83346

(d) A discharge planning process that includes providing 83347
information to residents regarding home and community-based 83348
services; 83349

(e) Additional interim steps the provider will take to 83350
demonstrate that the provider is making regular progress toward 83351
coming into compliance with division (B) of this section. 83352

(3) The plan shall not include the creation of a new ICF/IID 83353
that has a medicaid-certified capacity that is greater than six 83354
unless the department determines that a new ICF/IID would need a 83355
larger medicaid-certified capacity to be financially viable. If 83356
the department determines that a new ICF/IID would need a larger 83357
medicaid-certified capacity to be financially viable, the plan may 83358
include the creation of a new ICF/IID that has a 83359
medicaid-certified capacity that is greater than six but not 83360
greater than eight. 83361

(D) The department shall review each plan submitted under 83362
division (C) of this section and decide whether to approve the 83363
plan. In making this decision, the department shall consider both 83364
of the following: 83365

(1) Whether the plan conforms to the requirements of division 83366

(C) of this section;	83367
(2) The feasibility of completing the implementation as described in the plan.	83368 83369
(E) If the department approves an ICF/IID provider's plan under division (D) of this section, the provider shall submit to the department annual reports regarding the plan's implementation.	83370 83371 83372
(F) The department may issue a written order to an ICF/IID provider that suspends new admissions to the ICF/IID if both of the following apply:	83373 83374 83375
(1) The department has approved the provider's plan under division (D) of this section.	83376 83377
(2) The provider fails to do either of the following:	83378
(a) Submit to the department an annual report required by division (E) of this section;	83379 83380
(b) Meet, to the department's satisfaction, the projected medicaid-certified capacity for the ICF/IID for a year as specified in the plan and the failure is due to factors within the provider's control.	83381 83382 83383 83384
(G)(1) Before January 1, 2016, an ICF/IID provider may permit more than two residents to reside in the same sleeping room if more than two residents resided in the same sleeping room on the effective date of this section <u>September 29, 2015</u> .	83385 83386 83387 83388
(2) On and after January 1, 2016, an ICF/IID provider may permit more than two residents to reside in the same sleeping room only if all of the following apply:	83389 83390 83391
(a) More than two residents resided in the same sleeping room on the effective date of this section <u>September 29, 2015</u> .	83392 83393
(b) The provider has submitted a plan in accordance with division (C) of this section.	83394 83395

(c) Either of the following applies: 83396

(i) The department has approved and the provider complies 83397
with the plan. 83398

(ii) The department has not decided whether to approve the 83399
plan. 83400

(H) The department shall waive application of division (B) of 83401
this section for an ICF/IID's sleeping room in which more than two 83402
residents reside on June 30, 2025, if both of the following apply: 83403

(1) The same residents have continuously resided in the 83404
sleeping room since ~~the effective date of this section~~ September 83405
29, 2015; 83406

(2) The department determines that at least three of these 83407
residents want to continue to reside together in the sleeping 83408
room. 83409

Sec. 5126.022. When making initial appointments to a county 83410
board of developmental disabilities and when making an appointment 83411
to fill a vacancy pursuant to section 5126.027 of the Revised 83412
Code, an appointing authority shall do all of the following: 83413

(A) Appoint only individuals who are residents of the county 83414
the appointing authority serves, citizens of the United States, 83415
and interested and knowledgeable in the field of intellectual 83416
disabilities and other allied fields; 83417

(B) If the appointing authority is a board of county 83418
commissioners, appoint at least one individual who is eligible to 83419
receive services provided by the county board and two additional 83420
individuals who are eligible for services provided by the county 83421
board or are immediate family members of such individuals. The 83422
board of county commissioners shall, whenever possible, ensure 83423
that one of those two additional members is an individual eligible 83424
for adult services or an immediate family member of an individual 83425

eligible for adult services and the other is an immediate family member of an individual eligible for early intervention services or services for preschool or school-age children; 83426
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(C) If the appointing authority is a senior probate judge, appoint at least one individual who is an immediate family member of an individual eligible for residential services or supported living; 83429
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(D) Appoint, to the maximum extent possible, individuals who have professional training and experience in business management, finance, law, health care practice, personnel administration, or government service; 83433
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(E) Provide for the county board's membership to reflect, as nearly as possible, the composition of the county that the county board serves. 83437
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Sec. 5145.161. (A) The program for the employment of prisoners within the custody of the department of rehabilitation and correction that the department is required to establish by division (A) of section 5145.16 of the Revised Code shall be administered in accordance with any rules adopted pursuant to division (B) of section 5145.03 of the Revised Code and with the following requirements: 83440
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(1) The department shall consider the nature of the offense committed by a prisoner, the availability of employment, the security requirements for the prisoner, the prisoner's present state of mind, the prisoner's record in the institution to which the prisoner has been committed, and all other relevant factors when assigning a prisoner to the prisoner's initial job assignment. The department, when making a prisoner's initial job assignment, shall attempt to develop the prisoner's work skills, provide rehabilitation for the prisoner, consider the proximity to the prisoner's family, and permit the prisoner to provide support 83447
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for the prisoner's dependents if the prisoner's earnings are 83457
sufficient for that to be feasible. 83458

(2)(a) Except as provided in division (A)(2)(b) of this 83459
section, no prisoner shall be assigned to any job with the Ohio 83460
penal industries, or to any other job level or job grade of 83461
prisoner employment that the director of rehabilitation and 83462
correction may designate, unless the prisoner has obtained, or 83463
enrolled in an education program that leads to, a high school 83464
diploma or a certificate of high school equivalence. 83465

(b) Division (A)(2)(a) of this section does not apply to 83466
either of the following: 83467

(i) A prisoner who is determined, in accordance with a 83468
procedure approved by the director, to be incapable of obtaining a 83469
diploma or certificate of high school equivalence; 83470

(ii) A prisoner working in the Ohio penal industries as of 83471
February 1, 1999, who applied on or before May 1, 1999, for 83472
enrollment in a program leading to a diploma or a certificate of 83473
high school equivalence, and who has been enrolled in that program 83474
for less than one year. 83475

(3) Each prisoner shall be required to perform the prisoner's 83476
job satisfactorily, be permitted to be absent from the prisoner's 83477
job only for legitimate reasons, be required to comply with all 83478
security requirements, and be required to comply with any other 83479
reasonable job performance standards. 83480

(4) A prisoner who advances from one job grade to the next 83481
higher job grade within the job level, advances from one job level 83482
to the next higher job level, or advances from one job category to 83483
the next highest job category shall receive additional benefits in 83484
accordance with the rules adopted pursuant to division (B) of 83485
section 5145.03 of the Revised Code. 83486

(5) A prisoner shall not be eligible for a job in private 83487

industry or agriculture, unless the prisoner meets the 83488
requirements of the department for private employment that are set 83489
forth in rules adopted pursuant to division (B) of section 5145.03 83490
of the Revised Code. 83491

(6) A prisoner who violates the work requirements of any job 83492
grade, level, or category shall be disciplined pursuant to the 83493
disciplinary procedure adopted pursuant to division (B)(9) of 83494
section 5145.03 of the Revised Code. 83495

(B) The department of rehabilitation and correction may 83496
administer the program that it is required to establish by 83497
division (A) of section 5145.16 of the Revised Code in any manner 83498
that is consistent with division (A) of this section, division (B) 83499
of section 5145.03, and section 5145.16 of the Revised Code. 83500

Sec. 5145.163. (A) As used in this section: 83501

(1) "Customer model enterprise" means an enterprise conducted 83502
under a federal prison industries enhancement certification 83503
program in which a private party participates in the enterprise 83504
only as a purchaser of goods and services. 83505

(2) "Employer model enterprise" means an enterprise conducted 83506
under a federal prison industries enhancement certification 83507
program in which a private party participates in the enterprise as 83508
an operator of the enterprise. 83509

(3) "Injury" ~~means a diagnosable injury to an inmate~~ 83510
~~supported by medical findings that it was~~ and "occupational 83511
disease" have the same meanings as in section 4123.01 of the 83512
Revised Code if sustained or contracted in the course of, and 83513
~~arose~~ arising out of, participation in authorized work activity 83514
~~that was an integral part of the inmate's participation in the~~ 83515
~~Ohio penal industries~~ federal prison industries enhancement 83516
certification program. 83517

(4) "Inmate" means any person who is committed to the custody of the department of rehabilitation and correction and who is participating in an Ohio penal industries program that is under the federal prison industries enhancement certification program.

(5) "Federal prison industries enhancement certification program" means the program authorized pursuant to 18 U.S.C. 1761.

~~(6) "Loss of earning capacity" means an impairment of the body of an inmate to a degree that makes the inmate unable to return to work activity under the Ohio penal industries program and results in a reduction of compensation earned by the inmate at the time the injury occurred.~~

~~(B) Every inmate shall be covered by a policy of disability insurance to provide benefits for loss of earning capacity due to an injury and for medical treatment of the injury following the inmate's release from prison. No private party shall participate in an employer model enterprise in this state unless the private party is approved by the director of rehabilitation and correction in accordance with division (C) of this section.~~

~~(C) The director may approve a private party to participate in an employer model enterprise only if the private party meets the following requirements:~~

~~(1) The private party provides proof of workers' compensation coverage furnished by the bureau of workers' compensation.~~

~~(2) The private party carries liability insurance in an amount the director determines to be sufficient.~~

~~(3) The private party does not have an unresolved finding for recovery by the auditor of state under section 9.24 of the Revised Code.~~

~~(D)(1) If the enterprise for which ~~the~~ an inmate works is a customer model enterprise, Ohio penal industries shall purchase~~

~~the policy the department shall treat the inmate as an employee of
the department for the purpose of workers' compensation coverage
in accordance with section 4123.543 of the Revised Code.~~ 83548
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~~(2) If the enterprise for which the an inmate works is an
employer model enterprise, the private participant shall purchase
the policy. The person required to purchase the policy shall
submit proof of coverage to the prison labor advisory board before
the enterprise begins operation.~~ 83551
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~~(C) Within ninety days after an inmate sustains an injury,
the inmate may file a disability claim with the person required to
purchase the policy of disability insurance. Upon the request of
the insurer, the inmate shall be medically examined, and the
insurer shall determine the inmate's entitlement to disability
benefits based on the medical examination. The inmate shall accept
or reject an award within thirty days after a determination of the
inmate's entitlement to the award. If the inmate accepts the
award, the benefits shall be paid upon the inmate's release from
prison. The amount of disability benefits payable to the inmate
shall be reduced by sick leave benefits or other compensation for
lost pay made by Ohio penal industries to the inmate due to an
injury that rendered the inmate unable to work. An inmate shall
not receive disability benefits for injuries occurring as the
result of a fight, assault, horseplay, purposely self inflicted
injury, use of alcohol or controlled substances, misuse of
prescription drugs, or other activity that is prohibited by the
department's or institution's inmate conduct rules or the work
rules of the private participant in the enterprise.~~ 83556
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~~(D) Inmates treat the inmate as an employee of the private
participant for the purpose of workers' compensation coverage in
accordance with section 4123.543 of the Revised Code.~~ 83575
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~~(E) Except as provided in division (D) of this section,
inmates are not employees of the department of rehabilitation and~~ 83578
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correction or the private participant in an enterprise. 83580

~~(E) An inmate is ineligible to receive compensation or 83581
benefits under Chapter 4121., 4123., 4127., or 4131. of the 83582
Revised Code for any injury, death, or occupational disease 83583
received in the course of, and arising out of, participation in 83584
the Ohio penal industries program. Any claim for an injury arising 83585
from an inmate's participation in the program is specifically 83586
excluded from the jurisdiction of the Ohio bureau of workers' 83587
compensation and the industrial commission of Ohio. 83588~~

~~(F) Any disability benefit award accepted by an inmate under 83589
this section shall be the inmate's exclusive remedy against the 83590
insurer, the private participant in an enterprise, and the state. 83591
If an inmate rejects an award or a disability claim is denied, the 83592
inmate may bring an action in the court of claims within the 83593
appropriate period of limitations. 83594~~

~~(G) If any inmate who is paid disability benefits under this 83595
section is reincarcerated, the benefits shall immediately cease 83596
but shall resume upon the inmate's subsequent release from 83597
incarceration. 83598~~

(F) The department shall provide and pay for all medical care 83599
rendered to an inmate related to an injury or occupational disease 83600
while the inmate is imprisoned. 83601

(G) Notwithstanding division (A) of section 5120.21 of the 83602
Revised Code, the director shall do all of the following: 83603

(1) Notify the administrator of workers' compensation of any 83604
injury, occupational disease, or death of an inmate that arises 83605
out of participation in authorized work activity in the federal 83606
prison industries enhancement certification program. 83607

(2) On request from the administrator, provide to the 83608
administrator medical records, or other relevant information, 83609
related to an injury, occupational disease, or death of an inmate 83610

that arises out of participation in authorized work activity in 83611
the federal prison industries enhancement certification program. 83612

(3) Notify the administrator when an inmate who has a 83613
suspended award for compensation or benefits pursuant to division 83614
(E) of section 4123.543 of the Revised Code is released from 83615
imprisonment or reimprisoned. 83616

(H) An inmate shall voluntarily consent to participate in a 83617
federal prison industries enhancement certification program prior 83618
to commencing participation in the program. Such consent disclaims 83619
the inmate's ability to choose a medical provider while the inmate 83620
is imprisoned and subjects the inmate to the requirements of this 83621
section and section 4123.543 of the Revised Code. 83622

Sec. 5149.101. ~~(A)(1) A board hearing officer, a board~~ 83623
~~member, or the office of victims' services may petition the board~~ 83624
~~for a full board hearing that relates to the proposed parole or~~ 83625
~~re-parole of a prisoner, including any prisoner described in~~ 83626
~~section 2967.132 of the Revised Code. At a meeting of the board at~~ 83627
~~which a majority of board members are present, the majority of~~ 83628
~~those present shall determine whether a full board hearing shall~~ 83629
~~be held.~~ 83630

~~(2)(A)(1)(a)~~ A victim of a violation of section 2903.01 or 83631
2903.02 of the Revised Code, an offense of violence that is a 83632
felony of the first, second, or third degree, or an offense 83633
punished by a sentence of life imprisonment, the victim's 83634
representative, or any person described in division (B)(5) of this 83635
section may request, through the office of victims' services, for 83636
the board to hold a full board hearing that relates to the 83637
proposed parole or re-parole of the person that committed the 83638
violation. If a victim, victim's representative, or ~~either~~ any 83639
person described in division (B)(5) of this section requests a 83640
full board hearing pursuant to this division, the board shall hold 83641

a full board hearing. 83642

(b) A family member of a victim who is not described in 83643
division (B)(5) of this section may request, through the office of 83644
victims' services, for the board to hold a full board hearing that 83645
relates to the proposed parole or re-parole of a person who 83646
committed a violation of section 2903.01 or 2903.02 of the Revised 83647
Code, an offense of violence that is a felony of the first, 83648
second, or third degree, or an offense punished by a sentence of 83649
life imprisonment. At a meeting of the board at which a majority 83650
of board members are present, the majority of those present shall 83651
determine whether a full board hearing shall be held, if a family 83652
member of the victim makes a request pursuant to this division. 83653

(c) If a person is convicted of a violation of section 83654
2903.01 or 2903.02 of the Revised Code, an offense of violence 83655
that is a felony of the first, second, or third degree, or an 83656
offense punished by a sentence of life imprisonment, the 83657
prosecuting attorney may submit a request directly to the board to 83658
hold a full board hearing that relates to the proposed parole or 83659
re-parole of the person who committed the violation. If the 83660
prosecutor requests a full board hearing pursuant to this 83661
division, the board shall hold a full board hearing. 83662

(2) At least thirty days before the full hearing, except as 83663
otherwise provided in this division, the board shall give notice 83664
of the date, time, and place of the hearing to the victim 83665
regardless of whether the victim has requested the notification. 83666
The notice of the date, time, and place of the hearing shall not 83667
be given under this division to a victim if the victim has 83668
requested pursuant to division (B)(2) of section 2930.03 of the 83669
Revised Code that the notice not be provided to the victim. At 83670
least thirty days before the full board hearing and regardless of 83671
whether the victim has requested that the notice be provided or 83672
not be provided under this division to the victim, the board shall 83673

give similar notice to the prosecuting attorney in the case, the 83674
law enforcement agency that arrested the prisoner if any officer 83675
of that agency was a victim of the offense, and, if different than 83676
the victim, the person who requested the full hearing. If the 83677
prosecuting attorney has not previously been sent an institutional 83678
summary report with respect to the prisoner, upon the request of 83679
the prosecuting attorney, the board shall include with the notice 83680
sent to the prosecuting attorney an institutional summary report 83681
that covers the offender's participation while confined in a state 83682
correctional institution in training, work, and other 83683
rehabilitative activities and any disciplinary action taken 83684
against the offender while so confined. Upon the request of a law 83685
enforcement agency that has not previously been sent an 83686
institutional summary report with respect to the prisoner, the 83687
board also shall send a copy of the institutional summary report 83688
to the law enforcement agency. If notice is to be provided as 83689
described in this division, the board may give the notice by any 83690
reasonable means, including regular mail, telephone, and 83691
electronic mail, in accordance with division (D)(1) of section 83692
2930.16 of the Revised Code. If the notice is based on an offense 83693
committed prior to March 22, 2013, the notice also shall include 83694
the opt-out information described in division (D)(1) of section 83695
2930.16 of the Revised Code. The board, in accordance with 83696
division (D)(2) of section 2930.16 of the Revised Code, shall keep 83697
a record of all attempts to provide the notice, and of all notices 83698
provided, under this division. 83699

The preceding paragraph, and the notice-related provisions of 83700
divisions (E)(2) and (K) of section 2929.20, division (D)(1) of 83701
section 2930.16, division (H) of section 2967.12, division 83702
(E)(1)(b) of section 2967.19 as it existed prior to ~~the effective~~ 83703
~~date of this amendment~~ April 4, 2023, division (A)(3)(b) of 83704
section 2967.26, and division (D)(1) of section 2967.28 of the 83705
Revised Code enacted in the act in which this paragraph was 83706

enacted, shall be known as "Roberta's Law." 83707

(B) At a full board hearing that relates to the proposed 83708
parole or re-parole of a prisoner and that has been petitioned for 83709
or requested in accordance with division (A) of this section, the 83710
parole board shall permit the following persons to appear and to 83711
give testimony or to submit written statements: 83712

(1) The prosecuting attorney of the county in which the 83713
original indictment against the prisoner was found and members of 83714
any law enforcement agency that assisted in the prosecution of the 83715
original offense; 83716

(2) The judge of the court of common pleas who imposed the 83717
original sentence of incarceration upon the prisoner, or the 83718
judge's successor; 83719

(3) The victim of the original offense for which the prisoner 83720
is serving the sentence or the victim's representative designated 83721
pursuant to section 2930.02 of the Revised Code; 83722

(4) The victim of any behavior that resulted in parole being 83723
revoked; 83724

(5) With respect to a full board hearing held pursuant to 83725
division ~~(A)(2)(A)(1)(a) or (c)~~ of this section, all of the 83726
following: 83727

(a) The spouse of the victim of the original offense; 83728

(b) The parent or parents of the victim of the original 83729
offense; 83730

(c) The sibling of the victim of the original offense; 83731

(d) The child or children of the victim of the original 83732
offense. 83733

(6) ~~Counsel~~ A state public defender when designated by the 83734
director of the department of rehabilitation and correction 83735
pursuant to division (A)(5) of section 120.06 of the Revised Code, 83736

private counsel, or some other person designated by the prisoner 83737
as a representative, as ~~described in division (C) of this section~~ 83738
permitted by the board. 83739

(C) Except as otherwise provided in this division, a full 83740
board hearing of the parole board is not subject to section 121.22 83741
of the Revised Code. The persons who may attend a full board 83742
hearing are the persons described in divisions (B)(1) to (6) of 83743
this section, and representatives of the press, radio and 83744
television stations, and broadcasting networks who are members of 83745
a generally recognized professional media organization. 83746

At the request of a person described in division (B)(3) of 83747
this section, representatives of the news media described in this 83748
division shall be excluded from the hearing while that person is 83749
giving testimony at the hearing. The prisoner being considered for 83750
parole has no right to be present at the hearing, but may be 83751
represented ~~by counsel or some other person designated by the~~ 83752
~~prisoner~~ as described in division (B)(6) of this section. 83753

If there is an objection at a full board hearing to a 83754
recommendation for the parole of a prisoner, the board may approve 83755
or disapprove the recommendation or defer its decision until a 83756
subsequent full board hearing. The board may permit interested 83757
persons other than those listed in this division and division (B) 83758
of this section to attend full board hearings pursuant to rules 83759
adopted by the adult parole authority. 83760

(D) If the victim of the original offense died as a result of 83761
the offense and the offense was aggravated murder, murder, an 83762
offense of violence that is a felony of the first, second, or 83763
third degree, or an offense punished by a sentence of life 83764
imprisonment, the family of the victim may show at a full board 83765
hearing a video recording not exceeding five minutes in length 83766
memorializing the victim. 83767

(E) The adult parole authority shall adopt rules for the 83768
implementation of this section. The rules shall specify reasonable 83769
restrictions on the number of media representatives that may 83770
attend a hearing, based on considerations of space, and other 83771
procedures designed to accomplish an effective, orderly process 83772
for full board hearings. 83773

Sec. 5149.38. (A) In each voluntary county, subject to 83774
division (B) of this section and not later than ~~September 1, 2022~~ 83775
the deadlines established by the department of rehabilitation and 83776
correction in division (B)(3)(b)(ii) of section 2929.34 of the 83777
Revised Code, a county commissioner representing the board of 83778
county commissioners of the county, the administrative judge of 83779
the general division of the court of common pleas of the county, 83780
the sheriff of the county, and an official from any municipality 83781
operating a local correctional facility in the county to which 83782
courts of the county sentence offenders shall agree to, sign, and 83783
submit to the department of rehabilitation and correction for its 83784
approval a memorandum of understanding that does all of the 83785
following: 83786

(1) Sets forth the plans by which the county will use grant 83787
money provided to the county in the state fiscal year 2023 and 83788
succeeding years within the specified state fiscal years biennium 83789
under the ~~targeting~~ targeted community alternatives to prison 83790
(T-CAP) program; 83791

(2) Specifies the manner in which the county will address a 83792
per diem reimbursement of local correctional facilities for 83793
prisoners who serve a prison term in the facility pursuant to 83794
division (B)(3)(c) of section 2929.34 of the Revised Code. The per 83795
diem reimbursement rate shall be the rate determined in division 83796
(F)(1) of this section and shall be specified in the memorandum; 83797

(3) Specifies whether the memorandum of understanding will 83798

apply to prison terms for felonies of the fifth degree or prison 83799
terms for felonies of the fourth and fifth degree pursuant to 83800
division (B)(3)(c) of section 2929.34 of the Revised Code. 83801

(B) Two or more voluntary counties may join together to 83802
jointly establish a memorandum of understanding of the type 83803
described in division (A) of this section. Not later than 83804
September 1, 2022 the deadlines established by the department of 83805
rehabilitation and correction in division (B)(3)(b)(ii) of section 83806
2929.34 of the Revised Code, a county commissioner from each of 83807
the affiliating voluntary counties representing the county's board 83808
of county commissioners, the administrative judge of the general 83809
division of the court of common pleas of each affiliating 83810
voluntary county, the sheriff of each affiliating voluntary 83811
county, and an official from any municipality operating a local 83812
correctional facility in the affiliating voluntary counties to 83813
which courts of the counties sentence offenders shall agree to, 83814
sign, and submit to the department of rehabilitation and 83815
correction for its approval the memorandum of understanding. The 83816
memorandum of understanding shall set forth the plans by which, 83817
and specify the manner in which, the affiliating counties will 83818
complete the tasks identified in divisions (A)(1) to (3) of this 83819
section. 83820

(C) The department of rehabilitation and correction shall 83821
adopt rules establishing standards for approval of memorandums of 83822
understanding submitted to it under division (A) or (B) of this 83823
section. The department shall review the memorandums of 83824
understanding submitted to it and may require the county or 83825
counties that submit a memorandum to modify the memorandum. The 83826
director of rehabilitation and correction shall approve 83827
memorandums of understanding submitted to it under division (A) or 83828
(B) of this section that the director determines satisfy the 83829
standards adopted by the department within thirty days after 83830

receiving each memorandum submitted. 83831

(D) Any person responsible for agreeing to, signing, and 83832
submitting a memorandum of understanding under division (A) or (B) 83833
of this section may delegate the person's authority to do so to an 83834
employee of the agency, entity, or office served by the person. 83835

(E) The persons signing a memorandum of understanding under 83836
division (A) or (B) of this section, or their successors in 83837
office, may revise the memorandum as they determine necessary. Any 83838
revision of the memorandum shall be signed by the parties 83839
specified in division (A) or (B) of this section and submitted to 83840
the department of rehabilitation and correction for its approval 83841
under division (C) of this section within thirty days after the 83842
beginning of the state fiscal year. 83843

(F)(1) In each county, commencing in calendar year 2023, on 83844
or before the first day of February of each calendar year the 83845
sheriff shall determine the per diem costs for the preceding 83846
calendar year for each of the local correctional facilities for 83847
the housing in the facility of prisoners who serve a term in it 83848
pursuant to division (B)(3)(c) of section 2929.34 of the Revised 83849
Code. The per diem cost so determined shall apply in the calendar 83850
year in which the determination is made. 83851

(2) For each county, the per diem cost determined under 83852
division (F)(1) of this section that applies with respect to a 83853
facility in a specified calendar year shall be the per diem rate 83854
of reimbursement in that calendar year, under the ~~targeting~~ 83855
targeted community alternatives to prison (T-CAP) program, for 83856
prisoners who serve a term in the facility pursuant to division 83857
(B)(3)(c) of section 2929.34 of the Revised Code. 83858

(3) The per diem costs of housing determined under division 83859
(F)(1) of this section for a facility shall be the actual costs of 83860
housing the specified prisoners in the facility, on a per diem 83861

basis.	83862
(G) As used in this section:	83863
(1) "Local correctional facility" means a facility of a type described in division (C) or (D) of section 2929.34 of the Revised Code.	83864 83865 83866
(2) "Voluntary county" has the same meanings as in section 2929.34 of the Revised Code.	83867 83868
Sec. 5153.122. Each PCSA caseworker hired after January 1, 2007, shall complete at least one hundred two hours of in-service training during the first year of the caseworker's continuous employment as a PCSA caseworker, except that the executive director of the public children services agency may waive the training requirement for a school of social work graduate who participated in the university partnership program described in division (E) of section 5101.141 of the Revised Code and as provided in section 5153.124 of the Revised Code. The training shall consist of courses in all of the following:	83869 83870 83871 83872 83873 83874 83875 83876 83877 83878
(A) Recognizing, accepting reports of, and preventing child abuse, neglect, and dependency;	83879 83880
(B) Assessing child safety;	83881
(C) Assessing risks;	83882
(D) Interviewing persons;	83883
(E) Investigating cases;	83884
(F) Intervening;	83885
(G) Providing services to children and their families;	83886
(H) The importance of and need for accurate data;	83887
(I) Preparation for court;	83888
(J) Maintenance of case record information;	83889

(K) The legal duties of PCSA caseworkers to protect the 83890
constitutional and statutory rights of children and families from 83891
the initial time of contact during investigation through 83892
treatment, including instruction regarding parents' rights and the 83893
limitations that the Fourth Amendment to the United States 83894
Constitution places upon caseworkers and their investigations; 83895

(L) Content on other topics relevant to child abuse, neglect, 83896
and dependency, including permanency strategies, concurrent 83897
planning, and adoption as an option for unintended pregnancies. 83898

After a PCSA caseworker's first year of continuous employment 83899
as a PCSA caseworker, the caseworker annually shall complete 83900
thirty-six hours of training in areas relevant to the caseworker's 83901
assigned duties. 83902

During the first two years of continuous employment as a PCSA 83903
caseworker, each PCSA caseworker shall complete ~~at least twelve~~ 83904
~~hours of~~ training in recognizing the signs of domestic violence 83905
and its relationship to child abuse as established in rules the 83906
director of job and family services shall adopt pursuant to 83907
Chapter 119. of the Revised Code. ~~The twelve hours may be in~~ 83908
~~addition to the training required during the caseworker's first~~ 83909
~~year of employment or part of the training required during the~~ 83910
~~second year of employment.~~ 83911

Sec. 5153.123. Each PCSA caseworker supervisor shall complete 83912
~~at least sixty hours of~~ in-service training during the first year 83913
of the supervisor's continuous employment as a PCSA caseworker 83914
supervisor. The training shall include courses in screening 83915
reports of child abuse, neglect, or dependency. After a PCSA 83916
caseworker supervisor's first year of continuous employment as a 83917
PCSA caseworker supervisor, the supervisor annually shall complete 83918
thirty hours of training in areas relevant to the supervisor's 83919
assigned duties. During the first two years of continuous 83920

employment as a PCSA caseworker supervisor, each PCSA caseworker 83921
supervisor shall complete ~~at least twelve hours of~~ training in 83922
recognizing the signs of domestic violence and its relationship to 83923
child abuse as established in rules the director of job and family 83924
services shall adopt pursuant to Chapter 119. of the Revised Code. 83925
~~The twelve hours may be in addition to the training required~~ 83926
~~during the supervisor's first year of employment or part of the~~ 83927
~~training required during the second year of employment.~~ 83928
83929

Sec. 5153.124. (A)(1) The director of job and family services 83930
shall adopt rules as necessary to implement the training 83931
requirements of sections 5153.122 and 5153.123 of the Revised 83932
Code. 83933

(2) Not later than nine months after ~~the effective date of~~ 83934
~~the amendment to this section by H.B. 110 of the 134th general~~ 83935
~~assembly September 30, 2021,~~ the director shall adopt rules in 83936
accordance with Chapter 119. of the Revised Code to establish the 83937
circumstances under which an executive director of a public 83938
children services agency may waive portions of in-service training 83939
for PCSA caseworkers, in addition to the waiver described in 83940
section 5153.122 of the Revised Code. 83941

(B) Notwithstanding sections ~~5103.33~~ 5103.37 to ~~5103.422~~ 83942
5103.42 and sections 5153.122 to 5153.127 of the Revised Code, the 83943
department of job and family services may require additional 83944
training for PCSA caseworkers and PCSA caseworker supervisors as 83945
necessary to comply with federal requirements. 83946

Sec. 5153.127. The executive director of each public children 83947
services agency or a person designated by the executive director 83948
shall collect and maintain the data from individual training needs 83949
assessments completed under sections 5153.125 and 5153.126 of the 83950

Revised Code for each PCSA caseworker and PCSA caseworker 83951
supervisor employed by the agency. The executive director or 83952
designated person shall compile and forward the data collected 83953
from the completed assessments to the regional training center 83954
established under section ~~5103.42~~ 5103.41 of the Revised Code for 83955
the training region the agency is located in. 83956

Sec. 5153.16. (A) Except as provided in section 2151.422 of 83957
the Revised Code, in accordance with rules adopted under section 83958
5153.166 of the Revised Code, and on behalf of children in the 83959
county whom the public children services agency considers to be in 83960
need of public care or protective services, the public children 83961
services agency shall do all of the following: 83962

(1) Make an investigation concerning any child alleged to be 83963
an abused, neglected, or dependent child; 83964

(2) Enter into agreements with the parent, guardian, or other 83965
person having legal custody of any child, or with the department 83966
of job and family services, department of mental health and 83967
addiction services, department of developmental disabilities, 83968
other department, any certified organization within or outside the 83969
county, or any agency or institution outside the state, having 83970
legal custody of any child, with respect to the custody, care, or 83971
placement of any child, or with respect to any matter, in the 83972
interests of the child, provided the permanent custody of a child 83973
shall not be transferred by a parent to the public children 83974
services agency without the consent of the juvenile court; 83975

(3) Enter into a contract with an agency providing prevention 83976
services in an effort to prevent neglect or abuse, to enhance a 83977
child's welfare, and to preserve the family unit intact. 83978

(4) Accept custody of children committed to the public 83979
children services agency by a court exercising juvenile 83980
jurisdiction; 83981

~~(4)~~(5) Provide such care as the public children services agency considers to be in the best interests of any child adjudicated to be an abused, neglected, or dependent child the agency finds to be in need of public care or service; 83982
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~~(5)~~(6) Provide social services to any unmarried girl adjudicated to be an abused, neglected, or dependent child who is pregnant with or has been delivered of a child; 83986
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~~(6)~~(7) Make available to the children with medical handicaps program of the department of health at its request any information concerning a child with a disability found to be in need of treatment under sections 3701.021 to 3701.028 of the Revised Code who is receiving services from the public children services agency; 83989
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~~(7)~~(8) Provide temporary emergency care for any child considered by the public children services agency to be in need of such care, without agreement or commitment; 83995
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~~(8)~~(9) Find certified foster homes, within or outside the county, for the care of children, including children with disabilities from other counties attending special schools in the county; 83998
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~~(9)~~(10) Subject to the approval of the board of county commissioners and the state department of job and family services, establish and operate a training school or enter into an agreement with any municipal corporation or other political subdivision of the county respecting the operation, acquisition, or maintenance of any children's home, training school, or other institution for the care of children maintained by such municipal corporation or political subdivision; 84002
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~~(10)~~(11) Acquire and operate a county children's home, establish, maintain, and operate a receiving home for the temporary care of children, or procure certified foster homes for 84010
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this purpose; 84013

~~(11)~~(12) Enter into an agreement with the trustees of any 84014
district children's home, respecting the operation of the district 84015
children's home in cooperation with the other county boards in the 84016
district; 84017

~~(12)~~(13) Cooperate with, make its services available to, and 84018
act as the agent of persons, courts, the department of job and 84019
family services, the department of health, and other organizations 84020
within and outside the state, in matters relating to the welfare 84021
of children, except that the public children services agency shall 84022
not be required to provide supervision of or other services 84023
related to the exercise of parenting time rights granted pursuant 84024
to section 3109.051 or 3109.12 of the Revised Code or 84025
companionship or visitation rights granted pursuant to section 84026
3109.051, 3109.11, or 3109.12 of the Revised Code unless a 84027
juvenile court, pursuant to Chapter 2151. of the Revised Code, or 84028
a common pleas court, pursuant to division (E)(6) of section 84029
3113.31 of the Revised Code, requires the provision of supervision 84030
or other services related to the exercise of the parenting time 84031
rights or companionship or visitation rights; 84032

~~(13)~~(14) Make investigations at the request of any 84033
superintendent of schools in the county or the principal of any 84034
school concerning the application of any child adjudicated to be 84035
an abused, neglected, or dependent child for release from school, 84036
where such service is not provided through a school attendance 84037
department; 84038

~~(14)~~(15) Administer funds provided under Title IV-E of the 84039
"Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 671, as 84040
amended, in accordance with rules adopted under section 5101.141 84041
of the Revised Code; 84042

~~(15)~~(16) In addition to administering Title IV-E adoption 84043

assistance funds, enter into agreements to make adoption 84044
assistance payments under section 5153.163 of the Revised Code; 84045

~~(16)~~(17) Implement a system of safety and risk assessment, in 84046
accordance with rules adopted by the director of job and family 84047
services, to assist the public children services agency in 84048
determining the risk of abuse or neglect to a child; 84049

~~(17)~~(18) Enter into a plan of cooperation with the board of 84050
county commissioners under section 307.983 of the Revised Code and 84051
comply with each fiscal agreement the board enters into under 84052
section 307.98 of the Revised Code that include family services 84053
duties of public children services agencies and contracts the 84054
board enters into under sections 307.981 and 307.982 of the 84055
Revised Code that affect the public children services agency; 84056

~~(18)~~(19) Make reasonable efforts to prevent the removal of an 84057
alleged or adjudicated abused, neglected, or dependent child from 84058
the child's home, eliminate the continued removal of the child 84059
from the child's home, or make it possible for the child to return 84060
home safely, except that reasonable efforts of that nature are not 84061
required when a court has made a determination under division 84062
(A)(2) of section 2151.419 of the Revised Code; 84063

~~(19)~~(20) Make reasonable efforts to place the child in a 84064
timely manner in accordance with the permanency plan approved 84065
under division (E) of section 2151.417 of the Revised Code and to 84066
complete whatever steps are necessary to finalize the permanent 84067
placement of the child; 84068

~~(20)~~(21) Administer a Title IV-A program identified under 84069
division (A)(4)(c) or ~~(g)~~(h) of section 5101.80 of the Revised 84070
Code that the department of job and family services provides for 84071
the public children services agency to administer under the 84072
department's supervision pursuant to section 5101.801 of the 84073
Revised Code; 84074

~~(21)~~(22) Administer the kinship permanency incentive program 84075
created under section 5101.802 of the Revised Code under the 84076
supervision of the director of job and family services; 84077

~~(22)~~(23) Provide independent living services pursuant to 84078
sections 2151.81 to 2151.84 of the Revised Code; 84079

~~(23)~~(24) File a missing child report with a local law 84080
enforcement agency upon becoming aware that a child in the custody 84081
of the public children services agency is or may be missing. 84082

(B) The public children services agency shall use the system 84083
implemented pursuant to division ~~(A)(16)~~(A)(17) of this section in 84084
connection with an investigation undertaken pursuant to division 84085
(G)(1) of section 2151.421 of the Revised Code to assess both of 84086
the following: 84087

(1) The ongoing safety of the child; 84088

(2) The appropriateness of the intensity and duration of the 84089
services provided to meet child and family needs throughout the 84090
duration of a case. 84091

(C) Except as provided in section 2151.422 of the Revised 84092
Code, in accordance with rules of the director of job and family 84093
services, and on behalf of children in the county whom the public 84094
children services agency considers to be in need of public care or 84095
protective services, the public children services agency may do 84096
the following: 84097

(1) Provide or find, with other child serving systems, 84098
specialized foster care for the care of children in a specialized 84099
foster home, as defined in section 5103.02 of the Revised Code, 84100
certified under section 5103.03 of the Revised Code; 84101

(2)(a) Except as limited by divisions (C)(2)(b) and (c) of 84102
this section, contract with the following for the purpose of 84103
assisting the agency with its duties: 84104

(i) County departments of job and family services;	84105
(ii) Boards of alcohol, drug addiction, and mental health services;	84106 84107
(iii) County boards of developmental disabilities;	84108
(iv) Regional councils of political subdivisions established under Chapter 167. of the Revised Code;	84109 84110
(v) Private and government providers of services;	84111
(vi) Managed care organizations and prepaid health plans.	84112
(b) A public children services agency contract under division (C)(2)(a) of this section regarding the agency's duties under section 2151.421 of the Revised Code may not provide for the entity under contract with the agency to perform any service not authorized by the department's rules.	84113 84114 84115 84116 84117
(c) Only a county children services board appointed under section 5153.03 of the Revised Code that is a public children services agency may contract under division (C)(2)(a) of this section. If an entity specified in division (B) or (C) of section 5153.02 of the Revised Code is the public children services agency for a county, the board of county commissioners may enter into contracts pursuant to section 307.982 of the Revised Code regarding the agency's duties.	84118 84119 84120 84121 84122 84123 84124 84125
Sec. 5153.161. (A) As used in this section, "qualified nonrelative" means a nonrelative adult whom a child or the current custodial caretaker of a child identifies as having a familiar and longstanding relationship or bond with the child or the child's family that will ensure the child's social and cultural ties.	84126 84127 84128 84129 84130
(B) Care provided by the public children services agency under division (A)(4) <u>(A)(5)</u> of section 5153.16 of the Revised Code shall be provided by the agency, by its own means or through other available resources, in the child's own home, in the home of a	84131 84132 84133 84134

relative or qualified nonrelative, or in a certified foster home, 84135
any other home approved by the court, receiving home, school, 84136
hospital, convalescent home, or other public or private 84137
institution within or outside the county or state. 84138

Sec. 5153.162. Pursuant to an agreement entered into under 84139
division ~~(A)(9)~~(A)(10) of section 5153.16 of the Revised Code 84140
respecting the operation, acquisition, or maintenance of a 84141
children's home, training school, or other institution for the 84142
care of children maintained by a municipal corporation or other 84143
political subdivision, the public children services agency may 84144
acquire, operate, and maintain such an institution. The agency may 84145
enter into an agreement with a municipal corporation, a board of 84146
education, and the board of county commissioners, or with any one 84147
of them, to provide for the maintenance and operation of 84148
children's training schools. The agreement may provide for the 84149
contribution of funds by the municipal corporation, board of 84150
education, or board of county commissioners, in such proportions 84151
and amounts as the agreement states. The agreement also may 84152
provide for the operation and supervision of the training school 84153
by any one of them, or by the joint action of two or more of them, 84154
provided that municipal corporations, boards of education, and 84155
boards of county commissioners may expend moneys from their 84156
general funds for maintaining and operating the joint children's 84157
training school. 84158

Sec. 5153.163. (A) As used in this section: 84159

(1) "Adoptive parent" means, as the context requires, a 84160
prospective adoptive parent or an adoptive parent. 84161

(2) "Relative" has the same meaning as in section 5101.141 of 84162
the Revised Code. 84163

(B)(1) Before a child's adoption is finalized, a public 84164

children services agency may enter into an agreement with the 84165
child's adoptive parent under which the agency, to the extent 84166
state funds are available, may make state adoption maintenance 84167
subsidy payments as needed on behalf of the child when all of the 84168
following apply: 84169

(a) The child is a child with special needs. 84170

(b) The child was placed in the adoptive home by a public 84171
children services agency or a private child placing agency and may 84172
legally be adopted. 84173

(c) The adoptive parent has the capability of providing the 84174
permanent family relationships needed by the child. 84175

(d) The needs of the child are beyond the economic resources 84176
of the adoptive parent. 84177

(e) Acceptance of the child as a member of the adoptive 84178
parent's family would not be in the child's best interest without 84179
payments on the child's behalf under this section. 84180

(f) The gross income of the adoptive parent's family does not 84181
exceed one hundred twenty per cent of the median income of a 84182
family of the same size, including the child, as most recently 84183
determined for this state by the secretary of health and human 84184
services under Title XX of the "Social Security Act," 88 Stat. 84185
2337, 42 U.S.C.A. 1397, as amended. 84186

(g) The child is not eligible for adoption assistance 84187
payments under Title IV-E of the "Social Security Act," 94 Stat. 84188
501 (1980), 42 U.S.C.A. 671, as amended. 84189

(2) State adoption maintenance subsidy payment agreements 84190
must be made by either the public children services agency that 84191
has permanent custody of the child or the public children services 84192
agency of the county in which the private child placing agency 84193
that has permanent custody of the child is located. 84194

(3) State adoption maintenance subsidy payments shall be made 84195
in accordance with the agreement between the public children 84196
services agency and the adoptive parent and are subject to an 84197
annual redetermination of need. 84198

(4) Payments under this division may begin either before or 84199
after issuance of the final adoption decree, except that payments 84200
made before issuance of the final adoption decree may be made only 84201
while the child is living in the adoptive parent's home. 84202
Preadoption payments may be made for not more than twelve months, 84203
unless the final adoption decree is not issued within that time 84204
because of a delay in court proceedings. Payments that begin 84205
before issuance of the final adoption decree may continue after 84206
its issuance. 84207

(C)(1) ~~A public children services agency~~ The department of 84208
job and family services may enter into an agreement with a child's 84209
relative under which the ~~agency~~ department, to the extent state 84210
funds are available, may provide state kinship guardianship 84211
assistance as needed on behalf of the child when all of the 84212
following apply: 84213

(a) The relative has cared for the eligible child as a foster 84214
caregiver as defined by section 5103.02 of the Revised Code for at 84215
least six consecutive months. 84216

(b) Both of the following apply: 84217

(i) A juvenile court issued an order granting legal custody 84218
of the child to the relative, or a probate court issued an order 84219
granting guardianship of the child to the relative, and the order 84220
is not a temporary court order. 84221

(ii) The relative has committed to care for the child on a 84222
permanent basis. 84223

(c) The relative signed a state kinship guardianship 84224
assistance agreement prior to assuming legal guardianship or legal 84225

custody of the child. 84226

(d) The public children services agency that had custody of the child immediately prior to a court granting legal custody or guardianship of the child to a relative of the child has determined all of the following: 84227
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(i) The child had been removed from home pursuant to a voluntary placement agreement or as a result of a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child. 84231
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~~(e)~~(ii) Returning the child home or adoption are not appropriate permanency options for the child. 84235
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~~(f)~~(iii) The child demonstrates a strong attachment to the relative and the relative has a strong commitment to caring permanently for the child. 84237
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~~(g)~~(iv) With respect to a child who has attained fourteen years of age, the child has been consulted regarding the state kinship guardianship assistance arrangement. 84240
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~~(h)~~(v) The child is not eligible for kinship guardianship assistance payments under Title IV-E of the "Social Security Act," 42 U.S.C. 673(d), as amended. 84243
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(2) The In addition to the determinations that are required under divisions (C)(1)(d)(i) to (v) of this section, the public children services agency that had custody of a child immediately prior to a court granting legal custody or guardianship of the child to a relative of the child ~~described in division (C)(1) of this section~~ is authorized to enter into a determine the eligibility of the relative and the child for state kinship guardianship assistance agreement with that relative in accordance with divisions (C)(1)(a) to (c) of this section and any relevant determination provided for in rules adopted under division (E) of this section. 84246
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(3) State kinship guardianship assistance for a child shall 84257
be provided in accordance with a state kinship guardianship 84258
assistance agreement entered into between the ~~public children~~ 84259
~~services agency~~ department and relative of the child described in 84260
division (C)(1) of this section and is subject to ~~an annual a~~ 84261
redetermination of need at a frequency established by rules 84262
adopted under division (E) of this section. 84263

(4) Not later than fifteen months after ~~the effective date of~~ 84264
~~this section~~ September 30, 2021, if the amended state plan 84265
submitted under Title IV-E to implement 42 U.S.C. 673(d) as 84266
described in section 5101.1416 of the Revised Code is approved, 84267
division (C) of this section shall be implemented. 84268

(D) No payment shall be made under division (B) or (C) of 84269
this section on behalf of any person eighteen years of age or 84270
older beyond the end of the school year during which the person 84271
attains the age of eighteen or on behalf of a person with a mental 84272
or physical disability twenty-one years of age or older. 84273

~~(E)~~(E)(1) The director of job and family services shall adopt 84274
rules in accordance with Chapter 119. of the Revised Code that are 84275
needed to implement this section. The rules shall establish all of 84276
the following: 84277

~~(1)~~(a) The application process for all forms of assistance 84278
provided under this section; 84279

~~(2)~~(b) The method to determine the amount of assistance 84280
payable under division (B) of this section; 84281

~~(3)~~(c) The definition of "child with special needs" for the 84282
purposes of division (B) of this section; 84283

~~(4)~~(d) The process and frequency whereby a child's continuing 84284
need for services provided under division (B) or (C) of this 84285
section is ~~annually~~ redetermined; 84286

~~(5)(e)~~ Any other rule, requirement, or procedure the department considers appropriate for the implementation of this section. 84287
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(2) Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under division (E) of this section is not subject to sections 121.95 to 121.953 of the Revised Code. 84290
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(F) The state adoption special services subsidy program ceases to exist on July 1, 2004, except that, subject to the findings of the annual redetermination process established under division (E) of this section and the child's individual need for services, a public children services agency may continue to provide state adoption special services subsidy payments on behalf of a child for whom payments were being made prior to July 1, 2004. 84294
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(G) Benefits and services provided under this section are inalienable whether by way of assignment, charge, or otherwise and exempt from execution, attachment, garnishment, and other like processes. 84302
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Sec. 5153.17. ~~The~~ (A) Each public children services agency shall prepare and keep written records of ~~investigations~~ all of the following: 84306
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(1) Investigations of families, children, and foster homes, ~~and of the;~~ 84309
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(2) The care, training, and treatment afforded to children, ~~and shall prepare and keep such;~~ 84311
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(3) Such other records as are required by the department of job and family services. ~~Such records~~ 84313
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(B) Records under division (A) of this section shall be confidential, but, except as provided by division (B) of section 84315
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3107.17 of the Revised Code, shall be open to inspection by the 84317
following: 84318

(1) The agency, the director of job and family services, and 84319
the director of the county department of job and family services, 84320
and by other persons upon the written permission of the executive 84321
director; 84322

(2) Upon request to an agency and subject to division (C) of 84323
this section, an adult who was formerly placed in foster care. 84324

(C)(1) With regard to an adult under division (B)(2) of this 84325
section, records subject to inspection include those pertaining to 84326
the adult's time placed in foster care. Records may include 84327
medical, mental health, school, and legal records and a 84328
comprehensive summary of reasons why the adult was placed in 84329
foster care. 84330

(2) The executive director or the director's designee may 84331
redact information that is specific to other individuals if that 84332
information does not directly pertain to the requesting adult's 84333
records that are subject to inspection under division (C)(1) of 84334
this section or the comprehensive summary of reasons why the adult 84335
was placed in foster care. 84336

Sec. 5160.35. As used in sections 5160.35 to 5160.43 of the 84337
Revised Code: 84338

(A) "Information" means all of the following: 84339

(1) An individual's name, address, date of birth, and social 84340
security number; 84341

(2) The group or plan number, or other identifier, assigned 84342
by a third party to a policy held by an individual or a plan in 84343
which the individual participates and the nature of the coverage; 84344

(3) Any other data the medicaid director specifies in rules 84345
authorized by section 5160.43 of the Revised Code. 84346

(B) "Medical support" means support specified as support for the purpose of medical care by order of a court or administrative agency. 84347
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(C)(1) Subject to division (C)(2) of this section, and except as provided in division (C)(3) of this section, "third party" means all of the following: 84350
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(a) A person authorized to engage in the business of sickness and accident insurance under Title XXXIX of the Revised Code; 84353
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(b) A person or governmental entity providing coverage for medical services or items to individuals on a self-insurance basis; 84355
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(c) A health insuring corporation as defined in section 1751.01 of the Revised Code; 84358
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(d) A group health plan as defined in 29 U.S.C. 1167; 84360

(e) A service benefit plan as referenced in 42 U.S.C. 1396a(a)(25); 84361
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(f) A managed care organization; 84363

(g) A pharmacy benefit manager; 84364

(h) A third party administrator; 84365

(i) Any other person or governmental entity that is, by law, contract, or agreement, responsible for the payment or processing of a claim for a medical item or service for a medical assistance recipient. 84366
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(2) Except when otherwise provided by the "Social Security Act," section 1862(b), 42 U.S.C. 1395y(b), a person or governmental entity listed in division (C)(1) of this section is a third party even if the person or governmental entity limits or excludes payments for a medical item or service in the case of a public assistance recipient. 84370
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(3) "Third party" does not include the program for ~~medically~~ 84376
~~handicapped~~ children and youth with special health care needs 84377
established under section 3701.023 of the Revised Code. 84378

Sec. 5162.01. (A) As used in the Revised Code: 84379

(1) "Medicaid" and "medicaid program" mean the program of 84380
medical assistance established by Title XIX of the "Social 84381
Security Act," 42 U.S.C. 1396 et seq., including any medical 84382
assistance provided under the medicaid state plan or a federal 84383
medicaid waiver granted by the United States secretary of health 84384
and human services. 84385

(2) "Medicare" and "medicare program" mean the federal health 84386
insurance program established by Title XVIII of the "Social 84387
Security Act," 42 U.S.C. 1395 et seq. 84388

(B) As used in this chapter: 84389

(1) "Exchange" has the same meaning as in 45 C.F.R. 155.20. 84390

(2) "Expansion eligibility group" has the same meaning as in 84391
section 5163.01 of the Revised Code. 84392

(3) "Federal financial participation" has the same meaning as 84393
in section 5160.01 of the Revised Code. 84394

(4) "Federal poverty line" means the official poverty line 84395
defined by the United States office of management and budget based 84396
on the most recent data available from the United States bureau of 84397
the census and revised by the United States secretary of health 84398
and human services pursuant to the "Omnibus Budget Reconciliation 84399
Act of 1981," section 673(2), 42 U.S.C. 9902(2). 84400

(5) "Healthcheck" has the same meaning as in section 5164.01 84401
of the Revised Code. 84402

(6) "Healthy start component" means the component of the 84403
medicaid program that covers pregnant women and children and is 84404

identified in rules adopted under section 5162.02 of the Revised Code as the healthy start component. 84405
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(7) "Home and community-based services" means services provided under a home and community-based services medicaid waiver component. 84407
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(8) "Home and community-based services medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code. 84410
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(9) "ICF/IID" has the same meaning as in section 5124.01 of the Revised Code. 84413
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(10) "Individualized education program" has the same meaning as in section 3323.011 of the Revised Code. 84415
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(11) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code. 84417
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(12) "Medicaid MCO plan" has the same meaning as in section 5167.01 of the Revised Code. 84419
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(13) "Medicaid provider" has the same meaning as in section 5164.01 of the Revised Code. 84421
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(14) "Medicaid services" has the same meaning as in section 5164.01 of the Revised Code. 84423
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(15) "Medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code; 84425
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(16) "Nursing facility" and "nursing facility services" have the same meanings as in section 5165.01 of the Revised Code. 84427
84428

(17) "Ordering or referring only provider" means a medicaid provider who orders, prescribes, refers, or certifies a service or item reported on a claim for medicaid payment but does not bill for medicaid services. 84429
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(18) "Political subdivision" means a municipal corporation, 84433

township, county, school district, or other body corporate and 84434
politic responsible for governmental activities only in a 84435
geographical area smaller than that of the state. 84436

(19) "Prescribed drug" has the same meaning as in section 84437
5164.01 of the Revised Code. 84438

(20) "Provider agreement" has the same meaning as in section 84439
5164.01 of the Revised Code. 84440

(21) "Qualified medicaid school provider" means the board of 84441
education of a city, local, or exempted village school district, 84442
the governing board of an educational service center, the 84443
governing authority of a community school established under 84444
Chapter 3314. of the Revised Code, ~~the state school for the deaf,~~ 84445
and ~~the state school for the blind~~ Ohio deaf and blind education 84446
services to which both of the following apply: 84447

(a) It holds a valid provider agreement. 84448

(b) It meets all other conditions for participation in the 84449
medicaid school component of the medicaid program established in 84450
rules authorized by section 5162.364 of the Revised Code. 84451

(22) "State agency" means every organized body, office, or 84452
agency, other than the department of medicaid, established by the 84453
laws of the state for the exercise of any function of state 84454
government. 84455

(23) "Vendor offset" means a reduction of a medicaid payment 84456
to a medicaid provider to correct a previous, incorrect medicaid 84457
payment to that provider. 84458

Sec. 5162.137. Annually, the department of medicaid shall 84459
conduct a cost savings study of the medicaid program and prepare a 84460
report based on that study recommending measures to reduce costs 84461
under that program. The department shall submit its report to the 84462
governor. 84463

Sec. 5162.364. The medicaid director shall adopt rules under 84464
section 5162.02 of the Revised Code as necessary to implement the 84465
medicaid school component of the medicaid program, including rules 84466
that establish or specify all of the following: 84467

(A) Conditions a board of education of a city, local, or 84468
exempted school district, a governing board of an educational 84469
service center, governing authority of a community school 84470
established under Chapter 3314. of the Revised Code, ~~the state~~ 84471
~~school for the deaf~~, and ~~the state school for the blind~~ Ohio deaf 84472
and blind education services must meet to participate in the 84473
component; 84474

(B) Services the component covers; 84475

(C) Payment rates for the services the component covers. 84476

The rules shall be adopted in accordance with Chapter 119. of 84477
the Revised Code. 84478

Sec. 5162.70. (A) As used in this section: 84479

(1) "CPI" means the consumer price index for all urban 84480
consumers as published by the United States bureau of labor 84481
statistics. 84482

(2) "CPI medical inflation rate" means the inflation rate for 84483
medical care, or the successor term for medical care, for the 84484
midwest region as specified in the CPI. 84485

(3) "JMOC projected medical inflation rate" means the 84486
following: 84487

(a) The projected medical inflation rate for a fiscal 84488
biennium determined by the actuary with which the joint medicaid 84489
oversight committee contracts under section 103.414 of the Revised 84490
Code if the committee agrees with the actuary's projected medical 84491
inflation rate for that fiscal biennium; 84492

(b) The different projected medical inflation rate for a 84493
fiscal biennium determined by the joint medicaid oversight 84494
committee under section 103.414 of the Revised Code if the 84495
committee disagrees with the projected medical inflation rate 84496
determined for that fiscal biennium by the actuary with which the 84497
committee contracts under that section. 84498

(4) "Successor term" means a term that the United States 84499
bureau of labor statistics uses in place of another term in 84500
revisions to the CPI. 84501

(B) The medicaid director shall implement reforms to the 84502
medicaid program that do all of the following: 84503

(1) Limit the growth in the per ~~recipient~~ member per month 84504
cost of the medicaid program, as determined on an aggregate basis 84505
for all eligibility groups, for a fiscal biennium to not more than 84506
the lesser of the following: 84507

(a) The average annual increase in the CPI medical inflation 84508
rate for the most recent three-year period for which the necessary 84509
data is available as of the first day of the fiscal biennium, 84510
weighted by the most recent year of the three years; 84511

(b) The JMOC projected medical inflation rate for the fiscal 84512
biennium. 84513

(2) Achieve the limit in the growth of the per ~~recipient~~ 84514
member per month cost of the medicaid program under division 84515
(B)(1) of this section by doing all of the following: 84516

(a) Improving the physical and mental health of medicaid 84517
recipients; 84518

(b) Providing for medicaid recipients to receive medicaid 84519
services in the most cost-effective and sustainable manner; 84520

(c) Removing barriers that impede medicaid recipients' 84521
ability to transfer to lower cost, and more appropriate, medicaid 84522

services, including home and community-based services; 84523

(d) Establishing medicaid payment rates that encourage value 84524
over volume and result in medicaid services being provided in the 84525
most efficient and effective manner possible; 84526

(e) Implementing fraud and abuse prevention and cost 84527
avoidance mechanisms to the fullest extent possible. 84528

(3) Reduce the prevalence of comorbid health conditions 84529
among, and the mortality rates of, medicaid recipients; 84530

(4) Reduce infant mortality rates among medicaid recipients. 84531

(C) The medicaid director shall implement the reforms under 84532
this section in accordance with evidence-based strategies that 84533
include measurable goals. 84534

(D) By October first of every even-numbered calendar year, 84535
the medicaid director shall submit to the joint medicaid oversight 84536
committee a report detailing the reforms implemented under this 84537
section for the preceding two fiscal years. 84538

(E) The reforms implemented under this section shall, without 84539
making the medicaid program's eligibility requirements more 84540
restrictive, reduce the relative number of individuals enrolled in 84541
the medicaid program who have the greatest potential to obtain the 84542
income and resources that would enable them to cease enrollment in 84543
medicaid and instead obtain health care coverage through 84544
employer-sponsored health insurance or an exchange. 84545

Sec. 5163.06. The medicaid program shall cover all of the 84546
following optional eligibility groups: 84547

(A) The group consisting of children placed with adoptive 84548
parents who are specified in the "Social Security Act," section 84549
1902(a)(10)(A)(ii)(VIII), 42 U.S.C. 1396a(a)(10)(A)(ii)(VIII); 84550

(B) Subject to section 5163.061 of the Revised Code, the 84551

group consisting of women during pregnancy and the maximum 84552
postpartum period permitted under 42 U.S.C. 1396a(e) beginning on 84553
the last day of the pregnancy, infants, and children who are 84554
specified in the "Social Security Act," section 84555
1902(a)(10)(A)(ii)(IX), 42 U.S.C. 1396a(a)(10)(A)(ii)(IX); 84556

(C) Subject to sections 5163.09 to 5163.098 of the Revised 84557
Code, the group consisting of employed individuals with 84558
disabilities who are specified in the "Social Security Act," 84559
section 1902(a)(10)(A)(ii)(XV), 42 U.S.C. 1396a(a)(10)(A)(ii)(XV); 84560

(D) Subject to sections 5163.09 to 5163.098 of the Revised 84561
Code, the group consisting of employed individuals with medically 84562
improved disabilities who are specified in the "Social Security 84563
Act," section 1902(a)(10)(A)(ii)(XVI), 42 U.S.C. 84564
1396a(a)(10)(A)(ii)(XVI); 84565

(E) The group consisting of independent foster care 84566
adolescents who are specified in the "Social Security Act," 84567
section 1902(a)(10)(A)(ii)(XVII), 42 U.S.C. 84568
1396a(a)(10)(A)(ii)(XVII); 84569

(F) The group consisting of women in need of treatment for 84570
breast or cervical cancer who are specified in the "Social 84571
Security Act," section 1902(a)(10)(A)(ii)(XVIII), 42 U.S.C. 84572
1396a(a)(10)(A)(ii)(XVIII); 84573

(G) Subject to section 5163.062 of the Revised Code, the 84574
group consisting of individuals who are under sixty-five years of 84575
age and whose income exceeds one hundred thirty-three per cent of 84576
the federal poverty line who are described in section 84577
1902(a)(10)(A)(ii)(XX) of the "Social Security Act," 42 U.S.C. 84578
1396a(a)(10)(A)(ii)(XX); 84579

(H) The group consisting of infants with neonatal abstinence 84580
syndrome receiving services at a residential pediatric recovery 84581
center who are specified in section 1902(a)(86) of the "Social 84582

Security Act," 42 U.S.C. 1396a(a)(86). For purposes of division 84583
(H) of this section, a residential infant care center certified 84584
under section 5103.603 of the Revised Code is a residential 84585
pediatric recovery center as defined in section 1902(pp) of the 84586
"Social Security Act," 42 U.S.C. 1396a(pp). 84587

Sec. 5163.062. (A) The medicaid program shall cover all of 84588
the following optional populations within the group specified by 84589
division (G) of section 5163.06 of the Revised Code: 84590

(1) Pregnant women; 84591

(2) Children under the age of nineteen; 84592

(3) A reasonable classification of children under the age of 84593
nineteen who were adopted through private agencies. 84594

(B)(1) The income eligibility threshold is three hundred per 84595
cent of the federal poverty line for the populations described in 84596
divisions (A)(1) and (2) of this section. 84597

(2) There is no income eligibility threshold for the 84598
population described in division (A)(3) of this section. 84599

Sec. 5163.102. (A) As used in this section, "qualified 84600
entity" has the same meaning as in section 1920A(b)(3) of the 84601
"Social Security Act," 42 U.S.C. 1396r-1a(b)(3). 84602

(B) The medicaid director shall implement the presumptive 84603
eligibility option for individuals who are under sixty-five years 84604
of age and whose income exceeds one hundred thirty-three per cent 84605
of the federal poverty line option, available under 42 C.F.R. 84606
435.1101 through 435.1103. 84607

(C) An entity may serve as a qualified entity for the 84608
purposes of this section if the entity: 84609

(1) Is eligible under section 1920A(b)(3) of the "Social 84610
Security Act," 42 U.S.C. 1396r-1a(b)(3); 84611

(2) Requests to serve as a qualified entity; 84612

(3) Is determined capable of making presumptive eligibility determinations by the department of medicaid. 84613
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Sec. 5164.071. (A) As used in this section, "doula" has the same meaning as in section 4723.89 of the Revised Code. 84615
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(B) During the period beginning one year after the effective date of this section and ending five years after the effective date of this section, the medicaid program shall operate a program to cover doula services that are provided by a doula if the doula has a valid provider agreement and is certified under section 4723.89 of the Revised Code. Medicaid payments for doula services shall be determined on the basis of each pregnancy, regardless of whether multiple births occur as a result of that pregnancy. 84617
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(C) Outcome measurements and incentives for the program shall be consistent with this state's medicare-medicaid plan quality withhold methodology and benchmarks. The medicaid director shall complete an annual report regarding the program outcomes, including related to maternal health and morbidity and an estimated fiscal impact. The final annual report shall include recommendations related to whether the program should be continued. The director shall provide a copy of the annual report to the joint medicaid oversight committee. 84625
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(D) The medicaid director shall adopt rules under section 5164.02 of the Revised Code to implement this section. Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under this section is not subject to sections 121.95 to 121.953 of the Revised Code. 84634
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Sec. 5164.072. (A) As used in this section, "licensed health professional" has the same meaning as in section 3902.63 of the 84640
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Revised Code. 84642

(B) The medicaid program shall cover pasteurized human donor milk and human milk fortifiers, in both hospital and home settings, for an infant whose gestationally corrected age is less than twelve months when all of the following apply: 84643
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(1) A licensed health professional signs an order stating that human donor milk or human milk fortifiers are medically necessary because the infant meets any of the following criteria: 84647
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(a) The infant has a birth weight less than eighteen hundred grams or body weight below healthy levels. 84650
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(b) The infant has a gestational age at birth of thirty-four weeks or less. 84652
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(c) The infant has any congenital or acquired condition for which the health professional determines that the use of pasteurized human donor milk or human milk fortifiers will support the treatment of the condition and recovery of the infant. 84654
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(2) The infant is medically or physically unable to receive maternal breast milk or participate in breast-feeding, or the infant's mother is medically or physically unable to produce breast milk in sufficient quantities or of adequate caloric density, despite lactation support. 84658
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(C) Medicaid payment for pasteurized human donor milk and human milk fortifiers shall be separate from the hospital payment for inpatient services. 84663
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(D) The medicaid director may adopt rules in accordance with Chapter 119. Of the Revised Code to implement this section. 84666
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Sec. 5164.34. (A) As used in this section: 84668

(1) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code. 84669
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(2) "Disqualifying offense" means any of the offenses listed 84671
or described in divisions (A)(3)(a) to (e) of section 109.572 of 84672
the Revised Code. 84673

(3) "Owner" means a person who has an ownership interest in a 84674
medicaid provider in an amount designated in rules authorized by 84675
this section. 84676

(4) "Person subject to the criminal records check 84677
requirement" means the following: 84678

(a) A medicaid provider who is notified under division (E)(1) 84679
of this section that the provider is subject to a criminal records 84680
check; 84681

(b) An owner or prospective owner, officer or prospective 84682
officer, or board member or prospective board member of a medicaid 84683
provider if, pursuant to division (E)(1)(a) of this section, the 84684
owner or prospective owner, officer or prospective officer, or 84685
board member or prospective board member is specified in 84686
information given to the provider under division (E)(1) of this 84687
section; 84688

(c) An employee or prospective employee of a medicaid 84689
provider if both of the following apply: 84690

(i) The employee or prospective employee is specified, 84691
pursuant to division (E)(1)(b) of this section, in information 84692
given to the provider under division (E)(1) of this section. 84693

(ii) The provider is not prohibited by division (D)(3)(b) of 84694
this section from employing the employee or prospective employee. 84695

(5) "Responsible entity" means the following: 84696

(a) With respect to a criminal records check required under 84697
this section for a medicaid provider, the department of medicaid 84698
or the department's designee; 84699

(b) With respect to a criminal records check required under 84700

this section for an owner or prospective owner, officer or 84701
prospective officer, board member or prospective board member, or 84702
employee or prospective employee of a medicaid provider, the 84703
provider. 84704

(B) This section does not apply to any of the following: 84705

(1) An individual who is subject to a criminal records check 84706
under section 3712.09, 3721.121, 5123.081, or 5123.169 of the 84707
Revised Code; 84708

(2) An individual who is subject to a database review or 84709
criminal records check under section 173.38, 173.381, 3740.11, or 84710
5164.342 of the Revised Code; 84711

(3) An individual who is an applicant or independent 84712
provider, both as defined in section 5164.341 of the Revised Code. 84713

(C) The department of medicaid may do any of the following: 84714

(1) Require that any medicaid provider submit to a criminal 84715
records check as a condition of obtaining or maintaining a 84716
provider agreement; 84717

(2) Require that any medicaid provider require an owner or 84718
prospective owner, officer or prospective officer, or board member 84719
or prospective board member of the provider submit to a criminal 84720
records check as a condition of being an owner, officer, or board 84721
member of the provider; 84722

(3) Require that any medicaid provider do the following: 84723

(a) If so required by rules authorized by this section, 84724
determine pursuant to a database review conducted under division 84725
(F)(1)(a) of this section whether any employee or prospective 84726
employee of the provider is included in a database; 84727

(b) Unless the provider is prohibited by division (D)(3)(b) 84728
of this section from employing the employee or prospective 84729
employee, require the employee or prospective employee to submit 84730

to a criminal records check as a condition of being an employee of 84731
the provider. 84732

(D)(1) The department or the department's designee shall deny 84733
or terminate a medicaid provider's provider agreement if the 84734
provider is a person subject to the criminal records check 84735
requirement and either of the following applies: 84736

(a) The provider fails to obtain the criminal records check 84737
after being given the information specified in division (G)(1) of 84738
this section. 84739

(b) Except as provided in rules authorized by this section, 84740
the provider is found by the criminal records check to have been 84741
convicted of or have pleaded guilty to a disqualifying offense, 84742
regardless of the date of the conviction or the date of entry of 84743
the guilty plea. 84744

(2) No medicaid provider shall permit a person to be an 84745
owner, officer, or board member of the provider if the person is a 84746
person subject to the criminal records check requirement and 84747
either of the following applies: 84748

(a) The person fails to obtain the criminal records check 84749
after being given the information specified in division (G)(1) of 84750
this section. 84751

(b) Except as provided in rules authorized by this section, 84752
the person is found by the criminal records check to have been 84753
convicted of or have pleaded guilty to a disqualifying offense, 84754
regardless of the date of the conviction or the date of entry of 84755
the guilty plea. 84756

(3) Except as provided in division (I) of this section, no 84757
medicaid provider shall employ a person if any of the following 84758
apply: 84759

(a) The person has been excluded from being a medicaid 84760

provider, a medicare provider, or provider for any other federal health care program. 84761
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(b) If the person is subject to a database review conducted under division (F)(1)(a) of this section, the person is found by the database review to be included in a database and the rules authorized by this section regarding the database review prohibit the provider from employing a person included in the database. 84763
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(c) If the person is a person subject to the criminal records check requirement, either of the following applies: 84768
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(i) The person fails to obtain the criminal records check after being given the information specified in division (G)(1) of this section. 84770
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(ii) Except as provided in rules authorized by this section, the person is found by the criminal records check to have been convicted of or have pleaded guilty to a disqualifying offense, regardless of the date of the conviction or the date of entry of the guilty plea. 84773
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(E)(1) The department or the department's designee shall inform each medicaid provider whether the provider is subject to a criminal records check. For providers with valid provider agreements, the information shall be given at times designated in rules authorized by this section. For providers applying to be medicaid providers, the information shall be given at the time of initial application. When the information is given, the department or the department's designee shall specify the following: 84778
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(a) Which of the provider's owners or prospective owners, officers or prospective officers, or board members or prospective board members are subject to a criminal records check; 84786
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(b) Which of the provider's employees or prospective employees are subject to division (C)(3) of this section. 84789
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(2) At times designated in rules authorized by this section, 84791
a medicaid provider that is a person subject to the criminal 84792
records check requirement shall do the following: 84793

(a) Inform each person specified under division (E)(1)(a) of 84794
this section that the person is required to submit to a criminal 84795
records check as a condition of being an owner, officer, or board 84796
member of the provider; 84797

(b) Inform each person specified under division (E)(1)(b) of 84798
this section that the person is subject to division (C)(3) of this 84799
section. 84800

(F)(1) If a medicaid provider is a person subject to the 84801
criminal records check requirement, the department or the 84802
department's designee shall require the conduct of a criminal 84803
records check by the superintendent of the bureau of criminal 84804
identification and investigation. A medicaid provider shall 84805
require the conduct of a criminal records check by the 84806
superintendent with respect to each of the persons specified under 84807
division (E)(1)(a) of this section. With respect to each employee 84808
and prospective employee specified under division (E)(1)(b) of 84809
this section, a medicaid provider shall do the following: 84810

(a) If rules authorized by this section require the provider 84811
to conduct a database review to determine whether the employee or 84812
prospective employee is included in a database, conduct the 84813
database review in accordance with the rules; 84814

(b) Unless the provider is prohibited by division (D)(3)(b) 84815
of this section from employing the employee or prospective 84816
employee, require the conduct of a criminal records check of the 84817
employee or prospective employee by the superintendent. 84818

(2) If a person subject to the criminal records check 84819
requirement does not present proof of having been a resident of 84820
this state for the five-year period immediately prior to the date 84821

the criminal records check is requested or provide evidence that 84822
within that five-year period the superintendent has requested 84823
information about the person from the federal bureau of 84824
investigation in a criminal records check, the responsible entity 84825
shall require the person to request that the superintendent obtain 84826
information from the federal bureau of investigation as part of 84827
the criminal records check of the person. Even if the person 84828
presents proof of having been a resident of this state for the 84829
five-year period, the responsible entity may require that the 84830
person request that the superintendent obtain information from the 84831
federal bureau of investigation and include it in the criminal 84832
records check of the person. 84833

(G) Criminal records checks required by this section shall be 84834
obtained as follows: 84835

(1) The responsible entity shall provide each person subject 84836
to the criminal records check requirement information about 84837
accessing and completing the form prescribed pursuant to division 84838
(C)(1) of section 109.572 of the Revised Code and the standard 84839
impression sheet prescribed pursuant to division (C)(2) of that 84840
section. 84841

(2) The person subject to the criminal records check 84842
requirement shall submit the required form and one complete set of 84843
the person's fingerprint impressions directly to the 84844
superintendent for purposes of conducting the criminal records 84845
check using the applicable methods prescribed by division (C) of 84846
section 109.572 of the Revised Code. The person shall pay all fees 84847
associated with obtaining the criminal records check. 84848

(3) The superintendent shall conduct the criminal records 84849
check in accordance with section 109.572 of the Revised Code. The 84850
person subject to the criminal records check requirement shall 84851
instruct the superintendent to submit the report of the criminal 84852
records check directly to the responsible entity. If the 84853

department or the department's designee is not the responsible 84854
entity, the department or designee may require the responsible 84855
entity to submit the report to the department or designee. 84856

(H)(1) A medicaid provider may employ conditionally a person 84857
for whom a criminal records check is required by this section 84858
prior to obtaining the results of the criminal records check if 84859
both of the following apply: 84860

(a) The provider is not prohibited by division (D)(3)(b) of 84861
this section from employing the person. 84862

(b) The person submits a request for the criminal records 84863
check not later than five business days after the person begins 84864
conditional employment. 84865

(2) Except as provided in division (I) of this section, a 84866
medicaid provider that employs a person conditionally under 84867
division (H)(1) of this section shall terminate the person's 84868
employment if either of the following apply: 84869

(a) The results of the criminal records check request are not 84870
obtained within the period ending sixty days after the date the 84871
request is made. 84872

(b) Regardless of when the results of the criminal records 84873
check are obtained, the results indicate that the person has been 84874
convicted of or has pleaded guilty to a disqualifying offense, 84875
unless circumstances specified in rules authorized by this section 84876
exist that permit the provider to employ the person and the 84877
provider chooses to employ the person. 84878

(I) As used in this division, "behavioral health services" 84879
means alcohol and drug addiction services, mental health services, 84880
or both. 84881

A medicaid provider of behavioral health services may choose 84882
to employ a person who the provider would be prohibited by 84883

division (D)(3) of this section from employing or would be 84884
required by division (H)(2) of this section to terminate the 84885
person's employment if both of the following apply: 84886

(1) The person holds a valid health professional license 84887
issued under the Revised Code granting the person authority to 84888
provide behavioral health services, holds a valid peer recovery 84889
supporter certificate issued pursuant to rules adopted by the 84890
department of mental health and addiction services, or is in the 84891
process of obtaining such a license or certificate. 84892

(2) The provider does not submit any medicaid claims for any 84893
services the person provides. 84894

(J) The report of a criminal records check conducted pursuant 84895
to this section is not a public record for the purposes of section 84896
149.43 of the Revised Code and shall not be made available to any 84897
person other than the following: 84898

(1) The person who is the subject of the criminal records 84899
check or the person's representative; 84900

(2) The medicaid director and the staff of the department who 84901
are involved in the administration of the medicaid program; 84902

(3) The department's designee; 84903

(4) The medicaid provider who required the person who is the 84904
subject of the criminal records check to submit to the criminal 84905
records check; 84906

(5) An individual receiving or deciding whether to receive, 84907
from the subject of the criminal records check, home and 84908
community-based services available under the medicaid state plan; 84909

(6) A court, hearing officer, or other necessary individual 84910
involved in a case or administrative hearing dealing with any of 84911
the following: 84912

(a) The denial, suspension, or termination of a provider 84913

agreement; 84914

(b) A person's denial of employment, termination of 84915
employment, or employment or unemployment benefits; 84916

(c) A civil or criminal action regarding the medicaid 84917
program. 84918

With respect to an administrative hearing dealing with the 84919
denial, suspension, or termination of a provider agreement, the 84920
report of a criminal records check may be introduced as evidence 84921
at the hearing and if admitted, becomes part of the hearing 84922
record. Any such report shall be admitted only under seal and 84923
shall maintain its status as not a public record. 84924

(K) The medicaid director may adopt rules under section 84925
5164.02 of the Revised Code to implement this section. If the 84926
director adopts such rules, the rules shall designate the times at 84927
which a criminal records check must be conducted under this 84928
section. The rules may do any of the following: 84929

(1) Designate the categories of persons who are subject to a 84930
criminal records check under this section; 84931

(2) Specify circumstances under which the department or the 84932
department's designee may continue a provider agreement or issue a 84933
provider agreement when the medicaid provider is found by a 84934
criminal records check to have been convicted of or pleaded guilty 84935
to a disqualifying offense; 84936

(3) Specify circumstances under which a medicaid provider may 84937
permit a person to be an employee, owner, officer, or board member 84938
of the provider when the person is found by a criminal records 84939
check conducted pursuant to this section to have been convicted of 84940
or have pleaded guilty to a disqualifying offense; 84941

(4) Specify all of the following: 84942

(a) The circumstances under which a database review must be 84943

conducted under division (F)(1)(a) of this section to determine 84944
whether an employee or prospective employee of a medicaid provider 84945
is included in a database; 84946

(b) The procedures for conducting the database review; 84947

(c) The databases that are to be checked; 84948

(d) The circumstances under which, except as provided in 84949
division (I) of this section, a medicaid provider is prohibited 84950
from employing a person who is found by the database review to be 84951
included in a database. 84952

Sec. 5164.341. (A) As used in this section: 84953

"Anniversary date" means ~~the later of~~ the effective date of 84954
the provider agreement relating to the independent provider ~~or~~ 84955
~~sixty days after September 26, 2003.~~ 84956

"Applicant" means a person who has applied for a provider 84957
agreement to provide home and community-based services as an 84958
independent provider under a home and community-based medicaid 84959
waiver component administered by the department of medicaid. 84960

"Criminal records check" has the same meaning as in section 84961
109.572 of the Revised Code. 84962

"Disqualifying offense" means any of the offenses listed or 84963
described in divisions (A)(3)(a) to (e) of section 109.572 of the 84964
Revised Code. 84965

"Independent provider" means a person who has a provider 84966
agreement to provide home and community-based services as an 84967
independent provider in a home and community-based services 84968
medicaid waiver component administered by the department of 84969
medicaid. "Independent provider" does not include a person who is 84970
employed by an individual enrolled in a participant-directed 84971
waiver administered by the department of medicaid. 84972

(B) The department of medicaid or the department's designee 84973
shall deny an applicant's application for a provider agreement and 84974
shall terminate an independent provider's provider agreement if 84975
either of the following applies: 84976

(1) After the applicant or independent provider is given the 84977
information and notification required by divisions (D)(2)(a) and 84978
(b) of this section, the applicant or independent provider fails 84979
to do either of the following: 84980

(a) Access, complete, or forward to the superintendent of the 84981
bureau of criminal identification and investigation the form 84982
prescribed pursuant to division (C)(1) of section 109.572 of the 84983
Revised Code or the standard impression sheet prescribed pursuant 84984
to division (C)(2) of that section; 84985

(b) Instruct the superintendent to submit the completed 84986
report of the criminal records check required by this section 84987
directly to the department or the department's designee. 84988

(2) Except as provided in rules authorized by this section, 84989
the applicant or independent provider is found by either of the 84990
following to have been convicted of or have pleaded guilty to a 84991
disqualifying offense, regardless of the date of the conviction or 84992
the date of entry of the guilty plea: 84993

(a) A criminal records check required by this section; 84994

(b) In the case of an independent provider, a notice provided 84995
by the bureau of criminal identification and investigation under 84996
division (D) of section 109.5721 of the Revised Code. 84997

(C)(1) The department or the department's designee shall 84998
inform each applicant, at the time of initial application for a 84999
provider agreement, that the applicant is required to provide a 85000
set of the applicant's fingerprint impressions and that a criminal 85001
records check is required to be conducted as a condition of the 85002
department's approving the application. 85003

(2) Unless the department elects to receive notices about independent providers from the bureau of criminal identification and investigation pursuant to division (D) of section 109.5721 of the Revised Code, the department or the department's designee shall inform each independent provider on or before the time of the anniversary date of the provider agreement that the independent provider is required to provide a set of the independent provider's fingerprint impressions and that a criminal records check is required to be conducted.

(D)(1) The department or the department's designee shall require an applicant to complete a criminal records check prior to entering into a provider agreement with the applicant. The department or the department's designee shall require an independent provider to complete a criminal records check at least annually unless the department elects to receive notices about independent providers from the bureau of criminal identification and investigation pursuant to division (D) of section 109.5721 of the Revised Code. If an applicant or independent provider for whom a criminal records check is required by this section does not present proof of having been a resident of this state for the five-year period immediately prior to the date the criminal records check is requested or provide evidence that within that five-year period the superintendent of the bureau of criminal identification and investigation has requested information about the applicant or independent provider from the federal bureau of investigation in a criminal records check, the department or the department's designee shall request that the applicant or independent provider obtain through the superintendent a criminal records request from the federal bureau of investigation as part of the criminal records check of the applicant or independent provider. Even if an applicant or independent provider for whom a criminal records check request is required by this section presents proof of having been a resident of this state for the

five-year period, the department or the department's designee may 85037
request that the applicant or independent provider obtain 85038
information through the superintendent from the federal bureau of 85039
investigation in the criminal records check. 85040

(2) The department or the department's designee shall provide 85041
the following to each applicant and independent provider for whom 85042
a criminal records check is required by this section: 85043

(a) Information about accessing, completing, and forwarding 85044
to the superintendent of the bureau of criminal identification and 85045
investigation the form prescribed pursuant to division (C)(1) of 85046
section 109.572 of the Revised Code and the standard impression 85047
sheet prescribed pursuant to division (C)(2) of that section; 85048

(b) Written notification that the applicant or independent 85049
provider is to instruct the superintendent to submit the completed 85050
report of the criminal records check directly to the department or 85051
the department's designee. 85052

(3) Each applicant and independent provider for whom a 85053
criminal records check is required by this section shall pay to 85054
the bureau of criminal identification and investigation the fee 85055
prescribed pursuant to division (C)(3) of section 109.572 of the 85056
Revised Code for the criminal records check conducted of the 85057
applicant or independent provider. 85058

(E) Neither the report of any criminal records check 85059
conducted by the bureau of criminal identification and 85060
investigation in accordance with section 109.572 of the Revised 85061
Code and pursuant to a request made under this section nor a 85062
notice provided by the bureau under division (D) of section 85063
109.5721 of the Revised Code is a public record for the purposes 85064
of section 149.43 of the Revised Code. Such a report or notice 85065
shall not be made available to any person other than the 85066
following: 85067

(1) The person who is the subject of the criminal records check or the person's representative;	85068 85069
(2) The medicaid director and the staff of the department who are involved in the administration of the medicaid program;	85070 85071
(3) The department's designee;	85072
(4) An individual receiving or deciding whether to receive home and community-based services from the person who is the subject of the criminal records check or notice from the bureau;	85073 85074 85075
(5) A court, hearing officer, or other necessary individual involved in a case <u>or administrative hearing</u> dealing with either of the following:	85076 85077 85078
(a) A denial, <u>suspension</u> , or termination of a provider agreement, <u>including when</u> related to the criminal records check or notice from the bureau;	85079 85080 85081
(b) A civil or criminal action regarding the medicaid program.	85082 85083
<u>With respect to an administrative hearing dealing with the denial, suspension, or termination of a provider agreement, the report of a criminal records check may be introduced as evidence at the hearing and if admitted, becomes part of the hearing record. Any such report shall be admitted only under seal and shall maintain its status as not a public record.</u>	85084 85085 85086 85087 85088 85089
(F) The medicaid director shall adopt rules under section 5164.02 of the Revised Code to implement this section. The rules shall specify circumstances under which the department or the department's designee may either approve an applicant's application or allow an independent provider to maintain an existing provider agreement even though the applicant or independent provider is found by either of the following to have been convicted of or have pleaded guilty to a disqualifying	85090 85091 85092 85093 85094 85095 85096 85097

offense:	85098
(1) A criminal records check required by this section;	85099
(2) In the case of an independent provider, a notice provided by the bureau of criminal identification and investigation under division (D) of section 109.5721 of the Revised Code.	85100 85101 85102
Sec. 5164.342. (A) As used in this section:	85103
"Applicant" means a person who is under final consideration for employment with a waiver agency in a full-time, part-time, or temporary position that involves providing home and community-based services.	85104 85105 85106 85107
"Community-based long-term care provider" means a provider as defined in section 173.39 of the Revised Code.	85108 85109
"Community-based long-term care subcontractor" means a subcontractor as defined in section 173.38 of the Revised Code.	85110 85111
"Criminal records check" has the same meaning as in section 109.572 of the Revised Code.	85112 85113
"Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code.	85114 85115 85116
"Employee" means a person employed by a waiver agency in a full-time, part-time, or temporary position that involves providing home and community-based services.	85117 85118 85119
"Waiver agency" means a person or government entity that provides home and community-based services under a home and community-based services medicaid waiver component administered by the department of medicaid, other than such a person or government entity that is certified under the medicare program. "Waiver agency" does not mean an independent provider as defined in section 5164.341 of the Revised Code.	85120 85121 85122 85123 85124 85125 85126

(B) This section does not apply to any individual who is 85127
subject to a database review or criminal records check under 85128
section 3740.11 of the Revised Code. If a waiver agency also is a 85129
community-based long-term care provider or community-based 85130
long-term care subcontractor, the waiver agency may provide for 85131
any of its applicants and employees who are not subject to 85132
database reviews and criminal records checks under section 173.38 85133
of the Revised Code to undergo database reviews and criminal 85134
records checks in accordance with that section rather than this 85135
section. 85136

(C) No waiver agency shall employ an applicant or continue to 85137
employ an employee in a position that involves providing home and 85138
community-based services if any of the following apply: 85139

(1) A review of the databases listed in division (E) of this 85140
section reveals any of the following: 85141

(a) That the applicant or employee is included in one or more 85142
of the databases listed in divisions (E)(1) to (5) of this 85143
section; 85144

(b) That there is in the state nurse aide registry 85145
established under section 3721.32 of the Revised Code a statement 85146
detailing findings by the director of health that the applicant or 85147
employee abused, neglected, or exploited a long-term care facility 85148
or residential care facility resident or misappropriated property 85149
of such a resident; 85150

(c) That the applicant or employee is included in one or more 85151
of the databases, if any, specified in rules authorized by this 85152
section and the rules prohibit the waiver agency from employing an 85153
applicant or continuing to employ an employee included in such a 85154
database in a position that involves providing home and 85155
community-based services. 85156

(2) After the applicant or employee is given the information 85157

and notification required by divisions (F)(2)(a) and (b) of this 85158
section, the applicant or employee fails to do either of the 85159
following: 85160

(a) Access, complete, or forward to the superintendent of the 85161
bureau of criminal identification and investigation the form 85162
prescribed to division (C)(1) of section 109.572 of the Revised 85163
Code or the standard impression sheet prescribed pursuant to 85164
division (C)(2) of that section; 85165

(b) Instruct the superintendent to submit the completed 85166
report of the criminal records check required by this section 85167
directly to the chief administrator of the waiver agency. 85168

(3) Except as provided in rules authorized by this section, 85169
the applicant or employee is found by a criminal records check 85170
required by this section to have been convicted of or have pleaded 85171
guilty to a disqualifying offense, regardless of the date of the 85172
conviction or date of entry of the guilty plea. 85173

(D) At the time of each applicant's initial application for 85174
employment in a position that involves providing home and 85175
community-based services, the chief administrator of a waiver 85176
agency shall inform the applicant of both of the following: 85177

(1) That a review of the databases listed in division (E) of 85178
this section will be conducted to determine whether the waiver 85179
agency is prohibited by division (C)(1) of this section from 85180
employing the applicant in the position; 85181

(2) That, unless the database review reveals that the 85182
applicant may not be employed in the position, a criminal records 85183
check of the applicant will be conducted and the applicant is 85184
required to provide a set of the applicant's fingerprint 85185
impressions as part of the criminal records check. 85186

(E) As a condition of employing any applicant in a position 85187
that involves providing home and community-based services, the 85188

chief administrator of a waiver agency shall conduct a database 85189
review of the applicant in accordance with rules authorized by 85190
this section. If rules authorized by this section so require, the 85191
chief administrator of a waiver agency shall conduct a database 85192
review of an employee in accordance with the rules as a condition 85193
of continuing to employ the employee in a position that involves 85194
providing home and community-based services. A database review 85195
shall determine whether the applicant or employee is included in 85196
any of the following: 85197

(1) The excluded parties list system that is maintained by 85198
the United States general services administration pursuant to 85199
subpart 9.4 of the federal acquisition regulation and available at 85200
the federal web site known as the system for award management; 85201

(2) The list of excluded individuals and entities maintained 85202
by the office of inspector general in the United States department 85203
of health and human services pursuant to the "Social Security 85204
Act," sections 1128 and 1156, 42 U.S.C. 1320a-7 and 1320c-5; 85205

(3) The registry of developmental disabilities employees 85206
established under section 5123.52 of the Revised Code; 85207

(4) The internet-based sex offender and child-victim offender 85208
database established under division (A)(11) of section 2950.13 of 85209
the Revised Code; 85210

(5) The internet-based database of inmates established under 85211
section 5120.66 of the Revised Code; 85212

(6) The state nurse aide registry established under section 85213
3721.32 of the Revised Code; 85214

(7) Any other database, if any, specified in rules authorized 85215
by this section. 85216

(F)(1) As a condition of employing any applicant in a 85217
position that involves providing home and community-based 85218

services, the chief administrator of a waiver agency shall require 85219
the applicant to request that the superintendent of the bureau of 85220
criminal identification and investigation conduct a criminal 85221
records check of the applicant. If rules authorized by this 85222
section so require, the chief administrator of a waiver agency 85223
shall require an employee to request that the superintendent 85224
conduct a criminal records check of the employee at times 85225
specified in the rules as a condition of continuing to employ the 85226
employee in a position that involves providing home and 85227
community-based services. However, a criminal records check is not 85228
required for an applicant or employee if the waiver agency is 85229
prohibited by division (C)(1) of this section from employing the 85230
applicant or continuing to employ the employee in a position that 85231
involves providing home and community-based services. If an 85232
applicant or employee for whom a criminal records check request is 85233
required by this section does not present proof of having been a 85234
resident of this state for the five-year period immediately prior 85235
to the date the criminal records check is requested or provide 85236
evidence that within that five-year period the superintendent has 85237
requested information about the applicant or employee from the 85238
federal bureau of investigation in a criminal records check, the 85239
chief administrator shall require the applicant or employee to 85240
request that the superintendent obtain information from the 85241
federal bureau of investigation as part of the criminal records 85242
check. Even if an applicant or employee for whom a criminal 85243
records check request is required by this section presents proof 85244
of having been a resident of this state for the five-year period, 85245
the chief administrator may require the applicant or employee to 85246
request that the superintendent include information from the 85247
federal bureau of investigation in the criminal records check. 85248

(2) The chief administrator shall provide the following to 85249
each applicant and employee for whom a criminal records check is 85250
required by this section: 85251

(a) Information about accessing, completing, and forwarding 85252
to the superintendent of the bureau of criminal identification and 85253
investigation the form prescribed pursuant to division (C)(1) of 85254
section 109.572 of the Revised Code and the standard impression 85255
sheet prescribed pursuant to division (C)(2) of that section; 85256

(b) Written notification that the applicant or employee is to 85257
instruct the superintendent to submit the completed report of the 85258
criminal records check directly to the chief administrator. 85259

(3) A waiver agency shall pay to the bureau of criminal 85260
identification and investigation the fee prescribed pursuant to 85261
division (C)(3) of section 109.572 of the Revised Code for any 85262
criminal records check required by this section. However, a waiver 85263
agency may require an applicant to pay to the bureau the fee for a 85264
criminal records check of the applicant. If the waiver agency pays 85265
the fee for an applicant, it may charge the applicant a fee not 85266
exceeding the amount the waiver agency pays to the bureau under 85267
this section if the waiver agency notifies the applicant at the 85268
time of initial application for employment of the amount of the 85269
fee and that, unless the fee is paid, the applicant will not be 85270
considered for employment. 85271

(G)(1) A waiver agency may employ conditionally an applicant 85272
for whom a criminal records check is required by this section 85273
prior to obtaining the results of the criminal records check if 85274
both of the following apply: 85275

(a) The waiver agency is not prohibited by division (C)(1) of 85276
this section from employing the applicant in a position that 85277
involves providing home and community-based services. 85278

(b) The chief administrator of the waiver agency requires the 85279
applicant to request a criminal records check regarding the 85280
applicant in accordance with division (F)(1) of this section not 85281
later than five business days after the applicant begins 85282

conditional employment. 85283

(2) A waiver agency that employs an applicant conditionally 85284
under division (G)(1) of this section shall terminate the 85285
applicant's employment if the results of the criminal records 85286
check, other than the results of any request for information from 85287
the federal bureau of investigation, are not obtained within the 85288
period ending sixty days after the date the request for the 85289
criminal records check is made. Regardless of when the results of 85290
the criminal records check are obtained, if the results indicate 85291
that the applicant has been convicted of or has pleaded guilty to 85292
a disqualifying offense, the waiver agency shall terminate the 85293
applicant's employment unless circumstances specified in rules 85294
authorized by this section exist that permit the waiver agency to 85295
employ the applicant and the waiver agency chooses to employ the 85296
applicant. 85297

(H) The report of any criminal records check conducted 85298
pursuant to a request made under this section is not a public 85299
record for the purposes of section 149.43 of the Revised Code and 85300
shall not be made available to any person other than the 85301
following: 85302

(1) The applicant or employee who is the subject of the 85303
criminal records check or the representative of the applicant or 85304
employee; 85305

(2) The chief administrator of the waiver agency that 85306
requires the applicant or employee to request the criminal records 85307
check or the administrator's representative; 85308

(3) The medicaid director and the staff of the department who 85309
are involved in the administration of the medicaid program; 85310

(4) The director of aging or the director's designee if the 85311
waiver agency also is a community-based long-term care provider or 85312
community-based long-term care subcontractor; 85313

(5) An individual receiving or deciding whether to receive home and community-based services from the subject of the criminal records check;

(6) A court, hearing officer, or other necessary individual involved in a case or administrative hearing dealing with any of the following:

(a) A denial of employment of the applicant or employee;

(b) Employment or unemployment benefits of the applicant or employee;

(c) A civil or criminal action regarding the medicaid program;

(d) A denial, suspension, or termination of a provider agreement.

With respect to an administrative hearing dealing with a denial, suspension, or termination of a provider agreement, the report of a criminal records check may be introduced as evidence at the hearing and if admitted, becomes part of the hearing record. Any such report shall be admitted only under seal and shall maintain its status as not a public record.

(I) The medicaid director shall adopt rules under section 5164.02 of the Revised Code to implement this section.

(1) The rules may do the following:

(a) Require employees to undergo database reviews and criminal records checks under this section;

(b) If the rules require employees to undergo database reviews and criminal records checks under this section, exempt one or more classes of employees from the requirements;

(c) For the purpose of division (E)(7) of this section, specify other databases that are to be checked as part of a database review conducted under this section.

(2) The rules shall specify all of the following: 85344

(a) The procedures for conducting a database review under 85345
this section; 85346

(b) If the rules require employees to undergo database 85347
reviews and criminal records checks under this section, the times 85348
at which the database reviews and criminal records checks are to 85349
be conducted; 85350

(c) If the rules specify other databases to be checked as 85351
part of a database review, the circumstances under which a waiver 85352
agency is prohibited from employing an applicant or continuing to 85353
employ an employee who is found by the database review to be 85354
included in one or more of those databases; 85355

(d) The circumstances under which a waiver agency may employ 85356
an applicant or employee who is found by a criminal records check 85357
required by this section to have been convicted of or have pleaded 85358
guilty to a disqualifying offense. 85359

(J) The amendments made by H.B. 487 of the 129th general 85360
assembly to this section do not preclude the department of 85361
medicaid from taking action against a person for failure to comply 85362
with former division (H) of this section as that division existed 85363
on the day preceding January 1, 2013. 85364

Sec. 5164.35. (A) As used in this section, "owner" means any 85365
person having at least five per cent ownership in a medicaid 85366
provider. 85367

(B)(1) No medicaid provider shall do any of the following: 85368

(a) By deception, obtain or attempt to obtain payments under 85369
the medicaid program to which the provider is not entitled 85370
pursuant to the provider's provider agreement, or the rules of the 85371
federal government or the medicaid director relating to the 85372
program; 85373

(b) Willfully receive payments to which the provider is not entitled; 85374
85375

(c) Willfully receive payments in a greater amount than that to which the provider is entitled; 85376
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(d) Falsify any report or document required by state or federal law, rule, or provider agreement relating to medicaid payments. 85378
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(2) A medicaid provider engages in "deception" for the purpose of this section when the provider, acting with actual knowledge of the representation or information involved, acting in deliberate ignorance of the truth or falsity of the representation or information involved, or acting in reckless disregard of the truth or falsity of the representation or information involved, deceives another or causes another to be deceived by any false or misleading representation, by withholding information, by preventing another from acquiring information, or by any other conduct, act, or omission that creates, confirms, or perpetuates a false impression in another, including a false impression as to law, value, state of mind, or other objective or subjective fact. No proof of specific intent to defraud is required to show, for purposes of this section, that a medicaid provider has engaged in deception. 85381
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(C) Any medicaid provider who violates division (B) of this section shall be liable, in addition to any other penalties provided by law, for all of the following civil penalties: 85396
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(1) Payment of interest on the amount of the excess payments at the maximum interest rate allowable for real estate mortgages under section 1343.01 of the Revised Code on the date the payment was made to the provider for ~~the~~ a period from determined by the department, not to exceed the period from the date upon which payment was made, to the date upon which repayment is made to the 85399
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state; 85405

(2) Payment of an amount equal to three times the amount of 85406
any excess payments; 85407

(3) Payment of a sum of not less than five thousand dollars 85408
and not more than ten thousand dollars for each deceptive claim or 85409
falsification; 85410

(4) All reasonable expenses which the court determines have 85411
been necessarily incurred by the state in the enforcement of this 85412
section. 85413

(D) In addition to the civil penalties provided in division 85414
(C) of this section, the medicaid director, upon the conviction 85415
of, or the entry of a judgment in either a criminal or civil 85416
action against, a medicaid provider or its owner, officer, 85417
authorized agent, associate, manager, or employee in an action 85418
brought pursuant to section 109.85 of the Revised Code, shall 85419
terminate the provider's provider agreement and stop payment to 85420
the provider for medicaid services rendered from the date of 85421
conviction or entry of judgment. No such medicaid provider, owner, 85422
officer, authorized agent, associate, manager, or employee shall 85423
own or provide medicaid services ~~to~~ on behalf of any other 85424
medicaid provider or risk contractor or arrange for, render, or 85425
order medicaid services for medicaid recipients, nor shall such 85426
provider, owner, officer, authorized agent, associate, manager, or 85427
employee receive direct payments under the medicaid program or 85428
indirect payments of medicaid funds in the form of salary, shared 85429
fees, contracts, kickbacks, or rebates from or through any other 85430
medicaid provider or risk contractor. The provider agreement shall 85431
not be terminated, and payment shall not be terminated, if the 85432
medicaid provider or owner can demonstrate that the provider or 85433
owner did not directly or indirectly sanction the action of its 85434
authorized agent, associate, manager, or employee that resulted in 85435
the conviction or entry of a judgment in a criminal or civil 85436

action brought pursuant to section 109.85 of the Revised Code. 85437
Nothing in this division prohibits any owner, officer, authorized 85438
agent, associate, manager, or employee of a medicaid provider from 85439
entering into a provider agreement if the person can demonstrate 85440
that the person had no knowledge of an action of the medicaid 85441
provider the person was formerly associated with that resulted in 85442
the conviction or entry of a judgment in a criminal or civil 85443
action brought pursuant to section 109.85 of the Revised Code. 85444

Nursing facility and ICF/IID providers whose provider 85445
agreements are terminated pursuant to this section may continue to 85446
receive medicaid payments for up to thirty days after the 85447
effective date of the termination if the provider makes reasonable 85448
efforts to transfer medicaid recipients to another facility or to 85449
alternate care and if federal financial participation is provided 85450
for the payments. 85451

(E) The attorney general on behalf of the state may commence 85452
proceedings to enforce this section in any court of competent 85453
jurisdiction; and the attorney general may settle or compromise 85454
any case brought under this section with the approval of the 85455
department of medicaid. Notwithstanding any other provision of law 85456
providing a shorter period of limitations, the attorney general 85457
may commence a proceeding to enforce this section at any time 85458
within six years after the conduct in violation of this section 85459
terminates. 85460

(F) All moneys collected by the state pursuant to this 85461
section shall be deposited in the state treasury to the credit of 85462
the general revenue fund. 85463

Sec. 5164.36. (A) As used in this section: 85464

(1) "Credible allegation of fraud" has the same meaning as in 85465
42 C.F.R. 455.2, except that for purposes of this section any 85466
reference in that regulation to the "state" or the "state medicaid 85467

agency" means the department of medicaid. 85468

(2) "Disqualifying indictment" means an indictment of a 85469
medicaid provider or its officer, authorized agent, associate, 85470
manager, employee, or, if the provider is a noninstitutional 85471
provider, its owner, if either of the following applies: 85472

(a) The indictment charges the person with committing an act 85473
to which both of the following apply: 85474

(i) The act would be a felony or misdemeanor under the laws 85475
of this state or the jurisdiction within which the act occurred. 85476

(ii) The act relates to or results from furnishing or billing 85477
for medicaid services under the medicaid program or relates to or 85478
results from performing management or administrative services 85479
relating to furnishing medicaid services under the medicaid 85480
program. 85481

(b) ~~If the medicaid provider is an independent provider, the~~ 85482
The indictment charges the person with committing an act that 85483
would constitute a disqualifying offense. 85484

(3) "Disqualifying offense" means any of the offenses listed 85485
or described in divisions (A)(3)(a) to (e) of section 109.572 of 85486
the Revised Code. 85487

(4) ~~"Independent provider" has the same meaning as in section~~ 85488
~~5164.341 of the Revised Code.~~ 85489

~~(5)~~ "Noninstitutional medicaid provider" means any person or 85490
entity with a provider agreement other than a hospital, nursing 85491
facility, or ICF/IID. 85492

~~(6)~~(5) "Owner" means any person having at least five per cent 85493
ownership in a noninstitutional medicaid provider. 85494

(B)(1) Except as provided in division (C) of this section and 85495
in rules authorized by this section, the department of medicaid 85496
shall suspend the provider agreement held by a medicaid provider 85497

on determining either of the following: 85498

(a) There is a credible allegation of fraud against any of 85499
the following for which an investigation is pending under the 85500
medicaid program: 85501

(i) The medicaid provider; 85502

(ii) The medicaid provider's owner, officer, authorized 85503
agent, associate, manager, or employee. 85504

(b) A disqualifying indictment has been issued against any of 85505
the following: 85506

(i) The medicaid provider; 85507

(ii) The medicaid provider's officer, authorized agent, 85508
associate, manager, or employee; 85509

(iii) If the medicaid provider is a noninstitutional 85510
provider, its owner. 85511

(2) Subject to division (C) of this section, the department 85512
shall also suspend all medicaid payments to a medicaid provider 85513
for services rendered, regardless of the date that the services 85514
are rendered, when the department suspends the provider's provider 85515
agreement under this section. 85516

(3) The suspension of a provider agreement shall continue in 85517
effect until ~~either~~ the latest of the following occurs: 85518

(a) If the suspension is the result of a credible allegation 85519
of fraud, the department or a prosecuting authority determines 85520
that there is insufficient evidence of fraud by the medicaid 85521
provider; 85522

(b) Regardless of whether the suspension is the result of a 85523
credible allegation of fraud or a disqualifying indictment, the 85524
proceedings in any related criminal case are completed through 85525
dismissal of the indictment or through sentencing after 85526
conviction, or entry of a guilty plea, or through finding of not 85527

guilty or, if the department commences a process to terminate the 85528
suspended provider agreement, the termination process is 85529
concluded; 85530

(c) The medicaid provider pays in full all fines and debts 85531
due and owing to the department or makes arrangements satisfactory 85532
to the department to fulfill those obligations; 85533

(d) A civil action related to a credible allegation of fraud 85534
or disqualifying indictment is not pending against the medicaid 85535
provider. 85536

(4)(a) When a provider agreement is suspended under this 85537
section, none of the following shall take, during the period of 85538
the suspension, any of the actions specified in division (B)(4)(b) 85539
of this section: 85540

(i) The medicaid provider; 85541

(ii) If the suspension is the result of an action taken by an 85542
officer, authorized agent, associate, manager, or employee of the 85543
medicaid provider, that person; 85544

(iii) If the medicaid provider is a noninstitutional provider 85545
and the suspension is the result of an action taken by the owner 85546
of the provider, the owner. 85547

(b) The following are the actions that persons specified in 85548
division (B)(4)(a) of this section cannot take during the 85549
suspension of a provider agreement: 85550

(i) ~~Own services provided, or provide services, to~~ any other 85551
medicaid provider or risk contractor; 85552

(ii) ~~Arrange for, render to, or order services to~~ on behalf 85553
of any other medicaid provider or risk contractor; 85554

(iii) ~~Arrange for, render to, or order services for~~ medicaid 85555
recipients or render services to medicaid recipients; 85556

(iv) Receive direct payments under the medicaid program or 85557

indirect payments of medicaid funds in the form of salary, shared 85558
fees, contracts, kickbacks, or rebates from or through any other 85559
medicaid provider or risk contractor. 85560

(C) The department shall not suspend a provider agreement or 85561
medicaid payments under division (B) of this section if ~~the~~ either 85562
of the following is the case: 85563

(1) The medicaid provider or, if the provider is a 85564
noninstitutional provider, the owner can demonstrate through the 85565
submission of written evidence that the provider or owner did not 85566
directly or indirectly sanction the action of its authorized 85567
agent, associate, manager, or employee that resulted in the 85568
credible allegation of fraud or disqualifying indictment. 85569

(2) The medicaid provider or, if the provider is a 85570
noninstitutional provider, the owner can demonstrate that good 85571
cause exists not to suspend the provider agreement or payments. 85572

With respect to the evidence described in division (C)(1) of 85573
this section, the department shall grant, prior to suspension, the 85574
provider or owner an opportunity to submit the written evidence to 85575
the department. 85576

With respect to a demonstration of good cause described in 85577
division (C)(2) of this section, the department shall specify in 85578
rules adopted under section 5164.02 of the Revised Code what 85579
constitutes good cause and the information, documents, or other 85580
evidence that must be submitted to the department as part of the 85581
demonstration. 85582

(D) After suspending a provider agreement under division (B) 85583
of this section, the department shall send notice of the 85584
suspension to the affected medicaid provider or, if the provider 85585
is a noninstitutional provider, the owner in accordance with the 85586
following time frames: 85587

(1) Not later than five days after the suspension, unless a 85588

law enforcement agency makes a written request to temporarily 85589
delay the notice; 85590

(2) If a law enforcement agency makes a written request to 85591
temporarily delay the notice, not later than thirty days after the 85592
suspension occurs subject to the conditions specified in division 85593
(E) of this section. 85594

(E) A written request for a temporary delay described in 85595
division (D)(2) of this section may be renewed in writing by a law 85596
enforcement agency not more than two times except that under no 85597
circumstances shall the notice be issued more than ninety days 85598
after the suspension occurs. 85599

(F) The notice required by division (D) of this section shall 85600
do all of the following: 85601

(1) State that payments are being suspended in accordance 85602
with this section and 42 C.F.R. 455.23; 85603

(2) Set forth the general allegations related to the nature 85604
of the conduct leading to the suspension, except that it is not 85605
necessary to disclose any specific information concerning an 85606
ongoing investigation; 85607

(3) State that the suspension continues to be in effect until 85608
~~either~~ the latest of the circumstances specified in division 85609
(B)(3) of this section occur; 85610

(4) Specify, if applicable, the type or types of medicaid 85611
claims or business units of the medicaid provider that are 85612
affected by the suspension; 85613

(5) Inform the medicaid provider or owner of the opportunity 85614
to submit to the department, not later than thirty days after 85615
receiving the notice, a request for reconsideration of the 85616
suspension in accordance with division (G) of this section. 85617

(G)(1) Pursuant to the procedure specified in division (G)(2) 85618

of this section, a medicaid provider subject to a suspension under 85619
this section or, if the provider is a noninstitutional provider, 85620
the owner may request a reconsideration of the suspension. The 85621
request shall be made not later than thirty days after receipt of 85622
a notice required by division (D) of this section. The 85623
reconsideration is not subject to an adjudication hearing pursuant 85624
to Chapter 119. of the Revised Code. 85625

(2) In requesting a reconsideration, the medicaid provider or 85626
owner shall submit written information and documents to the 85627
department. The information and documents may pertain to ~~any~~ 85628
either of the following issues: 85629

(a) Whether the determination to suspend the provider 85630
agreement was based on a mistake of fact, other than the validity 85631
of an indictment in a related criminal case. 85632

(b) If there has been an indictment in a related criminal 85633
case, whether the indictment is a disqualifying indictment. 85634

~~(c) Whether the provider or owner can demonstrate that the 85635
provider or owner did not directly or indirectly sanction the 85636
action of its authorized agent, associate, manager, or employee 85637
that resulted in the suspension under this section or an 85638
indictment in a related criminal case. 85639~~

(H) The department shall review the information and documents 85640
submitted in a request made under division (G) of this section for 85641
reconsideration of a suspension. After the review, the suspension 85642
may be affirmed, reversed, or modified, in whole or in part. The 85643
department shall notify the affected provider or owner of the 85644
results of the review. ~~The review and notification of its results 85645
shall be completed not later than forty five days after receiving 85646
the information and documents submitted in a request for 85647
reconsideration. 85648~~

(I) Rules adopted under section 5164.02 of the Revised Code 85649

may specify circumstances under which the department would not 85650
suspend a provider agreement pursuant to this section. 85651

Sec. 5164.60. Any medicaid provider who, without intent, 85652
obtains payments under the medicaid program in excess of the 85653
amount to which the provider is entitled is liable for payment of 85654
interest on the amount of the excess payments for ~~the~~ a period 85655
determined by the department, but not to exceed the period from 85656
the date on which payment was made to the date on which repayment 85657
is made to the state. The interest shall be paid at the average 85658
bank prime rate in effect on the first day of the calendar quarter 85659
during which the provider receives notice of the excess payment. 85660
The department of medicaid shall determine the average bank prime 85661
rate using statistical release H.15, "selected interest rates," a 85662
weekly publication of the federal reserve board, or any successor 85663
publication. If statistical release H.15, or its successor, ceases 85664
to contain the bank prime rate information or ceases to be 85665
published, the department shall request a written statement of the 85666
average bank prime rate from the federal reserve bank of Cleveland 85667
or the federal reserve board. 85668

Sec. 5164.72. The number of days of inpatient hospital care 85669
for which a medicaid payment is made on behalf of a medicaid 85670
recipient to a hospital that is not paid under a 85671
diagnostic-related-group prospective payment system shall not 85672
exceed thirty days during a period beginning on the day of the 85673
recipient's admission to the hospital and ending sixty days after 85674
the termination of that hospital stay, except that the department 85675
of medicaid may make exceptions to this limitation. The limitation 85676
does not apply to children and youth participating in the program 85677
for ~~medically handicapped~~ children and youth with special health 85678
care needs established under section 3701.023 of the Revised Code. 85679

Sec. 5164.913. (A)(1) In addition to any other eligibility requirement of this chapter, to be eligible to serve as a home health aide or personal care aide under the integrated care delivery system, an individual must successfully complete eight hours of pre-service training acceptable to the department of medicaid. 85680
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To maintain eligibility, each home health aide or personal care aide must successfully complete six hours of in-service training acceptable to the department. Such training must be completed every twelve months. 85686
85687
85688
85689

(2) In administering the integrated care delivery system, the department shall not require an individual or aide described in division (A)(1) of this section to do either of the following: 85690
85691
85692

(a) Complete more than eight hours of pre-service training; 85693

(b) Complete more than six hours of in-service training in a twelve-month period. 85694
85695

(B) Only the following may supervise a home health aide or personal care aide under the integrated care delivery system: 85696
85697

(1) A registered nurse; 85698

(2) A licensed practical nurse under the direction of a registered nurse; 85699
85700

(3) A nurse aide under the direction of a nurse described in division (B)(1) or (2) of this section. 85701
85702

Sec. 5164.96. (A) As used in this section, "ground emergency medical transportation service provider" means a public emergency medical service organization as defined in section 4765.01 of the Revised Code. 85703
85704
85705
85706

(B)(1) The medicaid director shall submit a medicaid state plan amendment to the United States centers for medicare and 85707
85708

medicaid services seeking authorization to establish and 85709
administer a supplemental payment program to provide supplemental 85710
medicaid payments to eligible ground emergency medical 85711
transportation service providers. If approved, the medicaid 85712
director shall establish and administer the program. 85713

(2) To be eligible to receive payments under the supplemental 85714
payment program, a ground emergency medical transportation service 85715
provider must hold a valid medicaid provider agreement and provide 85716
emergency medical transportation services to medicaid recipients. 85717

(C)(1) The medicaid director shall adopt rules in accordance 85718
with Chapter 119. of the Revised Code to implement this section. 85719

(2) Notwithstanding any provision of section 121.95 of the 85720
Revised Code to the contrary, a regulatory restriction contained 85721
in a rule adopted under this section is not subject to sections 85722
121.95 to 121.953 of the Revised Code. 85723

Sec. 5165.01. As used in this chapter: 85724

(A) "Affiliated operator" means an operator affiliated with 85725
either of the following: 85726

(1) The exiting operator for whom the affiliated operator is 85727
to assume liability for the entire amount of the exiting 85728
operator's debt under the medicaid program or the portion of the 85729
debt that represents the franchise permit fee the exiting operator 85730
owes; 85731

(2) The entering operator involved in the change of operator 85732
with the exiting operator specified in division (A)(1) of this 85733
section. 85734

(B) "Allowable costs" are a nursing facility's costs that the 85735
department of medicaid determines are reasonable. Fines paid under 85736
sections 5165.60 to 5165.89 and section 5165.99 of the Revised 85737
Code are not allowable costs. 85738

(C) "Ancillary and support costs" means all reasonable costs 85739
incurred by a nursing facility other than direct care costs, tax 85740
costs, or capital costs. "Ancillary and support costs" includes, 85741
but is not limited to, costs of activities, social services, 85742
pharmacy consultants, habilitation supervisors, qualified 85743
intellectual disability professionals, program directors, medical 85744
and habilitation records, program supplies, incontinence supplies, 85745
food, enterals, dietary supplies and personnel, laundry, 85746
housekeeping, security, administration, medical equipment, 85747
utilities, liability insurance, bookkeeping, purchasing 85748
department, human resources, communications, travel, dues, license 85749
fees, subscriptions, home office costs not otherwise allocated, 85750
legal services, accounting services, minor equipment, maintenance 85751
and repairs, help-wanted advertising, informational advertising, 85752
start-up costs, organizational expenses, other interest, property 85753
insurance, employee training and staff development, employee 85754
benefits, payroll taxes, and workers' compensation premiums or 85755
costs for self-insurance claims and related costs as specified in 85756
rules adopted under section 5165.02 of the Revised Code, for 85757
personnel listed in this division. "Ancillary and support costs" 85758
also means the cost of equipment, including vehicles, acquired by 85759
operating lease executed before December 1, 1992, if the costs are 85760
reported as administrative and general costs on the nursing 85761
facility's cost report for the cost reporting period ending 85762
December 31, 1992. 85763

(D) "Applicable calendar year" means the calendar year 85764
immediately preceding the ~~calendar year that precedes~~ the first of 85765
the state fiscal years for which a rebasing is conducted. 85766

(E) For purposes of calculating a critical access nursing 85767
facility's occupancy rate and utilization rate under this chapter, 85768
"as of the last day of the calendar year" refers to the occupancy 85769
and utilization rates during the calendar year identified in the 85770

cost report filed under section 5165.10 of the Revised Code. 85771

(F)(1) "Capital costs" means the actual expense incurred by a 85772
nursing facility for all of the following: 85773

(a) Depreciation and interest on any capital assets that cost 85774
five hundred dollars or more per item, including the following: 85775

(i) Buildings; 85776

(ii) Building improvements; 85777

(iii) Except as provided in division (D) of this section, 85778
equipment; 85779

(iv) Transportation equipment. 85780

(b) Amortization and interest on land improvements and 85781
leasehold improvements; 85782

(c) Amortization of financing costs; 85783

(d) Lease and rent of land, buildings, and equipment. 85784

(2) The costs of capital assets of less than five hundred 85785
dollars per item may be considered capital costs in accordance 85786
with a provider's practice. 85787

(G) "Capital lease" and "operating lease" shall be construed 85788
in accordance with generally accepted accounting principles. 85789

(H) "Case-mix score" means a measure determined under section 85790
5165.192 of the Revised Code of the relative direct-care resources 85791
needed to provide care and habilitation to a nursing facility 85792
resident. 85793

(I) "Change in control" means either of the following: 85794

(1) Any pledge, assignment, or hypothecation of or lien or 85795
other encumbrance on any of the legal or beneficial equity 85796
interests in the applicable person; 85797

(2) A change of fifty per cent or more in the legal or 85798

beneficial ownership or control of the outstanding voting equity 85799
interests of the applicable person necessary at all times to elect 85800
a majority of the board of directors or similar governing body and 85801
to direct the management policies and decisions. 85802

(J) "Change of operator" ~~means~~ includes circumstances in 85803
which an entering operator ~~becoming~~ becomes the operator of a 85804
nursing facility in the place of the exiting operator. 85805

(1) Actions that constitute a change of operator include the 85806
following: 85807

(a) A change in an exiting operator's form of legal 85808
organization, including the formation of a partnership or 85809
corporation from a sole proprietorship; 85810

(b) A ~~transfer of all~~ change of control in the exiting 85811
~~operator's ownership interest in the operation of the nursing~~ 85812
~~facility to the entering~~ operator, regardless of whether ownership 85813
of any or all of the real property or personal property associated 85814
with the nursing facility is also transferred; 85815

(c) A lease of the nursing facility to the entering operator 85816
or the exiting operator's termination of the exiting operator's 85817
lease; 85818

(d) If the exiting operator is a partnership, dissolution of 85819
the partnership, a merger of the partnership into another person 85820
that is the survivor of the merger, or a consolidation of the 85821
partnership and at least one other person to form a new person; 85822

(e) If the exiting operator is a ~~partnership, a change in~~ 85823
~~composition of the partnership unless both of the following apply:~~ 85824

~~(i) The change in composition does not cause the~~ 85825
~~partnership's dissolution under state law.~~ 85826

~~(ii) The partners agree that the change in composition does~~ 85827
~~not constitute a change in operator~~ limited liability company, 85828

dissolution of the limited liability company, a merger of the 85829
limited liability company into another person that is the survivor 85830
of the merger, or a consolidation of the limited liability company 85831
and at least one other person to form a new person. 85832

(f) If the operator is a corporation, dissolution of the 85833
corporation, a merger of the corporation into another ~~corporation~~ 85834
person that is the survivor of the merger, or a consolidation of 85835
the corporation and at least one or more other corporations person 85836
to form a new ~~corporation~~ person; 85837

(g) A contract for a person to manage a nursing facility as 85838
the operator's agent. 85839

(2) The following, alone, do not constitute a change of 85840
operator: 85841

(a) ~~A contract for an entity to manage a nursing facility as~~ 85842
~~the operator's agent, subject to the operator's approval of daily~~ 85843
~~operating and management decisions~~ an employer stock ownership 85844
plan created under section 401(a) of the "Internal Revenue Code," 85845
26 U.S.C. 401(a); 85846

(b) A change of ownership, ~~lease, or termination of a lease~~ 85847
of real property or personal property associated with a nursing 85848
facility ~~if an entering operator does not become the operator in~~ 85849
~~place of an exiting operator;~~ 85850

(c) If the operator is a corporation that has securities 85851
publicly traded in a marketplace, a change of one or more members 85852
of the corporation's governing body or transfer of ownership of 85853
one or more shares of the corporation's stock, if the same 85854
corporation continues to be the operator; 85855

(d) An initial public offering for which the securities and 85856
exchange commission has declared the registration statement 85857
effective, and the newly created public company remains the 85858
operator. 85859

(J) (K) "Cost center" means the following:	85860
(1) Ancillary and support costs;	85861
(2) Capital costs;	85862
(3) Direct care costs;	85863
(4) Tax costs.	85864
(K) (L) "Custom wheelchair" means a wheelchair to which both	85865
of the following apply:	85866
(1) It has been measured, fitted, or adapted in consideration	85867
of either of the following:	85868
(a) The body size or disability of the individual who is to	85869
use the wheelchair;	85870
(b) The individual's period of need for, or intended use of,	85871
the wheelchair.	85872
(2) It has customized features, modifications, or components,	85873
such as adaptive seating and positioning systems, that the	85874
supplier who assembled the wheelchair, or the manufacturer from	85875
which the wheelchair was ordered, added or made in accordance with	85876
the instructions of the physician of the individual who is to use	85877
the wheelchair.	85878
(L) (1) (M) (1) "Date of licensure" means the following:	85879
(a) In the case of a nursing facility that was required by	85880
law to be licensed as a nursing home under Chapter 3721. of the	85881
Revised Code when it originally began to be operated as a nursing	85882
home, the date the nursing facility was originally so licensed;	85883
(b) In the case of a nursing facility that was not required	85884
by law to be licensed as a nursing home when it originally began	85885
to be operated as a nursing home, the date it first began to be	85886
operated as a nursing home, regardless of the date the nursing	85887
facility was first licensed as a nursing home.	85888

(2) If, after a nursing facility's original date of licensure, more nursing home beds are added to the nursing facility, the nursing facility has a different date of licensure for the additional beds. This does not apply, however, to additional beds when both of the following apply:

(a) The additional beds are located in a part of the nursing facility that was constructed at the same time as the continuing beds already located in that part of the nursing facility;

(b) The part of the nursing facility in which the additional beds are located was constructed as part of the nursing facility at a time when the nursing facility was not required by law to be licensed as a nursing home.

(3) The definition of "date of licensure" in this section applies in determinations of nursing facilities' medicaid payment rates but does not apply in determinations of nursing facilities' franchise permit fees.

~~(M)~~(N) "Desk-reviewed" means that a nursing facility's costs as reported on a cost report submitted under section 5165.10 of the Revised Code have been subjected to a desk review under section 5165.108 of the Revised Code and preliminarily determined to be allowable costs.

~~(N)~~(O) "Direct care costs" means all of the following costs incurred by a nursing facility:

(1) Costs for registered nurses, licensed practical nurses, and nurse aides employed by the nursing facility;

(2) Costs for direct care staff, administrative nursing staff, medical directors, respiratory therapists, and except as provided in division ~~(N)~~(8)~~(O)~~(8) of this section, other persons holding degrees qualifying them to provide therapy;

(3) Costs of purchased nursing services;

(4) Costs of quality assurance;	85919
(5) Costs of training and staff development, employee benefits, payroll taxes, and workers' compensation premiums or costs for self-insurance claims and related costs as specified in rules adopted under section 5165.02 of the Revised Code, for personnel listed in divisions (N)(1)(O)(1) , (2), (4), and (8) of this section;	85920 85921 85922 85923 85924 85925
(6) Costs of consulting and management fees related to direct care;	85926 85927
(7) Allocated direct care home office costs;	85928
(8) Costs of habilitation staff (other than habilitation supervisors), medical supplies, emergency oxygen, over-the-counter pharmacy products, physical therapists, physical therapy assistants, occupational therapists, occupational therapy assistants, speech therapists, audiologists, habilitation supplies, and universal precautions supplies;	85929 85930 85931 85932 85933 85934
(9) Costs of wheelchairs other than the following:	85935
(a) Custom wheelchairs;	85936
(b) Repairs to and replacements of custom wheelchairs and parts that are made in accordance with the instructions of the physician of the individual who uses the custom wheelchair.	85937 85938 85939
(10) Costs of other direct-care resources that are specified as direct care costs in rules adopted under section 5165.02 of the Revised Code.	85940 85941 85942
(O) <u>(P)</u> "Dual eligible individual" has the same meaning as in section 5160.01 of the Revised Code.	85943 85944
(P) <u>(Q)</u> "Effective date of a change of operator" means the day the entering operator becomes the operator of the nursing facility.	85945 85946 85947
(Q) <u>(R)</u> "Effective date of a facility closure" means the last	85948

day that the last of the residents of the nursing facility resides 85949
in the nursing facility. 85950

~~(R)~~(S) "Effective date of an involuntary termination" means 85951
the date the department of medicaid terminates the operator's 85952
provider agreement for the nursing facility. 85953

~~(S)~~(T) "Effective date of a voluntary withdrawal of 85954
participation" means the day the nursing facility ceases to accept 85955
new medicaid residents other than the individuals who reside in 85956
the nursing facility on the day before the effective date of the 85957
voluntary withdrawal of participation. 85958

~~(T)~~(U) "Entering operator" means the person or government 85959
entity that will become the operator of a nursing facility when a 85960
change of operator occurs or following an involuntary termination. 85961

~~(U)~~(V) "Exiting operator" means any of the following: 85962

(1) An operator that will cease to be the operator of a 85963
nursing facility on the effective date of a change of operator; 85964

(2) An operator that will cease to be the operator of a 85965
nursing facility on the effective date of a facility closure; 85966

(3) An operator of a nursing facility that is undergoing or 85967
has undergone a voluntary withdrawal of participation; 85968

(4) An operator of a nursing facility that is undergoing or 85969
has undergone an involuntary termination. 85970

~~(V)~~~~(1)~~(W)(1) Subject to divisions ~~(V)~~~~(2)~~(W)(2) and (3) of 85971
this section, "facility closure" means either of the following: 85972

(a) Discontinuance of the use of the building, or part of the 85973
building, that houses the facility as a nursing facility that 85974
results in the relocation of all of the nursing facility's 85975
residents; 85976

(b) Conversion of the building, or part of the building, that 85977
houses a nursing facility to a different use with any necessary 85978

license or other approval needed for that use being obtained and 85979
one or more of the nursing facility's residents remaining in the 85980
building, or part of the building, to receive services under the 85981
new use. 85982

(2) A facility closure occurs regardless of any of the 85983
following: 85984

(a) The operator completely or partially replacing the 85985
nursing facility by constructing a new nursing facility or 85986
transferring the nursing facility's license to another nursing 85987
facility; 85988

(b) The nursing facility's residents relocating to another of 85989
the operator's nursing facilities; 85990

(c) Any action the department of health takes regarding the 85991
nursing facility's medicaid certification that may result in the 85992
transfer of part of the nursing facility's survey findings to 85993
another of the operator's nursing facilities; 85994

(d) Any action the department of health takes regarding the 85995
nursing facility's license under Chapter 3721. of the Revised 85996
Code. 85997

(3) A facility closure does not occur if all of the nursing 85998
facility's residents are relocated due to an emergency evacuation 85999
and one or more of the residents return to a medicaid-certified 86000
bed in the nursing facility not later than thirty days after the 86001
evacuation occurs. 86002

~~(W)~~(X) "Franchise permit fee" means the fee imposed by 86003
sections 5168.40 to 5168.56 of the Revised Code. 86004

~~(X)~~(Y) "Inpatient days" means both of the following: 86005

(1) All days during which a resident, regardless of payment 86006
source, occupies a licensed bed in a nursing facility; 86007

(2) Fifty per cent of the days for which payment is made 86008

under section 5165.34 of the Revised Code. 86009

~~(Y)~~(Z) "Involuntary termination" means the department of 86010
medicaid's termination of the operator's provider agreement for 86011
the nursing facility when the termination is not taken at the 86012
operator's request. 86013

~~(Z)~~(AA) "Low ~~resource-utilization~~ case-mix resident" means a 86014
medicaid recipient residing in a nursing facility who, for 86015
purposes of calculating the nursing facility's medicaid payment 86016
rate for direct care costs, is placed in either of the two lowest 86017
~~resource-utilization~~ case-mix groups, excluding any ~~resource~~ 86018
~~utilization~~ case-mix group that is a default group used for 86019
residents with incomplete assessment data. 86020

~~(AA)~~(BB) "Maintenance and repair expenses" means a nursing 86021
facility's expenditures that are necessary and proper to maintain 86022
an asset in a normally efficient working condition and that do not 86023
extend the useful life of the asset two years or more. 86024
"Maintenance and repair expenses" includes but is not limited to 86025
the costs of ordinary repairs such as painting and wallpapering. 86026

~~(BB)~~(CC) "Medicaid-certified capacity" means the number of a 86027
nursing facility's beds that are certified for participation in 86028
medicaid as nursing facility beds. 86029

~~(CC)~~(DD) "Medicaid days" means both of the following: 86030

(1) All days during which a resident who is a medicaid 86031
recipient eligible for nursing facility services occupies a bed in 86032
a nursing facility that is included in the nursing facility's 86033
medicaid-certified capacity; 86034

(2) Fifty per cent of the days for which payment is made 86035
under section 5165.34 of the Revised Code. 86036

~~(DD)~~(1)~~(EE)~~(1) "New nursing facility" means a nursing 86037
facility for which the provider obtains an initial provider 86038

agreement following medicaid certification of the nursing facility 86039
by the director of health, including such a nursing facility that 86040
replaces one or more nursing facilities for which a provider 86041
previously held a provider agreement. 86042

(2) "New nursing facility" does not mean a nursing facility 86043
for which the entering operator seeks a provider agreement 86044
pursuant to section 5165.511 or 5165.512 or (pursuant to section 86045
5165.515) section 5165.07 of the Revised Code. 86046

~~(EE)~~(FF) "Nursing facility" has the same meaning as in the 86047
"Social Security Act," section 1919(a), 42 U.S.C. 1396r(a). 86048

~~(FF)~~(GG) "Nursing facility services" has the same meaning as 86049
in the "Social Security Act," section 1905(f), 42 U.S.C. 1396d(f). 86050

~~(GG)~~(HH) "Nursing home" has the same meaning as in section 86051
3721.01 of the Revised Code. 86052

~~(HH)~~(II) "Occupancy rate" means the percentage of licensed 86053
beds that, regardless of payer source, are either of the 86054
following: 86055

(1) Reserved for use under section 5165.34 of the Revised 86056
Code; 86057

(2) Actually being used. 86058

~~(II)~~(JJ) "Operator" means the person or government entity 86059
responsible for the daily operating and management decisions for a 86060
nursing facility. 86061

~~(JJ)~~(1)(KK)(1) "Owner" means any person or government entity 86062
that has at least five per cent ownership or interest, either 86063
directly, indirectly, or in any combination, in any of the 86064
following regarding a nursing facility: 86065

(a) The land on which the nursing facility is located; 86066

(b) The structure in which the nursing facility is located; 86067

(c) Any mortgage, contract for deed, or other obligation 86068
secured in whole or in part by the land or structure on or in 86069
which the nursing facility is located; 86070

(d) Any lease or sublease of the land or structure on or in 86071
which the nursing facility is located. 86072

(2) "Owner" does not mean a holder of a debenture or bond 86073
related to the nursing facility and purchased at public issue or a 86074
regulated lender that has made a loan related to the nursing 86075
facility unless the holder or lender operates the nursing facility 86076
directly or through a subsidiary. 86077

~~(KK)~~(LL) "Per diem" means a nursing facility's actual, 86078
allowable costs in a given cost center in a cost reporting period, 86079
divided by the nursing facility's inpatient days for that cost 86080
reporting period. 86081

~~(LL)~~(MM) "Person" has the same meaning as in section 1.59 of 86082
the Revised Code. 86083

(NN) "Private room" means a nursing facility bedroom that 86084
meets all of the following criteria: 86085

(1) It has four permanent, floor-to-ceiling walls and a full 86086
door. 86087

(2) It contains one licensed or certified bed that is 86088
occupied by one individual. 86089

(3) It has direct, unshared access to a hallway without 86090
traversing another bedroom. 86091

(4) It has direct, unshared access to a toilet and sink 86092
without traversing another bedroom. 86093

(5) It meets all applicable licensure or other standards 86094
pertaining to furniture, fixtures, and temperature control. 86095

(OO) "Provider" means an operator with a provider agreement. 86096

~~(MM)~~(PP) "Provider agreement" means a provider agreement, as 86097
defined in section 5164.01 of the Revised Code, that is between 86098
the department of medicaid and the operator of a nursing facility 86099
for the provision of nursing facility services under the medicaid 86100
program. 86101

~~(NN)~~(OO) "Purchased nursing services" means services that are 86102
provided in a nursing facility by registered nurses, licensed 86103
practical nurses, or nurse aides who are not employees of the 86104
nursing facility. 86105

~~(OO)~~(RR) "Reasonable" means that a cost is an actual cost 86106
that is appropriate and helpful to develop and maintain the 86107
operation of patient care facilities and activities, including 86108
normal standby costs, and that does not exceed what a prudent 86109
buyer pays for a given item or services. Reasonable costs may vary 86110
from provider to provider and from time to time for the same 86111
provider. 86112

~~(PP)~~(SS) "Rebasing" means a redetermination of each of the 86113
following using information from cost reports for an applicable 86114
calendar year that is later than the applicable calendar year used 86115
for the previous rebasing: 86116

(1) Each peer group's rate for ancillary and support costs as 86117
determined pursuant to division (C) of section 5165.16 of the 86118
Revised Code; 86119

(2) Each peer group's rate for capital costs as determined 86120
pursuant to division (C) of section 5165.17 of the Revised Code; 86121

(3) Each peer group's cost per case-mix unit as determined 86122
pursuant to division (C) of section 5165.19 of the Revised Code; 86123

(4) Each nursing facility's rate for tax costs as determined 86124
pursuant to section 5165.21 of the Revised Code. 86125

~~(OO)~~(TT) "Related party" means an individual or organization 86126

that, to a significant extent, has common ownership with, is 86127
associated or affiliated with, has control of, or is controlled 86128
by, the provider. 86129

(1) An individual who is a relative of an owner is a related 86130
party. 86131

(2) Common ownership exists when an individual or individuals 86132
possess significant ownership or equity in both the provider and 86133
the other organization. Significant ownership or equity exists 86134
when an individual or individuals possess five per cent ownership 86135
or equity in both the provider and a supplier. Significant 86136
ownership or equity is presumed to exist when an individual or 86137
individuals possess ten per cent ownership or equity in both the 86138
provider and another organization from which the provider 86139
purchases or leases real property. 86140

(3) Control exists when an individual or organization has the 86141
power, directly or indirectly, to significantly influence or 86142
direct the actions or policies of an organization. 86143

(4) An individual or organization that supplies goods or 86144
services to a provider shall not be considered a related party if 86145
all of the following conditions are met: 86146

(a) The supplier is a separate bona fide organization. 86147

(b) A substantial part of the supplier's business activity of 86148
the type carried on with the provider is transacted with others 86149
than the provider and there is an open, competitive market for the 86150
types of goods or services the supplier furnishes. 86151

(c) The types of goods or services are commonly obtained by 86152
other nursing facilities from outside organizations and are not a 86153
basic element of patient care ordinarily furnished directly to 86154
patients by nursing facilities. 86155

(d) The charge to the provider is in line with the charge for 86156

the goods or services in the open market and no more than the 86157
charge made under comparable circumstances to others by the 86158
supplier. 86159

~~(RR)~~(UU) "Relative of owner" means an individual who is 86160
related to an owner of a nursing facility by one of the following 86161
relationships: 86162

(1) Spouse; 86163

(2) Natural parent, child, or sibling; 86164

(3) Adopted parent, child, or sibling; 86165

(4) Stepparent, stepchild, stepbrother, or stepsister; 86166

(5) Father-in-law, mother-in-law, son-in-law, 86167
daughter-in-law, brother-in-law, or sister-in-law; 86168

(6) Grandparent or grandchild; 86169

(7) Foster caregiver, foster child, foster brother, or foster 86170
sister. 86171

~~(SS)~~(VV) "Residents' rights advocate" has the same meaning as 86172
in section 3721.10 of the Revised Code. 86173

~~(TT)~~(WW) "Skilled nursing facility" has the same meaning as 86174
in the "Social Security Act," section 1819(a), 42 U.S.C. 86175
1395i-3(a). 86176

~~(UU)~~(XX) "State fiscal year" means the fiscal year of this 86177
state, as specified in section 9.34 of the Revised Code. 86178

~~(VV)~~(YY) "Sponsor" has the same meaning as in section 3721.10 86179
of the Revised Code. 86180

~~(WW)~~(ZZ) "Tax costs" means the costs of taxes imposed under 86181
Chapter 5751. of the Revised Code, real estate taxes, personal 86182
property taxes, and corporate franchise taxes. 86183

~~(XX)~~(AAA) "Title XIX" means Title XIX of the "Social Security 86184
Act," 42 U.S.C. 1396 et seq. 86185

~~(YY)~~(BBB) "Title XVIII" means Title XVIII of the "Social Security Act," 42 U.S.C. 1395 et seq. 86186
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~~(ZZ)~~(CCC) "Voluntary withdrawal of participation" means an operator's voluntary election to terminate the participation of a nursing facility in the medicaid program but to continue to provide service of the type provided by a nursing facility. 86188
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Sec. 5165.109. (A) The department of medicaid may conduct an audit, as defined in rules adopted under section 5165.02 of the Revised Code, of any cost report filed under section 5165.10 or 5165.522 of the Revised Code. The decision whether to conduct an audit and the scope of the audit, which may be a desk or field audit, may be determined based on prior performance of the provider, a risk analysis, or other evidence that gives the department reason to believe that the provider has reported costs improperly. A desk or field audit may be performed annually, but is required whenever a provider does not pass the risk analysis tolerance factors. 86192
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(B) Audits shall be conducted by auditors under contract with the department, auditors working for firms under contract with the department, or auditors employed by the department. 86203
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The department may establish a contract for the auditing of nursing facilities by outside firms. Each contract entered into by bidding shall be effective for one to two years. 86206
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(C) The department shall notify a provider of the findings of an audit of a cost report by issuing an audit report. The audit report shall include notice of any fine imposed under section 5165.1010 of the Revised Code. The department shall issue the audit report not later than three years after the earlier of the following: 86209
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(1) The date the cost report is filed; 86215

(2) The date a desk or field audit of the cost report or a cost report for a subsequent cost reporting period is completed. 86216
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(D) The department shall prepare a written summary of any audit disallowance that is made after the effective date of the rate that is based on the cost. Where the provider is pursuing judicial or administrative remedies in good faith regarding the disallowance, the department shall not withhold from the provider's current payments any amounts the department claims to be due from the provider pursuant to section 5165.41 of the Revised Code. 86218
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~~(E)(1) The department shall establish an audit manual and program for field audits conducted under this section. Each auditor conducting a field audit under this section shall follow the audit manual and program, regardless of whether the auditor is under contract with the department, works for a firm under contract with the department, or is employed by the department. The manual and program shall do both of the following: If an audit is conducted by an auditor under contract with the department, the audit shall be conducted in accordance with procedures agreed upon between the department and the auditor.~~ 86226
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(2) If an audit is conducted by the department, the department shall develop an audit plan or approach before the audit begins. The scope of the audit may change during the course of the audit based on observations and findings during the audit. 86236
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~~(a) Require (3) All of the following apply to each field audit to be conducted by an auditor to whom all of the following apply under contract with the department:~~ 86240
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~~(i)(a)~~ During the period of the auditor's contract, firm's contract, or auditor's employment with the department, the auditor or firm does not have and is not committed to acquire any direct or indirect financial interest in the ownership, financing, or 86243
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operation of nursing facilities in this state. 86247

~~(ii)(b) The auditor does not audit any provider that has been 86248
a client of the auditor or the auditor's firm. 86249~~

~~(iii)(c) The auditor is otherwise independent as determined 86250
by the standards of independence included in the government 86251
auditing standards produced by the United States government 86252
accountability office. 86253~~

~~(b) Require each auditor conducting a field audit to do all 86254
of the following: 86255~~

~~(i) Comply with applicable rules prescribed pursuant to Title 86256
XVIII and Title XIX; 86257~~

~~(ii) Consider generally accepted auditing standards 86258
prescribed by the American institute of certified public 86259
accountants; 86260~~

~~(iii) Include a written summary as to whether the costs 86261
included in the cost report examined during the audit are 86262
allowable and are presented in accordance with state and federal 86263
laws and regulations, and whether, in all material respects, 86264
allowable costs are documented, reasonable, and related to patient 86265
care; 86266~~

~~(iv) Complete the audit within the time period specified by 86267
the department; 86268~~

~~(v) Provide to the provider complete written interpretations 86269
that explain in detail the application of all relevant contract 86270
provisions, regulations, auditing standards, rate formulae, and 86271
departmental policies, with explanations and examples, that are 86272
sufficient to permit the provider to calculate with reasonable 86273
certainty those costs that are allowable and the rate to which the 86274
provider's nursing facility is entitled. 86275~~

~~(2) For the purpose of division (E)(1)(a)(i) of this section, 86276~~

~~employment of a member of an auditor's family by a nursing facility that the auditor does not audit does not constitute a direct or indirect financial interest in the ownership, financing, or operation of the nursing facility.~~ 86277
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Sec. 5165.15. Except as otherwise provided by sections 86281
5165.151 to ~~5165.157~~ 5165.158 and 5165.34 of the Revised Code, the 86282
total per medicaid day payment rate that the department of 86283
medicaid shall pay a nursing facility provider for nursing 86284
facility services the provider's nursing facility provides during 86285
a state fiscal year shall be determined as follows: 86286

(A) Determine the sum of all of the following: 86287

(1) The per medicaid day payment rate for ancillary and 86288
support costs determined for the nursing facility under section 86289
5165.16 of the Revised Code; 86290

(2) The per medicaid day payment rate for capital costs 86291
determined for the nursing facility under section 5165.17 of the 86292
Revised Code; 86293

(3) The per medicaid day payment rate for direct care costs 86294
determined for the nursing facility under section 5165.19 of the 86295
Revised Code; 86296

(4) The per medicaid day payment rate for tax costs 86297
determined for the nursing facility under section 5165.21 of the 86298
Revised Code; 86299

(5) If the nursing facility qualifies as a critical access 86300
nursing facility, the nursing facility's critical access incentive 86301
payment paid under section 5165.23 of the Revised Code. 86302

(B) To the sum determined under division (A) of this section, 86303
add sixteen dollars and forty-four cents. 86304

(C) ~~From the sum determined under division (B) of this section, subtract one dollar and seventy nine cents.~~ 86305
86306

~~(D)~~ To the sum determined under division ~~(C)~~(B) of this 86307
section, add, ~~for state fiscal year 2022 and for state fiscal year~~ 86308
~~2023~~, the per medicaid day quality incentive payment rate 86309
determined for the nursing facility under section 5165.26 of the 86310
Revised Code. 86311

(D) If the nursing facility qualifies as a low occupancy 86312
nursing facility, subtract from the sum determined under division 86313
(C) of this section the nursing facility's low occupancy deduction 86314
determined under section 5165.23 of the Revised Code. 86315

Sec. 5165.151. (A) The total per medicaid day payment rate 86316
determined under section 5165.15 of the Revised Code shall not be 86317
the initial rate for nursing facility services provided by a new 86318
nursing facility. Instead, the initial total per medicaid day 86319
payment rate for nursing facility services provided by a new 86320
nursing facility shall be determined in the following manner: 86321

(1) The initial rate for ancillary and support costs shall be 86322
the rate for the new nursing facility's peer group determined 86323
under division (C) of section 5165.16 of the Revised Code. 86324

(2) The initial rate for capital costs shall be the rate for 86325
the new nursing facility's peer group determined under division 86326
(C) of section 5165.17 of the Revised Code; 86327

(3) The initial rate for direct care costs shall be the 86328
product of the cost per case-mix unit determined under division 86329
(C) of section 5165.19 of the Revised Code for the new nursing 86330
facility's peer group and the new nursing facility's case-mix 86331
score determined under division (B) of this section. 86332

(4) The initial rate for tax costs shall be the following: 86333

(a) If the provider of the new nursing facility submits to 86334
the department of medicaid the nursing facility's projected tax 86335
costs for the calendar year in which the provider obtains an 86336

initial provider agreement for the new nursing facility, an amount 86337
determined by dividing those projected tax costs by the number of 86338
inpatient days the nursing facility would have for that calendar 86339
year if its occupancy rate were one hundred per cent; 86340

(b) If division (A)(4)(a) of this section does not apply, the 86341
median rate for tax costs for the new nursing facility's peer 86342
group in which the nursing facility is placed under division (B) 86343
of section 5165.16 of the Revised Code. 86344

(5) ~~Fourteen~~ The initial quality incentive payment rate for 86345
the new nursing facility shall be the amount determined under 86346
section 5165.26 of the Revised Code. 86347

(6) Sixteen dollars and ~~sixty-five~~ forty-four cents shall be 86348
added to the sum of the rates and payment specified in divisions 86349
(A)(1) to ~~(4)~~(5) of this section. 86350

(B) For the purpose of division (A)(3) of this section, a new 86351
nursing facility's case-mix score shall be the following: 86352

(1) Unless the new nursing facility replaces an existing 86353
nursing facility that participated in the medicaid program 86354
immediately before the new nursing facility begins participating 86355
in the medicaid program, the median annual average case-mix score 86356
for the new nursing facility's peer group ~~+~~. 86357

(2) If the nursing facility replaces an existing nursing 86358
facility that participated in the medicaid program immediately 86359
before the new nursing facility begins participating in the 86360
medicaid program, the semiannual case-mix score most recently 86361
determined under section 5165.192 of the Revised Code for the 86362
replaced nursing facility as adjusted, if necessary, to reflect 86363
any difference in the number of beds in the replaced and new 86364
nursing facilities. 86365

(C) Subject to division (D) of this section, the department 86366
of medicaid shall adjust the rates established under division (A) 86367

of this section effective the first day of July, to reflect new 86368
rate calculations for all nursing facilities under this chapter. 86369

(D) If a rate for direct care costs is determined under this 86370
section for a new nursing facility using the median annual average 86371
case-mix score for the new nursing facility's peer group, the rate 86372
shall be redetermined to reflect the new nursing facility's actual 86373
semiannual average case-mix score determined under section 86374
5165.192 of the Revised Code after the new nursing facility 86375
submits its first two quarterly assessment data that qualify for 86376
use in calculating a case-mix score in accordance with rules 86377
authorized by section 5165.192 of the Revised Code. If the new 86378
nursing facility's quarterly submissions do not qualify for use in 86379
calculating a case-mix score, the department shall continue to use 86380
the median annual average case-mix score for the new nursing 86381
facility's peer group in lieu of the new nursing facility's 86382
semiannual case-mix score until the new nursing facility submits 86383
two consecutive quarterly assessment data that qualify for use in 86384
calculating a case-mix score. 86385

Sec. 5165.152. The total per medicaid day payment rate 86386
determined under section 5165.15 of the Revised Code shall not be 86387
paid for nursing facility services provided to low ~~resource~~ 86388
~~utilization~~ case-mix residents. Instead, the total rate for such 86389
nursing facility services shall be one hundred fifteen dollars per 86390
medicaid day. 86391

Sec. 5165.158. (A) Beginning July 1, 2023, the total per 86392
medicaid day payment rate for nursing facility services provided 86393
on or after that date in private rooms approved by the department 86394
of medicaid under division (B) of this section shall be the sum of 86395
both of the following: 86396

(1) The total per medicaid day payment rate determined for 86397

the nursing facility under section 5165.15 of the Revised Code; 86398

(2) The private room incentive payment. The private room 86399
incentive payment shall be thirty dollars per day for state fiscal 86400
year 2024. The department may increase the payment amount for 86401
subsequent fiscal years. 86402

(B)(1) Beginning on July 1, 2023, the department shall 86403
approve rooms in nursing facilities to qualify for the rate 86404
described in division (A) of this section. A nursing facility 86405
provider shall apply for approval of its private rooms by 86406
submitting an application in the form and manner prescribed by the 86407
department. The department may specify evidence that an applicant 86408
must supply to demonstrate that a room meets the definition of a 86409
private room under section 5165.01 of the Revised Code. Subject to 86410
division (B)(2) of this section, the department shall approve an 86411
application if the rooms included in the application meet the 86412
definition of a private room under section 5165.01 of the Revised 86413
Code. 86414

(2) The department shall only consider applications that meet 86415
the following criteria: 86416

(a) Private rooms reported on the nursing facility provider's 86417
cost report for calendar year 2022, or a new nursing facility 86418
licensed after October 1, 2022; 86419

(b) Private rooms created by surrendering licensed beds from 86420
its licensed capacity, or, if the facility does not hold a 86421
license, surrendering beds that have been certified by the United 86422
States centers for medicare and medicaid services; 86423

(c) Private rooms created by adding space to the nursing 86424
facility or renovating nonbedroom space, without increasing the 86425
total licensed bed capacity. 86426

(3) The department may specify evidence that an applicant 86427
must supply to demonstrate that it meets the conditions specified 86428

in division (B)(2) of this section. 86429

(4) The department may deny an application if the department determines that either any of the following circumstances apply: 86430
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(a) The rooms included in the application do not meet the definition of a private room under section 5165.01 of the Revised Code; 86432
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(b) The rooms included in the application do not meet the criteria specified in division (B)(2) of this section. 86435
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(5) An applicant may request reconsideration of a denial under division (B) of this section. 86437
86438

Sec. 5165.16. (A) The department of medicaid shall determine 86439
each nursing facility's per medicaid day payment rate for 86440
ancillary and support costs. A nursing facility's rate shall be 86441
the rate determined under division (C) of this section for the 86442
nursing facility's peer group. 86443

(B) For the purpose of determining nursing facilities' rates 86444
for ancillary and support costs, the department shall establish 86445
six peer groups composed as follows: 86446

(1) Each nursing facility located in any of the following 86447
counties shall be placed in peer group one or two: Brown, Butler, 86448
Clermont, Clinton, Hamilton, and Warren. Each nursing facility 86449
located in any of those counties that has fewer than one hundred 86450
beds shall be placed in peer group one. Each nursing facility 86451
located in any of those counties that has one hundred or more beds 86452
shall be placed in peer group two. 86453

(2) Each nursing facility located in any of the following 86454
counties shall be placed in peer group three or four: Allen, 86455
Ashtabula, Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, 86456
Fayette, Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, 86457
Licking, Lorain, Lucas, Madison, Mahoning, Marion, Medina, Miami, 86458

Montgomery, Morrow, Ottawa, Pickaway, Portage, Preble, Ross, 86459
Sandusky, Seneca, Stark, Summit, Trumbull, Union, and Wood. Each 86460
nursing facility located in any of those counties that has fewer 86461
than one hundred beds shall be placed in peer group three. Each 86462
nursing facility located in any of those counties that has one 86463
hundred or more beds shall be placed in peer group four. 86464

(3) Each nursing facility located in any of the following 86465
counties shall be placed in peer group five or six: Adams, 86466
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 86467
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 86468
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 86469
Jefferson, Lawrence, Logan, Meigs, Mercer, Monroe, Morgan, 86470
Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, Scioto, 86471
Shelby, Tuscarawas, Van Wert, Vinton, Washington, Wayne, Williams, 86472
and Wyandot. Each nursing facility located in any of those 86473
counties that has fewer than one hundred beds shall be placed in 86474
peer group five. Each nursing facility located in any of those 86475
counties that has one hundred or more beds shall be placed in peer 86476
group six. 86477

(C)(1) The department shall determine the rate for ancillary 86478
and support costs for each peer group established under division 86479
(B) of this section. The rate for ancillary and support costs 86480
determined under this division for a peer group shall be used for 86481
subsequent years until the department conducts a rebasing. To 86482
determine a peer group's rate for ancillary and support costs, the 86483
department shall do ~~all~~ both of the following: 86484

(a) Determine the rate for ancillary and support costs for 86485
each nursing facility in the peer group for the applicable 86486
calendar year by using the greater of the nursing facility's 86487
actual inpatient days for the applicable calendar year or the 86488
inpatient days the nursing facility would have had for the 86489
applicable calendar year if its occupancy rate had been ninety per 86490

cent; 86491

(b) Subject to division (C)(2) of this section, identify 86492
which nursing facility in the peer group is at the ~~twenty-fifth~~ 86493
~~percentile of the~~ median rate for ancillary and support costs for 86494
the applicable calendar year determined under division (C)(1)(a) 86495
of this section; 86496

~~(c) Multiply the rate for ancillary and support costs 86497
determined under division (C)(1)(a) of this section for the 86498
nursing facility identified under division (C)(1)(b) of this 86499
section by the rate of inflation for the eighteen-month period 86500
beginning on the first day of July of the applicable calendar year 86501
and ending the last day of December of the calendar year 86502
immediately following the applicable calendar year using the 86503
following: 86504~~

~~(i) Except as provided in division (C)(1)(c)(ii) of this 86505
section, the consumer price index for all items for all urban 86506
consumers for the midwest region, published by the United States 86507
bureau of labor statistics; 86508~~

~~(ii) If the United States bureau of labor statistics ceases 86509
to publish the index specified in division (C)(1)(c)(i) of this 86510
section, the index the bureau subsequently publishes that covers 86511
urban consumers' prices for items for the region that includes 86512
this state. 86513~~

(2) In making the identification under division (C)(1)(b) of 86514
this section, the department shall exclude both of the following: 86515

(a) Nursing facilities that participated in the medicaid 86516
program under the same provider for less than twelve months in the 86517
applicable calendar year; 86518

(b) Nursing facilities whose ancillary and support costs are 86519
more than one standard deviation from the mean desk-reviewed, 86520
actual, allowable, per diem ancillary and support cost for all 86521

nursing facilities in the nursing facility's peer group for the 86522
applicable calendar year. 86523

(3) The department shall not redetermine a peer group's rate 86524
for ancillary and support costs under this division based on 86525
additional information that it receives after the rate is 86526
determined. The department shall redetermine a peer group's rate 86527
for ancillary and support costs only if the department made an 86528
error in determining the rate based on information available to 86529
the department at the time of the original determination. 86530

Sec. 5165.19. ~~(A)~~(A)(1) Semiannually, except as provided in 86531
division (A)(2) of this section, the department of medicaid shall 86532
determine each nursing facility's per medicaid day payment rate 86533
for direct care costs by multiplying the facility's semiannual 86534
case-mix score determined under section 5165.192 of the Revised 86535
Code by the cost per case-mix unit determined under division (C) 86536
of this section for the facility's peer group. 86537

(2) Beginning January 1, 2024, during state fiscal years 2024 86538
and 2025, the department shall determine each nursing facility's 86539
per medicaid day payment rate for direct care costs by multiplying 86540
the cost per case-mix unit determined under division (C) of this 86541
section for the facility's peer group by the case-mix score 86542
specified in division (A)(2)(a) or (b) of this section, as 86543
selected by the nursing facility not later than October 1, 2023. 86544
If the nursing facility does not make a selection by October 1, 86545
2023, the case-mix score specified in division (A)(2)(a) of this 86546
section shall apply. The case-mix score may be either of the 86547
following: 86548

(a) The semiannual case-mix score determined for the facility 86549
under division (A)(1) of this section; 86550

(b) The facility's quarterly case-mix score from March 31, 86551
2023, which shall apply to the facility's direct care rate from 86552

January 1, 2024, to June 30, 2025. 86553

(B) For the purpose of determining nursing facilities' rates 86554
for direct care costs, the department shall establish three peer 86555
groups. 86556

(1) Each nursing facility located in any of the following 86557
counties shall be placed in peer group one: Brown, Butler, 86558
Clermont, Clinton, Hamilton, and Warren. 86559

(2) Each nursing facility located in any of the following 86560
counties shall be placed in peer group two: Allen, Ashtabula, 86561
Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, 86562
Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, 86563
Lorain, Lucas, Madison, Mahoning, Marion, Medina, Miami, 86564
Montgomery, Morrow, Ottawa, Pickaway, Portage, Preble, Ross, 86565
Sandusky, Seneca, Stark, Summit, Trumbull, Union, and Wood. 86566

(3) Each nursing facility located in any of the following 86567
counties shall be placed in peer group three: Adams, Ashland, 86568
Athens, Auglaize, Belmont, Carroll, Columbiana, Coshocton, 86569
Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, Harrison, 86570
Henry, Highland, Hocking, Holmes, Huron, Jackson, Jefferson, 86571
Lawrence, Logan, Meigs, Mercer, Monroe, Morgan, Muskingum, Noble, 86572
Paulding, Perry, Pike, Putnam, Richland, Scioto, Shelby, 86573
Tuscarawas, Van Wert, Vinton, Washington, Wayne, Williams, and 86574
Wyandot. 86575

(C)(1) The department shall determine a cost per case-mix 86576
unit for each peer group established under division (B) of this 86577
section. The cost per case-mix unit determined under this division 86578
for a peer group shall be used for subsequent years until the 86579
department conducts a rebasing. To determine a peer group's cost 86580
per case-mix unit, the department shall do ~~all~~ both of the 86581
following: 86582

(a) Determine the cost per case-mix unit for each nursing 86583

facility in the peer group for the applicable calendar year by 86584
dividing each facility's desk-reviewed, actual, allowable, per 86585
diem direct care costs for the applicable calendar year by the 86586
facility's annual average case-mix score determined under section 86587
5165.192 of the Revised Code for the applicable calendar year; 86588

(b) Subject to division (C)(2) of this section, identify 86589
which nursing facility in the peer group is at the ~~twenty-fifth~~ 86590
~~percentile of the~~ median cost per case-mix units determined under 86591
division (C)(1)(a) of this section; 86592

~~(c) Calculate the amount that is two per cent above the cost~~ 86593
~~per case mix unit determined under division (C)(1)(a) of this~~ 86594
~~section for the nursing facility identified under division~~ 86595
~~(C)(1)(b) of this section;~~ 86596

~~(d) Using the index specified in division (C)(3) of this~~ 86597
~~section, multiply the rate of inflation for the eighteen month~~ 86598
~~period beginning on the first day of July of the applicable~~ 86599
~~calendar year and ending the last day of December of the calendar~~ 86600
~~year immediately following the applicable calendar year by the~~ 86601
~~amount calculated under division (C)(1)(c) of this section.~~ 86602

(2) In making the identification under division (C)(1)(b) of 86603
this section, the department shall exclude both of the following: 86604

(a) Nursing facilities that participated in the medicaid 86605
program under the same provider for less than twelve months in the 86606
applicable calendar year; 86607

(b) Nursing facilities whose cost per case-mix unit is more 86608
than one standard deviation from the mean cost per case-mix unit 86609
for all nursing facilities in the nursing facility's peer group 86610
for the applicable calendar year. 86611

~~(3) The following index shall be used for the purpose of the~~ 86612
~~calculation made under division (C)(1)(d) of this section:~~ 86613

~~(a) Except as provided in division (C)(3)(b) of this section, the employment cost index for total compensation, nursing and residential care facilities occupational group, published by the United States bureau of labor statistics;~~ 86614
86615
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~~(b) If the United States bureau of labor statistics ceases to publish the index specified in division (C)(3)(a) of this section, the index the bureau subsequently publishes that covers nursing facilities' staff costs.~~ 86618
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~~(4) The department shall not redetermine a peer group's cost per case-mix unit under this division based on additional information that it receives after the peer group's per case-mix unit is determined. The department shall redetermine a peer group's cost per case-mix unit only if it made an error in determining the peer group's cost per case-mix unit based on information available to the department at the time of the original determination.~~ 86622
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Sec. 5165.192. (A)(1) Except as provided in division (B) of this section and in accordance with the process specified in rules authorized by this section, the department of medicaid shall do all of the following: 86630
86631
86632
86633

(a) Every quarter, determine the following two case-mix scores for each nursing facility: 86634
86635

(i) A quarterly case-mix score that includes each resident who is a medicaid recipient and is not a low ~~resource utilization~~ case-mix resident; 86636
86637
86638

(ii) A quarterly case-mix score that includes each resident regardless of payment source. 86639
86640

(b) Every six months, determine a semiannual average case-mix score for each nursing facility by using the quarterly case-mix scores determined for the nursing facility pursuant to division 86641
86642
86643

(A)(1)(a)(i) of this section; 86644

(c) After the end of each calendar year, determine an annual 86645
average case-mix score for each nursing facility by using the 86646
quarterly case-mix scores determined for the nursing facility 86647
pursuant to division (A)(1)(a)(ii) of this section. 86648

(2) When determining case-mix scores under division (A)(1) of 86649
this section, the department shall use all of the following: 86650

(a) Data from a resident assessment instrument specified in 86651
rules authorized by section 5165.191 of the Revised Code; 86652

(b) Except as provided in rules authorized by this section, 86653
the case-mix values established by the United States department of 86654
health and human services; 86655

(c) Except as modified in rules authorized by this section, 86656
the grouper methodology used on June 30, 1999, by the United 86657
States department of health and human services for prospective 86658
payment of skilled nursing facilities under the medicare program. 86659

(B)(1) Subject to division (B)(2) of this section, the 86660
department, for one or more months of a calendar quarter, may 86661
assign to a nursing facility a case-mix score that is five per 86662
cent less than the nursing facility's case-mix score for the 86663
immediately preceding calendar quarter if any of the following 86664
apply: 86665

(a) The provider does not timely submit complete and accurate 86666
resident assessment data necessary to determine the nursing 86667
facility's case-mix score for the calendar quarter; 86668

(b) The nursing facility was subject to an exception review 86669
under section 5165.193 of the Revised Code for the immediately 86670
preceding calendar quarter; 86671

(c) The nursing facility was assigned a case-mix score for 86672
the immediately preceding calendar quarter. 86673

(2) Before assigning a case-mix score to a nursing facility 86674
due to the submission of incorrect resident assessment data, the 86675
department shall permit the provider to correct the data. The 86676
department may assign the case-mix score if the provider fails to 86677
submit the corrected resident assessment data not later than the 86678
earlier of the forty-fifth day after the end of the calendar 86679
quarter to which the data pertains or the deadline for submission 86680
of such corrections established by regulations adopted by the 86681
United States department of health and human services under Title 86682
XVIII and Title XIX. 86683

(3) If, for more than six months in a calendar year, a 86684
provider is paid a rate determined for a nursing facility using a 86685
case-mix score assigned to the nursing facility under division 86686
(B)(1) of this section, the department may assign the nursing 86687
facility a cost per case-mix unit that is five per cent less than 86688
the nursing facility's actual or assigned cost per case-mix unit 86689
for the immediately preceding calendar year. The department may 86690
use the assigned cost per case-mix unit, instead of determining 86691
the nursing facility's actual cost per case-mix unit in accordance 86692
with section 5165.19 of the Revised Code, to establish the nursing 86693
facility's rate for direct care costs for the fiscal year 86694
immediately following the calendar year for which the cost per 86695
case-mix unit is assigned. 86696

(4) The department shall take action under division (B)(1), 86697
(2), or (3) of this section only in accordance with rules 86698
authorized by this section. The department shall not take an 86699
action that affects rates for prior payment periods except in 86700
accordance with sections 5165.41 and 5165.42 of the Revised Code. 86701

(C) The medicaid director shall adopt rules under section 86702
5165.02 of the Revised Code as necessary to implement this 86703
section. 86704

(1) The rules shall do all of the following: 86705

(a) Specify the process for determining the semiannual and annual average case-mix scores for nursing facilities;	86706 86707
(b) Adjust the case-mix values specified in division (A)(2)(b) of this section to reflect changes in relative wage differentials that are specific to this state;	86708 86709 86710
(c) Express all of those case-mix values in numeric terms that are different from the terms specified by the United States department of health and human services but that do not alter the relationship of the case-mix values to one another;	86711 86712 86713 86714
(d) Modify the grouper methodology specified in division (A)(2)(c) of this section as follows:	86715 86716
(i) Establish a different hierarchy for assigning residents to case-mix categories under the methodology;	86717 86718
(ii) Allow the use of the index maximizer element of the methodology;	86719 86720
(iii) Incorporate changes to the methodology the United States department of health and human services makes after June 30, 1999;	86721 86722 86723
(iv) Make other changes the department determines are necessary.	86724 86725
(e) Establish procedures under which resident assessment data shall be reviewed for accuracy and providers shall be notified of any data that requires correction;	86726 86727 86728
(f) Establish procedures for providers to correct resident assessment data and specify a reasonable period of time by which providers shall submit the corrections. The procedures may limit the content of corrections in the manner required by regulations adopted by the United States department of health and human services under Title XVIII and Title XIX.	86729 86730 86731 86732 86733 86734
(g) Specify when and how the department will assign case-mix	86735

scores or costs per case-mix unit to a nursing facility under 86736
division (B) of this section if information necessary to calculate 86737
the nursing facility's case-mix score is not provided or corrected 86738
in accordance with the procedures established by the rules. 86739

(2) Notwithstanding any other provision of this chapter, the 86740
rules may provide for the exclusion of case-mix scores assigned to 86741
a nursing facility under division (B) of this section from the 86742
determination of the nursing facility's semiannual or annual 86743
average case-mix score and the cost per case-mix unit for the 86744
nursing facility's peer group. 86745

Sec. 5165.23. (A) Each state fiscal year, the department of 86746
medicaid shall determine the critical access incentive payment for 86747
each nursing facility that qualifies as a critical access nursing 86748
facility. To qualify as a critical access nursing facility for a 86749
state fiscal year, a nursing facility must meet all of the 86750
following requirements: 86751

(1) The nursing facility must be located in an area that, on 86752
December 31, 2011, was designated an empowerment zone under the 86753
"Internal Revenue Code of 1986," section 1391, 26 U.S.C. 1391. 86754

(2) The nursing facility must have an occupancy rate of at 86755
least eighty-five per cent as of the last day of the calendar year 86756
immediately preceding the state fiscal year. 86757

(3) The nursing facility must have a medicaid utilization 86758
rate of at least sixty-five per cent as of the last day of the 86759
calendar year immediately preceding the state fiscal year. 86760

(B) A critical access nursing facility's critical access 86761
incentive payment for a state fiscal year shall equal five per 86762
cent of the portion of the nursing facility's total per medicaid 86763
day payment rate for the state fiscal year that is the sum of the 86764
rates identified in divisions (A)(1) to (4) of section 5165.15 of 86765

the Revised Code. 86766

(C) Each state fiscal year, the department shall determine 86767
the low occupancy deduction for each nursing facility that 86768
qualifies as a low occupancy nursing facility. To qualify as a low 86769
occupancy nursing facility for a state fiscal year, a nursing 86770
facility must have an occupancy rate lower than sixty-five per 86771
cent. For purposes of this division, the department shall 86772
calculate a nursing facility's occupancy rate by dividing the 86773
inpatient days reported on the facility's cost report for the 86774
calendar year preceding the fiscal year for which the rate is 86775
determined by the product of the number of days in the calendar 86776
year and the facility's number of licensed beds on the first day 86777
of May of the calendar year in which the fiscal year begins. A low 86778
occupancy nursing facility's low occupancy deduction for a state 86779
fiscal year shall equal five per cent of the nursing facility's 86780
total per medicaid day payment rate for the state fiscal year 86781
identified in division (D) of section 5165.15 of the Revised Code, 86782
for the state fiscal year. 86783

Sec. 5165.26. (A) As used in this section: 86784

(1) "Base rate" means the portion of a nursing facility's 86785
total per medicaid day payment rate determined under divisions 86786
(A), and (B), ~~and (C)~~ of section 5165.15 of the Revised Code. 86787

(2) "CMS" means the United States centers for medicare and 86788
medicaid services. 86789

(3) ~~"Force majeure event" means an uncontrollable force or~~ 86790
~~natural disaster not within the power of a nursing facility's~~ 86791
~~operator.~~ 86792

~~(4)~~ "Long-stay resident" means an individual who has resided 86793
in a nursing facility for at least one hundred one days. 86794

~~(5)~~(4) "Nursing facilities for which a quality score was 86795

determined" includes nursing facilities that are determined to 86796
have a quality score of zero. 86797

~~(6) "SFF list" means the list of nursing facilities that the 86798
United States department of health and human services creates 86799
under the special focus facility program. 86800~~

~~(7) "Special focus facility program" means the program 86801
conducted by the United States secretary of health and human 86802
services pursuant to section 1919(f)(10) of the "Social Security 86803
Act," 42 U.S.C. 1396r(f)(10). 86804~~

~~(B) For state fiscal year 2022 and state fiscal year 2023, 86805
and subject Subject to divisions division (D), (E), and (F), and 86806
except as provided in division ~~(C)~~(E) of this section, the 86807
department of medicaid shall determine each nursing facility's per 86808
medicaid day quality incentive payment rate as follows: 86809~~

~~(1) Determine the sum of the quality scores determined under 86810
division (C) of this section for all nursing facilities. 86811~~

~~(2) Determine the average quality score by dividing the sum 86812
determined under division (B)(1) of this section by the number of 86813
nursing facilities for which a quality score was determined. 86814~~

~~(3) Determine the sum of the total number of medicaid days 86815
for all of the calendar year preceding the fiscal year for which 86816
the rate is determined for all nursing facilities for which a 86817
quality score was determined. 86818~~

~~(4) Multiply the average quality score determined under 86819
division (B)(2) of this section by the sum determined under 86820
division (B)(3) of this section. 86821~~

~~(5) Determine the value per quality point by determining the 86822
quotient of the following: 86823~~

~~(a) The sum determined under division ~~(F)(2)~~(D)(2) of this 86824
section. 86825~~

(b) The product determined under division (B)(4) of this section. 86826
86827

(6) Multiply the value per quality point determined under division (B)(5) of this section by the nursing facility's quality score determined under division (C) of this section. 86828
86829
86830

(C)(1) Except as provided in division (C)(2) of this section, a nursing facility's quality score for a state fiscal year 2022 and ~~state fiscal year 2023~~ shall be the sum of the ~~total~~ following: 86831
86832
86833
86834

(a) The total number of points that CMS assigned to the nursing facility under CMS's nursing facility five-star quality rating system for the following quality metrics, or CMS's successor metrics as described below, based on the most recent four-quarter average data, or the average data for fewer quarters in the case of successor metrics, available in the database maintained by CMS and known as nursing home compare in the most recent month of the calendar year during which the fiscal year for which the rate is determined begins: 86835
86836
86837
86838
86839
86840
86841
86842
86843

~~(a)~~(i) The percentage of the nursing facility's long-stay residents at high risk for pressure ulcers who had pressure ulcers; 86844
86845
86846

~~(b)~~(ii) The percentage of the nursing facility's long-stay residents who had a urinary tract infection; 86847
86848

~~(c)~~(iii) The percentage of the nursing facility's long-stay residents whose ability to move independently worsened; 86849
86850

~~(d)~~(iv) The percentage of the nursing facility's long-stay residents who had a catheter inserted and left in their bladder. 86851
86852

If CMS ceases to publish any of the metrics specified in division (C)(1)(a) of this section, the department shall use the nursing facility quality metrics on the same topics that CMS 86853
86854
86855

subsequently publishes. 86856

(b) Seven and five-tenths points if the nursing facility's 86857
occupancy rate is greater than seventy-five per cent. For purposes 86858
of this division, the department shall calculate a nursing 86859
facility's occupancy rate by dividing the inpatient days reported 86860
on the facility's cost report for the calendar year preceding the 86861
fiscal year for which the rate is determined by the product of the 86862
number of days in the calendar year and the facility's number of 86863
licensed beds on the first day of May of the calendar year in 86864
which the fiscal year begins. 86865

(c) Beginning with state fiscal year 2025, the total number 86866
of points that CMS assigned to the nursing facility under CMS's 86867
nursing facility five-star quality rating system for the following 86868
quality metrics, or successor metrics designated by CMS, based on 86869
the most recent four-quarter average data available in the 86870
database maintained by CMS and known as nursing home compare in 86871
the most recent month of the calendar year during which the fiscal 86872
year for which the rate is determined begins: 86873

(i) The percentage of the nursing facility's long-stay 86874
residents whose need for help with daily activities has increased; 86875

(ii) The percentage of the nursing facility's long-stay 86876
residents experiencing one or more falls with major injury; 86877

(iii) The percentage of the nursing facility's long-stay 86878
residents who were administered an antipsychotic medication. 86879

If CMS ceases to publish any of the metrics specified in 86880
division (C)(1)(c) of this section, the department shall use the 86881
nursing facility quality metrics on the same topics CMS 86882
subsequently publishes. 86883

(2) In determining a nursing facility's quality score for a 86884
state fiscal year 2022 and state fiscal year 2023, the department 86885
shall make the following adjustment to the number of points that 86886

CMS assigned to the nursing facility for each of the quality 86887
metrics specified in ~~division (C)(1)~~ divisions (C)(1)(a) and (c) 86888
of this section: 86889

(a) Unless division (C)(2)(b) ~~or (e)~~ of this section applies, 86890
divide the number of the nursing facility's points for the quality 86891
metric by twenty. 86892

(b) If CMS assigned the nursing facility to the lowest 86893
percentile for the quality metric, reduce the number of the 86894
nursing facility's points for the quality metric to zero. 86895

~~(c) If the nursing facility's total number of points for 86896
state fiscal year 2022 or for state fiscal year 2023 for all of 86897
the quality metrics specified in division (C)(1) of this section 86898
is less than a number of points that is equal to the twenty fifth 86899
percentile of all nursing facilities, reduce the nursing 86900
facility's points to zero for that fiscal year. 86901~~

~~(3) A nursing facility's quality score shall be zero for 86902
state fiscal year 2021 if it is not to receive a quality incentive 86903
payment for that state fiscal year because of division (D) of this 86904
section. 86905~~

~~(D)(1) Except as provided in division (D)(2) of this section, 86906
a nursing facility shall not receive a quality incentive payment 86907
for state fiscal year 2021 if the nursing facility's licensed 86908
occupancy percentage is less than eighty per cent. 86909~~

~~(2) Division (D)(1) of this section does not apply to a 86910
nursing facility if any of the following apply: 86911~~

~~(a) The nursing facility has a quality score under division 86912
(C) of this section for state fiscal year 2021 of at least fifteen 86913
points; 86914~~

~~(b) The nursing facility was initially certified for 86915
participation in the medicaid program on or after January 1, 2019; 86916~~

~~(c) Subject to division (D)(4) of this section, one or more of the beds that are part of the nursing facility's licensed capacity could not be used for resident care during calendar year 2019 due to causes beyond the reasonable control of the nursing facility's operator, including a force majeure event;~~ 86917
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86920
86921

~~(d) Subject to division (D)(5) of this section, the nursing facility underwent a renovation during the period beginning January 1, 2018, and ending January 1, 2020, to which both of the following apply:~~ 86922
86923
86924
86925

~~(i) The renovation involved capital expenditures of at least fifty thousand dollars, excluding expenditures for equipment, staffing, or operational costs.~~ 86926
86927
86928

~~(ii) The renovation directly impacted the area of the nursing facility in which the beds that are part of the nursing facility's licensed capacity are located.~~ 86929
86930
86931

~~(3) A nursing facility's licensed occupancy percentage for the purpose of division (D)(1) of this section shall be determined as follows:~~ 86932
86933
86934

~~(a) Determine the product of the following:~~ 86935

~~(i) The nursing facility's licensed capacity as of December 31, 2019, as identified on the nursing facility's cost report filed with the department pursuant to section 5165.10 of the Revised Code;~~ 86936
86937
86938
86939

~~(ii) Three hundred sixty five.~~ 86940

~~(b) Determine the quotient of the following:~~ 86941

~~(i) The total number of the nursing facility's inpatient days for calendar year 2019, as identified on the nursing facility's cost report filed with the department pursuant to section 5165.10 of the Revised Code;~~ 86942
86943
86944
86945

~~(ii) The product determined under division (D)(3)(a) of this~~ 86946

~~section.~~ 86947

~~(c) Multiply the quotient determined under division (D)(3)(b) of this section by one hundred.~~ 86948
86949

~~(4) For a nursing facility to be exempt from division (D)(1) of this section on account of division (D)(2)(c) of this section, the nursing facility's operator must provide to the department written documentation of the number of days during calendar year 2019 that one or more of the beds that are part of the nursing facility's licensed capacity could not be used and the specific reason why they could not be used.~~ 86950
86951
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86956

~~(5) For a nursing facility to be exempt from division (D)(1) of this section on account of division (D)(2)(d) of this section, the nursing facility's operator must provide to the department written documentation that confirms the renovation and capital expenditures.~~ 86957
86958
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~~(E) A nursing facility shall not receive a quality incentive payment for state fiscal year 2022 or state fiscal year 2023 if the Department of Health assigned the nursing facility to the SFF list under the special focus facility program and the nursing facility is listed in table A, table B, or table C on the first day of May of the calendar year for which the rate is being determined.~~ 86962
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86968

~~(F)(D) The total amount to be spent on quality incentive payments under division (B) of this section for each a fiscal year during state fiscal years 2022 and 2023 shall be determined as follows:~~ 86969
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86971
86972

~~(1) Determine the following amount for each nursing facility, including those that do not receive a quality incentive payment because of division (D) of this section:~~ 86973
86974
86975

~~(a) The amount that is five and two-tenths per cent of the nursing facility's base rate for nursing facility services~~ 86976
86977

provided on the first day of the state fiscal year plus one dollar 86978
and seventy-nine cents+ plus sixty per cent of the sum of the 86979
following: 86980

(i) The per diem amount by which the nursing facility's rate 86981
for ancillary and support costs determined for the fiscal year 86982
under section 5165.16 of the Revised Code changed as a result of 86983
the rebasing conducted under section 5165.36 of the Revised Code 86984
for state fiscal year 2024; 86985

(ii) The per diem amount by which the nursing facility's rate 86986
for direct care costs determined for the fiscal year under section 86987
5165.19 of the Revised Code changed as a result of the rebasing 86988
conducted under section 5165.36 of the Revised Code for state 86989
fiscal year 2024. 86990

(b) Multiply the amount determined under division 86991
~~(F)(1)(a)(D)(1)(a)~~ of this section by the number of the nursing 86992
facility's medicaid days for the calendar year preceding the 86993
fiscal year for which the rate is determined. 86994

(2) Determine the sum of the products determined under 86995
division ~~(F)(1)(b)(D)(1)(b)~~ of this section for all nursing 86996
facilities for which the product was determined for the state 86997
fiscal year. 86998

(3) To the sum determined under division ~~(F)(2)(D)(2)~~ of this 86999
section, add ~~twenty five million dollars for fiscal year 2022 and~~ 87000
~~one hundred twenty-five million dollars for fiscal year 2023.~~ 87001

~~(G) A~~ (E)(1) Beginning July 1, 2023, a new nursing facility 87002
or a nursing facility that undergoes a change of operator during 87003
fiscal year 2022 or fiscal year 2023 shall not receive a quality 87004
incentive payment for the fiscal year in which the new facility 87005
obtains an initial provider agreement ~~or~~ and the immediately 87006
following fiscal year equal to the median quality incentive 87007
payment determined for nursing facilities for the fiscal year. For 87008

the state fiscal year after the immediately following fiscal year 87009
and subsequent fiscal years, the quality incentive payment shall 87010
be determined under division (C) of this section. 87011

(2) Except as provided in division (E)(3) of this section, a 87012
nursing facility that undergoes a change of operator with an 87013
effective date of April 1, 2023, or later occurred, whichever is 87014
applicable shall receive a quality incentive payment. For for the 87015
immediately following state fiscal year that begins in the 87016
calendar year following the calendar year of the date of change of 87017
operator, and subsequent fiscal years, the. The quality incentive 87018
payment shall be determined under division (C) of this section. 87019

~~(H) Divisions (C)(3) and (D) of this section are suspended~~ 87020
~~beginning July 1, 2021, and ending June 30, 2023.~~ 87021

(3)(a) A nursing facility that undergoes a change of operator 87022
shall receive a quality incentive payment under this section if 87023
all of the following conditions are met: 87024

(i) The incoming operator has operated at least one nursing 87025
facility in this state for at least sixty consecutive months. 87026

(ii) The incoming operator owns the physical assets of the 87027
nursing facility or has at least a majority ownership of the 87028
entity that owns the physical assets of the nursing facility. 87029

(iii) At no time has the incoming operator had a facility in 87030
any state voluntarily or involuntarily closed or a license 87031
suspended or revoked. 87032

(b) A nursing facility that meets the conditions in division 87033
(E)(3)(a) of this section shall receive a quality incentive 87034
payment equal to the quality incentive payment the exiting 87035
operator received before the effective date of the change of 87036
operator. For subsequent fiscal years, the quality incentive 87037
payment shall be determined under division (C) of this section. 87038

Sec. 5165.36. ~~The Beginning with state fiscal year 2024, the~~ 87039
department of medicaid shall conduct a rebasing at least once 87040
every ~~five~~ two state fiscal years. When the department conducts a 87041
rebasings for a state fiscal year, it shall conduct the rebasing 87042
for only the direct care, ancillary and support, and tax cost 87043
centers. ~~A nursing facility provider shall spend money received~~ 87044
~~from the rebasing conducted in state fiscal year 2022 on the~~ 87045
~~direct care, ancillary and support, and tax cost centers only.~~ 87046

Sec. 5165.52. (A) On receipt of a written notice under 87047
section 5165.50 of the Revised Code of a facility closure or 87048
voluntary withdrawal of participation, on receipt of a written 87049
notice under section 5165.51 of the Revised Code of a change of 87050
operator, or on the effective date of an involuntary termination, 87051
the department of medicaid shall estimate the amount of any 87052
overpayments made under the medicaid program to the exiting 87053
operator, including overpayments the exiting operator disputes, 87054
and other actual and potential debts the exiting operator owes or 87055
may owe to the department ~~and United States centers for medicare~~ 87056
~~and medicaid services~~ under the medicaid program, including a 87057
franchise permit fee. 87058

(B) In estimating the exiting operator's other actual and 87059
potential debts to the department ~~and the United States centers~~ 87060
~~for medicare and medicaid services~~ under the medicaid program, the 87061
department shall use a debt estimation methodology the medicaid 87062
director shall establish in rules authorized by section 5165.53 of 87063
the Revised Code. The methodology shall provide for estimating all 87064
of the following that the department determines are applicable: 87065

(1) Refunds due the department under section 5165.41 of the 87066
Revised Code; 87067

(2) Interest owed to the department ~~and United States centers~~ 87068

~~for medicare and medicaid services;~~ 87069

~~(3) Final civil monetary and other penalties for which all right of appeal has been exhausted;~~ 87070
87071

~~(4) Money owed the department and United States centers for medicare and medicaid services~~ 87072
from any outstanding final fiscal 87073
audit, including a final fiscal audit for the last state fiscal 87074
year or portion thereof in which the exiting operator participated 87075
in the medicaid program; 87076

~~(5)~~(4) Other amounts the department determines are 87077
applicable. 87078

(C) The department shall provide the exiting operator written 87079
notice of the department's estimate under division (A) of this 87080
section not later than thirty days after whichever of the 87081
following applies: the department receives the notice under 87082
section 5165.50 of the Revised Code of the facility closure or 87083
voluntary withdrawal of participation; or the department receives 87084
the notice under section 5165.51 of the Revised Code of the change 87085
of operator; or the effective date of the involuntary 87086
termination. The department's written notice shall include the 87087
basis for the estimate. 87088

Sec. 5165.521. (A) Except as provided in divisions (B), (C), 87089
and (D) of this section, the department of medicaid may withhold 87090
from payment due an exiting operator under the medicaid program 87091
the total amount specified in the notice provided under division 87092
(C) of section 5165.52 of the Revised Code that the exiting 87093
operator owes or may owe to the department ~~and United States~~ 87094
~~centers for medicare and medicaid services~~ under the medicaid 87095
program. 87096

(B) In the case of a change of operator and subject to 87097
division (E) of this section, the following shall apply regarding 87098

a withholding under division (A) of this section if the exiting operator or entering operator or an affiliated operator executes a successor liability agreement meeting the requirements of division (F) of this section:

(1) If the exiting operator, entering operator, or affiliated operator assumes liability for the total, actual amount of debt the exiting operator owes the department ~~and the United States centers for medicare and medicaid services~~ under the medicaid program as determined under section 5165.525 of the Revised Code, the department shall not make the withholding.

(2) If the exiting operator, entering operator, or affiliated operator assumes liability for only the portion of the amount specified in division (B)(1) of this section that represents the franchise permit fee the exiting operator owes, the department shall withhold not more than the difference between the total amount specified in the notice provided under division (C) of section 5165.52 of the Revised Code and the amount for which the exiting operator, entering operator, or affiliated operator assumes liability.

(C) In the case of a voluntary withdrawal of participation or facility closure and subject to division (E) of this section, the following shall apply regarding a withholding under division (A) of this section if the exiting operator or an affiliated operator executes a successor liability agreement meeting the requirements of division (F) of this section:

(1) If the exiting operator or affiliated operator assumes liability for the total, actual amount of debt the exiting operator owes the department ~~and the United States centers for medicare and medicaid services~~ under the medicaid program as determined under section 5165.525 of the Revised Code, the department shall not make the withholding.

(2) If the exiting operator or affiliated operator assumes liability for only the portion of the amount specified in division (C)(1) of this section that represents the franchise permit fee the exiting operator owes, the department shall withhold not more than the difference between the total amount specified in the notice provided under division (C) of section 5165.52 of the Revised Code and the amount for which the exiting operator or affiliated operator assumes liability.

(D) In the case of an involuntary termination and subject to division (E) of this section, the following shall apply regarding a withholding under division (A) of this section if the exiting operator, the entering operator, or an affiliated operator executes a successor liability agreement meeting the requirements of division (F) of this section and the department approves the successor liability agreement:

(1) If the exiting operator, entering operator, or affiliated operator assumes liability for the total, actual amount of debt the exiting operator owes the department ~~and the United States centers for medicare and medicaid services~~ under the medicaid program as determined under section 5165.525 of the Revised Code, the department shall not make the withholding.

(2) If the exiting operator, entering operator, or affiliated operator assumes liability for only the portion of the amount specified in division (D)(1) of this section that represents the franchise permit fee the exiting operator owes, the department shall withhold not more than the difference between the total amount specified in the notice provided under division (C) of section 5165.52 of the Revised Code and the amount for which the exiting operator, entering operator, or affiliated operator assumes liability.

(E) For an exiting operator or affiliated operator to be eligible to enter into a successor liability agreement under

division (B), (C), or (D) of this section, both of the following 87162
must apply: 87163

(1) The exiting operator or affiliated operator must have one 87164
or more valid provider agreements, other than the provider 87165
agreement for the nursing facility that is the subject of the 87166
involuntary termination, voluntary withdrawal of participation, 87167
facility closure, or change of operator; 87168

(2) During the twelve-month period preceding either the 87169
effective date of the involuntary termination or the month in 87170
which the department receives the notice of the voluntary 87171
withdrawal of participation or facility closure under section 87172
5165.50 of the Revised Code or the notice of the change of 87173
operator under section 5165.51 of the Revised Code, the average 87174
monthly medicaid payment made to the exiting operator or 87175
affiliated operator pursuant to the exiting operator's or 87176
affiliated operator's one or more provider agreements, other than 87177
the provider agreement for the nursing facility that is the 87178
subject of the involuntary termination, voluntary withdrawal of 87179
participation, facility closure, or change of operator, must equal 87180
at least ninety per cent of the sum of the following: 87181

(a) The average monthly medicaid payment made to the exiting 87182
operator pursuant to the exiting operator's provider agreement for 87183
the nursing facility that is the subject of the involuntary 87184
termination, voluntary withdrawal of participation, facility 87185
closure, or change of operator; 87186

(b) Whichever of the following apply: 87187

(i) If the exiting operator or affiliated operator has 87188
assumed liability under one or more other successor liability 87189
agreements, the total amount for which the exiting operator or 87190
affiliated operator has assumed liability under the other 87191
successor liability agreements; 87192

(ii) If the exiting operator or affiliated operator has not assumed liability under any other successor liability agreements, zero.

(F) A successor liability agreement executed under this section must comply with all of the following:

(1) It must provide for the operator who executes the successor liability agreement to assume liability for either of the following as specified in the agreement:

(a) The total, actual amount of debt the exiting operator owes the department ~~and the United States centers for medicare and medicaid services~~ under the medicaid program as determined under section 5165.525 of the Revised Code;

(b) The portion of the amount specified in division (F)(1)(a) of this section that represents the franchise permit fee the exiting operator owes.

(2) It may not require the operator who executes the successor liability agreement to furnish a surety bond.

(3) It must provide that the department, after determining under section 5165.525 of the Revised Code the actual amount of debt the exiting operator owes the department ~~and United States centers for medicare and medicaid services~~ under the medicaid program, may deduct the lesser of the following from medicaid payments made to the operator who executes the successor liability agreement:

(a) The total, actual amount of debt the exiting operator owes the department ~~and the United States centers for medicare and medicaid services~~ under the medicaid program as determined under section 5165.525 of the Revised Code;

(b) The amount for which the operator who executes the successor liability agreement assumes liability under the

agreement. 87223

(4) It must provide that the deductions authorized by 87224
division (F)(3) of this section are to be made for a number of 87225
months, not to exceed six, agreed to by the operator who executes 87226
the successor liability agreement and the department or, if the 87227
operator who executes the successor liability agreement and 87228
department cannot agree on a number of months that is less than 87229
six, a greater number of months determined by the attorney general 87230
pursuant to a claims collection process authorized by statute of 87231
this state. 87232

(5) It must provide that, if the attorney general determines 87233
the number of months for which the deductions authorized by 87234
division (F)(3) of this section are to be made, the operator who 87235
executes the successor liability agreement shall pay, in addition 87236
to the amount collected pursuant to the attorney general's claims 87237
collection process, the part of the amount so collected that, if 87238
not for division (H) of this section, would be required by section 87239
109.081 of the Revised Code to be paid into the attorney general 87240
claims fund. 87241

(G) Execution of a successor liability agreement does not 87242
waive an exiting operator's right to contest the amount specified 87243
in the notice the department provides the exiting operator under 87244
division (C) of section 5165.52 of the Revised Code. 87245

(H) Notwithstanding section 109.081 of the Revised Code, the 87246
entire amount that the attorney general, whether by employees or 87247
agents of the attorney general or by special counsel appointed 87248
pursuant to section 109.08 of the Revised Code, collects under a 87249
successor liability agreement, other than the additional amount 87250
the operator who executes the agreement is required by division 87251
(F)(5) of this section to pay, shall be paid to the department of 87252
medicaid for deposit into the appropriate fund. The additional 87253
amount that the operator is required to pay shall be paid into the 87254

state treasury to the credit of the attorney general claims fund 87255
created under section 109.081 of the Revised Code. 87256

Sec. 5165.525. The department of medicaid shall determine the 87257
actual amount of debt an exiting operator owes the department ~~and~~ 87258
~~the United States centers for medicare and medicaid services~~ under 87259
the medicaid program by completing all final fiscal audits not 87260
already completed and performing all other appropriate actions the 87261
department determines to be necessary. The department shall issue 87262
an initial debt summary report on this matter not later than sixty 87263
days after the date the exiting operator files the properly 87264
completed cost report required by section 5165.522 of the Revised 87265
Code with the department or, if the department waives the cost 87266
report requirement for the exiting operator, sixty days after the 87267
date the department waives the cost report requirement. ~~The~~ 87268
~~initial debt summary report becomes the~~ A final debt summary 87269
report shall be issued thirty-one days after the department issues 87270
the initial debt summary report unless the exiting operator, or an 87271
affiliated operator who executes a successor liability agreement 87272
under section 5165.521 of the Revised Code, requests a review 87273
before that date. 87274

The exiting operator, and an affiliated operator who executes 87275
a successor liability agreement under section 5165.521 of the 87276
Revised Code, may request a review to contest any of the 87277
department's findings included in the initial debt summary report. 87278
The request for the review must be submitted to the department not 87279
later than thirty days after the date the department issues the 87280
initial debt summary report. The department shall conduct the 87281
review on receipt of a timely request and issue a revised debt 87282
summary report. If the department has withheld money from payment 87283
due the exiting operator under division (A) of section 5165.521 of 87284
the Revised Code, the department shall issue the revised debt 87285
summary report not later than ninety days after the date the 87286

department receives the timely request for the review unless the 87287
department and exiting operator or affiliated operator agree to a 87288
later date. The exiting operator or affiliated operator may submit 87289
information to the department explaining what the operator 87290
contests before and during the review, including documentation of 87291
the amount of any debt the department owes the operator. The 87292
exiting operator or affiliated operator may submit additional 87293
information to the department not later than thirty days after the 87294
department issues the revised debt summary report. ~~The revised~~ 87295
~~debt summary report becomes the~~ A final debt summary report shall 87296
be issued thirty-one days after the department issues the revised 87297
debt summary report unless the exiting operator or affiliated 87298
operator timely submits additional information to the department. 87299
If the exiting operator or affiliated operator timely submits 87300
additional information to the department, the department shall 87301
consider the additional information and issue a final debt summary 87302
report not later than sixty days after the department issues the 87303
revised debt summary report unless the department and exiting 87304
operator or affiliated operator agree to a later date. 87305

Each debt summary report the department issues under this 87306
section shall include the department's findings and the amount of 87307
debt the department determines the exiting operator owes the 87308
department ~~and United States centers for medicare and medicaid~~ 87309
~~services~~ under the medicaid program. The department shall explain 87310
its findings and determination in each debt summary report. 87311

The exiting operator, and an affiliated operator who executes 87312
a successor liability agreement under section 5165.521 of the 87313
Revised Code, may request, in accordance with Chapter 119. of the 87314
Revised Code, an adjudication regarding a finding in a final debt 87315
summary report that pertains to an audit or alleged overpayment 87316
made under the medicaid program to the exiting operator. The 87317
adjudication shall be consolidated with any other uncompleted 87318

adjudication that concerns a matter addressed in the final debt summary report. 87319
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Sec. 5165.526. The department of medicaid shall release the actual amount withheld under division (A) of section 5165.521 of the Revised Code, less any amount the exiting operator owes the department ~~and United States centers for medicare and medicaid services~~ under the medicaid program, as follows: 87321
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(A) Unless the department issues the initial debt summary report required by section 5165.525 of the Revised Code not later than sixty days after the date the exiting operator files the properly completed cost report required by section 5165.522 of the Revised Code, sixty-one days after the date the exiting operator files the properly completed cost report; 87326
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(B) If the department issues the initial debt summary report required by section 5165.525 of the Revised Code not later than sixty days after the date the exiting operator files a properly completed cost report required by section 5165.522 of the Revised Code, not later than the following: 87332
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(1) Thirty days after the deadline for requesting an adjudication under section 5165.525 of the Revised Code regarding the final debt summary report if the exiting operator, and an affiliated operator who executes a successor liability agreement under section 5165.521 of the Revised Code, fail to request the adjudication on or before the deadline; 87337
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(2) Thirty days after the completion of an adjudication of the final debt summary report if the exiting operator, or an affiliated operator who executes a successor liability agreement under section 5165.521 of the Revised Code, requests the adjudication on or before the deadline for requesting the adjudication. 87343
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(C) Unless the department issues the initial debt summary report required by section 5165.525 of the Revised Code not later than sixty days after the date the department waives the cost report requirement of section 5165.522 of the Revised Code, sixty-one days after the date the department waives the cost report requirement;

(D) If the department issues the initial debt summary report required by section 5165.525 of the Revised Code not later than sixty days after the date the department waives the cost report requirement of section 5165.522 of the Revised Code, not later than the following:

(1) Thirty days after the deadline for requesting an adjudication under section 5165.525 of the Revised Code regarding the final debt summary report if the exiting operator, and an affiliated operator who executes a successor liability agreement under section 5165.521 of the Revised Code, fail to request the adjudication on or before the deadline;

(2) Thirty days after the completion of an adjudication of the final debt summary report if the exiting operator, or an affiliated operator who executes a successor liability agreement under section 5165.521 of the Revised Code, requests the adjudication on or before the deadline for requesting the adjudication.

Sec. 5165.528. (A) All amounts withheld under section 5165.521 of the Revised Code from payment due an exiting operator under the medicaid program shall be deposited into the medicaid payment withholding fund created by the controlling board pursuant to section 131.35 of the Revised Code. Money in the fund shall be used as follows:

(1) To pay an exiting operator when a withholding is released to the exiting operator under section 5165.526 or 5165.527 of the

Revised Code; 87380

(2) To pay the department of medicaid ~~and United States~~ 87381
~~centers for medicare and medicaid services~~ the amount an exiting 87382
operator owes the department ~~and United States centers~~ under the 87383
medicaid program. 87384

(B) Amounts paid from the medicaid payment withholding fund 87385
pursuant to division (A)(2) of this section shall be deposited 87386
into the appropriate department fund. 87387

Sec. 5165.771. (A) As used in this section: 87388

(1) ~~"SFF list" means the list of nursing facilities that the~~ 87389
~~United States department of health and human services creates~~ 87390
~~under the special focus facility program.~~ 87391

~~(2) "Special focus facility program" means the program~~ 87392
conducted by the United States secretary of health and human 87393
services pursuant to the "Social Security Act," section 87394
1919(f)(10), 42 U.S.C. 1396r(f)(10). 87395

~~(3) "Table A" means the table included in the SFF list that~~ 87396
~~identifies nursing facilities that are newly added to the SFF~~ 87397
~~list.~~ 87398

~~(4) "Table B" means the table included in the SFF list that~~ 87399
~~identifies nursing facilities that have not improved.~~ 87400

~~(5) "Table C" means the table included in the SFF list that~~ 87401
~~identifies nursing facilities that have shown improvement.~~ 87402

~~(6) "Table D" means the table included in the SFF list that~~ 87403
~~identifies nursing facilities that have recently graduated from~~ 87404

(2) "Standard health surveys" mean the comprehensive on-site 87405
inspections conducted by the department of health on behalf of the 87406
United States centers for medicare and medicaid services every six 87407
months to evaluate the safety and quality of care provided by a 87408
nursing facility as required under the special focus facility 87409

program. 87410

(B) The department of medicaid shall issue an order 87411
terminating a nursing facility's participation in the medicaid 87412
program if ~~any~~ either of the following apply: 87413

(1) ~~The nursing facility is placed in table A or table B and~~ 87414
~~fails to be placed in table C not later than twelve months after~~ 87415
~~the facility is placed in table A or table B.~~ 87416

(2) ~~The nursing facility is placed in table A, table B, or~~ 87417
~~table C and fails to be placed in table D not later than~~ 87418
~~twenty four months after the facility is placed in table A, table~~ 87419
~~B, or table C.~~ 87420

(3) ~~The nursing facility is placed in table A and fails to be~~ 87421
~~placed in table C not later than twelve months after the nursing~~ 87422
~~facility is placed in table A~~ graduate from the special focus 87423
facility program after two standard health surveys while in the 87424
program. 87425

(4)(2) ~~The nursing facility is placed in table A and fails to~~ 87426
~~be placed in table D not later than twenty four months after the~~ 87427
~~nursing facility is placed in table A~~ terminated from 87428
participation in the medicare or medicaid program by the United 87429
States centers for medicare and medicaid services or voluntarily 87430
chooses not to continue participation in either of those programs. 87431

(C) ~~A~~ Except as provided division (C)(1) or (2) of this 87432
section, a nursing facility may appeal, under Chapter 119. of the 87433
Revised Code, ~~the length of time the facility is listed in a table~~ 87434
~~as described~~ a termination order issued by the department under 87435
division (B) of this section. ~~The~~ 87436

(1) A nursing facility shall not appeal to the department of 87437
medicaid any standard health survey findings that form the basis, 87438
in whole or in part, for an order issued pursuant to division (B) 87439
of this section terminating a nursing facility's participation in 87440

the medicaid program. Any challenges to standard health survey findings shall be made to the department of health. 87441
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(2) A nursing facility shall not appeal to the department of medicaid a determination by the United States centers for medicare and medicaid services to terminate a nursing facility's participation in the medicare or medicaid program. Any challenge to such a determination shall be made to the centers for medicare and medicaid services. 87443
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(3) The medicaid director shall adopt rules under section 5165.02 of the Revised Code as necessary to provide for an appeal under this division. Notwithstanding the timeframes listed in section 119.07 of the Revised Code, the rules may provide for an expedited appeal under this division. 87449
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(D) A nursing facility shall take all steps necessary to improve its quality of care to avoid having its participation in the medicaid program terminated pursuant to division (B) of this section. Technical assistance and quality improvement initiatives to help a nursing facility avoid having its participation in the medicaid program terminated pursuant to division (B) of this section are available through the nursing home quality initiative established under section 173.60 of the Revised Code or initiatives offered through a quality improvement organization under contract with the United States secretary of health and human services to carry out in this state the functions described in section 1154 of the "Social Security Act," 42 U.S.C. 1320c-3. 87454
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Sec. 5165.87. (A) Except as provided in division (B) of this section, the following remedies are subject to appeal under Chapter 119. of the Revised Code: 87466
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(1) An order issued under section 5165.71, 5165.72, 5165.77, or 5165.85 of the Revised Code terminating a nursing facility's participation in the medicaid program; 87469
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(2) Appointment of a temporary manager of a facility under 87472
division (A)(1)(b) or (2)(b) of section 5165.72, or division 87473
(A)(1)(d) of section 5165.77 of the Revised Code; 87474

(3) An order issued under section 5165.72, 5165.73, 5165.74, 87475
5165.77, or 5165.84 of the Revised Code denying medicaid payments 87476
to a facility for all medicaid eligible residents admitted after 87477
the effective date of the order; 87478

(4) An order issued under section 5165.72, 5165.73, or 87479
5165.74 of the Revised Code denying medicaid payments to a 87480
facility for medicaid eligible residents admitted after the 87481
effective date of the order who have certain diagnoses or special 87482
care needs specified by the department or agency; 87483

(5) A fine imposed under section 5165.72, 5165.73, or 5165.74 87484
of the Revised Code. 87485

(B) The department of medicaid or contracting agency may do 87486
any of the following prior to or during the pendency of any 87487
proceeding under Chapter 119. of the Revised Code: 87488

(1) Issue and execute an order under section 5165.72, 87489
5165.77, or 5165.85 of the Revised Code terminating a nursing 87490
facility's participation in the medicaid program; 87491

(2) Appoint a temporary manager under division (A)(1)(b) or 87492
(2)(b) of section 5165.72 or division (A)(1)(d) of section 5165.77 87493
of the Revised Code; 87494

(3) Issue and execute an order under section 5165.72, 87495
5165.73, 5165.77, or 5165.84 of the Revised Code denying medicaid 87496
payments to a facility for all medicaid eligible residents 87497
admitted after the effective date of the order; 87498

(4) Issue and execute an order under section 5165.72 or 87499
5165.73 or division (A), (B), or (C) of section 5165.74 of the 87500
Revised Code denying medicaid payments to a facility for medicaid 87501

eligible residents admitted after the effective date of the order 87502
who have specified diagnoses or special care needs. 87503

(C) Whenever the department or agency imposes a remedy listed 87504
in division (B) of this section prior to or during the pendency of 87505
a proceeding, all of the following apply: 87506

(1) The provider against whom the action is taken shall have 87507
ten days after the date the facility actually ~~receives the notice~~ 87508
specified is served in ~~section~~ accordance with sections 119.05 and 87509
119.07 of the Revised Code to request a hearing. 87510

(2) The hearing shall commence within thirty days after the 87511
date the department or agency receives the provider's request for 87512
a hearing. 87513

(3) The hearing shall continue uninterrupted from day to day, 87514
except for Saturdays, Sundays, and legal holidays, unless other 87515
interruptions are agreed to by the provider and the department or 87516
agency. 87517

(4) If the hearing is conducted by a hearing examiner, the 87518
hearing examiner shall file a report and recommendations within 87519
ten days after the close of the hearing. 87520

(5) The provider shall have five days after the date the 87521
hearing officer files the report and recommendations within which 87522
to file objections to the report and recommendations. 87523

(6) Not later than fifteen days after the date the hearing 87524
officer files the report and recommendations, the medicaid 87525
director or the director of the contracting agency shall issue an 87526
order approving, modifying, or disapproving the report and 87527
recommendations of the hearing examiner. 87528

(D) If the department or agency imposes more than one remedy 87529
as the result of deficiencies cited in a single survey, the 87530
proceedings for all of the remedies shall be consolidated. If any 87531

of the remedies are imposed during the pendency of a hearing, as 87532
permitted by division (B) of this section, the consolidated 87533
hearing shall be conducted in accordance with division (C) of this 87534
section. The consolidation of the remedies for purposes of a 87535
hearing does not affect the effective dates prescribed in sections 87536
5165.60 to 2165.85 of the Revised Code. 87537

(E) If a contracting agency conducts administrative 87538
proceedings pertaining to remedies imposed under sections 5165.60 87539
to 5165.89 of the Revised Code, the department of medicaid shall 87540
not be considered a party to the proceedings. 87541

Sec. 5166.01. As used in this chapter: 87542

"209(b) option" means the option described in section 1902(f) 87543
of the "Social Security Act," 42 U.S.C. 1396a(f), under which the 87544
medicaid program's eligibility requirements for aged, blind, and 87545
disabled individuals are more restrictive than the eligibility 87546
requirements for the supplemental security income program. 87547

"Administrative agency" means, with respect to a home and 87548
community-based services medicaid waiver component, the department 87549
of medicaid or, if a state agency or political subdivision 87550
contracts with the department under section 5162.35 of the Revised 87551
Code to administer the component, that state agency or political 87552
subdivision. 87553

"Care management system" has the same meaning as in section 87554
5167.01 of the Revised Code. 87555

"Dual eligible individual" has the same meaning as in section 87556
5160.01 of the Revised Code. 87557

"Enrollee" has the same meaning as in section 5167.01 of the 87558
Revised Code. 87559

"Expansion eligibility group" has the same meaning as in 87560
section 5163.01 of the Revised Code. 87561

"Federal poverty line" has the same meaning as in section 87562
5162.01 of the Revised Code. 87563

"Home and community-based services medicaid waiver component" 87564
means a medicaid waiver component under which home and 87565
community-based services are provided as an alternative to 87566
hospital services, nursing facility services, or ICF/IID services. 87567

"Hospital" has the same meaning as in section 3727.01 of the 87568
Revised Code. 87569

"Hospital long-term care unit" has the same meaning as in 87570
section 5168.40 of the Revised Code. 87571

"ICDS participant" has the same meaning as in section 5164.01 87572
of the Revised Code. 87573

"ICF/IID" and "ICF/IID services" have the same meanings as in 87574
section 5124.01 of the Revised Code. 87575

"Integrated care delivery system" and "ICDS" have the same 87576
meanings as in section 5164.01 of the Revised Code. 87577

"Level of care determination" means a determination of 87578
whether an individual needs the level of care provided by a 87579
hospital, nursing facility, or ICF/IID and whether the individual, 87580
if determined to need that level of care, would receive hospital 87581
services, nursing facility services, or ICF/IID services if not 87582
for a home and community-based services medicaid waiver component. 87583

"Medicaid buy-in for workers with disabilities program" has 87584
the same meaning as in section 5163.01 of the Revised Code. 87585

"Medicaid MCO plan" has the same meaning as in section 87586
5167.01 of the Revised Code. 87587

"Medicaid provider" has the same meaning as in section 87588
5164.01 of the Revised Code. 87589

"Medicaid services" has the same meaning as in section 87590
5164.01 of the Revised Code. 87591

"Medicaid waiver component" means a component of the medicaid program authorized by a waiver granted by the United States department of health and human services under section 1115 or 1915 of the "Social Security Act," 42 U.S.C. 1315 or 1396n. "Medicaid waiver component" does not include the care management system or services delivered under a prepaid inpatient health plan, as defined in 42 C.F.R. 438.2.

"Medically fragile child" means an individual who is under eighteen years of age, has intensive health care needs, and is considered blind or disabled under section 1614(a)(2) or (3) of the "Social Security Act," 42 U.S.C. 1382c(a)(2) or (3).

"Nursing facility" and "nursing facility services" have the same meanings as in section 5165.01 of the Revised Code.

"Ohio home care waiver program" means the home and community-based services medicaid waiver component that is known as Ohio home care and was created pursuant to section 5166.11 of the Revised Code.

"Provider agreement" has the same meaning as in section 5164.01 of the Revised Code.

"Residential treatment facility" means a residential facility licensed by the department of mental health and addiction services under section 5119.34 of the Revised Code, or an institution certified by the department of job and family services under section 5103.03 of the Revised Code, that serves children and either has more than sixteen beds or is part of a campus of multiple facilities or institutions that, combined, have a total of more than sixteen beds.

"Skilled nursing facility" has the same meaning as in section 5165.01 of the Revised Code.

~~"Unified long term services and support medicaid waiver component" means the medicaid waiver component authorized by~~

~~section 5166.14 of the Revised Code.~~ 87623

Sec. 5166.02. (A) The medicaid director shall adopt rules in 87624
accordance with Chapter 119. of the Revised Code governing 87625
medicaid waiver components. The rules may establish all of the 87626
following: 87627

(1) Eligibility requirements for the medicaid waiver 87628
components; 87629

(2) The type, amount, duration, and scope of medicaid 87630
services the medicaid waiver components cover; 87631

(3) The conditions under which the medicaid waiver components 87632
cover medicaid services; 87633

(4) The amounts the medicaid waiver components pay for 87634
medicaid services or the methods by which the amounts are 87635
determined; 87636

(5) The manners in which the medicaid waiver components pay 87637
for medicaid services; 87638

(6) Safeguards for the health and welfare of medicaid 87639
recipients receiving medicaid services under a medicaid waiver 87640
component; 87641

(7) Procedures for prioritizing and approving for enrollment 87642
individuals who are eligible for a home and community-based 87643
services medicaid waiver component and choose to be enrolled in 87644
the component; 87645

(8) Procedures for enforcing the rules, including 87646
establishing corrective action plans for, and imposing financial 87647
and administrative sanctions on, persons and government entities 87648
that violate the rules. Sanctions shall include terminating 87649
provider agreements. The procedures shall include due process 87650
protections. 87651

(9) Other policies necessary for the efficient administration of the medicaid waiver components. 87652
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(B) The director may adopt different rules for the different medicaid waiver components. The rules shall be consistent with the terms of the waiver authorizing the medicaid waiver component. 87654
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(C) The following apply to procedures established under division (A)(7) of this section: 87657
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(1) Any such procedures established for the medicaid-funded component of the PASSPORT program shall be consistent with section 173.521 of the Revised Code. 87659
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(2) Any such procedures established for the medicaid-funded component of the assisted living program shall be consistent with section 173.542 of the Revised Code. 87662
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(3) Any such procedures established for the Ohio home care waiver program shall be consistent with section 5166.121 of the Revised Code. 87665
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~~(4) Any such procedures established for the unified long term services and support medicaid waiver program shall be consistent with section 5166.141 of the Revised Code.~~ 87668
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Sec. 5166.16. (A) As used in this section and section 5166.161 of the Revised Code, "ODA or MCD medicaid waiver component" means all of the following: 87671
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(1) The medicaid-funded component of the PASSPORT program, ~~unless it is terminated pursuant to division (C) of section 173.52 of the Revised Code;~~ 87674
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(2) The medicaid-funded component of the assisted living program, ~~unless it is terminated pursuant to division (C) of section 173.54 of the Revised Code;~~ 87677
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(3) The Ohio home care waiver program, ~~unless it is~~ 87680

~~terminated pursuant to section 5166.12 of the Revised Code.~~ 87681

(B) The medicaid director may create a home and 87682
community-based services medicaid waiver component as part of the 87683
integrated care delivery system. If the ICDS medicaid waiver 87684
component is created, both of the following apply: 87685

(1) The department of medicaid shall administer it; 87686

(2) When it begins to accept enrollments, no ICDS participant 87687
who is eligible for the ICDS medicaid waiver component shall be 87688
enrolled in an ODA or MCD medicaid waiver component regardless of 87689
whether the participant prefers to remain or be enrolled in an ODA 87690
or MCD medicaid waiver component. 87691

(C) A dual eligible individual who is eligible for an ODA or 87692
MCD medicaid waiver component may enroll in the component before 87693
the individual becomes an ICDS participant. The dual eligible 87694
individual shall disenroll from the ODA or MCD medicaid waiver 87695
component and enroll in the ICDS medicaid waiver component once 87696
the individual becomes an ICDS participant and it is possible to 87697
enroll the individual in the ICDS medicaid waiver component. The 87698
disenrollment from the ODA or MCD medicaid waiver component and 87699
enrollment into the ICDS medicaid waiver component shall occur 87700
regardless of whether the individual prefers to remain enrolled in 87701
the ODA or MCD medicaid waiver component. 87702

(D) An ICDS participant's disenrollment from an ODA or MCD 87703
medicaid waiver component and enrollment in the ICDS medicaid 87704
waiver component resulting from division (B)(2) or (C) of this 87705
section shall be accomplished without a disruption in the 87706
participant's services under the components. 87707

Sec. 5166.30. (A) As used in sections 5166.30 to 5166.3010 of 87708
the Revised Code: 87709

(1) "Adult" means an individual at least eighteen years of 87710

age. 87711

(2) "Appropriate director" means the following: 87712

(a) The medicaid director in the context of both of the 87713
following: 87714

(i) The Ohio home care waiver program, ~~unless it is~~ 87715
~~terminated pursuant to section 5166.12 of the Revised Code;~~ 87716

(ii) The integrated care delivery system medicaid waiver 87717
component authorized by section 5166.16 of the Revised Code. 87718

(b) The director of aging in the context of the 87719
medicaid-funded component of the PASSPORT program, ~~unless it is~~ 87720
~~terminated pursuant to division (C) of section 173.52 of the~~ 87721
~~Revised Code.~~ 87722

(3) "Authorized representative" means the following: 87723

(a) In the case of a consumer who is a minor, the consumer's 87724
parent, custodian, or guardian; 87725

(b) In the case of a consumer who is an adult, an individual 87726
selected by the consumer pursuant to section 5166.3010 of the 87727
Revised Code to act on the consumer's behalf for purposes 87728
regarding home care attendant services. 87729

(4) "Authorizing health care professional" means a health 87730
care professional who, pursuant to section 5166.307 of the Revised 87731
Code, authorizes a home care attendant to assist a consumer with 87732
self-administration of medication, nursing tasks, or both. 87733

(5) "Consumer" means an individual to whom all of the 87734
following apply: 87735

(a) The individual is enrolled in a participating medicaid 87736
waiver component. 87737

(b) The individual has a medically determinable physical 87738
impairment to which both of the following apply: 87739

- (i) It is expected to last for a continuous period of not less than twelve months. 87740
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- (ii) It causes the individual to require assistance with activities of daily living, self-care, and mobility, including either assistance with self-administration of medication or the performance of nursing tasks, or both. 87742
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- (c) In the case of an individual who is an adult, the individual is mentally alert and is, or has an authorized representative who is, capable of selecting, directing the actions of, and dismissing a home care attendant. 87746
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- (d) In the case of an individual who is a minor, the individual has an authorized representative who is capable of selecting, directing the actions of, and dismissing a home care attendant. 87750
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- (6) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code. 87754
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- (7) "Custodian" has the same meaning as in section 2151.011 of the Revised Code. 87756
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- (8) "Gastrostomy tube" means a percutaneously inserted catheter that terminates in the stomach. 87758
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- (9) "Guardian" has the same meaning as in section 2111.01 of the Revised Code. 87760
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- (10) "Health care professional" means a physician or registered nurse. 87762
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- (11) "Home care attendant" means an individual holding a valid provider agreement in accordance with section 5166.301 of the Revised Code that authorizes the individual to provide home care attendant services to consumers. 87764
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- (12) "Home care attendant services" means all of the following as provided by a home care attendant: 87768
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(a) Personal care aide services;	87770
(b) Assistance with the self-administration of medication;	87771
(c) Assistance with nursing tasks.	87772
(13) "Jejunostomy tube" means a percutaneously inserted catheter that terminates in the jejunum.	87773 87774
(14) "Medication" means a drug as defined in section 4729.01 of the Revised Code.	87775 87776
(15) "Minor" means an individual under eighteen years of age.	87777
(16) "Participating medicaid waiver component" means all of the following:	87778 87779
(a) The medicaid-funded component of the PASSPORT program, unless it is terminated pursuant to division (C) of section 173.52 of the Revised Code;	87780 87781 87782
(b) The Ohio home care waiver program, unless it is terminated pursuant to section 5166.12 of the Revised Code;	87783 87784
(c) The integrated care delivery system medicaid waiver component authorized by section 5166.16 of the Revised Code.	87785 87786
(17) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.	87787 87788 87789
(18) "Practice of nursing as a registered nurse," "practice of nursing as a licensed practical nurse," and "registered nurse" have the same meanings as in section 4723.01 of the Revised Code. "Registered nurse" includes an advanced practice registered nurse, as defined in section 4723.01 of the Revised Code.	87790 87791 87792 87793 87794
(19) "Schedule II," "schedule III," "schedule IV," and "schedule V" have the same meanings as in section 3719.01 of the Revised Code.	87795 87796 87797
(B) Participating medicaid waiver components may cover home	87798

care attendant services in accordance with sections 5166.30 to 87799
5166.3010 of the Revised Code and rules adopted under section 87800
5166.02 of the Revised Code. 87801

Sec. 5166.32. If the department of medicaid terminates the 87802
209(b) option, the department shall establish a medicaid waiver 87803
component under which an individual who has cystic fibrosis and is 87804
enrolled in the program for ~~medically handicapped~~ children and 87805
youth with special health care needs administered by the 87806
department of health under section 3701.023 of the Revised Code or 87807
the program the department of health administers pursuant to 87808
division (G) of that section may qualify for medicaid under the 87809
same type of spenddown process that is part of the 209(b) option. 87810

Sec. 5166.45. (A) As used in this section, "medical 87811
assistance program" and "refugee medical assistance program" have 87812
the same meanings as in section 5160.01 of the Revised Code. 87813

(B) The medicaid director shall establish a medicaid waiver 87814
component to provide continuous medicaid enrollment for children 87815
from birth through three years of age. A child who is determined 87816
eligible for medical assistance under Title XIX of the "Social 87817
Security Act" or child health assistance under Title XXI of the 87818
"Social Security Act" shall remain eligible for those benefits 87819
until the earlier of: 87820

(1) The end of a period, not to exceed forty-eight months, 87821
following the determination; 87822

(2) The date when the individual exceeds four years of age. 87823

(C) The waiver component described in division (B) of this 87824
section does not apply to a child who is eligible for a medical 87825
assistance program on the basis of being any of the following: 87826

(1) Deemed presumptively eligible for medicaid pursuant to 87827
section 5163.101 of the Revised Code; 87828

(2) Eligible for alien emergency medical assistance, as specified in section 1903(v)(2) of the "Social Security Act," 42 U.S.C. 1396b(v)(2); 87829
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(3) Eligible for the refugee medical assistance program administered pursuant to section 5160.50 of the Revised Code. 87832
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Sec. 5167.12. If prescribed drugs are included in the care management system: 87834
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(A) Medicaid MCO plans may include strategies for the management of drug utilization, but any such strategies are subject to the limitations and requirements of this section and the approval of the department of medicaid. 87836
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(B) A medicaid MCO plan shall not impose a prior authorization requirement in the case of a drug to which all of the following apply: 87840
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(1) The drug is an antidepressant or antipsychotic. 87843

(2) The drug is administered or dispensed in a standard tablet or capsule form, except that in the case of an antipsychotic, the drug also may be administered or dispensed in a long-acting injectable form. 87844
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(3) The drug is prescribed by any of the following: 87848

(a) A physician ~~whom the medicaid managed care organization that offers the plan allows to provide care as a psychiatrist through its credentialing process~~ who has registered the physician's psychiatric specialty with the department; 87849
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(b) A psychiatrist who is practicing at a location on behalf of a community mental health services provider whose mental health services are certified by the department of mental health and addiction services under section 5119.36 of the Revised Code; 87853
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(c) A certified nurse practitioner, as defined in section 87857

4723.01 of the Revised Code, who is certified in psychiatric 87858
mental health by a national certifying organization approved by 87859
the board of nursing under section 4723.46 of the Revised Code; 87860

(d) A clinical nurse specialist, as defined in section 87861
4723.01 of the Revised Code, who is certified in psychiatric 87862
mental health by a national certifying organization approved by 87863
the board of nursing under section 4723.46 of the Revised Code. 87864

(4) The drug is prescribed for a use that is indicated on the 87865
drug's labeling, as approved by the federal food and drug 87866
administration. 87867

(C) The department shall authorize a medicaid MCO plan to 87868
include a pharmacy utilization management program under which 87869
prior authorization through the program is established as a 87870
condition of obtaining a controlled substance pursuant to a 87871
prescription. 87872

(D) Each medicaid managed care organization and medicaid MCO 87873
plan shall comply with sections 5164.091, 5164.10, 5164.7511, 87874
5164.7512, and 5164.7514 of the Revised Code as if the 87875
organization were the department and the plan were the medicaid 87876
program. 87877

Sec. 5168.02. (A) The medicaid director shall adopt rules in 87878
accordance with Chapter 119. of the Revised Code for the purpose 87879
of administering sections 5168.01 to 5168.14 of the Revised Code, 87880
including rules that do all of the following: 87881

(1) Define as a "disproportionate share hospital" any 87882
hospital included under the "Social Security Act," section 87883
1923(b), 42 U.S.C. 1396r-4(b), and any other hospital the director 87884
determines appropriate; 87885

(2) Prescribe the form for submission of cost reports under 87886
section 5168.05 of the Revised Code; 87887

(3) Establish, in accordance with division (A) of section 5168.06 of the Revised Code, the assessment rate or rates to be applied to hospitals under that section;

(4) Establish schedules for hospitals to pay installments on their assessments under section 5168.06 of the Revised Code and for governmental hospitals to pay installments on their intergovernmental transfers under section 5168.07 of the Revised Code;

(5) Establish procedures to notify hospitals of adjustments made under division (B)(2)(b) of section 5168.06 of the Revised Code in the amount of installments on their assessment;

(6) Establish procedures to notify hospitals of adjustments made under division (D) of section 5168.08 of the Revised Code in the total amount of their assessment and to adjust for the remainder of the program year the amount of the installments on the assessments;

(7) Establish, in accordance with section 5168.09 of the Revised Code, the methodology for paying hospitals under that section.

The director shall consult with hospitals when adopting the rules required by divisions (A)(4) and (5) of this section in order to minimize hospitals' cash flow difficulties.

(B) Rules adopted under this section may provide that "total facility costs" excludes costs associated with any of the following:

(1) Medicaid recipients;

(2) Recipients of the program for ~~medically handicapped~~ children and youth with special health care needs established under section 3701.023 of the Revised Code;

(3) Medicare beneficiaries;

(4) Recipients of Title V of the "Social Security Act," 42 U.S.C. 701 et seq.; 87918
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(5) Any other category of costs deemed appropriate by the director in accordance with Title XIX of the "Social Security Act," 42 U.S.C. 1396 et seq., and the rules adopted under that title. 87920
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Sec. 5168.14. (A) Each hospital that receives funds 87924
distributed under sections 5168.01 to 5168.14 of the Revised Code 87925
shall provide, without charge to the individual, basic, medically 87926
necessary hospital-level services to individuals who are residents 87927
of this state, are not medicaid recipients, and whose income is at 87928
or below the federal poverty line. The medicaid director shall 87929
adopt rules under section 5168.02 of the Revised Code specifying 87930
the hospital services to be provided under this section. 87931

(B) Nothing in this section shall be construed to prevent a 87932
hospital from requiring an individual to apply for the medicaid 87933
program before the hospital processes an application under this 87934
section. Hospitals may bill any third-party payer for services 87935
rendered under this section. Hospitals may bill the medicaid 87936
program, in accordance with state statutes governing the medicaid 87937
program and rules adopted under those statutes, for medicaid 87938
services rendered under this section if the individual becomes a 87939
medicaid recipient. Hospitals may bill individuals for services 87940
under this section if all of the following apply: 87941

(1) The hospital has an established post-billing procedure 87942
for determining the individual's income and canceling the charges 87943
if the individual is found to qualify for services under this 87944
section. 87945

(2) The initial bill, and at least the first follow-up bill, 87946
is accompanied by a written statement that does all of the 87947
following: 87948

(a) Explains that individuals with income at or below the federal poverty line are eligible for services without charge; 87949
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(b) Specifies the federal poverty line for individuals and families of various sizes at the time the bill is sent; 87951
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(c) Describes the procedure required by division (C)(1) of this section. 87953
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(3) The hospital complies with any additional rules adopted under section 5168.02 of the Revised Code. 87955
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Notwithstanding division (B) of this section, a hospital providing care to an individual under this section is subrogated to the rights of any individual to receive compensation or benefits from any person or governmental entity for the hospital goods and services rendered. 87957
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(C) Each hospital shall collect and report to the department of medicaid, in the form and manner prescribed by the department, information on the number and identity of patients served pursuant to this section. 87962
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(D) This section applies beginning May 22, 1992, regardless of whether rules specifying the services to be provided have been adopted. Nothing in this section alters the scope or limits the obligation of any governmental entity or program, including the program awarding reparations to victims of crime under sections 2743.51 to 2743.72 of the Revised Code and the program for ~~medically handicapped~~ children and youth with special health care needs established under section 3701.023 of the Revised Code, to pay for hospital services in accordance with state or local law. 87966
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Sec. 5168.26. (A) The medicaid director shall adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement sections 5168.20 to 5168.28 of the Revised Code, including rules that specify the percentage of hospitals' total 87975
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facility costs to be used in calculating hospitals' assessments 87979
under section 5168.21 of the Revised Code. 87980

(B) The rules adopted under this section may do the 87981
following: 87982

(1) Provide that a hospital's total facility costs for the 87983
purpose of the assessment under section 5168.21 of the Revised 87984
Code exclude any of the following: 87985

(a) A hospital's costs associated with providing care to 87986
recipients of any of the following: 87987

(i) The medicaid program; 87988

(ii) The medicare program; 87989

(iii) The program for ~~medically handicapped~~ children and 87990
youth with special health care needs established under section 87991
3701.023 of the Revised Code; 87992

(iv) Services provided under the maternal and child health 87993
services block grant established under Title V of the "Social 87994
Security Act," 42 U.S.C. 701 et seq. 87995

(b) Any other category of hospital costs the director deems 87996
appropriate under federal law and regulations governing the 87997
medicaid program. 87998

(2) Subject to division (C) of this section, provide for the 87999
percentage of hospitals' total facility costs used in calculating 88000
hospitals' assessments to vary for different hospitals. 88001

(C) Before adopting rules authorized by division (B)(2) of 88002
this section that establish varied percentages to be used in 88003
calculating hospitals' assessments, the director shall obtain a 88004
waiver from the United States secretary of health and human 88005
services under the "Social Security Act," section 1903(w)(3)(E), 88006
42 U.S.C. 1396b(w)(3)(E), if the varied percentages would cause 88007

the assessments to not be imposed uniformly. 88008

Sec. 5301.90. (A) An environmental covenant may be amended or 88009
terminated by consent only if the amendment or termination is 88010
signed by all of the following: 88011

(1) The applicable agency; 88012

(2) Unless waived by that agency, the current owner of the 88013
fee simple of the real property that is subject to the 88014
environmental covenant; 88015

(3) Each person that originally signed the environmental 88016
covenant unless ~~the~~ one or more of the following apply: 88017

(a) The person waived in a signed record the right to consent 88018
~~or a~~ 88019

(b) A court finds that the person no longer exists or cannot 88020
be located or identified with the exercise of reasonable 88021
diligence; 88022

(c) The applicable agency finds that the signature of the 88023
person is not necessary. 88024

(4) Except as otherwise provided in division (D)(2) of this 88025
section, each holder. 88026

(B) If an interest in real property is subject to an 88027
environmental covenant, the interest is not affected by an 88028
amendment of the environmental covenant unless the current owner 88029
of the interest consents in writing to the amendment or has waived 88030
in a signed record the right to consent to amendments. 88031

(C) Except for an assignment undertaken pursuant to a 88032
governmental reorganization, assignment of an environmental 88033
covenant to a new holder is an amendment of the environmental 88034
covenant. 88035

(D) Except as otherwise provided in an environmental 88036

covenant, both of the following apply: 88037

(1) A holder may not assign its interest without consent of 88038
the other parties to the environmental covenant specified in 88039
division (A) of this section. 88040

(2) A holder may be removed and replaced by agreement of the 88041
other parties specified in division (A) of this section. 88042

(E) A court of competent jurisdiction may fill a vacancy in 88043
the position of holder. 88044

Sec. 5301.91. (A) A civil action for injunctive or other 88045
equitable relief for violation of an environmental covenant may be 88046
maintained by any of the following: 88047

(1) A party to the environmental covenant specified in 88048
division (A) of section 5301.90 of the Revised Code that is not 88049
otherwise specified in divisions (A)(2) to ~~(6)~~(7) of this section; 88050

(2) The environmental protection agency; 88051

(3) The applicable agency if it is other than the 88052
environmental protection agency; 88053

(4) Any person to whom the environmental covenant expressly 88054
grants the authority to maintain such an action; 88055

(5) A person whose interest in the real property or whose 88056
collateral or liability may be affected by the alleged violation 88057
of the environmental covenant; 88058

(6) A unit of local government in which the real property 88059
that is subject to the environmental covenant is located; 88060

(7) An original signatory of the environmental covenant who 88061
is no longer an owner of the real property that is subject to the 88062
environmental covenant in fee simple. 88063

(B) Sections 5301.80 to 5301.92 of the Revised Code do not 88064
limit the regulatory authority of the applicable agency or the 88065

environmental protection agency if it is not the applicable agency 88066
under any law other than sections 5301.80 to 5301.92 of the 88067
Revised Code with respect to an environmental response project. 88068

(C) A person is not responsible for or subject to liability 88069
for environmental remediation solely because it has the right to 88070
enforce an environmental covenant. 88071

Sec. 5301.94. (A) As used in this section, "right-to-list 88072
home sale agreement" has the same meaning as in section 4735.01 of 88073
the Revised Code. 88074

(B) A right-to-list home sale agreement executed, modified, 88075
or extended after the effective date of this section is void ab 88076
initio and unenforceable. 88077

(C) A right-to-list home sale agreement described in division 88078
(B) of this section is an unfair or deceptive act or practice in 88079
violation of section 1345.02 of the Revised Code. A residential 88080
real estate owner that enters into such a right-to-list home sale 88081
agreement has a cause of action against any other party to that 88082
agreement and is entitled to the same relief available to a 88083
consumer under section 1345.09 of the Revised Code. All powers and 88084
remedies available to the attorney general to enforce sections 88085
1345.01 to 1345.13 of the Revised Code are available to the 88086
attorney general to enforce this section. 88087

(D) No person shall present for recording, or cause to be 88088
presented for recording, by the county recorder in the official 88089
records under section 317.08 of the Revised Code a right-to-list 88090
home sale agreement described in division (B) of this section. 88091

(E) An owner of residential real estate for which a 88092
right-to-list home sale agreement is recorded in violation of 88093
division (D) of this section may petition the court of common 88094
pleas of the county in which the right-to-list home sale agreement 88095

is recorded to declare the agreement void ab initio and 88096
unenforceable. If the court determines that the agreement is a 88097
right-to-list home sale agreement, a certified copy of the court 88098
order, with a complete legal description of the parcel, declaring 88099
the agreement void ab initio and unenforceable shall be recorded 88100
in the office of the county recorder. The county recorder shall 88101
record the order and charge and collect from the person filing the 88102
order the fees prescribed in section 317.32 of the Revised Code 88103
for the recorder's services. If the court grants the order, the 88104
owner may recover actual damages, costs, and attorney's fees from 88105
the person that recorded, or caused to be recorded, the 88106
right-to-list home sale agreement. 88107

Sec. 5321.01. As used in this chapter: 88108

(A) "Tenant" means a person entitled under a rental agreement 88109
to the use and occupancy of residential premises to the exclusion 88110
of others. 88111

(B) "Landlord" means the owner, lessor, or sublessor of 88112
residential premises, the agent of the owner, lessor, or 88113
sublessor, or any person authorized by the owner, lessor, or 88114
sublessor to manage the premises or to receive rent from a tenant 88115
under a rental agreement. 88116

(C) "Residential premises" means a dwelling unit for 88117
residential use and occupancy and the structure of which it is a 88118
part, the facilities and appurtenances in it, and the grounds, 88119
areas, and facilities for the use of tenants generally or the use 88120
of which is promised the tenant. "Residential premises" includes a 88121
dwelling unit that is owned or operated by a college or 88122
university. "Residential premises" does not include any of the 88123
following: 88124

(1) Prisons, jails, workhouses, and other places of 88125
incarceration or correction, including, but not limited to, 88126

halfway houses or residential arrangements that are used or	88127
occupied as a requirement of a community control sanction, a	88128
post-release control sanction, or parole;	88129
(2) Hospitals and similar institutions with the primary	88130
purpose of providing medical services, and homes licensed pursuant	88131
to Chapter 3721. of the Revised Code;	88132
(3) Tourist homes, hotels, motels, recreational vehicle	88133
parks, recreation camps, combined park-camps, temporary	88134
park-camps, and other similar facilities where circumstances	88135
indicate a transient occupancy;	88136
(4) Elementary and secondary boarding schools, where the cost	88137
of room and board is included as part of the cost of tuition;	88138
(5) Orphanages and similar institutions;	88139
(6) Farm residences furnished in connection with the rental	88140
of land of a minimum of two acres for production of agricultural	88141
products by one or more of the occupants;	88142
(7) Dwelling units subject to sections 3733.41 to 3733.49	88143
<u>Chapter 3733.</u> of the Revised Code;	88144
(8) Occupancy by an owner of a condominium unit;	88145
(9) Occupancy in a facility licensed as an SRO facility	88146
pursuant to Chapter 3731. of the Revised Code, if the facility is	88147
owned or operated by an organization that is exempt from taxation	88148
under section 501(c)(3) of the "Internal Revenue Code of 1986,"	88149
100 Stat. 2085, 26 U.S.C.A. 501, as amended, or by an entity or	88150
group of entities in which such an organization has a controlling	88151
interest, and if either of the following applies:	88152
(a) The occupancy is for a period of less than sixty days.	88153
(b) The occupancy is for participation in a program operated	88154
by the facility, or by a public entity or private charitable	88155
organization pursuant to a contract with the facility, to provide	88156

either of the following: 88157

(i) Services licensed, certified, registered, or approved by 88158
a governmental agency or private accrediting organization for the 88159
rehabilitation of persons with mental illnesses, persons with 88160
developmental disabilities, adults or juveniles convicted of 88161
criminal offenses, or persons experiencing substance abuse; 88162

(ii) Shelter for juvenile runaways, victims of domestic 88163
violence, or homeless persons. 88164

(10) Emergency shelters operated by organizations exempt from 88165
federal income taxation under section 501(c)(3) of the "Internal 88166
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501, as 88167
amended, for persons whose circumstances indicate a transient 88168
occupancy, including homeless people, victims of domestic 88169
violence, and juvenile runaways. 88170

(D) "Rental agreement" means any agreement or lease, written 88171
or oral, which establishes or modifies the terms, conditions, 88172
rules, amount of rent charged or paid, or any other provisions 88173
concerning the use and occupancy of residential premises by one of 88174
the parties. 88175

(E) "Security deposit" means any deposit of money or property 88176
to secure performance by the tenant under a rental agreement. 88177

(F) "Dwelling unit" means a structure or the part of a 88178
structure that is used as a home, residence, or sleeping place by 88179
one person who maintains a household or by two or more persons who 88180
maintain a common household. 88181

(G) "Controlled substance" has the same meaning as in section 88182
3719.01 of the Revised Code. 88183

(H) "Student tenant" means a person who occupies a dwelling 88184
unit owned or operated by the college or university at which the 88185
person is a student, and who has a rental agreement that is 88186

contingent upon the person's status as a student. 88187

(I) "Recreational vehicle park," "recreation camp," "combined 88188
park-camp," and "temporary park-camp" have the same meanings as in 88189
section 3729.01 of the Revised Code. 88190

(J) "Community control sanction" has the same meaning as in 88191
section 2929.01 of the Revised Code. 88192

(K) "Post-release control sanction" has the same meaning as 88193
in section 2967.01 of the Revised Code. 88194

(L) "School premises" has the same meaning as in section 88195
2925.01 of the Revised Code. 88196

(M) "Sexually oriented offense" and "child-victim oriented 88197
offense" have the same meanings as in section 2950.01 of the 88198
Revised Code. 88199

(N) "Preschool or child day-care center premises" has the 88200
same meaning as in section 2950.034 of the Revised Code. 88201

(O) "Rent control" means requiring below-market rents for 88202
residential premises or controlling rental rates for residential 88203
premises in any manner, including by prohibiting rent increases, 88204
regulating rental rate changes between tenancies, limiting rental 88205
rate increases, regulating the rental rates of residential 88206
premises based on income or wealth of tenants, and other forms of 88207
restraint or limitation of rental rates. 88208

(P) "Rent stabilization" means allowing rent increases for 88209
residential premises of a fixed amount or on a fixed schedule as 88210
set by a political subdivision. 88211

(Q) "Political subdivision" means a county, township, 88212
municipal corporation, or any other body corporate and politic 88213
that is responsible for government activities in a geographic area 88214
smaller than that of the state. 88215

Sec. 5321.18. (A) Every written rental agreement for 88216
residential premises shall contain the name and address of the 88217
owner and the name and address of the owner's agent, if any. If 88218
the owner or the owner's agent is a corporation, partnership, 88219
limited partnership, association, trust, or other entity, the 88220
address shall be the principal place of business in the county in 88221
which the residential property is situated or if there is no place 88222
of business in such county then its principal place of business in 88223
this state, and shall include the name of the person in charge 88224
thereof. 88225

(B) If the rental agreement is oral, the landlord, at the 88226
commencement of the term of occupancy, shall deliver to tenant a 88227
written notice containing the information required in division (A) 88228
of this section. 88229

(C) If the landlord fails to provide the notice of the name 88230
and address of the owner and owner's agent, if any, required under 88231
division (A) or (B) of this section, the notices to the landlord 88232
required under division (A) of section 5321.07 and division (A) of 88233
section 5321.08 of the Revised Code shall be waived by the 88234
landlord and ~~his~~ the landlord's agent. 88235

(D) A landlord may designate an agent for any purpose related 88236
to the provision of services to a tenant under a rental agreement 88237
for residential premises. If the landlord designates an agent for 88238
any such purpose, notice shall be provided to the tenant in 88239
accordance with divisions (A) and (B) of this section, or at any 88240
time subsequent, by reasonable notice within thirty days after an 88241
agent's appointment or change. For purposes of this section, 88242
reasonable notice is satisfied by posting the information in a 88243
conspicuous location on the property or in the leasing office. 88244

Sec. 5322.01. As used in ~~sections 5322.01 to 5322.05~~ of the 88245

Revised Code <u>this chapter</u> :	88246
(A) "Self-service storage facility" means any real property that is designed and used only for the purpose of renting or leasing individual storage space in the facility under the following conditions:	88247 88248 88249 88250
(1) The occupants have access to the storage space only for the purpose of storing and removing personal property.	88251 88252
(2) The owner does not issue a warehouse receipt, bill of lading, or other document of title, as defined in section 1301.201 of the Revised Code, for the personal property stored in the storage space.	88253 88254 88255 88256
"Self-service storage facility" does not include any garage used principally for parking motor vehicles, any garage or storage area in a private residence, an establishment licensed pursuant to sections 915.14 to 915.24 of the Revised Code, or any property of a bank or savings and loan association that contains vaults, safe deposit boxes, or other receptacles for the uses, purposes, and benefits of the bank's or savings and loan association's customers.	88257 88258 88259 88260 88261 88262 88263 88264
(B) "Owner" means a person that is the owner or operator of a self-service storage facility, the lessor or sublessor of an entire self-service storage facility, the agent of any of the foregoing, or any other person authorized by any of the foregoing to manage the facility or to receive rent from an occupant pursuant to a rental agreement.	88265 88266 88267 88268 88269 88270
(C) "Occupant" means a person that rents storage space at a self-service storage facility pursuant to a rental agreement that the person enters into with the owner.	88271 88272 88273
(D) "Rental agreement" means any written agreement that is entered into by the owner and the occupant and that establishes	88274 88275

the terms and conditions of the occupant's use of storage space at 88276
a self-service storage facility. 88277

(E) "Personal property" means money and every animate or 88278
inanimate tangible thing that is the subject of ownership, except 88279
anything forming part of a parcel of real estate, as defined in 88280
section 5701.02 of the Revised Code, and except anything that is 88281
an agricultural commodity, as defined in division (A) of section 88282
926.01 of the Revised Code. 88283

(F) "Late fee" means any fee or charge assessed for an 88284
occupant's failure to pay rent when due. "Late fee" does not 88285
include interest on a debt, reasonable expenses incurred in the 88286
collection of unpaid rent, or costs associated with the 88287
enforcement of any other remedy provided by statute or contract. 88288

(G) "Last known address" means either of the following: 88289

(1) The mailing address provided by the occupant in the most 88290
recent rental agreement or the mailing address provided by the 88291
occupant in a subsequent written notice of a change of address; 88292

(2) The mailing address of any of the persons described in 88293
division (A) of section 5322.03 of the Revised Code that is 88294
provided by any of those persons to the owner of a self-service 88295
storage facility or that is discovered by the owner of a 88296
self-service storage facility. 88297

Sec. 5322.06. If the rental agreement entered into between 88298
the owner and the occupant contains a provision placing a limit on 88299
the value of personal property that may be stored in the 88300
occupant's storage space, that limit is the maximum value of the 88301
stored property, provided that the provision is printed in bold 88302
type or underlined in the rental agreement. The limit on the value 88303
of property shall not be less than one thousand dollars. The 88304
rental agreement may provide that the occupant may increase the 88305

limit on the value of property with the written permission of the 88306
owner. 88307

Sec. 5502.251. (A) As used in this section: 88308

(1) "Eligible applicant" means any state agency or a 88309
municipal corporation, township, county, school district, or any 88310
other body corporate and politic that is responsible for 88311
government activities in a geographic area smaller than that of 88312
the state. 88313

(2) "State agency" has the same meaning as in section 1.60 of 88314
the Revised Code. 88315

(B) The director of public safety, in accordance with Chapter 88316
119. of the Revised Code, shall adopt rules to establish and 88317
administer a state hazard mitigation grant program for the 88318
purposes of providing grants to eligible applicants to undertake 88319
actions that reduce the impact to people and property from hazards 88320
and disasters. 88321

(C) The rules shall establish all of the following regarding 88322
the state hazard mitigation grant program: 88323

(1) A list of hazards and disasters for which grants may be 88324
issued; 88325

(2) Priorities for grant funding, including giving priority 88326
to applicants that intend to use grant money for both of the 88327
following: 88328

(a) To mitigate hazards and disasters that constitute the 88329
highest risk based on the state's hazard mitigation plan; 88330

(b) To undertake actions that mitigate risk during the 88331
recovery period following a disaster. 88332

(3) Eligibility requirements for applicants to receive a 88333
grant, including a requirement that all applicants have, at the 88334

<u>time a grant is awarded, a current hazard mitigation plan approved</u>	88335
<u>by the federal emergency management agency;</u>	88336
<u>(4) A minimum percentage for nonstate matching funds to be</u>	88337
<u>provided by applicants;</u>	88338
<u>(5) Grant application forms and procedures for submitting the</u>	88339
<u>forms;</u>	88340
<u>(6) A requirement that mitigation projects be cost effective;</u>	88341
<u>(7) If grant money is to be used for purposes of acquisition</u>	88342
<u>of property and demolition actions at the property, a requirement</u>	88343
<u>that the property acquired must be deed restricted as open space</u>	88344
<u>in perpetuity;</u>	88345
<u>(8) Any other requirements or procedures necessary to</u>	88346
<u>administer the program.</u>	88347
<u>(D) Notwithstanding any provision of section 121.95 of the</u>	88348
<u>Revised Code to the contrary, a regulatory restriction contained</u>	88349
<u>in a rule adopted under this section is not subject to sections</u>	88350
<u>121.95 to 121.953 of the Revised Code.</u>	88351
Sec. 5502.262. (A) As used in this section:	88352
(1) "Administrator" means the superintendent, principal,	88353
chief administrative officer, or other person having supervisory	88354
authority of any of the following:	88355
(a) A city, exempted village, local, or joint vocational	88356
school district;	88357
(b) A community school established under Chapter 3314. of the	88358
Revised Code, as required through reference in division (A)(11)(d)	88359
of section 3314.03 of the Revised Code;	88360
(c) A STEM school established under Chapter 3326. of the	88361
Revised Code, as required through reference in section 3326.11 of	88362
the Revised Code;	88363

(d) A college-preparatory boarding school established under Chapter 3328. of the Revised Code;	88364 88365
(e) A district or school operating a career-technical education program approved by the department of education under section 3317.161 of the Revised Code;	88366 88367 88368
(f) A chartered nonpublic school;	88369
(g) An educational service center;	88370
(h) A preschool program or school-age child care program licensed by the department of education;	88371 88372
(i) Any other facility that primarily provides educational services to children subject to regulation by the department of education.	88373 88374 88375
(2) "Emergency management test" means a regularly scheduled drill, exercise, or activity designed to assess and evaluate an emergency management plan under this section.	88376 88377 88378
(3) "Building" means any school, school building, facility, program, or center.	88379 88380
(4) "Regional mobile training officer" means the regional mobile training officer appointed under section 5502.70 of the Revised Code for the region in which a district, school, center, program, or facility is located.	88381 88382 88383 88384
(B)(1) Each administrator shall develop and adopt a comprehensive emergency management plan, in accordance with rules adopted pursuant to division (F) of this section, for each building under the administrator's control. The administrator shall examine the environmental conditions and operations of each building to determine potential hazards to student and staff safety and shall propose operating changes to promote the prevention of potentially dangerous problems and circumstances. In developing the plan for each building, the administrator shall	88385 88386 88387 88388 88389 88390 88391 88392 88393

involve community law enforcement and safety officials, parents of 88394
students who are assigned to the building, and teachers and 88395
nonteaching employees who are assigned to the building. The 88396
administrator may involve the regional mobile training officer in 88397
the development of the plan. The administrator shall incorporate 88398
remediation strategies into the plan for any building where 88399
documented safety problems have occurred. 88400

(2) Each administrator shall also incorporate into the 88401
emergency management plan adopted under division (B)(1) of this 88402
section all of the following: 88403

(a) A protocol for addressing serious threats to the safety 88404
of property, students, employees, or administrators; 88405

(b) A protocol for responding to any emergency events that 88406
occur and compromise the safety of property, students, employees, 88407
or administrators. This protocol shall include, but not be limited 88408
to, all of the following: 88409

(i) A floor plan that is unique to each floor of the 88410
building; 88411

(ii) A site plan that includes all building property and 88412
surrounding property; 88413

(iii) An emergency contact information sheet. 88414

(c) A threat assessment plan developed as prescribed in 88415
section 5502.263 of the Revised Code. A building may use the model 88416
plan developed by the department of public safety under that 88417
section; 88418

(d) A protocol for school threat assessment teams established 88419
under section 3313.669 of the Revised Code. 88420

(3) Each protocol described in division (B) of this section 88421
shall include procedures determined to be appropriate by the 88422
administrator for responding to threats and emergency events, 88423

respectively, including such things as notification of appropriate 88424
law enforcement personnel, calling upon specified emergency 88425
response personnel for assistance, and informing parents of 88426
affected students. 88427

Prior to the opening day of each school year, the 88428
administrator shall inform each student or child enrolled in the 88429
school and the student's or child's parent of the parental 88430
notification procedures included in the protocol. 88431

(4) Each administrator shall keep a copy of the emergency 88432
management plan adopted pursuant to this section in a secure 88433
place. 88434

(C)(1) The administrator shall submit to the director of 88435
public safety, in accordance with rules adopted pursuant to 88436
division (F) of this section, an electronic copy of the emergency 88437
management plan prescribed by division (B) of this section not 88438
less than once every three years, whenever a major modification to 88439
the building requires changes in the procedures outlined in the 88440
plan, and whenever information on the emergency contact 88441
information sheet changes. 88442

(2) The administrator also shall file a copy of the plan with 88443
each law enforcement agency that has jurisdiction over the school 88444
building and, upon request, to any of the following: 88445

(a) The fire department that serves the political subdivision 88446
in which the building is located; 88447

(b) The emergency medical service organization that serves 88448
the political subdivision in which the building is located; 88449

(c) The county emergency management agency for the county in 88450
which the building is located; 88451

(d) The regional mobile training officer. 88452

(3) Upon receipt of an emergency management plan, the 88453

director shall post the information on the contact and information 88454
management system and submit the information in accordance with 88455
rules adopted pursuant to division (F) of this section, to the 88456
attorney general, who shall post that information on the Ohio law 88457
enforcement gateway or its successor. 88458

(4) Any department or entity to which copies of an emergency 88459
management plan are filed under this section shall keep the copies 88460
in a secure place. 88461

(D)(1) Not later than the first day of ~~July~~ September of each 88462
year, each administrator shall review the emergency management 88463
plan and certify to the director that the plan is current and 88464
accurate. 88465

(2) Anytime that an administrator updates the emergency 88466
management plan pursuant to division (C)(1) of this section, the 88467
administrator shall file copies, not later than the tenth day 88468
after the revision is adopted and in accordance with rules adopted 88469
pursuant to division (F) of this section, to the director and to 88470
any entity with which the administrator filed a copy under 88471
division (C)(2) of this section. 88472

(E) Each administrator shall do both of the following: 88473

(1) Prepare and conduct at least one annual emergency 88474
management test, as defined in division (A)(2) of this section, in 88475
accordance with rules adopted pursuant to division (F) of this 88476
section; 88477

(2) Grant access to each building under the control of the 88478
administrator to law enforcement personnel and to entities 88479
described in division (C)(2) of this section, to enable the 88480
personnel and entities to hold training sessions for responding to 88481
threats and emergency events affecting the building, provided that 88482
the access occurs outside of student instructional hours and the 88483
administrator, or the administrator's designee, is present in the 88484

building during the training sessions. 88485

(F) The director of public safety, in consultation with 88486
representatives from the education community and in accordance 88487
with Chapter 119. of the Revised Code, shall adopt rules regarding 88488
emergency management plans under this section, including the 88489
content of the plans and procedures for filing the plans. The 88490
rules shall specify that plans and information required under 88491
division (B) of this section be submitted on standardized forms 88492
developed by the director for such purpose. The rules shall also 88493
specify the requirements and procedures for emergency management 88494
tests conducted pursuant to division (E)(1) of this section. 88495
Failure to comply with the rules may result in discipline pursuant 88496
to section 3319.31 of the Revised Code or any other action against 88497
the administrator as prescribed by rule. 88498

(G) Division (B) of section 3319.31 of the Revised Code 88499
applies to any administrator who is subject to the requirements of 88500
this section and is not exempt under division (H) of this section 88501
and who is an applicant for a license or holds a license from the 88502
state board of education pursuant to section 3319.22 of the 88503
Revised Code. 88504

(H)(1) The director may exempt any administrator from the 88505
requirements of this section, if the director determines that the 88506
requirements do not otherwise apply to a building or buildings 88507
under the control of that administrator. 88508

(2) The director shall exempt from the requirements of this 88509
section the administrator of an online learning school, 88510
established under section 3302.42 of the Revised Code, unless 88511
students of that school participate in in-person instruction or 88512
assessments at a location that is not covered by an existing 88513
emergency management plan, developed under this section as of 88514
December 14, 2021. 88515

(I) Copies of the emergency management plan, including all records related to the plan, emergency management tests, and information required under division (B) of this section are security records and are not public records pursuant to section 149.433 of the Revised Code. In addition, the information posted to the contact and information management system, pursuant to division (C)(3)(b) of this section, is exempt from public disclosure or release in accordance with sections 149.43, 149.433, and 5502.03 of the Revised Code. 88516
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Notwithstanding section 149.433 of the Revised Code, a floor plan filed with the attorney general pursuant to this section is not a public record to the extent it is a record kept by the attorney general. 88525
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Sec. 5502.69. (A) There is hereby created the Ohio narcotics intelligence center in the department of public safety. The center shall operate as a division within the department. 88529
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(B) The director of public safety shall appoint an executive director of the center. The executive director shall serve at the discretion of the director of public safety. The executive director shall advise the governor and the director of public safety on matters pertaining to illegal drug activities. To carry out the duties assigned under this section, the executive director, subject to the direction and control of the director of public safety, may appoint and maintain necessary staff and may enter into any necessary agreements. 88532
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(C) The center shall do all of the following: 88541

(1) Coordinate law enforcement response to illegal drug activities for state agencies and act as a liaison between state agencies and local entities for the purposes of communicating counter-drug policy initiatives; 88542
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(2) Collect, analyze, maintain, and disseminate information to support local, state, and federal law enforcement agencies, other government agencies, and private organizations in detecting, deterring, preventing, preparing for, prosecuting, and responding to illegal drug activities. The records received and created are confidential law enforcement investigatory records pursuant to section 149.43 of the Revised Code. 88546
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(3) Develop and coordinate policies, protocols, and strategies that may be used by local, state, and private organizations to detect, deter, prevent, prepare for, prosecute, and respond to illegal drug activities; 88553
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(4) Develop, update, and coordinate the implementation of an Ohio drug control strategy to guide state and local governments and public agencies. 88557
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Sec. 5512.07. (A) There is hereby created the transportation review advisory council. No member of the general assembly shall be a member of the council. The council shall consist of ~~nine~~ ten members, one of whom is the director of transportation who is a nonvoting member. ~~Six members shall be appointed by the~~ The governor shall appoint five members with the advice and consent of the senate. ~~One member shall be appointed by the~~ The speaker of the house of representatives shall appoint two members and ~~one member shall be appointed by the~~ shall appoint two members. In making their appointments, the governor, the speaker of the house of representatives, and the president of the senate shall consult with each other so that of the total number of ~~eight~~ nine appointed members, at least two are affiliated with the major political party not represented by the governor. In making the governor's appointments, the governor shall appoint persons who reside in different geographic areas of the state. ~~Within ninety days after June 30, 1997, the governor,~~ 88560
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~~speaker, and president shall make the initial appointments to the~~ 88577
~~council.~~ 88578

Appointed members shall have no conflict of interest with the 88579
position. For purposes of this section, "conflict of interest" 88580
means taking any action that violates any provision of Chapter 88581
102. or 2921. of the Revised Code. 88582

Each of the members the governor appoints shall have 88583
experience either in the area of transportation or in that of 88584
business or economic development. 88585

One such member shall be selected from a list of five names 88586
provided by the Ohio public expenditure council. 88587

(B) ~~Of the governor's initial appointments made to the~~ 88588
~~council, one shall be for a term ending one year after June 30,~~ 88589
~~1997, one shall be for a term ending two years after June 30,~~ 88590
~~1997, one shall be for a term ending four years after June 30,~~ 88591
~~1997, and one shall be for a term ending five years after June 30,~~ 88592
~~1997. Within ninety days after September 16, 1998, the governor~~ 88593
~~shall make two appointments to the council. Of these appointments,~~ 88594
~~one shall be for a term ending June 30, 2001, and one shall be for~~ 88595
~~a term ending June 30, 2002. The speaker's and president's initial~~ 88596
~~appointments made to the council shall be for a term ending three~~ 88597
~~years after June 30, 1997. Thereafter, all All terms of office,~~ 88598
~~including the terms for those persons who are appointed to succeed~~ 88599
~~the persons whose appointments are made within ninety days after~~ 88600
~~September 16, 1998, shall be are for five years, with each term~~ 88601
ending on the same day of the same month as did the term that it 88602
succeeds. Each member shall hold office from the date of 88603
appointment until the end of the term for which the member was 88604
appointed. Members may be reappointed. Vacancies shall be filled 88605
in the manner provided for original appointments. Any member 88606
appointed to fill another member's unexpired term shall hold 88607
office for the remainder of that unexpired term. A member shall 88608

continue in office subsequent to the expiration of the member's 88609
term until the member's successor takes office. 88610

(C) The director of transportation is the chairperson of the 88611
council. 88612

Sec. 5537.17. (A) Each turnpike project open to traffic shall 88613
be maintained and kept in good condition and repair by the Ohio 88614
turnpike and infrastructure commission. The Ohio turnpike system 88615
shall be policed and operated by a force of police, toll 88616
collectors, and other employees and agents that the commission 88617
employs or contracts for. 88618

(B) All public or private property damaged or destroyed in 88619
carrying out the powers granted by this chapter shall be restored 88620
or repaired and placed in its original condition, as nearly as 88621
practicable, or adequate compensation or consideration made 88622
therefor out of moneys provided under this chapter. 88623

(C) All governmental agencies may lease, lend, grant, or 88624
convey to the commission at its request, upon terms that the 88625
proper authorities of the governmental agencies consider 88626
reasonable and fair and without the necessity for an 88627
advertisement, order of court, or other action or formality, other 88628
than the regular and formal action of the authorities concerned, 88629
any property that is necessary or convenient to the effectuation 88630
of the purposes of the commission, including public roads and 88631
other property already devoted to public use. 88632

(D) Each bridge constituting part of a turnpike project shall 88633
be inspected at least once each year by a professional engineer 88634
employed or retained by the commission. 88635

(E) The commission shall cause an audit of its books and 88636
accounts to be made at least once each year by certified public 88637
accountants approved by the auditor of state, and the cost thereof 88638

may be treated as a part of the cost of operations of the 88639
commission. Additionally, the auditor of state, at least once 88640
every other year, shall audit the accounts and transactions of the 88641
commission. On or before the first day of July in each year, the 88642
commission shall submit ~~a~~ an annual comprehensive ~~annual~~ financial 88643
report containing its audited financial statements for the 88644
preceding calendar year to the governor, the general assembly, and 88645
the director of budget and management. Each such report shall set 88646
forth a complete operating and financial statement covering the 88647
commission's operations and funding of any turnpike projects and 88648
infrastructure projects during the year. 88649

(F) The commission shall submit a copy of ~~its~~ its proposed 88650
annual budget for each calendar or fiscal year to the governor, 88651
the presiding officers of each house of the general assembly, the 88652
director of budget and management, and the legislative service 88653
commission no later than the first day of that calendar or fiscal 88654
year. 88655

(G) Upon request of the chairperson of the appropriate 88656
standing committee or subcommittee of the senate and house of 88657
representatives that is primarily responsible for considering 88658
transportation budget matters, the commission shall appear at 88659
least one time before each committee or subcommittee during the 88660
period when that committee or subcommittee is considering the 88661
biennial appropriations for the department of transportation and 88662
shall provide testimony outlining its budgetary results for the 88663
last two calendar years, including a comparison of budget and 88664
actual revenue and expenditure amounts. The commission also shall 88665
address its current budget and long-term capital plan. 88666

(H) Not more than sixty nor less than thirty days before 88667
adopting its annual budget, the commission shall submit a copy of 88668
its proposed annual budget to the governor, the presiding officers 88669
of each house of the general assembly, the director of budget and 88670

management, and the legislative service commission. The office of 88671
budget and management shall review the proposed budget and may 88672
provide recommendations to the commission for its consideration. 88673

Sec. 5549.21. The board of township trustees may purchase or 88674
lease such machinery and tools as are necessary for use in 88675
constructing, reconstructing, maintaining, and repairing roads and 88676
culverts within the township, and shall provide suitable places 88677
for housing and storing machinery and tools owned by the township. 88678
It may purchase such material and employ such labor as is 88679
necessary for carrying into effect this section, or it may 88680
authorize the purchase or employment of such material and labor by 88681
one of its number, or by the township highway superintendent, at a 88682
price to be fixed by the board. All payments on account of 88683
machinery, tools, material, and labor shall be made from the 88684
township road fund. Except as otherwise provided in sections 88685
505.08, 505.101, and 5513.01 of the Revised Code, all purchases of 88686
materials, machinery, and tools shall, if the amount involved 88687
exceeds ~~fifty thousand dollars~~ the amount specified in section 88688
9.17 of the Revised Code, be made from the lowest responsible 88689
bidder after advertisement, as provided in section 5575.01 of the 88690
Revised Code. 88691

If, in compliance with section 505.10 of the Revised Code, 88692
the board wishes to sell machinery, equipment, or tools owned by 88693
the township to the person from whom it is to purchase other 88694
machinery, equipment, or tools, the board may offer, if the amount 88695
of the purchase alone involved does not exceed ~~fifty thousand~~ 88696
~~dollars~~ the amount specified in section 9.17 of the Revised Code, 88697
to sell such machinery, equipment, or tools and have the amount 88698
credited by the vendor against the purchase of the other 88699
machinery, equipment, or tools. If the purchase price of the other 88700
machinery, equipment, or tools alone exceeds ~~fifty thousand~~ 88701
~~dollars~~ the amount specified in section 9.17 of the Revised Code, 88702

the board may give notice to the competitive bidders of its 88703
willingness to accept offers for the purchase of the old 88704
machinery, equipment, or tools, and those offers shall be 88705
subtracted from the selling price of the other machinery, 88706
equipment, or tools as bid, in determining the lowest responsible 88707
bidder. Notice of the willingness of the board to accept offers 88708
for the purchase of the old machinery, equipment, or tools shall 88709
be made as a part of the advertisement for bids. 88710

Sec. 5555.61. After the board of county commissioners decides 88711
to proceed with the improvement, it shall do so in accordance with 88712
sections 307.86 to 307.92 of the Revised Code. No contract for any 88713
improvement shall be awarded at a price more than ~~ten~~ twenty per 88714
cent in excess of the estimated cost. 88715

Sec. 5703.02. There is hereby created the board of tax 88716
appeals, which shall exercise the following powers and perform the 88717
following duties: 88718

(A) Exercise the authority provided by law to hear and 88719
determine all appeals of questions of law and fact arising under 88720
the tax laws of this state in appeals from decisions, orders, 88721
determinations, or actions of any tax administrative agency 88722
established by the law of this state, including but not limited to 88723
appeals from: 88724

(1) Actions of county budget commissions; 88725

(2) Decisions of county boards of revision; 88726

(3) Actions of any assessing officer or other public official 88727
under the tax laws of this state; 88728

(4) Final determinations by the tax commissioner of any 88729
preliminary, amended, or final tax assessments, reassessments, 88730
valuations, determinations, findings, computations, or orders made 88731
by the tax commissioner; 88732

(5) Adoption and promulgation of rules of the tax commissioner. 88733
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(B) Appoint a secretary of the board of tax appeals, who shall serve in the unclassified civil service at the pleasure of the board, and any other employees as are necessary in the exercise of the powers and the performance of the duties and functions that the board is by law authorized and required to exercise, and prescribe the duties of all employees, and to fix their compensation as provided by law; 88735
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(C) Maintain a journal, which shall be open to public inspection and in which the secretary shall keep a record of all of the proceedings and the vote of each of its members upon every action taken by it; 88742
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(D) Adopt and promulgate, in the manner provided by section 5703.14 of the Revised Code, and enforce all rules relating to the procedure of the board in hearing appeals it has the authority or duty to hear, and to the procedure of officers or employees whom the board may appoint; provided that section 5703.13 of the Revised Code shall apply to and govern the procedure of the board. Such rules shall include, but need not be limited to, the following: 88746
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(1) Rules governing the creation and implementation of a mediation program, including procedures for requesting, requiring participation in, objecting to, and conducting a mediation; 88754
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(2) Rules requiring the tax commissioner, county boards of revision, and local boards of tax review created under section 718.11 of the Revised Code to electronically file any transcript required to be filed with the board of tax appeals, and instructions and procedures for the electronic filing of such transcripts. 88757
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(3) Rules establishing procedures to control and manage 88763

appeals filed with the board. The procedures shall include, but 88764
not be limited to, the establishment of a case management schedule 88765
that shall include expected dates related to discovery deadlines, 88766
disclosure of evidence, pre-hearing motions, and the hearing, and 88767
other case management issues considered appropriate. 88768

(E) Create and maintain audio or video recordings of any 88769
hearing, whether adjudicative or not, conducted by the board, 88770
including hearings on appeals assigned to the small claims docket 88771
pursuant to section 5703.021 of the Revised Code. Such recordings 88772
are public records for the purpose of section 149.43 of the 88773
Revised Code. 88774

Sec. 5703.052. (A) There is hereby created in the state 88775
treasury the tax refund fund, from which refunds shall be paid for 88776
taxes illegally or erroneously assessed or collected, or for any 88777
other reason overpaid, that are levied by Chapter 4301., 4305., 88778
5726., 5728., 5729., 5731., 5733., 5735., 5736., 5739., 5741., 88779
5743., 5747., 5748., 5749., 5751., or 5753. and sections 3737.71, 88780
3905.35, 3905.36, 4303.33, 5707.03, 5725.18, 5727.28, 5727.38, 88781
5727.81, and 5727.811 of the Revised Code. Refunds for fees or 88782
wireless 9-1-1 charges illegally or erroneously assessed or 88783
collected, or for any other reason overpaid, that are levied by 88784
sections 128.42, 128.43, or 3734.90 to 3734.9014 of the Revised 88785
Code also shall be paid from the fund. Refunds for amounts 88786
illegally or erroneously assessed or collected by the tax 88787
commissioner, or for any other reason overpaid, that are due under 88788
section 1509.50 of the Revised Code shall be paid from the fund. 88789
Refunds for amounts illegally or erroneously assessed or collected 88790
by the commissioner, or for any other reason overpaid to the 88791
commissioner, under sections 718.80 to 718.95 of the Revised Code 88792
shall be paid from the fund. However, refunds for taxes levied 88793
under section 5739.101 of the Revised Code shall not be paid from 88794
the tax refund fund, but shall be paid as provided in section 88795

5739.104 of the Revised Code. 88796

(B)(1) Upon certification by the tax commissioner to the 88797
treasurer of state of a tax refund, a wireless 9-1-1 charge 88798
refund, or another amount refunded, or by the superintendent of 88799
insurance of a domestic or foreign insurance tax refund, the 88800
treasurer of state shall place the amount certified to the credit 88801
of the fund. The certified amount transferred shall be derived 88802
from the receipts of the same tax, fee, wireless 9-1-1 charge, or 88803
other amount from which the refund arose. 88804

(2) When a refund is for a tax, fee, wireless 9-1-1 charge, 88805
or other amount that is not levied by the state or that was 88806
illegally or erroneously distributed to a taxing jurisdiction, the 88807
tax commissioner shall recover the amount of that refund from the 88808
next distribution of that tax, fee, wireless 9-1-1 charge, or 88809
other amount that otherwise would be made to the taxing 88810
jurisdiction. If the amount to be recovered would exceed 88811
twenty-five per cent of the next distribution of that tax, fee, 88812
wireless 9-1-1 charge, or other amount, the commissioner may 88813
spread the recovery over more than one future distribution, taking 88814
into account the amount to be recovered and the amount of the 88815
anticipated future distributions. In no event may the commissioner 88816
spread the recovery over a period to exceed thirty-six months. 88817

Sec. 5703.056. (A) As used in any section of the Revised Code 88818
that ~~requires~~ permits the tax commissioner to use certified mail 88819
or personal service or that requires or permits a payment to be 88820
made or a document to be submitted to the tax commissioner or the 88821
board of tax appeals by mail or personal service, and as used in 88822
any section of Chapter 718., 3734., 3769., 4303., or 4305. or 88823
Title LVIII of the Revised Code that requires or permits a payment 88824
to be made or a document to be submitted to the treasurer of state 88825
by mail: 88826

(1) "Certified mail," "express mail," "United States mail," 88827
"United States postal service," and similar terms include any 88828
delivery service authorized pursuant to division (B) of this 88829
section. 88830

(2) "Postmark date," "date of postmark," and similar terms 88831
include the date recorded and marked in the manner described in 88832
division (B)(3) of this section. 88833

(B) The tax commissioner may authorize the use of a delivery 88834
service for the delivery of any payment or document described in 88835
division (A) of this section if the commissioner finds that all of 88836
the following apply to the delivery service: 88837

(1) ~~It is~~ It is available to the general public; 88838

(2) ~~It is~~ It is at least as timely and reliable on a regular 88839
basis as the United States postal service; 88840

(3) ~~Records electronically to a database kept in the regular~~ 88841
~~course of its business, and marks on the cover in which the~~ 88842
~~payment or document is enclosed, the date on which the payment or~~ 88843
~~document was given to the delivery service for delivery;~~ 88844

(4) ~~Records electronically to a database kept in the regular~~ 88845
~~course of its business the date on which the payment or document~~ 88846
~~was given by the delivery service to the person who signed the~~ 88847
~~receipt of delivery and the name of the person who signed the~~ 88848
~~receipt; and~~ 88849

(5) ~~Meets~~ It meets any other criteria that the tax 88850
commissioner may by rule prescribe. 88851

(C) In any section of the Revised Code referring to the date 88852
any payment or document is received by the tax commissioner by 88853
mail, personal service, or electronically or by a person receiving 88854
a document or payment from the tax commissioner by mail, the 88855
payment or document shall be considered to be received on one of 88856

the following dates, as applicable, except as provided in section 88857
5703.053 or 5703.37 of the Revised Code: 88858

(1) For a document or payment sent by certified mail, express 88859
mail, United States mail, foreign mail, or a delivery service 88860
authorized for use under division (B) of this section, the date of 88861
the postmark placed by the postal or delivery service on the 88862
sender's receipt or, if the sender was not issued a postmarked 88863
sender's receipt, the date of the postmark placed by the postal or 88864
delivery service on the package containing the payment or 88865
document. 88866

(2) For personal service to the tax commissioner, the date 88867
the payment or document is received in any of the tax 88868
commissioner's offices during business hours. 88869

(3) For a document filed or sent electronically or a payment 88870
made electronically, the date on the timestamp assigned by the 88871
first electronic system receiving that payment or document. 88872

(D) As used in divisions (A) and (C) of this section 88873
"electronically" includes by facsimile, if applicable. 88874

Sec. 5703.21. (A) Except as provided in divisions (B) and (C) 88875
of this section, no agent of the department of taxation, except in 88876
the agent's report to the department or when called on to testify 88877
in any court or proceeding, shall divulge any information acquired 88878
by the agent as to the transactions, property, or business of any 88879
person while acting or claiming to act under orders of the 88880
department. Whoever violates this provision shall thereafter be 88881
disqualified from acting as an officer or employee or in any other 88882
capacity under appointment or employment of the department. 88883

(B)(1) For purposes of an audit pursuant to section 117.15 of 88884
the Revised Code, or an audit of the department pursuant to 88885
Chapter 117. of the Revised Code, or an audit, pursuant to that 88886

chapter, the objective of which is to express an opinion on a 88887
financial report or statement prepared or issued pursuant to 88888
division (A)(7) or (9) of section 126.21 of the Revised Code, the 88889
officers and employees of the auditor of state charged with 88890
conducting the audit shall have access to and the right to examine 88891
any state tax returns and state tax return information in the 88892
possession of the department to the extent that the access and 88893
examination are necessary for purposes of the audit. Any 88894
information acquired as the result of that access and examination 88895
shall not be divulged for any purpose other than as required for 88896
the audit or unless the officers and employees are required to 88897
testify in a court or proceeding under compulsion of legal 88898
process. Whoever violates this provision shall thereafter be 88899
disqualified from acting as an officer or employee or in any other 88900
capacity under appointment or employment of the auditor of state. 88901

(2) For purposes of an internal audit pursuant to section 88902
126.45 of the Revised Code, the officers and employees of the 88903
office of internal audit in the office of budget and management 88904
charged with directing the internal audit shall have access to and 88905
the right to examine any state tax returns and state tax return 88906
information in the possession of the department to the extent that 88907
the access and examination are necessary for purposes of the 88908
internal audit. Any information acquired as the result of that 88909
access and examination shall not be divulged for any purpose other 88910
than as required for the internal audit or unless the officers and 88911
employees are required to testify in a court or proceeding under 88912
compulsion of legal process. Whoever violates this provision shall 88913
thereafter be disqualified from acting as an officer or employee 88914
or in any other capacity under appointment or employment of the 88915
office of internal audit. 88916

(3) As provided by section 6103(d)(2) of the Internal Revenue 88917
Code, any federal tax returns or federal tax information that the 88918

department has acquired from the internal revenue service, through 88919
federal and state statutory authority, may be disclosed to the 88920
auditor of state or the office of internal audit solely for 88921
purposes of an audit of the department. 88922

(4) For purposes of Chapter 3739. of the Revised Code, an 88923
agent of the department of taxation may share information with the 88924
division of state fire marshal that the agent finds during the 88925
course of an investigation. 88926

(C) Division (A) of this section does not prohibit any of the 88927
following: 88928

(1) Divulging information contained in applications, 88929
complaints, and related documents filed with the department under 88930
section 5715.27 of the Revised Code or in applications filed with 88931
the department under section 5715.39 of the Revised Code; 88932

~~(2) Providing information to the office of child support 88933
within the department of job and family services pursuant to 88934
section 3125.43 of the Revised Code;~~ 88935

~~(3) Disclosing to the motor vehicle repair board any 88936
information in the possession of the department that is necessary 88937
for the board to verify the existence of an applicant's valid 88938
vendor's license and current state tax identification number under 88939
section 4775.07 of the Revised Code;~~ 88940

~~(4) Providing information to the administrator of workers' 88941
compensation pursuant to sections 4123.271 and 4123.591 of the 88942
Revised Code;~~ 88943

~~(5) Providing to the attorney general information the 88944
department obtains under division (J) of section 1346.01 of the 88945
Revised Code;~~ 88946

~~(6)~~(3) Permitting properly authorized officers, employees, or 88947
agents of a municipal corporation from inspecting reports or 88948

information pursuant to section 718.84 of the Revised Code or 88949
rules adopted under section 5745.16 of the Revised Code; 88950

~~(7)~~(4) Providing information regarding the name, account 88951
number, or business address of a holder of a vendor's license 88952
issued pursuant to section 5739.17 of the Revised Code, a holder 88953
of a direct payment permit issued pursuant to section 5739.031 of 88954
the Revised Code, or a seller having a use tax account maintained 88955
pursuant to section 5741.17 of the Revised Code, or information 88956
regarding the active or inactive status of a vendor's license, 88957
direct payment permit, or seller's use tax account; 88958

~~(8) Releasing invoices or invoice information furnished under 88959
section 4301.433 of the Revised Code pursuant to that section; 88960~~

~~(9)~~(5) Providing to a county auditor notices or documents 88961
concerning or affecting the taxable value of property in the 88962
county auditor's county. Unless authorized by law to disclose 88963
documents so provided, the county auditor shall not disclose such 88964
documents; 88965

~~(10)~~(6) Providing to a county auditor a sales or use tax 88966
return or audit information under section 333.06 of the Revised 88967
Code; 88968

~~(11) Subject to section 4301.441 of the Revised Code, 88969
disclosing to the appropriate state agency information in the 88970
possession of the department of taxation that is necessary to 88971
verify a permit holder's gallonage or noncompliance with taxes 88972
levied under Chapter 4301. or 4305. of the Revised Code; 88973~~

~~(12) Disclosing to the department of natural resources 88974
information in the possession of the department of taxation that 88975
is necessary for the department of taxation to verify the 88976
taxpayer's compliance with section 5749.02 of the Revised Code or 88977
to allow the department of natural resources to enforce Chapter 88978
1509. of the Revised Code; 88979~~

~~(13) Disclosing to the department of job and family services, industrial commission, and bureau of workers' compensation information in the possession of the department of taxation solely for the purpose of identifying employers that misclassify employees as independent contractors or that fail to properly report and pay employer tax liabilities. The department of taxation shall disclose only such information that is necessary to verify employer compliance with law administered by those agencies.~~ 88980
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~~(14) Disclosing to the Ohio casino control commission information in the possession of the department of taxation that is necessary to verify a casino operator's or sports gaming proprietor's compliance with section 5747.063, 5753.02, or 5753.021 of the Revised Code and sections related thereto;~~ 88989
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~~(15) Disclosing to the state lottery commission information in the possession of the department of taxation that is necessary to verify a lottery sales agent's compliance with section 5747.064 of the Revised Code.~~ 88994
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~~(16) Disclosing to the department of development information in the possession of the department of taxation that is necessary to ensure compliance with the laws of this state governing taxation and to verify information reported to the department of development for the purpose of evaluating potential tax credits, tax deductions, grants, or loans. Such information shall not include information received from the internal revenue service the disclosure of which is prohibited by section 6103 of the Internal Revenue Code. No officer, employee, or agent of the department of development shall disclose any information provided to the department of development by the department of taxation under division (C)(16) of this section except when disclosure of the information is necessary for, and made solely for the purpose of facilitating, the evaluation of potential tax credits, tax~~ 88998
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~~deductions, grants, or loans. 89012~~

~~(17) Disclosing to the department of insurance information in 89013
the possession of the department of taxation that is necessary to 89014
ensure a taxpayer's compliance with the requirements with any tax 89015
credit administered by the department of development and claimed 89016
by the taxpayer against any tax administered by the superintendent 89017
of insurance. No officer, employee, or agent of the department of 89018
insurance shall disclose any information provided to the 89019
department of insurance by the department of taxation under 89020
division (C)(17) of this section. 89021~~

~~(18) Disclosing to the division of liquor control information 89022
in the possession of the department of taxation that is necessary 89023
for the division and department to comply with the requirements of 89024
sections 4303.26 and 4303.271 of the Revised Code. 89025~~

~~(19) Disclosing to the department of education, upon that 89026
department's request, information in the possession of the 89027
department of taxation that is necessary only to verify whether 89028
the family income of a student applying for or receiving a 89029
scholarship under the educational choice scholarship pilot program 89030
is equal to, less than, or greater than the income thresholds 89031
prescribed by section 3310.032 of the Revised Code. The department 89032
of education shall provide sufficient information about the 89033
student and the student's family to enable the department of 89034
taxation to make the verification. 89035~~

~~(20) Disclosing to the Ohio rail development commission 89036
information in the possession of the department of taxation that 89037
is necessary to ensure compliance with the laws of this state 89038
governing taxation and to verify information reported to the 89039
commission for the purpose of evaluating potential grants or 89040
loans. Such information shall not include information received 89041
from the internal revenue service the disclosure of which is 89042
prohibited by section 6103 of the Internal Revenue Code. No 89043~~

~~member, officer, employee, or agent of the Ohio rail development
commission shall disclose any information provided to the
commission by the department of taxation under division (C)(20) of
this section except when disclosure of the information is
necessary for, and made solely for the purpose of facilitating,
the evaluation of potential grants or loans.~~

~~(21) Disclosing to the state racing commission information in
the possession of the department of taxation that is necessary for
verification of compliance with and for enforcement and
administration of the taxes levied by Chapter 3769. of the Revised
Code. Such information shall include information that is necessary
for the state racing commission to verify compliance with Chapter
3769. of the Revised Code for the purposes of issuance, denial,
suspension, or revocation of a permit pursuant to section 3769.03
or 3769.06 of the Revised Code and related sections. Unless
disclosure is otherwise authorized by law, information provided to
the state racing commission under this section remains
confidential and is not subject to public disclosure pursuant to
section 3769.041 of the Revised Code.~~

~~(22) Disclosing to the state fire marshal information in the
possession of the department of taxation that is necessary for the
state fire marshal to verify the compliance of a licensed
manufacturer of fireworks or a licensed wholesaler of fireworks
with section 3743.22 of the Revised Code. No officer, employee, or
agent of the state fire marshal shall disclose any information
provided to the state fire marshal by the department of taxation
under division (C)(22) of this section.~~

~~(23) Disclosing to the department of job and family services
information in the possession of the department of taxation for
either of the following purposes:~~

~~(a) Making a determination under section 4141.28 of the
Revised Code;~~

~~(b) Verifying an individual's eligibility for a federal program described in section 4141.163 of the Revised Code.~~ 89076
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~~Such information shall not include information received from the internal revenue service the disclosure of which is prohibited by section 6103 of the Internal Revenue Code.~~ 89078
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(7) Disclosing to a state or federal government agency, for use in the performance of that agency's official duties in this state, information in the possession of the tax commissioner necessary to verify compliance with any provision of the Revised Code relating to that agency. Unless disclosure is otherwise authorized by law, information provided to any state or federal government agency under this section remains confidential and is not subject to further disclosure. 89081
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Sec. 5703.37. (A)(1) Except as provided in division (B) of this section, whenever service of a notice or order is required in the manner provided in this section, a copy of the notice or order shall be served upon the person affected thereby either by personal service, by certified mail, or by a delivery service authorized under section 5703.056 of the Revised Code that notifies the tax commissioner of the date of delivery. 89089
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(2) In lieu of serving a copy of a notice or order through one of the means provided in division (A)(1) of this section, the commissioner may serve a notice or order upon the person affected thereby through alternative means as provided in this section, including, but not limited to, delivery by secure electronic mail as provided in division (F) of this section or by ordinary mail. Delivery by such means satisfies the requirements for delivery under this section. 89096
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(B)(1)(a) If certified mail is returned because of an undeliverable address, the commissioner shall first utilize reasonable means to ascertain a new last known address, including 89104
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the use of a change of address service offered by the United States postal service or an authorized delivery service under section 5703.056 of the Revised Code. If, after using reasonable means, the commissioner is unable to ascertain a new last known address, the assessment is final for purposes of section 131.02 of the Revised Code sixty days after the notice or order sent by certified mail is first returned to the commissioner, and the commissioner shall certify the notice or order, if applicable, to the attorney general for collection under section 131.02 of the Revised Code.

(b) Notwithstanding certification to the attorney general under division (B)(1)(a) of this section, once the commissioner or attorney general, or the designee of either, makes an initial contact with the person to whom the notice or order is directed, the person may protest an assessment by filing a petition for reassessment within sixty days after the initial contact. The certification of an assessment under division (B)(1)(a) of this section is prima-facie evidence that delivery is complete and that the notice or order is served.

(2) If mailing of a notice or order by certified mail is returned for some cause other than an undeliverable address or if a person does not access an electronic notice or order within the time provided in division (F) of this section, the commissioner shall resend the notice or order by ordinary mail. The notice or order shall show the date the commissioner sends the notice or order and include the following statement:

"This notice or order is deemed to be served on the addressee under applicable law ten days from the date this notice or order was mailed by the commissioner as shown on the notice or order, and all periods within which an appeal may be filed apply from and after that date."

Unless the mailing is returned because of an undeliverable

address, the mailing of that information is prima-facie evidence 89139
that delivery of the notice or order was completed ten days after 89140
the commissioner sent the notice or order by ordinary mail and 89141
that the notice or order was served. 89142

If the ordinary mail is subsequently returned because of an 89143
undeliverable address, the commissioner shall proceed under 89144
division (B)(1)(a) of this section. A person may challenge the 89145
presumption of delivery and service under this division in 89146
accordance with division (C) of this section. 89147

(C)(1) A person disputing the presumption of delivery and 89148
service under division (B) of this section bears the burden of 89149
proving by a preponderance of the evidence that the address to 89150
which the notice or order was sent was not an address with which 89151
the person was associated at the time the commissioner originally 89152
mailed the notice or order by certified mail. For the purposes of 89153
this section, a person is associated with an address at the time 89154
the commissioner originally mailed the notice or order if, at that 89155
time, the person was residing, receiving legal documents, or 89156
conducting business at the address; or if, before that time, the 89157
person had conducted business at the address and, when the notice 89158
or order was mailed, the person's agent or the person's affiliate 89159
was conducting business at the address. For the purposes of this 89160
section, a person's affiliate is any other person that, at the 89161
time the notice or order was mailed, owned or controlled at least 89162
twenty per cent, as determined by voting rights, of the 89163
addressee's business. 89164

(2) If the person elects to protest an assessment certified 89165
to the attorney general for collection, the person must do so 89166
within sixty days after the attorney general's initial contact 89167
with the person. The attorney general may enter into a compromise 89168
with the person under sections 131.02 and 5703.06 of the Revised 89169
Code if the person does not file a petition for reassessment with 89170

the commissioner. 89171

(D) Nothing in this section prohibits the commissioner or the 89172
commissioner's designee from delivering a notice or order by 89173
personal service. 89174

(E) Collection actions taken pursuant to section 131.02 of 89175
the Revised Code upon any assessment being challenged under 89176
division (B)(1)(b) of this section shall be stayed upon the 89177
pendency of an appeal under this section. If a petition for 89178
reassessment is filed pursuant to this section on a claim that has 89179
been certified to the attorney general for collection, the claim 89180
shall be uncertified. 89181

~~(F)~~(F)(1) The commissioner may serve a notice or order upon 89182
the person affected by the notice or order or that person's 89183
authorized representative through secure electronic means ~~only~~ 89184
~~with the person's consent~~ associated with the person's or 89185
representative's last known address, but only with the person's 89186
consent. The commissioner must inform the recipient, 89187
electronically or by mail, that a notice or order is available for 89188
electronic review and provide instructions to access and print the 89189
notice or order. The types of electronic notification the 89190
commissioner may use include electronic mail, text message, or any 89191
other form of electronic communication. The recipient's electronic 89192
access of the notice or order satisfies the requirements for 89193
delivery under this section. If the recipient fails to access the 89194
notice or order electronically within ten business days, then the 89195
commissioner shall inform the recipient a second time, 89196
electronically or by mail, that a notice or order is available for 89197
electronic review and provide instructions to access and print the 89198
notice or order. If the recipient fails to access the notice or 89199
order electronically within ten business days of the second 89200
notification, the notice or order shall be served upon the person 89201
through the means provided in division (B)(2) of this section. 89202

(2) The tax commissioner shall establish a system to issue notification of assessments to taxpayers through secure electronic means. 89203
89204
89205

(G) As used in this section: 89206

(1) "Last known address" means the address the department has 89207
at the time the document is originally sent by certified mail, or 89208
any address the department can ascertain using reasonable means 89209
such as the use of a change of address service offered by the 89210
United States postal service or an authorized delivery service 89211
under section 5703.056 of the Revised Code. For documents sent by 89212
secure electronic means, "last known address" means an electronic 89213
mode of communication that is identified on a form prescribed by 89214
the commissioner for such purpose or that is associated with the 89215
person or the authorized representative of the person on the Ohio 89216
business gateway, as defined in section 718.01 of the Revised 89217
Code, as of the date the notification was sent. 89218

(2) "Undeliverable address" means an address to which the 89219
United States postal service or an authorized delivery service 89220
under section 5703.056 of the Revised Code is not able to deliver 89221
a notice or order, except when the reason for nondelivery is 89222
because the addressee fails to acknowledge or accept the notice or 89223
order. 89224

Sec. 5703.53. (A) An "opinion of the tax commissioner" means 89225
an opinion issued under this section with respect to prospective 89226
tax liability. It does not include ordinary correspondence of the 89227
commissioner or a final determination of the commissioner arising 89228
from a request for administrative review of an assessment, a claim 89229
for refund, or an application for a pollution control or other 89230
certificate. 89231

(B) If a taxpayer requests in writing an opinion from the tax 89232
commissioner as to whether or how certain property, income, source 89233

of income, or a certain activity or transaction will be taxed, the 89234
commissioner's written response shall be an "opinion of the tax 89235
commissioner" and shall bind the commissioner, in accordance with 89236
divisions (C), (G), and (H) of this section, provided all of the 89237
following conditions are satisfied: 89238

(1) The taxpayer's request fully describes the specific facts 89239
or circumstances relevant to a determination of the taxability of 89240
the property, income, source of income, activity, or transaction, 89241
and, if an activity or transaction, all parties involved in the 89242
activity or transaction are clearly identified by name, location, 89243
or other pertinent facts. 89244

(2) The request relates to a "tax" as defined in section 89245
5703.50 of the Revised Code. 89246

(3) The commissioner's response is signed by the commissioner 89247
and designated as an "opinion of the tax commissioner." 89248

(C) An opinion of the tax commissioner shall remain in effect 89249
and shall protect the taxpayer for whom the opinion was prepared 89250
and who reasonably relies on it from liability for any taxes, 89251
penalty, or interest otherwise chargeable on the activity or 89252
transaction specifically held by the commissioner's opinion to be 89253
taxable in a particular manner or not to be subject to taxation 89254
for any tax year that may be specified in the opinion, or until 89255
the earliest of the following dates: 89256

(1) The effective date of a written revocation by the 89257
commissioner sent to the taxpayer ~~by certified mail, return~~ 89258
~~receipt requested in the manner provided in section 5703.37 of the~~ 89259
Revised Code. The effective date of the revocation shall be the 89260
taxpayer's date of receipt or one year after the issuance of the 89261
opinion, whichever is later; 89262

(2) The effective date of any rule adopted by the 89263
commissioner under Chapter 119. of the Revised Code that is 89264

inconsistent with the opinion;	89265
(3) The effective date of any amendment or enactment of a relevant section of the Revised Code or uncodified law;	89266 89267
(4) The date on which a court issues an opinion establishing or changing relevant case law with respect to the Revised Code, uncodified law, or rules of the tax commissioner;	89268 89269 89270
(5) If the opinion of the commissioner was based on the interpretation of federal law, the effective date of any change in the relevant federal statutes or regulations, or the date on which a court issues an opinion establishing or changing relevant case law with respect to federal statutes or regulations;	89271 89272 89273 89274 89275
(6) The effective date of any change in the taxpayer's material facts or circumstances;	89276 89277
(7) The effective date of the expiration of the opinion, if specified, in the opinion.	89278 89279
(D) A taxpayer is not relieved of liability for any activity or transaction related to a request for an opinion that contained any misrepresentation or omission of one or more material facts.	89280 89281 89282
(E) If the commissioner provides written advice under this section, the opinion shall include a statement that:	89283 89284
(1) The tax consequences stated in the opinion may be subject to change for any of the reasons stated in division (C) of this section;	89285 89286 89287
(2) It is the duty of the taxpayer to be aware of such changes.	89288 89289
(F) The commissioner may refuse to offer an opinion on any request received under this section.	89290 89291
(G) This section binds the commissioner only with respect to opinions of the commissioner issued on or after January 1, 1990.	89292 89293

(H) An opinion of the commissioner binds the commissioner 89294
only with respect to the taxpayer for whom the opinion was 89295
prepared. 89296

(I) The commissioner shall make available the text of all 89297
opinions issued under this section, except those opinions prepared 89298
for a taxpayer who has requested that the text of the opinion 89299
remain confidential. In no event shall the text of an opinion be 89300
made available until the commissioner has removed all information 89301
that identifies the taxpayer and any other parties involved in the 89302
activity or transaction. 89303

(J) An opinion of the commissioner issued under this section 89304
is not a final determination of the commissioner and may not be 89305
appealed to the board of tax appeals. 89306

Sec. 5705.192. (A) For the purposes of this section only, 89307
"taxing authority" includes a township board of park commissioners 89308
appointed under section 511.18 of the Revised Code. 89309

(B) A Subject to division (G) of this section, a taxing 89310
authority may propose to replace an existing levy that the taxing 89311
authority is authorized to levy, regardless of the section of the 89312
Revised Code under which the authority is granted, except a school 89313
district emergency levy proposed pursuant to sections 5705.194 to 89314
5705.197 of the Revised Code. The taxing authority may propose to 89315
replace the existing levy in its entirety at the rate at which it 89316
is authorized to be levied; may propose to replace a portion of 89317
the existing levy at a lesser rate; or may propose to replace the 89318
existing levy in its entirety and increase the rate at which it is 89319
levied. If the taxing authority proposes to replace an existing 89320
levy, the proposed levy shall be called a replacement levy and 89321
shall be so designated on the ballot. Except as otherwise provided 89322
in this division, a replacement levy shall be limited to the 89323
purpose of the existing levy, and shall appear separately on the 89324

ballot from, and shall not be conjoined with, the renewal of any 89325
other existing levy. In the case of an existing school district 89326
levy imposed under section 5705.21 of the Revised Code for the 89327
purpose specified in division (F) of section 5705.19 of the 89328
Revised Code, or in the case of an existing school district levy 89329
imposed under section 5705.217 of the Revised Code for the 89330
acquisition, construction, enlargement, renovation, and financing 89331
of permanent improvements, the replacement for that existing levy 89332
may be for the same purpose or for the purpose of general 89333
permanent improvements as defined in section 5705.21 of the 89334
Revised Code. The replacement for an existing levy imposed under 89335
division (L) of section 5705.19 or section 5705.222 of the Revised 89336
Code may be for any purpose authorized for a levy imposed under 89337
section 5705.222 of the Revised Code. 89338

The resolution proposing a replacement levy shall specify the 89339
purpose of the levy; its proposed rate expressed in mills for each 89340
one dollar of taxable value and in dollars for each one hundred 89341
thousand dollars of the county auditor's appraised value; whether 89342
the proposed rate is the same as the rate of the existing levy, a 89343
reduction, or an increase; the extent of any reduction or increase 89344
expressed in mills for each one dollar of taxable value and in 89345
dollars for each one hundred thousand dollars of the county 89346
auditor's appraised value; the first calendar year in which the 89347
levy will be due; and the term of the levy, expressed in years or, 89348
if applicable, that it will be levied for a continuing period of 89349
time. 89350

The sections of the Revised Code governing the maximum rate 89351
and term of the existing levy, the contents of the resolution that 89352
proposed the levy, the adoption of the resolution, the 89353
arrangements for the submission of the question of the levy, and 89354
notice of the election also govern the respective provisions of 89355
the proposal to replace the existing levy, except as provided in 89356

divisions (B)(1) to (5) of this section: 89357

(1) In the case of an existing school district levy that is 89358
imposed under section 5705.21 of the Revised Code for the purpose 89359
specified in division (F) of section 5705.19 of the Revised Code 89360
or under section 5705.217 of the Revised Code for the acquisition, 89361
construction, enlargement, renovation, and financing of permanent 89362
improvements, and that is to be replaced by a levy for general 89363
permanent improvements, the term of the replacement levy may be 89364
for a continuing period of time. 89365

(2) ~~The~~ Subject to division (G) of this section, the date on 89366
which the election is held shall be as follows: 89367

(a) For the replacement of a levy with a fixed term of years, 89368
the date of the general election held during the last year the 89369
existing levy may be extended on the real and public utility 89370
property tax list and duplicate, or the date of any election held 89371
in the ensuing year; 89372

(b) For the replacement of a levy imposed for a continuing 89373
period of time, the date of any election held in any year after 89374
the year the levy to be replaced is first approved by the 89375
electors, except that only one election on the question of 89376
replacing the levy may be held during any calendar year. 89377

The failure by the electors to approve a proposal to replace 89378
a levy imposed for a continuing period of time does not terminate 89379
the existing continuing levy. 89380

(3) In the case of an existing school district levy imposed 89381
under division (B) of section 5705.21, division (C) of section 89382
5705.212, or division (J) of section 5705.218 of the Revised Code, 89383
the rates allocated to the qualifying school district and to 89384
partnering community schools each may be increased or decreased or 89385
remain the same, and the total rate may be increased, decreased, 89386
or remain the same. 89387

(4) In the case of an existing levy imposed under division (L) of section 5705.19 of the Revised Code, the term may be for any number of years not exceeding ten or for a continuing period of time.

(5) In addition to other required information, the election notice shall express the levy's annual collections, as estimated and certified by the county auditor under section 5705.03 of the Revised Code.

(C) The form of the ballot at the election on the question of a replacement levy shall be as follows:

"A replacement of a tax for the benefit of _____ (name of subdivision or public library) for the purpose of _____ (the purpose stated in the resolution), that the county auditor estimates will collect \$_____ annually, at a rate not exceeding _____ mills for each \$1 of taxable value, which amounts to \$_____ for each \$100,000 of the county auditor's appraised value, for _____ (number of years levy is to run, or that it will be levied for a continuous period of time)

	For the Tax Levy	"
	Against the Tax Levy	

If the replacement levy is proposed by a qualifying school district to replace an existing tax levied under division (B) of section 5705.21, division (C)(1) of section 5705.212, or division (J) of section 5705.218 of the Revised Code, the form of the ballot shall be modified by adding, after the phrase "each \$1 of taxable value," the following: "(of which _____ mills is to be allocated to partnering community schools)."

If the proposal is to replace an existing levy and increase the rate of the existing levy, the form of the ballot shall be changed by adding the words "_____ mills of an existing levy and an increase of _____ mills, to constitute" after the

words "a replacement of." If the proposal is to replace only a 89419
portion of an existing levy, the form of the ballot shall be 89420
changed by adding the words "a portion of an existing levy, being 89421
a reduction of _____ mills, to constitute" after the words "a 89422
replacement of." If the existing levy is imposed under division 89423
(B) of section 5705.21, division (C)(1) of section 5705.212, or 89424
division (J) of section 5705.218 of the Revised Code, the form of 89425
the ballot also shall state the portion of the total increased 89426
rate or of the total rate as reduced that is to be allocated to 89427
partnering community schools. 89428

If the tax is to be placed on the tax list of the current tax 89429
year, the form of the ballot shall be modified by adding at the 89430
end of the form the phrase ", commencing in _____ (first year 89431
the replacement tax is to be levied), first due in calendar year 89432
_____ (first calendar year in which the tax shall be due)." 89433

The question covered by the resolution shall be submitted as 89434
a separate proposition, but may be printed on the same ballot with 89435
any other proposition submitted at the same election, other than 89436
the election of officers. More than one such question may be 89437
submitted at the same election. 89438

(D) Two or more existing levies, or any portion of those 89439
levies, may be combined into one replacement levy, so long as all 89440
of the existing levies are for the same purpose and either all are 89441
due to expire the same year or all are for a continuing period of 89442
time. The question of combining all or portions of those existing 89443
levies into the replacement levy shall appear as one ballot 89444
proposition before the electors. If the electors approve the 89445
ballot proposition, all or the stated portions of the existing 89446
levies are replaced by one replacement levy. 89447

(E) A levy approved in excess of the ten-mill limitation 89448
under this section shall be certified to the tax commissioner. In 89449
the first year of a levy approved under this section, the levy 89450

shall be extended on the tax lists after the February settlement 89451
succeeding the election at which the levy was approved. If the 89452
levy is to be placed on the tax lists of the current year, as 89453
specified in the resolution providing for its submission, the 89454
result of the election shall be certified immediately after the 89455
canvass by the board of elections to the taxing authority, which 89456
shall forthwith make the necessary levy and certify it to the 89457
county auditor, who shall extend it on the tax lists for 89458
collection. After the first year, the levy shall be included in 89459
the annual tax budget that is certified to the county budget 89460
commission. 89461

If notes are authorized to be issued in anticipation of the 89462
proceeds of the existing levy, notes may be issued in anticipation 89463
of the proceeds of the replacement levy, and such issuance is 89464
subject to the terms and limitations governing the issuance of 89465
notes in anticipation of the proceeds of the existing levy. 89466

(F) This section does not authorize a tax to be levied in any 89467
year after the year in which revenue is not needed for the purpose 89468
for which the tax is levied. 89469

(G) No question shall be submitted to electors under this 89470
section at an election held on or after January 1, 2025. 89471

Sec. 5705.234. (A) As used in this section, "basic project 89472
cost," "jail facility," and "multicounty jail facility" have the 89473
same meanings as in section 342.01 of the Revised Code. 89474

(B) The board of county commissioners of any county, after 89475
receiving conditional approval from the Ohio facilities 89476
construction commission under section 342.05 of the Revised Code 89477
of a project involving the construction, acquisition, 89478
reconstruction, or expansion of a jail facility, may declare by 89479
resolution that the amount of taxes which may be raised within the 89480
ten-mill limitation are insufficient to fund the county's share of 89481

the basic project cost, or to maintain and operate the jail facility, and that it is necessary to do one or both of the following: 89482
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(1) Levy a tax in excess of the ten-mill limitation to fund maintenance and operating expenses of the jail facility; 89485
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(2) Issue general obligation bonds for the county's share of the basic project cost and levy an additional tax in excess of the ten-mill limitation to pay debt charges on the bonds and any anticipatory securities. 89487
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(C) A resolution adopted under division (B) of this section shall conform to the requirements of section 5705.19 of the Revised Code, except that: 89491
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(1) A tax proposed under division (B)(1) of this section may be levied for any specified number of years, or for a continuing period of time, as specified in the resolution. 89494
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(2) A tax proposed under division (B)(2) of this section to pay debt charges on bonds and anticipatory securities may be levied for the maximum number of years over which the principal of the bonds proposed under that division may be paid. 89497
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(3) A resolution that proposes both the levy described in division (B)(1) of this section and the bond issue and levy described in division (B)(2) of this section shall enumerate the total rate of the proposed tax and the portion of that rate attributed to each levy. 89501
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(4) The resolution shall specify the percentage of the basic project cost to be supplied by the county and the percentage of such cost to be supplied by the state. 89506
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(5) If the jail facility is a multicounty jail facility, the resolution shall specify the name of each contracting county and the percentage of the basic project cost to be supplied by each 89509
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89511

such county. 89512

(D) On adoption of a resolution that proposes a bond issue and tax levy under division (B)(2) of this section, the board of county commissioners shall certify a copy to the county auditor. The county auditor promptly shall estimate and certify to the board the average annual property tax rate required throughout the stated maturity of the bonds to pay debt charges on the bonds, in the same manner as under division (C) of section 133.18 of the Revised Code. 89513
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Division (B) of section 5705.03 of the Revised Code applies to the tax levy proposed under division (B)(1) of this section but does not apply to the tax levy proposed under division (B)(2) of this section. 89521
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(E) A resolution adopted under this section shall go into immediate effect upon its passage, and no publication of it is necessary other than that provided in the notice of election. The board of county commissioners shall certify a copy of the resolution and, if applicable, a copy of the auditor's estimate under division (D) of this section, to the board of elections. 89525
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The board of elections shall make the arrangements for submission of the question or questions proposed under this section to the electors of the county, and the election shall be conducted, canvassed, and certified in the same manner as regular elections in the county for the election of county officers. The resolution shall be submitted to the electors as one ballot question, with a favorable vote indicating approval of all levies proposed by the board of county commissioners. The board of elections shall publish notice of the election in a newspaper of general circulation in the county once a week for two consecutive weeks, or as provided in section 7.16 of the Revised Code, before the election. If a board of elections operates and maintains a web site, that board also shall post notice of the election on its web 89531
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site for thirty days before the election. The notice of election 89544
shall state all of the following: 89545

(1) The time and place of the election; 89546

(2) The percentage of the basic project cost to be supplied 89547
by the county and the percentage of such cost to be supplied by 89548
the state; 89549

(3) If the jail facility is a multicounty jail facility, the 89550
name of each contracting county and the percentage of the basic 89551
project cost to be supplied by each such county; 89552

(4) The proposed rate of each tax and the number of years it 89553
will be in effect or, if applicable, that it will be in effect for 89554
a continuing period of time; 89555

(5) If applicable, the principal amount of the proposed bond 89556
issue and the maximum number of years over which the principal of 89557
the bonds may be paid. 89558

(F) The ballot for an election under this section shall 89559
include the following language, as applicable: 89560

"Shall _____ (name of county) be authorized to do the 89561
following: 89562

(1) Levy an additional property tax to pay for maintenance 89563
and operating expenses of a jail facility at a rate not exceeding 89564
_____ mills for each one dollar of tax valuation, which amounts 89565
to _____ (rate expressed in cents or dollars and cents) for each 89566
one hundred dollars of tax valuation, for _____ (number of years 89567
of the levy, or a continuing period of time)? 89568

(2) Issue bonds for the purpose of _____ in the 89569
principal amount of \$ _____, to be repaid annually over a maximum 89570
period of _____ years, and levy a property tax outside the 89571
ten-mill limitation, estimated by the county auditor to average 89572
over the bond repayment period _____ mills for each one dollar of 89573

tax valuation, which amounts to _____ (rate expressed in cents or 89574
dollars and cents) for each one hundred dollars of tax valuation, 89575
to pay the annual debt charges on the bonds, and to pay debt 89576
charges on any notes issued in anticipation of those bonds?"/> 89577

(G) The board of elections promptly shall certify the results 89578
of the election to the tax commissioner and the county auditor. If 89579
approved by a majority of the electors voting on the question, the 89580
board of county commissioners may proceed with issuance of the 89581
bonds and the levy and collection of the property tax for the debt 89582
service on the bonds and any anticipatory securities in the same 89583
manner and subject to the same limitations as for securities 89584
issued under section 133.18 of the Revised Code, and with the levy 89585
and collection of the property tax or taxes for maintenance and 89586
operating expenses of the jail facility and to fund the county's 89587
share of the basic project cost at the additional rate or any 89588
lesser rate in excess of the ten-mill limitation, as applicable. 89589
Any securities issued by the board of commissioners under this 89590
section are Chapter 133. securities, as that term is defined in 89591
section 133.01 of the Revised Code. 89592

(H) After the approval of a tax described under division 89593
(B)(1) of this section and before the time the first collection 89594
and distribution from the levy can be made, the board of county 89595
commissioners may anticipate a fraction of the proceeds of the 89596
levy and issue anticipation notes in a principal amount not 89597
exceeding fifty per cent of the total estimated proceeds of the 89598
tax to be collected during the first year of the levy. 89599

Anticipation notes issued under this section shall be issued 89600
as provided in section 133.24 of the Revised Code. Those notes 89601
shall have principal payments during each year after the year of 89602
their issuance over a period not to exceed five years, and may 89603
have a principal payment in the year of their issuance. 89604

(I) A tax levied under division (B)(1) of this section for a 89605

specified number of years may be renewed or replaced in the same 89606
manner as a tax for current operating expenses or permanent 89607
improvements levied under section 5705.19 of the Revised Code. A 89608
tax levied under this section for a continuing period of time may 89609
be decreased in accordance with section 5705.261 of the Revised 89610
Code. 89611

Sec. 5705.391. (A) The department of education and the 89612
auditor of state shall jointly adopt rules requiring boards of 89613
education to submit five-year projections of operational revenues 89614
and expenditures. The rules shall provide for the auditor of state 89615
or the department to examine the five-year projections and to 89616
determine whether any further fiscal analysis is needed to 89617
ascertain whether a district has the potential to incur a deficit 89618
during the first three years of the five-year period. 89619

The auditor of state or the department may conduct any 89620
further audits or analyses necessary to assess any district's 89621
fiscal condition. If further audits or analyses are conducted by 89622
the auditor of state, the auditor of state shall notify the 89623
department of the district's fiscal condition, and the department 89624
shall immediately notify the district of any potential to incur a 89625
deficit in the current fiscal year or of any strong indications 89626
that a deficit will be incurred in either of the ensuing two 89627
years. If such audits or analyses are conducted by the department, 89628
the department shall immediately notify the district and the 89629
auditor of state of such potential deficit or strong indications 89630
thereof. 89631

A district notified under this section shall take immediate 89632
steps to eliminate any deficit in the current fiscal year and 89633
shall begin to plan to avoid the projected future deficits. 89634

(B) The state board of education, in accordance with sections 89635
3319.31 and 3319.311 of the Revised Code, may limit, suspend, or 89636

revoke a license as defined under section 3319.31 of the Revised Code that has been issued to any school employee found to have willfully contributed erroneous, inaccurate, or incomplete data required for the submission of the five-year projection required by this section.

(C) The department and the auditor of state, in their joint adoption of rules under division (A) of this section, shall not require a board of education to submit its five-year projection of operational revenues and expenditures prior to the thirtieth day of November of any fiscal year.

(D) Beginning with submissions required in fiscal year 2024 and for each fiscal year in which a submission is required under this section thereafter, the department and the auditor shall label the projections regarding property tax allocation in the projection as "state share of local property taxes."

Sec. 5709.40. (A) As used in this section:

(1) "Blighted area" and "impacted city" have the same meanings as in section 1728.01 of the Revised Code.

(2) "Business day" means a day of the week excluding Saturday, Sunday, and a legal holiday as defined under section 1.14 of the Revised Code.

(3) "Housing renovation" means a project carried out for residential purposes.

(4) "Improvement" means the increase in the assessed value of any real property that would first appear on the tax list and duplicate of real and public utility property after the effective date of an ordinance adopted under this section were it not for the exemption granted by that ordinance.

(5) "Incentive district" means an area not more than three hundred acres in size enclosed by a continuous boundary in which a

project is being, or will be, undertaken and having one or more of 89667
the following distress characteristics: 89668

(a) At least fifty-one per cent of the residents of the 89669
district have incomes of less than eighty per cent of the median 89670
income of residents of the political subdivision in which the 89671
district is located, as determined in the same manner specified 89672
under section 119(b) of the "Housing and Community Development Act 89673
of 1974," 88 Stat. 633, 42 U.S.C. 5318, as amended; 89674

(b) The average rate of unemployment in the district during 89675
the most recent twelve-month period for which data are available 89676
is equal to at least one hundred fifty per cent of the average 89677
rate of unemployment for this state for the same period. 89678

(c) At least twenty per cent of the people residing in the 89679
district live at or below the poverty level as defined in the 89680
federal Housing and Community Development Act of 1974, 42 U.S.C. 89681
5301, as amended, and regulations adopted pursuant to that act. 89682

(d) The district is a blighted area. 89683

(e) The district is in a situational distress area as 89684
designated by the director of development under division (F) of 89685
section 122.23 of the Revised Code. 89686

(f) As certified by the engineer for the political 89687
subdivision, the public infrastructure serving the district is 89688
inadequate to meet the development needs of the district as 89689
evidenced by a written economic development plan or urban renewal 89690
plan for the district that has been adopted by the legislative 89691
authority of the subdivision. 89692

(g) The district is comprised entirely of unimproved land 89693
that is located in a distressed area as defined in section 122.23 89694
of the Revised Code. 89695

(6) "Overlay" means an area of not more than three hundred 89696

acres that is a square, or that is a rectangle having two longer 89697
sides that are not more than twice the length of the two shorter 89698
sides, that the legislative authority of a municipal corporation 89699
delineates on a map of a proposed incentive district. 89700

(7) "Project" means development activities undertaken on one 89701
or more parcels, including, but not limited to, construction, 89702
expansion, and alteration of buildings or structures, demolition, 89703
remediation, and site development, and any building or structure 89704
that results from those activities. 89705

(8) "Public infrastructure improvement" includes, but is not 89706
limited to, public roads and highways; water and sewer lines; the 89707
continued maintenance of those public roads and highways and water 89708
and sewer lines; environmental remediation; land acquisition, 89709
including acquisition in aid of industry, commerce, distribution, 89710
or research; demolition, including demolition on private property 89711
when determined to be necessary for economic development purposes; 89712
stormwater and flood remediation projects, including such projects 89713
on private property when determined to be necessary for public 89714
health, safety, and welfare; the provision of gas, electric, and 89715
communications service facilities, including the provision of gas 89716
or electric service facilities owned by nongovernmental entities 89717
when such improvements are determined to be necessary for economic 89718
development purposes; the enhancement of public waterways through 89719
improvements that allow for greater public access; and off-street 89720
parking facilities, including those in which all or a portion of 89721
the parking spaces are reserved for specific uses when determined 89722
to be necessary for economic development purposes. 89723

(9) "Nonperforming parcel" means a parcel to which all of the 89724
following apply: 89725

(a) The parcel is exempted from taxation under division (B) 89726
of this section or has been included in a district created under 89727
division (C) of this section. 89728

(b) The parcel's owner is required to make payments in lieu of taxes in accordance with section 5709.42 of the Revised Code. 89729
89730

(c) No such payments have been remitted to the county treasurer since the inception of the exemption or district. 89731
89732

(B) The legislative authority of a municipal corporation, by ordinance, may declare improvements to certain parcels of real property located in the municipal corporation to be a public purpose. Improvements with respect to a parcel that is used or to be used for residential purposes may be declared a public purpose under this division only if the parcel is located in a blighted area of an impacted city. For this purpose, "parcel that is used or to be used for residential purposes" means a parcel that, as improved, is used or to be used for purposes that would cause the tax commissioner to classify the parcel as residential property in accordance with rules adopted by the commissioner under section 5713.041 of the Revised Code. Except as otherwise provided under division (D) of this section or section 5709.51 of the Revised Code, not more than seventy-five per cent of an improvement thus declared to be a public purpose may be exempted from real property taxation for a period of not more than ten years. The ordinance shall specify the percentage of the improvement to be exempted from taxation and the life of the exemption. 89733
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An ordinance adopted or amended under this division shall designate the specific public infrastructure improvements made, to be made, or in the process of being made by the municipal corporation that directly benefit, or that once made will directly benefit, the parcels for which improvements are declared to be a public purpose. The service payments provided for in section 5709.42 of the Revised Code shall be used to finance the public infrastructure improvements designated in the ordinance, for the purpose described in division (D)(1) of this section or as provided in section 5709.43 of the Revised Code. 89751
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(C)(1) The legislative authority of a municipal corporation 89761
may adopt an ordinance creating an incentive district and 89762
declaring improvements to parcels within the district to be a 89763
public purpose and, except as provided in division (C)(2) of this 89764
section, exempt from taxation as provided in this section, but no 89765
legislative authority of a municipal corporation that has a 89766
population that exceeds twenty-five thousand, as shown by the most 89767
recent federal decennial census, shall adopt an ordinance that 89768
creates an incentive district if the sum of the taxable value of 89769
real property in the proposed district for the preceding tax year 89770
and the taxable value of all real property in the municipal 89771
corporation that would have been taxable in the preceding year 89772
were it not for the fact that the property was in an existing 89773
incentive district and therefore exempt from taxation exceeds 89774
twenty-five per cent of the taxable value of real property in the 89775
municipal corporation for the preceding tax year. The ordinance 89776
shall delineate the boundary of the proposed district and 89777
specifically identify each parcel within the district. A proposed 89778
district may not include any parcel, other than a nonperforming 89779
parcel, that is or has been exempted from taxation under division 89780
(B) of this section or that is or has been within another district 89781
created under this division. On and after the effective date of 89782
the district, a nonperforming parcel within the district is no 89783
longer exempted from taxation under division (B) of this section 89784
or included within an incentive district under any previous 89785
ordinance, and the parcel's owner is no longer required to make 89786
payments in lieu of taxes under such a previous ordinance in 89787
accordance with section 5709.42 of the Revised Code. An ordinance 89788
may create more than one such district, and more than one 89789
ordinance may be adopted under division (C)(1) of this section. 89790

(2)(a) Not later than thirty days prior to adopting an 89791
ordinance under division (C)(1) of this section, if the municipal 89792
corporation intends to apply for exemptions from taxation under 89793

section 5709.911 of the Revised Code on behalf of owners of real property located within the proposed incentive district, the legislative authority of the municipal corporation shall conduct a public hearing on the proposed ordinance. Not later than thirty days prior to the public hearing, the legislative authority shall give notice of the public hearing and the proposed ordinance by first class mail to every real property owner whose property is located within the boundaries of the proposed incentive district that is the subject of the proposed ordinance. The notice shall include a map of the proposed incentive district on which the legislative authority of the municipal corporation shall have delineated an overlay. The notice shall inform the property owner of the owner's right to exclude the owner's property from the incentive district if the owner's entire parcel of property will not be located within the overlay, by submitting a written response in accordance with division (C)(2)(b) of this section. The notice also shall include information detailing the required contents of the response, the address to which the response may be mailed, and the deadline for submitting the response.

(b) Any owner of real property located within the boundaries of an incentive district proposed under division (C)(1) of this section whose entire parcel of property is not located within the overlay may exclude the property from the proposed incentive district by submitting a written response to the legislative authority of the municipal corporation not later than forty-five days after the postmark date on the notice required under division (C)(2)(a) of this section. The response shall be sent by first class mail or delivered in person at a public hearing held by the legislative authority under division (C)(2)(a) of this section. The response shall conform to any content requirements that may be established by the municipal corporation and included in the notice provided under division (C)(2)(a) of this section. In the response, property owners may identify a parcel by street address,

by the manner in which it is identified in the ordinance, or by 89827
other means allowing the identity of the parcel to be ascertained. 89828

(c) Before adopting an ordinance under division (C)(1) of 89829
this section, the legislative authority of a municipal corporation 89830
shall amend the ordinance to exclude any parcel located wholly or 89831
partly outside the overlay for which a written response has been 89832
submitted under division (C)(2)(b) of this section. A municipal 89833
corporation shall not apply for exemptions from taxation under 89834
section 5709.911 of the Revised Code for any such parcel, and 89835
service payments may not be required from the owner of the parcel. 89836
Improvements to a parcel excluded from an incentive district under 89837
this division may be exempted from taxation under division (B) of 89838
this section pursuant to an ordinance adopted under that division 89839
or under any other section of the Revised Code under which the 89840
parcel qualifies. 89841

(3)(a) An ordinance adopted under division (C)(1) of this 89842
section shall specify the life of the incentive district and the 89843
percentage of the improvements to be exempted, shall designate the 89844
public infrastructure improvements made, to be made, or in the 89845
process of being made, that benefit or serve, or, once made, will 89846
benefit or serve parcels in the district. The ordinance also shall 89847
identify one or more specific projects being, or to be, undertaken 89848
in the district that place additional demand on the public 89849
infrastructure improvements designated in the ordinance. The 89850
project identified may, but need not be, the project under 89851
division (C)(3)(b) of this section that places real property in 89852
use for commercial or industrial purposes. Except as otherwise 89853
permitted under that division, the service payments provided for 89854
in section 5709.42 of the Revised Code shall be used to finance 89855
the designated public infrastructure improvements, for the purpose 89856
described in division (D)(1), (E), or (F) of this section, or as 89857
provided in section 5709.43 of the Revised Code. 89858

An ordinance adopted under division (C)(1) of this section on 89859
or after March 30, 2006, shall not designate police or fire 89860
equipment as public infrastructure improvements, and no service 89861
payment provided for in section 5709.42 of the Revised Code and 89862
received by the municipal corporation under the ordinance shall be 89863
used for police or fire equipment. 89864

(b) An ordinance adopted under division (C)(1) of this 89865
section may authorize the use of service payments provided for in 89866
section 5709.42 of the Revised Code for the purpose of housing 89867
renovations within the incentive district, provided that the 89868
ordinance also designates public infrastructure improvements that 89869
benefit or serve the district, and that a project within the 89870
district places real property in use for commercial or industrial 89871
purposes. Service payments may be used to finance or support 89872
loans, deferred loans, and grants to persons for the purpose of 89873
housing renovations within the district. The ordinance shall 89874
designate the parcels within the district that are eligible for 89875
housing renovation. The ordinance shall state separately the 89876
amounts or the percentages of the expected aggregate service 89877
payments that are designated for each public infrastructure 89878
improvement and for the general purpose of housing renovations. 89879

(4) Except with the approval of the board of education of 89880
each city, local, or exempted village school district within the 89881
territory of which the incentive district is or will be located, 89882
and subject to division (E) of this section, the life of an 89883
incentive district shall not exceed ten years, and the percentage 89884
of improvements to be exempted shall not exceed seventy-five per 89885
cent. With approval of the board of education, the life of a 89886
district may be not more than thirty years, and the percentage of 89887
improvements to be exempted may be not more than one hundred per 89888
cent. The approval of a board of education shall be obtained in 89889
the manner provided in division (D) of this section. 89890

(D)(1) If the ordinance declaring improvements to a parcel to be a public purpose or creating an incentive district specifies that payments in lieu of taxes provided for in section 5709.42 of the Revised Code shall be paid to the city, local, or exempted village, and joint vocational school district in which the parcel or incentive district is located in the amount of the taxes that would have been payable to the school district if the improvements had not been exempted from taxation, the percentage of the improvement that may be exempted from taxation may exceed seventy-five per cent, and the exemption may be granted for up to thirty years, without the approval of the board of education as otherwise required under division (D)(2) of this section.

(2) Improvements with respect to a parcel may be exempted from taxation under division (B) of this section, and improvements to parcels within an incentive district may be exempted from taxation under division (C) of this section, for up to ten years or, with the approval under this paragraph of the board of education of the city, local, or exempted village school district within which the parcel or district is located, for up to thirty years. The percentage of the improvement exempted from taxation may, with such approval, exceed seventy-five per cent, but shall not exceed one hundred per cent. Not later than forty-five business days prior to adopting an ordinance under this section declaring improvements to be a public purpose that is subject to approval by a board of education under this division, the legislative authority shall deliver to the board of education a notice stating its intent to adopt an ordinance making that declaration. The notice regarding improvements with respect to a parcel under division (B) of this section shall identify the parcels for which improvements are to be exempted from taxation, provide an estimate of the true value in money of the improvements, specify the period for which the improvements would be exempted from taxation and the percentage of the improvement

that would be exempted, and indicate the date on which the 89924
legislative authority intends to adopt the ordinance. The notice 89925
regarding improvements to parcels within an incentive district 89926
under division (C) of this section shall delineate the boundaries 89927
of the district, specifically identify each parcel within the 89928
district, identify each anticipated improvement in the district, 89929
provide an estimate of the true value in money of each such 89930
improvement, specify the life of the district and the percentage 89931
of improvements that would be exempted, and indicate the date on 89932
which the legislative authority intends to adopt the ordinance. 89933
The board of education, by resolution adopted by a majority of the 89934
board, may approve the exemption for the period or for the 89935
exemption percentage specified in the notice; may disapprove the 89936
exemption for the number of years in excess of ten, may disapprove 89937
the exemption for the percentage of the improvement to be exempted 89938
in excess of seventy-five per cent, or both; or may approve the 89939
exemption on the condition that the legislative authority and the 89940
board negotiate an agreement providing for compensation to the 89941
school district equal in value to a percentage of the amount of 89942
taxes exempted in the eleventh and subsequent years of the 89943
exemption period or, in the case of exemption percentages in 89944
excess of seventy-five per cent, compensation equal in value to a 89945
percentage of the taxes that would be payable on the portion of 89946
the improvement in excess of seventy-five per cent were that 89947
portion to be subject to taxation, or other mutually agreeable 89948
compensation. If an agreement is negotiated between the 89949
legislative authority and the board to compensate the school 89950
district for all or part of the taxes exempted, including 89951
agreements for payments in lieu of taxes under section 5709.42 of 89952
the Revised Code, the legislative authority shall compensate the 89953
joint vocational school district within which the parcel or 89954
district is located at the same rate and under the same terms 89955
received by the city, local, or exempted village school district. 89956

(3) The board of education shall certify its resolution to 89957
the legislative authority not later than fourteen days prior to 89958
the date the legislative authority intends to adopt the ordinance 89959
as indicated in the notice. If the board of education and the 89960
legislative authority negotiate a mutually acceptable compensation 89961
agreement, the ordinance may declare the improvements a public 89962
purpose for the number of years specified in the ordinance or, in 89963
the case of exemption percentages in excess of seventy-five per 89964
cent, for the exemption percentage specified in the ordinance. In 89965
either case, if the board and the legislative authority fail to 89966
negotiate a mutually acceptable compensation agreement, the 89967
ordinance may declare the improvements a public purpose for not 89968
more than ten years, and shall not exempt more than seventy-five 89969
per cent of the improvements from taxation. If the board fails to 89970
certify a resolution to the legislative authority within the time 89971
prescribed by this division, the legislative authority thereupon 89972
may adopt the ordinance and may declare the improvements a public 89973
purpose for up to thirty years, or, in the case of exemption 89974
percentages proposed in excess of seventy-five per cent, for the 89975
exemption percentage specified in the ordinance. The legislative 89976
authority may adopt the ordinance at any time after the board of 89977
education certifies its resolution approving the exemption to the 89978
legislative authority, or, if the board approves the exemption on 89979
the condition that a mutually acceptable compensation agreement be 89980
negotiated, at any time after the compensation agreement is agreed 89981
to by the board and the legislative authority. 89982

(4) If a board of education has adopted a resolution waiving 89983
its right to approve exemptions from taxation under this section 89984
and the resolution remains in effect, approval of exemptions by 89985
the board is not required under division (D) of this section. If a 89986
board of education has adopted a resolution allowing a legislative 89987
authority to deliver the notice required under division (D) of 89988
this section fewer than forty-five business days prior to the 89989

legislative authority's adoption of the ordinance, the legislative 89990
authority shall deliver the notice to the board not later than the 89991
number of days prior to such adoption as prescribed by the board 89992
in its resolution. If a board of education adopts a resolution 89993
waiving its right to approve agreements or shortening the 89994
notification period, the board shall certify a copy of the 89995
resolution to the legislative authority. If the board of education 89996
rescinds such a resolution, it shall certify notice of the 89997
rescission to the legislative authority. 89998

(5) If the legislative authority is not required by division 89999
(D) of this section to notify the board of education of the 90000
legislative authority's intent to declare improvements to be a 90001
public purpose, the legislative authority shall comply with the 90002
notice requirements imposed under section 5709.83 of the Revised 90003
Code, unless the board has adopted a resolution under that section 90004
waiving its right to receive such a notice. 90005

(6) Nothing in division (D) of this section prohibits the 90006
legislative authority of a municipal corporation from amending the 90007
ordinance or resolution under section 5709.51 of the Revised Code 90008
to extend the term of the exemption. 90009

(E)(1) If a proposed ordinance under division (C)(1) of this 90010
section exempts improvements with respect to a parcel within an 90011
incentive district for more than ten years, or the percentage of 90012
the improvement exempted from taxation exceeds seventy-five per 90013
cent, not later than forty-five business days prior to adopting 90014
the ordinance the legislative authority of the municipal 90015
corporation shall deliver to the board of county commissioners of 90016
the county within which the incentive district will be located a 90017
notice that states its intent to adopt an ordinance creating an 90018
incentive district. The notice shall include a copy of the 90019
proposed ordinance, identify the parcels for which improvements 90020
are to be exempted from taxation, provide an estimate of the true 90021

value in money of the improvements, specify the period of time for 90022
which the improvements would be exempted from taxation, specify 90023
the percentage of the improvements that would be exempted from 90024
taxation, and indicate the date on which the legislative authority 90025
intends to adopt the ordinance. 90026

(2) The board of county commissioners, by resolution adopted 90027
by a majority of the board, may object to the exemption for the 90028
number of years in excess of ten, may object to the exemption for 90029
the percentage of the improvement to be exempted in excess of 90030
seventy-five per cent, or both. If the board of county 90031
commissioners objects, the board may negotiate a mutually 90032
acceptable compensation agreement with the legislative authority. 90033
In no case shall the compensation provided to the board exceed the 90034
property taxes forgone due to the exemption. If the board of 90035
county commissioners objects, and the board and legislative 90036
authority fail to negotiate a mutually acceptable compensation 90037
agreement, the ordinance adopted under division (C)(1) of this 90038
section shall provide to the board compensation in the eleventh 90039
and subsequent years of the exemption period equal in value to not 90040
more than fifty per cent of the taxes that would be payable to the 90041
county or, if the board's objection includes an objection to an 90042
exemption percentage in excess of seventy-five per cent, 90043
compensation equal in value to not more than fifty per cent of the 90044
taxes that would be payable to the county, on the portion of the 90045
improvement in excess of seventy-five per cent, were that portion 90046
to be subject to taxation. The board of county commissioners shall 90047
certify its resolution to the legislative authority not later than 90048
thirty days after receipt of the notice. 90049

(3) If the board of county commissioners does not object or 90050
fails to certify its resolution objecting to an exemption within 90051
thirty days after receipt of the notice, the legislative authority 90052
may adopt the ordinance, and no compensation shall be provided to 90053

the board of county commissioners. If the board timely certifies 90054
its resolution objecting to the ordinance, the legislative 90055
authority may adopt the ordinance at any time after a mutually 90056
acceptable compensation agreement is agreed to by the board and 90057
the legislative authority, or, if no compensation agreement is 90058
negotiated, at any time after the legislative authority agrees in 90059
the proposed ordinance to provide compensation to the board of 90060
fifty per cent of the taxes that would be payable to the county in 90061
the eleventh and subsequent years of the exemption period or on 90062
the portion of the improvement in excess of seventy-five per cent, 90063
were that portion to be subject to taxation. 90064

(F) Service payments in lieu of taxes that are attributable 90065
to any amount by which the effective tax rate of either a renewal 90066
levy with an increase or a replacement levy exceeds the effective 90067
tax rate of the levy renewed or replaced, or that are attributable 90068
to an additional levy, for a levy authorized by the voters for any 90069
of the following purposes on or after January 1, 2006, and which 90070
are provided pursuant to an ordinance creating an incentive 90071
district under division (C)(1) of this section that is adopted on 90072
or after January 1, 2006, or a later date as specified in this 90073
division, shall be distributed to the appropriate taxing authority 90074
as required under division (C) of section 5709.42 of the Revised 90075
Code in an amount equal to the amount of taxes from that 90076
additional levy or from the increase in the effective tax rate of 90077
such renewal or replacement levy that would have been payable to 90078
that taxing authority from the following levies were it not for 90079
the exemption authorized under division (C) of this section: 90080

(1) A tax levied under division (L) of section 5705.19 or 90081
section 5705.191 or 5705.222 of the Revised Code for community 90082
developmental disabilities programs and services pursuant to 90083
Chapter 5126. of the Revised Code; 90084

(2) A tax levied under division (Y) of section 5705.19 of the 90085

Revised Code for providing or maintaining senior citizens services or facilities;	90086 90087
(3) A tax levied under section 5705.22 of the Revised Code for county hospitals;	90088 90089
(4) A tax levied by a joint-county district or by a county under section 5705.19, 5705.191, or 5705.221 of the Revised Code for alcohol, drug addiction, and mental health services or facilities;	90090 90091 90092 90093
(5) A tax levied under section 5705.23 of the Revised Code for library purposes;	90094 90095
(6) A tax levied under section 5705.24 of the Revised Code for the support of children services and the placement and care of children;	90096 90097 90098
(7) A tax levied under division (Z) of section 5705.19 of the Revised Code for the provision and maintenance of zoological park services and facilities under section 307.76 of the Revised Code;	90099 90100 90101
(8) A tax levied under section 511.27 or division (H) of section 5705.19 of the Revised Code for the support of township park districts;	90102 90103 90104
(9) A tax levied under division (A), (F), or (H) of section 5705.19 of the Revised Code for parks and recreational purposes of a joint recreation district organized pursuant to division (B) of section 755.14 of the Revised Code;	90105 90106 90107 90108
(10) A tax levied under section 1545.20 or 1545.21 of the Revised Code for park district purposes;	90109 90110
(11) A tax levied under section 5705.191 of the Revised Code for the purpose of making appropriations for public assistance; human or social services; public relief; public welfare; public health and hospitalization; and support of general hospitals;	90111 90112 90113 90114
(12) A tax levied under section 3709.29 of the Revised Code	90115

for a general health district program. 90116

(13) A tax levied by a township under section 505.39, 90117
division (I) of section 5705.19, or division (JJ) of section 90118
5705.19 of the Revised Code to the extent the proceeds are used 90119
for the purposes described in division (I) of that section, for 90120
the purpose of funding fire, emergency medical, and ambulance 90121
services as described in that section and those divisions. 90122
Division (F)(13) of this section applies only if the township 90123
levying the tax provides fire, emergency medical, or ambulance 90124
services in the incentive district, and only to incentive 90125
districts created by an ordinance adopted on or after the 90126
effective date of the amendment of this section by H.B. 69 of the 90127
132nd general assembly, March 23, 2018. The board of township 90128
trustees may, by resolution, waive the application of this 90129
division or negotiate with the municipal corporation that created 90130
the district for a lesser amount of payments in lieu of taxes. 90131

(G) An exemption from taxation granted under this section 90132
commences with the tax year specified in the ordinance so long as 90133
the year specified in the ordinance commences after the effective 90134
date of the ordinance. If the ordinance specifies a year 90135
commencing before the effective date of the resolution or 90136
specifies no year whatsoever, the exemption commences with the tax 90137
year in which an exempted improvement first appears on the tax 90138
list and duplicate of real and public utility property and that 90139
commences after the effective date of the ordinance. In lieu of 90140
stating a specific year, the ordinance may provide that the 90141
exemption commences in the tax year in which the value of an 90142
improvement exceeds a specified amount or in which the 90143
construction of one or more improvements is completed, provided 90144
that such tax year commences after the effective date of the 90145
ordinance. With respect to the exemption of improvements to 90146
parcels under division (B) of this section, the ordinance may 90147

allow for the exemption to commence in different tax years on a 90148
parcel-by-parcel basis, with a separate exemption term specified 90149
for each parcel. 90150

Except as otherwise provided in this division or section 90151
5709.51 of the Revised Code, the exemption ends on the date 90152
specified in the ordinance as the date the improvement ceases to 90153
be a public purpose or the incentive district expires, or ends on 90154
the date on which the public infrastructure improvements and 90155
housing renovations are paid in full from the municipal public 90156
improvement tax increment equivalent fund established under 90157
division (A) of section 5709.43 of the Revised Code, whichever 90158
occurs first. The exemption of an improvement with respect to a 90159
parcel or within an incentive district may end on a later date, as 90160
specified in the ordinance, if the legislative authority and the 90161
board of education of the city, local, or exempted village school 90162
district within which the parcel or district is located have 90163
entered into a compensation agreement under section 5709.82 of the 90164
Revised Code with respect to the improvement, and the board of 90165
education has approved the term of the exemption under division 90166
(D)(2) of this section, but in no case shall the improvement be 90167
exempted from taxation for more than thirty years. Exemptions 90168
shall be claimed and allowed in the same manner as in the case of 90169
other real property exemptions. If an exemption status changes 90170
during a year, the procedure for the apportionment of the taxes 90171
for that year is the same as in the case of other changes in tax 90172
exemption status during the year. 90173

(H) Additional municipal financing of public infrastructure 90174
improvements and housing renovations may be provided by any 90175
methods that the municipal corporation may otherwise use for 90176
financing such improvements or renovations. If the municipal 90177
corporation issues bonds or notes to finance the public 90178
infrastructure improvements and housing renovations and pledges 90179

money from the municipal public improvement tax increment 90180
equivalent fund to pay the interest on and principal of the bonds 90181
or notes, the bonds or notes are not subject to Chapter 133. of 90182
the Revised Code. 90183

(I) The municipal corporation, not later than fifteen days 90184
after the adoption of an ordinance under this section, shall 90185
submit to the director of development a copy of the ordinance. On 90186
or before the thirty-first day of March of each year, the 90187
municipal corporation shall submit a status report to the 90188
director. The report shall indicate, in the manner prescribed by 90189
the director, the progress of the project during each year that an 90190
exemption remains in effect, including a summary of the receipts 90191
from service payments in lieu of taxes; expenditures of money from 90192
the funds created under section 5709.43 of the Revised Code; a 90193
description of the public infrastructure improvements and housing 90194
renovations financed with such expenditures; and a quantitative 90195
summary of changes in employment and private investment resulting 90196
from each project. 90197

(J) Nothing in this section shall be construed to prohibit a 90198
legislative authority from declaring to be a public purpose 90199
improvements with respect to more than one parcel. 90200

(K) If a parcel is located in a new community district in 90201
which the new community authority imposes a community development 90202
charge on the basis of rentals received from leases of real 90203
property as described in division (L)(2) of section 349.01 of the 90204
Revised Code, the parcel may not be exempted from taxation under 90205
this section. 90206

Sec. 5709.56. (A) As used in this section: 90207

(1) "Pre-residential development property" means a subdivided 90208
parcel of unimproved real property on which construction of one or 90209
more residential buildings is planned but has not yet commenced. 90210

The construction of streets, sidewalks, curbs, or driveways or the installation of water, sewer, or other utility lines on a subdivided parcel does not cause construction of a residential building to commence for purposes of division (A)(1) or (B) of this section. "Pre-residential development property" does not include a parcel, any portion of the value of which is exempted from taxation under section 5709.40, 5709.41, 5709.73, or 5709.78 of the Revised Code.

(2) "Residential building" means a building or structure any part of which is to be used as a dwelling.

(3) "Unexempted value" means, for any subdivided parcel, one of the following:

(a) Except as provided in division (A)(3)(b) of this section, the nonagricultural taxable value of the original property for the tax year preceding the tax year the subdivided property first appears on the tax list as a subdivided parcel multiplied by a fraction, the numerator of which is the true value in money of the subdivided parcel for the tax year the subdivided parcel first appears on the tax list and the denominator of which is the true value in money of all subdivided parcels subdivided from that original parcel for that tax year.

(b) If a subdivided parcel exempted under this section is itself subdivided, the "unexempted value" of the newly subdivided parcel equals the unexempted value, as defined in division (A)(3)(a) of this section, of the parcel from which the newly subdivided parcel was subdivided for the tax year preceding the tax year the newly subdivided parcel first appears on the tax list multiplied by a fraction, the numerator of which is the true value in money of the newly subdivided parcel for the tax year it first appears on the tax list and the denominator of which is the true value in money for that year of all newly subdivided parcels resulting from the most recent subdivision.

(4) "Subdivided parcel" means a parcel resulting from the subdivision of original property pursuant to a plat subdividing that property presented to the county auditor under section 5713.18 of the Revised Code. 90243
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(5) "Original property" means the parcel from which a subdivided parcel is subdivided. 90247
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(6) "Qualifying owner" means the owner of pre-residential development property for any portion of a tax year ending on or after the effective date of this section that includes the date a plat subdividing land including such property is presented to the county auditor under section 5713.18 of the Revised Code, or any other person to which title to the property is transferred, without consideration, by another qualifying owner. 90249
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(7) "Nonagricultural taxable value" means the taxable value of land as if such land were valued and assessed for a tax year pursuant to Section 2 of Article XII, Ohio Constitution, and not in accordance with Section 36 of Article II, Ohio Constitution. 90256
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(B) Any increase in taxable value above the unexempted value of pre-residential development property owned by a qualifying owner is exempted from taxation beginning with the first tax year the pre-residential development property appears on the tax list after a plat subdividing land including that property is presented to the county auditor under section 5713.18 of the Revised Code and for each of the seven ensuing tax years, except that the exemption shall not apply beginning with the tax year that begins after the tax year in which the earliest of the following occurs: 90260
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(1) Construction of a residential building on that property commences; 90269
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(2) Title to the property is transferred for consideration by a qualifying owner to another person; 90271
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(3) Any portion of the value of that property is exempted 90273

from taxation under section 5709.40, 5709.41, 5709.73, or 5709.78 90274
of the Revised Code. 90275

(C) The tax commissioner shall not approve an application for 90276
an exemption authorized under this section unless the applicant 90277
for the exemption certifies that the parcel that is the subject of 90278
the exemption satisfies the requirements of division (A)(1) of 90279
this section for pre-residential development property. 90280

(D) Nothing in this section shall be construed to authorize a 90281
parcel subject to the partial exemption authorized by this section 90282
to be valued and assessed for taxation in any manner other than in 90283
accordance with Section 36 of Article II or Section 2 of Article 90284
XII, Ohio Constitution, as applicable to the parcel. 90285

Sec. 5709.73. (A) As used in this section and section 5709.74 90286
of the Revised Code: 90287

(1) "Business day" means a day of the week excluding 90288
Saturday, Sunday, and a legal holiday as defined in section 1.14 90289
of the Revised Code. 90290

(2) "Further improvements" or "improvements" means the 90291
increase in the assessed value of real property that would first 90292
appear on the tax list and duplicate of real and public utility 90293
property after the effective date of a resolution adopted under 90294
this section were it not for the exemption granted by that 90295
resolution. For purposes of division (B) of this section, 90296
"improvements" do not include any property used or to be used for 90297
residential purposes. For this purpose, "property that is used or 90298
to be used for residential purposes" means property that, as 90299
improved, is used or to be used for purposes that would cause the 90300
tax commissioner to classify the property as residential property 90301
in accordance with rules adopted by the commissioner under section 90302
5713.041 of the Revised Code. 90303

(3) "Housing renovation" means a project carried out for residential purposes. 90304
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(4) "Incentive district" has the same meaning as in section 5709.40 of the Revised Code, except that a blighted area is in the unincorporated area of a township. 90306
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(5) "Overlay" has the same meaning as in section 5709.40 of the Revised Code, except that the overlay is delineated by the board of township trustees. 90309
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(6) "Project" and "public infrastructure improvement" have the same meanings as in section 5709.40 of the Revised Code. 90312
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(7) "Urban township" has the same meaning as in section 504.01 of the Revised Code. 90314
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(8) "Nonperforming parcel" means a parcel to which all of the following apply: 90316
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(a) The parcel is exempted from taxation under division (B) of this section or has been included in a district created under division (C) of this section. 90318
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(b) The parcel's owner is required to make payments in lieu of taxes in accordance with section 5709.74 of the Revised Code. 90321
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(c) No such payments have been remitted to the county treasurer since the inception of the exemption or district. 90323
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(B) A board of township trustees may adopt a resolution that declares to be a public purpose any public infrastructure improvements made that are necessary for the development of certain parcels of land located in the unincorporated area of the township. Except for a resolution adopted by the board of an urban township, the resolution shall be adopted by a unanimous vote of the board. Except as otherwise provided under division (D) of this section or section 5709.51 of the Revised Code, the resolution may exempt from real property taxation not more than seventy-five per 90325
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cent of further improvements to a parcel of land that directly 90334
benefits from the public infrastructure improvements, for a period 90335
of not more than ten years. The resolution shall specify the 90336
percentage of the further improvements to be exempted and the life 90337
of the exemption. 90338

(C)(1) A board of township trustees may adopt a resolution 90339
creating an incentive district and declaring improvements to 90340
parcels within the district to be a public purpose and, except as 90341
provided in division (C)(2) of this section, exempt from taxation 90342
as provided in this section. Except for a resolution adopted by 90343
the board of an urban township, the resolution shall be adopted by 90344
a unanimous vote of the board. A board of township trustees of a 90345
township that has a population that exceeds twenty-five thousand, 90346
as shown by the most recent federal decennial census, may not 90347
adopt a resolution that creates an incentive district if the sum 90348
of the taxable value of real property in the proposed district for 90349
the preceding tax year and the taxable value of all real property 90350
in the township that would have been taxable in the preceding year 90351
were it not for the fact that the property was in an existing 90352
incentive district and therefore exempt from taxation exceeds 90353
twenty-five per cent of the taxable value of real property in the 90354
township for the preceding tax year. The district shall be located 90355
within the unincorporated area of the township and shall not 90356
include any territory that is included within a district created 90357
under division (B) of section 5709.78 of the Revised Code. The 90358
resolution shall delineate the boundary of the proposed district 90359
and specifically identify each parcel within the district. A 90360
proposed district may not include any parcel, other than a 90361
nonperforming parcel, that is or has been exempted from taxation 90362
under division (B) of this section or that is or has been within 90363
another district created under this division. On and after the 90364
effective date of the district, a nonperforming parcel within the 90365
district is no longer exempted from taxation under division (B) of 90366

this section or included within an incentive district under any 90367
previous resolution, and the parcel's owner is no longer required 90368
to make payments in lieu of taxes under such a previous resolution 90369
in accordance with section 5709.74 of the Revised Code. A 90370
resolution may create more than one such district, and more than 90371
one resolution may be adopted under division (C)(1) of this 90372
section. 90373

(2)(a) Not later than thirty days prior to adopting a 90374
resolution under division (C)(1) of this section, if the township 90375
intends to apply for exemptions from taxation under section 90376
5709.911 of the Revised Code on behalf of owners of real property 90377
located within the proposed incentive district, the board shall 90378
conduct a public hearing on the proposed resolution. Not later 90379
than thirty days prior to the public hearing, the board shall give 90380
notice of the public hearing and the proposed resolution by first 90381
class mail to every real property owner whose property is located 90382
within the boundaries of the proposed incentive district that is 90383
the subject of the proposed resolution. The notice shall include a 90384
map of the proposed incentive district on which the board of 90385
township trustees shall have delineated an overlay. The notice 90386
shall inform the property owner of the owner's right to exclude 90387
the owner's property from the incentive district if both of the 90388
following conditions are met: 90389

(i) The owner's entire parcel of property will not be located 90390
within the overlay. 90391

(ii) The owner has submitted a statement to the board of 90392
county commissioners of the county in which the parcel is located 90393
indicating the owner's intent to seek a tax exemption for 90394
improvements to the owner's parcel under division (A) or (B) of 90395
section 5709.78 of the Revised Code within the next five years. 90396

When both of the preceding conditions are met, the owner may 90397
exclude the owner's property from the incentive district by 90398

submitting a written response in accordance with division 90399
(C)(2)(b) of this section. The notice also shall include 90400
information detailing the required contents of the response, the 90401
address to which the response may be mailed, and the deadline for 90402
submitting the response. 90403

(b) Any owner of real property located within the boundaries 90404
of an incentive district proposed under division (C)(1) of this 90405
section who meets the conditions specified in divisions 90406
(C)(2)(a)(i) and (ii) of this section may exclude the property 90407
from the proposed incentive district by submitting a written 90408
response to the board not later than forty-five days after the 90409
postmark date on the notice required under division (C)(2)(a) of 90410
this section. The response shall include a copy of the statement 90411
submitted under division (C)(2)(a)(ii) of this section. The 90412
response shall be sent by first class mail or delivered in person 90413
at a public hearing held by the board under division (C)(2)(a) of 90414
this section. The response shall conform to any content 90415
requirements that may be established by the board and included in 90416
the notice provided under division (C)(2)(a) of this section. In 90417
the response, property owners may identify a parcel by street 90418
address, by the manner in which it is identified in the 90419
resolution, or by other means allowing the identity of the parcel 90420
to be ascertained. 90421

(c) Before adopting a resolution under division (C)(1) of 90422
this section, the board shall amend the resolution to exclude any 90423
parcel for which a written response has been submitted under 90424
division (C)(2)(b) of this section. A township shall not apply for 90425
exemptions from taxation under section 5709.911 of the Revised 90426
Code for any such parcel, and service payments may not be required 90427
from the owner of the parcel. Improvements to a parcel excluded 90428
from an incentive district under this division may be exempted 90429
from taxation under division (B) of this section pursuant to a 90430

resolution adopted under that division or under any other section 90431
of the Revised Code under which the parcel qualifies. 90432

(3)(a) A resolution adopted under division (C)(1) of this 90433
section shall specify the life of the incentive district and the 90434
percentage of the improvements to be exempted, shall designate the 90435
public infrastructure improvements made, to be made, or in the 90436
process of being made, that benefit or serve, or, once made, will 90437
benefit or serve parcels in the district. The resolution also 90438
shall identify one or more specific projects being, or to be, 90439
undertaken in the district that place additional demand on the 90440
public infrastructure improvements designated in the resolution. 90441
The project identified may, but need not be, the project under 90442
division (C)(3)(b) of this section that places real property in 90443
use for commercial or industrial purposes. 90444

A resolution adopted under division (C)(1) of this section on 90445
or after March 30, 2006, shall not designate police or fire 90446
equipment as public infrastructure improvements, and, except as 90447
provided in division (F) of this section, no service payment 90448
provided for in section 5709.74 of the Revised Code and received 90449
by the township under the resolution shall be used for police or 90450
fire equipment. 90451

(b) A resolution adopted under division (C)(1) of this 90452
section may authorize the use of service payments provided for in 90453
section 5709.74 of the Revised Code for the purpose of housing 90454
renovations within the incentive district, provided that the 90455
resolution also designates public infrastructure improvements that 90456
benefit or serve the district, and that a project within the 90457
district places real property in use for commercial or industrial 90458
purposes. Service payments may be used to finance or support 90459
loans, deferred loans, and grants to persons for the purpose of 90460
housing renovations within the district. The resolution shall 90461
designate the parcels within the district that are eligible for 90462

housing renovations. The resolution shall state separately the amount or the percentages of the expected aggregate service payments that are designated for each public infrastructure improvement and for the purpose of housing renovations.

(4) Except with the approval of the board of education of each city, local, or exempted village school district within the territory of which the incentive district is or will be located, and subject to division (E) of this section, the life of an incentive district shall not exceed ten years, and the percentage of improvements to be exempted shall not exceed seventy-five per cent. With approval of the board of education, the life of a district may be not more than thirty years, and the percentage of improvements to be exempted may be not more than one hundred per cent. The approval of a board of education shall be obtained in the manner provided in division (D) of this section.

(D) Improvements with respect to a parcel may be exempted from taxation under division (B) of this section, and improvements to parcels within an incentive district may be exempted from taxation under division (C) of this section, for up to ten years or, with the approval of the board of education of the city, local, or exempted village school district within which the parcel or district is located, for up to thirty years. The percentage of the improvements exempted from taxation may, with such approval, exceed seventy-five per cent, but shall not exceed one hundred per cent. Not later than forty-five business days prior to adopting a resolution under this section declaring improvements to be a public purpose that is subject to approval by a board of education under this division, the board of township trustees shall deliver to the board of education a notice stating its intent to adopt a resolution making that declaration. The notice regarding improvements with respect to a parcel under division (B) of this section shall identify the parcels for which improvements are to

be exempted from taxation, provide an estimate of the true value 90495
in money of the improvements, specify the period for which the 90496
improvements would be exempted from taxation and the percentage of 90497
the improvements that would be exempted, and indicate the date on 90498
which the board of township trustees intends to adopt the 90499
resolution. The notice regarding improvements made under division 90500
(C) of this section to parcels within an incentive district shall 90501
delineate the boundaries of the district, specifically identify 90502
each parcel within the district, identify each anticipated 90503
improvement in the district, provide an estimate of the true value 90504
in money of each such improvement, specify the life of the 90505
district and the percentage of improvements that would be 90506
exempted, and indicate the date on which the board of township 90507
trustees intends to adopt the resolution. The board of education, 90508
by resolution adopted by a majority of the board, may approve the 90509
exemption for the period or for the exemption percentage specified 90510
in the notice; may disapprove the exemption for the number of 90511
years in excess of ten, may disapprove the exemption for the 90512
percentage of the improvements to be exempted in excess of 90513
seventy-five per cent, or both; or may approve the exemption on 90514
the condition that the board of township trustees and the board of 90515
education negotiate an agreement providing for compensation to the 90516
school district equal in value to a percentage of the amount of 90517
taxes exempted in the eleventh and subsequent years of the 90518
exemption period or, in the case of exemption percentages in 90519
excess of seventy-five per cent, compensation equal in value to a 90520
percentage of the taxes that would be payable on the portion of 90521
the improvements in excess of seventy-five per cent were that 90522
portion to be subject to taxation, or other mutually agreeable 90523
compensation. 90524

The board of education shall certify its resolution to the 90525
board of township trustees not later than fourteen days prior to 90526
the date the board of township trustees intends to adopt the 90527

resolution as indicated in the notice. If the board of education 90528
and the board of township trustees negotiate a mutually acceptable 90529
compensation agreement, the resolution may declare the 90530
improvements a public purpose for the number of years specified in 90531
the resolution or, in the case of exemption percentages in excess 90532
of seventy-five per cent, for the exemption percentage specified 90533
in the resolution. In either case, if the board of education and 90534
the board of township trustees fail to negotiate a mutually 90535
acceptable compensation agreement, the resolution may declare the 90536
improvements a public purpose for not more than ten years, and 90537
shall not exempt more than seventy-five per cent of the 90538
improvements from taxation. If the board of education fails to 90539
certify a resolution to the board of township trustees within the 90540
time prescribed by this section, the board of township trustees 90541
thereupon may adopt the resolution and may declare the 90542
improvements a public purpose for up to thirty years or, in the 90543
case of exemption percentages proposed in excess of seventy-five 90544
per cent, for the exemption percentage specified in the 90545
resolution. The board of township trustees may adopt the 90546
resolution at any time after the board of education certifies its 90547
resolution approving the exemption to the board of township 90548
trustees, or, if the board of education approves the exemption on 90549
the condition that a mutually acceptable compensation agreement be 90550
negotiated, at any time after the compensation agreement is agreed 90551
to by the board of education and the board of township trustees. 90552
If a mutually acceptable compensation agreement is negotiated 90553
between the board of township trustees and the board of education, 90554
including agreements for payments in lieu of taxes under section 90555
5709.74 of the Revised Code, the board of township trustees shall 90556
compensate the joint vocational school district within which the 90557
parcel or district is located at the same rate and under the same 90558
terms received by the city, local, or exempted village school 90559
district. 90560

If a board of education has adopted a resolution waiving its right to approve exemptions from taxation under this section and the resolution remains in effect, approval of such exemptions by the board of education is not required under division (D) of this section. If a board of education has adopted a resolution allowing a board of township trustees to deliver the notice required under division (D) of this section fewer than forty-five business days prior to adoption of the resolution by the board of township trustees, the board of township trustees shall deliver the notice to the board of education not later than the number of days prior to the adoption as prescribed by the board of education in its resolution. If a board of education adopts a resolution waiving its right to approve exemptions or shortening the notification period, the board of education shall certify a copy of the resolution to the board of township trustees. If the board of education rescinds the resolution, it shall certify notice of the rescission to the board of township trustees.

If the board of township trustees is not required by division (D) of this section to notify the board of education of the board of township trustees' intent to declare improvements to be a public purpose, the board of township trustees shall comply with the notice requirements imposed under section 5709.83 of the Revised Code before taking formal action to adopt the resolution making that declaration, unless the board of education has adopted a resolution under that section waiving its right to receive the notice.

Nothing in this division prohibits the board of township trustees from amending the resolution under section 5709.51 of the Revised Code to extend the term of the exemption.

(E)(1) If a proposed resolution under division (C)(1) of this section exempts improvements with respect to a parcel within an incentive district for more than ten years, or the percentage of

the improvement exempted from taxation exceeds seventy-five per cent, not later than forty-five business days prior to adopting the resolution the board of township trustees shall deliver to the board of county commissioners of the county within which the incentive district is or will be located a notice that states its intent to adopt a resolution creating an incentive district. The notice shall include a copy of the proposed resolution, identify the parcels for which improvements are to be exempted from taxation, provide an estimate of the true value in money of the improvements, specify the period of time for which the improvements would be exempted from taxation, specify the percentage of the improvements that would be exempted from taxation, and indicate the date on which the board of township trustees intends to adopt the resolution.

(2) The board of county commissioners, by resolution adopted by a majority of the board, may object to the exemption for the number of years in excess of ten, may object to the exemption for the percentage of the improvement to be exempted in excess of seventy-five per cent, or both. If the board of county commissioners objects, the board may negotiate a mutually acceptable compensation agreement with the board of township trustees. In no case shall the compensation provided to the board of county commissioners exceed the property taxes foregone due to the exemption. If the board of county commissioners objects, and the board of county commissioners and board of township trustees fail to negotiate a mutually acceptable compensation agreement, the resolution adopted under division (C)(1) of this section shall provide to the board of county commissioners compensation in the eleventh and subsequent years of the exemption period equal in value to not more than fifty per cent of the taxes that would be payable to the county or, if the board of county commissioner's objection includes an objection to an exemption percentage in excess of seventy-five per cent, compensation equal in value to

not more than fifty per cent of the taxes that would be payable to 90626
the county, on the portion of the improvement in excess of 90627
seventy-five per cent, were that portion to be subject to 90628
taxation. The board of county commissioners shall certify its 90629
resolution to the board of township trustees not later than thirty 90630
days after receipt of the notice. 90631

(3) If the board of county commissioners does not object or 90632
fails to certify its resolution objecting to an exemption within 90633
thirty days after receipt of the notice, the board of township 90634
trustees may adopt its resolution, and no compensation shall be 90635
provided to the board of county commissioners. If the board of 90636
county commissioners timely certifies its resolution objecting to 90637
the trustees' resolution, the board of township trustees may adopt 90638
its resolution at any time after a mutually acceptable 90639
compensation agreement is agreed to by the board of county 90640
commissioners and the board of township trustees, or, if no 90641
compensation agreement is negotiated, at any time after the board 90642
of township trustees agrees in the proposed resolution to provide 90643
compensation to the board of county commissioners of fifty per 90644
cent of the taxes that would be payable to the county in the 90645
eleventh and subsequent years of the exemption period or on the 90646
portion of the improvement in excess of seventy-five per cent, 90647
were that portion to be subject to taxation. 90648

(F) Service payments in lieu of taxes that are attributable 90649
to any amount by which the effective tax rate of either a renewal 90650
levy with an increase or a replacement levy exceeds the effective 90651
tax rate of the levy renewed or replaced, or that are attributable 90652
to an additional levy, for a levy authorized by the voters for any 90653
of the following purposes on or after January 1, 2006, and which 90654
are provided pursuant to a resolution creating an incentive 90655
district under division (C)(1) of this section that is adopted on 90656
or after January 1, 2006, or a later date as specified in this 90657

division, shall be distributed to the appropriate taxing authority 90658
as required under division (C) of section 5709.74 of the Revised 90659
Code in an amount equal to the amount of taxes from that 90660
additional levy or from the increase in the effective tax rate of 90661
such renewal or replacement levy that would have been payable to 90662
that taxing authority from the following levies were it not for 90663
the exemption authorized under division (C) of this section: 90664

(1) A tax levied under division (L) of section 5705.19 or 90665
section 5705.191 or 5705.222 of the Revised Code for community 90666
developmental disabilities programs and services pursuant to 90667
Chapter 5126. of the Revised Code; 90668

(2) A tax levied under division (Y) of section 5705.19 of the 90669
Revised Code for providing or maintaining senior citizens services 90670
or facilities; 90671

(3) A tax levied under section 5705.22 of the Revised Code 90672
for county hospitals; 90673

(4) A tax levied by a joint-county district or by a county 90674
under section 5705.19, 5705.191, or 5705.221 of the Revised Code 90675
for alcohol, drug addiction, and mental health services or 90676
families; 90677

(5) A tax levied under section 5705.23 of the Revised Code 90678
for library purposes; 90679

(6) A tax levied under section 5705.24 of the Revised Code 90680
for the support of children services and the placement and care of 90681
children; 90682

(7) A tax levied under division (Z) of section 5705.19 of the 90683
Revised Code for the provision and maintenance of zoological park 90684
services and facilities under section 307.76 of the Revised Code; 90685

(8) A tax levied under section 511.27 or division (H) of 90686
section 5705.19 of the Revised Code for the support of township 90687

park districts; 90688

(9) A tax levied under division (A), (F), or (H) of section 5705.19 of the Revised Code for parks and recreational purposes of a joint recreation district organized pursuant to division (B) of section 755.14 of the Revised Code; 90689
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(10) A tax levied under section 1545.20 or 1545.21 of the Revised Code for park district purposes; 90693
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(11) A tax levied under section 5705.191 of the Revised Code for the purpose of making appropriations for public assistance; human or social services; public relief; public welfare; public health and hospitalization; and support of general hospitals; 90695
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(12) A tax levied under section 3709.29 of the Revised Code for a general health district program; 90699
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(13) A tax levied by a township under section 505.39, 505.51, or division (I), (J), (U), or (JJ) of section 5705.19 of the Revised Code for the purpose of funding fire, police, emergency medical, or ambulance services as described in those sections. Division (F)(13) of this section applies only to incentive districts created by a resolution adopted on or after March 22, 2019, the effective date of the amendment of this section by H.B. 500 of the 132nd general assembly, and only if that resolution specifies that division (F) of this section shall apply to such a tax. 90701
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(G) An exemption from taxation granted under this section commences with the tax year specified in the resolution so long as the year specified in the resolution commences after the effective date of the resolution. If the resolution specifies a year commencing before the effective date of the resolution or specifies no year whatsoever, the exemption commences with the tax year in which an exempted improvement first appears on the tax list and duplicate of real and public utility property and that 90711
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commences after the effective date of the resolution. In lieu of 90719
stating a specific year, the resolution may provide that the 90720
exemption commences in the tax year in which the value of an 90721
improvement exceeds a specified amount or in which the 90722
construction of one or more improvements is completed, provided 90723
that such tax year commences after the effective date of the 90724
resolution. With respect to the exemption of improvements to 90725
parcels under division (B) of this section, the resolution may 90726
allow for the exemption to commence in different tax years on a 90727
parcel-by-parcel basis, with a separate exemption term specified 90728
for each parcel. 90729

Except as otherwise provided in this division and section 90730
5709.51 of the Revised Code, the exemption ends on the date 90731
specified in the resolution as the date the improvement ceases to 90732
be a public purpose or the incentive district expires, or ends on 90733
the date on which the public infrastructure improvements and 90734
housing renovations are paid in full from the township public 90735
improvement tax increment equivalent fund established under 90736
section 5709.75 of the Revised Code, whichever occurs first. The 90737
exemption of an improvement with respect to a parcel or within an 90738
incentive district may end on a later date, as specified in the 90739
resolution, if the board of township trustees and the board of 90740
education of the city, local, or exempted village school district 90741
within which the parcel or district is located have entered into a 90742
compensation agreement under section 5709.82 of the Revised Code 90743
with respect to the improvement and the board of education has 90744
approved the term of the exemption under division (D) of this 90745
section, but in no case shall the improvement be exempted from 90746
taxation for more than thirty years. The board of township 90747
trustees may, by majority vote, adopt a resolution permitting the 90748
township to enter into such agreements as the board finds 90749
necessary or appropriate to provide for the construction or 90750
undertaking of public infrastructure improvements and housing 90751

renovations. Any exemption shall be claimed and allowed in the same or a similar manner as in the case of other real property exemptions. If an exemption status changes during a tax year, the procedure for the apportionment of the taxes for that year is the same as in the case of other changes in tax exemption status during the year.

(H) The board of township trustees may issue the notes of the township to finance all costs pertaining to the construction or undertaking of public infrastructure improvements and housing renovations made pursuant to this section. The notes shall be signed by the board and attested by the signature of the township fiscal officer, shall bear interest not to exceed the rate provided in section 9.95 of the Revised Code, and are not subject to Chapter 133. of the Revised Code. The resolution authorizing the issuance of the notes shall pledge the funds of the township public improvement tax increment equivalent fund established pursuant to section 5709.75 of the Revised Code to pay the interest on and principal of the notes. The notes, which may contain a clause permitting prepayment at the option of the board, shall be offered for sale on the open market or given to the vendor or contractor if no sale is made.

(I) The township, not later than fifteen days after the adoption of a resolution under this section, shall submit to the director of development services a copy of the resolution. On or before the thirty-first day of March of each year, the township shall submit a status report to the director of development services. The report shall indicate, in the manner prescribed by the director, the progress of the project during each year that the exemption remains in effect, including a summary of the receipts from service payments in lieu of taxes; expenditures of money from the fund created under section 5709.75 of the Revised Code; a description of the public infrastructure improvements and

housing renovations financed with the expenditures; and a 90784
quantitative summary of changes in private investment resulting 90785
from each project. 90786

(J) Nothing in this section shall be construed to prohibit a 90787
board of township trustees from declaring to be a public purpose 90788
improvements with respect to more than one parcel. 90789

If a parcel is located in a new community district in which 90790
the new community authority imposes a community development charge 90791
on the basis of rentals received from leases of real property as 90792
described in division (L)(2) of section 349.01 of the Revised 90793
Code, the parcel may not be exempted from taxation under this 90794
section. 90795

(K) A board of township trustees that adopted a resolution 90796
under this section prior to July 21, 1994, may amend that 90797
resolution to include any additional public infrastructure 90798
improvement. A board of township trustees that seeks by the 90799
amendment to utilize money from its township public improvement 90800
tax increment equivalent fund for land acquisition in aid of 90801
industry, commerce, distribution, or research, demolition on 90802
private property, or stormwater and flood remediation projects may 90803
do so provided that the board currently is a party to a 90804
hold-harmless agreement with the board of education of the city, 90805
local, or exempted village school district within the territory of 90806
which are located the parcels that are subject to an exemption. 90807
For the purposes of this division, a "hold-harmless agreement" 90808
means an agreement under which the board of township trustees 90809
agrees to compensate the school district for one hundred per cent 90810
of the tax revenue that the school district would have received 90811
from further improvements to parcels designated in the resolution 90812
were it not for the exemption granted by the resolution. 90813

(L) Notwithstanding the limitation prescribed by division (D) 90814
of this section on the number of years that improvements to a 90815

parcel or parcels may be exempted from taxation, a board of 90816
trustees of a township with a population of fifteen thousand or 90817
more may amend a resolution originally adopted under this section 90818
before December 31, 1994, to extend the exemption of improvements 90819
to the parcel or parcels included in such resolution for an 90820
additional period not to exceed fifteen years. The amendment shall 90821
not increase the percentage of improvements to the parcel or 90822
parcels exempted from taxation. Before adopting an amendment 90823
authorized under this division, the board of township trustees 90824
shall obtain the approval of each board of education of the city, 90825
local, or exempted village school district within which the 90826
exempted parcels are located in the manner required under division 90827
(D) of this section, except that (1) the board of education may 90828
approve the exemption on the condition that the board of township 90829
trustees and the board of education negotiate an agreement 90830
providing for compensation to the school district equal in value 90831
to the amount of taxes the district forgoes in each year the 90832
exemption is extended pursuant to this division or any other 90833
mutually agreeable compensation and (2) if the board of education 90834
fails to certify a resolution approving the amendment to the board 90835
of township trustees within the time prescribed by division (D) of 90836
this section, the board of township trustees shall not adopt the 90837
amendment authorized under this division. 90838

No approval under this division shall be required from a 90839
board of education that has adopted a resolution waiving its right 90840
to approve exemptions from taxation pursuant to division (D) of 90841
this section. If the board of education has adopted such a 90842
resolution, the board of township trustees shall comply with the 90843
notice requirements imposed under section 5709.83 of the Revised 90844
Code before taking formal action to adopt an amendment authorized 90845
under this division unless the board of education has adopted a 90846
resolution under that section waiving its right to receive the 90847
notice. Not later than fourteen days before adopting an amendment 90848

authorized under this division, the board of township trustees 90849
shall deliver a notice identical to a notice required under 90850
section 5709.83 of the Revised Code to the board of county 90851
commissioners of each county in which the exempted parcels are 90852
located. 90853

Sec. 5711.29. If any corporation uses the rights and powers 90854
granted by its charter to prevent the assessment of the shares of 90855
its resident shareholders on the basis of income yield, as 90856
provided in sections 5711.01 to 5711.36 of the Revised Code, by 90857
permitting its gains and profits to accumulate instead of being 90858
distributed, or by paying exorbitant salaries to its officers and 90859
employees, the tax commissioner, upon finding such to be the fact, 90860
shall assess the amount representing the aggregate assessments of 90861
the shares of such resident shareholders in the names of such 90862
resident shareholders and certify such assessments, together with 90863
the penalty provided in such sections, to the proper county 90864
auditor who shall place the same on the classified tax list and 90865
duplicate in the names of such shareholders, as investments 90866
assessed on the basis of income yield for the year for which such 90867
assessments are made; and taxes shall be collected thereon the 90868
same as on other like assessments. The commissioner shall give 90869
notice of such assessment to the corporation ~~by personal service~~ 90870
~~or certified mail, in the manner provided in section 5703.37 of~~ 90871
the Revised Code, and such assessment shall be subject to a 90872
petition for reassessment and an appeal as provided in sections 90873
5711.31 and 5717.02 of the Revised Code. 90874

If any such corporation is a holding or investment company, 90875
or if the gains or profits are permitted to accumulate beyond the 90876
reasonable needs of the business, such fact shall be prima-facie 90877
evidence of a purpose to prevent the assessment of the shares of 90878
its resident stockholders on such basis. 90879

If any trust, under the terms of which the trustee is required or authorized to withhold and accumulate all or any part of the income, is created or used for the purpose of preventing the assessment of the equitable interests of the resident beneficiaries on the basis of income yield, as provided in sections 5711.01 to 5711.36 of the Revised Code, the commissioner, upon finding such to be the fact, shall assess the amount representing the aggregate assessment of such equitable shares in the manner provided in this section. If the creator of such trust reserved a power of revocation, or if the trustee has discretion to pay and distribute the income of the trust property to or for the benefit of such resident beneficiary, such fact shall be prima-facie evidence of a purpose to prevent the assessment of the equitable shares of the resident beneficiaries upon such basis.

The assessment imposed by this action shall not be made against any resident shareholder of such corporation or beneficiary of such trust who in filing ~~his~~ the shareholder's or beneficiary's return lists as the income yield of ~~his~~ the shares or beneficial interest the entire distributive share or beneficial interest, whether distributed or not, of the net income of such corporation or trust for such year, in which event any subsequent distribution made by such corporation or trust out of the earnings or profits of such year shall, if distributed to any shareholder or beneficiary who has so included in the income yield of ~~his~~ the shareholder's or beneficiary's shares the distributive share thereof, be deducted from the income yield of such shares for the year in which the same is made.

Sec. 5713.03. ~~(A)~~ The county auditor, from the best sources of information available, shall determine, as nearly as practicable, the true value of the fee simple estate, as if unencumbered but subject to any effects from the exercise of police powers or from other governmental actions, of each separate

tract, lot, or parcel of real property and of buildings, 90912
structures, and improvements located thereon and the current 90913
agricultural use value of land valued for tax purposes in 90914
accordance with section 5713.31 of the Revised Code, in every 90915
district, according to the rules prescribed by this chapter and 90916
section 5715.01 of the Revised Code, and in accordance with the 90917
uniform rules and methods of valuing and assessing real property 90918
as adopted, prescribed, and promulgated by the tax commissioner. 90919
The auditor shall determine the taxable value of all real property 90920
by reducing its true or current agricultural use value by the 90921
percentage ordered by the commissioner. In determining the true 90922
value of any tract, lot, or parcel of real estate under this 90923
section, if such tract, lot, or parcel has been the subject of an 90924
arm's length sale between a willing seller and a willing buyer 90925
within a reasonable length of time, either before or after the tax 90926
lien date, the auditor may consider the sale price of such tract, 90927
lot, or parcel to be the true value for taxation purposes. 90928
However, the sale price in an arm's length transaction between a 90929
willing seller and a willing buyer shall not be considered the 90930
true value of the property sold if subsequent to the sale: 90931

~~(1)(A)~~ The tract, lot, or parcel of real estate loses value 90932
due to some casualty; 90933

~~(2)(B)~~ An improvement is added to the property. 90934

Nothing in this section or section 5713.01 of the Revised 90935
Code and no rule adopted under section 5715.01 of the Revised Code 90936
shall require the county auditor to change the true value in money 90937
of any property in any year except a year in which the tax 90938
commissioner is required to determine under section 5715.24 of the 90939
Revised Code whether the property has been assessed as required by 90940
law. 90941

~~(B) Pursuant to division (A) of this section, the county 90942~~

~~auditor may determine the true value of real property that is part of a qualified low income housing tax credit project through use of one or more of the market data approach, the income approach, or the cost approach.~~

~~As used in division (B) of this section, "low income housing tax credit project" means a qualified low income housing project during its compliance period, as those terms are defined by section 42 of the Internal Revenue Code.~~

~~(C) The county auditor shall adopt and use a real property record approved by the commissioner for each tract, lot, or parcel of real property, setting forth the true and taxable value of land and, in the case of land valued in accordance with section 5713.31 of the Revised Code, its current agricultural use value, the number of acres of arable land, permanent pasture land, woodland, and wasteland in each tract, lot, or parcel. The auditor shall record pertinent information and the true and taxable value of each building, structure, or improvement to land, which value shall be included as a separate part of the total value of each tract, lot, or parcel of real property.~~

Sec. 5713.031. (A) As used in this section, "federally subsidized residential rental property" means property to which one or more of the following apply:

(1) It is part of a qualified low-income housing project, during its compliance period, as those terms are defined in section 42 of the Internal Revenue Code.

(2) It receives assistance pursuant to section 202 of the "Housing Act of 1959," 12 U.S.C. 1701g, and remains restricted pursuant to that section.

(3) Property that receives assistance pursuant to Section 811 of the "Cranston-Gonzalez National Affordable Housing Act," 42

<u>U.S.C. 8013, and remains restricted pursuant to that section;</u>	90973
<u>(4) Property that receives project-based assistance pursuant</u>	90974
<u>to section 8 of the "United States Housing Act of 1937," 42 U.S.C.</u>	90975
<u>1437f, and remains restricted pursuant to that section;</u>	90976
<u>(5) Property that receives assistance pursuant to section 515</u>	90977
<u>of the "Housing Act of 1949," 42 U.S.C. 1485, and remains</u>	90978
<u>restricted pursuant to that section;</u>	90979
<u>(6) Property that receives assistance pursuant to section 538</u>	90980
<u>of the "Housing Act of 1949," 42 U.S.C. 1490p-2, and remains</u>	90981
<u>restricted pursuant to that section;</u>	90982
<u>(7) Property that receives assistance pursuant to section 521</u>	90983
<u>of the "Housing Act of 1949," 42 U.S.C. 1490a, and remains</u>	90984
<u>restricted pursuant to that section.</u>	90985
<u>(B) An owner of federally subsidized residential rental</u>	90986
<u>property shall file with the county auditor of the county in which</u>	90987
<u>the property is located the following information from the</u>	90988
<u>preceding calendar year:</u>	90989
<u>(1) The operating income of the property, which shall include</u>	90990
<u>gross potential rent and any income derived from other sources;</u>	90991
<u>(2) The operating expenses of the property including any</u>	90992
<u>losses due to vacancy or unpaid rental amounts. Real property</u>	90993
<u>taxes, depreciation, and amortization expenses shall be excluded</u>	90994
<u>or otherwise listed separately from other operating expenses.</u>	90995
<u>(3) The amount of contribution to any repair or replacement</u>	90996
<u>reserve funds related to the property.</u>	90997
<u>(C) The information required under division (B) of this</u>	90998
<u>section shall be filed by the owner both before the property is</u>	90999
<u>placed in service and after the commencement of the property's</u>	91000
<u>operations, and each following year on or before the thirty-first</u>	91001
<u>day of January.</u>	91002

(D) The county auditor shall use the information submitted 91003
under this section to determine the valuation of the property 91004
pursuant to rules adopted under division (A)(4) of section 5715.01 91005
of the Revised Code. 91006

(E) Any information submitted under this section is not a 91007
public record for purposes of section 149.43 of the Revised Code. 91008

Sec. 5715.01. (A) The tax commissioner shall direct and 91009
supervise the assessment for taxation of all real property. The 91010
commissioner shall adopt, prescribe, and promulgate rules for the 91011
determination of true value and taxable value of real property by 91012
uniform rule for such values and for the determination of the 91013
current agricultural use value of land devoted exclusively to 91014
agricultural use. 91015

(1) The uniform rules shall prescribe methods of determining 91016
the true value and taxable value of real property. The rules shall 91017
provide that in determining the true value of lands or 91018
improvements thereon for tax purposes, all facts and circumstances 91019
relating to the value of the property, its availability for the 91020
purposes for which it is constructed or being used, its obsolete 91021
character, if any, the income capacity of the property, if any, 91022
and any other factor that tends to prove its true value shall be 91023
used. In determining the true value of minerals or rights to 91024
minerals for the purpose of real property taxation, the tax 91025
commissioner shall not include in the value of the minerals or 91026
rights to minerals the value of any tangible personal property 91027
used in the recovery of those minerals. 91028

(2) The uniform rules shall prescribe the method for 91029
determining the current agricultural use value of land devoted 91030
exclusively to agricultural use, which method shall reflect 91031
standard and modern appraisal techniques that take into 91032
consideration the productivity of the soil under normal management 91033

practices, typical cropping and land use patterns, the average 91034
price patterns of the crops and products produced and the typical 91035
production costs to determine the net income potential to be 91036
capitalized, and other pertinent factors. 91037

In determining the agricultural land capitalization rate to 91038
be applied to the net income potential from agricultural use, the 91039
commissioner shall use standard and modern appraisal techniques. 91040
In calculating the capitalization rate for any year, the 91041
commissioner shall comply with both of the following requirements: 91042

(a) The commissioner shall use an equity yield rate equal to 91043
the greater of (i) the average of the total rates of return on 91044
farm equity for the twenty-five most recent years for which those 91045
rates have been calculated and published by the United States 91046
department of agriculture economic research service or another 91047
published source or (ii) the loan interest rate the commissioner 91048
uses for that year to calculate the capitalization rate; 91049

(b) The commissioner shall assume that the holding period for 91050
agricultural land is twenty-five years for the purpose of 91051
computing buildup of equity or appreciation with respect to that 91052
land. 91053

The commissioner shall add to the overall capitalization rate 91054
a tax additur. The sum of the overall capitalization rate and the 91055
tax additur shall represent as nearly as possible the rate of 91056
return a prudent investor would expect from an average or typical 91057
farm in this state considering only agricultural factors. 91058

The commissioner shall annually determine and announce the 91059
overall capitalization rate, tax additur, agricultural land 91060
capitalization rate, and the individual components used in 91061
computing such amounts in a determination, finding, computation, 91062
or order of the commissioner published simultaneously with the 91063
commissioner's annual publication of the per-acre agricultural use 91064

values for each soil type. 91065

(3) Notwithstanding any other provision of this chapter and 91066
Chapter 5713. of the Revised Code, the current agricultural use 91067
value of land devoted exclusively to agricultural use shall equal 91068
the following amounts for the years specified: 91069

(a) In counties that undergo a reappraisal or triennial 91070
update in 2017, the current agricultural use value of the land for 91071
each of the 2017, 2018, and 2019 tax years shall equal the sum of 91072
the following amounts: 91073

(i) The current agricultural use value of the land for that 91074
tax year, as determined under this section and section 5713.31 of 91075
the Revised Code, and rules adopted pursuant those sections, 91076
without regard to the adjustment under division (A)(3)(a)(ii) of 91077
this section; 91078

(ii) One-half of the amount, if any, by which the value of 91079
the land for the 2016 tax year, as determined under this section, 91080
section 5713.31 of the Revised Code, and the rules adopted 91081
pursuant those sections and issued by the tax commissioner for 91082
counties undergoing a reappraisal or triennial update in the 2016 91083
tax year, exceeds the value determined under division (A)(3)(a)(i) 91084
of this section. 91085

(b) In counties that undergo a reappraisal or triennial 91086
update in 2018, the current agricultural use value of the land for 91087
each of the 2018, 2019, and 2020 tax years shall equal the sum of 91088
the following amounts: 91089

(i) The current agricultural use value of the land for that 91090
tax year, as determined under this section and section 5713.31 of 91091
the Revised Code, and rules adopted pursuant those sections, 91092
without regard to the adjustment under division (A)(3)(b)(ii) of 91093
this section; 91094

(ii) One-half of the amount, if any, by which the value of 91095

the land for the 2017 tax year, as determined under this section, 91096
section 5713.31 of the Revised Code, and the rules adopted 91097
pursuant those sections and issued by the tax commissioner for 91098
counties undergoing a reappraisal or triennial update in the 2017 91099
tax year, exceeds the value determined under division (A)(3)(b)(i) 91100
of this section. 91101

(c) In counties that undergo a reappraisal or triennial 91102
update in 2019, the current agricultural use value of the land for 91103
each of the 2019, 2020, and 2021 tax years shall equal the sum of 91104
the following amounts: 91105

(i) The current agricultural use value of the land for that 91106
tax year, as determined under this section and section 5713.31 of 91107
the Revised Code, and rules adopted pursuant those sections, 91108
without regard to the adjustment under division (A)(3)(c)(ii) of 91109
this section; 91110

(ii) One-half of the amount, if any, by which the value of 91111
the land for the 2018 tax year, as determined under this section, 91112
section 5713.31 of the Revised Code, and the rules adopted 91113
pursuant those sections and issued by the tax commissioner for 91114
counties undergoing a reappraisal or triennial update in the 2018 91115
tax year, exceeds the value determined under division (A)(3)(c)(i) 91116
of this section. 91117

(4) The uniform rules shall prescribe the method for 91118
determining the value of federally subsidized residential rental 91119
property through the use of a formula that accounts for the 91120
following factors: 91121

(a) One or two years of operating income of the property, 91122
which includes gross potential rent and any income derived from 91123
other sources as reported by the property owner to the county 91124
auditor under section 5713.031 of the Revised Code; 91125

(b) Operating expenses of the property as reported by the 91126

property owner to the county auditor under section 5713.031 of the 91127
Revised Code. Operating expenses shall include an allowance for 91128
vacancy losses, which shall be presumed to be four per cent of 91129
gross potential rent, unpaid rent losses, which shall be presumed 91130
to be three per cent of gross potential rent, and repair or 91131
replacement reserve fund contributions, which shall be presumed to 91132
be five per cent of gross potential rent. These presumptive 91133
amounts may be exceeded with evidence demonstrating the actual 91134
expenses of the property. Real property taxes, depreciation, and 91135
amortization expenses shall be excluded from operating expenses. 91136

(c) A market-appropriate, uniform capitalization rate plus a 91137
tax additur accounting for the real property tax rate of the 91138
property's location. 91139

The uniform rules shall also prescribe a minimum total value 91140
for federally subsidized residential rental property of one 91141
hundred fifty per cent of the property's unimproved land value. 91142
The formula and other rules adopted by the commissioner pursuant 91143
to this division shall comply with Ohio Constitution, Article XII, 91144
Section 2. 91145

As used in division (A)(4) of this section, "federally 91146
subsidized residential rental property" has the same meaning as in 91147
section 5713.031 of the Revised Code. 91148

(B) The taxable value shall be that per cent of true value in 91149
money, or current agricultural use value in the case of land 91150
valued in accordance with section 5713.31 of the Revised Code, the 91151
commissioner by rule establishes, but it shall not exceed 91152
thirty-five per cent. The uniform rules shall also prescribe 91153
methods of making the appraisals set forth in section 5713.03 of 91154
the Revised Code. The taxable value of each tract, lot, or parcel 91155
of real property and improvements thereon, determined in 91156
accordance with the uniform rules and methods prescribed thereby, 91157
shall be the taxable value of the tract, lot, or parcel for all 91158

purposes of sections 5713.01 to 5713.26, 5715.01 to 5715.51, and 5717.01 to 5717.06 of the Revised Code. County auditors shall, under the direction and supervision of the commissioner, be the chief assessing officers of their respective counties, and shall list and value the real property within their respective counties for taxation in accordance with this section and sections 5713.03 and 5713.31 of the Revised Code and with such rules of the commissioner. There shall also be a board in each county, known as the county board of revision, which shall hear complaints and revise assessments of real property for taxation.

(C) The commissioner shall neither adopt nor enforce any rule that requires true value for any tax year to be any value other than the true value in money on the tax lien date of such tax year or that requires taxable value to be obtained in any way other than by reducing the true value, or in the case of land valued in accordance with section 5713.31 of the Revised Code, its current agricultural use value, by a specified, uniform percentage.

Sec. 5721.14. Subject to division (A)(2) of this section, on receipt of a delinquent vacant land tax certificate or a master list of delinquent vacant tracts, a county prosecuting attorney shall institute a foreclosure proceeding under section 323.25, sections 323.65 to 323.79, or section 5721.18 of the Revised Code, or a foreclosure and forfeiture proceeding under this section. If the delinquent vacant land tax certificate or a master list of delinquent vacant tracts lists minerals or rights to minerals listed pursuant to sections 5713.04, 5713.05, and 5713.06 of the Revised Code, the county prosecuting attorney may institute a foreclosure proceeding under section 323.25, sections 323.65 to 323.79, or section 5721.18 of the Revised Code or a foreclosure and forfeiture proceeding under this section against such minerals or rights to minerals.

(A)(1) The prosecuting attorney shall institute a proceeding 91190
under this section by filing, in the name of the county treasurer 91191
and with the clerk of a court with jurisdiction, a complaint that 91192
requests that the lien of the state on the property identified in 91193
the certificate or master list be foreclosed and that the property 91194
be forfeited to the state. The prosecuting attorney shall 91195
prosecute the proceeding to final judgment and satisfaction. 91196

(2) If the delinquent taxes, assessments, charges, penalties, 91197
and interest are paid prior to the time a complaint is filed, the 91198
prosecuting attorney shall not institute a proceeding under this 91199
section. If there is a copy of a written delinquent tax contract 91200
attached to the certificate or an asterisk next to an entry on the 91201
master list, or if a copy of a delinquent tax contract is received 91202
from the county auditor prior to the commencement of the 91203
proceeding under this section, the prosecuting attorney shall not 91204
institute the proceeding under this section unless the prosecuting 91205
attorney receives a certification of the county treasurer that the 91206
delinquent tax contract has become void. 91207

(B) Foreclosure and forfeiture proceedings instituted under 91208
this section constitute an action in rem. Prior to filing such an 91209
action in rem, the county prosecuting attorney shall cause a title 91210
search to be conducted for the purpose of identifying any 91211
lienholders or other persons with interests in the property that 91212
is subject to foreclosure and forfeiture. Following the title 91213
search, the action in rem shall be instituted by filing in the 91214
office of the clerk of a court with jurisdiction a complaint 91215
bearing a caption substantially in the form set forth in division 91216
(A) of section 5721.15 of the Revised Code. 91217

Any number of parcels may be joined in one action. Each 91218
separate parcel included in a complaint shall be given a serial 91219
number and shall be separately indexed and docketed by the clerk 91220
of the court in a book kept by the clerk for such purpose. A 91221

complaint shall contain the permanent parcel number of each parcel 91222
included in it, the full street address of the parcel when 91223
available, a description of the parcel as set forth in the 91224
certificate or master list, the name and address of the last known 91225
owner of the parcel if they appear on the general tax list, the 91226
name and address of each lienholder and other person with an 91227
interest in the parcel identified in the title search relating to 91228
the parcel that is required by this division, and the amount of 91229
taxes, assessments, charges, penalties, and interest due and 91230
unpaid with respect to the parcel. It is sufficient for the county 91231
treasurer to allege in the complaint that the certificate or 91232
master list has been duly filed by the county auditor with respect 91233
to each parcel listed, that the amount of money with respect to 91234
each parcel appearing to be due and unpaid is due and unpaid, and 91235
that there is a lien against each parcel, without setting forth 91236
any other or special matters. The prayer of the complaint shall be 91237
that the court issue an order that the lien of the state on each 91238
of the parcels included in the complaint be foreclosed, that the 91239
property be forfeited to the state, and that the land be offered 91240
for sale in the manner provided in section 5723.06 of the Revised 91241
Code. 91242

(C) Within thirty days after the filing of a complaint, the 91243
clerk of the court in which the complaint was filed shall cause a 91244
notice of foreclosure and forfeiture substantially in the form of 91245
the notice set forth in division (B) of section 5721.15 of the 91246
Revised Code to be published either (1) once a week for three 91247
consecutive weeks in a newspaper of general circulation in the 91248
county or (2) once in a newspaper of general circulation in the 91249
county and, beginning one week thereafter, on a web site of the 91250
county or of the court, as selected by the clerk. Publication on 91251
the web site shall continue until one year after the date a 91252
judgment is rendered under section 5721.16 of the Revised Code 91253
with respect to such property. Any notice published on a web site 91254

shall identify the date the notice is first published on the web 91255
site. In lieu of the form prescribed in division (B) of section 91256
5721.15 of the Revised Code, the second and third publication of 91257
the notice, if proceeding under division (C)(1) of this section, 91258
may be abbreviated as authorized under section 7.16 of the Revised 91259
Code. In any county that has adopted a permanent parcel number 91260
system, the parcel may be described in the notice by parcel number 91261
only, instead of also with a complete legal description, if the 91262
county prosecuting attorney determines that the publication of the 91263
complete legal description is not necessary to provide reasonable 91264
notice of the foreclosure and forfeiture proceeding to the 91265
interested parties. If the complete legal description is not 91266
published, the notice shall indicate where the complete legal 91267
description may be obtained. 91268

After the ~~third~~ final newspaper publication, the publisher 91269
shall file with the clerk of the court an affidavit stating the 91270
fact of the publication and including a copy of the notice of 91271
foreclosure and forfeiture as published. Two weeks after the clerk 91272
causes the notice to be published on the selected web site, if 91273
proceeding under division (C)(2) of this section, the prosecuting 91274
attorney shall file with the clerk an affidavit stating the fact 91275
of the publication and including a copy of the notice of 91276
foreclosure and forfeiture as published. Service of process for 91277
purposes of the action in rem shall be considered as complete on 91278
the date of the ~~last~~ third newspaper publication or the date that 91279
is two weeks after the clerk causes the notice to be published on 91280
the selected web site, as applicable. 91281

Within thirty days after the filing of a complaint and before 91282
the date of ~~the final publication of the notice of foreclosure and~~ 91283
~~forfeiture~~ service of process is considered complete under this 91284
division, the clerk of the court also shall cause a copy of a 91285
notice substantially in the form of the notice set forth in 91286

division (C) of section 5721.15 of the Revised Code to be mailed 91287
by ordinary mail, with postage prepaid, to each person named in 91288
the complaint as being the last known owner of a parcel included 91289
in it, or as being a lienholder or other person with an interest 91290
in a parcel included in it. The notice shall be sent to the 91291
address of each such person, as set forth in the complaint, and 91292
the clerk shall enter the fact of such mailing upon the appearance 91293
docket. If the name and address of the last known owner of a 91294
parcel included in a complaint is not set forth in it, the county 91295
auditor shall file an affidavit with the clerk stating that the 91296
name and address of the last known owner does not appear on the 91297
general tax list. 91298

(D)(1) An answer may be filed in a foreclosure and forfeiture 91299
proceeding by any person owning or claiming any right, title, or 91300
interest in, or lien upon, any parcel described in the complaint. 91301
The answer shall contain the caption and number of the action and 91302
the serial number of the parcel concerned. The answer shall set 91303
forth the nature and amount of interest claimed in the parcel and 91304
any defense or objection to the foreclosure of the lien of the 91305
state for delinquent taxes, assessments, charges, penalties, and 91306
interest, as shown in the complaint. The answer shall be filed in 91307
the office of the clerk of the court, and a copy of the answer 91308
shall be served on the county prosecuting attorney not later than 91309
twenty-eight days after the date ~~of final publication of the~~ 91310
~~notice of foreclosure and forfeiture~~ service of process is 91311
considered complete under division (C) of this section. If an 91312
answer is not filed within such time, a default judgment may be 91313
taken as to any parcel included in a complaint as to which no 91314
answer has been filed. A default judgment is valid and effective 91315
with respect to all persons owning or claiming any right, title, 91316
or interest in, or lien upon, any such parcel, notwithstanding 91317
that one or more of such persons are minors, incompetents, 91318
absentees or nonresidents of the state, or convicts in 91319

confinement. 91320

(2)(a) A receiver appointed pursuant to divisions (C)(2) and 91321
(3) of section 3767.41 of the Revised Code may file an answer 91322
pursuant to division (D)(1) of this section, but is not required 91323
to do so as a condition of receiving proceeds in a distribution 91324
under division (B)(2) of section 5721.17 of the Revised Code. 91325

(b) When a receivership under section 3767.41 of the Revised 91326
Code is associated with a parcel, the notice of foreclosure and 91327
forfeiture set forth in division (B) of section 5721.15 of the 91328
Revised Code and the notice set forth in division (C) of that 91329
section shall be modified to reflect the provisions of division 91330
(D)(2)(a) of this section. 91331

(E) At the trial of a foreclosure and forfeiture proceeding, 91332
the delinquent vacant land tax certificate or master list of 91333
delinquent vacant tracts filed by the county auditor with the 91334
county prosecuting attorney shall be prima-facie evidence of the 91335
amount and validity of the taxes, assessments, charges, penalties, 91336
and interest appearing due and unpaid on the parcel to which the 91337
certificate or master list relates and their nonpayment. If an 91338
answer is properly filed, the court may, in its discretion, and 91339
shall, at the request of the person filing the answer, grant a 91340
severance of the proceedings as to any parcel described in such 91341
answer for purposes of trial or appeal. 91342

(F) The conveyance by the owner of any parcel against which a 91343
complaint has been filed pursuant to this section at any time 91344
after the date of publication of the parcel on the delinquent 91345
vacant land tax list but before the date of a judgment of 91346
foreclosure and forfeiture pursuant to section 5721.16 of the 91347
Revised Code shall not nullify the right of the county to proceed 91348
with the foreclosure and forfeiture. 91349

Sec. 5721.18. The county prosecuting attorney, upon the 91350

delivery to the prosecuting attorney by the county auditor of a 91351
delinquent land or delinquent vacant land tax certificate, or of a 91352
master list of delinquent or delinquent vacant tracts, shall 91353
institute a foreclosure proceeding under this section in the name 91354
of the county treasurer to foreclose the lien of the state, in any 91355
court with jurisdiction or in the county board of revision with 91356
jurisdiction pursuant to section 323.66 of the Revised Code, 91357
unless the taxes, assessments, charges, penalties, and interest 91358
are paid prior to the time a complaint is filed, or unless a 91359
foreclosure or foreclosure and forfeiture action has been or will 91360
be instituted under section 323.25, sections 323.65 to 323.79, or 91361
section 5721.14 of the Revised Code. If the delinquent land or 91362
delinquent vacant land tax certificate or the master list of 91363
delinquent or delinquent vacant tracts lists minerals or rights to 91364
minerals listed pursuant to sections 5713.04, 5713.05, and 5713.06 91365
of the Revised Code, the county prosecuting attorney may institute 91366
a foreclosure proceeding in the name of the county treasurer, in 91367
any court with jurisdiction, to foreclose the lien of the state 91368
against such minerals or rights to minerals, unless the taxes, 91369
assessments, charges, penalties, and interest are paid prior to 91370
the time the complaint is filed, or unless a foreclosure or 91371
foreclosure and forfeiture action has been or will be instituted 91372
under section 323.25, sections 323.65 to 323.79, or section 91373
5721.14 of the Revised Code. 91374

Nothing in this section or section 5721.03 of the Revised 91375
Code prohibits the prosecuting attorney from instituting a 91376
proceeding under this section before the delinquent tax list or 91377
delinquent vacant land tax list that includes the parcel is 91378
published pursuant to division (B) of section 5721.03 of the 91379
Revised Code if the list is not published within the time 91380
prescribed by that division. The prosecuting attorney shall 91381
prosecute the proceeding to final judgment and satisfaction. 91382
Within ten days after obtaining a judgment, the prosecuting 91383

attorney shall notify the treasurer in writing that judgment has 91384
been rendered. If there is a copy of a written delinquent tax 91385
contract attached to the certificate or an asterisk next to an 91386
entry on the master list, or if a copy of a delinquent tax 91387
contract is received from the auditor prior to the commencement of 91388
the proceeding under this section, the prosecuting attorney shall 91389
not institute the proceeding under this section, unless the 91390
prosecuting attorney receives a certification of the treasurer 91391
that the delinquent tax contract has become void. 91392

(A) This division applies to all foreclosure proceedings not 91393
instituted and prosecuted under section 323.25 of the Revised Code 91394
or division (B) or (C) of this section. The foreclosure 91395
proceedings shall be instituted and prosecuted in the same manner 91396
as is provided by law for the foreclosure of mortgages on land, 91397
except that, if service by publication is necessary, such 91398
publication, instead of as provided by the Rules of Civil 91399
Procedure, shall either be made (1) once a week for three 91400
consecutive weeks ~~instead of as provided by the Rules of Civil~~ 91401
~~Procedure, and the service in a newspaper of general circulation~~ 91402
in the county or (2) once in a newspaper of general circulation in 91403
the county and, beginning one week thereafter, on a web site of 91404
the county or of the court, as selected by the clerk of the court. 91405
Publication on the web site shall continue until one year after 91406
the date a judgment is rendered under section 5721.19 of the 91407
Revised Code with respect to such property. Any notices published 91408
on a web site shall identify the date the notice is first 91409
published on the web site. If proceeding under division (A)(1) of 91410
this section, the second and third publication of the notice may 91411
be abbreviated as authorized under section 7.16 of the Revised 91412
Code. 91413

Service shall be complete, if proceeding under division 91414
(A)(1) of this section, at the expiration of three weeks after the 91415

date of the first publication or, if proceeding under division 91416
(A)(2) of this section, the date that is two weeks after the clerk 91417
causes the notice to be published on the selected web site. In any 91418
proceeding prosecuted under this section, if the prosecuting 91419
attorney determines that service upon a defendant may be obtained 91420
ultimately only by publication, the prosecuting attorney may cause 91421
service to be made simultaneously by certified mail, return 91422
receipt requested, ordinary mail, and publication. 91423

In any county that has adopted a permanent parcel number 91424
system, the parcel may be described in the notice by parcel number 91425
only, instead of also with a complete legal description, if the 91426
prosecuting attorney determines that the publication of the 91427
complete legal description is not necessary to provide reasonable 91428
notice of the foreclosure proceeding to the interested parties. If 91429
the complete legal description is not published, the notice shall 91430
indicate where the complete legal description may be obtained. 91431

It is sufficient, having been made a proper party to the 91432
foreclosure proceeding, for the treasurer to allege in the 91433
treasurer's complaint that the certificate or master list has been 91434
duly filed by the auditor, that the amount of money appearing to 91435
be due and unpaid is due and unpaid, and that there is a lien 91436
against the property described in the certificate or master list, 91437
without setting forth in the complaint any other or special matter 91438
relating to the foreclosure proceeding. The prayer of the 91439
complaint shall be that the court or the county board of revision 91440
with jurisdiction pursuant to section 323.66 of the Revised Code 91441
issue an order that the property be sold or conveyed by the 91442
sheriff or otherwise be disposed of, and the equity of redemption 91443
be extinguished, according to the alternative redemption 91444
procedures prescribed in sections 323.65 to 323.79 of the Revised 91445
Code, or if the action is in the municipal court by the bailiff, 91446
in the manner provided in section 5721.19 of the Revised Code. 91447

In the foreclosure proceeding, the treasurer may join in one 91448
action any number of lots or lands, but the decree shall be 91449
rendered separately, and any proceedings may be severed, in the 91450
discretion of the court or board of revision, for the purpose of 91451
trial or appeal, and the court or board of revision shall make 91452
such order for the payment of costs as is considered proper. The 91453
certificate or master list filed by the auditor with the 91454
prosecuting attorney is prima-facie evidence at the trial of the 91455
foreclosure action of the amount and validity of the taxes, 91456
assessments, charges, penalties, and interest appearing due and 91457
unpaid and of their nonpayment. 91458

(B) Foreclosure proceedings constituting an action in rem may 91459
be commenced by the filing of a complaint after the end of the 91460
second year from the date on which the delinquency was first 91461
certified by the auditor. Prior to filing such an action in rem, 91462
the prosecuting attorney shall cause a title search to be 91463
conducted for the purpose of identifying any lienholders or other 91464
persons with interests in the property subject to foreclosure. 91465
Following the title search, the action in rem shall be instituted 91466
by filing in the office of the clerk of a court with jurisdiction 91467
a complaint bearing a caption substantially in the form set forth 91468
in division (A) of section 5721.181 of the Revised Code. 91469

Any number of parcels may be joined in one action. Each 91470
separate parcel included in a complaint shall be given a serial 91471
number and shall be separately indexed and docketed by the clerk 91472
of the court in a book kept by the clerk for such purpose. A 91473
complaint shall contain the permanent parcel number of each parcel 91474
included in it, the full street address of the parcel when 91475
available, a description of the parcel as set forth in the 91476
certificate or master list, the name and address of the last known 91477
owner of the parcel if they appear on the general tax list, the 91478
name and address of each lienholder and other person with an 91479

interest in the parcel identified in the title search relating to 91480
the parcel that is required by this division, and the amount of 91481
taxes, assessments, charges, penalties, and interest due and 91482
unpaid with respect to the parcel. It is sufficient for the 91483
treasurer to allege in the complaint that the certificate or 91484
master list has been duly filed by the auditor with respect to 91485
each parcel listed, that the amount of money with respect to each 91486
parcel appearing to be due and unpaid is due and unpaid, and that 91487
there is a lien against each parcel, without setting forth any 91488
other or special matters. The prayer of the complaint shall be 91489
that the court issue an order that the land described in the 91490
complaint be sold in the manner provided in section 5721.19 of the 91491
Revised Code. 91492

(1) Within thirty days after the filing of a complaint, the 91493
clerk of the court in which the complaint was filed shall cause a 91494
notice of foreclosure substantially in the form of the notice set 91495
forth in division (B) of section 5721.181 of the Revised Code to 91496
be published either (a) once a week for three consecutive weeks in 91497
a newspaper of general circulation in the county or (b) once in a 91498
newspaper of general circulation in the county and, beginning one 91499
week thereafter, on a web site of the county or of the court, as 91500
selected by the clerk. Publication on the web site shall continue 91501
until one year after the date a judgment is rendered under section 91502
5721.19 of the Revised Code with respect to such property. The 91503
newspaper shall meet the requirements of section 7.12 of the 91504
Revised Code. Any notice published on a web site shall identify 91505
the date the notice is first published on that web site. In lieu 91506
of the form prescribed in division (B) of section 5721.181 of the 91507
Revised Code, the second and third publication of the notice, if 91508
proceeding under division (B)(1)(a) of this section, may be 91509
abbreviated as authorized under section 7.16 of the Revised Code. 91510
In any county that has adopted a permanent parcel number system, 91511
the parcel may be described in the notice by parcel number only, 91512

instead of also with a complete legal description, if the 91513
prosecuting attorney determines that the publication of the 91514
complete legal description is not necessary to provide reasonable 91515
notice of the foreclosure proceeding to the interested parties. If 91516
the complete legal description is not published, the notice shall 91517
indicate where the complete legal description may be obtained. 91518

After the ~~third~~ final newspaper publication, the publisher 91519
shall file with the clerk of the court an affidavit stating the 91520
fact of the publication and including a copy of the notice of 91521
foreclosure as published. Two weeks after the clerk causes the 91522
notice to be published on the selected web site, if proceeding 91523
under division (B)(1)(b) of this section, the prosecuting attorney 91524
shall file with the clerk an affidavit stating the fact of the 91525
publication and including a copy of the notice of foreclosure and 91526
forfeiture as published. Service of process for purposes of the 91527
action in rem shall be considered as complete on the date of the 91528
~~last~~ third newspaper publication or the date that is two weeks 91529
after the clerk causes the notice to be published on the selected 91530
web site, as applicable. 91531

Within thirty days after the filing of a complaint and before 91532
the ~~final date of publication of the notice of foreclosure~~ service 91533
of process is considered complete under this division, the clerk 91534
of the court also shall cause a copy of a notice substantially in 91535
the form of the notice set forth in division (C) of section 91536
5721.181 of the Revised Code to be mailed by certified mail, with 91537
postage prepaid, to each person named in the complaint as being 91538
the last known owner of a parcel included in it, or as being a 91539
lienholder or other person with an interest in a parcel included 91540
in it. The notice shall be sent to the address of each such 91541
person, as set forth in the complaint, and the clerk shall enter 91542
the fact of such mailing upon the appearance docket. If the name 91543
and address of the last known owner of a parcel included in a 91544

complaint is not set forth in it, the auditor shall file an 91545
affidavit with the clerk stating that the name and address of the 91546
last known owner does not appear on the general tax list. 91547

(2)(a) An answer may be filed in an action in rem under this 91548
division by any person owning or claiming any right, title, or 91549
interest in, or lien upon, any parcel described in the complaint. 91550
The answer shall contain the caption and number of the action and 91551
the serial number of the parcel concerned. The answer shall set 91552
forth the nature and amount of interest claimed in the parcel and 91553
any defense or objection to the foreclosure of the lien of the 91554
state for delinquent taxes, assessments, charges, penalties, and 91555
interest as shown in the complaint. The answer shall be filed in 91556
the office of the clerk of the court, and a copy of the answer 91557
shall be served on the prosecuting attorney, not later than 91558
twenty-eight days after the date ~~of final publication of the~~ 91559
~~notice of foreclosure~~ service of process is considered complete 91560
under division (B)(1) of this section. If an answer is not filed 91561
within such time, a default judgment may be taken as to any parcel 91562
included in a complaint as to which no answer has been filed. A 91563
default judgment is valid and effective with respect to all 91564
persons owning or claiming any right, title, or interest in, or 91565
lien upon, any such parcel, notwithstanding that one or more of 91566
such persons are minors, incompetents, absentees or nonresidents 91567
of the state, or convicts in confinement. 91568

(b)(i) A receiver appointed pursuant to divisions (C)(2) and 91569
(3) of section 3767.41 of the Revised Code may file an answer 91570
pursuant to division (B)(2)(a) of this section, but is not 91571
required to do so as a condition of receiving proceeds in a 91572
distribution under division (B)(1) of section 5721.17 of the 91573
Revised Code. 91574

(ii) When a receivership under section 3767.41 of the Revised 91575
Code is associated with a parcel, the notice of foreclosure set 91576

forth in division (B) of section 5721.181 of the Revised Code and 91577
the notice set forth in division (C) of that section shall be 91578
modified to reflect the provisions of division (B)(2)(b)(i) of 91579
this section. 91580

(3) At the trial of an action in rem under this division, the 91581
certificate or master list filed by the auditor with the 91582
prosecuting attorney shall be prima-facie evidence of the amount 91583
and validity of the taxes, assessments, charges, penalties, and 91584
interest appearing due and unpaid on the parcel to which the 91585
certificate or master list relates and their nonpayment. If an 91586
answer is properly filed, the court may, in its discretion, and 91587
shall, at the request of the person filing the answer, grant a 91588
severance of the proceedings as to any parcel described in such 91589
answer for purposes of trial or appeal. 91590

(C) In addition to the actions in rem authorized under 91591
division (B) of this section and section 5721.14 of the Revised 91592
Code, an action in rem may be commenced under this division. An 91593
action commenced under this division shall conform to all of the 91594
requirements of division (B) of this section except as follows: 91595

(1) The prosecuting attorney shall not cause a title search 91596
to be conducted for the purpose of identifying any lienholders or 91597
other persons with interests in the property subject to 91598
foreclosure, except that the prosecuting attorney shall cause a 91599
title search to be conducted to identify any receiver's lien. 91600

(2) The names and addresses of lienholders and persons with 91601
an interest in the parcel shall not be contained in the complaint, 91602
and notice shall not be mailed to lienholders and persons with an 91603
interest as provided in division (B)(1) of this section, except 91604
that the name and address of a receiver under section 3767.41 of 91605
the Revised Code shall be contained in the complaint and notice 91606
shall be mailed to the receiver. 91607

(3) With respect to the forms applicable to actions commenced 91608
under division (B) of this section and contained in section 91609
5721.181 of the Revised Code: 91610

(a) The notice of foreclosure prescribed by division (B) of 91611
section 5721.181 of the Revised Code shall be revised to exclude 91612
any reference to the inclusion of the name and address of each 91613
lienholder and other person with an interest in the parcel 91614
identified in a statutorily required title search relating to the 91615
parcel, and to exclude any such names and addresses from the 91616
published notice, except that the revised notice shall refer to 91617
the inclusion of the name and address of a receiver under section 91618
3767.41 of the Revised Code and the published notice shall include 91619
the receiver's name and address. The notice of foreclosure also 91620
shall include the following in boldface type: 91621

"If pursuant to the action the parcel is sold, the sale shall 91622
not affect or extinguish any lien or encumbrance with respect to 91623
the parcel other than a receiver's lien and other than the lien 91624
for land taxes, assessments, charges, interest, and penalties for 91625
which the lien is foreclosed and in satisfaction of which the 91626
property is sold. All other liens and encumbrances with respect to 91627
the parcel shall survive the sale." 91628

(b) The notice to the owner, lienholders, and other persons 91629
with an interest in a parcel shall be a notice only to the owner 91630
and to any receiver under section 3767.41 of the Revised Code, and 91631
the last two sentences of the notice shall be omitted. 91632

(4) As used in this division, a "receiver's lien" means the 91633
lien of a receiver appointed pursuant to divisions (C)(2) and (3) 91634
of section 3767.41 of the Revised Code that is acquired pursuant 91635
to division (H)(2)(b) of that section for any unreimbursed 91636
expenses and other amounts paid in accordance with division (F) of 91637
that section by the receiver and for the fees of the receiver 91638
approved pursuant to division (H)(1) of that section. 91639

(D) The conveyance by the owner of any parcel against which a complaint has been filed pursuant to this section at any time after the date of publication of the parcel on the delinquent tax list but before the date of a judgment of foreclosure pursuant to section 5721.19 of the Revised Code shall not nullify the right of the county to proceed with the foreclosure.

Sec. 5725.05. On or before the third day of December, annually, the tax commissioner shall fix the day as of which the taxable deposits in financial institutions shall be listed and assessed. The day fixed shall be between the first and the thirtieth day of November, and the action of the commissioner shall be taken not more than three days after the day fixed. Notice of such action by the commissioner shall be immediately given to each financial institution and to the county auditor of each county ~~by certified mail~~ in the manner provided in section 5703.37 of the Revised Code, and the date fixed shall be printed or stamped on the forms of return to be made by all financial institutions. The commissioner shall also give immediate notice, by collect telegram, to those financial institutions or persons that have filed a request for this service with the commissioner. The dates fixed by this section for the action of the commissioner are directory, and if through inadvertence or mistake such action is not taken at the time prescribed, or the notice required to be given to a financial institution or a county auditor is not duly given, the remaining requirements of sections 5725.01 to 5725.26 of the Revised Code, and the validity of any assessment made hereunder shall not be affected.

Sec. 5725.36. (A) Terms used in this section have the same meanings as in section 175.16 of the Revised Code.

(B) There is allowed a nonrefundable tax credit against the tax imposed by section 5725.18 of the Revised Code for a domestic

insurance company that is allocated a credit issued by the 91671
executive director of the Ohio housing finance agency under 91672
section 175.16 of the Revised Code. The credit equals the amount 91673
allocated to such company for the calendar year and reported by 91674
the designated reporter on the form prescribed by division (I) of 91675
section 175.16 of the Revised Code. 91676

The credit authorized in this section shall be claimed in the 91677
order required under section 5725.98 of the Revised Code. If the 91678
amount of a credit exceeds the tax otherwise due under section 91679
5725.18 of the Revised Code after deducting all other credits 91680
preceding the credit in the order prescribed in section 5725.98 of 91681
the Revised Code, the excess may be carried forward for not more 91682
than five ensuing calendar years. The amount of the excess credit 91683
claimed in any such year shall be deducted from the balance 91684
carried forward to the next calendar year. 91685

No credit shall be claimed under this section to the extent 91686
the credit was claimed under section 5726.58, 5729.19, or 5747.83 91687
of the Revised Code. 91688

Sec. 5725.98. (A) To provide a uniform procedure for 91689
calculating the amount of tax imposed by section 5725.18 of the 91690
Revised Code that is due under this chapter, a taxpayer shall 91691
claim any credits and offsets against tax liability to which it is 91692
entitled in the following order: 91693

The credit for an insurance company or insurance company 91694
group under section 5729.031 of the Revised Code; 91695

The credit for eligible employee training costs under section 91696
5725.31 of the Revised Code; 91697

The credit for purchasers of qualified low-income community 91698
investments under section 5725.33 of the Revised Code; 91699

The nonrefundable job retention credit under division (B) of 91700

section 122.171 of the Revised Code;	91701
The nonrefundable credit for investments in rural business growth funds under section 122.152 of the Revised Code;	91702 91703
<u>The nonrefundable Ohio low-income housing tax credit under section 5725.36 of the Revised Code;</u>	91704 91705
The nonrefundable credit for contributing capital to a transformational mixed use development project under section 5725.35 of the Revised Code;	91706 91707 91708
The offset of assessments by the Ohio life and health insurance guaranty association permitted by section 3956.20 of the Revised Code;	91709 91710 91711
The refundable credit for rehabilitating a historic building under section 5725.34 of the Revised Code;	91712 91713
The refundable credit for Ohio job retention under former division (B)(2) or (3) of section 122.171 of the Revised Code as those divisions existed before September 29, 2015, the effective date of the amendment of this section by H.B. 64 of the 131st general assembly;	91714 91715 91716 91717 91718
The refundable credit for Ohio job creation under section 5725.32 of the Revised Code;	91719 91720
The refundable credit under section 5725.19 of the Revised Code for losses on loans made under the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code.	91721 91722 91723
(B) For any credit except the refundable credits enumerated in this section, the amount of the credit for a taxable year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be construed to allow a taxpayer to claim, directly or	91724 91725 91726 91727 91728 91729 91730

indirectly, a credit more than once for a taxable year. 91731

Sec. 5726.01. As used in this chapter: 91732

(A) "Affiliated group" means a group of two or more persons 91733
with fifty per cent or greater of the value of each person's 91734
ownership interests owned or controlled directly, indirectly, or 91735
constructively through related interests by common owners during 91736
all or any portion of the taxable year, and the common owners. 91737
"Affiliated group" includes, but is not limited to, any person 91738
eligible to be included in a consolidated elected taxpayer group 91739
under section 5751.011 of the Revised Code or a combined taxpayer 91740
group under section 5751.012 of the Revised Code. 91741

(B) "Bank organization" means any of the following: 91742

(1) A national bank organized and operating as a national 91743
bank association pursuant to the "National Bank Act," 13 Stat. 100 91744
(1864), 12 U.S.C. 21, et seq.; 91745

(2) A federal savings association or federal savings bank 91746
chartered under 12 U.S.C. 1464; 91747

(3) A bank, banking association, trust company, savings and 91748
loan association, savings bank, or other banking institution that 91749
is organized or incorporated under the laws of the United States, 91750
any state, or a foreign country; 91751

(4) Any corporation organized and operating pursuant to 12 91752
U.S.C. 611, et seq.; 91753

(5) Any agency or branch of a foreign bank, as those terms 91754
are defined in 12 U.S.C. 3101. 91755

"Bank organization" does not include an institution organized 91756
under the "Federal Farm Loan Act," 39 Stat. 360 (1916), or a 91757
successor of such an institution, a company chartered under the 91758
"Farm Credit Act of 1933," 48 Stat. 257, or a successor of such a 91759
company, an association formed pursuant to 12 U.S.C. 2279c-1, an 91760

insurance company, or a credit union. 91761

(C) "Call report" means the consolidated reports of condition 91762
and income prescribed by the federal financial institutions 91763
examination council that a person is required to file with a 91764
federal regulatory agency pursuant to 12 U.S.C. 161, 12 U.S.C. 91765
324, or 12 U.S.C. 1817. 91766

(D) "Captive finance company" means a person that derived at 91767
least seventy-five per cent of its gross income for the current 91768
taxable year and the two taxable years preceding the current 91769
taxable year from one or more of the following transactions: 91770

(1) Financing transactions with members of its affiliated 91771
group; 91772

(2) Financing transactions with or for customers of products 91773
manufactured or sold by a member of its affiliated group; 91774

(3) Financing transactions with or for a distributor or 91775
franchisee that sells, leases, or services a product manufactured 91776
or sold by a member of the person's affiliated group; 91777

(4) Financing transactions with or for a supplier to a member 91778
of the person's affiliated group in connection with the member's 91779
manufacturing business; 91780

(5) Issuing bonds or other publicly traded debt instruments 91781
for the benefit of the affiliated group; 91782

(6) Short-term or long-term investments whereby the person 91783
invests the cash reserves of the affiliated group and the 91784
affiliated group utilizes the proceeds from the investments. 91785

For the purposes of division (D) of this section, "financing 91786
transaction" means making or selling loans, extending credit, 91787
leasing, earning or receiving subvention, including interest 91788
supplements and other support costs related thereto, or acquiring, 91789
selling, or servicing accounts receivable, notes, loans, leases, 91790

debt, or installment obligations that arise from the sale or lease of tangible personal property or the performance of services, and "gross income" has the same meaning as in section 61 of the Internal Revenue Code and includes income from transactions between the captive finance company and other members of its affiliated group.

A person that has not been in continuous existence for the two taxable years preceding the current taxable year qualifies as a "captive finance company" for purposes of division (D) of this section if the person derived at least seventy-five per cent of its gross income for the period of its existence from one or more of the transactions described in divisions (D)(1) to (6) of this section.

"Captive finance company" does not include a small dollar lender.

(E) "Credit union" means a nonprofit cooperative financial institution organized or chartered under the laws of this state, any other state, or the United States.

(F) "Diversified savings and loan holding company" has the same meaning as in 12 U.S.C. 1467a, as that section existed on January 1, 2012.

(G) "Document of creation" means the articles of incorporation of a corporation, articles of organization of a limited liability company, registration of a foreign limited liability company, certificate of limited partnership, registration of a foreign limited partnership, registration of a domestic or foreign limited liability partnership, or registration of a trade name.

(H) "Financial institution" means a bank organization, a holding company of a bank organization, or a nonbank financial organization, except when one of the following applies:

(1) If two or more such entities are consolidated for the 91822
purposes of filing an FR Y-9, "financial institution" means a 91823
group consisting of all entities that are ~~included~~ consolidated in 91824
the FR Y-9. 91825

(2) If two or more such entities are consolidated for the 91826
purposes of filing a call report, "financial institution" means a 91827
group consisting of all entities that are ~~included~~ consolidated in 91828
the call report and that are not included in a group described in 91829
division (H)(1) of this section. 91830

(3) If a bank organization is owned directly by a 91831
grandfathered unitary savings and loan holding company or directly 91832
or indirectly by an entity that was a grandfathered unitary 91833
savings and loan holding company on January 1, 2012, "financial 91834
institution" means a group consisting only of that bank 91835
organization and the entities ~~included~~ consolidated in that bank 91836
organization's call report, notwithstanding division (H)(1) or (2) 91837
of this section. 91838

"Financial institution" does not include a diversified 91839
savings and loan holding company, a grandfathered unitary savings 91840
and loan holding company, any entity that was a grandfathered 91841
unitary savings and loan holding company on January 1, 2012, or 91842
any entity that is not a bank organization or owned by a bank 91843
organization and that is owned directly or indirectly by an entity 91844
that was a grandfathered unitary savings and loan holding company 91845
on January 1, 2012. 91846

(I) "FR Y-9" means the consolidated or parent-only financial 91847
statements that a holding company is required to file with the 91848
federal reserve board pursuant to 12 U.S.C. 1844. In the case of a 91849
holding company required to file both consolidated and parent-only 91850
financial statements, "FR Y-9" means the consolidated financial 91851
statements that the holding company is required to file. For 91852
purposes of division (H)(1) of this section, if a holding company 91853

is required to file a parent-only financial statement and not a consolidated financial statement, "FR Y-9" means the consolidated financial statement the company would file if it were required to do so by the federal reserve board.

(J) "Grandfathered unitary savings and loan holding company" means an entity described in 12 U.S.C. 1467a(c)(9)(C), as that section existed on December 31, 1999.

(K) "Gross receipts" means all items of income, without deduction for expenses. If the reporting person for a taxpayer is a holding company, "gross receipts" includes all items of income reported on the FR Y-9 filed by the holding company. If the reporting person for a taxpayer is a bank organization, "gross receipts" includes all items of income reported on the call report filed by the bank organization. If the reporting person for a taxpayer is a nonbank financial organization, "gross receipts" includes all items of income reported in accordance with generally accepted accounting principles.

(L) "Insurance company" means every corporation, association, and society engaged in the business of insurance of any character, or engaged in the business of entering into contracts substantially amounting to insurance of any character, or of indemnifying or guaranteeing against loss or damage, or acting as surety on bonds or undertakings. "Insurance company" also includes any health insuring corporation as defined in section 1751.01 of the Revised Code.

(M)(1) "Nonbank financial organization" means every person that is not a bank organization or a holding company of a bank organization and that engages in business primarily as a small dollar lender. "Nonbank financial organization" does not include an institution organized under the "Federal Farm Loan Act," 39 Stat. 360 (1916), or a successor of such an institution, an insurance company, a captive finance company, a credit union, an

institution organized and operated exclusively for charitable 91886
purposes within the meaning of section 501(c)(3) of the Internal 91887
Revenue Code, or a person that facilitates or services one or more 91888
securitizations for a bank organization, a holding company of a 91889
bank organization, a captive finance company, or any member of the 91890
person's affiliated group. 91891

(2) A person is engaged in business primarily as a small 91892
dollar lender if the person has, for the taxable year, gross 91893
income from the activities described in division (O) of this 91894
section that exceeds the person's gross income from all other 91895
activities. As used in division (M) of this section, "gross 91896
income" has the same meaning as in section 61 of the Internal 91897
Revenue Code, and income from transactions between the person and 91898
the other members of the affiliated group shall be eliminated, and 91899
any sales, exchanges, and other dispositions of commercial paper 91900
to persons outside the affiliated group produces gross income only 91901
to the extent the proceeds from such transactions exceed the 91902
affiliated group's basis in such commercial paper. 91903

(N) "Reporting person" means one of the following: 91904

(1) In the case of a financial institution described in 91905
division (H)(1) of this section, the top-tier holding company 91906
required to file an FR Y-9. 91907

(2) In the case of a financial institution described in 91908
division (H)(2) or (3) of this section, the bank organization 91909
required to file the call report. 91910

(3) In the case of a bank organization or nonbank financial 91911
organization that is not included in a group described in division 91912
(H)(1) or (2) of this section, the bank organization or nonbank 91913
financial organization. 91914

(O) "Small dollar lender" means any person engaged primarily 91915
in the business of loaning money to individuals, provided that the 91916

loan amounts do not exceed five thousand dollars and the duration 91917
of the loans do not exceed twelve months. A "small dollar lender" 91918
does not include a bank organization, credit union, or captive 91919
finance company. 91920

(P) "Tax year" means the calendar year for which the tax 91921
levied under section 5726.02 of the Revised Code is required to be 91922
paid. 91923

(Q) "Taxable year" means the calendar year preceding the year 91924
in which an annual report is required to be filed under section 91925
5726.03 of the Revised Code. 91926

(R) "Taxpayer" means a financial institution subject to the 91927
tax levied under section 5726.02 of the Revised Code. 91928

(S) "Total equity capital" means the sum of the common stock 91929
at par value, perpetual preferred stock and related surplus, other 91930
surplus not related to perpetual preferred stock, retained 91931
earnings, accumulated other comprehensive income, treasury stock, 91932
unearned employee stock ownership plan shares, and other equity 91933
components of a financial institution. "Total equity capital" 91934
shall not include any noncontrolling (minority) interests as 91935
reported on an FR Y-9 or call report, unless such interests are in 91936
a bank organization or a bank holding company. 91937

(T) "Total Ohio equity capital" means the portion of the 91938
total equity capital of a financial institution apportioned to 91939
Ohio pursuant to section 5726.05 of the Revised Code. 91940

(U) "Holding company" does not include a diversified savings 91941
and loan holding company, a grandfathered unitary savings and loan 91942
holding company, any entity that was a grandfathered unitary 91943
savings and loan holding company on January 1, 2012, or any entity 91944
that is not a bank organization or owned by a bank organization 91945
and that is owned directly or indirectly by an entity that was a 91946
grandfathered unitary savings and loan holding company on January 91947

1, 2012. 91948

(V) "Securitization" means transferring one or more assets to 91949
one or more persons and subsequently issuing securities backed by 91950
the right to receive payment from the asset or assets so 91951
transferred. 91952

(W) "De novo bank organization" means a bank organization 91953
that first began operations in the taxable year preceding the 91954
current tax year or in either of the two immediately preceding 91955
taxable years. For the purposes of this division, a bank 91956
organization "first began operations" on the day the bank 91957
organization was issued a charter, a certificate of authority to 91958
commence business, or the equivalent document enabling the bank 91959
organization to begin conducting business as a bank organization. 91960
A "de novo bank organization" does not include a bank organization 91961
formed by, acquired by, merged with, or converted by a taxpayer 91962
that filed and paid the tax under this chapter in any preceding 91963
calendar year. 91964

Sec. 5726.04. (A)(1) The tax levied on a financial 91965
institution other than a de novo bank organization under this 91966
chapter shall be the greater of the following: 91967

(a) A minimum tax equal to one thousand dollars; 91968

(b) The product of the total Ohio equity capital of the 91969
financial institution, as determined under this section, 91970
multiplied by eight mills for each dollar of the first two hundred 91971
million dollars of total Ohio equity capital, by four mills for 91972
each dollar of total Ohio equity capital greater than two hundred 91973
million and less than one billion three hundred million dollars, 91974
and by two and one-half mills for each dollar of total Ohio equity 91975
capital equal to or greater than one billion three hundred million 91976
dollars. 91977

(2) The tax levied on a de novo bank organization under this chapter shall equal the difference obtained by subtracting one million dollars from the amount of tax that would be calculated for the de novo bank organization under division (A)(1)(b) of this section, provided that if that difference is equal to or less than zero, no tax shall be due for the taxable year.

A de novo bank organization with no tax due for a taxable year pursuant to this division shall be considered a financial institution that "paid the tax imposed by section 5726.02 of the Revised Code based on" that taxable year for the purposes of division (E)(3) of section 5751.01 of the Revised Code.

(B) If the reporting person for a financial institution files an FR Y-9 or call report, the total equity capital of the financial institution shall equal the total equity capital shown on the reporting person's FR Y-9 or call report as of the end of the taxable year. The total equity capital of all other financial institutions shall be reported as of the end of the taxable year in accordance with generally accepted accounting principles.

(C) For the purposes of this section:

(1) "Total Ohio equity capital" means the product of (a) the total equity capital of a financial institution as of the end of a taxable year to the extent that the total equity capital does not exceed fourteen per cent of the financial institution's total assets multiplied by (b) the Ohio apportionment ratio calculated for the financial institution under section 5726.05 of the Revised Code, ~~except as provided in section 5726.041 of the Revised Code.~~

(2) "Total assets" means:

(a) In the case of a financial institution described in division (H)(1) of section 5726.01 of the Revised Code, the total consolidated assets as shown on the reporting person's FR Y-9 as of the end of the taxable year;

(b) In the case of a financial institution described in 92009
division (H)(2) or (3) of section 5726.01 of the Revised Code, the 92010
total consolidated assets as shown on the reporting person's call 92011
report as of the end of the taxable year; 92012

(c) In the case of all other financial institutions, the 92013
total consolidated assets of the financial institution as of the 92014
end of the taxable year in accordance with generally accepted 92015
accounting principles. 92016

The tax commissioner may audit a reporting person's total 92017
assets to confirm the financial institution's actual total 92018
consolidated assets and may make any adjustments necessary. 92019

(D) All payments received from the tax levied under this 92020
chapter shall be credited to the general revenue fund. 92021

(E) The commissioner may adopt rules to provide additional 92022
guidance for the application of this section. 92023

Sec. 5726.56. (A) As used in this section, "qualified 92024
research expenses" has the same meaning as in section 41 of the 92025
Internal Revenue Code. 92026

(B) A taxpayer may claim a nonrefundable credit against the 92027
tax imposed under this chapter equal to seven per cent of the 92028
excess of (1) the qualified research expenses incurred by the 92029
taxpayer in this state in a taxable year over (2) the average 92030
annual qualified research expenses incurred by the taxpayer in 92031
this state in the three previous taxable years. For the purposes 92032
of this division, "qualified research expenses incurred by the 92033
taxpayer" includes the qualified research expenses incurred by all 92034
persons included in the annual report of the taxpayer and by any 92035
insurance company subject to the tax levied under section 5725.18 92036
or Chapter 5729. of the Revised Code that has more than fifty per 92037
cent of its ownership interests directly or indirectly owned or 92038

controlled by a person included in the annual report of the 92039
taxpayer, even though such an insurance company is not subject to 92040
the tax imposed under this chapter. 92041

(C) A taxpayer shall claim the credit allowed under this 92042
section in the order prescribed by section 5726.98 of the Revised 92043
Code. If the amount of the credit exceeds the amount of tax 92044
otherwise due after deducting all other credits preceding the 92045
credit in the order prescribed in section 5726.98 of the Revised 92046
Code, the excess may be carried forward for not more than seven 92047
ensuing tax years. The amount of the excess credit claimed in any 92048
such year shall be deducted from the balance carried forward to 92049
the next tax year. 92050

(D) A taxpayer may claim against the tax imposed under this 92051
chapter any unused portion of a credit authorized under section 92052
5733.351 of the Revised Code but only to the extent of the 92053
remaining portion of the seven-year carry-forward period 92054
authorized by that section. 92055

(E) In the case of a taxpayer that includes more than one 92056
person, each person in the financial institution group shall 92057
separately calculate the credit claimed under this section using 92058
the qualified research expenses incurred by that person on a form 92059
prescribed by the tax commissioner, which shall be used by the 92060
taxpayer to claim the credit. 92061

A taxpayer may only claim the credit with respect to persons 92062
included in the financial institution group as of the thirty-first 92063
day of December of the taxable year in which the qualified 92064
research expenses are incurred. A taxpayer may only claim any 92065
excess credit carried forward under division (C) of this section 92066
with respect to persons included in that group as of the last day 92067
of the taxable year for which the return claiming the credit is 92068
filed. 92069

(F) A taxpayer that claims a credit under this section shall retain records to substantiate the claim. Required records include those relating to any expenses used in calculating the credit and incurred in the current taxable year and in the three preceding taxable years. 92070
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The taxpayer shall retain the required records until the date that is four years after the due date for the return on which the credit was claimed or four years after the date the return was actually filed, whichever is later. 92075
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(G) The tax commissioner may audit a sample of the taxpayer's qualified research expenses over a representative period to ascertain the amount of tax credit the taxpayer may claim under this section and may issue an assessment under section 5726.20 of the Revised Code based on the audit. The commissioner shall make a good faith effort to reach an agreement with the taxpayer in selecting a representative sample. The commissioner is not, however, precluded from proceeding under this division if an agreement is not made. 92079
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Sec. 5726.58. (A) Terms used in this section have the same meanings as in section 175.16 of the Revised Code. 92088
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(B) A taxpayer may claim a nonrefundable tax credit against the tax imposed under section 5736.02 of the Revised Code for each person included in the annual report of the taxpayer that is allocated a credit issued by the executive director of the Ohio housing finance agency under section 175.16 of the Revised Code. The credit equals the amount allocated to such person for the taxable year and reported by the designated reporter on the form prescribed by division (I) of section 175.16 of the Revised Code. 92090
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The credit authorized in this section shall be claimed in the order required under section 5726.98 of the Revised Code. If the amount of a credit exceeds the tax otherwise due under section 92098
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5726.02 of the Revised Code after deducting all other credits 92101
preceding the credit in the order prescribed in section 5726.98 of 92102
the Revised Code, the excess may be carried forward for not more 92103
than five ensuing tax years. The amount of the excess credit 92104
claimed in any such year shall be deducted from the balance 92105
carried forward to the next tax year. 92106

No credit shall be claimed under this section to the extent 92107
the credit was claimed under section 5725.36, 5729.19, or 5747.83 92108
of the Revised Code. 92109

Sec. 5726.98. (A) To provide a uniform procedure for 92110
calculating the amount of tax due under section 5726.02 of the 92111
Revised Code, a taxpayer shall claim any credits to which the 92112
taxpayer is entitled under this chapter in the following order: 92113

The nonrefundable job retention credit under division (B) of 92114
section 5726.50 of the Revised Code; 92115

The nonrefundable credit for purchases of qualified 92116
low-income community investments under section 5726.54 of the 92117
Revised Code; 92118

The nonrefundable credit for qualified research expenses 92119
under section 5726.56 of the Revised Code; 92120

The nonrefundable credit for qualifying dealer in intangibles 92121
taxes under section 5726.57 of the Revised Code; 92122

The nonrefundable Ohio low-income housing tax credit under 92123
section 5726.58 of the Revised Code; 92124

The refundable credit for rehabilitating an historic building 92125
under section 5726.52 of the Revised Code; 92126

The refundable job retention or job creation credit under 92127
division (A) of section 5726.50 of the Revised Code; 92128

The refundable credit under section 5726.53 of the Revised 92129

Code for losses on loans made under the Ohio venture capital 92130
program under sections 150.01 to 150.10 of the Revised Code; 92131

The refundable motion picture and Broadway theatrical 92132
production credit under section 5726.55 of the Revised Code. 92133

(B) For any credit except the refundable credits enumerated 92134
in this section, the amount of the credit for a taxable year shall 92135
not exceed the tax due after allowing for any other credit that 92136
precedes it in the order required under this section. Any excess 92137
amount of a particular credit may be carried forward if authorized 92138
under the section creating that credit. Nothing in this chapter 92139
shall be construed to allow a taxpayer to claim, directly or 92140
indirectly, a credit more than once for a taxable year. 92141

Sec. 5727.28. (A) The tax commissioner shall refund to a 92142
natural gas company or combined company subject to the tax imposed 92143
by section 5727.24 of the Revised Code amounts paid illegally or 92144
erroneously, or paid on an illegal or erroneous assessment. 92145
Applications for a refund shall be filed with the tax 92146
commissioner, on a form prescribed by the commissioner, within 92147
four years of the illegal or erroneous payment. 92148

On the filing of the application, the commissioner shall 92149
determine the amount of refund to which the applicant is entitled. 92150
If the amount is not less than that claimed, the commissioner 92151
shall ~~notify the director of budget and management and~~ issue the 92152
refund from the tax refund fund under section 5703.052 of the 92153
Revised Code. If the amount is less than that claimed, the 92154
commissioner shall proceed in accordance with section 5703.70 of 92155
the Revised Code. 92156

If the application for refund is for payment of an illegal or 92157
erroneous assessment, the commissioner shall include in the 92158
certified amount interest calculated at the rate per annum 92159
prescribed by section 5703.47 of the Revised Code from the date of 92160

overpayment to the date of the commissioner's certification. 92161

(B) If a natural gas company or combined company entitled to 92162
a refund under this section, or section 5703.70 of the Revised 92163
Code, is indebted to the state for any tax or fee administered by 92164
the tax commissioner that is paid to the state, or any charge, 92165
penalty, or interest arising from such a tax or fee, the amount 92166
refundable may be applied in satisfaction of that debt. If the 92167
amount refundable is less than the amount of the debt, it may be 92168
applied in partial satisfaction of the debt. If the amount 92169
refundable is greater than the amount of the debt, the amount 92170
remaining after satisfaction of the debt shall be refunded. 92171

(C) In lieu of granting a refund under division (A) or (B) of 92172
this section, the tax commissioner may allow a natural gas company 92173
or combined company to claim a credit of the amount of the tax 92174
refund on the return for the period during which the tax became 92175
refundable. The commissioner may require the company to submit 92176
information to support a claim for a credit under this division, 92177
and the commissioner may disallow the credit if the information is 92178
not provided. 92179

Sec. 5727.42. (A) The treasurer of state shall notify the tax 92180
commissioner of any payment of the excise tax imposed by section 92181
5727.30 of the Revised Code. The commissioner shall collect and 92182
the taxpayer shall pay all taxes and any penalties thereon. 92183
Payments of the tax may be made by mail, in person, by electronic 92184
funds transfer if required to do so by section 5727.311 of the 92185
Revised Code, or by any other means authorized by the 92186
commissioner. The commissioner may adopt rules concerning the 92187
methods and timeliness of payment. 92188

(B) Each tax assessment issued pursuant to this section shall 92189
separately reflect the taxes and any penalty due, and any other 92190
information considered necessary. The commissioner shall mail the 92191

assessment to the taxpayer, and the mailing of it shall be 92192
prima-facie evidence of receipt thereof by the taxpayer. 92193

(C) The commissioner shall refund taxes levied and payments 92194
made for the tax imposed by section 5727.30 of the Revised Code as 92195
provided in this section, but no refund shall be made to a 92196
taxpayer having a delinquent claim certified pursuant to this 92197
section that remains unpaid. The commissioner may consult the 92198
attorney general regarding such claims. 92199

(D) After receiving any excise tax annual statement for the 92200
tax imposed by section 5727.30 of the Revised Code, the 92201
commissioner shall: 92202

(1) Ascertain the difference between the total taxes owed and 92203
the sum of all payments made for that year. 92204

(2) If the difference is a deficiency, the commissioner shall 92205
issue an assessment. 92206

(3) If the difference is an excess, the commissioner shall 92207
~~notify the director of budget and management and~~ issue a refund of 92208
that amount to the taxpayer. If the amount of the refund is less 92209
than that claimed by the taxpayer, the taxpayer, within sixty days 92210
of the issuance of the refund, may provide to the commissioner 92211
additional information to support the claim or may request a 92212
hearing. Upon receiving such information or request within that 92213
time, the commissioner shall follow the same procedures set forth 92214
in divisions (C) and (D) of section 5703.70 of the Revised Code 92215
for the determination of refund applications. 92216

If the taxpayer has a deficiency for one tax year and an 92217
excess for another tax year, or any combination thereof for more 92218
than two years, the commissioner may determine the net result and, 92219
depending on such result, proceed to issue an assessment or 92220
certify a refund. 92221

(E) If a taxpayer fails to pay the amount of taxes required 92222

to be paid, or fails to make an estimated payment on or before the 92223
due date prescribed in division (B) of section 5727.31 of the 92224
Revised Code, the commissioner shall impose a penalty in the 92225
amount of fifteen per cent of the unpaid amount, and the 92226
commissioner shall issue an assessment for the unpaid amount and 92227
penalty. Unless a timely petition for reassessment is filed under 92228
section 5727.47 of the Revised Code, the attorney general shall 92229
proceed to collect the delinquent taxes and penalties thereon in 92230
the manner prescribed by law and notify the commissioner of all 92231
collections. 92232

Sec. 5727.47. (A) Notice of each assessment certified or 92233
issued pursuant to section 5727.23 or 5727.38 of the Revised Code 92234
shall be mailed to the public utility, and its mailing shall be 92235
prima-facie evidence of its receipt by the public utility to which 92236
it is addressed. With the notice, the tax commissioner shall 92237
provide instructions on how to petition for reassessment and 92238
request a hearing on the petition. If Except as otherwise provided 92239
in division (G) of this section, if a public utility objects to 92240
such an assessment, it may file with the commissioner, either 92241
personally or by certified mail, within sixty days after the 92242
mailing of the notice of assessment a written petition for 92243
reassessment signed by the utility's authorized agent having 92244
knowledge of the facts. The date the commissioner receives the 92245
petition shall be considered the date of filing. The petition 92246
shall indicate the utility's objections, but additional objections 92247
may be raised in writing if received by the commissioner prior to 92248
the date shown on the final determination. 92249

In the case of a petition seeking a reduction in taxable 92250
value filed with respect to an assessment certified under section 92251
5727.23 of the Revised Code, the petitioner shall state in the 92252
petition the total amount of reduction in taxable value sought by 92253
the petitioner. If the petitioner objects to the percentage of 92254

true value at which taxable property is assessed by the 92255
commissioner, the petitioner shall state in the petition the total 92256
amount of reduction in taxable value sought both with and without 92257
regard to the objection pertaining to the percentage of true value 92258
at which its taxable property is assessed. If a petitioner objects 92259
to the commissioner's apportionment of the taxable value of the 92260
petitioner's taxable property, the petitioner shall distinctly 92261
state in the petition that the petitioner objects to the 92262
commissioner's apportionment, and, within forty-five days after 92263
filing the petition for reassessment, shall submit the 92264
petitioner's proposed apportionment of the taxable value of its 92265
taxable property among taxing districts. If a petitioner that 92266
objects to the commissioner's apportionment fails to state its 92267
objections to that apportionment in its petition for reassessment 92268
or fails to submit its proposed apportionment within forty-five 92269
days after filing the petition for reassessment, the commissioner 92270
shall dismiss the petitioner's objection to the commissioner's 92271
apportionment, and the taxable value of the petitioner's taxable 92272
property, subject to any adjustment to taxable value pursuant to 92273
the petition or appeal, shall be apportioned in the manner used by 92274
the commissioner in the preliminary or amended preliminary 92275
assessment certified under section 5727.23 of the Revised Code. 92276

If an additional objection seeking a reduction in taxable 92277
value in excess of the reduction stated in the original petition 92278
is properly and timely raised with respect to an assessment issued 92279
under section 5727.23 of the Revised Code, the petitioner shall 92280
state the total amount of the reduction in taxable value sought in 92281
the additional objection both with and without regard to any 92282
reduction in taxable value pertaining to the percentage of true 92283
value at which taxable property is assessed. If a petitioner fails 92284
to state the reduction in taxable value sought in the original 92285
petition or in additional objections properly raised after the 92286
petition is filed, the commissioner shall notify the petitioner of 92287

the failure ~~by certified mail~~ in the manner provided in section 92288
5703.37 of the Revised Code. If the petitioner fails to notify the 92289
commissioner in writing of the reduction in taxable value sought 92290
in the petition or in an additional objection within thirty days 92291
after receiving the commissioner's notice, the commissioner shall 92292
dismiss the petition or the additional objection in which that 92293
reduction is sought. 92294

(B)(1) Subject to divisions (B)(2) and (3) of this section, a 92295
public utility filing a petition for reassessment regarding an 92296
assessment certified or issued under section 5727.23 or 5727.38 of 92297
the Revised Code shall pay the tax with respect to the assessment 92298
objected to as required by law. The acceptance of any tax payment 92299
by the treasurer of state, tax commissioner, or any county 92300
treasurer shall not prejudice any claim for taxes on final 92301
determination by the commissioner or final decision by the board 92302
of tax appeals or any court. 92303

(2) If a public utility properly and timely files a petition 92304
for reassessment regarding an assessment certified under section 92305
5727.23 of the Revised Code, the petitioner shall pay the tax as 92306
prescribed by divisions (B)(2)(a), (b), and (c) of this section: 92307

(a) If the petitioner does not object to the commissioner's 92308
apportionment of the taxable value of the petitioner's taxable 92309
property, the petitioner is not required to pay the part of the 92310
tax otherwise due on the taxable value that the petitioner seeks 92311
to have reduced, subject to division (B)(2)(c) of this section. 92312

(b) If the petitioner objects to the commissioner's 92313
apportionment of the taxable value of the petitioner's taxable 92314
property, the petitioner is not required to pay the tax otherwise 92315
due on the part of the taxable value apportioned to any taxing 92316
district that the petitioner objects to, subject to division 92317
(B)(2)(c) of this section. If, pursuant to division (A) of this 92318
section, the petitioner has, in a proper and timely manner, 92319

apportioned taxable value to a taxing district to which the 92320
commissioner did not apportion the petitioner's taxable value, the 92321
petitioner shall pay the tax due on the taxable value that the 92322
petitioner has apportioned to the taxing district, subject to 92323
division (B)(2)(c) of this section. 92324

(c) If a petitioner objects to the percentage of true value 92325
at which taxable property is assessed by the commissioner, the 92326
petitioner shall pay the tax due on the basis of the percentage of 92327
true value at which the public utility's taxable property is 92328
assessed by the commissioner. In any case, the petitioner's 92329
payment of tax shall not be less than the amount of tax due based 92330
on the taxable value reflected on the last appeal notice issued by 92331
the commissioner under division (C) of this section. Until the 92332
county auditor receives notification under division (E) of this 92333
section and proceeds under section 5727.471 of the Revised Code to 92334
issue any refund that is found to be due, the county auditor shall 92335
not issue a refund for any increase in the reduction in taxable 92336
value that is sought by a petitioner later than forty-five days 92337
after the petitioner files the original petition as required under 92338
division (A) of this section. 92339

(3) Any part of the tax that, under division (B)(2)(a) or (b) 92340
of this section, is not paid shall be collected upon receipt of 92341
the notification as provided in section 5727.471 of the Revised 92342
Code with interest thereon computed in the same manner as interest 92343
is computed under division (E) of section 5715.19 of the Revised 92344
Code, subject to any correction of the assessment by the 92345
commissioner under division (E) of this section or the final 92346
judgment of the board of tax appeals or a court to which the 92347
board's final judgment is appealed. The penalty imposed under 92348
section 323.121 of the Revised Code shall apply only to the unpaid 92349
portion of the tax if the petitioner's tax payment is less than 92350
the amount of tax due based on the taxable value reflected on the 92351

last appeal notice issued by the commissioner under division (C) 92352
of this section. 92353

(C) Upon receipt of a properly filed petition for 92354
reassessment with respect to an assessment certified under section 92355
5727.23 of the Revised Code, the tax commissioner shall notify the 92356
treasurer of state or the auditor of each county to which the 92357
assessment objected to has been certified. In the case of a 92358
petition with respect to an assessment certified under section 92359
5727.23 of the Revised Code, the commissioner shall issue an 92360
appeal notice within thirty days after receiving the amount of the 92361
taxable value reduction and apportionment changes sought by the 92362
petitioner in the original petition or in any additional 92363
objections properly and timely raised by the petitioner. The 92364
appeal notice shall indicate the amount of the reduction in 92365
taxable value sought in the petition or in the additional 92366
objections and the extent to which the reduction in taxable value 92367
and any change in apportionment requested by the petitioner would 92368
affect the commissioner's apportionment of the taxable value among 92369
taxing districts in the county as shown in the assessment. If a 92370
petitioner is seeking a reduction in taxable value on the basis of 92371
a lower percentage of true value than the percentage at which the 92372
commissioner assessed the petitioner's taxable property, the 92373
appeal notice shall indicate the reduction in taxable value sought 92374
by the petitioner without regard to the reduction sought on the 92375
basis of the lower percentage and shall indicate that the 92376
petitioner is required to pay tax on the reduced taxable value 92377
determined without regard to the reduction sought on the basis of 92378
a lower percentage of true value, as provided under division 92379
(B)(2)(c) of this section. The appeal notice shall include a 92380
statement that the reduced taxable value and the apportionment 92381
indicated in the notice are not final and are subject to 92382
adjustment by the commissioner or by the board of tax appeals or a 92383
court on appeal. If the commissioner finds an error in the appeal 92384

notice, the commissioner may amend the notice, but the notice is 92385
only for informational and tax payment purposes; the notice is not 92386
subject to appeal by any person. The commissioner also shall mail 92387
a copy of the appeal notice to the petitioner. Upon the request of 92388
a taxing authority, the county auditor may disclose to the taxing 92389
authority the extent to which a reduction in taxable value sought 92390
by a petitioner would affect the apportionment of taxable value to 92391
the taxing district or districts under the taxing authority's 92392
jurisdiction, but such a disclosure does not constitute a notice 92393
required by law to be given for the purpose of section 5717.02 of 92394
the Revised Code. 92395

(D) If the petitioner requests a hearing on the petition, the 92396
tax commissioner shall assign a time and place for the hearing on 92397
the petition and notify the petitioner of such time and place, but 92398
the commissioner may continue the hearing from time to time as 92399
necessary. 92400

(E) The tax commissioner may make corrections to the 92401
assessment as the commissioner finds proper. The commissioner 92402
shall serve a copy of the commissioner's final determination on 92403
the petitioner in the manner provided in section 5703.37 of the 92404
Revised Code. The commissioner's decision in the matter shall be 92405
final, subject to appeal under section 5717.02 of the Revised 92406
Code. With respect to a final determination issued for an 92407
assessment certified under section 5727.23 of the Revised Code, 92408
the commissioner also shall transmit a copy of the final 92409
determination to the applicable county auditor. In the absence of 92410
any further appeal, or when a decision of the board of tax appeals 92411
or of any court to which the decision has been appealed becomes 92412
final, the commissioner shall notify the public utility and, as 92413
appropriate, shall proceed under section 5727.42 of the Revised 92414
Code, or notify the applicable county auditor, who shall proceed 92415
under section 5727.471 of the Revised Code. 92416

The notification made under this division is not subject to further appeal. 92417
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(F) On appeal, no adjustment shall be made in the tax commissioner's assessment certified under section 5727.23 of the Revised Code that reduces the taxable value of a petitioner's taxable property by an amount that exceeds the reduction sought by the petitioner in its petition for reassessment or in any additional objections properly and timely raised after the petition is filed with the commissioner. 92419
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(G) An electric company with taxable property that is, or is part of, a facility that generates electricity may file a petition for reassessment seeking a reduction in taxable value of that property, provided that any such petition shall not request, and the tax commissioner shall have no authority to grant, a reduction in taxable value of more than seven and one-half per cent of the taxable value of the property for the immediately preceding tax year. 92426
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Sec. 5727.75. (A) For purposes of this section: 92434

(1) "Qualified energy project" means an energy project certified by the director of development pursuant to this section. 92435
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(2) "Energy project" means a project to provide electric power through the construction, installation, and use of an energy facility. 92437
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(3) "Alternative energy zone" means a county declared as such by the board of county commissioners under division (E)(1)(b) or (c) of this section. 92440
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(4) "Full-time equivalent employee" means the total number of employee-hours for which compensation was paid to individuals employed at a qualified energy project for services performed at the project during the calendar year divided by two thousand 92443
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eighty hours. For the purpose of this calculation, "performed at the project" includes only hours worked at the qualified energy project and devoted to site preparation or protection, construction and installation, and the unloading and distribution of materials at the project site, but does not include hours worked by superintendents, owners, manufacturers' representatives, persons employed in a bona fide executive, management, supervisory, or administrative capacity, or persons whose sole employment on the project is transporting materials or persons to the project site.

(5) "Solar energy project" means an energy project composed of an energy facility using solar panels to generate electricity.

(6) "Internet identifier of record" has the same meaning as in section 9.312 of the Revised Code.

(7) "Applicable year" means the tax year that aligns with the applicable year, as that term is defined in section 45Y of the Internal Revenue Code.

(B)(1) Tangible personal property of a qualified energy project using renewable energy resources is exempt from taxation for tax years 2011 through ~~2025~~ the applicable year if all of the following conditions are satisfied:

(a) On or before ~~December 31, 2024~~ the last day of the tax year preceding the applicable year, the owner or a lessee pursuant to a sale and leaseback transaction of the project submits an application to the power siting board for a certificate under section 4906.20 of the Revised Code, or if that section does not apply, submits an application for any approval, consent, permit, or certificate or satisfies any condition required by a public agency or political subdivision of this state for the construction or initial operation of an energy project.

(b) Construction or installation of the energy facility

begins on or after January 1, 2009, and before ~~January 1, 2025~~ the 92478
first day of the applicable year. For the purposes of this 92479
division, construction begins on the earlier of the date of 92480
application for a certificate or other approval or permit 92481
described in division (B)(1)(a) of this section, or the date the 92482
contract for the construction or installation of the energy 92483
facility is entered into. 92484

(c) For a qualified energy project with a nameplate capacity 92485
of twenty megawatts or greater, a board of county commissioners of 92486
a county in which property of the project is located has adopted a 92487
resolution under division (E)(1)(b) or (c) of this section to 92488
approve the application submitted under division (E) of this 92489
section to exempt the property located in that county from 92490
taxation. A board's adoption of a resolution rejecting an 92491
application or its failure to adopt a resolution approving the 92492
application does not affect the tax-exempt status of the qualified 92493
energy project's property that is located in another county. 92494

(2) If tangible personal property of a qualified energy 92495
project using renewable energy resources was exempt from taxation 92496
under this section beginning in any of tax years 2011 through ~~2025~~ 92497
the applicable year, and the certification under division (E)(2) 92498
of this section has not been revoked, the tangible personal 92499
property of the qualified energy project is exempt from taxation 92500
for the tax year ~~2026~~ following the applicable year and all 92501
ensuing tax years if the property was placed into service before 92502
~~January 1, 2026~~ before the first day of the tax year following the 92503
applicable year, as certified in the construction progress report 92504
required under division (F)(2) of this section. Tangible personal 92505
property that has not been placed into service before that date is 92506
taxable property subject to taxation. An energy project for which 92507
certification has been revoked is ineligible for further exemption 92508
under this section. Revocation does not affect the tax-exempt 92509

status of the project's tangible personal property for the tax 92510
year in which revocation occurs or any prior tax year. 92511

(C) Tangible personal property of a qualified energy project 92512
using clean coal technology, advanced nuclear technology, or 92513
cogeneration technology is exempt from taxation for the first tax 92514
year that the property would be listed for taxation and all 92515
subsequent years if all of the following circumstances are met: 92516

(1) The property was placed into service before January 1, 92517
2021. Tangible personal property that has not been placed into 92518
service before that date is taxable property subject to taxation. 92519

(2) For such a qualified energy project with a nameplate 92520
capacity of twenty megawatts or greater, a board of county 92521
commissioners of a county in which property of the qualified 92522
energy project is located has adopted a resolution under division 92523
(E)(1)(b) or (c) of this section to approve the application 92524
submitted under division (E) of this section to exempt the 92525
property located in that county from taxation. A board's adoption 92526
of a resolution rejecting the application or its failure to adopt 92527
a resolution approving the application does not affect the 92528
tax-exempt status of the qualified energy project's property that 92529
is located in another county. 92530

(3) The certification for the qualified energy project issued 92531
under division (E)(2) of this section has not been revoked. An 92532
energy project for which certification has been revoked is 92533
ineligible for exemption under this section. Revocation does not 92534
affect the tax-exempt status of the project's tangible personal 92535
property for the tax year in which revocation occurs or any prior 92536
tax year. 92537

(D) Except as otherwise provided in this section, real 92538
property of a qualified energy project is exempt from taxation for 92539
any tax year for which the tangible personal property of the 92540

qualified energy project is exempted under this section. 92541

(E)(1)(a) A person may apply to the director of development 92542
for certification of an energy project as a qualified energy 92543
project on or before the following dates: 92544

(i) ~~December 31, 2024~~ The last day of the tax year preceding 92545
the applicable year, for an energy project using renewable energy 92546
resources; 92547

(ii) December 31, 2017, for an energy project using clean 92548
coal technology, advanced nuclear technology, or cogeneration 92549
technology. 92550

(b) The director shall forward a copy of each application for 92551
certification of an energy project with a nameplate capacity of 92552
twenty megawatts or greater to the board of county commissioners 92553
of each county in which the project is located and to each taxing 92554
unit with territory located in each of the affected counties. Any 92555
board that receives from the director a copy of an application 92556
submitted under this division shall adopt a resolution approving 92557
or rejecting the application unless it has adopted a resolution 92558
under division (E)(1)(c) of this section. A resolution adopted 92559
under division (E)(1)(b) or (c) of this section may require an 92560
annual service payment to be made in addition to the service 92561
payment required under division (G) of this section. The sum of 92562
the service payment required in the resolution and the service 92563
payment required under division (G) of this section shall not 92564
exceed nine thousand dollars per megawatt of nameplate capacity 92565
located in the county. The resolution shall specify the time and 92566
manner in which the payments required by the resolution shall be 92567
paid to the county treasurer. The county treasurer shall deposit 92568
the payment to the credit of the county's general fund to be used 92569
for any purpose for which money credited to that fund may be used. 92570

The board shall send copies of the resolution to the owner of 92571

the facility and the director by certified mail or, if the board 92572
has record of an internet identifier of record associated with the 92573
owner or director, by ordinary mail and by that internet 92574
identifier of record. The board shall send such notice within 92575
thirty days after receipt of the application, or a longer period 92576
of time if authorized by the director. 92577

(c) A board of county commissioners may adopt a resolution 92578
declaring the county to be an alternative energy zone and 92579
declaring all applications submitted to the director of 92580
development under this division after the adoption of the 92581
resolution, and prior to its repeal, to be approved by the board. 92582

All tangible personal property and real property of an energy 92583
project with a nameplate capacity of twenty megawatts or greater 92584
is taxable if it is located in a county in which the board of 92585
county commissioners adopted a resolution rejecting the 92586
application submitted under this division or failed to adopt a 92587
resolution approving the application under division (E)(1)(b) or 92588
(c) of this section. 92589

(2) The director shall certify an energy project if all of 92590
the following circumstances exist: 92591

(a) The application was timely submitted. 92592

(b) For an energy project with a nameplate capacity of twenty 92593
megawatts or greater, a board of county commissioners of at least 92594
one county in which the project is located has adopted a 92595
resolution approving the application under division (E)(1)(b) or 92596
(c) of this section. 92597

(c) No portion of the project's facility was used to supply 92598
electricity before December 31, 2009. 92599

(d) For construction or installation of a qualified energy 92600
project described in division (B)(1)(b) of this section, that the 92601
project is subject to wage requirements described in section 92602

45(b)(7)(A) of the Internal Revenue Code and apprenticeship requirements described in section 45(b)(8)(A)(i) of the Internal Revenue Code, provided both of the following apply: 92603
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(i) The person applies for such certificate after the effective date of this amendment. 92606
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(ii) A board of commissioners of at least one county in which the project is located is required to adopt a resolution approving the application under division (E)(1)(b) or (c) of this section. 92608
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(3) The director shall deny a certification application if the director determines the person has failed to comply with any requirement under this section. The director may revoke a certification if the director determines the person, or subsequent owner or lessee pursuant to a sale and leaseback transaction of the qualified energy project, has failed to comply with any requirement under this section. Upon certification or revocation, the director shall notify the person, owner, or lessee, the tax commissioner, and the county auditor of a county in which the project is located of the certification or revocation. Notice shall be provided in a manner convenient to the director. 92611
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(F) The owner or a lessee pursuant to a sale and leaseback transaction of a qualified energy project shall do each of the following: 92622
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(1) Comply with all applicable regulations; 92625

(2) File with the director of development a certified construction progress report before the first day of March of each year during the energy facility's construction or installation indicating the percentage of the project completed, and the project's nameplate capacity, as of the preceding thirty-first day of December. Unless otherwise instructed by the director of development, the owner or lessee of an energy project shall file a report with the director on or before the first day of March each 92626
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year after completion of the energy facility's construction or 92634
installation indicating the project's nameplate capacity as of the 92635
preceding thirty-first day of December. Not later than sixty days 92636
after June 17, 2010, the owner or lessee of an energy project, the 92637
construction of which was completed before June 17, 2010, shall 92638
file a certificate indicating the project's nameplate capacity. 92639

(3) File with the director of development, in a manner 92640
prescribed by the director, a report of the total number of 92641
full-time equivalent employees, and the total number of full-time 92642
equivalent employees domiciled in Ohio, who are employed in the 92643
construction or installation of the energy facility; 92644

(4) For energy projects with a nameplate capacity of twenty 92645
megawatts or greater, repair all roads, bridges, and culverts 92646
affected by construction as reasonably required to restore them to 92647
their preconstruction condition, as determined by the county 92648
engineer in consultation with the local jurisdiction responsible 92649
for the roads, bridges, and culverts. In the event that the county 92650
engineer deems any road, bridge, or culvert to be inadequate to 92651
support the construction or decommissioning of the energy 92652
facility, the road, bridge, or culvert shall be rebuilt or 92653
reinforced to the specifications established by the county 92654
engineer prior to the construction or decommissioning of the 92655
facility. The owner or lessee of the facility shall post a bond in 92656
an amount established by the county engineer and to be held by the 92657
board of county commissioners to ensure funding for repairs of 92658
roads, bridges, and culverts affected during the construction. The 92659
bond shall be released by the board not later than one year after 92660
the date the repairs are completed. The energy facility owner or 92661
lessee pursuant to a sale and leaseback transaction shall post a 92662
bond, as may be required by the Ohio power siting board in the 92663
certificate authorizing commencement of construction issued 92664
pursuant to section 4906.10 of the Revised Code, to ensure funding 92665

for repairs to roads, bridges, and culverts resulting from 92666
decommissioning of the facility. The energy facility owner or 92667
lessee and the county engineer may enter into an agreement 92668
regarding specific transportation plans, reinforcements, 92669
modifications, use and repair of roads, financial security to be 92670
provided, and any other relevant issue. 92671

(5) Provide or facilitate training for fire and emergency 92672
responders for response to emergency situations related to the 92673
energy project and, for energy projects with a nameplate capacity 92674
of twenty megawatts or greater, at the person's expense, equip the 92675
fire and emergency responders with proper equipment as reasonably 92676
required to enable them to respond to such emergency situations; 92677

~~(6) Maintain (6)(a) Except as otherwise provided in this 92678
division, for projects for which certification as a qualified 92679
energy project was applied for, under division (E) of this 92680
section, before the effective date of this amendment, maintain a 92681
ratio of Ohio-domiciled full-time equivalent employees employed in 92682
the construction or installation of the energy project to total 92683
full-time equivalent employees employed in the construction or 92684
installation of the energy project of not less than eighty per 92685
cent in the case of a solar energy project, and not less than 92686
fifty per cent in the case of any other energy project. ~~In A 92687
person applying for such a qualified energy project may certify to 92688
the director of development that the project will be voluntarily 92689
subject to the wage requirements described in section 45(b)(7)(A) 92690
of the Internal Revenue Code and apprenticeship requirements 92691
described in section 45(b)(8)(A)(i) of the Internal Revenue Code 92692
as authorized in division (F)(6)(b) of this section. Upon receipt 92693
of that certification, the project shall comply with division 92694
(F)(6)(b) of this section rather than division (F)(6)(a) of this 92695
section. 92696~~~~

(b) For projects for which certification as a qualified 92697

energy project was applied for, under division (E) of this 92698
section, on or after the effective date of this amendment, 92699
maintain a ratio of Ohio-domiciled full-time equivalent employees 92700
employed in the construction or installation of the energy project 92701
to total full-time equivalent employees employed in the 92702
construction or installation of the energy project of not less 92703
than seventy per cent in the case of a solar energy project, and 92704
not less than fifty per cent in the case of any other energy 92705
project. 92706

(c) For purposes of divisions (F)(6)(a) and (b) of this 92707
section, "Ohio-domiciled" includes persons who live outside the 92708
state but within fifty miles of a border of the state who are 92709
members of any bona fide labor organization which has as members, 92710
or is authorized to represent, employees in Ohio and which exists, 92711
in whole or in part, for the purpose of negotiating with employers 92712
concerning the wages, hours, or terms and conditions of employment 92713
of employees and whose members are engaged to perform work on the 92714
construction or installation of the qualified energy project. 92715

(d) For purposes of divisions (F)(6)(a) and (b) of this 92716
section, in the case of an energy project for which certification 92717
from the power siting board is required under section 4906.20 of 92718
the Revised Code, the number of full-time equivalent employees 92719
employed in the construction or installation of the energy project 92720
equals the number actually employed or the number projected to be 92721
employed in the certificate application, if such projection is 92722
required under regulations adopted pursuant to section 4906.03 of 92723
the Revised Code, whichever is greater. For all other energy 92724
projects, the number of full-time equivalent employees employed in 92725
the construction or installation of the energy project equals the 92726
number actually employed or the number projected to be employed by 92727
the director of development, whichever is greater. To estimate the 92728
number of employees to be employed in the construction or 92729

installation of an energy project, the director shall use a 92730
generally accepted job-estimating model in use for renewable 92731
energy projects, including but not limited to the job and economic 92732
development impact model. The director may adjust an estimate 92733
produced by a model to account for variables not accounted for by 92734
the model. 92735

(7) For energy projects with a nameplate capacity in excess 92736
of twenty megawatts, establish a relationship with any of the 92737
following to educate and train individuals for careers in the wind 92738
or solar energy industry: 92739

(a) A member of the university system of Ohio as defined in 92740
section 3345.011 of the Revised Code; 92741

(b) A person offering an apprenticeship program registered 92742
with the employment and training administration within the United 92743
States department of labor or with the apprenticeship council 92744
created by section 4139.02 of the Revised Code; 92745

(c) A career-technical center, joint vocational school 92746
district, comprehensive career-technical center, or compact 92747
career-technical center; 92748

(d) A training center operated by a labor organization, or 92749
with a training center operated by a for-profit or nonprofit 92750
organization. 92751

The relationship may include endowments, cooperative 92752
programs, internships, apprenticeships, research and development 92753
projects, and curriculum development. 92754

(8) Offer to sell power or renewable energy credits from the 92755
energy project to electric distribution utilities or electric 92756
service companies subject to renewable energy resource 92757
requirements under section 4928.64 of the Revised Code that have 92758
issued requests for proposal for such power or renewable energy 92759
credits. If no electric distribution utility or electric service 92760

company issues a request for proposal on or before December 31, 92761
2010, or accepts an offer for power or renewable energy credits 92762
within forty-five days after the offer is submitted, power or 92763
renewable energy credits from the energy project may be sold to 92764
other persons. Division (F)(8) of this section does not apply if: 92765

(a) The owner or lessee is a rural electric company or a 92766
municipal power agency as defined in section 3734.058 of the 92767
Revised Code. 92768

(b) The owner or lessee is a person that, before completion 92769
of the energy project, contracted for the sale of power or 92770
renewable energy credits with a rural electric company or a 92771
municipal power agency. 92772

(c) The owner or lessee contracts for the sale of power or 92773
renewable energy credits from the energy project before June 17, 92774
2010. 92775

(9) Make annual service payments as required by division (G) 92776
of this section and as may be required in a resolution adopted by 92777
a board of county commissioners under division (E) of this 92778
section. 92779

(G) The owner or a lessee pursuant to a sale and leaseback 92780
transaction of a qualified energy project shall make annual 92781
service payments in lieu of taxes to the county treasurer on or 92782
before the final dates for payments of taxes on public utility 92783
personal property on the real and public utility personal property 92784
tax list for each tax year for which property of the energy 92785
project is exempt from taxation under this section. The county 92786
treasurer shall allocate the payment on the basis of the project's 92787
physical location. Upon receipt of a payment, or if timely payment 92788
has not been received, the county treasurer shall certify such 92789
receipt or non-receipt to the director of development and tax 92790
commissioner in a form determined by the director and 92791

commissioner, respectively. Each payment shall be in the following amount: 92792
92793

(1) In the case of a solar energy project, seven thousand dollars per megawatt of nameplate capacity located in the county as of the thirty-first-day of December of the preceding tax year; 92794
92795
92796

(2) In the case of any other energy project using renewable energy resources, the following: 92797
92798

(a) If the project maintains during the construction or installation of the energy facility a ratio of Ohio-domiciled full-time equivalent employees to total full-time equivalent employees of not less than seventy-five per cent, six thousand dollars per megawatt of nameplate capacity located in the county as of the thirty-first day of December of the preceding tax year; 92799
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92804

(b) If the project maintains during the construction or installation of the energy facility a ratio of Ohio-domiciled full-time equivalent employees to total full-time equivalent employees of less than seventy-five per cent but not less than sixty per cent, seven thousand dollars per megawatt of nameplate capacity located in the county as of the thirty-first day of December of the preceding tax year; 92805
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(c) If the project maintains during the construction or installation of the energy facility a ratio of Ohio-domiciled full-time equivalent employees to total full-time equivalent employees of less than sixty per cent but not less than fifty per cent, eight thousand dollars per megawatt of nameplate capacity located in the county as of the thirty-first day of December of the preceding tax year. 92812
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(3) In the case of an energy project using clean coal technology, advanced nuclear technology, or cogeneration technology, the following: 92819
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92821

(a) If the project maintains during the construction or 92822

installation of the energy facility a ratio of Ohio-domiciled 92823
full-time equivalent employees to total full-time equivalent 92824
employees of not less than seventy-five per cent, six thousand 92825
dollars per megawatt of nameplate capacity located in the county 92826
as of the thirty-first day of December of the preceding tax year; 92827

(b) If the project maintains during the construction or 92828
installation of the energy facility a ratio of Ohio-domiciled 92829
full-time equivalent employees to total full-time equivalent 92830
employees of less than seventy-five per cent but not less than 92831
sixty per cent, seven thousand dollars per megawatt of nameplate 92832
capacity located in the county as of the thirty-first day of 92833
December of the preceding tax year; 92834

(c) If the project maintains during the construction or 92835
installation of the energy facility a ratio of Ohio-domiciled 92836
full-time equivalent employees to total full-time equivalent 92837
employees of less than sixty per cent but not less than fifty per 92838
cent, eight thousand dollars per megawatt of nameplate capacity 92839
located in the county as of the thirty-first day of December of 92840
the preceding tax year. 92841

(H) The director of development in consultation with the tax 92842
commissioner shall adopt rules pursuant to Chapter 119. of the 92843
Revised Code to implement and enforce this section. 92844

Sec. 5727.91. (A) The treasurer of state shall refund the 92845
amount of tax paid under section 5727.81 or 5727.811 of the 92846
Revised Code that was paid illegally or erroneously, or paid on an 92847
illegal or erroneous assessment, or any penalty assessed with 92848
respect to such taxes. A natural gas distribution company, an 92849
electric distribution company, or a self-assessing purchaser shall 92850
file an application for a refund with the tax commissioner on a 92851
form prescribed by the commissioner, within four years of the 92852
illegal or erroneous payment. 92853

On the filing of the application, the commissioner shall 92854
determine the amount of refund to which the applicant is entitled. 92855
If the amount is not less than that claimed, the commissioner 92856
shall certify that amount to ~~the director of budget and management~~ 92857
~~and~~ the treasurer of state for payment from the tax refund fund 92858
under section 5703.052 of the Revised Code. If the amount is less 92859
than that claimed, the commissioner shall proceed in accordance 92860
with section 5703.70 of the Revised Code. 92861

The commissioner shall include in the certified amount 92862
interest calculated at the rate per annum prescribed by section 92863
5703.47 of the Revised Code from the date of overpayment to the 92864
date of the commissioner's certification. 92865

(B) If a natural gas distribution company or an electric 92866
distribution company entitled to a refund under this section, or 92867
section 5703.70 of the Revised Code, is indebted to the state for 92868
any tax or fee administered by the tax commissioner that is paid 92869
to the state, or any charge, penalty, or interest arising from 92870
such a tax or fee, the amount refundable may be applied in 92871
satisfaction of the debt. If the amount refundable is less than 92872
the amount of the debt, it may be applied in partial satisfaction 92873
of the debt. If the amount refundable is greater than the amount 92874
of the debt, the amount remaining after satisfaction of the debt 92875
shall be refunded. If the natural gas distribution company or 92876
electric distribution company has more than one such debt, any 92877
debt subject to section 5739.33 or division (G) of section 5747.07 92878
of the Revised Code shall be satisfied first. This section applies 92879
only to debts that have become final. 92880

(C)(1) Any electric distribution company that can 92881
substantiate to the tax commissioner that the tax imposed by 92882
section 5727.81 of the Revised Code was paid on electricity 92883
distributed via wires and consumed at a location outside of this 92884
state may claim a refund in the manner and within the time period 92885

prescribed in division (A) of this section. 92886

(2) Any natural gas distribution company that can 92887
substantiate to the tax commissioner that the tax imposed by 92888
section 5727.811 of the Revised Code was paid on natural gas 92889
distributed via its facilities and consumed at a location outside 92890
of this state may claim a refund in the manner and within the time 92891
period prescribed in division (A) of this section. 92892

(3) If the commissioner certifies a refund based on an 92893
application filed under division (C)(1) or (2) of this section, 92894
the commissioner shall include in the certified amount interest 92895
calculated at the rate per annum prescribed by section 5703.47 of 92896
the Revised Code from the date of overpayment to the date of the 92897
commissioner's certification. 92898

(D) Before a refund is issued under this section or section 92899
5703.70 of the Revised Code, a natural gas company or an electric 92900
distribution company shall certify, as prescribed by the tax 92901
commissioner, that it either did not include the tax imposed by 92902
section 5727.81 of the Revised Code in the case of an electric 92903
distribution company, or the tax imposed by section 5727.811 of 92904
the Revised Code in the case of a natural gas distribution 92905
company, in its distribution charge to its customer upon which a 92906
refund of the tax is claimed, or it has refunded or credited to 92907
the customer the excess distribution charge related to the tax 92908
that was erroneously included in the customer's distribution 92909
charge. 92910

Sec. 5728.16. (A)(1) If any person, regardless of 92911
organizational form, required to file reports and remit taxes 92912
imposed under this chapter fails for any reason to file such 92913
reports or remit such taxes, any employees of the person having 92914
control or supervision of, or charged with the responsibility of, 92915
filing reports and making payments, or any officers or trustees of 92916

the person responsible for the execution of the person's fiscal 92917
responsibilities, shall be personally liable for the failure. 92918

(2) The dissolution, termination, or bankruptcy of a person 92919
shall not discharge a responsible officer's, shareholder's, 92920
member's, manager's, employee's, or trustee's liability for 92921
failure of the person to file reports or remit taxes. The sum due 92922
for the liability may be collected by assessment as provided in 92923
section 5728.10 of the Revised Code. 92924

(B) If more than one individual is personally liable under 92925
this section for the unpaid tax of a person, then the liability of 92926
all such individuals shall be joint and several. 92927

Sec. 5729.19. (A) Terms used in this section have the same 92928
meanings as in section 175.16 of the Revised Code. 92929

(B) There is allowed a nonrefundable tax credit against the 92930
tax imposed by section 5729.03 or 5729.06 of the Revised Code for 92931
a foreign insurance company that is allocated a credit issued by 92932
the executive director of the Ohio housing finance agency under 92933
section 175.16 of the Revised Code. The credit equals the amount 92934
allocated to such company for the calendar year and reported by 92935
the designated reporter on the form prescribed by division (I) of 92936
section 175.16 of the Revised Code. 92937

The credit authorized in this section shall be claimed in the 92938
order required under section 5729.98 of the Revised Code. If the 92939
amount of a credit exceeds the tax otherwise due under section 92940
5729.03 or 5729.06 of the Revised Code after deducting all other 92941
credits preceding the credit in the order prescribed in section 92942
5725.98 of the Revised Code, the excess may be carried forward for 92943
not more than five ensuing calendar years. The amount of the 92944
excess credit claimed in any such year shall be deducted from the 92945
balance carried forward to the next calendar year. 92946

No credit shall be claimed under this section to the extent the credit was claimed under section 5725.36, 5726.58, or 5747.83 of the Revised Code. 92947
92948
92949

A foreign insurance company shall not be required to pay any additional tax levied under section 5729.06 of the Revised Code as a result of claiming the tax credit authorized by this section. 92950
92951
92952

Sec. 5729.98. (A) To provide a uniform procedure for calculating the amount of tax due under this chapter, a taxpayer shall claim any credits and offsets against tax liability to which it is entitled in the following order: 92953
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92955
92956

The credit for an insurance company or insurance company group under section 5729.031 of the Revised Code; 92957
92958

The credit for eligible employee training costs under section 5729.07 of the Revised Code; 92959
92960

The credit for purchases of qualified low-income community investments under section 5729.16 of the Revised Code; 92961
92962

The nonrefundable job retention credit under division (B) of section 122.171 of the Revised Code; 92963
92964

The nonrefundable credit for investments in rural business growth funds under section 122.152 of the Revised Code; 92965
92966

The nonrefundable Ohio low-income housing tax credit under section 5729.19 of the Revised Code; 92967
92968

The nonrefundable credit for contributing capital to a transformational mixed use development project under section 5729.18 of the Revised Code; 92969
92970
92971

The offset of assessments by the Ohio life and health insurance guaranty association against tax liability permitted by section 3956.20 of the Revised Code; 92972
92973
92974

The refundable credit for rehabilitating a historic building 92975

under section 5729.17 of the Revised Code; 92976

The refundable credit for Ohio job retention under former 92977
division (B)(2) or (3) of section 122.171 of the Revised Code as 92978
those divisions existed before September 29, 2015, the effective 92979
date of the amendment of this section by H.B. 64 of the 131st 92980
general assembly; 92981

The refundable credit for Ohio job creation under section 92982
5729.032 of the Revised Code; 92983

The refundable credit under section 5729.08 of the Revised 92984
Code for losses on loans made under the Ohio venture capital 92985
program under sections 150.01 to 150.10 of the Revised Code. 92986

(B) For any credit except the refundable credits enumerated 92987
in this section, the amount of the credit for a taxable year shall 92988
not exceed the tax due after allowing for any other credit that 92989
precedes it in the order required under this section. Any excess 92990
amount of a particular credit may be carried forward if authorized 92991
under the section creating that credit. Nothing in this chapter 92992
shall be construed to allow a taxpayer to claim, directly or 92993
indirectly, a credit more than once for a taxable year. 92994

Sec. 5731.27. (A) The tax commissioner shall, ~~if he~~ 92995
~~determines~~ after determining that a return indicating that a tax 92996
is due is correct as filed, issue a certificate of determination 92997
of final estate tax liability showing the amount of such 92998
liability, if any, in triplicate, one copy of which shall be sent 92999
by regular mail to the person filing the return, one copy of which 93000
shall be sent to the county auditor for the county in which the 93001
return was filed, and one copy of which shall be sent to the 93002
probate court of the county in which the return was filed if there 93003
is an administration of or other proceedings in the decedent's 93004
estate. 93005

(B) The tax commissioner, ~~if he determines~~ after determining 93006
that a deficiency or refund of tax or penalty addition to tax, 93007
shall issue ~~his~~ a certificate of determination stating the 93008
adjusted amount of the tax due and the amount of any refund, 93009
deficiency, or penalty. Such certificate also shall state whether 93010
or not any portion of the tax liability has been reserved for 93011
later determination in accordance with division (C) of section 93012
5731.26 of the Revised Code. Such certificate shall be issued in 93013
triplicate, one copy of which shall be sent ~~by certified mail,~~ 93014
~~return receipt requested,~~ in the manner provided in section 93015
5703.37 of the Revised Code to the person filing the return, or to 93016
the person required to file the return if no such return was 93017
filed, one copy of which shall be sent to the county auditor for 93018
the county in which the return was filed or was required to be 93019
filed, and one copy of which shall be sent to the probate court 93020
for the county in which the return was filed or required to be 93021
filed if there will be an administration of or other proceedings 93022
in the decedent's estate. The person required to file the return, 93023
or any interested party, shall have sixty days from the date of 93024
receipt of such certificate by the person required to file the 93025
return within which to file exceptions to such determination as 93026
provided in section 5731.30 of the Revised Code. 93027

(C) The county auditor, if no exceptions have been filed 93028
within the time specified in division (B) of this section, or if 93029
the right to file exceptions has been waived by all interested 93030
parties by written waivers filed with the county auditor, shall: 93031

(1) If the certificate of determination is for a refund, draw 93032
~~his~~ a warrant for the proper amount of the refund and interest on 93033
it, which warrant shall be paid by the county treasurer out of any 93034
money in ~~his~~ the treasurer's possession to the credit of estate 93035
taxes; 93036

(2) If the certificate of determination is for a deficiency 93037

or penalty, make a charge based upon such determination, and 93038
certify a duplicate of it to the county treasurer, who shall 93039
collect, subject to division (A) of section 5731.25 of the Revised 93040
Code or any other statute extending the time for payment of an 93041
estate tax, the deficiency or penalty so charged. 93042

Sec. 5733.031. (A) A corporation's taxable year is a period 93043
ending on the date immediately preceding the date of commencement 93044
of the corporation's annual accounting period that includes the 93045
first day of January of the tax year. Except as otherwise 93046
provided, a corporation's taxable year is the same as the 93047
corporation's taxable year for federal income tax purposes. If a 93048
corporation's taxable year is changed for federal income tax 93049
purposes, the taxable year for purposes of this chapter is changed 93050
accordingly but may consist of an aggregation of more than one 93051
taxable year for federal income tax purposes. The tax commissioner 93052
may prescribe by rule, an appropriate period as the taxable year 93053
for a corporation that has had a change of its taxable year for 93054
federal income tax purposes, for a corporation that has two or 93055
more short taxable years for federal income tax purposes as the 93056
result of a change of ownership, or for a new taxpayer that would 93057
otherwise have no taxable year. 93058

(B) A corporation's method of accounting for the base 93059
calculated under division (B) of section 5733.05 of the Revised 93060
Code shall be the same as its method of accounting for federal 93061
income tax purposes. In the absence of any method of accounting 93062
for federal income tax purposes, income shall be computed under 93063
such method as in the opinion of the tax commissioner clearly 93064
reflects income. 93065

If a corporation's method of accounting is changed for 93066
federal income tax purposes, its method of accounting for purposes 93067
of this chapter shall be changed accordingly. 93068

(C) ~~If~~ Except as provided in division (C)(3) of this section, 93069
any of the facts, figures, computations, or attachments required 93070
in a corporation's annual report to determine the tax imposed by 93071
section 5733.06 of the Revised Code must be altered as the result 93072
of an adjustment to the corporation's federal income tax return, 93073
whether the adjustment is initiated by the corporation or the 93074
internal revenue service, and such alteration affects the 93075
corporation's liability for the tax imposed by section 5733.06 of 93076
the Revised Code, the corporation shall file an amended report 93077
with the tax commissioner in such form as the commissioner 93078
requires. The amended report shall be filed not later than one 93079
year after the adjustment has been agreed to or finally determined 93080
for federal income tax purposes or any federal income tax 93081
deficiency or refund, or the abatement or credit resulting 93082
therefrom, has been assessed or paid, whichever occurs first. 93083

(1) In the case of an underpayment, the amended report shall 93084
be accompanied by payment of an additional tax and interest due 93085
and is a report subject to assessment under section 5733.11 of the 93086
Revised Code for the purpose of assessing any additional tax due 93087
under this division, together with any applicable penalty and 93088
interest. It shall not reopen those facts, figures, computations, 93089
or attachments from a previously filed report no longer subject to 93090
assessment that are not affected, either directly or indirectly, 93091
by the adjustment to the corporation's federal income tax return. 93092

(2) In the case of an overpayment, an application for refund 93093
may be filed under this division within the one-year period 93094
prescribed for filing the amended report even if it is filed 93095
beyond the period prescribed in division (B) of section 5733.12 of 93096
the Revised Code if it otherwise conforms to the requirements of 93097
such section. An application filed under this division shall claim 93098
refund of overpayments resulting from alterations to only those 93099
facts, figures, computations, or attachments required in the 93100

corporation's annual report that are affected, either directly or 93101
indirectly, by the adjustment to the corporation's federal income 93102
tax return unless it is also filed within the time prescribed in 93103
division (B) of section 5733.12 of the Revised Code. It shall not 93104
reopen those facts, figures, computations, or attachments that are 93105
not affected, either directly or indirectly, by the adjustment to 93106
the corporation's federal income tax return. 93107

(3) A taxpayer is not required to file an amended report, and 93108
is not permitted to file an application for refund, under this 93109
section on or after January 1, 2024. 93110

Sec. 5735.024. (A) No aviation fuel dealer shall purchase 93111
aviation fuel for resale in this state without first being 93112
licensed as an aviation fuel dealer by the tax commissioner to 93113
engage in such activities. 93114

(B) The failure to register with the commissioner as an 93115
aviation fuel dealer does not relieve a person from the 93116
requirement to file returns under this title. 93117

(C) No person shall make a false or fraudulent statement on 93118
the application required by this section. 93119

(D) Each aviation fuel dealer shall file a report with the 93120
commissioner on or before the last day of each month for the 93121
preceding month. The commissioner shall adopt rules pursuant to 93122
Chapter 119. of the Revised Code specifying the information that 93123
shall be required to be included in the report. 93124

(E) If an aviation fuel dealer files a false monthly report 93125
of the information required by the commissioner or fails to file a 93126
monthly report as required by this section, the commissioner may 93127
revoke the license of the aviation fuel dealer and notify the 93128
aviation fuel dealer in writing of such revocation ~~by certified~~ 93129
~~mail~~ in the manner provided in section 5703.37 of the Revised 93130

Code. 93131

Sec. 5735.04. If a motor fuel dealer files a false monthly report of the information required under section 5735.06 of the Revised Code, fails to file a monthly report as required by that section or section 5735.024 of the Revised Code, or fails to pay the full amount of the tax as required by the motor fuel laws of the state or as may be agreed upon by the tax commissioner and the motor fuel dealer, the commissioner may revoke the license of the motor fuel dealer, and notify the motor fuel dealer in writing of such revocation ~~by certified mail~~ in the manner provided in section 5703.37 of the Revised Code.

The commissioner may cancel any license issued to any motor fuel dealer, and the cancellation shall become effective at the time that may be determined by the commissioner. The commissioner also may cancel the license of any motor fuel dealer upon sixty days' notice mailed to the last known address of the motor fuel dealer if the commissioner, upon investigation, finds that the person to whom the license has been issued is no longer engaged in the receipt, use, or sale of motor fuel as a motor fuel dealer, and has not been so engaged for the period of six months prior to the cancellation. No license shall be canceled upon the request of any motor fuel dealer unless the motor fuel dealer, prior to the date of cancellation, has paid to the state all motor fuel taxes payable or assumed by the motor fuel dealer under the laws of the state, together with all penalties and fines accruing by reason of any failure of the motor fuel dealer to make accurate reports of receipts of motor fuel or to pay the taxes and penalties.

If the license of any motor fuel dealer is canceled by the commissioner as provided in this section, and if the motor fuel dealer has paid to the state all motor fuel taxes due and payable by the motor fuel dealer under the laws of the state, or assumed

by the motor fuel dealer upon the receipt, sale, or use of motor fuel, together with all penalties accruing by reason of any failure on the part of the motor fuel dealer to make accurate reports or to pay the tax and penalties, then the commissioner shall cancel and surrender the bond theretofore filed by the motor fuel dealer.

Sec. 5735.041. (A) The tax commissioner may revoke the license of a retail dealer in the following circumstances:

(1) The retail dealer sells or attempts to sell any motor fuel upon which any motor fuel tax imposed by this chapter has not been paid;

(2) The retail dealer attempts to evade any motor fuel tax imposed by this chapter;

(3) The retail dealer violates any provision of this chapter.

(B) The commissioner shall notify the retail dealer in writing of the revocation ~~by certified mail~~ in the manner provided in section 5703.37 of the Revised Code.

Sec. 5735.042. (A) The tax commissioner may revoke an exporter's license in the following circumstances:

(1) An exporter licensed under section 5735.026 of the Revised Code purchases, for export, motor fuel in this state exclusive of the motor fuel tax, and subsequently diverts or causes the motor fuel to be diverted to a destination in this state or any state other than the originally designated state;

(2) The exporter is no longer the holder of a valid license to purchase motor fuel tax free in the specified destination state or states for which the license is issued.

(B) The commissioner shall notify the exporter in writing of such revocation ~~by certified mail~~ in the manner provided in

section 5703.37 of the Revised Code. 93191

Sec. 5735.043. If a terminal operator files a false monthly 93192
report of the information required under section 5735.063 of the 93193
Revised Code, or fails to file the monthly report required by 93194
section 5735.063 of the Revised Code, the tax commissioner may 93195
revoke the license of the terminal operator. The commissioner 93196
shall notify the terminal operator in writing of such revocation 93197
~~by certified mail~~ in the manner provided in section 5703.37 of the 93198
Revised Code. 93199

The commissioner also may cancel the license of any terminal 93200
operator upon sixty days' notice mailed to the last known address 93201
of the terminal operator if the commissioner finds that the person 93202
to whom the license has been issued is no longer engaged as a 93203
terminal operator in this state, and has not been so engaged for 93204
at least six months prior to cancellation. 93205

Sec. 5735.044. If a permissive motor fuel dealer files a 93206
false monthly report of the information required under section 93207
5735.06 of the Revised Code, fails to file the monthly report as 93208
required by section 5735.06 of the Revised Code, or fails to pay 93209
the full amount of the tax as required by this chapter or as may 93210
be agreed upon by the tax commissioner and the permissive motor 93211
fuel dealer, the commissioner may revoke the license of the 93212
permissive motor fuel dealer. The commissioner shall notify the 93213
permissive motor fuel dealer in writing of the revocation ~~by~~ 93214
~~certified mail~~ in the manner provided in section 5703.37 of the 93215
Revised Code. 93216

The commissioner may cancel any license issued to any 93217
permissive motor fuel dealer and the cancellation shall become 93218
effective at the time that the commissioner determines. No license 93219
shall be canceled upon the request of any permissive motor fuel 93220

dealer unless the permissive motor fuel dealer, prior to the date 93221
of cancellation, has paid to the state all motor fuel taxes 93222
payable or assumed by the dealer under the laws of the state, 93223
together with all penalties, fines, and interest accruing by 93224
reason of any failure of the permissive motor fuel dealer to make 93225
accurate reports of sales of motor fuel or to pay the taxes, 93226
penalties, and interest. 93227

If the license of any permissive motor fuel dealer is 93228
canceled by the commissioner under this section, and the 93229
permissive motor fuel dealer has paid to the state all motor fuel 93230
taxes due and payable by the permissive motor fuel dealer under 93231
the laws of this state or assumed by the permissive motor fuel 93232
dealer upon the sale of motor fuel, together with all penalties 93233
and interest accruing by reason of any failure on the part of the 93234
permissive motor fuel dealer to make accurate reports or to pay 93235
the tax, penalties, and interest, then the commissioner shall 93236
cancel and surrender the bond previously filed by the permissive 93237
motor fuel dealer. 93238

Sec. 5735.27. (A) There is hereby created in the state 93239
treasury the gasoline excise tax fund. All investment earnings of 93240
the fund shall be credited to the fund. Revenue credited to the 93241
fund under section 5735.051 from the tax levied under section 93242
5735.05 of the Revised Code shall be distributed to municipal 93243
corporations, counties, and townships as provided in divisions 93244
(A)(1), (2), and (3) of this section. 93245

(1) The amount distributed to each municipal corporation 93246
shall be that proportion of the amount to be distributed among 93247
municipal corporations that the number of motor vehicles 93248
registered within the municipal corporation bears to the total 93249
number of motor vehicles registered within all the municipal 93250
corporations of this state during the preceding motor vehicle 93251

registration year. When a new village is incorporated, the 93252
registrar of motor vehicles shall determine from the applications 93253
on file in the bureau of motor vehicles the number of motor 93254
vehicles located within the territory comprising the village 93255
during the entire registration year in which the municipal 93256
corporation was incorporated. The registrar shall forthwith 93257
certify the number of motor vehicles so determined to the tax 93258
commissioner for use in distributing motor vehicle fuel tax funds 93259
to the village until the village is qualified to participate in 93260
the distribution of the funds pursuant to this division. The 93261
number of motor vehicle registrations shall be determined by the 93262
official records of the bureau of motor vehicles. The amount 93263
received by each municipal corporation shall be used to plan, 93264
construct, reconstruct, repave, widen, maintain, repair, clear, 93265
and clean public highways, roads, and streets; to maintain and 93266
repair bridges and viaducts; to purchase, erect, and maintain 93267
street and traffic signs and markers; to pay the costs apportioned 93268
to the municipal corporation under section 4907.47 of the Revised 93269
Code; to purchase, erect, and maintain traffic lights and signals; 93270
to pay the principal, interest, and charges on bonds and other 93271
obligations issued pursuant to Chapter 133. of the Revised Code or 93272
incurred pursuant to section 5531.09 of the Revised Code for the 93273
purpose of acquiring or constructing roads, highways, bridges, or 93274
viaducts or acquiring or making other highway improvements for 93275
which the municipal corporation may issue bonds; and to supplement 93276
revenue already available for these purposes. 93277

(2) The amount distributed to counties shall be paid in equal 93278
proportions to the county treasurer of each county within the 93279
state and shall be used only for the purposes of planning, 93280
maintaining, and repairing the county system of public roads and 93281
highways within the county; the planning, construction, and repair 93282
of walks or paths along county roads in congested areas; the 93283
planning, construction, purchase, lease, and maintenance of 93284

suitable buildings for the housing and repair of county road 93285
machinery, housing of supplies, and housing of personnel 93286
associated with the machinery and supplies; the payment of costs 93287
apportioned to the county under section 4907.47 of the Revised 93288
Code; the payment of principal, interest, and charges on bonds and 93289
other obligations issued pursuant to Chapter 133. of the Revised 93290
Code or incurred pursuant to section 5531.09 of the Revised Code 93291
for the purpose of acquiring or constructing roads, highways, 93292
bridges, or viaducts or acquiring or making other highway 93293
improvements for which the board of county commissioners may issue 93294
bonds under that chapter; and the purchase, installation, and 93295
maintenance of traffic signal lights. 93296

(3)(a) The amounts described under divisions 93297
(A)(2)(a)(iii)(III) and (B)(2) of section 5735.051 of the Revised 93298
Code to be distributed among townships shall be divided in equal 93299
proportions among the townships. 93300

(b) As used in division (A)(3)(b) of this section, the 93301
"formula amount" for any township is the amount that would be 93302
allocated to that township if fifty per cent of the total amount 93303
credited to townships pursuant to divisions (A)(2)(b)(iii), 93304
(C)(2), and (E)(2)(c) of section 5735.051 of the Revised Code were 93305
allocated among townships in the state proportionate to the number 93306
of centerline miles within the boundaries of the respective 93307
townships, as determined annually by the department of 93308
transportation, and the other fifty per cent of that amount were 93309
allocated among townships in the state proportionate to the number 93310
of motor vehicles registered within the respective townships, as 93311
determined annually by the records of the bureau of motor 93312
vehicles. The number of centerline miles within the boundaries of 93313
a township shall not include any centerline miles of township 93314
roads that have been placed on nonmaintained status by a board of 93315
township trustees pursuant to section 5571.20 of the Revised Code. 93316

The portion of the revenue of the tax levied by section 5735.05 of the Revised Code that is described under divisions (A)(3) and (B) of that section shall be partially allocated to provide funding for townships. Each township shall receive the greater of the following two calculations:

(i) The total statewide amount credited to townships under divisions (A)(2)(b)(iii), (C)(2), and (E)(2)(c) of section 5735.051 of the Revised Code divided by the number of townships in the state at the time of the calculation;

(ii) Seventy per cent of the formula amount for that township.

(c) The total difference between the amount of money credited to townships under divisions (A)(2)(b)(iii), (C)(2), and (E)(2)(c) of section 5735.051 of the Revised Code and the total amount of money required to make all the payments specified in division (A)(3)(b) of this section shall be deducted, in accordance with division (C)(3) of section 5735.051 of the Revised Code, from the revenues resulting from the portion of the revenue described in division (A)(3) of section 5735.05 of the Revised Code prior to crediting portions of such revenues to counties, municipal corporations, and the highway operating fund.

(d) All amounts credited pursuant to divisions (A)(3)(a) and (b) of this section shall be paid to the county treasurer of each county for the total amount payable to the townships within each of the counties. The county treasurer shall pay to each township within the county its proportional share of the funds, which shall be expended by each township only for the purposes of planning, constructing, maintaining, widening, and reconstructing the public roads and highways within the township, paying principal, interest, and charges on bonds and other obligations issued pursuant to Chapter 133. or 505. of the Revised Code or incurred pursuant to section 5531.09 of the Revised Code for the purpose of

acquiring or constructing roads, highways, bridges, or viaducts or 93349
acquiring or making other highway improvements for which the board 93350
of township trustees may issue bonds under those chapters, and 93351
paying costs apportioned to the township under section 4907.47 of 93352
the Revised Code. 93353

No part of the funds designated for road and highway purposes 93354
shall be used for any purpose except to pay in whole or part the 93355
contract price of any such work done by contract, or to pay the 93356
cost of labor in planning, constructing, widening, and 93357
reconstructing such roads and highways, and the cost of materials 93358
forming a part of the improvement; provided that the funds may be 93359
used for the purchase of road machinery and equipment, the 93360
planning, construction, purchase, and maintenance of suitable 93361
buildings for housing road machinery and equipment, and the 93362
payment of principal, interest, and charges on bonds and other 93363
obligations issued pursuant to Chapter 133. or 505. of the Revised 93364
Code for the purpose of purchasing road machinery and equipment or 93365
planning, constructing, purchasing, and maintaining suitable 93366
buildings for housing road machinery and equipment; and provided 93367
that all such improvement of roads shall be under supervision and 93368
direction of the county engineer as provided in section 5575.07 of 93369
the Revised Code. No obligation against the funds shall be 93370
incurred unless plans and specifications for the improvement, 93371
approved by the county engineer, are on file in the office of the 93372
township fiscal officer, and all contracts for material and for 93373
work done by contract shall be approved by the county engineer 93374
before being signed by the board of township trustees. The board 93375
of township trustees of any township may pass a resolution 93376
permitting the board of county commissioners to expend the 93377
township's share of the funds, or any portion of it, for the 93378
improvement of the roads within the township as may be designated 93379
in the resolution. 93380

(B) Amounts credited to the highway operating fund under 93381
section 5735.051 and other sections of the Revised Code are 93382
subject to transfer to the sinking fund upon receipt by the 93383
treasurer of state of the certification by the commissioners of 93384
the sinking fund, as required by section 5528.15 of the Revised 93385
Code, that there are sufficient moneys to the credit of the 93386
highway improvement bond retirement fund to meet in full all 93387
payments of principal, interest, and charges for the retirement of 93388
bonds and other obligations issued pursuant to Section 2g of 93389
Article VIII, Ohio Constitution, and sections 5528.10 and 5528.11 93390
of the Revised Code due and payable during the current calendar 93391
year. All remaining amounts credited to the highway operating fund 93392
shall be expended for the purposes of planning, maintaining, 93393
repairing, and keeping in passable condition for travel the roads 93394
and highways of the state required by law to be maintained by the 93395
department; paying the costs apportioned to the state under 93396
section 4907.47 of the Revised Code; paying that portion of the 93397
construction cost of a highway project which a county, township, 93398
or municipal corporation normally would be required to pay, but 93399
which the director of transportation, pursuant to division (B) of 93400
section 5531.08 of the Revised Code, determines instead will be 93401
paid from moneys in the highway operating fund; paying the costs 93402
of the department of public safety in administering and enforcing 93403
the state law relating to the registration and operation of motor 93404
vehicles; paying the state's share of the cost of planning, 93405
constructing, widening, maintaining, and reconstructing the state 93406
highways; paying that portion of the construction cost of a 93407
highway project which a county, township, or municipal corporation 93408
normally would be required to pay, but which the director of 93409
transportation, pursuant to division (B) of section 5531.08 of the 93410
Revised Code, determines instead will be paid from moneys in the 93411
highway operating fund; and also for supplying the state's share 93412
of the cost of eliminating railway grade crossings upon such 93413

highways and costs apportioned to the state under section 4907.47 93414
of the Revised Code. The director of transportation may expend 93415
portions of such amount upon extensions of state highways within 93416
municipal corporations or upon portions of state highways within 93417
municipal corporations, as is provided by law. 93418

All investment earnings of the highway operating fund shall 93419
be credited to the fund. 93420

Sec. 5736.07. (A) If a taxpayer files a false return, fails 93421
to file a return as required by section 5736.04 of the Revised 93422
Code, or fails to pay the full amount of tax due with a return, 93423
the tax commissioner may revoke the supplier's license issued to 93424
the taxpayer under section 5736.06 of the Revised Code by 93425
notifying the taxpayer in writing of such revocation ~~by certified~~ 93426
~~mail~~ in the manner provided in section 5703.37 of the Revised 93427
Code. 93428

(B) Upon the request of a person that is no longer subject to 93429
the tax imposed by this chapter, the tax commissioner may cancel 93430
the supplier's license issued to the person under section 5736.06 93431
of the Revised Code. The cancellation shall become effective at 93432
the time determined by the commissioner. No license shall be 93433
canceled upon the request of any person unless, prior to the date 93434
of cancellation, the person has paid to the state all taxes 93435
payable by such person under the laws of the state, together with 93436
any interest and penalties. 93437

Sec. 5739.01. As used in this chapter: 93438

(A) "Person" includes individuals, receivers, assignees, 93439
trustees in bankruptcy, estates, firms, partnerships, 93440
associations, joint-stock companies, joint ventures, clubs, 93441
societies, corporations, the state and its political subdivisions, 93442
and combinations of individuals of any form. 93443

(B) "Sale" and "selling" include all of the following 93444
transactions for a consideration in any manner, whether absolutely 93445
or conditionally, whether for a price or rental, in money or by 93446
exchange, and by any means whatsoever: 93447

(1) All transactions by which title or possession, or both, 93448
of tangible personal property, is or is to be transferred, or a 93449
license to use or consume tangible personal property is or is to 93450
be granted; 93451

(2) All transactions by which lodging by a hotel is or is to 93452
be furnished to transient guests; 93453

(3) All transactions by which: 93454

(a) An item of tangible personal property is or is to be 93455
repaired, except property, the purchase of which would not be 93456
subject to the tax imposed by section 5739.02 of the Revised Code; 93457

(b) An item of tangible personal property is or is to be 93458
installed, except property, the purchase of which would not be 93459
subject to the tax imposed by section 5739.02 of the Revised Code 93460
or property that is or is to be incorporated into and will become 93461
a part of a production, transmission, transportation, or 93462
distribution system for the delivery of a public utility service; 93463

(c) The service of washing, cleaning, waxing, polishing, or 93464
painting a motor vehicle is or is to be furnished; 93465

(d) Laundry and dry cleaning services are or are to be 93466
provided; 93467

(e) Automatic data processing, computer services, or 93468
electronic information services are or are to be provided for use 93469
in business when the true object of the transaction is the receipt 93470
by the consumer of automatic data processing, computer services, 93471
or electronic information services rather than the receipt of 93472
personal or professional services to which automatic data 93473

processing, computer services, or electronic information services 93474
are incidental or supplemental. Notwithstanding any other 93475
provision of this chapter, such transactions that occur between 93476
members of an affiliated group are not sales. An "affiliated 93477
group" means two or more persons related in such a way that one 93478
person owns or controls the business operation of another member 93479
of the group. In the case of corporations with stock, one 93480
corporation owns or controls another if it owns more than fifty 93481
per cent of the other corporation's common stock with voting 93482
rights. 93483

(f) Telecommunications service, including prepaid calling 93484
service, prepaid wireless calling service, or ancillary service, 93485
is or is to be provided, but not including coin-operated telephone 93486
service; 93487

(g) Landscaping and lawn care service is or is to be 93488
provided; 93489

(h) Private investigation and security service is or is to be 93490
provided; 93491

(i) Information services or tangible personal property is 93492
provided or ordered by means of a nine hundred telephone call; 93493

(j) Building maintenance and janitorial service is or is to 93494
be provided; 93495

(k) Exterminating service is or is to be provided; 93496

(l) Physical fitness facility service is or is to be 93497
provided; 93498

(m) Recreation and sports club service is or is to be 93499
provided; 93500

(n) Satellite broadcasting service is or is to be provided; 93501

(o) Personal care service is or is to be provided to an 93502
individual. As used in this division, "personal care service" 93503

includes skin care, the application of cosmetics, manicuring, 93504
pedicuring, hair removal, tattooing, body piercing, tanning, 93505
massage, and other similar services. "Personal care service" does 93506
not include a service provided by or on the order of a licensed 93507
physician or licensed chiropractor, or the cutting, coloring, or 93508
styling of an individual's hair. 93509

(p) The transportation of persons by motor vehicle or 93510
aircraft is or is to be provided, when the transportation is 93511
entirely within this state, except for transportation provided by 93512
an ambulance service, by a transit bus, as defined in section 93513
5735.01 of the Revised Code, and transportation provided by a 93514
citizen of the United States holding a certificate of public 93515
convenience and necessity issued under 49 U.S.C. 41102; 93516

(q) Motor vehicle towing service is or is to be provided. As 93517
used in this division, "motor vehicle towing service" means the 93518
towing or conveyance of a wrecked, disabled, or illegally parked 93519
motor vehicle. 93520

(r) Snow removal service is or is to be provided. As used in 93521
this division, "snow removal service" means the removal of snow by 93522
any mechanized means, but does not include the providing of such 93523
service by a person that has less than five thousand dollars in 93524
sales of such service during the calendar year. 93525

(s) Electronic publishing service is or is to be provided to 93526
a consumer for use in business, except that such transactions 93527
occurring between members of an affiliated group, as defined in 93528
division (B)(3)(e) of this section, are not sales. 93529

(4) All transactions by which printed, imprinted, 93530
overprinted, lithographic, multilithic, blueprinted, photostatic, 93531
or other productions or reproductions of written or graphic matter 93532
are or are to be furnished or transferred; 93533

(5) The production or fabrication of tangible personal 93534

property for a consideration for consumers who furnish either 93535
directly or indirectly the materials used in the production of 93536
fabrication work; and include the furnishing, preparing, or 93537
serving for a consideration of any tangible personal property 93538
consumed on the premises of the person furnishing, preparing, or 93539
serving such tangible personal property. Except as provided in 93540
section 5739.03 of the Revised Code, a construction contract 93541
pursuant to which tangible personal property is or is to be 93542
incorporated into a structure or improvement on and becoming a 93543
part of real property is not a sale of such tangible personal 93544
property. The construction contractor is the consumer of such 93545
tangible personal property, provided that the sale and 93546
installation of carpeting, the sale and installation of 93547
agricultural land tile, the sale and erection or installation of 93548
portable grain bins, or the provision of landscaping and lawn care 93549
service and the transfer of property as part of such service is 93550
never a construction contract. 93551

As used in division (B)(5) of this section: 93552

(a) "Agricultural land tile" means fired clay or concrete 93553
tile, or flexible or rigid perforated plastic pipe or tubing, 93554
incorporated or to be incorporated into a subsurface drainage 93555
system appurtenant to land used or to be used primarily in 93556
production by farming, agriculture, horticulture, or floriculture. 93557
The term does not include such materials when they are or are to 93558
be incorporated into a drainage system appurtenant to a building 93559
or structure even if the building or structure is used or to be 93560
used in such production. 93561

(b) "Portable grain bin" means a structure that is used or to 93562
be used by a person engaged in farming or agriculture to shelter 93563
the person's grain and that is designed to be disassembled without 93564
significant damage to its component parts. 93565

(6) All transactions in which all of the shares of stock of a 93566

closely held corporation are transferred, or an ownership interest 93567
in a pass-through entity, as defined in section 5733.04 of the 93568
Revised Code, is transferred, if the corporation or pass-through 93569
entity is not engaging in business and its entire assets consist 93570
of boats, planes, motor vehicles, or other tangible personal 93571
property operated primarily for the use and enjoyment of the 93572
shareholders or owners; 93573

(7) All transactions in which a warranty, maintenance or 93574
service contract, or similar agreement by which the vendor of the 93575
warranty, contract, or agreement agrees to repair or maintain the 93576
tangible personal property of the consumer is or is to be 93577
provided; 93578

(8) The transfer of copyrighted motion picture films used 93579
solely for advertising purposes, except that the transfer of such 93580
films for exhibition purposes is not a sale; 93581

(9) All transactions by which tangible personal property is 93582
or is to be stored, except such property that the consumer of the 93583
storage holds for sale in the regular course of business; 93584

(10) All transactions in which "guaranteed auto protection" 93585
is provided whereby a person promises to pay to the consumer the 93586
difference between the amount the consumer receives from motor 93587
vehicle insurance and the amount the consumer owes to a person 93588
holding title to or a lien on the consumer's motor vehicle in the 93589
event the consumer's motor vehicle suffers a total loss under the 93590
terms of the motor vehicle insurance policy or is stolen and not 93591
recovered, if the protection and its price are included in the 93592
purchase or lease agreement; 93593

(11)(a) Except as provided in division (B)(11)(b) of this 93594
section, all transactions by which health care services are paid 93595
for, reimbursed, provided, delivered, arranged for, or otherwise 93596
made available by a medicaid health insuring corporation pursuant 93597

to the corporation's contract with the state. 93598

(b) If the centers for medicare and medicaid services of the 93599
United States department of health and human services determines 93600
that the taxation of transactions described in division (B)(11)(a) 93601
of this section constitutes an impermissible health care-related 93602
tax under the "Social Security Act," section 1903(w), 42 U.S.C. 93603
1396b(w), and regulations adopted thereunder, the medicaid 93604
director shall notify the tax commissioner of that determination. 93605
Beginning with the first day of the month following that 93606
notification, the transactions described in division (B)(11)(a) of 93607
this section are not sales for the purposes of this chapter or 93608
Chapter 5741. of the Revised Code. The tax commissioner shall 93609
order that the collection of taxes under sections 5739.02, 93610
5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 93611
5741.023 of the Revised Code shall cease for transactions 93612
occurring on or after that date. 93613

(12) All transactions by which a specified digital product is 93614
provided for permanent use or less than permanent use, regardless 93615
of whether continued payment is required. 93616

Except as provided in this section, "sale" and "selling" do 93617
not include transfers of interest in leased property where the 93618
original lessee and the terms of the original lease agreement 93619
remain unchanged, or professional, insurance, or personal service 93620
transactions that involve the transfer of tangible personal 93621
property as an inconsequential element, for which no separate 93622
charges are made. 93623

(C) "Vendor" means the person providing the service or by 93624
whom the transfer effected or license given by a sale is or is to 93625
be made or given and, for sales described in division (B)(3)(i) of 93626
this section, the telecommunications service vendor that provides 93627
the nine hundred telephone service; if two or more persons are 93628
engaged in business at the same place of business under a single 93629

trade name in which all collections on account of sales by each 93630
are made, such persons shall constitute a single vendor. 93631

Physicians, dentists, hospitals, and veterinarians who are 93632
engaged in selling tangible personal property as received from 93633
others, such as eyeglasses, mouthwashes, dentifrices, or similar 93634
articles, are vendors. Veterinarians who are engaged in 93635
transferring to others for a consideration drugs, the dispensing 93636
of which does not require an order of a licensed veterinarian or 93637
physician under federal law, are vendors. 93638

The operator of any peer-to-peer car sharing program shall be 93639
considered to be the vendor. 93640

(D)(1) "Consumer" means the person for whom the service is 93641
provided, to whom the transfer effected or license given by a sale 93642
is or is to be made or given, to whom the service described in 93643
division (B)(3)(f) or (i) of this section is charged, or to whom 93644
the admission is granted. 93645

(2) Physicians, dentists, hospitals, and blood banks operated 93646
by nonprofit institutions and persons licensed to practice 93647
veterinary medicine, surgery, and dentistry are consumers of all 93648
tangible personal property and services purchased by them in 93649
connection with the practice of medicine, dentistry, the rendition 93650
of hospital or blood bank service, or the practice of veterinary 93651
medicine, surgery, and dentistry. In addition to being consumers 93652
of drugs administered by them or by their assistants according to 93653
their direction, veterinarians also are consumers of drugs that 93654
under federal law may be dispensed only by or upon the order of a 93655
licensed veterinarian or physician, when transferred by them to 93656
others for a consideration to provide treatment to animals as 93657
directed by the veterinarian. 93658

(3) A person who performs a facility management, or similar 93659
service contract for a contractee is a consumer of all tangible 93660

personal property and services purchased for use in connection 93661
with the performance of such contract, regardless of whether title 93662
to any such property vests in the contractee. The purchase of such 93663
property and services is not subject to the exception for resale 93664
under division (E) of this section. 93665

(4)(a) In the case of a person who purchases printed matter 93666
for the purpose of distributing it or having it distributed to the 93667
public or to a designated segment of the public, free of charge, 93668
that person is the consumer of that printed matter, and the 93669
purchase of that printed matter for that purpose is a sale. 93670

(b) In the case of a person who produces, rather than 93671
purchases, printed matter for the purpose of distributing it or 93672
having it distributed to the public or to a designated segment of 93673
the public, free of charge, that person is the consumer of all 93674
tangible personal property and services purchased for use or 93675
consumption in the production of that printed matter. That person 93676
is not entitled to claim exemption under division (B)(42)(f) of 93677
section 5739.02 of the Revised Code for any material incorporated 93678
into the printed matter or any equipment, supplies, or services 93679
primarily used to produce the printed matter. 93680

(c) The distribution of printed matter to the public or to a 93681
designated segment of the public, free of charge, is not a sale to 93682
the members of the public to whom the printed matter is 93683
distributed or to any persons who purchase space in the printed 93684
matter for advertising or other purposes. 93685

(5) A person who makes sales of any of the services listed in 93686
division (B)(3) of this section is the consumer of any tangible 93687
personal property used in performing the service. The purchase of 93688
that property is not subject to the resale exception under 93689
division (E) of this section. 93690

(6) A person who engages in highway transportation for hire 93691

is the consumer of all packaging materials purchased by that 93692
person and used in performing the service, except for packaging 93693
materials sold by such person in a transaction separate from the 93694
service. 93695

(7) In the case of a transaction for health care services 93696
under division (B)(11) of this section, a medicaid health insuring 93697
corporation is the consumer of such services. The purchase of such 93698
services by a medicaid health insuring corporation is not subject 93699
to the exception for resale under division (E) of this section or 93700
to the exemptions provided under divisions (B)(12), (18), (19), 93701
and (22) of section 5739.02 of the Revised Code. 93702

(E) "Retail sale" and "sales at retail" include all sales, 93703
except those in which the purpose of the consumer is to resell the 93704
thing transferred or benefit of the service provided, by a person 93705
engaging in business, in the form in which the same is, or is to 93706
be, received by the person. 93707

(F) "Business" includes any activity engaged in by any person 93708
with the object of gain, benefit, or advantage, either direct or 93709
indirect. "Business" does not include the activity of a person in 93710
managing and investing the person's own funds. 93711

(G) "Engaging in business" means commencing, conducting, or 93712
continuing in business, and liquidating a business when the 93713
liquidator thereof holds itself out to the public as conducting 93714
such business. Making a casual sale is not engaging in business. 93715

(H)(1)(a) "Price," except as provided in divisions (H)(2), 93716
(3), and (4) of this section, means the total amount of 93717
consideration, including cash, credit, property, and services, for 93718
which tangible personal property or services are sold, leased, or 93719
rented, valued in money, whether received in money or otherwise, 93720
without any deduction for any of the following: 93721

(i) The vendor's cost of the property sold; 93722

(ii) The cost of materials used, labor or service costs, 93723
interest, losses, all costs of transportation to the vendor, all 93724
taxes imposed on the vendor, including the tax imposed under 93725
Chapter 5751. of the Revised Code, and any other expense of the 93726
vendor; 93727

(iii) Charges by the vendor for any services necessary to 93728
complete the sale; 93729

(iv) Delivery charges. As used in this division, "delivery 93730
charges" means charges by the vendor for preparation and delivery 93731
to a location designated by the consumer of tangible personal 93732
property or a service, including transportation, shipping, 93733
postage, handling, crating, and packing. 93734

(v) Installation charges; 93735

(vi) Credit for any trade-in. 93736

(b) "Price" includes consideration received by the vendor 93737
from a third party, if the vendor actually receives the 93738
consideration from a party other than the consumer, and the 93739
consideration is directly related to a price reduction or discount 93740
on the sale; the vendor has an obligation to pass the price 93741
reduction or discount through to the consumer; the amount of the 93742
consideration attributable to the sale is fixed and determinable 93743
by the vendor at the time of the sale of the item to the consumer; 93744
and one of the following criteria is met: 93745

(i) The consumer presents a coupon, certificate, or other 93746
document to the vendor to claim a price reduction or discount 93747
where the coupon, certificate, or document is authorized, 93748
distributed, or granted by a third party with the understanding 93749
that the third party will reimburse any vendor to whom the coupon, 93750
certificate, or document is presented; 93751

(ii) The consumer identifies the consumer's self to the 93752
seller as a member of a group or organization entitled to a price 93753

reduction or discount. A preferred customer card that is available 93754
to any patron does not constitute membership in such a group or 93755
organization. 93756

(iii) The price reduction or discount is identified as a 93757
third party price reduction or discount on the invoice received by 93758
the consumer, or on a coupon, certificate, or other document 93759
presented by the consumer. 93760

(c) "Price" does not include any of the following: 93761

(i) Discounts, including cash, term, or coupons that are not 93762
reimbursed by a third party that are allowed by a vendor and taken 93763
by a consumer on a sale; 93764

(ii) Interest, financing, and carrying charges from credit 93765
extended on the sale of tangible personal property or services, if 93766
the amount is separately stated on the invoice, bill of sale, or 93767
similar document given to the purchaser; 93768

(iii) Any taxes legally imposed directly on the consumer that 93769
are separately stated on the invoice, bill of sale, or similar 93770
document given to the consumer. For the purpose of this division, 93771
the tax imposed under Chapter 5751. of the Revised Code is not a 93772
tax directly on the consumer, even if the tax or a portion thereof 93773
is separately stated. 93774

(iv) Notwithstanding divisions (H)(1)(b)(i) to (iii) of this 93775
section, any discount allowed by an automobile manufacturer to its 93776
employee, or to the employee of a supplier, on the purchase of a 93777
new motor vehicle from a new motor vehicle dealer in this state. 93778

(v) The dollar value of a gift card that is not sold by a 93779
vendor or purchased by a consumer and that is redeemed by the 93780
consumer in purchasing tangible personal property or services if 93781
the vendor is not reimbursed and does not receive compensation 93782
from a third party to cover all or part of the gift card value. 93783
For the purposes of this division, a gift card is not sold by a 93784

vendor or purchased by a consumer if it is distributed pursuant to 93785
an awards, loyalty, or promotional program. Past and present 93786
purchases of tangible personal property or services by the 93787
consumer shall not be treated as consideration exchanged for a 93788
gift card. 93789

(2) In the case of a sale of any new motor vehicle by a new 93790
motor vehicle dealer, as defined in section 4517.01 of the Revised 93791
Code, in which another motor vehicle is accepted by the dealer as 93792
part of the consideration received, "price" has the same meaning 93793
as in division (H)(1) of this section, reduced by the credit 93794
afforded the consumer by the dealer for the motor vehicle received 93795
in trade. 93796

(3) In the case of a sale of any watercraft or outboard motor 93797
by a watercraft dealer licensed in accordance with section 93798
1547.543 of the Revised Code, in which another watercraft, 93799
watercraft and trailer, or outboard motor is accepted by the 93800
dealer as part of the consideration received, "price" has the same 93801
meaning as in division (H)(1) of this section, reduced by the 93802
credit afforded the consumer by the dealer for the watercraft, 93803
watercraft and trailer, or outboard motor received in trade. As 93804
used in this division, "watercraft" includes an outdrive unit 93805
attached to the watercraft. 93806

(4) In the case of transactions for health care services 93807
under division (B)(11) of this section, "price" means the amount 93808
of managed care premiums received each month by a medicaid health 93809
insuring corporation. 93810

(I) "Receipts" means the total amount of the prices of the 93811
sales of vendors, provided that the dollar value of gift cards 93812
distributed pursuant to an awards, loyalty, or promotional 93813
program, and cash discounts allowed and taken on sales at the time 93814
they are consummated are not included, minus any amount deducted 93815
as a bad debt pursuant to section 5739.121 of the Revised Code. 93816

"Receipts" does not include the sale price of property returned or 93817
services rejected by consumers when the full sale price and tax 93818
are refunded either in cash or by credit. 93819

(J) "Place of business" means any location at which a person 93820
engages in business. 93821

(K) "Premises" includes any real property or portion thereof 93822
upon which any person engages in selling tangible personal 93823
property at retail or making retail sales and also includes any 93824
real property or portion thereof designated for, or devoted to, 93825
use in conjunction with the business engaged in by such person. 93826

(L) "Casual sale" means a sale of an item of tangible 93827
personal property that was obtained by the person making the sale, 93828
through purchase or otherwise, for the person's own use and was 93829
previously subject to any state's taxing jurisdiction on its sale 93830
or use, and includes such items acquired for the seller's use that 93831
are sold by an auctioneer employed directly by the person for such 93832
purpose, provided the location of such sales is not the 93833
auctioneer's permanent place of business. As used in this 93834
division, "permanent place of business" includes any location 93835
where such auctioneer has conducted more than two auctions during 93836
the year. 93837

(M) "Hotel" means every establishment kept, used, maintained, 93838
advertised, or held out to the public to be a place where sleeping 93839
accommodations are offered to guests, in which five or more rooms 93840
are used for the accommodation of such guests, whether the rooms 93841
are in one or several structures, except as otherwise provided in 93842
section 5739.091 of the Revised Code. 93843

(N) "Transient guests" means persons occupying a room or 93844
rooms for sleeping accommodations for less than thirty consecutive 93845
days. 93846

(O) "Making retail sales" means the effecting of transactions 93847

wherein one party is obligated to pay the price and the other 93848
party is obligated to provide a service or to transfer title to or 93849
possession of the item sold. "Making retail sales" does not 93850
include the preliminary acts of promoting or soliciting the retail 93851
sales, other than the distribution of printed matter which 93852
displays or describes and prices the item offered for sale, nor 93853
does it include delivery of a predetermined quantity of tangible 93854
personal property or transportation of property or personnel to or 93855
from a place where a service is performed. 93856

(P) "Used directly in the rendition of a public utility 93857
service" means that property that is to be incorporated into and 93858
will become a part of the consumer's production, transmission, 93859
transportation, or distribution system and that retains its 93860
classification as tangible personal property after such 93861
incorporation; fuel or power used in the production, transmission, 93862
transportation, or distribution system; and tangible personal 93863
property used in the repair and maintenance of the production, 93864
transmission, transportation, or distribution system, including 93865
only such motor vehicles as are specially designed and equipped 93866
for such use. Tangible personal property and services used 93867
primarily in providing highway transportation for hire are not 93868
used directly in the rendition of a public utility service. In 93869
this definition, "public utility" includes a citizen of the United 93870
States holding, and required to hold, a certificate of public 93871
convenience and necessity issued under 49 U.S.C. 41102. 93872

(Q) "Refining" means removing or separating a desirable 93873
product from raw or contaminated materials by distillation or 93874
physical, mechanical, or chemical processes. 93875

(R) "Assembly" and "assembling" mean attaching or fitting 93876
together parts to form a product, but do not include packaging a 93877
product. 93878

(S) "Manufacturing operation" means a process in which 93879

materials are changed, converted, or transformed into a different 93880
state or form from which they previously existed and includes 93881
refining materials, assembling parts, and preparing raw materials 93882
and parts by mixing, measuring, blending, or otherwise committing 93883
such materials or parts to the manufacturing process. 93884
"Manufacturing operation" does not include packaging. 93885

(T) "Fiscal officer" means, with respect to a regional 93886
transit authority, the secretary-treasurer thereof, and with 93887
respect to a county that is a transit authority, the fiscal 93888
officer of the county transit board if one is appointed pursuant 93889
to section 306.03 of the Revised Code or the county auditor if the 93890
board of county commissioners operates the county transit system. 93891

(U) "Transit authority" means a regional transit authority 93892
created pursuant to section 306.31 of the Revised Code or a county 93893
in which a county transit system is created pursuant to section 93894
306.01 of the Revised Code. For the purposes of this chapter, a 93895
transit authority must extend to at least the entire area of a 93896
single county. A transit authority that includes territory in more 93897
than one county must include all the area of the most populous 93898
county that is a part of such transit authority. County population 93899
shall be measured by the most recent census taken by the United 93900
States census bureau. 93901

(V) "Legislative authority" means, with respect to a regional 93902
transit authority, the board of trustees thereof, and with respect 93903
to a county that is a transit authority, the board of county 93904
commissioners. 93905

(W) "Territory of the transit authority" means all of the 93906
area included within the territorial boundaries of a transit 93907
authority as they from time to time exist. Such territorial 93908
boundaries must at all times include all the area of a single 93909
county or all the area of the most populous county that is a part 93910
of such transit authority. County population shall be measured by 93911

the most recent census taken by the United States census bureau. 93912

(X) "Providing a service" means providing or furnishing 93913
anything described in division (B)(3) of this section for 93914
consideration. 93915

(Y)(1)(a) "Automatic data processing" means processing of 93916
others' data, including keypunching or similar data entry services 93917
together with verification thereof, or providing access to 93918
computer equipment for the purpose of processing data. 93919

(b) "Computer services" means providing services consisting 93920
of specifying computer hardware configurations and evaluating 93921
technical processing characteristics, computer programming, and 93922
training of computer programmers and operators, provided in 93923
conjunction with and to support the sale, lease, or operation of 93924
taxable computer equipment or systems. 93925

(c) "Electronic information services" means providing access 93926
to computer equipment by means of telecommunications equipment for 93927
the purpose of either of the following: 93928

(i) Examining or acquiring data stored in or accessible to 93929
the computer equipment; 93930

(ii) Placing data into the computer equipment to be retrieved 93931
by designated recipients with access to the computer equipment. 93932

"Electronic information services" does not include electronic 93933
publishing. 93934

(d) "Automatic data processing, computer services, or 93935
electronic information services" shall not include personal or 93936
professional services. 93937

(2) As used in divisions (B)(3)(e) and (Y)(1) of this 93938
section, "personal and professional services" means all services 93939
other than automatic data processing, computer services, or 93940
electronic information services, including but not limited to: 93941

(a) Accounting and legal services such as advice on tax matters, asset management, budgetary matters, quality control, information security, and auditing and any other situation where the service provider receives data or information and studies, alters, analyzes, interprets, or adjusts such material;	93942 93943 93944 93945 93946
(b) Analyzing business policies and procedures;	93947
(c) Identifying management information needs;	93948
(d) Feasibility studies, including economic and technical analysis of existing or potential computer hardware or software needs and alternatives;	93949 93950 93951
(e) Designing policies, procedures, and custom software for collecting business information, and determining how data should be summarized, sequenced, formatted, processed, controlled, and reported so that it will be meaningful to management;	93952 93953 93954 93955
(f) Developing policies and procedures that document how business events and transactions are to be authorized, executed, and controlled;	93956 93957 93958
(g) Testing of business procedures;	93959
(h) Training personnel in business procedure applications;	93960
(i) Providing credit information to users of such information by a consumer reporting agency, as defined in the "Fair Credit Reporting Act," 84 Stat. 1114, 1129 (1970), 15 U.S.C. 1681a(f), or as hereafter amended, including but not limited to gathering, organizing, analyzing, recording, and furnishing such information by any oral, written, graphic, or electronic medium;	93961 93962 93963 93964 93965 93966
(j) Providing debt collection services by any oral, written, graphic, or electronic means;	93967 93968
(k) Providing digital advertising services;	93969
(l) Providing services to electronically file any federal, state, or local individual income tax return, report, or other	93970 93971

related document or schedule with a federal, state, or local 93972
government entity or to electronically remit a payment of any such 93973
individual income tax to such an entity. For the purpose of this 93974
division, "individual income tax" does not include federal, state, 93975
or local taxes withheld by an employer from an employee's 93976
compensation. 93977

The services listed in divisions (Y)(2)(a) to (1) of this 93978
section are not automatic data processing or computer services. 93979

(Z) "Highway transportation for hire" means the 93980
transportation of personal property belonging to others for 93981
consideration by any of the following: 93982

(1) The holder of a permit or certificate issued by this 93983
state or the United States authorizing the holder to engage in 93984
transportation of personal property belonging to others for 93985
consideration over or on highways, roadways, streets, or any 93986
similar public thoroughfare; 93987

(2) A person who engages in the transportation of personal 93988
property belonging to others for consideration over or on 93989
highways, roadways, streets, or any similar public thoroughfare 93990
but who could not have engaged in such transportation on December 93991
11, 1985, unless the person was the holder of a permit or 93992
certificate of the types described in division (Z)(1) of this 93993
section; 93994

(3) A person who leases a motor vehicle to and operates it 93995
for a person described by division (Z)(1) or (2) of this section. 93996

(AA)(1) "Telecommunications service" means the electronic 93997
transmission, conveyance, or routing of voice, data, audio, video, 93998
or any other information or signals to a point, or between or 93999
among points. "Telecommunications service" includes such 94000
transmission, conveyance, or routing in which computer processing 94001
applications are used to act on the form, code, or protocol of the 94002

content for purposes of transmission, conveyance, or routing 94003
without regard to whether the service is referred to as voice-over 94004
internet protocol service or is classified by the federal 94005
communications commission as enhanced or value-added. 94006
"Telecommunications service" does not include any of the 94007
following: 94008

(a) Data processing and information services that allow data 94009
to be generated, acquired, stored, processed, or retrieved and 94010
delivered by an electronic transmission to a consumer where the 94011
consumer's primary purpose for the underlying transaction is the 94012
processed data or information; 94013

(b) Installation or maintenance of wiring or equipment on a 94014
customer's premises; 94015

(c) Tangible personal property; 94016

(d) Advertising, including directory advertising; 94017

(e) Billing and collection services provided to third 94018
parties; 94019

(f) Internet access service; 94020

(g) Radio and television audio and video programming 94021
services, regardless of the medium, including the furnishing of 94022
transmission, conveyance, and routing of such services by the 94023
programming service provider. Radio and television audio and video 94024
programming services include, but are not limited to, cable 94025
service, as defined in 47 U.S.C. 522(6), and audio and video 94026
programming services delivered by commercial mobile radio service 94027
providers, as defined in 47 C.F.R. 20.3; 94028

(h) Ancillary service; 94029

(i) Digital products delivered electronically, including 94030
software, music, video, reading materials, or ring tones. 94031

(2) "Ancillary service" means a service that is associated 94032

with or incidental to the provision of telecommunications service, 94033
including conference bridging service, detailed telecommunications 94034
billing service, directory assistance, vertical service, and voice 94035
mail service. As used in this division: 94036

(a) "Conference bridging service" means an ancillary service 94037
that links two or more participants of an audio or video 94038
conference call, including providing a telephone number. 94039
"Conference bridging service" does not include telecommunications 94040
services used to reach the conference bridge. 94041

(b) "Detailed telecommunications billing service" means an 94042
ancillary service of separately stating information pertaining to 94043
individual calls on a customer's billing statement. 94044

(c) "Directory assistance" means an ancillary service of 94045
providing telephone number or address information. 94046

(d) "Vertical service" means an ancillary service that is 94047
offered in connection with one or more telecommunications 94048
services, which offers advanced calling features that allow 94049
customers to identify callers and manage multiple calls and call 94050
connections, including conference bridging service. 94051

(e) "Voice mail service" means an ancillary service that 94052
enables the customer to store, send, or receive recorded messages. 94053
"Voice mail service" does not include any vertical services that 94054
the customer may be required to have in order to utilize the voice 94055
mail service. 94056

(3) "900 service" means an inbound toll telecommunications 94057
service purchased by a subscriber that allows the subscriber's 94058
customers to call in to the subscriber's prerecorded announcement 94059
or live service, and which is typically marketed under the name 94060
"900 service" and any subsequent numbers designated by the federal 94061
communications commission. "900 service" does not include the 94062
charge for collection services provided by the seller of the 94063

telecommunications service to the subscriber, or services or 94064
products sold by the subscriber to the subscriber's customer. 94065

(4) "Prepaid calling service" means the right to access 94066
exclusively telecommunications services, which must be paid for in 94067
advance and which enables the origination of calls using an access 94068
number or authorization code, whether manually or electronically 94069
dialed, and that is sold in predetermined units or dollars of 94070
which the number declines with use in a known amount. 94071

(5) "Prepaid wireless calling service" means a 94072
telecommunications service that provides the right to utilize 94073
mobile telecommunications service as well as other 94074
non-telecommunications services, including the download of digital 94075
products delivered electronically, and content and ancillary 94076
services, that must be paid for in advance and that is sold in 94077
predetermined units or dollars of which the number declines with 94078
use in a known amount. 94079

(6) "Value-added non-voice data service" means a 94080
telecommunications service in which computer processing 94081
applications are used to act on the form, content, code, or 94082
protocol of the information or data primarily for a purpose other 94083
than transmission, conveyance, or routing. 94084

(7) "Coin-operated telephone service" means a 94085
telecommunications service paid for by inserting money into a 94086
telephone accepting direct deposits of money to operate. 94087

(8) "Customer" has the same meaning as in section 5739.034 of 94088
the Revised Code. 94089

(BB) "Laundry and dry cleaning services" means removing soil 94090
or dirt from towels, linens, articles of clothing, or other fabric 94091
items that belong to others and supplying towels, linens, articles 94092
of clothing, or other fabric items. "Laundry and dry cleaning 94093
services" does not include the provision of self-service 94094

facilities for use by consumers to remove soil or dirt from 94095
towels, linens, articles of clothing, or other fabric items. 94096

(CC) "Magazines distributed as controlled circulation 94097
publications" means magazines containing at least twenty-four 94098
pages, at least twenty-five per cent editorial content, issued at 94099
regular intervals four or more times a year, and circulated 94100
without charge to the recipient, provided that such magazines are 94101
not owned or controlled by individuals or business concerns which 94102
conduct such publications as an auxiliary to, and essentially for 94103
the advancement of the main business or calling of, those who own 94104
or control them. 94105

(DD) "Landscaping and lawn care service" means the services 94106
of planting, seeding, sodding, removing, cutting, trimming, 94107
pruning, mulching, aerating, applying chemicals, watering, 94108
fertilizing, and providing similar services to establish, promote, 94109
or control the growth of trees, shrubs, flowers, grass, ground 94110
cover, and other flora, or otherwise maintaining a lawn or 94111
landscape grown or maintained by the owner for ornamentation or 94112
other nonagricultural purpose. However, "landscaping and lawn care 94113
service" does not include the providing of such services by a 94114
person who has less than five thousand dollars in sales of such 94115
services during the calendar year. 94116

(EE) "Private investigation and security service" means the 94117
performance of any activity for which the provider of such service 94118
is required to be licensed pursuant to Chapter 4749. of the 94119
Revised Code, or would be required to be so licensed in performing 94120
such services in this state, and also includes the services of 94121
conducting polygraph examinations and of monitoring or overseeing 94122
the activities on or in, or the condition of, the consumer's home, 94123
business, or other facility by means of electronic or similar 94124
monitoring devices. "Private investigation and security service" 94125
does not include special duty services provided by off-duty police 94126

officers, deputy sheriffs, and other peace officers regularly 94127
employed by the state or a political subdivision. 94128

(FF) "Information services" means providing conversation, 94129
giving consultation or advice, playing or making a voice or other 94130
recording, making or keeping a record of the number of callers, 94131
and any other service provided to a consumer by means of a nine 94132
hundred telephone call, except when the nine hundred telephone 94133
call is the means by which the consumer makes a contribution to a 94134
recognized charity. 94135

(GG) "Research and development" means designing, creating, or 94136
formulating new or enhanced products, equipment, or manufacturing 94137
processes, and also means conducting scientific or technological 94138
inquiry and experimentation in the physical sciences with the goal 94139
of increasing scientific knowledge which may reveal the bases for 94140
new or enhanced products, equipment, or manufacturing processes. 94141

(HH) "Qualified research and development equipment" means 94142
either of the following: 94143

(1) Capitalized tangible personal property, and leased 94144
personal property that would be capitalized if purchased, used by 94145
a person primarily to perform research and development; 94146

(2) Any tangible personal property used by a megaproject 94147
operator primarily to perform research and development at the site 94148
of a megaproject that satisfies the criteria described in division 94149
(A)(11)(a)(ii) of section 122.17 of the Revised Code during the 94150
period that the megaproject operator has an agreement for such 94151
megaproject with the tax credit authority under division (D) of 94152
that section that remains in effect and has not expired or been 94153
terminated. 94154

"Qualified research and development equipment" does not 94155
include tangible personal property primarily used in testing, as 94156
defined in division (A)(4) of section 5739.011 of the Revised 94157

Code, or used for recording or storing test results, unless such 94158
property is primarily used by the consumer in testing the product, 94159
equipment, or manufacturing process being created, designed, or 94160
formulated by the consumer in the research and development 94161
activity or in recording or storing such test results. 94162

(II) "Building maintenance and janitorial service" means 94163
cleaning the interior or exterior of a building and any tangible 94164
personal property located therein or thereon, including any 94165
services incidental to such cleaning for which no separate charge 94166
is made. However, "building maintenance and janitorial service" 94167
does not include the providing of such service by a person who has 94168
less than five thousand dollars in sales of such service during 94169
the calendar year. As used in this division, "cleaning" does not 94170
include sanitation services necessary for an establishment 94171
described in 21 U.S.C. 608 to comply with rules and regulations 94172
adopted pursuant to that section. 94173

(JJ) "Exterminating service" means eradicating or attempting 94174
to eradicate vermin infestations from a building or structure, or 94175
the area surrounding a building or structure, and includes 94176
activities to inspect, detect, or prevent vermin infestation of a 94177
building or structure. 94178

(KK) "Physical fitness facility service" means all 94179
transactions by which a membership is granted, maintained, or 94180
renewed, including initiation fees, membership dues, renewal fees, 94181
monthly minimum fees, and other similar fees and dues, by a 94182
physical fitness facility such as an athletic club, health spa, or 94183
gymnasium, which entitles the member to use the facility for 94184
physical exercise. 94185

(LL) "Recreation and sports club service" means all 94186
transactions by which a membership is granted, maintained, or 94187
renewed, including initiation fees, membership dues, renewal fees, 94188
monthly minimum fees, and other similar fees and dues, by a 94189

recreation and sports club, which entitles the member to use the facilities of the organization. "Recreation and sports club" means an organization that has ownership of, or controls or leases on a continuing, long-term basis, the facilities used by its members and includes an aviation club, gun or shooting club, yacht club, card club, swimming club, tennis club, golf club, country club, riding club, amateur sports club, or similar organization.

(MM) "Livestock" means farm animals commonly raised for food, food production, or other agricultural purposes, including, but not limited to, cattle, sheep, goats, swine, poultry, and captive deer. "Livestock" does not include invertebrates, amphibians, reptiles, domestic pets, animals for use in laboratories or for exhibition, or other animals not commonly raised for food or food production.

(NN) "Livestock structure" means a building or structure used exclusively for the housing, raising, feeding, or sheltering of livestock, and includes feed storage or handling structures and structures for livestock waste handling.

(OO) "Horticulture" means the growing, cultivation, and production of flowers, fruits, herbs, vegetables, sod, mushrooms, and nursery stock. As used in this division, "nursery stock" has the same meaning as in section 927.51 of the Revised Code.

(PP) "Horticulture structure" means a building or structure used exclusively for the commercial growing, raising, or overwintering of horticultural products, and includes the area used for stocking, storing, and packing horticultural products when done in conjunction with the production of those products.

(QQ) "Newspaper" means an unbound publication bearing a title or name that is regularly published, at least as frequently as biweekly, and distributed from a fixed place of business to the public in a specific geographic area, and that contains a

substantial amount of news matter of international, national, or 94221
local events of interest to the general public. 94222

(RR)(1) "Feminine hygiene products" means tampons, panty 94223
liners, menstrual cups, sanitary napkins, and other similar 94224
tangible personal property designed for feminine hygiene in 94225
connection with the human menstrual cycle, but does not include 94226
grooming and hygiene products. 94227

(2) "Grooming and hygiene products" means soaps and cleaning 94228
solutions, shampoo, toothpaste, mouthwash, antiperspirants, and 94229
sun tan lotions and screens, regardless of whether any of these 94230
products are over-the-counter drugs. 94231

(3) "Over-the-counter drugs" means a drug that contains a 94232
label that identifies the product as a drug as required by 21 94233
C.F.R. 201.66, which label includes a drug facts panel or a 94234
statement of the active ingredients with a list of those 94235
ingredients contained in the compound, substance, or preparation. 94236

(SS)(1) "Lease" or "rental" means any transfer of the 94237
possession or control of tangible personal property for a fixed or 94238
indefinite term, for consideration. "Lease" or "rental" includes 94239
future options to purchase or extend, and agreements described in 94240
26 U.S.C. 7701(h)(1) covering motor vehicles and trailers where 94241
the amount of consideration may be increased or decreased by 94242
reference to the amount realized upon the sale or disposition of 94243
the property. "Lease" or "rental" does not include: 94244

(a) A transfer of possession or control of tangible personal 94245
property under a security agreement or a deferred payment plan 94246
that requires the transfer of title upon completion of the 94247
required payments; 94248

(b) A transfer of possession or control of tangible personal 94249
property under an agreement that requires the transfer of title 94250
upon completion of required payments and payment of an option 94251

price that does not exceed the greater of one hundred dollars or 94252
one per cent of the total required payments; 94253

(c) Providing tangible personal property along with an 94254
operator for a fixed or indefinite period of time, if the operator 94255
is necessary for the property to perform as designed. For purposes 94256
of this division, the operator must do more than maintain, 94257
inspect, or set up the tangible personal property. 94258

(2) "Lease" and "rental," as defined in division (SS) of this 94259
section, shall not apply to leases or rentals that exist before 94260
June 26, 2003. 94261

(3) "Lease" and "rental" have the same meaning as in division 94262
(SS)(1) of this section regardless of whether a transaction is 94263
characterized as a lease or rental under generally accepted 94264
accounting principles, the Internal Revenue Code, Title XIII of 94265
the Revised Code, or other federal, state, or local laws. 94266

(TT) "Mobile telecommunications service" has the same meaning 94267
as in the "Mobile Telecommunications Sourcing Act," Pub. L. No. 94268
106-252, 114 Stat. 631 (2000), 4 U.S.C.A. 124(7), as amended, and, 94269
on and after August 1, 2003, includes related fees and ancillary 94270
services, including universal service fees, detailed billing 94271
service, directory assistance, service initiation, voice mail 94272
service, and vertical services, such as caller ID and three-way 94273
calling. 94274

(UU) "Certified service provider" has the same meaning as in 94275
section 5740.01 of the Revised Code. 94276

(VV) "Satellite broadcasting service" means the distribution 94277
or broadcasting of programming or services by satellite directly 94278
to the subscriber's receiving equipment without the use of ground 94279
receiving or distribution equipment, except the subscriber's 94280
receiving equipment or equipment used in the uplink process to the 94281
satellite, and includes all service and rental charges, premium 94282

channels or other special services, installation and repair 94283
service charges, and any other charges having any connection with 94284
the provision of the satellite broadcasting service. 94285

(WW) "Tangible personal property" means personal property 94286
that can be seen, weighed, measured, felt, or touched, or that is 94287
in any other manner perceptible to the senses. For purposes of 94288
this chapter and Chapter 5741. of the Revised Code, "tangible 94289
personal property" includes motor vehicles, electricity, water, 94290
gas, steam, and prewritten computer software. 94291

(XX) "Municipal gas utility" means a municipal corporation 94292
that owns or operates a system for the distribution of natural 94293
gas. 94294

(YY) "Computer" means an electronic device that accepts 94295
information in digital or similar form and manipulates it for a 94296
result based on a sequence of instructions. 94297

(ZZ) "Computer software" means a set of coded instructions 94298
designed to cause a computer or automatic data processing 94299
equipment to perform a task. 94300

(AAA) "Delivered electronically" means delivery of computer 94301
software from the seller to the purchaser by means other than 94302
tangible storage media. 94303

(BBB) "Prewritten computer software" means computer software, 94304
including prewritten upgrades, that is not designed and developed 94305
by the author or other creator to the specifications of a specific 94306
purchaser. The combining of two or more prewritten computer 94307
software programs or prewritten portions thereof does not cause 94308
the combination to be other than prewritten computer software. 94309
"Prewritten computer software" includes software designed and 94310
developed by the author or other creator to the specifications of 94311
a specific purchaser when it is sold to a person other than the 94312
purchaser. If a person modifies or enhances computer software of 94313

which the person is not the author or creator, the person shall be 94314
deemed to be the author or creator only of such person's 94315
modifications or enhancements. Prewritten computer software or a 94316
prewritten portion thereof that is modified or enhanced to any 94317
degree, where such modification or enhancement is designed and 94318
developed to the specifications of a specific purchaser, remains 94319
prewritten computer software; provided, however, that where there 94320
is a reasonable, separately stated charge or an invoice or other 94321
statement of the price given to the purchaser for the modification 94322
or enhancement, the modification or enhancement shall not 94323
constitute prewritten computer software. 94324

(CCC)(1) "Food" means substances, whether in liquid, 94325
concentrated, solid, frozen, dried, or dehydrated form, that are 94326
sold for ingestion or chewing by humans and are consumed for their 94327
taste or nutritional value. "Food" does not include alcoholic 94328
beverages, dietary supplements, soft drinks, or tobacco. 94329

(2) As used in division (CCC)(1) of this section: 94330

(a) "Alcoholic beverages" means beverages that are suitable 94331
for human consumption and contain one-half of one per cent or more 94332
of alcohol by volume. 94333

(b) "Dietary supplements" means any product, other than 94334
tobacco, that is intended to supplement the diet and that is 94335
intended for ingestion in tablet, capsule, powder, softgel, 94336
gelcap, or liquid form, or, if not intended for ingestion in such 94337
a form, is not represented as conventional food for use as a sole 94338
item of a meal or of the diet; that is required to be labeled as a 94339
dietary supplement, identifiable by the "supplement facts" box 94340
found on the label, as required by 21 C.F.R. 101.36; and that 94341
contains one or more of the following dietary ingredients: 94342

(i) A vitamin; 94343

(ii) A mineral; 94344

(iii) An herb or other botanical;	94345
(iv) An amino acid;	94346
(v) A dietary substance for use by humans to supplement the diet by increasing the total dietary intake;	94347 94348
(vi) A concentrate, metabolite, constituent, extract, or combination of any ingredient described in divisions (CCC)(2)(b)(i) to (v) of this section.	94349 94350 94351
(c) "Soft drinks" means nonalcoholic beverages that contain natural or artificial sweeteners. "Soft drinks" does not include beverages that contain milk or milk products, soy, rice, or similar milk substitutes, or that contains greater than fifty per cent vegetable or fruit juice by volume.	94352 94353 94354 94355 94356
(d) "Tobacco" means cigarettes, cigars, chewing or pipe tobacco, or any other item that contains tobacco.	94357 94358
(DDD) "Drug" means a compound, substance, or preparation, and any component of a compound, substance, or preparation, other than food, dietary supplements, or alcoholic beverages that is recognized in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States, or official national formulary, and supplements to them; is intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease; or is intended to affect the structure or any function of the body.	94359 94360 94361 94362 94363 94364 94365 94366 94367
(EEE) "Prescription" means an order, formula, or recipe issued in any form of oral, written, electronic, or other means of transmission by a duly licensed practitioner authorized by the laws of this state to issue a prescription.	94368 94369 94370 94371
(FFF) "Durable medical equipment" means equipment, including repair and replacement parts for such equipment, that can withstand repeated use, is primarily and customarily used to serve	94372 94373 94374

a medical purpose, generally is not useful to a person in the absence of illness or injury, and is not worn in or on the body. "Durable medical equipment" does not include mobility enhancing equipment.

(GGG) "Mobility enhancing equipment" means equipment, including repair and replacement parts for such equipment, that is primarily and customarily used to provide or increase the ability to move from one place to another and is appropriate for use either in a home or a motor vehicle, that is not generally used by persons with normal mobility, and that does not include any motor vehicle or equipment on a motor vehicle normally provided by a motor vehicle manufacturer. "Mobility enhancing equipment" does not include durable medical equipment.

(HHH) "Prosthetic device" means a replacement, corrective, or supportive device, including repair and replacement parts for the device, worn on or in the human body to artificially replace a missing portion of the body, prevent or correct physical deformity or malfunction, or support a weak or deformed portion of the body. As used in this division, before July 1, 2019, "prosthetic device" does not include corrective eyeglasses, contact lenses, or dental prosthesis. On or after July 1, 2019, "prosthetic device" does not include dental prosthesis but does include corrective eyeglasses or contact lenses.

(III)(1) "Fractional aircraft ownership program" means a program in which persons within an affiliated group sell and manage fractional ownership program aircraft, provided that at least one hundred airworthy aircraft are operated in the program and the program meets all of the following criteria:

(a) Management services are provided by at least one program manager within an affiliated group on behalf of the fractional owners.

(b) Each program aircraft is owned or possessed by at least one fractional owner. 94406
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(c) Each fractional owner owns or possesses at least a one-sixteenth interest in at least one fixed-wing program aircraft. 94408
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(d) A dry-lease aircraft interchange arrangement is in effect among all of the fractional owners. 94411
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(e) Multi-year program agreements are in effect regarding the fractional ownership, management services, and dry-lease aircraft interchange arrangement aspects of the program. 94413
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(2) As used in division (III)(1) of this section: 94416

(a) "Affiliated group" has the same meaning as in division (B)(3)(e) of this section. 94417
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(b) "Fractional owner" means a person that owns or possesses at least a one-sixteenth interest in a program aircraft and has entered into the agreements described in division (III)(1)(e) of this section. 94419
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(c) "Fractional ownership program aircraft" or "program aircraft" means a turbojet aircraft that is owned or possessed by a fractional owner and that has been included in a dry-lease aircraft interchange arrangement and agreement under divisions (III)(1)(d) and (e) of this section, or an aircraft a program manager owns or possesses primarily for use in a fractional aircraft ownership program. 94423
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(d) "Management services" means administrative and aviation support services furnished under a fractional aircraft ownership program in accordance with a management services agreement under division (III)(1)(e) of this section, and offered by the program manager to the fractional owners, including, at a minimum, the establishment and implementation of safety guidelines; the 94430
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coordination of the scheduling of the program aircraft and crews; 94436
program aircraft maintenance; program aircraft insurance; crew 94437
training for crews employed, furnished, or contracted by the 94438
program manager or the fractional owner; the satisfaction of 94439
record-keeping requirements; and the development and use of an 94440
operations manual and a maintenance manual for the fractional 94441
aircraft ownership program. 94442

(e) "Program manager" means the person that offers management 94443
services to fractional owners pursuant to a management services 94444
agreement under division (III)(1)(e) of this section. 94445

(JJJ) "Electronic publishing" means providing access to one 94446
or more of the following primarily for business customers, 94447
including the federal government or a state government or a 94448
political subdivision thereof, to conduct research: news; 94449
business, financial, legal, consumer, or credit materials; 94450
editorials, columns, reader commentary, or features; photos or 94451
images; archival or research material; legal notices, identity 94452
verification, or public records; scientific, educational, 94453
instructional, technical, professional, trade, or other literary 94454
materials; or other similar information which has been gathered 94455
and made available by the provider to the consumer in an 94456
electronic format. Providing electronic publishing includes the 94457
functions necessary for the acquisition, formatting, editing, 94458
storage, and dissemination of data or information that is the 94459
subject of a sale. 94460

(KKK) "Medicaid health insuring corporation" means a health 94461
insuring corporation that holds a certificate of authority under 94462
Chapter 1751. of the Revised Code and is under contract with the 94463
department of medicaid pursuant to section 5167.10 of the Revised 94464
Code. 94465

(LLL) "Managed care premium" means any premium, capitation, 94466
or other payment a medicaid health insuring corporation receives 94467

for providing or arranging for the provision of health care 94468
services to its members or enrollees residing in this state. 94469

(MMM) "Captive deer" means deer and other cervidae that have 94470
been legally acquired, or their offspring, that are privately 94471
owned for agricultural or farming purposes. 94472

(NNN) "Gift card" means a document, card, certificate, or 94473
other record, whether tangible or intangible, that may be redeemed 94474
by a consumer for a dollar value when making a purchase of 94475
tangible personal property or services. 94476

(OOO) "Specified digital product" means an electronically 94477
transferred digital audiovisual work, digital audio work, or 94478
digital book. 94479

As used in division (OOO) of this section: 94480

(1) "Digital audiovisual work" means a series of related 94481
images that, when shown in succession, impart an impression of 94482
motion, together with accompanying sounds, if any. 94483

(2) "Digital audio work" means a work that results from the 94484
fixation of a series of musical, spoken, or other sounds, 94485
including digitized sound files that are downloaded onto a device 94486
and that may be used to alert the customer with respect to a 94487
communication. 94488

(3) "Digital book" means a work that is generally recognized 94489
in the ordinary and usual sense as a book. 94490

(4) "Electronically transferred" means obtained by the 94491
purchaser by means other than tangible storage media. 94492

(PPP) "Digital advertising services" means providing access, 94493
by means of telecommunications equipment, to computer equipment 94494
that is used to enter, upload, download, review, manipulate, 94495
store, add, or delete data for the purpose of electronically 94496
displaying, delivering, placing, or transferring promotional 94497

advertisements to potential customers about products or services 94498
or about industry or business brands. 94499

(QQQ) "Peer-to-peer car sharing program" has the same meaning 94500
as in section 4516.01 of the Revised Code. 94501

(RRR) "Megaproject" and "megaproject operator" have the same 94502
meanings as in section 122.17 of the Revised Code. 94503

(SSS)(1) "Diaper" means an absorbent garment worn by humans 94504
who are incapable of, or have difficulty, controlling their 94505
bladder or bowel movements. 94506

(2) "Children's diaper" means a diaper marketed to be worn by 94507
children. 94508

(3) "Adult diaper" means a diaper other than a children's 94509
diaper. 94510

Sec. 5739.02. For the purpose of providing revenue with which 94511
to meet the needs of the state, for the use of the general revenue 94512
fund of the state, for the purpose of securing a thorough and 94513
efficient system of common schools throughout the state, for the 94514
purpose of affording revenues, in addition to those from general 94515
property taxes, permitted under constitutional limitations, and 94516
from other sources, for the support of local governmental 94517
functions, and for the purpose of reimbursing the state for the 94518
expense of administering this chapter, an excise tax is hereby 94519
levied on each retail sale made in this state. 94520

(A)(1) The tax shall be collected as provided in section 94521
5739.025 of the Revised Code. The rate of the tax shall be five 94522
and three-fourths per cent. The tax applies and is collectible 94523
when the sale is made, regardless of the time when the price is 94524
paid or delivered. 94525

(2) In the case of the lease or rental, with a fixed term of 94526
more than thirty days or an indefinite term with a minimum period 94527

of more than thirty days, of any motor vehicles designed by the 94528
manufacturer to carry a load of not more than one ton, watercraft, 94529
outboard motor, or aircraft, or of any tangible personal property, 94530
other than motor vehicles designed by the manufacturer to carry a 94531
load of more than one ton, to be used by the lessee or renter 94532
primarily for business purposes, the tax shall be collected by the 94533
vendor at the time the lease or rental is consummated and shall be 94534
calculated by the vendor on the basis of the total amount to be 94535
paid by the lessee or renter under the lease agreement. If the 94536
total amount of the consideration for the lease or rental includes 94537
amounts that are not calculated at the time the lease or rental is 94538
executed, the tax shall be calculated and collected by the vendor 94539
at the time such amounts are billed to the lessee or renter. In 94540
the case of an open-end lease or rental, the tax shall be 94541
calculated by the vendor on the basis of the total amount to be 94542
paid during the initial fixed term of the lease or rental, and for 94543
each subsequent renewal period as it comes due. As used in this 94544
division, "motor vehicle" has the same meaning as in section 94545
4501.01 of the Revised Code, and "watercraft" includes an outdrive 94546
unit attached to the watercraft. 94547

A lease with a renewal clause and a termination penalty or 94548
similar provision that applies if the renewal clause is not 94549
exercised is presumed to be a sham transaction. In such a case, 94550
the tax shall be calculated and paid on the basis of the entire 94551
length of the lease period, including any renewal periods, until 94552
the termination penalty or similar provision no longer applies. 94553
The taxpayer shall bear the burden, by a preponderance of the 94554
evidence, that the transaction or series of transactions is not a 94555
sham transaction. 94556

(3) Except as provided in division (A)(2) of this section, in 94557
the case of a sale, the price of which consists in whole or in 94558
part of the lease or rental of tangible personal property, the tax 94559

shall be measured by the installments of that lease or rental. 94560

(4) In the case of a sale of a physical fitness facility 94561
service or recreation and sports club service, the price of which 94562
consists in whole or in part of a membership for the receipt of 94563
the benefit of the service, the tax applicable to the sale shall 94564
be measured by the installments thereof. 94565

(B) The tax does not apply to the following: 94566

(1) Sales to the state or any of its political subdivisions, 94567
or to any other state or its political subdivisions if the laws of 94568
that state exempt from taxation sales made to this state and its 94569
political subdivisions including either of the following: 94570

(a) Sales or rentals of tangible personal property by 94571
construction contractors or subcontractors to provide temporary 94572
traffic control or temporary structures, including material and 94573
equipment used to comply with the Ohio manual of uniform traffic 94574
control devices adopted pursuant to section 4511.09 of the Revised 94575
Code, whereby the state or any of its political subdivisions take 94576
title to, or permanent or temporary possession of, such tangible 94577
personal property for use by the state or any of its political 94578
subdivisions, including for use by the general public thereof; 94579

(b) Sales of services by construction contractors or 94580
subcontractors to provide temporary traffic control or structures, 94581
including labor used to comply with the Ohio manual of uniform 94582
traffic control devices adopted pursuant to section 4511.09 of the 94583
Revised Code, whereby the state or any of its political 94584
subdivisions, including the general public thereof, receive the 94585
benefit of such services. 94586

(2) Sales of food for human consumption off the premises 94587
where sold; 94588

(3) Sales of food sold to students only in a cafeteria, 94589
dormitory, fraternity, or sorority maintained in a private, 94590

public, or parochial school, college, or university; 94591

(4) Sales of newspapers and sales or transfers of magazines 94592
distributed as controlled circulation publications; 94593

(5) The furnishing, preparing, or serving of meals without 94594
charge by an employer to an employee provided the employer records 94595
the meals as part compensation for services performed or work 94596
done; 94597

(6)(a) Sales of motor fuel upon receipt, use, distribution, 94598
or sale of which in this state a tax is imposed by the law of this 94599
state, but this exemption shall not apply to the sale of motor 94600
fuel on which a refund of the tax is allowable under division (A) 94601
of section 5735.14 of the Revised Code; and the tax commissioner 94602
may deduct the amount of tax levied by this section applicable to 94603
the price of motor fuel when granting a refund of motor fuel tax 94604
pursuant to division (A) of section 5735.14 of the Revised Code 94605
and shall cause the amount deducted to be paid into the general 94606
revenue fund of this state; 94607

(b) Sales of motor fuel other than that described in division 94608
(B)(6)(a) of this section and used for powering a refrigeration 94609
unit on a vehicle other than one used primarily to provide comfort 94610
to the operator or occupants of the vehicle. 94611

(7) Sales of natural gas by a natural gas company or 94612
municipal gas utility, of water by a water-works company, or of 94613
steam by a heating company, if in each case the thing sold is 94614
delivered to consumers through pipes or conduits, and all sales of 94615
communications services by a telegraph company, all terms as 94616
defined in section 5727.01 of the Revised Code, and sales of 94617
electricity delivered through wires; 94618

(8) Casual sales by a person, or auctioneer employed directly 94619
by the person to conduct such sales, except as to such sales of 94620
motor vehicles, watercraft or outboard motors required to be 94621

titled under section 1548.06 of the Revised Code, watercraft 94622
documented with the United States coast guard, snowmobiles, and 94623
all-purpose vehicles as defined in section 4519.01 of the Revised 94624
Code; 94625

(9)(a) Sales of services or tangible personal property, other 94626
than motor vehicles, mobile homes, and manufactured homes, by 94627
churches, organizations exempt from taxation under section 94628
501(c)(3) of the Internal Revenue Code of 1986, or nonprofit 94629
organizations operated exclusively for charitable purposes as 94630
defined in division (B)(12) of this section, provided that the 94631
number of days on which such tangible personal property or 94632
services, other than items never subject to the tax, are sold does 94633
not exceed six in any calendar year, except as otherwise provided 94634
in division (B)(9)(b) of this section. If the number of days on 94635
which such sales are made exceeds six in any calendar year, the 94636
church or organization shall be considered to be engaged in 94637
business and all subsequent sales by it shall be subject to the 94638
tax. In counting the number of days, all sales by groups within a 94639
church or within an organization shall be considered to be sales 94640
of that church or organization. 94641

(b) The limitation on the number of days on which tax-exempt 94642
sales may be made by a church or organization under division 94643
(B)(9)(a) of this section does not apply to sales made by student 94644
clubs and other groups of students of a primary or secondary 94645
school, or a parent-teacher association, booster group, or similar 94646
organization that raises money to support or fund curricular or 94647
extracurricular activities of a primary or secondary school. 94648

(c) Divisions (B)(9)(a) and (b) of this section do not apply 94649
to sales by a noncommercial educational radio or television 94650
broadcasting station. 94651

(10) Sales not within the taxing power of this state under 94652
the Constitution or laws of the United States or the Constitution 94653

of this state+ including either of the following: 94654

(a) Sales or rentals of tangible personal property by 94655
construction contractors or subcontractors to provide temporary 94656
traffic control or temporary structures, including material and 94657
equipment used to comply with the Ohio manual of uniform traffic 94658
control devices adopted pursuant to section 4511.09 of the Revised 94659
Code, whereby the United States takes title to, or permanent or 94660
temporary possession of, such tangible personal property for use 94661
by the United States including for use by the general public 94662
thereof; 94663

(b) Sales of services by construction contractors or 94664
subcontractors to provide temporary traffic control or structures, 94665
including labor used to comply with the Ohio manual of uniform 94666
traffic control devices adopted pursuant to section 4511.09 of the 94667
Revised Code, whereby the United States, including the general 94668
public thereof, receives the benefit of such services. 94669

As used in divisions (B)(10)(a) and (b) of this section, 94670
"temporary structures" include temporary roads, bridges, drains, 94671
and pavement. 94672

(11) Except for transactions that are sales under division 94673
(B)(3)(p) of section 5739.01 of the Revised Code, the 94674
transportation of persons or property, unless the transportation 94675
is by a private investigation and security service; 94676

(12) Sales of tangible personal property or services to 94677
churches, to organizations exempt from taxation under section 94678
501(c)(3) of the Internal Revenue Code of 1986, and to any other 94679
nonprofit organizations operated exclusively for charitable 94680
purposes in this state, no part of the net income of which inures 94681
to the benefit of any private shareholder or individual, and no 94682
substantial part of the activities of which consists of carrying 94683
on propaganda or otherwise attempting to influence legislation; 94684

sales to offices administering one or more homes for the aged or 94685
one or more hospital facilities exempt under section 140.08 of the 94686
Revised Code; and sales to organizations described in division (D) 94687
of section 5709.12 of the Revised Code. 94688

"Charitable purposes" means the relief of poverty; the 94689
improvement of health through the alleviation of illness, disease, 94690
or injury; the operation of an organization exclusively for the 94691
provision of professional, laundry, printing, and purchasing 94692
services to hospitals or charitable institutions; the operation of 94693
a home for the aged, as defined in section 5701.13 of the Revised 94694
Code; the operation of a radio or television broadcasting station 94695
that is licensed by the federal communications commission as a 94696
noncommercial educational radio or television station; the 94697
operation of a nonprofit animal adoption service or a county 94698
humane society; the promotion of education by an institution of 94699
learning that maintains a faculty of qualified instructors, 94700
teaches regular continuous courses of study, and confers a 94701
recognized diploma upon completion of a specific curriculum; the 94702
operation of a parent-teacher association, booster group, or 94703
similar organization primarily engaged in the promotion and 94704
support of the curricular or extracurricular activities of a 94705
primary or secondary school; the operation of a community or area 94706
center in which presentations in music, dramatics, the arts, and 94707
related fields are made in order to foster public interest and 94708
education therein; the production of performances in music, 94709
dramatics, and the arts; or the promotion of education by an 94710
organization engaged in carrying on research in, or the 94711
dissemination of, scientific and technological knowledge and 94712
information primarily for the public. 94713

Nothing in this division shall be deemed to exempt sales to 94714
any organization for use in the operation or carrying on of a 94715
trade or business, or sales to a home for the aged for use in the 94716

operation of independent living facilities as defined in division 94717
(A) of section 5709.12 of the Revised Code. 94718

(13) Building and construction materials and services sold to 94719
construction contractors for incorporation into a structure or 94720
improvement to real property under a construction contract with 94721
this state or a political subdivision of this state, or with the 94722
United States government or any of its agencies; building and 94723
construction materials and services sold to construction 94724
contractors for incorporation into a structure or improvement to 94725
real property that are accepted for ownership by this state or any 94726
of its political subdivisions, or by the United States government 94727
or any of its agencies at the time of completion of the structures 94728
or improvements; building and construction materials sold to 94729
construction contractors for incorporation into a horticulture 94730
structure or livestock structure for a person engaged in the 94731
business of horticulture or producing livestock; building 94732
materials and services sold to a construction contractor for 94733
incorporation into a house of public worship or religious 94734
education, or a building used exclusively for charitable purposes 94735
under a construction contract with an organization whose purpose 94736
is as described in division (B)(12) of this section; building 94737
materials and services sold to a construction contractor for 94738
incorporation into a building under a construction contract with 94739
an organization exempt from taxation under section 501(c)(3) of 94740
the Internal Revenue Code of 1986 when the building is to be used 94741
exclusively for the organization's exempt purposes; building and 94742
construction materials sold for incorporation into the original 94743
construction of a sports facility under section 307.696 of the 94744
Revised Code; building and construction materials and services 94745
sold to a construction contractor for incorporation into real 94746
property outside this state if such materials and services, when 94747
sold to a construction contractor in the state in which the real 94748
property is located for incorporation into real property in that 94749

state, would be exempt from a tax on sales levied by that state; 94750
building and construction materials for incorporation into a 94751
transportation facility pursuant to a public-private agreement 94752
entered into under sections 5501.70 to 5501.83 of the Revised 94753
Code; until one calendar year after the construction of a 94754
convention center that qualifies for property tax exemption under 94755
section 5709.084 of the Revised Code is completed, building and 94756
construction materials and services sold to a construction 94757
contractor for incorporation into the real property comprising 94758
that convention center; and building and construction materials 94759
sold for incorporation into a structure or improvement to real 94760
property that is used primarily as, or primarily in support of, a 94761
manufacturing facility or research and development facility and 94762
that is to be owned by a megaproject operator upon completion and 94763
located at the site of a megaproject that satisfies the criteria 94764
described in division (A)(11)(a)(ii) of section 122.17 of the 94765
Revised Code, provided that the sale occurs during the period that 94766
the megaproject operator has an agreement for such megaproject 94767
with the tax credit authority under division (D) of section 122.17 94768
of the Revised Code that remains in effect and has not expired or 94769
been terminated. 94770

(14) Sales of ships or vessels or rail rolling stock used or 94771
to be used principally in interstate or foreign commerce, and 94772
repairs, alterations, fuel, and lubricants for such ships or 94773
vessels or rail rolling stock; 94774

(15) Sales to persons primarily engaged in any of the 94775
activities mentioned in division (B)(42)(a), (g), or (h) of this 94776
section, to persons engaged in making retail sales, or to persons 94777
who purchase for sale from a manufacturer tangible personal 94778
property that was produced by the manufacturer in accordance with 94779
specific designs provided by the purchaser, of packages, including 94780
material, labels, and parts for packages, and of machinery, 94781

equipment, and material for use primarily in packaging tangible 94782
personal property produced for sale, including any machinery, 94783
equipment, and supplies used to make labels or packages, to 94784
prepare packages or products for labeling, or to label packages or 94785
products, by or on the order of the person doing the packaging, or 94786
sold at retail. "Packages" includes bags, baskets, cartons, 94787
crates, boxes, cans, bottles, bindings, wrappings, and other 94788
similar devices and containers, but does not include motor 94789
vehicles or bulk tanks, trailers, or similar devices attached to 94790
motor vehicles. "Packaging" means placing in a package. Division 94791
(B)(15) of this section does not apply to persons engaged in 94792
highway transportation for hire. 94793

(16) Sales of food to persons using supplemental nutrition 94794
assistance program benefits to purchase the food. As used in this 94795
division, "food" has the same meaning as in 7 U.S.C. 2012 and 94796
federal regulations adopted pursuant to the Food and Nutrition Act 94797
of 2008. 94798

(17) Sales to persons engaged in farming, agriculture, 94799
horticulture, or floriculture, of tangible personal property for 94800
use or consumption primarily in the production by farming, 94801
agriculture, horticulture, or floriculture of other tangible 94802
personal property for use or consumption primarily in the 94803
production of tangible personal property for sale by farming, 94804
agriculture, horticulture, or floriculture; or material and parts 94805
for incorporation into any such tangible personal property for use 94806
or consumption in production; and of tangible personal property 94807
for such use or consumption in the conditioning or holding of 94808
products produced by and for such use, consumption, or sale by 94809
persons engaged in farming, agriculture, horticulture, or 94810
floriculture, except where such property is incorporated into real 94811
property; 94812

(18) Sales of drugs for a human being that may be dispensed 94813

only pursuant to a prescription; insulin as recognized in the 94814
official United States pharmacopoeia; urine and blood testing 94815
materials when used by diabetics or persons with hypoglycemia to 94816
test for glucose or acetone; hypodermic syringes and needles when 94817
used by diabetics for insulin injections; epoetin alfa when 94818
purchased for use in the treatment of persons with medical 94819
disease; hospital beds when purchased by hospitals, nursing homes, 94820
or other medical facilities; and medical oxygen and medical 94821
oxygen-dispensing equipment when purchased by hospitals, nursing 94822
homes, or other medical facilities; 94823

(19) Sales of prosthetic devices, durable medical equipment 94824
for home use, or mobility enhancing equipment, when made pursuant 94825
to a prescription and when such devices or equipment are for use 94826
by a human being. 94827

(20) Sales of emergency and fire protection vehicles and 94828
equipment to nonprofit organizations for use solely in providing 94829
fire protection and emergency services, including trauma care and 94830
emergency medical services, for political subdivisions of the 94831
state; 94832

(21) Sales of tangible personal property manufactured in this 94833
state, if sold by the manufacturer in this state to a retailer for 94834
use in the retail business of the retailer outside of this state 94835
and if possession is taken from the manufacturer by the purchaser 94836
within this state for the sole purpose of immediately removing the 94837
same from this state in a vehicle owned by the purchaser; 94838

(22) Sales of services provided by the state or any of its 94839
political subdivisions, agencies, instrumentalities, institutions, 94840
or authorities, or by governmental entities of the state or any of 94841
its political subdivisions, agencies, instrumentalities, 94842
institutions, or authorities; 94843

(23) Sales of motor vehicles to nonresidents of this state 94844

under the circumstances described in division (B) of section 94845
5739.029 of the Revised Code; 94846

(24) Sales to persons engaged in the preparation of eggs for 94847
sale of tangible personal property used or consumed directly in 94848
such preparation, including such tangible personal property used 94849
for cleaning, sanitizing, preserving, grading, sorting, and 94850
classifying by size; packages, including material and parts for 94851
packages, and machinery, equipment, and material for use in 94852
packaging eggs for sale; and handling and transportation equipment 94853
and parts therefor, except motor vehicles licensed to operate on 94854
public highways, used in intraplant or interplant transfers or 94855
shipment of eggs in the process of preparation for sale, when the 94856
plant or plants within or between which such transfers or 94857
shipments occur are operated by the same person. "Packages" 94858
includes containers, cases, baskets, flats, fillers, filler flats, 94859
cartons, closure materials, labels, and labeling materials, and 94860
"packaging" means placing therein. 94861

(25)(a) Sales of water to a consumer for residential use; 94862

(b) Sales of water by a nonprofit corporation engaged 94863
exclusively in the treatment, distribution, and sale of water to 94864
consumers, if such water is delivered to consumers through pipes 94865
or tubing. 94866

(26) Fees charged for inspection or reinspection of motor 94867
vehicles under section 3704.14 of the Revised Code; 94868

(27) Sales to persons licensed to conduct a food service 94869
operation pursuant to section 3717.43 of the Revised Code, of 94870
tangible personal property primarily used directly for the 94871
following: 94872

(a) To prepare food for human consumption for sale; 94873

(b) To preserve food that has been or will be prepared for 94874
human consumption for sale by the food service operator, not 94875

including tangible personal property used to display food for selection by the consumer;	94876 94877
(c) To clean tangible personal property used to prepare or serve food for human consumption for sale.	94878 94879
(28) Sales of animals by nonprofit animal adoption services or county humane societies;	94880 94881
(29) Sales of services to a corporation described in division (A) of section 5709.72 of the Revised Code, and sales of tangible personal property that qualifies for exemption from taxation under section 5709.72 of the Revised Code;	94882 94883 94884 94885
(30) Sales and installation of agricultural land tile, as defined in division (B)(5)(a) of section 5739.01 of the Revised Code;	94886 94887 94888
(31) Sales and erection or installation of portable grain bins, as defined in division (B)(5)(b) of section 5739.01 of the Revised Code;	94889 94890 94891
(32) The sale, lease, repair, and maintenance of, parts for, or items attached to or incorporated in, motor vehicles that are primarily used for transporting tangible personal property belonging to others by a person engaged in highway transportation for hire, except for packages and packaging used for the transportation of tangible personal property;	94892 94893 94894 94895 94896 94897
(33) Sales to the state headquarters of any veterans' organization in this state that is either incorporated and issued a charter by the congress of the United States or is recognized by the United States veterans administration, for use by the headquarters;	94898 94899 94900 94901 94902
(34) Sales to a telecommunications service vendor, mobile telecommunications service vendor, or satellite broadcasting service vendor of tangible personal property and services used	94903 94904 94905

directly and primarily in transmitting, receiving, switching, or 94906
recording any interactive, one- or two-way electromagnetic 94907
communications, including voice, image, data, and information, 94908
through the use of any medium, including, but not limited to, 94909
poles, wires, cables, switching equipment, computers, and record 94910
storage devices and media, and component parts for the tangible 94911
personal property. The exemption provided in this division shall 94912
be in lieu of all other exemptions under division (B)(42)(a) or 94913
(n) of this section to which the vendor may otherwise be entitled, 94914
based upon the use of the thing purchased in providing the 94915
telecommunications, mobile telecommunications, or satellite 94916
broadcasting service. 94917

(35)(a) Sales where the purpose of the consumer is to use or 94918
consume the things transferred in making retail sales and 94919
consisting of newspaper inserts, catalogues, coupons, flyers, gift 94920
certificates, or other advertising material that prices and 94921
describes tangible personal property offered for retail sale. 94922

(b) Sales to direct marketing vendors of preliminary 94923
materials such as photographs, artwork, and typesetting that will 94924
be used in printing advertising material; and of printed matter 94925
that offers free merchandise or chances to win sweepstake prizes 94926
and that is mailed to potential customers with advertising 94927
material described in division (B)(35)(a) of this section; 94928

(c) Sales of equipment such as telephones, computers, 94929
facsimile machines, and similar tangible personal property 94930
primarily used to accept orders for direct marketing retail sales. 94931

(d) Sales of automatic food vending machines that preserve 94932
food with a shelf life of forty-five days or less by refrigeration 94933
and dispense it to the consumer. 94934

For purposes of division (B)(35) of this section, "direct 94935
marketing" means the method of selling where consumers order 94936

tangible personal property by United States mail, delivery 94937
service, or telecommunication and the vendor delivers or ships the 94938
tangible personal property sold to the consumer from a warehouse, 94939
catalogue distribution center, or similar fulfillment facility by 94940
means of the United States mail, delivery service, or common 94941
carrier. 94942

(36) Sales to a person engaged in the business of 94943
horticulture or producing livestock of materials to be 94944
incorporated into a horticulture structure or livestock structure; 94945

(37) Sales of personal computers, computer monitors, computer 94946
keyboards, modems, and other peripheral computer equipment to an 94947
individual who is licensed or certified to teach in an elementary 94948
or a secondary school in this state for use by that individual in 94949
preparation for teaching elementary or secondary school students; 94950

(38) Sales of tangible personal property that is not required 94951
to be registered or licensed under the laws of this state to a 94952
citizen of a foreign nation that is not a citizen of the United 94953
States, provided the property is delivered to a person in this 94954
state that is not a related member of the purchaser, is physically 94955
present in this state for the sole purpose of temporary storage 94956
and package consolidation, and is subsequently delivered to the 94957
purchaser at a delivery address in a foreign nation. As used in 94958
division (B)(38) of this section, "related member" has the same 94959
meaning as in section 5733.042 of the Revised Code, and "temporary 94960
storage" means the storage of tangible personal property for a 94961
period of not more than sixty days. 94962

(39) Sales of used manufactured homes and used mobile homes, 94963
as defined in section 5739.0210 of the Revised Code, made on or 94964
after January 1, 2000; 94965

(40) Sales of tangible personal property and services to a 94966
provider of electricity used or consumed directly and primarily in 94967

generating, transmitting, or distributing electricity for use by 94968
others, including property that is or is to be incorporated into 94969
and will become a part of the consumer's production, transmission, 94970
or distribution system and that retains its classification as 94971
tangible personal property after incorporation; fuel or power used 94972
in the production, transmission, or distribution of electricity; 94973
energy conversion equipment as defined in section 5727.01 of the 94974
Revised Code; and tangible personal property and services used in 94975
the repair and maintenance of the production, transmission, or 94976
distribution system, including only those motor vehicles as are 94977
specially designed and equipped for such use. The exemption 94978
provided in this division shall be in lieu of all other exemptions 94979
in division (B)(42)(a) or (n) of this section to which a provider 94980
of electricity may otherwise be entitled based on the use of the 94981
tangible personal property or service purchased in generating, 94982
transmitting, or distributing electricity. 94983

(41) Sales to a person providing services under division 94984
(B)(3)(p) of section 5739.01 of the Revised Code of tangible 94985
personal property and services used directly and primarily in 94986
providing taxable services under that section. 94987

(42) Sales where the purpose of the purchaser is to do any of 94988
the following: 94989

(a) To incorporate the thing transferred as a material or a 94990
part into tangible personal property to be produced for sale by 94991
manufacturing, assembling, processing, or refining; or to use or 94992
consume the thing transferred directly in producing tangible 94993
personal property for sale by mining, including, without 94994
limitation, the extraction from the earth of all substances that 94995
are classed geologically as minerals, or directly in the rendition 94996
of a public utility service, except that the sales tax levied by 94997
this section shall be collected upon all meals, drinks, and food 94998
for human consumption sold when transporting persons. This 94999

paragraph does not exempt from "retail sale" or "sales at retail" 95000
the sale of tangible personal property that is to be incorporated 95001
into a structure or improvement to real property. 95002

(b) To hold the thing transferred as security for the 95003
performance of an obligation of the vendor; 95004

(c) To resell, hold, use, or consume the thing transferred as 95005
evidence of a contract of insurance; 95006

(d) To use or consume the thing directly in commercial 95007
fishing; 95008

(e) To incorporate the thing transferred as a material or a 95009
part into, or to use or consume the thing transferred directly in 95010
the production of, magazines distributed as controlled circulation 95011
publications; 95012

(f) To use or consume the thing transferred in the production 95013
and preparation in suitable condition for market and sale of 95014
printed, imprinted, overprinted, lithographic, multilithic, 95015
blueprinted, photostatic, or other productions or reproductions of 95016
written or graphic matter; 95017

(g) To use the thing transferred, as described in section 95018
5739.011 of the Revised Code, primarily in a manufacturing 95019
operation to produce tangible personal property for sale; 95020

(h) To use the benefit of a warranty, maintenance or service 95021
contract, or similar agreement, as described in division (B)(7) of 95022
section 5739.01 of the Revised Code, to repair or maintain 95023
tangible personal property, if all of the property that is the 95024
subject of the warranty, contract, or agreement would not be 95025
subject to the tax imposed by this section; 95026

(i) To use the thing transferred as qualified research and 95027
development equipment; 95028

(j) To use or consume the thing transferred primarily in 95029

storing, transporting, mailing, or otherwise handling purchased 95030
sales inventory in a warehouse, distribution center, or similar 95031
facility when the inventory is primarily distributed outside this 95032
state to retail stores of the person who owns or controls the 95033
warehouse, distribution center, or similar facility, to retail 95034
stores of an affiliated group of which that person is a member, or 95035
by means of direct marketing. This division does not apply to 95036
motor vehicles registered for operation on the public highways. As 95037
used in this division, "affiliated group" has the same meaning as 95038
in division (B)(3)(e) of section 5739.01 of the Revised Code and 95039
"direct marketing" has the same meaning as in division (B)(35) of 95040
this section. 95041

(k) To use or consume the thing transferred to fulfill a 95042
contractual obligation incurred by a warrantor pursuant to a 95043
warranty provided as a part of the price of the tangible personal 95044
property sold or by a vendor of a warranty, maintenance or service 95045
contract, or similar agreement the provision of which is defined 95046
as a sale under division (B)(7) of section 5739.01 of the Revised 95047
Code; 95048

(l) To use or consume the thing transferred in the production 95049
of a newspaper for distribution to the public; 95050

(m) To use tangible personal property to perform a service 95051
listed in division (B)(3) of section 5739.01 of the Revised Code, 95052
if the property is or is to be permanently transferred to the 95053
consumer of the service as an integral part of the performance of 95054
the service; 95055

(n) To use or consume the thing transferred primarily in 95056
producing tangible personal property for sale by farming, 95057
agriculture, horticulture, or floriculture. Persons engaged in 95058
rendering farming, agriculture, horticulture, or floriculture 95059
services for others are deemed engaged primarily in farming, 95060
agriculture, horticulture, or floriculture. This paragraph does 95061

not exempt from "retail sale" or "sales at retail" the sale of 95062
tangible personal property that is to be incorporated into a 95063
structure or improvement to real property. 95064

(o) To use or consume the thing transferred in acquiring, 95065
formatting, editing, storing, and disseminating data or 95066
information by electronic publishing; 95067

(p) To provide the thing transferred to the owner or lessee 95068
of a motor vehicle that is being repaired or serviced, if the 95069
thing transferred is a rented motor vehicle and the purchaser is 95070
reimbursed for the cost of the rented motor vehicle by a 95071
manufacturer, warrantor, or provider of a maintenance, service, or 95072
other similar contract or agreement, with respect to the motor 95073
vehicle that is being repaired or serviced; 95074

(q) To use or consume the thing transferred directly in 95075
production of crude oil and natural gas for sale. Persons engaged 95076
in rendering production services for others are deemed engaged in 95077
production. 95078

As used in division (B)(42)(q) of this section, "production" 95079
means operations and tangible personal property directly used to 95080
expose and evaluate an underground reservoir that may contain 95081
hydrocarbon resources, prepare the wellbore for production, and 95082
lift and control all substances yielded by the reservoir to the 95083
surface of the earth. 95084

(i) For the purposes of division (B)(42)(q) of this section, 95085
the "thing transferred" includes, but is not limited to, any of 95086
the following: 95087

(I) Services provided in the construction of permanent access 95088
roads, services provided in the construction of the well site, and 95089
services provided in the construction of temporary impoundments; 95090

(II) Equipment and rigging used for the specific purpose of 95091
creating with integrity a wellbore pathway to underground 95092

reservoirs;	95093
(III) Drilling and workover services used to work within a subsurface wellbore, and tangible personal property directly used in providing such services;	95094 95095 95096
(IV) Casing, tubulars, and float and centralizing equipment;	95097
(V) Trailers to which production equipment is attached;	95098
(VI) Well completion services, including cementing of casing, and tangible personal property directly used in providing such services;	95099 95100 95101
(VII) Wireline evaluation, mud logging, and perforation services, and tangible personal property directly used in providing such services;	95102 95103 95104
(VIII) Reservoir stimulation, hydraulic fracturing, and acidizing services, and tangible personal property directly used in providing such services, including all material pumped downhole;	95105 95106 95107 95108
(IX) Pressure pumping equipment;	95109
(X) Artificial lift systems equipment;	95110
(XI) Wellhead equipment and well site equipment used to separate, stabilize, and control hydrocarbon phases and produced water;	95111 95112 95113
(XII) Tangible personal property directly used to control production equipment.	95114 95115
(ii) For the purposes of division (B)(42)(q) of this section, the "thing transferred" does not include any of the following:	95116 95117
(I) Tangible personal property used primarily in the exploration and production of any mineral resource regulated under Chapter 1509. of the Revised Code other than oil or gas;	95118 95119 95120
(II) Tangible personal property used primarily in storing,	95121

holding, or delivering solutions or chemicals used in well	95122
stimulation as defined in section 1509.01 of the Revised Code;	95123
(III) Tangible personal property used primarily in preparing,	95124
installing, or reclaiming foundations for drilling or pumping	95125
equipment or well stimulation material tanks;	95126
(IV) Tangible personal property used primarily in	95127
transporting, delivering, or removing equipment to or from the	95128
well site or storing such equipment before its use at the well	95129
site;	95130
(V) Tangible personal property used primarily in gathering	95131
operations occurring off the well site, including gathering	95132
pipelines transporting hydrocarbon gas or liquids away from a	95133
crude oil or natural gas production facility;	95134
(VI) Tangible personal property that is to be incorporated	95135
into a structure or improvement to real property;	95136
(VII) Well site fencing, lighting, or security systems;	95137
(VIII) Communication devices or services;	95138
(IX) Office supplies;	95139
(X) Trailers used as offices or lodging;	95140
(XI) Motor vehicles of any kind;	95141
(XII) Tangible personal property used primarily for the	95142
storage of drilling byproducts and fuel not used for production;	95143
(XIII) Tangible personal property used primarily as a safety	95144
device;	95145
(XIV) Data collection or monitoring devices;	95146
(XV) Access ladders, stairs, or platforms attached to storage	95147
tanks.	95148
The enumeration of tangible personal property in division	95149
(B)(42)(q)(ii) of this section is not intended to be exhaustive,	95150

and any tangible personal property not so enumerated shall not 95151
necessarily be construed to be a "thing transferred" for the 95152
purposes of division (B)(42)(q) of this section. 95153

The commissioner shall adopt and promulgate rules under 95154
sections 119.01 to 119.13 of the Revised Code that the 95155
commissioner deems necessary to administer division (B)(42)(q) of 95156
this section. 95157

As used in division (B)(42) of this section, "thing" includes 95158
all transactions included in divisions (B)(3)(a), (b), and (e) of 95159
section 5739.01 of the Revised Code. 95160

(43) Sales conducted through a coin operated device that 95161
activates vacuum equipment or equipment that dispenses water, 95162
whether or not in combination with soap or other cleaning agents 95163
or wax, to the consumer for the consumer's use on the premises in 95164
washing, cleaning, or waxing a motor vehicle, provided no other 95165
personal property or personal service is provided as part of the 95166
transaction. 95167

(44) Sales of replacement and modification parts for engines, 95168
airframes, instruments, and interiors in, and paint for, aircraft 95169
used primarily in a fractional aircraft ownership program, and 95170
sales of services for the repair, modification, and maintenance of 95171
such aircraft, and machinery, equipment, and supplies primarily 95172
used to provide those services. 95173

(45) Sales of telecommunications service that is used 95174
directly and primarily to perform the functions of a call center. 95175
As used in this division, "call center" means any physical 95176
location where telephone calls are placed or received in high 95177
volume for the purpose of making sales, marketing, customer 95178
service, technical support, or other specialized business 95179
activity, and that employs at least fifty individuals that engage 95180
in call center activities on a full-time basis, or sufficient 95181

individuals to fill fifty full-time equivalent positions.	95182
(46) Sales by a telecommunications service vendor of 900 service to a subscriber. This division does not apply to information services.	95183 95184 95185
(47) Sales of value-added non-voice data service. This division does not apply to any similar service that is not otherwise a telecommunications service.	95186 95187 95188
(48) Sales of feminine hygiene products.	95189
(49) Sales of materials, parts, equipment, or engines used in the repair or maintenance of aircraft or avionics systems of such aircraft, and sales of repair, remodeling, replacement, or maintenance services in this state performed on aircraft or on an aircraft's avionics, engine, or component materials or parts. As used in division (B)(49) of this section, "aircraft" means aircraft of more than six thousand pounds maximum certified takeoff weight or used exclusively in general aviation.	95190 95191 95192 95193 95194 95195 95196 95197
(50) Sales of full flight simulators that are used for pilot or flight-crew training, sales of repair or replacement parts or components, and sales of repair or maintenance services for such full flight simulators. "Full flight simulator" means a replica of a specific type, or make, model, and series of aircraft cockpit. It includes the assemblage of equipment and computer programs necessary to represent aircraft operations in ground and flight conditions, a visual system providing an out-of-the-cockpit view, and a system that provides cues at least equivalent to those of a three-degree-of-freedom motion system, and has the full range of capabilities of the systems installed in the device as described in appendices A and B of part 60 of chapter 1 of title 14 of the Code of Federal Regulations.	95198 95199 95200 95201 95202 95203 95204 95205 95206 95207 95208 95209 95210
(51) Any transfer or lease of tangible personal property between the state and JobsOhio in accordance with section 4313.02	95211 95212

of the Revised Code. 95213

(52)(a) Sales to a qualifying corporation. 95214

(b) As used in division (B)(52) of this section: 95215

(i) "Qualifying corporation" means a nonprofit corporation 95216
organized in this state that leases from an eligible county land, 95217
buildings, structures, fixtures, and improvements to the land that 95218
are part of or used in a public recreational facility used by a 95219
major league professional athletic team or a class A to class AAA 95220
minor league affiliate of a major league professional athletic 95221
team for a significant portion of the team's home schedule, 95222
provided the following apply: 95223

(I) The facility is leased from the eligible county pursuant 95224
to a lease that requires substantially all of the revenue from the 95225
operation of the business or activity conducted by the nonprofit 95226
corporation at the facility in excess of operating costs, capital 95227
expenditures, and reserves to be paid to the eligible county at 95228
least once per calendar year. 95229

(II) Upon dissolution and liquidation of the nonprofit 95230
corporation, all of its net assets are distributable to the board 95231
of commissioners of the eligible county from which the corporation 95232
leases the facility. 95233

(ii) "Eligible county" has the same meaning as in section 95234
307.695 of the Revised Code. 95235

(53) Sales to or by a cable service provider, video service 95236
provider, or radio or television broadcast station regulated by 95237
the federal government of cable service or programming, video 95238
service or programming, audio service or programming, or 95239
electronically transferred digital audiovisual or audio work. As 95240
used in division (B)(53) of this section, "cable service" and 95241
"cable service provider" have the same meanings as in section 95242
1332.01 of the Revised Code, and "video service," "video service 95243

provider," and "video programming" have the same meanings as in	95244
section 1332.21 of the Revised Code.	95245
(54) Sales of a digital audio work electronically transferred	95246
for delivery through use of a machine, such as a juke box, that	95247
does all of the following:	95248
(a) Accepts direct payments to operate;	95249
(b) Automatically plays a selected digital audio work for a	95250
single play upon receipt of a payment described in division	95251
(B)(54)(a) of this section;	95252
(c) Operates exclusively for the purpose of playing digital	95253
audio works in a commercial establishment.	95254
(55)(a) Sales of the following occurring on the first Friday	95255
of August and the following Saturday and Sunday of each year,	95256
beginning in 2018:	95257
(i) An item of clothing, the price of which is seventy-five	95258
dollars or less;	95259
(ii) An item of school supplies, the price of which is twenty	95260
dollars or less;	95261
(iii) An item of school instructional material, the price of	95262
which is twenty dollars or less.	95263
(b) As used in division (B)(55) of this section:	95264
(i) "Clothing" means all human wearing apparel suitable for	95265
general use. "Clothing" includes, but is not limited to, aprons,	95266
household and shop; athletic supporters; baby receiving blankets;	95267
bathing suits and caps; beach capes and coats; belts and	95268
suspenders; boots; coats and jackets; costumes; diapers, children	95269
and adult, including disposable diapers; earmuffs; footlets;	95270
formal wear; garters and garter belts; girdles; gloves and mittens	95271
for general use; hats and caps; hosiery; insoles for shoes; lab	95272
coats; neckties; overshoes; pantyhose; rainwear; rubber pants;	95273

sandals; scarves; shoes and shoe laces; slippers; sneakers; socks 95274
and stockings; steel-toed shoes; underwear; uniforms, athletic and 95275
nonathletic; and wedding apparel. "Clothing" does not include 95276
items purchased for use in a trade or business; clothing 95277
accessories or equipment; protective equipment; sports or 95278
recreational equipment; belt buckles sold separately; costume 95279
masks sold separately; patches and emblems sold separately; sewing 95280
equipment and supplies including, but not limited to, knitting 95281
needles, patterns, pins, scissors, sewing machines, sewing 95282
needles, tape measures, and thimbles; and sewing materials that 95283
become part of "clothing" including, but not limited to, buttons, 95284
fabric, lace, thread, yarn, and zippers. 95285

(ii) "School supplies" means items commonly used by a student 95286
in a course of study. "School supplies" includes only the 95287
following items: binders; book bags; calculators; cellophane tape; 95288
blackboard chalk; compasses; composition books; crayons; erasers; 95289
folders, expandable, pocket, plastic, and manila; glue, paste, and 95290
paste sticks; highlighters; index cards; index card boxes; legal 95291
pads; lunch boxes; markers; notebooks; paper, loose-leaf ruled 95292
notebook paper, copy paper, graph paper, tracing paper, manila 95293
paper, colored paper, poster board, and construction paper; pencil 95294
boxes and other school supply boxes; pencil sharpeners; pencils; 95295
pens; protractors; rulers; scissors; and writing tablets. "School 95296
supplies" does not include any item purchased for use in a trade 95297
or business. 95298

(iii) "School instructional material" means written material 95299
commonly used by a student in a course of study as a reference and 95300
to learn the subject being taught. "School instructional material" 95301
includes only the following items: reference books, reference maps 95302
and globes, textbooks, and workbooks. "School instructional 95303
material" does not include any material purchased for use in a 95304
trade or business. 95305

(56)(a) Sales of adult diapers or incontinence underpads sold 95306
pursuant to a prescription, for the benefit of a medicaid 95307
recipient with a diagnosis of incontinence, and by a medicaid 95308
provider that maintains a valid provider agreement under section 95309
5164.30 of the Revised Code with the department of medicaid, 95310
provided that the medicaid program covers diapers or incontinence 95311
underpads as an incontinence garment. 95312

(b) As used in division (B)(56)(a) of this section+ 95313

~~(i) "Diaper" means an absorbent garment worn by humans who 95314
are incapable of, or have difficulty, controlling their bladder or 95315
bowel movements. 95316~~

~~(ii) "Incontinence, "incontinence underpad" means an 95317
absorbent product, not worn on the body, designed to protect 95318
furniture or other tangible personal property from soiling or 95319
damage due to human incontinence. 95320~~

(57) Sales of investment metal bullion and investment coins. 95321
"Investment metal bullion" means any bullion described in section 95322
408(m)(3)(B) of the Internal Revenue Code, regardless of whether 95323
that bullion is in the physical possession of a trustee. 95324
"Investment coin" means any coin composed primarily of gold, 95325
silver, platinum, or palladium. 95326

(58) Sales of tangible personal property used primarily for 95327
any of the following purposes by a megaproject operator at the 95328
site of a megaproject that satisfies the criteria described in 95329
division (A)(11)(a)(ii) of section 122.17 of the Revised Code, 95330
provided that the sale occurs during the period that the 95331
megaproject operator has an agreement for such megaproject with 95332
the tax credit authority under division (D) of section 122.17 of 95333
the Revised Code that remains in effect and has not expired or 95334
been terminated: 95335

(a) To store, transmit, convey, distribute, recycle, 95336

circulate, or clean water, steam, or other gases used in or 95337
produced as a result of manufacturing activity, including items 95338
that support or aid in the operation of such property; 95339

(b) To clean or prepare inventory, at any stage of storage or 95340
production, or equipment used in a manufacturing activity, 95341
including chemicals, solvents, catalysts, soaps, and other items 95342
that support or aid in the operation of property; 95343

(c) To regulate, treat, filter, condition, improve, clean, 95344
maintain, or monitor environmental conditions within areas where 95345
manufacturing activities take place; 95346

(d) To handle, transport, or convey inventory during 95347
production or manufacturing. 95348

(59) Documentary services charges imposed pursuant to section 95349
4517.261 or 4781.24 of the Revised Code. 95350

(60) Sales of children's diapers. 95351

(61) Sales of therapeutic or preventative creams and wipes 95352
marketed primarily for use on the skin of children. 95353

(62) Sales of a child restraint device or booster seat that 95354
meets the national highway traffic safety administration standard 95355
for child restraint systems under 49 C.F.R. 571.213. 95356

(63) Sales of cribs intended to provide sleeping 95357
accommodations for children that comply with the United States 95358
consumer product safety commission's safety standard for full-size 95359
baby cribs under 16 C.F.R. 1219 or the commission's safety 95360
standard for non-full-size baby cribs under 16 C.F.R. 1220. 95361

(64) Sales of strollers meant for transporting children from 95362
infancy to about thirty-six months of age that meet the United 95363
States consumer product safety commission safety standard for 95364
carriages and strollers under 16 C.F.R. 1227.2. 95365

(C) For the purpose of the proper administration of this 95366

chapter, and to prevent the evasion of the tax, it is presumed 95367
that all sales made in this state are subject to the tax until the 95368
contrary is established. 95369

(D) The tax collected by the vendor from the consumer under 95370
this chapter is not part of the price, but is a tax collection for 95371
the benefit of the state, and of counties levying an additional 95372
sales tax pursuant to section 5739.021 or 5739.026 of the Revised 95373
Code and of transit authorities levying an additional sales tax 95374
pursuant to section 5739.023 of the Revised Code. Except for the 95375
discount authorized under section 5739.12 of the Revised Code and 95376
the effects of any rounding pursuant to section 5703.055 of the 95377
Revised Code, no person other than the state or such a county or 95378
transit authority shall derive any benefit from the collection or 95379
payment of the tax levied by this section or section 5739.021, 95380
5739.023, or 5739.026 of the Revised Code. 95381

Sec. 5739.05. (A)(1) The tax commissioner shall enforce and 95382
administer sections 5739.01 to 5739.31 of the Revised Code, which 95383
are hereby declared to be sections which the commissioner is 95384
required to administer within the meaning of sections 5703.17 to 95385
5703.37, 5703.39, 5703.41, and 5703.45 of the Revised Code. The 95386
commissioner may adopt and promulgate, in accordance with sections 95387
119.01 to 119.13 of the Revised Code, such rules as the 95388
commissioner deems necessary to administer sections 5739.01 to 95389
5739.31 of the Revised Code. 95390

(2) On or before the first day of May of each year, the 95391
commissioner shall make available to vendors a notice explaining 95392
the three-day exemption period required under division (B)(55) of 95393
section 5739.02 of the Revised Code. 95394

(B) Upon application, the commissioner may authorize a vendor 95395
to pay on a predetermined basis the tax levied by or pursuant to 95396
section 5739.02, 5739.021, 5739.023, or 5739.026 of the Revised 95397

Code upon sales of things produced or distributed or services 95398
provided by such vendor, and the commissioner may waive the 95399
collection of the tax from the consumer. The commissioner shall 95400
not grant such authority unless the commissioner finds that the 95401
granting of the authority would improve compliance and increase 95402
the efficiency of the administration of the tax. The person to 95403
whom such authority is granted shall post a notice, if required by 95404
the commissioner, at the location where the product is offered for 95405
sale that the tax is included in the selling price. The 95406
commissioner may adopt rules to administer this division. 95407

(C) Upon application, the commissioner may authorize a vendor 95408
to remit, on the basis of a prearranged agreement under this 95409
division, the tax levied by section 5739.02 or pursuant to section 95410
5739.021, 5739.023, or 5739.026 of the Revised Code. The 95411
proportions and ratios in a prearranged agreement shall be 95412
determined either by a test check conducted by the commissioner 95413
under terms and conditions agreed to by the commissioner and the 95414
vendor or by any other method agreed upon by the vendor and the 95415
commissioner. If the parties are unable to agree to the terms and 95416
conditions of the test check or other method, the application 95417
shall be denied. 95418

If used, the test check shall determine the proportion that 95419
taxable retail sales bear to all of the vendor's retail sales and 95420
the ratio which the tax required to be collected under sections 95421
5739.02, 5739.021, 5739.023, and 5739.026 of the Revised Code 95422
bears to the receipts from the vendor's taxable retail sales. 95423

The vendor's liability for remitting the tax shall be based 95424
solely upon the proportions and ratios established in the 95425
agreement until such time that the vendor or the commissioner 95426
believes that the nature of the vendor's business has so changed 95427
as to make the agreement no longer representative. The 95428
commissioner may give notice to the vendor at any time that the 95429

authorization is revoked or the vendor may notify the commissioner 95430
that the vendor no longer elects to report under the 95431
authorization. Such notice shall be delivered to the other party 95432
~~or~~ in the manner provided in section 5703.37 of the Revised Code. 95433
The revocation or cancellation is effective the last day of the 95434
month in which the vendor or the commissioner receives the notice. 95435

Sec. 5739.08. (A) A municipal corporation or township may 95436
levy an excise tax for any lawful purpose not to exceed three per 95437
cent on transactions by which lodging by a hotel is or is to be 95438
furnished to transient guests in addition to the tax levied by 95439
section 5739.02 of the Revised Code. If a municipal corporation or 95440
township repeals a tax imposed under division (A) of this section, 95441
and a county in which the municipal corporation or township has 95442
territory has a tax imposed under division (M) of section 5739.09 95443
of the Revised Code in effect, the municipal corporation or 95444
township may not reimpose its tax as long as that county tax 95445
remains in effect. A municipal corporation or township in which a 95446
tax is levied under division (B)(2) of section 351.021 of the 95447
Revised Code may not increase the rate of its tax levied under 95448
division (A) of this section to any rate that would cause the 95449
total taxes levied under both of those divisions to exceed three 95450
per cent on any lodging transaction within the municipal 95451
corporation or township. 95452

(B) The legislative authority of a municipal corporation or 95453
the board of trustees of a township that is not wholly or partly 95454
located in a county that has in effect a resolution levying an 95455
excise tax pursuant to division (A) of section 5739.09 of the 95456
Revised Code may, by ordinance or resolution, levy an additional 95457
excise tax not to exceed three per cent on transactions by which 95458
lodging by a hotel is or is to be furnished to transient guests. 95459
The legislative authority of the municipal corporation or the 95460
board of trustees of the township shall deposit at least fifty per 95461

cent of the revenue from the tax levied pursuant to this division 95462
into a separate fund, which shall be spent solely to make 95463
contributions to convention and visitors' bureaus operating within 95464
the county in which the municipal corporation or township is 95465
wholly or partly located, and the balance of that revenue shall be 95466
deposited in the general fund. The municipal corporation or 95467
township shall establish all regulations necessary to provide for 95468
the administration and allocation of the tax. The regulations may 95469
prescribe the time for payment of the tax, and may provide for the 95470
imposition of a penalty or interest, or both, for late payments, 95471
provided that the penalty does not exceed ten per cent of the 95472
amount of tax due, and the rate at which interest accrues does not 95473
exceed the rate per annum prescribed pursuant to section 5703.47 95474
of the Revised Code. The levy of a tax under this division is in 95475
addition to any tax imposed on the same transaction by a municipal 95476
corporation or a township under division (A) of this section. 95477

(C)(1) As used in division (C) of this section, "cost" has 95478
the same meaning as in section 351.01 of the Revised Code, and 95479
"convention center" has the same meaning as in section 307.695 of 95480
the Revised Code. 95481

(2) The legislative authority of the most populous municipal 95482
corporation located wholly or partly in a county in which the 95483
board of county commissioners has levied a tax under division (D) 95484
of section 5739.09 of the Revised Code may amend, on or before 95485
September 30, 2002, that municipal corporation's ordinance or 95486
resolution that levies an excise tax on transactions by which 95487
lodging by a hotel is or is to be furnished to transient guests, 95488
to provide for all of the following: 95489

(a) That the rate of the tax shall be increased by not more 95490
than an additional one per cent on each transaction; 95491

(b) That all of the revenue from the increase in rate shall 95492
be pledged and contributed to a convention facilities authority 95493

established by the board of county commissioners under Chapter 95494
351. of the Revised Code on or before May 15, 2002, and be used to 95495
pay costs of constructing, expanding, maintaining, operating, or 95496
promoting a convention center in the county, including paying 95497
bonds, or notes issued in anticipation of bonds, as provided by 95498
that chapter; 95499

(c) That the increase in rate shall not be subject to 95500
diminution by initiative or referendum or by law while any bonds, 95501
or notes in anticipation of bonds, issued by the authority under 95502
Chapter 351. of the Revised Code to which the revenue is pledged, 95503
remain outstanding in accordance with their terms, unless 95504
provision is made by law, by the board of county commissioners, or 95505
by the legislative authority, for an adequate substitute therefor 95506
that is satisfactory to the trustee if a trust agreement secures 95507
the bonds. 95508

(3) The legislative authority of a municipal corporation 95509
that, pursuant to division (C)(2) of this section, has amended its 95510
ordinance or resolution to increase the rate of the tax authorized 95511
by division (B) of this section may further amend the ordinance or 95512
resolution to provide that the revenue referred to in division 95513
(C)(2)(b) of this section shall be pledged and contributed both to 95514
a convention facilities authority to pay the costs of 95515
constructing, expanding, maintaining, or operating one or more 95516
convention centers in the county, including paying bonds, or notes 95517
issued in anticipation of bonds, as provided in Chapter 351. of 95518
the Revised Code, and to a convention and visitors' bureau to pay 95519
the costs of promoting one or more convention centers in the 95520
county. 95521

(D) As used in division (D) of this section, "eligible 95522
municipal corporation" means a municipal corporation that, on 95523
September 29, 2017, levied a tax under division (B) of this 95524
section at a rate of three per cent and that is located in a 95525

county that, on that date, levied a tax under division (A) of 95526
section 5739.09 of the Revised Code at a rate of three per cent 95527
and that has, according to the most recent federal decennial 95528
census, a population exceeding three hundred thousand but not 95529
greater than three hundred fifty thousand. 95530

The legislative authority of an eligible municipal 95531
corporation may amend, on or before December 31, 2017, that 95532
municipal corporation's ordinance or resolution that levies an 95533
excise tax on transactions by which lodging by a hotel is or is to 95534
be furnished to transient guests, to provide for the following: 95535

(1) That the rate of the tax shall be increased by not more 95536
than an additional three per cent on each transaction; 95537

(2) That all of the revenue from the increase in rate shall 95538
be used by the municipal corporation for economic development and 95539
tourism-related purposes. 95540

(E)(1) The legislative authority of a municipal corporation 95541
that has adopted a resolution or ordinance levying a tax 95542
authorized by division (A) of this section may amend the 95543
resolution or ordinance to provide that all or a portion of the 95544
revenue referred to in division (A) of this section may be pledged 95545
and contributed to a convention facilities authority or a port 95546
authority to pay the costs of acquiring, constructing, renovating, 95547
expanding, maintaining, or operating one or more facilities in the 95548
county, including paying bonds, or notes issued in anticipation of 95549
bonds, or paying the expenses of maintaining, operating, or 95550
promoting one or more facilities. 95551

(2) The legislative authority of any municipal corporation 95552
that, pursuant to division (C)(2) of this section, has amended a 95553
resolution or ordinance levying the tax authorized by division (D) 95554
of section 5739.09 of the Revised Code may further amend the 95555
resolution or ordinance to provide that all or a portion of the 95556

revenue referred to in division (C)(2)(b) of this section may be 95557
pledged and contributed to pay the costs of acquiring, 95558
constructing, renovating, expanding, maintaining, or operating one 95559
or more facilities in the county, including paying bonds, or notes 95560
issued in anticipation of bonds, or paying the expenses of 95561
maintaining, operating, or promoting one or more facilities. 95562

Sec. 5739.09. (A)(1) A board of county commissioners may, by 95563
resolution adopted by a majority of the members of the board, levy 95564
an excise tax not to exceed three per cent on transactions by 95565
which lodging by a hotel is or is to be furnished to transient 95566
guests. The board shall establish all regulations necessary to 95567
provide for the administration and allocation of the tax. The 95568
regulations may prescribe the time for payment of the tax, and may 95569
provide for the imposition of a penalty or interest, or both, for 95570
late payments, provided that the penalty does not exceed ten per 95571
cent of the amount of tax due, and the rate at which interest 95572
accrues does not exceed the rate per annum prescribed pursuant to 95573
section 5703.47 of the Revised Code. Except as otherwise provided 95574
in this section, the regulations shall provide, after deducting 95575
the real and actual costs of administering the tax, for the return 95576
to each municipal corporation or township that does not levy an 95577
excise tax on the transactions, a uniform percentage of the tax 95578
collected in the municipal corporation or in the unincorporated 95579
portion of the township from each transaction, not to exceed 95580
thirty-three and one-third per cent. Except as provided in this 95581
section, the remainder of the revenue arising from the tax shall 95582
be deposited in a separate fund and shall be spent ~~solely~~ either 95583
(a) to make contributions to the convention and visitors' bureau 95584
operating within the county, including a pledge and contribution 95585
of any portion of the remainder pursuant to an agreement 95586
authorized by section 307.678 or 307.695 of the Revised Code or 95587
(b) to pay, if authorized in the regulations, for public safety 95588

services in a resort area designated under section 5739.101 of the 95589
Revised Code or (b) to pay, if authorized in the regulations, for 95590
public safety services in a resort area designated under section 95591
5739.101 of the Revised Code. 95592

(2) If the board of county commissioners of an eligible 95593
county as defined in section 307.678 or 307.695 of the Revised 95594
Code adopts a resolution amending a resolution levying a tax under 95595
division (A) of this section to provide that revenue from the tax 95596
shall be used by the board as described in either division (D) of 95597
section 307.678 or division (H) of section 307.695 of the Revised 95598
Code, the remainder of the revenue shall be used as described in 95599
the resolution making that amendment. 95600

(3) Except as provided in division (B), (C), (D), (E), (F), 95601
(G), (H), (I), (J), (K), or (Q) of this section, on and after May 95602
10, 1994, a board of county commissioners may not levy an excise 95603
tax pursuant to division (A) of this section in any municipal 95604
corporation or township located wholly or partly within the county 95605
that has in effect an ordinance or resolution levying an excise 95606
tax pursuant to division (B) of section 5739.08 of the Revised 95607
Code. 95608

(4) The board of a county that has levied a tax under 95609
division (M) of this section may, by resolution adopted within 95610
ninety days after July 15, 1985, by a majority of the members of 95611
the board, amend the resolution levying a tax under division (A) 95612
of this section to provide for a portion of that tax to be pledged 95613
and contributed in accordance with an agreement entered into under 95614
section 307.695 of the Revised Code. A tax, any revenue from which 95615
is pledged pursuant to such an agreement, shall remain in effect 95616
at the rate at which it is imposed for the duration of the period 95617
for which the revenue from the tax has been so pledged. 95618

(5) The board of county commissioners of an eligible county 95619

as defined in section 307.695 of the Revised Code may, by 95620
resolution adopted by a majority of the members of the board, 95621
amend a resolution levying a tax under division (A) of this 95622
section to provide that the revenue from the tax shall be used by 95623
the board as described in division (H) of section 307.695 of the 95624
Revised Code, in which case the tax shall remain in effect at the 95625
rate at which it was imposed for the duration of any agreement 95626
entered into by the board under section 307.695 of the Revised 95627
Code, the duration during which any securities issued by the board 95628
under that section are outstanding, or the duration of the period 95629
during which the board owns a project as defined in section 95630
307.695 of the Revised Code, whichever duration is longest. 95631

(6) The board of county commissioners of an eligible county 95632
as defined in section 307.678 of the Revised Code may, by 95633
resolution, amend a resolution levying a tax under division (A) of 95634
this section to provide that revenue from the tax, not to exceed 95635
five hundred thousand dollars each year, may be used as described 95636
in division (E) of section 307.678 of the Revised Code. 95637

(7) Notwithstanding division (A) of this section, the board 95638
of county commissioners of a county described in division (H)(1) 95639
of this section may, by resolution, amend a resolution levying a 95640
tax under division (A) of this section to provide that all or a 95641
portion of the revenue from the tax, including any revenue 95642
otherwise required to be returned to townships or municipal 95643
corporations under that division, may be used or pledged for the 95644
payment of debt service on securities issued to pay the costs of 95645
constructing, operating, and maintaining sports facilities 95646
described in division (H)(2) of this section. 95647

(8) The board of county commissioners of a county described 95648
in division (I) of this section may, by resolution, amend a 95649
resolution levying a tax under division (A) of this section to 95650
provide that all or a portion of the revenue from the tax may be 95651

used for the purposes described in section 307.679 of the Revised Code. 95652
95653

(B) A board of county commissioners that levies an excise tax 95654
under division (A) of this section on June 30, 1997, at a rate of 95655
three per cent, and that has pledged revenue from the tax to an 95656
agreement entered into under section 307.695 of the Revised Code 95657
or, in the case of the board of county commissioners of an 95658
eligible county as defined in section 307.695 of the Revised Code, 95659
has amended a resolution levying a tax under division (M) of this 95660
section to provide that proceeds from the tax shall be used by the 95661
board as described in division (H) of section 307.695 of the 95662
Revised Code, may, at any time by a resolution adopted by a 95663
majority of the members of the board, amend the resolution levying 95664
a tax under division (A) of this section to provide for an 95665
increase in the rate of that tax up to seven per cent on each 95666
transaction; to provide that revenue from the increase in the rate 95667
shall be used as described in division (H) of section 307.695 of 95668
the Revised Code or be spent solely to make contributions to the 95669
convention and visitors' bureau operating within the county to be 95670
used specifically for promotion, advertising, and marketing of the 95671
region in which the county is located; and to provide that the 95672
rate in excess of the three per cent levied under division (A) of 95673
this section shall remain in effect at the rate at which it is 95674
imposed for the duration of the period during which any agreement 95675
is in effect that was entered into under section 307.695 of the 95676
Revised Code by the board of county commissioners levying a tax 95677
under division (A) of this section, the duration of the period 95678
during which any securities issued by the board under division (I) 95679
of section 307.695 of the Revised Code are outstanding, or the 95680
duration of the period during which the board owns a project as 95681
defined in section 307.695 of the Revised Code, whichever duration 95682
is longest. The amendment also shall provide that no portion of 95683
that revenue need be returned to townships or municipal 95684

corporations as would otherwise be required under division (A) of 95685
this section. 95686

(C)(1) As used in division (C) of this section, "cost" and 95687
"facility" have the same meanings as in section 351.01 of the 95688
Revised Code, and "convention center" has the same meaning as in 95689
section 307.695 of the Revised Code. 95690

(2) A board of county commissioners that levies a tax under 95691
division (A) of this section on March 18, 1999, at a rate of three 95692
per cent may, by resolution adopted not later than forty-five days 95693
after March 18, 1999, amend the resolution levying the tax to 95694
provide for all of the following: 95695

(a) That the rate of the tax shall be increased by not more 95696
than an additional four per cent on each transaction; 95697

(b) That all of the revenue from the increase in the rate 95698
shall be pledged and contributed to a convention facilities 95699
authority established by the board of county commissioners under 95700
Chapter 351. of the Revised Code on or before November 15, 1998, 95701
and used to pay costs of constructing, maintaining, operating, and 95702
promoting a facility in the county, including paying bonds, or 95703
notes issued in anticipation of bonds, as provided by that 95704
chapter; 95705

(c) That no portion of the revenue arising from the increase 95706
in rate need be returned to municipal corporations or townships as 95707
otherwise required under division (A) of this section; 95708

(d) That the increase in rate shall not be subject to 95709
diminution by initiative or referendum or by law while any bonds, 95710
or notes in anticipation of bonds, issued by the authority under 95711
Chapter 351. of the Revised Code to which the revenue is pledged, 95712
remain outstanding in accordance with their terms, unless 95713
provision is made by law or by the board of county commissioners 95714
for an adequate substitute therefor that is satisfactory to the 95715

trustee if a trust agreement secures the bonds. 95716

(3) Division (C) of this section does not apply to the board 95717
of county commissioners of any county in which a convention center 95718
or facility exists or is being constructed on November 15, 1998, 95719
or of any county in which a convention facilities authority levies 95720
a tax pursuant to section 351.021 of the Revised Code on that 95721
date. 95722

(D)(1) As used in division (D) of this section, "cost" has 95723
the same meaning as in section 351.01 of the Revised Code, and 95724
"convention center" has the same meaning as in section 307.695 of 95725
the Revised Code. 95726

(2) A board of county commissioners that levies a tax under 95727
division (A) of this section on June 30, 2002, at a rate of three 95728
per cent may, by resolution adopted not later than September 30, 95729
2002, amend the resolution levying the tax to provide for all of 95730
the following: 95731

(a) That the rate of the tax shall be increased by not more 95732
than an additional three and one-half per cent on each 95733
transaction; 95734

(b) That all of the revenue from the increase in rate shall 95735
be pledged and contributed to a convention facilities authority 95736
established by the board of county commissioners under Chapter 95737
351. of the Revised Code on or before May 15, 2002, and be used to 95738
pay costs of constructing, expanding, maintaining, operating, or 95739
promoting a convention center in the county, including paying 95740
bonds, or notes issued in anticipation of bonds, as provided by 95741
that chapter; 95742

(c) That no portion of the revenue arising from the increase 95743
in rate need be returned to municipal corporations or townships as 95744
otherwise required under division (A) of this section; 95745

(d) That the increase in rate shall not be subject to 95746

diminution by initiative or referendum or by law while any bonds, 95747
or notes in anticipation of bonds, issued by the authority under 95748
Chapter 351. of the Revised Code to which the revenue is pledged, 95749
remain outstanding in accordance with their terms, unless 95750
provision is made by law or by the board of county commissioners 95751
for an adequate substitute therefor that is satisfactory to the 95752
trustee if a trust agreement secures the bonds. 95753

(3) Any board of county commissioners that, pursuant to 95754
division (D)(2) of this section, has amended a resolution levying 95755
the tax authorized by division (A) of this section may further 95756
amend the resolution to provide that the revenue referred to in 95757
division (D)(2)(b) of this section shall be pledged and 95758
contributed both to a convention facilities authority to pay the 95759
costs of constructing, expanding, maintaining, or operating one or 95760
more convention centers in the county, including paying bonds, or 95761
notes issued in anticipation of bonds, as provided in Chapter 351. 95762
of the Revised Code, and to a convention and visitors' bureau to 95763
pay the costs of promoting one or more convention centers in the 95764
county. 95765

(E)(1) As used in division (E) of this section: 95766

(a) "Port authority" means a port authority created under 95767
Chapter 4582. of the Revised Code. 95768

(b) "Port authority military-use facility" means port 95769
authority facilities on which or adjacent to which is located an 95770
installation of the armed forces of the United States, a reserve 95771
component thereof, or the national guard and at least part of 95772
which is made available for use, for consideration, by the armed 95773
forces of the United States, a reserve component thereof, or the 95774
national guard. 95775

(2) For the purpose of contributing revenue to pay operating 95776
expenses of a port authority that operates a port authority 95777

military-use facility, the board of county commissioners of a 95778
county that created, participated in the creation of, or has 95779
joined such a port authority may do one or both of the following: 95780

(a) Amend a resolution previously adopted under division (A) 95781
of this section to designate some or all of the revenue from the 95782
tax levied under the resolution to be used for that purpose, 95783
notwithstanding that division; 95784

(b) Amend a resolution previously adopted under division (A) 95785
of this section to increase the rate of the tax by not more than 95786
an additional two per cent and use the revenue from the increase 95787
exclusively for that purpose. 95788

(3) If a board of county commissioners amends a resolution to 95789
increase the rate of a tax as authorized in division (E)(2)(b) of 95790
this section, the board also may amend the resolution to specify 95791
that the increase in rate of the tax does not apply to "hotels," 95792
as otherwise defined in section 5739.01 of the Revised Code, 95793
having fewer rooms used for the accommodation of guests than a 95794
number of rooms specified by the board. 95795

(F)(1) A board of county commissioners of a county organized 95796
under a county charter adopted pursuant to Article X, Section 3, 95797
Ohio Constitution, and that levies an excise tax under division 95798
(A) of this section at a rate of three per cent and levies an 95799
additional excise tax under division (O) of this section at a rate 95800
of one and one-half per cent may, by resolution adopted not later 95801
than January 1, 2008, by a majority of the members of the board, 95802
amend the resolution levying a tax under division (A) of this 95803
section to provide for an increase in the rate of that tax by not 95804
more than an additional one per cent on transactions by which 95805
lodging by a hotel is or is to be furnished to transient guests. 95806
Notwithstanding divisions (A) and (O) of this section, the 95807
resolution shall provide that all of the revenue from the increase 95808
in rate, after deducting the real and actual costs of 95809

administering the tax, shall be used to pay the costs of 95810
improving, expanding, equipping, financing, or operating a 95811
convention center by a convention and visitors' bureau in the 95812
county. 95813

(2) The increase in rate shall remain in effect for the 95814
period specified in the resolution, not to exceed ten years, and 95815
may be extended for an additional period of time not to exceed ten 95816
years thereafter by a resolution adopted by a majority of the 95817
members of the board. 95818

(3) The increase in rate shall be subject to the regulations 95819
adopted under division (A) of this section, except that the 95820
resolution may provide that no portion of the revenue from the 95821
increase in the rate shall be returned to townships or municipal 95822
corporations as would otherwise be required under that division. 95823

(G)(1) Division (G) of this section applies only to a county 95824
with a population greater than sixty-five thousand and less than 95825
seventy thousand according to the most recent federal decennial 95826
census and in which, on December 31, 2006, an excise tax is levied 95827
under division (A) of this section at a rate not less than and not 95828
greater than three per cent, and in which the most recent increase 95829
in the rate of that tax was enacted or took effect in November 95830
1984. 95831

(2) The board of county commissioners of a county to which 95832
division (G) of this section applies, by resolution adopted by a 95833
majority of the members of the board, may increase the rate of the 95834
tax by not more than one per cent on transactions by which lodging 95835
by a hotel is or is to be furnished to transient guests. The 95836
increase in rate shall be for the purpose of paying expenses 95837
deemed necessary by the convention and visitors' bureau operating 95838
in the county to promote travel and tourism. 95839

(3) The increase in rate shall remain in effect for the 95840

period specified in the resolution, not to exceed twenty years, 95841
provided that the increase in rate may not continue beyond the 95842
time when the purpose for which the increase is levied ceases to 95843
exist. If revenue from the increase in rate is pledged to the 95844
payment of debt charges on securities, the increase in rate is not 95845
subject to diminution by initiative or referendum or by law for so 95846
long as the securities are outstanding, unless provision is made 95847
by law or by the board of county commissioners for an adequate 95848
substitute for that revenue that is satisfactory to the trustee if 95849
a trust agreement secures payment of the debt charges. 95850

(4) The increase in rate shall be subject to the regulations 95851
adopted under division (A) of this section, except that the 95852
resolution may provide that no portion of the revenue from the 95853
increase in the rate shall be returned to townships or municipal 95854
corporations as would otherwise be required under division (A) of 95855
this section. 95856

(5) A resolution adopted under division (G) of this section 95857
is subject to referendum under sections 305.31 to 305.99 of the 95858
Revised Code. 95859

(H)(1) Division (H) of this section applies only to a county 95860
satisfying all of the following: 95861

(a) The population of the county is greater than one hundred 95862
seventy-five thousand and less than two hundred twenty-five 95863
thousand according to the most recent federal decennial census. 95864

(b) An amusement park with an average yearly attendance in 95865
excess of two million guests is located in the county. 95866

(c) On December 31, 2014, an excise tax was levied in the 95867
county under division (A) of this section at a rate of three per 95868
cent. 95869

(2) The board of county commissioners of a county to which 95870
division (H) of this section applies, by resolution adopted by a 95871

majority of the members of the board, may increase the rate of the 95872
tax by not more than one per cent on transactions by which lodging 95873
by a hotel is or is to be furnished to transient guests. The 95874
increase in rate shall be used to pay the costs of constructing 95875
and maintaining facilities owned by the county or by a port 95876
authority created under Chapter 4582. of the Revised Code, and 95877
designed to host sporting events and expenses deemed necessary by 95878
the convention and visitors' bureau operating in the county to 95879
promote travel and tourism with reference to the sports 95880
facilities, and to pay or pledge to the payment of debt service on 95881
securities issued to pay the costs of constructing, operating, and 95882
maintaining the sports facilities. 95883

(3) The increase in rate shall remain in effect for the 95884
period specified in the resolution. If revenue from the increase 95885
in rate is pledged to the payment of debt charges on securities, 95886
the increase in rate is not subject to diminution by initiative or 95887
referendum or by law for so long as the securities are 95888
outstanding, unless provision is made by law or by the board of 95889
county commissioners for an adequate substitute for that revenue 95890
that is satisfactory to the trustee if a trust agreement secures 95891
payment of the debt charges. 95892

(4) The increase in rate shall be subject to the regulations 95893
adopted under division (A) of this section, except that the 95894
resolution may provide that no portion of the revenue from the 95895
increase in the rate shall be returned to townships or municipal 95896
corporations as would otherwise be required under division (A) of 95897
this section. 95898

(I)(1) The board of county commissioners of a county with a 95899
population greater than seventy-five thousand and less than 95900
seventy-eight thousand, by resolution adopted by a majority of the 95901
members of the board not later than October 15, 2015, may increase 95902
the rate of the tax by not more than one per cent on transactions 95903

by which lodging by a hotel is or is to be furnished to transient 95904
guests. The increase in rate shall be for the purposes described 95905
in section 307.679 of the Revised Code or for the promotion of 95906
travel and tourism in the county, including travel and tourism to 95907
sports facilities. 95908

(2) The increase in rate shall remain in effect for the 95909
period specified in the resolution and as necessary to fulfill the 95910
county's obligations under a cooperative agreement entered into 95911
under section 307.679 of the Revised Code. If the resolution is 95912
adopted by the board before September 29, 2015, but after that 95913
enactment becomes law, the increase in rate shall become effective 95914
beginning on September 29, 2015. If revenue from the increase in 95915
rate is pledged to the payment of debt charges on securities, or 95916
to substitute for other revenues pledged to the payment of such 95917
debt, the increase in rate is not subject to diminution by 95918
initiative or referendum or by law for so long as the securities 95919
are outstanding, unless provision is made by law or by the board 95920
of county commissioners for an adequate substitute for that 95921
revenue that is satisfactory to the trustee if a trust agreement 95922
secures payment of the debt charges. 95923

(3) The increase in rate shall be subject to the regulations 95924
adopted under division (A) of this section, except that no portion 95925
of the revenue from the increase in the rate shall be returned to 95926
townships or municipal corporations as would otherwise be required 95927
under division (A) of this section. 95928

(J)(1) Division (J) of this section applies only to counties 95929
satisfying either of the following: 95930

(a) A county that, on July 1, 2015, does not levy an excise 95931
tax under division (A) of this section and that has a population 95932
of at least thirty-nine thousand but not more than forty thousand 95933
according to the 2010 federal decennial census; 95934

(b) A county that, on July 1, 2015, levies an excise tax 95935
under division (A) of this section at a rate of three per cent and 95936
that has a population of at least seventy-one thousand but not 95937
more than seventy-five thousand according to 2010 federal 95938
decennial census. 95939

(2) The board of county commissioners of a county to which 95940
division (J) of this section applies, by resolution adopted by a 95941
majority of the members of the board, may levy an excise tax at a 95942
rate not to exceed three per cent on transactions by which lodging 95943
by a hotel is or is to be furnished to transient guests for the 95944
purpose of acquiring, constructing, equipping, or repairing 95945
permanent improvements, as defined in section 133.01 of the 95946
Revised Code. 95947

(3) If the board does not levy a tax under division (A) of 95948
this section, the board shall establish regulations necessary to 95949
provide for the administration of the tax, which may prescribe the 95950
time for payment of the tax and the imposition of penalty or 95951
interest subject to the limitations on penalty and interest 95952
provided in division (A) of this section. No portion of the 95953
revenue shall be returned to townships or municipal corporations 95954
in the county unless otherwise provided by resolution of the 95955
board. 95956

(4) The tax shall apply throughout the territory of the 95957
county, including in any township or municipal corporation levying 95958
an excise tax under division (A) or (B) of section 5739.08 of the 95959
Revised Code. The levy of the tax is subject to referendum as 95960
provided under section 305.31 of the Revised Code. 95961

(5) The tax shall remain in effect for the period specified 95962
in the resolution. If revenue from the increase in rate is pledged 95963
to the payment of debt charges on securities, the increase in rate 95964
is not subject to diminution by initiative or referendum or by law 95965
for so long as the securities are outstanding unless provision is 95966

made by law or by the board for an adequate substitute for that 95967
revenue that is satisfactory to the trustee if a trust agreement 95968
secures payment of the debt charges. 95969

(K)(1) The board of county commissioners of an eligible 95970
county, as defined in section 307.678 of the Revised Code, that 95971
levies an excise tax under division (A) of this section on July 1, 95972
2017, at a rate of three per cent may, by resolution adopted by a 95973
majority of the members of the board, amend the resolution levying 95974
the tax to increase the rate of the tax by not more than an 95975
additional three per cent on each transaction. 95976

(2) No portion of the revenue shall be returned to townships 95977
or municipal corporations in the county unless otherwise provided 95978
by resolution of the board. Otherwise, the revenue from the 95979
increase in the rate shall be distributed and used in the same 95980
manner described under division (A) of this section or distributed 95981
or used to provide credit enhancement facilities as authorized 95982
under section 307.678 of the Revised Code. 95983

(3) The increase in rate shall remain in effect for the 95984
period specified in the resolution. If revenue from the increase 95985
in rate is pledged to the payment of debt charges on securities, 95986
the increase in rate is not subject to diminution by initiative or 95987
referendum or by law for so long as the securities are outstanding 95988
unless provision is made by law or by the board for an adequate 95989
substitute for that revenue that is satisfactory to the trustee if 95990
a trust agreement secures payment of the debt charges. 95991

(L)(1) As used in division (L) of this section: 95992

(a) "Eligible county" means a county that has a population 95993
greater than one hundred ninety thousand and less than two hundred 95994
thousand according to the 2010 federal decennial census and that 95995
levies an excise tax under division (A) of this section at a rate 95996
of three per cent. 95997

(b) "Professional sports facility" means a sports facility 95998
that is intended to house major or minor league professional 95999
athletic teams, including a stadium, together with all parking 96000
facilities, walkways, and other auxiliary facilities, real and 96001
personal property, property rights, easements, and interests that 96002
may be appropriate for, or used in connection with, the operation 96003
of the facility. 96004

(2) Subject to division (L)(3) of this section, the board of 96005
county commissioners of an eligible county, by resolution adopted 96006
by a majority of the members of the board, may increase the rate 96007
of the tax by not more than one per cent on transactions by which 96008
lodging by a hotel is or is to be furnished to transient guests. 96009
Revenue from the increase in rate shall be used for the purposes 96010
of paying the costs of constructing, improving, and maintaining a 96011
professional sports facility in the county and paying expenses 96012
considered necessary by the convention and visitors' bureau 96013
operating in the county to promote travel and tourism with respect 96014
to that professional sports facility. The tax shall take effect 96015
only after the convention and visitors' bureau enters into a 96016
contract for the construction, improvement, or maintenance of a 96017
professional sports facility that is or will be located on 96018
property acquired, in whole or in part, with revenue from the 96019
increased rate, and thereafter shall remain in effect for the 96020
period specified in the resolution. If revenue from the increase 96021
in rate is pledged to the payment of debt charges on securities, 96022
the increase in rate is not subject to diminution by initiative or 96023
referendum or by law for so long as the securities are 96024
outstanding, unless a provision is made by law or by the board of 96025
county commissioners for an adequate substitute for that revenue 96026
that is satisfactory to the trustee if a trust agreement secures 96027
payment of the debt charges. The increase in rate shall be subject 96028
to the regulations adopted under division (A) of this section, 96029
except that the resolution may provide that no portion of the 96030

revenue from the increase in the rate shall be returned to 96031
townships or municipal corporations as would otherwise be required 96032
under division (A) of this section. 96033

(3) If, on December 31, 2019, the convention and visitors' 96034
bureau has not entered into a contract for the construction, 96035
improvement, or maintenance of a professional sports facility that 96036
is or will be located on property acquired, in whole or in part, 96037
with revenue from the increased rate, the authority to levy the 96038
tax under division (L)(2) of this section is hereby repealed on 96039
that date. 96040

(M)(1) For the purposes described in section 307.695 of the 96041
Revised Code and to cover the costs of administering the tax, a 96042
board of county commissioners of a county where a tax imposed 96043
under division (A) of this section is in effect may, by resolution 96044
adopted within ninety days after July 15, 1985, by a majority of 96045
the members of the board, levy an additional excise tax not to 96046
exceed three per cent on transactions by which lodging by a hotel 96047
is or is to be furnished to transient guests. The tax authorized 96048
by division (M) of this section shall be in addition to any tax 96049
that is levied pursuant to divisions (A) to (L) of this section, 96050
but it shall not apply to transactions subject to a tax levied by 96051
a municipal corporation or township pursuant to section 5739.08 of 96052
the Revised Code. 96053

(2) The board shall establish all regulations necessary to 96054
provide for the administration and allocation of the tax. The 96055
regulations may prescribe the time for payment of the tax, and may 96056
provide for the imposition of a penalty or interest, or both, for 96057
late payments, provided that the penalty does not exceed ten per 96058
cent of the amount of tax due, and the rate at which interest 96059
accrues does not exceed the rate per annum prescribed pursuant to 96060
section 5703.47 of the Revised Code. 96061

(3) All revenues arising from the tax shall be expended in 96062

accordance with section 307.695 of the Revised Code. The board of 96063
county commissioners of an eligible county as defined in section 96064
307.695 of the Revised Code may, by resolution adopted by a 96065
majority of the members of the board, amend the resolution levying 96066
a tax under this division to provide that the revenue from the tax 96067
shall be used by the board as described in division (H) of section 96068
307.695 of the Revised Code. 96069

(4) A tax imposed under this division shall remain in effect 96070
at the rate at which it is imposed for the duration of the period 96071
during which any agreement entered into by the board under section 96072
307.695 of the Revised Code is in effect, the duration of the 96073
period during which any securities issued by the board under 96074
division (I) of section 307.695 of the Revised Code are 96075
outstanding, or the duration of the period during which the board 96076
owns a project as defined in section 307.695 of the Revised Code, 96077
whichever duration is longest. 96078

(N)(1) For the purpose of providing contributions under 96079
division (B)(1) of section 307.671 of the Revised Code to enable 96080
the acquisition, construction, and equipping of a port authority 96081
educational and cultural facility in the county and, to the extent 96082
provided for in the cooperative agreement authorized by that 96083
section, for the purpose of paying debt service charges on bonds, 96084
or notes in anticipation of bonds, described in division (B)(1)(b) 96085
of that section, a board of county commissioners, by resolution 96086
adopted within ninety days after December 22, 1992, by a majority 96087
of the members of the board, may levy an additional excise tax not 96088
to exceed one and one-half per cent on transactions by which 96089
lodging by a hotel is or is to be furnished to transient guests. 96090
The excise tax authorized by division (N) of this section shall be 96091
in addition to any tax that is levied pursuant to divisions (A) to 96092
(M) of this section, to any excise tax levied pursuant to section 96093
5739.08 of the Revised Code, and to any excise tax levied pursuant 96094

to section 351.021 of the Revised Code. 96095

(2) The board of county commissioners shall establish all 96096
regulations necessary to provide for the administration and 96097
allocation of the tax that are not inconsistent with this section 96098
or section 307.671 of the Revised Code. The regulations may 96099
prescribe the time for payment of the tax, and may provide for the 96100
imposition of a penalty or interest, or both, for late payments, 96101
provided that the penalty does not exceed ten per cent of the 96102
amount of tax due, and the rate at which interest accrues does not 96103
exceed the rate per annum prescribed pursuant to section 5703.47 96104
of the Revised Code. 96105

(3) All revenues arising from the tax shall be expended in 96106
accordance with section 307.671 of the Revised Code and division 96107
(N) of this section. The levy of a tax imposed under division (N) 96108
of this section may not commence prior to the first day of the 96109
month next following the execution of the cooperative agreement 96110
authorized by section 307.671 of the Revised Code by all parties 96111
to that agreement. 96112

(4) The tax shall remain in effect at the rate at which it is 96113
imposed for the period of time described in division (C) of 96114
section 307.671 of the Revised Code for which the revenue from the 96115
tax has been pledged by the county to the corporation pursuant to 96116
that section, but, to any extent provided for in the cooperative 96117
agreement, for no lesser period than the period of time required 96118
for payment of the debt service charges on bonds, or notes in 96119
anticipation of bonds, described in division (B)(1)(b) of that 96120
section. 96121

(O)(1) For the purpose of paying the costs of acquiring, 96122
constructing, equipping, and improving a municipal educational and 96123
cultural facility, including debt service charges on bonds 96124
provided for in division (B) of section 307.672 of the Revised 96125
Code, and for any additional purposes determined by the county in 96126

the resolution levying the tax or amendments to the resolution, 96127
including subsequent amendments providing for paying costs of 96128
acquiring, constructing, renovating, rehabilitating, equipping, 96129
and improving a port authority educational and cultural performing 96130
arts facility, as defined in section 307.674 of the Revised Code, 96131
and including debt service charges on bonds provided for in 96132
division (B) of section 307.674 of the Revised Code, the 96133
legislative authority of a county, by resolution adopted within 96134
ninety days after June 30, 1993, by a majority of the members of 96135
the legislative authority, may levy an additional excise tax not 96136
to exceed one and one-half per cent on transactions by which 96137
lodging by a hotel is or is to be furnished to transient guests. 96138
The excise tax authorized by division (O) of this section shall be 96139
in addition to any tax that is levied pursuant to divisions (A) to 96140
(N) of this section, to any excise tax levied pursuant to section 96141
5739.08 of the Revised Code, and to any excise tax levied pursuant 96142
to section 351.021 of the Revised Code. 96143

(2) The legislative authority of the county shall establish 96144
all regulations necessary to provide for the administration and 96145
allocation of the tax. The regulations may prescribe the time for 96146
payment of the tax, and may provide for the imposition of a 96147
penalty or interest, or both, for late payments, provided that the 96148
penalty does not exceed ten per cent of the amount of tax due, and 96149
the rate at which interest accrues does not exceed the rate per 96150
annum prescribed pursuant to section 5703.47 of the Revised Code. 96151

(3) All revenues arising from the tax shall be expended in 96152
accordance with section 307.672 of the Revised Code and this 96153
division. The levy of a tax imposed under this division shall not 96154
commence prior to the first day of the month next following the 96155
execution of the cooperative agreement authorized by section 96156
307.672 of the Revised Code by all parties to that agreement. The 96157
tax shall remain in effect at the rate at which it is imposed for 96158

the period of time determined by the legislative authority of the 96159
county. That period of time shall not exceed fifteen years, except 96160
that the legislative authority of a county with a population of 96161
less than two hundred fifty thousand according to the most recent 96162
federal decennial census, by resolution adopted by a majority of 96163
its members before the original tax expires, may extend the 96164
duration of the tax for an additional period of time. The 96165
additional period of time by which a legislative authority extends 96166
a tax levied under division (O) of this section shall not exceed 96167
fifteen years. 96168

(P)(1) The legislative authority of a county that has levied 96169
a tax under division (O) of this section may, by resolution 96170
adopted within one hundred eighty days after January 4, 2001, by a 96171
majority of the members of the legislative authority, amend the 96172
resolution levying a tax under that division to provide for the 96173
use of the proceeds of that tax, to the extent that it is no 96174
longer needed for its original purpose as determined by the 96175
parties to a cooperative agreement amendment pursuant to division 96176
(D) of section 307.672 of the Revised Code, to pay costs of 96177
acquiring, constructing, renovating, rehabilitating, equipping, 96178
and improving a port authority educational and cultural performing 96179
arts facility, including debt service charges on bonds provided 96180
for in division (B) of section 307.674 of the Revised Code, and to 96181
pay all obligations under any guaranty agreements, reimbursement 96182
agreements, or other credit enhancement agreements described in 96183
division (C) of section 307.674 of the Revised Code. 96184

(2) The resolution may also provide for the extension of the 96185
tax at the same rate for the longer of the period of time 96186
determined by the legislative authority of the county, but not to 96187
exceed an additional twenty-five years, or the period of time 96188
required to pay all debt service charges on bonds provided for in 96189
division (B) of section 307.672 of the Revised Code and on port 96190

authority revenue bonds provided for in division (B) of section 307.674 of the Revised Code. 96191
96192

(3) All revenues arising from the amendment and extension of the tax shall be expended in accordance with section 307.674 of the Revised Code and divisions (O) and (P) of this section. 96193
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96195

(Q)(1) As used in division (Q) of this section: 96196

(a) "Convention facilities authority" has the same meaning as in section 351.01 of the Revised Code. 96197
96198

(b) "Convention center" has the same meaning as in section 307.695 of the Revised Code. 96199
96200

(2) Notwithstanding any contrary provision of division (N) of this section, the legislative authority of a county with a population of one million or more according to the most recent federal decennial census that has levied a tax under division (N) of this section may, by resolution adopted by a majority of the members of the legislative authority, provide for the extension of such levy and may provide that the proceeds of that tax, to the extent that they are no longer needed for their original purpose as defined by a cooperative agreement entered into under section 307.671 of the Revised Code, shall be deposited into the county general revenue fund. The resolution shall provide for the extension of the tax at a rate not to exceed the rate specified in division (N) of this section for a period of time determined by the legislative authority of the county, but not to exceed an additional forty years. 96201
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(3) The legislative authority of a county with a population of one million or more that has levied a tax under division (A) of this section may, by resolution adopted by a majority of the members of the legislative authority, increase the rate of the tax levied by such county under division (A) of this section to a rate not to exceed five per cent on transactions by which lodging by a 96216
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hotel is or is to be furnished to transient guests. 96222
Notwithstanding any contrary provision of division (A) of this 96223
section, the resolution may provide that all collections resulting 96224
from the rate levied in excess of three per cent, after deducting 96225
the real and actual costs of administering the tax, shall be 96226
deposited in the county general fund. 96227

(4) The legislative authority of a county with a population 96228
of one million or more that has levied a tax under division (A) of 96229
this section may, by resolution adopted on or before August 30, 96230
2004, by a majority of the members of the legislative authority, 96231
provide that all or a portion of the proceeds of the tax levied 96232
under division (A) of this section, after deducting the real and 96233
actual costs of administering the tax and the amounts required to 96234
be returned to townships and municipal corporations with respect 96235
to the first three per cent levied under division (A) of this 96236
section, shall be deposited in the county general fund, provided 96237
that such proceeds shall be used to satisfy any pledges made in 96238
connection with an agreement entered into under section 307.695 of 96239
the Revised Code. 96240

(5) No amount collected from a tax levied, extended, or 96241
required to be deposited in the county general fund under division 96242
(Q) of this section shall be contributed to a convention 96243
facilities authority, corporation, or other entity created after 96244
July 1, 2003, for the principal purpose of constructing, 96245
improving, expanding, equipping, financing, or operating a 96246
convention center unless the mayor of the municipal corporation in 96247
which the convention center is to be operated by that convention 96248
facilities authority, corporation, or other entity has consented 96249
to the creation of that convention facilities authority, 96250
corporation, or entity. Notwithstanding any contrary provision of 96251
section 351.04 of the Revised Code, if a tax is levied by a county 96252
under division (Q) of this section, the board of county 96253

commissioners of that county may determine the manner of 96254
selection, the qualifications, the number, and terms of office of 96255
the members of the board of directors of any convention facilities 96256
authority, corporation, or other entity described in division 96257
(Q)(5) of this section. 96258

(6)(a) No amount collected from a tax levied, extended, or 96259
required to be deposited in the county general fund under division 96260
(Q) of this section may be used for any purpose other than paying 96261
the direct and indirect costs of constructing, improving, 96262
expanding, equipping, financing, or operating a convention center 96263
and for the real and actual costs of administering the tax, 96264
unless, prior to the adoption of the resolution of the legislative 96265
authority of the county authorizing the levy, extension, increase, 96266
or deposit, the county and the mayor of the most populous 96267
municipal corporation in that county have entered into an 96268
agreement as to the use of such amounts, provided that such 96269
agreement has been approved by a majority of the mayors of the 96270
other municipal corporations in that county. The agreement shall 96271
provide that the amounts to be used for purposes other than paying 96272
the convention center or administrative costs described in 96273
division (Q)(6)(a) of this section be used only for the direct and 96274
indirect costs of capital improvements, including the financing of 96275
capital improvements, except that the agreement may subsequently 96276
be amended by the parties that have entered into that agreement to 96277
authorize such amounts to instead be used for any costs related to 96278
the promotion or support of tourism or tourism-related programs. 96279

(b) If the county in which the tax is levied has an 96280
association of mayors and city managers, the approval of that 96281
association of an agreement described in division (Q)(6)(a) of 96282
this section shall be considered to be the approval of the 96283
majority of the mayors of the other municipal corporations for 96284
purposes of that division. 96285

(7) Each year, the auditor of state shall conduct an audit of the uses of any amounts collected from taxes levied, extended, or deposited under division (Q) of this section and shall prepare a report of the auditor of state's findings. The auditor of state shall submit the report to the legislative authority of the county that has levied, extended, or deposited the tax, the speaker of the house of representatives, the president of the senate, and the leaders of the minority parties of the house of representatives and the senate.

(R)(1) As used in division (R) of this section:

(a) "Convention facilities authority" has the same meaning as in section 351.01 of the Revised Code.

(b) "Convention center" has the same meaning as in section 307.695 of the Revised Code.

(2) Notwithstanding any contrary provision of division (N) of this section, the legislative authority of a county with a population of one million two hundred thousand or more according to the most recent federal decennial census or the most recent annual population estimate published or released by the United States census bureau at the time the resolution is adopted placing the levy on the ballot, that has levied a tax under division (N) of this section may, by resolution adopted by a majority of the members of the legislative authority, provide for the extension of such levy and may provide that the proceeds of that tax, to the extent that the proceeds are no longer needed for their original purpose as defined by a cooperative agreement entered into under section 307.671 of the Revised Code and after deducting the real and actual costs of administering the tax, shall be used for paying the direct and indirect costs of constructing, improving, expanding, equipping, financing, or operating a convention center. The resolution shall provide for the extension of the tax at a rate not to exceed the rate specified in division (N) of this

section for a period of time determined by the legislative 96318
authority of the county, but not to exceed an additional forty 96319
years. 96320

(3) The legislative authority of a county with a population 96321
of one million two hundred thousand or more that has levied a tax 96322
under division (A) of this section may, by resolution adopted by a 96323
majority of the members of the legislative authority, increase the 96324
rate of the tax levied by such county under division (A) of this 96325
section to a rate not to exceed five per cent on transactions by 96326
which lodging by a hotel is or is to be furnished to transient 96327
guests. Notwithstanding any contrary provision of division (A) of 96328
this section, the resolution shall provide that all collections 96329
resulting from the rate levied in excess of three per cent, after 96330
deducting the real and actual costs of administering the tax, 96331
shall be used for paying the direct and indirect costs of 96332
constructing, improving, expanding, equipping, financing, or 96333
operating a convention center. 96334

(4) The legislative authority of a county with a population 96335
of one million two hundred thousand or more that has levied a tax 96336
under division (A) of this section may, by resolution adopted on 96337
or before July 1, 2008, by a majority of the members of the 96338
legislative authority, provide that all or a portion of the 96339
proceeds of the tax levied under division (A) of this section, 96340
after deducting the real and actual costs of administering the tax 96341
and the amounts required to be returned to townships and municipal 96342
corporations with respect to the first three per cent levied under 96343
division (A) of this section, shall be used to satisfy any pledges 96344
made in connection with an agreement entered into under section 96345
307.695 of the Revised Code or shall otherwise be used for paying 96346
the direct and indirect costs of constructing, improving, 96347
expanding, equipping, financing, or operating a convention center. 96348

(5) Any amount collected from a tax levied or extended under 96349

division (R) of this section may be contributed to a convention 96350
facilities authority created before July 1, 2005, but no amount 96351
collected from a tax levied or extended under division (R) of this 96352
section may be contributed to a convention facilities authority, 96353
corporation, or other entity created after July 1, 2005, unless 96354
the mayor of the municipal corporation in which the convention 96355
center is to be operated by that convention facilities authority, 96356
corporation, or other entity has consented to the creation of that 96357
convention facilities authority, corporation, or entity. 96358

(S) As used in division (S) of this section, "soldiers' 96359
memorial" means a memorial constructed and funded under Chapter 96360
345. of the Revised Code. 96361

The board of county commissioners of a county with a 96362
population between one hundred three thousand and one hundred 96363
seven thousand according to the most recent federal decennial 96364
census, by resolution adopted by a majority of the members of the 96365
board within six months after September 15, 2014, may levy a tax 96366
not to exceed three per cent on transactions by which a hotel is 96367
or is to be furnished to transient guests. The purpose of the tax 96368
shall be to pay the costs of expanding, maintaining, or operating 96369
a soldiers' memorial and the costs of administering the tax. All 96370
revenue arising from the tax shall be credited to one or more 96371
special funds in the county treasury and shall be spent solely for 96372
the purposes of paying those costs. 96373

The board of county commissioners shall adopt all rules 96374
necessary to provide for the administration of the tax subject to 96375
the same limitations on imposing penalty or interest under 96376
division (A) of this section. 96377

(T) As used in division (T) of this section, "eligible 96378
county" means a county in which a county agricultural society or 96379
independent agricultural society is organized under section 96380
1711.01 or 1711.02 of the Revised Code, provided the agricultural 96381

society owns a facility or site in the county at which an annual harness horse race is conducted where one-day attendance equals at least forty thousand attendees.

A board of county commissioners of an eligible county, by resolution adopted by a majority of the members of the board, may levy an excise tax at the rate of up to three per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests for the purpose of paying the costs of permanent improvements at sites at which one or more agricultural societies conduct fairs or exhibits, paying the costs of maintaining or operating such permanent improvements, and paying the costs of administering the tax.

A resolution adopted under division (T) of this section, other than a resolution that only extends the period of time for which the tax is levied, shall direct the board of elections to submit the question of the proposed lodging tax to the electors of the county at a special election held on the date specified by the board in the resolution, provided that the election occurs not less than ninety days after a certified copy of the resolution is transmitted to the board of elections. A resolution submitted to the electors under division (T) of this section shall not go into effect unless it is approved by a majority of those voting upon it. The resolution takes effect on the date the board of county commissioners receives notification from the board of elections of an affirmative vote.

The tax shall remain in effect for the period specified in the resolution, not to exceed five years, and may be extended for an additional period of time not to exceed fifteen years thereafter by a resolution adopted by a majority of the members of the board. A resolution extending the period of time for which the tax is in effect is not subject to approval of the electors of the county, but is subject to referendum under sections 305.31 to

305.99 of the Revised Code. All revenue arising from the tax shall 96414
be credited to one or more special funds in the county treasury 96415
and shall be spent solely for the purposes of paying the costs of 96416
such permanent improvements and maintaining or operating the 96417
improvements. Revenue allocated for the use of a county 96418
agricultural society may be credited to the county agricultural 96419
society fund created in section 1711.16 of the Revised Code upon 96420
appropriation by the board. If revenue is credited to that fund, 96421
it shall be expended only as provided in that section. 96422

The board of county commissioners shall adopt all rules 96423
necessary to provide for the administration of the tax. The rules 96424
may prescribe the time for payment of the tax, and may provide for 96425
the imposition or penalty or interest, or both, for late payments, 96426
provided that the penalty does not exceed ten per cent of the 96427
amount of tax due, and the rate at which interest accrues does not 96428
exceed the rate per annum prescribed in section 5703.47 of the 96429
Revised Code. 96430

(U) As used in division (U) of this section, "eligible 96431
county" means a county in which a tax is levied under division (A) 96432
of this section at a rate of three per cent and whose territory 96433
includes a part of Lake Erie the shoreline of which represents at 96434
least fifty per cent of the linear length of the county's border 96435
with other counties of this state. 96436

The board of county commissioners of an eligible county that 96437
has entered into an agreement with a port authority in the county 96438
under section 4582.56 of the Revised Code may levy an additional 96439
lodging tax on transactions by which lodging by a hotel is or is 96440
to be furnished to transient guests for the purpose of financing 96441
lakeshore improvement projects constructed or financed by the port 96442
authority under that section. The resolution levying the tax shall 96443
specify the purpose of the tax, the rate of the tax, which shall 96444
not exceed two per cent, and the number of years the tax will be 96445

levied or that it will be levied for a continuing period of time. 96446
The tax shall be administered pursuant to the regulations adopted 96447
by the board under division (A) of this section, except that all 96448
the proceeds of the tax levied under this division shall be 96449
pledged to the payment of the costs, including debt charges, of 96450
lakeshore improvements undertaken by a port authority pursuant to 96451
the agreement under section 4582.56 of the Revised Code. No 96452
revenue from the tax may be used to pay the current expenses of 96453
the port authority. 96454

A resolution levying a tax under division (U) of this section 96455
is subject to referendum under sections 305.31 to 305.41 and 96456
305.99 of the Revised Code. 96457

(V)(1) As used in division (V) of this section: 96458

(a) "Tourism development district" means a district 96459
designated by a municipal corporation under section 715.014 of the 96460
Revised Code or by a township under section 503.56 of the Revised 96461
Code. 96462

(b) "Lodging tax" means a tax levied pursuant to this section 96463
or section 5739.08 of the Revised Code. 96464

(c) "Tourism development district lodging tax proceeds" means 96465
all proceeds of a lodging tax derived from transactions by which 96466
lodging by a hotel located in a tourism development district is or 96467
is to be provided to transient guests. 96468

(d) "Eligible county" has the same meaning as in section 96469
307.678 of the Revised Code. 96470

(2)(a) Notwithstanding division (A) of this section, the 96471
board of county commissioners, board of township trustees, or 96472
legislative authority of any county, township, or municipal 96473
corporation that levies a lodging tax on September 29, 2017, and 96474
in which any part of a tourism development district is located on 96475
or after that date shall amend the ordinance or resolution levying 96476

the tax to require either of the following: 96477

(i) In the case of a tax levied by a county, that all tourism 96478
development district lodging tax proceeds from that tax be used 96479
exclusively to foster and develop tourism in the tourism 96480
development district; 96481

(ii) In the case of a tax levied by a township or municipal 96482
corporation, that all tourism development district lodging tax 96483
proceeds from that tax be used exclusively to foster and develop 96484
tourism in the tourism development district. 96485

(b) Notwithstanding division (A) of this section, any 96486
ordinance or resolution levying a lodging tax adopted on or after 96487
September 29, 2017, by a county, township, or municipal 96488
corporation in which any part of a tourism development district is 96489
located on or after that date shall require that all tourism 96490
development district lodging tax proceeds from that tax be used 96491
exclusively to foster and develop tourism in the tourism 96492
development district. 96493

(c) A county shall not use any of the proceeds described in 96494
division (V)(2)(a)(i) or (V)(2)(b) of this section unless the 96495
convention and visitors' bureau operating within the county 96496
approves the manner in which such proceeds are used to foster and 96497
develop tourism in the tourism development district. Upon 96498
obtaining such approval, the county may pay such proceeds to the 96499
bureau to use for the agreed-upon purpose. 96500

A municipal corporation or township shall not use any of the 96501
proceeds described in division (V)(2)(a)(ii) or (V)(2)(b) of this 96502
section unless the convention and visitors' bureau operating 96503
within the municipal corporation or township approves the manner 96504
in which such proceeds are used to foster and develop tourism in 96505
the tourism development district. Upon obtaining such approval, 96506
the municipal corporation or township may pay such proceeds to the 96507

bureau to use for the agreed-upon purpose. 96508

(3)(a) Notwithstanding division (A) of this section, the 96509
board of county commissioners of an eligible county that levies a 96510
lodging tax on March 23, 2018, may amend the resolution levying 96511
that tax to require that all or a portion of the proceeds of that 96512
tax otherwise required to be spent solely to make contributions to 96513
the convention and visitors' bureau operating within the county 96514
shall be used to foster and develop tourism in a tourism 96515
development district. 96516

(b) Notwithstanding division (A) of this section, the board 96517
of county commissioners of an eligible county that adopts a 96518
resolution levying a lodging tax on or after March 23, 2018, may 96519
require that all or a portion of the proceeds of that tax 96520
otherwise required to be spent solely to make contributions to the 96521
convention and visitors' bureau operating within the county 96522
pursuant to division (A) of this section shall be used to foster 96523
and develop tourism in a tourism development district. 96524

(c) A county shall not use any of the proceeds in the manner 96525
described in division (V)(3)(a) or (b) of this section unless the 96526
convention and visitors' bureau operating within the county 96527
approves the manner in which such proceeds are used to foster and 96528
develop tourism in the tourism development district. Upon 96529
obtaining such approval, the county may pay such proceeds to the 96530
bureau to use for the agreed upon purpose. 96531

(W)(1) As used in division (W) of this section: 96532

(a) "Eligible county" means a county with a population 96533
greater than three hundred thousand and less than three hundred 96534
fifty thousand that levies a tax under division (A) of this 96535
section at a rate of three per cent; 96536

(b) "Cost" and "facility" have the same meanings as in 96537
section 351.01 of the Revised Code. 96538

(2) A board of county commissioners of an eligible county, by 96539
resolution adopted by a majority of the members of the board, may 96540
levy an excise tax at the rate of up to three per cent on 96541
transactions by which lodging by a hotel is or is to be furnished 96542
to transient guests. All of the revenue from the tax shall be used 96543
to pay the costs of administering the tax or pledged and 96544
contributed to a convention facilities authority established by 96545
the board of county commissioners under Chapter 351. of the 96546
Revised Code and used by the authority to pay the cost of 96547
constructing a facility in the county, including paying bonds, or 96548
notes issued in anticipation of bonds, as provided by that 96549
chapter, or paying the expenses of maintaining, operating, or 96550
promoting such a facility. No portion of the revenue arising from 96551
the tax need be returned to municipal corporations or townships as 96552
required for taxes levied under division (A) of this section. 96553

(3) A resolution adopted under division (W) of this section 96554
shall direct the board of elections to submit the question of the 96555
proposed lodging tax to the electors of the county at a special 96556
election held on the date specified by the board in the 96557
resolution, provided that the election occurs not less than ninety 96558
days after a certified copy of the resolution is transmitted to 96559
the board of elections. A resolution submitted to the electors 96560
under division (W) of this section shall not go into effect unless 96561
it is approved by a majority of those voting upon it. The 96562
resolution takes effect on the date the board of county 96563
commissioners receives notification from the board of elections of 96564
an affirmative vote. 96565

(4) Once the tax is approved by the electors of the county 96566
pursuant to division (W)(3) of this section, it shall not be 96567
subject to diminution by initiative or referendum or by law while 96568
any bonds, or notes in anticipation of bonds, issued by the 96569
authority under Chapter 351. of the Revised Code to which the 96570

revenue is pledged, remain outstanding in accordance with their 96571
terms, unless provision is made by law or by the board of county 96572
commissioners for an adequate substitute therefore that is 96573
satisfactory to the trustee if a trust agreement secures the 96574
bonds. 96575

(5) The tax authorized by division (W) of this section shall 96576
be in addition to any other tax that is levied pursuant to this 96577
section. 96578

(X)(1) As used in division (X) of this section: 96579

(a) "Convention facilities authority," "cost," and "facility" 96580
have the same meanings as in section 351.01 of the Revised Code. 96581

(b) "Eligible county" means a county with a population 96582
greater than eight hundred thousand but less than one million that 96583
levies a tax under division (A) of this section. 96584

(c) "Port authority" means a port authority created under 96585
Chapter 4582. of the Revised Code. 96586

(2) A board of county commissioners or the legislative 96587
authority of an eligible county may, by resolution adopted by a 96588
majority of the members of the board or legislative authority, 96589
levy an excise tax at a rate not to exceed one per cent on 96590
transactions by which lodging by a hotel is or is to be furnished 96591
to transient guests. All revenue arising from the tax shall be 96592
used to pay the costs of administering the tax or pledged and 96593
contributed to the convention and visitors' bureau operating 96594
within the applicable eligible county, a convention facilities 96595
authority within the applicable eligible county, or a port 96596
authority and used by the convention and visitors' bureau, the 96597
convention facilities authority, or the port authority to pay the 96598
cost of acquiring, constructing, renovating, expanding, 96599
maintaining, or operating one or more facilities in the county, 96600
including paying bonds, or notes issued in anticipation of bonds, 96601

or paying the expenses of maintaining, operating, or promoting one 96602
or more facilities. No portion of the revenue arising from the tax 96603
need be returned to municipal corporations or townships as 96604
required for taxes levied under division (A) of this section. 96605

(3) The tax authorized by division (X) of this section shall 96606
be in addition to any other tax that is levied pursuant to this 96607
section. 96608

(4) Any board of county commissioners of an eligible county 96609
that, pursuant to division (D)(2) of this section, has amended a 96610
resolution levying the tax authorized by division (A) of this 96611
section may further amend the resolution to provide that all or a 96612
portion of the revenue referred to in division (D)(2)(b) of this 96613
section and division (A) of this section may be pledged and 96614
contributed to pay the costs of acquiring, constructing, 96615
renovating, expanding, maintaining, or operating one or more 96616
facilities in the county, including paying bonds, or notes issued 96617
in anticipation of bonds, or paying the expenses of maintaining, 96618
operating, or promoting one or more facilities. 96619

Sec. 5739.093. (A) As used in this section: 96620

(1) "Convention center" has the same meaning as in section 96621
307.695 of the Revised Code. 96622

(2) "Convention center headquarters hotel" means a hotel 96623
designated as such in authorizing legislation. 96624

(3) "Convention center headquarters hotel facilities" means a 96625
convention center headquarters hotel, the convention center 96626
associated with the convention center headquarters hotel, and any 96627
improvements, buildings, outdoor space, infrastructure, and 96628
parking lots or garages directly adjacent to or associated with 96629
the convention center headquarters hotel and convention center. 96630

(4) "Eligible convention facilities authority" means a 96631

convention facilities authority created within an eligible county 96632
under Chapter 351. of the Revised Code. 96633

(5) "Cost" and "facility" have the same meanings as in 96634
section 351.01 of the Revised Code. 96635

(6) "Eligible county" means a county with a population 96636
greater than eight hundred thousand that levies a tax under 96637
division (A) of section 5739.09 of the Revised Code and in which 96638
one or more convention centers are located. 96639

(7) "Eligible municipal corporation" means a municipal 96640
corporation that is located in an eligible county, that levies a 96641
tax under section 5739.08 of the Revised Code, and in which one or 96642
more convention centers are located. 96643

(8) "Qualifying lodging tax" means a tax levied by an 96644
eligible municipal corporation under section 5739.08 of the 96645
Revised Code or a tax levied by an eligible county under section 96646
5739.09 of the Revised Code. 96647

(9) "Eligible port authority" means a port authority created 96648
within an eligible county under Chapter 4582. of the Revised Code 96649
or a port authority created under Chapter 4582. of the Revised 96650
Code in a different county and that is partnering with a port 96651
authority located within an eligible county. 96652

(10) "Issuing authority" means an eligible municipal 96653
corporation, an eligible county, a convention facilities 96654
authority, or an eligible port authority. 96655

(11) "Qualifying vendor" means the person responsible for 96656
collecting and remitting qualifying lodging taxes from a 96657
convention center headquarters hotel. 96658

(12) "Authorizing legislation" means an ordinance or 96659
resolution adopted under division (B) of this section. 96660

(13) "Qualifying township" means a township that levies a tax 96661

under section 5739.08 of the Revised Code that applies to 96662
transactions for lodging at a convention center headquarters 96663
hotel. 96664

(14) "Eligible convention and visitors' bureau" means a 96665
convention and visitors' bureau that receives revenue from a tax 96666
levied under section 5739.09 of the Revised Code that applies to 96667
transactions for lodging at a convention center headquarters 96668
hotel. 96669

(15) "Minimum payment obligation" is an obligation, including 96670
a contingent obligation, for a qualifying vendor to make a payment 96671
to an eligible municipal corporation, eligible county, or eligible 96672
port authority to ensure sufficient funds to finance the 96673
expenditures authorized under division (D)(2) of this section. 96674

(B) The legislative authority of an eligible county or 96675
eligible municipal corporation, by ordinance or resolution, may 96676
declare all of the following: 96677

(1) A hotel within that county or municipal corporation is 96678
designated as a convention center headquarters hotel; 96679

(2) The name of the convention center that the hotel is 96680
associated with; 96681

(3) That that hotel and any convention center headquarters 96682
hotel facilities associated with it are for a public purpose; 96683

(4) That transactions by which lodging by the hotel is to be 96684
furnished to transient guests shall be wholly or partially exempt 96685
from the qualifying lodging taxes for a period not to exceed 96686
thirty years from the date the exemption begins; 96687

(5) The date the exemption begins, which shall be the first 96688
day of a month; 96689

(6) If the exemption is a partial exemption, the percentage 96690
of the qualifying lodging tax that is subject to exemption; 96691

(7) Whether payments are to be required under division (D)(1) of this section and, if so, the issuing authority to which those payments are to be pledged. 96692
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Not more than one convention center headquarters hotel may be designated for each convention center located in the county or municipal corporation. 96695
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(C) Not later than fourteen days before adopting authorizing legislation, the eligible municipal corporation shall give notice of the proposed authorizing legislation to the eligible county, eligible convention and visitors' bureau, and any eligible township. Not later than thirty days after adopting authorizing legislation, the municipal corporation shall deliver a copy of the authorizing legislation to the eligible county, eligible convention and visitors' bureau, and eligible township, as applicable. 96698
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Not later than fourteen days before adopting authorizing legislation, the eligible county shall give notice of the proposed authorizing legislation to the eligible convention and visitors' bureau and any eligible municipal corporation or eligible township. Not later than thirty days after adopting authorizing legislation, the county shall deliver a copy of the authorizing legislation to the eligible convention and visitors' bureau and eligible municipal corporation or eligible township, as applicable. 96707
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An exemption granted pursuant to authorizing legislation commences on the date specified in the authorizing legislation. 96716
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(D)(1) An eligible municipal corporation or eligible county that has adopted authorizing legislation may require the convention center headquarters hotel's qualifying vendor to make monthly payments in lieu of qualifying lodging taxes on or before the final dates for payment of such taxes. Each such payment shall 96718
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be charged and collected in the same amount as the exempted 96723
qualifying lodging tax. The vendor shall remit all payments to the 96724
eligible municipal corporation or eligible county that adopted the 96725
authorizing legislation. Such payments shall be used for the 96726
purpose of paying the cost of acquiring, constructing, renovating, 96727
or maintaining convention center headquarters hotel facilities 96728
located in the eligible county. 96729

(2) An eligible municipal corporation or eligible county that 96730
adopts authorizing legislation shall establish a lodging tax 96731
equivalent fund into which shall be deposited all payments 96732
required under division (D)(1) of this section and all payments of 96733
minimum payment obligations made under agreements authorized 96734
pursuant to division (E) of this section. 96735

Money in the lodging tax equivalent fund shall be pledged and 96736
contributed to the issuing authority designated in the authorizing 96737
legislation, or agent thereof, to pay the costs described in 96738
division (D)(1) of this section, including paying bonds or notes 96739
issued in anticipation of the issuance of bonds, or paying the 96740
expenses of maintaining, operating, or promoting one or more 96741
convention center headquarters facilities. If approved by the 96742
applicable issuing authority, money in the lodging tax equivalent 96743
fund may also be used by the eligible municipal corporation or 96744
eligible county, as applicable, for any other purpose the 96745
municipal corporation's or county's tax levied under section 96746
5739.08 or 5739.09 of the Revised Code, respectively, may be used 96747
for. 96748

The eligible municipal corporation or eligible county also 96749
may deposit or permit to be deposited into the lodging tax 96750
equivalent fund other money or taxes levied under section 5739.08 96751
or 5739.09 of the Revised Code and lawfully available for those 96752
purposes as determined by the municipal corporation or county. 96753

(3) A lodging tax equivalent fund established under division 96754

(D)(2) of this section may be held by and pledged by the eligible municipal corporation or eligible county to a trustee for bonds or notes issued by an issuing authority. 96755
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(4) Any incidental surplus remaining in the lodging tax equivalent fund, upon dissolution of the fund, shall be transferred to the general fund of the eligible municipal corporation or eligible county to be used for any purpose for which the municipal corporation's or county's tax levied under section 5739.08 or 5739.09 of the Revised Code, respectively, may be used. 96758
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(E) An eligible municipal corporation, eligible county, or eligible port authority may enter into an agreement with a qualifying vendor to make payments of minimum payment obligations for deposit into the lodging tax equivalent fund established under division (D)(2) of this section. An agreement entered into under this division is binding and enforceable against all subsequent qualifying vendors for a convention center headquarters hotel without the necessity of a written assignment of the agreement. 96765
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(F) Payments required under division (D)(1) of this section and minimum payment obligations shall be collected and enforced by the eligible municipal corporation or eligible county. The municipal corporation or county may delegate this authority to the issuing authority designated in the authorizing legislation, or to an agent thereof, by including this delegation in the authorizing legislation or adopting a separate ordinance or resolution. Such issuing authority or agent shall be subject to any regulations or restrictions imposed upon the municipal corporation or county in collecting and enforcing qualifying lodging tax. 96773
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(G) A qualifying vendor may charge a consumer for any payments required under division (D)(1) of this section in the same amount as the consumer would have paid in qualifying lodging taxes had such taxes not been exempted, provided that the charges 96783
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shall be separately stated on the invoice, bill of sale, or 96787
similar document given to the consumer. 96788

Any charges paid by the consumer shall be considered taxes 96789
described in division (H)(1)(c)(iii) of section 5739.01 of the 96790
Revised Code. 96791

Sec. 5739.19. The tax commissioner may revoke any retail 96792
vendor's license upon ascertaining that the vendor has no need for 96793
the license because the vendor is not engaged in making taxable 96794
retail sales. Notice of the revocation shall be delivered to the 96795
vendor ~~personally or by certified mail or by an alternative~~ 96796
~~delivery service as authorized under~~ in the manner provided in 96797
section 5703.37 of the Revised Code. The revocation shall be 96798
effective on the first day of the month following the expiration 96799
of fifteen days after the vendor received the notice of the 96800
revocation. 96801

The revocation of the vendor's license shall be stayed if, 96802
within fifteen days after receiving notice of the revocation, the 96803
vendor objects, in writing, to the revocation. The commissioner 96804
shall consider the written objections of the vendor and issue a 96805
final determination on the revocation of the vendor's license. The 96806
commissioner's final determination may be appealed to the board of 96807
tax appeals pursuant to section 5717.02 of the Revised Code. The 96808
revocation shall be effective on the first day of the month 96809
following the expiration of all time limits for appeal. 96810

Sec. 5739.30. (A) No person, including any officer, employee, 96811
or trustee of a corporation or business trust, shall fail to file 96812
any return or report required to be filed by this chapter, or file 96813
or cause to be filed any incomplete, false or fraudulent return, 96814
report, or statement, or aid or abet another in the filing of any 96815
false or fraudulent return, report, or statement. 96816

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(B) If any vendor required to file monthly returns under 96818
section 5739.12 of the Revised Code fails, on two consecutive 96819
months or on three or more months within a twelve-month period, to 96820
file such returns when due or to pay the tax thereon, or if any 96821
vendor authorized by the tax commissioner to file semiannual 96822
returns fails on two or more occasions within a twenty-four month 96823
period, to file such returns when due or to pay the tax due 96824
thereon, the commissioner may do any of the following: 96825

(1) Require the vendor to furnish security in an amount equal 96826
to the average tax liability of the vendor for a period of one 96827
year, as determined by the commissioner from a review of returns 96828
or other information pertaining to the vendor, which amount shall 96829
in no event be less than one thousand dollars. The security may be 96830
in the form of a corporate surety bond, satisfactory to the 96831
commissioner, conditioned upon payment of the tax due with the 96832
returns from the vendor. The security shall be filed within ten 96833
days following the vendor's receipt of the notice from the 96834
commissioner of its requirements. 96835

(2) Suspend the license issued to the vendor pursuant to 96836
section 5739.17 of the Revised Code. The suspension shall be 96837
effective ten days after service of written notice to the vendor 96838
of the commissioner's intention to do so. The notice shall be 96839
served upon the vendor ~~personally, by certified mail, or by an~~ 96840
~~alternative delivery service as authorized under~~ in the manner 96841
provided in section 5703.37 of the Revised Code. On the first day 96842
of the suspension, the commissioner shall cause to be posted, at 96843
every public entrance of the vendor's premises, a notice 96844
identifying the vendor and the location and informing the public 96845
that the vendor's license is under suspension and that no retail 96846
sales may be transacted at that location. No person, other than 96847
the commissioner or the commissioner's agent or employee, shall 96848

remove, cover, or deface the posted notice. No license which has 96849
been suspended under this section shall be reinstated, and no 96850
posted notice shall be removed, until the vendor has filed 96851
complete and correct returns under this chapter and section 96852
5747.07 of the Revised Code for all periods in which no return had 96853
been filed and has paid the full amount of the tax, penalties, or 96854
other charges due. 96855

A corporate surety bond filed under this section shall be 96856
returned to the vendor if, for a period of twelve consecutive 96857
months following the date the bond was filed, the vendor has filed 96858
all returns and remitted payment with them within the time 96859
prescribed in section 5739.12 of the Revised Code. 96860

(C) The tax commissioner may suspend a license issued to a 96861
vendor pursuant to section 5739.17 of the Revised Code if the 96862
vendor is required, as an employer, to file returns or make 96863
payments under section 5747.07 of the Revised Code and the vendor 96864
fails to do either of the following: 96865

(1) File such returns when due on two consecutive occasions 96866
or on three or more occasions within a twelve-month period; 96867

(2) Pay the undeposited taxes when due on two consecutive 96868
occasions or on three or more occasions within a twelve-month 96869
period. 96870

Any such suspension shall comply with the provisions of 96871
division (B)(2) of this section. 96872

(D) If a vendor whose license has been suspended under 96873
division (B)(2) of this section fails to file returns or make 96874
payments under section 5747.07 of the Revised Code during such 96875
suspension, the license may not be reinstated, and the notice 96876
required by that division shall not be removed, until the vendor 96877
files complete and correct returns and pays the amounts due, plus 96878
any penalties and other related charges, under section 5747.07 of 96879

the Revised Code for all periods for which the vendor failed to 96880
file such returns and make such payments. 96881

Sec. 5739.31. (A)(1) No person shall engage in the business 96882
of selling at retail or sell at retail incidental to any other 96883
regularly conducted business without having a license therefor, as 96884
required by sections 5739.01 to 5739.31 of the Revised Code. 96885

(2) No person shall engage in the business of selling at 96886
retail as a transient vendor, as defined in section 5739.17 of the 96887
Revised Code, without first having obtained a license as required 96888
by that section. 96889

(B) No person shall continue to engage in the business of 96890
selling at retail or sell at retail incidental to any other 96891
regularly conducted business after the license issued to that 96892
person pursuant to section 5739.17 of the Revised Code has been 96893
suspended by the tax commissioner under division (B)(2) of section 96894
5739.30 of the Revised Code, nor shall any person obtain a new 96895
license from ~~the~~ any county auditor or the tax commissioner while 96896
such suspension is in effect. If a corporation's license has been 96897
suspended, none of its officers, or employees having control or 96898
supervision of or charged with the responsibility of filing 96899
returns and making payments of tax due, shall obtain a license 96900
from ~~the~~ any county auditor or the tax commissioner during the 96901
period of such suspension. 96902

(C) The tax commissioner may cancel any license obtained in 96903
violation of division (B) of this section or obtained by any 96904
person who violates division (A)(1) of this section more than 96905
once. 96906

Sec. 5739.99. (A) Whoever negligently violates section 96907
5739.26 or 5739.29 of the Revised Code ~~shall be fined not less 96908
than twenty five nor more than one hundred dollars~~ is guilty of a 96909

~~minor misdemeanor~~ for a first offense; for each subsequent offense 96910
such person shall, if a corporation, be fined not less than one 96911
~~hundred nor more than five hundred dollars, or if an individual,~~ 96912
~~or a member of a partnership, firm, or association, be fined not~~ 96913
~~less than twenty five nor more than one hundred dollars, or~~ 96914
~~imprisoned not more than sixty days, or both~~ is guilty of a 96915
misdemeanor of the third degree. 96916

(B) Whoever negligently violates division (A) of section 96917
5739.30 of the Revised Code shall be fined not less than one 96918
~~hundred nor more than one thousand dollars, or imprisoned not more~~ 96919
~~than sixty days, or both~~ is guilty of a misdemeanor of the third 96920
degree. 96921

(C)(1) Whoever negligently violates division (A)(1) of 96922
section 5739.31 of the Revised Code shall be fined not less than 96923
~~twenty five nor more than one hundred dollars~~ is guilty of a minor 96924
misdemeanor on the first offense. If the offender previously has 96925
been convicted of an offense under division (C)(1) of this 96926
section, the offender is guilty of a misdemeanor of the first 96927
degree. If the offender ~~previously has been convicted of two or~~ 96928
~~more previous convictions for~~ a violation of division (A)(1) of 96929
section 5739.31 of the Revised Code, the offender is guilty of a 96930
felony of the fourth degree. 96931

(2) Whoever negligently violates division (A)(2) of section 96932
5739.31 of the Revised Code shall be fined not less than one 96933
~~hundred dollars nor more than five hundred dollars, or imprisoned~~ 96934
~~for not more than ten days, or both,~~ is guilty of a minor 96935
misdemeanor for the first offense; for each subsequent offense, 96936
each such person shall be fined not less than one thousand dollars 96937
~~nor more than twenty five hundred dollars, or imprisoned not more~~ 96938
~~than thirty days, or both~~ is guilty of a misdemeanor of the fourth 96939
degree. The motor vehicles and goods of any person charged with 96940
violating division (A)(2) of section 5739.31 of the Revised Code 96941

may be impounded and held pending the disposition of the charge, 96942
and may be sold at auction by the county sheriff in the manner 96943
prescribed by law to satisfy any fine imposed by this division. 96944

(3) Whoever negligently violates division (B) of section 96945
5739.31 of the Revised Code is guilty of a misdemeanor of the 96946
first degree on the first offense; on each subsequent offense, the 96947
person is guilty of a felony of the fourth degree. Each day that 96948
business is conducted while a vendor's license is suspended 96949
constitutes a separate offense. 96950

(D) Except as otherwise provided in this section, whoever 96951
violates sections 5739.01 to 5739.31 of the Revised Code, or any 96952
lawful rule promulgated by the department of taxation under 96953
authority of such sections, shall be fined not less than 96954
twenty-five nor more than one hundred dollars. 96955

(E) Whoever violates section 5739.12 of the Revised Code by 96956
failing to remit to the state the tax collected under section 96957
5739.02, 5739.021, 5739.023, or 5739.026 of the Revised Code is 96958
guilty of a felony of the fourth degree and shall suffer the loss 96959
of the person's vendor's license as required by section 5739.17 of 96960
the Revised Code. A person shall not be eligible for a vendor's 96961
license for two years following conviction. 96962

(F) Whoever violates division (E) of section 5739.17 of the 96963
Revised Code is guilty of failure to display a transient vendor's 96964
license, a minor misdemeanor. A sheriff or police officer in a 96965
municipal corporation may enforce this division. The prosecuting 96966
attorney of a county shall inform the tax commissioner of any 96967
instance when a complaint is brought against a transient vendor 96968
pursuant to this division. 96969

(G) Whoever violates section 5739.103 of the Revised Code 96970
shall be fined not less than twenty-five nor more than one hundred 96971
dollars. If the offender previously has been convicted of 96972

violating that section, the offender is guilty of a felony of the 96973
fourth degree. 96974

(H) The penalties provided in this section are in addition to 96975
any penalties imposed by the tax commissioner under section 96976
5739.133 of the Revised Code. 96977

Sec. 5741.11. (A) Except as otherwise provided in divisions 96978
(B) and (C) of this section, if any seller who is required or 96979
authorized to collect the tax imposed by or pursuant to section 96980
5741.02, 5741.021, 5741.022, or 5741.023 of the Revised Code fails 96981
to do so, the seller shall be liable personally for such amount as 96982
the seller failed to collect. If any seller collects the tax 96983
imposed by or pursuant to any such section and fails to remit the 96984
same to the state as prescribed, the seller shall be personally 96985
liable for any amount collected that the seller failed to remit. 96986
The tax commissioner may make an assessment against such seller, 96987
based upon any information within the commissioner's possession. 96988
The commissioner shall give to the seller written notice of such 96989
assessment. Such notice ~~may~~ shall be served upon the seller 96990
~~personally or by certified mail~~ in the manner provided in section 96991
5703.37 of the Revised Code. 96992

(B) A marketplace facilitator is relieved of all liability 96993
under division (A) of this section for failure to collect the tax 96994
imposed by or pursuant to section 5741.02, 5741.021, 5741.022, or 96995
5741.023 of the Revised Code on a sale facilitated by the 96996
marketplace facilitator on behalf of an unaffiliated marketplace 96997
seller if it is demonstrated to the satisfaction of the 96998
commissioner that the marketplace facilitator made a reasonable 96999
effort to obtain sufficient and accurate information about the 97000
sale from the marketplace seller and that the marketplace 97001
facilitator failed to collect the correct amount of tax because of 97002
insufficient or incorrect information provided by the marketplace 97003

seller. 97004

If a marketplace facilitator is relieved of liability under 97005
this division, the marketplace seller for which the sale was 97006
facilitated and the purchaser are personally liable for any amount 97007
of tax that is not properly collected, paid, or remitted. 97008

(C) Division (B) of this section does not absolve a 97009
marketplace facilitator, marketplace seller, or any other person 97010
from personal liability for collecting but failing to remit the 97011
tax imposed by or pursuant to section 5741.02, 5741.021, 5741.022, 97012
or 5741.023 of the Revised Code. 97013

(D) No class action may be brought against a marketplace 97014
facilitator in any court of this state on behalf of consumers 97015
arising from or in any way related to an overpayment of the tax 97016
imposed by or pursuant to ~~sections~~ section 5741.02, 5741.021, 97017
5741.022, or 5741.023 of the Revised Code on sales facilitated by 97018
the marketplace facilitator, regardless of whether the claim is 97019
characterized as a tax refund claim. 97020

Sec. 5743.06. (A) As used in this section, "bad debt" means 97021
any debt that arises from the sale by a wholesale dealer of 97022
cigarettes properly stamped under section 5743.03, 5743.031, or 97023
5743.04 of the Revised Code, that has become worthless or 97024
uncollectible, that has been uncollected for at least six months, 97025
and that may be claimed as a deduction pursuant to the "Internal 97026
Revenue Code of 1954," 26 U.S.C. 166, and regulations adopted 97027
pursuant thereto, or that could be claimed as such a deduction if 97028
the wholesale dealer kept accounts on an accrual basis. "Bad debt" 97029
does not include any interest or financing charges on the debt, 97030
expenses incurred in attempting to collect the debt or for any 97031
portion of the debt recovered, any accounts receivable that have 97032
been sold or assigned to a third party, or repossessed property. 97033

(B) A wholesale dealer may apply to the tax commissioner for 97034

a refund of the value of cigarette tax stamps, less any discounts 97035
provided under section 5743.05 of the Revised Code, that are part 97036
of bad debt of the dealer. The commissioner shall not refund any 97037
amount for bad debt under this section unless the dealer has 97038
charged off the bad debt on its books as uncollectible. If a 97039
purchaser or other person pays all or part of a bad debt with 97040
respect to which a wholesale dealer received a refund under this 97041
section, the dealer is liable for the prorated amount of taxes 97042
refunded in connection with that portion of the debt for which 97043
such payment was received and shall remit such taxes to the 97044
commissioner in the manner the commissioner prescribes. Any 97045
request for refund under this section shall be supported by such 97046
evidence the commissioner requires, including, but not limited to, 97047
all of the following: 97048

(1) A copy of the original invoice; 97049

(2) Evidence that the cigarettes described in the invoice 97050
were delivered to the person that ordered them; 97051

(3) Evidence that the person who ordered and received such 97052
cigarettes did not pay the wholesale dealer for the cigarettes and 97053
that the dealer used reasonable collection practices in attempting 97054
to collect the debt. 97055

(C) A request for refund under this section shall be filed 97056
within three years after the date the bad debt became 97057
uncollectible. For each request, the commissioner shall determine 97058
the amount of refund to which the applicant is entitled. If the 97059
amount is not less than that claimed, the commissioner shall 97060
certify the amount to the director of budget and management and 97061
treasurer of state for payment from the tax refund fund created by 97062
section 5703.052 of the Revised Code. If the amount is less than 97063
that claimed, the commissioner shall proceed in accordance with 97064
section 5703.70 of the Revised Code. 97065

(D) The commissioner may adopt any rules necessary to 97066
administer this section. Notwithstanding any provision of section 97067
121.95 of the Revised Code to the contrary, a regulatory 97068
restriction contained in a rule adopted under this section is not 97069
subject to sections 121.95 to 121.953 of the Revised Code. 97070

(E) No person other than the wholesaler that purchased the 97071
tax stamps and generated the bad debt may claim the refund 97072
authorized under this section. 97073

Sec. 5743.15. (A) Except as otherwise provided in this 97074
division, no person shall engage in this state in the wholesale or 97075
retail business of trafficking in cigarettes or in the business of 97076
a manufacturer or importer of cigarettes without having a license 97077
to conduct each such activity issued by a county auditor under 97078
division (B) of this section or the tax commissioner under 97079
divisions (C) and (F) of this section. On dissolution of a 97080
partnership by death, the surviving partner may operate under the 97081
license of the partnership until expiration of the license, and 97082
the heirs or legal representatives of deceased persons, and 97083
receivers and trustees in bankruptcy appointed by any competent 97084
authority, may operate under the license of the person succeeded 97085
in possession by such heir, representative, receiver, or trustee 97086
in bankruptcy if the partner or successor notifies the issuer of 97087
the license of the dissolution or succession within thirty days 97088
after the dissolution or succession. 97089

(B)(1) Each applicant for a license to engage in the retail 97090
business of trafficking in cigarettes under this section, 97091
annually, on or before the ~~fourth Monday of May~~ first day of June, 97092
shall make and deliver to the county auditor of the county in 97093
which the applicant desires to engage in the retail business of 97094
trafficking in cigarettes, upon a blank form furnished by such 97095
auditor for that purpose, a statement showing the name of the 97096

applicant, each physical place in the county where the applicant's 97097
business is conducted, the nature of the business, and any other 97098
information the tax commissioner requires in the form of statement 97099
prescribed by the commissioner. If the applicant is a firm, 97100
partnership, or association other than a corporation, the 97101
application shall state the name and address of each of its 97102
members. If the applicant is a corporation, the application shall 97103
state the name and address of each of its officers. At the time of 97104
making the application required by this section, every person 97105
desiring to engage in the retail business of trafficking in 97106
cigarettes shall pay an application fee in the sum of one hundred 97107
twenty-five dollars for each physical place where the person 97108
proposes to carry on such business. Each place of business shall 97109
be deemed such space, under lease or license to, or under the 97110
control of, or under the supervision of the applicant, as is 97111
contained in one or more contiguous, adjacent, or adjoining 97112
buildings constituting an industrial plant or a place of business 97113
operated by, or under the control of, one person, or under one 97114
roof and connected by doors, halls, stairways, or elevators, which 97115
space may contain any number of points at which cigarettes are 97116
offered for sale, provided that each additional point at which 97117
cigarettes are offered for sale shall be listed in the 97118
application. 97119

(2) Upon receipt of the application and exhibition of the 97120
county treasurer's receipt showing the payment of the application 97121
fee, the county auditor shall issue to the applicant a license for 97122
each place of business designated in the application, authorizing 97123
the applicant to engage in such business at such place for one 97124
year commencing on the ~~fourth Monday of May~~ first day of June. The 97125
form of the license shall be prescribed by the commissioner. A 97126
duplicate license may be obtained from the county auditor upon 97127
payment of a five-dollar fee if the original license is lost, 97128
destroyed, or defaced. When an application is filed after the 97129

~~fourth Monday of May~~ first day of June, the application fee 97130
required to be paid shall be proportioned in amount to the 97131
remainder of the license year, except that it shall not be less 97132
than twenty-five dollars in any one year. 97133

(3) The holder of a retail dealer's cigarette license may 97134
transfer the license to a place of business within the same county 97135
other than that designated on the license on condition that the 97136
licensee's ownership interest and business structure remain 97137
unchanged, and that the licensee applies to the county auditor 97138
therefor, upon forms approved by the commissioner and the payment 97139
of a fee of five dollars into the county treasury. 97140

(C)(1) Each applicant for a license to engage in the 97141
wholesale business of trafficking in cigarettes under this 97142
section, annually, on or before the ~~fourth Monday in May~~ first day 97143
of June, shall make and deliver to the tax commissioner, upon a 97144
blank form furnished by the commissioner for that purpose, a 97145
statement showing the name of the applicant, physical street 97146
address where the applicant's business is conducted, the nature of 97147
the business, and any other information required by the 97148
commissioner. If the applicant is a firm, partnership, or 97149
association other than a corporation, the applicant shall state 97150
the name and address of each of its members. If the applicant is a 97151
corporation, the applicant shall state the name and address of 97152
each of its officers. At the time of making the application 97153
required by this section, every person desiring to engage in the 97154
wholesale business of trafficking in cigarettes shall pay an 97155
application fee of one thousand dollars for each physical place 97156
where the person proposes to carry on such business. Each place of 97157
business shall be deemed such space, under lease or license to, or 97158
under the control of, or under the supervision of the applicant, 97159
as is contained in one or more contiguous, adjacent, or adjoining 97160
buildings constituting an industrial plant or a place of business 97161

operated by, or under the control of, one person, or under one 97162
roof and connected by doors, halls, stairways, or elevators. A 97163
duplicate license may be obtained from the commissioner upon 97164
payment of a twenty-five-dollar fee if the original license is 97165
lost, destroyed, or defaced. 97166

(2) Upon receipt of the application and payment of any 97167
application fee required by this section, the commissioner shall 97168
verify that the applicant is not in violation of any provision of 97169
Chapter 1346. or Title LVII of the Revised Code. The commissioner 97170
shall also verify that the applicant has filed any returns, 97171
submitted any information, and paid any outstanding taxes, 97172
charges, or fees as required for any tax, charge, or fee 97173
administered by the commissioner, to the extent that the 97174
commissioner is aware of the returns, information, or payments at 97175
the time of the application. Upon approval, the commissioner shall 97176
issue to the applicant a license for each physical place of 97177
business designated in the application authorizing the applicant 97178
to engage in business at that location for one year commencing on 97179
the ~~fourth Monday in May~~ first day of June. For licenses issued 97180
after the ~~fourth Monday in May~~ first day of June, the application 97181
fee shall be reduced proportionately by the remainder of the 97182
twelve-month period for which the license is issued, except that 97183
the application fee required to be paid under this section shall 97184
be not less than two hundred dollars in any one year. 97185

(3) The holder of a wholesale dealer cigarette license may 97186
transfer the license to a place of business other than that 97187
designated on the license on condition that the licensee's 97188
ownership or business structure remains unchanged, and that the 97189
licensee applies to the commissioner for such a transfer upon a 97190
form promulgated by the commissioner and pays a fee of twenty-five 97191
dollars, which shall be deposited into the cigarette tax 97192
enforcement fund created in division (E) of this section. 97193

(D)(1) The wholesale cigarette license application fees 97194
collected under this section shall be paid into the cigarette tax 97195
enforcement fund. 97196

(2) The retail cigarette license application fees collected 97197
under this section shall be distributed as follows: 97198

(a) Thirty per cent shall be paid upon the warrant of the 97199
county auditor into the treasury of the municipal corporation or 97200
township in which the places of business for which the tax revenue 97201
was received are located; 97202

(b) Ten per cent shall be credited to the general fund of the 97203
county; 97204

(c) Sixty per cent shall be paid into the cigarette tax 97205
enforcement fund. 97206

(3) The remainder of the revenues and fines collected under 97207
this section and the penal laws relating to cigarettes shall be 97208
distributed as follows: 97209

(a) Three-fourths shall be paid upon the warrant of the 97210
county auditor into the treasury of the municipal corporation or 97211
township in which the place of business, on account of which the 97212
revenues and fines were received, is located; 97213

(b) One-fourth shall be credited to the general fund of the 97214
county. 97215

(E) There is hereby created within the state treasury the 97216
cigarette tax enforcement fund for the purpose of providing funds 97217
to assist in paying the costs of enforcing sections 1333.11 to 97218
1333.21 and Chapter 5743. of the Revised Code. 97219

The portion of cigarette license application fees received by 97220
a county auditor during the annual application period that ends on 97221
the ~~fourth Monday in May~~ first day of June and that is required to 97222
be deposited in the cigarette tax enforcement fund shall be sent 97223

to the treasurer of state by the thirtieth day of June each year 97224
accompanied by the form prescribed by the tax commissioner. The 97225
portion of cigarette license application fees received by each 97226
county auditor after the ~~fourth Monday in May~~ first day of June 97227
and that is required to be deposited in the cigarette tax 97228
enforcement fund shall be sent to the treasurer of state by the 97229
last day of the month following the month in which such fees were 97230
collected. 97231

(F)(1) Every person who desires to engage in the business of 97232
a manufacturer or importer of cigarettes shall, annually, on or 97233
before the ~~fourth Monday of May~~ first day of June, make and 97234
deliver to the tax commissioner, upon a blank form furnished by 97235
the commissioner for that purpose, a statement showing the name of 97236
the applicant, the nature of the applicant's business, and any 97237
other information required by the commissioner. If the applicant 97238
is a firm, partnership, or association other than a corporation, 97239
the applicant shall state the name and address of each of its 97240
members. If the applicant is a corporation, the applicant shall 97241
state the name and address of each of its officers. 97242

(2) Upon receipt of the application required under this 97243
section, the commissioner shall verify that the applicant is not 97244
in violation of any provision of Chapter 1346. of the Revised 97245
Code. The commissioner shall also verify that the applicant has 97246
filed any returns, submitted any information, and paid any 97247
outstanding taxes, charges, or fees as required for any tax, 97248
charge, or fee administered by the commissioner, to the extent 97249
that the commissioner is aware of the returns, information, taxes, 97250
charges, or fees at the time of the application. Upon approval, 97251
the commissioner shall issue to the applicant a license 97252
authorizing the applicant to engage in the business of 97253
manufacturer or importer, whichever the case may be, for one year 97254
commencing on the ~~fourth Monday of May~~ first day of June. 97255

(3) The issuing of a license under division (F)(1) of this section to a manufacturer does not excuse a manufacturer from the certification process required under section 1346.05 of the Revised Code. A manufacturer who is issued a license under division (F)(1) of this section and who is not listed on the directory required under section 1346.05 of the Revised Code shall not be permitted to sell cigarettes in this state other than to a licensed cigarette wholesaler for sale outside this state. Such a manufacturer shall provide documentation to the commissioner evidencing that the cigarettes are legal for sale in another state.

(G) The tax commissioner may adopt rules necessary to administer this section.

Sec. 5743.53. (A) The treasurer of state shall refund to a taxpayer any of the following:

(1) Amounts imposed under this chapter that were paid illegally or erroneously or paid on an illegal or erroneous assessment;

(2) Any tax paid on tobacco products or vapor products that have been sold or shipped to retail dealers, wholesale dealers, or vapor distributors outside this state, returned to the manufacturer, or destroyed by the taxpayer with the prior approval of the tax commissioner;

(3) In accordance with division (E) of this section, any tax paid by a distributor or vapor distributor on tobacco or vapor products, less any discounts provided under section 5743.52 of the Revised Code, that are part of bad debt of the distributor or vapor distributor.

Any application for refund shall be filed with the commissioner on a form prescribed by the commissioner for that

purpose. The commissioner may not pay any refund on an application 97286
for refund filed with the commissioner more than three years from 97287
the date of the payment. 97288

(B) On the filing of the application for refund, the 97289
commissioner shall determine the amount of the refund to which the 97290
applicant is entitled. If the amount is not less than that 97291
claimed, the commissioner shall certify the amount to the director 97292
of budget and management and to the treasurer of state for payment 97293
from the tax refund fund created by section 5703.052 of the 97294
Revised Code. If the amount is less than that claimed, the 97295
commissioner shall proceed in accordance with section 5703.70 of 97296
the Revised Code. 97297

If a refund is granted for payment of an illegal or erroneous 97298
assessment issued by the department of taxation, the refund shall 97299
include interest on the amount of the refund from the date of the 97300
overpayment. The interest shall be computed at the rate per annum 97301
in the manner prescribed by section 5703.47 of the Revised Code. 97302

(C) If any person entitled to a refund under this section or 97303
section 5703.70 of the Revised Code is indebted to the state for 97304
any tax administered by the tax commissioner, or any charge, 97305
penalties, or interest arising from such tax, the amount allowable 97306
on the application for refund first shall be applied in 97307
satisfaction of the debt. 97308

(D) In lieu of granting a refund payable under division 97309
(A)(2) of this section, the tax commissioner may allow a taxpayer 97310
to claim a credit of the amount of refundable tax on the return 97311
for the period during which the tax became refundable. The 97312
commissioner may require taxpayers to submit any information 97313
necessary to support a claim for a credit under this section, and 97314
the commissioner shall allow no credit if that information is not 97315
provided. 97316

(E)(1) As used in this section, "bad debt" means any debt that arises from the sale by a distributor or vapor distributor of tobacco or vapor products for which the distributor or vapor distributor remitted the tax due under section 5743.51 of the Revised Code, that has become worthless or uncollectible, that has been uncollected for at least six months, and that may be claimed as a deduction pursuant to the "Internal Revenue Code of 1954," 26 U.S.C. 166, and regulations adopted pursuant thereto, or that could be claimed as such a deduction if the distributor or vapor distributor kept account on an accrual basis. "Bad debt" does not include any interest or financing charges on the debt, expenses incurred in attempting to collect the debt or for any portion of the debt recovered, any accounts receivable that have been sold or assigned to a third party, or repossessed property.

(2) The commissioner shall not refund any amount for bad debt under division (A)(3) of this section unless the distributor or vapor distributor has charged off the bad debt on its books as uncollectible. If a purchaser or other person pays all or part of a bad debt with respect to which a distributor or vapor distributor received a refund under this section, the distributor or vapor distributor is liable for the prorated amount of taxes refunded in connection with that portion of the debt for which such payment was received and shall remit such taxes to the commissioner in the manner the commissioner prescribes. Any request for refund under division (A)(3) of this section shall be supported by such evidence the commissioner requires, including, but not limited to, all of the following:

(a) A copy of the original invoice;

(b) Evidence that the tobacco or vapor products described in the invoice were delivered to the person that ordered them;

(c) Evidence that the person who ordered and received such tobacco or vapor products did not pay the distributor or vapor

distributor for the tobacco or vapor products and that the 97349
distributor or vapor distributor used reasonable collection 97350
practices in attempting to collect the debt; 97351

(d) Evidence of the wholesale price or vapor volume, as 97352
applicable to the product, at the time the product was subjected 97353
to the tax imposed under section 5743.51 of the Revised Code. 97354

(3) No person other than the distributor or vapor distributor 97355
that paid the tax imposed under section 5743.51 of the Revised 97356
Code to the state and generated the bad debt may claim the bad 97357
debt refund authorized under division (E) of this section. 97358

(F) The commissioner may adopt any rules necessary to 97359
administer this section. Notwithstanding any provision of section 97360
121.95 of the Revised Code to the contrary, a regulatory 97361
restriction contained in a rule adopted under division (E) of this 97362
section is not subject to sections 121.95 to 121.953 of the 97363
Revised Code. 97364

Sec. 5743.61. (A)(1) No distributor or vapor distributor 97365
shall engage in the business of distributing tobacco products, 97366
vapor products, or both within this state without having a license 97367
issued by the department of taxation to engage in that business. 97368

(2) On the dissolution of a partnership by death, the 97369
surviving partner may operate under the license of the partnership 97370
until the expiration of the license, and the heirs or legal 97371
representatives of deceased persons, and receivers and trustees in 97372
bankruptcy appointed by any competent authority, may operate under 97373
the license of the person succeeded in possession by the heir, 97374
representative, receiver, or trustee in bankruptcy if the partner 97375
or successor notifies the department of taxation of the 97376
dissolution or succession within thirty days after the dissolution 97377
or succession. 97378

(B)(1) Each applicant for a license described by division 97379
(A)(1) of this section, annually, on or before the first day of 97380
February, shall make and deliver to the tax commissioner, upon a 97381
form furnished by the commissioner for that purpose, a statement 97382
showing the name of the applicant, each physical place from which 97383
the applicant distributes to distributors, vapor distributors, 97384
retail dealers, or wholesale dealers, and any other information 97385
the commissioner considers necessary for the administration of 97386
sections 5743.51 to 5743.66 of the Revised Code. 97387

(2) At the time of making the application for a license to 97388
engage either in the business of distributing tobacco products or 97389
in the business of distributing both tobacco products and vapor 97390
products, the applicant shall pay an application fee of one 97391
thousand dollars for each place listed on the application where 97392
the applicant proposes to carry on that business. The application 97393
fee for a license to engage solely in the business of distributing 97394
vapor products shall be one hundred twenty-five dollars for each 97395
place listed on the application where the applicant proposes to 97396
carry on that business. The fee charged for the application shall 97397
accompany the application and shall be made payable to the 97398
treasurer of state for deposit into the cigarette tax enforcement 97399
fund. 97400

(3) Upon receipt of the application and payment of any 97401
licensing fee required by this section, the commissioner shall 97402
verify that the applicant has filed all returns, submitted all 97403
information, and paid all outstanding taxes, charges, or fees as 97404
required for any taxes, charges, or fees administered by the 97405
commissioner, to the extent the commissioner is aware of the 97406
returns, information, taxes, charges, or fees at the time of the 97407
application. Upon approval, the commissioner shall issue to the 97408
applicant a license for each place of distribution designated in 97409
the application authorizing the applicant to engage in business at 97410

that location for one year commencing on the first day of 97411
February. For licenses issued after the first day of February, the 97412
license application fee shall be reduced proportionately by the 97413
remainder of the twelve-month period for which the license is 97414
issued, except that the application fee required to be paid under 97415
this section shall be not less than two hundred dollars. If the 97416
original license is lost, destroyed, or defaced, a duplicate 97417
license may be obtained from the commissioner upon payment of a 97418
license replacement fee of twenty-five dollars. 97419

(C) The holder of a tobacco or vapor products license may 97420
transfer the license to a place of business on condition that the 97421
licensee's ownership and business structure remains unchanged and 97422
the licensee applies to the commissioner for the transfer on a 97423
form issued by the commissioner, and pays a transfer fee of 97424
twenty-five dollars. 97425

(D) If a distributor or vapor distributor fails to file forms 97426
as required under Chapter 1346. or section 5743.52 of the Revised 97427
Code or pay the tax due for two consecutive periods or three 97428
periods during any twelve-month period, the commissioner may 97429
suspend the license issued to the distributor or vapor distributor 97430
under this section. The suspension is effective ten days after the 97431
commissioner notifies the distributor or vapor distributor of the 97432
suspension in writing ~~personally or by certified mail~~ in the 97433
manner provided in section 5703.37 of the Revised Code. The 97434
commissioner shall lift the suspension when the distributor or 97435
vapor distributor files the delinquent forms and pays the tax due, 97436
including any penalties, interest, and additional charges. The 97437
commissioner may refuse to issue the annual renewal of the license 97438
required by this section and may refuse to issue a new license for 97439
a location of the distributor until all delinquent forms are filed 97440
and outstanding taxes are paid. This division does not apply to 97441
any unpaid or underpaid tax liability that is the subject of a 97442

petition or appeal filed pursuant to section 5743.56, 5717.02, or 97443
5717.04 of the Revised Code. 97444

(E)(1) The tax commissioner may impose a penalty of up to one 97445
thousand dollars on any person found to be engaging in the 97446
business of distributing tobacco products or vapor products 97447
without a license as required by this section. 97448

(2) Any person engaging in the business of distributing 97449
tobacco products or vapor products without a license as required 97450
by this section shall comply with divisions (B)(1) and (2) of this 97451
section within ten days after being notified of the requirement to 97452
do so. Failure to comply with division (E)(2) of this section 97453
subjects a person to penalties imposed under section 5743.99 of 97454
the Revised Code. 97455

Sec. 5747.01. Except as otherwise expressly provided or 97456
clearly appearing from the context, any term used in this chapter 97457
that is not otherwise defined in this section has the same meaning 97458
as when used in a comparable context in the laws of the United 97459
States relating to federal income taxes or if not used in a 97460
comparable context in those laws, has the same meaning as in 97461
section 5733.40 of the Revised Code. Any reference in this chapter 97462
to the Internal Revenue Code includes other laws of the United 97463
States relating to federal income taxes. 97464

As used in this chapter: 97465

(A) "Adjusted gross income" or "Ohio adjusted gross income" 97466
means federal adjusted gross income, as defined and used in the 97467
Internal Revenue Code, adjusted as provided in this section: 97468

(1) Add interest or dividends on obligations or securities of 97469
any state or of any political subdivision or authority of any 97470
state, other than this state and its subdivisions and authorities. 97471

(2) Add interest or dividends on obligations of any 97472

authority, commission, instrumentality, territory, or possession 97473
of the United States to the extent that the interest or dividends 97474
are exempt from federal income taxes but not from state income 97475
taxes. 97476

(3) Deduct interest or dividends on obligations of the United 97477
States and its territories and possessions or of any authority, 97478
commission, or instrumentality of the United States to the extent 97479
that the interest or dividends are included in federal adjusted 97480
gross income but exempt from state income taxes under the laws of 97481
the United States. 97482

(4) Deduct disability and survivor's benefits to the extent 97483
included in federal adjusted gross income. 97484

(5) Deduct the following, to the extent not otherwise 97485
deducted or excluded in computing federal or Ohio adjusted gross 97486
income: 97487

(a) Benefits under Title II of the Social Security Act and 97488
tier 1 railroad retirement; 97489

(b) Railroad retirement benefits, other than tier 1 railroad 97490
retirement benefits, to the extent such amounts are exempt from 97491
state taxation under federal law. 97492

(6) Deduct the amount of wages and salaries, if any, not 97493
otherwise allowable as a deduction but that would have been 97494
allowable as a deduction in computing federal adjusted gross 97495
income for the taxable year, had the work opportunity tax credit 97496
allowed and determined under sections 38, 51, and 52 of the 97497
Internal Revenue Code not been in effect. 97498

(7) Deduct any interest or interest equivalent on public 97499
obligations and purchase obligations to the extent that the 97500
interest or interest equivalent is included in federal adjusted 97501
gross income. 97502

(8) Add any loss or deduct any gain resulting from the sale, 97503
exchange, or other disposition of public obligations to the extent 97504
that the loss has been deducted or the gain has been included in 97505
computing federal adjusted gross income. 97506

(9) Deduct or add amounts, as provided under section 5747.70 97507
of the Revised Code, related to contributions made to or tuition 97508
units purchased under a qualified tuition program established 97509
pursuant to section 529 of the Internal Revenue Code. 97510

(10)(a) Deduct, to the extent not otherwise allowable as a 97511
deduction or exclusion in computing federal or Ohio adjusted gross 97512
income for the taxable year, the amount the taxpayer paid during 97513
the taxable year for medical care insurance and qualified 97514
long-term care insurance for the taxpayer, the taxpayer's spouse, 97515
and dependents. No deduction for medical care insurance under 97516
division (A)(10)(a) of this section shall be allowed either to any 97517
taxpayer who is eligible to participate in any subsidized health 97518
plan maintained by any employer of the taxpayer or of the 97519
taxpayer's spouse, or to any taxpayer who is entitled to, or on 97520
application would be entitled to, benefits under part A of Title 97521
XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 97522
301, as amended. For the purposes of division (A)(10)(a) of this 97523
section, "subsidized health plan" means a health plan for which 97524
the employer pays any portion of the plan's cost. The deduction 97525
allowed under division (A)(10)(a) of this section shall be the net 97526
of any related premium refunds, related premium reimbursements, or 97527
related insurance premium dividends received during the taxable 97528
year. 97529

(b) Deduct, to the extent not otherwise deducted or excluded 97530
in computing federal or Ohio adjusted gross income during the 97531
taxable year, the amount the taxpayer paid during the taxable 97532
year, not compensated for by any insurance or otherwise, for 97533
medical care of the taxpayer, the taxpayer's spouse, and 97534

dependents, to the extent the expenses exceed seven and one-half 97535
per cent of the taxpayer's federal adjusted gross income. 97536

(c) For purposes of division (A)(10) of this section, 97537
"medical care" has the meaning given in section 213 of the 97538
Internal Revenue Code, subject to the special rules, limitations, 97539
and exclusions set forth therein, and "qualified long-term care" 97540
has the same meaning given in section 7702B(c) of the Internal 97541
Revenue Code. Solely for purposes of division (A)(10)(a) of this 97542
section, "dependent" includes a person who otherwise would be a 97543
"qualifying relative" and thus a "dependent" under section 152 of 97544
the Internal Revenue Code but for the fact that the person fails 97545
to meet the income and support limitations under section 97546
152(d)(1)(B) and (C) of the Internal Revenue Code. 97547

(11)(a) Deduct any amount included in federal adjusted gross 97548
income solely because the amount represents a reimbursement or 97549
refund of expenses that in any year the taxpayer had deducted as 97550
an itemized deduction pursuant to section 63 of the Internal 97551
Revenue Code and applicable United States department of the 97552
treasury regulations. The deduction otherwise allowed under 97553
division (A)(11)(a) of this section shall be reduced to the extent 97554
the reimbursement is attributable to an amount the taxpayer 97555
deducted under this section in any taxable year. 97556

(b) Add any amount not otherwise included in Ohio adjusted 97557
gross income for any taxable year to the extent that the amount is 97558
attributable to the recovery during the taxable year of any amount 97559
deducted or excluded in computing federal or Ohio adjusted gross 97560
income in any taxable year. 97561

(12) Deduct any portion of the deduction described in section 97562
1341(a)(2) of the Internal Revenue Code, for repaying previously 97563
reported income received under a claim of right, that meets both 97564
of the following requirements: 97565

(a) It is allowable for repayment of an item that was 97566
included in the taxpayer's adjusted gross income for a prior 97567
taxable year and did not qualify for a credit under division (A) 97568
or (B) of section 5747.05 of the Revised Code for that year; 97569

(b) It does not otherwise reduce the taxpayer's adjusted 97570
gross income for the current or any other taxable year. 97571

(13) Deduct an amount equal to the deposits made to, and net 97572
investment earnings of, a medical savings account during the 97573
taxable year, in accordance with section 3924.66 of the Revised 97574
Code. The deduction allowed by division (A)(13) of this section 97575
does not apply to medical savings account deposits and earnings 97576
otherwise deducted or excluded for the current or any other 97577
taxable year from the taxpayer's federal adjusted gross income. 97578

(14)(a) Add an amount equal to the funds withdrawn from a 97579
medical savings account during the taxable year, and the net 97580
investment earnings on those funds, when the funds withdrawn were 97581
used for any purpose other than to reimburse an account holder 97582
for, or to pay, eligible medical expenses, in accordance with 97583
section 3924.66 of the Revised Code; 97584

(b) Add the amounts distributed from a medical savings 97585
account under division (A)(2) of section 3924.68 of the Revised 97586
Code during the taxable year. 97587

(15) Add any amount claimed as a credit under section 97588
5747.059 of the Revised Code to the extent that such amount 97589
satisfies either of the following: 97590

(a) The amount was deducted or excluded from the computation 97591
of the taxpayer's federal adjusted gross income as required to be 97592
reported for the taxpayer's taxable year under the Internal 97593
Revenue Code; 97594

(b) The amount resulted in a reduction of the taxpayer's 97595
federal adjusted gross income as required to be reported for any 97596

of the taxpayer's taxable years under the Internal Revenue Code. 97597

(16) Deduct the amount contributed by the taxpayer to an 97598
individual development account program established by a county 97599
department of job and family services pursuant to sections 329.11 97600
to 329.14 of the Revised Code for the purpose of matching funds 97601
deposited by program participants. On request of the tax 97602
commissioner, the taxpayer shall provide any information that, in 97603
the tax commissioner's opinion, is necessary to establish the 97604
amount deducted under division (A)(16) of this section. 97605

(17)(a)(i) Subject to divisions (A)(17)(a)(iii), (iv), and 97606
(v) of this section, add five-sixths of the amount of depreciation 97607
expense allowed by subsection (k) of section 168 of the Internal 97608
Revenue Code, including the taxpayer's proportionate or 97609
distributive share of the amount of depreciation expense allowed 97610
by that subsection to a pass-through entity in which the taxpayer 97611
has a direct or indirect ownership interest. 97612

(ii) Subject to divisions (A)(17)(a)(iii), (iv), and (v) of 97613
this section, add five-sixths of the amount of qualifying section 97614
179 depreciation expense, including the taxpayer's proportionate 97615
or distributive share of the amount of qualifying section 179 97616
depreciation expense allowed to any pass-through entity in which 97617
the taxpayer has a direct or indirect ownership interest. 97618

(iii) Subject to division (A)(17)(a)(v) of this section, for 97619
taxable years beginning in 2012 or thereafter, if the increase in 97620
income taxes withheld by the taxpayer is equal to or greater than 97621
ten per cent of income taxes withheld by the taxpayer during the 97622
taxpayer's immediately preceding taxable year, "two-thirds" shall 97623
be substituted for "five-sixths" for the purpose of divisions 97624
(A)(17)(a)(i) and (ii) of this section. 97625

(iv) Subject to division (A)(17)(a)(v) of this section, for 97626
taxable years beginning in 2012 or thereafter, a taxpayer is not 97627

required to add an amount under division (A)(17) of this section 97628
if the increase in income taxes withheld by the taxpayer and by 97629
any pass-through entity in which the taxpayer has a direct or 97630
indirect ownership interest is equal to or greater than the sum of 97631
(I) the amount of qualifying section 179 depreciation expense and 97632
(II) the amount of depreciation expense allowed to the taxpayer by 97633
subsection (k) of section 168 of the Internal Revenue Code, and 97634
including the taxpayer's proportionate or distributive shares of 97635
such amounts allowed to any such pass-through entities. 97636

(v) If a taxpayer directly or indirectly incurs a net 97637
operating loss for the taxable year for federal income tax 97638
purposes, to the extent such loss resulted from depreciation 97639
expense allowed by subsection (k) of section 168 of the Internal 97640
Revenue Code and by qualifying section 179 depreciation expense, 97641
"the entire" shall be substituted for "five-sixths of the" for the 97642
purpose of divisions (A)(17)(a)(i) and (ii) of this section. 97643

The tax commissioner, under procedures established by the 97644
commissioner, may waive the add-backs related to a pass-through 97645
entity if the taxpayer owns, directly or indirectly, less than 97646
five per cent of the pass-through entity. 97647

(b) Nothing in division (A)(17) of this section shall be 97648
construed to adjust or modify the adjusted basis of any asset. 97649

(c) To the extent the add-back required under division 97650
(A)(17)(a) of this section is attributable to property generating 97651
nonbusiness income or loss allocated under section 5747.20 of the 97652
Revised Code, the add-back shall be situated to the same location 97653
as the nonbusiness income or loss generated by the property for 97654
the purpose of determining the credit under division (A) of 97655
section 5747.05 of the Revised Code. Otherwise, the add-back shall 97656
be apportioned, subject to one or more of the four alternative 97657
methods of apportionment enumerated in section 5747.21 of the 97658
Revised Code. 97659

(d) For the purposes of division (A)(17)(a)(v) of this section, net operating loss carryback and carryforward shall not include the allowance of any net operating loss deduction carryback or carryforward to the taxable year to the extent such loss resulted from depreciation allowed by section 168(k) of the Internal Revenue Code and by the qualifying section 179 depreciation expense amount.

(e) For the purposes of divisions (A)(17) and (18) of this section:

(i) "Income taxes withheld" means the total amount withheld and remitted under sections 5747.06 and 5747.07 of the Revised Code by an employer during the employer's taxable year.

(ii) "Increase in income taxes withheld" means the amount by which the amount of income taxes withheld by an employer during the employer's current taxable year exceeds the amount of income taxes withheld by that employer during the employer's immediately preceding taxable year.

(iii) "Qualifying section 179 depreciation expense" means the difference between (I) the amount of depreciation expense directly or indirectly allowed to a taxpayer under section 179 of the Internal Revised Code, and (II) the amount of depreciation expense directly or indirectly allowed to the taxpayer under section 179 of the Internal Revenue Code as that section existed on December 31, 2002.

(18)(a) If the taxpayer was required to add an amount under division (A)(17)(a) of this section for a taxable year, deduct one of the following:

(i) One-fifth of the amount so added for each of the five succeeding taxable years if the amount so added was five-sixths of qualifying section 179 depreciation expense or depreciation expense allowed by subsection (k) of section 168 of the Internal

Revenue Code; 97691

(ii) One-half of the amount so added for each of the two 97692
succeeding taxable years if the amount so added was two-thirds of 97693
such depreciation expense; 97694

(iii) One-sixth of the amount so added for each of the six 97695
succeeding taxable years if the entire amount of such depreciation 97696
expense was so added. 97697

(b) If the amount deducted under division (A)(18)(a) of this 97698
section is attributable to an add-back allocated under division 97699
(A)(17)(c) of this section, the amount deducted shall be sitused 97700
to the same location. Otherwise, the add-back shall be apportioned 97701
using the apportionment factors for the taxable year in which the 97702
deduction is taken, subject to one or more of the four alternative 97703
methods of apportionment enumerated in section 5747.21 of the 97704
Revised Code. 97705

(c) No deduction is available under division (A)(18)(a) of 97706
this section with regard to any depreciation allowed by section 97707
168(k) of the Internal Revenue Code and by the qualifying section 97708
179 depreciation expense amount to the extent that such 97709
depreciation results in or increases a federal net operating loss 97710
carryback or carryforward. If no such deduction is available for a 97711
taxable year, the taxpayer may carry forward the amount not 97712
deducted in such taxable year to the next taxable year and add 97713
that amount to any deduction otherwise available under division 97714
(A)(18)(a) of this section for that next taxable year. The 97715
carryforward of amounts not so deducted shall continue until the 97716
entire addition required by division (A)(17)(a) of this section 97717
has been deducted. 97718

(19) Deduct, to the extent not otherwise deducted or excluded 97719
in computing federal or Ohio adjusted gross income for the taxable 97720
year, the amount the taxpayer received during the taxable year as 97721

reimbursement for life insurance premiums under section 5919.31 of 97722
the Revised Code. 97723

(20) Deduct, to the extent not otherwise deducted or excluded 97724
in computing federal or Ohio adjusted gross income for the taxable 97725
year, the amount the taxpayer received during the taxable year as 97726
a death benefit paid by the adjutant general under section 5919.33 97727
of the Revised Code. 97728

(21) Deduct, to the extent included in federal adjusted gross 97729
income and not otherwise allowable as a deduction or exclusion in 97730
computing federal or Ohio adjusted gross income for the taxable 97731
year, military pay and allowances received by the taxpayer during 97732
the taxable year for active duty service in the United States 97733
army, air force, navy, marine corps, or coast guard or reserve 97734
components thereof or the national guard. The deduction may not be 97735
claimed for military pay and allowances received by the taxpayer 97736
while the taxpayer is stationed in this state. 97737

(22) Deduct, to the extent not otherwise allowable as a 97738
deduction or exclusion in computing federal or Ohio adjusted gross 97739
income for the taxable year and not otherwise compensated for by 97740
any other source, the amount of qualified organ donation expenses 97741
incurred by the taxpayer during the taxable year, not to exceed 97742
ten thousand dollars. A taxpayer may deduct qualified organ 97743
donation expenses only once for all taxable years beginning with 97744
taxable years beginning in 2007. 97745

For the purposes of division (A)(22) of this section: 97746

(a) "Human organ" means all or any portion of a human liver, 97747
pancreas, kidney, intestine, or lung, and any portion of human 97748
bone marrow. 97749

(b) "Qualified organ donation expenses" means travel 97750
expenses, lodging expenses, and wages and salary forgone by a 97751
taxpayer in connection with the taxpayer's donation, while living, 97752

of one or more of the taxpayer's human organs to another human 97753
being. 97754

(23) Deduct, to the extent not otherwise deducted or excluded 97755
in computing federal or Ohio adjusted gross income for the taxable 97756
year, amounts received by the taxpayer as retired personnel pay 97757
for service in the uniformed services or reserve components 97758
thereof, or the national guard, or received by the surviving 97759
spouse or former spouse of such a taxpayer under the survivor 97760
benefit plan on account of such a taxpayer's death. If the 97761
taxpayer receives income on account of retirement paid under the 97762
federal civil service retirement system or federal employees 97763
retirement system, or under any successor retirement program 97764
enacted by the congress of the United States that is established 97765
and maintained for retired employees of the United States 97766
government, and such retirement income is based, in whole or in 97767
part, on credit for the taxpayer's uniformed service, the 97768
deduction allowed under this division shall include only that 97769
portion of such retirement income that is attributable to the 97770
taxpayer's uniformed service, to the extent that portion of such 97771
retirement income is otherwise included in federal adjusted gross 97772
income and is not otherwise deducted under this section. Any 97773
amount deducted under division (A)(23) of this section is not 97774
included in a taxpayer's adjusted gross income for the purposes of 97775
section 5747.055 of the Revised Code. No amount may be deducted 97776
under division (A)(23) of this section on the basis of which a 97777
credit was claimed under section 5747.055 of the Revised Code. 97778

(24) Deduct, to the extent not otherwise deducted or excluded 97779
in computing federal or Ohio adjusted gross income for the taxable 97780
year, the amount the taxpayer received during the taxable year 97781
from the military injury relief fund created in section 5902.05 of 97782
the Revised Code. 97783

(25) Deduct, to the extent not otherwise deducted or excluded 97784

in computing federal or Ohio adjusted gross income for the taxable 97785
year, the amount the taxpayer received as a veterans bonus during 97786
the taxable year from the Ohio department of veterans services as 97787
authorized by Section 2r of Article VIII, Ohio Constitution. 97788

(26) Deduct, to the extent not otherwise deducted or excluded 97789
in computing federal or Ohio adjusted gross income for the taxable 97790
year, any income derived from a transfer agreement or from the 97791
enterprise transferred under that agreement under section 4313.02 97792
of the Revised Code. 97793

(27) Deduct, to the extent not otherwise deducted or excluded 97794
in computing federal or Ohio adjusted gross income for the taxable 97795
year, Ohio college opportunity or federal Pell grant amounts 97796
received by the taxpayer or the taxpayer's spouse or dependent 97797
pursuant to section 3333.122 of the Revised Code or 20 U.S.C. 97798
1070a, et seq., and used to pay room or board furnished by the 97799
educational institution for which the grant was awarded at the 97800
institution's facilities, including meal plans administered by the 97801
institution. For the purposes of this division, receipt of a grant 97802
includes the distribution of a grant directly to an educational 97803
institution and the crediting of the grant to the enrollee's 97804
account with the institution. 97805

(28) Deduct from the portion of an individual's federal 97806
adjusted gross income that is business income, to the extent not 97807
otherwise deducted or excluded in computing federal adjusted gross 97808
income for the taxable year, one hundred twenty-five thousand 97809
dollars for each spouse if spouses file separate returns under 97810
section 5747.08 of the Revised Code or two hundred fifty thousand 97811
dollars for all other individuals. 97812

(29) Deduct, as provided under section 5747.78 of the Revised 97813
Code, contributions to ABLE savings accounts made in accordance 97814
with sections 113.50 to 113.56 of the Revised Code. 97815

(30)(a) Deduct, to the extent not otherwise deducted or 97816
excluded in computing federal or Ohio adjusted gross income during 97817
the taxable year, all of the following: 97818

(i) Compensation paid to a qualifying employee described in 97819
division (A)(14)(a) of section 5703.94 of the Revised Code to the 97820
extent such compensation is for disaster work conducted in this 97821
state during a disaster response period pursuant to a qualifying 97822
solicitation received by the employee's employer; 97823

(ii) Compensation paid to a qualifying employee described in 97824
division (A)(14)(b) of section 5703.94 of the Revised Code to the 97825
extent such compensation is for disaster work conducted in this 97826
state by the employee during the disaster response period on 97827
critical infrastructure owned or used by the employee's employer; 97828

(iii) Income received by an out-of-state disaster business 97829
for disaster work conducted in this state during a disaster 97830
response period, or, if the out-of-state disaster business is a 97831
pass-through entity, a taxpayer's distributive share of the 97832
pass-through entity's income from the business conducting disaster 97833
work in this state during a disaster response period, if, in 97834
either case, the disaster work is conducted pursuant to a 97835
qualifying solicitation received by the business. 97836

(b) All terms used in division (A)(30) of this section have 97837
the same meanings as in section 5703.94 of the Revised Code. 97838

(31) For a taxpayer who is a qualifying Ohio educator, 97839
deduct, to the extent not otherwise deducted or excluded in 97840
computing federal or Ohio adjusted gross income for the taxable 97841
year, the lesser of two hundred fifty dollars or the amount of 97842
expenses described in subsections (a)(2)(D)(i) and (ii) of section 97843
62 of the Internal Revenue Code paid or incurred by the taxpayer 97844
during the taxpayer's taxable year in excess of the amount the 97845
taxpayer is authorized to deduct for that taxable year under 97846

subsection (a)(2)(D) of that section. 97847

(32) Deduct, to the extent not otherwise deducted or excluded 97848
in computing federal or Ohio adjusted gross income for the taxable 97849
year, amounts received by the taxpayer as a disability severance 97850
payment, computed under 10 U.S.C. 1212, following discharge or 97851
release under honorable conditions from the armed forces, as 97852
defined by 10 U.S.C. 101. 97853

(33) Deduct, to the extent not otherwise deducted or excluded 97854
in computing federal adjusted gross income or Ohio adjusted gross 97855
income, amounts not subject to tax due to an agreement entered 97856
into under division (A)(2) of section 5747.05 of the Revised Code. 97857

(34) Deduct amounts as provided under section 5747.79 of the 97858
Revised Code related to the taxpayer's qualifying capital gains 97859
and deductible payroll. 97860

To the extent a qualifying capital gain described under 97861
division (A)(34) of this section is business income, the taxpayer 97862
shall deduct those gains under this division before deducting any 97863
such gains under division (A)(28) of this section. 97864

(35)(a) For taxable years beginning in or after 2026, deduct, 97865
to the extent not otherwise deducted or excluded in computing 97866
federal or Ohio adjusted gross income for the taxable year: 97867

(i) One hundred per cent of the capital gain received by the 97868
taxpayer in the taxable year from a qualifying interest in an Ohio 97869
venture capital operating company attributable to the company's 97870
investments in Ohio businesses during the period for which the 97871
company was an Ohio venture operating company; and 97872

(ii) Fifty per cent of the capital gain received by the 97873
taxpayer in the taxable year from a qualifying interest in an Ohio 97874
venture capital operating company attributable to the company's 97875
investments in all other businesses during the period for which 97876
the company was an Ohio venture operating company. 97877

(b) Add amounts previously deducted by the taxpayer under 97878
division (A)(35)(a) of this section if the director of development 97879
certifies to the tax commissioner that the requirements for the 97880
deduction were not met. 97881

(c) All terms used in division (A)(35) of this section have 97882
the same meanings as in section 122.851 of the Revised Code. 97883

(d) To the extent a capital gain described in division 97884
(A)(35)(a) of this section is business income, the taxpayer shall 97885
apply that division before applying division (A)(28) of this 97886
section. 97887

(36) Add, to the extent not otherwise included in computing 97888
federal or Ohio adjusted gross income for any taxable year, the 97889
taxpayer's proportionate share of the amount of the tax levied 97890
under section 5747.38 of the Revised Code and paid by an electing 97891
pass-through entity for the taxable year. 97892

(37) Deduct, to the extent not otherwise deducted or excluded 97893
in computing federal or Ohio adjusted gross income for the taxable 97894
year, amounts delivered to a qualifying institution pursuant to 97895
section 3333.128 of the Revised Code for the benefit of the 97896
taxpayer or the taxpayer's spouse or dependent. 97897

(38) Deduct, to the extent not otherwise deducted or excluded 97898
in computing federal or Ohio adjusted gross income for the taxable 97899
year, amounts received under the Ohio adoption grant program 97900
pursuant to section 5101.191 of the Revised Code. 97901

(39) Deduct, to the extent included in federal adjusted gross 97902
income, income attributable to loan repayments on behalf of the 97903
taxpayer under the rural practice incentive program under section 97904
3333.135 of the Revised Code. 97905

(40) Deduct, to the extent included in federal adjusted gross 97906
income, income attributable to amounts provided to a taxpayer for 97907
any of the purposes for which a deduction is authorized under 97908

section 139 of the Internal Revenue Code, assuming that the train 97909
derailment near the city of East Palestine on February 3, 2023, is 97910
a qualified disaster pursuant to that section, or to compensate 97911
for lost business resulting from that derailment, if such amounts 97912
are provided by any of the following: 97913

(a) A federal, state, or local government agency; 97914

(b) Norfolk southern railway; 97915

(c) Any subsidiary, insurer, or agent of Norfolk southern 97916
railway or any related person. 97917

(B) "Business income" means income, including gain or loss, 97918
arising from transactions, activities, and sources in the regular 97919
course of a trade or business and includes income, gain, or loss 97920
from real property, tangible property, and intangible property if 97921
the acquisition, rental, management, and disposition of the 97922
property constitute integral parts of the regular course of a 97923
trade or business operation. "Business income" includes income, 97924
including gain or loss, from a partial or complete liquidation of 97925
a business, including, but not limited to, gain or loss from the 97926
sale or other disposition of goodwill or the sale of an equity or 97927
ownership interest in a business. 97928

As used in this division, the "sale of an equity or ownership 97929
interest in a business" means sales to which either or both of the 97930
following apply: 97931

(1) The sale is treated for federal income tax purposes as 97932
the sale of assets. 97933

(2) The seller materially participated, as described in 26 97934
C.F.R. 1.469-5T, in the activities of the business during the 97935
taxable year in which the sale occurs or during any of the five 97936
preceding taxable years. 97937

(C) "Nonbusiness income" means all income other than business 97938

income and may include, but is not limited to, compensation, rents 97939
and royalties from real or tangible personal property, capital 97940
gains, interest, dividends and distributions, patent or copyright 97941
royalties, or lottery winnings, prizes, and awards. 97942

(D) "Compensation" means any form of remuneration paid to an 97943
employee for personal services. 97944

(E) "Fiduciary" means a guardian, trustee, executor, 97945
administrator, receiver, conservator, or any other person acting 97946
in any fiduciary capacity for any individual, trust, or estate. 97947

(F) "Fiscal year" means an accounting period of twelve months 97948
ending on the last day of any month other than December. 97949

(G) "Individual" means any natural person. 97950

(H) "Internal Revenue Code" means the "Internal Revenue Code 97951
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 97952

(I) "Resident" means any of the following: 97953

(1) An individual who is domiciled in this state, subject to 97954
section 5747.24 of the Revised Code; 97955

(2) The estate of a decedent who at the time of death was 97956
domiciled in this state. The domicile tests of section 5747.24 of 97957
the Revised Code are not controlling for purposes of division 97958
(I)(2) of this section. 97959

(3) A trust that, in whole or part, resides in this state. If 97960
only part of a trust resides in this state, the trust is a 97961
resident only with respect to that part. 97962

For the purposes of division (I)(3) of this section: 97963

(a) A trust resides in this state for the trust's current 97964
taxable year to the extent, as described in division (I)(3)(d) of 97965
this section, that the trust consists directly or indirectly, in 97966
whole or in part, of assets, net of any related liabilities, that 97967
were transferred, or caused to be transferred, directly or 97968

indirectly, to the trust by any of the following: 97969

(i) A person, a court, or a governmental entity or 97970
instrumentality on account of the death of a decedent, but only if 97971
the trust is described in division (I)(3)(e)(i) or (ii) of this 97972
section; 97973

(ii) A person who was domiciled in this state for the 97974
purposes of this chapter when the person directly or indirectly 97975
transferred assets to an irrevocable trust, but only if at least 97976
one of the trust's qualifying beneficiaries is domiciled in this 97977
state for the purposes of this chapter during all or some portion 97978
of the trust's current taxable year; 97979

(iii) A person who was domiciled in this state for the 97980
purposes of this chapter when the trust document or instrument or 97981
part of the trust document or instrument became irrevocable, but 97982
only if at least one of the trust's qualifying beneficiaries is a 97983
resident domiciled in this state for the purposes of this chapter 97984
during all or some portion of the trust's current taxable year. If 97985
a trust document or instrument became irrevocable upon the death 97986
of a person who at the time of death was domiciled in this state 97987
for purposes of this chapter, that person is a person described in 97988
division (I)(3)(a)(iii) of this section. 97989

(b) A trust is irrevocable to the extent that the transferor 97990
is not considered to be the owner of the net assets of the trust 97991
under sections 671 to 678 of the Internal Revenue Code. 97992

(c) With respect to a trust other than a charitable lead 97993
trust, "qualifying beneficiary" has the same meaning as "potential 97994
current beneficiary" as defined in section 1361(e)(2) of the 97995
Internal Revenue Code, and with respect to a charitable lead trust 97996
"qualifying beneficiary" is any current, future, or contingent 97997
beneficiary, but with respect to any trust "qualifying 97998
beneficiary" excludes a person or a governmental entity or 97999

instrumentality to any of which a contribution would qualify for 98000
the charitable deduction under section 170 of the Internal Revenue 98001
Code. 98002

(d) For the purposes of division (I)(3)(a) of this section, 98003
the extent to which a trust consists directly or indirectly, in 98004
whole or in part, of assets, net of any related liabilities, that 98005
were transferred directly or indirectly, in whole or part, to the 98006
trust by any of the sources enumerated in that division shall be 98007
ascertained by multiplying the fair market value of the trust's 98008
assets, net of related liabilities, by the qualifying ratio, which 98009
shall be computed as follows: 98010

(i) The first time the trust receives assets, the numerator 98011
of the qualifying ratio is the fair market value of those assets 98012
at that time, net of any related liabilities, from sources 98013
enumerated in division (I)(3)(a) of this section. The denominator 98014
of the qualifying ratio is the fair market value of all the 98015
trust's assets at that time, net of any related liabilities. 98016

(ii) Each subsequent time the trust receives assets, a 98017
revised qualifying ratio shall be computed. The numerator of the 98018
revised qualifying ratio is the sum of (1) the fair market value 98019
of the trust's assets immediately prior to the subsequent 98020
transfer, net of any related liabilities, multiplied by the 98021
qualifying ratio last computed without regard to the subsequent 98022
transfer, and (2) the fair market value of the subsequently 98023
transferred assets at the time transferred, net of any related 98024
liabilities, from sources enumerated in division (I)(3)(a) of this 98025
section. The denominator of the revised qualifying ratio is the 98026
fair market value of all the trust's assets immediately after the 98027
subsequent transfer, net of any related liabilities. 98028

(iii) Whether a transfer to the trust is by or from any of 98029
the sources enumerated in division (I)(3)(a) of this section shall 98030
be ascertained without regard to the domicile of the trust's 98031

beneficiaries. 98032

(e) For the purposes of division (I)(3)(a)(i) of this 98033
section: 98034

(i) A trust is described in division (I)(3)(e)(i) of this 98035
section if the trust is a testamentary trust and the testator of 98036
that testamentary trust was domiciled in this state at the time of 98037
the testator's death for purposes of the taxes levied under 98038
Chapter 5731. of the Revised Code. 98039

(ii) A trust is described in division (I)(3)(e)(ii) of this 98040
section if the transfer is a qualifying transfer described in any 98041
of divisions (I)(3)(f)(i) to (vi) of this section, the trust is an 98042
irrevocable inter vivos trust, and at least one of the trust's 98043
qualifying beneficiaries is domiciled in this state for purposes 98044
of this chapter during all or some portion of the trust's current 98045
taxable year. 98046

(f) For the purposes of division (I)(3)(e)(ii) of this 98047
section, a "qualifying transfer" is a transfer of assets, net of 98048
any related liabilities, directly or indirectly to a trust, if the 98049
transfer is described in any of the following: 98050

(i) The transfer is made to a trust, created by the decedent 98051
before the decedent's death and while the decedent was domiciled 98052
in this state for the purposes of this chapter, and, prior to the 98053
death of the decedent, the trust became irrevocable while the 98054
decedent was domiciled in this state for the purposes of this 98055
chapter. 98056

(ii) The transfer is made to a trust to which the decedent, 98057
prior to the decedent's death, had directly or indirectly 98058
transferred assets, net of any related liabilities, while the 98059
decedent was domiciled in this state for the purposes of this 98060
chapter, and prior to the death of the decedent the trust became 98061
irrevocable while the decedent was domiciled in this state for the 98062

purposes of this chapter. 98063

(iii) The transfer is made on account of a contractual 98064
relationship existing directly or indirectly between the 98065
transferor and either the decedent or the estate of the decedent 98066
at any time prior to the date of the decedent's death, and the 98067
decedent was domiciled in this state at the time of death for 98068
purposes of the taxes levied under Chapter 5731. of the Revised 98069
Code. 98070

(iv) The transfer is made to a trust on account of a 98071
contractual relationship existing directly or indirectly between 98072
the transferor and another person who at the time of the 98073
decedent's death was domiciled in this state for purposes of this 98074
chapter. 98075

(v) The transfer is made to a trust on account of the will of 98076
a testator who was domiciled in this state at the time of the 98077
testator's death for purposes of the taxes levied under Chapter 98078
5731. of the Revised Code. 98079

(vi) The transfer is made to a trust created by or caused to 98080
be created by a court, and the trust was directly or indirectly 98081
created in connection with or as a result of the death of an 98082
individual who, for purposes of the taxes levied under Chapter 98083
5731. of the Revised Code, was domiciled in this state at the time 98084
of the individual's death. 98085

(g) The tax commissioner may adopt rules to ascertain the 98086
part of a trust residing in this state. 98087

(J) "Nonresident" means an individual or estate that is not a 98088
resident. An individual who is a resident for only part of a 98089
taxable year is a nonresident for the remainder of that taxable 98090
year. 98091

(K) "Pass-through entity" has the same meaning as in section 98092
5733.04 of the Revised Code. 98093

(L) "Return" means the notifications and reports required to be filed pursuant to this chapter for the purpose of reporting the tax due and includes declarations of estimated tax when so required.

(M) "Taxable year" means the calendar year or the taxpayer's fiscal year ending during the calendar year, or fractional part thereof, upon which the adjusted gross income is calculated pursuant to this chapter.

(N) "Taxpayer" means any person subject to the tax imposed by section 5747.02 of the Revised Code or any pass-through entity that makes the election under division (D) of section 5747.08 of the Revised Code.

(O) "Dependents" means one of the following:

(1) For taxable years beginning on or after January 1, 2018, and before January 1, 2026, dependents as defined in the Internal Revenue Code;

(2) For all other taxable years, dependents as defined in the Internal Revenue Code and as claimed in the taxpayer's federal income tax return for the taxable year or which the taxpayer would have been permitted to claim had the taxpayer filed a federal income tax return.

(P) "Principal county of employment" means, in the case of a nonresident, the county within the state in which a taxpayer performs services for an employer or, if those services are performed in more than one county, the county in which the major portion of the services are performed.

(Q) As used in sections 5747.50 to 5747.55 of the Revised Code:

(1) "Subdivision" means any county, municipal corporation, park district, or township.

(2) "Essential local government purposes" includes all 98124
functions that any subdivision is required by general law to 98125
exercise, including like functions that are exercised under a 98126
charter adopted pursuant to the Ohio Constitution. 98127

(R) "Overpayment" means any amount already paid that exceeds 98128
the figure determined to be the correct amount of the tax. 98129

(S) "Taxable income" or "Ohio taxable income" applies only to 98130
estates and trusts, and means federal taxable income, as defined 98131
and used in the Internal Revenue Code, adjusted as follows: 98132

(1) Add interest or dividends, net of ordinary, necessary, 98133
and reasonable expenses not deducted in computing federal taxable 98134
income, on obligations or securities of any state or of any 98135
political subdivision or authority of any state, other than this 98136
state and its subdivisions and authorities, but only to the extent 98137
that such net amount is not otherwise includible in Ohio taxable 98138
income and is described in either division (S)(1)(a) or (b) of 98139
this section: 98140

(a) The net amount is not attributable to the S portion of an 98141
electing small business trust and has not been distributed to 98142
beneficiaries for the taxable year; 98143

(b) The net amount is attributable to the S portion of an 98144
electing small business trust for the taxable year. 98145

(2) Add interest or dividends, net of ordinary, necessary, 98146
and reasonable expenses not deducted in computing federal taxable 98147
income, on obligations of any authority, commission, 98148
instrumentality, territory, or possession of the United States to 98149
the extent that the interest or dividends are exempt from federal 98150
income taxes but not from state income taxes, but only to the 98151
extent that such net amount is not otherwise includible in Ohio 98152
taxable income and is described in either division (S)(1)(a) or 98153
(b) of this section; 98154

- (3) Add the amount of personal exemption allowed to the estate pursuant to section 642(b) of the Internal Revenue Code; 98155
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- (4) Deduct interest or dividends, net of related expenses deducted in computing federal taxable income, on obligations of the United States and its territories and possessions or of any authority, commission, or instrumentality of the United States to the extent that the interest or dividends are exempt from state taxes under the laws of the United States, but only to the extent that such amount is included in federal taxable income and is described in either division (S)(1)(a) or (b) of this section; 98157
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- (5) Deduct the amount of wages and salaries, if any, not otherwise allowable as a deduction but that would have been allowable as a deduction in computing federal taxable income for the taxable year, had the work opportunity tax credit allowed under sections 38, 51, and 52 of the Internal Revenue Code not been in effect, but only to the extent such amount relates either to income included in federal taxable income for the taxable year or to income of the S portion of an electing small business trust for the taxable year; 98165
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- (6) Deduct any interest or interest equivalent, net of related expenses deducted in computing federal taxable income, on public obligations and purchase obligations, but only to the extent that such net amount relates either to income included in federal taxable income for the taxable year or to income of the S portion of an electing small business trust for the taxable year; 98174
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- (7) Add any loss or deduct any gain resulting from sale, exchange, or other disposition of public obligations to the extent that such loss has been deducted or such gain has been included in computing either federal taxable income or income of the S portion of an electing small business trust for the taxable year; 98180
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- (8) Except in the case of the final return of an estate, add 98185

any amount deducted by the taxpayer on both its Ohio estate tax 98186
return pursuant to section 5731.14 of the Revised Code, and on its 98187
federal income tax return in determining federal taxable income; 98188

(9)(a) Deduct any amount included in federal taxable income 98189
solely because the amount represents a reimbursement or refund of 98190
expenses that in a previous year the decedent had deducted as an 98191
itemized deduction pursuant to section 63 of the Internal Revenue 98192
Code and applicable treasury regulations. The deduction otherwise 98193
allowed under division (S)(9)(a) of this section shall be reduced 98194
to the extent the reimbursement is attributable to an amount the 98195
taxpayer or decedent deducted under this section in any taxable 98196
year. 98197

(b) Add any amount not otherwise included in Ohio taxable 98198
income for any taxable year to the extent that the amount is 98199
attributable to the recovery during the taxable year of any amount 98200
deducted or excluded in computing federal or Ohio taxable income 98201
in any taxable year, but only to the extent such amount has not 98202
been distributed to beneficiaries for the taxable year. 98203

(10) Deduct any portion of the deduction described in section 98204
1341(a)(2) of the Internal Revenue Code, for repaying previously 98205
reported income received under a claim of right, that meets both 98206
of the following requirements: 98207

(a) It is allowable for repayment of an item that was 98208
included in the taxpayer's taxable income or the decedent's 98209
adjusted gross income for a prior taxable year and did not qualify 98210
for a credit under division (A) or (B) of section 5747.05 of the 98211
Revised Code for that year. 98212

(b) It does not otherwise reduce the taxpayer's taxable 98213
income or the decedent's adjusted gross income for the current or 98214
any other taxable year. 98215

(11) Add any amount claimed as a credit under section 98216

5747.059 of the Revised Code to the extent that the amount 98217
satisfies either of the following: 98218

(a) The amount was deducted or excluded from the computation 98219
of the taxpayer's federal taxable income as required to be 98220
reported for the taxpayer's taxable year under the Internal 98221
Revenue Code; 98222

(b) The amount resulted in a reduction in the taxpayer's 98223
federal taxable income as required to be reported for any of the 98224
taxpayer's taxable years under the Internal Revenue Code. 98225

(12) Deduct any amount, net of related expenses deducted in 98226
computing federal taxable income, that a trust is required to 98227
report as farm income on its federal income tax return, but only 98228
if the assets of the trust include at least ten acres of land 98229
satisfying the definition of "land devoted exclusively to 98230
agricultural use" under section 5713.30 of the Revised Code, 98231
regardless of whether the land is valued for tax purposes as such 98232
land under sections 5713.30 to 5713.38 of the Revised Code. If the 98233
trust is a pass-through entity investor, section 5747.231 of the 98234
Revised Code applies in ascertaining if the trust is eligible to 98235
claim the deduction provided by division (S)(12) of this section 98236
in connection with the pass-through entity's farm income. 98237

Except for farm income attributable to the S portion of an 98238
electing small business trust, the deduction provided by division 98239
(S)(12) of this section is allowed only to the extent that the 98240
trust has not distributed such farm income. 98241

(13) Add the net amount of income described in section 641(c) 98242
of the Internal Revenue Code to the extent that amount is not 98243
included in federal taxable income. 98244

(14) Add or deduct the amount the taxpayer would be required 98245
to add or deduct under division (A)(17) or (18) of this section if 98246
the taxpayer's Ohio taxable income were computed in the same 98247

manner as an individual's Ohio adjusted gross income is computed 98248
under this section. 98249

(15) Add, to the extent not otherwise included in computing 98250
taxable income or Ohio taxable income for any taxable year, the 98251
taxpayer's proportionate share of the amount of the tax levied 98252
under section 5747.38 of the Revised Code and paid by an electing 98253
pass-through entity for the taxable year. 98254

(T) "School district income" and "school district income tax" 98255
have the same meanings as in section 5748.01 of the Revised Code. 98256

(U) As used in divisions (A)(7), (A)(8), (S)(6), and (S)(7) 98257
of this section, "public obligations," "purchase obligations," and 98258
"interest or interest equivalent" have the same meanings as in 98259
section 5709.76 of the Revised Code. 98260

(V) "Limited liability company" means any limited liability 98261
company formed under Chapter 1705. or 1706. of the Revised Code or 98262
under the laws of any other state. 98263

(W) "Pass-through entity investor" means any person who, 98264
during any portion of a taxable year of a pass-through entity, is 98265
a partner, member, shareholder, or equity investor in that 98266
pass-through entity. 98267

(X) "Banking day" has the same meaning as in section 1304.01 98268
of the Revised Code. 98269

(Y) "Month" means a calendar month. 98270

(Z) "Quarter" means the first three months, the second three 98271
months, the third three months, or the last three months of the 98272
taxpayer's taxable year. 98273

(AA)(1) "Modified business income" means the business income 98274
included in a trust's Ohio taxable income after such taxable 98275
income is first reduced by the qualifying trust amount, if any. 98276

(2) "Qualifying trust amount" of a trust means capital gains 98277

and losses from the sale, exchange, or other disposition of equity 98278
or ownership interests in, or debt obligations of, a qualifying 98279
investee to the extent included in the trust's Ohio taxable 98280
income, but only if the following requirements are satisfied: 98281

(a) The book value of the qualifying investee's physical 98282
assets in this state and everywhere, as of the last day of the 98283
qualifying investee's fiscal or calendar year ending immediately 98284
prior to the date on which the trust recognizes the gain or loss, 98285
is available to the trust. 98286

(b) The requirements of section 5747.011 of the Revised Code 98287
are satisfied for the trust's taxable year in which the trust 98288
recognizes the gain or loss. 98289

Any gain or loss that is not a qualifying trust amount is 98290
modified business income, qualifying investment income, or 98291
modified nonbusiness income, as the case may be. 98292

(3) "Modified nonbusiness income" means a trust's Ohio 98293
taxable income other than modified business income, other than the 98294
qualifying trust amount, and other than qualifying investment 98295
income, as defined in section 5747.012 of the Revised Code, to the 98296
extent such qualifying investment income is not otherwise part of 98297
modified business income. 98298

(4) "Modified Ohio taxable income" applies only to trusts, 98299
and means the sum of the amounts described in divisions (AA)(4)(a) 98300
to (c) of this section: 98301

(a) The fraction, calculated under section 5747.013, and 98302
applying section 5747.231 of the Revised Code, multiplied by the 98303
sum of the following amounts: 98304

(i) The trust's modified business income; 98305

(ii) The trust's qualifying investment income, as defined in 98306
section 5747.012 of the Revised Code, but only to the extent the 98307

qualifying investment income does not otherwise constitute 98308
modified business income and does not otherwise constitute a 98309
qualifying trust amount. 98310

(b) The qualifying trust amount multiplied by a fraction, the 98311
numerator of which is the sum of the book value of the qualifying 98312
investee's physical assets in this state on the last day of the 98313
qualifying investee's fiscal or calendar year ending immediately 98314
prior to the day on which the trust recognizes the qualifying 98315
trust amount, and the denominator of which is the sum of the book 98316
value of the qualifying investee's total physical assets 98317
everywhere on the last day of the qualifying investee's fiscal or 98318
calendar year ending immediately prior to the day on which the 98319
trust recognizes the qualifying trust amount. If, for a taxable 98320
year, the trust recognizes a qualifying trust amount with respect 98321
to more than one qualifying investee, the amount described in 98322
division (AA)(4)(b) of this section shall equal the sum of the 98323
products so computed for each such qualifying investee. 98324

(c)(i) With respect to a trust or portion of a trust that is 98325
a resident as ascertained in accordance with division (I)(3)(d) of 98326
this section, its modified nonbusiness income. 98327

(ii) With respect to a trust or portion of a trust that is 98328
not a resident as ascertained in accordance with division 98329
(I)(3)(d) of this section, the amount of its modified nonbusiness 98330
income satisfying the descriptions in divisions (B)(2) to (5) of 98331
section 5747.20 of the Revised Code, except as otherwise provided 98332
in division (AA)(4)(c)(ii) of this section. With respect to a 98333
trust or portion of a trust that is not a resident as ascertained 98334
in accordance with division (I)(3)(d) of this section, the trust's 98335
portion of modified nonbusiness income recognized from the sale, 98336
exchange, or other disposition of a debt interest in or equity 98337
interest in a section 5747.212 entity, as defined in section 98338
5747.212 of the Revised Code, without regard to division (A) of 98339

that section, shall not be allocated to this state in accordance 98340
with section 5747.20 of the Revised Code but shall be apportioned 98341
to this state in accordance with division (B) of section 5747.212 98342
of the Revised Code without regard to division (A) of that 98343
section. 98344

If the allocation and apportionment of a trust's income under 98345
divisions (AA)(4)(a) and (c) of this section do not fairly 98346
represent the modified Ohio taxable income of the trust in this 98347
state, the alternative methods described in division (C) of 98348
section 5747.21 of the Revised Code may be applied in the manner 98349
and to the same extent provided in that section. 98350

(5)(a) Except as set forth in division (AA)(5)(b) of this 98351
section, "qualifying investee" means a person in which a trust has 98352
an equity or ownership interest, or a person or unit of government 98353
the debt obligations of either of which are owned by a trust. For 98354
the purposes of division (AA)(2)(a) of this section and for the 98355
purpose of computing the fraction described in division (AA)(4)(b) 98356
of this section, all of the following apply: 98357

(i) If the qualifying investee is a member of a qualifying 98358
controlled group on the last day of the qualifying investee's 98359
fiscal or calendar year ending immediately prior to the date on 98360
which the trust recognizes the gain or loss, then "qualifying 98361
investee" includes all persons in the qualifying controlled group 98362
on such last day. 98363

(ii) If the qualifying investee, or if the qualifying 98364
investee and any members of the qualifying controlled group of 98365
which the qualifying investee is a member on the last day of the 98366
qualifying investee's fiscal or calendar year ending immediately 98367
prior to the date on which the trust recognizes the gain or loss, 98368
separately or cumulatively own, directly or indirectly, on the 98369
last day of the qualifying investee's fiscal or calendar year 98370
ending immediately prior to the date on which the trust recognizes 98371

the qualifying trust amount, more than fifty per cent of the 98372
equity of a pass-through entity, then the qualifying investee and 98373
the other members are deemed to own the proportionate share of the 98374
pass-through entity's physical assets which the pass-through 98375
entity directly or indirectly owns on the last day of the 98376
pass-through entity's calendar or fiscal year ending within or 98377
with the last day of the qualifying investee's fiscal or calendar 98378
year ending immediately prior to the date on which the trust 98379
recognizes the qualifying trust amount. 98380

(iii) For the purposes of division (AA)(5)(a)(iii) of this 98381
section, "upper level pass-through entity" means a pass-through 98382
entity directly or indirectly owning any equity of another 98383
pass-through entity, and "lower level pass-through entity" means 98384
that other pass-through entity. 98385

An upper level pass-through entity, whether or not it is also 98386
a qualifying investee, is deemed to own, on the last day of the 98387
upper level pass-through entity's calendar or fiscal year, the 98388
proportionate share of the lower level pass-through entity's 98389
physical assets that the lower level pass-through entity directly 98390
or indirectly owns on the last day of the lower level pass-through 98391
entity's calendar or fiscal year ending within or with the last 98392
day of the upper level pass-through entity's fiscal or calendar 98393
year. If the upper level pass-through entity directly and 98394
indirectly owns less than fifty per cent of the equity of the 98395
lower level pass-through entity on each day of the upper level 98396
pass-through entity's calendar or fiscal year in which or with 98397
which ends the calendar or fiscal year of the lower level 98398
pass-through entity and if, based upon clear and convincing 98399
evidence, complete information about the location and cost of the 98400
physical assets of the lower pass-through entity is not available 98401
to the upper level pass-through entity, then solely for purposes 98402
of ascertaining if a gain or loss constitutes a qualifying trust 98403

amount, the upper level pass-through entity shall be deemed as 98404
owning no equity of the lower level pass-through entity for each 98405
day during the upper level pass-through entity's calendar or 98406
fiscal year in which or with which ends the lower level 98407
pass-through entity's calendar or fiscal year. Nothing in division 98408
(AA)(5)(a)(iii) of this section shall be construed to provide for 98409
any deduction or exclusion in computing any trust's Ohio taxable 98410
income. 98411

(b) With respect to a trust that is not a resident for the 98412
taxable year and with respect to a part of a trust that is not a 98413
resident for the taxable year, "qualifying investee" for that 98414
taxable year does not include a C corporation if both of the 98415
following apply: 98416

(i) During the taxable year the trust or part of the trust 98417
recognizes a gain or loss from the sale, exchange, or other 98418
disposition of equity or ownership interests in, or debt 98419
obligations of, the C corporation. 98420

(ii) Such gain or loss constitutes nonbusiness income. 98421

(6) "Available" means information is such that a person is 98422
able to learn of the information by the due date plus extensions, 98423
if any, for filing the return for the taxable year in which the 98424
trust recognizes the gain or loss. 98425

(BB) "Qualifying controlled group" has the same meaning as in 98426
section 5733.04 of the Revised Code. 98427

(CC) "Related member" has the same meaning as in section 98428
5733.042 of the Revised Code. 98429

(DD)(1) For the purposes of division (DD) of this section: 98430

(a) "Qualifying person" means any person other than a 98431
qualifying corporation. 98432

(b) "Qualifying corporation" means any person classified for 98433

federal income tax purposes as an association taxable as a corporation, except either of the following:

(i) A corporation that has made an election under subchapter S, chapter one, subtitle A, of the Internal Revenue Code for its taxable year ending within, or on the last day of, the investor's taxable year;

(ii) A subsidiary that is wholly owned by any corporation that has made an election under subchapter S, chapter one, subtitle A of the Internal Revenue Code for its taxable year ending within, or on the last day of, the investor's taxable year.

(2) For the purposes of this chapter, unless expressly stated otherwise, no qualifying person indirectly owns any asset directly or indirectly owned by any qualifying corporation.

(EE) For purposes of this chapter and Chapter 5751. of the Revised Code:

(1) "Trust" does not include a qualified pre-income tax trust.

(2) A "qualified pre-income tax trust" is any pre-income tax trust that makes a qualifying pre-income tax trust election as described in division (EE)(3) of this section.

(3) A "qualifying pre-income tax trust election" is an election by a pre-income tax trust to subject to the tax imposed by section 5751.02 of the Revised Code the pre-income tax trust and all pass-through entities of which the trust owns or controls, directly, indirectly, or constructively through related interests, five per cent or more of the ownership or equity interests. The trustee shall notify the tax commissioner in writing of the election on or before April 15, 2006. The election, if timely made, shall be effective on and after January 1, 2006, and shall apply for all tax periods and tax years until revoked by the trustee of the trust.

(4) A "pre-income tax trust" is a trust that satisfies all of the following requirements:

(a) The document or instrument creating the trust was executed by the grantor before January 1, 1972;

(b) The trust became irrevocable upon the creation of the trust; and

(c) The grantor was domiciled in this state at the time the trust was created.

(FF) "Uniformed services" has the same meaning as in 10 U.S.C. 101.

(GG) "Taxable business income" means the amount by which an individual's business income that is included in federal adjusted gross income exceeds the amount of business income the individual is authorized to deduct under division (A)(28) of this section for the taxable year.

(HH) "Employer" does not include a franchisor with respect to the franchisor's relationship with a franchisee or an employee of a franchisee, unless the franchisor agrees to assume that role in writing or a court of competent jurisdiction determines that the franchisor exercises a type or degree of control over the franchisee or the franchisee's employees that is not customarily exercised by a franchisor for the purpose of protecting the franchisor's trademark, brand, or both. For purposes of this division, "franchisor" and "franchisee" have the same meanings as in 16 C.F.R. 436.1.

(II) "Modified adjusted gross income" means Ohio adjusted gross income plus any amount deducted under divisions (A)(28) and (34) of this section for the taxable year.

(JJ) "Qualifying Ohio educator" means an individual who, for a taxable year, qualifies as an eligible educator, as that term is

defined in section 62 of the Internal Revenue Code, and who holds 98495
a certificate, license, or permit described in Chapter 3319. or 98496
section 3301.071 of the Revised Code. 98497

Sec. 5747.02. (A) For the purpose of providing revenue for 98498
the support of schools and local government functions, to provide 98499
relief to property taxpayers, to provide revenue for the general 98500
revenue fund, and to meet the expenses of administering the tax 98501
levied by this chapter, there is hereby levied on every 98502
individual, trust, and estate residing in or earning or receiving 98503
income in this state, on every individual, trust, and estate 98504
earning or receiving lottery winnings, prizes, or awards pursuant 98505
to Chapter 3770. of the Revised Code, on every individual, trust, 98506
and estate earning or receiving winnings on casino or sports 98507
gaming, and on every individual, trust, and estate otherwise 98508
having nexus with or in this state under the Constitution of the 98509
United States, an annual tax measured as prescribed in divisions 98510
(A)(1) to (4) of this section. 98511

(1) In the case of trusts, the tax imposed by this section 98512
shall be measured by modified Ohio taxable income under division 98513
(D) of this section and levied in the same amount as the tax is 98514
imposed on estates as prescribed in division (A)(2) of this 98515
section. 98516

(2) In the case of estates, the tax imposed by this section 98517
shall be measured by Ohio taxable income. The tax shall be levied 98518
at the rate of 1.38462% for the first ~~twenty-five~~ twenty-six 98519
thousand fifty dollars of such income and, for income in excess of 98520
that amount, the tax shall be levied at the same rates prescribed 98521
in division (A)(3) of this section for individuals. 98522

(3) In the case of individuals, the tax imposed by this 98523
section on income other than taxable business income shall be 98524
measured by Ohio adjusted gross income, less taxable business 98525

income and less an exemption for the taxpayer, the taxpayer's 98526
spouse, and each dependent as provided in section 5747.025 of the 98527
Revised Code. If the balance thus obtained is equal to or less 98528
than ~~twenty-five~~ twenty-six thousand fifty dollars, no tax shall 98529
be imposed on that balance. If the balance thus obtained is 98530
greater than ~~twenty-five~~ twenty-six thousand fifty dollars, the 98531
tax is hereby levied as follows: 98532

OHIO ADJUSTED GROSS INCOME LESS TAX 98533

TAXABLE BUSINESS INCOME AND
EXEMPTIONS (INDIVIDUALS) OR
MODIFIED OHIO TAXABLE INCOME
(TRUSTS) OR OHIO TAXABLE INCOME
(ESTATES)

More than ~~\$25,000~~ 26,050 but not ~~\$346.16~~ 360.69 plus ~~2.765~~ 2.75% 98534
more than ~~\$44,250~~ 92,150 of the amount in excess of
~~\$25,000~~ 26,050

~~More than \$44,250 but not more~~ ~~\$878.42~~ ~~plus 3.226%~~ ~~of the amount~~ 98535
~~than \$88,450~~ ~~in excess of \$44,250~~

More than ~~\$88,450~~ 92,150 but not ~~\$2,304.31~~ 2,178.44 plus 3.688% of 98536
more than ~~\$110,650~~ 115,300 the amount in excess of ~~\$88,450~~
92,150

More than ~~\$110,650~~ 115,300 ~~\$3,123.05~~ 3,032.21 plus 3.990% of 98537
the amount in excess of ~~\$110,650~~
115,300

(4)(a) In the case of individuals, the tax imposed by this 98538
section on taxable business income shall equal three per cent of 98539
the result obtained by subtracting any amount allowed under 98540
division (A)(4)(b) of this section from the individual's taxable 98541
business income. 98542

(b) If the exemptions allowed to an individual under division 98543
(A)(3) of this section exceed the taxpayer's Ohio adjusted gross 98544
income less taxable business income, the excess shall be deducted 98545

from taxable business income before computing the tax under 98546
division (A)(4)(a) of this section. 98547

(5) Except as otherwise provided in this division, in August 98548
of each year, the tax commissioner shall make a new adjustment to 98549
the income amounts prescribed in divisions (A)(2) and (3) of this 98550
section by multiplying the percentage increase in the gross 98551
domestic product deflator computed that year under section 98552
5747.025 of the Revised Code by each of the income amounts 98553
resulting from the adjustment under this division in the preceding 98554
year, adding the resulting product to the corresponding income 98555
amount resulting from the adjustment in the preceding year, and 98556
rounding the resulting sum to the nearest multiple of fifty 98557
dollars. The tax commissioner also shall recompute each of the tax 98558
dollar amounts to the extent necessary to reflect the new 98559
adjustment of the income amounts. To recompute the tax dollar 98560
amount corresponding to the lowest tax rate in division (A)(3) of 98561
this section, the commissioner shall multiply the tax rate 98562
prescribed in division (A)(2) of this section by the income amount 98563
specified in that division and as adjusted according to this 98564
paragraph. The rates of taxation shall not be adjusted. 98565

The adjusted amounts apply to taxable years beginning in the 98566
calendar year in which the adjustments are made and to taxable 98567
years beginning in each ensuing calendar year until a calendar 98568
year in which a new adjustment is made pursuant to this division. 98569
The tax commissioner shall not make a new adjustment in any year 98570
in which the amount resulting from the adjustment would be less 98571
than the amount resulting from the adjustment in the preceding 98572
year. 98573

(B) If the director of budget and management makes a 98574
certification to the tax commissioner under division (B) of 98575
section 131.44 of the Revised Code, the amount of tax as 98576
determined under divisions (A)(1) to (3) of this section shall be 98577

reduced by the percentage prescribed in that certification for 98578
taxable years beginning in the calendar year in which that 98579
certification is made. 98580

(C)(1) The tax imposed by this section on a trust shall be 98581
computed by multiplying the Ohio modified taxable income of the 98582
trust by the rates prescribed by division (A) of this section. 98583

(2) A resident trust may claim a credit against the tax 98584
computed under division (C) of this section equal to the lesser of 98585
(a) the tax paid to another state or the District of Columbia on 98586
the resident trust's modified nonbusiness income, other than the 98587
portion of the resident trust's nonbusiness income that is 98588
qualifying investment income as defined in section 5747.012 of the 98589
Revised Code, or (b) the effective tax rate, based on modified 98590
Ohio taxable income, multiplied by the resident trust's modified 98591
nonbusiness income other than the portion of the resident trust's 98592
nonbusiness income that is qualifying investment income. The 98593
credit applies before any other applicable credits. 98594

(3) Any credit authorized against the tax imposed by this 98595
section applies to a trust subject to division (C) of this section 98596
only if the trust otherwise qualifies for the credit. To the 98597
extent that the trust distributes income for the taxable year for 98598
which a credit is available to the trust, the credit shall be 98599
shared by the trust and its beneficiaries. The tax commissioner 98600
and the trust shall be guided by applicable regulations of the 98601
United States treasury regarding the sharing of credits. 98602

(D) For the purposes of this section, "trust" means any trust 98603
described in Subchapter J of Chapter 1 of the Internal Revenue 98604
Code, excluding trusts that are not irrevocable as defined in 98605
division (I)(3)(b) of section 5747.01 of the Revised Code and that 98606
have no modified Ohio taxable income for the taxable year, 98607
charitable remainder trusts, qualified funeral trusts and preneed 98608
funeral contract trusts established pursuant to sections 4717.31 98609

to 4717.38 of the Revised Code that are not qualified funeral trusts, endowment and perpetual care trusts, qualified settlement trusts and funds, designated settlement trusts and funds, and trusts exempted from taxation under section 501(a) of the Internal Revenue Code.

(E) Nothing in division (A)(3) of this section shall prohibit an individual with an Ohio adjusted gross income, less taxable business income and exemptions, of ~~twenty-five~~ twenty-six thousand fifty dollars or less from filing a return under this chapter to receive a refund of taxes withheld or to claim any refundable credit allowed under this chapter.

Sec. 5747.07. (A) As used in this section:

(1) "Partial weekly withholding period" means a period during which an employer directly, indirectly, or constructively pays compensation to, or credits compensation to the benefit of, an employee, and that consists of a consecutive Saturday, Sunday, Monday, and Tuesday or a consecutive Wednesday, Thursday, and Friday. There are two partial weekly withholding periods each week, except that a partial weekly withholding period cannot extend from one calendar year into the next calendar year; if the first day of January falls on a day other than Saturday or Wednesday, the partial weekly withholding period ends on the thirty-first day of December and there are three partial weekly withholding periods during that week.

(2) "Undeposited taxes" means the taxes an employer is required to deduct and withhold from an employee's compensation pursuant to section 5747.06 of the Revised Code that have not been remitted to the tax commissioner pursuant to this section or to the treasurer of state pursuant to section 5747.072 of the Revised Code.

(3) A "week" begins on Saturday and concludes at the end of

the following Friday. 98641

(4) "Professional employer organization," "professional employer organization agreement," and "professional employer organization reporting entity" have the same meanings as in section 4125.01 of the Revised Code. 98642
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(5) "Alternate employer organization" and "alternate employer organization agreement" have the same meanings as in section 4133.01 of the Revised Code. 98646
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(6) "Client employer" has the same meaning as in section 4125.01 of the Revised Code in the context of a professional employer organization or a professional employer organization reporting entity, or the same meaning as in section 4133.01 of the Revised Code in the context of an alternate employer organization. 98649
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(B) Except as provided in divisions (C) and (D) of this section and in division (A) of section 5747.072 of the Revised Code, every employer required to deduct and withhold any amount under section 5747.06 of the Revised Code shall file a return and shall pay the amount required by law as follows: 98654
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(1) An employer who accumulates or is required to accumulate undeposited taxes of one hundred thousand dollars or more during a partial weekly withholding period shall make the payment of the undeposited taxes by the close of the first banking day after the day on which the accumulation reaches one hundred thousand dollars. If required under division (I) of this section, the payment shall be made by electronic funds transfer under section 5747.072 of the Revised Code. 98659
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(2) Except as required by division (B)(1) of this section, an employer whose actual or required payments under this section were at least eighty-four thousand dollars during the twelve-month period ending on the thirtieth day of June of the preceding calendar year shall make the payment of undeposited taxes within 98667
98668
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98671

three banking days after the close of a partial weekly withholding 98672
period during which the employer was required to deduct and 98673
withhold any amount under this chapter. If required under division 98674
(I) of this section, the payment shall be made by electronic funds 98675
transfer under section 5747.072 of the Revised Code. 98676

(3) Except as required by divisions (B)(1) and (2) of this 98677
section, if an employer's actual or required payments were more 98678
than two thousand dollars during the twelve-month period ending on 98679
the thirtieth day of June of the preceding calendar year, the 98680
employer shall make the payment of undeposited taxes for each 98681
month during which they were required to be withheld no later than 98682
fifteen days following the last day of that month. The employer 98683
shall file the return prescribed by the tax commissioner with the 98684
payment. 98685

(4) Except as required by divisions (B)(1), (2), and (3) of 98686
this section, an employer shall make the payment of undeposited 98687
taxes for each calendar quarter during which they were required to 98688
be withheld no later than the last day of the month following the 98689
last day of March, June, September, and December each year. The 98690
employer shall file the return prescribed by the tax commissioner 98691
with the payment. 98692

(C) The return and payment schedules prescribed by divisions 98693
(B)(1) and (2) of this section do not apply to the return and 98694
payment of undeposited school district income taxes arising from 98695
taxes levied pursuant to Chapter 5748. of the Revised Code. 98696
Undeposited school district income taxes shall be returned and 98697
paid pursuant to divisions (B)(3) and (4) of this section, as 98698
applicable. 98699

(D)(1) The requirements of division (B) of this section are 98700
met if the amount paid is not less than ninety-five per cent of 98701
the actual tax withheld or required to be withheld for the prior 98702
quarterly, monthly, or partial weekly withholding period, and the 98703

underpayment is not due to willful neglect. Any underpayment of 98704
withheld tax shall be paid within thirty days of the date on which 98705
the withheld tax was due without regard to division (D)(1) of this 98706
section. An employer described in division (B)(1) or (2) of this 98707
section shall make the payment by electronic funds transfer under 98708
section 5747.072 of the Revised Code. 98709

(2) If the tax commissioner believes that quarterly or 98710
monthly payments would result in a delay that might jeopardize the 98711
remittance of withholding payments, the commissioner may order 98712
that the payments be made weekly, or more frequently if necessary, 98713
and the payments shall be made no later than three banking days 98714
following the close of the period for which the jeopardy order is 98715
made. An order requiring weekly or more frequent payments shall be 98716
delivered to the employer ~~personally or by certified mail~~ in the 98717
manner provided in section 5703.37 of the Revised Code and remains 98718
in effect until the commissioner notifies the employer to the 98719
contrary. 98720

(3) If compelling circumstances exist concerning the 98721
remittance of undeposited taxes, the commissioner may order the 98722
employer to make payments under any of the payment schedules under 98723
division (B) of this section. The order shall be delivered to the 98724
employer ~~personally or by certified mail~~ in the manner provided in 98725
section 5703.37 of the Revised Code and shall remain in effect 98726
until the commissioner notifies the employer to the contrary. For 98727
purposes of division (D)(3) of this section, "compelling 98728
circumstances" exist if either or both of the following are true: 98729

(a) Based upon annualization of payments made or required to 98730
be made during the preceding calendar year and during the current 98731
calendar year, the employer would be required for the next 98732
calendar year to make payments under division (B)(2) of this 98733
section. 98734

(b) Based upon annualization of payments made or required to 98735

be made during the current calendar year, the employer would be 98736
required for the next calendar year to make payments under 98737
division (B)(2) of this section. 98738

~~(E)(1) An employer described in division (B)(1) or (2) of 98739
this section shall file, not later than the last day of the month 98740
following the end of each calendar quarter, a return covering, but 98741
not limited to, both the actual amount deducted and withheld and 98742
the amount required to be deducted and withheld for the tax 98743
imposed under section 5747.02 of the Revised Code during each 98744
partial weekly withholding period or portion of a partial weekly 98745
withholding period during that quarter. The employer shall file 98746
the quarterly return even if the aggregate amount required to be 98747
deducted and withheld for the quarter is zero dollars. At the time 98748
of filing the return, the employer shall pay any amounts of 98749
undeposited taxes for the quarter, whether actually deducted and 98750
withheld or required to be deducted and withheld, that have not 98751
been previously paid. If required under division (I) of this 98752
section, the payment shall be made by electronic funds transfer. 98753
The tax commissioner shall prescribe the form and other 98754
requirements of the quarterly return. 98755~~

~~(2) In addition to other returns required to be filed and 98756
payments required to be made under this section, every employer 98757
required to deduct and withhold taxes shall file, not later than 98758
the thirty-first day of January of each year, an annual return 98759
covering, but not limited to, both the aggregate amount deducted 98760
and withheld and the aggregate amount required to be deducted and 98761
withheld during the entire preceding year for the tax imposed 98762
under section 5747.02 of the Revised Code and for each tax imposed 98763
under Chapter 5748. of the Revised Code. At the time of filing 98764
that return, the employer shall pay over any amounts of 98765
undeposited taxes for the preceding year, whether actually 98766
deducted and withheld or required to be deducted and withheld, 98767~~

that have not been previously paid. The employer shall make the 98768
annual report, to each employee and to the tax commissioner, of 98769
the compensation paid and each tax withheld, as the commissioner 98770
by rule may prescribe. 98771

(2) Each employer required to deduct and withhold any tax is 98772
liable for the payment of that amount required to be deducted and 98773
withheld, whether or not the tax has in fact been withheld, unless 98774
the failure to withhold was based upon the employer's good faith 98775
in reliance upon the statement of the employee as to liability, 98776
and the amount shall be deemed to be a special fund in trust for 98777
the general revenue fund. 98778

(F) Each employer shall file with the employer's annual 98779
return the following items of information on employees for whom 98780
withholding is required under section 5747.06 of the Revised Code: 98781

(1) The full name of each employee, the employee's address, 98782
the employee's school district of residence, and in the case of a 98783
nonresident employee, the employee's principal county of 98784
employment; 98785

(2) The social security number of each employee; 98786

(3) The total amount of compensation paid before any 98787
deductions to each employee for the period for which the annual 98788
return is made; 98789

(4) The amount of the tax imposed by section 5747.02 of the 98790
Revised Code and the amount of each tax imposed under Chapter 98791
5748. of the Revised Code withheld from the compensation of the 98792
employee for the period for which the annual return is made. The 98793
commissioner may extend upon good cause the period for filing any 98794
notice or return required to be filed under this section and may 98795
adopt rules relating to extensions of time. If the extension 98796
results in an extension of time for the payment of the amounts 98797
withheld with respect to which the return is filed, the employer 98798

shall pay, at the time the amount withheld is paid, an amount of 98799
interest computed at the rate per annum prescribed by section 98800
5703.47 of the Revised Code on that amount withheld, from the day 98801
that amount was originally required to be paid to the day of 98802
actual payment or to the day an assessment is issued under section 98803
5747.13 of the Revised Code, whichever occurs first. 98804

(5) In addition to all other interest charges and penalties 98805
imposed, all amounts of taxes withheld or required to be withheld 98806
and remaining unpaid after the day the amounts are required to be 98807
paid shall bear interest from the date prescribed for payment at 98808
the rate per annum prescribed by section 5703.47 of the Revised 98809
Code on the amount unpaid, in addition to the amount withheld, 98810
until paid or until the day an assessment is issued under section 98811
5747.13 of the Revised Code, whichever occurs first. 98812

(G) An employee of a corporation, limited liability company, 98813
or business trust having control or supervision of or charged with 98814
the responsibility of filing the report and making payment, or an 98815
officer, member, manager, or trustee of a corporation, limited 98816
liability company, or business trust who is responsible for the 98817
execution of the corporation's, limited liability company's, or 98818
business trust's fiscal responsibilities, shall be personally 98819
liable for failure to file the report or pay the tax due as 98820
required by this section. The dissolution, termination, or 98821
bankruptcy of a corporation, limited liability company, or 98822
business trust does not discharge a responsible officer's, 98823
member's, manager's, employee's, or trustee's liability for a 98824
failure of the corporation, limited liability company, or business 98825
trust to file returns or pay tax due. 98826

(H) If an employer required to deduct and withhold income tax 98827
from compensation and to pay that tax to the state under sections 98828
5747.06 and 5747.07 of the Revised Code sells the employer's 98829
business or stock of merchandise or quits the employer's business, 98830

the taxes required to be deducted and withheld and paid to the 98831
state pursuant to those sections prior to that time, together with 98832
any interest and penalties imposed on those taxes, become due and 98833
payable immediately, and that person shall make a final return 98834
within fifteen days after the date of selling or quitting 98835
business. The employer's successor shall withhold a sufficient 98836
amount of the purchase money to cover the amount of the taxes, 98837
interest, and penalties due and unpaid, until the former owner 98838
produces a receipt from the tax commissioner showing that the 98839
taxes, interest, and penalties have been paid or a certificate 98840
indicating that no such taxes are due. If the purchaser of the 98841
business or stock of merchandise fails to withhold purchase money, 98842
the purchaser shall be personally liable for the payment of the 98843
taxes, interest, and penalties accrued and unpaid during the 98844
operation of the business by the former owner. If the amount of 98845
taxes, interest, and penalties outstanding at the time of the 98846
purchase exceeds the total purchase money, the tax commissioner in 98847
the commissioner's discretion may adjust the liability of the 98848
seller or the responsibility of the purchaser to pay that 98849
liability to maximize the collection of withholding tax revenue. 98850

(I) An employer whose actual or required payments under this 98851
section exceeded eighty-four thousand dollars during the 98852
twelve-month period ending on the thirtieth day of June of the 98853
preceding calendar year shall make all payments required by this 98854
section for the year by electronic funds transfer under section 98855
5747.072 of the Revised Code. 98856

(J)(1) Every professional employer organization, professional 98857
employer organization reporting entity, and alternate employer 98858
organization shall file a report with the tax commissioner within 98859
thirty days after commencing business in this state that includes 98860
all of the following information: 98861

(a) The name, address, number the employer receives from the 98862

secretary of state to do business in this state, if applicable, 98863
and federal employer identification number of each client employer 98864
of the organization or entity; 98865

(b) The date that each client employer became a client of the 98866
organization or entity; 98867

(c) The names and mailing addresses of the chief executive 98868
officer and the chief financial officer of each client employer 98869
for taxation of the client employer. 98870

(2) Beginning with the calendar quarter ending after a 98871
professional employer organization, professional employer 98872
organization reporting entity, or alternate employer organization 98873
files the report required under division (J)(1) of this section, 98874
and every calendar quarter thereafter, the organization or entity 98875
shall file an updated report with the tax commissioner. The 98876
organization or entity shall file the updated report not later 98877
than the last day of the month following the end of the calendar 98878
quarter and shall include all of the following information in the 98879
report: 98880

(a) If an entity became a client employer of the professional 98881
employer organization, professional employer organization 98882
reporting entity, or alternate employer organization at any time 98883
during the calendar quarter, all of the information required under 98884
division (J)(1) of this section for each new client employer; 98885

(b) If an entity terminated the professional employer 98886
organization agreement or the alternate employer organization 98887
agreement between the entity and the professional employer 98888
organization, professional employer organization reporting entity, 98889
or alternate employer organization, as applicable, at any time 98890
during the calendar quarter, the information described in division 98891
(J)(1)(a) of this section for that entity, the date during the 98892
calendar quarter that the entity ceased being a client of the 98893

organization or reporting entity, if applicable, or the date the 98894
entity ceased business operations in this state, if applicable; 98895

(c) If the name or mailing address of the chief executive 98896
officer or the chief financial officer of a client employer has 98897
changed since the professional employer organization, professional 98898
employer organization reporting entity, or alternate employer 98899
organization previously submitted a report under division (J)(1) 98900
or (2) of this section, the updated name or mailing address, or 98901
both, of the chief executive officer or the chief financial 98902
officer, as applicable; 98903

(d) If none of the events described in divisions (J)(2)(a) to 98904
(c) of this section occurred during the calendar quarter, a 98905
statement of that fact. 98906

Sec. 5747.072. (A) Any employer required by section 5747.07 98907
of the Revised Code to remit undeposited taxes by electronic funds 98908
transfer shall do so in the manner prescribed by rules adopted by 98909
the treasurer of state under section 113.061 of the Revised Code 98910
and on or before the dates specified under that division. The tax 98911
commissioner shall notify each such employer of the employer's 98912
obligation to remit undeposited taxes by electronic funds 98913
transfer, shall maintain an updated list of those employers, and 98914
shall provide the list and any additions thereto or deletions 98915
therefrom to the treasurer of state. Failure by the tax 98916
commissioner to notify an employer subject to this section to 98917
remit taxes by electronic funds transfer does not relieve the 98918
employer of its obligation to remit taxes by electronic funds 98919
transfer. 98920

Except as otherwise provided in this paragraph, the payment 98921
of taxes by electronic funds transfer does not affect an 98922
employer's obligation to file the ~~quarterly return as required~~ 98923
~~under division (E)(1) of section 5747.07 of the Revised Code or~~ 98924

the annual return as required under divisions ~~(E)(2)~~(E) and (F) of 98925
~~that~~ section 5747.07 of the Revised Code. If the employer remits 98926
estimated tax payments in a manner, designated by the treasurer of 98927
state, that permits the inclusion of all information necessary for 98928
the treasurer of state to process the tax payment, the employer 98929
need not file the return required under division (B) of section 98930
5747.07 of the Revised Code. The treasurer of state, in 98931
consultation with the tax commissioner, may adopt rules governing 98932
the format for filing the returns under section 5747.07 of the 98933
Revised Code by employers who remit undeposited taxes by 98934
electronic funds transfer. The rules may permit the filing of 98935
returns at less frequent intervals than required by that division 98936
if the treasurer of state and the tax commissioner determine that 98937
remittance by electronic funds transfer warrants less frequent 98938
filing of returns. 98939

An employer required by this section to remit taxes by 98940
electronic funds transfer may apply to the treasurer of state to 98941
be excused from that requirement. The treasurer of state may 98942
excuse the employer from remittance by electronic funds transfer 98943
for good cause shown for the period of time requested by the 98944
employer or a portion of that period. The treasurer shall notify 98945
the tax commissioner and the employer of the treasurer's decision 98946
as soon as is practicable. 98947

(B) If an employer required by this section to remit 98948
undeposited taxes by electronic funds transfer remits those taxes 98949
by some means other than electronic funds transfer as prescribed 98950
by the rules adopted by the treasurer of state, and the treasurer 98951
determines that such failure was not due to reasonable cause or 98952
was due to willful neglect, the treasurer shall notify the tax 98953
commissioner of the failure to remit by electronic funds transfer 98954
and shall provide the commissioner with any information used in 98955
making that determination. The tax commissioner may collect an 98956

additional charge by assessment in the manner prescribed by 98957
section 5747.13 of the Revised Code. The additional charge shall 98958
equal five per cent of the amount of the undeposited taxes, but 98959
shall not exceed five thousand dollars. Any additional charge 98960
assessed under this section is in addition to any other penalty or 98961
charge imposed by this chapter, and shall be considered as revenue 98962
arising from the taxes imposed by this chapter. The tax 98963
commissioner may remit all or a portion of such a charge and may 98964
adopt rules governing such remission. 98965

No additional charge shall be assessed under this division 98966
against an employer that has been notified of its obligation to 98967
remit taxes under this section and that remits its first two tax 98968
payments after such notification by some means other than 98969
electronic funds transfer. The additional charge may be assessed 98970
upon the remittance of any subsequent tax payment that the 98971
employer remits by some means other than electronic funds 98972
transfer. 98973

Sec. 5747.501. (A) On or before the twenty-fifth day of July 98974
of each year, the tax commissioner shall estimate and certify to 98975
each county auditor the amount to be distributed from the local 98976
government fund to each undivided local government fund during the 98977
following calendar year under section 5747.50 of the Revised Code. 98978
The estimate shall equal the sum of the separate amounts computed 98979
under divisions (B)(1) and (2) of this section. 98980

(B)(1) The product obtained by multiplying the percentage 98981
described in division (B)(1)(a) of this section by the amount 98982
described in division (B)(1)(b) of this section. 98983

(a) Each county's proportionate share of the total amount 98984
distributed to the counties from the local government fund and the 98985
local government revenue assistance fund during calendar year 98986
2007. In fiscal year 2014 and thereafter, the amount distributed 98987

to any county undivided local government fund shall be an amount 98988
not less than ~~seven~~ eight hundred fifty thousand dollars or the 98989
amount distributed to such fund in fiscal year 2013, whichever 98990
amount is smaller. To the extent necessary to implement this 98991
minimum distribution requirement, the proportionate shares 98992
computed under this division shall be adjusted accordingly. 98993

(b) The total amount distributed to counties from the local 98994
government fund and the local government revenue assistance fund 98995
during calendar year 2007 adjusted downward if, and to the extent 98996
that, total local government fund distributions to counties for 98997
the following year are projected to be less than what was 98998
distributed to counties from the local government fund and local 98999
government revenue assistance fund during calendar year 2007. 99000

(2) The product obtained by multiplying the percentage 99001
described in division (B)(2)(a) of this section by the amount 99002
described in division (B)(2)(b) of this section. 99003

(a) Each county's proportionate share of the state's 99004
population as reflected in the most recent federal decennial 99005
census or the federal government's most recent census estimates, 99006
whichever represents the most recent year. 99007

(b) The amount by which total estimated distributions from 99008
the local government fund during the immediately succeeding 99009
calendar year, less the total estimated amount to be distributed 99010
from the fund to municipal corporations under division (C) of 99011
section 5747.50 of the Revised Code during the immediately 99012
succeeding calendar year, exceed the total amount distributed to 99013
counties from the local government fund and local government 99014
revenue assistance fund during calendar year 2007. 99015

Sec. 5747.53. (A) As used in this section: 99016

(1) "City, located wholly or partially in the county, with 99017

the greatest population" means the city, located wholly or 99018
partially in the county, with the greatest population residing in 99019
the county; however, if the county budget commission on or before 99020
January 1, 1998, adopted an alternative method of apportionment 99021
that was approved by the legislative authority of the city, 99022
located partially in the county, with the greatest population but 99023
not the greatest population residing in the county, "city, located 99024
wholly or partially in the county, with the greatest population" 99025
means the city, located wholly or partially in the county, with 99026
the greatest population whether residing in the county or not, if 99027
this alternative meaning is adopted by action of the board of 99028
county commissioners and a majority of the boards of township 99029
trustees and legislative authorities of municipal corporations 99030
located wholly or partially in the county. 99031

(2) "Participating political subdivision" means a municipal 99032
corporation or township that satisfies all of the following: 99033

(a) It is located wholly or partially in the county. 99034

(b) It is not the city, located wholly or partially in the 99035
county, with the greatest population. 99036

(c) Undivided local government fund moneys are apportioned to 99037
it under the county's alternative method or formula of 99038
apportionment in the current calendar year. 99039

(B) In lieu of the method of apportionment of the undivided 99040
local government fund of the county provided by section 5747.51 of 99041
the Revised Code, the county budget commission may provide for the 99042
apportionment of the fund under an alternative method or on a 99043
formula basis as authorized by this section. The commissioner 99044
shall reduce or increase the amount of funds from the undivided 99045
local government fund to a subdivision required to receive reduced 99046
or increased funds under section 5747.502 of the Revised Code. 99047

Except as otherwise provided in division (C) of this section, 99048

the alternative method of apportionment shall have first been 99049
approved by all of the following governmental units: the board of 99050
county commissioners; the legislative authority of the city, 99051
located wholly or partially in the county, with the greatest 99052
population; and a majority of the boards of township trustees and 99053
legislative authorities of municipal corporations, located wholly 99054
or partially in the county, excluding the legislative authority of 99055
the city, located wholly or partially in the county, with the 99056
greatest population. In granting or denying approval for an 99057
alternative method of apportionment, the board of county 99058
commissioners, boards of township trustees, and legislative 99059
authorities of municipal corporations shall act by motion. A 99060
motion to approve shall be passed upon a majority vote of the 99061
members of a board of county commissioners, board of township 99062
trustees, or legislative authority of a municipal corporation, 99063
shall take effect immediately, and need not be published. 99064

Any alternative method of apportionment adopted and approved 99065
under this division shall be reviewed by the county budget 99066
commission at a public hearing held at least once in the year 99067
following the effective date of this amendment and in every fifth 99068
year thereafter. The county budget commission shall provide 99069
reasonable advance notice of the hearing to all political 99070
subdivisions eligible to participate in the fund and shall take 99071
public testimony from any such political subdivision that wishes 99072
to testify. 99073

Any alternative method of apportionment adopted and approved 99074
under this division may be revised, amended, or repealed in the 99075
same manner as it may be adopted and approved. If an alternative 99076
method of apportionment adopted and approved under this division 99077
is repealed, the undivided local government fund of the county 99078
shall be apportioned among the subdivisions eligible to 99079
participate in the fund, commencing in the ensuing calendar year, 99080

under the apportionment provided in section 5747.52 of the Revised Code, unless the repeal occurs by operation of division (C) of this section or a new method for apportionment of the fund is provided in the action of repeal.

(C) This division applies only in counties in which the city, located wholly or partially in the county, with the greatest population has a population of twenty thousand or less and a population that is less than fifteen per cent of the total population of the county. In such a county, the legislative authorities or boards of township trustees of two or more participating political subdivisions, which together have a population residing in the county that is a majority of the total population of the county, each may adopt a resolution to exclude the approval otherwise required of the legislative authority of the city, located wholly or partially in the county, with the greatest population. All of the resolutions to exclude that approval shall be adopted not later than the first Monday of August of the year preceding the calendar year in which distributions are to be made under an alternative method of apportionment.

A motion granting or denying approval of an alternative method of apportionment under this division shall be adopted by a majority vote of the members of the board of county commissioners and by a majority vote of a majority of the boards of township trustees and legislative authorities of the municipal corporations located wholly or partially in the county, other than the city, located wholly or partially in the county, with the greatest population, shall take effect immediately, and need not be published. The alternative method of apportionment under this division shall be adopted and approved annually, not later than the first Monday of August of the year preceding the calendar year in which distributions are to be made under it. A motion granting

approval of an alternative method of apportionment under this 99113
division repeals any existing alternative method of apportionment, 99114
effective with distributions to be made from the fund in the 99115
ensuing calendar year. An alternative method of apportionment 99116
under this division shall not be revised or amended after the 99117
first Monday of August of the year preceding the calendar year in 99118
which distributions are to be made under it. 99119

(D) In determining an alternative method of apportionment 99120
authorized by this section, the county budget commission may 99121
include in the method any factor considered to be appropriate and 99122
reliable, in the sole discretion of the county budget commission. 99123

(E) The limitations set forth in section 5747.51 of the 99124
Revised Code, stating the maximum amount that the county may 99125
receive from the undivided local government fund and the minimum 99126
amount the townships in counties having a population of less than 99127
one hundred thousand may receive from the fund, are applicable to 99128
any alternative method of apportionment authorized under this 99129
section. 99130

(F) On the basis of any alternative method of apportionment 99131
adopted and approved as authorized by this section, as certified 99132
by the auditor to the county treasurer, the county treasurer shall 99133
make distribution of the money in the undivided local government 99134
fund to each subdivision eligible to participate in the fund, and 99135
the auditor, when the amount of those shares is in the custody of 99136
the treasurer in the amounts so computed to be due the respective 99137
subdivisions, shall at the same time certify to the tax 99138
commissioner the percentage share of the county as a subdivision. 99139
All money received into the treasury of a subdivision from the 99140
undivided local government fund in a county treasury shall be paid 99141
into the general fund and used for the current operating expenses 99142
of the subdivision. If a municipal corporation maintains a 99143
municipal university, the university, when the board of trustees 99144

so requests the legislative authority of the municipal 99145
corporation, shall participate in the money apportioned to the 99146
municipal corporation from the total local government fund, 99147
however created and constituted, in the amount requested by the 99148
board of trustees, provided that amount does not exceed nine per 99149
cent of the total amount paid to the municipal corporation. 99150

(G) The actions of the county budget commission taken 99151
pursuant to this section are final and may not be appealed to the 99152
board of tax appeals, except on the issues of abuse of discretion 99153
and failure to comply with the formula. 99154

Sec. 5747.64. (A) As used in this section: 99155

(1) "Volunteer firefighter" means an individual who is 99156
authorized to act as a firefighter under section 3737.66 of the 99157
Revised Code and who serves as a firefighter in a volunteer 99158
capacity for a nonprofit fire company or for the fire department 99159
of a municipal corporation, township, township fire district, or 99160
joint fire district. 99161

(2) "Volunteer emergency medical service provider" means an 99162
individual who holds a current, valid certificate issued under 99163
section 4765.30 of the Revised Code and who serves as a first 99164
responder, emergency medical technician, or paramedic in a 99165
volunteer capacity for an emergency medical service organization. 99166

(3) "Emergency medical service organization" has the same 99167
meaning as in section 4765.01 of the Revised Code. 99168

(B) There is hereby allowed a nonrefundable credit against a 99169
taxpayer's aggregate tax liability under section 5747.02 of the 99170
Revised Code for a taxpayer who serves as a volunteer firefighter 99171
or volunteer emergency medical service provider during at least 99172
six months of the taxable year. For the purpose of this section, a 99173
taxpayer is considered to have served as a firefighter or 99174

volunteer emergency medical service provider in a month if the 99175
taxpayer volunteered in that capacity on one or more days in that 99176
month. 99177

The amount of the credit shall equal one thousand dollars. 99178
The credit shall be claimed in the order required under section 99179
5747.98 of the Revised Code. 99180

Sec. 5747.83. (A) Terms used in this section have the same 99181
meanings as in section 175.16 of the Revised Code. 99182

(B) There is hereby allowed a nonrefundable credit against a 99183
taxpayer's aggregate tax liability under section 5747.02 of the 99184
Revised Code for a taxpayer that is allocated a credit issued by 99185
the executive director of the Ohio housing finance agency under 99186
section 175.16 of the Revised Code. The credit equals the amount 99187
allocated to such taxpayer for the taxable year that begins in the 99188
calendar year for which the designated reporter files the form 99189
prescribed by division (I) of section 175.16 of the Revised Code. 99190

The credit shall be claimed in the order required under 99191
section 5747.98 of the Revised Code. If the credit exceeds the 99192
taxpayer's aggregate tax due under section 5747.02 of the Revised 99193
Code for that taxable year after allowing for credits that precede 99194
the credit under this section in that order, such excess shall be 99195
allowed as a credit in each of the ensuing five taxable years, but 99196
the amount of any excess credit allowed in any such taxable year 99197
shall be deducted from the balance carried forward to the ensuing 99198
taxable year. 99199

No credit shall be claimed under this section to the extent 99200
the credit was claimed under section 5725.36, 5726.58, or 5729.19 99201
of the Revised Code. 99202

Sec. 5747.98. (A) To provide a uniform procedure for 99203
calculating a taxpayer's aggregate tax liability under section 99204

5747.02 of the Revised Code, a taxpayer shall claim any credits to 99205
which the taxpayer is entitled in the following order: 99206

Either the retirement income credit under division (B) of 99207
section 5747.055 of the Revised Code or the lump sum retirement 99208
income credits under divisions (C), (D), and (E) of that section; 99209

Either the senior citizen credit under division (F) of 99210
section 5747.055 of the Revised Code or the lump sum distribution 99211
credit under division (G) of that section; 99212

The dependent care credit under section 5747.054 of the 99213
Revised Code; 99214

The credit for displaced workers who pay for job training 99215
under section 5747.27 of the Revised Code; 99216

The campaign contribution credit under section 5747.29 of the 99217
Revised Code; 99218

The twenty-dollar personal exemption credit under section 99219
5747.022 of the Revised Code; 99220

The joint filing credit under division (G) of section 5747.05 99221
of the Revised Code; 99222

The earned income credit under section 5747.71 of the Revised 99223
Code; 99224

The nonrefundable credit for education expenses under section 99225
5747.72 of the Revised Code; 99226

The nonrefundable credit for donations to scholarship 99227
granting organizations under section 5747.73 of the Revised Code; 99228

The nonrefundable credit for tuition paid to a nonchartered 99229
nonpublic school under section 5747.75 of the Revised Code; 99230

The nonrefundable vocational job credit under section 99231
5747.057 of the Revised Code; 99232

<u>The nonrefundable credit for volunteer firefighters and</u>	99233
<u>emergency medical service providers under section 5747.64 of the</u>	99234
<u>Revised Code;</u>	99235
The nonrefundable job retention credit under division (B) of	99236
section 5747.058 of the Revised Code;	99237
The enterprise zone credit under section 5709.66 of the	99238
Revised Code;	99239
The credit for beginning farmers who participate in a	99240
financial management program under division (B) of section 5747.77	99241
of the Revised Code;	99242
The credit for commercial vehicle operator training expenses	99243
under section 5747.82 of the Revised Code;	99244
The credit for selling or renting agricultural assets to	99245
beginning farmers under division (A) of section 5747.77 of the	99246
Revised Code;	99247
The credit for purchases of qualifying grape production	99248
property under section 5747.28 of the Revised Code;	99249
The small business investment credit under section 5747.81 of	99250
the Revised Code;	99251
The nonrefundable lead abatement credit under section 5747.26	99252
of the Revised Code;	99253
The opportunity zone investment credit under section 122.84	99254
of the Revised Code;	99255
The enterprise zone credits under section 5709.65 of the	99256
Revised Code;	99257
The research and development credit under section 5747.331 of	99258
the Revised Code;	99259
The credit for rehabilitating a historic building under	99260
section 5747.76 of the Revised Code;	99261

<u>The nonrefundable Ohio low-income housing tax credit under</u>	99262
<u>section 5747.83 of the Revised Code;</u>	99263
The nonresident credit under division (A) of section 5747.05	99264
of the Revised Code;	99265
The credit for a resident's out-of-state income under	99266
division (B) of section 5747.05 of the Revised Code;	99267
The refundable motion picture and Broadway theatrical	99268
production credit under section 5747.66 of the Revised Code;	99269
The refundable jobs creation credit or job retention credit	99270
under division (A) of section 5747.058 of the Revised Code;	99271
The refundable credit for taxes paid by a qualifying entity	99272
granted under section 5747.059 of the Revised Code;	99273
The refundable credits for taxes paid by a qualifying	99274
pass-through entity granted under division (I) of section 5747.08	99275
of the Revised Code;	99276
The refundable credit under section 5747.80 of the Revised	99277
Code for losses on loans made to the Ohio venture capital program	99278
under sections 150.01 to 150.10 of the Revised Code;	99279
The refundable credit for rehabilitating a historic building	99280
under section 5747.76 of the Revised Code;	99281
The refundable credit under section 5747.39 of the Revised	99282
Code for taxes levied under section 5747.38 of the Revised Code	99283
paid by an electing pass-through entity.	99284
(B) For any credit, except the refundable credits enumerated	99285
in this section and the credit granted under division (H) of	99286
section 5747.08 of the Revised Code, the amount of the credit for	99287
a taxable year shall not exceed the taxpayer's aggregate amount of	99288
tax due under section 5747.02 of the Revised Code, after allowing	99289
for any other credit that precedes it in the order required under	99290
this section. Any excess amount of a particular credit may be	99291

carried forward if authorized under the section creating that 99292
credit. Nothing in this chapter shall be construed to allow a 99293
taxpayer to claim, directly or indirectly, a credit more than once 99294
for a taxable year. 99295

Sec. 5749.06. (A)(1) Each severer liable for the tax imposed 99296
by section 5749.02 of the Revised Code and each severer or owner 99297
liable for the amounts due under section 1509.50 of the Revised 99298
Code, except for any amount due under division (B)(2) of that 99299
section, shall make and file returns with the tax commissioner in 99300
the prescribed form and at the prescribed times, computing and 99301
reflecting therein the tax as required by this chapter and amounts 99302
due under section 1509.50 of the Revised Code. 99303

(2) The returns shall be filed for every calendar quarter, as 99304
required by this section, unless a different return period is 99305
prescribed for a taxpayer by the commissioner. 99306

(B)(1) A separate return shall be filed for each calendar 99307
quarter, or other period, or any part thereof, during which the 99308
severer holds a permit or has registered as provided by section 99309
5749.04 of the Revised Code, or is required to hold the permit or 99310
registration, or during which an owner is required to file a 99311
return. The return shall be filed on or before the fifteenth day 99312
of the second month following the end of each return period. The 99313
tax due is payable along with the return. All such returns shall 99314
contain such information as the commissioner may require to fairly 99315
administer the tax. 99316

(2) All returns shall be signed by the severer or owner, as 99317
applicable, shall contain the full and complete information 99318
requested, and shall be made under penalty of perjury. 99319

(C) If the commissioner believes that quarterly payments of 99320
tax would result in a delay that might jeopardize the collection 99321
of such tax payments, the commissioner may order that such 99322

payments be made weekly, or more frequently if necessary, such 99323
payments to be made not later than seven days following the close 99324
of the period for which the jeopardy payment is required. Such an 99325
order shall be delivered to the taxpayer ~~personally or by~~ 99326
~~certified mail in the manner provided in section 5703.37 of the~~ 99327
Revised Code and shall remain in effect until the commissioner 99328
notifies the taxpayer to the contrary. 99329

(D) Upon good cause the commissioner may extend for thirty 99330
days the period for filing any notice or return required to be 99331
filed under this section, and may remit all or a part of penalties 99332
that may become due under this chapter. 99333

(E) Any tax and any amount due under section 1509.50 of the 99334
Revised Code not paid by the day the tax or amount is due shall 99335
bear interest computed at the rate per annum prescribed by section 99336
5703.47 of the Revised Code on that amount due from the day that 99337
the amount was originally required to be paid to the day of actual 99338
payment or to the day an assessment was issued under section 99339
5749.07 or 5749.10 of the Revised Code, whichever occurs first. 99340

(F) A severer or owner, as applicable, that fails to file a 99341
complete return or pay the full amount due under this chapter 99342
within the time prescribed, including any extensions of time 99343
granted by the commissioner, shall be subject to a penalty not to 99344
exceed the greater of fifty dollars or ten per cent of the amount 99345
due for the period. 99346

(G)(1) A severer or owner, as applicable, shall remit 99347
payments electronically and, if required by the commissioner, file 99348
each return electronically. The commissioner may require that the 99349
severer or owner use the Ohio business gateway, as defined in 99350
section 718.01 of the Revised Code, or another electronic means to 99351
file returns and remit payments electronically. 99352

(2) A severer or owner that is required to remit payments 99353

electronically under this section may apply to the commissioner, 99354
in the manner prescribed by the commissioner, to be excused from 99355
that requirement. The commissioner may excuse a severer or owner 99356
from the requirements of division (G) of this section for good 99357
cause. 99358

(3) If a severer or owner that is required to remit payments 99359
or file returns electronically under this section fails to do so, 99360
the commissioner may impose a penalty on the severer or owner not 99361
to exceed the following: 99362

(a) For the first or second payment or return the severer or 99363
owner fails to remit or file electronically, the greater of five 99364
per cent of the amount of the payment that was required to be 99365
remitted or twenty-five dollars; 99366

(b) For every payment or return after the second that the 99367
severer or owner fails to remit or file electronically, the 99368
greater of ten per cent of the amount of the payment that was 99369
required to be remitted or fifty dollars. 99370

(H)(1) All amounts that the commissioner receives under this 99371
section shall be deemed to be revenue from taxes imposed under 99372
this chapter or from the amount due under section 1509.50 of the 99373
Revised Code, as applicable, and shall be deposited in the 99374
severance tax receipts fund, which is hereby created in the state 99375
treasury. 99376

(2) The director of budget and management shall transfer from 99377
the severance tax receipts fund, as necessary, to the tax refund 99378
fund amounts equal to the refunds certified by the commissioner 99379
under section 5749.08 of the Revised Code. Any amount transferred 99380
under division (H)(2) of this section shall be derived from 99381
receipts of the same tax or other amount from which the refund 99382
arose. 99383

(3) After the director of budget and management makes any 99384

transfer required by division (H)(2) of this section, but not 99385
later than the twenty-fifth day of each month, the commissioner 99386
shall certify to the director the total amount remaining in the 99387
severance tax receipts fund organized according to the amount 99388
attributable to each natural resource and according to the amount 99389
attributable to a tax imposed by this chapter and the amounts due 99390
under section 1509.50 of the Revised Code, and shall provide for 99391
payment to the funds specified in division (B) of section 5749.02 99392
of the Revised Code. 99393

(I) Penalties imposed under this section are in addition to 99394
any other penalty imposed under this chapter and shall be 99395
considered as revenue arising from the tax levied under this 99396
chapter or the amount due under section 1509.50 of the Revised 99397
Code, as applicable. The commissioner may collect any penalty or 99398
interest imposed under this section in the same manner as provided 99399
for the making of an assessment in section 5749.07 of the Revised 99400
Code. The commissioner may abate all or a portion of such interest 99401
or penalties and may adopt rules governing such abatements. 99402

Sec. 5749.17. Any information provided to the department of 99403
natural resources by the department of taxation in accordance with 99404
~~division (C)(12) of~~ section 5703.21 of the Revised Code shall not 99405
be disclosed publicly by the department of natural resources. 99406
However the department of natural resources may provide such 99407
information to the attorney general for purposes of enforcement of 99408
Chapter 1509. of the Revised Code. 99409

Sec. 5751.01. As used in this chapter: 99410

(A) "Person" means, but is not limited to, individuals, 99411
combinations of individuals of any form, receivers, assignees, 99412
trustees in bankruptcy, firms, companies, joint-stock companies, 99413
business trusts, estates, partnerships, limited liability 99414

partnerships, limited liability companies, associations, joint ventures, clubs, societies, for-profit corporations, S corporations, qualified subchapter S subsidiaries, qualified subchapter S trusts, trusts, entities that are disregarded for federal income tax purposes, and any other entities.

(B) "Consolidated elected taxpayer" means a group of two or more persons treated as a single taxpayer for purposes of this chapter as the result of an election made under section 5751.011 of the Revised Code.

(C) "Combined taxpayer" means a group of two or more persons treated as a single taxpayer for purposes of this chapter under section 5751.012 of the Revised Code.

(D) "Taxpayer" means any person, or any group of persons in the case of a consolidated elected taxpayer or combined taxpayer treated as one taxpayer, required to register or pay tax under this chapter. "Taxpayer" does not include excluded persons.

(E) "Excluded person" means any of the following:

(1) Any person with not more than one hundred fifty thousand dollars of taxable gross receipts during the calendar year. Division (E)(1) of this section does not apply to a person that is a member of a consolidated elected taxpayer.

(2) A public utility that paid the excise tax imposed by section 5727.24 or 5727.30 of the Revised Code based on one or more measurement periods that include the entire tax period under this chapter, except that a public utility that is a combined company is a taxpayer with regard to the following gross receipts:

(a) Taxable gross receipts directly attributed to a public utility activity, but not directly attributed to an activity that is subject to the excise tax imposed by section 5727.24 or 5727.30 of the Revised Code;

(b) Taxable gross receipts that cannot be directly attributed 99445
to any activity, multiplied by a fraction whose numerator is the 99446
taxable gross receipts described in division (E)(2)(a) of this 99447
section and whose denominator is the total taxable gross receipts 99448
that can be directly attributed to any activity; 99449

(c) Except for any differences resulting from the use of an 99450
accrual basis method of accounting for purposes of determining 99451
gross receipts under this chapter and the use of the cash basis 99452
method of accounting for purposes of determining gross receipts 99453
under section 5727.24 of the Revised Code, the gross receipts 99454
directly attributed to the activity of a natural gas company shall 99455
be determined in a manner consistent with division (D) of section 99456
5727.03 of the Revised Code. 99457

As used in division (E)(2) of this section, "combined 99458
company" and "public utility" have the same meanings as in section 99459
5727.01 of the Revised Code. 99460

(3) A financial institution, as defined in section 5726.01 of 99461
the Revised Code, that paid the tax imposed by section 5726.02 of 99462
the Revised Code based on one or more taxable years that include 99463
the entire tax period under this chapter; 99464

(4) A person directly or indirectly owned by one or more 99465
financial institutions, as defined in section 5726.01 of the 99466
Revised Code, that paid the tax imposed by section 5726.02 of the 99467
Revised Code based on one or more taxable years that include the 99468
entire tax period under this chapter. 99469

For the purposes of division (E)(4) of this section, a person 99470
owns another person under the following circumstances: 99471

(a) In the case of corporations issuing capital stock, one 99472
corporation owns another corporation if it owns fifty per cent or 99473
more of the other corporation's capital stock with current voting 99474
rights; 99475

(b) In the case of a limited liability company, one person 99476
owns the company if that person's membership interest, as defined 99477
in section 1706.01 of the Revised Code, is fifty per cent or more 99478
of the combined membership interests of all persons owning such 99479
interests in the company; 99480

(c) In the case of a partnership, trust, or other 99481
unincorporated business organization other than a limited 99482
liability company, one person owns the organization if, under the 99483
articles of organization or other instrument governing the affairs 99484
of the organization, that person has a beneficial interest in the 99485
organization's profits, surpluses, losses, or distributions of 99486
fifty per cent or more of the combined beneficial interests of all 99487
persons having such an interest in the organization. 99488

(5) A domestic insurance company or foreign insurance 99489
company, as defined in section 5725.01 of the Revised Code, that 99490
paid the insurance company premiums tax imposed by section 5725.18 99491
or Chapter 5729. of the Revised Code, or an unauthorized insurance 99492
company whose gross premiums are subject to tax under section 99493
3905.36 of the Revised Code based on one or more measurement 99494
periods that include the entire tax period under this chapter; 99495

(6) A person that solely facilitates or services one or more 99496
securitizations of phase-in-recovery property pursuant to a final 99497
financing order as those terms are defined in section 4928.23 of 99498
the Revised Code. For purposes of this division, "securitization" 99499
means transferring one or more assets to one or more persons and 99500
then issuing securities backed by the right to receive payment 99501
from the asset or assets so transferred. 99502

(7) Except as otherwise provided in this division, a 99503
pre-income tax trust as defined in section 5747.01 of the Revised 99504
Code and any pass-through entity of which such pre-income tax 99505
trust owns or controls, directly, indirectly, or constructively 99506
through related interests, more than five per cent of the 99507

ownership or equity interests. If the pre-income tax trust has 99508
made a qualifying pre-income tax trust election under division 99509
(EE) of section 5747.01 of the Revised Code, then the trust and 99510
the pass-through entities of which it owns or controls, directly, 99511
indirectly, or constructively through related interests, more than 99512
five per cent of the ownership or equity interests, shall not be 99513
excluded persons for purposes of the tax imposed under section 99514
5751.02 of the Revised Code. 99515

(8) Nonprofit organizations or the state and its agencies, 99516
instrumentalities, or political subdivisions. 99517

(F) Except as otherwise provided in divisions (F)(2), (3), 99518
and (4) of this section, "gross receipts" means the total amount 99519
realized by a person, without deduction for the cost of goods sold 99520
or other expenses incurred, that contributes to the production of 99521
gross income of the person, including the fair market value of any 99522
property and any services received, and any debt transferred or 99523
forgiven as consideration. 99524

(1) The following are examples of gross receipts: 99525

(a) Amounts realized from the sale, exchange, or other 99526
disposition of the taxpayer's property to or with another; 99527

(b) Amounts realized from the taxpayer's performance of 99528
services for another; 99529

(c) Amounts realized from another's use or possession of the 99530
taxpayer's property or capital; 99531

(d) Any combination of the foregoing amounts. 99532

(2) "Gross receipts" excludes the following amounts: 99533

(a) Interest income except interest on credit sales; 99534

(b) Dividends and distributions from corporations, and 99535
distributive or proportionate shares of receipts and income from a 99536
pass-through entity as defined under section 5733.04 of the 99537

Revised Code; 99538

(c) Receipts from the sale, exchange, or other disposition of 99539
an asset described in section 1221 or 1231 of the Internal Revenue 99540
Code, without regard to the length of time the person held the 99541
asset. Notwithstanding section 1221 of the Internal Revenue Code, 99542
receipts from hedging transactions also are excluded to the extent 99543
the transactions are entered into primarily to protect a financial 99544
position, such as managing the risk of exposure to (i) foreign 99545
currency fluctuations that affect assets, liabilities, profits, 99546
losses, equity, or investments in foreign operations; (ii) 99547
interest rate fluctuations; or (iii) commodity price fluctuations. 99548
As used in division (F)(2)(c) of this section, "hedging 99549
transaction" has the same meaning as used in section 1221 of the 99550
Internal Revenue Code and also includes transactions accorded 99551
hedge accounting treatment under statement of financial accounting 99552
standards number 133 of the financial accounting standards board. 99553
For the purposes of division (F)(2)(c) of this section, the actual 99554
transfer of title of real or tangible personal property to another 99555
entity is not a hedging transaction. 99556

(d) Proceeds received attributable to the repayment, 99557
maturity, or redemption of the principal of a loan, bond, mutual 99558
fund, certificate of deposit, or marketable instrument; 99559

(e) The principal amount received under a repurchase 99560
agreement or on account of any transaction properly characterized 99561
as a loan to the person; 99562

(f) Contributions received by a trust, plan, or other 99563
arrangement, any of which is described in section 501(a) of the 99564
Internal Revenue Code, or to which Title 26, Subtitle A, Chapter 99565
1, Subchapter (D) of the Internal Revenue Code applies; 99566

(g) Compensation, whether current or deferred, and whether in 99567
cash or in kind, received or to be received by an employee, former 99568

employee, or the employee's legal successor for services rendered 99569
to or for an employer, including reimbursements received by or for 99570
an individual for medical or education expenses, health insurance 99571
premiums, or employee expenses, or on account of a dependent care 99572
spending account, legal services plan, any cafeteria plan 99573
described in section 125 of the Internal Revenue Code, or any 99574
similar employee reimbursement; 99575

(h) Proceeds received from the issuance of the taxpayer's own 99576
stock, options, warrants, puts, or calls, or from the sale of the 99577
taxpayer's treasury stock; 99578

(i) Proceeds received on the account of payments from 99579
insurance policies, except those proceeds received for the loss of 99580
business revenue; 99581

(j) Gifts or charitable contributions received; membership 99582
dues received by trade, professional, homeowners', or condominium 99583
associations; and payments received for educational courses, 99584
meetings, meals, or similar payments to a trade, professional, or 99585
other similar association; and fundraising receipts received by 99586
any person when any excess receipts are donated or used 99587
exclusively for charitable purposes; 99588

(k) Damages received as the result of litigation in excess of 99589
amounts that, if received without litigation, would be gross 99590
receipts; 99591

(l) Property, money, and other amounts received or acquired 99592
by an agent on behalf of another in excess of the agent's 99593
commission, fee, or other remuneration; 99594

(m) Tax refunds, other tax benefit recoveries, and 99595
reimbursements for the tax imposed under this chapter made by 99596
entities that are part of the same combined taxpayer or 99597
consolidated elected taxpayer group, and reimbursements made by 99598
entities that are not members of a combined taxpayer or 99599

consolidated elected taxpayer group that are required to be made 99600
for economic parity among multiple owners of an entity whose tax 99601
obligation under this chapter is required to be reported and paid 99602
entirely by one owner, pursuant to the requirements of sections 99603
5751.011 and 5751.012 of the Revised Code; 99604

(n) Pension reversions; 99605

(o) Contributions to capital; 99606

(p) Sales or use taxes collected as a vendor or an 99607
out-of-state seller on behalf of the taxing jurisdiction from a 99608
consumer or other taxes the taxpayer is required by law to collect 99609
directly from a purchaser and remit to a local, state, or federal 99610
tax authority; 99611

(q) In the case of receipts from the sale of cigarettes, 99612
tobacco products, or vapor products by a wholesale dealer, retail 99613
dealer, distributor, manufacturer, vapor distributor, or seller, 99614
all as defined in section 5743.01 of the Revised Code, an amount 99615
equal to the federal and state excise taxes paid by any person on 99616
or for such cigarettes, tobacco products, or vapor products under 99617
subtitle E of the Internal Revenue Code or Chapter 5743. of the 99618
Revised Code; 99619

(r) In the case of receipts from the sale, transfer, 99620
exchange, or other disposition of motor fuel as "motor fuel" is 99621
defined in section 5736.01 of the Revised Code, an amount equal to 99622
the value of the motor fuel, including federal and state motor 99623
fuel excise taxes and receipts from billing or invoicing the tax 99624
imposed under section 5736.02 of the Revised Code to another 99625
person; 99626

(s) In the case of receipts from the sale of beer or 99627
intoxicating liquor, as defined in section 4301.01 of the Revised 99628
Code, by a person holding a permit issued under Chapter 4301. or 99629
4303. of the Revised Code, an amount equal to federal and state 99630

excise taxes paid by any person on or for such beer or 99631
intoxicating liquor under subtitle E of the Internal Revenue Code 99632
or Chapter 4301. or 4305. of the Revised Code; 99633

(t) Receipts realized by a new motor vehicle dealer or used 99634
motor vehicle dealer, as defined in section 4517.01 of the Revised 99635
Code, from the sale or other transfer of a motor vehicle, as 99636
defined in that section, to another motor vehicle dealer for the 99637
purpose of resale by the transferee motor vehicle dealer, but only 99638
if the sale or other transfer was based upon the transferee's need 99639
to meet a specific customer's preference for a motor vehicle; 99640

(u) Receipts from a financial institution described in 99641
division (E)(3) of this section for services provided to the 99642
financial institution in connection with the issuance, processing, 99643
servicing, and management of loans or credit accounts, if such 99644
financial institution and the recipient of such receipts have at 99645
least fifty per cent of their ownership interests owned or 99646
controlled, directly or constructively through related interests, 99647
by common owners; 99648

(v) Receipts realized from administering anti-neoplastic 99649
drugs and other cancer chemotherapy, biologicals, therapeutic 99650
agents, and supportive drugs in a physician's office to patients 99651
with cancer; 99652

(w) Funds received or used by a mortgage broker that is not a 99653
dealer in intangibles, other than fees or other consideration, 99654
pursuant to a table-funding mortgage loan or warehouse-lending 99655
mortgage loan. Terms used in division (F)(2)(w) of this section 99656
have the same meanings as in section 1322.01 of the Revised Code, 99657
except "mortgage broker" means a person assisting a buyer in 99658
obtaining a mortgage loan for a fee or other consideration paid by 99659
the buyer or a lender, or a person engaged in table-funding or 99660
warehouse-lending mortgage loans that are first lien mortgage 99661
loans. 99662

(x) Property, money, and other amounts received by a professional employer organization, as defined in section 4125.01 of the Revised Code, or an alternate employer organization, as defined in section 4133.01 of the Revised Code, from a client employer, as defined in either of those sections as applicable, in excess of the administrative fee charged by the professional employer organization or the alternate employer organization to the client employer;

(y) In the case of amounts retained as commissions by a permit holder under Chapter 3769. of the Revised Code, an amount equal to the amounts specified under that chapter that must be paid to or collected by the tax commissioner as a tax and the amounts specified under that chapter to be used as purse money;

(z) Qualifying distribution center receipts as determined under section 5751.40 of the Revised Code;

(aa) Receipts of an employer from payroll deductions relating to the reimbursement of the employer for advancing moneys to an unrelated third party on an employee's behalf;

(bb) Cash discounts allowed and taken;

(cc) Returns and allowances;

(dd) Bad debts from receipts on the basis of which the tax imposed by this chapter was paid in a prior quarterly tax payment period. For the purpose of this division, "bad debts" means any debts that have become worthless or uncollectible between the preceding and current quarterly tax payment periods, have been uncollected for at least six months, and that may be claimed as a deduction under section 166 of the Internal Revenue Code and the regulations adopted under that section, or that could be claimed as such if the taxpayer kept its accounts on the accrual basis. "Bad debts" does not include repossessed property, uncollectible amounts on property that remains in the possession of the taxpayer

until the full purchase price is paid, or expenses in attempting 99694
to collect any account receivable or for any portion of the debt 99695
recovered; 99696

(ee) Any amount realized from the sale of an account 99697
receivable to the extent the receipts from the underlying 99698
transaction giving rise to the account receivable were included in 99699
the gross receipts of the taxpayer; 99700

(ff) Any receipts directly attributed to a transfer agreement 99701
or to the enterprise transferred under that agreement under 99702
section 4313.02 of the Revised Code; 99703

(gg) Qualified uranium receipts as determined under section 99704
5751.41 of the Revised Code; 99705

(hh) In the case of amounts collected by a licensed casino 99706
operator from casino gaming, amounts in excess of the casino 99707
operator's gross casino revenue. In this division, "casino 99708
operator" and "casino gaming" have the meanings defined in section 99709
3772.01 of the Revised Code, and "gross casino revenue" has the 99710
meaning defined in section 5753.01 of the Revised Code. 99711

(ii) Receipts realized from the sale of agricultural 99712
commodities by an agricultural commodity handler, both as defined 99713
in section 926.01 of the Revised Code, that is licensed by the 99714
director of agriculture to handle agricultural commodities in this 99715
state; 99716

(jj) Qualifying integrated supply chain receipts as 99717
determined under section 5751.42 of the Revised Code; 99718

(kk) In the case of a railroad company described in division 99719
(D)(9) of section 5727.01 of the Revised Code that purchases dyed 99720
diesel fuel directly from a supplier as defined by section 5736.01 99721
of the Revised Code, an amount equal to the product of the number 99722
of gallons of dyed diesel fuel purchased directly from such a 99723
supplier multiplied by the average wholesale price for a gallon of 99724

diesel fuel as determined under section 5736.02 of the Revised Code for the period during which the fuel was purchased multiplied by a fraction, the numerator of which equals the rate of tax levied by section 5736.02 of the Revised Code less the rate of tax computed in section 5751.03 of the Revised Code, and the denominator of which equals the rate of tax computed in section 5751.03 of the Revised Code-;i

(ll) Receipts realized by an out-of-state disaster business from disaster work conducted in this state during a disaster response period pursuant to a qualifying solicitation received by the business. Terms used in division (F)(2)(ll) of this section have the same meanings as in section 5703.94 of the Revised Code.

(mm) In the case of receipts from the sale or transfer of a mortgage-backed security or a mortgage loan by a mortgage lender holding a valid certificate of registration issued under Chapter 1322. of the Revised Code or by a person that is a member of the mortgage lender's consolidated elected taxpayer group, an amount equal to the principal balance of the mortgage loan-;i

(nn) Amounts of excess surplus of the state insurance fund received by the taxpayer from the Ohio bureau of workers' compensation pursuant to rules adopted under section 4123.321 of the Revised Code-;i

(oo) Except as otherwise provided in division (B) of section 5751.091 of the Revised Code, receipts of a megaproject supplier from sales of tangible personal property directly to a megaproject operator in this state for use at the site of the megaproject operator's megaproject, provided that the sale occurs during the period that the megaproject operator has an agreement with the tax credit authority for the megaproject under division (D) of section 122.17 of the Revised Code that remains in effect and has not expired or been terminated, and provided the megaproject supplier holds a certificate for such megaproject issued under section

5751.052 of the Revised Code for the calendar year in which the sales are made and, if the megaproject supplier meets the requirements described in division (A)(13)(b) of section 122.17 of the Revised Code, the megaproject supplier holds a certificate for such megaproject issued under division (D)(11) of section 122.17 of the Revised Code on the first day of that calendar year;

(pp) Receipts from the sale of each new piece of capital equipment that has a cost in excess of one hundred million dollars and that is used at the site of a megaproject that satisfies the criteria described in division (A)(11)(a)(ii) of section 122.17 of the Revised Code, provided that the sale occurs during the period that a megaproject operator has an agreement for that megaproject with the tax credit authority under division (D) of section 122.17 of the Revised Code that remains in effect and has not expired or been terminated;

(qq) In the case of amounts collected by a sports gaming proprietor from sports gaming, amounts in excess of the proprietor's sports gaming receipts. As used in this division, "sports gaming proprietor" has the same meaning as in section 3775.01 of the Revised Code and "sports gaming receipts" has the same meaning as in section 5753.01 of the Revised Code.

(rr) Amounts received from any federal, state, or local grant, and amounts of indebtedness discharged or forgiven pursuant to federal, state, or local law, for providing or expanding access to broadband service in this state. As used in this division, "broadband service" has the same meaning as in section 188.01 of the Revised Code.

(ss) Receipts provided to a taxpayer to compensate for lost business resulting from the train derailment near the city of East Palestine on February 3, 2023, by any of the following:

(i) A federal, state, or local government agency;

<u>(ii) Norfolk southern railway;</u>	99788
<u>(iii) Any subsidiary, insurer, or agent of Norfolk southern railway or any related person.</u>	99789 99790
Any receipts for which the tax imposed by this chapter is prohibited by the constitution or laws of the United States or the constitution of this state.	99791 99792 99793
(3) In the case of a taxpayer when acting as a real estate broker, "gross receipts" includes only the portion of any fee for the service of a real estate broker, or service of a real estate salesperson associated with that broker, that is retained by the broker and not paid to an associated real estate salesperson or another real estate broker. For the purposes of this division, "real estate broker" and "real estate salesperson" have the same meanings as in section 4735.01 of the Revised Code.	99794 99795 99796 99797 99798 99799 99800 99801
(4) A taxpayer's method of accounting for gross receipts for a tax period shall be the same as the taxpayer's method of accounting for federal income tax purposes for the taxpayer's federal taxable year that includes the tax period. If a taxpayer's method of accounting for federal income tax purposes changes, its method of accounting for gross receipts under this chapter shall be changed accordingly.	99802 99803 99804 99805 99806 99807 99808
(G) "Taxable gross receipts" means gross receipts situated to this state under section 5751.033 of the Revised Code.	99809 99810
(H) A person has "substantial nexus with this state" if any of the following applies. The person:	99811 99812
(1) Owns or uses a part or all of its capital in this state;	99813
(2) Holds a certificate of compliance with the laws of this state authorizing the person to do business in this state;	99814 99815
(3) Has bright-line presence in this state;	99816
(4) Otherwise has nexus with this state to an extent that the	99817

person can be required to remit the tax imposed under this chapter 99818
under the Constitution of the United States. 99819

(I) A person has "bright-line presence" in this state for a 99820
reporting period and for the remaining portion of the calendar 99821
year if any of the following applies. The person: 99822

(1) Has at any time during the calendar year property in this 99823
state with an aggregate value of at least fifty thousand dollars. 99824
For the purpose of division (I)(1) of this section, owned property 99825
is valued at original cost and rented property is valued at eight 99826
times the net annual rental charge. 99827

(2) Has during the calendar year payroll in this state of at 99828
least fifty thousand dollars. Payroll in this state includes all 99829
of the following: 99830

(a) Any amount subject to withholding by the person under 99831
section 5747.06 of the Revised Code; 99832

(b) Any other amount the person pays as compensation to an 99833
individual under the supervision or control of the person for work 99834
done in this state; and 99835

(c) Any amount the person pays for services performed in this 99836
state on its behalf by another. 99837

(3) Has during the calendar year taxable gross receipts of at 99838
least five hundred thousand dollars-; 99839

(4) Has at any time during the calendar year within this 99840
state at least twenty-five per cent of the person's total 99841
property, total payroll, or total gross receipts-; 99842

(5) Is domiciled in this state as an individual or for 99843
corporate, commercial, or other business purposes. 99844

(J) "Tangible personal property" has the same meaning as in 99845
section 5739.01 of the Revised Code. 99846

(K) "Internal Revenue Code" means the Internal Revenue Code 99847

of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. Any term used in 99848
this chapter that is not otherwise defined has the same meaning as 99849
when used in a comparable context in the laws of the United States 99850
relating to federal income taxes unless a different meaning is 99851
clearly required. Any reference in this chapter to the Internal 99852
Revenue Code includes other laws of the United States relating to 99853
federal income taxes. 99854

(L) "Calendar quarter" means a three-month period ending on 99855
the thirty-first day of March, the thirtieth day of June, the 99856
thirtieth day of September, or the thirty-first day of December. 99857

(M) "Tax period" means the calendar quarter or calendar year 99858
on the basis of which a taxpayer is required to pay the tax 99859
imposed under this chapter. 99860

(N) "Calendar year taxpayer" means a taxpayer for which the 99861
tax period is a calendar year. 99862

(O) "Calendar quarter taxpayer" means a taxpayer for which 99863
the tax period is a calendar quarter. 99864

(P) "Agent" means a person authorized by another person to 99865
act on its behalf to undertake a transaction for the other, 99866
including any of the following: 99867

(1) A person receiving a fee to sell financial instruments; 99868

(2) A person retaining only a commission from a transaction 99869
with the other proceeds from the transaction being remitted to 99870
another person; 99871

(3) A person issuing licenses and permits under section 99872
1533.13 of the Revised Code; 99873

(4) A lottery sales agent holding a valid license issued 99874
under section 3770.05 of the Revised Code; 99875

(5) A person acting as an agent of the division of liquor 99876
control under section 4301.17 of the Revised Code. 99877

(Q) "Received" includes amounts accrued under the accrual method of accounting. 99878
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(R) "Reporting person" means a person in a consolidated elected taxpayer or combined taxpayer group that is designated by that group to legally bind the group for all filings and tax liabilities and to receive all legal notices with respect to matters under this chapter, or, for the purposes of section 5751.04 of the Revised Code, a separate taxpayer that is not a member of such a group. 99880
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(S) "Megaproject," "megaproject operator," and "megaproject supplier" have the same meanings as in section 122.17 of the Revised Code. 99887
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Sec. 5751.02. (A) For the purpose of funding the needs of this state and its local governments, there is hereby levied a commercial activity tax on each person with taxable gross receipts for the privilege of doing business in this state. For the purposes of this chapter, "doing business" means engaging in any activity, whether legal or illegal, that is conducted for, or results in, gain, profit, or income, at any time during a calendar year. Persons on which the commercial activity tax is levied include, but are not limited to, persons with substantial nexus with this state. The tax imposed under this section is not a transactional tax and is not subject to Public Law No. 86-272, 73 Stat. 555. The tax imposed under this section is in addition to any other taxes or fees imposed under the Revised Code. The tax levied under this section is imposed on the person receiving the gross receipts and is not a tax imposed directly on a purchaser. The tax imposed by this section is an annual privilege tax for the calendar year that, in the case of calendar year taxpayers, is the annual tax period and, in the case of calendar quarter taxpayers, contains all quarterly tax periods in the calendar year. A 99890
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taxpayer is subject to the annual privilege tax for doing business 99909
during any portion of such calendar year. 99910

(B) The tax imposed by this section is a tax on the taxpayer 99911
and shall not be billed or invoiced to another person. Even if the 99912
tax or any portion thereof is billed or invoiced and separately 99913
stated, such amounts remain part of the price for purposes of the 99914
sales and use taxes levied under Chapters 5739. and 5741. of the 99915
Revised Code. Nothing in division (B) of this section prohibits: 99916

(1) A person from including in the price charged for a good 99917
or service an amount sufficient to recover the tax imposed by this 99918
section; or 99919

(2) A lessor from including an amount sufficient to recover 99920
the tax imposed by this section in a lease payment charged, or 99921
from including such an amount on a billing or invoice pursuant to 99922
the terms of a written lease agreement providing for the recovery 99923
of the lessor's tax costs. The recovery of such costs shall be 99924
based on an estimate of the total tax cost of the lessor during 99925
the tax period, as the tax liability of the lessor cannot be 99926
calculated until the end of that period. 99927

(C)(1) The commercial activities tax receipts fund is hereby 99928
created in the state treasury and shall consist of money arising 99929
from the tax imposed under this chapter. Sixty-five one-hundredths 99930
of one per cent of the money credited to that fund shall be 99931
credited to the revenue enhancement fund and shall be used to 99932
defray the costs incurred by the department of taxation in 99933
administering the tax imposed by this chapter and in implementing 99934
tax reform measures. The remainder of the money in the commercial 99935
activities tax receipts fund shall first be credited to the 99936
commercial activity tax motor fuel receipts fund, pursuant to 99937
division (C)(2) of this section, and the remainder shall be 99938
credited in the following percentages each fiscal year to the 99939

general revenue fund, to the school district tangible property tax replacement fund, which is hereby created in the state treasury for the purpose of making the payments described in section 5709.92 of the Revised Code, and to the local government tangible property tax replacement fund, which is hereby created in the state treasury for the purpose of making the payments described in section 5709.93 of the Revised Code, in the following percentages:

Fiscal year	General Revenue Fund	School District Tangible Property Tax Replacement Fund	Local Government Tangible Property Tax Replacement Fund	
2014 and 2015	50.0%	35.0%	15.0%	99948
2016 and 2017	75.0%	20.0%	5.0%	99949
2018 and <u>thereafter to</u> <u>2023</u>	85.0%	13.0%	2.0%	99950
<u>2024 and</u> <u>thereafter</u>	<u>97.50%</u>	<u>2.25%</u>	<u>0.25%</u>	99951

(2) Not later than the twentieth day of February, May, August, and November of each year, the commissioner shall provide for payment from the commercial activities tax receipts fund to the commercial activity tax motor fuel receipts fund an amount that bears the same ratio to the balance in the commercial activities tax receipts fund that (a) the taxable gross receipts attributed to motor fuel used for propelling vehicles on public highways as indicated by returns filed by the tenth day of that month for a liability that is due and payable on or after July 1, 2013, for a tax period ending before July 1, 2014, bears to (b) all taxable gross receipts as indicated by those returns for such liabilities.

(D)(1) If the total amount in the school district tangible property tax replacement fund is insufficient to make all payments

under section 5709.92 of the Revised Code at the times the 99966
payments are to be made, the director of budget and management 99967
shall transfer from the general revenue fund to the school 99968
district tangible property tax replacement fund the difference 99969
between the total amount to be paid and the amount in the school 99970
district tangible property tax replacement fund. 99971

(2) If the total amount in the local government tangible 99972
property tax replacement fund is insufficient to make all payments 99973
under section 5709.93 of the Revised Code at the times the 99974
payments are to be made, the director of budget and management 99975
shall transfer from the general revenue fund to the local 99976
government tangible property tax replacement fund the difference 99977
between the total amount to be paid and the amount in the local 99978
government tangible property tax replacement fund. 99979

(E)(1) On or after the first day of June of each year, the 99980
director of budget and management may transfer any balance in the 99981
school district tangible property tax replacement fund to the 99982
general revenue fund. 99983

(2) On or after the first day of June of each year, the 99984
director of budget and management may transfer any balance in the 99985
local government tangible property tax replacement fund to the 99986
general revenue fund. 99987

(F)(1) There is hereby created in the state treasury the 99988
commercial activity tax motor fuel receipts fund. 99989

(2) On or before the fifteenth day of June of each fiscal 99990
year beginning with fiscal year 2015, the director of the Ohio 99991
public works commission shall certify to the director of budget 99992
and management the amount of debt service paid from the general 99993
revenue fund in the current fiscal year on bonds issued to finance 99994
or assist in the financing of the cost of local subdivision public 99995
infrastructure capital improvement projects, as provided for in 99996

Sections 2k, 2m, 2p, and 2s of Article VIII, Ohio Constitution, 99997
that are attributable to costs for construction, reconstruction, 99998
maintenance, or repair of public highways and bridges and other 99999
statutory highway purposes. That certification shall allocate the 100000
total amount of debt service paid from the general revenue fund 100001
and attributable to those costs in the current fiscal year 100002
according to the applicable section of the Ohio Constitution under 100003
which the bonds were originally issued. 100004

(3) On or before the thirtieth day of June of each fiscal 100005
year beginning with fiscal year 2015, the director of budget and 100006
management shall determine an amount up to but not exceeding the 100007
amount certified under division (F)(2) of this section and shall 100008
reserve that amount from the cash balance in the petroleum 100009
activity tax public highways fund or the commercial activity tax 100010
motor fuel receipts fund for transfer to the general revenue fund 100011
at times and in amounts to be determined by the director. The 100012
director shall transfer the cash balance in the petroleum activity 100013
tax public highways fund or the commercial activity tax motor fuel 100014
receipts fund in excess of the amount so reserved to the highway 100015
operating fund on or before the thirtieth day of June of the 100016
current fiscal year. 100017

Sec. 5751.033. For the purposes of this chapter, gross 100018
receipts shall be sitused to this state as follows: 100019

(A) Gross rents and royalties from real property located in 100020
this state shall be sitused to this state. 100021

(B) Gross rents and royalties from tangible personal property 100022
shall be sitused to this state to the extent the tangible personal 100023
property is located or used in this state. 100024

(C) Gross receipts from the sale of electricity and electric 100025
transmission and distribution services shall be sitused to this 100026
state in the manner provided under section 5733.059 of the Revised 100027

Code.	100028
(D) Gross receipts from the sale of real property located in this state shall be sitused to this state.	100029 100030
(E) Gross receipts from the sale of tangible personal property shall be sitused to this state if the property is received in this state by the purchaser. In the case of delivery of tangible personal property by motor <u>common</u> carrier or by other means of transportation, the place at which such property is ultimately received after all transportation has been completed shall be considered the place where the purchaser receives the property. For purposes of this section, the phrase "delivery of tangible personal property by motor <u>common</u> carrier or by other means of transportation" includes the situation in which a purchaser accepts the property in this state and then transports the property directly or by other means to a location outside this state. Direct delivery in this state, other than for purposes of transportation, to a person or firm designated by a purchaser constitutes delivery to the purchaser in this state, and direct delivery outside this state to a person or firm designated by a purchaser does not constitute delivery to the purchaser in this state, regardless of where title passes or other conditions of sale.	100031 100032 100033 100034 100035 100036 100037 100038 100039 100040 100041 100042 100043 100044 100045 100046 100047 100048 100049
(F) Gross receipts from the sale, exchange, disposition, or other grant of the right to use trademarks, trade names, patents, copyrights, and similar intellectual property shall be sitused to this state to the extent that the receipts are based on the amount of use of the property in this state. If the receipts are not based on the amount of use of the property, but rather on the right to use the property, and the payor has the right to use the property in this state, then the receipts from the sale, exchange, disposition, or other grant of the right to use such property shall be sitused to this state to the extent the receipts are	100050 100051 100052 100053 100054 100055 100056 100057 100058 100059

based on the right to use the property in this state. 100060

(G) Gross receipts from the sale of transportation services 100061
by a ~~meter~~ common or contract carrier shall be sitused to this 100062
state in proportion to the mileage traveled by the carrier during 100063
the tax period on roadways, waterways, airways, and railways in 100064
this state to the mileage traveled by the carrier during the tax 100065
period on roadways, waterways, airways, and railways everywhere. 100066
With prior written approval of the tax commissioner, a ~~meter~~ 100067
common or contract carrier may use an alternative situsing 100068
procedure for transportation services. 100069

(H) Gross receipts from dividends, interest, and other 100070
sources of income from financial instruments described in 100071
divisions (F)(4), (5), (6), (7), (8), (9), (10), (11), and (13) of 100072
section 5733.056 of the Revised Code shall be sitused to this 100073
state in accordance with the situsing provisions set forth in 100074
those divisions. When applying the provisions of divisions (F)(6), 100075
(8), and (13) of section 5733.056 of the Revised Code, "gross 100076
receipts" shall be substituted for "net gains" wherever "net 100077
gains" appears in those divisions. Nothing in this division limits 100078
or modifies the exclusions enumerated in divisions (E) and (F)(2) 100079
of section 5751.01 of the Revised Code. The tax commissioner may 100080
promulgate rules to further specify the manner in which to situs 100081
gross receipts subject to this division. 100082

(I) Gross receipts from the sale of all other services, and 100083
all other gross receipts not otherwise sitused under this section, 100084
shall be sitused to this state in the proportion that the 100085
purchaser's benefit in this state with respect to what was 100086
purchased bears to the purchaser's benefit everywhere with respect 100087
to what was purchased. The physical location where the purchaser 100088
ultimately uses or receives the benefit of what was purchased 100089
shall be paramount in determining the proportion of the benefit in 100090
this state to the benefit everywhere. If a taxpayer's records do 100091

not allow the taxpayer to determine that location, the taxpayer 100092
may use an alternative method to situs gross receipts under this 100093
division if the alternative method is reasonable, is consistently 100094
and uniformly applied, and is supported by the taxpayer's records 100095
as the records exist when the service is provided or within a 100096
reasonable period of time thereafter. 100097

(J) If the situsing provisions of divisions (A) to (H) of 100098
this section do not fairly represent the extent of a person's 100099
activity in this state, the person may request, or the tax 100100
commissioner may require or permit, an alternative method. Such 100101
request by a person must be made within the applicable statute of 100102
limitations set forth in this chapter. 100103

(K) The tax commissioner may adopt rules to provide 100104
additional guidance to the application of this section, and 100105
provide alternative methods of situsing gross receipts that apply 100106
to all persons, or subset of persons, that are engaged in similar 100107
business or trade activities. 100108

~~(L) As used in this section, "motor carrier" has the same 100109
meaning as in section 4923.01 of the Revised Code. 100110~~

Sec. 5751.06. (A) Any taxpayer that fails to file a return or 100111
pay the full amount of the tax due within the period prescribed 100112
therefor under this chapter shall pay a penalty in an amount not 100113
exceeding the greater of fifty dollars or ten per cent of the tax 100114
required to be paid for the tax period. 100115

(B)(1) If any additional tax is found to be due, the tax 100116
commissioner may impose an additional penalty of up to fifteen per 100117
cent on the additional tax found to be due. 100118

(2) Any delinquent payments of the tax made after a taxpayer 100119
is notified of an audit or a tax discrepancy by the commissioner 100120
is subject to the penalty imposed by division (B) of this section. 100121

If an assessment is issued under section 5751.09 of the Revised Code in connection with such delinquent payments, the payments shall be credited to the assessment. 100122
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(C) After calendar year 2008, the tax commissioner may impose an additional penalty against a taxpayer that fails to switch to being a calendar quarter taxpayer at the time it had over two million in taxable gross receipts in the calendar year, as required under section 5751.04 of the Revised Code. The penalty may be imposed in an amount not to exceed ten per cent of the tax due above two million dollars in taxable gross receipts for the calendar year. Any penalty imposed under this division is in addition to any other penalties imposed under this section. 100125
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(D) If the tax commissioner notifies a person required to register under section 5751.05 of the Revised Code of such requirement and of the requirement to remit the tax due under this chapter, and the person fails to so register and remit the tax within sixty days after such notice, the tax commissioner may impose an additional penalty of up to thirty-five per cent of the tax due. The penalty imposed under this division is in addition to any other penalties imposed under this section. 100134
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(E) The tax commissioner may collect any penalty or interest imposed by this section in the same manner as the tax imposed under this chapter. Penalties and interest so collected shall be considered as revenue arising from the tax imposed under this chapter. 100142
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(F) The tax commissioner may abate all or a portion of any penalties imposed under this section and may adopt rules governing such abatements. 100147
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(G) If any tax due is not timely paid in accordance with this chapter, the taxpayer shall pay interest, calculated at the rate per annum prescribed by section 5703.47 of the Revised Code, from 100150
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the date the tax payment was due to the date of payment or to the 100153
date an assessment was issued, whichever occurs first. 100154

(H) The tax commissioner may impose a penalty of up to ten 100155
per cent for any additional tax that is due under division 100156
(A)(2)(b) of section 5751.051 of the Revised Code from a taxpayer 100157
incorrectly reporting its taxable gross receipts. 100158

(I) If the tax commissioner discovers that a taxpayer has 100159
billed or invoiced another person for the tax imposed under this 100160
chapter in violation of division (B) of section 5751.02 of the 100161
Revised Code, the tax commissioner shall notify the taxpayer of 100162
the violation ~~by certified mail~~ in the manner provided in section 100163
5703.37 of the Revised Code and may impose a penalty of up to five 100164
hundred dollars. If the taxpayer subsequently bills or invoices a 100165
person for the tax imposed under this chapter, the tax 100166
commissioner shall impose a penalty of five hundred dollars. 100167

Sec. 5751.51. (A) As used in this section, "qualified 100168
research expenses" has the same meaning as in section 41 of the 100169
Internal Revenue Code. 100170

(B)(1) For calendar years beginning on or after January 1, 100171
2008, a nonrefundable credit may be claimed under this chapter 100172
equal to seven per cent of the excess of (a) qualified research 100173
expenses incurred in this state by the taxpayer in the calendar 100174
year for which the credit is claimed over (b) the taxpayer's 100175
average annual qualified research expenses incurred in this state 100176
for the three preceding calendar years. 100177

(2) The taxpayer shall claim the credit allowed under 100178
division (B)(1) of this section in the order required by section 100179
5751.98 of the Revised Code. A credit claimed in calendar year 100180
2008 may not be applied against the tax otherwise due under this 100181
chapter for a tax period beginning before July 1, 2008. Any credit 100182
amount in excess of the tax due under section 5751.03 of the 100183

Revised Code, after allowing for any other credits that precede 100184
the credit under this section in the order required under that 100185
section, may be carried forward for seven years, but the amount of 100186
the excess credit claimed against the tax for any tax period shall 100187
be deducted from the balance carried forward to the next tax 100188
period. 100189

(3) No credit shall be allowed under this chapter if the 100190
credit was available against the tax imposed by section 5733.06 of 100191
the Revised Code, except to the extent the credit was not applied 100192
against such tax. 100193

(C) In the case of a taxpayer that is a consolidated elected 100194
taxpayer or combined taxpayer, each person in the taxpayer's group 100195
shall separately calculate the credit claimed under this section 100196
using the qualified research expenses incurred by that person on a 100197
form prescribed by the tax commissioner, which shall be used by 100198
the taxpayer to claim the credit. 100199

Such a taxpayer may only claim the credit with respect to 100200
persons included in the taxpayer's group as of the thirty-first 100201
day of December of the calendar year in which the qualified 100202
research expenses are incurred. Such a taxpayer may only claim any 100203
excess credit carried forward under division (B)(2) of this 100204
section with respect to persons included in that group as of the 100205
last day of the tax period for which the return claiming the 100206
credit is filed. 100207

(D) A taxpayer that claims a credit under this section shall 100208
retain records to substantiate the claim. Required records include 100209
those relating to any expenses used in calculating the credit and 100210
incurred in the current calendar year and in the three preceding 100211
calendar years. 100212

The taxpayer shall retain the required records until the date 100213
that is four years after the due date for the return on which the 100214

credit was claimed or four years after the date the return was 100215
actually filed, whichever is later. 100216

(E) The tax commissioner may audit a sample of the taxpayer's 100217
qualified research expenses over a representative period to 100218
ascertain the amount of tax credit the taxpayer may claim under 100219
this section and may issue an assessment under section 5751.09 of 100220
the Revised Code based on the audit. The commissioner shall make a 100221
good faith effort to reach an agreement with the taxpayer in 100222
selecting a representative sample. The commissioner is not, 100223
however, precluded from proceeding under this division if an 100224
agreement is not made. 100225

Sec. 5751.53. (A) As used in this section: 100226

(1) "Net income" and "taxable year" have the same meanings as 100227
in section 5733.04 of the Revised Code. 100228

(2) "Franchise tax year" means "tax year" as defined in 100229
section 5733.04 of the Revised Code. 100230

(3) "Deductible temporary differences" and "taxable temporary 100231
differences" have the same meanings as those terms have for 100232
purposes of paragraph 13 of the statement of financial accounting 100233
standards, number 109. 100234

(4) "Qualifying taxpayer" means a taxpayer under this chapter 100235
that has a qualifying Ohio net operating loss carryforward equal 100236
to or greater than the qualifying amount. 100237

(5) "Qualifying Ohio net operating loss carryforward" means 100238
an Ohio net operating loss carryforward that the taxpayer could 100239
deduct in whole or in part for franchise tax year 2006 under 100240
section 5733.04 of the Revised Code but for the application of 100241
division (H) of this section. A qualifying Ohio net operating loss 100242
carryforward shall not exceed the amount of loss carryforward from 100243
franchise tax year 2005 as reported by the taxpayer either on a 100244

franchise tax report for franchise tax year 2005 pursuant to 100245
section 5733.02 of the Revised Code or on an amended franchise tax 100246
report prepared in good faith for such year and filed before July 100247
1, 2006. 100248

(6) "Disallowed Ohio net operating loss carryforward" means 100249
the lesser of the amounts described in division (A)(6)(a) or (b) 100250
of this section, but the amounts described in divisions (A)(6)(a) 100251
and (b) of this section shall each be reduced by the qualifying 100252
amount. 100253

(a) The qualifying taxpayer's qualifying Ohio net operating 100254
loss carryforward; 100255

(b) The Ohio net operating loss carryforward amount that the 100256
qualifying taxpayer used to compute the related deferred tax asset 100257
reflected on its books and records on the last day of its taxable 100258
year ending in 2004, adjusted for return to accrual, but this 100259
amount shall be reduced by the qualifying related valuation 100260
allowance amount. For the purposes of this section, the 100261
"qualifying related valuation allowance amount" is the amount of 100262
Ohio net operating loss reflected in the qualifying taxpayer's 100263
computation of the valuation allowance account, as shown on its 100264
books and records on the last day of its taxable year ending in 100265
2004, with respect to the deferred tax asset relating to its Ohio 100266
net operating loss carryforward amount. 100267

(7) "Other net deferred tax items apportioned to this state" 100268
is the product of (a) the amount of other net deferred tax items 100269
and (b) the fraction described in division (B)(2) of section 100270
5733.05 for the qualifying taxpayer's franchise tax year 2005. 100271

(8)(a) Subject to divisions (A)(8)(b) to (d) of this section, 100272
the "amount of other net deferred tax items" is the difference 100273
between (i) the qualifying taxpayer's deductible temporary 100274
differences, net of related valuation allowance amounts, shown on 100275

the qualifying taxpayer's books and records on the last day of its taxable year ending in 2004, and (ii) the qualifying taxpayer's taxable temporary differences as shown on those books and records on that date. The amount of other net deferred tax items may be less than zero.

(b) For the purposes of computing the amount of the qualifying taxpayer's other net deferred tax items described in division (A)(8)(a) of this section, any credit carryforward allowed under Chapter 5733. of the Revised Code shall be excluded from the amount of deductible temporary differences to the extent such credit carryforward amount, net of any related valuation allowance amount, is otherwise included in the qualifying taxpayer's deductible temporary differences, net of related valuation allowance amounts, shown on the qualifying taxpayer's books and records on the last day of the qualifying taxpayer's taxable year ending in 2004.

(c) No portion of the disallowed Ohio net operating loss carryforward shall be included in the computation of the amount of the qualifying taxpayer's other net deferred tax items described in division (A)(8)(a) of this section.

(d) In no event shall the amount of other net deferred tax items apportioned to this state exceed twenty-five per cent of the qualifying Ohio net operating loss carryforward.

(9) "Amortizable amount" means:

(a) If the qualifying taxpayer's other net deferred tax items apportioned to this state is equal to or greater than zero, eight per cent of the sum of the qualifying taxpayer's disallowed Ohio net operating loss carryforward and the qualifying taxpayer's other net deferred tax items apportioned to this state;

(b) If the amount of the qualifying taxpayer's other net deferred tax items apportioned to this state is less than zero and

if the absolute value of the amount of qualifying taxpayer's other 100307
net deferred tax items apportioned to this state is less than the 100308
qualifying taxpayer's disallowed net operating loss, eight per 100309
cent of the difference between the qualifying taxpayer's 100310
disallowed net operating loss carryforward and the absolute value 100311
of the qualifying taxpayer's other net deferred tax items 100312
apportioned to this state; 100313

(c) If the amount of the qualifying taxpayer's other net 100314
deferred tax items apportioned to this state is less than zero and 100315
if the absolute value of the amount of qualifying taxpayer's other 100316
net deferred tax items apportioned to this state is equal to or 100317
greater than the qualifying taxpayer's disallowed net operating 100318
loss, zero. 100319

(10) "Books and records" means the qualifying taxpayer's 100320
books, records, and all other information, all of which the 100321
qualifying taxpayer maintains and uses to prepare and issue its 100322
financial statements in accordance with generally accepted 100323
accounting principles. 100324

(11)(a) Except as modified by division (A)(11)(b) of this 100325
section, "qualifying amount" means fifty million dollars per 100326
person. 100327

(b) If for franchise tax year 2005 the person was a member of 100328
a combined franchise tax report, as provided by section 5733.052 100329
of the Revised Code, the "qualifying amount" is, in the aggregate, 100330
fifty million dollars for all members of that combined franchise 100331
tax report, and for purposes of divisions (A)(6)(a) and (b) of 100332
this section, those members shall allocate to each member any 100333
portion of the fifty million dollar amount. The total amount 100334
allocated to the members who are qualifying taxpayers shall equal 100335
fifty million dollars. 100336

(B) For each calendar period beginning prior to January 1, 100337

~~2030~~ 2040, there is hereby allowed a nonrefundable tax credit 100338
against the tax levied each year by this chapter on each 100339
qualifying taxpayer, on each consolidated elected taxpayer having 100340
one or more qualifying taxpayers as a member, and on each combined 100341
taxpayer having one or more qualifying taxpayers as a member. The 100342
credit shall be claimed in the order specified in section 5751.98 100343
of the Revised Code and is allowed only to reduce the first 100344
one-half of any tax remaining after allowance of the credits that 100345
precede it in section 5751.98 of the Revised Code. No credit under 100346
division (B) of this section shall be allowed against the second 100347
one-half of such remaining tax. 100348

Except as otherwise limited by divisions (C) and (D) of this 100349
section, the maximum amount of the nonrefundable credit that may 100350
be used against the first one-half of the remaining tax for each 100351
calendar year is as follows: 100352

(1) For calendar year 2010, ten per cent of the amortizable 100353
amount; 100354

(2) For calendar year 2011, twenty per cent of the 100355
amortizable amount, less all amounts previously used; 100356

(3) For calendar year 2012, thirty per cent of the 100357
amortizable amount, less all amounts previously used; 100358

(4) For calendar year 2013, forty per cent of the amortizable 100359
amount, less all amounts previously used; 100360

(5) For calendar year 2014, fifty per cent of the amortizable 100361
amount, less all amounts previously used; 100362

(6) For calendar year 2015, sixty per cent of the amortizable 100363
amount, less all amounts previously used; 100364

(7) For calendar year 2016, seventy per cent of the 100365
amortizable amount, less all amounts previously used; 100366

(8) For calendar year 2017, eighty per cent of the 100367

amortizable amount, less all amounts previously used; 100368

(9) For calendar year 2018, ninety per cent of the 100369
amortizable amount, less all amounts previously used; 100370

(10) For each of calendar years 2019 through ~~2029~~ 2039, one 100371
hundred per cent of the amortizable amount, less all amounts used 100372
in all previous years. 100373

In no event shall the cumulative credit used for calendar 100374
years 2010 through ~~2029~~ 2039 exceed one hundred per cent of the 100375
amortizable amount. 100376

(C)(1) Except as otherwise set forth in division (C)(2) of 100377
this section, a refundable credit is allowed in calendar year ~~2030~~ 100378
2040 for any portion of the qualifying taxpayer's amortizable 100379
amount that is not used in accordance with division (B) of this 100380
section against the tax levied by this chapter on all taxpayers. 100381

(2) Division (C)(1) of this section shall not apply and no 100382
refundable credit shall be available to any person if during any 100383
portion of the calendar year ~~2030~~ 2040 the person is not subject 100384
to the tax imposed by this chapter. 100385

(D) Not later than June 30, 2006, each qualifying taxpayer, 100386
consolidated elected taxpayer, or combined taxpayer that will 100387
claim for any year the credit allowed in divisions (B) and (C) of 100388
this section shall file with the tax commissioner a report setting 100389
forth the amortizable amount available to such taxpayer and all 100390
other related information that the commissioner, by rule, 100391
requires. If the taxpayer does not timely file the report or fails 100392
to provide timely all information required by this division, the 100393
taxpayer is precluded from claiming any credit amounts described 100394
in divisions (B) and (C) of this section. Unless extended by 100395
mutual consent, the tax commissioner may, until June 30, 2010, 100396
audit the accuracy of the amortizable amount available to each 100397
taxpayer that will claim the credit, and adjust the amortizable 100398

amount or, if appropriate, issue any assessment or final 100399
determination, as applicable, necessary to correct any errors 100400
found upon audit. 100401

(E) For the purpose of calculating the amortizable amount, if 100402
the tax commissioner ascertains that any portion of that amount is 100403
the result of a sham transaction as described in section 5703.56 100404
of the Revised Code, the commissioner shall reduce the amortizable 100405
amount by two times the adjustment. 100406

(F) If one entity transfers all or a portion of its assets 100407
and equity to another entity as part of an entity organization or 100408
reorganization or subsequent entity organization or reorganization 100409
for which no gain or loss is recognized in whole or in part for 100410
federal income tax purposes under the Internal Revenue Code, the 100411
credits allowed by this section shall be computed in a manner 100412
consistent with that used to compute the portion, if any, of 100413
federal net operating losses allowed to the respective entities 100414
under the Internal Revenue Code. The tax commissioner may 100415
prescribe forms or rules for making the computations required by 100416
this division. 100417

(G)(1) Except as provided in division (F) of this section, no 100418
person shall pledge, collateralize, hypothecate, assign, convey, 100419
sell, exchange, or otherwise dispose of any or all tax credits, or 100420
any portion of any or all tax credits allowed under this section. 100421

(2) No credit allowed under this section is subject to 100422
execution, attachment, lien, levy, or other judicial proceeding. 100423

(H)(1)(a) Except as set forth in division (H)(1)(b) of this 100424
section and notwithstanding division (I)(1) of section 5733.04 of 100425
the Revised Code to the contrary, each person timely and fully 100426
complying with the reporting requirements set forth in division 100427
(D) of this section shall not claim, and shall not be entitled to 100428
claim, any deduction or adjustment for any Ohio net operating loss 100429

carried forward to any one or more franchise tax years after 100430
franchise tax year 2005. 100431

(b) Division (H)(1)(a) of this section applies only to the 100432
portion of the Ohio net operating loss represented by the 100433
disallowed Ohio net operating loss carryforward. 100434

(2) Notwithstanding division (I) of section 5733.04 of the 100435
Revised Code to the contrary, with respect to all franchise tax 100436
years after franchise tax year 2005, each person timely and fully 100437
complying with the reporting requirements set forth in division 100438
(D) of this section shall not claim, and shall not be entitled to 100439
claim, any deduction, exclusion, or adjustment with respect to 100440
deductible temporary differences reflected on the person's books 100441
and records on the last day of its taxable year ending in 2004. 100442

(3)(a) Except as set forth in division (H)(3)(b) of this 100443
section and notwithstanding division (I) of section 5733.04 of the 100444
Revised Code to the contrary, with respect to all franchise tax 100445
years after franchise tax year 2005, each person timely and fully 100446
complying with the reporting requirements set forth in division 100447
(D) of this section shall exclude from Ohio net income all taxable 100448
temporary differences reflected on the person's books and records 100449
on the last day of its taxable year ending in 2004. 100450

(b) In no event shall the exclusion provided by division 100451
(H)(3)(a) of this section for any franchise tax year exceed the 100452
amount of the taxable temporary differences otherwise included in 100453
Ohio net income for that year. 100454

(4) Divisions (H)(2) and (3) of this section shall apply only 100455
to the extent such items were used in the calculations of the 100456
credit provided by this section. 100457

Sec. 5751.98. (A) To provide a uniform procedure for 100458
calculating the amount of tax due under this chapter, a taxpayer 100459

shall claim any credits to which it is entitled in the following order: 100460
100461

The nonrefundable jobs retention credit under division (B) of section 5751.50 of the Revised Code; 100462
100463

The nonrefundable credit for qualified research expenses under division (B) of section 5751.51 of the Revised Code; 100464
100465

The nonrefundable credit for a borrower's qualified research and development loan payments under division (B) of section 5751.52 of the Revised Code; 100466
100467
100468

The nonrefundable credit for calendar years 2010 to ~~2029~~ 2039 for unused net operating losses under division (B) of section 5751.53 of the Revised Code; 100469
100470
100471

The refundable motion picture and Broadway theatrical production credit under section 5751.54 of the Revised Code; 100472
100473

The refundable jobs creation credit or job retention credit under division (A) of section 5751.50 of the Revised Code; 100474
100475

The refundable credit for calendar year ~~2030~~ 2040 for unused net operating losses under division (C) of section 5751.53 of the Revised Code. 100476
100477
100478

(B) For any credit except the refundable credits enumerated in this section, the amount of the credit for a tax period shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating the credit. 100479
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Sec. 5753.031. (A) For the purpose of receiving and distributing, and accounting for, revenue received from the tax levied by section 5753.021 of the Revised Code and from fines imposed under Chapter 3775. of the Revised Code, the following 100485
100486
100487
100488

funds are created in the state treasury: 100489

(1) The sports gaming revenue fund; 100490

(2) The sports gaming tax administration fund, which the tax 100491
commissioner shall use to defray the costs incurred in 100492
administering the tax levied by section 5753.021 of the Revised 100493
Code; 100494

(3) The sports gaming profits education fund. ~~Fifty per cent~~ 100495
~~of the funds~~ Amounts deposited in the sports gaming profits 100496
education fund shall be used as follows: 100497

(a) Each fiscal year, the lesser of fifty per cent of the 100498
amount deposited or fifteen million dollars shall be used to 100499
support interscholastic athletics and other extracurricular 100500
activities for students in grades kindergarten through twelve as 100501
determined in appropriations made by the general assembly. ~~The~~ 100502
~~other fifty per cent~~ 100503

(b) The remainder of the fund shall be used for the support 100504
of public and nonpublic education for students in grades 100505
kindergarten through twelve as determined in appropriations made 100506
by the general assembly. 100507

(4) The problem sports gaming fund. 100508

(B)(1) All of the following shall be deposited into the 100509
sports gaming revenue fund: 100510

(a) All money collected from the tax levied under section 100511
5753.021 of the Revised Code; 100512

(b) The remainder of the fees described in division (G)(2) of 100513
section 3775.02 of the Revised Code, after the Ohio casino control 100514
commission deposits the required amount in the sports gaming 100515
profits veterans fund under that division; 100516

(c) Unclaimed winnings collected under division (F) of 100517

section 3775.10 of the Revised Code; 100518

(d) Any fines collected under Chapter 3775. of the Revised 100519
Code. 100520

(2) All other fees collected under Chapter 3775. of the 100521
Revised Code shall be deposited into the casino control commission 100522
fund created under section 5753.03 of the Revised Code. 100523

(C)(1) From the sports gaming revenue fund, the director of 100524
budget and management shall transfer as needed to the tax refund 100525
fund amounts equal to the refunds certified by the tax 100526
commissioner under section 5753.06 of the Revised Code and 100527
attributable to the tax levied under section 5753.021 of the 100528
Revised Code. 100529

(2) Not later than the fifteenth day of each month, the 100530
director of budget and management shall transfer from the sports 100531
gaming revenue fund to the sports gaming tax administration fund 100532
the amount necessary to reimburse the department of taxation's 100533
actual expenses incurred in administering the tax levied under 100534
section 5753.021 of the Revised Code. 100535

(3) Of the amount in the sports gaming revenue fund remaining 100536
after making the transfers required by divisions (C)(1) and (2) of 100537
this section, the director of budget and management shall 100538
transfer, on or before the fifteenth day of the month following 100539
the end of each calendar quarter, amounts to each fund as follows: 100540

(a) Ninety-eight per cent to the sports gaming profits 100541
education fund; 100542

(b) Two per cent to the problem sports gaming fund. 100543

(D) All interest generated by the funds created under this 100544
section shall be credited back to them. 100545

Sec. 5910.01. As used in this chapter and section 5919.34 of 100546
the Revised Code: 100547

(A) "Child" includes natural and adopted children and 100548
stepchildren who have not been legally adopted by the veteran 100549
parent provided that the relationship between the stepchild and 100550
the veteran parent meets the following criteria: 100551

(1) The veteran parent is married to the child's natural or 100552
adoptive parent at the time application for a scholarship granted 100553
under this chapter is made; or if the veteran parent is deceased, 100554
the child's natural or adoptive parent was married to the veteran 100555
parent at the time of the veteran parent's death; 100556

(2) The child resided with the veteran parent for a period of 100557
not less than ten consecutive years immediately prior to making 100558
application for the scholarship; or if the veteran parent is 100559
deceased, the child resided with the veteran parent for a period 100560
of not less than ten consecutive years immediately prior to the 100561
veteran parent's death; 100562

(3) The child received financial support from the veteran 100563
parent for a period of not less than ten consecutive years 100564
immediately prior to making application for the scholarship; or if 100565
the veteran parent is deceased, the child received financial 100566
support from the veteran parent for a period of not less than ten 100567
consecutive years immediately prior to the veteran parent's death. 100568

(B) "Veteran" includes any of the following: 100569

(1) Any person who was a member of the armed services of the 100570
United States for a period of ninety days or more, or who was 100571
discharged from the armed services due to a disability incurred 100572
while a member with less than ninety days' service, or who died 100573
while a member of the armed services; provided that such service, 100574
disability, or death occurred during one of the following periods: 100575
~~April 6, 1917, to November 11, 1918;~~ December 7, 1941, to December 100576
31, 1946; June 25, 1950, to January 31, 1955; January 1, 1960, to 100577
May 7, 1975; August 2, 1990, to the end of operations conducted as 100578

a result of the invasion of Kuwait by Iraq, including support for 100579
operation desert shield and operation desert storm, as declared by 100580
the president of the United States or the congress; October 7, 100581
2001, to the end of operation enduring freedom as declared by the 100582
president of the United States or the congress; March 20, 2003, to 100583
the end of operation Iraqi freedom as declared by the president of 100584
the United States or the congress; or any other period of conflict 100585
established by the United States department of veterans affairs 100586
for pension purposes; 100587

(2) Any person who was a member of the armed services of the 100588
United States and participated in an operation for which the armed 100589
forces expeditionary medal was awarded; 100590

(3) Any person who served as a member of the United States 100591
merchant marine and to whom either of the following applies: 100592

(a) The person has an honorable report of separation from the 100593
active duty military service, form DD214 or DD215. 100594

(b) The person served in the United States merchant marine 100595
between December 7, 1941, and December 31, 1946, and died on 100596
active duty while serving in a war zone during that period of 100597
service. 100598

(C) "Armed services of the United States" or "United States 100599
armed forces" includes the army, air force, navy, marine corps, 100600
coast guard, and such other military service branch as may be 100601
designated by congress as a part of the armed forces of the United 100602
States. 100603

(D) "Board" means the Ohio war orphans and severely disabled 100604
veterans' children scholarship board created by section 5910.02 of 100605
the Revised Code. 100606

(E) "Disabled" means having a sixty per cent or greater 100607
service-connected disability or receiving benefits for permanent 100608
and total nonservice-connected disability, as determined by the 100609

United States department of veterans affairs. 100610

(F) "United States merchant marine" includes the United 100611
States army transport service and the United States naval 100612
transport service. 100613

Sec. 5913.01. (A) The adjutant general is the commander and 100614
administrative head of the Ohio organized militia, as described in 100615
section 5923.01 of the Revised Code. The adjutant general shall: 100616

(1) Be provided offices and shall keep them open during usual 100617
business hours; 100618

(2) Manage the recruitment of individuals for service in the 100619
Ohio organized militia; 100620

(3) Have and maintain custody of all military records, 100621
correspondence, and other documents of the Ohio organized militia; 100622

~~(3)~~(4) Superintend the preparation of all returns and reports 100623
required by the United States from the state on military matters; 100624

~~(4)~~(5) Keep a roster of all officers of the Ohio organized 100625
militia, including retired officers; 100626

~~(5)~~(6) Whenever necessary, cause the military provisions of 100627
the Revised Code and the orders, regulations, pamphlets, 100628
circulars, and memorandums of the adjutant general's department to 100629
be printed and distributed to the organizations of the Ohio 100630
organized militia; 100631

~~(6)~~(7) Prepare and issue all necessary Ohio organized militia 100632
forms and attest to all commissions issued to officers of the Ohio 100633
organized militia; 100634

~~(7)~~(8) Have a seal, and all copies of orders, records, and 100635
papers in the adjutant general's office certified and 100636
authenticated with that seal shall be competent evidence in like 100637
manner as if the originals were produced. All orders issued from 100638

the adjutant general's office shall bear a duplicate of the seal. 100639

~~(8)~~(9) Keep and preserve the arms, ordnance, equipment, and 100640
all other military property belonging to the state or issued to 100641
the state by the federal government and issue any regulations 100642
necessary to keep, preserve, and repair the property as conditions 100643
demand; 100644

~~(9)~~(10) Issue adjutant general's property to the units of the 100645
Ohio organized militia as the necessity of the service or 100646
organizational or allowance tables requires; 100647

~~(10)~~(11) Submit an annual report to the governor at such time 100648
as the governor requires of the transaction of the adjutant 100649
general's department, setting forth the strength and condition of 100650
the Ohio organized militia and other matters that the adjutant 100651
general chooses; 100652

~~(11)~~(12) Designate members of the Ohio national guard, who 100653
are participating in duties related to remotely piloted aircraft, 100654
including, but not limited to, pilots, sensor operators, and 100655
mission intelligence personnel, duties related to special forces 100656
operations, or duties related to cybersecurity, as designated 100657
public service workers under section 149.43 of the Revised Code; 100658

~~(12)~~(13) Command the joint force headquarters of the Ohio 100659
national guard. 100660

(B) The adjutant general shall issue and distribute all 100661
orders issued in the name of the governor as the commander in 100662
chief of the Ohio organized militia and perform the duties that 100663
the governor directs and other duties prescribed by law. 100664

(C) The adjutant general may enter into cooperative 100665
agreements, contractual arrangements, or agreements for the 100666
acceptance of grants with the United States or any agency or 100667
department of the United States, other states, any department or 100668
political subdivision of this state, or any person or body 100669

politic, to accomplish the purposes of the adjutant general's 100670
department. The adjutant general shall cooperate with, and not 100671
infringe upon, the rights of other state departments, divisions, 100672
boards, commissions, and agencies, political subdivisions, and 100673
other public officials and public and private agencies when the 100674
interests of the adjutant general's department and those other 100675
entities overlap. 100676

The funds made available by the United States for the 100677
exclusive use of the department shall be expended only by the 100678
department and only for the purposes for which the federal funds 100679
were appropriated. In accepting federal funds, the department 100680
agrees to abide by the terms and conditions of the grant or 100681
cooperative agreement and further agrees to expend the federal 100682
funds in accordance with the laws and regulations of the United 100683
States. 100684

Sec. 5913.012. (A) The adjutant general may authorize a judge 100685
advocate appointed under section 5924.06 of the Revised Code to 100686
provide legal assistance to any of the following: 100687

(1) Investigative personnel of the bureau of criminal 100688
identification and investigation as described in section 109.542 100689
of the Revised Code, a natural resources law enforcement staff 100690
officer designated under section 1501.013 of the Revised Code, a 100691
forest-fire investigator appointed under section 1503.09 of the 100692
Revised Code, a natural resources officer appointed under section 100693
1501.24 of the Revised Code, a wildlife officer designated under 100694
section 1531.13 of the Revised Code, a state highway patrol 100695
trooper appointed under section 5503.01 of the Revised Code, and a 100696
special police officer designated under section 5503.09 of the 100697
Revised Code; 100698

(2) A person commissioned or enlisted in the Ohio military 100699
reserve under Chapter 5920. of the Revised Code; 100700

(3) The spouse, surviving spouse, dependent parent, minor child, or ward of a person listed under divisions (A)(1) and (2) of this section. 100701
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(B) The adjutant general may specify matters upon which legal assistance may be provided and may limit services subject to the availability of a judge advocate. 100704
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Sec. 5919.34. (A) As used in this section: 100707

(1) "Academic term" means any one of the following: 100708

(a) Fall term, which consists of fall semester or fall quarter, as appropriate; 100709
100710

(b) Winter term, which consists of winter semester, winter quarter, or spring semester, as appropriate; 100711
100712

(c) Spring term, which consists of spring quarter; 100713

(d) Summer term, which consists of summer semester or summer quarter, as appropriate. 100714
100715

(2) "Eligible applicant" means any individual to whom all of the following apply: 100716
100717

~~(a) The individual does not possess a baccalaureate degree.~~ 100718

~~(b)~~ The individual has enlisted, re-enlisted, or extended current enlistment in the Ohio national guard or is an individual to which division (F) of this section applies. 100719
100720
100721

~~(e)~~(b) The individual is actively enrolled as a full-time or part-time student for at least three credit hours of course work in a semester or quarter in a two-year ~~or~~, four-year, or master's degree-granting program at a state institution of higher education or a private institution of higher education, in a diploma-granting program at a state or private institution of higher education that is a school of nursing, or in a credential-certifying program, licensing program, trade 100722
100723
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certification program, or apprenticeship program for an in-demand 100730
occupation as identified by the adjutant general and the 100731
chancellor of higher education, in consultation with the 100732
governor's office of workforce transformation. 100733

~~(d)~~(c) The individual has not accumulated ninety-six 100734
eligibility units under division (E) of this section. 100735

(3) "State institution of higher education" means any state 100736
university or college as defined in division (A)(1) of section 100737
3345.12 of the Revised Code, community college established under 100738
Chapter 3354. of the Revised Code, state community college 100739
established under Chapter 3358. of the Revised Code, university 100740
branch established under Chapter 3355. of the Revised Code, or 100741
technical college established under Chapter 3357. of the Revised 100742
Code. 100743

(4) "Private institution of higher education" means an Ohio 100744
institution of higher education that is nonprofit and has received 100745
a certificate of authorization pursuant to Chapter 1713. of the 100746
Revised Code, that is a private institution exempt from regulation 100747
under Chapter 3332. of the Revised Code as prescribed in section 100748
3333.046 of the Revised Code, or that holds a certificate of 100749
registration and program authorization issued by the state board 100750
of career colleges and schools pursuant to section 3332.05 of the 100751
Revised Code. 100752

(5) "Tuition" means the charges imposed to attend an 100753
institution of higher education and includes general and 100754
instructional fees. "Tuition" does not include laboratory fees, 100755
room and board, or other similar fees and charges. 100756

(B) There is hereby created a scholarship program to be known 100757
as the Ohio national guard scholarship program. 100758

(C)(1) The adjutant general shall approve scholarships for 100759
all eligible applicants. The adjutant general shall process all 100760

applications for scholarships for each academic term in the order 100761
in which they are received. The scholarships shall be made without 100762
regard to financial need. At no time shall one person be placed in 100763
priority over another because of sex, race, or religion. 100764

(2) The adjutant general shall develop and provide a written 100765
explanation that informs all eligible scholarship recipients that 100766
the recipient may become ineligible and liable for repayment for 100767
an amount of scholarship payments received in accordance with 100768
division (G) of this section. The written explanation shall be 100769
reviewed by the scholarship recipient before acceptance of the 100770
scholarship and before acceptance of an enlistment, warrant, 100771
commission, or appointment for a term not less than the 100772
recipient's remaining term in the national guard or in the active 100773
duty component of the United States armed forces. 100774

(D)(1) Except as provided in divisions (I) and (J) of this 100775
section, for each academic term that an eligible applicant is 100776
approved for a scholarship under this section and either remains a 100777
current member in good standing of the Ohio national guard or is 100778
eligible for a scholarship under division (F)(1) of this section, 100779
the institution of higher education in which the applicant is 100780
enrolled shall, if the applicant's enlistment obligation extends 100781
beyond the end of that academic term or if division (F)(1) of this 100782
section applies, be paid on the applicant's behalf the applicable 100783
one of the following amounts: 100784

(a) If the institution is a state institution of higher 100785
education, an amount equal to one hundred per cent of the 100786
institution's tuition charges; 100787

(b) If the institution is a nonprofit private institution or 100788
a private institution exempt from regulation under Chapter 3332. 100789
of the Revised Code as prescribed in section 3333.046 of the 100790
Revised Code, an amount equal to one hundred per cent of the 100791
average tuition charges of all state universities; 100792

(c) If the institution is an institution that holds a certificate of registration from the state board of career colleges and schools, the lesser of the following:

(i) An amount equal to one hundred per cent of the institution's tuition;

(ii) An amount equal to one hundred per cent of the average tuition charges of all state universities, as that term is defined in section 3345.011 of the Revised Code.

(2) The adjutant general and the chancellor may jointly adopt rules to require the use of other federal educational financial assistance programs, including such programs offered by the United States department of defense, for which an applicant is eligible based on the applicant's military service. If such rules are adopted, the rules shall require that financial assistance received by a scholarship recipient under those programs be applied to all eligible expenses prior to the use of scholarship funds awarded under this section. Scholarship funds awarded under this section shall then be applied to the recipient's remaining eligible expenses.

(3) An eligible applicant's scholarship shall not be reduced by the amount of that applicant's benefits under "the Montgomery G.I. Bill Act of 1984," Pub. L. No. 98-525, 98 Stat. 2553 (1984).

(E) A scholarship recipient under this section shall be entitled to receive scholarships under this section for the number of quarters or semesters it takes the recipient to accumulate ninety-six eligibility units as determined under divisions (E)(1) to (3) of this section.

(1) To determine the maximum number of semesters or quarters for which a recipient is entitled to a scholarship under this section, the adjutant general shall convert a recipient's credit hours of enrollment for each academic term into eligibility units

in accordance with the following table:				100824	
		The		100825	
Number of		following	The following	100826	
credit hours		number of	number of	100827	
of enrollment		eligibility	eligibility	100828	
in an academic		units if a	units if a	100829	
term	equals	semester	or	quarter	100830
					100831
12 or more hours		12 units	8 units		100832
9 but less than 12		9 units	6 units		100833
6 but less than 9		6 units	4 units		100834
3 but less than 6		3 units	2 units		100835
					100836
(2) A scholarship recipient under this section may continue					100837
to apply for scholarships under this section until the recipient					100838
has accumulated ninety-six eligibility units.					100839
					100840
(3) If a scholarship recipient withdraws from courses prior					100841
to the end of an academic term so that the recipient's enrollment					100842
for that academic term is less than three credit hours, no					100843
scholarship shall be paid on behalf of that person for that					100844
academic term. Except as provided in division (F)(3) of this					100845
section, if a scholarship has already been paid on behalf of the					100846
person for that academic term, the adjutant general shall add to					100847
that person's accumulated eligibility units the number of					100848
eligibility units for which the scholarship was paid.					100849
					100850
(F) This division applies to any eligible applicant called					100851
into active duty on or after September 11, 2001. As used in this					100852
division, "active duty" means active duty pursuant to an executive					100853
order of the president of the United States, an act of the					100854
congress of the United States, or section 5919.29 or 5923.21 of					100855
the Revised Code.					
					100854
(1) For a period of up to five years from when an					100855
individual's enlistment obligation in the Ohio national guard					

ends, an individual to whom this division applies is eligible for 100856
scholarships under this section for those academic terms that were 100857
missed or could have been missed as a result of the individual's 100858
call into active duty. Scholarships shall not be paid for the 100859
academic term in which an eligible applicant's enlistment 100860
obligation ends unless an applicant is eligible under this 100861
division for a scholarship for such academic term due to previous 100862
active duty. 100863

(2) When an individual to whom this division applies 100864
withdraws or otherwise fails to complete courses, for which 100865
scholarships have been awarded under this section, because the 100866
individual was called into active duty, the institution of higher 100867
education shall grant the individual a leave of absence from the 100868
individual's education program and shall not impose any academic 100869
penalty for such withdrawal or failure to complete courses. 100870
Division (F)(2) of this section applies regardless of whether or 100871
not the scholarship amount was paid to the institution of higher 100872
education. 100873

(3) If an individual to whom this division applies withdraws 100874
or otherwise fails to complete courses because the individual was 100875
called into active duty, and if scholarships for those courses 100876
have already been paid, either: 100877

(a) The adjutant general shall not add to that person's 100878
accumulated eligibility units calculated under division (E) of 100879
this section the number of eligibility units for the academic 100880
courses or term for which the scholarship was paid and the 100881
institution of higher education shall repay the scholarship amount 100882
to the state. 100883

(b) The adjutant general shall add to that individual's 100884
accumulated eligibility units calculated under division (E) of 100885
this section the number of eligibility units for the academic 100886
courses or term for which the scholarship was paid if the 100887

institution of higher education agrees to permit the individual to 100888
complete the remainder of the academic courses in which the 100889
individual was enrolled at the time the individual was called into 100890
active duty. 100891

(4) No individual who is discharged from the Ohio national 100892
guard under other than honorable conditions shall be eligible for 100893
scholarships under this division. 100894

(G) A scholarship recipient under this section who fails to 100895
complete the term of enlistment, re-enlistment, or extension of 100896
current enlistment the recipient was serving at the time a 100897
scholarship was paid on behalf of the recipient under this section 100898
is liable to the state for repayment of a percentage of all Ohio 100899
national guard scholarships paid on behalf of the recipient under 100900
this section, plus interest at the rate of ten per cent per annum 100901
calculated from the dates the scholarships were paid. This 100902
percentage shall equal the percentage of the current term of 100903
enlistment, re-enlistment, or extension of enlistment a recipient 100904
has not completed as of the date the recipient is discharged from 100905
the Ohio national guard. 100906

The attorney general may commence a civil action on behalf of 100907
the chancellor to recover the amount of the scholarships and the 100908
interest provided for in this division and the expenses incurred 100909
in prosecuting the action, including court costs and reasonable 100910
attorney's fees. A scholarship recipient is not liable under this 100911
division if the recipient's failure to complete the term of 100912
enlistment being served at the time a scholarship was paid on 100913
behalf of the recipient under this section is due to the 100914
recipient's death or discharge from the national guard due to 100915
disability. 100916

(H) On or before the first day of each academic term, the 100917
adjutant general shall provide an eligibility roster to the 100918
chancellor and to each institution of higher education at which 100919

one or more scholarship recipients have applied for enrollment. 100920
The institution shall use the roster to certify the actual 100921
full-time or part-time enrollment of each scholarship recipient 100922
listed as enrolled at the institution and return the roster to the 100923
adjutant general and the chancellor. Except as provided in 100924
division (J) of this section, the chancellor shall provide for 100925
payment of the appropriate number and amount of scholarships to 100926
each institution of higher education pursuant to division (D) of 100927
this section. If an institution of higher education fails to 100928
certify the actual enrollment of a scholarship recipient listed as 100929
enrolled at the institution within thirty days of the end of an 100930
academic term, the institution shall not be eligible to receive 100931
payment from the Ohio national guard scholarship program or from 100932
the individual enrollee. The adjutant general shall report on a 100933
semiannual basis to the director of budget and management, the 100934
speaker of the house of representatives, the president of the 100935
senate, and the chancellor the number of Ohio national guard 100936
scholarship recipients, the size of the scholarship-eligible 100937
population, and a projection of the cost of the program for the 100938
remainder of the biennium. 100939

(I) The chancellor and the adjutant general may adopt rules 100940
pursuant to Chapter 119. of the Revised Code governing the 100941
administration and fiscal management of the Ohio national guard 100942
scholarship program and the procedure by which the chancellor and 100943
the department of the adjutant general may modify the amount of 100944
scholarships a member receives based on the amount of other state 100945
financial aid a member receives. 100946

(J) The adjutant general, the chancellor, and the director, 100947
or their designees, shall jointly estimate the costs of the Ohio 100948
national guard scholarship program for each upcoming fiscal 100949
biennium, and shall report that estimate prior to the beginning of 100950
the fiscal biennium to the chairpersons of the finance committees 100951

in the general assembly. During each fiscal year of the biennium, 100952
the adjutant general, the chancellor, and the director, or their 100953
designees, shall meet regularly to monitor the actual costs of the 100954
Ohio national guard scholarship program and update cost 100955
projections for the remainder of the biennium as necessary. If the 100956
amounts appropriated for the Ohio national guard scholarship 100957
program and any funds in the Ohio national guard scholarship 100958
reserve fund and the Ohio national guard scholarship donation fund 100959
are not adequate to provide scholarships in the amounts specified 100960
in division (D)(1) of this section for all eligible applicants, 100961
the chancellor shall do all of the following: 100962

(1) Notify each private institution of higher education, 100963
where a scholarship recipient is enrolled, that, by accepting the 100964
Ohio national guard scholarship program as payment for all or part 100965
of the institution's tuition, the institution agrees that if the 100966
chancellor reduces the amount of each scholarship, the institution 100967
shall provide each scholarship recipient a grant or tuition waiver 100968
in an amount equal to the amount the recipient's scholarship was 100969
reduced by the chancellor. 100970

(2) Reduce the amount of each scholarship under division 100971
(D)(1)(a) of this section proportionally based on the amount of 100972
remaining available funds. Each state institution of higher 100973
education shall provide each scholarship recipient under division 100974
(D)(1)(a) of this section a grant or tuition waiver in an amount 100975
equal to the amount the recipient's scholarship was reduced by the 100976
chancellor. 100977

(K) Notwithstanding division (A) of section 127.14 of the 100978
Revised Code, the controlling board shall not transfer all or part 100979
of any appropriation for the Ohio national guard scholarship 100980
program. 100981

(L) The chancellor and the adjutant general may apply for, 100982
and may receive and accept grants, and may receive and accept 100983

gifts, bequests, and contributions, from public and private 100984
sources, including agencies and instrumentalities of the United 100985
States and this state, and shall deposit the grants, gifts, 100986
bequests, or contributions into the national guard scholarship 100987
donation fund. 100988

Sec. 5922.01. The governor shall organize and maintain within 100989
this state, on a reserve basis, civilian cyber security reserve 100990
forces capable of being expanded and trained to educate and 100991
protect state, county, and local government entities, critical 100992
infrastructure, including election systems, businesses, and 100993
citizens of this state from cyber attacks. In the case of an 100994
emergency proclaimed by the governor, or caused by illicit actors 100995
or imminent danger, the governor, as commander-in-chief, shall 100996
expand the reserve as the exigency of the occasion requires. 100997

The reserve shall be a part of the Ohio organized militia 100998
under the adjutant general's department. The reserve shall be 100999
known as the Ohio cyber reserve. The adjutant general shall 101000
establish and may revise, in accordance with section 5923.12 of 101001
the Revised Code, the rates of pay for reserve members when called 101002
to state active duty. ~~While performing any drill or training,~~ 101003
~~reserve members shall serve in an unpaid volunteer status.~~ When 101004
called to state active duty by the governor, reserve members shall 101005
function as civilian members of the Ohio organized militia and 101006
shall be paid at the rates established by the adjutant general. 101007

The adjutant general may provide appropriate training to 101008
current and potential members of the Ohio cyber reserve. While 101009
performing any drill or training, current and potential reserve 101010
members shall serve in an unpaid volunteer status. 101011

The adjutant general may pay from funds appropriated by the 101012
general assembly the actual and necessary expenses incurred by the 101013
Ohio cyber reserve for administration, training, and deployment of 101014

the Ohio cyber reserve, at the discretion of the adjutant general 101015
or the adjutant general's designee. Expenses for administration, 101016
training, and deployment may include, but are not limited to, 101017
permanent or temporary state employees or contractual internal or 101018
external administrative staff, travel and subsistence expenses, 101019
the purchase or rental of equipment, hardware, and local 101020
operational support. 101021

Sec. 5923.12. When ordered to state active duty by the 101022
governor, for which duty federal basic pay and allowances are not 101023
authorized, members of the organized militia of Ohio shall receive 101024
the same pay and allowances for each day's service as is provided 101025
for commissioned officers, warrant officers, noncommissioned 101026
officers, and enlisted personnel of like grade and longevity in 101027
the armed forces of the United States, together with the necessary 101028
transportation, housing, and subsistence allowances as prescribed 101029
by the United States department of defense pay manual, or an 101030
amount not less than seventy-five dollars per day as base pay for 101031
each day's duty performed, whichever is greater. 101032

Notwithstanding any other provision of law, Ohio cyber 101033
reserve members shall receive a rate of pay determined and 101034
provided by rule by the adjutant general, in the name of the 101035
governor. The rule shall establish a rate of pay commensurate with 101036
those specified in pay schedules established by the director of 101037
administrative services for information technology employees of 101038
the state who have comparable training, experience, and 101039
professional qualifications. 101040

When ordered by the governor to perform training or duty 101041
under this section or section 5919.29 of the Revised Code, members 101042
of the Ohio national guard shall have the protections afforded to 101043
persons on federal active duty by "The Servicemembers Civil Relief 101044
Act," 117 Stat. 2835, 50 U.S.C.A. App. 501. 101045

The death benefit payable by the adjutant general under section 5919.33 of the Revised Code to any active duty member of the Ohio national guard shall also be payable to any member of the Ohio naval militia, Ohio cyber reserve, and the Ohio military reserve ordered to state active duty by proclamation of the governor and who subsequently dies while performing said duty, if a beneficiary or beneficiaries has been designated in writing on a form prescribed by the adjutant general.

Sec. 6119.10. The board of trustees of a regional water and sewer district or any officer or employee designated by the board may make any contract for the purchase of supplies or material or for labor for any work, under the supervision of the board, the cost of which shall not exceed ~~fifty thousand dollars~~ the amount specified in section 9.17 of the Revised Code. When an expenditure, other than for the acquisition of real estate and interests in real estate, the discharge of noncontractual claims, personal services, the joint use of facilities or the exercise of powers with other political subdivisions, or the product or services of public utilities, exceeds ~~fifty thousand dollars~~ the amount specified in section 9.17 of the Revised Code, the expenditures shall be made only after a notice calling for bids has been published once per week for two consecutive weeks in one newspaper of general circulation within the district or as provided in section 7.16 of the Revised Code. If the bids are for a contract for the construction, demolition, alteration, repair, or reconstruction of an improvement, the board may let the contract to the lowest and best bidder who meets the requirements of section 153.54 of the Revised Code. If the bids are for a contract for any other work relating to the improvements for which a regional water and sewer district was established, the board of trustees of the regional water and sewer district may let the contract to the lowest or best bidder who gives a good and

approved bond with ample security conditioned on the carrying out 101078
of the contract. The contract shall be in writing and shall be 101079
accompanied by or shall refer to plans and specifications for the 101080
work to be done, approved by the board. The plans and 101081
specifications shall at all times be made and considered part of 101082
the contract. The contract shall be approved by the board and 101083
signed by its president or other duly authorized officer and by 101084
the contractor. In case of a real and present emergency, the board 101085
of trustees of the district, by two-thirds vote of all members, 101086
may authorize the president or other duly authorized officer to 101087
enter into a contract for work to be done or for the purchase of 101088
supplies or materials without formal bidding or advertising. All 101089
contracts shall have attached the certificate required by section 101090
5705.41 of the Revised Code duly executed by the secretary of the 101091
board of trustees of the district. The district may make 101092
improvements by force account or direct labor, provided that, if 101093
the estimated cost of supplies or material for any such 101094
improvement exceeds ~~fifty thousand dollars~~ the amount specified in 101095
section 9.17 of the Revised Code, bids shall be received as 101096
provided in this section. For the purposes of the competitive 101097
bidding requirements of this section, the board shall not sever a 101098
contract for supplies or materials and labor into separate 101099
contracts for labor, supplies, or materials if the contracts are 101100
in fact a part of a single contract required to be bid 101101
competitively under this section. 101102

Sec. 6121.02. There is hereby created the Ohio water 101103
development authority. Such authority is a body both corporate and 101104
politic in this state, and the carrying out of its purposes and 101105
the exercise by it of the powers conferred by this chapter shall 101106
be held to be, and are hereby determined to be, essential 101107
governmental functions and public purposes of the state, but the 101108
authority is not immune from liability by reason thereof. The 101109

authority is subject to all provisions of law generally applicable 101110
to state agencies that do not conflict with this chapter. 101111

The authority shall consist of eight members as follows: five 101112
members appointed by the governor, with the advice and consent of 101113
the senate, no more than three of whom shall be members of the 101114
same political party, and the directors of natural resources, 101115
environmental protection, and development, who shall be members ex 101116
officio without compensation. The director of development may 101117
designate a person in the unclassified civil service to serve in 101118
the director's place as a member of the authority notwithstanding 101119
section 121.05 of the Revised Code. The appointive members shall 101120
be residents of the state, and shall have been qualified electors 101121
therein for a period of at least five years next preceding their 101122
appointment. Appointed members' terms of office shall be for eight 101123
years, commencing on the second day of July and ending on the 101124
first day of July. Each member shall hold office from the date of 101125
appointment until the end of the term for which the member was 101126
appointed. Any member appointed to fill a vacancy occurring prior 101127
to the expiration of the term for which the member's predecessor 101128
was appointed shall hold office for the remainder of such term. 101129
Any appointed member shall continue in office subsequent to the 101130
expiration date of the member's term until the member's successor 101131
takes office, or until a period of sixty days has elapsed, 101132
whichever occurs first. A member of the authority is eligible for 101133
reappointment. Each appointed member of the authority, before 101134
entering upon the performance of the duties of the office, shall 101135
take an oath as provided by Section 7 of Article XV, Ohio 101136
Constitution. The governor may at any time remove any member of 101137
the authority for misfeasance, nonfeasance, or malfeasance in 101138
office. 101139

The authority shall elect one of its appointed members as 101140
chairperson and another as vice-chairperson, and shall appoint a 101141

secretary-treasurer who need not be a member of the authority. 101142
Four members of the authority shall constitute a quorum, and the 101143
affirmative vote of four members shall be necessary for any action 101144
taken by vote of the authority. No vacancy in the membership of 101145
the authority shall impair the rights of a quorum by such vote to 101146
exercise all the rights and perform all the duties of the 101147
authority. 101148

Before the issuance of any water development revenue bonds 101149
under this chapter, each appointed member of the authority shall 101150
give a surety bond to the state in the penal sum of twenty-five 101151
thousand dollars and the secretary-treasurer shall give such a 101152
bond in the penal sum of fifty thousand dollars, each such surety 101153
bond to be conditioned upon the faithful performance of the duties 101154
of the office, to be executed by a surety company authorized to 101155
transact business in this state, and to be approved by the 101156
governor and filed in the office of the secretary of state. Each 101157
appointed member of the authority shall receive an annual salary 101158
of ~~five~~ seven thousand five hundred dollars, payable in monthly 101159
installments, and is entitled to health care benefits comparable 101160
to those generally available to state officers and employees under 101161
section 124.82 of the Revised Code. If Section 20 of Article II, 101162
Ohio Constitution, prohibits the Ohio water development authority 101163
from paying all or a part of the cost of health care benefits on 101164
behalf of a member of the authority for the remainder of an 101165
existing term, the member may receive these benefits by paying 101166
their total cost from the member's own financial resources, 101167
including paying by means of deductions from the member's salary. 101168
Each member shall be reimbursed for actual expenses necessarily 101169
incurred in the performance of official duties. All expenses 101170
incurred in carrying out this chapter shall be payable solely from 101171
funds provided under this chapter, or appropriated for such 101172
purpose by the general assembly and no liability or obligation 101173
shall be incurred by the authority beyond the extent to which 101174

moneys have been provided under this chapter or such 101175
appropriations. 101176

Sec. 6131.43. (A) Upon the completion of the work and the 101177
approval of it by the county engineer, the board of county 101178
commissioners shall order the county auditor to reduce pro rata 101179
the assessments confirmed by it by the difference between the 101180
estimated cost of the construction and the final cost as certified 101181
by the county engineer. The assessments so reduced, including the 101182
cost of location, engineering, compensation, damages, and 101183
contingency and the assessment for maintenance for one year, shall 101184
be levied upon each parcel of land, each public corporation, and 101185
each department, office, or institution of the state as stated in 101186
the schedules as of the date of the order of the board approving 101187
the contracts and ordering the levying of the assessments. 101188

(B) The auditor shall notify the owners of all assessed lands 101189
of the amount of the actual assessment, which shall be not less 101190
than ten dollars, and of the payment plan for the collection of 101191
the assessments. The auditor shall immediately place the 101192
assessments so levied upon the duplicates of the county, and the 101193
assessments shall be a lien upon the several parcels of land 101194
respectively from and after the date of the order of the board 101195
approving and levying the assessments. The auditor shall be liable 101196
on the auditor's bond for any damages sustained by any person by 101197
reason of the auditor's failure to place promptly the assessments 101198
upon the proper duplicates of the county. 101199

(C) The county auditor shall transmit to the governing body 101200
of any political subdivision affected by an improvement the 101201
assessments levied against it. The governing body shall authorize 101202
payment to be made to the county treasurer of the county in which 101203
the improvement is located from the general fund of the political 101204
subdivision, except as otherwise provided by law. 101205

(D) The county auditor shall also transmit to the director of 101206
any department, office, or institution of the state, affected by 101207
an improvement the assessments levied against any department, 101208
office, or institution of the state. Payment shall be made to the 101209
county treasurer of the county in which the improvement is located 101210
~~from the drainage assessment fund in the manner provided by~~ 101211
~~section 6133.15 of the Revised Code. In presenting their proposed~~ 101212
~~expenses to the director of budget and management pursuant to~~ 101213
~~section 126.02 of the Revised Code, the directors of all~~ 101214
~~departments, offices, or institutions of the state shall list all~~ 101215
~~unpaid assessments received before the first day of October of the~~ 101216
~~year preceding the first regular session of the general assembly~~ 101217
~~for the state's proportionate share of the cost of any improvement~~ 101218
~~authorized or constructed under this chapter and Chapters 6133.~~ 101219
~~and 6135. of the Revised Code and all unpaid assessments for~~ 101220
~~maintenance as provided by Chapter 6137. of the Revised Code. The~~ 101221
~~assessments so listed shall be included in the state budget~~ 101222
~~estimates of revenues and expenditures for each state fund and~~ 101223
~~budget estimates for each state agency prepared and submitted to~~ 101224
~~the governor under section 126.02 of the Revised Code.~~ 101225

Sec. 6301.113. The department of job and family services 101226
shall update the list of in-demand jobs required under section 101227
6301.11 of the Revised Code to include teachers, notwithstanding 101228
anything to the contrary in the methodology under that section. 101229

Section 101.02. That existing sections 101.35, 101.352, 101230
101.353, 101.354, 101.38, 103.0521, 103.414, 103.60, 106.02, 101231
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5751.02, 5751.033, 5751.06, 5751.51, 5751.53, 5751.98, 5753.031, 101354
5910.01, 5913.01, 5919.34, 5922.01, 5923.12, 6119.10, 6121.02, and 101355
6131.43 of the Revised Code are hereby repealed. 101356

Section 105.01. That sections 117.471, 117.472, 121.371, 101357
121.372, 121.374, 121.83, 121.954, 123.14, 131.38, 131.50, 155.37, 101358
505.103, 717.21, 907.30, 2151.3529, 2151.3535, 3107.018, 3111.40, 101359
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5166.14, 5166.141, 5167.102, 5726.041, 6133.15, and 6301.12 of the 101367
Revised Code are hereby repealed. 101368

Section 105.10. That sections 4723.89, 4723.90, 5120.658, and 101369
5164.071 of the Revised Code are hereby repealed, effective five 101370
years after the effective date of this section. 101371

Section 107.10. That Section 3 of S.B. 166 of the 134th 101372
General Assembly be amended and codified as section 4123.345 of 101373
the Revised Code to read as follows: 101374

Sec. 3 4123.345. (A) The ~~Employers Providing Work Based~~ 101375
~~Learning Pilot Program~~ employers providing work-based learning 101376
program is created. ~~The program expires two years after the~~ 101377
~~effective date of this section.~~ 101378

As soon as practicable after the effective date of this 101379
section, the ~~Administrator~~ administrator of ~~Workers' Compensation~~ 101380
workers' compensation, subject to the approval of the ~~Bureau~~ 101381
bureau of ~~Workers' Compensation Board~~ workers' compensation board 101382
of ~~Directors~~ directors, shall adopt a rule that prohibits, ~~for the~~ 101383
~~program's duration,~~ the ~~Administrator~~ administrator from charging 101384
any amount with respect to a claim for compensation or benefits 101385
under ~~Chapter~~ this chapter or ~~Chapters~~ 4121., ~~4123.,~~ 4127., or 101386
4131. of the Revised Code to an employer's experience if both of 101387
the following apply: 101388

(1) The employer provides work-based learning experiences for 101389
students enrolled in a ~~careertechnical~~ career-technical education 101390
program approved under section 3317.161 of the Revised Code. 101391

(2) The claim is based on a student's injury, occupational 101392

disease, or death sustained in the course of and arising out of 101393
the student's participation in the employer's work-based learning 101394
experience. 101395

(B) Pursuant to section 4109.06 of the Revised Code, the 101396
requirements of Chapter 4109. of the Revised Code do not apply to 101397
a student participating in a work-based learning experience 101398
described in division (A)(1) of this section. 101399

Section 107.11. That existing Section 3 of S.B. 166 of the 101400
134th General Assembly is hereby repealed. 101401

Section 107.20. That Section 5 of H.B. 123 of the 133rd 101402
General Assembly (as amended by H.B. 583 of the 134th General 101403
Assembly) be amended and codified as section 3317.22 of the 101404
Revised Code to read as follows: 101405

Sec. 53317.22. An eligible internet- or computer-based 101406
community school that receives funding for a fiscal year under the 101407
program established under this section shall not receive funding 101408
under section 3317.022 of the Revised Code. 101409

(A) As used in this section: 101410

(1) "Eligible internet- or computer-based community school" 101411
means ~~the following:~~ 101412

~~(a) For fiscal year 2021, an internet- or computer-based 101413
community school that was designated for the 2019-2020 school year 101414
as an internet- or computer-based community school in which a 101415
majority of the students were enrolled in a dropout prevention and 101416
recovery program and satisfies both of the following conditions:~~ 101417

~~(i) The school does not have a for profit operator;~~ 101418

~~(ii) The school received a rating of "exceeds standards" on 101419
the combined graduation component of the most recent report card 101420~~

~~issued for the school under section 3314.017 of the Revised Code.~~ 101421

~~(b) For fiscal years 2022 and 2023, an internet- or 101422
computer-based community school that participated in the program 101423
for fiscal year 2021. 101424~~

~~(2) "Formula amount" shall equal the amount specified in 101425
division (F)(1) of the section of H.B. 166 of the 133rd General 101426
Assembly entitled "OPERATING FUNDING FOR FISCAL YEARS 2020 and 101427
2021." Statewide average base cost per-pupil has the same meaning 101428
as in section 3317.02 of the Revised Code. 101429~~

~~(3) "Internet- or computer-based community school" has the 101430
same meaning as in section 3314.02 of the Revised Code. 101431~~

~~(B) The ~~Department of Education~~ department of education shall 101432
establish a ~~pilot~~ program to provide additional funding for 101433
students enrolled in grades eight through twelve in eligible 101434
internet- or computer-based community schools ~~for fiscal years 101435
2021, 2022, and 2023~~. An eligible internet- or computer-based 101436
community school may choose to participate in the program by 101437
notifying the ~~Department of Education not later than ten days 101438
after December 21, 2020~~ department in a form and manner determined 101439
by the department. 101440~~

~~(C) ~~For fiscal years 2021, 2022, and 2023, the Department of 101441
Education~~ The department shall require each eligible internet- or 101442
computer-based community school that chooses to participate in the 101443
~~pilot~~ program to report all information that is necessary to make 101444
payments under division (D) of this section. 101445~~

~~(D) ~~For fiscal years 2021, 2022, and 2023, the Department~~ The 101446
department shall calculate an additional payment for each eligible 101447
internet- or computer-based community school that chooses to 101448
participate in the ~~pilot~~ program, as follows: 101449~~

~~(1) Compute the lesser of the following for each student 101450
enrolled in grades eight through twelve: 101451~~

(a) The ~~formula amount~~ statewide average base cost per-pupil 101452
X the maximum full-time equivalency for the portion of the school 101453
year for which the student is enrolled in the school; 101454

(b) The sum of the following: 101455

(i) A one-time payment of \$1,750. In the case of a student 101456
enrolled in the school for the first time for the ~~2020-2021,~~ 101457
~~2021-2022, or 2022-2023~~ school year for which the payment is being 101458
made, payment shall be made under division (D)(1)(b)(i) of this 101459
section at least thirty days after the student is considered to be 101460
enrolled in the school in accordance with division (H)(2) of 101461
section 3314.08 of the Revised Code, provided the student has been 101462
continuously enrolled in the school during that time, as 101463
determined by the ~~Department~~ department. In the case of a student 101464
that was enrolled in the school for the ~~2019-2020, 2020-2021, or~~ 101465
~~2021-2022~~ prior school year, payment shall be made under division 101466
(D)(1)(b)(i) of this section at least thirty days after the 101467
student has started to participate in learning opportunities for 101468
the ~~2020-2021, 2021-2022, or 2022-2023~~ school year for which the 101469
payment is being made, provided the student has been continuously 101470
enrolled in the school during that time, as determined by the 101471
~~Department~~ department. 101472

(ii) The ~~formula amount~~ statewide average base cost per-pupil 101473
X (1/920) X the lesser of the number of hours the student 101474
participates in learning opportunities in that fiscal year or 920; 101475

(iii) The lesser of (\$500 X either the number of courses 101476
completed by the student in that fiscal year, in the case of a 101477
student enrolled in grade eight, or the number of credits earned 101478
by the student in that fiscal year, in the case of a student 101479
enrolled in grades nine through twelve) or \$2,500. 101480

(2) Compute the sum of the amounts calculated under division 101481
(D)(1) of this section for all students enrolled in grades eight 101482

through twelve. 101483

(3) Compute the school's payment in accordance with the 101484
following formula: 101485

The amount determined under division (D)(2) of this section) 101486
- (the total amount paid to the school for the fiscal year for 101487
which the payment is calculated under this section under division 101488
(C)(1)(a) of section 3314.08 of the Revised Code for students 101489
enrolled in grades eight through twelve) 101490

If the amount computed under division (D)(3) is a negative 101491
number, the school shall not receive a payment under this section. 101492

(E)(1) The ~~Department shall~~ department may complete a review 101493
of the enrollment of each eligible internet- or computer-based 101494
community school that chooses to participate in the ~~pilot~~ program 101495
in accordance with division (K) of section 3314.08 of the Revised 101496
Code. If the ~~Department~~ department determines a school has been 101497
overpaid based on a review completed under division (E)(1) of this 101498
section, the ~~Department~~ department shall require a repayment of 101499
the overpaid funds and may require the school to establish a plan 101500
to improve the reporting of enrollment. 101501

(2) The ~~Department~~ department may require each eligible 101502
internet- or computer-based community school that chooses to 101503
participate in the ~~pilot~~ program to create a debt reduction plan 101504
approved by the school's sponsor, if determined appropriate by the 101505
~~Department~~ department. 101506

(3) To the extent that an eligible internet- or 101507
computer-based community school that chooses to participate in the 101508
~~pilot~~ program had, for the ~~2019-2020, 2020-2021, or 2021-2022~~ 101509
prior school year, a percentage of student engagement in learning 101510
opportunities that was less than sixty-five per cent, the school 101511
shall provide to the ~~Department~~ department a meaningful plan for 101512
increasing student engagement. 101513

(4) All eligible internet- or computer-based community schools that choose to participate in the ~~pilot~~ program shall implement programming or protocol which documents enrollment and participation in learning opportunities in order to participate in the program.

~~(F) Upon completion of the pilot program, and not later than December 31, 2022, the Department shall issue a report on the program. For purposes of this report, the Department may request each eligible internet- or computer-based community school that chooses to participate in the pilot program to submit information to the Department on any of the following:~~

~~(1) The time, resources, and cost associated with enrolling students in the school and preparing students to engage in learning opportunities;~~

~~(2) The time and cost associated with providing counseling and other supports to students;~~

~~(3) Student enrollment and participation data;~~

~~(4) Individualized student plans;~~

~~(5) An assessment of strategies used to improve student engagement and the percentage of participation in learning opportunities~~

~~(6) Any other data the Department considers relevant.~~

~~The Department shall submit copies of the report in accordance with section 101.68 of the Revised Code to the Governor, the President and Minority Leader of the Senate, the Speaker and Minority Leader of the House of Representatives, and the chairpersons and ranking members of the standing committees on primary and secondary education of the Senate and the House of Representatives.~~

Section 107.21. That existing Section 5 of H.B. 123 of the

133rd General Assembly (as amended by H.B. 583 of the 134th
General Assembly) is hereby repealed. 101544
101545

Section 110.10. That the versions of sections 111.15,
3702.52, 3702.55, and 3711.14 of the Revised Code that are
scheduled to take effect September 30, 2024, be amended to read as
follows: 101546
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Sec. 111.15. (A) As used in this section: 101550

(1) "Rule" includes any rule, regulation, bylaw, or standard
having a general and uniform operation adopted by an agency under
the authority of the laws governing the agency; any appendix to a
rule; and any internal management rule. "Rule" does not include
any guideline adopted pursuant to section 3301.0714 of the Revised
Code, any order respecting the duties of employees, any finding,
any determination of a question of law or fact in a matter
presented to an agency, or any rule promulgated pursuant to
Chapter 119. or division (C)(1) or (2) of section 5117.02 of the
Revised Code. "Rule" includes any amendment or rescission of a
rule. 101551
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(2) "Agency" means any governmental entity of the state and
includes, but is not limited to, any board, department, division,
commission, bureau, society, council, or institution, ~~state~~
~~college or university, community college district, technical~~
~~college district, or state community college.~~ "Agency" does not
include the general assembly, the controlling board, the adjutant
general's department, a state college or university, a community
college district, a technical college district, a state community
college, or any court. 101562
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(3) "Internal management rule" means any rule, regulation,
bylaw, or standard governing the day-to-day staff procedures and
operations within an agency. 101571
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(B)(1) Any rule, other than a rule of an emergency nature, 101574
adopted by any agency pursuant to this section shall be effective 101575
on the tenth day after the day on which the rule in final form and 101576
in compliance with division (B)(3) of this section is filed as 101577
follows: 101578

(a) The rule shall be filed in electronic form with both the 101579
secretary of state and the director of the legislative service 101580
commission; 101581

(b) The rule shall be filed in electronic form with the joint 101582
committee on agency rule review. Division (B)(1)(b) of this 101583
section does not apply to any rule to which division (D) of this 101584
section does not apply. 101585

An agency that adopts or amends a rule that is subject to 101586
division (D) of this section shall assign a review date to the 101587
rule that is not later than five years after its effective date. 101588
If a review date assigned to a rule exceeds the five-year maximum, 101589
the review date for the rule is five years after its effective 101590
date. A rule with a review date is subject to review under section 101591
106.03 of the Revised Code. ~~This paragraph does not apply to a 101592
rule of a state college or university, community college district, 101593
technical college district, or state community college.~~ 101594

If an agency in adopting a rule designates an effective date 101595
that is later than the effective date provided for by division 101596
(B)(1) of this section, the rule if filed as required by such 101597
division shall become effective on the later date designated by 101598
the agency. 101599

Any rule that is required to be filed under division (B)(1) 101600
of this section is also subject to division (D) of this section if 101601
not exempted by that division. 101602

If a rule incorporates a text or other material by reference, 101603
the agency shall comply with sections 121.71 to 121.75 of the 101604

Revised Code. 101605

(2) A rule of an emergency nature necessary for the immediate 101606
preservation of the public peace, health, or safety shall state 101607
the reasons for the necessity. The emergency rule, in final form 101608
and in compliance with division (B)(3) of this section, shall be 101609
filed in electronic form with the secretary of state, the director 101610
of the legislative service commission, and the joint committee on 101611
agency rule review. The emergency rule is effective immediately 101612
upon completion of the latest filing, except that if the agency in 101613
adopting the emergency rule designates an effective date, or date 101614
and time of day, that is later than the effective date and time 101615
provided for by division (B)(2) of this section, the emergency 101616
rule if filed as required by such division shall become effective 101617
at the later date, or later date and time of day, designated by 101618
the agency. 101619

Except as provided in section 107.43 of the Revised Code, an 101620
emergency rule becomes invalid at the end of the one hundred 101621
twentieth day it is in effect. Prior to that date, the agency may 101622
file the emergency rule as a nonemergency rule in compliance with 101623
division (B)(1) of this section. The agency may not refile the 101624
emergency rule in compliance with division (B)(2) of this section 101625
so that, upon the emergency rule becoming invalid under such 101626
division, the emergency rule will continue in effect without 101627
interruption for another one hundred twenty-day period. 101628

The adoption of an emergency rule under division (B)(2) of 101629
this section in response to a state of emergency, as defined under 101630
section 107.42 of the Revised Code, may be invalidated by the 101631
general assembly, in whole or in part, by adopting a concurrent 101632
resolution in accordance with section 107.43 of the Revised Code. 101633

(3) An agency shall file a rule under division (B)(1) or (2) 101634
of this section in compliance with the following standards and 101635
procedures: 101636

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

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

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

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

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

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

(D) At least sixty-five days before a board, commission, department, division, or bureau of the government of the state files a rule under division (B)(1) of this section, it shall file the full text of the proposed rule in electronic form with the joint committee on agency rule review, and the proposed rule is subject to legislative review and invalidation under section

106.021 of the Revised Code. If a state board, commission, 101668
department, division, or bureau makes a revision in a proposed 101669
rule after it is filed with the joint committee, the state board, 101670
commission, department, division, or bureau shall promptly file 101671
the full text of the proposed rule in its revised form in 101672
electronic form with the joint committee. A state board, 101673
commission, department, division, or bureau shall also file the 101674
rule summary and fiscal analysis prepared under section 106.024 of 101675
the Revised Code in electronic form along with a proposed rule, 101676
and along with a proposed rule in revised form, that is filed 101677
under this division. If a proposed rule has an adverse impact on 101678
businesses, the state board, commission, department, division, or 101679
bureau also shall file the business impact analysis, any 101680
recommendations received from the common sense initiative office, 101681
and the associated memorandum of response, if any, in electronic 101682
form along with the proposed rule, or the proposed rule in revised 101683
form, that is filed under this division. 101684

A proposed rule that is subject to legislative review under 101685
this division may not be adopted and filed in final form under 101686
division (B)(1) of this section unless the proposed rule has been 101687
filed with the joint committee on agency rule review under this 101688
division and the time for the joint committee to review the 101689
proposed rule has expired without recommendation of a concurrent 101690
resolution to invalidate the proposed rule. 101691

If a proposed rule that is subject to legislative review 101692
under this division implements a federal law or rule, the agency 101693
shall provide to the joint committee a citation to the federal law 101694
or rule the proposed rule implements and a statement as to whether 101695
the proposed rule implements the federal law or rule in a manner 101696
that is more or less stringent or burdensome than the federal law 101697
or rule requires. 101698

As used in this division, "commission" includes the public 101699

utilities commission when adopting rules under a federal or state statute.	101700 101701
This division does not apply to any of the following:	101702
(1) A proposed rule of an emergency nature;	101703
(2) A rule proposed under section 1121.05, 1121.06, 1349.33, 1707.201, 1733.412, 4123.29, 4123.34, 4123.341, 4123.342, <u>4123.345</u> , 4123.40, 4123.411, 4123.44, or 4123.442 of the Revised Code;	101704 101705 101706 101707
(3) A rule proposed by an agency other than a board, commission, department, division, or bureau of the government of the state;	101708 101709 101710
(4) A proposed internal management rule of a board, commission, department, division, or bureau of the government of the state;	101711 101712 101713
(5) Any proposed rule that must be adopted verbatim by an agency pursuant to federal law or rule, to become effective within sixty days of adoption, in order to continue the operation of a federally reimbursed program in this state, so long as the proposed rule contains both of the following:	101714 101715 101716 101717 101718
(a) A statement that it is proposed for the purpose of complying with a federal law or rule;	101719 101720
(b) A citation to the federal law or rule that requires verbatim compliance.	101721 101722
(6) An initial rule proposed by the director of health to impose quality standards on a health care facility as defined in section 3702.30 of the Revised Code;	101723 101724 101725
(7) A rule of the state lottery commission pertaining to instant game rules.	101726 101727
If a rule is exempt from legislative review under division (D)(5) of this section, and if the federal law or rule pursuant to	101728 101729

which the rule was adopted expires, is repealed or rescinded, or 101730
otherwise terminates, the rule is thereafter subject to 101731
legislative review under division (D) of this section. 101732

Whenever a state board, commission, department, division, or 101733
bureau files a proposed rule or a proposed rule in revised form 101734
under division (D) of this section, it shall also file the full 101735
text of the same proposed rule or proposed rule in revised form in 101736
electronic form with the secretary of state and the director of 101737
the legislative service commission. A state board, commission, 101738
department, division, or bureau shall file the rule summary and 101739
fiscal analysis prepared under section 106.024 of the Revised Code 101740
in electronic form along with a proposed rule or proposed rule in 101741
revised form that is filed with the secretary of state or the 101742
director of the legislative service commission. 101743

Sec. 3702.52. The director of health shall administer a state 101744
certificate of need program in accordance with sections 3702.51 to 101745
3702.62 of the Revised Code and rules adopted under those 101746
sections. Administration of the program shall include both a 101747
standard review process and an expedited review process. 101748

(A) The director shall issue rulings on whether a particular 101749
proposed project is a reviewable activity. The director shall 101750
issue a ruling not later than forty-five days after receiving a 101751
request for a ruling accompanied by the information needed to make 101752
the ruling, except that if an expedited review is requested, the 101753
ruling shall be issued not later than thirty days after receiving 101754
the request for a ruling accompanied by the information needed to 101755
make the ruling. If the director does not issue a ruling in the 101756
required time, the project shall be considered to have been ruled 101757
not a reviewable activity. 101758

(B)(1) Each application for a certificate of need shall be 101759
submitted to the director on forms and in the manner prescribed by 101760

the director. An application for which expedited review is requested must meet the same requirements as all other applications.

Each application shall include a plan for obligating the capital expenditures or implementing the proposed project on a timely basis in accordance with section 3702.524 of the Revised Code. Each application shall also include all other information required by rules adopted under division (B) of section 3702.57 of the Revised Code.

(2) Each application shall be accompanied by the application fee established in rules adopted under division ~~(G)~~(F) of section 3702.57 of the Revised Code. Application fees received by the director under this division shall be deposited into the state treasury to the credit of the certificate of need fund, which is hereby created. The director shall use the fund only to pay the costs of administering sections 3702.30 and 3702.51 to 3702.62 of the Revised Code and rules adopted under those sections. An application fee is nonrefundable unless the director determines that the application cannot be accepted.

(3) The director shall review applications for certificates of need. As part of a review, the director shall determine whether an application is complete. The director shall not consider an application to be complete unless the application meets all criteria for a complete application specified in rules adopted under section 3702.57 of the Revised Code. For an application being considered under the standard review process, the director shall mail to the applicant a written notice that the application is complete, or a written request for additional information, not later than thirty days after receiving an application or a response to an earlier request for information. For an application for which expedited review is requested, the director's notice or request shall be mailed not later than fourteen days after the

director receives the application or a response to an earlier 101793
request for information. Except as provided in section 3702.522 of 101794
the Revised Code, the director shall not make more than two 101795
requests for additional information. For either the standard or 101796
expedited review process, the director shall make a final 101797
determination regarding an application's completeness and issue a 101798
notice of the determination not later than one hundred eighty days 101799
after the date the director received the initial application. 101800

The director's determination that an application is not 101801
complete is final and not subject to appeal. 101802

(4) Except as necessary to comply with a subpoena issued 101803
under division (F) of this section, after a notice of completeness 101804
has been received, no person shall make revisions to information 101805
that was submitted to the director before the director mailed the 101806
notice of completeness or knowingly discuss in person or by 101807
telephone the merits of the application with the director. A 101808
person may supplement an application after a notice of 101809
completeness has been received by submitting clarifying 101810
information to the director. 101811

(C) All of the following apply to the process of granting or 101812
denying a certificate of need: 101813

(1) If the project proposed in a certificate of need 101814
application meets all of the applicable certificate of need 101815
criteria for approval under sections 3702.51 to 3702.62 of the 101816
Revised Code and the rules adopted under those sections, the 101817
director shall grant a certificate of need for all or part of the 101818
project that is the subject of the application by the applicable 101819
deadline specified in division (C)(4) of this section or any 101820
extension of it under division (C)(5) of this section. 101821

(2) The director's grant of a certificate of need does not 101822
affect, and sets no precedent for, the director's decision to 101823

grant or deny other applications for similar reviewable 101824
activities. 101825

(3) Any affected person may submit written comments regarding 101826
an application. The director shall consider all written comments 101827
received by the forty-fifth day after the application is submitted 101828
to the director, except that to be considered in an expedited 101829
review, written comments must be received by the twenty-first day 101830
after the application is submitted. 101831

(4) Except as provided in division (C)(5) of this section, 101832
the director shall grant or deny certificate of need applications 101833
not later than sixty days after mailing the notice of completeness 101834
unless the application is receiving expedited review. If the 101835
application is receiving expedited review, the director shall 101836
grant or deny the application not later than forty-five days after 101837
mailing the notice of completeness. 101838

(5) Except as provided in division (C)(6) of this section, 101839
the director or the applicant may extend the deadline prescribed 101840
in division (C)(4) of this section once, for no longer than thirty 101841
days, by written notice before the end of the deadline prescribed 101842
by division (C)(4) of this section. An extension by the director 101843
under division (C)(5) of this section shall apply to all 101844
applications that are in comparative review. 101845

(6) No applicant in a comparative review may extend the 101846
deadline specified in division (C)(4) of this section. 101847

(7) If the director does not grant or deny the certificate by 101848
the applicable deadline specified in division (C)(4) of this 101849
section or any extension of it under division (C)(5) of this 101850
section, the certificate shall be considered to have been granted. 101851

~~(8) In granting a certificate of need, the director shall 101852
specify as the maximum capital expenditure the certificate holder 101853
may obligate under the certificate a figure equal to one hundred 101854~~

~~ten per cent of the approved project cost.~~ 101855

(9) In granting a certificate of need, the director may grant 101856
the certificate with conditions that must be met by the holder of 101857
the certificate. 101858

(D) When a certificate of need is granted for a project under 101859
which beds are to be relocated, upon completion of the project for 101860
which the certificate of need was granted a number of beds equal 101861
to the number of beds relocated shall cease to be operated in the 101862
long-term care facility from which they are relocated, except that 101863
the beds may continue to be operated for not more than fifteen 101864
days to allow relocation of residents to the facility to which the 101865
beds have been relocated. Notwithstanding section 3721.03 of the 101866
Revised Code, if the relocated beds are in a home licensed under 101867
Chapter 3721. of the Revised Code, the facility's license is 101868
automatically reduced by the number of beds relocated effective 101869
fifteen days after the beds are relocated. If the beds are in a 101870
facility that is certified as a skilled nursing facility or 101871
nursing facility under Title XVIII or XIX of the "Social Security 101872
Act," the certification for the beds shall be surrendered. If the 101873
beds are reported in an application submitted under section 101874
3722.03 of the Revised Code as skilled nursing beds or long-term 101875
care beds, the director shall remove the beds from registration 101876
not later than fifteen days after the beds are relocated. 101877

(E) During the period beginning with the granting of a 101878
certificate of need and ending five years after implementation of 101879
the reviewable activity for which the certificate was granted, the 101880
director shall monitor the activities of the person granted the 101881
certificate to determine whether the reviewable activity is 101882
conducted in substantial accordance with the certificate. A 101883
reviewable activity shall not be determined to be not in 101884
substantial accordance with the certificate of need solely because 101885
of either of the following: 101886

(1) A decrease in bed capacity; 101887

(2) A change in the owner or operator of the facility unless 101888
any of the circumstances specified in division (B) of section 101889
3702.59 of the Revised Code apply to the new owner or operator. 101890

(F) When reviewing applications for certificates of need, 101891
considering appeals under section 3702.60 of the Revised Code, or 101892
monitoring activities of persons granted certificates of need, the 101893
director may issue and enforce, in the manner provided in section 101894
119.09 of the Revised Code, subpoenas and subpoenas duces tecum to 101895
compel a person to testify and produce documents relevant to 101896
review of the application, consideration of the appeal, or 101897
monitoring of the activities. In addition, the director or the 101898
director's designee may visit the sites where the activities are 101899
or will be conducted. 101900

(G) The director may withdraw certificates of need. 101901

(H) All long-term care facilities shall submit to the 101902
director, upon request, any information prescribed by rules 101903
adopted under division ~~(H)~~(G) of section 3702.57 of the Revised 101904
Code that is necessary to conduct reviews of certificate of need 101905
applications and to develop criteria for reviews. 101906

(I) Any decision to grant or deny a certificate of need shall 101907
consider the special needs and circumstances resulting from moral 101908
and ethical values and the free exercise of religious rights of 101909
long-term care facilities administered by religious organizations, 101910
and the special needs and circumstances of inner city and rural 101911
communities. 101912

Sec. 3702.55. A person that the director of health determines 101913
has violated section 3702.53 of the Revised Code shall cease 101914
conducting the activity that constitutes the violation or 101915
utilizing the facility resulting from the violation not later than 101916

thirty days after the person receives the notice mailed under 101917
section 3702.532 of the Revised Code or, if the person appeals the 101918
director's determination under section 3702.60 of the Revised 101919
Code, thirty days after the person receives an order upholding the 101920
director's determination that is not subject to further appeal. 101921

If any person determined to have violated section 3702.53 of 101922
the Revised Code fails to cease conducting an activity or using a 101923
facility as required by this section or if the person continues to 101924
seek payment or reimbursement for services rendered or costs 101925
incurred in conducting the activity as prohibited by section 101926
3702.56 of the Revised Code, in addition to the penalties imposed 101927
under section 3702.54 ~~or 3702.541~~ of the Revised Code: 101928

(A) The director of health may refuse to license, or may 101929
revoke a license or reduce bed capacity previously granted to, a 101930
hospice care program under section 3712.04 of the Revised Code; a 101931
nursing home, residential care facility, or home for the aging 101932
under section 3721.02 of the Revised Code; or any beds within any 101933
of those facilities that are involved in the activity; 101934

(B) A political subdivision certified under section 3721.09 101935
of the Revised Code may refuse to license, or may revoke a license 101936
or reduce bed capacity previously granted to, a nursing home, 101937
residential care facility, or home for the aging, or any beds 101938
within any of those facilities that are involved in the activity; 101939

(C) The director of mental health and addiction services may 101940
refuse to license under section 5119.33 of the Revised Code, or 101941
may revoke a license or reduce bed capacity previously granted to, 101942
a hospital receiving persons with mental illnesses or beds within 101943
such a hospital that are involved in the activity; 101944

(D) The department of medicaid may refuse to enter into a 101945
provider agreement that includes a facility, beds, or services 101946
that result from the activity. 101947

Sec. 3711.14. (A) In accordance with Chapter 119. of the Revised Code, the director of health may do any of the following:

(1) Impose a civil penalty of not less than one thousand dollars and not more than two hundred fifty thousand dollars on a person who violates a provision of this chapter or the rules adopted under it;

(2) Summarily suspend, in accordance with division (B) of this section, a license issued under this chapter if the director believes there is clear and convincing evidence that the continued operation of a maternity home presents a danger of immediate and serious harm to the public;

(3) Revoke a license issued under this chapter if the director determines that a violation of a provision of this chapter or the rules adopted under it has occurred in such a manner as to pose an imminent threat of serious physical or life-threatening danger.

(B) If the director suspends a license under division (A)(2) of this section, the director shall ~~issue~~ serve a written order of suspension ~~and cause it to be delivered by certified mail or in person~~ in accordance with ~~section~~ sections 119.05 and 119.07 of the Revised Code. The order shall not be subject to suspension by the court while an appeal filed under section 119.12 of the Revised Code is pending. If the individual subject to the suspension requests an adjudication, the date set for the adjudication shall be within fifteen days but not earlier than seven days after the individual makes the request, unless another date is agreed to by both the individual and the director. The summary suspension shall remain in effect, unless reversed by the director, until a final adjudication order issued by the director pursuant to this section and Chapter 119. of the Revised Code becomes effective.

The director shall issue a final adjudication order not later than ninety days after completion of the adjudication. If the director does not issue a final order within the ninety-day period, the summary suspension shall be void, but any final adjudication order issued subsequent to the ninety-day period shall not be affected.

(C) If the director issues an order revoking or suspending a license issued under this chapter and the license holder continues to operate a maternity home, the director may ask the attorney general to apply to the court of common pleas of the county in which the person is located for an order enjoining the person from operating the home. The court shall grant the order on a showing that the person is operating the home.

Section 110.11. That the existing versions of sections 111.15, 3702.52, 3702.55, and 3711.14 of the Revised Code that are scheduled to take effect September 30, 2024, are hereby repealed.

Section 110.12. Sections 110.10 and 110.11 of this act take effect September 30, 2024.

Section 110.20. That the versions of sections 173.21, 917.09, 1321.64, 3301.071, 3319.088, 3319.22, 3319.26, 3319.27, 3319.303, 3704.14, 3737.83, 3781.10, 3781.102, 4735.07, 4735.09, 4755.411, 4755.45, 4755.451, 4755.482, 4763.05, 4765.11, 4765.55, and 4781.17 of the Revised Code that are scheduled to take effect December 29, 2023, be amended to read as follows:

Sec. 173.21. (A) The office of the state long-term care ombudsman program, through the state long-term care ombudsman and the regional long-term care ombudsman programs, shall require each representative of the office to complete a training and certification program in accordance with this section and to meet

the any continuing education requirements that may be established 102008
under in rules adopted under division (B) of this section. 102009

(B) The department of aging shall adopt rules in accordance 102010
with Chapter 119. of the Revised Code specifying the content of 102011
training ~~programs~~ for representatives of the office of the state 102012
long-term care ombudsman program. Training for representatives 102013
other than those who are volunteers providing services through 102014
regional long-term care ombudsman programs shall include 102015
instruction regarding federal, state, and local laws, rules, and 102016
policies on long-term care facilities and community-based 102017
long-term care services; investigative techniques; and other 102018
topics considered relevant by the department ~~and shall consist.~~ 102019
All of the following apply to training for representatives other 102020
than volunteers: 102021

(1) ~~A~~ Representatives shall complete a minimum of ~~forty clock~~ 102022
~~thirty-six~~ hours of basic instruction, which shall be completed 102023
before the trainee is permitted to handle complaints without the 102024
supervision of a representative of the office certified under this 102025
section; 102026

(2) ~~An additional sixty clock~~ Additional hours of 102027
instruction, ~~which shall be completed within the first fifteen~~ 102028
~~months of employment~~ may include an internship, in-service 102029
training, and continuing education requirements as may be required 102030
in rules adopted under division (B) of this section; 102031

(3) ~~An internship of twenty clock hours, which shall be~~ 102032
~~completed within the first twenty four months of employment,~~ 102033
~~including instruction in, and observation of, basic nursing care~~ 102034
~~and long term care provider operations and procedures. The~~ 102035
~~internship shall be performed at a site that has been approved as~~ 102036
~~an internship site by the state long term care ombudsman.~~ 102037

~~(4) One of the following, which shall be completed within the~~ 102038

~~first twenty four months of employment:~~ 102039

~~(a) Observation of a survey conducted by the director of health to certify a nursing facility to participate in the medicaid program:~~ 102040
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~~(b) Observation of an inspection conducted by the director of mental health and addiction services to license a residential facility under section 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults.~~ 102043
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~~(5) Any Representatives may be required to complete any other training considered appropriate by the department.~~ 102048
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~~(C) Any person who for a period of at least six months prior to June 11, 1990, served as an ombudsman through the long term care ombudsman program established by the department of aging under section 173.01 of the Revised Code shall not be required to complete a training program. Such a person and persons who complete a training program shall take an examination administered by the department of aging. On attainment of a passing score, the person shall be certified by the department as a representative of the office. The department shall issue the person an identification card, which the representative shall show at the request of any person with whom the representative deals while performing the representative's duties and which shall be surrendered at the time the representative separates from the office.~~ 102050
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~~(D) The state ombudsman and each regional program shall conduct training programs for train volunteers on their respective staffs in accordance with the rules of the department of aging adopted under division (B) of this section. Training programs Volunteers may be conducted that train volunteers trained to complete some, but not all, of the duties of a representative of~~ 102064
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the office. Each regional office shall bear the cost of training 102070
its representatives who are volunteers. On completion of a 102071
training ~~program~~, the representative shall take an examination 102072
administered by the department of aging. On attainment of a 102073
passing score, a volunteer shall be certified by the department as 102074
a representative authorized to perform services specified in the 102075
certification. The department shall issue an identification card, 102076
which the representative shall show at the request of any person 102077
with whom the representative deals while performing the 102078
representative's duties and which shall be surrendered at the time 102079
the representative separates from the office. Except as a 102080
supervised part of a training ~~program~~, no volunteer shall perform 102081
any duty unless the volunteer is certified as a representative 102082
having received appropriate training for that duty. 102083

~~(E)~~(D) The state ombudsman shall provide technical assistance 102084
to regional programs conducting training ~~programs~~ for volunteers 102085
and shall monitor the training ~~programs~~. 102086

~~(F)~~ Prior to scheduling an observation of a certification 102087
survey or licensing inspection for purposes of division (B)(4) of 102088
this section, the state ombudsman shall obtain permission to have 102089
the survey or inspection observed from both the long-term care 102090
facility at which the survey or inspection is to take place and, 102091
as the case may be, the director of health or director of mental 102092
health and addiction services. 102093

~~(G)~~(E) Notwithstanding the requirements for a certification 102094
under this section, the department shall issue a certificate as a 102095
representative of the office of the state long-term care ombudsman 102096
program in accordance with Chapter 4796. of the Revised Code to a 102097
person if either of the following applies: 102098

(1) The person holds a license or certificate in another 102099
state. 102100

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

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

Sec. 917.09. ~~(A)~~(A)(1) The director of agriculture may issue the following types of licenses:

~~(1)~~(a) Producer;

~~(2)~~(b) Processor;

~~(3)~~(c) Milk dealer;

~~(4)~~ Raw milk retailer;

~~(5)~~(d) Weigher, sampler, or tester;

~~(6)~~(e) Milk hauler.

(2) The director shall issue a raw milk retailer license to a person if both of the following apply:

(a) The person submits an application in accordance with this section;

(b) The person intends to sell, offer for sale, or expose for sale raw milk to the ultimate consumer only at the the raw milk retailer's farm or at a farmer's market.

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

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

milk retailer; weigher, sampler, or tester; or milk hauler unless 102129
the person holds a valid license issued by the director under this 102130
section. 102131

(D) Each person desiring a license shall submit to the 102132
director a license application on a form prescribed by the 102133
director, accompanied by a license fee in an amount specified in 102134
rules adopted under section 917.02 of the Revised Code. The 102135
applicant shall specify on the application the type of license and 102136
category requested and shall include any other information 102137
required by rules adopted under section 917.02 of the Revised 102138
Code. 102139

(E) Each applicant for a weigher, sampler, or tester license 102140
or registration, prior to issuance of the license or registration, 102141
shall pass an examination that is given in accordance with section 102142
917.08 of the Revised Code and rules adopted under section 917.02 102143
of the Revised Code. 102144

Each applicant for any other type of license issued under 102145
this section, prior to issuance of the license, shall pass an 102146
inspection that is made in accordance with rules adopted under 102147
section 917.02 of the Revised Code. 102148

(F) The director shall not issue a license to an applicant 102149
unless the director determines, through an inspection or 102150
otherwise, that the applicant is in compliance with the 102151
requirements set forth in this chapter and the rules adopted under 102152
it. 102153

(G) Examinations that must be passed prior to issuance of a 102154
weigher, sampler, or tester license, inspections that must be 102155
passed prior to issuance of any other type of license issued under 102156
this section, procedures for issuing and renewing licenses, and 102157
license terms and renewal periods shall comply with rules adopted 102158
under section 917.02 of the Revised Code. 102159

(H) Suspension and revocation of licenses shall comply with 102160
section 917.22 of the Revised Code and rules adopted under section 102161
917.02 of the Revised Code. 102162

(I) Each licensed weigher, sampler, and tester annually shall 102163
meet the continuing education requirements established in rules 102164
adopted under division (B) of section 917.02 of the Revised Code. 102165

(J) A person whose religion prohibits the person from 102166
obtaining a license under this section, in place of a license, 102167
shall register with the director as a producer; processor; milk 102168
dealer; raw milk retailer; weigher, sampler, or tester; or milk 102169
hauler. 102170

The person claiming the exemption from licensure shall 102171
register on a form prescribed by the director and shall meet any 102172
other registration requirements contained in rules adopted under 102173
section 917.02 of the Revised Code. Upon receiving the person's 102174
registration form and determining that the person has satisfied 102175
all requirements for registration, the director shall notify the 102176
person that the person is registered to lawfully operate as a 102177
producer; processor; milk dealer; raw milk retailer; weigher, 102178
sampler, or tester; or milk hauler. 102179

A registrant is subject to all provisions governing 102180
licensees, such as provisions concerning testing, sampling, and 102181
inspection of dairy products. A registrant is subject to 102182
provisions governing issuance of a temporary weigher, sampler, or 102183
tester license under section 917.091 of the Revised Code. A 102184
registration shall be renewed, suspended, and revoked under the 102185
same terms as a license. 102186

(K) Notwithstanding the requirements for a license or 102187
registration under this section, the director shall issue a 102188
license or registration to operate as a producer; processor; milk 102189
dealer; raw milk retailer; weigher, sampler, or tester; or milk 102190

hauler, as applicable, in accordance with Chapter 4796. of the 102191
Revised Code to an individual if either of the following applies: 102192

(1) The individual holds a license or registration in another 102193
state. 102194

(2) The individual has satisfactory work experience, a 102195
government certification, or a private certification as described 102196
in that chapter as a producer; processor; milk dealer; raw milk 102197
retailer; weigher, sampler, or tester; or milk hauler, as 102198
applicable, in a state that does not issue the applicable license 102199
or registration. 102200

Sec. 1321.64. (A) An application for a license shall contain 102201
an undertaking by the applicant to abide by those sections. The 102202
application shall be in writing, under oath, and in the form 102203
prescribed by the superintendent of financial institutions, and 102204
shall contain any information that the superintendent may require. 102205
Applicants that are foreign corporations shall obtain and maintain 102206
a license pursuant to Chapter 1703. of the Revised Code before a 102207
license is issued or renewed. 102208

(B) Upon the filing of the application and the payment by the 102209
applicant of a nonrefundable investigation fee of two hundred 102210
dollars, a nonrefundable annual registration fee of three hundred 102211
dollars, and any additional fee required by the NMLSR, the 102212
division of financial institutions shall investigate the relevant 102213
facts. If the application involves investigation outside this 102214
state, the applicant may be required by the division to advance 102215
sufficient funds to pay any of the actual expenses of the 102216
investigation when it appears that these expenses will exceed two 102217
hundred dollars. An itemized statement of any of these expenses 102218
which the applicant is required to pay shall be furnished to the 102219
applicant by the division. A license shall not be issued unless 102220
all the required fees have been submitted to the division. 102221

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

(2)(a) Notwithstanding division ~~(K)~~(L) of section 121.08 of the Revised Code, the superintendent shall obtain a criminal records check on each control person and, as part of that records check, request that criminal records information from the federal bureau of investigation be obtained. To fulfill this requirement, the superintendent shall do either of the following:

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

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

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

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

(E) If the superintendent of financial institutions finds that the financial responsibility, experience, and general fitness of the applicant command the confidence of the public and warrant the belief that the business will be operated honestly and fairly

in compliance with the purposes of sections 1321.62 to 1321.702 of 102253
the Revised Code and the rules adopted thereunder, and that the 102254
applicant has the requisite net worth and assets required under 102255
section 1321.65 of the Revised Code, the superintendent shall 102256
issue a license to the applicant. The license shall be valid until 102257
the thirty-first day of December of the year in which it is 102258
issued. A person may be licensed under both sections 1321.51 to 102259
1321.60 and sections 1321.62 to 1321.702 of the Revised Code. 102260

(F) If the superintendent finds that the applicant does not 102261
meet the conditions set forth in this section, the superintendent 102262
shall issue a notice of intent to deny the application, and 102263
promptly notify the applicant of the denial, the grounds for the 102264
denial, and the applicant's reasonable opportunity to be heard on 102265
the action in accordance with Chapter 119. of the Revised Code. 102266

(G) Notwithstanding any provision of this section to the 102267
contrary, the superintendent shall issue a license in accordance 102268
with Chapter 4796. of the Revised Code to an applicant if either 102269
of the following applies: 102270

(1) The applicant holds a license in another state. 102271

(2) The applicant has satisfactory work experience, a 102272
government certification, or a private certification as described 102273
in that chapter as a consumer installment loan lender in a state 102274
that does not issue that license. 102275

Sec. 3301.071. (A)(1) Except as provided in division (E) of 102276
this section, in the case of nontax-supported schools, standards 102277
for teacher certification prescribed under section 3301.07 of the 102278
Revised Code shall provide for certification, without further 102279
educational requirements, of any administrator, supervisor, or 102280
teacher who has attended and received a bachelor's degree or a 102281
master's degree from a college or university accredited by a 102282
national or regional association in the United States except that, 102283

at the discretion of the state board of education, this 102284
requirement may be met by having an equivalent degree from a 102285
foreign college or university of comparable standing. 102286

(2) Except as provided in division (E) of this section, in 102287
the case of nonchartered, nontax-supported schools, the standards 102288
for teacher certification prescribed under section 3301.07 of the 102289
Revised Code shall provide for certification, without further 102290
educational requirements, of any administrator, supervisor, or 102291
teacher who has attended and received a diploma from a "bible 102292
college" or "bible institute" described in division (E) of section 102293
1713.02 of the Revised Code. 102294

(3) A certificate issued under division (A)(3) of this 102295
section shall be valid only for teaching foreign language, music, 102296
religion, computer technology, or fine arts. 102297

Notwithstanding division (A)(1) of this section and except as 102298
provided in division (E) of this section, the standards for 102299
teacher certification prescribed under section 3301.07 of the 102300
Revised Code shall provide for certification of a person as a 102301
teacher upon receipt by the state board of an affidavit signed by 102302
the chief administrative officer of a chartered nonpublic school 102303
seeking to employ the person, stating that the person meets one of 102304
the following conditions: 102305

(a) The person has specialized knowledge, skills, or 102306
expertise that qualifies the person to provide instruction. 102307

(b) The person has provided to the chief administrative 102308
officer evidence of at least three years of teaching experience in 102309
a public or nonpublic school. 102310

(c) The person has provided to the chief administrative 102311
officer evidence of completion of a teacher training program named 102312
in the affidavit. 102313

(B) Each person applying for a certificate under this section 102314
for purposes of serving in a nonpublic school chartered by the 102315
state board under section 3301.16 of the Revised Code shall pay a 102316
fee in the amount established under division (A) of section 102317
3319.51 of the Revised Code. Any fees received under this division 102318
shall be paid into the state treasury to the credit of the state 102319
board of education certification fund established under division 102320
(B) of section 3319.51 of the Revised Code. 102321

(C) A person applying for or holding any certificate pursuant 102322
to this section for purposes of serving in a nonpublic school 102323
chartered by the state board is subject to sections 3123.41 to 102324
3123.50 of the Revised Code and any applicable rules adopted under 102325
section 3123.63 of the Revised Code and sections 3319.31 and 102326
3319.311 of the Revised Code. 102327

(D) Divisions (B) and (C) of this section and sections 102328
3319.291, 3319.31, and 3319.311 of the Revised Code do not apply 102329
to any administrators, supervisors, or teachers in nonchartered, 102330
nontax-supported schools. 102331

(E) The state board shall issue a certificate to serve in a 102332
nonpublic school as an administrator, supervisor, or teacher in 102333
accordance with Chapter 4796. of the Revised Code to an applicant 102334
if either of the following applies: 102335

(1) The applicant holds a certificate in another state. 102336

(2) The applicant has satisfactory work experience, a 102337
government certification, or a private certification as described 102338
in that chapter as a nonpublic school administrator, supervisor, 102339
or teacher in a state that does not issue one or more of those 102340
certificates. 102341

Sec. 3319.088. As used in this section, "educational 102342
assistant" means any nonteaching employee in a school district who 102343

directly assists a teacher as defined in section 3319.09 of the Revised Code, by performing duties for which a license issued pursuant to sections 3319.22 to 3319.30 of the Revised Code is not required.

(A) Except as provided in division (G) of this section, the state board of education shall issue educational aide permits and educational paraprofessional licenses for educational assistants and shall adopt rules for the issuance and renewal of such permits and licenses which shall be consistent with the provisions of this section. Educational aide permits and educational paraprofessional licenses may be of several types and the rules shall prescribe the minimum qualifications of education and health for the service to be authorized under each type. The prescribed minimum qualifications may require special training or educational courses designed to qualify a person to perform effectively the duties authorized under an educational aide permit or educational paraprofessional license.

(B)(1) Except as provided in division (G) of this section, any application for a permit or license, or a renewal or duplicate of a permit or license, under this section shall be accompanied by the payment of a fee in the amount established under division (A) of section 3319.51 of the Revised Code. Any fees received under this division shall be paid into the state treasury to the credit of the state board of education licensure fund established under division (B) of section 3319.51 of the Revised Code.

(2) Any person applying for or holding a permit or license pursuant to this section is subject to sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code and sections 3319.31 and 3319.311 of the Revised Code.

(C) Educational assistants shall at all times while in the

performance of their duties be under the supervision and direction 102375
of a teacher as defined in section 3319.09 of the Revised Code. 102376
Educational assistants may assist a teacher to whom assigned in 102377
the supervision of pupils, in assisting with instructional tasks, 102378
and in the performance of duties which, in the judgment of the 102379
teacher to whom the assistant is assigned, may be performed by a 102380
person not licensed pursuant to sections 3319.22 to 3319.30 of the 102381
Revised Code and for which a teaching license, issued pursuant to 102382
sections 3319.22 to 3319.30 of the Revised Code is not required. 102383
The duties of an educational assistant shall not include the 102384
assignment of grades to pupils. The duties of an educational 102385
assistant need not be performed in the physical presence of the 102386
teacher to whom assigned, but the activity of an educational 102387
assistant shall at all times be under the direction of the teacher 102388
to whom assigned. The assignment of an educational assistant need 102389
not be limited to assisting a single teacher. In the event an 102390
educational assistant is assigned to assist more than one teacher 102391
the assignments shall be clearly delineated and so arranged that 102392
the educational assistant shall never be subject to simultaneous 102393
supervision or direction by more than one teacher. 102394

Educational assistants assigned to supervise children shall, 102395
when the teacher to whom assigned is not physically present, 102396
maintain the degree of control and discipline that would be 102397
maintained by the teacher. 102398

Educational assistants may not be used in place of classroom 102399
teachers or other employees and any payment of compensation by 102400
boards of education to educational assistants for such services is 102401
prohibited. The ratio between the number of licensed teachers and 102402
the pupils in a school district may not be decreased by 102403
utilization of educational assistants and no grouping, or other 102404
organization of pupils, for utilization of educational assistants 102405
shall be established which is inconsistent with sound educational 102406

practices and procedures. A school district may employ up to one 102407
full time equivalent educational assistant for each six full time 102408
equivalent licensed employees of the district. Educational 102409
assistants shall not be counted as licensed employees for purposes 102410
of state support in the school foundation program and no grouping 102411
or regrouping of pupils with educational assistants may be counted 102412
as a class or unit for school foundation program purposes. Neither 102413
special courses required by the regulations of the state board of 102414
education, prescribing minimum qualifications of education for an 102415
educational assistant, nor years of service as an educational 102416
assistant shall be counted in any way toward qualifying for a 102417
teacher license, for a teacher contract of any type, or for 102418
determining placement on a salary schedule in a school district as 102419
a teacher. 102420

(D) Educational assistants employed by a board of education 102421
shall have all rights, benefits, and legal protection available to 102422
other nonteaching employees in the school district, except that 102423
provisions of Chapter 124. of the Revised Code shall not apply to 102424
any person employed as an educational assistant, and shall be 102425
members of the school employees retirement system. Educational 102426
assistants shall be compensated according to a salary plan adopted 102427
annually by the board. 102428

Except as provided in this section nonteaching employees 102429
shall not serve as educational assistants without first obtaining 102430
an appropriate educational aide permit or educational 102431
paraprofessional license from the state board of education. A 102432
nonteaching employee who is the holder of a valid educational aide 102433
permit or educational paraprofessional license shall neither 102434
render nor be required to render services inconsistent with the 102435
type of services authorized by the permit or license held. No 102436
person shall receive compensation from a board of education for 102437
services rendered as an educational assistant in violation of this 102438

provision. 102439

Nonteaching employees whose functions are solely 102440
secretarial-clerical and who do not perform any other duties as 102441
educational assistants, even though they assist a teacher and work 102442
under the direction of a teacher shall not be required to hold a 102443
permit or license issued pursuant to this section. ~~Students~~ 102444
~~preparing to become licensed teachers or educational assistants~~ 102445
~~shall not be required to hold an educational aide permit or~~ 102446
~~paraprofessional license for such periods of time as such students~~ 102447
~~are assigned, as part of their training program, to work with a~~ 102448
~~teacher in a school district. Such students shall not be~~ 102449
~~compensated for such services.~~ 102450

Following the determination of the assignment and general job 102451
description of an educational assistant and subject to supervision 102452
by the teacher's immediate administrative officer, a teacher to 102453
whom an educational assistant is assigned shall make all final 102454
determinations of the duties to be assigned to such assistant. 102455
Teachers shall not be required to hold a license designated for 102456
being a supervisor or administrator in order to perform the 102457
necessary supervision of educational assistants. 102458

(E) No person who is, or who has been employed as an 102459
educational assistant shall divulge, except to the teacher to whom 102460
assigned, or the administrator of the school in the absence of the 102461
teacher to whom assigned, or when required to testify in a court 102462
or proceedings, any personal information concerning any pupil in 102463
the school district which was obtained or obtainable by the 102464
educational assistant while so employed. Violation of this 102465
provision is grounds for disciplinary action or dismissal, or 102466
both. 102467

(F) Notwithstanding anything to the contrary in this section, 102468
the superintendent of a school district may allow an employee who 102469
does not hold a permit or license issued under this section to 102470

work as a substitute for an educational assistant who is absent on 102471
account of illness or on a leave of absence, or to fill a 102472
temporary position created by an emergency, provided that the 102473
superintendent believes the employee's application materials 102474
indicate that the employee is qualified to obtain a permit or 102475
license under this section. 102476

An employee shall begin work as a substitute under this 102477
division not earlier than on the date on which the employee files 102478
an application with the state board for a permit or license under 102479
this section. An employee shall cease working as a substitute 102480
under this division on the earliest of the following: 102481

(1) The date on which the employee files a valid permit or 102482
license issued under this section with the superintendent; 102483

(2) The date on which the employee is denied a permit or 102484
license under this section; 102485

(3) Sixty days following the date on which the employee began 102486
work as a substitute under this division. 102487

The superintendent shall ensure that an employee assigned to 102488
work as a substitute under division (F) of this section has 102489
undergone a criminal records check in accordance with section 102490
3319.391 of the Revised Code. 102491

(G) The state board shall issue an educational aide permit or 102492
educational paraprofessional license in accordance with Chapter 102493
4796. of the Revised Code to an applicant if either of the 102494
following applies: 102495

(1) The applicant holds a permit or license in another state. 102496

(2) The applicant has satisfactory work experience, a 102497
government certification, or a private certification as described 102498
in that chapter as an educational aide or educational 102499
paraprofessional in a state that does not issue that permit or 102500

license or both. 102501

Sec. 3319.22. (A)(1) The state board of education shall issue 102502
the following educator licenses: 102503

(a) A resident educator license, which shall be valid for two 102504
years and shall be renewable for reasons specified by rules 102505
adopted by the state board pursuant to division (A)(3) of this 102506
section. The state board, on a case-by-case basis, may extend the 102507
license's duration as necessary to enable the license holder to 102508
complete the Ohio teacher residency program established under 102509
section 3319.223 of the Revised Code; 102510

(b) A professional educator license, which shall be valid for 102511
five years and shall be renewable; 102512

(c) A senior professional educator license, which shall be 102513
valid for five years and shall be renewable; 102514

(d) A lead professional educator license, which shall be 102515
valid for five years and shall be renewable. 102516

Licenses issued under division (A)(1) of this section on and 102517
after ~~November 2, 2018~~ the effective date of this amendment, shall 102518
specify whether the educator is licensed to teach grades 102519
pre-kindergarten through ~~five, grades four through nine, eight~~ or 102520
grades ~~seven~~ six through twelve. The changes to the grade band 102521
specifications under this ~~amendment~~ section shall not apply to a 102522
person who holds a license under division (A)(1) of this section 102523
prior to ~~November 2, 2018~~ the effective date of this amendment. 102524
Further, the changes to the grade band specifications under this 102525
~~amendment~~ section shall not apply to any license issued to teach 102526
in the area of computer information science, bilingual education, 102527
dance, drama or theater, world language, health, library or media, 102528
music, physical education, teaching English to speakers of other 102529
languages, career-technical education, or visual arts or to any 102530

license issued to an intervention specialist, including a gifted 102531
intervention specialist, or to any other license that does not 102532
align to the grade band specifications. 102533

(2)(a) Except as provided in division (A)(2)(b) of this 102534
section, the state board may issue any additional educator 102535
licenses of categories, types, and levels the board elects to 102536
provide. 102537

(b) Not later than December 31, 2024, the state board shall 102538
cease licensing school psychologists. The state board shall 102539
coordinate with the state board of psychology to transition to 102540
licensure under Chapter 4732. of the Revised Code any school 102541
psychologists licensed under rules adopted in accordance with 102542
sections 3301.07 and 3319.22 of the Revised Code. 102543

(3) Except as provided in division (I) of this section, the 102544
state board shall adopt rules establishing the standards and 102545
requirements for obtaining each educator license issued under this 102546
section. The rules shall also include the reasons for which a 102547
resident educator license may be renewed under division (A)(1)(a) 102548
of this section. 102549

(B) Except as provided in division (I) of this section, the 102550
rules adopted under this section shall require at least the 102551
following standards and qualifications for the educator licenses 102552
described in division (A)(1) of this section: 102553

(1) An applicant for a resident educator license shall hold 102554
at least a bachelor's degree from an accredited teacher 102555
preparation program or be a participant in the teach for America 102556
program and meet the qualifications required under section 102557
3319.227 of the Revised Code. 102558

(2) An applicant for a professional educator license shall: 102559

(a) Hold at least a bachelor's degree from an institution of 102560
higher education accredited by a regional accrediting 102561

organization; 102562

(b) Have successfully completed the Ohio teacher residency 102563
program established under section 3319.223 of the Revised Code, if 102564
the applicant's current or most recently issued license is a 102565
resident educator license issued under this section or an 102566
alternative resident educator license issued under section 3319.26 102567
of the Revised Code. 102568

(3) An applicant for a senior professional educator license 102569
shall: 102570

(a) Hold at least a master's degree from an institution of 102571
higher education accredited by a regional accrediting 102572
organization; 102573

(b) Have previously held a professional educator license 102574
issued under this section or section 3319.222 or under former 102575
section 3319.22 of the Revised Code; 102576

(c) Meet the criteria for the accomplished or distinguished 102577
level of performance, as described in the standards for teachers 102578
adopted by the state board under section 3319.61 of the Revised 102579
Code. 102580

(4) An applicant for a lead professional educator license 102581
shall: 102582

(a) Hold at least a master's degree from an institution of 102583
higher education accredited by a regional accrediting 102584
organization; 102585

(b) Have previously held a professional educator license or a 102586
senior professional educator license issued under this section or 102587
a professional educator license issued under section 3319.222 or 102588
former section 3319.22 of the Revised Code; 102589

(c) Meet the criteria for the distinguished level of 102590
performance, as described in the standards for teachers adopted by 102591

the state board under section 3319.61 of the Revised Code; 102592

(d) Either hold a valid certificate issued by the national 102593
board for professional teaching standards or meet the criteria for 102594
a master teacher or other criteria for a lead teacher adopted by 102595
the educator standards board under division (F)(4) or (5) of 102596
section 3319.61 of the Revised Code. 102597

(C) The state board shall align the standards and 102598
qualifications for obtaining a principal license with the 102599
standards for principals adopted by the state board under section 102600
3319.61 of the Revised Code. 102601

(D) If the state board requires any examinations for educator 102602
licensure, the department of education shall provide the results 102603
of such examinations received by the department to the chancellor 102604
of higher education, in the manner and to the extent permitted by 102605
state and federal law. 102606

(E) Any rules the state board of education adopts, amends, or 102607
rescinds for educator licenses under this section, division (D) of 102608
section 3301.07 of the Revised Code, or any other law shall be 102609
adopted, amended, or rescinded under Chapter 119. of the Revised 102610
Code except as follows: 102611

(1) Notwithstanding division (E) of section 119.03 and 102612
division (A)(1) of section 119.04 of the Revised Code, in the case 102613
of the adoption of any rule or the amendment or rescission of any 102614
rule that necessitates institutions' offering preparation programs 102615
for educators and other school personnel that are approved by the 102616
chancellor of higher education under section 3333.048 of the 102617
Revised Code to revise the curriculum of those programs, the 102618
effective date shall not be as prescribed in division (E) of 102619
section 119.03 and division (A)(1) of section 119.04 of the 102620
Revised Code. Instead, the effective date of such rules, or the 102621
amendment or rescission of such rules, shall be the date 102622

prescribed by section 3333.048 of the Revised Code. 102623

(2) Notwithstanding the authority to adopt, amend, or rescind 102624
emergency rules in division (G) of section 119.03 of the Revised 102625
Code, this authority shall not apply to the state board of 102626
education with regard to rules for educator licenses. 102627

(F)(1) The rules adopted under this section establishing 102628
standards requiring additional coursework for the renewal of any 102629
educator license shall require a school district and a chartered 102630
nonpublic school to establish local professional development 102631
committees. In a nonpublic school, the chief administrative 102632
officer shall establish the committees in any manner acceptable to 102633
such officer. The committees established under this division shall 102634
determine whether coursework that a district or chartered 102635
nonpublic school teacher proposes to complete meets the 102636
requirement of the rules. The department of education shall 102637
provide technical assistance and support to committees as the 102638
committees incorporate the professional development standards 102639
adopted by the state board of education pursuant to section 102640
3319.61 of the Revised Code into their review of coursework that 102641
is appropriate for license renewal. The rules shall establish a 102642
procedure by which a teacher may appeal the decision of a local 102643
professional development committee. 102644

(2) In any school district in which there is no exclusive 102645
representative established under Chapter 4117. of the Revised 102646
Code, the professional development committees shall be established 102647
as described in division (F)(2) of this section. 102648

Not later than the effective date of the rules adopted under 102649
this section, the board of education of each school district shall 102650
establish the structure for one or more local professional 102651
development committees to be operated by such school district. The 102652
committee structure so established by a district board shall 102653
remain in effect unless within thirty days prior to an anniversary 102654

of the date upon which the current committee structure was 102655
established, the board provides notice to all affected district 102656
employees that the committee structure is to be modified. 102657
Professional development committees may have a district-level or 102658
building-level scope of operations, and may be established with 102659
regard to particular grade or age levels for which an educator 102660
license is designated. 102661

Each professional development committee shall consist of at 102662
least three classroom teachers employed by the district, one 102663
principal employed by the district, and one other employee of the 102664
district appointed by the district superintendent. For committees 102665
with a building-level scope, the teacher and principal members 102666
shall be assigned to that building, and the teacher members shall 102667
be elected by majority vote of the classroom teachers assigned to 102668
that building. For committees with a district-level scope, the 102669
teacher members shall be elected by majority vote of the classroom 102670
teachers of the district, and the principal member shall be 102671
elected by a majority vote of the principals of the district, 102672
unless there are two or fewer principals employed by the district, 102673
in which case the one or two principals employed shall serve on 102674
the committee. If a committee has a particular grade or age level 102675
scope, the teacher members shall be licensed to teach such grade 102676
or age levels, and shall be elected by majority vote of the 102677
classroom teachers holding such a license and the principal shall 102678
be elected by all principals serving in buildings where any such 102679
teachers serve. The district superintendent shall appoint a 102680
replacement to fill any vacancy that occurs on a professional 102681
development committee, except in the case of vacancies among the 102682
elected classroom teacher members, which shall be filled by vote 102683
of the remaining members of the committee so selected. 102684

Terms of office on professional development committees shall 102685
be prescribed by the district board establishing the committees. 102686

The conduct of elections for members of professional development committees shall be prescribed by the district board establishing the committees. A professional development committee may include additional members, except that the majority of members on each such committee shall be classroom teachers employed by the district. Any member appointed to fill a vacancy occurring prior to the expiration date of the term for which a predecessor was appointed shall hold office as a member for the remainder of that term.

The initial meeting of any professional development committee, upon election and appointment of all committee members, shall be called by a member designated by the district superintendent. At this initial meeting, the committee shall select a chairperson and such other officers the committee deems necessary, and shall adopt rules for the conduct of its meetings. Thereafter, the committee shall meet at the call of the chairperson or upon the filing of a petition with the district superintendent signed by a majority of the committee members calling for the committee to meet.

(3) In the case of a school district in which an exclusive representative has been established pursuant to Chapter 4117. of the Revised Code, professional development committees shall be established in accordance with any collective bargaining agreement in effect in the district that includes provisions for such committees.

If the collective bargaining agreement does not specify a different method for the selection of teacher members of the committees, the exclusive representative of the district's teachers shall select the teacher members.

If the collective bargaining agreement does not specify a different structure for the committees, the board of education of the school district shall establish the structure, including the

number of committees and the number of teacher and administrative 102719
members on each committee; the specific administrative members to 102720
be part of each committee; whether the scope of the committees 102721
will be district levels, building levels, or by type of grade or 102722
age levels for which educator licenses are designated; the lengths 102723
of terms for members; the manner of filling vacancies on the 102724
committees; and the frequency and time and place of meetings. 102725
However, in all cases, except as provided in division (F)(4) of 102726
this section, there shall be a majority of teacher members of any 102727
professional development committee, there shall be at least five 102728
total members of any professional development committee, and the 102729
exclusive representative shall designate replacement members in 102730
the case of vacancies among teacher members, unless the collective 102731
bargaining agreement specifies a different method of selecting 102732
such replacements. 102733

(4) Whenever an administrator's coursework plan is being 102734
discussed or voted upon, the local professional development 102735
committee shall, at the request of one of its administrative 102736
members, cause a majority of the committee to consist of 102737
administrative members by reducing the number of teacher members 102738
voting on the plan. 102739

(G)(1) The department of education, educational service 102740
centers, county boards of developmental disabilities, college and 102741
university departments of education, head start programs, and the 102742
Ohio education computer network may establish local professional 102743
development committees to determine whether the coursework 102744
proposed by their employees who are licensed or certificated under 102745
this section or section 3319.222 of the Revised Code, or under the 102746
former version of either section as it existed prior to October 102747
16, 2009, meet the requirements of the rules adopted under this 102748
section. They may establish local professional development 102749
committees on their own or in collaboration with a school district 102750

or other agency having authority to establish them. 102751

Local professional development committees established by 102752
county boards of developmental disabilities shall be structured in 102753
a manner comparable to the structures prescribed for school 102754
districts in divisions (F)(2) and (3) of this section, as shall 102755
the committees established by any other entity specified in 102756
division (G)(1) of this section that provides educational services 102757
by employing or contracting for services of classroom teachers 102758
licensed or certificated under this section or section 3319.222 of 102759
the Revised Code, or under the former version of either section as 102760
it existed prior to October 16, 2009. All other entities specified 102761
in division (G)(1) of this section shall structure their 102762
committees in accordance with guidelines which shall be issued by 102763
the state board. 102764

(2) Educational service centers may establish local 102765
professional development committees to serve educators who are not 102766
employed in schools in this state, including pupil services 102767
personnel who are licensed under this section. Local professional 102768
development committees shall be structured in a manner comparable 102769
to the structures prescribed for school districts in divisions 102770
(F)(2) and (3) of this section. 102771

These committees may agree to review the coursework, 102772
continuing education units, or other equivalent activities related 102773
to classroom teaching or the area of licensure that is proposed by 102774
an individual who satisfies both of the following conditions: 102775

(a) The individual is licensed or certificated under this 102776
section or under the former version of this section as it existed 102777
prior to October 16, 2009. 102778

(b) The individual is not currently employed as an educator 102779
or is not currently employed by an entity that operates a local 102780
professional development committee under this section. 102781

Any committee that agrees to work with such an individual 102782
shall work to determine whether the proposed coursework, 102783
continuing education units, or other equivalent activities meet 102784
the requirements of the rules adopted by the state board under 102785
this section. 102786

(3) Any public agency that is not specified in division 102787
(G)(1) or (2) of this section but provides educational services 102788
and employs or contracts for services of classroom teachers 102789
licensed or certificated under this section or section 3319.222 of 102790
the Revised Code, or under the former version of either section as 102791
it existed prior to October 16, 2009, may establish a local 102792
professional development committee, subject to the approval of the 102793
department of education. The committee shall be structured in 102794
accordance with guidelines issued by the state board. 102795

(H) Not later than July 1, 2016, the state board, in 102796
accordance with Chapter 119. of the Revised Code, shall adopt 102797
rules pursuant to division (A)(3) of this section that do both of 102798
the following: 102799

(1) Exempt consistently high-performing teachers from the 102800
requirement to complete any additional coursework for the renewal 102801
of an educator license issued under this section or section 102802
3319.26 of the Revised Code. The rules also shall specify that 102803
such teachers are exempt from any requirements prescribed by 102804
professional development committees established under divisions 102805
(F) and (G) of this section. 102806

(2) For purposes of division (H)(1) of this section, the 102807
state board shall define the term "consistently high-performing 102808
teacher." 102809

(I) The state board shall issue a resident educator license, 102810
professional educator license, senior professional educator 102811
license, lead professional educator license, or any other educator 102812

license in accordance with Chapter 4796. of the Revised Code to an 102813
applicant if either of the following applies: 102814

(1) The applicant holds a license in another state. 102815

(2) The applicant has satisfactory work experience, a 102816
government certification, or a private certification as described 102817
in that chapter as a resident educator, professional educator, 102818
senior professional educator, lead professional educator, or any 102819
other type of educator in a state that does not issue one or more 102820
of those licenses. 102821

Sec. 3319.26. (A) Except as provided in division (H) of this 102822
section, the state board of education shall adopt rules 102823
establishing the standards and requirements for obtaining an 102824
alternative resident educator license for teaching in grades 102825
kindergarten to twelve, or the equivalent, in a designated subject 102826
area or in the area of intervention specialist, as defined by rule 102827
of the state board. The rules shall also include the reasons for 102828
which an alternative resident educator license may be renewed 102829
under division (D) of this section. 102830

(B) The superintendent of public instruction and the 102831
chancellor of higher education jointly shall develop an intensive 102832
pedagogical training institute to provide instruction in the 102833
principles and practices of teaching for individuals seeking an 102834
alternative resident educator license. The instruction shall cover 102835
such topics as student development and learning, pupil assessment 102836
procedures, curriculum development, classroom management, and 102837
teaching methodology. 102838

(C) Except as provided in division (H) of this section, the 102839
rules adopted under this section shall require applicants for the 102840
alternative resident educator license to satisfy the following 102841
conditions prior to issuance of the license, but they shall not 102842
require applicants to have completed a major or coursework in the 102843

subject area for which application is being made: 102844

(1) Hold a minimum of a baccalaureate degree; 102845

(2) Successfully complete the pedagogical training institute 102846
described in division (B) of this section or the preservice 102847
training provided to participants of a teacher preparation program 102848
that has been approved by the chancellor. The chancellor may 102849
approve any such program that requires participants to hold a 102850
bachelor's degree; have either a cumulative undergraduate grade 102851
point average of at least 2.5 out of 4.0, or its equivalent or a 102852
cumulative graduate school grade point average of at least 3.0 out 102853
of 4.0; and successfully complete the program's preservice 102854
training. 102855

(3) Pass an examination in the subject area for which 102856
application is being made. 102857

(D) An alternative resident educator license shall be valid 102858
for ~~four~~ two years and shall be renewable for reasons specified by 102859
rules adopted by the state board pursuant to division (A) of this 102860
section. The state board, on a case-by-case basis, may extend the 102861
license's duration as necessary to enable the license holder to 102862
complete the Ohio teacher residency program established under 102863
section 3319.223 of the Revised Code. 102864

(E) The rules shall require the holder of an alternative 102865
resident educator license, as a condition of continuing to hold 102866
the license, to do all of the following: 102867

(1) Participate in the Ohio teacher residency program under 102868
section 3319.223 of the Revised Code; 102869

(2) Show satisfactory progress in taking and successfully 102870
completing one of the following: 102871

(a) At least twelve additional semester hours, or the 102872
equivalent, of college coursework in the principles and practices 102873

of teaching in such topics as student development and learning, 102874
pupil assessment procedures, curriculum development, classroom 102875
management, and teaching methodology; 102876

(b) Professional development provided by a teacher 102877
preparation program that has been approved by the chancellor under 102878
division (C)(2) of this section. 102879

(3) Take an assessment of professional knowledge in the 102880
second year of teaching under the license. 102881

(F) The rules shall provide for the granting of a 102882
professional educator license to a holder of an alternative 102883
resident educator license upon successfully completing all of the 102884
following: 102885

(1) ~~Four~~ Two years of teaching under the alternative license; 102886

(2) The additional college coursework or professional 102887
development described in division (E)(2) of this section; 102888

(3) The assessment of professional knowledge described in 102889
division (E)(3) of this section. The standards for successfully 102890
completing this assessment and the manner of conducting the 102891
assessment shall be the same as for any other individual who is 102892
required to take the assessment pursuant to rules adopted by the 102893
state board under section 3319.22 of the Revised Code. 102894

(4) The Ohio teacher residency program; 102895

(5) All other requirements for a professional educator 102896
license adopted by the state board under section 3319.22 of the 102897
Revised Code. 102898

(G) A person who is assigned to teach in this state as a 102899
participant in the teach for America program or who has completed 102900
two years of teaching in another state as a participant in that 102901
program shall be eligible for a license only under section 102902
3319.227 of the Revised Code and shall not be eligible for a 102903

license under this section. 102904

(H) The board shall issue an alternative resident educator 102905
license in accordance with Chapter 4796. of the Revised Code to an 102906
applicant if either of the following applies: 102907

(1) The applicant holds a license in another state. 102908

(2) The applicant has satisfactory work experience, a 102909
government certification, or a private certification as described 102910
in that chapter as an educator for grades kindergarten through 102911
twelve in a state that does not issue that license. 102912

(I) The holder of an alternative resident educator license 102913
may teach preschool students under that license. 102914

Sec. 3319.27. (A) Except as provided in division (C) of this 102915
section, the state board of education shall adopt rules that 102916
establish an alternative principal license. The rules establishing 102917
an alternative principal license shall include a requirement that 102918
an applicant have obtained classroom teaching experience. 102919
Beginning on the effective date of the rules, the state board 102920
shall cease to issue temporary educator licenses pursuant to 102921
former section 3319.225 of the Revised Code as it existed prior to 102922
April 12, 2021, for employment as a principal. Any person who on 102923
the effective date of the rules holds a valid temporary educator 102924
license issued under that section and is employed as a principal 102925
shall be allowed to continue employment as a principal until the 102926
expiration of the license. Employment of any such person as a 102927
principal by a school district after the expiration of the 102928
temporary educator license shall be contingent upon the state 102929
board issuing the person an alternative principal license in 102930
accordance with the rules adopted under this division. 102931

(B) Except as provided in division (C) of this section, the 102932
state board shall adopt rules that establish an alternative 102933

administrator license, which shall be valid for employment as a 102934
superintendent or in any other administrative position except 102935
principal. Beginning on the effective date of the rules, the state 102936
board shall cease to issue temporary educator licenses pursuant to 102937
former section 3319.225 of the Revised Code as it existed prior to 102938
April 12, 2021, for employment as a superintendent or in any other 102939
administrative position except principal. Any person who on the 102940
effective date of the rules holds a valid temporary educator 102941
license issued under that section and is employed as a 102942
superintendent or in any other administrative position except 102943
principal shall be allowed to continue employment in that position 102944
until the expiration of the license. Employment of any such person 102945
as a superintendent or in any other administrative position except 102946
principal by a school district after the expiration of the 102947
temporary educator license shall be contingent upon the state 102948
board issuing the person an alternative administrator license in 102949
accordance with the rules adopted under this division. 102950

(C) The state board shall issue an alternative principal or 102951
alternative administrator license in accordance with Chapter 4796. 102952
of the Revised Code to an applicant if either of the following 102953
applies: 102954

(1) The applicant holds a license in another state. 102955

(2) The applicant has satisfactory work experience, a 102956
government certification, or a private certification as described 102957
in that chapter as a school principal or school administrator in a 102958
state that does not issue one or both of those licenses. 102959

Sec. 3319.303. (A) Except as provided in division (D) of this 102960
section, the state board of education shall adopt rules 102961
establishing standards and requirements for obtaining a 102962
pupil-activity program permit for any individual who does not hold 102963
a valid educator license, certificate, or permit issued by the 102964

state board under section 3319.22, 3319.26, or 3319.27 of the Revised Code. The permit issued under this section shall be valid for coaching, supervising, or directing a pupil-activity program under section 3313.53 of the Revised Code. Subject to the provisions of section 3319.31 of the Revised Code, a permit issued under this division shall be valid for three years and shall be renewable.

(B) The state board shall adopt rules applicable to individuals who hold valid educator licenses, certificates, or permits issued by the state board under section 3319.22, 3319.26, or 3319.27 of the Revised Code setting forth standards to assure any such individual's competence to direct, supervise, or coach a pupil-activity program described in section 3313.53 of the Revised Code. The rules adopted under this division shall not be more stringent than the standards set forth in rules applicable to individuals who do not hold such licenses, certificates, or permits adopted under division (A) of this section. Subject to the provisions of section 3319.31 of the Revised Code, a permit issued to an individual under this division shall be valid for the same number of years as the individual's educator license, certificate, or permit issued under section 3319.22, 3319.26, or 3319.27 of the Revised Code and shall be renewable.

(C)(1) Except as provided in division (D) of this section, as a condition to issuing a pupil-activity program permit to coach interscholastic athletics, the state board shall require each individual applying for a first permit ~~on or after April 26, 2013,~~ to successfully complete a training program that is specifically focused on brain trauma and brain injury management and the sudden cardiac arrest training course approved by the department of health under division (C) of section 3707.59 of the Revised Code.

(2) The state board shall require, as a condition to renewing

a pupil-activity program permit to coach interscholastic 102996
athletics, each individual applying for a permit renewal ~~on or~~ 102997
~~after that date~~ to present evidence that the individual has 102998
successfully completed, within the duration of the individual's 102999
previous ~~three years~~, a permit, both of the following: 103000

(a) A training program in recognizing the symptoms of 103001
concussions and head injuries to which the department of health 103002
has provided a link on its internet web site under section 3707.52 103003
of the Revised Code or a training program authorized and required 103004
by an organization that regulates interscholastic athletic 103005
competition and conducts interscholastic athletic events; 103006

(b) The sudden cardiac arrest training course approved by the 103007
department of health under division (C) of section 3707.59 of the 103008
Revised Code. 103009

(3) The state board shall require each individual applying 103010
for a permit renewal on or after the effective date of this 103011
amendment to present evidence that the individual has complied 103012
with the student mental health training requirement under section 103013
3313.5318 of the Revised Code. 103014

(D) The state board shall issue a permit for coaching, 103015
supervising, or directing a pupil-activity program in accordance 103016
with Chapter 4796. of the Revised Code to an applicant if either 103017
of the following applies: 103018

(1) The applicant holds a license or permit in another state. 103019

(2) The applicant has satisfactory work experience, a 103020
government certification, or a private certification as described 103021
in that chapter as a coach, supervisor, or pupil-activity program 103022
director in a state that does not issue that permit. 103023

Sec. 3704.14. (A)(1) If the director of environmental 103024
protection determines that implementation of a motor vehicle 103025

inspection and maintenance program is necessary for the state to 103026
effectively comply with the federal Clean Air Act after June 30, 103027
~~2019~~ 2023, the director may provide for the implementation of the 103028
program in those counties in this state in which such a program is 103029
federally mandated. Upon making such a determination, the director 103030
of environmental protection may request the director of 103031
administrative services to extend the terms of the contract that 103032
was entered into under the authority of Am. Sub. H.B. 64 of the 103033
131st general assembly. Upon receiving the request, the director 103034
of administrative services shall extend the contract, beginning on 103035
July 1, ~~2019~~ 2023, in accordance with this section. The contract 103036
shall be extended for a period of up to twenty-four months with 103037
the contractor who conducted the motor vehicle inspection and 103038
maintenance program under that contract. 103039

(2) Prior to the expiration of the contract extension that is 103040
authorized by division (A)(1) of this section, the director of 103041
environmental protection shall request the director of 103042
administrative services to enter into a contract with a vendor to 103043
operate a decentralized motor vehicle inspection and maintenance 103044
program in each county in this state in which such a program is 103045
federally mandated through June 30, ~~2023~~ 2027, with an option for 103046
the state to renew the contract for a period of up to twenty-four 103047
months through June 30, ~~2025~~ 2029. The contract shall ensure that 103048
the decentralized motor vehicle inspection and maintenance program 103049
achieves at least the same emission reductions as achieved by the 103050
program operated under the authority of the contract that was 103051
extended under division (A)(1) of this section. The director of 103052
administrative services shall select a vendor through a 103053
competitive selection process in compliance with Chapter 125. of 103054
the Revised Code. 103055

(3) Notwithstanding any law to the contrary, the director of 103056
administrative services shall ensure that a competitive selection 103057

process regarding a contract to operate a decentralized motor 103058
vehicle inspection and maintenance program in this state 103059
incorporates the following, which shall be included in the 103060
contract: 103061

(a) For purposes of expanding the number of testing locations 103062
for consumer convenience, a requirement that the vendor utilize 103063
established local businesses, auto repair facilities, or leased 103064
properties to operate state-approved inspection and maintenance 103065
testing facilities; 103066

(b) A requirement that the vendor selected to operate the 103067
program provide notification of the program's requirements to each 103068
owner of a motor vehicle that is required to be inspected under 103069
the program. The contract shall require the notification to be 103070
provided not later than sixty days prior to the date by which the 103071
owner of the motor vehicle is required to have the motor vehicle 103072
inspected. The director of environmental protection and the vendor 103073
shall jointly agree on the content of the notice. However, the 103074
notice shall include at a minimum the locations of all inspection 103075
facilities within a specified distance of the address that is 103076
listed on the owner's motor vehicle registration; 103077

(c) A requirement that the vendor comply with testing 103078
methodology and supply the required equipment approved by the 103079
director of environmental protection as specified in the 103080
competitive selection process in compliance with Chapter 125. of 103081
the Revised Code. 103082

(4) A decentralized motor vehicle inspection and maintenance 103083
program operated under this section shall comply with division (B) 103084
of this section. The director of environmental protection shall 103085
administer the decentralized motor vehicle inspection and 103086
maintenance program operated under this section. 103087

(B) The decentralized motor vehicle inspection and 103088

maintenance program authorized by this section, at a minimum, 103089
shall do all of the following: 103090

(1) Comply with the federal Clean Air Act; 103091

(2) Provide for the issuance of inspection certificates; 103092

(3) Provide for a new car exemption for motor vehicles four 103093
years old or newer and provide that a new motor vehicle is exempt 103094
for four years regardless of whether legal title to the motor 103095
vehicle is transferred during that period; 103096

(4) Provide for an exemption for battery electric motor 103097
vehicles. 103098

(C)(1) The director of environmental protection shall adopt 103099
rules in accordance with Chapter 119. of the Revised Code that the 103100
director determines are necessary to implement this section. The 103101
director may continue to implement and enforce rules pertaining to 103102
the motor vehicle inspection and maintenance program previously 103103
implemented under former section 3704.14 of the Revised Code as 103104
that section existed prior to its repeal and reenactment by Am. 103105
Sub. H.B. 66 of the 126th general assembly, provided that the 103106
rules do not conflict with this section. 103107

(2) The director of environmental protection shall issue an 103108
inspection certificate provided for under division (B)(2) of this 103109
section in accordance with Chapter 4796. of the Revised Code to an 103110
applicant if either of the following applies: 103111

(a) The individual holds a certificate or license in another 103112
state. 103113

(b) The individual has satisfactory work experience, a 103114
government certification, or a private certification as described 103115
in that chapter as a vehicle inspector in a state that does not 103116
issue that certificate. 103117

(D) There is hereby created in the state treasury the auto 103118

emissions test fund, which shall consist of money received by the 103119
director from any cash transfers, state and local grants, and 103120
other contributions that are received for the purpose of funding 103121
the program established under this section. The director of 103122
environmental protection shall use money in the fund solely for 103123
the implementation, supervision, administration, operation, and 103124
enforcement of the motor vehicle inspection and maintenance 103125
program established under this section. Money in the fund shall 103126
not be used for either of the following: 103127

(1) To pay for the inspection costs incurred by a motor 103128
vehicle dealer so that the dealer may provide inspection 103129
certificates to an individual purchasing a motor vehicle from the 103130
dealer when that individual resides in a county that is subject to 103131
the motor vehicle inspection and maintenance program; 103132

(2) To provide payment for more than one free passing 103133
emissions inspection or a total of three emissions inspections for 103134
a motor vehicle in any three-hundred-sixty-five-day period. The 103135
owner or lessee of a motor vehicle is responsible for inspection 103136
fees that are related to emissions inspections beyond one free 103137
passing emissions inspection or three total emissions inspections 103138
in any three-hundred-sixty-five-day period. Inspection fees that 103139
are charged by a contractor conducting emissions inspections under 103140
a motor vehicle inspection and maintenance program shall be 103141
approved by the director of environmental protection. 103142

(E) The motor vehicle inspection and maintenance program 103143
established under this section expires upon the termination of all 103144
contracts entered into under this section and shall not be 103145
implemented beyond the final date on which termination occurs. 103146

(F) As used in this section "battery electric motor vehicle" 103147
has the same meaning as in section 4501.01 of the Revised Code. 103148

Sec. 3737.83. The state fire marshal shall, as part of the 103149

state fire code, adopt rules to: 103150

(A) Establish minimum standards of performance for fire 103151
protection equipment and fire fighting equipment; 103152

(B) Establish minimum standards of training, fix minimum 103153
qualifications, and require certificates for all persons who 103154
engage in the business for profit of installing, testing, 103155
repairing, or maintaining fire protection equipment; 103156

(C) Provide for the issuance of certificates required under 103157
division (B) of this section and establish the fees to be charged 103158
for such certificates. A certificate shall be granted, renewed, or 103159
revoked according to rules the state fire marshal shall adopt, 103160
except that the state fire marshal shall grant a certificate in 103161
accordance with Chapter 4796. of the Revised Code to an applicant 103162
if either of the following applies: 103163

(1) The applicant holds a license or certificate in another 103164
state. 103165

(2) The applicant has satisfactory work experience, a 103166
government certification, or a private certification as described 103167
in that chapter as a person engaged in the business of installing, 103168
testing, repairing, or maintaining fire protection equipment in a 103169
state that does not issue that certificate. 103170

(D) Establish minimum standards of flammability for consumer 103171
goods in any case where the federal government or any department 103172
or agency thereof has established, or may from time to time 103173
establish standards of flammability for consumer goods. The 103174
standards established by the state fire marshal shall be identical 103175
to the minimum federal standards. 103176

In any case where the federal government or any department or 103177
agency thereof, establishes standards of flammability for consumer 103178
goods subsequent to the adoption of a flammability standard by the 103179

state fire marshal, standards previously adopted by the state fire marshal shall not continue in effect to the extent such standards are not identical to the minimum federal standards.

With respect to the adoption of minimum standards of flammability, this division shall supersede any authority granted a political subdivision by any other section of the Revised Code.

(E) Establish minimum standards pursuant to section 5104.05 of the Revised Code for fire prevention and fire safety in child day-care centers and in type A family day-care homes, as defined in section 5104.01 of the Revised Code.

(F) Establish minimum standards for fire prevention and safety in a residential facility licensed under section 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults. The state fire marshal shall adopt the rules under this division in consultation with the director of mental health and addiction services and interested parties designated by the director of mental health and addiction services.

(G)(1) Establish that occupant load shall not include an exterior patio that has a means of egress on at least three sides or within fifty feet of an open side and in which each means of egress is compliant with the "Americans with Disabilities Act of 1990," 42 U.S.C. 12102, et seq.

(2) Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under division (G)(1) of this section is not subject to sections 121.95 to 121.953 of the Revised Code.

Sec. 3781.10. (A)(1) The board of building standards shall formulate and adopt rules governing the erection, construction, repair, alteration, and maintenance of all buildings or classes of

buildings specified in section 3781.06 of the Revised Code, 103210
including land area incidental to those buildings, the 103211
construction of industrialized units, the installation of 103212
equipment, and the standards or requirements for materials used in 103213
connection with those buildings. The board shall incorporate those 103214
rules into separate residential and nonresidential building codes. 103215
The standards shall relate to the conservation of energy and the 103216
safety and sanitation of those buildings. 103217

(2) The rules governing nonresidential buildings are the 103218
lawful minimum requirements specified for those buildings and 103219
industrialized units, except that no rule other than as provided 103220
in division (C) of section 3781.108 of the Revised Code that 103221
specifies a higher requirement than is imposed by any section of 103222
the Revised Code is enforceable. The rules governing residential 103223
buildings are uniform requirements for residential buildings in 103224
any area with a building department certified to enforce the state 103225
residential building code. In no case shall any local code or 103226
regulation differ from the state residential building code unless 103227
that code or regulation addresses subject matter not addressed by 103228
the state residential building code or is adopted pursuant to 103229
section 3781.01 of the Revised Code. 103230

(3) The rules adopted pursuant to this section are complete, 103231
lawful alternatives to any requirements specified for buildings or 103232
industrialized units in any section of the Revised Code. Except as 103233
otherwise provided in division (I) of this section, the board 103234
shall, on its own motion or on application made under sections 103235
3781.12 and 3781.13 of the Revised Code, formulate, propose, 103236
adopt, modify, amend, or repeal the rules to the extent necessary 103237
or desirable to effectuate the purposes of sections 3781.06 to 103238
3781.18 of the Revised Code. 103239

(B) The board shall report to the general assembly proposals 103240

for amendments to existing statutes relating to the purposes 103241
declared in section 3781.06 of the Revised Code that public health 103242
and safety and the development of the arts require and shall 103243
recommend any additional legislation to assist in carrying out 103244
fully, in statutory form, the purposes declared in that section. 103245
The board shall prepare and submit to the general assembly a 103246
summary report of the number, nature, and disposition of the 103247
petitions filed under sections 3781.13 and 3781.14 of the Revised 103248
Code. 103249

(C) On its own motion or on application made under sections 103250
3781.12 and 3781.13 of the Revised Code, and after thorough 103251
testing and evaluation, the board shall determine by rule that any 103252
particular fixture, device, material, process of manufacture, 103253
manufactured unit or component, method of manufacture, system, or 103254
method of construction complies with performance standards adopted 103255
pursuant to section 3781.11 of the Revised Code. The board shall 103256
make its determination with regard to adaptability for safe and 103257
sanitary erection, use, or construction, to that described in any 103258
section of the Revised Code, wherever the use of a fixture, 103259
device, material, method of manufacture, system, or method of 103260
construction described in that section of the Revised Code is 103261
permitted by law. The board shall amend or annul any rule or issue 103262
an authorization for the use of a new material or manufactured 103263
unit on any like application. No department, officer, board, or 103264
commission of the state other than the board of building standards 103265
or the board of building appeals shall permit the use of any 103266
fixture, device, material, method of manufacture, newly designed 103267
product, system, or method of construction at variance with what 103268
is described in any rule the board of building standards adopts or 103269
issues or that is authorized by any section of the Revised Code. 103270
Nothing in this section shall be construed as requiring approval, 103271
by rule, of plans for an industrialized unit that conforms with 103272
the rules the board of building standards adopts pursuant to 103273

section 3781.11 of the Revised Code. 103274

(D) The board shall recommend rules, codes, and standards to 103275
help carry out the purposes of section 3781.06 of the Revised Code 103276
and to help secure uniformity of state administrative rulings and 103277
local legislation and administrative action to the bureau of 103278
workers' compensation, the director of commerce, any other 103279
department, officer, board, or commission of the state, and to 103280
legislative authorities and building departments of counties, 103281
townships, and municipal corporations, and shall recommend that 103282
they audit those recommended rules, codes, and standards by any 103283
appropriate action that they are allowed pursuant to law or the 103284
constitution. 103285

(E)(1) The board shall certify municipal, township, and 103286
county building departments, the personnel of those building 103287
departments, persons described in division (E)(7) of this section, 103288
and employees of individuals, firms, the state, or corporations 103289
described in division (E)(7) of this section to exercise 103290
enforcement authority, to accept and approve plans and 103291
specifications, and to make inspections, pursuant to sections 103292
3781.03, 3791.04, and 4104.43 of the Revised Code. 103293

(2) The board shall certify departments, personnel, and 103294
persons to enforce the state residential building code, to enforce 103295
the nonresidential building code, or to enforce both the 103296
residential and the nonresidential building codes. Any department, 103297
personnel, or person may enforce only the type of building code 103298
for which certified. 103299

(3) The board shall not require a building department, its 103300
personnel, or any persons that it employs to be certified for 103301
residential building code enforcement if that building department 103302
does not enforce the state residential building code. The board 103303
shall specify, in rules adopted pursuant to Chapter 119. of the 103304
Revised Code, the requirements for certification for residential 103305

and nonresidential building code enforcement, which shall be 103306
consistent with this division. The requirements for residential 103307
and nonresidential certification may differ. Except as otherwise 103308
provided in this division, the requirements shall include, but are 103309
not limited to, the satisfactory completion of an initial 103310
examination and, to remain certified, the completion of a 103311
specified number of hours of continuing building code education 103312
within each three-year period following the date of certification 103313
which shall be not less than thirty hours. The rules shall provide 103314
that continuing education credits and certification issued by the 103315
council of American building officials, national model code 103316
organizations, and agencies or entities the board recognizes are 103317
acceptable for purposes of this division. The rules shall specify 103318
requirements that are consistent with the provisions of section 103319
5903.12 of the Revised Code relating to active duty military 103320
service and are compatible, to the extent possible, with 103321
requirements the council of American building officials and 103322
national model code organizations establish. 103323

(4) The board shall establish and collect a certification and 103324
renewal fee for building department personnel, and persons and 103325
employees of persons, firms, or corporations as described in this 103326
section, who are certified pursuant to this division. 103327

(5) Any individual certified pursuant to this division shall 103328
complete the number of hours of continuing building code education 103329
that the board requires or, for failure to do so, forfeit 103330
certification. 103331

(6) This division does not require or authorize the board to 103332
certify personnel of municipal, township, and county building 103333
departments, and persons and employees of persons, firms, or 103334
corporations as described in this section, whose responsibilities 103335
do not include the exercise of enforcement authority, the approval 103336
of plans and specifications, or making inspections under the state 103337

residential and nonresidential building codes. 103338

(7) Enforcement authority for approval of plans and 103339
specifications and enforcement authority for inspections may be 103340
exercised, and plans and specifications may be approved and 103341
inspections may be made on behalf of a municipal corporation, 103342
township, or county, by any of the following who the board of 103343
building standards certifies: 103344

(a) Officers or employees of the municipal corporation, 103345
township, or county; 103346

(b) Persons, or employees of persons, firms, or corporations, 103347
pursuant to a contract to furnish architectural, engineering, or 103348
other services to the municipal corporation, township, or county; 103349

(c) Officers or employees of, and persons under contract 103350
with, a municipal corporation, township, county, health district, 103351
or other political subdivision, pursuant to a contract to furnish 103352
architectural, engineering, or other services; 103353

(d) Officers or employees of the division of industrial 103354
compliance in the department of commerce pursuant to a contract 103355
authorized by division (B) of section 121.083 of the Revised Code. 103356

(8) Municipal, township, and county building departments have 103357
jurisdiction within the meaning of sections 3781.03, 3791.04, and 103358
4104.43 of the Revised Code, only with respect to the types of 103359
buildings and subject matters for which they are certified under 103360
this section. 103361

(9) A certified municipal, township, or county building 103362
department may exercise enforcement authority, accept and approve 103363
plans and specifications, and make inspections pursuant to 103364
sections 3781.03, 3791.04, and 4104.43 of the Revised Code for a 103365
park district created pursuant to Chapter 1545. of the Revised 103366
Code upon the approval, by resolution, of the board of park 103367
commissioners of the park district requesting the department to 103368

exercise that authority and conduct those activities, as 103369
applicable. 103370

(10) Certification shall be granted upon application by the 103371
municipal corporation, the board of township trustees, or the 103372
board of county commissioners and approval of that application by 103373
the board of building standards. The application shall set forth: 103374

(a) Whether the certification is requested for residential or 103375
nonresidential buildings, or both; 103376

(b) The number and qualifications of the staff composing the 103377
building department; 103378

(c) The names, addresses, and qualifications of persons, 103379
firms, or corporations contracting to furnish work or services 103380
pursuant to division (E)(7)(b) of this section; 103381

(d) The names of any other municipal corporation, township, 103382
county, health district, or political subdivision under contract 103383
to furnish work or services pursuant to division (E)(7) of this 103384
section; 103385

(e) The proposed budget for the operation of the building 103386
department. 103387

(11) The board of building standards shall adopt rules 103388
governing all of the following: 103389

(a) The certification of building department personnel and 103390
persons and employees of persons, firms, or corporations 103391
exercising authority pursuant to division (E)(7) of this section. 103392
The rules shall disqualify any employee of the department or 103393
person who contracts for services with the department from 103394
performing services for the department when that employee or 103395
person would have to pass upon, inspect, or otherwise exercise 103396
authority over any labor, material, or equipment the employee or 103397
person furnishes for the construction, alteration, or maintenance 103398

of a building or the preparation of working drawings or 103399
specifications for work within the jurisdictional area of the 103400
department. The department shall provide other similarly qualified 103401
personnel to enforce the residential and nonresidential building 103402
codes as they pertain to that work. 103403

(b) The minimum services to be provided by a certified 103404
building department. 103405

(12) The board of building standards may revoke or suspend 103406
certification to enforce the residential and nonresidential 103407
building codes, on petition to the board by any person affected by 103408
that enforcement or approval of plans, or by the board on its own 103409
motion. Hearings shall be held and appeals permitted on any 103410
proceedings for certification or revocation or suspension of 103411
certification in the same manner as provided in section 3781.101 103412
of the Revised Code for other proceedings of the board of building 103413
standards. 103414

(13) Upon certification, and until that authority is revoked, 103415
any county or township building department shall enforce the 103416
residential and nonresidential building codes for which it is 103417
certified without regard to limitation upon the authority of 103418
boards of county commissioners under Chapter 307. of the Revised 103419
Code or boards of township trustees under Chapter 505. of the 103420
Revised Code. 103421

(14) The board shall certify a person to exercise enforcement 103422
authority, to accept and approve plans and specifications, or to 103423
make inspections in this state in accordance with Chapter 4796. of 103424
the Revised Code if either of the following applies: 103425

(a) The person holds a license or certificate in another 103426
state. 103427

(b) The person has satisfactory work experience, a government 103428
certification, or a private certification as described in that 103429

chapter in the same profession, occupation, or occupational 103430
activity as the profession, occupation, or occupational activity 103431
for which the certificate is required in this state in a state 103432
that does not issue that license or certificate. 103433

(F) In addition to hearings sections 3781.06 to 3781.18 and 103434
3791.04 of the Revised Code require, the board of building 103435
standards shall make investigations and tests, and require from 103436
other state departments, officers, boards, and commissions 103437
information the board considers necessary or desirable to assist 103438
it in the discharge of any duty or the exercise of any power 103439
mentioned in this section or in sections 3781.06 to 3781.18, 103440
3791.04, and 4104.43 of the Revised Code. 103441

(G) The board shall adopt rules and establish reasonable fees 103442
for the review of all applications submitted where the applicant 103443
applies for authority to use a new material, assembly, or product 103444
of a manufacturing process. The fee shall bear some reasonable 103445
relationship to the cost of the review or testing of the 103446
materials, assembly, or products and for the notification of 103447
approval or disapproval as provided in section 3781.12 of the 103448
Revised Code. 103449

(H) The residential construction advisory committee shall 103450
provide the board with a proposal for a state residential building 103451
code that the committee recommends pursuant to division (D)(1) of 103452
section 4740.14 of the Revised Code. Upon receiving a 103453
recommendation from the committee that is acceptable to the board, 103454
the board shall adopt rules establishing that code as the state 103455
residential building code. 103456

(I)(1) The committee may provide the board with proposed 103457
rules to update or amend the state residential building code that 103458
the committee recommends pursuant to division (E) of section 103459
4740.14 of the Revised Code. 103460

(2) If the board receives a proposed rule to update or amend the state residential building code as provided in division (I)(1) of this section, the board either may accept or reject the proposed rule for incorporation into the residential building code. If the board does not act to either accept or reject the proposed rule within ninety days after receiving the proposed rule from the committee as described in division (I)(1) of this section, the proposed rule shall become part of the residential building code.

(J) The board shall cooperate with the director of job and family services when the director promulgates rules pursuant to section 5104.05 of the Revised Code regarding safety and sanitation in type A family day-care homes.

(K) The board shall adopt rules to implement the requirements of section 3781.108 of the Revised Code.

(L) The board shall establish a grant program to assist building departments certified by the board pursuant to division (E) of this section in the recruitment, training, and retention of qualified personnel.

Sec. 3781.102. (A) Any county or municipal building department certified pursuant to division (E) of section 3781.10 of the Revised Code as of September 14, 1970, and that, as of that date, was inspecting single-family, two-family, and three-family residences, and any township building department certified pursuant to division (E) of section 3781.10 of the Revised Code, is hereby declared to be certified to inspect single-family, two-family, and three-family residences containing industrialized units, and shall inspect the buildings or classes of buildings subject to division (E) of section 3781.10 of the Revised Code.

(B) Each board of county commissioners may adopt, by resolution, rules establishing standards and providing for the

licensing of electrical and heating, ventilating, and air 103492
conditioning contractors who are not required to hold a valid and 103493
unexpired license pursuant to Chapter 4740. of the Revised Code. 103494

Rules adopted by a board of county commissioners pursuant to 103495
this division may be enforced within the unincorporated areas of 103496
the county and within any municipal corporation where the 103497
legislative authority of the municipal corporation has contracted 103498
with the board for the enforcement of the county rules within the 103499
municipal corporation pursuant to section 307.15 of the Revised 103500
Code. The rules shall not conflict with rules adopted by the board 103501
of building standards pursuant to section 3781.10 of the Revised 103502
Code or by the department of commerce pursuant to Chapter 3703. of 103503
the Revised Code. This division does not impair or restrict the 103504
power of municipal corporations under Section 3 of Article XVIII, 103505
Ohio Constitution, to adopt rules concerning the erection, 103506
construction, repair, alteration, and maintenance of buildings and 103507
structures or of establishing standards and providing for the 103508
licensing of specialty contractors pursuant to section 715.27 of 103509
the Revised Code. 103510

A board of county commissioners, pursuant to this division, 103511
may require all electrical contractors and heating, ventilating, 103512
and air conditioning contractors, other than those who hold a 103513
valid and unexpired license issued pursuant to Chapter 4740. of 103514
the Revised Code, to successfully complete an examination, test, 103515
or demonstration of technical skills, and may impose a fee and 103516
additional requirements for a license to engage in their 103517
respective occupations within the jurisdiction of the board's 103518
rules under this division. 103519

(C) No board of county commissioners shall require any 103520
specialty contractor who holds a valid and unexpired license 103521
issued pursuant to Chapter 4740. of the Revised Code to 103522
successfully complete an examination, test, or demonstration of 103523

technical skills in order to engage in the type of contracting for 103524
which the license is held, within the unincorporated areas of the 103525
county and within any municipal corporation whose legislative 103526
authority has contracted with the board for the enforcement of 103527
county regulations within the municipal corporation, pursuant to 103528
section 307.15 of the Revised Code. 103529

(D) A board may impose a fee for registration of a specialty 103530
contractor who holds a valid and unexpired license issued pursuant 103531
to Chapter 4740. of the Revised Code before that specialty 103532
contractor may engage in the type of contracting for which the 103533
license is held within the unincorporated areas of the county and 103534
within any municipal corporation whose legislative authority has 103535
contracted with the board for the enforcement of county 103536
regulations within the municipal corporation, pursuant to section 103537
307.15 of the Revised Code, provided that the fee is the same for 103538
all specialty contractors who wish to engage in that type of 103539
contracting. If a board imposes such a fee, the board immediately 103540
shall permit a specialty contractor who presents proof of holding 103541
a valid and unexpired license and pays the required fee to engage 103542
in the type of contracting for which the license is held within 103543
the unincorporated areas of the county and within any municipal 103544
corporation whose legislative authority has contracted with the 103545
board for the enforcement of county regulations within the 103546
municipal corporation, pursuant to section 307.15 of the Revised 103547
Code. 103548

(E) The political subdivision associated with each municipal, 103549
township, and county building department the board of building 103550
standards certifies pursuant to division (E) of section 3781.10 of 103551
the Revised Code may prescribe fees to be paid by persons, 103552
political subdivisions, or any department, agency, board, 103553
commission, or institution of the state, for the acceptance and 103554
approval of plans and specifications, and for the making of 103555

inspections, pursuant to sections 3781.03 and 3791.04 of the Revised Code. 103556
103557

(F) Each political subdivision that prescribes fees pursuant to division (E) of this section shall collect, on behalf of the board of building standards, fees equal to the following: 103558
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103560

(1) Three per cent of the fees the political subdivision collects in connection with nonresidential buildings; 103561
103562

(2) One per cent of the fees the political subdivision collects in connection with residential buildings. 103563
103564

(G)(1) The board shall adopt rules, in accordance with Chapter 119. of the Revised Code, specifying the manner in which the fee assessed pursuant to division (F) of this section shall be collected and remitted monthly to the board. The board shall pay the fees into the state treasury to the credit of the industrial compliance operating fund created in section 121.084 of the Revised Code. 103565
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(2) All money credited to the industrial compliance operating fund under this division shall be used exclusively for the following: 103572
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103574

(a) Operating costs of the board; 103575

(b) Providing services, including educational programs, for the building departments that are certified by the board pursuant to division (E) of section 3781.10 of the Revised Code; 103576
103577
103578

(c) Paying the expenses of the residential construction advisory committee, including the expenses of committee members as provided in section 4740.14 of the Revised Code. 103579
103580
103581

(d) Implementation of the program established by division (L) of section 3781.10 of the Revised Code. 103582
103583

(H) A board of county commissioners that adopts rules providing for the licensing of electrical and heating, 103584
103585

ventilating, and air conditioning contractors, pursuant to 103586
division (B) of this section, may accept, for purposes of 103587
satisfying the requirements of rules adopted under that division, 103588
a valid and unexpired license issued pursuant to Chapter 4740. of 103589
the Revised Code that is held by an electrical or heating, 103590
ventilating, and air conditioning contractor, for the 103591
construction, replacement, maintenance, or repair of one-family, 103592
two-family, or three-family dwelling houses or accessory 103593
structures incidental to those dwelling houses. 103594

(I) A board of county commissioners shall not register a 103595
specialty contractor who is required to hold a license under 103596
Chapter 4740. of the Revised Code but does not hold a valid 103597
license issued under that chapter. 103598

(J) If a board of county commissioners regulates a 103599
profession, occupation, or occupational activity under this 103600
section, the board shall comply with Chapter 4796. of the Revised 103601
Code. 103602

(K) As used in this section, "specialty contractor" means a 103603
heating, ventilating, and air conditioning contractor, 103604
refrigeration contractor, electrical contractor, plumbing 103605
contractor, or hydronics contractor, as those contractors are 103606
described in Chapter 4740. of the Revised Code. 103607

Sec. 4735.07. (A) The superintendent of real estate, with the 103608
consent of the Ohio real estate commission, may enter into 103609
agreements with recognized national testing services to administer 103610
the real estate broker's examination under the superintendent's 103611
supervision and control, consistent with the requirements of this 103612
chapter as to the contents of such examination. 103613

(B) No applicant for a real estate broker's license shall 103614
take the broker's examination who has not established to the 103615
satisfaction of the superintendent that the applicant: 103616

- (1) Is honest and truthful; 103617
- (2)(a) Has not been convicted of a disqualifying offense as 103618
determined in accordance with section 9.79 of the Revised Code; 103619
- (b) Has not been finally adjudged by a court to have violated 103620
any municipal, state, or federal civil rights laws relevant to the 103621
protection of purchasers or sellers of real estate or, if the 103622
applicant has been so adjudged, at least two years have passed 103623
since the court decision and the superintendent has disregarded 103624
the adjudication because the applicant has proven, by a 103625
preponderance of the evidence, that the applicant's activities and 103626
employment record since the adjudication show that the applicant 103627
is honest and truthful, and there is no basis in fact for 103628
believing that the applicant will again violate the laws involved. 103629
- (3) Has not, during any period in which the applicant was 103630
licensed under this chapter, violated any provision of, or any 103631
rule adopted pursuant to, this chapter, or, if the applicant has 103632
violated any such provision or rule, has established to the 103633
satisfaction of the superintendent that the applicant will not 103634
again violate such provision or rule; 103635
- (4) Is at least eighteen years of age; 103636
- (5) Has been a licensed real estate broker or salesperson for 103637
at least ~~two years; during at least~~ two of the five years 103638
preceding the person's application, ~~has worked as a licensed real~~ 103639
~~estate broker or salesperson for an average of at least thirty~~ 103640
~~hours per week;~~ and has completed one of the following: 103641
- (a) At least twenty real estate transactions, in which 103642
property was sold for another by the applicant while acting in the 103643
capacity of a real estate broker or salesperson; 103644
- (b) Such equivalent experience as is defined by rules adopted 103645
by the commission. 103646

(6)(a) If licensed as a real estate salesperson prior to 103647
August 1, 2001, successfully has completed at an institution of 103648
higher education all of the following credit-eligible courses by 103649
either classroom instruction or distance education: 103650

(i) Thirty hours of instruction in real estate practice; 103651

(ii) Thirty hours of instruction that includes the subjects 103652
of Ohio real estate law, municipal, state, and federal civil 103653
rights law, new case law on housing discrimination, desegregation 103654
issues, and methods of eliminating the effects of prior 103655
discrimination. If feasible, the instruction in Ohio real estate 103656
law shall be taught by a member of the faculty of an accredited 103657
law school. If feasible, the instruction in municipal, state, and 103658
federal civil rights law, new case law on housing discrimination, 103659
desegregation issues, and methods of eliminating the effects of 103660
prior discrimination shall be taught by a staff member of the Ohio 103661
civil rights commission who is knowledgeable with respect to those 103662
subjects. The requirements of this division do not apply to an 103663
applicant who is admitted to practice before the supreme court. 103664

(iii) Thirty hours of instruction in real estate appraisal; 103665

(iv) Thirty hours of instruction in real estate finance; 103666

(v) Three quarter hours, or its equivalent in semester hours, 103667
in financial management; 103668

(vi) Three quarter hours, or its equivalent in semester 103669
hours, in human resource or personnel management; 103670

(vii) Three quarter hours, or its equivalent in semester 103671
hours, in applied business economics; 103672

(viii) Three quarter hours, or its equivalent in semester 103673
hours, in business law. 103674

(b) If licensed as a real estate salesperson on or after 103675
August 1, 2001, successfully has completed at an institution of 103676

higher education all of the following credit-eligible courses by 103677
either classroom instruction or distance education: 103678

(i) Forty hours of instruction in real estate practice; 103679

(ii) Forty hours of instruction that includes the subjects of 103680
Ohio real estate law, municipal, state, and federal civil rights 103681
law, new case law on housing discrimination, desegregation issues, 103682
and methods of eliminating the effects of prior discrimination. If 103683
feasible, the instruction in Ohio real estate law shall be taught 103684
by a member of the faculty of an accredited law school. If 103685
feasible, the instruction in municipal, state, and federal civil 103686
rights law, new case law on housing discrimination, desegregation 103687
issues, and methods of eliminating the effects of prior 103688
discrimination shall be taught by a staff member of the Ohio civil 103689
rights commission who is knowledgeable with respect to those 103690
subjects. The requirements of this division do not apply to an 103691
applicant who is admitted to practice before the supreme court. 103692

(iii) Twenty hours of instruction in real estate appraisal; 103693

(iv) Twenty hours of instruction in real estate finance; 103694

(v) The training in the amount of hours specified under 103695
divisions (B)(6)(a)(v), (vi), (vii), and (viii) of this section. 103696

(c) Division (B)(6)(a) or (b) of this section does not apply 103697
to any applicant who holds a valid real estate salesperson's 103698
license issued prior to January 2, 1972. Divisions (B)(6)(a)(v), 103699
(vi), (vii), and (viii) or division (B)(6)(b)(v) of this section 103700
do not apply to any applicant who holds a valid real estate 103701
salesperson's license issued prior to January 3, 1984. 103702

(d) Divisions (B)(6)(a)(iii) and (B)(6)(b)(iii) of this 103703
section do not apply to any new applicant who holds a valid Ohio 103704
real estate appraiser license or certificate issued prior to the 103705
date of application for a real estate broker's license. 103706

(e) Successful completion of the instruction required by 103707
division (B)(6)(a) or (b) of this section shall be determined by 103708
the law in effect on the date the instruction was completed. 103709

(7) If licensed as a real estate salesperson on or after 103710
January 3, 1984, satisfactorily has completed a minimum of two 103711
years of post-secondary education, or its equivalent in semester 103712
or quarter hours, at an institution of higher education, and has 103713
fulfilled the requirements of division (B)(6)(a) or (b) of this 103714
section. The requirements of division (B)(6)(a) or (b) of this 103715
section may be included in the two years of post-secondary 103716
education, or its equivalent in semester or quarter hours, that is 103717
required by this division. The post-secondary education 103718
requirement may be satisfied by completing the credit-eligible 103719
courses using either classroom instruction or distance education. 103720
Successful completion of any course required by this section shall 103721
be determined by the law in effect on the date the course was 103722
completed. 103723

(C) Each applicant for a broker's license shall be examined 103724
in the principles of real estate practice, Ohio real estate law, 103725
and financing and appraisal, and as to the duties of real estate 103726
brokers and real estate salespersons, the applicant's knowledge of 103727
real estate transactions and instruments relating to them, and the 103728
canons of business ethics pertaining to them. The commission from 103729
time to time shall promulgate such canons and cause them to be 103730
published in printed form. 103731

(D) Examinations shall be administered with reasonable 103732
accommodations in accordance with the requirements of the 103733
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 103734
U.S.C. 12101. The contents of an examination shall be consistent 103735
with the requirements of division (B)(6) of this section and with 103736
the other specific requirements of this section. An applicant who 103737
has completed the requirements of division (B)(6) of this section 103738

at the time of application shall be examined no later than twelve 103739
months after the applicant is notified of admission to the 103740
examination. 103741

(E) Notwithstanding any provision of this chapter or Chapter 103742
4796. of the Revised Code to the contrary, the superintendent 103743
shall issue a real estate broker's license in accordance with 103744
Chapter 4796. of the Revised Code to an applicant if either of the 103745
following applies: 103746

(1) The applicant satisfies the requirements specified in 103747
section 4796.03 or 4796.04 of the Revised Code, as applicable, and 103748
all of the following apply: 103749

(a) The applicant has worked as a real estate broker for at 103750
least two of the five years immediately preceding the date of the 103751
application. 103752

(b) The applicant has completed not less than twenty real 103753
estate transactions in which the applicant acted in the capacity 103754
of a real estate broker. 103755

(c) The applicant passes an examination on Ohio real estate 103756
law. 103757

(2) The applicant satisfies the requirements specified in 103758
section 4796.05 of the Revised Code and divisions (E)(1)(b) and 103759
(c) of this section. 103760

(F) There shall be no limit placed on the number of times an 103761
applicant may retake the examination. 103762

(G)(1) Not earlier than the date of issue of a real estate 103763
broker's license to a licensee, but not later than twelve months 103764
after the date of issue of a real estate broker's license to a 103765
licensee, the licensee shall submit proof satisfactory to the 103766
superintendent, on forms made available by the superintendent, of 103767
the completion of ten hours of instruction that shall be completed 103768

in schools, seminars, and educational institutions that are 103769
approved by the commission. Approval of the curriculum and 103770
providers shall be granted according to rules adopted pursuant to 103771
section 4735.10 of the Revised Code and may be taken through 103772
classroom instruction or distance education. 103773

If the required proof of completion is not submitted to the 103774
superintendent within twelve months of the date a license is 103775
issued under this section, the license of the real estate broker 103776
is suspended automatically without the taking of any action by the 103777
superintendent. The broker's license shall not be reactivated by 103778
the superintendent until it is established, to the satisfaction of 103779
the superintendent, that the requirements of this division have 103780
been met and that the licensee is in compliance with this chapter. 103781
A licensee's license is revoked automatically without the taking 103782
of any action by the superintendent if the licensee fails to 103783
submit proof of completion of the education requirements specified 103784
under division (G)(1) of this section within twelve months of the 103785
date the license is suspended. 103786

(2) If the license of a real estate broker is suspended 103787
pursuant to division (G)(1) of this section, the license of a real 103788
estate salesperson associated with that broker correspondingly is 103789
suspended pursuant to division (H) of section 4735.20 of the 103790
Revised Code. However, the suspended license of the associated 103791
real estate salesperson shall be reactivated and no fee shall be 103792
charged or collected for that reactivation if all of the following 103793
occur: 103794

(a) That broker subsequently submits satisfactory proof to 103795
the superintendent that the broker has complied with the 103796
requirements of division (G)(1) of this section and requests that 103797
the broker's license as a real estate broker be reactivated; 103798

(b) The superintendent then reactivates the broker's license 103799
as a real estate broker; 103800

(c) The associated real estate salesperson intends to 103801
continue to be associated with that broker and otherwise is in 103802
compliance with this chapter. 103803

Sec. 4735.09. (A) Application for a license as a real estate 103804
salesperson shall be made to the superintendent of real estate on 103805
forms furnished by the superintendent and signed by the applicant. 103806
The application shall be in the form prescribed by the 103807
superintendent and shall contain such information as is required 103808
by this chapter and the rules of the Ohio real estate commission. 103809
The application shall be accompanied by the recommendation of the 103810
real estate broker with whom the applicant is associated or with 103811
whom the applicant intends to be associated, certifying that the 103812
applicant is honest and truthful, and has not been finally 103813
adjudged by a court to have violated any municipal, state, or 103814
federal civil rights laws relevant to the protection of purchasers 103815
or sellers of real estate, which conviction or adjudication the 103816
applicant has not disclosed to the superintendent, and 103817
recommending that the applicant be admitted to the real estate 103818
salesperson examination. 103819

(B) A fee of eighty-one dollars shall accompany the 103820
application, which fee includes the fee for the initial year of 103821
the licensing period, if a license is issued. The initial year of 103822
the licensing period commences at the time the license is issued 103823
and ends on the applicant's first birthday thereafter. The 103824
application fee shall be nonrefundable. A fee of eighty-one 103825
dollars shall be charged by the superintendent for each successive 103826
application made by the applicant. ~~One dollar of each application~~ 103827
~~fee shall be credited to the real estate education and research~~ 103828
~~fund.~~ 103829

(C) There shall be no limit placed on the number of times an 103830
applicant may retake the examination. 103831

(D) The superintendent, with the consent of the commission, 103832
may enter into an agreement with a recognized national testing 103833
service to administer the real estate salesperson's examination 103834
under the superintendent's supervision and control, consistent 103835
with the requirements of this chapter as to the contents of the 103836
examination. 103837

If the superintendent, with the consent of the commission, 103838
enters into an agreement with a national testing service to 103839
administer the real estate salesperson's examination, the 103840
superintendent may require an applicant to pay the testing 103841
service's examination fee directly to the testing service. If the 103842
superintendent requires the payment of the examination fee 103843
directly to the testing service, each applicant shall submit to 103844
the superintendent a processing fee in an amount determined by the 103845
Ohio real estate commission pursuant to division (A)(1) of section 103846
4735.10 of the Revised Code. 103847

(E) The superintendent shall issue a real estate 103848
salesperson's license when satisfied that the applicant has 103849
received a passing score on each portion of the salesperson's 103850
examination as determined by rule by the real estate commission. 103851

(F) No applicant for a salesperson's license shall take the 103852
salesperson's examination who has not established to the 103853
satisfaction of the superintendent that the applicant: 103854

(1) Is honest and truthful; 103855

(2)(a) Has not been convicted of a disqualifying offense as 103856
determined in accordance with section 9.79 of the Revised Code; 103857

(b) Has not been finally adjudged by a court to have violated 103858
any municipal, state, or federal civil rights laws relevant to the 103859
protection of purchasers or sellers of real estate or, if the 103860
applicant has been so adjudged, at least two years have passed 103861
since the court decision and the superintendent has disregarded 103862

the adjudication because the applicant has proven, by a 103863
preponderance of the evidence, that the applicant is honest and 103864
truthful, and there is no basis in fact for believing that the 103865
applicant again will violate the laws involved. 103866

(3) Has not, during any period in which the applicant was 103867
licensed under this chapter, violated any provision of, or any 103868
rule adopted pursuant to this chapter, or, if the applicant has 103869
violated such provision or rule, has established to the 103870
satisfaction of the superintendent that the applicant will not 103871
again violate such provision or rule; 103872

(4) Is at least eighteen years of age; 103873

(5) If born after the year 1950, has a high school diploma or 103874
a certificate of high school equivalence issued by the department 103875
of education; 103876

(6) Has successfully completed at an institution of higher 103877
education all of the following credit-eligible courses by either 103878
classroom instruction or distance education: 103879

(a) Forty hours of instruction in real estate practice; 103880

(b) Forty hours of instruction that includes the subjects of 103881
Ohio real estate law, municipal, state, and federal civil rights 103882
law, new case law on housing discrimination, desegregation issues, 103883
and methods of eliminating the effects of prior discrimination. If 103884
feasible, the instruction in Ohio real estate law shall be taught 103885
by a member of the faculty of an accredited law school. If 103886
feasible, the instruction in municipal, state, and federal civil 103887
rights law, new case law on housing discrimination, desegregation 103888
issues, and methods of eliminating the effects of prior 103889
discrimination shall be taught by a staff member of the Ohio civil 103890
rights commission who is knowledgeable with respect to those 103891
subjects. The requirements of this division do not apply to an 103892
applicant who is admitted to practice before the supreme court. 103893

(c) Twenty hours of instruction in real estate appraisal; 103894

(d) Twenty hours of instruction in real estate finance. 103895

(G)(1) Successful completion of the instruction required by 103896
division (F)(6) of this section shall be determined by the law in 103897
effect on the date the instruction was completed. 103898

(2) Division (F)(6)(c) of this section does not apply to any 103899
new applicant who holds a valid Ohio real estate appraiser license 103900
or certificate issued prior to the date of application for a real 103901
estate salesperson's license. 103902

(H) Only for noncredit course offerings, an institution of 103903
higher education shall obtain approval from the appropriate state 103904
authorizing entity prior to offering a real estate course that is 103905
designed and marketed as satisfying the salesperson license 103906
education requirements of division (F)(6) of this section. The 103907
state authorizing entity may consult with the superintendent in 103908
reviewing the course for compliance with this section. 103909

(I) Any person who has not been licensed as a real estate 103910
salesperson or broker within a four-year period immediately 103911
preceding the person's current application for the salesperson's 103912
examination shall have successfully completed the prelicensure 103913
instruction required by division (F)(6) of this section within a 103914
ten-year period immediately preceding the person's current 103915
application for the salesperson's examination. 103916

(J) Not earlier than the date of issue of a real estate 103917
salesperson's license to a licensee, but not later than twelve 103918
months after the date of issue of a real estate salesperson 103919
license to a licensee, the licensee shall submit proof 103920
satisfactory to the superintendent, on forms made available by the 103921
superintendent, of the completion of twenty hours of instruction 103922
that shall be completed in schools, seminars, and educational 103923
institutions approved by the commission. The instruction shall 103924

include, but is not limited to, current practices relating to 103925
commercial real estate, property management, short sales, and land 103926
contracts; contract law; federal and state programs; economic 103927
conditions; and fiduciary responsibility. Approval of the 103928
curriculum and providers shall be granted according to rules 103929
adopted pursuant to section 4735.10 of the Revised Code and may be 103930
taken through classroom instruction or distance education. 103931

If proof of completion of the required instruction is not 103932
submitted within twelve months of the date a license is issued 103933
under this section, the licensee's license is suspended 103934
automatically without the taking of any action by the 103935
superintendent. The superintendent immediately shall notify the 103936
broker with whom such salesperson is associated of the suspension 103937
of the salesperson's license. A salesperson whose license has been 103938
suspended under this division shall have twelve months after the 103939
date of the suspension of the salesperson's license to submit 103940
proof of successful completion of the instruction required under 103941
this division. No such license shall be reactivated by the 103942
superintendent until it is established, to the satisfaction of the 103943
superintendent, that the requirements of this division have been 103944
met and that the licensee is in compliance with this chapter. A 103945
licensee's license is revoked automatically without the taking of 103946
any action by the superintendent when the licensee fails to submit 103947
the required proof of completion of the education requirements 103948
under division (I) of this section within twelve months of the 103949
date the license is suspended. 103950

(K) Examinations shall be administered with reasonable 103951
accommodations in accordance with the requirements of the 103952
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 103953
U.S.C. 12189. The contents of an examination shall be consistent 103954
with the classroom instructional requirements of division (F)(6) 103955
of this section. An applicant who has completed the classroom 103956

instructional requirements of division (F)(6) of this section at 103957
the time of application shall be examined no later than twelve 103958
months after the applicant is notified of the applicant's 103959
admission to the examination. 103960

(L) Notwithstanding any provision of this chapter or Chapter 103961
4796. of the Revised Code to the contrary, the superintendent 103962
shall issue a real estate salesperson's license in accordance with 103963
Chapter 4796. of the Revised Code to an applicant if both of the 103964
following apply: 103965

(1) The applicant satisfies the requirements specified in 103966
section 4796.03, 4796.04, or 4796.05 of the Revised Code, as 103967
applicable. 103968

(2) The applicant passes an examination on Ohio real estate 103969
law. 103970

Sec. 4755.411. The physical therapy section of the Ohio 103971
occupational therapy, physical therapy, and athletic trainers 103972
board shall adopt rules in accordance with Chapter 119. of the 103973
Revised Code pertaining to the following: 103974

(A) Fees for the verification of a license and license 103975
reinstatement, and other fees established by the section; 103976

(B) Provisions for the section's government and control of 103977
its actions and business affairs; 103978

(C) Minimum curricula for physical therapy education programs 103979
that prepare graduates to be licensed in this state as physical 103980
therapists and physical therapist assistants; 103981

(D) Eligibility criteria to take the examinations required 103982
under sections 4755.43 and 4755.431 of the Revised Code; 103983

(E) The form and manner for filing applications for licensure 103984
with the section; 103985

(F) For purposes of section 4755.46 of the Revised Code, all	103986
of the following:	103987
(1) A schedule regarding when licenses to practice as a	103988
physical therapist and physical therapist assistant expire during	103989
a biennium;	103990
(2) An additional fee, not to exceed thirty-five dollars,	103991
that may be imposed if a licensee files a late application for	103992
renewal;	103993
(3) The conditions under which the license of a person who	103994
files a late application for renewal will be reinstated.	103995
(G) The issuance, renewal, suspension, and permanent	103996
revocation of a license and the conduct of hearings;	103997
(H) Appropriate ethical conduct in the practice of physical	103998
therapy;	103999
(I) Requirements, including continuing education	104000
requirements, for restoring licenses that are inactive or have	104001
lapsed through failure to renew;	104002
(J) Conditions that may be imposed for reinstatement of a	104003
license following suspension pursuant to section 4755.47 of the	104004
Revised Code;	104005
(K) For purposes of sections 4755.45 and 4755.451 of the	104006
Revised Code, both of the following:	104007
(1) Identification of the credentialing organizations from	104008
which the section will accept <u>education</u> equivalency evaluations	104009
for foreign physical therapist education and foreign physical	104010
therapist assistant education. The physical therapy section shall	104011
identify only those credentialing organizations that use a course	104012
evaluation tool or form approved by the physical therapy section.	104013
(2) Evidence, other than the evaluations described in	104014
division (K)(1) of this section, that the section will consider	104015

for purposes of evaluating whether an applicant's education is 104016
reasonably equivalent to the educational requirements that were in 104017
force for licensure in this state as a physical therapist or 104018
physical therapist assistant on the date of either of the 104019
following: 104020

(a) The applicant's initial licensure or registration in 104021
another country; 104022

(b) The applicant's completion of a physical therapist 104023
education program or physical therapist assistant education 104024
program if the country in which the education program was 104025
completed does not issue a physical therapist or physical 104026
therapist assistant license or registration. 104027

(L) Standards of conduct for physical therapists and physical 104028
therapist assistants, including requirements for supervision, 104029
delegation, and practicing with or without referral or 104030
prescription; 104031

(M) Appropriate display of a license; 104032

(N) Procedures for a licensee to follow in notifying the 104033
section within thirty days of a change in name or address, or 104034
both; 104035

(O) The amount and content of corrective action courses 104036
required by the board under section 4755.47 of the Revised Code. 104037

Sec. 4755.45. (A) The physical therapy section of the Ohio 104038
occupational therapy, physical therapy, and athletic trainers 104039
board shall issue to an applicant a license to practice as a 104040
physical therapist without requiring the applicant to have passed 104041
the national examination for physical therapists described in 104042
division (A) of section 4755.43 of the Revised Code within one 104043
year of filing an application described in section 4755.42 of the 104044
Revised Code if all of the following conditions are ~~truemet~~: 104045

- (1) The applicant presents evidence satisfactory to the physical therapy section that the applicant received a score on the national physical therapy examination described in division (A) of section 4755.43 of the Revised Code that would have been a passing score according to the board in the year the applicant sat for the examination; 104046
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- (2) The applicant presents evidence satisfactory to the physical therapy section that the applicant passed the jurisprudence examination described in division (B) of section 4755.43 of the Revised Code; 104052
104053
104054
104055
- (3) The applicant ~~holds~~ either: 104056
- (a) Holds a current and valid license or registration to practice physical therapy in another country; 104057
104058
- (b) Completed a physical therapist education program in a country that does not issue a physical therapist license or registration. 104059
104060
104061
- (4) Subject to division (B) of this section, the applicant can demonstrate that the applicant's education is reasonably equivalent to the educational requirements that were in force for licensure in this state on the date of either of the following: 104062
104063
104064
104065
- (a) The applicant's initial licensure or registration in the other country; 104066
104067
- (b) The applicant's completion of a physical therapist education program if the country in which the education program was completed does not issue a physical therapist license or registration. 104068
104069
104070
104071
- (5) The applicant pays the fee described in division (B) of section 4755.42 of the Revised Code; 104072
104073
- (6) The applicant is not in violation of any section of this chapter or rule adopted under it. 104074
104075

(B) ~~For purposes of division (A)(4) of this section, if~~ If, 104076
after receiving the results of an education equivalency evaluation 104077
from a credentialing organization identified by the section 104078
pursuant to rules adopted under section 4755.411 of the Revised 104079
Code, the section determines that, regardless of the results of 104080
the evaluation, the applicant's education ~~is~~ does not ~~reasonably~~ 104081
~~equivalent to the educational requirements that were in force for~~ 104082
~~licensure in this state on the date of the applicant's initial~~ 104083
~~licensure or registration in a foreign country~~ meet the conditions 104084
of division (A)(4) of this section, the section shall send a 104085
written notice to the applicant stating that the section is 104086
denying the applicant's application and stating the specific 104087
reason why the section is denying the applicant's application. The 104088
section shall send the notice to the applicant through certified 104089
mail within thirty days after the section makes that 104090
determination. 104091

Sec. 4755.451. (A) The physical therapy section of the Ohio 104092
occupational therapy, physical therapy, and athletic trainers 104093
board shall issue to an applicant a license as a physical 104094
therapist assistant without requiring the applicant to have passed 104095
the national examination for physical therapist assistants 104096
described in division (A) of section 4755.431 of the Revised Code 104097
within one year of filing an application described in section 104098
4755.421 of the Revised Code if all of the following conditions 104099
are ~~true~~ met: 104100

(1) The applicant presents evidence satisfactory to the 104101
physical therapy section that the applicant received a score on 104102
the national physical therapy examination described in division 104103
(A) of section 4755.431 of the Revised Code that would have been a 104104
passing score according to the board in the year the applicant sat 104105
for the examination; 104106

(2) The applicant presents evidence satisfactory to the physical therapy section that the applicant passed the jurisprudence examination described in division (B) of section 4755.431 of the Revised Code;

(3) The applicant ~~holds~~ either:

(a) Holds a current and valid license or registration to practice as a physical therapist assistant in another country;

(b) Completed a physical therapist assistant education program in a country that does not issue a physical therapist assistant license or registration.

(4) Subject to division (B) of this section, the applicant can demonstrate that the applicant's education is reasonably equivalent to the educational requirements that were in force for licensure in this state on the date of either of the following:

(a) The applicant's initial licensure or registration in the other country;

(b) The applicant's completion of a physical therapist assistant education program if the country in which the education program was completed does not issue a physical therapist assistant license or registration.

(5) The applicant pays the fee described in division (B) of section 4755.421 of the Revised Code;

(6) The applicant is not in violation of any section of this chapter or rule adopted under it.

(B) ~~For purposes of division (A)(4) of this section, if~~ If, after receiving the results of an education equivalency evaluation from a credentialing organization identified by the section pursuant to rules adopted under section 4755.411 of the Revised Code, the section determines that, regardless of the results of the evaluation, the applicant's education ~~is~~ does not ~~reasonably~~

~~equivalent to the educational requirements that were in force for~~ 104137
~~licensure in this state on the date of the applicant's initial~~ 104138
~~licensure or registration in a foreign country~~ meet the conditions 104139
of division (A)(4) of this section, the section shall send a 104140
written notice to the applicant stating that the section is 104141
denying the applicant's application and stating the specific 104142
reason why the section is denying the applicant's application. The 104143
section shall send the notice to the applicant through certified 104144
mail within thirty days after the section makes the determination. 104145

Sec. 4755.482. (A) Except as otherwise provided in divisions 104146
(B) and (C) of this section, a person shall not teach a physical 104147
therapy theory and procedures course in physical therapy education 104148
without obtaining a license as a physical therapist from the 104149
physical therapy section of the Ohio occupational therapy, 104150
physical therapy, and athletic trainers board. 104151

(B) A nonresident person who is registered or licensed as a 104152
physical therapist under the laws of another state shall not teach 104153
a physical therapy theory and procedures course in physical 104154
therapy education for more than one year without obtaining a 104155
license as a physical therapist from the physical therapy section, 104156
and the section shall not require that person to obtain a license 104157
in accordance with Chapter 4796. of the Revised Code to teach as 104158
described in this division. 104159

(C) A person who is registered or licensed as a physical 104160
therapist under the laws of a foreign country and is not 104161
registered or licensed as a physical therapist in any state who 104162
wishes to teach a physical therapy theory and procedures course in 104163
physical therapy education in this state, or an institution that 104164
wishes the person to teach such a course at the institution, may 104165
apply to the physical therapy section to request authorization for 104166
the person to teach such a course for a period of not more than 104167

one year. Any member of the physical therapy section may approve 104168
the person's or institution's application. No person described in 104169
this division shall teach such a course for longer than one year 104170
without obtaining a license from the physical therapy section. 104171

(D) The physical therapy section may investigate any person 104172
who allegedly has violated this section. The physical therapy 104173
section has the same powers to investigate an alleged violation of 104174
this section as those powers specified in section 4755.02 of the 104175
Revised Code. If, after investigation, the physical therapy 104176
section determines that reasonable evidence exists that a person 104177
has violated this section, within seven days after that 104178
determination, the physical therapy section shall ~~send~~ serve a 104179
written notice to that person in the same manner as prescribed in 104180
~~section~~ sections 119.05 and 119.07 of the Revised Code for 104181
licensees, except that the notice shall specify that a hearing 104182
will be held and specify the date, time, and place of the hearing. 104183

The physical therapy section shall hold a hearing regarding 104184
the alleged violation in the same manner prescribed for an 104185
adjudication hearing under section 119.09 of the Revised Code. If 104186
the physical therapy section, after the hearing, determines a 104187
violation has occurred, the physical therapy section may 104188
discipline the person in the same manner as the physical therapy 104189
section disciplines licensees under section 4755.47 of the Revised 104190
Code. The physical therapy section's determination is an order 104191
that the person may appeal in accordance with section 119.12 of 104192
the Revised Code. 104193

If a person who allegedly committed a violation of this 104194
section fails to appear for a hearing, the physical therapy 104195
section may request the court of common pleas of the county where 104196
the alleged violation occurred to compel the person to appear 104197
before the physical therapy section for a hearing. If the physical 104198
therapy section assesses a person a civil penalty for a violation 104199

of this section and the person fails to pay that civil penalty 104200
within the time period prescribed by the physical therapy section, 104201
the physical therapy section shall forward to the attorney general 104202
the name of the person and the amount of the civil penalty for the 104203
purpose of collecting that civil penalty. In addition to the civil 104204
penalty assessed pursuant to this section, the person also shall 104205
pay any fee assessed by the attorney general for collection of the 104206
civil penalty. 104207

Sec. 4763.05. (A)(1)(a) A person shall make application for 104208
an initial state-certified general real estate appraiser 104209
certificate, an initial state-certified residential real estate 104210
appraiser certificate, an initial state-licensed residential real 104211
estate appraiser license, or an initial state-registered real 104212
estate appraiser assistant registration in writing to the 104213
superintendent of real estate on a form the superintendent 104214
prescribes. The application shall include the address of the 104215
applicant's principal place of business and all other addresses at 104216
which the applicant currently engages in the business of 104217
performing real estate appraisals and the address of the 104218
applicant's current residence. The superintendent shall retain the 104219
applicant's current residence address in a separate record which 104220
does not constitute a public record for purposes of section 149.43 104221
of the Revised Code. The application shall indicate whether the 104222
applicant seeks certification as a general real estate appraiser 104223
or as a residential real estate appraiser, licensure as a 104224
residential real estate appraiser, or registration as a real 104225
estate appraiser assistant and be accompanied by the prescribed 104226
examination and certification, registration, or licensure fees set 104227
forth in section 4763.09 of the Revised Code. The application also 104228
shall include a pledge, signed by the applicant, that the 104229
applicant will comply with the standards set forth in this 104230
chapter; and a statement that the applicant understands the types 104231

of misconduct for which disciplinary proceedings may be initiated 104232
against the applicant pursuant to this chapter. 104233

(b) Upon the filing of an application and payment of any 104234
examination and certification, registration, or licensure fees, 104235
the superintendent of real estate shall request the superintendent 104236
of the bureau of criminal identification and investigation, or a 104237
vendor approved by the bureau, to conduct a criminal records check 104238
based on the applicant's fingerprints in accordance with section 104239
109.572 of the Revised Code. Notwithstanding division ~~(K)~~(L) of 104240
section 121.08 of the Revised Code, the superintendent of real 104241
estate shall request that criminal record information from the 104242
federal bureau of investigation be obtained as part of the 104243
criminal records check. Any fee required under division (C)(3) of 104244
section 109.572 of the Revised Code shall be paid by the 104245
applicant. 104246

(2) For purposes of providing funding for the real estate 104247
appraiser recovery fund established by section 4763.16 of the 104248
Revised Code, the real estate appraiser board shall levy an 104249
assessment against each person issued an initial certificate, 104250
registration, or license and against current licensees, 104251
registrants, and certificate holders, as required by board rule. 104252
The assessment is in addition to the application and examination 104253
fees for initial applicants required by division (A)(1) of this 104254
section and the renewal fees required for current certificate 104255
holders, registrants, and licensees. The superintendent of real 104256
estate shall deposit the assessment into the state treasury to the 104257
credit of the real estate appraiser recovery fund. The assessment 104258
for initial certificate holders, registrants, and licensees shall 104259
be paid prior to the issuance of a certificate, registration, or 104260
license, and for current certificate holders, registrants, and 104261
licensees, at the time of renewal. 104262

(B) An applicant for an initial general real estate appraiser certificate, residential real estate appraiser certificate, or residential real estate appraiser license shall possess experience in real estate appraisal as the board prescribes by rule. In addition to any other information required by the board, the applicant shall furnish, under oath, a detailed listing of the appraisal reports or file memoranda for each year for which experience is claimed and, upon request of the superintendent or the board, shall make available for examination a sample of the appraisal reports prepared by the applicant in the course of the applicant's practice.

(C) An applicant for an initial certificate, registration, or license shall be at least eighteen years of age, honest, and truthful and shall present satisfactory evidence to the superintendent that the applicant has successfully completed any education requirements the board prescribes by rule.

(D) An applicant for an initial general real estate appraiser or residential real estate appraiser certificate or residential real estate appraiser license shall take and successfully complete a written examination in order to qualify for the certificate or license.

The board shall prescribe the examination requirements by rule.

(E)(1) The board shall issue a residential real estate appraiser license, a residential real estate appraiser certificate, real estate appraiser assistant registration, or a general real estate appraiser certificate in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

(a) The applicant holds a certificate, license, or registration in another state.

(b) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a residential real estate appraiser, real estate appraiser assistant, or general real estate appraiser in a state that does not issue that certificate, license, or registration.

(2)(a) The board shall recognize on a temporary basis a certification or license issued in another state and shall register on a temporary basis an appraiser who is certified or licensed in another state if all of the following apply:

(i) The temporary registration is to perform an appraisal assignment that is part of a federally related transaction.

(ii) The appraiser's business in this state is of a temporary nature.

(iii) The appraiser registers with the board pursuant to this division.

(b) An appraiser who is certified or licensed in another state shall register with the board for temporary practice before performing an appraisal assignment in this state in connection with a federally related transaction.

(c) The board shall adopt rules relating to registration for the temporary recognition of certification and licensure of appraisers from another state. The registration for temporary recognition of certified or licensed appraisers from another state shall not authorize completion of more than one appraisal assignment in this state. The board shall not issue more than two registrations for temporary practice to any one applicant in any calendar year. The application for obtaining a registration under this division may include any of the following:

(i) A pledge, signed by the applicant, that the applicant will comply with the standards set forth in this chapter;

(ii) A statement that the applicant understands the types of misconduct for which disciplinary proceedings may be initiated against the applicant pursuant to this chapter;

(iii) A consent to service of process.

(d) A nonresident appraiser whose certification or license has been recognized by the board on a temporary basis and who is acting in accordance with this section and the board's rules is not required to obtain a license in accordance with Chapter 4796. of the Revised Code.

(F) The superintendent shall not issue a certificate, registration, or license to, or recognize on a temporary basis an appraiser from another state that is a corporation, partnership, or association. This prohibition shall not be construed to prevent a certificate holder or licensee from signing an appraisal report on behalf of a corporation, partnership, or association.

(G) Every person licensed, registered, or certified under this chapter shall notify the superintendent, on a form provided by the superintendent, of a change in the address of the licensee's, registrant's, or certificate holder's principal place of business or residence within thirty days of the change. If a licensee's, registrant's, or certificate holder's license, registration, or certificate is revoked or not renewed, the licensee, registrant, or certificate holder immediately shall return the annual and any renewal certificate, registration, or license to the superintendent.

(H)(1) The superintendent shall not issue a certificate, registration, or license to any person, or recognize on a temporary basis an appraiser from another state, who does not meet applicable minimum criteria for state certification, registration, or licensure prescribed by federal law or rule.

(2) The superintendent shall not refuse to issue a general

real estate appraiser certificate, residential real estate 104356
appraiser certificate, residential real estate appraiser license, 104357
or real estate appraiser assistant registration to any person 104358
because of a conviction of or plea of guilty to any criminal 104359
offense unless the refusal is in accordance with section 9.79 of 104360
the Revised Code. 104361

Sec. 4765.11. (A) The state board of emergency medical, fire, 104362
and transportation services shall adopt, and may amend and 104363
rescind, rules in accordance with Chapter 119. of the Revised Code 104364
and divisions (C) and (D) of this section that establish all of 104365
the following: 104366

(1) Procedures for its governance and the control of its 104367
actions and business affairs; 104368

(2) Standards for the performance of emergency medical 104369
services by first responders, emergency medical technicians-basic, 104370
emergency medical technicians-intermediate, and emergency medical 104371
technicians-paramedic; 104372

(3) Application fees for certificates of accreditation, 104373
certificates of approval, certificates to teach, and certificates 104374
to practice, which shall be deposited into the trauma and 104375
emergency medical services fund created in section 4513.263 of the 104376
Revised Code; 104377

(4) Criteria for determining when the application or renewal 104378
fee for a certificate to practice may be waived because an 104379
applicant cannot afford to pay the fee; 104380

(5) Procedures for issuance and renewal of certificates of 104381
accreditation, certificates of approval, certificates to teach, 104382
and certificates to practice, including any measures necessary to 104383
implement section 9.79 of the Revised Code and any procedures 104384
necessary to ensure that adequate notice of renewal is provided in 104385

accordance with division (E) of section 4765.30 of the Revised Code;	104386 104387
(6) Procedures for suspending or revoking certificates of accreditation, certificates of approval, certificates to teach, and certificates to practice;	104388 104389 104390
(7) Grounds for suspension or revocation of a certificate to practice issued under section 4765.30 of the Revised Code and for taking any other disciplinary action against a first responder, EMT-basic, EMT-I, or paramedic;	104391 104392 104393 104394
(8) Procedures for taking disciplinary action against a first responder, EMT-basic, EMT-I, or paramedic;	104395 104396
(9) Standards for certificates of accreditation and certificates of approval;	104397 104398
(10) Qualifications for certificates to teach;	104399
(11) Requirements for a certificate to practice;	104400
(12) The curricula, number of hours of instruction and training, and instructional materials to be used in adult and pediatric emergency medical services training programs and adult and pediatric emergency medical services continuing education programs;	104401 104402 104403 104404 104405
(13) Procedures for conducting courses in recognizing symptoms of life-threatening allergic reactions and in calculating proper dosage levels and administering injections of epinephrine to adult and pediatric patients who suffer life-threatening allergic reactions;	104406 104407 104408 104409 104410
(14) Examinations for certificates to practice;	104411
(15) Procedures for administering examinations for certificates to practice;	104412 104413
(16) Procedures for approving examinations that demonstrate competence to have a certificate to practice renewed without	104414 104415

completing an emergency medical services continuing education program;	104416 104417
(17) Procedures for granting extensions and exemptions of emergency medical services continuing education requirements;	104418 104419
(18) Specifications of the emergency medical services that first responders are authorized to perform under section 4765.35 of the Revised Code, that EMTs-basic are authorized to perform under section 4765.37 of the Revised Code, that EMTs-I are authorized to perform under section 4765.38 of the Revised Code, and that paramedics are authorized to perform under section 4765.39 of the Revised Code;	104420 104421 104422 104423 104424 104425 104426
(19) Standards and procedures for implementing the requirements of section 4765.06 of the Revised Code, including designations of the persons who are required to report information to the board and the types of information to be reported;	104427 104428 104429 104430
(20) Procedures for administering the emergency medical services grant program established under section 4765.07 of the Revised Code;	104431 104432 104433
(21) Procedures consistent with Chapter 119. of the Revised Code for appealing decisions of the board;	104434 104435
(22) Minimum qualifications and peer review and quality improvement requirements for persons who provide medical direction to emergency medical service personnel, including, subject to division (B) of section 4765.42 of the Revised Code, qualifications for a physician to be eligible to serve as the medical director of an emergency medical service organization or a member of its cooperating physician advisory board;	104436 104437 104438 104439 104440 104441 104442
(23) The manner in which a patient, or a patient's parent, guardian, or custodian, may consent to the board releasing identifying information about the patient under division (D) of section 4765.102 of the Revised Code;	104443 104444 104445 104446

(24) Circumstances under which a training program or continuing education program, or portion of either type of program, may be taught by a person who does not hold a certificate to teach issued under section 4765.23 of the Revised Code;

(25) Certification cycles for certificates issued under sections 4765.23 and 4765.30 of the Revised Code and certificates issued by the executive director of the state board of emergency medical, fire, and transportation services under section 4765.55 of the Revised Code that establish a common expiration date for all certificates.

(B) The board may adopt, and may amend and rescind, rules in accordance with Chapter 119. of the Revised Code and divisions (C) and (D) of this section that establish any of the following:

(1) Specifications of information that may be collected under the trauma system registry and incidence reporting system created under section 4765.06 of the Revised Code;

(2) Standards and procedures for implementing any of the recommendations made by any committees of the board or under section 4765.04 of the Revised Code;

(3) Procedures and requirements for conducting background checks on applicants for the issuance and renewal of certificates of accreditation, certificates of approval, certificates to teach, and certificates to practice in accordance with section 109.578 of the Revised Code;

(4) Any other rules necessary to implement this chapter.

(C) In developing and administering rules adopted under this chapter, the state board of emergency medical, fire, and transportation services shall consult with regional directors and regional advisory boards appointed under section 4765.05 of the Revised Code and emphasize the special needs of pediatric and geriatric patients.

(D) On and after April 6, 2023, the executive director shall 104478
not ~~require certification~~ issue to any new applicant a certificate 104479
to practice as an emergency medical services assistant instructor 104480
~~and shall not adopt or enforce rules or issue a certificate~~ 104481
~~regarding the position of an emergency medical services assistant~~ 104482
~~instructor~~. Any emergency medical services assistant instructor 104483
certificate that was issued in accordance with rules adopted under 104484
division (A) of this section prior to April 6, 2023, ~~remain~~ 104485
remains valid ~~only until the expiration date of the certificate,~~ 104486
subject to any conditions or responsibilities of retaining the 104487
validity of that certificate, until the holder of the certificate 104488
allows it to expire or lapse. The certificate ~~shall not~~ may be 104489
renewed by the holder of that certificate. The board shall adopt, 104490
amend, or rescind rules in accordance with Chapter 119. of the 104491
Revised Code in order to effectuate this division. 104492

(E) Except as otherwise provided in this division, before 104493
adopting, amending, or rescinding any rule under this chapter, the 104494
board shall submit the proposed rule to the director of public 104495
safety for review. The director may review the proposed rule for 104496
not more than sixty days after the date it is submitted. If, 104497
within this sixty-day period, the director approves the proposed 104498
rule or does not notify the board that the rule is disapproved, 104499
the board may adopt, amend, or rescind the rule as proposed. If, 104500
within this sixty-day period, the director notifies the board that 104501
the proposed rule is disapproved, the board shall not adopt, 104502
amend, or rescind the rule as proposed unless at least twelve 104503
members of the board vote to adopt, amend, or rescind it. 104504

This division does not apply to an emergency rule adopted in 104505
accordance with section 119.03 of the Revised Code. 104506

(F) Notwithstanding any requirement for a certificate issued 104507
in accordance with rules adopted by the board under this section, 104508
the board, in accordance with Chapter 4796. of the Revised Code, 104509

shall issue a certificate that is a license as defined in section 104510
4796.01 of the Revised Code to an individual if either of the 104511
following applies: 104512

(1) The individual holds a license or certificate in another 104513
state. 104514

(2) The individual has satisfactory work experience, a 104515
government certification, or a private certification as described 104516
in that chapter as a first responder, emergency medical 104517
technician-basic, emergency medical technician-intermediate, or 104518
emergency medical technician-paramedic in a state that does not 104519
issue that license or certificate. 104520

Sec. 4765.55. (A) The executive director of the state board 104521
of emergency medical, fire, and transportation services, with the 104522
advice and counsel of the firefighter and fire safety inspector 104523
training committee of the state board of emergency medical, fire, 104524
and transportation services, shall assist in the establishment and 104525
maintenance by any state agency, or any county, township, city, 104526
village, school district, or educational service center of a fire 104527
service training program for the training of all persons in 104528
positions of any fire training certification level approved by the 104529
executive director, including full-time paid firefighters, 104530
part-time paid firefighters, volunteer firefighters, and fire 104531
safety inspectors in this state. The executive director, with the 104532
advice and counsel of the committee, shall adopt rules to regulate 104533
those firefighter and fire safety inspector training programs, and 104534
other training programs approved by the executive director. The 104535
rules may include, but need not be limited to, training 104536
curriculum, certification examinations, training schedules, 104537
minimum hours of instruction, attendance requirements, required 104538
equipment and facilities, basic physical requirements, and methods 104539
of training for all persons in positions of any fire training 104540

certification level approved by the executive director, including 104541
full-time paid firefighters, part-time paid firefighters, 104542
volunteer firefighters, and fire safety inspectors. The rules 104543
adopted to regulate training programs for volunteer firefighters 104544
shall not require more than thirty-six hours of training. 104545

The executive director, with the advice and counsel of the 104546
committee, shall provide for the classification and chartering of 104547
fire service training programs in accordance with rules adopted 104548
under division (B) of this section, and may take action against 104549
any chartered training program or applicant, in accordance with 104550
rules adopted under divisions (B)(4) and (5) of this section, for 104551
failure to meet standards set by the adopted rules. 104552

(B) The executive director, with the advice and counsel of 104553
the firefighter and fire safety inspector training committee of 104554
the state board of emergency medical, fire, and transportation 104555
services, shall adopt, and may amend or rescind, rules under 104556
Chapter 119. of the Revised Code that establish all of the 104557
following: 104558

(1) Requirements for, and procedures for chartering, the 104559
training programs regulated by this section; 104560

(2) Requirements for, and requirements and procedures for 104561
obtaining and renewing, an instructor certificate to teach the 104562
training programs and continuing education classes regulated by 104563
this section; 104564

(3) Requirements for, and requirements and procedures for 104565
obtaining and renewing, any of the fire training certificates 104566
regulated by this section; 104567

(4) Grounds and procedures for suspending, revoking, 104568
restricting, or refusing to issue or renew any of the certificates 104569
or charters regulated by this section, which grounds shall be 104570

limited to one of the following:	104571
(a) Failure to satisfy the education or training requirements of this section;	104572 104573
(b) Conviction of a felony offense;	104574
(c) Conviction of a misdemeanor involving moral turpitude;	104575
(d) Conviction of a misdemeanor committed in the course of practice;	104576 104577
(e) In the case of a chartered training program or applicant, failure to meet standards set by the rules adopted under this division.	104578 104579 104580
(5) Grounds and procedures for imposing and collecting fines, not to exceed one thousand dollars, in relation to actions taken under division (B)(4) of this section against persons holding certificates and charters regulated by this section, the fines to be deposited into the trauma and emergency medical services fund established under section 4513.263 of the Revised Code;	104581 104582 104583 104584 104585 104586
(6) Continuing education requirements for certificate holders, including a requirement that credit shall be granted for in-service training programs conducted by local entities. The continuing education requirements shall not require more than thirty-six hours of continuing education every three-year certification cycle. Local entities may require additional continuing education, provided that completion of such additional continuing education is not required for renewal of certification.	104587 104588 104589 104590 104591 104592 104593 104594
(7) Procedures for considering the granting of an extension or exemption of fire service continuing education requirements;	104595 104596
(8) Certification cycles for which the certificates and charters regulated by this section are valid;	104597 104598
(9) If determined necessary by the executive director, procedures and requirements for conducting background checks on	104599 104600

applicants for the issuance and renewal of certification as a fire 104601
safety inspector in accordance with section 109.578 of the Revised 104602
Code. 104603

(C)(1) The executive director, with the advice and counsel of 104604
the firefighter and fire safety inspector training committee of 104605
the state board of emergency medical, fire, and transportation 104606
services, shall issue or renew an instructor certificate to teach 104607
the training programs and continuing education classes regulated 104608
by this section to any applicant that the executive director 104609
determines meets the qualifications established in rules adopted 104610
under division (B) of this section, and may take disciplinary 104611
action against an instructor certificate holder or applicant in 104612
accordance with rules adopted under division (B) of this section. 104613

(2) On and after ~~the effective date of this amendment~~ April 104614
6, 2023, the executive director shall not ~~require certification~~ 104615
~~issue to any new applicant a certificate to practice as an~~ 104616
~~assistant fire instructor and shall not adopt or enforce rules or~~ 104617
~~issue a certificate regarding the position of assistant fire~~ 104618
~~instructor.~~ Any assistant fire instructor certificate that was 104619
issued in accordance with rules adopted under division (B) of this 104620
section prior to ~~the effective date of this amendment~~ April 6, 104621
2023, remains valid ~~until the expiration date of the certificate,~~ 104622
subject to any conditions or responsibilities of retaining the 104623
validity of that certificate, until the holder of the certificate 104624
allows it to expire or lapse. The certificate ~~shall not~~ may be 104625
renewed by the holder of that certificate. The executive director 104626
shall adopt, amend, or rescind rules in accordance with Chapter 104627
119. of the Revised Code in order to effectuate division (C)(2) of 104628
this section. 104629

(3) The executive director, with the advice and counsel of 104630
the committee, shall charter or renew the charter of any training 104631
program that the executive director determines meets the 104632

qualifications established in rules adopted under division (B) of 104633
this section, and may take disciplinary action against the holder 104634
of a charter in accordance with rules adopted under division (B) 104635
of this section. 104636

(D) The executive director shall issue or renew a fire 104637
training certificate for a firefighter, a fire safety inspector, 104638
or another position of any fire training certification level 104639
approved by the executive director, to any applicant that the 104640
executive director determines meets the qualifications established 104641
in rules adopted under division (B) of this section and may take 104642
disciplinary actions against a certificate holder or applicant in 104643
accordance with rules adopted under division (B) of this section. 104644

(E) Certificates issued under this section shall be on a form 104645
prescribed by the executive director, with the advice and counsel 104646
of the firefighter and fire safety inspector training committee of 104647
the state board of emergency medical, fire, and transportation 104648
services. 104649

(F)(1) The executive director, with the advice and counsel of 104650
the firefighter and fire safety inspector training committee of 104651
the state board of emergency medical, fire, and transportation 104652
services, shall establish criteria for evaluating the standards 104653
maintained by the branches of the United States military for 104654
firefighter, fire safety inspector, and fire instructor training 104655
programs, and other training programs recognized by the executive 104656
director, to determine whether the standards are equivalent to 104657
those established under this section and shall establish 104658
requirements and procedures for issuing a certificate to each 104659
person who presents proof to the executive director of having 104660
satisfactorily completed a training program that meets those 104661
standards. 104662

(2) The executive director, with the committee's advice and 104663
counsel, shall adopt rules establishing requirements and 104664

procedures for issuing a fire training certificate in lieu of 104665
completing a chartered training program. 104666

(G) Notwithstanding any requirement for a certificate issued 104667
under this section, the executive director shall issue a 104668
certificate in accordance with Chapter 4796. of the Revised Code 104669
to an individual if either of the following applies: 104670

(1) The individual holds a license or certificate in another 104671
state. 104672

(2) The individual has satisfactory work experience, a 104673
government certification, or a private certification as described 104674
in that chapter as a firefighter or fire safety inspector in a 104675
state that does not issue that license or certificate. 104676

(H) Nothing in this section invalidates any other section of 104677
the Revised Code relating to the fire training academy. Section 104678
4765.11 of the Revised Code does not affect any powers and duties 104679
granted to the executive director under this section. 104680

(I) Notwithstanding any provision of division (B)(4) of this 104681
section to the contrary, the executive director shall not adopt 104682
rules for refusing to issue any of the certificates or charters 104683
regulated by this section to an applicant because of a criminal 104684
conviction unless the rules establishing grounds and procedures 104685
for refusal are in accordance with section 9.79 of the Revised 104686
Code. 104687

Sec. 4781.17. (A) Each person applying for a manufactured 104688
housing dealer's license or manufactured housing broker's license 104689
shall complete and deliver to the department of commerce, division 104690
of real estate, before the first day of April, a separate 104691
application for license for each county in which the business of 104692
selling or brokering manufactured or mobile homes is to be 104693
conducted. The application shall be in the form prescribed by the 104694

division of real estate and accompanied by the fee established by 104695
the division of real estate. The applicant shall sign and swear to 104696
the application that shall include all of the following: 104697

(1) Name of applicant and location of principal place of 104698
business; 104699

(2) Name or style under which business is to be conducted 104700
and, if a corporation, the state of incorporation; 104701

(3) Name and address of each owner or partner and, if a 104702
corporation, the names of the officers and directors; 104703

(4) The county in which the business is to be conducted and 104704
the address of each place of business therein; 104705

(5) A statement of the previous history, record, and 104706
association of the applicant and of each owner, partner, officer, 104707
and director, that is sufficient to establish to the satisfaction 104708
of the division of real estate the reputation in business of the 104709
applicant; 104710

(6) A statement showing whether the applicant has previously 104711
applied for a manufactured housing dealer's license, manufactured 104712
housing broker's license, manufactured housing salesperson's 104713
license, or, prior to July 1, 2010, a motor vehicle dealer's 104714
license, manufactured home broker's license, or motor vehicle 104715
salesperson's license, and the result of the application, and 104716
whether the applicant has ever been the holder of any such license 104717
that was revoked or suspended; 104718

(7) If the applicant is a corporation or partnership, a 104719
statement showing whether any partner, employee, officer, or 104720
director has been refused a manufactured housing dealer's license, 104721
manufactured housing broker's license, manufactured housing 104722
salesperson's license, or, prior to July 1, 2010, a motor vehicle 104723
dealer's license, manufactured home broker's license, or motor 104724

vehicle salesperson's license, or has been the holder of any such license that was revoked or suspended;

(8) Any other information required by the division of real estate.

(B) Each person applying for a manufactured housing salesperson's license shall complete and deliver to the division of real estate before the first day of July an application for license. The application shall be in the form prescribed by the division of real estate and shall be accompanied by the fee established by the division. The applicant shall sign and swear to the application that shall include all of the following:

(1) Name and post-office address of the applicant;

(2) Name and post-office address of the manufactured housing dealer or manufactured housing broker for whom the applicant intends to act as salesperson;

(3) A statement of the applicant's previous history, record, and association, that is sufficient to establish to the satisfaction of the division of real estate the applicant's reputation in business;

(4) A statement as to whether the applicant intends to engage in any occupation or business other than that of a manufactured housing salesperson;

(5) A statement as to whether the applicant has ever had any previous application for a manufactured housing salesperson license refused or, prior to July 1, 2010, any application for a motor vehicle salesperson license refused, and whether the applicant has previously had a manufactured housing salesperson or motor vehicle salesperson license revoked or suspended;

(6) A statement as to whether the applicant was an employee of or salesperson for a manufactured housing dealer or

manufactured housing broker whose license was suspended or
revoked; 104755
104756

(7) A statement of the manufactured housing dealer or
manufactured housing broker named therein, designating the 104757
applicant as the dealer's or broker's salesperson; 104758
104759

(8) Any other information required by the division of real 104760
estate. 104761

(C) Any application for a manufactured housing dealer or 104762
manufactured housing broker delivered to the division of real 104763
estate under this section also shall be accompanied by a 104764
photograph, as prescribed by the division, of each place of 104765
business operated, or to be operated, by the applicant. 104766

(D) The division of real estate shall deposit all license 104767
fees into the state treasury to the credit of the ~~manufactured~~ 104768
homes regulatory real estate operating fund created under section 104769
4735.211 of the Revised Code. 104770

(E) Notwithstanding any provision of this chapter to the 104771
contrary, the division shall issue a manufactured housing dealer's 104772
license or manufactured housing broker's license in accordance 104773
with Chapter 4796. of the Revised Code to an applicant if either 104774
of the following applies: 104775

(1) The applicant holds a license in another state. 104776

(2) The applicant has satisfactory work experience, a 104777
government certification, or a private certification as described 104778
in that chapter as a manufactured housing dealer or manufactured 104779
housing broker in a state that does not issue that license. 104780

Section 110.21. That the existing versions of sections 104781
173.21, 917.09, 1321.64, 3301.071, 3319.088, 3319.22, 3319.26, 104782
3319.27, 3319.303, 3704.14, 3737.83, 3781.10, 3781.102, 4735.07, 104783
4735.09, 4755.411, 4755.45, 4755.451, 4755.482, 4763.05, 4765.11, 104784

4765.55, and 4781.17 of the Revised Code that are scheduled to 104785
take effect December 29, 2023, are hereby repealed. 104786

Section 110.22. Sections 110.20 and 110.21 of this act take 104787
effect December 29, 2023. 104788

Section 110.30. That the version of section 4717.09 of the 104789
Revised Code that is scheduled to take effect December 31, 2024, 104790
be amended to read as follows: 104791

Sec. 4717.09. (A) Every two years, licensed embalmers and 104792
funeral directors shall attend not less than twelve hours of 104793
educational programs as a condition for renewal of their licenses. 104794
The board of embalmers and funeral directors shall adopt rules 104795
governing the administration and enforcement of the continuing 104796
education requirements of this section. The board may contract 104797
with a professional organization or association or other third 104798
party to assist it in performing functions necessary to administer 104799
and enforce the continuing education requirements of this section. 104800
A professional organization or association or other third party 104801
with whom the board so contracts may charge a reasonable fee for 104802
performing these functions to licensees or to the persons who 104803
provide continuing education programs. 104804

(B) A person holding both an embalmer's license and a funeral 104805
director's license need meet only the continuing education 104806
requirements established by the board for one or the other of 104807
those licenses in order to satisfy the requirement of division (A) 104808
of this section. 104809

(C) A person holding a courtesy card permit issued under 104810
section 4717.10 of the Revised Code is not required to satisfy the 104811
continuing education requirements specified in division (A) of 104812
this section as a condition of renewal of the permit. 104813

(D) A crematory operator shall maintain an active 104814
certification from a ~~national~~ crematory operator certification 104815
program ~~and register the certificate with the board~~ as a condition 104816
for renewal of the permit. 104817

(E) The board shall not renew the license of a licensee who 104818
fails to meet the continuing education requirements of this 104819
section and who has not been granted an exemption under division 104820
(F) or (G) of this section. 104821

(F) Any licensee who fails to meet the continuing education 104822
requirements of this section because of undue hardship or 104823
disability, or who is not actively engaged in the practice of 104824
funeral directing or embalming in this state, may apply to the 104825
board for an exemption. 104826

(G) Any licensee who has been an embalmer or funeral director 104827
for not less than fifty years and who is not actively in charge 104828
and ultimately responsible for a funeral home or embalming 104829
facility in this state may apply to the board for an exemption 104830
from the continuing education requirements specified in division 104831
(A) of this section. 104832

(H) The board shall not ~~authorize an individual to act as a~~ 104833
renew the crematory operator, ~~if the~~ permit of an individual who 104834
fails to satisfy the certification requirement of division (D) of 104835
this section. 104836

Section 110.31. That the existing version of section 4717.09 104837
of the Revised Code that are scheduled to take effect December 31, 104838
2024, are hereby repealed. 104839

Section 110.32. Sections 110.30 and 110.31 of this act take 104840
effect December 31, 2024. 104841

Section 125.10. That the versions of sections 4717.01, 104842

4717.02, 4717.03, 4717.04, 4717.06, 4717.07, 4717.08, 4717.11, 104843
4717.13, 4717.15, 4717.36, and 4717.41 of the Revised Code that 104844
are scheduled to take effect December 31, 2024, are hereby 104845
repealed. 104846

Section 130.10. That sections 121.02, 121.03, 121.35, 121.37, 104847
121.40, 3109.15, 3109.16, 3109.17, 3109.179, 5101.34, 5101.341, 104848
and 5101.342 be amended and sections 5180.01 and 5180.02 of the 104849
Revised Code be enacted to read as follows: 104850

Sec. 121.02. The following administrative departments and 104851
their respective directors are hereby created: 104852

(A) The office of budget and management, which shall be 104853
administered by the director of budget and management; 104854

(B) The department of commerce, which shall be administered 104855
by the director of commerce; 104856

(C) The department of administrative services, which shall be 104857
administered by the director of administrative services; 104858

(D) The department of transportation, which shall be 104859
administered by the director of transportation; 104860

(E) The department of agriculture, which shall be 104861
administered by the director of agriculture; 104862

(F) The department of natural resources, which shall be 104863
administered by the director of natural resources; 104864

(G) The department of health, which shall be administered by 104865
the director of health; 104866

(H) The department of job and family services, which shall be 104867
administered by the director of job and family services; 104868

(I) ~~Until July 1, 1997, the~~ The department of ~~liquor control~~ 104869
children and youth, which shall be administered by the director of 104870

liquor control <u>children and youth;</u>	104871
(J) The department of public safety, which shall be administered by the director of public safety;	104872 104873
(K) The department of mental health and addiction services, which shall be administered by the director of mental health and addiction services;	104874 104875 104876
(L) The department of developmental disabilities, which shall be administered by the director of developmental disabilities;	104877 104878
(M) The department of insurance, which shall be administered by the superintendent of insurance as director thereof;	104879 104880
(N) The department of development, which shall be administered by the director of development;	104881 104882
(O) The department of youth services, which shall be administered by the director of youth services;	104883 104884
(P) The department of rehabilitation and correction, which shall be administered by the director of rehabilitation and correction;	104885 104886 104887
(Q) The environmental protection agency, which shall be administered by the director of environmental protection;	104888 104889
(R) The department of aging, which shall be administered by the director of aging;	104890 104891
(S) The department of veterans services, which shall be administered by the director of veterans services;	104892 104893
(T) The department of medicaid, which shall be administered by the medicaid director.	104894 104895
The director of each department shall exercise the powers and perform the duties vested by law in such department.	104896 104897
Sec. 121.03. The following administrative department heads	104898

shall be appointed by the governor, with the advice and consent of 104899
the senate, and shall hold their offices during the term of the 104900
appointing governor, and are subject to removal at the pleasure of 104901
the governor. 104902

(A) The director of budget and management; 104903

(B) The director of commerce; 104904

(C) The director of transportation; 104905

(D) The director of agriculture; 104906

(E) The director of job and family services; 104907

(F) ~~Until July 1, 1997, the~~ The director of ~~liquor control~~
children and youth; 104908
104909

(G) The director of public safety; 104910

(H) The superintendent of insurance; 104911

(I) The director of development; 104912

(J) The tax commissioner; 104913

(K) The director of administrative services; 104914

(L) The director of natural resources; 104915

(M) The director of mental health and addiction services; 104916

(N) The director of developmental disabilities; 104917

(O) The director of health; 104918

(P) The director of youth services; 104919

(Q) The director of rehabilitation and correction; 104920

(R) The director of environmental protection; 104921

(S) The director of aging; 104922

(T) The administrator of workers' compensation who meets the 104923
qualifications required under division (A) of section 4121.121 of 104924
the Revised Code; 104925

(U) The director of veterans services who meets the qualifications required under section 5902.01 of the Revised Code;	104926 104927
(V) The chancellor of higher education;	104928
(W) The medicaid director.	104929
Sec. 121.35. (A) Subject to division (B) of this section, the following state agencies shall collaborate to revise and make more uniform the eligibility standards and eligibility determination procedures of programs the state agencies administer:	104930 104931 104932 104933 104934
(1) The department of aging;	104935
(2) The <u>department of development services agency</u> ;	104936
(3) The department of developmental disabilities;	104937
(4) The department of education;	104938
(5) The department of health;	104939
(6) The department of job and family services;	104940
(7) The department of medicaid;	104941
(8) The department of mental health and addiction services;	104942
(9) The opportunities for Ohioans with disabilities agency;	104943
<u>(10) The department of children and youth.</u>	104944
(B) In revising eligibility standards and eligibility determination procedures, a state agency shall not make any program's eligibility standards or eligibility determination procedures inconsistent with state or federal law. To the extent authorized by state and federal law, the revisions may provide for the state agencies to share administrative operations.	104945 104946 104947 104948 104949 104950
Sec. 121.37. (A)(1) There is hereby created the Ohio family and children first cabinet council. The council shall be composed	104951 104952

of the superintendent of public instruction, the executive 104953
director of the opportunities for Ohioans with disabilities 104954
agency, the medicaid director, and the directors of youth 104955
services, job and family services, mental health and addiction 104956
services, health, developmental disabilities, aging, 104957
rehabilitation and correction, children and youth, and budget and 104958
management. The chairperson of the council shall be the governor 104959
or the governor's designee and shall establish procedures for the 104960
council's internal control and management. 104961

The purpose of the cabinet council is to help families 104962
seeking government services. This section shall not be interpreted 104963
or applied to usurp the role of parents, but solely to streamline 104964
and coordinate existing government services for families seeking 104965
assistance for their children. 104966

(2) In seeking to fulfill its purpose, the council may do any 104967
of the following: 104968

(a) Advise and make recommendations to the governor and 104969
general assembly regarding the provision of services to children; 104970

(b) Advise and assess local governments on the coordination 104971
of service delivery to children; 104972

(c) Hold meetings at such times and places as may be 104973
prescribed by the council's procedures and maintain records of the 104974
meetings, except that records identifying individual children are 104975
confidential and shall be disclosed only as provided by law; 104976

(d) Develop programs and projects, including pilot projects, 104977
to encourage coordinated efforts at the state and local level to 104978
improve the state's social service delivery system; 104979

(e) Enter into contracts with and administer grants to county 104980
family and children first councils, as well as other county or 104981
multicounty organizations to plan and coordinate service delivery 104982
between state agencies and local service providers for families 104983

and children;	104984
(f) Enter into contracts with and apply for grants from federal agencies or private organizations;	104985 104986
(g) Enter into interagency agreements to encourage coordinated efforts at the state and local level to improve the state's social service delivery system. The agreements may include provisions regarding the receipt, transfer, and expenditure of funds;	104987 104988 104989 104990 104991
(h) Identify public and private funding sources for services provided to alleged or adjudicated unruly children and children who are at risk of being alleged or adjudicated unruly children, including regulations governing access to and use of the services;	104992 104993 104994 104995
(i) Collect information provided by local communities regarding successful programs for prevention, intervention, and treatment of unruly behavior, including evaluations of the programs;	104996 104997 104998 104999
(j) Identify and disseminate publications regarding alleged or adjudicated unruly children and children who are at risk of being alleged or adjudicated unruly children and regarding programs serving those types of children;	105000 105001 105002 105003
(k) Maintain an inventory of strategic planning facilitators for use by government or nonprofit entities that serve alleged or adjudicated unruly children or children who are at risk of being alleged or adjudicated unruly children.	105004 105005 105006 105007
(3) The cabinet council shall provide for the following:	105008
(a) Reviews of service and treatment plans for children for which such reviews are requested;	105009 105010
(b) Assistance as the council determines to be necessary to meet the needs of children referred by county family and children first councils;	105011 105012 105013

(c) Monitoring and supervision of a statewide, comprehensive, 105014
coordinated, multi-disciplinary, interagency system for infants 105015
and toddlers with developmental disabilities or delays and their 105016
families, as established pursuant to federal grants received and 105017
administered by the department of health for early intervention 105018
services under the "Individuals with Disabilities Education Act of 105019
2004," 118 Stat. 2744, 20 U.S.C.A. 1400, as amended. 105020

(4) The cabinet council shall develop and implement the 105021
following: 105022

(a) An interagency process to select the indicators that will 105023
be used to measure progress toward increasing child well-being in 105024
the state and to update the indicators on an annual basis. The 105025
indicators shall focus on expectant parents and newborns thriving; 105026
infants and toddlers thriving; children being ready for school; 105027
children and youth succeeding in school; youth choosing healthy 105028
behaviors; and youth successfully transitioning into adulthood. 105029

(b) An interagency system to offer guidance and monitor 105030
progress toward increasing child well-being in the state and in 105031
each county; 105032

(c) An annual plan that identifies state-level agency efforts 105033
taken to ensure progress towards increasing child well-being in 105034
the state. 105035

On an annual basis, the cabinet council shall submit to the 105036
governor and the general assembly a report on the status of 105037
efforts to increase child well-being in the state. This report 105038
shall be made available to any other person on request. 105039

(B)(1) Each board of county commissioners shall establish a 105040
county family and children first council. The board may invite any 105041
local public or private agency or group that funds, advocates, or 105042
provides services to children and families to have a 105043
representative become a permanent or temporary member of its 105044

county council. Each county council must include the following 105045
individuals: 105046

(a) At least three individuals who are not employed by an 105047
agency represented on the council and whose families are or have 105048
received services from an agency represented on the council or 105049
another county's council. Where possible, the number of members 105050
representing families shall be equal to twenty per cent of the 105051
council's membership. 105052

(b) The director of the board of alcohol, drug addiction, and 105053
mental health services that serves the county, or, in the case of 105054
a county that has a board of alcohol and drug addiction services 105055
and a community mental health board, the directors of both boards. 105056
If a board of alcohol, drug addiction, and mental health services 105057
covers more than one county, the director may designate a person 105058
to participate on the county's council. 105059

(c) The health commissioner, or the commissioner's designee, 105060
of the board of health of each city and general health district in 105061
the county. If the county has two or more health districts, the 105062
health commissioner membership may be limited to the commissioners 105063
of the two districts with the largest populations. 105064

(d) The director of the county department of job and family 105065
services; 105066

(e) The executive director of the public children services 105067
agency; 105068

(f) The superintendent of the county board of developmental 105069
disabilities or, if the superintendent serves as superintendent of 105070
more than one county board of developmental disabilities, the 105071
superintendent's designee; 105072

(g) The superintendent of the city, exempted village, or 105073
local school district with the largest number of pupils residing 105074
in the county, as determined by the department of education, which 105075

shall notify each board of county commissioners of its determination at least biennially;

(h) A school superintendent representing all other school districts with territory in the county, as designated at a biennial meeting of the superintendents of those districts;

(i) A representative of the municipal corporation with the largest population in the county;

(j) The president of the board of county commissioners or an individual designated by the board;

(k) A representative of the department of youth services or an individual designated by the department;

(l) A representative of the county's head start agencies, as defined in section 3301.32 of the Revised Code;

(m) A representative of the county's early intervention collaborative established pursuant to the federal early intervention program operated under the "Individuals with Disabilities Education Act of 2004";

(n) A representative of a local nonprofit entity that funds, advocates, or provides services to children and families.

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

The cabinet council shall establish a state appeals process to resolve disputes among the members of a county council concerning whether reasonable responsibilities as members are being shared. The appeals process may be accessed only by a majority vote of the council members who are required to serve on

the council. Upon appeal, the cabinet council may order that state 105106
funds for services to children and families be redirected to a 105107
county's board of county commissioners. 105108

The county's juvenile court judge senior in service or 105109
another judge of the juvenile court designated by the 105110
administrative judge or, where there is no administrative judge, 105111
by the judge senior in service shall serve as the judicial advisor 105112
to the county family and children first council. The judge may 105113
advise the county council on the court's utilization of resources, 105114
services, or programs provided by the entities represented by the 105115
members of the county council and how those resources, services, 105116
or programs assist the court in its administration of justice. 105117
Service of a judge as a judicial advisor pursuant to this section 105118
is a judicial function. 105119

(2) The purpose of the county council is to streamline and 105120
coordinate existing government services for families seeking 105121
services for their children. In seeking to fulfill its purpose, a 105122
county council shall provide for the following: 105123

(a) Referrals to the cabinet council of those children for 105124
whom the county council cannot provide adequate services; 105125

(b) Development and implementation of a process that annually 105126
evaluates and prioritizes services, fills service gaps where 105127
possible, and invents new approaches to achieve better results for 105128
families and children; 105129

(c) Participation in the development of a countywide, 105130
comprehensive, coordinated, multi-disciplinary, interagency system 105131
for infants and toddlers with developmental disabilities or delays 105132
and their families, as established pursuant to federal grants 105133
received and administered by the department of health for early 105134
intervention services under the "Individuals with Disabilities 105135
Education Act of 2004"; 105136

(d) Maintenance of an accountability system to monitor the county council's progress in achieving results for families and children; 105137
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105139

(e) Establishment of a mechanism to ensure ongoing input from a broad representation of families who are receiving services within the county system. 105140
105141
105142

(3) A county council shall develop and implement the following: 105143
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(a) An interagency process to establish local indicators and monitor the county's progress toward increasing child well-being in the county; 105145
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105147

(b) An interagency process to identify local priorities to increase child well-being. The local priorities shall focus on expectant parents and newborns thriving; infants and toddlers thriving; children being ready for school; children and youth succeeding in school; youth choosing healthy behaviors; and youth successfully transitioning into adulthood and take into account the indicators established by the cabinet council under division (A)(4)(a) of this section. 105148
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(c) An annual plan that identifies the county's interagency efforts to increase child well-being in the county. 105156
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On an annual basis, the county council shall submit a report on the status of efforts by the county to increase child well-being in the county to the county's board of county commissioners and the cabinet council. This report shall be made available to any other person on request. 105158
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(4)(a) Except as provided in division (B)(4)(b) of this section, a county council shall comply with the policies, procedures, and activities prescribed by the rules or interagency agreements of a state department participating on the cabinet council whenever the county council performs a function subject to 105163
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those rules or agreements. 105168

(b) On application of a county council, the cabinet council 105169
may grant an exemption from any rules or interagency agreements of 105170
a state department participating on the council if an exemption is 105171
necessary for the council to implement an alternative program or 105172
approach for service delivery to families and children. The 105173
application shall describe the proposed program or approach and 105174
specify the rules or interagency agreements from which an 105175
exemption is necessary. The cabinet council shall approve or 105176
disapprove the application in accordance with standards and 105177
procedures it shall adopt. If an application is approved, the 105178
exemption is effective only while the program or approach is being 105179
implemented, including a reasonable period during which the 105180
program or approach is being evaluated for effectiveness. 105181

(5)(a) Each county council shall designate an administrative 105182
agent for the council from among the following public entities: 105183
the board of alcohol, drug addiction, and mental health services, 105184
including a board of alcohol and drug addiction or a community 105185
mental health board if the county is served by separate boards; 105186
the board of county commissioners; any board of health of the 105187
county's city and general health districts; the county department 105188
of job and family services; the county agency responsible for the 105189
administration of children services pursuant to section 5153.15 of 105190
the Revised Code; the county board of developmental disabilities; 105191
any of the county's boards of education or governing boards of 105192
educational service centers; or the county's juvenile court. Any 105193
of the foregoing public entities, other than the board of county 105194
commissioners, may decline to serve as the council's 105195
administrative agent. 105196

A county council's administrative agent shall serve as the 105197
council's appointing authority for any employees of the council. 105198
The council shall file an annual budget with its administrative 105199

agent, with copies filed with the county auditor and with the 105200
board of county commissioners, unless the board is serving as the 105201
council's administrative agent. The council's administrative agent 105202
shall ensure that all expenditures are handled in accordance with 105203
policies, procedures, and activities prescribed by state 105204
departments in rules or interagency agreements that are applicable 105205
to the council's functions. 105206

The administrative agent of a county council shall send 105207
notice of a member's absence if a member listed in division (B)(1) 105208
of this section has been absent from either three consecutive 105209
meetings of the county council or a county council subcommittee, 105210
or from one-quarter of such meetings in a calendar year, whichever 105211
is less. The notice shall be sent to the board of county 105212
commissioners that establishes the county council and, for the 105213
members listed in divisions (B)(1)(b), (c), (e), and (l) of this 105214
section, to the governing board overseeing the respective entity; 105215
for the member listed in division (B)(1)(f) of this section, to 105216
the county board of developmental disabilities that employs the 105217
superintendent; for a member listed in division (B)(1)(g) or (h) 105218
of this section, to the school board that employs the 105219
superintendent; for the member listed in division (B)(1)(i) of 105220
this section, to the mayor of the municipal corporation; for the 105221
member listed in division (B)(1)(k) of this section, to the 105222
director of youth services; and for the member listed in division 105223
(B)(1)(n) of this section, to that member's board of trustees. 105224

The administrative agent for a county council may do any of 105225
the following on behalf of the council: 105226

(i) Enter into agreements or administer contracts with public 105227
or private entities to fulfill specific council business. Such 105228
agreements and contracts are exempt from the competitive bidding 105229
requirements of section 307.86 of the Revised Code if they have 105230
been approved by the county council and they are for the purchase 105231

of family and child welfare or child protection services or other 105232
social or job and family services for families and children. The 105233
approval of the county council is not required to exempt 105234
agreements or contracts entered into under section 5139.34, 105235
5139.41, or 5139.43 of the Revised Code from the competitive 105236
bidding requirements of section 307.86 of the Revised Code. 105237

(ii) As determined by the council, provide financial 105238
stipends, reimbursements, or both, to family representatives for 105239
expenses related to council activity; 105240

(iii) Receive by gift, grant, devise, or bequest any moneys, 105241
lands, or other property for the purposes for which the council is 105242
established. The agent shall hold, apply, and dispose of the 105243
moneys, lands, or other property according to the terms of the 105244
gift, grant, devise, or bequest. Any interest or earnings shall be 105245
treated in the same manner and are subject to the same terms as 105246
the gift, grant, devise, or bequest from which it accrues. 105247

(b)(i) If the county council designates the board of county 105248
commissioners as its administrative agent, the board may, by 105249
resolution, delegate any of its powers and duties as 105250
administrative agent to an executive committee the board 105251
establishes from the membership of the county council. The board 105252
shall name to the executive committee at least the individuals 105253
described in divisions (B)(1)(b) to (h) of this section and may 105254
appoint the president of the board or another individual as the 105255
chair of the executive committee. The executive committee must 105256
include at least one family county council representative who does 105257
not have a family member employed by an agency represented on the 105258
council. 105259

(ii) The executive committee may, with the approval of the 105260
board, hire an executive director to assist the county council in 105261
administering its powers and duties. The executive director shall 105262
serve in the unclassified civil service at the pleasure of the 105263

executive committee. The executive director may, with the approval 105264
of the executive committee, hire other employees as necessary to 105265
properly conduct the county council's business. 105266

(iii) The board may require the executive committee to submit 105267
an annual budget to the board for approval and may amend or repeal 105268
the resolution that delegated to the executive committee its 105269
authority as the county council's administrative agent. 105270

(6) Two or more county councils may enter into an agreement 105271
to administer their county councils jointly by creating a regional 105272
family and children first council. A regional council possesses 105273
the same duties and authority possessed by a county council, 105274
except that the duties and authority apply regionally rather than 105275
to individual counties. Prior to entering into an agreement to 105276
create a regional council, the members of each county council to 105277
be part of the regional council shall meet to determine whether 105278
all or part of the members of each county council will serve as 105279
members of the regional council. 105280

(7) A board of county commissioners may approve a resolution 105281
by a majority vote of the board's members that requires the county 105282
council to submit a statement to the board each time the council 105283
proposes to enter into an agreement, adopt a plan, or make a 105284
decision, other than a decision pursuant to section 121.38 of the 105285
Revised Code, that requires the expenditure of funds for two or 105286
more families. The statement shall describe the proposed 105287
agreement, plan, or decision. 105288

Not later than fifteen days after the board receives the 105289
statement, it shall, by resolution approved by a majority of its 105290
members, approve or disapprove the agreement, plan, or decision. 105291
Failure of the board to pass a resolution during that time period 105292
shall be considered approval of the agreement, plan, or decision. 105293

An agreement, plan, or decision for which a statement is 105294

required to be submitted to the board shall be implemented only if 105295
it is approved by the board. 105296

(C) Each county shall develop a county service coordination 105297
mechanism. The county service coordination mechanism shall serve 105298
as the guiding document for coordination of services in the 105299
county. For children who also receive services under the help me 105300
grow program, the service coordination mechanism shall be 105301
consistent with rules adopted by the department of health under 105302
section 3701.61 of the Revised Code. All family service 105303
coordination plans shall be developed in accordance with the 105304
county service coordination mechanism. The mechanism shall be 105305
developed and approved with the participation of the county 105306
entities representing child welfare; developmental disabilities; 105307
alcohol, drug addiction, and mental health services; health; 105308
juvenile judges; education; the county family and children first 105309
council; and the county early intervention collaborative 105310
established pursuant to the federal early intervention program 105311
operated under the "Individuals with Disabilities Education Act of 105312
2004." The county shall establish an implementation schedule for 105313
the mechanism. The cabinet council may monitor the implementation 105314
and administration of each county's service coordination 105315
mechanism. 105316

Each mechanism shall include all of the following: 105317

(1) A procedure for an agency, including a juvenile court, or 105318
a family voluntarily seeking service coordination, to refer the 105319
child and family to the county council for service coordination in 105320
accordance with the mechanism; 105321

(2) A procedure ensuring that a family and all appropriate 105322
staff from involved agencies, including a representative from the 105323
appropriate school district, are notified of and invited to 105324
participate in all family service coordination plan meetings; 105325

(3) A procedure that permits a family to initiate a meeting 105326
to develop or review the family's service coordination plan and 105327
allows the family to invite a family advocate, mentor, or support 105328
person of the family's choice to participate in any such meeting; 105329

(4) A procedure for ensuring that a family service 105330
coordination plan meeting is conducted for each child who receives 105331
service coordination under the mechanism and for whom an emergency 105332
out-of-home placement has been made or for whom a nonemergency 105333
out-of-home placement is being considered. The meeting shall be 105334
conducted within ten days of an emergency out-of-home placement. 105335
The meeting shall be conducted before a nonemergency out-of-home 105336
placement. The family service coordination plan shall outline how 105337
the county council members will jointly pay for services, where 105338
applicable, and provide services in the least restrictive 105339
environment. 105340

(5) A procedure for monitoring the progress and tracking the 105341
outcomes of each service coordination plan requested in the county 105342
including monitoring and tracking children in out-of-home 105343
placements to assure continued progress, appropriateness of 105344
placement, and continuity of care after discharge from placement 105345
with appropriate arrangements for housing, treatment, and 105346
education; 105347

(6) A procedure for protecting the confidentiality of all 105348
personal family information disclosed during service coordination 105349
meetings or contained in the comprehensive family service 105350
coordination plan; 105351

(7) A procedure for assessing the needs and strengths of any 105352
child or family that has been referred to the council for service 105353
coordination, including a child whose parent or custodian is 105354
voluntarily seeking services, and for ensuring that parents and 105355
custodians are afforded the opportunity to participate; 105356

(8) A procedure for development of a family service coordination plan described in division (D) of this section; 105357
105358

(9) A local dispute resolution process to serve as the process that must be used first to resolve disputes among the agencies represented on the county council concerning the provision of services to children, including children who are abused, neglected, dependent, unruly, alleged unruly, or delinquent children and under the jurisdiction of the juvenile court and children whose parents or custodians are voluntarily seeking services. The local dispute resolution process shall comply with sections 121.38, 121.381, and 121.382 of the Revised Code. The local dispute resolution process shall be used to resolve disputes between a child's parents or custodians and the county council regarding service coordination. The county council shall inform the parents or custodians of their right to use the dispute resolution process. Parents or custodians shall use existing local agency grievance procedures to address disputes not involving service coordination. The dispute resolution process is in addition to and does not replace other rights or procedures that parents or custodians may have under other sections of the Revised Code. 105359
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The cabinet council shall adopt rules in accordance with Chapter 119. of the Revised Code establishing an administrative review process to address problems that arise concerning the operation of a local dispute resolution process. 105378
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Nothing in division (C)(4) of this section shall be interpreted as overriding or affecting decisions of a juvenile court regarding an out-of-home placement, long-term placement, or emergency out-of-home placement. 105382
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(D) Each county shall develop a family service coordination plan that does all of the following: 105386
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(1) Designates service responsibilities among the various state and local agencies that provide services to children and their families, including children who are abused, neglected, dependent, unruly, or delinquent children and under the jurisdiction of the juvenile court and children whose parents or custodians are voluntarily seeking services;

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

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

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

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

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

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

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

- (b) An emphasis on the personal responsibilities of the child 105418
and the parental responsibilities of the parents, guardian, or 105419
custodian of the child; 105420
- (c) Involvement of local law enforcement agencies and 105421
officials. 105422
- (2) The method to divert a child from the juvenile court 105423
system that must be included in the service coordination process 105424
may include, but is not limited to, the following: 105425
- (a) The preparation of a complaint under section 2151.27 of 105426
the Revised Code alleging that the child is an unruly child and 105427
notifying the child and the parents, guardian, or custodian that 105428
the complaint has been prepared to encourage the child and the 105429
parents, guardian, or custodian to comply with other methods to 105430
divert the child from the juvenile court system; 105431
- (b) Conducting a meeting with the child, the parents, 105432
guardian, or custodian, and other interested parties to determine 105433
the appropriate methods to divert the child from the juvenile 105434
court system; 105435
- (c) A method to provide to the child and the child's family a 105436
short-term respite from a short-term crisis situation involving a 105437
confrontation between the child and the parents, guardian, or 105438
custodian; 105439
- (d) A program to provide a mentor to the child or the 105440
parents, guardian, or custodian; 105441
- (e) A program to provide parenting education to the parents, 105442
guardian, or custodian; 105443
- (f) An alternative school program for children who are truant 105444
from school, repeatedly disruptive in school, or suspended or 105445
expelled from school; 105446
- (g) Other appropriate measures, including, but not limited 105447

to, any alternative methods to divert a child from the juvenile 105448
court system that are identified by the Ohio family and children 105449
first cabinet council. 105450

(F) Each county may review and revise the service 105451
coordination process described in division (D) of this section 105452
based on the availability of funds under Title IV-A of the "Social 105453
Security Act," 110 Stat. 2113 (1996), 42 U.S.C.A. 601, as amended, 105454
or to the extent resources are available from any other federal, 105455
state, or local funds. 105456

Sec. 121.40. (A) There is hereby created the Ohio commission 105457
on service and volunteerism consisting of nineteen voting members 105458
including the superintendent of public instruction or the 105459
superintendent's designee, the chancellor of higher education or 105460
the chancellor's designee, the director of youth services or the 105461
director's designee, the director of aging or the director's 105462
designee, and fifteen members who shall be appointed by the 105463
governor with the advice and consent of the senate and who shall 105464
serve terms of office of three years. The appointees shall include 105465
educators, including teachers and administrators; representatives 105466
of youth organizations; students and parents; representatives of 105467
organizations engaged in volunteer program development and 105468
management throughout the state, including youth and conservation 105469
programs; and representatives of business, government, nonprofit 105470
organizations, social service agencies, veterans organizations, 105471
religious organizations, or philanthropies that support or 105472
encourage volunteerism within the state. The director of the 105473
governor's office of faith-based and community initiatives shall 105474
serve as a nonvoting ex officio member of the commission. Members 105475
of the commission shall receive no compensation, but shall be 105476
reimbursed for actual and necessary expenses incurred in the 105477
performance of their official duties. 105478

(B) The commission shall appoint an executive director for 105479
the commission, who shall be in the unclassified civil service. 105480
The governor shall be informed of the appointment of an executive 105481
director before such an appointment is made. The executive 105482
director shall supervise the commission's activities and report to 105483
the commission on the progress of those activities. The executive 105484
director shall do all things necessary for the efficient and 105485
effective implementation of the duties of the commission. 105486

The responsibilities assigned to the executive director do 105487
not relieve the members of the commission from final 105488
responsibility for the proper performance of the requirements of 105489
this section. 105490

(C) The commission or its designee shall do all of the 105491
following: 105492

(1) Employ, promote, supervise, and remove all employees as 105493
needed in connection with the performance of its duties under this 105494
section and may assign duties to those employees as necessary to 105495
achieve the most efficient performance of its functions, and to 105496
that end may establish, change, or abolish positions, and assign 105497
and reassign duties and responsibilities of any employee of the 105498
commission. Personnel employed by the commission who are subject 105499
to Chapter 4117. of the Revised Code shall retain all of their 105500
rights and benefits conferred pursuant to that chapter. Nothing in 105501
this chapter shall be construed as eliminating or interfering with 105502
Chapter 4117. of the Revised Code or the rights and benefits 105503
conferred under that chapter to public employees or to any 105504
bargaining unit. 105505

(2) Maintain its office in Columbus, and may hold sessions at 105506
any place within the state; 105507

(3) Acquire facilities, equipment, and supplies necessary to 105508
house the commission, its employees, and files and records under 105509

its control, and to discharge any duty imposed upon it by law. The 105510
expense of these acquisitions shall be audited and paid for in the 105511
same manner as other state expenses. For that purpose, the 105512
commission shall prepare and submit to the office of budget and 105513
management a budget for each biennium according to sections 105514
101.532 and 107.03 of the Revised Code. The budget submitted shall 105515
cover the costs of the commission and its staff in the discharge 105516
of any duty imposed upon the commission by law. The commission 105517
shall not delegate any authority to obligate funds. 105518

(4) Pay its own payroll and other operating expenses from 105519
line items designated by the general assembly; 105520

(5) Retain its fiduciary responsibility as appointing 105521
authority. Any transaction instructions shall be certified by the 105522
appointing authority or its designee. 105523

(6) Establish the overall policy and management of the 105524
commission in accordance with this chapter; 105525

(7) Assist in coordinating and preparing the state 105526
application for funds under sections 101 to 184 of the "National 105527
and Community Service Act of 1990," 104 Stat. 3127 (1990), 42 105528
U.S.C.A. 12411 to 12544, as amended, assist in administering and 105529
overseeing the "National and Community Service Trust Act of 1993," 105530
P.L. 103-82, 107 Stat. 785, and the americorps program in this 105531
state, and assist in developing objectives for a comprehensive 105532
strategy to encourage and expand community service programs 105533
throughout the state; 105534

(8) Assist the state board of education, school districts, 105535
the chancellor of higher education, and institutions of higher 105536
education in coordinating community service education programs 105537
through cooperative efforts between institutions and organizations 105538
in the public and private sectors; 105539

(9) Assist the departments of natural resources, youth 105540

services, aging, ~~and~~ job and family services, and children and youth in coordinating community service programs through cooperative efforts between institutions and organizations in the public and private sectors;

(10) Suggest individuals and organizations that are available to assist school districts, institutions of higher education, and the departments of natural resources, youth services, aging, ~~and~~ job and family services, and children and youth in the establishment of community service programs and assist in investigating sources of funding for implementing these programs;

(11) Assist in evaluating the state's efforts in providing community service programs using standards and methods that are consistent with any statewide objectives for these programs and provide information to the state board of education, school districts, the chancellor of higher education, institutions of higher education, and the departments of natural resources, youth services, aging, ~~and~~ job and family services, and children and youth to guide them in making decisions about these programs;

(12) Assist the state board of education in complying with section 3301.70 of the Revised Code and the chancellor of higher education in complying with division (B)(2) of section 3333.043 of the Revised Code.

(D) The commission shall in writing enter into an agreement with another state agency to serve as the commission's fiscal agent. Before entering into such an agreement, the commission shall inform the governor of the terms of the agreement and of the state agency designated to serve as the commission's fiscal agent. The fiscal agent shall be responsible for all the commission's fiscal matters and financial transactions, as specified in the agreement. Services to be provided by the fiscal agent include, but are not limited to, the following:

(1) Preparing and processing payroll and other personnel 105572
documents that the commission executes as the appointing 105573
authority; 105574

(2) Maintaining ledgers of accounts and reports of account 105575
balances, and monitoring budgets and allotment plans in 105576
consultation with the commission; and 105577

(3) Performing other routine support services that the fiscal 105578
agent considers appropriate to achieve efficiency. 105579

(E)(1) The commission, in conjunction and consultation with 105580
the fiscal agent, has the following authority and responsibility 105581
relative to fiscal matters: 105582

(a) Sole authority to draw funds for any and all federal 105583
programs in which the commission is authorized to participate; 105584

(b) Sole authority to expend funds from their accounts for 105585
programs and any other necessary expenses the commission may incur 105586
and its subgrantees may incur; and 105587

(c) Responsibility to cooperate with and inform the fiscal 105588
agent fully of all financial transactions. 105589

(2) The commission shall follow all state procurement, 105590
fiscal, human resources, statutory, and administrative rule 105591
requirements. 105592

(3) The fiscal agent shall determine fees to be charged to 105593
the commission, which shall be in proportion to the services 105594
performed for the commission. 105595

(4) The commission shall pay fees owed to the fiscal agent 105596
from a general revenue fund of the commission or from any other 105597
fund from which the operating expenses of the commission are paid. 105598
Any amounts set aside for a fiscal year for the payment of these 105599
fees shall be used only for the services performed for the 105600
commission by the fiscal agent in that fiscal year. 105601

(F) The commission may accept and administer grants from any source, public or private, to carry out any of the commission's functions this section establishes.

Sec. 3109.15. There is hereby created within the department of ~~job and family services~~ children and youth the children's trust fund board consisting of fifteen members. The directors of mental health and addiction services, health, and ~~job and family services~~ children and youth shall be members of the board. Eight public members shall be appointed by the governor. These members shall be persons with demonstrated knowledge in programs for children, shall be representative of the demographic composition of this state, and, to the extent practicable, shall be representative of the following categories: the educational community; the legal community; the social work community; the medical community; the voluntary sector; and professional providers of child abuse and child neglect services. Two members of the board shall be members of the house of representatives appointed by the speaker of the house of representatives and shall be members of two different political parties. Two members of the board shall be members of the senate appointed by the president of the senate and shall be members of two different political parties. All members of the board appointed by the speaker of the house of representatives or the president of the senate shall serve until the expiration of the sessions of the general assembly during which they were appointed. They may be reappointed to an unlimited number of successive terms of two years at the pleasure of the speaker of the house of representatives or president of the senate. Public members shall serve terms of three years. Each member shall serve until the member's successor is appointed, or until a period of sixty days has elapsed, whichever occurs first. No public member may serve more than two consecutive full terms. All vacancies on the board shall be filled for the balance of the unexpired term in

the same manner as the original appointment. 105634

Any member of the board may be removed by the member's 105635
appointing authority for misconduct, incompetency, or neglect of 105636
duty after first being given the opportunity to be heard in the 105637
member's own behalf. Pursuant to section 3.17 of the Revised Code, 105638
a member, except a member of the general assembly or a judge of 105639
any court in the state, who fails to attend at least three-fifths 105640
of the regular and special meetings held by the board during any 105641
two-year period forfeits the member's position on the board. 105642

Each member of the board shall serve without compensation but 105643
shall be reimbursed for all actual and necessary expenses incurred 105644
in the performance of official duties. 105645

At the beginning of the first year of each even-numbered 105646
general assembly, the chairperson of the board shall be appointed 105647
by the speaker of the house of representatives from among members 105648
of the board who are members of the house of representatives. At 105649
the beginning of the first year of each odd-numbered general 105650
assembly, the chairperson of the board shall be appointed by the 105651
president of the senate from among the members of the board who 105652
are senate members. 105653

The board shall biennially select a vice-chair from among its 105654
nonlegislative members. 105655

Sec. 3109.16. (A) The children's trust fund board, upon the 105656
recommendation of the director of ~~job and family services~~ children 105657
and youth, shall approve the employment of an executive director 105658
who will administer the programs of the board. 105659

(B) The department of ~~job and family services~~ children and 105660
youth shall provide budgetary, procurement, accounting, and other 105661
related management functions for the board and may adopt rules in 105662
accordance with Chapter 119. of the Revised Code for these 105663

purposes. An amount not to exceed three per cent of the total 105664
amount of fees deposited in the children's trust fund in each 105665
fiscal year may be used for costs directly related to these 105666
administrative functions of the department. Each fiscal year, the 105667
board shall approve a budget for administrative expenditures for 105668
the next fiscal year. 105669

(C) The board may request that the department adopt rules the 105670
board considers necessary for the purpose of carrying out the 105671
board's responsibilities under this section, and the department 105672
may adopt those rules. The department may, after consultation with 105673
the board and the executive director, adopt any other rules to 105674
assist the board in carrying out its responsibilities under this 105675
section. In either case, the rules shall be adopted under Chapter 105676
119. of the Revised Code. 105677

(D) The board shall meet at least quarterly at the call of 105678
the chairperson to conduct its official business. All business 105679
transactions of the board shall be conducted in public meetings. 105680
Eight members of the board constitute a quorum. A majority of the 105681
quorum is required to make all decisions of the board. 105682

(E) With respect to funding, all of the following apply: 105683

(1) The board may apply for and accept federal and other 105684
funds for the purpose of funding child abuse and child neglect 105685
prevention programs. 105686

(2) The board may solicit and accept gifts, money, and other 105687
donations from any public or private source, including 105688
individuals, philanthropic foundations or organizations, 105689
corporations, or corporation endowments. 105690

(3) The board may develop private-public partnerships to 105691
support the mission of the children's trust fund. 105692

(4) The acceptance and use of federal and other funds shall 105693
not entail any commitment or pledge of state funds, nor obligate 105694

the general assembly to continue the programs or activities for 105695
which the federal and other funds are made available. 105696

(5) All funds received in the manner described in this 105697
section shall be transmitted to the treasurer of state, who shall 105698
credit them to the children's trust fund created in section 105699
3109.14 of the Revised Code. 105700

Sec. 3109.17. (A) The children's trust fund board shall 105701
establish a strategic plan for child abuse and child neglect 105702
prevention. The plan shall be transmitted to the governor, the 105703
president and minority leader of the senate, and the speaker and 105704
minority leader of the house of representatives and shall be made 105705
available to the general public. 105706

(B) In developing and carrying out the strategic plan, the 105707
children's trust fund board shall, in accordance with rules 105708
adopted by the department pursuant to Chapter 119. of the Revised 105709
Code, do all of the following: 105710

(1) Ensure that an opportunity exists for assistance through 105711
child abuse and child neglect prevention programs to persons 105712
throughout the state of various social and economic backgrounds; 105713

(2) Allocate funds to entities for the purpose of funding 105714
child abuse and child neglect prevention programs that have 105715
statewide significance and that have been approved by the 105716
children's trust fund board; 105717

(3) Provide for the monitoring of expenditures from the 105718
children's trust fund and of programs that receive money from the 105719
children's trust fund; 105720

(4) Establish reporting requirements for both of the 105721
following: 105722

(a) Regional child abuse and child neglect prevention 105723
councils, including deadlines for the submission of the progress 105724

and annual reports required under section 3107.172 of the Revised Code; 105725
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(b) Children's advocacy centers, including deadlines for the submission of reports required under section 3107.178 of the Revised Code. 105727
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(5) Collaborate with appropriate persons and government entities and facilitate the exchange of information among those persons and entities for the purpose of child abuse and child neglect prevention; 105730
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(6) Provide for the education of the public and professionals for the purpose of child abuse and child neglect prevention. 105734
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(C) The children's trust fund board shall prepare a report for each fiscal biennium that delineates the expenditure of money from the children's trust fund. On or before January 1, 2002, and on or before the first day of January of a year that follows the end of a fiscal biennium of this state, the board shall file a copy of the report with the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives. 105736
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(D) The children's trust fund board shall develop a list of all state and federal sources of funding that might be available for establishing, operating, or establishing and operating a children's advocacy center under sections 2151.425 to 2151.428 of the Revised Code. The board periodically shall update the list as necessary. The board shall maintain, or provide for the maintenance of, the list at an appropriate location. That location may be the offices of the department of ~~job and family services~~ children and youth. The board shall provide the list upon request to any children's advocacy center or to any person or entity identified in section 2151.426 of the Revised Code as a person or entity that may participate in the establishment of a children's 105744
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advocacy center. 105756

Sec. 3109.179. (A) The department of ~~job and family services~~ 105757
children and youth shall adopt rules in accordance with Chapter 105758
119. of the Revised Code regarding all of the following: 105759

(1) Operation requirements for child abuse and child neglect 105760
regional prevention councils; 105761

(2) The manner in which boards of county commissioners are to 105762
appoint council members; 105763

(3) The form and manner by which councils are to submit 105764
regional prevention plans. 105765

(B) The department may adopt rules in accordance with Chapter 105766
119. of the Revised Code regarding the following: 105767

(1) Duties of council members; 105768

(2) Duties of regional prevention coordinators; 105769

(3) Any other rules necessary to implement sections 3109.13 105770
to 3109.178 of the Revised Code. 105771

(C) The department shall consult with the children's trust 105772
fund board and the board's executive director regarding all rules 105773
adopted under this section. 105774

Sec. 5101.34. (A) There is hereby created in the department 105775
of ~~job and family services~~ children and youth the Ohio commission 105776
on fatherhood. The commission shall consist of the following 105777
members: 105778

(1)(a) Four members of the house of representatives appointed 105779
by the speaker of the house, not more than two of whom are members 105780
of the same political party. Two of the members must be from 105781
legislative districts that include a county or part of a county 105782
that is among the one-third of counties in this state with the 105783

highest number per capita of households headed by females. 105784

(b) Two members of the senate appointed by the president of 105785
the senate, each from a different political party. One of the 105786
members must be from a legislative district that includes a county 105787
or part of a county that is among the one-third of counties in 105788
this state with the highest number per capita of households headed 105789
by females. 105790

(2) The governor, or the governor's designee; 105791

(3) One representative of the judicial branch of government 105792
appointed by the chief justice of the supreme court; 105793

(4) The directors of health, ~~job and family services~~ children 105794
and youth, rehabilitation and correction, mental health and 105795
addiction services, and youth services and the superintendent of 105796
public instruction, or their designees; 105797

(5) One representative of the Ohio family and children first 105798
cabinet council created under section 121.37 of the Revised Code 105799
appointed by the chairperson of the council; 105800

(6) Five representatives of the general public appointed by 105801
the governor. These members shall have extensive experience in 105802
issues related to fatherhood. 105803

~~(B) The appointing authorities of the Ohio commission on 105804
fatherhood shall make initial appointments to the commission 105805
within thirty days after September 29, 1999. Of the initial 105806
appointments to the commission made pursuant to divisions (A)(3), 105807
(5), and (6) of this section, three of the members shall serve a 105808
term of one year and four shall serve a term of two years. Members 105809
~~so~~ appointed subsequently to the Ohio commission on fatherhood 105810
shall serve two-year terms. A member appointed pursuant to 105811
division (A)(1) of this section shall serve on the commission 105812
until the end of the general assembly from which the member was 105813
appointed or until the member ceases to serve in the chamber of 105814~~

the general assembly in which the member serves at the time of 105815
appointment, whichever occurs first. The governor or the 105816
governor's designee shall serve on the commission until the 105817
governor ceases to be governor. The directors and superintendent 105818
or their designees shall serve on the commission until they cease, 105819
or the director or superintendent a designee represents ceases, to 105820
be director or superintendent. Each member shall serve on the 105821
commission from the date of appointment until the end of the term 105822
for which the member was appointed. Members may be reappointed. 105823

Vacancies shall be filled in the manner provided for original 105824
appointments. Any member appointed to fill a vacancy occurring 105825
prior to the expiration date of the term for which the member's 105826
predecessor was appointed shall serve on the commission for the 105827
remainder of that term. A member shall continue to serve on the 105828
commission subsequent to the expiration date of the member's term 105829
until the member's successor is appointed or until a period of 105830
sixty days has elapsed, whichever occurs first. Members shall 105831
serve without compensation but shall be reimbursed for necessary 105832
expenses. 105833

Sec. 5101.341. (A) The Ohio commission on fatherhood shall 105834
elect a chairperson from among its members in every odd-numbered 105835
year. 105836

(B) The governor shall appoint an individual to serve as the 105837
commission's executive director. The executive director shall 105838
serve at the pleasure of the governor and shall report to the 105839
director of ~~job and family services~~ children and youth or the 105840
director's designee. 105841

The governor shall fix the executive director's salary on the 105842
basis of the executive director's experience and the executive 105843
director's responsibilities and duties. The executive director 105844
shall be in the unclassified civil service. 105845

The department of ~~job and family services~~ children and youth 105846
shall provide staff and other support services as necessary for 105847
the commission to fulfill its duties. 105848

(C) The commission may accept gifts, grants, donations, 105849
contributions, benefits, and other funds from any public agency or 105850
private source to carry out any or all of the commission's duties. 105851
The funds shall be deposited into the Ohio commission on 105852
fatherhood fund, which is hereby created in the state treasury. 105853
All gifts, grants, donations, contributions, benefits, and other 105854
funds received by the commission pursuant to this division shall 105855
be used solely to support the operations of the commission. 105856

Sec. 5101.342. The Ohio commission on fatherhood shall do 105857
both of the following: 105858

(A) Organize a state summit on fatherhood every four years; 105859

(B) Prepare a report each year that does the following: 105860

(1) Identifies resources available to fund fatherhood-related 105861
programs and explores the creation of initiatives to do the 105862
following: 105863

(a) Build the parenting skills of fathers; 105864

(b) Provide employment-related services for low-income, 105865
noncustodial fathers; 105866

(c) Prevent premature fatherhood; 105867

(d) Provide services to fathers who are inmates in or have 105868
just been released from imprisonment in a state correctional 105869
institution, as defined in section 2967.01 of the Revised Code, or 105870
in any other detention facility, as defined in section 2921.01 of 105871
the Revised Code, so that they are able to maintain or reestablish 105872
their relationships with their families; 105873

(e) Reconcile fathers with their families; 105874

(f) Increase public awareness of the critical role fathers play. 105875
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(2) Describes the commission's expectations for the outcomes of fatherhood-related programs and initiatives and the methods the commission uses for conducting annual measures of those outcomes. 105877
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(C) The portion of the report prepared pursuant to division (B)(2) of this section shall be prepared by the commission in collaboration with the director of ~~job and family services~~ children and youth. 105880
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(D) The commission shall submit each report prepared pursuant to division (B) of this section to the president and minority leader of the senate, speaker and minority leader of the house of representatives, governor, and chief justice of the supreme court. The first report is due not later than one year after the last of the initial appointments to the commission is made under section 5101.341 of the Revised Code. 105884
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Sec. 5180.01. (A) The department of children and youth shall serve as the state's primary children's services agency and shall facilitate and coordinate the delivery of children's services in this state, including, but not limited to, those related to adoption, child care, child welfare, early childhood education, early intervention, foster care, home visiting, infant and early childhood mental consultation, and preschool special education. 105891
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(B) For purposes of this chapter and in addition to the services described in division (A) of this section, children's services include, but are not limited to, one or more government programs focused on any of the following: 105898
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(1) Adoption, child welfare, and foster care services; 105902

(2) Early identification and intervention regarding behavioral health, including, but not limited to, early 105903
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intervention services, early childhood mental health initiatives, 105905
multi-system youth services, and family support services 105906
administered through the Ohio family and children first cabinet 105907
council, Ohio commission on fatherhood, and children's trust fund 105908
board; 105909

(3) Early learning and education, including, but not limited 105910
to, child care and preschool licensing, early learning 105911
assessments, head start, preschool special education, publicly 105912
funded child care, and the step up to quality program; 105913

(4) Maternal and child physical health, including, but not 105914
limited to, infant vitality, home visiting, maternal and child 105915
health, maternal and infant support, and Medicaid-funded child 105916
health services. 105917

Sec. 5180.02. (A) The director of children and youth is the 105918
chief executive of and appointing authority for the department of 105919
children and youth. In this role, the director shall administer 105920
the department and implement the delivery in this state of 105921
children's services, including by doing all of the following: 105922

(1) Adopting as necessary rules in accordance with Chapter 105923
119. of the Revised Code and section 111.15 of the Revised Code; 105924

(2) Approving and entering into contracts, agreements, and 105925
other business arrangements on behalf of the department; 105926

(3) Making as necessary appointments to the department and 105927
approving actions related to departmental employees and officers, 105928
including their hiring, promotion, termination, discipline, or 105929
investigation; 105930

(4) Administering the department and directing the 105931
performance of its employees and officers; 105932

(5) Applying for grants available under federal law or from 105933
other federal, state, or private sources and allocating, 105934

disbursing, or accounting for any funds awarded; 105935

(6) Any other action as necessary to carry out the purposes of this chapter. 105936
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(B) Whenever by law a duty is imposed on or an action is required of the department, the director or director's designee shall fulfill the duty or perform the action. 105938
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(C) The director may organize the department for its efficient operation, including by creating as necessary any divisions or offices within it. The director also may establish procedures for the governance of the department, the conduct of its employees and officers, the performance of its business, and the custody, use, and preservation of departmental books, documents, papers, property, and records. 105941
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(D) If the director issues any directive governing the delivery in this state of children's services, each state and local agency involved in the delivery of those services shall comply with the directive and collaborate with the department. 105948
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Section 130.11. That existing sections 121.02, 121.03, 121.35, 121.37, 121.40, 3109.15, 3109.16, 3109.17, 3109.179, 5101.34, 5101.341, and 5101.342 of the Revised Code are hereby repealed. 105952
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Section 130.12. That sections 9.55, 103.60, 109.65, 109.746, 121.37, 131.33, 131.41, 135.79, 153.39, 307.98, 307.981, 329.04, 2151.011, 2151.152, 2151.281, 2151.316, 2151.353, 2151.3519, 2151.3534, 2151.3535, 2151.36, 2151.39, 2151.412, 2151.413, 2151.416, 2151.421, 2151.429, 2151.4228, 2151.4229, 2151.4230, 2151.4231, 2151.4232, 2151.4233, 2151.452, 2151.454, 2151.84, 2151.86, 2151.90, 2151.904, 2151.9010, 2152.192, 2705.02, 2950.08, 2950.11, 2950.13, 3101.041, 3107.012, 3107.013, 3107.014, 3107.015, 3107.016, 3107.017, 3107.018, 3107.031, 3107.032, 105956
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5101.1417, 5101.1418, 5101.15, 5101.183, 5101.19, 5101.191, 105979
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5153.121, 5153.122, 5153.123, 5153.124, 5153.14, 5153.16, 106007
5153.163, 5153.166, 5153.17, 5153.175, 5153.20, 5153.21, 5153.22, 106008
5153.27, 5153.29, 5153.30, 5153.32, 5153.35, 5153.36, 5153.38, 106009
5153.49, 5153.52, 5160.011, 5162.11, 5162.135, 5164.15, 5166.01, 106010
and 5167.16 be amended; sections 3301.90 (5104.50), 3701.61 106011
(5180.21), 3701.611 (5180.22), 3701.612 (5180.23), 3701.613 106012
(5180.24), 3701.614 (5180.25), 3701.63 (5180.14), 3701.64 106013
(5180.15), 3701.66 (5180.16), 3701.67 (5180.17), 3701.671 106014
(5180.18), 3701.68 (5180.10), 3701.95 (5180.20), 3701.951 106015
(5180.11), 3701.952 (5180.19), 3701.953 (5180.13), 3701.97 106016
(5180.12), 5123.024 (5180.31), 5123.0421 (5180.32), 5123.0422 106017
(5180.34), and 5123.0423 (5180.33) be amended for the purpose of 106018
adopting new section numbers as indicated in parentheses; and 106019
sections 5104.51, 5104.52, and 5180.30 of the Revised Code be 106020
enacted to read as follows: 106021

Sec. 9.55. (A) As used in this section, "state agency" means 106022
the house of representatives, the senate, the governor, the 106023
secretary of state, the auditor of state, the treasurer of state, 106024
the attorney general, the department of job and family services, 106025
the department of commerce, the department of developmental 106026
disabilities, the department of education, the department of 106027

health, the department of aging, the department of children and 106028
youth, the governor's office of advocacy for disabled persons, and 106029
the civil rights commission. 106030

(B) Each state agency shall install in its offices at least 106031
one teletypewriter designed to receive printed messages from and 106032
transmit printed messages to deaf or hearing-impaired persons. 106033

Sec. 103.60. (A) As used in this section, "rare disease" 106034
means a disease or condition that affects fewer than 200,000 106035
people living in the United States. 106036

(B) There is hereby created the rare disease advisory 106037
council. The purpose of the council is to advise the general 106038
assembly regarding research, diagnosis, and treatment efforts 106039
related to rare diseases across the state. 106040

(C) The council shall consist of the following ~~thirty-one~~ 106041
thirty-two members: 106042

(1) The following members appointed by the governor: 106043

(a) One individual who is a medical researcher with 106044
experience researching rare diseases; 106045

(b) One individual who represents an academic research 106046
institution in this state that receives funding for rare disease 106047
research; 106048

(c) One individual authorized under Chapter 4731. of the 106049
Revised Code to practice medicine and surgery or osteopathic 106050
medicine and surgery who has experience researching, diagnosing, 106051
and treating rare diseases; 106052

(d) One individual authorized under Chapter 4723. of the 106053
Revised Code to practice nursing as a registered nurse who has 106054
experience providing nursing care to patients with rare diseases; 106055

(e) One individual authorized under Chapter 4778. of the 106056

Revised Code to practice as a genetic counselor who is currently practicing at a children's hospital; 106057
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(f) Three members of the public who are living with a rare disease or represent an individual living with a rare disease; 106059
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(g) One representative of a national organization representing patients with a rare disease; 106061
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(h) One representative of a rare disease foundation operating in this state; 106063
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(i) Two representatives of the department of health, one of whom is a representative of the children with medical handicaps program; 106065
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(j) One representative of the department of medicaid; 106068

(k) One representative of the department of insurance; 106069

(l) One representative of the department of children and youth; 106070
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(m) One representative of the commission on minority health; 106072

~~(m)~~(n) One representative of the Ohio hospital association; 106073

~~(n)~~(o) One representative of Ohio health insurers; 106074

~~(o)~~(p) One representative of bioOhio; 106075

~~(p)~~(q) One representative of the association of Ohio health commissioners; 106076
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~~(q)~~(r) One representative of the pharmaceutical research and manufacturers of America. 106078
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(2) The following members appointed by the president of the senate: 106080
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(a) Two members of the senate, one from the majority party and one from the minority party; 106082
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(b) Three members of the public, one of whom is recommended 106084

by the minority leader of the senate. 106085

(3) The following members appointed by the speaker of the 106086
house of representatives: 106087

(a) Two members of the house of representatives, one from the 106088
majority party and one from the minority party; 106089

(b) Three members of the public, one of whom is recommended 106090
by the minority leader of the house of representatives. 106091

(4) The governor or the governor's designee. 106092

(D)(1) ~~Not later than April 23, 2021, initial appointments~~ 106093
~~shall be made to the council. Thereafter, appointments~~ 106094
Appointments shall be made every two years, not later than thirty 106095
days after the commencement of the first regular session of each 106096
general assembly. 106097

(2) Each member shall serve on the council until appointments 106098
are made following the commencement of the next general assembly. 106099
Members may be reappointed; however, no member shall serve more 106100
than four consecutive terms on the council. 106101

(E) Prior to the expiration of each term, the council shall 106102
prepare and submit a report to the general assembly detailing the 106103
following: 106104

(1) The coordination of statewide efforts for studying the 106105
incidence of rare diseases in this state; 106106

(2) The council's findings and recommendations regarding rare 106107
disease research and care in this state; 106108

(3) Efforts to promote collaboration among rare disease 106109
organizations, clinicians, academic research institutions, and the 106110
general assembly to better understand the incidence of rare 106111
diseases in this state. 106112

(F) The council shall annually select from among its members 106113
a chairperson or co-chairpersons. 106114

(G) The council shall meet at the call of the chairperson, 106115
but not less than quarterly. A majority of the members of the 106116
council shall constitute a quorum. The chairperson shall provide 106117
members with at least five days written notice of all meetings. 106118

(H) Members shall serve without compensation except to the 106119
extent that serving on the council is considered part of the 106120
member's regular duties of employment. The council shall reimburse 106121
each member for actual and necessary expenses incurred in the 106122
performance of the member's official duties. 106123

Sec. 109.65. (A) As used in this section, "minor," "missing 106124
child," and "missing children" have the same meanings as in 106125
section 2901.30 of the Revised Code. 106126

(B) There is hereby created within the office of the attorney 106127
general the missing children clearinghouse. The attorney general 106128
shall administer the clearinghouse. The clearinghouse is 106129
established as a central repository of information to coordinate 106130
and improve the availability of information regarding missing 106131
children, which information shall be collected and disseminated by 106132
the clearinghouse to assist in the location of missing children. 106133
The clearinghouse shall act as an information repository separate 106134
from and in addition to law enforcement agencies within this 106135
state. 106136

(C) The missing children clearinghouse may perform any of the 106137
following functions: 106138

(1) The establishment of services to aid in the location of 106139
missing children that include, but are not limited to, any of the 106140
following services: 106141

(a) Assistance in the preparation and dissemination of flyers 106142
identifying and describing missing children and their abductors; 106143

(b) The development of informational forms for the reporting 106144

of missing children that may be used by parents, guardians, and law enforcement officials to facilitate the location of a missing child;

(c) The provision of assistance to public and private organizations, boards of education, nonpublic schools, preschools, child care facilities, and law enforcement agencies in planning and implementing voluntary programs to fingerprint children.

(2) The establishment and operation of a toll-free telephone line for supplemental reports of missing children and reports of sightings of missing children;

(3) Upon the request of any person or entity and upon payment of any applicable fee established by the attorney general under division (H) of this section, the provision to the person or entity who makes the request of a copy of any information possessed by the clearinghouse that was acquired or prepared pursuant to division (E)(3) of this section;

(4) The performance of liaison services between individuals and public and private agencies regarding procedures for handling and responding to missing children reports;

(5) The participation as a member in any networks of other missing children centers or clearinghouses;

(6) The creation and operation of an intrastate network of communication designed for the speedy collection and processing of information concerning missing children.

(D) If a board of education is notified by school personnel that a missing child is attending any school under the board's jurisdiction, or if the principal or chief administrative officer of a nonpublic school is notified by school personnel that a missing child is attending that school, the board or the principal or chief administrative officer immediately shall give notice of that fact to the missing children clearinghouse and to the law

enforcement agency with jurisdiction over the area where the missing child resides. 106176
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(E)(1) The attorney general, in cooperation with the department of ~~job children~~ and ~~family services youth~~, shall establish a "missing child educational program" within the missing children clearinghouse that shall perform the functions specified in divisions (E)(1) to (3) of this section. The program shall operate under the supervision and control of the attorney general in accordance with procedures that the attorney general shall develop to implement divisions (E)(1) to (3) of this section. The attorney general shall cooperate with the department of education in developing and disseminating information acquired or prepared pursuant to division (E)(3) of this section. 106178
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(2) Upon the request of any board of education in this state or any nonpublic school in this state, the missing child educational program shall provide to the board or school a reasonable number of copies of the information acquired or prepared pursuant to division (E)(3) of this section. 106189
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Upon the request of any board of education in this state or any nonpublic school in this state that, pursuant to section 3313.96 of the Revised Code, is developing an information program concerning missing children issues and matters, the missing child educational program shall provide to the board or nonpublic school assistance in developing the information program. The assistance may include, but is not limited to, the provision of any or all of the following: 106194
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(a) If the requesting entity is a board of education of a school district, sample policies on missing and exploited children issues to assist the board in complying with section 3313.205 of the Revised Code; 106202
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(b) Suggested safety curricula regarding missing children 106206

issues, including child safety and abduction prevention issues; 106207

(c) Assistance in developing, with local law enforcement 106208
agencies, prosecuting attorneys, boards of education, school 106209
districts, and nonpublic schools, cooperative programs for 106210
fingerprinting children; 106211

(d) Other assistance to further the goals of the program. 106212

(3) The missing child educational program shall acquire or 106213
prepare informational materials relating to missing children 106214
issues and matters. These issues and matters include, but are not 106215
limited to, the following: 106216

(a) The types of missing children; 106217

(b) The reasons why and how minors become missing children, 106218
the potential adverse consequences of a minor becoming a missing 106219
child, and, in the case of minors who are considering running away 106220
from home or from the care, custody, and control of their parents, 106221
parent who is the residential parent and legal custodian, 106222
guardian, legal custodian, or another person responsible for them, 106223
alternatives that may be available to address their concerns and 106224
problems; 106225

(c) Offenses under federal law that could relate to missing 106226
children and other provisions of federal law that focus on missing 106227
children; 106228

(d) Offenses under the Revised Code that could relate to 106229
missing children, including, but not limited to, kidnapping, 106230
abduction, unlawful restraint, child stealing, interference with 106231
custody, endangering children, domestic violence, abuse of a child 106232
and contributing to the dependency, neglect, unruliness, or 106233
delinquency of a child, sexual offenses, drug offenses, 106234
prostitution offenses, and obscenity offenses, and other 106235
provisions of the Revised Code that could relate to missing 106236
children; 106237

- (e) Legislation being considered by the general assembly, 106238
legislatures of other states, the congress of the United States, 106239
and political subdivisions in this or any other state to address 106240
missing children issues; 106241
- (f) Sources of information on missing children issues; 106242
- (g) State, local, federal, and private systems for locating 106243
and identifying missing children; 106244
- (h) Law enforcement agency programs, responsibilities, and 106245
investigative techniques in missing children matters; 106246
- (i) Efforts on the community level in this and other states, 106247
concerning missing children issues and matters, by governmental 106248
entities and private organizations; 106249
- (j) The identification of private organizations that, among 106250
their primary objectives, address missing children issues and 106251
matters; 106252
- (k) How to avoid becoming a missing child and what to do if 106253
one becomes a missing child; 106254
- (l) Efforts that schools, parents, and members of a community 106255
can undertake to reduce the risk that a minor will become a 106256
missing child and to quickly locate or identify a minor if he 106257
becomes a missing child, including, but not limited to, 106258
fingerprinting programs. 106259
- (F) Each year the missing children clearinghouse shall issue 106260
a report describing its performance of the functions specified in 106261
division (E) of this section and shall provide a copy of the 106262
report to the speaker of the house of representatives, the 106263
president of the senate, the governor, the superintendent of the 106264
bureau of criminal identification and investigation, and the 106265
director of ~~job~~ children and ~~family services~~ youth. 106266
- (G) Any state agency or political subdivision of this state 106267

that operates a missing children program or a clearinghouse for 106268
information about missing children shall coordinate its activities 106269
with the missing children clearinghouse. 106270

(H) The attorney general shall determine a reasonable fee to 106271
be charged for providing to any person or entity other than a 106272
state or local law enforcement agency of this or any other state, 106273
a law enforcement agency of the United States, a board of 106274
education of a school district in this state, a nonpublic school 106275
in this state, a governmental entity in this state, or a public 106276
library in this state, pursuant to division (A)(3) of this 106277
section, copies of any information acquired or prepared pursuant 106278
to division (E)(3) of this section. The attorney general shall 106279
collect the fee prior to sending or giving copies of any 106280
information to any person or entity for whom or which this 106281
division requires the fee to be charged and shall deposit the fee 106282
into the missing children fund created by division (I) of this 106283
section. 106284

(I) There is hereby created in the state treasury the missing 106285
children fund that shall consist of all moneys awarded to the 106286
state by donation, gift, or bequest, all other moneys received for 106287
purposes of this section, and all fees collected pursuant to this 106288
section or section 109.64 of the Revised Code. The attorney 106289
general shall use the moneys in the missing children fund only for 106290
purposes of the office of the attorney general acquiring or 106291
preparing information pursuant to division (E)(3) of this section. 106292

(J) The failure of the missing children clearinghouse to 106293
undertake any function or activity authorized in this section does 106294
not create a cause of action against the state. 106295

Sec. 109.746. (A) The attorney general may prepare public 106296
awareness programs that are designed to educate potential victims 106297
of violations of section 2905.32 of the Revised Code and their 106298

families of the risks of becoming a victim of a violation of that 106299
section. The attorney general may prepare these programs with 106300
assistance from the department of health, the department of mental 106301
health and addiction services, the department of job and family 106302
services, the department of children and youth, and the department 106303
of education. 106304

(B) Any organization, person, or other governmental agency 106305
with an interest and expertise in trafficking in persons may 106306
submit information or materials to the attorney general regarding 106307
the preparation of the programs and materials permitted under this 106308
section. The attorney general, in developing the programs and 106309
materials permitted by this section, shall consider any 106310
information submitted pursuant to this division. 106311

Sec. 121.37. (A)(1) There is hereby created the Ohio family 106312
and children first cabinet council. The council shall be composed 106313
of the superintendent of public instruction, the executive 106314
director of the opportunities for Ohioans with disabilities 106315
agency, the medicaid director, and the directors of youth 106316
services, job and family services, mental health and addiction 106317
services, health, developmental disabilities, aging, 106318
rehabilitation and correction, and budget and management. The 106319
chairperson of the council shall be the governor or the governor's 106320
designee and shall establish procedures for the council's internal 106321
control and management. 106322

The purpose of the cabinet council is to help families 106323
seeking government services. This section shall not be interpreted 106324
or applied to usurp the role of parents, but solely to streamline 106325
and coordinate existing government services for families seeking 106326
assistance for their children. 106327

(2) In seeking to fulfill its purpose, the council may do any 106328

of the following: 106329

(a) Advise and make recommendations to the governor and 106330
general assembly regarding the provision of services to children; 106331

(b) Advise and assess local governments on the coordination 106332
of service delivery to children; 106333

(c) Hold meetings at such times and places as may be 106334
prescribed by the council's procedures and maintain records of the 106335
meetings, except that records identifying individual children are 106336
confidential and shall be disclosed only as provided by law; 106337

(d) Develop programs and projects, including pilot projects, 106338
to encourage coordinated efforts at the state and local level to 106339
improve the state's social service delivery system; 106340

(e) Enter into contracts with and administer grants to county 106341
family and children first councils, as well as other county or 106342
multicounty organizations to plan and coordinate service delivery 106343
between state agencies and local service providers for families 106344
and children; 106345

(f) Enter into contracts with and apply for grants from 106346
federal agencies or private organizations; 106347

(g) Enter into interagency agreements to encourage 106348
coordinated efforts at the state and local level to improve the 106349
state's social service delivery system. The agreements may include 106350
provisions regarding the receipt, transfer, and expenditure of 106351
funds; 106352

(h) Identify public and private funding sources for services 106353
provided to alleged or adjudicated unruly children and children 106354
who are at risk of being alleged or adjudicated unruly children, 106355
including regulations governing access to and use of the services; 106356

(i) Collect information provided by local communities 106357
regarding successful programs for prevention, intervention, and 106358

treatment of unruly behavior, including evaluations of the programs; 106359
106360

(j) Identify and disseminate publications regarding alleged or adjudicated unruly children and children who are at risk of being alleged or adjudicated unruly children and regarding programs serving those types of children; 106361
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(k) Maintain an inventory of strategic planning facilitators for use by government or nonprofit entities that serve alleged or adjudicated unruly children or children who are at risk of being alleged or adjudicated unruly children. 106365
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(3) The cabinet council shall provide for the following: 106369

(a) Reviews of service and treatment plans for children for which such reviews are requested; 106370
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(b) Assistance as the council determines to be necessary to meet the needs of children referred by county family and children first councils; 106372
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106374

(c) Monitoring and supervision of a statewide, comprehensive, coordinated, multi-disciplinary, interagency system for infants and toddlers with developmental disabilities or delays and their families, as established pursuant to federal grants received and administered by the department of ~~health~~ children and youth for early intervention services under the "Individuals with Disabilities Education Act of 2004," 118 Stat. 2744, 20 U.S.C.A. 1400, as amended. 106375
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(4) The cabinet council shall develop and implement the following: 106383
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(a) An interagency process to select the indicators that will be used to measure progress toward increasing child well-being in the state and to update the indicators on an annual basis. The indicators shall focus on expectant parents and newborns thriving; 106385
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infants and toddlers thriving; children being ready for school; 106389
children and youth succeeding in school; youth choosing healthy 106390
behaviors; and youth successfully transitioning into adulthood. 106391

(b) An interagency system to offer guidance and monitor 106392
progress toward increasing child well-being in the state and in 106393
each county; 106394

(c) An annual plan that identifies state-level agency efforts 106395
taken to ensure progress towards increasing child well-being in 106396
the state. 106397

On an annual basis, the cabinet council shall submit to the 106398
governor and the general assembly a report on the status of 106399
efforts to increase child well-being in the state. This report 106400
shall be made available to any other person on request. 106401

(B)(1) Each board of county commissioners shall establish a 106402
county family and children first council. The board may invite any 106403
local public or private agency or group that funds, advocates, or 106404
provides services to children and families to have a 106405
representative become a permanent or temporary member of its 106406
county council. Each county council must include the following 106407
individuals: 106408

(a) At least three individuals who are not employed by an 106409
agency represented on the council and whose families are or have 106410
received services from an agency represented on the council or 106411
another county's council. Where possible, the number of members 106412
representing families shall be equal to twenty per cent of the 106413
council's membership. 106414

(b) The director of the board of alcohol, drug addiction, and 106415
mental health services that serves the county, or, in the case of 106416
a county that has a board of alcohol and drug addiction services 106417
and a community mental health board, the directors of both boards. 106418
If a board of alcohol, drug addiction, and mental health services 106419

covers more than one county, the director may designate a person 106420
to participate on the county's council. 106421

(c) The health commissioner, or the commissioner's designee, 106422
of the board of health of each city and general health district in 106423
the county. If the county has two or more health districts, the 106424
health commissioner membership may be limited to the commissioners 106425
of the two districts with the largest populations. 106426

(d) The director of the county department of job and family 106427
services; 106428

(e) The executive director of the public children services 106429
agency; 106430

(f) The superintendent of the county board of developmental 106431
disabilities or, if the superintendent serves as superintendent of 106432
more than one county board of developmental disabilities, the 106433
superintendent's designee; 106434

(g) The superintendent of the city, exempted village, or 106435
local school district with the largest number of pupils residing 106436
in the county, as determined by the department of education, which 106437
shall notify each board of county commissioners of its 106438
determination at least biennially; 106439

(h) A school superintendent representing all other school 106440
districts with territory in the county, as designated at a 106441
biennial meeting of the superintendents of those districts; 106442

(i) A representative of the municipal corporation with the 106443
largest population in the county; 106444

(j) The president of the board of county commissioners or an 106445
individual designated by the board; 106446

(k) A representative of the department of youth services or 106447
an individual designated by the department; 106448

(l) A representative of the county's head start agencies, as 106449

defined in section 3301.32 of the Revised Code; 106450

(m) A representative of the county's early intervention 106451
collaborative established pursuant to the federal early 106452
intervention program operated under the "Individuals with 106453
Disabilities Education Act of 2004"; 106454

(n) A representative of a local nonprofit entity that funds, 106455
advocates, or provides services to children and families. 106456

Notwithstanding any other provision of law, the public 106457
members of a county council are not prohibited from serving on the 106458
council and making decisions regarding the duties of the council, 106459
including those involving the funding of joint projects and those 106460
outlined in the county's service coordination mechanism 106461
implemented pursuant to division (C) of this section. 106462

The cabinet council shall establish a state appeals process 106463
to resolve disputes among the members of a county council 106464
concerning whether reasonable responsibilities as members are 106465
being shared. The appeals process may be accessed only by a 106466
majority vote of the council members who are required to serve on 106467
the council. Upon appeal, the cabinet council may order that state 106468
funds for services to children and families be redirected to a 106469
county's board of county commissioners. 106470

The county's juvenile court judge senior in service or 106471
another judge of the juvenile court designated by the 106472
administrative judge or, where there is no administrative judge, 106473
by the judge senior in service shall serve as the judicial advisor 106474
to the county family and children first council. The judge may 106475
advise the county council on the court's utilization of resources, 106476
services, or programs provided by the entities represented by the 106477
members of the county council and how those resources, services, 106478
or programs assist the court in its administration of justice. 106479
Service of a judge as a judicial advisor pursuant to this section 106480

is a judicial function. 106481

(2) The purpose of the county council is to streamline and 106482
coordinate existing government services for families seeking 106483
services for their children. In seeking to fulfill its purpose, a 106484
county council shall provide for the following: 106485

(a) Referrals to the cabinet council of those children for 106486
whom the county council cannot provide adequate services; 106487

(b) Development and implementation of a process that annually 106488
evaluates and prioritizes services, fills service gaps where 106489
possible, and invents new approaches to achieve better results for 106490
families and children; 106491

(c) Participation in the development of a countywide, 106492
comprehensive, coordinated, multi-disciplinary, interagency system 106493
for infants and toddlers with developmental disabilities or delays 106494
and their families, as established pursuant to federal grants 106495
received and administered by the department of health children and 106496
youth for early intervention services under the "Individuals with 106497
Disabilities Education Act of 2004"; 106498

(d) Maintenance of an accountability system to monitor the 106499
county council's progress in achieving results for families and 106500
children; 106501

(e) Establishment of a mechanism to ensure ongoing input from 106502
a broad representation of families who are receiving services 106503
within the county system. 106504

(3) A county council shall develop and implement the 106505
following: 106506

(a) An interagency process to establish local indicators and 106507
monitor the county's progress toward increasing child well-being 106508
in the county; 106509

(b) An interagency process to identify local priorities to 106510

increase child well-being. The local priorities shall focus on 106511
expectant parents and newborns thriving; infants and toddlers 106512
thriving; children being ready for school; children and youth 106513
succeeding in school; youth choosing healthy behaviors; and youth 106514
successfully transitioning into adulthood and take into account 106515
the indicators established by the cabinet council under division 106516
(A)(4)(a) of this section. 106517

(c) An annual plan that identifies the county's interagency 106518
efforts to increase child well-being in the county. 106519

On an annual basis, the county council shall submit a report 106520
on the status of efforts by the county to increase child 106521
well-being in the county to the county's board of county 106522
commissioners and the cabinet council. This report shall be made 106523
available to any other person on request. 106524

(4)(a) Except as provided in division (B)(4)(b) of this 106525
section, a county council shall comply with the policies, 106526
procedures, and activities prescribed by the rules or interagency 106527
agreements of a state department participating on the cabinet 106528
council whenever the county council performs a function subject to 106529
those rules or agreements. 106530

(b) On application of a county council, the cabinet council 106531
may grant an exemption from any rules or interagency agreements of 106532
a state department participating on the council if an exemption is 106533
necessary for the council to implement an alternative program or 106534
approach for service delivery to families and children. The 106535
application shall describe the proposed program or approach and 106536
specify the rules or interagency agreements from which an 106537
exemption is necessary. The cabinet council shall approve or 106538
disapprove the application in accordance with standards and 106539
procedures it shall adopt. If an application is approved, the 106540
exemption is effective only while the program or approach is being 106541
implemented, including a reasonable period during which the 106542

program or approach is being evaluated for effectiveness. 106543

(5)(a) Each county council shall designate an administrative 106544
agent for the council from among the following public entities: 106545
the board of alcohol, drug addiction, and mental health services, 106546
including a board of alcohol and drug addiction or a community 106547
mental health board if the county is served by separate boards; 106548
the board of county commissioners; any board of health of the 106549
county's city and general health districts; the county department 106550
of job and family services; the county agency responsible for the 106551
administration of children services pursuant to section 5153.15 of 106552
the Revised Code; the county board of developmental disabilities; 106553
any of the county's boards of education or governing boards of 106554
educational service centers; or the county's juvenile court. Any 106555
of the foregoing public entities, other than the board of county 106556
commissioners, may decline to serve as the council's 106557
administrative agent. 106558

A county council's administrative agent shall serve as the 106559
council's appointing authority for any employees of the council. 106560
The council shall file an annual budget with its administrative 106561
agent, with copies filed with the county auditor and with the 106562
board of county commissioners, unless the board is serving as the 106563
council's administrative agent. The council's administrative agent 106564
shall ensure that all expenditures are handled in accordance with 106565
policies, procedures, and activities prescribed by state 106566
departments in rules or interagency agreements that are applicable 106567
to the council's functions. 106568

The administrative agent of a county council shall send 106569
notice of a member's absence if a member listed in division (B)(1) 106570
of this section has been absent from either three consecutive 106571
meetings of the county council or a county council subcommittee, 106572
or from one-quarter of such meetings in a calendar year, whichever 106573
is less. The notice shall be sent to the board of county 106574

commissioners that establishes the county council and, for the 106575
members listed in divisions (B)(1)(b), (c), (e), and (l) of this 106576
section, to the governing board overseeing the respective entity; 106577
for the member listed in division (B)(1)(f) of this section, to 106578
the county board of developmental disabilities that employs the 106579
superintendent; for a member listed in division (B)(1)(g) or (h) 106580
of this section, to the school board that employs the 106581
superintendent; for the member listed in division (B)(1)(i) of 106582
this section, to the mayor of the municipal corporation; for the 106583
member listed in division (B)(1)(k) of this section, to the 106584
director of youth services; and for the member listed in division 106585
(B)(1)(n) of this section, to that member's board of trustees. 106586

The administrative agent for a county council may do any of 106587
the following on behalf of the council: 106588

(i) Enter into agreements or administer contracts with public 106589
or private entities to fulfill specific council business. Such 106590
agreements and contracts are exempt from the competitive bidding 106591
requirements of section 307.86 of the Revised Code if they have 106592
been approved by the county council and they are for the purchase 106593
of family and child welfare or child protection services or other 106594
social or job and family services for families and children. The 106595
approval of the county council is not required to exempt 106596
agreements or contracts entered into under section 5139.34, 106597
5139.41, or 5139.43 of the Revised Code from the competitive 106598
bidding requirements of section 307.86 of the Revised Code. 106599

(ii) As determined by the council, provide financial 106600
stipends, reimbursements, or both, to family representatives for 106601
expenses related to council activity; 106602

(iii) Receive by gift, grant, devise, or bequest any moneys, 106603
lands, or other property for the purposes for which the council is 106604
established. The agent shall hold, apply, and dispose of the 106605
moneys, lands, or other property according to the terms of the 106606

gift, grant, devise, or bequest. Any interest or earnings shall be 106607
treated in the same manner and are subject to the same terms as 106608
the gift, grant, devise, or bequest from which it accrues. 106609

(b)(i) If the county council designates the board of county 106610
commissioners as its administrative agent, the board may, by 106611
resolution, delegate any of its powers and duties as 106612
administrative agent to an executive committee the board 106613
establishes from the membership of the county council. The board 106614
shall name to the executive committee at least the individuals 106615
described in divisions (B)(1)(b) to (h) of this section and may 106616
appoint the president of the board or another individual as the 106617
chair of the executive committee. The executive committee must 106618
include at least one family county council representative who does 106619
not have a family member employed by an agency represented on the 106620
council. 106621

(ii) The executive committee may, with the approval of the 106622
board, hire an executive director to assist the county council in 106623
administering its powers and duties. The executive director shall 106624
serve in the unclassified civil service at the pleasure of the 106625
executive committee. The executive director may, with the approval 106626
of the executive committee, hire other employees as necessary to 106627
properly conduct the county council's business. 106628

(iii) The board may require the executive committee to submit 106629
an annual budget to the board for approval and may amend or repeal 106630
the resolution that delegated to the executive committee its 106631
authority as the county council's administrative agent. 106632

(6) Two or more county councils may enter into an agreement 106633
to administer their county councils jointly by creating a regional 106634
family and children first council. A regional council possesses 106635
the same duties and authority possessed by a county council, 106636
except that the duties and authority apply regionally rather than 106637
to individual counties. Prior to entering into an agreement to 106638

create a regional council, the members of each county council to 106639
be part of the regional council shall meet to determine whether 106640
all or part of the members of each county council will serve as 106641
members of the regional council. 106642

(7) A board of county commissioners may approve a resolution 106643
by a majority vote of the board's members that requires the county 106644
council to submit a statement to the board each time the council 106645
proposes to enter into an agreement, adopt a plan, or make a 106646
decision, other than a decision pursuant to section 121.38 of the 106647
Revised Code, that requires the expenditure of funds for two or 106648
more families. The statement shall describe the proposed 106649
agreement, plan, or decision. 106650

Not later than fifteen days after the board receives the 106651
statement, it shall, by resolution approved by a majority of its 106652
members, approve or disapprove the agreement, plan, or decision. 106653
Failure of the board to pass a resolution during that time period 106654
shall be considered approval of the agreement, plan, or decision. 106655

An agreement, plan, or decision for which a statement is 106656
required to be submitted to the board shall be implemented only if 106657
it is approved by the board. 106658

(C) Each county shall develop a county service coordination 106659
mechanism. The county service coordination mechanism shall serve 106660
as the guiding document for coordination of services in the 106661
county. For children who also receive services under the help me 106662
grow program, the service coordination mechanism shall be 106663
consistent with rules adopted by the department of health under 106664
section ~~3701.61~~ 5180.21 of the Revised Code. All family service 106665
coordination plans shall be developed in accordance with the 106666
county service coordination mechanism. The mechanism shall be 106667
developed and approved with the participation of the county 106668
entities representing child welfare; developmental disabilities; 106669
alcohol, drug addiction, and mental health services; health; 106670

juvenile judges; education; the county family and children first 106671
council; and the county early intervention collaborative 106672
established pursuant to the federal early intervention program 106673
operated under the "Individuals with Disabilities Education Act of 106674
2004." The county shall establish an implementation schedule for 106675
the mechanism. The cabinet council may monitor the implementation 106676
and administration of each county's service coordination 106677
mechanism. 106678

Each mechanism shall include all of the following: 106679

(1) A procedure for an agency, including a juvenile court, or 106680
a family voluntarily seeking service coordination, to refer the 106681
child and family to the county council for service coordination in 106682
accordance with the mechanism; 106683

(2) A procedure ensuring that a family and all appropriate 106684
staff from involved agencies, including a representative from the 106685
appropriate school district, are notified of and invited to 106686
participate in all family service coordination plan meetings; 106687

(3) A procedure that permits a family to initiate a meeting 106688
to develop or review the family's service coordination plan and 106689
allows the family to invite a family advocate, mentor, or support 106690
person of the family's choice to participate in any such meeting; 106691

(4) A procedure for ensuring that a family service 106692
coordination plan meeting is conducted for each child who receives 106693
service coordination under the mechanism and for whom an emergency 106694
out-of-home placement has been made or for whom a nonemergency 106695
out-of-home placement is being considered. The meeting shall be 106696
conducted within ten days of an emergency out-of-home placement. 106697
The meeting shall be conducted before a nonemergency out-of-home 106698
placement. The family service coordination plan shall outline how 106699
the county council members will jointly pay for services, where 106700
applicable, and provide services in the least restrictive 106701

environment. 106702

(5) A procedure for monitoring the progress and tracking the 106703
outcomes of each service coordination plan requested in the county 106704
including monitoring and tracking children in out-of-home 106705
placements to assure continued progress, appropriateness of 106706
placement, and continuity of care after discharge from placement 106707
with appropriate arrangements for housing, treatment, and 106708
education; 106709

(6) A procedure for protecting the confidentiality of all 106710
personal family information disclosed during service coordination 106711
meetings or contained in the comprehensive family service 106712
coordination plan; 106713

(7) A procedure for assessing the needs and strengths of any 106714
child or family that has been referred to the council for service 106715
coordination, including a child whose parent or custodian is 106716
voluntarily seeking services, and for ensuring that parents and 106717
custodians are afforded the opportunity to participate; 106718

(8) A procedure for development of a family service 106719
coordination plan described in division (D) of this section; 106720

(9) A local dispute resolution process to serve as the 106721
process that must be used first to resolve disputes among the 106722
agencies represented on the county council concerning the 106723
provision of services to children, including children who are 106724
abused, neglected, dependent, unruly, alleged unruly, or 106725
delinquent children and under the jurisdiction of the juvenile 106726
court and children whose parents or custodians are voluntarily 106727
seeking services. The local dispute resolution process shall 106728
comply with sections 121.38, 121.381, and 121.382 of the Revised 106729
Code. The local dispute resolution process shall be used to 106730
resolve disputes between a child's parents or custodians and the 106731
county council regarding service coordination. The county council 106732

shall inform the parents or custodians of their right to use the 106733
dispute resolution process. Parents or custodians shall use 106734
existing local agency grievance procedures to address disputes not 106735
involving service coordination. The dispute resolution process is 106736
in addition to and does not replace other rights or procedures 106737
that parents or custodians may have under other sections of the 106738
Revised Code. 106739

The cabinet council shall adopt rules in accordance with 106740
Chapter 119. of the Revised Code establishing an administrative 106741
review process to address problems that arise concerning the 106742
operation of a local dispute resolution process. 106743

Nothing in division (C)(4) of this section shall be 106744
interpreted as overriding or affecting decisions of a juvenile 106745
court regarding an out-of-home placement, long-term placement, or 106746
emergency out-of-home placement. 106747

(D) Each county shall develop a family service coordination 106748
plan that does all of the following: 106749

(1) Designates service responsibilities among the various 106750
state and local agencies that provide services to children and 106751
their families, including children who are abused, neglected, 106752
dependent, unruly, or delinquent children and under the 106753
jurisdiction of the juvenile court and children whose parents or 106754
custodians are voluntarily seeking services; 106755

(2) Designates an individual, approved by the family, to 106756
track the progress of the family service coordination plan, 106757
schedule reviews as necessary, and facilitate the family service 106758
coordination plan meeting process; 106759

(3) Ensures that assistance and services to be provided are 106760
responsive to the strengths and needs of the family, as well as 106761
the family's culture, race, and ethnic group, by allowing the 106762
family to offer information and suggestions and participate in 106763

decisions. Identified assistance and services shall be provided in the least restrictive environment possible.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 131.33. (A) No state agency shall incur an obligation which exceeds the agency's current appropriation authority. Except as provided in division (D) of this section, unexpended balances of appropriations shall, at the close of the period for which the appropriations are made, revert to the funds from which the

appropriations were made, except that the director of budget and management shall transfer such unexpended balances from the first fiscal year to the second fiscal year of an agency's appropriations to the extent necessary for voided warrants to be reissued pursuant to division (C) of section 126.37 of the Revised Code.

Except as provided in this section, appropriations made to a specific fiscal year shall be expended only to pay liabilities incurred within that fiscal year.

(B) All payrolls shall be charged to the allotments of the fiscal quarters in which the applicable payroll vouchers are certified by the director of budget and management in accordance with section 126.07 of the Revised Code. As used in this division, "payrolls" means any payment made in accordance with section 125.21 of the Revised Code.

(C) Legal liabilities from prior fiscal years for which there is no reappropriation authority shall be discharged from the unencumbered balances of current appropriations.

(D)(1) Federal grant funds obligated by the department of job and family services or the department of children and youth for financial allocations to county family services agencies and local boards may, at the discretion of the director of job and family services or the director of children and youth, be available for expenditure for the duration of the federal grant period of obligation and liquidation, as follows:

(a) At the end of the state fiscal year, all unexpended county family services agency and local board financial allocations obligated from federal grant funds may continue to be valid for expenditure during subsequent state fiscal years.

(b) The financial allocations described in division (D)(1)(a) of this section shall be reconciled at the end of the federal

grant period of availability or as required by federal law, 106855
regardless of the state fiscal year of the appropriation. 106856

(2) The director of job and family services and the director 106857
of children and youth may adopt rules in accordance with section 106858
111.15 of the Revised Code, as if they were internal management 106859
rules, as necessary to implement division (D) of this section. 106860

(3) As used in division (D) of this section: 106861

(a) "County family services agency" has the same meaning as 106862
in section 307.981 of the Revised Code. 106863

(b) "Local board" has the same meaning as in section 6301.01 106864
of the Revised Code. 106865

Sec. 131.41. There is hereby created in the state treasury 106866
the family services stabilization fund. The fund shall consist of 106867
moneys deposited into it pursuant to acts of the general assembly. 106868
The director of budget and management, with advice from the 106869
director of job and family services or the director of children 106870
and youth, may transfer moneys in the family services 106871
stabilization fund to the general revenue fund for the department 106872
of job and family services or the department of children and 106873
youth. Moneys may be transferred due to identified shortfalls for 106874
family services activities, such as higher caseloads, federal 106875
funding changes, and unforeseen costs due to significant state 106876
policy changes. Before transfers are authorized, the director of 106877
budget and management shall exhaust the possibilities for 106878
transfers of moneys within the department of job and family 106879
services or the department of children and youth to meet the 106880
identified shortfall. Transfers shall not be used to fund policy 106881
changes not contemplated by acts of the general assembly. Any 106882
investment earnings of the family services stabilization fund 106883
shall be credited to that fund. 106884

Sec. 135.79. As used in sections 135.79 to 135.796 of the Revised Code:

(A) "Eligible borrower" means an individual who is a resident of this state and to whom either of the following applies:

(1) The individual completes a home study pursuant to section 3107.031 of the Revised Code and is approved.

(2) The individual is pursuing an adoption through the public foster care system and meets the requirements set by the department of ~~job~~ children and ~~family services~~ youth.

(B) "Eligible lending institution" means a financial institution that may make secured or unsecured personal loans, agrees to participate in the adoption linked deposit program, and is either of the following:

(1) A public depository of state funds under section 135.03 of the Revised Code;

(2) Notwithstanding sections 135.01 to 135.21 of the Revised Code, a federal credit union, a foreign credit union licensed pursuant to section 1733.39 of the Revised Code, or a credit union as defined in section 1733.01 of the Revised Code, located in this state.

(C) "Adoption linked deposit" means a certificate of deposit or other financial institution instrument placed by the treasurer of state with an eligible lending institution at a rate below current market rate, as determined and calculated by the treasurer of state, provided the institution agrees to lend the value of such deposit or instrument, according to the agreement provided in division (C) of section 135.793 of the Revised Code, to eligible borrowers at a rate that reflects an equal percentage rate reduction below the present borrowing rate applicable to each specific borrower at the time of the placement of state funds in

the institution. 106915

(D) "Other financial institution instrument" means a fully 106916
collateralized product that otherwise would pay market rates of 106917
interest approved by the treasurer of state. 106918

(E) "Loan" means a contractual agreement under which an 106919
eligible lending institution agrees to lend money to an eligible 106920
borrower in the form of an upfront lump sum, a line of credit, or 106921
any other reasonable arrangement approved by the treasurer of 106922
state. 106923

(F) "Qualifying adoption expense" means any expense incurred 106924
to legally adopt a child as described in division (C) of section 106925
3107.055 of the Revised Code, including any costs incurred by the 106926
eligible borrower proximately relating to the completion and 106927
approval of the home study under section 3107.031 of the Revised 106928
Code, and any other expense as determined by the treasurer of 106929
state. 106930

Sec. 153.39. If the plans, drawings, representations, bills 106931
of material, specifications of work, and estimates relate to the 106932
building of a children's home, they shall be submitted to the 106933
board of county commissioners and three citizens of the county, to 106934
be appointed by a resident judge of the court of common pleas, or 106935
a judge residing in the same subdivision of the judicial district. 106936
If approved by a majority of them, a copy thereof shall be 106937
deposited with the county auditor and kept by the auditor for the 106938
inspection of interested parties. Before such plans are adopted, 106939
they shall be submitted to the department of ~~job~~ children and 106940
~~family services~~ youth for suggestions and criticism. The boards of 106941
counties composing a district for the purpose of establishing a 106942
district children's home, in letting contracts for the necessary 106943
buildings or the repair or alteration thereof, shall be governed 106944
by the law relating to letting contracts for erecting, repairing, 106945

or altering other public buildings. 106946

Sec. 307.98. As used in this section, "county grantee" has 106947
the same meaning as in section 5101.21 of the Revised Code. 106948

Each board of county commissioners and each other county 106949
grantee of the county shall jointly enter into one or more written 106950
grant agreements with the director of job and family services or 106951
the director of children and youth in accordance with section 106952
5101.21 of the Revised Code. The board of county commissioners 106953
shall enter into the agreement on behalf of the county family 106954
services agencies, other than a county family services agency that 106955
is a county grantee. 106956

Sec. 307.981. (A)(1) As used in the Revised Code: 106957

(a) "County family services agency" means all of the 106958
following: 106959

(i) A child support enforcement agency; 106960

(ii) A county department of job and family services; 106961

(iii) A public children services agency. 106962

(b) "Family services duty" means a duty state law requires or 106963
allows a county family services agency to assume, including 106964
financial and general administrative duties. "Family services 106965
duty" does not include a duty funded by the United States 106966
department of labor. 106967

(2) As used in sections 307.981 to 307.989 of the Revised 106968
Code, "private entity" means an entity other than a government 106969
entity. 106970

(B) To the extent permitted by federal law, including, when 106971
applicable, subpart F of 5 C.F.R. part 900, and subject to any 106972
limitations established by the Revised Code, including division 106973
(H) of this section, a board of county commissioners may designate 106974

any private or government entity within this state to serve as any 106975
of the following: 106976

(1) A child support enforcement agency; 106977

(2) A county department of job and family services; 106978

(3) A public children services agency; 106979

(4) A county department of job and family services and one 106980
other of those county family services agencies; 106981

(5) All three of those county family services agencies. 106982

(C) To the extent permitted by federal law, including, when 106983
applicable, subpart F of 5 C.F.R. part 900, and subject to any 106984
limitations of the Revised Code, including division (H) of this 106985
section, a board of county commissioners may change the 106986
designation it makes under division (B) of this section by 106987
designating another private or government entity. 106988

(D) If a designation under division (B) or (C) of this 106989
section constitutes a change from the designation in a grant 106990
agreement between the director of job and family services, or the 106991
director of children and youth, and the board under sections 106992
307.98 and 5101.21 of the Revised Code, the ~~director~~ directors may 106993
require that the ~~director~~ directors and board amend the grant 106994
agreement and that the board provide the ~~director~~ directors 106995
written assurances that the newly designated private or government 106996
entity will meet or exceed all requirements of the family services 106997
duties the entity is to assume. 106998

(E) Not less than sixty days before a board of county 106999
commissioners designates an entity under division (B) or (C) of 107000
this section, the board shall notify the director of job and 107001
family services and department of children and youth and publish 107002
notice in a newspaper of general circulation in the county of the 107003
board's intention to make the designation and reasons for the 107004

designation. 107005

(F) A board of county commissioners shall enter into a 107006
written contract with each entity it designates under division (B) 107007
or (C) of this section specifying the entity's responsibilities 107008
and standards the entity is required to meet. 107009

(G) This section does not require a board of county 107010
commissioners to abolish the child support enforcement agency, 107011
county department of job and family services, or public children 107012
services agency serving the county on October 1, 1997, and 107013
designate a different private or government entity to serve as the 107014
county's child support enforcement agency, county department of 107015
job and family services, or public children services agency. 107016

(H) If a county children services board appointed under 107017
section 5153.03 of the Revised Code serves as a public children 107018
services agency for a county, the board of county commissioners 107019
may not redesignate the public children services agency unless the 107020
board of county commissioners does all of the following: 107021

(1) Notifies the county children services board of its intent 107022
to redesignate the public children services agency. In its 107023
notification, the board of county commissioners shall provide the 107024
county children services board a written explanation of the 107025
administrative, fiscal, or performance considerations causing the 107026
board of county commissioners to seek to redesignate the public 107027
children services agency. 107028

(2) Provides the county children services board an 107029
opportunity to comment on the proposed redesignation before the 107030
redesignation occurs; 107031

(3) If the county children services board, not more than 107032
sixty days after receiving the notice under division (H)(1) of 107033
this section, notifies the board of county commissioners that the 107034
county children services board has voted to oppose the 107035

redesignation, votes unanimously to proceed with the 107036
redesignation. 107037

Sec. 329.04. (A) The county department of job and family 107038
services shall have, exercise, and perform the following powers 107039
and duties: 107040

(1) Perform any duties assigned by the state department of 107041
job and family services, department of children and youth, or 107042
department of medicaid regarding the provision of public family 107043
services, including the provision of the following services to 107044
prevent or reduce economic or personal dependency and to 107045
strengthen family life: 107046

(a) Services authorized by a Title IV-A program, as defined 107047
in section 5101.80 of the Revised Code; 107048

(b) Social services authorized by Title XX of the "Social 107049
Security Act" and provided for by section 5101.46 or 5101.461 of 107050
the Revised Code; 107051

(c) If the county department is designated as the child 107052
support enforcement agency, services authorized by Title IV-D of 107053
the "Social Security Act" and provided for by Chapter 3125. of the 107054
Revised Code. The county department may perform the services 107055
itself or contract with other government entities, and, pursuant 107056
to division (C) of section 2301.35 and section 2301.42 of the 107057
Revised Code, private entities, to perform the Title IV-D 107058
services. 107059

(d) Duties assigned under section 5162.031 of the Revised 107060
Code. 107061

(2) Administer burials insofar as the administration of 107062
burials was, prior to September 12, 1947, imposed upon the board 107063
of county commissioners and if otherwise required by state law; 107064

(3) Cooperate with state and federal authorities in any 107065

matter relating to family services and to act as the agent of such 107066
authorities; 107067

(4) Submit an annual account of its work and expenses to the 107068
board of county commissioners and to the state department of job 107069
and family services, department of children and youth, and 107070
department of medicaid at the close of each fiscal year; 107071

(5) Exercise any powers and duties relating to family 107072
services duties or workforce development activities imposed upon 107073
the county department of job and family services by law, by 107074
resolution of the board of county commissioners, or by order of 107075
the governor, when authorized by law, to meet emergencies during 107076
war or peace; 107077

(6) Enter into a plan of cooperation with the board of county 107078
commissioners under section 307.983, consult with the board in the 107079
development of the transportation work plan developed under 107080
section 307.985, establish with the board procedures under section 107081
307.986 for providing services to children whose families relocate 107082
frequently, and comply with the contracts the board enters into 107083
under sections 307.981 and 307.982 of the Revised Code that affect 107084
the county department; 107085

(7) For the purpose of complying with a grant agreement the 107086
board of county commissioners enters into under sections 307.98 107087
and 5101.21 of the Revised Code, exercise the powers and perform 107088
the duties the grant agreement assigns to the county department. 107089

(B) The powers and duties of a county department of job and 107090
family services are, and shall be exercised and performed, under 107091
the control and direction of the board of county commissioners. 107092
The board may assign to the county department any power or duty of 107093
the board regarding family services duties and workforce 107094
development activities. If the new power or duty necessitates the 107095
state department of job and family services, department of 107096

children and youth, or department of medicaid changing its federal 107097
cost allocation plan, the county department may not implement the 107098
power or duty unless the United States department of health and 107099
human services approves the changes. 107100

Sec. 2151.011. (A) As used in the Revised Code: 107101

(1) "Juvenile court" means whichever of the following is 107102
applicable that has jurisdiction under this chapter and Chapter 107103
2152. of the Revised Code: 107104

(a) The division of the court of common pleas specified in 107105
section 2101.022 or 2301.03 of the Revised Code as having 107106
jurisdiction under this chapter and Chapter 2152. of the Revised 107107
Code or as being the juvenile division or the juvenile division 107108
combined with one or more other divisions; 107109

(b) The juvenile court of Cuyahoga county or Hamilton county 107110
that is separately and independently created by section 2151.08 or 107111
Chapter 2153. of the Revised Code and that has jurisdiction under 107112
this chapter and Chapter 2152. of the Revised Code; 107113

(c) If division (A)(1)(a) or (b) of this section does not 107114
apply, the probate division of the court of common pleas. 107115

(2) "Juvenile judge" means a judge of a court having 107116
jurisdiction under this chapter. 107117

(3) "Private child placing agency" means any association, as 107118
defined in section 5103.02 of the Revised Code, that is certified 107119
under section 5103.03 of the Revised Code to accept temporary, 107120
permanent, or legal custody of children and place the children for 107121
either foster care or adoption. 107122

(4) "Private noncustodial agency" means any person, 107123
organization, association, or society certified by the department 107124
of ~~job children~~ and ~~family services~~ youth that does not accept 107125
temporary or permanent legal custody of children, that is 107126

privately operated in this state, and that does one or more of the 107127
following: 107128

(a) Receives and cares for children for two or more 107129
consecutive weeks; 107130

(b) Participates in the placement of children in certified 107131
foster homes; 107132

(c) Provides adoption services in conjunction with a public 107133
children services agency or private child placing agency. 107134

(B) As used in this chapter: 107135

(1) "Adequate parental care" means the provision by a child's 107136
parent or parents, guardian, or custodian of adequate food, 107137
clothing, and shelter to ensure the child's health and physical 107138
safety and the provision by a child's parent or parents of 107139
specialized services warranted by the child's physical or mental 107140
needs. 107141

(2) "Adult" means an individual who is eighteen years of age 107142
or older. 107143

(3) "Agreement for temporary custody" means a voluntary 107144
agreement authorized by section 5103.15 of the Revised Code that 107145
transfers the temporary custody of a child to a public children 107146
services agency or a private child placing agency. 107147

(4) "Alternative response" means the public children services 107148
agency's response to a report of child abuse or neglect that 107149
engages the family in a comprehensive evaluation of child safety, 107150
risk of subsequent harm, and family strengths and needs and that 107151
does not include a determination as to whether child abuse or 107152
neglect occurred. 107153

(5) "Certified foster home" means a foster home, as defined 107154
in section 5103.02 of the Revised Code, certified under section 107155
5103.03 of the Revised Code. 107156

(6) "Child" means a person who is under eighteen years of age, except that the juvenile court has jurisdiction over any person who is adjudicated an unruly child prior to attaining eighteen years of age until the person attains twenty-one years of age, and, for purposes of that jurisdiction related to that adjudication, a person who is so adjudicated an unruly child shall be deemed a "child" until the person attains twenty-one years of age.

(7) "Child day camp," "child care," "child day-care center," "part-time child day-care center," "type A family day-care home," "licensed type B family day-care home," "type B family day-care home," "administrator of a child day-care center," "administrator of a type A family day-care home," and "in-home aide" have the same meanings as in section 5104.01 of the Revised Code.

(8) "Child care provider" means an individual who is a child-care staff member or administrator of a child day-care center, a type A family day-care home, or a type B family day-care home, or an in-home aide or an individual who is licensed, is regulated, is approved, operates under the direction of, or otherwise is certified by the department of ~~job~~ children and family services youth, department of developmental disabilities, or the early childhood programs of the department of education.

(9) "Commit" means to vest custody as ordered by the court.

(10) "Counseling" includes both of the following:

(a) General counseling services performed by a public children services agency or shelter for victims of domestic violence to assist a child, a child's parents, and a child's siblings in alleviating identified problems that may cause or have caused the child to be an abused, neglected, or dependent child.

(b) Psychiatric or psychological therapeutic counseling services provided to correct or alleviate any mental or emotional

illness or disorder and performed by a licensed psychiatrist, 107188
licensed psychologist, or a person licensed under Chapter 4757. of 107189
the Revised Code to engage in social work or professional 107190
counseling. 107191

(11) "Custodian" means a person who has legal custody of a 107192
child or a public children services agency or private child 107193
placing agency that has permanent, temporary, or legal custody of 107194
a child. 107195

(12) "Delinquent child" has the same meaning as in section 107196
2152.02 of the Revised Code. 107197

(13) "Detention" means the temporary care of children pending 107198
court adjudication or disposition, or execution of a court order, 107199
in a public or private facility designed to physically restrict 107200
the movement and activities of children. 107201

(14) "Developmental disability" has the same meaning as in 107202
section 5123.01 of the Revised Code. 107203

(15) "Differential response approach" means an approach that 107204
a public children services agency may use to respond to accepted 107205
reports of child abuse or neglect with either an alternative 107206
response or a traditional response. 107207

(16) "Foster caregiver" has the same meaning as in section 107208
5103.02 of the Revised Code. 107209

(17) "Guardian" means a person, association, or corporation 107210
that is granted authority by a probate court pursuant to Chapter 107211
2111. of the Revised Code to exercise parental rights over a child 107212
to the extent provided in the court's order and subject to the 107213
residual parental rights of the child's parents. 107214

(18) "Habitual truant" means any child of compulsory school 107215
age who is absent without legitimate excuse for absence from the 107216
public school the child is supposed to attend for thirty or more 107217

consecutive hours, forty-two or more hours in one school month, or 107218
seventy-two or more hours in a school year. 107219

(19) "Intellectual disability" has the same meaning as in 107220
section 5123.01 of the Revised Code. 107221

(20) "Juvenile traffic offender" has the same meaning as in 107222
section 2152.02 of the Revised Code. 107223

(21) "Legal custody" means a legal status that vests in the 107224
custodian the right to have physical care and control of the child 107225
and to determine where and with whom the child shall live, and the 107226
right and duty to protect, train, and discipline the child and to 107227
provide the child with food, shelter, education, and medical care, 107228
all subject to any residual parental rights, privileges, and 107229
responsibilities. An individual granted legal custody shall 107230
exercise the rights and responsibilities personally unless 107231
otherwise authorized by any section of the Revised Code or by the 107232
court. 107233

(22) A "legitimate excuse for absence from the public school 107234
the child is supposed to attend" includes, but is not limited to, 107235
any of the following: 107236

(a) The fact that the child in question has enrolled in and 107237
is attending another public or nonpublic school in this or another 107238
state; 107239

(b) The fact that the child in question is excused from 107240
attendance at school for any of the reasons specified in section 107241
3321.04 of the Revised Code; 107242

(c) The fact that the child in question has received an age 107243
and schooling certificate in accordance with section 3331.01 of 107244
the Revised Code. 107245

(23) "Mental illness" has the same meaning as in section 107246
5122.01 of the Revised Code. 107247

(24) "Mental injury" means any behavioral, cognitive, 107248
emotional, or mental disorder in a child caused by an act or 107249
omission that is described in section 2919.22 of the Revised Code 107250
and is committed by the parent or other person responsible for the 107251
child's care. 107252

(25) "Nonsecure care, supervision, or training" means care, 107253
supervision, or training of a child in a facility that does not 107254
confine or prevent movement of the child within the facility or 107255
from the facility. 107256

(26) "Of compulsory school age" has the same meaning as in 107257
section 3321.01 of the Revised Code. 107258

(27) "Organization" means any institution, public, 107259
semipublic, or private, and any private association, society, or 107260
agency located or operating in the state, incorporated or 107261
unincorporated, having among its functions the furnishing of 107262
protective services or care for children, or the placement of 107263
children in certified foster homes or elsewhere. 107264

(28) "Out-of-home care" means detention facilities, shelter 107265
facilities, certified children's crisis care facilities, certified 107266
foster homes, placement in a prospective adoptive home prior to 107267
the issuance of a final decree of adoption, organizations, 107268
certified organizations, child day-care centers, type A family 107269
day-care homes, type B family day-care homes, child care provided 107270
by in-home aides, group home providers, group homes, institutions, 107271
state institutions, residential facilities, residential care 107272
facilities, residential camps, day camps, private, nonprofit 107273
therapeutic wilderness camps, public schools, chartered nonpublic 107274
schools, educational service centers, hospitals, and medical 107275
clinics that are responsible for the care, physical custody, or 107276
control of children. 107277

(29) "Out-of-home care child abuse" means any of the 107278

following when committed by a person responsible for the care of a	107279
child in out-of-home care:	107280
(a) Engaging in sexual activity with a child in the person's	107281
care;	107282
(b) Denial to a child, as a means of punishment, of proper or	107283
necessary subsistence, education, medical care, or other care	107284
necessary for a child's health;	107285
(c) Use of restraint procedures on a child that cause injury	107286
or pain;	107287
(d) Administration of prescription drugs or psychotropic	107288
medication to the child without the written approval and ongoing	107289
supervision of a licensed physician;	107290
(e) Commission of any act, other than by accidental means,	107291
that results in any injury to or death of the child in out-of-home	107292
care or commission of any act by accidental means that results in	107293
an injury to or death of a child in out-of-home care and that is	107294
at variance with the history given of the injury or death.	107295
(30) "Out-of-home care child neglect" means any of the	107296
following when committed by a person responsible for the care of a	107297
child in out-of-home care:	107298
(a) Failure to provide reasonable supervision according to	107299
the standards of care appropriate to the age, mental and physical	107300
condition, or other special needs of the child;	107301
(b) Failure to provide reasonable supervision according to	107302
the standards of care appropriate to the age, mental and physical	107303
condition, or other special needs of the child, that results in	107304
sexual or physical abuse of the child by any person;	107305
(c) Failure to develop a process for all of the following:	107306
(i) Administration of prescription drugs or psychotropic	107307
drugs for the child;	107308

- (ii) Assuring that the instructions of the licensed physician who prescribed a drug for the child are followed; 107309
107310
- (iii) Reporting to the licensed physician who prescribed the drug all unfavorable or dangerous side effects from the use of the drug. 107311
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107313
- (d) Failure to provide proper or necessary subsistence, education, medical care, or other individualized care necessary for the health or well-being of the child; 107314
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- (e) Confinement of the child to a locked room without monitoring by staff; 107317
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- (f) Failure to provide ongoing security for all prescription and nonprescription medication; 107319
107320
- (g) Isolation of a child for a period of time when there is substantial risk that the isolation, if continued, will impair or retard the mental health or physical well-being of the child. 107321
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- (31) "Permanent custody" means a legal status that vests in a public children services agency or a private child placing agency, all parental rights, duties, and obligations, including the right to consent to adoption, and divests the natural parents or adoptive parents of all parental rights, privileges, and obligations, including all residual rights and obligations. 107324
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- (32) "Permanent surrender" means the act of the parents or, if a child has only one parent, of the parent of a child, by a voluntary agreement authorized by section 5103.15 of the Revised Code, to transfer the permanent custody of the child to a public children services agency or a private child placing agency. 107330
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- (33) "Person" means an individual, association, corporation, or partnership and the state or any of its political subdivisions, departments, or agencies. 107335
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107337
- (34) "Person responsible for a child's care in out-of-home 107338

care" means any of the following:	107339
(a) Any foster caregiver, in-home aide, or provider;	107340
(b) Any administrator, employee, or agent of any of the	107341
following: a public or private detention facility; shelter	107342
facility; certified children's crisis care facility; organization;	107343
certified organization; child day-care center; type A family	107344
day-care home; licensed type B family day-care home; group home;	107345
institution; state institution; residential facility; residential	107346
care facility; residential camp; day camp; school district;	107347
community school; chartered nonpublic school; educational service	107348
center; hospital; or medical clinic;	107349
(c) Any person who supervises or coaches children as part of	107350
an extracurricular activity sponsored by a school district, public	107351
school, or chartered nonpublic school;	107352
(d) Any other person who performs a similar function with	107353
respect to, or has a similar relationship to, children.	107354
(35) "Physical impairment" means having one or more of the	107355
following conditions that substantially limit one or more of an	107356
individual's major life activities, including self-care, receptive	107357
and expressive language, learning, mobility, and self-direction:	107358
(a) A substantial impairment of vision, speech, or hearing;	107359
(b) A congenital orthopedic impairment;	107360
(c) An orthopedic impairment caused by disease, rheumatic	107361
fever or any other similar chronic or acute health problem, or	107362
amputation or another similar cause.	107363
(36) "Placement for adoption" means the arrangement by a	107364
public children services agency or a private child placing agency	107365
with a person for the care and adoption by that person of a child	107366
of whom the agency has permanent custody.	107367
(37) "Placement in foster care" means the arrangement by a	107368

public children services agency or a private child placing agency 107369
for the out-of-home care of a child of whom the agency has 107370
temporary custody or permanent custody. 107371

(38) "Planned permanent living arrangement" means an order of 107372
a juvenile court pursuant to which both of the following apply: 107373

(a) The court gives legal custody of a child to a public 107374
children services agency or a private child placing agency without 107375
the termination of parental rights. 107376

(b) The order permits the agency to make an appropriate 107377
placement of the child and to enter into a written agreement with 107378
a foster care provider or with another person or agency with whom 107379
the child is placed. 107380

(39) "Practice of social work" and "practice of professional 107381
counseling" have the same meanings as in section 4757.01 of the 107382
Revised Code. 107383

(40) "Private, nonprofit therapeutic wilderness camp" has the 107384
same meaning as in section 5103.02 of the Revised Code. 107385

(41) "Sanction, service, or condition" means a sanction, 107386
service, or condition created by court order following an 107387
adjudication that a child is an unruly child that is described in 107388
division (A)(4) of section 2152.19 of the Revised Code. 107389

(42) "Protective supervision" means an order of disposition 107390
pursuant to which the court permits an abused, neglected, 107391
dependent, or unruly child to remain in the custody of the child's 107392
parents, guardian, or custodian and stay in the child's home, 107393
subject to any conditions and limitations upon the child, the 107394
child's parents, guardian, or custodian, or any other person that 107395
the court prescribes, including supervision as directed by the 107396
court for the protection of the child. 107397

(43) "Psychiatrist" has the same meaning as in section 107398

5122.01 of the Revised Code.	107399
(44) "Psychologist" has the same meaning as in section	107400
4732.01 of the Revised Code.	107401
(45) "Resource caregiver" has the same meaning as in section	107402
5103.02 of the Revised Code.	107403
(46) "Resource family" has the same meaning as in section	107404
5103.02 of the Revised Code.	107405
(47) "Residential camp" means a program in which the care,	107406
physical custody, or control of children is accepted overnight for	107407
recreational or recreational and educational purposes.	107408
(48) "Residential care facility" means an institution,	107409
residence, or facility that is licensed by the department of	107410
mental health and addiction services under section 5119.34 of the	107411
Revised Code and that provides care for a child.	107412
(49) "Residential facility" means a home or facility that is	107413
licensed by the department of developmental disabilities under	107414
section 5123.19 of the Revised Code and in which a child with a	107415
developmental disability resides.	107416
(50) "Residual parental rights, privileges, and	107417
responsibilities" means those rights, privileges, and	107418
responsibilities remaining with the natural parent after the	107419
transfer of legal custody of the child, including, but not	107420
necessarily limited to, the privilege of reasonable visitation,	107421
consent to adoption, the privilege to determine the child's	107422
religious affiliation, and the responsibility for support.	107423
(51) "School day" means the school day established by the	107424
board of education of the applicable school district pursuant to	107425
section 3313.481 of the Revised Code.	107426
(52) "School year" has the same meaning as in section 3313.62	107427
of the Revised Code.	107428

(53) "Secure correctional facility" means a facility under 107429
the direction of the department of youth services that is designed 107430
to physically restrict the movement and activities of children and 107431
used for the placement of children after adjudication and 107432
disposition. 107433

(54) "Sexual activity" has the same meaning as in section 107434
2907.01 of the Revised Code. 107435

(55) "Shelter" means the temporary care of children in 107436
physically unrestricted facilities pending court adjudication or 107437
disposition. 107438

(56) "Shelter for victims of domestic violence" has the same 107439
meaning as in section 3113.33 of the Revised Code. 107440

(57) "Temporary custody" means legal custody of a child who 107441
is removed from the child's home, which custody may be terminated 107442
at any time at the discretion of the court or, if the legal 107443
custody is granted in an agreement for temporary custody, by the 107444
person who executed the agreement. 107445

(58) "Traditional response" means a public children services 107446
agency's response to a report of child abuse or neglect that 107447
encourages engagement of the family in a comprehensive evaluation 107448
of the child's current and future safety needs and a fact-finding 107449
process to determine whether child abuse or neglect occurred and 107450
the circumstances surrounding the alleged harm or risk of harm. 107451

(C) For the purposes of this chapter, a child shall be 107452
presumed abandoned when the parents of the child have failed to 107453
visit or maintain contact with the child for more than ninety 107454
days, regardless of whether the parents resume contact with the 107455
child after that period of ninety days. 107456

Sec. 2151.152. The juvenile judge may enter into an agreement 107457
with the department of ~~job~~ children and ~~family services~~ youth 107458

pursuant to section 5101.11 of the Revised Code for the purpose of 107459
reimbursing the court for foster care maintenance costs, 107460
associated administrative and training costs, and prevention 107461
services costs under the "Family First Prevention Services Act," 107462
Public Law 115-123, incurred on behalf of a child who is any of 107463
the following: 107464

(A) Eligible for payments under Title IV-E of the "Social 107465
Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 670, and who is in 107466
the temporary or permanent custody of the court or subject to a 107467
disposition issued under division (A)(5) of section 2151.354 or 107468
division (A)(7)(a)(ii) or (A)(8) of section 2152.19 of the Revised 107469
Code; 107470

(B) Determined to be at serious risk of removal from the home 107471
and for whom the court has undertaken a plan of reasonable efforts 107472
to prevent such removal; 107473

(C) At imminent risk of removal from the home and is a 107474
sibling of a child in the temporary or permanent custody of the 107475
court. 107476

The agreement shall govern the responsibilities and duties 107477
the court shall perform in providing services to the child. 107478

Sec. 2151.281. (A) The court shall appoint a guardian ad 107479
litem, subject to rules adopted by the supreme court, to protect 107480
the interest of a child in any proceeding concerning an alleged or 107481
adjudicated delinquent child or unruly child when either of the 107482
following applies: 107483

(1) The child has no parent, guardian, or legal custodian. 107484

(2) The court finds that there is a conflict of interest 107485
between the child and the child's parent, guardian, or legal 107486
custodian. 107487

(B)(1) Except as provided in division (K) of this section, 107488

the court shall appoint a guardian ad litem, subject to rules 107489
adopted by the supreme court, to protect the interest of a child 107490
in any proceeding concerning an alleged abused or neglected child 107491
and in any proceeding held pursuant to section 2151.414 of the 107492
Revised Code. The guardian ad litem so appointed shall not be the 107493
attorney responsible for presenting the evidence alleging that the 107494
child is an abused or neglected child and shall not be an employee 107495
of any party in the proceeding. 107496

(2) Except in any proceeding concerning a dependent child 107497
involving the permanent custody of an infant under the age of six 107498
months for the sole purpose of placement for adoption by a private 107499
child placing agency, the court shall appoint a guardian ad litem, 107500
subject to rules adopted by the supreme court, to protect the 107501
interest of a child in any proceeding concerning an alleged 107502
dependent child if any of the following applies: 107503

(a) The parent of the child appears to be mentally 107504
incompetent or is under eighteen years of age. 107505

(b) There is a conflict of interest between the child and the 107506
child's parents, guardian, or custodian. 107507

(c) The court believes that the parent of the child is not 107508
capable of representing the best interest of the child. 107509

(3) Except in any proceeding concerning a dependent child 107510
involving the permanent custody of an infant under the age of six 107511
months for the sole purpose of placement for adoption by a private 107512
child placing agency, the court may appoint a guardian ad litem, 107513
subject to rules adopted by the supreme court, to protect the 107514
interest of the child in any other proceeding concerning an 107515
alleged dependent child. 107516

(4) The guardian ad litem appointed for an alleged or 107517
adjudicated abused or neglected child may bring a civil action 107518
against any person who is required by division (A)(1) or (4) of 107519

section 2151.421 of the Revised Code to file a report of child 107520
abuse or child neglect that is known or reasonably suspected or 107521
believed to have occurred if that person knows, or has reasonable 107522
cause to suspect or believe based on facts that would cause a 107523
reasonable person in a similar position to suspect or believe, as 107524
applicable, that the child for whom the guardian ad litem is 107525
appointed is the subject of child abuse or child neglect and does 107526
not file the required report and if the child suffers any injury 107527
or harm as a result of the child abuse or child neglect that is 107528
known or reasonably suspected or believed to have occurred or 107529
suffers additional injury or harm after the failure to file the 107530
report. 107531

(C) In any proceeding concerning an alleged or adjudicated 107532
delinquent, unruly, abused, neglected, or dependent child in which 107533
the parent appears to be mentally incompetent or is under eighteen 107534
years of age, the court shall appoint a guardian ad litem to 107535
protect the interest of that parent. 107536

(D) The court shall require the guardian ad litem to 107537
faithfully discharge the guardian ad litem's duties and, upon the 107538
guardian ad litem's failure to faithfully discharge the guardian 107539
ad litem's duties, shall discharge the guardian ad litem and 107540
appoint another guardian ad litem. The court may fix the 107541
compensation for the service of the guardian ad litem, which 107542
compensation shall be paid from the treasury of the county, 107543
subject to rules adopted by the supreme court. 107544

(E) A parent who is eighteen years of age or older and not 107545
mentally incompetent shall be deemed sui juris for the purpose of 107546
any proceeding relative to a child of the parent who is alleged or 107547
adjudicated to be an abused, neglected, or dependent child. 107548

(F) In any case in which a parent of a child alleged or 107549
adjudicated to be an abused, neglected, or dependent child is 107550
under eighteen years of age, the parents of that parent shall be 107551

summoned to appear at any hearing respecting the child, who is 107552
alleged or adjudicated to be an abused, neglected, or dependent 107553
child. 107554

(G) Except as provided in division (K) of this section, in 107555
any case in which a guardian ad litem is to be appointed for an 107556
alleged or adjudicated abused, neglected, or dependent child or in 107557
any case involving an agreement for the voluntary surrender of 107558
temporary or permanent custody of a child that is made in 107559
accordance with section 5103.15 of the Revised Code, the court 107560
shall appoint the guardian ad litem in each case as soon as 107561
possible after the complaint is filed, the request for an 107562
extension of the temporary custody agreement is filed with the 107563
court, or the request for court approval of the permanent custody 107564
agreement is filed. The guardian ad litem or the guardian ad 107565
litem's replacement shall continue to serve until any of the 107566
following occur: 107567

(1) The complaint is dismissed or the request for an 107568
extension of a temporary custody agreement or for court approval 107569
of the permanent custody agreement is withdrawn or denied; 107570

(2) All dispositional orders relative to the child have 107571
terminated; 107572

(3) The legal custody of the child is granted to a relative 107573
of the child, or to another person; 107574

(4) The child is placed in an adoptive home or, at the 107575
court's discretion, a final decree of adoption is issued with 107576
respect to the child; 107577

(5) The child reaches the age of eighteen if the child does 107578
not have a developmental disability or physical impairment or the 107579
child reaches the age of twenty-one if the child has a 107580
developmental disability or physical impairment; 107581

(6) The guardian ad litem resigns or is removed by the court 107582

and a replacement is appointed by the court. 107583

If a guardian ad litem ceases to serve a child pursuant to 107584
division (G)(4) of this section and the petition for adoption with 107585
respect to the child is denied or withdrawn prior to the issuance 107586
of a final decree of adoption or prior to the date an 107587
interlocutory order of adoption becomes final, the juvenile court 107588
shall reappoint a guardian ad litem for that child. The public 107589
children services agency or private child placing agency with 107590
permanent custody of the child shall notify the juvenile court if 107591
the petition for adoption is denied or withdrawn. 107592

(H) If the guardian ad litem for an alleged or adjudicated 107593
abused, neglected, or dependent child is an attorney admitted to 107594
the practice of law in this state, the guardian ad litem also may 107595
serve as counsel to the ward. Until the supreme court adopts rules 107596
regarding service as a guardian ad litem that regulate conflicts 107597
between a person's role as guardian ad litem and as counsel, if a 107598
person is serving as guardian ad litem and counsel for a child and 107599
either that person or the court finds that a conflict may exist 107600
between the person's roles as guardian ad litem and as counsel, 107601
the court shall relieve the person of duties as guardian ad litem 107602
and appoint someone else as guardian ad litem for the child. If 107603
the court appoints a person who is not an attorney admitted to the 107604
practice of law in this state to be a guardian ad litem, the court 107605
also may appoint an attorney admitted to the practice of law in 107606
this state to serve as counsel for the guardian ad litem. 107607

(I) The guardian ad litem for an alleged or adjudicated 107608
abused, neglected, or dependent child shall perform whatever 107609
functions are necessary to protect the best interest of the child, 107610
including, but not limited to, investigation, mediation, 107611
monitoring court proceedings, and monitoring the services provided 107612
the child by the public children services agency or private child 107613
placing agency that has temporary or permanent custody of the 107614

child, and shall file any motions and other court papers that are 107615
in the best interest of the child in accordance with rules adopted 107616
by the supreme court. 107617

The guardian ad litem shall be given notice of all hearings, 107618
administrative reviews, and other proceedings in the same manner 107619
as notice is given to parties to the action. 107620

(J)(1) When the court appoints a guardian ad litem pursuant 107621
to this section, it shall appoint a qualified volunteer or court 107622
appointed special advocate whenever one is available and the 107623
appointment is appropriate. 107624

(2) Upon request, the department of ~~job~~ children and ~~family~~
~~services~~ youth shall provide for the training of volunteer 107625
guardians ad litem. 107626
107627

(K) A guardian ad litem shall not be appointed for a child 107628
who is under six months of age in any proceeding in which a 107629
private child placing agency is seeking permanent custody of the 107630
child or seeking approval of a voluntary permanent custody 107631
surrender agreement for the sole purpose of the adoption of the 107632
child. 107633

Sec. 2151.316. (A) The department of ~~job~~ children and ~~family~~
~~services~~ youth shall adopt rules in accordance with Chapter 119. 107634
of the Revised Code to establish and enforce a foster youth bill 107635
of rights for individuals who are in the temporary or permanent 107636
custody of a public children services agency or a planned 107637
permanent living arrangement or in the Title IV-E eligible care 107638
and placement responsibility of a juvenile court or other 107639
governmental agency that provides Title IV-E reimbursable 107640
placement services and who are subject to out-of-home care or 107641
placed with a kinship caregiver as defined in section 5101.85 of 107642
the Revised Code. 107643
107644

(B) If the rights of an individual, as established under 107645
division (A) of this section, conflict with the rights of a 107646
resource family or resource caregiver, as established in section 107647
5103.163 of the Revised Code, the rights of the individual shall 107648
preempt the rights of the resource family or resource caregiver. 107649

(C) The rights established by rules under this section shall 107650
not create grounds for a civil action against the department, the 107651
recommending agency, or the custodial agency. 107652

Sec. 2151.353. (A) If a child is adjudicated an abused, 107653
neglected, or dependent child, the court may make any of the 107654
following orders of disposition: 107655

(1) Place the child in protective supervision; 107656

(2) Commit the child to the temporary custody of any of the 107657
following: 107658

(a) A public children services agency; 107659

(b) A private child placing agency; 107660

(c) Either parent; 107661

(d) A relative residing within or outside the state; 107662

(e) A probation officer for placement in a certified foster 107663
home; 107664

(f) Any other person approved by the court. 107665

(3) Award legal custody of the child to either parent or to 107666
any other person who, prior to the dispositional hearing, files a 107667
motion requesting legal custody of the child or is identified as a 107668
proposed legal custodian in a complaint or motion filed prior to 107669
the dispositional hearing by any party to the proceedings. A 107670
person identified in a complaint or motion filed by a party to the 107671
proceedings as a proposed legal custodian shall be awarded legal 107672
custody of the child only if the person identified signs a 107673

statement of understanding for legal custody that contains at 107674
least the following provisions: 107675

(a) That it is the intent of the person to become the legal 107676
custodian of the child and the person is able to assume legal 107677
responsibility for the care and supervision of the child; 107678

(b) That the person understands that legal custody of the 107679
child in question is intended to be permanent in nature and that 107680
the person will be responsible as the custodian for the child 107681
until the child reaches the age of majority. Responsibility as 107682
custodian for the child shall continue beyond the age of majority 107683
if, at the time the child reaches the age of majority, the child 107684
is pursuing a diploma granted by the board of education or other 107685
governing authority, successful completion of the curriculum of 107686
any high school, successful completion of an individualized 107687
education program developed for the student by any high school, or 107688
an age and schooling certificate. Responsibility beyond the age of 107689
majority shall terminate when the child ceases to continuously 107690
pursue such an education, completes such an education, or is 107691
excused from such an education under standards adopted by the 107692
state board of education, whichever occurs first. 107693

(c) That the parents of the child have residual parental 107694
rights, privileges, and responsibilities, including, but not 107695
limited to, the privilege of reasonable visitation, consent to 107696
adoption, the privilege to determine the child's religious 107697
affiliation, and the responsibility for support; 107698

(d) That the person understands that the person must be 107699
present in court for the dispositional hearing in order to affirm 107700
the person's intention to become legal custodian, to affirm that 107701
the person understands the effect of the custodianship before the 107702
court, and to answer any questions that the court or any parties 107703
to the case may have. 107704

(4) Commit the child to the permanent custody of a public children services agency or private child placing agency, if the court determines in accordance with division (E) of section 2151.414 of the Revised Code that the child cannot be placed with one of the child's parents within a reasonable time or should not be placed with either parent and determines in accordance with division (D)(1) of section 2151.414 of the Revised Code that the permanent commitment is in the best interest of the child. If the court grants permanent custody under this division, the court, upon the request of any party, shall file a written opinion setting forth its findings of fact and conclusions of law in relation to the proceeding.

(5) Place the child in a planned permanent living arrangement with a public children services agency or private child placing agency, if a public children services agency or private child placing agency requests the court to place the child in a planned permanent living arrangement and if the court finds, by clear and convincing evidence, that a planned permanent living arrangement is in the best interest of the child, that the child is sixteen years of age or older, and that one of the following exists:

(a) The child, because of physical, mental, or psychological problems or needs, is unable to function in a family-like setting and must remain in residential or institutional care now and for the foreseeable future beyond the date of the dispositional hearing held pursuant to section 2151.35 of the Revised Code.

(b) The parents of the child have significant physical, mental, or psychological problems and are unable to care for the child because of those problems, adoption is not in the best interest of the child, as determined in accordance with division (D)(1) of section 2151.414 of the Revised Code, and the child retains a significant and positive relationship with a parent or relative.

(c) The child has been counseled on the permanent placement options available to the child, and is unwilling to accept or unable to adapt to a permanent placement.

(6) Order the removal from the child's home until further order of the court of the person who committed abuse as described in section 2151.031 of the Revised Code against the child, who caused or allowed the child to suffer neglect as described in section 2151.03 of the Revised Code, or who is the parent, guardian, or custodian of a child who is adjudicated a dependent child and order any person not to have contact with the child or the child's siblings.

(B)(1) When making a determination on whether to place a child in a planned permanent living arrangement pursuant to division (A)(5)(b) or (c) of this section, the court shall consider all relevant information that has been presented to the court, including information gathered from the child, the child's guardian ad litem, and the public children services agency or private child placing agency.

(2) A child who is placed in a planned permanent living arrangement pursuant to division (A)(5)(b) or (c) of this section shall be placed in an independent living setting or in a family setting in which the caregiver has been provided by the agency that has custody of the child with a notice that addresses the following:

(a) The caregiver understands that the planned permanent living arrangement is intended to be permanent in nature and that the caregiver will provide a stable placement for the child through the child's emancipation or until the court releases the child from the custody of the agency, whichever occurs first.

(b) The caregiver is expected to actively participate in the youth's independent living case plan, attend agency team meetings

and court hearings as appropriate, complete training, as developed 107768
and implemented under section 5103.035 of the Revised Code, 107769
related to providing the child independent living services, and 107770
assist in the child's transition into adulthood. 107771

(3) The department of ~~job children and family services~~ youth 107772
shall develop a model notice to be provided by an agency that has 107773
custody of a child to a caregiver under division (B)(2) of this 107774
section. The agency may modify the model notice to apply to the 107775
needs of the agency. 107776

(C) No order for permanent custody or temporary custody of a 107777
child or the placement of a child in a planned permanent living 107778
arrangement shall be made pursuant to this section unless the 107779
complaint alleging the abuse, neglect, or dependency contains a 107780
prayer requesting permanent custody, temporary custody, or the 107781
placement of the child in a planned permanent living arrangement 107782
as desired, the summons served on the parents of the child 107783
contains as is appropriate a full explanation that the granting of 107784
an order for permanent custody permanently divests them of their 107785
parental rights, a full explanation that an adjudication that the 107786
child is an abused, neglected, or dependent child may result in an 107787
order of temporary custody that will cause the removal of the 107788
child from their legal custody until the court terminates the 107789
order of temporary custody or permanently divests the parents of 107790
their parental rights, or a full explanation that the granting of 107791
an order for a planned permanent living arrangement will result in 107792
the removal of the child from their legal custody if any of the 107793
conditions listed in divisions (A)(5)(a) to (c) of this section 107794
are found to exist, and the summons served on the parents contains 107795
a full explanation of their right to be represented by counsel and 107796
to have counsel appointed pursuant to Chapter 120. of the Revised 107797
Code if they are indigent. 107798

If after making disposition as authorized by division (A)(2) 107799

of this section, a motion is filed that requests permanent custody 107800
of the child, the court may grant permanent custody of the child 107801
to the movant in accordance with section 2151.414 of the Revised 107802
Code. 107803

(D) If the court issues an order for protective supervision 107804
pursuant to division (A)(1) of this section, the court may place 107805
any reasonable restrictions upon the child, the child's parents, 107806
guardian, or custodian, or any other person, including, but not 107807
limited to, any of the following: 107808

(1) Order a party, within forty-eight hours after the 107809
issuance of the order, to vacate the child's home indefinitely or 107810
for a specified period of time; 107811

(2) Order a party, a parent of the child, or a physical 107812
custodian of the child to prevent any particular person from 107813
having contact with the child; 107814

(3) Issue an order restraining or otherwise controlling the 107815
conduct of any person which conduct would not be in the best 107816
interest of the child. 107817

(E) As part of its dispositional order, the court shall 107818
journalize a case plan for the child. The journalized case plan 107819
shall not be changed except as provided in section 2151.412 of the 107820
Revised Code. 107821

(F)(1) The court shall retain jurisdiction over any child for 107822
whom the court issues an order of disposition pursuant to division 107823
(A) of this section or pursuant to section 2151.414 or 2151.415 of 107824
the Revised Code until the child attains the age of eighteen years 107825
if the child does not have a developmental disability or physical 107826
impairment, the child attains the age of twenty-one years if the 107827
child has a developmental disability or physical impairment, or 107828
the child is adopted and a final decree of adoption is issued, 107829
except that the court may retain jurisdiction over the child and 107830

continue any order of disposition under division (A) of this 107831
section or under section 2151.414 or 2151.415 of the Revised Code 107832
for a specified period of time to enable the child to graduate 107833
from high school or vocational school. The court shall make an 107834
entry continuing its jurisdiction under this division in the 107835
journal. 107836

(2) Any public children services agency, any private child 107837
placing agency, the department of ~~job children~~ and ~~family services~~ 107838
youth, or any party, other than any parent whose parental rights 107839
with respect to the child have been terminated pursuant to an 107840
order issued under division (A)(4) of this section, by filing a 107841
motion with the court, may at any time request the court to modify 107842
or terminate any order of disposition issued pursuant to division 107843
(A) of this section or section 2151.414 or 2151.415 of the Revised 107844
Code. The court shall hold a hearing upon the motion as if the 107845
hearing were the original dispositional hearing and shall give all 107846
parties to the action and the guardian ad litem notice of the 107847
hearing pursuant to the Juvenile Rules. If applicable, the court 107848
shall comply with section 2151.42 of the Revised Code. 107849

(G) Any temporary custody order issued pursuant to division 107850
(A) of this section shall terminate one year after the earlier of 107851
the date on which the complaint in the case was filed or the child 107852
was first placed into shelter care, except that, upon the filing 107853
of a motion pursuant to section 2151.415 of the Revised Code, the 107854
temporary custody order shall continue and not terminate until the 107855
court issues a dispositional order under that section. In 107856
resolving the motion, the court shall not order an existing 107857
temporary custody order to continue beyond two years after the 107858
date on which the complaint was filed or the child was first 107859
placed into shelter care, whichever date is earlier, regardless of 107860
whether any extensions have been previously ordered pursuant to 107861
division (D) of section 2151.415 of the Revised Code. 107862

(H)(1) No later than one year after the earlier of the date 107863
the complaint in the case was filed or the child was first placed 107864
in shelter care, a party may ask the court to extend an order for 107865
protective supervision for six months or to terminate the order. A 107866
party requesting extension or termination of the order shall file 107867
a written request for the extension or termination with the court 107868
and give notice of the proposed extension or termination in 107869
writing before the end of the day after the day of filing it to 107870
all parties and the child's guardian ad litem. If a public 107871
children services agency or private child placing agency requests 107872
termination of the order, the agency shall file a written status 107873
report setting out the facts supporting termination of the order 107874
at the time it files the request with the court. If no party 107875
requests extension or termination of the order, the court shall 107876
notify the parties that the court will extend the order for six 107877
months or terminate it and that it may do so without a hearing 107878
unless one of the parties requests a hearing. All parties and the 107879
guardian ad litem shall have seven days from the date a notice is 107880
sent pursuant to this division to object to and request a hearing 107881
on the proposed extension or termination. 107882

(a) If it receives a timely request for a hearing, the court 107883
shall schedule a hearing to be held no later than thirty days 107884
after the request is received by the court. The court shall give 107885
notice of the date, time, and location of the hearing to all 107886
parties and the guardian ad litem. At the hearing, the court shall 107887
determine whether extension or termination of the order is in the 107888
child's best interest. If termination is in the child's best 107889
interest, the court shall terminate the order. If extension is in 107890
the child's best interest, the court shall extend the order for 107891
six months. 107892

(b) If it does not receive a timely request for a hearing, 107893
the court may extend the order for six months or terminate it 107894

without a hearing and shall journalize the order of extension or 107895
termination not later than fourteen days after receiving the 107896
request for extension or termination or after the date the court 107897
notifies the parties that it will extend or terminate the order. 107898
If the court does not extend or terminate the order, it shall 107899
schedule a hearing to be held no later than thirty days after the 107900
expiration of the applicable fourteen-day time period and give 107901
notice of the date, time, and location of the hearing to all 107902
parties and the child's guardian ad litem. At the hearing, the 107903
court shall determine whether extension or termination of the 107904
order is in the child's best interest. If termination is in the 107905
child's best interest, the court shall terminate the order. If 107906
extension is in the child's best interest, the court shall issue 107907
an order extending the order for protective supervision six 107908
months. 107909

(2) If the court grants an extension of the order for 107910
protective supervision pursuant to division (H)(1) of this 107911
section, a party may, prior to termination of the extension, file 107912
with the court a request for an additional extension of six months 107913
or for termination of the order. The court and the parties shall 107914
comply with division (H)(1) of this section with respect to 107915
extending or terminating the order. 107916

(3) If a court grants an extension pursuant to division 107917
(H)(2) of this section, the court shall terminate the order for 107918
protective supervision at the end of the extension. 107919

(I) The court shall not issue a dispositional order pursuant 107920
to division (A) of this section that removes a child from the 107921
child's home unless the court complies with section 2151.419 of 107922
the Revised Code and includes in the dispositional order the 107923
findings of fact required by that section. 107924

(J) If a motion or application for an order described in 107925
division (A)(6) of this section is made, the court shall not issue 107926

the order unless, prior to the issuance of the order, it provides 107927
to the person all of the following: 107928

(1) Notice and a copy of the motion or application; 107929

(2) The grounds for the motion or application; 107930

(3) An opportunity to present evidence and witnesses at a 107931
hearing regarding the motion or application; 107932

(4) An opportunity to be represented by counsel at the 107933
hearing. 107934

(K) The jurisdiction of the court shall terminate one year 107935
after the date of the award or, if the court takes any further 107936
action in the matter subsequent to the award, the date of the 107937
latest further action subsequent to the award, if the court awards 107938
legal custody of a child to either of the following: 107939

(1) A legal custodian who, at the time of the award of legal 107940
custody, resides in a county of this state other than the county 107941
in which the court is located; 107942

(2) A legal custodian who resides in the county in which the 107943
court is located at the time of the award of legal custody, but 107944
moves to a different county of this state prior to one year after 107945
the date of the award or, if the court takes any further action in 107946
the matter subsequent to the award, one year after the date of the 107947
latest further action subsequent to the award. 107948

The court in the county in which the legal custodian resides 107949
then shall have jurisdiction in the matter. 107950

Sec. 2151.3519. On receipt of a notice given pursuant to 107951
section 2151.3518 of the Revised Code that an emergency medical 107952
service organization, a law enforcement agency, or hospital has 107953
taken possession of a child and in accordance with rules of the 107954
department of ~~job children~~ and ~~family services youth~~, a public 107955
children services agency shall do all of the following: 107956

- (A) Consider the child to be in need of public care and protective services; 107957
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- (B) Accept and take emergency temporary custody of the child; 107959
- (C) Provide temporary emergency care for the child, without agreement or commitment; 107960
107961
- (D) Make an investigation concerning the child; 107962
- (E) File a motion with the juvenile court of the county in which the agency is located requesting that the court grant temporary custody of the child to the agency or to a private child placing agency; 107963
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- (F) Provide any care for the child that the public children services agency considers to be in the best interest of the child, including placing the child in shelter care; 107967
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- (G) Provide any care and perform any duties that are required of public children services agencies under section 5153.16 of the Revised Code; 107970
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- (H) Prepare and keep written records of the investigation of the child, of the care and treatment afforded the child, and any other records required by the department of ~~job~~ children and ~~family services~~ youth. 107973
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- Sec. 2151.3534.** (A) The director of ~~job~~ children and ~~family services~~ youth shall promulgate forms designed to gather pertinent medical information concerning a deserted child and the child's parents. The forms shall clearly and unambiguously state on each page that the information requested is to facilitate medical care for the child, that the forms may be fully or partially completed or left blank, that completing the forms or parts of the forms is completely voluntary, and that no adverse legal consequence will result from failure to complete any part of the forms. 107977
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- (B) The director shall promulgate written materials to be 107986

made available to the parents of a child delivered pursuant to 107987
section 2151.3516 of the Revised Code. The materials shall 107988
describe services available to assist parents and newborns and 107989
shall include information directly relevant to situations that 107990
might cause parents to desert a child and information on the 107991
procedures for a person to follow in order to reunite with a child 107992
the person delivered under section 2151.3516 of the Revised Code, 107993
including notice that the person will be required to submit to a 107994
DNA test, at that person's expense, to prove that the person is 107995
the parent of the child. 107996

(C) If the department of job and family services determines 107997
that money in the putative father registry fund created under 107998
section 2101.16 of the Revised Code is more than is needed for its 107999
duties related to the putative father registry, the department may 108000
use surplus moneys in the fund for costs related to the 108001
development and publication of forms and materials promulgated 108002
pursuant to divisions (A) and (B) of this section. 108003

Sec. 2151.3535. (A) The director of ~~job children and family~~ 108004
~~services youth~~ shall distribute the medical information forms and 108005
written materials promulgated under section 2151.3534 of the 108006
Revised Code to entities permitted to receive a deserted child, to 108007
public children services agencies, and to other public or private 108008
agencies that, in the discretion of the director, are best able to 108009
disseminate the forms and materials to the persons who are most in 108010
need of the forms and materials. 108011

The department of ~~job children and family services youth~~ 108012
shall develop an educational plan, in collaboration with the Ohio 108013
family and children first cabinet council, for informing at-risk 108014
populations who are most likely to voluntarily deliver a child 108015
under section 2151.3516 of the Revised Code concerning the 108016
provisions of sections 2151.3516 to 2151.3535 of the Revised Code. 108017

(B) If the department of job and family services determines 108018
that money in the putative father registry fund created under 108019
section 2101.16 of the Revised Code is more than is needed to 108020
perform its duties related to the putative father registry, the 108021
department may use surplus moneys in the fund for costs related to 108022
the distribution of forms and materials pursuant to this section. 108023

Sec. 2151.36. Except as provided in section 2151.361 of the 108024
Revised Code, when a child has been committed as provided by this 108025
chapter or Chapter 2152. of the Revised Code, the juvenile court 108026
shall issue an order pursuant to Chapters 3119., 3121., 3123., and 108027
3125. of the Revised Code requiring that the parent, guardian, or 108028
person charged with the child's support pay for the care, support, 108029
maintenance, and education of the child. The juvenile court shall 108030
order that the parents, guardian, or person pay for the expenses 108031
involved in providing orthopedic, medical, or surgical treatment 108032
for, or for special care of, the child, enter a judgment for the 108033
amount due, and enforce the judgment by execution as in the court 108034
of common pleas. 108035

Any expenses incurred for the care, support, maintenance, 108036
education, orthopedic, medical, or surgical treatment, and special 108037
care of a child who has a legal settlement in another county shall 108038
be at the expense of the county of legal settlement if the consent 108039
of the juvenile judge of the county of legal settlement is first 108040
obtained. When the consent is obtained, the board of county 108041
commissioners of the county in which the child has a legal 108042
settlement shall reimburse the committing court for the expenses 108043
out of its general fund. If the department of ~~job~~ children and 108044
~~family services~~ youth considers it to be in the best interest of 108045
any delinquent, dependent, unruly, abused, or neglected child who 108046
has a legal settlement in a foreign state or country that the 108047
child be returned to the state or country of legal settlement, the 108048
juvenile court may commit the child to the department for the 108049

child's return to that state or country. 108050

Any expenses ordered by the court for the care, support, 108051
maintenance, education, orthopedic, medical, or surgical 108052
treatment, or special care of a dependent, neglected, abused, 108053
unruly, or delinquent child or of a juvenile traffic offender 108054
under this chapter or Chapter 2152. of the Revised Code, except 108055
the part of the expense that may be paid by the state or federal 108056
government or paid by the parents, guardians, or person charged 108057
with the child's support pursuant to this section, shall be paid 108058
from the county treasury upon specifically itemized vouchers, 108059
certified to by the judge. The court shall not be responsible for 108060
any expenses resulting from the commitment of children to any 108061
home, public children services agency, private child placing 108062
agency, or other institution, association, or agency, unless the 108063
court authorized the expenses at the time of commitment. 108064

Sec. 2151.39. No person, association or agency, public or 108065
private, of another state, incorporated or otherwise, shall place 108066
a child in a family home or with an agency or institution within 108067
the boundaries of this state, either for temporary or permanent 108068
care or custody or for adoption, unless such person or association 108069
has furnished the department of ~~job children~~ and ~~family services~~ 108070
youth with a medical and social history of the child, pertinent 108071
information about the family, agency, association, or institution 108072
in this state with whom the sending party desires to place the 108073
child, and any other information or financial guaranty required by 108074
the department to determine whether the proposed placement will 108075
meet the needs of the child. The department may require the party 108076
desiring the placement to agree to promptly receive and remove 108077
from the state a child brought into the state whose placement has 108078
not proven satisfactorily responsive to the needs of the child at 108079
any time until the child is adopted, reaches majority, becomes 108080
self-supporting or is discharged with the concurrence of the 108081

department. All placements proposed to be made in this state by a party located in a state which is a party to the interstate compact for the placement of children shall be made according to the provisions of sections 5103.20 to 5103.22 of the Revised Code, or, if the interstate compact on the placement of children is in effect in this state, all placements proposed to be made in this state by a party located in a state that is a party to that compact shall be made according to the provisions of sections 5103.23 to 5103.237 of the Revised Code.

Sec. 2151.412. (A) Each public children services agency and private child placing agency shall prepare and maintain a case plan for any child to whom the agency is providing services and to whom any of the following applies:

(1) The agency filed a complaint pursuant to section 2151.27 of the Revised Code alleging that the child is an abused, neglected, or dependent child;

(2) The agency has temporary or permanent custody of the child;

(3) The child is living at home subject to an order for protective supervision;

(4) The child is in a planned permanent living arrangement.

Except as provided by division (A)(2) of section 5103.153 of the Revised Code, a private child placing agency providing services to a child who is the subject of a voluntary permanent custody surrender agreement entered into under division (B)(2) of section 5103.15 of the Revised Code is not required to prepare and maintain a case plan for that child.

(B) Each public children services agency shall prepare and maintain a case plan for any child for whom the agency is providing in-home services pursuant to an alternative response.

(C)(1) The director of ~~job~~ children and ~~family services~~ youth 108112
shall adopt rules pursuant to Chapter 119. of the Revised Code 108113
setting forth the content and format of case plans required by 108114
division (A) of this section and establishing procedures for 108115
developing, implementing, and changing the case plans. The rules 108116
shall at a minimum comply with the requirements of Title IV-E of 108117
the "Social Security Act," 42 U.S.C. 670, et seq. (1980). 108118

(2) The director of ~~job~~ children and ~~family services~~ youth 108119
shall adopt rules pursuant to Chapter 119. of the Revised Code 108120
requiring public children services agencies and private child 108121
placing agencies to maintain case plans for children and their 108122
families who are receiving services in their homes from the 108123
agencies and for whom case plans are not required by division (A) 108124
of this section. The rules for public children services agencies 108125
shall include the requirements for case plans maintained for 108126
children and their families who are receiving services in their 108127
homes from public children services agencies pursuant to an 108128
alternative response. The agencies shall maintain case plans as 108129
required by those rules; however, the case plans shall not be 108130
subject to any other provision of this section except as 108131
specifically required by the rules. 108132

(D) Each public children services agency and private child 108133
placing agency that is required by division (A) of this section to 108134
maintain a case plan shall file the case plan with the court prior 108135
to the child's adjudicatory hearing but no later than thirty days 108136
after the earlier of the date on which the complaint in the case 108137
was filed or the child was first placed into shelter care. If the 108138
agency does not have sufficient information prior to the 108139
adjudicatory hearing to complete any part of the case plan, the 108140
agency shall specify in the case plan the additional information 108141
necessary to complete each part of the case plan and the steps 108142
that will be taken to obtain that information. All parts of the 108143

case plan shall be completed by the earlier of thirty days after 108144
the adjudicatory hearing or the date of the dispositional hearing 108145
for the child. 108146

(E) Any agency that is required by division (A) of this 108147
section to prepare a case plan shall attempt to obtain an 108148
agreement among all parties, including, but not limited to, the 108149
parents, guardian, or custodian of the child and the guardian ad 108150
litem of the child regarding the content of the case plan. If all 108151
parties agree to the content of the case plan and the court 108152
approves it, the court shall journalize it as part of its 108153
dispositional order. If the agency cannot obtain an agreement upon 108154
the contents of the case plan or the court does not approve it, 108155
the parties shall present evidence on the contents of the case 108156
plan at the dispositional hearing. The court, based upon the 108157
evidence presented at the dispositional hearing and the best 108158
interest of the child, shall determine the contents of the case 108159
plan and journalize it as part of the dispositional order for the 108160
child. 108161

(F)(1) All parties, including the parents, guardian, or 108162
custodian of the child, are bound by the terms of the journalized 108163
case plan. A party that fails to comply with the terms of the 108164
journalized case plan may be held in contempt of court. 108165

(2) Any party may propose a change to a substantive part of 108166
the case plan, including, but not limited to, the child's 108167
placement and the visitation rights of any party. A party 108168
proposing a change to the case plan shall file the proposed change 108169
with the court and give notice of the proposed change in writing 108170
before the end of the day after the day of filing it to all 108171
parties and the child's guardian ad litem. All parties and the 108172
guardian ad litem shall have seven days from the date the notice 108173
is sent to object to and request a hearing on the proposed change. 108174

(a) If it receives a timely request for a hearing, the court 108175

shall schedule a hearing pursuant to section 2151.417 of the Revised Code to be held no later than thirty days after the request is received by the court. The court shall give notice of the date, time, and location of the hearing to all parties and the guardian ad litem. The agency may implement the proposed change after the hearing, if the court approves it. The agency shall not implement the proposed change unless it is approved by the court.

(b) If it does not receive a timely request for a hearing, the court may approve the proposed change without a hearing. If the court approves the proposed change without a hearing, it shall journalize the case plan with the change not later than fourteen days after the change is filed with the court. If the court does not approve the proposed change to the case plan, it shall schedule a hearing to be held pursuant to section 2151.417 of the Revised Code no later than thirty days after the expiration of the fourteen-day time period and give notice of the date, time, and location of the hearing to all parties and the guardian ad litem of the child. If, despite the requirements of division (F)(2) of this section, the court neither approves and journalizes the proposed change nor conducts a hearing, the agency may implement the proposed change not earlier than fifteen days after it is submitted to the court.

(3) If an agency has reasonable cause to believe that a child is suffering from illness or injury and is not receiving proper care and that an appropriate change in the child's case plan is necessary to prevent immediate or threatened physical or emotional harm, to believe that a child is in immediate danger from the child's surroundings and that an immediate change in the child's case plan is necessary to prevent immediate or threatened physical or emotional harm to the child, or to believe that a parent, guardian, custodian, or other member of the child's household has abused or neglected the child and that the child is in danger of

immediate or threatened physical or emotional harm from that 108208
person unless the agency makes an appropriate change in the 108209
child's case plan, it may implement the change without prior 108210
agreement or a court hearing and, before the end of the next day 108211
after the change is made, give all parties, the guardian ad litem 108212
of the child, and the court notice of the change. Before the end 108213
of the third day after implementing the change in the case plan, 108214
the agency shall file a statement of the change with the court and 108215
give notice of the filing accompanied by a copy of the statement 108216
to all parties and the guardian ad litem. All parties and the 108217
guardian ad litem shall have ten days from the date the notice is 108218
sent to object to and request a hearing on the change. 108219

(a) If it receives a timely request for a hearing, the court 108220
shall schedule a hearing pursuant to section 2151.417 of the 108221
Revised Code to be held no later than thirty days after the 108222
request is received by the court. The court shall give notice of 108223
the date, time, and location of the hearing to all parties and the 108224
guardian ad litem. The agency shall continue to administer the 108225
case plan with the change after the hearing, if the court approves 108226
the change. If the court does not approve the change, the court 108227
shall make appropriate changes to the case plan and shall 108228
journalize the case plan. 108229

(b) If it does not receive a timely request for a hearing, 108230
the court may approve the change without a hearing. If the court 108231
approves the change without a hearing, it shall journalize the 108232
case plan with the change within fourteen days after receipt of 108233
the change. If the court does not approve the change to the case 108234
plan, it shall schedule a hearing under section 2151.417 of the 108235
Revised Code to be held no later than thirty days after the 108236
expiration of the fourteen-day time period and give notice of the 108237
date, time, and location of the hearing to all parties and the 108238
guardian ad litem of the child. 108239

(G)(1) All case plans for children in temporary custody shall 108240
have the following general goals: 108241

(a) Consistent with the best interest and special needs of 108242
the child, to achieve a safe out-of-home placement in the least 108243
restrictive, most family-like setting available and in close 108244
proximity to the home from which the child was removed or the home 108245
in which the child will be permanently placed; 108246

(b) To eliminate with all due speed the need for the 108247
out-of-home placement so that the child can safely return home. 108248

(2) The director of ~~job children~~ and ~~family services~~ youth 108249
shall adopt rules pursuant to Chapter 119. of the Revised Code 108250
setting forth the general goals of case plans for children subject 108251
to dispositional orders for protective supervision, a planned 108252
permanent living arrangement, or permanent custody. 108253

(H) In the agency's development of a case plan and the 108254
court's review of the case plan, the child's health and safety 108255
shall be the paramount concern. The agency and the court shall be 108256
guided by the following general priorities: 108257

(1) A child who is residing with or can be placed with the 108258
child's parents within a reasonable time should remain in their 108259
legal custody even if an order of protective supervision is 108260
required for a reasonable period of time; 108261

(2) If both parents of the child have abandoned the child, 108262
have relinquished custody of the child, have become incapable of 108263
supporting or caring for the child even with reasonable 108264
assistance, or have a detrimental effect on the health, safety, 108265
and best interest of the child, the child should be placed in the 108266
legal custody of a suitable member of the child's extended family; 108267

(3) If a child described in division (H)(2) of this section 108268
has no suitable member of the child's extended family to accept 108269
legal custody, the child should be placed in the legal custody of 108270

a suitable nonrelative who shall be made a party to the 108271
proceedings after being given legal custody of the child; 108272

(4) If the child has no suitable member of the child's 108273
extended family to accept legal custody of the child and no 108274
suitable nonrelative is available to accept legal custody of the 108275
child and, if the child temporarily cannot or should not be placed 108276
with the child's parents, guardian, or custodian, the child should 108277
be placed in the temporary custody of a public children services 108278
agency or a private child placing agency; 108279

(5) If the child cannot be placed with either of the child's 108280
parents within a reasonable period of time or should not be placed 108281
with either, if no suitable member of the child's extended family 108282
or suitable nonrelative is available to accept legal custody of 108283
the child, and if the agency has a reasonable expectation of 108284
placing the child for adoption, the child should be committed to 108285
the permanent custody of the public children services agency or 108286
private child placing agency; 108287

(6) If the child is to be placed for adoption or foster care, 108288
the placement shall not be delayed or denied on the basis of the 108289
child's or adoptive or foster family's race, color, or national 108290
origin. 108291

(I) The case plan for a child in temporary custody shall 108292
include at a minimum the following requirements if the child is or 108293
has been the victim of abuse or neglect or if the child witnessed 108294
the commission in the child's household of abuse or neglect 108295
against a sibling of the child, a parent of the child, or any 108296
other person in the child's household: 108297

(1) A requirement that the child's parents, guardian, or 108298
custodian participate in mandatory counseling; 108299

(2) A requirement that the child's parents, guardian, or 108300
custodian participate in any supportive services that are required 108301

by or provided pursuant to the child's case plan. 108302

(J) (1) Prior to January 1, 2023, a case plan for a child in 108303
temporary custody may include, as a supplement, a plan for 108304
locating a permanent family placement. The supplement shall not be 108305
considered part of the case plan for purposes of division (E) of 108306
this section. 108307

(2) On and after January 1, 2023, a case plan for a child in 108308
temporary custody shall include a permanency plan for the child 108309
unless it is documented that such a plan would not be in the best 108310
interest of the child. The permanency plan shall describe the 108311
services the agency shall provide to achieve permanency for the 108312
child if reasonable efforts to return the child to the child's 108313
home, or eliminate the continued removal from that home, are 108314
unsuccessful. Those services shall be provided concurrently with 108315
reasonable efforts to return the child home or eliminate the 108316
child's continued removal from home. 108317

(3) The director of ~~job children~~ and ~~family services youth~~, 108318
pursuant to Chapter 119. of the Revised Code, shall adopt rules 108319
necessary to carry out the purposes of division (J) of this 108320
section. 108321

(K)(1) A public children services agency may request that the 108322
superintendent of the bureau of criminal identification and 108323
investigation conduct a criminal records check with respect to a 108324
parent, guardian, custodian, prospective custodian, or prospective 108325
placement whose actions result in a finding after the filing of a 108326
complaint as described in division (A)(1) of this section that a 108327
child is an abused, neglected, or dependent child. The public 108328
children services agency shall request that the superintendent 108329
obtain information from the federal bureau of investigation as 108330
part of the criminal records check. 108331

(2) At any time on or after the date that is ninety days 108332

after September 10, 2012, a prosecuting attorney, or an assistant 108333
prosecuting attorney appointed under section 309.06 of the Revised 108334
Code, may request that the superintendent of the bureau of 108335
criminal identification and investigation conduct a criminal 108336
records check with respect to each parent, guardian, custodian, 108337
prospective custodian, or prospective placement whose actions 108338
resulted in a finding after the filing of a complaint described in 108339
division (A)(1) of this section that a child is an abused, 108340
neglected, or dependent child. Each prosecuting attorney or 108341
assistant prosecuting attorney who makes such a request shall 108342
request that the superintendent obtain information from the 108343
federal bureau of investigation as part of the criminal records 108344
check for each parent, guardian, custodian, prospective custodian, 108345
or prospective placement who is a subject of the request. 108346

(3) A public children services agency, prosecuting attorney, 108347
or assistant prosecuting attorney that requests a criminal records 108348
check under division (K)(1) or (2) of this section shall do both 108349
of the following: 108350

(a) Provide to each parent, guardian, custodian, prospective 108351
custodian, or prospective placement for whom a criminal records 108352
check is requested a copy of the form prescribed pursuant to 108353
division (C)(1) of section 109.572 of the Revised Code and a 108354
standard fingerprint impression sheet prescribed pursuant to 108355
division (C)(2) of that section and obtain the completed form and 108356
impression sheet from the parent, guardian, custodian, prospective 108357
custodian, or prospective placement; 108358

(b) Forward the completed form and impression sheet to the 108359
superintendent of the bureau of criminal identification and 108360
investigation. 108361

(4) A parent, guardian, custodian, prospective custodian, or 108362
prospective placement who is given a form and fingerprint 108363
impression sheet under division (K)(3)(a) of this section and who 108364

fails to complete the form or provide fingerprint impressions may 108365
be held in contempt of court. 108366

Sec. 2151.413. (A) A public children services agency or 108367
private child placing agency that, pursuant to an order of 108368
disposition under division (A)(2) of section 2151.353 of the 108369
Revised Code or under any version of section 2151.353 of the 108370
Revised Code that existed prior to January 1, 1989, is granted 108371
temporary custody of a child who is not abandoned or orphaned may 108372
file a motion in the court that made the disposition of the child 108373
requesting permanent custody of the child. 108374

(B) A public children services agency or private child 108375
placing agency that, pursuant to an order of disposition under 108376
division (A)(2) of section 2151.353 of the Revised Code or under 108377
any version of section 2151.353 of the Revised Code that existed 108378
prior to January 1, 1989, is granted temporary custody of a child 108379
who is orphaned may file a motion in the court that made the 108380
disposition of the child requesting permanent custody of the child 108381
whenever it can show that no relative of the child is able to take 108382
legal custody of the child. 108383

(C) A public children services agency or private child 108384
placing agency that, pursuant to an order of disposition under 108385
division (A)(5) of section 2151.353 of the Revised Code, places a 108386
child in a planned permanent living arrangement may file a motion 108387
in the court that made the disposition of the child requesting 108388
permanent custody of the child. 108389

(D)(1) Except as provided in division (D)(3) of this section, 108390
if a child has been in the temporary custody of one or more public 108391
children services agencies or private child placing agencies for 108392
twelve or more months of a consecutive twenty-two-month period, 108393
the agency with custody shall file a motion requesting permanent 108394
custody of the child. If the child has been in the temporary 108395

custody of one or more public children services agencies or 108396
private child placing agencies and the child was previously in the 108397
temporary custody of an equivalent agency in another state, the 108398
agency with custody of the child shall apply the time in temporary 108399
custody in the other state to the time in temporary custody in 108400
this state and, except as provided in division (D)(3) of this 108401
section, if the time spent in temporary custody equals twelve or 108402
more months of a consecutive twenty-two-month period, the agency 108403
with custody may file a motion requesting permanent custody of the 108404
child. The motion shall be filed in the court that issued the 108405
current order of temporary custody. For the purposes of this 108406
division, a child shall be considered to have entered the 108407
temporary custody of an agency on the earlier of the date the 108408
child is adjudicated pursuant to section 2151.28 of the Revised 108409
Code or the date that is sixty days after the removal of the child 108410
from home. 108411

(2) Except as provided in division (D)(3) of this section, if 108412
a court makes a determination pursuant to division (A)(2) of 108413
section 2151.419 of the Revised Code, the public children services 108414
agency or private child placing agency required to develop the 108415
permanency plan for the child under division (K) of section 108416
2151.417 of the Revised Code shall file a motion in the court that 108417
made the determination requesting permanent custody of the child. 108418

(3) An agency shall not file a motion for permanent custody 108419
under division (D)(1) or (2) of this section if any of the 108420
following apply: 108421

(a) The agency documents in the case plan or permanency plan 108422
a compelling reason that permanent custody is not in the best 108423
interest of the child. 108424

(b) If reasonable efforts to return the child to the child's 108425
home are required under section 2151.419 of the Revised Code, the 108426
agency has not provided the services required by the case plan to 108427

the parents of the child or the child to ensure the safe return of 108428
the child to the child's home. 108429

(c) The agency has been granted permanent custody of the 108430
child. 108431

(d) The child has been returned home pursuant to court order 108432
in accordance with division (A)(3) of section 2151.419 of the 108433
Revised Code. 108434

(E) Any agency that files a motion for permanent custody 108435
under this section shall include in the case plan of the child who 108436
is the subject of the motion, a specific plan of the agency's 108437
actions to seek an adoptive family for the child and to prepare 108438
the child for adoption. 108439

(F) The department of ~~job children and family services youth~~ 108440
may adopt rules pursuant to Chapter 119. of the Revised Code that 108441
set forth the time frames for case reviews and for filing a motion 108442
requesting permanent custody under division (D)(1) of this 108443
section. 108444

Sec. 2151.416. (A) Each agency that is required by section 108445
2151.412 of the Revised Code to prepare a case plan for a child 108446
shall complete a semiannual administrative review of the case plan 108447
no later than six months after the earlier of the date on which 108448
the complaint in the case was filed or the child was first placed 108449
in shelter care. After the first administrative review, the agency 108450
shall complete semiannual administrative reviews no later than 108451
every six months. If the court issues an order pursuant to section 108452
2151.414 or 2151.415 of the Revised Code, the agency shall 108453
complete an administrative review no later than six months after 108454
the court's order and continue to complete administrative reviews 108455
no later than every six months after the first review, except that 108456
the court hearing held pursuant to section 2151.417 of the Revised 108457
Code may take the place of any administrative review that would 108458

otherwise be held at the time of the court hearing. When 108459
conducting a review, the child's health and safety shall be the 108460
paramount concern. 108461

(B) Each administrative review required by division (A) of 108462
this section shall be conducted by a review panel of at least 108463
three persons, including, but not limited to, both of the 108464
following: 108465

(1) A caseworker with day-to-day responsibility for, or 108466
familiarity with, the management of the child's case plan; 108467

(2) A person who is not responsible for the management of the 108468
child's case plan or for the delivery of services to the child or 108469
the parents, guardian, or custodian of the child. 108470

(C) Each semiannual administrative review shall include, but 108471
not be limited to, a joint meeting by the review panel with the 108472
parents, guardian, or custodian of the child, the guardian ad 108473
litem of the child, and the child's foster care provider and shall 108474
include an opportunity for those persons to submit any written 108475
materials to be included in the case record of the child. If a 108476
parent, guardian, custodian, guardian ad litem, or foster care 108477
provider of the child cannot be located after reasonable efforts 108478
to do so or declines to participate in the administrative review 108479
after being contacted, the agency does not have to include them in 108480
the joint meeting. 108481

(D) The agency shall prepare a written summary of the 108482
semiannual administrative review that shall include, but not be 108483
limited to, all of the following: 108484

(1) A conclusion regarding the safety and appropriateness of 108485
the child's foster care placement; 108486

(2) The extent of the compliance with the case plan of all 108487
parties; 108488

- (3) The extent of progress that has been made toward 108489
alleviating the circumstances that required the agency to assume 108490
temporary custody of the child; 108491
- (4) An estimated date by which the child may be returned to 108492
and safely maintained in the child's home or placed for adoption 108493
or legal custody; 108494
- (5) An updated case plan that includes any changes that the 108495
agency is proposing in the case plan; 108496
- (6) The recommendation of the agency as to which agency or 108497
person should be given custodial rights over the child for the 108498
six-month period after the administrative review; 108499
- (7) The names of all persons who participated in the 108500
administrative review; 108501
- (8) A summary of the agency's intensive efforts to secure a 108502
placement with an appropriate and willing kinship caregiver as 108503
defined in section 5101.85 of the Revised Code, including any use 108504
of search technology to find biological family members of the 108505
child and all other efforts undertaken since the last review, 108506
unless a court has determined that intensive efforts are 108507
unnecessary pursuant to section 2151.4118 of the Revised Code. 108508
- (E) The agency shall file the summary with the court no later 108509
than seven days after the completion of the administrative review. 108510
If the agency proposes a change to the case plan as a result of 108511
the administrative review, the agency shall file the proposed 108512
change with the court at the time it files the summary. The agency 108513
shall give notice of the summary and proposed change in writing 108514
before the end of the next day after filing them to all parties 108515
and the child's guardian ad litem. All parties and the guardian ad 108516
litem shall have seven days after the date the notice is sent to 108517
object to and request a hearing on the proposed change. 108518
- (1) If the court receives a timely request for a hearing, the 108519

court shall schedule a hearing pursuant to section 2151.417 of the Revised Code to be held not later than thirty days after the court receives the request. The court shall give notice of the date, time, and location of the hearing to all parties and the guardian ad litem. The agency may implement the proposed change after the hearing, if the court approves it. The agency shall not implement the proposed change unless it is approved by the court.

(2) If the court does not receive a timely request for a hearing, the court may approve the proposed change without a hearing. If the court approves the proposed change without a hearing, it shall journalize the case plan with the change not later than fourteen days after the change is filed with the court. If the court does not approve the proposed change to the case plan, it shall schedule a review hearing to be held pursuant to section 2151.417 of the Revised Code no later than thirty days after the expiration of the fourteen-day time period and give notice of the date, time, and location of the hearing to all parties and the guardian ad litem of the child. If, despite the requirements of this division and division (D) of section 2151.417 of the Revised Code, the court neither approves and journalizes the proposed change nor conducts a hearing, the agency may implement the proposed change not earlier than fifteen days after it is submitted to the court.

(F) The director of ~~job children and family services~~ youth may adopt rules pursuant to Chapter 119. of the Revised Code for procedures and standard forms for conducting administrative reviews pursuant to this section.

(G) The juvenile court that receives the written summary of the administrative review, upon determining, either from the written summary, case plan, or otherwise, that the custody or care arrangement is not in the best interest of the child, may terminate the custody of an agency and place the child in the

custody of another institution or association certified by the 108552
department of ~~job~~ children and ~~family services~~ youth under section 108553
5103.03 of the Revised Code. 108554

Sec. 2151.421. (A)(1)(a) No person described in division 108555
(A)(1)(b) of this section who is acting in an official or 108556
professional capacity and knows, or has reasonable cause to 108557
suspect based on facts that would cause a reasonable person in a 108558
similar position to suspect, that a child under eighteen years of 108559
age, or a person under twenty-one years of age with a 108560
developmental disability or physical impairment, has suffered or 108561
faces a threat of suffering any physical or mental wound, injury, 108562
disability, or condition of a nature that reasonably indicates 108563
abuse or neglect of the child shall fail to immediately report 108564
that knowledge or reasonable cause to suspect to the entity or 108565
persons specified in this division. Except as otherwise provided 108566
in this division or section 5120.173 of the Revised Code, the 108567
person making the report shall make it to the public children 108568
services agency or a peace officer in the county in which the 108569
child resides or in which the abuse or neglect is occurring or has 108570
occurred. If the person making the report is a peace officer, the 108571
officer shall make it to the public children services agency in 108572
the county in which the child resides or in which the abuse or 108573
neglect is occurring or has occurred. In the circumstances 108574
described in section 5120.173 of the Revised Code, the person 108575
making the report shall make it to the entity specified in that 108576
section. 108577

(b) Division (A)(1)(a) of this section applies to any person 108578
who is an attorney; health care professional; practitioner of a 108579
limited branch of medicine as specified in section 4731.15 of the 108580
Revised Code; licensed school psychologist; independent marriage 108581
and family therapist or marriage and family therapist; coroner; 108582
administrator or employee of a child day-care center; 108583

administrator or employee of a residential camp, child day camp, 108584
or private, nonprofit therapeutic wilderness camp; administrator 108585
or employee of a certified child care agency or other public or 108586
private children services agency; school teacher; school employee; 108587
school authority; peace officer; humane society agent; dog warden, 108588
deputy dog warden, or other person appointed to act as an animal 108589
control officer for a municipal corporation or township in 108590
accordance with state law, an ordinance, or a resolution; person, 108591
other than a cleric, rendering spiritual treatment through prayer 108592
in accordance with the tenets of a well-recognized religion; 108593
employee of a county department of job and family services who is 108594
a professional and who works with children and families; 108595
superintendent or regional administrator employed by the 108596
department of youth services; superintendent, board member, or 108597
employee of a county board of developmental disabilities; 108598
investigative agent contracted with by a county board of 108599
developmental disabilities; employee of the department of 108600
developmental disabilities; employee of a facility or home that 108601
provides respite care in accordance with section 5123.171 of the 108602
Revised Code; employee of an entity that provides homemaker 108603
services; employee of a qualified organization as defined in 108604
section 2151.90 of the Revised Code; a host family as defined in 108605
section 2151.90 of the Revised Code; foster caregiver; a person 108606
performing the duties of an assessor pursuant to Chapter 3107. or 108607
5103. of the Revised Code; third party employed by a public 108608
children services agency to assist in providing child or family 108609
related services; court appointed special advocate; or guardian ad 108610
litem. 108611

(c) If two or more health care professionals, after providing 108612
health care services to a child, determine or suspect that the 108613
child has been or is being abused or neglected, the health care 108614
professionals may designate one of the health care professionals 108615
to report the abuse or neglect. A single report made under this 108616

division shall meet the reporting requirements of division (A)(1) 108617
of this section. 108618

(2) Except as provided in division (A)(3) of this section, an 108619
attorney or a physician is not required to make a report pursuant 108620
to division (A)(1) of this section concerning any communication 108621
the attorney or physician receives from a client or patient in an 108622
attorney-client or physician-patient relationship, if, in 108623
accordance with division (A) or (B) of section 2317.02 of the 108624
Revised Code, the attorney or physician could not testify with 108625
respect to that communication in a civil or criminal proceeding. 108626

(3) The client or patient in an attorney-client or 108627
physician-patient relationship described in division (A)(2) of 108628
this section is deemed to have waived any testimonial privilege 108629
under division (A) or (B) of section 2317.02 of the Revised Code 108630
with respect to any communication the attorney or physician 108631
receives from the client or patient in that attorney-client or 108632
physician-patient relationship, and the attorney or physician 108633
shall make a report pursuant to division (A)(1) of this section 108634
with respect to that communication, if all of the following apply: 108635

(a) The client or patient, at the time of the communication, 108636
is a child under eighteen years of age or is a person under 108637
twenty-one years of age with a developmental disability or 108638
physical impairment. 108639

(b) The attorney or physician knows, or has reasonable cause 108640
to suspect based on facts that would cause a reasonable person in 108641
similar position to suspect that the client or patient has 108642
suffered or faces a threat of suffering any physical or mental 108643
wound, injury, disability, or condition of a nature that 108644
reasonably indicates abuse or neglect of the client or patient. 108645

(c) The abuse or neglect does not arise out of the client's 108646
or patient's attempt to have an abortion without the notification 108647

of her parents, guardian, or custodian in accordance with section 108648
2151.85 of the Revised Code. 108649

(4)(a) No cleric and no person, other than a volunteer, 108650
designated by any church, religious society, or faith acting as a 108651
leader, official, or delegate on behalf of the church, religious 108652
society, or faith who is acting in an official or professional 108653
capacity, who knows, or has reasonable cause to believe based on 108654
facts that would cause a reasonable person in a similar position 108655
to believe, that a child under eighteen years of age, or a person 108656
under twenty-one years of age with a developmental disability or 108657
physical impairment, has suffered or faces a threat of suffering 108658
any physical or mental wound, injury, disability, or condition of 108659
a nature that reasonably indicates abuse or neglect of the child, 108660
and who knows, or has reasonable cause to believe based on facts 108661
that would cause a reasonable person in a similar position to 108662
believe, that another cleric or another person, other than a 108663
volunteer, designated by a church, religious society, or faith 108664
acting as a leader, official, or delegate on behalf of the church, 108665
religious society, or faith caused, or poses the threat of 108666
causing, the wound, injury, disability, or condition that 108667
reasonably indicates abuse or neglect shall fail to immediately 108668
report that knowledge or reasonable cause to believe to the entity 108669
or persons specified in this division. Except as provided in 108670
section 5120.173 of the Revised Code, the person making the report 108671
shall make it to the public children services agency or a peace 108672
officer in the county in which the child resides or in which the 108673
abuse or neglect is occurring or has occurred. In the 108674
circumstances described in section 5120.173 of the Revised Code, 108675
the person making the report shall make it to the entity specified 108676
in that section. 108677

(b) Except as provided in division (A)(4)(c) of this section, 108678
a cleric is not required to make a report pursuant to division 108679

(A)(4)(a) of this section concerning any communication the cleric receives from a penitent in a cleric-penitent relationship, if, in accordance with division (C) of section 2317.02 of the Revised Code, the cleric could not testify with respect to that communication in a civil or criminal proceeding.

(c) The penitent in a cleric-penitent relationship described in division (A)(4)(b) of this section is deemed to have waived any testimonial privilege under division (C) of section 2317.02 of the Revised Code with respect to any communication the cleric receives from the penitent in that cleric-penitent relationship, and the cleric shall make a report pursuant to division (A)(4)(a) of this section with respect to that communication, if all of the following apply:

(i) The penitent, at the time of the communication, is a child under eighteen years of age or is a person under twenty-one years of age with a developmental disability or physical impairment.

(ii) The cleric knows, or has reasonable cause to believe based on facts that would cause a reasonable person in a similar position to believe, as a result of the communication or any observations made during that communication, the penitent has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the penitent.

(iii) The abuse or neglect does not arise out of the penitent's attempt to have an abortion performed upon a child under eighteen years of age or upon a person under twenty-one years of age with a developmental disability or physical impairment without the notification of her parents, guardian, or custodian in accordance with section 2151.85 of the Revised Code.

(d) Divisions (A)(4)(a) and (c) of this section do not apply

in a cleric-penitent relationship when the disclosure of any 108711
communication the cleric receives from the penitent is in 108712
violation of the sacred trust. 108713

(e) As used in divisions (A)(1) and (4) of this section, 108714
"cleric" and "sacred trust" have the same meanings as in section 108715
2317.02 of the Revised Code. 108716

(B) Anyone who knows, or has reasonable cause to suspect 108717
based on facts that would cause a reasonable person in similar 108718
circumstances to suspect, that a child under eighteen years of 108719
age, or a person under twenty-one years of age with a 108720
developmental disability or physical impairment, has suffered or 108721
faces a threat of suffering any physical or mental wound, injury, 108722
disability, or other condition of a nature that reasonably 108723
indicates abuse or neglect of the child may report or cause 108724
reports to be made of that knowledge or reasonable cause to 108725
suspect to the entity or persons specified in this division. 108726
Except as provided in section 5120.173 of the Revised Code, a 108727
person making a report or causing a report to be made under this 108728
division shall make it or cause it to be made to the public 108729
children services agency or to a peace officer. In the 108730
circumstances described in section 5120.173 of the Revised Code, a 108731
person making a report or causing a report to be made under this 108732
division shall make it or cause it to be made to the entity 108733
specified in that section. 108734

(C) Any report made pursuant to division (A) or (B) of this 108735
section shall be made forthwith either by telephone or in person 108736
and shall be followed by a written report, if requested by the 108737
receiving agency or officer. The written report shall contain: 108738

(1) The names and addresses of the child and the child's 108739
parents or the person or persons having custody of the child, if 108740
known; 108741

(2) The child's age and the nature and extent of the child's injuries, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to have occurred or of the threat of injury, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to exist, including any evidence of previous injuries, abuse, or neglect;

(3) Any other information, including, but not limited to, results and reports of any medical examinations, tests, or procedures performed under division (D) of this section, that might be helpful in establishing the cause of the injury, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to have occurred or of the threat of injury, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to exist.

(D)(1) Any person, who is required by division (A) of this section to report child abuse or child neglect that is known or reasonably suspected or believed to have occurred, may take or cause to be taken color photographs of areas of trauma visible on a child and, if medically necessary for the purpose of diagnosing or treating injuries that are suspected to have occurred as a result of child abuse or child neglect, perform or cause to be performed radiological examinations and any other medical examinations of, and tests or procedures on, the child.

(2) The results and any available reports of examinations, tests, or procedures made under division (D)(1) of this section shall be included in a report made pursuant to division (A) of this section. Any additional reports of examinations, tests, or procedures that become available shall be provided to the public children services agency, upon request.

(3) If a health care professional provides health care services in a hospital, children's advocacy center, or emergency medical facility to a child about whom a report has been made

under division (A) of this section, the health care professional 108774
may take any steps that are reasonably necessary for the release 108775
or discharge of the child to an appropriate environment. Before 108776
the child's release or discharge, the health care professional may 108777
obtain information, or consider information obtained, from other 108778
entities or individuals that have knowledge about the child. 108779
Nothing in division (D)(3) of this section shall be construed to 108780
alter the responsibilities of any person under sections 2151.27 108781
and 2151.31 of the Revised Code. 108782

(4) A health care professional may conduct medical 108783
examinations, tests, or procedures on the siblings of a child 108784
about whom a report has been made under division (A) of this 108785
section and on other children who reside in the same home as the 108786
child, if the professional determines that the examinations, 108787
tests, or procedures are medically necessary to diagnose or treat 108788
the siblings or other children in order to determine whether 108789
reports under division (A) of this section are warranted with 108790
respect to such siblings or other children. The results of the 108791
examinations, tests, or procedures on the siblings and other 108792
children may be included in a report made pursuant to division (A) 108793
of this section. 108794

(5) Medical examinations, tests, or procedures conducted 108795
under divisions (D)(1) and (4) of this section and decisions 108796
regarding the release or discharge of a child under division 108797
(D)(3) of this section do not constitute a law enforcement 108798
investigation or activity. 108799

(E)(1) When a peace officer receives a report made pursuant 108800
to division (A) or (B) of this section, upon receipt of the 108801
report, the peace officer who receives the report shall refer the 108802
report to the appropriate public children services agency, in 108803
accordance with requirements specified under division (B)(6) of 108804
section 2151.4221 of the Revised Code, unless an arrest is made at 108805

the time of the report that results in the appropriate public 108806
children services agency being contacted concerning the possible 108807
abuse or neglect of a child or the possible threat of abuse or 108808
neglect of a child. 108809

(2) When a public children services agency receives a report 108810
pursuant to this division or division (A) or (B) of this section, 108811
upon receipt of the report, the public children services agency 108812
shall do all of the following: 108813

(a) Comply with section 2151.422 of the Revised Code; 108814

(b) If the county served by the agency is also served by a 108815
children's advocacy center and the report alleges sexual abuse of 108816
a child or another type of abuse of a child that is specified in 108817
the memorandum of understanding that creates the center as being 108818
within the center's jurisdiction, comply regarding the report with 108819
the protocol and procedures for referrals and investigations, with 108820
the coordinating activities, and with the authority or 108821
responsibility for performing or providing functions, activities, 108822
and services stipulated in the interagency agreement entered into 108823
under section 2151.428 of the Revised Code relative to that 108824
center; 108825

(c) Unless an arrest is made at the time of the report that 108826
results in the appropriate law enforcement agency being contacted 108827
concerning the possible abuse or neglect of a child or the 108828
possible threat of abuse or neglect of a child, and in accordance 108829
with requirements specified under division (B)(6) of section 108830
2151.4221 of the Revised Code, notify the appropriate law 108831
enforcement agency of the report, if the public children services 108832
agency received either of the following: 108833

(i) A report of abuse of a child; 108834

(ii) A report of neglect of a child that alleges a type of 108835
neglect identified by the department of ~~job~~ children and ~~family~~ 108836

~~services~~ youth in rules adopted under division (L)(2) of this 108837
section. 108838

(F) No peace officer shall remove a child about whom a report 108839
is made pursuant to this section from the child's parents, 108840
stepparents, or guardian or any other persons having custody of 108841
the child without consultation with the public children services 108842
agency, unless, in the judgment of the officer, and, if the report 108843
was made by physician, the physician, immediate removal is 108844
considered essential to protect the child from further abuse or 108845
neglect. The agency that must be consulted shall be the agency 108846
conducting the investigation of the report as determined pursuant 108847
to section 2151.422 of the Revised Code. 108848

(G)(1) Except as provided in section 2151.422 of the Revised 108849
Code or in an interagency agreement entered into under section 108850
2151.428 of the Revised Code that applies to the particular 108851
report, the public children services agency shall investigate, 108852
within twenty-four hours, each report of child abuse or child 108853
neglect that is known or reasonably suspected or believed to have 108854
occurred and of a threat of child abuse or child neglect that is 108855
known or reasonably suspected or believed to exist that is 108856
referred to it under this section to determine the circumstances 108857
surrounding the injuries, abuse, or neglect or the threat of 108858
injury, abuse, or neglect, the cause of the injuries, abuse, 108859
neglect, or threat, and the person or persons responsible. The 108860
investigation shall be made in cooperation with the law 108861
enforcement agency and in accordance with the memorandum of 108862
understanding prepared under sections 2151.4220 to 2151.4234 of 108863
the Revised Code. A representative of the public children services 108864
agency shall, at the time of initial contact with the person 108865
subject to the investigation, inform the person of the specific 108866
complaints or allegations made against the person. The information 108867
shall be given in a manner that is consistent with division (I)(1) 108868

of this section and protects the rights of the person making the report under this section.

A failure to make the investigation in accordance with the memorandum is not grounds for, and shall not result in, the dismissal of any charges or complaint arising from the report or the suppression of any evidence obtained as a result of the report and does not give, and shall not be construed as giving, any rights or any grounds for appeal or post-conviction relief to any person. The public children services agency shall report each case to the uniform statewide automated child welfare information system that the department of ~~job children~~ and ~~family services~~ youth shall maintain in accordance with section 5101.13 of the Revised Code. The public children services agency shall submit a report of its investigation, in writing, to the law enforcement agency.

(2) The public children services agency shall make any recommendations to the county prosecuting attorney or city director of law that it considers necessary to protect any children that are brought to its attention.

(H)(1)(a) Except as provided in divisions (H)(1)(b) and (I)(3) of this section, any person, health care professional, hospital, institution, school, health department, or agency shall be immune from any civil or criminal liability for injury, death, or loss to person or property that otherwise might be incurred or imposed as a result of any of the following:

(i) Participating in the making of reports pursuant to division (A) of this section or in the making of reports in good faith, pursuant to division (B) of this section;

(ii) Participating in medical examinations, tests, or procedures under division (D) of this section;

(iii) Providing information used in a report made pursuant to

division (A) of this section or providing information in good 108900
faith used in a report made pursuant to division (B) of this 108901
section; 108902

(iv) Participating in a judicial proceeding resulting from a 108903
report made pursuant to division (A) of this section or 108904
participating in good faith in a proceeding resulting from a 108905
report made pursuant to division (B) of this section. 108906

(b) Immunity under division (H)(1)(a)(ii) of this section 108907
shall not apply when a health care provider has deviated from the 108908
standard of care applicable to the provider's profession. 108909

(c) Notwithstanding section 4731.22 of the Revised Code, the 108910
physician-patient privilege shall not be a ground for excluding 108911
evidence regarding a child's injuries, abuse, or neglect, or the 108912
cause of the injuries, abuse, or neglect in any judicial 108913
proceeding resulting from a report submitted pursuant to this 108914
section. 108915

(2) In any civil or criminal action or proceeding in which it 108916
is alleged and proved that participation in the making of a report 108917
under this section was not in good faith or participation in a 108918
judicial proceeding resulting from a report made under this 108919
section was not in good faith, the court shall award the 108920
prevailing party reasonable attorney's fees and costs and, if a 108921
civil action or proceeding is voluntarily dismissed, may award 108922
reasonable attorney's fees and costs to the party against whom the 108923
civil action or proceeding is brought. 108924

(I)(1) Except as provided in divisions (I)(4) and (N) of this 108925
section and sections 2151.423 and 2151.4210 of the Revised Code, a 108926
report made under this section is confidential. The information 108927
provided in a report made pursuant to this section and the name of 108928
the person who made the report shall not be released for use, and 108929
shall not be used, as evidence in any civil action or proceeding 108930

brought against the person who made the report. Nothing in this 108931
division shall preclude the use of reports of other incidents of 108932
known or suspected abuse or neglect in a civil action or 108933
proceeding brought pursuant to division (M) of this section 108934
against a person who is alleged to have violated division (A)(1) 108935
of this section, provided that any information in a report that 108936
would identify the child who is the subject of the report or the 108937
maker of the report, if the maker of the report is not the 108938
defendant or an agent or employee of the defendant, has been 108939
redacted. In a criminal proceeding, the report is admissible in 108940
evidence in accordance with the Rules of Evidence and is subject 108941
to discovery in accordance with the Rules of Criminal Procedure. 108942

(2)(a) Except as provided in division (I)(2)(b) of this 108943
section, no person shall permit or encourage the unauthorized 108944
dissemination of the contents of any report made under this 108945
section. 108946

(b) A health care professional that obtains the same 108947
information contained in a report made under this section from a 108948
source other than the report may disseminate the information, if 108949
its dissemination is otherwise permitted by law. 108950

(3) A person who knowingly makes or causes another person to 108951
make a false report under division (B) of this section that 108952
alleges that any person has committed an act or omission that 108953
resulted in a child being an abused child or a neglected child is 108954
guilty of a violation of section 2921.14 of the Revised Code. 108955

(4) If a report is made pursuant to division (A) or (B) of 108956
this section and the child who is the subject of the report dies 108957
for any reason at any time after the report is made, but before 108958
the child attains eighteen years of age, the public children 108959
services agency or peace officer to which the report was made or 108960
referred, on the request of the child fatality review board, the 108961
suicide fatality review committee, or the director of health 108962

pursuant to guidelines established under section 3701.70 of the Revised Code, shall submit a summary sheet of information providing a summary of the report to the review board or review committee of the county in which the deceased child resided at the time of death or to the director. On the request of the review board, review committee, or director, the agency or peace officer may, at its discretion, make the report available to the review board, review committee, or director. If the county served by the public children services agency is also served by a children's advocacy center and the report of alleged sexual abuse of a child or another type of abuse of a child is specified in the memorandum of understanding that creates the center as being within the center's jurisdiction, the agency or center shall perform the duties and functions specified in this division in accordance with the interagency agreement entered into under section 2151.428 of the Revised Code relative to that advocacy center.

(5) A public children services agency shall advise a person alleged to have inflicted abuse or neglect on a child who is the subject of a report made pursuant to this section, including a report alleging sexual abuse of a child or another type of abuse of a child referred to a children's advocacy center pursuant to an interagency agreement entered into under section 2151.428 of the Revised Code, in writing of the disposition of the investigation. The agency shall not provide to the person any information that identifies the person who made the report, statements of witnesses, or police or other investigative reports.

(J) Any report that is required by this section, other than a report that is made to the state highway patrol as described in section 5120.173 of the Revised Code, shall result in protective services and emergency supportive services being made available by the public children services agency on behalf of the children about whom the report is made, in an effort to prevent further

neglect or abuse, to enhance their welfare, and, whenever 108995
possible, to preserve the family unit intact. The agency required 108996
to provide the services shall be the agency conducting the 108997
investigation of the report pursuant to section 2151.422 of the 108998
Revised Code. 108999

(K)(1) Except as provided in division (K)(4) or (5) of this 109000
section, a person who is required to make a report under division 109001
(A) of this section may make a reasonable number of requests of 109002
the public children services agency that receives or is referred 109003
the report, or of the children's advocacy center that is referred 109004
the report if the report is referred to a children's advocacy 109005
center pursuant to an interagency agreement entered into under 109006
section 2151.428 of the Revised Code, to be provided with the 109007
following information: 109008

(a) Whether the agency or center has initiated an 109009
investigation of the report; 109010

(b) Whether the agency or center is continuing to investigate 109011
the report; 109012

(c) Whether the agency or center is otherwise involved with 109013
the child who is the subject of the report; 109014

(d) The general status of the health and safety of the child 109015
who is the subject of the report; 109016

(e) Whether the report has resulted in the filing of a 109017
complaint in juvenile court or of criminal charges in another 109018
court. 109019

(2)(a) A person may request the information specified in 109020
division (K)(1) of this section only if, at the time the report is 109021
made, the person's name, address, and telephone number are 109022
provided to the person who receives the report. 109023

(b) When a peace officer or employee of a public children 109024

services agency receives a report pursuant to division (A) or (B) 109025
of this section the recipient of the report shall inform the 109026
person of the right to request the information described in 109027
division (K)(1) of this section. The recipient of the report shall 109028
include in the initial child abuse or child neglect report that 109029
the person making the report was so informed and, if provided at 109030
the time of the making of the report, shall include the person's 109031
name, address, and telephone number in the report. 109032

(c) If the person making the report provides the person's 109033
name and contact information on making the report, the public 109034
children services agency that received or was referred the report 109035
shall send a written notice via United States mail or electronic 109036
mail, in accordance with the person's preference, to the person 109037
not later than seven calendar days after receipt of the report. 109038
The notice shall provide the status of the agency's investigation 109039
into the report made, who the person may contact at the agency for 109040
further information, and a description of the person's rights 109041
under division (K)(1) of this section. 109042

(d) Each request is subject to verification of the identity 109043
of the person making the report. If that person's identity is 109044
verified, the agency shall provide the person with the information 109045
described in division (K)(1) of this section a reasonable number 109046
of times, except that the agency shall not disclose any 109047
confidential information regarding the child who is the subject of 109048
the report other than the information described in those 109049
divisions. 109050

(3) A request made pursuant to division (K)(1) of this 109051
section is not a substitute for any report required to be made 109052
pursuant to division (A) of this section. 109053

(4) If an agency other than the agency that received or was 109054
referred the report is conducting the investigation of the report 109055
pursuant to section 2151.422 of the Revised Code, the agency 109056

conducting the investigation shall comply with the requirements of 109057
division (K) of this section. 109058

(5) A health care professional who made a report under 109059
division (A) of this section, or on whose behalf such a report was 109060
made as provided in division (A)(1)(c) of this section, may 109061
authorize a person to obtain the information described in division 109062
(K)(1) of this section if the person requesting the information is 109063
associated with or acting on behalf of the health care 109064
professional who provided health care services to the child about 109065
whom the report was made. 109066

(6) If the person making the report provides the person's 109067
name and contact information on making the report, the public 109068
children services agency that received or was referred the report 109069
shall send a written notice via United States mail or electronic 109070
mail, in accordance with the person's preference, to the person 109071
not later than seven calendar days after the agency closes the 109072
investigation into the case reported by the person. The notice 109073
shall notify the person that the agency has closed the 109074
investigation. 109075

(L)(1) The director of ~~job~~ children and ~~family services youth~~ 109076
shall adopt rules in accordance with Chapter 119. of the Revised 109077
Code to implement this section. The department of ~~job~~ children and 109078
~~family services youth~~ may enter into a plan of cooperation with 109079
any other governmental entity to aid in ensuring that children are 109080
protected from abuse and neglect. The department shall make 109081
recommendations to the attorney general that the department 109082
determines are necessary to protect children from child abuse and 109083
child neglect. 109084

(2) ~~Not later than ninety days after the effective date of~~ 109085
~~this amendment, the~~ The director of ~~job~~ children and ~~family~~ 109086
~~services youth~~ shall adopt rules in accordance with Chapter 119. 109087
of the Revised Code to identify the types of neglect of a child 109088

that a public children services agency shall be required to notify law enforcement of pursuant to division (E)(2)(c)(ii) of this section.

(M) Whoever violates division (A) of this section is liable for compensatory and exemplary damages to the child who would have been the subject of the report that was not made. A person who brings a civil action or proceeding pursuant to this division against a person who is alleged to have violated division (A)(1) of this section may use in the action or proceeding reports of other incidents of known or suspected abuse or neglect, provided that any information in a report that would identify the child who is the subject of the report or the maker of the report, if the maker is not the defendant or an agent or employee of the defendant, has been redacted.

(N)(1) As used in this division:

(a) "Out-of-home care" includes a nonchartered nonpublic school if the alleged child abuse or child neglect, or alleged threat of child abuse or child neglect, described in a report received by a public children services agency allegedly occurred in or involved the nonchartered nonpublic school and the alleged perpetrator named in the report holds a certificate, permit, or license issued by the state board of education under section 3301.071 or Chapter 3319. of the Revised Code.

(b) "Administrator, director, or other chief administrative officer" means the superintendent of the school district if the out-of-home care entity subject to a report made pursuant to this section is a school operated by the district.

(2) No later than the end of the day following the day on which a public children services agency receives a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in

or involved an out-of-home care entity, the agency shall provide 109120
written notice of the allegations contained in and the person 109121
named as the alleged perpetrator in the report to the 109122
administrator, director, or other chief administrative officer of 109123
the out-of-home care entity that is the subject of the report 109124
unless the administrator, director, or other chief administrative 109125
officer is named as an alleged perpetrator in the report. If the 109126
administrator, director, or other chief administrative officer of 109127
an out-of-home care entity is named as an alleged perpetrator in a 109128
report of alleged child abuse or child neglect, or a report of an 109129
alleged threat of child abuse or child neglect, that allegedly 109130
occurred in or involved the out-of-home care entity, the agency 109131
shall provide the written notice to the owner or governing board 109132
of the out-of-home care entity that is the subject of the report. 109133
The agency shall not provide witness statements or police or other 109134
investigative reports. 109135

(3) No later than three days after the day on which a public 109136
children services agency that conducted the investigation as 109137
determined pursuant to section 2151.422 of the Revised Code makes 109138
a disposition of an investigation involving a report of alleged 109139
child abuse or child neglect, or a report of an alleged threat of 109140
child abuse or child neglect, that allegedly occurred in or 109141
involved an out-of-home care entity, the agency shall send written 109142
notice of the disposition of the investigation to the 109143
administrator, director, or other chief administrative officer and 109144
the owner or governing board of the out-of-home care entity. The 109145
agency shall not provide witness statements or police or other 109146
investigative reports. 109147

(0) As used in this section: 109148

(1) "Children's advocacy center" and "sexual abuse of a 109149
child" have the same meanings as in section 2151.425 of the 109150
Revised Code. 109151

(2) "Health care professional" means an individual who provides health-related services including a physician, hospital intern or resident, dentist, podiatrist, registered nurse, licensed practical nurse, visiting nurse, licensed psychologist, speech pathologist, audiologist, person engaged in social work or the practice of professional counseling, and employee of a home health agency. "Health care professional" does not include a practitioner of a limited branch of medicine as specified in section 4731.15 of the Revised Code, licensed school psychologist, independent marriage and family therapist or marriage and family therapist, or coroner.

(3) "Investigation" means the public children services agency's response to an accepted report of child abuse or neglect through either an alternative response or a traditional response.

(4) "Peace officer" means a sheriff, deputy sheriff, constable, police officer of a township or joint police district, marshal, deputy marshal, municipal police officer, or a state highway patrol trooper.

Sec. 2151.429. (A) The differential response approach, as defined in section 2151.011 of the Revised Code, pursued by a public children services agency shall include two response pathways, the traditional response pathway and the alternative response pathway. The director of ~~job children and family services~~ youth shall adopt rules pursuant to Chapter 119. of the Revised Code setting forth the procedures and criteria for public children services agencies to assign and reassign response pathways.

(B) The agency shall use the traditional response for the following types of accepted reports:

(1) Physical abuse resulting in serious injury or that creates a serious and immediate risk to a child's health and safety.

(2) Sexual abuse.	109183
(3) Child fatality.	109184
(4) Reports requiring a specialized assessment as identified by rule adopted by the department.	109185 109186
(5) Reports requiring a third party investigative procedure as identified by rule adopted by the department.	109187 109188
(C) For all other child abuse and neglect reports, an alternative response shall be the preferred response, whenever appropriate and in accordance with rules adopted by the department.	109189 109190 109191 109192
Sec. 2151.4228. (A) The department of job <u>children</u> and family services <u>youth</u> shall create a model memorandum of understanding to provide guidance to public children services agencies and other concerned officials in creating a memorandum of understanding in compliance with sections 2151.4220 to 2151.4226 of the Revised Code.	109193 109194 109195 109196 109197 109198
(B) The model memorandum of understanding shall be updated as the department determines is necessary.	109199 109200
Sec. 2151.4229. The department of job <u>children</u> and family services <u>youth</u> shall biennially audit the memorandum of understanding prepared by each public children services agency to ensure compliance in accordance with sections 2151.4220 to 2151.4226 of the Revised Code.	109201 109202 109203 109204 109205
Sec. 2151.4230. The department of job <u>children</u> and family services <u>youth</u> shall determine that a public children services agency is compliant regarding the memorandum of understanding if the department finds all of the following:	109206 109207 109208 109209
(A) The memorandum meets the requirements under sections	109210

2151.4220 to 2151.4226 of the Revised Code. 109211

(B) The memorandum has been either reviewed and signed or 109212
reviewed, updated, and signed, as applicable, pursuant to division 109213
2151.4222 of the Revised Code and the department is in agreement 109214
with the concerned officials' review and, if applicable, update. 109215

(C) The memorandum has been approved by resolution by the 109216
board of county commissioners pursuant to section 2151.4225 of the 109217
Revised Code. 109218

Sec. 2151.4231. (A) If the department of ~~job~~ children and 109219
~~family services~~ youth determines that a public children services 109220
agency is not compliant under section 2151.4230 of the Revised 109221
Code, the agency shall develop and submit a compliance assurance 109222
plan to the department. 109223

(B) The compliance assurance plan shall describe the steps 109224
the agency and other concerned officials will take in order to 109225
become compliant. 109226

(C) The agency shall submit the compliance assurance plan not 109227
later than sixty days after the department determines the agency 109228
not compliant. 109229

Sec. 2151.4232. A county's reviewed and signed, or reviewed, 109230
updated, and signed, memorandum of understanding, as applicable, 109231
shall go into effect and supersede any previous memorandum upon 109232
the department of ~~job~~ children and ~~family services~~ youth 109233
determination that the memorandum is compliant under section 109234
2151.4230 of the Revised Code. 109235

Sec. 2151.4233. The department of ~~job~~ children and ~~family~~ 109236
~~services~~ youth shall maintain on the department's web site a 109237
current list of counties with memorandums of understanding that 109238
the department has determined to be compliant under section 109239

2151.4230 of the Revised Code and a list of counties with 109240
memorandums that the department has determined not to be 109241
compliant. 109242

Sec. 2151.452. A juvenile court shall do both of the 109243
following regarding an emancipated young adult described under 109244
division (A)(1) of section 5101.1411 of the Revised Code: 109245

(A) Not later than one hundred eighty days after the 109246
voluntary participation agreement becomes effective, make a 109247
determination as to whether the emancipated young adult's best 109248
interest is served by continuing the care and placement with the 109249
department of ~~job~~ children and ~~family services~~ youth or its 109250
representative. 109251

(B) Not later than twelve months after the effective date of 109252
the voluntary participation agreement, and at least once every 109253
twelve months thereafter, make a determination that the department 109254
or its representative has made reasonable efforts to finalize a 109255
permanency plan to prepare the emancipated young adult for 109256
independence. 109257

Sec. 2151.454. For purposes of a determination under section 109258
2151.452 of the Revised Code, the department of ~~job~~ children and 109259
~~family services~~ youth or its representative may file any documents 109260
and appear before the court in relation to such filings. Nothing 109261
in this section shall prohibit an emancipated young adult from 109262
obtaining legal representation pursuant to section 2151.455 of the 109263
Revised Code. 109264

Sec. 2151.84. The department of ~~job~~ children and ~~family~~ 109265
~~services~~ youth shall establish model agreements that may be used 109266
by public children services agencies and private child placing 109267
agencies required to provide services under an agreement with a 109268

young adult pursuant to section 2151.83 of the Revised Code. The 109269
model agreements shall include provisions describing the specific 109270
independent living services to be provided, the duration of the 109271
services and the agreement, the duties and responsibilities of 109272
each party under the agreement, and grievance procedures regarding 109273
disputes that arise regarding the agreement or services provided 109274
under it. 109275

Sec. 2151.86. (A)(1) The appointing or hiring officer of any 109276
entity that appoints or employs any person responsible for a 109277
child's care in out-of-home care shall request the superintendent 109278
of BCII to conduct a criminal records check with respect to any 109279
person who is under final consideration for appointment or 109280
employment as a person responsible for a child's care in 109281
out-of-home care. The request shall be made at the time of initial 109282
application for appointment or employment and every four years 109283
thereafter. If the out-of-home care entity is a public school, 109284
educational service center, or chartered nonpublic school, then 109285
section 3319.39 of the Revised Code shall apply instead. If the 109286
out-of-home care entity is a child day-care center, type A family 109287
day-care home, type B family day-care home, certified in-home 109288
aide, or child day camp, then section 5104.013 of the Revised Code 109289
shall apply instead. 109290

(2) At the times specified in this division, the 109291
administrative director of an agency, or attorney, who arranges an 109292
adoption for a prospective adoptive parent shall request the 109293
superintendent of BCII to conduct a criminal records check with 109294
respect to that prospective adoptive parent and a criminal records 109295
check with respect to all persons eighteen years of age or older 109296
who reside with the prospective adoptive parent. The 109297
administrative director or attorney shall request a criminal 109298
records check pursuant to this division at the time of the initial 109299

home study, every four years after the initial home study at the 109300
time of an update, and at the time that an adoptive home study is 109301
completed as a new home study. 109302

(3) Before a recommending agency submits a recommendation to 109303
the department of ~~job children and family services~~ youth on 109304
whether the department should issue a certificate to a foster home 109305
under section 5103.03 of the Revised Code, and every four years 109306
thereafter prior to a recertification under that section, the 109307
administrative director of the agency shall request that the 109308
superintendent of BCII conduct a criminal records check with 109309
respect to the prospective foster caregiver and a criminal records 109310
check with respect to all other persons eighteen years of age or 109311
older who reside with the foster caregiver. 109312

(B)(1) When the appointing or hiring officer requests, at the 109313
time of initial application for appointment or employment, a 109314
criminal records check for a person subject to division (A)(1) of 109315
this section, the officer shall request that the superintendent of 109316
BCII obtain information from the federal bureau of investigation 109317
as part of the criminal records check, including fingerprint-based 109318
checks of national crime information databases as described in 42 109319
U.S.C. 671, for the person subject to the criminal records check. 109320
In all other cases in which the appointing or hiring officer 109321
requests a criminal records check for a person pursuant to 109322
division (A)(1) of this section, the officer may request that the 109323
superintendent of BCII obtain information from the federal bureau 109324
of investigation as part of the criminal records check, including 109325
fingerprint-based checks of national crime information databases 109326
as described in 42 U.S.C. 671, for the person subject to the 109327
criminal records check. 109328

When the administrative director of an agency, or attorney, 109329
who arranges an adoption for a prospective parent requests, at the 109330
time of the initial home study, a criminal records check for a 109331

person pursuant to division (A)(2) of this section, the 109332
administrative director or attorney shall request that the 109333
superintendent of BCII obtain information from the federal bureau 109334
of investigation as part of the criminal records check, including 109335
fingerprint-based checks of national crime information databases 109336
as described in 42 U.S.C. 671, for the person subject to the 109337
criminal records check. In all other cases in which the 109338
administrative director of an agency, or attorney, who arranges an 109339
adoption for a prospective parent requests a criminal records 109340
check for a person pursuant to division (A)(2) of this section, 109341
the administrative director or attorney may request that the 109342
superintendent of BCII include information from the federal bureau 109343
of investigation in the criminal records check, including 109344
fingerprint-based checks of national crime information databases 109345
as described in 42 U.S.C. 671. 109346

When the administrative director of a recommending agency 109347
requests, before submitting a recommendation to the department of 109348
~~job children and family services youth~~ on whether the department 109349
should issue a certificate to a foster home under section 5103.03 109350
of the Revised Code, a criminal records check for a person 109351
pursuant to division (A)(3) of this section, the administrative 109352
director shall request that the superintendent of BCII obtain 109353
information from the federal bureau of investigation as part of a 109354
criminal records check, including fingerprint-based checks of 109355
national crime information databases as described in 42 U.S.C. 109356
671, for the person subject to the criminal records check. In all 109357
other cases in which the administrative director of a recommending 109358
agency requests a criminal records check for a person pursuant to 109359
division (A)(3) of this section, the administrative director may 109360
request that the superintendent of BCII include information from 109361
the federal bureau of investigation in the criminal records check, 109362
including fingerprint-based checks of national crime information 109363
databases as described in 42 U.S.C. 671. 109364

Prior to a hearing on a final decree of adoption or
interlocutory order of adoption by a probate court, the
administrative director of an agency, or an attorney, who arranges
an adoption for a prospective parent shall provide to the clerk of
the probate court either of the following:

(a) Any information received pursuant to a request made under
this division from the superintendent of BCII or the federal
bureau of investigation as part of the criminal records check,
including fingerprint-based checks of national crime information
databases as described in 42 U.S.C. 671, for the person subject to
the criminal records check;

(b) Written notification that the person subject to a
criminal records check pursuant to this division failed upon
request to provide the information necessary to complete the form
or failed to provide impressions of the person's fingerprints as
required under division (B)(2) of this section.

(2) An appointing or hiring officer, administrative director,
or attorney required by division (A) of this section to request a
criminal records check shall provide to each person subject to a
criminal records check a copy of the form prescribed pursuant to
division (C)(1) of section 109.572 of the Revised Code and a
standard impression sheet to obtain fingerprint impressions
prescribed pursuant to division (C)(2) of section 109.572 of the
Revised Code, obtain the completed form and impression sheet from
the person, and forward the completed form and impression sheet to
the superintendent of BCII at the time the criminal records check
is requested.

Any person subject to a criminal records check who receives
pursuant to this division a copy of the form prescribed pursuant
to division (C)(1) of section 109.572 of the Revised Code and a
copy of an impression sheet prescribed pursuant to division (C)(2)
of that section and who is requested to complete the form and

provide a set of fingerprint impressions shall complete the form 109397
or provide all the information necessary to complete the form and 109398
shall provide the impression sheet with the impressions of the 109399
person's fingerprints. If a person subject to a criminal records 109400
check, upon request, fails to provide the information necessary to 109401
complete the form or fails to provide impressions of the person's 109402
fingerprints, the appointing or hiring officer shall not appoint 109403
or employ the person as a person responsible for a child's care in 109404
out-of-home care, a probate court may not issue a final decree of 109405
adoption or an interlocutory order of adoption making the person 109406
an adoptive parent, and the department of ~~job~~ children and ~~family~~ 109407
~~services~~ youth shall not issue a certificate authorizing the 109408
prospective foster caregiver to operate a foster home. 109409

(C)(1) No appointing or hiring officer shall appoint or 109410
employ a person as a person responsible for a child's care in 109411
out-of-home care, the department of ~~job~~ children and ~~family~~ 109412
~~services~~ youth shall not issue a certificate under section 5103.03 109413
of the Revised Code authorizing a prospective foster caregiver to 109414
operate a foster home, and no probate court shall issue a final 109415
decree of adoption or an interlocutory order of adoption making a 109416
person an adoptive parent if the person or, in the case of a 109417
prospective foster caregiver or prospective adoptive parent, any 109418
person eighteen years of age or older who resides with the 109419
prospective foster caregiver or prospective adoptive parent 109420
previously has been convicted of or pleaded guilty to any of the 109421
violations described in division (A)(4) of section 109.572 of the 109422
Revised Code, unless the person meets rehabilitation standards 109423
established in rules adopted under division (F) of this section. 109424

(2) Prior to certification or recertification under section 109425
5103.03 of the Revised Code, the prospective foster caregiver 109426
subject to a criminal records check under division (A)(3) of this 109427
section shall notify the recommending agency of the revocation of 109428

any foster home license, certificate, or other similar 109429
authorization in another state occurring within the five years 109430
prior to the date of application to become a foster caregiver in 109431
this state. The failure of a prospective foster caregiver to 109432
notify the recommending agency of any revocation of that type in 109433
another state that occurred within that five-year period shall be 109434
grounds for denial of the person's foster home application or the 109435
revocation of the person's foster home certification, whichever is 109436
applicable. If a person has had a revocation in another state 109437
within the five years prior to the date of the application, the 109438
department of ~~job children~~ and ~~family services~~ youth shall not 109439
issue a foster home certificate to the prospective foster 109440
caregiver. 109441

(D) The appointing or hiring officer, administrative 109442
director, or attorney shall pay to the bureau of criminal 109443
identification and investigation the fee prescribed pursuant to 109444
division (C)(3) of section 109.572 of the Revised Code for each 109445
criminal records check conducted in accordance with that section 109446
upon a request pursuant to division (A) of this section. The 109447
officer, director, or attorney may charge the person subject to 109448
the criminal records check a fee for the costs the officer, 109449
director, or attorney incurs in obtaining the criminal records 109450
check. A fee charged under this division shall not exceed the 109451
amount of fees the officer, director, or attorney pays for the 109452
criminal records check. If a fee is charged under this division, 109453
the officer, director, or attorney shall notify the person who is 109454
the applicant at the time of the person's initial application for 109455
appointment or employment, an adoption to be arranged, or a 109456
certificate to operate a foster home of the amount of the fee and 109457
that, unless the fee is paid, the person who is the applicant will 109458
not be considered for appointment or employment or as an adoptive 109459
parent or foster caregiver. 109460

(E) The report of any criminal records check conducted by the bureau of criminal identification and investigation in accordance with section 109.572 of the Revised Code and pursuant to a request made under division (A) of this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the following:

(1) The person who is the subject of the criminal records check or the person's representative;

(2) The appointing or hiring officer, administrative director, or attorney requesting the criminal records check or the officer's, director's, or attorney's representative;

(3) The department of ~~job children and family services youth~~, a county department of job and family services, or a public children services agency;

(4) Any court, hearing officer, or other necessary individual involved in a case dealing with the denial of employment, a final decree of adoption or interlocutory order of adoption, or a foster home certificate.

(F) The director of ~~job children and family services youth~~ shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The rules shall include rehabilitation standards a person who has been convicted of or pleaded guilty to an offense listed in division (A)(4) of section 109.572 of the Revised Code must meet for an appointing or hiring officer to appoint or employ the person as a person responsible for a child's care in out-of-home care, a probate court to issue a final decree of adoption or interlocutory order of adoption making the person an adoptive parent, or the department to issue a certificate authorizing the prospective foster caregiver to operate a foster home or not revoke a foster home certificate for a violation specified in section 5103.0328 of the Revised Code.

(G) An appointing or hiring officer, administrative director, 109492
or attorney required by division (A) of this section to request a 109493
criminal records check shall inform each person who is the 109494
applicant, at the time of the person's initial application for 109495
appointment or employment, an adoption to be arranged, or a foster 109496
home certificate, that the person subject to the criminal records 109497
check is required to provide a set of impressions of the person's 109498
fingerprints and that a criminal records check is required to be 109499
conducted and satisfactorily completed in accordance with section 109500
109.572 of the Revised Code. 109501

(H) As used in this section: 109502

(1) "Children's hospital" means any of the following: 109503

(a) A hospital registered under section 3701.07 of the 109504
Revised Code that provides general pediatric medical and surgical 109505
care, and in which at least seventy-five per cent of annual 109506
inpatient discharges for the preceding two calendar years were 109507
individuals less than eighteen years of age; 109508

(b) A distinct portion of a hospital registered under section 109509
3701.07 of the Revised Code that provides general pediatric 109510
medical and surgical care, has a total of at least one hundred 109511
fifty registered pediatric special care and pediatric acute care 109512
beds, and in which at least seventy-five per cent of annual 109513
inpatient discharges for the preceding two calendar years were 109514
individuals less than eighteen years of age; 109515

(c) A distinct portion of a hospital, if the hospital is 109516
registered under section 3701.07 of the Revised Code as a 109517
children's hospital and the children's hospital meets all the 109518
requirements of division (H)(1)(a) of this section. 109519

(2) "Criminal records check" has the same meaning as in 109520
section 109.572 of the Revised Code. 109521

(3) "Person responsible for a child's care in out-of-home 109522

care" has the same meaning as in section 2151.011 of the Revised Code, except that it does not include a prospective employee of the department of youth services or a person responsible for a child's care in a hospital or medical clinic other than a children's hospital.

(4) "Person subject to a criminal records check" means the following:

(a) A person who is under final consideration for appointment or employment as a person responsible for a child's care in out-of-home care;

(b) A prospective or current adoptive parent;

(c) A prospective or current foster caregiver;

(d) A person eighteen years old or older who resides with a prospective or current foster caregiver or a prospective or current adoptive parent.

(5) "Recommending agency" means a public children services agency, private child placing agency, or private noncustodial agency to which the department of ~~job children and family services~~ youth has delegated a duty to inspect and approve foster homes.

(6) "Superintendent of BCII" means the superintendent of the bureau of criminal identification and investigation.

Sec. 2151.90. (A) As used in sections 2151.90 to 2151.9011 of the Revised Code:

(1) "Host family" means any individual who provides care in the individual's private residence for a child or single-family group, at the request of the child's custodial parent, guardian, or legal custodian, under a host family agreement. The individual also may provide care for the individual's own child or children. The term "host family" excludes a foster home.

(2) "Qualified organization" means a private association, organization, corporation, nonprofit, or other entity that is not a Title IV-E reimbursable setting and that has established a program that does all of the following:

(a) Provides resources and services to assist, support, and educate parents, host families, children, or any person hosting a child under a host family agreement on a temporary basis;

(b) Requires a criminal records check on the intended host family and all adults residing in the host family's household;

(c) Requires a background check in the central registry of abuse and neglect of this state from the department of ~~job~~ children and ~~family services~~ youth for the intended host family and all adults residing in the host family's household;

(d) Ensures that the host family is trained on the rights, duties, responsibilities, and limitations as outlined in the host family agreement;

(e) Conduct in-home supervision of a child who is the subject of the host family agreement while the agreement is in force as follows:

(i) For hostings of fewer than thirty days, within two business days of placement and then at least once a week thereafter;

(ii) For hostings of thirty days but less than ninety days, within two business days of placement and then twice a month;

(iii) For hostings of ninety days or more, within two business days of placement and then an option for less frequent supervision, as determined in accordance with the best interests of the child.

(f) Plans for the return of the child who is the subject of the host family agreement to the child's parents, guardian, or

legal custodian. 109582

"Qualified organization" excludes any entity that accepts 109583
public money intended for foster care or kinship care funding or 109584
the placement of children by a public children services agency, 109585
private noncustodial agency, or private child placing agency. 109586

(3) "Temporary basis" means a period of time not to exceed 109587
one year, except as provided in section 2151.901 of the Revised 109588
Code. 109589

(B) A child may be hosted by a host family only when all of 109590
the following conditions are satisfied: 109591

(1) The hosting is done on a temporary basis. 109592

(2) The hosting is done under a host family agreement entered 109593
into with a qualified organization's assistance. 109594

(3) Either one or both of the child's parents, or the child's 109595
guardian or legal custodian, are incarcerated, incapacitated, 109596
receiving medical, psychiatric, or psychological treatment, on 109597
active military service, or subject to other circumstances under 109598
which the hosting is appropriate. 109599

(4) The host family provides care only to that child or only 109600
to a single-family group, in addition to the host family's own 109601
child or children if applicable. 109602

Sec. 2151.904. (A) Before a qualified organization provides 109603
for hosting of a child with a host family and every four years 109604
thereafter, a prospective host family and all other persons 109605
eighteen years of age or older who reside in the host family's 109606
home shall request, and shall provide to the qualified 109607
organization the results of, the following for the host family and 109608
all other persons eighteen years of age or older who reside in the 109609
home: 109610

(1) A criminal records check, as defined under division (G) 109611

of section 109.572 of the Revised Code, and information from the 109612
federal bureau of investigation, as part of the criminal records 109613
check, including fingerprint-based checks of national crime 109614
information databases as described in 42 U.S.C. 671; 109615

(2) A background check in the central registry of abuse and 109616
neglect of this state from the department of ~~job~~ children and 109617
~~family services~~ youth. 109618

(B) A person subject to division (A) of this section may 109619
request the criminal records check and information required under 109620
division (A)(1) of this section from either of the following: 109621

(1) The superintendent of the bureau of criminal 109622
identification and investigation; 109623

(2) Any entity authorized, on behalf of the person, to 109624
request the superintendent to conduct the criminal records check 109625
and provide the information. 109626

(C) If a person subject to division (A) of this section fails 109627
to provide the results of the criminal records and background 109628
checks and the information required under that division to the 109629
qualified organization, the organization shall not authorize 109630
hosting with the host family. 109631

Sec. 2151.9010. A host family shall not be subject to 109632
certification or supervision by the director of ~~job~~ children and 109633
~~family services~~ youth under section 5103.03 of the Revised Code. 109634

Sec. 2152.192. If a court or child welfare agency places a 109635
delinquent child in an institution or association, as defined in 109636
section 5103.02 of the Revised Code, that is certified by the 109637
department of ~~job~~ children and ~~family services~~ youth pursuant to 109638
section 5103.03 of the Revised Code and if that child has been 109639
adjudicated delinquent for committing an act that is a sexually 109640
oriented offense in either a prior delinquency adjudication or in 109641

the most recent delinquency adjudication, the court or child 109642
welfare agency shall notify the operator of the institution or 109643
association and the sheriff of the county in which the institution 109644
or association is located that the child has been adjudicated 109645
delinquent for committing an act that is a sexually oriented 109646
offense. 109647

Sec. 2705.02. A person guilty of any of the following acts 109648
may be punished as for a contempt: 109649

(A) Disobedience of, or resistance to, a lawful writ, 109650
process, order, rule, judgment, or command of a court or officer; 109651

(B) Misbehavior of an officer of the court in the performance 109652
of official duties, or in official transactions; 109653

(C) A failure to obey a subpoena duly served, or a refusal to 109654
be sworn or to answer as a witness, when lawfully required; 109655

(D) The rescue, or attempted rescue, of a person or of 109656
property in the custody of an officer by virtue of an order or 109657
process of court held by the officer; 109658

(E) A failure upon the part of a person recognized to appear 109659
as a witness in a court to appear in compliance with the terms of 109660
the person's recognizance; 109661

(F) A failure to comply with an order issued pursuant to 109662
section 3109.19 or 3111.81 of the Revised Code; 109663

(G) A failure to obey a subpoena issued by the department of 109664
job and family services, the department of children and youth, or 109665
a child support enforcement agency pursuant to section 5101.37 of 109666
the Revised Code; 109667

(H) A willful failure to submit to genetic testing, or a 109668
willful failure to submit a child to genetic testing, as required 109669
by an order for genetic testing issued under section 3111.41 of 109670

the Revised Code. 109671

Sec. 2950.08. (A) Subject to division (B) of this section, 109672
the statements, information, photographs, fingerprints, and 109673
material required by sections 2950.04, 2950.041, 2950.05, and 109674
2950.06 of the Revised Code and provided by a person who 109675
registers, who provides notice of a change of residence, school, 109676
institution of higher education, or place of employment address 109677
and registers the new residence, school, institution of higher 109678
education, or place of employment address, or who provides 109679
verification of a current residence, school, institution of higher 109680
education, or place of employment address pursuant to those 109681
sections and that are in the possession of the bureau of criminal 109682
identification and investigation and the information in the 109683
possession of the bureau that was received by the bureau pursuant 109684
to section 2950.14 of the Revised Code shall not be open to 109685
inspection by the public or by any person other than the following 109686
persons: 109687

(1) A regularly employed peace officer or other law 109688
enforcement officer; 109689

(2) An authorized employee of the bureau of criminal 109690
identification and investigation for the purpose of providing 109691
information to a board, administrator, or person pursuant to 109692
division (F) or (G) of section 109.57 of the Revised Code; 109693

(3) The registrar of motor vehicles, or an employee of the 109694
registrar of motor vehicles, for the purpose of verifying and 109695
updating any of the information so provided, upon the request of 109696
the bureau of criminal identification and investigation; 109697

(4) The director of ~~job children~~ and ~~family services youth~~, 109698
or an employee of the director, for the purpose of complying with 109699
division (D) of section 5104.013 of the Revised Code. 109700

(B) Division (A) of this section does not apply to any information that is contained in the internet sex offender and child-victim offender database established by the attorney general under division (A)(11) of section 2950.13 of the Revised Code regarding offenders and that is disseminated as described in that division.

Sec. 2950.11. (A) Regardless of when the sexually oriented offense or child-victim oriented offense was committed, if a person is convicted of, pleads guilty to, has been convicted of, or has pleaded guilty to a sexually oriented offense or a child-victim oriented offense or a person is or has been adjudicated a delinquent child for committing a sexually oriented offense or a child-victim oriented offense and is classified a juvenile offender registrant or is an out-of-state juvenile offender registrant based on that adjudication, and if the offender or delinquent child is in any category specified in division (F)(1)(a), (b), or (c) of this section, the sheriff with whom the offender or delinquent child has most recently registered under section 2950.04, 2950.041, or 2950.05 of the Revised Code and the sheriff to whom the offender or delinquent child most recently sent a notice of intent to reside under section 2950.04 or 2950.041 of the Revised Code, within the period of time specified in division (C) of this section, shall provide a written notice containing the information set forth in division (B) of this section to all of the persons described in divisions (A)(1) to (10) of this section. If the sheriff has sent a notice to the persons described in those divisions as a result of receiving a notice of intent to reside and if the offender or delinquent child registers a residence address that is the same residence address described in the notice of intent to reside, the sheriff is not required to send an additional notice when the offender or delinquent child registers. The sheriff shall provide the notice

to all of the following persons: 109733

(1)(a) Any occupant of each residential unit that is located 109734
within one thousand feet of the offender's or delinquent child's 109735
residential premises, that is located within the county served by 109736
the sheriff, and that is not located in a multi-unit building. 109737
Division (D)(3) of this section applies regarding notices required 109738
under this division. 109739

(b) If the offender or delinquent child resides in a 109740
multi-unit building, any occupant of each residential unit that is 109741
located in that multi-unit building and that shares a common 109742
hallway with the offender or delinquent child. For purposes of 109743
this division, an occupant's unit shares a common hallway with the 109744
offender or delinquent child if the entrance door into the 109745
occupant's unit is located on the same floor and opens into the 109746
same hallway as the entrance door to the unit the offender or 109747
delinquent child occupies. Division (D)(3) of this section applies 109748
regarding notices required under this division. 109749

(c) The building manager, or the person the building owner or 109750
condominium unit owners association authorizes to exercise 109751
management and control, of each multi-unit building that is 109752
located within one thousand feet of the offender's or delinquent 109753
child's residential premises, including a multi-unit building in 109754
which the offender or delinquent child resides, and that is 109755
located within the county served by the sheriff. In addition to 109756
notifying the building manager or the person authorized to 109757
exercise management and control in the multi-unit building under 109758
this division, the sheriff shall post a copy of the notice 109759
prominently in each common entryway in the building and any other 109760
location in the building the sheriff determines appropriate. The 109761
manager or person exercising management and control of the 109762
building shall permit the sheriff to post copies of the notice 109763
under this division as the sheriff determines appropriate. In lieu 109764

of posting copies of the notice as described in this division, a 109765
sheriff may provide notice to all occupants of the multi-unit 109766
building by mail or personal contact; if the sheriff so notifies 109767
all the occupants, the sheriff is not required to post copies of 109768
the notice in the common entryways to the building. Division 109769
(D)(3) of this section applies regarding notices required under 109770
this division. 109771

(d) All additional persons who are within any category of 109772
neighbors of the offender or delinquent child that the attorney 109773
general by rule adopted under section 2950.13 of the Revised Code 109774
requires to be provided the notice and who reside within the 109775
county served by the sheriff; 109776

(2) The executive director of the public children services 109777
agency that has jurisdiction within the specified geographical 109778
notification area and that is located within the county served by 109779
the sheriff; 109780

(3)(a) The superintendent of each board of education of a 109781
school district that has schools within the specified geographical 109782
notification area and that is located within the county served by 109783
the sheriff; 109784

(b) The principal of the school within the specified 109785
geographical notification area and within the county served by the 109786
sheriff that the delinquent child attends; 109787

(c) If the delinquent child attends a school outside of the 109788
specified geographical notification area or outside of the school 109789
district where the delinquent child resides, the superintendent of 109790
the board of education of a school district that governs the 109791
school that the delinquent child attends and the principal of the 109792
school that the delinquent child attends. 109793

(4)(a) The appointing or hiring officer of each chartered 109794
nonpublic school located within the specified geographical 109795

notification area and within the county served by the sheriff or 109796
of each other school located within the specified geographical 109797
notification area and within the county served by the sheriff and 109798
that is not operated by a board of education described in division 109799
(A)(3) of this section; 109800

(b) Regardless of the location of the school, the appointing 109801
or hiring officer of a chartered nonpublic school that the 109802
delinquent child attends. 109803

(5) The director, head teacher, elementary principal, or site 109804
administrator of each preschool program governed by Chapter 3301. 109805
of the Revised Code that is located within the specified 109806
geographical notification area and within the county served by the 109807
sheriff; 109808

(6) The administrator of each child day-care center or type A 109809
family day-care home that is located within the specified 109810
geographical notification area and within the county served by the 109811
sheriff, and each holder of a license to operate a type B family 109812
day-care home that is located within the specified geographical 109813
notification area and within the county served by the sheriff. As 109814
used in this division, "child day-care center," "type A family 109815
day-care home," and "type B family day-care home" have the same 109816
meanings as in section 5104.01 of the Revised Code. 109817

(7) The president or other chief administrative officer of 109818
each institution of higher education, as defined in section 109819
2907.03 of the Revised Code, that is located within the specified 109820
geographical notification area and within the county served by the 109821
sheriff, and the chief law enforcement officer of the state 109822
university law enforcement agency or campus police department 109823
established under section 3345.04 or 1713.50 of the Revised Code, 109824
if any, that serves that institution; 109825

(8) The sheriff of each county that includes any portion of 109826

the specified geographical notification area; 109827

(9) If the offender or delinquent child resides within the 109828
county served by the sheriff, the chief of police, marshal, or 109829
other chief law enforcement officer of the municipal corporation 109830
in which the offender or delinquent child resides or, if the 109831
offender or delinquent child resides in an unincorporated area, 109832
the constable or chief of the police department or police district 109833
police force of the township in which the offender or delinquent 109834
child resides; 109835

(10) Volunteer organizations in which contact with minors or 109836
other vulnerable individuals might occur or any organization, 109837
company, or individual who requests notification as provided in 109838
division (J) of this section. 109839

(B) The notice required under division (A) of this section 109840
shall include all of the following information regarding the 109841
subject offender or delinquent child: 109842

(1) The offender's or delinquent child's name; 109843

(2) The address or addresses of the offender's or public 109844
registry-qualified juvenile offender registrant's residence, 109845
school, institution of higher education, or place of employment, 109846
as applicable, or the residence address or addresses of a 109847
delinquent child who is not a public registry-qualified juvenile 109848
offender registrant; 109849

(3) The sexually oriented offense or child-victim oriented 109850
offense of which the offender was convicted, to which the offender 109851
pleaded guilty, or for which the child was adjudicated a 109852
delinquent child; 109853

(4) A statement that identifies the category specified in 109854
division (F)(1)(a), (b), or (c) of this section that includes the 109855
offender or delinquent child and that subjects the offender or 109856
delinquent child to this section; 109857

(5) The offender's or delinquent child's photograph. 109858

(C) If a sheriff with whom an offender or delinquent child registers under section 2950.04, 2950.041, or 2950.05 of the Revised Code or to whom the offender or delinquent child most recently sent a notice of intent to reside under section 2950.04 or 2950.041 of the Revised Code is required by division (A) of this section to provide notices regarding an offender or delinquent child and if, pursuant to that requirement, the sheriff provides a notice to a sheriff of one or more other counties in accordance with division (A)(8) of this section, the sheriff of each of the other counties who is provided notice under division (A)(8) of this section shall provide the notices described in divisions (A)(1) to (7) and (A)(9) and (10) of this section to each person or entity identified within those divisions that is located within the specified geographical notification area and within the county served by the sheriff in question.

(D)(1) A sheriff required by division (A) or (C) of this section to provide notices regarding an offender or delinquent child shall provide the notice to the neighbors that are described in division (A)(1) of this section and the notices to law enforcement personnel that are described in divisions (A)(8) and (9) of this section as soon as practicable, but no later than five days after the offender sends the notice of intent to reside to the sheriff and again no later than five days after the offender or delinquent child registers with the sheriff or, if the sheriff is required by division (C) of this section to provide the notices, no later than five days after the sheriff is provided the notice described in division (A)(8) of this section.

A sheriff required by division (A) or (C) of this section to provide notices regarding an offender or delinquent child shall provide the notices to all other specified persons that are described in divisions (A)(2) to (7) and (A)(10) of this section

as soon as practicable, but not later than seven days after the 109890
offender or delinquent child registers with the sheriff or, if the 109891
sheriff is required by division (C) of this section to provide the 109892
notices, no later than five days after the sheriff is provided the 109893
notice described in division (A)(8) of this section. 109894

(2) If an offender or delinquent child in relation to whom 109895
division (A) of this section applies verifies the offender's or 109896
delinquent child's current residence, school, institution of 109897
higher education, or place of employment address, as applicable, 109898
with a sheriff pursuant to section 2950.06 of the Revised Code, 109899
the sheriff may provide a written notice containing the 109900
information set forth in division (B) of this section to the 109901
persons identified in divisions (A)(1) to (10) of this section. If 109902
a sheriff provides a notice pursuant to this division to the 109903
sheriff of one or more other counties in accordance with division 109904
(A)(8) of this section, the sheriff of each of the other counties 109905
who is provided the notice under division (A)(8) of this section 109906
may provide, but is not required to provide, a written notice 109907
containing the information set forth in division (B) of this 109908
section to the persons identified in divisions (A)(1) to (7) and 109909
(A)(9) and (10) of this section. 109910

(3) A sheriff may provide notice under division (A)(1)(a) or 109911
(b) of this section, and may provide notice under division 109912
(A)(1)(c) of this section to a building manager or person 109913
authorized to exercise management and control of a building, by 109914
mail, by personal contact, or by leaving the notice at or under 109915
the entry door to a residential unit. For purposes of divisions 109916
(A)(1)(a) and (b) of this section, and the portion of division 109917
(A)(1)(c) of this section relating to the provision of notice to 109918
occupants of a multi-unit building by mail or personal contact, 109919
the provision of one written notice per unit is deemed as 109920
providing notice to all occupants of that unit. 109921

(E) All information that a sheriff possesses regarding an offender or delinquent child who is in a category specified in division (F)(1)(a), (b), or (c) of this section that is described in division (B) of this section and that must be provided in a notice required under division (A) or (C) of this section or that may be provided in a notice authorized under division (D)(2) of this section is a public record that is open to inspection under section 149.43 of the Revised Code.

The sheriff shall not cause to be publicly disseminated by means of the internet any of the information described in this division that is provided by a delinquent child unless that child is in a category specified in division (F)(1)(a), (b), or (c) of this section.

(F)(1) Except as provided in division (F)(2) of this section, the duties to provide the notices described in divisions (A) and (C) of this section apply regarding any offender or delinquent child who is in any of the following categories:

(a) The offender is a tier III sex offender/child-victim offender, or the delinquent child is a public registry-qualified juvenile offender registrant, and a juvenile court has not removed pursuant to section 2950.15 of the Revised Code the delinquent child's duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code.

(b) The delinquent child is a tier III sex offender/child-victim offender who is not a public registry-qualified juvenile offender registrant, the delinquent child was subjected to this section prior to January 1, 2008, as a sexual predator, habitual sex offender, child-victim predator, or habitual child-victim offender, as those terms were defined in section 2950.01 of the Revised Code as it existed prior to January 1, 2008, and a juvenile court has not removed pursuant to section 2152.84 or 2152.85 of the Revised Code the delinquent child's duty

to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code. 109954
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(c) The delinquent child is a tier III sex offender/child-victim offender who is not a public registry-qualified juvenile offender registrant, the delinquent child was classified a juvenile offender registrant on or after January 1, 2008, the court has imposed a requirement under section 2152.82, 2152.83, or 2152.84 of the Revised Code subjecting the delinquent child to this section, and a juvenile court has not removed pursuant to section 2152.84 or 2152.85 of the Revised Code the delinquent child's duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code. 109956
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(2) The notification provisions of this section do not apply to a person described in division (F)(1)(a), (b), or (c) of this section if a court finds at a hearing after considering the factors described in this division that the person would not be subject to the notification provisions of this section that were in the version of this section that existed immediately prior to January 1, 2008. In making the determination of whether a person would have been subject to the notification provisions under prior law as described in this division, the court shall consider the following factors: 109966
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(a) The offender's or delinquent child's age; 109976

(b) The offender's or delinquent child's prior criminal or delinquency record regarding all offenses, including, but not limited to, all sexual offenses; 109977
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(c) The age of the victim of the sexually oriented offense for which sentence is to be imposed or the order of disposition is to be made; 109980
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(d) Whether the sexually oriented offense for which sentence is to be imposed or the order of disposition is to be made 109983
109984

involved multiple victims; 109985

(e) Whether the offender or delinquent child used drugs or 109986
alcohol to impair the victim of the sexually oriented offense or 109987
to prevent the victim from resisting; 109988

(f) If the offender or delinquent child previously has been 109989
convicted of or pleaded guilty to, or been adjudicated a 109990
delinquent child for committing an act that if committed by an 109991
adult would be, a criminal offense, whether the offender or 109992
delinquent child completed any sentence or dispositional order 109993
imposed for the prior offense or act and, if the prior offense or 109994
act was a sex offense or a sexually oriented offense, whether the 109995
offender or delinquent child participated in available programs 109996
for sexual offenders; 109997

(g) Any mental illness or mental disability of the offender 109998
or delinquent child; 109999

(h) The nature of the offender's or delinquent child's sexual 110000
conduct, sexual contact, or interaction in a sexual context with 110001
the victim of the sexually oriented offense and whether the sexual 110002
conduct, sexual contact, or interaction in a sexual context was 110003
part of a demonstrated pattern of abuse; 110004

(i) Whether the offender or delinquent child, during the 110005
commission of the sexually oriented offense for which sentence is 110006
to be imposed or the order of disposition is to be made, displayed 110007
cruelty or made one or more threats of cruelty; 110008

(j) Whether the offender or delinquent child would have been 110009
a habitual sex offender or a habitual child victim offender under 110010
the definitions of those terms set forth in section 2950.01 of the 110011
Revised Code as that section existed prior to January 1, 2008; 110012

(k) Any additional behavioral characteristics that contribute 110013
to the offender's or delinquent child's conduct. 110014

(G)(1) The department of ~~job children and family services~~ youth shall compile, maintain, and update in January and July of each year, a list of all agencies, centers, or homes of a type described in division (A)(2) or (6) of this section that contains the name of each agency, center, or home of that type, the county in which it is located, its address and telephone number, and the name of an administrative officer or employee of the agency, center, or home.

(2) The department of education shall compile, maintain, and update in January and July of each year, a list of all boards of education, schools, or programs of a type described in division (A)(3), (4), or (5) of this section that contains the name of each board of education, school, or program of that type, the county in which it is located, its address and telephone number, the name of the superintendent of the board or of an administrative officer or employee of the school or program, and, in relation to a board of education, the county or counties in which each of its schools is located and the address of each such school.

(3) The ~~Ohio board~~ department of regents higher education shall compile, maintain, and update in January and July of each year, a list of all institutions of a type described in division (A)(7) of this section that contains the name of each such institution, the county in which it is located, its address and telephone number, and the name of its president or other chief administrative officer.

(4) A sheriff required by division (A) or (C) of this section, or authorized by division (D)(2) of this section, to provide notices regarding an offender or delinquent child, or a designee of a sheriff of that type, may request the department of ~~job children and family services~~ youth, department of education, or ~~Ohio board~~ department of regents higher education, by telephone, in person, or by mail, to provide the sheriff or

designee with the names, addresses, and telephone numbers of the 110047
appropriate persons and entities to whom the notices described in 110048
divisions (A)(2) to (7) of this section are to be provided. Upon 110049
receipt of a request, the department ~~or board~~ shall provide the 110050
requesting sheriff or designee with the names, addresses, and 110051
telephone numbers of the appropriate persons and entities to whom 110052
those notices are to be provided. 110053

(H)(1) Upon the motion of the offender or the prosecuting 110054
attorney of the county in which the offender was convicted of or 110055
pleaded guilty to the sexually oriented offense or child-victim 110056
oriented offense for which the offender is subject to community 110057
notification under this section, or upon the motion of the 110058
sentencing judge or that judge's successor in office, the judge 110059
may schedule a hearing to determine whether the interests of 110060
justice would be served by suspending the community notification 110061
requirement under this section in relation to the offender. The 110062
judge may dismiss the motion without a hearing but may not issue 110063
an order suspending the community notification requirement without 110064
a hearing. At the hearing, all parties are entitled to be heard, 110065
and the judge shall consider all of the factors set forth in 110066
division (K) of this section. If, at the conclusion of the 110067
hearing, the judge finds that the offender has proven by clear and 110068
convincing evidence that the offender is unlikely to commit in the 110069
future a sexually oriented offense or a child-victim oriented 110070
offense and if the judge finds that suspending the community 110071
notification requirement is in the interests of justice, the judge 110072
may suspend the application of this section in relation to the 110073
offender. The order shall contain both of these findings. 110074

The judge promptly shall serve a copy of the order upon the 110075
sheriff with whom the offender most recently registered under 110076
section 2950.04, 2950.041, or 2950.05 of the Revised Code and upon 110077
the bureau of criminal identification and investigation. 110078

An order suspending the community notification requirement 110079
does not suspend or otherwise alter an offender's duties to comply 110080
with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 110081
Revised Code and does not suspend the victim notification 110082
requirement under section 2950.10 of the Revised Code. 110083

(2) A prosecuting attorney, a sentencing judge or that 110084
judge's successor in office, and an offender who is subject to the 110085
community notification requirement under this section may 110086
initially make a motion under division (H)(1) of this section upon 110087
the expiration of twenty years after the offender's duty to comply 110088
with division (A)(2), (3), or (4) of section 2950.04, division 110089
(A)(2), (3), or (4) of section 2950.041 and sections 2950.05 and 110090
2950.06 of the Revised Code begins in relation to the offense for 110091
which the offender is subject to community notification. After the 110092
initial making of a motion under division (H)(1) of this section, 110093
thereafter, the prosecutor, judge, and offender may make a 110094
subsequent motion under that division upon the expiration of five 110095
years after the judge has entered an order denying the initial 110096
motion or the most recent motion made under that division. 110097

(3) The offender and the prosecuting attorney have the right 110098
to appeal an order approving or denying a motion made under 110099
division (H)(1) of this section. 110100

(4) Divisions (H)(1) to (3) of this section do not apply to 110101
any of the following types of offender: 110102

(a) A person who is convicted of or pleads guilty to a 110103
violent sex offense or designated homicide, assault, or kidnapping 110104
offense and who, in relation to that offense, is adjudicated a 110105
sexually violent predator; 110106

(b) A person who is convicted of or pleads guilty to a 110107
sexually oriented offense that is a violation of division 110108
(A)(1)(b) of section 2907.02 of the Revised Code committed on or 110109

after January 2, 2007, and either who is sentenced under section 110110
2971.03 of the Revised Code or upon whom a sentence of life 110111
without parole is imposed under division (B) of section 2907.02 of 110112
the Revised Code; 110113

(c) A person who is convicted of or pleads guilty to a 110114
sexually oriented offense that is attempted rape committed on or 110115
after January 2, 2007, and who also is convicted of or pleads 110116
guilty to a specification of the type described in section 110117
2941.1418, 2941.1419, or 2941.1420 of the Revised Code; 110118

(d) A person who is convicted of or pleads guilty to an 110119
offense described in division (B)(3)(a), (b), (c), or (d) of 110120
section 2971.03 of the Revised Code and who is sentenced for that 110121
offense pursuant to that division; 110122

(e) An offender who is in a category specified in division 110123
(F)(1)(a), (b), or (c) of this section and who, subsequent to 110124
being subjected to community notification, has pleaded guilty to 110125
or been convicted of a sexually oriented offense or child-victim 110126
oriented offense. 110127

(I) If a person is convicted of, pleads guilty to, has been 110128
convicted of, or has pleaded guilty to a sexually oriented offense 110129
or a child-victim oriented offense or a person is or has been 110130
adjudicated a delinquent child for committing a sexually oriented 110131
offense or a child-victim oriented offense and is classified a 110132
juvenile offender registrant or is an out-of-state juvenile 110133
offender registrant based on that adjudication, and if the 110134
offender or delinquent child is not in any category specified in 110135
division (F)(1)(a), (b), or (c) of this section, the sheriff with 110136
whom the offender or delinquent child has most recently registered 110137
under section 2950.04, 2950.041, or 2950.05 of the Revised Code 110138
and the sheriff to whom the offender or delinquent child most 110139
recently sent a notice of intent to reside under section 2950.04 110140
or 2950.041 of the Revised Code, within the period of time 110141

specified in division (D) of this section, shall provide a written 110142
notice containing the information set forth in division (B) of 110143
this section to the executive director of the public children 110144
services agency that has jurisdiction within the specified 110145
geographical notification area and that is located within the 110146
county served by the sheriff. 110147

(J) Each sheriff shall allow a volunteer organization or 110148
other organization, company, or individual who wishes to receive 110149
the notice described in division (A)(10) of this section regarding 110150
a specific offender or delinquent child or notice regarding all 110151
offenders and delinquent children who are located in the specified 110152
geographical notification area to notify the sheriff by electronic 110153
mail or through the sheriff's web site of this election. The 110154
sheriff shall promptly inform the bureau of criminal 110155
identification and investigation of these requests in accordance 110156
with the forwarding procedures adopted by the attorney general 110157
pursuant to section 2950.13 of the Revised Code. 110158

(K) In making a determination under division (H)(1) of this 110159
section as to whether to suspend the community notification 110160
requirement under this section for an offender, the judge shall 110161
consider all relevant factors, including, but not limited to, all 110162
of the following: 110163

(1) The offender's age; 110164

(2) The offender's prior criminal or delinquency record 110165
regarding all offenses, including, but not limited to, all 110166
sexually oriented offenses or child-victim oriented offenses; 110167

(3) The age of the victim of the sexually oriented offense or 110168
child-victim oriented offense the offender committed; 110169

(4) Whether the sexually oriented offense or child-victim 110170
oriented offense the offender committed involved multiple victims; 110171

(5) Whether the offender used drugs or alcohol to impair the 110172

victim of the sexually oriented offense or child-victim oriented 110173
offense the offender committed or to prevent the victim from 110174
resisting; 110175

(6) If the offender previously has been convicted of, pleaded 110176
guilty to, or been adjudicated a delinquent child for committing 110177
an act that if committed by an adult would be a criminal offense, 110178
whether the offender completed any sentence or dispositional order 110179
imposed for the prior offense or act and, if the prior offense or 110180
act was a sexually oriented offense or a child-victim oriented 110181
offense, whether the offender or delinquent child participated in 110182
available programs for sex offenders or child-victim offenders; 110183

(7) Any mental illness or mental disability of the offender; 110184

(8) The nature of the offender's sexual conduct, sexual 110185
contact, or interaction in a sexual context with the victim of the 110186
sexually oriented offense the offender committed or the nature of 110187
the offender's interaction in a sexual context with the victim of 110188
the child-victim oriented offense the offender committed, 110189
whichever is applicable, and whether the sexual conduct, sexual 110190
contact, or interaction in a sexual context was part of a 110191
demonstrated pattern of abuse; 110192

(9) Whether the offender, during the commission of the 110193
sexually oriented offense or child-victim oriented offense the 110194
offender committed, displayed cruelty or made one or more threats 110195
of cruelty; 110196

(10) Any additional behavioral characteristics that 110197
contribute to the offender's conduct. 110198

(L) As used in this section, "specified geographical 110199
notification area" means the geographic area or areas within which 110200
the attorney general, by rule adopted under section 2950.13 of the 110201
Revised Code, requires the notice described in division (B) of 110202
this section to be given to the persons identified in divisions 110203

(A)(2) to (8) of this section. 110204

Sec. 2950.13. (A) The attorney general shall do all of the 110205
following: 110206

(1) No later than July 1, 1997, establish and maintain a 110207
state registry of sex offenders and child-victim offenders that is 110208
housed at the bureau of criminal identification and investigation 110209
and that contains all of the registration, change of residence, 110210
school, institution of higher education, or place of employment 110211
address, and verification information the bureau receives pursuant 110212
to sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 110213
Code regarding each person who is convicted of, pleads guilty to, 110214
has been convicted of, or has pleaded guilty to a sexually 110215
oriented offense or a child-victim oriented offense and each 110216
person who is or has been adjudicated a delinquent child for 110217
committing a sexually oriented offense or a child-victim oriented 110218
offense and is classified a juvenile offender registrant or is an 110219
out-of-state juvenile offender registrant based on that 110220
adjudication, all of the information the bureau receives pursuant 110221
to section 2950.14 of the Revised Code, and any notice of an order 110222
terminating or modifying an offender's or delinquent child's duty 110223
to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of 110224
the Revised Code the bureau receives pursuant to section 2152.84, 110225
2152.85, or 2950.15 of the Revised Code. For a person who was 110226
convicted of or pleaded guilty to the sexually oriented offense or 110227
child-victim related offense, the registry also shall indicate 110228
whether the person was convicted of or pleaded guilty to the 110229
offense in a criminal prosecution or in a serious youthful 110230
offender case. The registry shall not be open to inspection by the 110231
public or by any person other than a person identified in division 110232
(A) of section 2950.08 of the Revised Code. In addition to the 110233
information and material previously identified in this division, 110234
the registry shall include all of the following regarding each 110235

person who is listed in the registry: 110236

(a) A citation for, and the name of, all sexually oriented 110237
offenses or child-victim oriented offenses of which the person was 110238
convicted, to which the person pleaded guilty, or for which the 110239
person was adjudicated a delinquent child and that resulted in a 110240
registration duty, and the date on which those offenses were 110241
committed; 110242

(b) The text of the sexually oriented offenses or 110243
child-victim oriented offenses identified in division (A)(1)(a) of 110244
this section as those offenses existed at the time the person was 110245
convicted of, pleaded guilty to, or was adjudicated a delinquent 110246
child for committing those offenses, or a link to a database that 110247
sets forth the text of those offenses; 110248

(c) A statement as to whether the person is a tier I sex 110249
offender/child-victim offender, a tier II sex 110250
offender/child-victim offender, or a tier III sex 110251
offender/child-victim offender for the sexually oriented offenses 110252
or child-victim oriented offenses identified in division (A)(1)(a) 110253
of this section; 110254

(d) The community supervision status of the person, 110255
including, but not limited to, whether the person is serving a 110256
community control sanction and the nature of any such sanction, 110257
whether the person is under supervised release and the nature of 110258
the release, or regarding a juvenile, whether the juvenile is 110259
under any type of release authorized under Chapter 2152. or 5139. 110260
of the Revised Code and the nature of any such release; 110261

(e) The offense and delinquency history of the person, as 110262
determined from information gathered or provided under sections 110263
109.57 and 2950.14 of the Revised Code; 110264

(f) The bureau of criminal identification and investigation 110265
tracking number assigned to the person if one has been so 110266

assigned, the federal bureau of investigation number assigned to 110267
the person if one has been assigned and the bureau of criminal 110268
identification and investigation is aware of the number, and any 110269
other state identification number assigned to the person of which 110270
the bureau is aware; 110271

(g) Fingerprints and palmprints of the person; 110272

(h) A DNA specimen, as defined in section 109.573 of the 110273
Revised Code, from the person; 110274

(i) Whether the person has any outstanding arrest warrants; 110275

(j) Whether the person is in compliance with the person's 110276
duties under this chapter. 110277

(2) In consultation with local law enforcement 110278
representatives and no later than July 1, 1997, adopt rules that 110279
contain guidelines necessary for the implementation of this 110280
chapter; 110281

(3) In consultation with local law enforcement 110282
representatives, adopt rules for the implementation and 110283
administration of the provisions contained in section 2950.11 of 110284
the Revised Code that pertain to the notification of neighbors of 110285
an offender or a delinquent child who has committed a sexually 110286
oriented offense or a child-victim oriented offense and is in a 110287
category specified in division (F)(1) of that section and rules 110288
that prescribe a manner in which victims of a sexually oriented 110289
offense or a child-victim oriented offense committed by an 110290
offender or a delinquent child who is in a category specified in 110291
division (B)(1) of section 2950.10 of the Revised Code may make a 110292
request that specifies that the victim would like to be provided 110293
the notices described in divisions (A)(1) and (2) of section 110294
2950.10 of the Revised Code; 110295

(4) In consultation with local law enforcement 110296
representatives and through the bureau of criminal identification 110297

and investigation, prescribe the forms to be used by judges and 110298
officials pursuant to section 2950.03 or 2950.032 of the Revised 110299
Code to advise offenders and delinquent children of their duties 110300
of filing a notice of intent to reside, registration, notification 110301
of a change of residence, school, institution of higher education, 110302
or place of employment address and registration of the new school, 110303
institution of higher education, or place of employment address, 110304
as applicable, and address verification under sections 2950.04, 110305
2950.041, 2950.05, and 2950.06 of the Revised Code, and prescribe 110306
the forms to be used by sheriffs relative to those duties of 110307
filing a notice of intent to reside, registration, change of 110308
residence, school, institution of higher education, or place of 110309
employment address notification, and address verification; 110310

(5) Make copies of the forms prescribed under division (A)(4) 110311
of this section available to judges, officials, and sheriffs; 110312

(6) Through the bureau of criminal identification and 110313
investigation, provide the notifications, the information and 110314
materials, and the documents that the bureau is required to 110315
provide to appropriate law enforcement officials and to the 110316
federal bureau of investigation pursuant to sections 2950.04, 110317
2950.041, 2950.05, and 2950.06 of the Revised Code; 110318

(7) Through the bureau of criminal identification and 110319
investigation, maintain the verification forms returned under the 110320
address verification mechanism set forth in section 2950.06 of the 110321
Revised Code; 110322

(8) In consultation with representatives of the officials, 110323
judges, and sheriffs, adopt procedures for officials, judges, and 110324
sheriffs to use to forward information, photographs, and 110325
fingerprints to the bureau of criminal identification and 110326
investigation pursuant to the requirements of sections 2950.03, 110327
2950.04, 2950.041, 2950.05, 2950.06, and 2950.11 of the Revised 110328
Code; 110329

(9) In consultation with the director of education, the 110330
director of ~~job~~ children and ~~family services~~ youth, and the 110331
director of rehabilitation and correction, adopt rules that 110332
contain guidelines to be followed by boards of education of a 110333
school district, chartered nonpublic schools or other schools not 110334
operated by a board of education, preschool programs, child 110335
day-care centers, type A family day-care homes, licensed type B 110336
family day-care homes, and institutions of higher education 110337
regarding the proper use and administration of information 110338
received pursuant to section 2950.11 of the Revised Code relative 110339
to an offender or delinquent child who has committed a sexually 110340
oriented offense or a child-victim oriented offense and is in a 110341
category specified in division (F)(1) of that section; 110342

(10) In consultation with local law enforcement 110343
representatives and no later than July 1, 1997, adopt rules that 110344
designate a geographic area or areas within which the notice 110345
described in division (B) of section 2950.11 of the Revised Code 110346
must be given to the persons identified in divisions (A)(2) to (8) 110347
and (A)(10) of that section; 110348

(11) Through the bureau of criminal identification and 110349
investigation, not later than January 1, 2004, establish and 110350
operate on the internet a sex offender and child-victim offender 110351
database that contains information for every offender who has 110352
committed a sexually oriented offense or a child-victim oriented 110353
offense and registers in any county in this state pursuant to 110354
section 2950.04 or 2950.041 of the Revised Code and for every 110355
delinquent child who has committed a sexually oriented offense, is 110356
a public registry-qualified juvenile offender registrant, and 110357
registers in any county in this state pursuant to either such 110358
section. The bureau shall not include on the database the identity 110359
of any offender's or public registry-qualified juvenile offender 110360
registrant's victim, any offender's or public registry-qualified 110361

juvenile offender registrant's social security number, the name of 110362
any school or institution of higher education attended by any 110363
offender or public registry-qualified juvenile offender 110364
registrant, the name of the place of employment of any offender or 110365
public registry-qualified juvenile offender registrant, any 110366
tracking or identification number described in division (A)(1)(f) 110367
of this section, or any information described in division (C)(7) 110368
of section 2950.04 or 2950.041 of the Revised Code. The bureau 110369
shall provide on the database, for each offender and each public 110370
registry-qualified juvenile offender registrant, at least the 110371
information specified in divisions (A)(11)(a) to (h) of this 110372
section. Otherwise, the bureau shall determine the information to 110373
be provided on the database for each offender and public 110374
registry-qualified juvenile offender registrant and shall obtain 110375
that information from the information contained in the state 110376
registry of sex offenders and child-victim offenders described in 110377
division (A)(1) of this section, which information, while in the 110378
possession of the sheriff who provided it, is a public record open 110379
for inspection as described in section 2950.081 of the Revised 110380
Code. The database is a public record open for inspection under 110381
section 149.43 of the Revised Code, and it shall be searchable by 110382
offender or public registry-qualified juvenile offender registrant 110383
name, by county, by zip code, and by school district. The database 110384
shall provide a link to the web site of each sheriff who has 110385
established and operates on the internet a sex offender and 110386
child-victim offender database that contains information for 110387
offenders and public registry-qualified juvenile offender 110388
registrants who register in that county pursuant to section 110389
2950.04 or 2950.041 of the Revised Code, with the link being a 110390
direct link to the sex offender and child-victim offender database 110391
for the sheriff. The bureau shall provide on the database, for 110392
each offender and public registry-qualified juvenile offender 110393
registrant, at least the following information: 110394

(a) The information described in divisions (A)(1)(a), (b), 110395
(c), and (d) of this section relative to the offender or public 110396
registry-qualified juvenile offender registrant; 110397

(b) The address of the offender's or public 110398
registry-qualified juvenile offender registrant's school, 110399
institution of higher education, or place of employment provided 110400
in a registration form; 110401

(c) The information described in division (C)(6) of section 110402
2950.04 or 2950.041 of the Revised Code; 110403

(d) A chart describing which sexually oriented offenses and 110404
child-victim oriented offenses are included in the definitions of 110405
tier I sex offender/child-victim offender, tier II sex 110406
offender/child-victim offender, and tier III sex 110407
offender/child-victim offender; 110408

(e) Fingerprints and palmprints of the offender or public 110409
registry-qualified juvenile offender registrant and a DNA specimen 110410
from the offender or public registry-qualified juvenile offender 110411
registrant; 110412

(f) The information set forth in division (B) of section 110413
2950.11 of the Revised Code; 110414

(g) Any outstanding arrest warrants for the offender or 110415
public registry-qualified juvenile offender registrant; 110416

(h) The offender's or public registry-qualified juvenile 110417
offender registrant's compliance status with duties under this 110418
chapter. 110419

(12) Develop software to be used by sheriffs in establishing 110420
on the internet a sex offender and child-victim offender database 110421
for the public dissemination of some or all of the information and 110422
materials described in division (A) of section 2950.081 of the 110423
Revised Code that are public records under that division, that are 110424

not prohibited from inclusion by division (B) of that section, and 110425
that pertain to offenders and public registry-qualified juvenile 110426
offender registrants who register in the sheriff's county pursuant 110427
to section 2950.04 or 2950.041 of the Revised Code and for the 110428
public dissemination of information the sheriff receives pursuant 110429
to section 2950.14 of the Revised Code and, upon the request of 110430
any sheriff, provide technical guidance to the requesting sheriff 110431
in establishing on the internet such a database; 110432

(13) Through the bureau of criminal identification and 110433
investigation, not later than January 1, 2004, establish and 110434
operate on the internet a database that enables local law 110435
enforcement representatives to remotely search by electronic means 110436
the state registry of sex offenders and child-victim offenders 110437
described in division (A)(1) of this section and any information 110438
and materials the bureau receives pursuant to sections 2950.04, 110439
2950.041, 2950.05, 2950.06, and 2950.14 of the Revised Code. The 110440
database shall enable local law enforcement representatives to 110441
obtain detailed information regarding each offender and delinquent 110442
child who is included in the registry, including, but not limited 110443
to the offender's or delinquent child's name, aliases, residence 110444
address, name and address of any place of employment, school, 110445
institution of higher education, if applicable, license plate 110446
number of each vehicle identified in division (C)(5) of section 110447
2950.04 or 2950.041 of the Revised Code to the extent applicable, 110448
victim preference if available, date of most recent release from 110449
confinement if applicable, fingerprints, and palmprints, all of 110450
the information and material described in divisions (A)(1)(a) to 110451
(h) of this section regarding the offender or delinquent child, 110452
and other identification parameters the bureau considers 110453
appropriate. The database is not a public record open for 110454
inspection under section 149.43 of the Revised Code and shall be 110455
available only to law enforcement representatives as described in 110456
this division. Information obtained by local law enforcement 110457

representatives through use of this database is not open to 110458
inspection by the public or by any person other than a person 110459
identified in division (A) of section 2950.08 of the Revised Code. 110460

(14) Through the bureau of criminal identification and 110461
investigation, maintain a list of requests for notice about a 110462
specified offender or delinquent child or specified geographical 110463
notification area made pursuant to division (J) of section 2950.11 110464
of the Revised Code and, when an offender or delinquent child 110465
changes residence to another county, forward any requests for 110466
information about that specific offender or delinquent child to 110467
the appropriate sheriff; 110468

(15) Through the bureau of criminal identification and 110469
investigation, establish and operate a system for the immediate 110470
notification by electronic means of the appropriate officials in 110471
other states specified in this division each time an offender or 110472
delinquent child registers a residence, school, institution of 110473
higher education, or place of employment address under section 110474
2950.04 or 2950.041 of the Revised Code or provides a notice of a 110475
change of address or registers a new address under division (A) or 110476
(B) of section 2950.05 of the Revised Code. The immediate 110477
notification by electronic means shall be provided to the 110478
appropriate officials in each state in which the offender or 110479
delinquent child is required to register a residence, school, 110480
institution of higher education, or place of employment address. 110481
The notification shall contain the offender's or delinquent 110482
child's name and all of the information the bureau receives from 110483
the sheriff with whom the offender or delinquent child registered 110484
the address or provided the notice of change of address or 110485
registered the new address. 110486

(B) The attorney general in consultation with local law 110487
enforcement representatives, may adopt rules that establish one or 110488
more categories of neighbors of an offender or delinquent child 110489

who, in addition to the occupants of residential premises and 110490
other persons specified in division (A)(1) of section 2950.11 of 110491
the Revised Code, must be given the notice described in division 110492
(B) of that section. 110493

(C) No person, other than a local law enforcement 110494
representative, shall knowingly do any of the following: 110495

(1) Gain or attempt to gain access to the database 110496
established and operated by the attorney general, through the 110497
bureau of criminal identification and investigation, pursuant to 110498
division (A)(13) of this section. 110499

(2) Permit any person to inspect any information obtained 110500
through use of the database described in division (C)(1) of this 110501
section, other than as permitted under that division. 110502

(D) As used in this section, "local law enforcement 110503
representatives" means representatives of the sheriffs of this 110504
state, representatives of the municipal chiefs of police and 110505
marshals of this state, and representatives of the township 110506
constables and chiefs of police of the township police departments 110507
or police district police forces of this state. 110508

Sec. 3101.041. In determining whether to file the consent 110509
under section 3101.04 of the Revised Code, the juvenile court 110510
shall do all of the following: 110511

(A) Consult with any of the following for each party to the 110512
intended marriage who is seventeen years of age: 110513

(1) A parent; 110514

(2) A surviving parent; 110515

(3) A parent who is designated the residential parent and 110516
legal custodian by a court of competent jurisdiction; 110517

(4) A guardian; 110518

(5) Either of the following who has been awarded permanent custody by a court exercising juvenile jurisdiction: 110519
110520

(a) An adult person; 110521

(b) The department of ~~job~~ children and ~~family services~~ youth or any child welfare organization certified by the department. 110522
110523

(B) Appoint an attorney as guardian ad litem for each party to the intended marriage who is seventeen years of age; 110524
110525

(C) Determine all of the following: 110526

(1) Each party to the intended marriage who is seventeen years of age has entered the armed services of the United States, has become employed and self-subsisting, or has otherwise become independent from the care and control of the party's parent, guardian, or custodian. 110527
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(2) For each party to the intended marriage who is seventeen years of age, the decision of that party to marry is free from force or coercion. 110532
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110534

(3) The intended marriage and the emancipation under section 3101.042 of the Revised Code is in the best interests of each party to the intended marriage who is seventeen years of age. 110535
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Sec. 3107.012. (A) A foster caregiver may use the application prescribed under division (B) of this section to obtain the services of an agency to arrange an adoption for the foster caregiver if the foster caregiver seeks to adopt the foster caregiver's foster child who has resided in the foster caregiver's home for at least six months prior to the date the foster caregiver submits the application to the agency. 110538
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(B) The department of ~~job~~ children and ~~family services~~ youth shall prescribe an application for a foster caregiver to use under division (A) of this section. The application shall not require that the foster caregiver provide any information the foster 110545
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caregiver already provided the department, or undergo an 110549
inspection the foster caregiver already underwent, to obtain a 110550
foster home certificate under section 5103.03 of the Revised Code. 110551

(C) An agency that receives an application prescribed under 110552
division (B) of this section from a foster caregiver authorized to 110553
use the application shall not require, as a condition of the 110554
agency accepting or approving the application, that the foster 110555
caregiver undergo a criminal records check under section 2151.86 110556
of the Revised Code as a prospective adoptive parent. The agency 110557
shall inform the foster caregiver, in accordance with division (G) 110558
of section 2151.86 of the Revised Code, that the foster caregiver 110559
must undergo the criminal records check before a court may issue a 110560
final decree of adoption or interlocutory order of adoption under 110561
section 3107.14 of the Revised Code. 110562

Sec. 3107.013. An agency arranging an adoption pursuant to an 110563
application submitted to the agency under section 3107.012 of the 110564
Revised Code for a foster caregiver seeking to adopt the foster 110565
caregiver's foster child shall provide the foster caregiver 110566
information about adoption, including information about state 110567
adoption law, adoption assistance available pursuant to section 110568
5153.163 of the Revised Code and Title IV-E of the "Social 110569
Security Act," 94 Stat. 501, 42 U.S.C.A. 670 (1980), as amended, 110570
the types of behavior that the prospective adoptive parents may 110571
anticipate from children who have experienced abuse and neglect, 110572
suggested interventions and the assistance available if the child 110573
exhibits those types of behavior after adoption, and other 110574
adoption issues the department of ~~job~~ children and ~~family services~~ 110575
youth identifies. The agency shall provide the information to the 110576
foster caregiver in accordance with rules the department of ~~job~~ 110577
children and ~~family services~~ youth shall adopt in accordance with 110578
Chapter 119. of the Revised Code. 110579

Sec. 3107.014. (A) Except as provided in division (B) of this section, only an individual who meets all of the following requirements may perform the duties of an assessor under sections 3107.031, 3107.032, 3107.082, 3107.09, 3107.101, 3107.12, 5103.0324, and 5103.152 of the Revised Code:

(1) The individual must be in the employ of, appointed by, or under contract with a court, public children services agency, private child placing agency, or private noncustodial agency;

(2) The individual must be one of the following:

(a) A licensed professional clinical counselor, licensed professional counselor, independent social worker, social worker, independent marriage and family therapist, or marriage and family therapist licensed under Chapter 4757. of the Revised Code;

(b) A psychologist licensed under Chapter 4732. of the Revised Code;

(c) A student working to earn a four-year, post-secondary degree, or higher, in a social or behavior science, or both, who conducts assessor's duties under the supervision of a licensed professional clinical counselor, licensed professional counselor, independent social worker, social worker, independent marriage and family therapist, or marriage and family therapist licensed under Chapter 4757. of the Revised Code or a psychologist licensed under Chapter 4732. of the Revised Code. Beginning July 1, 2009, a student is eligible under this division only if the supervising licensed professional clinical counselor, licensed professional counselor, independent social worker, social worker, independent marriage and family therapist, marriage and family therapist, or psychologist has completed training in accordance with rules adopted under section 3107.015 of the Revised Code.

(d) A civil service employee engaging in social work without

a license under Chapter 4757. of the Revised Code, as permitted by 110610
division (A)(5) of section 4757.41 of the Revised Code; 110611

(e) A former employee of a public children services agency 110612
who, while so employed, conducted the duties of an assessor or the 110613
duties of a PCSA caseworker or PCSA caseworker supervisor as 110614
defined in section 5153.01 of the Revised Code; 110615

(f) An employee of a court or public children services agency 110616
who is employed to conduct the duties of an assessor; 110617

(g) A PCSA caseworker or PCSA caseworker supervisor as 110618
defined in section 5153.01 of the Revised Code; 110619

(h) An individual who holds at least a bachelor's degree in 110620
any of the following human services fields and has at least one 110621
year of experience working with families and children: 110622

(i) Social work; 110623

(ii) Sociology; 110624

(iii) Psychology; 110625

(iv) Guidance and counseling; 110626

(v) Education; 110627

(vi) Religious education; 110628

(vii) Business administration; 110629

(viii) Criminal justice; 110630

(ix) Public administration; 110631

(x) Child care administration; 110632

(xi) Nursing; 110633

(xii) Family studies; 110634

(xiii) Any other human services field related to working with 110635
children and families. 110636

(3) The individual must complete training in accordance with 110637
rules adopted under section 3107.015 of the Revised Code. 110638

(B) An individual in the employ of, appointed by, or under 110639
contract with a court prior to September 18, 1996, to conduct 110640
adoption investigations of prospective adoptive parents may 110641
perform the duties of an assessor under sections 3107.031, 110642
3107.032, 3107.082, 3107.09, 3107.101, 3107.12, 5103.0324, and 110643
5103.152 of the Revised Code if the individual complies with 110644
division (A)(3) of this section regardless of whether the 110645
individual meets the requirement of division (A)(2) of this 110646
section. 110647

(C) A court, public children services agency, private child 110648
placing agency, or private noncustodial agency may employ, 110649
appoint, or contract with an assessor in the county in which a 110650
petition for adoption is filed and in any other county or location 110651
outside this state where information needed to complete or 110652
supplement the assessor's duties may be obtained. More than one 110653
assessor may be utilized for an adoption. 110654

(D) ~~Not later than January 1, 2008, the~~ The department of ~~job~~ 110655
children and ~~family services~~ youth shall ~~develop and~~ maintain an 110656
assessor registry. The registry shall list all individuals who are 110657
employed, appointed by, or under contract with a court, public 110658
children services agency, private child placing agency, or private 110659
noncustodial agency and meet the requirements of an assessor as 110660
described in this section. A public children services agency, 110661
private child placing agency, private noncustodial agency, court, 110662
or any other person may contact the department to determine if an 110663
individual is listed in the assessor registry. An individual 110664
listed in the assessor registry shall immediately inform the 110665
department when that individual is no longer employed, appointed 110666
by, or under contract with a court, public children services 110667
agency, private child placing agency, or private noncustodial 110668

agency to perform the duties of an assessor as described in this 110669
section. The director of ~~job~~ children and ~~family services~~ youth 110670
shall adopt rules in accordance with Chapter 119. of the Revised 110671
Code necessary for the implementation, contents, and maintenance 110672
of the registry, and any sanctions related to the provision of 110673
information, or the failure to provide information, that is needed 110674
for the proper operation of the assessor registry. 110675

Sec. 3107.015. The director of ~~job~~ children and ~~family~~ 110676
~~services~~ youth shall adopt rules in accordance with Chapter 119. 110677
of the Revised Code governing the training an individual must 110678
complete for the purpose of division (A)(3) of section 3107.014 of 110679
the Revised Code. The training shall include courses on adoption 110680
placement practice, federal and state adoption assistance 110681
programs, and post adoption support services. 110682

Sec. 3107.016. The department of ~~job~~ children and ~~family~~ 110683
~~services~~ youth shall develop a schedule of training that meets the 110684
requirements established in rules adopted pursuant to section 110685
3107.015 of the Revised Code. The schedule shall include enough 110686
training to provide all agencies equal access to the training. The 110687
department shall distribute the schedule to all agencies. 110688

Sec. 3107.017. The department of ~~job~~ children and ~~family~~ 110689
~~services~~ youth shall develop a standardized form for the 110690
disclosure of information about a prospective adoptive child to 110691
prospective adoptive parents. The information disclosed shall 110692
include all background information available on the child. The 110693
department shall distribute the form to all agencies. 110694

Sec. 3107.018. (A) A prospective adoptive parent may apply to 110695
the department of ~~job~~ children and ~~family services~~ youth for a 110696
loan from the state adoption assistance loan fund created under 110697

section 5101.143 of the Revised Code. Subject to available funds, 110698
the department may approve a state adoption assistance loan 110699
application, in whole or in part, or deny the application. In 110700
reviewing a loan application submitted to the department, the 110701
department shall consider the financial need of the prospective 110702
adoptive parent in determining whether to approve a loan 110703
application, in whole or in part, or deny the application. If the 110704
department approves a loan application, in whole or in part, and 110705
the child being adopted resides in Ohio, the department shall loan 110706
a prospective adoptive parent not more than three thousand dollars 110707
from the state adoption assistance loan fund. If the department 110708
approves a loan application, in whole or in part, and the child 110709
being adopted does not reside in Ohio, the department shall loan a 110710
prospective adoptive parent not more than two thousand dollars 110711
from the state adoption assistance loan fund. 110712

(B) A prospective adoptive parent who receives a loan under 110713
division (A) of this section shall use that loan for only a 110714
disbursement listed under division (C) of section 3107.055 of the 110715
Revised Code or an expense related to adopting from the public 110716
child welfare system. 110717

(C) This section applies to adoptions arranged by an attorney 110718
or by any public or private organization certified, licensed, or 110719
otherwise specially empowered by law or rule to place minors for 110720
adoption. 110721

Sec. 3107.031. Except as otherwise provided in this section, 110722
an assessor shall conduct a home study for the purpose of 110723
ascertaining whether a person seeking to adopt a minor is suitable 110724
to adopt. A written report of the home study shall be filed with 110725
the court at least ten days before the petition for adoption is 110726
heard. 110727

A person seeking to adopt a minor who knowingly makes a false 110728

statement that is included in the written report of a home study 110729
conducted pursuant to this section is guilty of the offense of 110730
falsification under section 2921.13 of the Revised Code, and such 110731
a home study shall not be filed with the court. If such a home 110732
study is filed with the court, the court may strike the home study 110733
from the court's records. 110734

The report shall contain the opinion of the assessor as to 110735
whether the person who is the subject of the report is suitable to 110736
adopt a minor, any multiple children assessment required under 110737
section 3107.032 of the Revised Code, and other information and 110738
documents specified in rules adopted by the director of ~~job~~ 110739
children and ~~family services~~ youth under section 3107.033 of the 110740
Revised Code. The assessor shall not consider the person's age 110741
when determining whether the person is suitable to adopt if the 110742
person is old enough to adopt as provided by section 3107.03 of 110743
the Revised Code. 110744

An assessor may request departments or agencies within or 110745
outside this state to assist in the home study as may be 110746
appropriate and to make a written report to be included with and 110747
attached to the report to the court. The assessor shall make 110748
similar home studies and reports on behalf of other assessors 110749
designated by the courts of this state or another place. 110750

Upon order of the court, the costs of the home study and 110751
other proceedings shall be paid by the person seeking to adopt, 110752
and, if the home study is conducted by a public agency or public 110753
employee, the part of the cost representing any services and 110754
expenses shall be taxed as costs and paid into the state treasury 110755
or county treasury, as the court may direct. 110756

On request, the assessor shall provide the person seeking to 110757
adopt a copy of the report of the home study. The assessor shall 110758
delete from that copy any provisions concerning the opinion of 110759
other persons, excluding the assessor, of the person's suitability 110760

to adopt a minor. 110761

This section does not apply to a foster caregiver seeking to 110762
adopt the foster caregiver's foster child if the foster child has 110763
resided in the foster caregiver's home for at least six months 110764
prior to the date the foster caregiver submits an application 110765
prescribed under division (B) of section 3107.012 of the Revised 110766
Code to the agency arranging the adoption. 110767

Sec. 3107.032. (A) Except as provided in division (C) of this 110768
section, each time a person seeking to adopt a minor or foster 110769
child will have at least five children residing in the prospective 110770
adoptive home after the minor or foster child to be adopted is 110771
placed in the home, an assessor, on behalf of an agency or 110772
attorney arranging an adoption pursuant to sections 3107.011 or 110773
3107.012 of the Revised Code, shall complete a multiple children 110774
assessment during the home study. The multiple children assessment 110775
shall evaluate the ability of the person seeking to adopt in 110776
meeting the needs of the minor or foster child to be adopted and 110777
continuing to meet the needs of the children residing in the home. 110778
The assessor shall include the multiple children assessment in the 110779
written report of the home study filed pursuant to section 110780
3107.031 of the Revised Code. 110781

(B) The director of ~~job children and family services youth~~ 110782
shall adopt rules in accordance with Chapter 119. of the Revised 110783
Code necessary for an assessor to complete a multiple children 110784
assessment. 110785

(C) This section does not apply to an adoption by a 110786
stepparent whose spouse is a biological or adoptive parent of the 110787
minor to be adopted. 110788

Sec. 3107.033. ~~Not later than June 1, 2009, the~~ The director 110789
of ~~job children and family services youth~~ shall adopt rules in 110790

accordance with Chapter 119. of the Revised Code specifying both 110791
of the following: 110792

(A) The manner in which a home study is to be conducted and 110793
the information and documents to be included in a home study 110794
report, which shall include, pursuant to section 3107.034 of the 110795
Revised Code, a summary report of a search of the uniform 110796
statewide automated child welfare information system established 110797
in section 5101.13 of the Revised Code and a report of a check of 110798
a central registry of another state if a request for a check of a 110799
central registry of another state is required under division (A) 110800
of section 3107.034 of the Revised Code. The director shall ensure 110801
that rules adopted under this section align the home study 110802
content, time period, and process with any foster care home study 110803
content, time period, and process required by rules adopted under 110804
section 5103.03 of the Revised Code. 110805

(B) A procedure under which a person whose application for 110806
adoption has been denied as a result of a search of the uniform 110807
statewide automated child welfare information system established 110808
in section 5101.13 of the Revised Code as part of the home study 110809
may appeal the denial to the agency that employed the assessor who 110810
filed the report. 110811

Sec. 3107.034. (A) Whenever a prospective adoptive parent or 110812
a person eighteen years of age or older who resides with a 110813
prospective adoptive parent has resided in another state within 110814
the five-year period immediately prior to the date on which a 110815
criminal records check is requested for the person under division 110816
(A) of section 2151.86 of the Revised Code, the administrative 110817
director of an agency, or attorney, who arranges the adoption for 110818
the prospective adoptive parent shall request a check of the 110819
central registry of abuse and neglect of this state from the 110820
department of ~~job children and family services~~ youth regarding the 110821

prospective adoptive parent or the person eighteen years of age or 110822
older who resides with the prospective adoptive parent to enable 110823
the agency or attorney to check any child abuse and neglect 110824
registry maintained by that other state. The administrative 110825
director or attorney shall make the request and shall review the 110826
results of the check before a final decree of adoption or an 110827
interlocutory order of adoption making the person an adoptive 110828
parent may be made. Information received pursuant to the request 110829
shall be considered for purposes of this chapter as if it were a 110830
summary report required under section 3107.033 of the Revised 110831
Code. The department of ~~job children~~ and ~~family services youth~~ 110832
shall comply with any request to check the central registry that 110833
is similar to the request described in this division and that is 110834
received from any other state. 110835

(B) The summary report of a search of the uniform statewide 110836
automated child welfare information system established in section 110837
5101.13 of the Revised Code that is required under section 110838
3107.033 of the Revised Code shall contain, if applicable, a 110839
chronological list of abuse and neglect determinations or 110840
allegations of which the person seeking to adopt is subject and in 110841
regards to which a public children services agency has done one of 110842
the following: 110843

(1) Determined that abuse or neglect occurred; 110844

(2) Initiated an investigation, and the investigation is 110845
ongoing; 110846

(3) Initiated an investigation and the agency was unable to 110847
determine whether abuse or neglect occurred. 110848

(C) The summary report required under section 3107.033 of the 110849
Revised Code shall not contain any of the following: 110850

(1) An abuse and neglect determination of which the person 110851
seeking to adopt is subject and in regards to which a public 110852

children services agency determined that abuse or neglect did not occur; 110853
110854

(2) Information or reports the dissemination of which is prohibited by, or interferes with eligibility under, the "Child Abuse Prevention and Treatment Act," 88 Stat. 4 (1974), 42 U.S.C. 5101 et seq., as amended; 110855
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(3) The name of the person who or entity that made, or participated in the making of, the report of abuse or neglect. 110859
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(D)(1) An application for adoption may be denied based on a summary report containing the information described under division (B)(1) of this section, when considered within the totality of the circumstances. An application that is denied may be appealed using the procedure adopted pursuant to division (B) of section 3107.033 of the Revised Code. 110861
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(2) An application for adoption shall not be denied solely based on a summary report containing the information described under division (B)(2) or (3) of this section. 110867
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Sec. 3107.035. (A) At the time of the initial home study, and every two years thereafter, if the home study is updated, and until it becomes part of a final decree of adoption or an interlocutory order of adoption, the agency or attorney that arranges an adoption for the prospective adoptive parent shall conduct a search of the United States department of justice national sex offender public web site regarding the prospective adoptive parent and all persons eighteen years of age or older who reside with the prospective adoptive parent. 110870
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(B) A petition for adoption may be denied based solely on the results of the search of the national sex offender public web site. 110879
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(C) The director of ~~job~~ children and ~~family services~~ youth 110882

shall adopt rules in accordance with Chapter 119. of the Revised 110883
Code necessary for the implementation and execution of this 110884
section. 110885

Sec. 3107.051. (A) Except as provided in division (B) of this 110886
section, a person seeking to adopt a minor, or the agency or 110887
attorney arranging the adoption, shall submit a petition for the 110888
minor's adoption no later than ninety days after the date the 110889
minor is placed in the person's home. Failure to file a petition 110890
within the time provided by this division does not affect a 110891
court's jurisdiction to hear the petition and is not grounds for 110892
denying the petition. 110893

(B) This section does not apply if any of the following 110894
apply: 110895

(1) The person seeking to adopt the minor is the minor's 110896
stepparent; 110897

(2) The minor was not originally placed in the person's home 110898
with the purpose of the person adopting the minor; 110899

(3) The minor is a "child with special needs," as defined by 110900
the director of ~~job~~ children and ~~family services~~ youth in 110901
accordance with section 5153.163 of the Revised Code. 110902

Sec. 3107.081. (A) Except as provided in divisions (B), (E), 110903
and (F) of this section, a parent of a minor, who will be, if 110904
adopted, an adopted person as defined in section 3107.45 of the 110905
Revised Code, shall do all of the following as a condition of a 110906
court accepting the parent's consent to the minor's adoption: 110907

(1) Appear personally before the court; 110908

(2) Sign the component of the form prescribed under division 110909
(A)(1)(a) of section 3107.083 of the Revised Code; 110910

(3) Check either the "yes" or "no" space provided on the 110911

component of the form prescribed under division (A)(1)(b) of 110912
section 3107.083 of the Revised Code and sign that component; 110913

(4) If the parent is the mother, complete and sign the 110914
component of the form prescribed under division (A)(1)(c) of 110915
section 3107.083 of the Revised Code. 110916

At the time the parent signs the components of the form 110917
prescribed under divisions (A)(1)(a), (b), and (c) of section 110918
3107.083 of the Revised Code, the parent may sign, if the parent 110919
chooses to do so, the components of the form prescribed under 110920
divisions (A)(1)(d), (e), and (f) of that section. After the 110921
parent signs the components required to be signed and any 110922
discretionary components the parent chooses to sign, the parent, 110923
or the attorney arranging the adoption, shall file the form and 110924
parent's consent with the court. The court or attorney shall give 110925
the parent a copy of the form and consent. The court and attorney 110926
shall keep a copy of the form and consent in the court and 110927
attorney's records of the adoption. 110928

The court shall question the parent to determine that the 110929
parent understands the adoption process, the ramifications of 110930
consenting to the adoption, each component of the form prescribed 110931
under division (A)(1) of section 3107.083 of the Revised Code, and 110932
that the minor and adoptive parent may receive identifying 110933
information about the parent in accordance with section 3107.47 of 110934
the Revised Code unless the parent checks the "no" space provided 110935
on the component of the form prescribed under division (A)(1)(b) 110936
of section 3107.083 of the Revised Code or has a denial of release 110937
form filed with the department of health under section 3107.46 of 110938
the Revised Code. The court also shall question the parent to 110939
determine that the parent's consent to the adoption and any 110940
decisions the parent makes in filling out the form prescribed 110941
under division (A)(1) of section 3107.083 of the Revised Code are 110942
made voluntarily. 110943

(B) The parents of a minor, who is less than six months of age and will be, if adopted, an adopted person as defined in section 3107.45 of the Revised Code, may consent to the minor's adoption without personally appearing before a court if both parents do all of the following:

(1) Execute a notarized statement of consent to the minor's adoption before the attorney arranging the adoption;

(2) Sign the component of the form prescribed under division (A)(1)(a) of section 3107.083 of the Revised Code;

(3) Check either the "yes" or "no" space provided on the component of the form prescribed under division (A)(1)(b) of section 3107.083 of the Revised Code and sign that component.

At the time the parents sign the components of the form prescribed under divisions (A)(1)(a) and (b) of section 3107.083 of the Revised Code, the mother shall complete and sign the component of the form prescribed under division (A)(1)(c) of that section and the attorney arranging the adoption shall provide the parents the opportunity to sign, if they choose to do so, the components of the form prescribed under divisions (A)(1)(d), (e), and (f) of that section. At the time the petition to adopt the minor is submitted to the court, the attorney shall file the parents' consents and forms with the court. The attorney shall give the parents a copy of the consents and forms. At the time the attorney files the consents and forms with the court, the attorney also shall file with the court all other documents the director of ~~job~~ children and ~~family services~~ youth requires by rules adopted under division (D) of section 3107.083 of the Revised Code to be filed with the court. The court and attorney shall keep a copy of the consents, forms, and documents in the court and attorney's records of the adoption.

(C) Except as provided in divisions (D), (E), and (F) of this

section, a parent of a minor, who will be, if adopted, an adopted person as defined in section 3107.38 of the Revised Code, shall do all of the following as a condition of a court accepting the parent's consent to the minor's adoption:

(1) Appear personally before the court;

(2) Sign the component of the form prescribed under division (B)(1)(a) of section 3107.083 of the Revised Code;

(3) If the parent is the mother, complete and sign the component of the form prescribed under division (B)(1)(b) of section 3107.083 of the Revised Code.

At the time the parent signs the components prescribed under divisions (B)(1)(a) and (b) of section 3107.083 of the Revised Code, the parent may sign, if the parent chooses to do so, the components of the form prescribed under divisions (B)(1)(c), (d), and (e) of that section. After the parent signs the components required to be signed and any discretionary components the parent chooses to sign, the parent, or the attorney arranging the adoption, shall file the form and parent's consent with the court. The court or attorney shall give the parent a copy of the form and consent. The court and attorney shall keep a copy of the form and consent in the court and attorney's records of the adoption.

The court shall question the parent to determine that the parent understands the adoption process, the ramifications of consenting to the adoption, and each component of the form prescribed under division (B)(1) of section 3107.083 of the Revised Code. The court also shall question the parent to determine that the parent's consent to the adoption and any decisions the parent makes in filling out the form are made voluntarily.

(D) The parent of a minor who is less than six months of age and will be, if adopted, an adopted person as defined in section

3107.38 of the Revised Code may consent to the minor's adoption 111006
without personally appearing before a court if the parent does all 111007
of the following: 111008

(1) Executes a notarized statement of consent to the minor's 111009
adoption before the attorney arranging the adoption; 111010

(2) Signs the component of the form prescribed under division 111011
(B)(1)(a) of section 3107.083 of the Revised Code; 111012

(3) If the parent is the mother, completes and signs the 111013
component of the form prescribed under division (B)(1)(b) of 111014
section 3107.083 of the Revised Code. 111015

At the time the parent signs the components of the form 111016
prescribed under divisions (B)(1)(a) and (b) of section 3107.083 111017
of the Revised Code, the attorney arranging the adoption shall 111018
provide the parent the opportunity to sign, if the parent chooses 111019
to do so, the components of the form prescribed under divisions 111020
(B)(1)(c), (d), and (e) of that section. At the time the petition 111021
to adopt the minor is submitted to the court, the attorney shall 111022
file the parent's consent and form with the court. The attorney 111023
shall give the parent a copy of the consent and form. At the time 111024
the attorney files the consent and form with the court, the 111025
attorney also shall file with the court all other documents the 111026
director of ~~job~~ children and ~~family services~~ youth requires by 111027
rules adopted under division (D) of section 3107.083 of the 111028
Revised Code to be filed with the court. The court and attorney 111029
shall keep a copy of the consent, form, and documents in the court 111030
and attorney's records of the adoption. 111031

(E) If a minor is to be adopted by a stepparent, the parent 111032
who is not married to the stepparent may consent to the minor's 111033
adoption without appearing personally before a court if the parent 111034
executes consent in the presence of a person authorized to take 111035
acknowledgments. The attorney arranging the adoption shall file 111036

the consent with the court and give the parent a copy of the 111037
consent. The court and attorney shall keep a copy of the consent 111038
in the court and attorney's records of the adoption. 111039

(F) If a parent of a minor to be adopted resides in another 111040
state, the parent may consent to the minor's adoption without 111041
appearing personally before a court if the parent executes consent 111042
in the presence of a person authorized to take acknowledgments. 111043
The attorney arranging the adoption shall file the consent with 111044
the court and give the parent a copy of the consent. The court and 111045
attorney shall keep a copy of the consent in the court and 111046
attorney's records of the adoption. 111047

Sec. 3107.083. The director of ~~job~~ children and ~~family~~ 111048
~~services~~ youth shall do all of the following: 111049

(A)(1) For a parent of a child who, if adopted, will be an 111050
adopted person as defined in section 3107.45 of the Revised Code, 111051
prescribe a form that has the following six components: 111052

(a) A component the parent signs under section 3107.071, 111053
3107.081, or 5103.151 of the Revised Code to indicate the 111054
requirements of section 3107.082 or 5103.152 of the Revised Code 111055
have been met. The component shall be as follows: 111056

"Statement Concerning Ohio Law and Adoption Materials 111057

By signing this component of this form, I acknowledge that it 111058
has been explained to me, and I understand, that, if I check the 111059
space on the next component of this form that indicates that I 111060
authorize the release, the adoption file maintained by the Ohio 111061
Department of Health, which contains identifying information about 111062
me at the time of my child's birth, will be released, on request, 111063
to the adoptive parent when the adoptee is at least age eighteen 111064
but younger than age twenty-one and to the adoptee when he or she 111065
is age twenty-one or older. It has also been explained to me, and 111066
I understand, that I may prohibit the release of identifying 111067

information about me contained in the adoption file by checking 111068
the space on the next component of this form that indicates that I 111069
do not authorize the release of the identifying information. It 111070
has additionally been explained to me, and I understand, that I 111071
may change my mind regarding the decision I make on the next 111072
component of this form at any time and as many times as I desire 111073
by signing, dating, and having filed with the Ohio Department of 111074
Health a denial of release form or authorization of release form 111075
prescribed and provided by the Department of Health and providing 111076
the Department two items of identification. 111077

By signing this component of this form, I also acknowledge 111078
that I have been provided a copy of written materials about 111079
adoption prepared by the Ohio Department of ~~Job~~ Children and 111080
~~Family Services~~ Youth, the adoption process and ramifications of 111081
consenting to adoption or entering into a voluntary permanent 111082
custody surrender agreement have been discussed with me, and I 111083
have been provided the opportunity to review the materials and ask 111084
questions about the materials and discussion. 111085

Signature of biological parent: 111086
Signature of witness: 111087
Date: " 111088

(b) A component the parent signs under section 3107.071, 111089
3107.081, or 5103.151 of the Revised Code regarding the parent's 111090
decision whether to allow identifying information about the parent 111091
contained in an adoption file maintained by the department of 111092
health to be released to the parent's child and adoptive parent 111093
pursuant to section 3107.47 of the Revised Code. The component 111094
shall be as follows: 111095

"Statement Regarding Release of Identifying Information 111096

The purpose of this component of this form is to allow a 111097
biological parent to decide whether to allow the Ohio Department 111098
of Health to provide an adoptee and adoptive parent identifying 111099

information about the adoptee's biological parent contained in an 111100
adoption file maintained by the Department. Please check one of 111101
the following spaces: 111102

..... YES, I authorize the Ohio Department of Health to 111103
release identifying information about me, on
request, to the adoptive parent when the adoptee is
at least age eighteen but younger than age
twenty-one and to the adoptee when he or she is age
twenty-one or older.

..... NO, I do not authorize the release of identifying 111104
information about me to the adoptive parent or
adoptee.

Signature of biological parent: 111105
Signature of witness: 111106
Date: " 111107

(c) A component the parent, if the mother of the child, 111108
completes and signs under section 3107.071, 3107.081, or 5103.151 111109
of the Revised Code to indicate, to the extent of the mother's 111110
knowledge, all of the following: 111111

(i) Whether the mother, during her pregnancy, was a recipient 111112
of the medicaid program or other public health insurance program 111113
and, if so, the dates her eligibility began and ended; 111114

(ii) Whether the mother, during her pregnancy, was covered by 111115
private health insurance and, if so, the dates the coverage began 111116
and ended, the name of the insurance provider, the type of 111117
coverage, and the identification number of the coverage; 111118

(iii) The name and location of the hospital, freestanding 111119
birthing center, or other place where the mother gave birth and, 111120
if different, received medical care immediately after giving 111121
birth; 111122

(iv) The expenses of the obstetrical and neonatal care; 111123

(v) Whether the mother has been informed that the adoptive parent or the agency or attorney arranging the adoption are to pay expenses involved in the adoption, including expenses the mother has paid and expects to receive or has received reimbursement, and, if so, what expenses are to be or have been paid and an estimate of the expenses;

(vi) Any other information related to expenses the department determines appropriate to be included in this component.

(d) A component the parent may sign to authorize the agency or attorney arranging the adoption to provide to the child or adoptive parent materials, other than photographs of the parent, that the parent requests be given to the child or adoptive parent pursuant to section 3107.68 of the Revised Code.

(e) A component the parent may sign to authorize the agency or attorney arranging the adoption to provide to the child or adoptive parent photographs of the parent pursuant to section 3107.68 of the Revised Code.

(f) A component the parent may sign to authorize the agency or attorney arranging the adoption to provide to the child or adoptive parent the first name of the parent pursuant to section 3107.68 of the Revised Code.

(2) State at the bottom of the form that the parent is to receive a copy of the form the parent signed.

(3) Provide copies of the form prescribed under this division to probate and juvenile courts, public children services agencies, private child placing agencies, private noncustodial agencies, attorneys, and persons authorized to take acknowledgments.

(B)(1) For a parent of a child who, if adopted, will become an adopted person as defined in section 3107.38 of the Revised Code, prescribe a form that has the following five components:

(a) A component the parent signs under section 3107.071, 111154
3107.081, or 5103.151 of the Revised Code to attest that the 111155
requirement of division (A) of section 3107.082 or division (A) of 111156
section 5103.152 of the Revised Code has been met; 111157

(b) A component the parent, if the mother of the child, 111158
completes and signs under section 3107.071, 3107.081, or 5103.151 111159
of the Revised Code to indicate, to the extent of the mother's 111160
knowledge, all of the following: 111161

(i) Whether the mother, during her pregnancy, was a recipient 111162
of the medicaid program or other public health insurance program 111163
and, if so, the dates her eligibility began and ended; 111164

(ii) Whether the mother, during her pregnancy, was covered by 111165
private health insurance and, if so, the dates the coverage began 111166
and ended, the name of the insurance provider, the type of 111167
coverage, and the identification number of the coverage; 111168

(iii) The name and location of the hospital, freestanding 111169
birthing center, or other place where the mother gave birth and, 111170
if different, received medical care immediately after giving 111171
birth; 111172

(iv) The expenses of the obstetrical and neonatal care; 111173

(v) Whether the mother has been informed that the adoptive 111174
parent or the agency or attorney arranging the adoption are to pay 111175
expenses involved in the adoption, including expenses the mother 111176
has paid and expects to receive or has received reimbursement for, 111177
and, if so, what expenses are to be or have been paid and an 111178
estimate of the expenses; 111179

(vi) Any other information related to expenses the department 111180
determines appropriate to be included in the component. 111181

(c) A component the parent may sign to authorize the agency 111182
or attorney arranging the adoption to provide to the child or 111183

adoptive parent materials, other than photographs of the parent, 111184
that the parent requests be given to the child or adoptive parent 111185
pursuant to section 3107.68 of the Revised Code. 111186

(d) A component the parent may sign to authorize the agency 111187
or attorney arranging the adoption to provide to the child or 111188
adoptive parent photographs of the parent pursuant to section 111189
3107.68 of the Revised Code. 111190

(e) A component the parent may sign to authorize the agency 111191
or attorney arranging the adoption to provide to the child or 111192
adoptive parent the first name of the parent pursuant to section 111193
3107.68 of the Revised Code. 111194

(2) State at the bottom of the form that the parent is to 111195
receive a copy of the form the parent signed. 111196

(3) Provide copies of the form prescribed under this division 111197
to probate and juvenile courts, public children services agencies, 111198
private child placing agencies, private noncustodial agencies, 111199
attorneys, and persons authorized to take acknowledgments. 111200

(C) Prepare the written materials about adoption that are 111201
required to be given to parents under division (A) of section 111202
3107.082 and division (A) of section 5103.152 of the Revised Code. 111203
The materials shall provide information about the adoption 111204
process, including ramifications of a parent consenting to a 111205
child's adoption or entering into a voluntary permanent custody 111206
surrender agreement. The materials also shall include referral 111207
information for professional counseling and adoption support 111208
organizations. The director shall provide the materials to 111209
assessors. 111210

(D) Adopt rules in accordance with Chapter 119. of the 111211
Revised Code specifying the documents that must be filed with a 111212
probate court under divisions (B) and (D) of section 3107.081 of 111213
the Revised Code and a juvenile court under divisions (C) and (E) 111214

of section 5103.151 of the Revised Code. 111215

Sec. 3107.09. (A) The department of ~~job~~ children and family 111216
~~services~~ youth shall prescribe and supply forms for the taking of 111217
social and medical histories of the biological parents of a minor 111218
available for adoption. 111219

(B) An assessor shall record the social and medical histories 111220
of the biological parents of a minor available for adoption, 111221
unless the minor is to be adopted by the minor's stepparent or 111222
grandparent. The assessor shall use the forms prescribed pursuant 111223
to division (A) of this section. The assessor shall not include on 111224
the forms identifying information about the biological parents or 111225
other ancestors of the minor. 111226

(C) A social history shall describe and identify the age; 111227
ethnic, racial, religious, marital, and physical characteristics; 111228
and educational, cultural, talent and hobby, and work experience 111229
background of the biological parents of the minor. A medical 111230
history shall identify major diseases, malformations, allergies, 111231
ear or eye defects, major conditions, and major health problems of 111232
the biological parents that are or may be congenital or familial. 111233
These histories may include other social and medical information 111234
relative to the biological parents and shall include social and 111235
medical information relative to the minor's other ancestors. 111236

The social and medical histories may be obtained through 111237
interviews with the biological parents or other persons and from 111238
any available records if a biological parent or any legal guardian 111239
of a biological parent consents to the release of information 111240
contained in a record. An assessor who considers it necessary may 111241
request that a biological parent undergo a medical examination. In 111242
obtaining social and medical histories of a biological parent, an 111243
assessor shall inform the biological parent, or a person other 111244
than a biological parent who provides information pursuant to this 111245

section, of the purpose and use of the histories and of the 111246
biological parent's or other person's right to correct or expand 111247
the histories at any time. 111248

(D) A biological parent, or another person who provided 111249
information in the preparation of the social and medical histories 111250
of the biological parents of a minor, may cause the histories to 111251
be corrected or expanded to include different or additional types 111252
of information. The biological parent or other person may cause 111253
the histories to be corrected or expanded at any time prior or 111254
subsequent to the adoption of the minor, including any time after 111255
the minor becomes an adult. A biological parent may cause the 111256
histories to be corrected or expanded even if the biological 111257
parent did not provide any information to the assessor at the time 111258
the histories were prepared. 111259

To cause the histories to be corrected or expanded, a 111260
biological parent or other person who provided information shall 111261
provide the information to be included or specify the information 111262
to be corrected to whichever of the following is appropriate under 111263
the circumstances: 111264

(1) Subject to divisions (D)(2) and (3) of this section, to 111265
the assessor who prepared the histories if the biological parent 111266
or other person knows the assessor; 111267

(2) Subject to division (D)(3) of this section, to the court 111268
involved in the adoption or, if that court is not known, to the 111269
department of health, if the biological parent or person does not 111270
know the assessor or finds that the assessor has ceased to perform 111271
assessments; 111272

(3) To the department of health, if the histories were 111273
originally completed by the biological parent pursuant to section 111274
3107.393 of the Revised Code or, regardless of whether the 111275
histories were originally completed pursuant to this section or 111276

section 3107.091 or 3107.393 of the Revised Code, the biological 111277
parent seeks to correct or expand the histories at the same time 111278
the biological parent completes a contact preference form pursuant 111279
to section 3107.39 of the Revised Code or a biological parent's 111280
name redaction request form pursuant to section 3107.391 of the 111281
Revised Code. 111282

An assessor who receives information from a biological parent 111283
or other person pursuant to division (D)(1) of this section shall 111284
determine whether the information is of a type that divisions (B) 111285
and (C) of this section permit to be included in the histories. If 111286
the assessor determines the information is of a permissible type, 111287
the assessor shall cause the histories to be corrected or expanded 111288
to reflect the information. If, at the time the information is 111289
received, the histories have been filed with the court as required 111290
by division (E) of this section, the court shall cooperate with 111291
the assessor in correcting or expanding the histories. 111292

If the department of health or a court receives information 111293
from a biological parent or other person pursuant to division 111294
(D)(2) of this section or the department receives information from 111295
a biological parent pursuant to division (D)(3) of this section, 111296
it shall determine whether the information is of a type that 111297
divisions (B) and (C) of this section permit to be included in the 111298
histories. If a court determines the information is of a 111299
permissible type, the court shall cause the histories to be 111300
corrected or expanded to reflect the information. If the 111301
department of health so determines, the court involved shall 111302
cooperate with the department in the correcting or expanding of 111303
the histories. 111304

An assessor or the department of health shall notify a 111305
biological parent or other person in writing if the assessor or 111306
department determines that information the biological parent or 111307
other person provided or specified for inclusion in a history is 111308

not of a type that may be included in a history. On receipt of the notice, the biological parent or other person may petition the court involved in the adoption to make a finding as to whether the information is of a type that may be included in a history. On receipt of the petition, the court shall issue its finding without holding a hearing. If the court finds that the information is of a type that may be included in a history, it shall cause the history to be corrected or expanded to reflect the information.

(E) An assessor shall file the social and medical histories of the biological parents prepared pursuant to divisions (B) and (C) of this section with the court with which a petition to adopt the biological parents' child is filed. The court promptly shall provide a copy of the social and medical histories filed with it to the petitioner. In a case involving the adoption of a minor by any person other than the minor's stepparent or grandparent, a court may refuse to issue an interlocutory order or final decree of adoption if the histories of the biological parents have not been so filed, unless the assessor certifies to the court that information needed to prepare the histories is unavailable for reasons beyond the assessor's control.

Sec. 3107.091. (A) As used in this section, "biological parent" means a biological parent whose offspring, as a minor, was adopted and with respect to whom a medical and social history was not prepared prior or subsequent to the adoption.

(B) A biological parent may request the department of ~~job~~ children and family services ~~youth~~ to provide the biological parent with a copy of the social and medical history forms prescribed by the department pursuant to section 3107.09 of the Revised Code. The department, upon receipt of such a request, shall provide the forms to the biological parent, if the biological parent indicates that the forms are being requested so

that the adoption records of the biological parent's offspring 111340
will include a social and medical history of the biological 111341
parent. 111342

In completing the forms, the biological parent may include 111343
information described in division (C) of section 3107.09 of the 111344
Revised Code, but shall not include identifying information. When 111345
the biological parent has completed the forms to the extent the 111346
biological parent wishes to provide information, the biological 111347
parent shall return them to the department. The department shall 111348
review the completed forms, and shall determine whether the 111349
information included by the biological parent is of a type 111350
permissible under divisions (B) and (C) of section 3107.09 of the 111351
Revised Code and, to the best of its ability, whether the 111352
information is accurate. If it determines that the forms contain 111353
accurate, permissible information, the department, after excluding 111354
from the forms any information the department deems impermissible, 111355
shall file them with the court that entered the interlocutory 111356
order or final decree of adoption in the adoption case. If the 111357
department needs assistance in determining that court, the 111358
department of health, upon request, shall assist it. 111359

The department of ~~job children~~ and ~~family services~~ youth 111360
shall notify the biological parent in writing if it excludes from 111361
the biological parent's social and medical history forms 111362
information deemed impermissible. On receipt of the notice, the 111363
biological parent may petition the court with which the forms were 111364
filed to make a finding as to whether the information is 111365
permissible. On receipt of the petition, the court shall issue its 111366
finding without holding a hearing. If the court finds the 111367
information is permissible, it shall cause the information to be 111368
included on the forms. 111369

Upon receiving social and medical history forms pursuant to 111370
this section, a court shall cause them to be filed in the records 111371

pertaining to the adoption case. 111372

Social and medical history forms completed by a biological 111373
parent pursuant to this section may be corrected or expanded by 111374
the biological parent in accordance with division (D) of section 111375
3107.09 of the Revised Code. 111376

Access to the histories shall be granted in accordance with 111377
division (D) of section 3107.17 of the Revised Code. 111378

(C) This section does not preclude a biological parent from 111379
completing a social and medical history in accordance with section 111380
3107.393 of the Revised Code instead of this section. 111381

Sec. 3107.10. (A)(1) A public children services agency 111382
arranging an adoption in a county other than the county where that 111383
public children services agency is located, private child placing 111384
agency, or private noncustodial agency, or an attorney arranging 111385
an adoption, shall notify the public children services agency in 111386
the county in which the prospective adoptive parent resides within 111387
ten days after initiation of a home study required under section 111388
3107.031 of the Revised Code. 111389

(2) After a public children services agency has received 111390
notification pursuant to division (A)(1) of this section, both the 111391
public children services agency arranging an adoption in a county 111392
other than the county where that public children services agency 111393
is located, private child placing agency, private noncustodial 111394
agency, or attorney arranging an adoption, and the public children 111395
services agency shall share relevant information regarding the 111396
prospective adoptive parent as soon as possible after initiation 111397
of the home study. 111398

(B) A public children services agency arranging an adoption 111399
in a county other than the county where that public children 111400
services agency is located, private child placing agency, or 111401

private noncustodial agency, or an attorney arranging an adoption, 111402
shall notify the public children services agency in the county in 111403
which the prospective adoptive parent resides of an impending 111404
adoptive placement not later than ten days prior to that 111405
placement. Notification shall include a description of the special 111406
needs and the age of the prospective adoptive child and the name 111407
of the prospective adoptive parent and number of children that 111408
will be residing in the prospective adoptive home when the 111409
prospective adoptive child is placed in the prospective adoptive 111410
home. 111411

(C) An agency or attorney sharing relevant information 111412
pursuant to this section is immune from liability in a civil 111413
action to recover damages for injury, death, or loss to person or 111414
property allegedly caused by any act or omission in connection 111415
with sharing relevant information unless the acts or omissions are 111416
with malicious purpose, in bad faith, or in a wanton or reckless 111417
manner. 111418

(D) The director of ~~job children~~ and ~~family services~~ youth 111419
shall adopt rules in accordance with Chapter 119. of the Revised 111420
Code necessary for the implementation and execution of this 111421
section, including, but not limited to, a definition of "relevant 111422
information" for the purposes of division (A) of this section. 111423

(E) This section does not apply to an adoption by a 111424
stepparent whose spouse is a biological or adoptive parent of the 111425
minor to be adopted. 111426

Sec. 3107.101. (A) Not later than seven days after a minor to 111427
be adopted is placed in a prospective adoptive home pursuant to 111428
section 5103.16 of the Revised Code, the assessor providing 111429
placement or post placement services in the prospective adoptive 111430
home shall begin monthly prospective adoptive home visits in that 111431
home, until the court issues a final decree of adoption. During 111432

the prospective adoptive home visits, the assessor shall evaluate 111433
the progression of the placement in the prospective adoptive home. 111434
The assessor shall include the evaluation in the prefinalization 111435
assessment required under section 3107.12 of the Revised Code. 111436

(B) During the prospective home visit required under division 111437
(A) of this section, the assessor shall make face-to-face contact 111438
with the prospective adoptive parent and the minor to be adopted. 111439
The assessor shall make contact, as prescribed by rule under 111440
division (C) of this section, with all other children or adults 111441
residing in the prospective adoptive home. 111442

(C) The director of ~~job~~ children and ~~family services~~ youth 111443
shall adopt rules in accordance with Chapter 119. of the Revised 111444
Code necessary for the implementation and execution of this 111445
section. 111446

(D) This section does not apply to an adoption by a 111447
stepparent whose spouse is a biological or adoptive parent of the 111448
minor to be adopted. 111449

Sec. 3107.12. (A) Except as provided in division (B) of this 111450
section, an assessor shall conduct a prefinalization assessment of 111451
a minor and petitioner before a court issues a final decree of 111452
adoption or finalizes an interlocutory order of adoption for the 111453
minor. On completion of the assessment, the assessor shall prepare 111454
a written report of the assessment and provide a copy of the 111455
report to the court before which the adoption petition is pending. 111456

The report of a prefinalization assessment shall include all 111457
of the following: 111458

(1) The adjustment of the minor and the petitioner to the 111459
adoptive placement; 111460

(2) The present and anticipated needs of the minor and the 111461
petitioner, as determined by a review of the minor's medical and 111462

social history, for adoption-related services, including 111463
assistance under Title IV-E of the "Social Security Act," 94 Stat. 111464
501 (1980), 42 U.S.C.A. 670, as amended, or section 5153.163 of 111465
the Revised Code and counseling, case management services, crisis 111466
services, diagnostic services, and therapeutic counseling. 111467

(3) The physical, mental, and developmental condition of the 111468
minor; 111469

(4) If known, the minor's biological family background, 111470
including identifying information about the biological or other 111471
legal parents; 111472

(5) The reasons for the minor's placement with the 111473
petitioner, the petitioner's attitude toward the proposed 111474
adoption, and the circumstances under which the minor was placed 111475
in the home of the petitioner; 111476

(6) The attitude of the minor toward the proposed adoption, 111477
if the minor's age makes this feasible; 111478

(7) If the minor is an Indian child, as defined in 25 111479
U.S.C.A. 1903(4), how the placement complies with the "Indian 111480
Child Welfare Act of 1978," 92 Stat. 3069, 25 U.S.C.A. 1901, as 111481
amended; 111482

(8) If known, the minor's psychological background, including 111483
prior abuse of the child and behavioral problems of the child; 111484

(9) If applicable, the documents or forms required under 111485
sections 3107.032, 3107.10, and 3107.101 of the Revised Code. 111486

The assessor shall file the prefinalization report with the 111487
court not later than twenty days prior to the date scheduled for 111488
the final hearing on the adoption unless the court determines 111489
there is good cause for filing the report at a later date. 111490

The assessor shall provide a copy of the written report of 111491
the assessment to the petitioner with the identifying information 111492

about the biological or other legal parents redacted. 111493

(B) This section does not apply if the petitioner is the 111494
minor's stepparent, unless a court, after determining a 111495
prefinalization assessment is in the best interest of the minor, 111496
orders that an assessor conduct a prefinalization assessment. 111497

(C) The director of ~~job~~ children and ~~family services~~ youth 111498
shall adopt rules in accordance with Chapter 119. of the Revised 111499
Code defining "counseling," "case management services," "crisis 111500
services," "diagnostic services," and "therapeutic counseling" for 111501
the purpose of this section. 111502

Sec. 3107.13. (A) A final decree of adoption shall not be 111503
issued and an interlocutory order of adoption does not become 111504
final, until the person to be adopted has lived in the adoptive 111505
home for at least six months after placement by an agency, or for 111506
at least six months after the department of ~~job~~ children and 111507
~~family services~~ youth or the court has been informed of the 111508
placement of the person with the petitioner, and the department or 111509
court has had an opportunity to observe or investigate the 111510
adoptive home, or in the case of adoption by a stepparent, until 111511
at least six months after the filing of the petition, or until the 111512
child has lived in the home for at least six months. 111513

(B) In the case of a foster caregiver adopting a foster child 111514
or person adopting a child to whom the person is related, the 111515
court shall apply the amount of time the child lived in the foster 111516
caregiver's or relative's home prior to the date the foster 111517
caregiver or relative files the petition to adopt the child toward 111518
the six-month waiting period established by division (A) of this 111519
section. 111520

Sec. 3107.141. After an assessor files a home study report 111521
under section 3107.031, a social and medical history under section 111522

3107.09, or a prefinalization assessment report under section 111523
3107.12 of the Revised Code, or the department of ~~job~~ children and 111524
~~family services~~ youth or department of health files a social and 111525
medical history under section 3107.091 or 3107.393 of the Revised 111526
Code, a court may do either or both of the following if the court 111527
determines the report or history does not comply with the 111528
requirements governing the report or history or, in the case of a 111529
home study or prefinalization assessment report, does not enable 111530
the court to determine whether an adoption is in the best interest 111531
of the minor to be adopted: 111532

(A) Order the assessor or department to redo or supplement 111533
the report or history in a manner the court directs; 111534

(B) Appoint a different assessor to redo or supplement the 111535
report or history in a manner the court directs. 111536

Sec. 3107.17. (A) All hearings held under sections 3107.01 to 111537
3107.19 of the Revised Code shall be held in closed court without 111538
the admittance of any person other than essential officers of the 111539
court, the parties, the witnesses of the parties, counsel, persons 111540
who have not previously consented to an adoption but who are 111541
required to consent, and representatives of the agencies present 111542
to perform their official duties. 111543

(B)(1) Except as provided in divisions (B)(2) and (D) of this 111544
section, sections 3107.38 and 3107.381, and sections 3107.60 to 111545
3107.68 of the Revised Code, no person or governmental entity 111546
shall knowingly reveal any information contained in a paper, book, 111547
or record pertaining to an adoption that is part of the permanent 111548
record of a court or maintained by the department of ~~job~~ children 111549
and ~~family services~~ youth, an agency, or attorney without the 111550
consent of a court. 111551

(2) An agency or attorney may examine the agency's or 111552
attorney's own papers, books, and records pertaining to an 111553

adoption without a court's consent for official administrative 111554
purposes. The department of ~~job~~ children and ~~family services~~ youth 111555
may examine its own papers, books, and records pertaining to an 111556
adoption, or such papers, books, and records of an agency, without 111557
a court's consent for official administrative, certification, and 111558
eligibility determination purposes. 111559

(C) The petition, the interlocutory order, the final decree 111560
of adoption, and other adoption proceedings shall be recorded in a 111561
book kept for such purposes and shall be separately indexed. The 111562
book shall be a part of the records of the court, and all 111563
consents, affidavits, and other papers shall be properly filed. 111564

(D) All forms that pertain to the social or medical histories 111565
of the biological parents of an adopted person and that were 111566
completed pursuant to section 3107.09, 3107.091, or 3107.393 of 111567
the Revised Code shall be filed only in the permanent record kept 111568
by the court. During the minority of the adopted person, only the 111569
adoptive parents of the person may inspect the forms. When an 111570
adopted person reaches majority, only the adopted person may 111571
inspect the forms. Under the circumstances described in this 111572
division, an adopted person or the adoptive parents are entitled 111573
to inspect the forms upon requesting the clerk of the court to 111574
produce them. 111575

(E)(1) The department of ~~job~~ children and ~~family services~~ 111576
youth shall prescribe a form that permits any person who is 111577
authorized by division (D) of this section to inspect forms that 111578
pertain to the social or medical histories of the biological 111579
parents and that were completed pursuant to section 3107.09, 111580
3107.091, or 3107.393 of the Revised Code to request notice if any 111581
correction or expansion of either such history, made pursuant to 111582
division (D) of section 3107.09 of the Revised Code, is made a 111583
part of the permanent record kept by the court. The form shall be 111584
designed to facilitate the provision of the information and 111585

statements described in division (E)(3) of this section. The 111586
department shall provide copies of the form to each court. A court 111587
shall provide a copy of the request form to each adoptive parent 111588
when a final decree of adoption is entered and shall explain to 111589
each adoptive parent at that time that an adoptive parent who 111590
completes and files the form will be notified of any correction or 111591
expansion of either the social or medical history of the 111592
biological parents of the adopted person made during the minority 111593
of the adopted person that is made a part of the permanent record 111594
kept by the court, and that, during the adopted person's minority, 111595
the adopted person may inspect the forms that pertain to those 111596
histories. Upon request, the court also shall provide a copy of 111597
the request form to any adoptive parent during the minority of the 111598
adopted person and to an adopted person who has reached the age of 111599
majority. 111600

(2) Any person who is authorized to inspect forms pursuant to 111601
division (D) of this section who wishes to be notified of 111602
corrections or expansions pursuant to division (D) of section 111603
3107.09 of the Revised Code that are made a part of the permanent 111604
record kept by the court shall file with the court, on a copy of 111605
the form prescribed by the department of ~~job~~ children and ~~family~~ 111606
~~services~~ youth pursuant to division (E)(1) of this section, a 111607
request for such notification that contains the information and 111608
statements required by division (E)(3) of this section. A request 111609
may be filed at any time if the person who files the request is 111610
authorized at that time to inspect forms that pertain to the 111611
social or medical histories. 111612

(3) A request for notification as described in division 111613
(E)(2) of this section shall contain all of the following 111614
information: 111615

(a) The adopted person's name and mailing address at that 111616
time; 111617

(b) The name of each adoptive parent, and if the adoptive person is a minor at the time of the filing of the request, the mailing address of each adoptive parent at that time; 111618
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(c) The adopted person's date of birth; 111621

(d) The date of entry of the final decree of adoption; 111622

(e) A statement requesting the court to notify the person who files the request, at the address provided in the request, if any correction or expansion of either the social or medical history of the biological parents is made a part of the permanent record kept by the court; 111623
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(f) A statement that the person who files the request is authorized, at the time of the filing, to inspect the forms that pertain to the social and medical histories of the biological parents; 111628
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(g) The signature of the person who files the request. 111632

(4) Upon the filing of a request for notification in accordance with division (E)(2) of this section, the clerk of the court in which it is filed immediately shall insert the request in the permanent record of the case. A person who has filed the request and who wishes to update it with respect to a new mailing address may inform the court in writing of the new address. Upon its receipt, the court promptly shall insert the new address into the permanent record by attaching it to the request. Thereafter, any notification described in this division shall be sent to the new address. 111633
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(5) Whenever a social or medical history of a biological parent is corrected or expanded and the correction or expansion is made a part of the permanent record kept by the court, the court shall ascertain whether a request for notification has been filed in accordance with division (E)(2) of this section. If such a request has been filed, the court shall determine whether, at that 111643
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time, the person who filed the request is authorized, under 111649
division (D) of this section, to inspect the forms that pertain to 111650
the social or medical history of the biological parents. If the 111651
court determines that the person who filed the request is so 111652
authorized, it immediately shall notify the person that the social 111653
or medical history has been corrected or expanded, that it has 111654
been made a part of the permanent record kept by the court, and 111655
that the forms that pertain to the records may be inspected in 111656
accordance with division (D) of this section. 111657

Sec. 3107.39. (A) The department of ~~job~~ children and ~~family~~ 111658
~~services~~ youth shall prescribe a contact preference form for 111659
biological parents. The form shall include all of the following: 111660

(1) A component in which a biological parent is to indicate 111661
one of the following regarding a person who receives, under 111662
section 3107.38 of the Revised Code, a copy of the contents of the 111663
adoption file of the parent's offspring: 111664

(a) That the biological parent welcomes the person to contact 111665
the parent directly; 111666

(b) That the biological parent prefers that the person 111667
contact the parent through an intermediary who the parent 111668
specifies on the form; 111669

(c) That the biological parent prefers that the person not 111670
contact the parent directly or through an intermediary. 111671

(2) Provisions necessary for the department of health to be 111672
able to identify the adoption file of the adopted person to whom 111673
the form pertains; 111674

(3) The following notices: 111675

(a) If a social and medical history for the biological parent 111676
was not previously prepared or such a history was prepared but 111677
should be corrected or expanded, that the biological parent is 111678

encouraged to do the following as appropriate: 111679

(i) Complete a social and medical history form in accordance 111680
with section 3107.091 or 3107.393 of the Revised Code; 111681

(ii) Correct or expand the biological parent's social and 111682
medical history in accordance with division (D) of section 3107.09 111683
of the Revised Code. 111684

(b) That a biological parent's preference regarding contact 111685
as indicated on a completed contact preference form is advisory 111686
only and therefore unenforceable; 111687

(c) That the biological parent may change the parent's 111688
indicated preference regarding contact by filing a new contact 111689
preference form with the department of health. 111690

(4) A space in which the biological parent indicates whether 111691
one or more of the following apply: 111692

(a) The biological parent knows that a social and medical 111693
history was prepared for the biological parent pursuant to section 111694
3107.09 of the Revised Code; 111695

(b) The biological parent completed a social and medical 111696
history form in accordance with section 3107.091 or 3107.393 of 111697
the Revised Code; 111698

(c) The biological parent corrected or expanded the 111699
biological parent's social and medical history in accordance with 111700
division (D) of section 3107.09 of the Revised Code. 111701

(5) A notice of both of the following: 111702

(a) That an adopted person may do either or both of the 111703
following: 111704

(i) Inspect, pursuant to division (D) of section 3107.17 of 111705
the Revised Code, a social and medical history form of a 111706
biological parent of the adopted person maintained by the court 111707
that entered the interlocutory order or final decree of adoption 111708

regarding the adopted person; 111709

(ii) Submit to that court, pursuant to division (E) of 111710
section 3107.17 of the Revised Code, a request for notification of 111711
a correction or expansion of a social and medical history of a 111712
biological parent of the adopted person. 111713

(b) That an adopted person who does not know which court 111714
entered the interlocutory order or final decree of adoption 111715
regarding the adopted person may seek assistance from the 111716
department of health in accordance with section 3107.171 of the 111717
Revised Code. 111718

(B) The department of ~~job children~~ and ~~family services~~ youth 111719
shall make the contact preference form prescribed under this 111720
section available to the department of health. 111721

(C) The department of health shall make a contact preference 111722
form available to a biological parent on request. The department 111723
of health may accept a completed contact preference form from a 111724
biological parent only if the parent provides it two items of 111725
identification of the parent. If the department of health 111726
determines that it may accept a completed contact preference form, 111727
it shall accept the form. As soon as the department identifies the 111728
adoption file of the adopted person to whom the form pertains, it 111729
shall place the form in that file. If there is a previously 111730
completed contact preference form from the biological parent in 111731
the adopted person's adoption file, the department of health shall 111732
replace the parent's older form with the parent's new form. 111733

(D) Subject to division (C) of this section, a biological 111734
parent may file a completed contact preference form with the 111735
department of health to change the parent's indicated preference 111736
regarding contact as many times as the parent wishes. 111737

Sec. 3109.172. (A) As used in this section, "county 111738

prevention specialist" includes the following: 111739

(1) Members of agencies responsible for the administration of 111740
children's services in the counties within a child abuse and child 111741
neglect prevention region established in section 3109.171 of the 111742
Revised Code; 111743

(2) Providers of alcohol or drug addiction services or 111744
members of boards of alcohol, drug addiction, and mental health 111745
services that serve counties within a region; 111746

(3) Providers of mental health services or members of boards 111747
of alcohol, drug addiction, and mental health services that serve 111748
counties within a region; 111749

(4) Members of county boards of developmental disabilities 111750
that serve counties within a region; 111751

(5) Members of the educational community appointed by the 111752
superintendent of the school district with the largest enrollment 111753
in the counties within a region; 111754

(6) Juvenile justice officials serving counties within a 111755
region; 111756

(7) Pediatricians, health department nurses, and other 111757
members of the medical community in the counties within a region; 111758

(8) Counselors and social workers serving counties within a 111759
region; 111760

(9) Head start agencies serving counties within a region; 111761

(10) Child care providers serving counties within a region; 111762

(11) Other persons with demonstrated knowledge in programs 111763
for children serving counties within a region. 111764

(B) Each child abuse and child neglect prevention region 111765
shall have a child abuse and child neglect regional prevention 111766
council as appointed under divisions (C), (D), and (E) of this 111767

section. Each council shall operate in accordance with rules 111768
adopted by the department of ~~job children~~ and ~~family services~~ 111769
youth pursuant to Chapter 119. of the Revised Code. 111770

(C)(1) Each board of county commissioners within a region may 111771
appoint up to two county prevention specialists to the council 111772
representing the county, in accordance with rules adopted by the 111773
department of ~~job children~~ and ~~family services~~ youth under Chapter 111774
119. of the Revised Code. 111775

(2) The children's trust fund board may appoint additional 111776
county prevention specialists to each region's council at the 111777
board's discretion. 111778

(3) A representative of the council's regional prevention 111779
coordinator shall serve as a nonvoting member of the council. 111780

(D) Each council member appointed under division (C)(1) of 111781
this section shall be appointed for a two-year term. Each council 111782
member appointed under division (C)(2) or (3) of this section 111783
shall be appointed for a three-year term. A member may be 111784
reappointed, but for two consecutive terms only. 111785

(E) A member may be removed from the council by the member's 111786
appointing authority for misconduct, incompetence, or neglect of 111787
duty. 111788

(F) Each appointed member of a council shall serve without 111789
compensation but shall be reimbursed for all actual and necessary 111790
expenses incurred in the performance of official duties. 111791

(G) The representative of the regional prevention coordinator 111792
shall serve as chairperson of the council. 111793

(H) Each council shall meet at least quarterly. 111794

(I) Council members shall do all of the following: 111795

(1) Attend meetings of the council on which they serve; 111796

(2) Assist the regional prevention coordinator in conducting 111797

a needs assessment to ascertain the child abuse and child neglect prevention programming and services that are needed in their region; 111798
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(3) Collaborate on assembling the council's regional prevention plan based on children's trust fund board guidelines pursuant to section 3109.174 of the Revised Code; 111801
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(4) Assist the council's regional prevention coordinator with all of the following: 111804
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(a) Implementing the regional prevention plan, including monitoring fulfillment of child abuse and child neglect prevention deliverables and achievement of prevention outcomes; 111806
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(b) Coordinating county data collection; 111809

(c) Ensuring timely and accurate reporting to the children's trust fund board. 111810
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(5) Any additional duties specified in accordance with rules adopted by the department pursuant to Chapter 119. of the Revised Code. 111812
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(J) No council member shall participate in matters of the council pertaining to their own interests, including applications for funding by a council member or any entity, public or private, of which a council member serves as either a board member or employee. 111815
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(K) Each council shall file with the children's trust fund board, not later than the due dates specified by the board, a progress report and an annual report regarding the council's child abuse and child neglect prevention programs and activities undertaken in accordance with the council's regional prevention plan. The reports shall contain all information required by the board. 111820
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Sec. 3109.174. Each child abuse and child neglect regional 111827

prevention council shall submit to the children's trust fund board 111828
a regional prevention plan for funding child abuse and child 111829
neglect prevention programs and activities based on criteria set 111830
forth by the children's trust fund. 111831

The plan shall be submitted on the form and in the manner 111832
specified in rules adopted by the department of ~~job~~ children and 111833
~~family services~~ youth pursuant to Chapter 119. of the Revised 111834
Code. 111835

Sec. 3109.401. (A) The general assembly finds the following: 111836

(1) That the parent and child relationship is of fundamental 111837
importance to the welfare of a child, and that the relationship 111838
between a child and each parent should be fostered unless 111839
inconsistent with the child's best interests; 111840

(2) That parents have the responsibility to make decisions 111841
and perform other parenting functions necessary for the care and 111842
growth of their children; 111843

(3) That the courts, when allocating parenting functions and 111844
responsibilities with respect to the child in a divorce, 111845
dissolution of marriage, legal separation, annulment, or any other 111846
proceeding addressing the allocation of parental rights and 111847
responsibilities, must determine the child's best interests; 111848

(4) That the courts and parents must take into consideration 111849
the following general principles when allocating parental rights 111850
and responsibilities and developing appropriate terms for 111851
parenting plans: 111852

(a) Children are served by a parenting arrangement that best 111853
provides for a child's safety, emotional growth, health, 111854
stability, and physical care. 111855

(b) Exposure of the child to harmful parental conflict should 111856
be minimized as much as possible. 111857

(c) Whenever appropriate, parents should be encouraged to 111858
meet their responsibilities to their children through agreements 111859
rather than by relying on judicial intervention. 111860

(d) When a parenting plan provides for mutual decision-making 111861
responsibility by the parents but they are unable to make 111862
decisions mutually, they should make a good faith effort to 111863
utilize the mediation process as required by the parenting plan. 111864

(e) In apportioning between the parents the daily physical 111865
living arrangements of the child and the child's location during 111866
legal and school holidays, vacations, and days of special 111867
importance, a court should not impose any type of standard 111868
schedule unless a standard schedule meets the needs of the child 111869
better than any proposed alternative parenting plan. 111870

(B) It is, therefore, the purpose of this chapter, when it is 111871
in the child's best interest, to foster the relationship between 111872
the child and each parent when a court allocates parental rights 111873
and responsibilities with respect to the child in a divorce, 111874
dissolution, legal separation, annulment, or any other proceeding 111875
addressing the allocation of parental rights and responsibilities. 111876

~~(C) There is hereby created the task force on family law and 111877
children consisting of twenty four members. The Ohio state bar 111878
association shall appoint three members who shall be attorneys 111879
with extensive experience in the practice of family law. The Ohio 111880
association of domestic relations judges shall appoint three 111881
members who shall be domestic relations judges. The Ohio 111882
association of juvenile and family court judges shall appoint 111883
three members who shall be juvenile or family court judges. The 111884
chief justice of the supreme court shall appoint eight members, 111885
three of whom shall be persons who practice in the field of family 111886
law mediation, two of whom shall be persons who practice in the 111887
field of child psychology, one of whom shall be a person who 111888
represents parent and child advocacy organizations, one of whom 111889~~

~~shall be a person who provides parenting education services, and 111890
one of whom shall be a magistrate employed by a domestic relations 111891
or juvenile court. The speaker of the house of representatives 111892
shall appoint two members who shall be members of the house of 111893
representatives and who shall be from different political parties. 111894
The president of the senate shall appoint two members who shall be 111895
members of the senate and who shall be from different political 111896
parties. The governor shall appoint two members who shall 111897
represent child caring agencies. One member shall be the director 111898
of job and family services or the director's designee. The chief 111899
justice shall designate one member of the task force to chair the 111900
task force. 111901~~

~~The appointing authorities and persons shall make 111902
appointments to the task force on family law and children within 111903
thirty days after September 1, 1998. Sections 101.82 to 101.87 of 111904
the Revised Code do not apply to the task force. 111905~~

~~(D) The task force on family law and children shall do all of 111906
the following: 111907~~

~~(1) Appoint and fix the compensation of any technical, 111908
professional, and clerical employees and perform any services that 111909
are necessary to carry out the powers and duties of the task force 111910
on family law and children. All employees of the task force shall 111911
serve at the pleasure of the task force. 111912~~

~~(2) By July 1, 2001, submit to the speaker and minority 111913
leader of the house of representatives and to the president and 111914
the minority leader of the senate a report of its findings and 111915
recommendations on how to create a more civilized and constructive 111916
process for the parenting of children whose parents do not reside 111917
together. The recommendations shall propose a system to do all of 111918
the following: 111919~~

~~(a) Put children first; 111920~~

(b) Provide families with choices before they make a decision to obtain or finalize a divorce, dissolution, legal separation, or annulment;	111921
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(c) Redirect human services to intervention and prevention, rather than supporting the casualties of the current process;	111924
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(d) Avoid needless conflict between the participants;	111926
(e) Encourage problem solving among the participants;	111927
(f) Force the participants to act responsibly;	111928
(g) Shield both the participants and their children from lasting emotional damage.	111929
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(3) Gather information on and study the current state of family law in this state;	111931
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(4) Collaborate and consult with entities engaged in family and children's issues including, but not limited to, the Ohio association of child caring agencies, the Ohio family court feasibility study, and the Ohio courts futures commission;	111933
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(5) Utilize findings and outcomes from pilot projects conducted by the Ohio family court feasibility study to explore alternatives in creating a more civilized and constructive process for the parenting of children whose parents do not reside together with an emphasis on the areas of mediation and obtaining visitation compliance.	111937
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(E) Courts of common pleas shall cooperate with the task force on family law and children in the performance of the task force's duties described in division (D) of this section.	111943
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Sec. 3301.079. (A)(1) The state board of education	111946
periodically shall adopt statewide academic standards with	111947
emphasis on coherence, focus, and essential knowledge and that are	111948
more challenging and demanding when compared to international	111949

standards for each of grades kindergarten through twelve in English language arts, mathematics, science, and social studies. (a) The state board shall ensure that the standards do all of the following: (i) Include the essential academic content and skills that students are expected to know and be able to do at each grade level that will allow each student to be prepared for postsecondary instruction and the workplace for success in the twenty-first century; (ii) Include the development of skill sets that promote information, media, and technological literacy; (iii) Include interdisciplinary, project-based, real-world learning opportunities; (iv) Instill life-long learning by providing essential knowledge and skills based in the liberal arts tradition, as well as science, technology, engineering, mathematics, and career-technical education; (v) Be clearly written, transparent, and understandable by parents, educators, and the general public. (b) Not later than July 1, 2012, the state board shall incorporate into the social studies standards for grades four to twelve academic content regarding the original texts of the Declaration of Independence, the Northwest Ordinance, the Constitution of the United States and its amendments, with emphasis on the Bill of Rights, and the Ohio Constitution, and their original context. The state board shall revise the model curricula and achievement assessments adopted under divisions (B) and (C) of this section as necessary to reflect the additional American history and American government content. The state board shall make available a list of suggested grade-appropriate

supplemental readings that place the documents prescribed by this 111980
division in their historical context, which teachers may use as a 111981
resource to assist students in reading the documents within that 111982
context. 111983

(c) When the state board adopts or revises academic content 111984
standards in social studies, American history, American 111985
government, or science under division (A)(1) of this section, the 111986
state board shall develop such standards independently and not as 111987
part of a multistate consortium. 111988

(2) After completing the standards required by division 111989
(A)(1) of this section, the state board shall adopt standards and 111990
model curricula for instruction in technology, financial literacy 111991
and entrepreneurship, fine arts, and foreign language for grades 111992
kindergarten through twelve. The standards shall meet the same 111993
requirements prescribed in division (A)(1)(a) of this section. 111994

(3) The state board shall adopt the most recent standards 111995
developed by the national association for sport and physical 111996
education for physical education in grades kindergarten through 111997
twelve or shall adopt its own standards for physical education in 111998
those grades and revise and update them periodically. 111999

The department of education shall employ a full-time physical 112000
education coordinator to provide guidance and technical assistance 112001
to districts, community schools, and STEM schools in implementing 112002
the physical education standards adopted under this division. The 112003
superintendent of public instruction shall determine that the 112004
person employed as coordinator is qualified for the position, as 112005
demonstrated by possessing an adequate combination of education, 112006
license, and experience. 112007

(4) Not later than September 30, 2022, the state board shall 112008
update the standards and model curriculum for instruction in 112009
computer science in grades kindergarten through twelve, which 112010

shall include standards for introductory and advanced computer 112011
science courses in grades nine through twelve. When developing the 112012
standards and curriculum, the state board shall consider 112013
recommendations from computer science education stakeholder 112014
groups, including teachers and representatives from higher 112015
education, industry, computer science organizations in Ohio, and 112016
national computer science organizations. 112017

Any district or school may utilize the computer science 112018
standards or model curriculum or any part thereof adopted pursuant 112019
to division (A)(4) of this section. However, no district or school 112020
shall be required to utilize all or any part of the standards or 112021
curriculum. 112022

(5) When academic standards have been completed for any 112023
subject area required by this section, the state board shall 112024
inform all school districts, all community schools established 112025
under Chapter 3314. of the Revised Code, all STEM schools 112026
established under Chapter 3326. of the Revised Code, and all 112027
nonpublic schools required to administer the assessments 112028
prescribed by sections 3301.0710 and 3301.0712 of the Revised Code 112029
of the content of those standards. Additionally, upon completion 112030
of any academic standards under this section, the department shall 112031
post those standards on the department's web site. 112032

(B)(1) The state board shall adopt a model curriculum for 112033
instruction in each subject area for which updated academic 112034
standards are required by division (A)(1) of this section and for 112035
each of grades kindergarten through twelve that is sufficient to 112036
meet the needs of students in every community. The model 112037
curriculum shall be aligned with the standards, to ensure that the 112038
academic content and skills specified for each grade level are 112039
taught to students, and shall demonstrate vertical articulation 112040
and emphasize coherence, focus, and rigor. When any model 112041
curriculum has been completed, the state board shall inform all 112042

school districts, community schools, and STEM schools of the 112043
content of that model curriculum. 112044

(2) Not later than June 30, 2013, the state board, in 112045
consultation with any office housed in the governor's office that 112046
deals with workforce development, shall adopt model curricula for 112047
grades kindergarten through twelve that embed career connection 112048
learning strategies into regular classroom instruction. 112049

(3) All school districts, community schools, and STEM schools 112050
may utilize the state standards and the model curriculum 112051
established by the state board, together with other relevant 112052
resources, examples, or models to ensure that students have the 112053
opportunity to attain the academic standards. Upon request, the 112054
department shall provide technical assistance to any district, 112055
community school, or STEM school in implementing the model 112056
curriculum. 112057

Nothing in this section requires any school district to 112058
utilize all or any part of a model curriculum developed under this 112059
section. 112060

(C) The state board shall develop achievement assessments 112061
aligned with the academic standards and model curriculum for each 112062
of the subject areas and grade levels required by divisions (A)(1) 112063
and (B)(1) of section 3301.0710 of the Revised Code. 112064

When any achievement assessment has been completed, the state 112065
board shall inform all school districts, community schools, STEM 112066
schools, and nonpublic schools required to administer the 112067
assessment of its completion, and the department shall make the 112068
achievement assessment available to the districts and schools. 112069

(D)(1) The state board shall adopt a diagnostic assessment 112070
aligned with the academic standards and model curriculum for ~~each~~ 112071
~~of grades kindergarten through~~ one and two in reading, writing, 112072
and mathematics and for grade three in reading and writing. The 112073

diagnostic assessment shall be designed to measure student 112074
comprehension of academic content and mastery of related skills 112075
for the relevant subject area and grade level. Any diagnostic 112076
assessment shall not include components to identify gifted 112077
students. Blank copies of diagnostic assessments shall be public 112078
records. 112079

(2) When each diagnostic assessment has been completed, the 112080
state board shall inform all school districts of its completion 112081
and the department shall make the diagnostic assessment available 112082
to the districts at no cost to the district. 112083

(3) School districts shall administer the diagnostic 112084
assessment pursuant to section 3301.0715 of the Revised Code 112085
beginning the first school year following the development of the 112086
assessment. 112087

However, beginning with the 2017-2018 school year, both of 112088
the following shall apply: 112089

(a) In the case of the diagnostic assessments for grades one 112090
or two in writing or mathematics or for grade three in writing, a 112091
school district shall not be required to administer any such 112092
assessment, but may do so at the discretion of the district board; 112093

(b) In the case of any diagnostic assessment that is not for 112094
the grade levels and subject areas specified in division (D)(3)(a) 112095
of this section, each school district shall administer the 112096
assessment in the manner prescribed by section 3301.0715 of the 112097
Revised Code. 112098

(E) The state board shall not adopt a diagnostic or 112099
achievement assessment for any grade level or subject area other 112100
than those specified in this section. 112101

(F) Whenever the state board or the department consults with 112102
persons for the purpose of drafting or reviewing any standards, 112103
diagnostic assessments, achievement assessments, or model 112104

curriculum required under this section, the state board or the 112105
department shall first consult with parents of students in 112106
kindergarten through twelfth grade and with active Ohio classroom 112107
teachers, other school personnel, and administrators with 112108
expertise in the appropriate subject area. Whenever practicable, 112109
the state board and department shall consult with teachers 112110
recognized as outstanding in their fields. 112111

If the department contracts with more than one outside entity 112112
for the development of the achievement assessments required by 112113
this section, the department shall ensure the interchangeability 112114
of those assessments. 112115

(G) Whenever the state board adopts standards or model 112116
curricula under this section, the department also shall provide 112117
information on the use of blended, online, or digital learning in 112118
the delivery of the standards or curricula to students in 112119
accordance with division (A)(5) of this section. 112120

(H) The fairness sensitivity review committee, established by 112121
rule of the state board of education, shall not allow any question 112122
on any achievement or diagnostic assessment developed under this 112123
section or any proficiency test prescribed by former section 112124
3301.0710 of the Revised Code, as it existed prior to September 112125
11, 2001, to include, be written to promote, or inquire as to 112126
individual moral or social values or beliefs. The decision of the 112127
committee shall be final. This section does not create a private 112128
cause of action. 112129

(I) Not later than sixty days prior to the adoption by the 112130
state board of updated academic standards under division (A)(1) of 112131
this section or updated model curricula under division (B)(1) of 112132
this section, the superintendent of public instruction shall 112133
present the academic standards or model curricula, as applicable, 112134
in person at a public hearing of the respective committees of the 112135
house of representatives and senate that consider education 112136

legislation.	112137
(J) As used in this section:	112138
(1) "Blended learning" means the delivery of instruction in a combination of time primarily in a supervised physical location away from home and online delivery whereby the student has some element of control over time, place, path, or pace of learning and includes noncomputer-based learning opportunities.	112139 112140 112141 112142 112143
(2) "Online learning" means students work primarily from their residences on assignments delivered via an internet- or other computer-based instructional method.	112144 112145 112146
(3) "Coherence" means a reflection of the structure of the discipline being taught.	112147 112148
(4) "Digital learning" means learning facilitated by technology that gives students some element of control over time, place, path, or pace of learning.	112149 112150 112151
(5) "Focus" means limiting the number of items included in a curriculum to allow for deeper exploration of the subject matter.	112152 112153
(6) "Vertical articulation" means key academic concepts and skills associated with mastery in particular content areas should be articulated and reinforced in a developmentally appropriate manner at each grade level so that over time students acquire a depth of knowledge and understanding in the core academic disciplines.	112154 112155 112156 112157 112158 112159
Sec. 3301.0714. (A) The state board of education shall adopt rules for a statewide education management information system. The rules shall require the state board to establish guidelines for the establishment and maintenance of the system in accordance with this section and the rules adopted under this section. The guidelines shall include:	112160 112161 112162 112163 112164 112165
(1) Standards identifying and defining the types of data in	112166

the system in accordance with divisions (B) and (C) of this section; 112167
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(2) Procedures for annually collecting and reporting the data to the state board in accordance with division (D) of this section; 112169
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(3) Procedures for annually compiling the data in accordance with division (G) of this section; 112172
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(4) Procedures for annually reporting the data to the public in accordance with division (H) of this section; 112174
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(5) Standards to provide strict safeguards to protect the confidentiality of personally identifiable student data. 112176
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(B) The guidelines adopted under this section shall require the data maintained in the education management information system to include at least the following: 112178
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(1) Student participation and performance data, for each grade in each school district as a whole and for each grade in each school building in each school district, that includes: 112181
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(a) The numbers of students receiving each category of instructional service offered by the school district, such as regular education instruction, vocational education instruction, specialized instruction programs or enrichment instruction that is part of the educational curriculum, instruction for gifted students, instruction for students with disabilities, and remedial instruction. The guidelines shall require instructional services under this division to be divided into discrete categories if an instructional service is limited to a specific subject, a specific type of student, or both, such as regular instructional services in mathematics, remedial reading instructional services, instructional services specifically for students gifted in mathematics or some other subject area, or instructional services for students with a specific type of disability. The categories of 112184
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instructional services required by the guidelines under this	112198
division shall be the same as the categories of instructional	112199
services used in determining cost units pursuant to division	112200
(C)(3) of this section.	112201
(b) The numbers of students receiving support or	112202
extracurricular services for each of the support services or	112203
extracurricular programs offered by the school district, such as	112204
counseling services, health services, and extracurricular sports	112205
and fine arts programs. The categories of services required by the	112206
guidelines under this division shall be the same as the categories	112207
of services used in determining cost units pursuant to division	112208
(C)(4)(a) of this section.	112209
(c) Average student grades in each subject in grades nine	112210
through twelve;	112211
(d) Academic achievement levels as assessed under sections	112212
3301.0710, 3301.0711, and 3301.0712 of the Revised Code;	112213
(e) The number of students designated as having a disabling	112214
condition pursuant to division (C)(1) of section 3301.0711 of the	112215
Revised Code;	112216
(f) The numbers of students reported to the state board	112217
pursuant to division (C)(2) of section 3301.0711 of the Revised	112218
Code;	112219
(g) Attendance rates and the average daily attendance for the	112220
year. For purposes of this division, a student shall be counted as	112221
present for any field trip that is approved by the school	112222
administration.	112223
(h) Expulsion rates;	112224
(i) Suspension rates;	112225
(j) Dropout rates;	112226
(k) Rates of retention in grade;	112227

(l) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules;

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(m) Graduation rates, to be calculated in a manner specified by the department of education that reflects the rate at which students who were in the ninth grade three years prior to the current year complete school and that is consistent with nationally accepted reporting requirements;

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(n) Results of diagnostic assessments administered to kindergarten students as required under section 3301.0715 of the Revised Code to permit a comparison of the academic readiness of kindergarten students. However, no district shall be required to report to the department the results of any diagnostic assessment administered to a kindergarten student, except for the language and reading assessment described in division (A)(2) of section 3301.0715 of the Revised Code, if the parent of that student requests the district not to report those results.

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(o) Beginning on July 1, 2018, for each disciplinary action which is required to be reported under division (B)(4) of this section, districts and schools also shall include an identification of the person or persons, if any, at whom the student's violent behavior that resulted in discipline was directed. The person or persons shall be identified by the respective classification at the district or school, such as student, teacher, or nonteaching employee, but shall not be identified by name.

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Division (B)(1)(o) of this section does not apply after the date that is two years following the submission of the report required by Section 733.13 of H.B. 49 of the 132nd general assembly.

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(p) The number of students earning each state diploma seal

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included in the system prescribed under division (A) of section 3313.6114 of the Revised Code; 112259
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(q) The number of students demonstrating competency for graduation using each option described in divisions (B)(1)(a) to (d) of section 3313.618 of the Revised Code; 112261
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(r) The number of students completing each foundational and supporting option as part of the demonstration of competency for graduation pursuant to division (B)(1)(b) of section 3313.618 of the Revised Code; 112264
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(s) The number of students enrolled in all-day kindergarten, as defined in section 3321.05 of the Revised Code. 112268
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(2) Personnel and classroom enrollment data for each school district, including: 112270
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(a) The total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed employees and nonlicensed employees providing each category of instructional service, instructional support service, and administrative support service used pursuant to division (C)(3) of this section. The guidelines adopted under this section shall require these categories of data to be maintained for the school district as a whole and, wherever applicable, for each grade in the school district as a whole, for each school building as a whole, and for each grade in each school building. 112272
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(b) The total number of employees and the number of full-time equivalent employees providing each category of service used pursuant to divisions (C)(4)(a) and (b) of this section, and the total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed employees and nonlicensed employees providing each category used pursuant to division (C)(4)(c) of this section. The guidelines adopted under this section shall require these categories of data to be 112282
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maintained for the school district as a whole and, wherever 112290
applicable, for each grade in the school district as a whole, for 112291
each school building as a whole, and for each grade in each school 112292
building. 112293

(c) The total number of regular classroom teachers teaching 112294
classes of regular education and the average number of pupils 112295
enrolled in each such class, in each of grades kindergarten 112296
through five in the district as a whole and in each school 112297
building in the school district. 112298

(d) The number of lead teachers employed by each school 112299
district and each school building. 112300

(3)(a) Student demographic data for each school district, 112301
including information regarding the gender ratio of the school 112302
district's pupils, the racial make-up of the school district's 112303
pupils, the number of English learners in the district, and an 112304
appropriate measure of the number of the school district's pupils 112305
who reside in economically disadvantaged households. The 112306
demographic data shall be collected in a manner to allow 112307
correlation with data collected under division (B)(1) of this 112308
section. Categories for data collected pursuant to division (B)(3) 112309
of this section shall conform, where appropriate, to standard 112310
practices of agencies of the federal government. 112311

(b) With respect to each student entering kindergarten, 112312
whether the student previously participated in a public preschool 112313
program, a private preschool program, or a head start program, and 112314
the number of years the student participated in each of these 112315
programs. 112316

(4) Any data required to be collected pursuant to federal 112317
law. 112318

(C) The education management information system shall include 112319
cost accounting data for each district as a whole and for each 112320

school building in each school district. The guidelines adopted 112321
under this section shall require the cost data for each school 112322
district to be maintained in a system of mutually exclusive cost 112323
units and shall require all of the costs of each school district 112324
to be divided among the cost units. The guidelines shall require 112325
the system of mutually exclusive cost units to include at least 112326
the following: 112327

(1) Administrative costs for the school district as a whole. 112328
The guidelines shall require the cost units under this division 112329
(C)(1) to be designed so that each of them may be compiled and 112330
reported in terms of average expenditure per pupil in enrolled ADM 112331
in the school district, as determined pursuant to section 3317.03 112332
of the Revised Code. 112333

(2) Administrative costs for each school building in the 112334
school district. The guidelines shall require the cost units under 112335
this division (C)(2) to be designed so that each of them may be 112336
compiled and reported in terms of average expenditure per 112337
full-time equivalent pupil receiving instructional or support 112338
services in each building. 112339

(3) Instructional services costs for each category of 112340
instructional service provided directly to students and required 112341
by guidelines adopted pursuant to division (B)(1)(a) of this 112342
section. The guidelines shall require the cost units under 112343
division (C)(3) of this section to be designed so that each of 112344
them may be compiled and reported in terms of average expenditure 112345
per pupil receiving the service in the school district as a whole 112346
and average expenditure per pupil receiving the service in each 112347
building in the school district and in terms of a total cost for 112348
each category of service and, as a breakdown of the total cost, a 112349
cost for each of the following components: 112350

(a) The cost of each instructional services category required 112351
by guidelines adopted under division (B)(1)(a) of this section 112352

that is provided directly to students by a classroom teacher; 112353

(b) The cost of the instructional support services, such as 112354
services provided by a speech-language pathologist, classroom 112355
aide, multimedia aide, or librarian, provided directly to students 112356
in conjunction with each instructional services category; 112357

(c) The cost of the administrative support services related 112358
to each instructional services category, such as the cost of 112359
personnel that develop the curriculum for the instructional 112360
services category and the cost of personnel supervising or 112361
coordinating the delivery of the instructional services category. 112362

(4) Support or extracurricular services costs for each 112363
category of service directly provided to students and required by 112364
guidelines adopted pursuant to division (B)(1)(b) of this section. 112365
The guidelines shall require the cost units under division (C)(4) 112366
of this section to be designed so that each of them may be 112367
compiled and reported in terms of average expenditure per pupil 112368
receiving the service in the school district as a whole and 112369
average expenditure per pupil receiving the service in each 112370
building in the school district and in terms of a total cost for 112371
each category of service and, as a breakdown of the total cost, a 112372
cost for each of the following components: 112373

(a) The cost of each support or extracurricular services 112374
category required by guidelines adopted under division (B)(1)(b) 112375
of this section that is provided directly to students by a 112376
licensed employee, such as services provided by a guidance 112377
counselor or any services provided by a licensed employee under a 112378
supplemental contract; 112379

(b) The cost of each such services category provided directly 112380
to students by a nonlicensed employee, such as janitorial 112381
services, cafeteria services, or services of a sports trainer; 112382

(c) The cost of the administrative services related to each 112383

services category in division (C)(4)(a) or (b) of this section, 112384
such as the cost of any licensed or nonlicensed employees that 112385
develop, supervise, coordinate, or otherwise are involved in 112386
administering or aiding the delivery of each services category. 112387

(D)(1) The guidelines adopted under this section shall 112388
require school districts to collect information about individual 112389
students, staff members, or both in connection with any data 112390
required by division (B) or (C) of this section or other reporting 112391
requirements established in the Revised Code. The guidelines may 112392
also require school districts to report information about 112393
individual staff members in connection with any data required by 112394
division (B) or (C) of this section or other reporting 112395
requirements established in the Revised Code. The guidelines shall 112396
not authorize school districts to request social security numbers 112397
of individual students. The guidelines shall prohibit the 112398
reporting under this section of a student's name, address, and 112399
social security number to the state board of education or the 112400
department of education. The guidelines shall also prohibit the 112401
reporting under this section of any personally identifiable 112402
information about any student, except for the purpose of assigning 112403
the data verification code required by division (D)(2) of this 112404
section, to any other person unless such person is employed by the 112405
school district or the information technology center operated 112406
under section 3301.075 of the Revised Code and is authorized by 112407
the district or technology center to have access to such 112408
information or is employed by an entity with which the department 112409
contracts for the scoring or the development of state assessments. 112410
The guidelines may require school districts to provide the social 112411
security numbers of individual staff members and the county of 112412
residence for a student. Nothing in this section prohibits the 112413
state board of education or department of education from providing 112414
a student's county of residence to the department of taxation to 112415
facilitate the distribution of tax revenue. 112416

(2)(a) The guidelines shall provide for each school district 112417
or community school to assign a data verification code that is 112418
unique on a statewide basis over time to each student whose 112419
initial Ohio enrollment is in that district or school and to 112420
report all required individual student data for that student 112421
utilizing such code. The guidelines shall also provide for 112422
assigning data verification codes to all students enrolled in 112423
districts or community schools on the effective date of the 112424
guidelines established under this section. The assignment of data 112425
verification codes for other entities, as described in division 112426
(D)(2)(d) of this section, the use of those codes, and the 112427
reporting and use of associated individual student data shall be 112428
coordinated by the department in accordance with state and federal 112429
law. 112430

School districts shall report individual student data to the 112431
department through the information technology centers utilizing 112432
the code. The entities described in division (D)(2)(d) of this 112433
section shall report individual student data to the department in 112434
the manner prescribed by the department. 112435

(b)(i) Except as provided in sections 3301.941, 3310.11, 112436
3310.42, 3310.63, 3313.978, 3317.20, and 5747.057 of the Revised 112437
Code, and in division (D)(2)(b)(ii) of this section, at no time 112438
shall the state board or the department have access to information 112439
that would enable any data verification code to be matched to 112440
personally identifiable student data. 112441

(ii) For the purpose of making per-pupil payments to 112442
community schools under section 3317.022 of the Revised Code, the 112443
department shall have access to information that would enable any 112444
data verification code to be matched to personally identifiable 112445
student data. 112446

(c) Each school district and community school shall ensure 112447
that the data verification code is included in the student's 112448

records reported to any subsequent school district, community 112449
school, or state institution of higher education, as defined in 112450
section 3345.011 of the Revised Code, in which the student 112451
enrolls. Any such subsequent district or school shall utilize the 112452
same identifier in its reporting of data under this section. 112453

(d) The director of any state agency that administers a 112454
publicly funded program providing services to children who are 112455
younger than compulsory school age, as defined in section 3321.01 112456
of the Revised Code, including the directors of health, job and 112457
family services, mental health and addiction services, children 112458
and youth, and developmental disabilities, shall request and 112459
receive, pursuant to sections 3301.0723 and ~~5123.0423~~ 5180.33 of 112460
the Revised Code, a data verification code for a child who is 112461
receiving those services. 112462

(E) The guidelines adopted under this section may require 112463
school districts to collect and report data, information, or 112464
reports other than that described in divisions (A), (B), and (C) 112465
of this section for the purpose of complying with other reporting 112466
requirements established in the Revised Code. The other data, 112467
information, or reports may be maintained in the education 112468
management information system but are not required to be compiled 112469
as part of the profile formats required under division (G) of this 112470
section or the annual statewide report required under division (H) 112471
of this section. 112472

(F) Beginning with the school year that begins July 1, 1991, 112473
the board of education of each school district shall annually 112474
collect and report to the state board, in accordance with the 112475
guidelines established by the board, the data required pursuant to 112476
this section. A school district may collect and report these data 112477
notwithstanding section 2151.357 or 3319.321 of the Revised Code. 112478

(G) The state board shall, in accordance with the procedures 112479
it adopts, annually compile the data reported by each school 112480

district pursuant to division (D) of this section. The state board 112481
shall design formats for profiling each school district as a whole 112482
and each school building within each district and shall compile 112483
the data in accordance with these formats. These profile formats 112484
shall: 112485

(1) Include all of the data gathered under this section in a 112486
manner that facilitates comparison among school districts and 112487
among school buildings within each school district; 112488

(2) Present the data on academic achievement levels as 112489
assessed by the testing of student achievement maintained pursuant 112490
to division (B)(1)(d) of this section. 112491

(H)(1) The state board shall, in accordance with the 112492
procedures it adopts, annually prepare a statewide report for all 112493
school districts and the general public that includes the profile 112494
of each of the school districts developed pursuant to division (G) 112495
of this section. Copies of the report shall be sent to each school 112496
district. 112497

(2) The state board shall, in accordance with the procedures 112498
it adopts, annually prepare an individual report for each school 112499
district and the general public that includes the profiles of each 112500
of the school buildings in that school district developed pursuant 112501
to division (G) of this section. Copies of the report shall be 112502
sent to the superintendent of the district and to each member of 112503
the district board of education. 112504

(3) Copies of the reports received from the state board under 112505
divisions (H)(1) and (2) of this section shall be made available 112506
to the general public at each school district's offices. Each 112507
district board of education shall make copies of each report 112508
available to any person upon request and payment of a reasonable 112509
fee for the cost of reproducing the report. The board shall 112510
annually publish in a newspaper of general circulation in the 112511

school district, at least twice during the two weeks prior to the 112512
week in which the reports will first be available, a notice 112513
containing the address where the reports are available and the 112514
date on which the reports will be available. 112515

(I) Any data that is collected or maintained pursuant to this 112516
section and that identifies an individual pupil is not a public 112517
record for the purposes of section 149.43 of the Revised Code. 112518

(J) As used in this section: 112519

(1) "School district" means any city, local, exempted 112520
village, or joint vocational school district and, in accordance 112521
with section 3314.17 of the Revised Code, any community school. As 112522
used in division (L) of this section, "school district" also 112523
includes any educational service center or other educational 112524
entity required to submit data using the system established under 112525
this section. 112526

(2) "Cost" means any expenditure for operating expenses made 112527
by a school district excluding any expenditures for debt 112528
retirement except for payments made to any commercial lending 112529
institution for any loan approved pursuant to section 3313.483 of 112530
the Revised Code. 112531

(K) Any person who removes data from the information system 112532
established under this section for the purpose of releasing it to 112533
any person not entitled under law to have access to such 112534
information is subject to section 2913.42 of the Revised Code 112535
prohibiting tampering with data. 112536

(L)(1) In accordance with division (L)(2) of this section and 112537
the rules adopted under division (L)(10) of this section, the 112538
department of education may sanction any school district that 112539
reports incomplete or inaccurate data, reports data that does not 112540
conform to data requirements and descriptions published by the 112541
department, fails to report data in a timely manner, or otherwise 112542

does not make a good faith effort to report data as required by 112543
this section. 112544

(2) If the department decides to sanction a school district 112545
under this division, the department shall take the following 112546
sequential actions: 112547

(a) Notify the district in writing that the department has 112548
determined that data has not been reported as required under this 112549
section and require the district to review its data submission and 112550
submit corrected data by a deadline established by the department. 112551
The department also may require the district to develop a 112552
corrective action plan, which shall include provisions for the 112553
district to provide mandatory staff training on data reporting 112554
procedures. 112555

(b) Withhold up to ten per cent of the total amount of state 112556
funds due to the district for the current fiscal year and, if not 112557
previously required under division (L)(2)(a) of this section, 112558
require the district to develop a corrective action plan in 112559
accordance with that division; 112560

(c) Withhold an additional amount of up to twenty per cent of 112561
the total amount of state funds due to the district for the 112562
current fiscal year; 112563

(d) Direct department staff or an outside entity to 112564
investigate the district's data reporting practices and make 112565
recommendations for subsequent actions. The recommendations may 112566
include one or more of the following actions: 112567

(i) Arrange for an audit of the district's data reporting 112568
practices by department staff or an outside entity; 112569

(ii) Conduct a site visit and evaluation of the district; 112570

(iii) Withhold an additional amount of up to thirty per cent 112571
of the total amount of state funds due to the district for the 112572

current fiscal year; 112573

(iv) Continue monitoring the district's data reporting; 112574

(v) Assign department staff to supervise the district's data management system; 112575
112576

(vi) Conduct an investigation to determine whether to suspend or revoke the license of any district employee in accordance with division (N) of this section; 112577
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(vii) If the district is issued a report card under section 3302.03 of the Revised Code, indicate on the report card that the district has been sanctioned for failing to report data as required by this section; 112580
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(viii) If the district is issued a report card under section 3302.03 of the Revised Code and incomplete or inaccurate data submitted by the district likely caused the district to receive a higher performance rating than it deserved under that section, issue a revised report card for the district; 112584
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(ix) Any other action designed to correct the district's data reporting problems. 112589
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(3) Any time the department takes an action against a school district under division (L)(2) of this section, the department shall make a report of the circumstances that prompted the action. The department shall send a copy of the report to the district superintendent or chief administrator and maintain a copy of the report in its files. 112591
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(4) If any action taken under division (L)(2) of this section resolves a school district's data reporting problems to the department's satisfaction, the department shall not take any further actions described by that division. If the department withheld funds from the district under that division, the department may release those funds to the district, except that if 112597
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the department withheld funding under division (L)(2)(c) of this 112603
section, the department shall not release the funds withheld under 112604
division (L)(2)(b) of this section and, if the department withheld 112605
funding under division (L)(2)(d) of this section, the department 112606
shall not release the funds withheld under division (L)(2)(b) or 112607
(c) of this section. 112608

(5) Notwithstanding anything in this section to the contrary, 112609
the department may use its own staff or an outside entity to 112610
conduct an audit of a school district's data reporting practices 112611
any time the department has reason to believe the district has not 112612
made a good faith effort to report data as required by this 112613
section. If any audit conducted by an outside entity under 112614
division (L)(2)(d)(i) or (5) of this section confirms that a 112615
district has not made a good faith effort to report data as 112616
required by this section, the district shall reimburse the 112617
department for the full cost of the audit. The department may 112618
withhold state funds due to the district for this purpose. 112619

(6) Prior to issuing a revised report card for a school 112620
district under division (L)(2)(d)(viii) of this section, the 112621
department may hold a hearing to provide the district with an 112622
opportunity to demonstrate that it made a good faith effort to 112623
report data as required by this section. The hearing shall be 112624
conducted by a referee appointed by the department. Based on the 112625
information provided in the hearing, the referee shall recommend 112626
whether the department should issue a revised report card for the 112627
district. If the referee affirms the department's contention that 112628
the district did not make a good faith effort to report data as 112629
required by this section, the district shall bear the full cost of 112630
conducting the hearing and of issuing any revised report card. 112631

(7) If the department determines that any inaccurate data 112632
reported under this section caused a school district to receive 112633
excess state funds in any fiscal year, the district shall 112634

reimburse the department an amount equal to the excess funds, in 112635
accordance with a payment schedule determined by the department. 112636
The department may withhold state funds due to the district for 112637
this purpose. 112638

(8) Any school district that has funds withheld under 112639
division (L)(2) of this section may appeal the withholding in 112640
accordance with Chapter 119. of the Revised Code. 112641

(9) In all cases of a disagreement between the department and 112642
a school district regarding the appropriateness of an action taken 112643
under division (L)(2) of this section, the burden of proof shall 112644
be on the district to demonstrate that it made a good faith effort 112645
to report data as required by this section. 112646

(10) The state board of education shall adopt rules under 112647
Chapter 119. of the Revised Code to implement division (L) of this 112648
section. 112649

(M) No information technology center or school district shall 112650
acquire, change, or update its student administration software 112651
package to manage and report data required to be reported to the 112652
department unless it converts to a student software package that 112653
is certified by the department. 112654

(N) The state board of education, in accordance with sections 112655
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 112656
license as defined under division (A) of section 3319.31 of the 112657
Revised Code that has been issued to any school district employee 112658
found to have willfully reported erroneous, inaccurate, or 112659
incomplete data to the education management information system. 112660

(O) No person shall release or maintain any information about 112661
any student in violation of this section. Whoever violates this 112662
division is guilty of a misdemeanor of the fourth degree. 112663

(P) The department shall disaggregate the data collected 112664
under division (B)(1)(n) of this section according to the race and 112665

socioeconomic status of the students assessed. 112666

(Q) If the department cannot compile any of the information 112667
required by division (I) of section 3302.03 of the Revised Code 112668
based upon the data collected under this section, the department 112669
shall develop a plan and a reasonable timeline for the collection 112670
of any data necessary to comply with that division. 112671

Sec. 3301.0715. (A) Except as required under division (B)(1) 112672
of section 3313.608 or as specified in division (D)(3) of section 112673
3301.079 of the Revised Code, the board of education of each city, 112674
local, and exempted village school district shall administer each 112675
applicable diagnostic assessment developed and provided to the 112676
district in accordance with section 3301.079 of the Revised Code 112677
to the following: 112678

(1) Any student who transfers into the district or to a 112679
different school within the district if each applicable diagnostic 112680
assessment was not administered by the district or school the 112681
student previously attended in the current school year, within 112682
thirty days after the date of transfer. If the district or school 112683
into which the student transfers cannot determine whether the 112684
student has taken any applicable diagnostic assessment in the 112685
current school year, the district or school may administer the 112686
diagnostic assessment to the student. However, if a student 112687
transfers into the district prior to the administration of the 112688
diagnostic assessments to all students under division (B) of this 112689
section, the district may administer the diagnostic assessments to 112690
that student on the date or dates determined under that division. 112691

(2) Each kindergarten student, not earlier than the first day 112692
of July of the school year and not later than the twentieth day of 112693
instruction of that school year. 112694

For the purpose of division (A)(2) of this section, the 112695
district shall administer the kindergarten readiness assessment 112696

provided by the department of ~~education~~ children and youth. In no 112697
case shall the results of the readiness assessment be used to 112698
prohibit a student from enrolling in kindergarten. 112699

(3) Each student enrolled in first, second, or third grade. 112700

Division (A) of this section does not apply to students with 112701
significant cognitive disabilities, as defined by the department 112702
of education. 112703

(B) Each district board shall administer each diagnostic 112704
assessment when the board deems appropriate, provided the 112705
administration complies with section 3313.608 of the Revised Code. 112706
However, the board shall administer any diagnostic assessment at 112707
least once annually to all students in the appropriate grade 112708
level. A district board may administer any diagnostic assessment 112709
in the fall and spring of a school year to measure the amount of 112710
academic growth attributable to the instruction received by 112711
students during that school year. 112712

(C) A district may use different diagnostic assessments from 112713
those adopted under division (D) of section 3301.079 of the 112714
Revised Code in order to satisfy the requirements of division 112715
(A)(3) of this section if the district meets either of the 112716
following conditions for the immediately preceding school year: 112717

(1) The district received a grade of "A" or "B" for the 112718
performance index score under division (C)(1)(b) of section 112719
3302.03 of the Revised Code or for the value-added progress 112720
dimension under division (C)(1)(e) of that section. 112721

(2) The district received a performance rating of four stars 112722
or higher for achievement under division (D)(3)(b) of section 112723
3302.03 of the Revised Code or for progress under division 112724
(D)(3)(c) of that section. 112725

(D) Each district board shall utilize and score any 112726
diagnostic assessment administered under division (A) of this 112727

section in accordance with rules established by the department of 112728
education or the department of children and youth. After the 112729
administration of any diagnostic assessment, each district shall 112730
provide a student's completed diagnostic assessment, the results 112731
of such assessment, and any other accompanying documents used 112732
during the administration of the assessment to the parent of that 112733
student, and shall include all such documents and information in 112734
any plan developed for the student under division (C) of section 112735
3313.608 of the Revised Code. Each district shall submit ~~to the~~ 112736
~~department~~, in the manner the prescribed by each department 112737
~~prescribes~~, the results of the diagnostic assessments administered 112738
under this section, regardless of the type of assessment used 112739
under section 3313.608 of the Revised Code as follows: 112740

(1) The results of the kindergarten readiness assessment to 112741
the department of children and youth; 112742

(2) The results of all diagnostic assessments to the 112743
department of education. The 112744

The department of education and the department of children 112745
and youth may issue reports with respect to the data collected. 112746
The Either department may report school and district level 112747
kindergarten diagnostic assessment data and use diagnostic 112748
assessment data to calculate the measures prescribed by divisions 112749
(B)(1)(g), (C)(1)(g), and (D)(1)(h) of section 3302.03 of the 112750
Revised Code and the data reported under division (D)(2)(e) of 112751
that section. 112752

(E) Each district board shall provide intervention services 112753
to students whose diagnostic assessments show that they are 112754
failing to make satisfactory progress toward attaining the 112755
academic standards for their grade level. 112756

(F) Beginning in the 2018-2019 school year, any chartered 112757
nonpublic school may elect to administer the kindergarten 112758

readiness assessment to all kindergarten students enrolled in the 112759
school. If the school so elects, the chief administrator of the 112760
school shall notify the ~~superintendent of public instruction~~ 112761
director of children and youth not later than the thirty-first day 112762
of March prior to any school year in which the school will 112763
administer the assessment. The department of children and youth 112764
shall furnish the assessment to the school at no cost to the 112765
school. In administering the assessment, the school shall do all 112766
of the following: 112767

(1) Enter into a written agreement with the department of 112768
children and youth specifying that the school will share each 112769
participating student's assessment data with the department of 112770
education and the department of children and youth and, that for 112771
the purpose of reporting the data to the department of education 112772
and department of children and youth, each participating student 112773
will be assigned a data verification code as described in division 112774
(D)(2) of section 3301.0714 of the Revised Code; 112775

(2) Require the assessment to be administered by a teacher 112776
certified under section 3301.071 of the Revised Code who either 112777
has completed training on administering the kindergarten readiness 112778
assessment provided by the department of children and youth or has 112779
been trained by another person who has completed such training; 112780
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(3) Administer the assessment in the same manner as school 112782
districts are required to do under this section and the rules 112783
established under division (D) of this section. 112784

(G) Beginning in the 2019-2020 school year, a school district 112785
in which less than eighty per cent of its students score at the 112786
proficient level or higher on the third-grade English language 112787
arts assessment prescribed under section 3301.0710 of the Revised 112788
Code shall establish a reading improvement plan supported by 112789
reading specialists. Prior to implementation, the plan shall be 112790

approved by the school district board of education. 112791

Sec. 3301.0723. (A) The independent contractor engaged by the 112792
department of education to create and maintain for school 112793
districts and community schools the student data verification 112794
codes required by division (D)(2) of section 3301.0714 of the 112795
Revised Code, upon request of the director of any state agency 112796
that administers a publicly funded program providing services to 112797
children who are younger than compulsory school age, as defined in 112798
section 3321.01 of the Revised Code, including the directors of 112799
health, ~~job~~ children and ~~family services~~ youth, mental health and 112800
addiction services, and developmental disabilities, shall assign a 112801
data verification code to a child who is receiving such services 112802
and shall provide that code to the director. The contractor also 112803
shall provide that code to the department of education. 112804

(B) The director of a state agency that receives a child's 112805
data verification code under division (A) of this section shall 112806
use that code to submit information for that child to the 112807
department of education in accordance with section 3301.0714 of 112808
the Revised Code. 112809

(C) A public school that receives from the independent 112810
contractor the data verification code for a child assigned under 112811
division (A) of this section shall not request or assign to that 112812
child another data verification code under division (D)(2) of 112813
section 3301.0714 of the Revised Code. That school and any other 112814
public school in which the child subsequently enrolls shall use 112815
the data verification code assigned under division (A) of this 112816
section to report data relative to that student required under 112817
section 3301.0714 of the Revised Code. 112818

Sec. 3301.15. The state board of education or its authorized 112819
representatives may inspect all institutions under the control of 112820

the department of ~~job children and family services~~ youth, the 112821
department of mental health and addiction services, the department 112822
of developmental disabilities, and the department of 112823
rehabilitation and correction which employ teachers, and may make 112824
a report on the teaching, discipline, and school equipment in 112825
these institutions to the director of ~~job children and family~~ 112826
~~services~~ youth, the director of mental health and addiction 112827
services, the director of developmental disabilities, the director 112828
of rehabilitation and correction, and the governor. 112829

Sec. 3301.30. The department of education and the department 112830
of children and youth shall: 112831

(A) Actively encourage, assist, and support boards of 112832
education in applying for moneys for programs for pre-school 112833
children of migrant agricultural laborers under Title I of the 112834
"Elementary and Secondary Education Act of 1965," 79 Stat. 27, 20 112835
U.S.C.A. 236, as amended; 112836

(B) Establish an official relationship with the Texas 112837
education agency and the Florida department of education to 112838
cooperate and exchange information with those states concerning 112839
education for children of migrant ~~agricultural~~ agricultural 112840
laborers, and coordinate ~~its~~ activities and services for such 112841
children with those states and any other states that provide 112842
education for such children; 112843

(C) Take all necessary steps to compensate for the lack of 112844
continuity in instructional curriculum experienced by children of 112845
migrant agricultural laborers as a result of their parents' 112846
occupation by assuring that: 112847

(1) Coordinated interstate and intrastate programs are 112848
provided at all levels, including coordinated programs leading to 112849
credit accrual; 112850

(2) Parents are given information about the availability of interstate and intrastate programs. 112851
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(D) Take a more active role in encouraging boards of education to offer, in accordance with section 3313.641 of the Revised Code, alternative evening and tutorial programs for children of migrant agricultural laborers and their families during late spring, summer, and early fall. 112853
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Sec. 3301.311. (A) As used in this section, "preschool program" has the same meaning as in section 3301.52 of the Revised Code. 112858
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~~(B) Subject to divisions (C) and (D) of this section, beginning in fiscal year 2006, no preschool program, and no early childhood education program or early learning program as defined by the department of education shall receive any funds from the state unless fifty per cent of the staff members employed by that program as teachers are working toward an associate degree of a type approved by the department.~~ 112861
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~~(C)(1) Subject to division (C)(2) of this section, beginning in fiscal year 2010, no preschool program, and no early childhood education program or early learning program as defined by the department, existing prior to fiscal year 2007, shall receive any funds from the state unless every staff member employed by that program as a teacher has attained an associate degree of a type approved by the department.~~ 112868
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~~(2) Beginning in fiscal year 2011, no preschool program, and no early childhood education program or early learning program as defined by the department, existing prior to fiscal year 2007, shall receive any funds from the state unless fifty per cent of the staff members employed by the program as teachers have attained a bachelor's degree of a type approved by the department.~~ 112875
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~~(D)(1) Subject to division (D)(2) of this section, beginning 112881
in fiscal year 2012, no preschool program, and no early childhood 112882
education program or early learning program as defined by the 112883
department, established during or after fiscal year 2007, shall 112884
receive any funds from the state unless every staff member 112885
employed by that program as a teacher has attained an associate 112886
degree of a type approved by the department. 112887~~

~~(2) Beginning in fiscal year 2013, no No preschool program, 112888
and no early childhood education program or early learning program 112889
as defined by the department in section 3301.52 of the Revised 112890
Code, established during or after fiscal year 2007, shall receive 112891
any funds from the state unless fifty per cent of the staff 112892
members employed by the program as teachers have attained a 112893
bachelor's degree of a type approved by the department in section 112894
3319.22 of the Revised Code. 112895~~

Sec. 3301.32. (A)(1) The chief administrator of any head 112896
start agency shall request the superintendent of the bureau of 112897
criminal identification and investigation to conduct a criminal 112898
records check with respect to any applicant who has applied to the 112899
head start agency for employment as a person responsible for the 112900
care, custody, or control of a child. If the applicant does not 112901
present proof that the applicant has been a resident of this state 112902
for the five-year period immediately prior to the date upon which 112903
the criminal records check is requested or does not provide 112904
evidence that within that five-year period the superintendent has 112905
requested information about the applicant from the federal bureau 112906
of investigation in a criminal records check, the chief 112907
administrator shall request that the superintendent obtain 112908
information from the federal bureau of investigation as a part of 112909
the criminal records check for the applicant. If the applicant 112910
presents proof that the applicant has been a resident of this 112911
state for that five-year period, the chief administrator may 112912

request that the superintendent include information from the 112913
federal bureau of investigation in the criminal records check. 112914

(2) Any person required by division (A)(1) of this section to 112915
request a criminal records check shall provide to each applicant a 112916
copy of the form prescribed pursuant to division (C)(1) of section 112917
109.572 of the Revised Code, provide to each applicant a standard 112918
impression sheet to obtain fingerprint impressions prescribed 112919
pursuant to division (C)(2) of section 109.572 of the Revised 112920
Code, obtain the completed form and impression sheet from each 112921
applicant, and forward the completed form and impression sheet to 112922
the superintendent of the bureau of criminal identification and 112923
investigation at the time the chief administrator requests a 112924
criminal records check pursuant to division (A)(1) of this 112925
section. 112926

(3) Any applicant who receives pursuant to division (A)(2) of 112927
this section a copy of the form prescribed pursuant to division 112928
(C)(1) of section 109.572 of the Revised Code and a copy of an 112929
impression sheet prescribed pursuant to division (C)(2) of that 112930
section and who is requested to complete the form and provide a 112931
set of fingerprint impressions shall complete the form or provide 112932
all the information necessary to complete the form and shall 112933
provide the impression sheets with the impressions of the 112934
applicant's fingerprints. If an applicant, upon request, fails to 112935
provide the information necessary to complete the form or fails to 112936
provide impressions of the applicant's fingerprints, the head 112937
start agency shall not employ that applicant for any position for 112938
which a criminal records check is required by division (A)(1) of 112939
this section. 112940

(B)(1) Except as provided in rules adopted by the director of 112941
~~job children~~ and ~~family services~~ youth in accordance with division 112942
(E) of this section, no head start agency shall employ a person as 112943
a person responsible for the care, custody, or control of a child 112944

if the person previously has been convicted of or pleaded guilty 112945
to any of the following: 112946

(a) A violation of section 2903.01, 2903.02, 2903.03, 112947
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 112948
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 112949
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 112950
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 112951
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 112952
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 112953
2925.06, or 3716.11 of the Revised Code, a violation of section 112954
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 112955
violation of section 2919.23 of the Revised Code that would have 112956
been a violation of section 2905.04 of the Revised Code as it 112957
existed prior to July 1, 1996, had the violation occurred prior to 112958
that date, a violation of section 2925.11 of the Revised Code that 112959
is not a minor drug possession offense, or felonious sexual 112960
penetration in violation of former section 2907.12 of the Revised 112961
Code; 112962

(b) A violation of an existing or former law of this state, 112963
any other state, or the United States that is substantially 112964
equivalent to any of the offenses or violations described in 112965
division (B)(1)(a) of this section. 112966

(2) A head start agency may employ an applicant conditionally 112967
until the criminal records check required by this section is 112968
completed and the agency receives the results of the criminal 112969
records check. If the results of the criminal records check 112970
indicate that, pursuant to division (B)(1) of this section, the 112971
applicant does not qualify for employment, the agency shall 112972
release the applicant from employment. 112973

(C)(1) Each head start agency shall pay to the bureau of 112974
criminal identification and investigation the fee prescribed 112975
pursuant to division (C)(3) of section 109.572 of the Revised Code 112976

for each criminal records check conducted in accordance with that 112977
section upon the request pursuant to division (A)(1) of this 112978
section of the chief administrator of the head start agency. 112979

(2) A head start agency may charge an applicant a fee for the 112980
costs it incurs in obtaining a criminal records check under this 112981
section. A fee charged under this division shall not exceed the 112982
amount of fees the agency pays under division (C)(1) of this 112983
section. If a fee is charged under this division, the agency shall 112984
notify the applicant at the time of the applicant's initial 112985
application for employment of the amount of the fee and that, 112986
unless the fee is paid, the head start agency will not consider 112987
the applicant for employment. 112988

(D) The report of any criminal records check conducted by the 112989
bureau of criminal identification and investigation in accordance 112990
with section 109.572 of the Revised Code and pursuant to a request 112991
made under division (A)(1) of this section is not a public record 112992
for the purposes of section 149.43 of the Revised Code and shall 112993
not be made available to any person other than the applicant who 112994
is the subject of the criminal records check or the applicant's 112995
representative, the head start agency requesting the criminal 112996
records check or its representative, and any court, hearing 112997
officer, or other necessary individual involved in a case dealing 112998
with the denial of employment to the applicant. 112999

(E) The director of ~~job~~ children and ~~family services~~ youth 113000
shall adopt rules pursuant to Chapter 119. of the Revised Code to 113001
implement this section, including rules specifying circumstances 113002
under which a head start agency may hire a person who has been 113003
convicted of an offense listed in division (B)(1) of this section 113004
but who meets standards in regard to rehabilitation set by the 113005
director. 113006

(F) Any person required by division (A)(1) of this section to 113007
request a criminal records check shall inform each person, at the 113008

time of the person's initial application for employment, that the person is required to provide a set of impressions of the person's fingerprints and that a criminal records check is required to be conducted and satisfactorily completed in accordance with section 109.572 of the Revised Code if the person comes under final consideration for appointment or employment as a precondition to employment for that position.

(G) As used in this section:

(1) "Applicant" means a person who is under final consideration for appointment or employment in a position with a head start agency as a person responsible for the care, custody, or control of a child.

(2) "Head start agency" means an entity in this state that has been approved to be an agency for purposes of the "Head Start Act," 95 State 489 (1981), 42 U.S.C. 9831, as amended.

(3) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

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

Sec. 3301.50. Except as otherwise provided under division (B) of section 3301.54 of the Revised Code, the issuing of any educator license designated for teaching in a preschool setting pursuant to section 3319.22 of the Revised Code shall not be construed as requiring any person who does not hold such a license to obtain one in order to be employed as a teacher in a pre-kindergarten program. However, a person hired after July 1, 1988, to direct a preschool program regulated by the ~~state board~~ department of education children and youth under sections 3301.52 to 3301.57 of the Revised Code, other than a program operated by a nontax-supported eligible nonpublic school, shall hold a valid

educator license designated as appropriate for teaching or being 113039
an administrator in a preschool setting issued pursuant to section 113040
3319.22 of the Revised Code plus the four courses required by 113041
division (A)(1) of section 3301.54 of the Revised Code, unless 113042
division (A)(4) of that section applies to the person. 113043

Sec. 3301.53. (A) The state board of education, ~~in~~ 113044
~~consultation with the director of job and the department of~~ 113045
~~children and family services, youth~~ shall consult with each other 113046
to formulate and prescribe jointly by rule adopted under Chapter 113047
119. of the Revised Code minimum standards to be applied to 113048
preschool programs operated by school district boards of 113049
education, county boards of developmental disabilities, community 113050
schools, or eligible nonpublic schools. The rules shall include 113051
the following: 113052

(1) Standards ensuring that the preschool program is located 113053
in a safe and convenient facility that accommodates the enrollment 113054
of the program, is of the quality to support the growth and 113055
development of the children according to the program objectives, 113056
and meets the requirements of section 3301.55 of the Revised Code; 113057

(2) Standards ensuring that supervision, discipline, and 113058
programs will be administered according to established objectives 113059
and procedures; 113060

(3) Standards ensuring that preschool staff members and 113061
nonteaching employees are recruited, employed, assigned, 113062
evaluated, and provided inservice education without discrimination 113063
on the basis of age, color, national origin, race, or sex; and 113064
that preschool staff members and nonteaching employees are 113065
assigned responsibilities in accordance with written position 113066
descriptions commensurate with their training and experience; 113067

(4) A requirement that boards of education intending to 113068
establish a preschool program demonstrate a need for a preschool 113069

program prior to establishing the program; 113070

(5) Requirements that children participating in preschool 113071
programs have been immunized to the extent considered appropriate 113072
by the state board to prevent the spread of communicable disease; 113073

(6) Requirements that the parents of preschool children 113074
complete the emergency medical authorization form specified in 113075
section 3313.712 of the Revised Code. 113076

(B) The state board ~~of education in consultation with the~~ 113077
~~director of job and family services and the department~~ shall 113078
ensure that the rules adopted ~~by the state board~~ under sections 113079
3301.52 to 3301.58 of the Revised Code are consistent with and 113080
meet or exceed the requirements of Chapter 5104. of the Revised 113081
Code with regard to child day-care centers that serve preschool 113082
children. The state board ~~and the director of job and family~~ 113083
~~services and the department~~ shall review all such rules at least 113084
once every five years. 113085

(C) The state board ~~of education, in consultation with the~~ 113086
~~director of job and family services, and the department~~ shall 113087
adopt rules for school child programs that are consistent with and 113088
meet or exceed the requirements of the rules adopted for child 113089
day-care centers that serve school-age children under Chapter 113090
5104. of the Revised Code. 113091

Sec. 3301.55. (A) A school district, county board of 113092
developmental disabilities, community school, or eligible 113093
nonpublic school operating a preschool program shall house the 113094
program in buildings that meet the following requirements: 113095

(1) The building is operated by the district, county board of 113096
developmental disabilities, community school, or eligible 113097
nonpublic school and has been approved by the division of 113098
industrial compliance in the department of commerce or a certified 113099

municipal, township, or county building department for the purpose 113100
of operating a program for preschool children. Any such structure 113101
shall be constructed, equipped, repaired, altered, and maintained 113102
in accordance with applicable provisions of Chapters 3781. and 113103
3791. and with rules adopted by the board of building standards 113104
under Chapter 3781. of the Revised Code for the safety and 113105
sanitation of structures erected for this purpose. 113106

(2) The building is in compliance with fire and safety laws 113107
and regulations as evidenced by reports of annual school fire and 113108
safety inspections as conducted by appropriate local authorities. 113109

(3) The school is in compliance with rules established by the 113110
state board of education regarding school food services. 113111

(4) The facility includes not less than thirty-five square 113112
feet of indoor space for each child in the program. Safe play 113113
space, including both indoor and outdoor play space, totaling not 113114
less than sixty square feet for each child using the space at any 113115
one time, shall be regularly available and scheduled for use. 113116

(5) First aid facilities and space for temporary placement or 113117
isolation of injured or ill children are provided. 113118

(B) Each school district, county board of developmental 113119
disabilities, community school, or eligible nonpublic school that 113120
operates, or proposes to operate, a preschool program shall submit 113121
a building plan including all information specified by the ~~state~~ 113122
~~board of education to the board~~ department of children and youth 113123
not later than the first day of September of the school year in 113124
which the program is to be initiated. The ~~board~~ department of 113125
children and youth, shall determine whether the buildings meet the 113126
requirements of this section and section 3301.53 of the Revised 113127
Code, and notify the superintendent of its determination. If the 113128
board determines, on the basis of the building plan or any other 113129
information, that the buildings do not meet those requirements, it 113130

shall cause the buildings to be inspected by the department of 113131
~~education children and youth~~. The department shall make a report 113132
to the superintendent specifying any aspects of the building that 113133
are not in compliance with the requirements of this section and 113134
section 3301.53 of the Revised Code and the time period that will 113135
be allowed the district, county board of developmental 113136
disabilities, or school to meet the requirements. 113137

Sec. 3301.56. (A) The director, head teacher, elementary 113138
principal, or site administrator who is on site and responsible 113139
for supervision of each preschool program shall be responsible for 113140
the following: 113141

(1) Ensuring that the health and safety of the children are 113142
safeguarded by an organized program of school health services 113143
designed to identify child health problems and to coordinate 113144
school and community health resources for children, as evidenced 113145
by but not limited to: 113146

(a) Requiring immunization and compliance with emergency 113147
medical authorization requirements in accordance with rules 113148
~~adopted by the state board of education~~ under section 3301.53 of 113149
the Revised Code; 113150

(b) Providing procedures for emergency situations, including 113151
fire drills, rapid dismissals, tornado drills, and school safety 113152
drills in accordance with section 3737.73 of the Revised Code, and 113153
keeping records of such drills or dismissals; 113154

(c) Posting emergency procedures in preschool rooms and 113155
making them available to school personnel, children, and parents; 113156

(d) Posting emergency numbers by each telephone; 113157

(e) Supervising grounds, play areas, and other facilities 113158
when scheduled for use by children; 113159

(f) Providing first-aid facilities and materials. 113160

(2) Maintaining cumulative records for each child;	113161
(3) Supervising each child's admission, placement, and withdrawal according to established procedures;	113162 113163
(4) Preparing at least once annually for each group of children in the program a roster of names and telephone numbers of parents, guardians, and custodians of children in the group and, on request, furnishing the roster for each group to the parents, guardians, and custodians of children in that group. The director may prepare a similar roster of all children in the program and, on request, make it available to the parents, guardians, and custodians, of children in the program. The director shall not include in either roster the name or telephone number of any parent, guardian, or custodian who requests that the parent's, guardian's, or custodian's name or number not be included, and shall not furnish any roster to any person other than a parent, guardian, or custodian of a child in the program.	113164 113165 113166 113167 113168 113169 113170 113171 113172 113173 113174 113175 113176
(5) Ensuring that clerical and custodial services are provided for the program;	113177 113178
(6) Supervising the instructional program and the daily operation of the program;	113179 113180
(7) Supervising and evaluating preschool staff members according to a planned sequence of observations and evaluation conferences, and supervising nonteaching employees.	113181 113182 113183
(B)(1) In each program the maximum number of children per preschool staff member and the maximum group size by age category of children shall be as follows:	113184 113185 113186
	Maximum 113187
	Group Staff Member/ 113188
Age Group Size Child Ratio 113189	
Birth to less than 12 months 12 1:5, or 2:12 if 113190	
	two preschool 113191

		staff members	113192
		are in the room	113193
12 months to less than 18 months	12	1:6	113194
18 months to less than 30 months	14	1:7	113195
30 months to less than 3 years	16	1:8	113196
3-year-olds	24	1:12	113197
4- and 5-year-olds not in school	28	1:14	113198

(2) When age groups are combined, the maximum number of 113199
children per preschool staff member shall be determined by the age 113200
of the youngest child in the group, except that when no more than 113201
one child thirty months of age or older receives child care in a 113202
group in which all the other children are in the next older age 113203
group, the maximum number of children per child-care staff member 113204
and maximum group size requirements of the older age group 113205
established under division (B)(1) of this section shall apply. 113206

(3) In a room where children are napping, if all the children 113207
are at least eighteen months of age, the maximum number of 113208
children per preschool staff member shall, for a period not to 113209
exceed one and one-half hours in any twenty-four hour day, be 113210
twice the maximum number of children per preschool staff member 113211
established under division (B)(1) of this section if all the 113212
following criteria are met: 113213

(a) At least one preschool staff member is present in the 113214
room; 113215

(b) Sufficient preschool staff members are present on the 113216
preschool program premises to comply with division (B)(1) of this 113217
section; 113218

(c) Naptime preparations have been completed and the children 113219
are resting or napping. 113220

(4) Any accredited program that uses the Montessori method 113221
endorsed by the American Montessori society or the association 113222

Montessori internationale as its primary method of instruction and 113223
is licensed as a preschool program under section 3301.58 of the 113224
Revised Code may combine preschool children of ages three to five 113225
years old with children enrolled in kindergarten. Notwithstanding 113226
anything to the contrary in division (B)(2) of this section, when 113227
such age groups are combined, the maximum number of children per 113228
preschool staff member shall be twelve and the maximum group size 113229
shall be twenty-four children. 113230

(C) In each building in which a preschool program is operated 113231
there shall be on the premises, and readily available at all 113232
times, at least one employee who has completed a course in first 113233
aid and in the prevention, recognition, and management of 113234
communicable diseases which is approved by the state department of 113235
health, and an employee who has completed a course in child abuse 113236
recognition and prevention. 113237

(D) Any parent, guardian, or custodian of a child enrolled in 113238
a preschool program shall be permitted unlimited access to the 113239
school during its hours of operation to contact the parent's, 113240
guardian's, or custodian's child, evaluate the care provided by 113241
the program, or evaluate the premises, or for other purposes 113242
approved by the director. Upon entering the premises, the parent, 113243
guardian, or custodian shall report to the school office. 113244

Sec. 3301.57. (A) For the purpose of improving programs, 113245
facilities, and implementation of the standards promulgated by the 113246
~~state board~~ department of education children and youth under 113247
section 3301.53 of the Revised Code, the ~~state~~ department of 113248
education and the department of children and youth shall provide 113249
consultation and technical assistance to school districts, county 113250
boards of developmental disabilities, community schools, and 113251
eligible nonpublic schools operating preschool programs or school 113252
child programs, and inservice training to preschool staff members, 113253

school child program staff members, and nonteaching employees. 113254

(B) The department of education, the department of children 113255
and youth, and the school district board of education, county 113256
board of developmental disabilities, community school, or eligible 113257
nonpublic school shall jointly monitor each preschool program and 113258
each school child program. 113259

If the program receives any grant or other funding from the 113260
state or federal government, the department of education and the 113261
department of children and youth annually shall monitor all 113262
reports on attendance, financial support, and expenditures 113263
according to provisions for use of the funds. 113264

(C) The department of education and the department of 113265
children and youth, at least once during every twelve-month period 113266
of operation of a preschool program or a licensed school child 113267
program, shall inspect the program and provide a written 113268
inspection report to the superintendent of the school district, 113269
county board of developmental disabilities, community school, or 113270
eligible nonpublic school. The ~~department~~ departments may inspect 113271
any program more than once, as considered necessary by the 113272
~~department~~ departments, during any twelve-month period of 113273
operation. All inspections may be unannounced. No person shall 113274
interfere with any inspection conducted pursuant to this division 113275
or to the rules adopted pursuant to sections 3301.52 to 3301.59 of 113276
the Revised Code. 113277

Upon receipt of any complaint that a preschool program or a 113278
licensed school child program is out of compliance with the 113279
requirements in sections 3301.52 to 3301.59 of the Revised Code or 113280
the rules adopted under those sections, the department of children 113281
and youth shall investigate and may inspect the program. If the 113282
complaint is related to a teacher, the department shall coordinate 113283
with the department of education to investigate and take action on 113284

a teacher's license. 113285

(D) If a preschool program or a licensed school child program 113286
is determined to be out of compliance with the requirements of 113287
sections 3301.52 to 3301.59 of the Revised Code or the rules 113288
adopted under those sections, the department of ~~education~~ children 113289
and youth shall notify the appropriate superintendent, county 113290
board of developmental disabilities, community school, or eligible 113291
nonpublic school in writing regarding the nature of the violation, 113292
what must be done to correct the violation, and by what date the 113293
correction must be made. If the correction is not made by the date 113294
established by the department, it may commence action under 113295
Chapter 119. of the Revised Code to close the program or to revoke 113296
the license of the program. If a program does not comply with an 113297
order to cease operation issued in accordance with Chapter 119. of 113298
the Revised Code, the department shall notify the attorney 113299
general, the prosecuting attorney of the county in which the 113300
program is located, or the city attorney, village solicitor, or 113301
other chief legal officer of the municipal corporation in which 113302
the program is located that the program is operating in violation 113303
of sections 3301.52 to 3301.59 of the Revised Code or the rules 113304
adopted under those sections and in violation of an order to cease 113305
operation issued in accordance with Chapter 119. of the Revised 113306
Code. Upon receipt of the notification, the attorney general, 113307
prosecuting attorney, city attorney, village solicitor, or other 113308
chief legal officer shall file a complaint in the court of common 113309
pleas of the county in which the program is located requesting the 113310
court to issue an order enjoining the program from operating. The 113311
court shall grant the requested injunctive relief upon a showing 113312
that the program named in the complaint is operating in violation 113313
of sections 3301.52 to 3301.59 of the Revised Code or the rules 113314
adopted under those sections and in violation of an order to cease 113315
operation issued in accordance with Chapter 119. of the Revised 113316
Code. 113317

(E) The department of education and department of children and youth shall prepare an annual report on inspections conducted under this section. The report shall include the number of inspections conducted, the number and types of violations found, and the steps taken to address the violations. The ~~department~~ departments shall file the report with the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives on or before the first day of January of each year, beginning in 1999.

Sec. 3301.58. (A) The department of ~~education~~ children and youth is responsible for the licensing of preschool programs and school child programs and for the enforcement of sections 3301.52 to 3301.59 of the Revised Code and of any rules adopted under those sections. No school district board of education, county board of developmental disabilities, community school, or eligible nonpublic school shall operate, establish, manage, conduct, or maintain a preschool program without a license issued under this section. A school district board of education, county board of developmental disabilities, community school, or eligible nonpublic school may obtain a license under this section for a school child program. The school district board of education, county board of developmental disabilities, community school, or eligible nonpublic school shall post the license for each preschool program and licensed school child program it operates, establishes, manages, conducts, or maintains in a conspicuous place in the preschool program or licensed school child program that is accessible to parents, custodians, or guardians and employees and staff members of the program at all times when the program is in operation.

(B) Any school district board of education, county board of developmental disabilities, community school, or eligible nonpublic school that desires to operate, establish, manage,

conduct, or maintain a preschool program shall apply to the 113350
department of ~~education~~ children and youth for a license on a form 113351
that the department shall prescribe by rule. Any school district 113352
board of education, county board of developmental disabilities, 113353
community school, or eligible nonpublic school that desires to 113354
obtain a license for a school child program shall apply to the 113355
department for a license on a form that the department shall 113356
prescribe by rule. The department shall provide at no charge to 113357
each applicant for a license under this section a copy of the 113358
requirements under sections 3301.52 to 3301.59 of the Revised Code 113359
and any rules adopted under those sections. The department may 113360
establish application fees by rule adopted under Chapter 119. of 113361
the Revised Code, and all applicants for a license shall pay any 113362
fee established by the department at the time of making an 113363
application for a license. All fees collected pursuant to this 113364
section shall be paid into the state treasury to the credit of the 113365
general revenue fund. 113366

(C) Upon the filing of an application for a license, the 113367
department of ~~education~~ children and youth shall investigate and 113368
inspect the preschool program or school child program to determine 113369
the license capacity for each age category of children of the 113370
program and to determine whether the program complies with 113371
sections 3301.52 to 3301.59 of the Revised Code and any rules 113372
adopted under those sections. When, after investigation and 113373
inspection, the department of ~~education~~ is satisfied that sections 113374
3301.52 to 3301.59 of the Revised Code and any rules adopted under 113375
those sections are complied with by the applicant, the department 113376
of ~~education~~ shall issue the program a provisional license as soon 113377
as practicable in the form and manner prescribed by the rules of 113378
the department. The provisional license shall be valid for one 113379
year from the date of issuance unless revoked. 113380

(D) The department of ~~education~~ children and youth shall 113381

investigate and inspect a preschool program or school child 113382
program that has been issued a provisional license at least once 113383
during operation under the provisional license. If, after the 113384
investigation and inspection, the department ~~of education~~ 113385
determines that the requirements of sections 3301.52 to 3301.59 of 113386
the Revised Code and any rules adopted under those sections are 113387
met by the provisional licensee, the department ~~of education~~ shall 113388
issue the program a license. The license shall remain valid unless 113389
revoked or the program ceases operations. 113390

(E) The department of ~~education~~ children and youth annually 113391
shall investigate and inspect each preschool program or school 113392
child program licensed under division (D) of this section to 113393
determine if the requirements of sections 3301.52 to 3301.59 of 113394
the Revised Code and any rules adopted under those sections are 113395
met by the program, and shall notify the program of the results. 113396

(F) The license or provisional license shall state the name 113397
of the school district board of education, county board of 113398
developmental disabilities, community school, or eligible 113399
nonpublic school that operates the preschool program or school 113400
child program and the license capacity of the program. 113401

(G) The department of ~~education~~ children and youth may revoke 113402
the license of any preschool program or school child program that 113403
is not in compliance with the requirements of sections 3301.52 to 113404
3301.59 of the Revised Code and any rules adopted jointly with the 113405
state board of education under those sections. 113406

(H) If the department of ~~education~~ children and youth revokes 113407
a license, the department shall not issue a license to the program 113408
within two years from the date of the revocation. All actions of 113409
the department with respect to licensing preschool programs and 113410
school child programs shall be in accordance with Chapter 119. of 113411
the Revised Code. 113412

~~Sec. 3301.59. (A) No school child program may receive any state or federal funds specifically allocated for school child programs unless the school child program is licensed by the department of education children and youth pursuant to sections 3301.52 to 3301.59 or Chapter 5104. of the Revised Code ~~or by the department of job and family services pursuant to Chapter 5104. of the Revised Code.~~~~

~~(B) If an eligible nonpublic school is operating, managing, conducting, or maintaining a preschool program or school child program on July 22, 1991, and if the eligible nonpublic school previously obtained a license for the program from the department of job and family services pursuant to Chapter 5104. of the Revised Code, the eligible nonpublic school shall do one of the following:~~

~~(1) On or before the expiration date of the license, apply pursuant to Chapter 5104. of the Revised Code to the department of job and family services for a renewal of the license;~~

~~(2) On or before the expiration date of the license, apply pursuant to sections 3301.52 to 3301.59 of the Revised Code to the department of education for a license for the program;~~

~~(3) If the program is a preschool program, cease to operate, manage, conduct, or maintain the program;~~

~~(4) If the program is a school child program, not accept any state or federal funds specifically allocated for school child programs and not accept any state or federal funds for publicly funded child care pursuant to Chapter 5104. of the Revised Code.~~

~~(C) If an eligible nonpublic school is operating, managing, conducting, or maintaining a preschool program or school child program on July 22, 1991, and if the eligible nonpublic school previously has not obtained a license for the program from the~~

~~department of job and family services pursuant to Chapter 5104. of 113443
the Revised Code, the eligible nonpublic school shall do one of 113444
the following: 113445~~

~~(1) On July 22, 1991, apply pursuant to Chapter 5104. of the 113446
Revised Code to the department of job and family services for a 113447
license for the program: 113448~~

~~(2) On July 22, 1991, apply pursuant to sections 3301.52 to 113449
3301.59 of the Revised Code to the department of education for a 113450
license for the program: 113451~~

~~(3) If the program is a preschool program, cease to operate, 113452
manage, conduct, or maintain the program: 113453~~

~~(4) If the program is a school child program, not accept any 113454
state or federal funds specifically allocated for school child 113455
programs and not accept any state or federal funds for publicly 113456
funded child care pursuant to Chapter 5104. of the Revised Code. 113457~~

~~(D)(1) If an eligible nonpublic school that operates, 113458
manages, conducts, or maintains a preschool program or a school 113459
child program elects pursuant to division (B)(1) of this section 113460
to renew a license for the program that was issued by the 113461
department of job and family services or elects pursuant to 113462
division (C)(1) of this section to apply to the department of job 113463
and family services for a license for the program, that preschool 113464
program or school child program is subject to Chapter 5104. of the 113465
Revised Code and to licensure under that chapter until the 113466
eligible nonpublic school ceases to operate, manage, conduct, or 113467
maintain the program. 113468~~

~~(2) If an eligible nonpublic school that operates, manages, 113469
conducts, or maintains a preschool program or a school child 113470
program elects pursuant to division (B)(2) or (C)(2) of this 113471
section to apply to the department of education for a license for 113472
the program, that preschool program or school child program is 113473~~

~~subject to sections 3301.52 to 3301.59 of the Revised Code and to 113474
licensure under those sections until the eligible nonpublic school 113475
ceases to operate, manage, conduct, or maintain the program. 113476~~

~~(E) Not later than July 22, 1992, the departments of job and 113477
family services and education shall each prepare a list of the 113478
preschool programs and school child programs that are licensed by 113479
the respective departments. 113480~~

Sec. 3301.132. (A)(1) As used in this section, "policy" means 113481
a written clarification or explanation of a statute or rule that 113482
is initiated by the department of education. "Policy" does not 113483
include any educational guideline, suggestion, or case study 113484
regarding how to comply with a statute or rule or any document or 113485
guideline regarding the internal organization or operation of the 113486
department, including matters regarding administration, personnel, 113487
or accounting. 113488

(2) A policy does not have the force of law. 113489

(B) Policies established by the department shall be subject 113490
to all of the following requirements: 113491

(1) A policy shall comply with the statutes and rules that 113492
are in existence at the time the policy is established. 113493

(2) A policy shall not establish any new requirement. 113494

(3) The first page of each policy shall have printed on it 113495
the following statement in uppercase letters: "THIS POLICY DOES 113496
NOT HAVE THE FORCE OF LAW." 113497

(4) A policy shall state clearly the statutory provision or 113498
administrative rule on which it is based. 113499

(C) Not later than ninety days after the effective date of 113500
this section, and every five years thereafter, the department 113501
shall review each policy that it established prior to the 113502
effective date of this section or that it establishes after that 113503

date and shall prepare written documentation certifying that the 113504
policy has been reviewed. The documentation is a public record 113505
under section 149.43 of the Revised Code. A policy that has not 113506
been so reviewed is void. 113507

(D) A person may file a written complaint at any time with 113508
the superintendent of public instruction alleging that a policy 113509
established by the department of education does not comply with 113510
the requirements established under division (B)(1) or (2) of this 113511
section. Not later than ninety days after receiving the complaint, 113512
the state superintendent shall review the policy and issue a 113513
determination as to whether the policy complies with those 113514
requirements. A determination issued by the state superintendent 113515
under this division is not a final action that is appealable under 113516
this chapter. 113517

(E) The department shall post all proposed policies in a 113518
prominent location on the department's web site. The department 113519
shall establish a public comment period of not less than sixty 113520
days for each proposed policy. If the department receives more 113521
than three public comments during that period, it shall hold at 113522
least one public hearing on the proposal. 113523

(F) Notwithstanding section 149.43 of the Revised Code, not 113524
later than ninety days after the effective date of this section, 113525
the department shall compile a copy of all its policies. The copy 113526
of policies shall be kept current and made available for public 113527
inspection and copying. 113528

Sec. 3301.94. Upon approval of the state board of education, 113529
the superintendent of public instruction and the chancellor of ~~the~~ 113530
~~Ohio board of regents~~ higher education may enter into a memorandum 113531
of understanding under which the department of education, on 113532
behalf of the chancellor, will receive and maintain copies of data 113533
records containing student information reported to the chancellor 113534

for the purpose of combining those records with the data reported 113535
to the education management information system established under 113536
section 3301.0714 of the Revised Code to establish an education 113537
data repository that may be used to conduct longitudinal research 113538
and evaluation. The memorandum of understanding shall specify the 113539
following: 113540

(A) That, prior to establishing the repository, the 113541
superintendent and chancellor shall develop a strategic plan for 113542
the repository that outlines the goals to be achieved from its 113543
implementation and use. A copy of the strategic plan shall be 113544
provided to the governor, the president of the senate, and the 113545
speaker of the house of representatives. 113546

(B) That the chancellor shall submit all student data to be 113547
included in the repository to the independent contractor engaged 113548
by the department to create and maintain the student data 113549
verification codes required by division (D)(2) of section 113550
3301.0714 of the Revised Code. For each student included in the 113551
data submitted by the chancellor, the independent contractor shall 113552
determine whether a data verification code has been assigned to 113553
that student. In the case of a student to whom a data verification 113554
code has been assigned, the independent contractor shall add the 113555
code to the student's data record and remove from the data record 113556
any information that would enable the data verification code to be 113557
matched to personally identifiable student data. In the case of a 113558
student to whom a data verification code has not been assigned, 113559
the independent contractor shall assign a data verification code 113560
to the student, add the data verification code to the student's 113561
data record, and remove from the data record any information that 113562
would enable the data verification code to be matched to 113563
personally identifiable student data. After making the 113564
modifications described in this division, the independent 113565
contractor shall transmit the data to the department. 113566

(C) That the superintendent and the chancellor jointly shall develop procedures for the maintenance of the data in the repository and shall designate the types of research that may be conducted using that data. Permitted uses of the data shall include, but are not limited to, the following:

(1) Assisting the department of education, superintendent, ~~or~~ state board, and the department of children and youth in performing audit and evaluation functions concerning preschool, elementary, and secondary education as required or authorized by any provision of law, including division (C) of section 3301.07 and sections 3301.12, 3301.16, 3301.53, 3301.57, 3301.58, and 3302.03 of the Revised Code;

(2) Assisting the chancellor in performing audit and evaluation functions concerning higher education as required or authorized by any provision of law, including sections 3333.04, 3333.041, 3333.047, 3333.122, 3333.123, 3333.16, 3333.161, 3333.374, 3333.72, and 3333.82 of the Revised Code.

(D) That the superintendent and the chancellor, from time to time, jointly may enter into written agreements with entities for the use of data in the repository to conduct research and analysis designed to evaluate the effectiveness of programs or services, to measure progress against specific strategic planning goals, or for any other purpose permitted by law that the superintendent and chancellor consider necessary for the performance of their duties under the Revised Code. The agreements may permit the disclosure of personally identifiable student information to the entity named in the agreement, provided that disclosure complies with the "Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and regulations promulgated under that act prescribing requirements for such agreements. The superintendent shall notify the state board of each agreement entered into under this division.

(E) That the data in the repository submitted by the department of education shall remain under the direct control of the department and that the data in the repository submitted by the chancellor shall remain under the direct control of the chancellor;

(F) That the data in the repository shall be managed in a manner that complies with the "Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended;

(G) That all costs related to the initial establishment and ongoing maintenance of the repository shall be paid from funds received from state incentive grants awarded under division (A), Title XIV, section 14006 of the American Recovery and Reinvestment Act of 2009, other federal grant programs, or existing appropriations of the department or chancellor that are designated for a purpose consistent with this section;

(H) That the department of education annually shall report to the state board ~~and~~, the chancellor, and the department of children and youth all requests for access to or use of the data in the repository and all costs related to the initial establishment and ongoing maintenance of the repository.

Sec. 3313.64. (A) As used in this section and in section 3313.65 of the Revised Code:

(1)(a) Except as provided in division (A)(1)(b) of this section, "parent" means either parent, unless the parents are separated or divorced or their marriage has been dissolved or annulled, in which case "parent" means the parent who is the residential parent and legal custodian of the child. When a child is in the legal custody of a government agency or a person other than the child's natural or adoptive parent, "parent" means the parent with residual parental rights, privileges, and responsibilities. When a child is in the permanent custody of a

government agency or a person other than the child's natural or 113630
adoptive parent, "parent" means the parent who was divested of 113631
parental rights and responsibilities for the care of the child and 113632
the right to have the child live with the parent and be the legal 113633
custodian of the child and all residual parental rights, 113634
privileges, and responsibilities. 113635

(b) When a child is the subject of a power of attorney 113636
executed under sections 3109.51 to 3109.62 of the Revised Code, 113637
"parent" means the grandparent designated as attorney in fact 113638
under the power of attorney. When a child is the subject of a 113639
caretaker authorization affidavit executed under sections 3109.64 113640
to 3109.73 of the Revised Code, "parent" means the grandparent 113641
that executed the affidavit. 113642

(2) "Legal custody," "permanent custody," and "residual 113643
parental rights, privileges, and responsibilities" have the same 113644
meanings as in section 2151.011 of the Revised Code. 113645

(3) "School district" or "district" means a city, local, or 113646
exempted village school district and excludes any school operated 113647
in an institution maintained by the department of youth services. 113648

(4) Except as used in division (C)(2) of this section, "home" 113649
means a home, institution, foster home, group home, or other 113650
residential facility in this state that receives and cares for 113651
children, to which any of the following applies: 113652

(a) The home is licensed, certified, or approved for such 113653
purpose by the state or is maintained by the department of youth 113654
services. 113655

(b) The home is operated by a person who is licensed, 113656
certified, or approved by the state to operate the home for such 113657
purpose. 113658

(c) The home accepted the child through a placement by a 113659
person licensed, certified, or approved to place a child in such a 113660

home by the state. 113661

(d) The home is a children's home created under section 113662
5153.21 or 5153.36 of the Revised Code. 113663

(5) "Agency" means all of the following: 113664

(a) A public children services agency; 113665

(b) An organization that holds a certificate issued by the 113666
~~Ohio~~ department of ~~job children~~ and ~~family services~~ youth in 113667
accordance with the requirements of section 5103.03 of the Revised 113668
Code and assumes temporary or permanent custody of children 113669
through commitment, agreement, or surrender, and places children 113670
in family homes for the purpose of adoption; 113671

(c) Comparable agencies of other states or countries that 113672
have complied with applicable requirements of section 2151.39 of 113673
the Revised Code or as applicable, sections 5103.20 to 5103.22 or 113674
5103.23 to 5103.237 of the Revised Code. 113675

(6) A child is placed for adoption if either of the following 113676
occurs: 113677

(a) An agency to which the child has been permanently 113678
committed or surrendered enters into an agreement with a person 113679
pursuant to section 5103.16 of the Revised Code for the care and 113680
adoption of the child. 113681

(b) The child's natural parent places the child pursuant to 113682
section 5103.16 of the Revised Code with a person who will care 113683
for and adopt the child. 113684

(7) "Preschool child with a disability" has the same meaning 113685
as in section 3323.01 of the Revised Code. 113686

(8) "Child," unless otherwise indicated, includes preschool 113687
children with disabilities. 113688

(9) "Active duty" means active duty pursuant to an executive 113689
order of the president of the United States, an act of the 113690

congress of the United States, or section 5919.29 or 5923.21 of the Revised Code. 113691
113692

(B) Except as otherwise provided in section 3321.01 of the Revised Code for admittance to kindergarten and first grade, a child who is at least five but under twenty-two years of age and any preschool child with a disability shall be admitted to school as provided in this division. 113693
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(1) A child shall be admitted to the schools of the school district in which the child's parent resides. 113698
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(2) Except as provided in division (B) of section 2151.362 and section 3317.30 of the Revised Code, a child who does not reside in the district where the child's parent resides shall be admitted to the schools of the district in which the child resides if any of the following applies: 113700
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(a) The child is in the legal or permanent custody of a government agency or a person other than the child's natural or adoptive parent. 113705
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(b) The child resides in a home. 113708

(c) The child requires special education. 113709

(3) A child who is not entitled under division (B)(2) of this section to be admitted to the schools of the district where the child resides and who is residing with a resident of this state with whom the child has been placed for adoption shall be admitted to the schools of the district where the child resides unless either of the following applies: 113710
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(a) The placement for adoption has been terminated. 113716

(b) Another school district is required to admit the child under division (B)(1) of this section. 113717
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Division (B) of this section does not prohibit the board of education of a school district from placing a child with a 113719
113720

disability who resides in the district in a special education 113721
program outside of the district or its schools in compliance with 113722
Chapter 3323. of the Revised Code. 113723

(C) A district shall not charge tuition for children admitted 113724
under division (B)(1) or (3) of this section. If the district 113725
admits a child under division (B)(2) of this section, tuition 113726
shall be paid to the district that admits the child as provided in 113727
divisions (C)(1) to (3) of this section, unless division (C)(4) of 113728
this section applies to the child: 113729

(1) If the child receives special education in accordance 113730
with Chapter 3323. of the Revised Code, the school district of 113731
residence, as defined in section 3323.01 of the Revised Code, 113732
shall pay tuition for the child in accordance with section 113733
3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code 113734
regardless of who has custody of the child or whether the child 113735
resides in a home. 113736

(2) For a child that does not receive special education in 113737
accordance with Chapter 3323. of the Revised Code, except as 113738
otherwise provided in division (C)(2)(d) of this section, if the 113739
child is in the permanent or legal custody of a government agency 113740
or person other than the child's parent, tuition shall be paid by: 113741

(a) The district in which the child's parent resided at the 113742
time the court removed the child from home or at the time the 113743
court vested legal or permanent custody of the child in the person 113744
or government agency, whichever occurred first; 113745

(b) If the parent's residence at the time the court removed 113746
the child from home or placed the child in the legal or permanent 113747
custody of the person or government agency is unknown, tuition 113748
shall be paid by the district in which the child resided at the 113749
time the child was removed from home or placed in legal or 113750
permanent custody, whichever occurred first; 113751

(c) If a school district cannot be established under division 113752
(C)(2)(a) or (b) of this section, tuition shall be paid by the 113753
district determined as required by section 2151.362 of the Revised 113754
Code by the court at the time it vests custody of the child in the 113755
person or government agency; 113756

(d) If at the time the court removed the child from home or 113757
vested legal or permanent custody of the child in the person or 113758
government agency, whichever occurred first, one parent was in a 113759
residential or correctional facility or a juvenile residential 113760
placement and the other parent, if living and not in such a 113761
facility or placement, was not known to reside in this state, 113762
tuition shall be paid by the district determined under division 113763
(D) of section 3313.65 of the Revised Code as the district 113764
required to pay any tuition while the parent was in such facility 113765
or placement; 113766

(e) If the department of education has determined, pursuant 113767
to division (A)(2) of section 2151.362 of the Revised Code, that a 113768
school district other than the one named in the court's initial 113769
order, or in a prior determination of the department, is 113770
responsible to bear the cost of educating the child, the district 113771
so determined shall be responsible for that cost. 113772

(3) If the child is not in the permanent or legal custody of 113773
a government agency or person other than the child's parent and 113774
the child resides in a home, tuition shall be paid by one of the 113775
following: 113776

(a) The school district in which the child's parent resides; 113777

(b) If the child's parent is not a resident of this state, 113778
the home in which the child resides. 113779

(4) Division (C)(4) of this section applies to any child who 113780
is admitted to a school district under division (B)(2) of this 113781
section, resides in a home that is not a foster home, a home 113782

maintained by the department of youth services, a detention 113783
facility established under section 2152.41 of the Revised Code, or 113784
a juvenile facility established under section 2151.65 of the 113785
Revised Code, and receives educational services at the home or 113786
facility in which the child resides pursuant to a contract between 113787
the home or facility and the school district providing those 113788
services. 113789

If a child to whom division (C)(4) of this section applies is 113790
a special education student, a district may choose whether to 113791
receive a tuition payment for that child under division (C)(4) of 113792
this section or to receive a payment for that child under section 113793
3323.14 of the Revised Code. If a district chooses to receive a 113794
payment for that child under section 3323.14 of the Revised Code, 113795
it shall not receive a tuition payment for that child under 113796
division (C)(4) of this section. 113797

If a child to whom division (C)(4) of this section applies is 113798
not a special education student, a district shall receive a 113799
tuition payment for that child under division (C)(4) of this 113800
section. 113801

In the case of a child to which division (C)(4) of this 113802
section applies, the total educational cost to be paid for the 113803
child shall be determined by a formula approved by the department 113804
of education, which formula shall be designed to calculate a per 113805
diem cost for the educational services provided to the child for 113806
each day the child is served and shall reflect the total actual 113807
cost incurred in providing those services. The department shall 113808
certify the total educational cost to be paid for the child to 113809
both the school district providing the educational services and, 113810
if different, the school district that is responsible to pay 113811
tuition for the child. The department shall deduct the certified 113812
amount from the state basic aid funds payable under Chapter 3317. 113813
of the Revised Code to the district responsible to pay tuition and 113814

shall pay that amount to the district providing the educational services to the child. 113815
113816

(D) Tuition required to be paid under divisions (C)(2) and 113817
(3)(a) of this section shall be computed in accordance with 113818
section 3317.08 of the Revised Code. Tuition required to be paid 113819
under division (C)(3)(b) of this section shall be computed in 113820
accordance with section 3317.081 of the Revised Code. If a home 113821
fails to pay the tuition required by division (C)(3)(b) of this 113822
section, the board of education providing the education may 113823
recover in a civil action the tuition and the expenses incurred in 113824
prosecuting the action, including court costs and reasonable 113825
attorney's fees. If the prosecuting attorney or city director of 113826
law represents the board in such action, costs and reasonable 113827
attorney's fees awarded by the court, based upon the prosecuting 113828
attorney's, director's, or one of their designee's time spent 113829
preparing and presenting the case, shall be deposited in the 113830
county or city general fund. 113831

(E) A board of education may enroll a child free of any 113832
tuition obligation for a period not to exceed sixty days, on the 113833
sworn statement of an adult resident of the district that the 113834
resident has initiated legal proceedings for custody of the child. 113835

(F) In the case of any individual entitled to attend school 113836
under this division, no tuition shall be charged by the school 113837
district of attendance and no other school district shall be 113838
required to pay tuition for the individual's attendance. 113839
Notwithstanding division (B), (C), or (E) of this section: 113840

(1) All persons at least eighteen but under twenty-two years 113841
of age who live apart from their parents, support themselves by 113842
their own labor, and have not successfully completed the high 113843
school curriculum or the individualized education program 113844
developed for the person by the high school pursuant to section 113845
3323.08 of the Revised Code, are entitled to attend school in the 113846

district in which they reside. 113847

(2) Any child under eighteen years of age who is married is 113848
entitled to attend school in the child's district of residence. 113849

(3) A child is entitled to attend school in the district in 113850
which either of the child's parents is employed if the child has a 113851
medical condition that may require emergency medical attention. 113852
The parent of a child entitled to attend school under division 113853
(F)(3) of this section shall submit to the board of education of 113854
the district in which the parent is employed a statement from the 113855
child's physician certifying that the child's medical condition 113856
may require emergency medical attention. The statement shall be 113857
supported by such other evidence as the board may require. 113858

(4) Any child residing with a person other than the child's 113859
parent is entitled, for a period not to exceed twelve months, to 113860
attend school in the district in which that person resides if the 113861
child's parent files an affidavit with the superintendent of the 113862
district in which the person with whom the child is living resides 113863
stating all of the following: 113864

(a) That the parent is serving outside of the state in the 113865
armed services of the United States; 113866

(b) That the parent intends to reside in the district upon 113867
returning to this state; 113868

(c) The name and address of the person with whom the child is 113869
living while the parent is outside the state. 113870

(5) Any child under the age of twenty-two years who, after 113871
the death of a parent, resides in a school district other than the 113872
district in which the child attended school at the time of the 113873
parent's death is entitled to continue to attend school in the 113874
district in which the child attended school at the time of the 113875
parent's death for the remainder of the school year, subject to 113876
approval of that district board. 113877

(6) A child under the age of twenty-two years who resides with a parent who is having a new house built in a school district outside the district where the parent is residing is entitled to attend school for a period of time in the district where the new house is being built. In order to be entitled to such attendance, the parent shall provide the district superintendent with the following:

(a) A sworn statement explaining the situation, revealing the location of the house being built, and stating the parent's intention to reside there upon its completion;

(b) A statement from the builder confirming that a new house is being built for the parent and that the house is at the location indicated in the parent's statement.

(7) A child under the age of twenty-two years residing with a parent who has a contract to purchase a house in a school district outside the district where the parent is residing and who is waiting upon the date of closing of the mortgage loan for the purchase of such house is entitled to attend school for a period of time in the district where the house is being purchased. In order to be entitled to such attendance, the parent shall provide the district superintendent with the following:

(a) A sworn statement explaining the situation, revealing the location of the house being purchased, and stating the parent's intent to reside there;

(b) A statement from a real estate broker or bank officer confirming that the parent has a contract to purchase the house, that the parent is waiting upon the date of closing of the mortgage loan, and that the house is at the location indicated in the parent's statement.

The district superintendent shall establish a period of time not to exceed ninety days during which the child entitled to

attend school under division (F)(6) or (7) of this section may 113909
attend without tuition obligation. A student attending a school 113910
under division (F)(6) or (7) of this section shall be eligible to 113911
participate in interscholastic athletics under the auspices of 113912
that school, provided the board of education of the school 113913
district where the student's parent resides, by a formal action, 113914
releases the student to participate in interscholastic athletics 113915
at the school where the student is attending, and provided the 113916
student receives any authorization required by a public agency or 113917
private organization of which the school district is a member 113918
exercising authority over interscholastic sports. 113919

(8) A child whose parent is a full-time employee of a city, 113920
local, or exempted village school district, or of an educational 113921
service center, may be admitted to the schools of the district 113922
where the child's parent is employed, or in the case of a child 113923
whose parent is employed by an educational service center, in the 113924
district that serves the location where the parent's job is 113925
primarily located, provided the district board of education 113926
establishes such an admission policy by resolution adopted by a 113927
majority of its members. Any such policy shall take effect on the 113928
first day of the school year and the effective date of any 113929
amendment or repeal may not be prior to the first day of the 113930
subsequent school year. The policy shall be uniformly applied to 113931
all such children and shall provide for the admission of any such 113932
child upon request of the parent. No child may be admitted under 113933
this policy after the first day of classes of any school year. 113934

(9) A child who is with the child's parent under the care of 113935
a shelter for victims of domestic violence, as defined in section 113936
3113.33 of the Revised Code, is entitled to attend school free in 113937
the district in which the child is with the child's parent, and no 113938
other school district shall be required to pay tuition for the 113939
child's attendance in that school district. 113940

The enrollment of a child in a school district under this 113941
division shall not be denied due to a delay in the school 113942
district's receipt of any records required under section 3313.672 113943
of the Revised Code or any other records required for enrollment. 113944
Any days of attendance and any credits earned by a child while 113945
enrolled in a school district under this division shall be 113946
transferred to and accepted by any school district in which the 113947
child subsequently enrolls. The state board of education shall 113948
adopt rules to ensure compliance with this division. 113949

(10) Any child under the age of twenty-two years whose parent 113950
has moved out of the school district after the commencement of 113951
classes in the child's senior year of high school is entitled, 113952
subject to the approval of that district board, to attend school 113953
in the district in which the child attended school at the time of 113954
the parental move for the remainder of the school year and for one 113955
additional semester or equivalent term. A district board may also 113956
adopt a policy specifying extenuating circumstances under which a 113957
student may continue to attend school under division (F)(10) of 113958
this section for an additional period of time in order to 113959
successfully complete the high school curriculum for the 113960
individualized education program developed for the student by the 113961
high school pursuant to section 3323.08 of the Revised Code. 113962

(11) As used in this division, "grandparent" means a parent 113963
of a parent of a child. A child under the age of twenty-two years 113964
who is in the custody of the child's parent, resides with a 113965
grandparent, and does not require special education is entitled to 113966
attend the schools of the district in which the child's 113967
grandparent resides, provided that, prior to such attendance in 113968
any school year, the board of education of the school district in 113969
which the child's grandparent resides and the board of education 113970
of the school district in which the child's parent resides enter 113971
into a written agreement specifying that good cause exists for 113972

such attendance, describing the nature of this good cause, and 113973
consenting to such attendance. 113974

In lieu of a consent form signed by a parent, a board of 113975
education may request the grandparent of a child attending school 113976
in the district in which the grandparent resides pursuant to 113977
division (F)(11) of this section to complete any consent form 113978
required by the district, including any authorization required by 113979
sections 3313.712, 3313.713, 3313.716, and 3313.718 of the Revised 113980
Code. Upon request, the grandparent shall complete any consent 113981
form required by the district. A school district shall not incur 113982
any liability solely because of its receipt of a consent form from 113983
a grandparent in lieu of a parent. 113984

Division (F)(11) of this section does not create, and shall 113985
not be construed as creating, a new cause of action or substantive 113986
legal right against a school district, a member of a board of 113987
education, or an employee of a school district. This section does 113988
not affect, and shall not be construed as affecting, any 113989
immunities from defenses to tort liability created or recognized 113990
by Chapter 2744. of the Revised Code for a school district, 113991
member, or employee. 113992

(12) A child under the age of twenty-two years is entitled to 113993
attend school in a school district other than the district in 113994
which the child is entitled to attend school under division (B), 113995
(C), or (E) of this section provided that, prior to such 113996
attendance in any school year, both of the following occur: 113997

(a) The superintendent of the district in which the child is 113998
entitled to attend school under division (B), (C), or (E) of this 113999
section contacts the superintendent of another district for 114000
purposes of this division; 114001

(b) The superintendents of both districts enter into a 114002
written agreement that consents to the attendance and specifies 114003

that the purpose of such attendance is to protect the student's 114004
physical or mental well-being or to deal with other extenuating 114005
circumstances deemed appropriate by the superintendents. 114006

While an agreement is in effect under this division for a 114007
student who is not receiving special education under Chapter 3323. 114008
of the Revised Code and notwithstanding Chapter 3327. of the 114009
Revised Code, the board of education of neither school district 114010
involved in the agreement is required to provide transportation 114011
for the student to and from the school where the student attends. 114012

A student attending a school of a district pursuant to this 114013
division shall be allowed to participate in all student 114014
activities, including interscholastic athletics, at the school 114015
where the student is attending on the same basis as any student 114016
who has always attended the schools of that district while of 114017
compulsory school age. 114018

(13) All school districts shall comply with the 114019
"McKinney-Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et 114020
seq., for the education of homeless children. Each city, local, 114021
and exempted village school district shall comply with the 114022
requirements of that act governing the provision of a free, 114023
appropriate public education, including public preschool, to each 114024
homeless child. 114025

When a child loses permanent housing and becomes a homeless 114026
person, as defined in 42 U.S.C.A. 11481(5), or when a child who is 114027
such a homeless person changes temporary living arrangements, the 114028
child's parent or guardian shall have the option of enrolling the 114029
child in either of the following: 114030

(a) The child's school of origin, as defined in 42 U.S.C.A. 114031
11432(g)(3)(C); 114032

(b) The school that is operated by the school district in 114033
which the shelter where the child currently resides is located and 114034

that serves the geographic area in which the shelter is located. 114035

(14) A child under the age of twenty-two years who resides 114036
with a person other than the child's parent is entitled to attend 114037
school in the school district in which that person resides if both 114038
of the following apply: 114039

(a) That person has been appointed, through a military power 114040
of attorney executed under section 574(a) of the "National Defense 114041
Authorization Act for Fiscal Year 1994," 107 Stat. 1674 (1993), 10 114042
U.S.C. 1044b, or through a comparable document necessary to 114043
complete a family care plan, as the parent's agent for the care, 114044
custody, and control of the child while the parent is on active 114045
duty as a member of the national guard or a reserve unit of the 114046
armed forces of the United States or because the parent is a 114047
member of the armed forces of the United States and is on a duty 114048
assignment away from the parent's residence. 114049

(b) The military power of attorney or comparable document 114050
includes at least the authority to enroll the child in school. 114051

The entitlement to attend school in the district in which the 114052
parent's agent under the military power of attorney or comparable 114053
document resides applies until the end of the school year in which 114054
the military power of attorney or comparable document expires. 114055

(G) A board of education, after approving admission, may 114056
waive tuition for students who will temporarily reside in the 114057
district and who are either of the following: 114058

(1) Residents or domiciliaries of a foreign nation who 114059
request admission as foreign exchange students; 114060

(2) Residents or domiciliaries of the United States but not 114061
of Ohio who request admission as participants in an exchange 114062
program operated by a student exchange organization. 114063

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 3323.04, 114064

3327.04, and 3327.06 of the Revised Code, a child may attend 114065
school or participate in a special education program in a school 114066
district other than in the district where the child is entitled to 114067
attend school under division (B) of this section. 114068

(I)(1) Notwithstanding anything to the contrary in this 114069
section or section 3313.65 of the Revised Code, a child under 114070
twenty-two years of age may attend school in the school district 114071
in which the child, at the end of the first full week of October 114072
of the school year, was entitled to attend school as otherwise 114073
provided under this section or section 3313.65 of the Revised 114074
Code, if at that time the child was enrolled in the schools of the 114075
district but since that time the child or the child's parent has 114076
relocated to a new address located outside of that school district 114077
and within the same county as the child's or parent's address 114078
immediately prior to the relocation. The child may continue to 114079
attend school in the district, and at the school to which the 114080
child was assigned at the end of the first full week of October of 114081
the current school year, for the balance of the school year. 114082
Division (I)(1) of this section applies only if both of the 114083
following conditions are satisfied: 114084

(a) The board of education of the school district in which 114085
the child was entitled to attend school at the end of the first 114086
full week in October and of the district to which the child or 114087
child's parent has relocated each has adopted a policy to enroll 114088
children described in division (I)(1) of this section. 114089

(b) The child's parent provides written notification of the 114090
relocation outside of the school district to the superintendent of 114091
each of the two school districts. 114092

(2) At the beginning of the school year following the school 114093
year in which the child or the child's parent relocated outside of 114094
the school district as described in division (I)(1) of this 114095
section, the child is not entitled to attend school in the school 114096

district under that division. 114097

(3) Any person or entity owing tuition to the school district 114098
on behalf of the child at the end of the first full week in 114099
October, as provided in division (C) of this section, shall 114100
continue to owe such tuition to the district for the child's 114101
attendance under division (I)(1) of this section for the lesser of 114102
the balance of the school year or the balance of the time that the 114103
child attends school in the district under division (I)(1) of this 114104
section. 114105

(4) A pupil who may attend school in the district under 114106
division (I)(1) of this section shall be entitled to 114107
transportation services pursuant to an agreement between the 114108
district and the district in which the child or child's parent has 114109
relocated unless the districts have not entered into such 114110
agreement, in which case the child shall be entitled to 114111
transportation services in the same manner as a pupil attending 114112
school in the district under interdistrict open enrollment as 114113
described in division (E) of section 3313.981 of the Revised Code, 114114
regardless of whether the district has adopted an open enrollment 114115
policy as described in division (B)(1)(b) or (c) of section 114116
3313.98 of the Revised Code. 114117

(J) This division does not apply to a child receiving special 114118
education. 114119

A school district required to pay tuition pursuant to 114120
division (C)(2) or (3) of this section or section 3313.65 of the 114121
Revised Code shall have an amount deducted under division (C) of 114122
section 3317.023 of the Revised Code equal to its own tuition rate 114123
for the same period of attendance. A school district entitled to 114124
receive tuition pursuant to division (C)(2) or (3) of this section 114125
or section 3313.65 of the Revised Code shall have an amount 114126
credited under division (C) of section 3317.023 of the Revised 114127
Code equal to its own tuition rate for the same period of 114128

attendance. If the tuition rate credited to the district of 114129
attendance exceeds the rate deducted from the district required to 114130
pay tuition, the department of education shall pay the district of 114131
attendance the difference from amounts deducted from all 114132
districts' payments under division (C) of section 3317.023 of the 114133
Revised Code but not credited to other school districts under such 114134
division and from appropriations made for such purpose. The 114135
treasurer of each school district shall, by the fifteenth day of 114136
January and July, furnish the superintendent of public instruction 114137
a report of the names of each child who attended the district's 114138
schools under divisions (C)(2) and (3) of this section or section 114139
3313.65 of the Revised Code during the preceding six calendar 114140
months, the duration of the attendance of those children, the 114141
school district responsible for tuition on behalf of the child, 114142
and any other information that the superintendent requires. 114143

Upon receipt of the report the superintendent, pursuant to 114144
division (C) of section 3317.023 of the Revised Code, shall deduct 114145
each district's tuition obligations under divisions (C)(2) and (3) 114146
of this section or section 3313.65 of the Revised Code and pay to 114147
the district of attendance that amount plus any amount required to 114148
be paid by the state. 114149

(K) In the event of a disagreement, the superintendent of 114150
public instruction shall determine the school district in which 114151
the parent resides. 114152

(L) Nothing in this section requires or authorizes, or shall 114153
be construed to require or authorize, the admission to a public 114154
school in this state of a pupil who has been permanently excluded 114155
from public school attendance by the superintendent of public 114156
instruction pursuant to sections 3301.121 and 3313.662 of the 114157
Revised Code. 114158

(M) In accordance with division (B)(1) of this section, a 114159
child whose parent is a member of the national guard or a reserve 114160

unit of the armed forces of the United States and is called to 114161
active duty, or a child whose parent is a member of the armed 114162
forces of the United States and is ordered to a temporary duty 114163
assignment outside of the district, may continue to attend school 114164
in the district in which the child's parent lived before being 114165
called to active duty or ordered to a temporary duty assignment 114166
outside of the district, as long as the child's parent continues 114167
to be a resident of that district, and regardless of where the 114168
child lives as a result of the parent's active duty status or 114169
temporary duty assignment. However, the district is not 114170
responsible for providing transportation for the child if the 114171
child lives outside of the district as a result of the parent's 114172
active duty status or temporary duty assignment. 114173

Sec. 3313.646. (A) The board of education of a school 114174
district, except a cooperative education district established 114175
pursuant to section 3311.521 of the Revised Code, may establish 114176
and operate a program to provide services to preschool-age 114177
children, provided the board has demonstrated a need for the 114178
program. A board may use school funds in support of preschool 114179
programs. The board shall maintain, operate, and admit children to 114180
any such program pursuant to rules adopted by such board and the 114181
rules ~~of the state board of education~~ adopted under sections 114182
3301.52 to 3301.57 of the Revised Code. 114183

A board of education may establish fees or tuition, which may 114184
be graduated in proportion to family income, for participation in 114185
a preschool program. In cases where payment of fees or tuition 114186
would create a hardship for the child's parent or guardian, the 114187
board may waive any such fees or tuition. 114188

(B) No board of education that is not receiving funds under 114189
the "Head Start Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, on 114190
March 17, 1989, shall compete for funds under the "Head Start Act" 114191

with any grantee receiving funds under that act. 114192

(C) A board of education may contract with any of the 114193
following preschool providers to provide services to preschool-age 114194
children, other than those services for which the district is 114195
eligible to receive funding under section 3317.0213 of the Revised 114196
Code: 114197

(1) Any organization receiving funds under the "Head Start 114198
Act"; 114199

(2) Any nonsectarian eligible nonpublic school as defined in 114200
division (H) of section 3301.52 of the Revised Code; 114201

(3) Any child care provider licensed under Chapter 5104. of 114202
the Revised Code. 114203

Boards may contract to provide services to preschool-age 114204
children only with such organizations whose staff meet the 114205
requirements of rules adopted under section 3301.53 of the Revised 114206
Code or those of the child development associate credential 114207
established by the national association for the education of young 114208
children. 114209

(D) A contract entered into under division (C) of this 114210
section may provide for the board of education to lease school 114211
facilities to the preschool provider or to furnish transportation, 114212
utilities, or staff for the preschool program. 114213

(E) The treasurer of any board of education operating a 114214
preschool program pursuant to this section shall keep an account 114215
of all funds used to operate the program in the same manner as the 114216
treasurer would any other funds of the district pursuant to this 114217
chapter. 114218

Sec. 3314.03. A copy of every contract entered into under 114219
this section shall be filed with the superintendent of public 114220
instruction. The department of education shall make available on 114221

its web site a copy of every approved, executed contract filed 114222
with the superintendent under this section. 114223

(A) Each contract entered into between a sponsor and the 114224
governing authority of a community school shall specify the 114225
following: 114226

(1) That the school shall be established as either of the 114227
following: 114228

(a) A nonprofit corporation established under Chapter 1702. 114229
of the Revised Code, if established prior to April 8, 2003; 114230

(b) A public benefit corporation established under Chapter 114231
1702. of the Revised Code, if established after April 8, 2003. 114232

(2) The education program of the school, including the 114233
school's mission, the characteristics of the students the school 114234
is expected to attract, the ages and grades of students, and the 114235
focus of the curriculum; 114236

(3) The academic goals to be achieved and the method of 114237
measurement that will be used to determine progress toward those 114238
goals, which shall include the statewide achievement assessments; 114239

(4) Performance standards, including but not limited to all 114240
applicable report card measures set forth in section 3302.03 or 114241
3314.017 of the Revised Code, by which the success of the school 114242
will be evaluated by the sponsor; 114243

(5) The admission standards of section 3314.06 of the Revised 114244
Code and, if applicable, section 3314.061 of the Revised Code; 114245

(6)(a) Dismissal procedures; 114246

(b) A requirement that the governing authority adopt an 114247
attendance policy that includes a procedure for automatically 114248
withdrawing a student from the school if the student without a 114249
legitimate excuse fails to participate in seventy-two consecutive 114250

hours of the learning opportunities offered to the student. 114251

(7) The ways by which the school will achieve racial and 114252
ethnic balance reflective of the community it serves; 114253

(8) Requirements for financial audits by the auditor of 114254
state. The contract shall require financial records of the school 114255
to be maintained in the same manner as are financial records of 114256
school districts, pursuant to rules of the auditor of state. 114257
Audits shall be conducted in accordance with section 117.10 of the 114258
Revised Code. 114259

(9) An addendum to the contract outlining the facilities to 114260
be used that contains at least the following information: 114261

(a) A detailed description of each facility used for 114262
instructional purposes; 114263

(b) The annual costs associated with leasing each facility 114264
that are paid by or on behalf of the school; 114265

(c) The annual mortgage principal and interest payments that 114266
are paid by the school; 114267

(d) The name of the lender or landlord, identified as such, 114268
and the lender's or landlord's relationship to the operator, if 114269
any. 114270

(10) Qualifications of teachers, including a requirement that 114271
the school's classroom teachers be licensed in accordance with 114272
sections 3319.22 to 3319.31 of the Revised Code, except that a 114273
community school may engage noncertificated persons to teach up to 114274
twelve hours or forty hours per week pursuant to section 3319.301 114275
of the Revised Code. 114276

(11) That the school will comply with the following 114277
requirements: 114278

(a) The school will provide learning opportunities to a 114279
minimum of twenty-five students for a minimum of nine hundred 114280

twenty hours per school year. 114281

(b) The governing authority will purchase liability 114282
insurance, or otherwise provide for the potential liability of the 114283
school. 114284

(c) The school will be nonsectarian in its programs, 114285
admission policies, employment practices, and all other 114286
operations, and will not be operated by a sectarian school or 114287
religious institution. 114288

(d) The school will comply with sections 9.90, 9.91, 109.65, 114289
121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 114290
3301.0712, 3301.0715, 3301.0729, 3301.948, 3302.037, 3313.472, 114291
3313.50, 3313.539, 3313.5310, 3313.608, 3313.609, 3313.6012, 114292
3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6024, 3313.6025, 114293
3313.6026, 3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 114294
3313.662, 3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 114295
3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 114296
3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 3313.814, 114297
3313.816, 3313.817, 3313.818, 3313.86, 3313.89, 3313.96, 3319.073, 114298
3319.077, 3319.078, 3319.238, 3319.318, 3319.321, 3319.39, 114299
3319.391, 3319.393, 3319.41, 3319.46, 3320.01, 3320.02, 3320.03, 114300
3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 114301
3321.19, 3323.251, 3327.10, 4111.17, 4113.52, 5502.262, 5502.703, 114302
and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 114303
4123., 4141., and 4167. of the Revised Code as if it were a school 114304
district and will comply with section 3301.0714 of the Revised 114305
Code in the manner specified in section 3314.17 of the Revised 114306
Code. 114307

(e) The school shall comply with Chapter 102. and section 114308
2921.42 of the Revised Code. 114309

(f) The school will comply with sections 3313.61, 3313.611, 114310
3313.614, 3313.617, 3313.618, and 3313.6114 of the Revised Code, 114311

except that for students who enter ninth grade for the first time 114312
before July 1, 2010, the requirement in sections 3313.61 and 114313
3313.611 of the Revised Code that a person must successfully 114314
complete the curriculum in any high school prior to receiving a 114315
high school diploma may be met by completing the curriculum 114316
adopted by the governing authority of the community school rather 114317
than the curriculum specified in Title XXXIII of the Revised Code 114318
or any rules of the state board of education. Beginning with 114319
students who enter ninth grade for the first time on or after July 114320
1, 2010, the requirement in sections 3313.61 and 3313.611 of the 114321
Revised Code that a person must successfully complete the 114322
curriculum of a high school prior to receiving a high school 114323
diploma shall be met by completing the requirements prescribed in 114324
section 3313.6027 and division (C) of section 3313.603 of the 114325
Revised Code, unless the person qualifies under division (D) or 114326
(F) of that section. Each school shall comply with the plan for 114327
awarding high school credit based on demonstration of subject area 114328
competency, and beginning with the 2017-2018 school year, with the 114329
updated plan that permits students enrolled in seventh and eighth 114330
grade to meet curriculum requirements based on subject area 114331
competency adopted by the state board of education under divisions 114332
(J)(1) and (2) of section 3313.603 of the Revised Code. Beginning 114333
with the 2018-2019 school year, the school shall comply with the 114334
framework for granting units of high school credit to students who 114335
demonstrate subject area competency through work-based learning 114336
experiences, internships, or cooperative education developed by 114337
the department under division (J)(3) of section 3313.603 of the 114338
Revised Code. 114339

(g) The school governing authority will submit within four 114340
months after the end of each school year a report of its 114341
activities and progress in meeting the goals and standards of 114342
divisions (A)(3) and (4) of this section and its financial status 114343
to the sponsor and the parents of all students enrolled in the 114344

school. 114345

(h) The school, unless it is an internet- or computer-based 114346
community school, will comply with section 3313.801 of the Revised 114347
Code as if it were a school district. 114348

(i) If the school is the recipient of moneys from a grant 114349
awarded under the federal race to the top program, Division (A), 114350
Title XIV, Sections 14005 and 14006 of the "American Recovery and 114351
Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the 114352
school will pay teachers based upon performance in accordance with 114353
section 3317.141 and will comply with section 3319.111 of the 114354
Revised Code as if it were a school district. 114355

(j) If the school operates a preschool program that is 114356
~~licensed by the department of education~~ under sections 3301.52 to 114357
3301.59 of the Revised Code, the school shall comply with sections 114358
3301.50 to 3301.59 of the Revised Code and the minimum standards 114359
for preschool programs prescribed in rules adopted by the ~~state~~ 114360
~~board~~ department of children and youth under section 3301.53 of 114361
the Revised Code. 114362

(k) The school will comply with sections 3313.6021 and 114363
3313.6023 of the Revised Code as if it were a school district 114364
unless it is either of the following: 114365

(i) An internet- or computer-based community school; 114366

(ii) A community school in which a majority of the enrolled 114367
students are children with disabilities as described in division 114368
(A)(4)(b) of section 3314.35 of the Revised Code. 114369

(l) The school will comply with section 3321.191 of the 114370
Revised Code, unless it is an internet- or computer-based 114371
community school that is subject to section 3314.261 of the 114372
Revised Code. 114373

(12) Arrangements for providing health and other benefits to 114374

employees; 114375

(13) The length of the contract, which shall begin at the 114376
beginning of an academic year. No contract shall exceed five years 114377
unless such contract has been renewed pursuant to division (E) of 114378
this section. 114379

(14) The governing authority of the school, which shall be 114380
responsible for carrying out the provisions of the contract; 114381

(15) A financial plan detailing an estimated school budget 114382
for each year of the period of the contract and specifying the 114383
total estimated per pupil expenditure amount for each such year. 114384

(16) Requirements and procedures regarding the disposition of 114385
employees of the school in the event the contract is terminated or 114386
not renewed pursuant to section 3314.07 of the Revised Code; 114387

(17) Whether the school is to be created by converting all or 114388
part of an existing public school or educational service center 114389
building or is to be a new start-up school, and if it is a 114390
converted public school or service center building, specification 114391
of any duties or responsibilities of an employer that the board of 114392
education or service center governing board that operated the 114393
school or building before conversion is delegating to the 114394
governing authority of the community school with respect to all or 114395
any specified group of employees provided the delegation is not 114396
prohibited by a collective bargaining agreement applicable to such 114397
employees; 114398

(18) Provisions establishing procedures for resolving 114399
disputes or differences of opinion between the sponsor and the 114400
governing authority of the community school; 114401

(19) A provision requiring the governing authority to adopt a 114402
policy regarding the admission of students who reside outside the 114403
district in which the school is located. That policy shall comply 114404
with the admissions procedures specified in sections 3314.06 and 114405

3314.061 of the Revised Code and, at the sole discretion of the authority, shall do one of the following:

(a) Prohibit the enrollment of students who reside outside the district in which the school is located;

(b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located;

(c) Permit the enrollment of students who reside in any other district in the state.

(20) A provision recognizing the authority of the department of education to take over the sponsorship of the school in accordance with the provisions of division (C) of section 3314.015 of the Revised Code;

(21) A provision recognizing the sponsor's authority to assume the operation of a school under the conditions specified in division (B) of section 3314.073 of the Revised Code;

(22) A provision recognizing both of the following:

(a) The authority of public health and safety officials to inspect the facilities of the school and to order the facilities closed if those officials find that the facilities are not in compliance with health and safety laws and regulations;

(b) The authority of the department of education as the community school oversight body to suspend the operation of the school under section 3314.072 of the Revised Code if the department has evidence of conditions or violations of law at the school that pose an imminent danger to the health and safety of the school's students and employees and the sponsor refuses to take such action.

(23) A description of the learning opportunities that will be offered to students including both classroom-based and non-classroom-based learning opportunities that is in compliance

with criteria for student participation established by the 114436
department under division (H)(2) of section 3314.08 of the Revised 114437
Code; 114438

(24) The school will comply with sections 3302.04 and 114439
3302.041 of the Revised Code, except that any action required to 114440
be taken by a school district pursuant to those sections shall be 114441
taken by the sponsor of the school. However, the sponsor shall not 114442
be required to take any action described in division (F) of 114443
section 3302.04 of the Revised Code. 114444

(25) Beginning in the 2006-2007 school year, the school will 114445
open for operation not later than the thirtieth day of September 114446
each school year, unless the mission of the school as specified 114447
under division (A)(2) of this section is solely to serve dropouts. 114448
In its initial year of operation, if the school fails to open by 114449
the thirtieth day of September, or within one year after the 114450
adoption of the contract pursuant to division (D) of section 114451
3314.02 of the Revised Code if the mission of the school is solely 114452
to serve dropouts, the contract shall be void. 114453

(26) Whether the school's governing authority is planning to 114454
seek designation for the school as a STEM school equivalent under 114455
section 3326.032 of the Revised Code; 114456

(27) That the school's attendance and participation policies 114457
will be available for public inspection; 114458

(28) That the school's attendance and participation records 114459
shall be made available to the department of education, auditor of 114460
state, and school's sponsor to the extent permitted under and in 114461
accordance with the "Family Educational Rights and Privacy Act of 114462
1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any 114463
regulations promulgated under that act, and section 3319.321 of 114464
the Revised Code; 114465

(29) If a school operates using the blended learning model, 114466

as defined in section 3301.079 of the Revised Code, all of the 114467
following information: 114468

(a) An indication of what blended learning model or models 114469
will be used; 114470

(b) A description of how student instructional needs will be 114471
determined and documented; 114472

(c) The method to be used for determining competency, 114473
granting credit, and promoting students to a higher grade level; 114474

(d) The school's attendance requirements, including how the 114475
school will document participation in learning opportunities; 114476

(e) A statement describing how student progress will be 114477
monitored; 114478

(f) A statement describing how private student data will be 114479
protected; 114480

(g) A description of the professional development activities 114481
that will be offered to teachers. 114482

(30) A provision requiring that all moneys the school's 114483
operator loans to the school, including facilities loans or cash 114484
flow assistance, must be accounted for, documented, and bear 114485
interest at a fair market rate; 114486

(31) A provision requiring that, if the governing authority 114487
contracts with an attorney, accountant, or entity specializing in 114488
audits, the attorney, accountant, or entity shall be independent 114489
from the operator with which the school has contracted. 114490

(32) A provision requiring the governing authority to adopt 114491
an enrollment and attendance policy that requires a student's 114492
parent to notify the community school in which the student is 114493
enrolled when there is a change in the location of the parent's or 114494
student's primary residence. 114495

(33) A provision requiring the governing authority to adopt a 114496

student residence and address verification policy for students 114497
enrolling in or attending the school. 114498

(B) The community school shall also submit to the sponsor a 114499
comprehensive plan for the school. The plan shall specify the 114500
following: 114501

(1) The process by which the governing authority of the 114502
school will be selected in the future; 114503

(2) The management and administration of the school; 114504

(3) If the community school is a currently existing public 114505
school or educational service center building, alternative 114506
arrangements for current public school students who choose not to 114507
attend the converted school and for teachers who choose not to 114508
teach in the school or building after conversion; 114509

(4) The instructional program and educational philosophy of 114510
the school; 114511

(5) Internal financial controls. 114512

When submitting the plan under this division, the school 114513
shall also submit copies of all policies and procedures regarding 114514
internal financial controls adopted by the governing authority of 114515
the school. 114516

(C) A contract entered into under section 3314.02 of the 114517
Revised Code between a sponsor and the governing authority of a 114518
community school may provide for the community school governing 114519
authority to make payments to the sponsor, which is hereby 114520
authorized to receive such payments as set forth in the contract 114521
between the governing authority and the sponsor. The total amount 114522
of such payments for monitoring, oversight, and technical 114523
assistance of the school shall not exceed three per cent of the 114524
total amount of payments for operating expenses that the school 114525
receives from the state. 114526

(D) The contract shall specify the duties of the sponsor 114527
which shall be in accordance with the written agreement entered 114528
into with the department of education under division (B) of 114529
section 3314.015 of the Revised Code and shall include the 114530
following: 114531

(1) Monitor the community school's compliance with all laws 114532
applicable to the school and with the terms of the contract; 114533

(2) Monitor and evaluate the academic and fiscal performance 114534
and the organization and operation of the community school on at 114535
least an annual basis; 114536

(3) Report on an annual basis the results of the evaluation 114537
conducted under division (D)(2) of this section to the department 114538
of education and to the parents of students enrolled in the 114539
community school; 114540

(4) Provide technical assistance to the community school in 114541
complying with laws applicable to the school and terms of the 114542
contract; 114543

(5) Take steps to intervene in the school's operation to 114544
correct problems in the school's overall performance, declare the 114545
school to be on probationary status pursuant to section 3314.073 114546
of the Revised Code, suspend the operation of the school pursuant 114547
to section 3314.072 of the Revised Code, or terminate the contract 114548
of the school pursuant to section 3314.07 of the Revised Code as 114549
determined necessary by the sponsor; 114550

(6) Have in place a plan of action to be undertaken in the 114551
event the community school experiences financial difficulties or 114552
closes prior to the end of a school year. 114553

(E) Upon the expiration of a contract entered into under this 114554
section, the sponsor of a community school may, with the approval 114555
of the governing authority of the school, renew that contract for 114556
a period of time determined by the sponsor, but not ending earlier 114557

than the end of any school year, if the sponsor finds that the school's compliance with applicable laws and terms of the contract and the school's progress in meeting the academic goals prescribed in the contract have been satisfactory. Any contract that is renewed under this division remains subject to the provisions of sections 3314.07, 3314.072, and 3314.073 of the Revised Code.

(F) If a community school fails to open for operation within one year after the contract entered into under this section is adopted pursuant to division (D) of section 3314.02 of the Revised Code or permanently closes prior to the expiration of the contract, the contract shall be void and the school shall not enter into a contract with any other sponsor. A school shall not be considered permanently closed because the operations of the school have been suspended pursuant to section 3314.072 of the Revised Code.

Sec. 3314.06. The governing authority of each community school established under this chapter shall adopt admission procedures that specify the following:

(A) That, except as otherwise provided in this section, admission to the school shall be open to any individual age five to twenty-two entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code in a school district in the state.

Additionally, except as otherwise provided in this section, admission to the school may be open on a tuition basis to any individual age five to twenty-two who is not a resident of this state. The school shall not receive state funds under section 3317.022 of the Revised Code for any student who is not a resident of this state.

An individual younger than five years of age may be admitted to the school in accordance with division (A)(2) of section

3321.01 of the Revised Code. The school shall receive funds for an individual admitted under that division in the manner provided under section 3317.022 of the Revised Code.

If the school operates a program that uses the Montessori method endorsed by the American Montessori society, the Montessori accreditation council for teacher education, or the association Montessori internationale as its primary method of instruction, admission to the school may be open to individuals younger than five years of age but the school shall not receive funds under section 3317.022 of the Revised Code for those individuals. Notwithstanding anything to the contrary in this chapter, individuals younger than five years of age who are enrolled in a Montessori program shall be offered at least four hundred fifty-five hours of learning opportunities per school year.

If the school operates a preschool program that is licensed ~~by the department of education~~ under sections 3301.52 to 3301.59 of the Revised Code, admission to the school may be open to individuals who are younger than five years of age, but the school shall not receive funds under this chapter for those individuals.

(B)(1) That admission to the school may be limited to students who have attained a specific grade level or are within a specific age group; to students that meet a definition of "at-risk," as defined in the contract; to residents of a specific geographic area within the district, as defined in the contract; or to separate groups of autistic students and nondisabled students, as authorized in section 3314.061 of the Revised Code and as defined in the contract.

(2) For purposes of division (B)(1) of this section, "at-risk" students may include those students identified as gifted students under section 3324.03 of the Revised Code.

(C) Whether enrollment is limited to students who reside in

the district in which the school is located or is open to 114620
residents of other districts, as provided in the policy adopted 114621
pursuant to the contract. 114622

(D)(1) That there will be no discrimination in the admission 114623
of students to the school on the basis of race, creed, color, 114624
disability, or sex except that: 114625

(a) The governing authority may do either of the following 114626
for the purpose described in division (G) of this section: 114627

(i) Establish a single-gender school for either sex; 114628

(ii) Establish single-gender schools for each sex under the 114629
same contract, provided substantially equal facilities and 114630
learning opportunities are offered for both boys and girls. Such 114631
facilities and opportunities may be offered for each sex at 114632
separate locations. 114633

(b) The governing authority may establish a school that 114634
simultaneously serves a group of students identified as autistic 114635
and a group of students who are not disabled, as authorized in 114636
section 3314.061 of the Revised Code. However, unless the total 114637
capacity established for the school has been filled, no student 114638
with any disability shall be denied admission on the basis of that 114639
disability. 114640

(2) That upon admission of any student with a disability, the 114641
community school will comply with all federal and state laws 114642
regarding the education of students with disabilities. 114643

(E) That the school may not limit admission to students on 114644
the basis of intellectual ability, measures of achievement or 114645
aptitude, or athletic ability, except that a school may limit its 114646
enrollment to students as described in division (B) of this 114647
section. 114648

(F) That the community school will admit the number of 114649

students that does not exceed the capacity of the school's 114650
programs, classes, grade levels, or facilities. 114651

(G) That the purpose of single-gender schools that are 114652
established shall be to take advantage of the academic benefits 114653
some students realize from single-gender instruction and 114654
facilities and to offer students and parents residing in the 114655
district the option of a single-gender education. 114656

(H) That, except as otherwise provided under division (B) of 114657
this section or section 3314.061 of the Revised Code, if the 114658
number of applicants exceeds the capacity restrictions of division 114659
(F) of this section, students shall be admitted by lot from all 114660
those submitting applications, except preference shall be given to 114661
students attending the school the previous year and to students 114662
who reside in the district in which the school is located. 114663
Preference may be given to siblings of students attending the 114664
school the previous year. Preference also may be given to students 114665
who are the children of full-time staff members employed by the 114666
school, provided the total number of students receiving this 114667
preference is less than five per cent of the school's total 114668
enrollment. 114669

Notwithstanding divisions (A) to (H) of this section, in the 114670
event the racial composition of the enrollment of the community 114671
school is violative of a federal desegregation order, the 114672
community school shall take any and all corrective measures to 114673
comply with the desegregation order. 114674

Sec. 3314.08. (A) As used in this section: 114675

(1) "IEP" has the same meaning as in section 3323.01 of the 114676
Revised Code. 114677

(2) "Resident district" means the school district in which a 114678
student is entitled to attend school under section 3313.64 or 114679

3313.65 of the Revised Code. 114680

(B) The state board of education shall adopt rules requiring 114681
the governing authority of each community school established under 114682
this chapter to annually report all of the following: 114683

(1) The number of students enrolled in grades one through 114684
twelve and the full-time equivalent number of students enrolled in 114685
kindergarten in the school who are not receiving special education 114686
and related services pursuant to an IEP; 114687

(2) The number of enrolled students in grades one through 114688
twelve and the full-time equivalent number of enrolled students in 114689
kindergarten, who are receiving special education and related 114690
services pursuant to an IEP; 114691

(3) The number of students reported under division (B)(2) of 114692
this section receiving special education and related services 114693
pursuant to an IEP for a disability described in each of divisions 114694
(A) to (F) of section 3317.013 of the Revised Code; 114695

(4) The full-time equivalent number of students reported 114696
under divisions (B)(1) and (2) of this section who are enrolled in 114697
career-technical education programs or classes described in each 114698
of divisions (A)(1) to (5) of section 3317.014 of the Revised Code 114699
that are provided by the community school; 114700

(5) The number of students reported under divisions (B)(1) 114701
and (2) of this section who are not reported under division (B)(4) 114702
of this section but who are enrolled in career-technical education 114703
programs or classes described in each of divisions (A)(1) to (5) 114704
of section 3317.014 of the Revised Code at a joint vocational 114705
school district or another district in the career-technical 114706
planning district to which the school is assigned; 114707

(6) The number of students reported under divisions (B)(1) 114708
and (2) of this section who are category one to three English 114709
learners described in each of divisions (A) to (C) of section 114710

3317.016 of the Revised Code; 114711

(7) The number of students reported under divisions (B)(1) 114712
and (2) of this section who are economically disadvantaged, as 114713
defined by the department. A student shall not be categorically 114714
excluded from the number reported under division (B)(7) of this 114715
section based on anything other than family income. 114716

(8) For each student, the city, exempted village, or local 114717
school district in which the student is entitled to attend school 114718
under section 3313.64 or 3313.65 of the Revised Code. 114719

(9) The number of students enrolled in a preschool program 114720
operated by the school that is licensed ~~by the department of~~ 114721
~~education~~ under sections 3301.52 to 3301.59 of the Revised Code 114722
who are not receiving special education and related services 114723
pursuant to an IEP. 114724

A school district board and a community school governing 114725
authority shall include in their respective reports under division 114726
(B) of this section any child admitted in accordance with division 114727
(A)(2) of section 3321.01 of the Revised Code. 114728

A governing authority of a community school shall not include 114729
in its report under divisions (B)(1) to (9) of this section any 114730
student for whom tuition is charged under division (F) of this 114731
section. 114732

(C)(1)(a) If a community school's costs for a fiscal year for 114733
a student receiving special education and related services 114734
pursuant to an IEP for a disability described in divisions (B) to 114735
(F) of section 3317.013 of the Revised Code exceed the threshold 114736
catastrophic cost for serving the student as specified in division 114737
(B) of section 3317.0214 of the Revised Code, the school may 114738
submit to the superintendent of public instruction documentation, 114739
as prescribed by the superintendent, of all its costs for that 114740
student. Upon submission of documentation for a student of the 114741

type and in the manner prescribed, the department shall pay to the 114742
community school an amount equal to the school's costs for the 114743
student in excess of the threshold catastrophic costs. 114744

(b) The community school shall report under division 114745
(C)(1)(a) of this section, and the department shall pay for, only 114746
the costs of educational expenses and the related services 114747
provided to the student in accordance with the student's 114748
individualized education program. Any legal fees, court costs, or 114749
other costs associated with any cause of action relating to the 114750
student may not be included in the amount. 114751

(2) In any fiscal year, a community school receiving funds 114752
under division (A)(7) of section 3317.022 of the Revised Code 114753
shall spend those funds only for the purposes that the department 114754
designates as approved for career-technical education expenses. 114755
Career-technical education expenses approved by the department 114756
shall include only expenses connected to the delivery of 114757
career-technical programming to career-technical students. The 114758
department shall require the school to report data annually so 114759
that the department may monitor the school's compliance with the 114760
requirements regarding the manner in which funding received under 114761
division (A)(7) of section 3317.022 of the Revised Code may be 114762
spent. 114763

(3) Notwithstanding anything to the contrary in section 114764
3313.90 of the Revised Code, except as provided in division (C)(5) 114765
of this section, all funds received under division (A)(7) of 114766
section 3317.022 of the Revised Code shall be spent in the 114767
following manner: 114768

(a) At least seventy-five per cent of the funds shall be 114769
spent on curriculum development, purchase, and implementation; 114770
instructional resources and supplies; industry-based program 114771
certification; student assessment, credentialing, and placement; 114772
curriculum specific equipment purchases and leases; 114773

career-technical student organization fees and expenses; home and 114774
agency linkages; work-based learning experiences; professional 114775
development; and other costs directly associated with 114776
career-technical education programs including development of new 114777
programs. 114778

(b) Not more than twenty-five per cent of the funds shall be 114779
used for personnel expenditures. 114780

(4) A community school shall spend the funds it receives 114781
under division (A)(4) of section 3317.022 of the Revised Code in 114782
accordance with section 3317.25 of the Revised Code. 114783

(5) The department may waive the requirement in division 114784
(C)(3) of this section for any community school that exclusively 114785
provides one or more career-technical workforce development 114786
programs in arts and communications that are not 114787
equipment-intensive, as determined by the department. 114788

(6) For fiscal years 2022 and 2023, a community school shall 114789
spend the funds it receives under division (A)(5) of section 114790
3317.022 of the Revised Code only for services for English 114791
learners. 114792

(D) A board of education sponsoring a community school may 114793
utilize local funds to make enhancement grants to the school or 114794
may agree, either as part of the contract or separately, to 114795
provide any specific services to the community school at no cost 114796
to the school. 114797

(E) A community school may not levy taxes or issue bonds 114798
secured by tax revenues. 114799

(F) No community school shall charge tuition for the 114800
enrollment of any student who is a resident of this state. A 114801
community school may charge tuition for the enrollment of any 114802
student who is not a resident of this state. 114803

(G)(1)(a) A community school may borrow money to pay any 114804
necessary and actual expenses of the school in anticipation of the 114805
receipt of any portion of the payments to be received by the 114806
school pursuant to section 3317.022 of the Revised Code. The 114807
school may issue notes to evidence such borrowing. The proceeds of 114808
the notes shall be used only for the purposes for which the 114809
anticipated receipts may be lawfully expended by the school. 114810

(b) A school may also borrow money for a term not to exceed 114811
fifteen years for the purpose of acquiring facilities. 114812

(2) Except for any amount guaranteed under section 3318.50 of 114813
the Revised Code, the state is not liable for debt incurred by the 114814
governing authority of a community school. 114815

(H) The department of education shall adjust the amounts paid 114816
under section 3317.022 of the Revised Code to reflect any 114817
enrollment of students in community schools for less than the 114818
equivalent of a full school year. The state board of education 114819
within ninety days after April 8, 2003, shall adopt in accordance 114820
with Chapter 119. of the Revised Code rules governing the payments 114821
to community schools under section 3317.022 of the Revised Code 114822
including initial payments in a school year and adjustments and 114823
reductions made in subsequent periodic payments to community 114824
schools as provided under section 3317.022 of the Revised Code. 114825
For purposes of this division: 114826

(1) A student shall be considered enrolled in the community 114827
school for any portion of the school year the student is 114828
participating at a college under Chapter 3365. of the Revised 114829
Code. 114830

(2) A student shall be considered to be enrolled in a 114831
community school for the period of time beginning on the later of 114832
the date on which the school both has received documentation of 114833
the student's enrollment from a parent and the student has 114834

commenced participation in learning opportunities as defined in 114835
the contract with the sponsor, or thirty days prior to the date on 114836
which the student is entered into the education management 114837
information system established under section 3301.0714 of the 114838
Revised Code. For purposes of applying this division and divisions 114839
(H)(3) and (4) of this section to a community school student, 114840
"learning opportunities" shall be defined in the contract, which 114841
shall describe both classroom-based and non-classroom-based 114842
learning opportunities and shall be in compliance with criteria 114843
and documentation requirements for student participation which 114844
shall be established by the department. Any student's instruction 114845
time in non-classroom-based learning opportunities shall be 114846
certified by an employee of the community school. A student's 114847
enrollment shall be considered to cease on the date on which any 114848
of the following occur: 114849

(a) The community school receives documentation from a parent 114850
terminating enrollment of the student. 114851

(b) The community school is provided documentation of a 114852
student's enrollment in another public or private school. 114853

(c) The community school ceases to offer learning 114854
opportunities to the student pursuant to the terms of the contract 114855
with the sponsor or the operation of any provision of this 114856
chapter. 114857

Except as otherwise specified in this paragraph, beginning in 114858
the 2011-2012 school year, any student who completed the prior 114859
school year in an internet- or computer-based community school 114860
shall be considered to be enrolled in the same school in the 114861
subsequent school year until the student's enrollment has ceased 114862
as specified in division (H)(2) of this section. The department 114863
shall continue paying amounts for the student under section 114864
3317.022 of the Revised Code without interruption at the start of 114865
the subsequent school year. However, if the student without a 114866

legitimate excuse fails to participate in the first seventy-two 114867
consecutive hours of learning opportunities offered to the student 114868
in that subsequent school year, the student shall be considered 114869
not to have re-enrolled in the school for that school year and the 114870
department shall recalculate the payments to the school for that 114871
school year to account for the fact that the student is not 114872
enrolled. 114873

(3) The department shall determine each community school 114874
student's percentage of full-time equivalency based on the 114875
percentage of learning opportunities offered by the community 114876
school to that student, reported either as number of hours or 114877
number of days, is of the total learning opportunities offered by 114878
the community school to a student who attends for the school's 114879
entire school year. However, no internet- or computer-based 114880
community school shall be credited for any time a student spends 114881
participating in learning opportunities beyond ten hours within 114882
any period of twenty-four consecutive hours. Whether it reports 114883
hours or days of learning opportunities, each community school 114884
shall offer not less than nine hundred twenty hours of learning 114885
opportunities during the school year. 114886

(4) With respect to the calculation of full-time equivalency 114887
under division (H)(3) of this section, the department shall waive 114888
the number of hours or days of learning opportunities not offered 114889
to a student because the community school was closed during the 114890
school year due to disease epidemic, hazardous weather conditions, 114891
law enforcement emergencies, inoperability of school buses or 114892
other equipment necessary to the school's operation, damage to a 114893
school building, or other temporary circumstances due to utility 114894
failure rendering the school building unfit for school use, so 114895
long as the school was actually open for instruction with students 114896
in attendance during that school year for not less than the 114897
minimum number of hours required by this chapter. The department 114898

shall treat the school as if it were open for instruction with 114899
students in attendance during the hours or days waived under this 114900
division. 114901

(I) The department of education shall reduce the amounts paid 114902
under section 3317.022 of the Revised Code to reflect payments 114903
made to colleges under section 3365.07 of the Revised Code. 114904

(J)(1) No student shall be considered enrolled in any 114905
internet- or computer-based community school or, if applicable to 114906
the student, in any community school that is required to provide 114907
the student with a computer pursuant to division (C) of section 114908
3314.22 of the Revised Code, unless both of the following 114909
conditions are satisfied: 114910

(a) The student possesses or has been provided with all 114911
required hardware and software materials and all such materials 114912
are operational so that the student is capable of fully 114913
participating in the learning opportunities specified in the 114914
contract between the school and the school's sponsor as required 114915
by division (A)(23) of section 3314.03 of the Revised Code; 114916

(b) The school is in compliance with division (A) of section 114917
3314.22 of the Revised Code, relative to such student. 114918

(2) In accordance with policies adopted by the superintendent 114919
of public instruction, in consultation with the auditor of state, 114920
the department shall reduce the amounts otherwise payable under 114921
section 3317.022 of the Revised Code to any community school that 114922
includes in its program the provision of computer hardware and 114923
software materials to any student, if such hardware and software 114924
materials have not been delivered, installed, and activated for 114925
each such student in a timely manner or other educational 114926
materials or services have not been provided according to the 114927
contract between the individual community school and its sponsor. 114928

The superintendent of public instruction and the auditor of 114929

state shall jointly establish a method for auditing any community 114930
school to which this division pertains to ensure compliance with 114931
this section. 114932

The superintendent, auditor of state, and the governor shall 114933
jointly make recommendations to the general assembly for 114934
legislative changes that may be required to assure fiscal and 114935
academic accountability for such schools. 114936

(K)(1) If the department determines that a review of a 114937
community school's enrollment is necessary, such review shall be 114938
completed and written notice of the findings shall be provided to 114939
the governing authority of the community school and its sponsor 114940
within ninety days of the end of the community school's fiscal 114941
year, unless extended for a period not to exceed thirty additional 114942
days for one of the following reasons: 114943

(a) The department and the community school mutually agree to 114944
the extension. 114945

(b) Delays in data submission caused by either a community 114946
school or its sponsor. 114947

(2) If the review results in a finding that additional 114948
funding is owed to the school, such payment shall be made within 114949
thirty days of the written notice. If the review results in a 114950
finding that the community school owes moneys to the state, the 114951
following procedure shall apply: 114952

(a) Within ten business days of the receipt of the notice of 114953
findings, the community school may appeal the department's 114954
determination to the state board of education or its designee. 114955

(b) The board or its designee shall conduct an informal 114956
hearing on the matter within thirty days of receipt of such an 114957
appeal and shall issue a decision within fifteen days of the 114958
conclusion of the hearing. 114959

(c) If the board has enlisted a designee to conduct the hearing, the designee shall certify its decision to the board. The board may accept the decision of the designee or may reject the decision of the designee and issue its own decision on the matter.

(d) Any decision made by the board under this division is final.

(3) If it is decided that the community school owes moneys to the state, the department shall deduct such amount from the school's future payments in accordance with guidelines issued by the superintendent of public instruction.

(L) The department shall not pay to a community school under section 3317.022 of the Revised Code any amount for any of the following:

(1) Any student who has graduated from the twelfth grade of a public or nonpublic high school;

(2) Any student who is not a resident of the state;

(3) Any student who was enrolled in the community school during the previous school year when assessments were administered under section 3301.0711 of the Revised Code but did not take one or more of the assessments required by that section and was not excused pursuant to division (C)(1) or (3) of that section, unless the superintendent of public instruction grants the student a waiver from the requirement to take the assessment and a parent is not paying tuition for the student pursuant to section 3314.26 of the Revised Code. The superintendent may grant a waiver only for good cause in accordance with rules adopted by the state board of education.

(4) Any student who has attained the age of twenty-two years, except for veterans of the armed services whose attendance was interrupted before completing the recognized twelve-year course of the public schools by reason of induction or enlistment in the

armed forces and who apply for enrollment in a community school 114991
not later than four years after termination of war or their 114992
honorable discharge. If, however, any such veteran elects to 114993
enroll in special courses organized for veterans for whom tuition 114994
is paid under federal law, or otherwise, the department shall not 114995
pay to a community school under section 3317.022 of the Revised 114996
Code any amount for that veteran. 114997

Sec. 3323.022. The rules of the state board of education 114998
adopted in consultation with the department of children and youth 114999
for staffing ratios for programs with preschool children with 115000
disabilities shall require the following: 115001

(A) A full-time staff member shall be provided when there are 115002
eight full-day or sixteen half-day preschool children eligible for 115003
special education enrolled in a center-based preschool special 115004
education program. 115005

(B) Staff ratios of one teacher for every eight children 115006
shall be maintained at all times for a program with a center-based 115007
teacher, and a second adult shall be present when there are nine 115008
or more children, including nondisabled children enrolled in a 115009
class session. 115010

(C) Unless otherwise specified in the individualized 115011
education program, a minimum of ten hours of services per week 115012
shall be provided for each child served by a center-based teacher. 115013

Sec. 3323.20. ~~On July 1, 2006, and~~ Annually on each the first 115014
day of July ~~thereafter~~, the department of education, in 115015
consultation with the department of children and youth, shall 115016
electronically report to the general assembly the number of 115017
preschool children with disabilities who received services for 115018
which the department of education made a payment to any provider 115019
during the previous fiscal year, disaggregated according to each 115020

area of developmental deficiency identified by the department of 115021
education for the evaluation of such children. 115022

Sec. 3323.32. (A) The department of education shall contract 115023
with an entity to administer programs and coordinate services for 115024
infants, preschool and school-age children, and adults with autism 115025
and low incidence disabilities. The entity shall be selected by 115026
the superintendent of public instruction in consultation with the 115027
director of children and youth and the advisory board established 115028
under section 3323.33 of the Revised Code. 115029

The contract with the entity selected shall include, but not 115030
be limited to, the following provisions: 115031

(1) A description of the programs to be administered and 115032
services to be provided or coordinated by the entity, which shall 115033
include at least the duties prescribed by sections 3323.34 and 115034
3323.35 of the Revised Code; 115035

(2) A description of the expected outcomes from the programs 115036
administered and services provided or coordinated by the entity; 115037

(3) A stipulation that the entity's performance is subject to 115038
evaluation by the department and renewal of the entity's contract 115039
is subject to the department's satisfaction with the entity's 115040
performance; 115041

(4) A description of the measures and milestones the 115042
department will use to determine whether the performance of the 115043
entity is satisfactory; 115044

(5) Any other provision the department determines is 115045
necessary to ensure the quality of services to individuals with 115046
autism and low incidence disabilities. 115047

(B) In selecting the entity under division (A) of this 115048
section, the superintendent, the director of children and youth, 115049
and the advisory board shall give primary consideration to the 115050

Ohio Center for Autism and Low Incidence, established under 115051
section 3323.31 of the Revised Code, as long as the principal 115052
goals and mission of the Center, as determined by the 115053
superintendent, the director, and the advisory board, are 115054
consistent with the requirements of divisions (A)(1) to (5) of 115055
this section. 115056

Sec. 3325.06. (A) The state board of education, in 115057
consultation with the department of children and youth, shall 115058
institute and establish a program of education by the department 115059
of education to train parents of deaf or hard of hearing children 115060
of preschool age. The object and purpose of the educational 115061
program shall be to aid and assist the parents of deaf or hard of 115062
hearing children of preschool age in affording to the children the 115063
means of optimum communicational facilities. 115064

(B) The state board of education, in consultation with the 115065
department of children and youth, shall institute and establish a 115066
program of education to train and assist parents of children of 115067
preschool age whose disabilities are visual impairments. The 115068
object and purpose of the educational program shall be to enable 115069
the parents of children of preschool age whose disabilities are 115070
visual impairments to provide their children with learning 115071
experiences that develop early literacy, communication, mobility, 115072
and daily living skills so the children can function independently 115073
in their living environments. 115074

Sec. 3325.07. The state board of education, in consultation 115075
with the department of children and youth, in carrying out this 115076
section and division (A) of section 3325.06 of the Revised Code 115077
shall, insofar as practicable, plan, present, and carry into 115078
effect an educational program by means of any of the following 115079
methods of instruction: 115080

(A) Classes for parents of deaf or hard of hearing children of preschool age;	115081 115082
(B) A nursery school where parent and child would enter the nursery school as a unit;	115083 115084
(C) Correspondence course;	115085
(D) Personal consultations and interviews;	115086
(E) Day-care or child development courses;	115087
(F) Summer enrichment courses;	115088
(G) By such other means or methods as the superintendent of the stateschool for the deaf deems advisable that would permit a deaf or hard of hearing child of preschool age to construct a pattern of communication at an early age.	115089 115090 115091 115092
The superintendent may allow children who are not deaf or hard of hearing to participate in the methods of instruction described in divisions (A) to (G) of this section as a means to assist deaf or hard of hearing children to construct a pattern of communication. The superintendent shall establish policies and procedures regarding the participation of children who are not deaf or hard of hearing.	115093 115094 115095 115096 115097 115098 115099
The superintendent may establish reasonable fees for participation in the methods of instruction described in divisions (A) to (G) of this section to defray the costs of carrying them out. The superintendent shall determine the manner by which any such fees shall be collected. All fees shall be deposited in the even start fees and gifts fund, which is hereby created in the state treasury. The money in the fund shall be used to implement this section.	115100 115101 115102 115103 115104 115105 115106 115107
Sec. 3701.507. (A) To assist in implementing sections 3701.503 to 3701.509 of the Revised Code, the medically handicapped children's medical advisory council created in section	115108 115109 115110

3701.025 of the Revised Code shall appoint a permanent infant 115111
hearing screening subcommittee. The subcommittee shall consist of 115112
the following members: 115113

- (1) One otolaryngologist; 115114
- (2) One neonatologist; 115115
- (3) One pediatrician; 115116
- (4) One neurologist; 115117
- (5) One hospital administrator; 115118
- (6) Two or more audiologists who are experienced in infant 115119
hearing screening and evaluation; 115120
- (7) One speech-language pathologist licensed under section 115121
4753.07 of the Revised Code; 115122
- (8) Two persons who are each a parent of a hearing-impaired 115123
child; 115124
- (9) One geneticist; 115125
- (10) One epidemiologist; 115126
- (11) One adult who is deaf or hearing impaired; 115127
- (12) One representative from an organization for persons who 115128
are deaf or hearing impaired; 115129
- (13) One family advocate; 115130
- (14) One nurse from a well-baby neonatal nursery; 115131
- (15) One nurse from a special care neonatal nursery; 115132
- (16) One teacher of persons who are deaf who works with 115133
infants and toddlers; 115134
- (17) One representative of the health insurance industry; 115135
- (18) One representative of the children with medical 115136
handicaps program; 115137

(19) One representative of the department of education;	115138
(20) One representative of the department of medicaid;	115139
(21) <u>One representative of the department of children and youth;</u>	115140 115141
<u>(22)</u> Any other person the advisory council appoints.	115142
(B) The infant hearing subcommittee shall:	115143
(1) Consult with the director of health regarding the administration of sections 3701.503 to 3701.509 of the Revised Code;	115144 115145 115146
(2) Advise and make recommendations regarding proposed rules prior to their adoption by the director under section 3701.508 of the Revised Code;	115147 115148 115149
(3) Consult with the director of health and advise and make recommendations regarding program development and implementation under sections 3701.503 to 3701.509 of the Revised Code, including all of the following:	115150 115151 115152 115153
(a) Establishment under section 3701.504 of the Revised Code of the statewide hearing screening, tracking, and early intervention program to identify newborn and infant hearing impairment;	115154 115155 115156 115157
(b) Identification of locations where hearing evaluations may be conducted;	115158 115159
(c) Recommendations for methods and techniques of hearing screening and hearing evaluation;	115160 115161
(d) Referral, data recording and compilation, and procedures to encourage follow-up hearing care;	115162 115163
(e) Maintenance of a register of newborns and infants who do not pass the hearing screening;	115164 115165
(f) Preparation of the information required by section	115166

3701.506 of the Revised Code. 115167

Sec. 3701.78. (A) There is hereby created the commission on 115168
minority health, consisting of ~~twenty-one~~ twenty-two members. The 115169
governor shall appoint to the commission nine members from among 115170
health researchers, health planners, and health professionals. The 115171
governor also shall appoint two members who are representatives of 115172
the lupus awareness and education program. The speaker of the 115173
house of representatives shall appoint to the commission two 115174
members of the house of representatives, not more than one of whom 115175
is a member of the same political party, and the president of the 115176
senate shall appoint to the commission two members of the senate, 115177
not more than one of whom is a member of the same political party. 115178
The following shall be members of the commission: the directors of 115179
health, mental health and addiction services, developmental 115180
disabilities, children and youth, and job and family services, or 115181
their designees; the medicaid director, or the director's 115182
designee; and the superintendent of public instruction, or the 115183
superintendent's designee. 115184

The commission shall elect a chairperson from among its 115185
members. 115186

Of the members appointed by the governor, five shall be 115187
appointed to initial terms of one year, and four shall be 115188
appointed to initial terms of two years. Thereafter, all members 115189
appointed by the governor shall be appointed to terms of two 115190
years. All members of the commission appointed by the speaker of 115191
the house of representatives or the president of the senate shall 115192
be nonvoting members of the commission and be appointed within 115193
thirty days after the commencement of the first regular session of 115194
each general assembly, and shall serve until the expiration of the 115195
session of the general assembly during which they were appointed. 115196

Members of the commission shall serve without compensation, 115197

but shall be reimbursed for the actual and necessary expenses they incur in the performance of their official duties.

(B) The commission shall promote health and the prevention of disease among members of minority groups. Each year the commission shall distribute grants from available funds to community-based health groups to be used to promote health and the prevention of disease among members of minority groups. As used in this division, "minority group" means any of the following economically disadvantaged groups: Blacks, American Indians, Hispanics, and Orientals. The commission shall adopt and maintain rules pursuant to Chapter 119. of the Revised Code to provide for the distribution of these grants. No group shall qualify to receive a grant from the commission unless it receives at least twenty per cent of its funds from sources other than grants distributed under this section.

(C) The commission may appoint such employees as it considers necessary to carry out its duties under this section. The department of health shall provide office space for the commission.

(D) The commission shall meet at the call of its chairperson to conduct its official business. A majority of the voting members of the commission constitute a quorum. The votes of at least eight voting members of the commission are necessary for the commission to take any official action or to approve the distribution of grants under this section.

Sec. 3701.80. The department of health shall cooperate with the director of ~~job~~ children and ~~family services~~ youth when the director promulgates rules pursuant to Chapter 5104. of the Revised Code governing the health and sanitary practices of meal preparation and service for type A family day-care homes, as defined in section 5104.01 of the Revised Code, recommend

procedures for inspecting type A family day-care homes to 115229
determine whether they are in compliance with those rules, and 115230
provide training and technical assistance to the director on the 115231
procedures for determining compliance with those rules. 115232

Sec. 3705.32. (A) Except as provided in this section, records 115233
received and information assembled by the birth defects 115234
information system pursuant to section 3705.30 of the Revised Code 115235
are confidential medical records. 115236

(B)(1) The director of health may use information assembled 115237
by the system to notify parents, guardians, and custodians of 115238
children with congenital anomalies or abnormal conditions of 115239
medical care and other services available for the child and 115240
family. 115241

(2) The director may disclose information assembled by the 115242
system with the written consent of the parent or legal guardian of 115243
the child who is the subject of the information. 115244

(C)(1) Access to information assembled by the system shall be 115245
limited to the following persons and government entities: 115246

(a) The director of health; 115247

(b) Authorized employees of the department of health; 115248

(c) The director of children and youth; 115249

(d) Qualified persons or government entities that are engaged 115250
in demographic, epidemiological, or similar studies related to 115251
health and health care provision. 115252

(2) The director shall give a person or government entity 115253
described in division ~~(C)(1)(e)~~(C)(1)(d) of this section access to 115254
the system only if the person or a representative of the person or 115255
government entity signs an agreement to maintain the system's 115256
confidentiality. 115257

(3) The director shall maintain a record of all persons and government entities given access to the information in the system. The record shall include all of the following information:

(a) The name of the person who authorized access to the system;

(b) The name, title, and organizational affiliation of the person or government entity given access to the system;

(c) The dates the person or government entity was given access to the system;

(d) The specific purpose for which the person or government entity intends to use the information.

(4) The record maintained pursuant to division (C)(3) of this section is a public record, as defined in section 149.43 of the Revised Code.

(5) A person who violates an agreement described in division (C)(2) of this section may be denied further access to confidential information maintained by the director.

(D) The director may disclose information assembled by the system in summary, statistical, or other form that does not identify particular individuals or individual sources of information.

Sec. 3705.36. Three years after the date a birth defects information system is implemented pursuant to section 3705.30 of the Revised Code, and annually thereafter, the department of health shall prepare a report regarding the birth defects information system. The department shall file the report with the governor, the president and minority leader of the senate, the speaker and minority leader of the house of representatives, the departments of developmental disabilities, education, children and youth, and job and family services, the commission on minority

health, and the news media. 115288

Sec. 3705.40. (A) As used in this section: 115289

(1) "Board of health" means a board of health of a city or 115290
general health district or the authority having the duties of a 115291
board of health under section 3709.05 of the Revised Code. 115292

(2) "Geocoding" means a geographic information system (GIS) 115293
operation for converting street addresses into spatial data that 115294
can be displayed as features on a map, usually by referencing 115295
address information from a street segment data layer. 115296

(B) The state registrar shall ensure that the department of 115297
children and youth and each board of health ~~has~~ have access to 115298
preliminary birth and death data maintained by the department of 115299
health, as well as access to any electronic system of vital 115300
records the state registrar or department of health maintains, 115301
including the Ohio public health information warehouse. To the 115302
extent possible, the preliminary data shall be provided in a 115303
format that permits geocoding. If the state registrar requires the 115304
department of children and youth or a board to enter into a data 115305
use agreement before accessing such data or systems, the state 115306
registrar shall provide the department and each board with an 115307
application for this purpose and, if requested, assist with the 115308
application's completion. 115309

(C) The state registrar shall provide the users of the 115310
preliminary data and electronic systems described in division (B) 115311
of this section with a data analysis tool kit that assists the 115312
users with using the data in a manner that promotes consistency 115313
and accuracy among users. The tool kit shall include a data 115314
dictionary and sample data analyses. 115315

Sec. 3737.22. (A) The fire marshal shall do all of the 115316

following:	115317
(1) Adopt the state fire code under sections 3737.82 to 3737.86 of the Revised Code;	115318 115319
(2) Enforce the state fire code;	115320
(3) Appoint assistant fire marshals who are authorized to enforce the state fire code;	115321 115322
(4) Conduct investigations into the cause, origin, and circumstances of fires and explosions, and assist in the prosecution of persons believed to be guilty of arson or a similar crime;	115323 115324 115325 115326
(5) Compile statistics concerning loss due to fire and explosion as the fire marshal considers necessary, and consider the compatibility of the fire marshal's system of compilation with the systems of other state and federal agencies and fire marshals of other states;	115327 115328 115329 115330 115331
(6) Engage in research on the cause and prevention of losses due to fire and explosion;	115332 115333
(7) Engage in public education and informational activities which will inform the public of fire safety information;	115334 115335
(8) Operate a fire training academy and forensic laboratory;	115336
(9) Conduct other fire safety and fire fighting training activities for the public and groups as will further the cause of fire safety;	115337 115338 115339
(10) Conduct licensing examinations, and issue permits, licenses, and certificates, as authorized by the Revised Code;	115340 115341
(11) Conduct tests of fire protection systems and devices, and fire fighting equipment to determine compliance with the state fire code, unless a building is insured against the hazard of fire, in which case such tests may be performed by the company insuring the building;	115342 115343 115344 115345 115346

(12) Establish and collect fees for conducting licensing examinations and for issuing permits, licenses, and certificates; 115347
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(13) Make available for the prosecuting attorney and an assistant prosecuting attorney from each county of this state, in accordance with section 3737.331 of the Revised Code, a seminar program, attendance at which is optional, that is designed to provide current information, data, training, and techniques relative to the prosecution of arson cases; 115349
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(14) Administer and enforce Chapter 3743. of the Revised Code; 115355
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(15) Develop a uniform standard for the reporting of information required to be filed under division (E)(4) of section 2921.22 of the Revised Code, and accept the reports of the information when they are filed. 115357
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(B) The fire marshal shall appoint a chief deputy fire marshal, and shall employ professional and clerical assistants as the fire marshal considers necessary. The chief deputy shall be a competent former or current member of a fire agency and possess five years of recent, progressively more responsible experience in fire inspection, fire code enforcement, and fire code management. The chief deputy, with the approval of the director of commerce, shall temporarily assume the duties of the fire marshal when the fire marshal is absent or temporarily unable to carry out the duties of the office. When there is a vacancy in the office of fire marshal, the chief deputy, with the approval of the director of commerce, shall temporarily assume the duties of the fire marshal until a new fire marshal is appointed under section 3737.21 of the Revised Code. 115361
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All employees, other than the fire marshal; the chief deputy fire marshal; the superintendent of the Ohio fire academy; the grants administrator; the fiscal officer; the executive secretary 115375
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to the fire marshal; legal counsel; the pyrotechnics 115378
administrator, the chief of the forensic laboratory; the person 115379
appointed by the fire marshal to serve as administrator over 115380
functions concerning testing, license examinations, and the 115381
issuance of permits and certificates; and the chiefs of the 115382
bureaus of fire prevention, of fire and explosion investigation, 115383
of code enforcement, and of underground storage tanks shall be in 115384
the classified civil service. The fire marshal shall authorize the 115385
chief deputy and other employees under the fire marshal's 115386
supervision to exercise powers granted to the fire marshal by law 115387
as may be necessary to carry out the duties of the fire marshal's 115388
office. 115389

(C) The fire marshal shall create, in and as a part of the 115390
office of fire marshal, a fire and explosion investigation bureau 115391
consisting of a chief of the bureau and additional assistant fire 115392
marshals as the fire marshal determines necessary for the 115393
efficient administration of the bureau. The chief shall be 115394
experienced in the investigation of the cause, origin, and 115395
circumstances of fires, and in administration, including the 115396
supervision of subordinates. The chief, among other duties 115397
delegated to the chief by the fire marshal, shall be responsible, 115398
under the direction of the fire marshal, for the investigation of 115399
the cause, origin, and circumstances of fires and explosions in 115400
the state, and for assistance in the prosecution of persons 115401
believed to be guilty of arson or a similar crime. 115402

(D)(1) The fire marshal shall create, as part of the office 115403
of fire marshal, a bureau of code enforcement consisting of a 115404
chief of the bureau and additional assistant fire marshals as the 115405
fire marshal determines necessary for the efficient administration 115406
of the bureau. The chief shall be qualified, by education or 115407
experience, in fire inspection, fire code development, fire code 115408
enforcement, or any other similar field determined by the fire 115409

marshal, and in administration, including the supervision of 115410
subordinates. The chief is responsible, under the direction of the 115411
fire marshal, for fire inspection, fire code development, fire 115412
code enforcement, and any other duties delegated to the chief by 115413
the fire marshal. 115414

(2) The fire marshal, the chief deputy fire marshal, the 115415
chief of the bureau of code enforcement, or any assistant fire 115416
marshal under the direction of the fire marshal, the chief deputy 115417
fire marshal, or the chief of the bureau of code enforcement may 115418
cause to be conducted the inspection of all buildings, structures, 115419
and other places, the condition of which may be dangerous from a 115420
fire safety standpoint to life or property, or to property 115421
adjacent to the buildings, structures, or other places. 115422

(E) The fire marshal shall create, as a part of the office of 115423
fire marshal, a bureau of fire prevention consisting of a chief of 115424
the bureau and additional assistant fire marshals as the fire 115425
marshal determines necessary for the efficient administration of 115426
the bureau. The chief shall be qualified, by education or 115427
experience, to promote programs for rural and urban fire 115428
prevention and protection. The chief, among other duties delegated 115429
to the chief by the fire marshal, is responsible, under the 115430
direction of the fire marshal, for the promotion of rural and 115431
urban fire prevention and protection through public information 115432
and education programs. 115433

(F) The fire marshal shall cooperate with the director of ~~job~~ 115434
children and family services youth when the director adopts rules 115435
under section 5104.052 of the Revised Code regarding fire 115436
prevention and fire safety in licensed type B family day-care 115437
homes, as defined in section 5104.01 of the Revised Code, 115438
recommend procedures for inspecting type B homes to determine 115439
whether they are in compliance with those rules, and provide 115440
training and technical assistance to the director of children and 115441

youth and county directors of job and family services on the 115442
procedures for determining compliance with those rules. 115443

(G) The fire marshal, upon request of a provider of child 115444
care in a type B home that is not licensed by the director of ~~job~~ 115445
children and ~~family services~~ youth, as a precondition of approval 115446
by the state board of education under section 3313.813 of the 115447
Revised Code for receipt of United States department of 115448
agriculture child and adult care food program funds established 115449
under the "National School Lunch Act," 60 Stat. 230 (1946), 42 115450
U.S.C. 1751, as amended, shall inspect the type B home to 115451
determine compliance with rules adopted under section 5104.052 of 115452
the Revised Code regarding fire prevention and fire safety in 115453
licensed type B homes. In municipal corporations and in townships 115454
where there is a certified fire safety inspector, the inspections 115455
shall be made by that inspector under the supervision of the fire 115456
marshal, according to rules adopted under section 5104.052 of the 115457
Revised Code. In townships outside municipal corporations where 115458
there is no certified fire safety inspector, inspections shall be 115459
made by the fire marshal. 115460

Sec. 3742.32. (A) The director of health shall appoint an 115461
advisory council to assist in the ongoing development and 115462
implementation of the child lead poisoning prevention program 115463
created under section 3742.31 of the Revised Code. The advisory 115464
council shall consist of the following members: 115465

(1) A representative of the department of medicaid; 115466

(2) A representative of the bureau of child care in the 115467
department of job and family services; 115468

(3) A representative of the department of environmental 115469
protection; 115470

(4) A representative of the department of education; 115471

(5) A representative of the <u>department of development</u>	115472
services agency;	115473
(6) <u>A representative of the department of children and youth;</u>	115474
(7) A representative of the Ohio apartment owner's	115475
association;	115476
(7)(8) A representative of the Ohio healthy homes network;	115477
(8)(9) A representative of the Ohio environmental health	115478
association;	115479
(9)(10) An Ohio representative of the American coatings	115480
association;	115481
(10)(11) A representative from Ohio realtors;	115482
(11)(12) A representative of the Ohio housing finance agency;	115483
(12)(13) A physician knowledgeable in the field of lead	115484
poisoning prevention;	115485
(13)(14) A representative of the public.	115486
(B) The advisory council shall do both of the following:	115487
(1) Provide the director with advice regarding the policies	115488
the child lead poisoning prevention program should emphasize,	115489
preferred methods of financing the program, and any other matter	115490
relevant to the program's operation;	115491
(2) Submit a report of the state's activities to the	115492
governor, president of the senate, and speaker of the house of	115493
representatives on or before the first day of March each year.	115494
(C) The advisory council is not subject to sections 101.82 to	115495
101.87 of the Revised Code.	115496
Sec. 3781.06. (A)(1) Any building that may be used as a place	115497
of resort, assembly, education, entertainment, lodging, dwelling,	115498
trade, manufacture, repair, storage, traffic, or occupancy by the	115499

public, any residential building, and all other buildings or parts 115500
and appurtenances of those buildings erected within this state, 115501
shall be so constructed, erected, equipped, and maintained that 115502
they shall be safe and sanitary for their intended use and 115503
occupancy. 115504

(2) Nothing in sections 3781.06 to 3781.18, 3781.40, and 115505
3791.04 of the Revised Code shall be construed to limit the power 115506
of the division of industrial compliance of the department of 115507
commerce to adopt rules of uniform application governing 115508
manufactured home parks pursuant to section 4781.26 of the Revised 115509
Code. 115510

(B) Sections 3781.06 to 3781.18, 3781.40, and 3791.04 of the 115511
Revised Code do not apply to any of the following: 115512

(1) Buildings or structures that are incident to the use for 115513
agricultural purposes of the land on which the buildings or 115514
structures are located, provided those buildings or structures are 115515
not used in the business of retail trade. For purposes of this 115516
division, a building or structure is not considered used in the 115517
business of retail trade if fifty per cent or more of the gross 115518
income received from sales of products in the building or 115519
structure by the owner or operator is from sales of products 115520
produced or raised in a normal crop year on farms owned or 115521
operated by the seller. 115522

(2) Existing single-family, two-family, and three-family 115523
detached dwelling houses for which applications have been 115524
submitted to the director of ~~job children and family services~~ 115525
youth pursuant to section 5104.03 of the Revised Code for the 115526
purposes of operating type A family day-care homes as defined in 115527
section 5104.01 of the Revised Code; 115528

(3) A mobile computing unit. As used in this division, 115529
"mobile computing unit" means an assembly that meets all of the 115530

following criteria: 115531

(a) Its purpose is to house and operate computers as defined 115532
in section 2913.01 of the Revised Code. 115533

(b) Its exterior is integral to the protection or cooling, or 115534
both, of the computers housed within it. 115535

(c) It is not attached to a permanent foundation. 115536

(d) It is not accessible to the public. 115537

(e) It is not designed for regular occupancy, but rather 115538
limited access for service and maintenance. 115539

(f) It can be moved or transported as a single integrated 115540
unit. 115541

(C) As used in sections 3781.06 to 3781.18 and 3791.04 of the 115542
Revised Code: 115543

(1) "Agricultural purposes" include agriculture, farming, 115544
dairying, pasturage, apiculture, algaculture meaning the farming 115545
of algae, horticulture, floriculture, viticulture, ornamental 115546
horticulture, olericulture, pomiculture, and animal and poultry 115547
husbandry. 115548

(2) "Building" means any structure consisting of foundations, 115549
walls, columns, girders, beams, floors, and roof, or a combination 115550
of any number of these parts, with or without other parts or 115551
appurtenances. 115552

(3) "Industrialized unit" means a building unit or assembly 115553
of closed construction fabricated in an off-site facility, that is 115554
substantially self-sufficient as a unit or as part of a greater 115555
structure, and that requires transportation to the site of 115556
intended use. "Industrialized unit" includes units installed on 115557
the site as independent units, as part of a group of units, or 115558
incorporated with standard construction methods to form a 115559
completed structural entity. "Industrialized unit" does not 115560

include a manufactured home as defined by division (C)(4) of this 115561
section or a mobile home as defined by division (O) of section 115562
4501.01 of the Revised Code. 115563

(4) "Manufactured home" means a building unit or assembly of 115564
closed construction that is fabricated in an off-site facility and 115565
constructed in conformance with the federal construction and 115566
safety standards established by the secretary of housing and urban 115567
development pursuant to the "Manufactured Housing Construction and 115568
Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 115569
5403, and that has a permanent label or tag affixed to it, as 115570
specified in 42 U.S.C.A. 5415, certifying compliance with all 115571
applicable federal construction and safety standards. 115572

(5) "Permanent foundation" means permanent masonry, concrete, 115573
or a footing or foundation approved by the division of industrial 115574
compliance of the department of commerce pursuant to Chapter 4781. 115575
of the Revised Code, to which a manufactured or mobile home may be 115576
affixed. 115577

(6) "Permanently sited manufactured home" means a 115578
manufactured home that meets all of the following criteria: 115579

(a) The structure is affixed to a permanent foundation and is 115580
connected to appropriate facilities; 115581

(b) The structure, excluding any addition, has a width of at 115582
least twenty-two feet at one point, a length of at least 115583
twenty-two feet at one point, and a total living area, excluding 115584
garages, porches, or attachments, of at least nine hundred square 115585
feet; 115586

(c) The structure has a minimum 3:12 residential roof pitch, 115587
conventional residential siding, and a six-inch minimum eave 115588
overhang, including appropriate guttering; 115589

(d) The structure was manufactured after January 1, 1995; 115590

(e) The structure is not located in a manufactured home park 115591
as defined by section 4781.01 of the Revised Code. 115592

(7) "Safe," with respect to a building, means it is free from 115593
danger or hazard to the life, safety, health, or welfare of 115594
persons occupying or frequenting it, or of the public and from 115595
danger of settlement, movement, disintegration, or collapse, 115596
whether such danger arises from the methods or materials of its 115597
construction or from equipment installed therein, for the purpose 115598
of lighting, heating, the transmission or utilization of electric 115599
current, or from its location or otherwise. 115600

(8) "Sanitary," with respect to a building, means it is free 115601
from danger or hazard to the health of persons occupying or 115602
frequenting it or to that of the public, if such danger arises 115603
from the method or materials of its construction or from any 115604
equipment installed therein, for the purpose of lighting, heating, 115605
ventilating, or plumbing. 115606

(9) "Residential building" means a one-family, two-family, or 115607
three-family dwelling house, and any accessory structure 115608
incidental to that dwelling house. "Residential building" includes 115609
a one-family, two-family, or three-family dwelling house that is 115610
used as a model to promote the sale of a similar dwelling house. 115611
"Residential building" does not include an industrialized unit as 115612
defined by division (C)(3) of this section, a manufactured home as 115613
defined by division (C)(4) of this section, or a mobile home as 115614
defined by division (O) of section 4501.01 of the Revised Code. 115615

(10) "Nonresidential building" means any building that is not 115616
a residential building or a manufactured or mobile home. 115617

(11) "Accessory structure" means a structure that is attached 115618
to a residential building and serves the principal use of the 115619
residential building. "Accessory structure" includes, but is not 115620
limited to, a garage, porch, or screened-in patio. 115621

Sec. 3781.10. (A)(1) The board of building standards shall 115622
formulate and adopt rules governing the erection, construction, 115623
repair, alteration, and maintenance of all buildings or classes of 115624
buildings specified in section 3781.06 of the Revised Code, 115625
including land area incidental to those buildings, the 115626
construction of industrialized units, the installation of 115627
equipment, and the standards or requirements for materials used in 115628
connection with those buildings. The board shall incorporate those 115629
rules into separate residential and nonresidential building codes. 115630
The standards shall relate to the conservation of energy and the 115631
safety and sanitation of those buildings. 115632

(2) The rules governing nonresidential buildings are the 115633
lawful minimum requirements specified for those buildings and 115634
industrialized units, except that no rule other than as provided 115635
in division (C) of section 3781.108 of the Revised Code that 115636
specifies a higher requirement than is imposed by any section of 115637
the Revised Code is enforceable. The rules governing residential 115638
buildings are uniform requirements for residential buildings in 115639
any area with a building department certified to enforce the state 115640
residential building code. In no case shall any local code or 115641
regulation differ from the state residential building code unless 115642
that code or regulation addresses subject matter not addressed by 115643
the state residential building code or is adopted pursuant to 115644
section 3781.01 of the Revised Code. 115645

(3) The rules adopted pursuant to this section are complete, 115646
lawful alternatives to any requirements specified for buildings or 115647
industrialized units in any section of the Revised Code. Except as 115648
otherwise provided in division (I) of this section, the board 115649
shall, on its own motion or on application made under sections 115650
3781.12 and 3781.13 of the Revised Code, formulate, propose, 115651
adopt, modify, amend, or repeal the rules to the extent necessary 115652
or desirable to effectuate the purposes of sections 3781.06 to 115653

3781.18 of the Revised Code. 115654

(B) The board shall report to the general assembly proposals 115655
for amendments to existing statutes relating to the purposes 115656
declared in section 3781.06 of the Revised Code that public health 115657
and safety and the development of the arts require and shall 115658
recommend any additional legislation to assist in carrying out 115659
fully, in statutory form, the purposes declared in that section. 115660
The board shall prepare and submit to the general assembly a 115661
summary report of the number, nature, and disposition of the 115662
petitions filed under sections 3781.13 and 3781.14 of the Revised 115663
Code. 115664

(C) On its own motion or on application made under sections 115665
3781.12 and 3781.13 of the Revised Code, and after thorough 115666
testing and evaluation, the board shall determine by rule that any 115667
particular fixture, device, material, process of manufacture, 115668
manufactured unit or component, method of manufacture, system, or 115669
method of construction complies with performance standards adopted 115670
pursuant to section 3781.11 of the Revised Code. The board shall 115671
make its determination with regard to adaptability for safe and 115672
sanitary erection, use, or construction, to that described in any 115673
section of the Revised Code, wherever the use of a fixture, 115674
device, material, method of manufacture, system, or method of 115675
construction described in that section of the Revised Code is 115676
permitted by law. The board shall amend or annul any rule or issue 115677
an authorization for the use of a new material or manufactured 115678
unit on any like application. No department, officer, board, or 115679
commission of the state other than the board of building standards 115680
or the board of building appeals shall permit the use of any 115681
fixture, device, material, method of manufacture, newly designed 115682
product, system, or method of construction at variance with what 115683
is described in any rule the board of building standards adopts or 115684
issues or that is authorized by any section of the Revised Code. 115685

Nothing in this section shall be construed as requiring approval, 115686
by rule, of plans for an industrialized unit that conforms with 115687
the rules the board of building standards adopts pursuant to 115688
section 3781.11 of the Revised Code. 115689

(D) The board shall recommend rules, codes, and standards to 115690
help carry out the purposes of section 3781.06 of the Revised Code 115691
and to help secure uniformity of state administrative rulings and 115692
local legislation and administrative action to the bureau of 115693
workers' compensation, the director of commerce, any other 115694
department, officer, board, or commission of the state, and to 115695
legislative authorities and building departments of counties, 115696
townships, and municipal corporations, and shall recommend that 115697
they audit those recommended rules, codes, and standards by any 115698
appropriate action that they are allowed pursuant to law or the 115699
constitution. 115700

(E)(1) The board shall certify municipal, township, and 115701
county building departments, the personnel of those building 115702
departments, persons described in division (E)(7) of this section, 115703
and employees of individuals, firms, the state, or corporations 115704
described in division (E)(7) of this section to exercise 115705
enforcement authority, to accept and approve plans and 115706
specifications, and to make inspections, pursuant to sections 115707
3781.03, 3791.04, and 4104.43 of the Revised Code. 115708

(2) The board shall certify departments, personnel, and 115709
persons to enforce the state residential building code, to enforce 115710
the nonresidential building code, or to enforce both the 115711
residential and the nonresidential building codes. Any department, 115712
personnel, or person may enforce only the type of building code 115713
for which certified. 115714

(3) The board shall not require a building department, its 115715
personnel, or any persons that it employs to be certified for 115716
residential building code enforcement if that building department 115717

does not enforce the state residential building code. The board 115718
shall specify, in rules adopted pursuant to Chapter 119. of the 115719
Revised Code, the requirements for certification for residential 115720
and nonresidential building code enforcement, which shall be 115721
consistent with this division. The requirements for residential 115722
and nonresidential certification may differ. Except as otherwise 115723
provided in this division, the requirements shall include, but are 115724
not limited to, the satisfactory completion of an initial 115725
examination and, to remain certified, the completion of a 115726
specified number of hours of continuing building code education 115727
within each three-year period following the date of certification 115728
which shall be not less than thirty hours. The rules shall provide 115729
that continuing education credits and certification issued by the 115730
council of American building officials, national model code 115731
organizations, and agencies or entities the board recognizes are 115732
acceptable for purposes of this division. The rules shall specify 115733
requirements that are consistent with the provisions of section 115734
5903.12 of the Revised Code relating to active duty military 115735
service and are compatible, to the extent possible, with 115736
requirements the council of American building officials and 115737
national model code organizations establish. 115738

(4) The board shall establish and collect a certification and 115739
renewal fee for building department personnel, and persons and 115740
employees of persons, firms, or corporations as described in this 115741
section, who are certified pursuant to this division. 115742

(5) Any individual certified pursuant to this division shall 115743
complete the number of hours of continuing building code education 115744
that the board requires or, for failure to do so, forfeit 115745
certification. 115746

(6) This division does not require or authorize the board to 115747
certify personnel of municipal, township, and county building 115748
departments, and persons and employees of persons, firms, or 115749

corporations as described in this section, whose responsibilities 115750
do not include the exercise of enforcement authority, the approval 115751
of plans and specifications, or making inspections under the state 115752
residential and nonresidential building codes. 115753

(7) Enforcement authority for approval of plans and 115754
specifications and enforcement authority for inspections may be 115755
exercised, and plans and specifications may be approved and 115756
inspections may be made on behalf of a municipal corporation, 115757
township, or county, by any of the following who the board of 115758
building standards certifies: 115759

(a) Officers or employees of the municipal corporation, 115760
township, or county; 115761

(b) Persons, or employees of persons, firms, or corporations, 115762
pursuant to a contract to furnish architectural, engineering, or 115763
other services to the municipal corporation, township, or county; 115764

(c) Officers or employees of, and persons under contract 115765
with, a municipal corporation, township, county, health district, 115766
or other political subdivision, pursuant to a contract to furnish 115767
architectural, engineering, or other services; 115768

(d) Officers or employees of the division of industrial 115769
compliance in the department of commerce pursuant to a contract 115770
authorized by division (B) of section 121.083 of the Revised Code. 115771

(8) Municipal, township, and county building departments have 115772
jurisdiction within the meaning of sections 3781.03, 3791.04, and 115773
4104.43 of the Revised Code, only with respect to the types of 115774
buildings and subject matters for which they are certified under 115775
this section. 115776

(9) A certified municipal, township, or county building 115777
department may exercise enforcement authority, accept and approve 115778
plans and specifications, and make inspections pursuant to 115779
sections 3781.03, 3791.04, and 4104.43 of the Revised Code for a 115780

park district created pursuant to Chapter 1545. of the Revised 115781
Code upon the approval, by resolution, of the board of park 115782
commissioners of the park district requesting the department to 115783
exercise that authority and conduct those activities, as 115784
applicable. 115785

(10) Certification shall be granted upon application by the 115786
municipal corporation, the board of township trustees, or the 115787
board of county commissioners and approval of that application by 115788
the board of building standards. The application shall set forth: 115789

(a) Whether the certification is requested for residential or 115790
nonresidential buildings, or both; 115791

(b) The number and qualifications of the staff composing the 115792
building department; 115793

(c) The names, addresses, and qualifications of persons, 115794
firms, or corporations contracting to furnish work or services 115795
pursuant to division (E)(7)(b) of this section; 115796

(d) The names of any other municipal corporation, township, 115797
county, health district, or political subdivision under contract 115798
to furnish work or services pursuant to division (E)(7) of this 115799
section; 115800

(e) The proposed budget for the operation of the building 115801
department. 115802

(11) The board of building standards shall adopt rules 115803
governing all of the following: 115804

(a) The certification of building department personnel and 115805
persons and employees of persons, firms, or corporations 115806
exercising authority pursuant to division (E)(7) of this section. 115807
The rules shall disqualify any employee of the department or 115808
person who contracts for services with the department from 115809
performing services for the department when that employee or 115810

person would have to pass upon, inspect, or otherwise exercise 115811
authority over any labor, material, or equipment the employee or 115812
person furnishes for the construction, alteration, or maintenance 115813
of a building or the preparation of working drawings or 115814
specifications for work within the jurisdictional area of the 115815
department. The department shall provide other similarly qualified 115816
personnel to enforce the residential and nonresidential building 115817
codes as they pertain to that work. 115818

(b) The minimum services to be provided by a certified 115819
building department. 115820

(12) The board of building standards may revoke or suspend 115821
certification to enforce the residential and nonresidential 115822
building codes, on petition to the board by any person affected by 115823
that enforcement or approval of plans, or by the board on its own 115824
motion. Hearings shall be held and appeals permitted on any 115825
proceedings for certification or revocation or suspension of 115826
certification in the same manner as provided in section 3781.101 115827
of the Revised Code for other proceedings of the board of building 115828
standards. 115829

(13) Upon certification, and until that authority is revoked, 115830
any county or township building department shall enforce the 115831
residential and nonresidential building codes for which it is 115832
certified without regard to limitation upon the authority of 115833
boards of county commissioners under Chapter 307. of the Revised 115834
Code or boards of township trustees under Chapter 505. of the 115835
Revised Code. 115836

(14) The board shall certify a person to exercise enforcement 115837
authority, to accept and approve plans and specifications, or to 115838
make inspections in this state in accordance with Chapter 4796. of 115839
the Revised Code if either of the following applies: 115840

(a) The person holds a license or certificate in another 115841

state. 115842

(b) The person has satisfactory work experience, a government 115843
certification, or a private certification as described in that 115844
chapter in the same profession, occupation, or occupational 115845
activity as the profession, occupation, or occupational activity 115846
for which the certificate is required in this state in a state 115847
that does not issue that license or certificate. 115848

(F) In addition to hearings sections 3781.06 to 3781.18 and 115849
3791.04 of the Revised Code require, the board of building 115850
standards shall make investigations and tests, and require from 115851
other state departments, officers, boards, and commissions 115852
information the board considers necessary or desirable to assist 115853
it in the discharge of any duty or the exercise of any power 115854
mentioned in this section or in sections 3781.06 to 3781.18, 115855
3791.04, and 4104.43 of the Revised Code. 115856

(G) The board shall adopt rules and establish reasonable fees 115857
for the review of all applications submitted where the applicant 115858
applies for authority to use a new material, assembly, or product 115859
of a manufacturing process. The fee shall bear some reasonable 115860
relationship to the cost of the review or testing of the 115861
materials, assembly, or products and for the notification of 115862
approval or disapproval as provided in section 3781.12 of the 115863
Revised Code. 115864

(H) The residential construction advisory committee shall 115865
provide the board with a proposal for a state residential building 115866
code that the committee recommends pursuant to division (D)(1) of 115867
section 4740.14 of the Revised Code. Upon receiving a 115868
recommendation from the committee that is acceptable to the board, 115869
the board shall adopt rules establishing that code as the state 115870
residential building code. 115871

(I)(1) The committee may provide the board with proposed 115872

rules to update or amend the state residential building code that 115873
the committee recommends pursuant to division (E) of section 115874
4740.14 of the Revised Code. 115875

(2) If the board receives a proposed rule to update or amend 115876
the state residential building code as provided in division (I)(1) 115877
of this section, the board either may accept or reject the 115878
proposed rule for incorporation into the residential building 115879
code. If the board does not act to either accept or reject the 115880
proposed rule within ninety days after receiving the proposed rule 115881
from the committee as described in division (I)(1) of this 115882
section, the proposed rule shall become part of the residential 115883
building code. 115884

(J) The board shall cooperate with the director of ~~job~~ 115885
children and ~~family services~~ youth when the director promulgates 115886
rules pursuant to section 5104.05 of the Revised Code regarding 115887
safety and sanitation in type A family day-care homes. 115888

(K) The board shall adopt rules to implement the requirements 115889
of section 3781.108 of the Revised Code. 115890

Sec. 3798.01. As used in this chapter: 115891

(A) "Administrative safeguards," "physical safeguards," and 115892
"technical safeguards" have the same meanings as in 45 C.F.R. 115893
164.304. 115894

(B) "Covered entity," "disclosure," "health care provider," 115895
"health information," "individually identifiable health 115896
information," "protected health information," and "use" have the 115897
same meanings as in 45 C.F.R. 160.103. 115898

(C) "Designated record set" has the same meaning as in 45 115899
C.F.R. 164.501. 115900

(D) "Direct exchange" means the activity of electronic 115901
transmission of health information through a direct connection 115902

between the electronic record systems of health care providers 115903
without the use of a health information exchange. 115904

(E) "Health care component" and "hybrid entity" have the same 115905
meanings as in 45 C.F.R. 164.103. 115906

(F) "Health information exchange" means any person or 115907
governmental entity that provides in this state a technical 115908
infrastructure to connect computer systems or other electronic 115909
devices used by covered entities to facilitate the secure 115910
transmission of health information. "Health information exchange" 115911
excludes health care providers engaged in direct exchange, 115912
including direct exchange through the use of a health information 115913
service provider. 115914

(G) "HIPAA privacy rule" means the standards for privacy of 115915
individually identifiable health information in 45 C.F.R. part 160 115916
and in 45 C.F.R. part 164, subparts A and E. 115917

(H) "Interoperability" means the capacity of two or more 115918
information systems to exchange information in an accurate, 115919
effective, secure, and consistent manner. 115920

(I) "Minor" means an unemancipated person under eighteen 115921
years of age or a mentally or physically disabled person under 115922
twenty-one years of age who meets criteria specified in rules 115923
adopted by the medicaid director under section 3798.13 of the 115924
Revised Code. 115925

(J) "More stringent" has the same meaning as in 45 C.F.R. 115926
160.202. 115927

(K) "Personal representative" means a person who has 115928
authority under applicable law to make decisions related to health 115929
care on behalf of an adult or emancipated minor, or the parent, 115930
legal guardian, or other person acting in loco parentis who is 115931
authorized under law to make health care decisions on behalf of an 115932
unemancipated minor. "Personal representative" does not include 115933

the parent or legal guardian of, or another person acting in loco 115934
parentis to, a minor who consents to the minor's own receipt of 115935
health care or a minor who makes medical decisions on the minor's 115936
own behalf pursuant to law, court approval, or because the minor's 115937
parent, legal guardian, or other person acting in loco parentis 115938
has assented to an agreement of confidentiality between the 115939
provider and the minor. 115940

(L) "Political subdivision" means a municipal corporation, 115941
township, county, school district, or other body corporate and 115942
politic responsible for governmental activities in a geographic 115943
area smaller than that of the state. 115944

(M) "State agency" means any one or more of the following: 115945

(1) The department of administrative services; 115946

(2) The department of aging; 115947

(3) The department of mental health and addiction services; 115948

(4) The department of developmental disabilities; 115949

(5) The department of education; 115950

(6) The department of health; 115951

(7) The department of insurance; 115952

(8) The department of job and family services; 115953

(9) The department of medicaid; 115954

(10) The department of rehabilitation and correction; 115955

(11) The department of youth services; 115956

(12) The department of children and youth; 115957

(13) The bureau of workers' compensation; 115958

~~(13)~~(14) The opportunities for Ohioans with disabilities 115959
agency; 115960

~~(14)~~(15) The office of the attorney general; 115961

~~(15)~~(16) A health care licensing board created under Title 115962
XLVII of the Revised Code that possesses individually identifiable 115963
health information. 115964

Sec. 4112.12. (A) There is hereby created the commission on 115965
African-Americans, which shall consist of not more than ~~thirteen~~ 115966
fourteen members as follows: the directors or their designees of 115967
the departments of health, development, mental health and 115968
addiction services, children and youth, and job and family 115969
services; the superintendent of public instruction; the chancellor 115970
of higher education or the chancellor's designee; two members of 115971
the house of representatives appointed by the speaker of the house 115972
of representatives each of whom shall be members of different 115973
political parties; and two members of the senate appointed by the 115974
president of the senate each of whom shall be members of different 115975
political parties. The members who are members of the general 115976
assembly shall be nonvoting members. The Ohio state university 115977
Bell national resource center, in consultation with the governor, 115978
shall appoint two members from the private corporate sector or the 115979
nonprofit sector, and one member with experience in the 115980
philanthropic community. 115981

(B) Terms of office shall be for three years, except that 115982
members of the general assembly appointed to the commission shall 115983
be members only so long as they are members of the general 115984
assembly. Each term ends on the same day of the same month as did 115985
the term that it succeeds. Each member shall hold office from the 115986
date of appointment until the end of the term for which the member 115987
was appointed. Members may be reappointed. Vacancies shall be 115988
filled in the manner provided for original appointments. Any 115989
member appointed to fill a vacancy occurring prior to the 115990
expiration date of the term for which the member's predecessor was 115991
appointed shall hold office as a member for the remainder of that 115992
term. A member shall continue in office subsequent to the 115993

expiration date of the member's term until the member's successor 115994
takes office or until a period of sixty days has elapsed, 115995
whichever occurs first. 115996

The commission annually shall elect a chairperson from among 115997
its members. 115998

(C) Members of the commission and members of subcommittees 115999
appointed under division (B) of section 4112.13 of the Revised 116000
Code shall not be compensated, but shall be reimbursed for their 116001
necessary and actual expenses incurred in the performance of their 116002
official duties. 116003

(D) The Ohio state university Bell national resource center, 116004
in consultation with the governor, shall appoint an executive 116005
director of the commission on African-Americans, who shall be in 116006
the unclassified civil service. The executive director shall 116007
supervise the commission's activities and report to the commission 116008
and to the Ohio state university Bell national resource center on 116009
the progress of those activities. The executive director shall do 116010
all things necessary for the efficient and effective 116011
implementation of the duties of the commission. 116012

The responsibilities assigned to the executive director do 116013
not relieve the members of the commission from final 116014
responsibility for the proper performance of the requirements of 116015
this division. 116016

(E) The commission on African-Americans shall do all of the 116017
following: 116018

(1) Employ, promote, supervise, and remove all employees, as 116019
needed, in connection with the performance of its duties under 116020
this section; 116021

(2) Maintain its office at the Ohio state university Bell 116022
national resource center; 116023

(3) Acquire facilities, equipment, and supplies necessary to house the commission, its employees, and files and records under its control, and to discharge any duty imposed upon it by law. The expense of these acquisitions shall be audited and paid for in the same manner as other state expenses.

(4) Establish the overall policy and management of the commission in accordance with this chapter;

(5) Follow all state procurement requirements;

(6) Implement the policies and plans of the Ohio state university Bell national resource center as those policies and plans are formulated and adopted by the center;

(7) Report to the Ohio state university Bell national resource center on the progress of the commission on African-Americans in implementing the policies and plans of the center.

(F) The commission on African-Americans may:

(1) Hold sessions at any place within the state, except that the commission shall meet at least quarterly;

(2) Establish, change, or abolish positions, and assign and reassign duties and responsibilities of any employee of the commission as necessary to achieve the most efficient performance of its functions.

(G) The Ohio state university Bell national resource center shall establish the overall policy and management of the commission on African-Americans and shall direct, manage, and oversee the commission. The center shall develop overall policies and plans, and the commission shall implement those policies and plans. The commission, through its executive director, shall keep the center informed as to the activities of the commission in such manner and at such times as the center shall determine.

The Ohio state university Bell national resource center may 116054
prescribe duties and responsibilities of the commission in 116055
addition to those prescribed in section 4112.13 of the Revised 116056
Code. 116057

(H) The Ohio state university Bell national resource center 116058
annually shall contract for a report on the status of African 116059
Americans in this state. Issues to be evaluated in the report 116060
shall include the criminal justice system, education, employment, 116061
health care, and housing, and such other issues as the center may 116062
specify. The report shall include policy recommendations relating 116063
to the issues covered in the report. 116064

Sec. 5101.09. (A) When the director of job and family 116065
services or the director of children and youth is authorized by 116066
the Revised Code to adopt a rule, the director shall adopt the 116067
rule in accordance with the following: 116068

(1) Chapter 119. of the Revised Code if any of the following 116069
apply: 116070

(a) The rule concerns the administration or enforcement of 116071
Chapter 4141. of the Revised Code; 116072

(b) The rule concerns a program administered by the 116073
department of job and family services or the director of children 116074
and youth, unless the statute authorizing the rule requires that 116075
it be adopted in accordance with section 111.15 of the Revised 116076
Code; 116077

(c) The statute authorizing the rule requires that the rule 116078
be adopted in accordance with Chapter 119. of the Revised Code. 116079

(2) Section 111.15 of the Revised Code, excluding division 116080
(D) of that section, if either of the following apply: 116081

(a) The rule concerns the day-to-day staff procedures and 116082
operations of the department or financial and operational matters 116083

between the department and another government entity or a private 116084
entity receiving a grant from the department, unless the statute 116085
authorizing the rule requires that it be adopted in accordance 116086
with Chapter 119. of the Revised Code; 116087

(b) The statute authorizing the rule requires that the rule 116088
be adopted in accordance with section 111.15 of the Revised Code 116089
and, by the terms of division (D) of that section, division (D) of 116090
that section does not apply to the rule. 116091

(3) Section 111.15 of the Revised Code, including division 116092
(D) of that section, if the statute authorizing the rule requires 116093
that the rule be adopted in accordance with that section and the 116094
rule is not exempt from the application of division (D) of that 116095
section. 116096

(B) Except as otherwise required by the Revised Code, the 116097
adoption of a rule in accordance with Chapter 119. of the Revised 116098
Code does not make the department of job and family services, the 116099
department of children and youth, a county family services agency, 116100
or a local board subject to the notice, hearing, or other 116101
requirements of sections 119.06 to 119.13 of the Revised Code. As 116102
used in this division, "local board" has the same meaning as in 116103
section 6301.01 of the Revised Code. 116104

Sec. 5101.11. (A) As used in this section: 116105

(1) "Entity" includes an agency, board, commission, or 116106
department of the state or a political subdivision of the state; a 116107
private, nonprofit entity; a school district; a private school; or 116108
a public or private institution of higher education. 116109

(2) "Federal financial participation" means the federal 116110
government's share of expenditures made by an entity in 116111
implementing a program administered by the department of job and 116112
family services. 116113

(B) At the request of any public entity having authority to 116114
implement a program administered by the department of job and 116115
family services or the department of children and youth, or any 116116
private entity under contract with a public entity to implement a 116117
program administered by the applicable department, the applicable 116118
department may seek to obtain federal financial participation for 116119
costs incurred by the entity. Federal financial participation may 116120
be sought from programs operated pursuant to Title IV-A of the 116121
"Social Security Act," 42 U.S.C. 601 et seq.; Title IV-E of the 116122
"Social Security Act," 42 U.S.C. 670 et seq.; the Food and 116123
Nutrition Act of 2008, 7 U.S.C. 2011 et seq.; and any other 116124
statute or regulation under which federal financial participation 116125
may be available, except that federal financial participation may 116126
be sought only for expenditures made with funds for which federal 116127
financial participation is available under federal law. 116128

(C) All funds collected by the department of job and family 116129
services or the department of children and youth pursuant to 116130
division (B) of this section shall be distributed to the entities 116131
that incurred the costs, except for any amounts retained by the 116132
applicable department pursuant to division (D)(3) of this section. 116133

(D) In distributing federal financial participation pursuant 116134
to this section, the department of job and family services or the 116135
department of children and youth may either enter into an 116136
agreement with the entity that is to receive the funds or 116137
distribute the funds in accordance with rules adopted under 116138
division (F) of this section. If ~~the department decides to enter~~ 116139
~~into~~ an agreement to distribute the funds is entered into, the 116140
agreement may include terms that do any of the following: 116141

(1) Provide for the whole or partial reimbursement of any 116142
cost incurred by the entity in implementing the program; 116143

(2) In the event that federal financial participation is 116144
disallowed or otherwise unavailable for any expenditure, require 116145

the applicable department or the entity, whichever party caused 116146
the disallowance or unavailability of federal financial 116147
participation, to assume responsibility for the expenditures; 116148

(3) Permit the applicable department to retain not more than 116149
five per cent of the amount of the federal financial participation 116150
to be distributed to the entity; 116151

(4) Require the public entity to certify the availability of 116152
sufficient unencumbered funds to match the federal financial 116153
participation it receives under this section; 116154

(5) Establish the length of the agreement, which may be for a 116155
fixed or a continuing period of time; 116156

(6) Establish any other requirements determined by the 116157
applicable department to be necessary for the efficient 116158
administration of the agreement. 116159

(E) An entity that receives federal financial participation 116160
pursuant to this section for a program aiding children and their 116161
families shall establish a process for collaborative planning with 116162
the department of job and family services or the department of 116163
children and youth for the use of the funds to improve and expand 116164
the program. 116165

(F) The director of job and family services and the director 116166
of children and youth each shall adopt rules as necessary to 116167
implement this section, including rules for the distribution of 116168
federal financial participation pursuant to this section. The 116169
rules shall be adopted in accordance with Chapter 119. of the 116170
Revised Code. ~~The~~ Each director may adopt or amend any statewide 116171
plan required by the federal government for a program administered 116172
by ~~the~~ that department, as necessary to implement this section. 116173

(G) Federal financial participation received pursuant to this 116174
section shall not be included in any calculation made under 116175
section 5101.16 or 5101.161 of the Revised Code. 116176

Sec. 5101.111. The foundation grant fund is hereby created in 116177
the state treasury. Money the department of job and family 116178
services or the department of children and youth receives from 116179
private foundations in support of pilot projects that promote 116180
exemplary programs for enhancing the health, safety, and 116181
well-being of children and families shall be credited to the fund. 116182
The applicable department may expend the money on such projects, 116183
may use the money, to the extent allowable, to match federal funds 116184
in support of such projects, and shall comply with requirements 116185
the foundations have stipulated in their agreements with the 116186
applicable department as to the purposes for which the money may 116187
be expended. 116188

Sec. 5101.12. The department of job and family services or 116189
department of children and youth may enter into contracts to 116190
maximize federal revenue without the expenditure of state money. 116191
In selecting private entities with which to contract, the 116192
applicable department shall engage in a request for proposals 116193
process. The applicable department, subject to the approval of the 116194
controlling board, may also directly enter into contracts with 116195
public entities providing revenue maximization services. 116196

Sec. 5101.13. (A) The department of ~~job and family services~~ 116197
children and youth shall establish and maintain a uniform 116198
statewide automated child welfare information system in accordance 116199
with the requirements of 42 U.S.C.A. 674(a)(3)(C) and related 116200
federal regulations and guidelines. The information system shall 116201
contain records regarding any of the following: 116202

(1) Investigations of children and families, and children's 116203
care in out-of-home care, in accordance with sections 2151.421 and 116204
5153.16 of the Revised Code; 116205

(2) Care and treatment provided to children and families; 116206

(3) Any other information related to children and families 116207
that state or federal law, regulation, or rule requires the 116208
department or a public children services agency to maintain. 116209

(B) The department shall plan implementation of the 116210
information system on a county-by-county basis and shall finalize 116211
statewide implementation by all public children services agencies 116212
as described in section 5153.02 of the Revised Code not later than 116213
January 1, 2008. 116214

(C) The department shall promptly notify all public children 116215
services agencies of the initiation and completion of statewide 116216
implementation of the statewide information system established 116217
under division (A) of this section. 116218

(D) "Out-of-home care" has the same meaning as in section 116219
2151.011 of the Revised Code. 116220

Sec. 5101.132. (A) Information contained in the information 116221
system established and maintained under section 5101.13 of the 116222
Revised Code may be accessed or entered only as follows: 116223

(1) The department of job and family services, the department 116224
of children and youth, a public children services agency, a title 116225
IV-E agency, a prosecuting attorney, a private child placing 116226
agency, and a private noncustodial agency may access or enter the 116227
information when either of the following is the case: 116228

(a) The access or entry is directly connected with 116229
assessment, investigation, or services regarding a child or 116230
family; 116231

(b) The access or entry is permitted by state or federal law, 116232
rule, or regulation. 116233

(2) A person may access or enter the information in a manner, 116234
to the extent, and for the purposes authorized by rules adopted by 116235
the department. 116236

(B) As used in this section, "title IV-E agency" means a public children services agency or a public entity with which the department of job and family services or department of children and youth has a title IV-E subgrant agreement in effect.

Sec. 5101.134. (A) Notwithstanding any provision of the Revised Code that requires confidentiality of information that is contained in the uniform statewide automated child welfare information system established in section 5101.13 of the Revised Code, the department of ~~job and family services~~ children and youth shall adopt rules in accordance with Chapter 119. of the Revised Code regarding a private child placing agency's or private noncustodial agency's access, data entry, and use of information in the uniform statewide automated child welfare information system.

(B)(1) The department of ~~job and family services~~ children and youth may adopt rules in accordance with section 111.15 of the Revised Code, as if they were internal management rules, as necessary to carry out the purposes of sections 5101.13 to 5101.133 of the Revised Code.

(2) The department may adopt rules in accordance with Chapter 119. of the Revised Code as necessary to carry out the purposes of division (A)(2) of section 5101.132 of the Revised Code.

(C) Public children services agencies shall implement and use the information system established pursuant to section 5101.13 of the Revised Code in accordance with rules adopted by the department.

Sec. 5101.135. (A) A public children services employee who is entering a report of an investigation of child abuse in the statewide automated child welfare information system, as required by section 5101.13 of the Revised Code, shall make a notation on

each case of child abuse that indicates whether the child abuse 116267
arose from an act that caused the child to suffer from, or 116268
resulted in the child suffering from, shaken baby syndrome. 116269

(B) ~~Beginning March 1, 2009, and each~~ On the first day of 116270
March ~~thereafter of each year~~, the department of ~~job and family~~ 116271
~~services~~ children and youth shall report to the director of health 116272
the number of reports of child abuse that arose from an act that 116273
caused the child to suffer from, or resulted in the child 116274
suffering from, shaken baby syndrome and that arose during the 116275
calendar year immediately preceding the calendar year in which the 116276
report is made, as determined by an examination of the statewide 116277
automated child welfare information system established and 116278
maintained under section 5101.13 of the Revised Code. 116279

(C) As used in this section, "shaken baby syndrome" has the 116280
same meaning as in section ~~3701.63~~ 5180.14 of the Revised Code. 116281

Sec. 5101.14. (A) As used in this section and section 116282
5101.144 of the Revised Code, "children services" means services 116283
provided to children pursuant to Chapter 5153. of the Revised 116284
Code. 116285

(B) Within available funds, the department of ~~job~~ children 116286
and ~~family services~~ youth shall distribute funds to the counties 116287
within thirty days after the beginning of each calendar quarter 116288
for a part of the counties' costs for children services. 116289

Funds provided to the county under this section shall be 116290
deposited into the children services fund created pursuant to 116291
section 5101.144 of the Revised Code. 116292

(C) In each fiscal year, the amount of funds available for 116293
distribution under this section shall be allocated to counties as 116294
follows: 116295

(1) If the amount is less than the amount initially 116296

appropriated for the immediately preceding fiscal year, each 116297
county shall receive an amount equal to the percentage of the 116298
funding it received in the immediately preceding fiscal year, 116299
exclusive of any releases from or additions to the allocation or 116300
any sanctions imposed under this section; 116301

(2) If the amount is equal to the amount initially 116302
appropriated for the immediately preceding fiscal year, each 116303
county shall receive an amount equal to the amount it received in 116304
the preceding fiscal year, exclusive of any releases from or 116305
additions to the allocation or any sanctions imposed under this 116306
section; 116307

(3) If the amount is greater than the amount initially 116308
appropriated for the immediately preceding fiscal year, each 116309
county shall receive the amount determined under division (C)(2) 116310
of this section as a base allocation, plus a percentage of the 116311
amount that exceeds the amount initially appropriated for the 116312
immediately preceding fiscal year. The amount exceeding the amount 116313
initially appropriated in the immediately preceding fiscal year 116314
shall be allocated to the counties as follows: 116315

(a) Twelve per cent divided equally among all counties; 116316

(b) Forty-eight per cent in the ratio that the number of 116317
residents of the county under the age of eighteen bears to the 116318
total number of such persons residing in this state; 116319

(c) Forty per cent in the ratio that the number of residents 116320
of the county with incomes under the federal poverty guideline 116321
bears to the total number of such persons in this state. 116322

As used in division (C)(3)(c) of this section, "federal 116323
poverty guideline" means the poverty guideline as defined by the 116324
United States office of management and budget and revised by the 116325
United States secretary of health and human services in accordance 116326
with section 673 of the "Community Services Block Grant Act," 95 116327

Stat. 511 (1981), 42 U.S.C.A. 9902, as amended. 116328

(D) Within ninety days after the end of each state fiscal 116329
biennium, each county shall return any unspent funds to the 116330
department. 116331

(E) The director of ~~job children~~ and ~~family services youth~~ 116332
may adopt the following rules in accordance with section 111.15 of 116333
the Revised Code: 116334

(1) Rules that are necessary for the allocation of funds 116335
under this section; 116336

(2) Rules prescribing reports on expenditures to be submitted 116337
by the counties as necessary for the implementation of this 116338
section. 116339

Sec. 5101.141. (A) As used in sections 5101.141 to 5101.1417 116340
of the Revised Code: 116341

(1) "Adopted young adult" means a person: 116342

(a) Who was in the temporary or permanent custody of a public 116343
children services agency; 116344

(b) Who was adopted at the age of sixteen or seventeen and 116345
attained the age of sixteen before a Title IV-E adoption 116346
assistance agreement became effective; 116347

(c) Who has attained the age of eighteen; and 116348

(d) Who has not yet attained the age of twenty-one. 116349

(2) "Child" means any of the following: 116350

(a) A person who meets the requirements of division (B)(3) of 116351
section 5153.01 of the Revised Code; 116352

(b) An adopted young adult; 116353

(c) An emancipated young adult. 116354

(3) "Emancipated young adult" means a person: 116355

(a) Who was in the temporary or permanent custody of a public children services agency, a planned permanent living arrangement, or in the Title-IV-E-eligible care and placement responsibility of a juvenile court or other governmental agency that provides Title IV-E reimbursable placement services;

(b) Whose custody, arrangement, or care and placement was terminated on or after the person's eighteenth birthday; and

(c) Who has not yet attained the age of twenty-one.

(4) "Kinship guardianship young adult" means an individual that meets the following criteria:

(a) Was in the temporary or permanent custody of a public children services agency or a planned permanent living arrangement prior to the commitment described in division (A)(4)(b) of this section;

(b) Was committed to the legal custody or legal guardianship of a kinship caregiver at the age of sixteen or seventeen and attained the age of sixteen before a Title IV-E kinship guardianship assistance agreement became effective;

(c) Has attained the age of eighteen;

(d) Has not yet attained the age of twenty-one.

(5) "Relative" means, with respect to a child, any of the following who is eighteen years of age or older:

(a) The following individuals related by blood or adoption to the child:

(i) Grandparents, including grandparents with the prefix "great," "great-great," or "great-great-great";

(ii) Siblings;

(iii) Aunts, uncles, nephews, and nieces, including such relatives with the prefix "great," "great-great," "grand," or

"great-grand"; 116385

(iv) First cousins and first cousins once removed. 116386

(b) Stepparents and stepsiblings of the child; 116387

(c) Spouses and former spouses of individuals named in
divisions (A)(5)(a) and (b) of this section; 116388
116389

(d) A legal guardian of the child; 116390

(e) A legal custodian of the child; 116391

(f) Any nonrelative adult that has a familiar and 116392
long-standing relationship or bond with the child or the family, 116393
which relationship or bond will ensure the child's social ties. 116394

(6) "Representative" means a person with whom the department 116395
of ~~job children~~ and ~~family services youth~~ has entered into a 116396
contract, pursuant to division (B)(2)(b) of this section. 116397

(7) "Title IV-E" means Title IV-E of the "Social Security 116398
Act," 94 Stat. 501, 42 U.S.C. 670 (1980), as amended. 116399

(B)(1) Except as provided in divisions (B)(2), (3), and (4) 116400
of this section, the department of ~~job children~~ and ~~family~~ 116401
~~services youth~~ shall act as the single state agency to administer 116402
federal payments for foster care, kinship guardianship assistance, 116403
and adoption assistance made pursuant to Title IV-E. The director 116404
of ~~job children~~ and ~~family services youth~~ shall adopt rules to 116405
implement this authority. Rules governing financial and 116406
administrative requirements applicable to public children services 116407
agencies and government entities that provide Title IV-E 116408
reimbursable placement services to children shall be adopted in 116409
accordance with section 111.15 of the Revised Code, as if they 116410
were internal management rules. Rules governing requirements 116411
applicable to private child placing agencies and private 116412
noncustodial agencies and rules establishing eligibility, program 116413
participation, and other requirements concerning Title IV-E shall 116414

be adopted in accordance with Chapter 119. of the Revised Code. A 116415
public children services agency to which the department 116416
distributes Title IV-E funds shall administer the funds in 116417
accordance with those rules. 116418

(2) If the state plan is amended under divisions (A) and (B) 116419
of section 5101.1411 of the Revised Code, both of the following 116420
shall apply: 116421

(a) Implementation of the amendments to the plan shall begin 116422
fifteen months after September 13, 2016, the effective date of 116423
H.B. 50 of the 131st general assembly, if both of the following 116424
apply: 116425

(i) The plan as amended is approved by the secretary of 116426
health and human services; 116427

(ii) The general assembly has appropriated sufficient funds 116428
to operate the program required under the plan as amended. 116429

(b) The department shall have, exercise, and perform all new 116430
duties required under the plan as amended. In doing so, the 116431
department may contract with another person to carry out those new 116432
duties, to the extent permitted under Title IV-E. 116433

(3) If the state plan is amended under division (C) of 116434
section 5101.1411 of the Revised Code, both of the following 116435
apply: 116436

(a) Implementation of the amendments to the plan shall begin 116437
fifteen months after ~~the effective date of this section~~ September
30, 2021, if both of the following apply: 116438
116439

(i) The plan as amended is approved by the secretary of 116440
health and human services. 116441

(ii) The general assembly has appropriated sufficient funds 116442
to operate the program required under the plan as amended. 116443

(b) The department shall perform all new duties required 116444

under the amended plan. In doing so, the department may contract 116445
with another person to carry out those new duties, to the extent 116446
permitted under Title IV-E. 116447

(4) If the state plan is amended under section 5101.1416 of 116448
the Revised Code, and is approved by the secretary of health and 116449
human services, implementation of the amendments to the plan shall 116450
begin fifteen months after ~~the effective date of this section~~ 116451
September 30, 2021. 116452

(C)(1) Except with regard to the new duties imposed on the 116453
department or its contractor under divisions (B)(2)(b) and 116454
(B)(3)(b) of this section that are not imposed on the county, the 116455
county, on behalf of each child eligible for foster care 116456
maintenance payments under Title IV-E, shall make payments to 116457
cover the cost of providing all of the following: 116458

(a) The child's food, clothing, shelter, daily supervision, 116459
and school supplies; 116460

(b) The child's personal incidentals; 116461

(c) Reasonable travel to the child's home for visitation. 116462

(2) In addition to payments made under division (C)(1) of 116463
this section, the county may, on behalf of each child eligible for 116464
foster care maintenance payments under Title IV-E, make payments 116465
to cover the cost of providing the following: 116466

(a) Liability insurance with respect to the child; 116467

(b) If the county is participating in the demonstration 116468
project established under division (A) of section 5101.142 of the 116469
Revised Code, services provided under the project. 116470

(3) With respect to a child who is in a child-care 116471
institution, including any type of group home designed for the 116472
care of children or any privately operated program consisting of 116473
two or more certified foster homes operated by a common 116474

administrative unit, the foster care maintenance payments made by 116475
the county on behalf of the child shall include the reasonable 116476
cost of the administration and operation of the institution, group 116477
home, or program, as necessary to provide the items described in 116478
divisions (C)(1) and (2) of this section. 116479

(D) To the extent that either foster care maintenance 116480
payments under division (C) of this section, Title IV-E kinship 116481
guardianship assistance, or Title IV-E adoption assistance 116482
payments for maintenance costs require the expenditure of county 116483
funds, the board of county commissioners shall report the nature 116484
and amount of each expenditure of county funds to the department. 116485

(E) The department shall distribute to public children 116486
services agencies that incur and report expenditures of the type 116487
described in division (D) of this section federal financial 116488
participation received for administrative and training costs 116489
incurred in the operation of foster care maintenance, kinship 116490
guardianship assistance, and adoption assistance programs. The 116491
department may withhold not more than three per cent of the 116492
federal financial participation received. The funds withheld may 116493
be used only to fund the following: 116494

(1) The Ohio child welfare training program established under 116495
section 5103.30 of the Revised Code; 116496

(2) The university partnership program for college and 116497
university students majoring in social work who have committed to 116498
work for a public children services agency upon graduation; 116499

(3) Efforts supporting organizational excellence, including 116500
voluntary activities to be accredited by a nationally recognized 116501
accreditation organization. 116502

The funds withheld shall be in addition to any administration 116503
and training cost for which the department is reimbursed through 116504
its own cost allocation plan. 116505

(F) All federal financial participation funds received by a county pursuant to this section shall be deposited into the county's children services fund created pursuant to section 5101.144 of the Revised Code.

(G) The department shall periodically publish and distribute the maximum amounts that the department will reimburse public children services agencies for making payments on behalf of children eligible for foster care maintenance payments.

(H) The department, by and through its director, is hereby authorized to develop, participate in the development of, negotiate, and enter into one or more interstate compacts on behalf of this state with agencies of any other states, for the provision of social services to children in relation to whom all of the following apply:

(1) They have special needs.

(2) This state or another state that is a party to the interstate compact is providing kinship guardianship assistance or adoption assistance on their behalf.

(3) They move into this state from another state or move out of this state to another state.

Sec. 5101.142. (A) The department of ~~job~~ children and ~~family services~~ youth may apply to the United States secretary of health and human services for a waiver of requirements established under Title IV-E, or regulations adopted thereunder, to conduct a demonstration project expanding eligibility for and services provided under Title IV-E. The department may enter into agreements with the secretary necessary to implement the demonstration project, including agreements establishing the terms and conditions of the waiver authorizing the project. If a demonstration project is to be established, the department shall

do all of the following: 116536

(1) Have the director of ~~job children and family services~~ youth adopt rules in accordance with Chapter 119. of the Revised Code governing the project. The rules shall be consistent with the agreements the department enters into with the secretary. 116537
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(2) Enter into agreements with public children services agencies that the department selects for participation in the project. The department shall not select an agency that objects to participation or refuses to be bound by the terms and conditions of the project. 116541
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(3) Contract with persons or governmental agencies providing services under the project; 116546
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(4) Amend the state plan required by section 471 of the "Social Security Act," 42 U.S.C.A. 671, as amended, as needed to implement the project; 116548
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(5) Conduct ongoing evaluations of the project; 116551

(6) Perform other administrative and operational activities required by the agreement with the secretary. 116552
116553

(B) The department may apply to the United States secretary of health and human services for a waiver of the requirements established under Title IV-B of the "Social Security Act of 1967," 81 Stat. 821, 42 U.S.C.A. 620 or regulations adopted thereunder and established under any other federal law or regulations that affect the children services functions prescribed by Chapter 5153. of the Revised Code, to conduct demonstration projects or otherwise improve the effectiveness and efficiency of the children services function. 116554
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Sec. 5101.143. (A) The state adoption assistance loan fund is hereby created in the state treasury. The fund shall consist of all money appropriated or transferred to it and all loan 116563
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116565

repayments or other money, including interest and penalties, 116566
derived from state adoption assistance loans. The department of 116567
~~job children~~ and ~~family services youth~~ shall administer the fund. 116568
Money in the fund shall be used to make state adoption assistance 116569
loans to prospective adoptive parents applying for a loan under 116570
section 3107.018 of the Revised Code. All investment earnings of 116571
the fund shall be credited to the fund. 116572

(B) The director of ~~job children~~ and ~~family services youth~~ 116573
shall adopt rules in accordance with Chapter 119. of the Revised 116574
Code as necessary to implement this section, including rules for 116575
creating a loan application form, procedures and standards for 116576
reviewing and granting or denying loan applications, conditions on 116577
the use of the loan, loan repayment terms, procedures for 116578
collection of loan arrearages, and any monetary penalties for loan 116579
arrearages or improper use of loan funds. 116580

Sec. 5101.145. (A) In adopting rules under section 5101.141 116581
of the Revised Code regarding financial requirements applicable to 116582
public children services agencies, private child placing agencies, 116583
private noncustodial agencies, and government entities that 116584
provide Title IV-E reimbursable placement services to children, 116585
the department of ~~job children~~ and ~~family services youth~~ shall 116586
establish both of the following: 116587

(1) A single form for the agencies or entities to report 116588
costs reimbursable under Title IV-E and costs reimbursable under 116589
medicaid; 116590

(2) Procedures to monitor cost reports submitted by the 116591
agencies or entities. 116592

(B) The procedures established under division (A)(2) of this 116593
section shall be implemented not later than October 1, 2003. The 116594
procedures shall be used to do both of the following: 116595

(1) Determine which of the costs are reimbursable under Title 116596
IV-E; 116597

(2) Ensure that costs reimbursable under medicaid are 116598
excluded from determinations made under division (B)(1) of this 116599
section. 116600

Sec. 5101.146. The department of ~~job~~ children and ~~family~~ 116601
~~services~~ youth shall establish the following penalties, which 116602
shall be enforced at the discretion of the department, for the 116603
failure of a public children services agency, private child 116604
placing agency, private noncustodial agency, or government entity 116605
that provides Title IV-E reimbursable placement services to 116606
children to comply with procedures the department establishes to 116607
ensure fiscal accountability: 116608

(A) For initial failure, the department and the agency or 116609
entity involved shall jointly develop and implement a corrective 116610
action plan according to a specific schedule. If requested by the 116611
agency or entity involved, the department shall provide technical 116612
assistance to the agency or entity to ensure the fiscal 116613
accountability procedures and goals of the plan are met. 116614

(B) For subsequent failures or failure to achieve the goals 116615
of the plan described in division (A) of this section, one of the 116616
following: 116617

(1) For public children services agencies, the department may 116618
take any action permitted under division (C)(2), (4), (5), or (6) 116619
of section 5101.24 of the Revised Code. 116620

(2) For private child placing agencies or private 116621
noncustodial agencies, cancellation of any Title IV-E allowability 116622
rates for the agency involved pursuant to section 5101.141 of the 116623
Revised Code or revocation pursuant to Chapter 119. of the Revised 116624
Code of that agency's certificate issued under section 5103.03 of 116625

the Revised Code; 116626

(3) For government entities, other than public children 116627
services agencies, that provide Title IV-E reimbursable placement 116628
services to children, cancellation of any Title IV-E allowability 116629
rates for the entity involved pursuant to section 5101.141 of the 116630
Revised Code. 116631

Sec. 5101.147. If a public children services agency fails to 116632
comply with the fiscal accountability procedures established by 116633
the department of ~~job~~ children and ~~family services~~ youth, the 116634
department shall notify the board of county commissioners of the 116635
county served by the agency. If a private child placing agency or 116636
private noncustodial agency fails to comply with the fiscal 116637
accountability procedures, the department shall notify the 116638
executive director of each public children services agency that 116639
has entered into a contract for services with the private child 116640
placing agency or private noncustodial agency. 116641

Sec. 5101.148. If the department of ~~job~~ children and ~~family~~ 116642
~~services~~ youth sanctions a public children services agency, 116643
private child placing agency, or private noncustodial agency, it 116644
shall take every possible precaution to ensure that any foster 116645
children that have been placed by the agency under sanction are 116646
not unnecessarily removed from the certified foster homes in which 116647
they reside. 116648

Sec. 5101.1410. In addition to the remedies available under 116649
sections 5101.146 and 5101.24 of the Revised Code, the department 116650
of ~~job~~ children and ~~family services~~ youth may certify a claim to 116651
the attorney general under section 131.02 of the Revised Code for 116652
the attorney general to take action under that section against a 116653
public children services agency, private child placing agency, 116654
private noncustodial agency, or government entity that provides 116655

Title IV-E reimbursable placement services to children if all of 116656
the following are the case: 116657

(A) The agency or entity files a cost report with the 116658
department pursuant to rules adopted under division (B) of section 116659
5101.141 of the Revised Code. 116660

(B) The department receives and distributes federal Title 116661
IV-E reimbursement funds based on the cost report. 116662

(C) The agency's or entity's misstatement, misclassification, 116663
overstatement, understatement, or other inclusion or omission of 116664
any cost included in the cost report causes the United States 116665
department of health and human services to disallow all or part of 116666
the federal Title IV-E reimbursement funds the department received 116667
and distributed. 116668

(D) The agency's or entity's misstatement, misclassification, 116669
overstatement, understatement, or other inclusion or omission of 116670
any cost included in the cost report is not the direct result of a 116671
written directive concerning the agency or entity's cost report 116672
that the department issued to the agency or entity. 116673

Sec. 5101.1411. (A)(1) The director of job and family 116674
services shall, not later than nine months after September 13, 116675
2016, the effective date of H.B. 50 of the 131st general assembly, 116676
submit an amendment to the state plan required by 42 U.S.C. 671 to 116677
the United States secretary of health and human services to 116678
implement 42 U.S.C. 675(8) to make federal payments for foster 116679
care under Title IV-E directly to, or on behalf of, any 116680
emancipated young adult who meets the following requirements: 116681

(a) The emancipated young adult signs a voluntary 116682
participation agreement. 116683

(b) The emancipated young adult satisfies division (D) of 116684
this section. 116685

(2) Any emancipated young adult who meets the requirements of 116686
division (A)(1) of this section may apply for foster care payments 116687
and make the appropriate application at any time. 116688

(B)(1) The director of job and family services shall, not 116689
later than nine months after September 13, 2016, the effective 116690
date of H.B. 50 of the 131st general assembly, submit an amendment 116691
to the state plan required by 42 U.S.C. 671 to the United States 116692
secretary of health and human services to implement 42 U.S.C. 116693
675(8) to make federal payments for adoption assistance under 116694
Title IV-E available to any parent who meets all of the following 116695
requirements: 116696

(a) The parent adopted a person who is an adopted young adult 116697
and the parent entered into an adoption assistance agreement under 116698
42 U.S.C. 673 while the adopted person was age sixteen or 116699
seventeen. 116700

(b) The parent maintains parental responsibility for the 116701
adopted young adult. 116702

(c) The adopted young adult satisfies division (D) of this 116703
section. 116704

(2) Any parent who meets the requirements of division (B)(1) 116705
of this section that are applicable to a parent may request an 116706
extension of adoption assistance payments at any time before the 116707
adopted young adult reaches age twenty-one. 116708

(3) An adopted young adult who is eligible to receive 116709
adoption assistance payments is not considered an emancipated 116710
young adult and is therefore not eligible to receive payment under 116711
division (A) of this section. 116712

(C)(1) The director of job and family services shall, not 116713
later than nine months after ~~the effective date of this amendment~~ 116714
September 30, 2021, submit an amendment to the state plan required 116715
by 42 U.S.C. 671 to the United States secretary of health and 116716

human services to implement 42 U.S.C. 673(d) to provide kinship 116717
guardianship assistance under Title IV-E available to any relative 116718
who meets all of the following requirements: 116719

(a) Both of the following apply: 116720

(i) A juvenile court issued an order granting legal custody 116721
of a person who is a kinship guardianship young adult to the 116722
relative, or a probate court issued an order granting guardianship 116723
of a person who is a kinship guardianship young adult to the 116724
relative, and the order is not a temporary court order. 116725

(ii) The relative entered into a kinship guardianship 116726
assistance agreement under 42 U.S.C. 673(d) while the kinship 116727
guardianship young adult was age sixteen or seventeen. 116728

(b) The relative maintains parental responsibility for the 116729
kinship guardianship young adult. 116730

(c) The kinship guardianship young adult satisfies division 116731
(D) of this section. 116732

(2) Any person who meets the requirements of division (C)(1) 116733
of this section may request an extension of kinship guardianship 116734
assistance at any time before the kinship guardianship young adult 116735
reaches age twenty-one. 116736

(3) A kinship guardianship young adult who is eligible to 116737
receive kinship guardianship assistance is not considered an 116738
emancipated young adult and is therefore not eligible to receive 116739
assistance under division (A) of this section. 116740

(D) In addition to other requirements, an adopted, kinship 116741
guardianship, or emancipated young adult must meet at least one of 116742
the following criteria: 116743

(1) Is completing secondary education or a program leading to 116744
an equivalent credential; 116745

(2) Is enrolled in an institution that provides 116746

post-secondary or vocational education; 116747

(3) Is participating in a program or activity designed to 116748
promote, or remove barriers to, employment; 116749

(4) Is employed for at least eighty hours per month; 116750

(5) Is incapable of doing any of the activities described in 116751
divisions (D)(1) to (4) of this section due to a physical or 116752
mental condition, which incapacity is supported by regularly 116753
updated information in the person's case record or plan. 116754

(E) Any emancipated young adult described in division (A)(1) 116755
of this section who is directly receiving foster care payments, or 116756
on whose behalf such foster care payments are received, or any 116757
relative described in division (C)(1) of this section who is 116758
receiving kinship guardianship assistance, or any parent receiving 116759
adoption assistance payments, may refuse the payments at any time. 116760

(F)(1) An emancipated young adult described in division 116761
(A)(1) of this section who is directly receiving foster care 116762
payments, or on whose behalf such foster care payments are 116763
received, or any relative described in division (C)(1) of this 116764
section who is receiving kinship guardianship assistance and the 116765
kinship guardianship young adult, or a parent receiving adoption 116766
assistance payments and the adopted young adult shall be eligible 116767
for services set forth in the federal, "Fostering Connections to 116768
Success and Increasing Adoptions Act of 2008," P.L. 110-351, 122 116769
Stat. 3949. 116770

(2) An emancipated young adult described in division (A)(1) 116771
of this section who is directly receiving foster care payments, or 116772
on whose behalf such foster care payments are received, pursuant 116773
to this section, may be eligible to reside in a supervised 116774
independent living setting, including apartment living, room and 116775
board arrangements, college or university dormitories, host homes, 116776
and shared roommate settings. 116777

(G) Any determination by the department of job and family services or the department of children and youth that denies or terminates foster care assistance, kinship guardianship assistance, kinship support program payments, or adoption assistance payments shall be subject to a state hearing pursuant to section 5101.35 of the Revised Code. 116778
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Sec. 5101.1412. (A) Without the approval of a court, an emancipated young adult who receives payments, or on whose behalf payments are received, under division (A) of section 5101.1411 of the Revised Code, may enter into a voluntary participation agreement with the department of job children and family services youth, or its representative, for the emancipated young adult's care and placement. The agreement shall stay in effect until one of the following occurs: 116784
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(1) The emancipated young adult enrolled in the program notifies the department, or its representative, that they want to terminate the agreement. 116792
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(2) The emancipated young adult becomes ineligible for the program. 116795
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(B) In order to maintain Title IV-E eligibility for the emancipated young adult, both of the following apply: 116797
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(1) Not later than one hundred eighty days after the effective date of the voluntary participation agreement, the department or its representative must petition the court for, and obtain, a judicial determination that the emancipated young adult's best interest is served by continuing the care and placement with the department or its representative. 116799
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(2) Not later than twelve months after the effective date of the voluntary participation agreement, and at least once every twelve months thereafter, the department or its representative 116805
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must petition the court for, and obtain, a judicial determination 116808
that the department or its representative has made reasonable 116809
efforts to finalize a permanency plan to prepare the emancipated 116810
young adult for independence. 116811

Sec. 5101.1413. Notwithstanding section 5101.141 of the 116812
Revised Code and any rules adopted thereunder, the department of 116813
~~job children~~ and ~~family services youth~~ shall pay the full 116814
nonfederal share of payments made pursuant to section 5101.1411 of 116815
the Revised Code. No public children services agency shall be 116816
responsible for the cost of any payments made pursuant to section 116817
5101.1411 of the Revised Code. 116818

Sec. 5101.1414. (A) ~~Not later than nine months after~~ 116819
~~September 13, 2016, the effective date of H.B. 50 of the 131st~~ 116820
~~general assembly, the~~ The department of ~~job children~~ and ~~family~~ 116821
~~services youth~~ shall adopt rules necessary to carry out the 116822
purposes of sections 5101.1411 to 5101.1413 of the Revised Code, 116823
including rules that do all of the following: 116824

(1) Allow an emancipated young adult described in division 116825
(A)(1) of section 5101.1411 of the Revised Code who is directly 116826
receiving foster care payments, or on whose behalf such foster 116827
care payments are received, or an adopted young adult whose 116828
adoptive parents are receiving adoption assistance payments, to 116829
maintain eligibility while transitioning into, or out of, 116830
qualified employment or educational activities; 116831

(2) Require that a thirty-day notice of termination be given 116832
by the department to an emancipated young adult described in 116833
division (A)(1) of section 5101.1411 of the Revised Code who is 116834
receiving foster care payments, or on whose behalf such foster 116835
care payments are received, or to a parent receiving adoption 116836
assistance payments for an adopted young adult described in 116837

division (B)(1) of section 5101.1411 of the Revised Code, who is 116838
determined to be ineligible for payments; 116839

(3) Establish the scope of practice and training necessary 116840
for case managers and supervisors who care for emancipated young 116841
adults described in division (A)(1) of section 5101.1411 of the 116842
Revised Code who are receiving foster care payments, or on whose 116843
behalf such foster care payments are received, under section 116844
5101.1411 of the Revised Code. 116845

(B) The department of ~~job children and family services youth~~ 116846
shall create an advisory council to evaluate and make 116847
recommendations for statewide implementation of sections 5101.1411 116848
and 5101.1412 of the Revised Code ~~not later than one month after~~ 116849
~~September 13, 2016, the effective date of H.B. 50 of the 131st~~ 116850
~~general assembly.~~ 116851

~~Sec. 5101.1417. Not later than nine months after the~~ 116852
~~effective date of this section, the~~ The department of ~~job children~~ 116853
and ~~family services youth~~ shall adopt rules necessary to carry out 116854
the purposes of sections 5101.141, 5101.1411, and 5101.1416 of the 116855
Revised Code, and 42 U.S.C. 673(d) of the "Social Security Act," 116856
including rules that do all of the following: 116857

(A) Allow a kinship guardianship young adult described in 116858
division (C) of section 5101.1411 of the Revised Code on whose 116859
behalf kinship guardianship assistance is received, to maintain 116860
eligibility while transitioning into, or out of, qualified 116861
employment or educational activities; 116862

(B) Require that a thirty-day notice of termination be given 116863
by the department to a person receiving kinship guardianship 116864
assistance for a kinship guardianship young adult described in 116865
division (C) of section 5101.1411 of the Revised Code, who is 116866
determined to be ineligible for assistance. 116867

Sec. 5101.1418. (A)(1) If, after a child's adoption is 116868
finalized, the department of ~~job children~~ and ~~family services~~ 116869
youth considers the child to be in need of public care or 116870
protective services, the department may, to the extent state funds 116871
are available for this purpose, enter into an agreement with the 116872
child's adoptive parent under which the department may make post 116873
adoption special services subsidy payments on behalf of the child 116874
as needed when both of the following apply: 116875

(a) The child has a physical or developmental disability or 116876
mental or emotional condition that either: 116877

(i) Existed before the adoption petition was filed; or 116878

(ii) Developed after the adoption petition was filed and can 116879
be directly attributed to factors in the child's preadoption 116880
background, medical history, or biological family's background or 116881
medical history. 116882

(b) The department determines the expenses necessitated by 116883
the child's disability or condition are beyond the adoptive 116884
parent's economic resources. 116885

(2) Services for which the department may make post adoption 116886
special services subsidy payments on behalf of a child under this 116887
section shall include medical, surgical, psychiatric, 116888
psychological, and counseling services, including residential 116889
treatment. 116890

(3) The department shall establish clinical standards to 116891
evaluate a child's physical or developmental disability or mental 116892
or emotional condition and assess the child's need for services. 116893

(4) The total dollar value of post adoption special services 116894
subsidy payments made on a child's behalf shall not exceed ten 116895
thousand dollars in any fiscal year, unless the department 116896
determines that extraordinary circumstances exist that necessitate 116897

further funding of services for the child. Under such 116898
extraordinary circumstances, the value of the payments made on the 116899
child's behalf shall not exceed fifteen thousand dollars in any 116900
fiscal year. 116901

(5) The adoptive parent or parents of a child who receives 116902
post adoption special services subsidy payments shall pay at least 116903
five per cent of the total cost of all services provided to the 116904
child; except that the department may waive this requirement if 116905
the gross annual income of the child's adoptive family is not more 116906
than two hundred per cent of the federal poverty guideline. 116907

(6) The department may use other sources of revenue to make 116908
post adoption special services subsidy payments, in addition to 116909
any state funds appropriated for that purpose. 116910

(7) The department may contract with another person to carry 116911
out any of the duties described in this section. 116912

(B) No payment shall be made on behalf of any person eighteen 116913
years of age or older beyond the end of the school year during 116914
which the person attains the age of eighteen or on behalf of a 116915
mentally or physically disabled person twenty-one years of age or 116916
older. 116917

(C) The director of ~~job children and family services, not~~ 116918
~~later than July 1, 2022,~~ youth shall adopt rules in accordance 116919
with Chapter 119. of the Revised Code necessary to implement this 116920
section. The rules shall establish all of the following: 116921

(1) The application process for all forms of assistance 116922
provided under this section; 116923

(2) Standards for determining the children who qualify to 116924
receive assistance provided under this section; 116925

(3) The method of determining the amount, duration, and scope 116926
of services provided to a child; 116927

(4) The method of transitioning the post adoption special 116928
services subsidy program from public children services agencies to 116929
the department; 116930

(5) Any other rule, requirement, or procedure the department 116931
considers appropriate for the implementation of this section. 116932

(D) The department shall implement this section not later 116933
than July 1, 2022. 116934

Sec. 5101.15. Within available funds the department of ~~job~~ 116935
children and ~~family services~~ youth may reimburse counties in 116936
accordance with this section for a portion of the salaries paid to 116937
child welfare workers employed under section 5153.12 of the 116938
Revised Code. No county with a population of eighty thousand or 116939
less, according to the latest census accepted by the department as 116940
official, shall be entitled to reimbursement on the salaries of 116941
more than two child welfare workers, and no county with a 116942
population of more than eighty thousand, according to such census, 116943
shall be entitled to reimbursement on the salaries of more than 116944
two child welfare workers plus one additional child welfare worker 116945
for each one hundred thousand of population in excess of eighty 116946
thousand. 116947

The maximum reimbursement to which a county may be entitled 116948
on any child welfare worker shall be as follows: 116949

(A) Twenty-seven hundred dollars a year for a child welfare 116950
worker who is a graduate of an accredited high school, college, or 116951
university; 116952

(B) Thirty-three hundred dollars a year for a child welfare 116953
worker who has one year or more of graduate training in social 116954
work or a field which the department finds to be related to social 116955
work; 116956

(C) Thirty-nine hundred dollars a year for a child welfare 116957

worker who has completed two years of social work training. 116958

The salary of the executive director, designated in 116959
accordance with section 5153.10 of the Revised Code, shall be 116960
subject to reimbursement under this section, provided that the 116961
executive director qualifies under division (A), (B), or (C) of 116962
this section. No funds shall be allocated under this section until 116963
the director of ~~job~~ children and ~~family services~~ youth has 116964
approved a plan of child welfare services for the county submitted 116965
by the public children services agency. 116966

Sec. 5101.183. (A) The director of job and family services 116967
and the director of children and youth, in accordance with section 116968
111.15 of the Revised Code, may adopt rules under which county 116969
family services agencies shall take action to recover the cost of 116970
the following benefits and services available under programs 116971
administered by the department of job and family services or the 116972
department of children and youth: 116973

(1) Benefits or services provided to any of the following: 116974

(a) Persons who were not eligible for the benefits or 116975
services but who secured the benefits or services through fraud or 116976
misrepresentation; 116977

(b) Persons who were eligible for the benefits or services 116978
but who intentionally diverted the benefits or services to other 116979
persons who were not eligible for the benefits or services. 116980

(2) Any benefits or services provided by a county family 116981
services agency for which recovery is required or permitted by 116982
federal law for the federal programs administered by the agency. 116983

(B) A county family services agency may bring a civil action 116984
against a recipient of benefits or services to recover any costs 116985
described in division (A) of this section. 116986

(C) A county family services agency shall retain any money it 116987

recovers under division (A) of this section and shall use the 116988
money to meet a family services duty, except that, if federal law 116989
requires the department of job and family services or the 116990
department of children and youth to return any portion of the 116991
money so recovered to the federal government, the county family 116992
services agency shall pay that portion to the department of job 116993
and family services or the department of children and youth. 116994

Sec. 5101.19. As used in sections 5101.19 to 5101.194 of the 116995
Revised Code: 116996

(A) "Adopted child" means a person who is less than eighteen 116997
years of age when the person becomes subject to a final order of 116998
adoption, an interlocutory order of adoption, or when the adoption 116999
is recognized by this state under section 3107.18 of the Revised 117000
Code. 117001

(B) "Adoption" includes an adoption arranged by an attorney, 117002
a public children services agency, private child placing agency, 117003
or a private noncustodial agency, an interstate adoption, or an 117004
international or foreign adoption. 117005

(C) "Adoptive parent" means the person or persons who obtain 117006
parental rights and responsibilities over an adopted child 117007
pursuant to a final order of adoption, an interlocutory order of 117008
adoption, or an adoption recognized by this state under section 117009
3107.18 of the Revised Code. 117010

(D) "Casework services" means services performed or arranged 117011
by a public children services agency, private child placing 117012
agency, private noncustodial agency, or public entity with whom 117013
the department of ~~job~~ children and ~~family services~~ youth has a 117014
Title IV-E subgrant agreement in effect, to manage the progress, 117015
provide supervision and protection of the child and the child's 117016
parent, guardian, or custodian. 117017

(E) "Foster caregiver" has the same meaning as in section 5103.02 of the Revised Code.	117018 117019
(F) "Qualified professional" means an individual that is, but not limited to, any one of the following:	117020 117021
(1) Audiologist;	117022
(2) Orthopedist;	117023
(3) Physician;	117024
(4) Certified nurse practitioner;	117025
(5) Physician assistant;	117026
(6) Psychiatrist;	117027
(7) Psychologist;	117028
(8) School psychologist;	117029
(9) Licensed marriage and family therapist;	117030
(10) Speech and language pathologist;	117031
(11) Licensed independent social worker;	117032
(12) Licensed professional clinical counselor;	117033
(13) Licensed social worker who is under the direct supervision of a licensed independent social worker;	117034 117035
(14) Licensed professional counselor who is under the direct supervision of a licensed professional clinical counselor.	117036 117037
(G) "Special needs" means any of the following:	117038
(1) A developmental disability as defined in section 5123.01 of the Revised Code;	117039 117040
(2) A physical or mental impairment that substantially limits one or more of the major life activities;	117041 117042
(3) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body	117043 117044

systems; 117045

(4) Any mental or psychological disorder; 117046

(5) A medical condition causing distress, pain, dysfunction, 117047
or social problems as diagnosed by a qualified professional that 117048
results in ongoing medical treatment. 117049

Sec. 5101.191. (A) The director of ~~job~~ children and ~~family~~ 117050
~~services~~ youth shall establish and administer the Ohio adoption 117051
grant program in accordance with sections 5101.19 to 5101.194 of 117052
the Revised Code. 117053

(B) The director shall provide one, but not both, of the 117054
following one-time payments for an adopted child to the child's 117055
adoptive parent if the requirements of division (A) of section 117056
5101.192 of the Revised Code, but not division (B) of that 117057
section, are satisfied regarding the child: 117058

(1) Ten thousand dollars; 117059

(2) Fifteen thousand dollars, if the parent was a foster 117060
caregiver who cared for the child prior to adoption. 117061

(C) The director shall provide a one-time payment for an 117062
adopted child of twenty thousand dollars to the child's adoptive 117063
parent if the requirements of divisions (A) and (B) of section 117064
5101.192 of the Revised Code are satisfied regarding the child. 117065

Sec. 5101.193. (A) The director of ~~job~~ children and ~~family~~ 117066
~~services~~ youth shall adopt rules to administer and implement the 117067
Ohio adoption grant program. The director, in consultation with 117068
the tax commissioner, shall also adopt rules authorizing the 117069
department to withhold and remit to the Internal Revenue Service 117070
federal income tax from grant payments under division (B) of 117071
section 5101.191 of the Revised Code, provided such withholding is 117072
authorized under federal law or approved by the Internal Revenue 117073

Service. 117074

(B) No application fee shall be charged for the grant 117075
program. 117076

(C) Notwithstanding any law to the contrary, the director may 117077
require, as necessary to administer the Ohio adoption grant 117078
program, either or both of the following: 117079

(1) The submission of any court or legal document necessary 117080
to prove a final order of adoption, an interlocutory order of 117081
adoption, or recognition of the adoption under section 3107.18 of 117082
the Revised Code; 117083

(2) Any department, agency, or division of the state, 117084
including the department of health, to provide any document 117085
related to the adoption. 117086

(D) Notwithstanding any provision of section 121.95 of the 117087
Revised Code to the contrary, a regulatory restriction contained 117088
in a rule adopted under section 5101.193 of the Revised Code is 117089
not subject to sections 121.95 to 121.953 of the Revised Code. 117090

Sec. 5101.194. Any document provided to the department of ~~job~~ 117091
children and ~~family services~~ youth under division (C) of section 117092
5101.193 of the Revised Code remains a public record under section 117093
149.43 of the Revised Code if it was a public record under that 117094
section before being provided to the department. 117095

Sec. 5101.21. (A) As used in sections 5101.21 to 5101.212 of 117096
the Revised Code: 117097

(1) "County grantee" means all of the following: 117098

(a) A board of county commissioners; 117099

(b) A county children services board appointed under section 117100
5153.03 of the Revised Code; 117101

(c) A county elected official that is a child support enforcement agency. 117102
117103

(2) "County subgrant" means a grant that a county grantee awards to another entity. 117104
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(3) "County subgrant agreement" means an agreement between a county grantee and another entity under which the county grantee awards the other entity one or more county subgrants. 117106
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(4) "Fiscal biennial period" means a two-year period beginning on the first day of July of an odd-numbered year and ending on the last day of June of the next odd-numbered year. 117109
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(5) "Grant" means an award for one or more family services duties of federal financial assistance that a federal agency provides in the form of money, or property in lieu of money, to the department of job and family services or the department of children and youth and that ~~the~~ either department awards to a county grantee. "Grant" may include state funds the department awards to a county grantee to match the federal financial assistance. "Grant" does not mean either of the following: 117112
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(a) Technical assistance that provides services instead of money; 117120
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(b) Other assistance provided in the form of revenue sharing, loans, loan guarantees, interest subsidies, or insurance. 117122
117123

(6) "Grant agreement" means an agreement between the department of job and family services or the department of children and youth and a county grantee under which ~~the~~ either department awards the county grantee one or more grants. 117124
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(B) ~~Effective July 1, 2008, the~~ The director of job and family services and the director of children and youth may award grants to counties only through grant agreements entered into under this section. 117128
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(C) The ~~director~~ directors shall enter into one or more 117132
written grant agreements with the county grantees of each county. 117133
If a county has multiple county grantees, the director shall 117134
jointly enter into the grant agreement with all of the county 117135
grantees. ~~The initial grant agreement shall be entered into not~~ 117136
~~later than January 31, 2008, and shall be in effect for fiscal~~ 117137
~~year 2009.~~ Except as provided in rules adopted under this section, 117138
subsequent grant agreements shall be entered into before the first 117139
day of each successive fiscal biennial period and shall be in 117140
effect for that fiscal biennial period or, in the case of a grant 117141
agreement entered into after the first day of a fiscal biennial 117142
period and except as provided by section 5101.211 of the Revised 117143
Code, for the remainder of the fiscal biennial period. A grant 117144
agreement shall do all of the following: 117145

(1) Comply with all of the conditions, requirements, and 117146
restrictions applicable to the family services duties for which 117147
the grants included in the agreement are awarded, including the 117148
conditions, requirements, and restrictions established by the 117149
department, federal or state law, state plans for receipt of 117150
federal financial participation, agreements between the ~~department~~ 117151
departments and a federal agency, and executive orders issued by 117152
the governor; 117153

(2) Establish terms and conditions governing the 117154
accountability for and use of the grants included in the grant 117155
agreement; 117156

(3) Specify both of the following: 117157

(a) The family services duties for which the grants included 117158
in the agreement are awarded; 117159

(b) The private and government entities designated under 117160
section 307.981 of the Revised Code to serve as the county family 117161
services agencies performing the family services duties; 117162

(4) Provide for the department of job and family services and 117163
the department of children and youth to award the grants included 117164
in the agreement in accordance with a methodology for determining 117165
the amount of the award established by rules adopted under this 117166
section; 117167

(5) Specify the form of the grants which may be a cash draw, 117168
reimbursement, property, advance, working capital advance, or 117169
other forms specified in rules adopted under this section; 117170

(6) Provide that the grants are subject to the availability 117171
of federal funds and appropriations made by the general assembly; 117172

(7) Specify annual financial, administrative, or other 117173
incentive awards, if any, to be provided in accordance with 117174
section 5101.23 of the Revised Code; 117175

(8) Include the assurance of each county grantee that the 117176
county grantee will do all of the following: 117177

(a) Ensure that the grants included in the agreement are 117178
used, and the family services duties for which the grants are 117179
awarded are performed, in accordance with conditions, 117180
requirements, and restrictions applicable to the duties 117181
established by the ~~department~~ departments, a federal or state law, 117182
state plans for receipt of federal financial participation, 117183
agreements between the ~~department~~ departments and a federal 117184
agency, and executive orders issued by the governor; 117185

(b) Utilize a financial management system and other 117186
accountability mechanisms for the grants awarded under the 117187
agreement that meet requirements the ~~department establishes~~ 117188
departments establish; 117189

(c) Do all of the following with regard to a county subgrant: 117190

(i) Award the subgrant through a written county subgrant 117191
agreement that requires the entity awarded the county subgrant to 117192

comply with all conditions, requirements, and restrictions 117193
applicable to the county grantee regarding the grant that the 117194
county grantee subgrants to the entity, including the conditions, 117195
requirements, and restrictions of this section; 117196

(ii) Monitor the entity that is awarded the subgrant to 117197
ensure that the entity uses the subgrant in accordance with 117198
conditions, requirements, and restrictions applicable to the 117199
family services duties for which the subgrant is awarded; 117200

(iii) Take action to recover subgrants that are not used in 117201
accordance with the conditions, requirements, or restrictions 117202
applicable to the family services duties for which the subgrant is 117203
awarded. 117204

(d) Promptly reimburse the ~~department~~ departments the amount 117205
that represents the amount the county grantee is responsible for, 117206
pursuant to action the ~~department takes~~ departments take under 117207
division (C) of section 5101.24 of the Revised Code, of funds the 117208
~~department pays~~ departments pay to any entity because of an 117209
adverse audit finding, adverse quality control finding, final 117210
disallowance of federal financial participation, or other sanction 117211
or penalty; 117212

(e) Take prompt corrective action, including paying amounts 117213
resulting from an adverse finding, sanction, or penalty, if the 117214
~~department~~ departments, auditor of state, federal agency, or other 117215
entity authorized by federal or state law to determine compliance 117216
with the conditions, requirements, and restrictions applicable to 117217
a family services duty for which a grant included in the agreement 117218
is awarded determines compliance has not been achieved; 117219

(f) Ensure that any matching funds, regardless of the source, 117220
that the county grantee manages are clearly identified and used in 117221
accordance with federal and state laws and the agreement. 117222

(9) Provide for the ~~department~~ departments taking action 117223

pursuant to division (C) of section 5101.24 of the Revised Code if 117224
authorized by division (B)(1), (2), (3), or (4) of that section; 117225

(10) Provide for timely audits required by federal and state 117226
law and require prompt release of audit findings and prompt action 117227
to correct problems identified in an audit; 117228

(11) Provide for administrative review procedures in 117229
accordance with section 5101.24 of the Revised Code; 117230

(12) Establish the method of amending or terminating the 117231
agreement and an expedited process for correcting terms or 117232
conditions of the agreement that the ~~director~~ directors and each 117233
county grantee agree are erroneous. 117234

(D) A grant agreement does not have to be amended for a 117235
county grantee to be required to comply with a new or amended 117236
condition, requirement, or restriction for a family services duty 117237
established by federal or state law, state plan for receipt of 117238
federal financial participation, agreement between the ~~department~~ 117239
departments and a federal agency, or executive order issued by the 117240
governor. 117241

(E) The ~~department~~ departments shall make payments authorized 117242
by a grant agreement on vouchers ~~it prepares~~ they prepare and may 117243
include any funds appropriated or allocated to ~~it~~ them for 117244
carrying out family services duties for which a grant included in 117245
the agreement is awarded, including funds for personal services 117246
and maintenance. 117247

(F)(1) The ~~director~~ directors shall adopt rules in accordance 117248
with section 111.15 of the Revised Code governing grant 117249
agreements. The ~~director~~ directors shall adopt the rules as if 117250
they were internal management rules. Before adopting the rules, 117251
the ~~director~~ directors shall give the public an opportunity to 117252
review and comment on the proposed rules. The rules shall 117253
establish methodologies to be used to determine the amount of the 117254

grants included in the agreements. The rules also shall establish 117255
terms and conditions under which an agreement may be entered into 117256
after the first day of a fiscal biennial period. The rules may do 117257
any or all of the following: 117258

(a) Govern the award of grants included in grant agreements, 117259
including the establishment of, and restrictions on, the form of 117260
the grants and the distribution of the grants; 117261

(b) Specify allowable uses of the grants included in the 117262
agreements; 117263

(c) Establish reporting, cash management, audit, and other 117264
requirements the ~~director determines~~ directors determine are 117265
necessary to provide accountability for the use of the grants 117266
included in the agreements and determine compliance with 117267
conditions, requirements, and restrictions established by the 117268
~~department~~ departments, a federal or state law, state plans for 117269
receipt of federal financial participation, agreements between the 117270
~~department~~ departments and a federal agency, and executive orders 117271
issued by the governor. 117272

(2) A requirement of a grant agreement established by a rule 117273
adopted under this division is applicable to a grant agreement 117274
without having to be restated in the grant agreement. A 117275
requirement established by a grant agreement is applicable to the 117276
grant agreement without having to be restated in a rule. 117277

Sec. 5101.214. The director of job and family services and 117278
the director of children and youth may enter into a written 117279
agreement with one or more state agencies, as defined in section 117280
117.01 of the Revised Code, and state universities and colleges to 117281
assist in the coordination, provision, or enhancement of the 117282
family services duties of a county family services agency or the 117283
workforce development activities of a local board, as defined in 117284
section 6301.01 of the Revised Code. The ~~director~~ directors also 117285

may enter into written agreements or contracts with, or issue 117286
grants to, private and government entities under which funds are 117287
provided for the enhancement or innovation of family services 117288
duties or workforce development activities on the state or local 117289
level. 117290

The ~~director~~ directors may adopt internal management rules in 117291
accordance with section 111.15 of the Revised Code to implement 117292
this section. 117293

Sec. 5101.216. The director of job and family services and 117294
the director of children and youth, as applicable, may enter into 117295
one or more written operational agreements with boards of county 117296
commissioners to do one or more of the following regarding family 117297
services duties: 117298

(A) Provide for the ~~director~~ directors to amend or rescind a 117299
rule the ~~director~~ directors previously adopted; 117300

(B) Provide for the ~~director~~ directors to modify procedures 117301
or establish alternative procedures to accommodate special 117302
circumstances in a county; 117303

(C) Provide for the ~~director~~ directors and board to jointly 117304
identify operational problems of mutual concern and develop a 117305
joint plan to address the problems; 117306

(D) Establish a framework for the ~~director~~ directors and 117307
board to modify the use of existing resources in a manner that is 117308
beneficial to the department of job and family services, the 117309
department of children and youth, and the county that the board 117310
serves and improves family services duties for the recipients of 117311
the services. 117312

Sec. 5101.22. The department of job and family services and 117313
the department of children and youth, as applicable, may establish 117314
performance and other administrative standards for the 117315

administration and outcomes of family services duties and 117316
determine at intervals the ~~department decides~~ departments decide 117317
the degree to which a county family services agency complies with 117318
a performance or other administrative standard. The ~~department~~ 117319
departments may use statistical sampling, performance audits, case 117320
reviews, or other methods ~~it determines~~ they determine necessary 117321
and appropriate to determine compliance with performance and 117322
administrative standards. 117323

Sec. 5101.221. (A) Except as provided by division (C) of this 117324
section, if the department of job and family services or the 117325
department of children and youth determines that a county family 117326
services agency has failed to comply with a performance or other 117327
administrative standard established under section 5101.22 of the 117328
Revised Code or by federal law for the administration or outcome 117329
of a family services duty, the department shall require the agency 117330
to develop, submit to the department for approval, and comply with 117331
a corrective action plan. 117332

(B) If a county family services agency fails to develop, 117333
submit to the department, or comply with a corrective action plan 117334
under division (A) of this section, or the department disapproves 117335
the agency's corrective action plan, the department may require 117336
the agency to develop, submit to the department for approval, and 117337
comply with a corrective action plan that requires the agency to 117338
commit existing resources to the plan. 117339

(C) The department may not require a county family services 117340
agency to take action under this section for failure to comply 117341
with a performance or other administrative standard established 117342
for an incentive awarded by the department. Instead, the 117343
department may require a county family services agency that fails 117344
to comply with that kind of performance or other administrative 117345
standard to take action in accordance with rules adopted by the 117346

department governing the standard. 117347

(D) At the request of a county family services agency, the 117348
department shall assist the agency with the development of a 117349
corrective action plan under this section and provide the agency 117350
technical assistance in the implementation of the plan. 117351

Sec. 5101.23. Subject to the availability of funds, the 117352
department of job and family services and the department of 117353
children and youth may provide annual financial, administrative, 117354
or other incentive awards to county family services agencies and 117355
local areas as defined in section 6301.01 of the Revised Code. A 117356
county family services agency or local area may spend an incentive 117357
awarded under this section only for the purpose for which the 117358
funds are appropriated. The ~~department~~ departments may adopt 117359
internal management rules in accordance with section 111.15 of the 117360
Revised Code to establish the amounts of awards, methodology for 117361
distributing the awards, types of awards, and standards for 117362
administration. 117363

There is hereby created in the state treasury the social 117364
services incentive fund. The director of job and family services 117365
and the director of children and youth may request that the 117366
director of budget and management transfer funds in the Title IV-A 117367
reserve fund created under section 5101.82 of the Revised Code and 117368
other funds appropriated for family services duties or workforce 117369
investment activities into the fund. If the director of budget and 117370
management determines that the funds identified by the director of 117371
job and family services or the director of children and youth are 117372
available and appropriate for transfer, the director of budget and 117373
management shall make the transfer. Money in the fund shall be 117374
used to provide incentive awards under this section. 117375

Sec. 5101.24. (A) As used in this section, "responsible 117376

county grantee" means whichever county grantee, as defined in 117377
section 5101.21 of the Revised Code, the director of job and 117378
family services ~~determines~~ and the director of children and youth 117379
determine is appropriate to take action against under division (C) 117380
of this section. 117381

(B) Regardless of whether a family services duty is performed 117382
by a county family services agency, private or government entity 117383
pursuant to a contract entered into under section 307.982 of the 117384
Revised Code or division (C)(2) of section 5153.16 of the Revised 117385
Code, or private or government provider of a family service duty, 117386
the department of job and family services or the department of 117387
children and youth may take action under division (C) of this 117388
section against the responsible county grantee if the department 117389
determines any of the following are the case: 117390

(1) A requirement of a grant agreement entered into under 117391
section 5101.21 of the Revised Code that includes a grant for the 117392
family services duty, including a requirement for grant agreements 117393
established by rules adopted under that section, is not complied 117394
with; 117395

(2) A county family services agency fails to develop, submit 117396
to the department, or comply with a corrective action plan under 117397
division (B) of section 5101.221 of the Revised Code, or the 117398
department disapproves the agency's corrective action plan 117399
developed under division (B) of section 5101.221 of the Revised 117400
Code; 117401

(3) A requirement for the family services duty established by 117402
the department or any of the following is not complied with: a 117403
federal or state law, state plan for receipt of federal financial 117404
participation, grant agreement between the department and a 117405
federal agency, or executive order issued by the governor; 117406

(4) The responsible county grantee is solely or partially 117407

responsible, as determined by the director of job and family 117408
services or the director of children and youth, for an adverse 117409
audit finding, adverse quality control finding, final disallowance 117410
of federal financial participation, or other sanction or penalty 117411
regarding the family services duty. 117412

(C) The department may take one or more of the following 117413
actions against the responsible county grantee when authorized by 117414
division (B)(1), (2), (3), or (4) of this section: 117415

(1) Require the responsible county grantee to comply with a 117416
corrective action plan pursuant to a time schedule specified by 117417
the department. The corrective action plan shall be established or 117418
approved by the department and shall not require a county grantee 117419
to commit resources to the plan. 117420

(2) Require the responsible county grantee to comply with a 117421
corrective action plan pursuant to a time schedule specified by 117422
the department. The corrective action plan shall be established or 117423
approved by the department and require a county grantee to commit 117424
to the plan existing resources identified by the agency. 117425

(3) Require the responsible county grantee to do one of the 117426
following: 117427

(a) Share with the department a final disallowance of federal 117428
financial participation or other sanction or penalty; 117429

(b) Reimburse the department the final amount the department 117430
pays to the federal government or another entity that represents 117431
the amount the responsible county grantee is responsible for of an 117432
adverse audit finding, adverse quality control finding, final 117433
disallowance of federal financial participation, or other sanction 117434
or penalty issued by the federal government, auditor of state, or 117435
other entity; 117436

(c) Pay the federal government or another entity the final 117437
amount that represents the amount the responsible county grantee 117438

is responsible for of an adverse audit finding, adverse quality control finding, final disallowance of federal financial participation, or other sanction or penalty issued by the federal government, auditor of state, or other entity;

(d) Pay the department the final amount that represents the amount the responsible county grantee is responsible for of an adverse audit finding or adverse quality control finding.

(4) Impose an administrative sanction issued by the department against the responsible county grantee. A sanction may be increased if the department has previously taken action against the responsible entity under this division.

(5) Perform, or contract with a government or private entity for the entity to perform, the family services duty until the department is satisfied that the responsible county grantee ensures that the duty will be performed satisfactorily. If the department performs or contracts with an entity to perform a family services duty under division (C)(5) of this section, the department may do either or both of the following:

(a) Spend funds in the county treasury appropriated by the board of county commissioners for the duty;

(b) Withhold funds allocated or reimbursements due to the responsible county grantee for the duty and spend the funds for the duty.

(6) Request that the attorney general bring mandamus proceedings to compel the responsible county grantee to take or cease the action that causes division (B)(1), (2), (3), or (4) of this section to apply. The attorney general shall bring mandamus proceedings in the Franklin county court of appeals at the department's request.

(7) If the department takes action under this division because of division (B)(3) of this section, temporarily withhold

funds allocated or reimbursement due to the responsible county grantee until the department determines that the responsible county grantee is in compliance with the requirement. The department shall release the funds when the department determines that compliance has been achieved.

(D) If the department proposes to take action against the responsible county grantee under division (C) of this section, the department shall notify the responsible county grantee, director of the appropriate county family services agency, and county auditor. The notice shall be in writing and specify the action the department proposes to take. The department shall send the notice by regular United States mail.

Except as provided by division (E) of this section, the responsible county grantee may request an administrative review of a proposed action in accordance with administrative review procedures the department shall establish. The administrative review procedures shall comply with all of the following:

(1) A request for an administrative review shall state specifically all of the following:

(a) The proposed action specified in the notice from the department for which the review is requested;

(b) The reason why the responsible county grantee believes the proposed action is inappropriate;

(c) All facts and legal arguments that the responsible county grantee wants the department to consider;

(d) The name of the person who will serve as the responsible county grantee's representative in the review.

(2) If the department's notice specifies more than one proposed action and the responsible county grantee does not specify all of the proposed actions in its request pursuant to

division (D)(1)(a) of this section, the proposed actions not 117500
specified in the request shall not be subject to administrative 117501
review and the parts of the notice regarding those proposed 117502
actions shall be final and binding on the responsible county 117503
grantee. 117504

(3) In the case of a proposed action under division (C)(1) of 117505
this section, the responsible county grantee shall have fifteen 117506
calendar days after the department mails the notice to the 117507
responsible county grantee to send a written request to the 117508
department for an administrative review. If it receives such a 117509
request within the required time, the department shall postpone 117510
taking action under division (C)(1) of this section for fifteen 117511
calendar days following the day it receives the request or 117512
extended period of time provided for in division (D)(5) of this 117513
section to allow a representative of the department and a 117514
representative of the responsible county grantee an informal 117515
opportunity to resolve any dispute during that fifteen-day or 117516
extended period. 117517

(4) In the case of a proposed action under division (C)(2), 117518
(3), (4), (5), or (7) of this section, the responsible county 117519
grantee shall have thirty calendar days after the department mails 117520
the notice to the responsible county grantee to send a written 117521
request to the department for an administrative review. If it 117522
receives such a request within the required time, the department 117523
shall postpone taking action under division (C)(2), (3), (4), (5), 117524
or (7) of this section for thirty calendar days following the day 117525
it receives the request or extended period of time provided for in 117526
division (D)(5) of this section to allow a representative of the 117527
department and a representative of the responsible county grantee 117528
an informal opportunity to resolve any dispute during that 117529
thirty-day or extended period. 117530

(5) If the informal opportunity provided in division (D)(3) 117531

or (4) of this section does not result in a written resolution to 117532
the dispute within the fifteen- or thirty-day period, the director 117533
of job and family services or the director of children and youth 117534
and representative of the responsible county grantee may enter 117535
into a written agreement extending the time period for attempting 117536
an informal resolution of the dispute under division (D)(3) or (4) 117537
of this section. 117538

(6) In the case of a proposed action under division (C)(3) of 117539
this section, the responsible county grantee may not include in 117540
its request disputes over a finding, final disallowance of federal 117541
financial participation, or other sanction or penalty issued by 117542
the federal government, auditor of state, or entity other than the 117543
department. 117544

(7) If the responsible county grantee fails to request an 117545
administrative review within the required time, the responsible 117546
county grantee loses the right to request an administrative review 117547
of the proposed actions specified in the notice and the notice 117548
becomes final and binding on the responsible county grantee. 117549

(8) If the informal opportunity provided in division (D)(3) 117550
or (4) of this section does not result in a written resolution to 117551
the dispute within the time provided by division (D)(3), (4), or 117552
(5) of this section, the director shall appoint an administrative 117553
review panel to conduct the administrative review. The review 117554
panel shall consist of department employees and one director or 117555
other representative of the type of county family services agency 117556
that is responsible for the kind of family services duty that is 117557
the subject of the dispute and serves a different county than the 117558
county served by the responsible county grantee. No individual 117559
involved in the department's proposal to take action against the 117560
responsible county grantee may serve on the review panel. The 117561
review panel shall review the responsible county grantee's 117562
request. The review panel may require that the department or 117563

responsible county grantee submit additional information and 117564
schedule and conduct an informal hearing to obtain testimony or 117565
additional evidence. A review of a proposal to take action under 117566
division (C)(3) of this section shall be limited solely to the 117567
issue of the amount the responsible county grantee shall share 117568
with the department, reimburse the department, or pay to the 117569
federal government, department, or other entity under division 117570
(C)(3) of this section. The review panel is not required to make a 117571
stenographic record of its hearing or other proceedings. 117572

(9) After finishing an administrative review, an 117573
administrative review panel appointed under division (D)(8) of 117574
this section shall submit a written report to the director setting 117575
forth its findings of fact, conclusions of law, and 117576
recommendations for action. The director may approve, modify, or 117577
disapprove the recommendations. If the director modifies or 117578
disapproves the recommendations, the director shall state the 117579
reasons for the modification or disapproval and the actions to be 117580
taken against the responsible county grantee. 117581

(10) The director's approval, modification, or disapproval 117582
under division (D)(9) of this section shall be final and binding 117583
on the responsible county grantee and shall not be subject to 117584
further departmental review. 117585

(E) The responsible county grantee is not entitled to an 117586
administrative review under division (D) of this section for any 117587
of the following: 117588

(1) An action taken under division (C)(6) of this section; 117589

(2) An action taken under section 5101.242 of the Revised 117590
Code; 117591

(3) An action taken under division (C)(3) of this section if 117592
the federal government, auditor of state, or entity other than the 117593
department has identified the responsible county grantee as being 117594

solely or partially responsible for an adverse audit finding, 117595
adverse quality control finding, final disallowance of federal 117596
financial participation, or other sanction or penalty; 117597

(4) An adjustment to an allocation, cash draw, advance, or 117598
reimbursement to a responsible county grantee that the department 117599
determines necessary for budgetary reasons; 117600

(5) Withholding of a cash draw or reimbursement due to 117601
noncompliance with a reporting requirement established in rules 117602
adopted under section 5101.243 of the Revised Code; 117603

(6) An action taken under division (C)(5) of this section if 117604
the department determines that an emergency exists. 117605

(F) This section does not apply to other actions the 117606
department takes against the responsible county grantee pursuant 117607
to authority granted by another state law unless the other state 117608
law requires the department to take the action in accordance with 117609
this section. 117610

(G) The director of job and family services and children and 117611
youth may adopt rules in accordance with Chapter 119. of the 117612
Revised Code as necessary to implement this section. 117613

Sec. 5101.243. The director of job and family services and 117614
the director of children and youth may adopt rules in accordance 117615
with section 111.15 of the Revised Code establishing reporting 117616
requirements for family services duties and workforce development 117617
activities. If the ~~director adopts~~ directors adopt the rules, the 117618
~~director~~ directors shall adopt the rules as if they were internal 117619
management rules and, before adopting the rules, give the public 117620
an opportunity to review and comment on the proposed rules. 117621

Sec. 5101.244. (A) If the department of job and family 117622
services or the department of children and youth determines that a 117623
grant awarded to a county grantee in a grant agreement entered 117624

into under section 5101.21 of the Revised Code, an allocation, 117625
advance, or reimbursement the department makes to a county family 117626
services agency, or a cash draw a county family services agency 117627
makes exceeds the allowable amount for the grant, allocation, 117628
advance, reimbursement, or cash draw, the department may take one 117629
or more of the following actions to recover the excess amount: 117630

(1) The department may adjust, offset, withhold, or reduce an 117631
allocation, cash draw, advance, reimbursement, or other financial 117632
assistance to the county grantee or county family services agency 117633
as necessary to recover the excess amount. 117634

(2) The department may enter into an agreement with the 117635
county grantee or county family services agency for repayment of 117636
the excess amount by the grantee or agency. The department may 117637
require that the repayment include interest on the excess amount, 117638
calculated from the day that the excess occurred at a rate not 117639
exceeding the rate per annum prescribed by section 5703.47 of the 117640
Revised Code. 117641

(3) The department may certify a claim to the attorney 117642
general under section 131.02 of the Revised Code for the attorney 117643
general to take action under that section against the county 117644
grantee or county family services agency to recover the excess 117645
amount. 117646

(B) In taking an action authorized under this section, the 117647
department is not required to take the action in accordance with 117648
section 5101.24 of the Revised Code. 117649

(C) The director of job and family services and the director 117650
of children and youth may adopt rules under section 111.15 of the 117651
Revised Code as necessary to implement this section. The ~~director~~ 117652
directors shall adopt the rules as if they were internal 117653
management rules. 117654

Sec. 5101.25. The department of ~~human~~ job and family 117655
services, and the department of children and youth in consultation 117656
with county representatives, shall develop annual training goals 117657
and model training curriculum for employees of county family 117658
services agencies and identify a variety of state funded training 117659
opportunities to meet the proposed goals. 117660

Sec. 5101.26. As used in this section and in sections 5101.27 117661
to 5101.30 of the Revised Code: 117662

(A) "County agency" means a county department of job and 117663
family services or a public children services agency. 117664

(B) "Fugitive felon" means an individual who is fleeing to 117665
avoid prosecution, or custody or confinement after conviction, 117666
under the laws of the place from which the individual is fleeing, 117667
for a crime or an attempt to commit a crime that is a felony under 117668
the laws of the place from which the individual is fleeing or, in 117669
the case of New Jersey, a high misdemeanor, regardless of whether 117670
the individual has departed from the individual's usual place of 117671
residence. 117672

(C) "Information" means records as defined in section 149.011 117673
of the Revised Code, any other documents in any format, and data 117674
derived from records and documents that are generated, acquired, 117675
or maintained by the department of job and family services, the 117676
department of children and youth, a county agency, or an entity 117677
performing duties on behalf of the department or a county agency. 117678

(D) "Law enforcement agency" means the state highway patrol, 117679
an agency that employs peace officers as defined in section 109.71 117680
of the Revised Code, the adult parole authority, a county 117681
department of probation, a prosecuting attorney, the attorney 117682
general, similar agencies of other states, federal law enforcement 117683
agencies, and postal inspectors. "Law enforcement agency" includes 117684

the peace officers and other law enforcement officers employed by 117685
the agency. 117686

(E) "Public assistance" means financial assistance or social 117687
services that are provided under a program administered by the 117688
department of job and family services or a county agency pursuant 117689
to Chapter 329., 5101., 5104., 5107., or 5108. of the Revised Code 117690
or an executive order issued under section 107.17 of the Revised 117691
Code. "Public assistance" does not mean medical assistance 117692
provided under a medical assistance program, as defined in section 117693
5160.01 of the Revised Code. 117694

(F) "Public assistance recipient" means an applicant for or 117695
recipient or former recipient of public assistance. 117696

(G) "Publicly funded child care" has the same meaning as in 117697
section 5104.01 of the Revised Code. 117698

(H) "Tuberculosis control unit" means the county tuberculosis 117699
control unit designated by a board of county commissioners under 117700
section 339.72 of the Revised Code or the district tuberculosis 117701
control unit designated pursuant to an agreement entered into by 117702
two or more boards of community commissioners under that section. 117703

Sec. 5101.27. (A) Except as permitted by this section, 117704
section 5101.273, 5101.28, or 5101.29 of the Revised Code, or 117705
rules adopted under section 5101.30 of the Revised Code, or when 117706
required by federal law, no person or government entity shall 117707
knowingly solicit, disclose, receive, use, permit the use of, or 117708
participate in the use of any information regarding a public 117709
assistance recipient for any purpose not directly connected with 117710
the administration of a public assistance program. 117711

(B) To the extent permitted by federal law, the department of 117712
job and family services, the department of children and youth, and 117713
county agencies shall do all of the following: 117714

(1) Release information regarding a public assistance recipient for purposes directly connected to the administration of the program to a government entity responsible for administering that public assistance program; 117715
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(2) Provide information regarding a public assistance recipient to a law enforcement agency for the purpose of any investigation, prosecution, or criminal or civil proceeding relating to the administration of that public assistance program; 117719
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(3) Provide, for purposes directly connected to the administration of a program that assists needy individuals with the costs of public utility services, information regarding a recipient of financial assistance provided under a program administered by the department or a county agency pursuant to Chapter 5107. or 5108. of the Revised Code to an entity administering the public utility services program. 117723
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(C)(1) To the extent permitted by federal law and subject to division (C)(2) of this section, the department of ~~job~~ children and ~~family services~~ youth shall release, for purposes directly connected to a public health investigation related to section 3301.531 or 5104.037 of the Revised Code, information regarding a public assistance recipient who receives publicly funded child care, so long as all of the following conditions are met: 117730
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(a) The department of health or the tuberculosis control unit has initiated a public health investigation related to section 3301.531 or 5104.037 of the Revised Code and has assessed the investigation as an emergency. 117737
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(b) The department of health or the tuberculosis control unit has notified the department of ~~job~~ children and ~~family services~~ youth about the investigation and has requested that the department of ~~job~~ children and ~~family services~~ youth release the information for purposes of the investigation. 117741
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(c) The department of ~~job~~ children and ~~family services~~ youth 117746
is unable to timely obtain voluntary, written authorization that 117747
complies with section 5101.272 of the Revised Code. 117748

(2) If the conditions specified in division (C)(1) of this 117749
section are met, the department of ~~job~~ children and ~~family~~ 117750
~~services~~ youth shall release to the department of health or the 117751
tuberculosis control unit the minimum information necessary to 117752
fulfill the needs of the department of health or tuberculosis 117753
control unit related to the public health investigation. 117754

(3) If the department of ~~job~~ children and ~~family services~~ 117755
youth releases information pursuant to division (C) of this 117756
section, it shall immediately notify the public assistance 117757
recipient. 117758

(D) To the extent permitted by federal law and section 117759
1347.08 of the Revised Code, the ~~department~~ departments and county 117760
agencies shall provide access to information regarding a public 117761
assistance recipient to all of the following: 117762

(1) The recipient; 117763

(2) The authorized representative; 117764

(3) The legal guardian of the recipient; 117765

(4) The attorney of the recipient, if the attorney has 117766
written authorization that complies with section 5101.272 of the 117767
Revised Code from the recipient. 117768

(E) To the extent permitted by federal law and subject to 117769
division (F) of this section, the ~~department~~ departments and 117770
county agencies may do both of the following: 117771

(1) Release information about a public assistance recipient 117772
if the recipient gives voluntary, written authorization that 117773
complies with section 5101.272 of the Revised Code; 117774

(2) Release information regarding a public assistance 117775

recipient to a state, federal, or federally assisted program that 117776
provides cash or in-kind assistance or services directly to 117777
individuals based on need or for the purpose of protecting 117778
children to a government entity responsible for administering a 117779
children's protective services program. 117780

(F) Except when the release is required by division (B), (C), 117781
or (D) of this section or is authorized by division (E)(2) of this 117782
section, the department or county agency shall release the 117783
information only in accordance with the authorization. The 117784
department or county agency shall provide, at no cost, a copy of 117785
each written authorization to the individual who signed it. 117786

(G) The department of job and family services and the 117787
department of children and youth may adopt rules defining 117788
"authorized representative" for purposes of division (D)(2) of 117789
this section. 117790

Sec. 5101.29. When contained in a record held by the 117791
department of job and family services, the department of children 117792
and youth, or a county agency, the following are not public 117793
records for purposes of section 149.43 of the Revised Code: 117794

(A) Names and other identifying information regarding 117795
children enrolled in or attending a child day-care center or home 117796
subject to licensure or registration under Chapter 5104. of the 117797
Revised Code; 117798

(B) Names and other identifying information regarding 117799
children placed with an institution or association certified under 117800
section 5103.03 of the Revised Code; 117801

(C) Names and other identifying information regarding a 117802
person who makes an oral or written complaint regarding an 117803
institution, association, child day-care center, or home subject 117804
to licensure or registration to the department or other state or 117805

county entity responsible for enforcing Chapter 5103. or 5104. of 117806
the Revised Code; 117807

(D)(1) Except as otherwise provided in division (D)(2) of 117808
this section, names, documentation, and other identifying 117809
information regarding a foster caregiver or a prospective foster 117810
caregiver, including the foster caregiver application for 117811
certification under section 5103.03 of the Revised Code and the 117812
home study conducted pursuant to section 5103.0324 of the Revised 117813
Code. 117814

(2) Notwithstanding division (D)(1) of this section, the 117815
following are public records for the purposes of section 149.43 of 117816
the Revised Code, when contained in a record held by the 117817
department of job and family services, the department of children 117818
and youth, a county agency, or other governmental entity: 117819

(a) All of the following information regarding a currently 117820
certified foster caregiver who has had a foster care certificate 117821
revoked pursuant to Chapter 5103. of the Revised Code or, after 117822
receiving a current or current renewed certificate has been 117823
convicted of, pleaded guilty to, or indicted or otherwise charged 117824
with any offense described in division (C)(1) of section 2151.86 117825
of the Revised Code: 117826

(i) The foster caregiver's name, date of birth, and county of 117827
residence; 117828

(ii) The date of the foster caregiver's certification; 117829

(iii) The date of each placement of a foster child into the 117830
foster caregiver's home; 117831

(iv) If applicable, the date of the removal of a foster child 117832
from the foster caregiver's home and the reason for the foster 117833
child's removal unless release of such information would be 117834
detrimental to the foster child or other children residing in the 117835
foster caregiver's home; 117836

(v) If applicable, the date of the foster care certificate 117837
revocation and all documents related to the revocation unless 117838
otherwise not a public record pursuant to section 149.43 of the 117839
Revised Code. 117840

(b) Nonidentifying foster care statistics including, but not 117841
limited to, the number of foster caregivers and foster care 117842
certificate revocations. 117843

Sec. 5101.32. (A) The department of job and family services 117844
and the department of children and youth shall work with the 117845
superintendent of the bureau of criminal identification and 117846
investigation to develop procedures and formats necessary to 117847
produce the notices described in division (D) of section 109.5721 117848
of the Revised Code in a format that is acceptable for use by the 117849
applicable department. ~~The~~ Each department may adopt rules in 117850
accordance with section 111.15 of the Revised Code, as if they 117851
were internal management rules, necessary for such collaboration. 117852

(B) The department of job and family services and department 117853
of children and youth may adopt rules in accordance with Chapter 117854
119. of the Revised Code necessary for utilizing the information 117855
received pursuant to section 109.5721 of the Revised Code, ~~with a~~ 117856
~~final effective date that is not later than December 31, 2008.~~ 117857

Sec. 5101.35. (A) As used in this section: 117858

(1)(a) "Agency" means the following entities that administer 117859
a family services program: 117860

(i) The department of job and family services; 117861

(ii) The department of children and youth; 117862

(iii) A county department of job and family services; 117863

~~(iii)~~(iv) A public children services agency; 117864

~~(iv)~~(v) A private or government entity administering, in 117865

whole or in part, a family services program for or on behalf of 117866
the department of job and family services, the department of 117867
children and youth, or a county department of job and family 117868
services or public children services agency. 117869

(b) If the department of medicaid contracts with the 117870
department of job and family services to hear appeals authorized 117871
by section 5160.31 of the Revised Code regarding medical 117872
assistance programs, "agency" includes the department of medicaid. 117873

(2) "Appellant" means an applicant, participant, former 117874
participant, recipient, or former recipient of a family services 117875
program who is entitled by federal or state law to a hearing 117876
regarding a decision or order of the agency that administers the 117877
program. 117878

(3)(a) "Family services program" means all of the following: 117879

(i) A Title IV-A program as defined in section 5101.80 of the 117880
Revised Code; 117881

(ii) Programs that provide assistance under Chapter 5104. of 117882
the Revised Code; 117883

(iii) Programs that provide assistance under section 117884
5101.141, 5101.461, 5101.54, 5119.41, 5153.163, or 5153.165 of the 117885
Revised Code; 117886

(iv) Title XX social services provided under section 5101.46 117887
of the Revised Code, other than such services provided by the 117888
department of mental health and addiction services, the department 117889
of developmental disabilities, a board of alcohol, drug addiction, 117890
and mental health services, or a county board of developmental 117891
disabilities. 117892

(b) If the department of medicaid contracts with the 117893
department of job and family services to hear appeals authorized 117894
by section 5160.31 of the Revised Code regarding medical 117895

assistance programs, "family services program" includes medical 117896
assistance programs. 117897

(4) "Medical assistance program" has the same meaning as in 117898
section 5160.01 of the Revised Code. 117899

(B) Except as provided by divisions (G) and (H) of this 117900
section, an appellant who appeals under federal or state law a 117901
decision or order of an agency administering a family services 117902
program shall, at the appellant's request, be granted a state 117903
hearing by the department of job and family services or the 117904
department of children and youth, as appropriate. This state 117905
hearing shall be conducted in accordance with rules adopted under 117906
this section. The state hearing shall be recorded, but neither the 117907
recording nor a transcript of the recording shall be part of the 117908
official record of the proceeding. Except as provided in section 117909
5160.31 of the Revised Code, a state hearing decision is binding 117910
upon the agency and department, unless it is reversed or modified 117911
on appeal to the director of job and family services, director of 117912
children and youth, or a court of common pleas. 117913

(C) Except as provided by division (G) of this section, an 117914
appellant who disagrees with a state hearing decision may make an 117915
administrative appeal to the director of job and family services 117916
or director of children and youth in accordance with rules adopted 117917
under this section. This administrative appeal does not require a 117918
hearing, but the director or the director's designee shall review 117919
the state hearing decision and previous administrative action and 117920
may affirm, modify, remand, or reverse the state hearing decision. 117921
An administrative appeal decision is the final decision of the 117922
department and, except as provided in section 5160.31 of the 117923
Revised Code, is binding upon the department and agency, unless it 117924
is reversed or modified on appeal to the court of common pleas. 117925

(D) An agency shall comply with a decision issued pursuant to 117926
division (B) or (C) of this section within the time limits 117927

established by rules adopted under this section. If a county 117928
department of job and family services or a public children 117929
services agency fails to comply within these time limits, the 117930
department may take action pursuant to section 5101.24 of the 117931
Revised Code. If another agency, other than the department of 117932
medicaid, fails to comply within the time limits, the department 117933
may force compliance by withholding funds due the agency or 117934
imposing another sanction established by rules adopted under this 117935
section. 117936

(E) An appellant who disagrees with an administrative appeal 117937
decision of the director of job and family services, the director 117938
of children and youth, or ~~the~~ either director's designee issued 117939
under division (C) of this section may appeal from the decision to 117940
the court of common pleas pursuant to section 119.12 of the 117941
Revised Code. The appeal shall be governed by section 119.12 of 117942
the Revised Code except that: 117943

(1) The person may appeal to the court of common pleas of the 117944
county in which the person resides, or to the court of common 117945
pleas of Franklin county if the person does not reside in this 117946
state. 117947

(2) The person may apply to the court for designation as an 117948
indigent and, if the court grants this application, the appellant 117949
shall not be required to furnish the costs of the appeal. 117950

(3) The appellant shall mail the notice of appeal to the 117951
department of job and family services or director of children and 117952
youth, as appropriate, and file notice of appeal with the court 117953
within thirty days after the department mails the administrative 117954
appeal decision to the appellant. For good cause shown, the court 117955
may extend the time for mailing and filing notice of appeal, but 117956
such time shall not exceed six months from the date the department 117957
mails the administrative appeal decision. Filing notice of appeal 117958
with the court shall be the only act necessary to vest 117959

jurisdiction in the court. 117960

(4) The department shall be required to file a transcript of 117961
the testimony of the state hearing with the court only if the 117962
court orders the department to file the transcript. The court 117963
shall make such an order only if it finds that the department and 117964
the appellant are unable to stipulate to the facts of the case and 117965
that the transcript is essential to a determination of the appeal. 117966
The department shall file the transcript not later than thirty 117967
days after the day such an order is issued. 117968

(F) The department of job and family service and department 117969
of children and youth, as applicable, shall adopt rules in 117970
accordance with Chapter 119. of the Revised Code to implement this 117971
section, including rules governing the following: 117972

(1) State hearings under division (B) of this section. The 117973
rules shall include provisions regarding notice of eligibility 117974
termination and the opportunity of an appellant appealing a 117975
decision or order of a county department of job and family 117976
services to request a county conference with the county department 117977
before the state hearing is held. 117978

(2) Administrative appeals under division (C) of this 117979
section; 117980

(3) Time limits for complying with a decision issued under 117981
division (B) or (C) of this section; 117982

(4) Sanctions that may be applied against an agency under 117983
division (D) of this section. 117984

(G) The department of job and family services and the 117985
department of children and youth, as applicable, may adopt rules 117986
in accordance with Chapter 119. of the Revised Code establishing 117987
an appeals process for an appellant who appeals a decision or 117988
order regarding a Title IV-A program identified under division 117989
(A)(4)(c), (d), (e), (f), or (g) of section 5101.80 of the Revised 117990

Code that is different from the appeals process established by 117991
this section. The different appeals process may include having a 117992
state agency that administers the Title IV-A program pursuant to 117993
an interagency agreement entered into under section 5101.801 of 117994
the Revised Code administer the appeals process. 117995

(H) If an appellant receiving medicaid through a health 117996
insuring corporation that holds a certificate of authority under 117997
Chapter 1751. of the Revised Code is appealing a denial of 117998
medicaid services based on lack of medical necessity or other 117999
clinical issues regarding coverage by the health insuring 118000
corporation, the person hearing the appeal may order an 118001
independent medical review if that person determines that a review 118002
is necessary. The review shall be performed by a health care 118003
professional with appropriate clinical expertise in treating the 118004
recipient's condition or disease. The department shall pay the 118005
costs associated with the review. 118006

A review ordered under this division shall be part of the 118007
record of the hearing and shall be given appropriate evidentiary 118008
consideration by the person hearing the appeal. 118009

(I) The requirements of Chapter 119. of the Revised Code 118010
apply to a state hearing or administrative appeal under this 118011
section only to the extent, if any, specifically provided by rules 118012
adopted under this section. 118013

Sec. 5101.37. (A) The department of job and family services 118014
or the department of children and youth and each county department 118015
of job and family services and child support enforcement agency 118016
may conduct any audits or investigations that are necessary in the 118017
performance of their duties, and to that end they shall have the 118018
same power as a judge of a county court to administer oaths and to 118019
enforce the attendance and testimony of witnesses and the 118020
production of books or papers. 118021

The applicable department and each county department and 118022
agency shall keep a record of their audits and investigations 118023
stating the time, place, charges, or subject; witnesses summoned 118024
and examined; and their conclusions. 118025

Witnesses shall be paid the fees and mileage provided for 118026
under section 119.094 of the Revised Code. 118027

(B) In conducting hearings pursuant to Chapters 3119., 3121., 118028
and 3123. or pursuant to division (B) of section 5101.35 of the 118029
Revised Code, the applicable department and each child support 118030
enforcement agency have the same power as a judge of a county 118031
court to administer oaths and to enforce the attendance and 118032
testimony of witnesses and the production of books or papers. The 118033
applicable department and each agency shall keep a record of those 118034
hearings stating the time, place, charges, or subject; witnesses 118035
summoned and examined; and their conclusions. 118036

The issuance of a subpoena by the applicable department or a 118037
child support enforcement agency to enforce attendance and 118038
testimony of witnesses and the production of books or papers at a 118039
hearing is discretionary and the applicable department or agency 118040
is not required to pay the fees of witnesses for attendance and 118041
travel. 118042

(C) Any judge of any division of the court of common pleas, 118043
upon application of the applicable department or a county 118044
department or child support enforcement agency, may compel the 118045
attendance of witnesses, the production of books or papers, and 118046
the giving of testimony before the applicable department, county 118047
department, or agency, by a judgment for contempt or otherwise, in 118048
the same manner as in cases before those courts. 118049

(D) Until an audit report is formally released by the 118050
applicable department ~~of job and family services~~, the audit report 118051
or any working paper or other document or record prepared by the 118052

applicable department and related to the audit that is the subject 118053
of the audit report is not a public record under section 149.43 of 118054
the Revised Code. 118055

(E) The director of job and family services or director of 118056
children and youth may adopt rules as necessary to implement this 118057
section. The rules shall be adopted in accordance with section 118058
111.15 of the Revised Code as if they were internal management 118059
rules. 118060

Sec. 5101.46. (A) As used in this section: 118061

(1) "Title XX" means Title XX of the "Social Security Act," 118062
88 Stat. 2337 (1974), 42 U.S.C.A. 1397, as amended. 118063

(2) "Respective local agency" means, with respect to the 118064
department of job and family services and the department of 118065
children and youth, a county department of job and family 118066
services; with respect to the department of mental health and 118067
addiction services, a board of alcohol, drug addiction, and mental 118068
health services; and with respect to the department of 118069
developmental disabilities, a county board of developmental 118070
disabilities. 118071

(3) "Federal poverty guidelines" means the poverty guidelines 118072
as revised annually by the United States department of health and 118073
human services in accordance with section 673(2) of the "Omnibus 118074
Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C.A. 118075
9902, as amended, for a family size equal to the size of the 118076
family of the person whose income is being determined. 118077

(B) The departments of job and family services, children and 118078
youth, mental health, and developmental disabilities, with their 118079
respective local agencies, shall administer the provision of 118080
social services funded through grants made under Title XX. The 118081
social services furnished with Title XX funds shall be directed at 118082

the following goals: 118083

(1) Achieving or maintaining economic self-support to 118084
prevent, reduce, or eliminate dependency; 118085

(2) Achieving or maintaining self-sufficiency, including 118086
reduction or prevention of dependency; 118087

(3) Preventing or remedying neglect, abuse, or exploitation 118088
of children and adults unable to protect their own interests, or 118089
preserving, rehabilitating, or reuniting families; 118090

(4) Preventing or reducing inappropriate institutional care 118091
by providing for community-based care, home-based care, or other 118092
forms of less intensive care; 118093

(5) Securing referral or admission for institutional care 118094
when other forms of care are not appropriate, or providing 118095
services to individuals in institutions. 118096

(C)(1) All federal funds received under Title XX shall be 118097
appropriated as follows: 118098

(a) Seventy-two and one-half per cent to the department of 118099
job and family services and the department of children and youth; 118100

(b) Twelve and ninety-three one-hundredths per cent to the 118101
department of mental health and addiction services; 118102

(c) Fourteen and fifty-seven one-hundredths per cent to the 118103
department of developmental disabilities. 118104

(2) Each of the state departments shall, subject to the 118105
approval of the controlling board, develop a formula for the 118106
distribution of the Title XX funds appropriated to the department 118107
to its respective local agencies. The formula developed by each 118108
state department shall take into account all of the following for 118109
each of its respective local agencies: 118110

(a) The total population of the area that is served by the 118111
respective local agency; 118112

(b) The percentage of the population in the area served that falls below the federal poverty guidelines; 118113
118114

(c) The respective local agency's history of and ability to utilize Title XX funds. 118115
118116

(3) Each of the state departments shall expend for state administrative costs not more than three per cent of the Title XX funds appropriated to the department. 118117
118118
118119

Each state department shall establish for each of its respective local agencies the maximum percentage of the Title XX funds distributed to the respective local agency that the respective local agency may expend for local administrative costs. The percentage shall be established by rule and shall comply with federal law governing the use of Title XX funds. The rules shall be adopted in accordance with section 111.15 of the Revised Code as if they were internal management rules. 118120
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118122
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(4) The department of job and family services and the department of children and youth, as applicable, shall expend for the training of the following not more than two per cent of the Title XX funds appropriated to the department: 118128
118129
118130
118131

(a) Employees of county departments of job and family services; 118132
118133

(b) Providers of services under contract with the state departments' respective local agencies; 118134
118135

(c) Employees of a public children services agency directly engaged in providing Title XX services. 118136
118137

(5) Title XX funds distributed for the purpose of providing family planning services shall be distributed by the respective local agencies according to the same order of priority that applies to the department of job and family services under section 5101.101 of the Revised Code. 118138
118139
118140
118141
118142

(D) The department of job and family services and the 118143
department of children and youth shall prepare an annual 118144
comprehensive Title XX social services plan on the intended use of 118145
Title XX funds. The ~~department~~ departments shall develop a method 118146
for obtaining public comment during the development of the plan 118147
and following its completion. 118148

For each federal fiscal year, the department of job and 118149
family services and the department of children and youth shall 118150
prepare a report on the actual use of Title XX funds. The 118151
department shall make the annual report available for public 118152
inspection. 118153

The departments of mental health and addiction services and 118154
developmental disabilities shall prepare and submit to the 118155
department of job and family services the portions of each annual 118156
plan and report that apply to services for mental health and 118157
developmental disabilities. Each respective local agency of the 118158
three state departments shall submit information as necessary for 118159
the preparation of annual plans and reports. 118160

(E) Each county department of job and family services shall 118161
adopt a county profile for the administration and provision of 118162
Title XX social services in the county. In developing its county 118163
profile, the county department shall take into consideration the 118164
comments and recommendations received from the public by the 118165
county family services planning committee pursuant to section 118166
329.06 of the Revised Code. As part of its preparation of the 118167
county profile, the county department may prepare a local needs 118168
report analyzing the need for Title XX social services. 118169

The county department shall submit the county profile to the 118170
board of county commissioners for its review. Once the county 118171
profile has been approved by the board, the county department 118172
shall file a copy of the county profile with the department of job 118173
and family services. The department shall approve the county 118174

profile if the department determines the profile provides for the 118175
Title XX social services to meet the goals specified in division 118176
(B) of this section. 118177

(F) Any of the three state departments and their respective 118178
local agencies may require that an entity under contract to 118179
provide social services with Title XX funds submit to an audit on 118180
the basis of alleged misuse or improper accounting of funds. If an 118181
audit is required, the social services provider shall reimburse 118182
the state department or respective local agency for the cost it 118183
incurred in conducting the audit or having the audit conducted. 118184

If an audit demonstrates that a social services provider is 118185
responsible for one or more adverse findings, the provider shall 118186
reimburse the appropriate state department or its respective local 118187
agency the amount of the adverse findings. The amount shall not be 118188
reimbursed with Title XX funds received under this section. The 118189
three state departments and their respective local agencies may 118190
terminate or refuse to enter into a Title XX contract with a 118191
social services provider if there are adverse findings in an audit 118192
that are the responsibility of the provider. 118193

(G) Except with respect to the matters for which each of the 118194
state departments must adopt rules under division (C)(3) of this 118195
section, the department of job and family services and the 118196
department of children and youth may adopt any rules ~~it considers~~ 118197
they consider necessary to implement and carry out the purposes of 118198
this section. Rules governing financial and operational matters of 118199
the ~~department~~ departments or matters between the ~~department~~ 118200
departments and county departments of job and family services 118201
shall be adopted as internal management rules in accordance with 118202
section 111.15 of the Revised Code. Rules governing eligibility 118203
for services, program participation, and other matters pertaining 118204
to applicants and participants shall be adopted in accordance with 118205
Chapter 119. of the Revised Code. 118206

Sec. 5101.47. (A) Except as provided in divisions (B) and (C) 118207
of this section, both of the following apply to the department of 118208
job and family services: 118209

(1) The department shall accept applications, determine 118210
eligibility, redetermine eligibility, and perform related 118211
administrative activities for the supplemental nutrition 118212
assistance program administered by the department pursuant to 118213
section 5101.54 of the Revised Code. 118214

The department may assign the duties described in division 118215
(A)(1) of this section to any county department of job and family 118216
services. 118217

(2) The department may accept applications, determine 118218
eligibility, redetermine eligibility, and perform related 118219
administrative activities for ~~one or more~~ either of the following: 118220

~~(a) Publicly funded child care provided under Chapter 5104.~~ 118221
~~of the Revised Code;~~ 118222

~~(b) Other programs~~ Programs administered by the department 118223
that the director of job and family services determines are 118224
supportive of children, adults, or families; 118225

~~(c)~~ (b) Other programs administered by the department 118226
regarding which the director determines administrative cost 118227
savings and efficiency may be achieved through the department 118228
accepting applications, determining eligibility, redetermining 118229
eligibility, or performing related administrative activities. 118230

(B) If federal law requires a face-to-face interview to 118231
complete an eligibility determination for a program specified in 118232
or pursuant to division (A) of this section, the face-to-face 118233
interview shall not be conducted by the department of job and 118234
family services. 118235

(C) Subject to division (B) of this section, if the 118236

department is required or elects to accept applications, determine 118237
eligibility, redetermine eligibility, and perform related 118238
administrative activities for a program specified in or pursuant 118239
to division (A) of this section, both of the following apply: 118240

(1) An individual seeking services under the program may 118241
apply for the program to the department or to the entity that 118242
state law governing the program authorizes to accept applications 118243
for the program. 118244

(2) The department is subject to federal statutes and 118245
regulations and state statutes and rules that require, permit, or 118246
prohibit an action regarding accepting applications, determining 118247
or redetermining eligibility, and performing related 118248
administrative activities for the program. 118249

~~(D)~~(D)(1) The department of children and youth may accept 118250
applications, determine eligibility, redetermine eligibility, and 118251
perform related administrative activities for publicly funded 118252
child care provided under Chapter 5104. of the Revised Code. 118253

(2) If the department elects to accept applications, 118254
determine eligibility, redetermine eligibility, and perform 118255
related administrative activities for publicly funded child care, 118256
both of the following apply: 118257

(a) An individual seeking publicly funded child care may 118258
apply to the department or to the entity that state law governing 118259
the program authorizes to accept applications for publicly funded 118260
child care. 118261

(b) The department is subject to federal statutes and 118262
regulations and state statutes and rules that require, permit, or 118263
prohibit an action regarding accepting applications, determining 118264
or redetermining eligibility, and performing related 118265
administrative activities for publicly funded childcare. 118266

(E) The director of job and family services and the director 118267

of children and youth may adopt rules as necessary to implement 118268
this section. 118269

Sec. 5101.76. (A) A residential camp, as defined in section 118270
2151.011 of the Revised Code, a child day camp, as defined in 118271
section 5104.01 of the Revised Code, or a child day camp operated 118272
by any county, township, municipal corporation, township park 118273
district created under section 511.18 of the Revised Code, park 118274
district created under section 1545.04 of the Revised Code, or 118275
joint recreation district established under section 755.14 of the 118276
Revised Code may procure epinephrine autoinjectors for use in 118277
emergency situations identified under division (C)(5) of this 118278
section by doing one of the following: 118279

(1) Having a licensed health professional authorized to 118280
prescribe drugs, acting in accordance with section 4723.483, 118281
4730.433, or 4731.96 of the Revised Code, personally furnish the 118282
epinephrine autoinjectors to the camp or issue a prescription for 118283
them in the name of the camp; 118284

(2) Obtaining a prescriber-issued protocol that includes 118285
definitive orders for epinephrine autoinjectors and the dosages of 118286
epinephrine to be administered through them. 118287

A camp that elects to procure epinephrine autoinjectors under 118288
this section is encouraged to maintain at least two epinephrine 118289
autoinjectors at all times. 118290

(B) A camp that elects to procure epinephrine autoinjectors 118291
under this section shall adopt a policy governing their 118292
maintenance and use. Before adopting the policy, the camp shall 118293
consult with a licensed health professional authorized to 118294
prescribe drugs. 118295

(C) The policy adopted under division (B) of this section 118296
shall do all of the following: 118297

(1) Identify the one or more locations in which an epinephrine autoinjector must be stored;	118298
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(2) Specify the conditions under which an epinephrine autoinjector must be stored, replaced, and disposed;	118300
	118301
(3) Specify the individuals employed by or under contract with the camp who may access and use an epinephrine autoinjector to provide a dosage of epinephrine to an individual in an emergency situation identified under division (C)(5) of this section;	118302
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(4) Specify any training that employees or contractors specified under division (C)(3) of this section must complete before being authorized to access and use an epinephrine autoinjector;	118307
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(5) Identify the emergency situations, including when an individual exhibits signs and symptoms of anaphylaxis, in which employees or contractors specified under division (C)(3) of this section may access and use an epinephrine autoinjector;	118311
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(6) Specify that assistance from an emergency medical service provider must be requested immediately after an epinephrine autoinjector is used;	118315
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(7) Specify the individuals to whom a dosage of epinephrine may be administered through an epinephrine autoinjector in an emergency situation specified under division (C)(5) of this section.	118318
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(D)(1) The following are not liable in damages in a civil action for injury, death, or loss to person or property that allegedly arises from an act or omission associated with procuring, maintaining, accessing, or using an epinephrine autoinjector under this section, unless the act or omission constitutes willful or wanton misconduct:	118322
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(a) A camp; 118328

(b) A camp employee or contractor; 118329

(c) A licensed health professional authorized to prescribe 118330
drugs who personally furnishes or prescribes epinephrine 118331
autoinjectors, provides a consultation, or issues a protocol 118332
pursuant to this section. 118333

(2) This section does not eliminate, limit, or reduce any 118334
other immunity or defense that a camp or camp employee or 118335
contractor or licensed health professional may be entitled to 118336
under Chapter 2744. or any other provision of the Revised Code or 118337
under the common law of this state. 118338

(E) A camp may accept donations of epinephrine autoinjectors 118339
from a wholesale distributor of dangerous drugs, as defined in 118340
section 4729.01 of the Revised Code, and may accept donations of 118341
money from any person to purchase epinephrine autoinjectors. 118342

(F) A camp that elects to procure epinephrine autoinjectors 118343
under this section shall report to the department of ~~job~~ children 118344
and ~~family services~~ youth each procurement and occurrence in which 118345
an epinephrine autoinjector is used from a camp's supply of 118346
epinephrine autoinjectors. 118347

(G) As used in this section, "licensed health professional 118348
authorized to prescribe drugs" and "prescriber" have the same 118349
meanings as in section 4729.01 of the Revised Code. 118350

Sec. 5101.77. (A) As used in this section, "inhaler" means a 118351
device that delivers medication to alleviate asthmatic symptoms, 118352
is manufactured in the form of a metered dose inhaler or dry 118353
powdered inhaler, and may include a spacer, holding chamber, or 118354
other device that attaches to the inhaler and is used to improve 118355
the delivery of the medication. 118356

(B) A residential camp, as defined in section 2151.011 of the 118357

Revised Code, a child day camp, as defined in section 5104.01 of 118358
the Revised Code, or a child day camp operated by any county, 118359
township, municipal corporation, township park district created 118360
under section 511.18 of the Revised Code, park district created 118361
under section 1545.04 of the Revised Code, or joint recreation 118362
district established under section 755.14 of the Revised Code may 118363
procure inhalers for use in emergency situations identified under 118364
division (D)(5) of this section. A camp that elects to procure 118365
inhalers under this section is encouraged to maintain at least two 118366
inhalers at all times. 118367

(C) A camp that elects to procure inhalers under this section 118368
shall adopt a policy governing their maintenance and use. Before 118369
adopting the policy, the camp shall consult with a licensed health 118370
professional authorized to prescribe drugs, as defined in section 118371
4729.01 of the Revised Code. 118372

(D) A component of a policy adopted by a camp under division 118373
(C) of this section shall be a prescriber-issued protocol 118374
specifying definitive orders for inhalers, including the dosages 118375
of medication to be administered through them, the number of times 118376
that each inhaler may be used before disposal, and the methods of 118377
disposal. The policy also shall do all of the following: 118378

(1) Identify the one or more locations in which an inhaler 118379
must be stored; 118380

(2) Specify the conditions under which an inhaler must be 118381
stored, replaced, and disposed; 118382

(3) Specify the individuals employed by or under contract 118383
with the camp who may access and use an inhaler to provide a 118384
dosage of medication to an individual in an emergency situation 118385
identified under division (D)(5) of this section; 118386

(4) Specify any training that employees or contractors 118387
specified under division (D)(3) of this section must complete 118388

before being authorized to access and use an inhaler; 118389

(5) Identify the emergency situations, including when an 118390
individual exhibits signs and symptoms of asthma, in which 118391
employees or contractors specified under division (D)(3) of this 118392
section may access and use an inhaler; 118393

(6) Specify that assistance from an emergency medical service 118394
provider must be requested immediately after an employee or 118395
contractor, other than a licensed health professional, uses an 118396
inhaler; 118397

(7) Specify the individuals to whom a dosage of medication 118398
may be administered through an inhaler in an emergency situation 118399
specified under division (D)(5) of this section. 118400

(E) A camp or camp employee or contractor is not liable in 118401
damages in a civil action for injury, death, or loss to person or 118402
property that allegedly arises from an act or omission associated 118403
with procuring, maintaining, accessing, or using an inhaler under 118404
this section, unless the act or omission constitutes willful or 118405
wanton misconduct. 118406

This section does not eliminate, limit, or reduce any other 118407
immunity or defense that a camp or camp employee or contractor may 118408
be entitled to under Chapter 2744. or any other provision of the 118409
Revised Code or under the common law of this state. 118410

(F) A camp may accept donations of inhalers from a wholesale 118411
distributor of dangerous drugs, as defined in section 4729.01 of 118412
the Revised Code, and may accept donations of money from any 118413
person to purchase inhalers. 118414

(G) A camp that elects to procure inhalers under this section 118415
shall report to the department of ~~job children~~ and ~~family services~~ 118416
youth each procurement and occurrence in which an inhaler is used 118417
from a camp's supply of inhalers. 118418

Sec. 5101.78. (A) As used in this section, "licensed health professional authorized to prescribe drugs" and "prescriber" have the same meanings as in section 4729.01 of the Revised Code.

(B) A residential camp, as defined in section 2151.011 of the Revised Code; a child day camp, as defined in section 5104.01 of the Revised Code; or a child day camp operated by any county, township, municipal corporation, township park district created under section 511.18 of the Revised Code, park district created under section 1545.04 of the Revised Code, or joint recreation district established under section 755.14 of the Revised Code may procure injectable or nasally administered glucagon for use in emergency situations identified under division (D)(5) of this section by doing one of the following:

(1) Having a licensed health professional authorized to prescribe drugs, acting in accordance with section 4723.4811, 4730.437, or 4731.92 of the Revised Code, personally furnish the injectable or nasally administered glucagon to the camp or issue a prescription for the drug in the name of the camp;

(2) Obtaining a prescriber-issued protocol that includes definitive orders for injectable or nasally administered glucagon and the dosages to be administered;

A camp that elects to procure injectable or nasally administered glucagon under this section is encouraged to maintain at least two doses of the drug at all times.

(C) A camp that elects to procure injectable or nasally administered glucagon under this section shall adopt a policy governing maintenance and use of the drug. Before adopting the policy, the camp shall consult with a licensed health professional authorized to prescribe drugs.

(D) The policy adopted under division (C) of this section

shall do all of the following: 118449

(1) Identify the one or more locations at the camp in which 118450
injectable or nasally administered glucagon must be stored; 118451

(2) Specify the conditions under which injectable or nasally 118452
administered glucagon must be stored, replaced, or disposed; 118453

(3) Specify the individuals employed by or under contract 118454
with the camp, or who volunteer at the camp, who may access and 118455
use injectable or nasally administered glucagon in an emergency 118456
situation identified under division (D)(5) of this section; 118457

(4) Specify any training that employees, contractors, or 118458
volunteers specified under division (D)(3) of this section must 118459
complete before being authorized to access and use injectable or 118460
nasally administered glucagon; 118461

(5) Identify the emergency situations, including when an 118462
individual exhibits signs and symptoms of severe hypoglycemia, in 118463
which employees, contractors, or volunteers specified under 118464
division (D)(3) of this section may access and use injectable or 118465
nasally administered glucagon; 118466

(6) Specify that assistance from an emergency medical service 118467
provider must be requested immediately after a dose of glucagon is 118468
administered; 118469

(7) Specify the individuals to whom a dose of glucagon may be 118470
administered in an emergency situation specified under division 118471
(D)(5) of this section. 118472

(E)(1) The following are not liable in damages in a civil 118473
action for injury, death, or loss to person or property that 118474
allegedly arises from an act or omission associated with 118475
procuring, maintaining, accessing, or using injectable or nasally 118476
administered glucagon under this section, unless the act or 118477
omission constitutes willful or wanton misconduct: 118478

(a) A camp;	118479
(b) A camp employee, contractor, or volunteer;	118480
(c) A licensed health professional authorized to prescribe drugs who personally furnishes or prescribes injectable or nasally administered glucagon, provides a consultation, or issues a protocol pursuant to this section;	118481 118482 118483 118484
(2) This section does not eliminate, limit, or reduce any other immunity or defense that a camp; camp employee, contractor, or volunteer; or licensed health professional may be entitled to under Chapter 2744. or any other provision of the Revised Code or under the common law of this state.	118485 118486 118487 118488 118489
(F) A camp may accept donations of injectable or nasally administered glucagon from a wholesale distributor of dangerous drugs or manufacturer of dangerous drugs, as defined in section 4729.01 of the Revised Code, and may accept donations of money from any person to purchase the drug.	118490 118491 118492 118493 118494
(G) A camp that elects to procure injectable or nasally administered glucagon under this section shall report to the department of job children and family services youth each procurement and each occurrence in which a dose of the drug is used from the camp's supply.	118495 118496 118497 118498 118499
Sec. 5101.80. (A) As used in this section and in section 5101.801 of the Revised Code:	118500 118501
(1) "County family services agency" has the same meaning as in section 307.981 of the Revised Code.	118502 118503
(2) "State agency" has the same meaning as in section 9.82 of the Revised Code.	118504 118505
(3) "Title IV-A administrative agency" means both of the following:	118506 118507

(a) A county family services agency or state agency 118508
administering a Title IV-A program under the supervision of the 118509
department of job and family services or the department of 118510
children and youth; 118511

(b) A government agency or private, not-for-profit entity 118512
administering a project funded in whole or in part with funds 118513
provided under the Title IV-A demonstration program created under 118514
section 5101.803 of the Revised Code. 118515

(4) "Title IV-A program" means all of the following that are 118516
funded in part with funds provided under the temporary assistance 118517
for needy families block grant established by Title IV-A of the 118518
"Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as 118519
amended: 118520

(a) The Ohio works first program established under Chapter 118521
5107. of the Revised Code; 118522

(b) The prevention, retention, and contingency program 118523
established under Chapter 5108. of the Revised Code; 118524

(c) A program established by the general assembly or an 118525
executive order issued by the governor that is administered or 118526
supervised by the department of job and family services or 118527
department of children and youth pursuant to section 5101.801 of 118528
the Revised Code; 118529

(d) The kinship permanency incentive program created under 118530
section 5101.802 of the Revised Code; 118531

(e) The Title IV-A demonstration program created under 118532
section 5101.803 of the Revised Code; 118533

(f) The Ohio parenting and pregnancy program created under 118534
section 5101.804 of the Revised Code; 118535

(g) A component of a Title IV-A program identified under 118536
divisions (A)(4)(a) to (f) of this section that the Title IV-A 118537

state plan prepared under division (C)(1) of this section 118538
identifies as a component. 118539

(B) The department of job and family services shall act as 118540
the single state agency to administer and supervise the 118541
administration of Title IV-A programs. The Title IV-A state plan 118542
and amendments to the plan prepared under division (C) of this 118543
section are binding on Title IV-A administrative agencies. No 118544
Title IV-A administrative agency may establish, by rule or 118545
otherwise, a policy governing a Title IV-A program that is 118546
inconsistent with a Title IV-A program policy established, in rule 118547
or otherwise, by the director of job and family services. 118548

(C) The department of job and family services shall do all of 118549
the following: 118550

(1) Prepare and submit to the United States secretary of 118551
health and human services a Title IV-A state plan for Title IV-A 118552
programs; 118553

(2) Prepare and submit to the United States secretary of 118554
health and human services amendments to the Title IV-A state plan 118555
that the department determines necessary, including amendments 118556
necessary to implement Title IV-A programs identified in divisions 118557
(A)(4)(c) to (g) of this section; 118558

(3) Prescribe forms for applications, certificates, reports, 118559
records, and accounts of Title IV-A administrative agencies, and 118560
other matters related to Title IV-A programs; 118561

(4) Make such reports, in such form and containing such 118562
information as the department may find necessary to assure the 118563
correctness and verification of such reports, regarding Title IV-A 118564
programs; 118565

(5) Require reports and information from each Title IV-A 118566
administrative agency as may be necessary or advisable regarding a 118567
Title IV-A program; 118568

(6) Afford a fair hearing in accordance with section 5101.35 118569
of the Revised Code to any applicant for, or participant or former 118570
participant of, a Title IV-A program aggrieved by a decision 118571
regarding the program; 118572

(7) Administer and expend, pursuant to Chapters 5104., 5107., 118573
and 5108. of the Revised Code and sections 5101.801, 5101.802, 118574
5101.803, and 5101.804 of the Revised Code, any sums appropriated 118575
by the general assembly for the purpose of those chapters and 118576
sections and all sums paid to the state by the secretary of the 118577
treasury of the United States as authorized by Title IV-A of the 118578
"Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as 118579
amended; 118580

(8) Conduct investigations and audits as are necessary 118581
regarding Title IV-A programs; 118582

(9) Enter into reciprocal agreements with other states 118583
relative to the provision of Ohio works first and prevention, 118584
retention, and contingency to residents and nonresidents; 118585

(10) Contract with a private entity to conduct an independent 118586
on-going evaluation of the Ohio works first program and the 118587
prevention, retention, and contingency program. The contract must 118588
require the private entity to do all of the following: 118589

(a) Examine issues of process, practice, impact, and 118590
outcomes; 118591

(b) Study former participants of Ohio works first who have 118592
not participated in Ohio works first for at least one year to 118593
determine whether they are employed, the type of employment in 118594
which they are engaged, the amount of compensation they are 118595
receiving, whether their employer provides health insurance, 118596
whether and how often they have received benefits or services 118597
under the prevention, retention, and contingency program, and 118598
whether they are successfully self sufficient; 118599

(c) Provide the department with reports at times the department specifies. 118600
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(11) Not later than the last day of each January and July, prepare a report containing information on the following: 118602
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(a) Individuals exhausting the time limits for participation in Ohio works first set forth in section 5107.18 of the Revised Code. 118604
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(b) Individuals who have been exempted from the time limits set forth in section 5107.18 of the Revised Code and the reasons for the exemption. 118607
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(D) The department shall provide copies of the reports it receives under division (C)(10) of this section and prepares under division (C)(11) of this section to the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives. The department shall provide copies of the reports to any private or government entity on request. 118610
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(E) An authorized representative of the department or a county family services agency or state agency administering a Title IV-A program shall have access to all records and information bearing thereon for the purposes of investigations conducted pursuant to this section. An authorized representative of a government entity or private, not-for-profit entity administering a project funded in whole or in part with funds provided under the Title IV-A demonstration program shall have access to all records and information bearing on the project for the purpose of investigations conducted pursuant to this section. 118617
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Sec. 5101.801. (A) Except as otherwise provided by the law enacted by the general assembly or executive order issued by the governor establishing the Title IV-A program, a Title IV-A program 118627
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identified under division (A)(4)(c), (d), (e), (f), or (g) of 118630
section 5101.80 of the Revised Code shall provide benefits and 118631
services that are not "assistance" as defined in 45 C.F.R. 118632
260.31(a) and are benefits and services that 45 C.F.R. 260.31(b) 118633
excludes from the definition of assistance. 118634

(B)(1) Except as otherwise provided by the law enacted by the 118635
general assembly or executive order issued by the governor 118636
establishing the Title IV-A program, the department of job and 118637
family services or the department of children and youth, as 118638
appropriate, shall do either of the following regarding a Title 118639
IV-A program identified under division (A)(4)(c), (d), (e), (f), 118640
or (g) of section 5101.80 of the Revised Code: 118641

(a) Administer the program or supervise a county family 118642
services agency's administration of the program; 118643

(b) Enter into an interagency agreement with a state agency 118644
for the state agency to administer the program under the 118645
department's supervision. 118646

(2) The department of job and family services and the 118647
department of children and youth may enter into an agreement with 118648
a government entity and, to the extent permitted by federal law, a 118649
private, not-for-profit entity for the entity to receive funding 118650
for a project under the Title IV-A demonstration program created 118651
under section 5101.803 of the Revised Code. 118652

(3) To the extent permitted by federal law, the department of 118653
children and youth may enter into an agreement with a private, 118654
not-for-profit entity for the entity to receive funds under the 118655
Ohio parenting and pregnancy program created under section 118656
5101.804 of the Revised Code. 118657

(C) The department of job and family services and the 118658
department of children and youth, may adopt rules governing Title 118659
IV-A programs identified under divisions (A)(4)(c), (d), (e), (f), 118660

and (g) of section 5101.80 of the Revised Code. Rules governing 118661
financial and operational matters of ~~the~~ either department or 118662
between ~~the~~ either department and county family services agencies 118663
shall be adopted as internal management rules adopted in 118664
accordance with section 111.15 of the Revised Code. All other 118665
rules shall be adopted in accordance with Chapter 119. of the 118666
Revised Code. 118667

(D) If the department of job and family services or the 118668
department of children and youth, enters into an agreement 118669
regarding a Title IV-A program identified under division 118670
(A)(4)(c), (e), (f), or (g) of section 5101.80 of the Revised Code 118671
pursuant to division (B)(1)(b) or (2) of this section, the 118672
agreement shall include at least all of the following: 118673

(1) A requirement that the state agency or entity comply with 118674
the requirements for the program or project, including all of the 118675
following requirements established by federal statutes and 118676
regulations, state statutes and rules, the United States office of 118677
management and budget, and the Title IV-A state plan prepared 118678
under section 5101.80 of the Revised Code: 118679

(a) Eligibility; 118680

(b) Reports; 118681

(c) Benefits and services; 118682

(d) Use of funds; 118683

(e) Appeals for applicants for, and recipients and former 118684
recipients of, the benefits and services; 118685

(f) Audits. 118686

(2) A complete description of all of the following: 118687

(a) The benefits and services that the program or project is 118688
to provide; 118689

(b) The methods of program or project administration; 118690

(c) The appeals process under section 5101.35 of the Revised Code for applicants for, and recipients and former recipients of, the program or project's benefits and services;

(d) Other requirements that the department of job and family services or the department of children and youth, as applicable, requires be included.

(3) Procedures for the department of job and family services or the department of children and youth, as applicable, to approve a policy, established by rule or otherwise, that the state agency or entity establishes for the program or project before the policy is established;

(4) Provisions regarding how the department of job and family services or the department of children and youth, as applicable, is to reimburse the state agency or entity for allowable expenditures under the program or project that the applicable department approves, including all of the following:

(a) Limitations on administrative costs;

(b) The department of job and family services or the department of children and youth, as applicable, at its discretion, doing either of the following:

(i) Withholding no more than five per cent of the funds that the department of job and family services or the department of children and youth, as applicable, would otherwise provide to the state agency or entity for the program or project;

(ii) Charging the state agency or entity for the costs to the department of job and family services or the department of children and youth, as applicable, of performing, or contracting for the performance of, audits and other administrative functions associated with the program or project.

(5) If the state agency or entity arranges by contract,

grant, or other agreement for another entity to perform a function 118721
the state agency or entity would otherwise perform regarding the 118722
program or project, the state agency or entity's responsibilities 118723
for both of the following: 118724

(a) Ensuring that the other entity complies with the 118725
agreement between the state agency or entity and the department of 118726
job and family services or the department of children and youth, 118727
as applicable and federal statutes and regulations and state 118728
statutes and rules governing the use of funds for the program or 118729
project; 118730

(b) Auditing the other entity in accordance with requirements 118731
established by the United States office of management and budget. 118732

(6) The state agency or entity's responsibilities regarding 118733
the prompt payment, including any interest assessed, of any 118734
adverse audit finding, final disallowance of federal funds, or 118735
other sanction or penalty imposed by the federal government, 118736
auditor of state, department of job and family services or the 118737
department of children and youth, as applicable, a court, or other 118738
entity regarding funds for the program or project; 118739

(7) Provisions for the department of job and family services 118740
or the department of children and youth, as applicable, to 118741
terminate the agreement or withhold reimbursement from the state 118742
agency or entity if either of the following occur: 118743

(a) The federal government disapproves the program or project 118744
or reduces federal funds for the program or project; 118745

(b) The state agency or entity fails to comply with the terms 118746
of the agreement. 118747

(8) Provisions for both of the following: 118748

(a) The department of job and family services or the 118749
department of children and youth, as applicable, and state agency 118750

or entity determining the performance outcomes expected for the program or project;

(b) An evaluation of the program or project to determine its success in achieving the performance outcomes determined under division (D)(8)(a) of this section.

(E) To the extent consistent with the law enacted by the general assembly or executive order issued by the governor establishing the Title IV-A program and subject to the approval of the director of budget and management, the director of job and family services or the director of children and youth, as applicable, may terminate a Title IV-A program identified under division (A)(4)(c), (d), (e), (f), or (g) of section 5101.80 of the Revised Code or reduce funding for the program if the applicable ~~director of job and family services~~ determines that federal or state funds are insufficient to fund the program. If the director of budget and management approves the termination or reduction in funding for such a program, the director ~~of job and family services~~ of job and family services or the department of children and youth, as applicable, shall issue instructions for the termination or funding reduction. If a Title IV-A administrative agency is administering the program, the agency is bound by the termination or funding reduction and shall comply with the applicable director's instructions.

(F) The director of job and family services and the director of children and youth may adopt internal management rules in accordance with section 111.15 of the Revised Code as necessary to implement this section. The rules are binding on each Title IV-A administrative agency.

Sec. 5101.802. (A) As used in this section:

(1) "Custodian," "guardian," and "minor child" have the same meanings as in section 5107.02 of the Revised Code.

(2) "Federal poverty guidelines" has the same meaning as in section 5101.46 of the Revised Code. 118782
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(3) "Kinship caregiver" has the same meaning as in section 5101.85 of the Revised Code. 118784
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(B) Subject to division (E) of section 5101.801 of the Revised Code, there is hereby created the kinship permanency incentive program to promote permanency for a minor child in the legal and physical custody of a kinship caregiver. The program shall provide an initial one-time incentive payment to the kinship caregiver to defray the costs of initial placement of the minor child in the kinship caregiver's home. The program may provide additional permanency incentive payments for the minor child at six-month intervals, based on the availability of funds. An eligible caregiver may receive a maximum of eight incentive payments per minor child. 118786
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(C) A kinship caregiver may participate in the program if all of the following requirements are met: 118797
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(1) The kinship caregiver applies to a public children services agency in accordance with the application process established in rules authorized by division (E) of this section; 118799
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(2) Not earlier than July 1, 2005, a juvenile court issues an order granting legal custody to the kinship caregiver, or a probate court grants guardianship to the kinship caregiver, except that a temporary court order is not sufficient to meet this requirement; 118802
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(3) The kinship caregiver is either the minor child's custodian or guardian; 118807
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(4) The minor child resides with the kinship caregiver pursuant to a placement approval process established in rules authorized by division (E) of this section; 118809
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(5) Excluding any income excluded under rules adopted under division (E) of this section, the gross income of the kinship caregiver's family, including the minor child, does not exceed three hundred per cent of the federal poverty guidelines.

(6) The kinship caregiver is not receiving kinship guardianship assistance under Title IV-E of the "Social Security Act," 42 U.S.C. 673(d), as amended, or the program described in section 5101.1411 of the Revised Code or the program described in section 5153.163 of the Revised Code.

(D) Public children services agencies shall make initial and ongoing eligibility determinations for the kinship permanency incentive program in accordance with rules authorized by division (E) of this section. The director of ~~job children and family services~~ youth shall supervise public children services agencies' duties under this section.

(E) The director of ~~job children and family services~~ youth shall adopt rules under division (C) of section 5101.801 of the Revised Code as necessary to implement the kinship permanency incentive program. The rules shall establish all of the following:

(1) The application process for the program;

(2) The placement approval process through which a minor child is placed with a kinship caregiver for the kinship caregiver to be eligible for the program;

(3) The initial and ongoing eligibility determination process for the program, including the computation of income eligibility;

(4) The amount of the incentive payments provided under the program;

(5) The method by which the incentive payments are provided to a kinship caregiver.

(F) The amendments made to this section by Am. Sub. H.B. 119

of the 127th general assembly shall not affect the eligibility of 118842
any kinship caregiver whose eligibility was established before 118843
June 30, 2007. 118844

Sec. 5101.803. (A) Subject to division (E) of section 118845
5101.801 of the Revised Code, there is hereby created the Title 118846
IV-A demonstration program to provide funding for innovative and 118847
promising prevention and intervention projects that meet one or 118848
more of the four purposes of the temporary assistance for needy 118849
families block grant as specified in 42 U.S.C. 601 and are for 118850
individuals with specific and multiple barriers to achieving or 118851
maintaining self-sufficiency and personal responsibility. The 118852
department of job and family services and the department of 118853
children and youth, as applicable, may provide funding for such 118854
projects to government entities and, to the extent permitted by 118855
federal law, private, not-for-profit entities with which ~~the~~ 118856
either department enters into agreements under division (B)(2) of 118857
section 5101.801 of the Revised Code. 118858

In accordance with criteria the department develops, the 118859
department of job and family services or the department of 118860
children and youth, as applicable, may solicit proposals from 118861
entities seeking to enter into an agreement with the applicable 118862
department under division (B)(2) of section 5101.801 of the 118863
Revised Code. The department of job and family services or the 118864
department of children and youth, as applicable, may enter into 118865
such agreements with entities that do both of the following: 118866

(1) Meet the proposals' criteria; 118867

(2) If the entity's proposed project does not potentially 118868
affect persons in each county of the state, provides the 118869
department evidence that the entity has notified, in writing, the 118870
county department of job and family services of each county where 118871
persons may be affected by the implementation of the project. 118872

(B) In developing the criteria, soliciting the proposals, and entering in the agreements, the department of job and family services and the department of children and youth shall comply with all applicable federal and state laws, the Title IV-A state plan submitted to the United States secretary of health and human services under section 5101.80 of the Revised Code, amendments to the Title IV-A state plan submitted to the United States secretary under that section, and federal waivers the United States secretary grants.

~~(C) The department shall begin implementation of the Title IV A demonstration program no later than January 1, 2006.~~

Sec. 5101.804. (A) Subject to division (E) of section 5101.801 of the Revised Code, there is hereby created the Ohio parenting and pregnancy program to provide services for pregnant women and parents or other relatives caring for children twelve months of age or younger that do both of the following:

(1) Promote childbirth, parenting, and alternatives to abortion;

(2) Meet one or more of the four purposes of the temporary assistance for needy families block grant as specified in 42 U.S.C. 601.

(B) To the extent permitted by federal law, the department of ~~job children and family services youth~~ may provide funds under the program to entities with which the department enters into agreements under division (B)(3) of section 5101.801 of the Revised Code. In accordance with criteria the department develops, the department may solicit proposals from entities seeking to provide services under the program. The department may enter into an agreement with an entity only if it meets all of the following conditions:

- (1) Is a private, not-for-profit entity; 118903
- (2) Is an entity whose primary purpose is to promote 118904
childbirth, rather than abortion, through counseling and other 118905
services, including parenting and adoption support; 118906
- (3) Provides services to pregnant women and parents or other 118907
relatives caring for children twelve months of age or younger, 118908
including clothing, counseling, diapers, food, furniture, health 118909
care, parenting classes, postpartum recovery, shelter, and any 118910
other supportive services, programs, or related outreach; 118911
- (4) Does not charge pregnant women and parents or other 118912
relatives caring for children twelve months of age or younger a 118913
fee for any services received; 118914
- (5) Is not involved in or associated with any abortion 118915
activities, including providing abortion counseling or referrals 118916
to abortion clinics, performing abortion-related medical 118917
procedures, or engaging in pro-abortion advertising; 118918
- (6) Does not discriminate in its provision of services on the 118919
basis of race, religion, color, age, marital status, national 118920
origin, disability, or gender. 118921
- (C) An entity that has entered into an agreement with the 118922
department under division (B)(3) of section 5101.801 of the 118923
Revised Code may enter into a subcontract with another entity 118924
under which the other entity provides all or part of the services 118925
described in division (B)(3) of this section. A subcontract may be 118926
entered into with another entity only if that entity meets all of 118927
the following conditions: 118928
- (1) Is a private, not-for-profit entity; 118929
- (2) Is physically and financially separate from any entity, 118930
or component of an entity, that engages in abortion activities; 118931
- (3) Is not involved in or associated with any abortion 118932

activities, including providing abortion counseling or referrals 118933
to abortion clinics, performing abortion-related medical 118934
procedures, or engaging in pro-abortion advertising. 118935

(D) The director of ~~job children and family services~~ youth 118936
shall adopt rules under division (C) of section 5101.801 of the 118937
Revised Code as necessary to implement the Ohio parenting and 118938
pregnancy program. 118939

Sec. 5101.83. (A) As used in this section: 118940

(1) "Assistance group" has the same meaning as in section 118941
5107.02 of the Revised Code, except that it also means a group 118942
provided benefits and services under the prevention, retention, 118943
and contingency program or the comprehensive case management and 118944
employment program. 118945

(2) "Fraudulent assistance" means assistance and services, 118946
including cash assistance, provided under the Ohio works first 118947
program established under Chapter 5107., or benefits and services 118948
provided under the prevention, retention, and contingency program 118949
established under Chapter 5108. of the Revised Code or under the 118950
comprehensive case management and employment program established 118951
under Chapter 5116. of the Revised Code, to or on behalf of an 118952
assistance group that is provided as a result of fraud by a member 118953
of the assistance group, including an intentional violation of the 118954
program's requirements. "Fraudulent assistance" does not include 118955
assistance or services to or on behalf of an assistance group that 118956
is provided as a result of an error that is the fault of a county 118957
department of job and family services ~~or~~, the Ohio department of 118958
job and family services, or the department of children and youth. 118959

(B) If a county director of job and family services 118960
determines that an assistance group has received fraudulent 118961
assistance, the assistance group is ineligible to participate in 118962
the Ohio works first program, the prevention, retention, and 118963

contingency program, or the comprehensive case management and 118964
employment program until a member of the assistance group repays 118965
the cost of the fraudulent assistance. If a member repays the cost 118966
of the fraudulent assistance and the assistance group otherwise 118967
meets the eligibility requirements for the Ohio works first 118968
program, the prevention, retention, and contingency program, or 118969
the comprehensive case management and employment program, the 118970
assistance group shall not be denied the opportunity to 118971
participate in the program. 118972

This section does not limit the ability of a county 118973
department of job and family services to recover erroneous 118974
payments under section 5107.76 of the Revised Code. 118975

The Ohio department of job and family services and the 118976
department of children and youth shall adopt rules in accordance 118977
with Chapter 119. of the Revised Code to implement this section. 118978

Sec. 5101.851. The department of ~~job~~ children and ~~family~~ 118979
~~services~~ youth shall establish a statewide kinship care navigator 118980
program to assist kinship caregivers who are seeking information 118981
regarding, or assistance obtaining, services and benefits 118982
available at the state and local level that address the needs of 118983
those caregivers residing in each county. The program shall 118984
provide to kinship caregivers information and referral services 118985
and assistance obtaining support services including the following: 118986

(A) Publicly funded child care; 118987

(B) Respite care; 118988

(C) Training related to caring for special needs children; 118989

(D) A toll-free telephone number that may be called to obtain 118990
basic information about the rights of, and services available to, 118991
kinship caregivers; 118992

(E) Legal services. 118993

Sec. 5101.853. The director of ~~job~~ children and ~~family services~~ youth shall divide the state into not less than five and not greater than twelve regions, for the kinship care navigator program under section 5101.851 of the Revised Code. The director shall take the following into consideration when establishing the regions:

- (A) The population size;
- (B) The estimated number of kinship caregivers;
- (C) The expertise of kinship navigators;
- (D) Any other factor the director considers relevant.

Sec. 5101.855. ~~Not later than one year after the effective date of this amendment, the~~ The department of ~~job~~ children and ~~family services~~ youth shall adopt rules to implement the kinship care navigator program. The rules shall be adopted under Chapter 119. of the Revised Code, except that rules governing fiscal and administrative matters related to implementation of the program are internal management rules and shall be adopted under section 111.15 of the Revised Code.

Sec. 5101.856. (A)(1) The kinship care navigator program shall be funded to the extent that general revenue funds have been appropriated by the general assembly for that purpose.

(2) The director of ~~job~~ children and ~~family services~~ youth shall take any action necessary to obtain funds available for the kinship care navigator program under Title IV-E of the "Social Security Act," 94 Stat. 501 (1980), 42 U.S.C. 670, as amended.

(B) The department shall pay the full nonfederal share for the kinship care navigator program. No county department of job and family services or public children services agency shall be responsible for the cost of the program.

Sec. 5101.881. There is hereby established the kinship support program. The department of ~~job children~~ and ~~family services youth~~ shall coordinate and administer the program to the extent funds are appropriated and allocated for this purpose.

Sec. 5101.885. Kinship support program payments under section 5101.884 of the Revised Code shall be ten dollars and twenty cents per child, per day, to the extent funds are available. The department of ~~job children~~ and ~~family services youth~~ shall increase the payment amount on January 1, 2022, and on the first day of each January thereafter by the cost-of-living adjustment made in the immediately preceding December.

Sec. 5101.8811. The director of ~~job children~~ and ~~family services youth~~ may adopt rules for the administration of the kinship support program in accordance with section 111.15 of the Revised Code.

Sec. 5103.02. As used in sections 5103.03 to 5103.181 of the Revised Code:

(A)(1) "Association" or "institution" includes all of the following:

(a) Any incorporated or unincorporated organization, society, association, or agency, public or private, that receives or cares for children for two or more consecutive weeks;

(b) Any individual, including the operator of a foster home, who, for hire, gain, or reward, receives or cares for children for two or more consecutive weeks, unless the individual is related to them by blood or marriage;

(c) Any individual not in the regular employ of a court, or of an institution or association certified in accordance with

section 5103.03 of the Revised Code, who in any manner becomes a party to the placing of children in foster homes, unless the individual is related to such children by blood or marriage or is the appointed guardian of such children.

(2) "Association" or "institution" does not include any of the following:

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

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

(c) A private, nonprofit therapeutic wilderness camp;

(d) A qualified organization as defined in section 2151.90 of the Revised Code.

(B) "Family foster home" means a foster home that is not a specialized foster home.

(C) "Foster caregiver" means a person holding a valid foster home certificate issued under section 5103.03 of the Revised Code.

(D) "Foster home" means a private residence in which children are received apart from their parents, guardian, or legal custodian, by an individual reimbursed for providing the children nonsecure care, supervision, or training twenty-four hours a day. "Foster home" does not include care provided for a child in the home of a person other than the child's parent, guardian, or legal custodian while the parent, guardian, or legal custodian is

temporarily away. Family foster homes and specialized foster homes 119081
are types of foster homes. 119082

(E) "Kinship caregiver" has the same meaning as in section 119083
5101.85 of the Revised Code. 119084

(F) "Medically fragile foster home" means a foster home that 119085
provides specialized medical services designed to meet the needs 119086
of children with intensive health care needs who meet all of the 119087
following criteria: 119088

(1) Under rules adopted by the medicaid director governing 119089
medicaid payments for long-term care services, the children 119090
require a skilled level of care. 119091

(2) The children require the services of a doctor of medicine 119092
or osteopathic medicine at least once a week due to the 119093
instability of their medical conditions. 119094

(3) The children require the services of a registered nurse 119095
on a daily basis. 119096

(4) The children are at risk of institutionalization in a 119097
hospital, skilled nursing facility, or intermediate care facility 119098
for individuals with intellectual disabilities. 119099

(G) "Private, nonprofit therapeutic wilderness camp" means a 119100
structured, alternative residential setting for children who are 119101
experiencing emotional, behavioral, moral, social, or learning 119102
difficulties at home or school in which all of the following are 119103
the case: 119104

(1) The children spend the majority of their time, including 119105
overnight, either outdoors or in a primitive structure. 119106

(2) The children have been placed there by their parents or 119107
another relative having custody. 119108

(3) The camp accepts no public funds for use in its 119109
operations. 119110

(H) "Recommending agency" means a public children services 119111
agency, private child placing agency, or private noncustodial 119112
agency that recommends that the department of ~~job~~ children and 119113
~~family services~~ youth take any of the following actions under 119114
section 5103.03 of the Revised Code regarding a foster home: 119115

(1) Issue a certificate; 119116

(2) Deny a certificate; 119117

(3) Renew a certificate; 119118

(4) Deny renewal of a certificate; 119119

(5) Revoke a certificate. 119120

(I) "Resource caregiver" means a foster caregiver or a 119121
kinship caregiver. 119122

(J) "Resource family" means a foster home or the kinship 119123
caregiver family. 119124

(K) "Specialized foster home" means a medically fragile 119125
foster home or a treatment foster home. 119126

(L) "Treatment foster home" means a foster home that 119127
incorporates special rehabilitative services designed to treat the 119128
specific needs of the children received in the foster home and 119129
that receives and cares for children who are emotionally or 119130
behaviorally disturbed, who are chemically dependent, who have 119131
developmental disabilities, or who otherwise have exceptional 119132
needs. 119133

Sec. 5103.03. (A) The director of ~~job~~ children and ~~family~~ 119134
~~services~~ youth shall adopt rules as necessary for the adequate and 119135
competent management and certification of institutions or 119136
associations. The director shall ensure that foster care home 119137
study rules adopted under this section align any home study 119138
content, time period, and process with any home study content, 119139

time period, and process required by rules adopted under section 119140
3107.033 of the Revised Code. 119141

(B)(1) Except for facilities under the control of the 119142
department of youth services, places of detention for children 119143
established and maintained pursuant to sections 2152.41 to 2152.44 119144
of the Revised Code, and child day-care centers subject to Chapter 119145
5104. of the Revised Code, the department of ~~job~~ children and 119146
~~family services~~ youth shall pass upon the fitness of every 119147
institution and association that receives, or desires to receive 119148
and care for children, or places children in private homes, at a 119149
frequency established by rules adopted under division (A) of this 119150
section. 119151

(2) When the department of ~~job~~ children and ~~family services~~ 119152
youth is satisfied as to the care given such children, and that 119153
the requirements of the statutes and rules covering the management 119154
of such institutions and associations are being complied with, it 119155
shall issue to the institution or association a certificate to 119156
that effect. A certificate is valid for a length of time 119157
determined by rules adopted under division (A) of this section. 119158
When determining whether an institution or association meets a 119159
particular requirement for certification, the department may 119160
consider the institution or association to have met the 119161
requirement if the institution or association shows to the 119162
department's satisfaction that it has met a comparable requirement 119163
to be accredited by a nationally recognized accreditation 119164
organization. 119165

(3) The department may issue a temporary certificate valid 119166
for less than one year authorizing an institution or association 119167
to operate until minimum requirements have been met. 119168

(4) An institution or association that knowingly makes a 119169
false statement that is included as a part of certification under 119170

this section is guilty of the offense of falsification under 119171
section 2921.13 of the Revised Code and the department shall not 119172
certify that institution or association. 119173

(5) The department shall not issue a certificate to a 119174
prospective foster home or prospective specialized foster home 119175
pursuant to this section if the prospective foster home or 119176
prospective specialized foster home operates as a type A family 119177
day-care home pursuant to Chapter 5104. of the Revised Code. The 119178
department shall not issue a certificate to a prospective 119179
specialized foster home if the prospective specialized foster home 119180
operates a type B family day-care home pursuant to Chapter 5104. 119181
of the Revised Code. 119182

(C) The department may revoke a certificate if it finds that 119183
the institution or association is in violation of law or rule. No 119184
juvenile court shall commit a child to an association or 119185
institution that is required to be certified under this section if 119186
its certificate has been revoked or, if after revocation, the date 119187
of reissue is less than fifteen months prior to the proposed 119188
commitment. 119189

(D) On a frequency specified by the department by rules 119190
adopted under division (A) of this section, each institution or 119191
association desiring certification or recertification shall submit 119192
to the department a report showing its condition, management, 119193
competency to care adequately for the children who have been or 119194
may be committed to it or to whom it provides care or services, 119195
the system of visitation it employs for children placed in private 119196
homes, and other information the department requires. 119197

(E) The department shall, not less than once each year, send 119198
a list of certified institutions and associations to each juvenile 119199
court and certified association or institution. 119200

(F) No person shall receive children or receive or solicit 119201

money on behalf of such an institution or association not so 119202
certified or whose certificate has been revoked. 119203

(G)(1) The director may delegate by rule any duties imposed 119204
on it by this section to inspect and approve family foster homes 119205
and specialized foster homes to public children services agencies, 119206
private child placing agencies, or private noncustodial agencies. 119207

(2) The director shall adopt rules that require a foster 119208
caregiver or other individual certified to operate a foster home 119209
under this section to notify the recommending agency that the 119210
foster caregiver or other individual is licensed to operate a type 119211
B family day-care home under Chapter 5104. of the Revised Code. 119212

(H) If the director of ~~job~~ children and ~~family services~~ youth 119213
determines that an institution or association that cares for 119214
children is operating without a certificate, the director may 119215
petition the court of common pleas in the county in which the 119216
institution or association is located for an order enjoining its 119217
operation. The court shall grant injunctive relief upon a showing 119218
that the institution or association is operating without a 119219
certificate. 119220

(I) If both of the following are the case, the director of 119221
~~job~~ children and ~~family services~~ youth may petition the court of 119222
common pleas of any county in which an institution or association 119223
that holds a certificate under this section operates for an order, 119224
and the court may issue an order, preventing the institution or 119225
association from receiving additional children into its care or an 119226
order removing children from its care: 119227

(1) The department has evidence that the life, health, or 119228
safety of one or more children in the care of the institution or 119229
association is at imminent risk. 119230

(2) The department has issued a proposed adjudication order 119231
pursuant to Chapter 119. of the Revised Code to deny renewal of or 119232

revoke the certificate of the institution or association. 119233

Sec. 5103.031. Except as provided in section 5103.033 of the 119234
Revised Code, the department of ~~job~~ children and ~~family services~~ 119235
youth may not issue a certificate under section 5103.03 of the 119236
Revised Code to a foster home unless the prospective foster 119237
caregiver successfully completes preplacement training through a 119238
preplacement training program approved by the department of ~~job~~ 119239
children and ~~family services~~ youth under section 5103.038 of the 119240
Revised Code or preplacement training provided under division (B) 119241
of section 5103.30 of the Revised Code. 119242

Sec. 5103.032. (A) Except as provided in division (B) of this 119243
section and in section 5103.033 of the Revised Code, the 119244
department of ~~job~~ children and ~~family services~~ youth may not renew 119245
a foster home certificate under section 5103.03 of the Revised 119246
Code unless the foster caregiver successfully completes continuing 119247
training in accordance with the foster caregiver's needs 119248
assessment and continuing training plan developed and implemented 119249
under section 5103.035 of the Revised Code. 119250

(B) A foster caregiver shall be given an additional amount of 119251
time within which the foster caregiver must complete the 119252
continuing training required under division (A) of this section in 119253
accordance with rules adopted by the department of ~~job~~ children 119254
and ~~family services~~ youth if either of the following applies: 119255

(1) The foster caregiver has served in active duty outside 119256
this state with a branch of the armed forces of the United States 119257
for more than thirty days in the preceding two-year period. 119258

(2) The foster caregiver has served in active duty as a 119259
member of the Ohio organized militia, as defined in section 119260
5923.01 of the Revised Code, for more than thirty days in the 119261
preceding two-year period and that active duty relates to either 119262

an emergency in or outside of this state or to military duty in or 119263
outside of this state. 119264

Sec. 5103.033. (A) The department of ~~job children~~ and ~~family~~ 119265
~~services youth~~ may issue or renew a certificate under section 119266
5103.03 of the Revised Code to a foster home for the care of a 119267
child who is in the custody of a public children services agency 119268
or private child placing agency pursuant to an agreement entered 119269
into under section 5103.15 of the Revised Code regarding a child 119270
who was less than six months of age on the date the agreement was 119271
executed if the prospective foster caregiver or foster caregiver 119272
successfully completes the following: 119273

(1) A preplacement training program approved under section 119274
5103.038 of the Revised Code or a program provided under division 119275
(B) of section 5103.30 of the Revised Code; 119276

(2) Continuing training in accordance with the foster 119277
caregiver's needs assessment and continuing training plan 119278
developed and implemented under section 5103.035 of the Revised 119279
Code. 119280

(B) A foster caregiver to whom either division (B)(1) or (2) 119281
of this section applies shall be given an additional amount of 119282
time within which to complete the continuing training required 119283
under division (A)(2) of this section in accordance with rules 119284
adopted by the department of ~~job children~~ and ~~family services~~ 119285
~~youth~~: 119286

(1) The foster caregiver has served in active duty outside 119287
this state with a branch of the armed forces of the United States 119288
for more than thirty days in the preceding two-year period. 119289

(2) The foster caregiver has served in active duty as a 119290
member of the Ohio organized militia, as defined in section 119291
5923.01 of the Revised Code, for more than thirty days in the 119292

preceding two-year period and that active duty relates to either 119293
an emergency in or outside of this state or to military duty in or 119294
outside of this state. 119295

Sec. 5103.034. (A) Private child placing agencies and private 119296
noncustodial agencies operating a preplacement or continuing 119297
training program approved by the department of ~~job~~ children and 119298
~~family services~~ youth under section 5103.038 of the Revised Code 119299
shall make the program available to a prospective foster caregiver 119300
or foster caregiver without regard to the type of recommending 119301
agency from which the prospective foster caregiver or foster 119302
caregiver seeks a recommendation. 119303

(B) A private child placing agency or private noncustodial 119304
agency operating a preplacement or continuing training program 119305
approved by the department of ~~job~~ children and ~~family services~~ 119306
youth under section 5103.038 of the Revised Code may condition the 119307
enrollment of a prospective foster caregiver or foster caregiver 119308
in the program on either or both of the following: 119309

(1) Availability of space in the training program; 119310

(2) Payment of an instruction or registration fee, if any, by 119311
the prospective foster caregiver or foster caregiver's 119312
recommending agency. 119313

(C) A private child placing agency or private noncustodial 119314
agency operating a preplacement or continuing training program 119315
approved by the department of ~~job~~ children and ~~family services~~ 119316
youth under section 5103.038 of the Revised Code may contract with 119317
a person or governmental entity to administer the program. 119318

Sec. 5103.036. (A) For the purpose of determining whether a 119319
prospective foster caregiver or foster caregiver has satisfied the 119320
requirement of section 5103.031 or 5103.032 of the Revised Code, a 119321
recommending agency shall accept training obtained from either of 119322

the following: 119323

(1) Any preplacement or continuing training program approved 119324
by the department of ~~job~~ children and ~~family services~~ youth under 119325
section 5103.038 of the Revised Code; 119326

(2) The Ohio child welfare training program pursuant to 119327
divisions (B) and (C) of section 5103.30 of the Revised Code. 119328

(B) A recommending agency may require that a prospective 119329
foster caregiver or foster caregiver successfully complete 119330
additional training as a condition of the agency recommending that 119331
the department of ~~job~~ children and ~~family services~~ youth certify 119332
or recertify the prospective foster caregiver or foster 119333
caregiver's foster home under section 5103.03 of the Revised Code. 119334

Sec. 5103.037. (A) Prior to employing or appointing a person 119335
as board president, or as an administrator or officer, an 119336
institution or association shall do the following regarding the 119337
person: 119338

(1) Request a summary report of a search of the uniform 119339
statewide automated child welfare information system in accordance 119340
with divisions (A) and (B) of section 5103.18 of the Revised Code; 119341

(2) Request a certified search of the findings for recovery 119342
database; 119343

(3) Conduct a database review at the federal web site known 119344
as the system for award management; 119345

(4) Conduct a search of the United States department of 119346
justice national sex offender public web site. 119347

(B) The institution or association may refuse to hire or 119348
appoint a person as board president, or as an administrator or 119349
officer as follows: 119350

(1) Based solely on the findings of the summary report 119351

described in division (B)(1)(a) of section 5103.18 of the Revised Code or the results of the search described in division (A)(4) of this section;

(2) Based on the results of a certified search or database review described in division (A)(2) or (3) of this section, when considered within the totality of circumstances.

(C) The director of ~~job children and family services~~ youth shall adopt rules in accordance with Chapter 119. of the Revised Code necessary for the implementation and execution of this section.

Sec. 5103.038. (A) Every other year by a date specified in rules adopted under section 5103.0316 of the Revised Code, each private child placing agency and private noncustodial agency that seeks to operate a preplacement training program or continuing training program under section 5103.034 of the Revised Code shall submit to the department of ~~job children and family services~~ youth a proposal outlining the program. The proposal may be the same as, a modification of, or different from, a model design developed by the department.

(B) Not later than thirty days after receiving a proposal under division (A) of this section, the department shall either approve or disapprove the proposed program. The department shall approve a proposed preplacement training program if it complies with rules adopted under section 5103.0316 of the Revised Code, as appropriate, and, in the case of a proposal submitted by an agency operating a preplacement training program at the time the proposal is submitted, the department is satisfied with the agency's operation of the program. The department shall approve a proposed continuing training program if it complies with rules adopted under section 5103.0316 of the Revised Code and, in the case of a proposal submitted by an agency operating a continuing training

program at the time the proposal is submitted, the department is 119383
satisfied with the agency's operation of the program. If the 119384
department disapproves a proposal, it shall provide the reason for 119385
disapproval to the agency that submitted the proposal and advise 119386
the agency of how to revise the proposal so that the department 119387
can approve it. 119388

(C) The department's approval under division (B) of this 119389
section of a proposed preplacement training program or continuing 119390
training program is valid only for two years following the year 119391
the proposal for the program is submitted to the department under 119392
division (A) of this section. 119393

Sec. 5103.0310. (A) Prior to employing a person or engaging a 119394
subcontractor, intern, or volunteer, an institution or 119395
association, as defined in division (A)(1)(a) of section 5103.02 119396
of the Revised Code, that is a residential facility, as defined in 119397
division (A)(6) of section 5103.05 of the Revised Code, shall do 119398
the following regarding the person, subcontractor, intern, or 119399
volunteer: 119400

(1) Obtain a search of the United States department of 119401
justice national sex offender public web site regarding the 119402
person; 119403

(2) Obtain a summary report of a search of the uniform 119404
statewide automated child welfare information system in accordance 119405
with divisions (A) and (B) of section 5103.18 of the Revised Code. 119406

(B) An institution or association, as defined in division 119407
(A)(1)(a) of section 5103.02 of the Revised Code, that is not a 119408
residential facility, as defined in division (A)(6) of section 119409
5103.05 of the Revised Code, shall obtain the search and summary 119410
report described in division (A) of this section before hiring a 119411
person, or engaging a subcontractor, intern, or volunteer, who 119412
will have access to children. 119413

(C) If, at the time of ~~the effective date of this amendment~~ 119414
September 30, 2021, the institution or association has not 119415
obtained a report required under division (A) or (B) of this 119416
section for the person, subcontractor, intern, or volunteer, the 119417
institution or association shall obtain the report. 119418

(D) The institution or association may refuse to employ the 119419
person or engage the subcontractor, intern, or volunteer based 119420
solely on the results of the search described in division (A)(1) 119421
or (B) of this section or the findings of the summary report 119422
described in division (B)(1)(a) of section 5103.18 of the Revised 119423
Code. 119424

(E) The director of ~~job children~~ and ~~family services youth~~ 119425
shall adopt rules in accordance with Chapter 119. of the Revised 119426
Code necessary for the implementation and execution of this 119427
section. 119428

Sec. 5103.0312. A public children services agency, private 119429
child placing agency, or private noncustodial agency acting as a 119430
recommending agency for a foster caregiver shall reimburse the 119431
foster caregiver in a lump sum for attending a preplacement 119432
training program operated under section 5103.034 or 5103.30 of the 119433
Revised Code and shall reimburse the foster caregiver a stipend 119434
for attending a continuing training program operated under section 119435
5103.034 or 5103.30 of the Revised Code. The amount of the lump 119436
sum reimbursement and the stipend rate shall be established by the 119437
department of ~~job children~~ and ~~family services youth~~ and shall be 119438
the same regardless of the type of recommending agency from which 119439
the foster caregiver seeks a recommendation. The department shall, 119440
pursuant to rules adopted under section 5103.0316 of the Revised 119441
Code, reimburse the recommending agency for stipend reimbursements 119442
it makes in accordance with this section. The department shall 119443
adopt rules under Chapter 119. of the Revised Code regarding the 119444

release of lump sum stipends to an individual for attending a 119445
preplacement training program. 119446

Sec. 5103.0313. Except as provided in section 5103.303 of the 119447
Revised Code, the department of ~~job children~~ and ~~family services~~ 119448
~~youth~~ shall compensate a private child placing agency or private 119449
noncustodial agency for the cost of procuring or operating 119450
preplacement and continuing training programs approved by the 119451
department of ~~job children~~ and ~~family services~~ ~~youth~~ under section 119452
5103.038 of the Revised Code for prospective foster caregivers and 119453
foster caregivers who are recommended for initial certification or 119454
recertification by the agency. 119455

The compensation shall be paid to the agency in the form of 119456
an allowance to reimburse the agency for the cost of training 119457
pursuant to the rules adopted by the department of ~~job children~~ 119458
and ~~family services~~ ~~youth~~ in accordance with section 5103.0316 of 119459
the Revised Code. 119460

Sec. 5103.0314. The department of ~~job children~~ and ~~family~~ 119461
~~services~~ ~~youth~~ shall adopt rules regarding the compensation of a 119462
recommending agency for any training the agency requires a foster 119463
caregiver to undergo as a condition of the agency recommending the 119464
department certify the foster caregiver's foster home under 119465
section 5103.03 of the Revised Code if the training is in excess 119466
of the training required under section 5103.031 of the Revised 119467
Code. 119468

The department of ~~job children~~ and ~~family services~~ ~~youth~~ 119469
shall adopt rules regarding the compensation of a recommending 119470
agency for any training the agency requires a foster caregiver to 119471
undergo as a condition of the agency recommending the department 119472
recertify the foster caregiver's foster home under section 5103.03 119473
of the Revised Code if the training is in addition to the minimum 119474

training required under section 5103.032 of the Revised Code. 119475

Sec. 5103.0315. The department of ~~job~~ children and ~~family~~ services youth shall seek federal financial participation for the 119476
cost of making payments under section 5103.0312 of the Revised 119477
Code and allowances under sections 5103.0313 and 5103.303 of the 119478
Revised Code. The department shall notify the governor, president 119479
of the senate, minority leader of the senate, speaker of the house 119480
of representatives, and minority leader of the house of 119481
representatives of any proposed federal legislation that endangers 119482
the federal financial participation. 119483
119484

Sec. 5103.0316. The department of ~~job~~ children and ~~family~~ services youth shall adopt rules in accordance with Chapter 119. 119485
of the Revised Code as necessary for the efficient administration 119486
of sections 5103.031 to 5103.0316 of the Revised Code. The rules 119487
shall provide for all of the following: 119488
119489

(A) For the purpose of section 5103.038 of the Revised Code, 119490
the date by which a private child placing agency or private 119491
noncustodial agency that seeks to operate a preplacement training 119492
program or continuing training program under section 5103.034 of 119493
the Revised Code must submit to the department a proposal 119494
outlining the program; 119495

(B) Requirements governing the department's compensation of 119496
private child placing agencies and private noncustodial agencies 119497
under sections 5103.0312 and 5103.0313 of the Revised Code, 119498
including the allowance to reimburse the agencies for the cost of 119499
providing the training under sections 5103.031, 5103.032, and 119500
5103.033 of the Revised Code; 119501

(C) Requirements governing the continuing training required 119502
by sections 5103.032 and 5103.033 of the Revised Code; 119503

(D) The amount of training hours necessary for preplacement 119504

training and continuing training for purposes of sections 119505
5103.031, 5103.032, and 5103.033 of the Revised Code; 119506

(E) Courses necessary to meet the preplacement and continuing 119507
training requirements for foster homes under sections 5103.031, 119508
5103.032, and 5103.033 of the Revised Code; 119509

(F) Criteria used to create a written needs assessment and 119510
continuing training plan for each foster caregiver as required by 119511
section 5103.035 of the Revised Code; 119512

(G) The amount of preplacement and continuing training hours 119513
that may be completed online; 119514

(H) Any other matter the department considers appropriate. 119515

Sec. 5103.0317. The ~~Director~~ director of ~~Job~~ children and 119516
~~Family Services~~ youth shall adopt rules concerning the maximum 119517
number of children a foster home may receive and any exceptions to 119518
the maximum number. 119519

Sec. 5103.0319. (A) No foster caregiver or prospective foster 119520
caregiver shall fail to notify the recommending agency that 119521
recommended or is recommending the foster caregiver or prospective 119522
foster caregiver for certification in writing if a person at least 119523
twelve years of age but less than eighteen years of age residing 119524
with the foster caregiver or prospective foster caregiver has been 119525
convicted of or pleaded guilty to any of the following or has been 119526
adjudicated to be a delinquent child for committing an act that if 119527
committed by an adult would have constituted such a violation: 119528

(1) A violation of section 2903.01, 2903.02, 2903.03, 119529
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 119530
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 119531
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 119532
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 119533
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 119534

2919.24, 2919.25, 2923.12, ~~2923.13~~ 2923.13, 2923.161, 2925.02, 119535
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 119536
Code, a violation of section 2905.04 of the Revised Code as it 119537
existed prior to July 1, 1996, a violation of section 2919.23 of 119538
the Revised Code that would have been a violation of section 119539
2905.04 of the Revised Code as it existed prior to July 1, 1996, 119540
had the violation been committed prior to that date, a violation 119541
of section 2925.11 of the Revised Code that is not a minor drug 119542
possession offense, a violation of section 2923.01 of the Revised 119543
Code that involved an attempt to commit aggravated murder or 119544
murder, an OVI or OVUAC violation if the person previously was 119545
convicted of or pleaded guilty to one or more OVI or OVUAC 119546
violations within the three years immediately preceding the 119547
current violation, or felonious sexual penetration in violation of 119548
former section 2907.12 of the Revised Code; 119549

(2) An offense that would be a felony if committed by an 119550
adult and the court determined that the child, if an adult, would 119551
be guilty of a specification found in section 2941.141, 2941.144, 119552
or 2941.145 of the Revised Code or in another section of the 119553
Revised Code that relates to the possession or use of a firearm, 119554
as defined in section 2923.11 of the Revised Code, during the 119555
commission of the act for which the child was adjudicated a 119556
delinquent child; 119557

(3) A violation of an existing or former law of this state, 119558
any other state, or the United States that is substantially 119559
equivalent to any of the offenses described in division (A)(1) or 119560
(2) of this section. 119561

(B) If a recommending agency learns that a foster caregiver 119562
has failed to comply with division (A) of this section, it shall 119563
notify the department of ~~job~~ children and ~~family services~~ youth 119564
and the department shall revoke the foster caregiver's foster home 119565
certificate. 119566

(C) As used in this section, "OVI or OVUAC violation" means a violation of section 4511.19 of the Revised Code or a violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to section 4511.19 of the Revised Code.

Sec. 5103.0320. The department of ~~job~~ children and ~~family services youth~~ may deny a foster home certificate on the grounds that a person at least twelve years of age but less than eighteen years of age residing with the foster caregiver or prospective foster caregiver has been convicted of or pleaded guilty to an offense described in division (A) of section 5103.0319 of the Revised Code or has been adjudicated to be a delinquent child for committing an act that if committed by an adult would have constituted such an offense.

Sec. 5103.0321. On receipt of notice under section 5103.0319 of the Revised Code, the recommending agency shall do all of the following:

(A) Review the foster caregiver's foster home certificate. After review, the agency may recommend that the department of ~~job~~ children and ~~family services youth~~ revoke the certificate.

(B) Review the placement in the foster home of any child of whom the agency has temporary, legal, or permanent custody. After review, the agency may, consistent with any juvenile court order, remove the child from the foster home in which the child is residing and place the child in another certified foster home.

(C) If the agency does not have temporary, legal, or permanent custody of a foster child residing in the foster home, notify the entity that has custody that it has received a notice under section 5103.0319 of the Revised Code.

(D) Assess the foster caregiver's need for training because

of the conviction, plea of guilty, or adjudication described in 119597
section 5103.0319 of the Revised Code and provide any necessary 119598
training. 119599

Sec. 5103.0322. On receipt of a recommendation from a public 119600
children services agency, private child placing agency, or private 119601
noncustodial agency regarding an application for, or renewal of, a 119602
family foster home or treatment foster home certification under 119603
section 5103.03 of the Revised Code, the department of ~~job~~ 119604
children and ~~family services~~ youth shall decide whether to issue 119605
or renew the certificate. The department shall notify the agency 119606
and the applicant or certificate holder of its decision. If the 119607
department's decision is different from the recommendation of the 119608
agency, the department shall state in the notice the reason that 119609
the decision is different from the recommendation. 119610

Sec. 5103.0323. (A) As used in this section, "American 119611
institute of certified public accountants auditing standards" and 119612
"AICPA auditing standards" mean the auditing standards published 119613
by the American institute of certified public accountants. 119614

(B) The first time that a private child placing agency or 119615
private noncustodial agency seeks renewal of a certificate issued 119616
under section 5103.03 of the Revised Code, it shall provide the 119617
department of ~~job~~ children and ~~family services~~ youth, as a 119618
condition of renewal, evidence of an independent financial 119619
statement audit performed by a licensed public accounting firm 119620
following applicable AICPA auditing standards for the most recent 119621
fiscal year. Thereafter, when an agency seeks renewal of its 119622
certificate, it shall provide the department evidence of an 119623
independent financial statement audit performed by a licensed 119624
public accounting firm following applicable AICPA auditing 119625
standards for the two most recent previous fiscal years it is 119626
possible for an independent audit to have been conducted. 119627

(C) For an agency to be eligible for renewal, the independent audits must demonstrate that the agency operated in a fiscally accountable manner as determined by the department of ~~job~~ children and ~~family services~~ youth.

(D) The director of ~~job~~ children and ~~family services~~ youth may adopt rules as necessary to implement this section. The director shall adopt the rules in accordance with section 111.15 of the Revised Code.

Sec. 5103.0325. Notwithstanding section 106.03 of the Revised Code, the department of ~~job~~ children and ~~family services~~ youth shall review once every two years the department's rules governing visits and contacts by a public children services agency or private child placing agency with a child in the agency's custody and placed in foster care in this state. The department shall adopt rules in accordance with Chapter 119. of the Revised Code to ensure compliance with the department's rules governing agency visits and contacts with a child in its custody.

Sec. 5103.0326. (A) A recommending agency may recommend that the department of ~~job~~ children and ~~family services~~ youth not renew a foster home certificate under section 5103.03 of the Revised Code if the foster caregiver refused to accept the placement of any children into the foster home during the current certification period. Based on the agency's recommendation, the department may refuse to renew a foster home certificate.

(B) The department of ~~job~~ children and ~~family services~~ youth may revoke the certification of any foster caregiver who has not cared for one or more foster children in the foster caregiver's home within the preceding twelve months. Prior to the revocation of any certification pursuant to this division, the recommending agency shall have the opportunity to provide good cause for the

department to continue the certification and not revoke the 119658
certification. If the department decides to revoke the 119659
certification, the department shall notify the recommending agency 119660
that the certification will be revoked. 119661

Sec. 5103.0328. (A) Not later than ninety-six hours after 119662
receiving notice from the superintendent of the bureau of criminal 119663
identification and investigation pursuant to section 109.5721 of 119664
the Revised Code that a foster caregiver has been arrested for, 119665
convicted of, or pleaded guilty to any foster 119666
caregiver-disqualifying offense, and not later than ninety-six 119667
hours after learning in any other manner that a foster caregiver 119668
has been arrested for, convicted of, or pleaded guilty to any 119669
foster caregiver-disqualifying offense, the department of ~~job~~ 119670
children and ~~family services~~ youth shall provide notice of that 119671
arrest, conviction, or guilty plea to both the recommending agency 119672
relative to the foster caregiver and the custodial agency of any 119673
child currently placed with that caregiver. 119674

(B) If a recommending agency receives notice from the 119675
department of ~~job~~ children and ~~family services~~ youth pursuant to 119676
division (A) of this section that a foster caregiver has been 119677
convicted of or pleaded guilty to any foster 119678
caregiver-disqualifying offense, or if a recommending agency 119679
learns in any other manner that a foster caregiver has been 119680
convicted of or pleaded guilty to any foster 119681
caregiver-disqualifying offense, the recommending agency shall 119682
assess the foster caregiver's overall situation for safety 119683
concerns and forward any recommendations, if applicable, for 119684
revoking the foster caregiver's certificate to the department for 119685
the department's review for possible revocation. 119686

(C) As used in this section, "foster caregiver-disqualifying 119687
offense" means any offense or violation listed or described in 119688

division (C)(1) of section 2151.86 of the Revised Code. 119689

Sec. 5103.0329. (A) A recommending agency may submit a 119690
request to the department of ~~job children~~ and ~~family services~~ 119691
~~youth~~, on a case-by-case basis only, to waive any non-safety 119692
standards for a kinship caregiver seeking foster home 119693
certification. Non-safety standards include training hours and 119694
other requirements under sections 5103.031, 5103.032, and 5103.039 119695
of the Revised Code and standards established by rules adopted 119696
under sections 5103.03 and 5103.0316 of the Revised Code, in 119697
accordance with 42 U.S.C. 671 (a)(10). 119698

(B) "Kinship caregiver" has the same meaning as in section 119699
5101.85 of the Revised Code. 119700

Sec. 5103.04. No association whose object embraces the care 119701
of dependent, neglected, abused, or delinquent children, or the 119702
placing of such children in private homes, shall be incorporated 119703
unless the proposed articles of incorporation have been submitted 119704
first to the department of ~~job children~~ and ~~family services~~ ~~youth~~. 119705
The secretary of state shall not issue a certificate of 119706
incorporation to such association until there is filed in the 119707
secretary of state's office the certificate of the department that 119708
it has examined the articles of incorporation, that in its 119709
judgment the incorporators are reputable and respectable persons, 119710
the proposed work is needed, and the incorporation of such 119711
association is desirable and for the public good. 119712

Amendments proposed to the articles of incorporation of any 119713
such association shall be submitted in like manner to the 119714
department, and the secretary of state shall not record such 119715
amendment or issue a certificate therefor until there is filed in 119716
the secretary of state's office the certificate of the department 119717
that it has examined such amendment, that the association in 119718

question is performing in good faith the work undertaken by it, 119719
and that such amendment is a proper one, and for the public good. 119720

Sec. 5103.05. (A) As used in this section and section 119721
5103.051 of the Revised Code: 119722

(1) "Children's residential center" means a facility that is 119723
operated by a private child placing agency, private noncustodial 119724
agency, or public children services agency, that has been 119725
certified by the department of ~~job children~~ and ~~family services~~ 119726
youth to operate a children's residential center, and in which 119727
eleven or more children, including the children of any staff 119728
residing at the facility, are given nonsecure care and supervision 119729
twenty-four hours a day. 119730

(2) "Children's crisis care facility" has the same meaning as 119731
in section 5103.13 of the Revised Code. 119732

(3) "County children's home" means a facility established 119733
under section 5153.21 of the Revised Code. 119734

(4) "District children's home" means a facility established 119735
under section 5153.42 of the Revised Code. 119736

(5) "Group home for children" means any public or private 119737
facility that is operated by a private child placing agency, 119738
private noncustodial agency, or public children services agency, 119739
that has been certified by the department to operate a group home 119740
for children, and that meets all of the following criteria: 119741

(a) Gives, for compensation, a maximum of ten children, 119742
including the children of the operator or any staff who reside in 119743
the facility, nonsecure care and supervision twenty-four hours a 119744
day by a person or persons who are unrelated to the children by 119745
blood or marriage, or who is not the appointed guardian of any of 119746
the children; 119747

(b) Is not certified as a foster home; 119748

(c) Receives or cares for children for two or more consecutive weeks. 119749
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"Group home for children" does not include any facility that provides care for children from only a single-family group, placed at the facility by the children's parents or other relative having custody. 119751
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(6) "Residential facility" means a group home for children, children's crisis care facility, children's residential center, residential parenting facility that provides twenty-four-hour child care, county children's home, or district children's home. A foster home is not a residential facility. 119755
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(7) "Residential parenting facility" means a facility operated by a private child placing agency, private noncustodial agency, or public children services agency, that has been certified by the department to operate a residential parenting facility, in which teenage mothers and their children reside for the purpose of keeping mother and child together, teaching parenting and life skills to the mother, and assisting teenage mothers in obtaining educational or vocational training and skills. 119760
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(8) "Nonsecure care and supervision" means care and supervision of a child in a residential facility that does not confine or prevent movement of the child within the facility or from the facility. 119769
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(B) Within ten days after the commencement of operations at a residential facility, the facility shall provide the following to all county, municipal, or township law enforcement agencies, emergency management agencies, and fire departments with jurisdiction over the facility: 119773
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(1) Written notice that the facility is located and will be operating in the agency's or department's jurisdiction. The 119778
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written notice shall provide the address of the facility, identify 119780
the facility as a group home for children, children's crisis care 119781
facility, children's residential center, residential parenting 119782
facility, county children's home, or district children's home, and 119783
provide contact information for the facility. 119784

(2) A copy of the facility's procedures for emergencies and 119785
disasters established pursuant to rules adopted under section 119786
5103.03 of the Revised Code; 119787

(3) A copy of the facility's medical emergency plan 119788
established pursuant to rules adopted under section 5103.03 of the 119789
Revised Code; 119790

(4) A copy of the facility's community engagement plan 119791
established pursuant to rules adopted under section 5103.051 of 119792
the Revised Code. 119793

(C) Within ten days of a facility's recertification by the 119794
department, the facility shall provide to all county, municipal, 119795
or township law enforcement agencies, emergency management 119796
agencies, and fire departments with jurisdiction over the facility 119797
updated copies of the information required to be provided under 119798
divisions (B)(2), (3), and (4) of this section. 119799

(D) The department may adopt rules in accordance with Chapter 119800
119. of the Revised Code necessary to implement this section. 119801

Sec. 5103.051. (A) Each private child placing agency, private 119802
noncustodial agency, public children services agency, or 119803
superintendent of a county or district children's home shall 119804
establish a community engagement plan in accordance with rules 119805
adopted under division (B) of this section for each residential 119806
facility the agency, entity, or superintendent operates. 119807

~~(B)(1)~~(B) The department of ~~job children and family services~~ 119808
youth shall adopt rules in accordance with Chapter 119. of the 119809

Revised Code that establish the following: 119810

~~(a)(1)~~ The contents of a community engagement plan to be 119811
established under division (A) of this section that includes the 119812
following: 119813

~~(i)(a)~~ Protocols for the community in which a residential 119814
facility is located to communicate concerns or other pertinent 119815
information directly to the agency or entity; 119816

~~(ii)(b)~~ Protocols for the agency or entity in responding to a 119817
communication made under division ~~(B)(1)(a)(i)(B)(1)(a)~~ of this 119818
section. 119819

~~(b)(2)~~ Orientation procedures for training residential 119820
facility staff on the implementation of the community engagement 119821
plan established under division (A) of this section and procedures 119822
for responding to incidents involving a child at the facility and 119823
neighbors or the police. 119824

~~(2) The department shall file initial rules adopted under 119825
division (B)(1) of this section within ninety days after the 119826
effective date of this section. 119827~~

Sec. 5103.07. The department of ~~job~~ children and ~~family~~ 119828
~~services~~ youth shall administer funds received under Title IV-B of 119829
the "Social Security Act," 81 Stat. 821 (1967), 42 U.S.C.A. 620, 119830
as amended, and the "Child Abuse Prevention and Treatment Act," 88 119831
Stat. 4 (1974), 42 U.S.C.A. 5101, as amended. In administering 119832
these funds, the department may establish a child welfare services 119833
program and a child abuse and neglect prevention and adoption 119834
reform program. The department has all powers necessary for the 119835
adequate administration of these funds and programs. The director 119836
of ~~job~~ children and ~~family services~~ youth may adopt rules as 119837
necessary to carry out the purposes of this section. 119838

Sec. 5103.08. The department of ~~job~~ children and ~~family~~ 119839

~~services youth~~ may enter into contracts with the department of 119840
education authorizing the department of ~~job children~~ and ~~family~~ 119841
~~services youth~~ to administer funds received by the department of 119842
education under the "State Dependent Care Development Grants Act," 119843
100 Stat. 968 (1986), 42 U.S.C.A. 9871, as amended. In fulfilling 119844
its duties under such a contract, the department of ~~job children~~ 119845
and ~~family services youth~~ may make grants to or enter into 119846
contracts with other public or private entities. 119847

Sec. 5103.11. There is hereby created the foster care and 119848
adoption initiatives fund. The fund shall be in the custody of the 119849
treasurer of state, but shall not be part of the state treasury. 119850
The fund shall consist of moneys collected under section 2919.1912 119851
of the Revised Code. All interest earned on the fund shall be 119852
credited to the fund. The purpose of the fund is to provide 119853
funding for foster care and adoption services and initiatives. The 119854
department of ~~job children~~ and ~~family services youth~~ shall 119855
allocate moneys from the fund according to the following 119856
distribution: 119857

(A) Fifty per cent of the moneys in the fund shall be used 119858
for foster care services and initiatives. 119859

(B) Fifty per cent of the moneys in the fund shall be used 119860
for adoption services and initiatives. 119861

Sec. 5103.12. (A) As used in this section: 119862

(1) "Hearing" has the same meaning as in section 119.01 of 119863
the Revised Code. 119864

(2) "Permanent custody" has the same meaning as in section 119865
2151.011 of the Revised Code. 119866

(B) The department of ~~job children~~ and ~~family services youth~~ 119867
may enter into agreements with public children services agencies 119868
and private child placing agencies under which the department will 119869

make payments to encourage the adoptive placement of children in 119870
the permanent custody of a public children services agency. If the 119871
department terminates, or refuses to enter into or renew, an 119872
agreement with a public children services agency or private child 119873
placing agency under this section, the agency is entitled to a 119874
hearing. 119875

Notwithstanding section 127.16 of the Revised Code, the 119876
department is not required to follow competitive selection 119877
procedures or to receive the approval of the controlling board to 119878
enter into agreements under this section or to make payments 119879
pursuant to the agreements. 119880

(C) The director of ~~job children and family services~~ youth 119881
shall adopt rules in accordance with Chapter 119. of the Revised 119882
Code to implement this section, including rules that establish all 119883
of the following: 119884

(1) A single, uniform agreement that, at a minimum, 119885
prescribes a payment schedule and the terms and conditions with 119886
which a public children services agency or private child placing 119887
agency must comply to receive a payment; 119888

(2) Eligibility requirements a public children services 119889
agency or private child placing agency must meet to enter into an 119890
agreement with the department; 119891

(3) Eligibility requirements that a child who is the subject 119892
of an agreement must meet; 119893

(4) Other administrative and operational requirements. 119894

Sec. 5103.13. (A) As used in this section and section 119895
5103.131 of the Revised Code: 119896

(1)(a) "Children's crisis care facility" means a facility 119897
that has as its primary purpose the provision of residential and 119898
other care to either or both of the following: 119899

(i) One or more preteens voluntarily placed in the facility 119900
by the preteen's parent or other caretaker who is facing a crisis 119901
that causes the parent or other caretaker to seek temporary care 119902
for the preteen and referral for support services; 119903

(ii) One or more preteens placed in the facility by a public 119904
children services agency or private child placing agency that has 119905
legal custody or permanent custody of the preteen and determines 119906
that an emergency situation exists necessitating the preteen's 119907
placement in the facility rather than an institution certified 119908
under section 5103.03 of the Revised Code or elsewhere. 119909

(b) "Children's crisis care facility" does not include any of 119910
the following: 119911

(i) Any organization, society, association, school, agency, 119912
child guidance center, detention or rehabilitation facility, or 119913
children's clinic licensed, regulated, approved, operated under 119914
the direction of, or otherwise certified by the department of 119915
education, a local board of education, the department of youth 119916
services, the department of mental health and addiction services, 119917
or the department of developmental disabilities; 119918

(ii) Any individual who provides care for only a 119919
single-family group, placed there by their parents or other 119920
relative having custody; 119921

(iii) Any residential infant care center, as an entity deemed 119922
a residential infant care center under section 5103.602 of the 119923
Revised Code shall no longer be licensed as a children's crisis 119924
care center. 119925

(2) "Legal custody" and "permanent custody" have the same 119926
meanings as in section 2151.011 of the Revised Code. 119927

(3) "Pediatric medical service" means medical service 119928
required to be provided by, or with oversight from, a licensed 119929
medical professional, including prescribing medication, 119930

administering rectal or intravenous medication, and outpatient 119931
laboratory service, and providing for sick visits, on-site well 119932
child exams, and children assisted by medical technology. 119933

(4) "Preteen" means an individual under thirteen years of 119934
age. 119935

(B) No person shall operate a children's crisis care facility 119936
or hold a children's crisis care facility out as a certified 119937
children's crisis care facility unless there is a valid children's 119938
crisis care facility certificate issued under this section for the 119939
facility. 119940

(C)(1) A person seeking to operate a children's crisis care 119941
facility shall apply to the director of ~~job children and family~~ 119942
~~services~~ youth to obtain a certificate for the facility. 119943

(2)(a) The director shall certify the person's children's 119944
crisis care facility if the facility meets all of the 119945
certification standards established in rules adopted under 119946
division (H) of this section and the person complies with all of 119947
the rules governing the certification of children's crisis care 119948
facilities adopted under that division. The issuance of a 119949
children's crisis care facility certificate does not exempt the 119950
facility from a requirement to obtain another certificate or 119951
license mandated by law. 119952

(b) The director shall not issue a waiver to a person for 119953
compliance with any of the requirements imposed under this section 119954
or any of the rules adopted under division (H) of this section. 119955

(D) No certified children's crisis care facility shall do any 119956
of the following: 119957

(1) Provide residential care to a preteen for more than one 119958
hundred twenty days in a calendar year; 119959

(2) Provide residential care to a preteen for more than 119960

ninety consecutive days, which shall include the aggregate of days 119961
spent at different facility locations if a preteen is transferred 119962
in accordance with division (E)(4) of this section; 119963

(3) Provide residential care to a preteen for more than 119964
fourteen consecutive days if a public children services agency or 119965
private child placing agency placed the preteen in the facility; 119966

(4) Fail to comply with section 2151.86 of the Revised Code. 119967

(E) A certified children's crisis care facility shall do the 119968
following: 119969

(1) Employ a licensed social worker, a licensed independent 119970
social worker, a licensed professional counselor, or a licensed 119971
professional clinical counselor; 119972

(2) Require, if pediatric medical service is provided at the 119973
facility, the following for the provision of pediatric medical 119974
service: 119975

(a) Medical service to be provided by a qualified, licensed, 119976
and insured medical professional; 119977

(b) All staff, volunteers, and interns to comply with the 119978
privacy requirements of the "Health Insurance Portability and 119979
Accountability Act of 1996," 104 Pub. L. No. 191, 110 Stat. 2021, 119980
42 U.S.C. 1320d et seq., as amended; 119981

(c) If a preteen is admitted by the preteen's parent or 119982
caretaker and if the preteen requires ongoing medical care 119983
following discharge from the facility, a medical professional or 119984
licensed social worker to make the medical professional's or 119985
social worker's best effort to ensure the parent or caretaker is 119986
competent to provide the ongoing care; 119987

(d) The facility to have a dedicated and private enclosed 119988
space for the purpose of a medical professional to receive and 119989
treat patients and that contains a sink or tub, medical exam 119990

table, medical record system, and pediatric medical equipment. 119991

(3) Require, if a preteen is admitted by the preteen's parent 119992
or caretaker, the facility's licensed social worker, licensed 119993
independent social worker, licensed professional counselor, or 119994
licensed professional clinical counselor to make their best 119995
efforts to ensure the parent or caretaker is competent in the 119996
basic parenting skills needed to care for the preteen; 119997

(4) Require only a transfer summary for the transfer of a 119998
preteen from one certified children's crisis care facility 119999
location to another, if the facility has more than one location; 120000

(5) Require the facility to have a dedicated and private 120001
enclosed space for the purpose of completing required admission 120002
paperwork and medical forms; 120003

(6) Require the facility to develop a visitation plan for the 120004
preteen's parent or caretaker with the preteen while residential 120005
care is being provided, which shall occur during awake hours and 120006
not include overnight visits, for the parent or caretaker with the 120007
preteen. 120008

(F) A certified children's crisis care facility may do the 120009
following: 120010

(1) Count administrative staff, interns, and volunteers 120011
toward child staff ratios required under paragraph (G) of rule 120012
5101:2-9-36 of the Administrative Code for up to three hours if 120013
the administrative staff, interns, or volunteers meet the 120014
following requirements: 120015

(a) Completed training in the mission of the children's 120016
crisis care facility; 120017

(b) Completed training pursuant to rule 5101:2-9-03 of the 120018
Administrative Code; 120019

(c) Are supervised by facility staff. 120020

(2) Use contracted transportation providers, on whom criminal records checks have been conducted in accordance with section 2151.86 of the Revised Code, to transport preteens, if such use is necessary for the facility to maintain required child staff ratios. 120021
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(G) The director of ~~job children~~ and ~~family services youth~~ may suspend or revoke a children's crisis care facility's certificate pursuant to Chapter 119. of the Revised Code if the facility violates or fails to comply with any of the requirements under this section or ceases to meet any of the certification standards established in rules adopted under division (H) of this section or the facility's operator ceases to comply with any of the rules governing the certification of children's crisis care facilities adopted under that division. 120026
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(H) ~~Not later than ninety days after September 21, 2006, the~~ The director of ~~job children~~ and ~~family services youth~~ shall adopt rules pursuant to Chapter 119. of the Revised Code for the certification of children's crisis care facilities. The rules shall specify that a certificate shall not be issued to an applicant if the conditions at the children's crisis care facility would jeopardize the health or safety of the preteens placed in the facility. 120035
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Sec. 5103.131. The department of ~~job children~~ and ~~family services youth~~ may apply to the United States secretary of health and human services for a federal grant under the "Child Abuse Prevention and Treatment Act," 42 U.S.C. 5116, and the "Family First Prevention Services Act," 42 U.S.C. 50711, 50723, and 50741, to assist children's crisis care facilities certified under section 5103.13 of the Revised Code in providing temporary residential and other care to preteens. 120043
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Sec. 5103.14. The department of ~~job~~ children and ~~family~~ 120051
~~services~~ youth shall enforce sections 2151.39, 5103.15, and 120052
5103.16 of the Revised Code. 120053

Sec. 5103.151. (A) As used in this section and in section 120054
5103.152 of the Revised Code, "identifying information" has the 120055
same meaning as in section 3107.01 of the Revised Code. 120056

(B) Except as provided in division (C) of this section, a 120057
parent of a minor who will be, if adopted, an adopted person as 120058
defined in section 3107.45 of the Revised Code shall do all of the 120059
following as a condition of a juvenile court approving the 120060
parent's agreement with a public children services agency or 120061
private child placing agency under division (B)(1) of section 120062
5103.15 of the Revised Code: 120063

(1) Appear personally before the court; 120064

(2) Sign the component of the form prescribed under division 120065
(A)(1)(a) of section 3107.083 of the Revised Code; 120066

(3) Check either the "yes" or "no" space provided on the 120067
component of the form prescribed under division (A)(1)(b) of 120068
section 3107.083 of the Revised Code and sign that component; 120069

(4) If the parent is the mother, complete and sign the 120070
component of the form prescribed under division (A)(1)(c) of 120071
section 3107.083 of the Revised Code. 120072

At the time the parent signs the components of the form 120073
prescribed under divisions (A)(1)(a), (b), and (c) of section 120074
3107.083 of the Revised Code, the parent may sign, if the parent 120075
chooses to do so, the components of the form prescribed under 120076
divisions (A)(1)(d), (e), and (f) of that section. After the 120077
parent signs the components required to be signed and any 120078
discretionary components the parent chooses to sign, the parent or 120079
agency shall file the form and agreement with the court. The court 120080

or agency shall give the parent a copy of the form and agreement. 120081
The court and agency shall keep a copy of the form and agreement 120082
in the court and agency's records. The agency shall file a copy of 120083
the form and agreement with the probate court with which a 120084
petition to adopt the child who is the subject of the agreement is 120085
filed. 120086

The juvenile court shall question the parent to determine 120087
that the parent understands the adoption process, the 120088
ramifications of entering into a voluntary permanent custody 120089
surrender agreement, each component of the form prescribed under 120090
division (A)(1) of section 3107.083 of the Revised Code, and that 120091
the child and adoptive parent may receive identifying information 120092
about the parent in accordance with section 3107.47 of the Revised 120093
Code unless the parent checks the "no" space provided on the 120094
component of the form prescribed under division (A)(1)(b) of 120095
section 3107.083 of the Revised Code or has a denial of release 120096
form filed with the department of health under section 3107.46 of 120097
the Revised Code. The court also shall question the parent to 120098
determine that the parent enters into the permanent custody 120099
surrender agreement voluntarily and any decisions the parent makes 120100
in filling out the form prescribed under division (A)(1) of 120101
section 3107.083 of the Revised Code are made voluntarily. 120102

(C) A juvenile court may approve an agreement entered into 120103
under division (B)(1) of section 5103.15 of the Revised Code 120104
between a public children services agency or private child placing 120105
agency and the parents of a child who is less than six months of 120106
age and will be, if adopted, an adopted person as defined in 120107
section 3107.45 of the Revised Code without the parents personally 120108
appearing before the court if both parents do all of the 120109
following: 120110

(1) Enter into the agreement with the agency; 120111

(2) Sign the component of the form prescribed under division 120112

(A)(1)(a) of section 3107.083 of the Revised Code; 120113

(3) Check either the "yes" or "no" space provided on the 120114
component of the form prescribed under division (A)(1)(b) of 120115
section 3107.083 of the Revised Code and sign that component. 120116

At the time the parents sign the components of the form 120117
prescribed under divisions (A)(1)(a) and (b) of section 3107.083 120118
of the Revised Code, the mother shall complete and sign the 120119
component of the form prescribed under division (A)(1)(c) of that 120120
section and the agency shall provide the parents the opportunity 120121
to sign, if they choose to do so, the components of the form 120122
prescribed under divisions (A)(1)(d), (e), and (f) of that 120123
section. Not later than two business days after the parents enter 120124
into the agreements and sign the components of the form required 120125
to be signed and any discretionary components the parents choose 120126
to sign, the agency shall file the agreements and forms with the 120127
court. The agency shall give the parents a copy of the agreements 120128
and forms. At the time the agency files the agreements and forms 120129
with the court, the agency also shall file with the court all 120130
other documents the director of ~~job children~~ and ~~family services~~ 120131
youth requires by rules adopted under division (D) of section 120132
3107.083 of the Revised Code to be filed with the court. The court 120133
and agency shall keep a copy of the agreements, forms, and 120134
documents in the court and attorney's records. The agency shall 120135
file a copy of the agreements, forms, and documents with the 120136
probate court with which a petition to adopt the child who is the 120137
subject of the agreement is filed. 120138

(D) Except as provided in division (E) of this section, a 120139
parent of a minor, who will be, if adopted, an adopted person as 120140
defined in section 3107.38 of the Revised Code, shall do all of 120141
the following as a condition of a juvenile court approving the 120142
parent's agreement with a public children services agency or 120143
private child placing agency under division (B)(1) of section 120144

5103.15 of the Revised Code: 120145

(1) Appear personally before the court; 120146

(2) Sign the component of the form prescribed under division 120147
(B)(1)(a) of section 3107.083 of the Revised Code; 120148

(3) If the parent is the mother, complete and sign the 120149
component of the form prescribed under division (B)(1)(b) of 120150
section 3107.083 of the Revised Code. 120151

At the time the parent signs the components prescribed under 120152
divisions (B)(1)(a) and (b) of section 3107.083 of the Revised 120153
Code, the parent may sign, if the parent chooses to do so, the 120154
components of the form prescribed under divisions (B)(1)(c), (d), 120155
and (e) of that section. After the parent signs the components 120156
required to be signed and any discretionary components the parent 120157
chooses to sign, the parent or agency shall file the form and 120158
agreement with the court. The court or agency shall give the 120159
parent a copy of the form and agreement. The court and agency 120160
shall keep a copy of the form and agreement in the court and 120161
agency's records. The agency shall file a copy of the form and 120162
agreement with the probate court with which a petition to adopt 120163
the child who is the subject of the agreement is filed. 120164

The juvenile court shall question the parent to determine 120165
that the parent understands the adoption process, the 120166
ramifications of entering into a voluntary permanent custody 120167
surrender agreement, and each component of the form prescribed 120168
under division (B)(1) of section 3107.083 of the Revised Code. The 120169
court also shall question the parent to determine that the parent 120170
enters into the permanent custody surrender agreement voluntarily 120171
and any decisions the parent makes in filling out the form are 120172
made voluntarily. 120173

(E) A juvenile court may approve an agreement entered into 120174
under division (B)(1) of section 5103.15 of the Revised Code 120175

between a public children services agency or private child placing agency and the parent of a child who is less than six months of age and will be, if adopted, an adopted person as defined in section 3107.38 of the Revised Code without the parent personally appearing before the court if the parent does both of the following:

(1) Signs the component of the form prescribed under division (B)(1)(a) of section 3107.083 of the Revised Code;

(2) If the parent is the mother, completes and signs the component of the form prescribed under division (B)(1)(b) of section 3107.083 of the Revised Code.

At the time the parent signs that component, the agency shall provide the parent the opportunity to sign, if the parent chooses to do so, the components of the form prescribed under divisions (B)(1)(c), (d), and (e) of section 3107.083 of the Revised Code. Not later than two business days after the parent enters into the agreement and signs the components of the form required to be signed and any discretionary components the parent chooses to sign, the agency shall file the agreement and form with the court. The agency shall give the parent a copy of the agreement and form. At the time the agency files the agreement and form with the court, the agency also shall file with the court all other documents the director of ~~job children~~ and ~~family services youth~~ requires by rules adopted under division (D) of section 3107.083 of the Revised Code to be filed with the court. The court and agency shall keep a copy of the agreement, form, and documents in the court and agency's records. The agency shall file a copy of the agreement, form, and documents with the probate court with which a petition to adopt the child who is the subject of the agreement is filed.

Sec. 5103.152. Not less than seventy-two hours before a

public children services agency or private child placing agency 120207
enters into an agreement with a parent under division (B) of 120208
section 5103.15 of the Revised Code, an assessor shall meet in 120209
person with the parent and do both of the following: 120210

(A) Provide the parent with a copy of the written materials 120211
about adoption prepared by the department of ~~job~~ children and 120212
~~family services~~ youth under division (C) of section 3107.083 of 120213
the Revised Code, discuss with the parent the adoption process and 120214
ramifications of a parent entering into a voluntary permanent 120215
custody surrender agreement, and provide the parent the 120216
opportunity to review the materials and ask questions about the 120217
materials, discussion, and related matters; 120218

(B) If the child who is the subject of the agreement, if 120219
adopted, will be an adopted person as defined in section 3107.45 120220
of the Revised Code, inform the parent that the parent's child and 120221
the adoptive parent may receive, in accordance with section 120222
3107.47 of the Revised Code, identifying information about the 120223
parent that is contained in the child's adoption file maintained 120224
by the department of health unless the parent checks the "no" 120225
space provided on the component of the form prescribed under 120226
division (A)(1)(b) of section 3107.083 of the Revised Code or 120227
signs and has filed with the department a denial of release form 120228
prescribed under section 3107.50 of the Revised Code. 120229

Sec. 5103.155. As used in this section, "children with 120230
special needs" has the same meaning as in rules adopted under 120231
section 5153.163 of the Revised Code. 120232

If the department of job and family services determines that 120233
money in the putative father registry fund created under section 120234
2101.16 of the Revised Code is more than is needed to perform its 120235
duties related to the putative father registry, the department may 120236
~~use~~ transfer surplus moneys in the fund to the department of 120237

children and youth to promote adoption of children with special 120238
needs. 120239

Sec. 5103.16. (A) Except as otherwise provided in this 120240
section, no child shall be placed or accepted for placement under 120241
any written or oral agreement or understanding that transfers or 120242
surrenders the legal rights, powers, or duties of the legal 120243
parent, parents, or guardian of the child into the temporary or 120244
permanent custody of any association or institution that is not 120245
certified by the department of ~~job children and family services~~ 120246
youth under section 5103.03 of the Revised Code, without the 120247
written consent of the office in the department that oversees the 120248
interstate compact for placement of children established under 120249
section 5103.20 of the Revised Code or the interstate compact on 120250
the placement of children established under section 5103.23 of the 120251
Revised Code, as applicable, or by a commitment of a juvenile 120252
court, or by a commitment of a probate court as provided in this 120253
section. A child may be placed temporarily without written consent 120254
or court commitment with persons related by blood or marriage or 120255
in a legally licensed boarding home. 120256

(B)(1) Associations and institutions certified under section 120257
5103.03 of the Revised Code for the purpose of placing children in 120258
free foster homes or for legal adoption shall keep a record of the 120259
temporary and permanent surrenders of children. This record shall 120260
be available for separate statistics, which shall include a copy 120261
of an official birth record and all information concerning the 120262
social, mental, and medical history of the children that will aid 120263
in an intelligent disposition of the children in case that becomes 120264
necessary because the parents or guardians fail or are unable to 120265
reassume custody. 120266

(2) No child placed on a temporary surrender with an 120267
association or institution shall be placed permanently in a foster 120268

home or for legal adoption. All surrendered children who are 120269
placed permanently in foster homes or for adoption shall have been 120270
permanently surrendered, and a copy of the permanent surrender 120271
shall be a part of the separate record kept by the association or 120272
institution. 120273

(C) Any agreement or understanding to transfer or surrender 120274
the legal rights, powers, or duties of the legal parent or parents 120275
and place a child with a person seeking to adopt the child under 120276
this section shall be construed to contain a promise by the person 120277
seeking to adopt the child to pay the expenses listed in divisions 120278
(C)(1), (2), and (4) of section 3107.055 of the Revised Code and, 120279
if the person seeking to adopt the child refuses to accept 120280
placement of the child, to pay the temporary costs of routine 120281
maintenance and medical care for the child in a hospital, foster 120282
home, or other appropriate place for up to thirty days or until 120283
other custody is established for the child, as provided by law, 120284
whichever is less. 120285

(D) No child shall be placed or received for adoption or with 120286
intent to adopt unless placement is made by a public children 120287
services agency, an institution or association that is certified 120288
by the department of ~~job children~~ and ~~family services~~ youth under 120289
section 5103.03 of the Revised Code to place children for 120290
adoption, or custodians in another state or foreign country, or 120291
unless all of the following criteria are met: 120292

(1) Prior to the placement and receiving of the child, the 120293
parent or parents of the child personally have applied to, and 120294
appeared before, the probate court of the county in which the 120295
parent or parents reside, or in which the person seeking to adopt 120296
the child resides, for approval of the proposed placement 120297
specified in the application and have signed and filed with the 120298
court a written statement showing that the parent or parents are 120299
aware of their right to contest the decree of adoption subject to 120300

the limitations of section 3107.16 of the Revised Code; 120301

(2) The court ordered an independent home study of the 120302
proposed placement to be conducted as provided in section 3107.031 120303
of the Revised Code, and after completion of the home study, the 120304
court determined that the proposed placement is in the best 120305
interest of the child; 120306

(3) The court has approved of record the proposed placement. 120307

In determining whether a custodian has authority to place 120308
children for adoption under the laws of a foreign country, the 120309
probate court shall determine whether the child has been released 120310
for adoption pursuant to the laws of the country in which the 120311
child resides, and if the release is in a form that satisfies the 120312
requirements of the immigration and naturalization service of the 120313
United States department of justice for purposes of immigration to 120314
this country pursuant to section 101(b)(1)(F) of the "Immigration 120315
and Nationality Act," 75 Stat. 650 (1961), 8 U.S.C. 1101 120316
(b)(1)(F), as amended or reenacted. 120317

If the parent or parents of the child are deceased or have 120318
abandoned the child, as determined under division (A) of section 120319
3107.07 of the Revised Code, the application for approval of the 120320
proposed adoptive placement may be brought by the relative seeking 120321
to adopt the child, or by the department, board, or organization 120322
not otherwise having legal authority to place the orphaned or 120323
abandoned child for adoption, but having legal custody of the 120324
orphaned or abandoned child, in the probate court of the county in 120325
which the child is a resident, or in which the department, board, 120326
or organization is located, or where the person or persons with 120327
whom the child is to be placed reside. Unless the parent, parents, 120328
or guardian of the person of the child personally have appeared 120329
before the court and applied for approval of the placement, notice 120330
of the hearing on the application shall be served on the parent, 120331
parents, or guardian. 120332

The consent to placement, surrender, or adoption executed by a minor parent before a judge of the probate court or an authorized deputy or referee of the court, whether executed within or outside the confines of the court, is as valid as though executed by an adult. A consent given as above before an employee of a children services agency that is licensed as provided by law, is equally effective, if the consent also is accompanied by an affidavit executed by the witnessing employee or employees to the effect that the legal rights of the parents have been fully explained to the parents, prior to the execution of any consent, and that the action was done after the birth of the child.

If the court approves a placement, the prospective adoptive parent with whom the child is placed has care, custody, and control of the child pending further order of the court.

(E)(1) This section does not apply to an adoption by a stepparent, a grandparent, a grandparent's husband or wife, a legal custodian, or a guardian.

(2) As used in division (E)(1) of this section:

(a) "Legal custodian" means a person who has been granted the legal custody of a child by a court of competent jurisdiction.

(b) "Legal custody" has the same meaning as in section 2151.011 of the Revised Code or in any other substantially equivalent statute.

Sec. 5103.163. (A) The department of ~~job~~ children and ~~family services~~ youth shall adopt rules in accordance with Chapter 119. of the Revised Code to establish and enforce a resource family bill of rights for resource families providing care for individuals who are in the custody or care and placement of an agency that provides Title IV-E reimbursable services pursuant to sections 5103.03 to 5103.181 of the Revised Code.

(B) If the rights of the resource family conflict with the 120363
rights of the individual established by section 2151.316 of the 120364
Revised Code, division (B) of section 2151.316 of the Revised Code 120365
shall apply. 120366

(C) The rights established by rules under this section shall 120367
not create grounds for a civil action against the department, the 120368
recommending agency, or the custodial agency. 120369

Sec. 5103.17. (A) As used in this section: 120370

(1) "Advertise" means a method of communication that is 120371
electronic, written, visual, or oral and made by means of personal 120372
representation, newspaper, magazine, circular, billboard, direct 120373
mailing, sign, radio, television, telephone, or otherwise. 120374

(2) "Qualified adoptive parent" means a person who is 120375
eligible to adopt a child under section 3107.03 of the Revised 120376
Code and for whom an assessor has conducted a home study to 120377
determine whether the person is suitable to adopt a child, if 120378
required by section 3107.031 of the Revised Code. 120379

(B) Subject to section 5103.16 of the Revised Code and to 120380
division (C), (D), or (E) of this section, no person or government 120381
entity, other than a private child placing agency or private 120382
noncustodial agency certified by the department of ~~job~~ children 120383
and ~~family services~~ youth under section 5103.03 of the Revised 120384
Code or a public children services agency, shall advertise that 120385
the person or government entity will adopt children or place them 120386
in foster homes, hold out inducements to parents to part with 120387
their offspring or in any manner knowingly become a party to the 120388
separation of a child from the child's parents or guardians, 120389
except through a juvenile court or probate court commitment. 120390

(C) The biological parent of a child may advertise the 120391
availability for placement of the parent's child for adoption to a 120392

qualified adoptive parent. 120393

(D) A qualified adoptive parent may advertise that the 120394
qualified adoptive parent is available for placement of a child 120395
into the qualified adoptive parent's care for the purpose of 120396
adopting the child. 120397

(E) A government entity may advertise about its role in the 120398
placement of children for adoption or any other information that 120399
would be relevant to qualified adoptive parents. 120400

(F) Except as provided in section 3107.055 of the Revised 120401
Code, the following apply: 120402

(1) No person shall offer money or anything of value in 120403
exchange for placement of a child for adoption. 120404

(2) No biological parent may request money or anything of 120405
value in exchange for placement for adoption of the parent's child 120406
with a qualified adoptive parent. 120407

(G) If the department of ~~job children~~ and ~~family services~~ 120408
youth has reasonable cause to believe a violation of this section 120409
has been committed, the department shall notify the attorney 120410
general or the county prosecutor, city attorney, village 120411
solicitor, or other chief legal officer of the political 120412
subdivision in which the violation has allegedly occurred. On 120413
receipt of the notification, the attorney general, county 120414
prosecutor, city attorney, village solicitor, or other chief legal 120415
officer shall take action to enforce this section through 120416
injunctive relief or criminal charge. 120417

Sec. 5103.18. (A)(1) Prior to certification or 120418
recertification as a foster home under section 5103.03 of the 120419
Revised Code, a recommending agency shall obtain a summary report 120420
of a search of the uniform statewide automated child welfare 120421
information system, established under section 5101.13 of the 120422

Revised Code, from an entity listed in section 5101.132 of the Revised Code. 120423
120424

(2) Whenever a prospective foster parent or any other person 120425
eighteen years of age or older who resides with a prospective 120426
foster parent has resided in another state within the five-year 120427
period immediately prior to the date on which a criminal records 120428
check is requested for the person under division (A) of section 120429
2151.86 of the Revised Code, the recommending agency shall request 120430
a check of the central registry of abuse and neglect of this state 120431
from the department of ~~job~~ children and ~~family services~~ youth 120432
regarding the prospective foster parent or the person eighteen 120433
years of age or older who resides with the prospective foster 120434
parent to enable the agency to check any child abuse and neglect 120435
registry maintained by that other state. The recommending agency 120436
shall make the request and shall review the results of the check 120437
before the prospective foster parent may be finally approved for 120438
placement of a child. Information received pursuant to such a 120439
request shall be considered for purposes of this chapter as if it 120440
were a summary report required under division (A) of this section. 120441
The department of ~~job~~ children and ~~family services~~ youth shall 120442
comply with any request to check the central registry that is 120443
similar to the request described in this division and that is 120444
received from any other state. 120445

(B)(1) The summary report required under division (A) of this 120446
section shall contain, if applicable, a chronological list of 120447
abuse and neglect determinations or allegations of which a person 120448
seeking to become a foster caregiver of a child is subject and in 120449
regards to which a public children services agency has done one of 120450
the following: 120451

(a) Determined that abuse or neglect occurred; 120452

(b) Initiated an investigation, and the investigation is 120453
ongoing; 120454

(c) Initiated an investigation, and the agency was unable to determine whether abuse or neglect occurred. 120455
120456

(2) The summary report required under division (A) of this section shall not contain any of the following: 120457
120458

(a) An abuse and neglect determination of which a person seeking to become a foster caregiver of a child is subject and in regards to which a public children services agency determined that abuse or neglect did not occur; 120459
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(b) Information or reports the dissemination of which is prohibited by, or interferes with eligibility under, the "Child Abuse Prevention and Treatment Act," 88 Stat. 4 (1974), 42 U.S.C. 5101 et seq., as amended; 120463
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(c) The name of the person who or entity that made, or participated in the making of, the report of abuse or neglect. 120467
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(C)(1) A foster home certification or recertification may be denied based on a summary report containing the information described under division (B)(1)(a) of this section, when considered within the totality of the circumstances. 120469
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(2) A foster home certification or recertification shall not be denied solely based on a summary report containing the information described under division (B)(1)(b) or (c) of this section. 120473
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(D) ~~Not later than January 1, 2008, the~~ The director of ~~job children and family services youth~~ shall adopt rules in accordance with Chapter 119. of the Revised Code necessary for the implementation and execution of this section. 120477
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Sec. 5103.181. (A) Prior to certification or recertification of a foster home under section 5103.03 of the Revised Code, a recommending agency shall conduct a search of the United States department of justice national sex offender public web site 120481
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regarding the prospective or current foster caregiver and all 120485
persons eighteen years of age or older who reside with the 120486
prospective or current foster caregiver. Certification or 120487
recertification may be denied based solely on the results of the 120488
search. 120489

(B) The director of ~~job children~~ and ~~family services youth~~ 120490
shall adopt rules in accordance with Chapter 119. of the Revised 120491
Code necessary for the implementation and execution of this 120492
section. 120493

Sec. 5103.21. The department of ~~job children~~ and ~~family~~ 120494
~~services youth~~ may adopt rules necessary for the implementation of 120495
section 5103.20 of the Revised Code. 120496

Sec. 5103.22. As used in division (B) of Article VIII of 120497
section 5103.20 of the Revised Code, "state human services 120498
administration" means the department of ~~job children~~ and ~~family~~ 120499
~~services youth~~. 120500

Sec. 5103.232. The "appropriate public authorities" as used 120501
in Article III of ~~the interstate compact on the placement of~~ 120502
~~section 5103.20 of the Revised Code means the~~ department of ~~job~~ 120503
~~children~~ and ~~family services youth~~ and that department shall 120504
receive and act with reference to notices required by said Article 120505
III. 120506

Sec. 5103.233. As used in paragraph (A) of Article V of the 120507
interstate compact on the placement of children, the phrase 120508
"appropriate authority in the receiving state" with reference to 120509
this state shall mean the department of ~~job children~~ and ~~family~~ 120510
~~services youth~~. 120511

Sec. 5103.30. The Ohio child welfare training program is 120512
hereby established in the department of ~~job children~~ and ~~family~~ 120513
~~services youth~~ as a statewide program. The program shall provide 120514
all of the following: 120515

(A) The training that section 3107.014 of the Revised Code 120516
requires an assessor to complete; 120517

(B) The preplacement training that sections 5103.031 and 120518
5103.033 of the Revised Code require a prospective foster 120519
caregiver to complete; 120520

(C) The continuing training that sections 5103.032 and 120521
5103.033 of the Revised Code require a foster caregiver to 120522
complete; 120523

(D) The training that section 5153.122 of the Revised Code 120524
requires a PCSA caseworker to complete; 120525

(E) The training that section 5153.123 of the Revised Code 120526
requires a PCSA caseworker supervisor to complete; 120527

(F) The training required under section 5101.1414 of the 120528
Revised Code for a case manager and supervisor. 120529

Sec. 5103.303. When the Ohio child welfare training program 120530
provides preplacement or continuing training to a prospective 120531
foster caregiver or foster caregiver whose recommending agency is 120532
a private child placing agency or private noncustodial agency, the 120533
department of ~~job children~~ and ~~family services youth~~ shall not pay 120534
the Ohio child welfare training program the allowance the 120535
department would otherwise pay to the private child placing agency 120536
or private noncustodial agency under section 5103.0313 of the 120537
Revised Code for the training. 120538

Sec. 5103.32. (A) As used in this section: 120539

(1) "Title IV-B" means Title IV-B of the "Social Security Act of 1967," 81 Stat. 821, 42 U.S.C. 620, as amended. 120540
120541

(2) "Title IV-E" means Title IV-E of the "Social Security Act," 94 Stat. 501, 42 U.S.C. 670(1980). 120542
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(3) "Title XX" has the same meaning as in section 5101.46 of the Revised Code. 120544
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(B) For purposes of adequately funding the Ohio child welfare training program, the department of ~~job~~ children and ~~family services~~ youth may use any of the following: 120546
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(1) The federal financial participation funds withheld pursuant to division (E) of section 5101.141 of the Revised Code in an amount determined by the department; 120549
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(2) Funds available under Title XX, Title IV-B, and Title IV-E to pay for training costs; 120552
120553

(3) Other available state or federal funds; 120554

(4) Funds that a person, including a foundation, makes available for the program. 120555
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Sec. 5103.33. The director of ~~job~~ children and ~~family services~~ youth shall adopt rules under Chapter 119. of the Revised Code as necessary to implement the Ohio child welfare training program. 120557
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Sec. 5103.34. The department of ~~job~~ children and ~~family services~~ youth shall monitor and evaluate the Ohio child welfare training program to ensure that the program satisfies all of the requirements established by law enacted by the general assembly regarding the program and rules adopted under section 5103.33 of the Revised Code. As part of the monitoring and evaluation, the department shall ensure that the training provided under section 5103.30 of the Revised Code meets all of the requirements of 120561
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section 5103.31 of the Revised Code, including the requirement 120569
that the training be competency based. 120570

Sec. 5103.35. Each fiscal biennium, the department of ~~job~~ 120571
children and family services youth shall contract with an entity 120572
to serve as the Ohio child welfare training program coordinator. 120573
The department shall select the entity with which to contract from 120574
the entities that submit a proposal that meets, as determined 120575
under section 5103.362 of the Revised Code, the requirements of 120576
the request for proposals issued under section 5103.36 of the 120577
Revised Code. The department may contract with the entity the 120578
department contracted with the previous fiscal biennium even 120579
though no request for proposals is issued if, as specified in 120580
section 5103.361 of the Revised Code, a request for proposals is 120581
not required for the upcoming fiscal biennium. 120582

A contract entered into under this section shall be effective 120583
on the first day of the fiscal biennium for which it is entered 120584
into and terminate on the last day of that fiscal biennium. The 120585
contract shall require the coordinator to perform the duties 120586
specified in section 5103.37 of the Revised Code. 120587

Sec. 5103.36. The department of ~~job~~ children and family 120588
~~services youth~~ shall develop and issue or cause to be issued a 120589
request for proposals for an entity to serve as the Ohio child 120590
welfare training program coordinator. The department shall develop 120591
the request for proposals in consultation with individuals 120592
solicited under section 5103.365 of the Revised Code. The request 120593
for proposals shall explain the types of duties of the 120594
coordinator. 120595

Sec. 5103.362. After considering recommendations from the 120596
individuals solicited under section 5103.363 of the Revised Code, 120597

the department of ~~job~~ children and ~~family services~~ youth shall 120598
determine which of the proposals received in response to a request 120599
for proposals issued under section 5103.36 of the Revised Code 120600
meet the requirements of the request. 120601

Sec. 5103.363. The director of ~~job~~ children and ~~family~~ 120602
~~services~~ youth shall solicit representatives from all of the 120603
following organizations to perform the consultation and 120604
recommendation duties under sections 5103.36 and 5103.362 of the 120605
Revised Code: 120606

(A) Regional training centers established under section 120607
5103.42 of the Revised Code; 120608

(B) Staff of public children services agencies; 120609

(C) Staff of the ~~state~~ department of ~~job~~ children and ~~family~~ 120610
~~services~~ youth; 120611

(D) A statewide organization that represents the interests of 120612
public children services agencies. 120613

Sec. 5103.38. The department of ~~job~~ children and ~~family~~ 120614
~~services~~ youth shall oversee the Ohio child welfare training 120615
program coordinator's development, implementation, and management 120616
of the Ohio child welfare training program. 120617

Sec. 5103.39. The director of ~~job~~ children and ~~family~~ 120618
~~services~~ youth shall establish the Ohio child welfare training 120619
program steering committee. Sections 101.82 to 101.87 of the 120620
Revised Code do not apply to the committee. 120621

Sec. 5103.391. The director of ~~job~~ children and ~~family~~ 120622
~~services~~ youth shall appoint all of the following to serve on the 120623
Ohio child welfare training program steering committee: 120624

(A) Employees of the department of ~~job~~ children and ~~family~~ 120625

services <u>youth</u> ;	120626
(B) One representative of each of the regional training centers established under section 5103.42 of the Revised Code;	120627 120628
(C) One representative of a statewide organization that represents the interests of public children services agencies;	120629 120630
(D) One representative of the Ohio child welfare training program coordinator;	120631 120632
(E) Two current foster caregivers certified by the department of job children and family services <u>youth</u> under section 5103.03 of the Revised Code;	120633 120634 120635
(F) Employees of public children services agencies.	120636
Sec. 5103.40. The Ohio child welfare training steering committee shall do all of the following:	120637 120638
(A) Following procedures the committee shall establish, adopt, amend, and rescind by-laws as necessary regarding the committee's governance, frequency of meetings, and other matters concerning the committee's operation;	120639 120640 120641 120642
(B) Conduct strategic planning activities regarding the Ohio child welfare training program;	120643 120644
(C) Provide the department of job children and family services <u>youth</u> and Ohio child welfare training program coordinator recommendations regarding the program's operation;	120645 120646 120647
(D) After reviewing individual training needs assessments completed under sections 5153.125 and 5153.126 of the Revised Code, consult with the Ohio child welfare training program coordinator on the design and content of the training that the program provides pursuant to divisions (D) and (E) of section 5103.30 of the Revised Code;	120648 120649 120650 120651 120652 120653
(E) Review curricula created for the training provided under	120654

section 5103.30 of the Revised Code; 120655

(F) Provide the department recommendations regarding the 120656
curricula reviewed under division (E) of this section as the 120657
committee determines necessary for the training to be relevant to 120658
the needs of the child welfare field; 120659

(G) Evaluate the training and provide the department 120660
recommendations as the committee determines necessary for the 120661
training to be able to enable all of the following: 120662

(1) Assessors to satisfy the training requirement of section 120663
3107.014 of the Revised Code; 120664

(2) Prospective foster caregivers and foster caregivers to 120665
satisfy the preplacement and continuing training requirements of 120666
sections 5103.031, 5103.032, and 5103.033 of the Revised Code; 120667

(3) PCSA caseworkers to satisfy the training requirements of 120668
section 5153.122 of the Revised Code; 120669

(4) PCSA caseworker supervisors to satisfy the training 120670
requirements of section 5153.123 of the Revised Code. 120671

Sec. 5103.41. Prior to the beginning of the fiscal biennium 120672
that first follows October 5, 2000, the department of job and 120673
family services, in consultation with the Ohio child welfare 120674
training program steering committee, shall designate eight 120675
training regions in the state. The department of children and 120676
youth, at times it selects, shall review the composition of the 120677
training regions. The committee, at times it selects, shall also 120678
review the training regions' composition and provide the 120679
department recommendations on changes. The department of children 120680
and youth may change the composition of the training regions as 120681
the department considers necessary. Each training region shall 120682
contain only one regional training center established and 120683
maintained under section 5103.42 of the Revised Code. 120684

Sec. 5103.42. Prior to the beginning of the fiscal biennium 120685
that first follows October 5, 2000, the public children services 120686
agencies of Athens, Cuyahoga, Franklin, Greene, Guernsey, Lucas, 120687
and Summit counties shall each establish and maintain a regional 120688
training center. Prior to the beginning of the fiscal biennium 120689
that first follows ~~the effective date of this amendment~~ September 120690
29, 2013, the public children services agency of Butler county 120691
shall establish and maintain a regional training center. ~~At any~~ 120692
~~time after the beginning of the specified biennium, the~~ The 120693
department of ~~job children~~ and ~~family services youth~~, on the 120694
recommendation of the Ohio child welfare training program steering 120695
committee, may direct a public children services agency to 120696
establish and maintain a training center to replace the center 120697
established by an agency under this section. There may be no more 120698
and no less than eight centers in existence at any time. The 120699
department of children and youth may make a grant to a public 120700
children services agency that establishes and maintains a regional 120701
training center under this section for the purpose of wholly or 120702
partially subsidizing the operation of the center. The department 120703
of children and youth shall specify in the grant all of the 120704
center's duties, including the duties specified in section 120705
5103.422 of the Revised Code. 120706

The regional training center established by the public 120707
children services agency of Butler county under this section 120708
replaces the regional training center previously established by 120709
the public children services agency of Hamilton county under this 120710
section. 120711

Sec. 5103.50. (A) As used in this section and sections 120712
5103.51 to 5103.55 of the Revised Code, "private, nonprofit 120713
therapeutic wilderness camp" has the same meaning as in section 120714
5103.02 of the Revised Code. 120715

(B) The director of ~~job~~ children and ~~family services~~ youth 120716
shall adopt rules in accordance with Chapter 119. of the Revised 120717
Code to implement standards set forth in division (D) of this 120718
section and section 5103.54 of the Revised Code that are 120719
substantially similar, as determined by the director, to other 120720
similarly situated providers of residential care to children. 120721

(C) The director of ~~job~~ children and ~~family services~~ youth 120722
shall issue a license to a private, nonprofit therapeutic 120723
wilderness camp that submits an application to the director, on a 120724
form prescribed by the director, that indicates to the director's 120725
satisfaction that the camp meets the standards set forth in rules 120726
adopted under division (B) of this section. 120727

(D) In accordance with rules adopted by the director under 120728
division (B) of this section, the camp shall develop and implement 120729
written policies that establish all of the following: 120730

(1) Standards for hiring, training, and supervising staff; 120731

(2) Standards for behavioral intervention, including 120732
standards prohibiting the use of prone restraint and governing the 120733
use of other restraints or isolation; 120734

(3) Standards for recordkeeping, including specifying 120735
information that must be included in each child's record, who may 120736
access records, confidentiality, maintenance, security, and 120737
disposal of records; 120738

(4) A procedure for handling complaints about the camp from 120739
the children attending the camp, their families, staff, and the 120740
public; 120741

(5) Standards for emergency and disaster preparedness, 120742
including procedures for emergency evacuation and standards 120743
requiring that a method of emergency communication be accessible 120744
at all times; 120745

(6) Standards that ensure the protection of children's civil rights;	120746 120747
(7) Standards for the admission and discharge of children attending the camp, including standards for emergency discharge;	120748 120749
(8) Standards for the supervision of children, including minimum staff to child ratios;	120750 120751
(9) Standards for ensuring proper medical care, including administration of medications;	120752 120753
(10) Standards for proper notification of critical incidents;	120754
(11) Standards regarding the health and safety of residents, including proper health department approvals, fire inspections, and food service licenses;	120755 120756 120757
(12) Standards for ensuring the reporting requirements under section 2151.421 of the Revised Code are met.	120758 120759
(E) The camp shall ensure that no child resides at the camp for more than twelve consecutive months, unless the camp has completed a full evaluation that determines the child is not ready for reunification with the child's family or guardian. Such evaluation shall include any outside professional determined to be necessary by the director of job children and family services <u>youth</u> . This evaluation shall be conducted in accordance with rules adopted by the director.	120760 120761 120762 120763 120764 120765 120766 120767
(F) The camp shall cooperate with any request from the director for an inspection or for access to records or written policies of the camp.	120768 120769 120770
(G) The camps shall ensure that no child is left without supervision of camp staff at any time.	120771 120772
(H) The camp shall ensure that if there is a weather emergency or warning issued by the national weather service in the camp's geographic area, the children will be moved to a safe	120773 120774 120775

structure guarded from the weather event. 120776

(I) The camp shall ensure that all sharp tools used in the 120777
camp, including axes and knives, are locked unless in use by camp 120778
staff or otherwise under camp staff supervision. 120779

Sec. 5103.51. A license issued under section 5103.50 of the 120780
Revised Code is valid for two years, unless earlier revoked by the 120781
director of ~~job~~ children and ~~family services~~ youth. The license 120782
may be renewed. 120783

Each private, nonprofit therapeutic wilderness camp seeking 120784
license renewal shall submit to the director an application for 120785
license renewal on such form as the director prescribes. 120786

Sec. 5103.52. (A) The director of ~~job~~ children and ~~family~~ 120787
~~services~~ youth may inspect a private, nonprofit therapeutic 120788
wilderness camp at any time. 120789

(B) The director may request access to the camp's records or 120790
to the written policies adopted by the camp pursuant to section 120791
5103.50 of the Revised Code. 120792

Sec. 5103.53. A private, nonprofit therapeutic wilderness 120793
camp shall not operate without a license issued under section 120794
5103.50 of the Revised Code. If the director of ~~job~~ children and 120795
~~family services~~ youth determines that a camp is operating without 120796
a license, the director may petition the court of common pleas in 120797
the county in which the camp is located for an order enjoining its 120798
operation. The court shall grant injunctive relief upon a showing 120799
that the camp is operating without a license. 120800

Sec. 5103.54. (A) The director of ~~job~~ children and ~~family~~ 120801
~~services~~ youth shall adopt rules in accordance with Chapter 119. 120802
of the Revised Code to establish the following: 120803

(1) Policies and procedures for enforcing the minimum standards of operation for private, nonprofit therapeutic wilderness camps;

(2) Procedures the director shall follow if the director determines that conditions at a camp pose imminent risk to the life, health, or safety of one or more children at a camp.

(B) Rules adopted under this section shall be substantially similar, as determined by the director, to rules applicable to other residential care providers to children.

(C) The director may issue, deny, or revoke a license according to procedures set forth in rules adopted under this section or section 5103.50 of the Revised Code.

Sec. 5103.58. (A) Professional treatment staff employed by a public children services agency who are not subject to the licensing requirements of Chapter 4757. of the Revised Code shall meet the requirements of sections 5153.112 and 5153.122 of the Revised Code.

(B)(1) Professional treatment staff employed by a private child placing agency or private noncustodial agency who are not subject to the licensing requirements of Chapter 4757. of the Revised Code shall meet the requirements of:

(a) Section 5153.112 of the Revised Code; and

(b) Section 5153.122 of the Revised Code, except that, with respect to the training requirements during the first year of continuous employment, staff shall be required to have training only in the courses described in divisions (A), (B), (C), (G), (H), (J), and (L) of that section and only for the number of hours needed to complete those courses.

(2) Subject to divisions (B)(3) and (4) of this section, the training required under division (B)(1) of this section may be

offered by a private child placing agency, private noncustodial 120834
agency, or qualified nonprofit organization. 120835

(3) Prior to the department of ~~job~~ children and ~~family~~ 120836
~~services~~ youth establishing a training program under section 120837
5103.59 of the Revised Code, training that meets the requirements 120838
described in division (B)(1) of this section may be offered only 120839
upon approval by the department. The department shall approve or 120840
disapprove a program not later than sixty days after the program 120841
is submitted for approval. 120842

(4) A private child placing agency, private noncustodial 120843
agency, or qualified nonprofit organization shall cease to provide 120844
a training program approved under division (B)(3) of this section 120845
once the department establishes a training program described in 120846
section 5103.59 of the Revised Code, after which all training 120847
shall be provided by the department only. 120848

Sec. 5103.59. The department of ~~job~~ children and ~~family~~ 120849
~~services~~ youth shall work with private child placing agencies and 120850
private noncustodial agencies to establish a comprehensive, 120851
competency-based professional treatment staff training program for 120852
employees of private child placing agencies and private 120853
noncustodial agencies that meets the requirements of division 120854
(B)(1) of section 5103.58 of the Revised Code. 120855

Sec. 5103.602. (A) A person seeking to operate a residential 120856
infant care center after ~~the effective date of this section~~ June 120857
13, 2022, shall apply to the director of ~~job~~ children and ~~family~~ 120858
~~services~~ youth to obtain a certificate for the facility. 120859

(B) A person who, on ~~the effective date of this section~~ June 120860
13, 2022, is operating a children's crisis care facility that has 120861
as its primary purpose the provision of residential services for 120862
infants affected by substance use and the preservation of families 120863

through infant diversion practices and programs shall be deemed a 120864
residential infant care center by the director if the center is in 120865
compliance with the requirements and rules described under 120866
division (B) of section 5103.603 of the Revised Code. 120867

Sec. 5103.603. The director of ~~job~~ children and ~~family~~ 120868
~~services~~ youth shall issue a certificate to a person to operate a 120869
residential infant care center as follows: 120870

(A) Pursuant to division (A) of section 5103.602 of the 120871
Revised Code if the center complies with all of the requirements 120872
under sections 5103.608 to 5103.6012 of the Revised Code and, if 120873
applicable, all of the rules adopted under section 5103.6018 of 120874
the Revised Code; 120875

(B)(1) Pursuant to division (B) of section 5103.602 of the 120876
Revised Code if the center is in compliance with all of the 120877
requirements under sections 5103.608 to 5103.6012 of the Revised 120878
Code and rules adopted under division (H) of section 5103.13 of 120879
the Revised Code, except the rules described in division (B) of 120880
section 5103.6011 of the Revised Code, on ~~the effective date of~~ 120881
~~this section~~ June 13, 2022. 120882

(2) If the director of ~~job~~ children and ~~family services~~ youth 120883
adopts rules under section 5103.6018 of the Revised Code, a center 120884
issued a certificate under division (B)(1) of this section shall 120885
comply with those rules rather than the rules adopted under 120886
division (H) of section 5103.13 of the Revised Code. 120887

Sec. 5103.6010. A residential infant care center shall do the 120888
following: 120889

(A) If using medication to treat infants, hold a terminal 120890
distributor of dangerous drugs license issued by the state board 120891
of pharmacy under section 4729.54 of the Revised Code. 120892

(B) Comply, except as otherwise provided in this section and 120893

section 5103.6011 of the Revised Code, with all requirements under 120894
rule 5101:2-9-02 of the Administrative Code; 120895

(C) Develop a plan of safe care in accordance with the 120896
"Comprehensive Addiction and Recovery Act of 2016," Pub. L. No. 120897
114-198, for an infant born substance exposed as follows: 120898

(1) Assist with the health and substance use disorder 120899
treatment needs of the infant and affected family or caregiver; 120900

(2) Develop and implement a program to monitor, support, and 120901
connect affected families or caregivers through the provision of 120902
and referral to appropriate services for the infant and affected 120903
family or caregiver. 120904

(D) Develop and implement a program for parents and 120905
caregivers that, either individually or in a group setting, 120906
teaches parenting skills, bonding, and caring for the infant's 120907
special needs. 120908

(E) Require both of the following: 120909

(1) Child-care staff, volunteers, and interns in positions 120910
responsible for the daily direct care or supervision of children 120911
to be at least eighteen years old and have a high school diploma 120912
or certificate of high school equivalence; 120913

(2) Volunteers and interns who are under twenty-one years of 120914
age to be supervised. 120915

(F) Request a criminal records check with respect to 120916
volunteers and interns in accordance with section 2151.86 of the 120917
Revised Code; 120918

(G) Employ registered nurses, patient care assistants, or 120919
licensed professional nurses to meet required child-to-staff 120920
ratios; 120921

(H) Require the center's peer supporter, family advocate, 120922
licensed social worker, licensed independent social worker, 120923

licensed professional counselor, or licensed professional clinical counselor to do the following:	120924 120925
(1) Provide wraparound services to affected family and caregivers;	120926 120927
(2) Coordinate and cooperate with any transferring hospital, public children services agency, and private child placing agency;	120928 120929
(3) Refer affected families or caregivers to appropriate community agencies and services for support and aftercare;	120930 120931
(4) Follow up with affected families and caregivers following the infant's discharge.	120932 120933
(I)(1) Encourage employee-supervised dyad care and permit one of the infant's parents or caregivers to room-in with the infant for bonding and education;	120934 120935 120936
(2) Provide the following for dyad care and rooming-in:	120937
(a) A single bed and all necessary bed sheets, pillow cases, pillows, and blankets;	120938 120939
(b) All meals and snacks, which shall be provided in a designated family kitchen area if the center has such an area;	120940 120941
(c) A minimum of one private shower and toilet for the use of the parents or caregivers who are rooming-in.	120942 120943
(3) Notify the parent or caregiver that the center's rules and policies shall be followed or rooming-in may be restricted or canceled.	120944 120945 120946
(J) Have one bathing room for every six infants that includes a minimum of one hip level bathtub with hot and cold water, one changing station, and a door with a full-length glass window for safety and observation;	120947 120948 120949 120950
(K) Meet the child-to-staff ratio of at least one awake child-care staff on duty at all times for every five infants;	120951 120952

(L) Use cribs and other infant sleep products that meet the United States consumer product safety commission's safety standards for safe sleep;

(M) Follow the department of ~~health's~~ children and youth's safe sleep education program recommendations established under section ~~3701.66~~ 5180.16 of the Revised Code.

Sec. 5103.6011. (A) A residential infant care center shall not be required to do the following:

(1) Provide toilets or potty chairs for infants.

(2) Comply with the following rules:

(a) Paragraph (E) of rule 5101:2-5-09 of the Administrative Code.

(b) Paragraphs (N) and (P) to (R) of rule 5101:2-9-03 of the Administrative Code.

(c) Rule 5101:2-9-19 of the Administrative Code.

(d) Paragraphs (A) to (H) of rule 5101:2-9-20 of the Administrative Code.

(e) Rules 5101:2-9-21 and 5101:2-9-22 of the Administrative Code.

(f) Paragraphs (D) to (F) of rule 5101:2-9-26 of the Administrative Code.

(g) Paragraphs (B), (D), (F), (G), (J), (K), (M) to (Q), and (S) of rule 5101:2-9-28 of the Administrative Code.

(h) Rules 5101:2-9-29, 5101:2-9-38, and 5101:2-9-40 of the Administrative Code.

(3) Require registered nurses and licensed professional nurses employed by the center to comply with the requirements under paragraph (M)(3) of rule 5101:2-9-02 and paragraphs (J) to

(L) of rule 5101:2-9-03 of the Administrative Code. 120981

(B) The provisions of this section do not apply on and after 120982
the date the department of ~~job~~ children and ~~family services~~ youth 120983
adopts rules regarding certification under section 5103.6018 of 120984
the Revised Code. 120985

Sec. 5103.6015. The department of ~~job~~ children and ~~family~~ 120986
~~services~~ youth may apply to the United States secretary of health 120987
and human services for a federal grant under the "Child Abuse 120988
Prevention and Treatment Act," 42 U.S.C. 5116, and the "Family 120989
First Prevention Services Act," 42 U.S.C. 50711, 50723, and 50741 120990
to assist residential infant care centers certified under section 120991
5103.603 of the Revised Code in providing temporary residential 120992
and other care to infants. 120993

Sec. 5103.6017. The director of ~~job~~ children and ~~family~~ 120994
~~services~~ youth may suspend or revoke a residential infant care 120995
center's certificate pursuant to Chapter 119. of the Revised Code 120996
if the center violates or fails to comply with any of the 120997
requirements under sections 5103.608 to 5103.6012 of the Revised 120998
Code and, as applicable, the rules adopted under section 5103.6018 120999
of the Revised Code or division (H) of section 5103.13 of the 121000
Revised Code. 121001

Sec. 5103.6018. The director of ~~job~~ children and ~~family~~ 121002
~~services~~ youth shall adopt rules pursuant to Chapter 119. of the 121003
Revised Code for the certification of residential infant care 121004
centers. 121005

Sec. 5103.611. A person who holds an active license to 121006
operate a children's crisis care facility under section 5103.13 of 121007
the Revised Code or a residential infant care center under section 121008
5103.602 of the Revised Code may apply to the director of ~~job~~ 121009

children and ~~family services~~ youth to obtain a certificate as a 121010
family preservation center under this section. 121011

Sec. 5103.612. (A) The director of ~~job~~ children and ~~family~~
~~services~~ youth shall certify the person's family preservation 121012
center if the center complies with all of the requirements imposed 121013
under section 5103.614 of the Revised Code and all of the rules 121014
adopted under section 5103.617 of the Revised Code. 121015
121016

(B) The director shall not issue a waiver to a person of 121017
compliance with any of the requirements imposed under this section 121018
or any of the rules adopted under section 5103.617 of the Revised 121019
Code. 121020

Sec. 5103.615. The director of ~~job~~ children and ~~family~~
~~services~~ youth may suspend or revoke a family preservation 121021
center's certificate pursuant to Chapter 119. of the Revised Code 121022
if the center violates or fails to comply with section 5103.614 of 121023
the Revised Code or any of the rules adopted under section 121024
5103.617 of the Revised Code. 121025
121026

Sec. 5103.617. Not later than ninety days ~~after the effective~~ 121027
~~date of this section~~ June 13, 2022, the director of ~~job~~ children 121028
and ~~family services~~ youth shall adopt rules pursuant to Chapter 121029
119. of the Revised Code for the certification of family 121030
preservation centers. 121031

Sec. 5104.01. As used in this chapter: 121032

(A) "Administrator" means the person responsible for the 121033
daily operation of a center, type A home, or approved child day 121034
camp. The administrator and the owner may be the same person. 121035

(B) "Approved child day camp" means a child day camp approved 121036
pursuant to section 5104.22 of the Revised Code. 121037

(C) "Authorized representative" means an individual employed 121038
by a center, type A home, or approved child day camp that is owned 121039
by a person other than an individual and who is authorized by the 121040
owner to do all of the following: 121041

(1) Communicate on the owner's behalf; 121042

(2) Submit on the owner's behalf applications for licensure 121043
or approval; 121044

(3) Enter into on the owner's behalf provider agreements for 121045
publicly funded child care. 121046

(D) "Border state child care provider" means a child care 121047
provider that is located in a state bordering Ohio and that is 121048
licensed, certified, or otherwise approved by that state to 121049
provide child care funded by the child care block grant act. 121050

(E) "Career pathways model" means an alternative pathway to 121051
meeting the requirements to be a child-care staff member or 121052
administrator that does both of the following: 121053

(1) Uses a framework approved by the director of ~~job~~ children 121054
and ~~family services~~ youth to document formal education, training, 121055
experience, and specialized credentials and certifications; 121056

(2) Allows the child-care staff member or administrator to 121057
achieve a designation as an early childhood professional level 121058
one, two, three, four, five, or six. 121059

(F) "Caretaker parent" means the father or mother of a child 121060
whose presence in the home is needed as the caretaker of the 121061
child, a person who has legal custody of a child and whose 121062
presence in the home is needed as the caretaker of the child, a 121063
guardian of a child whose presence in the home is needed as the 121064
caretaker of the child, and any other person who stands in loco 121065
parentis with respect to the child and whose presence in the home 121066
is needed as the caretaker of the child. 121067

(G) "Chartered nonpublic school" means a school that meets 121068
standards for nonpublic schools prescribed by the state board of 121069
education for nonpublic schools pursuant to section 3301.07 of the 121070
Revised Code. 121071

(H) "Child" includes an infant, toddler, preschool-age child, 121072
or school-age child. 121073

(I) "Child care block grant act" means the "Child Care and 121074
Development Block Grant Act of 2014," 128 Stat. 1971 (2014), 42 121075
U.S.C. 9858, as amended. 121076

(J) "Child day camp" means a program in which only school-age 121077
children attend or participate, that operates for no more than 121078
twelve hours per day and no more than fifteen weeks during the 121079
summer. For purposes of this division, the maximum twelve hours of 121080
operation time does not include transportation time from a child's 121081
home to a child day camp and from a child day camp to a child's 121082
home. 121083

(K) "Child care" means all of the following: 121084

(1) Administering to the needs of infants, toddlers, 121085
preschool-age children, and school-age children outside of school 121086
hours; 121087

(2) By persons other than their parents, guardians, or 121088
custodians; 121089

(3) For part of the twenty-four-hour day; 121090

(4) In a place other than a child's own home, except that an 121091
in-home aide provides child care in the child's own home; 121092

(5) By a provider required by this chapter to be licensed or 121093
approved by the department of ~~job children and family services~~ 121094
youth, certified by a county department of job and family services 121095
, or under contract with the department to provide publicly funded 121096
child care as described in section 5104.32 of the Revised Code. 121097

(L) "Child day-care center" and "center" mean any place that 121098
is not the permanent residence of the licensee or administrator in 121099
which child care or publicly funded child care is provided for 121100
seven or more children at one time. "Child day-care center" and 121101
"center" do not include any of the following: 121102

(1) A place located in and operated by a hospital, as defined 121103
in section 3727.01 of the Revised Code, in which the needs of 121104
children are administered to, if all the children whose needs are 121105
being administered to are monitored under the on-site supervision 121106
of a physician licensed under Chapter 4731. of the Revised Code or 121107
a registered nurse licensed under Chapter 4723. of the Revised 121108
Code, and the services are provided only for children who, in the 121109
opinion of the child's parent, guardian, or custodian, are 121110
exhibiting symptoms of a communicable disease or other illness or 121111
are injured; 121112

(2) A child day camp; 121113

(3) A place that provides care, if all of the following 121114
apply: 121115

(a) An organized religious body provides the care; 121116

(b) A parent, custodian, or guardian of at least one child 121117
receiving care is on the premises and readily accessible at all 121118
times; 121119

(c) The care is not provided for more than thirty days a 121120
year; 121121

(d) The care is provided only for preschool-age and 121122
school-age children. 121123

(M) "Child care resource and referral service organization" 121124
means a community-based nonprofit organization that provides child 121125
care resource and referral services but not child care. 121126

(N) "Child care resource and referral services" means all of 121127

the following services:	121128
(1) Maintenance of a uniform data base of all child care providers in the community that are in compliance with this chapter, including current occupancy and vacancy data;	121129 121130 121131
(2) Provision of individualized consumer education to families seeking child care;	121132 121133
(3) Provision of timely referrals of available child care providers to families seeking child care;	121134 121135
(4) Recruitment of child care providers;	121136
(5) Assistance in developing, conducting, and disseminating training for child care professionals and provision of technical assistance to current and potential child care providers, employers, and the community;	121137 121138 121139 121140
(6) Collection and analysis of data on the supply of and demand for child care in the community;	121141 121142
(7) Technical assistance concerning locally, state, and federally funded child care and early childhood education programs;	121143 121144 121145
(8) Stimulation of employer involvement in making child care more affordable, more available, safer, and of higher quality for their employees and for the community;	121146 121147 121148
(9) Provision of written educational materials to caretaker parents and informational resources to child care providers;	121149 121150
(10) Coordination of services among child care resource and referral service organizations to assist in developing and maintaining a statewide system of child care resource and referral services if required by the department of job <u>children</u> and family services <u>youth</u> ;	121151 121152 121153 121154 121155
(11) Cooperation with the county department of job and family services in encouraging the establishment of parent cooperative	121156 121157

child care centers and parent cooperative type A family day-care homes. 121158
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(O) "Child-care staff member" means an employee of a child day-care center, type A family day-care home, licensed type B family day-care home, or approved child day camp who is primarily responsible for the care and supervision of children. The administrator, authorized representative, or owner may be a child-care staff member when not involved in other duties. 121160
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(P) "Drop-in child day-care center," "drop-in center," "drop-in type A family day-care home," and "drop-in type A home" mean a center or type A home that provides child care or publicly funded child care for children on a temporary, irregular basis. 121166
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(Q) "Employee" means a person who either: 121170

(1) Receives compensation for duties performed in a child day-care center, type A family day-care home, licensed type B family day-care home, or approved child day camp; 121171
121172
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(2) Is assigned specific working hours or duties in a child day-care center, type A family day-care home, licensed type B family day-care home, or approved child day camp. 121174
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(R) "Employer" means a person, firm, institution, organization, or agency that operates a child day-care center, type A family day-care home, licensed type B family day-care home, or approved child day camp subject to licensure or approval under this chapter. 121177
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(S) "Federal poverty line" means the official poverty guideline as revised annually in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined. 121182
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(T) "Head start program" means a school-readiness program 121187

that satisfies all of the following:	121188
(1) Is for children from birth to age five who are from low-income families;	121189 121190
(2) Receives funds distributed under the "Improving Head Start for School-Readiness Act of 2007," 42 U.S.C. 9831, as amended;	121191 121192 121193
(3) Is licensed as a child care program.	121194
(U) "Homeless child care" means child care provided to a child who satisfies any of the following:	121195 121196
(1) Is homeless as defined in 42 U.S.C. 11302;	121197
(2) Is a homeless child or youth as defined in 42 U.S.C. 11434a;	121198 121199
(3) Resides temporarily with a caretaker in a facility providing emergency shelter for homeless families or is determined by a county department of job and family services to be homeless.	121200 121201 121202
(V) "Income" means gross income, as defined in section 5107.10 of the Revised Code, less any amounts required by federal statutes or regulations to be disregarded.	121203 121204 121205
(W) "Indicator checklist" means an inspection tool, used in conjunction with an instrument-based program monitoring information system, that contains selected licensing requirements that are statistically reliable indicators or predictors of a child day-care center's type A family day-care home's, or licensed type B family day-care home's compliance with licensing requirements.	121206 121207 121208 121209 121210 121211 121212
(X) "Infant" means a child who is less than eighteen months of age.	121213 121214
(Y) "In-home aide" means a person who does not reside with the child but provides care in the child's home and is certified by a county director of job and family services pursuant to	121215 121216 121217

section 5104.12 of the Revised Code to provide publicly funded 121218
child care to a child in a child's own home pursuant to this 121219
chapter and any rules adopted under it. 121220

(Z) "Instrument-based program monitoring information system" 121221
means a method to assess compliance with licensing requirements 121222
for child day-care centers, type A family day-care homes, and 121223
licensed type B family day-care homes in which each licensing 121224
requirement is assigned a weight indicative of the relative 121225
importance of the requirement to the health, growth, and safety of 121226
the children that is used to develop an indicator checklist. 121227

(AA) "License capacity" means the maximum number in each age 121228
category of children who may be cared for in a child day-care 121229
center, type A family day-care home, or licensed type B family 121230
day-care home at one time as determined by the director of ~~job~~ 121231
children and ~~family services~~ youth considering building occupancy 121232
limits established by the department of commerce, amount of 121233
available indoor floor space and outdoor play space, and amount of 121234
available play equipment, materials, and supplies. 121235

(BB) "Licensed child care program" means any of the 121236
following: 121237

(1) A child day-care center licensed by the department of ~~job~~ 121238
children and ~~family services~~ youth pursuant to this chapter; 121239

(2) A type A family day-care home or type B family day-care 121240
home licensed by the department of ~~job~~ children and ~~family~~ 121241
~~services~~ youth pursuant to this chapter; 121242

(3) A licensed preschool program or licensed school child 121243
program. 121244

(CC) "Licensed preschool program" or "licensed school child 121245
program" means a preschool program or school child program, as 121246
defined in section 3301.52 of the Revised Code, that is licensed 121247
by the department of ~~education~~ children and youth pursuant to 121248

sections 3301.52 to 3301.59 of the Revised Code. 121249

(DD) "Licensed type B family day-care home" and "licensed 121250
type B home" mean a type B family day-care home for which there is 121251
a valid license issued by the director of ~~job children~~ and ~~family~~ 121252
~~services~~ youth pursuant to section 5104.03 of the Revised Code. 121253

(EE) "Licensee" means the owner of a child day-care center, 121254
type A family day-care home, or type B family day-care home that 121255
is licensed pursuant to this chapter and who is responsible for 121256
ensuring compliance with this chapter and rules adopted pursuant 121257
to this chapter. 121258

(FF) "Operate a child day camp" means to operate, establish, 121259
manage, conduct, or maintain a child day camp. 121260

(GG) "Owner" includes a person, as defined in section 1.59 of 121261
the Revised Code, or government entity. 121262

(HH) "Parent cooperative child day-care center," "parent 121263
cooperative center," "parent cooperative type A family day-care 121264
home," and "parent cooperative type A home" mean a corporation or 121265
association organized for providing educational services to the 121266
children of members of the corporation or association, without 121267
gain to the corporation or association as an entity, in which the 121268
services of the corporation or association are provided only to 121269
children of the members of the corporation or association, 121270
ownership and control of the corporation or association rests 121271
solely with the members of the corporation or association, and at 121272
least one parent-member of the corporation or association is on 121273
the premises of the center or type A home during its hours of 121274
operation. 121275

(II) "Part-time child day-care center," "part-time center," 121276
"part-time type A family day-care home," and "part-time type A 121277
home" mean a center or type A home that provides child care or 121278
publicly funded child care for not more than four hours a day for 121279

any child or not more than fifteen consecutive weeks per year, 121280
regardless of the number of hours per day. 121281

(JJ) "Place of worship" means a building where activities of 121282
an organized religious group are conducted and includes the 121283
grounds and any other buildings on the grounds used for such 121284
activities. 121285

(KK) "Preschool-age child" means a child who is three years 121286
old or older but is not a school-age child. 121287

(LL) "Protective child care" means publicly funded child care 121288
for the direct care and protection of a child to whom all of the 121289
following apply: 121290

(1) A case plan has been prepared and maintained for the 121291
child pursuant to section 2151.412 of the Revised Code. 121292

(2) The case plan indicates a need for protective care. 121293

(3) The child resides with a parent, stepparent, guardian, or 121294
another person who stands in loco parentis as defined in rules 121295
adopted under section 5104.38 of the Revised Code. 121296

(MM) "Publicly funded child care" means administering to the 121297
needs of infants, toddlers, preschool-age children, and school-age 121298
children under age thirteen during any part of the 121299
twenty-four-hour day by persons other than their caretaker parents 121300
for remuneration wholly or in part with federal or state funds, 121301
including funds available under the child care block grant act, 121302
Title IV-A, and Title XX, distributed by the department of ~~job~~ 121303
children and family services youth. 121304

(NN) "Religious activities" means any of the following: 121305
worship or other religious services; religious instruction; Sunday 121306
school classes or other religious classes conducted during or 121307
prior to worship or other religious services; youth or adult 121308
fellowship activities; choir or other musical group practices or 121309

programs; meals; festivals; or meetings conducted by an organized religious group.

(OO) "School-age child" means a child who is enrolled in or is eligible to be enrolled in a grade of kindergarten or above but is less than fifteen years old or, in the case of a child who is receiving special needs child care, is less than eighteen years old.

(PP) "Serious risk noncompliance" means a licensure or certification rule violation that leads to a great risk of harm to, or death of, a child, and is observable, not inferable.

(QQ) "Special needs child care" means child care provided to a child who is less than eighteen years of age and either has one or more chronic health conditions or does not meet age appropriate expectations in one or more areas of development, including social, emotional, cognitive, communicative, perceptual, motor, physical, and behavioral development and that may include on a regular basis such services, adaptations, modifications, or adjustments needed to assist in the child's function or development.

(RR) "Title IV-A" means Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended.

(SS) "Title XX" means Title XX of the "Social Security Act," 88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended.

(TT) "Toddler" means a child who is at least eighteen months of age but less than three years of age.

(UU) "Type A family day-care home" and "type A home" mean the permanent residence of the administrator in which child care or publicly funded child care is provided for seven to twelve children at one time or a permanent residence of the administrator in which child care is provided for four to twelve children at one time if four or more children at one time are under two years of

age. In counting children for the purposes of this division, any 121341
children under six years of age who are related to a licensee, 121342
administrator, or employee and who are on the premises of the type 121343
A home shall be counted. "Type A family day-care home" and "type A 121344
home" do not include any child day camp. 121345

(VV) "Type B family day-care home" and "type B home" mean a 121346
permanent residence of the provider in which care is provided for 121347
one to six children at one time and in which no more than three 121348
children are under two years of age at one time. In counting 121349
children for the purposes of this division, any children under six 121350
years of age who are related to the provider and who are on the 121351
premises of the type B home shall be counted. "Type B family 121352
day-care home" and "type B home" do not include any child day 121353
camp. 121354

Sec. 5104.013. (A) As used in this section: 121355

(1) "Applicant" means either of the following: 121356

(a) A person who is under final consideration for appointment 121357
to or employment in a position with a licensed preschool program 121358
or licensed school child program that provides publicly funded 121359
child care, child day-care center, type A family day-care home, 121360
licensed type B family day-care home, or child day camp; 121361

(b) A person who would serve in any position with a licensed 121362
preschool program or licensed school child program that provides 121363
publicly funded child care, child day-care center, type A family 121364
day-care home, licensed type B family day-care home, or child day 121365
camp pursuant to a contract with another entity. 121366

(2) "Criminal records check" has the same meaning as in 121367
section 109.572 of the Revised Code. 121368

(B)(1) At the times specified in division (B)(2)(a) of this 121369
section, the director of ~~job~~ children and ~~family services~~ youth 121370

shall request the superintendent of the bureau of criminal 121371
identification and investigation to conduct a criminal records 121372
check for each of the following persons: 121373

(a) Any owner or licensee of a child day-care center; 121374

(b) Any owner or licensee of a type A family day-care home or 121375
licensed type B family day-care home and any person eighteen years 121376
of age or older who resides in the home; 121377

(c) Any owner of an approved child day camp; 121378

(d) Any director of a licensed preschool program or licensed 121379
school child program that provides publicly funded child care; 121380

(e) Any in-home aide; 121381

(f) Any applicant or employee, including an administrator, of 121382
a child day-care center, type A family day-care home, licensed 121383
type B family day-care home, approved child day camp, or licensed 121384
preschool program or licensed school child program that provides 121385
publicly funded child care. 121386

(2)(a) The director shall request a criminal records check at 121387
the following times: 121388

(i) In the case of an owner or licensee of child day-care 121389
center or an owner or licensee of a type A family day-care home or 121390
licensed type B family day-care home or a resident of such a home, 121391
at the time of initial application for licensure and every five 121392
years thereafter; 121393

(ii) In the case of an owner of an approved child day camp, 121394
at the time of initial application for approval and every five 121395
years thereafter; 121396

(iii) In the case of a director of a licensed child care 121397
program or licensed school child program, at the time of initial 121398
application to provide publicly funded child care and every five 121399
years thereafter; 121400

(iv) In the case of an in-home aide, at the time of initial application for certification and every five years thereafter; 121401
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(v) Except as provided in division (B)(2)(a)(vi) of this section, in the case of an applicant or employee, at the time of initial application for employment and every five years thereafter; 121403
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(vi) In the case of an applicant who has been determined eligible for employment after a review of a criminal records check within the past five years and who has been employed by a licensed preschool program or licensed school child program that provides publicly funded child care, child day-care center, type A family day-care home, licensed type B family day-care home, or approved child day camp within the past one hundred eighty consecutive days, every five years after the date of the initial determination. 121407
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(b) A criminal records check requested at the time of initial application shall include a request that the superintendent of the bureau of criminal identification and investigation obtain information from the federal bureau of investigation as part of the criminal records check for the person, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671 for the person subject to the criminal records check. 121416
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(c) A criminal records check requested at any time other than the time of initial application may include a request that the superintendent of the bureau of criminal identification and investigation obtain information from the federal bureau of investigation as part of the criminal records check for the person, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671 for the person subject to the criminal records check. 121424
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(3) With respect to a criminal records check requested for a person described in division (B)(1) of this section, the director of ~~job~~ children and ~~family services~~ youth shall do all of the following:

(a) Provide to the person a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a standard impression sheet to obtain fingerprint impressions prescribed pursuant to division (C)(2) of that section;

(b) Obtain the completed form and impression sheet from the person;

(c) Forward the completed form and impression sheet to the superintendent of the bureau of criminal identification and investigation;

(d) Review the results of the criminal records check.

(4) A person who receives from the director a copy of the form and standard impression sheet and who is requested to complete the form and provide a set of fingerprint impressions shall complete the form or provide all of the information necessary to complete the form and shall provide the impression sheet with the impressions of the person's fingerprints. If the person, upon request, fails to provide the information necessary to complete the form or fails to provide impressions of the person's fingerprints, the director of children and youth or a county director of job and family services may consider the failure a reason to deny licensure, approval, or certification or to determine an employee ineligible for employment.

(5) Except as provided in rules adopted under division (F) of this section:

(a) The director of ~~job~~ children and ~~family services~~ youth shall refuse to issue a license to or approve a center, type A home, type B home, child day camp, preschool program, or school

child program, and shall revoke a license or approval, and a 121463
county director of job and family services shall not certify an 121464
in-home aide and shall revoke a certification, if a person for 121465
whom a criminal records check was required under division 121466
(B)(1)(a) to (B)(1)(e) of this section has been convicted of or 121467
pleaded guilty to any of the violations described in division 121468
(A)(5) of section 109.572 of the Revised Code. 121469

(b) The director of ~~job children and family services~~ youth 121470
shall not issue a license to a type A home or type B home if a 121471
resident of the type A home or type B home is under eighteen years 121472
of age and has been adjudicated a delinquent child for committing 121473
either a violation of any section listed in division (A)(5) of 121474
section 109.572 of the Revised Code or an offense of another state 121475
or the United States that is substantially equivalent to an 121476
offense listed in division (A)(5) of section 109.572 of the 121477
Revised Code. 121478

(c) The director shall determine an applicant or employee 121479
ineligible for employment if the person has been convicted of or 121480
pleaded guilty to any of the violations described in division 121481
(A)(5) of section 109.572 of the Revised Code. 121482

(6) Each child day-care center, type A home, type B home, 121483
approved child day camp, licensed child care program, licensed 121484
school child program, and in-home aide shall pay to the bureau of 121485
criminal identification and investigation the fee prescribed 121486
pursuant to division (C)(3) of section 109.572 of the Revised Code 121487
for each criminal records check conducted in accordance with that 121488
section upon a request made pursuant to division (B) of this 121489
section. 121490

A center, home, camp, preschool program, or school child 121491
program may charge an applicant a fee for the costs it incurs in 121492
obtaining a criminal records check under this section. A fee 121493
charged under this division shall not exceed the amount the 121494

center, home, camp, or program pays under this section. If a fee 121495
is charged, the center, home, camp, or program shall notify the 121496
applicant at the time of the applicant's initial application for 121497
employment of the amount of the fee and that, unless the fee is 121498
paid, the center, home, camp, or program will not consider the 121499
applicant for employment. 121500

(7) The report of any criminal records check conducted by the 121501
bureau of criminal identification and investigation in accordance 121502
with section 109.572 of the Revised Code and pursuant to a request 121503
made under division (B) of this section is confidential and not a 121504
public record for the purposes of section 149.43 of the Revised 121505
Code. The report shall not be made available to any person other 121506
than the person who is the subject of the criminal records check 121507
or the person's representative, the director of ~~job~~ children and 121508
~~family services~~ youth, the director of a county department of job 121509
and family services, and any court, hearing officer, or other 121510
necessary individual involved in a case dealing with a denial or 121511
revocation of licensure, approval, or certification related to the 121512
criminal records check. 121513

(C)(1) At the times specified in division (C)(2) of this 121514
section, the director of ~~job~~ children and ~~family services~~ youth 121515
shall search the uniform statewide automated child welfare 121516
information system for information concerning any abuse or neglect 121517
report made pursuant to section 2151.421 of the Revised Code of 121518
which any of the following persons is a subject: 121519

(a) Any owner or licensee of a child day-care center; 121520

(b) Any owner or licensee of a type A family day-care home or 121521
licensed type B family day-care home and any person eighteen years 121522
of age or older who resides in the home; 121523

(c) Any owner of an approved child day camp; 121524

(d) Any director of a licensed preschool program or licensed 121525

school child program that provides publicly funded child care; 121526

(e) Any in-home aide; 121527

(f) Any applicant or employee, including an administrator, of 121528
a child day-care center, type A family day-care home, licensed 121529
type B family day-care home, approved child day camp, or licensed 121530
preschool program or licensed school child program that provides 121531
publicly funded child care. 121532

(2) The director shall search the information system at the 121533
following times: 121534

~~(i)~~(a) In the case of an owner or licensee of child day-care 121535
center or an owner or licensee of a type A family day-care home or 121536
licensed type B family day-care home or a resident of such a home, 121537
at the time of initial application for licensure and every five 121538
years thereafter; 121539

~~(ii)~~(b) In the case of an owner of an approved child day 121540
camp, at the time of initial application for approval and every 121541
five years thereafter; 121542

~~(iii)~~(c) In the case of a director of a licensed child care 121543
program or licensed school child program, at the time of initial 121544
application to provide publicly funded child care and every five 121545
years thereafter; 121546

~~(iv)~~(d) In the case of an in-home aide, at the time of 121547
initial application for certification and every five years 121548
thereafter; 121549

~~(v)~~(e) Except as provided in division ~~(C)(2)(a)~~(vi)(C)(2)(f) 121550
of this section, in the case of an applicant or employee, at the 121551
time of initial application for employment and every five years 121552
thereafter; 121553

~~(vi)~~(f) In the case of an applicant who has been determined 121554
eligible for employment after a search of the uniform statewide 121555

automated child welfare information system within the past five 121556
years and who has been employed by a licensed preschool program or 121557
licensed school child program that provides publicly funded child 121558
care, child day-care center, type A family day-care home, licensed 121559
type B family day-care home, or approved child day camp within the 121560
past one hundred eighty consecutive days, every five years after 121561
the date of the initial determination. 121562

(3) The director shall consider any information discovered 121563
pursuant to division (C)(1) of this section or that is provided by 121564
a public children services agency pursuant to section 5153.175 of 121565
the Revised Code. If the director determines that the information, 121566
when viewed within the totality of the circumstances, reasonably 121567
leads to the conclusion that the person may directly or indirectly 121568
endanger the health, safety, or welfare of children, the director 121569
of children and youth or county director of job and family 121570
services shall do any of the following: 121571

(a) Refuse to issue a license to or approve a center, type A 121572
home, type B home, child day camp, preschool program, or school 121573
child program; 121574

(b) Revoke a license or approval; 121575

(c) Refuse to certify an in-home aide or revoke a 121576
certification; 121577

(d) Determine an applicant or employee ineligible for 121578
employment with the center, type A home, licensed type B home, 121579
child day camp, preschool program, or school child program. 121580

(4) Any information obtained under division (C) of this 121581
section is confidential and not a public record for the purposes 121582
of section 149.43 of the Revised Code. The information shall not 121583
be made available to any person other than the person who is the 121584
subject of the search or the person's representative, the director 121585
of ~~job~~ children and family services youth, the director of a 121586

county department of job and family services, and any court, 121587
hearing officer, or other necessary individual involved in a case 121588
dealing with a denial or revocation of licensure, approval, or 121589
certification related to the search. 121590

(D)(1) At the times specified in division (D)(2) of this 121591
section, the director of ~~job~~ children and ~~family services~~ youth 121592
shall inspect the state registry of sex offenders and child-victim 121593
offenders established under section 2950.13 of the Revised Code 121594
and the national sex offender registry as described in 42 U.S.C. 121595
16901 to determine if any of the following persons is registered 121596
or required to be registered as an offender: 121597

(a) Any owner or licensee of a child day-care center; 121598

(b) Any owner or licensee of a type A family day-care home or 121599
licensed type B family day-care home and any person eighteen years 121600
of age or older who resides in the home; 121601

(c) Any owner of an approved child day camp; 121602

(d) Any director of a licensed preschool program or licensed 121603
school child program that provides publicly funded child care; 121604

(e) Any in-home aide; 121605

(f) Any applicant or employee, including an administrator, of 121606
a child day-care center, type A family day-care home, licensed 121607
type B family day-care home, approved child day camp, or licensed 121608
preschool program or licensed school child program that provides 121609
publicly funded child care. 121610

(2) The director shall inspect each registry at the following 121611
times: 121612

~~(i)~~(a) In the case of an owner or licensee of child day-care 121613
center or an owner or licensee of a type A family day-care home or 121614
type B family day-care home or a resident of such a home, at the 121615
time of initial application for licensure and every five years 121616

thereafter; 121617

~~(ii)~~(b) In the case of an owner of an approved child day 121618
camp, at the time of initial application for approval and every 121619
five years thereafter; 121620

~~(iii)~~(c) In the case of a director of a licensed child care 121621
program or licensed school child program, at the time of initial 121622
application to provide publicly funded child care; 121623

~~(iv)~~(d) In the case of an in-home aide, at the time of 121624
initial application for certification and every five years 121625
thereafter; 121626

~~(v)~~(e) Except as provided in division (D)(2)~~(a)~~~~(vi)~~(f) of 121627
this section, in the case of an applicant or employee, at the time 121628
of initial application for employment and every five years 121629
thereafter; 121630

~~(vi)~~(f) In the case of an applicant who has been determined 121631
eligible for employment after an inspection of the state registry 121632
of sex offenders and child-victim offenders established under 121633
section 2950.13 of the Revised Code and the national sex offender 121634
registry as described in 42 U.S.C. 16901 within the past five 121635
years and who has been employed by a licensed preschool program or 121636
licensed school child program that provides publicly funded child 121637
care, child day-care center, type A family day-care home, licensed 121638
type B family day-care home, or approved child day camp within the 121639
past one hundred eighty consecutive days, every five years after 121640
the date of the initial determination. 121641

(3) If the director determines that the person is registered 121642
or required to be registered on either registry, the director of 121643
children and youth or county director of job and family services 121644
shall do any of the following: 121645

(a) Refuse to issue a license to or approve a center, type A 121646
home, type B home, child day camp, preschool program, or school 121647

child program; 121648

(b) Revoke a license or approval; 121649

(c) Refuse to certify an in-home aide or revoke a 121650
certification; 121651

(d) Determine an applicant or employee ineligible for 121652
employment with the center, type A home, licensed type B home, 121653
child day camp, preschool program, or school child program. 121654

(4) Any information obtained under division (D) of this 121655
section is confidential and not a public record for the purposes 121656
of section 149.43 of the Revised Code. The information shall not 121657
be made available to any person other than the person who is the 121658
subject of the inspection or the person's representative, the 121659
director of ~~job~~ children and ~~family services~~ youth, the director 121660
of a county department of job and family services, and any court, 121661
hearing officer, or other necessary individual involved in a case 121662
dealing with a denial or revocation of licensure, approval, or 121663
certification related to the search. 121664

(E) Whenever the director of ~~job~~ children and ~~family services~~ 121665
youth determines a person ineligible for employment under division 121666
(B), (C), or (D) of this section, the director shall as soon as 121667
practicable notify the following of that determination: the 121668
licensed preschool program or licensed school child program that 121669
provides publicly funded child care, child day-care center, type A 121670
family day-care home, licensed type B family day-care home, or 121671
approved child day camp that is considering the person for 121672
appointment or employment. A licensed preschool program or 121673
licensed school child program that provides publicly funded child 121674
care, child day-center, type A family day-care home, licensed type 121675
B family day-care home, or approved child day camp shall not 121676
employ a person who is determined under this section to be 121677
ineligible for employment. 121678

(F)(1) An administrator of a child day camp, other than an approved child day camp shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check for any applicant or employee, including an administrator, of the child day camp. The request shall be made at the time of initial application for employment and every five years thereafter.

(2) A criminal records check requested at the time of initial application shall include a request that the superintendent of the bureau of criminal identification and investigation obtain information from the federal bureau of investigation as part of the criminal records check for the person, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671 for the person subject to the criminal records check.

(3) A criminal records check requested at any time other than the time of initial application may include a request that the superintendent of the bureau of criminal identification and investigation obtain information from the federal bureau of investigation as part of the criminal records check for the person, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671 for the person subject to the criminal records check.

(4) With respect to a criminal records check requested under division (F) of this section, the administrator shall do all of the following:

(a) Provide to the applicant or employee a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a standard impression sheet to obtain fingerprint impressions prescribed pursuant to division (C)(2) of that section;

(b) Obtain the completed form and impression sheet from the applicant or employee;

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(c) Forward the completed form and impression sheet to the superintendent of the bureau of criminal identification and investigation;

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(d) Review the results of the criminal records check.

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(5) An applicant or employee who receives from the administrator a copy of the form and standard impression sheet and who is requested to complete the form and provide a set of fingerprint impressions shall complete the form or provide all of the information necessary to complete the form and shall provide the impression sheet with the impressions of the person's fingerprints. If the applicant or employee, upon request, fails to provide the information necessary to complete the form or fails to provide impressions of the person's fingerprints, the administrator may consider the failure a reason to determine an applicant or employee ineligible for employment.

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(6) A child day camp, other than an approved child day camp, may employ an applicant or continue to employ an employee until the criminal records check required by this section is completed and the camp receives the results of the check. Until the administrator has reviewed the results of the criminal records check and determines that the applicant or employee is eligible for employment, the camp shall not grant the applicant or employee sole responsibility for the care, custody, or control of a child. If the results indicate that the applicant or employee is ineligible for employment, the camp shall immediately release the applicant or employee from employment.

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(7) Except as provided in rules adopted under this section, the administrator shall determine an applicant or employee ineligible for employment if the person has been convicted of or

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pleaded guilty to any of the violations described in division 121741
(A)(5) of section 109.572 of the Revised Code. If the applicant or 121742
employee is determined ineligible, the child day camp shall not 121743
employ the applicant or employee or contract with another entity 121744
for the services of the applicant or employee. 121745

(8) Each child day camp shall pay to the bureau of criminal 121746
identification and investigation the fee prescribed pursuant to 121747
division (C)(3) of section 109.572 of the Revised Code for each 121748
criminal records check conducted in accordance with that section 121749
upon a request made pursuant to division (F) of this section. A 121750
camp may charge an applicant or employee a fee for the costs it 121751
incurs in obtaining a criminal records check under division (F) of 121752
this section. A fee charged under this division shall not exceed 121753
the fees the camp pays under this section. If a fee is charged, 121754
the camp shall notify the applicant at the time of the applicant's 121755
initial application for employment of the amount of the fee and 121756
that, unless the fee is paid, the camp will not consider the 121757
applicant for employment. 121758

(9) The report of any criminal records check conducted by the 121759
bureau of criminal identification and investigation in accordance 121760
with section 109.572 of the Revised Code and pursuant to a request 121761
made under division (F) of this section is confidential and not a 121762
public record for the purposes of section 149.43 of the Revised 121763
Code. The report shall not be made available to any person other 121764
than the person who is the subject of the criminal records check 121765
or the person's representative, the director of ~~job~~ children and 121766
~~family services~~ youth, the administrator, and any court, hearing 121767
officer, or other necessary individual involved in a case dealing 121768
with a denial or revocation of registration related to the 121769
criminal records check. 121770

(G) The director of ~~job~~ children and ~~family services~~ youth 121771
shall adopt rules as necessary to implement this section. The 121772

rules shall be adopted in accordance with Chapter 119. of the 121773
Revised Code. The rules shall specify exceptions to the 121774
prohibitions in ~~division~~ divisions (B), (E), and (F) of this 121775
section for a person who has been convicted of or pleaded guilty 121776
to a criminal offense listed in division (A)(5) of section 109.572 121777
of the Revised Code but who meets standards in regard to 121778
rehabilitation set by the director. 121779

(H)(1) Whenever the director of ~~job~~ children and ~~family~~ 121780
~~services~~ youth requests a criminal records check, searches the 121781
uniform statewide automated child welfare information system, or 121782
inspects the state registry of sex offenders and child-victim 121783
offenders and national sex offender registry as required by this 121784
section and finds that a person who is subject to the requirements 121785
of division (B), (C), or (D) of this section resided in another 121786
state during the previous five years, the director shall request 121787
the following from the other state: a criminal records check and 121788
information from the uniform statewide automated child welfare 121789
information system or state registry of sex offenders. 121790

(2) Whenever the director receives from an agency of another 121791
state a request for a criminal records check or for information 121792
from the uniform statewide automated child welfare information 121793
system or state registry of sex offenders that is related to a 121794
child care license or the provision of publicly funded child care, 121795
the director shall provide to that other state's agency the 121796
results of the records check and information from the system and 121797
registry. 121798

Sec. 5104.015. The director of ~~job~~ children and ~~family~~ 121799
~~services~~ youth shall adopt rules in accordance with Chapter 119. 121800
of the Revised Code governing the operation of child day-care 121801
centers, including parent cooperative centers, part-time centers, 121802
and drop-in centers. The rules shall reflect the various forms of 121803

child care and the needs of children receiving child care or 121804
publicly funded child care and shall include specific rules for 121805
school-age child care centers that are developed in consultation 121806
with the department of education. The rules shall include the 121807
following: 121808

(A) Submission of a site plan and descriptive plan of 121809
operation to demonstrate how the center proposes to meet the 121810
requirements of this chapter and rules adopted pursuant to this 121811
chapter for the initial license application; 121812

(B) Standards for ensuring that the physical surroundings of 121813
the center are safe and sanitary including the physical 121814
environment, the physical plant, and the equipment of the center; 121815

(C) Standards for the supervision, care, and discipline of 121816
children receiving child care or publicly funded child care in the 121817
center; 121818

(D) Standards for a program of activities, and for play 121819
equipment, materials, and supplies, to enhance the development of 121820
each child; however, any educational curricula, philosophies, and 121821
methodologies that are developmentally appropriate and that 121822
enhance the social, emotional, intellectual, and physical 121823
development of each child shall be permissible. As used in this 121824
division, "program" does not include instruction in religious or 121825
moral doctrines, beliefs, or values that is conducted at child 121826
day-care centers owned and operated by churches and does include 121827
methods of disciplining children at child day-care centers. 121828

(E) Admissions policies and procedures; 121829

(F) Health care policies and procedures, including procedures 121830
for the isolation of children with communicable diseases; 121831

(G) First aid and emergency procedures; 121832

(H) Procedures for discipline and supervision of children; 121833

(I) Standards for the provision of nutritious meals and snacks;	121834 121835
(J) Procedures for screening children that may include any necessary physical examinations and shall include immunizations in accordance with section 5104.014 of the Revised Code;	121836 121837 121838
(K) Procedures for screening employees that may include any necessary physical examinations and immunizations;	121839 121840
(L) Methods for encouraging parental participation in the center and methods for ensuring that the rights of children, parents, and employees are protected and that responsibilities of parents and employees are met;	121841 121842 121843 121844
(M) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the center while under the care of a center employee;	121845 121846 121847
(N) Procedures for record keeping, organization, and administration;	121848 121849
(O) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	121850 121851 121852
(P) Inspection procedures;	121853
(Q) Procedures and standards for setting initial license application fees;	121854 121855
(R) Procedures for receiving, recording, and responding to complaints about centers;	121856 121857
(S) Procedures for enforcing section 5104.04 of the Revised Code;	121858 121859
(T) Minimum qualifications for employment as an administrator or child-care staff member;	121860 121861
(U) Requirements for the training of administrators and	121862

child-care staff members, including training in first aid, in 121863
prevention, recognition, and management of communicable diseases, 121864
and in child abuse recognition and prevention; 121865

(V) Standards providing for the needs of children who have 121866
disabilities or who require treatment for health conditions while 121867
the child is receiving child care or publicly funded child care in 121868
the center; 121869

(W) A procedure for reporting of injuries of children that 121870
occur at the center; 121871

(X) Standards for licensing child day-care centers for 121872
children with short-term illnesses and other temporary medical 121873
conditions; 121874

(Y) Minimum requirements for instructional time for child 121875
day-care centers rated through the step up to quality program 121876
established pursuant to section 5104.29 of the Revised Code; 121877

(Z) Any other procedures and standards necessary to carry out 121878
the provisions of this chapter regarding child day-care centers. 121879

Sec. 5104.016. The director of ~~job~~ children and ~~family~~ 121880
~~services~~ youth, in addition to the rules adopted under section 121881
5104.015 of the Revised Code, shall adopt rules establishing 121882
minimum requirements for child day-care centers. The rules shall 121883
include the requirements set forth in sections 5104.032 to 121884
5104.034 of the Revised Code. Except as provided in section 121885
5104.07 of the Revised Code, the rules shall not change the square 121886
footage requirements of section 5104.032 of the Revised Code or 121887
the maximum number of children per child-care staff member and 121888
maximum group size requirements of section 5104.033 of the Revised 121889
Code. However, the rules shall provide procedures for determining 121890
compliance with those requirements. 121891

Sec. 5104.017. The director of ~~job~~ children and ~~family~~ 121892

~~services~~ youth shall adopt rules pursuant to Chapter 119. of the Revised Code governing the operation of type A family day-care homes, including parent cooperative type A homes, part-time type A homes, and drop-in type A homes. The rules shall reflect the various forms of child care and the needs of children receiving child care. The rules shall include the following:

(A) Submission of a site plan and descriptive plan of operation to demonstrate how the type A home proposes to meet the requirements of this chapter and rules adopted pursuant to this chapter for the initial license application;

(B) Standards for ensuring that the physical surroundings of the type A home are safe and sanitary, including the physical environment, the physical plant, and the equipment of the type A home;

(C) Standards for the supervision, care, and discipline of children receiving child care or publicly funded child care in the type A home;

(D) Standards for a program of activities, and for play equipment, materials, and supplies, to enhance the development of each child; however, any educational curricula, philosophies, and methodologies that are developmentally appropriate and that enhance the social, emotional, intellectual, and physical development of each child shall be permissible;

(E) Admissions policies and procedures;

(F) Health care policies and procedures, including procedures for the isolation of children with communicable diseases;

(G) First aid and emergency procedures;

(H) Procedures for discipline and supervision of children;

(I) Standards for the provision of nutritious meals and snacks;

(J) Procedures for screening children, including any necessary physical examinations and the immunizations required pursuant to section 5104.014 of the Revised Code;	121923 121924 121925
(K) Procedures for screening employees, including any necessary physical examinations and immunizations;	121926 121927
(L) Methods for encouraging parental participation in the type A home and methods for ensuring that the rights of children, parents, and employees are protected and that the responsibilities of parents and employees are met;	121928 121929 121930 121931
(M) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the type A home while under the care of a type A home employee;	121932 121933 121934
(N) Procedures for record keeping, organization, and administration;	121935 121936
(O) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	121937 121938 121939
(P) Inspection procedures;	121940
(Q) Procedures and standards for setting initial license application fees;	121941 121942
(R) Procedures for receiving, recording, and responding to complaints about type A homes;	121943 121944
(S) Procedures for enforcing section 5104.04 of the Revised Code;	121945 121946
(T) A standard requiring the inclusion of a current department of job children and family services <u>youth</u> toll-free telephone number on each type A home license that any person may use to report a suspected violation by the type A home of this chapter or rules adopted pursuant to this chapter;	121947 121948 121949 121950 121951
(U) Requirements for the training of administrators and	121952

child-care staff members in first aid, in prevention, recognition,	121953
and management of communicable diseases, and in child abuse	121954
recognition and prevention;	121955
(V) Standards providing for the needs of children who have	121956
disabilities or who require treatment for health conditions while	121957
the child is receiving child care or publicly funded child care in	121958
the type A home;	121959
(W) Standards for the maximum number of children per	121960
child-care staff member;	121961
(X) Requirements for the amount of usable indoor floor space	121962
for each child;	121963
(Y) Requirements for safe outdoor play space;	121964
(Z) Qualifications and training requirements for	121965
administrators and for child-care staff members;	121966
(AA) Procedures for granting a parent who is the residential	121967
parent and legal custodian, or a custodian or guardian access to	121968
the type A home during its hours of operation;	121969
(BB) Minimum requirements for instructional time for type A	121970
homes rated through the step up to quality program established	121971
pursuant to section 5104.29 of the Revised Code;	121972
(CC) Any other procedures and standards necessary to carry	121973
out the provisions of this chapter regarding type A homes.	121974
Sec. 5104.018. The director of job <u>children</u> and family services <u>youth</u> shall adopt rules in accordance with Chapter 119.	121975
of the Revised Code governing the licensure of type B family	121976
day-care homes. The rules shall provide for safeguarding the	121977
health, safety, and welfare of children receiving child care or	121978
publicly funded child care in a licensed type B family day-care	121979
home and shall include all of the following:	121980
	121981

(A) Requirements for the type B home to notify parents with children in the type B home that the type B home is certified as a foster home under section 5103.03 of the Revised Code;	121982 121983 121984
(B) Standards for ensuring that the type B home and the physical surroundings of the type B home are safe and sanitary, including physical environment, physical plant, and equipment;	121985 121986 121987
(C) Standards for the supervision, care, and discipline of children receiving child care or publicly funded child care in the home;	121988 121989 121990
(D) Standards for a program of activities, and for play equipment, materials, and supplies to enhance the development of each child; however, any educational curricula, philosophies, and methodologies that are developmentally appropriate and that enhance the social, emotional, intellectual, and physical development of each child shall be permissible;	121991 121992 121993 121994 121995 121996
(E) Admission policies and procedures;	121997
(F) Health care, first aid and emergency procedures;	121998
(G) Procedures for the care of sick children;	121999
(H) Procedures for discipline and supervision of children;	122000
(I) Nutritional standards;	122001
(J) Procedures for screening children, including any necessary physical examinations and the immunizations required pursuant to section 5104.014 of the Revised Code;	122002 122003 122004
(K) Procedures for screening administrators and employees, including any necessary physical examinations and immunizations;	122005 122006
(L) Methods of encouraging parental participation and ensuring that the rights of children, parents, and administrators are protected and the responsibilities of parents and administrators are met;	122007 122008 122009 122010

(M) Standards for the safe transport of children when under the care of administrators;	122011 122012
(N) Procedures for issuing, denying, or revoking licenses;	122013
(O) Procedures for the inspection of type B homes that require, at a minimum, that each type B home be inspected prior to licensure to ensure that the home is safe and sanitary;	122014 122015 122016
(P) Procedures for record keeping and evaluation;	122017
(Q) Procedures for receiving, recording, and responding to complaints;	122018 122019
(R) Standards providing for the needs of children who have disabilities or who receive treatment for health conditions while the child is receiving child care or publicly funded child care in the type B home;	122020 122021 122022 122023
(S) Requirements for the amount of usable indoor floor space for each child;	122024 122025
(T) Requirements for safe outdoor play space;	122026
(U) Qualification and training requirements for administrators;	122027 122028
(V) Procedures for granting a parent who is the residential parent and legal custodian, or a custodian or guardian access to the type B home during its hours of operation;	122029 122030 122031
(W) Requirements for the type B home to notify parents with children in the type B home that the type B home is certified as a foster home under section 5103.03 of the Revised Code;	122032 122033 122034
(X) Minimum requirements for instructional time for type B homes rated through the step up to quality program established pursuant to section 5104.29 of the Revised Code;	122035 122036 122037
(Y) Any other procedures and standards necessary to carry out the provisions of this chapter regarding licensure of type B	122038 122039

homes. 122040

Sec. 5104.019. The director of ~~job~~ children and ~~family~~ services youth shall adopt rules in accordance with Chapter 119. 122041
of the Revised Code governing the certification of in-home aides. 122042
The rules shall provide for safeguarding the health, safety, and 122043
welfare of children receiving publicly funded child care in their 122044
own home and shall include the following: 122045
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(A) Standards for ensuring that the child's home and the 122047
physical surroundings of the child's home are safe and sanitary, 122048
including physical environment, physical plant, and equipment; 122049

(B) Standards for the supervision, care, and discipline of 122050
children receiving publicly funded child care in their own home; 122051

(C) Standards for a program of activities, and for play 122052
equipment, materials, and supplies to enhance the development of 122053
each child; however, any educational curricula, philosophies, and 122054
methodologies that are developmentally appropriate and that 122055
enhance the social, emotional, intellectual, and physical 122056
development of each child shall be permissible; 122057

(D) Health care, first aid, and emergency procedures, 122058
procedures for the care of sick children, procedures for 122059
discipline and supervision of children, nutritional standards, and 122060
procedures for screening children and in-home aides, including any 122061
necessary physical examinations and immunizations; 122062

(E) Methods of encouraging parental participation and 122063
ensuring that the rights of children, parents, and in-home aides 122064
are protected and the responsibilities of parents and in-home 122065
aides are met; 122066

(F) Standards for the safe transport of children when under 122067
the care of in-home aides; 122068

(G) Procedures for issuing, renewing, denying, refusing to 122069

renew, or revoking certificates;	122070
(H) Procedures for inspection of homes of children receiving publicly funded child care in their own homes;	122071 122072
(I) Procedures for record keeping and evaluation;	122073
(J) Procedures for receiving, recording, and responding to complaints;	122074 122075
(K) Qualifications and training requirements for in-home aides;	122076 122077
(L) Standards providing for the special needs of children who are handicapped or who receive treatment for health conditions while the child is receiving publicly funded child care in the child's own home;	122078 122079 122080 122081
(M) Any other procedures and standards necessary to carry out the provisions of this chapter regarding certification of in-home aides.	122082 122083 122084
Sec. 5104.0111. (A) The director of job children and family services <u>youth</u> shall do all of the following:	122085 122086
(1) Provide or make available in either paper or electronic form to each licensee notice of proposed rules governing the licensure of child day-care centers, type A homes, and type B homes;	122087 122088 122089 122090
(2) Give public notice of hearings regarding the proposed rules at least thirty days prior to the date of the public hearing, in accordance with section 119.03 of the Revised Code;	122091 122092 122093
(3) At least thirty days before the effective date of a rule, provide, in either paper or electronic form, a copy of the adopted rule to each licensee;	122094 122095 122096
(4) Send to each county director of job and family services a notice of proposed rules governing the certification of in-home	122097 122098

aides that includes an internet web site address where the proposed rules can be viewed; 122099
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(5) Provide to each county director of job and family services an electronic copy of each adopted rule at least forty-five days prior to the rule's effective date; 122101
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(6) Review all rules adopted pursuant to this chapter at least once every seven years. 122104
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(B) The county director of job and family services shall provide or make available in either paper or electronic form to each in-home aide copies of proposed rules and shall give public notice of hearings regarding the rules to each in-home aide at least thirty days prior to the date of the public hearing, in accordance with section 119.03 of the Revised Code. At least thirty days before the effective date of a rule, the county director of job and family services shall provide, in either paper or electronic form, copies of the adopted rule to each in-home aide. 122106
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(C) Additional copies of proposed and adopted rules shall be made available by the director of ~~job children~~ and ~~family services youth~~ to the public on request at no charge. 122116
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(D) The director of ~~job children~~ and ~~family services youth~~ may adopt rules in accordance with Chapter 119. of the Revised Code for imposing sanctions on persons and entities that are licensed or certified under this chapter. Sanctions may be imposed only for an action or omission that constitutes a serious risk noncompliance. The sanctions imposed shall be based on the scope and severity of the violations. 122119
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The director shall make a dispute resolution process available for the implementation of sanctions. The process may include an opportunity for appeal pursuant to Chapter 119. of the Revised Code. 122126
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(E) The director of ~~job~~ children and ~~family services~~ youth 122130
shall adopt rules in accordance with Chapter 119. of the Revised 122131
Code that establish standards for the training of individuals who 122132
inspect or investigate type B family day-care homes pursuant to 122133
section 5104.03 of the Revised Code. The department shall provide 122134
training in accordance with those standards for individuals in the 122135
categories described in this division. 122136

Sec. 5104.0112. Notwithstanding any provision of the Revised 122137
Code, the director of ~~job~~ children and ~~family services~~ youth shall 122138
not regulate in any way under this chapter or rules adopted 122139
pursuant to this chapter, instruction in religious or moral 122140
doctrines, beliefs, or values. 122141

Sec. 5104.02. (A) The director of ~~job~~ children and ~~family~~ 122142
~~services~~ youth is responsible for licensing child day-care 122143
centers, type A family day-care homes, and type B family day-care 122144
homes. Each entity operating a head start program shall meet the 122145
criteria for, and be licensed as, a child day-care center. The 122146
director is responsible for the enforcement of this chapter and of 122147
rules promulgated pursuant to this chapter. 122148

No person, firm, organization, institution, or agency shall 122149
operate, establish, manage, conduct, or maintain a child day-care 122150
center or type A family day-care home without a license issued 122151
under section 5104.03 of the Revised Code. The current license 122152
shall be posted in the center or home in a conspicuous place that 122153
is accessible to parents, custodians, or guardians and employees 122154
of the center or home at all times when the center or home is in 122155
operation. 122156

(B) A person, firm, institution, organization, or agency 122157
operating any of the following programs is exempt from the 122158
requirements of this chapter: 122159

- (1) A program caring for children that operates for two consecutive weeks or less and not more than six weeks total in each calendar year; 122160
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- (2) Caring for children in places of worship during religious activities while at least one parent, guardian, or custodian of each child is participating in such activities and is readily available; 122163
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- (3) Supervised training, instruction, or activities of children in specific areas, including, but not limited to: art; drama; dance; music; athletic skills or sports; computers; or an educational subject conducted on an organized or periodic basis that a child does not attend for more than eight total hours per week; 122167
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- (4) Programs in which the director determines that at least one parent, custodian, or guardian of each child who is not an employee of the facility engaged in employment duties is on the premises of the facility that offers care and is readily accessible at all times; 122173
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- (5) Programs that provide care and are regulated by state departments other than the department of ~~job~~ children and ~~family services~~ youth or the state board of education. 122178
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- (6) Any preschool program or school child program, except a head start program, that is subject to licensure by the department of ~~education~~ children and youth under sections 3301.52 to 3301.59 of the Revised Code. 122181
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- (7) Any program providing care that meets all of the following requirements and, on October 20, 1987, was being operated by a nonpublic school that holds a charter issued by the state board of education for kindergarten only: 122185
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- (a) The nonpublic school has given the notice to the state board and the director of ~~job~~ children and ~~family services~~ youth 122189
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required by Section 4 of Substitute House Bill No. 253 of the 122191
117th general assembly; 122192

(b) The nonpublic school continues to be chartered by the 122193
state board for kindergarten, or receives and continues to hold a 122194
charter from the state board for kindergarten through grade five; 122195

(c) The program is conducted in a school building; 122196

(d) The program is operated in accordance with rules 122197
promulgated by the ~~state board~~ department of children and youth 122198
under section 3301.53 of the Revised Code. 122199

(8) A youth development program operated outside of school 122200
hours to which all of the following apply: 122201

(a) The children enrolled in the program are under nineteen 122202
years of age and enrolled in or eligible to be enrolled in a grade 122203
of kindergarten or above. 122204

(b) The program provides informal care, which is care that 122205
does not require parental signature, permission, or notice for the 122206
child receiving the care to enter or leave the program. 122207

(c) The program provides any of the following supervised 122208
activities: educational, recreational, culturally enriching, 122209
social, and personal development activities. 122210

(d) The entity operating the program is exempt from federal 122211
income taxation pursuant to 26 U.S.C. 501(a) and (c)(3). 122212

(9) A preschool program operated by a nonchartered, 122213
nontax-supported school if the preschool program meets all of the 122214
following conditions: 122215

(a) The program complies with state and local health, fire, 122216
and safety laws. 122217

(b) The program annually certifies in a report to the parents 122218
of its pupils that the school is in compliance with division 122219
(B)(9)(a) of this section and files a copy of the report with the 122220

department of ~~job children~~ and ~~family services~~ youth on or before 122221
the thirtieth day of September of each year. 122222

(c) The program complies with all applicable reporting 122223
requirements in the same manner as required by the state board of 122224
education for nonchartered, nonpublic primary and secondary 122225
schools. 122226

(d) The program is associated with a nonchartered, 122227
nontax-supported primary or secondary school. 122228

(10) A program that provides activities for children who are 122229
five years of age or older and is operated by a county, township, 122230
municipal corporation, township park district created under 122231
section 511.18 of the Revised Code, park district created under 122232
section 1545.04 of the Revised Code, or joint recreation district 122233
established under section 755.14 of the Revised Code. 122234

Sec. 5104.021. The director of ~~job children~~ and ~~family~~ 122235
~~services~~ youth may issue a child day-care center or type A family 122236
day-care home license to a youth development program that is 122237
exempted by division (B)(8) of section 5104.02 of the Revised Code 122238
from the requirements of this chapter if the youth development 122239
program applies for and meets all of the requirements for the 122240
license. 122241

Sec. 5104.022. In no case shall the director of ~~job children~~ 122242
and ~~family services~~ youth issue a license to operate a type A 122243
family day-care home if the type A home is certified as a foster 122244
home or specialized foster home pursuant to Chapter 5103. of the 122245
Revised Code. In no case shall the director issue a license to 122246
operate a type B family day-care home if the type B home is 122247
certified as a specialized foster home pursuant to Chapter 5103. 122248
of the Revised Code. 122249

Sec. 5104.03. (A) As used in this section, "owner" has the same meaning as in section 5104.01 of the Revised Code, except that "owner" also includes a firm, organization, institution, or agency, as well as any individual governing board members, partners, or authorized representatives of the owner.

(B) Any person, firm, organization, institution, or agency seeking to establish a child day-care center, type A family day-care home, or licensed type B family day-care home shall apply for a license to the director of ~~job children~~ and ~~family services~~ youth on such form as the director prescribes. The director shall provide at no charge to each applicant for licensure a copy of the child care license requirements in this chapter and a copy of the rules adopted pursuant to this chapter. The copies may be provided in paper or electronic form.

Fees shall be set by the director pursuant to sections 5104.015, 5104.017, and 5104.018 of the Revised Code and shall be paid at the time of application for a license to operate a center, type A home, or type B home. Fees collected under this section shall be paid into the state treasury to the credit of the general revenue fund.

(C)(1) Upon filing of the application for a license, the director shall investigate and inspect the center, type A home, or type B home to determine the license capacity for each age category of children of the center, type A home, or type B home and to determine whether the center, type A home, or type B home complies with this chapter and rules adopted pursuant to this chapter. When, after investigation and inspection, the director is satisfied that this chapter and rules adopted pursuant to it are complied with, subject to division (G) of this section, a license shall be issued as soon as practicable in such form and manner as prescribed by the director. The license shall be designated as

provisional and shall be valid for at least twelve months from the 122281
date of issuance and until the continuous license is issued or 122282
until the provisional license is revoked or suspended pursuant to 122283
section 5104.042 of the Revised Code. 122284

(2) The director may contract with a government entity or a 122285
private nonprofit entity for the entity to inspect type A or type 122286
B family day-care homes pursuant to this section. If the director 122287
contracts with a government entity or private nonprofit entity for 122288
that purpose, the entity may contract with another government 122289
entity or private nonprofit entity for the other entity to inspect 122290
type A or type B homes pursuant to this section. The director, 122291
government entity, or private nonprofit entity shall conduct an 122292
inspection prior to the issuance of a license for a type A or type 122293
B home and, as part of that inspection, ensure that the home is 122294
safe and sanitary. 122295

(D) The director shall investigate and inspect the center, 122296
type A home, or type B home at least once during operation under a 122297
license designated as provisional. If after the investigation and 122298
inspection the director determines that the requirements of this 122299
chapter and rules adopted pursuant to this chapter are met, 122300
subject to division (G) of this section, the director shall issue 122301
a continuous license to the center or home. 122302

(E) Each license shall state the name of the licensee, the 122303
name of the administrator, the address of the center, type A home, 122304
or licensed type B home, and the license capacity for each age 122305
category of children. The license shall include thereon, in 122306
accordance with sections 5104.015, 5104.017, and 5104.018 of the 122307
Revised Code, the toll-free telephone number to be used by persons 122308
suspecting that the center, type A home, or licensed type B home 122309
has violated a provision of this chapter or rules adopted pursuant 122310
to this chapter. A license is valid only for the licensee, 122311
administrator, address, and license capacity for each age category 122312

of children designated on the license. The license capacity 122313
specified on the license is the maximum number of children in each 122314
age category that may be cared for in the center, type A home, or 122315
licensed type B home at one time. 122316

A center or home licensee shall notify the director in 122317
writing when the administrator, address, or license capacity of 122318
the center or home changes. The director shall amend the current 122319
license to reflect a change in any of the following: 122320

(1) An administrator, if the administrator meets the 122321
requirements of this chapter and rules adopted pursuant to this 122322
chapter; 122323

(2) Address, if the new address meets the requirements of 122324
this chapter and rules adopted pursuant to this chapter; 122325

(3) License capacity for any age category of children as 122326
determined by the director of ~~job children~~ and ~~family services~~
youth. 122327
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(F) If the director revokes the license of a center, a type A 122329
home, or a type B home, the director shall not issue another 122330
license to the owner of the center, type A home, or type B home 122331
until five years have elapsed from the date the license is 122332
revoked. 122333

If the director denies an application for a license, the 122334
director shall not consider another application from the applicant 122335
until five years have elapsed from the date the application is 122336
denied. 122337

(G)(1) Except as provided in division (G)(2) of this section, 122338
all actions of the director with respect to licensing centers, 122339
type A homes, or type B homes, refusal to license, and revocation 122340
of a license shall be in accordance with Chapter 119. of the 122341
Revised Code. Except as provided in division (G)(2) of this 122342
section, any applicant who is denied a license or any owner whose 122343

license is revoked may appeal in accordance with section 119.12 of 122344
the Revised Code. 122345

(2) The following actions by the director are not subject to 122346
Chapter 119. of the Revised Code: 122347

(a) The director ceases its review of an application because 122348
the owner of a center, type A home, or type B home sought a 122349
license before five years had elapsed from the date the previous 122350
license was revoked and the director does not issue the license. 122351

(b) The director ceases its review of an application because 122352
the applicant applied for licensure before five years had elapsed 122353
from the date the previous application was denied and the director 122354
does not issue the license. 122355

(c) The director closes a license because the director has 122356
determined that the center, type A home, or type B home is no 122357
longer operating at the address stated on the license and did not 122358
notify the director of the address change as described in division 122359
(E) of this section. 122360

(H) In no case shall the director issue a license under this 122361
section for a center, type A home, or type B home if the director, 122362
based on documentation provided by the appropriate county 122363
department of job and family services, determines that the 122364
applicant had been certified as an in-home aide, that the county 122365
department revoked that certification within the immediately 122366
preceding five years, that the revocation was based on the 122367
applicant's refusal or inability to comply with the criteria for 122368
certification, and that the refusal or inability resulted in a 122369
risk to the health or safety of children. 122370

(I) An owner of a type B family day-care home that receives a 122371
license pursuant to this section is an independent contractor and 122372
is not an employee of the department of ~~job~~ children and ~~family~~ 122373
~~services~~ youth. 122374

Sec. 5104.034. Each child day-care center shall have on the 122375
center premises and readily available at all times at least one 122376
child-care staff member who has completed a course in first aid, 122377
one staff member who has completed a course in prevention, 122378
recognition, and management of communicable diseases which is 122379
approved by the state department of health, and a staff member who 122380
has completed a course in child abuse recognition and prevention 122381
training which is approved by the department of ~~job~~ children and 122382
~~family services~~ youth. 122383

Sec. 5104.038. The administrator of each child day-care 122384
center shall maintain enrollment, health, and attendance records 122385
for all children attending the center and health and employment 122386
records for all center employees. The records shall be 122387
confidential, except that they shall be disclosed by the 122388
administrator to the director of children and youth upon request 122389
for the purpose of administering and enforcing this chapter and 122390
rules adopted pursuant to this chapter. Neither the center nor the 122391
licensee, administrator, or employees of the center shall be 122392
civilly or criminally liable in damages or otherwise for records 122393
disclosed to the director by the administrator pursuant to this 122394
division. It shall be a defense to any civil or criminal charge 122395
based upon records disclosed by the administrator to the director 122396
that the records were disclosed pursuant to this division. 122397

Sec. 5104.04. (A) The department of ~~job~~ children and ~~family~~ 122398
~~services~~ youth shall establish procedures to be followed in 122399
investigating, inspecting, and licensing child day-care centers, 122400
type A family day-care homes, and licensed type B family day-care 122401
homes. 122402

(B)(1)(a) The department shall, at least once during every 122403
twelve-month period of operation of a center, type A home, or 122404

licensed type B home, inspect the center, type A home, or licensed 122405
type B home. The department shall inspect a part-time center or 122406
part-time type A home at least once during every twelve-month 122407
period of operation. The department shall provide a written 122408
inspection report to the licensee within a reasonable time after 122409
each inspection. 122410

Inspections may be unannounced. No person, firm, 122411
organization, institution, or agency shall interfere with the 122412
inspection of a center, type A home, or licensed type B home by 122413
any state or local official engaged in performing duties required 122414
of the state or local official by this chapter or rules adopted 122415
pursuant to this chapter, including inspecting the center, type A 122416
home, or licensed type B home, reviewing records, or interviewing 122417
licensees, employees, children, or parents. 122418

(b) Upon receipt of any complaint that a center, type A home 122419
or licensed type B home is out of compliance with the requirements 122420
of this chapter or rules adopted pursuant to this chapter, the 122421
department shall investigate the center or home, and both of the 122422
following apply: 122423

(i) If the complaint alleges that a child suffered physical 122424
harm while receiving child care at the center or home or that the 122425
noncompliance alleged in the complaint involved, resulted in, or 122426
poses a substantial risk of physical harm to a child receiving 122427
child care at the center or home, the department shall inspect the 122428
center or home. 122429

(ii) If division (B)(1)(b)(i) of this section does not apply 122430
regarding the complaint, the department may inspect the center or 122431
home. 122432

(c) Division (B)(1)(b) of this section does not limit, 122433
restrict, or negate any duty of the department to inspect a 122434
center, type A home, or licensed type B home that otherwise is 122435

imposed under this section, or any authority of the department to 122436
inspect a center, type A home, or licensed type B home that 122437
otherwise is granted under this section. 122438

(2) If the department implements an instrument-based program 122439
monitoring information system, it may use an indicator checklist 122440
to comply with division (B)(1) of this section. 122441

(C) The department may deny an application or revoke a 122442
license of a center, type A home, or licensed type B home, if the 122443
applicant knowingly submits falsified information to the 122444
department or if the center or home does not comply with the 122445
requirements of this chapter or rules adopted pursuant to this 122446
chapter. 122447

(D) If the department finds, after notice and hearing 122448
pursuant to Chapter 119. of the Revised Code, that any applicant, 122449
person, firm, organization, institution, or agency applying for 122450
licensure or licensed under section 5104.03 of the Revised Code is 122451
in violation of any provision of this chapter or rules adopted 122452
pursuant to this chapter, the department may issue an order of 122453
denial to the applicant or an order of revocation to the center, 122454
type A home, or licensed type B home revoking the license 122455
previously issued by the department. Upon the issuance of such an 122456
order, the person whose application is denied or whose license is 122457
revoked may appeal in accordance with section 119.12 of the 122458
Revised Code. 122459

(E) The surrender of a center, type A home, or licensed type 122460
B home license to the department or the withdrawal of an 122461
application for licensure by the owner or administrator of the 122462
center, type A home, or licensed type B home shall not prohibit 122463
the department from instituting any of the actions set forth in 122464
this section. 122465

(F) Whenever the department receives a complaint, is advised, 122466

or otherwise has any reason to believe that a center or type A 122467
home is providing child care without a license issued pursuant to 122468
section 5104.03 and is not exempt from licensing pursuant to 122469
section 5104.02 of the Revised Code, the department shall 122470
investigate the center or type A home and may inspect the areas 122471
children have access to or areas necessary for the care of 122472
children in the center or type A home during suspected hours of 122473
operation to determine whether the center or type A home is 122474
subject to the requirements of this chapter or rules adopted 122475
pursuant to this chapter. 122476

(G) The department, upon determining that the center or type 122477
A home is operating without a license, shall notify the attorney 122478
general, the prosecuting attorney of the county in which the 122479
center or type A home is located, or the city attorney, village 122480
solicitor, or other chief legal officer of the municipal 122481
corporation in which the center or type A home is located, that 122482
the center or type A home is operating without a license. Upon 122483
receipt of the notification, the attorney general, prosecuting 122484
attorney, city attorney, village solicitor, or other chief legal 122485
officer of a municipal corporation shall file a complaint in the 122486
court of common pleas of the county in which the center or type A 122487
home is located requesting that the court grant an order enjoining 122488
the owner from operating the center or type A home in violation of 122489
section 5104.02 of the Revised Code. The court shall grant such 122490
injunctive relief upon a showing that the respondent named in the 122491
complaint is operating a center or type A home and is doing so 122492
without a license. 122493

(H) The department shall prepare an annual report on 122494
inspections conducted under this section. The report shall include 122495
the number of inspections conducted, the number and types of 122496
violations found, and the steps taken to address the violations. 122497
The department shall file the report with the governor, the 122498

president and minority leader of the senate, and the speaker and 122499
minority leader of the house of representatives on or before the 122500
first day of January of each year, beginning in 1999. 122501

Sec. 5104.041. (A) All type A family day-care homes and 122502
licensed type B family day-care homes shall procure and maintain 122503
one of the following: 122504

(1) Liability insurance issued by an insurer authorized to do 122505
business in this state under Chapter 3905. of the Revised Code 122506
insuring the type A or type B family day-care home against 122507
liability arising out of, or in connection with, the operation of 122508
the family day-care home. The insurance procured shall cover any 122509
cause for which the type A or type B family day-care home would be 122510
liable, in the amount of at least one hundred thousand dollars per 122511
occurrence and three hundred thousand dollars in the aggregate. 122512

(2) A written statement signed by the parent, guardian, or 122513
custodian of each child receiving child care from the type A or 122514
type B family day-care home that states all of the following: 122515

(a) The family day-care home does not carry liability 122516
insurance described in division (A)(1) of this section; 122517

(b) If the licensee of a type A family day-care home or a 122518
type B family day-care home is not the owner of the real property 122519
where the family day-care home is located, the liability 122520
insurance, if any, of the owner of the real property may not 122521
provide for coverage of any liability arising out of, or in 122522
connection with, the operation of the family day-care home. 122523

(B) If the licensee of a type A family day-care home or a 122524
type B family day-care home is not the owner of the real property 122525
where the family day-care home is located and the family day-care 122526
home procures liability insurance described in division (A)(1) of 122527
this section, that licensee shall name the owner of the real 122528

property as an additional insured party on the liability insurance 122529
policy if all of the following apply: 122530

(1) The owner of the real property requests the licensee or 122531
provider, in writing, to add the owner of the real property to the 122532
liability insurance policy as an additional insured party. 122533

(2) The addition of the owner of the real property does not 122534
result in cancellation or nonrenewal of the insurance policy 122535
procured by the type A or type B family day-care home. 122536

(3) The owner of the real property pays any additional 122537
premium assessed for coverage of the owner of the real property. 122538

(C) Proof of insurance or written statement required under 122539
division (A) of this section shall be maintained at the type A or 122540
type B family day-care home and made available for review during 122541
inspection or investigation as required under this chapter. 122542

(D) The director of ~~job children~~ and ~~family services youth~~ 122543
shall adopt rules for the enforcement of this section. 122544

Sec. 5104.042. (A) The department of ~~job children~~ and ~~family~~ 122545
~~services youth~~ may suspend, without a prior hearing, the license 122546
of a child day-care center, type A family day-care home, or 122547
licensed type B family day-care home if any of the following 122548
occur: 122549

(1) A child dies or suffers a serious injury while receiving 122550
child care in the center, type A home, or licensed type B home. 122551

(2) A public children services agency receives a report 122552
pursuant to section 2151.421 of the Revised Code, and the person 122553
alleged to have inflicted abuse or neglect on the child who is the 122554
subject of the report is any of the following: 122555

(a) The owner, licensee, or administrator of the center, type 122556
A home, or licensed type B home; 122557

(b) An employee of the center, type A home, or licensed type B home who has not immediately been placed on administrative leave or released from employment;

(c) Any person who resides in the type A home or licensed type B home.

(3) An owner, licensee, administrator, or employee of the center, type A home, or licensed type B home, or a resident of the type A home or licensed type B home is charged by an indictment, information, or complaint with an offense relating to the abuse or neglect of a child.

(4) The department or a county department of job and family services determines that the center, type A home, or licensed type B home created a serious risk to the health or safety of a child receiving child care in the center, type A home, or licensed type B home that resulted in or could have resulted in a child's death or injury.

(5) The department determines that the owner or licensee of the center, type A home, or licensed type B home does not meet the requirements of section 5104.013 of the Revised Code.

(B) The department shall issue a written order of suspension and furnish a copy to the licensee either by certified mail or in person as described in section 119.07 of the Revised Code. The licensee may request an adjudicatory hearing before the department pursuant to sections 119.06 to 119.12 of the Revised Code.

(C) Any summary suspension imposed under this section shall remain in effect until any of the following occurs:

(1) The public children services agency completes its investigation of the report pursuant to section 2151.421 of the Revised Code and determines that all of the allegations are unsubstantiated.

(2) All criminal charges are disposed of through dismissal or a finding of not guilty. 122588
122589

(3) The department issues pursuant to Chapter 119. of the Revised Code a final order terminating the suspension. 122590
122591

(D) The center, type A home, or licensed type B home shall not provide child care while the summary suspension remains in effect. Upon issuance of the order of suspension, the licensee shall inform the caretaker parent of each child receiving child care in the center, type A home, or licensed type B home of the suspension. 122592
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(E) The director of ~~job children~~ and ~~family services youth~~ may adopt rules in accordance with Chapter 119. of the Revised Code establishing standards and procedures for the summary suspension of licenses. 122598
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(F) This section does not limit the authority of the department to revoke a license pursuant to section 5104.04 of the Revised Code. 122602
122603
122604

Sec. 5104.043. (A) If the department of ~~job children~~ and ~~family services youth~~ determines that an act or omission of a child day-care center, type A family day-care home, or licensed type B family day-care home constitutes a serious risk noncompliance, the licensee shall notify the caretaker parent of each child receiving care in the center or home of the department's determination. 122605
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(B) With respect to the notice required by division (A) of this section, all of the following apply: 122612
122613

(1) The licensee shall notify caretaker parents not later than fifteen business days after the department informs the licensee of the department's determination. If the licensee requests a review of the department's determination, the licensee 122614
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shall notify caretaker parents not later than five business days 122618
after the department has completed its review. 122619

(2) The notice shall include a statement informing each 122620
caretaker parent of the web site maintained by the department and 122621
the location of further information regarding the determination. 122622

(3) The licensee may provide written or electronic notice to 122623
caretaker parents. 122624

(4) The licensee shall provide a copy of the notice to the 122625
department. 122626

(C) The director of ~~job children~~ and ~~family services youth~~ 122627
shall adopt rules to enforce this section. 122628

(D) The requirements of this section do not apply if the 122629
department suspends the license of a child day-care center, type A 122630
family day-care home, or licensed type B family day-care home 122631
pursuant to section 5104.042 of the Revised Code. 122632

Sec. 5104.05. (A) The director of ~~job children~~ and ~~family~~ 122633
~~services youth~~ shall issue a license or provisional license for 122634
the operation of a child day-care center, if the director finds, 122635
after investigation of the applicant and inspection of the center, 122636
that other requirements of this chapter, rules promulgated 122637
pursuant to this chapter, and the following requirements are met: 122638

(1) The buildings in which the center is housed, subsequent 122639
to any major modification, have been approved by the department of 122640
commerce or a certified municipal, township, or county building 122641
department for the purpose of operating a child day-care center. 122642
Any structure used for the operation of a center shall be 122643
constructed, equipped, repaired, altered, and maintained in 122644
accordance with applicable provisions of Chapters 3781. and 3791. 122645
of the Revised Code and with regulations adopted by the board of 122646
building standards under Chapter 3781. of the Revised Code and 122647

this division for the safety and sanitation of structures erected 122648
for this purpose. 122649

(2) The state fire marshal or the fire chief or fire 122650
prevention officer of the municipal corporation or township in 122651
which the center is located has inspected the center annually 122652
within the preceding license period and has found the center to be 122653
in compliance with rules promulgated by the fire marshal pursuant 122654
to section 3737.83 of the Revised Code regarding fire prevention 122655
and fire safety in a child day-care center. 122656

(3) The center has received a food service operation license 122657
under Chapter 3717. of the Revised Code if meals are to be served 122658
to children other than children of the licensee or administrator, 122659
whether or not a consideration is received for the meals. 122660

(B) The director of ~~job children~~ and ~~family services youth~~ 122661
shall issue a license or provisional license for the operation of 122662
a type A family day-care home, if the director finds, after 122663
investigation of the applicant and inspection of the type A home, 122664
that other requirements of this chapter, rules promulgated 122665
pursuant to this chapter, and the following requirements are met: 122666

(1) The state fire marshal or the fire chief or fire 122667
prevention officer of the municipal corporation or township in 122668
which the type A family day-care home is located has inspected the 122669
type A home annually within the preceding license period and has 122670
found the type A home to be in compliance with rules promulgated 122671
by the fire marshal pursuant to section 3737.83 of the Revised 122672
Code regarding fire prevention and fire safety in a type A home. 122673

(2) The type A home is in compliance with rules set by the 122674
director of ~~job children~~ and ~~family services youth~~ in cooperation 122675
with the director of health pursuant to section 3701.80 of the 122676
Revised Code regarding meal preparation and meal service in the 122677
home. The director of ~~job children~~ and ~~family services youth~~, in 122678

accordance with procedures recommended by the director of health, 122679
shall inspect each type A home to determine compliance with those 122680
rules. 122681

(3) The type A home is in compliance with rules promulgated 122682
by the director of ~~job~~ children and ~~family services~~ youth in 122683
cooperation with the board of building standards regarding safety 122684
and sanitation pursuant to section 3781.10 of the Revised Code. 122685

Sec. 5104.052. The director of ~~job~~ children and ~~family~~ 122686
~~services~~ youth, in cooperation with the fire marshal pursuant to 122687
section 3737.22 of the Revised Code, shall adopt rules regarding 122688
fire prevention and fire safety in licensed type B family day-care 122689
homes. In accordance with those rules, the director shall inspect 122690
each type B home that applies to be licensed that is providing or 122691
is to provide publicly funded child care. 122692

Sec. 5104.053. As a precondition of approval by the state 122693
board of education pursuant to section 3313.813 of the Revised 122694
Code for receipt of United States department of agriculture child 122695
and adult care food program funds established under the "National 122696
School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as 122697
amended, the provider of child care in a type B family day-care 122698
home that is not licensed by the director of ~~job~~ children and 122699
~~family services~~ youth shall request an inspection of the type B 122700
home by the fire marshal, who shall inspect the type B home 122701
pursuant to section 3737.22 of the Revised Code to determine that 122702
it is in compliance with rules established pursuant to section 122703
5104.052 of the Revised Code for licensed type B homes. 122704

Sec. 5104.054. Any type B family day-care home, whether 122705
licensed or not licensed by the director of ~~job~~ children and 122706
~~family services~~ youth, shall be considered to be a residential use 122707
of property for purposes of municipal, county, and township zoning 122708

and shall be a permitted use in all zoning districts in which 122709
residential uses are permitted. No municipal, county, or township 122710
zoning regulations shall require a conditional use permit or any 122711
other special exception certification for any such type B family 122712
day-care home. 122713

Sec. 5104.06. (A) The director of ~~job~~ children and ~~family~~ 122714
~~services youth~~ shall provide consultation, technical assistance, 122715
and training to child day-care centers, type A family day-care 122716
homes, and type B family day-care homes to improve programs and 122717
facilities providing child care. As part of these activities, the 122718
director shall provide assistance in meeting the requirements of 122719
this chapter and rules adopted pursuant to this chapter and shall 122720
furnish information regarding child abuse identification and 122721
reporting of child abuse. 122722

(B) The director of ~~job~~ children and ~~family services youth~~ 122723
shall provide consultation and technical assistance to county 122724
departments of job and family services to assist the departments 122725
with the implementation of certification of in-home aides. 122726

Sec. 5104.07. (A) The director of ~~job~~ children and ~~family~~ 122727
~~services youth~~ may prescribe additional requirements for licensing 122728
child day-care centers or type A family day-care homes that 122729
provide publicly funded child care pursuant to this chapter and 122730
any rules adopted under it. The director shall develop standards 122731
as required by federal laws and regulations for child care 122732
programs supported by federal funds. 122733

(B)(1) ~~On or before February 28, 1992, the~~ The department of 122734
~~job children~~ and ~~family services youth~~ shall develop a statewide 122735
plan for child care resource and referral services. The plan shall 122736
be based upon the experiences of other states with respect to 122737
child care resource and referral services, the experiences of 122738

communities in this state that have child care resource and 122739
referral service organizations, and the needs of communities in 122740
this state that do not have child care resource and referral 122741
service organizations. The plan shall be designed to ensure that 122742
child care resource and referral services are available in each 122743
county in the state to families who need child care. The 122744
department shall consider the special needs of migrant workers 122745
when it develops the plan and shall include in the plan procedures 122746
designed to accommodate the needs of migrant workers. 122747

(2) In addition to the requirements described in division 122748
(B)(1) of this section, the plan shall include all of the 122749
following: 122750

(a) A description of the services that a child care resource 122751
and referral service organization is required to provide to 122752
families who need child care; 122753

(b) The qualifications for a child care resource and referral 122754
service organization; 122755

(c) A description of the procedures for providing federal and 122756
state funding for county or multicounty child care resource and 122757
referral service organizations; 122758

(d) A timetable for providing child care resource and 122759
referral services to all communities in the state; 122760

(e) Uniform information gathering and reporting procedures 122761
that are designed to be used in compatible computer systems; 122762

(f) Procedures for establishing statewide nonprofit technical 122763
assistance services to coordinate uniform data collection and to 122764
publish reports on child care supply, demand, and cost and to 122765
provide technical assistance to communities that do not have child 122766
care resource and referral service organizations and to existing 122767
child care resource and referral service organizations; 122768

(g) Requirements governing contracts entered into under 122769
division (C) of this section, which may include limits on the 122770
percentage of funds distributed by the department that may be used 122771
for the contracts. 122772

(C) Child care resource and referral service organizations 122773
receiving funds distributed by the department may enter into 122774
contracts with local governmental entities, nonprofit 122775
organizations including nonprofit organizations that provide child 122776
care, and individuals under which the entities, organizations, or 122777
individuals may provide child care resource and referral services 122778
in the community with those funds, if the contracts are submitted 122779
to and approved by the department prior to execution. 122780

Sec. 5104.08. (A) There is hereby created in the department 122781
of ~~job children~~ and ~~family services youth~~ a child care advisory 122782
council to advise and assist the department in the administration 122783
of this chapter and in the development of child care. The council 122784
shall consist of twenty-two voting members appointed by the 122785
director of ~~job children~~ and ~~family services youth~~ with the 122786
approval of the governor. The director of job and family services, 122787
the director of children and youth, the director of developmental 122788
disabilities, the director of mental health and addiction 122789
services, the superintendent of public instruction, the director 122790
of health, the director of commerce, and the state fire marshal 122791
shall serve as nonvoting members of the council. 122792

Six members shall be representatives of child care centers 122793
subject to licensing, the members to represent a variety of 122794
centers, including nonprofit and proprietary, from different 122795
geographical areas of the state. At least three members shall be 122796
parents, guardians, or custodians of children receiving child care 122797
or publicly funded child care in the child's own home, a center, a 122798
type A home, a head start program, a licensed type B home, or a 122799

type B home at the time of appointment. Three members shall be 122800
representatives of in-home aides, type A homes, licensed type B 122801
homes, or type B homes or head start programs. At least six 122802
members shall represent county departments of job and family 122803
services. The remaining members shall be representatives of the 122804
teaching, child development, and health professions, and other 122805
individuals interested in the welfare of children. At least six 122806
members of the council shall not be employees or licensees of a 122807
child day-care center, head start program, or type A home, or 122808
providers operating a licensed type B home or type B home, or 122809
in-home aides. 122810

Appointments shall be for three-year terms. Vacancies shall 122811
be filled for the unexpired terms. A member of the council is 122812
subject to removal by the director of ~~job~~ children and ~~family~~ 122813
~~services~~ youth for a willful and flagrant exercise of authority or 122814
power that is not authorized by law, for a refusal or willful 122815
neglect to perform any official duty as a member of the council 122816
imposed by law, or for being guilty of misfeasance, malfeasance, 122817
nonfeasance, or gross neglect of duty as a member of the council. 122818

There shall be two co-chairpersons of the council. One 122819
co-chairperson shall be the director of ~~job~~ children and ~~family~~ 122820
~~services~~ youth or the director's designee, and one co-chairperson 122821
shall be elected by the members of the council. The council shall 122822
meet as often as is necessary to perform its duties, provided that 122823
it shall meet at least once in each quarter of each calendar year 122824
and at the call of the co-chairpersons. The co-chairpersons or 122825
their designee shall send to each member a written notice of the 122826
date, time, and place of each meeting. 122827

Members of the council shall serve without compensation, but 122828
shall be reimbursed for necessary expenses. 122829

(B) The child care advisory council shall advise the director 122830
on matters affecting the licensing of centers, type A homes, and 122831

type B homes and the certification of in-home aides. The council 122832
shall make an annual report to the director of ~~job~~ children and 122833
~~family services~~ youth that addresses the availability, 122834
affordability, accessibility, and quality of child care and that 122835
summarizes the recommendations and plans of action that the 122836
council has proposed to the director during the preceding fiscal 122837
year. The director of ~~job~~ children and ~~family services~~ youth shall 122838
provide copies of the report to the governor, speaker and minority 122839
leader of the house of representatives, and the president and 122840
minority leader of the senate and, on request, shall make copies 122841
available to the public. 122842

(C) The director of ~~job~~ children and ~~family services~~ youth 122843
shall adopt rules in accordance with Chapter 119. of the Revised 122844
Code to implement this section. 122845

Sec. 5104.081. The department of ~~job~~ children and ~~family~~ 122846
~~services~~ youth shall employ at least one senior-level, full-time 122847
employee who shall manage and oversee all child care functions 122848
under the authority of the department. 122849

Sec. 5104.10. No employer shall discharge, demote, suspend, 122850
or threaten to discharge, demote, suspend, or in any manner 122851
discriminate against any employee based solely on the employee 122852
taking any of the following actions: 122853

(A) Making any good faith oral or written complaint to the 122854
director of ~~job~~ children and ~~family services~~ youth or other agency 122855
responsible for enforcing Chapter 5104. of the Revised Code 122856
regarding a violation of this chapter or the rules adopted 122857
pursuant to Chapter 5104. of the Revised Code; 122858

(B) Instituting or causing to be instituted any proceeding 122859
against the employer under section 5104.04 of the Revised Code; 122860

(C) Acting as a witness in any proceeding under section 122861

5104.04 of the Revised Code; 122862

(D) Refusing to perform work that constitutes a violation of 122863
Chapter 5104., or the rules adopted pursuant to Chapter 5104. of 122864
the Revised Code. 122865

Sec. 5104.12. (A)(1) A county director of job and family 122866
services may certify in-home aides to provide publicly funded 122867
child care pursuant to this chapter and any rules adopted under 122868
it. Any in-home aide who receives a certificate pursuant to this 122869
section to provide publicly funded child care is an independent 122870
contractor and is not an employee of the county department of job 122871
and family services that issues the certificate. 122872

(2) Every person desiring to receive certification as an 122873
in-home aide shall apply for certification to a county director of 122874
job and family services on such forms as the director of ~~job~~ 122875
children and ~~family services~~ youth prescribes. A county director 122876
shall provide at no charge to each applicant a copy of rules for 122877
certifying in-home aides adopted pursuant to this chapter. 122878

(B) To be eligible for certification as an in-home aide, a 122879
person shall not be either of the following: 122880

(1) The owner of a center or home whose license was revoked 122881
pursuant to section 5104.04 of the Revised Code within the 122882
previous five years; 122883

(2) An in-home aide whose certificate was revoked under 122884
division (C)(2) of this section within the previous five years. 122885

(C)(1) If the county director of job and family services 122886
determines that the applicant complies with this chapter and any 122887
rules adopted under it, the county director shall certify the 122888
person as an in-home aide and issue the person a certificate to 122889
provide publicly funded child care for twenty-four months. The 122890
county director shall furnish a copy of the certificate to the 122891

parent, custodian, or guardian. The certificate shall state the 122892
name and address of the in-home aide, the expiration date of the 122893
certification, and the name and telephone number of the county 122894
director who issued the certificate. 122895

(2) The county director may revoke the certificate in either 122896
of the following circumstances: 122897

(a) The county director determines, pursuant to rules adopted 122898
under Chapter 119. of the Revised Code, that revocation is 122899
necessary; 122900

(b) The in-home aide does not comply with division (C)(2) of 122901
section 5104.32 of the Revised Code. 122902

(D)(1) The county director of job and family services shall 122903
inspect every home of a child who is receiving publicly funded 122904
child care in the child's own home while the in-home aide is 122905
providing the services. Inspections may be unannounced. Upon 122906
receipt of a complaint, the county director shall investigate the 122907
in-home aide, shall investigate the home of a child who is 122908
receiving publicly funded child care in the child's own home, and 122909
division (D)(2) of this section applies regarding the complaint. 122910
The caretaker parent shall permit the county director to inspect 122911
any part of the child's home. The county director shall prepare a 122912
written inspection report and furnish one copy each to the in-home 122913
aide and the caretaker parent within a reasonable time after the 122914
inspection. 122915

(2) Upon receipt of a complaint as described in division 122916
(D)(1) of this section, in addition to the investigations that are 122917
required under that division, both of the following apply: 122918

(a) If the complaint alleges that a child suffered physical 122919
harm while receiving publicly funded child care in the child's own 122920
home from an in-home aide or that the noncompliance with law or 122921
act alleged in the complaint involved, resulted in, or poses a 122922

substantial risk of physical harm to a child receiving publicly funded child care in the child's own home from an in-home aide, the county director shall inspect the home of the child.

(b) If division (D)(2)(a) of this section does not apply regarding the complaint, the county director may inspect the home of the child.

(3) Division (D)(2) of this section does not limit, restrict, or negate any duty of the county director to inspect a home of a child who is receiving publicly funded child care from an in-home aide that otherwise is imposed under this section, or any authority of the county director to inspect such a home that otherwise is granted under this section when the county director believes the inspection is necessary and it is permitted under the grant.

Sec. 5104.13. The department of ~~job~~ children and ~~family services~~ youth shall prepare a guide describing the state statutes and rules governing the licensure of type B family day-care homes. The department may publish the guide electronically or otherwise and shall do so in a manner that the guide is accessible to the public, including type B home providers.

Sec. 5104.14. All materials that are supplied by the department of ~~job~~ children and ~~family services~~ youth to type A family day-care home providers, type B family day-care home providers, in-home aides, persons seeking to be type A family day-care home providers, type B family day-care home providers, or in-home aides, and caretaker parents shall be written at no higher than the sixth grade reading level. The department may employ a readability expert to verify its compliance with this section.

Sec. 5104.21. (A) The department of ~~job~~ children and ~~family~~

~~services youth~~ shall register child day camps and enforce this 122953
section and sections 5104.211 and 5104.22 of the Revised Code and 122954
the rules adopted pursuant to those sections. No person, firm, 122955
organization, institution, or agency shall operate a child day 122956
camp without annually registering with the department. 122957

(B) A person, firm, institution, organization, or agency 122958
operating any of the following programs is exempt from the 122959
provisions of this section and sections 5104.211 and 5104.22 of 122960
the Revised Code: 122961

(1) A child day camp that operates for two consecutive weeks 122962
or less and for no more than a total of two weeks during each 122963
calendar year; 122964

(2) Supervised training, instruction, or activities of 122965
children that is conducted on an organized or periodic basis in 122966
specific areas or in a combination of areas for a maximum of eight 122967
hours each week, including art, drama, dance, music, athletic 122968
skill or sport, computers, or an educational subject; 122969

(3) Programs in which the department determines that at least 122970
one parent, custodian, or guardian of each child attending or 122971
participating in the child day camp is on the child day camp 122972
activity site and is readily accessible at all times, except that 122973
a child day camp on the premises of a parent's, custodian's, or 122974
guardian's place of employment shall be registered in accordance 122975
with division (A) of this section; 122976

(4) Child day camps regulated by any state department other 122977
than the department of ~~job children~~ and ~~family services youth~~; 122978

(5) A program that provides activities for children who are 122979
five years of age or older and is operated by any county, 122980
township, municipal corporation, township park district created 122981
under section 511.18 of the Revised Code, park district created 122982
under section 1545.04 of the Revised Code, or joint recreation 122983

district established under section 755.04 of the Revised Code. 122984

(C) A person, firm, organization, institution, or agency 122985
operating a child day camp that is exempt under division (B) of 122986
this section from registering under division (A) of this section 122987
may elect to register itself under division (A) of this section. 122988
All requirements of this section and the rules adopted pursuant to 122989
this section shall apply to any exempt child day camp that so 122990
elects to register. 122991

(D) The director of ~~job~~ children and ~~family services~~ youth 122992
shall adopt pursuant to Chapter 119. of the Revised Code rules 122993
prescribing the registration form and establishing the procedure 122994
for the child day camps to register. The form shall state both of 122995
the following: 122996

(1) That the child day camp administrator or the 122997
administrator's representative agrees to provide the parents of 122998
each school-age child who attends or participates in that child 122999
day camp with the telephone number of the county department of 123000
health and the public children services agency of the county in 123001
which the child day camp is located; 123002

(2) That the child day camp administrator or the 123003
administrator's representative agrees to permit a public children 123004
services agency or the county department of health to review or 123005
inspect the child day camp if a complaint is made to that 123006
department or any other state department or public children 123007
services agency against that child day camp. 123008

(E) The department may charge a fee to register a child day 123009
camp. The fee for each child day camp shall be twenty-five 123010
dollars. No organization that operates, or owner of, child day 123011
camps shall pay a fee that exceeds two hundred fifty dollars for 123012
all of its child day camps. 123013

(F) If a child day camp that is required to register under 123014

this section fails to register with the department in accordance 123015
with this section or the rules adopted pursuant to it or if a 123016
child day camp that files a registration form under this section 123017
knowingly provides false or misleading information on the 123018
registration form, the department shall require the child day camp 123019
to register or register correctly and to pay a registration fee 123020
that equals three times the registration fee as set forth in 123021
division (E) of this section. 123022

(G) A child day camp administrator or the administrator's 123023
representative shall provide the parents of each school-age child 123024
who attends or participates in that child day camp with both of 123025
the following: 123026

(1) Telephone numbers of the county department of health and 123027
the county public children services agency of the county in which 123028
the child day camp is located; 123029

(2) A statement that the parents may contact the county 123030
department or agency to make a complaint regarding the child day 123031
camp. 123032

Sec. 5104.211. (A) The director of ~~job~~ children and ~~family~~ 123033
~~services~~ youth may periodically conduct a random sampling of child 123034
day camps to determine compliance with section 5104.013 of the 123035
Revised Code. 123036

(B)(1) No child day camp shall fail to comply with section 123037
5104.013 of the Revised Code in regards to a person it appoints or 123038
employs. 123039

(2) If the director determines that a camp has violated 123040
division (B)(1) of this section, the director shall do both of the 123041
following: 123042

(a) Consider imposing a civil penalty on the camp in an 123043
amount that shall not exceed ten per cent of the camp's gross 123044

revenues for the full month immediately preceding the month in 123045
which the violation occurred. If the camp was not operating for 123046
the entire calendar month preceding the month in which the 123047
violation occurred, the penalty shall be five hundred dollars. 123048

(b) Order the camp to initiate a criminal records check of 123049
the person who is the subject of the violation within a specified 123050
period of time. 123051

(3) If, within the specified period of time, the camp fails 123052
to comply with an order to initiate a criminal records check of 123053
the person who is the subject of the violation or to release the 123054
person from the appointment or employment, the director shall do 123055
both of the following: 123056

(a) Impose a civil penalty in an amount that is not less than 123057
the amount previously imposed and that does not exceed twice the 123058
amount permitted by division (B)(2)(a) of this section; 123059

(b) Order the camp to initiate a criminal records check of 123060
the person who is the subject of the violation within a specified 123061
period of time. 123062

(C) If the director determines that a child day camp has 123063
violated division (B)(1) of this section, the director may post a 123064
notice at a prominent place at the camp that states that the camp 123065
has failed to conduct criminal records checks of its appointees or 123066
employees as required by section 5104.013 of the Revised Code. 123067
Once the camp demonstrates to the department that the camp is in 123068
compliance with that section, the director shall permit the camp 123069
to remove the notice. 123070

(D) The director may include on the web site of the 123071
department of ~~job children and family services~~ youth a list of 123072
child day camps that the director has determined to not be in 123073
compliance with the criminal records check requirements of section 123074
5104.013 of the Revised Code. The director shall remove a camp's 123075

name from the list when the camp demonstrates to the director that 123076
the camp is in compliance with that section. 123077

(E) For the purposes of divisions (C) and (D) of this 123078
section, a child day camp will be considered to be in compliance 123079
with section 5104.013 of the Revised Code by doing any of the 123080
following: 123081

(1) Requesting that the bureau of criminal identification and 123082
investigation conduct a criminal records check regarding the 123083
person who is the subject of the violation of division (B)(1) of 123084
this section and, if the person does not qualify for the 123085
appointment or employment, releasing the person from the 123086
appointment or employment; 123087

(2) Releasing the person who is the subject of the violation 123088
from the appointment or employment. 123089

(F) The attorney general shall commence and prosecute to 123090
judgment a civil action in a court of competent jurisdiction to 123091
collect any civil penalty imposed under this section that remains 123092
unpaid. 123093

(G) This section does not apply to a child day camp that is 123094
an approved child day camp. 123095

Sec. 5104.22. (A) The director of children and ~~family~~ 123096
~~services youth~~, ~~no later than September 1, 1993,~~ and pursuant to 123097
Chapter 119. of the Revised Code, shall adopt rules establishing a 123098
procedure and standards for the approval of child day camps that 123099
will enable an approved child day camp to receive public moneys 123100
pursuant to sections 5104.30 to 5104.39 of the Revised Code. The 123101
department of ~~job~~ children and ~~family services youth~~ may charge a 123102
reasonable fee to inspect a child day camp to determine whether 123103
that child day camp meets the standards set forth in this section 123104
or in the rules adopted under this section. The department shall 123105

approve any child day camp that meets both of the following: 123106

(1) The department inspects the camp and determines that it 123107
meets the standards established in rules adopted under this 123108
section; 123109

(2) The camp is accredited by the American camp association 123110
or a nationally recognized organization that accredits child day 123111
camps by using standards that the department has determined are 123112
substantially similar and comparable to those of the American camp 123113
association. The department shall approve a child day camp for a 123114
period of one year and shall inspect an approved child day camp on 123115
an annual basis. 123116

(B) An approved child day camp shall comply with this section 123117
and section 5104.21 of the Revised Code and the rules adopted 123118
pursuant to those sections. If an approved child day camp is not 123119
in substantial compliance with those sections or rules at any 123120
time, the department shall terminate the child day camp's approval 123121
until the child day camp complies with those sections and rules or 123122
for a period of two years, whichever period is longer. 123123

Sec. 5104.25. (A) Except as otherwise provided in division 123124
(C) of this section, no child day-care center shall permit any 123125
person to smoke in any indoor or outdoor space that is part of the 123126
center. 123127

The administrator of a child day-care center shall post in a 123128
conspicuous place at the main entrance of the center a notice 123129
stating that smoking is prohibited in any indoor or outdoor space 123130
that is part of the center, except under the conditions described 123131
in division (C) of this section. 123132

(B) Except as otherwise provided in division (C) of this 123133
section, no type A family day-care home or licensed type B family 123134
day-care home shall permit any person to smoke in any indoor or 123135

outdoor space that is part of the home during the hours the home 123136
is in operation. Smoking may be permitted during hours other than 123137
the hours of operation if the administrator of the home has 123138
provided to a parent, custodian, or guardian of each child 123139
receiving child care at the home notice that smoking occurs or may 123140
occur at the home when it is not in operation. 123141

The administrator of a type A family day-care home or a 123142
licensed type B family day-care home shall post in a conspicuous 123143
place at the main entrance of the home a notice specifying the 123144
hours the home is in operation and stating that smoking is 123145
prohibited during those hours in any indoor or outdoor space that 123146
is part of the home, except under the conditions described in 123147
division (C) of this section. 123148

(C) A child day-care center, type A family day-care home, or 123149
licensed type B family home may allow persons to smoke at the 123150
center or home during its hours of operation if those persons 123151
cannot be seen smoking by the children being cared for and if they 123152
smoke in either of the following: 123153

(1) An indoor area that is separately ventilated from the 123154
rest of the center or home; 123155

(2) An outdoor area that is so far removed from the children 123156
being cared for that they cannot inhale any smoke. 123157

(D) The director of ~~job children~~ and ~~family services youth~~, 123158
in consultation with the director of health, shall adopt rules in 123159
accordance with Chapter 119. of the Revised Code to implement the 123160
requirements of this section. These rules may prohibit smoking in 123161
a child day-care center, type A family day-care home, or licensed 123162
type B family home if its design and structure do not allow 123163
persons to smoke under the conditions described in division (C) of 123164
this section or if repeated violations of division (A) or (B) of 123165
this section have occurred there. 123166

Sec. 5104.29. (A) As used in this section, "early learning and development program" has the same meaning as "licensed child care program" as defined in section 5104.01 of the Revised Code.

(B) There is hereby created in the department of ~~job children~~ and ~~family services~~ youth the step up to quality program, under which the department of ~~job children~~ and ~~family services~~ youth, in cooperation with the department of education, shall develop a tiered quality rating and improvement system for all early learning and development programs in this state. The step up to quality program shall include all of the following components:

(1) Quality program standards for early learning and development programs;

(2) Accountability measures that include tiered ratings representing each program's level of quality;

(3) Program and provider outreach and support to help programs meet higher standards and promote participation in the step up to quality program;

(4) Financial incentives for early learning and development programs that provide publicly funded child care and are linked to achieving and maintaining quality standards;

(5) Parent and consumer education to help parents learn about program quality and ratings so they can make informed choices on behalf of their children.

(C) The step up to quality program shall have the following goals:

(1) Increasing the number of low-income children, special needs children, and children with limited English proficiency participating in quality early learning and development programs;

(2) Providing families with an easy-to-use tool for evaluating the quality of early learning and development programs;

(3) Recognizing and supporting early learning and development programs that achieve higher levels of quality; 123197
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(4) Providing incentives and supports to help early learning and development programs implement continuous quality improvement systems. 123199
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(D) Under the step up to quality program, participating early learning and development programs may be eligible for grants, technical assistance, training, and other assistance. Programs that maintain a quality rating may be eligible for unrestricted monetary awards. 123202
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(E) The tiered ratings developed pursuant to this section shall be based on an early learning and development program's performance in meeting program standards in the following four domains: 123207
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(1) Learning and development; 123211

(2) Administration and leadership practices; 123212

(3) Staff quality and professional development; 123213

(4) Family and community partnerships. 123214

(F) The director of ~~job~~ children and ~~family services~~ youth, in collaboration with the superintendent of public instruction, shall adopt rules in accordance with Chapter 119. of the Revised Code to implement the step up to quality program described in this section.- 123215
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Sec. 5104.30. (A) The department of ~~job~~ children and ~~family services~~ youth is hereby designated as the state agency responsible for administration and coordination of federal and state funding for publicly funded child care in this state. Publicly funded child care shall be provided to the following: 123220
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(1) Recipients of transitional child care as provided under 123225

section 5104.34 of the Revised Code; 123226

(2) Participants in the Ohio works first program established 123227
under Chapter 5107. of the Revised Code; 123228

(3) Individuals who would be participating in the Ohio works 123229
first program if not for a sanction under section 5107.16 of the 123230
Revised Code and who continue to participate in a work activity, 123231
developmental activity, or alternative work activity pursuant to 123232
an assignment under section 5107.42 of the Revised Code; 123233

(4) A family receiving publicly funded child care on October 123234
1, 1997, until the family's income reaches one hundred fifty per 123235
cent of the federal poverty line; 123236

(5) Subject to available funds, other individuals determined 123237
eligible in accordance with rules adopted under section 5104.38 of 123238
the Revised Code. 123239

The department shall apply to the United States department of 123240
health and human services for authority to operate a coordinated 123241
program for publicly funded child care, if the director of ~~job~~ 123242
children and ~~family services~~ youth determines that the application 123243
is necessary. For purposes of this section, the department of ~~job~~ 123244
children and ~~family services~~ youth may enter into agreements with 123245
other state agencies that are involved in regulation or funding of 123246
child care. The department shall consider the special needs of 123247
migrant workers when it administers and coordinates publicly 123248
funded child care and shall develop appropriate procedures for 123249
accommodating the needs of migrant workers for publicly funded 123250
child care. 123251

(B) The department of ~~job~~ children and ~~family services~~ youth 123252
shall distribute state and federal funds for publicly funded child 123253
care, including appropriations of state funds for publicly funded 123254
child care and appropriations of federal funds available under the 123255
child care block grant act, Title IV-A, and Title XX. The 123256

department may use any state funds appropriated for publicly 123257
funded child care as the state share required to match any federal 123258
funds appropriated for publicly funded child care. 123259

(C) In the use of federal funds available under the child 123260
care block grant act, all of the following apply: 123261

(1) The department may use the federal funds to hire staff to 123262
prepare any rules required under this chapter and to administer 123263
and coordinate federal and state funding for publicly funded child 123264
care. 123265

(2) Not more than five per cent of the aggregate amount of 123266
the federal funds received for a fiscal year may be expended for 123267
administrative costs. 123268

(3) The department shall allocate and use at least four per 123269
cent of the federal funds for the following: 123270

(a) Activities designed to provide comprehensive consumer 123271
education to parents and the public; 123272

(b) Activities that increase parental choice; 123273

(c) Activities, including child care resource and referral 123274
services, designed to improve the quality, and increase the 123275
supply, of child care; 123276

(d) Establishing the step up to quality program pursuant to 123277
section 5104.29 of the Revised Code. 123278

(4) The department shall ensure that the federal funds will 123279
be used only to supplement, and will not be used to supplant, 123280
federal, state, and local funds available on the effective date of 123281
the child care block grant act for publicly funded child care and 123282
related programs. If authorized by rules adopted by the department 123283
pursuant to section 5104.42 of the Revised Code, county 123284
departments of job and family services may purchase child care 123285
from funds obtained through any other means. 123286

(D) The department shall encourage the development of 123287
suitable child care throughout the state, especially in areas with 123288
high concentrations of recipients of public assistance and 123289
families with low incomes. The department shall encourage the 123290
development of suitable child care designed to accommodate the 123291
special needs of migrant workers. On request, the department, 123292
through its employees or contracts with state or community child 123293
care resource and referral service organizations, shall provide 123294
consultation to groups and individuals interested in developing 123295
child care. The department of ~~job children~~ and ~~family services~~ 123296
youth may enter into interagency agreements with the department of 123297
education, the chancellor of higher education, the department of 123298
development, and other state agencies and entities whenever the 123299
cooperative efforts of the other state agencies and entities are 123300
necessary for the department of ~~job children~~ and ~~family services~~ 123301
youth to fulfill its duties and responsibilities under this 123302
chapter. 123303

The department shall develop and maintain a registry of 123304
persons providing child care. The director shall adopt rules in 123305
accordance with Chapter 119. of the Revised Code establishing 123306
procedures and requirements for the registry's administration. 123307

(E)(1) The director shall adopt rules in accordance with 123308
Chapter 119. of the Revised Code establishing both of the 123309
following: 123310

(a) Reimbursement rates for providers of publicly funded 123311
child care not later than the first day of July in each 123312
odd-numbered year; 123313

(b) A procedure for reimbursing and paying providers of 123314
publicly funded child care. 123315

(2) In establishing reimbursement rates under division 123316
(E)(1)(a) of this section, the director shall do all of the 123317

following:	123318
(a) Use the information obtained in accordance with 45 C.F.R. 98.45;	123319 123320
(b) Establish an enhanced reimbursement rate for providers who provide child care for caretaker parents who work nontraditional hours;	123321 123322 123323
(c) With regard to the step up to quality program established pursuant to section 5104.29 of the Revised Code, establish enhanced reimbursement rates for child day-care providers that participate in the program.	123324 123325 123326 123327
(3) In establishing reimbursement rates under division (E)(1)(a) of this section, the director may establish different reimbursement rates based on any of the following:	123328 123329 123330
(a) Geographic location of the provider;	123331
(b) Type of care provided;	123332
(c) Age of the child served;	123333
(d) Special needs of the child served;	123334
(e) Whether the expanded hours of service are provided;	123335
(f) Whether weekend service is provided;	123336
(g) Whether the provider has exceeded the minimum requirements of state statutes and rules governing child care;	123337 123338
(h) Any other factors the director considers appropriate.	123339
Sec. 5104.301. A county department of job and family services may establish a program to encourage the organization of parent cooperative child day-care centers and parent cooperative type A family day-care homes for recipients of publicly funded child care. A program established under this section may include any of the following:	123340 123341 123342 123343 123344 123345

(A) Recruitment of parents interested in organizing a parent cooperative child day-care center or parent cooperative type A family day-care home; 123346
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(B) Provision of technical assistance in organizing a parent cooperative child day-care center or parent cooperative type A family day-care home; 123349
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(C) Assistance in the developing, conducting, and disseminating training for parents interested in organizing a parent cooperative child day-care center or parent cooperative type A family day-care home. 123352
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A county department that implements a program under this section shall receive from funds available under the child care block grant act a five thousand dollar incentive payment for each parent cooperative child day-care center or parent cooperative type A family day-care home organized pursuant to this section. 123356
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Parents of children enrolled in a parent cooperative child day-care center or parent cooperative type A family day-care home pursuant to this section shall be required to work in the center or home a minimum of four hours per week. 123361
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The director of ~~job~~ children and ~~family services~~ youth shall adopt rules governing the establishment and operation of programs under this section. 123365
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Sec. 5104.31. (A) Publicly funded child care may be provided only by the following: 123368
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(1) Any of the following licensed by the department of ~~job~~ children and ~~family services~~ youth pursuant to section 5104.03 of the Revised Code or pursuant to rules adopted under section 5104.018 of the Revised Code: 123370
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(a) A child day-care center, including a parent cooperative child day-care center; 123374
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(b) A type A family day-care home, including a parent cooperative type A family day-care home;	123376 123377
(c) A licensed type B family day-care home.	123378
(2) An in-home aide who has been certified by the county department of job and family services pursuant to section 5104.12 of the Revised Code;	123379 123380 123381
(3) A child day camp approved pursuant to section 5104.22 of the Revised Code;	123382 123383
(4) A licensed preschool program;	123384
(5) A licensed school child program;	123385
(6) A border state child care provider, except that a border state child care provider may provide publicly funded child care only to an individual who resides in an Ohio county that borders the state in which the provider is located.	123386 123387 123388 123389
(B) Publicly funded child day-care may be provided in a child's own home only by an in-home aide.	123390 123391
(C)(1) Except as provided in division (C)(2) of this section, a licensed child care program may provide publicly funded child care only if the program is rated through the step up to quality program established pursuant to section 5104.29 of the Revised Code.	123392 123393 123394 123395 123396
(2) A licensed child care program that is any of the following may provide publicly funded child care without being rated through the step up to quality program:	123397 123398 123399
(a) A program that operates only during the summer and for not more than fifteen consecutive weeks;	123400 123401
(b) A program that operates only during school breaks;	123402
(c) A program that operates only on weekday evenings, weekends, or both;	123403 123404

(d) A program that holds a provisional license issued under section 5104.03 of the Revised Code; 123405
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(e) A program that had its step up to quality program rating removed ~~by the department of job and family services~~ within the previous twelve months; 123407
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(f) A program that is the subject of a revocation action initiated by the department, but the license has not yet been revoked; 123410
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(g) A program that provides publicly funded child care to less than twenty-five per cent of the program's license capacity; 123413
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(h) A program that is a type A family day-care home or licensed type B family day-care home. 123415
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Sec. 5104.32. (A) All purchases of publicly funded child care shall be made under a contract entered into by a licensed child day-care center, licensed type A family day-care home, licensed type B family day-care home, certified in-home aide, approved child day camp, licensed preschool program, licensed school child program, or border state child care provider and the department of ~~job children and family services~~ youth. All contracts for publicly funded child care shall be contingent upon the availability of state and federal funds. The department shall prescribe a standard form to be used for all contracts for the purchase of publicly funded child care, regardless of the source of public funds used to purchase the child care. To the extent permitted by federal law and notwithstanding any other provision of the Revised Code that regulates state contracts or contracts involving the expenditure of state or federal funds, all contracts for publicly funded child care shall be entered into in accordance with the provisions of this chapter and are exempt from any other provision of the Revised Code that regulates state contracts or contracts involving the expenditure of state or federal funds. 123417
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(B) Each contract for publicly funded child care shall 123436
specify at least the following: 123437

(1) That the provider of publicly funded child care agrees to 123438
be paid for rendering services at the lower of the rate 123439
customarily charged by the provider for children enrolled for 123440
child care or the reimbursement rate of payment established 123441
pursuant to section 5104.30 of the Revised Code; 123442

(2) That, if a provider provides child care to an individual 123443
potentially eligible for publicly funded child care who is 123444
subsequently determined to be eligible, the department agrees to 123445
pay for all child care provided between the date the county 123446
department of job and family services receives the individual's 123447
completed application and the date the individual's eligibility is 123448
determined; 123449

(3) Whether the county department of job and family services, 123450
the provider, or a child care resource and referral service 123451
organization will make eligibility determinations, whether the 123452
provider or a child care resource and referral service 123453
organization will be required to collect information to be used by 123454
the county department to make eligibility determinations, and the 123455
time period within which the provider or child care resource and 123456
referral service organization is required to complete required 123457
eligibility determinations or to transmit to the county department 123458
any information collected for the purpose of making eligibility 123459
determinations; 123460

(4) That the provider, other than a border state child care 123461
provider, shall continue to be licensed, approved, or certified 123462
pursuant to this chapter and shall comply with all standards and 123463
other requirements in this chapter and in rules adopted pursuant 123464
to this chapter for maintaining the provider's license, approval, 123465
or certification; 123466

(5) That, in the case of a border state child care provider, 123467
the provider shall continue to be licensed, certified, or 123468
otherwise approved by the state in which the provider is located 123469
and shall comply with all standards and other requirements 123470
established by that state for maintaining the provider's license, 123471
certificate, or other approval; 123472

(6) Whether the provider will be paid by the ~~state~~ department 123473
of ~~job children~~ and ~~family services~~ youth or in some other manner 123474
as prescribed by rules adopted under section 5104.42 of the 123475
Revised Code; 123476

(7) That the contract is subject to the availability of state 123477
and federal funds. 123478

(C)(1) The department shall establish an automated child care 123479
system to track attendance and calculate payments for publicly 123480
funded child care. 123481

(2) Each eligible provider that provides publicly funded 123482
child care shall participate in the automated child care system. A 123483
provider participating in the system shall not do any of the 123484
following: 123485

(a) Use or have possession of a personal identification 123486
number or password issued to a caretaker parent under the 123487
automated child care system; 123488

(b) Falsify attendance records; 123489

(c) Knowingly seek or accept payment for publicly funded 123490
child care that was not provided or for which the provider was not 123491
eligible; 123492

(d) Knowingly seek or accept payment for child care provided 123493
to a child who resides in the provider's own home. 123494

(D) The department may withhold any money due under this 123495
chapter and may recover through any appropriate method any money 123496

erroneously paid under this chapter if evidence demonstrates that 123497
a provider of publicly funded child care failed to comply with 123498
either of the following: 123499

(1) The terms of the contract entered into under this 123500
section; 123501

(2) This chapter or any rules adopted under it. 123502

(E) If the department has evidence that a provider has 123503
employed an individual who is ineligible for employment under 123504
section 5104.013 of the Revised Code and the provider has not 123505
released the individual from employment upon notice that the 123506
individual is ineligible, the department may terminate immediately 123507
the contract entered into under this section to provide publicly 123508
funded child care. 123509

(F) Any decision by the department concerning publicly funded 123510
child care, including the recovery of funds, overpayment 123511
determinations, and contract terminations is final and is not 123512
subject to appeal, hearing, or further review under Chapter 119. 123513
of the Revised Code. 123514

Sec. 5104.33. (A) The department of ~~job children and family~~ 123515
~~services youth~~ shall prescribe an application form for use in 123516
making eligibility determinations for publicly funded child care. 123517
The form shall be as brief and simple as practicable. 123518

(B) In administering the process of applying for publicly 123519
funded child care, the county department of job and family 123520
services shall implement policies designed to ensure that the 123521
application process is as accessible to the public as possible. 123522
These policies shall include making the application forms 123523
available at appropriate locations selected by the county 123524
department and making arrangements that enable applicants to 123525
complete the application process at times outside their normal 123526

working hours, and at locations, convenient for them. The 123527
arrangements may include stationing certain of their employees at 123528
various sites in the county for the purpose of assisting 123529
applicants in completing the application process and of making 123530
eligibility determinations at those locations. The arrangements 123531
may also include providing training and technical assistance to 123532
appropriate entities that qualify them to provide assistance in 123533
completing the application process and, to the extent permitted by 123534
federal law, to make eligibility determinations. 123535

Each county department of job and family services shall 123536
submit to the department of ~~job~~ children and ~~family services~~ youth 123537
for approval its plan for ensuring that the application process is 123538
as accessible to the public as possible and complies with this 123539
division. The county department shall make any changes to its plan 123540
that the department determines are necessary for compliance with 123541
this division and with any state standards adopted for the 123542
administration of this division. 123543

Sec. 5104.34. (A)(1) Each county department of job and family 123544
services shall implement procedures for making determinations of 123545
eligibility for publicly funded child care. Under those 123546
procedures, the eligibility determination for each applicant shall 123547
be made no later than thirty calendar days from the date the 123548
county department receives a completed application for publicly 123549
funded child care. Each applicant shall be notified promptly of 123550
the results of the eligibility determination. An applicant 123551
aggrieved by a decision or delay in making an eligibility 123552
determination may appeal the decision or delay to the department 123553
of ~~job~~ children and ~~family services~~ youth in accordance with 123554
section 5101.35 of the Revised Code. The due process rights of 123555
applicants shall be protected. 123556

To the extent permitted by federal law, the county department 123557

may make all determinations of eligibility for publicly funded 123558
child care, may contract with child care providers or child care 123559
resource and referral service organizations for the providers or 123560
resource and referral service organizations to make all or any 123561
part of the determinations, and may contract with child care 123562
providers or child care resource and referral service 123563
organizations for the providers or resource and referral service 123564
organizations to collect specified information for use by the 123565
county department in making determinations. If a county department 123566
contracts with a child care provider or a child care resource and 123567
referral service organization for eligibility determinations or 123568
for the collection of information, the contract shall require the 123569
provider or resource and referral service organization to make 123570
each eligibility determination no later than thirty calendar days 123571
from the date the provider or resource and referral organization 123572
receives a completed application that is the basis of the 123573
determination and to collect and transmit all necessary 123574
information to the county department within a period of time that 123575
enables the county department to make each eligibility 123576
determination no later than thirty days after the filing of the 123577
application that is the basis of the determination. 123578

The county department may station employees of the department 123579
in various locations throughout the county to collect information 123580
relevant to applications for publicly funded child care and to 123581
make eligibility determinations. The county department, child care 123582
provider, and child care resource and referral service 123583
organization shall make each determination of eligibility for 123584
publicly funded child care no later than thirty days after the 123585
filing of the application that is the basis of the determination, 123586
shall make each determination in accordance with any relevant 123587
rules adopted pursuant to section 5104.38 of the Revised Code, and 123588
shall notify promptly each applicant for publicly funded child 123589
care of the results of the determination of the applicant's 123590

eligibility. 123591

The director of ~~job children~~ and ~~family services~~ youth shall 123592
adopt rules in accordance with Chapter 119. of the Revised Code 123593
for monitoring the eligibility determination process. In 123594
accordance with those rules, the state department shall monitor 123595
eligibility determinations made by county departments of job and 123596
family services and shall direct any entity that is not in 123597
compliance with this division or any rule adopted under this 123598
division to implement corrective action specified by the 123599
department. 123600

(2)(a) All eligibility determinations for publicly funded 123601
child care shall be made in accordance with rules adopted pursuant 123602
to division (A) of section 5104.38 of the Revised Code. Except as 123603
otherwise provided in this section, all of the following apply: 123604

(i) Publicly funded child care may be provided only to 123605
eligible infants, toddlers, preschool-age children, school-age 123606
children under age thirteen, or children receiving special needs 123607
child care. 123608

(ii) For an applicant to be eligible for publicly funded 123609
child care, the caretaker parent must be employed or participating 123610
in a program of education or training for an amount of time 123611
reasonably related to the time that the parent's children are 123612
receiving publicly funded child care. This restriction does not 123613
apply to families whose children are eligible for protective child 123614
care. 123615

(iii) The eligibility period for publicly funded child care 123616
shall be at least twelve months. 123617

(b) In accordance with rules adopted under division (B) of 123618
section 5104.38 of the Revised Code, an applicant may receive 123619
publicly funded child care while the county department determines 123620
eligibility. An applicant may receive publicly funded child care 123621

while a county department determines eligibility only once during 123622
a twelve-month period. If the county department determines that an 123623
applicant is not eligible for publicly funded child care, the 123624
child care provider shall be paid for providing publicly funded 123625
child care for up to five days after that determination if the 123626
county department received a completed application with all 123627
required documentation. A program may appeal a denial of payment 123628
under this division. 123629

(c) If a caretaker parent who has been determined eligible to 123630
receive publicly funded child care no longer meets the 123631
requirements of division (A)(2)(a)(ii) of this section, the 123632
caretaker parent may continue to receive publicly funded child 123633
care for a period of at least three but not more than four months 123634
not to extend beyond the caretaker parent's eligibility period. 123635

(d) If a child turns thirteen, or if a child receiving 123636
special needs child care turns eighteen, during the eligibility 123637
period, the caretaker parent may continue to receive publicly 123638
funded child care until the end of that eligibility period. 123639

Subject to available funds, the department of ~~job~~ children 123640
and ~~family services~~ youth shall allow a family to receive publicly 123641
funded child care unless the family's income exceeds the maximum 123642
income eligibility limit. Initial and continued eligibility for 123643
publicly funded child care is subject to available funds unless 123644
the family is receiving child care pursuant to division (A)(1), 123645
(2), (3), or (4) of section 5104.30 of the Revised Code. If the 123646
department must limit eligibility due to lack of available funds, 123647
it shall give first priority for publicly funded child care to an 123648
assistance group whose income is not more than the maximum income 123649
eligibility limit that received transitional child care in the 123650
previous month but is no longer eligible because the eligibility 123651
period has expired. Such an assistance group shall continue to 123652
receive priority for publicly funded child care until its income 123653

exceeds the maximum income eligibility limit. 123654

(3) An assistance group that ceases to participate in the 123655
Ohio works first program established under Chapter 5107. of the 123656
Revised Code is eligible for transitional child care at any time 123657
during the immediately following twelve-month period that both of 123658
the following apply: 123659

(a) The assistance group requires child care due to 123660
employment; 123661

(b) The assistance group's income is not more than one 123662
hundred fifty per cent of the federal poverty line. 123663

An assistance group ineligible to participate in the Ohio 123664
works first program pursuant to section 5101.83 or section 5107.16 123665
of the Revised Code is not eligible for transitional child care. 123666

(B) To the extent permitted by federal law, the department of 123667
~~job children~~ and ~~family services~~ youth may require a caretaker 123668
parent determined to be eligible for publicly funded child care to 123669
pay a fee according to the schedule of fees established in rules 123670
adopted under section 5104.38 of the Revised Code. The department 123671
shall make protective child care services and homeless child care 123672
services available to children without regard to the income or 123673
assets of the caretaker parent of the child. 123674

(C) A caretaker parent receiving publicly funded child care 123675
shall report to the entity that determined eligibility any changes 123676
in status with respect to employment or participation in a program 123677
of education or training not later than ten calendar days after 123678
the change occurs. 123679

(D) If the department of ~~job children~~ and ~~family services~~ 123680
youth determines that available resources are not sufficient to 123681
provide publicly funded child care to all eligible families who 123682
request it, the department may establish a waiting list. The 123683
department may establish separate waiting lists within the waiting 123684

list based on income. 123685

(E) A caretaker parent shall not receive publicly funded 123686
child care from more than one child care provider per child during 123687
a week, unless a county department grants the family an exemption 123688
for one of the following reasons: 123689

(1) The child needs additional care during non-traditional 123690
hours; 123691

(2) The child needs to change providers in the middle of the 123692
week and the hours of care provided by the providers do not 123693
overlap; 123694

(3) The child's provider is closed on scheduled school days 123695
off or on calamity days. 123696

(F) As used in this section, "maximum income eligibility 123697
limit" means the amount of income specified in rules adopted under 123698
division (A) of section 5104.38 of the Revised Code. 123699

Sec. 5104.36. The licensee or administrator of a child 123700
day-care center, type A family day-care home, or licensed type B 123701
family day-care home, an in-home aide providing child care 123702
services, the director or administrator of an approved child day 123703
camp, and a border state child care provider shall keep a record 123704
for each eligible child, to be made available to the county 123705
department of job and family services or the department of ~~job~~ 123706
children and ~~family services~~ youth on request. The record shall 123707
include all of the following: 123708

(A) The name and date of birth of the child; 123709

(B) The name and address of the child's caretaker parent; 123710

(C) The name and address of the caretaker parent's place of 123711
employment or program of education or training; 123712

(D) The hours for which child care services have been 123713

provided for the child; 123714

(E) Any other information required by the county department 123715
of job and family services or the ~~state~~ department of ~~job~~ children 123716
and ~~family services~~ youth. 123717

Sec. 5104.38. In addition to any other rules adopted under 123718
this chapter, the director of ~~job~~ children and ~~family~~ youth 123719
services shall adopt rules in accordance with Chapter 119. of the 123720
Revised Code governing financial and administrative requirements 123721
for publicly funded child care and establishing all of the 123722
following: 123723

(A) Procedures and criteria to be used in making 123724
determinations of eligibility for publicly funded child care that 123725
give priority to children of families with lower incomes and 123726
procedures and criteria for eligibility for publicly funded 123727
protective child care or homeless child care. The rules shall 123728
specify the maximum amount of income a family may have for initial 123729
and continued eligibility. The maximum amount shall not exceed 123730
three hundred per cent of the federal poverty line. The rules may 123731
specify exceptions to the eligibility requirements in the case of 123732
a family that previously received publicly funded child care and 123733
is seeking to have the child care reinstated after the family's 123734
eligibility was terminated. 123735

(B) Procedures under which an applicant for publicly funded 123736
child care may receive publicly funded child care while the county 123737
department of job and family services determines eligibility and 123738
under which a child care provider may appeal a denial of payment 123739
under division (A)(2)(b) of section 5104.34 of the Revised Code; 123740

(C) A schedule of fees requiring all eligible caretaker 123741
parents to pay a fee for publicly funded child care according to 123742
income and family size, which shall be uniform for all types of 123743
publicly funded child care, except as authorized by rule, and, to 123744

the extent permitted by federal law, shall permit the use of state 123745
and federal funds to pay the customary deposits and other advance 123746
payments that a provider charges all children who receive child 123747
care from that provider. 123748

(D) A formula for determining the amount of state and federal 123749
funds appropriated for publicly funded child care that may be 123750
allocated to a county department to use for administrative 123751
purposes; 123752

(E) Procedures to be followed by the department and county 123753
departments in recruiting individuals and groups to become 123754
providers of child care; 123755

(F) Procedures to be followed in establishing state or local 123756
programs designed to assist individuals who are eligible for 123757
publicly funded child care in identifying the resources available 123758
to them and to refer the individuals to appropriate sources to 123759
obtain child care; 123760

(G) Procedures to deal with fraud and abuse committed by 123761
either recipients or providers of publicly funded child care; 123762

(H) Procedures for establishing a child care grant or loan 123763
program in accordance with the child care block grant act; 123764

(I) Standards and procedures for applicants to apply for 123765
grants and loans, and for the department to make grants and loans; 123766

(J) A definition of "person who stands in loco parentis" for 123767
the purposes of division (LL)(3) of section 5104.01 of the Revised 123768
Code; 123769

(K) Procedures for a county department of job and family 123770
services to follow in making eligibility determinations and 123771
redeterminations for publicly funded child care available through 123772
telephone, computer, and other means at locations other than the 123773
county department; 123774

(L) If the director establishes a different reimbursement rate under division (E)(3)(d) of section 5104.30 of the Revised Code, standards and procedures for determining the amount of the higher payment that is to be issued to a child care provider based on the special needs of the child being served;

(M) To the extent permitted by federal law, procedures for paying for up to thirty days of child care for a child whose caretaker parent is seeking employment, taking part in employment orientation activities, or taking part in activities in anticipation of enrolling in or attending an education or training program or activity, if the employment or the education or training program or activity is expected to begin within the thirty-day period;

(N) Any other rules necessary to carry out sections 5104.30 to 5104.43 of the Revised Code.

Sec. 5104.382. In adopting rules under division (A) of section 5104.38 of the Revised Code establishing criteria for eligibility for publicly funded child care, the director of ~~job children~~ and ~~family services youth~~ may prescribe the amount, duration, and scope of benefits available as publicly funded child care.

Sec. 5104.39. (A) The director of ~~job~~ children and ~~family services youth~~ shall adopt rules in accordance with Chapter 119. of the Revised Code establishing a procedure for monitoring the expenditures for publicly funded child care to ensure that expenditures do not exceed the available federal and state funds for publicly funded child care. The department of ~~job~~ children and ~~family services youth~~, with the assistance of the office of budget and management and the child care advisory council created pursuant to section 5104.08 of the Revised Code, shall monitor the

anticipated future expenditures for publicly funded child care and 123805
shall compare those anticipated future expenditures to available 123806
federal and state funds for publicly funded child care. Whenever 123807
the department determines that the anticipated future expenditures 123808
for publicly funded child care will exceed the available federal 123809
and state funds, the department shall promptly notify the county 123810
departments of job and family services and, before the available 123811
state and federal funds are used, the director shall issue and 123812
implement an administrative order that shall specify both of the 123813
following: 123814

(1) Priorities for expending the remaining available federal 123815
and state funds for publicly funded child care; 123816

(2) Instructions and procedures to be used by the county 123817
departments regarding eligibility determinations. 123818

(B) The order may do any or all of the following: 123819

(1) Suspend enrollment of all new participants in any program 123820
of publicly funded child care; 123821

(2) Limit enrollment of new participants to those with 123822
incomes at or below a specified percentage of the federal poverty 123823
line; 123824

(3) Disenroll existing participants with income above a 123825
specified percentage of the federal poverty line; 123826

(4) Change the schedule of fees paid by eligible caretaker 123827
parents that has been established pursuant to section 5104.38 of 123828
the Revised Code; 123829

(5) Change the rate of payment for providers of publicly 123830
funded child care that has been established pursuant to section 123831
5104.30 of the Revised Code. 123832

(C) Each county department shall comply with the order no 123833
later than thirty days after it is issued. 123834

(D) If after issuing an order under this section to suspend 123835
or limit enrollment of new participants or disenroll existing 123836
participants the department determines that available state and 123837
federal funds for publicly funded child care exceed the 123838
anticipated future expenditures for publicly funded child care, 123839
the director may issue and implement another administrative order 123840
increasing income eligibility levels to a specified percentage of 123841
the federal poverty line. The order shall include instructions and 123842
procedures to be used by the county departments. Each county 123843
department shall comply with the order not later than thirty days 123844
after it is issued. 123845

(E) The department of ~~job~~ children and ~~family services~~ youth 123846
shall do all of the following: 123847

(1) Conduct a quarterly evaluation of the program of publicly 123848
funded child care that is operated pursuant to sections 5104.30 to 123849
5104.43 of the Revised Code; 123850

(2) Prepare reports based upon the evaluations that specify 123851
for each county the number of participants and amount of 123852
expenditures; 123853

(3) Provide copies of the reports to both houses of the 123854
general assembly and, on request, to interested parties. 123855

Sec. 5104.42. (A) The director of ~~job~~ children and ~~family~~ 123856
~~services~~ youth shall adopt rules pursuant to section 111.15 of the 123857
Revised Code establishing a payment procedure for publicly funded 123858
child care. 123859

(B) The director, by rule adopted in accordance with section 123860
111.15 of the Revised Code, may establish a methodology for 123861
allocating the state and federal funds appropriated for publicly 123862
funded child care. 123863

Sec. 5104.44. On receipt of a notice pursuant to section 123864

3123.43 of the Revised Code, the department of ~~job~~ children and 123865
~~family services~~ youth shall comply with sections 3123.41 to 123866
3123.50 of the Revised Code and any applicable rules adopted under 123867
section 3123.63 of the Revised Code with respect to a license or 123868
certificate issued pursuant to this chapter. 123869

Sec. ~~3301.90~~ 5104.50. The governor shall create the early 123870
childhood advisory council in accordance with 42 U.S.C. 123871
9837b(b)(1) and shall appoint one of its members to serve as 123872
chairperson of the council. The council shall serve as the state 123873
advisory council on early childhood education and care, as 123874
described in 42 U.S.C. 9837b(b)(1). In addition to the duties 123875
specified in 42 U.S.C. 9837b(b)(1), the council shall promote 123876
family-centered programs and services that acknowledge and support 123877
the social, emotional, cognitive, intellectual, and physical 123878
development of children and the vital role of families in ensuring 123879
the well-being and success of children. 123880

Sec. 5104.51. The department of children and youth shall 123881
license a preschool program pursuant to sections 3301.52 to 123882
3301.59 of the Revised Code. 123883

Sec. 5104.52. (A) The department of children and youth shall 123884
develop a diagnostic assessment designed to measure each student's 123885
readiness for kindergarten. The kindergarten readiness assessment 123886
shall not include components to identify gifted students. Blank 123887
copies of the kindergarten readiness assessment shall be public 123888
records. 123889

(B) When the kindergarten readiness assessment has been 123890
completed, the department shall inform all school districts of its 123891
completion and the department shall make the kindergarten 123892
readiness assessment available to districts at no cost to the 123893

district. 123894

(C) School districts shall administer the kindergarten 123895
readiness assessment pursuant to section 3301.0715 of the Revised 123896
Code beginning the first school year following the development of 123897
the kindergarten readiness assessment. Prior to that school year, 123898
school districts shall administer the kindergarten readiness 123899
assessment that was developed by the department of education under 123900
section 3301.0715 of the Revised as it existed prior to the 123901
effective date of this section. 123902

Sec. 5107.24. (A) As used in this section: 123903

(1) "Adult-supervised living arrangement" means a family 123904
setting approved, licensed, or certified by the department of job 123905
and family services, the department of mental health and addiction 123906
services, the department of developmental disabilities, the 123907
department of youth services, a public children services agency, a 123908
private child placing agency, or a private noncustodial agency 123909
that is maintained by a person age eighteen or older who assumes 123910
responsibility for the care and control of a minor parent, 123911
pregnant minor, or child of a minor parent or provides the minor 123912
parent, pregnant minor, or child of a minor parent supportive 123913
services, including counseling, guidance, and supervision. 123914
"Adult-supervised living arrangement" does not mean a public 123915
institution. 123916

(2) "Child of a minor parent" means a child born to a minor 123917
parent, except that the child ceases to be considered a child of 123918
minor parent when the minor parent attains age eighteen. 123919

(3) "Minor parent" means a parent who is under age eighteen 123920
and is not married. 123921

(4) "Pregnant minor" means a pregnant person who is under age 123922
eighteen and not married. 123923

(B)(1) Except as provided in division (B)(2) of this section 123924
and to the extent permitted by Title IV-A and federal regulations 123925
adopted under Title IV-A, a pregnant minor, minor parent, or child 123926
of a minor parent must reside in a place of residence maintained 123927
by a parent, guardian, custodian, or specified relative of the 123928
pregnant minor or minor parent as the parent's, guardian's, 123929
custodian's, or specified relative's own home to be eligible to 123930
participate in Ohio works first. 123931

(2) To the extent permitted by Title IV-A and federal 123932
regulations adopted under it, a pregnant minor, minor parent, or 123933
child of a minor parent is exempt from the requirement of division 123934
(B)(1) of this section if any of the following apply: 123935

(a) The minor parent or pregnant minor does not have a 123936
parent, guardian, custodian, or specified relative living or whose 123937
whereabouts are known. 123938

(b) No parent, guardian, custodian, or specified relative of 123939
the minor parent or pregnant minor will allow the pregnant minor, 123940
minor parent, or minor parent's child to live in the parent's, 123941
guardian's, custodian's, or specified relative's home. 123942

(c) The department of job and family services, the department 123943
of children and youth, a county department of job and family 123944
services, or a public children services agency determines that the 123945
physical or emotional health or safety of the pregnant minor, 123946
minor parent, or minor parent's child would be in jeopardy if the 123947
pregnant minor, minor parent, or minor parent's child lived in the 123948
same home as the parent, guardian, custodian, or specified 123949
relative. 123950

(d) The department of job and family services, the department 123951
of children and youth, a county department of job and family 123952
services, or a public children services agency otherwise 123953
determines that it is in the best interest of the pregnant minor, 123954

minor parent, or minor parent's child to waive the requirement of 123955
division (B)(1) of this section. 123956

(C) A pregnant minor, minor parent, or child of a minor 123957
parent exempt from the requirement of division (B)(1) of this 123958
section must reside in an adult-supervised living arrangement to 123959
be eligible to participate in Ohio works first. 123960

(D) The department of job and family services, whenever 123961
possible and to the extent permitted by Title IV-A and federal 123962
regulations adopted under it, shall provide cash assistance under 123963
Ohio works first to the parent, guardian, custodian, or specified 123964
relative of a pregnant minor or minor parent on behalf of the 123965
pregnant minor, minor parent, or minor parent's child. 123966

Sec. 5123.02. The department of developmental disabilities 123967
shall do the following: 123968

(A) Promote comprehensive statewide programs and services for 123969
persons with developmental disabilities and their families 123970
wherever they reside in the state. These programs shall include 123971
public awareness, prevention, assessment, treatment, training, and 123972
care. 123973

(B) Provide administrative leadership for statewide services; 123974

(C) Develop and maintain, to the extent feasible, data on all 123975
services and programs that governmental and private agencies 123976
provide for persons with developmental disabilities; 123977

(D) Provide leadership to local authorities in planning and 123978
developing community-wide services for persons with developmental 123979
disabilities and their families; 123980

(E) Promote programs of professional training and research in 123981
cooperation with other state departments, agencies, and 123982
institutions of higher learning; 123983

~~(F) Serve as the "lead agency," as described by 20 U.S.C. 123984~~

~~1435(a)(10), to implement the state's part C early intervention services program, through which early intervention services are provided to eligible infants and toddlers in accordance with part C of the "Individuals with Disabilities Education Act," 20 U.S.C. 1431 et seq., and regulations implementing that part in 34 C.F.R. part 303.~~

Sec. 5123.026. (A) The director of developmental disabilities shall establish a technology first task force consisting of representatives from the office of innovateohio; the departments of developmental disabilities, education, medicaid, aging, job and family services, mental health and addiction services, children and youth, and transportation; and the opportunities for Ohioans with disabilities agency.

(B) The task force shall do all of the following:

(1) Expand innovative technology solutions within the operation and delivery of services to individuals with developmental disabilities;

(2) Use technology to reduce the barriers individuals with developmental disabilities experience;

(3) Align policies for all state agencies on the task force.

(C) The department of developmental disabilities may enter into interagency agreements with any of the government entities on the task force. The interagency agreements may specify either or both of the following:

(1) The roles and responsibilities of the government entities that are members of the task force, including any money to be contributed by those entities;

(2) The projects and activities of the task force.

(D) The department and state agencies may adopt rules to implement the task force.

Sec. 5139.39. The department of youth services, in the manner 124015
provided in this chapter and Chapter 2151. of the Revised Code, 124016
may transfer to a foster care facility certified by the department 124017
of ~~job children~~ and ~~family services~~ youth under section 5103.03 of 124018
the Revised Code, any child committed to it and, in the event of a 124019
transfer of that nature, unless otherwise mutually agreed, the 124020
department of youth services shall bear the cost of care and 124021
services provided for the child in the foster care facility. A 124022
juvenile court may transfer to any foster facility certified by 124023
the department of ~~job children~~ and ~~family services~~ youth any child 124024
between twelve and eighteen years of age, other than a psychotic 124025
child or a child with an intellectual disability, who has been 124026
designated a delinquent child and placed on probation by order of 124027
the juvenile court as a result of having violated any law of this 124028
state or the United States or any ordinance of a political 124029
subdivision of this state. 124030

Sec. 5153.01. (A) As used in the Revised Code, "public 124031
children services agency" means an entity specified in section 124032
5153.02 of the Revised Code that has assumed the powers and duties 124033
of the children services function prescribed by this chapter for a 124034
county. 124035

(B) As used in this chapter: 124036

(1) "Certified foster home" means a foster home, as defined 124037
in section 5103.02 of the Revised Code, certified under section 124038
5103.03 of the Revised Code. 124039

(2) "Certified organization" means any organization holding a 124040
certificate issued pursuant to section 5103.03 of the Revised Code 124041
that is in full force and effect. 124042

(3) "Child" means any person under eighteen years of age or a 124043
person with a mental or physical disability, as defined by rule 124044

adopted by the director of ~~job~~ children and ~~family services~~ youth, 124045
under twenty-one years of age. 124046

(4) "Executive director" means the person charged with the 124047
responsibility of administering the powers and duties of a public 124048
children services agency appointed pursuant to section 5153.10 of 124049
the Revised Code. 124050

(5) "Organization" means any public, semipublic, or private 124051
institution, including maternity homes and day nurseries, and any 124052
private association, society, or agency, located or operating in 124053
this state, incorporated or unincorporated, having among its 124054
functions the furnishing of protective services or care for 124055
children or the placement of children in certified foster homes or 124056
elsewhere. 124057

(6) "PCSA caseworker" means an individual employed by a 124058
public children services agency as a caseworker. 124059

(7) "PCSA caseworker supervisor" means an individual employed 124060
by a public children services agency to supervise PCSA 124061
caseworkers. 124062

Sec. 5153.111. (A)(1) The executive director of a public 124063
children services agency shall request the superintendent of the 124064
bureau of criminal identification and investigation to conduct a 124065
criminal records check with respect to any applicant who has 124066
applied to the agency for employment as a person responsible for 124067
the care, custody, or control of a child. If the applicant does 124068
not present proof that the applicant has been a resident of this 124069
state for the five-year period immediately prior to the date upon 124070
which the criminal records check is requested or does not provide 124071
evidence that within that five-year period the superintendent has 124072
requested information about the applicant from the federal bureau 124073
of investigation in a criminal records check, the executive 124074
director shall request that the superintendent obtain information 124075

from the federal bureau of investigation as a part of the criminal 124076
records check for the applicant. If the applicant presents proof 124077
that the applicant has been a resident of this state for that 124078
five-year period, the executive director may request that the 124079
superintendent include information from the federal bureau of 124080
investigation in the criminal records check. 124081

(2) Any person required by division (A)(1) of this section to 124082
request a criminal records check shall provide to each applicant a 124083
copy of the form prescribed pursuant to division (C)(1) of section 124084
109.572 of the Revised Code, provide to each applicant a standard 124085
impression sheet to obtain fingerprint impressions prescribed 124086
pursuant to division (C)(2) of section 109.572 of the Revised 124087
Code, obtain the completed form and impression sheet from each 124088
applicant, and forward the completed form and impression sheet to 124089
the superintendent of the bureau of criminal identification and 124090
investigation at the time the person requests a criminal records 124091
check pursuant to division (A)(1) of this section. 124092

(3) Any applicant who receives pursuant to division (A)(2) of 124093
this section a copy of the form prescribed pursuant to division 124094
(C)(1) of section 109.572 of the Revised Code and a copy of an 124095
impression sheet prescribed pursuant to division (C)(2) of that 124096
section and who is requested to complete the form and provide a 124097
set of fingerprint impressions shall complete the form or provide 124098
all the information necessary to complete the form and shall 124099
provide the impression sheet with the impressions of the 124100
applicant's fingerprints. If an applicant, upon request, fails to 124101
provide the information necessary to complete the form or fails to 124102
provide impressions of the applicant's fingerprints, that agency 124103
shall not employ that applicant for any position for which a 124104
criminal records check is required by division (A)(1) of this 124105
section. 124106

(B)(1) Except as provided in rules adopted by the director of 124107

~~job children~~ and ~~family services~~ youth in accordance with division 124108
(E) of this section, no public children services agency shall 124109
employ a person as a person responsible for the care, custody, or 124110
control of a child if the person previously has been convicted of 124111
or pleaded guilty to any of the following: 124112

(a) A violation of section 2903.01, 2903.02, 2903.03, 124113
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 124114
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 124115
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 124116
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 124117
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 124118
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 124119
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, a 124120
violation of section 2905.04 of the Revised Code as it existed 124121
prior to July 1, 1996, a violation of section 2919.23 of the 124122
Revised Code that would have been a violation of section 2905.04 124123
of the Revised Code as it existed prior to July 1, 1996, had the 124124
violation occurred prior to that date, a violation of section 124125
2925.11 of the Revised Code that is not a minor drug possession 124126
offense, or felonious sexual penetration in violation of former 124127
section 2907.12 of the Revised Code; 124128

(b) A violation of an existing or former law of this state, 124129
any other state, or the United States that is substantially 124130
equivalent to any of the offenses or violations described in 124131
division (B)(1)(a) of this section. 124132

(2) A public children services agency may employ an applicant 124133
conditionally until the criminal records check required by this 124134
section is completed and the agency receives the results of the 124135
criminal records check. If the results of the criminal records 124136
check indicate that, pursuant to division (B)(1) of this section, 124137
the applicant does not qualify for employment, the agency shall 124138
release the applicant from employment. 124139

(C)(1) Each public children services agency shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check conducted in accordance with that section upon the request pursuant to division (A)(1) of this section of the executive director of the agency.

(2) A public children services agency may charge an applicant a fee for the costs it incurs in obtaining a criminal records check under this section. A fee charged under this division shall not exceed the amount of fees the agency pays under division (C)(1) of this section. If a fee is charged under this division, the agency shall notify the applicant at the time of the applicant's initial application for employment of the amount of the fee and that, unless the fee is paid, the agency will not consider the applicant for employment.

(D) The report of any criminal records check conducted by the bureau of criminal identification and investigation in accordance with section 109.572 of the Revised Code and pursuant to a request under division (A)(1) of this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the applicant who is the subject of the criminal records check or the applicant's representative, the public children services agency requesting the criminal records check or its representative, and any court, hearing officer, or other necessary individual involved in a case dealing with the denial of employment to the applicant.

(E) The director of ~~job children and family services~~ youth shall adopt rules pursuant to Chapter 119. of the Revised Code to implement this section, including rules specifying circumstances under which a public children services agency may hire a person who has been convicted of an offense listed in division (B)(1) of this section but who meets standards in regard to rehabilitation

set by the department. 124172

(F) Any person required by division (A)(1) of this section to 124173
request a criminal records check shall inform each person, at the 124174
time of the person's initial application for employment, that the 124175
person is required to provide a set of impressions of the person's 124176
fingerprints and that a criminal records check is required to be 124177
conducted and satisfactorily completed in accordance with section 124178
109.572 of the Revised Code if the person comes under final 124179
consideration for appointment or employment as a precondition to 124180
employment for that position. 124181

(G) As used in this section: 124182

(1) "Applicant" means a person who is under final 124183
consideration for appointment or employment in a position with the 124184
agency as a person responsible for the care, custody, or control 124185
of a child. 124186

(2) "Criminal records check" has the same meaning as in 124187
section 109.572 of the Revised Code. 124188

(3) "Minor drug possession offense" has the same meaning as 124189
in section 2925.01 of the Revised Code. 124190

Sec. 5153.113. (A)(1) As used in this section, "applicant" 124191
has the same meaning as in section 5153.111 of the Revised Code, 124192
and includes an intern applicant or a volunteer applicant. 124193

(2) "Intern applicant" means a trainee seeking practical 124194
educational and career experience who is under consideration for a 124195
position with a public children services agency to work, with or 124196
without monetary gain or compensation, as a person responsible for 124197
the care, custody, or control of a child; 124198

(3) "Volunteer applicant" means a person who is under 124199
consideration for a position with a public children services 124200
agency to perform services within the agency voluntarily, without 124201

monetary gain or compensation, as a person responsible for the 124202
care, custody, or control of a child. 124203

(B) Notwithstanding division (I)(1) of section 2151.421, 124204
section 5153.17, and any other section of the Revised Code 124205
pertaining to confidentiality, before a public children services 124206
agency employs an applicant, the executive director of the agency, 124207
or the executive director's designee within the agency, shall 124208
review promptly any information the agency determines to be 124209
relevant for the purpose of evaluating the fitness of the 124210
applicant, including, but not limited to, the following: 124211

(1) Abuse and neglect reports made pursuant to section 124212
2151.421 of the Revised Code of which the applicant is the subject 124213
where it has been determined that abuse or neglect occurred; 124214

(2) The final disposition of investigations of the abuse and 124215
neglect reports, or if the investigations have not been completed, 124216
the status of the investigations; 124217

(3) Any underlying documentation concerning the reports. 124218

(C) The information reviewed under division (B) of this 124219
section shall not include the name of the person or entity that 124220
made the report or participated in the making of the report of 124221
child abuse or neglect. 124222

(D) The director of ~~job children~~ and ~~family services youth~~ 124223
shall adopt rules pursuant to Chapter 119. of the Revised Code to 124224
implement this section. 124225

Sec. 5153.121. (A) The board of county commissioners and the 124226
county children services board may agree to permit any employee of 124227
the department of ~~job children~~ and ~~family services youth~~ also to 124228
perform duties for the county children services board, or to 124229
permit any employee of the county children services board also to 124230
perform duties for the department of ~~job children~~ and ~~family~~ 124231

~~services~~ youth. 124232

(B) An agreement made under division (A) of this section may 124233
require the board of county commissioners to pay a portion of the 124234
wages of any employee of the county children services board who 124235
also performs duties for the department of ~~job~~ children and ~~family~~ 124236
~~services~~ youth or require the county children services board to 124237
pay a portion of the wages of any employee of the department of 124238
~~job~~ children and ~~family services~~ youth who also performs duties 124239
for the county children services board. 124240

Sec. 5153.122. Each PCSA caseworker hired after January 1, 124241
2007, shall complete at least one hundred two hours of in-service 124242
training during the first year of the caseworker's continuous 124243
employment as a PCSA caseworker, except that the executive 124244
director of the public children services agency may waive the 124245
training requirement for a school of social work graduate who 124246
participated in the university partnership program described in 124247
division (E) of section 5101.141 of the Revised Code and as 124248
provided in section 5153.124 of the Revised Code. The training 124249
shall consist of courses in all of the following: 124250

(A) Recognizing, accepting reports of, and preventing child 124251
abuse, neglect, and dependency; 124252

(B) Assessing child safety; 124253

(C) Assessing risks; 124254

(D) Interviewing persons; 124255

(E) Investigating cases; 124256

(F) Intervening; 124257

(G) Providing services to children and their families; 124258

(H) The importance of and need for accurate data; 124259

(I) Preparation for court; 124260

(J) Maintenance of case record information; 124261

(K) The legal duties of PCSA caseworkers to protect the 124262
constitutional and statutory rights of children and families from 124263
the initial time of contact during investigation through 124264
treatment, including instruction regarding parents' rights and the 124265
limitations that the Fourth Amendment to the United States 124266
Constitution places upon caseworkers and their investigations; 124267

(L) Content on other topics relevant to child abuse, neglect, 124268
and dependency, including permanency strategies, concurrent 124269
planning, and adoption as an option for unintended pregnancies. 124270

After a PCSA caseworker's first year of continuous employment 124271
as a PCSA caseworker, the caseworker annually shall complete 124272
thirty-six hours of training in areas relevant to the caseworker's 124273
assigned duties. 124274

During the first two years of continuous employment as a PCSA 124275
caseworker, each PCSA caseworker shall complete at least twelve 124276
hours of training in recognizing the signs of domestic violence 124277
and its relationship to child abuse as established in rules the 124278
director of ~~job~~ children and ~~family services~~ youth shall adopt 124279
pursuant to Chapter 119. of the Revised Code. The twelve hours may 124280
be in addition to the training required during the caseworker's 124281
first year of employment or part of the training required during 124282
the second year of employment. 124283

Sec. 5153.123. Each PCSA caseworker supervisor shall complete 124284
at least sixty hours of in-service training during the first year 124285
of the supervisor's continuous employment as a PCSA caseworker 124286
supervisor. The training shall include courses in screening 124287
reports of child abuse, neglect, or dependency. After a PCSA 124288
caseworker supervisor's first year of continuous employment as a 124289
PCSA caseworker supervisor, the supervisor annually shall complete 124290
thirty hours of training in areas relevant to the supervisor's 124291

assigned duties. During the first two years of continuous 124292
employment as a PCSA caseworker supervisor, each PCSA caseworker 124293
supervisor shall complete at least twelve hours of training in 124294
recognizing the signs of domestic violence and its relationship to 124295
child abuse as established in rules the director of ~~job~~ children 124296
and ~~family services~~ youth shall adopt pursuant to Chapter 119. of 124297
the Revised Code. The twelve hours may be in addition to the 124298
training required during the supervisor's first year of employment 124299
or part of the training required during the second year of 124300
employment. 124301

Sec. 5153.124. (A)(1) The director of ~~job~~ children and ~~family~~ 124302
~~services~~ youth shall adopt rules as necessary to implement the 124303
training requirements of sections 5153.122 and 5153.123 of the 124304
Revised Code. 124305

(2) Not later than nine months after ~~the effective date of~~ 124306
~~the amendment to this section by H.B. 110 of the 134th general~~ 124307
~~assembly~~ September 30, 2021, the director shall adopt rules in 124308
accordance with Chapter 119. of the Revised Code to establish the 124309
circumstances under which an executive director of a public 124310
children services agency may waive portions of in-service training 124311
for PCSA caseworkers, in addition to the waiver described in 124312
section 5153.122 of the Revised Code. 124313

(B) Notwithstanding sections 5103.33 to 5103.422 and sections 124314
5153.122 to 5153.127 of the Revised Code, the department of ~~job~~ 124315
children and ~~family services~~ youth may require additional training 124316
for PCSA caseworkers and PCSA caseworker supervisors as necessary 124317
to comply with federal requirements. 124318

Sec. 5153.14. The executive director shall prepare and submit 124319
an annual report to the public children services agency at the end 124320
of each calendar year and shall file copies of such report with 124321

the department of ~~job~~ children and ~~family services~~ youth, the 124322
board of county commissioners, and the juvenile court. The 124323
executive director shall submit the inspection reports required 124324
under section 5153.16 of the Revised Code and such other reports 124325
as are required by law, by the rules of the director of ~~job~~ 124326
children and ~~family services~~ youth, or by the board of county 124327
commissioners to specified governmental bodies and officers and 124328
shall provide reports to the public, when so authorized. 124329

Sec. 5153.16. (A) Except as provided in section 2151.422 of 124330
the Revised Code, in accordance with rules adopted under section 124331
5153.166 of the Revised Code, and on behalf of children in the 124332
county whom the public children services agency considers to be in 124333
need of public care or protective services, the public children 124334
services agency shall do all of the following: 124335

(1) Make an investigation concerning any child alleged to be 124336
an abused, neglected, or dependent child; 124337

(2) Enter into agreements with the parent, guardian, or other 124338
person having legal custody of any child, or with the department 124339
of ~~job~~ children and ~~family services~~ youth, department of mental 124340
health and addiction services, department of developmental 124341
disabilities, other department, any certified organization within 124342
or outside the county, or any agency or institution outside the 124343
state, having legal custody of any child, with respect to the 124344
custody, care, or placement of any child, or with respect to any 124345
matter, in the interests of the child, provided the permanent 124346
custody of a child shall not be transferred by a parent to the 124347
public children services agency without the consent of the 124348
juvenile court; 124349

(3) Accept custody of children committed to the public 124350
children services agency by a court exercising juvenile 124351
jurisdiction; 124352

- (4) Provide such care as the public children services agency 124353
considers to be in the best interests of any child adjudicated to 124354
be an abused, neglected, or dependent child the agency finds to be 124355
in need of public care or service; 124356
- (5) Provide social services to any unmarried girl adjudicated 124357
to be an abused, neglected, or dependent child who is pregnant 124358
with or has been delivered of a child; 124359
- (6) Make available to the children with medical handicaps 124360
program of the department of health at its request any information 124361
concerning a child with a disability found to be in need of 124362
treatment under sections 3701.021 to 3701.028 of the Revised Code 124363
who is receiving services from the public children services 124364
agency; 124365
- (7) Provide temporary emergency care for any child considered 124366
by the public children services agency to be in need of such care, 124367
without agreement or commitment; 124368
- (8) Find certified foster homes, within or outside the 124369
county, for the care of children, including children with 124370
disabilities from other counties attending special schools in the 124371
county; 124372
- (9) Subject to the approval of the board of county 124373
commissioners and the ~~state~~ department of ~~job children~~ and ~~family~~ 124374
~~services~~ youth, establish and operate a training school or enter 124375
into an agreement with any municipal corporation or other 124376
political subdivision of the county respecting the operation, 124377
acquisition, or maintenance of any children's home, training 124378
school, or other institution for the care of children maintained 124379
by such municipal corporation or political subdivision; 124380
- (10) Acquire and operate a county children's home, establish, 124381
maintain, and operate a receiving home for the temporary care of 124382
children, or procure certified foster homes for this purpose; 124383

(11) Enter into an agreement with the trustees of any 124384
district children's home, respecting the operation of the district 124385
children's home in cooperation with the other county boards in the 124386
district; 124387

(12) Cooperate with, make its services available to, and act 124388
as the agent of persons, courts, the department of ~~job~~ children 124389
and ~~family services~~ youth, the department of health, and other 124390
organizations within and outside the state, in matters relating to 124391
the welfare of children, except that the public children services 124392
agency shall not be required to provide supervision of or other 124393
services related to the exercise of parenting time rights granted 124394
pursuant to section 3109.051 or 3109.12 of the Revised Code or 124395
companionship or visitation rights granted pursuant to section 124396
3109.051, 3109.11, or 3109.12 of the Revised Code unless a 124397
juvenile court, pursuant to Chapter 2151. of the Revised Code, or 124398
a common pleas court, pursuant to division (E)(6) of section 124399
3113.31 of the Revised Code, requires the provision of supervision 124400
or other services related to the exercise of the parenting time 124401
rights or companionship or visitation rights; 124402

(13) Make investigations at the request of any superintendent 124403
of schools in the county or the principal of any school concerning 124404
the application of any child adjudicated to be an abused, 124405
neglected, or dependent child for release from school, where such 124406
service is not provided through a school attendance department; 124407

(14) Administer funds provided under Title IV-E of the 124408
"Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 671, as 124409
amended, in accordance with rules adopted under section 5101.141 124410
of the Revised Code; 124411

(15) In addition to administering Title IV-E adoption 124412
assistance funds, enter into agreements to make adoption 124413
assistance payments under section 5153.163 of the Revised Code; 124414

(16) Implement a system of safety and risk assessment, in 124415
accordance with rules adopted by the director of ~~job~~ children and 124416
~~family services~~ youth, to assist the public children services 124417
agency in determining the risk of abuse or neglect to a child; 124418

(17) Enter into a plan of cooperation with the board of 124419
county commissioners under section 307.983 of the Revised Code and 124420
comply with each fiscal agreement the board enters into under 124421
section 307.98 of the Revised Code that include family services 124422
duties of public children services agencies and contracts the 124423
board enters into under sections 307.981 and 307.982 of the 124424
Revised Code that affect the public children services agency; 124425

(18) Make reasonable efforts to prevent the removal of an 124426
alleged or adjudicated abused, neglected, or dependent child from 124427
the child's home, eliminate the continued removal of the child 124428
from the child's home, or make it possible for the child to return 124429
home safely, except that reasonable efforts of that nature are not 124430
required when a court has made a determination under division 124431
(A)(2) of section 2151.419 of the Revised Code; 124432

(19) Make reasonable efforts to place the child in a timely 124433
manner in accordance with the permanency plan approved under 124434
division (E) of section 2151.417 of the Revised Code and to 124435
complete whatever steps are necessary to finalize the permanent 124436
placement of the child; 124437

(20) Administer a Title IV-A program identified under 124438
division (A)(4)(c) or (g) of section 5101.80 of the Revised Code 124439
that the department of ~~job~~ children and ~~family services~~ youth 124440
provides for the public children services agency to administer 124441
under the department's supervision pursuant to section 5101.801 of 124442
the Revised Code; 124443

(21) Administer the kinship permanency incentive program 124444
created under section 5101.802 of the Revised Code under the 124445

supervision of the director of ~~job children and family services~~ youth; 124446
124447

(22) Provide independent living services pursuant to sections 124448
2151.81 to 2151.84 of the Revised Code; 124449

(23) File a missing child report with a local law enforcement 124450
agency upon becoming aware that a child in the custody of the 124451
public children services agency is or may be missing. 124452

(B) The public children services agency shall use the system 124453
implemented pursuant to division (A)(16) of this section in 124454
connection with an investigation undertaken pursuant to division 124455
(G)(1) of section 2151.421 of the Revised Code to assess both of 124456
the following: 124457

(1) The ongoing safety of the child; 124458

(2) The appropriateness of the intensity and duration of the 124459
services provided to meet child and family needs throughout the 124460
duration of a case. 124461

(C) Except as provided in section 2151.422 of the Revised 124462
Code, in accordance with rules of the director of ~~job children and~~ 124463
~~family services~~ youth, and on behalf of children in the county 124464
whom the public children services agency considers to be in need 124465
of public care or protective services, the public children 124466
services agency may do the following: 124467

(1) Provide or find, with other child serving systems, 124468
specialized foster care for the care of children in a specialized 124469
foster home, as defined in section 5103.02 of the Revised Code, 124470
certified under section 5103.03 of the Revised Code; 124471

(2)(a) Except as limited by divisions (C)(2)(b) and (c) of 124472
this section, contract with the following for the purpose of 124473
assisting the agency with its duties: 124474

(i) County departments of job and family services; 124475

(ii) Boards of alcohol, drug addiction, and mental health services;	124476 124477
(iii) County boards of developmental disabilities;	124478
(iv) Regional councils of political subdivisions established under Chapter 167. of the Revised Code;	124479 124480
(v) Private and government providers of services;	124481
(vi) Managed care organizations and prepaid health plans.	124482
(b) A public children services agency contract under division (C)(2)(a) of this section regarding the agency's duties under section 2151.421 of the Revised Code may not provide for the entity under contract with the agency to perform any service not authorized by the department's rules.	124483 124484 124485 124486 124487
(c) Only a county children services board appointed under section 5153.03 of the Revised Code that is a public children services agency may contract under division (C)(2)(a) of this section. If an entity specified in division (B) or (C) of section 5153.02 of the Revised Code is the public children services agency for a county, the board of county commissioners may enter into contracts pursuant to section 307.982 of the Revised Code regarding the agency's duties.	124488 124489 124490 124491 124492 124493 124494 124495
Sec. 5153.163. (A) As used in this section:	124496
(1) "Adoptive parent" means, as the context requires, a prospective adoptive parent or an adoptive parent.	124497 124498
(2) "Relative" has the same meaning as in section 5101.141 of the Revised Code.	124499 124500
(B)(1) Before a child's adoption is finalized, a public children services agency may enter into an agreement with the child's adoptive parent under which the agency, to the extent state funds are available, may make state adoption maintenance	124501 124502 124503 124504

subsidy payments as needed on behalf of the child when all of the following apply:

(a) The child is a child with special needs.

(b) The child was placed in the adoptive home by a public children services agency or a private child placing agency and may legally be adopted.

(c) The adoptive parent has the capability of providing the permanent family relationships needed by the child.

(d) The needs of the child are beyond the economic resources of the adoptive parent.

(e) Acceptance of the child as a member of the adoptive parent's family would not be in the child's best interest without payments on the child's behalf under this section.

(f) The gross income of the adoptive parent's family does not exceed one hundred twenty per cent of the median income of a family of the same size, including the child, as most recently determined for this state by the secretary of health and human services under Title XX of the "Social Security Act," 88 Stat. 2337, 42 U.S.C.A. 1397, as amended.

(g) The child is not eligible for adoption assistance payments under Title IV-E of the "Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 671, as amended.

(2) State adoption maintenance subsidy payment agreements must be made by either the public children services agency that has permanent custody of the child or the public children services agency of the county in which the private child placing agency that has permanent custody of the child is located.

(3) State adoption maintenance subsidy payments shall be made in accordance with the agreement between the public children services agency and the adoptive parent and are subject to an

annual redetermination of need. 124535

(4) Payments under this division may begin either before or 124536
after issuance of the final adoption decree, except that payments 124537
made before issuance of the final adoption decree may be made only 124538
while the child is living in the adoptive parent's home. 124539
Preadoption payments may be made for not more than twelve months, 124540
unless the final adoption decree is not issued within that time 124541
because of a delay in court proceedings. Payments that begin 124542
before issuance of the final adoption decree may continue after 124543
its issuance. 124544

(C)(1) A public children services agency may enter into an 124545
agreement with a child's relative under which the agency, to the 124546
extent state funds are available, may provide state kinship 124547
guardianship assistance as needed on behalf of the child when all 124548
of the following apply: 124549

(a) The relative has cared for the eligible child as a foster 124550
caregiver as defined by section 5103.02 of the Revised Code for at 124551
least six consecutive months. 124552

(b) Both of the following apply: 124553

(i) A juvenile court issued an order granting legal custody 124554
of the child to the relative, or a probate court issued an order 124555
granting guardianship of the child to the relative, and the order 124556
is not a temporary court order. 124557

(ii) The relative has committed to care for the child on a 124558
permanent basis. 124559

(c) The relative signed a state kinship guardianship 124560
assistance agreement prior to assuming legal guardianship or legal 124561
custody of the child. 124562

(d) The child had been removed from home pursuant to a 124563
voluntary placement agreement or as a result of a judicial 124564

determination to the effect that continuation in the home would be 124565
contrary to the welfare of the child. 124566

(e) Returning the child home or adoption are not appropriate 124567
permanency options for the child. 124568

(f) The child demonstrates a strong attachment to the 124569
relative and the relative has a strong commitment to caring 124570
permanently for the child. 124571

(g) With respect to a child who has attained fourteen years 124572
of age, the child has been consulted regarding the state kinship 124573
guardianship assistance arrangement. 124574

(h) The child is not eligible for kinship guardianship 124575
assistance payments under Title IV-E of the "Social Security Act," 124576
42 U.S.C. 673(d), as amended. 124577

(2) The public children services agency that had custody of a 124578
child immediately prior to a court granting legal custody or 124579
guardianship of the child to a relative of the child described in 124580
division (C)(1) of this section is authorized to enter into a 124581
state kinship guardianship assistance agreement with that 124582
relative. 124583

(3) State kinship guardianship assistance for a child shall 124584
be provided in accordance with a state kinship guardianship 124585
assistance agreement entered into between the public children 124586
services agency and relative of the child described in division 124587
(C)(1) of this section and is subject to an annual redetermination 124588
of need. 124589

(4) Not later than fifteen months after ~~the effective date of~~ 124590
~~this section~~ September 30, 2021, if the amended state plan 124591
submitted under Title IV-E to implement 42 U.S.C. 673(d) as 124592
described in section 5101.1416 of the Revised Code is approved, 124593
division (C) of this section shall be implemented. 124594

(D) No payment shall be made under division (B) or (C) of 124595
this section on behalf of any person eighteen years of age or 124596
older beyond the end of the school year during which the person 124597
attains the age of eighteen or on behalf of a person with a mental 124598
or physical disability twenty-one years of age or older. 124599

(E) The director of ~~job children~~ and ~~family services~~ youth 124600
shall adopt rules in accordance with Chapter 119. of the Revised 124601
Code that are needed to implement this section. The rules shall 124602
establish all of the following: 124603

(1) The application process for all forms of assistance 124604
provided under this section; 124605

(2) The method to determine the amount of assistance payable 124606
under division (B) of this section; 124607

(3) The definition of "child with special needs" for this 124608
section; 124609

(4) The process whereby a child's continuing need for 124610
services provided under division (B) or (C) of this section is 124611
annually redetermined; 124612

(5) Any other rule, requirement, or procedure the department 124613
considers appropriate for the implementation of this section. 124614

(F) The state adoption special services subsidy program 124615
ceases to exist on July 1, 2004, except that, subject to the 124616
findings of the annual redetermination process established under 124617
division (E) of this section and the child's individual need for 124618
services, a public children services agency may continue to 124619
provide state adoption special services subsidy payments on behalf 124620
of a child for whom payments were being made prior to July 1, 124621
2004. 124622

(G) Benefits and services provided under this section are 124623
inalienable whether by way of assignment, charge, or otherwise and 124624

exempt from execution, attachment, garnishment, and other like 124625
processes. 124626

Sec. 5153.166. In addition to other rules specifically 124627
authorized by the Revised Code, the director of ~~job~~ children and 124628
~~family services~~ youth may adopt rules governing public children 124629
services agencies' performance of their family services duties, 124630
including the family services duties that public children services 124631
agencies have under sections 5153.16 to 5153.19 of the Revised 124632
Code. 124633

Sec. 5153.17. The public children services agency shall 124634
prepare and keep written records of investigations of families, 124635
children, and foster homes, and of the care, training, and 124636
treatment afforded children, and shall prepare and keep such other 124637
records as are required by the department of ~~job~~ children and 124638
~~family services~~ youth. Such records shall be confidential, but, 124639
except as provided by division (B) of section 3107.17 of the 124640
Revised Code, shall be open to inspection by the agency, the 124641
director of ~~job~~ children and ~~family services~~ youth, and the 124642
director of the county department of job and family services, and 124643
by other persons upon the written permission of the executive 124644
director. 124645

Sec. 5153.175. (A) Notwithstanding division (I)(1) of section 124646
2151.421, section 5153.17, and any other section of the Revised 124647
Code pertaining to confidentiality, when a public children 124648
services agency has determined that child abuse or neglect 124649
occurred and that abuse or neglect involves a person who has 124650
applied for licensure as a type A family day-care home or type B 124651
family day-care home, the agency shall promptly provide to the 124652
department of ~~job~~ children and ~~family services~~ youth any 124653
information the agency determines to be relevant for the purpose 124654

of evaluating the fitness of the person, including, but not 124655
limited to, both of the following: 124656

(1) A summary report of the chronology of abuse and neglect 124657
reports made pursuant to section 2151.421 of the Revised Code of 124658
which the person is the subject where the agency determined that 124659
abuse or neglect occurred and the final disposition of the 124660
investigation of the reports or, if the investigations have not 124661
been completed, the status of the investigations; 124662

(2) Any underlying documentation concerning those reports. 124663

(B) The agency shall not include in the information provided 124664
to the department under division (A) of this section the name of 124665
the person or entity that made the report or participated in the 124666
making of the report of child abuse or neglect. 124667

(C) Upon provision of information under division (A) of this 124668
section, the agency shall notify the department of both of the 124669
following: 124670

(1) That the information is confidential; 124671

(2) That unauthorized dissemination of the information is a 124672
violation of division (I)(2) of section 2151.421 of the Revised 124673
Code and any person who permits or encourages unauthorized 124674
dissemination of the information is guilty of a misdemeanor of the 124675
fourth degree pursuant to section 2151.99 of the Revised Code. 124676

Sec. 5153.20. (A)(1) Except as provided in division (B) of 124677
this section, the cost of care furnished by the public children 124678
services agency or the board of county commissioners to any child 124679
having a legal residence in another county shall be charged to the 124680
county of legal residence. No expense shall be incurred by the 124681
agency or the board of county commissioners, on account of such 124682
care, except for temporary or emergency care, without the consent 124683
of the agency or board of county commissioners, or as provided by 124684

this section. If such consent cannot be obtained the board of 124685
county commissioners may file a petition in the court of common 124686
pleas of the county in which the child is found for a 124687
determination of legal residence of such child. Summons in such a 124688
proceeding shall be served, as in other civil actions, upon the 124689
board of county commissioners and the executive director of the 124690
agency of the county alleged to be the county of legal residence, 124691
but the answer day shall be the tenth day after the issuance of 124692
such summons. The return day shall be the fifth day after issuance 124693
of the summons. The cause shall be set for hearing not less than 124694
ten nor more than thirty days after the issuance of the summons. 124695
The finding and determination by the court upon such application, 124696
subject to the right of appeal, shall be final and conclusive as 124697
to the county chargeable under this section with the costs of the 124698
care of such child. The board of county commissioners out of its 124699
general funds shall reimburse the agency furnishing such care, 124700
upon receipt of itemized statements. 124701

(2) Any moneys received by the agency furnishing such care 124702
from persons liable for the cost of any part of such care, by 124703
agreement or otherwise, shall be credited to the county of legal 124704
residence. 124705

(3) The agency may remove and deliver any child, having legal 124706
residence in another county in Ohio and deemed to be in need of 124707
public care, to the public children services agency of the county 124708
of legal residence. All cost incidental to the transportation of 124709
such child and of any escort required shall be paid by the public 124710
children services agency which delivers back the child. With the 124711
approval of the department of ~~job children and family services~~ 124712
youth, any child whose legal residence has been found to be in 124713
another state or country may be transferred to the department for 124714
return to the place of legal residence, or such child may be 124715
returned by the agency. All costs incidental to the transportation 124716

of such child and of any escort required shall be paid by the 124717
department of ~~job children~~ and ~~family services~~ youth if it returns 124718
the child, otherwise the cost shall be paid by the agency, subject 124719
in either case to such reimbursement as may be obtained from the 124720
responsible persons or authorities of the place of legal 124721
residence. The department of ~~job children~~ and ~~family services~~ 124722
youth may enter into agreements with the authorities of other 124723
states relative to the placement and return of children. 124724

(B)(1) If a court determines that reasonable efforts have 124725
been made to prevent removal of an adopted child from the child's 124726
home pursuant to section 2151.419 of the Revised Code and an 124727
adopted child is placed in the temporary or permanent custody of a 124728
public children services agency or a private child placing agency 124729
within thirty-six months of the date that the child's adoption was 124730
finalized, the agency that previously held permanent custody of 124731
the child when the child was placed with the adoptive parent shall 124732
be given opportunity to participate in planning for the child's 124733
care and treatment and shall assume fifty per cent of the 124734
financial responsibility for the care and treatment. Shared 124735
planning and financial responsibility shall cease on the first day 124736
of the thirty-seventh month after the date that the child's 124737
adoption was finalized and, on this date, the custodial agency 124738
shall then assume full planning and financial responsibility. The 124739
custodial agency and the agency that previously held permanent 124740
custody of the child may enter into a written agreement for shared 124741
financial responsibility that differs from the responsibilities 124742
allocated in this division. 124743

(2) Division (B)(1) of this section does not apply to any of 124744
the following: 124745

(a) An adoption by a stepparent whose spouse is a biological 124746
or adoptive parent of the child; 124747

(b) An international adoption; 124748

(c) An adoption where either the custodial agency or agency 124749
that previously held permanent custody of the child is not in this 124750
state. 124751

(3) Nothing in division (B) of this section shall prevent a 124752
court or a child support enforcement agency from issuing a child 124753
support order. 124754

Sec. 5153.21. The board of county commissioners may establish 124755
a children's home upon the recommendation of the public children 124756
services agency and subject to certification by the department of 124757
~~job~~ children and ~~family services~~ youth under section 5103.03 of 124758
the Revised Code and the requirements of sections 5103.05 and 124759
5103.051 of the Revised Code. 124760

Sec. 5153.22. If there is no children's home in the county or 124761
if the facilities for institutional care are inadequate, the 124762
public children services agency may, subject to the approval of 124763
the department of ~~job~~ children and ~~family services~~ youth and the 124764
board of county commissioners, enter into an agreement with the 124765
public children services agency of, or a certified organization 124766
located in, another county, or with the board of trustees of any 124767
district or semipublic children's home, or with any agency or 124768
institution outside the state for the furnishing of institutional 124769
care to children of the county. 124770

Sec. 5153.27. A public children services agency operating a 124771
children's home or other institution is subject to sections 124772
5103.03 and 5103.04 of the Revised Code respecting certification 124773
by the department of ~~job~~ children and ~~family services~~ youth. 124774

Sec. 5153.29. The board of county commissioners of any county 124775
having a county children's home, may, upon the recommendation of 124776
the public children services agency and with the approval of the 124777

department of ~~job~~ children and ~~family services~~ youth, abandon the 124778
use of such home and proceed to sell or lease the site, building, 124779
furniture, and equipment of such home in the manner most 124780
advantageous to the county, or it may use the home for other 124781
necessary and proper purposes. The net proceeds of any such sale 124782
or lease shall be paid into the county treasury. 124783

Sec. 5153.30. The public children services agency may accept 124784
and receive bequests, donations, and gifts of funds or property, 124785
real or personal, for child care and services. The facilities or 124786
services to be established or maintained through any such gift 124787
shall be subject to the approval of the department of ~~job~~ children 124788
and ~~family services~~ youth. 124789

Sec. 5153.32. Any corporation, organized under the laws of 124790
this state for the purpose of establishing, conducting, and 124791
maintaining a child welfare institution or agency, which is 124792
unable, for any reason, to conduct and maintain such institution 124793
or agency, and which has not, for a period of three consecutive 124794
years, conducted or maintained a place or establishment for the 124795
care of children, and which has in its hands funds or properties 124796
acquired by it for the purpose of establishing, conducting, and 124797
maintaining such institution or agency, may, subject to the 124798
approval of the department of ~~job~~ children and ~~family services~~ 124799
youth, and subject to the terms of any deed, will, or other 124800
instrument pursuant to which such funds or properties were 124801
acquired, transfer such funds or properties to the public children 124802
services agency, to be used for the purposes for which such funds 124803
or property were acquired. The transfer of such funds or 124804
properties to the agency shall be a full discharge of the 124805
obligation or liability of such corporation and its trustees with 124806
respect to the funds and properties so transferred. 124807

Sec. 5153.35. The boards of county commissioners shall levy 124808
taxes and make appropriations sufficient to enable the public 124809
children services agency to perform its functions and duties under 124810
this chapter. If the board of county commissioners levies a tax 124811
for children services and the children services functions are 124812
transferred from a county children services board to the 124813
department of ~~job children~~ and ~~family services youth~~, or from the 124814
department of ~~job children~~ and ~~family services youth~~ to a county 124815
children services board, the levy shall continue in effect for the 124816
period for which it was approved by the electors for the use by 124817
the public children services agency that provides children 124818
services pursuant to the transfer. 124819

In addition to making the usual appropriations, there may be 124820
allowed annually to the executive director an amount not to exceed 124821
one-half the executive director's official salary to provide for 124822
necessary expenses which are incurred by the executive director or 124823
the executive director's staff in the performance of their 124824
official duties. Upon the order of the executive director, the 124825
county auditor shall draw a warrant on the county treasurer 124826
payable to the executive director or such other person as the 124827
order designates, for such amount as the order requires, not 124828
exceeding the amount provided for in this section, and to be paid 124829
out of the general fund of the county. The bond of the executive 124830
director provided for by section 5153.13 of the Revised Code shall 124831
at all times be in sufficient amount to cover the additional 124832
appropriations provided for by this section. 124833

The executive director, annually, before the first Monday of 124834
January, shall file with the auditor a detailed and itemized 124835
statement, verified by the executive director, as to the manner in 124836
which the fund has been expended during the current year, and if 124837
any part of such fund remains in the executive director's hands 124838
unexpended, forthwith shall pay that amount into the county 124839

treasury. 124840

Sec. 5153.36. The boards of county commissioners of two or 124841
more adjoining counties, not to exceed four, may, upon the 124842
recommendation of the public children services agencies of such 124843
counties, and subject to the approval of the department of ~~job~~ 124844
children and ~~family services~~ youth form themselves into a joint 124845
board, and proceed to organize a district for the establishment 124846
and support of a children's home, by using a site and buildings 124847
already established in one such county, or by providing for the 124848
purchase of a site and the erection of necessary buildings 124849
thereon. 124850

Sec. 5153.38. When any person donates or bequeaths the 124851
person's real or personal estate, or any part thereof, to the use 124852
and benefit of a district children's home, the board of trustees 124853
of the home may accept and use such donation or bequest as they 124854
deem for the best interests of the institution, and consistent 124855
with the conditions of such bequest. The facilities or services to 124856
be established or maintained through any such gift shall be 124857
subject to the approval of the department of ~~job~~ children and 124858
~~family services~~ youth. 124859

Sec. 5153.49. The board of county commissioners of any county 124860
within a children's home district may, upon the recommendation of 124861
the public children services agency, and subject to the approval 124862
of the department of ~~job~~ children and ~~family services~~ youth, 124863
withdraw from such district and dispose of its interest in such 124864
home by selling or leasing its right, title, and interest in the 124865
site, buildings, furniture, and equipment to any counties in the 124866
district, at such price and on such terms as are agreed upon among 124867
the boards of county commissioners of the counties concerned. 124868
Section 307.10 of the Revised Code does not apply to this section. 124869

The net proceeds of any such sale or lease shall be paid into the county treasury of the withdrawing county.

Members of the board of trustees of a district children's home who are residents of a county withdrawing from such district are deemed to have resigned their positions upon completion of the withdrawal procedure provided by this section. Vacancies thus created shall be filled according to sections 5153.39 and 5153.45 of the Revised Code.

Sec. 5153.52. The board of county commissioners of any county which has no county children's home may aid an incorporated children's home or other unincorporated society, whose object is the care, aid, and education of neglected or destitute children, by contributing toward the purchase of land for such home or society, the erection of buildings by it, or of additions to existing buildings, or other improvements, to an amount not to exceed twenty-five hundred dollars in any one year.

The board of any such county may submit to the people of such county, under section 133.18 of the Revised Code, the question of whether bonds of such county shall be issued for the purposes of this section. If the people of such county approve the issue of bonds, the board may issue the bonds under Chapter 133. of the Revised Code, as if they were being issued for the construction of a county children's home owned by the county, and may use the proceeds of such bond issue for the purposes of and without the restriction as to amount imposed by this section.

The board may contribute an amount not to exceed five hundred dollars in any one year for the purpose of keeping such property in repair. If such children's home ceases to exist, so that the property so purchased ceases to be used for the purpose of a children's home by the corporation, such county shall have a lien upon the property for the amount of money contributed for its

purchase, and if such corporation fails to maintain, manage, and 124901
control such home so as to subserve the purpose of a children's 124902
home for which it was incorporated, the board may enforce such 124903
lien or, if it prefers may, upon approval of the department of ~~job~~ 124904
children and ~~family services~~, youth first being obtained, organize 124905
such home into a county children's home. The title to such 124906
property, where the county has contributed the whole amount of the 124907
purchase money, shall vest in and be the property of such county. 124908
124909

Sec. 5160.011. References to the department or director of 124910
public welfare, department or director of human services, 124911
department or director of job and family services, department or 124912
director of children and youth, office of medical assistance, or 124913
medical assistance director in any statute, rule, contract, grant, 124914
or other document is deemed to refer to the department of medicaid 124915
or medicaid director, as the case may be, to the extent the 124916
reference is about a duty or authority of the department of 124917
medicaid or medicaid director regarding a medical assistance 124918
program. 124919

Sec. 5162.11. (A) The department of medicaid shall enter into 124920
an agreement with the department of administrative services for 124921
the department of administrative services to contract through 124922
competitive selection pursuant to section 125.07 of the Revised 124923
Code with a vendor to perform an assessment of the data collection 124924
and data warehouse functions of the medicaid data warehouse 124925
system, including the ability to link the data sets of all 124926
agencies serving medicaid recipients. 124927

The assessment of the data system shall include functions 124928
related to fraud and abuse detection, program management and 124929
budgeting, and performance measurement capabilities of all 124930
agencies serving medicaid recipients, including the departments of 124931

aging, health, job and family services, medicaid, mental health 124932
and addiction services, children and youth, and developmental 124933
disabilities. 124934

A qualified vendor with whom the department of administrative 124935
services contracts to assess the data system shall also assist the 124936
medicaid agencies in the definition of the requirements for an 124937
enhanced data system or a new data system and assist the 124938
department of administrative services in the preparation of a 124939
request for proposals to enhance or develop a data system. 124940

(B) Based on the assessment performed pursuant to division 124941
(A) of this section, the department of administrative services 124942
shall seek a qualified vendor through competitive selection 124943
pursuant to Chapter 125. of the Revised Code to develop or enhance 124944
a data collection and data warehouse system for the department of 124945
medicaid and all agencies serving medicaid recipients. 124946

The department of medicaid shall seek enhanced federal 124947
financial participation for ninety per cent of the funds required 124948
to establish or enhance the data system. The department of 124949
administrative services shall not award a contract for 124950
establishing or enhancing the data system until the department of 124951
medicaid receives approval from the United States secretary of 124952
health and human services for the ninety per cent federal 124953
financial participation. 124954

Sec. 5162.135. (A) As used in this section, "stillbirth" has 124955
the same meaning as in section ~~3701.97~~ 5180.12 of the Revised 124956
Code. 124957

(B) The department of medicaid shall create an infant 124958
mortality scorecard. The scorecard shall report all of the 124959
following: 124960

(1) The performance of the fee-for-service component of 124961

medicaid and each medicaid managed care organization on population 124962
health measures, including the infant mortality rate, preterm 124963
birth rate, ~~and~~ low-birthweight rate, and stillbirth rate, 124964
delineated in accordance with division (C) of this section; 124965

(2) The performance of the fee-for-service component of 124966
medicaid and each medicaid managed care organization on service 124967
utilization and outcome measures using claims data and data from 124968
vital records; 124969

(3) The number and percentage of women who are at least 124970
fifteen but less than forty-four years of age who are medicaid 124971
recipients; 124972

(4) The number of medicaid recipients who delivered a newborn 124973
and the percentage of those who reported tobacco use at the time 124974
of delivery; 124975

(5) The number of prenatal, postpartum, and adolescent 124976
wellness visits made by medicaid recipients; 124977

(6) The percentage of pregnant medicaid recipients who 124978
initiated progesterone therapy during pregnancy; 124979

(7) The percentage of female medicaid recipients of 124980
childbearing age who participate in a tobacco cessation program or 124981
use a tobacco cessation product; 124982

(8) The percentage of female medicaid recipients of 124983
childbearing age who use long-acting reversible contraception; 124984

(9) A comparison of the low-birthweight rate of medicaid 124985
recipients with the low-birthweight rate of women who are not 124986
medicaid recipients; 124987

(10) Any other information on maternal and child health that 124988
the department considers appropriate. 124989

(C) To the extent possible, the performance measures 124990
described in division (B)(1) of this section shall be delineated 124991

in the scorecard as follows: 124992

(1) For each region of the state and the state as a whole, by 124993
race and ethnic group; 124994

(2) For the urban and rural communities specified in rules 124995
adopted under section 3701.142 of the Revised Code, as well as for 124996
any other communities that are the subject of targeted infant 124997
mortality reduction initiatives administered by one or more state 124998
agencies, by race, ethnic group, and census tract. 124999

The scorecard shall be updated each calendar quarter and made 125000
available on the department's internet web site. 125001

(D) The department shall make available the data sources and 125002
methodology used to complete the scorecard to any person or 125003
government entity on request. 125004

Sec. 5164.15. (A) As used in this section: 125005

(1) "Community mental health services provider or facility" 125006
means a community mental health services provider or facility that 125007
has its community mental health services certified by the 125008
department of mental health and addiction services under section 125009
5119.36 of the Revised Code or by the department of ~~job~~ children 125010
and ~~family services~~ youth under section 5103.03 of the Revised 125011
Code. 125012

(2) "Mental health professional" means a person qualified to 125013
work with persons with mental illnesses under the standards 125014
established by the director of mental health and addiction 125015
services pursuant to section 5119.36 of the Revised Code. 125016

(B) The medicaid program may cover the following mental 125017
health services when provided by community mental health services 125018
providers or facilities: 125019

(1) Outpatient mental health services, including, but not 125020
limited to, preventive, diagnostic, therapeutic, rehabilitative, 125021

and palliative interventions rendered to individuals in an 125022
individual or group setting by a mental health professional in 125023
accordance with a plan of treatment appropriately established, 125024
monitored, and reviewed; 125025

(2) Partial-hospitalization mental health services rendered 125026
by persons directly supervised by a mental health professional; 125027

(3) Unscheduled, emergency mental health services of a kind 125028
ordinarily provided to persons in crisis when rendered by persons 125029
supervised by a mental health professional; 125030

(4) Assertive community treatment and intensive home-based 125031
mental health services. 125032

(C) The department of medicaid shall enter into a separate 125033
contract with the department of mental health and addiction 125034
services under section 5162.35 of the Revised Code with regard to 125035
the mental health services the medicaid program covers pursuant to 125036
this section. 125037

Sec. 5166.01. As used in this chapter: 125038

"209(b) option" means the option described in section 1902(f) 125039
of the "Social Security Act," 42 U.S.C. 1396a(f), under which the 125040
medicaid program's eligibility requirements for aged, blind, and 125041
disabled individuals are more restrictive than the eligibility 125042
requirements for the supplemental security income program. 125043

"Administrative agency" means, with respect to a home and 125044
community-based services medicaid waiver component, the department 125045
of medicaid or, if a state agency or political subdivision 125046
contracts with the department under section 5162.35 of the Revised 125047
Code to administer the component, that state agency or political 125048
subdivision. 125049

"Care management system" has the same meaning as in section 125050
5167.01 of the Revised Code. 125051

"Dual eligible individual" has the same meaning as in section 125052
5160.01 of the Revised Code. 125053

"Enrollee" has the same meaning as in section 5167.01 of the 125054
Revised Code. 125055

"Expansion eligibility group" has the same meaning as in 125056
section 5163.01 of the Revised Code. 125057

"Federal poverty line" has the same meaning as in section 125058
5162.01 of the Revised Code. 125059

"Home and community-based services medicaid waiver component" 125060
means a medicaid waiver component under which home and 125061
community-based services are provided as an alternative to 125062
hospital services, nursing facility services, or ICF/IID services. 125063

"Hospital" has the same meaning as in section 3727.01 of the 125064
Revised Code. 125065

"Hospital long-term care unit" has the same meaning as in 125066
section 5168.40 of the Revised Code. 125067

"ICDS participant" has the same meaning as in section 5164.01 125068
of the Revised Code. 125069

"ICF/IID" and "ICF/IID services" have the same meanings as in 125070
section 5124.01 of the Revised Code. 125071

"Integrated care delivery system" and "ICDS" have the same 125072
meanings as in section 5164.01 of the Revised Code. 125073

"Level of care determination" means a determination of 125074
whether an individual needs the level of care provided by a 125075
hospital, nursing facility, or ICF/IID and whether the individual, 125076
if determined to need that level of care, would receive hospital 125077
services, nursing facility services, or ICF/IID services if not 125078
for a home and community-based services medicaid waiver component. 125079

"Medicaid buy-in for workers with disabilities program" has 125080
the same meaning as in section 5163.01 of the Revised Code. 125081

"Medicaid MCO plan" has the same meaning as in section 125082
5167.01 of the Revised Code. 125083

"Medicaid provider" has the same meaning as in section 125084
5164.01 of the Revised Code. 125085

"Medicaid services" has the same meaning as in section 125086
5164.01 of the Revised Code. 125087

"Medicaid waiver component" means a component of the medicaid 125088
program authorized by a waiver granted by the United States 125089
department of health and human services under section 1115 or 1915 125090
of the "Social Security Act," 42 U.S.C. 1315 or 1396n. "Medicaid 125091
waiver component" does not include the care management system or 125092
services delivered under a prepaid inpatient health plan, as 125093
defined in 42 C.F.R. 438.2. 125094

"Medically fragile child" means an individual who is under 125095
eighteen years of age, has intensive health care needs, and is 125096
considered blind or disabled under section 1614(a)(2) or (3) of 125097
the "Social Security Act," 42 U.S.C. 1382c(a)(2) or (3). 125098

"Nursing facility" and "nursing facility services" have the 125099
same meanings as in section 5165.01 of the Revised Code. 125100

"Ohio home care waiver program" means the home and 125101
community-based services medicaid waiver component that is known 125102
as Ohio home care and was created pursuant to section 5166.11 of 125103
the Revised Code. 125104

"Provider agreement" has the same meaning as in section 125105
5164.01 of the Revised Code. 125106

"Residential treatment facility" means a residential facility 125107
licensed by the department of mental health and addiction services 125108
under section 5119.34 of the Revised Code, or an institution 125109
certified by the department of ~~job children~~ and ~~family services~~ 125110
youth under section 5103.03 of the Revised Code, that serves 125111

children and either has more than sixteen beds or is part of a 125112
campus of multiple facilities or institutions that, combined, have 125113
a total of more than sixteen beds. 125114

"Skilled nursing facility" has the same meaning as in section 125115
5165.01 of the Revised Code. 125116

"Unified long-term services and support medicaid waiver 125117
component" means the medicaid waiver component authorized by 125118
section 5166.14 of the Revised Code. 125119

Sec. 5167.16. (A) As used in this section: 125120

(1) "Help me grow program" means the program established by 125121
the department of health pursuant to section ~~3701.61~~ 5180.21 of 125122
the Revised Code. 125123

(2) "Targeted case management" has the same meaning as in 42 125124
C.F.R. 440.169(b). 125125

(B) A medicaid managed care organization shall provide to a 125126
medicaid recipient who meets the criteria in division (C) of this 125127
section, or arrange for such recipient to receive, both of the 125128
following types of services: 125129

(1) Home visits, which shall include depression screenings, 125130
for which federal financial participation is available under the 125131
targeted case management benefit; 125132

(2) Cognitive behavioral therapy, provided by a community 125133
mental health services provider, that is determined to be 125134
medically necessary through a depression screening conducted as 125135
part of a home visit. 125136

(C) A medicaid recipient qualifies to receive the services 125137
specified in division (B) of this section if the medicaid 125138
recipient is enrolled in the help me grow program, enrolled in the 125139
medicaid managed care organization providing or arranging for the 125140
services, and is either pregnant or the birth mother of a child 125141

under five years of age. 125142

(D) If requested by a medicaid recipient eligible for the 125143
cognitive behavioral therapy covered under division (B)(2) of this 125144
section, the therapy shall be provided in the recipient's home. 125145
The medicaid managed care organization shall inform the medicaid 125146
recipient of the right to make the request and how to make it. 125147

Sec. ~~3701.68~~ 5180.10. (A) As used in this section: 125148

(1) "Academic medical center" means a medical school and its 125149
affiliated teaching hospitals. 125150

(2) "State registrar" has the same meaning as in section 125151
3705.01 of the Revised Code. 125152

(B) There is hereby created the commission on infant 125153
mortality. The commission shall do all of the following: 125154

(1) Conduct a complete inventory of services provided or 125155
administered by the state that are available to address the infant 125156
mortality rate in this state; 125157

(2) For each service identified under division (B)(1) of this 125158
section, determine both of the following: 125159

(a) The sources of the funds that are used to pay for the 125160
service; 125161

(b) Whether the service and its funding sources have a 125162
connection with programs provided or administered by local or 125163
community-based public or private entities and, to the extent they 125164
do not, whether they should. 125165

(3) With assistance from academic medical centers, track and 125166
analyze infant mortality rates by county for the purpose of 125167
determining the impact of state and local initiatives to reduce 125168
those rates. 125169

(C) The commission shall consist of the following members: 125170

(1) Two members of the senate, one from the majority party	125171
and one from the minority party, each appointed by the senate	125172
president;	125173
(2) Two members of the house of representatives, one from the	125174
majority party and one from the minority party, each appointed by	125175
the speaker of the house of representatives;	125176
(3) The governor or the governor's designee;	125177
(4) The medicaid director or the director's designee;	125178
(5) <u>The director of children and youth or the director's</u>	125179
<u>designee;</u>	125180
<u>(6)</u> The director of health or the director's designee;	125181
(6) <u>(7)</u> The director of developmental disabilities or the	125182
director's designee;	125183
(7) <u>(8)</u> The executive director of the commission on minority	125184
health or the executive director's designee;	125185
(8) <u>(9)</u> The attorney general or the attorney general's	125186
designee;	125187
(9) <u>(10)</u> A health commissioner of a city or general health	125188
district, appointed by the governor;	125189
(10) <u>(11)</u> A coroner, deputy coroner, or other person who	125190
conducts death scene investigations, appointed by the governor;	125191
(11) <u>(12)</u> An individual who represents the Ohio hospital	125192
association, appointed by the association's president;	125193
(12) <u>(13)</u> An individual who represents the Ohio children's	125194
hospital association, appointed by the association's president;	125195
(13) <u>(14)</u> Two individuals who represent community-based	125196
programs that serve pregnant women or new mothers whose infants	125197
tend to be at a higher risk for infant mortality, appointed by the	125198
governor;	125199

~~(14)~~(15) Two individuals who represent children's interests, 125200
one to be appointed by the speaker of the house of representatives 125201
and one to be appointed by the senate president. 125202

(D) An appointed commission member shall hold office until a 125203
successor is appointed. A vacancy shall be filled in the same 125204
manner as the original appointment. 125205

From among the members, the president of the senate and 125206
speaker of the house of representatives shall appoint two to serve 125207
as co-chairpersons of the commission. 125208

A member shall serve without compensation except to the 125209
extent that serving on the commission is considered part of the 125210
member's regular duties of employment. 125211

(E) The commission may request assistance from the staff of 125212
the legislative service commission. 125213

(F) For purposes of division (B)(3) of this section, the 125214
state registrar shall ensure that the commission and academic 125215
medical centers located in this state have access to any 125216
electronic system of vital records the state registrar or 125217
department of health maintains, including the Ohio public health 125218
information warehouse. Not later than six months after March 19, 125219
2015, the commission on infant mortality shall prepare a written 125220
report of its findings and recommendations concerning the matters 125221
described in division (B) of this section. On completion, the 125222
commission shall submit the report to the governor and, in 125223
accordance with section 101.68 of the Revised Code, the general 125224
assembly. 125225

(G) The president of the senate and speaker of the house of 125226
representatives shall determine the responsibilities of the 125227
commission following submission of the report under division (F) 125228
of this section. 125229

(H) The commission is not subject to sections 101.82 to 125230

101.87 of the Revised Code. 125231

(I) The commission shall provide information to the Ohio 125232
housing finance agency for the purposes of division (A) of section 125233
175.14 of the Revised Code. 125234

Sec. ~~3701.951~~ 5180.11. (A) As used in this section: 125235

(1) "Preliminary infant mortality and preterm birth rates" 125236
means infant mortality and preterm birth rates that are derived 125237
from vital records as defined in section 3705.01 of the Revised 125238
Code, are not considered finalized by the department of health, 125239
and are subject to modification as additional birth and death data 125240
are received by the department and added to vital records. 125241

(2) "Stillbirth" has the same meaning as in section ~~3701.97~~ 125242
5180.12 of the Revised Code. 125243

(B) Each calendar quarter, the department of ~~health~~ children 125244
and youth shall determine the state's preliminary infant mortality 125245
and preterm birth rates, as well as the stillbirth rate, 125246
delineated by race and ethnic group. The rates shall be determined 125247
using a simple rolling average. The department shall publish the 125248
rates in a quarterly report, which shall also include a 125249
description of the data sources and methodology used to determine 125250
the rates. The department shall make each report available on its 125251
internet web site not later than five business days after the 125252
rates are determined. 125253

Sec. ~~3701.97~~ 5180.12. (A) As used in this section, 125254
"stillbirth" means death prior to the complete expulsion or 125255
extraction from its mother of a product of human conception of at 125256
least twenty weeks of gestation, which after such expulsion or 125257
extraction does not breathe or show any other evidence of life 125258
such as beating of the heart, pulsation of the umbilical cord, or 125259
definite movement of voluntary muscles. 125260

(B) The director of ~~health~~ children and youth shall do all of the following:

(1) Publish stillbirth data compiled from the department of health's fetal death statistical file and make it available on the ~~department's~~ department of children and youth's internet web site;

(2) Review the stillbirth data described in division (B)(1) of this section and identify potential trends in the incidence of stillbirth and the possible causes of, and conditions that could lead to or indicate the possible occurrence of, stillbirth;

(3) Develop educational materials in conjunction with statewide medical associations that may be used to apprise health care providers of trends, if any, that were identified through a review described in division (B)(2) of this section;

(4) Electronically disseminate the educational materials developed under division (B)(3) of this section to the state medical board and statewide medical associations and make them available on the department of ~~health's~~ children and youth's web site in an easily accessible format.

Sec. ~~3701.953~~ 5180.13. (A) The department of ~~health~~ children and youth shall create an infant mortality scorecard. The scorecard shall report all of the following:

(1) The state's performance on population health measures, including the infant mortality rate, preterm birth rate, and low birth weight rate, delineated by race, ethnic group, region of the state, and the state as a whole;

(2) Preliminary data the department possesses on the state's unexpected infant death rate;

(3) To the extent such information is available, the state's performance on outcome measures identified by the department that are related to preconception health, reproductive health, prenatal

care, labor and delivery, smoking, infant safe sleep practices, 125291
breastfeeding, and behavioral health, delineated by race, ethnic 125292
group, region of the state, and the state as a whole; 125293

(4) A comparison of the state's performance on the population 125294
health measures specified in division (A)(1) of this section and, 125295
to the extent such information is available, the state's 125296
performance on outcome measures specified in division (A)(3) of 125297
this section with the targets for the measures, or the targets for 125298
the objectives similar to the measures, established by the United 125299
States department of health and human services through the healthy 125300
people 2020 initiative or a subsequent initiative; 125301

(5) Any other information on maternal and child health that 125302
the department considers appropriate. 125303

(B) The scorecard shall be updated each calendar quarter and 125304
made available on the department's internet web site. 125305

(C) The scorecard shall include a description of the data 125306
sources and methodology used to complete the scorecard. 125307

Sec. ~~3701.63~~ 5180.14. (A) As used in this section and 125308
sections ~~3701.64~~ 5180.15, ~~3701.66~~ 5180.16, and ~~3701.67~~ 5180.17 of 125309
the Revised Code: 125310

(1) "Child day-care center," "type A family day-care home," 125311
and "licensed type B family day-care home" have the same meanings 125312
as in section 5104.01 of the Revised Code. 125313

(2) "Child care facility" means a child day-care center, a 125314
type A family day-care home, or a licensed type B family day-care 125315
home. 125316

(3) "Foster caregiver" has the same meaning as in section 125317
5103.02 of the Revised Code. 125318

(4) "Freestanding birthing center" has the same meaning as in 125319
section 3701.503 of the Revised Code. 125320

- (5) "Hospital" has the same meaning as in section 3722.01 of the Revised Code to which either of the following applies:
- (a) The hospital has a maternity unit.
 - (b) The hospital receives for care infants who have been transferred to it from other facilities and who have never been discharged to their residences following birth.
- (6) "Infant" means a child who is less than one year of age.
- (7) "Maternity unit" means the distinct portion of a hospital in which maternity services are provided.
- (8) "Other person responsible for the infant" includes a foster caregiver.
- (9) "Parent" means either parent, unless the parents are separated or divorced or their marriage has been dissolved or annulled, in which case "parent" means the parent who is the residential parent and legal custodian of the child. "Parent" also means a prospective adoptive parent with whom a child is placed.
- (10) "Shaken baby syndrome" means signs and symptoms, including, but not limited to, retinal hemorrhages in one or both eyes, subdural hematoma, or brain swelling, resulting from the violent shaking or the shaking and impacting of the head of an infant or small child.
- (B) The director of ~~health~~ children and youth shall establish the shaken baby syndrome education program by doing all of the following:
- (1) Developing educational materials that present readily comprehensible information on shaken baby syndrome;
 - (2) Making available on the department of ~~health~~ children and youth web site in an easily accessible format the educational materials developed under division (B)(1) of this section;
 - (3) Annually assessing the effectiveness of the shaken baby

syndrome education program by doing all of the following: 125351

(a) Evaluating the reports received pursuant to section 125352
5101.135 of the Revised Code; 125353

(b) Reviewing the content of the educational materials to 125354
determine if updates or improvements should be made; 125355

(c) Reviewing the manner in which the educational materials 125356
are distributed, as described in section ~~3701.64~~ 5180.15 of the 125357
Revised Code, to determine if modifications to that manner should 125358
be made. 125359

(C) In meeting the requirements under division (B) of this 125360
section, the director shall develop educational materials that, to 125361
the extent possible, minimize administrative or financial burdens 125362
on any of the entities or persons listed in section ~~3701.64~~ 125363
5180.15 of the Revised Code. 125364

Sec. ~~3701.64~~ 5180.15. (A) A copy of the shaken baby syndrome 125365
educational materials developed under section ~~3701.63~~ 5180.14 of 125366
the Revised Code shall be distributed in the following manner: 125367

(1) By ~~child-birth~~ childbirth educators and the staff of 125368
obstetricians' offices, to an expectant parent who uses their 125369
services; 125370

(2) By the staff of pediatric physicians' offices, to any of 125371
the following who use their services: an infant's parent, 125372
guardian, or other person responsible for the infant; 125373

(3) By the staff of a hospital or freestanding birthing 125374
center, to an infant's parent, guardian, or other person 125375
responsible for the infant, before the child is discharged from 125376
the facility to the infant's residence following birth; 125377

(4) By the staff of the help me grow program established 125378
pursuant to section ~~3701.61~~ 5180.21 of the Revised Code, to an 125379
infant's parent, guardian, or other person responsible for the 125380

infant, during home-visiting services conducted in accordance with 125381
that section; 125382

(5) By each child care facility operating in this state, to 125383
each of its employees; 125384

(6) By a public children services agency, when the agency has 125385
initial contact with an infant's parent, guardian, or other person 125386
responsible for the infant. 125387

(B) An entity or person required to distribute educational 125388
materials pursuant to division (A) of this section is not liable 125389
for damages in a civil action for injury, death, or loss to person 125390
or property that allegedly arises from an act or omission 125391
associated with the dissemination of those educational materials 125392
unless the act or omission constitutes willful or wanton 125393
misconduct. 125394

An entity or person required to distribute educational 125395
materials in accordance with division (A) of this section is not 125396
subject to criminal prosecution or, to the extent that a person is 125397
regulated under Title XLVII of the Revised Code, professional 125398
disciplinary action under that title, for an act or omission 125399
associated with the dissemination of those educational materials. 125400

This division does not eliminate, limit, or reduce any other 125401
immunity or defense that an entity or person may be entitled to 125402
under Chapter 2744. of the Revised Code, or any other provision of 125403
the Revised Code, or the common law of this state. 125404

Sec. ~~3701.66~~ 5180.16. (A) As used in this section, "sudden 125405
unexpected infant death" means the death of an infant that occurs 125406
suddenly and unexpectedly, the cause of which is not immediately 125407
obvious prior to investigation. 125408

(B) The department of ~~health~~ children and youth shall 125409
establish the safe sleep education program by doing all of the 125410

following: 125411

(1) ~~By not later than sixty days after March 19, 2015,~~ 125412
~~developing~~ Developing educational materials that present readily 125413
comprehensible information on safe sleeping practices for infants 125414
and possible causes of sudden unexpected infant death; 125415

(2) Making available on the department's internet web site in 125416
an easily accessible format the educational materials developed 125417
under division (B)(1) of this section; 125418

(3) Providing annual training classes at no cost to 125419
individuals who provide safe sleep education to parents and infant 125420
caregivers who reside in the urban and rural communities specified 125421
under section 3701.142 of the Revised Code, including child care 125422
providers as defined in section 2151.011 of the Revised Code, 125423
hospital staff and volunteers, local health department staff, 125424
social workers, individuals who provide home visiting services, 125425
and community health workers; 125426

(4) ~~Beginning in 2015, annually~~ Annually assessing the 125427
effectiveness of the safe sleep education program by evaluating 125428
the reports submitted by child fatality review boards to the 125429
department pursuant to section 307.626 of the Revised Code. 125430

(C) In meeting the requirements under division (B) of this 125431
section, the department shall develop educational materials that, 125432
to the extent possible, minimize administrative or financial 125433
burdens on any of the entities or persons required by division (D) 125434
of this section to distribute the materials. 125435

(D) A copy of the safe sleep educational materials developed 125436
under this section shall be distributed by entities and persons 125437
with and in the same manner as the shaken baby syndrome 125438
educational materials are distributed pursuant to section ~~3701.64~~ 125439
5180.15 of the Revised Code. 125440

An entity or person required to distribute the educational 125441

materials is not liable for damages in a civil action for injury, 125442
death, or loss to person or property that allegedly arises from an 125443
act or omission associated with the dissemination of those 125444
educational materials unless the act or omission constitutes 125445
willful or wanton misconduct. 125446

An entity or person required to distribute the educational 125447
materials is not subject to criminal prosecution or, to the extent 125448
that a person is regulated under Title XLVII of the Revised Code, 125449
professional disciplinary action under that title, for an act or 125450
omission associated with the dissemination of those educational 125451
materials. 125452

This division does not eliminate, limit, or reduce any other 125453
immunity or defense that an entity or person may be entitled to 125454
under Chapter 2744. of the Revised Code, or any other provision of 125455
the Revised Code, or the common law of this state. 125456

(E) Each entity or person that is required to distribute the 125457
educational materials and has infants regularly sleeping at a 125458
facility or location under the entity's or person's control shall 125459
adopt an internal infant safe sleep policy. The policy shall 125460
specify when and to whom educational materials on infant safe 125461
sleep practices are to be delivered to individuals working or 125462
volunteering at the facility or location and be consistent with 125463
the model internal infant safe sleep policy adopted under division 125464
(F) of this section. 125465

(F) The director of ~~health~~ children and youth shall adopt a 125466
model internal infant safe sleep policy for use by entities and 125467
persons that must comply with division (E) of this section. The 125468
policy shall specify safe infant sleep practices, include images 125469
depicting safe infant sleep practices, and specify sample content 125470
for an infant safe sleep education program that entities and 125471
persons may use when conducting new staff orientation programs. 125472

Sec. ~~3701.67~~ 5180.17. (A) As used in this section: 125473

(1) "Contractor" means a person who provides personal 125474
services pursuant to a contract. 125475

(2) "Critical access hospital" means a facility designated as 125476
a critical access hospital by the director of health under section 125477
3701.073 of the Revised Code. 125478

(3) "Crib" includes a portable play yard or other suitable 125479
sleeping place. 125480

(B) Each hospital and freestanding birthing center shall 125481
implement an infant safe sleep screening procedure. The purpose of 125482
the procedure is to determine whether there will be a safe crib 125483
for an infant to sleep in once the infant is discharged from the 125484
facility to the infant's residence following birth. The procedure 125485
shall consist of questions that facility staff or volunteers must 125486
ask the infant's parent, guardian, or other person responsible for 125487
the infant regarding the infant's intended sleeping place and 125488
environment. 125489

The director of ~~health~~ children and youth shall develop 125490
questions that facilities may use when implementing the infant 125491
safe sleep screening procedure required by this division. The 125492
director may consult with persons and government entities that 125493
have expertise in infant safe sleep practices when developing the 125494
questions. 125495

(C) If, prior to an infant's discharge from a facility to the 125496
infant's residence following birth, a facility other than a 125497
critical access hospital or a facility identified under division 125498
(D) of this section determines through the procedure implemented 125499
under division (B) of this section that the infant is unlikely to 125500
have a safe crib at the infant's residence, the facility shall 125501
make a good faith effort to arrange for the parent, guardian, or 125502

other person responsible for the infant to obtain a safe crib at 125503
no charge to that individual. In meeting this requirement, the 125504
facility may do any of the following: 125505

(1) Obtain a safe crib with its own resources; 125506

(2) Collaborate with or obtain assistance from persons or 125507
government entities that are able to procure a safe crib or 125508
provide money to purchase a safe crib; 125509

(3) Refer the parent, guardian, or other person responsible 125510
for the infant to a person or government entity described in 125511
division (C)(2) of this section to obtain a safe crib free of 125512
charge from that source; 125513

(4) If funds are available for the cribs for kids program or 125514
a successor program administered by the department of ~~health~~ 125515
children and youth, refer the parent, guardian, or other person 125516
responsible for the infant to a site, designated by the department 125517
for purposes of the program, at which a safe crib may be obtained 125518
at no charge. 125519

If a safe crib is procured as described in division (C)(1), 125520
(2), or (3) of this section, the facility shall ensure that the 125521
crib recipient receives safe sleep education and crib assembly 125522
instructions from the facility or another source. If a safe crib 125523
is procured as described in division (C)(4) of this section, the 125524
department of ~~health~~ children and youth shall ensure that the 125525
cribs for kids program or a successor program administered by the 125526
department provides safe sleep education and crib assembly 125527
instructions to the recipient. 125528

(D) The director of ~~health~~ children and youth shall identify 125529
the facilities in this state that are not critical access 125530
hospitals and are not served by a site described in division 125531
(C)(4) of this section. The director shall identify not less than 125532
annually the facilities that meet both criteria and notify those 125533

that do so. 125534

(E) When a facility that is a hospital registers with the 125535
department of health under section 3701.07 of the Revised Code or 125536
a facility that is a freestanding birthing center renews its 125537
license in accordance with rules adopted under section 3702.30 of 125538
the Revised Code, the facility shall report the following 125539
information to the department of children and youth in a manner 125540
the department prescribes: 125541

(1) The number of safe cribs that the facility obtained and 125542
distributed by using its own resources as described in division 125543
(C)(1) of this section since the last time the facility reported 125544
this information to the department; 125545

(2) The number of safe cribs that the facility obtained and 125546
distributed by collaborating with or obtaining assistance from 125547
another person or government entity as described in division 125548
(C)(2) of this section since the last time the facility reported 125549
this information to the department; 125550

(3) The number of referrals that the facility made to a 125551
person or government entity as described in division (C)(3) of 125552
this section since the last time the facility reported this 125553
information to the department; 125554

(4) The number of referrals that the facility made to a site 125555
designated by the department as described in division (C)(4) of 125556
this section since the last time the facility reported this 125557
information to the department; 125558

(5) Demographic information specified by the director of 125559
~~health~~ children and youth regarding the individuals to whom safe 125560
cribs were distributed as described in division (E)(1) or (2) of 125561
this section or for whom a referral described in division (E)(3) 125562
or (4) of this section was made; 125563

(6) In the case of a critical access hospital or a facility 125564

identified under division (D) of this section, demographic 125565
information specified by the director of health children and youth 125566
regarding each parent, guardian, or other person responsible for 125567
the infant determined to be unlikely to have a safe crib at the 125568
infant's residence pursuant to the procedure implemented under 125569
division (B) of this section; 125570

(7) Any other information collected by the facility regarding 125571
infant sleep environments and intended infant sleep environments 125572
that the director determines to be appropriate. 125573

(F) The director of health children and youth shall prepare a 125574
written report that summarizes the information collected under 125575
division (E) of this section for the preceding twelve months, 125576
assesses whether at-risk families are sufficiently being served by 125577
the crib distribution and referral system established by this 125578
section, makes suggestions for system improvements, and provides 125579
any other information the director considers appropriate for 125580
inclusion in the report. On completion, the report shall be 125581
submitted to the general assembly with, and in the same manner as, 125582
the report that the department of medicaid submits to the general 125583
assembly and joint medicaid oversight committee pursuant to 125584
section 5162.13 of the Revised Code. A copy of the report also 125585
shall be submitted to the governor. 125586

(G) A facility, and any employee, contractor, or volunteer of 125587
a facility, that implements an infant safe sleep procedure in 125588
accordance with division (B) of this section is not liable for 125589
damages in a civil action for injury, death, or loss to person or 125590
property that allegedly arises from an act or omission associated 125591
with implementation of the procedure, unless the act or omission 125592
constitutes willful or wanton misconduct. 125593

A facility, and any employee, contractor, or volunteer of a 125594
facility, that implements an infant safe sleep screening procedure 125595
in accordance with division (B) of this section is not subject to 125596

criminal prosecution or, to the extent that a person is regulated 125597
under Title XLVII of the Revised Code, professional disciplinary 125598
action under that title, for an act or omission associated with 125599
implementation of the procedure. 125600

This division does not eliminate, limit, or reduce any other 125601
immunity or defense that a facility, or an employee, contractor, 125602
or volunteer of a facility, may be entitled to under Chapter 2744. 125603
of the Revised Code, or any other provision of the Revised Code, 125604
or the common law of this state. 125605

(H) A facility, and any employee, contractor, or volunteer of 125606
a facility, is neither liable for damages in a civil action, nor 125607
subject to criminal prosecution, for injury, death, or loss to 125608
person or property that allegedly arises from a crib obtained by a 125609
parent, guardian, or other person responsible for the infant as a 125610
result of any action the facility, employee, contractor, or 125611
volunteer takes to comply with division (C) of this section. 125612

The immunity provided by this division does not require 125613
compliance with division (D) of section 2305.37 of the Revised 125614
Code. 125615

Sec. ~~3701.671~~ 5180.18. The director of ~~health~~ children and 125616
youth shall require each recipient of a grant the department of 125617
~~health~~ children and youth administers that pertains to safe crib 125618
procurement to report annually to the department both of the 125619
following: 125620

(A) Demographic information specified by the director of 125621
~~health~~ children and youth regarding the individuals to whom safe 125622
cribs were distributed; 125623

(B) If known, the extent to which distributed cribs are being 125624
used. 125625

Sec. ~~3701.952~~ 5180.19. (A) The department of ~~health~~ children 125626

and youth shall create a population-based questionnaire designed 125627
to examine maternal behaviors and experiences before, during, and 125628
after a woman's pregnancy, as well as during the early infancy of 125629
the woman's child. The questionnaire shall collect information 125630
that is similar to the information collected by the pregnancy risk 125631
assessment monitoring system (PRAMS) questionnaire that the 125632
department of health most recently used prior to ~~the effective~~ 125633
~~date of this section~~ April 6, 2017, as well as any additional 125634
information suggested by the United States centers for disease 125635
control and prevention (CDC) for PRAMS questionnaires. 125636

(B) The department shall implement and use the questionnaires 125637
created under division (A) of this section in a manner that is 125638
consistent with the standardized data collection methodology for 125639
PRAMS questionnaires prescribed by the CDC model surveillance 125640
protocol. In addition, for the purpose of having statistically 125641
valid data for local analyses, the department shall oversample 125642
women in Cuyahoga, Franklin, and Hamilton counties on an annual 125643
basis, and shall oversample women in the remaining counties that 125644
constitute the Ohio equity institute cohort (Butler, Stark, 125645
Mahoning, Montgomery, Summit, and Lucas counties) on a biennial 125646
basis. 125647

(C) The department shall report results from the 125648
questionnaires not less than annually in a manner consistent with 125649
guidelines established by the CDC for the reporting of PRAMS 125650
questionnaire results. 125651

Sec. 3701.95 5180.20. (A) ~~As used in this section,~~ 125652
~~"government program providing public benefits" has the same~~ 125653
~~meaning as in section 191.01 of the Revised Code.~~ 125654

~~(B)~~ The director of health children and youth shall identify 125655
each government program providing benefits, other than the help me 125656

grow program established by the department of ~~health~~ children and 125657
youth pursuant to section ~~3701.61~~ 5180.21 of the Revised Code, 125658
that has the goal of reducing infant mortality and negative birth 125659
outcomes or the goal of reducing disparities among women who are 125660
pregnant or capable of becoming pregnant and who belong to a 125661
racial or ethnic minority. A program shall be identified only if 125662
it provides education, training, and support services related to 125663
those goals to program participants in their homes. The director 125664
may consult with the Ohio partnership to build stronger families 125665
for assistance with identifying the programs. 125666

~~(C)~~(B) An administrator of a program identified under 125667
division ~~(B)~~(A) of this section shall report to the director data 125668
on program performance indicators that are used to assess progress 125669
toward achieving program goals. The administrator shall report the 125670
data in the format and within the time frames specified in rules 125671
adopted under division ~~(D)~~(C) of this section. Using the data 125672
reported under this division, the director shall prepare an annual 125673
report assessing the performance of each government program 125674
identified pursuant to division ~~(B)~~(A) of this section during the 125675
immediately preceding twelve-month period. In addition, the report 125676
shall summarize and provide an analysis of the information 125677
contained in the "information for medical and health use only" 125678
section of the birth records for individuals born during the prior 125679
twelve-month period. 125680

The director shall provide a copy of the report to the 125681
general assembly and the joint medicaid oversight committee. The 125682
copy to the general assembly shall be provided in accordance with 125683
section 101.68 of the Revised Code. 125684

~~(D)~~(C) The director shall adopt rules specifying program 125685
performance indicators on which data must be reported by the 125686
administrators described in division ~~(C)~~(B) of this section as 125687
well as the format and time frames in which the data must be 125688

reported. To the extent possible, the program performance 125689
indicators specified in the rules shall be consistent with federal 125690
reporting requirements for federally funded home visiting 125691
services. The rules shall be adopted in accordance with Chapter 125692
119. of the Revised Code. 125693

Sec. ~~3701.61~~ 5180.21. (A) The department of ~~health~~ children 125694
and youth shall establish the help me grow program as the state's 125695
evidence-based parent support program that encourages early 125696
prenatal and well-baby care, as well as provides parenting 125697
education to promote the comprehensive health and development of 125698
children. The program shall provide home visiting services to 125699
families with a pregnant woman or child under five years of age 125700
that meet the eligibility requirements established in rules 125701
adopted under this section. Home visiting services shall be 125702
provided through evidence-based home visiting models or 125703
innovative, promising home visiting models recommended by the Ohio 125704
home visiting consortium created under section ~~3701.612~~ 5180.23 of 125705
the Revised Code. 125706

(B) Families shall be referred to the appropriate home 125707
visiting services through the central intake and referral system 125708
created under section ~~3701.611~~ 5180.22 of the Revised Code. 125709

(C) To the extent possible, the goals of the help me grow 125710
program shall be consistent with the goals of the federal home 125711
visiting program, as specified by the maternal and child health 125712
bureau of the health resources and services administration in the 125713
United States department of health and human services or its 125714
successor. 125715

(D) The director of ~~health~~ children and youth may enter into 125716
an interagency agreement with one or more state agencies to 125717
implement the help me grow program and ensure coordination of 125718
early childhood programs. 125719

(E) The director may distribute help me grow program funds 125720
through contracts, grants, or subsidies to entities providing 125721
services under the program. 125722

(F) As a condition of receiving payments for home visiting 125723
services, providers shall report to the director data on the 125724
program performance indicators, specified in rules adopted under 125725
division (G) of this section, that are used to assess progress 125726
toward achieving all of the following: 125727

(1) The benchmark domains established for the federal home 125728
visiting program, including improvement in maternal and newborn 125729
health; reduction in child injuries, abuse, and neglect; improved 125730
school readiness and achievement; reduction in crime and domestic 125731
violence; and improved family economic self-sufficiency; 125732

(2) Improvement in birth outcomes and reduction in 125733
stillbirths, as that term is defined in section ~~3701.97~~ 5180.12 of 125734
the Revised Code; 125735

(3) Reduction in tobacco use by pregnant women, new parents, 125736
and others living in households with children. 125737

The providers shall report the data in the format and within 125738
the time frames specified in the rules. 125739

The director shall prepare an annual report on the data 125740
received from the providers. The director shall make the report 125741
available on the internet web site maintained by the department of 125742
health children and youth. 125743

(G) Pursuant to Chapter 119. of the Revised Code, the 125744
director shall adopt rules that are necessary and proper to 125745
implement this section. The rules shall specify all of the 125746
following: 125747

(1) Subject to division (H) of this section, eligibility 125748
requirements for home visiting services; 125749

(2) Eligibility requirements for providers of home visiting services;	125750 125751
(3) Standards and procedures for the provision of program services, including data collection, program monitoring, and program evaluation;	125752 125753 125754
(4) Procedures for appealing the denial of an application for program services or the termination of services;	125755 125756
(5) Procedures for appealing the denial of an application to become a provider of program services or the termination of the department's approval of a provider;	125757 125758 125759
(6) Procedures for addressing complaints;	125760
(7) The program performance indicators on which data must be reported by providers of home visiting services under division (F) of this section, which, to the extent possible, shall be consistent with federal reporting requirements for federally funded home visiting services;	125761 125762 125763 125764 125765
(8) The format in which reports must be submitted under division (F) of this section and the time frames within which the reports must be submitted;	125766 125767 125768
(9) Criteria for payment of approved providers of program services;	125769 125770
(10) Any other rules necessary to implement the program.	125771
(H) When adopting rules required by division (G)(1) of this section, the department shall specify that families residing in the urban and rural communities specified in rules adopted under section 3701.142 of the Revised Code are to receive priority over other families for home visiting services.	125772 125773 125774 125775 125776
Sec. 3701.611 <u>5180.22</u>. (A) The department of health <u>children and youth</u> shall create a central intake and referral system for	125777 125778

all home visiting programs operating in this state. Through a 125779
competitive bidding process, the department of ~~health~~ children and 125780
youth may select one or more persons or government entities to 125781
operate the system. 125782

(B) If the department of ~~health~~ children and youth chooses to 125783
select one or more system operators as described in division (A) 125784
of this section, a contract with any system operator shall require 125785
that the system do both of the following: 125786

(1) Serve as a single point of entry for access, assessment, 125787
and referral of families to appropriate home visiting services 125788
based on each family's location of residence; 125789

(2) Use a standardized form or other mechanism to assess for 125790
each family member's risk factors and social determinants of 125791
health, as well as ensure that the family is referred to the 125792
appropriate home visiting program, which may include a program 125793
that uses home visiting contractors who provide services within a 125794
community HUB that fully or substantially complies with the 125795
pathways community HUB certification standards developed by the 125796
pathways community HUB institute. 125797

(C) The standardized form or other mechanism described in 125798
division (B)(2) of this section shall be agreed to by the home 125799
visiting consortium created under section ~~3701.612~~ 5180.23 of the 125800
Revised Code. 125801

(D) A contract entered into under division (B) of this 125802
section shall require a system operator to issue an annual report 125803
to the department of ~~health~~ children and youth that includes data 125804
regarding referrals made by the central intake and referral 125805
system, costs associated with the referrals, and the quality of 125806
services received by families who were referred to services 125807
through the system. The report shall be distributed to the home 125808
visiting consortium created under section ~~3701.612~~ 5180.23 of the 125809

Revised Code. 125810

(E) Nothing in this section is intended to do any of the 125811
following: 125812

(1) Prohibit the department of ~~health~~ children and youth from 125813
using alternative promotional materials or names for the central 125814
intake and referral system; 125815

(2) Require the use of help me grow program promotional 125816
materials or names; 125817

(3) Prohibit providers, central coordinators, the department 125818
of ~~health~~ children and youth, or stakeholders from using the help 125819
me grow name for promotional materials for home visiting. 125820

Sec. ~~3701.612~~ 5180.23. (A) The Ohio home visiting consortium 125821
is hereby created. The purpose of the consortium is to ensure that 125822
home visiting services provided by home visiting programs 125823
operating in this state, as well as home visiting services 125824
provided or arranged for by medicaid managed care organizations, 125825
are high-quality and delivered through evidence-based or 125826
innovative, promising home visiting models, including models used 125827
by home visiting contractors who provide services within one or 125828
more community HUBs that fully or substantially comply with the 125829
pathways community HUB certification standards developed by the 125830
pathways community HUB institute. It is the intent of the general 125831
assembly that all home visiting services provided in this state do 125832
both of the following: 125833

(1) Improve health, educational, and social outcomes for 125834
expectant and new parents and young children; 125835

(2) Promote safe, connected families and communities in which 125836
children are able to grow up healthy and ready to learn. 125837

(B)(1) In furtherance of the consortium's purpose, the 125838
consortium shall do both of the following: 125839

(a) Make recommendations to the department of children and youth, department of health, department of medicaid, department of mental health and addiction services, and department of developmental disabilities regarding how to leverage all funding sources available for home visiting services, including medicaid, to accomplish both of the following in this state:

(i) Expand the use of evidence-based home visiting program models, including models used by home visiting contractors who provide services within one or more community HUBs that fully or substantially comply with the pathways community HUB certification standards developed by the pathways community HUB institute;

(ii) Initiate, as pilot projects, innovative, promising home visiting models.

(b) Make recommendations to the department of medicaid on the terms to be included in contracts the department enters into with medicaid managed care organizations under section 5167.10 of the Revised Code to ensure that the organizations are providing or arranging for the medicaid recipients enrolled in their medicaid MCO plans, as defined in section 5167.01 of the Revised Code, to receive home visiting services that are delivered as part of the home visiting program models described in divisions (B)(1)(a)(i) and (ii) of this section.

(2) The consortium may recommend a standardized form or other mechanism to assess family risk factors and social determinants of health for purposes of the central intake and referral system described in section ~~3701.611~~ 5180.22 of the Revised Code.

(C) The consortium shall consist of the following members:

(1) The director of children and youth or the director's designee;

(2) The director of health or the director's designee;

(2) (3) The medicaid director or the director's designee;	125870
(3) (4) The director of mental health and addiction services or the director's designee;	125871 125872
(4) (5) The director of developmental disabilities or the director's designee;	125873 125874
(5)(6) The executive director of the commission on minority health or the executive director's designee;	125875 125876
(6) (7) A member of the commission on infant mortality who is not a legislator or an individual specified under this division;	125877 125878
(7) (8) One individual who represents medicaid managed care organizations, recommended by the board of trustees of the Ohio association of health plans;	125879 125880 125881
(8) (9) One individual who represents county boards of developmental disabilities, recommended by the Ohio association of county boards of developmental disabilities;	125882 125883 125884
(9) (10) A home visiting contractor who provides services within the help me grow program through a contract, grant, or other agreement with the department of health <u>children and youth</u> ;	125885 125886 125887
(10) (11) A home visiting contractor who provides services within one or more community HUBs that fully or substantially comply with the pathways community HUB certification standards developed by the pathways community HUB institute through a contract, grant, or other agreement with the commission on minority health;	125888 125889 125890 125891 125892 125893
(11) (12) An individual who receives home visiting services from the help me grow program;	125894 125895
(12) (13) An individual who receives home visiting services from a home visiting contractor who provides services within one or more community HUBs that fully or substantially comply with the pathways community HUB certification standards developed by the	125896 125897 125898 125899

pathways community HUB institute; 125900

~~(13)~~(14) Two members of the senate, one from the majority 125901
party and one from the minority party, each appointed by the 125902
senate president; 125903

~~(14)~~(15) Two members of the house of representatives, one 125904
from the majority party and one from the minority party, each 125905
appointed by the speaker of the house of representatives. 125906

(D) The consortium members described in divisions 125907
~~(C)~~(10)(C)(11) and ~~(12)~~(13) of this section shall be appointed not 125908
later than thirty days after ~~the effective date of this amendment~~ 125909
October 17, 2019. An appointed member shall hold office until a 125910
successor is appointed. A vacancy shall be filled in the same 125911
manner as the original appointment. 125912

The director of ~~health~~ children and youth shall serve as the 125913
chairperson of the consortium. 125914

A member shall serve without compensation except to the 125915
extent that serving on the consortium is considered part of the 125916
member's regular duties of employment. 125917

(E) The consortium shall meet at the call of the director of 125918
~~health~~ children and youth but not less than once each calendar 125919
quarter. The consortium's first meeting shall occur not later than 125920
sixty days after April 6, 2017. 125921

(F) The department of ~~health~~ children and youth shall provide 125922
meeting space and staff and other administrative support for the 125923
consortium. 125924

(G) The consortium is not subject to sections 101.82 to 125925
101.87 of the Revised Code. 125926

Sec. ~~3701.613~~ 5180.24. Beginning in fiscal year ~~2018~~ 2026, 125927
the department of ~~health~~ children and youth shall facilitate and 125928
allocate funds for a biennial summit on home visiting programs. 125929

The purpose of each summit is to convene persons and government 125930
entities involved with the delivery of home visiting services in 125931
this state, as well as other interested persons, to do all of the 125932
following: 125933

(A) Share the latest research on evidence-based and 125934
innovative, promising home visiting models; 125935

(B) Discuss strategies to ensure that home visiting programs 125936
in this state use evidence-based or innovative, promising home 125937
visiting models; 125938

(C) Discuss strategies to reduce tobacco use by families 125939
participating in home visiting programs; 125940

(D) Present successes and challenges encountered by home 125941
visiting programs. 125942

Sec. ~~3701.614~~ 5180.25. (A) The department of ~~health~~ children 125943
and youth shall develop educational materials describing the 125944
health risks of lead-based paint and measures that may be taken to 125945
reduce those risks. 125946

(B) As part of the home visiting services described in 125947
section ~~3701.61~~ 5180.21 of the Revised Code, each eligible family 125948
residing in a house, apartment, or other residence built before 125949
January 1, 1979, shall receive a copy of the educational materials 125950
described in this section. If the date on which the residence was 125951
built is unknown to the family or home visiting services provider, 125952
the family shall receive a copy of the educational materials. 125953

(C) The educational materials developed and distributed under 125954
this section shall be culturally and linguistically appropriate 125955
for the families described in division (B) of this section. 125956

Sec. 5180.30. The department of children and youth shall 125957
serve as the "lead agency," as described by 20 U.S.C. 1435(a)(10), 125958

to implement the state's part C early intervention services 125959
program, through which early intervention services are provided to 125960
eligible infants and toddlers in accordance with part C of the 125961
"Individuals with Disabilities Education Act," 20 U.S.C. 1431 et 125962
seq., and regulations implementing that part in 34 C.F.R. part 125963
303. 125964

Sec. ~~5123.024~~ 5180.31. The department of ~~developmental~~ 125965
~~disabilities~~ children and youth may do any of the following as the 125966
lead agency to implement the state's part C early intervention 125967
services program, as described in section ~~5123.02~~ 5180.30 of the 125968
Revised Code: 125969

(A) Enter into an interagency agreement with one or more 125970
other state agencies to implement the program and ensure 125971
coordination of early childhood programs; 125972

(B) Distribute program funds through contracts, grants, or 125973
subsidies to entities that are program service providers; 125974

(C) Establish a system of payment to program service 125975
providers. 125976

Sec. ~~5123.0421~~ 5180.32. The director of ~~developmental~~ 125977
~~disabilities~~ children and youth shall adopt rules in accordance 125978
with Chapter 119. of the Revised Code that are necessary to 125979
implement the state's part C early intervention services program, 125980
including rules that specify all of the following: 125981

(A) Eligibility requirements to receive program services; 125982

(B) Eligibility requirements to be a program service 125983
provider; 125984

(C) Operating standards and procedures for program service 125985
providers, including standards and procedures governing data 125986
collection, program monitoring, and program evaluation; 125987

(D) Procedures to appeal the denial of an application to receive program services or the termination of program services;	125988
(E) Procedures to appeal a decision by the department of developmental disabilities to deny an application to be a program service provider or to terminate a provider's status;	125989
(F) Procedures for addressing complaints by persons who receive program services;	125990
(G) Criteria for the payment of program service providers;	125991
(H) The metrics or indicators used to measure program service provider performance.	125992
Sec. 5123.0423 <u>5180.33</u>. As used in this section, "school district of residence" has the same meaning as in section 3323.01 of the Revised Code.	125993
The director of developmental disabilities <u>children and youth</u> shall request a student data verification code from the independent contractor engaged by the department of education to create and maintain such codes for school districts and community schools under division (D)(2) of section 3301.0714 of the Revised Code for each child who is receiving services from the state's part C early intervention services program. The director shall request from the parent, guardian, or custodian of the child, or from any other person who is authorized by law to make decisions regarding the child's education, the name and address of the child's school district of residence. The director shall submit the data verification code for that child to the child's school district of residence at the time the child ceases to receive services from the part C early intervention services program.	125994
The director and each school district that receives a data verification code under this section shall not release that code to any person except as provided by law. Any document that the	125995
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director holds in the director's files that contains both a 126018
child's name or other personally identifiable information and the 126019
child's data verification code is not a public record under 126020
section 149.43 of the Revised Code. 126021

Sec. ~~5123.0422~~ 5180.34. The governor shall establish the 126022
early intervention services advisory council, which shall serve as 126023
the state interagency coordinating council, as described in 20 126024
U.S.C. 1441. In establishing the council, the governor shall 126025
comply with the requirements of 20 U.S.C. 1441, including the 126026
requirement to ensure that the membership of the council 126027
reasonably represents the population of the state. 126028

The governor shall appoint one of the council members to 126029
serve as chairperson of the council, or the governor may delegate 126030
appointment of the chairperson to the council. No member of the 126031
council representing the department of health or the department of 126032
~~developmental disabilities~~ children and youth shall serve as 126033
chairperson. 126034

The council is not subject to sections 101.82 to 101.87 of 126035
the Revised Code. 126036

Section 130.13. That existing sections 9.55, 103.60, 109.65, 126037
109.746, 121.37, 131.33, 131.41, 135.79, 153.39, 307.98, 307.981, 126038
329.04, 2151.011, 2151.152, 2151.281, 2151.316, 2151.353, 126039
2151.3519, 2151.3534, 2151.3535, 2151.36, 2151.39, 2151.412, 126040
2151.413, 2151.416, 2151.421, 2151.429, 2151.4228, 2151.4229, 126041
2151.4230, 2151.4231, 2151.4232, 2151.4233, 2151.452, 2151.454, 126042
2151.84, 2151.86, 2151.90, 2151.904, 2151.9010, 2152.192, 2705.02, 126043
2950.08, 2950.11, 2950.13, 3101.041, 3107.012, 3107.013, 3107.014, 126044
3107.015, 3107.016, 3107.017, 3107.018, 3107.031, 3107.032, 126045
3107.033, 3107.034, 3107.035, 3107.051, 3107.081, 3107.083, 126046
3107.09, 3107.091, 3107.10, 3107.101, 3107.12, 3107.13, 3107.141, 126047

3107.17, 3107.39, 3109.172, 3109.174, 3109.401, 3301.079, 126048
3301.0714, 3301.0715, 3301.0723, 3301.15, 3301.30, 3301.311, 126049
3301.32, 3301.50, 3301.53, 3301.55, 3301.56, 3301.57, 3301.58, 126050
3301.59, 3301.94, 3313.64, 3313.646, 3314.03, 3314.06, 3314.08, 126051
3323.022, 3323.20, 3323.32, 3325.06, 3325.07, 3701.507, 3701.61, 126052
3701.611, 3701.612, 3701.613, 3701.614, 3701.63, 3701.64, 3701.66, 126053
3701.67, 3701.671, 3701.68, 3701.78, 3701.80, 3701.95, 3701.951, 126054
3701.952, 3701.953, 3701.97, 3705.32, 3705.36, 3705.40, 3737.22, 126055
3742.32, 3781.06, 3781.10, 3798.01, 4112.12, 5101.09, 5101.11, 126056
5101.111, 5101.12, 5101.13, 5101.132, 5101.134, 5101.135, 5101.14, 126057
5101.141, 5101.142, 5101.143, 5101.145, 5101.146, 5101.147, 126058
5101.148, 5101.1410, 5101.1411, 5101.1412, 5101.1413, 5101.1414, 126059
5101.1417, 5101.1418, 5101.15, 5101.183, 5101.19, 5101.191, 126060
5101.193, 5101.194, 5101.21, 5101.214, 5101.216, 5101.22, 126061
5101.221, 5101.23, 5101.24, 5101.243, 5101.244, 5101.25, 5101.26, 126062
5101.27, 5101.29, 5101.32, 5101.35, 5101.37, 5101.46, 5101.47, 126063
5101.76, 5101.77, 5101.78, 5101.80, 5101.801, 5101.802, 5101.803, 126064
5101.804, 5101.83, 5101.851, 5101.853, 5101.855, 5101.856, 126065
5101.881, 5101.885, 5101.8811, 5103.02, 5103.03, 5103.031, 126066
5103.032, 5103.033, 5103.034, 5103.036, 5103.037, 5103.038, 126067
5103.0310, 5103.0312, 5103.0313, 5103.0314, 5103.0315, 5103.0316, 126068
5103.0317, 5103.0319, 5103.0320, 5103.0321, 5103.0322, 5103.0323, 126069
5103.0325, 5103.0326, 5103.0328, 5103.0329, 5103.04, 5103.05, 126070
5103.051, 5103.07, 5103.08, 5103.11, 5103.12, 5103.13, 5103.131, 126071
5103.14, 5103.151, 5103.152, 5103.155, 5103.16, 5103.163, 5103.17, 126072
5103.18, 5103.181, 5103.21, 5103.22, 5103.232, 5103.233, 5103.30, 126073
5103.303, 5103.32, 5103.33, 5103.34, 5103.35, 5103.36, 5103.362, 126074
5103.363, 5103.38, 5103.39, 5103.391, 5103.40, 5103.41, 5103.42, 126075
5103.50, 5103.51, 5103.52, 5103.53, 5103.54, 5103.58, 5103.59, 126076
5103.602, 5103.603, 5103.6010, 5103.6011, 5103.6015, 5103.6017, 126077
5103.6018, 5103.611, 5103.612, 5103.615, 5103.617, 5104.01, 126078
5104.013, 5104.015, 5104.016, 5104.017, 5104.018, 5104.019, 126079

5104.0111, 5104.0112, 5104.02, 5104.021, 5104.022, 5104.03, 126080
5104.034, 5104.038, 5104.04, 5104.041, 5104.042, 5104.043, 126081
5104.05, 5104.052, 5104.053, 5104.054, 5104.06, 5104.07, 5104.08, 126082
5104.081, 5104.10, 5104.12, 5104.13, 5104.14, 5104.21, 5104.211, 126083
5104.22, 5104.25, 5104.29, 5104.30, 5104.301, 5104.31, 5104.32, 126084
5104.33, 5104.34, 5104.36, 5104.38, 5104.382, 5104.39, 5104.42, 126085
5104.44, 5107.24, 5123.02, 5123.024, 5123.026, 5123.0421, 126086
5123.0422, 5123.0423, 5139.39, 5153.01, 5153.111, 5153.113, 126087
5153.121, 5153.122, 5153.123, 5153.124, 5153.14, 5153.16, 126088
5153.163, 5153.166, 5153.17, 5153.175, 5153.20, 5153.21, 5153.22, 126089
5153.27, 5153.29, 5153.30, 5153.32, 5153.35, 5153.36, 5153.38, 126090
5153.49, 5153.52, 5160.011, 5162.11, 5162.135, 5164.15, 5166.01, 126091
and 5167.16 of the Revised Code are hereby repealed. 126092

Section 130.14. That section 3301.521 of the Revised Code is 126093
hereby repealed. 126094

Section 130.15. Sections 130.12, 130.13, and 130.14 of this 126095
act take effect January 1, 2025. 126096

Section 130.16. The General Assembly, applying the principle 126097
stated in division (B) of section 1.52 of the Revised Code that 126098
amendments are to be harmonized if reasonably capable of 126099
simultaneous operation, finds that the following sections, 126100
presented in this act as composites of the sections as amended by 126101
the acts indicated, are the resulting versions of the sections in 126102
effect prior to the effective date of the sections as presented in 126103
this act: 126104

Section 2151.353 of the Revised Code as amended by H.B. 8 and 126105
H.B. 166, both of the 133rd General Assembly, H.B. 49 of the 132nd 126106
General Assembly, and H.B. 50 and H.B. 158, both of the 131st 126107
General Assembly. 126108

Section 3301.0715 of the Revised Code as amended by both H.B. 126109
82 and H.B. 110 of the 134th General Assembly. 126110

Section 5104.017 of the Revised Code as amended by both H.B. 126111
110 and H.B. 281 of the 134th General Assembly. 126112

Section 5123.02 of the Revised Code as amended by both H.B. 126113
158 and H.B. 483 of the 131st General Assembly. 126114

Section 5153.163 of the Revised Code as amended by both H.B. 126115
110 and H.B. 281 of the 134th General Assembly. 126116

Section 130.20. That sections 109.57, 349.01, 921.06, 126117
1923.01, 1923.02, 2151.011, 2151.421, 2151.86, 2919.223, 2919.224, 126118
2919.225, 2919.226, 2923.124, 2923.126, 2950.034, 2950.11, 126119
2950.13, 3109.051, 3301.52, 3301.53, 3321.01, 3321.05, 3325.07, 126120
3325.071, 3701.63, 3701.80, 3714.03, 3717.42, 3728.01, 3737.22, 126121
3737.83, 3737.841, 3742.01, 3767.41, 3781.06, 3781.10, 3796.30, 126122
3797.06, 3905.064, 4510.021, 4511.01, 4511.81, 4513.182, 4715.36, 126123
5101.29, 5103.03, 5104.01, 5104.013, 5104.014, 5104.015, 5104.016, 126124
5104.017, 5104.018, 5104.0111, 5104.02, 5104.021, 5104.022, 126125
5104.03, 5104.032, 5104.033, 5104.034, 5104.037, 5104.038, 126126
5104.039, 5104.04, 5104.041, 5104.042, 5104.043, 5104.05, 126127
5104.051, 5104.052, 5104.053, 5104.054, 5104.06, 5104.07, 5104.08, 126128
5104.09, 5104.13, 5104.14, 5104.25, 5104.30, 5104.301, 5104.31, 126129
5104.32, 5104.35, 5104.36, 5104.99, 5107.60, 5119.37, 5119.371, 126130
5153.175, 5321.01, 5321.03, 5321.051, 5709.65, 5733.36, 5733.37, 126131
5733.38, and 6109.121 of the Revised Code be amended to read as 126132
follows: 126133

Sec. 109.57. (A)(1) The superintendent of the bureau of 126134
criminal identification and investigation shall procure from 126135
wherever procurable and file for record photographs, pictures, 126136
descriptions, fingerprints, measurements, and other information 126137
that may be pertinent of all persons who have been convicted of 126138

committing within this state a felony, any crime constituting a 126139
misdemeanor on the first offense and a felony on subsequent 126140
offenses, or any misdemeanor described in division (A)(1)(a), 126141
(A)(4)(a), or (A)(6)(a) of section 109.572 of the Revised Code, of 126142
all children under eighteen years of age who have been adjudicated 126143
delinquent children for committing within this state an act that 126144
would be a felony or an offense of violence if committed by an 126145
adult or who have been convicted of or pleaded guilty to 126146
committing within this state a felony or an offense of violence, 126147
and of all well-known and habitual criminals. The person in charge 126148
of any county, multicounty, municipal, municipal-county, or 126149
multicounty-municipal jail or workhouse, community-based 126150
correctional facility, halfway house, alternative residential 126151
facility, or state correctional institution and the person in 126152
charge of any state institution having custody of a person 126153
suspected of having committed a felony, any crime constituting a 126154
misdemeanor on the first offense and a felony on subsequent 126155
offenses, or any misdemeanor described in division (A)(1)(a), 126156
(A)(4)(a), or (A)(6)(a) of section 109.572 of the Revised Code or 126157
having custody of a child under eighteen years of age with respect 126158
to whom there is probable cause to believe that the child may have 126159
committed an act that would be a felony or an offense of violence 126160
if committed by an adult shall furnish such material to the 126161
superintendent of the bureau. Fingerprints, photographs, or other 126162
descriptive information of a child who is under eighteen years of 126163
age, has not been arrested or otherwise taken into custody for 126164
committing an act that would be a felony or an offense of violence 126165
who is not in any other category of child specified in this 126166
division, if committed by an adult, has not been adjudicated a 126167
delinquent child for committing an act that would be a felony or 126168
an offense of violence if committed by an adult, has not been 126169
convicted of or pleaded guilty to committing a felony or an 126170

offense of violence, and is not a child with respect to whom there 126171
is probable cause to believe that the child may have committed an 126172
act that would be a felony or an offense of violence if committed 126173
by an adult shall not be procured by the superintendent or 126174
furnished by any person in charge of any county, multicounty, 126175
municipal, municipal-county, or multicounty-municipal jail or 126176
workhouse, community-based correctional facility, halfway house, 126177
alternative residential facility, or state correctional 126178
institution, except as authorized in section 2151.313 of the 126179
Revised Code. 126180

(2) Every clerk of a court of record in this state, other 126181
than the supreme court or a court of appeals, shall send to the 126182
superintendent of the bureau a weekly report containing a summary 126183
of each case involving a felony, involving any crime constituting 126184
a misdemeanor on the first offense and a felony on subsequent 126185
offenses, involving a misdemeanor described in division (A)(1)(a), 126186
(A)(4)(a), or (A)(6)(a) of section 109.572 of the Revised Code, or 126187
involving an adjudication in a case in which a child under 126188
eighteen years of age was alleged to be a delinquent child for 126189
committing an act that would be a felony or an offense of violence 126190
if committed by an adult. The clerk of the court of common pleas 126191
shall include in the report and summary the clerk sends under this 126192
division all information described in divisions (A)(2)(a) to (f) 126193
of this section regarding a case before the court of appeals that 126194
is served by that clerk. The summary shall be written on the 126195
standard forms furnished by the superintendent pursuant to 126196
division (B) of this section and shall include the following 126197
information: 126198

(a) The incident tracking number contained on the standard 126199
forms furnished by the superintendent pursuant to division (B) of 126200
this section; 126201

(b) The style and number of the case; 126202

(c) The date of arrest, offense, summons, or arraignment; 126203

(d) The date that the person was convicted of or pleaded 126204
guilty to the offense, adjudicated a delinquent child for 126205
committing the act that would be a felony or an offense of 126206
violence if committed by an adult, found not guilty of the 126207
offense, or found not to be a delinquent child for committing an 126208
act that would be a felony or an offense of violence if committed 126209
by an adult, the date of an entry dismissing the charge, an entry 126210
declaring a mistrial of the offense in which the person is 126211
discharged, an entry finding that the person or child is not 126212
competent to stand trial, or an entry of a nolle prosequi, or the 126213
date of any other determination that constitutes final resolution 126214
of the case; 126215

(e) A statement of the original charge with the section of 126216
the Revised Code that was alleged to be violated; 126217

(f) If the person or child was convicted, pleaded guilty, or 126218
was adjudicated a delinquent child, the sentence or terms of 126219
probation imposed or any other disposition of the offender or the 126220
delinquent child. 126221

If the offense involved the disarming of a law enforcement 126222
officer or an attempt to disarm a law enforcement officer, the 126223
clerk shall clearly state that fact in the summary, and the 126224
superintendent shall ensure that a clear statement of that fact is 126225
placed in the bureau's records. 126226

(3) The superintendent shall cooperate with and assist 126227
sheriffs, chiefs of police, and other law enforcement officers in 126228
the establishment of a complete system of criminal identification 126229
and in obtaining fingerprints and other means of identification of 126230
all persons arrested on a charge of a felony, any crime 126231
constituting a misdemeanor on the first offense and a felony on 126232

subsequent offenses, or a misdemeanor described in division 126233
(A)(1)(a), (A)(4)(a), or (A)(6)(a) of section 109.572 of the 126234
Revised Code and of all children under eighteen years of age 126235
arrested or otherwise taken into custody for committing an act 126236
that would be a felony or an offense of violence if committed by 126237
an adult. The superintendent also shall file for record the 126238
fingerprint impressions of all persons confined in a county, 126239
multicounty, municipal, municipal-county, or multicounty-municipal 126240
jail or workhouse, community-based correctional facility, halfway 126241
house, alternative residential facility, or state correctional 126242
institution for the violation of state laws and of all children 126243
under eighteen years of age who are confined in a county, 126244
multicounty, municipal, municipal-county, or multicounty-municipal 126245
jail or workhouse, community-based correctional facility, halfway 126246
house, alternative residential facility, or state correctional 126247
institution or in any facility for delinquent children for 126248
committing an act that would be a felony or an offense of violence 126249
if committed by an adult, and any other information that the 126250
superintendent may receive from law enforcement officials of the 126251
state and its political subdivisions. 126252

(4) The superintendent shall carry out Chapter 2950. of the 126253
Revised Code with respect to the registration of persons who are 126254
convicted of or plead guilty to a sexually oriented offense or a 126255
child-victim oriented offense and with respect to all other duties 126256
imposed on the bureau under that chapter. 126257

(5) The bureau shall perform centralized recordkeeping 126258
functions for criminal history records and services in this state 126259
for purposes of the national crime prevention and privacy compact 126260
set forth in section 109.571 of the Revised Code and is the 126261
criminal history record repository as defined in that section for 126262
purposes of that compact. The superintendent or the 126263
superintendent's designee is the compact officer for purposes of 126264

that compact and shall carry out the responsibilities of the 126265
compact officer specified in that compact. 126266

(6) The superintendent shall, upon request, assist a county 126267
coroner in the identification of a deceased person through the use 126268
of fingerprint impressions obtained pursuant to division (A)(1) of 126269
this section or collected pursuant to section 109.572 or 311.41 of 126270
the Revised Code. 126271

(B) The superintendent shall prepare and furnish to every 126272
county, multicounty, municipal, municipal-county, or 126273
multicounty-municipal jail or workhouse, community-based 126274
correctional facility, halfway house, alternative residential 126275
facility, or state correctional institution and to every clerk of 126276
a court in this state specified in division (A)(2) of this section 126277
standard forms for reporting the information required under 126278
division (A) of this section. The standard forms that the 126279
superintendent prepares pursuant to this division may be in a 126280
tangible format, in an electronic format, or in both tangible 126281
formats and electronic formats. 126282

(C)(1) The superintendent may operate a center for 126283
electronic, automated, or other data processing for the storage 126284
and retrieval of information, data, and statistics pertaining to 126285
criminals and to children under eighteen years of age who are 126286
adjudicated delinquent children for committing an act that would 126287
be a felony or an offense of violence if committed by an adult, 126288
criminal activity, crime prevention, law enforcement, and criminal 126289
justice, and may establish and operate a statewide communications 126290
network to be known as the Ohio law enforcement gateway to gather 126291
and disseminate information, data, and statistics for the use of 126292
law enforcement agencies and for other uses specified in this 126293
division. The superintendent may gather, store, retrieve, and 126294
disseminate information, data, and statistics that pertain to 126295
children who are under eighteen years of age and that are gathered 126296

pursuant to sections 109.57 to 109.61 of the Revised Code together 126297
with information, data, and statistics that pertain to adults and 126298
that are gathered pursuant to those sections. 126299

(2) The superintendent or the superintendent's designee shall 126300
gather information of the nature described in division (C)(1) of 126301
this section that pertains to the offense and delinquency history 126302
of a person who has been convicted of, pleaded guilty to, or been 126303
adjudicated a delinquent child for committing a sexually oriented 126304
offense or a child-victim oriented offense for inclusion in the 126305
state registry of sex offenders and child-victim offenders 126306
maintained pursuant to division (A)(1) of section 2950.13 of the 126307
Revised Code and in the internet database operated pursuant to 126308
division (A)(13) of that section and for possible inclusion in the 126309
internet database operated pursuant to division (A)(11) of that 126310
section. 126311

(3) In addition to any other authorized use of information, 126312
data, and statistics of the nature described in division (C)(1) of 126313
this section, the superintendent or the superintendent's designee 126314
may provide and exchange the information, data, and statistics 126315
pursuant to the national crime prevention and privacy compact as 126316
described in division (A)(5) of this section. 126317

(4) The Ohio law enforcement gateway shall contain the name, 126318
confidential address, and telephone number of program participants 126319
in the address confidentiality program established under sections 126320
111.41 to 111.47 of the Revised Code. 126321

(5) The attorney general may adopt rules under Chapter 119. 126322
of the Revised Code establishing guidelines for the operation of 126323
and participation in the Ohio law enforcement gateway. The rules 126324
may include criteria for granting and restricting access to 126325
information gathered and disseminated through the Ohio law 126326
enforcement gateway. The attorney general shall adopt rules under 126327
Chapter 119. of the Revised Code that grant access to information 126328

in the gateway regarding an address confidentiality program 126329
participant under sections 111.41 to 111.47 of the Revised Code to 126330
only chiefs of police, village marshals, county sheriffs, county 126331
prosecuting attorneys, and a designee of each of these 126332
individuals. The attorney general shall permit an office of a 126333
county coroner, the state medical board, and board of nursing to 126334
access and view, but not alter, information gathered and 126335
disseminated through the Ohio law enforcement gateway. 126336

The attorney general may appoint a steering committee to 126337
advise the attorney general in the operation of the Ohio law 126338
enforcement gateway that is comprised of persons who are 126339
representatives of the criminal justice agencies in this state 126340
that use the Ohio law enforcement gateway and is chaired by the 126341
superintendent or the superintendent's designee. 126342

(D)(1) The following are not public records under section 126343
149.43 of the Revised Code: 126344

(a) Information and materials furnished to the superintendent 126345
pursuant to division (A) of this section; 126346

(b) Information, data, and statistics gathered or 126347
disseminated through the Ohio law enforcement gateway pursuant to 126348
division (C)(1) of this section; 126349

(c) Information and materials furnished to any board or 126350
person under division (F) or (G) of this section. 126351

(2) The superintendent or the superintendent's designee shall 126352
gather and retain information so furnished under division (A) of 126353
this section that pertains to the offense and delinquency history 126354
of a person who has been convicted of, pleaded guilty to, or been 126355
adjudicated a delinquent child for committing a sexually oriented 126356
offense or a child-victim oriented offense for the purposes 126357
described in division (C)(2) of this section. 126358

(E)(1) The attorney general shall adopt rules, in accordance 126359

with Chapter 119. of the Revised Code and subject to division 126360
(E)(2) of this section, setting forth the procedure by which a 126361
person may receive or release information gathered by the 126362
superintendent pursuant to division (A) of this section. A 126363
reasonable fee may be charged for this service. If a temporary 126364
employment service submits a request for a determination of 126365
whether a person the service plans to refer to an employment 126366
position has been convicted of or pleaded guilty to an offense 126367
listed or described in division (A)(1), (2), or (3) of section 126368
109.572 of the Revised Code, the request shall be treated as a 126369
single request and only one fee shall be charged. 126370

(2) Except as otherwise provided in this division or division 126371
(E)(3) or (4) of this section, a rule adopted under division 126372
(E)(1) of this section may provide only for the release of 126373
information gathered pursuant to division (A) of this section that 126374
relates to the conviction of a person, or a person's plea of 126375
guilty to, a criminal offense or to the arrest of a person as 126376
provided in division (E)(3) of this section. The superintendent 126377
shall not release, and the attorney general shall not adopt any 126378
rule under division (E)(1) of this section that permits the 126379
release of, any information gathered pursuant to division (A) of 126380
this section that relates to an adjudication of a child as a 126381
delinquent child, or that relates to a criminal conviction of a 126382
person under eighteen years of age if the person's case was 126383
transferred back to a juvenile court under division (B)(2) or (3) 126384
of section 2152.121 of the Revised Code and the juvenile court 126385
imposed a disposition or serious youthful offender disposition 126386
upon the person under either division, unless either of the 126387
following applies with respect to the adjudication or conviction: 126388

(a) The adjudication or conviction was for a violation of 126389
section 2903.01 or 2903.02 of the Revised Code. 126390

(b) The adjudication or conviction was for a sexually 126391

oriented offense, the juvenile court was required to classify the 126392
child a juvenile offender registrant for that offense under 126393
section 2152.82, 2152.83, or 2152.86 of the Revised Code, that 126394
classification has not been removed, and the records of the 126395
adjudication or conviction have not been sealed or expunged 126396
pursuant to sections 2151.355 to 2151.358 or sealed or expunged 126397
pursuant to section 2953.32 of the Revised Code. 126398

(3) A rule adopted under division (E)(1) of this section may 126399
provide for the release of information gathered pursuant to 126400
division (A) of this section that relates to the arrest of a 126401
person who is eighteen years of age or older when the person has 126402
not been convicted as a result of that arrest if any of the 126403
following applies: 126404

(a) The arrest was made outside of this state. 126405

(b) A criminal action resulting from the arrest is pending, 126406
and the superintendent confirms that the criminal action has not 126407
been resolved at the time the criminal records check is performed. 126408

(c) The bureau cannot reasonably determine whether a criminal 126409
action resulting from the arrest is pending, and not more than one 126410
year has elapsed since the date of the arrest. 126411

(4) A rule adopted under division (E)(1) of this section may 126412
provide for the release of information gathered pursuant to 126413
division (A) of this section that relates to an adjudication of a 126414
child as a delinquent child if not more than five years have 126415
elapsed since the date of the adjudication, the adjudication was 126416
for an act that would have been a felony if committed by an adult, 126417
the records of the adjudication have not been sealed or expunged 126418
pursuant to sections 2151.355 to 2151.358 of the Revised Code, and 126419
the request for information is made under division (F) of this 126420
section or under section 109.572 of the Revised Code. In the case 126421
of an adjudication for a violation of the terms of community 126422

control or supervised release, the five-year period shall be 126423
calculated from the date of the adjudication to which the 126424
community control or supervised release pertains. 126425

(F)(1) As used in division (F)(2) of this section, "head 126426
start agency" means an entity in this state that has been approved 126427
to be an agency for purposes of subchapter II of the "Community 126428
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 126429
as amended. 126430

(2)(a) In addition to or in conjunction with any request that 126431
is required to be made under section 109.572, 2151.86, 3301.32, 126432
3301.541, division (C) of section 3310.58, or section 3319.39, 126433
3319.391, 3327.10, 3740.11, 5104.013, 5123.081, or 5153.111 of the 126434
Revised Code or that is made under section 3314.41, 3319.392, 126435
3326.25, or 3328.20 of the Revised Code, the board of education of 126436
any school district; the director of developmental disabilities; 126437
any county board of developmental disabilities; any provider or 126438
subcontractor as defined in section 5123.081 of the Revised Code; 126439
the chief administrator of any chartered nonpublic school; the 126440
chief administrator of a registered private provider that is not 126441
also a chartered nonpublic school; the chief administrator of any 126442
home health agency; the chief administrator of or person operating 126443
any child ~~day-care~~ care center, type A family ~~day-care~~ child care 126444
home, or type B family ~~day-care~~ child care home licensed under 126445
Chapter 5104. of the Revised Code; the chief administrator of any 126446
head start agency; the executive director of a public children 126447
services agency; a private company described in section 3314.41, 126448
3319.392, 3326.25, or 3328.20 of the Revised Code; or an employer 126449
described in division (J)(2) of section 3327.10 of the Revised 126450
Code may request that the superintendent of the bureau investigate 126451
and determine, with respect to any individual who has applied for 126452
employment in any position after October 2, 1989, or any 126453
individual wishing to apply for employment with a board of 126454

education may request, with regard to the individual, whether the 126455
bureau has any information gathered under division (A) of this 126456
section that pertains to that individual. On receipt of the 126457
request, subject to division (E)(2) of this section, the 126458
superintendent shall determine whether that information exists 126459
and, upon request of the person, board, or entity requesting 126460
information, also shall request from the federal bureau of 126461
investigation any criminal records it has pertaining to that 126462
individual. The superintendent or the superintendent's designee 126463
also may request criminal history records from other states or the 126464
federal government pursuant to the national crime prevention and 126465
privacy compact set forth in section 109.571 of the Revised Code. 126466
Within thirty days of the date that the superintendent receives a 126467
request, subject to division (E)(2) of this section, the 126468
superintendent shall send to the board, entity, or person a report 126469
of any information that the superintendent determines exists, 126470
including information contained in records that have been sealed 126471
under section 2953.32 of the Revised Code, and, within thirty days 126472
of its receipt, subject to division (E)(2) of this section, shall 126473
send the board, entity, or person a report of any information 126474
received from the federal bureau of investigation, other than 126475
information the dissemination of which is prohibited by federal 126476
law. 126477

(b) When a board of education or a registered private 126478
provider is required to receive information under this section as 126479
a prerequisite to employment of an individual pursuant to division 126480
(C) of section 3310.58 or section 3319.39 of the Revised Code, it 126481
may accept a certified copy of records that were issued by the 126482
bureau of criminal identification and investigation and that are 126483
presented by an individual applying for employment with the 126484
district in lieu of requesting that information itself. In such a 126485
case, the board shall accept the certified copy issued by the 126486
bureau in order to make a photocopy of it for that individual's 126487

employment application documents and shall return the certified 126488
copy to the individual. In a case of that nature, a district or 126489
provider only shall accept a certified copy of records of that 126490
nature within one year after the date of their issuance by the 126491
bureau. 126492

(c) Notwithstanding division (F)(2)(a) of this section, in 126493
the case of a request under section 3319.39, 3319.391, or 3327.10 126494
of the Revised Code only for criminal records maintained by the 126495
federal bureau of investigation, the superintendent shall not 126496
determine whether any information gathered under division (A) of 126497
this section exists on the person for whom the request is made. 126498

(3) The state board of education may request, with respect to 126499
any individual who has applied for employment after October 2, 126500
1989, in any position with the state board or the department of 126501
education, any information that a school district board of 126502
education is authorized to request under division (F)(2) of this 126503
section, and the superintendent of the bureau shall proceed as if 126504
the request has been received from a school district board of 126505
education under division (F)(2) of this section. 126506

(4) When the superintendent of the bureau receives a request 126507
for information under section 3319.291 of the Revised Code, the 126508
superintendent shall proceed as if the request has been received 126509
from a school district board of education and shall comply with 126510
divisions (F)(2)(a) and (c) of this section. 126511

(G) In addition to or in conjunction with any request that is 126512
required to be made under section 3712.09, 3721.121, or 3740.11 of 126513
the Revised Code with respect to an individual who has applied for 126514
employment in a position that involves providing direct care to an 126515
older adult or adult resident, the chief administrator of a home 126516
health agency, hospice care program, home licensed under Chapter 126517
3721. of the Revised Code, or adult day-care program operated 126518
pursuant to rules adopted under section 3721.04 of the Revised 126519

Code may request that the superintendent of the bureau investigate 126520
and determine, with respect to any individual who has applied 126521
after January 27, 1997, for employment in a position that does not 126522
involve providing direct care to an older adult or adult resident, 126523
whether the bureau has any information gathered under division (A) 126524
of this section that pertains to that individual. 126525

In addition to or in conjunction with any request that is 126526
required to be made under section 173.27 of the Revised Code with 126527
respect to an individual who has applied for employment in a 126528
position that involves providing ombudsman services to residents 126529
of long-term care facilities or recipients of community-based 126530
long-term care services, the state long-term care ombudsman, the 126531
director of aging, a regional long-term care ombudsman program, or 126532
the designee of the ombudsman, director, or program may request 126533
that the superintendent investigate and determine, with respect to 126534
any individual who has applied for employment in a position that 126535
does not involve providing such ombudsman services, whether the 126536
bureau has any information gathered under division (A) of this 126537
section that pertains to that applicant. 126538

In addition to or in conjunction with any request that is 126539
required to be made under section 173.38 of the Revised Code with 126540
respect to an individual who has applied for employment in a 126541
direct-care position, the chief administrator of a provider, as 126542
defined in section 173.39 of the Revised Code, may request that 126543
the superintendent investigate and determine, with respect to any 126544
individual who has applied for employment in a position that is 126545
not a direct-care position, whether the bureau has any information 126546
gathered under division (A) of this section that pertains to that 126547
applicant. 126548

In addition to or in conjunction with any request that is 126549
required to be made under section 3712.09 of the Revised Code with 126550
respect to an individual who has applied for employment in a 126551

position that involves providing direct care to a pediatric 126552
respite care patient, the chief administrator of a pediatric 126553
respite care program may request that the superintendent of the 126554
bureau investigate and determine, with respect to any individual 126555
who has applied for employment in a position that does not involve 126556
providing direct care to a pediatric respite care patient, whether 126557
the bureau has any information gathered under division (A) of this 126558
section that pertains to that individual. 126559

On receipt of a request under this division, the 126560
superintendent shall determine whether that information exists 126561
and, on request of the individual requesting information, shall 126562
also request from the federal bureau of investigation any criminal 126563
records it has pertaining to the applicant. The superintendent or 126564
the superintendent's designee also may request criminal history 126565
records from other states or the federal government pursuant to 126566
the national crime prevention and privacy compact set forth in 126567
section 109.571 of the Revised Code. Within thirty days of the 126568
date a request is received, subject to division (E)(2) of this 126569
section, the superintendent shall send to the requester a report 126570
of any information determined to exist, including information 126571
contained in records that have been sealed under section 2953.32 126572
of the Revised Code, and, within thirty days of its receipt, shall 126573
send the requester a report of any information received from the 126574
federal bureau of investigation, other than information the 126575
dissemination of which is prohibited by federal law. 126576

(H) Information obtained by a government entity or person 126577
under this section is confidential and shall not be released or 126578
disseminated. 126579

(I) The superintendent may charge a reasonable fee for 126580
providing information or criminal records under division (F)(2) or 126581
(G) of this section. 126582

(J) As used in this section: 126583

(1) "Pediatric respite care program" and "pediatric care patient" have the same meanings as in section 3712.01 of the Revised Code. 126584
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(2) "Sexually oriented offense" and "child-victim oriented offense" have the same meanings as in section 2950.01 of the Revised Code. 126587
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(3) "Registered private provider" means a nonpublic school or entity registered with the superintendent of public instruction under section 3310.41 of the Revised Code to participate in the autism scholarship program or section 3310.58 of the Revised Code to participate in the Jon Peterson special needs scholarship program. 126590
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Sec. 349.01. As used in this chapter: 126596

(A) "New community" means a community or development of property in relation to an existing community planned so that the resulting community includes facilities for the conduct of industrial, commercial, residential, cultural, educational, and recreational activities, and designed in accordance with planning concepts for the placement of utility, open space, and other supportive facilities. 126597
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(B) "New community development program" means a program for the development of a new community characterized by well-balanced and diversified land use patterns and which includes land acquisition and land development, the acquisition, construction, operation, and maintenance of community facilities, and the provision of services authorized in this chapter. 126604
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A new community development program may take into account any existing community in relation to which a new community is developed for purposes of being characterized by well-balanced and diversified land use patterns. 126610
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(C) "New community district" means the area of land described 126614
by the developer in the petition as set forth in division (A) of 126615
section 349.03 of the Revised Code for development as a new 126616
community and any lands added to the district by amendment of the 126617
resolution establishing the community authority. 126618

(D) "New community authority" means a body corporate and 126619
politic in this state, established pursuant to section 349.03 of 126620
the Revised Code and governed by a board of trustees as provided 126621
in section 349.04 of the Revised Code. 126622

(E) "Developer" means any person, organized for carrying out 126623
a new community development program who owns or controls, through 126624
leases of at least seventy-five years' duration, options, or 126625
contracts to purchase, the land within a new community district, 126626
or any municipal corporation, county, or port authority that owns 126627
the land within a new community district, or has the ability to 126628
acquire such land, either by voluntary acquisition or condemnation 126629
in order to eliminate slum, blighted, and deteriorated or 126630
deteriorating areas and to prevent the recurrence thereof. 126631
"Developer" may also mean a person, municipal corporation, county, 126632
or port authority that controls land within a new community 126633
district through leases of at least seventy-five years' duration. 126634
"Developer" includes a lessor that continues to own and control 126635
land for purposes of this chapter pursuant to leases with a 126636
ninety-nine-year renewable term, so long as all of the following 126637
apply: 126638

(1) The developer's new community district consists of at 126639
least five leases described in this section. 126640

(2) The leases are subject to forfeiture for all of the 126641
following: 126642

(a) Failing to pay taxes and assessments; 126643

(b) Failing to pay an annual fee of up to one per cent of 126644

rent for sanitary purposes and improvements made to streets; 126645

(c) Failing to keep the premises as required by sanitary and 126646
police regulations of the developer. 126647

(3) The new community authority is established on or before 126648
December 31, 2024. 126649

(F) "Organizational board of commissioners" means the 126650
following: 126651

(1) For a new community district that is located in only one 126652
county, the board of county commissioners of that county; 126653

(2) For a new community district that is located in more than 126654
one county, a board consisting of the members of the board of 126655
county commissioners of each of the counties in which the district 126656
is located, provided that action of the board shall require a 126657
majority vote of the members of each separate board of county 126658
commissioners; or 126659

(3) For a new community district that is located entirely 126660
within the boundaries of a municipal corporation or for a new 126661
community district where more than half of the new community 126662
district is located within the boundaries of the most populous 126663
municipal corporation of a county, the legislative authority of 126664
the municipal corporation. 126665

(G) "Land acquisition" means the acquisition of real property 126666
and interests in real property as part of a new community 126667
development program. 126668

(H) "Land development" means the process of clearing and 126669
grading land, making, installing, or constructing water 126670
distribution systems, sewers, sewage collection systems, steam, 126671
gas, and electric lines, roads, streets, curbs, gutters, 126672
sidewalks, storm drainage facilities, and other installations or 126673
work, whether within or without the new community district, and 126674

the construction of community facilities. 126675

(I) "Community facilities" means all real property, 126676
buildings, structures, or other facilities, including related 126677
fixtures, equipment, and furnishings, to be owned, operated, 126678
financed, constructed, and maintained under this chapter or in 126679
furtherance of community activities, whether within or without the 126680
new community district, including public, community, village, 126681
neighborhood, or town buildings, centers and plazas, auditoriums, 126682
~~day~~ child care centers, recreation halls, educational facilities, 126683
health care facilities including hospital facilities as defined in 126684
section 140.01 of the Revised Code, telecommunications facilities, 126685
including all facilities necessary to provide telecommunications 126686
service as defined in section 4927.01 of the Revised Code, 126687
recreational facilities, natural resource facilities, including 126688
parks and other open space land, lakes and streams, cultural 126689
facilities, community streets and off-street parking facilities, 126690
pathway and bikeway systems, pedestrian underpasses and 126691
overpasses, lighting facilities, design amenities, or other 126692
community facilities, and buildings needed in connection with 126693
water supply or sewage disposal installations, or energy 126694
facilities including those for renewable or sustainable energy 126695
sources, and steam, gas, or electric lines or installation. 126696

(J) "Cost" as applied to a new community development program 126697
means all costs related to land acquisition and land development, 126698
the acquisition, construction, maintenance, and operation of 126699
community facilities and offices of the community authority, and 126700
of providing furnishings and equipment therefor, financing charges 126701
including interest prior to and during construction and for the 126702
duration of the new community development program, planning 126703
expenses, engineering expenses, administrative expenses including 126704
working capital, and all other expenses necessary and incident to 126705
the carrying forward of the new community development program. 126706

(K) "Income source" means any and all sources of income to 126707
the community authority, including community development charges 126708
of which the new community authority is the beneficiary as 126709
provided in section 349.07 of the Revised Code, rentals, user fees 126710
and other charges received by the new community authority, any 126711
gift or grant received, any moneys received from any funds 126712
invested by or on behalf of the new community authority, and 126713
proceeds from the sale or lease of land and community facilities. 126714

(L) "Community development charge" means: 126715

(1) A dollar amount which shall be determined on the basis of 126716
the assessed valuation of real property or interests in real 126717
property in a new community district, the income of the residents 126718
of such property subject to such charge under section 349.07 of 126719
the Revised Code, if such property is devoted to residential uses 126720
or to the profits, gross receipts, or other revenues of any 126721
business including, but not limited to, rentals received from 126722
leases of real property located in the district, a uniform or 126723
other fee on each parcel of such real property in a new community 126724
district, or any combination of the foregoing bases. 126725

(2) If a new community authority imposes a community 126726
development charge determined on the basis of rentals received 126727
from leases of real property, improvements of any real property 126728
located in the new community district and subject to that charge 126729
may not be exempted from taxation under section 5709.40, 5709.41, 126730
5709.73, or 5709.78 of the Revised Code. 126731

(M) "Proximate city" means the following: 126732

(1) For a new community district other than a new community 126733
district described in division (M)(2) or (3) of this section, any 126734
city that, as of the date of filing of the petition under section 126735
349.03 of the Revised Code, is the city with the greatest 126736
population located in the county in which the proposed new 126737

community district is located, is the city with the greatest 126738
population located in an adjoining county if any portion of such 126739
city is within five miles of any part of the boundaries of such 126740
district, or exercises extraterritorial subdivision authority 126741
under section 711.09 of the Revised Code with respect to any part 126742
of such district. 126743

(2) A municipal corporation in which, at the time of filing 126744
the petition under section 349.03 of the Revised Code, any portion 126745
of the proposed new community district is located. 126746

(3) For a new community district other than a new community 126747
district described in division (M)(2) of this section, if at the 126748
time of filing the petition under section 349.03 of the Revised 126749
Code, more than one-half of the proposed district is contained 126750
within a joint economic development district created under 126751
sections 715.70 to 715.83 of the Revised Code, the township 126752
containing the greatest portion of the territory of the joint 126753
economic development district. 126754

(N) "Community activities" means cultural, educational, 126755
governmental, recreational, residential, industrial, commercial, 126756
distribution and research activities, or any combination thereof 126757
that includes residential activities. 126758

Sec. 921.06. (A)(1) No individual shall do any of the 126759
following without having a commercial applicator license issued by 126760
the director of agriculture: 126761

(a) Apply pesticides for a pesticide business without direct 126762
supervision; 126763

(b) Apply pesticides as part of the individual's duties while 126764
acting as an employee of the United States government, a state, 126765
county, township, or municipal corporation, or a park district, 126766
port authority, or sanitary district created under Chapter 1545., 126767

4582., or 6115. of the Revised Code, respectively; 126768

(c) Apply restricted use pesticides. Division (A)(1)(c) of 126769
this section does not apply to a private applicator or an 126770
immediate family member or a subordinate employee of a private 126771
applicator who is acting under the direct supervision of that 126772
private applicator. 126773

(d) If the individual is the owner of a business other than a 126774
pesticide business or an employee of such an owner, apply 126775
pesticides at any of the following publicly accessible sites that 126776
are located on the property: 126777

(i) Food service operations that are licensed under Chapter 126778
3717. of the Revised Code; 126779

(ii) Retail food establishments that are licensed under 126780
Chapter 3717. of the Revised Code; 126781

(iii) Golf courses; 126782

(iv) Rental properties of more than four apartment units at 126783
one location; 126784

(v) Hospitals or medical facilities as defined in section 126785
3701.01 of the Revised Code; 126786

(vi) Child ~~day-care~~ care centers or licensed school child 126787
~~day-care centers~~ programs as defined in section 5104.01 of the 126788
Revised Code; 126789

(vii) Facilities owned or operated by a school district 126790
established under Chapter 3311. of the Revised Code, including an 126791
educational service center, a community school established under 126792
Chapter 3314. of the Revised Code, or a chartered or nonchartered 126793
nonpublic school that meets minimum standards established by the 126794
state board of education; 126795

(viii) State institutions of higher education as defined in 126796
section 3345.011 of the Revised Code, nonprofit institutions 126797

holding a certificate of authorization pursuant to Chapter 1713. 126798
of the Revised Code, institutions holding a certificate of 126799
registration from the state board of career colleges and schools 126800
and program authorization for an associate or bachelor's degree 126801
program issued under section 3332.05 of the Revised Code, and 126802
private institutions exempt from regulation under Chapter 3332. of 126803
the Revised Code as prescribed in section 3333.046 of the Revised 126804
Code; 126805

(ix) Food processing establishments as defined in section 126806
3715.021 of the Revised Code; 126807

(x) Any other site designated by rule. 126808

(e) Conduct authorized diagnostic inspections. 126809

(2) Divisions (A)(1)(a) to (d) of this section do not apply 126810
to an individual who is acting as a trained serviceperson under 126811
the direct supervision of a commercial applicator. 126812

(3) Licenses shall be issued for a period of time established 126813
by rule and shall be renewed in accordance with deadlines 126814
established by rule. The fee for each such license shall be 126815
established by rule. If a license is not issued or renewed, the 126816
application fee shall be retained by the state as payment for the 126817
reasonable expense of processing the application. The director 126818
shall by rule classify by pesticide-use category licenses to be 126819
issued under this section. A single license may include more than 126820
one pesticide-use category. No individual shall be required to pay 126821
an additional license fee if the individual is licensed for more 126822
than one category. 126823

The fee for each license or renewal does not apply to an 126824
applicant who is an employee of the department of agriculture 126825
whose job duties require licensure as a commercial applicator as a 126826
condition of employment. 126827

(B) Application for a commercial applicator license shall be 126828

made on a form prescribed by the director. Each application for a license shall state the pesticide-use category or categories of license for which the applicant is applying and other information that the director determines essential to the administration of this chapter.

(C) If the director finds that the applicant is competent to apply pesticides and conduct diagnostic inspections and that the applicant has passed both the general examination and each applicable pesticide-use category examination as required under division (A) of section 921.12 of the Revised Code, the director shall issue a commercial applicator license limited to the pesticide-use category or categories for which the applicant is found to be competent. If the director rejects an application, the director may explain why the application was rejected, describe the additional requirements necessary for the applicant to obtain a license, and return the application. The applicant may resubmit the application without payment of any additional fee.

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

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

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

Sec. 1923.01. (A) As provided in this chapter, any judge of a county or municipal court or a court of common pleas, within the judge's proper area of jurisdiction, may inquire about persons who make unlawful and forcible entry into lands or tenements and

detain them, and about persons who make a lawful and peaceable entry into lands or tenements and hold them unlawfully and by force. If, upon the inquiry, it is found that an unlawful and forcible entry has been made and the lands or tenements are detained, or that, after a lawful entry, lands or tenements are held unlawfully and by force, a judge shall cause the plaintiff in an action under this chapter to have restitution of the lands or tenements.

(B) An action shall be brought under this chapter within two years after the cause of action accrues.

(C) As used in this chapter:

(1) "Tenant" means a person who is entitled under a rental agreement to the use or occupancy of premises, other than premises located in a manufactured home park, to the exclusion of others, except that as used in division (A)(6) of section 1923.02 and section 1923.051 of the Revised Code, "tenant" includes a manufactured home park resident.

(2) "Landlord" means the owner, lessor, or sublessor of premises, or the agent or person the landlord authorizes to manage premises or to receive rent from a tenant under a rental agreement, except, if required by the facts of the action to which the term is applied, "landlord" means a park operator.

(3) "Resident" has the same meaning as in section 4781.01 of the Revised Code.

(4) "Residential premises" has the same meaning as in section 5321.01 of the Revised Code, except, if required by the facts of the action to which the term is applied, "residential premises" has the same meaning as in section 4781.01 of the Revised Code.

(5) "Rental agreement" means any agreement or lease, written or oral, that establishes or modifies the terms, conditions, rules, or other provisions concerning the use or occupancy of

premises by one of the parties to the agreement or lease, except 126891
that "rental agreement," as used in division (A)(13) of section 126892
1923.02 of the Revised Code and where the context requires as used 126893
in this chapter, means a rental agreement as defined in division 126894
(D) of section 5322.01 of the Revised Code. 126895

(6) "Controlled substance" has the same meaning as in section 126896
3719.01 of the Revised Code. 126897

(7) "School premises" has the same meaning as in section 126898
2925.01 of the Revised Code. 126899

(8) "Sexually oriented offense" and "child-victim oriented 126900
offense" have the same meanings as in section 2950.01 of the 126901
Revised Code. 126902

(9) "Recreational vehicle" and "mobile home" have the same 126903
meanings as in section 4501.01 of the Revised Code. 126904

(10) "Manufactured home" has the same meaning as in section 126905
3781.06 of the Revised Code. 126906

(11) "Manufactured home park" has the same meaning as in 126907
section 4781.01 of the Revised Code and also means any tract of 126908
land upon which one or two manufactured or mobile homes used for 126909
habitation are parked, either free of charge or for revenue 126910
purposes, pursuant to rental agreements between the owners of the 126911
manufactured or mobile homes and the owner of the tract of land. 126912

(12) "Park operator" has the same meaning as in section 126913
4781.01 of the Revised Code and also means a landlord of premises 126914
upon which one or two manufactured or mobile homes used for 126915
habitation are parked, either free of charge or for revenue 126916
purposes, pursuant to rental agreements between the owners of the 126917
manufactured or mobile homes and a landlord who is not licensed as 126918
a manufactured home park operator pursuant to Chapter 4781. of the 126919
Revised Code. 126920

(13) "Personal property" means tangible personal property 126921
other than a manufactured home, mobile home, or recreational 126922
vehicle that is the subject of an action under this chapter. 126923

(14) "Preschool or child ~~day-care~~ care center premises" has 126924
the same meaning as in section 2950.034 of the Revised Code. 126925

Sec. 1923.02. (A) Proceedings under this chapter may be had 126926
as follows: 126927

(1) Against tenants or manufactured home park residents 126928
holding over their terms; 126929

(2) Against tenants or manufactured home park residents in 126930
possession under an oral tenancy, who are in default in the 126931
payment of rent as provided in division (B) of this section; 126932

(3) In sales of real estate, on executions, orders, or other 126933
judicial process, when the judgment debtor was in possession at 126934
the time of the rendition of the judgment or decree, by virtue of 126935
which the sale was made; 126936

(4) In sales by executors, administrators, or guardians, and 126937
on partition, when any of the parties to the complaint were in 126938
possession at the commencement of the action, after the sales, so 126939
made on execution or otherwise, have been examined by the proper 126940
court and adjudged legal; 126941

(5) When the defendant is an occupier of lands or tenements, 126942
without color of title, and the complainant has the right of 126943
possession to them; 126944

(6) In any other case of the unlawful and forcible detention 126945
of lands or tenements. For purposes of this division, in addition 126946
to any other type of unlawful and forcible detention of lands or 126947
tenements, such a detention may be determined to exist when both 126948
of the following apply: 126949

(a) A tenant fails to vacate residential premises within 126950

three days after both of the following occur: 126951

(i) The tenant's landlord has actual knowledge of or has 126952
reasonable cause to believe that the tenant, any person in the 126953
tenant's household, or any person on the premises with the consent 126954
of the tenant previously has or presently is engaged in a 126955
violation of Chapter 2925. or 3719. of the Revised Code, or of a 126956
municipal ordinance that is substantially similar to any section 126957
in either of those chapters, which involves a controlled substance 126958
and which occurred in, is occurring in, or otherwise was or is 126959
connected with the premises, whether or not the tenant or other 126960
person has been charged with, has pleaded guilty to or been 126961
convicted of, or has been determined to be a delinquent child for 126962
an act that, if committed by an adult, would be a violation as 126963
described in this division. For purposes of this division, a 126964
landlord has "actual knowledge of or has reasonable cause to 126965
believe" that a tenant, any person in the tenant's household, or 126966
any person on the premises with the consent of the tenant 126967
previously has or presently is engaged in a violation as described 126968
in this division if a search warrant was issued pursuant to 126969
Criminal Rule 41 or Chapter 2933. of the Revised Code; the 126970
affidavit presented to obtain the warrant named or described the 126971
tenant or person as the individual to be searched and particularly 126972
described the tenant's premises as the place to be searched, named 126973
or described one or more controlled substances to be searched for 126974
and seized, stated substantially the offense under Chapter 2925. 126975
or 3719. of the Revised Code or the substantially similar 126976
municipal ordinance that occurred in, is occurring in, or 126977
otherwise was or is connected with the tenant's premises, and 126978
states the factual basis for the affiant's belief that the 126979
controlled substances are located on the tenant's premises; the 126980
warrant was properly executed by a law enforcement officer and any 126981
controlled substance described in the affidavit was found by that 126982
officer during the search and seizure; and, subsequent to the 126983

search and seizure, the landlord was informed by that or another 126984
law enforcement officer of the fact that the tenant or person has 126985
or presently is engaged in a violation as described in this 126986
division and it occurred in, is occurring in, or otherwise was or 126987
is connected with the tenant's premises. 126988

(ii) The landlord gives the tenant the notice required by 126989
division (C) of section 5321.17 of the Revised Code. 126990

(b) The court determines, by a preponderance of the evidence, 126991
that the tenant, any person in the tenant's household, or any 126992
person on the premises with the consent of the tenant previously 126993
has or presently is engaged in a violation as described in 126994
division (A)(6)(a)(i) of this section. 126995

(7) In cases arising out of Chapter 5313. of the Revised 126996
Code. In those cases, the court has the authority to declare a 126997
forfeiture of the vendee's rights under a land installment 126998
contract and to grant any other claims arising out of the 126999
contract. 127000

(8) Against tenants who have breached an obligation that is 127001
imposed by section 5321.05 of the Revised Code, other than the 127002
obligation specified in division (A)(9) of that section, and that 127003
materially affects health and safety. Prior to the commencement of 127004
an action under this division, notice shall be given to the tenant 127005
and compliance secured with section 5321.11 of the Revised Code. 127006

(9) Against tenants who have breached an obligation imposed 127007
upon them by a written rental agreement; 127008

(10) Against manufactured home park residents who have 127009
defaulted in the payment of rent or breached the terms of a rental 127010
agreement with a park operator. Nothing in this division precludes 127011
the commencement of an action under division (A)(12) of this 127012
section when the additional circumstances described in that 127013
division apply. 127014

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

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

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

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

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

(b) The state registry of sex offenders and child-victim offenders indicates that the resident or occupant was convicted of or pleaded guilty to a sexually oriented offense or a child-victim

oriented offense in a criminal prosecution and was not sentenced 127046
to a serious youthful offender dispositional sentence for that 127047
offense. 127048

(15) Against any tenant who permits any person to occupy 127049
residential premises located within one thousand feet of any 127050
school premises, preschool or child ~~day-care~~ care center premises, 127051
children's crisis care facility premises, or residential infant 127052
care center premises if both of the following apply to the person: 127053

(a) The person's name appears on the state registry of sex 127054
offenders and child-victim offenders maintained under section 127055
2950.13 of the Revised Code. 127056

(b) The state registry of sex offenders and child-victim 127057
offenders indicates that the person was convicted of or pleaded 127058
guilty to a sexually oriented offense or a child-victim oriented 127059
offense in a criminal prosecution and was not sentenced to a 127060
serious youthful offender dispositional sentence for that offense. 127061

(B) If a tenant or manufactured home park resident holding 127062
under an oral tenancy is in default in the payment of rent, the 127063
tenant or resident forfeits the right of occupancy, and the 127064
landlord may, at the landlord's option, terminate the tenancy by 127065
notifying the tenant or resident, as provided in section 1923.04 127066
of the Revised Code, to leave the premises, for the restitution of 127067
which an action may then be brought under this chapter. 127068

(C)(1) If a tenant or any other person with the tenant's 127069
permission resides in or occupies residential premises that are 127070
located within one thousand feet of any school premises, 127071
children's crisis care facility premises, or residential infant 127072
care center premises and is a resident or occupant of the type 127073
described in division (A)(14) of this section or a person of the 127074
type described in division (A)(15) of this section, the landlord 127075
for those residential premises, upon discovery that the tenant or 127076

other person is a resident, occupant, or person of that nature, 127077
may terminate the rental agreement or tenancy for those 127078
residential premises by notifying the tenant and all other 127079
occupants, as provided in section 1923.04 of the Revised Code, to 127080
leave the premises. 127081

(2) If a landlord is authorized to terminate a rental 127082
agreement or tenancy pursuant to division (C)(1) of this section 127083
but does not so terminate the rental agreement or tenancy, the 127084
landlord is not liable in a tort or other civil action in damages 127085
for any injury, death, or loss to person or property that 127086
allegedly result from that decision. 127087

(D) This chapter does not apply to a student tenant as 127088
defined by division (H) of section 5321.01 of the Revised Code 127089
when the college or university proceeds to terminate a rental 127090
agreement pursuant to section 5321.031 of the Revised Code. 127091

(E) As used in this section, "children's crisis care facility 127092
premises" and "residential infant care center premises" have the 127093
same meanings as in section 2950.034 of the Revised Code. 127094

Sec. 2151.011. (A) As used in the Revised Code: 127095

(1) "Juvenile court" means whichever of the following is 127096
applicable that has jurisdiction under this chapter and Chapter 127097
2152. of the Revised Code: 127098

(a) The division of the court of common pleas specified in 127099
section 2101.022 or 2301.03 of the Revised Code as having 127100
jurisdiction under this chapter and Chapter 2152. of the Revised 127101
Code or as being the juvenile division or the juvenile division 127102
combined with one or more other divisions; 127103

(b) The juvenile court of Cuyahoga county or Hamilton county 127104
that is separately and independently created by section 2151.08 or 127105
Chapter 2153. of the Revised Code and that has jurisdiction under 127106

this chapter and Chapter 2152. of the Revised Code;	127107
(c) If division (A)(1)(a) or (b) of this section does not apply, the probate division of the court of common pleas.	127108 127109
(2) "Juvenile judge" means a judge of a court having jurisdiction under this chapter.	127110 127111
(3) "Private child placing agency" means any association, as defined in section 5103.02 of the Revised Code, that is certified under section 5103.03 of the Revised Code to accept temporary, permanent, or legal custody of children and place the children for either foster care or adoption.	127112 127113 127114 127115 127116
(4) "Private noncustodial agency" means any person, organization, association, or society certified by the department of job and family services that does not accept temporary or permanent legal custody of children, that is privately operated in this state, and that does one or more of the following:	127117 127118 127119 127120 127121
(a) Receives and cares for children for two or more consecutive weeks;	127122 127123
(b) Participates in the placement of children in certified foster homes;	127124 127125
(c) Provides adoption services in conjunction with a public children services agency or private child placing agency.	127126 127127
(B) As used in this chapter:	127128
(1) "Adequate parental care" means the provision by a child's parent or parents, guardian, or custodian of adequate food, clothing, and shelter to ensure the child's health and physical safety and the provision by a child's parent or parents of specialized services warranted by the child's physical or mental needs.	127129 127130 127131 127132 127133 127134
(2) "Adult" means an individual who is eighteen years of age or older.	127135 127136

(3) "Agreement for temporary custody" means a voluntary agreement authorized by section 5103.15 of the Revised Code that transfers the temporary custody of a child to a public children services agency or a private child placing agency.

(4) "Alternative response" means the public children services agency's response to a report of child abuse or neglect that engages the family in a comprehensive evaluation of child safety, risk of subsequent harm, and family strengths and needs and that does not include a determination as to whether child abuse or neglect occurred.

(5) "Certified foster home" means a foster home, as defined in section 5103.02 of the Revised Code, certified under section 5103.03 of the Revised Code.

(6) "Child" means a person who is under eighteen years of age, except that the juvenile court has jurisdiction over any person who is adjudicated an unruly child prior to attaining eighteen years of age until the person attains twenty-one years of age, and, for purposes of that jurisdiction related to that adjudication, a person who is so adjudicated an unruly child shall be deemed a "child" until the person attains twenty-one years of age.

(7) "Child day camp," "child care," "child ~~day-care~~ care center," "part-time child ~~day-care~~ care center," "type A family ~~day-care~~ child care home," "licensed type B family ~~day-care~~ child care home," "type B family ~~day-care~~ child care home," "administrator of a child ~~day-care~~ care center," "administrator of a type A family ~~day-care~~ child care home," and "in-home aide" have the same meanings as in section 5104.01 of the Revised Code.

(8) "Child care provider" means an individual who is a child-care staff member or administrator of a child ~~day-care~~ care center, a type A family ~~day-care~~ child care home, or a type B

family ~~day-care~~ child care home, or an in-home aide or an 127168
individual who is licensed, is regulated, is approved, operates 127169
under the direction of, or otherwise is certified by the 127170
department of job and family services, department of developmental 127171
disabilities, or the early childhood programs of the department of 127172
education. 127173

(9) "Commit" means to vest custody as ordered by the court. 127174

(10) "Counseling" includes both of the following: 127175

(a) General counseling services performed by a public 127176
children services agency or shelter for victims of domestic 127177
violence to assist a child, a child's parents, and a child's 127178
siblings in alleviating identified problems that may cause or have 127179
caused the child to be an abused, neglected, or dependent child. 127180

(b) Psychiatric or psychological therapeutic counseling 127181
services provided to correct or alleviate any mental or emotional 127182
illness or disorder and performed by a licensed psychiatrist, 127183
licensed psychologist, or a person licensed under Chapter 4757. of 127184
the Revised Code to engage in social work or professional 127185
counseling. 127186

(11) "Custodian" means a person who has legal custody of a 127187
child or a public children services agency or private child 127188
placing agency that has permanent, temporary, or legal custody of 127189
a child. 127190

(12) "Delinquent child" has the same meaning as in section 127191
2152.02 of the Revised Code. 127192

(13) "Detention" means the temporary care of children pending 127193
court adjudication or disposition, or execution of a court order, 127194
in a public or private facility designed to physically restrict 127195
the movement and activities of children. 127196

(14) "Developmental disability" has the same meaning as in 127197

section 5123.01 of the Revised Code. 127198

(15) "Differential response approach" means an approach that 127199
a public children services agency may use to respond to accepted 127200
reports of child abuse or neglect with either an alternative 127201
response or a traditional response. 127202

(16) "Foster caregiver" has the same meaning as in section 127203
5103.02 of the Revised Code. 127204

(17) "Guardian" means a person, association, or corporation 127205
that is granted authority by a probate court pursuant to Chapter 127206
2111. of the Revised Code to exercise parental rights over a child 127207
to the extent provided in the court's order and subject to the 127208
residual parental rights of the child's parents. 127209

(18) "Habitual truant" means any child of compulsory school 127210
age who is absent without legitimate excuse for absence from the 127211
public school the child is supposed to attend for thirty or more 127212
consecutive hours, forty-two or more hours in one school month, or 127213
seventy-two or more hours in a school year. 127214

(19) "Intellectual disability" has the same meaning as in 127215
section 5123.01 of the Revised Code. 127216

(20) "Juvenile traffic offender" has the same meaning as in 127217
section 2152.02 of the Revised Code. 127218

(21) "Legal custody" means a legal status that vests in the 127219
custodian the right to have physical care and control of the child 127220
and to determine where and with whom the child shall live, and the 127221
right and duty to protect, train, and discipline the child and to 127222
provide the child with food, shelter, education, and medical care, 127223
all subject to any residual parental rights, privileges, and 127224
responsibilities. An individual granted legal custody shall 127225
exercise the rights and responsibilities personally unless 127226
otherwise authorized by any section of the Revised Code or by the 127227
court. 127228

(22) A "legitimate excuse for absence from the public school 127229
the child is supposed to attend" includes, but is not limited to, 127230
any of the following: 127231

(a) The fact that the child in question has enrolled in and 127232
is attending another public or nonpublic school in this or another 127233
state; 127234

(b) The fact that the child in question is excused from 127235
attendance at school for any of the reasons specified in section 127236
3321.04 of the Revised Code; 127237

(c) The fact that the child in question has received an age 127238
and schooling certificate in accordance with section 3331.01 of 127239
the Revised Code. 127240

(23) "Mental illness" has the same meaning as in section 127241
5122.01 of the Revised Code. 127242

(24) "Mental injury" means any behavioral, cognitive, 127243
emotional, or mental disorder in a child caused by an act or 127244
omission that is described in section 2919.22 of the Revised Code 127245
and is committed by the parent or other person responsible for the 127246
child's care. 127247

(25) "Nonsecure care, supervision, or training" means care, 127248
supervision, or training of a child in a facility that does not 127249
confine or prevent movement of the child within the facility or 127250
from the facility. 127251

(26) "Of compulsory school age" has the same meaning as in 127252
section 3321.01 of the Revised Code. 127253

(27) "Organization" means any institution, public, 127254
semipublic, or private, and any private association, society, or 127255
agency located or operating in the state, incorporated or 127256
unincorporated, having among its functions the furnishing of 127257
protective services or care for children, or the placement of 127258

children in certified foster homes or elsewhere. 127259

(28) "Out-of-home care" means detention facilities, shelter 127260
facilities, certified children's crisis care facilities, certified 127261
foster homes, placement in a prospective adoptive home prior to 127262
the issuance of a final decree of adoption, organizations, 127263
certified organizations, child ~~day-care~~ care centers, type A 127264
family ~~day-care~~ child care homes, type B family ~~day-care~~ child 127265
care homes, child care provided by in-home aides, group home 127266
providers, group homes, institutions, state institutions, 127267
residential facilities, residential care facilities, residential 127268
camps, day camps, private, nonprofit therapeutic wilderness camps, 127269
public schools, chartered nonpublic schools, educational service 127270
centers, hospitals, and medical clinics that are responsible for 127271
the care, physical custody, or control of children. 127272

(29) "Out-of-home care child abuse" means any of the 127273
following when committed by a person responsible for the care of a 127274
child in out-of-home care: 127275

(a) Engaging in sexual activity with a child in the person's 127276
care; 127277

(b) Denial to a child, as a means of punishment, of proper or 127278
necessary subsistence, education, medical care, or other care 127279
necessary for a child's health; 127280

(c) Use of restraint procedures on a child that cause injury 127281
or pain; 127282

(d) Administration of prescription drugs or psychotropic 127283
medication to the child without the written approval and ongoing 127284
supervision of a licensed physician; 127285

(e) Commission of any act, other than by accidental means, 127286
that results in any injury to or death of the child in out-of-home 127287
care or commission of any act by accidental means that results in 127288
an injury to or death of a child in out-of-home care and that is 127289

at variance with the history given of the injury or death. 127290

(30) "Out-of-home care child neglect" means any of the 127291
following when committed by a person responsible for the care of a 127292
child in out-of-home care: 127293

(a) Failure to provide reasonable supervision according to 127294
the standards of care appropriate to the age, mental and physical 127295
condition, or other special needs of the child; 127296

(b) Failure to provide reasonable supervision according to 127297
the standards of care appropriate to the age, mental and physical 127298
condition, or other special needs of the child, that results in 127299
sexual or physical abuse of the child by any person; 127300

(c) Failure to develop a process for all of the following: 127301

(i) Administration of prescription drugs or psychotropic 127302
drugs for the child; 127303

(ii) Assuring that the instructions of the licensed physician 127304
who prescribed a drug for the child are followed; 127305

(iii) Reporting to the licensed physician who prescribed the 127306
drug all unfavorable or dangerous side effects from the use of the 127307
drug. 127308

(d) Failure to provide proper or necessary subsistence, 127309
education, medical care, or other individualized care necessary 127310
for the health or well-being of the child; 127311

(e) Confinement of the child to a locked room without 127312
monitoring by staff; 127313

(f) Failure to provide ongoing security for all prescription 127314
and nonprescription medication; 127315

(g) Isolation of a child for a period of time when there is 127316
substantial risk that the isolation, if continued, will impair or 127317
retard the mental health or physical well-being of the child. 127318

(31) "Permanent custody" means a legal status that vests in a public children services agency or a private child placing agency, all parental rights, duties, and obligations, including the right to consent to adoption, and divests the natural parents or adoptive parents of all parental rights, privileges, and obligations, including all residual rights and obligations.

(32) "Permanent surrender" means the act of the parents or, if a child has only one parent, of the parent of a child, by a voluntary agreement authorized by section 5103.15 of the Revised Code, to transfer the permanent custody of the child to a public children services agency or a private child placing agency.

(33) "Person" means an individual, association, corporation, or partnership and the state or any of its political subdivisions, departments, or agencies.

(34) "Person responsible for a child's care in out-of-home care" means any of the following:

(a) Any foster caregiver, in-home aide, or provider;

(b) Any administrator, employee, or agent of any of the following: a public or private detention facility; shelter facility; certified children's crisis care facility; organization; certified organization; child ~~day-care~~ care center; type A family ~~day-care~~ child care home; licensed type B family ~~day-care~~ child care home; group home; institution; state institution; residential facility; residential care facility; residential camp; day camp; school district; community school; chartered nonpublic school; educational service center; hospital; or medical clinic;

(c) Any person who supervises or coaches children as part of an extracurricular activity sponsored by a school district, public school, or chartered nonpublic school;

(d) Any other person who performs a similar function with respect to, or has a similar relationship to, children.

- (35) "Physical impairment" means having one or more of the following conditions that substantially limit one or more of an individual's major life activities, including self-care, receptive and expressive language, learning, mobility, and self-direction:
- (a) A substantial impairment of vision, speech, or hearing;
 - (b) A congenital orthopedic impairment;
 - (c) An orthopedic impairment caused by disease, rheumatic fever or any other similar chronic or acute health problem, or amputation or another similar cause.
- (36) "Placement for adoption" means the arrangement by a public children services agency or a private child placing agency with a person for the care and adoption by that person of a child of whom the agency has permanent custody.
- (37) "Placement in foster care" means the arrangement by a public children services agency or a private child placing agency for the out-of-home care of a child of whom the agency has temporary custody or permanent custody.
- (38) "Planned permanent living arrangement" means an order of a juvenile court pursuant to which both of the following apply:
- (a) The court gives legal custody of a child to a public children services agency or a private child placing agency without the termination of parental rights.
 - (b) The order permits the agency to make an appropriate placement of the child and to enter into a written agreement with a foster care provider or with another person or agency with whom the child is placed.
- (39) "Practice of social work" and "practice of professional counseling" have the same meanings as in section 4757.01 of the Revised Code.
- (40) "Private, nonprofit therapeutic wilderness camp" has the

same meaning as in section 5103.02 of the Revised Code. 127380

(41) "Sanction, service, or condition" means a sanction, 127381
service, or condition created by court order following an 127382
adjudication that a child is an unruly child that is described in 127383
division (A)(4) of section 2152.19 of the Revised Code. 127384

(42) "Protective supervision" means an order of disposition 127385
pursuant to which the court permits an abused, neglected, 127386
dependent, or unruly child to remain in the custody of the child's 127387
parents, guardian, or custodian and stay in the child's home, 127388
subject to any conditions and limitations upon the child, the 127389
child's parents, guardian, or custodian, or any other person that 127390
the court prescribes, including supervision as directed by the 127391
court for the protection of the child. 127392

(43) "Psychiatrist" has the same meaning as in section 127393
5122.01 of the Revised Code. 127394

(44) "Psychologist" has the same meaning as in section 127395
4732.01 of the Revised Code. 127396

(45) "Resource caregiver" has the same meaning as in section 127397
5103.02 of the Revised Code. 127398

(46) "Resource family" has the same meaning as in section 127399
5103.02 of the Revised Code. 127400

(47) "Residential camp" means a program in which the care, 127401
physical custody, or control of children is accepted overnight for 127402
recreational or recreational and educational purposes. 127403

(48) "Residential care facility" means an institution, 127404
residence, or facility that is licensed by the department of 127405
mental health and addiction services under section 5119.34 of the 127406
Revised Code and that provides care for a child. 127407

(49) "Residential facility" means a home or facility that is 127408
licensed by the department of developmental disabilities under 127409

section 5123.19 of the Revised Code and in which a child with a developmental disability resides.

(50) "Residual parental rights, privileges, and responsibilities" means those rights, privileges, and responsibilities remaining with the natural parent after the transfer of legal custody of the child, including, but not necessarily limited to, the privilege of reasonable visitation, consent to adoption, the privilege to determine the child's religious affiliation, and the responsibility for support.

(51) "School day" means the school day established by the board of education of the applicable school district pursuant to section 3313.481 of the Revised Code.

(52) "School year" has the same meaning as in section 3313.62 of the Revised Code.

(53) "Secure correctional facility" means a facility under the direction of the department of youth services that is designed to physically restrict the movement and activities of children and used for the placement of children after adjudication and disposition.

(54) "Sexual activity" has the same meaning as in section 2907.01 of the Revised Code.

(55) "Shelter" means the temporary care of children in physically unrestricted facilities pending court adjudication or disposition.

(56) "Shelter for victims of domestic violence" has the same meaning as in section 3113.33 of the Revised Code.

(57) "Temporary custody" means legal custody of a child who is removed from the child's home, which custody may be terminated at any time at the discretion of the court or, if the legal custody is granted in an agreement for temporary custody, by the

person who executed the agreement. 127440

(58) "Traditional response" means a public children services 127441
agency's response to a report of child abuse or neglect that 127442
encourages engagement of the family in a comprehensive evaluation 127443
of the child's current and future safety needs and a fact-finding 127444
process to determine whether child abuse or neglect occurred and 127445
the circumstances surrounding the alleged harm or risk of harm. 127446

(C) For the purposes of this chapter, a child shall be 127447
presumed abandoned when the parents of the child have failed to 127448
visit or maintain contact with the child for more than ninety 127449
days, regardless of whether the parents resume contact with the 127450
child after that period of ninety days. 127451

Sec. 2151.421. (A)(1)(a) No person described in division 127452
(A)(1)(b) of this section who is acting in an official or 127453
professional capacity and knows, or has reasonable cause to 127454
suspect based on facts that would cause a reasonable person in a 127455
similar position to suspect, that a child under eighteen years of 127456
age, or a person under twenty-one years of age with a 127457
developmental disability or physical impairment, has suffered or 127458
faces a threat of suffering any physical or mental wound, injury, 127459
disability, or condition of a nature that reasonably indicates 127460
abuse or neglect of the child shall fail to immediately report 127461
that knowledge or reasonable cause to suspect to the entity or 127462
persons specified in this division. Except as otherwise provided 127463
in this division or section 5120.173 of the Revised Code, the 127464
person making the report shall make it to the public children 127465
services agency or a peace officer in the county in which the 127466
child resides or in which the abuse or neglect is occurring or has 127467
occurred. If the person making the report is a peace officer, the 127468
officer shall make it to the public children services agency in 127469
the county in which the child resides or in which the abuse or 127470

neglect is occurring or has occurred. In the circumstances 127471
described in section 5120.173 of the Revised Code, the person 127472
making the report shall make it to the entity specified in that 127473
section. 127474

(b) Division (A)(1)(a) of this section applies to any person 127475
who is an attorney; health care professional; practitioner of a 127476
limited branch of medicine as specified in section 4731.15 of the 127477
Revised Code; licensed school psychologist; independent marriage 127478
and family therapist or marriage and family therapist; coroner; 127479
administrator or employee of a child ~~day-care~~ care center; 127480
administrator or employee of a residential camp, child day camp, 127481
or private, nonprofit therapeutic wilderness camp; administrator 127482
or employee of a certified child care agency or other public or 127483
private children services agency; school teacher; school employee; 127484
school authority; peace officer; humane society agent; dog warden, 127485
deputy dog warden, or other person appointed to act as an animal 127486
control officer for a municipal corporation or township in 127487
accordance with state law, an ordinance, or a resolution; person, 127488
other than a cleric, rendering spiritual treatment through prayer 127489
in accordance with the tenets of a well-recognized religion; 127490
employee of a county department of job and family services who is 127491
a professional and who works with children and families; 127492
superintendent or regional administrator employed by the 127493
department of youth services; superintendent, board member, or 127494
employee of a county board of developmental disabilities; 127495
investigative agent contracted with by a county board of 127496
developmental disabilities; employee of the department of 127497
developmental disabilities; employee of a facility or home that 127498
provides respite care in accordance with section 5123.171 of the 127499
Revised Code; employee of an entity that provides homemaker 127500
services; employee of a qualified organization as defined in 127501
section 2151.90 of the Revised Code; a host family as defined in 127502

section 2151.90 of the Revised Code; foster caregiver; a person 127503
performing the duties of an assessor pursuant to Chapter 3107. or 127504
5103. of the Revised Code; third party employed by a public 127505
children services agency to assist in providing child or family 127506
related services; court appointed special advocate; or guardian ad 127507
litem. 127508

(c) If two or more health care professionals, after providing 127509
health care services to a child, determine or suspect that the 127510
child has been or is being abused or neglected, the health care 127511
professionals may designate one of the health care professionals 127512
to report the abuse or neglect. A single report made under this 127513
division shall meet the reporting requirements of division (A)(1) 127514
of this section. 127515

(2) Except as provided in division (A)(3) of this section, an 127516
attorney or a physician is not required to make a report pursuant 127517
to division (A)(1) of this section concerning any communication 127518
the attorney or physician receives from a client or patient in an 127519
attorney-client or physician-patient relationship, if, in 127520
accordance with division (A) or (B) of section 2317.02 of the 127521
Revised Code, the attorney or physician could not testify with 127522
respect to that communication in a civil or criminal proceeding. 127523

(3) The client or patient in an attorney-client or 127524
physician-patient relationship described in division (A)(2) of 127525
this section is deemed to have waived any testimonial privilege 127526
under division (A) or (B) of section 2317.02 of the Revised Code 127527
with respect to any communication the attorney or physician 127528
receives from the client or patient in that attorney-client or 127529
physician-patient relationship, and the attorney or physician 127530
shall make a report pursuant to division (A)(1) of this section 127531
with respect to that communication, if all of the following apply: 127532

(a) The client or patient, at the time of the communication, 127533
is a child under eighteen years of age or is a person under 127534

twenty-one years of age with a developmental disability or 127535
physical impairment. 127536

(b) The attorney or physician knows, or has reasonable cause 127537
to suspect based on facts that would cause a reasonable person in 127538
similar position to suspect that the client or patient has 127539
suffered or faces a threat of suffering any physical or mental 127540
wound, injury, disability, or condition of a nature that 127541
reasonably indicates abuse or neglect of the client or patient. 127542

(c) The abuse or neglect does not arise out of the client's 127543
or patient's attempt to have an abortion without the notification 127544
of her parents, guardian, or custodian in accordance with section 127545
2151.85 of the Revised Code. 127546

(4)(a) No cleric and no person, other than a volunteer, 127547
designated by any church, religious society, or faith acting as a 127548
leader, official, or delegate on behalf of the church, religious 127549
society, or faith who is acting in an official or professional 127550
capacity, who knows, or has reasonable cause to believe based on 127551
facts that would cause a reasonable person in a similar position 127552
to believe, that a child under eighteen years of age, or a person 127553
under twenty-one years of age with a developmental disability or 127554
physical impairment, has suffered or faces a threat of suffering 127555
any physical or mental wound, injury, disability, or condition of 127556
a nature that reasonably indicates abuse or neglect of the child, 127557
and who knows, or has reasonable cause to believe based on facts 127558
that would cause a reasonable person in a similar position to 127559
believe, that another cleric or another person, other than a 127560
volunteer, designated by a church, religious society, or faith 127561
acting as a leader, official, or delegate on behalf of the church, 127562
religious society, or faith caused, or poses the threat of 127563
causing, the wound, injury, disability, or condition that 127564
reasonably indicates abuse or neglect shall fail to immediately 127565
report that knowledge or reasonable cause to believe to the entity 127566

or persons specified in this division. Except as provided in 127567
section 5120.173 of the Revised Code, the person making the report 127568
shall make it to the public children services agency or a peace 127569
officer in the county in which the child resides or in which the 127570
abuse or neglect is occurring or has occurred. In the 127571
circumstances described in section 5120.173 of the Revised Code, 127572
the person making the report shall make it to the entity specified 127573
in that section. 127574

(b) Except as provided in division (A)(4)(c) of this section, 127575
a cleric is not required to make a report pursuant to division 127576
(A)(4)(a) of this section concerning any communication the cleric 127577
receives from a penitent in a cleric-penitent relationship, if, in 127578
accordance with division (C) of section 2317.02 of the Revised 127579
Code, the cleric could not testify with respect to that 127580
communication in a civil or criminal proceeding. 127581

(c) The penitent in a cleric-penitent relationship described 127582
in division (A)(4)(b) of this section is deemed to have waived any 127583
testimonial privilege under division (C) of section 2317.02 of the 127584
Revised Code with respect to any communication the cleric receives 127585
from the penitent in that cleric-penitent relationship, and the 127586
cleric shall make a report pursuant to division (A)(4)(a) of this 127587
section with respect to that communication, if all of the 127588
following apply: 127589

(i) The penitent, at the time of the communication, is a 127590
child under eighteen years of age or is a person under twenty-one 127591
years of age with a developmental disability or physical 127592
impairment. 127593

(ii) The cleric knows, or has reasonable cause to believe 127594
based on facts that would cause a reasonable person in a similar 127595
position to believe, as a result of the communication or any 127596
observations made during that communication, the penitent has 127597
suffered or faces a threat of suffering any physical or mental 127598

wound, injury, disability, or condition of a nature that 127599
reasonably indicates abuse or neglect of the penitent. 127600

(iii) The abuse or neglect does not arise out of the 127601
penitent's attempt to have an abortion performed upon a child 127602
under eighteen years of age or upon a person under twenty-one 127603
years of age with a developmental disability or physical 127604
impairment without the notification of her parents, guardian, or 127605
custodian in accordance with section 2151.85 of the Revised Code. 127606

(d) Divisions (A)(4)(a) and (c) of this section do not apply 127607
in a cleric-penitent relationship when the disclosure of any 127608
communication the cleric receives from the penitent is in 127609
violation of the sacred trust. 127610

(e) As used in divisions (A)(1) and (4) of this section, 127611
"cleric" and "sacred trust" have the same meanings as in section 127612
2317.02 of the Revised Code. 127613

(B) Anyone who knows, or has reasonable cause to suspect 127614
based on facts that would cause a reasonable person in similar 127615
circumstances to suspect, that a child under eighteen years of 127616
age, or a person under twenty-one years of age with a 127617
developmental disability or physical impairment, has suffered or 127618
faces a threat of suffering any physical or mental wound, injury, 127619
disability, or other condition of a nature that reasonably 127620
indicates abuse or neglect of the child may report or cause 127621
reports to be made of that knowledge or reasonable cause to 127622
suspect to the entity or persons specified in this division. 127623
Except as provided in section 5120.173 of the Revised Code, a 127624
person making a report or causing a report to be made under this 127625
division shall make it or cause it to be made to the public 127626
children services agency or to a peace officer. In the 127627
circumstances described in section 5120.173 of the Revised Code, a 127628
person making a report or causing a report to be made under this 127629
division shall make it or cause it to be made to the entity 127630

specified in that section. 127631

(C) Any report made pursuant to division (A) or (B) of this 127632
section shall be made forthwith either by telephone or in person 127633
and shall be followed by a written report, if requested by the 127634
receiving agency or officer. The written report shall contain: 127635

(1) The names and addresses of the child and the child's 127636
parents or the person or persons having custody of the child, if 127637
known; 127638

(2) The child's age and the nature and extent of the child's 127639
injuries, abuse, or neglect that is known or reasonably suspected 127640
or believed, as applicable, to have occurred or of the threat of 127641
injury, abuse, or neglect that is known or reasonably suspected or 127642
believed, as applicable, to exist, including any evidence of 127643
previous injuries, abuse, or neglect; 127644

(3) Any other information, including, but not limited to, 127645
results and reports of any medical examinations, tests, or 127646
procedures performed under division (D) of this section, that 127647
might be helpful in establishing the cause of the injury, abuse, 127648
or neglect that is known or reasonably suspected or believed, as 127649
applicable, to have occurred or of the threat of injury, abuse, or 127650
neglect that is known or reasonably suspected or believed, as 127651
applicable, to exist. 127652

(D)(1) Any person, who is required by division (A) of this 127653
section to report child abuse or child neglect that is known or 127654
reasonably suspected or believed to have occurred, may take or 127655
cause to be taken color photographs of areas of trauma visible on 127656
a child and, if medically necessary for the purpose of diagnosing 127657
or treating injuries that are suspected to have occurred as a 127658
result of child abuse or child neglect, perform or cause to be 127659
performed radiological examinations and any other medical 127660
examinations of, and tests or procedures on, the child. 127661

(2) The results and any available reports of examinations, tests, or procedures made under division (D)(1) of this section shall be included in a report made pursuant to division (A) of this section. Any additional reports of examinations, tests, or procedures that become available shall be provided to the public children services agency, upon request.

(3) If a health care professional provides health care services in a hospital, children's advocacy center, or emergency medical facility to a child about whom a report has been made under division (A) of this section, the health care professional may take any steps that are reasonably necessary for the release or discharge of the child to an appropriate environment. Before the child's release or discharge, the health care professional may obtain information, or consider information obtained, from other entities or individuals that have knowledge about the child. Nothing in division (D)(3) of this section shall be construed to alter the responsibilities of any person under sections 2151.27 and 2151.31 of the Revised Code.

(4) A health care professional may conduct medical examinations, tests, or procedures on the siblings of a child about whom a report has been made under division (A) of this section and on other children who reside in the same home as the child, if the professional determines that the examinations, tests, or procedures are medically necessary to diagnose or treat the siblings or other children in order to determine whether reports under division (A) of this section are warranted with respect to such siblings or other children. The results of the examinations, tests, or procedures on the siblings and other children may be included in a report made pursuant to division (A) of this section.

(5) Medical examinations, tests, or procedures conducted under divisions (D)(1) and (4) of this section and decisions

regarding the release or discharge of a child under division 127694
(D)(3) of this section do not constitute a law enforcement 127695
investigation or activity. 127696

(E)(1) When a peace officer receives a report made pursuant 127697
to division (A) or (B) of this section, upon receipt of the 127698
report, the peace officer who receives the report shall refer the 127699
report to the appropriate public children services agency, in 127700
accordance with requirements specified under division (B)(6) of 127701
section 2151.4211 of the Revised Code, unless an arrest is made at 127702
the time of the report that results in the appropriate public 127703
children services agency being contacted concerning the possible 127704
abuse or neglect of a child or the possible threat of abuse or 127705
neglect of a child. 127706

(2) When a public children services agency receives a report 127707
pursuant to this division or division (A) or (B) of this section, 127708
upon receipt of the report, the public children services agency 127709
shall do all of the following: 127710

(a) Comply with section 2151.422 of the Revised Code; 127711

(b) If the county served by the agency is also served by a 127712
children's advocacy center and the report alleges sexual abuse of 127713
a child or another type of abuse of a child that is specified in 127714
the memorandum of understanding that creates the center as being 127715
within the center's jurisdiction, comply regarding the report with 127716
the protocol and procedures for referrals and investigations, with 127717
the coordinating activities, and with the authority or 127718
responsibility for performing or providing functions, activities, 127719
and services stipulated in the interagency agreement entered into 127720
under section 2151.428 of the Revised Code relative to that 127721
center; 127722

(c) Unless an arrest is made at the time of the report that 127723
results in the appropriate law enforcement agency being contacted 127724

concerning the possible abuse or neglect of a child or the possible threat of abuse or neglect of a child, and in accordance with requirements specified under division (B)(6) of section 2151.4211 of the Revised Code, notify the appropriate law enforcement agency of the report, if the public children services agency received either of the following:

(i) A report of abuse of a child;

(ii) A report of neglect of a child that alleges a type of neglect identified by the department of job and family services in rules adopted under division (L)(2) of this section.

(F) No peace officer shall remove a child about whom a report is made pursuant to this section from the child's parents, stepparents, or guardian or any other persons having custody of the child without consultation with the public children services agency, unless, in the judgment of the officer, and, if the report was made by physician, the physician, immediate removal is considered essential to protect the child from further abuse or neglect. The agency that must be consulted shall be the agency conducting the investigation of the report as determined pursuant to section 2151.422 of the Revised Code.

(G)(1) Except as provided in section 2151.422 of the Revised Code or in an interagency agreement entered into under section 2151.428 of the Revised Code that applies to the particular report, the public children services agency shall investigate, within twenty-four hours, each report of child abuse or child neglect that is known or reasonably suspected or believed to have occurred and of a threat of child abuse or child neglect that is known or reasonably suspected or believed to exist that is referred to it under this section to determine the circumstances surrounding the injuries, abuse, or neglect or the threat of injury, abuse, or neglect, the cause of the injuries, abuse, neglect, or threat, and the person or persons responsible. The

investigation shall be made in cooperation with the law 127757
enforcement agency and in accordance with the memorandum of 127758
understanding prepared under sections 2151.4210 to 2151.4224 of 127759
the Revised Code. A representative of the public children services 127760
agency shall, at the time of initial contact with the person 127761
subject to the investigation, inform the person of the specific 127762
complaints or allegations made against the person. The information 127763
shall be given in a manner that is consistent with division (I)(1) 127764
of this section and protects the rights of the person making the 127765
report under this section. 127766

A failure to make the investigation in accordance with the 127767
memorandum is not grounds for, and shall not result in, the 127768
dismissal of any charges or complaint arising from the report or 127769
the suppression of any evidence obtained as a result of the report 127770
and does not give, and shall not be construed as giving, any 127771
rights or any grounds for appeal or post-conviction relief to any 127772
person. The public children services agency shall report each case 127773
to the uniform statewide automated child welfare information 127774
system that the department of job and family services shall 127775
maintain in accordance with section 5101.13 of the Revised Code. 127776
The public children services agency shall submit a report of its 127777
investigation, in writing, to the law enforcement agency. 127778

(2) The public children services agency shall make any 127779
recommendations to the county prosecuting attorney or city 127780
director of law that it considers necessary to protect any 127781
children that are brought to its attention. 127782

(H)(1)(a) Except as provided in divisions (H)(1)(b) and 127783
(I)(3) of this section, any person, health care professional, 127784
hospital, institution, school, health department, or agency shall 127785
be immune from any civil or criminal liability for injury, death, 127786
or loss to person or property that otherwise might be incurred or 127787
imposed as a result of any of the following: 127788

(i) Participating in the making of reports pursuant to 127789
division (A) of this section or in the making of reports in good 127790
faith, pursuant to division (B) of this section; 127791

(ii) Participating in medical examinations, tests, or 127792
procedures under division (D) of this section; 127793

(iii) Providing information used in a report made pursuant to 127794
division (A) of this section or providing information in good 127795
faith used in a report made pursuant to division (B) of this 127796
section; 127797

(iv) Participating in a judicial proceeding resulting from a 127798
report made pursuant to division (A) of this section or 127799
participating in good faith in a proceeding resulting from a 127800
report made pursuant to division (B) of this section. 127801

(b) Immunity under division (H)(1)(a)(ii) of this section 127802
shall not apply when a health care provider has deviated from the 127803
standard of care applicable to the provider's profession. 127804

(c) Notwithstanding section 4731.22 of the Revised Code, the 127805
physician-patient privilege shall not be a ground for excluding 127806
evidence regarding a child's injuries, abuse, or neglect, or the 127807
cause of the injuries, abuse, or neglect in any judicial 127808
proceeding resulting from a report submitted pursuant to this 127809
section. 127810

(2) In any civil or criminal action or proceeding in which it 127811
is alleged and proved that participation in the making of a report 127812
under this section was not in good faith or participation in a 127813
judicial proceeding resulting from a report made under this 127814
section was not in good faith, the court shall award the 127815
prevailing party reasonable attorney's fees and costs and, if a 127816
civil action or proceeding is voluntarily dismissed, may award 127817
reasonable attorney's fees and costs to the party against whom the 127818
civil action or proceeding is brought. 127819

(I)(1) Except as provided in divisions (I)(4) and (N) of this section and sections 2151.423 and 2151.4210 of the Revised Code, a report made under this section is confidential. The information provided in a report made pursuant to this section and the name of the person who made the report shall not be released for use, and shall not be used, as evidence in any civil action or proceeding brought against the person who made the report. Nothing in this division shall preclude the use of reports of other incidents of known or suspected abuse or neglect in a civil action or proceeding brought pursuant to division (M) of this section against a person who is alleged to have violated division (A)(1) of this section, provided that any information in a report that would identify the child who is the subject of the report or the maker of the report, if the maker of the report is not the defendant or an agent or employee of the defendant, has been redacted. In a criminal proceeding, the report is admissible in evidence in accordance with the Rules of Evidence and is subject to discovery in accordance with the Rules of Criminal Procedure.

(2)(a) Except as provided in division (I)(2)(b) of this section, no person shall permit or encourage the unauthorized dissemination of the contents of any report made under this section.

(b) A health care professional that obtains the same information contained in a report made under this section from a source other than the report may disseminate the information, if its dissemination is otherwise permitted by law.

(3) A person who knowingly makes or causes another person to make a false report under division (B) of this section that alleges that any person has committed an act or omission that resulted in a child being an abused child or a neglected child is guilty of a violation of section 2921.14 of the Revised Code.

(4) If a report is made pursuant to division (A) or (B) of

this section and the child who is the subject of the report dies 127852
for any reason at any time after the report is made, but before 127853
the child attains eighteen years of age, the public children 127854
services agency or peace officer to which the report was made or 127855
referred, on the request of the child fatality review board, the 127856
suicide fatality review committee, or the director of health 127857
pursuant to guidelines established under section 3701.70 of the 127858
Revised Code, shall submit a summary sheet of information 127859
providing a summary of the report to the review board or review 127860
committee of the county in which the deceased child resided at the 127861
time of death or to the director. On the request of the review 127862
board, review committee, or director, the agency or peace officer 127863
may, at its discretion, make the report available to the review 127864
board, review committee, or director. If the county served by the 127865
public children services agency is also served by a children's 127866
advocacy center and the report of alleged sexual abuse of a child 127867
or another type of abuse of a child is specified in the memorandum 127868
of understanding that creates the center as being within the 127869
center's jurisdiction, the agency or center shall perform the 127870
duties and functions specified in this division in accordance with 127871
the interagency agreement entered into under section 2151.428 of 127872
the Revised Code relative to that advocacy center. 127873

(5) A public children services agency shall advise a person 127874
alleged to have inflicted abuse or neglect on a child who is the 127875
subject of a report made pursuant to this section, including a 127876
report alleging sexual abuse of a child or another type of abuse 127877
of a child referred to a children's advocacy center pursuant to an 127878
interagency agreement entered into under section 2151.428 of the 127879
Revised Code, in writing of the disposition of the investigation. 127880
The agency shall not provide to the person any information that 127881
identifies the person who made the report, statements of 127882
witnesses, or police or other investigative reports. 127883

(J) Any report that is required by this section, other than a report that is made to the state highway patrol as described in section 5120.173 of the Revised Code, shall result in protective services and emergency supportive services being made available by the public children services agency on behalf of the children about whom the report is made, in an effort to prevent further neglect or abuse, to enhance their welfare, and, whenever possible, to preserve the family unit intact. The agency required to provide the services shall be the agency conducting the investigation of the report pursuant to section 2151.422 of the Revised Code.

(K)(1) Except as provided in division (K)(4) or (5) of this section, a person who is required to make a report under division (A) of this section may make a reasonable number of requests of the public children services agency that receives or is referred the report, or of the children's advocacy center that is referred the report if the report is referred to a children's advocacy center pursuant to an interagency agreement entered into under section 2151.428 of the Revised Code, to be provided with the following information:

(a) Whether the agency or center has initiated an investigation of the report;

(b) Whether the agency or center is continuing to investigate the report;

(c) Whether the agency or center is otherwise involved with the child who is the subject of the report;

(d) The general status of the health and safety of the child who is the subject of the report;

(e) Whether the report has resulted in the filing of a complaint in juvenile court or of criminal charges in another court.

(2)(a) A person may request the information specified in 127915
division (K)(1) of this section only if, at the time the report is 127916
made, the person's name, address, and telephone number are 127917
provided to the person who receives the report. 127918

(b) When a peace officer or employee of a public children 127919
services agency receives a report pursuant to division (A) or (B) 127920
of this section the recipient of the report shall inform the 127921
person of the right to request the information described in 127922
division (K)(1) of this section. The recipient of the report shall 127923
include in the initial child abuse or child neglect report that 127924
the person making the report was so informed and, if provided at 127925
the time of the making of the report, shall include the person's 127926
name, address, and telephone number in the report. 127927

(c) If the person making the report provides the person's 127928
name and contact information on making the report, the public 127929
children services agency that received or was referred the report 127930
shall send a written notice via United States mail or electronic 127931
mail, in accordance with the person's preference, to the person 127932
not later than seven calendar days after receipt of the report. 127933
The notice shall provide the status of the agency's investigation 127934
into the report made, who the person may contact at the agency for 127935
further information, and a description of the person's rights 127936
under division (K)(1) of this section. 127937

(d) Each request is subject to verification of the identity 127938
of the person making the report. If that person's identity is 127939
verified, the agency shall provide the person with the information 127940
described in division (K)(1) of this section a reasonable number 127941
of times, except that the agency shall not disclose any 127942
confidential information regarding the child who is the subject of 127943
the report other than the information described in those 127944
divisions. 127945

(3) A request made pursuant to division (K)(1) of this 127946

section is not a substitute for any report required to be made 127947
pursuant to division (A) of this section. 127948

(4) If an agency other than the agency that received or was 127949
referred the report is conducting the investigation of the report 127950
pursuant to section 2151.422 of the Revised Code, the agency 127951
conducting the investigation shall comply with the requirements of 127952
division (K) of this section. 127953

(5) A health care professional who made a report under 127954
division (A) of this section, or on whose behalf such a report was 127955
made as provided in division (A)(1)(c) of this section, may 127956
authorize a person to obtain the information described in division 127957
(K)(1) of this section if the person requesting the information is 127958
associated with or acting on behalf of the health care 127959
professional who provided health care services to the child about 127960
whom the report was made. 127961

(6) If the person making the report provides the person's 127962
name and contact information on making the report, the public 127963
children services agency that received or was referred the report 127964
shall send a written notice via United States mail or electronic 127965
mail, in accordance with the person's preference, to the person 127966
not later than seven calendar days after the agency closes the 127967
investigation into the case reported by the person. The notice 127968
shall notify the person that the agency has closed the 127969
investigation. 127970

(L)(1) The director of job and family services shall adopt 127971
rules in accordance with Chapter 119. of the Revised Code to 127972
implement this section. The department of job and family services 127973
may enter into a plan of cooperation with any other governmental 127974
entity to aid in ensuring that children are protected from abuse 127975
and neglect. The department shall make recommendations to the 127976
attorney general that the department determines are necessary to 127977
protect children from child abuse and child neglect. 127978

(2) Not later than ninety days after ~~the effective date of~~ 127979
~~this amendment~~ May 30, 2022, the director of job and family 127980
services shall adopt rules in accordance with Chapter 119. of the 127981
Revised Code to identify the types of neglect of a child that a 127982
public children services agency shall be required to notify law 127983
enforcement of pursuant to division (E)(2)(c)(ii) of this section. 127984

(M) Whoever violates division (A) of this section is liable 127985
for compensatory and exemplary damages to the child who would have 127986
been the subject of the report that was not made. A person who 127987
brings a civil action or proceeding pursuant to this division 127988
against a person who is alleged to have violated division (A)(1) 127989
of this section may use in the action or proceeding reports of 127990
other incidents of known or suspected abuse or neglect, provided 127991
that any information in a report that would identify the child who 127992
is the subject of the report or the maker of the report, if the 127993
maker is not the defendant or an agent or employee of the 127994
defendant, has been redacted. 127995

(N)(1) As used in this division: 127996

(a) "Out-of-home care" includes a nonchartered nonpublic 127997
school if the alleged child abuse or child neglect, or alleged 127998
threat of child abuse or child neglect, described in a report 127999
received by a public children services agency allegedly occurred 128000
in or involved the nonchartered nonpublic school and the alleged 128001
perpetrator named in the report holds a certificate, permit, or 128002
license issued by the state board of education under section 128003
3301.071 or Chapter 3319. of the Revised Code. 128004

(b) "Administrator, director, or other chief administrative 128005
officer" means the superintendent of the school district if the 128006
out-of-home care entity subject to a report made pursuant to this 128007
section is a school operated by the district. 128008

(2) No later than the end of the day following the day on 128009

which a public children services agency receives a report of 128010
alleged child abuse or child neglect, or a report of an alleged 128011
threat of child abuse or child neglect, that allegedly occurred in 128012
or involved an out-of-home care entity, the agency shall provide 128013
written notice of the allegations contained in and the person 128014
named as the alleged perpetrator in the report to the 128015
administrator, director, or other chief administrative officer of 128016
the out-of-home care entity that is the subject of the report 128017
unless the administrator, director, or other chief administrative 128018
officer is named as an alleged perpetrator in the report. If the 128019
administrator, director, or other chief administrative officer of 128020
an out-of-home care entity is named as an alleged perpetrator in a 128021
report of alleged child abuse or child neglect, or a report of an 128022
alleged threat of child abuse or child neglect, that allegedly 128023
occurred in or involved the out-of-home care entity, the agency 128024
shall provide the written notice to the owner or governing board 128025
of the out-of-home care entity that is the subject of the report. 128026
The agency shall not provide witness statements or police or other 128027
investigative reports. 128028

(3) No later than three days after the day on which a public 128029
children services agency that conducted the investigation as 128030
determined pursuant to section 2151.422 of the Revised Code makes 128031
a disposition of an investigation involving a report of alleged 128032
child abuse or child neglect, or a report of an alleged threat of 128033
child abuse or child neglect, that allegedly occurred in or 128034
involved an out-of-home care entity, the agency shall send written 128035
notice of the disposition of the investigation to the 128036
administrator, director, or other chief administrative officer and 128037
the owner or governing board of the out-of-home care entity. The 128038
agency shall not provide witness statements or police or other 128039
investigative reports. 128040

(0) As used in this section: 128041

(1) "Children's advocacy center" and "sexual abuse of a child" have the same meanings as in section 2151.425 of the Revised Code. 128042
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(2) "Health care professional" means an individual who provides health-related services including a physician, hospital intern or resident, dentist, podiatrist, registered nurse, licensed practical nurse, visiting nurse, licensed psychologist, speech pathologist, audiologist, person engaged in social work or the practice of professional counseling, and employee of a home health agency. "Health care professional" does not include a practitioner of a limited branch of medicine as specified in section 4731.15 of the Revised Code, licensed school psychologist, independent marriage and family therapist or marriage and family therapist, or coroner. 128045
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(3) "Investigation" means the public children services agency's response to an accepted report of child abuse or neglect through either an alternative response or a traditional response. 128056
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(4) "Peace officer" means a sheriff, deputy sheriff, constable, police officer of a township or joint police district, marshal, deputy marshal, municipal police officer, or a state highway patrol trooper. 128059
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Sec. 2151.86. (A)(1) The appointing or hiring officer of any entity that appoints or employs any person responsible for a child's care in out-of-home care shall request the superintendent of BCII to conduct a criminal records check with respect to any person who is under final consideration for appointment or employment as a person responsible for a child's care in out-of-home care. The request shall be made at the time of initial application for appointment or employment and every four years thereafter. If the out-of-home care entity is a public school, educational service center, or chartered nonpublic school, then 128063
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section 3319.39 of the Revised Code shall apply instead. If the 128073
out-of-home care entity is a child ~~day-care~~ care center, type A 128074
family ~~day-care~~ child care home, type B family ~~day-care~~ child care 128075
home, certified in-home aide, or child day camp, then section 128076
5104.013 of the Revised Code shall apply instead. 128077

(2) At the times specified in this division, the 128078
administrative director of an agency, or attorney, who arranges an 128079
adoption for a prospective adoptive parent shall request the 128080
superintendent of BCII to conduct a criminal records check with 128081
respect to that prospective adoptive parent and a criminal records 128082
check with respect to all persons eighteen years of age or older 128083
who reside with the prospective adoptive parent. The 128084
administrative director or attorney shall request a criminal 128085
records check pursuant to this division at the time of the initial 128086
home study, every four years after the initial home study at the 128087
time of an update, and at the time that an adoptive home study is 128088
completed as a new home study. 128089

(3) Before a recommending agency submits a recommendation to 128090
the department of job and family services on whether the 128091
department should issue a certificate to a foster home under 128092
section 5103.03 of the Revised Code, and every four years 128093
thereafter prior to a recertification under that section, the 128094
administrative director of the agency shall request that the 128095
superintendent of BCII conduct a criminal records check with 128096
respect to the prospective foster caregiver and a criminal records 128097
check with respect to all other persons eighteen years of age or 128098
older who reside with the foster caregiver. 128099

(B)(1) When the appointing or hiring officer requests, at the 128100
time of initial application for appointment or employment, a 128101
criminal records check for a person subject to division (A)(1) of 128102
this section, the officer shall request that the superintendent of 128103
BCII obtain information from the federal bureau of investigation 128104

as part of the criminal records check, including fingerprint-based 128105
checks of national crime information databases as described in 42 128106
U.S.C. 671, for the person subject to the criminal records check. 128107
In all other cases in which the appointing or hiring officer 128108
requests a criminal records check for a person pursuant to 128109
division (A)(1) of this section, the officer may request that the 128110
superintendent of BCII obtain information from the federal bureau 128111
of investigation as part of the criminal records check, including 128112
fingerprint-based checks of national crime information databases 128113
as described in 42 U.S.C. 671, for the person subject to the 128114
criminal records check. 128115

When the administrative director of an agency, or attorney, 128116
who arranges an adoption for a prospective parent requests, at the 128117
time of the initial home study, a criminal records check for a 128118
person pursuant to division (A)(2) of this section, the 128119
administrative director or attorney shall request that the 128120
superintendent of BCII obtain information from the federal bureau 128121
of investigation as part of the criminal records check, including 128122
fingerprint-based checks of national crime information databases 128123
as described in 42 U.S.C. 671, for the person subject to the 128124
criminal records check. In all other cases in which the 128125
administrative director of an agency, or attorney, who arranges an 128126
adoption for a prospective parent requests a criminal records 128127
check for a person pursuant to division (A)(2) of this section, 128128
the administrative director or attorney may request that the 128129
superintendent of BCII include information from the federal bureau 128130
of investigation in the criminal records check, including 128131
fingerprint-based checks of national crime information databases 128132
as described in 42 U.S.C. 671. 128133

When the administrative director of a recommending agency 128134
requests, before submitting a recommendation to the department of 128135
job and family services on whether the department should issue a 128136

certificate to a foster home under section 5103.03 of the Revised Code, a criminal records check for a person pursuant to division (A)(3) of this section, the administrative director shall request that the superintendent of BCII obtain information from the federal bureau of investigation as part of a criminal records check, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671, for the person subject to the criminal records check. In all other cases in which the administrative director of a recommending agency requests a criminal records check for a person pursuant to division (A)(3) of this section, the administrative director may request that the superintendent of BCII include information from the federal bureau of investigation in the criminal records check, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671.

Prior to a hearing on a final decree of adoption or interlocutory order of adoption by a probate court, the administrative director of an agency, or an attorney, who arranges an adoption for a prospective parent shall provide to the clerk of the probate court either of the following:

(a) Any information received pursuant to a request made under this division from the superintendent of BCII or the federal bureau of investigation as part of the criminal records check, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671, for the person subject to the criminal records check;

(b) Written notification that the person subject to a criminal records check pursuant to this division failed upon request to provide the information necessary to complete the form or failed to provide impressions of the person's fingerprints as required under division (B)(2) of this section.

(2) An appointing or hiring officer, administrative director,

or attorney required by division (A) of this section to request a 128169
criminal records check shall provide to each person subject to a 128170
criminal records check a copy of the form prescribed pursuant to 128171
division (C)(1) of section 109.572 of the Revised Code and a 128172
standard impression sheet to obtain fingerprint impressions 128173
prescribed pursuant to division (C)(2) of section 109.572 of the 128174
Revised Code, obtain the completed form and impression sheet from 128175
the person, and forward the completed form and impression sheet to 128176
the superintendent of BCII at the time the criminal records check 128177
is requested. 128178

Any person subject to a criminal records check who receives 128179
pursuant to this division a copy of the form prescribed pursuant 128180
to division (C)(1) of section 109.572 of the Revised Code and a 128181
copy of an impression sheet prescribed pursuant to division (C)(2) 128182
of that section and who is requested to complete the form and 128183
provide a set of fingerprint impressions shall complete the form 128184
or provide all the information necessary to complete the form and 128185
shall provide the impression sheet with the impressions of the 128186
person's fingerprints. If a person subject to a criminal records 128187
check, upon request, fails to provide the information necessary to 128188
complete the form or fails to provide impressions of the person's 128189
fingerprints, the appointing or hiring officer shall not appoint 128190
or employ the person as a person responsible for a child's care in 128191
out-of-home care, a probate court may not issue a final decree of 128192
adoption or an interlocutory order of adoption making the person 128193
an adoptive parent, and the department of job and family services 128194
shall not issue a certificate authorizing the prospective foster 128195
caregiver to operate a foster home. 128196

(C)(1) No appointing or hiring officer shall appoint or 128197
employ a person as a person responsible for a child's care in 128198
out-of-home care, the department of job and family services shall 128199
not issue a certificate under section 5103.03 of the Revised Code 128200

authorizing a prospective foster caregiver to operate a foster 128201
home, and no probate court shall issue a final decree of adoption 128202
or an interlocutory order of adoption making a person an adoptive 128203
parent if the person or, in the case of a prospective foster 128204
caregiver or prospective adoptive parent, any person eighteen 128205
years of age or older who resides with the prospective foster 128206
caregiver or prospective adoptive parent previously has been 128207
convicted of or pleaded guilty to any of the violations described 128208
in division (A)(4) of section 109.572 of the Revised Code, unless 128209
the person meets rehabilitation standards established in rules 128210
adopted under division (F) of this section. 128211

(2) Prior to certification or recertification under section 128212
5103.03 of the Revised Code, the prospective foster caregiver 128213
subject to a criminal records check under division (A)(3) of this 128214
section shall notify the recommending agency of the revocation of 128215
any foster home license, certificate, or other similar 128216
authorization in another state occurring within the five years 128217
prior to the date of application to become a foster caregiver in 128218
this state. The failure of a prospective foster caregiver to 128219
notify the recommending agency of any revocation of that type in 128220
another state that occurred within that five-year period shall be 128221
grounds for denial of the person's foster home application or the 128222
revocation of the person's foster home certification, whichever is 128223
applicable. If a person has had a revocation in another state 128224
within the five years prior to the date of the application, the 128225
department of job and family services shall not issue a foster 128226
home certificate to the prospective foster caregiver. 128227

(D) The appointing or hiring officer, administrative 128228
director, or attorney shall pay to the bureau of criminal 128229
identification and investigation the fee prescribed pursuant to 128230
division (C)(3) of section 109.572 of the Revised Code for each 128231
criminal records check conducted in accordance with that section 128232

upon a request pursuant to division (A) of this section. The 128233
officer, director, or attorney may charge the person subject to 128234
the criminal records check a fee for the costs the officer, 128235
director, or attorney incurs in obtaining the criminal records 128236
check. A fee charged under this division shall not exceed the 128237
amount of fees the officer, director, or attorney pays for the 128238
criminal records check. If a fee is charged under this division, 128239
the officer, director, or attorney shall notify the person who is 128240
the applicant at the time of the person's initial application for 128241
appointment or employment, an adoption to be arranged, or a 128242
certificate to operate a foster home of the amount of the fee and 128243
that, unless the fee is paid, the person who is the applicant will 128244
not be considered for appointment or employment or as an adoptive 128245
parent or foster caregiver. 128246

(E) The report of any criminal records check conducted by the 128247
bureau of criminal identification and investigation in accordance 128248
with section 109.572 of the Revised Code and pursuant to a request 128249
made under division (A) of this section is not a public record for 128250
the purposes of section 149.43 of the Revised Code and shall not 128251
be made available to any person other than the following: 128252

(1) The person who is the subject of the criminal records 128253
check or the person's representative; 128254

(2) The appointing or hiring officer, administrative 128255
director, or attorney requesting the criminal records check or the 128256
officer's, director's, or attorney's representative; 128257

(3) The department of job and family services, a county 128258
department of job and family services, or a public children 128259
services agency; 128260

(4) Any court, hearing officer, or other necessary individual 128261
involved in a case dealing with the denial of employment, a final 128262
decree of adoption or interlocutory order of adoption, or a foster 128263

home certificate. 128264

(F) The director of job and family services shall adopt rules 128265
in accordance with Chapter 119. of the Revised Code to implement 128266
this section. The rules shall include rehabilitation standards a 128267
person who has been convicted of or pleaded guilty to an offense 128268
listed in division (A)(4) of section 109.572 of the Revised Code 128269
must meet for an appointing or hiring officer to appoint or employ 128270
the person as a person responsible for a child's care in 128271
out-of-home care, a probate court to issue a final decree of 128272
adoption or interlocutory order of adoption making the person an 128273
adoptive parent, or the department to issue a certificate 128274
authorizing the prospective foster caregiver to operate a foster 128275
home or not revoke a foster home certificate for a violation 128276
specified in section 5103.0328 of the Revised Code. 128277

(G) An appointing or hiring officer, administrative director, 128278
or attorney required by division (A) of this section to request a 128279
criminal records check shall inform each person who is the 128280
applicant, at the time of the person's initial application for 128281
appointment or employment, an adoption to be arranged, or a foster 128282
home certificate, that the person subject to the criminal records 128283
check is required to provide a set of impressions of the person's 128284
fingerprints and that a criminal records check is required to be 128285
conducted and satisfactorily completed in accordance with section 128286
109.572 of the Revised Code. 128287

(H) As used in this section: 128288

(1) "Children's hospital" means any of the following: 128289

(a) A hospital registered under section 3701.07 of the 128290
Revised Code that provides general pediatric medical and surgical 128291
care, and in which at least seventy-five per cent of annual 128292
inpatient discharges for the preceding two calendar years were 128293
individuals less than eighteen years of age; 128294

(b) A distinct portion of a hospital registered under section 128295
3701.07 of the Revised Code that provides general pediatric 128296
medical and surgical care, has a total of at least one hundred 128297
fifty registered pediatric special care and pediatric acute care 128298
beds, and in which at least seventy-five per cent of annual 128299
inpatient discharges for the preceding two calendar years were 128300
individuals less than eighteen years of age; 128301

(c) A distinct portion of a hospital, if the hospital is 128302
registered under section 3701.07 of the Revised Code as a 128303
children's hospital and the children's hospital meets all the 128304
requirements of division (H)(1)(a) of this section. 128305

(2) "Criminal records check" has the same meaning as in 128306
section 109.572 of the Revised Code. 128307

(3) "Person responsible for a child's care in out-of-home 128308
care" has the same meaning as in section 2151.011 of the Revised 128309
Code, except that it does not include a prospective employee of 128310
the department of youth services or a person responsible for a 128311
child's care in a hospital or medical clinic other than a 128312
children's hospital. 128313

(4) "Person subject to a criminal records check" means the 128314
following: 128315

(a) A person who is under final consideration for appointment 128316
or employment as a person responsible for a child's care in 128317
out-of-home care; 128318

(b) A prospective or current adoptive parent; 128319

(c) A prospective or current foster caregiver; 128320

(d) A person eighteen years old or older who resides with a 128321
prospective or current foster caregiver or a prospective or 128322
current adoptive parent. 128323

(5) "Recommending agency" means a public children services 128324

agency, private child placing agency, or private noncustodial 128325
agency to which the department of job and family services has 128326
delegated a duty to inspect and approve foster homes. 128327

(6) "Superintendent of BCII" means the superintendent of the 128328
bureau of criminal identification and investigation. 128329

Sec. 2919.223. As used in sections 2919.223 to 2919.227 of 128330
the Revised Code: 128331

(A) "Child care," "child ~~day-care~~ care center," "in-home 128332
aide," "type A family ~~day-care~~ child care home," and "type B 128333
family ~~day-care~~ child care home" have the same meanings as in 128334
section 5104.01 of the Revised Code. 128335

(B) "Child care center licensee" means the owner of a child 128336
~~day-care~~ care center licensed pursuant to Chapter 5104. of the 128337
Revised Code who is responsible for ensuring the center's 128338
compliance with Chapter 5104. of the Revised Code and rules 128339
adopted pursuant to that chapter. 128340

(C) "Child care facility" means a child ~~day-care~~ care center, 128341
a type A family ~~day-care~~ child care home, or a type B family 128342
~~day-care~~ child care home. 128343

(D) "Child care provider" means any of the following: 128344

(1) An owner, provider, administrator, or employee of, or 128345
volunteer at, a child care facility; 128346

(2) An in-home aide; 128347

(3) A person who represents that the person provides child 128348
care. 128349

(E) "Peace officer" has the same meaning as in section 128350
2935.01 of the Revised Code. 128351

Sec. 2919.224. (A) No child care provider shall knowingly 128352

misrepresent any factor or condition that relates to the provision 128353
of child care and that substantially affects the health or safety 128354
of any child or children in that provider's facility or receiving 128355
child care from that provider to any of the following: 128356

(1) A parent, guardian, custodian, or other person 128357
responsible for the care of a child in the provider's facility or 128358
receiving child care from the provider; 128359

(2) A parent, guardian, custodian, or other person 128360
responsible for the care of a child who is considering the 128361
provider as a child care provider for the child; 128362

(3) A public official responsible for issuing the provider a 128363
license or certificate to provide child care; 128364

(4) A public official investigating or inquiring about the 128365
provision of child care by the provider; 128366

(5) A peace officer. 128367

(B) For the purposes of this section, "any factor or 128368
condition that relates to the provision of child care" includes, 128369
but is not limited to, the following: 128370

(1) The person or persons who will provide child care to the 128371
child of the parent, guardian, custodian, or other person 128372
responsible for the care of the child, or to the children in 128373
general; 128374

(2) The qualifications to provide child care of the child 128375
care provider, of a person employed by the provider, or of a 128376
person who provides child care as a volunteer; 128377

(3) The number of children to whom child care is provided at 128378
one time or the number of children receiving child care in the 128379
child care facility at one time; 128380

(4) The conditions or safety features of the child care 128381
facility; 128382

(5) The area of the child care facility in which child 128383
~~day-care~~ care is provided. 128384

(C) Whoever violates division (A) of this section is guilty 128385
of misrepresentation by a child care provider, a misdemeanor of 128386
the first degree. 128387

Sec. 2919.225. (A) Subject to division (C) of this section, 128388
no owner, provider, or administrator of a type A family ~~day-care~~ 128389
child care home or type B family ~~day-care~~ child care home, knowing 128390
that the event described in division (A)(1) or (2) of this section 128391
has occurred, shall accept a child into that home without first 128392
disclosing to the parent, guardian, custodian, or other person 128393
responsible for the care of that child any of the following that 128394
has occurred: 128395

(1) A child died while under the care of the home or while 128396
receiving child care from the owner, provider, or administrator or 128397
died as a result of injuries suffered while under the care of the 128398
home or while receiving child care from the owner, provider, or 128399
administrator. 128400

(2) Within the preceding ten years, a child suffered injuries 128401
while under the care of the home or while receiving child care 128402
from the owner, provider, or administrator, and those injuries led 128403
to the child being hospitalized for more than twenty-four hours. 128404

(B)(1) Subject to division (C) of this section, no owner, 128405
provider, or administrator of a type A family ~~day-care~~ child care 128406
home or type B family ~~day-care~~ child care home shall fail to 128407
provide notice in accordance with division (B)(3) of this section 128408
to the persons and entities specified in division (B)(2) of this 128409
section, of any of the following that occurs: 128410

(a) A child who is under the care of the home or is receiving 128411
child care from the owner, provider, or administrator dies while 128412

under the care of the home or while receiving child care from the 128413
owner, provider, or administrator or dies as a result of injuries 128414
suffered while under the care of the home or while receiving child 128415
~~day-care~~ care from the owner, provider, or administrator. 128416

(b) A child who is under the care of the home or is receiving 128417
child care from the owner, provider, or administrator is 128418
hospitalized for more than twenty-four hours as a result of 128419
injuries suffered while under the care of the home or while 128420
receiving child care from the owner, provider, or administrator. 128421

(2) An owner, provider, or administrator of a home shall 128422
provide the notices required under division (B)(1) of this section 128423
to each of the following: 128424

(a) For each child who, at the time of the injury or death 128425
for which the notice is required, is receiving or is enrolled to 128426
receive child care at the home or from the owner, provider, or 128427
administrator, to the parent, guardian, custodian, or other person 128428
responsible for the care of the child; 128429

(b) If the notice is required as the result of the death of a 128430
child as described in division (B)(1)(a) of this section, to the 128431
public children services agency of the county in which the home is 128432
located or the child care was given, a municipal or county peace 128433
officer in the county in which the child resides or in which the 128434
home is located or the child care was given, and the child 128435
fatality review board appointed under section 307.621 of the 128436
Revised Code that serves the county in which the home is located 128437
or the child care was given. 128438

(3) An owner, provider, or administrator of a home shall 128439
provide the notices required by divisions (B)(1) and (2) of this 128440
section not later than forty-eight hours after the child dies or, 128441
regarding a child who is hospitalized for more than twenty-four 128442
hours as a result of injuries suffered while under the care of the 128443

home, not later than forty-eight hours after the child suffers the 128444
injuries. If a child is hospitalized for more than twenty-four 128445
hours as a result of injuries suffered while under the care of the 128446
home, and the child subsequently dies as a result of those 128447
injuries, the owner, provider, or administrator shall provide 128448
separate notices under divisions (B)(1) and (2) of this section 128449
regarding both the injuries and the death. All notices provided 128450
under divisions (B)(1) and (2) of this section shall state that 128451
the death or injury occurred. 128452

(C) Division (A) of this section does not require more than 128453
one person to make disclosures to the same parent, guardian, 128454
custodian, or other person responsible for the care of a child 128455
regarding any single injury or death for which disclosure is 128456
required under that division. Division (B) of this section does 128457
not require more than one person to give notices to the same 128458
parent, guardian, custodian, other person responsible for the care 128459
of the child, public children services agency, peace officer, or 128460
child fatality review board regarding any single injury or death 128461
for which disclosure is required under division (B)(1) of this 128462
section. 128463

(D) An owner, provider, or administrator of a type A family 128464
~~day-care~~ child care home or type B family ~~day-care~~ child care home 128465
is not subject to civil liability solely for making a disclosure 128466
required by this section. 128467

(E) Whoever violates division (A) or (B) of this section is 128468
guilty of failure of a type A or type B family ~~day-care~~ child care 128469
home to disclose the death or serious injury of a child, a 128470
misdemeanor of the fourth degree. 128471

Sec. 2919.226. (A) If a child care provider accurately 128472
answers the questions on a child care disclosure form that is in 128473
substantially the form set forth in division (B) of this section, 128474

presents the form to a person identified in division (A)(1) or (2) 128475
of section 2919.224 of the Revised Code, and obtains the person's 128476
signature on the acknowledgement in the form, to the extent that 128477
the information set forth on the form is accurate, the provider 128478
who presents the form is not subject to prosecution under division 128479
(A) of section 2919.224 of the Revised Code regarding presentation 128480
of that information to that person. 128481

An owner, provider, or administrator of a type A family 128482
~~day-care~~ child care home or a type B family ~~day-care~~ child care 128483
home may comply with division (A) of section 2919.225 of the 128484
Revised Code by accurately answering the questions on a child care 128485
disclosure form that is in substantially the form set forth in 128486
division (B) of this section, providing a copy of the form to the 128487
parent, guardian, custodian, or other person responsible for the 128488
care of a child and to whom disclosure is to be made under 128489
division (A) of section 2919.225 of the Revised Code, and 128490
obtaining the person's signature on the acknowledgement in the 128491
form. 128492

The use of the form set forth in division (B) of this section 128493
is discretionary and is not required to comply with any disclosure 128494
requirement contained in section 2919.225 of the Revised Code or 128495
for any purpose related to section 2919.224 of the Revised Code. 128496

(B) To be sufficient for the purposes described in division 128497
(A) of this section, a child care disclosure form shall be in 128498
substantially the following form: 128499

"CHILD CARE DISCLOSURE FORM 128500

Please Note: This form contains information that is accurate 128501
only at the time the form is given to you. The information 128502
provided in this form is likely to change over time. It is the 128503
duty of the person responsible for the care of the child to 128504
monitor the status of child care services to ensure that those 128505
services remain satisfactory. If a question on this form is left 128506

unanswered, the child care provider makes no assertion regarding 128507
the question. Choosing appropriate child care for a child is a 128508
serious responsibility, and the person responsible for the care of 128509
the child is encouraged to make all appropriate inquiries. Also, 128510
in acknowledging receipt of this form, the person responsible for 128511
the care of the child acknowledges that in selecting the child 128512
care provider the person is not relying on any representations 128513
other than those provided in this form unless the child care 128514
provider has acknowledged the other representations in writing. 128515

1. What are the names and qualifications to provide child 128516
care of: (a) the child care provider, (b) the employee who will 128517
provide child care to the applicant child, (c) the volunteer who 128518
will provide child care to the applicant child, and (d) any other 128519
employees or volunteers of the child care provider? (attach 128520
additional sheets if necessary): 128521
..... 128522
..... 128523
..... 128524

2. What is the maximum number of children to whom you provide 128525
child care at one time? (If children are divided into groups or 128526
classes, please describe the maximum number of children in each 128527
group or class and indicate the group or class in which the 128528
applicant child will be placed.): 128529
..... 128530
..... 128531
..... 128532

3. Where in the home will you provide child care to the 128533
applicant child?: 128534
..... 128535
..... 128536
..... 128537

4. Has a child died while in the care of, or receiving child 128538

care from, the child care provider? (Yes/No)	128539
Description/explanation (attach additional sheets if necessary)	128540 128541
.....	128542
.....	128543
.....	128544
5. Has a child died as a result of injuries suffered while under the care of, or receiving child care from, the child day-care <u>care</u> provider? (Yes/No)	128545 128546 128547
Description/explanation (attach additional sheets if necessary)	128548 128549
.....	128550
.....	128551
.....	128552
6. Within the preceding ten years, has a child suffered injuries while under the care of, or receiving child care from, the child care provider that led to the child being hospitalized for more than 24 hours? (Yes/No)	128553 128554 128555 128556
Description/explanation (attach additional sheets if necessary)	128557 128558
.....	128559
.....	128560
.....	128561
.....	128562
Signature of person completing form Date	128563
.....	128564
Name of person completing form	128565
(Typed or printed)	128566
.....	128567
Title of person completing form	128568
(Typed or printed)	128569

Acknowledgement: 128570

I hereby acknowledge that I have been given a copy of the 128571
preceding document and have read and understood its contents. I 128572
further acknowledge that I am not relying on any other 128573
representations in selecting the child care provider unless the 128574
child care provider has acknowledged the other representations in 128575
writing. 128576

..... 128577
Person receiving the form Date" 128578

(C) If a child care provider accurately answers the questions 128579
on a disclosure form that is substantially similar to the form 128580
described in division (B) of this section, presents the form to a 128581
person identified in division (A)(1) or (2) of section 2919.224 of 128582
the Revised Code, and obtains the person's signature on the 128583
acknowledgement in the form, to the extent that the information 128584
set forth on the form is accurate, the form is sufficient for the 128585
purposes described in division (A) of this section. 128586

An owner, provider, or administrator of a type A family 128587
~~day-care~~ child care home or a type B family ~~day-care~~ child care 128588
home who accurately answers the questions on a disclosure form 128589
that is substantially similar to the form described in division 128590
(B) of this section, provides a copy of the completed form to the 128591
parent, guardian, custodian, or other person who is responsible 128592
for the care of a child and to whom disclosure is to be made under 128593
division (A) of section 2919.225 of the Revised Code, and obtains 128594
the person's signature on the acknowledgement in the form complies 128595
with the requirements of that division. If the owner, provider, or 128596
administrator uses the disclosure form, leaving a portion of the 128597
disclosure form blank does not constitute a misrepresentation for 128598
the purposes of section 2919.224 of the Revised Code but may 128599
constitute a violation of section 2919.225 of the Revised Code. 128600
The owner, provider, or administrator of a type A family ~~day-care~~ 128601

child care home or type B family ~~day care~~ child care home who 128602
completes the disclosure form and provides a copy of the form to 128603
any person described in section 2919.224 or 2919.225 of the 128604
Revised Code may retain a copy of the completed form. 128605

Sec. 2923.124. As used in sections 2923.124 to 2923.1213 of 128606
the Revised Code: 128607

(A) "Application form" means the application form prescribed 128608
pursuant to division (A)(1) of section 109.731 of the Revised Code 128609
and includes a copy of that form. 128610

(B) "Competency certification" and "competency certificate" 128611
mean a document of the type described in division (B)(3) of 128612
section 2923.125 of the Revised Code. 128613

(C) "Detention facility" has the same meaning as in section 128614
2921.01 of the Revised Code. 128615

(D) "Licensee" means a person to whom a concealed handgun 128616
license has been issued under section 2923.125 of the Revised Code 128617
and, except when the context clearly indicates otherwise, includes 128618
a person to whom a concealed handgun license on a temporary 128619
emergency basis has been issued under section 2923.1213 of the 128620
Revised Code and a person to whom a concealed handgun license has 128621
been issued by another state. 128622

(E) "License fee" or "license renewal fee" means the fee for 128623
a concealed handgun license or the fee to renew that license that 128624
is to be paid by an applicant for a license of that type. 128625

(F) "Peace officer" has the same meaning as in section 128626
2935.01 of the Revised Code. 128627

(G) "State correctional institution" has the same meaning as 128628
in section 2967.01 of the Revised Code. 128629

(H) "Civil protection order" means a protection order issued, 128630
or consent agreement approved, under section 2903.214 or 3113.31 128631

of the Revised Code. 128632

(I) "Temporary protection order" means a protection order 128633
issued under section 2903.213 or 2919.26 of the Revised Code. 128634

(J) "Protection order issued by a court of another state" has 128635
the same meaning as in section 2919.27 of the Revised Code. 128636

(K) "Child ~~day-care~~ care center," "type A family ~~day-care~~ 128637
child care home" and "type B family ~~day-care~~ child care home" have 128638
the same meanings as in section 5104.01 of the Revised Code. 128639

(L) "Foreign air transportation," "interstate air 128640
transportation," and "intrastate air transportation" have the same 128641
meanings as in 49 U.S.C. 40102, as now or hereafter amended. 128642

(M) "Commercial motor vehicle" has the same meaning as in 128643
division (A) of section 4506.25 of the Revised Code. 128644

(N) "Motor carrier enforcement unit" has the same meaning as 128645
in section 2923.16 of the Revised Code. 128646

Sec. 2923.126. (A) A concealed handgun license that is issued 128647
under section 2923.125 of the Revised Code shall expire five years 128648
after the date of issuance. A licensee who has been issued a 128649
license under that section shall be granted a grace period of 128650
thirty days after the licensee's license expires during which the 128651
licensee's license remains valid. Except as provided in divisions 128652
(B) and (C) of this section, a licensee who has been issued a 128653
concealed handgun license under section 2923.125 or 2923.1213 of 128654
the Revised Code may carry a concealed handgun anywhere in this 128655
state if the license is valid when the licensee is in actual 128656
possession of a concealed handgun. The licensee shall give notice 128657
of any change in the licensee's residence address to the sheriff 128658
who issued the license within forty-five days after that change. 128659
128660

(B) A valid concealed handgun license does not authorize the 128661

licensee to carry a concealed handgun in any manner prohibited 128662
under division (B) of section 2923.12 of the Revised Code or in 128663
any manner prohibited under section 2923.16 of the Revised Code. A 128664
valid license does not authorize the licensee to carry a concealed 128665
handgun into any of the following places: 128666

(1) A police station, sheriff's office, or state highway 128667
patrol station, premises controlled by the bureau of criminal 128668
identification and investigation; a state correctional 128669
institution, jail, workhouse, or other detention facility; any 128670
area of an airport passenger terminal that is beyond a passenger 128671
or property screening checkpoint or to which access is restricted 128672
through security measures by the airport authority or a public 128673
agency; or an institution that is maintained, operated, managed, 128674
and governed pursuant to division (A) of section 5119.14 of the 128675
Revised Code or division (A)(1) of section 5123.03 of the Revised 128676
Code; 128677

(2) A school safety zone if the licensee's carrying the 128678
concealed handgun is in violation of section 2923.122 of the 128679
Revised Code; 128680

(3) A courthouse or another building or structure in which a 128681
courtroom is located if the licensee's carrying the concealed 128682
handgun is in violation of section 2923.123 of the Revised Code; 128683

(4) Any premises or open air arena for which a D permit has 128684
been issued under Chapter 4303. of the Revised Code if the 128685
licensee's carrying the concealed handgun is in violation of 128686
section 2923.121 of the Revised Code; 128687

(5) Any premises owned or leased by any public or private 128688
college, university, or other institution of higher education, 128689
unless the handgun is in a locked motor vehicle or the licensee is 128690
in the immediate process of placing the handgun in a locked motor 128691
vehicle or unless the licensee is carrying the concealed handgun 128692

pursuant to a written policy, rule, or other authorization that is 128693
adopted by the institution's board of trustees or other governing 128694
body and that authorizes specific individuals or classes of 128695
individuals to carry a concealed handgun on the premises; 128696

(6) Any church, synagogue, mosque, or other place of worship, 128697
unless the church, synagogue, mosque, or other place of worship 128698
posts or permits otherwise; 128699

(7) Any building that is a government facility of this state 128700
or a political subdivision of this state and that is not a 128701
building that is used primarily as a shelter, restroom, parking 128702
facility for motor vehicles, or rest facility and is not a 128703
courthouse or other building or structure in which a courtroom is 128704
located that is subject to division (B)(3) of this section, unless 128705
the governing body with authority over the building has enacted a 128706
statute, ordinance, or policy that permits a licensee to carry a 128707
concealed handgun into the building; 128708

(8) A place in which federal law prohibits the carrying of 128709
handguns. 128710

(C)(1) Nothing in this section shall negate or restrict a 128711
rule, policy, or practice of a private employer that is not a 128712
private college, university, or other institution of higher 128713
education concerning or prohibiting the presence of firearms on 128714
the private employer's premises or property, including motor 128715
vehicles owned by the private employer. Nothing in this section 128716
shall require a private employer of that nature to adopt a rule, 128717
policy, or practice concerning or prohibiting the presence of 128718
firearms on the private employer's premises or property, including 128719
motor vehicles owned by the private employer. 128720

(2)(a) A private employer shall be immune from liability in a 128721
civil action for any injury, death, or loss to person or property 128722
that allegedly was caused by or related to a licensee bringing a 128723

handgun onto the premises or property of the private employer, 128724
including motor vehicles owned by the private employer, unless the 128725
private employer acted with malicious purpose. A private employer 128726
is immune from liability in a civil action for any injury, death, 128727
or loss to person or property that allegedly was caused by or 128728
related to the private employer's decision to permit a licensee to 128729
bring, or prohibit a licensee from bringing, a handgun onto the 128730
premises or property of the private employer. 128731

(b) A political subdivision shall be immune from liability in 128732
a civil action, to the extent and in the manner provided in 128733
Chapter 2744. of the Revised Code, for any injury, death, or loss 128734
to person or property that allegedly was caused by or related to a 128735
licensee bringing a handgun onto any premises or property owned, 128736
leased, or otherwise under the control of the political 128737
subdivision. As used in this division, "political subdivision" has 128738
the same meaning as in section 2744.01 of the Revised Code. 128739

(c) An institution of higher education shall be immune from 128740
liability in a civil action for any injury, death, or loss to 128741
person or property that allegedly was caused by or related to a 128742
licensee bringing a handgun onto the premises of the institution, 128743
including motor vehicles owned by the institution, unless the 128744
institution acted with malicious purpose. An institution of higher 128745
education is immune from liability in a civil action for any 128746
injury, death, or loss to person or property that allegedly was 128747
caused by or related to the institution's decision to permit a 128748
licensee or class of licensees to bring a handgun onto the 128749
premises of the institution. 128750

(d) A nonprofit corporation shall be immune from liability in 128751
a civil action for any injury, death, or loss to person or 128752
property that allegedly was caused by or related to a licensee 128753
bringing a handgun onto the premises of the nonprofit corporation, 128754
including any motor vehicle owned by the nonprofit corporation, or 128755

to any event organized by the nonprofit corporation, unless the 128756
nonprofit corporation acted with malicious purpose. A nonprofit 128757
corporation is immune from liability in a civil action for any 128758
injury, death, or loss to person or property that allegedly was 128759
caused by or related to the nonprofit corporation's decision to 128760
permit a licensee to bring a handgun onto the premises of the 128761
nonprofit corporation or to any event organized by the nonprofit 128762
corporation. 128763

(3)(a) Except as provided in division (C)(3)(b) of this 128764
section and section 2923.1214 of the Revised Code, the owner or 128765
person in control of private land or premises, and a private 128766
person or entity leasing land or premises owned by the state, the 128767
United States, or a political subdivision of the state or the 128768
United States, may post a sign in a conspicuous location on that 128769
land or on those premises prohibiting persons from carrying 128770
firearms or concealed firearms on or onto that land or those 128771
premises. Except as otherwise provided in this division, a person 128772
who knowingly violates a posted prohibition of that nature is 128773
guilty of criminal trespass in violation of division (A)(4) of 128774
section 2911.21 of the Revised Code and is guilty of a misdemeanor 128775
of the fourth degree. If a person knowingly violates a posted 128776
prohibition of that nature and the posted land or premises 128777
primarily was a parking lot or other parking facility, the person 128778
is not guilty of criminal trespass under section 2911.21 of the 128779
Revised Code or under any other criminal law of this state or 128780
criminal law, ordinance, or resolution of a political subdivision 128781
of this state, and instead is subject only to a civil cause of 128782
action for trespass based on the violation. 128783

If a person knowingly violates a posted prohibition of the 128784
nature described in this division and the posted land or premises 128785
is a child ~~day-care~~ care center, type A family ~~day-care~~ child care 128786
home, or type B family ~~day-care~~ child care home, unless the person 128787

is a licensee who resides in a type A family ~~day-care~~ child care 128788
home or type B family ~~day-care~~ child care home, the person is 128789
guilty of aggravated trespass in violation of section 2911.211 of 128790
the Revised Code. Except as otherwise provided in this division, 128791
the offender is guilty of a misdemeanor of the first degree. If 128792
the person previously has been convicted of a violation of this 128793
division or of any offense of violence, if the weapon involved is 128794
a firearm that is either loaded or for which the offender has 128795
ammunition ready at hand, or if the weapon involved is dangerous 128796
ordnance, the offender is guilty of a felony of the fourth degree. 128797

(b) A landlord may not prohibit or restrict a tenant who is a 128798
licensee and who on or after September 9, 2008, enters into a 128799
rental agreement with the landlord for the use of residential 128800
premises, and the tenant's guest while the tenant is present, from 128801
lawfully carrying or possessing a handgun on those residential 128802
premises. 128803

(c) As used in division (C)(3) of this section: 128804

(i) "Residential premises" has the same meaning as in section 128805
5321.01 of the Revised Code, except "residential premises" does 128806
not include a dwelling unit that is owned or operated by a college 128807
or university. 128808

(ii) "Landlord," "tenant," and "rental agreement" have the 128809
same meanings as in section 5321.01 of the Revised Code. 128810

(D) A person who holds a valid concealed handgun license 128811
issued by another state that is recognized by the attorney general 128812
pursuant to a reciprocity agreement entered into pursuant to 128813
section 109.69 of the Revised Code or a person who holds a valid 128814
concealed handgun license under the circumstances described in 128815
division (B) of section 109.69 of the Revised Code has the same 128816
right to carry a concealed handgun in this state as a person who 128817
was issued a concealed handgun license under section 2923.125 of 128818

the Revised Code and is subject to the same restrictions that 128819
apply to a person who has been issued a license under that section 128820
that is valid at the time in question. 128821

(E)(1) A peace officer has the same right to carry a 128822
concealed handgun in this state as a person who was issued a 128823
concealed handgun license under section 2923.125 of the Revised 128824
Code, provided that the officer when carrying a concealed handgun 128825
under authority of this division is carrying validating 128826
identification. For purposes of reciprocity with other states, a 128827
peace officer shall be considered to be a licensee in this state. 128828

(2) An active duty member of the armed forces of the United 128829
States who is carrying a valid military identification card and 128830
documentation of successful completion of firearms training that 128831
meets or exceeds the training requirements described in division 128832
(G)(1) of section 2923.125 of the Revised Code has the same right 128833
to carry a concealed handgun in this state as a person who was 128834
issued a concealed handgun license under section 2923.125 of the 128835
Revised Code and is subject to the same restrictions as specified 128836
in this section. 128837

(3) A tactical medical professional who is qualified to carry 128838
firearms while on duty under section 109.771 of the Revised Code 128839
has the same right to carry a concealed handgun in this state as a 128840
person who was issued a concealed handgun license under section 128841
2923.125 of the Revised Code. 128842

(F)(1) A qualified retired peace officer who possesses a 128843
retired peace officer identification card issued pursuant to 128844
division (F)(2) of this section and a valid firearms 128845
requalification certification issued pursuant to division (F)(3) 128846
of this section has the same right to carry a concealed handgun in 128847
this state as a person who was issued a concealed handgun license 128848
under section 2923.125 of the Revised Code and is subject to the 128849
same restrictions that apply to a person who has been issued a 128850

license issued under that section that is valid at the time in 128851
question. For purposes of reciprocity with other states, a 128852
qualified retired peace officer who possesses a retired peace 128853
officer identification card issued pursuant to division (F)(2) of 128854
this section and a valid firearms requalification certification 128855
issued pursuant to division (F)(3) of this section shall be 128856
considered to be a licensee in this state. 128857

(2)(a) Each public agency of this state or of a political 128858
subdivision of this state that is served by one or more peace 128859
officers shall issue a retired peace officer identification card 128860
to any person who retired from service as a peace officer with 128861
that agency, if the issuance is in accordance with the agency's 128862
policies and procedures and if the person, with respect to the 128863
person's service with that agency, satisfies all of the following: 128864

(i) The person retired in good standing from service as a 128865
peace officer with the public agency, and the retirement was not 128866
for reasons of mental instability. 128867

(ii) Before retiring from service as a peace officer with 128868
that agency, the person was authorized to engage in or supervise 128869
the prevention, detection, investigation, or prosecution of, or 128870
the incarceration of any person for, any violation of law and the 128871
person had statutory powers of arrest. 128872

(iii) At the time of the person's retirement as a peace 128873
officer with that agency, the person was trained and qualified to 128874
carry firearms in the performance of the peace officer's duties. 128875

(iv) Before retiring from service as a peace officer with 128876
that agency, the person was regularly employed as a peace officer 128877
for an aggregate of fifteen years or more, or, in the alternative, 128878
the person retired from service as a peace officer with that 128879
agency, after completing any applicable probationary period of 128880
that service, due to a service-connected disability, as determined 128881

by the agency. 128882

(b) A retired peace officer identification card issued to a 128883
person under division (F)(2)(a) of this section shall identify the 128884
person by name, contain a photograph of the person, identify the 128885
public agency of this state or of the political subdivision of 128886
this state from which the person retired as a peace officer and 128887
that is issuing the identification card, and specify that the 128888
person retired in good standing from service as a peace officer 128889
with the issuing public agency and satisfies the criteria set 128890
forth in divisions (F)(2)(a)(i) to (iv) of this section. In 128891
addition to the required content specified in this division, a 128892
retired peace officer identification card issued to a person under 128893
division (F)(2)(a) of this section may include the firearms 128894
requalification certification described in division (F)(3) of this 128895
section, and if the identification card includes that 128896
certification, the identification card shall serve as the firearms 128897
requalification certification for the retired peace officer. If 128898
the issuing public agency issues credentials to active law 128899
enforcement officers who serve the agency, the agency may comply 128900
with division (F)(2)(a) of this section by issuing the same 128901
credentials to persons who retired from service as a peace officer 128902
with the agency and who satisfy the criteria set forth in 128903
divisions (F)(2)(a)(i) to (iv) of this section, provided that the 128904
credentials so issued to retired peace officers are stamped with 128905
the word "RETIRED." 128906

(c) A public agency of this state or of a political 128907
subdivision of this state may charge persons who retired from 128908
service as a peace officer with the agency a reasonable fee for 128909
issuing to the person a retired peace officer identification card 128910
pursuant to division (F)(2)(a) of this section. 128911

(3) If a person retired from service as a peace officer with 128912
a public agency of this state or of a political subdivision of 128913

this state and the person satisfies the criteria set forth in 128914
divisions (F)(2)(a)(i) to (iv) of this section, the public agency 128915
may provide the retired peace officer with the opportunity to 128916
attend a firearms requalification program that is approved for 128917
purposes of firearms requalification required under section 128918
109.801 of the Revised Code. The retired peace officer may be 128919
required to pay the cost of the course. 128920

If a retired peace officer who satisfies the criteria set 128921
forth in divisions (F)(2)(a)(i) to (iv) of this section attends a 128922
firearms requalification program that is approved for purposes of 128923
firearms requalification required under section 109.801 of the 128924
Revised Code, the retired peace officer's successful completion of 128925
the firearms requalification program requalifies the retired peace 128926
officer for purposes of division (F) of this section for five 128927
years from the date on which the program was successfully 128928
completed, and the requalification is valid during that five-year 128929
period. If a retired peace officer who satisfies the criteria set 128930
forth in divisions (F)(2)(a)(i) to (iv) of this section 128931
satisfactorily completes such a firearms requalification program, 128932
the retired peace officer shall be issued a firearms 128933
requalification certification that identifies the retired peace 128934
officer by name, identifies the entity that taught the program, 128935
specifies that the retired peace officer successfully completed 128936
the program, specifies the date on which the course was 128937
successfully completed, and specifies that the requalification is 128938
valid for five years from that date of successful completion. The 128939
firearms requalification certification for a retired peace officer 128940
may be included in the retired peace officer identification card 128941
issued to the retired peace officer under division (F)(2) of this 128942
section. 128943

A retired peace officer who attends a firearms 128944
requalification program that is approved for purposes of firearms 128945

requalification required under section 109.801 of the Revised Code 128946
may be required to pay the cost of the program. 128947

(G) As used in this section: 128948

(1) "Qualified retired peace officer" means a person who 128949
satisfies all of the following: 128950

(a) The person satisfies the criteria set forth in divisions 128951
(F)(2)(a)(i) to (v) of this section. 128952

(b) The person is not under the influence of alcohol or 128953
another intoxicating or hallucinatory drug or substance. 128954

(c) The person is not prohibited by federal law from 128955
receiving firearms. 128956

(2) "Retired peace officer identification card" means an 128957
identification card that is issued pursuant to division (F)(2) of 128958
this section to a person who is a retired peace officer. 128959

(3) "Government facility of this state or a political 128960
subdivision of this state" means any of the following: 128961

(a) A building or part of a building that is owned or leased 128962
by the government of this state or a political subdivision of this 128963
state and where employees of the government of this state or the 128964
political subdivision regularly are present for the purpose of 128965
performing their official duties as employees of the state or 128966
political subdivision; 128967

(b) The office of a deputy registrar serving pursuant to 128968
Chapter 4503. of the Revised Code that is used to perform deputy 128969
registrar functions. 128970

(4) "Governing body" has the same meaning as in section 128971
154.01 of the Revised Code. 128972

(5) "Tactical medical professional" has the same meaning as 128973
in section 109.71 of the Revised Code. 128974

(6) "Validating identification" means photographic 128975
identification issued by the agency for which an individual serves 128976
as a peace officer that identifies the individual as a peace 128977
officer of the agency. 128978

(7) "Nonprofit corporation" means any private organization 128979
that is exempt from federal income taxation pursuant to subsection 128980
501(a) and described in subsection 501(c) of the Internal Revenue 128981
Code. 128982

Sec. 2950.034. (A) No person who has been convicted of, is 128983
convicted of, has pleaded guilty to, or pleads guilty to a 128984
sexually oriented offense or a child-victim oriented offense shall 128985
establish a residence or occupy residential premises within one 128986
thousand feet of any school premises, preschool or child ~~day-care~~ 128987
care center premises, children's crisis care facility premises, or 128988
residential infant care center premises. 128989

(B) If a person to whom division (A) of this section applies 128990
violates division (A) of this section by establishing a residence 128991
or occupying residential premises within one thousand feet of any 128992
school premises, preschool or child ~~day-care~~ care center premises, 128993
children's crisis care facility premises, or residential infant 128994
care center premises, an owner or lessee of real property that is 128995
located within one thousand feet of those school premises, 128996
preschool or child ~~day-care~~ care center premises, children's 128997
crisis care facility premises, or residential infant care center 128998
premises, or the prosecuting attorney, village solicitor, city or 128999
township director of law, similar chief legal officer of a 129000
municipal corporation or township, or official designated as a 129001
prosecutor in a municipal corporation that has jurisdiction over 129002
the place at which the person establishes the residence or 129003
occupies the residential premises in question, has a cause of 129004
action for injunctive relief against the person. The plaintiff 129005

shall not be required to prove irreparable harm in order to obtain the relief. 129006
129007

(C) As used in this section: 129008

(1) "Child ~~day-care~~ care center" has the same meaning as in section 5104.01 of the Revised Code. 129009
129010

(2) "Children's crisis care facility" has the same meaning as in section 5103.13 of the Revised Code. 129011
129012

(3) "Children's crisis care facility premises" means both of the following: 129013
129014

(a) The parcel of real property on which any children's crisis care facility is situated; 129015
129016

(b) Any grounds, play areas, and other facilities of a children's crisis care facility that are regularly used by the children served by the facility. 129017
129018
129019

(4) "Preschool" means any public or private institution or center that provides early childhood instructional or educational services to children who are at least three years of age but less than six years of age and who are not enrolled in or are not eligible to be enrolled in kindergarten, whether or not those services are provided in a child ~~day-care~~ care setting. 129020
129021
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129025
"Preschool" does not include any place that is the permanent residence of the person who is providing the early childhood instructional or educational services to the children described in this division. 129026
129027
129028
129029

(5) "Preschool or child ~~day-care~~ care center premises" means all of the following: 129030
129031

(a) Any building in which any preschool or child ~~day-care~~ care center activities are conducted if the building has signage that indicates that the building houses a preschool or child ~~day-care~~ care center, is clearly visible and discernable without 129032
129033
129034
129035

obstruction, and meets any local zoning ordinances which may 129036
apply; 129037

(b) The parcel of real property on which a preschool or child 129038
~~day-care~~ care center is situated if the parcel of real property 129039
has signage that indicates that a preschool or child ~~day-care~~ care 129040
center is situated on the parcel, is clearly visible and 129041
discernable without obstruction, and meets any local zoning 129042
ordinances which may apply; 129043

(c) Any grounds, play areas, and other facilities of a 129044
preschool or child ~~day-care~~ care center that are regularly used by 129045
the children served by the preschool or child ~~day-care~~ care center 129046
if the grounds, play areas, or other facilities have signage that 129047
indicates that they are regularly used by children served by the 129048
preschool or child ~~day-care~~ care center, is clearly visible and 129049
discernable without obstruction, and meets any local zoning 129050
ordinances which may apply. 129051

(6) "Residential infant care center" has the same meaning as 129052
in section 5103.60 of the Revised Code. 129053

(7) "Residential infant care center premises" means both of 129054
the following: 129055

(a) The parcel of real property on which any residential 129056
infant care center is situated; 129057

(b) Any grounds, play areas, and other facilities of a 129058
residential infant care center that are regularly used by the 129059
children served by the center. 129060

Sec. 2950.11. (A) Regardless of when the sexually oriented 129061
offense or child-victim oriented offense was committed, if a 129062
person is convicted of, pleads guilty to, has been convicted of, 129063
or has pleaded guilty to a sexually oriented offense or a 129064
child-victim oriented offense or a person is or has been 129065

adjudicated a delinquent child for committing a sexually oriented 129066
offense or a child-victim oriented offense and is classified a 129067
juvenile offender registrant or is an out-of-state juvenile 129068
offender registrant based on that adjudication, and if the 129069
offender or delinquent child is in any category specified in 129070
division (F)(1)(a), (b), or (c) of this section, the sheriff with 129071
whom the offender or delinquent child has most recently registered 129072
under section 2950.04, 2950.041, or 2950.05 of the Revised Code 129073
and the sheriff to whom the offender or delinquent child most 129074
recently sent a notice of intent to reside under section 2950.04 129075
or 2950.041 of the Revised Code, within the period of time 129076
specified in division (C) of this section, shall provide a written 129077
notice containing the information set forth in division (B) of 129078
this section to all of the persons described in divisions (A)(1) 129079
to (10) of this section. If the sheriff has sent a notice to the 129080
persons described in those divisions as a result of receiving a 129081
notice of intent to reside and if the offender or delinquent child 129082
registers a residence address that is the same residence address 129083
described in the notice of intent to reside, the sheriff is not 129084
required to send an additional notice when the offender or 129085
delinquent child registers. The sheriff shall provide the notice 129086
to all of the following persons: 129087

(1)(a) Any occupant of each residential unit that is located 129088
within one thousand feet of the offender's or delinquent child's 129089
residential premises, that is located within the county served by 129090
the sheriff, and that is not located in a multi-unit building. 129091
Division (D)(3) of this section applies regarding notices required 129092
under this division. 129093

(b) If the offender or delinquent child resides in a 129094
multi-unit building, any occupant of each residential unit that is 129095
located in that multi-unit building and that shares a common 129096
hallway with the offender or delinquent child. For purposes of 129097

this division, an occupant's unit shares a common hallway with the offender or delinquent child if the entrance door into the occupant's unit is located on the same floor and opens into the same hallway as the entrance door to the unit the offender or delinquent child occupies. Division (D)(3) of this section applies regarding notices required under this division.

(c) The building manager, or the person the building owner or condominium unit owners association authorizes to exercise management and control, of each multi-unit building that is located within one thousand feet of the offender's or delinquent child's residential premises, including a multi-unit building in which the offender or delinquent child resides, and that is located within the county served by the sheriff. In addition to notifying the building manager or the person authorized to exercise management and control in the multi-unit building under this division, the sheriff shall post a copy of the notice prominently in each common entryway in the building and any other location in the building the sheriff determines appropriate. The manager or person exercising management and control of the building shall permit the sheriff to post copies of the notice under this division as the sheriff determines appropriate. In lieu of posting copies of the notice as described in this division, a sheriff may provide notice to all occupants of the multi-unit building by mail or personal contact; if the sheriff so notifies all the occupants, the sheriff is not required to post copies of the notice in the common entryways to the building. Division (D)(3) of this section applies regarding notices required under this division.

(d) All additional persons who are within any category of neighbors of the offender or delinquent child that the attorney general by rule adopted under section 2950.13 of the Revised Code requires to be provided the notice and who reside within the

county served by the sheriff; 129130

(2) The executive director of the public children services 129131
agency that has jurisdiction within the specified geographical 129132
notification area and that is located within the county served by 129133
the sheriff; 129134

(3)(a) The superintendent of each board of education of a 129135
school district that has schools within the specified geographical 129136
notification area and that is located within the county served by 129137
the sheriff; 129138

(b) The principal of the school within the specified 129139
geographical notification area and within the county served by the 129140
sheriff that the delinquent child attends; 129141

(c) If the delinquent child attends a school outside of the 129142
specified geographical notification area or outside of the school 129143
district where the delinquent child resides, the superintendent of 129144
the board of education of a school district that governs the 129145
school that the delinquent child attends and the principal of the 129146
school that the delinquent child attends. 129147

(4)(a) The appointing or hiring officer of each chartered 129148
nonpublic school located within the specified geographical 129149
notification area and within the county served by the sheriff or 129150
of each other school located within the specified geographical 129151
notification area and within the county served by the sheriff and 129152
that is not operated by a board of education described in division 129153
(A)(3) of this section; 129154

(b) Regardless of the location of the school, the appointing 129155
or hiring officer of a chartered nonpublic school that the 129156
delinquent child attends. 129157

(5) The director, head teacher, elementary principal, or site 129158
administrator of each preschool program governed by Chapter 3301. 129159
of the Revised Code that is located within the specified 129160

geographical notification area and within the county served by the sheriff; 129161
129162

(6) The administrator of each child ~~day-care~~ care center or 129163
type A family ~~day-care~~ child care home that is located within the 129164
specified geographical notification area and within the county 129165
served by the sheriff, and each holder of a license to operate a 129166
type B family ~~day-care~~ child care home that is located within the 129167
specified geographical notification area and within the county 129168
served by the sheriff. As used in this division, "child ~~day-care~~ 129169
care center," "type A family ~~day-care~~ child care home," and "type 129170
B family ~~day-care~~ child care home" have the same meanings as in 129171
section 5104.01 of the Revised Code. 129172

(7) The president or other chief administrative officer of 129173
each institution of higher education, as defined in section 129174
2907.03 of the Revised Code, that is located within the specified 129175
geographical notification area and within the county served by the 129176
sheriff, and the chief law enforcement officer of the state 129177
university law enforcement agency or campus police department 129178
established under section 3345.04 or 1713.50 of the Revised Code, 129179
if any, that serves that institution; 129180

(8) The sheriff of each county that includes any portion of 129181
the specified geographical notification area; 129182

(9) If the offender or delinquent child resides within the 129183
county served by the sheriff, the chief of police, marshal, or 129184
other chief law enforcement officer of the municipal corporation 129185
in which the offender or delinquent child resides or, if the 129186
offender or delinquent child resides in an unincorporated area, 129187
the constable or chief of the police department or police district 129188
police force of the township in which the offender or delinquent 129189
child resides; 129190

(10) Volunteer organizations in which contact with minors or 129191

other vulnerable individuals might occur or any organization, 129192
company, or individual who requests notification as provided in 129193
division (J) of this section. 129194

(B) The notice required under division (A) of this section 129195
shall include all of the following information regarding the 129196
subject offender or delinquent child: 129197

(1) The offender's or delinquent child's name; 129198

(2) The address or addresses of the offender's or public 129199
registry-qualified juvenile offender registrant's residence, 129200
school, institution of higher education, or place of employment, 129201
as applicable, or the residence address or addresses of a 129202
delinquent child who is not a public registry-qualified juvenile 129203
offender registrant; 129204

(3) The sexually oriented offense or child-victim oriented 129205
offense of which the offender was convicted, to which the offender 129206
pleaded guilty, or for which the child was adjudicated a 129207
delinquent child; 129208

(4) A statement that identifies the category specified in 129209
division (F)(1)(a), (b), or (c) of this section that includes the 129210
offender or delinquent child and that subjects the offender or 129211
delinquent child to this section; 129212

(5) The offender's or delinquent child's photograph. 129213

(C) If a sheriff with whom an offender or delinquent child 129214
registers under section 2950.04, 2950.041, or 2950.05 of the 129215
Revised Code or to whom the offender or delinquent child most 129216
recently sent a notice of intent to reside under section 2950.04 129217
or 2950.041 of the Revised Code is required by division (A) of 129218
this section to provide notices regarding an offender or 129219
delinquent child and if, pursuant to that requirement, the sheriff 129220
provides a notice to a sheriff of one or more other counties in 129221
accordance with division (A)(8) of this section, the sheriff of 129222

each of the other counties who is provided notice under division 129223
(A)(8) of this section shall provide the notices described in 129224
divisions (A)(1) to (7) and (A)(9) and (10) of this section to 129225
each person or entity identified within those divisions that is 129226
located within the specified geographical notification area and 129227
within the county served by the sheriff in question. 129228

(D)(1) A sheriff required by division (A) or (C) of this 129229
section to provide notices regarding an offender or delinquent 129230
child shall provide the notice to the neighbors that are described 129231
in division (A)(1) of this section and the notices to law 129232
enforcement personnel that are described in divisions (A)(8) and 129233
(9) of this section as soon as practicable, but no later than five 129234
days after the offender sends the notice of intent to reside to 129235
the sheriff and again no later than five days after the offender 129236
or delinquent child registers with the sheriff or, if the sheriff 129237
is required by division (C) of this section to provide the 129238
notices, no later than five days after the sheriff is provided the 129239
notice described in division (A)(8) of this section. 129240

A sheriff required by division (A) or (C) of this section to 129241
provide notices regarding an offender or delinquent child shall 129242
provide the notices to all other specified persons that are 129243
described in divisions (A)(2) to (7) and (A)(10) of this section 129244
as soon as practicable, but not later than seven days after the 129245
offender or delinquent child registers with the sheriff or, if the 129246
sheriff is required by division (C) of this section to provide the 129247
notices, no later than five days after the sheriff is provided the 129248
notice described in division (A)(8) of this section. 129249

(2) If an offender or delinquent child in relation to whom 129250
division (A) of this section applies verifies the offender's or 129251
delinquent child's current residence, school, institution of 129252
higher education, or place of employment address, as applicable, 129253
with a sheriff pursuant to section 2950.06 of the Revised Code, 129254

the sheriff may provide a written notice containing the 129255
information set forth in division (B) of this section to the 129256
persons identified in divisions (A)(1) to (10) of this section. If 129257
a sheriff provides a notice pursuant to this division to the 129258
sheriff of one or more other counties in accordance with division 129259
(A)(8) of this section, the sheriff of each of the other counties 129260
who is provided the notice under division (A)(8) of this section 129261
may provide, but is not required to provide, a written notice 129262
containing the information set forth in division (B) of this 129263
section to the persons identified in divisions (A)(1) to (7) and 129264
(A)(9) and (10) of this section. 129265

(3) A sheriff may provide notice under division (A)(1)(a) or 129266
(b) of this section, and may provide notice under division 129267
(A)(1)(c) of this section to a building manager or person 129268
authorized to exercise management and control of a building, by 129269
mail, by personal contact, or by leaving the notice at or under 129270
the entry door to a residential unit. For purposes of divisions 129271
(A)(1)(a) and (b) of this section, and the portion of division 129272
(A)(1)(c) of this section relating to the provision of notice to 129273
occupants of a multi-unit building by mail or personal contact, 129274
the provision of one written notice per unit is deemed as 129275
providing notice to all occupants of that unit. 129276

(E) All information that a sheriff possesses regarding an 129277
offender or delinquent child who is in a category specified in 129278
division (F)(1)(a), (b), or (c) of this section that is described 129279
in division (B) of this section and that must be provided in a 129280
notice required under division (A) or (C) of this section or that 129281
may be provided in a notice authorized under division (D)(2) of 129282
this section is a public record that is open to inspection under 129283
section 149.43 of the Revised Code. 129284

The sheriff shall not cause to be publicly disseminated by 129285
means of the internet any of the information described in this 129286

division that is provided by a delinquent child unless that child 129287
is in a category specified in division (F)(1)(a), (b), or (c) of 129288
this section. 129289

(F)(1) Except as provided in division (F)(2) of this section, 129290
the duties to provide the notices described in divisions (A) and 129291
(C) of this section apply regarding any offender or delinquent 129292
child who is in any of the following categories: 129293

(a) The offender is a tier III sex offender/child-victim 129294
offender, or the delinquent child is a public registry-qualified 129295
juvenile offender registrant, and a juvenile court has not removed 129296
pursuant to section 2950.15 of the Revised Code the delinquent 129297
child's duty to comply with sections 2950.04, 2950.041, 2950.05, 129298
and 2950.06 of the Revised Code. 129299

(b) The delinquent child is a tier III sex 129300
offender/child-victim offender who is not a public 129301
registry-qualified juvenile offender registrant, the delinquent 129302
child was subjected to this section prior to January 1, 2008, as a 129303
sexual predator, habitual sex offender, child-victim predator, or 129304
habitual child-victim offender, as those terms were defined in 129305
section 2950.01 of the Revised Code as it existed prior to January 129306
1, 2008, and a juvenile court has not removed pursuant to section 129307
2152.84 or 2152.85 of the Revised Code the delinquent child's duty 129308
to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of 129309
the Revised Code. 129310

(c) The delinquent child is a tier III sex 129311
offender/child-victim offender who is not a public 129312
registry-qualified juvenile offender registrant, the delinquent 129313
child was classified a juvenile offender registrant on or after 129314
January 1, 2008, the court has imposed a requirement under section 129315
2152.82, 2152.83, or 2152.84 of the Revised Code subjecting the 129316
delinquent child to this section, and a juvenile court has not 129317
removed pursuant to section 2152.84 or 2152.85 of the Revised Code 129318

the delinquent child's duty to comply with sections 2950.04, 129319
2950.041, 2950.05, and 2950.06 of the Revised Code. 129320

(2) The notification provisions of this section do not apply 129321
to a person described in division (F)(1)(a), (b), or (c) of this 129322
section if a court finds at a hearing after considering the 129323
factors described in this division that the person would not be 129324
subject to the notification provisions of this section that were 129325
in the version of this section that existed immediately prior to 129326
January 1, 2008. In making the determination of whether a person 129327
would have been subject to the notification provisions under prior 129328
law as described in this division, the court shall consider the 129329
following factors: 129330

(a) The offender's or delinquent child's age; 129331

(b) The offender's or delinquent child's prior criminal or 129332
delinquency record regarding all offenses, including, but not 129333
limited to, all sexual offenses; 129334

(c) The age of the victim of the sexually oriented offense 129335
for which sentence is to be imposed or the order of disposition is 129336
to be made; 129337

(d) Whether the sexually oriented offense for which sentence 129338
is to be imposed or the order of disposition is to be made 129339
involved multiple victims; 129340

(e) Whether the offender or delinquent child used drugs or 129341
alcohol to impair the victim of the sexually oriented offense or 129342
to prevent the victim from resisting; 129343

(f) If the offender or delinquent child previously has been 129344
convicted of or pleaded guilty to, or been adjudicated a 129345
delinquent child for committing an act that if committed by an 129346
adult would be, a criminal offense, whether the offender or 129347
delinquent child completed any sentence or dispositional order 129348
imposed for the prior offense or act and, if the prior offense or 129349

act was a sex offense or a sexually oriented offense, whether the offender or delinquent child participated in available programs for sexual offenders;

(g) Any mental illness or mental disability of the offender or delinquent child;

(h) The nature of the offender's or delinquent child's sexual conduct, sexual contact, or interaction in a sexual context with the victim of the sexually oriented offense and whether the sexual conduct, sexual contact, or interaction in a sexual context was part of a demonstrated pattern of abuse;

(i) Whether the offender or delinquent child, during the commission of the sexually oriented offense for which sentence is to be imposed or the order of disposition is to be made, displayed cruelty or made one or more threats of cruelty;

(j) Whether the offender or delinquent child would have been a habitual sex offender or a habitual child victim offender under the definitions of those terms set forth in section 2950.01 of the Revised Code as that section existed prior to January 1, 2008;

(k) Any additional behavioral characteristics that contribute to the offender's or delinquent child's conduct.

(G)(1) The department of job and family services shall compile, maintain, and update in January and July of each year, a list of all agencies, centers, or homes of a type described in division (A)(2) or (6) of this section that contains the name of each agency, center, or home of that type, the county in which it is located, its address and telephone number, and the name of an administrative officer or employee of the agency, center, or home.

(2) The department of education shall compile, maintain, and update in January and July of each year, a list of all boards of education, schools, or programs of a type described in division (A)(3), (4), or (5) of this section that contains the name of each

board of education, school, or program of that type, the county in 129381
which it is located, its address and telephone number, the name of 129382
the superintendent of the board or of an administrative officer or 129383
employee of the school or program, and, in relation to a board of 129384
education, the county or counties in which each of its schools is 129385
located and the address of each such school. 129386

(3) The ~~Ohio board~~ department of ~~regents~~ higher education 129387
shall compile, maintain, and update in January and July of each 129388
year, a list of all institutions of a type described in division 129389
(A)(7) of this section that contains the name of each such 129390
institution, the county in which it is located, its address and 129391
telephone number, and the name of its president or other chief 129392
administrative officer. 129393

(4) A sheriff required by division (A) or (C) of this 129394
section, or authorized by division (D)(2) of this section, to 129395
provide notices regarding an offender or delinquent child, or a 129396
designee of a sheriff of that type, may request the department of 129397
job and family services, department of education, or ~~Ohio board~~ 129398
department of ~~regents~~ higher education, by telephone, in person, 129399
or by mail, to provide the sheriff or designee with the names, 129400
addresses, and telephone numbers of the appropriate persons and 129401
entities to whom the notices described in divisions (A)(2) to (7) 129402
of this section are to be provided. Upon receipt of a request, the 129403
department ~~or board~~ shall provide the requesting sheriff or 129404
designee with the names, addresses, and telephone numbers of the 129405
appropriate persons and entities to whom those notices are to be 129406
provided. 129407

(H)(1) Upon the motion of the offender or the prosecuting 129408
attorney of the county in which the offender was convicted of or 129409
pleaded guilty to the sexually oriented offense or child-victim 129410
oriented offense for which the offender is subject to community 129411
notification under this section, or upon the motion of the 129412

sentencing judge or that judge's successor in office, the judge 129413
may schedule a hearing to determine whether the interests of 129414
justice would be served by suspending the community notification 129415
requirement under this section in relation to the offender. The 129416
judge may dismiss the motion without a hearing but may not issue 129417
an order suspending the community notification requirement without 129418
a hearing. At the hearing, all parties are entitled to be heard, 129419
and the judge shall consider all of the factors set forth in 129420
division (K) of this section. If, at the conclusion of the 129421
hearing, the judge finds that the offender has proven by clear and 129422
convincing evidence that the offender is unlikely to commit in the 129423
future a sexually oriented offense or a child-victim oriented 129424
offense and if the judge finds that suspending the community 129425
notification requirement is in the interests of justice, the judge 129426
may suspend the application of this section in relation to the 129427
offender. The order shall contain both of these findings. 129428

The judge promptly shall serve a copy of the order upon the 129429
sheriff with whom the offender most recently registered under 129430
section 2950.04, 2950.041, or 2950.05 of the Revised Code and upon 129431
the bureau of criminal identification and investigation. 129432

An order suspending the community notification requirement 129433
does not suspend or otherwise alter an offender's duties to comply 129434
with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 129435
Revised Code and does not suspend the victim notification 129436
requirement under section 2950.10 of the Revised Code. 129437

(2) A prosecuting attorney, a sentencing judge or that 129438
judge's successor in office, and an offender who is subject to the 129439
community notification requirement under this section may 129440
initially make a motion under division (H)(1) of this section upon 129441
the expiration of twenty years after the offender's duty to comply 129442
with division (A)(2), (3), or (4) of section 2950.04, division 129443
(A)(2), (3), or (4) of section 2950.041 and sections 2950.05 and 129444

2950.06 of the Revised Code begins in relation to the offense for 129445
which the offender is subject to community notification. After the 129446
initial making of a motion under division (H)(1) of this section, 129447
thereafter, the prosecutor, judge, and offender may make a 129448
subsequent motion under that division upon the expiration of five 129449
years after the judge has entered an order denying the initial 129450
motion or the most recent motion made under that division. 129451

(3) The offender and the prosecuting attorney have the right 129452
to appeal an order approving or denying a motion made under 129453
division (H)(1) of this section. 129454

(4) Divisions (H)(1) to (3) of this section do not apply to 129455
any of the following types of offender: 129456

(a) A person who is convicted of or pleads guilty to a 129457
violent sex offense or designated homicide, assault, or kidnapping 129458
offense and who, in relation to that offense, is adjudicated a 129459
sexually violent predator; 129460

(b) A person who is convicted of or pleads guilty to a 129461
sexually oriented offense that is a violation of division 129462
(A)(1)(b) of section 2907.02 of the Revised Code committed on or 129463
after January 2, 2007, and either who is sentenced under section 129464
2971.03 of the Revised Code or upon whom a sentence of life 129465
without parole is imposed under division (B) of section 2907.02 of 129466
the Revised Code; 129467

(c) A person who is convicted of or pleads guilty to a 129468
sexually oriented offense that is attempted rape committed on or 129469
after January 2, 2007, and who also is convicted of or pleads 129470
guilty to a specification of the type described in section 129471
2941.1418, 2941.1419, or 2941.1420 of the Revised Code; 129472

(d) A person who is convicted of or pleads guilty to an 129473
offense described in division (B)(3)(a), (b), (c), or (d) of 129474
section 2971.03 of the Revised Code and who is sentenced for that 129475

offense pursuant to that division; 129476

(e) An offender who is in a category specified in division 129477
(F)(1)(a), (b), or (c) of this section and who, subsequent to 129478
being subjected to community notification, has pleaded guilty to 129479
or been convicted of a sexually oriented offense or child-victim 129480
oriented offense. 129481

(I) If a person is convicted of, pleads guilty to, has been 129482
convicted of, or has pleaded guilty to a sexually oriented offense 129483
or a child-victim oriented offense or a person is or has been 129484
adjudicated a delinquent child for committing a sexually oriented 129485
offense or a child-victim oriented offense and is classified a 129486
juvenile offender registrant or is an out-of-state juvenile 129487
offender registrant based on that adjudication, and if the 129488
offender or delinquent child is not in any category specified in 129489
division (F)(1)(a), (b), or (c) of this section, the sheriff with 129490
whom the offender or delinquent child has most recently registered 129491
under section 2950.04, 2950.041, or 2950.05 of the Revised Code 129492
and the sheriff to whom the offender or delinquent child most 129493
recently sent a notice of intent to reside under section 2950.04 129494
or 2950.041 of the Revised Code, within the period of time 129495
specified in division (D) of this section, shall provide a written 129496
notice containing the information set forth in division (B) of 129497
this section to the executive director of the public children 129498
services agency that has jurisdiction within the specified 129499
geographical notification area and that is located within the 129500
county served by the sheriff. 129501

(J) Each sheriff shall allow a volunteer organization or 129502
other organization, company, or individual who wishes to receive 129503
the notice described in division (A)(10) of this section regarding 129504
a specific offender or delinquent child or notice regarding all 129505
offenders and delinquent children who are located in the specified 129506
geographical notification area to notify the sheriff by electronic 129507

mail or through the sheriff's web site of this election. The 129508
sheriff shall promptly inform the bureau of criminal 129509
identification and investigation of these requests in accordance 129510
with the forwarding procedures adopted by the attorney general 129511
pursuant to section 2950.13 of the Revised Code. 129512

(K) In making a determination under division (H)(1) of this 129513
section as to whether to suspend the community notification 129514
requirement under this section for an offender, the judge shall 129515
consider all relevant factors, including, but not limited to, all 129516
of the following: 129517

(1) The offender's age; 129518

(2) The offender's prior criminal or delinquency record 129519
regarding all offenses, including, but not limited to, all 129520
sexually oriented offenses or child-victim oriented offenses; 129521

(3) The age of the victim of the sexually oriented offense or 129522
child-victim oriented offense the offender committed; 129523

(4) Whether the sexually oriented offense or child-victim 129524
oriented offense the offender committed involved multiple victims; 129525

(5) Whether the offender used drugs or alcohol to impair the 129526
victim of the sexually oriented offense or child-victim oriented 129527
offense the offender committed or to prevent the victim from 129528
resisting; 129529

(6) If the offender previously has been convicted of, pleaded 129530
guilty to, or been adjudicated a delinquent child for committing 129531
an act that if committed by an adult would be a criminal offense, 129532
whether the offender completed any sentence or dispositional order 129533
imposed for the prior offense or act and, if the prior offense or 129534
act was a sexually oriented offense or a child-victim oriented 129535
offense, whether the offender or delinquent child participated in 129536
available programs for sex offenders or child-victim offenders; 129537

(7) Any mental illness or mental disability of the offender; 129538

(8) The nature of the offender's sexual conduct, sexual 129539
contact, or interaction in a sexual context with the victim of the 129540
sexually oriented offense the offender committed or the nature of 129541
the offender's interaction in a sexual context with the victim of 129542
the child-victim oriented offense the offender committed, 129543
whichever is applicable, and whether the sexual conduct, sexual 129544
contact, or interaction in a sexual context was part of a 129545
demonstrated pattern of abuse; 129546

(9) Whether the offender, during the commission of the 129547
sexually oriented offense or child-victim oriented offense the 129548
offender committed, displayed cruelty or made one or more threats 129549
of cruelty; 129550

(10) Any additional behavioral characteristics that 129551
contribute to the offender's conduct. 129552

(L) As used in this section, "specified geographical 129553
notification area" means the geographic area or areas within which 129554
the attorney general, by rule adopted under section 2950.13 of the 129555
Revised Code, requires the notice described in division (B) of 129556
this section to be given to the persons identified in divisions 129557
(A)(2) to (8) of this section. 129558

Sec. 2950.13. (A) The attorney general shall do all of the 129559
following: 129560

(1) No later than July 1, 1997, establish and maintain a 129561
state registry of sex offenders and child-victim offenders that is 129562
housed at the bureau of criminal identification and investigation 129563
and that contains all of the registration, change of residence, 129564
school, institution of higher education, or place of employment 129565
address, and verification information the bureau receives pursuant 129566
to sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 129567

Code regarding each person who is convicted of, pleads guilty to, 129568
has been convicted of, or has pleaded guilty to a sexually 129569
oriented offense or a child-victim oriented offense and each 129570
person who is or has been adjudicated a delinquent child for 129571
committing a sexually oriented offense or a child-victim oriented 129572
offense and is classified a juvenile offender registrant or is an 129573
out-of-state juvenile offender registrant based on that 129574
adjudication, all of the information the bureau receives pursuant 129575
to section 2950.14 of the Revised Code, and any notice of an order 129576
terminating or modifying an offender's or delinquent child's duty 129577
to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of 129578
the Revised Code the bureau receives pursuant to section 2152.84, 129579
2152.85, or 2950.15 of the Revised Code. For a person who was 129580
convicted of or pleaded guilty to the sexually oriented offense or 129581
child-victim related offense, the registry also shall indicate 129582
whether the person was convicted of or pleaded guilty to the 129583
offense in a criminal prosecution or in a serious youthful 129584
offender case. The registry shall not be open to inspection by the 129585
public or by any person other than a person identified in division 129586
(A) of section 2950.08 of the Revised Code. In addition to the 129587
information and material previously identified in this division, 129588
the registry shall include all of the following regarding each 129589
person who is listed in the registry: 129590

(a) A citation for, and the name of, all sexually oriented 129591
offenses or child-victim oriented offenses of which the person was 129592
convicted, to which the person pleaded guilty, or for which the 129593
person was adjudicated a delinquent child and that resulted in a 129594
registration duty, and the date on which those offenses were 129595
committed; 129596

(b) The text of the sexually oriented offenses or 129597
child-victim oriented offenses identified in division (A)(1)(a) of 129598
this section as those offenses existed at the time the person was 129599

convicted of, pleaded guilty to, or was adjudicated a delinquent 129600
child for committing those offenses, or a link to a database that 129601
sets forth the text of those offenses; 129602

(c) A statement as to whether the person is a tier I sex 129603
offender/child-victim offender, a tier II sex 129604
offender/child-victim offender, or a tier III sex 129605
offender/child-victim offender for the sexually oriented offenses 129606
or child-victim oriented offenses identified in division (A)(1)(a) 129607
of this section; 129608

(d) The community supervision status of the person, 129609
including, but not limited to, whether the person is serving a 129610
community control sanction and the nature of any such sanction, 129611
whether the person is under supervised release and the nature of 129612
the release, or regarding a juvenile, whether the juvenile is 129613
under any type of release authorized under Chapter 2152. or 5139. 129614
of the Revised Code and the nature of any such release; 129615

(e) The offense and delinquency history of the person, as 129616
determined from information gathered or provided under sections 129617
109.57 and 2950.14 of the Revised Code; 129618

(f) The bureau of criminal identification and investigation 129619
tracking number assigned to the person if one has been so 129620
assigned, the federal bureau of investigation number assigned to 129621
the person if one has been assigned and the bureau of criminal 129622
identification and investigation is aware of the number, and any 129623
other state identification number assigned to the person of which 129624
the bureau is aware; 129625

(g) Fingerprints and palmprints of the person; 129626

(h) A DNA specimen, as defined in section 109.573 of the 129627
Revised Code, from the person; 129628

(i) Whether the person has any outstanding arrest warrants; 129629

(j) Whether the person is in compliance with the person's 129630
duties under this chapter. 129631

(2) In consultation with local law enforcement 129632
representatives and no later than July 1, 1997, adopt rules that 129633
contain guidelines necessary for the implementation of this 129634
chapter; 129635

(3) In consultation with local law enforcement 129636
representatives, adopt rules for the implementation and 129637
administration of the provisions contained in section 2950.11 of 129638
the Revised Code that pertain to the notification of neighbors of 129639
an offender or a delinquent child who has committed a sexually 129640
oriented offense or a child-victim oriented offense and is in a 129641
category specified in division (F)(1) of that section and rules 129642
that prescribe a manner in which victims of a sexually oriented 129643
offense or a child-victim oriented offense committed by an 129644
offender or a delinquent child who is in a category specified in 129645
division (B)(1) of section 2950.10 of the Revised Code may make a 129646
request that specifies that the victim would like to be provided 129647
the notices described in divisions (A)(1) and (2) of section 129648
2950.10 of the Revised Code; 129649

(4) In consultation with local law enforcement 129650
representatives and through the bureau of criminal identification 129651
and investigation, prescribe the forms to be used by judges and 129652
officials pursuant to section 2950.03 or 2950.032 of the Revised 129653
Code to advise offenders and delinquent children of their duties 129654
of filing a notice of intent to reside, registration, notification 129655
of a change of residence, school, institution of higher education, 129656
or place of employment address and registration of the new school, 129657
institution of higher education, or place of employment address, 129658
as applicable, and address verification under sections 2950.04, 129659
2950.041, 2950.05, and 2950.06 of the Revised Code, and prescribe 129660
the forms to be used by sheriffs relative to those duties of 129661

filing a notice of intent to reside, registration, change of 129662
residence, school, institution of higher education, or place of 129663
employment address notification, and address verification; 129664

(5) Make copies of the forms prescribed under division (A)(4) 129665
of this section available to judges, officials, and sheriffs; 129666

(6) Through the bureau of criminal identification and 129667
investigation, provide the notifications, the information and 129668
materials, and the documents that the bureau is required to 129669
provide to appropriate law enforcement officials and to the 129670
federal bureau of investigation pursuant to sections 2950.04, 129671
2950.041, 2950.05, and 2950.06 of the Revised Code; 129672

(7) Through the bureau of criminal identification and 129673
investigation, maintain the verification forms returned under the 129674
address verification mechanism set forth in section 2950.06 of the 129675
Revised Code; 129676

(8) In consultation with representatives of the officials, 129677
judges, and sheriffs, adopt procedures for officials, judges, and 129678
sheriffs to use to forward information, photographs, and 129679
fingerprints to the bureau of criminal identification and 129680
investigation pursuant to the requirements of sections 2950.03, 129681
2950.04, 2950.041, 2950.05, 2950.06, and 2950.11 of the Revised 129682
Code; 129683

(9) In consultation with the director of education, the 129684
director of job and family services, and the director of 129685
rehabilitation and correction, adopt rules that contain guidelines 129686
to be followed by boards of education of a school district, 129687
chartered nonpublic schools or other schools not operated by a 129688
board of education, preschool programs, child ~~day-care~~ care 129689
centers, type A family ~~day-care~~ child care homes, licensed type B 129690
family ~~day-care~~ child care homes, and institutions of higher 129691
education regarding the proper use and administration of 129692

information received pursuant to section 2950.11 of the Revised Code relative to an offender or delinquent child who has committed a sexually oriented offense or a child-victim oriented offense and is in a category specified in division (F)(1) of that section;

(10) In consultation with local law enforcement representatives and no later than July 1, 1997, adopt rules that designate a geographic area or areas within which the notice described in division (B) of section 2950.11 of the Revised Code must be given to the persons identified in divisions (A)(2) to (8) and (A)(10) of that section;

(11) Through the bureau of criminal identification and investigation, not later than January 1, 2004, establish and operate on the internet a sex offender and child-victim offender database that contains information for every offender who has committed a sexually oriented offense or a child-victim oriented offense and registers in any county in this state pursuant to section 2950.04 or 2950.041 of the Revised Code and for every delinquent child who has committed a sexually oriented offense, is a public registry-qualified juvenile offender registrant, and registers in any county in this state pursuant to either such section. The bureau shall not include on the database the identity of any offender's or public registry-qualified juvenile offender registrant's victim, any offender's or public registry-qualified juvenile offender registrant's social security number, the name of any school or institution of higher education attended by any offender or public registry-qualified juvenile offender registrant, the name of the place of employment of any offender or public registry-qualified juvenile offender registrant, any tracking or identification number described in division (A)(1)(f) of this section, or any information described in division (C)(7) of section 2950.04 or 2950.041 of the Revised Code. The bureau shall provide on the database, for each offender and each public

registry-qualified juvenile offender registrant, at least the 129725
information specified in divisions (A)(11)(a) to (h) of this 129726
section. Otherwise, the bureau shall determine the information to 129727
be provided on the database for each offender and public 129728
registry-qualified juvenile offender registrant and shall obtain 129729
that information from the information contained in the state 129730
registry of sex offenders and child-victim offenders described in 129731
division (A)(1) of this section, which information, while in the 129732
possession of the sheriff who provided it, is a public record open 129733
for inspection as described in section 2950.081 of the Revised 129734
Code. The database is a public record open for inspection under 129735
section 149.43 of the Revised Code, and it shall be searchable by 129736
offender or public registry-qualified juvenile offender registrant 129737
name, by county, by zip code, and by school district. The database 129738
shall provide a link to the web site of each sheriff who has 129739
established and operates on the internet a sex offender and 129740
child-victim offender database that contains information for 129741
offenders and public registry-qualified juvenile offender 129742
registrants who register in that county pursuant to section 129743
2950.04 or 2950.041 of the Revised Code, with the link being a 129744
direct link to the sex offender and child-victim offender database 129745
for the sheriff. The bureau shall provide on the database, for 129746
each offender and public registry-qualified juvenile offender 129747
registrant, at least the following information: 129748

(a) The information described in divisions (A)(1)(a), (b), 129749
(c), and (d) of this section relative to the offender or public 129750
registry-qualified juvenile offender registrant; 129751

(b) The address of the offender's or public 129752
registry-qualified juvenile offender registrant's school, 129753
institution of higher education, or place of employment provided 129754
in a registration form; 129755

(c) The information described in division (C)(6) of section 129756

2950.04 or 2950.041 of the Revised Code; 129757

(d) A chart describing which sexually oriented offenses and 129758
child-victim oriented offenses are included in the definitions of 129759
tier I sex offender/child-victim offender, tier II sex 129760
offender/child-victim offender, and tier III sex 129761
offender/child-victim offender; 129762

(e) Fingerprints and palmprints of the offender or public 129763
registry-qualified juvenile offender registrant and a DNA specimen 129764
from the offender or public registry-qualified juvenile offender 129765
registrant; 129766

(f) The information set forth in division (B) of section 129767
2950.11 of the Revised Code; 129768

(g) Any outstanding arrest warrants for the offender or 129769
public registry-qualified juvenile offender registrant; 129770

(h) The offender's or public registry-qualified juvenile 129771
offender registrant's compliance status with duties under this 129772
chapter. 129773

(12) Develop software to be used by sheriffs in establishing 129774
on the internet a sex offender and child-victim offender database 129775
for the public dissemination of some or all of the information and 129776
materials described in division (A) of section 2950.081 of the 129777
Revised Code that are public records under that division, that are 129778
not prohibited from inclusion by division (B) of that section, and 129779
that pertain to offenders and public registry-qualified juvenile 129780
offender registrants who register in the sheriff's county pursuant 129781
to section 2950.04 or 2950.041 of the Revised Code and for the 129782
public dissemination of information the sheriff receives pursuant 129783
to section 2950.14 of the Revised Code and, upon the request of 129784
any sheriff, provide technical guidance to the requesting sheriff 129785
in establishing on the internet such a database; 129786

(13) Through the bureau of criminal identification and 129787

investigation, not later than January 1, 2004, establish and 129788
operate on the internet a database that enables local law 129789
enforcement representatives to remotely search by electronic means 129790
the state registry of sex offenders and child-victim offenders 129791
described in division (A)(1) of this section and any information 129792
and materials the bureau receives pursuant to sections 2950.04, 129793
2950.041, 2950.05, 2950.06, and 2950.14 of the Revised Code. The 129794
database shall enable local law enforcement representatives to 129795
obtain detailed information regarding each offender and delinquent 129796
child who is included in the registry, including, but not limited 129797
to the offender's or delinquent child's name, aliases, residence 129798
address, name and address of any place of employment, school, 129799
institution of higher education, if applicable, license plate 129800
number of each vehicle identified in division (C)(5) of section 129801
2950.04 or 2950.041 of the Revised Code to the extent applicable, 129802
victim preference if available, date of most recent release from 129803
confinement if applicable, fingerprints, and palmprints, all of 129804
the information and material described in divisions (A)(1)(a) to 129805
(h) of this section regarding the offender or delinquent child, 129806
and other identification parameters the bureau considers 129807
appropriate. The database is not a public record open for 129808
inspection under section 149.43 of the Revised Code and shall be 129809
available only to law enforcement representatives as described in 129810
this division. Information obtained by local law enforcement 129811
representatives through use of this database is not open to 129812
inspection by the public or by any person other than a person 129813
identified in division (A) of section 2950.08 of the Revised Code. 129814

(14) Through the bureau of criminal identification and 129815
investigation, maintain a list of requests for notice about a 129816
specified offender or delinquent child or specified geographical 129817
notification area made pursuant to division (J) of section 2950.11 129818
of the Revised Code and, when an offender or delinquent child 129819
changes residence to another county, forward any requests for 129820

information about that specific offender or delinquent child to 129821
the appropriate sheriff; 129822

(15) Through the bureau of criminal identification and 129823
investigation, establish and operate a system for the immediate 129824
notification by electronic means of the appropriate officials in 129825
other states specified in this division each time an offender or 129826
delinquent child registers a residence, school, institution of 129827
higher education, or place of employment address under section 129828
2950.04 or 2950.041 of the Revised Code or provides a notice of a 129829
change of address or registers a new address under division (A) or 129830
(B) of section 2950.05 of the Revised Code. The immediate 129831
notification by electronic means shall be provided to the 129832
appropriate officials in each state in which the offender or 129833
delinquent child is required to register a residence, school, 129834
institution of higher education, or place of employment address. 129835
The notification shall contain the offender's or delinquent 129836
child's name and all of the information the bureau receives from 129837
the sheriff with whom the offender or delinquent child registered 129838
the address or provided the notice of change of address or 129839
registered the new address. 129840

(B) The attorney general in consultation with local law 129841
enforcement representatives, may adopt rules that establish one or 129842
more categories of neighbors of an offender or delinquent child 129843
who, in addition to the occupants of residential premises and 129844
other persons specified in division (A)(1) of section 2950.11 of 129845
the Revised Code, must be given the notice described in division 129846
(B) of that section. 129847

(C) No person, other than a local law enforcement 129848
representative, shall knowingly do any of the following: 129849

(1) Gain or attempt to gain access to the database 129850
established and operated by the attorney general, through the 129851
bureau of criminal identification and investigation, pursuant to 129852

division (A)(13) of this section. 129853

(2) Permit any person to inspect any information obtained 129854
through use of the database described in division (C)(1) of this 129855
section, other than as permitted under that division. 129856

(D) As used in this section, "local law enforcement 129857
representatives" means representatives of the sheriffs of this 129858
state, representatives of the municipal chiefs of police and 129859
marshals of this state, and representatives of the township 129860
constables and chiefs of police of the township police departments 129861
or police district police forces of this state. 129862

Sec. 3109.051. (A) If a divorce, dissolution, legal 129863
separation, or annulment proceeding involves a child and if the 129864
court has not issued a shared parenting decree, the court shall 129865
consider any mediation report filed pursuant to section 3109.052 129866
of the Revised Code and, in accordance with division (C) of this 129867
section, shall make a just and reasonable order or decree 129868
permitting each parent who is not the residential parent to have 129869
parenting time with the child at the time and under the conditions 129870
that the court directs, unless the court determines that it would 129871
not be in the best interest of the child to permit that parent to 129872
have parenting time with the child and includes in the journal its 129873
findings of fact and conclusions of law. Whenever possible, the 129874
order or decree permitting the parenting time shall ensure the 129875
opportunity for both parents to have frequent and continuing 129876
contact with the child, unless frequent and continuing contact by 129877
either parent with the child would not be in the best interest of 129878
the child. The court shall include in its final decree a specific 129879
schedule of parenting time for that parent. Except as provided in 129880
division (E)(6) of section 3113.31 of the Revised Code, if the 129881
court, pursuant to this section, grants parenting time to a parent 129882
or companionship or visitation rights to any other person with 129883

respect to any child, it shall not require the public children 129884
services agency to provide supervision of or other services 129885
related to that parent's exercise of parenting time or that 129886
person's exercise of companionship or visitation rights with 129887
respect to the child. This section does not limit the power of a 129888
juvenile court pursuant to Chapter 2151. of the Revised Code to 129889
issue orders with respect to children who are alleged to be 129890
abused, neglected, or dependent children or to make dispositions 129891
of children who are adjudicated abused, neglected, or dependent 129892
children or of a common pleas court to issue orders pursuant to 129893
section 3113.31 of the Revised Code. 129894

(B)(1) In a divorce, dissolution of marriage, legal 129895
separation, annulment, or child support proceeding that involves a 129896
child, the court may grant reasonable companionship or visitation 129897
rights to any grandparent, any person related to the child by 129898
consanguinity or affinity, or any other person other than a 129899
parent, if all of the following apply: 129900

(a) The grandparent, relative, or other person files a motion 129901
with the court seeking companionship or visitation rights. 129902

(b) The court determines that the grandparent, relative, or 129903
other person has an interest in the welfare of the child. 129904

(c) The court determines that the granting of the 129905
companionship or visitation rights is in the best interest of the 129906
child. 129907

(2) A motion may be filed under division (B)(1) of this 129908
section during the pendency of the divorce, dissolution of 129909
marriage, legal separation, annulment, or child support proceeding 129910
or, if a motion was not filed at that time or was filed at that 129911
time and the circumstances in the case have changed, at any time 129912
after a decree or final order is issued in the case. 129913

(C) When determining whether to grant parenting time rights 129914
to a parent pursuant to this section or section 3109.12 of the 129915
Revised Code or to grant companionship or visitation rights to a 129916
grandparent, relative, or other person pursuant to this section or 129917
section 3109.11 or 3109.12 of the Revised Code, when establishing 129918
a specific parenting time or visitation schedule, and when 129919
determining other parenting time matters under this section or 129920
section 3109.12 of the Revised Code or visitation matters under 129921
this section or section 3109.11 or 3109.12 of the Revised Code, 129922
the court shall consider any mediation report that is filed 129923
pursuant to section 3109.052 of the Revised Code and shall 129924
consider all other relevant factors, including, but not limited 129925
to, all of the factors listed in division (D) of this section. In 129926
considering the factors listed in division (D) of this section for 129927
purposes of determining whether to grant parenting time or 129928
visitation rights, establishing a specific parenting time or 129929
visitation schedule, determining other parenting time matters 129930
under this section or section 3109.12 of the Revised Code or 129931
visitation matters under this section or under section 3109.11 or 129932
3109.12 of the Revised Code, and resolving any issues related to 129933
the making of any determination with respect to parenting time or 129934
visitation rights or the establishment of any specific parenting 129935
time or visitation schedule, the court, in its discretion, may 129936
interview in chambers any or all involved children regarding their 129937
wishes and concerns. If the court interviews any child concerning 129938
the child's wishes and concerns regarding those parenting time or 129939
visitation matters, the interview shall be conducted in chambers, 129940
and no person other than the child, the child's attorney, the 129941
judge, any necessary court personnel, and, in the judge's 129942
discretion, the attorney of each parent shall be permitted to be 129943
present in the chambers during the interview. No person shall 129944
obtain or attempt to obtain from a child a written or recorded 129945
statement or affidavit setting forth the wishes and concerns of 129946

the child regarding those parenting time or visitation matters. A 129947
court, in considering the factors listed in division (D) of this 129948
section for purposes of determining whether to grant any parenting 129949
time or visitation rights, establishing a parenting time or 129950
visitation schedule, determining other parenting time matters 129951
under this section or section 3109.12 of the Revised Code or 129952
visitation matters under this section or under section 3109.11 or 129953
3109.12 of the Revised Code, or resolving any issues related to 129954
the making of any determination with respect to parenting time or 129955
visitation rights or the establishment of any specific parenting 129956
time or visitation schedule, shall not accept or consider a 129957
written or recorded statement or affidavit that purports to set 129958
forth the child's wishes or concerns regarding those parenting 129959
time or visitation matters. 129960

(D) In determining whether to grant parenting time to a 129961
parent pursuant to this section or section 3109.12 of the Revised 129962
Code or companionship or visitation rights to a grandparent, 129963
relative, or other person pursuant to this section or section 129964
3109.11 or 3109.12 of the Revised Code, in establishing a specific 129965
parenting time or visitation schedule, and in determining other 129966
parenting time matters under this section or section 3109.12 of 129967
the Revised Code or visitation matters under this section or 129968
section 3109.11 or 3109.12 of the Revised Code, the court shall 129969
consider all of the following factors: 129970

(1) The prior interaction and interrelationships of the child 129971
with the child's parents, siblings, and other persons related by 129972
consanguinity or affinity, and with the person who requested 129973
companionship or visitation if that person is not a parent, 129974
sibling, or relative of the child; 129975

(2) The geographical location of the residence of each parent 129976
and the distance between those residences, and if the person is 129977
not a parent, the geographical location of that person's residence 129978

and the distance between that person's residence and the child's residence;	129979 129980
(3) The child's and parents' available time, including, but not limited to, each parent's employment schedule, the child's school schedule, and the child's and the parents' holiday and vacation schedule;	129981 129982 129983 129984
(4) The age of the child;	129985
(5) The child's adjustment to home, school, and community;	129986
(6) If the court has interviewed the child in chambers, pursuant to division (C) of this section, regarding the wishes and concerns of the child as to parenting time by the parent who is not the residential parent or companionship or visitation by the grandparent, relative, or other person who requested companionship or visitation, as to a specific parenting time or visitation schedule, or as to other parenting time or visitation matters, the wishes and concerns of the child, as expressed to the court;	129987 129988 129989 129990 129991 129992 129993 129994
(7) The health and safety of the child;	129995
(8) The amount of time that will be available for the child to spend with siblings;	129996 129997
(9) The mental and physical health of all parties;	129998
(10) Each parent's willingness to reschedule missed parenting time and to facilitate the other parent's parenting time rights, and with respect to a person who requested companionship or visitation, the willingness of that person to reschedule missed visitation;	129999 130000 130001 130002 130003
(11) In relation to parenting time, whether either parent previously has been convicted of or pleaded guilty to any criminal offense involving any act that resulted in a child being an abused child or a neglected child; whether either parent, in a case in which a child has been adjudicated an abused child or a neglected	130004 130005 130006 130007 130008

child, previously has been determined to be the perpetrator of the 130009
abusive or neglectful act that is the basis of the adjudication; 130010
and whether there is reason to believe that either parent has 130011
acted in a manner resulting in a child being an abused child or a 130012
neglected child; 130013

(12) In relation to requested companionship or visitation by 130014
a person other than a parent, whether the person previously has 130015
been convicted of or pleaded guilty to any criminal offense 130016
involving any act that resulted in a child being an abused child 130017
or a neglected child; whether the person, in a case in which a 130018
child has been adjudicated an abused child or a neglected child, 130019
previously has been determined to be the perpetrator of the 130020
abusive or neglectful act that is the basis of the adjudication; 130021
whether either parent previously has been convicted of or pleaded 130022
guilty to a violation of section 2919.25 of the Revised Code 130023
involving a victim who at the time of the commission of the 130024
offense was a member of the family or household that is the 130025
subject of the current proceeding; whether either parent 130026
previously has been convicted of an offense involving a victim who 130027
at the time of the commission of the offense was a member of the 130028
family or household that is the subject of the current proceeding 130029
and caused physical harm to the victim in the commission of the 130030
offense; and whether there is reason to believe that the person 130031
has acted in a manner resulting in a child being an abused child 130032
or a neglected child; 130033

(13) Whether the residential parent or one of the parents 130034
subject to a shared parenting decree has continuously and 130035
willfully denied the other parent's right to parenting time in 130036
accordance with an order of the court; 130037

(14) Whether either parent has established a residence or is 130038
planning to establish a residence outside this state; 130039

(15) In relation to requested companionship or visitation by 130040

a person other than a parent, the wishes and concerns of the 130041
child's parents, as expressed by them to the court; 130042

(16) Any other factor in the best interest of the child. 130043

(E) The remarriage of a residential parent of a child does 130044
not affect the authority of a court under this section to grant 130045
parenting time rights with respect to the child to the parent who 130046
is not the residential parent or to grant reasonable companionship 130047
or visitation rights with respect to the child to any grandparent, 130048
any person related by consanguinity or affinity, or any other 130049
person. 130050

(F)(1) If the court, pursuant to division (A) of this 130051
section, denies parenting time to a parent who is not the 130052
residential parent or denies a motion for reasonable companionship 130053
or visitation rights filed under division (B) of this section and 130054
the parent or movant files a written request for findings of fact 130055
and conclusions of law, the court shall state in writing its 130056
findings of fact and conclusions of law in accordance with Civil 130057
Rule 52. 130058

(2) On or before July 1, 1991, each court of common pleas, by 130059
rule, shall adopt standard parenting time guidelines. A court 130060
shall have discretion to deviate from its standard parenting time 130061
guidelines based upon factors set forth in division (D) of this 130062
section. 130063

(G)(1) If the residential parent intends to move to a 130064
residence other than the residence specified in the parenting time 130065
order or decree of the court, the parent shall file a notice of 130066
intent to relocate with the court that issued the order or decree. 130067
Except as provided in divisions (G)(2), (3), and (4) of this 130068
section, the court shall send a copy of the notice to the parent 130069
who is not the residential parent. Upon receipt of the notice, the 130070
court, on its own motion or the motion of the parent who is not 130071

the residential parent, may schedule a hearing with notice to both 130072
parents to determine whether it is in the best interest of the 130073
child to revise the parenting time schedule for the child. 130074

(2) When a court grants parenting time rights to a parent who 130075
is not the residential parent, the court shall determine whether 130076
that parent has been convicted of or pleaded guilty to a violation 130077
of section 2919.25 of the Revised Code involving a victim who at 130078
the time of the commission of the offense was a member of the 130079
family or household that is the subject of the proceeding, has 130080
been convicted of or pleaded guilty to any other offense involving 130081
a victim who at the time of the commission of the offense was a 130082
member of the family or household that is the subject of the 130083
proceeding and caused physical harm to the victim in the 130084
commission of the offense, or has been determined to be the 130085
perpetrator of the abusive act that is the basis of an 130086
adjudication that a child is an abused child. If the court 130087
determines that that parent has not been so convicted and has not 130088
been determined to be the perpetrator of an abusive act that is 130089
the basis of a child abuse adjudication, the court shall issue an 130090
order stating that a copy of any notice of relocation that is 130091
filed with the court pursuant to division (G)(1) of this section 130092
will be sent to the parent who is given the parenting time rights 130093
in accordance with division (G)(1) of this section. 130094

If the court determines that the parent who is granted the 130095
parenting time rights has been convicted of or pleaded guilty to a 130096
violation of section 2919.25 of the Revised Code involving a 130097
victim who at the time of the commission of the offense was a 130098
member of the family or household that is the subject of the 130099
proceeding, has been convicted of or pleaded guilty to any other 130100
offense involving a victim who at the time of the commission of 130101
the offense was a member of the family or household that is the 130102
subject of the proceeding and caused physical harm to the victim 130103

in the commission of the offense, or has been determined to be the perpetrator of the abusive act that is the basis of an adjudication that a child is an abused child, it shall issue an order stating that that parent will not be given a copy of any notice of relocation that is filed with the court pursuant to division (G)(1) of this section unless the court determines that it is in the best interest of the children to give that parent a copy of the notice of relocation, issues an order stating that that parent will be given a copy of any notice of relocation filed pursuant to division (G)(1) of this section, and issues specific written findings of fact in support of its determination.

(3) If a court, prior to April 11, 1991, issued an order granting parenting time rights to a parent who is not the residential parent and did not require the residential parent in that order to give the parent who is granted the parenting time rights notice of any change of address and if the residential parent files a notice of relocation pursuant to division (G)(1) of this section, the court shall determine if the parent who is granted the parenting time rights has been convicted of or pleaded guilty to a violation of section 2919.25 of the Revised Code involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding, has been convicted of or pleaded guilty to any other offense involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding and caused physical harm to the victim in the commission of the offense, or has been determined to be the perpetrator of the abusive act that is the basis of an adjudication that a child is an abused child. If the court determines that the parent who is granted the parenting time rights has not been so convicted and has not been determined to be the perpetrator of an abusive act that is the basis of a child abuse adjudication, the court shall issue an order stating that a

copy of any notice of relocation that is filed with the court 130137
pursuant to division (G)(1) of this section will be sent to the 130138
parent who is granted parenting time rights in accordance with 130139
division (G)(1) of this section. 130140

If the court determines that the parent who is granted the 130141
parenting time rights has been convicted of or pleaded guilty to a 130142
violation of section 2919.25 of the Revised Code involving a 130143
victim who at the time of the commission of the offense was a 130144
member of the family or household that is the subject of the 130145
proceeding, has been convicted of or pleaded guilty to any other 130146
offense involving a victim who at the time of the commission of 130147
the offense was a member of the family or household that is the 130148
subject of the proceeding and caused physical harm to the victim 130149
in the commission of the offense, or has been determined to be the 130150
perpetrator of the abusive act that is the basis of an 130151
adjudication that a child is an abused child, it shall issue an 130152
order stating that that parent will not be given a copy of any 130153
notice of relocation that is filed with the court pursuant to 130154
division (G)(1) of this section unless the court determines that 130155
it is in the best interest of the children to give that parent a 130156
copy of the notice of relocation, issues an order stating that 130157
that parent will be given a copy of any notice of relocation filed 130158
pursuant to division (G)(1) of this section, and issues specific 130159
written findings of fact in support of its determination. 130160

(4) If a parent who is granted parenting time rights pursuant 130161
to this section or any other section of the Revised Code is 130162
authorized by an order issued pursuant to this section or any 130163
other court order to receive a copy of any notice of relocation 130164
that is filed pursuant to division (G)(1) of this section or 130165
pursuant to court order, if the residential parent intends to move 130166
to a residence other than the residence address specified in the 130167
parenting time order, and if the residential parent does not want 130168

the parent who is granted the parenting time rights to receive a 130169
copy of the relocation notice because the parent with parenting 130170
time rights has been convicted of or pleaded guilty to a violation 130171
of section 2919.25 of the Revised Code involving a victim who at 130172
the time of the commission of the offense was a member of the 130173
family or household that is the subject of the proceeding, has 130174
been convicted of or pleaded guilty to any other offense involving 130175
a victim who at the time of the commission of the offense was a 130176
member of the family or household that is the subject of the 130177
proceeding and caused physical harm to the victim in the 130178
commission of the offense, or has been determined to be the 130179
perpetrator of the abusive act that is the basis of an 130180
adjudication that a child is an abused child, the residential 130181
parent may file a motion with the court requesting that the parent 130182
who is granted the parenting time rights not receive a copy of any 130183
notice of relocation. Upon the filing of the motion, the court 130184
shall schedule a hearing on the motion and give both parents 130185
notice of the date, time, and location of the hearing. If the 130186
court determines that the parent who is granted the parenting time 130187
rights has been so convicted or has been determined to be the 130188
perpetrator of an abusive act that is the basis of a child abuse 130189
adjudication, the court shall issue an order stating that the 130190
parent who is granted the parenting time rights will not be given 130191
a copy of any notice of relocation that is filed with the court 130192
pursuant to division (G)(1) of this section or that the 130193
residential parent is no longer required to give that parent a 130194
copy of any notice of relocation unless the court determines that 130195
it is in the best interest of the children to give that parent a 130196
copy of the notice of relocation, issues an order stating that 130197
that parent will be given a copy of any notice of relocation filed 130198
pursuant to division (G)(1) of this section, and issues specific 130199
written findings of fact in support of its determination. If it 130200
does not so find, it shall dismiss the motion. 130201

(H)(1) Subject to section 3125.16 and division (F) of section 130202
3319.321 of the Revised Code, a parent of a child who is not the 130203
residential parent of the child is entitled to access, under the 130204
same terms and conditions under which access is provided to the 130205
residential parent, to any record that is related to the child and 130206
to which the residential parent of the child legally is provided 130207
access, unless the court determines that it would not be in the 130208
best interest of the child for the parent who is not the 130209
residential parent to have access to the records under those same 130210
terms and conditions. If the court determines that the parent of a 130211
child who is not the residential parent should not have access to 130212
records related to the child under the same terms and conditions 130213
as provided for the residential parent, the court shall specify 130214
the terms and conditions under which the parent who is not the 130215
residential parent is to have access to those records, shall enter 130216
its written findings of facts and opinion in the journal, and 130217
shall issue an order containing the terms and conditions to both 130218
the residential parent and the parent of the child who is not the 130219
residential parent. The court shall include in every order issued 130220
pursuant to this division notice that any keeper of a record who 130221
knowingly fails to comply with the order or division (H) of this 130222
section is in contempt of court. 130223

(2) Subject to section 3125.16 and division (F) of section 130224
3319.321 of the Revised Code, subsequent to the issuance of an 130225
order under division (H)(1) of this section, the keeper of any 130226
record that is related to a particular child and to which the 130227
residential parent legally is provided access shall permit the 130228
parent of the child who is not the residential parent to have 130229
access to the record under the same terms and conditions under 130230
which access is provided to the residential parent, unless the 130231
residential parent has presented the keeper of the record with a 130232
copy of an order issued under division (H)(1) of this section that 130233
limits the terms and conditions under which the parent who is not 130234

the residential parent is to have access to records pertaining to 130235
the child and the order pertains to the record in question. If the 130236
residential parent presents the keeper of the record with a copy 130237
of that type of order, the keeper of the record shall permit the 130238
parent who is not the residential parent to have access to the 130239
record only in accordance with the most recent order that has been 130240
issued pursuant to division (H)(1) of this section and presented 130241
to the keeper by the residential parent or the parent who is not 130242
the residential parent. Any keeper of any record who knowingly 130243
fails to comply with division (H) of this section or with any 130244
order issued pursuant to division (H)(1) of this section is in 130245
contempt of court. 130246

(3) The prosecuting attorney of any county may file a 130247
complaint with the court of common pleas of that county requesting 130248
the court to issue a protective order preventing the disclosure 130249
pursuant to division (H)(1) or (2) of this section of any 130250
confidential law enforcement investigatory record. The court shall 130251
schedule a hearing on the motion and give notice of the date, 130252
time, and location of the hearing to all parties. 130253

(I) A court that issues a parenting time order or decree 130254
pursuant to this section or section 3109.12 of the Revised Code 130255
shall determine whether the parent granted the right of parenting 130256
time is to be permitted access, in accordance with section 130257
5104.039 of the Revised Code, to any child ~~day-care~~ care center 130258
that is, or that in the future may be, attended by the children 130259
with whom the right of parenting time is granted. Unless the court 130260
determines that the parent who is not the residential parent 130261
should not have access to the center to the same extent that the 130262
residential parent is granted access to the center, the parent who 130263
is not the residential parent and who is granted parenting time 130264
rights is entitled to access to the center to the same extent that 130265
the residential parent is granted access to the center. If the 130266

court determines that the parent who is not the residential parent 130267
should not have access to the center to the same extent that the 130268
residential parent is granted such access under section 5104.039 130269
of the Revised Code, the court shall specify the terms and 130270
conditions under which the parent who is not the residential 130271
parent is to have access to the center, provided that the access 130272
shall not be greater than the access that is provided to the 130273
residential parent under section 5104.039 of the Revised Code, the 130274
court shall enter its written findings of fact and opinions in the 130275
journal, and the court shall include the terms and conditions of 130276
access in the parenting time order or decree. 130277

(J)(1) Subject to division (F) of section 3319.321 of the 130278
Revised Code, when a court issues an order or decree allocating 130279
parental rights and responsibilities for the care of a child, the 130280
parent of the child who is not the residential parent of the child 130281
is entitled to access, under the same terms and conditions under 130282
which access is provided to the residential parent, to any student 130283
activity that is related to the child and to which the residential 130284
parent of the child legally is provided access, unless the court 130285
determines that it would not be in the best interest of the child 130286
to grant the parent who is not the residential parent access to 130287
the student activities under those same terms and conditions. If 130288
the court determines that the parent of the child who is not the 130289
residential parent should not have access to any student activity 130290
that is related to the child under the same terms and conditions 130291
as provided for the residential parent, the court shall specify 130292
the terms and conditions under which the parent who is not the 130293
residential parent is to have access to those student activities, 130294
shall enter its written findings of facts and opinion in the 130295
journal, and shall issue an order containing the terms and 130296
conditions to both the residential parent and the parent of the 130297
child who is not the residential parent. The court shall include 130298
in every order issued pursuant to this division notice that any 130299

school official or employee who knowingly fails to comply with the 130300
order or division (J) of this section is in contempt of court. 130301

(2) Subject to division (F) of section 3319.321 of the 130302
Revised Code, subsequent to the issuance of an order under 130303
division (J)(1) of this section, all school officials and 130304
employees shall permit the parent of the child who is not the 130305
residential parent to have access to any student activity under 130306
the same terms and conditions under which access is provided to 130307
the residential parent of the child, unless the residential parent 130308
has presented the school official or employee, the board of 130309
education of the school, or the governing body of the chartered 130310
nonpublic school with a copy of an order issued under division 130311
(J)(1) of this section that limits the terms and conditions under 130312
which the parent who is not the residential parent is to have 130313
access to student activities related to the child and the order 130314
pertains to the student activity in question. If the residential 130315
parent presents the school official or employee, the board of 130316
education of the school, or the governing body of the chartered 130317
nonpublic school with a copy of that type of order, the school 130318
official or employee shall permit the parent who is not the 130319
residential parent to have access to the student activity only in 130320
accordance with the most recent order that has been issued 130321
pursuant to division (J)(1) of this section and presented to the 130322
school official or employee, the board of education of the school, 130323
or the governing body of the chartered nonpublic school by the 130324
residential parent or the parent who is not the residential 130325
parent. Any school official or employee who knowingly fails to 130326
comply with division (J) of this section or with any order issued 130327
pursuant to division (J)(1) of this section is in contempt of 130328
court. 130329

(K) If any person is found in contempt of court for failing 130330
to comply with or interfering with any order or decree granting 130331

parenting time rights issued pursuant to this section or section 130332
3109.12 of the Revised Code or companionship or visitation rights 130333
issued pursuant to this section, section 3109.11 or 3109.12 of the 130334
Revised Code, or any other provision of the Revised Code, the 130335
court that makes the finding, in addition to any other penalty or 130336
remedy imposed, shall assess all court costs arising out of the 130337
contempt proceeding against the person and require the person to 130338
pay any reasonable attorney's fees of any adverse party, as 130339
determined by the court, that arose in relation to the act of 130340
contempt, and may award reasonable compensatory parenting time or 130341
visitation to the person whose right of parenting time or 130342
visitation was affected by the failure or interference if such 130343
compensatory parenting time or visitation is in the best interest 130344
of the child. Any compensatory parenting time or visitation 130345
awarded under this division shall be included in an order issued 130346
by the court and, to the extent possible, shall be governed by the 130347
same terms and conditions as was the parenting time or visitation 130348
that was affected by the failure or interference. 130349

(L) Any parent who requests reasonable parenting time rights 130350
with respect to a child under this section or section 3109.12 of 130351
the Revised Code or any person who requests reasonable 130352
companionship or visitation rights with respect to a child under 130353
this section, section 3109.11 or 3109.12 of the Revised Code, or 130354
any other provision of the Revised Code may file a motion with the 130355
court requesting that it waive all or any part of the costs that 130356
may accrue in the proceedings. If the court determines that the 130357
movant is indigent and that the waiver is in the best interest of 130358
the child, the court, in its discretion, may waive payment of all 130359
or any part of the costs of those proceedings. 130360

(M)(1) A parent who receives an order for active military 130361
service in the uniformed services and who is subject to a 130362
parenting time order may apply to the court for any of the 130363

following temporary orders for the period extending from the date 130364
of the parent's departure to the date of return: 130365

(a) An order delegating all or part of the parent's parenting 130366
time with the child to a relative or to another person who has a 130367
close and substantial relationship with the child if the 130368
delegation is in the child's best interest; 130369

(b) An order that the other parent make the child reasonably 130370
available for parenting time with the parent when the parent is on 130371
leave from active military service; 130372

(c) An order that the other parent facilitate contact, 130373
including telephone and electronic contact, between the parent and 130374
child while the parent is on active military service. 130375

(2)(a) Upon receipt of an order for active military service, 130376
a parent who is subject to a parenting time order and seeks an 130377
order under division (M)(1) of this section shall notify the other 130378
parent who is subject to the parenting time order and apply to the 130379
court as soon as reasonably possible after receipt of the order 130380
for active military service. The application shall include the 130381
date on which the active military service begins. 130382

(b) The court shall schedule a hearing upon receipt of an 130383
application under division (M) of this section and hold the 130384
hearing not later than thirty days after its receipt, except that 130385
the court shall give the case calendar priority and handle the 130386
case expeditiously if exigent circumstances exist in the case. No 130387
hearing shall be required if both parents agree to the terms of 130388
the requested temporary order and the court determines that the 130389
order is in the child's best interest. 130390

(c) In determining whether a delegation under division 130391
(M)(1)(a) of this section is in the child's best interest, the 130392
court shall consider all relevant factors, including the factors 130393
set forth in division (D) of this section. 130394

(d) An order delegating all or part of the parent's parenting time pursuant to division (M)(1)(a) of this section does not create standing on behalf of the person to whom parenting time is delegated to assert visitation or companionship rights independent of the order.

(3) At the request of a parent who is ordered for active military service in the uniformed services and who is a subject of a proceeding pertaining to a parenting time order or pertaining to a request for companionship rights or visitation with a child, the court shall permit the parent to participate in the proceeding and present evidence by electronic means, including communication by telephone, video, or internet to the extent permitted by rules of the supreme court of Ohio.

(N) The juvenile court has exclusive jurisdiction to enter the orders in any case certified to it from another court.

(O) As used in this section:

(1) "Abused child" has the same meaning as in section 2151.031 of the Revised Code, and "neglected child" has the same meaning as in section 2151.03 of the Revised Code.

(2) "Active military service" and "uniformed services" have the same meanings as in section 3109.04 of the Revised Code.

(3) "Confidential law enforcement investigatory record" has the same meaning as in section 149.43 of the Revised Code.

(4) "Parenting time order" means an order establishing the amount of time that a child spends with the parent who is not the residential parent or the amount of time that the child is to be physically located with a parent under a shared parenting order.

(5) "Record" means any record, document, file, or other material that contains information directly related to a child, including, but not limited to, any of the following:

(a) Records maintained by public and nonpublic schools;	130425
(b) Records maintained by facilities that provide child care, as defined in section 5104.01 of the Revised Code, publicly funded child care, as defined in section 5104.01 of the Revised Code, or pre-school services operated by or under the supervision of a school district board of education or a nonpublic school;	130426 130427 130428 130429 130430
(c) Records maintained by hospitals, other facilities, or persons providing medical or surgical care or treatment for the child;	130431 130432 130433
(d) Records maintained by agencies, departments, instrumentalities, or other entities of the state or any political subdivision of the state, other than a child support enforcement agency. Access to records maintained by a child support enforcement agency is governed by section 3125.16 of the Revised Code.	130434 130435 130436 130437 130438 130439
Sec. 3301.52. As used in sections 3301.52 to 3301.59 of the Revised Code:	130440 130441
(A) "Preschool program" means either of the following:	130442
(1) A child care program for preschool children that is operated by a school district board of education or an eligible nonpublic school.	130443 130444 130445
(2) A child care program for preschool children age three or older that is operated by a county board of developmental disabilities or a community school.	130446 130447 130448
(B) "Preschool child" or "child" means a child who has not entered kindergarten and is not of compulsory school age.	130449 130450
(C) "Parent, guardian, or custodian" means the person or government agency that is or will be responsible for a child's school attendance under section 3321.01 of the Revised Code.	130451 130452 130453

(D) "Superintendent" means the superintendent of a school district or the chief administrative officer of a community school or an eligible nonpublic school. 130454
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(E) "Director" means the director, head teacher, elementary principal, or site administrator who is the individual on site and responsible for supervision of a preschool program. 130457
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(F) "Preschool staff member" means a preschool employee whose primary responsibility is care, teaching, or supervision of preschool children. 130460
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(G) "Nonteaching employee" means a preschool program or school child program employee whose primary responsibilities are duties other than care, teaching, and supervision of preschool children or school children. 130463
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(H) "Eligible nonpublic school" means a nonpublic school chartered as described in division (B)(7) of section 5104.02 of the Revised Code or chartered by the state board of education for any combination of grades one through twelve, regardless of whether it also offers kindergarten. 130467
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(I) "School child program" means a child care program for only school children that is operated by a school district board of education, county board of developmental disabilities, community school, or eligible nonpublic school. 130472
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(J) "School child" means a child who is enrolled in or is eligible to be enrolled in a grade of kindergarten or above but is less than fifteen years old. 130476
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(K) "School child program staff member" means an employee whose primary responsibility is the care, teaching, or supervision of children in a school child program. 130479
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(L) "Child care" means administering to the needs of infants, toddlers, preschool children, and school children outside of 130482
130483

school hours by persons other than their parents or guardians, 130484
custodians, or relatives by blood, marriage, or adoption for any 130485
part of the twenty-four-hour day in a place or residence other 130486
than a child's own home. 130487

(M) "Child ~~day-care~~ care center" and "publicly funded child 130488
care" have the same meanings as in section 5104.01 of the Revised 130489
Code. 130490

(N) "Community school" means either of the following: 130491

(1) A community school established under Chapter 3314. of the 130492
Revised Code that is sponsored by an entity that is rated 130493
"exemplary" under section 3314.016 of the Revised Code. 130494

(2) A community school established under Chapter 3314. of the 130495
Revised Code that has received, on its most recent report card, 130496
either of the following: 130497

(a) If the school offers any of grade levels four through 130498
twelve, either of the following: 130499

(i) A grade of "C" or better for the overall value-added 130500
progress dimension under division (C)(1)(e) of section 3302.03 of 130501
the Revised Code and for the performance index score under 130502
division (C)(1)(b) of section 3302.03 of the Revised Code; 130503

(ii) A performance rating of three stars or higher for 130504
achievement under division (D)(3)(b) of section 3302.03 of the 130505
Revised Code and progress under division (D)(3)(c) of that 130506
section. 130507

(b) If the school does not offer a grade level higher than 130508
three, either of the following: 130509

(i) A grade of "C" or better for making progress in improving 130510
literacy in grades kindergarten through three under division 130511
(C)(1)(g) of section 3302.03 of the Revised Code; 130512

(ii) A performance rating of three stars or higher for early 130513

literacy under division (D)(3)(e) of that section. 130514

Sec. 3301.53. (A) The state board of education, in 130515
consultation with the director of job and family services, shall 130516
formulate and prescribe by rule adopted under Chapter 119. of the 130517
Revised Code minimum standards to be applied to preschool programs 130518
operated by school district boards of education, county boards of 130519
developmental disabilities, community schools, or eligible 130520
nonpublic schools. The rules shall include the following: 130521

(1) Standards ensuring that the preschool program is located 130522
in a safe and convenient facility that accommodates the enrollment 130523
of the program, is of the quality to support the growth and 130524
development of the children according to the program objectives, 130525
and meets the requirements of section 3301.55 of the Revised Code; 130526

(2) Standards ensuring that supervision, discipline, and 130527
programs will be administered according to established objectives 130528
and procedures; 130529

(3) Standards ensuring that preschool staff members and 130530
nonteaching employees are recruited, employed, assigned, 130531
evaluated, and provided inservice education without discrimination 130532
on the basis of age, color, national origin, race, or sex; and 130533
that preschool staff members and nonteaching employees are 130534
assigned responsibilities in accordance with written position 130535
descriptions commensurate with their training and experience; 130536

(4) A requirement that boards of education intending to 130537
establish a preschool program demonstrate a need for a preschool 130538
program prior to establishing the program; 130539

(5) Requirements that children participating in preschool 130540
programs have been immunized to the extent considered appropriate 130541
by the state board to prevent the spread of communicable disease; 130542

(6) Requirements that the parents of preschool children 130543

complete the emergency medical authorization form specified in 130544
section 3313.712 of the Revised Code. 130545

(B) The state board of education in consultation with the 130546
director of job and family services shall ensure that the rules 130547
adopted by the state board under sections 3301.52 to 3301.58 of 130548
the Revised Code are consistent with and meet or exceed the 130549
requirements of Chapter 5104. of the Revised Code with regard to 130550
child ~~day-care~~ care centers that serve preschool children. The 130551
state board and the director of job and family services shall 130552
review all such rules at least once every five years. 130553

(C) The state board of education, in consultation with the 130554
director of job and family services, shall adopt rules for school 130555
child programs that are consistent with and meet or exceed the 130556
requirements of the rules adopted for child ~~day-care~~ care centers 130557
that serve school-age children under Chapter 5104. of the Revised 130558
Code. 130559

Sec. 3321.01. (A)(1) As used in this chapter, "parent," 130560
"guardian," or "other person having charge or care of a child" 130561
means either parent unless the parents are separated or divorced 130562
or their marriage has been dissolved or annulled, in which case 130563
"parent" means the parent who is the residential parent and legal 130564
custodian of the child. If the child is in the legal or permanent 130565
custody of a person or government agency, "parent" means that 130566
person or government agency. When a child is a resident of a home, 130567
as defined in section 3313.64 of the Revised Code, and the child's 130568
parent is not a resident of this state, "parent," "guardian," or 130569
"other person having charge or care of a child" means the head of 130570
the home. 130571

A child between six and eighteen years of age is "of 130572
compulsory school age" for the purpose of sections 3321.01 to 130573
3321.13 of the Revised Code. A child under six years of age who 130574

has been enrolled in kindergarten also shall be considered "of 130575
compulsory school age" for the purpose of sections 3321.01 to 130576
3321.13 of the Revised Code unless at any time the child's parent 130577
or guardian, at the parent's or guardian's discretion and in 130578
consultation with the child's teacher and principal, formally 130579
withdraws the child from kindergarten. The compulsory school age 130580
of a child shall not commence until the beginning of the term of 130581
such schools, or other time in the school year fixed by the rules 130582
of the board of the district in which the child resides. 130583

(2) In a district in which all children are admitted to 130584
kindergarten and the first grade in August or September, a child 130585
shall be admitted if the child is five or six years of age, 130586
respectively, by the thirtieth day of September of the year of 130587
admittance, or by the first day of a term or semester other than 130588
one beginning in August or September in school districts granting 130589
admittance at the beginning of such term or semester. A child who 130590
does not meet the age requirements of this section for admittance 130591
to kindergarten or first grade, but who will be five or six years 130592
old, respective, prior to the first day of January of the school 130593
year in which admission is requested, shall be evaluated for early 130594
admittance in accordance with district policy upon referral by the 130595
child's parent or guardian, an educator employed by the district, 130596
a preschool educator who knows the child, or a pediatrician or 130597
psychologist who knows the child. Following an evaluation in 130598
accordance with a referral under this section, the district board 130599
shall decide whether to admit the child. If a child for whom 130600
admission to kindergarten or first grade is requested will not be 130601
five or six years of age, respectively, prior to the first day of 130602
January of the school year in which admission is requested, the 130603
child shall be admitted only in accordance with the district's 130604
acceleration policy adopted under section 3324.10 of the Revised 130605
Code. 130606

(3) Notwithstanding division (A)(2) of this section, 130607
beginning with the school year that starts in 2001 and continuing 130608
thereafter the board of education of any district may adopt a 130609
resolution establishing the first day of August in lieu of the 130610
thirtieth day of September as the required date by which students 130611
must have attained the age specified in that division. 130612

(4) After a student has been admitted to kindergarten in a 130613
school district or chartered nonpublic school, no board of 130614
education of a school district to which the student transfers 130615
shall deny that student admission based on the student's age. 130616

(B) As used in division (C) of this section, "successfully 130617
completed kindergarten" means that the child has completed the 130618
kindergarten requirements at one of the following: 130619

(1) A public or chartered nonpublic school; 130620

(2) A kindergarten class that is both of the following: 130621

(a) Offered by a ~~day-care~~ child care provider licensed under 130622
Chapter 5104. of the Revised Code; 130623

(b) If offered after July 1, 1991, is directly taught by a 130624
teacher who holds one of the following: 130625

(i) A valid educator license issued under section 3319.22 of 130626
the Revised Code; 130627

(ii) A Montessori preprimary credential or age-appropriate 130628
diploma granted by the American Montessori society or the 130629
association Montessori internationale; 130630

(iii) Certification determined under division (F) of this 130631
section to be equivalent to that described in division 130632
(B)(2)(b)(ii) of this section; 130633

(iv) Certification for teachers in nontax-supported schools 130634
pursuant to section 3301.071 of the Revised Code. 130635

(C)(1) Except as provided in division (A)(2) of this section, 130636

no school district shall admit to the first grade any child who 130637
has not successfully completed kindergarten. 130638

(2) Notwithstanding division (A)(2) of this section, any 130639
student who has successfully completed kindergarten in accordance 130640
with section (B) of this section shall be admitted to first grade. 130641

(D) The scheduling of times for kindergarten classes and 130642
length of the school day for kindergarten shall be determined by 130643
the board of education of a city, exempted village, or local 130644
school district. 130645

(E) Any kindergarten class offered by a ~~day-care~~ child care 130646
provider or school described by division (B)(1) or (B)(2)(a) of 130647
this section shall be developmentally appropriate. 130648

(F) Upon written request of a ~~day-care~~ child care provider 130649
described by division (B)(2)(a) of this section, the department of 130650
education shall determine whether certification held by a teacher 130651
employed by the provider meets the requirement of division 130652
(B)(2)(b)(iii) of this section and, if so, shall furnish the 130653
provider a statement to that effect. 130654

(G) As used in this division, "all-day kindergarten" has the 130655
same meaning as in section 3321.05 of the Revised Code. 130656

(1) A school district that is offering all-day kindergarten 130657
for the first time or that charged fees or tuition for all-day 130658
kindergarten in the 2012-2013 school year may charge fees or 130659
tuition for a student enrolled in all-day kindergarten in any 130660
school year following the 2012-2013 school year. The department 130661
shall adjust the district's average daily membership certification 130662
under section 3317.03 of the Revised Code by one-half of the 130663
full-time equivalency for each student charged fees or tuition for 130664
all-day kindergarten under this division. If a district charges 130665
fees or tuition for all-day kindergarten under this division, the 130666
district shall develop a sliding fee scale based on family 130667

incomes. 130668

(2) The department of education shall conduct an annual 130669
survey of each school district described in division (G)(1) of 130670
this section to determine the following: 130671

(a) Whether the district charges fees or tuition for students 130672
enrolled in all-day kindergarten; 130673

(b) The amount of the fees or tuition charged; 130674

(c) How many of the students for whom tuition is charged are 130675
eligible for free lunches under the "National School Lunch Act," 130676
60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the "Child 130677
Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as amended, 130678
and how many of the students for whom tuition is charged are 130679
eligible for reduced price lunches under those acts; 130680

(d) How many students are enrolled in traditional half-day 130681
kindergarten rather than all-day kindergarten. 130682

Each district shall report to the department, in the manner 130683
prescribed by the department, the information described in 130684
divisions (G)(2)(a) to (d) of this section. 130685

The department shall issue an annual report on the results of 130686
the survey and shall post the report on its web site. The 130687
department shall issue the first report not later than April 30, 130688
2008, and shall issue a report not later than the thirtieth day of 130689
April each year thereafter. 130690

Sec. 3321.05. (A) As used in this section, "all-day 130691
kindergarten" means a kindergarten class that is in session for 130692
not less than the same number of clock hours each week as for 130693
students in grades one through six. 130694

(B) Any school district may operate all-day kindergarten or 130695
extended kindergarten, but no district shall require any student 130696
to attend kindergarten for more than the number of clock hours 130697

required each day for traditional kindergarten by the minimum 130698
standards adopted under division (D) of section 3301.07 of the 130699
Revised Code. Each school district that operates all-day or 130700
extended kindergarten shall accommodate kindergarten students 130701
whose parents or guardians elect to enroll them for the minimum 130702
number of hours. 130703

(C) A school district may use space in child ~~day-care~~ care 130704
centers licensed under Chapter 5104. of the Revised Code to 130705
provide all-day kindergarten under this section. 130706

Sec. 3325.07. The state board of education in carrying out 130707
this section and division (A) of section 3325.06 of the Revised 130708
Code shall, insofar as practicable, plan, present, and carry into 130709
effect an educational program by means of any of the following 130710
methods of instruction: 130711

(A) Classes for parents of deaf or hard of hearing children 130712
of preschool age; 130713

(B) A nursery school where parent and child would enter the 130714
nursery school as a unit; 130715

(C) Correspondence course; 130716

(D) Personal consultations and interviews; 130717

(E) ~~Day-care~~ Child care or child development courses; 130718

(F) Summer enrichment courses; 130719

(G) By such other means or methods as the superintendent of 130720
the state school for the deaf deems advisable that would permit a 130721
deaf or hard of hearing child of preschool age to construct a 130722
pattern of communication at an early age. 130723

The superintendent may allow children who are not deaf or 130724
hard of hearing to participate in the methods of instruction 130725
described in divisions (A) to (G) of this section as a means to 130726

assist deaf or hard of hearing children to construct a pattern of 130727
communication. The superintendent shall establish policies and 130728
procedures regarding the participation of children who are not 130729
deaf or hard of hearing. 130730

The superintendent may establish reasonable fees for 130731
participation in the methods of instruction described in divisions 130732
(A) to (G) of this section to defray the costs of carrying them 130733
out. The superintendent shall determine the manner by which any 130734
such fees shall be collected. All fees shall be deposited in the 130735
even start fees and gifts fund, which is hereby created in the 130736
state treasury. The money in the fund shall be used to implement 130737
this section. 130738

Sec. 3325.071. The state board of education in carrying out 130739
this section and division (B) of section 3325.06 of the Revised 130740
Code shall, insofar as practicable, plan, present, and carry into 130741
effect an educational program by means of any of the following 130742
methods of instruction: 130743

(A) Classes for parents of children of preschool age whose 130744
disabilities are visual impairments, independently or in 130745
cooperation with community agencies; 130746

(B) Periodic interactive parent-child classes for infants and 130747
toddlers whose disabilities are visual impairments; 130748

(C) Correspondence course; 130749

(D) Personal consultations and interviews; 130750

(E) ~~Day-care~~ Child care or child development courses for 130751
children and parents; 130752

(F) Summer enrichment courses; 130753

(G) By such other means or methods as the superintendent of 130754
the state school for the blind deems advisable that would permit a 130755
child of preschool age whose disability is a visual impairment to 130756

construct a pattern of communication and develop literacy, 130757
mobility, and independence at an early age. 130758

The superintendent may allow children who do not have 130759
disabilities that are visual impairments to participate in the 130760
methods of instruction described in divisions (A) to (G) of this 130761
section so that children of preschool age whose disabilities are 130762
visual impairments are able to learn alongside their peers while 130763
receiving specialized instruction that is based on early learning 130764
and development strategies. The superintendent shall establish 130765
policies and procedures regarding the participation of children 130766
who do not have disabilities that are visual impairments. 130767

The superintendent may establish reasonable fees for 130768
participation in the methods of instruction described in divisions 130769
(A) to (G) of this section to defray the costs of carrying them 130770
out. The superintendent shall determine the manner by which any 130771
such fees shall be collected. All fees shall be deposited in the 130772
state school for the blind even start fees and gifts fund, which 130773
is hereby created in the state treasury. The money in the fund 130774
shall be used to implement this section. 130775

Sec. 3701.63. (A) As used in this section and sections 130776
3701.64, 3701.66, and 3701.67 of the Revised Code: 130777

(1) "Child ~~day-care~~ care center," "type A family ~~day-care~~ 130778
child care home," and "licensed type B family ~~day-care~~ child care 130779
home" have the same meanings as in section 5104.01 of the Revised 130780
Code. 130781

(2) "Child care facility" means a child ~~day-care~~ care center, 130782
a type A family ~~day-care~~ child care home, or a licensed type B 130783
family ~~day-care~~ child care home. 130784

(3) "Foster caregiver" has the same meaning as in section 130785
5103.02 of the Revised Code. 130786

- (4) "Freestanding birthing center" has the same meaning as in section 3702.141 of the Revised Code. 130787
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- (5) "Hospital" means a hospital classified pursuant to rules adopted under section 3701.07 of the Revised Code as a general hospital or children's hospital and to which either of the following applies: 130789
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- (a) The hospital has a maternity unit. 130793
- (b) The hospital receives for care infants who have been transferred to it from other facilities and who have never been discharged to their residences following birth. 130794
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- (6) "Infant" means a child who is less than one year of age. 130797
- (7) "Maternity unit" means the distinct portion of a hospital licensed as a maternity unit under Chapter 3711. of the Revised Code. 130798
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- (8) "Other person responsible for the infant" includes a foster caregiver. 130801
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- (9) "Parent" means either parent, unless the parents are separated or divorced or their marriage has been dissolved or annulled, in which case "parent" means the parent who is the residential parent and legal custodian of the child. "Parent" also means a prospective adoptive parent with whom a child is placed. 130803
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- (10) "Shaken baby syndrome" means signs and symptoms, including, but not limited to, retinal hemorrhages in one or both eyes, subdural hematoma, or brain swelling, resulting from the violent shaking or the shaking and impacting of the head of an infant or small child. 130808
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- (B) The director of health shall establish the shaken baby syndrome education program by doing all of the following: 130813
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- (1) Developing educational materials that present readily comprehensible information on shaken baby syndrome; 130815
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(2) Making available on the department of health web site in 130817
an easily accessible format the educational materials developed 130818
under division (B)(1) of this section; 130819

(3) Annually assessing the effectiveness of the shaken baby 130820
syndrome education program by doing all of the following: 130821

(a) Evaluating the reports received pursuant to section 130822
5101.135 of the Revised Code; 130823

(b) Reviewing the content of the educational materials to 130824
determine if updates or improvements should be made; 130825

(c) Reviewing the manner in which the educational materials 130826
are distributed, as described in section 3701.64 of the Revised 130827
Code, to determine if modifications to that manner should be made. 130828

(C) In meeting the requirements under division (B) of this 130829
section, the director shall develop educational materials that, to 130830
the extent possible, minimize administrative or financial burdens 130831
on any of the entities or persons listed in section 3701.64 of the 130832
Revised Code. 130833

Sec. 3701.80. The department of health shall cooperate with 130834
the director of job and family services when the director 130835
promulgates rules pursuant to Chapter 5104. of the Revised Code 130836
governing the health and sanitary practices of meal preparation 130837
and service for type A family ~~day-care~~ child care homes, as 130838
defined in section 5104.01 of the Revised Code, recommend 130839
procedures for inspecting type A family ~~day-care~~ child care homes 130840
to determine whether they are in compliance with those rules, and 130841
provide training and technical assistance to the director on the 130842
procedures for determining compliance with those rules. 130843

Sec. 3714.03. (A) As used in this section: 130844

(1) "Aquifer system" means one or more geologic units or 130845

formations that are wholly or partially saturated with water and 130846
are capable of storing, transmitting, and yielding significant 130847
amounts of water to wells or springs. 130848

(2) "Category 3 wetland" means a wetland that supports 130849
superior habitat or hydrological or recreational functions as 130850
determined by an appropriate wetland evaluation methodology 130851
acceptable to the director of environmental protection. "Category 130852
3 wetland" includes a wetland with high levels of diversity, a 130853
high proportion of native species, and high functional values and 130854
includes, but is not limited to, a wetland that contains or 130855
provides habitat for threatened or endangered species. "Category 3 130856
wetland" may include high quality forested wetlands, including old 130857
growth forested wetlands, mature forested riparian wetlands, 130858
vernal pools, bogs, fens, and wetlands that are scarce regionally. 130859

(3) "Natural area" means either of the following: 130860

(a) An area designated by the director of natural resources 130861
as a wild, scenic, or recreational river under section 1547.81 of 130862
the Revised Code; 130863

(b) An area designated by the United States department of the 130864
interior as a national wild, scenic, or recreational river. 130865

(4) "Occupied dwelling" means a residential dwelling and also 130866
includes a place of worship as defined in section 5104.01 of the 130867
Revised Code, a child ~~day-care~~ care center as defined in that 130868
section, a hospital as defined in section 3727.01 of the Revised 130869
Code, a nursing home as defined in that section, a school, and a 130870
restaurant or other eating establishment. "Occupied dwelling" does 130871
not include a dwelling owned or controlled by the owner or 130872
operator of a construction and demolition debris facility to which 130873
the siting criteria established under this section are being 130874
applied. 130875

(5) "Residential dwelling" means a building used or intended 130876

to be used in whole or in part as a personal residence by the 130877
owner, part-time owner, or lessee of the building or any person 130878
authorized by the owner, part-time owner, or lessee to use the 130879
building as a personal residence. 130880

(B) Neither the director of environmental protection nor any 130881
board of health shall issue a permit to install under section 130882
3714.051 of the Revised Code to establish a new construction and 130883
demolition debris facility when any portion of the facility is 130884
proposed to be located in either of the following locations: 130885

(1) Within the boundaries of a one-hundred-year flood plain, 130886
as those boundaries are shown on the applicable maps prepared 130887
under the "National Flood Insurance Act of 1968," 82 Stat. 572, 42 130888
U.S.C.A. 4001, as amended, unless the owner or operator has 130889
obtained an exemption from division (B)(1) of this section in 130890
accordance with section 3714.04 of the Revised Code. If no such 130891
maps have been prepared, the boundaries of a one-hundred-year 130892
flood plain shall be determined by the applicant for a permit 130893
based upon standard methodologies set forth in "urban hydrology 130894
for small watersheds" (soil conservation service technical release 130895
number 55) and section 4 of the "national engineering hydrology 130896
handbook" of the soil conservation service of the United States 130897
department of agriculture. 130898

(2) Within the boundaries of a sole source aquifer designated 130899
by the administrator of the United States environmental protection 130900
agency under the "Safe Drinking Water Act," 88 Stat. 1660 (1974), 130901
42 U.S.C.A. 300f, as amended. 130902

(C) Neither the director nor any board shall issue a permit 130903
to install under section 3714.051 of the Revised Code to establish 130904
a new construction and demolition debris facility when the 130905
horizontal limits of construction and demolition debris placement 130906
at the new facility are proposed to be located in any of the 130907
following locations: 130908

(1) Within one hundred feet of a perennial stream as defined 130909
by the United States geological survey seven and one-half minute 130910
quadrangle map or a category 3 wetland; 130911

(2) Within one hundred feet of the facility's property line; 130912

(3)(a) Except as provided in division (C)(3)(b) of this 130913
section, within five hundred feet of a residential or public water 130914
supply well. 130915

(b) Division (C)(3)(a) of this section does not apply to a 130916
residential well under any of the circumstances specified in 130917
divisions (C)(3)(b)(i) to (iii) of this section as follows: 130918

(i) The well is controlled by the owner or operator of the 130919
construction and demolition debris facility. 130920

(ii) The well is hydrologically separated from the horizontal 130921
limits of construction and demolition debris placement. 130922

(iii) The well is at least three hundred feet upgradient from 130923
the horizontal limits of construction and demolition debris 130924
placement and division (D) of this section does not prohibit the 130925
issuance of the permit to install. 130926

(4) Within five hundred feet of a park created or operated 130927
pursuant to section 301.26, 511.18, 755.08, 1545.04, or 1545.041 130928
of the Revised Code, a state park established or dedicated under 130929
Chapter 1546. of the Revised Code, a state park purchase area 130930
established under section 1546.06 of the Revised Code, a national 130931
recreation area, any unit of the national park system, or any 130932
property that lies within the boundaries of a national park or 130933
recreation area, but that has not been acquired or is not 130934
administered by the secretary of the United States department of 130935
the interior, located in this state, or any area located in this 130936
state that is recommended by the secretary for study for potential 130937
inclusion in the national park system in accordance with "The Act 130938
of August 18, 1970," 84 Stat. 825, 16 U.S.C.A. 1a-5, as amended; 130939

(5) Within five hundred feet of a natural area, any area established by the department of natural resources as a state wildlife area under Chapter 1531. of the Revised Code and rules adopted under it, any area that is formally dedicated as a nature preserve under section 1517.05 of the Revised Code, or any area designated by the United States department of the interior as a national wildlife refuge;

(6) Within five hundred feet of a lake or reservoir of one acre or more that is hydrogeologically connected to ground water. For purposes of division (C)(6) of this section, a lake or reservoir does not include a body of water constructed and used for purposes of surface water drainage or sediment control.

(7) Within five hundred feet of a state forest purchased or otherwise acquired under Chapter 1503. of the Revised Code;

(8) Within five hundred feet of an occupied dwelling unless written permission is given by the owner of the dwelling.

(D) Neither the director nor any board shall issue a permit to install under section 3714.051 of the Revised Code to establish a new construction and demolition debris facility when the limits of construction and demolition debris placement at the new facility are proposed to have an isolation distance of less than five feet from the uppermost aquifer system that consists of material that has a maximum hydraulic conductivity of 1×10^{-5} cm/sec and all of the geologic material comprising the isolation distance has a hydraulic conductivity equivalent to or less than 1×10^{-6} cm/sec.

(E) Neither the director nor any board shall issue a permit to install under section 3714.051 of the Revised Code to establish a new construction and demolition debris facility when the road that is designated by the owner or operator as the main hauling road at the facility to and from the limits of construction and

demolition debris placement is proposed to be located within five 130971
hundred feet of an occupied dwelling unless written permission is 130972
given by the owner of the occupied dwelling. 130973

(F) Neither the director nor any board shall issue a permit 130974
to install under section 3714.051 of the Revised Code to establish 130975
a new construction and demolition debris facility unless the new 130976
facility will have all of the following: 130977

(1) Access roads that shall be constructed in a manner that 130978
allows use in all weather conditions and will withstand the 130979
anticipated degree of use and minimize erosion and generation of 130980
dust; 130981

(2) Surface water drainage and sediment controls that are 130982
required by the director; 130983

(3) If the facility is proposed to be located in an area in 130984
which an applicable zoning resolution allows residential 130985
construction, vegetated earthen berms or an equivalent barrier 130986
with a minimum height of six feet separating the facility from 130987
adjoining property. 130988

(G)(1) The siting criteria established in this section shall 130989
be applied to an application for a permit to install at the time 130990
that the application is submitted to the director or a board of 130991
health, as applicable. Circumstances related to the siting 130992
criteria that change after the application is submitted shall not 130993
be considered in approving or disapproving the application. 130994

(2) The siting criteria established in this section by this 130995
amendment do not apply to an expansion of a construction and 130996
demolition debris facility that was in operation prior to December 130997
22, 2005, onto property within the property boundaries identified 130998
in the application for the initial license for that facility or 130999
any subsequent license issued for that facility up to and 131000
including the license issued for that facility for calendar year 131001

2005. The siting criteria established in this section prior to 131002
December 22, 2005, apply to such an expansion. 131003

Sec. 3717.42. (A) The following are not food service 131004
operations: 131005

(1) A retail food establishment licensed under this chapter, 131006
including a retail food establishment that provides the services 131007
of a food service operation pursuant to an endorsement issued 131008
under section 3717.24 of the Revised Code; 131009

(2) An entity exempt from the requirement to be licensed as a 131010
retail food establishment under division (B) of section 3717.22 of 131011
the Revised Code; 131012

(3) A business or that portion of a business that is 131013
regulated by the federal government or the department of 131014
agriculture as a food manufacturing or food processing business, 131015
including a business or that portion of a business regulated by 131016
the department of agriculture under Chapter 911., 913., 915., 131017
917., 918., or 925. of the Revised Code. 131018

(B) All of the following are exempt from the requirement to 131019
be licensed as a food service operation: 131020

(1) A private home in which individuals related by blood, 131021
marriage, or law reside and in which the food that is prepared or 131022
served is intended only for those individuals and their nonpaying 131023
guests; 131024

(2) A private home operated as a bed-and-breakfast that 131025
prepares and offers food to guests, if the home is owner-occupied, 131026
the number of available guest bedrooms does not exceed six, 131027
breakfast is the only meal offered, and the number of guests 131028
served does not exceed sixteen; 131029

(3) A stand operated on the premises of a private home by one 131030
or more children under the age of twelve, if the food served is 131031

not potentially hazardous; 131032

(4) A residential facility that accommodates not more than 131033
sixteen residents; is licensed, certified, registered, or 131034
otherwise regulated by the federal government or by the state or a 131035
political subdivision of the state; and prepares food for or 131036
serves food to only the residents of the facility, the staff of 131037
the facility, and any nonpaying guests of residents or staff; 131038

(5) A church, school, fraternal or veterans' organization, 131039
volunteer fire organization, or volunteer emergency medical 131040
service organization preparing or serving food intended for 131041
individual portion service on its premises for not more than seven 131042
consecutive days or not more than fifty-two separate days during a 131043
licensing period. This exemption extends to any individual or 131044
group raising all of its funds during the time periods specified 131045
in division (B)(5) of this section for the benefit of the church, 131046
school, or organization by preparing or serving food intended for 131047
individual portion service under the same conditions. 131048

(6) A common carrier that prepares or serves food, if the 131049
carrier is regulated by the federal government; 131050

(7) A food service operation serving thirteen or fewer 131051
individuals daily; 131052

(8) A type A or type B family ~~day-care~~ child care home, as 131053
defined in section 5104.01 of the Revised Code, that prepares or 131054
serves food for the children receiving ~~day-care~~ child care; 131055

(9) A vending machine location where the only foods dispensed 131056
are foods from one or both of the following categories: 131057

(a) Prepackaged foods that are not potentially hazardous; 131058

(b) Nuts, panned or wrapped bulk chewing gum, or panned or 131059
wrapped bulk candies. 131060

(10) A place servicing the vending machines at a vending 131061

machine location described in division (B)(9) of this section;	131062
(11) A commissary servicing vending machines that dispense only milk, milk products, or frozen desserts that are under a state or federal inspection and analysis program;	131063 131064 131065
(12) A "controlled location vending machine location," which means a vending machine location at which all of the following apply:	131066 131067 131068
(a) The vending machines dispense only foods that are not potentially hazardous;	131069 131070
(b) The machines are designed to be filled and maintained in a sanitary manner by untrained persons;	131071 131072
(c) Minimal protection is necessary to ensure against contamination of food and equipment.	131073 131074
(13) A private home that prepares and offers food to guests, if the home is owner-occupied, meals are served on the premises of that home, the number of meals served does not exceed one hundred fifteen per week, and the home displays a notice in a place conspicuous to all of its guests informing them that the home is not required to be licensed as a food service operation;	131075 131076 131077 131078 131079 131080
(14) An individual who prepares full meals or meal components, such as pies or baked goods, in the individual's home to be served off the premises of that home, if the number of meals or meal components prepared for that purpose does not exceed twenty in a seven-day period.	131081 131082 131083 131084 131085
(15) The holder of an A-1-A permit issued under section 4303.021 of the Revised Code to which both of the following apply:	131086 131087
(a) The A-1-A permit holder has also been issued an A-1c permit under section 4303.022 of the Revised Code;	131088 131089
(b) The A-1-A permit holder serves only unopened commercially prepackaged meals and nonalcoholic beverages, as well as beer and	131090 131091

intoxicating liquor.	131092
Sec. 3728.01. As used in this chapter:	131093
(A) "Administer epinephrine" means to inject an individual with epinephrine using an autoinjector in a manufactured dosage form.	131094 131095 131096
(B) "Prescriber" means an individual who is authorized by law to prescribe drugs or dangerous drugs or drug therapy related devices in the course of the individual's professional practice, including only the following:	131097 131098 131099 131100
(1) A clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner who holds a certificate to prescribe issued under section 4723.48 of the Revised Code;	131101 131102 131103
(2) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery;	131104 131105 131106
(3) A physician assistant who is licensed under Chapter 4730. of the Revised Code, holds a valid prescriber number issued by the state medical board, and has been granted physician-delegated prescriptive authority.	131107 131108 131109 131110
(C) "Qualified entity" means any public or private entity that is associated with a location where allergens capable of causing anaphylaxis may be present, including child day-care <u>care</u> centers, colleges and universities, places of employment, restaurants, amusement parks, recreation camps, sports playing fields and arenas, and other similar locations, except that "qualified entity" does not include either of the following:	131111 131112 131113 131114 131115 131116 131117
(1) A chartered or nonchartered nonpublic school; community school; science, technology, engineering, and mathematics school; or a school operated by the board of education of a city, local, exempted village, or joint vocational school district;	131118 131119 131120 131121

(2) A camp described in section 5101.76 of the Revised Code.	131122
Sec. 3737.22. (A) The fire marshal shall do all of the	131123
following:	131124
(1) Adopt the state fire code under sections 3737.82 to	131125
3737.86 of the Revised Code;	131126
(2) Enforce the state fire code;	131127
(3) Appoint assistant fire marshals who are authorized to	131128
enforce the state fire code;	131129
(4) Conduct investigations into the cause, origin, and	131130
circumstances of fires and explosions, and assist in the	131131
prosecution of persons believed to be guilty of arson or a similar	131132
crime;	131133
(5) Compile statistics concerning loss due to fire and	131134
explosion as the fire marshal considers necessary, and consider	131135
the compatibility of the fire marshal's system of compilation with	131136
the systems of other state and federal agencies and fire marshals	131137
of other states;	131138
(6) Engage in research on the cause and prevention of losses	131139
due to fire and explosion;	131140
(7) Engage in public education and informational activities	131141
which will inform the public of fire safety information;	131142
(8) Operate a fire training academy and forensic laboratory;	131143
(9) Conduct other fire safety and fire fighting training	131144
activities for the public and groups as will further the cause of	131145
fire safety;	131146
(10) Conduct licensing examinations, and issue permits,	131147
licenses, and certificates, as authorized by the Revised Code;	131148
(11) Conduct tests of fire protection systems and devices,	131149
and fire fighting equipment to determine compliance with the state	131150

fire code, unless a building is insured against the hazard of 131151
fire, in which case such tests may be performed by the company 131152
insuring the building; 131153

(12) Establish and collect fees for conducting licensing 131154
examinations and for issuing permits, licenses, and certificates; 131155

(13) Make available for the prosecuting attorney and an 131156
assistant prosecuting attorney from each county of this state, in 131157
accordance with section 3737.331 of the Revised Code, a seminar 131158
program, attendance at which is optional, that is designed to 131159
provide current information, data, training, and techniques 131160
relative to the prosecution of arson cases; 131161

(14) Administer and enforce Chapter 3743. of the Revised 131162
Code; 131163

(15) Develop a uniform standard for the reporting of 131164
information required to be filed under division (E)(4) of section 131165
2921.22 of the Revised Code, and accept the reports of the 131166
information when they are filed. 131167

(B) The fire marshal shall appoint a chief deputy fire 131168
marshal, and shall employ professional and clerical assistants as 131169
the fire marshal considers necessary. The chief deputy shall be a 131170
competent former or current member of a fire agency and possess 131171
five years of recent, progressively more responsible experience in 131172
fire inspection, fire code enforcement, and fire code management. 131173
The chief deputy, with the approval of the director of commerce, 131174
shall temporarily assume the duties of the fire marshal when the 131175
fire marshal is absent or temporarily unable to carry out the 131176
duties of the office. When there is a vacancy in the office of 131177
fire marshal, the chief deputy, with the approval of the director 131178
of commerce, shall temporarily assume the duties of the fire 131179
marshal until a new fire marshal is appointed under section 131180
3737.21 of the Revised Code. 131181

All employees, other than the fire marshal; the chief deputy 131182
fire marshal; the superintendent of the Ohio fire academy; the 131183
grants administrator; the fiscal officer; the executive secretary 131184
to the fire marshal; legal counsel; the pyrotechnics 131185
administrator, the chief of the forensic laboratory; the person 131186
appointed by the fire marshal to serve as administrator over 131187
functions concerning testing, license examinations, and the 131188
issuance of permits and certificates; and the chiefs of the 131189
bureaus of fire prevention, of fire and explosion investigation, 131190
of code enforcement, and of underground storage tanks shall be in 131191
the classified civil service. The fire marshal shall authorize the 131192
chief deputy and other employees under the fire marshal's 131193
supervision to exercise powers granted to the fire marshal by law 131194
as may be necessary to carry out the duties of the fire marshal's 131195
office. 131196

(C) The fire marshal shall create, in and as a part of the 131197
office of fire marshal, a fire and explosion investigation bureau 131198
consisting of a chief of the bureau and additional assistant fire 131199
marshals as the fire marshal determines necessary for the 131200
efficient administration of the bureau. The chief shall be 131201
experienced in the investigation of the cause, origin, and 131202
circumstances of fires, and in administration, including the 131203
supervision of subordinates. The chief, among other duties 131204
delegated to the chief by the fire marshal, shall be responsible, 131205
under the direction of the fire marshal, for the investigation of 131206
the cause, origin, and circumstances of fires and explosions in 131207
the state, and for assistance in the prosecution of persons 131208
believed to be guilty of arson or a similar crime. 131209

(D)(1) The fire marshal shall create, as part of the office 131210
of fire marshal, a bureau of code enforcement consisting of a 131211
chief of the bureau and additional assistant fire marshals as the 131212
fire marshal determines necessary for the efficient administration 131213

of the bureau. The chief shall be qualified, by education or 131214
experience, in fire inspection, fire code development, fire code 131215
enforcement, or any other similar field determined by the fire 131216
marshal, and in administration, including the supervision of 131217
subordinates. The chief is responsible, under the direction of the 131218
fire marshal, for fire inspection, fire code development, fire 131219
code enforcement, and any other duties delegated to the chief by 131220
the fire marshal. 131221

(2) The fire marshal, the chief deputy fire marshal, the 131222
chief of the bureau of code enforcement, or any assistant fire 131223
marshal under the direction of the fire marshal, the chief deputy 131224
fire marshal, or the chief of the bureau of code enforcement may 131225
cause to be conducted the inspection of all buildings, structures, 131226
and other places, the condition of which may be dangerous from a 131227
fire safety standpoint to life or property, or to property 131228
adjacent to the buildings, structures, or other places. 131229

(E) The fire marshal shall create, as a part of the office of 131230
fire marshal, a bureau of fire prevention consisting of a chief of 131231
the bureau and additional assistant fire marshals as the fire 131232
marshal determines necessary for the efficient administration of 131233
the bureau. The chief shall be qualified, by education or 131234
experience, to promote programs for rural and urban fire 131235
prevention and protection. The chief, among other duties delegated 131236
to the chief by the fire marshal, is responsible, under the 131237
direction of the fire marshal, for the promotion of rural and 131238
urban fire prevention and protection through public information 131239
and education programs. 131240

(F) The fire marshal shall cooperate with the director of job 131241
and family services when the director adopts rules under section 131242
5104.052 of the Revised Code regarding fire prevention and fire 131243
safety in licensed type B family ~~day-care~~ child care homes, as 131244
defined in section 5104.01 of the Revised Code, recommend 131245

procedures for inspecting type B homes to determine whether they 131246
are in compliance with those rules, and provide training and 131247
technical assistance to the director and county directors of job 131248
and family services on the procedures for determining compliance 131249
with those rules. 131250

(G) The fire marshal, upon request of a provider of child 131251
care in a type B home that is not licensed by the director of job 131252
and family services, as a precondition of approval by the state 131253
board of education under section 3313.813 of the Revised Code for 131254
receipt of United States department of agriculture child and adult 131255
care food program funds established under the "National School 131256
Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, shall 131257
inspect the type B home to determine compliance with rules adopted 131258
under section 5104.052 of the Revised Code regarding fire 131259
prevention and fire safety in licensed type B homes. In municipal 131260
corporations and in townships where there is a certified fire 131261
safety inspector, the inspections shall be made by that inspector 131262
under the supervision of the fire marshal, according to rules 131263
adopted under section 5104.052 of the Revised Code. In townships 131264
outside municipal corporations where there is no certified fire 131265
safety inspector, inspections shall be made by the fire marshal. 131266

Sec. 3737.83. The fire marshal shall, as part of the state 131267
fire code, adopt rules to: 131268

(A) Establish minimum standards of performance for fire 131269
protection equipment and fire fighting equipment; 131270

(B) Establish minimum standards of training, fix minimum 131271
qualifications, and require certificates for all persons who 131272
engage in the business for profit of installing, testing, 131273
repairing, or maintaining fire protection equipment; 131274

(C) Provide for the issuance of certificates required under 131275
division (B) of this section and establish the fees to be charged 131276

for such certificates. A certificate shall be granted, renewed, or 131277
revoked according to rules the fire marshal shall adopt. 131278

(D) Establish minimum standards of flammability for consumer 131279
goods in any case where the federal government or any department 131280
or agency thereof has established, or may from time to time 131281
establish standards of flammability for consumer goods. The 131282
standards established by the fire marshal shall be identical to 131283
the minimum federal standards. 131284

In any case where the federal government or any department or 131285
agency thereof, establishes standards of flammability for consumer 131286
goods subsequent to the adoption of a flammability standard by the 131287
fire marshal, standards previously adopted by the fire marshal 131288
shall not continue in effect to the extent such standards are not 131289
identical to the minimum federal standards. 131290

With respect to the adoption of minimum standards of 131291
flammability, this division shall supersede any authority granted 131292
a political subdivision by any other section of the Revised Code. 131293

(E) Establish minimum standards pursuant to section 5104.05 131294
of the Revised Code for fire prevention and fire safety in child 131295
~~day-care~~ care centers and in type A family ~~day-care~~ child care 131296
homes, as defined in section 5104.01 of the Revised Code. 131297

(F) Establish minimum standards for fire prevention and 131298
safety in a residential facility licensed under section 5119.34 of 131299
the Revised Code that provides accommodations, supervision, and 131300
personal care services for three to sixteen unrelated adults. The 131301
fire marshal shall adopt the rules under this division in 131302
consultation with the director of mental health and addiction 131303
services and interested parties designated by the director of 131304
mental health and addiction services. 131305

Sec. 3737.841. As used in this section and section 3737.842 131306

of the Revised Code: 131307

(A) "Public occupancy" means all of the following: 131308

(1) Any state correctional institution as defined in section 131309
2967.01 of the Revised Code and any county, multicounty, 131310
municipal, or municipal-county jail or workhouse; 131311

(2) Any hospital as defined in section 3727.01 of the Revised 131312
Code, any hospital licensed by the department of mental health and 131313
addiction services under section 5119.33 of the Revised Code, and 131314
any institution, hospital, or other place established, controlled, 131315
or supervised by the department of mental health and addiction 131316
services under Chapter 5119. of the Revised Code; 131317

(3) Any nursing home, residential care facility, or home for 131318
the aging as defined in section 3721.01 of the Revised Code and 131319
any residential facility licensed under section 5119.34 of the 131320
Revised Code that provides accommodations, supervision, and 131321
personal care services for three to sixteen unrelated adults; 131322

(4) Any child ~~day-care~~ care center and any type A family 131323
~~day-care~~ child care home as defined in section 5104.01 of the 131324
Revised Code; 131325

(5) Any public auditorium or stadium; 131326

(6) Public assembly areas of hotels and motels containing 131327
more than ten articles of seating furniture. 131328

(B) "Sell" includes sell, offer or expose for sale, barter, 131329
trade, deliver, give away, rent, consign, lease, possess for sale, 131330
or dispose of in any other commercial manner. 131331

(C) Except as provided in division (D) of this section, 131332
"seating furniture" means any article of furniture, including 131333
children's furniture, that can be used as a support for an 131334
individual, or an individual's limbs or feet, when sitting or 131335
resting in an upright or reclining position and that either: 131336

(1) Is made with loose or attached cushions or pillows;	131337
(2) Is stuffed or filled in whole or in part with any filling material;	131338 131339
(3) Is or can be stuffed or filled in whole or in part with any substance or material, concealed by fabric or any other covering.	131340 131341 131342
"Seating furniture" includes the cushions or pillows belonging to or forming a part of the furniture, the structural unit, and the filling material and its container or covering.	131343 131344 131345
(D) "Seating furniture" does not include, except if intended for use by children or in facilities designed for the care or treatment of humans, any of the following:	131346 131347 131348
(1) Cushions or pads intended solely for outdoor use;	131349
(2) Any article with a smooth surface that contains no more than one-half inch of filling material, if that article does not have an upholstered horizontal surface meeting an upholstered vertical surface;	131350 131351 131352 131353
(3) Any article manufactured solely for recreational use or physical fitness purposes, including weight-lifting benches, gymnasium mats or pads, and sidehorses.	131354 131355 131356
(E) "Filling material" means cotton, wool, kapok, feathers, down, hair, liquid, or any other natural or artificial material or substance that is used or can be used as stuffing in seating furniture.	131357 131358 131359 131360
Sec. 3742.01. As used in this chapter:	131361
(A) "Board of health" means the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code.	131362 131363 131364
(B) "Child care facility" means each area of any of the	131365

following in which child care, as defined in section 5104.01 of 131366
the Revised Code, is provided to children under six years of age: 131367

(1) A child ~~day-care~~ care center, type A family ~~day-care~~ 131368
child care home, or type B family ~~day-care~~ child care home as 131369
defined in section 5104.01 of the Revised Code; 131370

(2) A preschool program or school child program as defined in 131371
section 3301.52 of the Revised Code. 131372

(C) "Clearance examination" means an examination to determine 131373
whether the lead hazards in a residential unit, child care 131374
facility, or school have been sufficiently controlled. A clearance 131375
examination includes a visual assessment, collection, and analysis 131376
of environmental samples. 131377

(D) "Clearance technician" means a person, other than a 131378
licensed lead inspector or licensed lead risk assessor, who 131379
performs a clearance examination. 131380

(E) "Clinical laboratory" means a facility for the 131381
biological, microbiological, serological, chemical, 131382
immunohematological, hematological, biophysical, cytological, 131383
pathological, or other examination of substances derived from the 131384
human body for the purpose of providing information for the 131385
diagnosis, prevention, or treatment of any disease, or in the 131386
assessment or impairment of the health of human beings. "Clinical 131387
laboratory" does not include a facility that only collects or 131388
prepares specimens, or serves as a mailing service, and does not 131389
perform testing. 131390

(F) "Encapsulation" means the coating and sealing of surfaces 131391
with durable surface coating specifically formulated to be 131392
elastic, able to withstand sharp and blunt impacts, long-lasting, 131393
and resilient, while also resistant to cracking, peeling, algae, 131394
fungus, and ultraviolet light, so as to prevent any part of 131395
lead-containing paint from becoming part of house dust or 131396

otherwise accessible to children. 131397

(G) "Enclosure" means the resurfacing or covering of surfaces 131398
with durable materials such as wallboard or paneling, and the 131399
sealing or caulking of edges and joints, so as to prevent or 131400
control chalking, flaking, peeling, scaling, or loose 131401
lead-containing substances from becoming part of house dust or 131402
otherwise accessible to children. 131403

(H) "Environmental lead analytical laboratory" means a 131404
facility that analyzes air, dust, soil, water, paint, film, or 131405
other substances, other than substances derived from the human 131406
body, for the presence and concentration of lead. 131407

(I) "HEPA" means the designation given to a product, device, 131408
or system that has been equipped with a high-efficiency 131409
particulate air filter, which is a filter capable of removing 131410
particles of 0.3 microns or larger from air at 99.97 per cent or 131411
greater efficiency. 131412

(J) "Interim controls" means a set of measures designed to 131413
reduce temporarily human exposure or likely human exposure to lead 131414
hazards. Interim controls include specialized cleaning, repairs, 131415
painting, temporary containment, ongoing lead hazard maintenance 131416
activities, and the establishment and operation of management and 131417
resident education programs. 131418

(K)(1) "Lead abatement" means a measure or set of measures 131419
designed for the single purpose of permanently eliminating lead 131420
hazards. "Lead abatement" includes all of the following: 131421

(a) Removal of lead-based paint and lead-contaminated dust; 131422

(b) Permanent enclosure or encapsulation of lead-based paint; 131423

(c) Replacement of surfaces or fixtures painted with 131424
lead-based paint; 131425

(d) Removal or permanent covering of lead-contaminated soil; 131426

(e) Preparation, cleanup, and disposal activities associated with lead abatement.	131427 131428
(2) "Lead abatement" does not include any of the following:	131429
(a) Residential rental unit lead-safe maintenance practices performed pursuant to sections 3742.41 and 3742.42 of the Revised Code;	131430 131431 131432
(b) Implementation of interim controls;	131433
(c) Activities performed by a property owner on a residential unit to which both of the following apply:	131434 131435
(i) It is a freestanding single-family home used as the property owner's private residence.	131436 131437
(ii) No child under six years of age who has lead poisoning resides in the unit.	131438 131439
(L) "Lead abatement contractor" means any individual who engages in or intends to engage in lead abatement and employs or supervises one or more lead abatement workers, including on-site supervision of lead abatement projects, or prepares specifications, plans, or documents for a lead abatement project.	131440 131441 131442 131443 131444
(M) "Lead abatement project" means one or more lead abatement activities that are conducted by a lead abatement contractor and are reasonably related to each other.	131445 131446 131447
(N) "Lead abatement project designer" means a person who is responsible for designing lead abatement projects and preparing a pre-abatement plan for all designed projects.	131448 131449 131450
(O) "Lead abatement worker" means an individual who is responsible in a nonsupervisory capacity for the performance of lead abatement.	131451 131452 131453
(P) "Lead-based paint" means any paint or other similar surface-coating substance containing lead at or in excess of the level that is hazardous to human health, as that level is	131454 131455 131456

established in rules adopted under section 3742.45 of the Revised Code. 131457
131458

(Q) "Lead-contaminated dust" means dust that contains an area 131459
or mass concentration of lead at or in excess of the level that is 131460
hazardous to human health, as that level is established in rules 131461
adopted under section 3742.45 of the Revised Code. 131462

(R) "Lead-contaminated soil" means soil that contains lead at 131463
or in excess of the level that is hazardous to human health, as 131464
that level is established in rules adopted under section 3742.45 131465
of the Revised Code. 131466

(S) "Lead free" means no lead-based paint is present in any 131467
area referenced in division (B) of section 3742.42 of the Revised 131468
Code. 131469

(T) "Lead hazard" means material that is likely to cause lead 131470
exposure and endanger an individual's health as determined by the 131471
director of health in rules adopted under section 3742.45 of the 131472
Revised Code. "Lead hazard" includes lead-based paint, 131473
lead-contaminated dust, lead-contaminated soil, and 131474
lead-contaminated water pipes. 131475

(U) "Lead inspection" means a surface-by-surface 131476
investigation to determine the presence of lead-based paint. The 131477
inspection shall use a sampling or testing technique approved by 131478
the director in rules adopted under section 3742.03 of the Revised 131479
Code. A licensed lead inspector or laboratory approved under 131480
section 3742.09 of the Revised Code shall certify in writing the 131481
precise results of the inspection. 131482

(V) "Lead inspector" means any individual who conducts a lead 131483
inspection, provides professional advice regarding a lead 131484
inspection, or prepares a report explaining the results of a lead 131485
inspection. 131486

(W) "Lead poisoning" means the level of lead in human blood 131487

that is hazardous to human health, as specified in rules adopted 131488
under section 3742.45 of the Revised Code. 131489

(X) "Lead risk assessment" means an on-site investigation to 131490
determine and report the existence, nature, severity, and location 131491
of lead hazards in a residential unit, child care facility, or 131492
school, including information gathering from the unit, facility, 131493
or school's current owner's knowledge regarding the age and 131494
painting history of the unit, facility, or school and occupancy by 131495
children under six years of age, visual inspection, limited wipe 131496
sampling or other environmental sampling techniques, and any other 131497
activity as may be appropriate. 131498

(Y) "Lead risk assessor" means a person who is responsible 131499
for developing a written inspection, risk assessment, and analysis 131500
plan; conducting inspections for lead hazards in a residential 131501
unit, child care facility, or school; interpreting results of 131502
inspections and risk assessments; identifying hazard control 131503
strategies to reduce or eliminate lead exposures; and completing a 131504
risk assessment report. 131505

(Z) "Lead-safe residential rental unit" means a residential 131506
rental unit that has undergone the residential rental unit 131507
lead-safe maintenance practices described in section 3742.42 of 131508
the Revised Code, including post-maintenance dust sampling or are 131509
registered pursuant to division (D) of section 3742.41 of the 131510
Revised Code. 131511

(AA) "Manager" means a person, who may be the same person as 131512
the owner, responsible for the daily operation of a residential 131513
unit, child care facility, or school. 131514

(BB) "Permanent" means an expected design life of at least 131515
twenty years. 131516

(CC) "Replacement" means an activity that entails removing 131517
components such as windows, doors, and trim that have lead hazards 131518

on their surfaces and installing components free of lead hazards. 131519

(DD) "Residential unit" means a dwelling or any part of a 131520

building being used as an individual's private residence. 131521

"Residential unit" includes a residential rental unit. 131522

(EE) "Residential rental unit" means a rental property 131523

containing a dwelling or any part of a building being used as an 131524

individual's private residence. 131525

(FF) "School" means a public or nonpublic school in which 131526

children under six years of age receive education. 131527

Sec. 3767.41. (A) As used in this section: 131528

(1) "Building" means, except as otherwise provided in this 131529

division, any building or structure that is used or intended to be 131530

used for residential purposes. "Building" includes, but is not 131531

limited to, a building or structure in which any floor is used for 131532

retail stores, shops, salesrooms, markets, or similar commercial 131533

uses, or for offices, banks, civic administration activities, 131534

professional services, or similar business or civic uses, and in 131535

which the other floors are used, or designed and intended to be 131536

used, for residential purposes. "Building" does not include any 131537

building or structure that is occupied by its owner and that 131538

contains three or fewer residential units. 131539

(2)(a) "Public nuisance" means a building that is a menace to 131540

the public health, welfare, or safety; that is structurally 131541

unsafe, unsanitary, or not provided with adequate safe egress; 131542

that constitutes a fire hazard, is otherwise dangerous to human 131543

life, or is otherwise no longer fit and habitable; or that, in 131544

relation to its existing use, constitutes a hazard to the public 131545

health, welfare, or safety by reason of inadequate maintenance, 131546

dilapidation, obsolescence, or abandonment. 131547

(b) "Public nuisance" as it applies to subsidized housing 131548

means subsidized housing that fails to meet the following 131549
standards as specified in the federal rules governing each 131550
standard: 131551

(i) Each building on the site is structurally sound, secure, 131552
habitable, and in good repair, as defined in 24 C.F.R. 5.703(b); 131553

(ii) Each building's domestic water, electrical system, 131554
elevators, emergency power, fire protection, HVAC, and sanitary 131555
system is free of health and safety hazards, functionally 131556
adequate, operable, and in good repair, as defined in 24 C.F.R. 131557
5.703(c); 131558

(iii) Each dwelling unit within the building is structurally 131559
sound, habitable, and in good repair, and all areas and aspects of 131560
the dwelling unit are free of health and safety hazards, 131561
functionally adequate, operable, and in good repair, as defined in 131562
24 C.F.R. 5.703(d)(1); 131563

(iv) Where applicable, the dwelling unit has hot and cold 131564
running water, including an adequate source of potable water, as 131565
defined in 24 C.F.R. 5.703(d)(2); 131566

(v) If the dwelling unit includes its own sanitary facility, 131567
it is in proper operating condition, usable in privacy, and 131568
adequate for personal hygiene, and the disposal of human waste, as 131569
defined in 24 C.F.R. 5.703(d)(3); 131570

(vi) The common areas are structurally sound, secure, and 131571
functionally adequate for the purposes intended. The basement, 131572
garage, carport, restrooms, closets, utility, mechanical, 131573
community rooms, ~~daycare~~ child care rooms, halls, corridors, 131574
stairs, kitchens, laundry rooms, office, porch, patio, balcony, 131575
and trash collection areas are free of health and safety hazards, 131576
operable, and in good repair. All common area ceilings, doors, 131577
floors, HVAC, lighting, smoke detectors, stairs, walls, and 131578
windows, to the extent applicable, are free of health and safety 131579

hazards, operable, and in good repair, as defined in 24 C.F.R. 131580
5.703(e); 131581

(vii) All areas and components of the housing are free of 131582
health and safety hazards. These areas include, but are not 131583
limited to, air quality, electrical hazards, elevators, 131584
emergency/fire exits, flammable materials, garbage and debris, 131585
handrail hazards, infestation, and lead-based paint, as defined in 131586
24 C.F.R. 5.703(f). 131587

(3) "Abate" or "abatement" in connection with any building 131588
means the removal or correction of any conditions that constitute 131589
a public nuisance and the making of any other improvements that 131590
are needed to effect a rehabilitation of the building that is 131591
consistent with maintaining safe and habitable conditions over its 131592
remaining useful life. "Abatement" does not include the closing or 131593
boarding up of any building that is found to be a public nuisance. 131594

(4) "Interested party" means any owner, mortgagee, 131595
lienholder, tenant, or person that possesses an interest of record 131596
in any property that becomes subject to the jurisdiction of a 131597
court pursuant to this section, and any applicant for the 131598
appointment of a receiver pursuant to this section. 131599

(5) "Neighbor" means any owner of property, including, but 131600
not limited to, any person who is purchasing property by land 131601
installment contract or under a duly executed purchase contract, 131602
that is located within five hundred feet of any property that 131603
becomes subject to the jurisdiction of a court pursuant to this 131604
section, and any occupant of a building that is so located. 131605

(6) "Tenant" has the same meaning as in section 5321.01 of 131606
the Revised Code. 131607

(7) "Subsidized housing" means a property consisting of more 131608
than four dwelling units that, in whole or in part, receives 131609
project-based assistance pursuant to a contract under any of the 131610

following federal housing programs: 131611

(a) The new construction or substantial rehabilitation 131612
program under section 8(b)(2) of the "United States Housing Act of 131613
1937," Pub. L. No. 75-412, 50 Stat. 888, 42 U.S.C. 1437f(b)(2) as 131614
that program was in effect immediately before the first day of 131615
October, 1983; 131616

(b) The moderate rehabilitation program under section 8(e)(2) 131617
of the "United States Housing Act of 1937," Pub. L. No. 75-412, 50 131618
Stat. 888, 42 U.S.C. 1437f(e)(2); 131619

(c) The loan management assistance program under section 8 of 131620
the "United States Housing Act of 1937," Pub. L. No. 75-412, 50 131621
Stat. 888, 42 U.S.C. 1437f; 131622

(d) The rent supplement program under section 101 of the 131623
"Housing and Urban Development Act of 1965," Pub. L. No. 89-174, 131624
79 Stat. 667, 12 U.S.C. 1701s; 131625

(e) Section 8 of the "United States Housing Act of 1937," 131626
Pub. L. No. 75-412, 50 Stat. 888, 42 U.S.C. 1437f, following 131627
conversion from assistance under section 101 of the "Housing and 131628
Urban Development Act of 1965," Pub. L. No. 89-174, 79 Stat. 667, 131629
12 U.S.C. 1701s; 131630

(f) The program of supportive housing for the elderly under 131631
section 202 of the "Housing Act of 1959," Pub. L. No. 86-372, 73 131632
Stat. 654, 12 U.S.C. 1701q; 131633

(g) The program of supportive housing for persons with 131634
disabilities under section 811 of the "National Affordable Housing 131635
Act of 1990," Pub. L. No. 101-625, 104 Stat. 4313, 42 U.S.C. 8013; 131636

(h) The rental assistance program under section 521 of the 131637
"United States Housing Act of 1949," Pub. L. No. 90-448, 82 Stat. 131638
551, as amended by Pub. L. No. 93-383, 88 Stat. 696, 42 U.S.C. 131639
1490a. 131640

(8) "Project-based assistance" means the assistance is 131641
attached to the property and provides rental assistance only on 131642
behalf of tenants who reside in that property. 131643

(9) "Landlord" has the same meaning as in section 5321.01 of 131644
the Revised Code. 131645

(B)(1)(a) In any civil action to enforce any local building, 131646
housing, air pollution, sanitation, health, fire, zoning, or 131647
safety code, ordinance, resolution, or regulation applicable to 131648
buildings, that is commenced in a court of common pleas, municipal 131649
court, housing or environmental division of a municipal court, or 131650
county court, or in any civil action for abatement commenced in a 131651
court of common pleas, municipal court, housing or environmental 131652
division of a municipal court, or county court, by a municipal 131653
corporation or township in which the building involved is located, 131654
by any neighbor, tenant, or by a nonprofit corporation that is 131655
duly organized and has as one of its goals the improvement of 131656
housing conditions in the county or municipal corporation in which 131657
the building involved is located, if a building is alleged to be a 131658
public nuisance, the municipal corporation, township, neighbor, 131659
tenant, or nonprofit corporation may apply in its complaint for an 131660
injunction or other order as described in division (C)(1) of this 131661
section, or for the relief described in division (C)(2) of this 131662
section, including, if necessary, the appointment of a receiver as 131663
described in divisions (C)(2) and (3) of this section, or for both 131664
such an injunction or other order and such relief. The municipal 131665
corporation, township, neighbor, tenant, or nonprofit corporation 131666
commencing the action is not liable for the costs, expenses, and 131667
fees of any receiver appointed pursuant to divisions (C)(2) and 131668
(3) of this section. 131669

(b) Prior to commencing a civil action for abatement when the 131670
property alleged to be a public nuisance is subsidized housing, 131671
the municipal corporation, township, neighbor, tenant, or 131672

nonprofit corporation commencing the action shall provide the 131673
landlord of that property with written notice that specifies one 131674
or more defective conditions that constitute a public nuisance as 131675
that term applies to subsidized housing and states that if the 131676
landlord fails to remedy the condition within sixty days of the 131677
service of the notice, a claim pursuant to this section may be 131678
brought on the basis that the property constitutes a public 131679
nuisance in subsidized housing. Any party authorized to bring an 131680
action against the landlord shall make reasonable attempts to 131681
serve the notice in the manner prescribed in the Rules of Civil 131682
Procedure to the landlord or the landlord's agent for the property 131683
at the property's management office, or at the place where the 131684
tenants normally pay or send rent. If the landlord is not the 131685
owner of record, the party bringing the action shall make a 131686
reasonable attempt to serve the owner. If the owner does not 131687
receive service the person bringing the action shall certify the 131688
attempts to serve the owner. 131689

(2)(a) In a civil action described in division (B)(1) of this 131690
section, a copy of the complaint and a notice of the date and time 131691
of a hearing on the complaint shall be served upon the owner of 131692
the building and all other interested parties in accordance with 131693
the Rules of Civil Procedure. If certified mail service, personal 131694
service, or residence service of the complaint and notice is 131695
refused or certified mail service of the complaint and notice is 131696
not claimed, and if the municipal corporation, township, neighbor, 131697
tenant, or nonprofit corporation commencing the action makes a 131698
written request for ordinary mail service of the complaint and 131699
notice, or uses publication service, in accordance with the Rules 131700
of Civil Procedure, then a copy of the complaint and notice shall 131701
be posted in a conspicuous place on the building. 131702

(b) The judge in a civil action described in division (B)(1) 131703
of this section shall conduct a hearing at least twenty-eight days 131704

after the owner of the building and the other interested parties 131705
have been served with a copy of the complaint and the notice of 131706
the date and time of the hearing in accordance with division 131707
(B)(2)(a) of this section. 131708

(c) In considering whether subsidized housing is a public 131709
nuisance, the judge shall construe the standards set forth in 131710
division (A)(2)(b) of this section in a manner consistent with 131711
department of housing and urban development and judicial 131712
interpretations of those standards. The judge shall deem that the 131713
property is not a public nuisance if during the twelve months 131714
prior to the service of the notice that division (B)(1)(b) of this 131715
section requires, the department of housing and urban 131716
development's real estate assessment center issued a score of 131717
seventy-five or higher out of a possible one hundred points 131718
pursuant to its regulations governing the physical condition of 131719
multifamily properties pursuant to 24 C.F.R. part 200, subpart P, 131720
and since the most recent inspection, there has been no 131721
significant change in the property's conditions that would create 131722
a serious threat to the health, safety, or welfare of the 131723
property's tenants. 131724

(C)(1) If the judge in a civil action described in division 131725
(B)(1) of this section finds at the hearing required by division 131726
(B)(2) of this section that the building involved is a public 131727
nuisance, if the judge additionally determines that the owner of 131728
the building previously has not been afforded a reasonable 131729
opportunity to abate the public nuisance or has been afforded such 131730
an opportunity and has not refused or failed to abate the public 131731
nuisance, and if the complaint of the municipal corporation, 131732
township, neighbor, tenant, or nonprofit corporation commencing 131733
the action requested the issuance of an injunction as described in 131734
this division, then the judge may issue an injunction requiring 131735
the owner of the building to abate the public nuisance or issue 131736

any other order that the judge considers necessary or appropriate 131737
to cause the abatement of the public nuisance. If an injunction is 131738
issued pursuant to this division, the owner of the building 131739
involved shall be given no more than thirty days from the date of 131740
the entry of the judge's order to comply with the injunction, 131741
unless the judge, for good cause shown, extends the time for 131742
compliance. 131743

(2) If the judge in a civil action described in division 131744
(B)(1) of this section finds at the hearing required by division 131745
(B)(2) of this section that the building involved is a public 131746
nuisance, if the judge additionally determines that the owner of 131747
the building previously has been afforded a reasonable opportunity 131748
to abate the public nuisance and has refused or failed to do so, 131749
and if the complaint of the municipal corporation, township, 131750
neighbor, tenant, or nonprofit corporation commencing the action 131751
requested relief as described in this division, then the judge 131752
shall offer any mortgagee, lienholder, or other interested party 131753
associated with the property on which the building is located, in 131754
the order of the priority of interest in title, the opportunity to 131755
undertake the work and to furnish the materials necessary to abate 131756
the public nuisance. Prior to selecting any interested party, the 131757
judge shall require the interested party to demonstrate the 131758
ability to promptly undertake the work and furnish the materials 131759
required, to provide the judge with a viable financial and 131760
construction plan for the rehabilitation of the building as 131761
described in division (D) of this section, and to post security 131762
for the performance of the work and the furnishing of the 131763
materials. 131764

If the judge determines, at the hearing, that no interested 131765
party is willing or able to undertake the work and to furnish the 131766
materials necessary to abate the public nuisance, or if the judge 131767
determines, at any time after the hearing, that any party who is 131768

undertaking corrective work pursuant to this division cannot or 131769
will not proceed, or has not proceeded with due diligence, the 131770
judge may appoint a receiver pursuant to division (C)(3) of this 131771
section to take possession and control of the building. 131772

(3)(a) The judge in a civil action described in division 131773
(B)(1) of this section shall not appoint any person as a receiver 131774
unless the person first has provided the judge with a viable 131775
financial and construction plan for the rehabilitation of the 131776
building involved as described in division (D) of this section and 131777
has demonstrated the capacity and expertise to perform the 131778
required work and to furnish the required materials in a 131779
satisfactory manner. An appointed receiver may be a financial 131780
institution that possesses an interest of record in the building 131781
or the property on which it is located, a nonprofit corporation as 131782
described in divisions (B)(1) and (C)(3)(b) of this section, 131783
including, but not limited to, a nonprofit corporation that 131784
commenced the action described in division (B)(1) of this section, 131785
or any other qualified property manager. 131786

(b) To be eligible for appointment as a receiver, no part of 131787
the net earnings of a nonprofit corporation shall inure to the 131788
benefit of any private shareholder or individual. Membership on 131789
the board of trustees of a nonprofit corporation appointed as a 131790
receiver does not constitute the holding of a public office or 131791
employment within the meaning of sections 731.02 and 731.12 or any 131792
other section of the Revised Code and does not constitute a direct 131793
or indirect interest in a contract or expenditure of money by any 131794
municipal corporation. A member of a board of trustees of a 131795
nonprofit corporation appointed as a receiver shall not be 131796
disqualified from holding any public office or employment, and 131797
shall not forfeit any public office or employment, by reason of 131798
membership on the board of trustees, notwithstanding any law to 131799
the contrary. 131800

(D) Prior to ordering any work to be undertaken, or the furnishing of any materials, to abate a public nuisance under this section, the judge in a civil action described in division (B)(1) of this section shall review the submitted financial and construction plan for the rehabilitation of the building involved and, if it specifies all of the following, shall approve that plan:

(1) The estimated cost of the labor, materials, and any other development costs that are required to abate the public nuisance;

(2) The estimated income and expenses of the building and the property on which it is located after the furnishing of the materials and the completion of the repairs and improvements;

(3) The terms, conditions, and availability of any financing that is necessary to perform the work and to furnish the materials;

(4) If repair and rehabilitation of the building are found not to be feasible, the cost of demolition of the building or of the portions of the building that constitute the public nuisance.

(E) Upon the written request of any of the interested parties to have a building, or portions of a building, that constitute a public nuisance demolished because repair and rehabilitation of the building are found not to be feasible, the judge may order the demolition. However, the demolition shall not be ordered unless the requesting interested parties have paid the costs of demolition and, if any, of the receivership, and, if any, all notes, certificates, mortgages, and fees of the receivership.

(F) Before proceeding with the duties of receiver, any receiver appointed by the judge in a civil action described in division (B)(1) of this section may be required by the judge to post a bond in an amount fixed by the judge, but not exceeding the value of the building involved as determined by the judge.

The judge may empower the receiver to do any or all of the following: 131832
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(1) Take possession and control of the building and the property on which it is located, operate and manage the building and the property, establish and collect rents and income, lease and rent the building and the property, and evict tenants; 131834
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131836
131837

(2) Pay all expenses of operating and conserving the building and the property, including, but not limited to, the cost of electricity, gas, water, sewerage, heating fuel, repairs and supplies, custodian services, taxes and assessments, and insurance premiums, and hire and pay reasonable compensation to a managing agent; 131838
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(3) Pay pre-receivership mortgages or installments of them and other liens; 131844
131845

(4) Perform or enter into contracts for the performance of all work and the furnishing of materials necessary to abate, and obtain financing for the abatement of, the public nuisance; 131846
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(5) Pursuant to court order, remove and dispose of any personal property abandoned, stored, or otherwise located in or on the building and the property that creates a dangerous or unsafe condition or that constitutes a violation of any local building, housing, air pollution, sanitation, health, fire, zoning, or safety code, ordinance, or regulation; 131849
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(6) Obtain mortgage insurance for any receiver's mortgage from any agency of the federal government; 131855
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(7) Enter into any agreement and do those things necessary to maintain and preserve the building and the property and comply with all local building, housing, air pollution, sanitation, health, fire, zoning, or safety codes, ordinances, resolutions, and regulations; 131857
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(8) Give the custody of the building and the property, and 131862
the opportunity to abate the nuisance and operate the property, to 131863
its owner or any mortgagee or lienholder of record; 131864

(9) Issue notes and secure them by a mortgage bearing 131865
interest, and upon terms and conditions, that the judge approves. 131866
When sold or transferred by the receiver in return for valuable 131867
consideration in money, material, labor, or services, the notes or 131868
certificates shall be freely transferable. Any mortgages granted 131869
by the receiver shall be superior to any claims of the receiver. 131870
Priority among the receiver's mortgages shall be determined by the 131871
order in which they are recorded. 131872

(G) A receiver appointed pursuant to this section is not 131873
personally liable except for misfeasance, malfeasance, or 131874
nonfeasance in the performance of the functions of the office of 131875
receiver. 131876

(H)(1) The judge in a civil action described in division 131877
(B)(1) of this section may assess as court costs, the expenses 131878
described in division (F)(2) of this section, and may approve 131879
receiver's fees to the extent that they are not covered by the 131880
income from the property. Subject to that limitation, a receiver 131881
appointed pursuant to divisions (C)(2) and (3) of this section is 131882
entitled to receive fees in the same manner and to the same extent 131883
as receivers appointed in actions to foreclose mortgages. 131884

(2)(a) Pursuant to the police powers vested in the state, all 131885
expenditures of a mortgagee, lienholder, or other interested party 131886
that has been selected pursuant to division (C)(2) of this section 131887
to undertake the work and to furnish the materials necessary to 131888
abate a public nuisance, and any expenditures in connection with 131889
the foreclosure of the lien created by this division, is a first 131890
lien upon the building involved and the property on which it is 131891
located and is superior to all prior and subsequent liens or other 131892
encumbrances associated with the building or the property, 131893

including, but not limited to, those for taxes and assessments, 131894
upon the occurrence of both of the following: 131895

(i) The prior approval of the expenditures by, and the entry 131896
of a judgment to that effect by, the judge in the civil action 131897
described in division (B)(1) of this section; 131898

(ii) The recordation of a certified copy of the judgment 131899
entry and a sufficient description of the property on which the 131900
building is located with the county recorder in the county in 131901
which the property is located within sixty days after the date of 131902
the entry of the judgment. 131903

(b) Pursuant to the police powers vested in the state, all 131904
expenses and other amounts paid in accordance with division (F) of 131905
this section by a receiver appointed pursuant to divisions (C)(2) 131906
and (3) of this section, the amounts of any notes issued by the 131907
receiver in accordance with division (F) of this section, all 131908
mortgages granted by the receiver in accordance with that 131909
division, the fees of the receiver approved pursuant to division 131910
(H)(1) of this section, and any amounts expended in connection 131911
with the foreclosure of a mortgage granted by the receiver in 131912
accordance with division (F) of this section or with the 131913
foreclosure of the lien created by this division, are a first lien 131914
upon the building involved and the property on which it is located 131915
and are superior to all prior and subsequent liens or other 131916
encumbrances associated with the building or the property, 131917
including, but not limited to, those for taxes and assessments, 131918
upon the occurrence of both of the following: 131919

(i) The approval of the expenses, amounts, or fees by, and 131920
the entry of a judgment to that effect by, the judge in the civil 131921
action described in division (B)(1) of this section; or the 131922
approval of the mortgages in accordance with division (F)(9) of 131923
this section by, and the entry of a judgment to that effect by, 131924
that judge; 131925

(ii) The recordation of a certified copy of the judgment entry and a sufficient description of the property on which the building is located, or, in the case of a mortgage, the recordation of the mortgage, a certified copy of the judgment entry, and such a description, with the county recorder of the county in which the property is located within sixty days after the date of the entry of the judgment.

(c) Priority among the liens described in divisions (H)(2)(a) and (b) of this section shall be determined as described in division (I) of this section. Additionally, the creation pursuant to this section of a mortgage lien that is prior to or superior to any mortgage of record at the time the mortgage lien is so created, does not disqualify the mortgage of record as a legal investment under Chapter 1107. or any other chapter of the Revised Code.

(I)(1) If a receiver appointed pursuant to divisions (C)(2) and (3) of this section files with the judge in the civil action described in division (B)(1) of this section a report indicating that the public nuisance has been abated, if the judge confirms that the receiver has abated the public nuisance, and if the receiver or any interested party requests the judge to enter an order directing the receiver to sell the building and the property on which it is located, the judge may enter that order after holding a hearing as described in division (I)(2) of this section and otherwise complying with that division.

(2)(a) The receiver or interested party requesting an order as described in division (I)(1) of this section shall cause a notice of the date and time of a hearing on the request to be served on the owner of the building involved and all other interested parties in accordance with division (B)(2)(a) of this section. The judge in the civil action described in division (B)(1) of this section shall conduct the scheduled hearing. At the

hearing, if the owner or any interested party objects to the sale 131958
of the building and the property, the burden of proof shall be 131959
upon the objecting person to establish, by a preponderance of the 131960
evidence, that the benefits of not selling the building and the 131961
property outweigh the benefits of selling them. If the judge 131962
determines that there is no objecting person, or if the judge 131963
determines that there is one or more objecting persons but no 131964
objecting person has sustained the burden of proof specified in 131965
this division, the judge may enter an order directing the receiver 131966
to offer the building and the property for sale upon terms and 131967
conditions that the judge shall specify. 131968

(b) In any sale of subsidized housing that is ordered 131969
pursuant to this section, the judge shall specify that the 131970
subsidized housing not be conveyed unless that conveyance complies 131971
with applicable federal law and applicable program contracts for 131972
that housing. Any such conveyance shall be subject to the 131973
condition that the purchaser enter into a contract with the 131974
department of housing and urban development or the rural housing 131975
service of the federal department of agriculture under which the 131976
property continues to be subsidized housing and the owner 131977
continues to operate that property as subsidized housing unless 131978
the secretary of housing and urban development or the 131979
administrator of the rural housing service terminates that 131980
property's contract prior to or upon the conveyance of the 131981
property. 131982

(3) If a sale of a building and the property on which it is 131983
located is ordered pursuant to divisions (I)(1) and (2) of this 131984
section and if the sale occurs in accordance with the terms and 131985
conditions specified by the judge in the judge's order of sale, 131986
then the receiver shall distribute the proceeds of the sale and 131987
the balance of any funds that the receiver may possess, after the 131988
payment of the costs of the sale, in the following order of 131989

priority and in the described manner: 131990

(a) First, in satisfaction of any notes issued by the 131991
receiver pursuant to division (F) of this section, in their order 131992
of priority; 131993

(b) Second, any unreimbursed expenses and other amounts paid 131994
in accordance with division (F) of this section by the receiver, 131995
and the fees of the receiver approved pursuant to division (H)(1) 131996
of this section; 131997

(c) Third, all expenditures of a mortgagee, lienholder, or 131998
other interested party that has been selected pursuant to division 131999
(C)(2) of this section to undertake the work and to furnish the 132000
materials necessary to abate a public nuisance, provided that the 132001
expenditures were approved as described in division (H)(2)(a) of 132002
this section and provided that, if any such interested party 132003
subsequently became the receiver, its expenditures shall be paid 132004
prior to the expenditures of any of the other interested parties 132005
so selected; 132006

(d) Fourth, the amount due for delinquent taxes, assessments, 132007
charges, penalties, and interest owed to this state or a political 132008
subdivision of this state, provided that, if the amount available 132009
for distribution pursuant to division (I)(3)(d) of this section is 132010
insufficient to pay the entire amount of those taxes, assessments, 132011
charges, penalties, and interest, the proceeds and remaining funds 132012
shall be paid to each claimant in proportion to the amount of 132013
those taxes, assessments, charges, penalties, and interest that 132014
each is due. 132015

(e) The amount of any pre-receivership mortgages, liens, or 132016
other encumbrances, in their order of priority. 132017

(4) Following a distribution in accordance with division 132018
(I)(3) of this section, the receiver shall request the judge in 132019
the civil action described in division (B)(1) of this section to 132020

enter an order terminating the receivership. If the judge 132021
determines that the sale of the building and the property on which 132022
it is located occurred in accordance with the terms and conditions 132023
specified by the judge in the judge's order of sale under division 132024
(I)(2) of this section and that the receiver distributed the 132025
proceeds of the sale and the balance of any funds that the 132026
receiver possessed, after the payment of the costs of the sale, in 132027
accordance with division (I)(3) of this section, and if the judge 132028
approves any final accounting required of the receiver, the judge 132029
may terminate the receivership. 132030

(J)(1) A receiver appointed pursuant to divisions (C)(2) and 132031
(3) of this section may be discharged at any time in the 132032
discretion of the judge in the civil action described in division 132033
(B)(1) of this section. The receiver shall be discharged by the 132034
judge as provided in division (I)(4) of this section, or when all 132035
of the following have occurred: 132036

(a) The public nuisance has been abated; 132037

(b) All costs, expenses, and approved fees of the 132038
receivership have been paid; 132039

(c) Either all receiver's notes issued and mortgages granted 132040
pursuant to this section have been paid, or all the holders of the 132041
notes and mortgages request that the receiver be discharged. 132042

(2) If a judge in a civil action described in division (B)(1) 132043
of this section determines that, and enters of record a 132044
declaration that, a public nuisance has been abated by a receiver, 132045
and if, within three days after the entry of the declaration, all 132046
costs, expenses, and approved fees of the receivership have not 132047
been paid in full, then, in addition to the circumstances 132048
specified in division (I) of this section for the entry of such an 132049
order, the judge may enter an order directing the receiver to sell 132050
the building involved and the property on which it is located. Any 132051

such order shall be entered, and the sale shall occur, only in 132052
compliance with division (I) of this section. 132053

(K) The title in any building, and in the property on which 132054
it is located, that is sold at a sale ordered under division (I) 132055
or (J)(2) of this section shall be incontestable in the purchaser 132056
and shall be free and clear of all liens for delinquent taxes, 132057
assessments, charges, penalties, and interest owed to this state 132058
or any political subdivision of this state, that could not be 132059
satisfied from the proceeds of the sale and the remaining funds in 132060
the receiver's possession pursuant to the distribution under 132061
division (I)(3) of this section. All other liens and encumbrances 132062
with respect to the building and the property shall survive the 132063
sale, including, but not limited to, a federal tax lien notice 132064
properly filed in accordance with section 317.09 of the Revised 132065
Code prior to the time of the sale, and the easements and 132066
covenants of record running with the property that were created 132067
prior to the time of the sale. 132068

(L)(1) Nothing in this section shall be construed as a 132069
limitation upon the powers granted to a court of common pleas, a 132070
municipal court or a housing or environmental division of a 132071
municipal court under Chapter 1901. of the Revised Code, or a 132072
county court under Chapter 1907. of the Revised Code. 132073

(2) The monetary and other limitations specified in Chapters 132074
1901. and 1907. of the Revised Code upon the jurisdiction of 132075
municipal and county courts, and of housing or environmental 132076
divisions of municipal courts, in civil actions do not operate as 132077
limitations upon any of the following: 132078

(a) Expenditures of a mortgagee, lienholder, or other 132079
interested party that has been selected pursuant to division 132080
(C)(2) of this section to undertake the work and to furnish the 132081
materials necessary to abate a public nuisance; 132082

(b) Any notes issued by a receiver pursuant to division (F) of this section;	132083 132084
(c) Any mortgage granted by a receiver in accordance with division (F) of this section;	132085 132086
(d) Expenditures in connection with the foreclosure of a mortgage granted by a receiver in accordance with division (F) of this section;	132087 132088 132089
(e) The enforcement of an order of a judge entered pursuant to this section;	132090 132091
(f) The actions that may be taken pursuant to this section by a receiver or a mortgagee, lienholder, or other interested party that has been selected pursuant to division (C)(2) of this section to undertake the work and to furnish the materials necessary to abate a public nuisance.	132092 132093 132094 132095 132096
(3) A judge in a civil action described in division (B)(1) of this section, or the judge's successor in office, has continuing jurisdiction to review the condition of any building that was determined to be a public nuisance pursuant to this section.	132097 132098 132099 132100
(4) Nothing in this section shall be construed to limit or prohibit a municipal corporation or township that has filed with the superintendent of insurance a certified copy of an adopted resolution, ordinance, or regulation authorizing the procedures described in divisions (C) and (D) of section 3929.86 of the Revised Code from receiving insurance proceeds under section 3929.86 of the Revised Code.	132101 132102 132103 132104 132105 132106 132107
Sec. 3781.06. (A)(1) Any building that may be used as a place of resort, assembly, education, entertainment, lodging, dwelling, trade, manufacture, repair, storage, traffic, or occupancy by the public, any residential building, and all other buildings or parts and appurtenances of those buildings erected within this state,	132108 132109 132110 132111 132112

shall be so constructed, erected, equipped, and maintained that 132113
they shall be safe and sanitary for their intended use and 132114
occupancy. 132115

(2) Nothing in sections 3781.06 to 3781.18, 3781.40, and 132116
3791.04 of the Revised Code shall be construed to limit the power 132117
of the division of industrial compliance of the department of 132118
commerce to adopt rules of uniform application governing 132119
manufactured home parks pursuant to section 4781.26 of the Revised 132120
Code. 132121

(B) Sections 3781.06 to 3781.18, 3781.40, and 3791.04 of the 132122
Revised Code do not apply to any of the following: 132123

(1) Buildings or structures that are incident to the use for 132124
agricultural purposes of the land on which the buildings or 132125
structures are located, provided those buildings or structures are 132126
not used in the business of retail trade. For purposes of this 132127
division, a building or structure is not considered used in the 132128
business of retail trade if fifty per cent or more of the gross 132129
income received from sales of products in the building or 132130
structure by the owner or operator is from sales of products 132131
produced or raised in a normal crop year on farms owned or 132132
operated by the seller. 132133

(2) Existing single-family, two-family, and three-family 132134
detached dwelling houses for which applications have been 132135
submitted to the director of job and family services pursuant to 132136
section 5104.03 of the Revised Code for the purposes of operating 132137
type A family ~~day-care~~ child care homes as defined in section 132138
5104.01 of the Revised Code; 132139

(3) A mobile computing unit. As used in this division, 132140
"mobile computing unit" means an assembly that meets all of the 132141
following criteria: 132142

(a) Its purpose is to house and operate computers as defined 132143

in section 2913.01 of the Revised Code. 132144

(b) Its exterior is integral to the protection or cooling, or 132145
both, of the computers housed within it. 132146

(c) It is not attached to a permanent foundation. 132147

(d) It is not accessible to the public. 132148

(e) It is not designed for regular occupancy, but rather 132149
limited access for service and maintenance. 132150

(f) It can be moved or transported as a single integrated 132151
unit. 132152

(C) As used in sections 3781.06 to 3781.18 and 3791.04 of the 132153
Revised Code: 132154

(1) "Agricultural purposes" include agriculture, farming, 132155
dairying, pasturage, apiculture, algaculture meaning the farming 132156
of algae, horticulture, floriculture, viticulture, ornamental 132157
horticulture, olericulture, pomiculture, and animal and poultry 132158
husbandry. 132159

(2) "Building" means any structure consisting of foundations, 132160
walls, columns, girders, beams, floors, and roof, or a combination 132161
of any number of these parts, with or without other parts or 132162
appurtenances. 132163

(3) "Industrialized unit" means a building unit or assembly 132164
of closed construction fabricated in an off-site facility, that is 132165
substantially self-sufficient as a unit or as part of a greater 132166
structure, and that requires transportation to the site of 132167
intended use. "Industrialized unit" includes units installed on 132168
the site as independent units, as part of a group of units, or 132169
incorporated with standard construction methods to form a 132170
completed structural entity. "Industrialized unit" does not 132171
include a manufactured home as defined by division (C)(4) of this 132172
section or a mobile home as defined by division (O) of section 132173

4501.01 of the Revised Code. 132174

(4) "Manufactured home" means a building unit or assembly of 132175
closed construction that is fabricated in an off-site facility and 132176
constructed in conformance with the federal construction and 132177
safety standards established by the secretary of housing and urban 132178
development pursuant to the "Manufactured Housing Construction and 132179
Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 132180
5403, and that has a permanent label or tag affixed to it, as 132181
specified in 42 U.S.C.A. 5415, certifying compliance with all 132182
applicable federal construction and safety standards. 132183

(5) "Permanent foundation" means permanent masonry, concrete, 132184
or a footing or foundation approved by the division of industrial 132185
compliance of the department of commerce pursuant to Chapter 4781. 132186
of the Revised Code, to which a manufactured or mobile home may be 132187
affixed. 132188

(6) "Permanently sited manufactured home" means a 132189
manufactured home that meets all of the following criteria: 132190

(a) The structure is affixed to a permanent foundation and is 132191
connected to appropriate facilities; 132192

(b) The structure, excluding any addition, has a width of at 132193
least twenty-two feet at one point, a length of at least 132194
twenty-two feet at one point, and a total living area, excluding 132195
garages, porches, or attachments, of at least nine hundred square 132196
feet; 132197

(c) The structure has a minimum 3:12 residential roof pitch, 132198
conventional residential siding, and a six-inch minimum eave 132199
overhang, including appropriate guttering; 132200

(d) The structure was manufactured after January 1, 1995; 132201

(e) The structure is not located in a manufactured home park 132202
as defined by section 4781.01 of the Revised Code. 132203

(7) "Safe," with respect to a building, means it is free from danger or hazard to the life, safety, health, or welfare of persons occupying or frequenting it, or of the public and from danger of settlement, movement, disintegration, or collapse, whether such danger arises from the methods or materials of its construction or from equipment installed therein, for the purpose of lighting, heating, the transmission or utilization of electric current, or from its location or otherwise.

(8) "Sanitary," with respect to a building, means it is free from danger or hazard to the health of persons occupying or frequenting it or to that of the public, if such danger arises from the method or materials of its construction or from any equipment installed therein, for the purpose of lighting, heating, ventilating, or plumbing.

(9) "Residential building" means a one-family, two-family, or three-family dwelling house, and any accessory structure incidental to that dwelling house. "Residential building" includes a one-family, two-family, or three-family dwelling house that is used as a model to promote the sale of a similar dwelling house. "Residential building" does not include an industrialized unit as defined by division (C)(3) of this section, a manufactured home as defined by division (C)(4) of this section, or a mobile home as defined by division (O) of section 4501.01 of the Revised Code.

(10) "Nonresidential building" means any building that is not a residential building or a manufactured or mobile home.

(11) "Accessory structure" means a structure that is attached to a residential building and serves the principal use of the residential building. "Accessory structure" includes, but is not limited to, a garage, porch, or screened-in patio.

Sec. 3781.10. (A)(1) The board of building standards shall formulate and adopt rules governing the erection, construction,

repair, alteration, and maintenance of all buildings or classes of 132235
buildings specified in section 3781.06 of the Revised Code, 132236
including land area incidental to those buildings, the 132237
construction of industrialized units, the installation of 132238
equipment, and the standards or requirements for materials used in 132239
connection with those buildings. The board shall incorporate those 132240
rules into separate residential and nonresidential building codes. 132241
The standards shall relate to the conservation of energy and the 132242
safety and sanitation of those buildings. 132243

(2) The rules governing nonresidential buildings are the 132244
lawful minimum requirements specified for those buildings and 132245
industrialized units, except that no rule other than as provided 132246
in division (C) of section 3781.108 of the Revised Code that 132247
specifies a higher requirement than is imposed by any section of 132248
the Revised Code is enforceable. The rules governing residential 132249
buildings are uniform requirements for residential buildings in 132250
any area with a building department certified to enforce the state 132251
residential building code. In no case shall any local code or 132252
regulation differ from the state residential building code unless 132253
that code or regulation addresses subject matter not addressed by 132254
the state residential building code or is adopted pursuant to 132255
section 3781.01 of the Revised Code. 132256

(3) The rules adopted pursuant to this section are complete, 132257
lawful alternatives to any requirements specified for buildings or 132258
industrialized units in any section of the Revised Code. Except as 132259
otherwise provided in division (I) of this section, the board 132260
shall, on its own motion or on application made under sections 132261
3781.12 and 3781.13 of the Revised Code, formulate, propose, 132262
adopt, modify, amend, or repeal the rules to the extent necessary 132263
or desirable to effectuate the purposes of sections 3781.06 to 132264
3781.18 of the Revised Code. 132265

(B) The board shall report to the general assembly proposals 132266

for amendments to existing statutes relating to the purposes 132267
declared in section 3781.06 of the Revised Code that public health 132268
and safety and the development of the arts require and shall 132269
recommend any additional legislation to assist in carrying out 132270
fully, in statutory form, the purposes declared in that section. 132271
The board shall prepare and submit to the general assembly a 132272
summary report of the number, nature, and disposition of the 132273
petitions filed under sections 3781.13 and 3781.14 of the Revised 132274
Code. 132275

(C) On its own motion or on application made under sections 132276
3781.12 and 3781.13 of the Revised Code, and after thorough 132277
testing and evaluation, the board shall determine by rule that any 132278
particular fixture, device, material, process of manufacture, 132279
manufactured unit or component, method of manufacture, system, or 132280
method of construction complies with performance standards adopted 132281
pursuant to section 3781.11 of the Revised Code. The board shall 132282
make its determination with regard to adaptability for safe and 132283
sanitary erection, use, or construction, to that described in any 132284
section of the Revised Code, wherever the use of a fixture, 132285
device, material, method of manufacture, system, or method of 132286
construction described in that section of the Revised Code is 132287
permitted by law. The board shall amend or annul any rule or issue 132288
an authorization for the use of a new material or manufactured 132289
unit on any like application. No department, officer, board, or 132290
commission of the state other than the board of building standards 132291
or the board of building appeals shall permit the use of any 132292
fixture, device, material, method of manufacture, newly designed 132293
product, system, or method of construction at variance with what 132294
is described in any rule the board of building standards adopts or 132295
issues or that is authorized by any section of the Revised Code. 132296
Nothing in this section shall be construed as requiring approval, 132297
by rule, of plans for an industrialized unit that conforms with 132298
the rules the board of building standards adopts pursuant to 132299

section 3781.11 of the Revised Code. 132300

(D) The board shall recommend rules, codes, and standards to 132301
help carry out the purposes of section 3781.06 of the Revised Code 132302
and to help secure uniformity of state administrative rulings and 132303
local legislation and administrative action to the bureau of 132304
workers' compensation, the director of commerce, any other 132305
department, officer, board, or commission of the state, and to 132306
legislative authorities and building departments of counties, 132307
townships, and municipal corporations, and shall recommend that 132308
they audit those recommended rules, codes, and standards by any 132309
appropriate action that they are allowed pursuant to law or the 132310
constitution. 132311

(E)(1) The board shall certify municipal, township, and 132312
county building departments, the personnel of those building 132313
departments, persons described in division (E)(7) of this section, 132314
and employees of individuals, firms, the state, or corporations 132315
described in division (E)(7) of this section to exercise 132316
enforcement authority, to accept and approve plans and 132317
specifications, and to make inspections, pursuant to sections 132318
3781.03, 3791.04, and 4104.43 of the Revised Code. 132319

(2) The board shall certify departments, personnel, and 132320
persons to enforce the state residential building code, to enforce 132321
the nonresidential building code, or to enforce both the 132322
residential and the nonresidential building codes. Any department, 132323
personnel, or person may enforce only the type of building code 132324
for which certified. 132325

(3) The board shall not require a building department, its 132326
personnel, or any persons that it employs to be certified for 132327
residential building code enforcement if that building department 132328
does not enforce the state residential building code. The board 132329
shall specify, in rules adopted pursuant to Chapter 119. of the 132330
Revised Code, the requirements for certification for residential 132331

and nonresidential building code enforcement, which shall be 132332
consistent with this division. The requirements for residential 132333
and nonresidential certification may differ. Except as otherwise 132334
provided in this division, the requirements shall include, but are 132335
not limited to, the satisfactory completion of an initial 132336
examination and, to remain certified, the completion of a 132337
specified number of hours of continuing building code education 132338
within each three-year period following the date of certification 132339
which shall be not less than thirty hours. The rules shall provide 132340
that continuing education credits and certification issued by the 132341
council of American building officials, national model code 132342
organizations, and agencies or entities the board recognizes are 132343
acceptable for purposes of this division. The rules shall specify 132344
requirements that are consistent with the provisions of section 132345
5903.12 of the Revised Code relating to active duty military 132346
service and are compatible, to the extent possible, with 132347
requirements the council of American building officials and 132348
national model code organizations establish. 132349

(4) The board shall establish and collect a certification and 132350
renewal fee for building department personnel, and persons and 132351
employees of persons, firms, or corporations as described in this 132352
section, who are certified pursuant to this division. 132353

(5) Any individual certified pursuant to this division shall 132354
complete the number of hours of continuing building code education 132355
that the board requires or, for failure to do so, forfeit 132356
certification. 132357

(6) This division does not require or authorize the board to 132358
certify personnel of municipal, township, and county building 132359
departments, and persons and employees of persons, firms, or 132360
corporations as described in this section, whose responsibilities 132361
do not include the exercise of enforcement authority, the approval 132362
of plans and specifications, or making inspections under the state 132363

residential and nonresidential building codes. 132364

(7) Enforcement authority for approval of plans and 132365
specifications and enforcement authority for inspections may be 132366
exercised, and plans and specifications may be approved and 132367
inspections may be made on behalf of a municipal corporation, 132368
township, or county, by any of the following who the board of 132369
building standards certifies: 132370

(a) Officers or employees of the municipal corporation, 132371
township, or county; 132372

(b) Persons, or employees of persons, firms, or corporations, 132373
pursuant to a contract to furnish architectural, engineering, or 132374
other services to the municipal corporation, township, or county; 132375

(c) Officers or employees of, and persons under contract 132376
with, a municipal corporation, township, county, health district, 132377
or other political subdivision, pursuant to a contract to furnish 132378
architectural, engineering, or other services; 132379

(d) Officers or employees of the division of industrial 132380
compliance in the department of commerce pursuant to a contract 132381
authorized by division (B) of section 121.083 of the Revised Code. 132382

(8) Municipal, township, and county building departments have 132383
jurisdiction within the meaning of sections 3781.03, 3791.04, and 132384
4104.43 of the Revised Code, only with respect to the types of 132385
buildings and subject matters for which they are certified under 132386
this section. 132387

(9) A certified municipal, township, or county building 132388
department may exercise enforcement authority, accept and approve 132389
plans and specifications, and make inspections pursuant to 132390
sections 3781.03, 3791.04, and 4104.43 of the Revised Code for a 132391
park district created pursuant to Chapter 1545. of the Revised 132392
Code upon the approval, by resolution, of the board of park 132393
commissioners of the park district requesting the department to 132394

exercise that authority and conduct those activities, as 132395
applicable. 132396

(10) Certification shall be granted upon application by the 132397
municipal corporation, the board of township trustees, or the 132398
board of county commissioners and approval of that application by 132399
the board of building standards. The application shall set forth: 132400

(a) Whether the certification is requested for residential or 132401
nonresidential buildings, or both; 132402

(b) The number and qualifications of the staff composing the 132403
building department; 132404

(c) The names, addresses, and qualifications of persons, 132405
firms, or corporations contracting to furnish work or services 132406
pursuant to division (E)(7)(b) of this section; 132407

(d) The names of any other municipal corporation, township, 132408
county, health district, or political subdivision under contract 132409
to furnish work or services pursuant to division (E)(7) of this 132410
section; 132411

(e) The proposed budget for the operation of the building 132412
department. 132413

(11) The board of building standards shall adopt rules 132414
governing all of the following: 132415

(a) The certification of building department personnel and 132416
persons and employees of persons, firms, or corporations 132417
exercising authority pursuant to division (E)(7) of this section. 132418
The rules shall disqualify any employee of the department or 132419
person who contracts for services with the department from 132420
performing services for the department when that employee or 132421
person would have to pass upon, inspect, or otherwise exercise 132422
authority over any labor, material, or equipment the employee or 132423
person furnishes for the construction, alteration, or maintenance 132424

of a building or the preparation of working drawings or 132425
specifications for work within the jurisdictional area of the 132426
department. The department shall provide other similarly qualified 132427
personnel to enforce the residential and nonresidential building 132428
codes as they pertain to that work. 132429

(b) The minimum services to be provided by a certified 132430
building department. 132431

(12) The board of building standards may revoke or suspend 132432
certification to enforce the residential and nonresidential 132433
building codes, on petition to the board by any person affected by 132434
that enforcement or approval of plans, or by the board on its own 132435
motion. Hearings shall be held and appeals permitted on any 132436
proceedings for certification or revocation or suspension of 132437
certification in the same manner as provided in section 3781.101 132438
of the Revised Code for other proceedings of the board of building 132439
standards. 132440

(13) Upon certification, and until that authority is revoked, 132441
any county or township building department shall enforce the 132442
residential and nonresidential building codes for which it is 132443
certified without regard to limitation upon the authority of 132444
boards of county commissioners under Chapter 307. of the Revised 132445
Code or boards of township trustees under Chapter 505. of the 132446
Revised Code. 132447

(F) In addition to hearings sections 3781.06 to 3781.18 and 132448
3791.04 of the Revised Code require, the board of building 132449
standards shall make investigations and tests, and require from 132450
other state departments, officers, boards, and commissions 132451
information the board considers necessary or desirable to assist 132452
it in the discharge of any duty or the exercise of any power 132453
mentioned in this section or in sections 3781.06 to 3781.18, 132454
3791.04, and 4104.43 of the Revised Code. 132455

(G) The board shall adopt rules and establish reasonable fees 132456
for the review of all applications submitted where the applicant 132457
applies for authority to use a new material, assembly, or product 132458
of a manufacturing process. The fee shall bear some reasonable 132459
relationship to the cost of the review or testing of the 132460
materials, assembly, or products and for the notification of 132461
approval or disapproval as provided in section 3781.12 of the 132462
Revised Code. 132463

(H) The residential construction advisory committee shall 132464
provide the board with a proposal for a state residential building 132465
code that the committee recommends pursuant to division (D)(1) of 132466
section 4740.14 of the Revised Code. Upon receiving a 132467
recommendation from the committee that is acceptable to the board, 132468
the board shall adopt rules establishing that code as the state 132469
residential building code. 132470

(I)(1) The committee may provide the board with proposed 132471
rules to update or amend the state residential building code that 132472
the committee recommends pursuant to division (E) of section 132473
4740.14 of the Revised Code. 132474

(2) If the board receives a proposed rule to update or amend 132475
the state residential building code as provided in division (I)(1) 132476
of this section, the board either may accept or reject the 132477
proposed rule for incorporation into the residential building 132478
code. If the board does not act to either accept or reject the 132479
proposed rule within ninety days after receiving the proposed rule 132480
from the committee as described in division (I)(1) of this 132481
section, the proposed rule shall become part of the residential 132482
building code. 132483

(J) The board shall cooperate with the director of job and 132484
family services when the director promulgates rules pursuant to 132485
section 5104.05 of the Revised Code regarding safety and 132486
sanitation in type A family ~~day-care~~ child care homes. 132487

(K) The board shall adopt rules to implement the requirements 132488
of section 3781.108 of the Revised Code. 132489

Sec. 3796.30. (A) Except as provided in division (B) of this 132490
section, no medical marijuana cultivator, processor, retail 132491
dispensary, or laboratory that tests medical marijuana shall be 132492
located within five hundred feet of the boundaries of a parcel of 132493
real estate having situated on it a school, church, public 132494
library, public playground, or public park. 132495

If the relocation of a cultivator, processor, retail 132496
dispensary, or laboratory licensed under this chapter results in 132497
the cultivator, processor, retail dispensary, or laboratory being 132498
located within five hundred feet of the boundaries of a parcel of 132499
real estate having situated on it a school, church, public 132500
library, public playground, or public park, the department of 132501
commerce or state board of pharmacy shall revoke the license it 132502
previously issued to the cultivator, processor, retail dispensary, 132503
or laboratory. 132504

(B) This section does not apply to research related to 132505
marijuana conducted at a state university, academic medical 132506
center, or private research and development organization as part 132507
of a research protocol approved by an institutional review board 132508
or equivalent entity. 132509

(C) As used in this section and sections 3796.04 and 3796.12 132510
of the Revised Code: 132511

"Church" has the meaning defined in section 1710.01 of the 132512
Revised Code. 132513

"Public library" means a library provided for under Chapter 132514
3375. of the Revised Code. 132515

"Public park" means a park established by the state or a 132516
political subdivision of the state including a county, township, 132517

municipal corporation, or park district. 132518

"Public playground" means a playground established by the 132519
state or a political subdivision of the state including a county, 132520
township, municipal corporation, or park district. 132521

"School" means a child ~~day-care~~ care center as defined under 132522
section 5104.01 of the Revised Code, a preschool as defined under 132523
section 2950.034 of the Revised Code, or a public or nonpublic 132524
primary school or secondary school. 132525

Sec. 3797.06. (A) As used in this section, "specified 132526
geographical notification area" means the geographic area or areas 132527
within which the attorney general requires by rule adopted under 132528
section 3797.08 of the Revised Code the notice described in 132529
division (B) of this section to be given to the persons identified 132530
in divisions (A)(1) to (9) of this section. If a court enters a 132531
declaratory judgment against a registrant under section 2721.21 of 132532
the Revised Code, the sheriff with whom the registrant has most 132533
recently registered under section 3797.02 or 3797.03 of the 132534
Revised Code and the sheriff to whom the registrant most recently 132535
sent a notice of intent to reside under section 3797.03 of the 132536
Revised Code shall provide within the period of time specified in 132537
division (C) of this section a written notice containing the 132538
information set forth in division (B) of this section to all of 132539
the persons described in divisions (A)(1) to (9) of this section. 132540
If the sheriff has sent a notice to the persons described in those 132541
divisions as a result of receiving a notice of intent to reside 132542
and if the registrant registers a residence address that is the 132543
same residence address described in the notice of intent to 132544
reside, the sheriff is not required to send an additional notice 132545
when the registrant registers. The sheriff shall provide the 132546
notice to all of the following persons: 132547

(1)(a) Any occupant of each residential unit that is located 132548

within one thousand feet of the registrant's residential premises, 132549
that is located within the county served by the sheriff, and that 132550
is not located in a multi-unit building. Division (D)(3) of this 132551
section applies regarding notices required under this division. 132552

(b) If the registrant resides in a multi-unit building, any 132553
occupant of each residential unit that is located in that 132554
multi-unit building and that shares a common hallway with the 132555
registrant. For purposes of this division, an occupant's unit 132556
shares a common hallway with the registrant if the entrance door 132557
into the occupant's unit is located on the same floor and opens 132558
into the same hallway as the entrance door to the unit the 132559
registrant occupies. Division (D)(3) of this section applies 132560
regarding notices required under this division. 132561

(c) The building manager, or the person the building owner or 132562
condominium unit owners association authorizes to exercise 132563
management and control, of each multi-unit building that is 132564
located within one thousand feet of the registrant's residential 132565
premises, including a multi-unit building in which the registrant 132566
resides, and that is located within the county served by the 132567
sheriff. In addition to notifying the building manager or the 132568
person authorized to exercise management and control in the 132569
multi-unit building under this division, the sheriff shall post a 132570
copy of the notice prominently in each common entryway in the 132571
building and any other location in the building the sheriff 132572
determines appropriate. The manager or person exercising 132573
management and control of the building shall permit the sheriff to 132574
post copies of the notice under this division as the sheriff 132575
determines appropriate. In lieu of posting copies of the notice as 132576
described in this division, a sheriff may provide notice to all 132577
occupants of the multi-unit building by mail or personal contact. 132578
If the sheriff so notifies all the occupants, the sheriff is not 132579
required to post copies of the notice in the common entryways to 132580

the building. Division (D)(3) of this section applies regarding 132581
notices required under this division. 132582

(d) All additional persons who are within any category of 132583
neighbors of the registrant that the attorney general by rule 132584
adopted under section 3797.08 of the Revised Code requires to be 132585
provided the notice and who reside within the county served by the 132586
sheriff. 132587

(2) The executive director of the public children services 132588
agency that has jurisdiction within the specified geographical 132589
notification area and that is located within the county served by 132590
the sheriff; 132591

(3) The superintendent of each board of education of a school 132592
district that has schools within the specified geographical 132593
notification area and that is located within the county served by 132594
the sheriff; 132595

(4) The appointing or hiring officer of each nonpublic school 132596
located within the specified geographical notification area and 132597
within the county served by the sheriff or of each other school 132598
located within the specified geographical notification area and 132599
within the county served by the sheriff and that is not operated 132600
by a board of education described in division (A)(3) of this 132601
section; 132602

(5) The director, head teacher, elementary principal, or site 132603
administrator of each preschool program governed by Chapter 3301. 132604
of the Revised Code that is located within the specified 132605
geographical notification area and within the county served by the 132606
sheriff; 132607

(6) The administrator of each child ~~day-care~~ care center or 132608
type A family ~~day-care~~ child care home that is located within the 132609
specified geographical notification area and within the county 132610
served by the sheriff, and each holder of a license to operate a 132611

type B family ~~day-care~~ child care home that is located within the 132612
specified geographical notification area and within the county 132613
served by the sheriff. As used in this division, "child ~~day-care~~ 132614
care center," "type A family ~~day-care~~ child care home," and "type 132615
B family ~~day-care~~ child care home" have the same meanings as in 132616
section 5104.01 of the Revised Code. 132617

(7) The president or other chief administrative officer of 132618
each institution of higher education, as defined in section 132619
2907.03 of the Revised Code, that is located within the specified 132620
geographical notification area and within the county served by the 132621
sheriff and the chief law enforcement officer of any state 132622
university law enforcement agency or campus police department 132623
established under section 3345.04 or 1713.50 of the Revised Code 132624
that serves that institution; 132625

(8) The sheriff of each county that includes any portion of 132626
the specified geographical notification area; 132627

(9) If the registrant resides within the county served by the 132628
sheriff, the chief of police, marshal, or other chief law 132629
enforcement officer of the municipal corporation in which the 132630
registrant resides or, if the registrant resides in an 132631
unincorporated area, the constable or chief of the police 132632
department or police district police force of the township in 132633
which the registrant resides. 132634

(B) The notice required under division (A) of this section 132635
shall include the registrant's name, residence or employment 132636
address, as applicable, and a statement that the registrant has 132637
been found liable for childhood sexual abuse in a civil action and 132638
is listed on the civil registry established by the attorney 132639
general pursuant to section 3797.08 of the Revised Code. 132640

(C) If a sheriff with whom a registrant registers under 132641
section 3797.02 or 3797.03 of the Revised Code or to whom the 132642

registrant most recently sent a notice of intent to reside under 132643
section 3797.03 of the Revised Code is required by division (A) of 132644
this section to provide notices regarding a registrant and if the 132645
sheriff provides a notice pursuant to that requirement the sheriff 132646
provides a notice to a sheriff of one or more other counties in 132647
accordance with division (A)(8) of this section, the sheriff of 132648
each of the other counties who is provided notice under division 132649
(A)(8) of this section shall provide the notices described in 132650
divisions (A)(1) to (7) and (A)(9) of this section to each person 132651
or entity identified within those divisions that is located within 132652
the specified geographical notification area and within the county 132653
served by the sheriff in question. 132654

(D)(1) A sheriff required by division (A) or (C) of this 132655
section to provide notices regarding a registrant shall provide 132656
the notice to the neighbors that are described in division (A)(1) 132657
of this section and the notices to law enforcement personnel that 132658
are described in divisions (A)(8) and (9) of this section as soon 132659
as practicable, but not later than five days after the registrant 132660
sends the notice of intent to reside to the sheriff, and again not 132661
later than five days after the registrant registers with the 132662
sheriff or, if the sheriff is required by division (C) to provide 132663
the notices, not later than five days after the sheriff is 132664
provided the notice described in division (A)(8) of this section. 132665

A sheriff required by division (A) or (C) of this section to 132666
provide notices regarding a registrant shall provide the notices 132667
to all other specified persons that are described in divisions 132668
(A)(2) to (7) of this section as soon as practicable, but not 132669
later than seven days after the registrant registers with the 132670
sheriff, or, if the sheriff is required by division (C) to provide 132671
the notices, not later than five days after the sheriff is 132672
provided the notice described in division (A)(8) of this section. 132673

(2) If a registrant in relation to whom division (A) of this 132674

section applies verifies the registrant's current residence 132675
address with a sheriff pursuant to section 3797.04 of the Revised 132676
Code, the sheriff may provide a written notice containing the 132677
information set forth in division (B) of this section to the 132678
persons identified in divisions (A)(1) to (9) of this section. If 132679
a sheriff provides a notice pursuant to this division to the 132680
sheriff of one or more other counties in accordance with division 132681
(A)(8) of this section, the sheriff of each of the other counties 132682
who is provided the notice under division (A)(8) of this section 132683
may provide, but is not required to provide, a written notice 132684
containing the information set forth in division (B) of this 132685
section to the persons identified in divisions (A)(1) to (7) and 132686
(A)(9) of this section. 132687

(3) A sheriff may provide notice under division (A)(1)(a) or 132688
(b) of this section, and may provide notice under division 132689
(A)(1)(c) of this section to a building manager or person 132690
authorized to exercise management and control of a building, by 132691
mail, by personal contact, or by leaving the notice at or under 132692
the entry door to a residential unit. For purposes of divisions 132693
(A)(1)(a) and (b) of this section and of the portion of division 132694
(A)(1)(c) of this section relating to the provision of notice to 132695
occupants of a multi-unit building by mail or personal contact, 132696
the provision of one written notice per unit is deemed providing 132697
notice to all occupants of that unit. 132698

(E) All information that a sheriff possesses regarding a 132699
registrant that is described in division (B) of this section and 132700
that must be provided in a notice required under division (A) or 132701
(C) of this section or that may be provided in a notice authorized 132702
under division (D)(2) of this section is a public record that is 132703
open to inspection under section 149.43 of the Revised Code. 132704

(F) A sheriff required by division (A) or (C) of this 132705
section, or authorized by division (D)(2) of this section, to 132706

provide notices regarding a registrant may request the department 132707
of job and family services, department of education, or ~~Ohio board~~ 132708
department of regents higher education, by telephone, in 132709
registrant, or by mail, to provide the sheriff with the names, 132710
addresses, and telephone numbers of the appropriate persons and 132711
entities to whom the notices described in divisions (A)(2) to (7) 132712
of this section are to be provided. Upon receipt of a request, the 132713
department ~~or board~~ shall provide the requesting sheriff with the 132714
names, addresses, and telephone numbers of the appropriate persons 132715
and entities to whom those notices are to be provided. 132716

(G)(1) Upon the motion of the registrant or the judge that 132717
entered a declaratory judgment pursuant to section 2721.21 of the 132718
Revised Code or that judge's successor in office, the judge may 132719
schedule a hearing to determine whether the interests of justice 132720
would be served by suspending the community notification 132721
requirement under this section in relation to the registrant. The 132722
judge may dismiss the motion without a hearing but may not issue 132723
an order suspending the community notification requirement without 132724
a hearing. At the hearing, all parties are entitled to be heard. 132725
If, at the conclusion of the hearing, the judge finds that the 132726
registrant has proven by clear and convincing evidence that the 132727
registrant is unlikely to commit childhood sexual abuse in the 132728
future and that suspending the community notification requirement 132729
is in the interests of justice, the judge may issue an order 132730
suspending the application of this section in relation to the 132731
registrant. The order shall contain both of these findings. 132732

The judge promptly shall serve a copy of the order upon the 132733
sheriff with whom the registrant most recently registered a 132734
residence address and the sheriff with whom the registrant most 132735
recently registered an employment address under section 3797.02 of 132736
the Revised Code. 132737

An order suspending the community notification requirement 132738

does not suspend or otherwise alter a registrant's duties to 132739
comply with sections 3797.02, 3797.03, and 3797.04 of the Revised 132740
Code. 132741

(2) A registrant has the right to appeal an order denying a 132742
motion made under division (G)(1) of this section. 132743

Sec. 3905.064. As used in sections 3905.064 to 3905.0611 of 132744
the Revised Code: 132745

(A) "Aggregator site" means a web site that provides access 132746
to information regarding insurance products from more than one 132747
insurer, including product and insurer information, for use in 132748
comparison shopping. 132749

(B) "Blanket travel insurance" means a policy of travel 132750
insurance issued to any eligible group providing coverage for 132751
specific classes of persons defined in the policy with coverage 132752
provided to all members of the eligible group without a separate 132753
charge to individual members of the eligible group. 132754

(C) "Cancellation fee waiver" means a contractual agreement 132755
between a supplier of travel services and its customer to waive 132756
some or all of the nonrefundable cancellation fee provisions of 132757
the supplier's underlying travel contract, with or without regard 132758
to the reason for the cancellation or form of reimbursement. 132759

(D) "Eligible group" means, solely for the purposes of travel 132760
insurance, two or more persons who are engaged in a common 132761
enterprise, or have an economic, educational, or social affinity 132762
or relationship. "Eligible group" includes any of the following: 132763

(1) Any entity engaged in the business of providing travel or 132764
travel services, including all of the following: 132765

(a) Tour operators; 132766

(b) Lodging providers; 132767

(c) Vacation property owners;	132768
(d) Hotels and resorts;	132769
(e) Travel clubs;	132770
(f) Travel agencies;	132771
(g) Property managers;	132772
(h) Cultural exchange programs;	132773
(i) Common carriers or the operator, owner, or lessor of a means of transportation of passengers, including airlines, cruise lines, railroads, steamship companies, and public bus carriers that, with regard to any particular travel or type of travel or travelers, subjects all members or customers of the group to a common exposure to risk attendant to such travel;	132774 132775 132776 132777 132778 132779
(2) Any college, school, or other institution of learning, obtaining travel insurance covering students, teachers, employees, or volunteers;	132780 132781 132782
(3) Any employer obtaining travel insurance coverage for any group of employees, volunteers, contractors, board of directors, dependents, or guests;	132783 132784 132785
(4) Any sports team, camp, or sponsor thereof, obtaining travel insurance coverage for participants, members, campers, employees, officials, supervisors, or volunteers;	132786 132787 132788
(5) Any religious, charitable, recreational, educational, or civic organization, or branch thereof, obtaining travel insurance coverage for any group of members, participants, or volunteers;	132789 132790 132791
(6) Any financial institution or financial institution vendor, or parent holding company, trustee, or agent of, or designated by, one or more financial institutions or financial institution vendors, including account holders, credit card holders, debtors, guarantors, or purchasers;	132792 132793 132794 132795 132796

(7) Any incorporated or unincorporated association, including 132797
labor unions, that have a common interest, constitution, and 132798
bylaws, and that are organized and maintained in good faith for 132799
purposes other than obtaining insurance for members or 132800
participants of such association covering its members; 132801

(8) Any trust or the trustees of a fund established, created, 132802
or maintained for the benefit of and covering members, employees, 132803
or customers of one or more associations meeting the requirements 132804
of division (D)(7) of this section, subject to the 132805
superintendent's permitting the use of a trust and the state's 132806
premium tax provisions in section 3905.068 of the Revised Code; 132807

(9) Any entertainment production company obtaining travel 132808
insurance coverage for any group of participants, volunteers, 132809
audience members, contestants, or workers; 132810

(10) Any volunteer fire department, ambulance, rescue, 132811
police, or court, or any first aid, civil defense, or other such 132812
volunteer group; 132813

(11) Preschools, child care centers, adult day-care 132814
institutions ~~for children or adults~~, and senior citizen clubs; 132815

(12) Any automobile or truck rental or leasing company 132816
obtaining travel insurance coverage for a group of individuals who 132817
may become renters, lessees, or passengers, defined by their 132818
travel status, on the rented or leased vehicles; 132819

(13) Any other group whose members the superintendent has 132820
determined are engaged in a common enterprise, or that have an 132821
economic, educational, or social affinity or relationship, if the 132822
superintendent also determines that issuance of the travel 132823
insurance policy would not be contrary to the public interest. 132824

(E) "Fulfillment materials" means documentation sent to the 132825
purchaser of a travel protection plan confirming the purchase and 132826
providing the travel protection plan's coverage and assistance 132827

details. 132828

(F) "Group travel insurance" means travel insurance issued to any eligible group. 132829
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(G) "Limited lines travel insurance agent" means an individual or business entity licensed to sell, solicit, or negotiate travel insurance under section 3905.065 of the Revised Code. "Limited lines travel insurance agent" includes a licensed insurance agent and a travel administrator. 132831
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(H) "Offer and sell" means providing general information, including a description of the coverage and price, as well as processing the application and collecting premiums. 132836
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(I) "Primary certificate holder" means an individual person who elects and purchases travel insurance under a group policy. 132839
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(J) "Primary policyholder" means an individual person who elects and purchases individual travel insurance. 132841
132842

(K) "Travel administrator" means a person who directly or indirectly underwrites, collects charges, collateral, or premiums from, or adjusts or settles claims on residents of this state, in connection with travel insurance. The following persons shall not be considered a travel administrator if they engage in no other activities that would cause them to be considered a travel administrator: 132843
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(1) A person working for a travel administrator to the extent that the person's activities are subject to the supervision and control of the travel administrator; 132850
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(2) An insurance agent selling insurance or engaged in administrative and claims-related activities within the scope of the agent's license; 132853
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(3) A travel retailer offering and selling travel insurance and registered under the license of a limited-lines travel 132856
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insurance agent in accordance with sections 3905.065 and 3905.066	132858
of the Revised Code;	132859
(4) An individual adjusting or settling claims in the normal	132860
course of that individual's practice or employment as an attorney	132861
at law and who does not collect charges or premiums in connection	132862
with insurance coverage;	132863
(5) A business entity affiliated with a licensed insurer	132864
while that insurer is acting as a travel administrator for the	132865
direct and assumed insurance business of a separate affiliated	132866
insurer.	132867
(L) "Travel assistance services" means noninsurance services	132868
for which the consumer is not indemnified based on a fortuitous	132869
event, and where providing the service does not result in transfer	132870
or shifting of risk that would constitute the business of	132871
insurance. "Travel assistance services" include all of the	132872
following:	132873
(1) Security advisories;	132874
(2) Destination information;	132875
(3) Vaccination and immunization information services;	132876
(4) Travel reservation services;	132877
(5) Entertainment;	132878
(6) Activity and event planning;	132879
(7) Translation assistance;	132880
(8) Emergency messaging;	132881
(9) International legal and medical referrals;	132882
(10) Medical case monitoring;	132883
(11) Coordination of transportation arrangements;	132884
(12) Emergency cash transfer assistance;	132885

(13) Medical prescription replacement assistance;	132886
(14) Passport and travel document replacement assistance;	132887
(15) Lost luggage assistance;	132888
(16) Concierge services;	132889
(17) Any other service that is furnished in connection with planned travel.	132890 132891
(M)(1) "Travel insurance" means insurance coverage for personal risks incident to planned travel, including all of the following:	132892 132893 132894
(a) Interruption or cancellation of a trip or event;	132895
(b) Loss of baggage or personal effects;	132896
(c) Damages to accommodations or rental vehicles;	132897
(d) Sickness, accident, disability, or death occurring during travel;	132898 132899
(e) Emergency evacuation;	132900
(f) Repatriation of remains;	132901
(g) Any other contractual obligations to indemnify or pay a specified amount to the traveler upon determinable contingencies related to travel as approved by the superintendent of insurance.	132902 132903 132904
(2) "Travel insurance" does not include any of the following:	132905
(a) Major medical plans that provide comprehensive medical protection for a traveler with a trip lasting six months or longer, including a plan covering a person working overseas as an expatriate or in a deployed military unit;	132906 132907 132908 132909
(b) Any other product that requires a specific insurance agent license;	132910 132911
(c) Travel assistance services;	132912
(d) Cancellation fee waivers.	132913

(N) "Travel insurer" means an insurer, as defined in section 132914
3901.32 of the Revised Code, that provides travel insurance. 132915

(O) "Travel protection plan" means a plan that provides one 132916
or more of the following: travel insurance, travel assistance 132917
services, and cancellation fee waivers. 132918

(P) "Travel retailer" means a business entity that makes, 132919
arranges, or offers travel services, and that may offer or sell 132920
travel insurance as a service to its customers on behalf of, and 132921
under the direction of, a limited lines travel insurance agent in 132922
conjunction with the making, arranging, or offering of travel 132923
services. 132924

Sec. 4510.021. (A) Unless expressly prohibited by section 132925
2919.22, section 4510.13, or any other section of the Revised 132926
Code, a court may grant limited driving privileges for any purpose 132927
described in division (A) of this section during any suspension 132928
imposed by the court. In granting the privileges, the court shall 132929
specify the purposes, times, and places of the privileges and may 132930
impose any other reasonable conditions on the person's driving of 132931
a motor vehicle. The privileges shall be for any of the following 132932
limited purposes: 132933

(1) Occupational, educational, vocational, or medical 132934
purposes; 132935

(2) Taking the driver's or commercial driver's license 132936
examination; 132937

(3) Attending court-ordered treatment; 132938

(4) Attending any court proceeding related to the offense for 132939
which the offender's suspension was imposed; 132940

(5) Transporting a minor to a child care provider, ~~day care~~ 132941
child care, preschool, school, or to any other location for 132942
purposes of receiving child care; 132943

(6) Any other purpose the court determines to be appropriate. 132944

(B) Unless expressly authorized by a section of the Revised 132945
Code, a court may not grant limited driving privileges during any 132946
suspension imposed by the bureau of motor vehicles. To obtain 132947
limited driving privileges during a suspension imposed by the 132948
bureau, the person under suspension may file a petition in a court 132949
of record in the county in which the person resides. A person who 132950
is not a resident of this state shall file any petition for 132951
privileges either in the Franklin county municipal court or in the 132952
municipal or county court located in the county where the offense 132953
occurred. If the person who is not a resident of this state is a 132954
minor, the person may file the petition either in the Franklin 132955
county juvenile court or in the juvenile court with jurisdiction 132956
over the offense. If a court grants limited driving privileges as 132957
described in this division, the privileges shall be for any of the 132958
limited purposes identified in division (A) of this section. 132959

(C) When the use of an immobilizing or disabling device is 132960
not otherwise required by law, the court, as a condition of 132961
granting limited driving privileges, may require that the person's 132962
vehicle be equipped with an immobilizing or disabling device, 132963
except as provided in division (C) of section 4510.43 of the 132964
Revised Code. When the use of restricted license plates issued 132965
under section 4503.231 of the Revised Code is not otherwise 132966
required by law, the court, as a condition of granting limited 132967
driving privileges, may require that the person's vehicle be 132968
equipped with restricted license plates of that nature, except as 132969
provided in division (B) of that section. 132970

(D) When the court grants limited driving privileges under 132971
section 4510.31 of the Revised Code or any other provision of law 132972
during the suspension of the temporary instruction permit or 132973
probationary driver's license of a person who is under eighteen 132974
years of age, the court may include as a purpose of the privilege 132975

the person's practicing of driving with the person's parent, 132976
guardian, or other custodian during the period of the suspension. 132977
If the court grants limited driving privileges for this purpose, 132978
the court, in addition to all other conditions it imposes, shall 132979
impose as a condition that the person exercise the privilege only 132980
when a parent, guardian, or custodian of the person who holds a 132981
current valid driver's or commercial driver's license issued by 132982
this state actually occupies the seat beside the person in the 132983
vehicle the person is operating. 132984

(E) Before granting limited driving privileges under this 132985
section, the court shall require the offender to provide proof of 132986
financial responsibility pursuant to section 4509.45 of the 132987
Revised Code. 132988

Sec. 4511.01. As used in this chapter and in Chapter 4513. of 132989
the Revised Code: 132990

(A) "Vehicle" means every device, including a motorized 132991
bicycle and an electric bicycle, in, upon, or by which any person 132992
or property may be transported or drawn upon a highway, except 132993
that "vehicle" does not include any motorized wheelchair, any 132994
electric personal assistive mobility device, any low-speed 132995
micromobility device, any personal delivery device as defined in 132996
section 4511.513 of the Revised Code, any device that is moved by 132997
power collected from overhead electric trolley wires or that is 132998
used exclusively upon stationary rails or tracks, or any device, 132999
other than a bicycle, that is moved by human power. 133000

(B) "Motor vehicle" means every vehicle propelled or drawn by 133001
power other than muscular power or power collected from overhead 133002
electric trolley wires, except motorized bicycles, electric 133003
bicycles, road rollers, traction engines, power shovels, power 133004
cranes, and other equipment used in construction work and not 133005
designed for or employed in general highway transportation, 133006

hole-digging machinery, well-drilling machinery, ditch-digging machinery, farm machinery, and trailers designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of no more than ten miles and at a speed of twenty-five miles per hour or less.

(C) "Motorcycle" means every motor vehicle, other than a tractor, having a seat or saddle for the use of the operator and designed to travel on not more than three wheels in contact with the ground, including, but not limited to, motor vehicles known as "motor-driven cycle," "motor scooter," "autocycle," "cab-enclosed motorcycle," or "motorcycle" without regard to weight or brake horsepower.

(D) "Emergency vehicle" means emergency vehicles of municipal, township, or county departments or public utility corporations when identified as such as required by law, the director of public safety, or local authorities, and motor vehicles when commandeered by a police officer.

(E) "Public safety vehicle" means any of the following:

(1) Ambulances, including private ambulance companies under contract to a municipal corporation, township, or county, and private ambulances and nontransport vehicles bearing license plates issued under section 4503.49 of the Revised Code;

(2) Motor vehicles used by public law enforcement officers or other persons sworn to enforce the criminal and traffic laws of the state;

(3) Any motor vehicle when properly identified as required by the director of public safety, when used in response to fire emergency calls or to provide emergency medical service to ill or injured persons, and when operated by a duly qualified person who is a member of a volunteer rescue service or a volunteer fire

department, and who is on duty pursuant to the rules or directives 133038
of that service. The state fire marshal shall be designated by the 133039
director of public safety as the certifying agency for all public 133040
safety vehicles described in division (E)(3) of this section. 133041

(4) Vehicles used by fire departments, including motor 133042
vehicles when used by volunteer fire fighters responding to 133043
emergency calls in the fire department service when identified as 133044
required by the director of public safety. 133045

Any vehicle used to transport or provide emergency medical 133046
service to an ill or injured person, when certified as a public 133047
safety vehicle, shall be considered a public safety vehicle when 133048
transporting an ill or injured person to a hospital regardless of 133049
whether such vehicle has already passed a hospital. 133050

(5) Vehicles used by the motor carrier enforcement unit for 133051
the enforcement of orders and rules of the public utilities 133052
commission as specified in section 5503.34 of the Revised Code. 133053

(F) "School bus" means every bus designed for carrying more 133054
than nine passengers that is owned by a public, private, or 133055
governmental agency or institution of learning and operated for 133056
the transportation of children to or from a school session or a 133057
school function, or owned by a private person and operated for 133058
compensation for the transportation of children to or from a 133059
school session or a school function, provided "school bus" does 133060
not include a bus operated by a municipally owned transportation 133061
system, a mass transit company operating exclusively within the 133062
territorial limits of a municipal corporation, or within such 133063
limits and the territorial limits of municipal corporations 133064
immediately contiguous to such municipal corporation, nor a common 133065
passenger carrier certified by the public utilities commission 133066
unless such bus is devoted exclusively to the transportation of 133067
children to and from a school session or a school function, and 133068
"school bus" does not include a van or bus used by a licensed 133069

child ~~day-care~~ care center or type A family ~~day-care~~ child care 133070
home to transport children from the child ~~day-care~~ care center or 133071
type A family ~~day-care~~ child care home to a school if the van or 133072
bus does not have more than fifteen children in the van or bus at 133073
any time. 133074

(G) "Bicycle" means every device, other than a device that is 133075
designed solely for use as a play vehicle by a child, that is 133076
propelled solely by human power upon which a person may ride, and 133077
that has two or more wheels, any of which is more than fourteen 133078
inches in diameter. 133079

(H) "Motorized bicycle" or "moped" means any vehicle having 133080
either two tandem wheels or one wheel in the front and two wheels 133081
in the rear, that may be pedaled, and that is equipped with a 133082
helper motor of not more than fifty cubic centimeters piston 133083
displacement that produces not more than one brake horsepower and 133084
is capable of propelling the vehicle at a speed of not greater 133085
than twenty miles per hour on a level surface. "Motorized bicycle" 133086
or "moped" does not include an electric bicycle. 133087

(I) "Commercial tractor" means every motor vehicle having 133088
motive power designed or used for drawing other vehicles and not 133089
so constructed as to carry any load thereon, or designed or used 133090
for drawing other vehicles while carrying a portion of such other 133091
vehicles, or load thereon, or both. 133092

(J) "Agricultural tractor" means every self-propelling 133093
vehicle designed or used for drawing other vehicles or wheeled 133094
machinery but having no provision for carrying loads independently 133095
of such other vehicles, and used principally for agricultural 133096
purposes. 133097

(K) "Truck" means every motor vehicle, except trailers and 133098
semitrailers, designed and used to carry property. 133099

(L) "Bus" means every motor vehicle designed for carrying 133100

more than nine passengers and used for the transportation of 133101
persons other than in a ridesharing arrangement, and every motor 133102
vehicle, automobile for hire, or funeral car, other than a taxicab 133103
or motor vehicle used in a ridesharing arrangement, designed and 133104
used for the transportation of persons for compensation. 133105

(M) "Trailer" means every vehicle designed or used for 133106
carrying persons or property wholly on its own structure and for 133107
being drawn by a motor vehicle, including any such vehicle when 133108
formed by or operated as a combination of a "semitrailer" and a 133109
vehicle of the dolly type, such as that commonly known as a 133110
"trailer dolly," a vehicle used to transport agricultural produce 133111
or agricultural production materials between a local place of 133112
storage or supply and the farm when drawn or towed on a street or 133113
highway at a speed greater than twenty-five miles per hour, and a 133114
vehicle designed and used exclusively to transport a boat between 133115
a place of storage and a marina, or in and around a marina, when 133116
drawn or towed on a street or highway for a distance of more than 133117
ten miles or at a speed of more than twenty-five miles per hour. 133118

(N) "Semitrailer" means every vehicle designed or used for 133119
carrying persons or property with another and separate motor 133120
vehicle so that in operation a part of its own weight or that of 133121
its load, or both, rests upon and is carried by another vehicle. 133122

(O) "Pole trailer" means every trailer or semitrailer 133123
attached to the towing vehicle by means of a reach, pole, or by 133124
being boomed or otherwise secured to the towing vehicle, and 133125
ordinarily used for transporting long or irregular shaped loads 133126
such as poles, pipes, or structural members capable, generally, of 133127
sustaining themselves as beams between the supporting connections. 133128

(P) "Railroad" means a carrier of persons or property 133129
operating upon rails placed principally on a private right-of-way. 133130

(Q) "Railroad train" means a steam engine or an electric or 133131

other motor, with or without cars coupled thereto, operated by a 133132
railroad. 133133

(R) "Streetcar" means a car, other than a railroad train, for 133134
transporting persons or property, operated upon rails principally 133135
within a street or highway. 133136

(S) "Trackless trolley" means every car that collects its 133137
power from overhead electric trolley wires and that is not 133138
operated upon rails or tracks. 133139

(T) "Explosives" means any chemical compound or mechanical 133140
mixture that is intended for the purpose of producing an explosion 133141
that contains any oxidizing and combustible units or other 133142
ingredients in such proportions, quantities, or packing that an 133143
ignition by fire, by friction, by concussion, by percussion, or by 133144
a detonator of any part of the compound or mixture may cause such 133145
a sudden generation of highly heated gases that the resultant 133146
gaseous pressures are capable of producing destructive effects on 133147
contiguous objects, or of destroying life or limb. Manufactured 133148
articles shall not be held to be explosives when the individual 133149
units contain explosives in such limited quantities, of such 133150
nature, or in such packing, that it is impossible to procure a 133151
simultaneous or a destructive explosion of such units, to the 133152
injury of life, limb, or property by fire, by friction, by 133153
concussion, by percussion, or by a detonator, such as fixed 133154
ammunition for small arms, firecrackers, or safety fuse matches. 133155

(U) "Flammable liquid" means any liquid that has a flash 133156
point of seventy degrees fahrenheit, or less, as determined by a 133157
tagliabue or equivalent closed cup test device. 133158

(V) "Gross weight" means the weight of a vehicle plus the 133159
weight of any load thereon. 133160

(W) "Person" means every natural person, firm, 133161
co-partnership, association, or corporation. 133162

(X) "Pedestrian" means any natural person afoot. "Pedestrian" 133163
includes a personal delivery device as defined in section 4511.513 133164
of the Revised Code unless the context clearly suggests otherwise. 133165

(Y) "Driver or operator" means every person who drives or is 133166
in actual physical control of a vehicle, trackless trolley, or 133167
streetcar. 133168

(Z) "Police officer" means every officer authorized to direct 133169
or regulate traffic, or to make arrests for violations of traffic 133170
regulations. 133171

(AA) "Local authorities" means every county, municipal, and 133172
other local board or body having authority to adopt police 133173
regulations under the constitution and laws of this state. 133174

(BB) "Street" or "highway" means the entire width between the 133175
boundary lines of every way open to the use of the public as a 133176
thoroughfare for purposes of vehicular travel. 133177

(CC) "Controlled-access highway" means every street or 133178
highway in respect to which owners or occupants of abutting lands 133179
and other persons have no legal right of access to or from the 133180
same except at such points only and in such manner as may be 133181
determined by the public authority having jurisdiction over such 133182
street or highway. 133183

(DD) "Private road or driveway" means every way or place in 133184
private ownership used for vehicular travel by the owner and those 133185
having express or implied permission from the owner but not by 133186
other persons. 133187

(EE) "Roadway" means that portion of a highway improved, 133188
designed, or ordinarily used for vehicular travel, except the berm 133189
or shoulder. If a highway includes two or more separate roadways 133190
the term "roadway" means any such roadway separately but not all 133191
such roadways collectively. 133192

(FF) "Sidewalk" means that portion of a street between the 133193
curb lines, or the lateral lines of a roadway, and the adjacent 133194
property lines, intended for the use of pedestrians. 133195

(GG) "Laned highway" means a highway the roadway of which is 133196
divided into two or more clearly marked lanes for vehicular 133197
traffic. 133198

(HH) "Through highway" means every street or highway as 133199
provided in section 4511.65 of the Revised Code. 133200

(II) "State highway" means a highway under the jurisdiction 133201
of the department of transportation, outside the limits of 133202
municipal corporations, provided that the authority conferred upon 133203
the director of transportation in section 5511.01 of the Revised 133204
Code to erect state highway route markers and signs directing 133205
traffic shall not be modified by sections 4511.01 to 4511.79 and 133206
4511.99 of the Revised Code. 133207

(JJ) "State route" means every highway that is designated 133208
with an official state route number and so marked. 133209

(KK) "Intersection" means: 133210

(1) The area embraced within the prolongation or connection 133211
of the lateral curb lines, or, if none, the lateral boundary lines 133212
of the roadways of two highways that join one another at, or 133213
approximately at, right angles, or the area within which vehicles 133214
traveling upon different highways that join at any other angle 133215
might come into conflict. The junction of an alley or driveway 133216
with a roadway or highway does not constitute an intersection 133217
unless the roadway or highway at the junction is controlled by a 133218
traffic control device. 133219

(2) If a highway includes two roadways that are thirty feet 133220
or more apart, then every crossing of each roadway of such divided 133221
highway by an intersecting highway constitutes a separate 133222
intersection. If both intersecting highways include two roadways 133223

thirty feet or more apart, then every crossing of any two roadways 133224
of such highways constitutes a separate intersection. 133225

(3) At a location controlled by a traffic control signal, 133226
regardless of the distance between the separate intersections as 133227
described in division (KK)(2) of this section: 133228

(a) If a stop line, yield line, or crosswalk has not been 133229
designated on the roadway within the median between the separate 133230
intersections, the two intersections and the roadway and median 133231
constitute one intersection. 133232

(b) Where a stop line, yield line, or crosswalk line is 133233
designated on the roadway on the intersection approach, the area 133234
within the crosswalk and any area beyond the designated stop line 133235
or yield line constitute part of the intersection. 133236

(c) Where a crosswalk is designated on a roadway on the 133237
departure from the intersection, the intersection includes the 133238
area that extends to the far side of the crosswalk. 133239

(LL) "Crosswalk" means: 133240

(1) That part of a roadway at intersections ordinarily 133241
included within the real or projected prolongation of property 133242
lines and curb lines or, in the absence of curbs, the edges of the 133243
traversable roadway; 133244

(2) Any portion of a roadway at an intersection or elsewhere, 133245
distinctly indicated for pedestrian crossing by lines or other 133246
markings on the surface; 133247

(3) Notwithstanding divisions (LL)(1) and (2) of this 133248
section, there shall not be a crosswalk where local authorities 133249
have placed signs indicating no crossing. 133250

(MM) "Safety zone" means the area or space officially set 133251
apart within a roadway for the exclusive use of pedestrians and 133252
protected or marked or indicated by adequate signs as to be 133253

plainly visible at all times. 133254

(NN) "Business district" means the territory fronting upon a 133255
street or highway, including the street or highway, between 133256
successive intersections within municipal corporations where fifty 133257
per cent or more of the frontage between such successive 133258
intersections is occupied by buildings in use for business, or 133259
within or outside municipal corporations where fifty per cent or 133260
more of the frontage for a distance of three hundred feet or more 133261
is occupied by buildings in use for business, and the character of 133262
such territory is indicated by official traffic control devices. 133263

(OO) "Residence district" means the territory, not comprising 133264
a business district, fronting on a street or highway, including 133265
the street or highway, where, for a distance of three hundred feet 133266
or more, the frontage is improved with residences or residences 133267
and buildings in use for business. 133268

(PP) "Urban district" means the territory contiguous to and 133269
including any street or highway which is built up with structures 133270
devoted to business, industry, or dwelling houses situated at 133271
intervals of less than one hundred feet for a distance of a 133272
quarter of a mile or more, and the character of such territory is 133273
indicated by official traffic control devices. 133274

(QQ) "Traffic control device" means a flagger, sign, signal, 133275
marking, or other device used to regulate, warn, or guide traffic, 133276
placed on, over, or adjacent to a street, highway, private road 133277
open to public travel, pedestrian facility, or shared-use path by 133278
authority of a public agency or official having jurisdiction, or, 133279
in the case of a private road open to public travel, by authority 133280
of the private owner or private official having jurisdiction. 133281

(RR) "Traffic control signal" means any highway traffic 133282
signal by which traffic is alternately directed to stop and 133283
permitted to proceed. 133284

(SS) "Railroad sign or signal" means any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

(TT) "Traffic" means pedestrians, ridden or herded animals, vehicles, streetcars, trackless trolleys, and other devices, either singly or together, while using for purposes of travel any highway or private road open to public travel.

(UU) "Right-of-way" means either of the following, as the context requires:

(1) The right of a vehicle, streetcar, trackless trolley, or pedestrian to proceed uninterruptedly in a lawful manner in the direction in which it or the individual is moving in preference to another vehicle, streetcar, trackless trolley, or pedestrian approaching from a different direction into its or the individual's path;

(2) A general term denoting land, property, or the interest therein, usually in the configuration of a strip, acquired for or devoted to transportation purposes. When used in this context, right-of-way includes the roadway, shoulders or berm, ditch, and slopes extending to the right-of-way limits under the control of the state or local authority.

(VV) "Rural mail delivery vehicle" means every vehicle used to deliver United States mail on a rural mail delivery route.

(WW) "Funeral escort vehicle" means any motor vehicle, including a funeral hearse, while used to facilitate the movement of a funeral procession.

(XX) "Alley" means a street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic, and includes any street or highway that has been declared an "alley"

by the legislative authority of the municipal corporation in which 133316
such street or highway is located. 133317

(YY) "Freeway" means a divided multi-lane highway for through 133318
traffic with all crossroads separated in grade and with full 133319
control of access. 133320

(ZZ) "Expressway" means a divided arterial highway for 133321
through traffic with full or partial control of access with an 133322
excess of fifty per cent of all crossroads separated in grade. 133323

(AAA) "Thruway" means a through highway whose entire roadway 133324
is reserved for through traffic and on which roadway parking is 133325
prohibited. 133326

(BBB) "Stop intersection" means any intersection at one or 133327
more entrances of which stop signs are erected. 133328

(CCC) "Arterial street" means any United States or state 133329
numbered route, controlled access highway, or other major radial 133330
or circumferential street or highway designated by local 133331
authorities within their respective jurisdictions as part of a 133332
major arterial system of streets or highways. 133333

(DDD) "Ridesharing arrangement" means the transportation of 133334
persons in a motor vehicle where such transportation is incidental 133335
to another purpose of a volunteer driver and includes ridesharing 133336
arrangements known as carpools, vanpools, and buspools. 133337

(EEE) "Motorized wheelchair" means any self-propelled vehicle 133338
designed for, and used by, a person with a disability and that is 133339
incapable of a speed in excess of eight miles per hour. 133340

(FFF) "Child ~~day-care~~ care center" and "type A family 133341
~~day-care~~ child care home" have the same meanings as in section 133342
5104.01 of the Revised Code. 133343

(GGG) "Multi-wheel agricultural tractor" means a type of 133344
agricultural tractor that has two or more wheels or tires on each 133345

side of one axle at the rear of the tractor, is designed or used 133346
for drawing other vehicles or wheeled machinery, has no provision 133347
for carrying loads independently of the drawn vehicles or 133348
machinery, and is used principally for agricultural purposes. 133349

(HHH) "Operate" means to cause or have caused movement of a 133350
vehicle, streetcar, or trackless trolley. 133351

(III) "Predicate motor vehicle or traffic offense" means any 133352
of the following: 133353

(1) A violation of section 4511.03, 4511.051, 4511.12, 133354
4511.132, 4511.16, 4511.20, 4511.201, 4511.21, 4511.211, 4511.213, 133355
4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 133356
4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 133357
4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 133358
4511.431, 4511.432, 4511.44, 4511.441, 4511.451, 4511.452, 133359
4511.46, 4511.47, 4511.48, 4511.481, 4511.49, 4511.50, 4511.511, 133360
4511.522, 4511.53, 4511.54, 4511.55, 4511.56, 4511.57, 4511.58, 133361
4511.59, 4511.60, 4511.61, 4511.64, 4511.66, 4511.661, 4511.68, 133362
4511.70, 4511.701, 4511.71, 4511.711, 4511.712, 4511.713, 4511.72, 133363
4511.73, 4511.763, 4511.771, 4511.78, or 4511.84 of the Revised 133364
Code; 133365

(2) A violation of division (A)(2) of section 4511.17, 133366
divisions (A) to (D) of section 4511.51, or division (A) of 133367
section 4511.74 of the Revised Code; 133368

(3) A violation of any provision of sections 4511.01 to 133369
4511.76 of the Revised Code for which no penalty otherwise is 133370
provided in the section that contains the provision violated; 133371

(4) A violation of section 4511.214 of the Revised Code; 133372

(5) A violation of a municipal ordinance that is 133373
substantially similar to any section or provision set forth or 133374
described in division (III)(1), (2), (3), or (4) of this section. 133375

(JJJ) "Road service vehicle" means wreckers, utility repair vehicles, and state, county, and municipal service vehicles equipped with visual signals by means of flashing, rotating, or oscillating lights.

(KKK) "Beacon" means a highway traffic signal with one or more signal sections that operate in a flashing mode.

(LLL) "Hybrid beacon" means a type of beacon that is intentionally placed in a dark mode between periods of operation where no indications are displayed and, when in operation, displays both steady and flashing traffic control signal indications.

(MMM) "Highway traffic signal" means a power-operated traffic control device by which traffic is warned or directed to take some specific action. "Highway traffic signal" does not include a power-operated sign, steadily illuminated pavement marker, warning light, or steady burning electric lamp.

(NNN) "Median" means the area between two roadways of a divided highway, measured from edge of traveled way to edge of traveled way, but excluding turn lanes. The width of a median may be different between intersections, between interchanges, and at opposite approaches of the same intersection.

(OOO) "Private road open to public travel" means a private toll road or road, including any adjacent sidewalks that generally run parallel to the road, within a shopping center, airport, sports arena, or other similar business or recreation facility that is privately owned but where the public is allowed to travel without access restrictions. "Private road open to public travel" includes a gated toll road but does not include a road within a private gated property where access is restricted at all times, a parking area, a driving aisle within a parking area, or a private grade crossing.

(PPP) "Shared-use path" means a bikeway outside the traveled 133407
way and physically separated from motorized vehicular traffic by 133408
an open space or barrier and either within the highway 133409
right-of-way or within an independent alignment. A shared-use path 133410
also may be used by pedestrians, including skaters, joggers, users 133411
of manual and motorized wheelchairs, and other authorized 133412
motorized and non-motorized users. A shared-use path does not 133413
include any trail that is intended to be used primarily for 133414
mountain biking, hiking, equestrian use, or other similar uses, or 133415
any other single track or natural surface trail that has 133416
historically been reserved for nonmotorized use. 133417

(QQQ) "Highway maintenance vehicle" means a vehicle used in 133418
snow and ice removal or road surface maintenance, including a snow 133419
plow, traffic line striper, road sweeper, mowing machine, asphalt 133420
distributing vehicle, or other such vehicle designed for use in 133421
specific highway maintenance activities. 133422

(RRR) "Waste collection vehicle" means a vehicle used in the 133423
collection of garbage, refuse, trash, or recyclable materials. 133424

(SSS) "Electric bicycle" means a "class 1 electric bicycle," 133425
a "class 2 electric bicycle," or a "class 3 electric bicycle" as 133426
defined in this section. 133427

(TTT) "Class 1 electric bicycle" means a bicycle that is 133428
equipped with fully operable pedals and an electric motor of less 133429
than seven hundred fifty watts that provides assistance only when 133430
the rider is pedaling and ceases to provide assistance when the 133431
bicycle reaches the speed of twenty miles per hour. 133432

(UUU) "Class 2 electric bicycle" means a bicycle that is 133433
equipped with fully operable pedals and an electric motor of less 133434
than seven hundred fifty watts that may provide assistance 133435
regardless of whether the rider is pedaling and is not capable of 133436
providing assistance when the bicycle reaches the speed of twenty 133437

miles per hour. 133438

(VVV) "Class 3 electric bicycle" means a bicycle that is 133439
equipped with fully operable pedals and an electric motor of less 133440
than seven hundred fifty watts that provides assistance only when 133441
the rider is pedaling and ceases to provide assistance when the 133442
bicycle reaches the speed of twenty-eight miles per hour. 133443

(WWW) "Low-speed micromobility device" means a device 133444
weighing less than one hundred pounds that has handlebars, is 133445
propelled by an electric motor or human power, and has an 133446
attainable speed on a paved level surface of not more than twenty 133447
miles per hour when propelled by the electric motor. 133448

Sec. 4511.81. (A) When any child who is in either or both of 133449
the following categories is being transported in a motor vehicle, 133450
other than a taxicab or public safety vehicle as defined in 133451
section 4511.01 of the Revised Code, that is required by the 133452
United States department of transportation to be equipped with 133453
seat belts at the time of manufacture or assembly, the operator of 133454
the motor vehicle shall have the child properly secured in 133455
accordance with the manufacturer's instructions in a child 133456
restraint system that meets federal motor vehicle safety 133457
standards: 133458

(1) A child who is less than four years of age; 133459

(2) A child who weighs less than forty pounds. 133460

(B) When any child who is in either or both of the following 133461
categories is being transported in a motor vehicle, other than a 133462
taxicab, that is owned, leased, or otherwise under the control of 133463
a nursery school or ~~day-care~~ child care center, the operator of 133464
the motor vehicle shall have the child properly secured in 133465
accordance with the manufacturer's instructions in a child 133466
restraint system that meets federal motor vehicle safety 133467

standards: 133468

(1) A child who is less than four years of age; 133469

(2) A child who weighs less than forty pounds. 133470

(C) When any child who is less than eight years of age and 133471
less than four feet nine inches in height, who is not required by 133472
division (A) or (B) of this section to be secured in a child 133473
restraint system, is being transported in a motor vehicle, other 133474
than a taxicab or public safety vehicle as defined in section 133475
4511.01 of the Revised Code or a vehicle that is regulated under 133476
section 5104.015 of the Revised Code, that is required by the 133477
United States department of transportation to be equipped with 133478
seat belts at the time of manufacture or assembly, the operator of 133479
the motor vehicle shall have the child properly secured in 133480
accordance with the manufacturer's instructions on a booster seat 133481
that meets federal motor vehicle safety standards. 133482

(D) When any child who is at least eight years of age but not 133483
older than fifteen years of age, and who is not otherwise required 133484
by division (A), (B), or (C) of this section to be secured in a 133485
child restraint system or booster seat, is being transported in a 133486
motor vehicle, other than a taxicab or public safety vehicle as 133487
defined in section 4511.01 of the Revised Code, that is required 133488
by the United States department of transportation to be equipped 133489
with seat belts at the time of manufacture or assembly, the 133490
operator of the motor vehicle shall have the child properly 133491
restrained either in accordance with the manufacturer's 133492
instructions in a child restraint system that meets federal motor 133493
vehicle safety standards or in an occupant restraining device as 133494
defined in section 4513.263 of the Revised Code. 133495

(E) Notwithstanding any provision of law to the contrary, no 133496
law enforcement officer shall cause an operator of a motor vehicle 133497
being operated on any street or highway to stop the motor vehicle 133498

for the sole purpose of determining whether a violation of 133499
division (C) or (D) of this section has been or is being committed 133500
or for the sole purpose of issuing a ticket, citation, or summons 133501
for a violation of division (C) or (D) of this section or causing 133502
the arrest of or commencing a prosecution of a person for a 133503
violation of division (C) or (D) of this section, and absent 133504
another violation of law, a law enforcement officer's view of the 133505
interior or visual inspection of a motor vehicle being operated on 133506
any street or highway may not be used for the purpose of 133507
determining whether a violation of division (C) or (D) of this 133508
section has been or is being committed. 133509

(F) The director of public safety shall adopt such rules as 133510
are necessary to carry out this section. 133511

(G) The failure of an operator of a motor vehicle to secure a 133512
child in a child restraint system, a booster seat, or an occupant 133513
restraining device as required by this section is not negligence 133514
imputable to the child, is not admissible as evidence in any civil 133515
action involving the rights of the child against any other person 133516
allegedly liable for injuries to the child, is not to be used as a 133517
basis for a criminal prosecution of the operator of the motor 133518
vehicle other than a prosecution for a violation of this section, 133519
and is not admissible as evidence in any criminal action involving 133520
the operator of the motor vehicle other than a prosecution for a 133521
violation of this section. 133522

(H) This section does not apply when an emergency exists that 133523
threatens the life of any person operating or occupying a motor 133524
vehicle that is being used to transport a child who otherwise 133525
would be required to be restrained under this section. This 133526
section does not apply to a person operating a motor vehicle who 133527
has an affidavit signed by a physician licensed to practice in 133528
this state under Chapter 4731. of the Revised Code or a 133529
chiropractor licensed to practice in this state under Chapter 133530

4734. of the Revised Code that states that the child who otherwise 133531
would be required to be restrained under this section has a 133532
physical impairment that makes use of a child restraint system, 133533
booster seat, or an occupant restraining device impossible or 133534
impractical, provided that the person operating the vehicle has 133535
safely and appropriately restrained the child in accordance with 133536
any recommendations of the physician or chiropractor as noted on 133537
the affidavit. 133538

(I) There is hereby created in the state treasury the child 133539
highway safety fund, consisting of fines imposed pursuant to 133540
division ~~(K)(1)~~(L)(1) of this section for violations of divisions 133541
(A), (B), (C), and (D) of this section. The money in the fund 133542
shall be used by the department of health only to defray the cost 133543
of designating hospitals as pediatric trauma centers under section 133544
3727.081 of the Revised Code and to establish and administer a 133545
child highway safety program. The purpose of the program shall be 133546
to educate the public about child restraint systems and booster 133547
seats and the importance of their proper use. The program also 133548
shall include a process for providing child restraint systems and 133549
booster seats to persons who meet the eligibility criteria 133550
established by the department, and a toll-free telephone number 133551
the public may utilize to obtain information about child restraint 133552
systems and booster seats, and their proper use. 133553

(J) The director of health, in accordance with Chapter 119. 133554
of the Revised Code, shall adopt any rules necessary to carry out 133555
this section, including rules establishing the criteria a person 133556
must meet in order to receive a child restraint system or booster 133557
seat under the department's child highway safety program; provided 133558
that rules relating to the verification of pediatric trauma 133559
centers shall not be adopted under this section. 133560

(K) Nothing in this section shall be construed to require any 133561
person to carry with the person the birth certificate of a child 133562

to prove the age of the child, but the production of a valid birth certificate for a child showing that the child was not of an age to which this section applies is a defense against any ticket, citation, or summons issued for violating this section.

(L)(1) Whoever violates division (A), (B), (C), or (D) of this section shall be punished as follows, provided that the failure of an operator of a motor vehicle to secure more than one child in a child restraint system, booster seat, or occupant restraining device as required by this section that occurred at the same time, on the same day, and at the same location is deemed to be a single violation of this section:

(a) Except as otherwise provided in division (L)(1)(b) of this section, the offender is guilty of a minor misdemeanor and shall be fined not less than twenty-five dollars nor more than seventy-five dollars.

(b) If the offender previously has been convicted of or pleaded guilty to a violation of division (A), (B), (C), or (D) of this section or of a municipal ordinance that is substantially similar to any of those divisions, the offender is guilty of a misdemeanor of the fourth degree.

(2) All fines imposed pursuant to division (L)(1) of this section shall be forwarded to the treasurer of state for deposit in the child highway safety fund created by division (I) of this section.

Sec. 4513.182. (A) No person shall operate any motor vehicle owned, leased, or hired by a nursery school, kindergarten, or ~~day-care~~ child care center, while transporting preschool children to or from such an institution unless the motor vehicle is equipped with and displaying two amber flashing lights mounted on a bar attached to the top of the vehicle, and a sign bearing the designation "caution--children," which shall be attached to the

bar carrying the amber flashing lights in such a manner as to be 133594
legible to persons both in front of and behind the vehicle. The 133595
lights and sign shall meet standards and specifications adopted by 133596
the director of public safety. The director, subject to Chapter 133597
119. of the Revised Code, shall adopt standards and specifications 133598
for the lights and sign, which shall include, but are not limited 133599
to, requirements for the color and size of lettering to be used on 133600
the sign, the type of material to be used for the sign, and the 133601
method of mounting the lights and sign so that they can be removed 133602
from a motor vehicle being used for purposes other than those 133603
specified in this section. 133604

(B) No person shall operate a motor vehicle displaying the 133605
lights and sign required by this section for any purpose other 133606
than the transportation of preschool children as provided in this 133607
section. 133608

(C) Whoever violates this section shall be punished as 133609
provided in section 4513.99 of the Revised Code. 133610

Sec. 4715.36. As used in this section and sections 4715.361 133611
to 4715.374 of the Revised Code: 133612

(A) "Accredited dental hygiene school" means a dental hygiene 133613
school accredited by the American dental association commission on 133614
dental accreditation or a dental hygiene school whose educational 133615
standards are recognized by the American dental association 133616
commission on dental accreditation and approved by the state 133617
dental board. 133618

(B) "Authorizing dentist" means a dentist who authorizes a 133619
dental hygienist to perform dental hygiene services under section 133620
4715.365 of the Revised Code. 133621

(C) "Clinical evaluation" means a diagnosis and treatment 133622
plan formulated for an individual patient by a dentist. 133623

(D) "Dentist" means an individual licensed under this chapter to practice dentistry.	133624 133625
(E) "Dental hygienist" means an individual licensed under this chapter to practice as a dental hygienist.	133626 133627
(F) "Dental hygiene services" means the prophylactic, preventive, and other procedures that dentists are authorized by this chapter and rules of the state dental board to assign to dental hygienists, except for procedures while a patient is anesthetized, definitive root planing, definitive subgingival curettage, the administration of local anesthesia, and the procedures specified in rules adopted by the board as described in division (C)(3) of section 4715.22 of the Revised Code.	133628 133629 133630 133631 133632 133633 133634 133635
(G) "Facility" means any of the following:	133636
(1) A health care facility, as defined in section 4715.22 of the Revised Code;	133637 133638
(2) A state correctional institution, as defined in section 2967.01 of the Revised Code;	133639 133640
(3) A comprehensive child development program that receives funds distributed under the "Head Start Act," 95 Stat. 499 (1981), 42 U.S.C. 9831, as amended, and is licensed as a child day-care <u>care</u> center;	133641 133642 133643 133644
(4) A residential facility licensed under section 5123.19 of the Revised Code;	133645 133646
(5) A public school, as defined in section 3701.93 of the Revised Code, located in an area designated as a dental health resource shortage area pursuant to section 3702.87 of the Revised Code;	133647 133648 133649 133650
(6) A nonpublic school, as defined in section 3701.93 of the Revised Code, located in an area designated as a dental health resource shortage area pursuant to section 3702.87 of the Revised	133651 133652 133653

Code;	133654
(7) A federally qualified health center or federally qualified health center look-alike, as defined in section 3701.047 of the Revised Code;	133655 133656 133657
(8) A shelter for victims of domestic violence, as defined in section 3113.33 of the Revised Code;	133658 133659
(9) A facility operated by the department of youth services under Chapter 5139. of the Revised Code;	133660 133661
(10) A foster home, as defined in section 5103.02 of the Revised Code;	133662 133663
(11) A nonprofit clinic, as defined in section 3715.87 of the Revised Code;	133664 133665
(12) The residence of one or more individuals receiving services provided by a home health agency, as defined in section 3740.11 of the Revised Code;	133666 133667 133668
(13) A dispensary;	133669
(14) A health care facility, such as a clinic or hospital, of the United States department of veterans affairs;	133670 133671
(15) The residence of one or more individuals enrolled in a home and community-based services medicaid waiver component, as defined in section 5166.01 of the Revised Code;	133672 133673 133674
(16) A facility operated by the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code;	133675 133676 133677
(17) A women, infants, and children clinic;	133678
(18) A mobile dental facility, as defined in section 4715.70 of the Revised Code, located at any location listed in divisions (G)(1) to (17) of this section;	133679 133680 133681
(19) Any other location, as specified by the state dental	133682

board in rules adopted under section 4715.372 of the Revised Code, 133683
that is in an area designated as a dental health resource shortage 133684
area pursuant to section 3702.87 of the Revised Code and provides 133685
health care services to individuals who are medicaid recipients 133686
and to indigent and uninsured persons, as defined in section 133687
2305.234 of the Revised Code. 133688

Sec. 5101.29. When contained in a record held by the 133689
department of job and family services or a county agency, the 133690
following are not public records for purposes of section 149.43 of 133691
the Revised Code: 133692

(A) Names and other identifying information regarding 133693
children enrolled in or attending a child ~~day-care~~ care center or 133694
home subject to licensure or registration under Chapter 5104. of 133695
the Revised Code; 133696

(B) Names and other identifying information regarding 133697
children placed with an institution or association certified under 133698
section 5103.03 of the Revised Code; 133699

(C) Names and other identifying information regarding a 133700
person who makes an oral or written complaint regarding an 133701
institution, association, child ~~day-care~~ care center, or home 133702
subject to licensure or registration to the department or other 133703
state or county entity responsible for enforcing Chapter 5103. or 133704
5104. of the Revised Code; 133705

(D)(1) Except as otherwise provided in division (D)(2) of 133706
this section, names, documentation, and other identifying 133707
information regarding a foster caregiver or a prospective foster 133708
caregiver, including the foster caregiver application for 133709
certification under section 5103.03 of the Revised Code and the 133710
home study conducted pursuant to section 5103.0324 of the Revised 133711
Code. 133712

(2) Notwithstanding division (D)(1) of this section, the following are public records for the purposes of section 149.43 of the Revised Code, when contained in a record held by the department of job and family services, a county agency, or other governmental entity:

(a) All of the following information regarding a currently certified foster caregiver who has had a foster care certificate revoked pursuant to Chapter 5103. of the Revised Code or, after receiving a current or current renewed certificate has been convicted of, pleaded guilty to, or indicted or otherwise charged with any offense described in division (C)(1) of section 2151.86 of the Revised Code:

(i) The foster caregiver's name, date of birth, and county of residence;

(ii) The date of the foster caregiver's certification;

(iii) The date of each placement of a foster child into the foster caregiver's home;

(iv) If applicable, the date of the removal of a foster child from the foster caregiver's home and the reason for the foster child's removal unless release of such information would be detrimental to the foster child or other children residing in the foster caregiver's home;

(v) If applicable, the date of the foster care certificate revocation and all documents related to the revocation unless otherwise not a public record pursuant to section 149.43 of the Revised Code.

(b) Nonidentifying foster care statistics including, but not limited to, the number of foster caregivers and foster care certificate revocations.

Sec. 5103.03. (A) The director of job and family services

shall adopt rules as necessary for the adequate and competent 133743
management and certification of institutions or associations. The 133744
director shall ensure that foster care home study rules adopted 133745
under this section align any home study content, time period, and 133746
process with any home study content, time period, and process 133747
required by rules adopted under section 3107.033 of the Revised 133748
Code. 133749

(B)(1) Except for facilities under the control of the 133750
department of youth services, places of detention for children 133751
established and maintained pursuant to sections 2152.41 to 2152.44 133752
of the Revised Code, and child ~~day-care~~ care centers subject to 133753
Chapter 5104. of the Revised Code, the department of job and 133754
family services shall pass upon the fitness of every institution 133755
and association that receives, or desires to receive and care for 133756
children, or places children in private homes, at a frequency 133757
established by rules adopted under division (A) of this section. 133758

(2) When the department of job and family services is 133759
satisfied as to the care given such children, and that the 133760
requirements of the statutes and rules covering the management of 133761
such institutions and associations are being complied with, it 133762
shall issue to the institution or association a certificate to 133763
that effect. A certificate is valid for a length of time 133764
determined by rules adopted under division (A) of this section. 133765
When determining whether an institution or association meets a 133766
particular requirement for certification, the department may 133767
consider the institution or association to have met the 133768
requirement if the institution or association shows to the 133769
department's satisfaction that it has met a comparable requirement 133770
to be accredited by a nationally recognized accreditation 133771
organization. 133772

(3) The department may issue a temporary certificate valid 133773

for less than one year authorizing an institution or association 133774
to operate until minimum requirements have been met. 133775

(4) An institution or association that knowingly makes a 133776
false statement that is included as a part of certification under 133777
this section is guilty of the offense of falsification under 133778
section 2921.13 of the Revised Code and the department shall not 133779
certify that institution or association. 133780

(5) The department shall not issue a certificate to a 133781
prospective foster home or prospective specialized foster home 133782
pursuant to this section if the prospective foster home or 133783
prospective specialized foster home operates as a type A family 133784
~~day-care~~ child care home pursuant to Chapter 5104. of the Revised 133785
Code. The department shall not issue a certificate to a 133786
prospective specialized foster home if the prospective specialized 133787
foster home operates a type B family ~~day-care~~ child care home 133788
pursuant to Chapter 5104. of the Revised Code. 133789

(C) The department may revoke a certificate if it finds that 133790
the institution or association is in violation of law or rule. No 133791
juvenile court shall commit a child to an association or 133792
institution that is required to be certified under this section if 133793
its certificate has been revoked or, if after revocation, the date 133794
of reissue is less than fifteen months prior to the proposed 133795
commitment. 133796

(D) On a frequency specified by the department by rules 133797
adopted under division (A) of this section, each institution or 133798
association desiring certification or recertification shall submit 133799
to the department a report showing its condition, management, 133800
competency to care adequately for the children who have been or 133801
may be committed to it or to whom it provides care or services, 133802
the system of visitation it employs for children placed in private 133803
homes, and other information the department requires. 133804

(E) The department shall, not less than once each year, send a list of certified institutions and associations to each juvenile court and certified association or institution.

(F) No person shall receive children or receive or solicit money on behalf of such an institution or association not so certified or whose certificate has been revoked.

(G)(1) The director may delegate by rule any duties imposed on it by this section to inspect and approve family foster homes and specialized foster homes to public children services agencies, private child placing agencies, or private noncustodial agencies.

(2) The director shall adopt rules that require a foster caregiver or other individual certified to operate a foster home under this section to notify the recommending agency that the foster caregiver or other individual is licensed to operate a type B family ~~day-care~~ child care home under Chapter 5104. of the Revised Code.

(H) If the director of job and family services determines that an institution or association that cares for children is operating without a certificate, the director may petition the court of common pleas in the county in which the institution or association is located for an order enjoining its operation. The court shall grant injunctive relief upon a showing that the institution or association is operating without a certificate.

(I) If both of the following are the case, the director of job and family services may petition the court of common pleas of any county in which an institution or association that holds a certificate under this section operates for an order, and the court may issue an order, preventing the institution or association from receiving additional children into its care or an order removing children from its care:

(1) The department has evidence that the life, health, or

safety of one or more children in the care of the institution or association is at imminent risk. 133836
133837

(2) The department has issued a proposed adjudication order 133838
pursuant to Chapter 119. of the Revised Code to deny renewal of or 133839
revoke the certificate of the institution or association. 133840

Sec. 5104.01. As used in this chapter: 133841

(A) "Administrator" means the person responsible for the 133842
daily operation of a center, type A home, or approved child day 133843
camp. The administrator and the owner may be the same person. 133844

(B) "Approved child day camp" means a child day camp approved 133845
pursuant to section 5104.22 of the Revised Code. 133846

(C) "Authorized representative" means an individual employed 133847
by a center, type A home, or approved child day camp that is owned 133848
by a person other than an individual and who is authorized by the 133849
owner to do all of the following: 133850

(1) Communicate on the owner's behalf; 133851

(2) Submit on the owner's behalf applications for licensure 133852
or approval; 133853

(3) Enter into on the owner's behalf provider agreements for 133854
publicly funded child care. 133855

(D) "Border state child care provider" means a child care 133856
provider that is located in a state bordering Ohio and that is 133857
licensed, certified, or otherwise approved by that state to 133858
provide child care funded by the child care block grant act. 133859

(E) "Career pathways model" means an alternative pathway to 133860
meeting the requirements to be a ~~child care~~ child care staff 133861
member or administrator that does both of the following: 133862

(1) Uses a framework approved by the director of job and 133863
family services to document formal education, training, 133864

experience, and specialized credentials and certifications; 133865

(2) Allows the ~~child-care~~ child care staff member or 133866
administrator to achieve a designation as an early childhood 133867
professional level one, two, three, four, five, or six. 133868

(F) "Caretaker parent" means the father or mother of a child 133869
whose presence in the home is needed as the caretaker of the 133870
child, a person who has legal custody of a child and whose 133871
presence in the home is needed as the caretaker of the child, a 133872
guardian of a child whose presence in the home is needed as the 133873
caretaker of the child, and any other person who stands in loco 133874
parentis with respect to the child and whose presence in the home 133875
is needed as the caretaker of the child. 133876

(G) "Chartered nonpublic school" means a school that meets 133877
standards for nonpublic schools prescribed by the state board of 133878
education for nonpublic schools pursuant to section 3301.07 of the 133879
Revised Code. 133880

(H) "Child" includes an infant, toddler, preschool-age child, 133881
or school-age child. 133882

(I) "Child care block grant act" means the "Child Care and 133883
Development Block Grant Act of 2014," 128 Stat. 1971 (2014), 42 133884
U.S.C. 9858, as amended. 133885

(J) "Child day camp" means a program in which only school-age 133886
children attend or participate, that operates for no more than 133887
twelve hours per day and no more than fifteen weeks during the 133888
summer. For purposes of this division, the maximum twelve hours of 133889
operation time does not include transportation time from a child's 133890
home to a child day camp and from a child day camp to a child's 133891
home. 133892

(K) "Child care" means all of the following: 133893

(1) Administering to the needs of infants, toddlers, 133894

preschool-age children, and school-age children outside of school	133895
hours;	133896
(2) By persons other than their parents, guardians, or	133897
custodians;	133898
(3) For part of the twenty-four-hour day;	133899
(4) In a place other than a child's own home, except that an	133900
in-home aide provides child care in the child's own home;	133901
(5) By a provider required by this chapter to be licensed or	133902
approved by the department of job and family services, certified	133903
by a county department of job and family services, or under	133904
contract with the department to provide publicly funded child care	133905
as described in section 5104.32 of the Revised Code.	133906
(L) "Child day-care <u>care</u> center" and "center" mean any place	133907
that is not the permanent residence of the licensee or	133908
administrator in which child care or publicly funded child care is	133909
provided for seven or more children at one time. "Child day-care	133910
<u>care</u> center" and "center" do not include any of the following:	133911
(1) A place located in and operated by a hospital, as defined	133912
in section 3727.01 of the Revised Code, in which the needs of	133913
children are administered to, if all the children whose needs are	133914
being administered to are monitored under the on-site supervision	133915
of a physician licensed under Chapter 4731. of the Revised Code or	133916
a registered nurse licensed under Chapter 4723. of the Revised	133917
Code, and the services are provided only for children who, in the	133918
opinion of the child's parent, guardian, or custodian, are	133919
exhibiting symptoms of a communicable disease or other illness or	133920
are injured;	133921
(2) A child day camp;	133922
(3) A place that provides care, if all of the following	133923
apply:	133924

(a) An organized religious body provides the care;	133925
(b) A parent, custodian, or guardian of at least one child receiving care is on the premises and readily accessible at all times;	133926 133927 133928
(c) The care is not provided for more than thirty days a year;	133929 133930
(d) The care is provided only for preschool-age and school-age children.	133931 133932
(M) "Child care resource and referral service organization" means a community-based nonprofit organization that provides child care resource and referral services but not child care.	133933 133934 133935
(N) "Child care resource and referral services" means all of the following services:	133936 133937
(1) Maintenance of a uniform data base of all child care providers in the community that are in compliance with this chapter, including current occupancy and vacancy data;	133938 133939 133940
(2) Provision of individualized consumer education to families seeking child care;	133941 133942
(3) Provision of timely referrals of available child care providers to families seeking child care;	133943 133944
(4) Recruitment of child care providers;	133945
(5) Assistance in developing, conducting, and disseminating training for child care professionals and provision of technical assistance to current and potential child care providers, employers, and the community;	133946 133947 133948 133949
(6) Collection and analysis of data on the supply of and demand for child care in the community;	133950 133951
(7) Technical assistance concerning locally, state, and federally funded child care and early childhood education	133952 133953

programs;	133954
(8) Stimulation of employer involvement in making child care more affordable, more available, safer, and of higher quality for their employees and for the community;	133955 133956 133957
(9) Provision of written educational materials to caretaker parents and informational resources to child care providers;	133958 133959
(10) Coordination of services among child care resource and referral service organizations to assist in developing and maintaining a statewide system of child care resource and referral services if required by the department of job and family services;	133960 133961 133962 133963
(11) Cooperation with the county department of job and family services in encouraging the establishment of parent cooperative child care centers and parent cooperative type A family day-care <u>child care</u> homes.	133964 133965 133966 133967
(O) " Child-care <u>Child care</u> staff member" means an employee of a child day-care <u>care</u> center, type A family day-care <u>child care</u> home, licensed type B family day-care <u>child care</u> home, or approved child day camp who is primarily responsible for the care and supervision of children. The administrator, authorized representative, or owner may be a child-care <u>child care</u> staff member when not involved in other duties.	133968 133969 133970 133971 133972 133973 133974
(P) "Drop-in child day-care <u>care</u> center," "drop-in center," "drop-in type A family day-care <u>child care</u> home," and "drop-in type A home" mean a center or type A home that provides child care or publicly funded child care for children on a temporary, irregular basis.	133975 133976 133977 133978 133979
(Q) "Employee" means a person who either:	133980
(1) Receives compensation for duties performed in a child day-care <u>care</u> center, type A family day-care <u>child care</u> home, licensed type B family day-care <u>child care</u> home, or approved child	133981 133982 133983

day camp;	133984
(2) Is assigned specific working hours or duties in a child	133985
day-care <u>care</u> center, type A family day-care <u>child care</u> home,	133986
licensed type B family day-care <u>child care</u> home, or approved child	133987
day camp.	133988
(R) "Employer" means a person, firm, institution,	133989
organization, or agency that operates a child day-care <u>care</u>	133990
center, type A family day-care <u>child care</u> home, licensed type B	133991
family day-care <u>child care</u> home, or approved child day camp	133992
subject to licensure or approval under this chapter.	133993
(S) "Federal poverty line" means the official poverty	133994
guideline as revised annually in accordance with section 673(2) of	133995
the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42	133996
U.S.C. 9902, as amended, for a family size equal to the size of	133997
the family of the person whose income is being determined.	133998
(T) "Head start program" means a school-readiness program	133999
that satisfies all of the following:	134000
(1) Is for children from birth to age five who are from	134001
low-income families;	134002
(2) Receives funds distributed under the "Improving Head	134003
Start for School-Readiness Act of 2007," 42 U.S.C. 9831, as	134004
amended;	134005
(3) Is licensed as a child care program.	134006
(U) "Homeless child care" means child care provided to a	134007
child who satisfies any of the following:	134008
(1) Is homeless as defined in 42 U.S.C. 11302;	134009
(2) Is a homeless child or youth as defined in 42 U.S.C.	134010
11434a;	134011
(3) Resides temporarily with a caretaker in a facility	134012
providing emergency shelter for homeless families or is determined	134013

by a county department of job and family services to be homeless. 134014

(V) "Income" means gross income, as defined in section 134015
5107.10 of the Revised Code, less any amounts required by federal 134016
statutes or regulations to be disregarded. 134017

(W) "Indicator checklist" means an inspection tool, used in 134018
conjunction with an instrument-based program monitoring 134019
information system, that contains selected licensing requirements 134020
that are statistically reliable indicators or predictors of a 134021
child ~~day-care~~ care center's, type A family ~~day-care~~ child care 134022
home's, or licensed type B family ~~day-care~~ child care home's 134023
compliance with licensing requirements. 134024

(X) "Infant" means a child who is less than eighteen months 134025
of age. 134026

(Y) "In-home aide" means a person who does not reside with 134027
the child but provides care in the child's home and is certified 134028
by a county director of job and family services pursuant to 134029
section 5104.12 of the Revised Code to provide publicly funded 134030
child care to a child in a child's own home pursuant to this 134031
chapter and any rules adopted under it. 134032

(Z) "Instrument-based program monitoring information system" 134033
means a method to assess compliance with licensing requirements 134034
for child ~~day-care~~ care centers, type A family ~~day-care~~ child care 134035
homes, and licensed type B family ~~day-care~~ child care homes in 134036
which each licensing requirement is assigned a weight indicative 134037
of the relative importance of the requirement to the health, 134038
growth, and safety of the children that is used to develop an 134039
indicator checklist. 134040

(AA) "License capacity" means the maximum number in each age 134041
category of children who may be cared for in a child ~~day-care~~ care 134042
center, type A family ~~day-care~~ child care home, or licensed type B 134043
family ~~day-care~~ child care home at one time as determined by the 134044

director of job and family services considering building occupancy 134045
limits established by the department of commerce, amount of 134046
available indoor floor space and outdoor play space, and amount of 134047
available play equipment, materials, and supplies. 134048

(BB) "Licensed child care program" means any of the 134049
following: 134050

(1) A child ~~day-care~~ care center licensed by the department 134051
of job and family services pursuant to this chapter; 134052

(2) A type A family ~~day-care~~ child care home or type B family 134053
~~day-care~~ child care home licensed by the department of job and 134054
family services pursuant to this chapter; 134055

(3) A licensed preschool program or licensed school child 134056
program. 134057

(CC) "Licensed preschool program" or "licensed school child 134058
program" means a preschool program or school child program, as 134059
defined in section 3301.52 of the Revised Code, that is licensed 134060
by the department of education pursuant to sections 3301.52 to 134061
3301.59 of the Revised Code. 134062

(DD) "Licensed type B family ~~day-care~~ child care home" and 134063
"licensed type B home" mean a type B family ~~day-care~~ child care 134064
home for which there is a valid license issued by the director of 134065
job and family services pursuant to section 5104.03 of the Revised 134066
Code. 134067

(EE) "Licensee" means the owner of a child ~~day-care~~ care 134068
center, type A family ~~day-care~~ child care home, or type B family 134069
~~day-care~~ child care home that is licensed pursuant to this chapter 134070
and who is responsible for ensuring compliance with this chapter 134071
and rules adopted pursuant to this chapter. 134072

(FF) "Operate a child day camp" means to operate, establish, 134073
manage, conduct, or maintain a child day camp. 134074

(GG) "Owner" includes a person, as defined in section 1.59 of the Revised Code, or government entity.

(HH) "Parent cooperative child ~~day-care~~ care center," "parent cooperative center," "parent cooperative type A family ~~day-care~~ child care home," and "parent cooperative type A home" mean a corporation or association organized for providing educational services to the children of members of the corporation or association, without gain to the corporation or association as an entity, in which the services of the corporation or association are provided only to children of the members of the corporation or association, ownership and control of the corporation or association rests solely with the members of the corporation or association, and at least one parent-member of the corporation or association is on the premises of the center or type A home during its hours of operation.

(II) "Part-time child ~~day-care~~ care center," "part-time center," "part-time type A family ~~day-care~~ child care home," and "part-time type A home" mean a center or type A home that provides child care or publicly funded child care for not more than four hours a day for any child or not more than fifteen consecutive weeks per year, regardless of the number of hours per day.

(JJ) "Place of worship" means a building where activities of an organized religious group are conducted and includes the grounds and any other buildings on the grounds used for such activities.

(KK) "Preschool-age child" means a child who is three years old or older but is not a school-age child.

(LL) "Protective child care" means publicly funded child care for the direct care and protection of a child to whom all of the following apply:

(1) A case plan has been prepared and maintained for the

child pursuant to section 2151.412 of the Revised Code. 134106

(2) The case plan indicates a need for protective care. 134107

(3) The child resides with a parent, stepparent, guardian, or 134108
another person who stands in loco parentis as defined in rules 134109
adopted under section 5104.38 of the Revised Code. 134110

(MM) "Publicly funded child care" means administering to the 134111
needs of infants, toddlers, preschool-age children, and school-age 134112
children under age thirteen during any part of the 134113
twenty-four-hour day by persons other than their caretaker parents 134114
for remuneration wholly or in part with federal or state funds, 134115
including funds available under the child care block grant act, 134116
Title IV-A, and Title XX, distributed by the department of job and 134117
family services. 134118

(NN) "Religious activities" means any of the following: 134119
worship or other religious services; religious instruction; Sunday 134120
school classes or other religious classes conducted during or 134121
prior to worship or other religious services; youth or adult 134122
fellowship activities; choir or other musical group practices or 134123
programs; meals; festivals; or meetings conducted by an organized 134124
religious group. 134125

(OO) "School-age child" means a child who is enrolled in or 134126
is eligible to be enrolled in a grade of kindergarten or above but 134127
is less than fifteen years old or, in the case of a child who is 134128
receiving special needs child care, is less than eighteen years 134129
old. 134130

(PP) "Serious risk noncompliance" means a licensure or 134131
certification rule violation that leads to a great risk of harm 134132
to, or death of, a child, and is observable, not inferable. 134133

(QQ) "Special needs child care" means child care provided to 134134
a child who is less than eighteen years of age and either has one 134135
or more chronic health conditions or does not meet age appropriate 134136

expectations in one or more areas of development, including 134137
social, emotional, cognitive, communicative, perceptual, motor, 134138
physical, and behavioral development and that may include on a 134139
regular basis such services, adaptations, modifications, or 134140
adjustments needed to assist in the child's function or 134141
development. 134142

(RR) "Title IV-A" means Title IV-A of the "Social Security 134143
Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 134144

(SS) "Title XX" means Title XX of the "Social Security Act," 134145
88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended. 134146

(TT) "Toddler" means a child who is at least eighteen months 134147
of age but less than three years of age. 134148

(UU) "Type A family ~~day-care~~ child care home" and "type A 134149
home" mean the permanent residence of the administrator in which 134150
child care or publicly funded child care is provided for seven to 134151
twelve children at one time or a permanent residence of the 134152
administrator in which child care is provided for four to twelve 134153
children at one time if four or more children at one time are 134154
under two years of age. In counting children for the purposes of 134155
this division, any children under six years of age who are related 134156
to a licensee, administrator, or employee and who are on the 134157
premises of the type A home shall be counted. "Type A family 134158
~~day-care~~ child care home" and "type A home" do not include any 134159
child day camp. 134160

(VV) "Type B family ~~day-care~~ child care home" and "type B 134161
home" mean a permanent residence of the provider in which care is 134162
provided for one to six children at one time and in which no more 134163
than three children are under two years of age at one time. In 134164
counting children for the purposes of this division, any children 134165
under six years of age who are related to the provider and who are 134166
on the premises of the type B home shall be counted. "Type B 134167

family ~~day-care~~ child care home" and "type B home" do not include 134168
any child day camp. 134169

Sec. 5104.013. (A) As used in this section: 134170

(1) "Applicant" means either of the following: 134171

(a) A person who is under final consideration for appointment 134172
to or employment in a position with a licensed preschool program 134173
or licensed school child program that provides publicly funded 134174
child care, child ~~day-care~~ care center, type A family ~~day-care~~ 134175
child care home, licensed type B family ~~day-care~~ child care home, 134176
or child day camp; 134177

(b) A person who would serve in any position with a licensed 134178
preschool program or licensed school child program that provides 134179
publicly funded child care, child ~~day-care~~ care center, type A 134180
family ~~day-care~~ child care home, licensed type B family ~~day-care~~ 134181
child care home, or child day camp pursuant to a contract with 134182
another entity. 134183

(2) "Criminal records check" has the same meaning as in 134184
section 109.572 of the Revised Code. 134185

(B)(1) At the times specified in division (B)(2)(a) of this 134186
section, the director of job and family services shall request the 134187
superintendent of the bureau of criminal identification and 134188
investigation to conduct a criminal records check for each of the 134189
following persons: 134190

(a) Any owner or licensee of a child ~~day-care~~ care center; 134191

(b) Any owner or licensee of a type A family ~~day-care~~ child 134192
care home or licensed type B family ~~day-care~~ child care home and 134193
any person eighteen years of age or older who resides in the home; 134194

(c) Any owner of an approved child day camp; 134195

(d) Any director of a licensed preschool program or licensed 134196

school child program that provides publicly funded child care; 134197

(e) Any in-home aide; 134198

(f) Any applicant or employee, including an administrator, of 134199
a child ~~day-care~~ care center, type A family ~~day-care~~ child care 134200
home, licensed type B family ~~day-care~~ child care home, approved 134201
child day camp, or licensed preschool program or licensed school 134202
child program that provides publicly funded child care. 134203

(2)(a) The director shall request a criminal records check at 134204
the following times: 134205

(i) In the case of an owner or licensee of child ~~day-care~~ 134206
care center or an owner or licensee of a type A family ~~day-care~~ 134207
child care home or licensed type B family ~~day-care~~ child care home 134208
or a resident of such a home, at the time of initial application 134209
for licensure and every five years thereafter; 134210

(ii) In the case of an owner of an approved child day camp, 134211
at the time of initial application for approval and every five 134212
years thereafter; 134213

(iii) In the case of a director of a licensed child care 134214
program or licensed school child program, at the time of initial 134215
application to provide publicly funded child care and every five 134216
years thereafter; 134217

(iv) In the case of an in-home aide, at the time of initial 134218
application for certification and every five years thereafter; 134219

(v) Except as provided in division (B)(2)(a)(vi) of this 134220
section, in the case of an applicant or employee, at the time of 134221
initial application for employment and every five years 134222
thereafter; 134223

(vi) In the case of an applicant who has been determined 134224
eligible for employment after a review of a criminal records check 134225
within the past five years and who has been employed by a licensed 134226

preschool program or licensed school child program that provides 134227
publicly funded child care, child ~~day-care~~ care center, type A 134228
family ~~day-care~~ child care home, licensed type B family ~~day-care~~ 134229
child care home, or approved child day camp within the past one 134230
hundred eighty consecutive days, every five years after the date 134231
of the initial determination. 134232

(b) A criminal records check requested at the time of initial 134233
application shall include a request that the superintendent of the 134234
bureau of criminal identification and investigation obtain 134235
information from the federal bureau of investigation as part of 134236
the criminal records check for the person, including 134237
fingerprint-based checks of national crime information databases 134238
as described in 42 U.S.C. 671 for the person subject to the 134239
criminal records check. 134240

(c) A criminal records check requested at any time other than 134241
the time of initial application may include a request that the 134242
superintendent of the bureau of criminal identification and 134243
investigation obtain information from the federal bureau of 134244
investigation as part of the criminal records check for the 134245
person, including fingerprint-based checks of national crime 134246
information databases as described in 42 U.S.C. 671 for the person 134247
subject to the criminal records check. 134248

(3) With respect to a criminal records check requested for a 134249
person described in division (B)(1) of this section, the director 134250
of job and family services shall do all of the following: 134251

(a) Provide to the person a copy of the form prescribed 134252
pursuant to division (C)(1) of section 109.572 of the Revised Code 134253
and a standard impression sheet to obtain fingerprint impressions 134254
prescribed pursuant to division (C)(2) of that section; 134255

(b) Obtain the completed form and impression sheet from the 134256
person; 134257

(c) Forward the completed form and impression sheet to the superintendent of the bureau of criminal identification and investigation;

(d) Review the results of the criminal records check.

(4) A person who receives from the director a copy of the form and standard impression sheet and who is requested to complete the form and provide a set of fingerprint impressions shall complete the form or provide all of the information necessary to complete the form and shall provide the impression sheet with the impressions of the person's fingerprints. If the person, upon request, fails to provide the information necessary to complete the form or fails to provide impressions of the person's fingerprints, the director or a county director of job and family services may consider the failure a reason to deny licensure, approval, or certification or to determine an employee ineligible for employment.

(5) Except as provided in rules adopted under division (F) of this section:

(a) The director of job and family services shall refuse to issue a license to or approve a center, type A home, type B home, child day camp, preschool program, or school child program, and shall revoke a license or approval, and a county director of job and family services shall not certify an in-home aide and shall revoke a certification, if a person for whom a criminal records check was required under division (B)(1)(a) to (B)(1)(e) of this section has been convicted of or pleaded guilty to any of the violations described in division (A)(5) of section 109.572 of the Revised Code.

(b) The director of job and family services shall not issue a license to a type A home or type B home if a resident of the type A home or type B home is under eighteen years of age and has been

adjudicated a delinquent child for committing either a violation 134289
of any section listed in division (A)(5) of section 109.572 of the 134290
Revised Code or an offense of another state or the United States 134291
that is substantially equivalent to an offense listed in division 134292
(A)(5) of section 109.572 of the Revised Code. 134293

(c) The director shall determine an applicant or employee 134294
ineligible for employment if the person has been convicted of or 134295
pleaded guilty to any of the violations described in division 134296
(A)(5) of section 109.572 of the Revised Code. 134297

(6) Each child ~~day-care~~ care center, type A home, type B 134298
home, approved child day camp, licensed child care program, 134299
licensed school child program, and in-home aide shall pay to the 134300
bureau of criminal identification and investigation the fee 134301
prescribed pursuant to division (C)(3) of section 109.572 of the 134302
Revised Code for each criminal records check conducted in 134303
accordance with that section upon a request made pursuant to 134304
division (B) of this section. 134305

A center, home, camp, preschool program, or school child 134306
program may charge an applicant a fee for the costs it incurs in 134307
obtaining a criminal records check under this section. A fee 134308
charged under this division shall not exceed the amount the 134309
center, home, camp, or program pays under this section. If a fee 134310
is charged, the center, home, camp, or program shall notify the 134311
applicant at the time of the applicant's initial application for 134312
employment of the amount of the fee and that, unless the fee is 134313
paid, the center, home, camp, or program will not consider the 134314
applicant for employment. 134315

(7) The report of any criminal records check conducted by the 134316
bureau of criminal identification and investigation in accordance 134317
with section 109.572 of the Revised Code and pursuant to a request 134318
made under division (B) of this section is confidential and not a 134319
public record for the purposes of section 149.43 of the Revised 134320

Code. The report shall not be made available to any person other than the person who is the subject of the criminal records check or the person's representative, the director of job and family services, the director of a county department of job and family services, and any court, hearing officer, or other necessary individual involved in a case dealing with a denial or revocation of licensure, approval, or certification related to the criminal records check.

(C)(1) At the times specified in division (C)(2) of this section, the director of job and family services shall search the uniform statewide automated child welfare information system for information concerning any abuse or neglect report made pursuant to section 2151.421 of the Revised Code of which any of the following persons is a subject:

(a) Any owner or licensee of a child ~~day-care~~ care center;

(b) Any owner or licensee of a type A family ~~day-care~~ child care home or licensed type B family ~~day-care~~ child care home and any person eighteen years of age or older who resides in the home;

(c) Any owner of an approved child day camp;

(d) Any director of a licensed preschool program or licensed school child program that provides publicly funded child care;

(e) Any in-home aide;

(f) Any applicant or employee, including an administrator, of a child ~~day-care~~ care center, type A family ~~day-care~~ child care home, licensed type B family ~~day-care~~ child care home, approved child day camp, or licensed preschool program or licensed school child program that provides publicly funded child care.

(2) The director shall search the information system at the following times:

~~(i)~~(a) In the case of an owner or licensee of child ~~day-care~~

care center or an owner or licensee of a type A family ~~day-care~~ 134351
child care home or licensed type B family ~~day-care~~ child care home 134352
or a resident of such a home, at the time of initial application 134353
for licensure and every five years thereafter; 134354

~~(ii)~~(b) In the case of an owner of an approved child day 134355
camp, at the time of initial application for approval and every 134356
five years thereafter; 134357

~~(iii)~~(c) In the case of a director of a licensed child care 134358
program or licensed school child program, at the time of initial 134359
application to provide publicly funded child care and every five 134360
years thereafter; 134361

~~(iv)~~(d) In the case of an in-home aide, at the time of 134362
initial application for certification and every five years 134363
thereafter; 134364

~~(v)~~(e) Except as provided in division ~~(C)(2)(a)~~~~(vi)~~(C)(2)(f) 134365
of this section, in the case of an applicant or employee, at the 134366
time of initial application for employment and every five years 134367
thereafter; 134368

~~(vi)~~(f) In the case of an applicant who has been determined 134369
eligible for employment after a search of the uniform statewide 134370
automated child welfare information system within the past five 134371
years and who has been employed by a licensed preschool program or 134372
licensed school child program that provides publicly funded child 134373
care, child ~~day-care~~ care center, type A family ~~day-care~~ child 134374
care home, licensed type B family ~~day-care~~ child care home, or 134375
approved child day camp within the past one hundred eighty 134376
consecutive days, every five years after the date of the initial 134377
determination. 134378

(3) The director shall consider any information discovered 134379
pursuant to division (C)(1) of this section or that is provided by 134380
a public children services agency pursuant to section 5153.175 of 134381

the Revised Code. If the director determines that the information, 134382
when viewed within the totality of the circumstances, reasonably 134383
leads to the conclusion that the person may directly or indirectly 134384
endanger the health, safety, or welfare of children, the director 134385
or county director of job and family services shall do any of the 134386
following: 134387

(a) Refuse to issue a license to or approve a center, type A 134388
home, type B home, child day camp, preschool program, or school 134389
child program; 134390

(b) Revoke a license or approval; 134391

(c) Refuse to certify an in-home aide or revoke a 134392
certification; 134393

(d) Determine an applicant or employee ineligible for 134394
employment with the center, type A home, licensed type B home, 134395
child day camp, preschool program, or school child program. 134396

(4) Any information obtained under division (C) of this 134397
section is confidential and not a public record for the purposes 134398
of section 149.43 of the Revised Code. The information shall not 134399
be made available to any person other than the person who is the 134400
subject of the search or the person's representative, the director 134401
of job and family services, the director of a county department of 134402
job and family services, and any court, hearing officer, or other 134403
necessary individual involved in a case dealing with a denial or 134404
revocation of licensure, approval, or certification related to the 134405
search. 134406

(D)(1) At the times specified in division (D)(2) of this 134407
section, the director of job and family services shall inspect the 134408
state registry of sex offenders and child-victim offenders 134409
established under section 2950.13 of the Revised Code and the 134410
national sex offender registry as described in 42 U.S.C. 16901 to 134411
determine if any of the following persons is registered or 134412

required to be registered as an offender: 134413

(a) Any owner or licensee of a child ~~day-care~~ care center; 134414

(b) Any owner or licensee of a type A family ~~day-care~~ child care home or licensed type B family ~~day-care~~ child care home and any person eighteen years of age or older who resides in the home; 134415
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(c) Any owner of an approved child day camp; 134418

(d) Any director of a licensed preschool program or licensed school child program that provides publicly funded child care; 134419
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(e) Any in-home aide; 134421

(f) Any applicant or employee, including an administrator, of a child ~~day-care~~ care center, type A family ~~day-care~~ child care home, licensed type B family ~~day-care~~ child care home, approved child day camp, or licensed preschool program or licensed school child program that provides publicly funded child care. 134422
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(2) The director shall inspect each registry at the following times: 134427
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~~(i)~~(a) In the case of an owner or licensee of child ~~day-care~~ care center or an owner or licensee of a type A family ~~day-care~~ child care home or type B family ~~day-care~~ child care home or a resident of such a home, at the time of initial application for licensure and every five years thereafter; 134429
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~~(ii)~~(b) In the case of an owner of an approved child day camp, at the time of initial application for approval and every five years thereafter; 134434
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134436

~~(iii)~~(c) In the case of a director of a licensed child care program or licensed school child program, at the time of initial application to provide publicly funded child care; 134437
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134439

~~(iv)~~(d) In the case of an in-home aide, at the time of initial application for certification and every five years thereafter; 134440
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134442

~~(v)~~(e) Except as provided in division ~~(D)(2)(a)~~(D)(2)(f) 134443
of this section, in the case of an applicant or employee, at the 134444
time of initial application for employment and every five years 134445
thereafter; 134446

~~(vi)~~(f) In the case of an applicant who has been determined 134447
eligible for employment after an inspection of the state registry 134448
of sex offenders and child-victim offenders established under 134449
section 2950.13 of the Revised Code and the national sex offender 134450
registry as described in 42 U.S.C. 16901 within the past five 134451
years and who has been employed by a licensed preschool program or 134452
licensed school child program that provides publicly funded child 134453
care, child ~~day-care~~ care center, type A family ~~day-care~~ child 134454
care home, licensed type B family ~~day-care~~ child care home, or 134455
approved child day camp within the past one hundred eighty 134456
consecutive days, every five years after the date of the initial 134457
determination. 134458

(3) If the director determines that the person is registered 134459
or required to be registered on either registry, the director or 134460
county director of job and family services shall do any of the 134461
following: 134462

(a) Refuse to issue a license to or approve a center, type A 134463
home, type B home, child day camp, preschool program, or school 134464
child program; 134465

(b) Revoke a license or approval; 134466

(c) Refuse to certify an in-home aide or revoke a 134467
certification; 134468

(d) Determine an applicant or employee ineligible for 134469
employment with the center, type A home, licensed type B home, 134470
child day camp, preschool program, or school child program. 134471

(4) Any information obtained under division (D) of this 134472
section is confidential and not a public record for the purposes 134473

of section 149.43 of the Revised Code. The information shall not
be made available to any person other than the person who is the
subject of the inspection or the person's representative, the
director of job and family services, the director of a county
department of job and family services, and any court, hearing
officer, or other necessary individual involved in a case dealing
with a denial or revocation of licensure, approval, or
certification related to the search.

(E) Whenever the director of job and family services
determines a person ineligible for employment under division (B),
(C), or (D) of this section, the director shall as soon as
practicable notify the following of that determination: the
licensed preschool program or licensed school child program that
provides publicly funded child care, child ~~day-care~~ care center,
type A family ~~day-care~~ child care home, licensed type B family
~~day-care~~ child care home, or approved child day camp that is
considering the person for appointment or employment. A licensed
preschool program or licensed school child program that provides
publicly funded child care, child ~~day-center~~ care center, type A
family ~~day-care~~ child care home, licensed type B family ~~day-care~~
child care home, or approved child day camp shall not employ a
person who is determined under this section to be ineligible for
employment.

(F)(1) An administrator of a child day camp, other than an
approved child day camp shall request the superintendent of the
bureau of criminal identification and investigation to conduct a
criminal records check for any applicant or employee, including an
administrator, of the child day camp. The request shall be made at
the time of initial application for employment and every five
years thereafter.

(2) A criminal records check requested at the time of initial
application shall include a request that the superintendent of the

bureau of criminal identification and investigation obtain 134506
information from the federal bureau of investigation as part of 134507
the criminal records check for the person, including 134508
fingerprint-based checks of national crime information databases 134509
as described in 42 U.S.C. 671 for the person subject to the 134510
criminal records check. 134511

(3) A criminal records check requested at any time other than 134512
the time of initial application may include a request that the 134513
superintendent of the bureau of criminal identification and 134514
investigation obtain information from the federal bureau of 134515
investigation as part of the criminal records check for the 134516
person, including fingerprint-based checks of national crime 134517
information databases as described in 42 U.S.C. 671 for the person 134518
subject to the criminal records check. 134519

(4) With respect to a criminal records check requested under 134520
division (F) of this section, the administrator shall do all of 134521
the following: 134522

(a) Provide to the applicant or employee a copy of the form 134523
prescribed pursuant to division (C)(1) of section 109.572 of the 134524
Revised Code and a standard impression sheet to obtain fingerprint 134525
impressions prescribed pursuant to division (C)(2) of that 134526
section; 134527

(b) Obtain the completed form and impression sheet from the 134528
applicant or employee; 134529

(c) Forward the completed form and impression sheet to the 134530
superintendent of the bureau of criminal identification and 134531
investigation; 134532

(d) Review the results of the criminal records check. 134533

(5) An applicant or employee who receives from the 134534
administrator a copy of the form and standard impression sheet and 134535
who is requested to complete the form and provide a set of 134536

fingerprint impressions shall complete the form or provide all of 134537
the information necessary to complete the form and shall provide 134538
the impression sheet with the impressions of the person's 134539
fingerprints. If the applicant or employee, upon request, fails to 134540
provide the information necessary to complete the form or fails to 134541
provide impressions of the person's fingerprints, the 134542
administrator may consider the failure a reason to determine an 134543
applicant or employee ineligible for employment. 134544

(6) A child day camp, other than an approved child day camp, 134545
may employ an applicant or continue to employ an employee until 134546
the criminal records check required by this section is completed 134547
and the camp receives the results of the check. Until the 134548
administrator has reviewed the results of the criminal records 134549
check and determines that the applicant or employee is eligible 134550
for employment, the camp shall not grant the applicant or employee 134551
sole responsibility for the care, custody, or control of a child. 134552
If the results indicate that the applicant or employee is 134553
ineligible for employment, the camp shall immediately release the 134554
applicant or employee from employment. 134555

(7) Except as provided in rules adopted under this section, 134556
the administrator shall determine an applicant or employee 134557
ineligible for employment if the person has been convicted of or 134558
pleaded guilty to any of the violations described in division 134559
(A)(5) of section 109.572 of the Revised Code. If the applicant or 134560
employee is determined ineligible, the child day camp shall not 134561
employ the applicant or employee or contract with another entity 134562
for the services of the applicant or employee. 134563

(8) Each child day camp shall pay to the bureau of criminal 134564
identification and investigation the fee prescribed pursuant to 134565
division (C)(3) of section 109.572 of the Revised Code for each 134566
criminal records check conducted in accordance with that section 134567
upon a request made pursuant to division (F) of this section. A 134568

camp may charge an applicant or employee a fee for the costs it 134569
incurs in obtaining a criminal records check under division (F) of 134570
this section. A fee charged under this division shall not exceed 134571
the fees the camp pays under this section. If a fee is charged, 134572
the camp shall notify the applicant at the time of the applicant's 134573
initial application for employment of the amount of the fee and 134574
that, unless the fee is paid, the camp will not consider the 134575
applicant for employment. 134576

(9) The report of any criminal records check conducted by the 134577
bureau of criminal identification and investigation in accordance 134578
with section 109.572 of the Revised Code and pursuant to a request 134579
made under division (F) of this section is confidential and not a 134580
public record for the purposes of section 149.43 of the Revised 134581
Code. The report shall not be made available to any person other 134582
than the person who is the subject of the criminal records check 134583
or the person's representative, the director of job and family 134584
services, the administrator, and any court, hearing officer, or 134585
other necessary individual involved in a case dealing with a 134586
denial or revocation of registration related to the criminal 134587
records check. 134588

(G) The director of job and family services shall adopt rules 134589
as necessary to implement this section. The rules shall be adopted 134590
in accordance with Chapter 119. of the Revised Code. The rules 134591
shall specify exceptions to the prohibitions in ~~division~~ divisions 134592
(B), (E), and (F) of this section for a person who has been 134593
convicted of or pleaded guilty to a criminal offense listed in 134594
division (A)(5) of section 109.572 of the Revised Code but who 134595
meets standards in regard to rehabilitation set by the director. 134596

(H)(1) Whenever the director of job and family services 134597
requests a criminal records check, searches the uniform statewide 134598
automated child welfare information system, or inspects the state 134599
registry of sex offenders and child-victim offenders and national 134600

sex offender registry as required by this section and finds that a 134601
person who is subject to the requirements of division (B), (C), or 134602
(D) of this section resided in another state during the previous 134603
five years, the director shall request the following from the 134604
other state: a criminal records check and information from the 134605
uniform statewide automated child welfare information system or 134606
state registry of sex offenders. 134607

(2) Whenever the director receives from an agency of another 134608
state a request for a criminal records check or for information 134609
from the uniform statewide automated child welfare information 134610
system or state registry of sex offenders that is related to a 134611
child care license or the provision of publicly funded child care, 134612
the director shall provide to that other state's agency the 134613
results of the records check and information from the system and 134614
registry. 134615

Sec. 5104.014. (A) As used in this section: 134616

(1) "Child" includes both of the following: 134617

(a) An infant, toddler, or preschool age child; 134618

(b) A school-age child who is not enrolled in a public or 134619
nonpublic school but is enrolled in a child ~~day-care~~ care center, 134620
type A family ~~day-care~~ child care home, or licensed type B family 134621
~~day-care~~ child care home or receives child care from a certified 134622
in-home aide. 134623

(2) "In the process of being immunized" means having received 134624
at least the first dose of an immunization sequence and complying 134625
with the immunization intervals or catch-up schedule prescribed by 134626
the director of health. 134627

(B) Except as provided in division (C) of this section, not 134628
later than thirty days after enrollment in a child ~~day-care~~ care 134629
center, type A family ~~day-care~~ child care home, or licensed type B 134630

family ~~day-care~~ child care home and every thirteen months 134631
thereafter while enrolled in the center or home and not later than 134632
thirty days after beginning to receive child care from a certified 134633
in-home aide and every thirteen months thereafter while continuing 134634
to receive child care from the aide, each child's caretaker parent 134635
shall provide to the center, home, or in-home aide a medical 134636
statement, as described in division (D) of this section, 134637
indicating that the child has been immunized against or is in the 134638
process of being immunized against all of the following diseases: 134639

- (1) Chicken pox; 134640
- (2) Diphtheria; 134641
- (3) Haemophilus influenzae type b; 134642
- (4) Hepatitis A; 134643
- (5) Hepatitis B; 134644
- (6) Influenza; 134645
- (7) Measles; 134646
- (8) Mumps; 134647
- (9) Pertussis; 134648
- (10) Pneumococcal disease; 134649
- (11) Poliomyelitis; 134650
- (12) Rotavirus; 134651
- (13) Rubella; 134652
- (14) Tetanus. 134653

(C)(1) A child is not required to be immunized against a 134654
disease specified in division (B) of this section if any of the 134655
following is the case: 134656

- (a) Immunization against the disease is medically 134657
contraindicated for the child; 134658

(b) The child's parent or guardian has declined to have the child immunized against the disease for reasons of conscience, including religious convictions;

(c) Immunization against the disease is not medically appropriate for the child's age.

(2) In the case of influenza, a child is not required to be immunized against the disease if the seasonal vaccine is not available.

(D)(1) The medical statement shall include all of the following information:

(a) The dates that a child received immunizations against each of the diseases specified in division (B) of this section;

(b) Whether a child is subject to any of the exceptions specified in division (C) of this section.

(2) The medical statement shall include a component where a parent or guardian may indicate that the parent or guardian has declined to have the child immunized.

Sec. 5104.015. The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code governing the operation of child ~~day-care~~ care centers, including parent cooperative centers, part-time centers, and drop-in centers. The rules shall reflect the various forms of child care and the needs of children receiving child care or publicly funded child care and shall include specific rules for school-age child care centers that are developed in consultation with the department of education. The rules shall include the following:

(A) Submission of a site plan and descriptive plan of operation to demonstrate how the center proposes to meet the requirements of this chapter and rules adopted pursuant to this chapter for the initial license application;

(B) Standards for ensuring that the physical surroundings of the center are safe and sanitary including the physical environment, the physical plant, and the equipment of the center;	134689 134690 134691
(C) Standards for the supervision, care, and discipline of children receiving child care or publicly funded child care in the center;	134692 134693 134694
(D) Standards for a program of activities, and for play equipment, materials, and supplies, to enhance the development of each child; however, any educational curricula, philosophies, and methodologies that are developmentally appropriate and that enhance the social, emotional, intellectual, and physical development of each child shall be permissible. As used in this division, "program" does not include instruction in religious or moral doctrines, beliefs, or values that is conducted at child day-care <u>care</u> centers owned and operated by churches and does include methods of disciplining children at child day-care <u>care</u> centers.	134695 134696 134697 134698 134699 134700 134701 134702 134703 134704 134705
(E) Admissions policies and procedures;	134706
(F) Health care policies and procedures, including procedures for the isolation of children with communicable diseases;	134707 134708
(G) First aid and emergency procedures;	134709
(H) Procedures for discipline and supervision of children;	134710
(I) Standards for the provision of nutritious meals and snacks;	134711 134712
(J) Procedures for screening children that may include any necessary physical examinations and shall include immunizations in accordance with section 5104.014 of the Revised Code;	134713 134714 134715
(K) Procedures for screening employees that may include any necessary physical examinations and immunizations;	134716 134717
(L) Methods for encouraging parental participation in the	134718

center and methods for ensuring that the rights of children,	134719
parents, and employees are protected and that responsibilities of	134720
parents and employees are met;	134721
(M) Procedures for ensuring the safety and adequate	134722
supervision of children traveling off the premises of the center	134723
while under the care of a center employee;	134724
(N) Procedures for record keeping, organization, and	134725
administration;	134726
(O) Procedures for issuing, denying, and revoking a license	134727
that are not otherwise provided for in Chapter 119. of the Revised	134728
Code;	134729
(P) Inspection procedures;	134730
(Q) Procedures and standards for setting initial license	134731
application fees;	134732
(R) Procedures for receiving, recording, and responding to	134733
complaints about centers;	134734
(S) Procedures for enforcing section 5104.04 of the Revised	134735
Code;	134736
(T) Minimum qualifications for employment as an administrator	134737
or child care <u>child care</u> staff member;	134738
(U) Requirements for the training of administrators and	134739
child care <u>child care</u> staff members, including training in first	134740
aid, in prevention, recognition, and management of communicable	134741
diseases, and in child abuse recognition and prevention;	134742
(V) Standards providing for the needs of children who have	134743
disabilities or who require treatment for health conditions while	134744
the child is receiving child care or publicly funded child care in	134745
the center;	134746
(W) A procedure for reporting of injuries of children that	134747
occur at the center;	134748

(X) Standards for licensing child ~~day-care~~ care centers for 134749
children with short-term illnesses and other temporary medical 134750
conditions; 134751

(Y) Minimum requirements for instructional time for child 134752
~~day-care~~ care centers rated through the step up to quality program 134753
established pursuant to section 5104.29 of the Revised Code; 134754

(Z) Any other procedures and standards necessary to carry out 134755
the provisions of this chapter regarding child ~~day-care~~ care 134756
centers. 134757

Sec. 5104.016. The director of job and family services, in 134758
addition to the rules adopted under section 5104.015 of the 134759
Revised Code, shall adopt rules establishing minimum requirements 134760
for child ~~day-care~~ care centers. The rules shall include the 134761
requirements set forth in sections 5104.032 to 5104.034 of the 134762
Revised Code. Except as provided in section 5104.07 of the Revised 134763
Code, the rules shall not change the square footage requirements 134764
of section 5104.032 of the Revised Code or the maximum number of 134765
children per ~~child-care~~ care staff member and maximum group size 134766
requirements of section 5104.033 of the Revised Code. However, the 134767
rules shall provide procedures for determining compliance with 134768
those requirements. 134769

Sec. 5104.017. The director of job and family services shall 134770
adopt rules pursuant to Chapter 119. of the Revised Code governing 134771
the operation of type A family ~~day-care~~ child care homes, 134772
including parent cooperative type A homes, part-time type A homes, 134773
and drop-in type A homes. The rules shall reflect the various 134774
forms of child care and the needs of children receiving child 134775
care. The rules shall include the following: 134776

(A) Submission of a site plan and descriptive plan of 134777
operation to demonstrate how the type A home proposes to meet the 134778

requirements of this chapter and rules adopted pursuant to this	134779
chapter for the initial license application;	134780
(B) Standards for ensuring that the physical surroundings of	134781
the type A home are safe and sanitary, including the physical	134782
environment, the physical plant, and the equipment of the type A	134783
home;	134784
(C) Standards for the supervision, care, and discipline of	134785
children receiving child care or publicly funded child care in the	134786
type A home;	134787
(D) Standards for a program of activities, and for play	134788
equipment, materials, and supplies, to enhance the development of	134789
each child; however, any educational curricula, philosophies, and	134790
methodologies that are developmentally appropriate and that	134791
enhance the social, emotional, intellectual, and physical	134792
development of each child shall be permissible;	134793
(E) Admissions policies and procedures;	134794
(F) Health care policies and procedures, including procedures	134795
for the isolation of children with communicable diseases;	134796
(G) First aid and emergency procedures;	134797
(H) Procedures for discipline and supervision of children;	134798
(I) Standards for the provision of nutritious meals and	134799
snacks;	134800
(J) Procedures for screening children, including any	134801
necessary physical examinations and the immunizations required	134802
pursuant to section 5104.014 of the Revised Code;	134803
(K) Procedures for screening employees, including any	134804
necessary physical examinations and immunizations;	134805
(L) Methods for encouraging parental participation in the	134806
type A home and methods for ensuring that the rights of children,	134807
parents, and employees are protected and that the responsibilities	134808

of parents and employees are met;	134809
(M) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the type A home while under the care of a type A home employee;	134810 134811 134812
(N) Procedures for record keeping, organization, and administration;	134813 134814
(O) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	134815 134816 134817
(P) Inspection procedures;	134818
(Q) Procedures and standards for setting initial license application fees;	134819 134820
(R) Procedures for receiving, recording, and responding to complaints about type A homes;	134821 134822
(S) Procedures for enforcing section 5104.04 of the Revised Code;	134823 134824
(T) A standard requiring the inclusion of a current department of job and family services toll-free telephone number on each type A home license that any person may use to report a suspected violation by the type A home of this chapter or rules adopted pursuant to this chapter;	134825 134826 134827 134828 134829
(U) Requirements for the training of administrators and child care <u>child care</u> staff members in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention;	134830 134831 134832 134833
(V) Standards providing for the needs of children who have disabilities or who require treatment for health conditions while the child is receiving child care or publicly funded child care in the type A home;	134834 134835 134836 134837
(W) Standards for the maximum number of children per	134838

child care <u>child care</u> staff member;	134839
(X) Requirements for the amount of usable indoor floor space for each child;	134840 134841
(Y) Requirements for safe outdoor play space;	134842
(Z) Qualifications and training requirements for administrators and for child care <u>child care</u> staff members;	134843 134844
(AA) Procedures for granting a parent who is the residential parent and legal custodian, or a custodian or guardian access to the type A home during its hours of operation;	134845 134846 134847
(BB) Minimum requirements for instructional time for type A homes rated through the step up to quality program established pursuant to section 5104.29 of the Revised Code;	134848 134849 134850
(CC) Any other procedures and standards necessary to carry out the provisions of this chapter regarding type A homes.	134851 134852
Sec. 5104.018. The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code governing the licensure of type B family day-care <u>child care</u> homes. The rules shall provide for safeguarding the health, safety, and welfare of children receiving child care or publicly funded child care in a licensed type B family day-care <u>child care</u> home and shall include all of the following:	134853 134854 134855 134856 134857 134858 134859
(A) Requirements for the type B home to notify parents with children in the type B home that the type B home is certified as a foster home under section 5103.03 of the Revised Code;	134860 134861 134862
(B) Standards for ensuring that the type B home and the physical surroundings of the type B home are safe and sanitary, including physical environment, physical plant, and equipment;	134863 134864 134865
(C) Standards for the supervision, care, and discipline of children receiving child care or publicly funded child care in the	134866 134867

home;	134868
(D) Standards for a program of activities, and for play equipment, materials, and supplies to enhance the development of each child; however, any educational curricula, philosophies, and methodologies that are developmentally appropriate and that enhance the social, emotional, intellectual, and physical development of each child shall be permissible;	134869 134870 134871 134872 134873 134874
(E) Admission policies and procedures;	134875
(F) Health care, first aid and emergency procedures;	134876
(G) Procedures for the care of sick children;	134877
(H) Procedures for discipline and supervision of children;	134878
(I) Nutritional standards;	134879
(J) Procedures for screening children, including any necessary physical examinations and the immunizations required pursuant to section 5104.014 of the Revised Code;	134880 134881 134882
(K) Procedures for screening administrators and employees, including any necessary physical examinations and immunizations;	134883 134884
(L) Methods of encouraging parental participation and ensuring that the rights of children, parents, and administrators are protected and the responsibilities of parents and administrators are met;	134885 134886 134887 134888
(M) Standards for the safe transport of children when under the care of administrators;	134889 134890
(N) Procedures for issuing, denying, or revoking licenses;	134891
(O) Procedures for the inspection of type B homes that require, at a minimum, that each type B home be inspected prior to licensure to ensure that the home is safe and sanitary;	134892 134893 134894
(P) Procedures for record keeping and evaluation;	134895
(Q) Procedures for receiving, recording, and responding to	134896

complaints;	134897
(R) Standards providing for the needs of children who have disabilities or who receive treatment for health conditions while the child is receiving child care or publicly funded child care in the type B home;	134898 134899 134900 134901
(S) Requirements for the amount of usable indoor floor space for each child;	134902 134903
(T) Requirements for safe outdoor play space;	134904
(U) Qualification and training requirements for administrators;	134905 134906
(V) Procedures for granting a parent who is the residential parent and legal custodian, or a custodian or guardian access to the type B home during its hours of operation;	134907 134908 134909
(W) Requirements for the type B home to notify parents with children in the type B home that the type B home is certified as a foster home under section 5103.03 of the Revised Code;	134910 134911 134912
(X) Minimum requirements for instructional time for type B homes rated through the step up to quality program established pursuant to section 5104.29 of the Revised Code;	134913 134914 134915
(Y) Any other procedures and standards necessary to carry out the provisions of this chapter regarding licensure of type B homes.	134916 134917 134918
Sec. 5104.0111. (A) The director of job and family services shall do all of the following:	134919 134920
(1) Provide or make available in either paper or electronic form to each licensee notice of proposed rules governing the licensure of child day-care <u>care</u> centers, type A homes, and type B homes;	134921 134922 134923 134924
(2) Give public notice of hearings regarding the proposed	134925

rules at least thirty days prior to the date of the public hearing, in accordance with section 119.03 of the Revised Code; 134926
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(3) At least thirty days before the effective date of a rule, provide, in either paper or electronic form, a copy of the adopted rule to each licensee; 134928
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(4) Send to each county director of job and family services a notice of proposed rules governing the certification of in-home aides that includes an internet web site address where the proposed rules can be viewed; 134931
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(5) Provide to each county director of job and family services an electronic copy of each adopted rule at least forty-five days prior to the rule's effective date; 134935
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(6) Review all rules adopted pursuant to this chapter at least once every seven years. 134938
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(B) The county director of job and family services shall provide or make available in either paper or electronic form to each in-home aide copies of proposed rules and shall give public notice of hearings regarding the rules to each in-home aide at least thirty days prior to the date of the public hearing, in accordance with section 119.03 of the Revised Code. At least thirty days before the effective date of a rule, the county director of job and family services shall provide, in either paper or electronic form, copies of the adopted rule to each in-home aide. 134940
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(C) Additional copies of proposed and adopted rules shall be made available by the director of job and family services to the public on request at no charge. 134950
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(D) The director of job and family services may adopt rules in accordance with Chapter 119. of the Revised Code for imposing sanctions on persons and entities that are licensed or certified under this chapter. Sanctions may be imposed only for an action or 134953
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omission that constitutes a serious risk noncompliance. The 134957
sanctions imposed shall be based on the scope and severity of the 134958
violations. 134959

The director shall make a dispute resolution process 134960
available for the implementation of sanctions. The process may 134961
include an opportunity for appeal pursuant to Chapter 119. of the 134962
Revised Code. 134963

(E) The director of job and family services shall adopt rules 134964
in accordance with Chapter 119. of the Revised Code that establish 134965
standards for the training of individuals who inspect or 134966
investigate type B family ~~day-care~~ child care homes pursuant to 134967
section 5104.03 of the Revised Code. The department shall provide 134968
training in accordance with those standards for individuals in the 134969
categories described in this division. 134970

Sec. 5104.02. (A) The director of job and family services is 134971
responsible for licensing child ~~day-care~~ care centers, type A 134972
family ~~day-care~~ child care homes, and type B family ~~day-care~~ child 134973
care homes. Each entity operating a head start program shall meet 134974
the criteria for, and be licensed as, a child ~~day-care~~ care 134975
center. The director is responsible for the enforcement of this 134976
chapter and of rules promulgated pursuant to this chapter. 134977

No person, firm, organization, institution, or agency shall 134978
operate, establish, manage, conduct, or maintain a child ~~day-care~~ 134979
care center or type A family ~~day-care~~ child care home without a 134980
license issued under section 5104.03 of the Revised Code. The 134981
current license shall be posted in the center or home in a 134982
conspicuous place that is accessible to parents, custodians, or 134983
guardians and employees of the center or home at all times when 134984
the center or home is in operation. 134985

(B) A person, firm, institution, organization, or agency 134986
operating any of the following programs is exempt from the 134987

requirements of this chapter:	134988
(1) A program caring for children that operates for two consecutive weeks or less and not more than six weeks total in each calendar year;	134989 134990 134991
(2) Caring for children in places of worship during religious activities while at least one parent, guardian, or custodian of each child is participating in such activities and is readily available;	134992 134993 134994 134995
(3) Supervised training, instruction, or activities of children in specific areas, including, but not limited to: art; drama; dance; music; athletic skills or sports; computers; or an educational subject conducted on an organized or periodic basis that a child does not attend for more than eight total hours per week;	134996 134997 134998 134999 135000 135001
(4) Programs in which the director determines that at least one parent, custodian, or guardian of each child who is not an employee of the facility engaged in employment duties is on the premises of the facility that offers care and is readily accessible at all times;	135002 135003 135004 135005 135006
(5) Programs that provide care and are regulated by state departments other than the department of job and family services or the state board of education.	135007 135008 135009
(6) Any preschool program or school child program, except a head start program, that is subject to licensure by the department of education under sections 3301.52 to 3301.59 of the Revised Code.	135010 135011 135012 135013
(7) Any program providing care that meets all of the following requirements and, on October 20, 1987, was being operated by a nonpublic school that holds a charter issued by the state board of education for kindergarten only:	135014 135015 135016 135017

(a) The nonpublic school has given the notice to the state board and the director of job and family services required by Section 4 of Substitute House Bill No. 253 of the 117th general assembly;

(b) The nonpublic school continues to be chartered by the state board for kindergarten, or receives and continues to hold a charter from the state board for kindergarten through grade five;

(c) The program is conducted in a school building;

(d) The program is operated in accordance with rules promulgated by the state board under section 3301.53 of the Revised Code.

(8) A youth development program operated outside of school hours to which all of the following apply:

(a) The children enrolled in the program are under nineteen years of age and enrolled in or eligible to be enrolled in a grade of kindergarten or above.

(b) The program provides informal care, which is care that does not require parental signature, permission, or notice for the child receiving the care to enter or leave the program.

(c) The program provides any of the following supervised activities: educational, recreational, culturally enriching, social, and personal development activities.

(d) The entity operating the program is exempt from federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3).

(9) A preschool program operated by a nonchartered, nontax-supported school if the preschool program meets all of the following conditions:

(a) The program complies with state and local health, fire, and safety laws.

(b) The program annually certifies in a report to the parents

of its pupils that the school is in compliance with division 135048
(B)(9)(a) of this section and files a copy of the report with the 135049
department of job and family services on or before the thirtieth 135050
day of September of each year. 135051

(c) The program complies with all applicable reporting 135052
requirements in the same manner as required by the state board of 135053
education for nonchartered, nonpublic primary and secondary 135054
schools. 135055

(d) The program is associated with a nonchartered, 135056
nontax-supported primary or secondary school. 135057

(10) A program that provides activities for children who are 135058
five years of age or older and is operated by a county, township, 135059
municipal corporation, township park district created under 135060
section 511.18 of the Revised Code, park district created under 135061
section 1545.04 of the Revised Code, or joint recreation district 135062
established under section 755.14 of the Revised Code. 135063

Sec. 5104.021. The director of job and family services may 135064
issue a child ~~day-care~~ care center or type A family ~~day-care~~ child 135065
care home license to a youth development program that is exempted 135066
by division (B)(8) of section 5104.02 of the Revised Code from the 135067
requirements of this chapter if the youth development program 135068
applies for and meets all of the requirements for the license. 135069

Sec. 5104.022. In no case shall the director of job and 135070
family services issue a license to operate a type A family 135071
~~day-care~~ child care home if the type A home is certified as a 135072
foster home or specialized foster home pursuant to Chapter 5103. 135073
of the Revised Code. In no case shall the director issue a license 135074
to operate a type B family ~~day-care~~ child care home if the type B 135075
home is certified as a specialized foster home pursuant to Chapter 135076
5103. of the Revised Code. 135077

Sec. 5104.03. (A) As used in this section, "owner" has the same meaning as in section 5104.01 of the Revised Code, except that "owner" also includes a firm, organization, institution, or agency, as well as any individual governing board members, partners, or authorized representatives of the owner.

(B) Any person, firm, organization, institution, or agency seeking to establish a child ~~day-care~~ care center, type A family ~~day-care~~ child care home, or licensed type B family ~~day-care~~ child care home shall apply for a license to the director of job and family services on such form as the director prescribes. The director shall provide at no charge to each applicant for licensure a copy of the child care license requirements in this chapter and a copy of the rules adopted pursuant to this chapter. The copies may be provided in paper or electronic form.

Fees shall be set by the director pursuant to sections 5104.015, 5104.017, and 5104.018 of the Revised Code and shall be paid at the time of application for a license to operate a center, type A home, or type B home. Fees collected under this section shall be paid into the state treasury to the credit of the general revenue fund.

(C)(1) Upon filing of the application for a license, the director shall investigate and inspect the center, type A home, or type B home to determine the license capacity for each age category of children of the center, type A home, or type B home and to determine whether the center, type A home, or type B home complies with this chapter and rules adopted pursuant to this chapter. When, after investigation and inspection, the director is satisfied that this chapter and rules adopted pursuant to it are complied with, subject to division (G) of this section, a license shall be issued as soon as practicable in such form and manner as prescribed by the director. The license shall be designated as

provisional and shall be valid for at least twelve months from the 135109
date of issuance and until the continuous license is issued or 135110
until the provisional license is revoked or suspended pursuant to 135111
section 5104.042 of the Revised Code. 135112

(2) The director may contract with a government entity or a 135113
private nonprofit entity for the entity to inspect type A or type 135114
B family ~~day-care~~ child care homes pursuant to this section. If 135115
the director contracts with a government entity or private 135116
nonprofit entity for that purpose, the entity may contract with 135117
another government entity or private nonprofit entity for the 135118
other entity to inspect type A or type B homes pursuant to this 135119
section. The director, government entity, or private nonprofit 135120
entity shall conduct an inspection prior to the issuance of a 135121
license for a type A or type B home and, as part of that 135122
inspection, ensure that the home is safe and sanitary. 135123

(D) The director shall investigate and inspect the center, 135124
type A home, or type B home at least once during operation under a 135125
license designated as provisional. If after the investigation and 135126
inspection the director determines that the requirements of this 135127
chapter and rules adopted pursuant to this chapter are met, 135128
subject to division (G) of this section, the director shall issue 135129
a continuous license to the center or home. 135130

(E) Each license shall state the name of the licensee, the 135131
name of the administrator, the address of the center, type A home, 135132
or licensed type B home, and the license capacity for each age 135133
category of children. The license shall include thereon, in 135134
accordance with sections 5104.015, 5104.017, and 5104.018 of the 135135
Revised Code, the toll-free telephone number to be used by persons 135136
suspecting that the center, type A home, or licensed type B home 135137
has violated a provision of this chapter or rules adopted pursuant 135138
to this chapter. A license is valid only for the licensee, 135139
administrator, address, and license capacity for each age category 135140

of children designated on the license. The license capacity 135141
specified on the license is the maximum number of children in each 135142
age category that may be cared for in the center, type A home, or 135143
licensed type B home at one time. 135144

A center or home licensee shall notify the director in 135145
writing when the administrator, address, or license capacity of 135146
the center or home changes. The director shall amend the current 135147
license to reflect a change in any of the following: 135148

(1) An administrator, if the administrator meets the 135149
requirements of this chapter and rules adopted pursuant to this 135150
chapter; 135151

(2) Address, if the new address meets the requirements of 135152
this chapter and rules adopted pursuant to this chapter; 135153

(3) License capacity for any age category of children as 135154
determined by the director of job and family services. 135155

(F) If the director revokes the license of a center, a type A 135156
home, or a type B home, the director shall not issue another 135157
license to the owner of the center, type A home, or type B home 135158
until five years have elapsed from the date the license is 135159
revoked. 135160

If the director denies an application for a license, the 135161
director shall not consider another application from the applicant 135162
until five years have elapsed from the date the application is 135163
denied. 135164

(G)(1) Except as provided in division (G)(2) of this section, 135165
all actions of the director with respect to licensing centers, 135166
type A homes, or type B homes, refusal to license, and revocation 135167
of a license shall be in accordance with Chapter 119. of the 135168
Revised Code. Except as provided in division (G)(2) of this 135169
section, any applicant who is denied a license or any owner whose 135170
license is revoked may appeal in accordance with section 119.12 of 135171

the Revised Code. 135172

(2) The following actions by the director are not subject to 135173
Chapter 119. of the Revised Code: 135174

(a) The director ceases its review of an application because 135175
the owner of a center, type A home, or type B home sought a 135176
license before five years had elapsed from the date the previous 135177
license was revoked and the director does not issue the license. 135178

(b) The director ceases its review of an application because 135179
the applicant applied for licensure before five years had elapsed 135180
from the date the previous application was denied and the director 135181
does not issue the license. 135182

(c) The director closes a license because the director has 135183
determined that the center, type A home, or type B home is no 135184
longer operating at the address stated on the license and did not 135185
notify the director of the address change as described in division 135186
(E) of this section. 135187

(H) In no case shall the director issue a license under this 135188
section for a center, type A home, or type B home if the director, 135189
based on documentation provided by the appropriate county 135190
department of job and family services, determines that the 135191
applicant had been certified as an in-home aide, that the county 135192
department revoked that certification within the immediately 135193
preceding five years, that the revocation was based on the 135194
applicant's refusal or inability to comply with the criteria for 135195
certification, and that the refusal or inability resulted in a 135196
risk to the health or safety of children. 135197

(I) An owner of a type B family ~~day-care~~ child care home that 135198
receives a license pursuant to this section is an independent 135199
contractor and is not an employee of the department of job and 135200
family services. 135201

Sec. 5104.032. (A) The child ~~day-care~~ care center shall have, 135202
for each child for whom the center is licensed, at least 135203
thirty-five square feet of usable indoor floor space wall-to-wall 135204
regularly available for the child care operation exclusive of any 135205
parts of the structure in which the care of children is prohibited 135206
by law or by rules adopted by the board of building standards. The 135207
minimum of thirty-five square feet of usable indoor floor space 135208
shall not include hallways, kitchens, storage areas, or any other 135209
areas that are not available for the care of children, as 135210
determined by the director, in meeting the space requirement of 135211
this division, and bathrooms shall be counted in determining 135212
square footage only if they are used exclusively by children 135213
enrolled in the center, except that the exclusion of hallways, 135214
kitchens, storage areas, bathrooms not used exclusively by 135215
children enrolled in the center, and any other areas not available 135216
for the care of children from the minimum of thirty-five square 135217
feet of usable indoor floor space shall not apply to: 135218

(1) Centers licensed prior to or on September 1, 1986, that 135219
continue under licensure after that date; 135220

(2) Centers licensed prior to or on September 1, 1986, that 135221
are issued a new license after that date solely due to a change of 135222
ownership of the center. 135223

(B) The child ~~day-care~~ care center shall have on the site a 135224
safe outdoor play space which is enclosed by a fence or otherwise 135225
protected from traffic or other hazards. The play space shall 135226
contain not less than sixty square feet per child using such space 135227
at any one time, and shall provide an opportunity for supervised 135228
outdoor play each day in suitable weather. The director may exempt 135229
a center from the requirement of this division, if an outdoor play 135230
space is not available and if all of the following are met: 135231

(1) The center provides an indoor recreation area that has 135232

not less than sixty square feet per child using the space at any 135233
one time, that has a minimum of one thousand four hundred forty 135234
square feet of space, and that is separate from the indoor space 135235
required under division (A) of this section. 135236

(2) The director has determined that there is regularly 135237
available and scheduled for use a conveniently accessible and safe 135238
park, playground, or similar outdoor play area for play or 135239
recreation. 135240

(3) The children are closely supervised during play and while 135241
traveling to and from the area. 135242

The director also shall exempt from the requirement of this 135243
division a child ~~day-care~~ care center that was licensed prior to 135244
September 1, 1986, if the center received approval from the 135245
director prior to September 1, 1986, to use a park, playground, or 135246
similar area, not connected with the center, for play or 135247
recreation in lieu of the outdoor space requirements of this 135248
section and if the children are closely supervised both during 135249
play and while traveling to and from the area and except if the 135250
director determines upon investigation and inspection pursuant to 135251
section 5104.04 of the Revised Code and rules adopted pursuant to 135252
that section that the park, playground, or similar area, as well 135253
as access to and from the area, is unsafe for the children. 135254

Sec. 5104.033. (A)(1) A child ~~day-care~~ care center shall have 135255
at least two responsible adults available on the premises at all 135256
times when seven or more children are in the center. The center 135257
shall organize the children in the center in small groups, shall 135258
provide ~~child-care~~ child care staff to give continuity of care and 135259
supervision to the children on a day-by-day basis, and shall 135260
ensure that no child is left alone or unsupervised. Except as 135261
otherwise provided in division (B) of this section, the maximum 135262
number of children per ~~child-care~~ child care staff member and 135263

maximum group size, by age category of children, are as follows:			135264
	Maximum Number of		135265
	Children Per	Maximum	135266
Age Category	Child-Care <u>child</u>	Group	135267
	<u>care</u>		
of Children	Staff Member	Size	135268
(a) Infants:			135269
(i) Less than twelve			135270
months old	5:1, or		135271
	12:2 if two		135272
	child-care <u>child</u>		135273
	<u>care</u>		
	staff members		135274
	are in the room	12	135275
(ii) At least twelve			135276
months old, but			135277
less than eighteen			135278
months old	6:1	12	135279
(b) Toddlers:			135280
(i) At least eighteen			135281
months old, but			135282
less than thirty			135283
months old	7:1	14	135284
(ii) At least thirty months			135285
old, but less than			135286
three years old	8:1	16	135287
(c) Preschool-age			135288
children:			135289
(i) Three years old	12:1	24	135290
(ii) Four years old and			135291
five years old who			135292
are not school			135293

children	14:1	28	135294
(d) School-age children:			135295
(i) A child who is			135296
enrolled in or is			135297
eligible to be			135298
enrolled in a grade			135299
of kindergarten			135300
or above, but			135301
is less than			135302
eleven years old	18:1	36	135303
(ii) Eleven through fourteen			135304
years old	20:1	40	135305
(2) Except as otherwise provided in division (B) of this			135306
section, the maximum number of children per child-care <u>child care</u>			135307
staff member and maximum group size requirements of the younger			135308
age group shall apply when age groups are combined.			135309
(B)(1) When age groups are combined, the maximum number of			135310
children per child-care <u>child care</u> staff member shall be			135311
determined by the age of the youngest child in the group, except			135312
that when no more than one child thirty months of age or older			135313
receives services in a group in which all the other children are			135314
in the next older age group, the maximum number of children per			135315
child-care <u>child care</u> staff member and maximum group size			135316
requirements of the older age group established under division (A)			135317
of this section shall apply.			135318
(2) The maximum number of toddlers or preschool-age children			135319
per child-care <u>child care</u> staff member in a room where children are			135320
napping shall be twice the maximum number of children per			135321
child-care staff member established under division (A) of this			135322
section if all the following criteria are met:			135323
(a) At least one child-care <u>child care</u> staff member is			135324
present in the room.			135325

(b) Sufficient ~~child care~~ child care staff members are on the 135326
child ~~day care~~ care center premises to meet the maximum number of 135327
children per ~~child care~~ child care staff member requirements 135328
established under division (A) of this section. 135329

(c) Naptime preparations are complete and all napping 135330
children are resting or sleeping on cots. 135331

(d) The maximum number established under division (B)(2) of 135332
this section is in effect for no more than two hours during a 135333
twenty-four-hour day. 135334

Sec. 5104.034. Each child ~~day care~~ care center shall have on 135335
the center premises and readily available at all times at least 135336
one ~~child care~~ child care staff member who has completed a course 135337
in first aid, one staff member who has completed a course in 135338
prevention, recognition, and management of communicable diseases 135339
which is approved by the state department of health, and a staff 135340
member who has completed a course in child abuse recognition and 135341
prevention training which is approved by the department of job and 135342
family services. 135343

Sec. 5104.037. (A) As used in this section: 135344

(1) "Active tuberculosis" has the same meaning as in section 135345
339.71 of the Revised Code. 135346

(2) "Latent tuberculosis" means tuberculosis that has been 135347
demonstrated by a positive reaction to a tuberculosis test but has 135348
no clinical, bacteriological, or radiographic evidence of active 135349
tuberculosis. 135350

(3) "Licensed health professional" means any of the 135351
following: 135352

(a) A physician authorized under Chapter 4731. of the Revised 135353
Code to practice medicine and surgery or osteopathic medicine and 135354

surgery; 135355

(b) A physician assistant who holds a current, valid license to practice as a physician assistant issued under Chapter 4730. of the Revised Code; 135356
135357
135358

(c) A certified nurse practitioner as defined in section 4723.01 of the Revised Code; 135359
135360

(d) A clinical nurse specialist as defined in section 4723.01 of the Revised Code. 135361
135362

(4) "Tuberculosis control unit" means the county tuberculosis control unit designated by a board of county commissioners under section 339.72 of the Revised Code or the district tuberculosis control unit designated pursuant to an agreement entered into by two or more boards of county commissioners under that section. 135363
135364
135365
135366
135367

(5) "Tuberculosis test" means either of the following: 135368

(a) A two-step Mantoux tuberculin skin test; 135369

(b) A blood assay for m. tuberculosis. 135370

(B) Before employing a person as an administrator or employee, for the purpose of tuberculosis screening, each child ~~day-care~~ care center shall determine if the person has done both of the following: 135371
135372
135373
135374

(1) Resided in a country identified by the world health organization as having a high burden of tuberculosis; 135375
135376

(2) Arrived in the United States within the five years immediately preceding the date of application for employment. 135377
135378

(C) If the person meets the criteria described in division (B) of this section, the center shall require the person to undergo a tuberculosis test before employment. If the result of the test is negative, the center may employ the person. 135379
135380
135381
135382

(D) If the result of any tuberculosis test performed as 135383

described in division (C) of this section is positive, the center 135384
shall require the person to undergo additional testing for 135385
tuberculosis, which may include a chest radiograph or the 135386
collection and examination of specimens. 135387

(1) If additional testing indicates active tuberculosis, then 135388
until the person is no longer infectious as determined by the 135389
county tuberculosis unit, the center shall not employ the person 135390
or, if employed, shall not allow the person to be physically 135391
present at the center's location. 135392

For purposes of this section, evidence that a person is no 135393
longer infectious shall consist of a written statement to that 135394
effect signed by a representative of the tuberculosis control 135395
unit. 135396

(2) If additional testing indicates latent tuberculosis, then 135397
until the person submits to the program evidence that the person 135398
is receiving treatment as prescribed by a licensed health 135399
professional, the preschool program shall not employ the person 135400
or, if employed, shall not allow the person to be physically 135401
present at the program's location. Once the person submits to the 135402
program evidence that the person is in the process of completing a 135403
tuberculosis treatment regimen as prescribed by a licensed health 135404
professional, the preschool program may employ the person and 135405
allow the person to be physically present at the program's 135406
location so long as periodic evidence of compliance with the 135407
treatment regimen is submitted in accordance with rules adopted 135408
under section 3701.146 of the Revised Code. 135409

For purposes of this section, evidence that a person is in 135410
the process of completing and is compliant with a tuberculosis 135411
treatment regimen shall consist of a written statement to that 135412
effect signed by the tuberculosis control unit that is overseeing 135413
the person's treatment. 135414

Sec. 5104.038. The administrator of each child ~~day-care~~ care center shall maintain enrollment, health, and attendance records for all children attending the center and health and employment records for all center employees. The records shall be confidential, except that they shall be disclosed by the administrator to the director upon request for the purpose of administering and enforcing this chapter and rules adopted pursuant to this chapter. Neither the center nor the licensee, administrator, or employees of the center shall be civilly or criminally liable in damages or otherwise for records disclosed to the director by the administrator pursuant to this division. It shall be a defense to any civil or criminal charge based upon records disclosed by the administrator to the director that the records were disclosed pursuant to this division.

Sec. 5104.039. (A) Any parent who is the residential parent and legal custodian of a child enrolled in a child ~~day-care~~ care center and any custodian or guardian of such a child shall be permitted unlimited access to the center during its hours of operation for the purposes of contacting their children, evaluating the care provided by the center, evaluating the premises of the center, or for other purposes approved by the director. A parent of a child enrolled in a child ~~day-care~~ care center who is not the child's residential parent shall be permitted unlimited access to the center during its hours of operation for those purposes under the same terms and conditions under which the residential parent of that child is permitted access to the center for those purposes. However, the access of the parent who is not the residential parent is subject to any agreement between the parents and, to the extent described in division (B) of this section, is subject to any terms and conditions limiting the right of access of the parent who is not

the residential parent, as described in division (I) of section 135446
3109.051 of the Revised Code, that are contained in a parenting 135447
time order or decree issued under that section, section 3109.12 of 135448
the Revised Code, or any other provision of the Revised Code. 135449

(B) If a parent who is the residential parent of a child has 135450
presented the administrator or the administrator's designee with a 135451
copy of a parenting time order that limits the terms and 135452
conditions under which the parent who is not the residential 135453
parent is to have access to the center, as described in division 135454
(I) of section 3109.051 of the Revised Code, the parent who is not 135455
the residential parent shall be provided access to the center only 135456
to the extent authorized in the order. If the residential parent 135457
has presented such an order, the parent who is not the residential 135458
parent shall be permitted access to the center only in accordance 135459
with the most recent order that has been presented to the 135460
administrator or the administrator's designee by the residential 135461
parent or the parent who is not the residential parent. 135462

(C) Upon entering the premises pursuant to division (A) or 135463
(B) of this section, the parent who is the residential parent and 135464
legal custodian, the parent who is not the residential parent, or 135465
the custodian or guardian shall notify the administrator or the 135466
administrator's designee of the parent's, custodian's, or 135467
guardian's presence. 135468

Sec. 5104.04. (A) The department of job and family services 135469
shall establish procedures to be followed in investigating, 135470
inspecting, and licensing child ~~day-care~~ care centers, type A 135471
family ~~day-care~~ child care homes, and licensed type B family 135472
~~day-care~~ child care homes. 135473

(B)(1)(a) The department shall, at least once during every 135474
twelve-month period of operation of a center, type A home, or 135475

licensed type B home, inspect the center, type A home, or licensed 135476
type B home. The department shall inspect a part-time center or 135477
part-time type A home at least once during every twelve-month 135478
period of operation. The department shall provide a written 135479
inspection report to the licensee within a reasonable time after 135480
each inspection. 135481

Inspections may be unannounced. No person, firm, 135482
organization, institution, or agency shall interfere with the 135483
inspection of a center, type A home, or licensed type B home by 135484
any state or local official engaged in performing duties required 135485
of the state or local official by this chapter or rules adopted 135486
pursuant to this chapter, including inspecting the center, type A 135487
home, or licensed type B home, reviewing records, or interviewing 135488
licensees, employees, children, or parents. 135489

(b) Upon receipt of any complaint that a center, type A home 135490
or licensed type B home is out of compliance with the requirements 135491
of this chapter or rules adopted pursuant to this chapter, the 135492
department shall investigate the center or home, and both of the 135493
following apply: 135494

(i) If the complaint alleges that a child suffered physical 135495
harm while receiving child care at the center or home or that the 135496
noncompliance alleged in the complaint involved, resulted in, or 135497
poses a substantial risk of physical harm to a child receiving 135498
child care at the center or home, the department shall inspect the 135499
center or home. 135500

(ii) If division (B)(1)(b)(i) of this section does not apply 135501
regarding the complaint, the department may inspect the center or 135502
home. 135503

(c) Division (B)(1)(b) of this section does not limit, 135504
restrict, or negate any duty of the department to inspect a 135505
center, type A home, or licensed type B home that otherwise is 135506

imposed under this section, or any authority of the department to 135507
inspect a center, type A home, or licensed type B home that 135508
otherwise is granted under this section. 135509

(2) If the department implements an instrument-based program 135510
monitoring information system, it may use an indicator checklist 135511
to comply with division (B)(1) of this section. 135512

(C) The department may deny an application or revoke a 135513
license of a center, type A home, or licensed type B home, if the 135514
applicant knowingly submits falsified information to the 135515
department or if the center or home does not comply with the 135516
requirements of this chapter or rules adopted pursuant to this 135517
chapter. 135518

(D) If the department finds, after notice and hearing 135519
pursuant to Chapter 119. of the Revised Code, that any applicant, 135520
person, firm, organization, institution, or agency applying for 135521
licensure or licensed under section 5104.03 of the Revised Code is 135522
in violation of any provision of this chapter or rules adopted 135523
pursuant to this chapter, the department may issue an order of 135524
denial to the applicant or an order of revocation to the ~~center,~~ 135525
~~type center,~~ type A home, or licensed type B home revoking the 135526
license previously issued by the department. Upon the issuance of 135527
such an order, the person whose application is denied or whose 135528
license is revoked may appeal in accordance with section 119.12 of 135529
the Revised Code. 135530

(E) The surrender of a center, type A home, or licensed type 135531
B home license to the department or the withdrawal of an 135532
application for licensure by the owner or administrator of the 135533
center, type A home, or licensed type B home shall not prohibit 135534
the department from instituting any of the actions set forth in 135535
this section. 135536

(F) Whenever the department receives a complaint, is advised, 135537

or otherwise has any reason to believe that a center or type A home is providing child care without a license issued pursuant to section 5104.03 and is not exempt from licensing pursuant to section 5104.02 of the Revised Code, the department shall investigate the center or type A home and may inspect the areas children have access to or areas necessary for the care of children in the center or type A home during suspected hours of operation to determine whether the center or type A home is subject to the requirements of this chapter or rules adopted pursuant to this chapter.

(G) The department, upon determining that the center or type A home is operating without a license, shall notify the attorney general, the prosecuting attorney of the county in which the center or type A home is located, or the city attorney, village solicitor, or other chief legal officer of the municipal corporation in which the center or type A home is located, that the center or type A home is operating without a license. Upon receipt of the notification, the attorney general, prosecuting attorney, city attorney, village solicitor, or other chief legal officer of a municipal corporation shall file a complaint in the court of common pleas of the county in which the center or type A home is located requesting that the court grant an order enjoining the owner from operating the center or type A home in violation of section 5104.02 of the Revised Code. The court shall grant such injunctive relief upon a showing that the respondent named in the complaint is operating a center or type A home and is doing so without a license.

(H) The department shall prepare an annual report on inspections conducted under this section. The report shall include the number of inspections conducted, the number and types of violations found, and the steps taken to address the violations. The department shall file the report with the governor, the

president and minority leader of the senate, and the speaker and 135570
minority leader of the house of representatives on or before the 135571
first day of January of each year, beginning in 1999. 135572

Sec. 5104.041. (A) All type A family ~~day-care~~ child care 135573
homes and licensed type B family ~~day-care~~ child care homes shall 135574
procure and maintain one of the following: 135575

(1) Liability insurance issued by an insurer authorized to do 135576
business in this state under Chapter 3905. of the Revised Code 135577
insuring the type A or type B family ~~day-care~~ child care home 135578
against liability arising out of, or in connection with, the 135579
operation of the family ~~day-care~~ child care home. The insurance 135580
procured shall cover any cause for which the type A or type B 135581
family ~~day-care~~ child care home would be liable, in the amount of 135582
at least one hundred thousand dollars per occurrence and three 135583
hundred thousand dollars in the aggregate. 135584

(2) A written statement signed by the parent, guardian, or 135585
custodian of each child receiving child care from the type A or 135586
type B family ~~day-care~~ child care home that states all of the 135587
following: 135588

(a) The family ~~day-care~~ child care home does not carry 135589
liability insurance described in division (A)(1) of this section; 135590

(b) If the licensee of a type A family ~~day-care~~ child care 135591
home or a type B family ~~day-care~~ child care home is not the owner 135592
of the real property where the family ~~day-care~~ child care home is 135593
located, the liability insurance, if any, of the owner of the real 135594
property may not provide for coverage of any liability arising out 135595
of, or in connection with, the operation of the family ~~day-care~~ 135596
child care home. 135597

(B) If the licensee of a type A family ~~day-care~~ child care 135598
home or a type B family ~~day-care~~ child care home is not the owner 135599

of the real property where the family ~~day-care~~ child care home is 135600
located and the family ~~day-care~~ child care home procures liability 135601
insurance described in division (A)(1) of this section, that 135602
licensee shall name the owner of the real property as an 135603
additional insured party on the liability insurance policy if all 135604
of the following apply: 135605

(1) The owner of the real property requests the licensee or 135606
provider, in writing, to add the owner of the real property to the 135607
liability insurance policy as an additional insured party. 135608

(2) The addition of the owner of the real property does not 135609
result in cancellation or nonrenewal of the insurance policy 135610
procured by the type A or type B family ~~day-care~~ child care home. 135611

(3) The owner of the real property pays any additional 135612
premium assessed for coverage of the owner of the real property. 135613

(C) Proof of insurance or written statement required under 135614
division (A) of this section shall be maintained at the type A or 135615
type B family ~~day-care~~ child care home and made available for 135616
review during inspection or investigation as required under this 135617
chapter. 135618

(D) The director of job and family services shall adopt rules 135619
for the enforcement of this section. 135620

Sec. 5104.042. (A) The department of job and family services 135621
may suspend, without a prior hearing, the license of a child 135622
~~day-care~~ care center, type A family ~~day-care~~ child care home, or 135623
licensed type B family ~~day-care~~ child care home if any of the 135624
following occur: 135625

(1) A child dies or suffers a serious injury while receiving 135626
child care in the center, type A home, or licensed type B home. 135627

(2) A public children services agency receives a report 135628
pursuant to section 2151.421 of the Revised Code, and the person 135629

alleged to have inflicted abuse or neglect on the child who is the 135630
subject of the report is any of the following: 135631

(a) The owner, licensee, or administrator of the center, type 135632
A home, or licensed type B home; 135633

(b) An employee of the center, type A home, or licensed type 135634
B home who has not immediately been placed on administrative leave 135635
or released from employment; 135636

(c) Any person who resides in the type A home or licensed 135637
type B home. 135638

(3) An owner, licensee, administrator, or employee of the 135639
center, type A home, or licensed type B home, or a resident of the 135640
type A home or licensed type B home is charged by an indictment, 135641
information, or complaint with an offense relating to the abuse or 135642
neglect of a child. 135643

(4) The department or a county department of job and family 135644
services determines that the center, type A home, or licensed type 135645
B home created a serious risk to the health or safety of a child 135646
receiving child care in the center, type A home, or licensed type 135647
B home that resulted in or could have resulted in a child's death 135648
or injury. 135649

(5) The department determines that the owner or licensee of 135650
the center, type A home, or licensed type B home does not meet the 135651
requirements of section 5104.013 of the Revised Code. 135652

(B) The department shall issue a written order of suspension 135653
and furnish a copy to the licensee either by certified mail or in 135654
person as described in section 119.07 of the Revised Code. The 135655
licensee may request an adjudicatory hearing before the department 135656
pursuant to sections 119.06 to 119.12 of the Revised Code. 135657

(C) Any summary suspension imposed under this section shall 135658
remain in effect until any of the following occurs: 135659

(1) The public children services agency completes its investigation of the report pursuant to section 2151.421 of the Revised Code and determines that all of the allegations are unsubstantiated.

(2) All criminal charges are disposed of through dismissal or a finding of not guilty.

(3) The department issues pursuant to Chapter 119. of the Revised Code a final order terminating the suspension.

(D) The center, type A home, or licensed type B home shall not provide child care while the summary suspension remains in effect. Upon issuance of the order of suspension, the licensee shall inform the caretaker parent of each child receiving child care in the center, type A home, or licensed type B home of the suspension.

(E) The director of job and family services may adopt rules in accordance with Chapter 119. of the Revised Code establishing standards and procedures for the summary suspension of licenses.

(F) This section does not limit the authority of the department to revoke a license pursuant to section 5104.04 of the Revised Code.

Sec. 5104.043. (A) If the department of job and family services determines that an act or omission of a child ~~day-care~~ care center, type A family ~~day-care~~ child care home, or licensed type B family ~~day-care~~ child care home constitutes a serious risk noncompliance, the licensee shall notify the caretaker parent of each child receiving care in the center or home of the department's determination.

(B) With respect to the notice required by division (A) of this section, all of the following apply:

(1) The licensee shall notify caretaker parents not later

than fifteen business days after the department informs the licensee of the department's determination. If the licensee requests a review of the department's determination, the licensee shall notify caretaker parents not later than five business days after the department has completed its review.

(2) The notice shall include a statement informing each caretaker parent of the web site maintained by the department and the location of further information regarding the determination.

(3) The licensee may provide written or electronic notice to caretaker parents.

(4) The licensee shall provide a copy of the notice to the department.

(C) The director of job and family services shall adopt rules to enforce this section.

(D) The requirements of this section do not apply if the department suspends the license of a child ~~day-care~~ care center, type A family ~~day-care~~ child care home, or licensed type B family ~~day-care~~ child care home pursuant to section 5104.042 of the Revised Code.

Sec. 5104.05. (A) The director of job and family services shall issue a license or provisional license for the operation of a child ~~day-care~~ care center, if the director finds, after investigation of the applicant and inspection of the center, that other requirements of this chapter, rules promulgated pursuant to this chapter, and the following requirements are met:

(1) The buildings in which the center is housed, subsequent to any major modification, have been approved by the department of commerce or a certified municipal, township, or county building department for the purpose of operating a child ~~day-care~~ care center. Any structure used for the operation of a center shall be

constructed, equipped, repaired, altered, and maintained in 135720
accordance with applicable provisions of Chapters 3781. and 3791. 135721
of the Revised Code and with regulations adopted by the board of 135722
building standards under Chapter 3781. of the Revised Code and 135723
this division for the safety and sanitation of structures erected 135724
for this purpose. 135725

(2) The state fire marshal or the fire chief or fire 135726
prevention officer of the municipal corporation or township in 135727
which the center is located has inspected the center annually 135728
within the preceding license period and has found the center to be 135729
in compliance with rules promulgated by the fire marshal pursuant 135730
to section 3737.83 of the Revised Code regarding fire prevention 135731
and fire safety in a child ~~day-care~~ care center. 135732

(3) The center has received a food service operation license 135733
under Chapter 3717. of the Revised Code if meals are to be served 135734
to children other than children of the licensee or administrator, 135735
whether or not a consideration is received for the meals. 135736

(B) The director of job and family services shall issue a 135737
license or provisional license for the operation of a type A 135738
family ~~day-care~~ child care home, if the director finds, after 135739
investigation of the applicant and inspection of the type A home, 135740
that other requirements of this chapter, rules promulgated 135741
pursuant to this chapter, and the following requirements are met: 135742

(1) The state fire marshal or the fire chief or fire 135743
prevention officer of the municipal corporation or township in 135744
which the type A family ~~day-care~~ child care home is located has 135745
inspected the type A home annually within the preceding license 135746
period and has found the type A home to be in compliance with 135747
rules promulgated by the fire marshal pursuant to section 3737.83 135748
of the Revised Code regarding fire prevention and fire safety in a 135749
type A home. 135750

(2) The type A home is in compliance with rules set by the 135751
director of job and family services in cooperation with the 135752
director of health pursuant to section 3701.80 of the Revised Code 135753
regarding meal preparation and meal service in the home. The 135754
director of job and family services, in accordance with procedures 135755
recommended by the director of health, shall inspect each type A 135756
home to determine compliance with those rules. 135757

(3) The type A home is in compliance with rules promulgated 135758
by the director of job and family services in cooperation with the 135759
board of building standards regarding safety and sanitation 135760
pursuant to section 3781.10 of the Revised Code. 135761

Sec. 5104.051. (A)(1) The department of commerce is 135762
responsible for the inspections of child ~~day-care~~ care centers as 135763
required by division (A)(1) of section 5104.05 of the Revised 135764
Code. Where there is a municipal, township, or county building 135765
department certified under section 3781.10 of the Revised Code to 135766
exercise enforcement authority with respect to the category of 135767
building occupancy which includes ~~day-care~~ child care centers, all 135768
inspections required under division (A)(1) of section 5104.05 of 135769
the Revised Code shall be made by that department according to the 135770
standards established by the board of building standards. 135771
Inspections in areas of the state where there is no municipal, 135772
township, or county building department certified under section 135773
3781.10 of the Revised Code to exercise enforcement authority with 135774
respect to the category of building occupancy which includes 135775
~~day-care~~ child care centers shall be made by personnel of the 135776
department of commerce. Inspections of centers shall be contingent 135777
upon payment of a fee by the applicant to the department having 135778
jurisdiction to inspect. 135779

(2) The department of commerce is responsible for the 135780
inspections of type A family ~~day-care~~ child care homes as required 135781

by division (B)(3) of section 5104.05 of the Revised Code. Where 135782
there is a municipal, township, or county building department 135783
certified under section 3781.10 of the Revised Code to exercise 135784
enforcement authority with respect to the category of building 135785
occupancy which includes type A homes, all inspections required 135786
under division (B)(3) of section 5104.05 of the Revised Code shall 135787
be made by that department according to the standards established 135788
by the board of building standards. Inspections in areas of the 135789
state where there is no municipal, township, or county building 135790
department certified under section 3781.10 of the Revised Code to 135791
exercise enforcement authority with respect to the category of 135792
building occupancy which includes type A homes shall be made by 135793
personnel of the department of commerce. Inspections of type A 135794
homes shall be contingent upon payment of a fee by the applicant 135795
to the department having jurisdiction to inspect. 135796

(B) The state fire marshal is responsible for the inspections 135797
required by divisions (A)(2) and (B)(1) of section 5104.05 of the 135798
Revised Code. In municipal corporations and in townships outside 135799
municipal corporations where there is a fire prevention official, 135800
the inspections shall be made by the fire chief or the fire 135801
prevention official under the supervision of and according to the 135802
standards established by the state fire marshal. In townships 135803
outside municipal corporations where there is no fire prevention 135804
official, inspections shall be made by the employees of the state 135805
fire marshal. 135806

(C) The state fire marshal shall enforce all statutes and 135807
rules pertaining to fire safety and fire prevention in child 135808
~~day-care~~ care centers and type A family ~~day-care~~ child care homes. 135809
In the event of a dispute between the state fire marshal and any 135810
other responsible officer under sections 5104.05 and 5104.051 of 135811
the Revised Code with respect to the interpretation or application 135812
of a specific fire safety statute or rule, the interpretation of 135813

the state fire marshal shall prevail. 135814

(D) As used in this division, "licensor" has the same meaning 135815
as in section 3717.01 of the Revised Code. 135816

The licensor for food service operations in the city or 135817
general health district in which the center is located is 135818
responsible for the inspections required under Chapter 3717. of 135819
the Revised Code. 135820

(E) Any moneys collected by the department of commerce under 135821
this section shall be paid into the state treasury to the credit 135822
of the industrial compliance operating fund created in section 135823
121.084 of the Revised Code. 135824

Sec. 5104.052. The director of job and family services, in 135825
cooperation with the fire marshal pursuant to section 3737.22 of 135826
the Revised Code, shall adopt rules regarding fire prevention and 135827
fire safety in licensed type B family ~~day-care~~ child care homes. 135828
In accordance with those rules, the director shall inspect each 135829
type B home that applies to be licensed that is providing or is to 135830
provide publicly funded child care. 135831

Sec. 5104.053. As a precondition of approval by the state 135832
board of education pursuant to section 3313.813 of the Revised 135833
Code for receipt of United States department of agriculture child 135834
and adult care food program funds established under the "National 135835
School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as 135836
amended, the provider of child care in a type B family ~~day-care~~ 135837
child care home that is not licensed by the director of job and 135838
family services shall request an inspection of the type B home by 135839
the fire marshal, who shall inspect the type B home pursuant to 135840
section 3737.22 of the Revised Code to determine that it is in 135841
compliance with rules established pursuant to section 5104.052 of 135842
the Revised Code for licensed type B homes. 135843

Sec. 5104.054. Any type B family ~~day-care~~ child care home, 135844
whether licensed or not licensed by the director of job and family 135845
services, shall be considered to be a residential use of property 135846
for purposes of municipal, county, and township zoning and shall 135847
be a permitted use in all zoning districts in which residential 135848
uses are permitted. No municipal, county, or township zoning 135849
regulations shall require a conditional use permit or any other 135850
special exception certification for any such type B family 135851
~~day-care~~ child care home. 135852

Sec. 5104.06. (A) The director of job and family services 135853
shall provide consultation, technical assistance, and training to 135854
child ~~day-care~~ care centers, type A family ~~day-care~~ child care 135855
homes, and type B family ~~day-care~~ child care homes to improve 135856
programs and facilities providing child care. As part of these 135857
activities, the director shall provide assistance in meeting the 135858
requirements of this chapter and rules adopted pursuant to this 135859
chapter and shall furnish information regarding child abuse 135860
identification and reporting of child abuse. 135861

(B) The director of job and family services shall provide 135862
consultation and technical assistance to county departments of job 135863
and family services to assist the departments with the 135864
implementation of certification of in-home aides. 135865

Sec. 5104.07. (A) The director of job and family services may 135866
prescribe additional requirements for licensing child ~~day-care~~ 135867
care centers or type A family ~~day-care~~ child care homes that 135868
provide publicly funded child care pursuant to this chapter and 135869
any rules adopted under it. The director shall develop standards 135870
as required by federal laws and regulations for child care 135871
programs supported by federal funds. 135872

(B)(1) On or before February 28, 1992, the department of job 135873

and family services shall develop a statewide plan for child care 135874
resource and referral services. The plan shall be based upon the 135875
experiences of other states with respect to child care resource 135876
and referral services, the experiences of communities in this 135877
state that have child care resource and referral service 135878
organizations, and the needs of communities in this state that do 135879
not have child care resource and referral service organizations. 135880
The plan shall be designed to ensure that child care resource and 135881
referral services are available in each county in the state to 135882
families who need child care. The department shall consider the 135883
special needs of migrant workers when it develops the plan and 135884
shall include in the plan procedures designed to accommodate the 135885
needs of migrant workers. 135886

(2) In addition to the requirements described in division 135887
(B)(1) of this section, the plan shall include all of the 135888
following: 135889

(a) A description of the services that a child care resource 135890
and referral service organization is required to provide to 135891
families who need child care; 135892

(b) The qualifications for a child care resource and referral 135893
service organization; 135894

(c) A description of the procedures for providing federal and 135895
state funding for county or multicounty child care resource and 135896
referral service organizations; 135897

(d) A timetable for providing child care resource and 135898
referral services to all communities in the state; 135899

(e) Uniform information gathering and reporting procedures 135900
that are designed to be used in compatible computer systems; 135901

(f) Procedures for establishing statewide nonprofit technical 135902
assistance services to coordinate uniform data collection and to 135903
publish reports on child care supply, demand, and cost and to 135904

provide technical assistance to communities that do not have child care resource and referral service organizations and to existing child care resource and referral service organizations;

(g) Requirements governing contracts entered into under division (C) of this section, which may include limits on the percentage of funds distributed by the department that may be used for the contracts.

(C) Child care resource and referral service organizations receiving funds distributed by the department may enter into contracts with local governmental entities, nonprofit organizations including nonprofit organizations that provide child care, and individuals under which the entities, organizations, or individuals may provide child care resource and referral services in the community with those funds, if the contracts are submitted to and approved by the department prior to execution.

Sec. 5104.08. (A) There is hereby created in the department of job and family services a child care advisory council to advise and assist the department in the administration of this chapter and in the development of child care. The council shall consist of twenty-two voting members appointed by the director of job and family services with the approval of the governor. The director of job and family services, the director of developmental disabilities, the director of mental health and addiction services, the superintendent of public instruction, the director of health, the director of commerce, and the state fire marshal shall serve as nonvoting members of the council.

Six members shall be representatives of child care centers subject to licensing, the members to represent a variety of centers, including nonprofit and proprietary, from different geographical areas of the state. At least three members shall be parents, guardians, or custodians of children receiving child care

or publicly funded child care in the child's own home, a center, a type A home, a head start program, a licensed type B home, or a type B home at the time of appointment. Three members shall be representatives of in-home aides, type A homes, licensed type B homes, or type B homes or head start programs. At least six members shall represent county departments of job and family services. The remaining members shall be representatives of the teaching, child development, and health professions, and other individuals interested in the welfare of children. At least six members of the council shall not be employees or licensees of a child ~~day-care~~ care center, head start program, or type A home, or providers operating a licensed type B home or type B home, or in-home aides.

Appointments shall be for three-year terms. Vacancies shall be filled for the unexpired terms. A member of the council is subject to removal by the director of job and family services for a willful and flagrant exercise of authority or power that is not authorized by law, for a refusal or willful neglect to perform any official duty as a member of the council imposed by law, or for being guilty of misfeasance, malfeasance, nonfeasance, or gross neglect of duty as a member of the council.

There shall be two co-chairpersons of the council. One co-chairperson shall be the director of job and family services or the director's designee, and one co-chairperson shall be elected by the members of the council. The council shall meet as often as is necessary to perform its duties, provided that it shall meet at least once in each quarter of each calendar year and at the call of the co-chairpersons. The co-chairpersons or their designee shall send to each member a written notice of the date, time, and place of each meeting.

Members of the council shall serve without compensation, but shall be reimbursed for necessary expenses.

(B) The child care advisory council shall advise the director 135968
on matters affecting the licensing of centers, type A homes, and 135969
type B homes and the certification of in-home aides. The council 135970
shall make an annual report to the director of job and family 135971
services that addresses the availability, affordability, 135972
accessibility, and quality of child care and that summarizes the 135973
recommendations and plans of action that the council has proposed 135974
to the director during the preceding fiscal year. The director of 135975
job and family services shall provide copies of the report to the 135976
governor, speaker and minority leader of the house of 135977
representatives, and the president and minority leader of the 135978
senate and, on request, shall make copies available to the public. 135979

(C) The director of job and family services shall adopt rules 135980
in accordance with Chapter 119. of the Revised Code to implement 135981
this section. 135982

Sec. 5104.09. No administrator, employee, licensee, or 135983
~~child care~~ child care staff member shall discriminate in the 135984
enrollment of children in a child ~~day care~~ care center, type A 135985
home, licensed type B home, or approved child day camp upon the 135986
basis of race, color, religion, sex, disability, or national 135987
origin. 135988

Sec. 5104.13. The department of job and family services shall 135989
prepare a guide describing the state statutes and rules governing 135990
the licensure of type B family ~~day care~~ child care homes. The 135991
department may publish the guide electronically or otherwise and 135992
shall do so in a manner that the guide is accessible to the 135993
public, including type B home providers. 135994

Sec. 5104.14. All materials that are supplied by the 135995
department of job and family services to type A family ~~day care~~ 135996
child care home providers, type B family ~~day care~~ child care home 135997

providers, in-home aides, persons seeking to be type A family 135998
~~day-care~~ child care home providers, type B family ~~day-care~~ child 135999
care home providers, or in-home aides, and caretaker parents shall 136000
be written at no higher than the sixth grade reading level. The 136001
department may employ a readability expert to verify its 136002
compliance with this section. 136003

Sec. 5104.25. (A) Except as otherwise provided in division 136004
(C) of this section, no child ~~day-care~~ care center shall permit 136005
any person to smoke in any indoor or outdoor space that is part of 136006
the center. 136007

The administrator of a child ~~day-care~~ care center shall post 136008
in a conspicuous place at the main entrance of the center a notice 136009
stating that smoking is prohibited in any indoor or outdoor space 136010
that is part of the center, except under the conditions described 136011
in division (C) of this section. 136012

(B) Except as otherwise provided in division (C) of this 136013
section, no type A family ~~day-care~~ child care home or licensed 136014
type B family ~~day-care~~ child care home shall permit any person to 136015
smoke in any indoor or outdoor space that is part of the home 136016
during the hours the home is in operation. Smoking may be 136017
permitted during hours other than the hours of operation if the 136018
administrator of the home has provided to a parent, custodian, or 136019
guardian of each child receiving child care at the home notice 136020
that smoking occurs or may occur at the home when it is not in 136021
operation. 136022

The administrator of a type A family ~~day-care~~ child care home 136023
or a licensed type B family ~~day-care~~ child care home shall post in 136024
a conspicuous place at the main entrance of the home a notice 136025
specifying the hours the home is in operation and stating that 136026
smoking is prohibited during those hours in any indoor or outdoor 136027

space that is part of the home, except under the conditions 136028
described in division (C) of this section. 136029

(C) A child ~~day-care~~ care center, type A family ~~day-care~~ 136030
child care home, or licensed type B family child care home may 136031
allow persons to smoke at the center or home during its hours of 136032
operation if those persons cannot be seen smoking by the children 136033
being cared for and if they smoke in either of the following: 136034

(1) An indoor area that is separately ventilated from the 136035
rest of the center or home; 136036

(2) An outdoor area that is so far removed from the children 136037
being cared for that they cannot inhale any smoke. 136038

(D) The director of job and family services, in consultation 136039
with the director of health, shall adopt rules in accordance with 136040
Chapter 119. of the Revised Code to implement the requirements of 136041
this section. These rules may prohibit smoking in a child ~~day-care~~ 136042
care center, type A family ~~day-care~~ child care home, or licensed 136043
type B family child care home if its design and structure do not 136044
allow persons to smoke under the conditions described in division 136045
(C) of this section or if repeated violations of division (A) or 136046
(B) of this section have occurred there. 136047

Sec. 5104.30. (A) The department of job and family services 136048
is hereby designated as the state agency responsible for 136049
administration and coordination of federal and state funding for 136050
publicly funded child care in this state. Publicly funded child 136051
care shall be provided to the following: 136052

(1) Recipients of transitional child care as provided under 136053
section 5104.34 of the Revised Code; 136054

(2) Participants in the Ohio works first program established 136055
under Chapter 5107. of the Revised Code; 136056

(3) Individuals who would be participating in the Ohio works 136057

first program if not for a sanction under section 5107.16 of the Revised Code and who continue to participate in a work activity, developmental activity, or alternative work activity pursuant to an assignment under section 5107.42 of the Revised Code;

(4) A family receiving publicly funded child care on October 1, 1997, until the family's income reaches one hundred fifty per cent of the federal poverty line;

(5) Subject to available funds, other individuals determined eligible in accordance with rules adopted under section 5104.38 of the Revised Code.

The department shall apply to the United States department of health and human services for authority to operate a coordinated program for publicly funded child care, if the director of job and family services determines that the application is necessary. For purposes of this section, the department of job and family services may enter into agreements with other state agencies that are involved in regulation or funding of child care. The department shall consider the special needs of migrant workers when it administers and coordinates publicly funded child care and shall develop appropriate procedures for accommodating the needs of migrant workers for publicly funded child care.

(B) The department of job and family services shall distribute state and federal funds for publicly funded child care, including appropriations of state funds for publicly funded child care and appropriations of federal funds available under the child care block grant act, Title IV-A, and Title XX. The department may use any state funds appropriated for publicly funded child care as the state share required to match any federal funds appropriated for publicly funded child care.

(C) In the use of federal funds available under the child care block grant act, all of the following apply:

(1) The department may use the federal funds to hire staff to 136089
prepare any rules required under this chapter and to administer 136090
and coordinate federal and state funding for publicly funded child 136091
care. 136092

(2) Not more than five per cent of the aggregate amount of 136093
the federal funds received for a fiscal year may be expended for 136094
administrative costs. 136095

(3) The department shall allocate and use at least four per 136096
cent of the federal funds for the following: 136097

(a) Activities designed to provide comprehensive consumer 136098
education to parents and the public; 136099

(b) Activities that increase parental choice; 136100

(c) Activities, including child care resource and referral 136101
services, designed to improve the quality, and increase the 136102
supply, of child care; 136103

(d) Establishing the step up to quality program pursuant to 136104
section 5104.29 of the Revised Code. 136105

(4) The department shall ensure that the federal funds will 136106
be used only to supplement, and will not be used to supplant, 136107
federal, state, and local funds available on the effective date of 136108
the child care block grant act for publicly funded child care and 136109
related programs. If authorized by rules adopted by the department 136110
pursuant to section 5104.42 of the Revised Code, county 136111
departments of job and family services may purchase child care 136112
from funds obtained through any other means. 136113

(D) The department shall encourage the development of 136114
suitable child care throughout the state, especially in areas with 136115
high concentrations of recipients of public assistance and 136116
families with low incomes. The department shall encourage the 136117
development of suitable child care designed to accommodate the 136118

special needs of migrant workers. On request, the department, 136119
through its employees or contracts with state or community child 136120
care resource and referral service organizations, shall provide 136121
consultation to groups and individuals interested in developing 136122
child care. The department of job and family services may enter 136123
into interagency agreements with the department of education, the 136124
chancellor of higher education, the department of development, and 136125
other state agencies and entities whenever the cooperative efforts 136126
of the other state agencies and entities are necessary for the 136127
department of job and family services to fulfill its duties and 136128
responsibilities under this chapter. 136129

The department shall develop and maintain a registry of 136130
persons providing child care. The director shall adopt rules in 136131
accordance with Chapter 119. of the Revised Code establishing 136132
procedures and requirements for the registry's administration. 136133

(E)(1) The director shall adopt rules in accordance with 136134
Chapter 119. of the Revised Code establishing both of the 136135
following: 136136

(a) Reimbursement rates for providers of publicly funded 136137
child care not later than the first day of July in each 136138
odd-numbered year; 136139

(b) A procedure for reimbursing and paying providers of 136140
publicly funded child care. 136141

(2) In establishing reimbursement rates under division 136142
(E)(1)(a) of this section, the director shall do all of the 136143
following: 136144

(a) Use the information obtained in accordance with 45 C.F.R. 136145
98.45; 136146

(b) Establish an enhanced reimbursement rate for providers 136147
who provide child care for caretaker parents who work 136148
nontraditional hours; 136149

(c) With regard to the step up to quality program established pursuant to section 5104.29 of the Revised Code, establish enhanced reimbursement rates for child ~~day-care~~ care providers that participate in the program.

(3) In establishing reimbursement rates under division (E)(1)(a) of this section, the director may establish different reimbursement rates based on any of the following:

- (a) Geographic location of the provider;
- (b) Type of care provided;
- (c) Age of the child served;
- (d) Special needs of the child served;
- (e) Whether the expanded hours of service are provided;
- (f) Whether weekend service is provided;
- (g) Whether the provider has exceeded the minimum requirements of state statutes and rules governing child care;
- (h) Any other factors the director considers appropriate.

Sec. 5104.301. A county department of job and family services may establish a program to encourage the organization of parent cooperative child ~~day-care~~ care centers and parent cooperative type A family ~~day-care~~ child care homes for recipients of publicly funded child care. A program established under this section may include any of the following:

(A) Recruitment of parents interested in organizing a parent cooperative child ~~day-care~~ care center or parent cooperative type A family ~~day-care~~ child care home;

(B) Provision of technical assistance in organizing a parent cooperative child ~~day-care~~ care center or parent cooperative type A family ~~day-care~~ child care home;

(C) Assistance in the developing, conducting, and 136178
disseminating training for parents interested in organizing a 136179
parent cooperative child ~~day-care~~ care center or parent 136180
cooperative type A family ~~day-care~~ child care home. 136181

A county department that implements a program under this 136182
section shall receive from funds available under the child care 136183
block grant act a five thousand dollar incentive payment for each 136184
parent cooperative child ~~day-care~~ care center or parent 136185
cooperative type A family ~~day-care~~ child care home organized 136186
pursuant to this section. 136187

Parents of children enrolled in a parent cooperative child 136188
~~day-care~~ care center or parent cooperative type A family ~~day-care~~ 136189
child care home pursuant to this section shall be required to work 136190
in the center or home a minimum of four hours per week. 136191

The director of job and family services shall adopt rules 136192
governing the establishment and operation of programs under this 136193
section. 136194

Sec. 5104.31. (A) Publicly funded child care may be provided 136195
only by the following: 136196

(1) Any of the following licensed by the department of job 136197
and family services pursuant to section 5104.03 of the Revised 136198
Code or pursuant to rules adopted under section 5104.018 of the 136199
Revised Code: 136200

(a) A child ~~day-care~~ care center, including a parent 136201
cooperative child ~~day-care~~ care center; 136202

(b) A type A family ~~day-care~~ child care home, including a 136203
parent cooperative type A family ~~day-care~~ child care home; 136204

(c) A licensed type B family ~~day-care~~ child care home. 136205

(2) An in-home aide who has been certified by the county 136206
department of job and family services pursuant to section 5104.12 136207

of the Revised Code; 136208

(3) A child day camp approved pursuant to section 5104.22 of the Revised Code; 136209
136210

(4) A licensed preschool program; 136211

(5) A licensed school child program; 136212

(6) A border state child care provider, except that a border state child care provider may provide publicly funded child care only to an individual who resides in an Ohio county that borders the state in which the provider is located. 136213
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(B) Publicly funded child ~~day-care~~ care may be provided in a child's own home only by an in-home aide. 136217
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(C)(1) Except as provided in division (C)(2) of this section, a licensed child care program may provide publicly funded child care only if the program is rated through the step up to quality program established pursuant to section 5104.29 of the Revised Code. 136219
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(2) A licensed child care program that is any of the following may provide publicly funded child care without being rated through the step up to quality program: 136224
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(a) A program that operates only during the summer and for not more than fifteen consecutive weeks; 136227
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(b) A program that operates only during school breaks; 136229

(c) A program that operates only on weekday evenings, weekends, or both; 136230
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(d) A program that holds a provisional license issued under section 5104.03 of the Revised Code; 136232
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(e) A program that had its step up to quality program rating removed by the department of job and family services within the previous twelve months; 136234
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(f) A program that is the subject of a revocation action initiated by the department, but the license has not yet been revoked; 136237
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(g) A program that provides publicly funded child care to less than twenty-five per cent of the program's license capacity; 136240
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(h) A program that is a type A family ~~day-care~~ child care home or licensed type B family ~~day-care~~ child care home. 136242
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Sec. 5104.32. (A) All purchases of publicly funded child care shall be made under a contract entered into by a licensed child ~~day-care~~ care center, licensed type A family ~~day-care~~ child care home, licensed type B family ~~day-care~~ child care home, certified in-home aide, approved child day camp, licensed preschool program, licensed school child program, or border state child care provider and the department of job and family services. All contracts for publicly funded child care shall be contingent upon the availability of state and federal funds. The department shall prescribe a standard form to be used for all contracts for the purchase of publicly funded child care, regardless of the source of public funds used to purchase the child care. To the extent permitted by federal law and notwithstanding any other provision of the Revised Code that regulates state contracts or contracts involving the expenditure of state or federal funds, all contracts for publicly funded child care shall be entered into in accordance with the provisions of this chapter and are exempt from any other provision of the Revised Code that regulates state contracts or contracts involving the expenditure of state or federal funds. 136244
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(B) Each contract for publicly funded child care shall specify at least the following: 136264
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(1) That the provider of publicly funded child care agrees to be paid for rendering services at the lower of the rate 136266
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customarily charged by the provider for children enrolled for 136268
child care or the reimbursement rate of payment established 136269
pursuant to section 5104.30 of the Revised Code; 136270

(2) That, if a provider provides child care to an individual 136271
potentially eligible for publicly funded child care who is 136272
subsequently determined to be eligible, the department agrees to 136273
pay for all child care provided between the date the county 136274
department of job and family services receives the individual's 136275
completed application and the date the individual's eligibility is 136276
determined; 136277

(3) Whether the county department of job and family services, 136278
the provider, or a child care resource and referral service 136279
organization will make eligibility determinations, whether the 136280
provider or a child care resource and referral service 136281
organization will be required to collect information to be used by 136282
the county department to make eligibility determinations, and the 136283
time period within which the provider or child care resource and 136284
referral service organization is required to complete required 136285
eligibility determinations or to transmit to the county department 136286
any information collected for the purpose of making eligibility 136287
determinations; 136288

(4) That the provider, other than a border state child care 136289
provider, shall continue to be licensed, approved, or certified 136290
pursuant to this chapter and shall comply with all standards and 136291
other requirements in this chapter and in rules adopted pursuant 136292
to this chapter for maintaining the provider's license, approval, 136293
or certification; 136294

(5) That, in the case of a border state child care provider, 136295
the provider shall continue to be licensed, certified, or 136296
otherwise approved by the state in which the provider is located 136297
and shall comply with all standards and other requirements 136298
established by that state for maintaining the provider's license, 136299

certificate, or other approval; 136300

(6) Whether the provider will be paid by the state department 136301
of job and family services or in some other manner as prescribed 136302
by rules adopted under section 5104.42 of the Revised Code; 136303

(7) That the contract is subject to the availability of state 136304
and federal funds. 136305

(C)(1) The department shall establish an automated child care 136306
system to track attendance and calculate payments for publicly 136307
funded child care. 136308

(2) Each eligible provider that provides publicly funded 136309
child care shall participate in the automated child care system. A 136310
provider participating in the system shall not do any of the 136311
following: 136312

(a) Use or have possession of a personal identification 136313
number or password issued to a caretaker parent under the 136314
automated child care system; 136315

(b) Falsify attendance records; 136316

(c) Knowingly seek or accept payment for publicly funded 136317
child care that was not provided or for which the provider was not 136318
eligible; 136319

(d) Knowingly seek or accept payment for child care provided 136320
to a child who resides in the provider's own home. 136321

(D) The department may withhold any money due under this 136322
chapter and may recover through any appropriate method any money 136323
erroneously paid under this chapter if evidence demonstrates that 136324
a provider of publicly funded child care failed to comply with 136325
either of the following: 136326

(1) The terms of the contract entered into under this 136327
section; 136328

(2) This chapter or any rules adopted under it. 136329

(E) If the department has evidence that a provider has employed an individual who is ineligible for employment under section 5104.013 of the Revised Code and the provider has not released the individual from employment upon notice that the individual is ineligible, the department may terminate immediately the contract entered into under this section to provide publicly funded child care.

(F) Any decision by the department concerning publicly funded child care, including the recovery of funds, overpayment determinations, and contract terminations is final and is not subject to appeal, hearing, or further review under Chapter 119. of the Revised Code.

Sec. 5104.35. (A) Each county department of job and family services shall do all of the following:

(1) Accept any gift, grant, or other funds from either public or private sources offered unconditionally or under conditions which are, in the judgment of the department, proper and consistent with this chapter and deposit the funds in the county public assistance fund established by section 5101.161 of the Revised Code;

(2) Recruit individuals and groups interested in certification as in-home aides or in developing and operating suitable licensed child ~~day-care~~ care centers, type A family ~~day-care~~ child care homes, or licensed type B family ~~day-care~~ child care homes, especially in areas with high concentrations of recipients of public assistance, and for that purpose provide consultation to interested individuals and groups on request;

(3) Inform clients of the availability of child care services.

(B) A county department of job and family services may, to

the extent permitted by federal law, use public child care funds 136360
to extend the hours of operation of the county department to 136361
accommodate the needs of working caretaker parents and enable 136362
those parents to apply for publicly funded child care. 136363

Sec. 5104.36. The licensee or administrator of a child 136364
~~day-care~~ care center, type A family ~~day-care~~ child care home, or 136365
licensed type B family ~~day-care~~ child care home, an in-home aide 136366
providing child care services, the director or administrator of an 136367
approved child day camp, and a border state child care provider 136368
shall keep a record for each eligible child, to be made available 136369
to the county department of job and family services or the 136370
department of job and family services on request. The record shall 136371
include all of the following: 136372

(A) The name and date of birth of the child; 136373

(B) The name and address of the child's caretaker parent; 136374

(C) The name and address of the caretaker parent's place of 136375
employment or program of education or training; 136376

(D) The hours for which child care services have been 136377
provided for the child; 136378

(E) Any other information required by the county department 136379
of job and family services or the state department of job and 136380
family services. 136381

Sec. 5104.99. (A) Whoever violates section 5104.02 of the 136382
Revised Code shall be punished as follows: 136383

(1) For each offense, the offender shall be fined not less 136384
than one hundred dollars nor more than five hundred dollars 136385
multiplied by the number of children receiving child care at the 136386
child ~~day-care~~ care center or type A family ~~day-care~~ child care 136387
home that either exceeds the number of children to which a type B 136388

family day-care home may provide child care or, if the offender is 136389
a licensed type A family ~~day-care~~ child care home that is 136390
operating as a child ~~day-care~~ care center without being licensed 136391
as a center, exceeds the license capacity of the type A home. 136392

(2) In addition to the fine specified in division (A)(1) of 136393
this section, all of the following apply: 136394

(a) Except as provided in divisions (A)(2)(b), (c), and (d) 136395
of this section, the court shall order the offender to reduce the 136396
number of children to which it provides child care to a number 136397
that does not exceed either the number of children to which a type 136398
B family ~~day-care~~ child care home may provide child care or, if 136399
the offender is a licensed type A family ~~day-care~~ child care home 136400
that is operating as a child ~~day-care~~ care center without being 136401
licensed as a center, the license capacity of the type A home. 136402

(b) If the offender previously has been convicted of or 136403
pleaded guilty to one violation of section 5104.02 of the Revised 136404
Code, the court shall order the offender to cease the provision of 136405
child care to any person until it obtains a child ~~day-care~~ care 136406
center license or a type A family ~~day-care~~ child care home 136407
license, as appropriate, under section 5104.03 of the Revised 136408
Code. 136409

(c) If the offender previously has been convicted of or 136410
pleaded guilty to two violations of section 5104.02 of the Revised 136411
Code, the offender is guilty of a misdemeanor of the first degree, 136412
and the court shall order the offender to cease the provision of 136413
child care to any person until it obtains a child ~~day-care~~ care 136414
center license or a type A family ~~day-care~~ child care home 136415
license, as appropriate, under section 5104.03 of the Revised 136416
Code. The court shall impose the fine specified in division (A)(1) 136417
of this section and may impose an additional fine provided that 136418
the total amount of the fines so imposed does not exceed the 136419
maximum fine authorized for a misdemeanor of the first degree 136420

under section 2929.28 of the Revised Code. 136421

(d) If the offender previously has been convicted of or 136422
pleaded guilty to three or more violations of section 5104.02 of 136423
the Revised Code, the offender is guilty of a felony of the fifth 136424
degree, and the court shall order the offender to cease the 136425
provision of child care to any person until it obtains a child 136426
~~day-care~~ care center license or a type A family ~~day-care~~ child 136427
care home license, as appropriate, under section 5104.03 of the 136428
Revised Code. The court shall impose the fine specified in 136429
division (A)(1) of this section and may impose an additional fine 136430
provided that the total amount of the fines so imposed does not 136431
exceed the maximum fine authorized for a felony of the fifth 136432
degree under section 2929.18 of the Revised Code. 136433

(B) Whoever violates section 5104.09 of the Revised Code is 136434
guilty of a misdemeanor of the third degree. 136435

Sec. 5107.60. In accordance with Title IV-A, federal 136436
regulations, state law, the Title IV-A state plan prepared under 136437
section 5101.80 of the Revised Code, and amendments to the plan, 136438
county departments of job and family services shall establish and 136439
administer the following work activities, in addition to the work 136440
activities established under sections 5107.50, 5107.52, 5107.54, 136441
and 5107.58 of the Revised Code, for minor heads of households and 136442
adults participating in Ohio works first: 136443

(A) Unsubsidized employment activities, including activities 136444
a county department determines are legitimate entrepreneurial 136445
activities; 136446

(B) On-the-job training activities, including training to 136447
become an employee of a child ~~day-care~~ care center or type A 136448
family ~~day-care~~ child care home, administrator of a licensed type 136449
B family ~~day-care~~ child care home, or in-home aide; 136450

(C) Community service activities including a program under 136451
which a participant of Ohio works first who is the parent, 136452
guardian, custodian, or specified relative responsible for the 136453
care of a minor child enrolled in grade twelve or lower is 136454
involved in the minor child's education on a regular basis; 136455

(D) Vocational educational training activities; 136456

(E) Jobs skills training activities that are directly related 136457
to employment; 136458

(F) Education activities that are directly related to 136459
employment for participants who have not earned a high school 136460
diploma or certificate of high school equivalence; 136461

(G) Education activities for participants who have not 136462
completed secondary school or received a certificate of high 136463
school equivalence under which the participants attend a secondary 136464
school or a course of study leading to a certificate of high 136465
school equivalence, including LEAP participation by a minor head 136466
of household; 136467

(H) Child-care service activities aiding another participant 136468
assigned to a community service activity or other work activity. A 136469
county department may provide for a participant assigned to this 136470
work activity to receive training necessary to provide child-care 136471
services. 136472

Sec. 5119.37. (A)(1)(a) Except as provided in division 136473
(A)(1)(b) of this section, no person or government entity shall 136474
operate an opioid treatment program requiring certification, as 136475
certification is defined in 42 C.F.R. 8.2, unless the person or 136476
government entity is a community addiction services provider and 136477
the program is licensed under this section. 136478

(b) Division (A)(1)(a) of this section does not apply to a 136479
program operated by the United States department of veterans 136480

affairs. 136481

(2) No community addiction services provider licensed under 136482
this section shall operate an opioid treatment program in a manner 136483
inconsistent with this section and the rules adopted under it. 136484

(B) A community addiction services provider seeking a license 136485
to operate an opioid treatment program shall apply to the 136486
department of mental health and addiction services. The department 136487
shall review all applications received. 136488

(C) The department may issue a license to operate an opioid 136489
treatment program to a community addiction services provider only 136490
if all of the following apply: 136491

(1) During the three-year period immediately preceding the 136492
date of application, the provider or any owner, sponsor, medical 136493
director, administrator, or principal of the provider has been in 136494
good standing to operate an opioid treatment program in all other 136495
locations where the provider or such other person has been 136496
operating a similar program, as evidenced by both of the 136497
following: 136498

(a) Not having been denied a license, certificate, or similar 136499
approval to operate an opioid treatment program by this state or 136500
another jurisdiction; 136501

(b) Not having been the subject of any of the following in 136502
this state or another jurisdiction: 136503

(i) An action that resulted in the suspension or revocation 136504
of the license, certificate, or similar approval of the provider 136505
or other person; 136506

(ii) A voluntary relinquishment, withdrawal, or other action 136507
taken by the provider or other person to avoid suspension or 136508
revocation of the license, certificate, or similar approval; 136509

(iii) A disciplinary action that was based, in whole or in 136510

part, on the provider or other person engaging in the 136511
inappropriate prescribing, dispensing, administering, personally 136512
furnishing, diverting, storing, supplying, compounding, or selling 136513
of a controlled substance or other dangerous drug. 136514

(2) It affirmatively appears to the department that the 136515
provider is adequately staffed and equipped to operate an opioid 136516
treatment program. 136517

(3) It affirmatively appears to the department that the 136518
provider will operate an opioid treatment program in strict 136519
compliance with all laws relating to drug abuse and the rules 136520
adopted by the department. 136521

(4) Except as provided in division (D) of this section and 136522
section 5119.371 of the Revised Code, if the provider is seeking 136523
an initial license for a particular location, the proposed opioid 136524
treatment program is not located on a parcel of real estate that 136525
is within a radius of five hundred linear feet of the boundaries 136526
of a parcel of real estate having situated on it a public or 136527
private school, child ~~day-care~~ care center licensed under Chapter 136528
5104. of the Revised Code, or child-serving agency regulated by 136529
the department under this chapter. 136530

(5) The provider meets any additional requirements 136531
established by the department in rules adopted under division (F) 136532
of this section. 136533

(D) The department may waive the requirement of division 136534
(C)(4) of this section if it receives, from each public or private 136535
school, child ~~day-care~~ care center, or child-serving agency that 136536
is within the five hundred linear feet radius described in that 136537
division, a letter of support for the location. The department 136538
shall determine whether a letter of support is satisfactory for 136539
purposes of waiving the requirement. 136540

(E)(1) Except as provided in division (E)(2) of this section, 136541

a license to operate an opioid treatment program shall expire two 136542
years from the date of issuance. Licenses may be renewed. 136543

(2) In circumstances in which the director of mental health 136544
and addiction services has concerns regarding compliance of a 136545
community addiction services provider licensed as an opioid 136546
treatment program, the department shall notify the provider of 136547
those concerns and stipulate that the provider's license expires 136548
annually on a date determined by the department. 136549

(F) The department shall establish procedures and adopt rules 136550
for licensing, inspection, and supervision of community addiction 136551
services providers that operate an opioid treatment program. The 136552
rules shall establish standards for the control, storage, 136553
furnishing, use, dispensing, and administering of medications used 136554
in medication-assisted treatment; prescribe minimum standards for 136555
the operation of the opioid treatment program component of the 136556
provider's operations; and comply with federal laws and 136557
regulations. 136558

All rules adopted under this division shall be adopted in 136559
accordance with Chapter 119. of the Revised Code. All actions 136560
taken by the department regarding the licensing of providers to 136561
operate opioid treatment programs shall be conducted in accordance 136562
with Chapter 119. of the Revised Code, except as provided in 136563
division (L) of this section. 136564

(G)(1) The department shall inspect all community addiction 136565
services providers licensed to operate an opioid treatment 136566
program. Inspections shall be conducted at least biennially and 136567
may be conducted more frequently. 136568

In addition, the department may inspect any provider or other 136569
person that it reasonably believes to be operating an opioid 136570
treatment program without a license issued under this section. 136571

(2) When conducting an inspection, the department may do both 136572

of the following: 136573

(a) Examine and copy all records, accounts, and other 136574
documents relating to the provider's or other person's operations, 136575
including records pertaining to patients or clients; 136576

(b) Conduct interviews with any individual employed by or 136577
contracted or otherwise associated with the provider or person, 136578
including an administrator, staff person, patient, or client. 136579

(3) No person or government entity shall interfere with a 136580
state or local government official acting on behalf of the 136581
department while conducting an inspection. 136582

(H) A community addiction services provider shall not 136583
administer or dispense methadone in a tablet, powder, or 136584
intravenous form. Methadone shall be administered or dispensed 136585
only in a liquid form intended for ingestion. 136586

A community addiction services provider shall not administer 136587
or dispense a medication used in medication-assisted treatment for 136588
pain or other medical reasons. 136589

(I) As used in this division, "program sponsor" means a 136590
person who assumes responsibility for the operation and employees 136591
of the opioid treatment program component of a community addiction 136592
services provider's operations. 136593

A provider shall not permit an individual to act as a program 136594
sponsor, medical director, or director of the provider if the 136595
individual is receiving a medication used in medication-assisted 136596
treatment from any community addiction services provider. 136597

(J) The department may issue orders to ensure compliance with 136598
all laws relating to drug abuse and the rules adopted under this 136599
section. Subject to section 5119.27 of the Revised Code, the 136600
department may hold hearings, require the production of relevant 136601
matter, compel testimony, issue subpoenas, and make adjudications. 136602

Upon failure of a person without lawful excuse to obey a subpoena 136603
or to produce relevant matter, the department may apply to a court 136604
of common pleas for an order compelling compliance. 136605

(K) The department may refuse to issue, or may withdraw or 136606
revoke, a license to operate an opioid treatment program. A 136607
license may be refused if a community addiction services provider 136608
does not meet the requirements of division (C) of this section. A 136609
license may be withdrawn at any time the department determines 136610
that the provider no longer meets the requirements for receiving 136611
the license. A license may be revoked in accordance with division 136612
(L) of this section. 136613

Once a license is issued under this section, the department 136614
shall not consider the requirement of division (C)(4) of this 136615
section in determining whether to renew, withdraw, or revoke the 136616
license or whether to reissue the license as a result of a change 136617
in ownership. 136618

(L) If the department finds reasonable cause to believe that 136619
a community addiction services provider licensed under this 136620
section is in violation of any state or federal law or rule 136621
relating to drug abuse, the department may issue an order 136622
immediately revoking the license, subject to division (M) of this 136623
section. The department shall set a date not more than fifteen 136624
days later than the date of the order of revocation for a hearing 136625
on the continuation or cancellation of the revocation. For good 136626
cause, the department may continue the hearing on application of 136627
any interested party. In conducting hearings, the department has 136628
all the authority and power set forth in division (J) of this 136629
section. Following the hearing, the department shall either 136630
confirm or cancel the revocation. The hearing shall be conducted 136631
in accordance with Chapter 119. of the Revised Code, except that 136632
the provider shall not be permitted to operate an opioid treatment 136633
program pending the hearing or pending any appeal from an 136634

adjudication made as a result of the hearing. Notwithstanding any 136635
provision of Chapter 119. of the Revised Code to the contrary, a 136636
court shall not stay or suspend any order of revocation issued by 136637
the department under this division pending judicial appeal. 136638

(M) The department shall not revoke a license to operate an 136639
opioid treatment program unless all clients receiving medication 136640
used in medication-assisted treatment from the community addiction 136641
services provider are provided adequate substitute medication or 136642
treatment. For purposes of this division, the department may 136643
transfer the clients to other providers licensed to operate opioid 136644
treatment programs or replace any or all of the administrators and 136645
staff of the provider with representatives of the department who 136646
shall continue on a provisional basis the opioid treatment 136647
component of the provider's operations. 136648

(N) Each time the department receives an application from a 136649
community addiction services provider for a license to operate an 136650
opioid treatment program, issues or refuses to issue a license, or 136651
withdraws or revokes a license, the department shall notify the 136652
board of alcohol, drug addiction, and mental health services of 136653
each alcohol, drug addiction, and mental health service district 136654
in which the provider operates. 136655

(O) Whenever it appears to the department from files, upon 136656
complaint, or otherwise, that a community addiction services 136657
provider has engaged in any practice declared to be illegal or 136658
prohibited by section 3719.61 of the Revised Code, or any other 136659
state or federal laws or regulations relating to drug abuse, or 136660
when the department believes it to be in the best interest of the 136661
public and necessary for the protection of the citizens of the 136662
state, the department may request criminal proceedings by laying 136663
before the prosecuting attorney of the proper county any evidence 136664
of criminality which may come to its knowledge. 136665

(P) The department shall maintain a current list of community 136666

addiction services providers licensed by the department under this 136667
section and shall provide a copy of the current list to a judge of 136668
a court of common pleas who requests a copy for the use of the 136669
judge under division (H) of section 2925.03 of the Revised Code. 136670
The list of licensed community addiction services providers shall 136671
identify each licensed provider by its name, its address, and the 136672
county in which it is located. 136673

Sec. 5119.371. (A) On application by a community addiction 136674
services provider that has purchased or leased real property to be 136675
used as the location of an opioid treatment program subject to 136676
licensure under section 5119.37 of the Revised Code, the 136677
department of mental health and addiction services shall determine 136678
whether the location of the proposed program complies with the 136679
requirements of division (C)(4) of section 5119.37 of the Revised 136680
Code by not being located on a parcel of real estate that is 136681
within a radius of five hundred linear feet of the boundaries of a 136682
parcel of real estate having situated on it a public or private 136683
school, child ~~day-care~~ care center licensed under Chapter 5104. of 136684
the Revised Code, or child-serving agency regulated by the 136685
department under this chapter. 136686

If the department determines that the location is in 136687
compliance with division (C)(4) of section 5119.37 of the Revised 136688
Code, the department shall issue a declaration stating that the 136689
location is in compliance. The declaration is valid for two years 136690
from the date of issuance. 136691

The department shall provide to the provider either a copy of 136692
the declaration or a notice that the department has determined 136693
that the location is not in compliance with division (C)(4) of 136694
section 5119.37 of the Revised Code. 136695

If, before expiration of the declaration, a community 136696
addiction services provider applies for a license to operate an 136697

opioid treatment program, the department shall not consider the 136698
requirement of division (C)(4) of section 5119.37 of the Revised 136699
Code in determining whether to issue the license. 136700

(B) A community addiction services provider seeking to 136701
relocate an opioid treatment program licensed under section 136702
5119.37 of the Revised Code may apply for and be granted a 136703
declaration under division (A) of this section. If, before 136704
expiration of the declaration, the provider applies for issuance 136705
of a license due to relocation, the department shall not consider 136706
the requirement of division (C)(4) of section 5119.37 of the 136707
Revised Code in determining whether to reissue the license due to 136708
relocation. 136709

Sec. 5153.175. (A) Notwithstanding division (I)(1) of section 136710
2151.421, section 5153.17, and any other section of the Revised 136711
Code pertaining to confidentiality, when a public children 136712
services agency has determined that child abuse or neglect 136713
occurred and that abuse or neglect involves a person who has 136714
applied for licensure as a type A family ~~day-care~~ child care home 136715
or type B family ~~day-care~~ child care home, the agency shall 136716
promptly provide to the department of job and family services any 136717
information the agency determines to be relevant for the purpose 136718
of evaluating the fitness of the person, including, but not 136719
limited to, both of the following: 136720

(1) A summary report of the chronology of abuse and neglect 136721
reports made pursuant to section 2151.421 of the Revised Code of 136722
which the person is the subject where the agency determined that 136723
abuse or neglect occurred and the final disposition of the 136724
investigation of the reports or, if the investigations have not 136725
been completed, the status of the investigations; 136726

(2) Any underlying documentation concerning those reports. 136727

(B) The agency shall not include in the information provided 136728

to the department under division (A) of this section the name of 136729
the person or entity that made the report or participated in the 136730
making of the report of child abuse or neglect. 136731

(C) Upon provision of information under division (A) of this 136732
section, the agency shall notify the department of both of the 136733
following: 136734

(1) That the information is confidential; 136735

(2) That unauthorized dissemination of the information is a 136736
violation of division (I)(2) of section 2151.421 of the Revised 136737
Code and any person who permits or encourages unauthorized 136738
dissemination of the information is guilty of a misdemeanor of the 136739
fourth degree pursuant to section 2151.99 of the Revised Code. 136740

Sec. 5321.01. As used in this chapter: 136741

(A) "Tenant" means a person entitled under a rental agreement 136742
to the use and occupancy of residential premises to the exclusion 136743
of others. 136744

(B) "Landlord" means the owner, lessor, or sublessor of 136745
residential premises, the agent of the owner, lessor, or 136746
sublessor, or any person authorized by the owner, lessor, or 136747
sublessor to manage the premises or to receive rent from a tenant 136748
under a rental agreement. 136749

(C) "Residential premises" means a dwelling unit for 136750
residential use and occupancy and the structure of which it is a 136751
part, the facilities and appurtenances in it, and the grounds, 136752
areas, and facilities for the use of tenants generally or the use 136753
of which is promised the tenant. "Residential premises" includes a 136754
dwelling unit that is owned or operated by a college or 136755
university. "Residential premises" does not include any of the 136756
following: 136757

(1) Prisons, jails, workhouses, and other places of 136758

incarceration or correction, including, but not limited to,	136759
halfway houses or residential arrangements that are used or	136760
occupied as a requirement of a community control sanction, a	136761
post-release control sanction, or parole;	136762
(2) Hospitals and similar institutions with the primary	136763
purpose of providing medical services, and homes licensed pursuant	136764
to Chapter 3721. of the Revised Code;	136765
(3) Tourist homes, hotels, motels, recreational vehicle	136766
parks, recreation camps, combined park-camps, temporary	136767
park-camps, and other similar facilities where circumstances	136768
indicate a transient occupancy;	136769
(4) Elementary and secondary boarding schools, where the cost	136770
of room and board is included as part of the cost of tuition;	136771
(5) Orphanages and similar institutions;	136772
(6) Farm residences furnished in connection with the rental	136773
of land of a minimum of two acres for production of agricultural	136774
products by one or more of the occupants;	136775
(7) Dwelling units subject to sections 3733.41 to 3733.49 of	136776
the Revised Code;	136777
(8) Occupancy by an owner of a condominium unit;	136778
(9) Occupancy in a facility licensed as an SRO facility	136779
pursuant to Chapter 3731. of the Revised Code, if the facility is	136780
owned or operated by an organization that is exempt from taxation	136781
under section 501(c)(3) of the "Internal Revenue Code of 1986,"	136782
100 Stat. 2085, 26 U.S.C.A. 501, as amended, or by an entity or	136783
group of entities in which such an organization has a controlling	136784
interest, and if either of the following applies:	136785
(a) The occupancy is for a period of less than sixty days.	136786
(b) The occupancy is for participation in a program operated	136787
by the facility, or by a public entity or private charitable	136788

organization pursuant to a contract with the facility, to provide 136789
either of the following: 136790

(i) Services licensed, certified, registered, or approved by 136791
a governmental agency or private accrediting organization for the 136792
rehabilitation of persons with mental illnesses, persons with 136793
developmental disabilities, adults or juveniles convicted of 136794
criminal offenses, or persons experiencing substance abuse; 136795

(ii) Shelter for juvenile runaways, victims of domestic 136796
violence, or homeless persons. 136797

(10) Emergency shelters operated by organizations exempt from 136798
federal income taxation under section 501(c)(3) of the "Internal 136799
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501, as 136800
amended, for persons whose circumstances indicate a transient 136801
occupancy, including homeless people, victims of domestic 136802
violence, and juvenile runaways. 136803

(D) "Rental agreement" means any agreement or lease, written 136804
or oral, which establishes or modifies the terms, conditions, 136805
rules, amount of rent charged or paid, or any other provisions 136806
concerning the use and occupancy of residential premises by one of 136807
the parties. 136808

(E) "Security deposit" means any deposit of money or property 136809
to secure performance by the tenant under a rental agreement. 136810

(F) "Dwelling unit" means a structure or the part of a 136811
structure that is used as a home, residence, or sleeping place by 136812
one person who maintains a household or by two or more persons who 136813
maintain a common household. 136814

(G) "Controlled substance" has the same meaning as in section 136815
3719.01 of the Revised Code. 136816

(H) "Student tenant" means a person who occupies a dwelling 136817
unit owned or operated by the college or university at which the 136818

person is a student, and who has a rental agreement that is 136819
contingent upon the person's status as a student. 136820

(I) "Recreational vehicle park," "recreation camp," "combined 136821
park-camp," and "temporary park-camp" have the same meanings as in 136822
section 3729.01 of the Revised Code. 136823

(J) "Community control sanction" has the same meaning as in 136824
section 2929.01 of the Revised Code. 136825

(K) "Post-release control sanction" has the same meaning as 136826
in section 2967.01 of the Revised Code. 136827

(L) "School premises" has the same meaning as in section 136828
2925.01 of the Revised Code. 136829

(M) "Sexually oriented offense" and "child-victim oriented 136830
offense" have the same meanings as in section 2950.01 of the 136831
Revised Code. 136832

(N) "Preschool or child ~~day-care~~ care center premises" has 136833
the same meaning as in section 2950.034 of the Revised Code. 136834

(O) "Rent control" means requiring below-market rents for 136835
residential premises or controlling rental rates for residential 136836
premises in any manner, including by prohibiting rent increases, 136837
regulating rental rate changes between tenancies, limiting rental 136838
rate increases, regulating the rental rates of residential 136839
premises based on income or wealth of tenants, and other forms of 136840
restraint or limitation of rental rates. 136841

(P) "Rent stabilization" means allowing rent increases for 136842
residential premises of a fixed amount or on a fixed schedule as 136843
set by a political subdivision. 136844

(Q) "Political subdivision" means a county, township, 136845
municipal corporation, or any other body corporate and politic 136846
that is responsible for government activities in a geographic area 136847
smaller than that of the state. 136848

Sec. 5321.03. (A) Notwithstanding section 5321.02 of the Revised Code, a landlord may bring an action under Chapter 1923. of the Revised Code for possession of the premises if:

(1) The tenant is in default in the payment of rent;

(2) The violation of the applicable building, housing, health, or safety code that the tenant complained of was primarily caused by any act or lack of reasonable care by the tenant, or by any other person in the tenant's household, or by anyone on the premises with the consent of the tenant;

(3) Compliance with the applicable building, housing, health, or safety code would require alteration, remodeling, or demolition of the premises which would effectively deprive the tenant of the use of the dwelling unit;

(4) A tenant is holding over the tenant's term.

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

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

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

(B) The maintenance of an action by the landlord under this

section does not prevent the tenant from recovering damages for 136879
any violation by the landlord of the rental agreement or of 136880
section 5321.04 of the Revised Code. 136881

(C) This section does not apply to a dwelling unit occupied 136882
by a student tenant. 136883

(D) As used in this section, "children's crisis care facility 136884
premises" and "residential infant care center premises" have the 136885
same meanings as in section 2950.034 of the Revised Code. 136886

Sec. 5321.051. (A)(1) No tenant of any residential premises 136887
located within one thousand feet of any school premises, preschool 136888
or child ~~day-care~~ care center premises, children's crisis care 136889
facility premises, or residential infant care center premises 136890
shall allow any person to occupy those residential premises if 136891
both of the following apply regarding the person: 136892

(a) The person's name appears on the state registry of sex 136893
offenders and child-victim offenders maintained under section 136894
2950.13 of the Revised Code. 136895

(b) The state registry of sex offenders and child-victim 136896
offenders indicates that the person was convicted of or pleaded 136897
guilty to either a sexually oriented offense that is not a 136898
registration-exempt sexually oriented offense or a child-victim 136899
oriented offense in a criminal prosecution and was not sentenced 136900
to a serious youthful offender dispositional sentence for that 136901
offense. 136902

(2) If a tenant allows occupancy in violation of this section 136903
or a person establishes a residence or occupies residential 136904
premises in violation of section 2950.034 of the Revised Code, the 136905
landlord for the residential premises that are the subject of the 136906
rental agreement or other tenancy may terminate the rental 136907
agreement or other tenancy of the tenant and all other occupants. 136908

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

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

Sec. 5709.65. (A) An enterprise issued a certificate under section 5709.64 of the Revised Code shall be entitled to the following tax incentives:

(1) With the exception of improvements to land or tangible personal property constituting or used in the retail portion, if any, of a facility, any improvement to land or tangible personal property at a facility for which a certificate is issued, first used in business at the facility as the result of a project, shall not be considered an asset of a corporate enterprise in determining the value of its issued and outstanding stock under division (A) of section 5733.05 of the Revised Code at the end of the taxable year that includes the certificate's date of issuance.

(2) With the exception of the original cost of improvements to land or tangible personal property constituting or used in the retail portion, if any, of a facility, the original cost of any improvement to land or tangible personal property at the facility for which the certificate is issued, first used in business at the facility as a result of a project, shall be excluded from the numerator upon computation of the property factor of a corporate enterprise under division (B)(2)(a) of section 5733.05 of the Revised Code, or of a noncorporate enterprise under division (A) of section 5747.21 of the Revised Code, for the taxable year that

includes the certificate's date of issuance. 136940

As used in divisions (A)(1) and (2) of this section, the 136941
"retail portion" of a facility is that part of a facility used 136942
primarily for making retail sales as defined in division (O) of 136943
section 5739.01 of the Revised Code. 136944

(3) Compensation paid to new employees described under 136945
divisions (A)(2)(a) to (e) of section 5709.64 of the Revised Code 136946
at the facility for which the certificate is issued, who are hired 136947
as a result of a project, shall be excluded from the numerator 136948
upon computation of the payroll factor of a corporate enterprise 136949
under division (B)(2)(b) of section 5733.05 of the Revised Code, 136950
or of a noncorporate enterprise under division (B) of section 136951
5747.21 of the Revised Code, for the taxable year that includes 136952
the certificate's date of issuance. 136953

(4) An enterprise that reimburses its new employees described 136954
under divisions (A)(2)(a) to (e) of section 5709.64 of the Revised 136955
Code for all or part of the cost of ~~day-care~~ child care services 136956
necessary to enable them to be employed at a facility for which a 136957
certificate is issued shall be entitled to a credit equal to the 136958
amounts so reimbursed, up to a maximum of three hundred dollars 136959
for each child or dependent receiving the services, for the 136960
taxable year in which reimbursement is made, against the tax 136961
imposed by section 5733.06 of the Revised Code on a corporate 136962
enterprise, or against the aggregate amount of tax imposed on the 136963
owners of a noncorporate enterprise under section 5747.02 of the 136964
Revised Code, for the taxable year that includes the certificate's 136965
date of issuance. Only reimbursements of amounts paid by new 136966
employees to ~~day-care~~ child care centers licensed by the 136967
department of job and family services for ~~day-care~~ child care 136968
services provided during the first twenty-four months of 136969
employment as a new employee may be applied toward the credit 136970
provided under this division. Any enterprise claiming this credit 136971

shall maintain records verifying that the credit is claimed only 136972
for reimbursement of amounts expended by new employees for such 136973
services. 136974

(5) For each new employee described in divisions (A)(2)(a) to 136975
(e) of section 5709.64 of the Revised Code who completes a 136976
training program and is subsequently employed by an enterprise for 136977
at least ninety days, if the enterprise pays or reimburses all or 136978
part of the cost of the employee's participation in the training 136979
program, it may claim a credit equal to the amount paid or 136980
reimbursed or one thousand dollars, whichever is less, in the 136981
taxable year in which the employee completes the ninety days of 136982
subsequent employment, against the tax imposed on a corporate 136983
enterprise by section 5733.06 of the Revised Code, or against the 136984
aggregate amount of tax imposed on the owners of a noncorporate 136985
enterprise under section 5747.02 of the Revised Code. Only one 136986
credit shall be allowed with respect to any individual. Attendance 136987
at a qualified training program under this section does not bar an 136988
otherwise eligible individual from receipt of benefits under 136989
Chapter 4141. of the Revised Code. 136990

(B) None of the items set forth in divisions (A)(2) and (3) 136991
of this section shall be considered in making any allocation or 136992
apportionment under division (B)(2)(d) of section 5733.05 or 136993
division (D) of section 5747.21 of the Revised Code. 136994

(C) All credits provided under this section to a noncorporate 136995
enterprise shall be divided pro rata among the owners of the 136996
enterprise subject to the tax imposed by section 5747.02 of the 136997
Revised Code, based upon their proportionate ownership interests 136998
in the enterprise. The enterprise shall file with the tax 136999
commissioner, on a form prescribed by the commissioner, a 137000
statement showing the total available credit and the portion 137001
thereof attributed to each owner. The statement shall identify 137002
each owner by name and social security number and shall be filed 137003

with the tax commissioner by the date prescribed by the 137004
commissioner, which shall be no earlier than the fifteenth day of 137005
the month following the close of the enterprise's taxable year for 137006
which the credit is claimed. 137007

(D) All state income tax or corporation franchise tax credits 137008
provided under this section shall be claimed in the order required 137009
under section 5733.98 or 5747.98 of the Revised Code. The credits, 137010
to the extent they exceed the taxpayer's aggregate tax liability 137011
for the taxable year after allowance for any other credits that 137012
precede the credits under this section in that order, shall be 137013
carried forward to the next succeeding taxable year or years until 137014
fully utilized. 137015

Sec. 5733.36. This section applies only to tax years 1999, 137016
2000, 2001, 2002, and 2003. 137017

A nonrefundable credit is allowed against the tax imposed by 137018
sections 5733.06, 5733.065, and 5733.066 of the Revised Code for a 137019
taxpayer that enters into an agreement with a child ~~day-care~~ care 137020
center pursuant to this section. Under the terms of the agreement, 137021
the taxpayer must make one or more support payments to the 137022
~~day-care~~ center on a periodic basis, and the center must agree to 137023
serve a child of an employee of the taxpayer for the period 137024
covered by each support payment. The center must be licensed under 137025
section 5104.03 of the Revised Code. The amount of the support 137026
payment must be set forth in the agreement, and cannot exceed a 137027
reasonable charge for a child to attend a ~~day-care~~ center in the 137028
vicinity of the taxpayer's worksite. The agreement must specify 137029
that an employee has the option of refusing to place the 137030
employee's child in a ~~day-care~~ center that receives support 137031
payments from the taxpayer. 137032

The amount of the credit equals fifty per cent of the total 137033
amount of support payments made by the taxpayer during the taxable 137034

year. The taxpayer shall not count toward the credit any amount it 137035
paid directly or indirectly in connection with a plan or program 137036
described in section 125 of the Internal Revenue Code or under 137037
section 5733.38 of the Revised Code. The taxpayer shall claim the 137038
credit in the order required under section 5733.98 of the Revised 137039
Code. 137040

Sec. 5733.37. (A) A nonrefundable credit is allowed against 137041
the tax imposed by sections 5733.06, 5733.065, and 5733.066 of the 137042
Revised Code equal to the lesser of one hundred thousand dollars, 137043
or fifty per cent of the amount incurred by a taxpayer for 137044
equipment, supplies, labor, and real property, including 137045
renovation of real property, used exclusively to establish a child 137046
~~day-care~~ care center. The credit is allowed only for the tax year 137047
immediately following the taxable year in which the ~~child day-care~~ 137048
center begins operations. The credit may be claimed only for tax 137049
year 1999, 2000, 2001, 2002, or 2003, but may be carried forward 137050
pursuant to division (B) of this section. 137051

The center must be licensed under section 5104.03 of the 137052
Revised Code, used exclusively by employees of the taxpayer, and 137053
located at the employees' worksite. Amounts incurred for supplies 137054
that are to be used after the center begins operations may be 137055
included only with regard to supplies that are expected to last 137056
more than one year under normal usage. To be eligible for the 137057
credit, the taxpayer must specify that an employee has the option 137058
of refusing to place the employee's child in the ~~day-care~~ center 137059
established by the taxpayer. 137060

(B) The taxpayer shall claim the credit in the order required 137061
under section 5733.98 of the Revised Code. The taxpayer may carry 137062
forward any credit amount in excess of its tax due after allowing 137063
for any other credits that precede the credit under this section 137064
in the order required under section 5733.98 of the Revised Code, 137065

and shall deduct the amount of the excess credit allowed in any 137066
such year from the balance carried forward to the next taxable 137067
year. The credit may be carried forward for five tax years 137068
following the tax year for which the credit is claimed under 137069
division (A) of this section. However, if the taxpayer disposes of 137070
the ~~day-care~~ center or ceases to operate it at any time during the 137071
five-year period, it shall not claim or carry forward any credit 137072
in connection with that property in the taxable year of disposal 137073
or cessation of operation or in any ensuing taxable year. 137074

Sec. 5733.38. This section applies only to tax years 1999, 137075
2000, 2001, 2002, and 2003. 137076

A nonrefundable credit is allowed against the tax imposed by 137077
sections 5733.06, 5733.065, and 5733.066 of the Revised Code equal 137078
to fifty per cent of the amount incurred by a taxpayer during the 137079
taxable year immediately preceding the tax year to reimburse 137080
employees of the taxpayer for child care expenses. The amount of 137081
the credit for a tax year shall not exceed seven hundred fifty 137082
dollars per child. 137083

The taxpayer shall count toward the credit only 137084
reimbursements it pays to or for the benefit of employees for 137085
amounts paid by those employees for child care provided to 137086
dependents of the employees at child ~~day-care~~ care centers 137087
licensed under section 5104.03 of the Revised Code. The taxpayer 137088
shall not count toward the credit any amount it paid directly or 137089
indirectly in connection with a plan or program described in 137090
section 125 of the Internal Revenue Code or under section 5733.36 137091
of the Revised Code. The taxpayer shall claim the credit in the 137092
order required under section 5733.98 of the Revised Code. 137093

Sec. 6109.121. (A) The director of environmental protection 137094
shall adopt rules in accordance with Chapter 119. of the Revised 137095

Code that do all of the following:	137096
(1) Require the owner or operator of a community or nontransient noncommunity water system to conduct sampling of the system for lead and copper;	137097 137098 137099
(2) Establish a schedule for lead and copper sampling applicable to the owner or operator of a community or nontransient noncommunity water system that, at a minimum, does both of the following:	137100 137101 137102 137103
(a) Allows the director, in establishing the schedule, to consider the following factors when determining if a community or nontransient noncommunity water system must conduct sampling at least once annually:	137104 137105 137106 137107
(i) The age of the water system;	137108
(ii) Whether corrosion control requirements are met;	137109
(iii) Any other relevant risk factors, as determined by the director, including aging infrastructure likely to contain lead service lines.	137110 137111 137112
(b) Requires the owner or operator of a system where such risk factors are identified to conduct sampling at least once annually until the risk factors are mitigated in accordance with rules.	137113 137114 137115 137116
(3) Require the owner or operator of a community or nontransient noncommunity water system to provide collected samples to a certified laboratory for analysis;	137117 137118 137119
(4) Authorize the director to require additional sampling for pH level and other water quality parameters to determine if corrosion control requirements are met;	137120 137121 137122
(5) Authorize the director to establish corrosion control requirements for community and nontransient noncommunity water	137123 137124

systems;	137125
(6) Require the owner or operator of a community or nontransient noncommunity water system to conduct a new or updated corrosion control treatment study and submit a new or updated corrosion control treatment plan not later than eighteen months after any of the following events:	137126
(a) The system changes or adds a source from which water is obtained.	137127
(b) The system makes a substantial change in water treatment.	137128
(c) The system operates outside of acceptable ranges for lead, copper, pH, or other corrosion indicators, as determined by the director.	137129
(d) Any other event determined by the director to have the potential to impact the water quality or corrosiveness of water in the system.	137130
(7) Authorize the director to waive the requirement to conduct a new or updated corrosion control study established in rules adopted under division (A)(6) of this section in appropriate circumstances;	137131
(8) When the owner or operator of a community or nontransient noncommunity water system is required to complete a corrosion control treatment study and submit a plan in accordance with rules adopted under division (A)(6) of this section, require the owner or operator to complete the study and submit the plan to the director for approval even if sampling results conducted subsequent to the initiation of the study and plan do not exceed the lead action level established in rules adopted under this chapter;	137132
(9) When the owner or operator of a community or nontransient noncommunity water system is required to complete a corrosion	137133
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control treatment study and submit a plan in accordance with rules 137155
adopted under division (A)(6) of this section, require the owner 137156
or operator to submit to the director an interim status report of 137157
actions taken to implement the corrosion control study six months 137158
and twelve months from the date of initiation of the corrosion 137159
control study requirement; 137160

(10) Establish a lead threshold for individual taps; 137161

(11) Establish and revise content for public education 137162
materials; 137163

(12) Authorize the director to develop procedures and 137164
requirements to document that notices were provided by the owner 137165
or operator of a community or nontransient noncommunity water 137166
system as required under the rules adopted under division (A)(15) 137167
of this section; 137168

(13) Authorize the director to assess administrative 137169
penalties in accordance with section 6109.23 of the Revised Code 137170
for violations of the notice requirements established in rules 137171
adopted under divisions (A)(15)(b) and (c)(i) of this section; 137172

(14) Require a laboratory that receives a lead or copper tap 137173
water sample from a community or nontransient noncommunity water 137174
system to do both of the following: 137175

(a) Complete a lead or copper analysis of the sample, as 137176
applicable, not later than thirty business days after the receipt 137177
of the sample; 137178

(b) Not later than the end of the next business day following 137179
the day the analysis of the sample is completed, report the 137180
results of the analysis and all identifying information about 137181
where the sample was collected to the community or nontransient 137182
noncommunity water system and the director. 137183

(15) Require the owner or operator of a community or 137184

nontransient noncommunity water system to do all of the following, 137185
as applicable, with regard to laboratory results received under 137186
rules adopted under division (A)(14) of this section: 137187

(a) If the laboratory results show that a sample from an 137188
individual tap is below the applicable lead threshold as 137189
established in rules adopted under this chapter, provide notice of 137190
the results of each individual tap sample to the owner and persons 137191
served at the residence or other structure where the tap was 137192
sampled within a time period specified in rules that is not more 137193
than thirty business days after the receipt of the laboratory 137194
results; 137195

(b) If the results show that a sample from an individual tap 137196
is above the applicable lead threshold as established under rules 137197
adopted under this chapter, provide notice of the results of each 137198
individual tap sample to the owner and persons served at the 137199
residence or other structure where the tap was sampled within a 137200
time period specified in rules that is not more than two business 137201
days after the receipt of the laboratory results, and do all of 137202
the following, as applicable: 137203

(i) For the owner or operator of a nontransient noncommunity 137204
water system, immediately remove from service all fixtures 137205
identified as contributing to elevated lead levels; 137206

(ii) For the owner or operator of a community water system, 137207
include in the system's annual consumer confidence report the lead 137208
or copper laboratory results, an explanation of the associated 137209
health risks, what actions consumers of the system can take to 137210
reduce health risks, and the actions the system is taking to 137211
reduce public exposure; 137212

(iii) Not later than two business days after the receipt of 137213
the laboratory results, provide information on the availability of 137214
health screening and blood lead level testing to the owner and 137215

persons served at the residence or other structure where the 137216
sample was collected and provide notice of the laboratory results 137217
to the applicable local board of health. 137218

(c) If the laboratory results show that the community or 137219
nontransient noncommunity water system exceeds the lead action 137220
level established in rules adopted under this chapter, do all of 137221
the following, as applicable: 137222

(i) Not later than two business days after the receipt of the 137223
laboratory results, provide notice to all of the system's water 137224
consumers that the system exceeds the lead action level. The owner 137225
or operator shall provide the notice in a form specified by the 137226
director. 137227

(ii) Not later than five business days after the receipt of 137228
the laboratory results by the owner or operator of a community 137229
water system, provide information on the availability of tap water 137230
testing for lead to all consumers served by the system who are 137231
known or likely to have lead service lines, lead pipes, or lead 137232
solder as identified in the map required to be completed by rules 137233
adopted under division (A)(18) of this section; 137234

(iii) Not later than thirty business days after the receipt 137235
of the laboratory results, make an analysis of laboratory results 137236
available to all consumers served by the system, comply with 137237
public education requirements established in rules adopted under 137238
this chapter that apply when a public water system exceeds the 137239
lead action level, and provide information to consumers served by 137240
the system about the availability of health screenings and blood 137241
lead level testing in the area served by the water system; 137242

(iv) Subject to rules adopted under division (A)(7) of this 137243
section, perform a corrosion control treatment study and submit a 137244
corrosion control treatment plan to the director not later than 137245
eighteen months after the date on which laboratory results were 137246

received by the owner or operator indicating that the system 137247
exceeded the lead action level. 137248

(16) Require that not later than five business days after the 137249
receipt of the laboratory results, the owner or operator shall 137250
certify to the director that the owner or operator has complied 137251
with the requirements of rules adopted under divisions (A)(15)(b), 137252
(A)(15)(c)(i), and (A)(15)(c)(ii) of this section, as applicable. 137253

(17) Require that if the owner or operator of a community or 137254
nontransient noncommunity water system fails to provide the 137255
notices required under rules adopted under division (A)(15)(b) or 137256
(c)(i) of this section, the director shall provide those notices 137257
beginning ten business days from the date that the director 137258
receives laboratory results under the rules adopted under division 137259
(A)(14) of this section. 137260

(18) Require the owner or operator of a community or 137261
nontransient noncommunity water system to submit a map to the 137262
director showing areas of the system that are known or are likely 137263
to contain lead service lines and identifying characteristics of 137264
buildings served by the system that may contain lead piping, 137265
solder, or fixtures. The rules shall, at a minimum, require the 137266
owner or operator to do all of the following: 137267

(a) Submit a copy of the applicable map to the department of 137268
health and the department of job and family services; 137269

(b) Submit a report to the director containing at least the 137270
applicable map and a list of sampling locations that are tier I 137271
sites used to collect samples as required by rules adopted under 137272
this chapter, including contact information for the owner and 137273
occupant of each sampling site; 137274

(c) Update and resubmit the information required by divisions 137275
(A)(18)(a) and (b) of this section according to a schedule 137276
determined by the director, but not less frequently than required 137277

under the Safe Drinking Water Act. 137278

(B) The director shall post information on the environmental 137279
protection agency's web site about sources of funding that are 137280
available to assist communities with lead service line 137281
identification and replacement and schools with fountain and 137282
water-service fixture replacement. 137283

(C) As required by the director, an owner or operator of a 137284
nontransient noncommunity water system that is a school or child 137285
~~day-care~~ care center shall collect additional tap water samples in 137286
buildings identified in the map required to be completed by rules 137287
adopted under division (A)(18) of this section. 137288

(D) As used in this section: 137289

(1) "Child ~~day-care~~ care center" has the same meaning as in 137290
section 5104.01 of the Revised Code. 137291

(2) "School" means a school operated by the board of 137292
education of a city, local, exempted village, or joint vocational 137293
school district, the governing board of an educational service 137294
center, the governing authority of a community school established 137295
under Chapter 3314. of the Revised Code, the governing body of a 137296
science, technology, engineering, and mathematics school 137297
established under Chapter 3326. of the Revised Code, the board of 137298
trustees of a college-preparatory boarding school established 137299
under Chapter 3328. of the Revised Code, or the governing 137300
authority of a chartered or nonchartered nonpublic school. 137301

(3) "Local board of health" means the applicable board of 137302
health of a city or general health district or the authority 137303
having the duties of a board of health under section 3709.05 of 137304
the Revised Code. 137305

Section 130.21. That existing sections 109.57, 349.01, 137306
921.06, 1923.01, 1923.02, 2151.011, 2151.421, 2151.86, 2919.223, 137307

2919.224, 2919.225, 2919.226, 2923.124, 2923.126, 2950.034, 137308
2950.11, 2950.13, 3109.051, 3301.52, 3301.53, 3321.01, 3321.05, 137309
3325.07, 3325.071, 3701.63, 3701.80, 3714.03, 3717.42, 3728.01, 137310
3737.22, 3737.83, 3737.841, 3742.01, 3767.41, 3781.06, 3781.10, 137311
3796.30, 3797.06, 3905.064, 4510.021, 4511.01, 4511.81, 4513.182, 137312
4715.36, 5101.29, 5103.03, 5104.01, 5104.013, 5104.014, 5104.015, 137313
5104.016, 5104.017, 5104.018, 5104.0111, 5104.02, 5104.021, 137314
5104.022, 5104.03, 5104.032, 5104.033, 5104.034, 5104.037, 137315
5104.038, 5104.039, 5104.04, 5104.041, 5104.042, 5104.043, 137316
5104.05, 5104.051, 5104.052, 5104.053, 5104.054, 5104.06, 5104.07, 137317
5104.08, 5104.09, 5104.13, 5104.14, 5104.25, 5104.30, 5104.301, 137318
5104.31, 5104.32, 5104.35, 5104.36, 5104.99, 5107.60, 5119.37, 137319
5119.371, 5153.175, 5321.01, 5321.03, 5321.051, 5709.65, 5733.36, 137320
5733.37, 5733.38, and 6109.121 of the Revised Code are hereby 137321
repealed. 137322

Section 130.22. The General Assembly, applying the principle 137323
stated in division (B) of section 1.52 of the Revised Code that 137324
amendments are to be harmonized if reasonably capable of 137325
simultaneous operation, finds that the following sections, 137326
presented in this act as composites of the resulting versions of 137327
the sections in effect prior to the effective date of the sections 137328
as presented in this act: 137329

Section 109.57 of the Revised Code as amended by both H.B. 137330
405 and S.B. 288 of the 134th General Assembly. 137331

Section 4510.021 of the Revised Code as amended by both H.B. 137332
300 and S.B. 204 of the 131st General Assembly. 137333

Section 5104.017 of the Revised Code as amended by both H.B. 137334
110 and H.B. 281 of the 134th General Assembly. 137335

Section 5321.01 of the Revised Code amended by both H.B. 281 137336
and H.B. 430 of the 134th General Assembly. 137337

Section 130.23. That the version of section 3701.63 of the Revised Code that is scheduled to take effect September 30, 2024, be amended to read as follows:

Sec. 3701.63. (A) As used in this section and sections 3701.64, 3701.66, and 3701.67 of the Revised Code:

(1) "Child ~~day-care~~ care center," "type A family ~~day-care~~ child care home," and "licensed type B family ~~day-care~~ child care home" have the same meanings as in section 5104.01 of the Revised Code.

(2) "Child care facility" means a child ~~day-care~~ care center, a type A family ~~day-care~~ child care home, or a licensed type B family ~~day-care~~ child care home.

(3) "Foster caregiver" has the same meaning as in section 5103.02 of the Revised Code.

(4) "Freestanding birthing center" has the same meaning as in section 3701.503 of the Revised Code.

(5) "Hospital" has the same meaning as in section 3722.01 of the Revised Code to which either of the following applies:

(a) The hospital has a maternity unit.

(b) The hospital receives for care infants who have been transferred to it from other facilities and who have never been discharged to their residences following birth.

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

(7) "Maternity unit" means the distinct portion of a hospital in which maternity services are provided.

(8) "Other person responsible for the infant" includes a foster caregiver.

(9) "Parent" means either parent, unless the parents are

separated or divorced or their marriage has been dissolved or 137366
annulled, in which case "parent" means the parent who is the 137367
residential parent and legal custodian of the child. "Parent" also 137368
means a prospective adoptive parent with whom a child is placed. 137369

(10) "Shaken baby syndrome" means signs and symptoms, 137370
including, but not limited to, retinal hemorrhages in one or both 137371
eyes, subdural hematoma, or brain swelling, resulting from the 137372
violent shaking or the shaking and impacting of the head of an 137373
infant or small child. 137374

(B) The director of health shall establish the shaken baby 137375
syndrome education program by doing all of the following: 137376

(1) Developing educational materials that present readily 137377
comprehensible information on shaken baby syndrome; 137378

(2) Making available on the department of health web site in 137379
an easily accessible format the educational materials developed 137380
under division (B)(1) of this section; 137381

(3) Annually assessing the effectiveness of the shaken baby 137382
syndrome education program by doing all of the following: 137383

(a) Evaluating the reports received pursuant to section 137384
5101.135 of the Revised Code; 137385

(b) Reviewing the content of the educational materials to 137386
determine if updates or improvements should be made; 137387

(c) Reviewing the manner in which the educational materials 137388
are distributed, as described in section 3701.64 of the Revised 137389
Code, to determine if modifications to that manner should be made. 137390

(C) In meeting the requirements under division (B) of this 137391
section, the director shall develop educational materials that, to 137392
the extent possible, minimize administrative or financial burdens 137393
on any of the entities or persons listed in section 3701.64 of the 137394
Revised Code. 137395

Section 130.24. That the existing version of section 3701.63 137396
of the Revised Code that is scheduled to take effect September 30, 137397
2024, is hereby repealed. 137398

Section 130.25. Sections 130.23 and 130.24 of this act take 137399
effect September 30, 2024. 137400

Section 130.26. That the versions of sections 921.06, 137401
3737.83, and 3781.10 of the Revised Code that are scheduled to 137402
take effect December 29, 2023, be amended to read as follows: 137403

Sec. 921.06. (A)(1) No individual shall do any of the 137404
following without having a commercial applicator license issued by 137405
the director of agriculture: 137406

(a) Apply pesticides for a pesticide business without direct 137407
supervision; 137408

(b) Apply pesticides as part of the individual's duties while 137409
acting as an employee of the United States government, a state, 137410
county, township, or municipal corporation, or a park district, 137411
port authority, or sanitary district created under Chapter 1545., 137412
4582., or 6115. of the Revised Code, respectively; 137413

(c) Apply restricted use pesticides. Division (A)(1)(c) of 137414
this section does not apply to a private applicator or an 137415
immediate family member or a subordinate employee of a private 137416
applicator who is acting under the direct supervision of that 137417
private applicator. 137418

(d) If the individual is the owner of a business other than a 137419
pesticide business or an employee of such an owner, apply 137420
pesticides at any of the following publicly accessible sites that 137421
are located on the property: 137422

(i) Food service operations that are licensed under Chapter 137423

3717. of the Revised Code;	137424
(ii) Retail food establishments that are licensed under Chapter 3717. of the Revised Code;	137425 137426
(iii) Golf courses;	137427
(iv) Rental properties of more than four apartment units at one location;	137428 137429
(v) Hospitals or medical facilities as defined in section 3701.01 of the Revised Code;	137430 137431
(vi) Child day-care <u>care</u> centers or <u>licensed</u> school child day-care centers <u>programs</u> as defined in section 5104.01 of the Revised Code;	137432 137433 137434
(vii) Facilities owned or operated by a school district established under Chapter 3311. of the Revised Code, including an educational service center, a community school established under Chapter 3314. of the Revised Code, or a chartered or nonchartered nonpublic school that meets minimum standards established by the state board of education;	137435 137436 137437 137438 137439 137440
(viii) State institutions of higher education as defined in section 3345.011 of the Revised Code, nonprofit institutions holding a certificate of authorization pursuant to Chapter 1713. of the Revised Code, institutions holding a certificate of registration from the state board of career colleges and schools and program authorization for an associate or bachelor's degree program issued under section 3332.05 of the Revised Code, and private institutions exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code;	137441 137442 137443 137444 137445 137446 137447 137448 137449 137450
(ix) Food processing establishments as defined in section 3715.021 of the Revised Code;	137451 137452
(x) Any other site designated by rule.	137453

(e) Conduct authorized diagnostic inspections. 137454

(2) Divisions (A)(1)(a) to (d) of this section do not apply 137455
to an individual who is acting as a trained serviceperson under 137456
the direct supervision of a commercial applicator. 137457

(3) Licenses shall be issued for a period of time established 137458
by rule and shall be renewed in accordance with deadlines 137459
established by rule. The fee for each such license shall be 137460
established by rule. If a license is not issued or renewed, the 137461
application fee shall be retained by the state as payment for the 137462
reasonable expense of processing the application. The director 137463
shall by rule classify by pesticide-use category licenses to be 137464
issued under this section. A single license may include more than 137465
one pesticide-use category. No individual shall be required to pay 137466
an additional license fee if the individual is licensed for more 137467
than one category. 137468

The fee for each license or renewal does not apply to an 137469
applicant who is an employee of the department of agriculture 137470
whose job duties require licensure as a commercial applicator as a 137471
condition of employment. 137472

(B) Application for a commercial applicator license shall be 137473
made on a form prescribed by the director. Each application for a 137474
license shall state the pesticide-use category or categories of 137475
license for which the applicant is applying and other information 137476
that the director determines essential to the administration of 137477
this chapter. 137478

(C)(1) Except as provided in division (C)(2) of this section, 137479
if the director finds that the applicant is competent to apply 137480
pesticides and conduct diagnostic inspections and that the 137481
applicant has passed both the general examination and each 137482
applicable pesticide-use category examination as required under 137483
division (A) of section 921.12 of the Revised Code, the director 137484

shall issue a commercial applicator license limited to the 137485
pesticide-use category or categories for which the applicant is 137486
found to be competent. If the director rejects an application, the 137487
director may explain why the application was rejected, describe 137488
the additional requirements necessary for the applicant to obtain 137489
a license, and return the application. The applicant may resubmit 137490
the application without payment of any additional fee. 137491

(2) The director shall issue a commercial applicator license 137492
in accordance with Chapter 4796. of the Revised Code to an 137493
individual if either of the following applies: 137494

(a) The individual holds a commercial applicator license in 137495
another state. 137496

(b) The individual has satisfactory work experience, a 137497
government certification, or a private certification as described 137498
in that chapter as a commercial applicator in a state that does 137499
not issue that license. 137500

A license issued under this division shall be limited to the 137501
pesticide-use category or categories for which the applicant is 137502
licensed in another state or has satisfactory work experience, a 137503
government certification, or a private certification in that 137504
state. 137505

(D)(1) A person who is a commercial applicator shall be 137506
deemed to hold a private applicator's license for purposes of 137507
applying pesticides on agricultural commodities that are produced 137508
by the commercial applicator. 137509

(2) A commercial applicator shall apply pesticides only in 137510
the pesticide-use category or categories in which the applicator 137511
is licensed under this chapter. 137512

(E) All money collected under this section shall be credited 137513
to the pesticide, fertilizer, and lime program fund created in 137514
section 921.22 of the Revised Code. 137515

Sec. 3737.83. The state fire marshal shall, as part of the 137516
state fire code, adopt rules to: 137517

(A) Establish minimum standards of performance for fire 137518
protection equipment and fire fighting equipment; 137519

(B) Establish minimum standards of training, fix minimum 137520
qualifications, and require certificates for all persons who 137521
engage in the business for profit of installing, testing, 137522
repairing, or maintaining fire protection equipment; 137523

(C) Provide for the issuance of certificates required under 137524
division (B) of this section and establish the fees to be charged 137525
for such certificates. A certificate shall be granted, renewed, or 137526
revoked according to rules the state fire marshal shall adopt, 137527
except that the state fire marshal shall grant a certificate in 137528
accordance with Chapter 4796. of the Revised Code to an applicant 137529
if either of the following applies: 137530

(1) The applicant holds a license or certificate in another 137531
state. 137532

(2) The applicant has satisfactory work experience, a 137533
government certification, or a private certification as described 137534
in that chapter as a person engaged in the business of installing, 137535
testing, repairing, or maintaining fire protection equipment in a 137536
state that does not issue that certificate. 137537

(D) Establish minimum standards of flammability for consumer 137538
goods in any case where the federal government or any department 137539
or agency thereof has established, or may from time to time 137540
establish standards of flammability for consumer goods. The 137541
standards established by the state fire marshal shall be identical 137542
to the minimum federal standards. 137543

In any case where the federal government or any department or 137544
agency thereof, establishes standards of flammability for consumer 137545

goods subsequent to the adoption of a flammability standard by the 137546
state fire marshal, standards previously adopted by the state fire 137547
marshal shall not continue in effect to the extent such standards 137548
are not identical to the minimum federal standards. 137549

With respect to the adoption of minimum standards of 137550
flammability, this division shall supersede any authority granted 137551
a political subdivision by any other section of the Revised Code. 137552

(E) Establish minimum standards pursuant to section 5104.05 137553
of the Revised Code for fire prevention and fire safety in child 137554
~~day-care~~ care centers and in type A family ~~day-care~~ child care 137555
homes, as defined in section 5104.01 of the Revised Code. 137556

(F) Establish minimum standards for fire prevention and 137557
safety in a residential facility licensed under section 5119.34 of 137558
the Revised Code that provides accommodations, supervision, and 137559
personal care services for three to sixteen unrelated adults. The 137560
state fire marshal shall adopt the rules under this division in 137561
consultation with the director of mental health and addiction 137562
services and interested parties designated by the director of 137563
mental health and addiction services. 137564

Sec. 3781.10. (A)(1) The board of building standards shall 137565
formulate and adopt rules governing the erection, construction, 137566
repair, alteration, and maintenance of all buildings or classes of 137567
buildings specified in section 3781.06 of the Revised Code, 137568
including land area incidental to those buildings, the 137569
construction of industrialized units, the installation of 137570
equipment, and the standards or requirements for materials used in 137571
connection with those buildings. The board shall incorporate those 137572
rules into separate residential and nonresidential building codes. 137573
The standards shall relate to the conservation of energy and the 137574
safety and sanitation of those buildings. 137575

(2) The rules governing nonresidential buildings are the 137576

lawful minimum requirements specified for those buildings and 137577
industrialized units, except that no rule other than as provided 137578
in division (C) of section 3781.108 of the Revised Code that 137579
specifies a higher requirement than is imposed by any section of 137580
the Revised Code is enforceable. The rules governing residential 137581
buildings are uniform requirements for residential buildings in 137582
any area with a building department certified to enforce the state 137583
residential building code. In no case shall any local code or 137584
regulation differ from the state residential building code unless 137585
that code or regulation addresses subject matter not addressed by 137586
the state residential building code or is adopted pursuant to 137587
section 3781.01 of the Revised Code. 137588

(3) The rules adopted pursuant to this section are complete, 137589
lawful alternatives to any requirements specified for buildings or 137590
industrialized units in any section of the Revised Code. Except as 137591
otherwise provided in division (I) of this section, the board 137592
shall, on its own motion or on application made under sections 137593
3781.12 and 3781.13 of the Revised Code, formulate, propose, 137594
adopt, modify, amend, or repeal the rules to the extent necessary 137595
or desirable to effectuate the purposes of sections 3781.06 to 137596
3781.18 of the Revised Code. 137597

(B) The board shall report to the general assembly proposals 137598
for amendments to existing statutes relating to the purposes 137599
declared in section 3781.06 of the Revised Code that public health 137600
and safety and the development of the arts require and shall 137601
recommend any additional legislation to assist in carrying out 137602
fully, in statutory form, the purposes declared in that section. 137603
The board shall prepare and submit to the general assembly a 137604
summary report of the number, nature, and disposition of the 137605
petitions filed under sections 3781.13 and 3781.14 of the Revised 137606
Code. 137607

(C) On its own motion or on application made under sections 137608

3781.12 and 3781.13 of the Revised Code, and after thorough 137609
testing and evaluation, the board shall determine by rule that any 137610
particular fixture, device, material, process of manufacture, 137611
manufactured unit or component, method of manufacture, system, or 137612
method of construction complies with performance standards adopted 137613
pursuant to section 3781.11 of the Revised Code. The board shall 137614
make its determination with regard to adaptability for safe and 137615
sanitary erection, use, or construction, to that described in any 137616
section of the Revised Code, wherever the use of a fixture, 137617
device, material, method of manufacture, system, or method of 137618
construction described in that section of the Revised Code is 137619
permitted by law. The board shall amend or annul any rule or issue 137620
an authorization for the use of a new material or manufactured 137621
unit on any like application. No department, officer, board, or 137622
commission of the state other than the board of building standards 137623
or the board of building appeals shall permit the use of any 137624
fixture, device, material, method of manufacture, newly designed 137625
product, system, or method of construction at variance with what 137626
is described in any rule the board of building standards adopts or 137627
issues or that is authorized by any section of the Revised Code. 137628
Nothing in this section shall be construed as requiring approval, 137629
by rule, of plans for an industrialized unit that conforms with 137630
the rules the board of building standards adopts pursuant to 137631
section 3781.11 of the Revised Code. 137632

(D) The board shall recommend rules, codes, and standards to 137633
help carry out the purposes of section 3781.06 of the Revised Code 137634
and to help secure uniformity of state administrative rulings and 137635
local legislation and administrative action to the bureau of 137636
workers' compensation, the director of commerce, any other 137637
department, officer, board, or commission of the state, and to 137638
legislative authorities and building departments of counties, 137639
townships, and municipal corporations, and shall recommend that 137640
they audit those recommended rules, codes, and standards by any 137641

appropriate action that they are allowed pursuant to law or the constitution. 137642
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(E)(1) The board shall certify municipal, township, and county building departments, the personnel of those building departments, persons described in division (E)(7) of this section, and employees of individuals, firms, the state, or corporations described in division (E)(7) of this section to exercise enforcement authority, to accept and approve plans and specifications, and to make inspections, pursuant to sections 3781.03, 3791.04, and 4104.43 of the Revised Code. 137644
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(2) The board shall certify departments, personnel, and persons to enforce the state residential building code, to enforce the nonresidential building code, or to enforce both the residential and the nonresidential building codes. Any department, personnel, or person may enforce only the type of building code for which certified. 137652
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(3) The board shall not require a building department, its personnel, or any persons that it employs to be certified for residential building code enforcement if that building department does not enforce the state residential building code. The board shall specify, in rules adopted pursuant to Chapter 119. of the Revised Code, the requirements for certification for residential and nonresidential building code enforcement, which shall be consistent with this division. The requirements for residential and nonresidential certification may differ. Except as otherwise provided in this division, the requirements shall include, but are not limited to, the satisfactory completion of an initial examination and, to remain certified, the completion of a specified number of hours of continuing building code education within each three-year period following the date of certification which shall be not less than thirty hours. The rules shall provide that continuing education credits and certification issued by the 137658
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council of American building officials, national model code 137674
organizations, and agencies or entities the board recognizes are 137675
acceptable for purposes of this division. The rules shall specify 137676
requirements that are consistent with the provisions of section 137677
5903.12 of the Revised Code relating to active duty military 137678
service and are compatible, to the extent possible, with 137679
requirements the council of American building officials and 137680
national model code organizations establish. 137681

(4) The board shall establish and collect a certification and 137682
renewal fee for building department personnel, and persons and 137683
employees of persons, firms, or corporations as described in this 137684
section, who are certified pursuant to this division. 137685

(5) Any individual certified pursuant to this division shall 137686
complete the number of hours of continuing building code education 137687
that the board requires or, for failure to do so, forfeit 137688
certification. 137689

(6) This division does not require or authorize the board to 137690
certify personnel of municipal, township, and county building 137691
departments, and persons and employees of persons, firms, or 137692
corporations as described in this section, whose responsibilities 137693
do not include the exercise of enforcement authority, the approval 137694
of plans and specifications, or making inspections under the state 137695
residential and nonresidential building codes. 137696

(7) Enforcement authority for approval of plans and 137697
specifications and enforcement authority for inspections may be 137698
exercised, and plans and specifications may be approved and 137699
inspections may be made on behalf of a municipal corporation, 137700
township, or county, by any of the following who the board of 137701
building standards certifies: 137702

(a) Officers or employees of the municipal corporation, 137703
township, or county; 137704

(b) Persons, or employees of persons, firms, or corporations, 137705
pursuant to a contract to furnish architectural, engineering, or 137706
other services to the municipal corporation, township, or county; 137707

(c) Officers or employees of, and persons under contract 137708
with, a municipal corporation, township, county, health district, 137709
or other political subdivision, pursuant to a contract to furnish 137710
architectural, engineering, or other services; 137711

(d) Officers or employees of the division of industrial 137712
compliance in the department of commerce pursuant to a contract 137713
authorized by division (B) of section 121.083 of the Revised Code. 137714

(8) Municipal, township, and county building departments have 137715
jurisdiction within the meaning of sections 3781.03, 3791.04, and 137716
4104.43 of the Revised Code, only with respect to the types of 137717
buildings and subject matters for which they are certified under 137718
this section. 137719

(9) A certified municipal, township, or county building 137720
department may exercise enforcement authority, accept and approve 137721
plans and specifications, and make inspections pursuant to 137722
sections 3781.03, 3791.04, and 4104.43 of the Revised Code for a 137723
park district created pursuant to Chapter 1545. of the Revised 137724
Code upon the approval, by resolution, of the board of park 137725
commissioners of the park district requesting the department to 137726
exercise that authority and conduct those activities, as 137727
applicable. 137728

(10) Certification shall be granted upon application by the 137729
municipal corporation, the board of township trustees, or the 137730
board of county commissioners and approval of that application by 137731
the board of building standards. The application shall set forth: 137732

(a) Whether the certification is requested for residential or 137733
nonresidential buildings, or both; 137734

(b) The number and qualifications of the staff composing the 137735

building department;	137736
(c) The names, addresses, and qualifications of persons,	137737
firms, or corporations contracting to furnish work or services	137738
pursuant to division (E)(7)(b) of this section;	137739
(d) The names of any other municipal corporation, township,	137740
county, health district, or political subdivision under contract	137741
to furnish work or services pursuant to division (E)(7) of this	137742
section;	137743
(e) The proposed budget for the operation of the building	137744
department.	137745
(11) The board of building standards shall adopt rules	137746
governing all of the following:	137747
(a) The certification of building department personnel and	137748
persons and employees of persons, firms, or corporations	137749
exercising authority pursuant to division (E)(7) of this section.	137750
The rules shall disqualify any employee of the department or	137751
person who contracts for services with the department from	137752
performing services for the department when that employee or	137753
person would have to pass upon, inspect, or otherwise exercise	137754
authority over any labor, material, or equipment the employee or	137755
person furnishes for the construction, alteration, or maintenance	137756
of a building or the preparation of working drawings or	137757
specifications for work within the jurisdictional area of the	137758
department. The department shall provide other similarly qualified	137759
personnel to enforce the residential and nonresidential building	137760
codes as they pertain to that work.	137761
(b) The minimum services to be provided by a certified	137762
building department.	137763
(12) The board of building standards may revoke or suspend	137764
certification to enforce the residential and nonresidential	137765
building codes, on petition to the board by any person affected by	137766

that enforcement or approval of plans, or by the board on its own 137767
motion. Hearings shall be held and appeals permitted on any 137768
proceedings for certification or revocation or suspension of 137769
certification in the same manner as provided in section 3781.101 137770
of the Revised Code for other proceedings of the board of building 137771
standards. 137772

(13) Upon certification, and until that authority is revoked, 137773
any county or township building department shall enforce the 137774
residential and nonresidential building codes for which it is 137775
certified without regard to limitation upon the authority of 137776
boards of county commissioners under Chapter 307. of the Revised 137777
Code or boards of township trustees under Chapter 505. of the 137778
Revised Code. 137779

(14) The board shall certify a person to exercise enforcement 137780
authority, to accept and approve plans and specifications, or to 137781
make inspections in this state in accordance with Chapter 4796. of 137782
the Revised Code if either of the following applies: 137783

(a) The person holds a license or certificate in another 137784
state. 137785

(b) The person has satisfactory work experience, a government 137786
certification, or a private certification as described in that 137787
chapter in the same profession, occupation, or occupational 137788
activity as the profession, occupation, or occupational activity 137789
for which the certificate is required in this state in a state 137790
that does not issue that license or certificate. 137791

(F) In addition to hearings sections 3781.06 to 3781.18 and 137792
3791.04 of the Revised Code require, the board of building 137793
standards shall make investigations and tests, and require from 137794
other state departments, officers, boards, and commissions 137795
information the board considers necessary or desirable to assist 137796
it in the discharge of any duty or the exercise of any power 137797

mentioned in this section or in sections 3781.06 to 3781.18,
3791.04, and 4104.43 of the Revised Code.

(G) The board shall adopt rules and establish reasonable fees
for the review of all applications submitted where the applicant
applies for authority to use a new material, assembly, or product
of a manufacturing process. The fee shall bear some reasonable
relationship to the cost of the review or testing of the
materials, assembly, or products and for the notification of
approval or disapproval as provided in section 3781.12 of the
Revised Code.

(H) The residential construction advisory committee shall
provide the board with a proposal for a state residential building
code that the committee recommends pursuant to division (D)(1) of
section 4740.14 of the Revised Code. Upon receiving a
recommendation from the committee that is acceptable to the board,
the board shall adopt rules establishing that code as the state
residential building code.

(I)(1) The committee may provide the board with proposed
rules to update or amend the state residential building code that
the committee recommends pursuant to division (E) of section
4740.14 of the Revised Code.

(2) If the board receives a proposed rule to update or amend
the state residential building code as provided in division (I)(1)
of this section, the board either may accept or reject the
proposed rule for incorporation into the residential building
code. If the board does not act to either accept or reject the
proposed rule within ninety days after receiving the proposed rule
from the committee as described in division (I)(1) of this
section, the proposed rule shall become part of the residential
building code.

(J) The board shall cooperate with the director of job and

family services when the director promulgates rules pursuant to 137829
section 5104.05 of the Revised Code regarding safety and 137830
sanitation in type A family ~~day-care~~ child care homes. 137831

(K) The board shall adopt rules to implement the requirements 137832
of section 3781.108 of the Revised Code. 137833

Section 130.27. That the existing versions of sections 137834
921.06, 3737.83, and 3781.10 of the Revised Code that are 137835
scheduled to take effect December 29, 2023, are hereby repealed. 137836

Section 130.28. Sections 130.26 and 130.27 of this act take 137837
effect December 29, 2023. 137838

Section 130.30. That sections 127.15, 173.03, 753.19, 137839
1121.38, 1509.06, 1513.071, 1513.08, 1513.16, 1565.12, 1571.05, 137840
1571.08, 1571.10, 1571.14, 1571.15, 1571.16, 1707.02, 1707.04, 137841
1707.042, 1707.091, 1707.11, 1707.43, 1733.16, 2941.401, 3111.23, 137842
3301.05, 3302.04, 3310.521, 3313.41, 3313.818, 3314.21, 3319.081, 137843
3319.11, 3319.16, 3319.291, 3319.311, 3321.13, 3321.21, 3704.03, 137844
3734.02, 3734.021, 3734.575, 3746.09, 3752.11, 3772.031, 3772.04, 137845
3772.11, 3772.12, 3772.13, 3772.131, 3781.08, 3781.11, 3781.25, 137846
3781.29, 3781.342, 3904.08, 4121.19, 4123.512, 4123.52, 4125.03, 137847
4141.09, 4141.47, 4167.10, 4301.17, 4301.30, 4303.24, 4507.081, 137848
4508.021, 4509.101, 4510.41, 4735.13, 4735.14, 5107.161, 5120.14, 137849
5165.193, 5165.86, 5166.303, 5168.08, 5168.22, 5168.23, 5525.01, 137850
5703.37, 5709.83, 5736.041, and 5751.40 be amended and sections 137851
1509.031 and 3745.019 of the Revised Code be enacted to read as 137852
follows: 137853

Sec. 127.15. The controlling board may authorize any state 137854
agency for which an appropriation is made, in any act making 137855
appropriations for capital improvements, to expend the moneys 137856
appropriated otherwise than in accordance with the items set 137857

forth, and for such purpose may authorize transfers among items or 137858
create new items and authorize transfers thereto, provided that 137859
prior to such transfers the agency seeking the same shall notify 137860
by mail or electronic mail the elected representatives to the 137861
general assembly from the counties affected by such transfers, 137862
stating the time and place of the hearing on the proposed 137863
transfers thereto. Such transfers among items shall not alter in 137864
total the appropriation to any state agency except as otherwise 137865
provided by the general assembly. The board may not authorize the 137866
transfer of a capital appropriation item of any state agency for 137867
use by such agency for operating expenses, except as otherwise 137868
provided by the general assembly. 137869

Sec. 173.03. (A) There is hereby created the Ohio advisory 137870
council for the aging, which shall consist of twelve members to be 137871
appointed by the governor with the advice and consent of the 137872
senate. Two ex officio members of the council shall be members of 137873
the house of representatives appointed by the speaker of the house 137874
of representatives and shall be members of two different political 137875
parties. Two ex officio members of the council shall be members of 137876
the senate appointed by the president of the senate and shall be 137877
members of two different political parties. The medicaid director 137878
and directors of mental health and addiction services, 137879
developmental disabilities, health, and job and family services, 137880
or their designees, shall serve as ex officio members of the 137881
council. The council shall carry out its role as defined under the 137882
"Older Americans Act of 1965," 79 Stat. 219, 42 U.S.C. 3001, as 137883
amended. 137884

At the first meeting of the council, and annually thereafter, 137885
the members shall select one of their members to serve as 137886
chairperson and one of their members to serve as vice-chairperson. 137887
The council may form a quorum and take votes at meetings conducted 137888
by interactive electronic medium if provisions are made for public 137889

attendance through the interactive electronic meeting. 137890

(B) Members of the council shall be appointed for a term of 137891
three years, except that for the first appointment members of the 137892
Ohio commission on aging who were serving on the commission 137893
immediately prior to July 26, 1984, shall become members of the 137894
council for the remainder of their unexpired terms. Thereafter, 137895
appointment to the council shall be for a three-year term by the 137896
governor. Each member shall hold office from the date of 137897
appointment until the end of the term for which the member was 137898
appointed. Any member appointed to fill a vacancy occurring prior 137899
to the expiration of the term for which the member's predecessor 137900
was appointed shall hold office for the remainder of the term. No 137901
member shall continue in office subsequent to the expiration date 137902
of the member's term unless reappointed under the provisions of 137903
this section, and no member shall serve more than three 137904
consecutive terms on the council. 137905

(C) Membership of the council shall represent all areas of 137906
Ohio and shall be as follows: 137907

(1) A majority of members of the council shall have attained 137908
the age of fifty and have a knowledge of and continuing interest 137909
in the affairs and welfare of the older citizens of Ohio. The 137910
fields of business, labor, health, law, and human services shall 137911
be represented in the membership. 137912

(2) No more than seven members shall be of the same political 137913
party. 137914

(D) Any member of the council may be removed from office by 137915
the governor for neglect of duty, misconduct, or malfeasance in 137916
office after being informed in writing of the charges and afforded 137917
an opportunity for a hearing. Two consecutive unexcused absences 137918
from regularly scheduled meetings constitute neglect of duty. 137919

(E) The director of aging may reimburse a member for actual 137920

and necessary traveling and other expenses incurred in the 137921
discharge of official duties. But reimbursement shall be made in 137922
the manner and at rates that do not exceed those prescribed by the 137923
director of budget and management for any officer, member, or 137924
employee of, or consultant to, any state agency. 137925

(F) Council members are not limited as to the number of terms 137926
they may serve. 137927

(G)(1) The department of aging may award grants to or enter 137928
into contracts with a member of the advisory council or an entity 137929
that the member represents if any of the following apply: 137930

(a) The department determines that the member or the entity 137931
the member represents is capable of providing the goods or 137932
services specified under the terms of the grant or contract. 137933

(b) The member has not taken part in any discussion or vote 137934
of the council related to whether the council should recommend 137935
that the department of aging award the grant to or enter into the 137936
contract with the member of the advisory council or the entity 137937
that the member represents. 137938

(2) A member of the advisory council is not in violation of 137939
Chapter 102. or section 2921.42 of the Revised Code with regard to 137940
receiving a grant or entering into a contract under this section 137941
if the conditions of division (G)(1)(a) and (b) of this section 137942
have been met. 137943

Sec. 753.19. (A) If a person who was convicted of or pleaded 137944
guilty to an offense or was indicted or otherwise charged with the 137945
commission of an offense escapes from a jail or workhouse of a 137946
municipal corporation or otherwise escapes from the custody of a 137947
municipal corporation, the chief of police or other chief law 137948
enforcement officer of that municipal corporation immediately 137949
after the escape shall report the escape, by telephone and in 137950

writing, to all local law enforcement agencies with jurisdiction 137951
over the place where the person escaped from custody, to the state 137952
highway patrol, to the department of rehabilitation and correction 137953
if the escaped person is a prisoner under the custody of the 137954
department who is in the jail or workhouse, to the prosecuting 137955
attorney of the county, and to a newspaper of general circulation 137956
in the municipal corporation in a newspaper of general circulation 137957
in each county in which part of the municipal corporation is 137958
located. The written notice may be by ~~either~~ facsimile 137959
transmission, electronic mail, or mail. A failure to comply with 137960
this requirement is a violation of section 2921.22 of the Revised 137961
Code. 137962

(B) Upon the apprehension of the escaped person, the chief 137963
law enforcement officer shall give notice of the apprehension of 137964
the escaped person by telephone and in writing to the persons 137965
notified under division (A) of this section. 137966

Sec. 1121.38. (A)(1) An administrative hearing provided for 137967
in section 1121.32, 1121.33, 1121.35, or 1121.41 of the Revised 137968
Code shall be held in the county in which the principal place of 137969
business of the bank or trust company or residence of the 137970
regulated person is located, unless the bank, trust company, or 137971
regulated person requesting the hearing consents to another place. 137972
Within ninety days after the hearing, the superintendent of 137973
financial institutions shall render a decision, which shall 137974
include findings of fact upon which the decision is predicated, 137975
and shall issue and serve on the bank, trust company, or regulated 137976
person the decision and an order consistent with the decision. 137977
Judicial review of the order is exclusively as provided in 137978
division (B) of this section. Unless a notice of appeal is filed 137979
in a court of common pleas within thirty days after service of the 137980
superintendent's order as provided in division (B) of this 137981
section, and until the record of the administrative hearing has 137982

been filed, the superintendent may, at anytime, upon the notice 137983
and in the manner the superintendent considers proper, modify, 137984
terminate, or set aside the superintendent's order. After filing 137985
the record, the superintendent may modify, terminate, or set aside 137986
the superintendent's order with permission of the court. 137987

(a) A hearing provided for in section 1121.32, 1121.35, or 137988
1121.41 of the Revised Code shall be confidential, unless the 137989
superintendent determines that holding an open hearing would be in 137990
the public interest. Within twenty days after service of the 137991
notice of a hearing, a respondent may file a written request for a 137992
public hearing with the superintendent. A respondent's failure to 137993
file such a request constitutes a waiver of any objections to a 137994
confidential hearing. 137995

(b) A hearing provided for in section 1121.33 of the Revised 137996
Code shall be an open hearing. Within twenty days after service of 137997
the notice of a hearing, a respondent may file a written request 137998
for a confidential hearing with the superintendent. If such a 137999
request is received by the superintendent, the hearing shall be 138000
confidential unless the superintendent determines that holding an 138001
open hearing would be in the public interest. 138002

(2) In the course of, or in connection with, an 138003
administrative hearing governed by this section, the 138004
superintendent, or a person designated by the superintendent to 138005
conduct the hearing, may administer oaths and affirmations, take 138006
or cause depositions to be taken, and issue, revoke, quash, or 138007
modify subpoenas and subpoenas duces tecum. At any administrative 138008
hearing required by section 1121.32, 1121.33, 1121.35, or 1121.41 138009
of the Revised Code, the record of which may be the basis of an 138010
appeal to court, a stenographic record of the testimony and other 138011
evidence submitted shall be taken at the expense of the division 138012
of financial institutions. The record shall include all of the 138013
testimony and other evidence, and any rulings on the admissibility 138014

thereof, presented at the hearing. The superintendent may adopt 138015
rules regarding these hearings. The attendance of witnesses and 138016
the production of documents provided for in this section may be 138017
required from any place within or outside the state. A party to a 138018
hearing governed by this section may apply to the court of common 138019
pleas of Franklin county, or the court of common pleas of the 138020
county in which the hearing is being conducted or the witness 138021
resides or carries on business, for enforcement of a subpoena or 138022
subpoena duces tecum issued pursuant to this section, and the 138023
courts have jurisdiction and power to order and require compliance 138024
with the subpoena. Witnesses subpoenaed under this section shall 138025
be paid the fees and mileage provided for under section 119.094 of 138026
the Revised Code. 138027

As used in this division, "stenographic record" means a 138028
record provided by stenographic means or by the use of audio 138029
electronic recording devices, as the division of financial 138030
institutions determines. 138031

(B)(1) A bank, trust company, or regulated person against 138032
whom the superintendent issues an order upon the record of a 138033
hearing under the authority of section 1121.32, 1121.33, 1121.35, 138034
or 1121.41 of the Revised Code may obtain a review of the order by 138035
filing a notice of appeal in the court of common pleas in the 138036
county in which the principal place of business of the bank, trust 138037
company, or regulated person, or residence of the regulated 138038
person, is located, or in the court of common pleas of Franklin 138039
county, within thirty days after the date of service of the 138040
superintendent's order. The clerk of the court shall promptly 138041
transmit a copy of the notice of appeal to the superintendent. 138042
Within thirty days after receiving the notice of appeal, the 138043
superintendent shall file a certified copy of the record of the 138044
administrative hearing with the clerk of the court. In the event 138045
of a private hearing, the record of the administrative hearing 138046

shall be filed under seal with the clerk of the court. Upon the 138047
filing of the notice of appeal, the court has jurisdiction, which 138048
upon the filing of the record of the administrative hearing is 138049
exclusive, to affirm, modify, terminate, or set aside, in whole or 138050
in part, the superintendent's order. 138051

(2) The commencement of proceedings for judicial review 138052
pursuant to division (B) of this section does not, unless 138053
specifically ordered by the court, operate as a stay of any order 138054
issued by the superintendent. If it appears to the court an 138055
unusual hardship to the appellant bank, trust company, or 138056
regulated person will result from the execution of the 138057
superintendent's order pending determination of the appeal, and 138058
the interests of depositors and the public will not be threatened 138059
by a stay of the order, the court may grant a stay and fix its 138060
terms. 138061

(C) The superintendent may, in the sole discretion of the 138062
superintendent, apply to the court of common pleas of the county 138063
in which the principal place of business of the bank, trust 138064
company, or regulated person, or residence of the regulated 138065
person, is located, or the court of common pleas of Franklin 138066
county, for the enforcement of an effective and outstanding 138067
superintendent's order issued under section 1121.32, 1121.33, 138068
1121.34, 1121.35, or 1121.41 of the Revised Code, and the court 138069
has jurisdiction and power to order and require compliance with 138070
the superintendent's order. In an action by the superintendent 138071
pursuant to this division to enforce an order assessing a civil 138072
penalty issued under section 1121.35 of the Revised Code, the 138073
validity and appropriateness of the civil penalty is not subject 138074
to review. 138075

(D) No court has jurisdiction to affect, by injunction or 138076
otherwise, the issuance or enforcement of an order issued under 138077
section 1121.32, 1121.33, 1121.34, 1121.35, or 1121.41 of the 138078

Revised Code or to review, modify, suspend, terminate, or set 138079
aside an order issued under section 1121.32, 1121.33, 1121.34, 138080
1121.35, or 1121.41 of the Revised Code, except as provided in 138081
this section, in division (G) of section 1121.32 of the Revised 138082
Code for an order issued pursuant to division (C)(3) or (4) of 138083
section 1121.32 of the Revised Code, or in division (A)(3) of 138084
section 1121.34 of the Revised Code for an order issued pursuant 138085
to division (A)(1) of section 1121.34 of the Revised Code. 138086

(E) Nothing in this section or in any other section of the 138087
Revised Code or rules implementing this or any other section of 138088
the Revised Code shall prohibit or limit the superintendent from 138089
doing any of the following: 138090

(1) Issuing orders pursuant to section 1121.32, 1121.33, 138091
1121.34, 1121.35, or 1121.41 of the Revised Code; 138092

(2) Individually or contemporaneously taking any other action 138093
provided by law or rule with respect to a bank, trust company, or 138094
regulated person; 138095

(3) Taking any action provided by law or rule with respect to 138096
a bank, trust company, or regulated person, whether alone or in 138097
conjunction with another regulatory agency or authority. 138098

Sec. 1509.031. (A) Notwithstanding any other provision of law 138099
to the contrary and other than a statement of production, the 138100
chief of the division of oil and gas resources management may 138101
require the electronic submission of any application, report, test 138102
result, fee, or document that is required to be submitted under 138103
this chapter. The chief shall require the submission of statements 138104
of production to be made electronically regardless of well type 138105
and the number of wells owned. 138106

(B) For good cause, a person may request to be excluded from 138107
any requirement to make an electronic submission under division 138108

(A) of this section other than the requirement to submit a statement of production electronically. The chief shall establish the procedure and form by which a person may request such exclusion.

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Sec. 1509.06. (A) An application for a permit to drill a new well, drill an existing well deeper, reopen a well, convert a well to any use other than its original purpose, or plug back a well to a different source of supply, including associated production operations, shall be filed with the chief of the division of oil and gas resources management upon such form as the chief prescribes and shall contain each of the following that is applicable:

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(1) The name and address of the owner and, if a corporation, the name and address of the statutory agent;

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(2) The signature of the owner or the owner's authorized agent. When an authorized agent signs an application, it shall be accompanied by a certified copy of the appointment as such agent.

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(3) The names and addresses of all persons holding the royalty interest in the tract upon which the well is located or is to be drilled or within a proposed drilling unit;

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(4) The location of the tract or drilling unit on which the well is located or is to be drilled identified by section or lot number, city, village, township, and county;

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(5) Designation of the well by name and number;

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(6)(a) The geological formation to be tested or used and the proposed total depth of the well;

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(b) If the well is for the injection of a liquid, identity of the geological formation to be used as the injection zone and the composition of the liquid to be injected.

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(7) The type of drilling equipment to be used;

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(8)(a) An identification, to the best of the owner's 138139
knowledge, of each proposed source of ground water and surface 138140
water that will be used in the production operations of the well. 138141
The identification of each proposed source of water shall indicate 138142
if the water will be withdrawn from the Lake Erie watershed or the 138143
Ohio river watershed. In addition, the owner shall provide, to the 138144
best of the owner's knowledge, the proposed estimated rate and 138145
volume of the water withdrawal for the production operations. If 138146
recycled water will be used in the production operations, the 138147
owner shall provide the estimated volume of recycled water to be 138148
used. The owner shall submit to the chief an update of any of the 138149
information that is required by division (A)(8)(a) of this section 138150
if any of that information changes before the chief issues a 138151
permit for the application. 138152

(b) Except as provided in division (A)(8)(c) of this section, 138153
for an application for a permit to drill a new well within an 138154
urbanized area, the results of sampling of water wells within 138155
three hundred feet of the proposed well prior to commencement of 138156
drilling. In addition, the owner shall include a list that 138157
identifies the location of each water well where the owner of the 138158
property on which the water well is located denied the owner 138159
access to sample the water well. The sampling shall be conducted 138160
in accordance with the guidelines established in "Best Management 138161
Practices For Pre-drilling Water Sampling" in effect at the time 138162
that the application is submitted. The division shall furnish 138163
those guidelines upon request and shall make them available on the 138164
division's web site. If the chief determines that conditions at 138165
the proposed well site warrant a revision, the chief may revise 138166
the distance established in this division for purposes of 138167
pre-drilling water sampling. 138168

(c) For an application for a permit to drill a new horizontal 138169
well, the results of sampling of water wells within one thousand 138170

five hundred feet of the proposed horizontal wellhead prior to 138171
commencement of drilling. In addition, the owner shall include a 138172
list that identifies the location of each water well where the 138173
owner of the property on which the water well is located denied 138174
the owner access to sample the water well. The sampling shall be 138175
conducted in accordance with the guidelines established in "Best 138176
Management Practices For Pre-drilling Water Sampling" in effect at 138177
the time that the application is submitted. The division shall 138178
furnish those guidelines upon request and shall make them 138179
available on the division's web site. If the chief determines that 138180
conditions at the proposed well site warrant a revision, the chief 138181
may revise the distance established in this division for purposes 138182
of pre-drilling water sampling. 138183

(9) For an application for a permit to drill a new well 138184
within an urbanized area, a sworn statement that the applicant has 138185
provided notice by regular mail of the application to the owner of 138186
each parcel of real property that is located within five hundred 138187
feet of the surface location of the well and to the executive 138188
authority of the municipal corporation or the board of township 138189
trustees of the township, as applicable, in which the well is to 138190
be located. In addition, the notice shall contain a statement that 138191
informs an owner of real property who is required to receive the 138192
notice under division (A)(9) of this section that within five days 138193
of receipt of the notice, the owner is required to provide notice 138194
under section 1509.60 of the Revised Code to each residence in an 138195
occupied dwelling that is located on the owner's parcel of real 138196
property. The notice shall contain a statement that an application 138197
has been filed with the division of oil and gas resources 138198
management, identify the name of the applicant and the proposed 138199
well location, include the name and address of the division, and 138200
contain a statement that comments regarding the application may be 138201
sent to the division. The notice may be provided by hand delivery 138202
or regular mail. The identity of the owners of parcels of real 138203

property shall be determined using the tax records of the 138204
municipal corporation or county in which a parcel of real property 138205
is located as of the date of the notice. 138206

(10) A plan for restoration of the land surface disturbed by 138207
drilling operations. The plan shall provide for compliance with 138208
the restoration requirements of division (A) of section 1509.072 138209
of the Revised Code and any rules adopted by the chief pertaining 138210
to that restoration. 138211

(11)(a) A description by name or number of the county, 138212
township, and municipal corporation roads, streets, and highways 138213
that the applicant anticipates will be used for access to and 138214
egress from the well site; 138215

(b) For an application for a permit for a horizontal well, a 138216
copy of an agreement concerning maintenance and safe use of the 138217
roads, streets, and highways described in division (A)(11)(a) of 138218
this section entered into on reasonable terms with the public 138219
official that has the legal authority to enter into such 138220
maintenance and use agreements for each county, township, and 138221
municipal corporation, as applicable, in which any such road, 138222
street, or highway is located or an affidavit on a form prescribed 138223
by the chief attesting that the owner attempted in good faith to 138224
enter into an agreement under division (A)(11)(b) of this section 138225
with the applicable public official of each such county, township, 138226
or municipal corporation, but that no agreement was executed. 138227

(12) Such other relevant information as the chief prescribes 138228
by rule. 138229

Each application shall be accompanied by a map, on a scale 138230
not smaller than four hundred feet to the inch, prepared by an 138231
Ohio registered surveyor, showing the location of the well and 138232
containing such other data as may be prescribed by the chief. If 138233
the well is or is to be located within the excavations and 138234

workings of a mine, the map also shall include the location of the mine, the name of the mine, and the name of the person operating the mine.

(B) The chief shall cause a copy of the weekly circular prepared by the division to be provided to the county engineer of each county that contains active or proposed drilling activity. The weekly circular shall contain, in the manner prescribed by the chief, the names of all applicants for permits, the location of each well or proposed well, the information required by division (A)(11) of this section, and any additional information the chief prescribes. In addition, the chief promptly shall transfer an electronic copy ~~or facsimile~~, or if ~~those methods are~~ that method is not available to a municipal corporation or township, a copy via regular mail, of a drilling permit application to the clerk of the legislative authority of the municipal corporation or to the clerk of the township in which the well or proposed well is or is to be located if the legislative authority of the municipal corporation or the board of township trustees has asked to receive copies of such applications and the appropriate clerk has provided the chief an accurate, current electronic mailing address ~~or facsimile number, as applicable.~~

(C)(1) Except as provided in division (C)(2) of this section, the chief shall not issue a permit for at least ten days after the date of filing of the application for the permit unless, upon reasonable cause shown, the chief waives that period or a request for expedited review is filed under this section. However, the chief shall issue a permit within twenty-one days of the filing of the application unless the chief denies the application by order.

(2) If the location of a well or proposed well will be or is within an urbanized area, the chief shall not issue a permit for at least eighteen days after the date of filing of the application for the permit unless, upon reasonable cause shown, the chief

waives that period or the chief at the chief's discretion grants a 138267
request for an expedited review. However, the chief shall issue a 138268
permit for a well or proposed well within an urbanized area within 138269
thirty days of the filing of the application unless the chief 138270
denies the application by order. 138271

(D) An applicant may file a request with the chief for 138272
expedited review of a permit application if the well is not or is 138273
not to be located in a gas storage reservoir or reservoir 138274
protective area, as "reservoir protective area" is defined in 138275
section 1571.01 of the Revised Code. If the well is or is to be 138276
located in a coal bearing township, the application shall be 138277
accompanied by the affidavit of the landowner prescribed in 138278
section 1509.08 of the Revised Code. 138279

In addition to a complete application for a permit that meets 138280
the requirements of this section and the permit fee prescribed by 138281
this section, a request for expedited review shall be accompanied 138282
by a separate nonrefundable filing fee of two hundred fifty 138283
dollars. Upon the filing of a request for expedited review, the 138284
chief shall cause the county engineer of the county in which the 138285
well is or is to be located to be notified of the filing of the 138286
permit application and the request for expedited review by 138287
telephone or other means that in the judgment of the chief will 138288
provide timely notice of the application and request. The chief 138289
shall issue a permit within seven days of the filing of the 138290
request unless the chief denies the application by order. 138291
Notwithstanding the provisions of this section governing expedited 138292
review of permit applications, the chief may refuse to accept 138293
requests for expedited review if, in the chief's judgment, the 138294
acceptance of the requests would prevent the issuance, within 138295
twenty-one days of their filing, of permits for which applications 138296
are pending. 138297

(E) A well shall be drilled and operated in accordance with 138298

the plans, sworn statements, and other information submitted in 138299
the approved application. 138300

(F) The chief shall issue an order denying a permit if the 138301
chief finds that there is a substantial risk that the operation 138302
will result in violations of this chapter or rules adopted under 138303
it that will present an imminent danger to public health or safety 138304
or damage to the environment, provided that where the chief finds 138305
that terms or conditions to the permit can reasonably be expected 138306
to prevent such violations, the chief shall issue the permit 138307
subject to those terms or conditions, including, if applicable, 138308
terms and conditions regarding subjects identified in rules 138309
adopted under section 1509.03 of the Revised Code. The issuance of 138310
a permit shall not be considered an order of the chief. 138311

The chief shall post notice of each permit that has been 138312
approved under this section on the division's web site not later 138313
than two business days after the application for a permit has been 138314
approved. 138315

(G) Each application for a permit required by section 1509.05 138316
of the Revised Code, except an application for a well drilled or 138317
reopened for purposes of section 1509.22 of the Revised Code, also 138318
shall be accompanied by a nonrefundable fee as follows: 138319

(1) Five hundred dollars for a permit to conduct activities 138320
in a township with a population of fewer than ten thousand; 138321

(2) Seven hundred fifty dollars for a permit to conduct 138322
activities in a township with a population of ten thousand or 138323
more, but fewer than fifteen thousand; 138324

(3) One thousand dollars for a permit to conduct activities 138325
in either of the following: 138326

(a) A township with a population of fifteen thousand or more; 138327

(b) A municipal corporation regardless of population. 138328

(4) If the application is for a permit that requires 138329
mandatory pooling, an additional five thousand dollars. 138330

For purposes of calculating fee amounts, populations shall be 138331
determined using the most recent federal decennial census. 138332

Each application for the revision or reissuance of a permit 138333
shall be accompanied by a nonrefundable fee of two hundred fifty 138334
dollars. 138335

(H)(1) Prior to the commencement of well pad construction and 138336
prior to the issuance of a permit to drill a proposed horizontal 138337
well or a proposed well that is to be located in an urbanized 138338
area, the division shall conduct a site review to identify and 138339
evaluate any site-specific terms and conditions that may be 138340
attached to the permit. At the site review, a representative of 138341
the division shall consider fencing, screening, and landscaping 138342
requirements, if any, for similar structures in the community in 138343
which the well is proposed to be located. The terms and conditions 138344
that are attached to the permit shall include the establishment of 138345
fencing, screening, and landscaping requirements for the surface 138346
facilities of the proposed well, including a tank battery of the 138347
well. 138348

(2) Prior to the issuance of a permit to drill a proposed 138349
well, the division shall conduct a review to identify and evaluate 138350
any site-specific terms and conditions that may be attached to the 138351
permit if the proposed well will be located in a one-hundred-year 138352
floodplain or within the five-year time of travel associated with 138353
a public drinking water supply. 138354

(I) A permit shall be issued by the chief in accordance with 138355
this chapter. A permit issued under this section for a well that 138356
is or is to be located in an urbanized area shall be valid for 138357
twelve months, and all other permits issued under this section 138358
shall be valid for twenty-four months. 138359

(J) An applicant or a permittee, as applicable, shall submit 138360
to the chief an update of the information that is required under 138361
division (A)(8)(a) of this section if any of that information 138362
changes prior to commencement of production operations. 138363

(K) A permittee or a permittee's authorized representative 138364
shall notify an inspector from the division at least twenty-four 138365
hours, or another time period agreed to by the chief's authorized 138366
representative, prior to the commencement of well pad construction 138367
and of drilling, reopening, converting, well stimulation, or 138368
plugback operations. 138369

Sec. 1513.071. (A) Simultaneously with the filing of an 138370
application for a permit or significant revision of an existing 138371
permit under section 1513.07 of the Revised Code, the applicant 138372
shall submit to the chief of the division of mineral resources 138373
management a copy of the applicant's advertisement of the 138374
ownership, precise location, and boundaries of the land to be 138375
affected. At the time of submission, the advertisement shall be 138376
placed by the applicant in a newspaper of general circulation in 138377
the locality of the proposed coal mine at least once a week for 138378
four consecutive weeks. The chief shall notify, in each county or 138379
part of a county in which a proposed area to be permitted is 138380
located, the board of county commissioners, the board of township 138381
trustees, the legislative authorities of municipal corporations, 138382
private water companies, regional councils of governments, and the 138383
boards of directors of conservancy districts informing them of the 138384
operator's intention to conduct a coal mining operation on a 138385
particularly described tract of land and indicating the permit 138386
application number and where a copy of the proposed mining and 138387
reclamation plan may be inspected. The chief shall also notify the 138388
planning commissions with jurisdiction over all or part of the 138389
area to be permitted. These agencies, authorities, or companies 138390
may submit written comments on the application with respect to the 138391

effects of the proposed operation on the environment that are 138392
within their area of responsibility in quadruplicate to the chief 138393
within thirty days after notification by the chief of receipt of 138394
the application. The chief shall immediately transmit these 138395
comments to the applicant and make them available to the public at 138396
the same locations at which the mining application is available 138397
for inspection. 138398

(B) A person having an interest that is or may be adversely 138399
affected or the officer or head of any federal, state, or local 138400
governmental agency or authority may file written objections to 138401
the proposed initial or revised application for a coal mining and 138402
reclamation permit with the chief within thirty days after the 138403
last publication of the notice required by division (A) of this 138404
section. The objections shall immediately be transmitted to the 138405
applicant by the chief and shall be made available to the public. 138406
If written objections are filed and an informal conference 138407
requested, the chief or the chief's representative shall then hold 138408
an informal conference on the application for a permit within a 138409
reasonable time in the county where the largest area of the area 138410
to be permitted is located. The date, time, and location of the 138411
informal conference shall be advertised by the chief in a 138412
newspaper of general circulation in the locality at least two 138413
weeks prior to the scheduled conference date. The chief may 138414
arrange with the applicant, upon request by any objecting party, 138415
access to the proposed mining area for the purpose of gathering 138416
information relevant to the proceeding. An electronic ~~ex~~ 138417
~~stenographic~~ record shall be made of the conference proceeding 138418
unless waived by all parties. The record shall be maintained and 138419
shall be accessible to the parties until final release of the 138420
applicant's performance security. If all parties requesting the 138421
informal conference stipulate agreement prior to the requested 138422
informal conference and withdraw their request, the informal 138423
conference need not be held. 138424

Sec. 1513.08. (A) After a coal mining and reclamation permit application has been approved, the applicant shall file with the chief of the division of mineral resources management, on a form prescribed and furnished by the chief, the performance security required under this section that shall be payable to the state and conditioned on the faithful performance of all the requirements of this chapter and rules adopted under it and the terms and conditions of the permit.

(B) Using the information contained in the permit application; the requirements contained in the approved permit and reclamation plan; and, after considering the topography, geology, hydrology, and revegetation potential of the area of the approved permit, the probable difficulty of reclamation; the chief shall determine the estimated cost of reclamation under the initial term of the permit if the reclamation has to be performed by the division of mineral resources management in the event of forfeiture of the performance security by the applicant. The chief shall send either written notice by certified mail or electronic notice with acknowledgment of receipt of the amount of the estimated cost of reclamation ~~by certified mail~~ to the applicant. The applicant shall send either written notice or electronic notice with acknowledgment of receipt to the chief indicating the method by which the applicant will provide the performance security pursuant to division (C) of this section.

(C) The applicant shall provide the performance security in an amount using one of the following:

(1) If the applicant elects to provide performance security without reliance on the reclamation forfeiture fund created in section 1513.18 of the Revised Code, the amount of the estimated cost of reclamation as determined by the chief under division (B) of this section for the increments of land on which the operator

will conduct a coal mining and reclamation operation under the 138456
initial term of the permit as indicated in the application; 138457

(2) If the applicant elects to provide performance security 138458
together with reliance on the reclamation forfeiture fund through 138459
payment of the additional tax on the severance of coal that is 138460
levied under division (A)(8) of section 5749.02 of the Revised 138461
Code, an amount of twenty-five hundred dollars per acre of land on 138462
which the operator will conduct coal mining and reclamation under 138463
the initial term of the permit as indicated in the application. In 138464
order for an applicant to be eligible to provide performance 138465
security in accordance with division (C)(2) of this section, the 138466
applicant, an owner and controller of the applicant, or an 138467
affiliate of the applicant shall have held a permit issued under 138468
this chapter for any coal mining and reclamation operation for a 138469
period of not less than five years. 138470

If a permit is transferred, assigned, or sold, the transferee 138471
is not eligible to provide performance security under division 138472
(C)(2) of this section if the transferee has not held a permit 138473
issued under this chapter for any coal mining and reclamation 138474
operation for a period of not less than five years. This 138475
restriction applies even if the status or name of the permittee 138476
otherwise remains the same after the transfer, assignment, or 138477
sale. 138478

In the event of forfeiture of performance security that was 138479
provided in accordance with division (C)(2) of this section, the 138480
difference between the amount of that performance security and the 138481
estimated cost of reclamation as determined by the chief under 138482
division (B) of this section shall be obtained from money in the 138483
reclamation forfeiture fund as needed to complete the reclamation. 138484

The performance security provided under division (C) of this 138485
section for the entire area to be mined under one permit issued 138486
under this chapter shall not be less than ten thousand dollars. 138487

The performance security shall cover areas of land affected 138488
by mining within or immediately adjacent to the permitted area, so 138489
long as the total number of acres does not exceed the number of 138490
acres for which the performance security is provided. However, the 138491
authority for the performance security to cover areas of land 138492
immediately adjacent to the permitted area does not authorize a 138493
permittee to mine areas outside an approved permit area. As 138494
succeeding increments of coal mining and reclamation operations 138495
are to be initiated and conducted within the permit area, the 138496
permittee shall file with the chief additional performance 138497
security to cover the increments in accordance with this section. 138498
If a permittee intends to mine areas outside the approved permit 138499
area, the permittee shall provide additional performance security 138500
in accordance with this section to cover the areas to be mined. 138501

If an applicant or permittee is not eligible to provide 138502
performance security in accordance with division (C)(2) of this 138503
section, the applicant or permittee shall provide performance 138504
security in accordance with division (C)(1) of this section in the 138505
full amount of the estimated cost of reclamation as determined by 138506
the chief for a permitted coal preparation plant or coal refuse 138507
disposal area that is not located within a permitted area of a 138508
mine. If an applicant for a permit for a coal preparation plant or 138509
coal refuse disposal area or a permittee of a permitted coal 138510
preparation plant or coal refuse disposal area that is not located 138511
within a permitted area of a mine has held a permit issued under 138512
this chapter for any coal mining and reclamation operation for a 138513
period of five years or more, the applicant or permittee may 138514
provide performance security for the coal preparation plant or 138515
coal refuse disposal area either in accordance with division 138516
(C)(1) of this section in the full amount of the estimated cost of 138517
reclamation as determined by the chief or in accordance with 138518
division (C)(2) of this section in an amount of twenty-five 138519
hundred dollars per acre of land with reliance on the reclamation 138520

forfeiture fund. If a permittee has previously provided 138521
performance security under division (C)(1) of this section for a 138522
coal preparation plant or coal refuse disposal area that is not 138523
located within a permitted area of a mine and elects to provide 138524
performance security in accordance with division (C)(2) of this 138525
section, the permittee shall submit written notice to the chief 138526
indicating that the permittee elects to provide performance 138527
security in accordance with division (C)(2) of this section. Upon 138528
receipt of such a written notice, the chief shall release to the 138529
permittee the amount of the performance security previously 138530
provided under division (C)(1) of this section that exceeds the 138531
amount of performance security that is required to be provided 138532
under division (C)(2) of this section. 138533

(D) A permittee's liability under the performance security 138534
shall be limited to the obligations established under the permit, 138535
which include completion of the reclamation plan in order to make 138536
the land capable of supporting the postmining land use that was 138537
approved in the permit. The period of liability under the 138538
performance security shall be for the duration of the coal mining 138539
and reclamation operation and for a period coincident with the 138540
operator's responsibility for revegetation requirements under 138541
section 1513.16 of the Revised Code. 138542

(E) The amount of the estimated cost of reclamation 138543
determined under division (B) of this section and the amount of a 138544
permittee's performance security provided in accordance with 138545
division (C)(1) of this section shall be adjusted by the chief as 138546
the land that is affected by mining increases or decreases or if 138547
the cost of reclamation increases or decreases. If the performance 138548
security was provided in accordance with division (C)(2) of this 138549
section and the chief has issued a cessation order under division 138550
(D)(2) of section 1513.02 of the Revised Code for failure to abate 138551
a violation of the contemporaneous reclamation requirement under 138552

division (A)(15) of section 1513.16 of the Revised Code, the chief 138553
may require the permittee to increase the amount of performance 138554
security from twenty-five hundred dollars per acre of land to five 138555
thousand dollars per acre of land. 138556

The chief shall notify the permittee, each surety, and any 138557
person who has a property interest in the performance security and 138558
who has requested to be notified of any proposed adjustment to the 138559
performance security. The permittee may request an informal 138560
conference with the chief concerning the proposed adjustment, and 138561
the chief shall provide such an informal conference. 138562

If the chief increases the amount of performance security 138563
under this division, the permittee shall provide additional 138564
performance security in an amount determined by the chief. If the 138565
chief decreases the amount of performance security under this 138566
division, the chief shall determine the amount of the reduction of 138567
the performance security and send either written notice or 138568
electronic notice with acknowledgment of receipt of the amount of 138569
reduction to the permittee. The permittee may reduce the amount of 138570
the performance security in the amount determined by the chief. 138571

(F) A permittee may request a reduction in the amount of the 138572
performance security by submitting to the chief documentation 138573
proving that the amount of the performance security provided by 138574
the permittee exceeds the estimated cost of reclamation if the 138575
reclamation would have to be performed by the division in the 138576
event of forfeiture of the performance security. The chief shall 138577
examine the documentation and determine whether the permittee's 138578
performance security exceeds the estimated cost of reclamation. If 138579
the chief determines that the performance security exceeds that 138580
estimated cost, the chief shall determine the amount of the 138581
reduction of the performance security and send either written 138582
notice or electronic notice with acknowledgment of receipt of the 138583
amount to the permittee. The permittee may reduce the amount of 138584

the performance security in the amount determined by the chief. 138585
Adjustments in the amount of performance security under this 138586
division shall not be considered release of performance security 138587
and are not subject to section 1513.16 of the Revised Code. 138588

(G) If the performance security is a bond, it shall be 138589
executed by the operator and a corporate surety licensed to do 138590
business in this state. If the performance security is a cash 138591
deposit or negotiable certificates of deposit of a bank or savings 138592
and loan association, the bank or savings and loan association 138593
shall be licensed and operating in this state. The cash deposit or 138594
market value of the securities shall be equal to or greater than 138595
the amount of the performance security required under this 138596
section. The chief shall review any documents pertaining to the 138597
performance security and approve or disapprove the documents. The 138598
chief shall notify the applicant of the chief's determination. 138599

(H) If the performance security is a bond, the chief may 138600
accept the bond of the applicant itself without separate surety 138601
when the applicant demonstrates to the satisfaction of the chief 138602
the existence of a suitable agent to receive service of process 138603
and a history of financial solvency and continuous operation 138604
sufficient for authorization to self-insure or bond the amount. 138605

(I) Performance security provided under this section may be 138606
held in trust, provided that the state is the primary beneficiary 138607
of the trust and the custodian of the performance security held in 138608
trust is a bank, trust company, or other financial institution 138609
that is licensed and operating in this state. The chief shall 138610
review the trust document and approve or disapprove the document. 138611
The chief shall notify the applicant of the chief's determination. 138612

(J) If a surety, bank, savings and loan association, trust 138613
company, or other financial institution that holds the performance 138614
security required under this section becomes insolvent, the 138615
permittee shall notify the chief of the insolvency, and the chief 138616

shall order the permittee to submit a plan for replacement 138617
performance security within thirty days after receipt of notice 138618
from the chief. If the permittee provided performance security in 138619
accordance with division (C)(1) of this section, the permittee 138620
shall provide the replacement performance security within ninety 138621
days after receipt of notice from the chief. If the permittee 138622
provided performance security in accordance with division (C)(2) 138623
of this section, the permittee shall provide the replacement 138624
performance security within one year after receipt of notice from 138625
the chief, and, for a period of one year after the permittee's 138626
receipt of notice from the chief or until the permittee provides 138627
the replacement performance security, whichever occurs first, 138628
money in the reclamation forfeiture fund shall be the permittee's 138629
replacement performance security in an amount not to exceed the 138630
estimated cost of reclamation as determined by the chief. 138631

(K) If a permittee provided performance security in 138632
accordance with division (C)(1) of this section, the permittee's 138633
responsibility for repairing material damage and replacement of 138634
water supply resulting from subsidence shall be satisfied by 138635
either of the following: 138636

(1) The purchase prior to mining of a noncancelable 138637
premium-prepaid liability insurance policy in lieu of the 138638
permittee's performance security for subsidence damage. The 138639
insurance policy shall contain terms and conditions that 138640
specifically provide coverage for repairing material damage and 138641
replacement of water supply resulting from subsidence. 138642

(2) The provision of additional performance security in the 138643
amount of the estimated cost to the division of mineral resources 138644
management to repair material damage and replace water supplies 138645
resulting from subsidence until the repair or replacement is 138646
completed. However, if such repair or replacement is completed, or 138647
compensation for structures that have been damaged by subsidence 138648

is provided, by the permittee within ninety days of the occurrence 138649
of the subsidence, additional performance security is not 138650
required. In addition, the chief may extend the ninety-day period 138651
for a period not to exceed one year if the chief determines that 138652
the permittee has demonstrated in writing that subsidence is not 138653
complete and that probable subsidence-related damage likely will 138654
occur and, as a result, the completion of repairs of 138655
subsidence-related material damage to lands or protected 138656
structures or the replacement of water supply within ninety days 138657
of the occurrence of the subsidence would be unreasonable. 138658

(L) If the performance security provided in accordance with 138659
this section exceeds the estimated cost of reclamation, the chief 138660
may authorize the amount of the performance security that exceeds 138661
the estimated cost of reclamation together with any interest or 138662
other earnings on the performance security to be paid to the 138663
permittee. 138664

(M) A permittee that held a valid coal mining and reclamation 138665
permit immediately prior to April 6, 2007, shall provide, not 138666
later than a date established by the chief, performance security 138667
in accordance with division (C)(1) or (2) of this section, rather 138668
than in accordance with the law as it existed prior to that date, 138669
by filing it with the chief on a form that the chief prescribes 138670
and furnishes. Accordingly, for purposes of this section, 138671
"applicant" is deemed to include such a permittee. 138672

(N) As used in this section: 138673

(1) "Affiliate of the applicant" means an entity that has a 138674
parent entity in common with the applicant. 138675

(2) "Owner and controller of the applicant" means a person 138676
that has any relationship with the applicant that gives the person 138677
authority to determine directly or indirectly the manner in which 138678
the applicant conducts coal mining operations. 138679

Sec. 1513.16. (A) Any permit issued under this chapter to 138680
conduct coal mining operations shall require that the operations 138681
meet all applicable performance standards of this chapter and such 138682
other requirements as the chief of the division of mineral 138683
resources management shall adopt by rule. General performance 138684
standards shall apply to all coal mining and reclamation 138685
operations and shall require the operator at a minimum to do all 138686
of the following: 138687

(1) Conduct coal mining operations so as to maximize the 138688
utilization and conservation of the solid fuel resource being 138689
recovered so that re-affecting the land in the future through coal 138690
mining can be minimized; 138691

(2) Restore the land affected to a condition capable of 138692
supporting the uses that it was capable of supporting prior to any 138693
mining, or higher or better uses of which there is reasonable 138694
likelihood, so long as the uses do not present any actual or 138695
probable hazard to public health or safety or pose any actual or 138696
probable threat of diminution or pollution of the waters of the 138697
state, and the permit applicants' declared proposed land uses 138698
following reclamation are not considered to be impractical or 138699
unreasonable, to be inconsistent with applicable land use policies 138700
and plans, to involve unreasonable delay in implementation, or to 138701
violate federal, state, or local law; 138702

(3) Except as provided in division (B) of this section, with 138703
respect to all coal mining operations, backfill, compact where 138704
advisable to ensure stability or to prevent leaching of toxic 138705
materials, and grade in order to restore the approximate original 138706
contour of the land with all highwalls, spoil piles, and 138707
depressions eliminated unless small depressions are needed in 138708
order to retain moisture to assist revegetation or as otherwise 138709
authorized pursuant to this chapter, provided that if the operator 138710

demonstrates that due to volumetric expansion the amount of 138711
overburden and the spoil and waste materials removed in the course 138712
of the mining operation are more than sufficient to restore the 138713
approximate original contour, the operator shall backfill, grade, 138714
and compact the excess overburden and other spoil and waste 138715
materials to attain the lowest grade, but not more than the angle 138716
of repose, and to cover all acid-forming and other toxic materials 138717
in order to achieve an ecologically sound land use compatible with 138718
the surrounding region in accordance with the approved mining 138719
plan. The overburden or spoil shall be shaped and graded in such a 138720
way as to prevent slides, erosion, and water pollution and shall 138721
be revegetated in accordance with this chapter. 138722

(4) Stabilize and protect all surface areas, including spoil 138723
piles affected by the coal mining and reclamation operation, to 138724
control erosion and attendant air and water pollution effectively; 138725

(5) Remove the topsoil from the land in a separate layer, 138726
replace it on the backfill area, or, if not utilized immediately, 138727
segregate it in a separate pile from the spoil, and when the 138728
topsoil is not replaced on a backfill area within a time short 138729
enough to avoid deterioration of the topsoil, maintain a 138730
successful cover by quick-growing plants or other means thereafter 138731
so that the topsoil is preserved from wind and water erosion, 138732
remains free of any contamination by acid or other toxic material, 138733
and is in a usable condition for sustaining vegetation when 138734
restored during reclamation. If the topsoil is of insufficient 138735
quantity or of poor quality for sustaining vegetation or if other 138736
strata can be shown to be more suitable for vegetation 138737
requirements, the operator shall remove, segregate, and preserve 138738
in a like manner such other strata as are best able to support 138739
vegetation. 138740

(6) Restore the topsoil or the best available subsoil that is 138741
best able to support vegetation; 138742

(7) For all prime farmlands as identified in division 138743
(B)(1)(p) of section 1513.07 of the Revised Code to be mined and 138744
reclaimed, perform soil removal, storage, replacement, and 138745
reconstruction in accordance with specifications established by 138746
the secretary of the United States department of agriculture under 138747
the "Surface Mining Control and Reclamation Act of 1977," 91 Stat. 138748
445, 30 U.S.C.A. 1201. The operator, at a minimum, shall be 138749
required to do all of the following: 138750

(a) Segregate the A horizon of the natural soil, except where 138751
it can be shown that other available soil materials will create a 138752
final soil having a greater productive capacity, and, if not 138753
utilized immediately, stockpile this material separately from the 138754
spoil and provide needed protection from wind and water erosion or 138755
contamination by acid or other toxic material; 138756

(b) Segregate the B horizon of the natural soil, or 138757
underlying C horizons or other strata, or a combination of such 138758
horizons or other strata that are shown to be both texturally and 138759
chemically suitable for plant growth and that can be shown to be 138760
equally or more favorable for plant growth than the B horizon, in 138761
sufficient quantities to create in the regraded final soil a root 138762
zone of comparable depth and quality to that which existed in the 138763
natural soil, and, if not utilized immediately, stockpile this 138764
material separately from the spoil and provide needed protection 138765
from wind and water erosion or contamination by acid or other 138766
toxic material; 138767

(c) Replace and regrade the root zone material described in 138768
division (A)(7)(b) of this section with proper compaction and 138769
uniform depth over the regraded spoil material; 138770

(d) Redistribute and grade in a uniform manner the surface 138771
soil horizon described in division (A)(7)(a) of this section. 138772

(8) Create, if authorized in the approved mining and 138773

reclamation plan and permit, permanent impoundments of water on 138774
mining sites as part of reclamation activities only when it is 138775
adequately demonstrated by the operator that all of the following 138776
conditions will be met: 138777

(a) The size of the impoundment is adequate for its intended 138778
purposes. 138779

(b) The impoundment dam construction will be so designed as 138780
to achieve necessary stability with an adequate margin of safety 138781
compatible with that of structures constructed under the 138782
"Watershed Protection and Flood Prevention Act," 68 Stat. 666 138783
(1954), 16 U.S.C. 1001, as amended. 138784

(c) The quality of impounded water will be suitable on a 138785
permanent basis for its intended use and discharges from the 138786
impoundment will not degrade the water quality below water quality 138787
standards established pursuant to applicable federal and state law 138788
in the receiving stream. 138789

(d) The level of water will be reasonably stable. 138790

(e) Final grading will provide adequate safety and access for 138791
proposed water users. 138792

(f) The water impoundments will not result in the diminution 138793
of the quality or quantity of water utilized by adjacent or 138794
surrounding landowners for agricultural, industrial, recreational, 138795
or domestic uses. 138796

(9) Conduct any augering operation associated with strip 138797
mining in a manner to maximize recoverability of mineral reserves 138798
remaining after the operation and reclamation are complete and 138799
seal all auger holes with an impervious and noncombustible 138800
material in order to prevent drainage, except where the chief 138801
determines that the resulting impoundment of water in such auger 138802
holes may create a hazard to the environment or the public health 138803
or safety. The chief may prohibit augering if necessary to 138804

maximize the utilization, recoverability, or conservation of the 138805
solid fuel resources or to protect against adverse water quality 138806
impacts. 138807

(10) Minimize the disturbances to the prevailing hydrologic 138808
balance at the mine site and in associated offsite areas and to 138809
the quality and quantity of water in surface and ground water 138810
systems both during and after coal mining operations and during 138811
reclamation by doing all of the following: 138812

(a) Avoiding acid or other toxic mine drainage by such 138813
measures as, but not limited to: 138814

(i) Preventing or removing water from contact with toxic 138815
producing deposits; 138816

(ii) Treating drainage to reduce toxic content that adversely 138817
affects downstream water upon being released to water courses in 138818
accordance with rules adopted by the chief in accordance with 138819
section 1513.02 of the Revised Code; 138820

(iii) Casing, sealing, or otherwise managing boreholes, 138821
shafts, and wells, and keeping acid or other toxic drainage from 138822
entering ground and surface waters. 138823

(b)(i) Conducting coal mining operations so as to prevent, to 138824
the extent possible using the best technology currently available, 138825
additional contributions of suspended solids to streamflow or 138826
runoff outside the permit area, but in no event shall 138827
contributions be in excess of requirements set by applicable state 138828
or federal laws; 138829

(ii) Constructing any siltation structures pursuant to 138830
division (A)(10)(b)(i) of this section prior to commencement of 138831
coal mining operations. The structures shall be certified by 138832
persons approved by the chief to be constructed as designed and as 138833
approved in the reclamation plan. 138834

(c) Cleaning out and removing temporary or large settling ponds or other siltation structures from drainways after disturbed areas are revegetated and stabilized, and depositing the silt and debris at a site and in a manner approved by the chief; 138835
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(d) Restoring recharge capacity of the mined area to approximate premining conditions; 138839
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(e) Avoiding channel deepening or enlargement in operations requiring the discharge of water from mines; 138841
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(f) Such other actions as the chief may prescribe. 138843

(11) With respect to surface disposal of mine wastes, tailings, coal processing wastes, and other wastes in areas other than the mine working areas or excavations, stabilize all waste piles in designated areas through construction in compacted layers, including the use of noncombustible and impervious materials if necessary, and ensure that the final contour of the waste pile will be compatible with natural surroundings and that the site can and will be stabilized and revegetated according to this chapter; 138844
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(12) Refrain from coal mining within five hundred feet of active and abandoned underground mines in order to prevent breakthroughs and to protect the health or safety of miners. The chief shall permit an operator to mine near, through, or partially through an abandoned underground mine or closer than five hundred feet to an active underground mine if both of the following conditions are met: 138853
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(a) The nature, timing, and sequencing of the approximate coincidence of specific strip mine activities with specific underground mine activities are approved by the chief. 138860
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(b) The operations will result in improved resource recovery, abatement of water pollution, or elimination of hazards to the health and safety of the public. 138863
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(13) Design, locate, construct, operate, maintain, enlarge, 138866
modify, and remove or abandon, in accordance with the standards 138867
and criteria developed pursuant to rules adopted by the chief, all 138868
existing and new coal mine waste piles consisting of mine wastes, 138869
tailings, coal processing wastes, or other liquid and solid 138870
wastes, and used either temporarily or permanently as dams or 138871
embankments; 138872

(14) Ensure that all debris, acid-forming materials, toxic 138873
materials, or materials constituting a fire hazard are treated or 138874
buried and compacted or otherwise disposed of in a manner designed 138875
to prevent contamination of ground or surface waters and that 138876
contingency plans are developed to prevent sustained combustion; 138877

(15) Ensure that all reclamation efforts proceed in an 138878
environmentally sound manner and as contemporaneously as 138879
practicable with the coal mining operations, except that where the 138880
applicant proposes to combine strip mining operations with 138881
underground mining operations to ensure maximum practical recovery 138882
of the mineral resources, the chief may grant a variance for 138883
specific areas within the reclamation plan from the requirement 138884
that reclamation efforts proceed as contemporaneously as 138885
practicable to permit underground mining operations prior to 138886
reclamation if: 138887

(a) The chief finds in writing that: 138888

(i) The applicant has presented, as part of the permit 138889
application, specific, feasible plans for the proposed underground 138890
mining operations. 138891

(ii) The proposed underground mining operations are necessary 138892
or desirable to ensure maximum practical recovery of the mineral 138893
resource and will avoid multiple disturbance of the surface. 138894

(iii) The applicant has satisfactorily demonstrated that the 138895
plan for the underground mining operations conforms to 138896

requirements for underground mining in this state and that permits 138897
necessary for the underground mining operations have been issued 138898
by the appropriate authority. 138899

(iv) The areas proposed for the variance have been shown by 138900
the applicant to be necessary for the implementing of the proposed 138901
underground mining operations. 138902

(v) No substantial adverse environmental damage, either 138903
on-site or off-site, will result from the delay in completion of 138904
reclamation as required by this chapter. 138905

(vi) Provisions for the off-site storage of spoil will comply 138906
with division (A)(21) of this section. 138907

(b) The chief has adopted specific rules to govern the 138908
granting of such variances in accordance with this division and 138909
has imposed such additional requirements as the chief considers 138910
necessary. 138911

(c) Variances granted under this division shall be reviewed 138912
by the chief not more than three years from the date of issuance 138913
of the permit. 138914

(d) Liability under the performance security filed by the 138915
applicant with the chief pursuant to section 1513.08 of the 138916
Revised Code shall be for the duration of the underground mining 138917
operations and until the requirements of this section and section 138918
1513.08 of the Revised Code have been fully complied with. 138919

(16) Ensure that the construction, maintenance, and 138920
postmining conditions of access roads into and across the site of 138921
operations will control or prevent erosion and siltation, 138922
pollution of water, and damage to fish or wildlife or their 138923
habitat, or to public or private property; 138924

(17) Refrain from the construction of roads or other access 138925
ways up a stream bed or drainage channel or in such proximity to 138926

the channel as to seriously alter the normal flow of water; 138927

(18) Establish, on the regraded areas and all other lands 138928
affected, a diverse, effective, and permanent vegetative cover of 138929
the same seasonal variety native to the area of land to be 138930
affected and capable of self-regeneration and plant succession at 138931
least equal in extent of cover to the natural vegetation of the 138932
area, except that introduced species may be used in the 138933
revegetation process where desirable and necessary to achieve the 138934
approved postmining land use plan; 138935

(19)(a) Assume the responsibility for successful 138936
revegetation, as required by division (A)(18) of this section, for 138937
a period of five full years after the last year of augmented 138938
seeding, fertilizing, irrigation, or other work in order to ensure 138939
compliance with that division, except that when the chief approves 138940
a long-term intensive agricultural postmining land use, the 138941
applicable five-year period of responsibility for revegetation 138942
shall commence at the date of initial planting for that long-term 138943
intensive agricultural postmining land use, and except that when 138944
the chief issues a written finding approving a long-term intensive 138945
agricultural postmining land use as part of the mining and 138946
reclamation plan, the chief may grant an exception to division 138947
(A)(18) of this section; 138948

(b) On lands eligible for remining, assume the responsibility 138949
for successful revegetation, as required by division (A)(18) of 138950
this section, for a period of two full years after the last year 138951
of augmented seeding, fertilizing, irrigation, or other work in 138952
order to ensure compliance with that division. 138953

(20) Protect off-site areas from slides or damage occurring 138954
during the coal mining and reclamation operations and not deposit 138955
spoil material or locate any part of the operations or waste 138956
accumulations outside the permit area; 138957

(21) Place all excess spoil material resulting from coal 138958
mining and reclamation operations in such a manner that all of the 138959
following apply: 138960

(a) Spoil is transported and placed in a controlled manner in 138961
position for concurrent compaction and in such a way as to ensure 138962
mass stability and to prevent mass movement. 138963

(b) The areas of disposal are within the permit areas for 138964
which performance security has been provided. All organic matter 138965
shall be removed immediately prior to spoil placement except in 138966
the zoned concept method. 138967

(c) Appropriate surface and internal drainage systems and 138968
diversion ditches are used so as to prevent spoil erosion and mass 138969
movement. 138970

(d) The disposal area does not contain springs, natural 138971
watercourses, or wet weather seeps unless lateral drains are 138972
constructed from the wet areas to the main underdrains in such a 138973
manner that filtration of the water into the spoil pile will be 138974
prevented unless the zoned concept method is used. 138975

(e) If placed on a slope, the spoil is placed upon the most 138976
moderate slope among those slopes upon which, in the judgment of 138977
the chief, the spoil could be placed in compliance with all the 138978
requirements of this chapter and is placed, where possible, upon, 138979
or above, a natural terrace, bench, or berm if that placement 138980
provides additional stability and prevents mass movement. 138981

(f) Where the toe of the spoil rests on a downslope, a rock 138982
toe buttress of sufficient size to prevent mass movement is 138983
constructed. 138984

(g) The final configuration is compatible with the natural 138985
drainage pattern and surroundings and suitable for intended uses. 138986

(h) Design of the spoil disposal area is certified by a 138987

qualified registered professional engineer in conformance with professional standards. 138988
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(i) All other provisions of this chapter are met. 138990

(22) Meet such other criteria as are necessary to achieve reclamation in accordance with the purpose of this chapter, taking into consideration the physical, climatological, and other characteristics of the site; 138991
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(23) To the extent possible, using the best technology currently available, minimize disturbances and adverse impacts of the operation on fish, wildlife, and related environmental values, and achieve enhancement of such resources where practicable; 138995
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(24) Provide for an undisturbed natural barrier beginning at the elevation of the lowest coal seam to be mined and extending from the outslope for such distance as the chief shall determine to be retained in place as a barrier to slides and erosion; 138999
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(25) Restore on the permit area streams and wetlands affected by mining operations unless the chief approves restoration off the permit area without a permit required by section 1513.07 or 1513.074 of the Revised Code, instead of restoration on the permit area, of a stream or wetland or a portion of a stream or wetland, provided that the chief first makes all of the following written determinations: 139003
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(a) A hydrologic and engineering assessment of the affected lands, submitted by the operator, demonstrates that restoration on the permit area is not possible. 139010
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(b) The proposed mitigation plan under which mitigation activities described in division (A)(25)(c) of this section will be conducted is limited to a stream or wetland, or a portion of a stream or wetland, for which restoration on the permit area is not possible. 139013
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(c) Mitigation activities off the permit area, including 139018
mitigation banking and payment of in-lieu mitigation fees, will be 139019
performed pursuant to a permit issued under sections 401 and 404 139020
of the "Federal Water Pollution Control Act" as defined in section 139021
6111.01 of the Revised Code or an isolated wetland permit issued 139022
under Chapter 6111. of the Revised Code or pursuant to a no-cost 139023
reclamation contract for the restoration of water resources 139024
affected by past mining activities pursuant to section 1513.37 of 139025
the Revised Code. 139026

(d) The proposed mitigation plan and mitigation activities 139027
comply with the standards established in this section. 139028

If the chief approves restoration off the permit area in 139029
accordance with this division, the operator shall complete all 139030
mitigation construction or other activities required by the 139031
mitigation plan. 139032

Performance security for reclamation activities on the permit 139033
area shall be released pursuant to division (F) of this section, 139034
except that the release of the remaining portion of performance 139035
security under division (F)(3)(c) of this section shall not be 139036
approved prior to the construction of required mitigation 139037
activities off the permit area. 139038

(B)(1) The chief may permit mining operations for the 139039
purposes set forth in division (B)(3) of this section. 139040

(2) When an applicant meets the requirements of divisions 139041
(B)(3) and (4) of this section, a permit without regard to the 139042
requirement to restore to approximate original contour known as 139043
mountain top removal set forth in divisions (A)(3) or (C)(2) and 139044
(3) of this section may be granted for the mining of coal where 139045
the mining operation will remove an entire coal seam or seams 139046
running through the upper fraction of a mountain, ridge, or hill, 139047
except as provided in division (B)(4)(a) of this section, by 139048

removing all of the overburden and creating a level plateau or a gently rolling contour with no highwalls remaining, and capable of supporting postmining uses in accordance with this division.

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(3) In cases where an industrial, commercial, agricultural, residential, or public facility use, including recreational facilities, is proposed for the postmining use of the affected land, the chief may grant a permit for a mining operation of the nature described in division (B)(2) of this section when all of the following apply:

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(a) After consultation with the appropriate land use planning agencies, if any, the proposed postmining land use is considered to constitute an equal or better economic or public use of the affected land, as compared with premining use.

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(b) The applicant presents specific plans for the proposed postmining land use and appropriate assurances that the use will be all of the following:

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(i) Compatible with adjacent land uses;

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(ii) Obtainable according to data regarding expected need and market;

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(iii) Assured of investment in necessary public facilities;

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(iv) Supported by commitments from public agencies where appropriate;

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(v) Practicable with respect to private financial capability for completion of the proposed use;

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(vi) Planned pursuant to a schedule attached to the reclamation plan so as to integrate the mining operation and reclamation with the postmining land use;

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(vii) Designed by a registered engineer in conformity with professional standards established to ensure the stability, drainage, and configuration necessary for the intended use of the

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site. 139079

(c) The proposed use is consistent with adjacent land uses 139080
and existing state and local land use plans and programs. 139081

(d) The chief provides the governing body of the unit of 139082
general-purpose local government in which the land is located, and 139083
any state or federal agency that the chief, in the chief's 139084
discretion, determines to have an interest in the proposed use, an 139085
opportunity of not more than sixty days to review and comment on 139086
the proposed use. 139087

(e) All other requirements of this chapter will be met. 139088

(4) In granting a permit pursuant to this division, the chief 139089
shall require that each of the following is met: 139090

(a) The toe of the lowest coal seam and the overburden 139091
associated with it are retained in place as a barrier to slides 139092
and erosion. 139093

(b) The reclaimed area is stable. 139094

(c) The resulting plateau or rolling contour drains inward 139095
from the out slopes except at specified points. 139096

(d) No damage will be done to natural watercourses. 139097

(e) Spoil will be placed on the mountaintop bench as is 139098
necessary to achieve the planned postmining land use, except that 139099
all excess spoil material not retained on the mountaintop bench 139100
shall be placed in accordance with division (A)(21) of this 139101
section. 139102

(f) Stability of the spoil retained on the mountaintop bench 139103
is ensured and the other requirements of this chapter are met. 139104

(5) The chief shall adopt specific rules to govern the 139105
granting of permits in accordance with divisions (B)(1) to (4) of 139106
this section and may impose such additional requirements as the 139107
chief considers necessary. 139108

(6) All permits granted under divisions (B)(1) to (4) of this section shall be reviewed not more than three years from the date of issuance of the permit unless the applicant affirmatively demonstrates that the proposed development is proceeding in accordance with the terms of the approved schedule and reclamation plan.

(C) All of the following performance standards apply to steep-slope coal mining and are in addition to those general performance standards required by this section, except that this division does not apply to those situations in which an operator is mining on flat or gently rolling terrain on which an occasional steep slope is encountered through which the mining operation is to proceed, leaving a plain or predominantly flat area, or where an operator is in compliance with division (B) of this section:

(1) The operator shall ensure that when performing coal mining on steep slopes, no debris, abandoned or disabled equipment, spoil material, or waste mineral matter is placed on the downslope below the bench or mining cut. Spoil material in excess of that required for the reconstruction of the approximate original contour under division (A)(3) or (C)(2) of this section shall be permanently stored pursuant to division (A)(21) of this section.

(2) The operator shall complete backfilling with spoil material to cover completely the highwall and return the site to the approximate original contour, which material will maintain stability following mining and reclamation.

(3) The operator shall not disturb land above the top of the highwall unless the chief finds that the disturbance will facilitate compliance with the environmental protection standards of this section, except that any such disturbance involving land above the highwall shall be limited to that amount of land necessary to facilitate compliance.

(D)(1) The chief may permit variances for the purposes set forth in division (D)(3) of this section, provided that the watershed control of the area is improved and that complete backfilling with spoil material shall be required to cover completely the highwall, which material will maintain stability following mining and reclamation.

(2) Where an applicant meets the requirements of divisions (D)(3) and (4) of this section, a variance from the requirement to restore to approximate original contour set forth in division (C)(2) of this section may be granted for the mining of coal when the owner of the surface knowingly requests in writing, as a part of the permit application, that such a variance be granted so as to render the land, after reclamation, suitable for an industrial, commercial, residential, or public use, including recreational facilities, in accordance with divisions (D)(3) and (4) of this section.

(3) A variance pursuant to division (D)(2) of this section may be granted if:

(a) After consultation with the appropriate land use planning agencies, if any, the potential use of the affected land is considered to constitute an equal or better economic or public use.

(b) The postmining land condition is designed and certified by a registered professional engineer in conformity with professional standards established to ensure the stability, drainage, and configuration necessary for the intended use of the site.

(c) After approval of the appropriate state environmental agencies, the watershed of the affected land is considered to be improved.

(4) In granting a variance pursuant to division (D) of this

section, the chief shall require that only such amount of spoil 139172
will be placed off the mine bench as is necessary to achieve the 139173
planned postmining land use, ensure stability of the spoil 139174
retained on the bench, and meet all other requirements of this 139175
chapter. All spoil placement off the mine bench shall comply with 139176
division (A)(21) of this section. 139177

(5) The chief shall adopt specific rules to govern the 139178
granting of variances under division (D) of this section and may 139179
impose such additional requirements as the chief considers 139180
necessary. 139181

(6) All variances granted under division (D) of this section 139182
shall be reviewed not more than three years from the date of 139183
issuance of the permit unless the permittee affirmatively 139184
demonstrates that the proposed development is proceeding in 139185
accordance with the terms of the reclamation plan. 139186

(E) The chief shall establish standards and criteria 139187
regulating the design, location, construction, operation, 139188
maintenance, enlargement, modification, removal, and abandonment 139189
of new and existing coal mine waste piles referred to in division 139190
(A)(13) of this section and division (A)(5) of section 1513.35 of 139191
the Revised Code. The standards and criteria shall conform to the 139192
standards and criteria used by the chief of the United States army 139193
corps of engineers to ensure that flood control structures are 139194
safe and effectively perform their intended function. In addition 139195
to engineering and other technical specifications, the standards 139196
and criteria developed pursuant to this division shall include 139197
provisions for review and approval of plans and specifications 139198
prior to construction, enlargement, modification, removal, or 139199
abandonment; performance of periodic inspections during 139200
construction; issuance of certificates of approval upon completion 139201
of construction; performance of periodic safety inspections; and 139202
issuance of notices for required remedial or maintenance work. 139203

(F)(1) The permittee may file a request with the chief for 139204
release of a part of a performance security under division (F)(3) 139205
of this section. Within thirty days after any request for 139206
performance security release under this section has been filed 139207
with the chief, the operator shall submit a copy of an 139208
advertisement placed at least once a week for four successive 139209
weeks in a newspaper of general circulation in the locality of the 139210
coal mining operation. The advertisement shall be considered part 139211
of any performance security release application and shall contain 139212
a notification of the precise location of the land affected, the 139213
number of acres, the permit number and the date approved, the 139214
amount of the performance security filed and the portion sought to 139215
be released, the type and appropriate dates of reclamation work 139216
performed, and a description of the results achieved as they 139217
relate to the operator's approved reclamation plan and, if 139218
applicable, the operator's pollution abatement plan. In addition, 139219
as part of any performance security release application, the 139220
applicant shall submit copies of the letters sent to adjoining 139221
property owners, local governmental bodies, planning agencies, and 139222
sewage and water treatment authorities or water companies in the 139223
locality in which the coal mining and reclamation activities took 139224
place, notifying them of the applicant's intention to seek release 139225
from the performance security. 139226

(2) Upon receipt of a copy of the advertisement and request 139227
for release of a performance security under division (F)(3)(c) of 139228
this section, the chief, within thirty days, shall conduct an 139229
inspection and evaluation of the reclamation work involved. The 139230
evaluation shall consider, among other things, the degree of 139231
difficulty to complete any remaining reclamation, whether 139232
pollution of surface and subsurface water is occurring, the 139233
probability of continuation or future occurrence of the pollution, 139234
and the estimated cost of abating the pollution. The chief shall 139235
notify the permittee in writing of the decision to release or not 139236

to release all or part of the performance security within sixty 139237
days after the filing of the request if no public hearing is held 139238
pursuant to division (F)(6) of this section or, if there has been 139239
a public hearing held pursuant to division (F)(6) of this section, 139240
within thirty days thereafter. 139241

(3) The chief may release the performance security if the 139242
reclamation covered by the performance security or portion thereof 139243
has been accomplished as required by this chapter and rules 139244
adopted under it according to the following schedule: 139245

(a) When the operator completes the backfilling, regrading, 139246
and drainage control of an area for which performance security has 139247
been provided in accordance with the approved reclamation plan, 139248
and, if the area covered by the performance security is one for 139249
which an authorization was made under division (E)(7) of section 139250
1513.07 of the Revised Code, the operator has complied with the 139251
approved pollution abatement plan and all additional requirements 139252
established by the chief in rules adopted under section 1513.02 of 139253
the Revised Code governing coal mining and reclamation operations 139254
on pollution abatement areas, the chief shall grant a release of 139255
fifty per cent of the performance security for the applicable 139256
permit area. 139257

(b) After resoiling and revegetation have been established on 139258
the regraded mined lands in accordance with the approved 139259
reclamation plan, the chief shall grant a release in an amount not 139260
exceeding thirty-five per cent of the original performance 139261
security for all or part of the affected area under the permit. 139262
When determining the amount of performance security to be released 139263
after successful revegetation has been established, the chief 139264
shall retain that amount of performance security for the 139265
revegetated area that would be sufficient for a third party to 139266
cover the cost of reestablishing revegetation for the period 139267
specified for operator responsibility in this section for 139268

reestablishing revegetation. No part of the performance security 139269
shall be released under this division so long as the lands to 139270
which the release would be applicable are contributing suspended 139271
solids to streamflow or runoff outside the permit area in excess 139272
of the requirements of this section or until soil productivity for 139273
prime farmlands has returned to equivalent levels of yield as 139274
nonmined land of the same soil type in the surrounding area under 139275
equivalent management practices as determined from the soil survey 139276
performed pursuant to section 1513.07 of the Revised Code. If the 139277
area covered by the performance security is one for which an 139278
authorization was made under division (E)(7) of section 1513.07 of 139279
the Revised Code, no part of the performance security shall be 139280
released under this division until the operator has complied with 139281
the approved pollution abatement plan and all additional 139282
requirements established by the chief in rules adopted under 139283
section 1513.02 of the Revised Code governing coal mining and 139284
reclamation operations on pollution abatement areas. Where a silt 139285
dam is to be retained as a permanent impoundment pursuant to 139286
division (A)(10) of this section, the portion of performance 139287
security may be released under this division so long as provisions 139288
for sound future maintenance by the operator or the landowner have 139289
been made with the chief. 139290

(c) When the operator has completed successfully all coal 139291
mining and reclamation activities, including, if applicable, all 139292
additional requirements established in the pollution abatement 139293
plan approved under division (E)(7) of section 1513.07 of the 139294
Revised Code and all additional requirements established by the 139295
chief in rules adopted under section 1513.02 of the Revised Code 139296
governing coal mining and reclamation operations on pollution 139297
abatement areas, the chief shall release all or any of the 139298
remaining portion of the performance security for all or part of 139299
the affected area under a permit, but not before the expiration of 139300
the period specified for operator responsibility in this section, 139301

except that the chief may adopt rules for a variance to the 139302
operator period of responsibility considering vegetation success 139303
and probability of continued growth and consent of the landowner, 139304
provided that no performance security shall be fully released 139305
until all reclamation requirements of this chapter are fully met. 139306

(4) If the chief disapproves the application for release of 139307
the performance security or portion thereof, the chief shall 139308
notify the permittee, in writing, stating the reasons for 139309
disapproval and recommending corrective actions necessary to 139310
secure the release, and allowing the opportunity for a public 139311
adjudicatory hearing. 139312

(5) When any application for total or partial performance 139313
security release is filed with the chief under this section, the 139314
chief shall notify the municipal corporation in which the coal 139315
mining operation is located by certified mail at least thirty days 139316
prior to the release of all or a portion of the performance 139317
security. 139318

(6) A person with a valid legal interest that might be 139319
adversely affected by release of a performance security under this 139320
section or the responsible officer or head of any federal, state, 139321
or local government agency that has jurisdiction by law or special 139322
expertise with respect to any environmental, social, or economic 139323
impact involved in the operation or is authorized to develop and 139324
enforce environmental standards with respect to such operations 139325
may file written objections to the proposed release from the 139326
performance security with the chief within thirty days after the 139327
last publication of the notice required by division (F)(1) of this 139328
section. If written objections are filed and an informal 139329
conference is requested, the chief shall inform all interested 139330
parties of the time and place of the conference. The date, time, 139331
and location of the informal conference shall be advertised by the 139332
chief in a newspaper of general circulation in the locality of the 139333

coal mining operation proposed for performance security release 139334
for at least once a week for two consecutive weeks. The informal 139335
conference shall be held in the locality of the coal mining 139336
operation proposed for performance security release or in Franklin 139337
county, at the option of the objector, within thirty days after 139338
the request for the conference. An electronic ~~or stenographic~~ 139339
record shall be made of the conference proceeding unless waived by 139340
all parties. The record shall be maintained and shall be 139341
accessible to the parties until final release of the performance 139342
security at issue. In the event all parties requesting the 139343
informal conference stipulate agreement prior to the requested 139344
informal conference and withdraw their request, the informal 139345
conference need not be held. 139346

(7) If an informal conference has been held pursuant to 139347
division (F)(6) of this section, the chief shall issue and furnish 139348
the applicant and persons who participated in the conference with 139349
the written decision regarding the release within sixty days after 139350
the conference. Within thirty days after notification of the final 139351
decision of the chief regarding the performance security release, 139352
the applicant or any person with an interest that is or may be 139353
adversely affected by the decision may appeal the decision to the 139354
reclamation commission pursuant to section 1513.13 of the Revised 139355
Code. 139356

(8)(a) If the chief determines that a permittee is 139357
responsible for mine drainage that requires water treatment after 139358
reclamation is completed under the terms of the permit or that a 139359
permittee must provide an alternative water supply after 139360
reclamation is completed under the terms of the permit, the 139361
permittee shall provide alternative financial security in an 139362
amount determined by the chief prior to the release of the 139363
remaining portion of performance security under division (F)(3)(c) 139364
of this section. The alternative financial security shall be in an 139365

amount that is equal to or greater than the present value of the 139366
estimated cost over time to develop and implement mine drainage 139367
plans and provide water treatment or in an amount that is 139368
necessary to provide and maintain an alternative water supply, as 139369
applicable. The alternative financial security shall include a 139370
contract, trust, or other agreement or mechanism that is 139371
enforceable under law to provide long-term water treatment or a 139372
long-term alternative water supply, or both. The contract, trust, 139373
or other agreement or mechanism included with the alternative 139374
financial security may provide for the funding of the alternative 139375
financial security incrementally over a period of time, not to 139376
exceed five years, with reliance on guarantees or other collateral 139377
provided by the permittee and approved by the chief for the 139378
balance of the alternative financial security required until the 139379
alternative financial security has been fully funded by the 139380
permittee. 139381

(b) The chief shall adopt rules in accordance with Chapter 139382
119. of the Revised Code that are necessary for the administration 139383
of division (F)(8)(a) of this section. 139384

(c) If the chief determines that a permittee must provide 139385
alternative financial security under division (F)(8)(a) of this 139386
section and the performance security for the permit was provided 139387
under division (C)(2) of section 1513.08 of the Revised Code, the 139388
permittee may fund the alternative financial security 139389
incrementally over a period of time, not to exceed five years, 139390
with reliance on the reclamation forfeiture fund created in 139391
section 1513.18 of the Revised Code for the balance of the 139392
alternative financial security required until the alternative 139393
financial security has been fully funded by the permittee. The 139394
permittee semiannually shall pay to the division of mineral 139395
resources management a fee that is equal to seven and one-half per 139396
cent of the average balance of the alternative financial security 139397

that is being provided by reliance on the reclamation forfeiture fund over the previous six months. All money received from the fee shall be credited to the reclamation forfeiture fund.

(9) Final release of the performance security in accordance with division (F)(3)(c) of this section terminates the jurisdiction of the chief under this chapter over the reclaimed site of a surface coal mining and reclamation operation or applicable portion of an operation. However, the chief shall reassert jurisdiction over such a site if the release was based on fraud, collusion, or misrepresentation of a material fact and the chief, in writing, demonstrates evidence of the fraud, collusion, or misrepresentation. Any person with an interest that is or may be adversely affected by the chief's determination may appeal the determination to the reclamation commission in accordance with section 1513.13 of the Revised Code.

(G) The chief shall adopt rules governing the criteria for forfeiture of performance security, the method of determining the forfeited amount, and the procedures to be followed in the event of forfeiture. Cash received as the result of such forfeiture is the property of the state.

Sec. 1565.12. When a loss of life is occasioned by accident in any mine, the operator thereof shall forthwith give notice thereof to the chief of the division of mineral resources management, and to the deputy mine inspector in charge of the district. Such notice shall be given by telephone or ~~telegraph~~ electronic format. The operator of such mine shall, within twenty-four hours after such accident causing loss of life, send a written report of the accident to the chief. Such written report shall specify the character and cause of the accident, the names of the persons killed, and the nature of the injuries that caused death. In the case of injury thereafter resulting in death, the

operator shall send a written notice thereof to the chief, and to 139429
the deputy mine inspector of such district, at such time as such 139430
death comes to the operator's knowledge. 139431

No operator of a mine shall refuse or neglect to comply with 139432
this section. 139433

Sec. 1571.05. (A) Whenever any part of a gas storage 139434
reservoir or any part of its protective area underlies any part of 139435
a coal mine, or is, or within nine months is expected or intended 139436
to be, within two thousand linear feet of the boundary of a coal 139437
mine that is operating in a coal seam any part of which extends 139438
over any part of the storage reservoir or its protective area, the 139439
operator of the reservoir, if the reservoir operator or some other 139440
reservoir operator has not theretofore done so, shall: 139441

(1) Use every known method that is reasonable under the 139442
circumstance for discovering and locating all wells drilled within 139443
the area of the reservoir or its protective area that underlie any 139444
part of the coal mine or its protective area; 139445

(2) Plug or recondition all known wells drilled within the 139446
area of the reservoir or its protective area that underlie any 139447
part of the coal mine. 139448

(B) Whenever an operator of a gas storage reservoir is 139449
notified by the operator of a coal mine, as provided in division 139450
(B) of section 1571.03 of the Revised Code, that the coal mine 139451
operator believes that part of the boundary of the mine is within 139452
two thousand linear feet of a well that is drilled through the 139453
horizon of the coal mine and into or through the storage stratum 139454
or strata of the reservoir within the boundary of the reservoir or 139455
within its protective area, the reservoir operator shall plug or 139456
recondition the well as in this section prescribed, unless it is 139457
agreed in a conference or is ordered by the chief of the division 139458
of oil and gas resources management after a hearing, as provided 139459

in section 1571.10 of the Revised Code, that the well referred to 139460
in the notice is not such a well as is described in division (B) 139461
of section 1571.03 of the Revised Code. 139462

Whenever an operator of a gas storage reservoir is notified 139463
by the operator of a coal mine as provided in division (C) or (D) 139464
of section 1571.03 of the Revised Code, that part of the boundary 139465
of the mine is, or within nine months is intended or expected to 139466
be, within two thousand linear feet of a well that is drilled 139467
through the horizon of the mine and into or through the storage 139468
stratum or strata of the reservoir within the boundary of the 139469
reservoir or within its protective area, the reservoir operator 139470
shall plug or recondition the well as in this section prescribed. 139471

Whenever the operator of a coal mine considers that the use 139472
of a well such as in this section described, if used for injecting 139473
gas into, or storing gas in, or removing gas from, a gas storage 139474
reservoir, would be hazardous to the safety of persons or property 139475
on or in the vicinity of the premises of the coal mine or the 139476
reservoir or well, the coal mine operator may file with the 139477
division objections to the use of the well for such purposes, and 139478
a request that a conference be held as provided in section 1571.10 139479
of the Revised Code, to discuss and endeavor to resolve by mutual 139480
agreement whether or not the well shall or shall not be used for 139481
such purposes, and whether or not the well shall be reconditioned, 139482
inactivated, or plugged. The request shall set forth the mine 139483
operator's reasons for such objections. If no approved agreement 139484
is reached in the conference, the gas storage well inspector shall 139485
within ten days after the termination of the conference, file with 139486
the chief a request that the chief hear and determine the matters 139487
considered at the conference as provided in section 1571.10 of the 139488
Revised Code. Upon conclusion of the hearing, the chief shall find 139489
and determine whether or not the safety of persons or of the 139490
property on or in the vicinity of the premises of the coal mine, 139491

or the reservoir, or the well requires that the well be 139492
reconditioned, inactivated, or plugged, and shall make an order 139493
consistent with that determination, provided that the chief shall 139494
not order a well plugged unless the chief first finds that there 139495
is underground leakage of gas therefrom. 139496

The plugging or reconditioning of each well described in a 139497
notice from a coal mine operator to a reservoir operator as 139498
provided in division (B) of section 1571.03 of the Revised Code, 139499
which must be plugged or reconditioned, shall be completed within 139500
such time as the gas storage well inspector may fix in the case of 139501
each such well. The plugging or reconditioning of each well 139502
described in a notice from a coal mine operator to a reservoir 139503
operator as provided in division (C) of section 1571.03 of the 139504
Revised Code, which must be plugged or reconditioned, shall be 139505
completed by the time the well, by reason of the extension of the 139506
boundary of the coal mine, is within two thousand linear feet of 139507
any part of the boundary of the mine. The plugging or 139508
reconditioning of each well described in a notice from a coal mine 139509
operator to a reservoir operator, as provided in division (D) of 139510
section 1571.03 of the Revised Code, which must be plugged or 139511
reconditioned, shall be completed by the time the well, by reason 139512
of the opening of the new mine, is within two thousand linear feet 139513
of any part of the boundary of the new mine. A reservoir operator 139514
who is required to complete the plugging or reconditioning of a 139515
well within a period of time fixed as in this division prescribed, 139516
may prior to the end of that period of time, notify the division 139517
and the mine operator from whom the reservoir operator received a 139518
notice as provided in division (B), (C), or (D) of section 1571.03 139519
of the Revised Code, in writing by ~~registered~~ certified mail or 139520
electronic format, that the completion of the plugging or 139521
reconditioning of the well referred to in the notice will be 139522
delayed beyond the end of the period of time fixed therefor as in 139523
this section provided, and that the reservoir operator requests 139524

that a conference be held for the purpose of endeavoring to reach 139525
an agreement establishing a date subsequent to the end of that 139526
period of time, on or before which the reservoir operator may 139527
complete the plugging or reconditioning without incurring any 139528
penalties for failure to do so as provided in this chapter. If 139529
such a reservoir operator sends to such a mine operator and to the 139530
division a notice and request for a conference as in this division 139531
provided, the reservoir operator shall not incur any penalties for 139532
failure to complete the plugging or reconditioning of the well 139533
within the period of time fixed as in this division prescribed, 139534
unless the reservoir operator fails to complete the plugging or 139535
reconditioning of the well within the period of time fixed by an 139536
approved agreement reached in the conference, or fixed by an order 139537
by the chief upon a hearing held in the matter in the event of 139538
failure to reach an approved agreement in the conference. 139539

Whenever, in compliance with this division, a well is to be 139540
plugged by a reservoir operator, the operator shall give to the 139541
division notice thereof, as many days in advance as will be 139542
necessary for the gas storage well inspector or a deputy mine 139543
inspector to be present at the plugging. The notification shall be 139544
made on blanks furnished by the division and shall show the 139545
following information: 139546

(1) Name and address of the applicant; 139547

(2) The location of the well identified by section or lot 139548
number, city or village, and township and county; 139549

(3) The well name and number of each well to be plugged. 139550

(C) The operator shall give written notice at the same time 139551
to the owner of the land upon which the well is located, the 139552
owners or agents of the adjoining land, and adjoining well owners 139553
or agents of the operator's intention to abandon the well, and of 139554
the time when the operator will be prepared to commence plugging 139555

and filling the same. In addition to giving such notices, the 139556
reservoir operator shall also at the same time send a copy of the 139557
notice by ~~registered~~ certified mail or electronic format to the 139558
coal mine operator, if any, who sent to the reservoir operator the 139559
notice as provided in division (B), (C), or (D) of section 1571.03 139560
of the Revised Code, in order that the coal mine operator or the 139561
coal mine operator's designated representative may attend and 139562
observe the manner in which the plugging of the well is done. 139563

If the reservoir operator plugs the well without the gas 139564
storage well inspector or a deputy mine inspector being present to 139565
supervise the plugging, the reservoir operator shall send to the 139566
division and to the coal mine operator a copy of the report of the 139567
plugging of the well, including in the report: 139568

(1) The date of abandonment; 139569

(2) The name of the owner or operator of the well at the time 139570
of abandonment and the well owner's or operator's post office 139571
address; 139572

(3) The location of the well as to township and county and 139573
the name of the owner of the surface upon which the well is 139574
drilled, with the address thereof; 139575

(4) The date of the permit to drill; 139576

(5) The date when drilled; 139577

(6) Whether the well has been mapped; 139578

(7) The depth of the well; 139579

(8) The depth of the top of the sand to which the well was 139580
drilled; 139581

(9) The depth of each seam of coal drilled through; 139582

(10) A detailed report as to how the well was plugged, giving 139583
in particular the manner in which the coal and various sands were 139584
plugged, and the date of the plugging of the well, including 139585

therein the names of those who witnessed the plugging of the well. 139586

The report shall be signed by the operator or the operator's 139587
agent who plugged the well and verified by the oath of the party 139588
so signing. For the purposes of this section, a deputy mine 139589
inspector may take acknowledgements and administer oaths to the 139590
parties signing the report. 139591

Whenever, in compliance with this division, a well is to be 139592
reconditioned by a reservoir operator, the operator shall give to 139593
the division notice thereof as many days before the reconditioning 139594
is begun as will be necessary for the gas storage well inspector, 139595
or a deputy mine inspector, to be present at the reconditioning. 139596
No well shall be reconditioned if an inspector of the division is 139597
not present unless permission to do so has been granted by the 139598
chief. The reservoir operator, at the time of giving notice to the 139599
division as in this section required, also shall send a copy of 139600
the notice by ~~registered~~ certified mail or electronic format to 139601
the coal mine operator, if any, who sent to the reservoir operator 139602
the notice as provided in division (B), (C), or (D) of section 139603
1571.03 of the Revised Code, in order that the coal mine operator 139604
or the coal mine operator's designated representative may attend 139605
and observe the manner in which the reconditioning of the well is 139606
done. 139607

If the reservoir operator reconditions the well when the gas 139608
storage well inspector or a deputy mine inspector is not present 139609
to supervise the reconditioning, the reservoir operator shall make 139610
written report to the division describing the manner in which the 139611
reconditioning was done, and shall send to the coal mine operator 139612
a copy of the report by ~~registered~~ certified mail or electronic 139613
format. 139614

(D) Wells that are required by this section to be plugged 139615
shall be plugged in the manner specified in sections 1509.13 to 139616
1509.17 of the Revised Code, and the operator shall give the 139617

notifications and reports required by divisions (B) and (C) of 139618
this section. No such well shall be plugged or abandoned without 139619
the written approval of the division, and no such well shall be 139620
mudded, plugged, or abandoned without the gas storage well 139621
inspector or a deputy mine inspector present unless written 139622
permission has been granted by the chief or the gas storage well 139623
inspector. For purposes of this section, the chief of the division 139624
of mineral resources management has the authority given the chief 139625
of the division of oil and gas resources management in sections 139626
1509.15 and 1509.17 of the Revised Code. If such a well has been 139627
plugged prior to the time plugging thereof is required by this 139628
section, and, on the basis of the data, information, and other 139629
evidence available it is determined that the plugging was done in 139630
the manner required by this section, or was done in accordance 139631
with statutes prescribing the manner of plugging wells in effect 139632
at the time the plugging was done, and that there is no evidence 139633
of leakage of gas from the well either at or below the surface, 139634
and that the plugging is sufficiently effective to prevent the 139635
leakage of gas from the well, the obligations imposed upon the 139636
reservoir operator by this section as to plugging the well shall 139637
be considered fully satisfied. The operator of a coal mine any 139638
part of the boundary of which is, or within nine months is 139639
expected or intended to be, within two thousand linear feet of the 139640
well may at any time raise a question as to whether the plugging 139641
of the well is sufficiently effective to prevent the leakage of 139642
gas therefrom, and the issue so made shall be determined by a 139643
conference or hearing as provided in section 1571.10 of the 139644
Revised Code. 139645

(E) Wells that are to be reconditioned as required by this 139646
section shall be, or shall be made to be: 139647

(1) Cased in accordance with the statutes of this state in 139648
effect at the time the wells were drilled, with the casing being, 139649

or made to be, sufficiently effective in that there is no evidence 139650
of any leakage of gas therefrom; 139651

(2) Equipped with a producing string and well head composed 139652
of new pipe, or pipe as good as new, and fittings designed to 139653
operate with safety and to contain the stored gas at maximum 139654
pressures contemplated. 139655

When a well that is to be reconditioned as required by this 139656
section has been reconditioned for use in the operation of the 139657
reservoir prior to the time prescribed in this section, and on the 139658
basis of the data, information, and other evidence available it is 139659
determined that at the time the well was so reconditioned the 139660
requirements prescribed in this division were met, and that there 139661
is no evidence of underground leakage of gas from the well, and 139662
that the reconditioning is sufficiently effective to prevent 139663
underground leakage from the well, the obligations imposed upon 139664
the reservoir operator by this section as to reconditioning the 139665
well shall be considered fully satisfied. Any operator of a coal 139666
mine any part of the boundary of which is, or within nine months 139667
is expected or intended to be, within two thousand linear feet of 139668
the well may at any time raise a question as to whether the 139669
reconditioning of the well is sufficiently effective to prevent 139670
underground leakage of gas therefrom, and the issue so made shall 139671
be determined by a conference or hearing as provided in section 139672
1571.10 of the Revised Code. 139673

If the gas storage well inspector at any time finds that a 139674
well that is drilled through the horizon of a coal mine and into 139675
or through the storage stratum or strata of a reservoir within the 139676
boundary of the reservoir or within its protective area is located 139677
within the boundary of the coal mine or within two thousand linear 139678
feet of the mine boundary, and was drilled prior to the time the 139679
statutes of this state required that wells be cased, and that the 139680
well fails to meet the casing and equipping requirements 139681

prescribed in this division, the gas storage well inspector shall 139682
promptly notify the operator of the reservoir thereof in writing, 139683
and the reservoir operator upon receipt of the notice shall 139684
promptly recondition the well in the manner prescribed in this 139685
division for reconditioning wells, unless, in a conference or 139686
hearing as provided in section 1571.10 of the Revised Code, a 139687
different course of action is agreed upon or ordered. 139688

(F)(1) When a well within the boundary of a gas storage 139689
reservoir or within the reservoir's protective area penetrates the 139690
storage stratum or strata of the reservoir, but does not penetrate 139691
the coal seam within the boundary of a coal mine, the gas storage 139692
well inspector may, upon application of the operator of the 139693
storage reservoir, exempt the well from the requirements of this 139694
section. Either party affected by the action of the gas storage 139695
well inspector may request a conference and hearing with respect 139696
to the exemption. 139697

(2) When a well located within the boundary of a storage 139698
reservoir or a reservoir's protective area is a producing well in 139699
a stratum above or below the storage stratum, the obligations 139700
imposed by this section shall not begin until the well ceases to 139701
be a producing well. 139702

(G) When retreat mining reaches a point in a coal mine when 139703
the operator of the mine expects that within ninety days retreat 139704
work will be at the location of a pillar surrounding an active 139705
storage reservoir well, the operator of the mine shall promptly 139706
send by ~~registered~~ certified mail or electronic format notice to 139707
that effect to the operator of the reservoir. Thereupon the 139708
operators may by agreement determine whether it is necessary or 139709
advisable to temporarily inactivate the well. If inactivated, the 139710
well shall not be reactivated until a reasonable period of time 139711
has elapsed, such period of time to be determined by agreement by 139712
the operators. In the event that the parties cannot agree upon 139713

either of the foregoing matters, the question shall be submitted 139714
to the gas storage well inspector for a conference in accordance 139715
with section 1571.10 of the Revised Code. 139716

(H)(1) The provisions of this section that require the 139717
plugging or reconditioning of wells shall not apply to such wells 139718
as are used to inject gas into, store gas in, or remove gas from a 139719
gas storage reservoir when the sole purpose of the injection, 139720
storage, or removal is testing. The operator of a gas storage 139721
reservoir who injects gas into, stores gas in, or removes gas from 139722
a reservoir for the sole purpose of testing shall be subject to 139723
all other provisions of this chapter that are applicable to 139724
operators of reservoirs. 139725

(2) If the injection of gas into, or storage of gas in, a gas 139726
storage reservoir any part of which, or of the protective area of 139727
which, is within the boundary of a coal mine is begun after 139728
September 9, 1957, and if the injection or storage of gas is for 139729
the sole purpose of testing, the operator of the reservoir shall 139730
send by ~~registered~~ certified mail or electronic format to the 139731
operator of the coal mine, the division of oil and gas resources 139732
management, and the division of mineral resources management at 139733
least sixty days' notice of the date upon which the testing will 139734
be begun. 139735

If at any time within the period of time during which testing 139736
of a reservoir is in progress, any part of the reservoir or of its 139737
protective area comes within any part of the boundary of a coal 139738
mine, the operator of the reservoir shall promptly send notice to 139739
that effect by ~~registered~~ certified mail or electronic format to 139740
the operator of the mine, the division of oil and gas resources 139741
management, and the division of mineral resources management. 139742

(3) Any coal mine operator who receives a notice as provided 139743
for in division (H)(2) of this section may within thirty days of 139744
the receipt thereof file with the division objections to the 139745

testing. The gas storage well inspector also may, within the time 139746
within which a coal mine operator may file an objection, place in 139747
the files of the division objections to the testing. The reservoir 139748
operator shall comply throughout the period of the testing 139749
operations with all conditions and requirements agreed upon and 139750
approved in the conference on such objections conducted as 139751
provided in section 1571.10 of the Revised Code, or in an order 139752
made by the chief following a hearing in the matter as provided in 139753
section 1571.10 of the Revised Code. If in complying with the 139754
agreement or order either the reservoir operator or the coal mine 139755
operator encounters or discovers conditions that were not known to 139756
exist at the time of the conference or hearing and that materially 139757
affect the agreement or order, or the ability of the reservoir 139758
operator to comply therewith, either operator may apply for a 139759
rehearing or modification of the order. 139760

(I) In addition to complying with all other provisions of 139761
this chapter and any lawful orders issued thereunder, the operator 139762
of each gas storage reservoir shall keep all wells drilled into or 139763
through the storage stratum or strata within the boundary of the 139764
operator's reservoir or within the reservoir's protective area in 139765
such condition, and operate the same in such manner, as to prevent 139766
the escape of gas therefrom into any coal mine, and shall operate 139767
and maintain the storage reservoir and its facilities in such 139768
manner and at such pressures as will prevent gas from escaping 139769
from the reservoir or its facilities into any coal mine. 139770

Sec. 1571.08. (A) Whenever in this chapter, the method or 139771
material to be used in discharging any obligations imposed by this 139772
chapter is specified, an alternative method or material may be 139773
used if approved by the gas storage well inspector or the chief of 139774
the division of oil and gas resources management. A person 139775
desiring to use such alternative method or material shall file 139776
with the division of oil and gas resources management an 139777

application for permission to do so. Such application shall 139778
describe such alternative method or material in reasonable detail. 139779
The gas storage well inspector shall promptly send by ~~registered~~ 139780
certified mail or electronic format notice of the filing of such 139781
application to any coal mine operator or reservoir operator whose 139782
mine or reservoir may be directly affected thereby. Any such coal 139783
mine operator or reservoir operator may within ten days following 139784
receipt of such notice, file with the division objections to such 139785
application. The gas storage well inspector may also file with the 139786
division an objection to such application at any time during which 139787
coal mine operators or reservoir operators are permitted to file 139788
objections. If no objections are filed within the ten-day period 139789
of time, the gas storage well inspector shall thereupon issue a 139790
permit approving the use of such alternative method or material. 139791
If any such objections are filed by any coal mine operator or 139792
reservoir operator, or by the gas storage well inspector, the 139793
question as to whether or not the use of such alternative method 139794
or material, or a modification thereof is approved, shall be 139795
determined by a conference or hearing as provided in section 139796
1571.10 of the Revised Code. 139797

(B) Whenever in this chapter, provision is made for the 139798
filing of objections with the division, such objections shall be 139799
in writing and shall state as definitely as is reasonably possible 139800
the reasons for such objections. Upon the filing of any such 139801
objection the gas storage well inspector shall promptly fix the 139802
time and place for holding a conference for the purpose of 139803
discussing and endeavoring to resolve by mutual agreement the 139804
issue raised by such objection. The gas storage well inspector 139805
shall send written notice thereof by ~~registered~~ certified mail or 139806
electronic format to each person having a direct interest therein. 139807
Thereupon the issue made by such objection shall be determined by 139808
a conference or hearing in accordance with the procedures for 139809
conferences and hearings as provided in section 1571.10 of the 139810

Revised Code. 139811

Sec. 1571.10. (A) The gas storage well inspector or any 139812
person having a direct interest in the administration of this 139813
chapter may at any time file with the division of oil and gas 139814
resources management a written request that a conference be held 139815
for the purpose of discussing and endeavoring to resolve by mutual 139816
agreement any question or issue relating to the administration of 139817
this chapter, or to compliance with its provisions, or to any 139818
violation thereof. Such request shall describe the matter 139819
concerning which the conference is requested. Thereupon the gas 139820
storage well inspector shall promptly fix the time and place for 139821
the holding of such conference and shall send written notice 139822
thereof to each person having a direct interest therein. At such 139823
conference the gas storage well inspector or a representative of 139824
the division designated by the gas storage well inspector shall be 139825
in attendance, and shall preside at the conference, and the gas 139826
storage well inspector or designated representative may make such 139827
recommendations as the gas storage well inspector or designated 139828
representative deems proper. Any agreement reached at such 139829
conference shall be consistent with the requirements of this 139830
chapter and, if approved by the gas storage well inspector, it 139831
shall be reduced to writing and shall be effective. Any such 139832
agreement approved by the gas storage well inspector shall be kept 139833
on file in the division and a copy thereof shall be furnished to 139834
each of the persons having a direct interest therein. The 139835
conference shall be deemed terminated as of the date an approved 139836
agreement is reached or when any person having a direct interest 139837
therein refuses to confer thereafter. Such a conference shall be 139838
held in all cases prior to the holding of a hearing as provided in 139839
this section. 139840

(B) Within ten days after the termination of a conference at 139841
which no approved agreement is reached, any person who 139842

participated in such conference and who has a direct interest in 139843
the subject matter thereof, or the gas storage well inspector, may 139844
file with the chief of the division of oil and gas resources 139845
management a request that the chief hear and determine the matter 139846
or matters, or any part thereof considered at the conference. 139847
Thereupon the chief shall promptly fix the time and place for the 139848
holding of such hearing and shall send written notice thereof to 139849
each person having a direct interest therein. The form of the 139850
request for such hearing and the conduct of the hearing shall be 139851
in accordance with rules that the chief adopts under section 139852
1571.11 of the Revised Code. Consistent with the requirement for 139853
reasonable notice each such hearing shall be held promptly after 139854
the filing of the request therefor. Any person having a direct 139855
interest in the matter to be heard shall be entitled to appear and 139856
be heard in person or by attorney. The division may present at 139857
such hearing any evidence that is material to the matter being 139858
heard and that has come to the division's attention in any 139859
investigation or inspection made pursuant to this chapter. 139860

(C) For the purpose of conducting such a hearing the chief 139861
may require the attendance of witnesses and the production of 139862
books, records, and papers, and the chief may, and at the request 139863
of any person having a direct interest in the matter being heard, 139864
the chief shall, issue subpoenas for witnesses or subpoenas duces 139865
tecum to compel the production of any books, records, or papers, 139866
directed to the sheriffs of the counties where such witnesses are 139867
found, which subpoenas shall be served and returned in the same 139868
manner as subpoenas in criminal cases are served and returned. The 139869
fees of sheriffs shall be the same as those allowed by the court 139870
of common pleas in criminal cases. Witnesses shall be paid the 139871
fees and mileage provided for under section 119.094 of the Revised 139872
Code. Such fee and mileage expenses shall be paid in advance by 139873
the persons at whose request they are incurred, and the remainder 139874
of such expenses shall be paid out of funds appropriated for the 139875

expenses of the division. 139876

In case of disobedience or neglect of any subpoena served on 139877
any person, or the refusal of any witness to testify to any matter 139878
regarding which the witness may be lawfully interrogated, the 139879
court of common pleas of the county in which such disobedience, 139880
neglect, or refusal occurs, or any judge thereof, on application 139881
of the chief, shall compel obedience by attachment proceedings for 139882
contempt as in the case of disobedience of the requirements of a 139883
subpoena issued from such court or a refusal to testify therein. 139884
Witnesses at such hearings shall testify under oath, and the chief 139885
may administer oaths or affirmations to persons who so testify. 139886

(D) With the consent of the chief, the testimony of any 139887
witness may be taken by deposition at the instance of a party to 139888
any hearing before the chief at any time after hearing has been 139889
formally commenced. The chief may, of the chief's own motion, 139890
order testimony to be taken by deposition at any stage in any 139891
hearing, proceeding, or investigation pending before the chief. 139892
Such deposition shall be taken in the manner prescribed by the 139893
laws of this state for taking depositions in civil cases in courts 139894
of record. 139895

(E) After the conclusion of a hearing the chief shall make a 139896
determination and finding of facts. Every adjudication, 139897
determination, or finding by the chief shall be made by written 139898
order and shall contain a written finding by the chief of the 139899
facts upon which the adjudication, determination, or finding is 139900
based. Notice of the making of such order shall be given to the 139901
persons whose rights, duties, or privileges are affected thereby, 139902
by sending a certified copy thereof by ~~registered~~ certified mail 139903
or electronic format to each of such persons. 139904

Adjudications, determinations, findings, and orders made by 139905
the chief shall not be governed by, or be subject to, Chapter 119. 139906
of the Revised Code. 139907

Sec. 1571.14. Any person claiming to be aggrieved or 139908
adversely affected by an order of the chief of the division of oil 139909
and gas resources management made as provided in section 1571.10 139910
or 1571.16 of the Revised Code may appeal to the director of 139911
natural resources for an order vacating or modifying such order. 139912
Upon receipt of the appeal, the director shall appoint an 139913
individual who has knowledge of the laws and rules regarding the 139914
underground storage of gas and who shall act as a hearing officer 139915
in accordance with Chapter 119. of the Revised Code in hearing the 139916
appeal. 139917

The person appealing to the director shall be known as 139918
appellant and the chief shall be known as appellee. The appellant 139919
and the appellee shall be deemed parties to the appeal. 139920

The appeal shall be in writing and shall set forth the order 139921
complained of and the grounds upon which the appeal is based. The 139922
appeal shall be filed with the director within thirty days after 139923
the date upon which appellant received notice by ~~registered~~ 139924
certified mail or electronic format of the making of the order 139925
complained of, as required by section 1571.10 of the Revised Code. 139926
Notice of the filing of such appeal shall be delivered by 139927
appellant to the chief within three days after the appeal is filed 139928
with the director. 139929

Within seven days after receipt of the notice of appeal the 139930
chief shall prepare and certify to the director at the expense of 139931
appellant a complete transcript of the proceedings out of which 139932
the appeal arises, including a transcript of the testimony 139933
submitted to the chief. 139934

Upon the filing of the appeal the director shall fix the time 139935
and place at which the hearing on the appeal will be held, and 139936
shall give appellant and the chief at least ten days' written 139937
notice thereof by mail. The director may postpone or continue any 139938

hearing upon the director's own motion or upon application of 139939
appellant or of the chief. 139940

The filing of an appeal provided for in this section does not 139941
automatically suspend or stay execution of the order appealed 139942
from, but upon application by the appellant the director may 139943
suspend or stay such execution pending determination of the appeal 139944
upon such terms as the director deems proper. 139945

The hearing officer appointed by the director shall hear the 139946
appeal de novo, and either party to the appeal may submit such 139947
evidence as the hearing officer deems admissible. 139948

For the purpose of conducting a hearing on an appeal, the 139949
hearing officer may require the attendance of witnesses and the 139950
production of books, records, and papers, and may, and at the 139951
request of any party shall, issue subpoenas for witnesses or 139952
subpoenas duces tecum to compel the production of any books, 139953
records, or papers, directed to the sheriffs of the counties where 139954
such witnesses are found, which subpoenas shall be served and 139955
returned in the same manner as subpoenas in criminal cases are 139956
served and returned. The fees of sheriffs shall be the same as 139957
those allowed by the court of common pleas in criminal cases. 139958
Witnesses shall be paid the fees and mileage provided for under 139959
section 119.094 of the Revised Code. Such fee and mileage expenses 139960
incurred at the request of appellant shall be paid in advance by 139961
appellant, and the remainder of such expenses shall be paid out of 139962
funds appropriated for the expenses of the division of oil and gas 139963
resources management. 139964

In case of disobedience or neglect of any subpoena served on 139965
any person, or the refusal of any witness to testify to any matter 139966
regarding which the witness may be lawfully interrogated, the 139967
court of common pleas of the county in which such disobedience, 139968
neglect, or refusal occurs, or any judge thereof, on application 139969
of the director, shall compel obedience by attachment proceedings 139970

for contempt as in the case of disobedience of the requirements of 139971
a subpoena issued from such court or a refusal to testify therein. 139972
Witnesses at such hearings shall testify under oath, and the 139973
hearing officer may administer oaths or affirmations to persons 139974
who so testify. 139975

At the request of any party to the appeal, a record of the 139976
testimony and other evidence submitted shall be taken by an 139977
official court reporter at the expense of the party making the 139978
request for the record. The record shall include all of the 139979
testimony and other evidence and the rulings on the admissibility 139980
thereof presented at the hearing. The hearing officer shall pass 139981
upon the admissibility of evidence, but any party may at the time 139982
object to the admission of any evidence and except to the ruling 139983
of the hearing officer thereon, and if the hearing officer refuses 139984
to admit evidence, the party offering same may make a proffer 139985
thereof, and such proffer shall be made a part of the record of 139986
such hearing. 139987

If upon completion of the hearing the hearing officer finds 139988
that the order appealed from was lawful and reasonable, the 139989
hearing officer shall make a written order affirming the order 139990
appealed from. If the hearing officer finds that such order was 139991
unreasonable or unlawful, the hearing officer shall make a written 139992
order vacating the order appealed from and making the order that 139993
it finds the chief should have made. Every order made by the 139994
hearing officer shall contain a written finding by the hearing 139995
officer of the facts upon which the order is based. Notice of the 139996
making of such order shall be given forthwith to each party to the 139997
appeal by mailing a certified copy thereof to each such party by 139998
~~registered~~ certified mail or electronic format. 139999

Sec. 1571.15. Any party adversely affected by an order of the 140000
hearing officer under section 1571.14 of the Revised Code may 140001

appeal to the court of common pleas of any county in which the 140002
well, or part of the gas storage reservoir, or part of the coal 140003
mine, involved in the order of the hearing officer which is being 140004
appealed, is located. Any party desiring to so appeal shall file 140005
with the director of natural resources a notice of appeal 140006
designating the order appealed from and stating whether the appeal 140007
is taken on questions of law or questions of law and fact. A copy 140008
of such notice shall also be filed by appellant with the court and 140009
shall be mailed or otherwise delivered to appellee. The notice 140010
shall be filed and mailed or otherwise delivered within thirty 140011
days after the date upon which appellant received notice from the 140012
hearing officer by ~~registered~~ certified mail or electronic format 140013
of the making of the order appealed from. No appeal bond shall be 140014
required to make either an appeal on questions of law or an appeal 140015
on questions of law and fact effective. 140016

The filing of a notice of appeal shall not automatically 140017
operate as a suspension of the order of the hearing officer. If it 140018
appears to the court that an unjust hardship to the appellant will 140019
result from the execution of the hearing officer's order pending 140020
determination of the appeal, the court may grant a suspension of 140021
such order and fix its terms. 140022

Within fifteen days after receipt of the notice of appeal the 140023
hearing officer shall prepare and file in the court the complete 140024
record of proceedings out of which the appeal arises, including a 140025
transcript of the testimony and other evidence which has been 140026
submitted before ~~him~~ the hearing officer. The expense of preparing 140027
and transcribing such record shall be taxed as a part of the costs 140028
of the appeal. Appellant shall provide security for costs 140029
satisfactory to the court. Upon demand by a party the director 140030
shall furnish at the cost of the party requesting the same a copy 140031
of such record. In the event such complete record is not filed in 140032
the court within the time provided for in this section either 140033

party may apply to the court to have the case docketed, and the 140034
court shall order such record filed. 140035

Appeals taken on questions of law shall be heard upon 140036
assignments of error filed in the cause or set out in the briefs 140037
of the appellant before the hearing. Errors not argued by brief 140038
may be disregarded, but the court may consider and decide errors 140039
which are not assigned or argued. Failure to file such briefs and 140040
assignments of error within the time prescribed by the court's 140041
rules shall be a cause for dismissal of such appeal. 140042

In appeals taken on questions of law and fact, the hearing in 140043
the court shall be a hearing de novo of the appeal heard by the 140044
hearing officer in which the order appealed from was made. In such 140045
hearings any party may offer as evidence any part of the record of 140046
the proceedings out of which the appeal arises, certified to the 140047
court as provided for in this section, and any other evidence 140048
which the court deems admissible. 140049

If the court finds that the order of the hearing officer 140050
appealed from was lawful and reasonable, it shall affirm such 140051
order. If the court finds that such order was unreasonable or 140052
unlawful, it shall vacate such order and make the order which it 140053
finds the hearing officer should have made. The judgment of the 140054
court is final unless reversed, vacated, or modified on appeal as 140055
in civil actions. 140056

Sec. 1571.16. (A) The gas storage well inspector or any 140057
person having a direct interest in the subject matter of this 140058
chapter may file with the division of oil and gas resources 140059
management a complaint in writing stating that a person is 140060
violating, or is about to violate, a provision or provisions of 140061
this chapter, or has done, or is about to do, an act, matter, or 140062
thing therein prohibited or declared to be unlawful, or has 140063
failed, omitted, neglected, or refused, or is about to fail, omit, 140064

neglect, or refuse, to perform a duty enjoined upon the person by 140065
this chapter. Upon the filing of such a complaint, the chief of 140066
the division of oil and gas resources management shall promptly 140067
fix the time for the holding of a hearing on such complaint and 140068
shall send by ~~registered~~ certified mail or electronic format to 140069
the person so complained of, a copy of such complaint together 140070
with at least five days' notice of the time and place at which 140071
such hearing will be held. Such notice of such hearing shall also 140072
be given to all persons having a direct interest in the matters 140073
complained of in such complaint. Such hearing shall be conducted 140074
in the same manner, and the chief and persons having a direct 140075
interest in the matter being heard, shall have the same powers, 140076
rights, and duties as provided in divisions (B), (C), (D), and (E) 140077
of section 1571.10 of the Revised Code, in connection with 140078
hearings by the chief, provided that if after conclusion of the 140079
hearing the chief finds that the charges against the person 140080
complained of, as stated in such complaint, have not been 140081
sustained by a preponderance of evidence, the chief shall make an 140082
order dismissing the complaint, and if the chief finds that the 140083
charges have been so sustained, the chief shall by appropriate 140084
order require compliance with those provisions. 140085

(B) Whenever the chief is of the opinion that any person is 140086
violating, or is about to violate, any provision of this chapter, 140087
or has done, or is about to do, any act, matter, or thing therein 140088
prohibited or declared to be unlawful, or has failed, omitted, 140089
neglected, or refused, or is about to fail, omit, neglect, or 140090
refuse, to perform any duty enjoined upon the person by this 140091
chapter, or has failed, omitted, neglected, or refused, or is 140092
about to fail, omit, neglect, or refuse, to obey any lawful 140093
requirement or order made by the chief, or any final judgment, 140094
order, or decree made by any court pursuant to this chapter, then 140095
and in every such case, the chief may institute in a court of 140096
competent jurisdiction of the county or counties wherein the 140097

operation is situated, an action to enjoin or restrain such 140098
violations or to enforce obedience with law or the orders of the 140099
chief. No injunction bond shall be required to be filed in any 140100
such proceeding. Such persons or corporations as the court may 140101
deem necessary or proper to be joined as parties in order to make 140102
its judgment, order, or writ effective may be joined as parties. 140103
An appeal may be taken as in other civil actions. 140104

(C) In addition to the other remedies as provided in 140105
divisions (A) and (B) of this section, any reservoir operator or 140106
coal mine operator affected by this chapter may proceed by 140107
injunction or other appropriate remedy to restrain violations or 140108
threatened violations of this chapter or of orders of the chief, 140109
or of the hearing officer appointed under section 1571.14 of the 140110
Revised Code, or the judgments, orders, or decrees of any court or 140111
to enforce obedience therewith. 140112

(D) Each remedy prescribed in divisions (A), (B), and (C) of 140113
this section is deemed concurrent or contemporaneous with each 140114
other remedy prescribed therein, and the existence or exercise of 140115
any one such remedy shall not prevent the exercise of any other 140116
such remedy. 140117

(E) The provisions of this chapter providing for conferences, 140118
hearings by the chief, appeals to the hearing officer from orders 140119
of the chief, and appeals to the court of common pleas from orders 140120
of the hearing officer, and the remedies prescribed in divisions 140121
(A), (B), (C), and (D) of this section, do not constitute the 140122
exclusive procedure that a person, who deems the person's rights 140123
to be unlawfully affected by any official action taken thereunder, 140124
must pursue in order to protect and preserve such rights, nor does 140125
this chapter constitute a procedure that such a person must pursue 140126
before the person may lawfully proceed by other actions, legal or 140127
equitable, to protect and preserve such rights. 140128

Sec. 1707.02. (A) "Exempt," as used in this section, means 140129
exempt from sections 1707.08 to 1707.11 and 1707.39 of the Revised 140130
Code. 140131

(B)(1) Except as provided in division (B)(2) of this section, 140132
the following securities are exempt, if the issuer or guarantor 140133
has the power of taxation or assessment for the purpose of paying 140134
the obligation represented by the security, or is in specific 140135
terms empowered by the laws of the state of issuance to issue 140136
securities payable as to principal or interest, or as to both, out 140137
of revenues collected or administered by such issuer: 140138

(a) Any security issued or guaranteed by the United States; 140139

(b) Any security issued or guaranteed by, and recognized, at 140140
the time of sale, as its valid obligation by, any foreign 140141
government with which the United States is, at the time of sale, 140142
maintaining diplomatic relations; 140143

(c) Any security issued or guaranteed, and recognized as its 140144
valid obligation, by any political subdivision or any governmental 140145
or other public body, corporation, or agency in or of the United 140146
States, any state, territory, or possession of the United States, 140147
or any foreign government with which the United States is, at the 140148
time of sale, maintaining diplomatic relations. 140149

(2) If a security described in division (B)(1) of this 140150
section is not payable out of the proceeds of a general tax, the 140151
security is exempt only if, at the time of its first sale in this 140152
state, there is no default in the payment of any of the interest 140153
or principal of the security, and there are no adjudications or 140154
pending suits adversely affecting its validity. 140155

(C) Any security issued or guaranteed by a state or 140156
nationally chartered bank, savings and loan association, savings 140157
bank, or credit union, or a governmental corporation or agency 140158

created by or under the laws of the United States or of Canada is 140159
exempt, if it is under the supervision of or subject to regulation 140160
by the government or state under whose laws it was organized. 140161

(D) Any interim certificate is exempt, if the securities to 140162
be delivered therefor are themselves exempt, are the subject 140163
matter of an exempt transaction, have been registered by 140164
description or registered by qualification, or are the subject 140165
matter of a transaction which has been registered by description. 140166

(E)(1) A security is exempt if it meets any of the following 140167
requirements: 140168

(a) The security is listed, or authorized for listing, on the 140169
New York stock exchange, the American stock exchange, or the 140170
national market system of the NASDAQ stock market, or any 140171
successor to such entities. 140172

(b) The security is listed, or authorized for listing, on a 140173
national securities exchange or system, or on a tier or segment of 140174
such exchange or system, designated by the securities and exchange 140175
commission in rule 146(b) promulgated under section 18(b)(1) of 140176
the Securities Act of 1933. 140177

(c) The security is listed, or authorized for listing, on a 140178
national securities exchange or system, or on a tier or segment of 140179
such exchange or system, that has listing standards that the 140180
division of securities, on its own initiative or on the basis of 140181
an application, determines by rule are substantially similar to 140182
the listing standards applicable to securities described in 140183
division (E)(1)(a) of this section. 140184

(d) The security is a security of the same issuer that is 140185
equal in seniority or that is a senior security to a security 140186
described in division (E)(1)(a), (b), or (c) of this section. 140187

(2) Application for approval of a stock exchange or system 140188
not approved in this section may be made by any organized stock 140189

exchange or system, or by any dealer who is a member of such 140190
exchange, in such manner and upon such forms as are prescribed by 140191
the division, accompanied by payment of an approval fee of two 140192
hundred dollars, and the division shall make such investigation 140193
and may hold such hearings as it deems necessary to determine the 140194
propriety of giving approval. The cost of such investigation shall 140195
be borne by the applicant. The division may enter an order of 140196
approval, and if it does so, it shall notify the applicant of such 140197
approval. 140198

(3) The division may revoke the approval of an exchange or 140199
system enumerated in division (E)(1) of this section, provided 140200
that the exchange or system is not listed in section 18(b)(1) of 140201
the Securities Act of 1933 or any rule promulgated thereunder. The 140202
division may effect a revocation after due notice, investigation, 140203
a hearing, and a finding that the practices or requirements of 140204
such exchange or system have been so changed or modified, or are, 140205
in their actual operation, such that the contemplated protection 140206
is no longer afforded. The principles of res adjudicata ordinarily 140207
applicable in civil matters shall not be applicable to this 140208
matter, which is hereby declared to be administrative rather than 140209
judicial. Notice of the hearing may be given by ~~certified~~ 140210
electronic mail at least ten days before such hearing. 140211

(4) The division may suspend the exemption of any security 140212
described in division (E)(1) of this section, provided that the 140213
security is listed or authorized for listing on an exchange or 140214
system that is not listed in section 18(b)(1) of the Securities 140215
Act of 1933 or any rule promulgated thereunder. The division may 140216
effect a suspension by giving notice, by ~~certified~~ electronic 140217
mail, to that effect to the exchange or system upon which such 140218
security is listed or designated and to the issuer of such 140219
security. After notice and hearing, the division may revoke such 140220
exemption if it appears to it that sales of such security have 140221

been fraudulent or that future sales of it would be fraudulent. 140222
The division shall set such hearing not later than ten days from 140223
the date of the order of suspension, but may for good cause 140224
continue such hearing upon application of the exchange or system 140225
upon which such security is listed or designated or upon 140226
application of the issuer of such security. 140227

(F) Any security, issued or guaranteed as to principal, 140228
interest, or dividend or distribution by a corporation owning or 140229
operating any public utility, is exempt, if such corporation is, 140230
as to its rates and charges or as to the issuance and guaranteeing 140231
of securities, under the supervision of or regulated by a public 140232
commission, board, or officer of the United States, or of Canada, 140233
or of any state, province, or municipal corporation in either of 140234
such countries. Equipment-trust securities based on chattel 140235
mortgages, leases, or agreements for conditional sale, of cars, 140236
locomotives, motor trucks, or other rolling stock or of motor 140237
vehicles mortgaged, leased, or sold to, or finished for the use 140238
of, a public utility, are exempt; and so are equipment securities 140239
where the ownership or title of such equipment is pledged or 140240
retained, in accordance with the laws of the United States or of 140241
any state, or of Canada or any province thereof, to secure the 140242
payment of such securities. 140243

(G) Commercial paper and promissory notes are exempt when 140244
they are not offered directly or indirectly for sale to the 140245
public. 140246

(H) Any security issued or guaranteed by an insurance 140247
company, except as provided in section 1707.32 of the Revised 140248
Code, is exempt if such company is under the supervision of, and 140249
the issuance or guaranty of such security is regulated by, a 140250
state. 140251

(I) Any security, except notes, bonds, debentures, or other 140252
evidences of indebtedness or of promises or agreements to pay 140253

money, which is issued by a person, corporation, or association 140254
organized not for profit, including persons, corporations, and 140255
associations organized exclusively for conducting county fairs, or 140256
for religious, educational, social, recreational, athletic, 140257
benevolent, fraternal, charitable, or reformatory purposes, and 140258
agricultural cooperatives as defined in section 1729.01 of the 140259
Revised Code, is exempt, if no part of the net earnings of such 140260
issuer inures to the benefit of any shareholder or member of such 140261
issuer or of any individual, and if the total commission, 140262
remuneration, expense, or discount in connection with the sale of 140263
such securities does not exceed two per cent of the total sale 140264
price thereof plus five hundred dollars. 140265

(J)(1) Any securities outstanding for a period of not less 140266
than five years, on which there has occurred no default in payment 140267
of principal, interest, or dividend or distribution for the five 140268
years immediately preceding the sale, are exempt. 140269

(2) For the purpose of division (J) of this section, the 140270
dividend, distribution, or interest rate on securities in which no 140271
such rate is specified shall be at the rate of at least four per 140272
cent annually on the aggregate of the price at which such 140273
securities are to be sold. 140274

(K) All bonds issued under authority of Chapter 165. or 761., 140275
or section 4582.06 or 4582.31 of the Revised Code are exempt. 140276

Sec. 1707.04. (A) The division of securities may consider and 140277
conduct hearings upon any plan of reorganization, 140278
recapitalization, or refinancing of a corporation organized under 140279
the laws of this state, or having its principal place of business 140280
within this state, when such plan is proposed by such corporation 140281
or by any of its shareholders or creditors and contains a proposal 140282
to issue securities in exchange for one or more bona fide 140283
outstanding securities, claims, or property interests, or partly 140284

in such exchange or partly for cash. The division may also approve 140285
the terms of such issuance and exchange and the fairness of such 140286
terms, after a hearing upon such fairness at which all persons to 140287
whom it is proposed to issue securities in such exchange have the 140288
right to appear, if application for such a hearing is made by such 140289
corporation, by the holders of a majority in amount of its debts, 140290
or by the holders of a majority in amount of any outstanding class 140291
of securities issued by it. Notice in person or by electronic or 140292
regular mail of the time and place of such hearing shall be given 140293
to all persons to whom it is proposed to issue such securities, 140294
and evidence satisfactory to the division that such notice has 140295
been given shall be filed with the division. Securities issued in 140296
accordance with a plan so approved by the division are exempt from 140297
sections 1707.01 to 1707.50 of the Revised Code, relating to 140298
registration or qualification of securities or the registration of 140299
transactions therein. 140300

(B) "Reorganization," "recapitalization," and "refinancing," 140301
as used in this section, include the following: 140302

(1) A readjustment by modification of the terms of securities 140303
by agreement; 140304

(2) A readjustment by the exchange of securities by the 140305
issuer for others of its securities; 140306

(3) The exchange of securities by the issuer for securities 140307
of another issuer; 140308

(4) The acquisition of assets of a person, directly or 140309
indirectly, partly or wholly in consideration for securities 140310
distributed or to be distributed as part of the same transaction, 140311
directly or indirectly, to holders of securities issued by such 140312
person or secured by assets of such person; 140313

(5) A merger or consolidation. 140314

(C) Upon filing an application with the division under this section, the applicant shall pay to the division a filing fee of one hundred dollars and shall deposit with the division such sum, not in excess of one thousand dollars, as the division requires for the purpose of defraying the costs of the hearing provided for in this section and of any investigation which the division may make in connection herewith.

Sec. 1707.042. (A) No person who makes or opposes a control bid to offerees in this state shall knowingly do any of the following:

(1) Make any untrue statement of a material fact or omit to state a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading;

(2) Engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any such offeree;

(3) Engage in any manipulative act or practice.

(B) Any person who makes or opposes a control bid to offerees in this state, or who realizes any profit which inures to and is recoverable by a corporation, formed in this state, pursuant to section 1707.043 of the Revised Code, is conclusively presumed to have designated the secretary of state as its agent for the service of process in any action or proceeding under this chapter. Upon receipt of any such process, together with an affidavit showing the last known address of the person who made or opposed the control bid or who realized such profit, the secretary of state shall forthwith give notice ~~by telegraph of the fact~~ of the service of process ~~and forward a copy of such process to such address by certified mail, return receipt requested.~~ This section does not affect any right to serve process in any other manner

permitted by law. 140346

(C) Any person who makes or opposes a control bid is subject 140347
to the liabilities and penalties applicable to a seller, and an 140348
offeree is entitled to the remedies applicable to a purchaser, as 140349
set forth in sections 1707.41 to 1707.50 of the Revised Code. 140350

(D) In case any provision or application of any provision of 140351
this section is for any reason held to be illegal or invalid, such 140352
illegality or invalidity shall not affect any legal and valid 140353
provision or application of this section. 140354

Sec. 1707.091. (A) Any security for which a registration 140355
statement has been filed pursuant to Section 6 of the Securities 140356
Act of 1933 or for which a notification form and offering circular 140357
has been filed pursuant to regulation A of the general rules and 140358
regulations of the securities and exchange commission, 17 C.F.R. 140359
sections 230.251 to 230.256 and 230.258 to 230.263, as amended 140360
before or after the effective date of this section, in connection 140361
with the same offering may be registered by coordination. 140362

(B) A registration statement filed by or on behalf of the 140363
issuer under this section with the division of securities shall 140364
contain the following information and be accompanied by the 140365
following items in addition to the consent to service of process 140366
required by section 1707.11 of the Revised Code: 140367

(1) One copy of the latest form of prospectus or offering 140368
circular and notification filed with the securities and exchange 140369
commission; 140370

(2) If the division of securities by rule or otherwise 140371
requires, a copy of the articles of incorporation and code of 140372
regulations or bylaws, or their substantial equivalents, as 140373
currently in effect, a copy of any agreements with or among 140374
underwriters, a copy of any indenture or other instrument 140375

governing the issuance of the security to be registered, and a specimen or copy of the security; 140376
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(3) If the division of securities requests, any other information, or copies of any other documents, filed with the securities and exchange commission; 140378
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(4) An undertaking by the issuer to forward to the division, promptly and in any event not later than the first business day after the day they are forwarded to or thereafter are filed with the securities and exchange commission, whichever occurs first, all amendments to the federal prospectus, offering circular, notification form, or other documents filed with the securities and exchange commission, other than an amendment that merely delays the effective date; 140381
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(5) A filing fee of one hundred dollars. 140389

(C) A registration statement filed under this section becomes effective either at the moment the federal registration statement becomes effective or at the time the offering may otherwise be commenced in accordance with the rules, regulations, or orders of the securities and exchange commission, if all of the following conditions are satisfied: 140390
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(1) No stop order is in effect, no proceeding is pending under section 1707.13 of the Revised Code, and no cease and desist order has been issued pursuant to section 1707.23 of the Revised Code; 140396
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(2) The registration statement has been on file with the division for at least fifteen days or for such shorter period as the division by rule or otherwise permits; provided, that if the registration statement is not filed with the division within five days of the initial filing with the securities and exchange commission, the registration statement must be on file with the division for thirty days or for such shorter period as the 140400
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division by rule or otherwise permits. 140407

(3) A statement of the maximum and minimum proposed offering 140408
prices and the maximum underwriting discounts and commissions has 140409
been on file with the division for two full business days or for 140410
such shorter period as the division by rule or otherwise permits 140411
and the offering is made within those limitations; 140412

(4) The division has received a registration fee of one-tenth 140413
of one per cent of the aggregate price at which the securities are 140414
to be sold to the public in this state, which fee, however, shall 140415
in no case be less than one hundred or more than one thousand 140416
dollars. 140417

(D) The issuer shall promptly notify the division by 140418
telephone ~~or telegram~~ of the date and time when the federal 140419
registration statement became effective, or when the offering may 140420
otherwise be commenced in accordance with the rules, regulations, 140421
or orders of the securities and exchange commission, and of the 140422
contents of the price amendment, if any, and shall promptly file 140423
the price amendment. 140424

"Price amendment" for the purpose of this division, means the 140425
final federal registration statement amendment that includes a 140426
statement of the offering price, underwriting and selling 140427
discounts or commissions, amount of proceeds, conversion rates, 140428
call prices, and other matters dependent upon the offering price. 140429

If the division fails to receive the required notice and 140430
required copies of the price amendment, the division may enter a 140431
provisional stop order retroactively denying effectiveness to the 140432
registration statement or suspending its effectiveness until there 140433
is compliance with this division, provided the division promptly 140434
notifies the issuer or its representative by telephone ~~or~~ 140435
~~telegram~~, and promptly confirms by letter ~~or telegram~~ when it 140436
notifies by telephone, of the entry of the order. If the issuer or 140437

its representative proves compliance with the requirements of this 140438
division as to notice and price amendment filing, the stop order 140439
is void as of the time of its entry. The division may by rule or 140440
otherwise waive either or both of the conditions specified in 140441
divisions (C)(2) and (3) of this section. If the federal 140442
registration statement becomes effective, or if the offering may 140443
otherwise be commenced in accordance with the rules, regulations, 140444
or orders of the securities and exchange commission, before all of 140445
the conditions specified in divisions (C) and (D) of this section 140446
are satisfied and they are not waived by the division the 140447
registration statement becomes effective as soon as all of the 140448
conditions are satisfied. 140449

If the issuer advises the division of the date when the 140450
federal registration statement is expected to become effective, or 140451
when the offering may otherwise be commenced in accordance with 140452
the rules, regulations, or orders of the securities and exchange 140453
commission, the division shall promptly advise the issuer or its 140454
representative by telephone ~~or telegram~~, at the issuer's expense, 140455
whether all of the conditions have been satisfied or whether the 140456
division then contemplates the institution of a proceeding under 140457
section 1707.13 or 1707.23 of the Revised Code, but such advice 140458
does not preclude the institution of such a proceeding at any 140459
time. 140460

Sec. 1707.11. (A) Each person that is not organized under the 140461
laws of this state, that is not licensed under section 1703.03 of 140462
the Revised Code, or that does not have its principal place of 140463
business in this state, shall submit to the division of securities 140464
an irrevocable consent to service of process, as described in 140465
division (B) of this section, in connection with any of the 140466
following: 140467

(1) Filings to claim any of the exemptions enumerated in 140468

division (Q), (W), or (Y) of section 1707.03 of the Revised Code; 140469

(2) Applications for registration by description, 140470
qualification, or coordination; 140471

(3) Notice filings pursuant to section 1707.092 of the 140472
Revised Code. 140473

(B) The irrevocable written consent shall be executed and 140474
acknowledged by an individual duly authorized to give the consent 140475
and shall do all of the following: 140476

(1) Designate the secretary of state as agent for service of 140477
process or pleadings; 140478

(2) State that actions growing out of the sale of such 140479
securities, the giving of investment advice, or fraud committed by 140480
a person on whose behalf the consent is submitted may be commenced 140481
against the person, in the proper court of any county in this 140482
state in which a cause of action may arise or in which the 140483
plaintiff in the action may reside, by serving on the secretary of 140484
state any proper process or pleading authorized by the laws of 140485
this state; 140486

(3) Stipulate that service of process or pleading on the 140487
secretary of state shall be taken in all courts to be as valid and 140488
binding as if service had been made upon the person on whose 140489
behalf the consent is submitted. 140490

(C) Notwithstanding any application, form, or other material 140491
filed with or submitted to the division that purports to appoint 140492
as agent for service of process a person other than the secretary 140493
of state, the application, form, or other material shall be 140494
considered to appoint the secretary of state as agent for service 140495
of process. 140496

(D) Service of any process or pleadings may be made on the 140497
secretary of state ~~by duplicate copies, of which one shall be~~ 140498

~~filed~~ in the office of the secretary of state, and ~~the other~~ 140499
~~immediately~~ forwarded by the secretary of state ~~by certified mail~~ 140500
to the principal place of business of the person on whose behalf 140501
the consent is submitted or to the last known address as shown on 140502
the filing made with the division. However, failure to ~~mail~~ send 140503
such copy does not invalidate the service. 140504

(E) Notwithstanding any provision of this chapter, or of any 140505
rule adopted by the division of securities under this chapter, 140506
that requires the submission of a consent to service of process, 140507
the division may provide by rule for the electronic filing or 140508
submission of a consent to service of process. 140509

Sec. 1707.43. (A) Subject to divisions (B) and (C) of this 140510
section, every sale or contract for sale made in violation of 140511
Chapter 1707. of the Revised Code, is voidable at the election of 140512
the purchaser. The person making such sale or contract for sale, 140513
and every person that has participated in or aided the seller in 140514
any way in making such sale or contract for sale, are jointly and 140515
severally liable to the purchaser, in an action at law in any 140516
court of competent jurisdiction, upon tender to the seller ~~in~~ 140517
~~person or in open court~~ of the securities sold or of the contract 140518
made, for the full amount paid by the purchaser and for all 140519
taxable court costs, unless the court determines that the 140520
violation did not materially affect the protection contemplated by 140521
the violated provision. 140522

(B) No action for the recovery of the purchase price as 140523
provided for in this section, and no other action for any recovery 140524
based upon or arising out of a sale or contract for sale made in 140525
violation of Chapter 1707. of the Revised Code, shall be brought 140526
more than two years after the plaintiff knew, or had reason to 140527
know, of the facts by reason of which the actions of the person or 140528
director were unlawful, or more than five years from the date of 140529

such sale or contract for sale, whichever is the shorter period. 140530

(C) No purchaser is entitled to the benefit of this section 140531
who has failed to accept, within thirty days from the date of such 140532
offer, an offer in writing made after two weeks from the date of 140533
the sale or contract of sale, by the seller or by any person that 140534
has participated in or aided the seller in any way in making the 140535
sale or contract of sale, to take back the security in question 140536
and to refund the full amount paid by the purchaser. 140537

Sec. 1733.16. Unless otherwise provided in the articles, 140538
regulations, or bylaws, and subject to the exceptions applicable 140539
during an emergency, as that term is defined in section 1733.01 of 140540
the Revised Code: 140541

(A) Meetings of the directors may be called by the 140542
chairperson, vice-chairperson, president, or any vice-president of 140543
the board or any two directors. 140544

(B) Regularly scheduled meetings of the directors shall be 140545
held in the manner prescribed by the credit union's code of 140546
regulations, but not less frequently than quarterly. 140547

(C) Meetings of the directors may be held within or without 140548
the state. Unless the articles or regulations prohibit 140549
participation by directors at a meeting by means of communication 140550
equipment, meetings of the directors may be held through any 140551
communication equipment if all the persons participating can hear 140552
each other, and participation in the meeting pursuant to this 140553
division constitutes presence at the meeting. 140554

(D) Notice of the place, if any, and time of each meeting of 140555
the directors shall be given to each director either by personal 140556
delivery or by mail, ~~telegram, cablegram,~~ overnight delivery 140557
service, or any other means of communication authorized by the 140558
~~director~~ board of directors at least two days before the meeting, 140559

unless otherwise specified in the regulations or bylaws. The 140560
notice described in this division need not specify the purpose of 140561
the meeting. 140562

(E) Notice of adjournment of a meeting need not be given, if 140563
the time and place to which it is adjourned are fixed and 140564
announced at the meeting. 140565

Sec. 2941.401. When a person has entered upon a term of 140566
imprisonment in a correctional institution of this state, and when 140567
during the continuance of the term of imprisonment there is 140568
pending in this state any untried indictment, information, or 140569
complaint against the prisoner, ~~he~~ the prisoner shall be brought 140570
to trial within one hundred eighty days after ~~he~~ the prisoner 140571
causes to be delivered to the prosecuting attorney and the 140572
appropriate court in which the matter is pending, written notice 140573
of the place of ~~his~~ the prisoner's imprisonment and a request for 140574
a final disposition to be made of the matter, except that for good 140575
cause shown in open court, with the prisoner or ~~his~~ the prisoner's 140576
counsel present, the court may grant any necessary or reasonable 140577
continuance. The request of the prisoner shall be accompanied by a 140578
certificate of the warden or superintendent having custody of the 140579
prisoner, stating the term of commitment under which the prisoner 140580
is being held, the time served and remaining to be served on the 140581
sentence, the amount of good time earned, the time of parole 140582
eligibility of the prisoner, and any decisions of the adult parole 140583
authority relating to the prisoner. 140584

The written notice and request for final disposition shall be 140585
given or sent by the prisoner to the warden or superintendent 140586
having custody of ~~him~~ the prisoner, who shall promptly forward it 140587
with the certificate to the appropriate prosecuting attorney and 140588
court by registered or certified mail, return receipt requested. 140589
If the appropriate prosecuting attorney and agency having custody 140590

of the prisoner have previously agreed, then the written notice, 140591
request, and certificate may be sent by electronic mail or 140592
facsimile, in lieu of registered mail or certified mail. 140593

The warden or superintendent having custody of the prisoner 140594
shall promptly inform ~~him~~ the prisoner in writing of the source 140595
and contents of any untried indictment, information, or complaint 140596
against ~~him~~ the prisoner, concerning which the warden or 140597
superintendent has knowledge, and of ~~his~~ the prisoner's right to 140598
make a request for final disposition thereof. 140599

Escape from custody by the prisoner, subsequent to ~~his~~ the 140600
prisoner's execution of the request for final disposition, voids 140601
the request. 140602

If the action is not brought to trial within the time 140603
provided, subject to continuance allowed pursuant to this section, 140604
no court any longer has jurisdiction thereof, the indictment, 140605
information, or complaint is void, and the court shall enter an 140606
order dismissing the action with prejudice. 140607

This section does not apply to any person adjudged to be 140608
mentally ill or who is under sentence of life imprisonment or 140609
death, or to any prisoner under sentence of death. 140610

Sec. 3111.23. The natural mother, the man acknowledging he is 140611
the natural father, or the other custodian or guardian of a child, 140612
a child support enforcement agency pursuant to section 3111.22 of 140613
the Revised Code, a local registrar of vital statistics pursuant 140614
to section 3705.091 of the Revised Code, or a hospital staff 140615
person pursuant to section 3727.17 of the Revised Code, ~~in person~~ 140616
~~or~~ by mail, may file an acknowledgment of paternity with the 140617
office of child support in the department of job and family 140618
services, acknowledging that the child is the child of the man who 140619
signed the acknowledgment. The acknowledgment of paternity shall 140620
be made on the affidavit prepared pursuant to section 3111.31 of 140621

the Revised Code, shall be signed by the natural mother and the man acknowledging that he is the natural father, and each signature shall be notarized. The mother and man may sign and have the signature notarized outside of each other's presence. An acknowledgment shall be sent to the office no later than ten days after it has been signed and notarized. If a person knows a man is presumed under section 3111.03 of the Revised Code to be the father of the child described in this section and that the presumed father is not the man who signed an acknowledgment with respect to the child, the person shall not notarize or file the acknowledgment pursuant to this section.

Sec. 3301.05. A majority of the voting members of the state board of education shall constitute a quorum for the transaction of business. Official actions of the state board, including the making and adoption of motions and resolutions, shall be transacted only at public meetings open to the public. The superintendent of public instruction, or a designated subordinate ~~designated by him~~, shall record all official actions taken at each meeting of the board ~~in a book provided for that purpose~~, which shall be a public record. The record of the proceedings of each meeting of the board shall be read at its next succeeding meeting and corrected and approved, which approval shall be noted in the proceedings. The president shall sign the record and the superintendent of public instruction or ~~his~~ a designated subordinate attest it. The president's signature of the record and the attestation of the superintendent or designated subordinate may be made electronically.

Sec. 3302.04. As used in divisions (A), (C), and (D) of this section, for the 2014-2015 school year, and for each school year thereafter, when a provision refers to a school district or school

building in a state of academic emergency, it shall mean a 140652
district or building rated "F"; when a provision refers to a 140653
school district or school building under an academic watch, it 140654
shall mean a district or building rated "D"; and when a provision 140655
refers to a school district or school building in need of 140656
continuous improvement, it shall mean a district or building rated 140657
"C" as those letter grade ratings for overall performance are 140658
assigned under division (C)(3) of section 3302.03 of the Revised 140659
Code, as it exists on or after March 22, 2013. 140660

(A) The department of education shall establish a system of 140661
intensive, ongoing support for the improvement of school districts 140662
and school buildings. In accordance with the model of 140663
differentiated accountability described in section 3302.041 of the 140664
Revised Code, the system shall give priority to the following: 140665

(1) For any school year prior to the 2012-2013 school year, 140666
districts and buildings that have been declared to be under an 140667
academic watch or in a state of academic emergency under section 140668
3302.03 of the Revised Code; 140669

(2) For the 2012-2013 school year, and for each school year 140670
thereafter, districts and buildings in the manner prescribed by 140671
any agreement currently in force between the department and the 140672
United States department of education. The department shall 140673
endeavor to include schools and buildings that receive grades or 140674
performance ratings under section 3302.03 of the Revised Code that 140675
the department considers to be low performing. 140676

The system shall include services provided to districts and 140677
buildings through regional service providers, such as educational 140678
service centers. The system may include the appointment of an 140679
improvement coordinator for any of the lowest performing 140680
districts, as determined by the department, to coordinate the 140681
district's academic improvement efforts and to build support among 140682
the community for those efforts. 140683

(B) This division does not apply to any school district after 140684
June 30, 2008. 140685

When a school district has been notified by the department 140686
pursuant to section 3302.03 of the Revised Code that the district 140687
or a building within the district has failed to make adequate 140688
yearly progress for two consecutive school years, the district 140689
shall develop a three-year continuous improvement plan for the 140690
district or building containing each of the following: 140691

(1) An analysis of the reasons for the failure of the 140692
district or building to meet any of the applicable performance 140693
indicators established under section 3302.02 of the Revised Code 140694
that it did not meet and an analysis of the reasons for its 140695
failure to make adequate yearly progress; 140696

(2) Specific strategies that the district or building will 140697
use to address the problems in academic achievement identified in 140698
division (B)(1) of this section; 140699

(3) Identification of the resources that the district will 140700
allocate toward improving the academic achievement of the district 140701
or building; 140702

(4) A description of any progress that the district or 140703
building made in the preceding year toward improving its academic 140704
achievement; 140705

(5) An analysis of how the district is utilizing the 140706
professional development standards adopted by the state board 140707
pursuant to section 3319.61 of the Revised Code; 140708

(6) Strategies that the district or building will use to 140709
improve the cultural competency, as defined pursuant to section 140710
3319.61 of the Revised Code, of teachers and other educators. 140711

No three-year continuous improvement plan shall be developed 140712
or adopted pursuant to this division unless at least one public 140713

hearing is held within the affected school district or building 140714
concerning the final draft of the plan. Notice of the hearing 140715
shall be given two weeks prior to the hearing by publication in 140716
one newspaper of general circulation within the territory of the 140717
affected school district or building. Copies of the plan shall be 140718
made available to the public. 140719

(C)(1) For any school year prior to the school year that 140720
begins on July 1, 2012, when a school district or building has 140721
been notified by the department pursuant to section 3302.03 of the 140722
Revised Code that the district or building is under an academic 140723
watch or in a state of academic emergency, the district or 140724
building shall be subject to any rules establishing intervention 140725
in academic watch or emergency school districts or buildings. 140726

(2) For the 2012-2013 school year, and for each school year 140727
thereafter, a district or building that meets the conditions for 140728
intervention prescribed by the agreement described in division 140729
(A)(2) of this section shall be subject to any rules establishing 140730
such intervention. 140731

(D)(1) For any school year prior to the 2012-2013 school 140732
year, within one hundred twenty days after any school district or 140733
building is declared to be in a state of academic emergency under 140734
section 3302.03 of the Revised Code, the department may initiate a 140735
site evaluation of the building or school district. 140736

(2) For the 2012-2013 school year, and for each school year 140737
thereafter, the department may initiate a site evaluation of a 140738
building or school district that meets the conditions for a site 140739
evaluation prescribed by the agreement described in division 140740
(A)(2) of this section. 140741

~~(3) Division (D)(3) of this section does not apply to any 140742
school district after June 30, 2008. 140743~~

~~If any school district that is declared to be in a state of 140744~~

~~academic emergency or in a state of academic watch under section 3302.03 of the Revised Code or encompasses a building that is declared to be in a state of academic emergency or in a state of academic watch fails to demonstrate to the department satisfactory improvement of the district or applicable buildings or fails to submit to the department any information required under rules established by the state board of education, prior to approving a three year continuous improvement plan under rules established by the state board of education, the department shall conduct a site evaluation of the school district or applicable buildings to determine whether the school district is in compliance with minimum standards established by law or rule.~~

~~(4) Division (D)(4) of this section does not apply to any school district after June 30, 2008. Site evaluations conducted under divisions (D)(1), (2), and (3) of this section shall include, but not be limited to, the following:~~

~~(a) Determining whether teachers are assigned to subject areas for which they are licensed or certified;~~

~~(b) Determining pupil teacher ratios;~~

~~(c) Examination of compliance with minimum instruction time requirements for each school day and for each school year;~~

~~(d) Determining whether materials and equipment necessary to implement the curriculum approved by the school district board are available;~~

~~(e) Examination of whether the teacher and principal evaluation systems comply with sections 3311.80, 3311.84, 3319.02, and 3319.111 of the Revised Code;~~

~~(f) Examination of the adequacy of efforts to improve the cultural competency, as defined pursuant to section 3319.61 of the Revised Code, of teachers and other educators.~~

(E) This division applies only to school districts that 140775
operate a school building that fails to make adequate yearly 140776
progress for two or more consecutive school years. It does not 140777
apply to any such district after June 30, 2008, except as provided 140778
in division (D)(2) of section 3313.97 of the Revised Code. 140779

(1) For any school building that fails to make adequate 140780
yearly progress for two consecutive school years, the district 140781
shall do all of the following: 140782

(a) Provide written notification of the academic issues that 140783
resulted in the building's failure to make adequate yearly 140784
progress to the parent or guardian of each student enrolled in the 140785
building. The notification shall also describe the actions being 140786
taken by the district or building to improve the academic 140787
performance of the building and any progress achieved toward that 140788
goal in the immediately preceding school year. 140789

(b) If the building receives funds under Title I, Part A of 140790
the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 140791
6311 to 6339, from the district, in accordance with section 140792
3313.97 of the Revised Code, offer all students enrolled in the 140793
building the opportunity to enroll in an alternative building 140794
within the district that is not in school improvement status as 140795
defined by the "No Child Left Behind Act of 2001." Notwithstanding 140796
Chapter 3327. of the Revised Code, the district shall spend an 140797
amount equal to twenty per cent of the funds it receives under 140798
Title I, Part A of the "Elementary and Secondary Education Act of 140799
1965," 20 U.S.C. 6311 to 6339, to provide transportation for 140800
students who enroll in alternative buildings under this division, 140801
unless the district can satisfy all demand for transportation with 140802
a lesser amount. If an amount equal to twenty per cent of the 140803
funds the district receives under Title I, Part A of the 140804
"Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 140805
to 6339, is insufficient to satisfy all demand for transportation, 140806

the district shall grant priority over all other students to the lowest achieving students among the subgroup described in division (B)(3) of section 3302.01 of the Revised Code in providing transportation. Any district that does not receive funds under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, shall not be required to provide transportation to any student who enrolls in an alternative building under this division.

(2) For any school building that fails to make adequate yearly progress for three consecutive school years, the district shall do both of the following:

(a) If the building receives funds under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, from the district, in accordance with section 3313.97 of the Revised Code, provide all students enrolled in the building the opportunity to enroll in an alternative building within the district that is not in school improvement status as defined by the "No Child Left Behind Act of 2001." Notwithstanding Chapter 3327. of the Revised Code, the district shall provide transportation for students who enroll in alternative buildings under this division to the extent required under division (E)(2) of this section.

(b) If the building receives funds under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, from the district, offer supplemental educational services to students who are enrolled in the building and who are in the subgroup described in division (B)(3) of section 3302.01 of the Revised Code.

The district shall spend a combined total of an amount equal to twenty per cent of the funds it receives under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, to provide transportation for students who enroll in

alternative buildings under division (E)(1)(b) or (E)(2)(a) of 140839
this section and to pay the costs of the supplemental educational 140840
services provided to students under division (E)(2)(b) of this 140841
section, unless the district can satisfy all demand for 140842
transportation and pay the costs of supplemental educational 140843
services for those students who request them with a lesser amount. 140844
In allocating funds between the requirements of divisions 140845
(E)(1)(b) and (E)(2)(a) and (b) of this section, the district 140846
shall spend at least an amount equal to five per cent of the funds 140847
it receives under Title I, Part A of the "Elementary and Secondary 140848
Education Act of 1965," 20 U.S.C. 6311 to 6339, to provide 140849
transportation for students who enroll in alternative buildings 140850
under division (E)(1)(b) or (E)(2)(a) of this section, unless the 140851
district can satisfy all demand for transportation with a lesser 140852
amount, and at least an amount equal to five per cent of the funds 140853
it receives under Title I, Part A of the "Elementary and Secondary 140854
Education Act of 1965," 20 U.S.C. 6311 to 6339, to pay the costs 140855
of the supplemental educational services provided to students 140856
under division (E)(2)(b) of this section, unless the district can 140857
pay the costs of such services for all students requesting them 140858
with a lesser amount. If an amount equal to twenty per cent of the 140859
funds the district receives under Title I, Part A of the 140860
"Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 140861
to 6339, is insufficient to satisfy all demand for transportation 140862
under divisions (E)(1)(b) and (E)(2)(a) of this section and to pay 140863
the costs of all of the supplemental educational services provided 140864
to students under division (E)(2)(b) of this section, the district 140865
shall grant priority over all other students in providing 140866
transportation and in paying the costs of supplemental educational 140867
services to the lowest achieving students among the subgroup 140868
described in division (B)(3) of section 3302.01 of the Revised 140869
Code. 140870

Any district that does not receive funds under Title I, Part 140871

A of the "Elementary and Secondary Education Act of 1965," 20 140872
U.S.C. 6311 to 6339, shall not be required to provide 140873
transportation to any student who enrolls in an alternative 140874
building under division (E)(2)(a) of this section or to pay the 140875
costs of supplemental educational services provided to any student 140876
under division (E)(2)(b) of this section. 140877

No student who enrolls in an alternative building under 140878
division (E)(2)(a) of this section shall be eligible for 140879
supplemental educational services under division (E)(2)(b) of this 140880
section. 140881

(3) For any school building that fails to make adequate 140882
yearly progress for four consecutive school years, the district 140883
shall continue to comply with division (E)(2) of this section and 140884
shall implement at least one of the following options with respect 140885
to the building: 140886

(a) Institute a new curriculum that is consistent with the 140887
statewide academic standards adopted pursuant to division (A) of 140888
section 3301.079 of the Revised Code; 140889

(b) Decrease the degree of authority the building has to 140890
manage its internal operations; 140891

(c) Appoint an outside expert to make recommendations for 140892
improving the academic performance of the building. The district 140893
may request the department to establish a state intervention team 140894
for this purpose pursuant to division (G) of this section. 140895

(d) Extend the length of the school day or year; 140896

(e) Replace the building principal or other key personnel; 140897

(f) Reorganize the administrative structure of the building. 140898

(4) For any school building that fails to make adequate 140899
yearly progress for five consecutive school years, the district 140900
shall continue to comply with division (E)(2) of this section and 140901

shall develop a plan during the next succeeding school year to 140902
improve the academic performance of the building, which shall 140903
include at least one of the following options: 140904

(a) Reopen the school as a community school under Chapter 140905
3314. of the Revised Code; 140906

(b) Replace personnel; 140907

(c) Contract with a nonprofit or for-profit entity to operate 140908
the building; 140909

(d) Turn operation of the building over to the department; 140910

(e) Other significant restructuring of the building's 140911
governance. 140912

(5) For any school building that fails to make adequate 140913
yearly progress for six consecutive school years, the district 140914
shall continue to comply with division (E)(2) of this section and 140915
shall implement the plan developed pursuant to division (E)(4) of 140916
this section. 140917

(6) A district shall continue to comply with division 140918
(E)(1)(b) or (E)(2) of this section, whichever was most recently 140919
applicable, with respect to any building formerly subject to one 140920
of those divisions until the building makes adequate yearly 140921
progress for two consecutive school years. 140922

(F) This division applies only to school districts that have 140923
been identified for improvement by the department pursuant to the 140924
"No Child Left Behind Act of 2001." It does not apply to any such 140925
district after June 30, 2008. 140926

(1) If a school district has been identified for improvement 140927
for one school year, the district shall provide a written 140928
description of the continuous improvement plan developed by the 140929
district pursuant to division (B) of this section to the parent or 140930
guardian of each student enrolled in the district. If the district 140931

does not have a continuous improvement plan, the district shall 140932
develop such a plan in accordance with division (B) of this 140933
section and provide a written description of the plan to the 140934
parent or guardian of each student enrolled in the district. 140935

(2) If a school district has been identified for improvement 140936
for two consecutive school years, the district shall continue to 140937
implement the continuous improvement plan developed by the 140938
district pursuant to division (B) or (F)(1) of this section. 140939

(3) If a school district has been identified for improvement 140940
for three consecutive school years, the department shall take at 140941
least one of the following corrective actions with respect to the 140942
district: 140943

(a) Withhold a portion of the funds the district is entitled 140944
to receive under Title I, Part A of the "Elementary and Secondary 140945
Education Act of 1965," 20 U.S.C. 6311 to 6339; 140946

(b) Direct the district to replace key district personnel; 140947

(c) Institute a new curriculum that is consistent with the 140948
statewide academic standards adopted pursuant to division (A) of 140949
section 3301.079 of the Revised Code; 140950

(d) Establish alternative forms of governance for individual 140951
school buildings within the district; 140952

(e) Appoint a trustee to manage the district in place of the 140953
district superintendent and board of education. 140954

The department shall conduct individual audits of a sampling 140955
of districts subject to this division to determine compliance with 140956
the corrective actions taken by the department. 140957

(4) If a school district has been identified for improvement 140958
for four consecutive school years, the department shall continue 140959
to monitor implementation of the corrective action taken under 140960
division (F)(3) of this section with respect to the district. 140961

(5) If a school district has been identified for improvement 140962
for five consecutive school years, the department shall take at 140963
least one of the corrective actions identified in division (F)(3) 140964
of this section with respect to the district, provided that the 140965
corrective action the department takes is different from the 140966
corrective action previously taken under division (F)(3) of this 140967
section with respect to the district. 140968

(G) The department may establish a state intervention team to 140969
evaluate all aspects of a school district or building, including 140970
management, curriculum, instructional methods, resource 140971
allocation, and scheduling. Any such intervention team shall be 140972
appointed by the department and shall include teachers and 140973
administrators recognized as outstanding in their fields. The 140974
intervention team shall make recommendations regarding methods for 140975
improving the performance of the district or building. 140976

The department shall not approve a district's request for an 140977
intervention team under division (E)(3) of this section if the 140978
department cannot adequately fund the work of the team, unless the 140979
district agrees to pay for the expenses of the team. 140980

(H) The department shall conduct individual audits of a 140981
sampling of community schools established under Chapter 3314. of 140982
the Revised Code to determine compliance with this section. 140983

(I) A school district in which the pilot project scholarship 140984
program is operating under sections 3313.974 to 3313.979 of the 140985
Revised Code shall report the use of funding for tutorial 140986
assistance grants under that program in the district's three-year 140987
continuous improvement plan under this section in a manner 140988
approved by the department. 140989

(J) The state board shall adopt rules for implementing this 140990
section. 140991

Sec. 3310.521. (A) As a condition of receiving payments for a scholarship, each eligible applicant shall attest to receipt of the profile prescribed by division (B) of this section. Such attestation shall be made and submitted to the department of education in the form and manner as required by the department.

(B) The alternative public provider or registered private provider that enrolls a qualified special education child shall submit in writing to the eligible applicant to whom a scholarship is awarded on behalf of that child a profile of the provider's special education program, in a form as prescribed by the department, that shall contain the following:

(1) Methods of instruction that will be utilized by the provider to provide services to the qualified special education child;

(2) Qualifications of teachers, instructors, and other persons who will be engaged by the provider to provide services to the qualified special education child.

The form required under division (B) of this section may be submitted electronically.

Sec. 3313.41. (A) Except as provided in divisions (C), (D), and (F) of this section and in sections 3313.412 and 3313.413 of the Revised Code, when a board of education decides to dispose of real or personal property that it owns in its corporate capacity and that exceeds in value ten thousand dollars, it shall sell the property at public auction, after giving at least thirty days' notice of the auction by publication in a newspaper of general circulation in the school district, by publication as provided in section 7.16 of the Revised Code, or by posting notices in five of the most public places in the school district in which the property, if it is real property, is situated, or, if it is

personal property, in the school district of the board of 141022
education that owns the property. The board may offer real 141023
property for sale as an entire tract or in parcels. 141024

(B) When the board of education has offered real or personal 141025
property for sale at public auction at least once pursuant to 141026
division (A) of this section, and the property has not been sold, 141027
the board may sell it at a private sale. Regardless of how it was 141028
offered at public auction, at a private sale, the board shall, as 141029
it considers best, sell real property as an entire tract or in 141030
parcels, and personal property in a single lot or in several lots. 141031

(C) If a board of education decides to dispose of real or 141032
personal property that it owns in its corporate capacity and that 141033
exceeds in value ten thousand dollars, it may sell the property to 141034
the adjutant general; to any subdivision or taxing authority as 141035
respectively defined in section 5705.01 of the Revised Code, 141036
township park district, board of park commissioners established 141037
under Chapter 755. of the Revised Code, or park district 141038
established under Chapter 1545. of the Revised Code; to a wholly 141039
or partially tax-supported university, university branch, or 141040
college; to a nonprofit institution of higher education that has a 141041
certificate of authorization under Chapter 1713. of the Revised 141042
Code; to the governing authority of a chartered nonpublic school; 141043
or to the board of trustees of a school district library, upon 141044
such terms as are agreed upon. The sale of real or personal 141045
property to the board of trustees of a school district library is 141046
limited, in the case of real property, to a school district 141047
library within whose boundaries the real property is situated, or, 141048
in the case of personal property, to a school district library 141049
whose boundaries lie in whole or in part within the school 141050
district of the selling board of education. 141051

(D) When a board of education decides to trade as a part or 141052

an entire consideration, an item of personal property on the 141053
purchase price of an item of similar personal property, it may 141054
trade the same upon such terms as are agreed upon by the parties 141055
to the trade. 141056

(E) The president and the treasurer of the board of education 141057
shall execute and deliver deeds or other necessary instruments of 141058
conveyance to complete any sale or trade under this section. 141059

(F) When a board of education has identified a parcel of real 141060
property that it determines is needed for school purposes, the 141061
board may, upon a majority vote of the members of the board, 141062
acquire that property by exchanging real property that the board 141063
owns in its corporate capacity for the identified real property or 141064
by using real property that the board owns in its corporate 141065
capacity as part or an entire consideration for the purchase price 141066
of the identified real property. Any exchange or acquisition made 141067
pursuant to this division shall be made by a conveyance executed 141068
by the president and the treasurer of the board. 141069

(G) When a school district board of education has property 141070
that the board, by resolution, finds is not needed for school 141071
district use, is obsolete, or is unfit for the use for which it 141072
was acquired, the board may donate that property in accordance 141073
with this division if the fair market value of the property is, in 141074
the opinion of the board, two thousand five hundred dollars or 141075
less. 141076

The property may be donated to an eligible nonprofit 141077
organization that is located in this state and is exempt from 141078
federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3). 141079
Before donating any property under this division, the board shall 141080
adopt a resolution expressing its intent to make unneeded, 141081
obsolete, or unfit-for-use school district property available to 141082
these organizations. The resolution shall include guidelines and 141083
procedures the board considers to be necessary to implement the 141084

donation program and shall indicate whether the school district 141085
will conduct the donation program or the board will contract with 141086
a representative to conduct it. If a representative is known when 141087
the resolution is adopted, the resolution shall provide contact 141088
information such as the representative's name, address, and 141089
telephone number. 141090

The resolution shall include within its procedures a 141091
requirement that any nonprofit organization desiring to obtain 141092
donated property under this division shall submit a written notice 141093
to the board or its representative. The written notice shall 141094
include evidence that the organization is a nonprofit organization 141095
that is located in this state and is exempt from federal income 141096
taxation pursuant to 26 U.S.C. 501(a) and (c)(3); a description of 141097
the organization's primary purpose; a description of the type or 141098
types of property the organization needs; and the name, address, 141099
and telephone number of a person designated by the organization's 141100
governing board to receive donated property and to serve as its 141101
agent. The written notice may be submitted electronically to the 141102
board or its representative. 141103

After adoption of the resolution, the board shall ~~publish, in~~ 141104
~~a newspaper of general circulation in the school district or as~~ 141105
~~provided in section 7.16 of the Revised Code, notice of its intent~~ 141106
~~to donate unneeded, obsolete, or unfit for use school district~~ 141107
~~property to eligible nonprofit organizations. The notice shall~~ 141108
~~include a summary of the information provided in the resolution~~ 141109
~~and shall be published twice. The second notice shall be published~~ 141110
~~not less than ten nor more than twenty days after the previous~~ 141111
~~notice. A similar notice also shall be posted continually post in~~ 141112
the board's office notice of its intent to donate school district 141113
property that is unneeded, obsolete, or unfit for use to eligible 141114
nonprofit organizations. If the school district maintains a web 141115
site on the internet, the notice shall be posted continually at 141116

that web site. 141117

The board or its representatives shall maintain a list of all 141118
nonprofit organizations that notify the board or its 141119
representative of their desire to obtain donated property under 141120
this division and that the board or its representative determines 141121
to be eligible, in accordance with the requirements set forth in 141122
this section and in the donation program's guidelines and 141123
procedures, to receive donated property. 141124

The board or its representative also shall maintain a list of 141125
all school district property the board finds to be unneeded, 141126
obsolete, or unfit for use and to be available for donation under 141127
this division. The list shall be posted continually in a 141128
conspicuous location in the board's office, and, if the school 141129
district maintains a web site on the internet, the list shall be 141130
posted continually at that web site. An item of property on the 141131
list shall be donated to the eligible nonprofit organization that 141132
first declares to the board or its representative its desire to 141133
obtain the item unless the board previously has established, by 141134
resolution, a list of eligible nonprofit organizations that shall 141135
be given priority with respect to the item's donation. Priority 141136
may be given on the basis that the purposes of a nonprofit 141137
organization have a direct relationship to specific school 141138
district purposes of programs provided or administered by the 141139
board. A resolution giving priority to certain nonprofit 141140
organizations with respect to the donation of an item of property 141141
shall specify the reasons why the organizations are given that 141142
priority. 141143

Members of the board shall consult with the Ohio ethics 141144
commission, and comply with Chapters 102. and 2921. of the Revised 141145
Code, with respect to any donation under this division to a 141146
nonprofit organization of which a board member, any member of a 141147
board member's family, or any business associate of a board member 141148

is a trustee, officer, board member, or employee. 141149

Sec. 3313.818. (A)(1) The department of education shall 141150
establish a program under which public schools that meet the 141151
conditions prescribed in this section shall offer breakfast to all 141152
students either before or during the school day. Each of the 141153
following shall apply: 141154

(a) In the ~~first~~ 2020-2021 school year ~~after the effective~~ 141155
~~date of this section~~, the program shall apply to any public school 141156
in which seventy per cent or more of the students enrolled in the 141157
school during the previous school year were eligible under federal 141158
requirements for free or reduced-price breakfasts or lunches. 141159

(b) In the ~~second~~ 2021-2022 school year ~~after the effective~~ 141160
~~date of this section~~, the program shall apply to any public school 141161
in which sixty per cent or more of the students enrolled in the 141162
school during the previous school year were eligible under federal 141163
requirements for free or reduced-price breakfasts or lunches. 141164

(c) In the ~~third~~ 2022-2023 school year ~~after the enactment~~ 141165
~~date of this section~~ and every school year thereafter, the program 141166
shall apply to any public school in which fifty per cent or more 141167
of the students enrolled in the school during the previous school 141168
year were eligible under federal requirements for free or 141169
reduced-price breakfasts or lunches. 141170

(2) The district superintendent or building principal, in 141171
consultation with the building staff, shall determine the model 141172
for serving breakfast under the program. Each breakfast served 141173
under the program shall comply with federal meal patterns and 141174
nutritional standards and with section 3313.814 of the Revised 141175
Code. A school district board of education may make a charge in 141176
accordance with federal requirements for each meal to cover all or 141177
part of the costs incurred in operating the program. 141178

(B) The department shall publish a list of public schools that meet the conditions of division (A) of this section. The department shall offer technical assistance to school districts and schools regarding the implementation of a school breakfast program that complies with this section and the submission of claims for reimbursement under the federal school breakfast program.

(C)(1) The department shall monitor each school participating in the program and ensure that each participating school complies with the requirements of this section.

(2) If the board of education of a school district determines that, for financial reasons, a school under the board's control cannot comply with the requirements of this section or the board already has a successful breakfast program or partnership in place, the district board may choose not to comply with those requirements.

(D) Not later than the thirty-first day of December of each school year, the department shall provide statistical reports on its web site that specify the number and percentage of students participating in school breakfast programs disaggregated by school district and individual schools, including community schools, established under Chapter 3314. of the Revised Code, and STEM schools, established under Chapter 3326. of the Revised Code.

(E) Not later than the thirty-first day of December of each school year, the department shall prepare a report on the implementation and effectiveness of the program established under this section and submit the report to the general assembly, in accordance with section 101.68 of the Revised Code, and to the governor. The report may be submitted electronically. The report shall include:

(1) The number of students and participation rates in the

free and reduced-price breakfast programs under this section for 141210
each school building; 141211

(2) The type of breakfast model used by each school building 141212
participating in the breakfast program; 141213

(3) The number of students and participation rates in free or 141214
reduced-price lunch for each school building. 141215

Sec. 3314.21. (A) As used in this section: 141216

(1) "Harmful to juveniles" has the same meaning as in section 141217
2907.01 of the Revised Code. 141218

(2) "Obscene" has the same meaning as in division (F) of 141219
section 2907.01 of the Revised Code as that division has been 141220
construed by the supreme court of this state. 141221

(3) "Teacher of record" means a teacher who is responsible 141222
for the overall academic development and achievement of a student 141223
and not merely the student's instruction in any single subject. 141224

(B)(1) It is the intent of the general assembly that teachers 141225
employed by internet- or computer-based community schools conduct 141226
visits with their students ~~in person~~ throughout the school year. 141227

(2) Each internet- or computer-based community school shall 141228
retain an affiliation with at least one full-time teacher of 141229
record licensed in accordance with division (A)(10) of section 141230
3314.03 of the Revised Code. 141231

(3) Each student enrolled in an internet- or computer-based 141232
community school shall be assigned to at least one teacher of 141233
record. No teacher of record shall be primarily responsible for 141234
the academic development and achievement of more than one hundred 141235
twenty-five students enrolled in the internet- or computer-based 141236
community school that has retained that teacher. 141237

(C) For any internet- or computer-based community school, the 141238

contract between the sponsor and the governing authority of the 141239
school described in section 3314.03 of the Revised Code shall 141240
specify each of the following: 141241

(1) A requirement that the school use a filtering device or 141242
install filtering software that protects against internet access 141243
to materials that are obscene or harmful to juveniles on each 141244
computer provided to students for instructional use. The school 141245
shall provide such device or software at no cost to any student 141246
who works primarily from the student's residence on a computer 141247
obtained from a source other than the school. 141248

(2) A plan for fulfilling the intent of the general assembly 141249
specified in division (B)(1) of this section. The plan shall 141250
indicate the number of times teachers will visit each student 141251
throughout the school year and the manner in which those visits 141252
will be conducted. The visits may be conducted electronically. 141253

(3) That the school will set up a central base of operation 141254
and the sponsor will maintain a representative within fifty miles 141255
of that base of operation to provide monitoring and assistance. 141256

(D)(1) Annually, each internet- or computer-based community 141257
school shall prepare and submit to the department of education, in 141258
a time and manner prescribed by the department, a report that 141259
contains information about all of the following: 141260

(a) Classroom size; 141261

(b) The ratio of teachers to students per classroom; 141262

(c) The number of student-teacher meetings conducted in 141263
person or by video conference; 141264

(d) Any other information determined necessary by the 141265
department. 141266

(2) The department annually shall prepare and submit to the 141267
state board of education a report that contains the information 141268

received under division (D)(1) of this section. 141269

Sec. 3319.081. Except as otherwise provided in division (G) 141270
of this section, in all school districts wherein the provisions of 141271
Chapter 124. of the Revised Code do not apply, the following 141272
employment contract system shall control for employees whose 141273
contracts of employment are not otherwise provided by law: 141274

(A) Newly hired regular nonteaching school employees, 141275
including regular hourly rate and per diem employees, shall enter 141276
into written contracts for their employment which shall be for a 141277
period of not more than one year. If such employees are rehired, 141278
their three subsequent contracts shall be for a period of two 141279
years each. 141280

(B) After the termination of the third two-year contract 141281
provided in division (A) of this section, if the contract of a 141282
nonteaching employee is renewed, the employee shall be continued 141283
in employment, and the salary provided in the contract may be 141284
increased but not reduced unless such reduction is a part of a 141285
uniform plan affecting the nonteaching employees of the entire 141286
district. 141287

(C) The contracts as provided for in this section may be 141288
terminated by a majority vote of the board of education. Except as 141289
provided in sections 3319.0810 and 3319.172 of the Revised Code, 141290
the contracts may be terminated only for violation of written 141291
rules and regulations as set forth by the board of education or 141292
for incompetency, inefficiency, dishonesty, drunkenness, immoral 141293
conduct, insubordination, discourteous treatment of the public, 141294
neglect of duty, or any other acts of misfeasance, malfeasance, or 141295
nonfeasance. In addition to the right of the board of education to 141296
terminate the contract of an employee, the board may suspend an 141297
employee for a definite period of time or demote the employee for 141298
the reasons set forth in this division. The action of the board of 141299

education terminating the contract of an employee or suspending or 141300
demoting the employee shall be served upon the employee by 141301
certified mail, regular mail with a certificate of mailing, or 141302
other form of delivery with proof of delivery, including 141303
electronic delivery with electronic proof of delivery. Within ten 141304
days following the receipt of such notice by the employee, the 141305
employee may file an appeal, in writing, with the court of common 141306
pleas of the county in which such school board is situated. After 141307
hearing the appeal the common pleas court may affirm, disaffirm, 141308
or modify the action of the school board. 141309

A violation of division (A)(7) of section 2907.03 of the 141310
Revised Code is grounds for termination of employment of a 141311
nonteaching employee under this division. 141312

(D) All employees who have been employed by a school district 141313
where the provisions of Chapter 124. of the Revised Code do not 141314
apply, for a period of at least three years on November 24, 1967, 141315
shall hold continuing contracts of employment pursuant to this 141316
section. 141317

(E) Any nonteaching school employee may terminate the 141318
nonteaching school employee's contract of employment thirty days 141319
subsequent to the filing of a written notice of such termination 141320
with the treasurer of the board. 141321

(F) A person hired exclusively for the purpose of replacing a 141322
nonteaching school employee while such employee is on leave of 141323
absence granted under section 3319.13 of the Revised Code is not a 141324
regular nonteaching school employee under this section. 141325

(G) All nonteaching employees employed pursuant to this 141326
section and Chapter 124. of the Revised Code shall be paid for all 141327
time lost when the schools in which they are employed are closed 141328
owing to an epidemic or other public calamity. Nothing in this 141329
division shall be construed as requiring payment in excess of an 141330

employee's regular wage rate or salary for any time worked while 141331
the school in which the employee is employed is officially closed 141332
for the reasons set forth in this division. 141333

Sec. 3319.11. (A) As used in this section: 141334

(1) "Evaluation procedures" means the procedures required by 141335
the policy adopted pursuant to division (A) of section 3319.111 of 141336
the Revised Code. 141337

(2) "Limited contract" means a limited contract, as described 141338
in section 3319.08 of the Revised Code, that a school district 141339
board of education or governing board of an educational service 141340
center enters into with a teacher who is not eligible for 141341
continuing service status. 141342

(3) "Extended limited contract" means a limited contract, as 141343
described in section 3319.08 of the Revised Code, that a board of 141344
education or governing board enters into with a teacher who is 141345
eligible for continuing service status. 141346

(B) Teachers eligible for continuing service status in any 141347
city, exempted village, local, or joint vocational school district 141348
or educational service center shall be those teachers qualified as 141349
described in division (D) of section 3319.08 of the Revised Code, 141350
who within the last five years have taught for at least three 141351
years in the district or center, and those teachers who, having 141352
attained continuing contract status elsewhere, have served two 141353
years in the district or center, but the board, upon the 141354
recommendation of the superintendent, may at the time of 141355
employment or at any time within such two-year period, declare any 141356
of the latter teachers eligible. 141357

(1) Upon the recommendation of the superintendent that a 141358
teacher eligible for continuing service status be reemployed, a 141359
continuing contract shall be entered into between the board and 141360

the teacher unless the board by a three-fourths vote of its full membership rejects the recommendation of the superintendent. If the board rejects by a three-fourths vote of its full membership the recommendation of the superintendent that a teacher eligible for continuing service status be reemployed and the superintendent makes no recommendation to the board pursuant to division (C) of this section, the board may declare its intention not to reemploy the teacher by giving the teacher written notice on or before the first day of June of its intention not to reemploy the teacher. If evaluation procedures have not been complied with pursuant to section 3319.111 of the Revised Code or the board does not give the teacher written notice on or before the first day of June of its intention not to reemploy the teacher, the teacher is deemed reemployed under an extended limited contract for a term not to exceed one year at the same salary plus any increment provided by the salary schedule. The teacher is presumed to have accepted employment under the extended limited contract for a term not to exceed one year unless such teacher notifies the board in writing to the contrary on or before the fifteenth day of June, and an extended limited contract for a term not to exceed one year shall be executed accordingly. Upon any subsequent reemployment of the teacher only a continuing contract may be entered into.

(2) If the superintendent recommends that a teacher eligible for continuing service status not be reemployed, the board may declare its intention not to reemploy the teacher by giving the teacher written notice on or before the first day of June of its intention not to reemploy the teacher. If evaluation procedures have not been complied with pursuant to section 3319.111 of the Revised Code or the board does not give the teacher written notice on or before the first day of June of its intention not to reemploy the teacher, the teacher is deemed reemployed under an extended limited contract for a term not to exceed one year at the same salary plus any increment provided by the salary schedule.

The teacher is presumed to have accepted employment under the 141394
extended limited contract for a term not to exceed one year unless 141395
such teacher notifies the board in writing to the contrary on or 141396
before the fifteenth day of June, and an extended limited contract 141397
for a term not to exceed one year shall be executed accordingly. 141398
Upon any subsequent reemployment of a teacher only a continuing 141399
contract may be entered into. 141400

(3) Any teacher receiving written notice of the intention of 141401
a board not to reemploy such teacher pursuant to this division is 141402
entitled to the hearing provisions of division (G) of this 141403
section. 141404

(C)(1) If a board rejects the recommendation of the 141405
superintendent for reemployment of a teacher pursuant to division 141406
(B)(1) of this section, the superintendent may recommend 141407
reemployment of the teacher, if continuing service status has not 141408
previously been attained elsewhere, under an extended limited 141409
contract for a term not to exceed two years, provided that written 141410
notice of the superintendent's intention to make such 141411
recommendation has been given to the teacher with reasons directed 141412
at the professional improvement of the teacher on or before the 141413
first day of June. Upon subsequent reemployment of the teacher 141414
only a continuing contract may be entered into. 141415

(2) If a board of education takes affirmative action on a 141416
superintendent's recommendation, made pursuant to division (C)(1) 141417
of this section, of an extended limited contract for a term not to 141418
exceed two years but the board does not give the teacher written 141419
notice of its affirmative action on the superintendent's 141420
recommendation of an extended limited contract on or before the 141421
first day of June, the teacher is deemed reemployed under a 141422
continuing contract at the same salary plus any increment provided 141423
by the salary schedule. The teacher is presumed to have accepted 141424
employment under such continuing contract unless such teacher 141425

notifies the board in writing to the contrary on or before the 141426
fifteenth day of June, and a continuing contract shall be executed 141427
accordingly. 141428

(3) A board shall not reject a superintendent's 141429
recommendation, made pursuant to division (C)(1) of this section, 141430
of an extended limited contract for a term not to exceed two years 141431
except by a three-fourths vote of its full membership. If a board 141432
rejects by a three-fourths vote of its full membership the 141433
recommendation of the superintendent of an extended limited 141434
contract for a term not to exceed two years, the board may declare 141435
its intention not to reemploy the teacher by giving the teacher 141436
written notice on or before the first day of June of its intention 141437
not to reemploy the teacher. If evaluation procedures have not 141438
been complied with pursuant to section 3319.111 of the Revised 141439
Code or if the board does not give the teacher written notice on 141440
or before the first day of June of its intention not to reemploy 141441
the teacher, the teacher is deemed reemployed under an extended 141442
limited contract for a term not to exceed one year at the same 141443
salary plus any increment provided by the salary schedule. The 141444
teacher is presumed to have accepted employment under the extended 141445
limited contract for a term not to exceed one year unless such 141446
teacher notifies the board in writing to the contrary on or before 141447
the fifteenth day of June, and an extended limited contract for a 141448
term not to exceed one year shall be executed accordingly. Upon 141449
any subsequent reemployment of the teacher only a continuing 141450
contract may be entered into. 141451

Any teacher receiving written notice of the intention of a 141452
board not to reemploy such teacher pursuant to this division is 141453
entitled to the hearing provisions of division (G) of this 141454
section. 141455

(D) A teacher eligible for continuing contract status 141456
employed under an extended limited contract pursuant to division 141457

(B) or (C) of this section, is, at the expiration of such extended 141458
limited contract, deemed reemployed under a continuing contract at 141459
the same salary plus any increment granted by the salary schedule, 141460
unless evaluation procedures have been complied with pursuant to 141461
section 3319.111 of the Revised Code and the employing board, 141462
acting on the superintendent's recommendation that the teacher not 141463
be reemployed, gives the teacher written notice on or before the 141464
first day of June of its intention not to reemploy such teacher. A 141465
teacher who does not have evaluation procedures applied in 141466
compliance with section 3319.111 of the Revised Code or who does 141467
not receive notice on or before the first day of June of the 141468
intention of the board not to reemploy such teacher is presumed to 141469
have accepted employment under a continuing contract unless such 141470
teacher notifies the board in writing to the contrary on or before 141471
the fifteenth day of June, and a continuing contract shall be 141472
executed accordingly. 141473

Any teacher receiving a written notice of the intention of a 141474
board not to reemploy such teacher pursuant to this division is 141475
entitled to the hearing provisions of division (G) of this 141476
section. 141477

(E) The board shall enter into a limited contract with each 141478
teacher employed by the board who is not eligible to be considered 141479
for a continuing contract. 141480

Any teacher employed under a limited contract, and not 141481
eligible to be considered for a continuing contract, is, at the 141482
expiration of such limited contract, considered reemployed under 141483
the provisions of this division at the same salary plus any 141484
increment provided by the salary schedule unless evaluation 141485
procedures have been complied with pursuant to section 3319.111 of 141486
the Revised Code and the employing board, acting upon the 141487
superintendent's written recommendation that the teacher not be 141488
reemployed, gives such teacher written notice of its intention not 141489

to reemploy such teacher on or before the first day of June. A 141490
teacher who does not have evaluation procedures applied in 141491
compliance with section 3319.111 of the Revised Code or who does 141492
not receive notice of the intention of the board not to reemploy 141493
such teacher on or before the first day of June is presumed to 141494
have accepted such employment unless such teacher notifies the 141495
board in writing to the contrary on or before the fifteenth day of 141496
June, and a written contract for the succeeding school year shall 141497
be executed accordingly. 141498

Any teacher receiving a written notice of the intention of a 141499
board not to reemploy such teacher pursuant to this division is 141500
entitled to the hearing provisions of division (G) of this 141501
section. 141502

(F) The failure of a superintendent to make a recommendation 141503
to the board under any of the conditions set forth in divisions 141504
(B) to (E) of this section, or the failure of the board to give 141505
such teacher a written notice pursuant to divisions (C) to (E) of 141506
this section shall not prejudice or prevent a teacher from being 141507
deemed reemployed under either a limited or continuing contract as 141508
the case may be under the provisions of this section. A failure of 141509
the parties to execute a written contract shall not void any 141510
automatic reemployment provisions of this section. 141511

(G)(1) Any teacher receiving written notice of the intention 141512
of a board of education not to reemploy such teacher pursuant to 141513
division (B), (C)(3), (D), or (E) of this section may, within ten 141514
days of the date of receipt of the notice, file with the treasurer 141515
of the board a written demand for a written statement describing 141516
the circumstances that led to the board's intention not to 141517
reemploy the teacher. 141518

(2) The treasurer of a board, on behalf of the board, shall, 141519
within ten days of the date of receipt of a written demand for a 141520
written statement pursuant to division (G)(1) of this section, 141521

provide to the teacher a written statement describing the 141522
circumstances that led to the board's intention not to reemploy 141523
the teacher. 141524

(3) Any teacher receiving a written statement describing the 141525
circumstances that led to the board's intention not to reemploy 141526
the teacher pursuant to division (G)(2) of this section may, 141527
within five days of the date of receipt of the statement, file 141528
with the treasurer of the board a written demand for a hearing 141529
before the board pursuant to divisions (G)(4) to (6) of this 141530
section. 141531

(4) The treasurer of a board, on behalf of the board, shall, 141532
within ten days of the date of receipt of a written demand for a 141533
hearing pursuant to division (G)(3) of this section, provide to 141534
the teacher a written notice setting forth the time, date, and 141535
place of the hearing. The board shall schedule and conclude the 141536
hearing within forty days of the date on which the treasurer of 141537
the board receives a written demand for a hearing pursuant to 141538
division (G)(3) of this section. 141539

(5) Any hearing conducted pursuant to this division shall be 141540
conducted by a majority of the members of the board. The hearing 141541
shall be held in executive session of the board unless the board 141542
and the teacher agree to hold the hearing in public. The 141543
superintendent, assistant superintendent, the teacher, and any 141544
person designated by either party to take a record of the hearing 141545
may be present at the hearing. The board may be represented by 141546
counsel and the teacher may be represented by counsel or a 141547
designee. A record of the hearing may be taken by either party at 141548
the expense of the party taking the record. 141549

(6) Within ten days of the conclusion of a hearing conducted 141550
pursuant to this division, the board shall issue to the teacher a 141551
written decision containing an order affirming the intention of 141552
the board not to reemploy the teacher reported in the notice given 141553

to the teacher pursuant to division (B), (C)(3), (D), or (E) of 141554
this section or an order vacating the intention not to reemploy 141555
and expunging any record of the intention, notice of the 141556
intention, and the hearing conducted pursuant to this division. 141557

(7) A teacher may appeal an order affirming the intention of 141558
the board not to reemploy the teacher to the court of common pleas 141559
of the county in which the largest portion of the territory of the 141560
school district or service center is located, within thirty days 141561
of the date on which the teacher receives the written decision, on 141562
the grounds that the board has not complied with this section or 141563
section 3319.111 of the Revised Code. 141564

Notwithstanding section 2506.04 of the Revised Code, the 141565
court in an appeal under this division is limited to the 141566
determination of procedural errors and to ordering the correction 141567
of procedural errors and shall have no jurisdiction to order a 141568
board to reemploy a teacher, except that the court may order a 141569
board to reemploy a teacher in compliance with the requirements of 141570
division (B), (C)(3), (D), or (E) of this section when the court 141571
determines that evaluation procedures have not been complied with 141572
pursuant to section 3319.111 of the Revised Code or the board has 141573
not given the teacher written notice on or before the first day of 141574
June of its intention not to reemploy the teacher pursuant to 141575
division (B), (C)(3), (D), or (E) of this section. Otherwise, the 141576
determination whether to reemploy or not reemploy a teacher is 141577
solely a board's determination and not a proper subject of 141578
judicial review and, except as provided in this division, no 141579
decision of a board whether to reemploy or not reemploy a teacher 141580
shall be invalidated by the court on any basis, including that the 141581
decision was not warranted by the results of any evaluation or was 141582
not warranted by any statement given pursuant to division (G)(2) 141583
of this section. 141584

No appeal of an order of a board may be made except as 141585

specified in this division. 141586

(H)(1) In giving a teacher any notice required by division 141587
(B), (C), (D), or (E) of this section, the board or the 141588
superintendent shall do either of the following: 141589

(a) Deliver the notice by personal service upon the teacher; 141590

(b) Deliver the notice by certified mail, return receipt 141591
requested, regular mail with a certificate of mailing, or other 141592
form of delivery with proof of delivery, addressed to the teacher 141593
at the teacher's place of employment and deliver a copy of the 141594
notice by certified mail, return receipt requested, regular mail 141595
with a certificate of mailing, or other form of delivery with 141596
proof of delivery, addressed to the teacher at the teacher's place 141597
of residence. Delivery of the notice required under division 141598
(H)(1)(b) of this section may be satisfied by electronic delivery 141599
with electronic proof of delivery. 141600

(2) In giving a board any notice required by division (B), 141601
(C), (D), or (E) of this section, the teacher shall do either of 141602
the following: 141603

(a) Deliver the notice by personal delivery to the office of 141604
the superintendent during regular business hours; 141605

(b) Deliver the notice by certified mail, return receipt 141606
requested, regular mail with a certificate of mailing, or other 141607
form of delivery with proof of delivery, addressed to the office 141608
of the superintendent and deliver a copy of the notice by 141609
certified mail, return receipt requested, regular mail with a 141610
certificate of mailing, or other form of delivery with proof of 141611
delivery, addressed to the president of the board at the 141612
president's place of residence. Delivery of the notice required 141613
under division (H)(2)(b) of this section may be satisfied by 141614
electronic delivery with electronic proof of delivery. 141615

(3) When any notice and copy of the notice are mailed 141616

pursuant to division (H)(1)(b) or (2)(b) of this section, the 141617
notice or copy of the notice with the earlier date of receipt 141618
shall constitute the notice for the purposes of division (B), (C), 141619
(D), or (E) of this section. 141620

(I) The provisions of this section shall not apply to any 141621
supplemental written contracts entered into pursuant to section 141622
3319.08 of the Revised Code. 141623

(J) Notwithstanding any provision to the contrary in Chapter 141624
4117. of the Revised Code, the dates set forth in this section as 141625
"on or before the first day of June" or "on or before the 141626
fifteenth day of June" prevail over any conflicting provisions of 141627
a collective bargaining agreement entered into on or after ~~the~~ 141628
~~effective date of this amendment~~ March 22, 2013. 141629

Sec. 3319.16. The contract of any teacher employed by the 141630
board of education of any city, exempted village, local, county, 141631
or joint vocational school district may not be terminated except 141632
for good and just cause. Notwithstanding any provision to the 141633
contrary in Chapter 4117. of the Revised Code, the provisions of 141634
this section relating to the grounds for termination of the 141635
contract of a teacher prevail over any conflicting provisions of a 141636
collective bargaining agreement entered into after ~~the effective~~ 141637
~~date of this amendment~~ October 16, 2009. 141638

Before terminating any contract, the employing board shall 141639
furnish the teacher a written notice signed by its treasurer of 141640
its intention to consider the termination of the teacher's 141641
contract with full specification of the grounds for such 141642
consideration. The board shall not proceed with formal action to 141643
terminate the contract until after the tenth day after receipt of 141644
the notice by the teacher. Within ten days after receipt of the 141645
notice from the treasurer of the board, the teacher may file with 141646
the treasurer a written demand for a hearing before the board or 141647

before a referee, and the board shall set a time for the hearing 141648
which shall be within thirty days from the date of receipt of the 141649
written demand, and the treasurer shall give the teacher at least 141650
twenty days' notice in writing of the time and place of the 141651
hearing. If a referee is demanded by either the teacher or board, 141652
the treasurer also shall give twenty days' notice to the 141653
superintendent of public instruction. No hearing shall be held 141654
during the summer vacation without the teacher's consent. The 141655
hearing shall be private unless the teacher requests a public 141656
hearing. The hearing shall be conducted by a referee appointed 141657
pursuant to section 3319.161 of the Revised Code, if demanded; 141658
otherwise, it shall be conducted by a majority of the members of 141659
the board and shall be confined to the grounds given for the 141660
termination. The board shall provide for a complete ~~stenographic~~ 141661
record of the proceedings, a copy of the record to be furnished to 141662
the teacher. The board may suspend a teacher pending final action 141663
to terminate the teacher's contract if, in its judgment, the 141664
character of the charges warrants such action. 141665

Both parties may be present at such hearing, be represented 141666
by counsel, require witnesses to be under oath, cross-examine 141667
witnesses, take a record of the proceedings, and require the 141668
presence of witnesses in their behalf upon subpoena to be issued 141669
by the treasurer of the board. In case of the failure of any 141670
person to comply with a subpoena, a judge of the court of common 141671
pleas of the county in which the person resides, upon application 141672
of any interested party, shall compel attendance of the person by 141673
attachment proceedings as for contempt. Any member of the board or 141674
the referee may administer oaths to witnesses. After a hearing by 141675
a referee, the referee shall file a report within ten days after 141676
the termination of the hearing. After consideration of the 141677
referee's report, the board, by a majority vote, may accept or 141678
reject the referee's recommendation on the termination of the 141679
teacher's contract. After a hearing by the board, the board, by 141680

majority vote, may enter its determination upon its minutes. Any 141681
order of termination of a contract shall state the grounds for 141682
termination. If the decision, after hearing, is against 141683
termination of the contract, the charges and the record of the 141684
hearing shall be physically expunged from the minutes, and, if the 141685
teacher has suffered any loss of salary by reason of being 141686
suspended, the teacher shall be paid the teacher's full salary for 141687
the period of such suspension. 141688

Any teacher affected by an order of termination of contract 141689
may appeal to the court of common pleas of the county in which the 141690
school is located within thirty days after receipt of notice of 141691
the entry of such order. The appeal shall be an original action in 141692
the court and shall be commenced by the filing of a complaint 141693
against the board, in which complaint the facts shall be alleged 141694
upon which the teacher relies for a reversal or modification of 141695
such order of termination of contract. Upon service or waiver of 141696
summons in that appeal, the board immediately shall transmit to 141697
the clerk of the court for filing a transcript of the original 141698
papers filed with the board, a certified copy of the minutes of 141699
the board into which the termination finding was entered, and a 141700
certified transcript of all evidence adduced at the hearing or 141701
hearings before the board or a certified transcript of all 141702
evidence adduced at the hearing or hearings before the referee, 141703
whereupon the cause shall be at issue without further pleading and 141704
shall be advanced and heard without delay. The court shall examine 141705
the transcript and record of the hearing and shall hold such 141706
additional hearings as it considers advisable, at which it may 141707
consider other evidence in addition to the transcript and record. 141708

Upon final hearing, the court shall grant or deny the relief 141709
prayed for in the complaint as may be proper in accordance with 141710
the evidence adduced in the hearing. Such an action is a special 141711
proceeding, and either the teacher or the board may appeal from 141712

the decision of the court of common pleas pursuant to the Rules of 141713
Appellate Procedure and, to the extent not in conflict with those 141714
rules, Chapter 2505. of the Revised Code. 141715

In any court action, the board may utilize the services of 141716
the prosecuting attorney, village solicitor, city director of law, 141717
or other chief legal officer of a municipal corporation as 141718
authorized by section 3313.35 of the Revised Code, or may employ 141719
other legal counsel. 141720

A violation of division (A)(7) of section 2907.03 of the 141721
Revised Code is grounds for termination of a teacher contract 141722
under this section. 141723

Sec. 3319.291. (A) The state board of education shall require 141724
each of the following persons, at the times prescribed by division 141725
(A) of this section, to undergo a criminal records check, unless 141726
the person has undergone a records check under this section or a 141727
former version of this section less than five years prior to that 141728
time. 141729

(1) Any person initially applying for any certificate, 141730
license, or permit described in this chapter or in division (B) of 141731
section 3301.071 or in section 3301.074 of the Revised Code at the 141732
time that application is made; 141733

(2) Any person applying for renewal of any certificate, 141734
license, or permit described in division (A)(1) of this section at 141735
the time that application is made; 141736

(3) Any person who is teaching under a professional teaching 141737
certificate issued under former section 3319.222 of the Revised 141738
Code upon a date prescribed by the state board; 141739

(4) Any person who is teaching under a permanent teaching 141740
certificate issued under former section 3319.22 as it existed 141741
prior to October 29, 1996, or under former section 3319.222 of the 141742

Revised Code upon a date prescribed by the state board and every 141743
five years thereafter. 141744

(B)(1) Except as otherwise provided in division (B)(2) of 141745
this section, the state board shall require each person subject to 141746
a criminal records check under this section to submit two complete 141747
sets of fingerprints and written permission that authorizes the 141748
superintendent of public instruction to forward the fingerprints 141749
to the bureau of criminal identification and investigation 141750
pursuant to division (F) of section 109.57 of the Revised Code and 141751
that authorizes that bureau to forward the fingerprints to the 141752
federal bureau of investigation for purposes of obtaining any 141753
criminal records that the federal bureau maintains on the person. 141754

(2) If both of the following conditions apply to a person 141755
subject to a criminal records check under this section, the state 141756
board shall require the person to submit one complete set of 141757
fingerprints and written permission that authorizes the 141758
superintendent of public instruction to forward the fingerprints 141759
to the bureau of criminal identification and investigation so that 141760
bureau may forward the fingerprints to the federal bureau of 141761
investigation for purposes of obtaining any criminal records that 141762
the federal bureau maintains on the person: 141763

(a) Under this section or any former version of this section, 141764
the state board or the superintendent of public instruction 141765
previously requested the superintendent of the bureau of criminal 141766
identification and investigation to determine whether the bureau 141767
has any information, gathered pursuant to division (A) of section 141768
109.57 of the Revised Code, on the person. 141769

(b) The person presents proof that the person has been a 141770
resident of this state for the five-year period immediately prior 141771
to the date upon which the person becomes subject to a criminal 141772
records check under this section. 141773

(C) Except as provided in division (D) of this section, prior to issuing or renewing any certificate, license, or permit for a person described in division (A)(1) or (2) of this section who is subject to a criminal records check and in the case of a person described in division (A)(3) or (4) of this section who is subject to a criminal records check, the state board or the superintendent of public instruction shall do one of the following:

(1) If the person is required to submit fingerprints and written permission under division (B)(1) of this section, request the superintendent of the bureau of criminal identification and investigation to determine whether the bureau has any information, gathered pursuant to division (A) of section 109.57 of the Revised Code, pertaining to the person and to obtain any criminal records that the federal bureau of investigation has on the person.

(2) If the person is required to submit fingerprints and written permission under division (B)(2) of this section, request the superintendent of the bureau of criminal identification and investigation to obtain any criminal records that the federal bureau of investigation has on the person.

(D) The state board or the superintendent of public instruction may choose not to request any information about a person required by division (C) of this section if the person provides proof that a criminal records check that satisfies the requirements of that division was conducted on the person as a condition of employment pursuant to section 3319.39 of the Revised Code within the immediately preceding year. The state board or the superintendent of public instruction may accept a certified copy of records that were issued by the bureau of criminal identification and investigation and that are presented by the person in lieu of requesting that information under division (C) of this section if the records were issued by the bureau within the immediately preceding year.

(E)(1) If a person described in division (A)(3) or (4) of this section who is subject to a criminal records check fails to submit fingerprints and written permission by the date specified in the applicable division, and the state board or the superintendent of public instruction does not apply division (D) of this section to the person, or if a person who is subject to division (G) of this section fails to submit fingerprints and written permission by the date prescribed under that division, the superintendent shall prepare a written notice to be sent to the person by mail or electronically stating that if the person does not submit the fingerprints and written permission within fifteen days after the date the notice was mailed or sent electronically, the person's application will be rejected or the person's professional or permanent teaching certificate or license will be inactivated. The superintendent shall send the notification by regular mail to the person's last known residence address or last known place of employment, as indicated in the department of education's records, or both. If the notice is sent electronically, the notification shall be sent via electronic mail to the person's last known electronic mail address.

If the person fails to submit the fingerprints and written permission within fifteen days after the date the notice was mailed, the superintendent of public instruction, on behalf of the state board, shall issue a written order rejecting the application or inactivating the person's professional or permanent teaching certificate or license. The rejection or inactivation shall remain in effect until the person submits the fingerprints and written permission. The superintendent shall send the order by regular mail or electronic mail to the person's last known residence address, last known electronic mail address, or last known place of employment, as indicated in the department's records, ~~or both~~. The order shall state the reason for the rejection or inactivation and shall explain that the rejection or inactivation remains in

effect until the person submits the fingerprints and written 141839
permission. 141840

The rejection or inactivation of a professional or permanent 141841
teaching certificate or license under division (E)(1) of this 141842
section does not constitute a suspension or revocation of the 141843
certificate or license by the state board under section 3319.31 of 141844
the Revised Code and the state board and the superintendent of 141845
public instruction need not provide the person with an opportunity 141846
for a hearing with respect to the rejection or inactivation. 141847

(2) If a person whose professional or permanent teaching 141848
certificate or license has been rejected or inactivated under 141849
division (E)(1) of this section submits fingerprints and written 141850
permission as required by division (B) or (G) of this section, the 141851
superintendent of public instruction, on behalf of the state 141852
board, shall issue a written order issuing or reactivating the 141853
certificate or license. The superintendent shall send the order to 141854
the person by regular mail or electronic mail. 141855

(F) Notwithstanding divisions (A) to (C) of this section, if 141856
a person holds more than one certificate, license, or permit 141857
described in division (A)(1) of this section, the following shall 141858
apply: 141859

(1) If the certificates, licenses, or permits are of 141860
different durations, the person shall be subject to divisions (A) 141861
to (C) of this section only when applying for renewal of the 141862
certificate, license, or permit that is of the longest duration. 141863
Prior to renewing any certificate, license, or permit with a 141864
shorter duration, the state board or the superintendent of public 141865
instruction shall determine whether the department of education 141866
has received any information about the person pursuant to section 141867
109.5721 of the Revised Code, but the person shall not be subject 141868
to divisions (A) to (C) of this section as long as the person's 141869
certificate, license, or permit with the longest duration is 141870

valid. 141871

(2) If the certificates, licenses, or permits are of the same 141872
duration but do not expire in the same year, the person shall 141873
designate one of the certificates, licenses, or permits as the 141874
person's primary certificate, license, or permit and shall notify 141875
the department of that designation. The person shall be subject to 141876
divisions (A) to (C) of this section only when applying for 141877
renewal of the person's primary certificate, license, or permit. 141878
Prior to renewing any certificate, license, or permit that is not 141879
the person's primary certificate, license, or permit, the state 141880
board or the superintendent of public instruction shall determine 141881
whether the department has received any information about the 141882
person pursuant to section 109.5721 of the Revised Code, but the 141883
person shall not be subject to divisions (A) to (C) of this 141884
section as long as the person's primary certificate, license, or 141885
permit is valid. 141886

(3) If the certificates, licenses, or permits are of the same 141887
duration and expire in the same year and the person applies for 141888
renewal of the certificates, licenses, or permits at the same 141889
time, the state board or the superintendent of public instruction 141890
shall request only one criminal records check of the person under 141891
division (C) of this section. 141892

(G) If the department is unable to enroll a person who has 141893
submitted an application for licensure, or to whom the state board 141894
has issued a license, in the retained applicant fingerprint 141895
database established under section 109.5721 of the Revised Code 141896
because the person has not satisfied the requirements for 141897
enrollment, the department shall require the person to satisfy the 141898
requirements for enrollment, including requiring the person to 141899
submit, by a date prescribed by the department, one complete set 141900
of fingerprints and written permission that authorizes the 141901
superintendent of public instruction to forward the fingerprints 141902

to the bureau of criminal identification and investigation for the 141903
purpose of enrolling the person in the database. If the person 141904
fails to comply by the prescribed date, the department shall 141905
reject the application or shall take action to inactivate the 141906
person's license in accordance with division (E) of this section. 141907

Sec. 3319.311. (A)(1) The state board of education, or the 141908
superintendent of public instruction on behalf of the board, may 141909
investigate any information received about a person that 141910
reasonably appears to be a basis for action under section 3319.31 141911
of the Revised Code, including information received pursuant to 141912
section 3314.40, 3319.291, 3319.313, 3326.24, 3328.19, 5126.253, 141913
or 5153.176 of the Revised Code. Except as provided in division 141914
(A)(2) of this section, the board shall contract with the office 141915
of the Ohio attorney general to conduct any investigation of that 141916
nature. The board shall pay for the costs of the contract only 141917
from moneys in the state board of education licensure fund 141918
established under section 3319.51 of the Revised Code. Except as 141919
provided in division (A)(2) of this section, all information 141920
received pursuant to section 3314.40, 3319.291, 3319.313, 3326.24, 141921
3328.19, 5126.253, or 5153.176 of the Revised Code, and all 141922
information obtained during an investigation is confidential and 141923
is not a public record under section 149.43 of the Revised Code. 141924
If an investigation is conducted under this division regarding 141925
information received about a person and no action is taken against 141926
the person under this section or section 3319.31 of the Revised 141927
Code within two years of the completion of the investigation, all 141928
records of the investigation shall be expunged. 141929

(2) In the case of a person about whom the board has learned 141930
of a plea of guilty to, finding of guilt by a jury or court of, or 141931
a conviction of an offense listed in division (C) of section 141932
3319.31 of the Revised Code, or substantially comparable conduct 141933
occurring in a jurisdiction outside this state, the board or the 141934

superintendent of public instruction need not conduct any further 141935
investigation and shall take the action required by division (C) 141936
or (F) of that section. Except as provided in division (G) of this 141937
section, all information obtained by the board or the 141938
superintendent of public instruction pertaining to the action is a 141939
public record under section 149.43 of the Revised Code. 141940

(B) The superintendent of public instruction shall review the 141941
results of each investigation of a person conducted under division 141942
(A)(1) of this section and shall determine, on behalf of the state 141943
board, whether the results warrant initiating action under 141944
division (B) of section 3319.31 of the Revised Code. The 141945
superintendent shall advise the board of such determination at a 141946
meeting of the board. Within fourteen days of the next meeting of 141947
the board, any member of the board may ask that the question of 141948
initiating action under section 3319.31 of the Revised Code be 141949
placed on the board's agenda for that next meeting. Prior to 141950
initiating that action against any person, the person's name and 141951
any other personally identifiable information shall remain 141952
confidential. 141953

(C) The board shall take no action against a person under 141954
division (B) of section 3319.31 of the Revised Code without 141955
providing the person with written notice of the charges and with 141956
an opportunity for a hearing in accordance with Chapter 119. of 141957
the Revised Code. 141958

(D) For purposes of an investigation under division (A)(1) of 141959
this section or a hearing under division (C) of this section or 141960
under division (E)(2) of section 3319.31 of the Revised Code, the 141961
board, or the superintendent on behalf of the board, may 141962
administer oaths, order the taking of depositions, issue 141963
subpoenas, and compel the attendance of witnesses and the 141964
production of books, accounts, papers, records, documents, and 141965
testimony. The issuance of subpoenas under this division may be by 141966

certified mail, regular mail with a certificate of mailing, or 141967
other form of delivery with proof of delivery, including 141968
electronic delivery with electronic proof of delivery, or personal 141969
delivery to the person. 141970

(E) The superintendent, on behalf of the board, may enter 141971
into a consent agreement with a person against whom action is 141972
being taken under division (B) of section 3319.31 of the Revised 141973
Code. The board may adopt rules governing the superintendent's 141974
action under this division. 141975

(F) No surrender of a license shall be effective until the 141976
board takes action to accept the surrender unless the surrender is 141977
pursuant to a consent agreement entered into under division (E) of 141978
this section. 141979

(G) The name of any person who is not required to report 141980
information under section 3314.40, 3319.313, 3326.24, 3328.19, 141981
5126.253, or 5153.176 of the Revised Code, but who in good faith 141982
provides information to the state board or superintendent of 141983
public instruction about alleged misconduct committed by a person 141984
who holds a license or has applied for issuance or renewal of a 141985
license, shall be confidential and shall not be released. Any such 141986
person shall be immune from any civil liability that otherwise 141987
might be incurred or imposed for injury, death, or loss to person 141988
or property as a result of the provision of that information. 141989

(H)(1) No person shall knowingly make a false report to the 141990
superintendent of public instruction or the state board of 141991
education alleging misconduct by an employee of a public or 141992
chartered nonpublic school or an employee of the operator of a 141993
community school established under Chapter 3314. or a 141994
college-preparatory boarding school established under Chapter 141995
3328. of the Revised Code. 141996

(2)(a) In any civil action brought against a person in which 141997

it is alleged and proved that the person violated division (H)(1) 141998
of this section, the court shall award the prevailing party 141999
reasonable attorney's fees and costs that the prevailing party 142000
incurred in the civil action or as a result of the false report 142001
that was the basis of the violation. 142002

(b) If a person is convicted of or pleads guilty to a 142003
violation of division (H)(1) of this section, if the subject of 142004
the false report that was the basis of the violation was charged 142005
with any violation of a law or ordinance as a result of the false 142006
report, and if the subject of the false report is found not to be 142007
guilty of the charges brought against the subject as a result of 142008
the false report or those charges are dismissed, the court that 142009
sentences the person for the violation of division (H)(1) of this 142010
section, as part of the sentence, shall order the person to pay 142011
restitution to the subject of the false report, in an amount equal 142012
to reasonable attorney's fees and costs that the subject of the 142013
false report incurred as a result of or in relation to the 142014
charges. 142015

Sec. 3321.13. (A) Whenever any child of compulsory school age 142016
withdraws from school the teacher of that child shall ascertain 142017
the reason for withdrawal. The fact of the withdrawal and the 142018
reason for it shall be immediately transmitted by the teacher to 142019
the superintendent of the city, local, or exempted village school 142020
district. If the child who has withdrawn from school has done so 142021
because of change of residence, the next residence shall be 142022
ascertained and shall be included in the notice thus transmitted. 142023
The superintendent shall thereupon forward a card showing the 142024
essential facts regarding the child and stating the place of the 142025
child's new residence to the superintendent of schools of the 142026
district to which the child has moved. 142027

The superintendent of public instruction may prescribe the 142028

forms to be used in the operation of this division. 142029

(B)(1) Upon receipt of information that a child of compulsory 142030
school age has withdrawn from school for a reason other than 142031
because of change of residence and is not enrolled in and 142032
attending in accordance with school policy an approved program to 142033
obtain a diploma or its equivalent, the superintendent shall 142034
notify the registrar of motor vehicles and the juvenile judge of 142035
the county in which the district is located of the withdrawal and 142036
failure to enroll in and attend an approved program to obtain a 142037
diploma or its equivalent. A notification to the registrar 142038
required by this division shall be given in the manner the 142039
registrar by rule requires and a notification to the juvenile 142040
judge required by this division shall be given in writing. Each 142041
notification shall be given within two weeks after the withdrawal 142042
and failure to enroll in and attend an approved program or its 142043
equivalent. 142044

(2) The board of education of a school district may adopt a 142045
resolution providing that the provisions of division (B)(2) of 142046
this section apply within the district. The provisions of division 142047
(B)(2) of this section do not apply within any school district, 142048
and no superintendent of a school district shall send a 142049
notification of the type described in division (B)(2) of this 142050
section to the registrar of motor vehicles or the juvenile judge 142051
of the county in which the district is located, unless the board 142052
of education of the district has adopted such a resolution. If the 142053
board of education of a school district adopts a resolution 142054
providing that the provisions of division (B)(2) of this section 142055
apply within the district, and if the superintendent of schools of 142056
that district receives information that, during any semester or 142057
term, a child of compulsory school age has been absent without 142058
legitimate excuse from the school the child is supposed to attend 142059
for more than sixty consecutive hours in a single month or for at 142060

least ninety hours in a school year, the superintendent shall 142061
notify the child and the child's parent, guardian, or custodian, 142062
in writing, that the information has been provided to the 142063
superintendent, that as a result of that information the child's 142064
temporary instruction permit or driver's license will be suspended 142065
or the opportunity to obtain such a permit or license will be 142066
denied, and that the child and the child's parent, guardian, or 142067
custodian may ~~appear in person~~ participate in a hearing at a 142068
scheduled date, time, and place ~~before~~ conducted by the 142069
superintendent or a designee to challenge the information provided 142070
to the superintendent. The hearing may be conducted by electronic
means. 142071
142072

The notification to the child and the child's parent, 142073
guardian, or custodian required by division (B)(2) of this section 142074
shall set forth the information received by the superintendent and 142075
shall inform the child and the child's parent, guardian, or 142076
custodian of the scheduled date, time, and ~~place~~ participation
method of the ~~appearance that they may have~~ hearing before the 142077
superintendent or a designee. The date scheduled for the 142078
~~appearance~~ hearing shall be no earlier than three and no later 142079
than five days after the notification is given, provided that an 142080
extension may be granted upon request of the child or the child's 142081
parent, guardian, or custodian. If an extension is granted, the 142082
superintendent shall schedule a new date, time, and ~~place~~ method
for the ~~appearance~~ hearing and shall inform the child and the 142083
child's parent, guardian, or custodian of the new date, time, and 142084
~~place~~ method. 142085
142086
142087

If the child and the child's parent, guardian, or custodian 142088
do not appear before the superintendent or a designee on the 142089
scheduled date and ~~at~~ for the scheduled ~~time and place~~ hearing, or 142090
if the child and the child's parent, guardian, or custodian appear 142091
before the superintendent or a designee on the scheduled date and 142092

at the scheduled time ~~and place~~ but the superintendent or a 142093
designee determines that the information the superintendent 142094
received indicating that, during the semester or term, the child 142095
had been absent without legitimate excuse from the school the 142096
child was supposed to attend for more than sixty consecutive hours 142097
or for at least ninety total hours, the superintendent shall 142098
notify the registrar of motor vehicles and the juvenile judge of 142099
the county in which the district is located that the child has 142100
been absent for that period of time and that the child does not 142101
have any legitimate excuse for the habitual absence. A 142102
notification to the registrar required by this division shall be 142103
given in the manner the registrar by rule requires and a 142104
notification to the juvenile judge required by this division shall 142105
be given in writing. Each notification shall be given within two 142106
weeks after the receipt of the information of the habitual absence 142107
from school without legitimate excuse, or, if the child and the 142108
child's parent, guardian, or custodian appear before the 142109
superintendent or a designee to challenge the information, within 142110
two weeks after the ~~appearance~~ hearing. 142111

For purposes of division (B)(2) of this section, a legitimate 142112
excuse for absence from school includes, but is not limited to, 142113
the fact that the child in question has enrolled in another school 142114
or school district in this or another state, the fact that the 142115
child in question was excused from attendance for any of the 142116
reasons specified in section 3321.04 of the Revised Code, or the 142117
fact that the child in question has received an age and schooling 142118
certificate in accordance with section 3331.01 of the Revised 142119
Code. 142120

(3) Whenever a pupil is suspended or expelled from school 142121
pursuant to section 3313.66 of the Revised Code and the reason for 142122
the suspension or expulsion is the use or possession of alcohol, a 142123
drug of abuse, or alcohol and a drug of abuse, the superintendent 142124

of schools of that district may notify the registrar and the 142125
juvenile judge of the county in which the district is located of 142126
such suspension or expulsion. Any such notification of suspension 142127
or expulsion shall be given to the registrar, in the manner the 142128
registrar by rule requires and shall be given to the juvenile 142129
judge in writing. The notifications shall be given within two 142130
weeks after the suspension or expulsion. 142131

(4) Whenever a pupil is suspended, expelled, removed, or 142132
permanently excluded from a school for misconduct included in a 142133
policy that the board of education of a city, exempted village, or 142134
local school district has adopted under division (A) of section 142135
3313.661 of the Revised Code, and the misconduct involves a 142136
firearm or a knife or other weapon as defined in that policy, the 142137
superintendent of schools of that district shall notify the 142138
registrar and the juvenile judge of the county in which the 142139
district is located of the suspension, expulsion, removal, or 142140
permanent exclusion. The notification shall be given to the 142141
registrar in the manner the registrar, by rule, requires and shall 142142
be given to the juvenile judge in writing. The notifications shall 142143
be given within two weeks after the suspension, expulsion, 142144
removal, or permanent exclusion. 142145

(C) A notification of withdrawal, habitual absence without 142146
legitimate excuse, suspension, or expulsion given to the registrar 142147
or a juvenile judge under division (B)(1), (2), (3), or (4) of 142148
this section shall contain the name, address, date of birth, 142149
school, and school district of the child. If the superintendent 142150
finds, after giving a notification of withdrawal, habitual absence 142151
without legitimate excuse, suspension, or expulsion to the 142152
registrar and the juvenile judge under division (B)(1), (2), (3), 142153
or (4) of this section, that the notification was given in error, 142154
the superintendent immediately shall notify the registrar and the 142155
juvenile judge of that fact. 142156

Sec. 3321.21. A notice under section 3321.19 or 3321.20 of 142157
the Revised Code, sent by registered mail, regular mail with a 142158
certificate of mailing, or other form of delivery with proof of 142159
delivery, including electronic delivery and electronic proof of 142160
delivery, is a legal notice. 142161

Sec. 3704.03. The director of environmental protection may do 142162
any of the following: 142163

(A) Develop programs for the prevention, control, and 142164
abatement of air pollution; 142165

(B) Advise, consult, contract, and cooperate with any 142166
governmental or private agency in the furtherance of the purposes 142167
of this chapter; 142168

(C) Encourage, participate in, or conduct studies, 142169
investigations, and research relating to air pollution, collect 142170
and disseminate information, and conduct education and training 142171
programs relating to the causes, prevention, control, and 142172
abatement of air pollution; 142173

(D) Adopt, modify, and rescind rules prescribing ambient air 142174
quality standards for the state as a whole or for various areas of 142175
the state that are consistent with and no more stringent than the 142176
national ambient air quality standards in effect under the federal 142177
Clean Air Act; 142178

(E) Adopt, modify, suspend, and rescind rules for the 142179
prevention, control, and abatement of air pollution, including 142180
rules prescribing for the state as a whole or for various areas of 142181
the state emission standards for air contaminants, and other 142182
necessary rules for the purpose of achieving and maintaining 142183
compliance with ambient air quality standards in all areas within 142184
the state as expeditiously as practicable, but not later than any 142185
deadlines applicable under the federal Clean Air Act; rules for 142186

the prevention or control of the emission of hazardous or toxic 142187
air contaminants; rules prescribing fugitive dust limitations and 142188
standards that are related, on an areawide basis, to attainment 142189
and maintenance of ambient air quality standards; rules 142190
prescribing shade, density, or opacity limitations and standards 142191
for emissions, provided that with regard to air contaminant 142192
sources for which there are particulate matter emission standards 142193
in addition to a shade, density, or opacity rule, upon 142194
demonstration by such a source of compliance with those other 142195
standards, the shade, density, or opacity rule shall provide for 142196
establishment of a shade, density, or opacity limitation for that 142197
source that does not require the source to reduce emissions below 142198
the level specified by those other standards; rules for the 142199
prevention or control of odors and air pollution nuisances; rules 142200
that prevent significant deterioration of air quality to the 142201
extent required by the federal Clean Air Act; rules for the 142202
protection of visibility as required by the federal Clean Air Act; 142203
and rules prescribing open burning limitations and standards. In 142204
adopting, modifying, suspending, or rescinding any such rules, the 142205
director, to the extent consistent with the federal Clean Air Act, 142206
shall hear and give consideration to evidence relating to all of 142207
the following: 142208

(1) Conditions calculated to result from compliance with the 142209
rules, the overall cost within this state of compliance with the 142210
rules, and their relation to benefits to the people of the state 142211
to be derived from that compliance; 142212

(2) The quantity and characteristics of air contaminants, the 142213
frequency and duration of their presence in the ambient air, and 142214
the dispersion and dilution of those contaminants; 142215

(3) Topography, prevailing wind directions and velocities, 142216
physical conditions, and other factors that may or may combine to 142217
affect air pollution. 142218

Consistent with division (K) of section 3704.036 of the Revised Code, the director shall consider alternative emission limits proposed by the owner or operator of an air contaminant source that is subject to an emission limit established in rules adopted under this division and shall accept those alternative emission limits that the director determines to be equivalent to emission limits established in rules adopted under this division.

(F)(1) Adopt, modify, suspend, and rescind rules consistent with the purposes of this chapter prohibiting the location, installation, construction, or modification of any air contaminant source or any machine, equipment, device, apparatus, or physical facility intended primarily to prevent or control the emission of air contaminants unless an installation permit therefor has been obtained from the director or the director's authorized representative.

(2)(a) Applications for installation permits shall be accompanied by plans, specifications, construction schedules, and such other pertinent information and data, including data on ambient air quality impact and a demonstration of best available technology, as the director may require. Installation permits shall be issued for a period specified by the director and are transferable. The director shall specify in each permit the applicable emission standards and that the permit is conditioned upon payment of the applicable fees as required by section 3745.11 of the Revised Code and upon the right of the director's authorized representatives to enter upon the premises of the person to whom the permit has been issued, at any reasonable time and subject to safety requirements of the person in control of the premises, for the purpose of determining compliance with such standards, this chapter, the rules adopted thereunder, and the conditions of any permit, variance, or order issued thereunder. Each proposed new or modified air contaminant source shall provide

such notice of its proposed installation or modification to other states as is required under the federal Clean Air Act. Installation permits shall include the authorization to operate sources installed and operated in accordance with terms and conditions of the installation permits for a period not to exceed one year from commencement of operation, which authorization shall constitute an operating permit under division (G) of this section and rules adopted under it.

No installation permit shall be required for activities that are subject to and in compliance with a plant-wide applicability limit issued by the director in accordance with rules adopted under this section.

No installation permit shall be issued except in accordance with all requirements of this chapter and rules adopted thereunder. No application shall be denied or permit revoked or modified without a written order stating the findings upon which denial, revocation, or modification is based. A copy of the order shall be sent to the applicant or permit holder by certified mail.

(b) An air contaminant source that is the subject of an installation permit shall be installed or modified in accordance with the permit not later than eighteen months after the permit's effective date at which point the permit shall terminate unless one of the following applies:

(i) The owner or operator has undertaken a continuing program of installation or modification during the eighteen-month period.

(ii) The owner or operator has entered into a binding contractual obligation to undertake and complete within a reasonable period of time a continuing program of installation or modification of the air contaminant source during the eighteen-month period.

(iii) The director has extended the date by which the air

contaminant source that is the subject of the installation permit 142282
must be installed or modified. 142283

(iv) The installation permit is the subject of an appeal by a 142284
party other than the owner or operator of the air contaminant 142285
source that is the subject of the installation permit, in which 142286
case the date of termination of the permit is not later than 142287
eighteen months after the effective date of the permit plus the 142288
number of days between the date in which the permit was appealed 142289
and the date on which all appeals concerning the permit have been 142290
resolved. 142291

(v) The installation permit has been superseded by a 142292
subsequent installation permit, in which case the original 142293
installation permit terminates on the effective date of the 142294
superseding installation permit. 142295

Division (F)(2)(b) of this section applies to an installation 142296
permit that has not terminated as of ~~the effective date of this~~ 142297
~~amendment~~ October 16, 2009. 142298

The director may adopt rules in accordance with Chapter 119. 142299
of the Revised Code for the purpose of establishing additional 142300
requirements that are necessary for the implementation of division 142301
(F)(2)(b) of this section. 142302

(3) Not later than two years after August 3, 2006, the 142303
director shall adopt a rule in accordance with Chapter 119. of the 142304
Revised Code specifying that a permit to install is required only 142305
for new or modified air contaminant sources that emit any of the 142306
following air contaminants: 142307

(a) An air contaminant or precursor of an air contaminant for 142308
which a national ambient air quality standard has been adopted 142309
under the federal Clean Air Act; 142310

(b) An air contaminant for which the air contaminant source 142311
is regulated under the federal Clean Air Act; 142312

(c) An air contaminant that presents, or may present, through inhalation or other routes of exposure, a threat of adverse human health effects, including, but not limited to, substances that are known to be, or may reasonably be anticipated to be, carcinogenic, mutagenic, teratogenic, or neurotoxic, that cause reproductive dysfunction, or that are acutely or chronically toxic, or a threat of adverse environmental effects whether through ambient concentrations, bioaccumulation, deposition, or otherwise, and that is identified in the rule by chemical name and chemical abstract service number.

The director may modify the rule adopted under division (F)(3)(c) of this section for the purpose of adding or deleting air contaminants. For each air contaminant that is contained in or deleted from the rule adopted under division (F)(3)(c) of this section, the director shall include in a notice accompanying any proposed or final rule an explanation of the director's determination that the air contaminant meets the criteria established in that division and should be added to, or no longer meets the criteria and should be deleted from, the list of air contaminants. The explanation shall include an identification of the scientific evidence on which the director relied in making the determination. Until adoption of the rule under division (F)(3)(c) of this section, nothing shall affect the director's authority to issue, deny, modify, or revoke permits to install under this chapter and rules adopted under it.

(4)(a) Applications for permits to install new or modified air contaminant sources shall contain sufficient information regarding air contaminants for which the director may require a permit to install to determine conformity with the environmental protection agency's document entitled "Review of New Sources of Air Toxics Emissions, Option A," dated May 1986, which the director shall use to evaluate toxic emissions from new or

modified air contaminant sources. The director shall make copies 142345
of the document available to the public upon request at no cost 142346
and post the document on the environmental protection agency's web 142347
site. Any inconsistency between the document and division (F)(4) 142348
of this section shall be resolved in favor of division (F)(4) of 142349
this section. 142350

(b) The maximum acceptable ground level concentration of an 142351
air contaminant shall be calculated in accordance with the 142352
document entitled "Review of New Sources of Air Toxics Emissions, 142353
Option A." Modeling shall be conducted to determine the increase 142354
in the ground level concentration of an air contaminant beyond the 142355
facility's boundary caused by the emissions from a new or modified 142356
source that is the subject of an application for a permit to 142357
install. Modeling shall be based on the maximum hourly rate of 142358
emissions from the source using information including, but not 142359
limited to, any emission control devices or methods, operational 142360
restrictions, stack parameters, and emission dispersion devices or 142361
methods that may affect ground level concentrations, either 142362
individually or in combination. The director shall determine 142363
whether the activities for which a permit to install is sought 142364
will cause an increase in the ground level concentration of one or 142365
more relevant air contaminants beyond the facility's boundary by 142366
an amount in excess of the maximum acceptable ground level 142367
concentration. In making the determination as to whether the 142368
maximum acceptable ground level concentration will be exceeded, 142369
the director shall give consideration to the modeling conducted 142370
under division (F)(4)(b) of this section and other relevant 142371
information submitted by the applicant. 142372

(c) If the modeling conducted under division (F)(4)(b) of 142373
this section with respect to an application for a permit to 142374
install demonstrates that the maximum ground level concentration 142375
from a new or modified source will be greater than or equal to 142376

eighty per cent, but less than one hundred per cent of the maximum acceptable ground level concentration for an air contaminant, the director may establish terms and conditions in the permit to install for the air contaminant source that will require the owner or operator of the air contaminant source to maintain emissions of that air contaminant commensurate with the modeled level, which shall be expressed as allowable emissions per day. In order to calculate the allowable emissions per day, the director shall multiply the hourly emission rate modeled under division (F)(4)(b) of this section to determine the ground level concentration by the operating schedule that has been identified in the permit to install application. Terms and conditions imposed under division (F)(4)(c) of this section are not federally enforceable requirements and, if included in a Title V permit, shall be placed in the portion of the permit that is only enforceable by the state.

(d) If the modeling conducted under division (F)(4)(b) of this section with respect to an application for a permit to install demonstrates that the maximum ground level concentration from a new or modified source will be less than eighty per cent of the maximum acceptable ground level concentration, the owner or operator of the source annually shall report to the director, on a form prescribed by the director, whether operations of the source are consistent with the information regarding the operations that was used to conduct the modeling with regard to the permit to install application. The annual report to the director shall be in lieu of an emission limit or other permit terms and conditions imposed pursuant to division (F)(4) of this section. The director may consider any significant departure from the operations of the source described in the permit to install application that results in greater emissions than the emissions rate modeled to determine the ground level concentration as a modification and require the owner or operator to submit a permit to install application for

the increased emissions. The requirements established in division 142410
(F)(4)(d) of this section are not federally enforceable 142411
requirements and, if included in a Title V permit, shall be placed 142412
in the portion of the permit that is only enforceable by the 142413
state. 142414

(e) Division (F)(4) of this section and the document entitled 142415
"Review of New Sources of Air Toxics Emissions, Option A" shall 142416
not be included in the state implementation plan under section 110 142417
of the federal Clean Air Act and do not apply to an air 142418
contaminant source that is subject to a maximum achievable control 142419
technology standard or residual risk standard under section 112 of 142420
the federal Clean Air Act, to a particular air contaminant 142421
identified under 40 C.F.R. 51.166, division (b)(23), for which the 142422
director has determined that the owner or operator of the source 142423
is required to install best available control technology for that 142424
particular air contaminant, or to a particular air contaminant for 142425
which the director has determined that the source is required to 142426
meet the lowest achievable emission rate, as defined in 40 C.F.R. 142427
part 51, Appendix S, for that particular air contaminant. 142428

(f)(i) Division (F)(4) of this section and the document 142429
entitled "Review of New Sources of Air Toxics Emissions, Option A" 142430
do not apply to parking lots, storage piles, storage tanks, 142431
transfer operations, grain silos, grain dryers, emergency 142432
generators, gasoline dispensing operations, air contaminant 142433
sources that emit air contaminants solely from the combustion of 142434
fossil fuels, or the emission of wood dust, sand, glass dust, coal 142435
dust, silica, and grain dust. 142436

(ii) Notwithstanding division (F)(4)(f)(i) of this section, 142437
the director may require an individual air contaminant source that 142438
is within one of the source categories identified in division 142439
(F)(4)(f)(i) of this section to submit information in an 142440
application for a permit to install a new or modified source in 142441

order to determine the source's conformity to the document if the 142442
director has information to conclude that the particular new or 142443
modified source will potentially cause an increase in ground level 142444
concentration beyond the facility's boundary that exceeds the 142445
maximum acceptable ground level concentration as set forth in the 142446
document. 142447

(iii) The director may adopt rules in accordance with Chapter 142448
119. of the Revised Code that are consistent with the purposes of 142449
this chapter and that add to or delete from the source category 142450
exemptions established in division (F)(4)(f)(i) of this section. 142451

(5) Not later than one year after August 3, 2006, the 142452
director shall adopt rules in accordance with Chapter 119. of the 142453
Revised Code specifying activities that do not, by themselves, 142454
constitute beginning actual construction activities related to the 142455
installation or modification of an air contaminant source for 142456
which a permit to install is required such as the grading and 142457
clearing of land, on-site storage of portable parts and equipment, 142458
and the construction of foundations or buildings that do not 142459
themselves emit air contaminants. The rules also shall allow 142460
specified initial activities that are part of the installation or 142461
modification of an air contaminant source, such as the 142462
installation of electrical and other utilities for the source, 142463
prior to issuance of a permit to install, provided that the owner 142464
or operator of the source has filed a complete application for a 142465
permit to install, the director or the director's designee has 142466
determined that the application is complete, and the owner or 142467
operator of the source has notified the director that this 142468
activity will be undertaken prior to the issuance of a permit to 142469
install. Any activity that is undertaken by the source under those 142470
rules shall be at the risk of the owner or operator. The rules 142471
shall not apply to activities that are precluded prior to permit 142472
issuance under section 111, section 112, Part C of Title I, and 142473

Part D of Title I of the federal Clean Air Act. 142474

(G) Adopt, modify, suspend, and rescind rules prohibiting the 142475
operation or other use of any new, modified, or existing air 142476
contaminant source unless an operating permit has been obtained 142477
from the director or the director's authorized representative, or 142478
the air contaminant source is being operated in compliance with 142479
the conditions of a variance issued pursuant to division (H) of 142480
this section. Applications for operating permits shall be 142481
accompanied by such plans, specifications, and other pertinent 142482
information as the director may require. Operating permits may be 142483
issued for a period determined by the director not to exceed ten 142484
years, are renewable, and are transferable. The director shall 142485
specify in each operating permit that the permit is conditioned 142486
upon payment of the applicable fees as required by section 3745.11 142487
of the Revised Code and upon the right of the director's 142488
authorized representatives to enter upon the premises of the 142489
person to whom the permit has been issued, at any reasonable time 142490
and subject to safety requirements of the person in control of the 142491
premises, for the purpose of determining compliance with this 142492
chapter, the rules adopted thereunder, and the conditions of any 142493
permit, variance, or order issued thereunder. Operating permits 142494
may be denied or revoked for failure to comply with this chapter 142495
or the rules adopted thereunder. An operating permit shall be 142496
issued only upon a showing satisfactory to the director or the 142497
director's representative that the air contaminant source is being 142498
operated in compliance with applicable emission standards and 142499
other rules or upon submission of a schedule of compliance 142500
satisfactory to the director for a source that is not in 142501
compliance with all applicable requirements at the time of permit 142502
issuance, provided that the compliance schedule shall be 142503
consistent with and at least as stringent as that contained in any 142504
judicial consent decree or administrative order to which the air 142505
contaminant source is subject. The rules shall provide for the 142506

issuance of conditional operating permits for such reasonable 142507
periods as the director may determine to allow the holder of an 142508
installation permit, who has constructed, installed, located, or 142509
modified a new air contaminant source in accordance with the 142510
provisions of an installation permit, to make adjustments or 142511
modifications necessary to enable the new air contaminant source 142512
to comply with applicable emission standards and other rules. 142513
Terms and conditions of operating permits issued pursuant to this 142514
division shall be federally enforceable for the purpose of 142515
establishing the potential to emit of a stationary source and 142516
shall be expressly designated as federally enforceable. Any such 142517
federally enforceable restrictions on a source's potential to emit 142518
shall include both an annual limit and a short-term limit of not 142519
more than thirty days for each pollutant to be restricted together 142520
with adequate methods for establishing compliance with the 142521
restrictions. In other respects, operating permits issued pursuant 142522
to this division are enforceable as state law only. No application 142523
shall be denied or permit revoked or modified without a written 142524
order stating the findings upon which denial, revocation, or 142525
modification is based. A copy of the order shall be sent to the 142526
applicant or permit holder by certified mail. 142527

(H) Adopt, modify, and rescind rules governing the issuance, 142528
revocation, modification, or denial of variances that authorize 142529
emissions in excess of the applicable emission standards. 142530

No variance shall be issued except pursuant to those rules. 142531
The rules shall prescribe conditions and criteria in furtherance 142532
of the purposes of this chapter and consistent with the federal 142533
Clean Air Act governing eligibility for issuance of variances, 142534
which shall include all of the following: 142535

(1) Provisions requiring consistency of emissions authorized 142536
by a variance with timely attainment and maintenance of ambient 142537
air quality standards; 142538

(2) Provisions prescribing the classes and categories of air 142539
contaminants and air contaminant sources for which variances may 142540
be issued; 142541

(3) Provisions defining the circumstances under which an 142542
applicant shall demonstrate that compliance with applicable 142543
emission standards is technically infeasible, economically 142544
unreasonable, or impossible because of conditions beyond the 142545
control of the applicant; 142546

(4) Other provisions prescribed in furtherance of the goals 142547
of this chapter. 142548

The rules shall prohibit the issuance of variances from any 142549
emission limitation that was applicable to a source pursuant to an 142550
installation permit and shall prohibit issuance of variances that 142551
conflict with the federal Clean Air Act. 142552

Applications for variances shall be accompanied by such 142553
information as the director may require. In issuing variances, the 142554
director may order the person to whom a variance is issued to 142555
furnish plans and specifications and such other information and 142556
data, including interim reports, as the director may require and 142557
to proceed to take such action within such time as the director 142558
may determine to be appropriate and reasonable to prevent, 142559
control, or abate the person's existing emissions of air 142560
contaminants. The director shall specify in each variance that the 142561
variance is conditioned upon payment of the applicable fees as 142562
required by section 3745.11 of the Revised Code and upon the right 142563
of the director's authorized representatives to enter upon the 142564
premises of the person to whom the variance has been issued, at 142565
any reasonable time and subject to safety requirements of the 142566
person in control of the premises, for the purpose of determining 142567
compliance with this chapter, the rules adopted thereunder, and 142568
the conditions of any permit, variance, or order issued 142569
thereunder. 142570

The director may hold a public hearing on an application for a variance or renewal thereof at a location in the county where the variance is sought. The director shall give not less than twenty days' notice of the hearing to the applicant by certified mail or another type of mail accompanied by a receipt ~~and~~. The director also shall cause at least one publication of notice in a newspaper with general circulation in the county where the variance is sought or may instead provide public notice by publication on the environmental protection agency's web site. The director shall keep available for public inspection at the principal office of the environmental protection agency a current schedule of pending applications for variances and a current schedule of pending variance hearings. The director shall make a complete stenographic record or electronic record of testimony and other evidence submitted at the hearing. The director shall make a written determination to issue, renew, or deny the variance and shall enter the determination and the basis therefor into the record of the hearing. The director shall issue, renew, or deny an application for a variance or renewal thereof, or issue a proposed action upon the application pursuant to section 3745.07 of the Revised Code, within six months of the date upon which the director receives a complete application with all pertinent information and data required by the director.

Any variance granted pursuant to rules adopted under this division shall be for a period specified by the director, not to exceed three years, and may be renewed from time to time on such terms and for such periods, not to exceed three years each, as the director determines to be appropriate. A variance may be revoked, or renewal denied, for failure to comply with conditions specified in the variance. No variance shall be issued, denied, revoked, or modified without a written order stating the findings upon which the issuance, denial, revocation, or modification is based. A copy of the order shall be sent to the applicant or variance holder by

certified mail. 142604

(I) Require the owner or operator of an air contaminant 142605
source to install, employ, maintain, and operate such emissions, 142606
ambient air quality, meteorological, or other monitoring devices 142607
or methods as the director shall prescribe; to sample those 142608
emissions at such locations, at such intervals, and in such manner 142609
as the director prescribes; to maintain records and file periodic 142610
reports with the director containing information as to location, 142611
size, and height of emission outlets, rate, duration, and 142612
composition of emissions, and any other pertinent information the 142613
director prescribes; and to provide such written notice to other 142614
states as the director shall prescribe. In requiring monitoring 142615
devices, records, and reports, the director, to the extent 142616
consistent with the federal Clean Air Act, shall give 142617
consideration to technical feasibility and economic reasonableness 142618
and allow reasonable time for compliance. For sources where a 142619
specific monitoring, record-keeping, or reporting requirement is 142620
specified for a particular air contaminant from a particular air 142621
contaminant source in an applicable regulation adopted by the 142622
United States environmental protection agency under the federal 142623
Clean Air Act or in an applicable rule adopted by the director, 142624
the director shall not impose an additional requirement in a 142625
permit that is a different monitoring, record-keeping, or 142626
reporting requirement other than the requirement specified in the 142627
applicable regulation or rule for that air contaminant except as 142628
otherwise agreed to by the owner or operator of the air 142629
contaminant source and the director. If two or more regulations or 142630
rules impose different monitoring, record-keeping, or reporting 142631
requirements for the same air contaminant from the same air 142632
contaminant source, the director may impose permit terms and 142633
conditions that consolidate or streamline the monitoring, 142634
record-keeping, or reporting requirements in a manner that 142635
conforms with each applicable requirement. To the extent 142636

consistent with the federal Clean Air Act and except as otherwise 142637
agreed to by the owner or operator of an air contaminant source 142638
and the director, the director shall not require an operating 142639
restriction that has the practical effect of increasing the 142640
stringency of an existing applicable emission limitation or 142641
standard. 142642

(J) Establish, operate, and maintain monitoring stations and 142643
other devices designed to measure air pollution and enter into 142644
contracts with any public or private agency for the establishment, 142645
operation, or maintenance of such stations and devices; 142646

(K) By rule adopt procedures for giving reasonable public 142647
notice and conducting public hearings on any plans for the 142648
prevention, control, and abatement of air pollution that the 142649
director is required to submit to the federal government; 142650

(L) Through any employee, agent, or authorized representative 142651
of the director or the environmental protection agency, enter upon 142652
private or public property, including improvements thereon, at any 142653
reasonable time, to make inspections, take samples, conduct tests, 142654
and examine records or reports pertaining to any emission of air 142655
contaminants and any monitoring equipment or methods and to 142656
determine if there are any actual or potential emissions from such 142657
premises and, if so, to determine the sources, amounts, contents, 142658
and extent of those emissions, or to ascertain whether there is 142659
compliance with this chapter, any orders issued or rules adopted 142660
thereunder, or any other determination of the director. The 142661
director, at reasonable times, may have access to and copy any 142662
such records. If entry or inspection authorized by this division 142663
is refused, hindered, or thwarted, the director or the director's 142664
authorized representative may by affidavit apply for, and any 142665
judge of a court of record may issue, an appropriate inspection 142666
warrant necessary to achieve the purposes of this chapter within 142667
the court's territorial jurisdiction. 142668

(M) Accept and administer gifts or grants from the federal government and from any other source, public or private, for carrying out any of the functions under this chapter; 142669
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(N) Obtain necessary scientific, technical, and laboratory services; 142672
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(O) Establish advisory boards in accordance with section 121.13 of the Revised Code; 142674
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(P) Delegate to any city or general health district or political subdivision of the state any of the director's enforcement and monitoring powers and duties, other than rule-making powers, as the director elects to delegate, and in addition employ, compensate, and prescribe the powers and duties of such officers, employees, and consultants as are necessary to enable the director to exercise the authority and perform duties imposed upon the director by law. Technical and other services shall be performed, insofar as practical, by personnel of the environmental protection agency. 142676
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(Q) Certify to the government of the United States or any agency thereof that an industrial air pollution facility is in conformity with the state program or requirements for control of air pollution whenever such certificate is required for a taxpayer pursuant to any federal law or requirements; 142686
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(R) Issue, modify, or revoke orders requiring abatement of or prohibiting emissions that violate applicable emission standards or other requirements of this chapter and rules adopted thereunder, or requiring emission control devices or measures in order to comply with applicable emission standards or other requirements of this chapter and rules adopted thereunder. Any such order shall require compliance with applicable emission standards by a specified date and shall not conflict with any requirement of the federal Clean Air Act. In the making of such 142691
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orders, the director, to the extent consistent with the federal 142700
Clean Air Act, shall give consideration to, and base the 142701
determination on, evidence relating to the technical feasibility 142702
and economic reasonableness of compliance with such orders and 142703
their relation to benefits to the people of the state to be 142704
derived from such compliance. If, under the federal Clean Air Act, 142705
any such order shall provide for the posting of a bond or surety 142706
to secure compliance with the order as a condition of issuance of 142707
the order, the order shall so provide, but only to the extent 142708
required by the federal Clean Air Act. 142709

(S) To the extent provided by the federal Clean Air Act, 142710
adopt, modify, and rescind rules providing for the administrative 142711
assessment and collection of monetary penalties, not in excess of 142712
those required pursuant to the federal Clean Air Act, for failure 142713
to comply with any emission limitation or standard, compliance 142714
schedule, or other requirement of any rule, order, permit, or 142715
variance issued or adopted under this chapter or required under 142716
the applicable implementation plan whether or not the source is 142717
subject to a federal or state consent decree. The director may 142718
require the submission of compliance schedules, calculations of 142719
penalties for noncompliance, and related information. Any orders, 142720
payments, sanctions, or other requirements imposed pursuant to 142721
rules adopted under this division shall be in addition to any 142722
other permits, orders, payments, sanctions, or other requirements 142723
established under this chapter and shall not affect any civil or 142724
criminal enforcement proceedings brought under any provision of 142725
this chapter or any other provision of state or local law. This 142726
division does not apply to any requirement of this chapter 142727
regarding the prevention or abatement of odors. 142728

(T) Require new or modified air contaminant sources to 142729
install best available technology, but only in accordance with 142730
this division. With respect to permits issued pursuant to division 142731

(F) of this section beginning three years after August 3, 2006, 142732
best available technology for air contaminant sources and air 142733
contaminants emitted by those sources that are subject to 142734
standards adopted under section 112, Part C of Title I, and Part D 142735
of Title I of the federal Clean Air Act shall be equivalent to and 142736
no more stringent than those standards. For an air contaminant or 142737
precursor of an air contaminant for which a national ambient air 142738
quality standard has been adopted under the federal Clean Air Act, 142739
best available technology only shall be required to the extent 142740
required by rules adopted under Chapter 119. of the Revised Code 142741
for permit to install applications filed three or more years after 142742
August 3, 2006. 142743

Best available technology requirements established in rules 142744
adopted under this division shall be expressed only in one of the 142745
following ways that is most appropriate for the applicable source 142746
or source categories: 142747

(1) Work practices; 142748

(2) Source design characteristics or design efficiency of 142749
applicable air contaminant control devices; 142750

(3) Raw material specifications or throughput limitations 142751
averaged over a twelve-month rolling period; 142752

(4) Monthly allowable emissions averaged over a twelve-month 142753
rolling period. 142754

Best available technology requirements shall not apply to an 142755
air contaminant source that has the potential to emit, taking into 142756
account air pollution controls installed on the source, less than 142757
ten tons per year of emissions of an air contaminant or precursor 142758
of an air contaminant for which a national ambient air quality 142759
standard has been adopted under the federal Clean Air Act. In 142760
addition, best available technology requirements established in 142761
rules adopted under this division shall not apply to any existing, 142762

new, or modified air contaminant source that is subject to a 142763
plant-wide applicability limit that has been approved by the 142764
director. Further, best available technology requirements 142765
established in rules adopted under this division shall not apply 142766
to general permits issued prior to January 1, 2006, under rules 142767
adopted under this chapter. 142768

For permits to install issued three or more years after 142769
August 3, 2006, any new or modified air contaminant source that 142770
has the potential to emit, taking into account air pollution 142771
controls installed on the source, ten or more tons per year of 142772
volatile organic compounds or nitrogen oxides shall meet, at a 142773
minimum, the requirements of any applicable reasonably available 142774
control technology rule in effect as of January 1, 2006, 142775
regardless of the location of the source. 142776

(U) Consistent with section 507 of the federal Clean Air Act, 142777
adopt, modify, suspend, and rescind rules for the establishment of 142778
a small business stationary source technical and environmental 142779
compliance assistance program as provided in section 3704.18 of 142780
the Revised Code; 142781

(V) Provide for emissions trading, marketable permits, 142782
auctions of emission rights, and economic incentives that would 142783
reduce the cost or increase the efficiency of achieving a 142784
specified level of environmental protection; 142785

(W) Provide for the construction of an air contaminant source 142786
prior to obtaining a permit to install pursuant to division (F) of 142787
this section if the applicant demonstrates that the source will be 142788
installed to comply with all applicable emission limits and will 142789
not adversely affect public health or safety or the environment 142790
and if the director determines that such an action will avoid an 142791
unreasonable hardship on the owner or operator of the source. Any 142792
such determination shall be consistent with the federal Clean Air 142793
Act. 142794

(X) Exercise all incidental powers, including adoption of 142795
rules, required to carry out this chapter. 142796

The environmental protection agency shall develop a plan to 142797
control air pollution resulting from state-operated facilities and 142798
property. 142799

Sec. 3734.02. (A) The director of environmental protection, 142800
in accordance with Chapter 119. of the Revised Code, shall adopt 142801
and may amend, suspend, or rescind rules having uniform 142802
application throughout the state governing solid waste facilities 142803
and the inspections of and issuance of permits and licenses for 142804
all solid waste facilities in order to ensure that the facilities 142805
will be located, maintained, and operated, and will undergo 142806
closure and post-closure care, in a sanitary manner so as not to 142807
create a nuisance, cause or contribute to water pollution, create 142808
a health hazard, or violate 40 C.F.R. 257.3-2 or 40 C.F.R. 142809
257.3-8, as amended. The rules may include, without limitation, 142810
financial assurance requirements for closure and post-closure care 142811
and corrective action and requirements for taking corrective 142812
action in the event of the surface or subsurface discharge or 142813
migration of explosive gases or leachate from a solid waste 142814
facility, or of ground water contamination resulting from the 142815
transfer or disposal of solid wastes at a facility, beyond the 142816
boundaries of any area within a facility that is operating or is 142817
undergoing closure or post-closure care where solid wastes were 142818
disposed of or are being disposed of. The rules shall not concern 142819
or relate to personnel policies, salaries, wages, fringe benefits, 142820
or other conditions of employment of employees of persons owning 142821
or operating solid waste facilities. The director, in accordance 142822
with Chapter 119. of the Revised Code, shall adopt and may amend, 142823
suspend, or rescind rules governing the issuance, modification, 142824
revocation, suspension, or denial of variances from the director's 142825
solid waste rules, including, without limitation, rules adopted 142826

under this chapter governing the management of scrap tires. 142827

Variances shall be issued, modified, revoked, suspended, or 142828
rescinded in accordance with this division, rules adopted under 142829
it, and Chapter 3745. of the Revised Code. The director may order 142830
the person to whom a variance is issued to take such action within 142831
such time as the director may determine to be appropriate and 142832
reasonable to prevent the creation of a nuisance or a hazard to 142833
the public health or safety or the environment. Applications for 142834
variances shall contain such detail plans, specifications, and 142835
information regarding objectives, procedures, controls, and other 142836
pertinent data as the director may require. The director shall 142837
grant a variance only if the applicant demonstrates to the 142838
director's satisfaction that construction and operation of the 142839
solid waste facility in the manner allowed by the variance and any 142840
terms or conditions imposed as part of the variance will not 142841
create a nuisance or a hazard to the public health or safety or 142842
the environment. In granting any variance, the director shall 142843
state the specific provision or provisions whose terms are to be 142844
varied and also shall state specific terms or conditions imposed 142845
upon the applicant in place of the provision or provisions. 142846

The director may hold a public hearing on an application for 142847
a variance or renewal of a variance at a location in the county 142848
where the operations that are the subject of the application for 142849
the variance are conducted. The director shall give not less than 142850
twenty days' notice of the hearing to the applicant by certified 142851
mail or by another type of mail accompanied by a receipt ~~and~~. The 142852
director shall publish at least one notice of the hearing in a 142853
newspaper with general circulation in the county where the hearing 142854
is to be held or may instead provide public notice by publication 142855
on the environmental protection agency's web site. The director 142856
shall make available for public inspection at the principal office 142857
of the environmental protection agency a current list of pending 142858

applications for variances and a current schedule of pending 142859
variance hearings. The director shall make a complete stenographic 142860
record or electronic record of testimony and other evidence 142861
submitted at the hearing. 142862

Within ten days after the hearing, the director shall make a 142863
written determination to issue, renew, or deny the variance and 142864
shall enter the determination and the basis for it into the record 142865
of the hearing. The director shall issue, renew, or deny an 142866
application for a variance or renewal of a variance within six 142867
months of the date upon which the director receives a complete 142868
application with all pertinent information and data required. No 142869
variance shall be issued, revoked, modified, or denied until the 142870
director has considered the relative interests of the applicant, 142871
other persons and property affected by the variance, and the 142872
general public. Any variance granted under this division shall be 142873
for a period specified by the director and may be renewed from 142874
time to time on such terms and for such periods as the director 142875
determines to be appropriate. No application shall be denied and 142876
no variance shall be revoked or modified without a written order 142877
stating the findings upon which the denial, revocation, or 142878
modification is based. A copy of the order shall be sent to the 142879
applicant or variance holder by certified mail or by another type 142880
of mail accompanied by a receipt. 142881

(B) The director shall prescribe and furnish the forms 142882
necessary to administer and enforce this chapter. The director may 142883
cooperate with and enter into agreements with other state, local, 142884
or federal agencies to carry out the purposes of this chapter. The 142885
director may exercise all incidental powers necessary to carry out 142886
the purposes of this chapter. 142887

(C) Except as provided in this division and divisions (N)(2) 142888
and (3) of this section, no person shall establish a new solid 142889
waste facility or infectious waste treatment facility, or modify 142890

an existing solid waste facility or infectious waste treatment 142891
facility, without submitting an application for a permit with 142892
accompanying detail plans, specifications, and information 142893
regarding the facility and method of operation and receiving a 142894
permit issued by the director, except that no permit shall be 142895
required under this division to install or operate a solid waste 142896
facility for sewage sludge treatment or disposal when the 142897
treatment or disposal is authorized by a current permit issued 142898
under Chapter 3704. or 6111. of the Revised Code. 142899

No person shall continue to operate a solid waste facility 142900
for which the director has disapproved plans and specifications 142901
required to be filed by an order issued under division (A)(3) of 142902
section 3734.05 of the Revised Code, after the date prescribed for 142903
commencement of closure of the facility in the order issued under 142904
division (A)(4) of that section denying the permit application or 142905
approval. 142906

On and after the effective date of the rules adopted under 142907
division (A) of this section and division (D) of section 3734.12 142908
of the Revised Code governing solid waste transfer facilities, no 142909
person shall establish a new, or modify an existing, solid waste 142910
transfer facility without first submitting an application for a 142911
permit with accompanying engineering detail plans, specifications, 142912
and information regarding the facility and its method of operation 142913
to the director and receiving a permit issued by the director. 142914

No person shall establish a new compost facility or continue 142915
to operate an existing compost facility that accepts exclusively 142916
source separated yard wastes without submitting a completed 142917
registration for the facility to the director in accordance with 142918
rules adopted under divisions (A) and (N)(3) of this section. 142919

This division does not apply to a generator of infectious 142920
wastes that does any of the following: 142921

(1) Treats, by methods, techniques, and practices established 142922
by rules adopted under division (B)(2)(a) of section 3734.021 of 142923
the Revised Code, any of the following: 142924

(a) Infectious wastes that are generated on any premises that 142925
are owned or operated by the generator; 142926

(b) Infectious wastes that are generated by a generator who 142927
has staff privileges at a hospital as defined in section 3727.01 142928
of the Revised Code; 142929

(c) Infectious wastes that are generated in providing care to 142930
a patient by an emergency medical services organization as defined 142931
in section 4765.01 of the Revised Code. 142932

(2) Holds a license or renewal of a license to operate a 142933
crematory facility issued under Chapter 4717. and a permit issued 142934
under Chapter 3704. of the Revised Code; 142935

(3) Treats or disposes of dead animals or parts thereof, or 142936
the blood of animals, and is subject to any of the following: 142937

(a) Inspection under the "Federal Meat Inspection Act," 81 142938
Stat. 584 (1967), 21 U.S.C.A. 603, as amended; 142939

(b) Chapter 918. of the Revised Code; 142940

(c) Chapter 953. of the Revised Code. 142941

(D) Neither this chapter nor any rules adopted under it apply 142942
to single-family residential premises; to infectious wastes 142943
generated by individuals for purposes of their own care or 142944
treatment; to the temporary storage of solid wastes, other than 142945
scrap tires, prior to their collection for disposal; to the 142946
storage of one hundred or fewer scrap tires unless they are stored 142947
in such a manner that, in the judgment of the director or the 142948
board of health of the health district in which the scrap tires 142949
are stored, the storage causes a nuisance, a hazard to public 142950
health or safety, or a fire hazard; or to the collection of solid 142951

wastes, other than scrap tires, by a political subdivision or a person holding a franchise or license from a political subdivision of the state; to composting, as defined in section 1511.01 of the Revised Code, conducted in accordance with section 1511.022 of the Revised Code; or to any person who is licensed to transport raw rendering material to a compost facility pursuant to section 953.23 of the Revised Code.

(E)(1) As used in this division:

(a) "On-site facility" means a facility that stores, treats, or disposes of hazardous waste that is generated on the premises of the facility.

(b) "Off-site facility" means a facility that stores, treats, or disposes of hazardous waste that is generated off the premises of the facility and includes such a facility that is also an on-site facility.

(c) "Satellite facility" means any of the following:

(i) An on-site facility that also receives hazardous waste from other premises owned by the same person who generates the waste on the facility premises;

(ii) An off-site facility operated so that all of the hazardous waste it receives is generated on one or more premises owned by the person who owns the facility;

(iii) An on-site facility that also receives hazardous waste that is transported uninterruptedly and directly to the facility through a pipeline from a generator who is not the owner of the facility.

(2) Except as provided in division (E)(3) of this section, no person shall establish or operate a hazardous waste facility, or use a solid waste facility for the storage, treatment, or disposal of any hazardous waste, without a hazardous waste facility

installation and operation permit issued in accordance with 142982
 section 3734.05 of the Revised Code and subject to the payment of 142983
 an application fee not to exceed one thousand five hundred 142984
 dollars, payable upon application for a hazardous waste facility 142985
 installation and operation permit and upon application for a 142986
 renewal permit issued under division (H) of section 3734.05 of the 142987
 Revised Code, to be credited to the hazardous waste facility 142988
 management fund created in section 3734.18 of the Revised Code. 142989
 The term of a hazardous waste facility installation and operation 142990
 permit shall not exceed ten years. 142991

In addition to the application fee, there is hereby levied an 142992
 annual permit fee to be paid by the permit holder upon the 142993
 anniversaries of the date of issuance of the hazardous waste 142994
 facility installation and operation permit and of any subsequent 142995
 renewal permits and to be credited to the hazardous waste facility 142996
 management fund. Annual permit fees totaling forty thousand 142997
 dollars or more for any one facility may be paid on a quarterly 142998
 basis with the first quarterly payment each year being due on the 142999
 anniversary of the date of issuance of the hazardous waste 143000
 facility installation and operation permit and of any subsequent 143001
 renewal permits. The annual permit fee shall be determined for 143002
 each permit holder by the director in accordance with the 143003
 following schedule: 143004

TYPE OF BASIC				143005
MANAGEMENT UNIT	TYPE OF FACILITY		FEE	143006
Storage facility using:				143007
Containers	On-site, off-site, and			143008
	satellite	\$ 500		143009
Tanks	On-site, off-site, and			143010
	satellite	500		143011
Waste pile	On-site, off-site, and			143012
	satellite	3,000		143013

Surface impoundment	On-site and satellite	8,000	143014
	Off-site	10,000	143015
Disposal facility using:			143016
Deep well injection	On-site and satellite	15,000	143017
	Off-site	25,000	143018
Landfill	On-site and satellite	25,000	143019
	Off-site	40,000	143020
Land application	On-site and satellite	2,500	143021
	Off-site	5,000	143022
Surface impoundment	On-site and satellite	10,000	143023
	Off-site	20,000	143024
Treatment facility using:			143025
Tanks	On-site, off-site, and		143026
	satellite	700	143027
Surface impoundment	On-site and satellite	8,000	143028
	Off-site	10,000	143029
Incinerator	On-site and satellite	5,000	143030
	Off-site	10,000	143031
Other forms			143032
of treatment	On-site, off-site, and		143033
	satellite	1,000	143034

A hazardous waste disposal facility that disposes of 143035
hazardous waste by deep well injection and that pays the annual 143036
permit fee established in section 6111.046 of the Revised Code is 143037
not subject to the permit fee established in this division for 143038
disposal facilities using deep well injection unless the director 143039
determines that the facility is not in compliance with applicable 143040
requirements established under this chapter and rules adopted 143041
under it. 143042

In determining the annual permit fee required by this 143043
section, the director shall not require additional payments for 143044
multiple units of the same method of storage, treatment, or 143045
disposal or for individual units that are used for both storage 143046

and treatment. A facility using more than one method of storage, 143047
treatment, or disposal shall pay the permit fee indicated by the 143048
schedule for each such method. 143049

The director shall not require the payment of that portion of 143050
an annual permit fee of any permit holder that would apply to a 143051
hazardous waste management unit for which a permit has been 143052
issued, but for which construction has not yet commenced. Once 143053
construction has commenced, the director shall require the payment 143054
of a part of the appropriate fee indicated by the schedule that 143055
bears the same relationship to the total fee that the number of 143056
days remaining until the next anniversary date at which payment of 143057
the annual permit fee is due bears to three hundred sixty-five. 143058

The director, by rules adopted in accordance with Chapters 143059
119. and 3745. of the Revised Code, shall prescribe procedures for 143060
collecting the annual permit fee established by this division and 143061
may prescribe other requirements necessary to carry out this 143062
division. 143063

(3) The prohibition against establishing or operating a 143064
hazardous waste facility without a hazardous waste facility 143065
installation and operation permit does not apply to either of the 143066
following: 143067

(a) A facility that is operating in accordance with a permit 143068
renewal issued under division (H) of section 3734.05 of the 143069
Revised Code, a revision issued under division (I) of that section 143070
as it existed prior to August 20, 1996, or a modification issued 143071
by the director under division (I) of that section on and after 143072
August 20, 1996; 143073

(b) Except as provided in division (J) of section 3734.05 of 143074
the Revised Code, a facility that will operate or is operating in 143075
accordance with a permit by rule, or that is not subject to permit 143076
requirements, under rules adopted by the director. In accordance 143077

with Chapter 119. of the Revised Code, the director shall adopt, 143078
and subsequently may amend, suspend, or rescind, rules for the 143079
purposes of division (E)(3)(b) of this section. Any rules so 143080
adopted shall be consistent with and equivalent to regulations 143081
pertaining to interim status adopted under the "Resource 143082
Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 143083
6921, as amended, except as otherwise provided in this chapter. 143084

If a modification is requested or proposed for a facility 143085
described in division (E)(3)(a) or (b) of this section, division 143086
(I)(7) of section 3734.05 of the Revised Code applies. 143087

(F) No person shall store, treat, or dispose of hazardous 143088
waste identified or listed under this chapter and rules adopted 143089
under it, regardless of whether generated on or off the premises 143090
where the waste is stored, treated, or disposed of, or transport 143091
or cause to be transported any hazardous waste identified or 143092
listed under this chapter and rules adopted under it to any other 143093
premises, except at or to any of the following: 143094

(1) A hazardous waste facility operating under a permit 143095
issued in accordance with this chapter; 143096

(2) A facility in another state operating under a license or 143097
permit issued in accordance with the "Resource Conservation and 143098
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 143099
amended; 143100

(3) A facility in another nation operating in accordance with 143101
the laws of that nation; 143102

(4) A facility holding a permit issued pursuant to Title I of 143103
the "Marine Protection, Research, and Sanctuaries Act of 1972," 86 143104
Stat. 1052, 33 U.S.C.A. 1401, as amended; 143105

(5) A hazardous waste facility as described in division 143106
(E)(3)(a) or (b) of this section. 143107

(G) The director, by order, may exempt any person generating, 143108
collecting, storing, treating, disposing of, or transporting solid 143109
wastes, infectious wastes, or hazardous waste, or processing solid 143110
wastes that consist of scrap tires, in such quantities or under 143111
such circumstances that, in the determination of the director, are 143112
unlikely to adversely affect the public health or safety or the 143113
environment from any requirement to obtain a registration 143114
certificate, permit, or license or comply with the manifest system 143115
or other requirements of this chapter. Such an exemption shall be 143116
consistent with and equivalent to any regulations adopted by the 143117
administrator of the United States environmental protection agency 143118
under the "Resource Conservation and Recovery Act of 1976," 90 143119
Stat. 2806, 42 U.S.C.A. 6921, as amended, except as otherwise 143120
provided in this chapter. 143121

(H) No person shall engage in filling, grading, excavating, 143122
building, drilling, or mining on land where a hazardous waste 143123
facility, or a solid waste facility, was operated without prior 143124
authorization from the director, who shall establish the procedure 143125
for granting such authorization by rules adopted in accordance 143126
with Chapter 119. of the Revised Code. 143127

A public utility that has main or distribution lines above or 143128
below the land surface located on an easement or right-of-way 143129
across land where a solid waste facility was operated may engage 143130
in any such activity within the easement or right-of-way without 143131
prior authorization from the director for purposes of performing 143132
emergency repair or emergency replacement of its lines; of the 143133
poles, towers, foundations, or other structures supporting or 143134
sustaining any such lines; or of the appurtenances to those 143135
structures, necessary to restore or maintain existing public 143136
utility service. A public utility may enter upon any such easement 143137
or right-of-way without prior authorization from the director for 143138
purposes of performing necessary or routine maintenance of those 143139

portions of its existing lines; of the existing poles, towers, 143140
foundations, or other structures sustaining or supporting its 143141
lines; or of the appurtenances to any such supporting or 143142
sustaining structure, located on or above the land surface on any 143143
such easement or right-of-way. Within twenty-four hours after 143144
commencing any such emergency repair, replacement, or maintenance 143145
work, the public utility shall notify the director or the 143146
director's authorized representative of those activities and shall 143147
provide such information regarding those activities as the 143148
director or the director's representative may request. Upon 143149
completion of the emergency repair, replacement, or maintenance 143150
activities, the public utility shall restore any land of the solid 143151
waste facility disturbed by those activities to the condition 143152
existing prior to the commencement of those activities. 143153

(I) No owner or operator of a hazardous waste facility, in 143154
the operation of the facility, shall cause, permit, or allow the 143155
emission therefrom of any particulate matter, dust, fumes, gas, 143156
mist, smoke, vapor, or odorous substance that, in the opinion of 143157
the director, unreasonably interferes with the comfortable 143158
enjoyment of life or property by persons living or working in the 143159
vicinity of the facility, or that is injurious to public health. 143160
Any such action is hereby declared to be a public nuisance. 143161

(J) Notwithstanding any other provision of this chapter, in 143162
the event the director finds an imminent and substantial danger to 143163
public health or safety or the environment that creates an 143164
emergency situation requiring the immediate treatment, storage, or 143165
disposal of hazardous waste, the director may issue a temporary 143166
emergency permit to allow the treatment, storage, or disposal of 143167
the hazardous waste at a facility that is not otherwise authorized 143168
by a hazardous waste facility installation and operation permit to 143169
treat, store, or dispose of the waste. The emergency permit shall 143170
not exceed ninety days in duration and shall not be renewed. The 143171

director shall adopt, and may amend, suspend, or rescind, rules in 143172
accordance with Chapter 119. of the Revised Code governing the 143173
issuance, modification, revocation, and denial of emergency 143174
permits. 143175

(K) Except for infectious wastes generated by a person who 143176
produces fewer than fifty pounds of infectious wastes at a 143177
premises during any one month, no owner or operator of a sanitary 143178
landfill shall knowingly accept for disposal, or dispose of, any 143179
infectious wastes that have not been treated to render them 143180
noninfectious. 143181

(L) The director, in accordance with Chapter 119. of the 143182
Revised Code, shall adopt, and may amend, suspend, or rescind, 143183
rules having uniform application throughout the state establishing 143184
a training and certification program that shall be required for 143185
employees of boards of health who are responsible for enforcing 143186
the solid waste and infectious waste provisions of this chapter 143187
and rules adopted under them and for persons who are responsible 143188
for the operation of solid waste facilities or infectious waste 143189
treatment facilities. The rules shall provide all of the 143190
following, without limitation: 143191

(1) The program shall be administered by the director and 143192
shall consist of a course on new solid waste and infectious waste 143193
technologies, enforcement procedures, and rules; 143194

(2) The course shall be offered on an annual basis; 143195

(3) Those persons who are required to take the course under 143196
division (L) of this section shall do so triennially; 143197

(4) Persons who successfully complete the course shall be 143198
certified by the director; 143199

(5) Certification shall be required for all employees of 143200
boards of health who are responsible for enforcing the solid waste 143201
or infectious waste provisions of this chapter and rules adopted 143202

under them and for all persons who are responsible for the 143203
operation of solid waste facilities or infectious waste treatment 143204
facilities; 143205

(6)(a) All employees of a board of health who, on the 143206
effective date of the rules adopted under this division, are 143207
responsible for enforcing the solid waste or infectious waste 143208
provisions of this chapter and the rules adopted under them shall 143209
complete the course and be certified by the director not later 143210
than January 1, 1995; 143211

(b) All employees of a board of health who, after the 143212
effective date of the rules adopted under division (L) of this 143213
section, become responsible for enforcing the solid waste or 143214
infectious waste provisions of this chapter and rules adopted 143215
under them and who do not hold a current and valid certification 143216
from the director at that time shall complete the course and be 143217
certified by the director within two years after becoming 143218
responsible for performing those activities. 143219

No person shall fail to obtain the certification required 143220
under this division. 143221

(M) The director shall not issue a permit under section 143222
3734.05 of the Revised Code to establish a solid waste facility, 143223
or to modify a solid waste facility operating on December 21, 143224
1988, in a manner that expands the disposal capacity or geographic 143225
area covered by the facility, that is or is to be located within 143226
the boundaries of a state park established or dedicated under 143227
Chapter 1546. of the Revised Code, a state park purchase area 143228
established under section 1546.06 of the Revised Code, any unit of 143229
the national park system, or any property that lies within the 143230
boundaries of a national park or recreation area, but that has not 143231
been acquired or is not administered by the secretary of the 143232
United States department of the interior, located in this state, 143233
or any candidate area located in this state and identified for 143234

potential inclusion in the national park system in the edition of 143235
the "national park system plan" submitted under paragraph (b) of 143236
section 8 of "The Act of August 18, 1970," 84 Stat. 825, 16 143237
U.S.C.A. 1a-5, as amended, current at the time of filing of the 143238
application for the permit, unless the facility or proposed 143239
facility is or is to be used exclusively for the disposal of solid 143240
wastes generated within the park or recreation area and the 143241
director determines that the facility or proposed facility will 143242
not degrade any of the natural or cultural resources of the park 143243
or recreation area. The director shall not issue a variance under 143244
division (A) of this section and rules adopted under it, or issue 143245
an exemption order under division (G) of this section, that would 143246
authorize any such establishment or expansion of a solid waste 143247
facility within the boundaries of any such park or recreation 143248
area, state park purchase area, or candidate area, other than a 143249
solid waste facility exclusively for the disposal of solid wastes 143250
generated within the park or recreation area when the director 143251
determines that the facility will not degrade any of the natural 143252
or cultural resources of the park or recreation area. 143253

(N)(1) The rules adopted under division (A) of this section, 143254
other than those governing variances, do not apply to scrap tire 143255
collection, storage, monocell, monofill, and recovery facilities. 143256
Those facilities are subject to and governed by rules adopted 143257
under sections 3734.70 to 3734.73 of the Revised Code, as 143258
applicable. 143259

(2) Division (C) of this section does not apply to scrap tire 143260
collection, storage, monocell, monofill, and recovery facilities. 143261
The establishment and modification of those facilities are subject 143262
to sections 3734.75 to 3734.78 and section 3734.81 of the Revised 143263
Code, as applicable. 143264

(3) The director may adopt, amend, suspend, or rescind rules 143265
under division (A) of this section creating an alternative system 143266

for authorizing the establishment, operation, or modification of a solid waste compost facility in lieu of the requirement that a person seeking to establish, operate, or modify a solid waste compost facility apply for and receive a permit under division (C) of this section and section 3734.05 of the Revised Code and a license under division (A)(1) of that section. The rules may include requirements governing, without limitation, the classification of solid waste compost facilities, the submittal of operating records for solid waste compost facilities, and the creation of a registration or notification system in lieu of the issuance of permits and licenses for solid waste compost facilities. The rules shall specify the applicability of divisions (A)(1) and (2)(a) of section 3734.05 of the Revised Code to a solid waste compost facility.

(O)(1) As used in this division, "secondary aluminum waste" means waste material or byproducts, when disposed of, containing aluminum generated from secondary aluminum smelting operations and consisting of dross, salt cake, baghouse dust associated with aluminum recycling furnace operations, or dry-milled wastes.

(2) The owner or operator of a sanitary landfill shall not dispose of municipal solid waste that has been commingled with secondary aluminum waste.

(3) The owner or operator of a sanitary landfill may dispose of secondary aluminum waste, but only in a monocell or monofill that has been permitted for that purpose in accordance with this chapter and rules adopted under it.

(P)(1) As used in divisions (P) and (Q) of this section:

(a) "Natural background" means two picocuries per gram or the actual number of picocuries per gram as measured at an individual solid waste facility, subject to verification by the director of health.

(b) "Drilling operation" includes a production operation as defined in section 1509.01 of the Revised Code. 143298
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(2) The owner or operator of a solid waste facility shall not accept for transfer or disposal technologically enhanced naturally occurring radioactive material if that material contains or is contaminated with radium-226, radium-228, or any combination of radium-226 and radium-228 at concentrations equal to or greater than five picocuries per gram above natural background. 143300
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(3) The owner or operator of a solid waste facility may receive and process for purposes other than transfer or disposal technologically enhanced naturally occurring radioactive material that contains or is contaminated with radium-226, radium-228, or any combination of radium-226 and radium-228 at concentrations equal to or greater than five picocuries per gram above natural background, provided that the owner or operator has obtained and maintains all other necessary authorizations, including any authorization required by rules adopted by the director of health under section 3748.04 of the Revised Code. 143306
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(4) The director of environmental protection may adopt rules in accordance with Chapter 119. of the Revised Code governing the receipt, acceptance, processing, handling, management, and disposal by solid waste facilities of material that contains or is contaminated with radioactive material, including, without limitation, technologically enhanced naturally occurring radioactive material that contains or is contaminated with radium-226, radium-228, or any combination of radium-226 and radium-228 at concentrations less than five picocuries per gram above natural background. Rules adopted by the director may include at a minimum both of the following: 143316
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(a) Requirements in accordance with which the owner or operator of a solid waste facility must monitor leachate and ground water for radium-226, radium-228, and other radionuclides; 143327
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(b) Requirements in accordance with which the owner or operator of a solid waste facility must develop procedures to ensure that technologically enhanced naturally occurring radioactive material accepted at the facility neither contains nor is contaminated with radium-226, radium-228, or any combination of radium-226 and radium-228 at concentrations equal to or greater than five picocuries per gram above natural background.

(Q) Notwithstanding any other provision of this section, the owner or operator of a solid waste facility shall not receive, accept, process, handle, manage, or dispose of technologically enhanced naturally occurring radioactive material associated with drilling operations without first obtaining representative analytical results to determine compliance with divisions (P)(2) and (3) of this section and rules adopted under it.

Sec. 3734.021. (A) Infectious wastes shall be segregated, managed, treated, and disposed of in accordance with rules adopted under this section.

(B) The director of environmental protection, in accordance with Chapter 119. of the Revised Code, shall adopt rules necessary or appropriate to protect human health or safety or the environment that do both of the following:

(1) Establish standards for generators of infectious wastes that include, without limitation, the following requirements and authorizations that:

(a) All generators of infectious wastes:

(i) Either treat all specimen cultures and cultures of viable infectious agents on the premises where they are generated to render them noninfectious by methods, techniques, or practices prescribed by rules adopted under division (B)(2)(a) of this section before they are transported off that premises for disposal

or ensure that such wastes are treated to render them 143360
noninfectious at an infectious waste treatment facility off that 143361
premises prior to disposal of the wastes; 143362

(ii) Transport and dispose of infectious wastes, if a 143363
generator produces fewer than fifty pounds of infectious wastes 143364
during any one month that are subject to and packaged and labeled 143365
in accordance with federal requirements, in the same manner as 143366
solid wastes. Such generators who treat specimen cultures and 143367
cultures of viable infectious agents on the premises where they 143368
are generated shall not be considered treatment facilities as 143369
"treatment" and "facility" are defined in section 3734.01 of the 143370
Revised Code. 143371

(iii) Dispose of infectious wastes subject to and treated in 143372
accordance with rules adopted under division (B)(1)(a)(i) of this 143373
section in the same manner as solid wastes; 143374

(iv) May take wastes generated in providing care to a patient 143375
by an emergency medical services organization, as defined in 143376
section 4765.01 of the Revised Code, to and leave them at a 143377
hospital, as defined in section 3727.01 of the Revised Code, for 143378
treatment at a treatment facility owned or operated by the 143379
hospital or, in conjunction with infectious wastes generated by 143380
the hospital, at another treatment facility regardless of whether 143381
the wastes were generated in providing care to the patient at the 143382
scene of an emergency or during the transportation of the patient 143383
to a hospital; 143384

(v) May take wastes generated by an individual for purposes 143385
of the individual's own care or treatment to and leave them at a 143386
hospital, as defined in section 3727.01 of the Revised Code, for 143387
treatment at a treatment facility owned or operated by the 143388
hospital or, in conjunction with infectious wastes generated by 143389
the hospital, at another treatment facility. 143390

(b) Each generator of fifty pounds or more of infectious wastes during any one month: 143391
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(i) Register with the environmental protection agency as a generator of infectious wastes and obtain a registration certificate. The fee for issuance of a generator registration certificate is one hundred forty dollars payable at the time of application. The registration certificate applies to all the premises owned or operated by the generator in this state where infectious wastes are generated and shall list the address of each such premises. If a generator owns or operates facilities for the treatment of infectious wastes it generates, the certificate shall list the address and method of treatment used at each such facility. 143393
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A generator registration certificate is valid for three years from the date of issuance and shall be renewed for a term of three years upon the generator's submission of an application for renewal and payment of a one hundred forty dollar renewal fee. 143404
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The rules may establish a system of staggered renewal dates with approximately one-third of such certificates subject to renewal each year. The applicable renewal date shall be prescribed on each registration certificate. Registration fees shall be prorated according to the time remaining in the registration cycle to the nearest year. 143408
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The registration and renewal fees collected under division (B)(1)(b)(i) of this section shall be deposited in the state treasury to the credit of the waste management fund created in section 3734.061 of the Revised Code. 143414
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(ii) Segregate infectious wastes from other wastes at the point of generation. Nothing in this section and rules adopted under it prohibits a generator of infectious wastes from designating and managing any wastes, in addition to those defined 143418
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as infectious wastes under section 3734.01 of the Revised Code, as 143422
infectious wastes. After designating any such other wastes as 143423
infectious, the generator shall manage those wastes in compliance 143424
with the requirements of this chapter and rules adopted under it 143425
applicable to the management of infectious wastes. 143426

(iii) Either treat the infectious wastes that it generates at 143427
a facility owned or operated by the generator by methods, 143428
techniques, or practices prescribed by rules adopted under 143429
division (B)(2)(a) of this section to render them noninfectious, 143430
or designate the wastes for treatment off that premises at an 143431
infectious waste treatment facility holding a license issued under 143432
division (B) of section 3734.05 of the Revised Code, at an 143433
infectious waste treatment facility that is located in another 143434
state that is in compliance with applicable state and federal 143435
laws, or at a treatment facility authorized by rules adopted under 143436
division (B)(2)(d) of this section, prior to disposal of the 143437
wastes. After being treated to render them noninfectious, the 143438
wastes shall be disposed of at a solid waste disposal facility 143439
holding a license issued under division (A) of section 3734.05 of 143440
the Revised Code or at a disposal facility in another state that 143441
is in compliance with applicable state and federal laws. 143442

(iv) Not compact or grind any type of infectious wastes prior 143443
to treatment in accordance with rules adopted under division 143444
(B)(2)(a) of this section; 143445

(v) May discharge untreated liquid or semiliquid infectious 143446
wastes consisting of blood, blood products, body fluids, and 143447
excreta into a disposal system, as defined in section 6111.01 of 143448
the Revised Code, unless the discharge of those wastes into a 143449
disposal system is inconsistent with the terms and conditions of 143450
the permit for the system issued under Chapter 6111. of the 143451
Revised Code; 143452

(vi) May transport or cause to be transported infectious 143453

wastes that have been treated to render them noninfectious in the same manner as solid wastes are transported.

(2) Establish standards for owners and operators of infectious waste treatment facilities that include, without limitation, the following requirements and authorizations that:

(a) Require treatment of all wastes received to be performed in accordance with methods, techniques, and practices approved by the director;

(b) Govern the location, design, construction, and operation of infectious waste treatment facilities. The rules adopted under division (B)(2)(b) of this section shall require that a new infectious waste incineration facility be located so that the incinerator unit and all areas where infectious wastes are handled on the premises where the facility is proposed to be located are at least three hundred feet inside the property line of the tract of land on which the facility is proposed to be located and are at least one thousand feet from any domicile, school, prison, or jail that is in existence on the date on which the application for the permit to establish the incinerator is submitted under division (B)(2)(b) of section 3734.05 of the Revised Code.

(c) Establish quality control and testing procedures to ensure compliance with the rules adopted under division (B)(2)(b) of this section;

(d) Authorize infectious wastes to be treated at a facility that holds a license or renewal of a license to operate a crematory facility issued under Chapter 4717., and a permit issued under Chapter 3704., of the Revised Code to the extent that the treatment of those wastes is consistent with that permit and its terms and conditions. The rules adopted under divisions (B)(2)(b) and (c) of this section do not apply to a facility holding such a license and permit.

In adopting the rules required by divisions (B)(2)(a) to (d) 143485
of this section, the director shall consider and, to the maximum 143486
feasible extent, utilize existing standards and guidelines 143487
established by professional and governmental organizations having 143488
expertise in the fields of infection control and infectious wastes 143489
management. 143490

(e) Require shipping papers to accompany shipments of wastes 143491
that have been treated to render them noninfectious. The shipping 143492
papers shall include only the following elements: 143493

(i) The name of the owner or operator of the facility where 143494
the wastes were treated and the address of the treatment facility; 143495
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(ii) A certification by the owner or operator of the 143497
treatment facility where the wastes were treated indicating that 143498
the wastes have been treated by the methods, techniques, and 143499
practices prescribed in rules adopted under division (B)(2)(a) of 143500
this section. 143501

(C) This section and rules adopted under it do not apply to 143502
the treatment or disposal of wastes consisting of dead animals or 143503
parts thereof, or the blood of animals: 143504

(1) By the owner of the animal after slaughter by the owner 143505
on the owner's premises to obtain meat for consumption by the 143506
owner and the members of the owner's household; 143507

(2) In accordance with Chapter 941. of the Revised Code; or 143508

(3) By persons who are subject to any of the following: 143509

(a) Inspection under the "Federal Meat Inspection Act," 81 143510
Stat. 584 (1967), 21 U.S.C.A. 603, as amended; 143511

(b) Chapter 918. of the Revised Code; 143512

(c) Chapter 953. of the Revised Code. 143513

(D) As used in this section, "generator" means a person who produces infectious wastes at a specific premises.

(E) Rules adopted under this section shall not concern or relate to personnel policies, salaries, wages, fringe benefits, or other conditions of employment of employees of persons owning or operating infectious waste treatment facilities.

(F)(1) The director, in accordance with Chapter 119. of the Revised Code, shall adopt rules governing the issuance, modification, revocation, suspension, and denial of variances from the rules adopted under division (B) of this section. Variances shall be issued, modified, revoked, suspended, or denied in accordance with division (F) of this section, rules adopted under it, and Chapter 3745. of the Revised Code.

(2) A person who desires to obtain a variance or renew a variance from the rules adopted under division (B) of this section shall submit to the director an application as prescribed by the director. The application shall contain detail plans, specifications, and information regarding objectives, procedures, controls, and any other information that the director may require. The director shall issue, renew, or deny a variance or renewal of a variance within six months of the date on which the director receives a complete application with all required information and data.

(3) The director may hold a public hearing on an application submitted under division (F) of this section for a variance at a location in the county in which the operations that are the subject of the application for a variance or renewal of variance are conducted. Not less than twenty days before the hearing, the director shall provide to the applicant notice of the hearing by certified mail or by another type of mail that is accompanied by a receipt and shall publish notice of the hearing at least one time in a newspaper of general circulation in the county in which the

hearing is to be held or may instead provide public notice by 143546
publication on the environmental protection agency's web site. The 143547
director shall make a complete stenographic record or electronic 143548
record of testimony and other evidence submitted at the hearing. 143549
Not later than ten days after the hearing, the director shall make 143550
a written determination to issue, renew, or deny the variance and 143551
shall enter the determination and the basis for it into the record 143552
of the hearing. 143553

(4) A variance shall not be issued, modified, revoked, or 143554
denied under division (F) of this section until the director has 143555
considered the relative interests of the applicant, other persons 143556
and property that will be affected by the variance, and the 143557
general public. The director shall grant a variance only if the 143558
applicant demonstrates to the director's satisfaction that the 143559
requested action will not create a nuisance or a hazard to the 143560
health or safety of the public or to the environment. In granting 143561
a variance, the director shall state the specific provision or 143562
provisions whose terms are to be varied and also shall state 143563
specific terms or conditions imposed on the applicant in place of 143564
the provision or provisions. 143565

(5) A variance granted under division (F) of this section 143566
shall be for a period specified by the director and may be renewed 143567
from time to time on terms and for periods that the director 143568
determines to be appropriate. The director may order the person to 143569
whom a variance has been issued to take action within the time 143570
that the director determines to be appropriate and reasonable to 143571
prevent the creation of a nuisance or a hazard to the health or 143572
safety of the public or to the environment. 143573

(6) An application submitted under division (F) of this 143574
section shall not be denied and a variance shall not be revoked or 143575
modified under that division without a written order of the 143576
director stating the findings on which the denial, revocation, or 143577

modification is based. A copy of the order shall be sent to the 143578
applicant or holder of a variance by certified mail or by another 143579
type of mail that is accompanied by a receipt. 143580

(7) The director shall make available for public inspection 143581
at the principal office of the environmental protection agency a 143582
current list of pending applications for variances submitted under 143583
division (F) of this section and a current schedule of pending 143584
variance hearings under it. 143585

Sec. 3734.575. (A) The board of county commissioners of a 143586
county solid waste management district and the board of directors 143587
of a joint solid waste management district that is levying fees or 143588
amended fees or receiving fee revenue under division (B) of 143589
section 3734.57; section 3734.571, 3734.572, or 3734.573; or 143590
division (A), (B), or (D) of section 3734.574 of the Revised Code, 143591
within thirty days after the end of each calendar quarter, shall 143592
submit to the director of environmental protection a report 143593
containing all of the following information for that preceding 143594
quarter: 143595

(1) The specific fees levied by the district; 143596

(2) Revenues received by the district during the quarter from 143597
each of those sources, as applicable; 143598

(3) All district planning account balances; 143599

(4) The amount and use of revenues spent; 143600

(5) A certification statement that the information in the 143601
report is true and accurate. 143602

A board shall submit each report on forms prescribed by the 143603
director and ~~by computer disk as~~ in a manner prescribed by ~~him~~ the 143604
director. A board is responsible for the accuracy of the 143605
information contained in each report and for providing it to the 143606
director not later than the deadline established in this division. 143607

Annually by not earlier than the first day of April, the 143608
director shall submit a compilation of the individual district 143609
reports received during the preceding calendar year to the speaker 143610
of the house of representatives and the president of the senate. 143611
In submitting the compilation, the director's sole responsibility 143612
shall be to compile the information submitted by the boards under 143613
this division. 143614

(B) If changes in the 1994 budget of a county or joint 143615
district result from the required change in the fees levied by the 143616
district under division (B) of section 3734.57 of the Revised 143617
Code, the levying of the fees under section 3734.573 of the 143618
Revised Code, or the levying of fees under division (A) or (B) of 143619
section 3734.574 of the Revised Code, the board of county 143620
commissioners or directors of the district shall include a 143621
description of the changes in the annual report of the district 143622
required to be submitted to the director pursuant to rules adopted 143623
under section 3734.50 of the Revised Code. 143624

Sec. 3745.019. (A) Notwithstanding any provision of the 143625
Revised Code or Administrative Code requiring the director of 143626
environmental protection to provide public notice by publication 143627
in one or more newspapers, including one or more newspapers of 143628
general circulation, the director may instead provide public 143629
notice by publication on the environmental protection agency's 143630
official web site. 143631

(B) Notwithstanding any provision of the Revised Code or 143632
Administrative Code requiring the director of environmental 143633
protection to deliver a document or notice by certified mail, the 143634
director may instead deliver the document or notice by any method 143635
capable of documenting the intended recipient's receipt of the 143636
document or notice. 143637

Sec. 3746.09. (A) A person who proposes to enter into or who
is participating in the voluntary action program under this
chapter and rules adopted under it, in accordance with this
section and rules adopted under division (B)(10) of section
3746.04 of the Revised Code, may apply to the director of
environmental protection for a variance from applicable standards
otherwise established in this chapter and rules adopted under it.
The application for a variance shall be prepared by a certified
professional. The director shall issue a variance from those
applicable standards only if the application makes all of the
following demonstrations to the director's satisfaction:

(1) Either or both of the following:

(a) It is technically infeasible to comply with the
applicable standards otherwise established at the property named
in the application;

(b) The costs of complying with the applicable standards
otherwise established at the property substantially exceed the
economic benefits.

(2) The proposed alternative standard or set of standards and
terms and conditions set forth in the application will result in
an improvement of environmental conditions at the property and
ensure that public health and safety will be protected.

(3) The establishment of and compliance with the alternative
standard or set of standards and terms and conditions are
necessary to promote, protect, preserve, or enhance employment
opportunities or the reuse of the property named in the
application.

A variance issued under this section shall state the specific
standard or standards whose terms are being varied and shall set
forth the specific alternative standard or set of standards and

the terms and conditions imposed on the applicant in their place. 143668
A variance issued under this section shall include only standards 143669
and terms and conditions proposed by the applicant in the 143670
application, except that the director may impose any additional or 143671
alternative terms and conditions that the director determines to 143672
be necessary to ensure that public health and safety will be 143673
protected. If the director finds that compliance with any standard 143674
or term or condition proposed by the applicant will not protect 143675
public health and safety and that the imposition of additional or 143676
alternative terms and conditions will not ensure that public 143677
health or safety will be protected, the director shall disapprove 143678
the application and shall include in the order of denial the 143679
specific findings on which the denial was based. 143680

(B) Variances shall be issued or denied in accordance with 143681
this section, rules adopted under division (B)(10) of section 143682
3746.04 of the Revised Code, and Chapter 3745. of the Revised 143683
Code. Upon determining that an application for a variance is 143684
complete, the director shall schedule a public meeting on the 143685
application to be held within ninety days after the director 143686
determines that the application is complete in the county in which 143687
is located the property to which the application pertains. 143688

(C) Not less than thirty days before the date scheduled for 143689
the public meeting on an application for a variance, the director 143690
shall publish notice of the public meeting and that the director 143691
will receive written comments on the application for a period of 143692
forty-five days commencing on the date of the publication of the 143693
notice. The notice shall contain all of the following information, 143694
at a minimum: 143695

(1) The address of the property to which the application 143696
pertains; 143697

(2) A brief summary of the alternative standards and terms 143698
and conditions proposed by the applicant; 143699

(3) The date, time, and location of the public meeting. 143700

The notice shall be published in a newspaper of general 143701
circulation in the county in which the property is located and, if 143702
the property is located in close proximity to the boundary of the 143703
county with an adjacent county, as determined by the director, 143704
shall be published in a newspaper of general circulation in the 143705
adjacent county. Concurrently with the publication of the notice 143706
of the public meeting, the director shall mail notice of the 143707
application, comment period, and public meeting to the owner of 143708
each parcel of land that is adjacent to the affected property and 143709
to the legislative authority of the municipal corporation or 143710
township, and county, in which the affected property is located. 143711
The notices mailed to the adjacent land owners and legislative 143712
authorities shall contain the same information as the published 143713
notice. 143714

(D) At the public meeting on an application for a variance, 143715
the applicant, or a representative of the applicant who is 143716
knowledgeable about the affected property and the application, 143717
shall present information regarding the application and the basis 143718
of the request for the variance and shall respond to questions 143719
from the public regarding the affected property and the 143720
application. A representative of the environmental protection 143721
agency who is familiar with the affected property and the 143722
application shall attend the public meeting to hear the public's 143723
comments and to respond to questions from the public regarding the 143724
affected property and the application. A stenographic record or 143725
electronic record of the proceedings at the public meeting shall 143726
be kept and shall be made a part of the administrative record 143727
regarding the application. 143728

(E) Within ninety days after conducting the public meeting on 143729
an application for a variance under division (D) of this section, 143730
the director shall issue a proposed action to the applicant in 143731

accordance with section 3745.07 of the Revised Code that indicates 143732
the director's intent with regard to the issuance or denial of the 143733
application. When considering whether to issue or deny the 143734
application or whether to impose terms and conditions of the 143735
variance that are in addition or alternative to those proposed by 143736
the applicant, the director shall consider comments on the 143737
application made by the public at the public meeting and written 143738
comments on the application received from the public. 143739

Sec. 3752.11. (A) As used in this section: 143740

(1) "Reporting facility" means a reporting facility at which 143741
all regulated operations have been temporarily or permanently 143742
discontinued. 143743

(2) "Abandoned by the owner" means either of the following 143744
that occurs on or after ~~the effective date of this section~~ July 1, 143745
1996: 143746

(a) All of the fee owners of a reporting facility have 143747
indicated ~~affirmately~~ affirmatively in writing to the holder of 143748
the first mortgage on the real property at the facility that they, 143749
and all tenants claiming possession under those owners, have 143750
abandoned all rights of possession to the reporting facility; 143751

(b) The first mortgage loan on the real property at the 143752
reporting facility is in default, the property is not occupied by 143753
any tenants, and the holder of the first ~~morgage~~ mortgage has been 143754
unable to contact the mortgagor under the mortgage regarding the 143755
default within the earlier of ninety days after the default or 143756
sixty days after the first time the first mortgage holder has 143757
attempted unsuccessfully to contact the mortgagor following the 143758
default if the first mortgage holder is unable to contact the 143759
mortgagor within the sixty-day period. 143760

(3) "Default" means the failure of the mortgagor to make any 143761

payment to the holder of the first mortgage required by the terms 143762
of the mortgage documents that is not cured by the mortgagor 143763
within any applicable cure periods, deferred with the consent of 143764
the holder of the first mortgage, or waived by the holder of the 143765
first mortgage. 143766

(4) "Contact" means actual person to person, telephonic, or 143767
similar direct voice conversation between the holder of the first 143768
mortgage and the mortgagor or written correspondence from the 143769
mortgagor to the holder of the first mortgage by mail, ~~telegram,~~ 143770
~~telefax~~ any other method capable of documenting the intended 143771
recipient's receipt of the document or notice, or similar means of 143772
communication. 143773

(B) Not later than fifteen days after a reporting facility 143774
has been abandoned by the owner, the holder of the first mortgage 143775
on real property at the reporting facility shall do both of the 143776
following: 143777

(1) Secure against unauthorized entry each building or 143778
structure at the facility where regulated operations were 143779
conducted and that contains or is contaminated with regulated 143780
substances and each outdoor location of operation. The holder 143781
shall secure each such building, structure, or outdoor location of 143782
operation by boarding windows, doors, and other potential means of 143783
entry, by providing security personnel, or by other methods 143784
prescribed in rules adopted under section 3752.03 of the Revised 143785
Code. Within that period, the holder also shall post about each 143786
such building, structure, or outdoor location of operation in 143787
publicly visible locations warning signs that prohibit trespassing 143788
and state that the building, structure, or outdoor location of 143789
operation contains or is contaminated with regulated substances 143790
that may endanger public health or safety if released into the 143791
environment. The holder shall continue the security measures, and 143792
maintain the warning signs, as required at each such building, 143793

structure, or outdoor location of operation until title to the 143794
facility has been transferred or until the holder files a release 143795
of the mortgage with the county recorder of the county in which 143796
the facility is located. Promptly after discovering that any of 143797
the entry barriers or warning signs installed pursuant to division 143798
(B)(1) of this section have been damaged, lost, or removed, the 143799
holder shall repair or replace them in order to maintain the 143800
security of the building, structure, or outdoor location of 143801
operation. 143802

(2) Submit to the director of environmental protection, the 143803
local emergency planning committee of the emergency planning 143804
district in which the facility is located, and the fire department 143805
having jurisdiction where the facility is located a notice of the 143806
abandonment of the facility by the owner and of the holder's 143807
compliance with division (B)(1) of this section. The holder shall 143808
submit the notice on a form prescribed by the director. 143809

(C) Within thirty days before the date when the holder of a 143810
mortgage will cease to maintain security and warning signs at a 143811
reporting facility pursuant to the filing of a release of the 143812
mortgage as provided in division (B)(1) of this section, the 143813
holder shall so notify the director, the local emergency planning 143814
committee of the emergency planning district in which the facility 143815
is located, and the fire department having jurisdiction where the 143816
facility is located. The holder shall submit the notice on a form 143817
prescribed by the director. 143818

(D) Actions undertaken by a holder of a mortgage under 143819
division (B) of this section, and the undertaking of any other 143820
activities relating to protecting and securing the facility, do 143821
not cause the holder to be an owner, operator, or mortgagee in 143822
possession of the facility or subject the holder to this chapter 143823
or any other provision of state law imposing liability or 143824
responsibility for the cleanup, removal, or remediation of 143825

regulated substances, provided that all activities not specified 143826
in that division shall be performed in compliance with the 143827
applicable requirements of Chapters 3704., 3714., 3734., 3737., 143828
3750., 3751., 6109., and 6111. of the Revised Code and rules 143829
adopted under them. 143830

(E) The holder of a mortgage who proceeds in good faith under 143831
divisions (B) and (C) of this section is not liable to the owner 143832
of the facility or the mortgagor, as appropriate, for damages 143833
suffered by the owner or mortgagor due to actions taken by the 143834
holder under those divisions. 143835

(F) Nothing in this section prevents the holder of a first 143836
mortgage from applying to the court for the appointment of a 143837
receiver. If a receiver is appointed, the receiver shall succeed 143838
to the obligations of the holder of the first mortgage under 143839
divisions (B) and (C) of this section. 143840

(G) No person shall fail to comply with this section. 143841

Sec. 3772.031. (A)(1) The general assembly finds that the 143842
exclusion or ejection of certain persons from casino facilities 143843
and from sports gaming is necessary to effectuate the intents and 143844
purposes of this chapter and Chapter 3775. of the Revised Code and 143845
to maintain strict and effective regulation of casino gaming and 143846
sports gaming. 143847

(2) The commission, by rule, shall provide for a list of 143848
persons who are to be excluded or ejected from a casino facility 143849
and a list of persons who are to be excluded or ejected from a 143850
sports gaming facility and from participating in the play or 143851
operation of sports gaming in this state. Persons included on an 143852
exclusion list shall be identified by name and physical 143853
description. The commission shall publish the exclusion lists on 143854
its web site, and shall transmit a copy of the exclusion lists 143855
periodically to casino operators and sports gaming proprietors, as 143856

applicable, as they are initially issued and thereafter as they are revised from time to time. 143857
143858

(3) A casino operator shall take steps necessary to ensure that all its key employees and casino gaming employees are aware of and understand the casino exclusion list and its function, and that all its key employees and casino gaming employees are kept aware of the content of the casino exclusion list as it is issued and thereafter revised from time to time. 143859
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(4) A sports gaming proprietor shall take steps necessary to ensure that its appropriate agents and employees are aware of and understand the sports gaming exclusion list and its function, and that all its appropriate agents and employees are kept aware of the content of the sports gaming exclusion list as it is issued and thereafter revised from time to time. 143865
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(B) The casino exclusion list may include any person whose presence in a casino facility is determined by the commission to pose a threat to the interests of the state, to achieving the intents and purposes of this chapter, or to the strict and effective regulation of casino gaming. The sports gaming exclusion list may include any person whose presence in a sports gaming facility or whose participation in the play or operation of sports gaming in this state is determined by the commission to pose a threat to the interests of the state, to achieving the intents and purposes of Chapter 3775. of the Revised Code, or to the strict and effective regulation of sports gaming. In determining whether to include a person on an exclusion list, the commission may consider: 143871
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(1) Any prior conviction of a crime that is a felony under the laws of this state, another state, or the United States, a crime involving moral turpitude, or a violation of the gaming laws of this state, another state, or the United States; and 143884
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(2) A violation, or a conspiracy to violate, any provision of this chapter or Chapter 3775. of the Revised Code, as applicable, that consists of:

(a) A failure to disclose an interest in a gaming facility or a sports gaming-related person or entity for which the person must obtain a license;

(b) Purposeful evasion of taxes or fees;

(c) A notorious or unsavory reputation that would adversely affect public confidence and trust that casino gaming or sports gaming is free from criminal or corruptive elements; or

(d) A violation of an order of the commission or of any other governmental agency that warrants exclusion or ejection of the person from a casino facility, from a sports gaming facility, or from participating in the play or operation of sports gaming in this state.

(3) If the person has pending charges or indictments for a gaming or gambling crime or a crime related to the integrity of gaming operations in any state;

(4) If the person's conduct or reputation is such that the person's presence within a casino facility or in the sports gaming industry in this state may call into question the honesty and integrity of the casino gaming or sports gaming operations or interfere with the orderly conduct of the casino gaming or sports gaming operations;

(5) If the person is a career or professional offender whose presence in a casino facility or in the sports gaming industry in this state would be adverse to the interest of licensed gaming in this state;

(6) If the person has a known relationship or connection with a career or professional offender whose presence in a casino

facility or in the sports gaming industry in this state would be 143918
adverse to the interest of licensed gaming in this state; 143919

(7) If the commission has suspended the person's gaming 143920
privileges; 143921

(8) If the commission has revoked the person's licenses 143922
related to this chapter or Chapter 3775. of the Revised Code; 143923

(9) If the commission determines that the person poses a 143924
threat to the safety of patrons or employees of a casino facility 143925
or a sports gaming facility; 143926

(10) If the person has a history of conduct involving the 143927
disruption of gaming operations within a casino facility or in the 143928
sports gaming industry in this state. 143929

Race, color, creed, national origin or ancestry, or sex are 143930
not grounds for placing a person on an exclusion list. 143931

(C) The commission shall notify a person of the commission's 143932
intent to include such person on one or both exclusion lists. The 143933
notice shall be provided by personal service, by certified mail to 143934
the person's last known address, by commercial carrier utilizing a 143935
method of delivery that provides confirmation of delivery, or, if 143936
service cannot be accomplished by personal service ~~or~~, certified 143937
mail, or commercial carrier, by publication daily for two weeks in 143938
a newspaper of general circulation within the county in which the 143939
person resides and in a newspaper of general circulation within 143940
each county in which a casino facility or sports gaming facility, 143941
as applicable, is located. 143942

(D)(1) Except as otherwise provided in this section, a person 143943
who receives notice of intent to include the person on an 143944
exclusion list is entitled, upon the person's request, to an 143945
adjudication hearing under Chapter 119. of the Revised Code, in 143946
which the person may demonstrate why the person should not be 143947
included on the exclusion list or lists. The person shall request 143948

such an adjudication hearing not later than thirty days after the 143949
person receives the notice by personal service ~~or~~, certified mail, 143950
or commercial carrier, or not later than thirty days after the 143951
last newspaper publication of the notice. 143952

(2) If the person does not request a hearing in accordance 143953
with division (D)(1) of this section, the commission may, but is 143954
not required to, conduct an adjudication hearing under Chapter 143955
119. of the Revised Code. The commission may reopen an 143956
adjudication under this section at any time. 143957

(3) If the adjudication hearing, order, or any appeal thereof 143958
under Chapter 119. of the Revised Code results in an order that 143959
the person should not be included on the exclusion list or lists, 143960
the commission shall publish a revised exclusion list that does 143961
not include the person. The commission also shall notify casino 143962
operators or sports gaming proprietors, as applicable, that the 143963
person has been removed from the exclusion list or lists. A casino 143964
operator shall take all steps necessary to ensure its key 143965
employees and casino gaming employees are made aware that the 143966
person has been removed from the casino exclusion list. A sports 143967
gaming proprietor shall take all steps necessary to ensure its 143968
appropriate agents and employees are made aware that the person 143969
has been removed from the sports gaming exclusion list. 143970

(E) This section does not apply to any voluntary exclusion 143971
list created as part of a voluntary exclusion program under this 143972
chapter or Chapter 3775. of the Revised Code. 143973

Sec. 3772.04. (A)(1) If the commission concludes that an 143974
applicant, licensee, or other person subject to the commission's 143975
jurisdiction under this chapter should be fined or penalized, or 143976
that a license required by this chapter or Chapter 3775. of the 143977
Revised Code should be limited, conditioned, restricted, 143978
suspended, revoked, denied, or not renewed, the commission may, 143979

and if so requested by the licensee, applicant, or other person, 143980
shall, conduct a hearing in an adjudication under Chapter 119. of 143981
the Revised Code. After notice and opportunity for a hearing, the 143982
commission may fine or penalize the applicant, licensee, or other 143983
person or limit, condition, restrict, suspend, revoke, deny, or 143984
not renew a license under rules adopted by the commission. The 143985
commission may reopen an adjudication under this section at any 143986
time. 143987

(2) The commission shall appoint a hearing examiner to 143988
conduct the hearing in the adjudication. A party to the 143989
adjudication may file written objections to the hearing examiner's 143990
report and recommendations not later than the thirtieth day after 143991
they are served upon the party or the party's attorney or other 143992
representative of record. The commission shall not take up the 143993
hearing examiner's report and recommendations earlier than the 143994
thirtieth day after the hearing examiner's report and 143995
recommendations were submitted to the commission. 143996

(3) If the commission finds that a person fails or has failed 143997
to meet any requirement under this chapter or Chapter 3775. of the 143998
Revised Code or a rule adopted thereunder, or violates or has 143999
violated this chapter or Chapter 3775. of the Revised Code or a 144000
rule adopted thereunder, the commission may issue an order: 144001

(a) Limiting, conditioning, restricting, suspending, 144002
revoking, denying, or not renewing, a license issued under this 144003
chapter or Chapter 3775. of the Revised Code; 144004

(b) Requiring a casino facility to exclude a licensee from 144005
the casino facility or requiring a casino facility not to pay to 144006
the licensee any remuneration for services or any share of 144007
profits, income, or accruals on the licensee's investment in the 144008
casino facility; or 144009

(c) Fining a licensee or other person according to the 144010

penalties adopted by the commission.	144011
(4) An order may be judicially reviewed under section 119.12 of the Revised Code.	144012 144013
(B) Without in any manner limiting the authority of the commission to impose the level and type of discipline the commission considers appropriate, the commission may take into consideration the following:	144014 144015 144016 144017
(1) If the licensee knew or reasonably should have known that the action complained of was a violation of any law, rule, or condition on the licensee's license;	144018 144019 144020
(2) If the licensee has previously been disciplined by the commission;	144021 144022
(3) If the licensee has previously been subject to discipline by the commission concerning the violation of any law, rule, or condition of the licensee's license;	144023 144024 144025
(4) If the licensee reasonably relied upon professional advice from a lawyer, doctor, accountant, or other recognized professional that was relevant to the action resulting in the violation;	144026 144027 144028 144029
(5) If the licensee or the licensee's employer had a reasonably constituted and functioning compliance program;	144030 144031
(6) If the imposition of a condition requiring the licensee to establish and implement a written self-enforcement and compliance program would assist in ensuring the licensee's future compliance with all statutes, rules, and conditions of the license;	144032 144033 144034 144035 144036
(7) If the licensee realized a pecuniary gain from the violation;	144037 144038
(8) If the amount of any fine or other penalty imposed would result in disgorgement of any gains unlawfully realized by the	144039 144040

licensee;	144041
(9) If the violation was caused by an officer or employee of the licensee, the level of authority of the individual who caused the violation;	144042 144043 144044
(10) If the individual who caused the violation acted within the scope of the individual's authority as granted by the licensee;	144045 144046 144047
(11) The adequacy of any training programs offered by the licensee or the licensee's employer that were relevant to the activity that resulted in the violation;	144048 144049 144050
(12) If the licensee's action substantially deviated from industry standards and customs;	144051 144052
(13) The extent to which the licensee cooperated with the commission during the investigation of the violation;	144053 144054
(14) If the licensee has initiated remedial measures to prevent similar violations;	144055 144056
(15) The magnitude of penalties imposed on other licensees for similar violations;	144057 144058
(16) The proportionality of the penalty in relation to the misconduct;	144059 144060
(17) The extent to which the amount of any fine imposed would punish the licensee for the conduct and deter future violations;	144061 144062
(18) Any mitigating factors offered by the licensee; and	144063
(19) Any other factors the commission considers relevant.	144064
(C) For the purpose of conducting any study or investigation, the commission may direct that public hearings be held at a time and place, prescribed by the commission, in accordance with section 121.22 of the Revised Code. The commission shall give notice of all public hearings in such manner as will give actual	144065 144066 144067 144068 144069

notice to all interested parties. 144070

(D)(1) For the purpose of conducting the hearing in an 144071
adjudication under division (A) of this section, or in the 144072
discharge of any duties imposed by this chapter or Chapter 3775. 144073
of the Revised Code, the commission may require that testimony be 144074
given under oath and administer such oath, issue subpoenas 144075
compelling the attendance of witnesses and the production of any 144076
papers, books, and accounts, directed to the sheriffs of the 144077
counties where such witnesses or papers, books, and accounts are 144078
found and cause the deposition of any witness. The subpoenas shall 144079
be served and returned in the same manner as subpoenas in criminal 144080
cases are served and returned. The fees of sheriffs shall be the 144081
same as those allowed by the court of common pleas in criminal 144082
cases. 144083

(2) In the event of the refusal of any person without good 144084
cause to comply with the terms of a subpoena issued by the 144085
commission or refusal to testify on matters about which the person 144086
may lawfully be questioned, the prosecuting attorney of the county 144087
in which such person resides, upon the petition of the commission, 144088
may bring a proceeding for contempt against such person in the 144089
court of common pleas of that county. 144090

(3) Witnesses shall be paid the fees and mileage provided for 144091
in section 119.094 of the Revised Code. 144092

(4) All fees and mileage expenses incurred at the request of 144093
a party shall be paid in advance by the party. 144094

(E) When conducting a public hearing, the commission shall 144095
not limit the number of speakers who may testify. However, the 144096
commission may set reasonable time limits on the length of an 144097
individual's testimony or the total amount of time allotted to 144098
proponents and opponents of an issue before the commission. 144099

(F) The commission may rely, in whole or in part, upon 144100

investigations, conclusions, or findings of other casino gaming or 144101
sports gaming commissions, as applicable, or other government 144102
regulatory bodies in connection with licensing, investigations, or 144103
other matters relating to an applicant or licensee under this 144104
chapter. 144105

(G) Notwithstanding anything to the contrary in this chapter 144106
or Chapter 3775. of the Revised Code, and except with respect to a 144107
license issued under this chapter to a casino operator, management 144108
company, or holding company, the executive director may issue an 144109
emergency order for the suspension, limitation, or conditioning of 144110
any license, registration, approval, or certificate issued, 144111
approved, granted, or otherwise authorized by the commission under 144112
Chapter 3772. or 3775. of the Revised Code or the rules adopted 144113
thereunder, requiring the inclusion of persons on the casino 144114
exclusion list or sports gaming exclusion list provided for under 144115
section 3772.031 of the Revised Code or Chapter 3775. of the 144116
Revised Code and the rules adopted thereunder, and requiring a 144117
casino facility not to pay a licensee, registrant, or approved or 144118
certified person any remuneration for services or any share of 144119
profits, income, or accruals on that person's investment in the 144120
casino facility. 144121

(1) An emergency order may be issued when the executive 144122
director finds either of the following: 144123

(a) A licensee, registrant, or approved or certified person 144124
has been charged with a violation of any of the criminal laws of 144125
this state, another state, or the federal government; 144126

(b) Such an action is necessary to prevent a violation of 144127
this chapter or Chapter 3775. of the Revised Code or a rule 144128
adopted thereunder. 144129

(2) An emergency order issued under division (G) of this 144130
section shall state the reasons for the commission's action, cite 144131

the law or rule directly involved, and state that the party will 144132
be afforded a hearing if the party requests it within thirty days 144133
after the time of mailing or personal delivery of the order. 144134

(3)(a) Not later than the next business day after the 144135
issuance of the emergency order, the order shall be sent by 144136
registered or certified mail, return receipt requested, or by 144137
commercial carrier utilizing any form of delivery requiring a 144138
signed receipt, to the party at the party's last known mailing 144139
address appearing in the commission's records or personally 144140
delivered at any time to the party by an employee or agent of the 144141
commission. 144142

(b) A copy of the order shall be mailed or an electronic copy 144143
provided to the attorney or other representative of record 144144
representing the party. 144145

(c) If the order sent by registered or certified mail or by 144146
commercial carrier is returned because the party fails to claim 144147
the order, the commission shall send the order by ordinary mail to 144148
the party at the party's last known address and shall obtain a 144149
certificate of mailing. Service by ordinary mail is complete when 144150
the certificate of mailing is obtained unless the order is 144151
returned showing failure of delivery. 144152

(d) If the order sent by commercial carrier or registered, 144153
certified, or ordinary mail is returned for failure of delivery, 144154
the commission shall either make personal delivery of the order by 144155
an employee or agent of the commission or cause a summary of the 144156
substantive provisions of the order to be published once a week 144157
for three consecutive weeks in a newspaper of general circulation 144158
in the county where the last known address of the party is 144159
located. 144160

(i) Failure of delivery occurs only when a mailed order is 144161
returned by the postal authorities or commercial carrier marked 144162

undeliverable, address or addressee unknown, or forwarding address 144163
unknown or expired. 144164

(ii) When service is completed by publication, a proof of 144165
publication affidavit, with the first publication of the summary 144166
set forth in the affidavit, shall be mailed by ordinary mail to 144167
the party at the party's last known address and the order shall be 144168
deemed received as of the date of the last publication. 144169

(e) Refusal of delivery of the order sent by mail or 144170
personally delivered to the party is not failure of delivery and 144171
service is deemed to be complete. 144172

(4) The emergency order shall be effective immediately upon 144173
service of the order on the party. The emergency order shall 144174
remain effective until further order of the executive director or 144175
the commission. 144176

(5) The commission may, and if so requested by the person 144177
affected by the emergency order shall, promptly conduct a hearing 144178
in an adjudication under Chapter 119. of the Revised Code. 144179

Sec. 3772.11. (A) A person may apply to the commission for a 144180
casino operator, management company, or holding company license to 144181
conduct casino gaming at a casino facility as provided in this 144182
chapter. The application shall be ~~made under oath~~ certified as 144183
true on forms provided by the commission and shall contain 144184
information as prescribed by rule, including, but not limited to, 144185
all of the following: 144186

(1) The name, business address, business telephone number, 144187
social security number, and, where applicable, the federal tax 144188
identification number of any applicant; 144189

(2) The identity of every person having a greater than five 144190
per cent direct or indirect interest in the applicant casino 144191
facility for which the license is sought; 144192

(3) An identification of any business, including the state of 144193
incorporation or registration if applicable, in which an 144194
applicant, or the spouse or children of an applicant, has an 144195
equity interest of more than five per cent; 144196

(4) The name of any casino operator, management company, 144197
holding company, and gaming-related vendor in which the applicant 144198
has an equity interest of at least five per cent; 144199

(5) If an applicant has ever applied for or has been granted 144200
any gaming license or certificate issued by a licensing authority 144201
in Ohio or any other jurisdiction that has been denied, 144202
restricted, suspended, revoked, or not renewed and a statement 144203
describing the facts and circumstances concerning the application, 144204
denial, restriction, suspension, revocation, or nonrenewal, 144205
including the licensing authority, the date each action was taken, 144206
and the reason for each action; 144207

(6) If an applicant has ever filed or had filed against it a 144208
civil or administrative action or proceeding in bankruptcy, 144209
including the date of filing, the name and location of the court, 144210
the case caption, the docket number, and the disposition; 144211

(7) The name and business telephone number of any attorney 144212
representing an applicant in matters before the commission; 144213

(8) Information concerning the amount, type of tax, the 144214
taxing agency, and times involved, if the applicant has filed or 144215
been served with a complaint or notice filed with a public body 144216
concerning a delinquency in the payment of or a dispute over a 144217
filing concerning the payment of a tax required under federal, 144218
state, or local law; 144219

(9) A description of any proposed casino gaming operation and 144220
related casino enterprises, including the type of casino facility, 144221
location, expected economic benefit to the community, anticipated 144222
or actual number of employees, any statement from an applicant 144223

regarding compliance with federal and state affirmative action 144224
guidelines, projected or actual admissions, projected or actual 144225
gross receipts, and scientific market research; 144226

(10) Financial information in the manner and form prescribed 144227
by the commission; 144228

(11) If an applicant has directly made a political 144229
contribution, loan, donation, or other payment of one hundred 144230
dollars or more to a statewide office holder, a member of the 144231
general assembly, a local government official elected in a 144232
jurisdiction where a casino facility is located, or a ballot issue 144233
not more than one year before the date the applicant filed the 144234
application and all information relating to the contribution, 144235
loan, donation, or other payment; 144236

(12) Any criminal conviction; and 144237

(13) Other information required by the commission under rules 144238
adopted by the commission. 144239

(B) Any holding company or management company, its directors, 144240
executive officers, members, managers, and any shareholder who 144241
holds more than five per cent ownership interest of a holding 144242
company or management company shall be required to submit the same 144243
information as required by an applicant under this section. 144244

Sec. 3772.12. (A) A person may apply for a gaming-related 144245
vendor license. All applications shall be ~~made under oath~~ 144246
certified as true. 144247

(B) A person who holds a gaming-related vendor's license is 144248
authorized to sell or lease, and to contract to sell or lease, 144249
equipment and supplies to any licensee involved in the ownership 144250
or management of a casino facility. 144251

(C) Gambling supplies and equipment shall not be distributed 144252
unless supplies and equipment conform to standards adopted in 144253

rules adopted by the commission. 144254

Sec. 3772.13. (A) No person may be employed as a key employee 144255
of a casino operator, management company, or holding company 144256
unless the person is the holder of a valid key employee license 144257
issued by the commission. 144258

(B) No person may be employed as a key employee of a 144259
gaming-related vendor unless that person is either the holder of a 144260
valid key employee license issued by the commission, or the 144261
person, at least five business days prior to the first day of 144262
employment as a key employee, has filed a notification of 144263
employment with the commission and subsequently files a completed 144264
application for a key employee license within the first thirty 144265
days of employment as a key employee. 144266

(C) Each applicant shall, before the issuance of any key 144267
employee license, produce information, documentation, and 144268
assurances as are required by this chapter and rules adopted 144269
thereunder. In addition, each applicant shall, in writing, 144270
authorize the examination of all bank accounts and records as may 144271
be deemed necessary by the commission. 144272

(D) To be eligible for a key employee license, the applicant 144273
shall be at least twenty-one years of age and shall meet the 144274
criteria set forth by rule by the commission. 144275

(E) Each application for a key employee license shall be on a 144276
form prescribed by the commission and shall contain all 144277
information required by the commission. The applicant shall set 144278
forth in the application if the applicant has been issued prior 144279
gambling-related licenses; if the applicant has been licensed in 144280
any other state under any other name, and, if so, the name under 144281
which the license was issued and the applicant's age at the time 144282
the license was issued; any criminal conviction the applicant has 144283
had; and if a permit or license issued to the applicant in any 144284

other state has been suspended, restricted, or revoked, and, if 144285
so, the cause and the duration of each action. The applicant also 144286
shall complete a cover sheet for the application on which the 144287
applicant shall disclose the applicant's name, the business 144288
address of the casino operator, management company, holding 144289
company, or gaming-related vendor employing the applicant, the 144290
business address and telephone number of such employer, and the 144291
county, state, and country in which the applicant's residence is 144292
located. 144293

(F) Each applicant shall submit with each application, on a 144294
form provided by the commission, two sets of fingerprints. The 144295
commission shall charge each applicant an application fee set by 144296
the commission to cover all actual costs generated by each 144297
licensee and all background checks under this section and section 144298
3772.07 of the Revised Code. 144299

(G)(1) The casino operator, management company, or holding 144300
company by whom a person is employed as a key employee shall 144301
terminate the person's employment in any capacity requiring a 144302
license under this chapter and shall not in any manner permit the 144303
person to exercise a significant influence over the operation of a 144304
casino facility if: 144305

(a) The person does not apply for and receive a key employee 144306
license within three months of being issued a provisional license, 144307
as established under commission rule. 144308

(b) The person's application for a key employee license is 144309
denied by the commission. 144310

(c) The person's key employee license is revoked by the 144311
commission. 144312

The commission shall notify the casino operator, management 144313
company, or holding company who employs such a person by certified 144314
mail, personal service, common carrier service utilizing any form 144315

of delivery requiring a signed receipt, or by an electronic means 144316
that provides evidence of delivery, of any such finding, denial, 144317
or revocation. 144318

(2) A casino operator, management company, or holding company 144319
shall not pay to a person whose employment is terminated under 144320
division (G)(1) of this section, any remuneration for any services 144321
performed in any capacity in which the person is required to be 144322
licensed, except for amounts due for services rendered before 144323
notice was received under that division. A contract or other 144324
agreement for personal services or for the conduct of any casino 144325
gaming at a casino facility between a casino operator, management 144326
company, or holding company and a person whose employment is 144327
terminated under division (G)(1) of this section may be terminated 144328
by the casino operator, management company, or holding company 144329
without further liability on the part of the casino operator, 144330
management company, or holding company. Any such contract or other 144331
agreement is deemed to include a term authorizing its termination 144332
without further liability on the part of the casino operator, 144333
management company, or holding company upon receiving notice under 144334
division (G)(1) of this section. That a contract or other 144335
agreement does not expressly include such a term is not a defense 144336
in any action brought to terminate the contract or other 144337
agreement, and is not grounds for relief in any action brought 144338
questioning termination of the contract or other agreement. 144339

(3) A casino operator, management company, or holding 144340
company, without having obtained the prior approval of the 144341
commission, shall not enter into any contract or other agreement 144342
with a person who has been found unsuitable, who has been denied a 144343
license, or whose license has been revoked under division (G)(1) 144344
of this section, or with any business enterprise under the control 144345
of such a person, after the date on which the casino operator, 144346
management company, or holding company receives notice under that 144347

division. 144348

Sec. 3772.131. (A) All casino gaming employees are required 144349
to have a casino gaming employee license. "Casino gaming employee" 144350
means the following and their supervisors: 144351

(1) Individuals involved in operating a casino gaming pit, 144352
including dealers, skills, clerks, hosts, and junket 144353
representatives; 144354

(2) Individuals involved in handling money, including 144355
cashiers, change persons, count teams, and coin wrappers; 144356

(3) Individuals involved in operating casino games; 144357

(4) Individuals involved in operating and maintaining slot 144358
machines, including mechanics, floor persons, and change and 144359
payoff persons; 144360

(5) Individuals involved in security, including guards and 144361
game observers; 144362

(6) Individuals with duties similar to those described in 144363
divisions (A)(1) to (5) of this section or other persons as the 144364
commission determines. "Casino gaming employee" does not include 144365
an individual whose duties are related solely to nongaming 144366
activities such as entertainment, hotel operation, maintenance, or 144367
preparing or serving food and beverages. 144368

(B) The commission may issue a casino gaming employee license 144369
to an applicant after it has determined that the applicant is 144370
eligible for a license under rules adopted by the commission and 144371
paid any applicable fee. All applications shall be ~~made under oath~~ 144372
certified as true. 144373

(C) To be eligible for a casino gaming employee license, an 144374
applicant shall be at least twenty-one years of age. 144375

(D) Each application for a casino gaming employee license 144376

shall be on a form prescribed by the commission and shall contain 144377
all information required by the commission. The applicant shall 144378
set forth in the application if the applicant has been issued 144379
prior gambling-related licenses; if the applicant has been 144380
licensed in any other state under any other name, and, if so, the 144381
name under which the license was issued and the applicant's age at 144382
the time the license was issued; any criminal conviction the 144383
applicant has had; and if a permit or license issued to the 144384
applicant in any other state has been suspended, restricted, or 144385
revoked, and, if so, the cause and the duration of each action. 144386

(E) Each applicant shall submit with each application, on a 144387
form provided by the commission, two sets of the applicant's 144388
fingerprints. The commission shall charge each applicant an 144389
application fee to cover all actual costs generated by each 144390
licensee and all background checks. 144391

Sec. 3781.08. The board of building standards shall organize 144392
by choosing a ~~chairman~~ chairperson who shall serve for a term of 144393
two years. The department of commerce shall provide and assign to 144394
the board of building standards such ~~stenographers~~, clerks, 144395
experts, and other employees as are required to enable the board 144396
to perform the duties and exercise the powers imposed upon or 144397
vested in it by law. 144398

Sec. 3781.11. (A) The rules of the board of building 144399
standards shall: 144400

(1) For nonresidential buildings, provide uniform minimum 144401
standards and requirements, and for residential buildings, provide 144402
standards and requirements that are uniform throughout the state, 144403
for construction and construction materials, including 144404
construction of industrialized units, to make residential and 144405
nonresidential buildings safe and sanitary as defined in section 144406

3781.06 of the Revised Code;	144407
(2) Formulate such standards and requirements, so far as may be practicable, in terms of performance objectives, so as to make adequate performance for the use intended the test of acceptability;	144408 144409 144410 144411
(3) Permit, to the fullest extent feasible, the use of materials and technical methods, devices, and improvements, including the use of industrialized units which tend to reduce the cost of construction and erection without affecting minimum requirements for the health, safety, and security of the occupants or users of buildings or industrialized units and without preferential treatment of types or classes of materials or products or methods of construction;	144412 144413 144414 144415 144416 144417 144418 144419
(4) Encourage, so far as may be practicable, the standardization of construction practices, methods, equipment, material, and techniques, including methods employed to produce industrialized units;	144420 144421 144422 144423
(5) Not require any alteration or repair of any part of a school building owned by a chartered nonpublic school or a city, local, exempted village, or joint vocational school district and operated in conjunction with any primary or secondary school program that is not being altered or repaired if all of the following apply:	144424 144425 144426 144427 144428 144429
(a) The school building meets all of the applicable building code requirements in existence at the time of the construction of the building.	144430 144431 144432
(b) The school building otherwise satisfies the requirements of section 3781.06 of the Revised Code.	144433 144434
(c) The part of the school building altered or repaired conforms to all rules of the board existing on the date of the repair or alteration.	144435 144436 144437

(6) Not require any alteration or repair to any part of a workshop or factory that is not otherwise being altered, repaired, or added to if all of the following apply:

(a) The workshop or factory otherwise satisfies the requirements of section 3781.06 of the Revised Code.

(b) The part of the workshop or factory altered, repaired, or added conforms to all rules of the board existing on the date of plan approval of the repair, alteration, or addition.

(B) The rules of the board shall supersede and govern any order, standard, or rule of the division of industrial compliance in the department of commerce, division of the state fire marshal, the department of health, and of counties and townships, in all cases where such orders, standards, or rules are in conflict with the rules of the board, except that rules adopted and orders issued by the state fire marshal pursuant to Chapter 3743. of the Revised Code prevail in the event of a conflict.

(C) The construction, alteration, erection, and repair of buildings including industrialized units, and the materials and devices of any kind used in connection with them and the heating and ventilating of them and the plumbing and electric wiring in them shall conform to the statutes of this state or the rules adopted and promulgated by the board, and to provisions of local ordinances not inconsistent therewith. Any building, structure, or part thereof, constructed, erected, altered, manufactured, or repaired not in accordance with the statutes of this state or with the rules of the board, and any building, structure, or part thereof in which there is installed, altered, or repaired any fixture, device, and material, or plumbing, heating, or ventilating system, or electric wiring not in accordance with such statutes or rules is a public nuisance.

(D) As used in this section:

(1) "Nonpublic school" means a chartered school for which 144469
minimum standards are prescribed by the state board of education 144470
pursuant to division (D) of section 3301.07 of the Revised Code. 144471

(2) "Workshop or factory" includes manufacturing, mechanical, 144472
electrical, mercantile, art, and laundering establishments, 144473
printing, ~~telegraph~~, and telephone offices, railroad depots, and 144474
memorial buildings, but does not include hotels and tenement and 144475
apartment houses. 144476

Sec. 3781.25. As used in sections 3781.25 to 3781.38 of the 144477
Revised Code: 144478

(A) "Protection service" means a notification center, but not 144479
an owner of an individual utility, that exists for the purpose of 144480
receiving notice from persons that prepare plans and 144481
specifications for or that engage in excavation work, that 144482
distributes this information to its members and participants, and 144483
that has registered by March 14, 1989, with the secretary of state 144484
and the public utilities commission of Ohio under former division 144485
(F) of section 153.64 of the Revised Code as it existed on that 144486
date. 144487

(B) "Underground utility facility" includes any item buried 144488
or placed below ground or submerged under water for use in 144489
connection with the storage or conveyance of water or sewage; 144490
electronic, or telephonic, ~~or telegraphic~~ communications; 144491
television signals; electricity; crude oil; petroleum products; 144492
artificial or liquefied petroleum; manufactured, mixed, or natural 144493
gas; synthetic or liquefied natural gas; propane gas; coal; steam; 144494
hot water; or other substances. "Underground utility facility" 144495
includes all operational underground pipes, sewers, tubing, 144496
conduits, cables, valves, lines, wires, worker access holes, and 144497
attachments, owned by any person, firm, or company. "Underground 144498
utility facility" does not include a private septic system in a 144499

one-family or multi-family dwelling utilized only for that 144500
dwelling and not connected to any other system. 144501

(C) "Utility" means any owner or operator, or an agent of an 144502
owner or operator, of an underground utility facility, including 144503
any public authority, that owns or operates an underground utility 144504
facility. "Utility" does not include the owners of the following 144505
types of real property with respect to any underground utility 144506
facility located on that property: 144507

(1) The owner of a single-family or two-, three-, or 144508
four-unit residential dwelling; 144509

(2) The owner of an apartment complex; 144510

(3) The owner of a commercial or industrial building or 144511
complex of buildings, including but not limited to, factories and 144512
shopping centers; 144513

(4) The owner of a farm; 144514

(5) The owner of an exempt domestic well as defined in 144515
section 1509.01 of the Revised Code. 144516

(D) "Approximate location" means the immediate area within 144517
the perimeter of a proposed excavation site where the underground 144518
utility facilities are located. 144519

(E) "Tolerance zone" means the site of the underground 144520
utility facility including the width of the underground utility 144521
facility plus eighteen inches on each side of the facility. 144522

(F) "Working days" excludes Saturdays, Sundays, and legal 144523
holidays as defined in section 1.14 of the Revised Code and 144524
"hours" excludes hours on Saturdays, Sundays, and legal holidays. 144525

(G) "Designer" means an engineer, architect, landscape 144526
architect, contractor, surveyor, or other person who develops 144527
plans or designs for real property improvement or any other 144528
activity that will involve excavation. 144529

(H) "Developer" means the person for whom the excavation is made and who will own or be the lessee of any improvement that is the object of the excavation.

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(I) "Excavation" means the use of hand tools, powered equipment, or explosives to move earth, rock, or other materials in order to penetrate or bore or drill into the earth, or to demolish any structure whether or not it is intended that the demolition will disturb the earth. "Excavation" includes such agricultural operations as the installation of drain tile, but excludes agricultural operations such as tilling that do not penetrate the earth to a depth of more than twelve inches. "Excavation" excludes any activity by a governmental entity which does not penetrate the earth to a depth of more than twelve inches. "Excavation" excludes coal mining and reclamation operations regulated under Chapter 1513. of the Revised Code and rules adopted under it.

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(J) "Excavation site" means the area within which excavation will be performed.

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(K) "Excavator" means the person or persons responsible for making the actual excavation.

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(L) "Interstate gas pipeline" means an interstate gas pipeline subject to the "Natural Gas Pipeline Safety Act of 1968," 82 Stat. 720, 49 U.S.C. 1671, as amended.

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(M) "Interstate hazardous liquids pipeline" means an interstate hazardous liquids pipeline subject to the "Hazardous Liquid Pipeline Safety Act of 1979," 93 Stat. 1003, 49 U.S.C. 2002, as amended.

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(N) "Special notification requirements" means requirements for notice to an owner of an interstate hazardous liquids pipeline or an interstate gas pipeline that must be made prior to commencing excavation and pursuant to the owner's public safety

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program adopted under federal law. 144561

(O) "Commercial excavator" means any excavator, excluding a 144562
utility as defined in this section, that satisfies both of the 144563
following: 144564

(1) For compensation, performs, directs, supervises, or is 144565
responsible for the excavation, construction, improvement, 144566
renovation, repair, or maintenance on a construction project and 144567
holds out or represents oneself as qualified or permitted to act 144568
as such; 144569

(2) Employs tradespersons who actually perform excavation, 144570
construction, improvement, renovation, repair, or maintenance on a 144571
construction project. 144572

(P) "Person" has the same meaning as in section 1.59 of the 144573
Revised Code and also includes a public authority. 144574

(Q) "Positive response system" means an automated system 144575
facilitated by a protection service allowing a utility to 144576
communicate to an excavator the presence or absence of any 144577
conflict between the existing underground utility facilities and 144578
the proposed excavation site. 144579

(R) "One-call notification system" means the software or 144580
communications system used by a protection system to notify its 144581
membership of proposed excavation sites. 144582

(S) "Project" means any undertaking by a private party of an 144583
improvement requiring excavation. 144584

(T) "Public authority" has the same meaning as in section 144585
153.64 of the Revised Code. 144586

(U) "Improvement" means any construction, reconstruction, 144587
improvement, enlargement, alteration, or repair of a building, 144588
highway, drainage system, water system, road, street, alley, 144589
sewer, ditch, sewage disposal plant, water works, and all other 144590

structures or works of any nature. 144591

(V) "Emergency" means an unexpected occurrence causing a 144592
disruption or damage to an underground utility facility that 144593
requires immediate repair or a situation that creates a clear and 144594
imminent danger that demands immediate action to prevent or 144595
mitigate loss of or damage to life, health, property, or essential 144596
public services. 144597

(W) "Nondestructive manner" means using low-impact, low-risk 144598
technologies such as hand tools, or hydro or air vacuum excavation 144599
equipment. 144600

(X) "Cable service provider" has the same meaning as in 144601
section 1332.01 of the Revised Code. 144602

(Y) "Electric cooperative" and "electric utility" have the 144603
same meanings as in section 4928.01 of the Revised Code. 144604

Sec. 3781.29. (A)(1) Except as otherwise provided in division 144605
(A)(2) of this section, within forty-eight hours of receiving 144606
notice under section 3781.28 of the Revised Code, each utility 144607
shall review the status of its facilities within the excavation 144608
site, locate and mark its underground utility facilities at the 144609
excavation site in such a manner as to indicate their course, and 144610
report the appropriate information to the protection service for 144611
its positive response system. If a utility does not mark its 144612
underground utility facilities or contact the excavator within 144613
that time, the utility is deemed to have given notice that it does 144614
not have any facilities at the excavation site. If the utility 144615
cannot accurately mark the facilities, the utility shall mark them 144616
to the best of its ability, notify the excavator using the 144617
positive response system that the markings may not be accurate, 144618
and provide additional guidance to the excavator in locating the 144619
facilities as needed during the excavation. 144620

(2) In the case of an interstate hazardous liquids pipeline 144621
or an interstate gas pipeline, the owner of the pipeline shall 144622
locate and mark its pipeline within the time frame established in 144623
the public safety program of the owner. 144624

(B) Unless a facility actually is uncovered or probed by the 144625
utility or excavator, any indications of the depth of the facility 144626
shall be treated as estimates only. 144627

(C)(1) Except as provided in division (C)(2) of this section, 144628
a utility shall mark its underground facilities using the 144629
following color codes: 144630

Type of Underground			
Utility Facility	Color		144632
Electric power transmission	Safety red		144633
and distribution			144634
Gas transmission and distribution	High visibility safety yellow		144635
Oil transmission and distribution	High visibility safety yellow		144636
Dangerous materials, product	High visibility safety yellow		144637
lines, and steam lines			144638
Telephone and telegraph systems	Safety alert orange		144639
Police and fire communications	Safety alert orange		144640
Cable television	Safety alert orange		144641
Water systems	Safety precaution blue		144642
Slurry systems	Safety precaution purple		144643
Sewer lines	Safety green.		144644

(2) All underground facilities shall be marked in accordance 144645
with the Ohio universal marking standards that are on file with 144646
the Ohio utilities protection service. Industry representatives 144647
serving on Ohio damage prevention councils shall review the 144648
marking standards every two years. 144649

(D) Except as otherwise provided in divisions (E) and (F) of 144650
this section, prior to notifying a protection service of the 144651
proposed excavation, an excavator shall define and premark the 144652

approximate location. Proposed construction or excavation markings 144653
shall be made in white through the use of an industry-recognized 144654
method such as chalk-based paint, flags, stakes, or other method 144655
applicable to the specific site and when possible shall indicate 144656
the excavator's identity by name, abbreviation, or initial. 144657

(E)(1) Before beginning an emergency excavation, or as soon 144658
as possible thereafter, an excavator shall make every effort to 144659
notify a protection service of the excavation. In providing 144660
notification, the excavator shall provide, at a minimum: 144661

(a) The name of the individual notifying the protection 144662
service; 144663

(b) The name, address, any electronic mail address, and ~~any~~ 144664
telephone ~~and facsimile~~ numbers of the excavator; 144665

(c) The specific location of the excavation site; 144666

(d) A description of the excavation. 144667

(2) Upon receiving the information set forth in division 144668
(E)(1) of this section, the protection service shall provide the 144669
excavator with a reference number and a list of utilities that the 144670
protection service intends to notify. The protection service shall 144671
immediately notify each utility that according to the registration 144672
information provided under section 3781.26 of the Revised Code has 144673
facilities located within the designated area of the emergency 144674
excavation. 144675

(3) Any utility notified of an emergency excavation may 144676
inspect all of its underground utility facilities located at the 144677
emergency excavation site and may take any otherwise lawful action 144678
it considers necessary to prevent disturbance to or interference 144679
with its facilities during excavation. 144680

(F) An excavator is not required to premark the approximate 144681
location of an excavation as provided in division (D) of this 144682

section in any of the following situations: 144683

(1) The utility can determine the precise location, 144684
direction, size, and length of the proposed excavation site by 144685
referring to the notification provided by the protection service 144686
pursuant to sections 3781.27 and 3781.28 of the Revised Code. 144687

(2) The excavator and the affected utility have had an 144688
on-site, preconstruction meeting for the purpose of premarking the 144689
excavation site. 144690

(3) The excavation involves replacing a pole that is within 144691
five feet of the location of an existing pole. 144692

(4) Premarking by the excavator would clearly interfere with 144693
pedestrian or vehicular traffic control. 144694

Sec. 3781.342. (A) The underground technical committee may 144695
conduct meetings in person, by teleconference, or by video 144696
conference. 144697

(B) The committee shall establish a primary meeting location 144698
that is open and accessible to the public. 144699

(C) Before convening a meeting by teleconference or video 144700
conference, the committee shall send, via electronic mail, 144701
~~facsimile~~, or United States postal service, a copy of 144702
meeting-related documents to each committee member. 144703

(D) The minutes of each meeting shall specify who was 144704
attending by teleconference, who was attending by video 144705
conference, and who was physically present. Any vote taken in a 144706
meeting held by teleconference that is not unanimous shall be 144707
recorded as a roll call vote. 144708

Sec. 3904.08. (A) If any individual, after proper 144709
identification, submits a written request to an insurance 144710
institution, agent, or insurance support organization for access 144711

to recorded personal information about the individual that is 144712
reasonably described by the individual and reasonably locatable 144713
and retrievable by the insurance institution, agent, or insurance 144714
support organization, the insurance institution, agent, or 144715
insurance support organization, within thirty business days from 144716
the date such request is received, shall do all of the following: 144717

(1) Inform the individual of the nature and substance of such 144718
recorded personal information in writing, by telephone, or by 144719
other oral communication, whichever the insurance institution, 144720
agent, or insurance support organization prefers; 144721

(2) Permit the individual to ~~see and copy, in person, such~~ 144722
~~recorded personal information pertaining to him or to obtain a~~ 144723
copy of such recorded ~~personal~~ information ~~by mail, whichever the~~ 144724
~~individual prefers~~ in a manner agreed upon by the individual and 144725
insurance institution, agent, or insurance support organization, 144726
unless such recorded personal information is in coded form, in 144727
which case an accurate translation in plain language shall be 144728
provided in writing; 144729

(3) Disclose to the individual the identity, if recorded, of 144730
those persons to whom the insurance institution, agent, or 144731
insurance support organization has disclosed such personal 144732
information within two years prior to such request, and if the 144733
identity is not recorded, the names of those insurance 144734
institutions, agents, insurance support organizations, or other 144735
persons to whom such information is normally disclosed; 144736

(4) Provide the individual with a summary of the procedures 144737
by which ~~he~~ the individual may request correction, amendment, or 144738
deletion of recorded personal information. 144739

(B) Any personal information provided pursuant to division 144740
(A) of this section shall identify the source of the information 144741
if such source is an institutional source. 144742

(C) Medical record information supplied by a medical care institution or medical professional and requested under division (A) of this section, together with the identity of the medical professional or medical care institution that provided such information, shall be supplied either directly to the individual or to a medical professional designated by the individual and licensed to provide medical care with respect to the condition to which the information relates, whichever the insurance institution, agent, or insurance support organization prefers. If it elects to disclose the information to a medical professional designated by the individual, the insurance institution, agent, or insurance support organization shall notify the individual, at the time of the disclosure, that it has provided the information to the medical professional.

(D) Except for personal information provided under section 3904.10 of the Revised Code, an insurance institution, agent, or insurance support organization may charge a reasonable fee to cover the costs incurred in providing a copy of recorded personal information to individuals.

(E) The obligations imposed by this section upon an insurance institution or agent may be satisfied by another insurance institution or agent authorized to act on its behalf. With respect to the copying and disclosure of recorded personal information pursuant to a request under division (A) of this section, an insurance institution, agent, or insurance support organization may make arrangements with an insurance support organization or a consumer reporting agency to copy and disclose recorded personal information on its behalf.

(F) The rights granted to individuals in this section extend to all natural persons to the extent information about them is collected and maintained by an insurance institution, agent, or insurance support organization in connection with an insurance

transaction. The rights granted to all natural persons by this 144775
division do not extend to information about them that relates to 144776
and is collected in connection with or in reasonable anticipation 144777
of a claim or civil or criminal proceeding involving them. 144778

(G) This section does not apply to a consumer reporting 144779
agency. 144780

Sec. 4121.19. A full and complete record shall be kept of all 144781
proceedings had before the bureau of workers' compensation on any 144782
investigation, ~~and all testimony shall be taken down by a~~ 144783
~~stenographer appointed by the bureau.~~ 144784

Sec. 4123.512. (A) The claimant or the employer may appeal an 144785
order of the industrial commission made under division (E) of 144786
section 4123.511 of the Revised Code in any injury or occupational 144787
disease case, other than a decision as to the extent of disability 144788
to the court of common pleas of the county in which the injury was 144789
inflicted or in which the contract of employment was made if the 144790
injury occurred outside the state, or in which the contract of 144791
employment was made if the exposure occurred outside the state. If 144792
no common pleas court has jurisdiction for the purposes of an 144793
appeal by the use of the jurisdictional requirements described in 144794
this division, the appellant may use the venue provisions in the 144795
Rules of Civil Procedure to vest jurisdiction in a court. If the 144796
claim is for an occupational disease, the appeal shall be to the 144797
court of common pleas of the county in which the exposure which 144798
caused the disease occurred. Like appeal may be taken from an 144799
order of a staff hearing officer made under division (D) of 144800
section 4123.511 of the Revised Code from which the commission has 144801
refused to hear an appeal. Except as otherwise provided in this 144802
division, the appellant shall file the notice of appeal with a 144803
court of common pleas within sixty days after the date of the 144804
receipt of the order appealed from or the date of receipt of the 144805

order of the commission refusing to hear an appeal of a staff 144806
hearing officer's decision under division (D) of section 4123.511 144807
of the Revised Code. Either the claimant or the employer may file 144808
a notice of an intent to settle the claim within thirty days after 144809
the date of the receipt of the order appealed from or of the order 144810
of the commission refusing to hear an appeal of a staff hearing 144811
officer's decision. The claimant or employer shall file notice of 144812
intent to settle with the administrator of workers' compensation, 144813
and the notice shall be served on the opposing party and the 144814
party's representative. The filing of the notice of intent to 144815
settle extends the time to file an appeal to one hundred fifty 144816
days, unless the opposing party files an objection to the notice 144817
of intent to settle within fourteen days after the date of the 144818
receipt of the notice of intent to settle. The party shall file 144819
the objection with the administrator, and the objection shall be 144820
served on the party that filed the notice of intent to settle and 144821
the party's representative. The filing of the notice of the appeal 144822
with the court is the only act required to perfect the appeal. 144823

If an action has been commenced in a court of a county other 144824
than a court of a county having jurisdiction over the action, the 144825
court, upon notice by any party or upon its own motion, shall 144826
transfer the action to a court of a county having jurisdiction. 144827

Notwithstanding anything to the contrary in this section, if 144828
the commission determines under section 4123.522 of the Revised 144829
Code that an employee, employer, or their respective 144830
representatives have not received written notice of an order or 144831
decision which is appealable to a court under this section and 144832
which grants relief pursuant to section 4123.522 of the Revised 144833
Code, the party granted the relief has sixty days from receipt of 144834
the order under section 4123.522 of the Revised Code to file a 144835
notice of appeal under this section. 144836

(B) The notice of appeal shall state the names of the administrator of workers' compensation, the claimant, and the employer; the number of the claim; the date of the order appealed from; and the fact that the appellant appeals therefrom.

The administrator, the claimant, and the employer shall be parties to the appeal and the court, upon the application of the commission, shall make the commission a party. The party filing the appeal shall serve a copy of the notice of appeal on the administrator at the central office of the bureau of workers' compensation in Columbus. The administrator shall notify the employer that if the employer fails to become an active party to the appeal, then the administrator may act on behalf of the employer and the results of the appeal could have an adverse effect upon the employer's premium rates or may result in a recovery from the employer if the employer is determined to be a noncomplying employer under section 4123.75 of the Revised Code.

(C) The attorney general or one or more of the attorney general's assistants or special counsel designated by the attorney general shall represent the administrator and the commission. In the event the attorney general or the attorney general's designated assistants or special counsel are absent, the administrator or the commission shall select one or more of the attorneys in the employ of the administrator or the commission as the administrator's attorney or the commission's attorney in the appeal. Any attorney so employed shall continue the representation during the entire period of the appeal and in all hearings thereof except where the continued representation becomes impractical.

(D) Upon receipt of notice of appeal, the clerk of courts shall provide notice to all parties who are appellees and to the commission.

The claimant shall, within thirty days after the filing of the notice of appeal, file a petition containing a statement of

facts in ordinary and concise language showing a cause of action 144869
to participate or to continue to participate in the fund and 144870
setting forth the basis for the jurisdiction of the court over the 144871
action. Further pleadings shall be had in accordance with the 144872
Rules of Civil Procedure, provided that service of summons on such 144873
petition shall not be required and provided that the claimant may 144874
not dismiss the complaint without the employer's consent if the 144875
employer is the party that filed the notice of appeal to court 144876
pursuant to this section. The clerk of the court shall, upon 144877
receipt thereof, transmit by certified mail a copy thereof to each 144878
party named in the notice of appeal other than the claimant. Any 144879
party may file with the clerk prior to the trial of the action a 144880
deposition of any physician taken in accordance with the 144881
provisions of the Revised Code, which deposition may be read in 144882
the trial of the action even though the physician is a resident of 144883
or subject to service in the county in which the trial is had. The 144884
bureau of workers' compensation shall pay the cost of the 144885
~~stenographic~~ deposition filed in court and of copies of the 144886
~~stenographic~~ deposition for each party from the surplus fund and 144887
charge the costs thereof against the unsuccessful party if the 144888
claimant's right to participate or continue to participate is 144889
finally sustained or established in the appeal. In the event the 144890
deposition is taken and filed, the physician whose deposition is 144891
taken is not required to respond to any subpoena issued in the 144892
trial of the action. The court, or the jury under the instructions 144893
of the court, if a jury is demanded, shall determine the right of 144894
the claimant to participate or to continue to participate in the 144895
fund upon the evidence adduced at the hearing of the action. 144896

(E) The court shall certify its decision to the commission 144897
and the certificate shall be entered in the records of the court. 144898
Appeals from the judgment are governed by the law applicable to 144899
the appeal of civil actions. 144900

(F) The cost of any legal proceedings authorized by this section, including an attorney's fee to the claimant's attorney to be fixed by the trial judge, based upon the effort expended, in the event the claimant's right to participate or to continue to participate in the fund is established upon the final determination of an appeal, shall be taxed against the employer or the commission if the commission or the administrator rather than the employer contested the right of the claimant to participate in the fund. The attorney's fee shall not exceed five thousand dollars.

(G) If the finding of the court or the verdict of the jury is in favor of the claimant's right to participate in the fund, the commission and the administrator shall thereafter proceed in the matter of the claim as if the judgment were the decision of the commission, subject to the power of modification provided by section 4123.52 of the Revised Code.

(H)(1) An appeal from an order issued under division (E) of section 4123.511 of the Revised Code or any action filed in court in a case in which an award of compensation or medical benefits has been made shall not stay the payment of compensation or medical benefits under the award, or payment for subsequent periods of total disability or medical benefits during the pendency of the appeal. If, in a final administrative or judicial action, it is determined that payments of compensation or benefits, or both, made to or on behalf of a claimant should not have been made, the amount thereof shall be charged to the surplus fund account under division (B) of section 4123.34 of the Revised Code. In the event the employer is a state risk, the amount shall not be charged to the employer's experience, and the administrator shall adjust the employer's account accordingly. In the event the employer is a self-insuring employer, the self-insuring employer shall deduct the amount from the paid compensation the

self-insuring employer reports to the administrator under division 144933
(L) of section 4123.35 of the Revised Code. If an employer is a 144934
state risk and has paid an assessment for a violation of a 144935
specific safety requirement, and, in a final administrative or 144936
judicial action, it is determined that the employer did not 144937
violate the specific safety requirement, the administrator shall 144938
reimburse the employer from the surplus fund account under 144939
division (B) of section 4123.34 of the Revised Code for the amount 144940
of the assessment the employer paid for the violation. 144941

(2)(a) Notwithstanding a final determination that payments of 144942
benefits made to or on behalf of a claimant should not have been 144943
made, the administrator or self-insuring employer shall award 144944
payment of medical or vocational rehabilitation services submitted 144945
for payment after the date of the final determination if all of 144946
the following apply: 144947

(i) The services were approved and were rendered by the 144948
provider in good faith prior to the date of the final 144949
determination. 144950

(ii) The services were payable under division (I) of section 144951
4123.511 of the Revised Code prior to the date of the final 144952
determination. 144953

(iii) The request for payment is submitted within the time 144954
limit set forth in section 4123.52 of the Revised Code. 144955

(b) Payments made under division (H)(1) of this section shall 144956
be charged to the surplus fund account under division (B) of 144957
section 4123.34 of the Revised Code. If the employer of the 144958
employee who is the subject of a claim described in division 144959
(H)(2)(a) of this section is a state fund employer, the payments 144960
made under that division shall not be charged to the employer's 144961
experience. If that employer is a self-insuring employer, the 144962
self-insuring employer shall deduct the amount from the paid 144963

compensation the self-insuring employer reports to the 144964
administrator under division (L) of section 4123.35 of the Revised 144965
Code. 144966

(c) Division (H)(2) of this section shall apply only to a 144967
claim under this chapter or Chapter 4121., 4127., or 4131. of the 144968
Revised Code arising on or after July 29, 2011. 144969

(3) A self-insuring employer may elect to pay compensation 144970
and benefits under this section directly to an employee or an 144971
employee's dependents by filing an application with the bureau of 144972
workers' compensation not more than one hundred eighty days and 144973
not less than ninety days before the first day of the employer's 144974
next six-month coverage period. If the self-insuring employer 144975
timely files the application, the application is effective on the 144976
first day of the employer's next six-month coverage period, 144977
provided that the administrator shall compute the employer's 144978
assessment for the surplus fund account due with respect to the 144979
period during which that application was filed without regard to 144980
the filing of the application. On and after the effective date of 144981
the employer's election, the self-insuring employer shall pay 144982
directly to an employee or to an employee's dependents 144983
compensation and benefits under this section regardless of the 144984
date of the injury or occupational disease, and the employer shall 144985
receive no money or credits from the surplus fund account on 144986
account of those payments and shall not be required to pay any 144987
amounts into the surplus fund account on account of this section. 144988
The election made under this division is irrevocable. 144989

(I) All actions and proceedings under this section which are 144990
the subject of an appeal to the court of common pleas or the court 144991
of appeals shall be preferred over all other civil actions except 144992
election causes, irrespective of position on the calendar. 144993

This section applies to all decisions of the commission or 144994
the administrator on November 2, 1959, and all claims filed 144995

thereafter are governed by sections 4123.511 and 4123.512 of the Revised Code. 144996
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Any action pending in common pleas court or any other court on January 1, 1986, under this section is governed by former sections 4123.514, 4123.515, 4123.516, and 4123.519 and section 4123.522 of the Revised Code. 144998
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Sec. 4123.52. (A) The jurisdiction of the industrial commission and the authority of the administrator of workers' compensation over each case is continuing, and the commission may make such modification or change with respect to former findings or orders with respect thereto, as, in its opinion is justified. No modification or change nor any finding or award in respect of any claim shall be made with respect to disability, compensation, dependency, or benefits, after five years from the date of injury in the absence of medical benefits being provided under this chapter or in the absence of payment of compensation under section 4123.57, 4123.58, or division (A) or (B) of section 4123.56 of the Revised Code or wages in lieu of compensation in a manner so as to satisfy the requirements of section 4123.84 of the Revised Code, in which event the modification, change, finding, or award shall be made within five years from the date of the last medical services being rendered or the date of the last payment of compensation or from the date of death, nor unless written notice of claim for the specific part or parts of the body injured or disabled has been given as provided in section 4123.84 or 4123.85 of the Revised Code. The commission shall not make any modification, change, finding, or award which shall award compensation for a back period in excess of two years prior to the date of filing application therefor. 145002
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(B) Notwithstanding division (A) of this section, and except as otherwise provided in a rule that shall be adopted by the 145025
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administrator, with the advice and consent of the bureau of 145027
workers' compensation board of directors, neither the 145028
administrator nor the commission shall make any finding or award 145029
for payment of medical or vocational rehabilitation services 145030
submitted for payment more than one year after the date the 145031
services were rendered or more than one year after the date the 145032
services became payable under division (I) of section 4123.511 of 145033
the Revised Code, whichever is later. No medical or vocational 145034
rehabilitation provider shall bill a claimant for services 145035
rendered if the administrator or commission is prohibited from 145036
making that payment under this division. 145037

(C) Division (B) of this section does not apply to requests 145038
made by the centers for medicare and medicaid services in the 145039
United States department of health and human services for 145040
reimbursement of conditional payments made pursuant to section 145041
1395y(b)(2) of title 42, United States Code (commonly known as the 145042
"Medicare Secondary Payer Act"). 145043

(D) This section does not affect the right of a claimant to 145044
compensation accruing subsequent to the filing of any such 145045
application, provided the application is filed within the time 145046
limit provided in this section. 145047

(E) This section does not deprive the commission of its 145048
continuing jurisdiction to determine the questions raised by any 145049
application for modification of award which has been filed with 145050
the commission after June 1, 1932, and prior to the expiration of 145051
the applicable period but in respect to which no award has been 145052
granted or denied during the applicable period. 145053

(F) The commission may, by general rules, provide for the 145054
destruction of files of cases in which no further action may be 145055
taken. 145056

(G) The commission and administrator of workers' compensation 145057

each may, by general rules, provide for the retention and 145058
destruction of all other records in their possession or under 145059
their control pursuant to section 121.211 and sections 149.34 to 145060
149.36 of the Revised Code. The bureau of workers' compensation 145061
may purchase or rent required equipment for the document retention 145062
media, as determined necessary to preserve the records. 145063
Photographs, microphotographs, microfilm, films, or other direct 145064
or electronic document retention media, when properly identified, 145065
have the same effect as the original record and may be offered in 145066
like manner and may be received as evidence in proceedings before 145067
the industrial commission, staff hearing officers, and district 145068
hearing officers, and in any court where the original record could 145069
have been introduced. 145070

Sec. 4125.03. (A) The professional employer organization with 145071
whom a shared employee is coemployed shall do all of the 145072
following: 145073

(1) Pay wages associated with a shared employee pursuant to 145074
the terms and conditions of compensation in the professional 145075
employer organization agreement between the professional employer 145076
organization and the client employer; 145077

(2) Pay all related payroll taxes associated with a shared 145078
employee independent of the terms and conditions contained in the 145079
professional employer organization agreement between the 145080
professional employer organization and the client employer; 145081

(3) Maintain workers' compensation coverage, pay all workers' 145082
compensation premiums and manage all workers' compensation claims, 145083
filings, and related procedures associated with a shared employee 145084
in compliance with Chapters 4121. and 4123. of the Revised Code, 145085
except that when shared employees include family farm officers, 145086
ordained ministers, or corporate officers of the client employer, 145087
payroll reports shall include the entire amount of payroll 145088

associated with those persons;	145089
(4) Provide written notice to each shared employee it assigns to perform services to a client employer of the relationship between and the responsibilities of the professional employer organization and the client employer;	145090 145091 145092 145093
(5) Maintain complete records separately listing the manual classifications of each client employer and the payroll reported to each manual classification for each client employer for each payroll reporting period during the time period covered in the professional employer organization agreement;	145094 145095 145096 145097 145098
(6) Maintain a record of workers' compensation claims for each client employer;	145099 145100
(7) Make periodic reports, as determined by the administrator of workers' compensation, of client employers and total workforce to the administrator;	145101 145102 145103
(8) Report individual client employer payroll, claims, and classification data under a separate and unique subaccount to the administrator;	145104 145105 145106
(9) Within fourteen days after receiving notice from the bureau of workers' compensation that a refund or rebate will be applied to workers' compensation premiums, provide a copy of that notice to any client employer to whom that notice is relevant.	145107 145108 145109 145110
(B) The professional employer organization with whom a shared employee is coemployed shall provide a list of all of the following information to the client employer upon the written request of the client employer:	145111 145112 145113 145114
(1) All workers' compensation claims, premiums, and payroll associated with that client employer;	145115 145116
(2) Compensation and benefits paid and reserves established for each claim listed under division (B)(1) of this section;	145117 145118

(3) Any other information available to the professional employer organization from the bureau of workers' compensation regarding that client employer.

(C)(1) A professional employer organization shall provide the information required under division (B) of this section in writing to the requesting client employer within forty-five days after receiving a written request from the client employer.

(2) For purposes of division (C) of this section, a professional employer organization has provided the required information to the client employer when the any of the following occur:

(a) The information is received by the United States postal service ~~or when the;~~

(b) The information is personally delivered, in writing, directly to the client employer;

(c) The information is delivered by electronic mail to the client employer.

(D) Except as provided in section 4125.08 of the Revised Code and unless otherwise agreed to in the professional employer organization agreement, the professional employer organization with whom a shared employee is coemployed has a right of direction and control over each shared employee assigned to a client employer's location. However, a client employer shall retain sufficient direction and control over a shared employee as is necessary to do any of the following:

(1) Conduct the client employer's business, including training and supervising shared employees;

(2) Ensure the quality, adequacy, and safety of the goods or services produced or sold in the client employer's business;

(3) Discharge any fiduciary responsibility that the client

employer may have; 145149

(4) Comply with any applicable licensure, regulatory, or 145150
statutory requirement of the client employer. 145151

(E) Unless otherwise agreed to in the professional employer 145152
organization agreement, liability for acts, errors, and omissions 145153
shall be determined as follows: 145154

(1) A professional employer organization shall not be liable 145155
for the acts, errors, and omissions of a client employer or a 145156
shared employee when those acts, errors, and omissions occur under 145157
the direction and control of the client employer. 145158

(2) A client employer shall not be liable for the acts, 145159
errors, and omissions of a professional employer organization or a 145160
shared employee when those acts, errors, and omissions occur under 145161
the direction and control of the professional employer 145162
organization. 145163

(F) Nothing in divisions (D) and (E) of this section shall be 145164
construed to limit any liability or obligation specifically agreed 145165
to in the professional employer organization agreement. 145166

Sec. 4141.09. (A) There is hereby created an unemployment 145167
compensation fund to be administered by the state without 145168
liability on the part of the state beyond the amounts paid into 145169
the fund and earned by the fund. The unemployment compensation 145170
fund shall consist of all contributions, payments in lieu of 145171
contributions described in sections 4141.241 and 4141.242 of the 145172
Revised Code, reimbursements of the federal share of extended 145173
benefits described in section 4141.301 of the Revised Code, 145174
collected under sections 4141.01 to 4141.56 of the Revised Code, 145175
and the amount required under division (A)(4) of section 4141.35 145176
of the Revised Code, together with all interest earned upon any 145177
moneys deposited with the secretary of the treasury of the United 145178

States to the credit of the account of this state in the 145179
unemployment trust fund established and maintained pursuant to 145180
section 904 of the "Social Security Act," any property or 145181
securities acquired through the use of moneys belonging to the 145182
fund, and all earnings of such property or securities. The 145183
unemployment compensation fund shall be used to pay benefits, 145184
shared work compensation as defined in section 4141.50 of the 145185
Revised Code, and refunds as provided by such sections and for no 145186
other purpose. 145187

(B) The treasurer of state shall be the custodian of the 145188
unemployment compensation fund and shall administer such fund in 145189
accordance with the directions of the director of job and family 145190
services. All disbursements therefrom shall be paid by the 145191
treasurer of state on warrants drawn by the director. Such 145192
warrants may ~~bear the facsimile~~ have the signature of the director 145193
printed thereon and that of a deputy or other employee of the 145194
director charged with the duty of keeping the account of the 145195
unemployment compensation fund and with the preparation of 145196
warrants for the payment of benefits to the persons entitled 145197
thereto. Moneys in the clearing and benefit accounts shall not be 145198
commingled with other state funds, except as provided in division 145199
(C) of this section, but shall be maintained in separate accounts 145200
on the books of the depository bank. Such money shall be secured 145201
by the depository bank to the same extent and in the same manner 145202
as required by sections 135.01 to 135.21 of the Revised Code; and 145203
collateral pledged for this purpose shall be kept separate and 145204
distinct from any collateral pledged to secure other funds of this 145205
state. All sums recovered for losses sustained by the unemployment 145206
compensation fund shall be deposited therein. The treasurer of 145207
state shall be liable on the treasurer's official bond for the 145208
faithful performance of the treasurer's duties in connection with 145209
the unemployment compensation fund, such liability to exist in 145210
addition to any liability upon any separate bond. 145211

(C) The treasurer of state shall maintain within the 145212
unemployment compensation fund three separate accounts which shall 145213
be a clearing account, a trust fund account, and a benefit 145214
account. All moneys payable to the unemployment compensation fund, 145215
upon receipt by the director, shall be forwarded to the treasurer 145216
of state, who shall immediately deposit them in the clearing 145217
account. Refunds of contributions, or payments in lieu of 145218
contributions, payable pursuant to division (E) of this section 145219
may be paid from the clearing account upon warrants signed by a 145220
deputy or other employee of the director charged with the duty of 145221
keeping the record of the clearing account and with the 145222
preparation of warrants for the payment of refunds to persons 145223
entitled thereto. After clearance thereof, all moneys in the 145224
clearing account shall be deposited with the secretary of the 145225
treasury of the United States to the credit of the account of this 145226
state in the unemployment trust fund established and maintained 145227
pursuant to section 904 of the "Social Security Act," in 145228
accordance with requirements of the "Federal Unemployment Tax 145229
Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301, 3304(a)(3), any law 145230
in this state relating to the deposit, administration, release, or 145231
disbursement of moneys in the possession or custody of this state 145232
to the contrary notwithstanding. The benefit account shall consist 145233
of all moneys requisitioned from this state's account in the 145234
unemployment trust fund. Federal funds may be deposited, at the 145235
director's discretion, into the benefit account. Any funds 145236
deposited into the benefit account shall be disbursed solely for 145237
payment of benefits under a federal program administered by this 145238
state and for no other purpose. Moneys in the clearing and benefit 145239
accounts may be deposited by the treasurer of state, under the 145240
direction of the director, in any bank or public depository in 145241
which general funds of the state may be deposited, but no public 145242
deposit insurance charge or premium shall be paid out of the fund. 145243

(D) Moneys shall be requisitioned from this state's account 145244

in the unemployment trust fund solely for the payment of benefits 145245
and in accordance with regulations prescribed by the director. The 145246
director shall requisition from the unemployment trust fund such 145247
amounts, not exceeding the amount standing to this state's account 145248
therein, as are deemed necessary for the payment of benefits for a 145249
reasonable future period. Upon receipt thereof, the treasurer of 145250
state shall deposit such moneys in the benefit account. 145251
Expenditures of such money in the benefit account and refunds from 145252
the clearing account shall not require specific appropriations or 145253
other formal release by state officers of money in their custody. 145254
Any balance of moneys requisitioned from the unemployment trust 145255
fund which remains unclaimed or unpaid in the benefit account 145256
after the expiration of the period for which such sums were 145257
requisitioned shall either be deducted from estimates for and may 145258
be utilized for the payment of benefits during succeeding periods, 145259
or, in the discretion of the director, shall be redeposited with 145260
the secretary of the treasury of the United States to the credit 145261
of this state's account in the unemployment trust fund, as 145262
provided in division (C) of this section. Unclaimed or unpaid 145263
federal funds redeposited with the secretary of the treasury of 145264
the United States shall be credited to the appropriate federal 145265
account. 145266

(E) No claim for an adjustment or a refund on contribution, 145267
payment in lieu of contributions, interest, or forfeiture alleged 145268
to have been erroneously or illegally assessed or collected, or 145269
alleged to have been collected without authority, and no claim for 145270
an adjustment or a refund of any sum alleged to have been 145271
excessive or in any manner wrongfully collected shall be allowed 145272
unless an application, in writing, therefor is made within four 145273
years from the date on which such payment was made. If the 145274
director determines that such contribution, payment in lieu of 145275
contributions, interest, or forfeiture, or any portion thereof, 145276
was erroneously collected, the director shall allow such employer 145277

to make an adjustment thereof without interest in connection with 145278
subsequent contribution payments, or payments in lieu of 145279
contributions, by the employer, or the director may refund said 145280
amount, without interest, from the clearing account of the 145281
unemployment compensation fund, except as provided in division (B) 145282
of section 4141.11 of the Revised Code. For like cause and within 145283
the same period, adjustment or refund may be so made on the 145284
director's own initiative. An overpayment of contribution, payment 145285
in lieu of contributions, interest, or forfeiture for which an 145286
employer has not made application for refund prior to the date of 145287
sale of the employer's business shall accrue to the employer's 145288
successor in interest. 145289

An application for an adjustment or a refund, or any portion 145290
thereof, that is rejected is binding upon the employer unless, 145291
within thirty days after the mailing of a written notice of 145292
rejection to the employer's last known address, or, in the absence 145293
of mailing of such notice, within thirty days after the delivery 145294
of such notice, the employer files an application for a review and 145295
redetermination setting forth the reasons therefor. The director 145296
shall promptly examine the application for review and 145297
redetermination, and if a review is granted, the employer shall be 145298
promptly notified thereof, and shall be granted an opportunity for 145299
a prompt hearing. 145300

(F) If the director finds that contributions have been paid 145301
to the director in error, and that such contributions should have 145302
been paid to a department of another state or of the United States 145303
charged with the administration of an unemployment compensation 145304
law, the director may upon request by such department or upon the 145305
director's own initiative transfer to such department the amount 145306
of such contributions, less any benefits paid to claimants whose 145307
wages were the basis for such contributions. The director may 145308
request and receive from such department any contributions or 145309

adjusted contributions paid in error to such department which 145310
should have been paid to the director. 145311

(G) In accordance with section 303(c)(3) of the Social 145312
Security Act, and section 3304(a)(17) of the Internal Revenue Code 145313
of 1954 for continuing certification of Ohio unemployment 145314
compensation laws for administrative grants and for tax credits, 145315
any interest required to be paid on advances under Title XII of 145316
the Social Security Act shall be paid in a timely manner and shall 145317
not be paid, directly or indirectly, by an equivalent reduction in 145318
the Ohio unemployment taxes or otherwise, by the state from 145319
amounts in the unemployment compensation fund. 145320

(H) The treasurer of state, under the direction of the 145321
director and in accordance with the "Cash Management Improvement 145322
Act of 1990," 104 Stat. 1061, 31 U.S.C.A. 335, 6503, shall deposit 145323
amounts of interest earned by the state on funds in the benefit 145324
account established pursuant to division (C) of this section into 145325
the unemployment trust fund. 145326

(I) The treasurer of state, under the direction of the 145327
director, shall deposit federal funds received by the director for 145328
training and administration and for payment of benefits, job 145329
search, relocation, transportation, and subsistence allowances 145330
pursuant to the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 145331
2101, as amended; the "North American Free Trade Agreement 145332
Implementation Act," 107 Stat. 2057 (1993), 19 U.S.C.A. 3301, as 145333
amended; and the "Trade Act of 2002," 116 Stat. 993, 19 U.S.C.A. 145334
3801, as amended, into the Trade Act training and administration 145335
account, which is hereby created for the purpose of making 145336
payments specified under those acts. The treasurer of state, under 145337
the direction of the director, may transfer funds from the Trade 145338
Act training and administration account to the benefit account for 145339
the purpose of making any payments directly to claimants for 145340
benefits, job search, relocation, transportation, and subsistence 145341

allowances, as specified by those acts. 145342

Sec. 4141.47. (A) There is hereby created the auxiliary 145343
services personnel unemployment compensation fund, which shall not 145344
be a part of the state treasury. The fund shall consist of moneys 145345
paid into the fund pursuant to section 3317.06 of the Revised 145346
Code. The treasurer of state shall administer it in accordance 145347
with the directions of the director of job and family services. 145348
The director shall establish procedures under which school 145349
districts that are charged and have paid for unemployment benefits 145350
as reimbursing employers pursuant to this chapter for personnel 145351
employed pursuant to section 3317.06 of the Revised Code may apply 145352
for and receive reimbursement for those payments under this 145353
section. School districts are not entitled to reimbursement for 145354
any delinquency charges, except as otherwise provided by law. In 145355
the case of school districts electing to pay contributions under 145356
section 4141.242 of the Revised Code, the director shall establish 145357
procedures for reimbursement of the district from the fund of 145358
contributions made on wages earned by any auxiliary service 145359
personnel. 145360

(B) In the event of the termination of the auxiliary services 145361
program established pursuant to section 3317.06 of the Revised 145362
Code, and after the director has made reimbursement to school 145363
districts for all possible unemployment compensation claims of 145364
persons who were employed pursuant to section 3317.06 of the 145365
Revised Code, the director shall certify that fact to the 145366
treasurer of state, who shall then transfer all unexpended moneys 145367
in the auxiliary services personnel unemployment compensation fund 145368
to the general revenue fund. In the event the auxiliary services 145369
personnel unemployment compensation fund contains insufficient 145370
moneys to pay all valid claims by school districts for 145371
reimbursement pursuant to this section, the director shall 145372
estimate the total additional amount necessary to meet the 145373

liabilities of the fund and submit a request to the general 145374
assembly for an appropriation of that amount of money from the 145375
general revenue fund to the auxiliary services personnel 145376
unemployment compensation fund. 145377

(C) All disbursements from the auxiliary services personnel 145378
unemployment compensation fund shall be paid by the treasurer of 145379
state on warrants drawn by the director. The warrants may ~~bear~~ 145380
have the ~~facsimile~~ signature of the director printed thereon or 145381
that of a deputy or other employee of the director charged with 145382
the duty of keeping the account of the fund. Moneys in the fund 145383
shall be maintained in a separate account on the books of the 145384
depository bank. The money shall be secured by the depository bank 145385
to the same extent and in the same manner as required by Chapter 145386
135. of the Revised Code. All sums recovered for losses sustained 145387
by the fund shall be deposited therein. The treasurer of state is 145388
liable on the treasurer of state's official bond for the faithful 145389
performance of the treasurer of state's duties in connection with 145390
the fund. 145391

(D) All necessary and proper expenses incurred in 145392
administering this section shall be paid to the director from the 145393
auxiliary services personnel unemployment compensation fund. For 145394
this purpose, there is hereby created in the state treasury the 145395
auxiliary services program administrative fund. The treasurer of 145396
state, pursuant to the warrant procedures specified in division 145397
(C) of this section, shall advance moneys as requested by the 145398
director from the auxiliary services personnel unemployment 145399
compensation fund to the auxiliary services program administrative 145400
fund. The director periodically may request the advance of such 145401
moneys as in the treasurer of state's opinion are needed to meet 145402
anticipated administrative expenses and may make disbursements 145403
from the auxiliary services program administrative fund to pay 145404
those expenses. 145405

(E) Upon receipt of a certification from the department of education regarding a refund to a board of education pursuant to section 3317.06 of the Revised Code, the director shall issue a refund in the amount certified to the board from the auxiliary services personnel unemployment compensation fund.

Sec. 4167.10. (A) In order to carry out the purposes of this chapter, the administrator of workers' compensation or the administrator's designee shall, as provided in this section, enter without delay during normal working hours and at other reasonable times, to inspect and investigate any plant, facility, establishment, construction site, or any other area, workplace, or environment where work is being performed by a public employee of a public employer, and any place of employment and all pertinent conditions, structures, machines, apparatus, devices, equipment, and materials therein, and question privately any public employer, administrator, department head, operator, agent, or public employee. The authority to inspect and investigate includes the taking of environmental samples, the taking and obtaining of photographs related to the purposes of the inspection or investigation, the examination of records required to be kept under section 4167.11 of the Revised Code and other documents and records relevant to the inspection and investigation, the issuance of subpoenas, and the conducting of tests and other studies reasonably calculated to serve the purposes of implementing and enforcing this chapter. Except as provided in this section, the administrator or the administrator's designee shall conduct scheduled inspections and investigations only pursuant to rules adopted under section 4167.02 of the Revised Code, a request to do so by a public employee or public employee representative, or the notification the administrator receives pursuant to division (B) of section 4167.06 of the Revised Code and only if the administrator or the administrator's designee complies with this

section. The administrator or the administrator's designee shall 145438
conduct all requested or required inspections within a reasonable 145439
amount of time following receipt of the request or notification. 145440

(B)(1) Any public employee or public employee representative 145441
who believes that a violation of an Ohio employment risk reduction 145442
standard exists that threatens physical harm, or that an imminent 145443
danger exists, may request an inspection by giving written notice 145444
to the administrator or the administrator's designee of the 145445
violation or danger. The notice shall set forth with reasonable 145446
particularity the grounds for the notice, and shall be signed by 145447
the public employee or public employee representative. The names 145448
of individual public employees making the notice or referred to 145449
therein shall not appear in the copy provided to the public 145450
employer pursuant to division (B)(2) of this section and shall be 145451
kept confidential. 145452

(2) If, upon receipt of a notification pursuant to division 145453
(B)(1) of this section, the administrator determines that there 145454
are no reasonable grounds to believe that a violation or danger 145455
exists, the administrator shall inform the public employee or 145456
public employee representative in writing of the determination. 145457
If, upon receipt of a notification, the administrator determines 145458
that there are reasonable grounds to believe that a violation or 145459
danger exists, the administrator shall, within one week, excluding 145460
Saturdays, Sundays, and any legal holiday as defined in section 145461
1.14 of the Revised Code, after receipt of the notification, 145462
notify the public employer, by certified mail, return receipt 145463
requested, of the alleged violation or danger. The notice provided 145464
to the public employer or the public employer's agent shall inform 145465
the public employer of the alleged violation or danger and that 145466
the administrator or the administrator's designee will investigate 145467
and inspect the public employer's workplace as provided in this 145468
section. The public employer must respond to the administrator, in 145469

a method determined by the administrator, concerning the alleged 145470
violation or danger, within thirty days after receipt of the 145471
notice. If the public employer does not correct the violation or 145472
danger within the thirty-day period or if the public employer 145473
fails to respond within that time period, the administrator or the 145474
administrator's designee shall investigate and inspect the public 145475
employer's workplace as provided in this section. The 145476
administrator or the administrator's designee shall not conduct 145477
any inspection prior to the end of the thirty-day period unless 145478
requested or permitted by the public employer. The administrator 145479
may, at any time upon the request of the public employer, inspect 145480
and investigate any violation or danger alleged to exist at the 145481
public employer's place of employment. 145482

(3) The authority of the administrator or the administrator's 145483
designee to investigate and inspect a premises pursuant to a 145484
public employee or public employee representative notification is 145485
not limited to the alleged violation or danger contained in the 145486
notification. The administrator or the administrator's designee 145487
may investigate and inspect any other area of the premises where 145488
there is reason to believe that a violation or danger exists. In 145489
addition, if the administrator or the administrator's designee 145490
detects any obvious or apparent violation at any temporary place 145491
of employment while en route to the premises to be inspected or 145492
investigated, and that violation presents a substantial 145493
probability that the condition or practice could result in death 145494
or serious physical harm, the administrator or the administrator's 145495
designee may use any of the enforcement mechanisms provided in 145496
this section to correct or remove the condition or practice. 145497

(4) If, during an inspection or investigation, the 145498
administrator or the administrator's designee finds any condition 145499
or practice in any place of employment that presents a substantial 145500
probability that the condition or practice could result in death 145501

or serious physical harm, after notifying the employer of the 145502
administrator's intent to issue an order, the administrator shall 145503
issue an order, or the administrator's designee shall issue an 145504
order after consultation ~~either by telephone or in person~~ with the 145505
administrator and upon the recommendation of the administrator, 145506
which prohibits the employment of any public employee or any 145507
continuing operation or process under such condition or practice 145508
until necessary steps are taken to correct or remove the condition 145509
or practice. The order shall not be effective for more than 145510
fifteen days, unless a court of competent jurisdiction otherwise 145511
orders as provided in section 4167.14 of the Revised Code. 145512

(C) In making any inspections or investigations under this 145513
chapter, the administrator or the administrator's designee may 145514
administer oaths and require, by subpoena, the attendance and 145515
testimony of witnesses and the production of evidence under oath. 145516
Witnesses shall receive the fees and mileage provided for under 145517
section 119.094 of the Revised Code. In the case of contumacy, 145518
failure, or refusal of any person to comply with an order or any 145519
subpoena lawfully issued, or upon the refusal of any witness to 145520
testify to any matter regarding which the witness may lawfully be 145521
interrogated, a judge of the court of common pleas of any county 145522
in this state, on the application of the administrator or the 145523
administrator's designee, shall issue an order requiring the 145524
person to appear and to produce evidence if, as, and when so 145525
ordered, and to give testimony relating to the matter under 145526
investigation or in question. The court may punish any failure to 145527
obey the order of the court as a contempt thereof. 145528

(D) If, upon inspection or investigation, the administrator 145529
or the administrator's designee believes that a public employer 145530
has violated any requirement of this chapter or any rule, Ohio 145531
employment risk reduction standard, or order adopted or issued 145532
pursuant thereto, the administrator or the administrator's 145533

designee shall, with reasonable promptness, issue a citation to 145534
the public employer. The citation shall be in writing and describe 145535
with particularity the nature of the alleged violation, including 145536
a reference to the provision of law, Ohio employment risk 145537
reduction standard, rule, or order alleged to have been violated. 145538
In addition, the citation shall fix a time for the abatement of 145539
the violation, as provided in division (H) of this section. The 145540
administrator may prescribe procedures for the issuance of a 145541
notice with respect to minor violations and for enforcement of 145542
minor violations that have no direct or immediate relationship to 145543
safety or health. 145544

(E) Upon receipt of any citation under this section, the 145545
public employer shall immediately post the citation, or a copy 145546
thereof, at or near each place an alleged violation referred to in 145547
the citation occurred. 145548

(F) The administrator may not issue a citation under this 145549
section after the expiration of six months following the final 145550
occurrence of any violation. 145551

(G) If the administrator issues a citation pursuant to this 145552
section, the administrator shall mail the citation to the public 145553
employer by certified mail, return receipt requested. The public 145554
employer has fourteen days after receipt of the citation within 145555
which to notify the administrator that the employer wishes to 145556
contest the citation. If the employer notifies the administrator 145557
within the fourteen days that the employer wishes to contest the 145558
citation, or if within fourteen days after the issuance of a 145559
citation a public employee or public employee representative files 145560
notice that the time period fixed in the citation for the 145561
abatement of the violation is unreasonable, the administrator 145562
shall hold an adjudication hearing in accordance with Chapter 119. 145563
of the Revised Code. 145564

(H) In establishing the time limits in which a public 145565

employer must abate a violation under this section, the 145566
administrator shall consider the costs to the public employer, the 145567
size and financial resources of the public employer, the severity 145568
of the violation, the technological feasibility of the public 145569
employer's ability to comply with requirements of the citation, 145570
the possible present and future detriment to the health and safety 145571
of any public employee for failure of the public employer to 145572
comply with requirements of the citation, and such other factors 145573
as the administrator determines appropriate. The administrator 145574
may, after considering the above factors, permit the public 145575
employer to comply with the citation over a period of up to two 145576
years and may extend that period an additional one year, as the 145577
administrator determines appropriate. 145578

(I) Any public employer may request the administrator to 145579
conduct an employment risk reduction inspection of the public 145580
employer's place of employment. The administrator or the 145581
administrator's designee shall conduct the inspection within a 145582
reasonable amount of time following the request. Neither the 145583
administrator nor any other person may use any information 145584
obtained from the inspection for a period not to exceed three 145585
years in any proceeding for a violation of this chapter or any 145586
rule or order issued thereunder nor in any other action in any 145587
court in this state. 145588

Sec. 4301.17. (A)(1) Subject to local option as provided in 145589
sections 4301.32 to 4301.40 of the Revised Code, five state liquor 145590
stores or agencies may be established in each county. One 145591
additional store may be established in any county for each twenty 145592
thousand of population of that county or major fraction thereof in 145593
excess of the first forty thousand, according to the last 145594
preceding federal decennial census or according to the population 145595
estimates certified by the department of development between 145596
decennial censuses. A person engaged in a mercantile business may 145597

act as the agent for the division of liquor control for the sale 145598
of spirituous liquor in a municipal corporation, in the 145599
unincorporated area of a township, or in an area designated and 145600
approved as a resort area under section 4303.262 of the Revised 145601
Code. The division shall fix the compensation for such an agent in 145602
the manner it considers best, but the compensation shall not 145603
exceed seven per cent of the gross sales made by the agent in any 145604
one year. 145605

(2) The division shall adopt rules in accordance with Chapter 145606
119. of the Revised Code governing the allocation and equitable 145607
distribution of agency store contracts. The division shall comply 145608
with the rules when awarding a contract under division (A)(1) of 145609
this section. 145610

(3) Pursuant to an agency store's contract, an agency store 145611
may be issued a D-1 permit to sell beer, a D-2 permit to sell wine 145612
and mixed beverages, and a D-5 permit to sell beer, wine, mixed 145613
beverages, and spirituous liquor. 145614

(4) Pursuant to an agency store's contract, an agency store 145615
may be issued a D-3 permit to sell spirituous liquor if the agency 145616
store contains at least ten thousand square feet of sales floor 145617
area. A D-3 permit issued to an agency store shall not be 145618
transferred to a new location. The division shall revoke any D-3 145619
permit issued to an agency store under division (A)(4) of this 145620
section if the agent no longer operates the agency store. The 145621
division shall not issue a D-3a permit to an agency store. 145622

(5) An agency store to which a D-8 permit has been issued may 145623
allow the sale of tasting samples of spirituous liquor in 145624
accordance with section 4301.171 of the Revised Code. 145625

(6) An agency store may sell beer, wine, mixed beverages, and 145626
spirituous liquor only between the hours of nine a.m. and eleven 145627
p.m. 145628

(B) When an agency contract is proposed, when an existing agency contract is assigned, when an existing agency proposes to relocate, or when an existing agency is relocated and assigned, before entering into any contract, consenting to any assignment, or consenting to any relocation, the division shall notify the legislative authority of the municipal corporation in which the agency store is to be located, or the board of county commissioners and the board of township trustees of the county and the township in which the agency store is to be located if the agency store is to be located outside the corporate limits of a municipal corporation, of the proposed contract, assignment, or relocation, and an opportunity shall be provided officials or employees of the municipal corporation or county and township for a complete hearing upon the advisability of entering into the contract or consenting to the assignment or relocation. When the division sends notice to the legislative authority of the political subdivision, the division shall notify, ~~by certified mail or by personal service,~~ the chief peace officer of the political subdivision, who may appear and testify, either in person or through a representative, at any hearing held on the advisability of entering into the contract or consenting to the assignment or relocation.

If the proposed agency store, the assignment of an agency contract, or the relocation of an agency store would be located within five hundred feet of a school, church, library, public playground, or township park, the division shall not enter into an agency contract until it has provided notice of the proposed contract to the authorities in control of the school, church, library, public playground, or township park and has provided those authorities with an opportunity for a complete hearing upon the advisability of entering into the contract. If an agency store so located is operating under an agency contract, the division may consent to relocation of the agency store or to the assignment of

that contract to operate an agency store at the same location. The 145662
division may also consent to the assignment of an existing agency 145663
contract simultaneously with the relocation of the agency store. 145664
In any such assignment or relocation, the assignee and the 145665
location shall be subject to the same requirements that the 145666
existing location met at the time that the contract was first 145667
entered into as well as any additional requirements imposed by the 145668
division in rules adopted by the superintendent of liquor control. 145669
The division shall not consent to an assignment or relocation of 145670
an agency store until it has notified the authorities in control 145671
of the school, church, library, public playground, or township 145672
park and has provided those authorities with an opportunity for a 145673
complete hearing upon the advisability of consenting to the 145674
assignment or relocation. 145675

Any hearing provided for in this division shall be held in 145676
the central office of the division, except that upon written 145677
request of the legislative authority of the municipal corporation, 145678
the board of county commissioners, the board of township trustees, 145679
or the authorities in control of the school, church, library, 145680
public playground, or township park, the hearing shall be held in 145681
the county seat of the county where the proposed agency store is 145682
to be located. 145683

(C) All agency contracts entered into by the division 145684
pursuant to this section shall be in writing and shall contain a 145685
clause providing for the termination of the contract at will by 145686
the division upon its giving ninety days' notice in writing to the 145687
agent of its intention to do so. Any agency contract may include a 145688
clause requiring the agent to report to the appropriate law 145689
enforcement agency the name and address of any individual under 145690
twenty-one years of age who attempts to make an illegal purchase. 145691

The division shall issue a C-1 and C-2 permit to each agent 145692
who prior to November 1, 1994, had not been issued both of these 145693

permits, notwithstanding the population quota restrictions 145694
contained in section 4303.29 of the Revised Code or in any rule of 145695
the liquor control commission and notwithstanding the requirements 145696
of section 4303.31 of the Revised Code. The location of a C-1 or 145697
C-2 permit issued to such an agent shall not be transferred. The 145698
division shall revoke any C-1 or C-2 permit issued to an agent 145699
under this paragraph if the agent no longer operates an agency 145700
store. 145701

The division may enter into agreements with the department of 145702
development to implement a minority loan program to provide 145703
low-interest loans to minority business enterprises, as defined in 145704
section 122.71 of the Revised Code, that are awarded liquor agency 145705
contracts or assignments. 145706

(D) If the division closes a state liquor store and replaces 145707
that store with an agency store, any employees of the division 145708
employed at that state liquor store who lose their jobs at that 145709
store as a result shall be given preference by the agent who 145710
operates the agency store in filling any vacancies that occur 145711
among the agent's employees, if that preference does not conflict 145712
with the agent's obligations pursuant to a collective bargaining 145713
agreement. 145714

If the division closes a state liquor store and replaces the 145715
store with an agency store, any employees of the division employed 145716
at the state liquor store who lose their jobs at that store as a 145717
result may displace other employees as provided in sections 145718
124.321 to 124.328 of the Revised Code. If an employee cannot 145719
displace other employees and is laid off, the employee shall be 145720
reinstated in another job as provided in sections 124.321 to 145721
124.328 of the Revised Code, except that the employee's rights of 145722
reinstatement in a job at a state liquor store shall continue for 145723
a period of two years after the date of the employee's layoff and 145724
shall apply to jobs at state liquor stores located in the 145725

employee's layoff jurisdiction and any layoff jurisdiction 145726
adjacent to the employee's layoff jurisdiction. 145727

(E) The division shall require every agent to give bond with 145728
surety to the satisfaction of the division, in the amount the 145729
division fixes, conditioned for the faithful performance of the 145730
agent's duties as prescribed by the division. 145731

Sec. 4301.30. (A) All fees collected by the division of 145732
liquor control shall be deposited in the state treasury to the 145733
credit of the undivided liquor permit fund, which is hereby 145734
created, at the time prescribed under section 4301.12 of the 145735
Revised Code. Each payment shall be accompanied by a statement 145736
showing separately the amount collected for each class of permits 145737
in each municipal corporation and in each township outside the 145738
limits of any municipal corporation in such township. 145739

(B)(1) An amount equal to forty-five per cent of the fund 145740
shall be paid from the fund into the state liquor regulatory fund, 145741
which is hereby created in the state treasury. The state liquor 145742
regulatory fund shall be used to pay the operating expenses of the 145743
division of liquor control in administering and enforcing Title 145744
XLIII of the Revised Code and the operating expenses of the liquor 145745
control commission. Investment earnings of the fund shall be 145746
credited to the fund. 145747

(2) Whenever, in the judgment of the director of budget and 145748
management, the amount of money that is in the state liquor 145749
regulatory fund is in excess of the amount that is needed to pay 145750
the operating expenses of the division in administering and 145751
enforcing Title XLIII of the Revised Code and the operating 145752
expenses of the commission, the director shall credit the excess 145753
amount to the general revenue fund. 145754

(C) Twenty per cent of the undivided liquor permit fund shall 145755
be paid into the statewide treatment and prevention fund, which is 145756

hereby created in the state treasury. This amount shall be 145757
appropriated by the general assembly, together with an amount 145758
equal to one and one-half per cent of the gross profit of the 145759
division of liquor control derived under division (B)(4) of 145760
section 4301.10 of the Revised Code, to the department of mental 145761
health and addiction services. In planning for the allocation of 145762
and in allocating these amounts for the purposes of Chapter 5119. 145763
of the Revised Code, the department shall comply with the 145764
nondiscrimination provisions of Title VI of the Civil Rights Act 145765
of 1964, and any rules adopted under that act. 145766

(D) Thirty-five per cent of the undivided liquor permit fund 145767
shall be distributed by the superintendent of liquor control at 145768
quarterly calendar periods as follows: 145769

(1) To each municipal corporation, the aggregate amount shown 145770
by the statements to have been collected from permits in the 145771
municipal corporation, for the use of the general fund of the 145772
municipal corporation; 145773

(2) To each township, the aggregate amount shown by the 145774
statements to have been collected from permits in its territory, 145775
outside the limits of any municipal corporation located in the 145776
township, for the use of the general fund of the township, or for 145777
fire protection purposes, including buildings and equipment in the 145778
township or in an established fire district within the township, 145779
to the extent that the funds are derived from liquor permits 145780
within the territory comprising such fire district. 145781

(E) For the purpose of the distribution required by this 145782
section, E, H, and D permits covering boats or vessels are deemed 145783
to have been issued in the municipal corporation or township 145784
wherein the owner or operator of the vehicle, boat, vessel, or 145785
dining car equipment to which the permit relates has the owner's 145786
or operator's principal office or place of business within the 145787
state. 145788

(F) If the ~~liquor control commission~~ division determines that 145789
the police or other officers of any municipal corporation or 145790
township entitled to share in distributions under this section are 145791
refusing or culpably neglecting to enforce this chapter and 145792
Chapter 4303. of the Revised Code, or the penal laws of this state 145793
relating to the manufacture, importation, transportation, 145794
distribution, and sale of beer and intoxicating liquors, or if the 145795
prosecuting officer of a municipal corporation or a municipal 145796
court fails to comply with the request of the ~~commission~~ division 145797
authorized by division (A)(4) of section 4301.10 of the Revised 145798
Code, the ~~commission~~ division, by certified mail or by electronic 145799
means as determined by the superintendent to provide proper notice 145800
under the laws of this state, may notify the chief executive 145801
officer of the municipal corporation or the board of township 145802
trustees of the township of the failure and require the immediate 145803
cooperation of the responsible officers of the municipal 145804
corporation or township with the division ~~of liquor control~~ in the 145805
enforcement of those chapters and penal laws. Within thirty days 145806
after the notice is served, the ~~commission~~ division shall 145807
determine whether the requirement has been complied with. If the 145808
~~commission~~ division determines that the requirement has not been 145809
complied with, it may ~~issue an order to the superintendent to~~ 145810
withhold the distributive share of the municipal corporation or 145811
township ~~until further order of the commission~~. This action of the 145812
~~commission~~ division is reviewable within thirty days thereafter in 145813
the court of common pleas of Franklin county. 145814

(G) All fees collected by the division of liquor control from 145815
the issuance or renewal of B-2a, S-1, and S-2 permits, and paid by 145816
B-2a, S-1, and S-2 permit holders who do not also hold A-1 or A-1c 145817
permits or A-2 or A-2f permits, shall be deposited in the state 145818
treasury to the credit of the state liquor regulatory fund. Once 145819
during each fiscal year, an amount equal to fifty per cent of the 145820
fees collected shall be paid from the state liquor regulatory fund 145821

into the general revenue fund. 145822

Sec. 4303.24. All application processing fees shall be 145823
remitted to the division of liquor control when applications are 145824
filed. The pendency, priority, or validity of an application for a 145825
permit or duplicate permit received by the division shall not be 145826
affected because the division did not issue the permit applied for 145827
or the applicant failed to appeal to the liquor control 145828
commission. 145829

The division, prior to the granting of a permit or duplicate 145830
permit applied for, shall notify, by certified mail, the applicant 145831
or the applicant's authorized agent. The applicant or the 145832
applicant's authorized agent, within thirty days after the mailing 145833
of that notice, shall pay to the division the entire amount of ~~the~~ 145834
any unpaid requisite permit fee required by sections 4303.02 to 145835
4303.231 or, in the case of a duplicate permit, section 4303.30 of 145836
the Revised Code, if the permit or duplicate permit is issued 145837
during the first six months of the year the permit or duplicate 145838
permit covers, or one-half of the amount of the requisite permit 145839
fee, if the permit or duplicate permit is issued during the last 145840
six months of the year the permit or duplicate permit covers. If 145841
the notice is returned because of failure or refusal of delivery, 145842
the division shall send another notice, by regular mail or by 145843
electronic means as determined by the division to provide proper 145844
notice under the laws of this state, to the applicant or the 145845
applicant's agent. If the applicant fails to pay the applicable 145846
amount of that requisite permit fee within ~~these~~ thirty days of 145847
the mailing of the last notice, the division shall cancel the 145848
applicant's application. 145849

All other fees shall be paid at the time and in the manner 145850
prescribed by the division. The liquor control commission may 145851
adopt rules requiring reports or returns for the purpose of 145852

determining the amounts of additional permit fees. 145853

Sec. 4507.081. (A) Upon the expiration of a restricted 145854
license issued under division (D)(3) of section 4507.08 of the 145855
Revised Code and submission of a statement as provided in division 145856
(C) of this section, the registrar of motor vehicles may issue a 145857
driver's license to the person to whom the restricted license was 145858
issued. A driver's license issued under this section, unless 145859
otherwise suspended or canceled, shall be effective for one year. 145860

(B) A driver's license issued under this section may be 145861
renewed annually, for no more than three consecutive years, 145862
whenever the person to whom the license has been issued submits to 145863
the registrar, ~~by certified mail and~~ no sooner than thirty days 145864
prior to the expiration date of the license or renewal thereof, a 145865
statement as provided in division (C) of this section. A renewal 145866
of a driver's license, unless the license is otherwise suspended 145867
or canceled, shall be effective for one year following the 145868
expiration date of the license or renewal thereof, ~~and shall be~~ 145869
~~evidenced by a validation sticker. The renewal validation sticker~~ 145870
~~shall be in a form prescribed by the registrar and shall be~~ 145871
~~affixed to the license.~~ 145872

(C) No person may be issued a driver's license under this 145873
section, and no such driver's license may be renewed, unless the 145874
person presents a signed statement from a licensed physician that 145875
the person's condition either is dormant or is under effective 145876
medical control, that the control has been maintained continuously 145877
for at least one year prior to the date on which application for 145878
the license is made, and that, if continued medication is 145879
prescribed to control the condition, the person may be depended 145880
upon to take the medication. 145881

The statement shall be made on a form provided by the 145882
registrar, ~~shall be in not less than duplicate,~~ and shall contain 145883

any other information the registrar considers necessary. The 145884
~~duplicate copy of the statement may be retained by the person~~ 145885
~~requesting the license renewal and, when in the person's immediate~~ 145886
~~possession and used in conjunction with the original license,~~ 145887
~~shall entitle the person to operate a motor vehicle during a~~ 145888
~~period of no more than thirty days following the date of~~ 145889
~~submission of the statement to the registrar, except when the~~ 145890
~~registrar denies the request for the license renewal and so~~ 145891
~~notifies the person.~~ 145892

(D) Whenever the registrar receives a statement indicating 145893
that the condition of a person to whom a driver's license has been 145894
issued under this section no longer is dormant or under effective 145895
medical control, the registrar shall cancel the person's driver's 145896
license. 145897

(E) Nothing in this section shall require a person submitting 145898
a signed statement from a licensed physician to obtain a medical 145899
examination prior to the submission of the statement. 145900

(F) Any person whose driver's license has been canceled under 145901
this section may apply for a subsequent restricted license 145902
according to the provisions of section 4507.08 of the Revised 145903
Code. 145904

Sec. 4508.021. (A) As used in this section: 145905

(1) "State agency" has the same meaning as in section 1.60 of 145906
the Revised Code. 145907

(2) "Electronic medium" means a ~~video cassette tape, CD-ROM,~~ 145908
~~interactive videodisc~~ web site, electronic mail communication, 145909
compact disc media, or other electronic format used to convey 145910
~~information to students~~ through electronic means which information 145911
is sent or conveyed. 145912

(B) The classroom instruction required by division (C) of 145913

section 4508.02 of the Revised Code shall include the 145914
dissemination of information regarding anatomical gifts and 145915
anatomical gift procedures or a presentation and discussion of 145916
such gifts and procedures in accordance with this section. The 145917
second chance trust fund advisory committee created under section 145918
2108.35 of the Revised Code shall approve any brochure, written 145919
material, or electronic medium used by a driver training school to 145920
provide information to students regarding anatomical gifts and 145921
anatomical gift procedures. However, the committee shall not 145922
approve any such brochure, written material, or electronic medium 145923
that contains religious content for use in a driver education 145924
course conducted by a school district or educational service 145925
center. 145926

(C)(1) If any brochure or other written material approved by 145927
the committee under division (B) of this section is made available 145928
to a driver training school at no cost, the instructor shall 145929
provide such brochure or material to students. 145930

(2) If any electronic medium that is less than twenty minutes 145931
in length and that is approved by the committee under division (B) 145932
of this section is made available to a driver training school at 145933
no cost, the instructor shall show the electronic medium to 145934
students, provided that the school maintains operable viewing 145935
equipment. If more than one such electronic medium is made 145936
available to a school in accordance with this division, the 145937
instructor shall select one electronic medium from among those 145938
received by the school to show to students. 145939

(3) If no electronic medium is shown to students as specified 145940
in division (C)(2) of this section, the instructor shall organize 145941
a classroom presentation and discussion regarding anatomical gifts 145942
and anatomical gift procedures. The instructor may arrange for the 145943
presentation to be conducted by an employee of the department of 145944
health or any other state agency, an employee or volunteer of the 145945

second chance trust fund, an employee or volunteer of any 145946
organization involved in the procurement of organ donations, an 145947
organ donor, an organ recipient, an employee or volunteer of a 145948
tissue or eye bank, or a tissue or corneal transplant recipient, 145949
provided that no such person charges a fee to the school for the 145950
presentation. However, no such presentation that contains 145951
religious content shall be made to students of a driver education 145952
course conducted by a school district or educational service 145953
center. Students shall be granted the opportunity to ask questions 145954
on anatomical gifts and anatomical gift procedures during the 145955
presentation and discussion. 145956

Nothing in this section shall prohibit an instructor from 145957
also organizing a classroom presentation and discussion regarding 145958
anatomical gifts and anatomical gift procedures in accordance with 145959
this division if the instructor shows an electronic medium to 145960
students pursuant to division (C)(2) of this section. 145961

(D) No student shall be required to participate in any 145962
instruction in anatomical gifts or anatomical gift procedures 145963
conducted under this section upon written notification from the 145964
student's parent or guardian, or the student if the student is 145965
over eighteen years of age, that such instruction conflicts with 145966
the religious convictions of the student or the student's parent 145967
or guardian. If a student is excused from such instruction, the 145968
instructor shall give the student an alternative assignment. 145969

Sec. 4509.101. (A)(1) No person shall operate, or permit the 145970
operation of, a motor vehicle in this state, unless proof of 145971
financial responsibility is maintained continuously throughout the 145972
registration period with respect to that vehicle, or, in the case 145973
of a driver who is not the owner, with respect to that driver's 145974
operation of that vehicle. 145975

(2) Whoever violates division (A)(1) of this section shall be 145976

subject to the following civil penalties: 145977

(a) Subject to divisions (A)(2)(b) and (c) of this section, a 145978
class (F) suspension of the person's driver's license, commercial 145979
driver's license, temporary instruction permit, probationary 145980
license, or nonresident operating privilege for the period of time 145981
specified in division (B)(6) of section 4510.02 of the Revised 145982
Code and impoundment of the person's license. The court may grant 145983
limited driving privileges to the person, but only if the person 145984
presents proof of financial responsibility and is enrolled in a 145985
reinstatement fee payment plan pursuant to section 4510.10 of the 145986
Revised Code. 145987

(b) If, within five years of the violation, the person's 145988
operating privileges are again suspended and the person's license 145989
again is impounded for a violation of division (A)(1) of this 145990
section, a class C suspension of the person's driver's license, 145991
commercial driver's license, temporary instruction permit, 145992
probationary license, or nonresident operating privilege for the 145993
period of time specified in division (B)(3) of section 4510.02 of 145994
the Revised Code. The court may grant limited driving privileges 145995
to the person only if the person presents proof of financial 145996
responsibility and has complied with division (A)(5) of this 145997
section, and no court may grant limited driving privileges for the 145998
first fifteen days of the suspension. 145999

(c) If, within five years of the violation, the person's 146000
operating privileges are suspended and the person's license is 146001
impounded two or more times for a violation of division (A)(1) of 146002
this section, a class B suspension of the person's driver's 146003
license, commercial driver's license, temporary instruction 146004
permit, probationary license, or nonresident operating privilege 146005
for the period of time specified in division (B)(2) of section 146006
4510.02 of the Revised Code. The court may grant limited driving 146007
privileges to the person only if the person presents proof of 146008

financial responsibility and has complied with division (A)(5) of 146009
this section, except that no court may grant limited driving 146010
privileges for the first thirty days of the suspension. 146011

(d) In addition to the suspension of an owner's license under 146012
division (A)(2)(a), (b), or (c) of this section, the suspension of 146013
the rights of the owner to register the motor vehicle and the 146014
impoundment of the owner's certificate of registration and license 146015
plates until the owner complies with division (A)(5) of this 146016
section. 146017

The clerk of court shall waive the cost of filing a petition 146018
for limited driving privileges if, pursuant to section 2323.311 of 146019
the Revised Code, the petitioner applies to be qualified as an 146020
indigent litigant and the court approves the application. 146021

(3) A person to whom this state has issued a certificate of 146022
registration for a motor vehicle or a license to operate a motor 146023
vehicle or who is determined to have operated any motor vehicle or 146024
permitted the operation in this state of a motor vehicle owned by 146025
the person shall be required to verify the existence of proof of 146026
financial responsibility covering the operation of the motor 146027
vehicle or the person's operation of the motor vehicle under 146028
either of the following circumstances: 146029

(a) The person or a motor vehicle owned by the person is 146030
involved in a traffic accident that requires the filing of an 146031
accident report under section 4509.06 of the Revised Code. 146032

(b) The person receives a traffic ticket indicating that 146033
proof of the maintenance of financial responsibility was not 146034
produced upon the request of a peace officer or state highway 146035
patrol trooper made in accordance with division (D)(2) of this 146036
section. 146037

(4) An order of the registrar that suspends and impounds a 146038
license or registration, or both, shall state the date on or 146039

before which the person is required to surrender the person's 146040
license or certificate of registration and license plates. The 146041
person is deemed to have surrendered the license or certificate of 146042
registration and license plates, in compliance with the order, if 146043
the person does either of the following: 146044

(a) On or before the date specified in the order, ~~personally~~ 146045
delivers the license or certificate of registration and license 146046
plates, ~~or causes the delivery of the items,~~ to the registrar; 146047

(b) Mails the license or certificate of registration and 146048
license plates to the registrar in an envelope or container 146049
bearing a postmark showing a date no later than the date specified 146050
in the order. 146051

(5) Except as provided in division (L) of this section, the 146052
registrar shall not restore any operating privileges or 146053
registration rights suspended under this section, return any 146054
license, certificate of registration, or license plates impounded 146055
under this section, or reissue license plates under section 146056
4503.232 of the Revised Code, if the registrar destroyed the 146057
impounded license plates under that section, or reissue a license 146058
under section 4510.52 of the Revised Code, if the registrar 146059
destroyed the suspended license under that section, unless the 146060
rights are not subject to suspension or revocation under any other 146061
law and unless the person, in addition to complying with all other 146062
conditions required by law for reinstatement of the operating 146063
privileges or registration rights, complies with all of the 146064
following: 146065

(a) Pays to the registrar or an eligible deputy registrar a 146066
financial responsibility reinstatement fee of one hundred dollars 146067
for the first violation of division (A)(1) of this section, three 146068
hundred dollars for a second violation of that division, and six 146069
hundred dollars for a third or subsequent violation of that 146070
division; 146071

(b) If the person has not voluntarily surrendered the license, certificate, or license plates in compliance with the order, pays to the registrar or an eligible deputy registrar a financial responsibility nonvoluntary compliance fee in an amount, not to exceed fifty dollars, determined by the registrar;

(c) Files and continuously maintains proof of financial responsibility under sections 4509.44 to 4509.65 of the Revised Code;

(d) Pays a deputy registrar a service fee of ten dollars to compensate the deputy registrar for services performed under this section. The deputy registrar shall retain eight dollars of the service fee and shall transmit the reinstatement fee, any nonvoluntary compliance fee, and two dollars of the service fee to the registrar in the manner the registrar shall determine.

(B)(1) Every party required to file an accident report under section 4509.06 of the Revised Code also shall include with the report a document described in division (G)(1)(a) of this section or shall present proof of financial responsibility through use of an electronic wireless communications device as permitted by division (G)(1)(b) of this section.

If the registrar determines, within forty-five days after the report is filed, that an operator or owner has violated division (A)(1) of this section, the registrar shall do all of the following:

(a) Order the impoundment, with respect to the motor vehicle involved, required under division (A)(2)(d) of this section, of the certificate of registration and license plates of any owner who has violated division (A)(1) of this section;

(b) Order the suspension required under division (A)(2)(a), (b), or (c) of this section of the license of any operator or owner who has violated division (A)(1) of this section;

(c) Record the name and address of the person whose 146103
certificate of registration and license plates have been impounded 146104
or are under an order of impoundment, or whose license has been 146105
suspended or is under an order of suspension; the serial number of 146106
the person's license; the serial numbers of the person's 146107
certificate of registration and license plates; and the person's 146108
social security account number, if assigned, or, where the motor 146109
vehicle is used for hire or principally in connection with any 146110
established business, the person's federal taxpayer identification 146111
number. The information shall be recorded in such a manner that it 146112
becomes a part of the person's permanent record, and assists the 146113
registrar in monitoring compliance with the orders of suspension 146114
or impoundment. 146115

(d) Send written notification to every person to whom the 146116
order pertains, at the person's last known address as shown on the 146117
records of the bureau. The person, within ten days after the date 146118
of the mailing of the notification, shall surrender to the 146119
registrar, in a manner set forth in division (A)(4) of this 146120
section, any certificate of registration and registration plates 146121
under an order of impoundment, or any license under an order of 146122
suspension. 146123

(2) The registrar shall issue any order under division (B)(1) 146124
of this section without a hearing. Any person adversely affected 146125
by the order, within ten days after the issuance of the order, may 146126
request an administrative hearing before the registrar, who shall 146127
provide the person with an opportunity for a hearing in accordance 146128
with this paragraph. A request for a hearing does not operate as a 146129
suspension of the order. The scope of the hearing shall be limited 146130
to whether the person in fact demonstrated to the registrar proof 146131
of financial responsibility in accordance with this section. The 146132
registrar shall determine the date, time, and place of any 146133
hearing, provided that the hearing shall be held, and an order 146134

issued or findings made, within thirty days after the registrar 146135
receives a request for a hearing. If requested by the person in 146136
writing, the registrar may designate as the place of hearing the 146137
county seat of the county in which the person resides or a place 146138
within fifty miles of the person's residence. The person shall pay 146139
the cost of the hearing before the registrar, if the registrar's 146140
order of suspension or impoundment is upheld. 146141

(C) Any order of suspension or impoundment issued under this 146142
section or division (B) of section 4509.37 of the Revised Code may 146143
be terminated at any time if the registrar determines upon a 146144
showing of proof of financial responsibility that the operator or 146145
owner of the motor vehicle was in compliance with division (A)(1) 146146
of this section at the time of the traffic offense, motor vehicle 146147
inspection, or accident that resulted in the order against the 146148
person. A determination may be made without a hearing. This 146149
division does not apply unless the person shows good cause for the 146150
person's failure to present satisfactory proof of financial 146151
responsibility to the registrar prior to the issuance of the 146152
order. 146153

(D)(1)(a) For the purpose of enforcing this section, every 146154
peace officer is deemed an agent of the registrar. 146155

(b) Any peace officer who, in the performance of the peace 146156
officer's duties as authorized by law, becomes aware of a person 146157
whose license is under an order of suspension, or whose 146158
certificate of registration and license plates are under an order 146159
of impoundment, pursuant to this section, may confiscate the 146160
license, certificate of registration, and license plates, and 146161
return them to the registrar. 146162

(2) A peace officer shall request the owner or operator of a 146163
motor vehicle to produce proof of financial responsibility in a 146164
manner described in division (G) of this section at the time the 146165
peace officer acts to enforce the traffic laws of this state and 146166

during motor vehicle inspections conducted pursuant to section 146167
4513.02 of the Revised Code. 146168

(3) A peace officer shall indicate on every traffic ticket 146169
whether the person receiving the traffic ticket produced proof of 146170
the maintenance of financial responsibility in response to the 146171
officer's request under division (D)(2) of this section. The peace 146172
officer shall inform every person who receives a traffic ticket 146173
and who has failed to produce proof of the maintenance of 146174
financial responsibility that the person must submit proof to the 146175
traffic violations bureau with any payment of a fine and costs for 146176
the ticketed violation or, if the person is to appear in court for 146177
the violation, the person must submit proof to the court. 146178

(4)(a) If a person who has failed to produce proof of the 146179
maintenance of financial responsibility appears in court for a 146180
ticketed violation, the court may permit the defendant to present 146181
evidence of proof of financial responsibility to the court at such 146182
time and in such manner as the court determines to be necessary or 146183
appropriate. In a manner prescribed by the registrar, the clerk of 146184
courts shall provide the registrar with the identity of any person 146185
who fails to submit proof of the maintenance of financial 146186
responsibility pursuant to division (D)(3) of this section. 146187

(b) If a person who has failed to produce proof of the 146188
maintenance of financial responsibility also fails to submit that 146189
proof to the traffic violations bureau with payment of a fine and 146190
costs for the ticketed violation, the traffic violations bureau, 146191
in a manner prescribed by the registrar, shall notify the 146192
registrar of the identity of that person. 146193

(5)(a) Upon receiving notice from a clerk of courts or 146194
traffic violations bureau pursuant to division (D)(4) of this 146195
section, the registrar shall order the suspension of the license 146196
of the person required under division (A)(2)(a), (b), or (c) of 146197
this section and the impoundment of the person's certificate of 146198

registration and license plates required under division (A)(2)(d) 146199
of this section, effective thirty days after the date of the 146200
mailing of notification. The registrar also shall notify the 146201
person that the person must present the registrar with proof of 146202
financial responsibility in accordance with this section, 146203
surrender to the registrar the person's certificate of 146204
registration, license plates, and license, or submit a statement 146205
subject to section 2921.13 of the Revised Code that the person did 146206
not operate or permit the operation of the motor vehicle at the 146207
time of the offense. Notification shall be in writing and shall be 146208
sent to the person at the person's last known address as shown on 146209
the records of the bureau of motor vehicles. The person, within 146210
fifteen days after the date of the mailing of notification, shall 146211
present proof of financial responsibility, surrender the 146212
certificate of registration, license plates, and license to the 146213
registrar in a manner set forth in division (A)(4) of this 146214
section, or submit the statement required under this section 146215
together with other information the person considers appropriate. 146216

If the registrar does not receive proof or the person does 146217
not surrender the certificate of registration, license plates, and 146218
license, in accordance with this division, the registrar shall 146219
permit the order for the suspension of the license of the person 146220
and the impoundment of the person's certificate of registration 146221
and license plates to take effect. 146222

(b) In the case of a person who presents, within the 146223
fifteen-day period, proof of financial responsibility, the 146224
registrar shall terminate the order of suspension and the 146225
impoundment of the registration and license plates required under 146226
division (A)(2)(d) of this section and shall send written 146227
notification to the person, at the person's last known address as 146228
shown on the records of the bureau. 146229

(c) Any person adversely affected by the order of the 146230

registrar under division (D)(5)(a) or (b) of this section, within 146231
ten days after the issuance of the order, may request an 146232
administrative hearing before the registrar, who shall provide the 146233
person with an opportunity for a hearing in accordance with this 146234
paragraph. A request for a hearing does not operate as a 146235
suspension of the order. The scope of the hearing shall be limited 146236
to whether, at the time of the hearing, the person presents proof 146237
of financial responsibility covering the vehicle and whether the 146238
person is eligible for an exemption in accordance with this 146239
section or any rule adopted under it. The registrar shall 146240
determine the date, time, and place of any hearing; ~~provided, that~~ 146241
~~the hearing shall be held, and an order issued or findings made,~~ 146242
~~within thirty days after the registrar receives a request for a~~ 146243
~~hearing. The hearing may be held remotely by electronic means.~~ If 146244
requested by the person in writing, the registrar may designate as 146245
the place of hearing the county seat of the county in which the 146246
person resides or a place within fifty miles of the person's 146247
residence. Such person shall pay the cost of the hearing before 146248
the registrar, if the registrar's order of suspension or 146249
impoundment under division (D)(5)(a) or (b) of this section is 146250
upheld. 146251

(6) A peace officer may charge an owner or operator of a 146252
motor vehicle with a violation of section 4510.16 of the Revised 146253
Code when the owner or operator fails to show proof of the 146254
maintenance of financial responsibility pursuant to a peace 146255
officer's request under division (D)(2) of this section, if a 146256
check of the owner or operator's driving record indicates that the 146257
owner or operator, at the time of the operation of the motor 146258
vehicle, is required to file and maintain proof of financial 146259
responsibility under section 4509.45 of the Revised Code for a 146260
previous violation of this chapter. 146261

(7) Any forms used by law enforcement agencies in 146262

administering this section shall be prescribed, supplied, and paid 146263
for by the registrar. 146264

(8) No peace officer, law enforcement agency employing a 146265
peace officer, or political subdivision or governmental agency 146266
that employs a peace officer shall be liable in a civil action for 146267
damages or loss to persons arising out of the performance of any 146268
duty required or authorized by this section. 146269

(9) As used in this section, "peace officer" has the meaning 146270
set forth in section 2935.01 of the Revised Code. 146271

(E) All fees, except court costs, fees paid to a deputy 146272
registrar, and those portions of the financial responsibility 146273
reinstatement fees as otherwise specified in this division, 146274
collected under this section shall be paid into the state treasury 146275
to the credit of the public safety - highway purposes fund 146276
established in section 4501.06 of the Revised Code and used to 146277
cover costs incurred by the bureau in the administration of this 146278
section and sections 4503.20, 4507.212, and 4509.81 of the Revised 146279
Code, and by any law enforcement agency employing any peace 146280
officer who returns any license, certificate of registration, and 146281
license plates to the registrar pursuant to division (C) of this 146282
section. 146283

Of each financial responsibility reinstatement fee the 146284
registrar collects pursuant to division (A)(5)(a) of this section 146285
or receives from a deputy registrar under division (A)(5)(d) of 146286
this section, the registrar shall deposit twenty-five dollars of 146287
each one-hundred-dollar reinstatement fee, fifty dollars of each 146288
three-hundred-dollar reinstatement fee, and one hundred dollars of 146289
each six-hundred-dollar reinstatement fee into the state treasury 146290
to the credit of the indigent defense support fund created by 146291
section 120.08 of the Revised Code. 146292

(F) Chapter 119. of the Revised Code applies to this section 146293

only to the extent that any provision in that chapter is not 146294
clearly inconsistent with this section. 146295

(G)(1)(a) The registrar, court, traffic violations bureau, or 146296
peace officer may require proof of financial responsibility to be 146297
demonstrated by use of a standard form prescribed by the 146298
registrar. If the use of a standard form is not required, a person 146299
may demonstrate proof of financial responsibility under this 146300
section by presenting to the traffic violations bureau, court, 146301
registrar, or peace officer any of the following documents or a 146302
copy of the documents: 146303

(i) A financial responsibility identification card as 146304
provided in section 4509.103 of the Revised Code; 146305

(ii) A certificate of proof of financial responsibility on a 146306
form provided and approved by the registrar for the filing of an 146307
accident report required to be filed under section 4509.06 of the 146308
Revised Code; 146309

(iii) A policy of liability insurance, a declaration page of 146310
a policy of liability insurance, or liability bond, if the policy 146311
or bond complies with section 4509.20 or sections 4509.49 to 146312
4509.61 of the Revised Code; 146313

(iv) A bond or certification of the issuance of a bond as 146314
provided in section 4509.59 of the Revised Code; 146315

(v) A certificate of deposit of money or securities as 146316
provided in section 4509.62 of the Revised Code; 146317

(vi) A certificate of self-insurance as provided in section 146318
4509.72 of the Revised Code. 146319

(b) A person also may present proof of financial 146320
responsibility under this section to the traffic violations 146321
bureau, court, registrar, or peace officer through use of an 146322
electronic wireless communications device as specified under 146323

section 4509.103 of the Revised Code. 146324

(2) If a person fails to demonstrate proof of financial 146325
responsibility in a manner described in division (G)(1) of this 146326
section, the person may demonstrate proof of financial 146327
responsibility under this section by any other method that the 146328
court or the bureau, by reason of circumstances in a particular 146329
case, may consider appropriate. 146330

(3) A motor carrier certificated by the interstate commerce 146331
commission or by the public utilities commission may demonstrate 146332
proof of financial responsibility by providing a statement 146333
designating the motor carrier's operating authority and averring 146334
that the insurance coverage required by the certificating 146335
authority is in full force and effect. 146336

(4)(a) A finding by the registrar or court that a person is 146337
covered by proof of financial responsibility in the form of an 146338
insurance policy or surety bond is not binding upon the named 146339
insurer or surety or any of its officers, employees, agents, or 146340
representatives and has no legal effect except for the purpose of 146341
administering this section. 146342

(b) The preparation and delivery of a financial 146343
responsibility identification card or any other document 146344
authorized to be used as proof of financial responsibility and the 146345
generation and delivery of proof of financial responsibility to an 146346
electronic wireless communications device that is displayed on the 146347
device as text or images does not do any of the following: 146348

(i) Create any liability or estoppel against an insurer or 146349
surety, or any of its officers, employees, agents, or 146350
representatives; 146351

(ii) Constitute an admission of the existence of, or of any 146352
liability or coverage under, any policy or bond; 146353

(iii) Waive any defenses or counterclaims available to an 146354

insurer, surety, agent, employee, or representative in an action 146355
commenced by an insured or third-party claimant upon a cause of 146356
action alleged to have arisen under an insurance policy or surety 146357
bond or by reason of the preparation and delivery of a document 146358
for use as proof of financial responsibility or the generation and 146359
delivery of proof of financial responsibility to an electronic 146360
wireless communications device. 146361

(c) Whenever it is determined by a final judgment in a 146362
judicial proceeding that an insurer or surety, which has been 146363
named on a document or displayed on an electronic wireless 146364
communications device accepted by a court or the registrar as 146365
proof of financial responsibility covering the operation of a 146366
motor vehicle at the time of an accident or offense, is not liable 146367
to pay a judgment for injuries or damages resulting from such 146368
operation, the registrar, notwithstanding any previous contrary 146369
finding, shall forthwith suspend the operating privileges and 146370
registration rights of the person against whom the judgment was 146371
rendered as provided in division (A)(2) of this section. 146372

(H) In order for any document or display of text or images on 146373
an electronic wireless communications device described in division 146374
(G)(1) of this section to be used for the demonstration of proof 146375
of financial responsibility under this section, the document or 146376
words or images shall state the name of the insured or obligor, 146377
the name of the insurer or surety company, and the effective and 146378
expiration dates of the financial responsibility, and designate by 146379
explicit description or by appropriate reference all motor 146380
vehicles covered which may include a reference to fleet insurance 146381
coverage. 146382

(I) For purposes of this section, "owner" does not include a 146383
licensed motor vehicle leasing dealer as defined in section 146384
4517.01 of the Revised Code, but does include a motor vehicle 146385
renting dealer as defined in section 4549.65 of the Revised Code. 146386

Nothing in this section or in section 4509.51 of the Revised Code 146387
shall be construed to prohibit a motor vehicle renting dealer from 146388
entering into a contractual agreement with a person whereby the 146389
person renting the motor vehicle agrees to be solely responsible 146390
for maintaining proof of financial responsibility, in accordance 146391
with this section, with respect to the operation, maintenance, or 146392
use of the motor vehicle during the period of the motor vehicle's 146393
rental. 146394

(J) The purpose of this section is to require the maintenance 146395
of proof of financial responsibility with respect to the operation 146396
of motor vehicles on the highways of this state, so as to minimize 146397
those situations in which persons are not compensated for injuries 146398
and damages sustained in motor vehicle accidents. The general 146399
assembly finds that this section contains reasonable civil 146400
penalties and procedures for achieving this purpose. 146401

(K) Nothing in this section shall be construed to be subject 146402
to section 4509.78 of the Revised Code. 146403

(L)(1) The registrar may terminate any suspension imposed 146404
under this section and not require the owner to comply with 146405
divisions (A)(5)(a), (b), and (c) of this section if the registrar 146406
with or without a hearing determines that the owner of the vehicle 146407
has established by clear and convincing evidence that all of the 146408
following apply: 146409

(a) The owner customarily maintains proof of financial 146410
responsibility. 146411

(b) Proof of financial responsibility was not in effect for 146412
the vehicle on the date in question for one of the following 146413
reasons: 146414

(i) The vehicle was inoperable. 146415

(ii) The vehicle is operated only seasonally, and the date in 146416
question was outside the season of operation. 146417

(iii) A person other than the vehicle owner or driver was at 146418
fault for the lapse of proof of financial responsibility through 146419
no fault of the owner or driver. 146420

(iv) The lapse of proof of financial responsibility was 146421
caused by excusable neglect under circumstances that are not 146422
likely to recur and do not suggest a purpose to evade the 146423
requirements of this chapter. 146424

(2) The registrar may grant an owner or driver relief for a 146425
reason specified in division (L)(1)(b)(iii) or (iv) of this 146426
section only if the owner or driver has not previously been 146427
granted relief under division (L)(1)(b)(iii) or (iv) of this 146428
section. 146429

(M) The registrar shall adopt rules in accordance with 146430
Chapter 119. of the Revised Code that are necessary to administer 146431
and enforce this section. The rules shall include procedures for 146432
the surrender of license plates upon failure to maintain proof of 146433
financial responsibility and provisions relating to reinstatement 146434
of registration rights, acceptable forms of proof of financial 146435
responsibility, the use of an electronic wireless communications 146436
device to present proof of financial responsibility, and 146437
verification of the existence of financial responsibility during 146438
the period of registration. 146439

(N)(1) When a person utilizes an electronic wireless 146440
communications device to present proof of financial 146441
responsibility, only the evidence of financial responsibility 146442
displayed on the device shall be viewed by the registrar, peace 146443
officer, employee or official of the traffic violations bureau, or 146444
the court. No other content of the device shall be viewed for 146445
purposes of obtaining proof of financial responsibility. 146446

(2) When a person provides an electronic wireless 146447
communications device to the registrar, a peace officer, an 146448

employee or official of a traffic violations bureau, or the court, 146449
the person assumes the risk of any resulting damage to the device 146450
unless the registrar, peace officer, employee, or official, or 146451
court personnel purposely, knowingly, or recklessly commits an 146452
action that results in damage to the device. 146453

Sec. 4510.03. (A) Every county court judge, mayor of a 146454
mayor's court, and clerk of a court of record shall keep a full 146455
record of every case in which a person is charged with any 146456
violation of any provision of sections 4511.01 to 4511.771 or 146457
4513.01 to 4513.36 of the Revised Code or of any other law or 146458
ordinance regulating the operation of vehicles, streetcars, and 146459
trackless trolleys on highways or streets. 146460

(B) If a person is convicted of or forfeits bail in relation 146461
to a violation of any section listed in division (A) of this 146462
section or a violation of any other law or ordinance regulating 146463
the operation of vehicles, streetcars, and trackless trolleys on 146464
highways or streets, the county court judge, mayor of a mayor's 146465
court, or clerk, within seven days after the conviction or bail 146466
forfeiture, shall prepare and immediately forward to the bureau of 146467
motor vehicles, in a secure electronic format, an abstract, 146468
certified by the preparer to be true and correct, of the court 146469
record covering the case in which the person was convicted or 146470
forfeited bail. Every court of record also shall forward to the 146471
bureau of motor vehicles, in a secure electronic format, an 146472
abstract of the court record as described in division (C) of this 146473
section upon the conviction of any person of aggravated vehicular 146474
homicide or vehicular homicide or of a felony in the commission of 146475
which a vehicle was used. 146476

(C) Each abstract required by this section shall be made upon 146477
a form approved and furnished by the bureau and shall include the 146478
name and address of the person charged, the number of the person's 146479

driver's or commercial driver's license, probationary driver's 146480
license, or temporary instruction permit, the registration number 146481
of the vehicle involved, the nature of the offense, the date of 146482
the offense, the date of hearing, the plea, the judgment, or 146483
whether bail was forfeited, and the amount of the fine or 146484
forfeiture. 146485

Sec. 4510.41. (A) As used in this section: 146486

(1) "Arrested person" means a person who is arrested for a 146487
violation of section 4510.14 or 4511.203 of the Revised Code, or a 146488
municipal ordinance that is substantially equivalent to either of 146489
those sections, and whose arrest results in a vehicle being seized 146490
under division (B) of this section. 146491

(2) "Vehicle owner" means either of the following: 146492

(a) The person in whose name is registered, at the time of 146493
the seizure, a vehicle that is seized under division (B) of this 146494
section; 146495

(b) A person to whom the certificate of title to a vehicle 146496
that is seized under division (B) of this section has been 146497
assigned and who has not obtained a certificate of title to the 146498
vehicle in that person's name, but who is deemed by the court as 146499
being the owner of the vehicle at the time the vehicle was seized 146500
under division (B) of this section. 146501

(3) "Interested party" includes the owner of a vehicle seized 146502
under this section, all lienholders, the arrested person, the 146503
owner of the place of storage at which a vehicle seized under this 146504
section is stored, and the person or entity that caused the 146505
vehicle to be removed. 146506

(B)(1) If a person is arrested for a violation of section 146507
4510.14 or 4511.203 of the Revised Code or a municipal ordinance 146508
that is substantially equivalent to either of those sections, the 146509

arresting officer or another officer of the law enforcement agency 146510
that employs the arresting officer, in addition to any action that 146511
the arresting officer is required or authorized to take by any 146512
other provision of law, shall seize the vehicle that the person 146513
was operating at the time of, or that was involved in, the alleged 146514
offense if the vehicle is registered in the arrested person's name 146515
and its license plates. A law enforcement agency that employs a 146516
law enforcement officer who makes an arrest of a type that is 146517
described in this division and that involves a rented or leased 146518
vehicle that is being rented or leased for a period of thirty days 146519
or less shall notify, within twenty-four hours after the officer 146520
makes the arrest, the lessor or owner of the vehicle regarding the 146521
circumstances of the arrest and the location at which the vehicle 146522
may be picked up. At the time of the seizure of the vehicle, the 146523
law enforcement officer who made the arrest shall give the 146524
arrested person written notice that the vehicle and its license 146525
plates have been seized; that the vehicle either will be kept by 146526
the officer's law enforcement agency or will be immobilized at 146527
least until the person's initial appearance on the charge of the 146528
offense for which the arrest was made; that, at the initial 146529
appearance, the court in certain circumstances may order that the 146530
vehicle and license plates be released to the arrested person 146531
until the disposition of that charge; that, if the arrested person 146532
is convicted of that charge, the court generally must order the 146533
immobilization of the vehicle and the impoundment of its license 146534
plates or the forfeiture of the vehicle; and that the arrested 146535
person may be charged expenses or charges incurred under this 146536
section and section 4503.233 of the Revised Code for the removal 146537
and storage of the vehicle. 146538

(2) The arresting officer or a law enforcement officer of the 146539
agency that employs the arresting officer shall give written 146540
notice of the seizure under division (B)(1) of this section to the 146541
court that will conduct the initial appearance of the arrested 146542

person on the charges arising out of the arrest. Upon receipt of 146543
the notice, the court promptly shall determine whether the 146544
arrested person is the vehicle owner. If the court determines that 146545
the arrested person is not the vehicle owner, it promptly shall 146546
send by regular mail written notice of the seizure to the 146547
vehicle's registered owner. The written notice shall contain all 146548
of the information required by division (B)(1) of this section to 146549
be in a notice to be given to the arrested person and also shall 146550
specify the date, time, and place of the arrested person's initial 146551
appearance. The notice also shall inform the vehicle owner that if 146552
title to a motor vehicle that is subject to an order for criminal 146553
forfeiture under this section is assigned or transferred and 146554
division (B)(2) or (3) of section 4503.234 of the Revised Code 146555
applies, the court may fine the arrested person the value of the 146556
vehicle. The notice also shall state that if the vehicle is 146557
immobilized under division (A) of section 4503.233 of the Revised 146558
Code, seven days after the end of the period of immobilization a 146559
law enforcement agency will send the vehicle owner a notice, 146560
informing the owner that if the release of the vehicle is not 146561
obtained in accordance with division (D)(3) of section 4503.233 of 146562
the Revised Code, the vehicle shall be forfeited. The notice also 146563
shall inform the vehicle owner that the owner may be charged 146564
expenses or charges incurred under this section and section 146565
4503.233 of the Revised Code for the removal and storage of the 146566
vehicle. 146567

The written notice that is given to the arrested person also 146568
shall state that if the person is convicted of or pleads guilty to 146569
the offense and the court issues an immobilization and impoundment 146570
order relative to that vehicle, division (D)(4) of section 146571
4503.233 of the Revised Code prohibits the vehicle from being sold 146572
during the period of immobilization without the prior approval of 146573
the court. 146574

(3) At or before the initial appearance, the vehicle owner 146575
may file a motion requesting the court to order that the vehicle 146576
and its license plates be released to the vehicle owner. Except as 146577
provided in this division and subject to the payment of expenses 146578
or charges incurred in the removal and storage of the vehicle, the 146579
court, in its discretion, then may issue an order releasing the 146580
vehicle and its license plates to the vehicle owner. Such an order 146581
may be conditioned upon such terms as the court determines 146582
appropriate, including the posting of a bond in an amount 146583
determined by the court. If the arrested person is not the vehicle 146584
owner and if the vehicle owner is not present at the arrested 146585
person's initial appearance, and if the court believes that the 146586
vehicle owner was not provided with adequate notice of the initial 146587
appearance, the court, in its discretion, may allow the vehicle 146588
owner to file a motion within seven days of the initial 146589
appearance. If the court allows the vehicle owner to file such a 146590
motion after the initial appearance, the extension of time granted 146591
by the court does not extend the time within which the initial 146592
appearance is to be conducted. If the court issues an order for 146593
the release of the vehicle and its license plates, a copy of the 146594
order shall be made available to the vehicle owner. If the vehicle 146595
owner presents a copy of the order to the law enforcement agency 146596
that employs the law enforcement officer who arrested the arrested 146597
person, the law enforcement agency promptly shall release the 146598
vehicle and its license plates to the vehicle owner upon payment 146599
by the vehicle owner of any expenses or charges incurred in the 146600
removal or storage of the vehicle. 146601

(4) A vehicle seized under division (B)(1) of this section 146602
either shall be towed to a place specified by the law enforcement 146603
agency that employs the arresting officer to be safely kept by the 146604
agency at that place for the time and in the manner specified in 146605
this section or shall be otherwise immobilized for the time and in 146606
the manner specified in this section. ~~A law enforcement officer of~~ 146607

~~that agency shall remove the identification license plates of the~~ 146608
~~vehicle, and they shall be safely kept by the agency for the time~~ 146609
~~and in the manner specified in this section. The license plates~~ 146610
~~shall remain on the seized vehicle unless otherwise ordered by the~~ 146611
~~court.~~ No vehicle that is seized and either towed or immobilized 146612
pursuant to this division shall be considered contraband for 146613
purposes of Chapter 2981. of the Revised Code. The vehicle shall 146614
not be immobilized at any place other than a commercially operated 146615
private storage lot, a place owned by a law enforcement or other 146616
government agency, or a place to which one of the following 146617
applies: 146618

(a) The place is leased by or otherwise under the control of 146619
a law enforcement or other government agency. 146620

(b) The place is owned by the arrested person, the arrested 146621
person's spouse, or a parent or child of the arrested person. 146622

(c) The place is owned by a private person or entity, and, 146623
prior to the immobilization, the private entity or person that 146624
owns the place, or the authorized agent of that private entity or 146625
person, has given express written consent for the immobilization 146626
to be carried out at that place. 146627

(d) The place is a public street or highway on which the 146628
vehicle is parked in accordance with the law. 146629

(C)(1) A vehicle seized under division (B)(1) of this section 146630
shall be safely kept at the place to which it is towed or 146631
otherwise moved by the law enforcement agency that employs the 146632
arresting officer until the initial appearance of the arrested 146633
person relative to the charge in question. The license plates ~~of~~ 146634
~~shall remain on the seized vehicle that are removed pursuant to~~ 146635
~~division (B)(1) of this section shall be safely kept by the law~~ 146636
~~enforcement agency that employs the arresting officer until at~~ 146637
~~least the initial appearance of the arrested person relative to~~ 146638

~~the charge in question unless otherwise ordered by the court.~~ 146639

(2)(a) At the initial appearance or not less than seven days 146640
prior to the date of final disposition, the court shall notify the 146641
arrested person that, if title to a motor vehicle that is subject 146642
to an order for criminal forfeiture under this section is assigned 146643
or transferred and division (B)(2) or (3) of section 4503.234 of 146644
the Revised Code applies, the court may fine the arrested person 146645
the value of the vehicle. If, at the initial appearance, the 146646
arrested person pleads guilty to the violation of section 4510.14 146647
or 4511.203 of the Revised Code, or a municipal ordinance that is 146648
substantially equivalent to either of those sections or pleads no 146649
contest to and is convicted of the violation, the following 146650
sentencing provisions apply: 146651

(i) If the person violated section 4510.14 of the Revised 146652
Code or a municipal ordinance that is substantially equivalent to 146653
that section, the court shall impose sentence upon the person as 146654
provided by law or ordinance; the court shall order the 146655
immobilization of the vehicle the arrested person was operating at 146656
the time of, or that was involved in, the offense if registered in 146657
the arrested person's name and the impoundment of its license 146658
plates under sections 4503.233 and 4510.14 of the Revised Code or 146659
the criminal forfeiture to the state of the vehicle if registered 146660
in the arrested person's name under sections 4503.234 and 4510.14 146661
of the Revised Code, whichever is applicable; and the vehicle and 146662
its license plates shall not be returned or released to the 146663
arrested person. 146664

(ii) If the person violated section 4511.203 of the Revised 146665
Code or a municipal ordinance that is substantially equivalent to 146666
that section, the court shall impose sentence upon the person as 146667
provided by law or ordinance; the court may order the 146668
immobilization of the vehicle the arrested person was operating at 146669
the time of, or that was involved in, the offense if registered in 146670

the arrested person's name and the impoundment of its license 146671
plates under section 4503.233 and section 4511.203 of the Revised 146672
Code or the criminal forfeiture to the state of the vehicle if 146673
registered in the arrested person's name under section 4503.234 146674
and section 4511.203 of the Revised Code, whichever is applicable; 146675
and the vehicle and its license plates shall not be returned or 146676
released to the arrested person. 146677

(b) If, at any time, the charge that the arrested person 146678
violated section 4510.14 or 4511.203 of the Revised Code, or a 146679
municipal ordinance that is substantially equivalent to either of 146680
those sections is dismissed for any reason, the court shall order 146681
that the vehicle seized at the time of the arrest and its license 146682
plates immediately be released to the person. 146683

(D) If a vehicle and its license plates are seized under 146684
division (B)(1) of this section and are not returned or released 146685
to the arrested person pursuant to division (C) of this section, 146686
the vehicle and its license plates shall be retained until the 146687
final disposition of the charge in question. Upon the final 146688
disposition of that charge, the court shall do whichever of the 146689
following is applicable: 146690

(1) If the arrested person is convicted of or pleads guilty 146691
to the violation of section 4510.14 of the Revised Code or a 146692
municipal ordinance that is substantially equivalent to that 146693
section, the court shall impose sentence upon the person as 146694
provided by law or ordinance and shall order the immobilization of 146695
the vehicle the person was operating at the time of, or that was 146696
involved in, the offense if it is registered in the arrested 146697
person's name and the impoundment of its license plates under 146698
sections 4503.233 and 4510.14 of the Revised Code or the criminal 146699
forfeiture of the vehicle if it is registered in the arrested 146700
person's name under sections 4503.234 and 4510.14 of the Revised 146701
Code, whichever is applicable. 146702

(2) If the arrested person is convicted of or pleads guilty to the violation of section 4511.203 of the Revised Code, or a municipal ordinance that is substantially equivalent to that section, the court shall impose sentence upon the person as provided by law or ordinance and may order the immobilization of the vehicle the person was operating at the time of, or that was involved in, the offense if it is registered in the arrested person's name and the impoundment of its license plates under section 4503.233 and section 4511.203 of the Revised Code or the criminal forfeiture of the vehicle if it is registered in the arrested person's name under section 4503.234 and section 4511.203 of the Revised Code, whichever is applicable.

(3) If the arrested person is found not guilty of the violation of section 4510.14 or 4511.203 of the Revised Code, or a municipal ordinance that is substantially equivalent to either of those sections, the court shall order that the vehicle and its license plates immediately be released to the arrested person.

(4) If the charge that the arrested person violated section 4510.14 or 4511.203 of the Revised Code, or a municipal ordinance that is substantially equivalent to either of those sections is dismissed for any reason, the court shall order that the vehicle and its license plates immediately be released to the arrested person.

(5) If the impoundment of the vehicle was not authorized under this section, the court shall order that the vehicle and its license plates be returned immediately to the arrested person or, if the arrested person is not the vehicle owner, to the vehicle owner and shall order that the state or political subdivision of the law enforcement agency served by the law enforcement officer who seized the vehicle pay all expenses and charges incurred in its removal and storage.

(E) If a vehicle is seized under division (B)(2) of this

section, the time between the seizure of the vehicle and either 146735
its release to the arrested person pursuant to division (C) of 146736
this section or the issuance of an order of immobilization of the 146737
vehicle under section 4503.233 of the Revised Code shall be 146738
credited against the period of immobilization ordered by the 146739
court. 146740

(F)(1) Except as provided in division (D)(4) of this section, 146741
the arrested person may be charged expenses or charges incurred in 146742
the removal and storage of the immobilized vehicle. The court with 146743
jurisdiction over the case, after notice to all interested 146744
parties, including lienholders, and after an opportunity for them 146745
to be heard, if the court finds that the arrested person does not 146746
intend to seek release of the vehicle at the end of the period of 146747
immobilization under section 4503.233 of the Revised Code or that 146748
the arrested person is not or will not be able to pay the expenses 146749
and charges incurred in its removal and storage, may order that 146750
title to the vehicle be transferred, in order of priority, first 146751
into the name of the person or entity that removed it, next into 146752
the name of a lienholder, or lastly into the name of the owner of 146753
the place of storage. 146754

Any lienholder that receives title under a court order shall 146755
do so on the condition that it pay any expenses or charges 146756
incurred in the vehicle's removal and storage. If the person or 146757
entity that receives title to the vehicle is the person or entity 146758
that removed it, the person or entity shall receive title on the 146759
condition that it pay any lien on the vehicle. The court shall not 146760
order that title be transferred to any person or entity other than 146761
the owner of the place of storage if the person or entity refuses 146762
to receive the title. Any person or entity that receives title 146763
either may keep title to the vehicle or may dispose of the vehicle 146764
in any legal manner that it considers appropriate, including 146765
assignment of the certificate of title to the motor vehicle to a 146766

salvage dealer or a scrap metal processing facility. The person or 146767
entity shall not transfer the vehicle to the person who is the 146768
vehicle's immediate previous owner. 146769

If the person or entity that receives title assigns the motor 146770
vehicle to a salvage dealer or scrap metal processing facility, 146771
the person or entity shall send the assigned certificate of title 146772
to the motor vehicle to the clerk of the court of common pleas of 146773
the county in which the salvage dealer or scrap metal processing 146774
facility is located. The person or entity shall mark the face of 146775
the certificate of title with the words "FOR DESTRUCTION" and 146776
shall deliver a photocopy of the certificate of title to the 146777
salvage dealer or scrap metal processing facility for its records. 146778

(2) Whenever a court issues an order under division (F)(1) of 146779
this section, the court also shall order removal of the license 146780
plates from the vehicle and cause them to be sent to the registrar 146781
if they have not already been sent to the registrar. Thereafter, 146782
no further proceedings shall take place under this section or 146783
under section 4503.233 of the Revised Code. 146784

(3) Prior to initiating a proceeding under division (F)(1) of 146785
this section, and upon payment of the fee under division (B) of 146786
section 4505.14, any interested party may cause a search to be 146787
made of the public records of the bureau of motor vehicles or the 146788
clerk of the court of common pleas, to ascertain the identity of 146789
any lienholder of the vehicle. The initiating party shall furnish 146790
this information to the clerk of the court with jurisdiction over 146791
the case, and the clerk shall provide notice to the arrested 146792
person, any lienholder, and any other interested parties listed by 146793
the initiating party, at the last known address supplied by the 146794
initiating party, by certified mail, or, at the option of the 146795
initiating party, by personal service or ordinary mail. 146796

Sec. 4735.13. (A) Every real estate broker licensed under 146797

this chapter shall have and maintain a definite place of business 146798
in this state. A post office box address is not a definite place 146799
of business for purposes of this section. The license of a real 146800
estate broker shall be prominently displayed in the office or 146801
place of business of the broker, and no license shall authorize 146802
the licensee to do business except from the location specified in 146803
it. If the broker maintains more than one place of business within 146804
the state, the broker shall apply for and procure a duplicate 146805
license for each branch office maintained by the broker. Each 146806
branch office shall be in the charge of a licensed broker or 146807
salesperson. The branch office license shall be prominently 146808
displayed at the branch office location. 146809

(B) The license of each real estate salesperson shall be 146810
electronically mailed to and remain in the possession of the 146811
licensed broker with whom the salesperson is or is to be 146812
associated until the licensee places the license on inactive or 146813
resigned status or until the salesperson leaves the brokerage or 146814
is terminated. The broker shall keep a copy of each salesperson's 146815
license in a way that it can, and shall on request, be made 146816
immediately available for public inspection at the office or place 146817
of business of the broker. Except as provided in divisions (G) and 146818
(H) of this section, immediately upon the salesperson's leaving 146819
the association or termination of the association of a real estate 146820
salesperson with the broker, the broker shall ~~return the~~ 146821
~~salesperson's license to~~ notify the superintendent of real estate 146822
by electronic mail to the division of real estate's general 146823
electronic mail address. The broker shall keep a copy of the 146824
written notification for three years after it is sent. 146825

The failure of a broker to ~~return the license~~ notify the 146826
superintendent of real estate in writing of a real estate 146827
salesperson or broker who leaves or who is terminated, via 146828
~~certified~~ electronic mail ~~return receipt requested~~, within three 146829

business days of the receipt of a written request from the 146830
superintendent for ~~the return of the license~~ such notification, is 146831
prima-facie evidence of misconduct under division (A)(6) of 146832
section 4735.18 of the Revised Code. 146833

(C) A licensee shall notify the superintendent in writing 146834
within fifteen days of any of the following occurrences: 146835

(1) The licensee is convicted of a felony. 146836

(2) The licensee is convicted of a crime involving moral 146837
turpitude. 146838

(3) The licensee is found to have violated any federal, 146839
state, or municipal civil rights law pertaining to discrimination 146840
in housing. 146841

(4) The licensee is found to have engaged in a discriminatory 146842
practice pertaining to housing accommodations described in 146843
division (H) of section 4112.02 of the Revised Code. 146844

(5) The licensee is the subject of an order by the department 146845
of commerce, the department of insurance, or the department of 146846
agriculture revoking or permanently surrendering any professional 146847
license, certificate, or registration. 146848

(6) The licensee is the subject of an order by any government 146849
agency concerning real estate, financial matters, or the 146850
performance of fiduciary duties with respect to any license, 146851
certificate, or registration. 146852

If a licensee fails to notify the superintendent within the 146853
required time, the superintendent immediately may suspend the 146854
license of the licensee. 146855

Any court that convicts a licensee of a violation of any 146856
municipal civil rights law pertaining to housing discrimination 146857
also shall notify the Ohio civil rights commission within fifteen 146858
days of the conviction. 146859

(D) In case of any change of business location, a broker shall give notice to the superintendent, on a form prescribed by the superintendent, within thirty days after the change of location, whereupon the superintendent shall issue new licenses for the unexpired period without charge. If a broker changes a business location without giving the required notice and without receiving new licenses that action is prima-facie evidence of misconduct under division (A)(6) of section 4735.18 of the Revised Code.

(E) If a real estate broker desires to associate with another real estate broker in the capacity of a real estate salesperson, the broker shall apply to the superintendent to deposit the broker's real estate broker's license with the superintendent and for the issuance of a real estate salesperson's license. The application shall be made on a form prescribed by the superintendent and shall be accompanied by the recommendation of the real estate broker with whom the applicant intends to become associated and a fee of thirty-four dollars for the real estate salesperson's license. One dollar of the fee shall be credited to the real estate education and research fund. If the superintendent is satisfied that the applicant is honest and truthful, has not been convicted of a disqualifying offense as determined in accordance with section 9.79 of the Revised Code, and has not been finally adjudged by a court to have violated any municipal, state, or federal civil rights laws relevant to the protection of purchasers or sellers of real estate, and that the association of the real estate broker and the applicant will be in the public interest, the superintendent shall grant the application and issue a real estate salesperson's license to the applicant. Any license so deposited with the superintendent shall be subject to this chapter. A broker who intends to deposit the broker's license with the superintendent, as provided in this section, shall give written notice of this fact in a format prescribed by the

superintendent to all salespersons associated with the broker when 146893
applying to place the broker's license on deposit. 146894

(F) If a real estate broker desires to become a member or 146895
officer of a partnership, association, limited liability company, 146896
limited liability partnership, or corporation that is or intends 146897
to become a licensed real estate broker, the broker shall notify 146898
the superintendent of the broker's intentions. The notice of 146899
intention shall be on a form prescribed by the superintendent and 146900
shall be accompanied by a fee of thirty-four dollars. One dollar 146901
of the fee shall be credited to the real estate education and 146902
research fund. 146903

A licensed real estate broker who is a member or officer of a 146904
partnership, association, limited liability company, limited 146905
liability partnership, or corporation shall only act as a real 146906
estate broker for such partnership, association, limited liability 146907
company, limited liability partnership, or corporation. 146908

(G)(1) If a real estate broker or salesperson enters the 146909
armed forces, the broker or salesperson may place the broker's or 146910
salesperson's license on deposit with the Ohio real estate 146911
commission. The licensee shall not be required to renew the 146912
license until the renewal date that follows the date of discharge 146913
from the armed forces. Any license deposited with the commission 146914
shall be subject to this chapter. 146915

Any licensee whose license is on deposit under this division 146916
and who fails to meet the continuing education requirements of 146917
section 4735.141 of the Revised Code because the licensee is in 146918
the armed forces shall satisfy the commission that the licensee 146919
has complied with the continuing education requirements within 146920
twelve months of the licensee's first birthday after discharge or 146921
within the amount of time equal to the total number of months the 146922
licensee spent on active duty, whichever is greater. The licensee 146923
shall submit proper documentation of active duty service and the 146924

length of that active duty service to the superintendent. The 146925
extension shall not exceed the total number of months that the 146926
licensee served in active duty. The superintendent shall notify 146927
the licensee of the licensee's obligations under section 4735.141 146928
of the Revised Code at the time the licensee applies for 146929
reactivation of the licensee's license. 146930

(2) If a licensee is a spouse of a member of the armed forces 146931
and the spouse's service resulted in the licensee's absence from 146932
this state, both of the following apply: 146933

(a) The licensee shall not be required to renew the license 146934
until the renewal date that follows the date of the spouse's 146935
discharge from the armed forces. 146936

(b) If the licensee fails to meet the continuing education 146937
requirements of section 4735.141 of the Revised Code, the licensee 146938
shall satisfy the commission that the licensee has complied with 146939
the continuing education requirements within twelve months after 146940
the licensee's first birthday after the spouse's discharge or 146941
within the amount of time equal to the total number of months the 146942
licensee's spouse spent on active duty, whichever is greater. The 146943
licensee shall submit proper documentation of the spouse's active 146944
duty service and the length of that active duty service. This 146945
extension shall not exceed the total number of months that the 146946
licensee's spouse served in active duty. 146947

(3) In the case of a licensee as described in division (G)(2) 146948
of this section, who holds the license through a reciprocity 146949
agreement with another state, the spouse's service shall have 146950
resulted in the licensee's absence from the licensee's state of 146951
residence for the provisions of that division to apply. 146952

(4) As used in this division, "armed forces" means the armed 146953
forces of the United States or reserve component of the armed 146954
forces of the United States including the Ohio national guard or 146955

the national guard of any other state. 146956

(H) If a licensed real estate salesperson submits an 146957
application to the superintendent to leave the association of one 146958
broker to associate with a different broker, the broker possessing 146959
the licensee's license need not ~~return the salesperson's license~~ 146960
~~to~~ notify the superintendent pursuant to division (B) of this 146961
section. The superintendent may process the application regardless 146962
of whether the licensee's license is returned to the 146963
superintendent or the superintendent is notified pursuant to 146964
division (B) of this section. 146965

Sec. 4735.14. (A) Each license issued under this chapter, 146966
shall be valid without further recommendation or examination until 146967
it is placed in an inactive or resigned status, is revoked or 146968
suspended, or such license expires by operation of law. 146969

(B) Except for a licensee who has placed the licensee's 146970
license in resigned status pursuant to section 4735.142 of the 146971
Revised Code, each licensed broker, brokerage, or salesperson 146972
shall file, on or before the date the Ohio real estate commission 146973
has adopted by rule for that licensee in accordance with division 146974
(A)(2)(f) of section 4735.10 of the Revised Code, a notice of 146975
renewal on a form prescribed by the superintendent of real estate. 146976
The notice of renewal shall be ~~mailed~~ sent by the superintendent 146977
two months prior to the filing deadline to the ~~personal residence~~ 146978
electronic mail address of each broker or salesperson that is on 146979
file with the division. If the licensee is a partnership, 146980
association, limited liability company, limited liability 146981
partnership, or corporation, the notice of renewal shall be ~~mailed~~ 146982
sent by the superintendent two months prior to the filing deadline 146983
to the brokerage's business electronic mail address on file with 146984
the division. A licensee shall not renew the licensee's license 146985
any earlier than two months prior to the filing deadline. 146986

(C) Except as otherwise provided in division (B) of this section, the license of any real estate broker, brokerage, or salesperson that fails to file a notice of renewal on or before the filing deadline of each ensuing year shall be suspended automatically without the taking of any action by the superintendent. A suspended license may be reactivated within twelve months of the date of suspension, provided that the renewal fee plus a penalty fee of fifty per cent of the renewal fee is paid to the superintendent. Failure to reactivate the license as provided in this division shall result in automatic revocation of the license without the taking of any action by the superintendent. No person, partnership, association, corporation, limited liability company, or limited partnership shall engage in any act or acts for which a real estate license is required while that entity's license is placed in an inactive or resigned status, or is suspended, or revoked. The commission shall adopt rules in accordance with Chapter 119. of the Revised Code to provide to licensees notice of suspension or revocation or both.

(D) Each licensee shall notify the superintendent of a change in personal residence address within thirty days after the change of location. A licensee's failure to notify the superintendent of a change in personal residence address does not negate the requirement to file the license renewal by the required deadline established by the commission by rule under division (A)(2)(f) of section 4735.10 of the Revised Code. Each licensee shall maintain a valid electronic mail address on file with the division and notify the superintendent of any change in electronic mail address within thirty days after the change.

(E) The superintendent shall not renew a license if the licensee fails to comply with section 4735.141 of the Revised Code or is otherwise not in compliance with this chapter.

(F) The superintendent shall make notice of successful

renewal available electronically to licensees as soon as 147019
practicable, but not later than thirty days after receipt by the 147020
division of a complete application and renewal fee. This notice 147021
shall serve as a notice of renewal for purposes of section 4745.02 147022
of the Revised Code. 147023

Sec. 5107.161. Before a county department of job and family 147024
services sanctions an assistance group under section 5107.16 of 147025
the Revised Code, the state department of job and family services 147026
shall provide the assistance group written notice of the sanction 147027
in accordance with rules adopted under section 5107.05 of the 147028
Revised Code. The written notice shall include a provision printed 147029
in bold type face that informs the assistance group that, not 147030
later than fifteen calendar days after the state department mailed 147031
the written notice to the assistance group, the assistance group 147032
may request, for the purpose of explaining why the assistance 147033
group believes it should not be sanctioned, a state hearing under 147034
division (B) of section 5101.35 of the Revised Code which, at the 147035
assistance group's request, may be preceded by a ~~face-to-face~~ 147036
county conference with the county department. The written notice 147037
shall include either the telephone number of an Ohio works first 147038
ombudsperson provided for under section 329.07 of the Revised Code 147039
or the toll-free telephone number of the state department of job 147040
and family services that the assistance group may call to obtain 147041
the telephone number of an Ohio works first ombudsperson. 147042

Sec. 5120.14. (A) If a person who was convicted of or pleaded 147043
guilty to an offense escapes from a correctional institution in 147044
this state under the control of the department of rehabilitation 147045
and correction or otherwise escapes from the custody of the 147046
department, the department immediately after the escape shall 147047
report the escape, by telephone and in writing, to all local law 147048
enforcement agencies with jurisdiction in the county in which the 147049

institution from which the escape was made or to which the person 147050
was sentenced is located, to all local law enforcement agencies 147051
with jurisdiction in the county in which the person was convicted 147052
or pleaded guilty to the offense for which the escaped person was 147053
sentenced, to the state highway patrol, to the prosecuting 147054
attorney of the county in which the institution from which the 147055
escape was made or to which the person was sentenced is located, 147056
to the prosecuting attorney of the county in which the person was 147057
convicted or pleaded guilty to the offense for which the escaped 147058
person was sentenced, to a newspaper of general circulation in the 147059
county in which the institution from which the escape was made or 147060
to which the person was sentenced is located, and to a newspaper 147061
of general circulation in each county in which the escaped person 147062
was indicted for an offense for which, at the time of the escape, 147063
the escaped person had been sentenced to that institution. The 147064
written notice may be by ~~either~~ facsimile transmission, electronic 147065
mail, or mail. A failure to comply with this requirement is a 147066
violation of section 2921.22 of the Revised Code. 147067

147068
(B) Upon the apprehension of the escaped person, the 147069
department shall give notice of the apprehension by telephone and 147070
in writing to the persons who were given notice of the escape 147071
under division (A) of this section. 147072

Sec. 5165.193. (A) The department of medicaid may, pursuant 147073
to rules authorized by this section, conduct an exception review 147074
of resident assessment data submitted by a nursing facility 147075
provider under section 5165.191 of the Revised Code. The 147076
department may conduct an exception review based on the findings 147077
of a medicaid certification survey conducted by the department of 147078
health, a risk analysis, or prior performance of the provider. 147079

Exception reviews shall be conducted ~~at the nursing facility~~ 147080

by appropriate health professionals under contract with or 147081
employed by the department. The professionals may review resident 147082
assessment forms and supporting documentation, conduct interviews, 147083
and observe residents to identify any patterns or trends of 147084
inaccurate resident assessments and resulting inaccurate case-mix 147085
scores. 147086

(B) If an exception review is conducted before the effective 147087
date of a nursing facility's rate for direct care costs that is 147088
based on the resident assessment data being reviewed and the 147089
review results in findings that exceed tolerance levels specified 147090
in the rules authorized by this section, the department, in 147091
accordance with those rules, may use the findings to redetermine 147092
individual resident case-mix scores, the nursing facility's 147093
case-mix score for the quarter, and the nursing facility's annual 147094
average case-mix score. The department may use the nursing 147095
facility's redetermined quarterly and annual average case-mix 147096
scores to determine the nursing facility's rate for direct care 147097
costs for the appropriate calendar quarter or quarters. 147098

(C) The department shall prepare a written summary of any 147099
exception review finding that is made after the effective date of 147100
a nursing facility's rate for direct care costs that is based on 147101
the resident assessment data that was reviewed. Where the provider 147102
is pursuing judicial or administrative remedies in good faith 147103
regarding the finding, the department shall not withhold from the 147104
provider's current payments any amounts the department claims to 147105
be due from the provider pursuant to section 5165.41 of the 147106
Revised Code. 147107

(D)(1) The medicaid director shall adopt rules under section 147108
5165.02 of the Revised Code as necessary to implement this 147109
section. The rules shall establish an exception review program 147110
that does all of the following: 147111

(a) Requires each exception review to comply with Title XVIII 147112

and Title XIX; 147113

(b) Requires a written summary for each exception review that 147114
states whether resident assessment forms have been completed 147115
accurately; 147116

(c) Prohibits each health professional who conducts an 147117
exception review from doing either of the following: 147118

(i) During the period of the professional's contract or 147119
employment with the department, having or being committed to 147120
acquire any direct or indirect financial interest in the 147121
ownership, financing, or operation of nursing facilities in this 147122
state; 147123

(ii) Reviewing any provider that has been a client of the 147124
professional. 147125

(2) For the purposes of division (D)(1)(c)(i) of this 147126
section, employment of a member of a health professional's family 147127
by a nursing facility that the professional does not review does 147128
not constitute a direct or indirect financial interest in the 147129
ownership, financing, or operation of the nursing facility. 147130

Sec. 5165.86. The department of medicaid, the department of 147131
health, and any contracting agency shall deliver a written notice, 147132
statement, or order to a nursing facility under sections 5165.60 147133
to 5165.66 and 5165.69 to 5165.89 of the Revised Code by certified 147134
mail ~~or~~, hand delivery, or other means reasonably calculated to 147135
provide prompt actual notice. If the notice, statement, or order 147136
is mailed, it shall be addressed to the administrator of the 147137
facility as indicated in the department's or agency's records. If 147138
it is hand delivered, it shall be delivered to a person at the 147139
facility who would appear to the average prudent person to have 147140
authority to accept it. 147141

Delivery of written notice by a nursing facility to the 147142

department of health, the department of medicaid, or a contracting 147143
agency under sections 5165.60 to 5165.89 of the Revised Code shall 147144
be by certified mail ~~or~~, hand delivery, or other means reasonably 147145
calculated to provide prompt actual notice to the appropriate 147146
department or the agency. 147147

Sec. 5166.303. A home care attendant shall do all of the 147148
following: 147149

(A) Maintain a clinical record for each consumer to whom the 147150
attendant provides home care attendant services in a manner that 147151
protects the consumer's privacy; 147152

(B) Participate in a face-to-face visit every ninety days 147153
with all of the following to monitor the health and welfare of 147154
each of the consumers to whom the attendant provides home care 147155
attendant services: 147156

(1) The consumer; 147157

(2) The consumer's authorized representative, if any; 147158

(3) A registered nurse who agrees to answer any questions 147159
that the attendant, consumer, or authorized representative has 147160
about consumer care needs, medications, and other issues. 147161

(C) Document the activities of each visit required by 147162
division (B) of this section in the consumer's clinical record 147163
with the assistance of the registered nurse. 147164

(D) The face-to-face visit requirement in division (B) of 147165
this section may be satisfied by telephone or electronically if 147166
permitted by rules adopted under section 5166.02 of the Revised 147167
Code. 147168

Sec. 5168.08. (A) Before or during each program year, the 147169
department of medicaid shall ~~mail~~ issue to each hospital ~~by~~ 147170
~~certified mail, return receipt requested,~~ the preliminary 147171

determination of the amount that the hospital is assessed under 147172
section 5168.06 of the Revised Code during the program year. The 147173
preliminary determination of a hospital's assessment shall be 147174
calculated for a cost-reporting period that is specified in rules 147175
adopted under section 5168.02 of the Revised Code. 147176

The department shall consult with hospitals each year when 147177
determining the date on which it will ~~mail~~ issue the preliminary 147178
determinations in order to minimize hospitals' cash flow 147179
difficulties. 147180

If no hospital submits a request for reconsideration under 147181
division (B) of this section, the preliminary determination 147182
constitutes the final reconciliation of each hospital's assessment 147183
under section 5168.06 of the Revised Code. The final 147184
reconciliation is subject to adjustments under division (D) of 147185
this section. 147186

(B) Not later than fourteen days after the preliminary 147187
determinations are ~~mailed~~ issued, any hospital may submit to the 147188
department a written request to reconsider the preliminary 147189
determinations. The request shall be accompanied by written 147190
materials setting forth the basis for the reconsideration. If one 147191
or more hospitals submit a request, the department shall hold a 147192
public hearing not later than thirty days after the preliminary 147193
determinations are ~~mailed~~ issued to reconsider the preliminary 147194
determinations. The department shall ~~mail~~ issue to each hospital a 147195
written notice of the date, time, and place of the hearing at 147196
least ten days prior to the hearing. On the basis of the evidence 147197
submitted to the department or presented at the public hearing, 147198
the department shall reconsider and may adjust the preliminary 147199
determinations. The result of the reconsideration is the final 147200
reconciliation of the hospital's assessment under section 5168.06 147201
of the Revised Code. The final reconciliation is subject to 147202
adjustments under division (D) of this section. 147203

(C) The department shall ~~mail~~ issue to each hospital a written notice of its assessment for the program year under the final reconciliation. A hospital may appeal the final reconciliation of its assessment to the court of common pleas of Franklin county. While a judicial appeal is pending, the hospital shall pay, in accordance with the schedules required by division (B) of section 5168.06 of the Revised Code, any amount of its assessment that is not in dispute into the hospital care assurance program fund created in section 5168.11 of the Revised Code.

(D) In the course of any program year, the department may adjust the assessment rate or rates established in rules pursuant to section 5168.06 of the Revised Code or adjust the amounts of intergovernmental transfers required under section 5168.07 of the Revised Code and, as a result of the adjustment, adjust each hospital's assessment and intergovernmental transfer, to reflect refinements made by the United States centers for medicare and medicaid services during that program year to the limits it prescribed under the "Social Security Act," section 1923(f), 42 U.S.C. 1396r-4(f). When adjusted, the assessment rate or rates must comply with division (A) of section 5168.06 of the Revised Code. An adjusted intergovernmental transfer must comply with division (A) of section 5168.07 of the Revised Code. The department shall notify hospitals of adjustments made under this division and adjust for the remainder of the program year the installments paid by hospitals under sections 5168.06 and 5168.07 of the Revised Code in accordance with rules adopted under section 5168.02 of the Revised Code.

Sec. 5168.22. (A) Before or during each assessment program year, the department of medicaid shall ~~mail~~ issue to each hospital ~~by certified mail, return receipt requested,~~ the preliminary determination of the amount that the hospital is assessed under section 5168.21 of the Revised Code for the assessment program

year. Except as provided in division (B) of this section, the preliminary determination becomes the final determination for the assessment program year fifteen days after the preliminary determination is ~~mailed~~ issued to the hospital.

(B) A hospital may request that the department reconsider the preliminary determination ~~mailed~~ issued to the hospital under division (A) of this section by submitting to the department a written request for a reconsideration not later than fourteen days after the hospital's preliminary determination is ~~mailed~~ issued to the hospital. The request must be accompanied by written materials setting forth the basis for the reconsideration. On receipt of the timely request, the department shall reconsider the preliminary determination and may adjust the preliminary determination on the basis of the written materials accompanying the request. The result of the reconsideration is the final determination of the hospital's assessment under section 5168.21 of the Revised Code for the assessment program year.

(C) The department shall ~~mail~~ issue to each hospital a written notice of the final determination of its assessment for the assessment program year. A hospital may appeal the final determination to the court of common pleas of Franklin county. While a judicial appeal is pending, the hospital shall pay, in accordance with section 5168.23 of the Revised Code, any amount of its assessment that is not in dispute.

Sec. 5168.23. Each hospital shall pay the amount it is assessed under section 5168.21 of the Revised Code in accordance with a payment schedule the department of medicaid shall establish for each assessment program year. The department shall consult with the Ohio hospital association before establishing the payment schedule for any assessment program year. The department shall include the payment schedule in each preliminary determination

notice the department ~~mail~~ issues to hospitals under division (A) 147267
of section 5168.22 of the Revised Code. 147268

Sec. 5525.01. Before entering into a contract, the director 147269
of transportation ~~shall~~ may advertise for bids for two consecutive 147270
weeks in one newspaper of general circulation published in the 147271
county in which the improvement or part thereof is located, but if 147272
there is no such newspaper then in one newspaper having general 147273
circulation in an adjacent county. In the alternative, the 147274
director may advertise for bids as provided in section 7.16 of the 147275
Revised Code. The director ~~may~~ shall advertise for bids in such 147276
other publications as the director considers advisable. Such 147277
notices shall state that plans and specifications for the 147278
improvement are on file in the office of the director and the 147279
district deputy director of the district in which the improvement 147280
or part thereof is located and the time within which bids therefor 147281
will be received. 147282

Each bidder shall be required to file with the bidder's bid a 147283
bid guaranty in the form of a certified check, a cashier's check, 147284
or an electronic funds transfer to the treasurer of state that is 147285
evidenced by a receipt or by a certification to the director of 147286
transportation in a form prescribed by the director that an 147287
electronic funds transfer has been made to the treasurer of state, 147288
for an amount equal to five per cent of the bidder's bid, but in 147289
no event more than fifty thousand dollars, or a bid bond for ten 147290
per cent of the bidder's bid, payable to the director, which 147291
check, transferred sum, or bond shall be forthwith returned to the 147292
bidder in case the contract is awarded to another bidder, or, in 147293
case of a successful bidder, when the bidder has entered into a 147294
contract and furnished the bonds required by section 5525.16 of 147295
the Revised Code. In the event the contract is awarded to a 147296
bidder, and the bidder fails or refuses to furnish the bonds as 147297

required by section 5525.16 of the Revised Code, the check, 147298
transferred sum, or bid bond filed with the bidder's bid shall be 147299
forfeited as liquidated damages. No bidder shall be required 147300
either to file a signed contract with the bidder's bid, to enter 147301
into a contract, or to furnish the contract performance bond and 147302
the payment bond required by that section until the bids have been 147303
opened and the bidder has been notified by the director that the 147304
bidder is awarded the contract. 147305

The director shall permit a bidder to withdraw the bidder's 147306
bid from consideration, without forfeiture of the check, 147307
transferred sum, or bid bond filed with the bid, providing a 147308
written request together with a sworn statement of the grounds for 147309
such withdrawal is delivered within forty-eight hours after the 147310
time established for the receipt of bids, and if the price bid was 147311
substantially lower than the other bids, providing the bid was 147312
submitted in good faith, and the reason for the price bid being 147313
substantially lower was a clerical mistake evident on the face of 147314
the bid, as opposed to a judgment mistake, and was actually due to 147315
an unintentional and substantial arithmetic error or an 147316
unintentional omission of a substantial quantity of work, labor, 147317
or material made directly in the compilation of the bid. In the 147318
event the director decides the conditions for withdrawal have not 147319
been met, the director may award the contract to such bidder. If 147320
such bidder does not then enter into a contract and furnish the 147321
contract bond as required by law, the director may declare 147322
forfeited the check, transferred sum, or bid bond as liquidated 147323
damages and award the contract to the next higher bidder or reject 147324
the remaining bids and readvertise the project for bids. Such 147325
bidder, within thirty days, may appeal the decision of the 147326
director to the court of common pleas of Franklin county and the 147327
court may affirm or reverse the decision of the director and may 147328
order the director to refund the amount of the forfeiture. At the 147329
hearing before the common pleas court evidence may be introduced 147330

for and against the decision of the director. The decision of the 147331
common pleas court may be appealed as in other cases. 147332

There is hereby created the ODOT letting fund, which shall be 147333
in the custody of the treasurer of state but shall not be part of 147334
the state treasury. All certified checks and cashiers' checks 147335
received with bidders' bids, and all sums transferred to the 147336
treasurer of state by electronic funds transfer in connection with 147337
bidders' bids, under this section shall be credited to the fund. 147338
All such bid guaranties shall be held in the fund until a 147339
determination is made as to the final disposition of the money. If 147340
the department determines that any such bid guaranty is no longer 147341
required to be held, the amount of the bid guaranty shall be 147342
returned to the appropriate bidder. If the department determines 147343
that a bid guaranty under this section shall be forfeited, the 147344
amount of the bid guaranty shall be transferred or, in the case of 147345
money paid on a forfeited bond, deposited into the state treasury, 147346
to the credit of the highway operating fund. Any investment 147347
earnings of the ODOT letting fund shall be distributed as the 147348
treasurer of state considers appropriate. 147349

The director shall require all bidders to furnish the 147350
director, upon such forms as the director may prescribe, detailed 147351
information with respect to all pending work of the bidder, 147352
whether with the department of transportation or otherwise, 147353
together with such other information as the director considers 147354
necessary. 147355

In the event a bidder fails to submit anything required to be 147356
submitted with the bid and then fails or refuses to so submit such 147357
at the request of the director, the failure or refusal constitutes 147358
grounds for the director, in the director's discretion, to declare 147359
as forfeited the bid guaranty submitted with the bid. 147360

The director may reject any or all bids. Except in regard to 147361
contracts for environmental remediation and specialty work for 147362

which there are no classes of work set out in the rules adopted by 147363
the director, if the director awards the contract, the director 147364
shall award it to the lowest competent and responsible bidder as 147365
defined by rules adopted by the director under section 5525.05 of 147366
the Revised Code, who is qualified to bid under sections 5525.02 147367
to 5525.09 of the Revised Code. In regard to contracts for 147368
environmental remediation and specialty work for which there are 147369
no classes of work set out in the rules adopted by the director, 147370
the director shall competitively bid the projects in accordance 147371
with this chapter and shall award the contracts to the lowest and 147372
best bidder. 147373

The award for all projects competitively let by the director 147374
under this section shall be made within ten days after the date on 147375
which the bids are opened, and the successful bidder shall enter 147376
into a contract and furnish a contract performance bond and a 147377
payment bond, as provided for in section 5525.16 of the Revised 147378
Code, within ten days after the bidder is notified that the bidder 147379
has been awarded the contract. 147380

The director may insert in any contract awarded under this 147381
chapter a clause providing for value engineering change proposals, 147382
under which a contractor who has been awarded a contract may 147383
propose a change in the plans and specifications of the project 147384
that saves the department time or money on the project without 147385
impairing any of the essential functions and characteristics of 147386
the project such as service life, reliability, economy of 147387
operation, ease of maintenance, safety, and necessary standardized 147388
features. If the director adopts the value engineering proposal, 147389
the savings from the proposal shall be divided between the 147390
department and the contractor according to guidelines established 147391
by the director, provided that the contractor shall receive at 147392
least fifty per cent of the savings from the proposal. The 147393
adoption of a value engineering proposal does not invalidate the 147394

award of the contract or require the director to rebid the 147395
project. 147396

Sec. 5703.37. (A)(1) Except as provided in division (B) of 147397
this section, whenever service of a notice or order is required in 147398
the manner provided in this section, a copy of the notice or order 147399
shall be served upon the person affected thereby either by 147400
personal service, by certified mail, or by a delivery service 147401
authorized under section 5703.056 of the Revised Code that 147402
notifies the tax commissioner of the date of delivery. 147403

(2) In lieu of serving a copy of a notice or order through 147404
one of the means provided in division (A)(1) of this section, the 147405
commissioner may serve a notice or order upon the person affected 147406
thereby through alternative means as provided in this section, 147407
including, but not limited to, delivery by secure electronic mail 147408
as provided in division (F) of this section. Delivery by such 147409
means satisfies the requirements for delivery under this section. 147410

(B)(1)(a) If certified mail is returned because of an 147411
undeliverable address, the commissioner shall first utilize 147412
reasonable means to ascertain a new last known address, including 147413
the use of a change of address service offered by the United 147414
States postal service or an authorized delivery service under 147415
section 5703.056 of the Revised Code. If, after using reasonable 147416
means, the commissioner is unable to ascertain a new last known 147417
address, the assessment is final for purposes of section 131.02 of 147418
the Revised Code sixty days after the notice or order sent by 147419
certified mail is first returned to the commissioner, and the 147420
commissioner shall certify the notice or order, if applicable, to 147421
the attorney general for collection under section 131.02 of the 147422
Revised Code. 147423

(b) Notwithstanding certification to the attorney general 147424
under division (B)(1)(a) of this section, once the commissioner or 147425

attorney general, or the designee of either, makes an initial 147426
contact with the person to whom the notice or order is directed, 147427
the person may protest an assessment by filing a petition for 147428
reassessment within sixty days after the initial contact. The 147429
certification of an assessment under division (B)(1)(a) of this 147430
section is prima-facie evidence that delivery is complete and that 147431
the notice or order is served. 147432

(2) If mailing of a notice or order by certified mail is 147433
returned for some cause other than an undeliverable address or if 147434
a person does not access an electronic notice or order within the 147435
time provided in division (F) of this section, the commissioner 147436
shall resend the notice or order by ordinary mail. The notice or 147437
order shall show the date the commissioner sends the notice or 147438
order and include the following statement: 147439

"This notice or order is deemed to be served on the addressee 147440
under applicable law ten days from the date this notice or order 147441
was mailed by the commissioner as shown on the notice or order, 147442
and all periods within which an appeal may be filed apply from and 147443
after that date." 147444

Unless the mailing is returned because of an undeliverable 147445
address, the mailing of that information is prima-facie evidence 147446
that delivery of the notice or order was completed ten days after 147447
the commissioner sent the notice or order by ordinary mail and 147448
that the notice or order was served. 147449

If the ordinary mail is subsequently returned because of an 147450
undeliverable address, the commissioner shall proceed under 147451
division (B)(1)(a) of this section. A person may challenge the 147452
presumption of delivery and service under this division in 147453
accordance with division (C) of this section. 147454

(C)(1) A person disputing the presumption of delivery and 147455
service under division (B) of this section bears the burden of 147456

proving by a preponderance of the evidence that the address to 147457
which the notice or order was sent was not an address with which 147458
the person was associated at the time the commissioner originally 147459
mailed the notice or order by certified mail. For the purposes of 147460
this section, a person is associated with an address at the time 147461
the commissioner originally mailed the notice or order if, at that 147462
time, the person was residing, receiving legal documents, or 147463
conducting business at the address; or if, before that time, the 147464
person had conducted business at the address and, when the notice 147465
or order was mailed, the person's agent or the person's affiliate 147466
was conducting business at the address. For the purposes of this 147467
section, a person's affiliate is any other person that, at the 147468
time the notice or order was mailed, owned or controlled at least 147469
twenty per cent, as determined by voting rights, of the 147470
addressee's business. 147471

(2) If the person elects to protest an assessment certified 147472
to the attorney general for collection, the person must do so 147473
within sixty days after the attorney general's initial contact 147474
with the person. The attorney general may enter into a compromise 147475
with the person under sections 131.02 and 5703.06 of the Revised 147476
Code if the person does not file a petition for reassessment with 147477
the commissioner. 147478

(D) Nothing in this section prohibits the commissioner or the 147479
commissioner's designee from delivering a notice or order by 147480
personal service. 147481

(E) Collection actions taken pursuant to section 131.02 of 147482
the Revised Code upon any assessment being challenged under 147483
division (B)(1)(b) of this section shall be stayed upon the 147484
pendency of an appeal under this section. If a petition for 147485
reassessment is filed pursuant to this section on a claim that has 147486
been certified to the attorney general for collection, the claim 147487
shall be uncertified. 147488

~~(F)~~(F)(1) The commissioner may serve a notice or order upon 147489
the person affected by the notice or order or that person's 147490
authorized representative through secure electronic means ~~only~~ 147491
~~with the person's consent~~ associated with the person's or 147492
representative's last known address. The commissioner must inform 147493
the recipient, electronically or by mail, that a notice or order 147494
is available for electronic review and provide instructions to 147495
access and print the notice or order. The types of electronic 147496
notification the commissioner may use include electronic mail, 147497
text message, or any other form of electronic communication. The 147498
recipient's electronic access of the notice or order satisfies the 147499
requirements for delivery under this section. If the recipient 147500
fails to access the notice or order electronically within ten 147501
business days, then the commissioner shall inform the recipient a 147502
second time, electronically or by mail, that a notice or order is 147503
available for electronic review and provide instructions to access 147504
and print the notice or order. If the recipient fails to access 147505
the notice or order electronically within ten business days of the 147506
second notification, the notice or order shall be served upon the 147507
person through the means provided in division (B)(2) of this 147508
section. 147509

(2) The tax commissioner shall establish a system to issue 147510
notification of assessments to taxpayers through secure electronic 147511
means. 147512

(G) As used in this section: 147513

(1) "Last known address" means the address the department has 147514
at the time the document is originally sent by certified mail, or 147515
any address the department can ascertain using reasonable means 147516
such as the use of a change of address service offered by the 147517
United States postal service or an authorized delivery service 147518
under section 5703.056 of the Revised Code. For documents sent by 147519
secure electronic means, "last known address" means an electronic 147520

mode of communication that is identified on a form prescribed by 147521
the commissioner for such purpose or that is associated with the 147522
person or the authorized representative of the person on the Ohio 147523
business gateway, as defined in section 718.01 of the Revised 147524
Code, as of the date the notification was sent. 147525

(2) "Undeliverable address" means an address to which the 147526
United States postal service or an authorized delivery service 147527
under section 5703.056 of the Revised Code is not able to deliver 147528
a notice or order, except when the reason for nondelivery is 147529
because the addressee fails to acknowledge or accept the notice or 147530
order. 147531

Sec. 5709.83. (A) Except as otherwise provided in division 147532
(B) or (C) of this section, prior to taking formal action to adopt 147533
or enter into any instrument granting a tax exemption under 147534
section 725.02, 1728.06, 5709.40, 5709.41, 5709.45, 5709.62, 147535
5709.63, 5709.632, 5709.73, 5709.78, 5709.84, or 5709.88 of the 147536
Revised Code or formally approving an agreement under section 147537
3735.671 of the Revised Code, or prior to forwarding an 147538
application for a tax exemption for residential property under 147539
section 3735.67 of the Revised Code to the county auditor, the 147540
legislative authority of the political subdivision or housing 147541
officer shall notify the board of education of each city, local, 147542
exempted village, or joint vocational school district in which the 147543
proposed tax-exempted property is located. The notice shall 147544
include a copy of the instrument or application. The notice shall 147545
be delivered not later than fourteen days prior to the day the 147546
legislative authority takes formal action to adopt or enter into 147547
the instrument, or not later than fourteen days prior to the day 147548
the housing officer forwards the application to the county 147549
auditor. If the board of education comments on the instrument or 147550
application to the legislative authority or housing officer, the 147551
legislative authority or housing officer shall consider the 147552

comments. If the board of education of the city, local, exempted 147553
village, or joint vocational school district so requests, the 147554
legislative authority or the housing officer shall meet ~~in person~~ 147555
with a representative designated by the board of education to 147556
discuss the terms of the instrument or application. 147557

(B) The notice otherwise required to be provided to boards of 147558
education under division (A) of this section is not required if 147559
the board has adopted a resolution waiving its right to receive 147560
such notices, and that resolution remains in effect. If a board of 147561
education adopts such a resolution, the board shall cause a copy 147562
of the resolution to be certified to the legislative authority. If 147563
the board of education rescinds such a resolution, it shall 147564
certify notice of the rescission to the legislative authority. A 147565
board of education may adopt such a resolution with respect to any 147566
one or more counties, townships, or municipal corporations 147567
situated in whole or in part within the school district. 147568

(C) If a legislative authority is required to provide notice 147569
to a city, local, or exempted village school district of its 147570
intent to adopt or enter into any instrument granting a tax 147571
exemption as required by section 3735.671, 5709.40, 5709.41, 147572
5709.45, 5709.62, 5709.63, 5709.632, 5709.73, or 5709.78 of the 147573
Revised Code, the legislative authority, before adopting a 147574
resolution or ordinance or entering into an agreement under that 147575
section, shall notify the board of education of each joint 147576
vocational school district in which the property to be exempted is 147577
located using the same time requirements for the notice that 147578
applies to notices to city, local, and exempted village school 147579
districts. The content of the notice and procedures for responding 147580
to the notice are the same as required in division (A) of this 147581
section. 147582

Sec. 5736.041. The tax commissioner shall prepare and 147583

maintain a list of suppliers holding a license issued under 147584
section 5736.06 of the Revised Code that has not been revoked or 147585
canceled under section 5736.07 of the Revised Code. The list shall 147586
contain the names and addresses of all such suppliers and each 147587
supplier's account number for the tax imposed under section 147588
5736.02 of the Revised Code. ~~The list shall be open to public 147589~~
~~inspection in the office of the commissioner.~~ The commissioner ~~may 147590~~
shall post the list on the department of taxation's web site. 147591

Sec. 5751.40. (A) As used in this section and division 147592
(F)(2)(z) of section 5751.01 of the Revised Code: 147593

(1) "Qualifying distribution center receipts" means receipts 147594
of a supplier from qualified property that is delivered to a 147595
qualified distribution center, multiplied by a quantity that 147596
equals one minus the Ohio delivery percentage. If the qualified 147597
distribution center is a refining facility, "supplier" includes 147598
all dealers, brokers, processors, sellers, vendors, cosigners, and 147599
distributors of qualified property. 147600

(2) "Qualified property" means tangible personal property 147601
delivered to a qualified distribution center that is shipped to 147602
that qualified distribution center solely for further shipping by 147603
the qualified distribution center to another location in this 147604
state or elsewhere or, in the case of gold, silver, platinum, or 147605
palladium delivered to a refining facility solely for refining to 147606
a grade and fineness acceptable for delivery to a registered 147607
commodities exchange. "Further shipping" includes storing and 147608
repackaging property into smaller or larger bundles, so long as 147609
the property is not subject to further manufacturing or 147610
processing. "Refining" is limited to extracting impurities from 147611
gold, silver, platinum, or palladium through smelting or some 147612
other process at a refining facility. 147613

(3) "Qualified distribution center" means a warehouse, a 147614

facility similar to a warehouse, or a refining facility in this 147615
state that, for the qualifying year, is operated by a person that 147616
is not part of a combined taxpayer group and that has a qualifying 147617
certificate. All warehouses or facilities similar to warehouses 147618
that are operated by persons in the same taxpayer group and that 147619
are located within one mile of each other shall be treated as one 147620
qualified distribution center. All refining facilities that are 147621
operated by persons in the same taxpayer group and that are 147622
located in the same or adjacent counties may be treated as one 147623
qualified distribution center. 147624

(4) "Qualifying year" means the calendar year to which the 147625
qualifying certificate applies. 147626

(5) "Qualifying period" means the period of the first day of 147627
July of the second year preceding the qualifying year through the 147628
thirtieth day of June of the year preceding the qualifying year. 147629

(6) "Qualifying certificate" means the certificate issued by 147630
the tax commissioner after the operator of a distribution center 147631
files an annual application with the commissioner under division 147632
(B) of this section. 147633

(7) "Ohio delivery percentage" means the proportion of the 147634
total property delivered to a destination inside Ohio from the 147635
qualified distribution center during the qualifying period 147636
compared with total deliveries from such distribution center 147637
everywhere during the qualifying period. 147638

(8) "Refining facility" means one or more buildings located 147639
in a county in the Appalachian region of this state as defined by 147640
section 107.21 of the Revised Code and utilized for refining or 147641
smelting gold, silver, platinum, or palladium to a grade and 147642
fineness acceptable for delivery to a registered commodities 147643
exchange. 147644

(9) "Registered commodities exchange" means a board of trade, 147645

such as New York mercantile exchange, inc. or commodity exchange, 147646
inc., designated as a contract market by the commodity futures 147647
trading commission under the "Commodity Exchange Act," 7 U.S.C. 1 147648
et seq., as amended. 147649

(10) "Ineligible operator's supplier tax liability" means an 147650
amount equal to the tax liability of all suppliers of a 147651
distribution center had the distribution center not been issued a 147652
qualifying certificate for the qualifying year. Ineligible 147653
operator's supplier tax liability shall not include interest or 147654
penalties. 147655

(B) For purposes of division (B) of this section, "supplier" 147656
excludes any person that is part of the consolidated elected 147657
taxpayer group, if applicable, of the operator of the qualified 147658
distribution center. 147659

(1) An application for a qualifying certificate to be a 147660
qualified distribution center shall be filed, and an annual fee 147661
paid, for each qualified distribution center on or before the 147662
first day of September before the qualifying year or within 147663
forty-five days after the distribution center opens, whichever is 147664
later. The applicant must substantiate to the commissioner's 147665
satisfaction that, for the qualifying period, all persons 147666
operating the distribution center have more than fifty per cent of 147667
the cost of the qualified property shipped to a location such that 147668
it would be situated outside this state under the provisions of 147669
division (E) of section 5751.033 of the Revised Code. The 147670
applicant must also substantiate that the distribution center 147671
cumulatively had costs from its suppliers equal to or exceeding 147672
five hundred million dollars during the qualifying period. 147673

The commissioner may require an applicant to have an 147674
independent certified public accountant certify that the 147675
calculation of the minimum thresholds required for a qualified 147676
distribution center by the operator of a distribution center has 147677

been made in accordance with generally accepted accounting 147678
principles. The commissioner shall issue or deny the issuance of a 147679
certificate within sixty days after the receipt of the 147680
application. A denial is subject to appeal under section 5717.02 147681
of the Revised Code. If the operator files a timely appeal under 147682
section 5717.02 of the Revised Code, the operator shall be granted 147683
a qualifying certificate effective for the remainder of the 147684
qualifying year or until the appeal is finalized, whichever is 147685
earlier. If the operator does not prevail in the appeal, the 147686
operator shall pay the ineligible operator's supplier tax 147687
liability. 147688

(2) If the distribution center is new and was not open for 147689
the entire qualifying period, the operator of the distribution 147690
center may request that the commissioner grant a qualifying 147691
certificate. If the certificate is granted and it is later 147692
determined that more than fifty per cent of the qualified property 147693
during that year was not shipped to a location such that it would 147694
be situated outside of this state under the provisions of division 147695
(E) of section 5751.033 of the Revised Code or if it is later 147696
determined that the person that operates the distribution center 147697
had average monthly costs from its suppliers of less than forty 147698
million dollars during that year, then the operator of the 147699
distribution center shall pay the ineligible operator's supplier 147700
tax liability. 147701

(3) The commissioner may grant a qualifying certificate to a 147702
distribution center that does not qualify as a qualified 147703
distribution center for an entire qualifying period if the 147704
operator of the distribution center demonstrates that the business 147705
operations of the distribution center have changed or will change 147706
such that the distribution center will qualify as a qualified 147707
distribution center within thirty-six months after the date the 147708
operator first applies for a certificate. If, at the end of that 147709

thirty-six-month period, the business operations of the 147710
distribution center have not changed such that the distribution 147711
center qualifies as a qualified distribution center, the operator 147712
of the distribution center shall pay the ineligible operator's 147713
supplier tax liability for each year that the distribution center 147714
received a certificate but did not qualify as a qualified 147715
distribution center. For each year the distribution center 147716
receives a certificate under division (B)(3) of this section, the 147717
distribution center shall pay all applicable fees required under 147718
this section and shall submit an updated business plan showing the 147719
progress the distribution center made toward qualifying as a 147720
qualified distribution center during the preceding year. 147721

(4) An operator may appeal a determination under division 147722
(B)(2) or (3) of this section that the ineligible operator is 147723
liable for the operator's supplier tax liability as a result of 147724
not qualifying as a qualified distribution center, as provided in 147725
section 5717.02 of the Revised Code. 147726

(C)(1) When filing an application for a qualifying 147727
certificate under division (B)(1) of this section, the operator of 147728
a qualified distribution center also shall provide documentation, 147729
as the commissioner requires, for the commissioner to ascertain 147730
the Ohio delivery percentage. The commissioner, upon issuing the 147731
qualifying certificate, also shall certify the Ohio delivery 147732
percentage. The operator of the qualified distribution center may 147733
appeal the commissioner's certification of the Ohio delivery 147734
percentage in the same manner as an appeal is taken from the 147735
denial of a qualifying certificate under division (B)(1) of this 147736
section. 147737

(2) In the case where the distribution center is new and not 147738
open for the entire qualifying period, the operator shall make a 147739
good faith estimate of an Ohio delivery percentage for use by 147740
suppliers in their reports of taxable gross receipts for the 147741

remainder of the qualifying period. The operator of the facility 147742
shall disclose to the suppliers that such Ohio delivery percentage 147743
is an estimate and is subject to recalculation. By the due date of 147744
the next application for a qualifying certificate, the operator 147745
shall determine the actual Ohio delivery percentage for the 147746
estimated qualifying period and proceed as provided in division 147747
(C)(1) of this section with respect to the calculation and 147748
recalculation of the Ohio delivery percentage. The supplier is 147749
required to file, within sixty days after receiving notice from 147750
the operator of the qualified distribution center, amended reports 147751
for the impacted calendar quarter or quarters or calendar year, 147752
whichever the case may be. Any additional tax liability or tax 147753
overpayment shall be subject to interest but shall not be subject 147754
to the imposition of any penalty so long as the amended returns 147755
are timely filed. 147756

(3) The operator of a distribution center that receives a 147757
qualifying certificate under division (B)(3) of this section shall 147758
make a good faith estimate of the Ohio delivery percentage that 147759
the operator estimates will apply to the distribution center at 147760
the end of the thirty-six-month period after the operator first 147761
applied for a qualifying certificate under that division. The 147762
result of the estimate shall be multiplied by a factor of one and 147763
seventy-five one-hundredths. The product of that calculation shall 147764
be the Ohio delivery percentage used by suppliers in their reports 147765
of taxable gross receipts for each qualifying year that the 147766
distribution center receives a qualifying certificate under 147767
division (B)(3) of this section, except that, if the product is 147768
less than five per cent, the Ohio delivery percentage used shall 147769
be five per cent and that, if the product exceeds forty-nine per 147770
cent, the Ohio delivery percentage used shall be forty-nine per 147771
cent. 147772

(D) Qualifying certificates and Ohio delivery percentages 147773

issued by the commissioner shall be ~~open to public inspection and~~ 147774
~~shall be~~ timely published ~~by the commissioner on the department of~~ 147775
taxation's web site and shall be accessible on that web site for 147776
at least four years after the date of issuance. A supplier relying 147777
in good faith on a certificate issued under this section shall not 147778
be subject to tax on the qualifying distribution center receipts 147779
under this section and division (F)(2)(z) of section 5751.01 of 147780
the Revised Code. An operator receiving a qualifying certificate 147781
is liable for the ineligible operator's supplier tax liability for 147782
each year the operator received a certificate but did not qualify 147783
as a qualified distribution center. 147784

(E) The tax commissioner shall determine an ineligible 147785
operator's supplier tax liability based on information that the 147786
commissioner may request from the operator of the distribution 147787
center. An operator shall provide a list of all suppliers of the 147788
distribution center and the corresponding costs of qualified 147789
property for the qualifying year at issue within sixty days of a 147790
request by the commissioner under this division. 147791

(F) The annual fee for a qualifying certificate shall be one 147792
hundred thousand dollars for each qualified distribution center. 147793
If a qualifying certificate is not issued, the annual fee is 147794
subject to refund after the exhaustion of all appeals provided for 147795
in division (B)(1) of this section. The first one hundred thousand 147796
dollars of the annual application fees collected each calendar 147797
year shall be credited to the revenue enhancement fund. The 147798
remainder of the annual application fees collected shall be 147799
distributed in the same manner required under section 5751.20 of 147800
the Revised Code. 147801

(G) The tax commissioner may require that adequate security 147802
be posted by the operator of the distribution center on appeal 147803
when the commissioner disagrees that the applicant has met the 147804
minimum thresholds for a qualified distribution center as set 147805

forth in this section. 147806

Section 130.31. That existing sections 127.15, 173.03, 147807
753.19, 1121.38, 1509.06, 1513.071, 1513.08, 1513.16, 1565.12, 147808
1571.05, 1571.08, 1571.10, 1571.14, 1571.15, 1571.16, 1707.02, 147809
1707.04, 1707.042, 1707.091, 1707.11, 1707.43, 1733.16, 2941.401, 147810
3111.23, 3301.05, 3302.04, 3310.521, 3313.41, 3313.818, 3314.21, 147811
3319.081, 3319.11, 3319.16, 3319.291, 3319.311, 3321.13, 3321.21, 147812
3704.03, 3734.02, 3734.021, 3734.575, 3746.09, 3752.11, 3772.031, 147813
3772.04, 3772.11, 3772.12, 3772.13, 3772.131, 3781.08, 3781.11, 147814
3781.25, 3781.29, 3781.342, 3904.08, 4121.19, 4123.512, 4123.52, 147815
4125.03, 4141.09, 4141.47, 4167.10, 4301.17, 4301.30, 4303.24, 147816
4507.081, 4508.021, 4509.101, 4510.41, 4735.13, 4735.14, 5107.161, 147817
5120.14, 5165.193, 5165.86, 5166.303, 5168.08, 5168.22, 5168.23, 147818
5525.01, 5703.37, 5709.83, 5736.041, and 5751.40 of the Revised 147819
Code are hereby repealed. 147820

Section 130.32. That section 5123.195 of the Revised Code is 147821
hereby repealed. 147822

Section 130.33. The amendment by this act of sections 5168.22 147823
and 5168.23 of the Revised Code does not supersede the repeal of 147824
those sections on October 1, 2023, as prescribed by Section 610.20 147825
of H.B. 110 of the 134th General Assembly. 147826

The amendment by this act of section 5168.08 of the Revised 147827
Code does not supersede the repeal of that section on October 16, 147828
2023, as prescribed by Section 610.20 of H.B. 110 of the 134th 147829
General Assembly. 147830

Section 130.34. The General Assembly, applying the principle 147831
stated in division (B) of section 1.52 of the Revised Code that 147832
amendments are to be harmonized if reasonably capable of 147833
simultaneous operation, finds that the following sections, 147834

presented in this act as composites of the sections as amended by 147835
the acts indicated, are the resulting versions of the sections in 147836
effect prior to the effective date of the sections as presented in 147837
this act: 147838

Section 3302.04 of the Revised Code as amended by both H.B. 147839
82 and H.B. 110 of the 134th General Assembly. 147840

The version of section 3772.13 of the Revised Code that is 147841
scheduled to take effect December 29, 2023, as amended by both 147842
H.B. 509 and S.B. 131 of the 134th General Assembly. 147843

The version of section 3772.131 of the Revised Code that is 147844
scheduled to take effect December 29, 2023, as amended by both 147845
H.B. 509 and S.B. 131 of the 134th General Assembly. 147846

Section 4509.101 of the Revised Code as amended by both H.B. 147847
62 and H.B. 158 of the 133rd General Assembly. 147848

Section 130.35. That the versions of sections 3772.13 and 147849
3772.131 of the Revised Code that are scheduled to take effect 147850
December 29, 2023, be amended to read as follows: 147851

Sec. 3772.13. (A) No person may be employed as a key employee 147852
of a casino operator, management company, or holding company 147853
unless the person is the holder of a valid key employee license 147854
issued by the commission. 147855

(B) No person may be employed as a key employee of a 147856
gaming-related vendor unless that person is either the holder of a 147857
valid key employee license issued by the commission, or the 147858
person, at least five business days prior to the first day of 147859
employment as a key employee, has filed a notification of 147860
employment with the commission and subsequently files a completed 147861
application for a key employee license within the first thirty 147862
days of employment as a key employee. 147863

(C) Each applicant shall, before the issuance of any key employee license, produce information, documentation, and assurances as are required by this chapter and rules adopted thereunder. In addition, each applicant shall, in writing, authorize the examination of all bank accounts and records as may be deemed necessary by the commission.

(D) To be eligible for a key employee license, the applicant shall be at least twenty-one years of age and shall meet the criteria set forth by rule by the commission.

(E) Each application for a key employee license shall be on a form prescribed by the commission and shall contain all information required by the commission. The applicant shall set forth in the application if the applicant has been issued prior gambling-related licenses; if the applicant has been licensed in any other state under any other name, and, if so, the name under which the license was issued and the applicant's age at the time the license was issued; any criminal conviction the applicant has had; and if a permit or license issued to the applicant in any other state has been suspended, restricted, or revoked, and, if so, the cause and the duration of each action. The applicant also shall complete a cover sheet for the application on which the applicant shall disclose the applicant's name, the business address of the casino operator, management company, holding company, or gaming-related vendor employing the applicant, the business address and telephone number of such employer, and the county, state, and country in which the applicant's residence is located.

(F) Each applicant shall submit with each application, on a form provided by the commission, two sets of fingerprints. The commission shall charge each applicant an application fee set by the commission to cover all actual costs generated by each licensee and all background checks under this section and section

3772.07 of the Revised Code. 147896

(G)(1) The casino operator, management company, or holding 147897
company by whom a person is employed as a key employee shall 147898
terminate the person's employment in any capacity requiring a 147899
license under this chapter and shall not in any manner permit the 147900
person to exercise a significant influence over the operation of a 147901
casino facility if: 147902

(a) The person does not apply for and receive a key employee 147903
license within three months of being issued a provisional license, 147904
as established under commission rule. 147905

(b) The person's application for a key employee license is 147906
denied by the commission. 147907

(c) The person's key employee license is revoked by the 147908
commission. 147909

The commission shall notify the casino operator, management 147910
company, or holding company who employs such a person by certified 147911
mail, personal service, common carrier service utilizing any form 147912
of delivery requiring a signed receipt, or by an electronic means 147913
that provides evidence of delivery, of any such finding, denial, 147914
or revocation. 147915

(2) A casino operator, management company, or holding company 147916
shall not pay to a person whose employment is terminated under 147917
division (G)(1) of this section, any remuneration for any services 147918
performed in any capacity in which the person is required to be 147919
licensed, except for amounts due for services rendered before 147920
notice was received under that division. A contract or other 147921
agreement for personal services or for the conduct of any casino 147922
gaming at a casino facility between a casino operator, management 147923
company, or holding company and a person whose employment is 147924
terminated under division (G)(1) of this section may be terminated 147925
by the casino operator, management company, or holding company 147926

without further liability on the part of the casino operator, 147927
management company, or holding company. Any such contract or other 147928
agreement is deemed to include a term authorizing its termination 147929
without further liability on the part of the casino operator, 147930
management company, or holding company upon receiving notice under 147931
division (G)(1) of this section. That a contract or other 147932
agreement does not expressly include such a term is not a defense 147933
in any action brought to terminate the contract or other 147934
agreement, and is not grounds for relief in any action brought 147935
questioning termination of the contract or other agreement. 147936

(3) A casino operator, management company, or holding 147937
company, without having obtained the prior approval of the 147938
commission, shall not enter into any contract or other agreement 147939
with a person who has been found unsuitable, who has been denied a 147940
license, or whose license has been revoked under division (G)(1) 147941
of this section, or with any business enterprise under the control 147942
of such a person, after the date on which the casino operator, 147943
management company, or holding company receives notice under that 147944
division. 147945

(H) Notwithstanding the requirements for a license under this 147946
section, the commission shall issue a key employee license in 147947
accordance with Chapter 4796. of the Revised Code to an applicant 147948
if either of the following applies: 147949

(1) The applicant holds a license in another state. 147950

(2) The applicant has satisfactory work experience, a 147951
government certification, or a private certification as described 147952
in that chapter as a key employee of a casino operator, management 147953
company, or holding company in a state that does not issue that 147954
license. 147955

Sec. 3772.131. (A) All casino gaming employees are required 147956
to have a casino gaming employee license. "Casino gaming employee" 147957

means the following and their supervisors: 147958

(1) Individuals involved in operating a casino gaming pit, 147959
including dealers, skills, clerks, hosts, and junket 147960
representatives; 147961

(2) Individuals involved in handling money, including 147962
cashiers, change persons, count teams, and coin wrappers; 147963

(3) Individuals involved in operating casino games; 147964

(4) Individuals involved in operating and maintaining slot 147965
machines, including mechanics, floor persons, and change and 147966
payoff persons; 147967

(5) Individuals involved in security, including guards and 147968
game observers; 147969

(6) Individuals with duties similar to those described in 147970
divisions (A)(1) to (5) of this section or other persons as the 147971
commission determines. "Casino gaming employee" does not include 147972
an individual whose duties are related solely to nongaming 147973
activities such as entertainment, hotel operation, maintenance, or 147974
preparing or serving food and beverages. 147975

(B) The commission may issue a casino gaming employee license 147976
to an applicant after it has determined that the applicant is 147977
eligible for a license under rules adopted by the commission and 147978
paid any applicable fee. All applications shall be ~~made under oath~~ 147979
certified as true. 147980

(C) To be eligible for a casino gaming employee license, an 147981
applicant shall be at least twenty-one years of age. 147982

(D) Each application for a casino gaming employee license 147983
shall be on a form prescribed by the commission and shall contain 147984
all information required by the commission. The applicant shall 147985
set forth in the application if the applicant has been issued 147986
prior gambling-related licenses; if the applicant has been 147987

licensed in any other state under any other name, and, if so, the 147988
name under which the license was issued and the applicant's age at 147989
the time the license was issued; any criminal conviction the 147990
applicant has had; and if a permit or license issued to the 147991
applicant in any other state has been suspended, restricted, or 147992
revoked, and, if so, the cause and the duration of each action. 147993

(E) Each applicant shall submit with each application, on a 147994
form provided by the commission, two sets of the applicant's 147995
fingerprints. The commission shall charge each applicant an 147996
application fee to cover all actual costs generated by each 147997
licensee and all background checks. 147998

(F) Notwithstanding the requirements for a license under this 147999
section, the commission shall issue a casino gaming employee 148000
license in accordance with Chapter 4796. of the Revised Code to an 148001
applicant if either of the following applies: 148002

(1) The applicant holds a license in another state. 148003

(2) The applicant has satisfactory work experience, a 148004
government certification, or a private certification as described 148005
in that chapter as a casino gaming employee in a state that does 148006
not issue that license. 148007

Section 130.36. That the existing versions of sections 148008
3772.13 and 3772.131 of the Revised Code that are scheduled to 148009
take effect December 29, 2023, are hereby repealed. 148010

Section 130.37. Sections 130.35 and 130.36 of this act take 148011
effect December 29, 2023. 148012

Section 130.40. That sections 2925.01, 3701.33, 3701.83, 148013
3717.27, 3717.47, 3718.011, 3718.03, 3742.03, 4736.01, 4736.02, 148014
4736.03, 4736.07, 4736.08, 4736.09, 4736.11, 4736.12, 4736.13, 148015
4736.14, 4736.15, 4743.05, 4776.20, and 5903.12 be amended and 148016

sections 4736.01 (3776.01), 4736.02 (3776.02), 4736.03 (3776.03), 148017
4736.07 (3776.04), 4736.08 (3776.05), 4736.09 (3776.06), 4736.11 148018
(3776.07), 4736.12 (3776.08), 4736.13 (3776.09), 4736.14 148019
(3776.10), 4736.15 (3776.11), 4736.17 (3776.12), and 4736.18 148020
(3776.13) of the Revised Code be amended for the purpose of 148021
adopting new section numbers as indicated in parentheses to read 148022
as follows: 148023

Sec. 2925.01. As used in this chapter: 148024

(A) "Administer," "controlled substance," "controlled 148025
substance analog," "dispense," "distribute," "hypodermic," 148026
"manufacturer," "official written order," "person," "pharmacist," 148027
"pharmacy," "sale," "schedule I," "schedule II," "schedule III," 148028
"schedule IV," "schedule V," and "wholesaler" have the same 148029
meanings as in section 3719.01 of the Revised Code. 148030

(B) "Drug of abuse" and "person with a drug dependency" have 148031
the same meanings as in section 3719.011 of the Revised Code. 148032

(C) "Drug," "dangerous drug," "licensed health professional 148033
authorized to prescribe drugs," and "prescription" have the same 148034
meanings as in section 4729.01 of the Revised Code. 148035

(D) "Bulk amount" of a controlled substance means any of the 148036
following: 148037

(1) For any compound, mixture, preparation, or substance 148038
included in schedule I, schedule II, or schedule III, with the 148039
exception of any controlled substance analog, marihuana, cocaine, 148040
L.S.D., heroin, any fentanyl-related compound, and hashish and 148041
except as provided in division (D)(2), (5), or (6) of this 148042
section, whichever of the following is applicable: 148043

(a) An amount equal to or exceeding ten grams or twenty-five 148044
unit doses of a compound, mixture, preparation, or substance that 148045
is or contains any amount of a schedule I opiate or opium 148046

derivative; 148047

(b) An amount equal to or exceeding ten grams of a compound, 148048
mixture, preparation, or substance that is or contains any amount 148049
of raw or gum opium; 148050

(c) An amount equal to or exceeding thirty grams or ten unit 148051
doses of a compound, mixture, preparation, or substance that is or 148052
contains any amount of a schedule I hallucinogen other than 148053
tetrahydrocannabinol or lysergic acid amide, or a schedule I 148054
stimulant or depressant; 148055

(d) An amount equal to or exceeding twenty grams or five 148056
times the maximum daily dose in the usual dose range specified in 148057
a standard pharmaceutical reference manual of a compound, mixture, 148058
preparation, or substance that is or contains any amount of a 148059
schedule II opiate or opium derivative; 148060

(e) An amount equal to or exceeding five grams or ten unit 148061
doses of a compound, mixture, preparation, or substance that is or 148062
contains any amount of phencyclidine; 148063

(f) An amount equal to or exceeding one hundred twenty grams 148064
or thirty times the maximum daily dose in the usual dose range 148065
specified in a standard pharmaceutical reference manual of a 148066
compound, mixture, preparation, or substance that is or contains 148067
any amount of a schedule II stimulant that is in a final dosage 148068
form manufactured by a person authorized by the "Federal Food, 148069
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as 148070
amended, and the federal drug abuse control laws, as defined in 148071
section 3719.01 of the Revised Code, that is or contains any 148072
amount of a schedule II depressant substance or a schedule II 148073
hallucinogenic substance; 148074

(g) An amount equal to or exceeding three grams of a 148075
compound, mixture, preparation, or substance that is or contains 148076
any amount of a schedule II stimulant, or any of its salts or 148077

isomers, that is not in a final dosage form manufactured by a 148078
person authorized by the Federal Food, Drug, and Cosmetic Act and 148079
the federal drug abuse control laws. 148080

(2) An amount equal to or exceeding one hundred twenty grams 148081
or thirty times the maximum daily dose in the usual dose range 148082
specified in a standard pharmaceutical reference manual of a 148083
compound, mixture, preparation, or substance that is or contains 148084
any amount of a schedule III or IV substance other than an 148085
anabolic steroid or a schedule III opiate or opium derivative; 148086

(3) An amount equal to or exceeding twenty grams or five 148087
times the maximum daily dose in the usual dose range specified in 148088
a standard pharmaceutical reference manual of a compound, mixture, 148089
preparation, or substance that is or contains any amount of a 148090
schedule III opiate or opium derivative; 148091

(4) An amount equal to or exceeding two hundred fifty 148092
milliliters or two hundred fifty grams of a compound, mixture, 148093
preparation, or substance that is or contains any amount of a 148094
schedule V substance; 148095

(5) An amount equal to or exceeding two hundred solid dosage 148096
units, sixteen grams, or sixteen milliliters of a compound, 148097
mixture, preparation, or substance that is or contains any amount 148098
of a schedule III anabolic steroid; 148099

(6) For any compound, mixture, preparation, or substance that 148100
is a combination of a fentanyl-related compound and any other 148101
compound, mixture, preparation, or substance included in schedule 148102
III, schedule IV, or schedule V, if the defendant is charged with 148103
a violation of section 2925.11 of the Revised Code and the 148104
sentencing provisions set forth in divisions (C)(10)(b) and 148105
(C)(11) of that section will not apply regarding the defendant and 148106
the violation, the bulk amount of the controlled substance for 148107
purposes of the violation is the amount specified in division 148108

(D)(1), (2), (3), (4), or (5) of this section for the other 148109
schedule III, IV, or V controlled substance that is combined with 148110
the fentanyl-related compound. 148111

(E) "Unit dose" means an amount or unit of a compound, 148112
mixture, or preparation containing a controlled substance that is 148113
separately identifiable and in a form that indicates that it is 148114
the amount or unit by which the controlled substance is separately 148115
administered to or taken by an individual. 148116

(F) "Cultivate" includes planting, watering, fertilizing, or 148117
tilling. 148118

(G) "Drug abuse offense" means any of the following: 148119

(1) A violation of division (A) of section 2913.02 that 148120
constitutes theft of drugs, or a violation of section 2925.02, 148121
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 148122
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, or 148123
2925.37 of the Revised Code; 148124

(2) A violation of an existing or former law of this or any 148125
other state or of the United States that is substantially 148126
equivalent to any section listed in division (G)(1) of this 148127
section; 148128

(3) An offense under an existing or former law of this or any 148129
other state, or of the United States, of which planting, 148130
cultivating, harvesting, processing, making, manufacturing, 148131
producing, shipping, transporting, delivering, acquiring, 148132
possessing, storing, distributing, dispensing, selling, inducing 148133
another to use, administering to another, using, or otherwise 148134
dealing with a controlled substance is an element; 148135

(4) A conspiracy to commit, attempt to commit, or complicity 148136
in committing or attempting to commit any offense under division 148137
(G)(1), (2), or (3) of this section. 148138

(H) "Felony drug abuse offense" means any drug abuse offense 148139
that would constitute a felony under the laws of this state, any 148140
other state, or the United States. 148141

(I) "Harmful intoxicant" does not include beer or 148142
intoxicating liquor but means any of the following: 148143

(1) Any compound, mixture, preparation, or substance the gas, 148144
fumes, or vapor of which when inhaled can induce intoxication, 148145
excitement, giddiness, irrational behavior, depression, 148146
stupefaction, paralysis, unconsciousness, asphyxiation, or other 148147
harmful physiological effects, and includes, but is not limited 148148
to, any of the following: 148149

(a) Any volatile organic solvent, plastic cement, model 148150
cement, fingernail polish remover, lacquer thinner, cleaning 148151
fluid, gasoline, or other preparation containing a volatile 148152
organic solvent; 148153

(b) Any aerosol propellant; 148154

(c) Any fluorocarbon refrigerant; 148155

(d) Any anesthetic gas. 148156

(2) Gamma Butyrolactone; 148157

(3) 1,4 Butanediol. 148158

(J) "Manufacture" means to plant, cultivate, harvest, 148159
process, make, prepare, or otherwise engage in any part of the 148160
production of a drug, by propagation, extraction, chemical 148161
synthesis, or compounding, or any combination of the same, and 148162
includes packaging, repackaging, labeling, and other activities 148163
incident to production. 148164

(K) "Possess" or "possession" means having control over a 148165
thing or substance, but may not be inferred solely from mere 148166
access to the thing or substance through ownership or occupation 148167
of the premises upon which the thing or substance is found. 148168

(L) "Sample drug" means a drug or pharmaceutical preparation 148169
that would be hazardous to health or safety if used without the 148170
supervision of a licensed health professional authorized to 148171
prescribe drugs, or a drug of abuse, and that, at one time, had 148172
been placed in a container plainly marked as a sample by a 148173
manufacturer. 148174

(M) "Standard pharmaceutical reference manual" means the 148175
current edition, with cumulative changes if any, of references 148176
that are approved by the state board of pharmacy. 148177

(N) "Juvenile" means a person under eighteen years of age. 148178

(O) "Counterfeit controlled substance" means any of the 148179
following: 148180

(1) Any drug that bears, or whose container or label bears, a 148181
trademark, trade name, or other identifying mark used without 148182
authorization of the owner of rights to that trademark, trade 148183
name, or identifying mark; 148184

(2) Any unmarked or unlabeled substance that is represented 148185
to be a controlled substance manufactured, processed, packed, or 148186
distributed by a person other than the person that manufactured, 148187
processed, packed, or distributed it; 148188

(3) Any substance that is represented to be a controlled 148189
substance but is not a controlled substance or is a different 148190
controlled substance; 148191

(4) Any substance other than a controlled substance that a 148192
reasonable person would believe to be a controlled substance 148193
because of its similarity in shape, size, and color, or its 148194
markings, labeling, packaging, distribution, or the price for 148195
which it is sold or offered for sale. 148196

(P) An offense is "committed in the vicinity of a school" if 148197
the offender commits the offense on school premises, in a school 148198

building, or within one thousand feet of the boundaries of any 148199
school premises, regardless of whether the offender knows the 148200
offense is being committed on school premises, in a school 148201
building, or within one thousand feet of the boundaries of any 148202
school premises. 148203

(Q) "School" means any school operated by a board of 148204
education, any community school established under Chapter 3314. of 148205
the Revised Code, or any nonpublic school for which the state 148206
board of education prescribes minimum standards under section 148207
3301.07 of the Revised Code, whether or not any instruction, 148208
extracurricular activities, or training provided by the school is 148209
being conducted at the time a criminal offense is committed. 148210

(R) "School premises" means either of the following: 148211

(1) The parcel of real property on which any school is 148212
situated, whether or not any instruction, extracurricular 148213
activities, or training provided by the school is being conducted 148214
on the premises at the time a criminal offense is committed; 148215

(2) Any other parcel of real property that is owned or leased 148216
by a board of education of a school, the governing authority of a 148217
community school established under Chapter 3314. of the Revised 148218
Code, or the governing body of a nonpublic school for which the 148219
state board of education prescribes minimum standards under 148220
section 3301.07 of the Revised Code and on which some of the 148221
instruction, extracurricular activities, or training of the school 148222
is conducted, whether or not any instruction, extracurricular 148223
activities, or training provided by the school is being conducted 148224
on the parcel of real property at the time a criminal offense is 148225
committed. 148226

(S) "School building" means any building in which any of the 148227
instruction, extracurricular activities, or training provided by a 148228
school is conducted, whether or not any instruction, 148229

extracurricular activities, or training provided by the school is 148230
being conducted in the school building at the time a criminal 148231
offense is committed. 148232

(T) "Disciplinary counsel" means the disciplinary counsel 148233
appointed by the board of commissioners on grievances and 148234
discipline of the supreme court under the Rules for the Government 148235
of the Bar of Ohio. 148236

(U) "Certified grievance committee" means a duly constituted 148237
and organized committee of the Ohio state bar association or of 148238
one or more local bar associations of the state of Ohio that 148239
complies with the criteria set forth in Rule V, section 6 of the 148240
Rules for the Government of the Bar of Ohio. 148241

(V) "Professional license" means any license, permit, 148242
certificate, registration, qualification, admission, temporary 148243
license, temporary permit, temporary certificate, or temporary 148244
registration that is described in divisions (W)(1) to (37) of this 148245
section and that qualifies a person as a professionally licensed 148246
person. 148247

(W) "Professionally licensed person" means any of the 148248
following: 148249

(1) A person who has received a certificate or temporary 148250
certificate as a certified public accountant or who has registered 148251
as a public accountant under Chapter 4701. of the Revised Code and 148252
who holds an Ohio permit issued under that chapter; 148253

(2) A person who holds a certificate of qualification to 148254
practice architecture issued or renewed and registered under 148255
Chapter 4703. of the Revised Code; 148256

(3) A person who is registered as a landscape architect under 148257
Chapter 4703. of the Revised Code or who holds a permit as a 148258
landscape architect issued under that chapter; 148259

(4) A person licensed under Chapter 4707. of the Revised Code;	148260 148261
(5) A person who has been issued a certificate of registration as a registered barber under Chapter 4709. of the Revised Code;	148262 148263 148264
(6) A person licensed and regulated to engage in the business of a debt pooling company by a legislative authority, under authority of Chapter 4710. of the Revised Code;	148265 148266 148267
(7) A person who has been issued a cosmetologist's license, hair designer's license, manicurist's license, esthetician's license, natural hair stylist's license, advanced cosmetologist's license, advanced hair designer's license, advanced manicurist's license, advanced esthetician's license, advanced natural hair stylist's license, cosmetology instructor's license, hair design instructor's license, manicurist instructor's license, esthetics instructor's license, natural hair style instructor's license, independent contractor's license, or tanning facility permit under Chapter 4713. of the Revised Code;	148268 148269 148270 148271 148272 148273 148274 148275 148276 148277
(8) A person who has been issued a license to practice dentistry, a general anesthesia permit, a conscious sedation permit, a limited resident's license, a limited teaching license, a dental hygienist's license, or a dental hygienist's teacher's certificate under Chapter 4715. of the Revised Code;	148278 148279 148280 148281 148282
(9) A person who has been issued an embalmer's license, a funeral director's license, a funeral home license, or a crematory license, or who has been registered for an embalmer's or funeral director's apprenticeship under Chapter 4717. of the Revised Code;	148283 148284 148285 148286
(10) A person who has been licensed as a registered nurse or practical nurse, or who has been issued a certificate for the practice of nurse-midwifery under Chapter 4723. of the Revised Code;	148287 148288 148289 148290

(11) A person who has been licensed to practice optometry or to engage in optical dispensing under Chapter 4725. of the Revised Code;	148291 148292 148293
(12) A person licensed to act as a pawnbroker under Chapter 4727. of the Revised Code;	148294 148295
(13) A person licensed to act as a precious metals dealer under Chapter 4728. of the Revised Code;	148296 148297
(14) A person licensed under Chapter 4729. of the Revised Code as a pharmacist or pharmacy intern or registered under that chapter as a registered pharmacy technician, certified pharmacy technician, or pharmacy technician trainee;	148298 148299 148300 148301
(15) A person licensed under Chapter 4729. of the Revised Code as a manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, wholesale distributor of dangerous drugs, or terminal distributor of dangerous drugs;	148302 148303 148304 148305 148306
(16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code;	148307 148308
(17) A person who has been issued a license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery under Chapter 4731. of the Revised Code or has been issued a certificate to practice a limited branch of medicine under that chapter;	148309 148310 148311 148312 148313
(18) A person licensed as a psychologist, independent school psychologist, or school psychologist under Chapter 4732. of the Revised Code;	148314 148315 148316
(19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code;	148317 148318
(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;	148319 148320

(21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;	148321 148322
(22) A person registered as a registered environmental health specialist under Chapter 4736. <u>3776.</u> of the Revised Code;	148323 148324
(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;	148325 148326
(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	148327 148328
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	148329 148330
(26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Chapter 4741. of the Revised Code;	148331 148332 148333 148334
(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code;	148335 148336 148337
(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;	148338 148339 148340
(29) A person licensed to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	148341 148342
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	148343 148344 148345
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	148346 148347
(32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family	148348 148349 148350

therapist, or marriage and family therapist, or registered as a	148351
social work assistant under Chapter 4757. of the Revised Code;	148352
(33) A person issued a license to practice dietetics under	148353
Chapter 4759. of the Revised Code;	148354
(34) A person who has been issued a license or limited permit	148355
to practice respiratory therapy under Chapter 4761. of the Revised	148356
Code;	148357
(35) A person who has been issued a real estate appraiser	148358
certificate under Chapter 4763. of the Revised Code;	148359
(36) A person who has been issued a home inspector license	148360
under Chapter 4764. of the Revised Code;	148361
(37) A person who has been admitted to the bar by order of	148362
the supreme court in compliance with its prescribed and published	148363
rules.	148364
(X) "Cocaine" means any of the following:	148365
(1) A cocaine salt, isomer, or derivative, a salt of a	148366
cocaine isomer or derivative, or the base form of cocaine;	148367
(2) Coca leaves or a salt, compound, derivative, or	148368
preparation of coca leaves, including ecgonine, a salt, isomer, or	148369
derivative of ecgonine, or a salt of an isomer or derivative of	148370
ecgonine;	148371
(3) A salt, compound, derivative, or preparation of a	148372
substance identified in division (X)(1) or (2) of this section	148373
that is chemically equivalent to or identical with any of those	148374
substances, except that the substances shall not include	148375
decocainized coca leaves or extraction of coca leaves if the	148376
extractions do not contain cocaine or ecgonine.	148377
(Y) "L.S.D." means lysergic acid diethylamide.	148378
(Z) "Hashish" means a resin or a preparation of a resin to	148379
which both of the following apply:	148380

(1) It is contained in or derived from any part of the plant 148381
of the genus cannabis, whether in solid form or in a liquid 148382
concentrate, liquid extract, or liquid distillate form. 148383

(2) It has a delta-9 tetrahydrocannabinol concentration of 148384
more than three-tenths per cent. 148385

"Hashish" does not include a hemp byproduct in the possession 148386
of a licensed hemp processor under Chapter 928. of the Revised 148387
Code, provided that the hemp byproduct is being produced, stored, 148388
and disposed of in accordance with rules adopted under section 148389
928.03 of the Revised Code. 148390

(AA) "Marihuana" has the same meaning as in section 3719.01 148391
of the Revised Code, except that it does not include hashish. 148392

(BB) An offense is "committed in the vicinity of a juvenile" 148393
if the offender commits the offense within one hundred feet of a 148394
juvenile or within the view of a juvenile, regardless of whether 148395
the offender knows the age of the juvenile, whether the offender 148396
knows the offense is being committed within one hundred feet of or 148397
within view of the juvenile, or whether the juvenile actually 148398
views the commission of the offense. 148399

(CC) "Presumption for a prison term" or "presumption that a 148400
prison term shall be imposed" means a presumption, as described in 148401
division (D) of section 2929.13 of the Revised Code, that a prison 148402
term is a necessary sanction for a felony in order to comply with 148403
the purposes and principles of sentencing under section 2929.11 of 148404
the Revised Code. 148405

(DD) "Major drug offender" has the same meaning as in section 148406
2929.01 of the Revised Code. 148407

(EE) "Minor drug possession offense" means either of the 148408
following: 148409

(1) A violation of section 2925.11 of the Revised Code as it 148410

existed prior to July 1, 1996; 148411

(2) A violation of section 2925.11 of the Revised Code as it 148412
exists on and after July 1, 1996, that is a misdemeanor or a 148413
felony of the fifth degree. 148414

(FF) "Mandatory prison term" has the same meaning as in 148415
section 2929.01 of the Revised Code. 148416

(GG) "Adulterate" means to cause a drug to be adulterated as 148417
described in section 3715.63 of the Revised Code. 148418

(HH) "Public premises" means any hotel, restaurant, tavern, 148419
store, arena, hall, or other place of public accommodation, 148420
business, amusement, or resort. 148421

(II) "Methamphetamine" means methamphetamine, any salt, 148422
isomer, or salt of an isomer of methamphetamine, or any compound, 148423
mixture, preparation, or substance containing methamphetamine or 148424
any salt, isomer, or salt of an isomer of methamphetamine. 148425

(JJ) "Deception" has the same meaning as in section 2913.01 148426
of the Revised Code. 148427

(KK) "Fentanyl-related compound" means any of the following: 148428

(1) Fentanyl; 148429

(2) Alpha-methylfentanyl 148430
(N-[1-(alpha-methyl-beta-phenyl)ethyl-4- piperidyl]propionanilide; 148431
1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine); 148432

(3) Alpha-methylthiofentanyl 148433
(N-[1-methyl-2-(2-thienyl)ethyl-4- 148434
piperidinyl]-N-phenylpropanamide); 148435

(4) Beta-hydroxyfentanyl 148436
(N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl] -N-phenylpropanamide); 148437

(5) Beta-hydroxy-3-methylfentanyl (other name: 148438
N-[1-(2-hydroxy-2- phenethyl)-3-methyl-4-piperidinyl]-N- 148439

phenylpropanamide);	148440
(6) 3-methylfentanyl	148441
(N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N- phenylpropanamide);	148442
(7) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4-	148443
piperidinyl]-N-phenylpropanamide);	148444
(8) Para-fluorofentanyl	148445
(N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4- piperidinyl]propanamide;	148446
(9) Thiofentanyl	148447
(N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]- propanamide;	148448
(10) Alfentanil;	148449
(11) Carfentanil;	148450
(12) Remifentanil;	148451
(13) Sufentanil;	148452
(14) Acetyl-alpha-methylfentanyl	148453
(N-[1-(1-methyl-2-phenethyl)-4- piperidinyl]-N-phenylacetamide);	148454
and	148455
(15) Any compound that meets all of the following fentanyl	148456
pharmacophore requirements to bind at the mu receptor, as	148457
identified by a report from an established forensic laboratory,	148458
including acetylfentanyl, furanylfentanyl, valerylfentanyl,	148459
butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl,	148460
para-fluorobutyrylfentanyl, acrylfentanyl, and	148461
ortho-fluorofentanyl:	148462
(a) A chemical scaffold consisting of both of the following:	148463
(i) A five, six, or seven member ring structure containing a	148464
nitrogen, whether or not further substituted;	148465
(ii) An attached nitrogen to the ring, whether or not that	148466
nitrogen is enclosed in a ring structure, including an attached	148467
aromatic ring or other lipophilic group to that nitrogen.	148468

(b) A polar functional group attached to the chemical scaffold, including but not limited to a hydroxyl, ketone, amide, or ester;

(c) An alkyl or aryl substitution off the ring nitrogen of the chemical scaffold; and

(d) The compound has not been approved for medical use by the United States food and drug administration.

(LL) "First degree felony mandatory prison term" means one of the definite prison terms prescribed in division (A)(1)(b) of section 2929.14 of the Revised Code for a felony of the first degree, except that if the violation for which sentence is being imposed is committed on or after March 22, 2019, it means one of the minimum prison terms prescribed in division (A)(1)(a) of that section for a felony of the first degree.

(MM) "Second degree felony mandatory prison term" means one of the definite prison terms prescribed in division (A)(2)(b) of section 2929.14 of the Revised Code for a felony of the second degree, except that if the violation for which sentence is being imposed is committed on or after March 22, 2019, it means one of the minimum prison terms prescribed in division (A)(2)(a) of that section for a felony of the second degree.

(NN) "Maximum first degree felony mandatory prison term" means the maximum definite prison term prescribed in division (A)(1)(b) of section 2929.14 of the Revised Code for a felony of the first degree, except that if the violation for which sentence is being imposed is committed on or after March 22, 2019, it means the longest minimum prison term prescribed in division (A)(1)(a) of that section for a felony of the first degree.

(OO) "Maximum second degree felony mandatory prison term" means the maximum definite prison term prescribed in division (A)(2)(b) of section 2929.14 of the Revised Code for a felony of

the second degree, except that if the violation for which sentence 148500
is being imposed is committed on or after March 22, 2019, it means 148501
the longest minimum prison term prescribed in division (A)(2)(a) 148502
of that section for a felony of the second degree. 148503

(PP) "Delta-9 tetrahydrocannabinol" has the same meaning as 148504
in section 928.01 of the Revised Code. 148505

(QQ) An offense is "committed in the vicinity of a substance 148506
addiction services provider or a recovering addict" if either of 148507
the following apply: 148508

(1) The offender commits the offense on the premises of a 148509
substance addiction services provider's facility, including a 148510
facility licensed prior to June 29, 2019, under section 5119.391 148511
of the Revised Code to provide methadone treatment or an opioid 148512
treatment program licensed on or after that date under section 148513
5119.37 of the Revised Code, or within five hundred feet of the 148514
premises of a substance addiction services provider's facility and 148515
the offender knows or should know that the offense is being 148516
committed within the vicinity of the substance addiction services 148517
provider's facility. 148518

(2) The offender sells, offers to sell, delivers, or 148519
distributes the controlled substance or controlled substance 148520
analog to a person who is receiving treatment at the time of the 148521
commission of the offense, or received treatment within thirty 148522
days prior to the commission of the offense, from a substance 148523
addiction services provider and the offender knows that the person 148524
is receiving or received that treatment. 148525

(RR) "Substance addiction services provider" means an agency, 148526
association, corporation or other legal entity, individual, or 148527
program that provides one or more of the following at a facility: 148528

(1) Either alcohol addiction services, or drug addiction 148529
services, or both such services that are certified by the director 148530

of mental health and addiction services under section 5119.36 of 148531
the Revised Code; 148532

(2) Recovery supports that are related to either alcohol 148533
addiction services, or drug addiction services, or both such 148534
services and paid for with federal, state, or local funds 148535
administered by the department of mental health and addiction 148536
services or a board of alcohol, drug addiction, and mental health 148537
services. 148538

(SS) "Premises of a substance addiction services provider's 148539
facility" means the parcel of real property on which any substance 148540
addiction service provider's facility is situated. 148541

(TT) "Alcohol and drug addiction services" has the same 148542
meaning as in section 5119.01 of the Revised Code. 148543

Sec. 3701.33. (A) There is hereby created the Ohio public 148544
health advisory board. The board shall consist of the following 148545
members: 148546

(1) The following members appointed by the director of health 148547
from among individuals who are not employed by the state and are 148548
recommended by statewide trade or professional organizations that 148549
represent interests in public health: 148550

(a) One individual authorized under Chapter 4731. of the 148551
Revised Code to practice medicine and surgery or osteopathic 148552
medicine and surgery; 148553

(b) One individual authorized under Chapter 4723. of the 148554
Revised Code to practice nursing as a registered nurse; 148555

(c) Three members of the public, two of whom are 148556
representatives of entities licensed by the department of health 148557
or boards of health. 148558

(2) One representative of the association of Ohio health 148559
commissioners, appointed by the association; 148560

(3) One representative of the Ohio public health association, 148561
appointed by the association; 148562

(4) One representative of the Ohio environmental health 148563
association, appointed by the association, who is registered as an 148564
environmental health specialist under Chapter ~~4736~~ 3776. of the 148565
Revised Code; 148566

(5) One representative of the Ohio association of boards of 148567
health, appointed by the association; 148568

(6) One representative of the Ohio society for public health 148569
education, appointed by the society; 148570

(7) One representative of the Ohio hospital association, 148571
appointed by the association. 148572

The director of health or the director's designee shall serve 148573
as an ex officio, nonvoting member of the board. 148574

(B) Not later than thirty days after September 10, 2012, 148575
initial appointments shall be made to the board. Of the initial 148576
appointments, the members specified in divisions (A)(5), (6), and 148577
(7) and division (A)(1)(c) of this section representing entities 148578
licensed by the department of health or boards of health shall 148579
serve terms ending June 30, 2014, and the members specified in 148580
divisions (A)(1)(a) and (b), divisions (A)(2), (3), and (4), and 148581
division (A)(1)(c) of this section not representing entities 148582
licensed by the department or boards of health shall serve terms 148583
ending June 30, 2015. Thereafter, terms of office for all members 148584
shall be three years, with each term ending on the same day of the 148585
same month as the term it succeeds. Each member shall hold office 148586
from the date of appointment until the end of the term for which 148587
the member was appointed. Members may be reappointed, except that 148588
no member who has served two consecutive terms may be reappointed 148589
until three years have elapsed since the member's last term ended. 148590

Each member shall hold office from the date of appointment 148591

until the end of the term for which the member was appointed. 148592
Vacancies shall be filled in the same manner as original 148593
appointments. 148594

Any member appointed to fill a vacancy occurring prior to the 148595
expiration of the term for which the member's predecessor was 148596
appointed shall hold office for the remainder of that term. A 148597
member shall continue in office subsequent to the expiration date 148598
of the member's term until the member's successor takes office or 148599
until a period of ninety days has elapsed, whichever occurs first. 148600

(C) The board shall annually select from among its members a 148601
chairperson and vice-chairperson. The director shall designate an 148602
officer or employee of the department to act as the board's 148603
secretary. The secretary shall be a nonvoting board member. 148604

The board may adopt by laws governing its operation. The 148605
chairperson may appoint subcommittees as the chairperson considers 148606
necessary. 148607

(D) The board shall meet at the call of the chairperson, but 148608
not less than four times per year. A majority of the members of 148609
the board constitutes a quorum. Special meetings may be called by 148610
the chairperson and shall be called by the chairperson at the 148611
request of the director. In a request for a special meeting, the 148612
director shall specify the purpose of the meeting and the date and 148613
place the meeting is to be held. No other business shall be 148614
considered at a special meeting except by a unanimous vote of 148615
members present at the meeting. 148616

In conducting any meeting, the board and its subcommittees 148617
may use an interactive video teleconferencing system. If 148618
provisions are made that allow public attendance at a designated 148619
location with respect to a meeting using such a system, the board 148620
members who attend the meeting by video teleconference shall be 148621
counted for purposes of determining whether a quorum is present 148622

and shall be permitted to vote. 148623

Members shall be expected to attend a majority of meetings of 148624
the board. Unexcused absence from three consecutive meetings shall 148625
be considered notice of a member's intent to resign from the 148626
board. 148627

(E)(1) The department shall provide meeting space and staff 148628
and other administrative support for the board to carry out its 148629
duties. 148630

(2) To facilitate the board's review of proposed rules under 148631
division (A)(1) of section 3701.34 of the Revised Code, the 148632
department shall establish and maintain an electronic web-based 148633
database of board meeting agendas, board meeting minutes, proposed 148634
rules, public comments, and other documents relevant to the work 148635
of the board. 148636

(F) Notice of meetings shall be provided to members through 148637
the board's mailing list, the department's web site, or any other 148638
means available to the board. 148639

The minutes of previous meetings, the next meeting's agenda, 148640
and information on any matters to be presented to the board at any 148641
regular or special meeting shall be provided to the board in an 148642
electronic format. 148643

(G) Members shall attend annual ethics training provided by 148644
the Ohio ethics commission. 148645

(H) Members shall serve without compensation, but may be 148646
reimbursed for actual and necessary expenses incurred in the 148647
performance of their official duties. 148648

(I) Sections 101.82 to 101.87 of the Revised Code do not 148649
apply to the Ohio public health advisory board. 148650

Sec. 3701.83. There is hereby created in the state treasury 148651
the general operations fund. Moneys in the fund shall be used for 148652

the purposes specified in sections 3701.04, 3701.344, 3702.20, 148653
3711.16, 3717.45, 3718.06, 3721.02, 3721.022, 3729.07, 3733.43, 148654
3748.04, 3748.05, 3748.07, 3748.12, 3748.13, 3749.04, 3749.07, 148655
~~4736.06~~, 3776.08, and 4769.09 of the Revised Code. 148656

Sec. 3717.27. (A) All inspections of retail food 148657
establishments conducted by a licenser under this chapter shall be 148658
conducted according to the procedures and schedule of frequency 148659
specified in rules adopted under section 3717.33 of the Revised 148660
Code. An inspection may be performed only by an individual 148661
registered as an environmental health specialist or environmental 148662
health specialist in training under Chapter ~~4736~~ 3776. of the 148663
Revised Code. Each inspection shall be recorded on a form 148664
prescribed and furnished by the director of agriculture or a form 148665
approved by the director that has been prescribed by a board of 148666
health acting as licenser. With the assistance of the director, a 148667
board acting as licenser, to the extent practicable, shall 148668
computerize the inspection process and standardize the manner in 148669
which its inspections are conducted. 148670

(B) A person or government entity holding a retail food 148671
establishment license shall permit the licenser to inspect the 148672
retail food establishment for purposes of determining compliance 148673
with this chapter and the rules adopted under it or investigating 148674
a complaint concerning the establishment. On request of the 148675
licenser, the license holder shall permit the licenser to examine 148676
the records of the retail food establishment to obtain information 148677
about the purchase, receipt, or use of food, supplies, and 148678
equipment. 148679

A licenser may inspect any mobile retail food establishment 148680
being operated within the licenser's district. If an inspection of 148681
a mobile retail food establishment is conducted by a licenser 148682
other than the licenser that issued the license for the 148683

establishment, a report of the inspection shall be sent to the 148684
issuing licensor. The issuing licensor may use the inspection 148685
report to suspend or revoke the license under section 3717.29 or 148686
3717.30 of the Revised Code. 148687

(C) An inspection may include the following: 148688

(1) An investigation to determine the identity and source of 148689
a particular food; 148690

(2) Removal from use of any equipment, utensils, hand tools, 148691
or parts of facilities found to be maintained in a condition that 148692
presents a clear and present danger to the public health. 148693

Sec. 3717.47. (A) All inspections of food service operations 148694
conducted by a licensor under this chapter shall be conducted 148695
according to the procedures and schedule of frequency specified in 148696
rules adopted under section 3717.51 of the Revised Code. An 148697
inspection may be performed only by an individual registered as an 148698
environmental health specialist or environmental health specialist 148699
in training under Chapter ~~4736~~ 3776. of the Revised Code. Each 148700
inspection shall be recorded on a form prescribed and furnished by 148701
the director of health or a form approved by the director that has 148702
been prescribed by a board of health acting as licensor. With the 148703
assistance of the director, a board acting as licensor, to the 148704
extent practicable, shall computerize the inspection process and 148705
shall standardize the manner in which its inspections are 148706
conducted. 148707

(B) A person or government entity holding a food service 148708
operation license shall permit the licensor to inspect the food 148709
service operation for purposes of determining compliance with this 148710
chapter and the rules adopted under it or investigating a 148711
complaint regarding foodborne disease. On request of the licensor, 148712
the license holder shall permit the licensor to examine the 148713
records of the food service operation to obtain information about 148714

the purchase, receipt, or use of food, supplies, and equipment. 148715

A licensor may inspect any mobile food service operation or 148716
catering food service operation being operated within the 148717
licensor's district. If an inspection of a mobile or catering food 148718
service operation is conducted by a licensor other than the 148719
licensor that issued the license for the operation, a report of 148720
the inspection shall be sent to the issuing licensor. The issuing 148721
licensor may use the inspection report to suspend or revoke the 148722
license under section 3717.49 of the Revised Code. 148723

(C) An inspection may include an investigation to determine 148724
the identity and source of a particular food. 148725

Sec. 3718.011. (A) For purposes of this chapter, a sewage 148726
treatment system is causing a public health nuisance if any of the 148727
following situations occurs and, after notice by a board of health 148728
to the applicable property owner, timely repairs are not made to 148729
that system to eliminate the situation: 148730

(1) The sewage treatment system is not operating properly due 148731
to a missing component, incorrect settings, or a mechanical or 148732
electrical failure. 148733

(2) There is a blockage in a known sewage treatment system 148734
component or pipe that causes a backup of sewage or effluent 148735
affecting the treatment process or inhibiting proper plumbing 148736
drainage. 148737

(3) An inspection conducted by, or under the supervision of, 148738
the environmental protection agency or an environmental health 148739
specialist registered under Chapter ~~4736~~ 3776. of the Revised Code 148740
documents that there is ponding of liquid or bleeding of liquid 148741
onto the surface of the ground or into surface water and the 148742
liquid has a distinct sewage odor, a black or gray coloration, or 148743
the presence of organic matter and any of the following: 148744

(a) The presence of sewage effluent identified through a dye test; 148745
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(b) The presence of fecal coliform at a level that is equal to or greater than five thousand colonies per one hundred milliliters of liquid as determined in two or more samples of the liquid when five or fewer samples are collected or in more than twenty per cent of the samples when more than five samples of the liquid are collected; 148747
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(c) Water samples that exceed one thousand thirty e. coli counts per one hundred milliliters in two or more samples when five or fewer samples are collected or in more than twenty per cent of the samples when more than five samples are collected. 148753
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(4) With respect to a discharging system for which an NPDES permit has been issued under Chapter 6111. of the Revised Code and rules adopted under it, the system routinely exceeds the effluent discharge limitations specified in the permit. 148757
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(B) With respect to divisions (A)(1) and (2) of this section, a property owner may request a test to be conducted by a board of health to verify that the sewage treatment system is causing a public health nuisance. The property owner is responsible for the costs of the test. 148761
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Sec. 3718.03. (A) There is hereby created the sewage treatment system technical advisory committee consisting of the director of health or the director's designee and thirteen members who are knowledgeable about sewage treatment systems and technologies. The director or the director's designee shall serve as committee secretary and may vote on actions taken by the committee. Of the thirteen members, five shall be appointed by the governor, four shall be appointed by the president of the senate, and four shall be appointed by the speaker of the house of representatives. 148766
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(1) Of the members appointed by the governor, one shall 148776
represent academia and shall be active in teaching or research in 148777
the area of on-site wastewater treatment, one shall be a 148778
representative of the public who is not employed by the state or 148779
any of its political subdivisions and who does not have a 148780
pecuniary interest in sewage treatment systems, one shall be a 148781
registered professional engineer employed by the environmental 148782
protection agency, one shall be selected from among soil 148783
scientists in the division of soil and water conservation in the 148784
department of agriculture, and one shall be a representative of a 148785
statewide organization representing townships. 148786

(2) Of the members appointed by the president of the senate, 148787
one shall be a health commissioner who is a member of and 148788
recommended by the association of Ohio health commissioners, one 148789
shall represent the interests of manufacturers of sewage treatment 148790
systems, one shall represent installers and service providers, and 148791
one shall be a person with demonstrated experience in the design 148792
of sewage treatment systems. 148793

(3) Of the members appointed by the speaker of the house of 148794
representatives, one shall be a health commissioner who is a 148795
member of and recommended by the association of Ohio health 148796
commissioners, one shall represent the interests of manufacturers 148797
of sewage treatment systems, one shall be an environmental health 148798
specialist who is registered under Chapter ~~4736~~ 3776. of the 148799
Revised Code and who is a member of the Ohio environmental health 148800
association, and one shall be a registered professional engineer 148801
with experience in sewage treatment systems. 148802

(B) Terms of members appointed to the committee shall be for 148803
three years, with each term ending on the same day of the same 148804
month as did the term that it succeeds. Each member shall serve 148805
from the date of appointment until the end of the term for which 148806
the member was appointed. 148807

Members may be reappointed. Vacancies shall be filled in the same manner as provided for original appointments. Any member appointed to fill a vacancy occurring prior to the expiration date of the term for which the member was appointed shall hold office for the remainder of that term. A member shall continue to serve after the expiration date of the member's term until the member's successor is appointed or until a period of sixty days has elapsed, whichever occurs first. The applicable appointing authority may remove a member from the committee for failure to attend two consecutive meetings without showing good cause for the absences.

(C) The technical advisory committee annually shall select from among its members a chairperson and a vice-chairperson. The secretary shall keep a record of its proceedings. A majority vote of the members of the full committee is necessary to take action on any matter. The committee may adopt bylaws governing its operation, including bylaws that establish the frequency of meetings.

(D) Serving as a member of the sewage treatment system technical advisory committee does not constitute holding a public office or position of employment under the laws of this state and does not constitute grounds for removal of public officers or employees from their offices or positions of employment. Members of the committee shall serve without compensation for attending committee meetings.

(E) A member of the committee shall not have a conflict of interest with the position. For the purposes of this division, "conflict of interest" means the taking of any action that violates any provision of Chapter 102. or 2921. of the Revised Code.

(F) The sewage treatment system technical advisory committee shall do all of the following:

(1) Develop with the department of health standards, 148840
guidelines, and protocols for approving or disapproving a sewage 148841
treatment system or components of a system under section 3718.04 148842
of the Revised Code. Any guideline requiring the submission of 148843
scientific information or testing data shall specify, in writing, 148844
the protocol and format to be used in submitting the information 148845
or data. 148846

(2) Develop with the department an application form to be 148847
submitted to the director by an applicant for approval or 148848
disapproval of a sewage treatment system or components of a system 148849
and specify the information that must be included with an 148850
application form; 148851

(3) Make recommendations to the director regarding the 148852
approval or disapproval of an application sent to the director 148853
under section 3718.04 of the Revised Code requesting approval of a 148854
sewage treatment system or components of a system; 148855

(4) Pursue and recruit in an active manner the research, 148856
development, introduction, and timely approval of innovative and 148857
cost-effective sewage treatment systems and components of a system 148858
for use in this state, which shall include conducting pilot 148859
projects to assess the effectiveness of a system or components of 148860
a system. 148861

(G) The chairperson of the committee shall prepare and submit 148862
an annual report concerning the activities of the committee to the 148863
general assembly not later than ninety days after the end of the 148864
calendar year. The report shall discuss the number of applications 148865
submitted under section 3718.04 of the Revised Code for the 148866
approval of a new sewage treatment system or a component of a 148867
system, the number of such systems and components that were 148868
approved, any information that the committee considers beneficial 148869
to the general assembly, and any other information that the 148870
chairperson determines is beneficial to the general assembly. If 148871

other members of the committee determine that certain information 148872
should be included in the report, they shall submit the 148873
information to the chairperson not later than thirty days after 148874
the end of the calendar year. 148875

(H) The department shall provide meeting space for the 148876
committee. The committee shall be assisted in its duties by the 148877
staff of the department. 148878

(I) Sections 101.82 to 101.87 of the Revised Code do not 148879
apply to the sewage treatment system technical advisory committee. 148880

Sec. 3742.03. The director of health shall adopt rules in 148881
accordance with Chapter 119. of the Revised Code for the 148882
administration and enforcement of sections 3742.01 to 3742.19 and 148883
3742.99 of the Revised Code. The rules shall specify all of the 148884
following: 148885

(A) Procedures to be followed by a lead abatement contractor, 148886
lead abatement project designer, lead abatement worker, lead 148887
inspector, or lead risk assessor licensed under section 3742.05 of 148888
the Revised Code for undertaking lead abatement activities and 148889
procedures to be followed by a clearance technician, lead 148890
inspector, or lead risk assessor in performing a clearance 148891
examination; 148892

(B)(1) Requirements for training and licensure, in addition 148893
to those established under section 3742.08 of the Revised Code, to 148894
include levels of training and periodic refresher training for 148895
each class of worker, and to be used for licensure under section 148896
3742.05 of the Revised Code. Except in the case of clearance 148897
technicians, these requirements shall include at least twenty-four 148898
classroom hours of training based on the Occupational Safety and 148899
Health Act training program for lead set forth in 29 C.F.R. 148900
1926.62. For clearance technicians, the training requirements to 148901
obtain an initial license shall not exceed six hours and the 148902

requirements for refresher training shall not exceed two hours 148903
every four years. In establishing the training and licensure 148904
requirements, the director shall consider the core of information 148905
that is needed by all licensed persons, and establish the training 148906
requirements so that persons who would seek licenses in more than 148907
one area would not have to take duplicative course work. 148908

(2) Persons certified by the American board of industrial 148909
hygiene as a certified industrial hygienist or as an industrial 148910
hygienist-in-training, and persons registered as a ~~sanitarian~~ 148911
environmental health specialist or ~~sanitarian-in-training~~ 148912
environmental health specialist in training under Chapter ~~4736~~ 148913
3776. of the Revised Code, shall be exempt from any training 148914
requirements for initial licensure established under this chapter, 148915
but shall be required to take any examinations for licensure 148916
required under section 3742.05 of the Revised Code. 148917

(C) Fees for licenses issued under section 3742.05 of the 148918
Revised Code and for their renewal; 148919

(D) Procedures to be followed by lead inspectors, lead 148920
abatement contractors, environmental lead analytical laboratories, 148921
lead risk assessors, lead abatement project designers, and lead 148922
abatement workers to prevent public exposure to lead hazards and 148923
ensure worker protection during lead abatement projects; 148924

(E)(1) Record-keeping and reporting requirements for clinical 148925
laboratories, environmental lead analytical laboratories, lead 148926
inspectors, lead abatement contractors, lead risk assessors, lead 148927
abatement project designers, and lead abatement workers for lead 148928
abatement projects and record-keeping and reporting requirements 148929
for clinical laboratories, environmental lead analytical 148930
laboratories, and clearance technicians for clearance 148931
examinations; 148932

(2) Record-keeping and reporting requirements regarding lead 148933

poisoning for physicians; 148934

(3) Information that is required to be reported under rules 148935
based on divisions (E)(1) and (2) of this section and that is a 148936
medical record is not a public record under section 149.43 of the 148937
Revised Code and shall not be released, except in aggregate 148938
statistical form. 148939

(F) Environmental sampling techniques for use in collecting 148940
samples of air, water, dust, paint, and other materials; 148941

(G) Requirements for a respiratory protection plan prepared 148942
in accordance with section 3742.07 of the Revised Code; 148943

(H) Requirements under which a manufacturer of encapsulants 148944
must demonstrate evidence of the safety and durability of its 148945
encapsulants by providing results of testing from an independent 148946
laboratory indicating that the encapsulants meet the standards 148947
developed by the "E06.23.30 task group on encapsulants," which is 148948
the task group of the lead hazards associated with buildings 148949
subcommittee of the performance of buildings committee of the 148950
American society for testing and materials. 148951

Sec. ~~4736.01~~ 3776.01. As used in this chapter: 148952

(A) "Environmental health science" means the aspect of public 148953
health science that includes, but is not limited to, the following 148954
bodies of knowledge: air quality, food quality and protection, 148955
hazardous and toxic substances, consumer product safety, housing, 148956
institutional health and safety, community noise control, 148957
radiation protection, recreational facilities, solid and liquid 148958
waste management, vector control, drinking water quality, milk 148959
sanitation, and rabies control. 148960

(B) "Environmental health specialist" means a person who 148961
performs for compensation educational, investigational, technical, 148962
or administrative duties requiring specialized knowledge and 148963

skills in the field of environmental health science. 148964

(C) "Registered environmental health specialist" means a 148965
person who is registered as an environmental health specialist in 148966
accordance with this chapter. 148967

(D) "Environmental health specialist in training" means a 148968
person who is registered as an environmental health specialist in 148969
training in accordance with this chapter. 148970

(E) "Practice of environmental health" means consultation, 148971
instruction, investigation, inspection, or evaluation by an 148972
employee of a city health district, a general health district, the 148973
environmental protection agency, the department of health, or the 148974
department of agriculture requiring specialized knowledge, 148975
training, and experience in the field of environmental health 148976
science, with the primary purpose of improving or conducting 148977
administration or enforcement under any of the following: 148978

(1) Chapter 911., 913., 917., 3717., 3718., 3721., 3729., 148979
3730., or 3733. of the Revised Code; 148980

(2) Chapter 3734. of the Revised Code as it pertains to solid 148981
and hazardous waste; 148982

(3) Section 955.26, 955.261, 3701.344, 3707.01, ~~or 3707.03,~~ 148983
~~sections 3707.38 to 3707.99~~ 3707.26, or ~~section 3715.21~~ 3715.021 148984
of the Revised Code; 148985

(4) Rules adopted under ~~former section 3701.34~~ Chapter 3749. 148986
of the Revised Code pertaining to ~~rabies control or~~ swimming 148987
pools; 148988

~~(5) Rules adopted under section 3701.935 of the Revised Code 148989
for school health and safety network inspections and rules adopted 148990
under section 3707.26 of the Revised Code for sanitary 148991
inspections. 148992~~

"Practice of environmental health" does not include sampling, 148993

testing, controlling of vectors, reporting of observations, or 148994
other duties that do not require application of specialized 148995
knowledge and skills in environmental health science performed 148996
under the supervision of a registered environmental health 148997
specialist. 148998

The director of health may further define environmental 148999
health science in relation to specific functions in the practice 149000
of environmental health through rules adopted by the director 149001
under Chapter 119. of the Revised Code. 149002

Sec. ~~4736.02~~ 3776.02. There is hereby created the 149003
environmental health specialist advisory board consisting of seven 149004
members appointed by the director of health ~~with the advice and~~ 149005
~~consent of the senate~~ for terms established in accordance with 149006
rules adopted by the director under section ~~4736.03~~ 3776.03 of the 149007
Revised Code. The advisory board shall advise the director 149008
regarding the registration of environmental health specialists in 149009
training and environmental health specialists, continuing 149010
education requirements for environmental health specialists, the 149011
manner in which the passage of an examination required by section 149012
~~4736.09~~ 3776.06 of the Revised Code is verified, the education and 149013
employment criteria required under section ~~4736.08~~ 3776.05 of the 149014
Revised Code, and any other matters as may be of assistance to the 149015
director in the regulation of environmental health specialists and 149016
environmental health specialists in training. 149017

Each member appointed by the director shall be a registered 149018
environmental health specialist who meets the education and 149019
~~experience~~ employment requirements of section ~~4736.08~~ 3776.05 of 149020
the Revised Code for registration as an environmental health 149021
specialist. At least one and not more than two of the members 149022
shall be employees of a general health district; at least one and 149023
not more than two shall be employees of a city health district; 149024

and at least one and not more than two shall be employed in 149025
private industry. Not more than one member may be employed by a 149026
university and not more than one member may be employed by an 149027
agency or department of the state. 149028

Within ninety days of September 29, 2017, the director shall 149029
make initial appointments to the advisory board. 149030

Sec. ~~4736.03~~ 3776.03. (A) The director of health shall adopt 149031
and may amend or rescind rules in accordance with Chapter 119. of 149032
the Revised Code governing ~~the~~ all of the following: 149033

(1) The manner in which the passage of an examination 149034
required by section ~~4736.09~~ 3776.06 of the Revised Code is 149035
verified, ~~prescribing the;~~ 149036

(2) The form for application, ~~establishing;~~ 149037

(3) The establishment of criteria for determining what 149038
courses may be included toward fulfillment of the science course 149039
requirements of section ~~4736.08~~ 3776.05 of the Revised Code, 149040
~~determining;~~ 149041

(4) The determination of the continuing education program 149042
requirements of section ~~4736.11~~ 3776.07 of the Revised Code, ~~and~~ 149043
~~for the;~~ 149044

(5) The administration and enforcement of this chapter. 149045

(B) The director ~~shall~~ may adopt, in accordance with Chapter 149046
119. of the Revised Code, rules ~~establishing~~ of a general 149047
application throughout the state for the practice of environmental 149048
health that are necessary to administer and enforce this chapter, 149049
including rules governing all of the following: 149050

(1) The registration, advancement, and reinstatement of 149051
applicants to practice as an environmental health specialist or 149052
environmental health specialist in training; 149053

<u>(2) Educational requirements necessary for qualification for registration as an environmental health specialist or an environmental health specialist in training under division of (B) section 3776.05 of the Revised Code, including criteria for determining what courses may be included toward fulfillment of the science course requirements of that section;</u>	149054 149055 149056 149057 149058 149059
<u>(3) Continuing education requirements for environmental health specialists and environmental health specialists in training, including the process for applying for continuing education credits;</u>	149060 149061 149062 149063
<u>(4) The terms of office for members of the environmental health specialist advisory board created in section 4736.02 3776.02 of the Revised Code;</u>	149064 149065 149066
<u>(5) Any other rule necessary for the administration and enforcement of this chapter.</u>	149067 149068
Sec. 4736.07 3776.04. The director of health shall keep a record of all applications for registration, which shall include <u>including:</u>	149069 149070 149071
(A) The name and address of each applicant;	149072
(B) The name and address of the employer or business connection of each applicant;	149073 149074
(C) The date of the application;	149075
(D) The educational and experience <u>employment</u> qualifications of each applicant;	149076 149077
(E) The date on which the director reviewed and acted upon each application;	149078 149079
(F) The action taken by the director on each application;	149080
(G) A serial number of each certificate of registration issued by the director.	149081 149082

~~The director shall prepare annually a list of the names and addresses of every person registered by it and a list of every person whose registration has been suspended or revoked within the previous year.~~

Sec. ~~4736.08~~ 3776.05. (A) A person seeking to register as an environmental health specialist or environmental health specialist in training shall submit an application to the director of health on a form prescribed by the director. Along with the application, the person shall submit the application fee prescribed in ~~section 4736.12 of the Revised Code~~ rules adopted under this chapter. The

(B) The director shall register an applicant as an environmental health specialist if the applicant complies with the examination requirements specified under section ~~4736.09~~ 3776.06 of the Revised Code and meets ~~the~~ any of the following education and ~~experience~~ employment requirements ~~of division (A), (B), or (C) of this section:~~

~~(A)(1)~~ Graduated from an accredited college or university with at least a baccalaureate degree, including at least forty-five quarter units or thirty semester units of science courses approved by the director; and completed at least two years of full-time employment as an environmental health specialist;

~~(B)(2)~~ Graduated from an accredited college or university with at least a baccalaureate degree, completed a major in environmental health science which included an internship program approved by the director; and completed at least one year of full-time employment as an environmental health specialist;

~~(C)(3)~~ Graduated from an accredited college or university with a degree higher than a baccalaureate degree, including at least forty-five quarter units or thirty semester units of science courses approved by the director; and completed at least one year of full-time employment as an environmental health specialist.

(C)(1) The director shall register an applicant as an environmental health specialist in training if the applicant meets the educational qualifications of division (B)(1), (2), or (3) of this section, but does not meet the employment requirement of any such division. 149114
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(2) An environmental health specialist in training shall apply for registration as an environmental health specialist within four years after registration as an environmental health specialist in training. The director may extend the registration of any environmental health specialist in training who furnishes, in writing, sufficient cause for not applying for registration as an environmental health specialist within the four-year period. However, the director shall not extend the registration more than an additional two years beyond the four-year period. 149119
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Sec. ~~4736.09~~ 3776.06. (A) Prior to applying for an initial environmental health specialist registration, a person shall take the credentialed national environmental health association examination administered by the department of health. 149128
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(B) The director of health shall not register the person if the person fails to meet the minimum grade requirement for the examination specified by the national environmental health association. An applicant for registration who meets the minimum grade requirement shall verify the grade with the director on a form and in a manner prescribed by the director. 149132
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Sec. ~~4736.11~~ 3776.07. (A) The director of health shall issue a certificate of registration to practice to any applicant whom it registers as an environmental health specialist or an environmental health specialist in training. ~~Such~~ The director shall include the following information on the certificate shall bear of registration: 149138
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(1) The name of the person; 149144

(2) The date of issue; 149145

(3) ~~A serial number, designated by the director;~~ 149146

~~(4)~~ The signature of the director; 149147

~~(5)~~(4) The designation "registered environmental health specialist" or "environmental health specialist in training." 149148
149149

(B) ~~Certificates~~ The director shall issue certificates of 149150
registration to practice, which expire biennially on the date 149151
fixed by the director and become invalid on that date unless 149152
renewed pursuant to this section. ~~All~~ The director may renew a 149153
registration sixty days prior to the date of expiration, provided 149154
the applicant for renewal has done both of the following: 149155

(1) Paid the renewal fee in accordance with rules adopted 149156
under section 3776.03 of the Revised Code; 149157

(2) Submitted proof of compliance with the continuing 149158
education requirements described in this section. 149159

(C) All registered environmental health specialists and 149160
environmental health specialists in training are required 149161
biennially to complete a continuing education program in subjects 149162
relating to practices of the profession as an environmental health 149163
specialist. The purpose of the program is that the utilization and 149164
application of new techniques, scientific advancements, and 149165
research findings will assure comprehensive service to the public. 149166

~~(C)~~(D) The director shall prescribe by rule a continuing 149167
education program for registered environmental health specialists 149168
and environmental health specialists in training to meet this 149169
requirement. Under the program, an environmental health specialist 149170
and environmental health specialists in training shall complete 149171
twenty-four hours of continuing education during the biennial 149172
period. At least once annually the director shall provide to each 149173

registered environmental health specialist and environmental 149174
health specialist in training a list of courses approved by the 149175
director as satisfying the program prescribed by rule. Upon the 149176
request of a registered environmental health specialist or 149177
environmental health specialist in training, the director shall 149178
supply a list of applicable courses that the director has 149179
approved. 149180

~~(D)~~(E) A certificate may be renewed for a period of two years 149181
at any time prior to the date of expiration upon payment of the 149182
renewal fee prescribed by section ~~4736.12~~ 3776.08 of the Revised 149183
Code and upon showing proof of having complied with the continuing 149184
education requirements of this section. The director may waive the 149185
continuing education requirement in cases of certified illness or 149186
disability which prevents the attendance at any qualified 149187
educational seminars during the twenty-four months immediately 149188
preceding the biennial certificate of registration renewal date. 149189
Certificates that expire may be reinstated under rules adopted by 149190
the director. 149191

~~(E)~~(F) An environmental health specialist shall not be 149192
required to pass an examination for purposes of renewal. 149193

Sec. ~~4736.12~~ 3776.08. (A) The director of health shall charge 149194
the following fees: 149195

(1) To apply as an environmental health specialist in 149196
training, fifty dollars; 149197

(2) For an environmental health specialist in training to 149198
apply for registration as an environmental health specialist, 149199
fifty dollars. 149200

(3) For persons other than environmental health specialists 149201
in training to apply for registration as environmental health 149202
specialists, one hundred dollars. 149203

(4) The renewal fee for a registered environmental health specialist is seventy-five dollars. 149204
149205

(5) The renewal fee for a registered environmental health specialist in training is thirty-five dollars. 149206
149207

(6) For late application for renewal, an additional seventy-five dollars. 149208
149209

The director, with the approval of the controlling board, may establish fees in excess of the amounts provided in this section, provided that such fees do not exceed the amounts permitted by this section by more than fifty per cent. 149210
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(B) The director shall charge a fee for the examination required by section ~~4736.08~~ 3776.06 of the Revised Code, provided that the fee is not in excess of the actual cost to the department of health of conducting the examinations. 149214
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(C) The director may adopt rules establishing fees for all of the following: 149218
149219

(1) Application for the registration of a training agency approved under rules adopted by the director pursuant to section ~~4736.11~~ 3776.07 of the Revised Code and for the annual registration renewal of an approved training agency; 149220
149221
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149223

(2) Application for the review of continuing education hours submitted for the director's approval by approved training agencies or by registered environmental health specialists or environmental health specialists in training; 149224
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(3) Additional copies of pocket identification cards and wall certificates. 149228
149229

(D) Any fee collected under this section shall be deposited into the general operations fund created in section 3701.83 of the Revised Code. The director shall use the money collected from such fees for the administration and enforcement of this chapter and 149230
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rules adopted under it. 149234

Sec. 4736.13 3776.09. The director of health may deny, refuse 149235
to renew, revoke, or suspend a certificate of registration to 149236
practice in accordance with Chapter 119. of the Revised Code for 149237
unprofessional conduct, the practice of fraud or deceit in 149238
obtaining a certificate of registration, dereliction of duty, 149239
incompetence in the practice of environmental health science, or 149240
for other good and sufficient cause. 149241

Sec. 4736.14 3776.10. The director of health may, upon 149242
application and proof of valid registration, issue a certificate 149243
of registration to any person who is or has been registered as an 149244
environmental health specialist or environmental health specialist 149245
in training by any other state, if the requirements of that state 149246
at the time of such registration are determined by the director to 149247
be at least equivalent to the requirements of this chapter. 149248

Sec. 4736.15 3776.11. (A) No person shall engage in, or offer 149249
to engage in, the practice of environmental health without being 149250
registered in accordance with ~~sections 4736.01 to 4736.15 of the~~ 149251
~~Revised Code~~ this chapter. ~~An environmental health specialist in~~ 149252
~~training may engage in the practice of environmental health for a~~ 149253
~~period not to exceed five years, provided the environmental health~~ 149254
~~specialist in training is supervised by a registered environmental~~ 149255
~~health specialist. No~~ 149256

(B) No person except a registered environmental health 149257
specialist shall use the title "registered environmental health 149258
specialist" or the abbreviation "R.E.H.S." after the person's 149259
name, or represent self as a registered environmental health 149260
specialist. ~~Whoever~~ 149261

(C)(1) No person except a registered environmental health 149262
specialist in training shall use the title "registered 149263

environmental health specialist in training" or the abbreviation 149264
"E.H.S.I.T." after the person's name, or represent self as a 149265
registered environmental health specialist in training. 149266

(2) No environmental health specialist in training shall 149267
engage in the active practice of environmental health for a period 149268
exceeding six years from the date that the environmental health 149269
specialist in training's registration was initially issued. During 149270
the period that a person is engaged as an environmental health 149271
specialist in training, the person shall undertake the duties of 149272
an environmental health specialist in training solely under the 149273
supervision of a registered environmental health specialist in 149274
good standing. Such supervision is a condition for the advancement 149275
of an environmental health specialist in training to an 149276
environmental health specialist. 149277

(D) Whoever violates this section is guilty of a misdemeanor 149278
of the fourth degree. 149279

Sec. ~~4736.17~~ 3776.12. On receipt of a notice pursuant to 149280
section 3123.43 of the Revised Code, the director of health shall 149281
comply with sections 3123.41 to 3123.50 of the Revised Code and 149282
any applicable rules adopted under section 3123.63 of the Revised 149283
Code with respect to a certificate issued pursuant to this 149284
chapter. 149285

Sec. ~~4736.18~~ 3776.13. The director of health shall comply 149286
with section 4776.20 of the Revised Code. 149287

Sec. 4743.05. (A) Except as otherwise provided in sections 149288
4701.20, 4723.062, 4723.082, 4729.65, 4781.121, and 4781.28 of the 149289
Revised Code, all money collected under Chapters 3773., 4701., 149290
4703., 4709., 4713., 4715., 4717., 4723., 4725., 4729., 4732., 149291
4733., 4734., ~~4736.~~ 4741., 4744., 4747., 4753., 4755., 4757., 149292
4758., 4771., 4775., 4779., and 4781. of the Revised Code shall be 149293

paid into the state treasury to the credit of the occupational 149294
licensing and regulatory fund, which is hereby created for use in 149295
administering such chapters. 149296

(B) At the end of each quarter, the director of budget and 149297
management shall transfer from the occupational licensing and 149298
regulatory fund to the nurse education assistance fund created in 149299
section 3333.28 of the Revised Code the amount certified to the 149300
director under division (B) of section 4723.08 of the Revised 149301
Code. 149302

(C) At the end of each quarter, the director shall transfer 149303
from the occupational licensing and regulatory fund to the 149304
certified public accountant education assistance fund created in 149305
section 4701.26 of the Revised Code the amount certified to the 149306
director under division (H)(2) of section 4701.10 of the Revised 149307
Code. 149308

(D) On August 30, 2021, and every two years thereafter, the 149309
director shall transfer from the occupational licensing and 149310
regulatory fund to the veterinary student debt assistance fund 149311
created in section 4741.56 of the Revised Code the amount 149312
certified to the director under section 4741.57 of the Revised 149313
Code. 149314

Sec. 4776.20. (A) As used in this section: 149315

(1) "Licensing agency" means, in addition to each board 149316
identified in division (C) of section 4776.01 of the Revised Code, 149317
the board or other government entity authorized to issue a license 149318
under Chapters 3776., 4703., 4707., 4709., 4712., 4713., 4719., 149319
4723., 4727., 4728., 4733., 4735., ~~4736.~~, 4737., 4738., 4740., 149320
4742., 4747., 4749., 4752., 4753., 4758., 4759., 4763., 4764., 149321
4765., 4766., 4771., 4773., and 4781. of the Revised Code. 149322
"Licensing agency" includes an administrative officer that has 149323

authority to issue a license. 149324

(2) "Licensee" means, in addition to a licensee as described 149325
in division (B) of section 4776.01 of the Revised Code, the person 149326
to whom a license is issued by the board or other government 149327
entity authorized to issue a license under Chapters 3776., 4703., 149328
4707., 4709., 4712., 4713., 4719., 4723., 4727., 4728., 4733., 149329
4735., ~~4736.~~, 4737., 4738., 4740., 4742., 4747., 4749., 4751., 149330
4752., 4753., 4758., 4759., 4763., 4764., 4765., 4766., 4771., 149331
4773., and 4781. of the Revised Code. 149332

(3) "Prosecutor" has the same meaning as in section 2935.01 149333
of the Revised Code. 149334

(B) On a licensee's conviction of, plea of guilty to, 149335
judicial finding of guilt of, or judicial finding of guilt 149336
resulting from a plea of no contest to the offense of trafficking 149337
in persons in violation of section 2905.32 of the Revised Code, 149338
the prosecutor in the case shall promptly notify the licensing 149339
agency of the conviction, plea, or finding and provide the 149340
licensee's name and residential address. On receipt of this 149341
notification, the licensing agency shall immediately suspend the 149342
licensee's license. 149343

(C) If there is a conviction of, plea of guilty to, judicial 149344
finding of guilt of, or judicial finding of guilt resulting from a 149345
plea of no contest to the offense of trafficking in persons in 149346
violation of section 2905.32 of the Revised Code and all or part 149347
of the violation occurred on the premises of a facility that is 149348
licensed by a licensing agency, the prosecutor in the case shall 149349
promptly notify the licensing agency of the conviction, plea, or 149350
finding and provide the facility's name and address and the 149351
offender's name and residential address. On receipt of this 149352
notification, the licensing agency shall immediately suspend the 149353
facility's license. 149354

(D) Notwithstanding any provision of the Revised Code to the contrary, the suspension of a license under division (B) or (C) of this section shall be implemented by a licensing agency without a prior hearing. After the suspension, the licensing agency shall give written notice to the subject of the suspension of the right to request a hearing under Chapter 119. of the Revised Code. After a hearing is held, the licensing agency shall either revoke or permanently revoke the license of the subject of the suspension, unless it determines that the license holder has not been convicted of, pleaded guilty to, been found guilty of, or been found guilty based on a plea of no contest to the offense of trafficking in persons in violation of section 2905.32 of the Revised Code.

Sec. 5903.12. (A) As used in this section:

"Continuing education" means continuing education required of a licensee by law and includes, but is not limited to, the continuing education required of licensees under sections 3737.881, 3776.07, 3781.10, 4701.11, 4715.141, 4715.25, 4717.09, 4723.24, 4725.16, 4725.51, 4730.14, 4730.49, 4731.155, 4731.282, 4734.25, 4735.141, ~~4736.11~~, 4741.16, 4741.19, 4751.24, 4751.25, 4755.63, 4757.33, 4759.06, 4761.06, and 4763.07 of the Revised Code.

"Reporting period" means the period of time during which a licensee must complete the number of hours of continuing education required of the licensee by law.

(B) A licensee may submit an application to a licensing agency, stating that the licensee requires an extension of the current reporting period because the licensee has served on active duty during the current or a prior reporting period. The licensee shall submit proper documentation certifying the active duty service and the length of that active duty service. Upon receiving

the application and proper documentation, the licensing agency 149386
shall extend the current reporting period by an amount of time 149387
equal to the total number of months that the licensee spent on 149388
active duty during the current reporting period. For purposes of 149389
this division, any portion of a month served on active duty shall 149390
be considered one full month. 149391

Section 130.41. That existing sections 2925.01, 3701.33, 149392
3701.83, 3717.27, 3717.47, 3718.011, 3718.03, 3742.03, 4736.01, 149393
4736.02, 4736.03, 4736.07, 4736.08, 4736.09, 4736.11, 4736.12, 149394
4736.13, 4736.14, 4736.15, 4736.17, 4736.18, 4743.05, 4776.20, and 149395
5903.12 of the Revised Code are hereby repealed. 149396

Section 130.42. That sections 4736.05, 4736.06, and 4736.10 149397
of the Revised Code are hereby repealed. 149398

Section 130.43. That the version of section 3701.83 of the 149399
Revised Code that is scheduled to take effect on September 30, 149400
2024, be amended to read as follows: 149401

Sec. 3701.83. There is hereby created in the state treasury 149402
the general operations fund. Moneys in the fund shall be used for 149403
the purposes specified in sections 3701.04, 3701.344, 3711.16, 149404
3717.45, 3718.06, 3721.02, 3721.022, 3729.07, 3733.43, 3748.04, 149405
3748.05, 3748.07, 3748.12, 3748.13, 3749.04, 3749.07, ~~4736.06~~ 149406
3776.08, and 4769.09 of the Revised Code. 149407

Section 130.44. That the existing version of section 3701.83 149408
of the Revised Code that is scheduled to take effect on September 149409
30, 2024, is hereby repealed. 149410

Section 130.45. That the version of section 4736.14 of the 149411
Revised Code that is scheduled to take effect on December 29, 149412

2023, be amended and section 4736.14 (3776.10) of the Revised Code 149413
that is scheduled to take effect on December 29, 2023, be amended 149414
for the purpose of adopting a new section number as indicated in 149415
parentheses to read as follows: 149416

Sec. ~~4736.14~~ 3776.10. The director of health ~~shall~~ may, upon 149417
application and proof of valid registration, issue a certificate 149418
of registration ~~in accordance with Chapter 4796. of the Revised~~ 149419
Code to a any person if either of the following applies: 149420

~~(A) The person who~~ is or has been registered as an 149421
environmental health specialist or environmental health specialist 149422
in training by any other state. 149423

~~(B) The person has satisfactory work experience, a government~~ 149424
~~certification, or a private certification as described in that~~ 149425
~~chapter as an environmental health specialist in a state that does~~ 149426
~~not issue that certificate of registration, if the requirements of~~ 149427
that state at the time of such registration are determined by the 149428
director to be at least equivalent to the requirements of this 149429
chapter. 149430

Section 130.46. That the existing version of section 4736.14 149431
of the Revised Code that is scheduled to take effect on December 149432
29, 2023, is hereby repealed. 149433

Section 130.47. That the version of section 4736.10 of the 149434
Revised Code that is scheduled to take effect on December 29, 149435
2023, is hereby repealed. The outright repeal by this act of 149436
section 4736.10 of the Revised Code supersedes the amendment of 149437
that section scheduled to take effect on December 29, 2023, as 149438
prescribed by Section 1 of S.B. 131 of the 134th General Assembly. 149439

Section 130.48. Sections 130.45, 130.46, and 130.47 of this 149440

act take effect on December 29, 2023. 149441

Sections 130.43 and 130.44 of this act take effect on 149442
September 30, 2024. 149443

Section 130.49. The General Assembly, applying the principle 149444
stated in division (B) of section 1.52 of the Revised Code that 149445
amendments are to be harmonized if reasonably capable of 149446
simultaneous operation, finds that the following sections, 149447
presented in this act as composites of the sections as amended by 149448
the acts indicated, are the resulting versions of the sections in 149449
effect prior to the effective date of the sections as presented in 149450
this act: 149451

Section 2925.01 of the Revised Code as amended by H.B. 281, 149452
H.B. 509, and S.B. 25, all of the 134th General Assembly. 149453

Section 4736.08 of the Revised Code as amended by both H.B. 149454
442 and H.B. 263 of the 133rd General Assembly. 149455

Section 130.50. That the version of section 3701.351 of the 149456
Revised Code that is scheduled to take effect September 30, 2024, 149457
be amended to read as follows: 149458

Sec. 3701.351. (A) The governing body of every hospital shall 149459
set standards and procedures to be applied by the hospital and its 149460
medical staff in considering and acting upon applications for 149461
staff membership or professional privileges. These standards and 149462
procedures shall be available for public inspection. 149463

(B) The governing body of any hospital, in considering and 149464
acting upon applications for staff membership or professional 149465
privileges within the scope of the applicants' respective 149466
licensures, shall not discriminate against a qualified person 149467
solely on the basis of whether that person is licensed to practice 149468

medicine, osteopathic medicine, or podiatry, is licensed to 149469
practice dentistry or psychology, or is licensed to practice 149470
nursing as an advanced practice registered nurse. Staff membership 149471
or professional privileges shall be considered and acted on in 149472
accordance with standards and procedures established under 149473
division (A) of this section. This section does not permit a 149474
psychologist to admit a patient to a hospital in violation of 149475
section 3727.06 of the Revised Code. 149476

(C) The governing body of any hospital that provides 149477
maternity services, in considering and acting upon applications 149478
for clinical privileges, shall not discriminate against a 149479
qualified person solely on the basis that the person is authorized 149480
to practice nurse-midwifery. An application from a certified 149481
nurse-midwife who is not employed by the hospital shall contain 149482
the name of a physician member of the hospital's medical staff who 149483
holds clinical privileges in obstetrics at that hospital and who 149484
has agreed to be the collaborating physician for the applicant in 149485
accordance with section 4723.43 of the Revised Code. 149486

(D) Any person may apply to the court of common pleas for 149487
temporary or permanent injunctions restraining a violation of 149488
division (A), (B), or (C) of this section. This action is an 149489
additional remedy not dependent on the adequacy of the remedy at 149490
law. 149491

(E)(1) If a hospital does not provide or permit the provision 149492
of any diagnostic or treatment service for mental or emotional 149493
disorders or any other service that may be legally performed by a 149494
psychologist licensed under Chapter 4732. of the Revised Code, 149495
this section does not require the hospital to provide or permit 149496
the provision of any such service and the hospital shall be exempt 149497
from requirements of this section pertaining to psychologists. 149498

(2) This section does not impair the right of a hospital to 149499
enter into an employment, personal service, or any other kind of 149500

contract with a licensed psychologist, upon any such terms as the 149501
parties may mutually agree, for the provision of any service that 149502
may be legally performed by a licensed psychologist. 149503

Section 130.51. That the existing version of section 3701.351 149504
of the Revised Code that is scheduled to take effect September 30, 149505
2024, is hereby repealed. 149506

Section 130.52. Sections 130.50 and 130.51 of this act take 149507
effect September 30, 2024. 149508

Section 130.53. That the versions of sections 3727.70 and 149509
4723.431 of the Revised Code that are scheduled to take effect 149510
September 30, 2024, are hereby repealed. 149511

Section 130.54. That Sections 130.11 and 130.12 (as amended 149512
by H.B. 66 of the 134th General Assembly) of H.B. 110 of the 134th 149513
General Assembly be amended to read as follows: 149514

Sec. 130.11. That existing sections 111.15, 140.01, 3701.07, 149515
3701.351, 3701.503, 3701.5010, 3701.63, 3701.69, 3701.83, 3702.30, 149516
3702.31, 3702.51, 3702.52, 3702.521, 3702.55, 3702.592, 3702.593, 149517
3705.30, 3705.41, 3711.01, 3711.02, 3711.04, 3711.05, 3711.06, 149518
3711.10, 3711.12, 3711.14, 3711.30, ~~3727.70~~, 3781.112, 3901.40, 149519
3929.67, ~~4723.431~~, 4723.481, 4730.411, 4731.31, and 4761.01 are 149520
hereby repealed. 149521

Sec. 130.12. That sections 3702.11, 3702.12, 3702.13, 149522
3702.14, 3702.141, 3702.15, 3702.16, 3702.18, 3702.19, 3702.20, 149523
3727.01, 3727.02, 3727.03, 3727.04, 3727.05, ~~3727.06~~, 3727.07, and 149524
3727.99 of the Revised Code are hereby repealed. 149525

Section 130.55. That existing Sections 130.11 and 130.12 (as 149526
amended by H.B. 66 of the 134th General Assembly) of H.B. 110 of 149527

the 134th General Assembly are hereby repealed. 149528

Section 130.56. Sections 130.54 and 130.55 of this act remove 149529
the limitations imposed on the continued existence of sections 149530
3727.06, 3727.70, and 4723.431 of the Revised Code. 149531

Section 203.10. ACC ACCOUNTANCY BOARD OF OHIO 149532

Dedicated Purpose Fund Group 149533

4J80	889601	CPA Education	\$	525,000	\$	525,000	149534
		Assistance					
4K90	889609	Operating Expenses	\$	1,343,885	\$	1,301,216	149535
TOTAL DPF Dedicated Purpose Fund							149536
Group							\$ 1,868,885 \$ 1,826,216 149537
TOTAL ALL BUDGET FUND GROUPS							\$ 1,868,885 \$ 1,826,216 149538

Section 205.10. ADJ ADJUTANT GENERAL 149540

General Revenue Fund 149541

GRF	745401	Ohio Military Reserve	\$	70,000	\$	77,000	149542
GRF	745404	Air National Guard	\$	2,140,000	\$	2,223,000	149543
GRF	745407	National Guard	\$	174,000	\$	174,000	149544
		Benefits					
GRF	745409	Central	\$	3,299,000	\$	3,414,000	149545
		Administration					
GRF	745499	Army National Guard	\$	4,865,000	\$	4,972,000	149546
GRF	745503	Ohio Cyber Reserve	\$	1,099,000	\$	1,151,000	149547
GRF	745504	Ohio Cyber Range	\$	2,650,000	\$	2,650,000	149548
GRF	745505	State Active Duty	\$	50,000	\$	50,000	149549
TOTAL GRF General Revenue Fund							\$ 14,347,000 \$ 14,711,000 149550
Dedicated Purpose Fund Group							149551
5340	745612	Property Operations	\$	900,000	\$	900,000	149552
		Management					

5360	745605	Marksmanship Activities	\$	115,000	\$	115,000	149553
5360	745620	Camp Perry and Buckeye Inn Operations	\$	913,114	\$	936,114	149554
5370	745604	Ohio National Guard Facilities Maintenance	\$	190,000	\$	190,000	149555
5LY0	745626	Military Medal of Distinction	\$	5,000	\$	5,000	149556
5U80	745613	Community Match Armories	\$	350,000	\$	350,000	149557
TOTAL DPF Dedicated Purpose Fund Group			\$	2,473,114	\$	2,496,114	149558
Federal Fund Group							149559
3420	745616	Army National Guard Service Agreement	\$	26,964,581	\$	26,964,581	149560
3E80	745628	Air National Guard Operations and Maintenance	\$	16,137,808	\$	16,903,235	149561
3R80	745603	Counter Drug Operations	\$	15,382	\$	15,382	149562
TOTAL FED Federal Fund Group			\$	43,117,771	\$	43,883,198	149563
TOTAL ALL BUDGET FUND GROUPS			\$	59,937,885	\$	61,090,312	149564

Section 205.20. NATIONAL GUARD BENEFITS 149566

The foregoing appropriation item 745407, National Guard Benefits, shall be used for purposes of sections 5919.31 and 5919.33 of the Revised Code, and for administrative costs of the associated programs.

If necessary, in order to pay benefits in a timely manner pursuant to sections 5919.31 and 5919.33 of the Revised Code, the

Adjutant General may request the Director of Budget and Management 149573
transfer appropriation from any appropriation item used by the 149574
Adjutant General to appropriation item 745407, National Guard 149575
Benefits. Such amounts are hereby appropriated. The Adjutant 149576
General may subsequently seek Controlling Board approval to 149577
restore the appropriation in the appropriation item from which 149578
such a transfer was made. 149579

For active duty members of the Ohio National Guard who died 149580
after October 7, 2001, while performing active duty, the death 149581
benefit, pursuant to section 5919.33 of the Revised Code, shall be 149582
paid to the beneficiary or beneficiaries designated on the 149583
member's Servicemembers' Group Life Insurance Policy. 149584

OHIO CYBER RESERVE 149585

The foregoing appropriation item 745503, Ohio Cyber Reserve, 149586
shall be used for purposes of providing support for the 149587
administration of the Ohio Cyber Reserve, a civilian cyber reserve 149588
force that is part of the Ohio organized militia, capable of being 149589
expanded and trained to educate and protect all levels of state 149590
government, critical infrastructure, and the citizens of this 149591
state from cyberattacks and incidences under sections 5922.01, 149592
5922.02, and 5922.08 of the Revised Code. 149593

OHIO CYBER RANGE 149594

The foregoing appropriation item 745504, Ohio Cyber Range, 149595
shall be used by the Adjutant General's Department to establish 149596
and maintain the cyber range for purposes of providing cyber 149597
training and education to K-12 students, higher education 149598
students, members of the Ohio National Guard, federal employees, 149599
and state and local government employees, and provide for 149600
emergency preparedness exercises and trainings. 149601

The Adjutant General's Department, in conjunction and 149602
collaboration with the Department of Administrative Services, the 149603

Department of Public Safety, the Department of Higher Education, 149604
and the Department of Education shall establish and maintain a 149605
cyber range. The Adjutant General's Department may work with 149606
federal agencies to assist in accomplishing this objective. The 149607
state agencies identified in this paragraph may procure any 149608
necessary goods and services including, but not limited to, 149609
contracted services, hardware, networking services, maintenance 149610
costs, and the training and management costs of a cyber range. 149611
These state agencies shall determine the amount of funds each 149612
agency will contribute from available funds and appropriations 149613
enacted herein in order to establish and maintain a cyber range. 149614

STATE ACTIVE DUTY 149615

The foregoing appropriation item 745505, State Active Duty, 149616
shall be used for the purpose of paying expenses related to state 149617
active duty of members of the Ohio organized militia, in 149618
accordance with a proclamation or order of the Governor. Expenses 149619
include, but are not limited to, cost of equipment, supplies, and 149620
services, as determined by the Adjutant General. 149621

Section 207.10. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 149622

General Revenue Fund 149623

GRF 100412 Unemployment Insurance \$ 1,560,000 \$ 1,560,000 149624

System Lease Rental

Payments

GRF 100413 EDCS Lease Rental \$ 13,300,000 \$ 13,300,000 149625

Payments

GRF 100414 MARCS Lease Rental \$ 6,500,000 \$ 6,500,000 149626

Payments

GRF 100415 OAKS Lease Rental \$ 2,450,000 \$ 2,450,000 149627

Payments

GRF 100416 STARS Lease Rental \$ 3,500,000 \$ 3,500,000 149628

Payments

GRF	100447	Administrative	\$	71,000,000	\$	65,500,000	149629
		Buildings Lease Rental					
		Bond Payments					
GRF	100456	State IT Services	\$	1,206,000	\$	1,189,000	149630
GRF	100459	Ohio Business Gateway	\$	14,022,000	\$	14,723,000	149631
GRF	100469	Aronoff Center	\$	222,000	\$	222,000	149632
		Building Maintenance					
GRF	100501	MARCS	\$	28,326,000	\$	30,221,000	149633
GRF	130321	State Agency Support	\$	27,500,000	\$	30,000,000	149634
		Services					
TOTAL GRF	General Revenue Fund		\$	169,586,000	\$	169,165,000	149635
Dedicated Purpose Fund Group							149636
4K90	100673	Ohio Professionals	\$	6,008,646	\$	6,045,167	149637
		Licensing System					
5AB1	100674	Next Generation 911	\$	28,180,270	\$	17,765,277	149638
5L70	100610	Professional	\$	8,250,000	\$	1,650,000	149639
		Development					
5MV0	100662	Theater Equipment	\$	50,000	\$	21,700	149640
		Maintenance					
5NM0	100663	911 Program	\$	634,660	\$	653,492	149641
5V60	100619	Employee Educational	\$	1,600,000	\$	1,600,000	149642
		Development					
TOTAL DPF	Dedicated Purpose Fund		\$	44,723,576	\$	27,735,636	149643
Group							
Internal Service Activity Fund Group							149644
1120	100616	DAS Administration	\$	14,146,827	\$	14,275,267	149645
1170	100644	General Services	\$	23,842,795	\$	24,025,069	149646
		Division - Operating					
1220	100637	Fleet Management	\$	28,792,538	\$	30,768,908	149647
1250	100622	Human Resources	\$	22,496,517	\$	22,874,397	149648
		Division - Operating					
1250	100657	Benefits Communication	\$	656,891	\$	689,571	149649

1280	100620	Office of Collective Bargaining	\$	4,480,378	\$	4,480,378	149650
1300	100606	Risk Management Reserve	\$	22,669,370	\$	23,424,433	149651
1320	100631	DAS Building Management	\$	50,851,619	\$	52,446,892	149652
1330	100607	IT Services Delivery	\$	186,208,726	\$	194,251,395	149653
2100	100612	State Printing	\$	30,383,950	\$	30,048,288	149654
2290	100630	IT Governance	\$	38,610,855	\$	42,176,321	149655
2290	100640	Consolidated IT Purchases	\$	29,641,650	\$	30,265,838	149656
4270	100602	Investment Recovery	\$	1,761,010	\$	1,824,362	149657
4N60	100617	Major IT Purchases	\$	3,380,000	\$	4,000,000	149658
5C20	100605	MARCS Administration	\$	3,000,000	\$	3,000,000	149659
5EB0	100635	OAKS Support Organization	\$	79,736,888	\$	88,301,070	149660
5EB0	100656	OAKS Updates and Developments	\$	5,397,061	\$	5,367,485	149661
5KZ0	100659	Building Improvement	\$	1,585,500	\$	1,567,400	149662
5LJ0	100661	IT Development	\$	18,127,406	\$	12,839,922	149663
5PC0	100665	Enterprise Applications	\$	14,562,038	\$	13,913,351	149664
5WU0	100672	Ohio Benefits	\$	161,734,809	\$	165,962,055	149665
TOTAL ISA Internal Service Activity							149666
Fund Group			\$	742,066,828	\$	766,502,402	149667
Fiduciary Fund Group							149668
5UH0	100670	Enterprise Transactions	\$	1,365,000	\$	1,365,000	149669
TOTAL FID Fiduciary Fund Group			\$	1,365,000	\$	1,365,000	149670
TOTAL ALL BUDGET FUND GROUPS			\$	957,741,404	\$	964,768,038	149671
Section 207.20. UNEMPLOYMENT INSURANCE SYSTEM LEASE RENTAL							149673
PAYMENTS							149674

The foregoing appropriation item 100412, Unemployment Insurance System Lease Rental Payments, shall be used to make payments during the period from July 1, 2023, through June 30, 2025, pursuant to leases and agreements entered into under Chapter 125. of the Revised Code, as supplemented by Section 701.40 of H.B. 529 of the 132nd General Assembly, with respect to financing the costs associated with the acquisition, development, implementation, and integration of the Unemployment Insurance System. 149675
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EDCS LEASE RENTAL PAYMENTS 149684

The foregoing appropriation item 100413, EDCS Lease Rental Payments, shall be used to make payments during the period from July 1, 2023, through June 30, 2025, pursuant to leases and agreements entered into under Chapter 125. of the Revised Code, as supplemented by Section 701.10 of H.B. 529 of the 132nd General Assembly, as amended by Section 601.10 of H.B. 166 of the 133rd General Assembly, and other prior acts of the General Assembly, with respect to financing the costs associated with the acquisition, development, implementation, and integration of the Enterprise Data Center Solutions (EDCS) information technology initiative. 149685
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MULTI-AGENCY RADIO COMMUNICATION SYSTEM LEASE RENTAL PAYMENTS 149696

The foregoing appropriation item 100414, MARCS Lease Rental Payments, shall be used to make payments during the period from July 1, 2023, through June 30, 2025, pursuant to leases and agreements entered into under Chapter 125. of the Revised Code, as supplemented by Section 701.10 of Sub. H.B. 497 of the 130th General Assembly and other prior acts of the General Assembly, with respect to financing the costs associated with the acquisition, development, implementation, and integration of the Multi-Agency Radio Communications System (MARCS) upgrade. 149697
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OHIO ADMINISTRATIVE KNOWLEDGE SYSTEM LEASE RENTAL PAYMENTS	149706
The foregoing appropriation item 100415, OAKS Lease Rental Payments, shall be used to make payments during the period from July 1, 2023, through June 30, 2025, pursuant to leases and agreements entered into under Chapter 125. of the Revised Code, as supplemented by Section 701.10 of H.B. 529 of the 132nd General Assembly and other prior acts of the General Assembly, with respect to financing the costs associated with the acquisition, development, implementation, and integration of the Ohio Administrative Knowledge System (OAKS).	149707 149708 149709 149710 149711 149712 149713 149714 149715
STATE TAXATION ACCOUNTING AND REVENUE SYSTEM LEASE RENTAL PAYMENTS	149716 149717
The foregoing appropriation item 100416, STARS Lease Rental Payments, shall be used to make payments during the period from July 1, 2023, through June 30, 2025, pursuant to leases and agreements entered into under Chapter 125. of the Revised Code, as supplemented by Section 701.30 of H.B. 529 of the 132nd General Assembly and other prior acts of the General Assembly, with respect to financing the costs associated with the acquisition, development, implementation, and integration of the State Taxation Accounting and Revenue System (STARS).	149718 149719 149720 149721 149722 149723 149724 149725 149726
ADMINISTRATIVE BUILDINGS LEASE RENTAL BOND PAYMENTS	149727
The foregoing appropriation item 100447, Administrative Buildings Lease Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2023, through June 30, 2025, by the Department of Administrative Services pursuant to leases and agreements under Chapters 152. and 154. of the Revised Code. These appropriations are the source of funds pledged for bond service charges on related obligations issued under Chapters 152. and 154. of the Revised Code.	149728 149729 149730 149731 149732 149733 149734 149735
DAS - BUILDING OPERATING PAYMENTS AND BUILDING MANAGEMENT	149736

FUND 149737

The foregoing appropriation item 130321, State Agency Support 149738
Services, may be used to provide funding for the cost of property 149739
appraisals or building studies that the Department of 149740
Administrative Services may be required to obtain for property 149741
that is being sold by the state or property under consideration to 149742
be renovated or purchased by the state. 149743

Notwithstanding section 125.28 of the Revised Code, the 149744
foregoing appropriation item 130321, State Agency Support 149745
Services, also may be used to pay the operating expenses of state 149746
facilities maintained by the Department of Administrative Services 149747
that are not billed to building tenants, other costs associated 149748
with the Voinovich Center in Youngstown, Ohio, or costs of 149749
repairing vehicles donated pursuant to section 125.13 of the 149750
Revised Code. These expenses may include, but are not limited to, 149751
the costs for vacant space and space undergoing renovation, and 149752
the rent expenses of tenants that are relocated because of 149753
building renovations. These payments may be processed by the 149754
Department of Administrative Services through intrastate transfer 149755
vouchers and placed into the Building Management Fund (Fund 1320). 149756

At least once per year, the portion of appropriation item 149757
130321, State Agency Support Services, that is not used for the 149758
regular expenses of the appropriation item may be processed by the 149759
Department of Administrative Services through intrastate transfer 149760
voucher and placed in the Building Improvement Fund (Fund 5KZ0). 149761

On July 1, 2024, or as soon as possible thereafter, the 149762
Director of Administrative Services may certify to the Director of 149763
Budget and Management an amount up to the unexpended, unencumbered 149764
balance of the foregoing appropriation item 130321, State Agency 149765
Support Services, at the end of fiscal year 2024 to be 149766
reappropriated to fiscal year 2025. The amount certified is hereby 149767
reappropriated to the same appropriation item for fiscal year 149768

2025. 149769

Section 207.30. PROFESSIONAL DEVELOPMENT FUND 149770

Of the foregoing appropriation item 100610, Professional 149771
Development, up to \$1,650,000 in each fiscal year shall be used to 149772
make payments from the Professional Development Fund (Fund 5L70) 149773
under section 124.182 of the Revised Code. If it is determined by 149774
the Director of Budget and Management that additional amounts are 149775
necessary, the amounts are hereby appropriated. 149776

Of the foregoing appropriation item 100610, Professional 149777
Development, up to \$6,600,000 during the FY 2024-FY 2025 biennium 149778
may be used by the Director of Administrative Services for the 149779
creation, staffing, and administration of the Ohio Digital 149780
Academy. The Ohio Digital Academy shall exist to generate 149781
high-tech workforce capacity and serve the state of Ohio in 149782
advanced technology and cybersecurity needs. The goals of the Ohio 149783
Digital Academy shall be to educate, train, and subsequently 149784
employ analysts in completing boot camps, certifications, or 149785
degree programs in cybersecurity, coding, software engineering, 149786
user experience designers, and related fields. 149787

In consultation with CyberOhio, the Department of 149788
Administrative Services shall have full authority to select 149789
qualified candidates for the Ohio Digital Academy. Candidates 149790
shall be subject to all applicable background checks and if 149791
selected, shall be required to commit to three years of service 149792
with the state of Ohio. Ohio Digital Academy candidates may be 149793
placed in an unclassified, administrative staff position pursuant 149794
to division (A)(30) of section 124.11 of the Revised Code for 149795
which the Director of Administrative Services is hereby given 149796
specific authority to set compensation, or with other public or 149797
private employers identified by the Department with which a 149798
partnership agreement has been established. Notwithstanding any 149799

provision of law to the contrary, the Department may use the 149800
foregoing appropriation to reimburse selected students' tuition 149801
expenses for coursework, certification achieved, or other 149802
necessary expenses, prior to acceptance in the program, which is 149803
directly attributable to the targeted skills of the program if 149804
completed within one year prior to the effective date of this 149805
section. Upon hiring, candidates shall also be eligible for 149806
reimbursement of costs for continuing education or certification 149807
at the discretion of the Director to support the development of 149808
specialized skills in the areas of information technology and 149809
cybersecurity. Each candidate shall be responsible for any tax 149810
implications associated with the tuition. The Department reserves 149811
the right to recover all or a portion of funds provided to an Ohio 149812
Digital Academy participant who fails to complete the agreed upon 149813
three years of service commitment to the state. 149814

On July 1, 2023, or as soon as possible thereafter, the 149815
Department of Administrative Services may select and enter into a 149816
subgrant agreement with a regionally accredited Ohio institution 149817
of higher education with demonstrated significant coursework and 149818
programming in cybersecurity to serve as a Digital Analyst 149819
Training Academy (D.A.T.A.) Center. The Center shall be 149820
responsible for paying for costs associated with the work of the 149821
Ohio Digital Academy as designated by the Department of 149822
Administrative Services. On behalf of the Center, the selected 149823
institution shall do all the following: 149824

(A) Provide necessary educational coursework or training for 149825
the selected students' successful completion of a certificate or 149826
degree program as prescribed by the Department of Administrative 149827
Services at no cost to the selected students; 149828

(B) Administer weekly professional development programs for 149829
students in an academic setting; 149830

(C) Prepare analysts for summer mandatory recruit training as 149831

prescribed by the Department of Administrative Services; 149832

(D) Coordinate and manage summer scenarios; 149833

(E) Submit a quarterly report to the Department of 149834
Administrative Services that contains detailed information on the 149835
amount of grant funds expended for the aforementioned purposes; 149836

(F) Submit an annual report to the Department of 149837
Administrative Services of all achievements, including a status 149838
report of all expenditures, number of students enrolled by program 149839
area, number of students graduated or certifications achieved by 149840
program area, program expansion opportunities, and projected costs 149841
to continue operating the Center. 149842

Additional Centers may be added over the biennium subject to 149843
the approval of the Director of Administrative Services. 149844

On July 1, 2024, or as soon as possible thereafter, the 149845
Director of Administrative Services may certify to the Director of 149846
Budget and Management, the unencumbered, unexpended portion 149847
remaining in appropriation item 100610, Professional Development 149848
Fund, at the end of fiscal year 2024. The certified amount is 149849
hereby reappropriated for the same purposes in fiscal year 2025. 149850

911 PROGRAM 149851

The foregoing appropriation item 100663, 911 Program, shall 149852
be used by the Department of Administrative Services to pay the 149853
administrative, marketing, and educational costs of the Statewide 149854
Emergency Services Internet Protocol Network program. 149855

EMPLOYEE EDUCATIONAL DEVELOPMENT 149856

The foregoing appropriation item 100619, Employee Educational 149857
Development, shall be used to make payments from the Employee 149858
Educational Development Fund (Fund 5V60) under section 124.86 of 149859
the Revised Code. The fund shall be used to pay the costs of 149860
administering educational programs under existing collective 149861

bargaining agreements with District 1199, the Health Care and 149862
Social Service Union, Service Employees International Union; State 149863
Council of Professional Educators; Ohio Education Association and 149864
National Education Association; the Fraternal Order of Police 149865
State of Ohio, Unit 2 Association; and the Ohio State Troopers 149866
Association, Units 1 and 15. 149867

If it is determined by the Director of Budget and Management 149868
that additional amounts are necessary, the amounts are hereby 149869
appropriated. 149870

Section 207.40. GENERAL SERVICE CHARGES 149871

The Department of Administrative Services, with the approval 149872
of the Director of Budget and Management, shall establish charges 149873
for recovering the costs of administering the programs funded by 149874
the General Services Fund (Fund 1170) and the State Printing Fund 149875
(Fund 2100). 149876

COLLECTIVE BARGAINING ARBITRATION EXPENSES 149877

The Department of Administrative Services may seek 149878
reimbursement from state agencies for the actual costs and 149879
expenses the Department incurs in the collective bargaining 149880
arbitration process. The reimbursements shall be processed through 149881
intrastate transfer vouchers and credited to the Collective 149882
Bargaining Fund (Fund 1280). 149883

CONSOLIDATED IT PURCHASES 149884

The foregoing appropriation item 100640, Consolidated IT 149885
Purchases, shall be used by the Department of Administrative 149886
Services acting as the purchasing agent for one or more government 149887
entities under the authority of division (G) of section 125.18 of 149888
the Revised Code to make information technology purchases at a 149889
lower aggregate cost than each individual government entity could 149890
have obtained independently for that information technology 149891

purchase. 149892

INVESTMENT RECOVERY FUND 149893

Notwithstanding division (B) of section 125.14 of the Revised Code, cash balances in the Investment Recovery Fund (Fund 4270) may be used to support the operating expenses of the Federal Surplus Operating Program created in sections 125.84 to 125.90 of the Revised Code. 149894
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MAJOR IT PURCHASES CHARGES 149899

Upon the request of the Director of Administrative Services, the Director of Budget and Management may transfer up to the amount collected for statewide indirect costs attributable to debt service paid for the enterprise data center solutions project from the General Revenue Fund to the Major Information Technology Purchases Fund (Fund 4N60). 149900
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PROFESSIONS LICENSING SYSTEM 149906

The foregoing appropriation item, 100673, Ohio Professionals Licensing System, shall be used to purchase the equipment, products, and services necessary to update and maintain an automated licensing system for the professional licensing boards. 149907
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The Department of Administrative Services shall establish charges for recovering the costs of ongoing maintenance of the system that are not otherwise recovered under section 125.18 of the Revised Code. The charges shall be proportionate to each benefiting state agency, board, or commission's use of the system. For agencies, boards, or commissions whose operations are not funded by appropriations from the Occupational Licensing and Regulatory Fund (Fund 4K90), the Director of Administrative Services shall certify to the Director of Budget and Management these entities' proportionate charges for use of the state's enterprise electronic licensing system. The Director of Budget and Management shall transfer cash equaling the certified amounts from 149911
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these entities' respective operating funds into the Occupational 149923
Licensing and Regulatory Fund (Fund 4K90). 149924

Section 207.45. BUILDING IMPROVEMENT FUND 149925

The foregoing appropriation item 100659, Building 149926
Improvement, shall be used to make payments from the Building 149927
Improvement Fund (Fund 5KZ0) for major maintenance or improvements 149928
required in facilities maintained by the Department of 149929
Administrative Services. The Department of Administrative Services 149930
shall conduct or contract for regular assessments of these 149931
buildings and may maintain a cash balance in Fund 5KZ0 equal to 149932
the cost of the repairs and improvements that are recommended to 149933
occur within the next five years, with the following exception 149934
described below. 149935

Upon request of the Director of Administrative Services, the 149936
Director of Budget and Management may permit a cash transfer from 149937
Fund 5KZ0 to the Building Management Fund (Fund 1320) to pay costs 149938
of operating and maintaining facilities managed by the Department 149939
of Administrative Services that are not charged to tenants during 149940
the same fiscal year. 149941

Should the cash balance in Fund 1320 be determined to be 149942
sufficient, the Director of Administrative Services may request 149943
that the Director of Budget and Management transfer cash from Fund 149944
1320 to Fund 5KZ0 in an amount equal to the initial cash transfer 149945
made under this section plus applicable interest. 149946

INFORMATION TECHNOLOGY DEVELOPMENT 149947

The foregoing appropriation item 100661, IT Development, 149948
shall be used by the Department of Administrative Services to pay 149949
the costs of modernizing the state's information technology 149950
management and investment practices away from a limited, 149951
agency-specific focus in favor of a statewide methodology 149952

supporting development of enterprise solutions. This appropriation 149953
item may be used to pay the costs of enterprise information 149954
technology initiatives affecting state agencies or their 149955
customers. 149956

Notwithstanding any provision of law to the contrary, the 149957
Department of Administrative Services, with the approval of the 149958
Director of Budget and Management, may charge state agencies an 149959
information technology development assessment based on state 149960
agencies' information technology expenditures or other methodology 149961
and may assess fees or charges to entities that are not state 149962
agencies to offset the cost of specific technology events or 149963
services. The revenue from these assessments, fees, or charges 149964
shall be deposited into the Information Technology Development 149965
Fund (Fund 5LJ0), which is hereby created. 149966

ENTERPRISE APPLICATIONS 149967

The foregoing appropriation item 100665, Enterprise 149968
Applications, shall be used for the operation and management of 149969
information technology applications that support state agencies' 149970
objectives. Charges billed to benefiting agencies shall be 149971
deposited to the credit of the Enterprise Applications Fund (Fund 149972
5PC0). 149973

Section 207.50. ENTERPRISE IT STRATEGY IMPLEMENTATION 149974

The Director of Administrative Services shall determine and 149975
implement strategies that benefit the enterprise by improving 149976
efficiency, reducing costs, or enhancing capacity of information 149977
technology (IT) services. Such improvements and efficiencies may 149978
result in the consolidation and transfer of such services. As 149979
determined to be necessary for successful implementation of this 149980
section and notwithstanding any provision of law to the contrary, 149981
the Director of Administrative Services may request the Director 149982
of Budget and Management to consolidate or transfer IT-specific 149983

budget authority between agencies or within an agency as necessary 149984
to implement enterprise IT cost containment strategies and related 149985
efficiencies. Once the Director of Budget and Management is 149986
satisfied that the proposed initiative is cost advantageous to the 149987
enterprise, the Director of Budget and Management may request 149988
Controlling Board approval to transfer appropriations, funds, and 149989
cash to implement the proposed initiative. The establishment of 149990
any new fund or additional appropriation as a result of this 149991
section shall also be subject to Controlling Board approval. 149992

The Director of Budget and Management and the Director of 149993
Administrative Services may transfer any employees, assets, and 149994
liabilities, including, but not limited to, records, contracts, 149995
and agreements in order to facilitate the improvements determined 149996
in accordance with this section. 149997

Section 209.10. AGE DEPARTMENT OF AGING 149998

General Revenue Fund 149999

GRF	490321	Operating Expenses	\$	2,000,000	\$	2,000,000	150000
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GRF	490410	Long-Term Care	\$	3,123,000	\$	3,123,000	150001
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Ombudsman

GRF	490411	Senior Community	\$	11,000,000	\$	11,000,000	150002
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Services

GRF	490414	Alzheimer's and Other	\$	4,300,000	\$	4,300,000	150003
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Dementia Respite

GRF	490506	National Senior	\$	222,000	\$	222,000	150004
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Service Corps

GRF	490510	Community Projects	\$	250,000	\$	250,000	150005
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GRF	656423	Long-Term Care Budget	\$	5,668,000	\$	4,762,000	150006
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TOTAL GRF	General Revenue Fund	\$	26,563,000	\$	25,657,000	150007
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Dedicated Purpose Fund Group 150008

4800	490606	Senior Community	\$	380,761	\$	380,761	150009
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		Outreach and Education					
4C40	490609	Regional Long-Term Care Ombudsman Program	\$	1,000,000	\$	1,000,000	150010
5BA0	490620	Ombudsman Support	\$	1,532,919	\$	1,532,919	150011
5CV3	490678	Healthy Aging Grants	\$	40,000,000	\$	0	150012
5HC8	656698	AGE Home and Community Based Services	\$	6,000,000	\$	0	150013
5K90	490613	Long-Term Care Consumers Guide	\$	675,459	\$	675,459	150014
5MT0	490627	Board of Executives of Long-Term Services and Supports	\$	789,046	\$	789,446	150015
5T40	656625	Health Care Grants - State	\$	200,000	\$	200,000	150016
5TI0	656624	Provider Certification	\$	120,000	\$	120,000	150017
5W10	490616	Resident Services Coordinator Program	\$	262,500	\$	262,500	150018
TOTAL DPF		Dedicated Purpose					150019
Fund Group			\$	50,960,685	\$	4,961,085	150020
Federal Fund Group							150021
3220	490618	Federal Aging Grants	\$	11,000,000	\$	11,000,000	150022
3C40	656623	Long Term Care Budget - Federal	\$	5,670,000	\$	5,000,000	150023
3M40	490612	Federal Independence Services	\$	75,143,802	\$	60,000,000	150024
TOTAL FED		Federal Fund Group	\$	91,813,802	\$	76,000,000	150025
TOTAL ALL BUDGET FUND GROUPS			\$	169,337,487	\$	106,618,085	150026
Section 209.20.		LONG-TERM CARE					150028

Pursuant to an interagency agreement, the Department of Medicaid may designate the Department of Aging to perform assessments under section 5165.04 of the Revised Code. The Department of Aging shall provide long-term care consultations under section 173.42 of the Revised Code to assist individuals in planning for their long-term health care needs.

The Department of Aging shall administer the Medicaid waiver-funded PASSPORT Home Care Program, the Assisted Living Program, and PACE as delegated by the Department of Medicaid in an interagency agreement.

PERFORMANCE-BASED REIMBURSEMENT

In order to improve health outcomes among populations served by PASSPORT administrative agencies, the Department of Aging, through rules adopted in accordance with Chapter 119. of the Revised Code, may design and utilize a payment method for PASSPORT administrative agency operations that includes a pay-for-performance incentive component that is earned by a PASSPORT administrative agency when defined consumer and policy outcomes are achieved. Prior to filing with the Joint Committee on Agency Rule Review, as provided in section 119.03 of the Revised Code, a proposed rule related to a payment method that includes a pay-for-performance incentive component, the Department shall submit a report to the Joint Medicaid Oversight Committee outlining the payment method.

Section 209.30. MYCARE OHIO

The authority of the Office of the State Long-Term Care Ombudsman as described in sections 173.14 to 173.28 of the Revised Code extends to MyCare Ohio during the period of the federal financial alignment demonstration program.

SENIOR COMMUNITY SERVICES

The foregoing appropriation item 490411, Senior Community Services, may be used for programs, services, and activities designated by the Department of Aging, including, but not limited to, home-delivered meals, congregate dining, transportation, personal care, respite, adult day services, home maintenance and chores, minor home modification, care coordination, evidence-based disease prevention and health promotion, and decision support systems. Funds may also be used to provide grants to community organizations to support and expand older adult programming. Services priority shall be given to low-income, high-need persons, and/or persons with a cognitive impairment who are sixty years of age or over.

NATIONAL SENIOR SERVICE CORPS

The foregoing appropriation item 490506, National Senior Service Corps, may be used by the Department of Aging to fund grants to organizations that receive federal funds from the Corporation for National and Community Service to support the following Senior Corps programs: the Foster Grandparents Program, the Senior Companion Program, and the Retired Senior Volunteer Program. A recipient of these grant funds shall use the funds to support priorities established by the Department and the Ohio State Office of the Corporation for National and Community Service. Neither the Department nor any area agencies on aging that are involved in the distribution of these funds to lower-tiered grant recipients may use any portion of these funds to cover administrative costs.

COMMUNITY PROJECTS

The foregoing appropriation item 490510, Community Projects, \$250,000 in each fiscal year shall be distributed to the Benjamin Rose Institute on Aging to provide mental health services.

BOARD OF EXECUTIVES OF LONG-TERM SERVICES AND SUPPORTS

The foregoing appropriation item 490627, Board of Executives of Long-Term Services and Supports, may be used by the Board of Executives of Long-Term Services and Supports to administer and enforce Chapter 4751. of the Revised Code and rules adopted under it.

HEALTHY AGING GRANTS

The foregoing appropriation item 490678, Healthy Aging Grants, shall be used to provide one-time grants to the board of county commissioners, or the county executive and county council of a charter county, in all counties to foster improved quality of life for seniors so they can remain in their homes and connected to their communities, delay entry into Medicaid, preserve their personal assets, and promote a healthy, independent, active lifestyle.

Section 211.10. AGR DEPARTMENT OF AGRICULTURE

General Revenue Fund

GRF 700401	Animal Health Programs	\$	7,622,000	\$	7,622,000	150106
GRF 700403	Dairy Division	\$	1,441,000	\$	1,513,000	150107
GRF 700404	Ohio Proud	\$	304,000	\$	280,000	150108
GRF 700406	Consumer Protection	\$	1,621,000	\$	1,705,000	150109
	Lab					
GRF 700407	Food Safety	\$	1,568,000	\$	1,657,000	150110
GRF 700409	Farmland Preservation	\$	524,000	\$	550,000	150111
GRF 700410	Plant Industry	\$	475,000	\$	489,000	150112
GRF 700412	Weights and Measures	\$	757,000	\$	791,000	150113
GRF 700415	Poultry Inspection	\$	909,000	\$	954,000	150114
GRF 700418	Livestock Regulation	\$	1,411,000	\$	1,453,000	150115
	Program					
GRF 700424	Livestock Testing and	\$	126,000	\$	129,000	150116
	Inspections					
GRF 700426	Dangerous and	\$	667,000	\$	687,000	150117

		Restricted Animals				
GRF 700427	High Volume Breeder		\$ 1,449,000	\$ 1,524,000	150118	
	Kennel Control					
GRF 700428	Soil and Water		\$ 4,000,000	\$ 4,000,000	150119	
	Division					
GRF 700499	Meat Inspection		\$ 7,436,000	\$ 7,839,000	150120	
	Program - State Share					
GRF 700501	County Agricultural		\$ 760,000	\$ 760,000	150121	
	Societies					
GRF 700509	Soil and Water		\$ 13,410,000	\$ 13,410,000	150122	
	District Support					
GRF 700511	Ride Inspection		\$ 716,000	\$ 749,000	150123	
GRF 700512	Local Fairs		\$ 0	\$ 4,700,000	150124	
GRF 700674	Hemp Production		\$ 379,000	\$ 391,000	150125	
TOTAL GRF	General Revenue Fund		\$ 45,575,000	\$ 51,203,000	150126	
	Dedicated Purpose Fund Group				150127	
4900 700651	License Plates -		\$ 18,300	\$ 18,300	150128	
	Sustainable					
	Agriculture					
4940 700612	Agricultural		\$ 200,000	\$ 200,000	150129	
	Commodity Marketing					
	Program					
4960 700626	Ohio Grape Industries		\$ 1,550,000	\$ 1,550,000	150130	
4970 700627	Grain Warehouse		\$ 500,000	\$ 500,000	150131	
	Program					
4C90 700605	Commercial Feed and		\$ 2,369,000	\$ 2,396,000	150132	
	Seed					
4D20 700609	Auction Education		\$ 52,400	\$ 54,900	150133	
4E40 700606	Utility Radiological		\$ 109,800	\$ 112,900	150134	
	Safety					
4P70 700610	Food Safety		\$ 1,200,000	\$ 1,259,000	150135	
	Inspection					
4R00 700636	Ohio Proud Marketing		\$ 30,500	\$ 30,500	150136	

4R20	700637	Dairy Industry Inspection	\$	1,950,000	\$	1,970,000	150137
4T60	700611	Poultry and Meat Inspection	\$	104,900	\$	109,900	150138
5780	700620	Ride Inspection	\$	1,355,000	\$	1,417,000	150139
5B80	700629	Auctioneers	\$	367,600	\$	367,600	150140
5BV0	700660	Heidelberg Water Quality Lab	\$	275,000	\$	275,000	150141
5BV0	700661	Soil and Water Districts	\$	9,500,000	\$	9,500,000	150142
5FC0	700648	Plant Pest Program	\$	1,300,000	\$	1,328,000	150143
5H20	700608	Metrology Lab and Scale Certification	\$	1,391,000	\$	1,460,000	150144
5L80	700604	Livestock Management Program	\$	245,000	\$	245,000	150145
5MA0	700657	Dangerous and Restricted Animals	\$	10,000	\$	10,000	150146
5MR0	700658	High Volume Breeders and Kennels	\$	486,700	\$	510,000	150147
5MS0	700659	Captive Deer	\$	18,000	\$	18,000	150148
5PL0	700662	Pet Store License	\$	31,400	\$	32,900	150149
5QW0	700653	Watershed Assistance	\$	565,000	\$	565,000	150150
5WJ0	700671	Hemp Program	\$	400,000	\$	411,400	150151
6520	700634	Animal, Consumer, and ATL Labs	\$	6,833,500	\$	7,144,700	150152
6690	700635	Pesticide, Fertilizer, and Lime Inspection Program	\$	5,735,000	\$	6,188,000	150153
6H20	700670	H2Ohio	\$	69,018,000	\$	69,114,000	150154
TOTAL DPF Dedicated Purpose							150155
Fund Group			\$	105,616,100	\$	106,788,100	150156
Internal Service Activity Fund Group							150157
5DA0	700644	Laboratory	\$	1,479,000	\$	1,551,000	150158

	Administration				
	Support				
5GH0 700655	Administrative	\$	6,748,000	\$	7,194,000 150159
	Support				
TOTAL ISA	Internal Service Activity				150160
Fund Group		\$	8,227,000	\$	8,745,000 150161
Capital Projects	Fund Group				150162
7057 700632	Clean Ohio	\$	512,000	\$	512,000 150163
	Agricultural Easement				
	Operating				
TOTAL CPF	Capital Projects Fund	\$	512,000	\$	512,000 150164
Group					
Federal Fund	Group				150165
3260 700618	Meat Inspection	\$	5,541,500	\$	5,814,000 150166
	Program - Federal				
	Share				
3360 700617	Ohio Farm Loan -	\$	225,000	\$	225,000 150167
	Revolving				
3820 700601	Federal Cooperative	\$	11,269,000	\$	11,399,000 150168
	Contracts				
3AB0 700641	Agricultural Easement	\$	200,000	\$	200,000 150169
3J40 700607	Federal	\$	1,936,000	\$	2,031,000 150170
	Administrative				
	Programs				
3R20 700614	Federal Plant	\$	7,652,000	\$	8,029,000 150171
	Industry				
TOTAL FED	Federal Fund Group	\$	26,823,500	\$	27,698,000 150172
TOTAL ALL BUDGET	FUND GROUPS	\$	186,753,600	\$	194,946,100 150173

Section 211.20. FARMLAND PRESERVATION 150175

Of the foregoing appropriation item 700409, Farmland 150176
Preservation, \$3,500,000 in each fiscal year shall be used to 150177

purchase agricultural easements under division (A) of section 150178
5301.691 of the Revised Code and provide matching grants under 150179
section 901.22 of the Revised Code to municipal corporations, 150180
counties, townships, and soil and water conservation districts 150181
established under Chapter 940. of the Revised Code, and charitable 150182
organizations described in division (B) of section 5301.69 of the 150183
Revised Code for the purchase of agricultural easements. Any 150184
purchases of agricultural easements using this funding are subject 150185
to approval from the Controlling Board. 150186

COUNTY AGRICULTURAL SOCIETIES 150187

The foregoing appropriation item 700501, County Agricultural 150188
Societies, shall be used to reimburse county and independent 150189
agricultural societies for expenses related to Junior Fair 150190
activities. 150191

SUPPORT FOR SOIL AND WATER DISTRICTS 150192

Of the foregoing appropriation item 700509, Soil and Water 150193
District Support, \$7,000,000 in each fiscal year shall be used to 150194
support county soil and water conservation districts in the 150195
Western Lake Erie Basin and other priority regions as defined by 150196
the Director of Agriculture, for staffing costs and to assist in 150197
soil testing and nutrient management plan development, including 150198
manure transformation and manure conversion technologies, enhanced 150199
filter strips, water management, and H2Ohio Program support. 150200

LOCAL FAIRS 150201

The foregoing appropriation item 700512, Local Fairs, shall 150202
be used to support county and independent agricultural societies. 150203

SOIL AND WATER DISTRICTS 150204

In addition to state payments to soil and water conservation 150205
districts authorized by section 940.15 of the Revised Code, the 150206
Department of Agriculture may use appropriation item 700661, Soil 150207

and Water Districts, to pay any soil and water conservation 150208
district an annual amount not to exceed \$40,000 upon receipt of a 150209
request and justification from the district and approval by the 150210
Ohio Soil and Water Conservation Commission. The county auditor 150211
shall credit the payments to the special fund established under 150212
section 940.12 of the Revised Code for use by the local soil and 150213
water conservation district. The amounts received by each district 150214
shall be expended for the purposes of the district. 150215

H2OHIO FUND 150216

The Department of Agriculture shall establish programs to 150217
assist in reducing total phosphorus, dissolved reactive 150218
phosphorus, sediment, and other nutrients in the Western Lake Erie 150219
Basin and other critical regions in the state as defined by the 150220
Director of Agriculture. 150221

The foregoing appropriation item 700670, H2Ohio, shall be 150222
used to support the programs described above, which may include, 150223
but not be limited to, the following: (1) equipment for subsurface 150224
placement of nutrients into the soil; (2) equipment for nutrient 150225
placement based on geographic information system data; (3) soil 150226
testing; (4) implementation of variable rate technology; (5) 150227
equipment implementing manure transformation and manure conversion 150228
technologies; (6) tributary monitoring; (7) best management 150229
practices recognized to reduce nutrients; (8) a revolving loan 150230
program; and (9) matching funds for the Conservation Reserve 150231
Enhancement Program in the Western Lake Erie Basin and Scioto 150232
River Basin. 150233

Of the foregoing appropriation item 700670, H2Ohio, not less 150234
than \$10,700,000 in each fiscal year shall be used for programs to 150235
assist in reducing total phosphorus, dissolved reactive 150236
phosphorus, sediment, and other nutrients in the Western Lake Erie 150237
Basin. 150238

Of the foregoing appropriation item 700670, H2Ohio, 150239
\$2,000,000 in each fiscal year shall be used to establish a water 150240
quality pilot program focused on legacy phosphorus fields. 150241

Not later than one hundred twenty days after the effective 150242
date of this section, the Department of Agriculture, in 150243
consultation with the Lake Erie Commission, the Ohio Soil and 150244
Water Conservation Commission, and the Ohio State University 150245
Extension, shall establish a pilot program that assists farmers, 150246
agricultural retailers, and soil and water conservation districts 150247
in reducing phosphorus and dissolved reactive phosphorous 150248
discharging from legacy phosphorus fields. 150249

Funding under the program shall be used to pay for, but is 150250
not limited to, the following: identifying and evaluating legacy 150251
phosphorus fields for characteristics of high phosphorus run-off; 150252
collaborating with agricultural retailers and other agricultural 150253
organizations; soil testing; water management and edge-of-field 150254
drainage management strategies; phosphorus removal structures; 150255
monitoring and evaluating effectiveness of practices; and 150256
implementation of nutrient best management practices according to 150257
data collected by soil and water conservation. 150258

On July 1, 2024, or as soon as possible thereafter, the 150259
Director of Agriculture may certify to the Director of Budget and 150260
Management an amount up to the unexpended, unencumbered balance of 150261
the foregoing appropriation item, 700670, H2Ohio, at the end of 150262
fiscal year 2024 to be reappropriated in fiscal year 2025. The 150263
amount certified is hereby reappropriated to the same 150264
appropriation item for fiscal year 2025. 150265

CLEAN OHIO AGRICULTURAL EASEMENT OPERATING EXPENSES 150266

The foregoing appropriation item 700632, Clean Ohio 150267
Agricultural Easement Operating, shall be used by the Department 150268
of Agriculture in administering Clean Ohio Agricultural Easement 150269

Fund (Fund 7057) projects pursuant to sections 901.21, 901.22, and 150270
5301.67 to 5301.70 of the Revised Code. 150271

Section 213.10. AIR AIR QUALITY DEVELOPMENT AUTHORITY 150272

Dedicated Purpose Fund Group 150273

4Z90 898602 Small Business \$ 216,000 \$ 219,000 150274
Ombudsman

5700 898601 Operating Expenses \$ 1,700,000 \$ 1,800,000 150275

5A00 898603 Small Business \$ 100,000 \$ 100,000 150276
Assistance

TOTAL DPF Dedicated Purpose Fund \$ 2,016,000 \$ 2,119,000 150277
Group

TOTAL ALL BUDGET FUND GROUPS \$ 2,016,000 \$ 2,119,000 150278

Section 213.20. REIMBURSEMENT TO AIR QUALITY DEVELOPMENT 150280

AUTHORITY TRUST ACCOUNT 150281

Notwithstanding any other provision of law to the contrary, 150282
the Air Quality Development Authority may reimburse the Air 150283
Quality Development Authority trust account established under 150284
section 3706.10 of the Revised Code from all operating funds of 150285
the agency for expenses pertaining to the administration and 150286
shared costs incurred by the Air Quality Development Authority in 150287
the execution of responsibilities as prescribed in Chapter 3706. 150288
of the Revised Code. The reimbursement shall occur in accordance 150289
with an administrative cost recovery plan approved by the Air 150290
Quality Development Authority Board. 150291

Section 215.10. ARC ARCHITECTS BOARDS 150292

Dedicated Purpose Fund Group 150293

4K90 891609 Operating \$ 667,469 \$ 667,469 150294

TOTAL DPF Dedicated Purpose Fund 150295

Group \$ 667,469 \$ 667,469 150296

TOTAL ALL BUDGET FUND GROUPS		\$	667,469	\$	667,469	150297
Section 217.10. ART OHIO ARTS COUNCIL						150299
General Revenue Fund						150300
GRF 370321	Operating Expenses	\$	2,314,000	\$	2,375,000	150301
GRF 370502	State Program	\$	18,038,000	\$	18,038,000	150302
Subsidies						
TOTAL GRF General Revenue Fund		\$	20,352,000	\$	20,413,000	150303
Dedicated Purpose Fund Group						150304
4600 370602	Arts Council Program	\$	330,000	\$	330,000	150305
Support						
4B70 370603	Percent for Art	\$	165,000	\$	165,000	150306
Acquisitions						
TOTAL DPF Dedicated Purpose Fund Group		\$	495,000	\$	495,000	150307
Federal Fund Group						150308
3140 370601	Federal Support	\$	1,350,000	\$	1,500,000	150309
TOTAL FED Federal Fund Group		\$	1,350,000	\$	1,500,000	150310
TOTAL ALL BUDGET FUND GROUPS		\$	22,197,000	\$	22,408,000	150311
FEDERAL SUPPORT						150312
Notwithstanding any provision of law to the contrary, the						150313
foregoing appropriation item 370601, Federal Support, shall be						150314
used by the Ohio Arts Council for subsidies only, and not for its						150315
administrative costs, unless the Council is required to use a						150316
portion of the funds for administrative costs under conditions of						150317
the federal grant.						150318
Section 219.10. ATH ATHLETIC COMMISSION						150319
Dedicated Purpose Fund Group						150320
4K90 175609	Operating Expenses	\$	354,000	\$	345,000	150321
TOTAL DPF Dedicated Purpose Fund		\$	354,000	\$	345,000	150322

Group

TOTAL ALL BUDGET FUND GROUPS \$ 354,000 \$ 345,000 150323

Section 221.10. AGO ATTORNEY GENERAL 150325

General Revenue Fund 150326

GRF 055321 Operating Expenses \$ 81,854,000 \$ 85,282,000 150327

GRF 055405 Law-Related Education \$ 68,000 \$ 68,000 150328

GRF 055406 BCIRS Lease Rental \$ 2,500,000 \$ 2,500,000 150329

Payments

GRF 055411 County Sheriffs' Pay \$ 1,072,000 \$ 1,090,000 150330

Supplement

GRF 055415 County Prosecutors' \$ 1,398,000 \$ 1,437,000 150331

Pay Supplement

GRF 055431 Drug Abuse Response \$ 1,500,000 \$ 1,500,000 150332

Team Grants

GRF 055432 Drug Testing \$ 964,000 \$ 964,000 150333

Equipment

GRF 055434 Internet Crimes \$ 500,000 \$ 500,000 150334

Against Children Task

Force

GRF 055440 Rapid DNA Pilot \$ 465,000 \$ 397,000 150335

Project

GRF 055441 Victims of Crime \$ 9,000,000 \$ 7,000,000 150336

GRF 055501 Rape Crisis Centers \$ 15,000,000 \$ 15,000,000 150337

GRF 055502 School Safety \$ 12,000,000 \$ 12,000,000 150338

Training Grants

GRF 055504 Domestic Violence \$ 10,000,000 \$ 10,000,000 150339

Programs

GRF 055505 Pike County Capital \$ 500,000 \$ 0 150340

Case

GRF 055509 Law Enforcement \$ 40,000,000 \$ 40,000,000 150341

Training

GRF 055511 Prosecutor Victim \$ 8,000,000 \$ 8,000,000 150342

Programs

TOTAL GRF General Revenue Fund	\$	184,821,000	\$	185,738,000	150343
Dedicated Purpose Fund Group					150344
1060 055612 Attorney General	\$	67,000,000	\$	67,000,000	150345
Operating					
4020 055616 Victims of Crime	\$	15,000,000	\$	13,000,000	150346
4170 055621 Domestic Violence	\$	25,000	\$	25,000	150347
Shelter					
4180 055615 Charitable	\$	8,498,138	\$	8,498,138	150348
Foundations					
4190 055623 Claims Section	\$	44,818,400	\$	44,818,400	150349
4210 055617 Police Officers'	\$	1,500,000	\$	1,500,000	150350
Training Academy Fee					
4L60 055606 DARE Programs	\$	2,300,000	\$	2,300,000	150351
4Y70 055608 Title Defect Recision	\$	1,013,751	\$	1,013,751	150352
4Z20 055609 BCI Asset Forfeiture	\$	1,000,000	\$	1,000,000	150353
and Cost					
Reimbursement					
5900 055633 Peace Officer Private	\$	95,325	\$	95,325	150354
Security Training					
5A90 055618 Telemarketing Fraud	\$	10,000	\$	10,000	150355
Enforcement					
5LR0 055655 Peace Officer	\$	4,764,760	\$	4,764,760	150356
Training - Casino					
5TL0 055659 Organized Crime Law	\$	100,000	\$	100,000	150357
Enforcement Trust					
5VL0 055435 Stop Bullying License	\$	3,000	\$	2,500	150358
Plate					
6310 055637 Consumer Protection	\$	9,276,000	\$	9,276,000	150359
Enforcement					
6590 055641 Solid and Hazardous	\$	337,960	\$	337,960	150360
Waste Background					
Investigations					

U087	055402	Tobacco Settlement	\$	2,000,000	\$	2,000,000	150361
		Oversight,					
		Administration, and					
		Enforcement					
TOTAL DPF Dedicated Purpose Fund							150362
Group			\$	157,742,334	\$	155,741,834	150363
Internal Service Activity Fund Group							150364
1950	055660	Workers' Compensation	\$	9,115,000	\$	9,115,000	150365
		Section					
TOTAL ISA Internal Service Activity			\$	9,115,000	\$	9,115,000	150366
Fund Group							
Holding Account Fund Group							150367
R004	055631	General Holding	\$	1,000,000	\$	1,000,000	150368
		Account					
R005	055632	Antitrust Settlements	\$	1,000,000	\$	1,000,000	150369
R018	055630	Consumer Frauds	\$	1,000,000	\$	1,000,000	150370
R042	055601	Organized Crime	\$	750,000	\$	750,000	150371
		Commission					
		Distributions					
R054	055650	Collection Payment	\$	4,500,000	\$	4,500,000	150372
		Redistribution					
TOTAL HLD Holding Account							150373
Fund Group			\$	8,250,000	\$	8,250,000	150374
Federal Fund Group							150375
3060	055620	Medicaid Fraud	\$	14,069,270	\$	14,069,270	150376
		Control					
3830	055634	Crime Victims	\$	50,000,000	\$	50,000,000	150377
		Assistance					
3E50	055638	Attorney General	\$	8,020,999	\$	8,020,999	150378
		Pass-Through Funds					
3FV0	055656	Crime Victim	\$	1,200,000	\$	3,800,000	150379
		Compensation					

3R60 055613	Attorney General	\$	3,652,129	\$	3,652,129	150380
	Federal Funds					
TOTAL FED	Federal Fund Group	\$	76,942,398	\$	79,542,398	150381
TOTAL ALL BUDGET FUND GROUPS		\$	436,870,732	\$	438,387,232	150382

Section 221.20. OHIO CENTER FOR THE FUTURE OF FORENSIC SCIENCE 150384
150385

Of the foregoing appropriation item 055321, Operating 150386
Expenses, \$650,000 in each fiscal year shall be used for the Ohio 150387
Center for the Future of Forensic Science at Bowling Green State 150388
University. The purpose of the Center shall be to foster forensic 150389
science research techniques (BCI Eminent Scholar) and to create 150390
professional training opportunities to students (BCI Scholars) in 150391
the forensic science fields. 150392

NARCOTICS TASK FORCES 150393

Of the foregoing appropriation item 055321, Operating 150394
Expenses, up to \$500,000 in each fiscal year shall be used to 150395
support narcotics task forces funded by the Attorney General. 150396

DOMESTIC VIOLENCE PROGRAM 150397

Of the foregoing appropriation item 055321, Operating 150398
Expenses, \$100,000 in each fiscal year may be used by the Attorney 150399
General for the purpose of providing funding to domestic violence 150400
programs as defined in section 109.46 of the Revised Code. 150401

OHIO FALLEN OFFICERS MEMORIAL WALL 150402

Of the foregoing appropriation item 055321, Operating 150403
Expenses, \$67,500 in fiscal year 2024 shall be used by the 150404
Attorney General to restore the Ohio Fallen Officers Memorial Wall 150405
on the grounds of the Ohio Peace Officer Training Academy. 150406

BUREAU OF CRIMINAL INVESTIGATION RECORDS SYSTEM (BCIRS) LEASE 150407
RENTAL PAYMENTS 150408

The foregoing appropriation item 055406, BCIRS Lease Rental 150409

Payments, shall be used for payments during the period from July 150410
1, 2023, through June 30, 2025, pursuant to leases and agreements 150411
entered into pursuant to Section 701.40 of S.B. 310 of the 131st 150412
General Assembly and other prior acts of the General Assembly, 150413
with respect to financing the costs associated with the 150414
acquisition, development, implementation, and integration of the 150415
BCIRS. 150416

COUNTY SHERIFFS' PAY SUPPLEMENT 150417

The foregoing appropriation item 055411, County Sheriffs' Pay 150418
Supplement, shall be used for the purpose of supplementing the 150419
annual compensation of county sheriffs as required by section 150420
325.06 of the Revised Code. 150421

At the request of the Attorney General, the Director of 150422
Budget and Management may transfer appropriation from 150423
appropriation item 055321, Operating Expenses, to appropriation 150424
item 055411, County Sheriffs' Pay Supplement. Any appropriation so 150425
transferred shall be used to supplement the annual compensation of 150426
county sheriffs as required by section 325.06 of the Revised Code. 150427

COUNTY PROSECUTORS' PAY SUPPLEMENT 150428

The foregoing appropriation item 055415, County Prosecutors' 150429
Pay Supplement, shall be used for the purpose of supplementing the 150430
annual compensation of certain county prosecutors as required by 150431
section 325.111 of the Revised Code. 150432

At the request of the Attorney General, the Director of 150433
Budget and Management may transfer appropriation from 150434
appropriation item 055321, Operating Expenses, to appropriation 150435
item 055415, County Prosecutors' Pay Supplement. Any appropriation 150436
so transferred shall be used to supplement the annual compensation 150437
of county prosecutors as required by section 325.111 of the 150438
Revised Code. 150439

DRUG ABUSE RESPONSE TEAM GRANT PROGRAM 150440

The Attorney General shall maintain the Drug Abuse Response Team Grant Program for the purpose of replicating or expanding successful law enforcement programs that address the opioid epidemic similar to the Drug Abuse Response Team established by the Lucas County Sheriff's Department, and the Quick Response Teams established in Colerain Township's Department of Public Safety in Hamilton County and Summit County. Any grants awarded by this grant program may include requirements for private or nonprofit matching support.

The foregoing appropriation item 055431, Drug Abuse Response Team Grants, shall be used by the Attorney General to fund grants to law enforcement or other government agencies; the primary purpose of the grants shall be to replicate or expand successful law enforcement programs that address the opioid epidemic similar to the Drug Abuse Response Team established by the Lucas County Sheriff's Department and the Quick Response Teams established in Colerain Township's Department of Public Safety in Hamilton County and Summit County.

Each recipient of a grant under this program shall, within six months of the end date of the grant, submit a written report describing the outcomes that resulted from the grant to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, and the Minority Leader of the House of Representatives.

DRUG TESTING EQUIPMENT

The foregoing appropriation item 055432, Drug Testing Equipment, shall be used to purchase drug testing equipment for the Bureau of Criminal Identification and Investigation.

INTERNET CRIMES AGAINST CHILDREN TASK FORCE

The foregoing appropriation item 055434, Internet Crimes Against Children Task Force, shall be used by the Attorney General

in support of the Ohio Internet Crimes Against Children Task Force 150472
for the purposes described in section 195.02 of the Revised Code. 150473

RAPID DNA PILOT PROJECT 150474

The foregoing appropriation item 055440, Rapid DNA Pilot 150475
Project, shall be used to fund the necessary expenses incurred by 150476
the Bureau of Criminal Identification and Investigation to pilot 150477
rapid DNA technology with cooperating local law enforcement 150478
agencies. 150479

VICTIMS OF CRIME 150480

The foregoing appropriation item 055441, Victims of Crime, 150481
shall be allocated to the Crime Victim Compensation Program. Prior 150482
to using the funds from this appropriation item, the Attorney 150483
General shall, to the extent possible, first use funds related to 150484
the federal Victims of Crime Act. 150485

SCHOOL SAFETY TRAINING GRANTS 150486

(A) The foregoing appropriation item 055502, School Safety 150487
Training Grants, shall be used by the Attorney General, in 150488
consultation with the Superintendent of Public Instruction and the 150489
Director of Mental Health and Addiction Services, solely to make 150490
grants to public and chartered nonpublic schools, educational 150491
service centers, local law enforcement agencies, and schools 150492
operated by county boards of developmental disabilities 150493
administering special education services programs pursuant to 150494
section 5126.05 of the Revised Code for school safety and school 150495
climate programs and training. 150496

(B) The use of the grants includes, but is not limited to, 150497
all of the following: 150498

(1) The support of school resource officer certification 150499
training; 150500

(2) Any type of active shooter and school safety training or 150501

equipment;	150502
(3) All grade level type educational resources;	150503
(4) Training to identify and assist students with mental health issues;	150504 150505
(5) School supplies or equipment related to school safety or for implementing the school's safety plan;	150506 150507
(6) Any other training related to school safety.	150508
(C) The schools, educational service centers, and county boards shall work or contract with the county sheriff's office or a local police department in whose jurisdiction they are located to develop the programs and training described in divisions (B)(1), (2), (3), (5), and (6) of this section. Any grant awarded directly to a local law enforcement agency shall not be used to fund a similar request made by a school located within the jurisdiction of the local law enforcement agency.	150509 150510 150511 150512 150513 150514 150515 150516
(D) As used in this section, "public school" means any school operated by a school district board of education, any community school established under Chapter 3314. of the Revised Code, and any STEM school established under Chapter 3326. of the Revised Code.	150517 150518 150519 150520 150521
DOMESTIC VIOLENCE PROGRAMS	150522
The foregoing appropriation item 055504, Domestic Violence Programs, shall be used by the Attorney General for the purpose of funding domestic violence programs as defined in section 109.46 of the Revised Code.	150523 150524 150525 150526
FINDING MY CHILDHOOD AGAIN PILOT PROGRAM	150527
Of the foregoing appropriation item 055504, Domestic Violence Programs, \$300,000 in each fiscal year shall be distributed to the Battered Women's Shelter of Summit and Medina counties for expenses related to the creation and implementation of a pilot	150528 150529 150530 150531

program called "Finding my Childhood Again." 150532

BATTERED WOMEN'S SHELTER 150533

Of the foregoing appropriation item 055504, Domestic Violence 150534
Programs, \$50,000 in each fiscal year shall be distributed to the 150535
Battered Women's Shelter of Summit and Medina counties for the 150536
cost of operating the commercial kitchen located at its Market 150537
Street Facility, and \$50,000 in each fiscal year shall be 150538
distributed to the Battered Women's Shelter of Portage County. 150539

TRANSPORTATION GRANTS 150540

Of the foregoing appropriation item 055504, Domestic Violence 150541
Programs, \$25,000 in fiscal year 2024 shall be provided as grants 150542
to Ohio domestic violence shelters to buy transportation vouchers, 150543
ridesharing credits, or gas cards for eligible clients. The 150544
Attorney General shall adopt any rules necessary for the 150545
administration of the grant program. 150546

PIKE COUNTY CAPITAL CASE 150547

An amount equal to the unexpended, unencumbered balance of 150548
appropriation item 055505, Pike County Capital Case, at the end of 150549
fiscal year 2023 is hereby reappropriated to the same 150550
appropriation item for the same purpose in fiscal year 2024. 150551

LAW ENFORCEMENT TRAINING 150552

The foregoing appropriation item 055509, Law Enforcement 150553
Training, shall be used by the Attorney General for state funding 150554
of the training of peace officers and troopers that is required 150555
under section 109.803 of the Revised Code. 150556

Of the foregoing appropriation item 055509, Law Enforcement 150557
Training, the Attorney General may use up to \$100,000 for 150558
administrative expenses associated with the program, including 150559
curriculum development. 150560

On July 1, 2024, or as soon as possible thereafter, the 150561

Attorney General shall certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 055509, Law Enforcement Training, at the end of fiscal year 2024 to be reappropriated for the same purpose in fiscal year 2025. Upon Controlling Board approval, the amount certified is hereby reappropriated to the same appropriation item for fiscal year 2025.

PROSECUTOR VICTIM PROGRAMS

The foregoing appropriation item 055511, Prosecutor Victim Programs, shall be used for grants to prosecutor programs and prosecutor designated programs that provide assistance to victims and promote victim rights implementation.

ATTORNEY GENERAL OPERATING

In fiscal year 2024, if the Attorney General determines that additional funds are needed to pay expenses related to representation in a concluded opioid litigation, the Attorney General shall certify to the Director of Budget and Management the amount needed, not to exceed \$14,400,000, and shall include supporting documentation showing the amount required. If the Director determines that the amounts are required, the Director may transfer cash, up to the amount certified, from the General Revenue Fund to Attorney General Reimbursement Fund (Fund 1060), for the purpose of paying the expenses approved. Such amounts transferred are hereby appropriated to appropriation item 055612, Attorney General Operating, for fiscal year 2024.

WORKERS' COMPENSATION SECTION

The Workers' Compensation Fund (Fund 1950) is entitled to receive quarterly payments from the Bureau of Workers' Compensation and the Ohio Industrial Commission to fund legal services provided to the Bureau of Workers' Compensation and the Ohio Industrial Commission during the fiscal year.

In addition, the Bureau of Workers' Compensation shall 150593
transfer payments for the support of the Workers' Compensation 150594
Fraud Unit. 150595

All amounts shall be mutually agreed upon by the Attorney 150596
General, the Bureau of Workers' Compensation, and the Ohio 150597
Industrial Commission. 150598

GENERAL HOLDING ACCOUNT 150599

The foregoing appropriation item 055631, General Holding 150600
Account, shall be used, subject to Controlling Board approval, to 150601
distribute moneys under the terms of relevant court orders or 150602
other settlements received in a variety of cases involving the 150603
Office of the Attorney General. 150604

ANTITRUST SETTLEMENTS 150605

The foregoing appropriation item 055632, Antitrust 150606
Settlements, shall be used, subject to Controlling Board approval, 150607
to distribute moneys under the terms of relevant court orders or 150608
other out-of-court settlements in antitrust cases or antitrust 150609
matters involving the Office of the Attorney General. 150610

CONSUMER FRAUDS 150611

The foregoing appropriation item 055630, Consumer Frauds, 150612
shall be used for distribution of moneys from court-ordered 150613
judgments against sellers in actions brought by the Office of the 150614
Attorney General under sections 1334.08 and 4549.48 and division 150615
(B) of section 1345.07 of the Revised Code. These moneys shall be 150616
used to provide restitution to consumers victimized by the fraud 150617
that generated the court-ordered judgments. If it is determined 150618
that additional amounts are necessary for this purpose, the 150619
amounts are hereby appropriated. 150620

ORGANIZED CRIME COMMISSION DISTRIBUTIONS 150621

The foregoing appropriation item 055601, Organized Crime 150622

Commission Distributions, shall be used by the Organized Crime 150623
Investigations Commission, as provided by section 177.011 of the 150624
Revised Code, to reimburse political subdivisions for the expenses 150625
the political subdivisions incur when their law enforcement 150626
officers participate in an organized crime task force. If it is 150627
determined that additional amounts are necessary for this purpose, 150628
the amounts are hereby appropriated. 150629

COLLECTION PAYMENT REDISTRIBUTION 150630

The foregoing appropriation item 055650, Collection Payment 150631
Redistribution, shall be used for the purpose of allocating the 150632
revenue where debtors mistakenly paid the client agencies instead 150633
of the Attorney General's Collections Enforcement Section. If it 150634
is determined that additional amounts are necessary for this 150635
purpose, the amounts are hereby appropriated. 150636

Section 223.10. AUD AUDITOR OF STATE 150637

General Revenue Fund 150638

GRF	070401	Audit Management and	\$	13,444,000	\$	13,748,000	150639
		Services					

GRF	070402	Performance Audits	\$	2,311,000	\$	2,620,000	150640
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GRF	070403	Fiscal Distress	\$	500,000	\$	500,000	150641
		Technical Assistance					

GRF	070404	Fraud/Corruption	\$	2,877,000	\$	3,004,000	150642
		Audits and					
		Investigations					

GRF	070412	Local Government	\$	16,010,000	\$	16,550,000	150643
		Audit Support					

TOTAL GRF	General Revenue Fund	\$	35,142,000	\$	36,422,000	150644
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Dedicated Purpose Fund Group 150645

1090	070601	Public Audit Expense	\$	12,170,518	\$	12,539,160	150646
		- Intrastate					

4220	070602	Public Audit Expense	\$	33,346,525	\$	33,464,635	150647
		- Local Government					
5840	070603	Training Program	\$	200,000	\$	200,000	150648
5JZ0	070606	Auditor's Innovation	\$	300,000	\$	300,000	150649
		Fund					
5VP0	070611	Local Government	\$	16,010,000	\$	16,550,000	150650
		Audit Support Fund					
6750	070605	Uniform Accounting	\$	6,288,024	\$	10,734,834	150651
		Network					
TOTAL DPF	Dedicated Purpose Fund						150652
Group			\$	68,315,067	\$	73,788,629	150653
TOTAL ALL BUDGET FUND GROUPS			\$	103,457,067	\$	110,210,629	150654

Section 223.20. AUDIT MANAGEMENT AND SERVICES 150656

The foregoing appropriation item 070401, Audit Management and Services, shall be used pursuant to section 117.13 of the Revised Code to support costs of the Auditor of State that are not recovered through charges to local governments and state entities, including costs that cannot be recovered from audit clients under federal indirect cost allocation guidelines. This appropriation item also shall be used to cover costs of the Local Government Services Section that are not charged to clients.

PERFORMANCE AUDITS 150665

The foregoing appropriation item 070402, Performance Audits, shall be used pursuant to section 117.13 of the Revised Code to support costs of the Auditor of State related to the provision of performance audits for local governments, school districts, state agencies, and colleges and universities that are not recovered through charges to those entities, including costs that cannot be recovered from audit clients under federal indirect cost allocation guidelines.

FISCAL DISTRESS TECHNICAL ASSISTANCE 150674

The foregoing appropriation item 070403, Fiscal Distress Technical Assistance, shall be used to support costs of the Auditor of State responsibilities under Chapters 118. and 3316. of the Revised Code to provide services to local governments or schools in, or at risk of entering, a state of fiscal caution, watch, or emergency.

LOCAL GOVERNMENT AUDIT SUPPORT

The foregoing appropriation item 070412, Local Government Audit Support, shall be used pursuant to section 117.13 of the Revised Code to support costs of the Auditor of State that are not recovered through charges to local governments, including costs that cannot be recovered from audit clients under federal indirect cost allocation guidelines.

LOCAL GOVERNMENT AUDIT SUPPORT FUND

The foregoing appropriation item 070611, Local Government Audit Support Fund, shall be used pursuant to section 117.131 of the Revised Code to offset costs of audits that would otherwise be charged to local public offices in the absence of the fund.

Section 229.10. OBM OFFICE OF BUDGET AND MANAGEMENT

General Revenue Fund				150694
GRF 042321 Operating Expenses	\$	4,502,000	\$ 4,592,000	150695
TOTAL GRF General Revenue Fund	\$	4,502,000	\$ 4,592,000	150696
Internal Service Activity Fund Group				150697
1050 042603 Financial Management	\$	26,219,399	\$ 26,219,399	150698
TOTAL ISA Internal Service Activity Fund Group	\$	26,219,399	\$ 26,219,399	150700
Fiduciary Fund Group				150701
5EH0 042604 Forgery Recovery	\$	30,000	\$ 30,000	150702
TOTAL FID Fiduciary Fund Group	\$	30,000	\$ 30,000	150703
TOTAL ALL BUDGET FUND GROUPS	\$	30,751,399	\$ 30,841,399	150704

Section 229.20. AUDIT COSTS	150706
All centralized audit costs associated with either Single	150707
Audit Schedules or financial statements prepared in conformance	150708
with generally accepted accounting principles for the state shall	150709
be paid from the foregoing appropriation item 042603, Financial	150710
Management.	150711
Costs associated with the audit of the Auditor of State shall	150712
be paid from the foregoing appropriation item 042321, Operating	150713
Expenses.	150714
SHARED SERVICES CENTER	150715
The foregoing appropriation items 042321, Operating Expenses,	150716
and 042603, Financial Management, shall be used by the Director of	150717
Budget and Management to support the Shared Services program	150718
pursuant to division (D) of section 126.21 of the Revised Code.	150719
The Director of Budget and Management shall include the	150720
recovery of costs to operate the Shared Services program in the	150721
accounting and budgeting services payroll rate and through direct	150722
charges using intrastate transfer vouchers billed to agencies for	150723
services rendered using a methodology determined by the Director	150724
of Budget and Management. Such cost recovery revenues shall be	150725
deposited to the credit of the Accounting and Budgeting Fund (Fund	150726
1050).	150727
INTERNAL AUDIT	150728
The Director of Budget and Management shall include the	150729
recovery of costs to operate the Internal Audit Program pursuant	150730
to section 126.45 of the Revised Code in the accounting and	150731
budgeting services payroll rate using a methodology determined by	150732
the Director of Budget and Management. Such cost recovery revenues	150733
shall be deposited to the credit of Fund 1050.	150734
FORGERY RECOVERY	150735

The foregoing appropriation item 042604, Forgery Recovery, 150736
shall be used to reissue warrants that have been certified as 150737
forgeries by the rightful recipient as determined by the Bureau of 150738
Criminal Identification and Investigation and the Treasurer of 150739
State. Upon receipt of funds to cover the reissuance of the 150740
warrant, the Director of Budget and Management shall reissue a 150741
state warrant of the same amount. Any additional amounts needed to 150742
reissue warrants backed by the receipt of funds are hereby 150743
appropriated. 150744

Section 231.10. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD 150745

General Revenue Fund 150746

GRF 874321	Operating Expenses	\$	6,751,000	\$	6,751,000	150747
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TOTAL GRF	General Revenue Fund	\$	6,751,000	\$	6,751,000	150748
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Dedicated Purpose Fund Group 150749

2080 874601	Underground Parking	\$	4,245,906	\$	4,245,906	150750
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Garage Operations

4G50 874603	Capitol Square	\$	6,000	\$	6,000	150751
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Education Center and
Arts

TOTAL DPF	Dedicated Purpose					150752
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Fund Group		\$	4,251,906	\$	4,251,906	150753
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Internal Service Activity Fund Group 150754

4S70 874602	Statehouse Gift	\$	800,000	\$	800,000	150755
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Shop/Events

TOTAL ISA	Internal Service Activity					150756
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Fund Group		\$	800,000	\$	800,000	150757
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TOTAL ALL BUDGET FUND GROUPS		\$	11,802,906	\$	11,802,906	150758
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OPERATING EXPENSES 150759

On July 1, 2023, or as soon as possible thereafter, the 150760
Executive Director of the Capitol Square Review and Advisory Board 150761

may certify to the Director of Budget and Management the amount of 150762
the unexpended, unencumbered balance of the appropriation items 150763
874100, Personal Services, and 874320, Maintenance and Equipment, 150764
at the end of fiscal year 2023 to be reappropriated to 150765
appropriation item 874321, Operating Expenses, for fiscal year 150766
2024. The amount certified is hereby reappropriated to 150767
appropriation item 874321, Operating Expenses, for fiscal year 150768
2024. 150769

On July 1, 2024, or as soon as possible thereafter, the 150770
Executive Director of the Capitol Square Review and Advisory Board 150771
may certify to the Director of Budget and Management an amount up 150772
to the unexpended, unencumbered balance of the foregoing 150773
appropriation item 874321, Operating Expenses, at the end of 150774
fiscal year 2024 to be reappropriated for fiscal year 2025. The 150775
amount certified is hereby reappropriated to the same 150776
appropriation item 874321, Operating Expenses, for fiscal year 150777
2025. 150778

UNDERGROUND PARKING GARAGE FUND 150779

Notwithstanding division (G) of section 105.41 of the Revised 150780
Code and any other provision to the contrary, moneys in the 150781
Underground Parking Garage Fund (Fund 2080) may be used for 150782
personnel and operating costs related to the operations of the 150783
Statehouse and the Statehouse Underground Parking Garage. 150784

HOUSE AND SENATE PARKING REIMBURSEMENT 150785

On July 1 of each fiscal year, or as soon as possible 150786
thereafter, the Director of Budget and Management shall transfer 150787
\$500,000 cash from the General Revenue Fund to the Underground 150788
Parking Garage Fund (Fund 2080). The amounts transferred under 150789
this section shall be used to reimburse the Capitol Square Review 150790
and Advisory Board for legislative parking costs. 150791

Section 233.10.				SCR STATE BOARD OF CAREER COLLEGES AND	150792
				SCHOOLS	150793
				Dedicated Purpose Fund Group	150794
4K90	233601	Operating Expenses	\$	551,000 \$	567,000 150795
TOTAL DPF Dedicated Purpose Fund				\$	551,000 \$ 567,000 150796
				Group	
TOTAL ALL BUDGET FUND GROUPS				\$	551,000 \$ 567,000 150797

Section 235.10.				CAC CASINO CONTROL COMMISSION	150799
				Dedicated Purpose Fund Group	150800
5HS0	955321	Operating Expenses	\$	16,352,000 \$	16,753,000 150801
5NU0	955601	Casino Commission	\$	250,000 \$	250,000 150802
				Enforcement	
5YR0	955602	Problem Sports Gaming	\$	500,000 \$	500,000 150803
TOTAL DPF Dedicated Purpose Fund				\$	17,102,000 \$ 17,503,000 150804
				Group	
TOTAL ALL BUDGET FUND GROUPS				\$	17,102,000 \$ 17,503,000 150805

Section 237.10.				CDP CHEMICAL DEPENDENCY PROFESSIONALS BOARD	150808
				Dedicated Purpose Fund Group	150809
4K90	930609	Operating Expenses	\$	925,837 \$	998,837 150810
TOTAL DPF Dedicated Purpose Fund				\$	925,837 \$ 998,837 150811
				Group	
TOTAL ALL BUDGET FUND GROUPS				\$	925,837 \$ 998,837 150812

Section 239.10.				CHR STATE CHIROPRACTIC BOARD	150814
				Dedicated Purpose Fund Group	150815
4K90	878609	Operating Expenses	\$	592,868 \$	593,868 150816
TOTAL DPF Dedicated Purpose Fund				\$	592,868 \$ 593,868 150817
				Group	

TOTAL ALL BUDGET FUND GROUPS	\$	592,868	\$	593,868	150818
 					150820
Section 241.10. CIV OHIO CIVIL RIGHTS COMMISSION					
 					150821
General Revenue Fund					
GRF 876321 Operating Expenses	\$	6,963,000	\$	7,172,000	150822
TOTAL GRF General Revenue Fund	\$	6,963,000	\$	7,172,000	150823
 					150824
Federal Fund Group					
3340 876601 Federal Programs	\$	3,786,800	\$	4,232,800	150825
TOTAL FED Federal Special Revenue					150826
Fund Group	\$	3,786,800	\$	4,232,800	150827
TOTAL ALL BUDGET FUND GROUPS	\$	10,749,800	\$	11,404,800	150828
 					150830
Section 243.10. COM DEPARTMENT OF COMMERCE					
 					150831
Dedicated Purpose Fund Group					
4B20 800631 Real Estate Appraisal	\$	35,000	\$	35,000	150832
Recovery					
4H90 800608 Cemeteries	\$	453,275	\$	453,275	150833
4X20 800619 Financial Institutions	\$	2,196,327	\$	2,217,605	150834
5430 800602 Unclaimed	\$	13,930,644	\$	14,039,257	150835
Funds-Operating					
5430 800625 Unclaimed Funds-Claims	\$	70,000,000	\$	70,000,000	150836
5440 800612 Banks	\$	10,557,393	\$	12,557,393	150837
5460 800610 Fire Marshal	\$	30,868,718	\$	29,102,147	150838
5460 800639 Fire Department Grants	\$	7,500,000	\$	7,500,000	150839
5480 800611 Real Estate Recovery	\$	50,000	\$	50,000	150840
5490 800614 Real Estate	\$	7,643,614	\$	6,672,175	150841
5500 800617 Securities	\$	10,955,287	\$	8,918,450	150842
5520 800604 Credit Union	\$	4,057,117	\$	5,213,603	150843
5530 800607 Consumer Finance	\$	6,139,757	\$	6,139,757	150844
5560 800615 Industrial Compliance	\$	31,832,113	\$	31,832,113	150845
5F10 800635 Small Government Fire	\$	600,000	\$	600,000	150846
Departments					

5FW0	800616	Financial Literacy Education	\$	150,000	\$	150,000	150847
5GK0	800609	Securities Investor Education/Enforcement	\$	2,182,150	\$	2,182,150	150848
5HV0	800641	Cigarette Enforcement	\$	27,324	\$	27,324	150849
5LC0	800644	Liquor JobsOhio Extraordinary Allowance	\$	396,154	\$	396,154	150850
5LN0	800645	Liquor Operating Services	\$	20,583,022	\$	20,583,022	150851
5LP0	800646	Liquor Regulatory Operating Expenses	\$	18,823,822	\$	15,823,822	150852
5SJ0	800648	Volunteer Peace Officers' Dependent Fund	\$	50,000	\$	50,000	150853
5SY0	800650	Medical Marijuana Control Program	\$	7,990,837	\$	9,050,379	150854
5VD0	800653	Real Estate Home Inspector Recovery	\$	10,000	\$	10,000	150855
5X60	800623	Video Service	\$	452,720	\$	452,720	150856
5XK0	800657	Ohio Investor Recovery	\$	2,500,000	\$	2,500,000	150857
6530	800629	UST Registration/Permit Fee	\$	2,539,151	\$	2,539,151	150858
TOTAL DPF Dedicated Purpose							150859
Fund Group			\$	252,524,425	\$	249,095,497	150860
Internal Service Activity Fund Group							150861
1630	800620	Division of Administration	\$	9,572,488	\$	9,572,488	150862
1630	800637	Information Technology	\$	13,090,791	\$	13,431,945	150863
TOTAL ISA Internal Service Activity							150864
Fund Group			\$	22,663,279	\$	23,004,433	150865
Federal Fund Group							150866
3480	800622	Underground Storage	\$	831,359	\$	831,359	150867

		Tanks				
3480	800624	Leaking Underground	\$	2,055,439	\$	2,055,439 150868
		Storage Tanks				
TOTAL FED		Federal Fund Group	\$	2,886,798	\$	2,886,798 150869
TOTAL ALL BUDGET		FUND GROUPS	\$	278,074,502	\$	274,986,728 150870

Section 243.20. UNCLAIMED FUNDS PAYMENTS 150872

The foregoing appropriation item 800625, Unclaimed 150873
Funds-Claims, shall be used to pay claims under section 169.08 of 150874
the Revised Code. If it is determined by the Director of Commerce 150875
that additional appropriation amounts are necessary to make such 150876
payments, the Director of Commerce may request that the Director 150877
of Budget and Management approve such increases. Any approved 150878
increases are hereby appropriated. 150879

DIVISION OF REAL ESTATE AND PROFESSIONAL LICENSING 150880

The foregoing appropriation item 800631, Real Estate 150881
Appraisal Recovery, shall be used to pay settlements, judgments, 150882
and court orders under section 4763.16 of the Revised Code. If it 150883
is determined by the Director of Commerce that additional 150884
appropriation amounts are necessary to make such payments, the 150885
Director of Commerce may request that the Director of Budget and 150886
Management approve such increases. Any approved increases are 150887
hereby appropriated. 150888

The foregoing appropriation item 800611, Real Estate 150889
Recovery, shall be used to pay settlements, judgments, and court 150890
orders under section 4735.12 of the Revised Code. If it is 150891
determined by the Director of Commerce that additional 150892
appropriation amounts are necessary to make such payments, the 150893
Director of Commerce may request that the Director of Budget and 150894
Management approve such increases. Any approved increases are 150895
hereby appropriated. 150896

The foregoing appropriation item 800653, Real Estate Home 150897

Inspector Recovery, shall be used to pay settlements, judgments, 150898
and court orders under section 4764.21 of the Revised Code. If it 150899
is determined by the Director of Commerce that additional 150900
appropriation amounts are necessary to make such payments, the 150901
Director of Commerce may request that the Director of Budget and 150902
Management approve such increases. Any approved increases are 150903
hereby appropriated. 150904

REAL ESTATE SALESPERSON LICENSE GRANTS 150905

Notwithstanding section 4735.06 of the Revised Code, or any 150906
other law to the contrary, the Superintendent of the Division of 150907
Real Estate and Professional Licensing may provide grants, not 150908
exceeding \$2,000, to applicants for salesperson licenses to defray 150909
the costs of satisfying the educational requirements of division 150910
(F) of section 4735.09 of the Revised Code. No more than \$25,000 150911
shall be granted from the Division of Real Estate Operating Fund 150912
(Fund 5490) in any one fiscal year. 150913

FIRE DEPARTMENT GRANTS 150914

(A) The foregoing appropriation item 800639, Fire Department 150915
Grants, shall be used to make annual grants to the following 150916
eligible recipients: volunteer fire departments, fire departments 150917
that serve one or more small municipalities or small townships, 150918
joint fire districts comprised of fire departments that primarily 150919
serve small municipalities or small townships, local units of 150920
government responsible for such fire departments, and local units 150921
of government responsible for the provision of fire protection 150922
services for small municipalities or small townships. For the 150923
purposes of these grants, a private fire company, as that phrase 150924
is defined in section 9.60 of the Revised Code, that is providing 150925
fire protection services under a contract to a political 150926
subdivision of the state, is an additional eligible recipient for 150927
a training grant. 150928

Eligible recipients that consist of small municipalities or 150929
small townships that all intend to contract with the same fire 150930
department or private fire company for fire protection services 150931
may jointly apply and be considered for a grant. If a joint 150932
applicant is awarded a grant, the State Fire Marshal shall, if 150933
feasible, proportionately award the grant and any equipment 150934
purchased with grant funds to each of the joint applicants based 150935
upon each applicant's contribution to and demonstrated need for 150936
fire protection services. For the purpose of this grant program, 150937
an eligible recipient or any firefighting entity that is 150938
contracted to serve an eligible recipient may only file, be listed 150939
as joint applicant, or be designated as a service provider on one 150940
grant application per fiscal year. 150941

If the grant awarded to joint applicants is an equipment 150942
grant and the equipment to be purchased cannot be readily 150943
distributed or possessed by multiple recipients, each of the joint 150944
applicants shall be awarded by the State Fire Marshal an ownership 150945
interest in the equipment so purchased in proportion to each 150946
applicant's contribution to and demonstrated need for fire 150947
protection services. The joint applicants shall then mutually 150948
agree on how the equipment is to be maintained, operated, stored, 150949
or disposed of. If, for any reason, the joint applicants cannot 150950
agree as to how jointly owned equipment is to be maintained, 150951
operated, stored, or disposed of or any of the joint applicants no 150952
longer maintain a contract with the same fire protection service 150953
provider as the other applicants, then the joint applicants shall, 150954
with the assistance of the State Fire Marshal, mutually agree as 150955
to how the jointly owned equipment is to be maintained, operated, 150956
stored, disposed of, or owned. If the joint applicants cannot 150957
agree how the grant equipment is to be maintained, operated, 150958
stored, disposed of, or owned, the State Fire Marshal may, in its 150959
discretion, require all of the equipment acquired by the joint 150960
applicants with grant funds to be returned to the State Fire 150961

Marshal. The State Fire Marshal may then award the returned 150962
equipment to any eligible recipients. For this paragraph only, an 150963
"equipment grant" also includes a MARCS Grant. 150964

(B) Except as otherwise provided in this section, the grants 150965
shall be used by recipients to purchase firefighting or rescue 150966
equipment or gear or similar items, to provide full or partial 150967
reimbursement for the documented costs of firefighter training, 150968
or, at the discretion of the State Fire Marshal, to cover fire 150969
department costs for providing fire protection services in that 150970
grant recipient's jurisdiction. 150971

(1) Of the foregoing appropriation item 800639, Fire 150972
Department Grants, up to \$1,300,000 per fiscal year may be used to 150973
pay for the State Fire Marshal's costs of providing firefighter I 150974
certification classes or other firefighter classes approved by the 150975
State Fire Marshal at no cost to selected students attending the 150976
Ohio Fire Academy or other class providers approved by the State 150977
Fire Marshal. The State Fire Marshal may establish the 150978
qualifications and selection processes for students to attend such 150979
classes by written policy, and such students shall be considered 150980
eligible recipients of fire department grants for the purposes of 150981
this portion of the grant program. 150982

(2) Of the foregoing appropriation item 800639, Fire 150983
Department Grants, up to \$4,000,000 in each fiscal year may be 150984
used for MARCS Grants. MARCS Grants may be used for the payment of 150985
user access fees by the eligible recipient to cover costs for 150986
accessing MARCS. 150987

For purposes of this section, a MARCS Grant is a grant for 150988
systems, equipment, or services that are a part of, integrated 150989
into, or otherwise interoperable with the Multi-Agency Radio 150990
Communication System (MARCS) operated by the state. 150991

MARCS Grant awards may be up to \$50,000 in each fiscal year 150992

per eligible recipient. Each eligible recipient may apply, as a separate entity or as a part of a joint application, for only one MARCS Grant per fiscal year. The State Fire Marshal may give a preference to MARCS Grants that will enhance the overall interoperability and effectiveness of emergency communication networks in the geographic region that includes and that is adjacent to the applicant.

Eligible recipients that are or were awarded fire department grants that are not MARCS Grants may also apply for and receive MARCS Grants in accordance with criteria for the awarding of grant funds established by the State Fire Marshal.

(3) Grant awards for firefighting or rescue equipment or gear or for fire department costs of providing fire protection services shall be up to \$15,000 per fiscal year, or up to \$25,000 per fiscal year if an eligible entity serves a jurisdiction in which the Governor declared a natural disaster during the preceding or current fiscal year in which the grant was awarded. In addition to any grant funds awarded for rescue equipment or gear, or for fire department costs associated with the provision of fire protection services, an eligible entity may receive a grant for up to \$15,000 per fiscal year for full or partial reimbursement of the documented costs of firefighter training. For each fiscal year, the State Fire Marshal shall determine the total amounts to be allocated for each eligible purpose.

(C) The grants shall be administered by the State Fire Marshal in accordance with rules the State Fire Marshal adopts as part of the state fire code adopted pursuant to section 3737.82 of the Revised Code that are necessary for the administration and operation of the grant program. The rules may further define the entities eligible to receive grants and establish criteria for the awarding and expenditure of grant funds, including methods the State Fire Marshal may use to verify the proper use of grant funds

or to obtain reimbursement for or the return of equipment for 151025
improperly used grant funds. To the extent consistent with this 151026
section and until the rules are updated, the existing rules in the 151027
state fire code adopted pursuant to section 3737.82 of the Revised 151028
Code for fire department grants under this section apply to MARCS 151029
Grants. Any amounts in appropriation item 800639, Fire Department 151030
Grants, in excess of the amount allocated for these grants may be 151031
used for the administration of the grant program. 151032

DIVISION OF MARIJUANA CONTROL 151033

The foregoing appropriation item 800650, Medical Marijuana 151034
Control Program, shall be used by the Department of Commerce to 151035
support the operation of the Division of Marijuana Control, 151036
including expenditures related to the transfer of the medical 151037
marijuana control program into the Department. If additional 151038
amounts are available in the Medical Marijuana Control Fund (Fund 151039
5SY0), and additional amounts are necessary to transfer the 151040
program, the Director of Commerce may certify to the Director of 151041
the Office of Budget and Management the amount of additional 151042
appropriation necessary for this purpose. Upon approval by the 151043
Director of the Office of Budget and Management, that amount is 151044
hereby appropriated. 151045

Section 243.30. CASH TRANSFERS TO DIVISION OF REAL ESTATE 151046
OPERATING FUND 151047

If the Real Estate Recovery Fund (Fund 5480) cash balance 151048
exceeds \$250,000 during the biennium ending June 30, 2025, the 151049
Director of Budget and Management, upon the written request of the 151050
Director of Commerce and subject to the approval of the 151051
Controlling Board, may transfer cash from Fund 5480 to the 151052
Division of Real Estate Operating Fund (Fund 5490), such that the 151053
amount available in Fund 5480 is not less than \$250,000. 151054

If the Real Estate Appraiser Recovery Fund (Fund 4B20) cash 151055

balance exceeds \$200,000 during the biennium ending June 30, 2025, 151056
the Director of Budget and Management, upon the written request of 151057
the Director of Commerce and subject to the approval of the 151058
Controlling Board, may transfer cash from Fund 4B20 to the 151059
Division of Real Estate Operating Fund (Fund 5490), such that the 151060
amount available in Fund 4B20 is not less than \$200,000. 151061

CASH TRANSFERS TO SMALL GOVERNMENT FIRE DEPARTMENT SERVICES 151062
REVOLVING LOAN FUND 151063

Upon the written request of the Director of Commerce, and 151064
subject to the approval of the Controlling Board, the Director of 151065
Budget and Management may transfer up to \$600,000 in cash from the 151066
State Fire Marshal Fund (Fund 5460) to the Small Government Fire 151067
Department Services Revolving Loan Fund (Fund 5F10) during the 151068
biennium ending June 30, 2025. 151069

CASH TRANSFERS TO THE DIVISION OF SECURITIES INVESTOR 151070
EDUCATION AND ENFORCEMENT EXPENSE FUND 151071

Upon the written request of the Director of Commerce, the 151072
Director of Budget and Management may transfer up to \$5,000,000 in 151073
cash from the Division of Securities Fund (Fund 5500) to the 151074
Division of Securities Investor Education and Enforcement Expense 151075
Fund (Fund 5GK0) in fiscal year 2024. Upon the written request of 151076
the Director of Commerce, the Director of Budget and Management 151077
may transfer up to five per cent of the fees and charges received 151078
in Fund 5500 to Fund 5GK0 in fiscal year 2025. 151079

Of the foregoing appropriation item 800609, Securities 151080
Investor Education/Enforcement, up to \$1,000,000 in each fiscal 151081
year may be used by the Department of Commerce to provide grants 151082
for the purpose of securities investor education. 151083

CASH TRANSFERS TO THE OHIO INVESTOR RECOVERY FUND 151084

Upon the written request of the Director of Commerce, and 151085
subject to the approval of the Controlling Board, the Director of 151086

Budget and Management may transfer up to \$2,500,000 in each fiscal year from the Division of Securities Fund (Fund 5500) to the Ohio Investor Recovery Fund (Fund 5XK0) during the biennium ending June 30, 2025.

Of the foregoing appropriation item 800657, Ohio Investor Recovery, up to \$2,500,000 in each fiscal year shall be used by the Department of Commerce pursuant to section 1707.47 of the Revised Code to provide restitution assistance to victims who: (1) are identified in a final administrative order issued by the Division of Securities or a final court order in a civil or criminal proceeding initiated by the Division as a purchaser damaged by a sale or contract for sale made in violation of Chapter 1707. of the Revised Code; and (2) have not received the full amount of any restitution ordered in a final order before the application for restitution assistance is due.

Section 245.10. OCC OFFICE OF CONSUMERS' COUNSEL

Dedicated Purpose Fund Group
 5F50 053601 Operating Expenses \$ 6,313,267 \$ 6,313,267
 TOTAL DPF Dedicated Purpose Fund Group \$ 6,313,267 \$ 6,313,267
 TOTAL ALL BUDGET FUND GROUPS \$ 6,313,267 \$ 6,313,267

Section 247.10. CEB CONTROLLING BOARD

Internal Service Activity Fund Group
 5KM0 911614 Controlling Board \$ 7,500,000 \$ 7,500,000
 Emergency
 Purposes/Contingencies
 TOTAL ISA Internal Service Activity Fund Group \$ 7,500,000 \$ 7,500,000
 TOTAL ALL BUDGET FUND GROUPS \$ 7,500,000 \$ 7,500,000

Section 247.20. FEDERAL SHARE				151114
In transferring appropriations to or from appropriation items				151115
that have federal shares identified in this act, the Controlling				151116
Board shall add or subtract corresponding amounts of federal				151117
matching funds at the percentages indicated by the state and				151118
federal division of the appropriations in this act. Such changes				151119
are hereby appropriated.				151120
Section 249.10. COS COSMETOLOGY AND BARBER BOARD				151121
Dedicated Purpose Fund Group				151122
4K90 879609 Operating Expenses	\$	5,418,707	\$ 5,486,509	151123
TOTAL DPF Dedicated Purpose Fund	\$	5,418,707	\$ 5,486,509	151124
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	5,418,707	\$ 5,486,509	151125
Section 251.10. CSW COUNSELOR, SOCIAL WORKER, AND MARRIAGE				151127
AND FAMILY THERAPIST BOARD				151128
Dedicated Purpose Fund Group				151129
4K90 899609 Operating Expenses	\$	1,967,897	\$ 2,039,897	151130
TOTAL DPF Dedicated Purpose Fund	\$	1,967,897	\$ 2,039,897	151131
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	1,967,897	\$ 2,039,897	151132
Section 253.10. CLA COURT OF CLAIMS				151134
General Revenue Fund				151135
GRF 015321 Operating Expenses	\$	2,984,000	\$ 3,109,000	151136
GRF 015403 Public Records	\$	1,040,000	\$ 1,081,000	151137
Adjudication				
TOTAL GRF General Revenue Fund	\$	4,024,000	\$ 4,190,000	151138
Dedicated Purpose Fund Group				151139
5K20 015603 CLA Victims of Crime	\$	572,502	\$ 595,107	151140

5TE0 015604 Public Records	\$	6,000	\$	2,000	151141
TOTAL DPF Dedicated Purpose Fund	\$	578,502	\$	597,107	151142
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	4,602,502	\$	4,787,107	151143

Section 255.10. DEN STATE DENTAL BOARD 151145

Dedicated Purpose Fund Group					151146
4K90 880609 Operating Expenses	\$	1,979,497	\$	1,991,497	151147
TOTAL DPF Dedicated Purpose Fund	\$	1,979,497	\$	1,991,497	151148
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	1,979,497	\$	1,991,497	151149

Section 257.10. BDP BOARD OF DEPOSIT 151151

Dedicated Purpose Fund Group					151152
4M20 974601 Board of Deposit	\$	1,688,400	\$	1,688,400	151153
TOTAL DPF Dedicated Purpose Fund	\$	1,688,400	\$	1,688,400	151154
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	1,688,400	\$	1,688,400	151155

Section 257.20. BOARD OF DEPOSIT EXPENSE FUND 151157

Upon receiving certification of expenses from the Treasurer 151158
of State, the Director of Budget and Management shall transfer 151159
cash from the Investment Earnings Redistribution Fund (Fund 6080) 151160
to the Board of Deposit Expense Fund (Fund 4M20). The latter fund 151161
shall be used pursuant to section 135.02 of the Revised Code to 151162
pay for any and all necessary expenses of the Board of Deposit or 151163
for banking charges and fees required for the operation of the 151164
State of Ohio Regular Account. 151165

Section 259.10. DEV DEPARTMENT OF DEVELOPMENT 151166

General Revenue Fund					151167
GRF 195405 Minority Business	\$	9,150,000	\$	9,150,000	151168

		Development					
GRF	195415	Business Development	\$	5,700,000	\$	5,700,000	151169
		Services					
GRF	195426	Redevelopment	\$	1,065,000	\$	1,065,000	151170
		Assistance					
GRF	195453	Technology Programs	\$	835,000	\$	835,000	151171
		and Grants					
GRF	195454	Small Business and	\$	4,000,000	\$	4,000,000	151172
		Export Assistance					
GRF	195455	Appalachia Assistance	\$	6,514,000	\$	6,514,000	151173
GRF	195497	CDBG Operating Match	\$	1,400,000	\$	1,400,000	151174
GRF	195499	BSD Federal Programs	\$	13,274,000	\$	13,274,000	151175
		Match					
GRF	195503	Local Development	\$	11,550,000	\$	11,550,000	151176
		Projects					
GRF	195537	Ohio-Israel	\$	365,000	\$	365,000	151177
		Agricultural					
		Initiative					
GRF	195553	Industry Sector	\$	7,500,000	\$	7,500,000	151178
		Partnerships					
GRF	195556	TechCred Program	\$	25,200,000	\$	25,200,000	151179
GRF	195566	Main Street Job	\$	1,000,000	\$	1,000,000	151180
		Recovery Program					
TOTAL GRF		General Revenue Fund	\$	87,553,000	\$	87,553,000	151181
		Dedicated Purpose Fund Group					151182
4500	195624	Minority Business	\$	100,000	\$	100,000	151183
		Bonding Program					
		Administration					
4510	195649	Business Assistance	\$	3,000,000	\$	3,000,000	151184
		Programs					
4F20	195639	State Special Projects	\$	150,000	\$	150,000	151185
4F20	195655	Workforce Development	\$	1,175,000	\$	1,175,000	151186
		Programs					

4F20	195699	Utility Community Assistance	\$	750,000	\$	750,000	151187
4W10	195646	Minority Business Enterprise Loan	\$	5,000,000	\$	5,000,000	151188
5CV3	1956A1	Water and Sewer Quality Program	\$	160,000,000	\$	0	151189
5CV3	1956G6	Broadband Pole Replacement and Undergrounding Program	\$	10,000,000	\$	0	151190
5CV5	1956B4	ARPA Capital Projects	\$	267,000,000	\$	0	151191
5JR0	195635	Tax Incentives Operating	\$	1,000,000	\$	1,000,000	151192
5KP0	195645	Historic Rehabilitation Operating	\$	1,300,000	\$	1,300,000	151193
5M40	195659	Low Income Energy Assistance (USF)	\$	325,000,000	\$	325,000,000	151194
5M50	195660	Advanced Energy Loan Programs	\$	8,925,000	\$	8,925,000	151195
5MH0	195644	SiteOhio Administration	\$	5,000	\$	5,000	151196
5MJ0	195683	TourismOhio Administration	\$	10,000,000	\$	10,000,000	151197
5UL0	195627	Brownfields Revolving Loan Program	\$	1,695,000	\$	1,695,000	151198
5UY0	195496	Sports Events Grants	\$	10,000,000	\$	0	151199
5W60	195691	International Trade Cooperative Projects	\$	50,000	\$	50,000	151200
5XH0	195632	Women Owned Business Loans	\$	5,000,000	\$	5,000,000	151201
5XH0	195694	Micro-Loan	\$	2,500,000	\$	2,500,000	151202
5XM0	195576	All Ohio Future Fund	\$	40,000,000	\$	0	151203
5XX0	195408	Meat Processing	\$	14,000,000	\$	0	151204

		Investment Program					
5YE0	1956A2	Brownfield Remediation	\$	175,000,000	\$	175,000,000	151205
5YF0	1956A3	Demolition and Site	\$	150,000,000	\$	0	151206
		Revitalization					
5ZK0	1956F8	Innovation Hubs	\$	25,000,000	\$	0	151207
5ZU0	1956G2	Downtown Development	\$	150,000,000	\$	0	151208
		Grant					
5ZV0	1956G3	Township Development	\$	50,000,000	\$	0	151209
		Grant					
5ZW0	1956G4	Cultural Center Grant	\$	25,000,000	\$	0	151210
5ZX0	1956G5	County and Independent	\$	25,000,000	\$	0	151211
		Fairs Grant					
6170	195654	Volume Cap	\$	40,000	\$	40,000	151212
		Administration					
6460	195638	Low- and Moderate-	\$	65,000,000	\$	65,000,000	151213
		Income Housing					
		Programs					
5ZZ0	1956G7	Local Projects	\$	62,000,000	\$	0	151214
TOTAL DPF		Dedicated Purpose Fund	\$	1,593,690,000	\$	605,690,000	151215
		Group					
		Internal Service Activity Fund Group					151216
1350	195684	Development	\$	16,922,815	\$	17,112,847	151217
		Operations					
6850	195636	Development Services	\$	125,000	\$	125,000	151218
		Reimbursable					
		Expenditures					
TOTAL ISA		Internal Service Activity	\$	17,047,815	\$	17,237,847	151219
		Fund Group					
		Facilities Establishment Fund Group					151220
4Z60	195647	Rural Industrial Park	\$	15,000,000	\$	15,000,000	151221
		Loan					
5S90	195628	Capital Access Loan	\$	2,500,000	\$	2,500,000	151222

		Program				
7009	195664	Innovation Ohio	\$	5,000,000	\$	5,000,000 151223
7010	195665	Research and Development	\$	5,000,000	\$	5,000,000 151224
7037	195615	Facilities Establishment	\$	15,000,000	\$	15,000,000 151225
TOTAL FCE Facilities Establishment			\$	42,500,000	\$	42,500,000 151226
Fund Group						
Bond Research and Development Fund Group						151227
7011	195686	Third Frontier Tax Exempt - Operating	\$	1,000,000	\$	1,000,000 151228
7011	195687	Third Frontier Research and Development Projects	\$	2,000,000	\$	2,000,000 151229
7014	195620	Third Frontier Taxable - Operating	\$	1,710,000	\$	1,710,000 151230
7014	195692	Research and Development Taxable Bond Projects	\$	20,000,000	\$	20,000,000 151231
TOTAL BRD Bond Research and Development Fund Group			\$	24,710,000	\$	24,710,000 151232
Federal Fund Group						151233
3080	195580	Energy Efficiency and Conservation Block Grant Program	\$	3,130,030	\$	0 151234
3080	195581	Energy Efficiency Revolving Loan Fund Capitalization Grant	\$	3,202,320	\$	0 151235
3080	195602	Appalachian Regional Commission	\$	5,750,000	\$	5,750,000 151236
3080	195603	Housing Assistance Programs	\$	12,575,000	\$	12,575,000 151237

3080	195609	Small Business Administration Grants	\$	5,550,000	\$	5,550,000	151238
3080	195618	Energy Grants	\$	20,000,000	\$	0	151239
3080	195670	Home Weatherization Program	\$	102,000,000	\$	102,000,000	151240
3080	195672	Manufacturing Extension Partnership	\$	6,600,000	\$	6,600,000	151241
3080	195675	Procurement Technical Assistance	\$	1,300,000	\$	1,300,000	151242
3080	195696	State Trade and Export Promotion	\$	1,000,000	\$	1,000,000	151243
3350	195610	Energy Programs	\$	350,000	\$	350,000	151244
3AE0	195643	Workforce Development Initiatives	\$	2,000,000	\$	2,000,000	151245
3FJ0	195626	Small Business Capital Access and Collateral Enhancement Program	\$	8,000,000	\$	8,000,000	151246
3IC0	1956D9	Growth Capital Fund	\$	53,431,176	\$	0	151247
3IC0	1956E1	Early-Stage Focus Fund	\$	26,156,936	\$	0	151248
3IC0	1956E2	Certified Development Financial Institution Loan Participation	\$	32,571,614	\$	0	151249
3IC0	1956E3	Collateral Enhancement Program	\$	17,747,554	\$	0	151250
3IF0	1956E4	Broadband Equity, Access, and Deployment (BEAD) Program	\$	105,000,000	\$	0	151251
3IF0	1956E5	Broadband Digital Equity Acts Program	\$	1,000,000	\$	30,000,000	151252
3IM0	195582	Home-Owner Managing	\$	124,875,180	\$	0	151253

		Energy Savings Rebate Program				
3IM0	195583	High-Efficiency	\$	124,150,970	\$	0 151254
		Electric Home Rebate Program				
3K80	195613	Community Development	\$	62,975,000	\$	62,975,000 151255
		Block Grant				
3K90	195611	Home Energy	\$	165,000,000	\$	165,000,000 151256
		Assistance Block Grant				
3K90	195614	HEAP Weatherization	\$	40,000,000	\$	40,000,000 151257
3L00	195612	Community Services	\$	29,000,000	\$	29,000,000 151258
		Block Grant				
3V10	195601	HOME Program	\$	62,975,000	\$	62,975,000 151259
TOTAL FED	Federal Fund Group		\$	1,016,340,780	\$	535,075,000 151260
TOTAL ALL BUDGET FUND GROUPS			\$	2,781,841,595	\$	1,312,765,847 151261

Section 259.20. COAL RESEARCH AND DEVELOPMENT PROGRAM 151263

The foregoing appropriation item 195402, Coal Research and Development Program, shall be used for the operating expenses of the Community Services Division in support of the Ohio Coal Development Office. 151264
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151267

MINORITY BUSINESS DEVELOPMENT 151268

The foregoing appropriation item 195405, Minority Business Development, shall be used to support the activities of the Minority Business Development Division, including providing grants to local nonprofit organizations to support economic development activities that promote minority business development, in conjunction with local organizations funded through appropriation item 195454, Small Business and Export Assistance. 151269
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BUSINESS DEVELOPMENT SERVICES 151276

The foregoing appropriation item 195415, Business Development 151277

Services, shall be used for the operating expenses of the Office 151278
of Strategic Business Investments and the regional economic 151279
development offices. 151280

Of the foregoing appropriation item 195415, Business 151281
Development Services, \$1,800,000 in each fiscal year shall be 151282
allocated to Development Projects, Inc., for economic development 151283
programs and the creation of new jobs to leverage and support 151284
mission gains at Department of Defense and related facilities in 151285
Ohio by working with future base realignment and closure 151286
activities and ongoing Department of Defense efficiency and 151287
partnership initiatives, assisting efforts to secure Department of 151288
Defense support contracts for Ohio companies, assessing and 151289
supporting regional job and workforce development needs generated 151290
by the Department of Defense and the Ohio aerospace industry, 151291
promoting technology transfer to Ohio businesses, and for 151292
expanding job training and economic development programs in human 151293
performance and cyber security-related initiatives. 151294

HOUSING TECHNICAL ASSISTANCE 151295

The foregoing appropriation item 195420, Housing Technical 151296
Assistance, shall be used to offer housing technical assistance 151297
grants to local governments seeking to modernize regulations and 151298
processes tied to local housing efforts. Grants awarded under the 151299
foregoing appropriation item may be used for, but not limited to, 151300
updating housing-related zoning regulations, efforts to streamline 151301
government review or housing proposals, updating building permit 151302
software, and other innovative efforts intended to expedite review 151303
of housing proposals. 151304

REDEVELOPMENT ASSISTANCE 151305

The foregoing appropriation item 195426, Redevelopment 151306
Assistance, shall be used to fund the costs of administering the 151307
energy, redevelopment, and other revitalization programs that may 151308

be implemented, and may be used to match federal grant funding. 151309

TECHNOLOGY PROGRAMS AND GRANTS 151310

The foregoing appropriation item 195453, Technology Programs 151311
and Grants, shall be used for operating expenses incurred in 151312
administering the Ohio Third Frontier Programs and other 151313
technology focused programs that may be implemented. 151314

SMALL BUSINESS AND EXPORT ASSISTANCE 151315

The foregoing appropriation item 195454, Small Business and 151316
Export Assistance, may be used to provide a range of business 151317
assistance, including grants to local organizations to support 151318
economic development activities that promote small business 151319
development, entrepreneurship, and exports of Ohio's goods and 151320
services, in conjunction with local organizations funded through 151321
appropriation item 195405, Minority Business Development. The 151322
foregoing appropriation item shall also be used as matching funds 151323
for grants from the United States Small Business Administration 151324
and other federal agencies, pursuant to Pub. L. No. 96-302 as 151325
amended by Pub. L. No. 98-395, and regulations and policy 151326
guidelines for the programs pursuant thereto. 151327

APPALACHIA ASSISTANCE 151328

The foregoing GRF appropriation item 195455, Appalachia 151329
Assistance, may be used for the administrative costs of planning 151330
and liaison activities for the Governor's Office of Appalachia, to 151331
provide financial assistance to projects in Ohio's Appalachian 151332
counties, to support four local development districts, and to pay 151333
dues for the Appalachian Regional Commission. These funds may be 151334
used to match federal funds from the Appalachian Regional 151335
Commission. Programs funded through the appropriation item shall 151336
be identified and recommended by the local development districts 151337
and approved by the Governor's Office of Appalachia. The 151338
Department of Development shall conduct compliance and regulatory 151339

review of the programs recommended by the local development 151340
districts. Moneys allocated under the appropriation item may be 151341
used to fund projects including, but not limited to, those 151342
designated by the local development districts as community 151343
investment and rapid response projects. 151344

Of the foregoing appropriation item 195455, Appalachia 151345
Assistance, in each fiscal year, \$170,000 shall be allocated to 151346
the Ohio Valley Regional Development Commission, \$170,000 shall be 151347
allocated to the Ohio Mid-Eastern Government Association, \$170,000 151348
shall be allocated to the Buckeye Hills-Hocking Valley Regional 151349
Development District, and \$170,000 shall be allocated to the 151350
Eastgate Regional Council of Governments. Local development 151351
districts receiving funding under this section shall use the funds 151352
for the implementation and administration of programs and duties 151353
under section 107.21 of the Revised Code. 151354

LOCAL ROADS 151355

Of the foregoing appropriation item 195456, Local Roads, in 151356
fiscal year 2024, \$14,400,000 shall be allocated to the Licking 151357
County Board of Commissioners, \$3,600,000 shall be allocated to 151358
the City of Newark, \$3,600,000 shall be allocated to the City of 151359
Johnstown, and \$2,400,000 shall be allocated to the City of Heath. 151360
The funding shall be used for road improvements including road 151361
expansion, road development, bridges, culverts, and right-of-way 151362
acquisitions in support of the Intel economic development project. 151363

CDBG OPERATING MATCH 151364

The foregoing appropriation item 195497, CDBG Operating 151365
Match, shall be used as matching funds for grants from the United 151366
States Department of Housing and Urban Development pursuant to the 151367
Housing and Community Development Act of 1974 and regulations and 151368
policy guidelines for the programs pursuant thereto. 151369

BSD FEDERAL PROGRAMS MATCH 151370

The foregoing appropriation item 195499, BSD Federal Programs 151371
Match, shall be used as matching funds for grants from the U.S. 151372
Department of Commerce, National Institute of Standards and 151373
Technology Manufacturing Extension Partnership Program and 151374
Department of Defense APEX Accelerator Program, and other federal 151375
agencies, pursuant to Pub. L. No. 96-302 as amended by Pub. L. No. 151376
98-395, and regulations and policy guidelines for the programs 151377
pursuant thereto. The appropriation item shall also be used for 151378
operating expenses of the Business Services Division. 151379

LOCAL DEVELOPMENT PROJECTS 151380

Of the foregoing appropriation item 195503, Local Development 151381
Projects, \$10,000,000 in each fiscal year shall be allocated to 151382
the Foundation for Appalachian Ohio. 151383

Of the foregoing appropriation item 195503, Local Development 151384
Projects, \$1,000,000 in each fiscal year shall be allocated to 151385
Ohio University's Voinovich School of Leadership and Public 151386
Service to work on behalf of the Mayor's Partnership for Progress. 151387

Of the foregoing appropriation item 195503, Local Development 151388
Projects, \$300,000 in each fiscal year shall be used to support 151389
the Camp James A. Garfield Joint Military Training Center and the 151390
Youngstown Air Reserve Station. 151391

Of the foregoing appropriation item 195503, Local Development 151392
Projects, \$250,000 in each fiscal year shall be used to support a 151393
study, including the acquisition of any necessary equipment, to 151394
determine an estimate of storage capacity and maximum annual yield 151395
of the network of aquifers that are in the state of Ohio and north 151396
of the Maumee River, but that may also cross into other states. 151397

OHIO-ISRAEL AGRICULTURAL INITIATIVE 151398

The foregoing appropriation item 195537, Ohio-Israel 151399
Agricultural Initiative, shall be used for the Ohio-Israel 151400
Agricultural Initiative. The appropriation shall not be used for 151401

travel and entertainment expenses incurred under the initiative.	151402
SECTOR PARTNERSHIP NETWORKS	151403
The foregoing appropriation item 195553, Industry Sector Partnerships, shall be used for the grant program described in section 122.179 of the Revised Code.	151404 151405 151406
TECHCRED PROGRAM	151407
The foregoing appropriation item 195556, TechCred Program, shall be used for the programs described under sections 122.178 and 122.1710 of the Revised Code.	151408 151409 151410
MAIN STREET JOB RECOVERY PROGRAM	151411
The foregoing appropriation item 195566, Main Street Job Recovery Program, shall be used by the Department of Development or in coordination with a statewide community development organization to provide grants to nonprofit organizations to create permanent business development and employment opportunities targeted to low- and moderate-income individuals or individuals of the reentry population. Grants shall be awarded by the Department based on the following criteria: number of businesses created and expanded, number of jobs created for low- and moderate-income individuals, and the amount of funds leveraged as a result of the program.	151412 151413 151414 151415 151416 151417 151418 151419 151420 151421 151422
Not later than the thirtieth day of June of each year during the FY 2024-FY 2025 biennium, the Department of Development shall submit a written report describing the outcomes of the Main Street Job Recovery Program to the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, the Minority Leader of the House of Representatives, and the Ohio Legislative Service Commission.	151423 151424 151425 151426 151427 151428 151429
Section 259.30. MINORITY BUSINESS BONDING FUND	151430
Notwithstanding Chapters 122., 169., and 175. of the Revised	151431

Code, the Director of Development may, upon the recommendation of 151432
the Minority Development Financing Advisory Board, pledge up to 151433
\$10,000,000 in the biennium ending June 30, 2025, of unclaimed 151434
funds administered by the Director of Commerce and allocated to 151435
the Minority Business Bonding Program under section 169.05 of the 151436
Revised Code. 151437

If needed for the payment of losses arising from the Minority 151438
Business Bonding Program, the Director of Budget and Management 151439
may, at the request of the Director of Development, request that 151440
the Director of Commerce transfer unclaimed funds that have been 151441
reported by holders of unclaimed funds under section 169.05 of the 151442
Revised Code to the Minority Bonding Fund (Fund 4490). The 151443
transfer of unclaimed funds shall only occur after proceeds of the 151444
initial transfer of \$2,700,000 by the Controlling Board to the 151445
Minority Business Bonding Program have been used for that purpose. 151446
If expenditures are required for payment of losses arising from 151447
the Minority Business Bonding Program, such expenditures shall be 151448
made from appropriation item 195658, Minority Business Bonding 151449
Contingency in the Minority Business Bonding Fund, and such 151450
amounts are hereby appropriated. 151451

BUSINESS ASSISTANCE PROGRAMS 151452

The foregoing appropriation item 195649, Business Assistance 151453
Programs, shall be used for administrative expenses associated 151454
with the operation of loan incentives. 151455

STATE SPECIAL PROJECTS 151456

The State Special Projects Fund (Fund 4F20), may be used for 151457
the deposit of private-sector funds from utility companies and for 151458
the deposit of other miscellaneous state funds. State moneys so 151459
deposited may also be used to match federal funding and to support 151460
programs of the Community Service Division and Business Services 151461
Division. 151462

MINORITY BUSINESS ENTERPRISE LOAN 151463

The foregoing appropriation item 195646, Minority Business 151464
Enterprise Loan, shall be used for awards under the Minority 151465
Business Enterprise Loan Program and to cover operating expenses 151466
of the Minority Business Development Division. All repayments from 151467
the Minority Development Financing Advisory Board Loan Program 151468
shall be deposited in the state treasury to the credit of the 151469
Minority Business Enterprise Loan Fund (Fund 4W10). 151470

WATER AND SEWER QUALITY PROGRAM 151471

The foregoing appropriation item 1956A1, Water and Sewer 151472
Quality Program, shall be used to award grants under the Water and 151473
Sewer Quality Program established in Section 259.30 of H.B. 168 of 151474
the 134th General Assembly. This appropriation shall be used to 151475
fund a new round of grants under which all political subdivisions 151476
may apply for water and sewer improvements under the program. 151477

BROADBAND POLE REPLACEMENT AND UNDERGROUNDING PROGRAM 151478

The foregoing appropriation item 1956G6, Broadband Pole 151479
Replacement and Undergrounding Program, shall be used by the 151480
Department of Development to support the Broadband Pole 151481
Replacement and Undergrounding Program under section 191.27 of the 151482
Revised Code. 151483

ARPA CAPITAL PROJECTS 151484

The Director of Development shall seek Controlling Board 151485
approval before expending any money under the foregoing 151486
appropriation item 1956B4, ARPA Capital Projects. 151487

BROADBAND DEVELOPMENT GRANTS 151488

On July 1, 2023, or as soon as possible thereafter, the 151489
Director of Development shall certify to the Director of Budget 151490
and Management the unexpended, unencumbered balance of the 151491
appropriation item 195550, Broadband Development Grants, at the 151492

end of fiscal year 2023 to be reappropriated in fiscal year 2024. 151493
The amount certified is hereby reappropriated to the same 151494
appropriation item for the same purpose in fiscal year 2024. 151495

On July 1, 2024, or as soon as possible thereafter, the 151496
Director of Development shall certify to the Director of Budget 151497
and Management the unexpended, unencumbered balance of the 151498
appropriation item 195550, Broadband Development Grants, at the 151499
end of fiscal year 2024 to be reappropriated in fiscal year 2025. 151500
The amount certified is hereby reappropriated to the same 151501
appropriation item for the same purpose in fiscal year 2025. 151502

ADVANCED ENERGY LOAN PROGRAMS 151503

The foregoing appropriation item 195660, Advanced Energy Loan 151504
Programs, shall be used to provide financial assistance to 151505
customers for eligible advanced energy projects for residential, 151506
commercial, and industrial business, local government, educational 151507
institution, nonprofit, and agriculture customers. The 151508
appropriation item may be used to match federal grant funding and 151509
to pay for the program's administrative costs as provided in 151510
sections 4928.61 to 4928.63 of the Revised Code and rules adopted 151511
by the Director of Development. 151512

TOURISMOHIO ADMINISTRATION 151513

Of the foregoing appropriation item 195683, TourismOhio 151514
Administration, \$2,000,000 in each fiscal year shall be used by 151515
TourismOhio to contract for a statewide trails economic impact 151516
study and a data-driven statewide marketing plan for Ohio's trails 151517
system, including motorized trails for all-terrain vehicles. 151518

The economic impact study shall utilize extensive user 151519
surveys and technology to measure existing trail use covering 151520
various regions and types of trails, including underserved 151521
populations and geographic areas of the state. The statewide 151522
trails marketing plan shall address trail use from a broad 151523

perspective, including economic development, public health, and 151524
active transportation. TourismOhio shall work in consultation with 151525
state agencies, local governments, industry, and trail user groups 151526
when designing the scope and deliverables from the impact study 151527
and the marketing plan. 151528

SPORTS EVENTS GRANTS 151529

The foregoing appropriation item 195496, Sports Events 151530
Grants, shall be used for grants as described in sections 122.12 151531
and 122.121 of the Revised Code. 151532

On July 1, 2024, or as soon as possible thereafter, the 151533
Director of Development shall certify to the Director of Budget 151534
and Management the amount of the unexpended, unencumbered balance 151535
of appropriation item 195496, Sports Events Grants, at the end of 151536
fiscal year 2024 to be reappropriated in fiscal year 2025. The 151537
amount certified is hereby reappropriated to the same 151538
appropriation item for the same purpose in fiscal year 2025. 151539

WOMEN OWNED BUSINESS LOAN 151540

The foregoing appropriation item 195632, Women Owned Business 151541
Loan, shall be used to operate the Women Owned Business Loan 151542
Program. 151543

MINORITY BUSINESS MICRO-LOAN 151544

The foregoing appropriation item 195694, Micro-Loan, shall be 151545
used to operate the Minority Business Micro-Loan Program. 151546

TRANSFER FROM THE STATE SMALL BUSINESS CREDIT INITIATIVE FUND 151547
TO THE MBD FINANCIAL ASSISTANCE FUND 151548

Upon the completion of the original Collateral Enhancement 151549
Program, the Director of Development shall certify to the Director 151550
of Budget and Management the remaining cash balance in the State 151551
Small Business Credit Initiative Fund (Fund 3FJ0). The Director of 151552
Budget and Management may transfer the certified amount from Fund 151553

3FJ0 to the MBD Financial Assistance Fund (Fund 5XH0). 151554

ALL OHIO FUTURE FUND 151555

The foregoing appropriation item 195576, All Ohio Future 151556
Fund, shall be used for the purposes enumerated in section 126.62 151557
of the Revised Code. 151558

MEAT PROCESSING INVESTMENT PROGRAM 151559

The foregoing appropriation item 195408, Meat Processing 151560
Investment Program, shall be used by the Department of Development 151561
to award grants under the Ohio Meat Processing Grant Program to 151562
custom processors of food animals from farms. The grants shall be 151563
used to support the construction of new, or improvements at 151564
existing, processing facilities. 151565

BROWNFIELD REMEDIATION 151566

The appropriation item 1956A2, Brownfield Remediation, shall 151567
be used to award grants under the Brownfield Remediation Program 151568
as described in section 122.6511 of the Revised Code. An amount up 151569
to two and one-half per cent of the appropriation item 1956A2, 151570
Brownfield Remediation, may be used to pay the administrative 151571
costs of the program. 151572

On July 1, 2023, or as soon as possible thereafter, the 151573
Director of Development shall certify the unexpended, unencumbered 151574
balance of appropriation item 1956A2, Brownfield Remediation, at 151575
the end of fiscal year 2023 to be reappropriated in fiscal year 151576
2024. The amount certified is hereby reappropriated to the same 151577
appropriation item for the same purpose in fiscal year 2024. 151578

On July 1, 2024, or as soon as possible thereafter, the 151579
Director of Development shall certify to the Director of Budget 151580
and Management the unexpended, unencumbered balance of 151581
appropriation item 1956A2, Brownfield Remediation, at the end of 151582
fiscal year 2024 to be reappropriated in fiscal year 2025. The 151583

amount certified is hereby reappropriated to the same 151584
appropriation item for the same purpose in fiscal year 2025. 151585

DEMOLITION AND SITE REVITALIZATION 151586

The appropriation item 1956A3, Demolition and Site 151587
Revitalization, shall be used to award grants under the Building 151588
Demolition and Site Revitalization Program as described in section 151589
122.6512 of the Revised Code. An amount up to two and one-half per 151590
cent of the appropriation item 1956A3, Demolition and Site 151591
Revitalization, may be used to pay the administrative costs of the 151592
program. 151593

On July 1, 2023, or as soon as possible thereafter, the 151594
Director of Development shall certify to the Director of Budget 151595
and Management the unexpended, unencumbered balance of 151596
appropriation item 1956A3, Demolition and Site Revitalization, at 151597
the end of fiscal year 2023 to be reappropriated in fiscal year 151598
2024. The amount certified is hereby reappropriated to the same 151599
appropriation item for the same purpose in fiscal year 2024. 151600

On July 1, 2024, or as soon as possible thereafter, the 151601
Director of Development shall certify to the Director of Budget 151602
and Management the unexpended, unencumbered balance of 151603
appropriation item 1956A3, Demolition and Site Revitalization, at 151604
the end of fiscal year 2024 to be reappropriated in fiscal year 151605
2025. The amount certified is hereby reappropriated to the same 151606
appropriation item for the same purpose in fiscal year 2025. 151607

INNOVATION HUBS 151608

The foregoing appropriation item 1956F8, Innovation Hubs, 151609
shall be allocated to eligible innovation hubs as defined by the 151610
Department of Development. Innovation hubs located within an 151611
existing innovation district, as defined by the Department of 151612
Development, are ineligible to receive funding under the foregoing 151613
appropriation item. 151614

Funding awarded to innovation hubs under the foregoing 151615
appropriation item may be used for, but not limited to, capital 151616
expenses to establish an innovation hub near a research-oriented 151617
anchor institution, recruiting or providing research and 151618
development opportunities within an innovation hub, or creating 151619
new or preserving existing jobs and employment opportunities, any 151620
of which would improve the economic welfare to the innovation 151621
hub's region. 151622

On July 1, 2024, or as soon as possible thereafter, the 151623
Director of Development shall certify to the Director of Budget 151624
and Management the unexpended, unencumbered balance of 151625
appropriation item 1956F8, Innovation Hubs, at the end of fiscal 151626
year 2024 to be reappropriated in fiscal year 2025. The amount 151627
certified is hereby reappropriated to the same appropriation item 151628
for the same purpose in fiscal year 2025. 151629

DOWNTOWN DEVELOPMENT GRANT 151630

The foregoing appropriation item 1956G2, Downtown Development 151631
Grant, shall be used to award grants to municipalities for the 151632
development of infrastructure and capital projects designed to 151633
support economic growth in downtown areas. Of the amount 151634
appropriated, \$50,000,000 in fiscal year 2024 shall be awarded in 151635
each of the following population tiers as of the most recent 151636
federal decennial census: (A) less than 35,000, (B) 35,001 to 151637
64,999, and (C) 65,000 or more. 151638

TOWNSHIP DEVELOPMENT GRANT 151639

The foregoing appropriation item 1956G3, Township Development 151640
Grant, shall be used to award grants to townships for the 151641
development of infrastructure and capital projects, including 151642
township facility projects, designed to support economic growth in 151643
the township. The Department of Development shall set an 151644
application deadline and distribute grants evenly among all grant 151645

applicants.	151646
CULTURAL CENTER GRANT	151647
The foregoing appropriation item 1956G4, Cultural Center Grant, shall be used to award grants to museums and other cultural centers.	151648 151649 151650
COUNTY AND INDEPENDENT FAIRS GRANT	151651
The foregoing appropriation item 1956G5, County and Independent Fairs Grant, shall be used to award grants to county and independent fairs to increase fair access or economic impact. The Department of Development shall set an application deadline and distribute grants evenly among all grant applicants.	151652 151653 151654 151655 151656
LOCAL PROJECTS	151657
The foregoing appropriation item 1956G7, Local Projects, shall be used to support the Cleveland Municipal Land Bridge project.	151658 151659 151660
VOLUME CAP ADMINISTRATION	151661
The foregoing appropriation item 195654, Volume Cap Administration, shall be used for expenses related to the administration of the Volume Cap Program. Revenues received by the Volume Cap Administration Fund (Fund 6170) shall consist of application fees, forfeited deposits, and interest earned from the custodial account held by the Treasurer of State.	151662 151663 151664 151665 151666 151667
Section 259.40. DEVELOPMENT OPERATIONS	151668
The Director of Development may assess offices of the department for the cost of central service operations. An assessment shall contain the characteristics of administrative ease and uniform application. A division's payments shall be credited to the Supportive Services Fund (Fund 1350) using an intrastate transfer voucher.	151669 151670 151671 151672 151673 151674

DEVELOPMENT SERVICES REIMBURSABLE EXPENDITURES 151675

The foregoing appropriation item 195636, Development Services 151676
Reimbursable Expenditures, shall be used for reimbursable costs 151677
incurred by the department. Revenues to the General Reimbursement 151678
Fund (Fund 6850) shall consist of moneys charged for 151679
administrative costs that are not central service costs and 151680
repayments of loans, including the interest thereon, made from the 151681
Water and Sewer Fund (Fund 4440). 151682

Section 259.50. CAPITAL ACCESS LOAN PROGRAM 151683

The foregoing appropriation item 195628, Capital Access Loan 151684
Program, shall be used for operating, program, and administrative 151685
expenses of the program. Capital Access Loan Program funds shall 151686
be used in accordance with section 122.603 of the Revised Code to 151687
assist participating financial institutions in making program 151688
loans to eligible businesses that face barriers in accessing 151689
working capital and obtaining fixed-asset financing. 151690

The Director of Budget and Management may transfer an amount 151691
not to exceed \$2,000,000 cash in each fiscal year between the 151692
Minority Business Enterprise Loan Fund (Fund 4W10) and the Capital 151693
Access Loan Fund (Fund 5S90), subject to Controlling Board 151694
approval. 151695

INNOVATION OHIO 151696

The foregoing appropriation item 195664, Innovation Ohio, 151697
shall be used to provide for Innovation Ohio purposes, including 151698
loan guarantees and loans under Chapter 166. and particularly 151699
sections 166.12 to 166.16 of the Revised Code. 151700

TRANSFERS FROM THE INNOVATION OHIO LOAN FUND 151701

Notwithstanding Chapter 166. of the Revised Code, the 151702
Director of Budget and Management may transfer an amount to exceed 151703
\$5,000,000 cash in each fiscal year from the Innovation Ohio Loan 151704

Fund (Fund 7009) to the Minority Business Enterprise Loan Fund 151705
(Fund 4W10), subject to Controlling Board approval. 151706

Notwithstanding Chapter 166. of the Revised Code, on July 1, 151707
2023, or as soon as possible thereafter, the Director of Budget 151708
and Management may transfer \$30,000,000 cash from Fund 7009 to the 151709
Rural Industrial Park Loan Fund (Fund 4Z60). 151710

RESEARCH AND DEVELOPMENT 151711

The foregoing appropriation item 195665, Research and 151712
Development, shall be used to provide for research and development 151713
purposes, including loans, under Chapter 166. and particularly 151714
sections 166.17 to 166.21 of the Revised Code. 151715

FACILITIES ESTABLISHMENT 151716

The foregoing appropriation item 195615, Facilities 151717
Establishment, shall be used for the purposes of the Facilities 151718
Establishment Fund (Fund 7037) under Chapter 166. of the Revised 151719
Code. 151720

In the biennium ending June 30, 2025, notwithstanding section 151721
127.14 and division (B) of section 131.35 of the Revised Code, the 151722
Controlling Board may authorize expenditures, in excess of the 151723
amount appropriated, but not to exceed the limitation set in 151724
division (E) of section 131.35 of the Revised Code, using the 151725
Facilities Establishment Fund (Fund 7037) for purposes consistent 151726
with Chapter 166. of the Revised Code. The amounts authorized by 151727
the Controlling Board are hereby appropriated. 151728

TRANSFERS FROM THE FACILITIES ESTABLISHMENT FUND 151729

Notwithstanding Chapter 166. of the Revised Code, an amount 151730
not to exceed \$3,500,000 in cash in each fiscal year may be 151731
transferred from the Facilities Establishment Fund (Fund 7037) to 151732
the Business Assistance Fund (Fund 4510), subject to Controlling 151733
Board approval. 151734

Notwithstanding Chapter 166. of the Revised Code, the 151735
Director of Budget and Management may transfer an amount not to 151736
exceed \$2,000,000 in cash in each fiscal year from Fund 7037 to 151737
the Capital Access Loan Fund (Fund 5S90), subject to Controlling 151738
Board approval. 151739

Section 259.60. THIRD FRONTIER OPERATING COSTS 151740

The foregoing appropriation items 195686, Third Frontier Tax 151741
Exempt - Operating, and 195620, Third Frontier Taxable - 151742
Operating, shall be used for operating expenses incurred in 151743
administering projects pursuant to sections 184.10 to 184.20 of 151744
the Revised Code. Operating expenses paid from appropriation item 151745
195686 shall be limited to the administration of projects funded 151746
from the Third Frontier Research & Development Fund (Fund 7011), 151747
and operating expenses paid from appropriation item 195620 shall 151748
be limited to the administration of projects funded from the Third 151749
Frontier Research & Development Taxable Bond Project Fund (Fund 151750
7014). 151751

**THIRD FRONTIER RESEARCH & DEVELOPMENT TAXABLE AND TAX EXEMPT 151752
PROJECTS** 151753

The foregoing appropriation items 195687, Third Frontier 151754
Research and Development Projects, and 195692, Research and 151755
Development Taxable Bond Projects, shall be used to fund selected 151756
projects which may include internship programs. Eligible costs are 151757
those costs of research and development projects to which the 151758
proceeds of Fund 7011 and Fund 7014 are to be applied. 151759

TRANSFERS OF THIRD FRONTIER APPROPRIATIONS 151760

The Director of Budget and Management may approve written 151761
requests from the Director of Development for the transfer of 151762
appropriations between appropriation items 195687, Third Frontier 151763
Research and Development Projects, and 195692, Research and 151764

Development Taxable Bond Projects, based upon awards recommended 151765
by the Third Frontier Commission. 151766

In fiscal year 2024, the Director of Development may request 151767
that the Director of Budget and Management reappropriate any 151768
unexpended, unencumbered balances of the prior fiscal year's 151769
appropriation to the foregoing appropriation items 195687, Third 151770
Frontier Research and Development Projects, and 195692, Research 151771
and Development Taxable Bond Projects, for fiscal year 2024. The 151772
Director of Budget and Management may request additional 151773
information necessary for evaluating these requests, and the 151774
Director of Development shall provide the requested information to 151775
the Director of Budget and Management. Based on the information 151776
provided by the Director of Development, the Director of Budget 151777
and Management shall determine the amounts to be reappropriated, 151778
and those amounts are hereby reappropriated for fiscal year 2024. 151779

Section 259.70. BROADBAND EQUITY, ACCESS, AND DEPLOYMENT 151780
PROGRAM (BEAD) 151781

The foregoing appropriation item 1956E4, Broadband Equity, 151782
Access, and Deployment Program (BEAD), shall be used to build 151783
infrastructure that supports the adoption of high-speed internet. 151784

On July 1, 2023, or as soon as possible thereafter, the 151785
Director of Development shall certify to the Director of Budget 151786
and Management the unexpended, unencumbered balance of 151787
appropriation item 1956E4, Broadband Equity, Access, and 151788
Deployment Program (BEAD), at the end of fiscal year 2023 to be 151789
reappropriated in fiscal year 2024. The amount certified is hereby 151790
reappropriated to the same appropriation item for the same purpose 151791
in fiscal year 2024. 151792

On July 1, 2024, or as soon as possible thereafter, the 151793
Director of Development shall certify to the Director of Budget 151794
and Management the unexpended, unencumbered balance of 151795

appropriation item 1956E4, Broadband Equity, Access, and Deployment Program (BEAD), at the end of fiscal year 2024 to be reappropriated in fiscal year 2025. The amount certified is hereby reappropriated to the same appropriation item for the same purpose in fiscal year 2025.

HEAP WEATHERIZATION

Up to twenty-five per cent of the federal funds deposited to the credit of the Home Energy Assistance Block Grant Fund (Fund 3K90) may be expended from appropriation item 195614, HEAP Weatherization, to provide home weatherization services in the state as determined by the Director of Development.

Section 261.10. DDD DEPARTMENT OF DEVELOPMENTAL DISABILITIES

General Revenue Fund

GRF	320411	Special Olympics	\$	100,000	\$	100,000	151809
GRF	320412	Protective Services	\$	3,700,000	\$	4,265,000	151810
GRF	320415	Developmental	\$	25,875,000	\$	22,625,000	151811

Disabilities
Facilities Lease
Rental Bond Payments

GRF	322422	Multi System Youth	\$	5,000,000	\$	5,000,000	151812
GRF	322423	Technology First	\$	3,200,000	\$	3,200,000	151813
GRF	322508	Employment First	\$	2,700,000	\$	2,700,000	151814

Initiative

GRF	322509	Community Supports and	\$	700,000	\$	700,000	151815
		Rental Assistance					

GRF	322510	Best Buddies Ohio	\$	250,000	\$	250,000	151816
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GRF	653321	Medicaid Program	\$	7,842,000	\$	7,842,000	151817
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Support-State

GRF	653407	Medicaid Services	\$	855,311,000	\$	1,004,334,000	151818
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TOTAL GRF	General Revenue Fund	\$	904,678,000	\$	1,051,016,000	151819
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Dedicated Purpose Fund Group 151820

2210	322620	Supplement Service Trust	\$	500,000	\$	500,000	151821
4890	653632	Developmental Centers Direct Care Services	\$	7,000,000	\$	7,000,000	151822
5DK0	322629	Capital Replacement Facilities	\$	750,000	\$	750,000	151823
5EV0	653627	Medicaid Program Support	\$	2,540,000	\$	2,540,000	151824
5GE0	320606	Central Office Operating Expenses	\$	20,526,874	\$	20,526,874	151825
5GE0	653606	ICF/IID and Waiver Match	\$	60,100,000	\$	60,100,000	151826
5H00	322619	Medicaid Repayment	\$	900,000	\$	900,000	151827
5HC8	653698	DDD Home and Community Based Services	\$	114,711,600	\$	63,627,125	151828
5S20	653622	Medicaid Administration and Oversight	\$	31,000,000	\$	32,000,000	151829
5Z10	653624	County Board Waiver Match	\$	490,000,000	\$	508,000,000	151830
TOTAL DPF Dedicated Purpose Fund Group			\$	728,028,474	\$	695,943,999	151831
Internal Service Activity Fund Group							151832
1520	653609	DC and Residential Facilities Operating Services	\$	31,000,000	\$	31,000,000	151833
TOTAL ISA Internal Service Activity Fund Group			\$	31,000,000	\$	31,000,000	151834
Federal Fund Group							151835
3250	322612	Community Social Service Programs	\$	17,971,092	\$	14,671,092	151836

3A40	653654	Medicaid Services	\$ 2,621,043,102	\$ 2,988,335,147	151837
3A40	653655	Medicaid Support	\$ 80,000,000	\$ 80,000,000	151838
3A50	320613	Developmental Disabilities Council	\$ 3,254,000	\$ 3,254,000	151839
3HC8	653699	DDD Home and Community Based Services - Federal	\$ 112,413,400	\$ 110,997,875	151840
TOTAL FED	FEDERAL FUND GROUP		\$ 2,834,681,594	\$ 3,197,258,114	151841
TOTAL ALL BUDGET FUND GROUPS			\$ 4,498,388,068	\$ 4,975,218,113	151842

Section 261.20. SPECIAL OLYMPICS 151844

The foregoing appropriation item 320411, Special Olympics, 151845
shall be distributed by the Ohio Department of Developmental 151846
Disabilities to the Special Olympics of Ohio in support of the 151847
Ohio Special Olympics Summer Games. 151848

Section 261.30. DEVELOPMENTAL DISABILITIES FACILITIES 151849

LEASE-RENTAL BOND PAYMENTS 151850

The foregoing appropriation item 320415, Developmental 151851
Disabilities Facilities Lease Rental Bond Payments, shall be used 151852
to meet all payments during the period from July 1, 2023, through 151853
June 30, 2025, by the Department of Developmental Disabilities 151854
pursuant to leases and agreements made under section 154.20 of the 151855
Revised Code. These appropriations are the source of funds pledged 151856
for bond service charges on related obligations issued under 151857
Chapter 154. of the Revised Code. 151858

Section 261.40. MULTI-SYSTEM YOUTH 151859

Of the foregoing appropriation item 322422, Multi-System 151860
Youth, a portion may be used to provide a subsidy to eligible 151861
county boards of developmental disabilities for the provision of 151862
respite services and other services and supports for youth with 151863
complex or multi-system needs to enable them to remain in their 151864

homes with their families or in their communities. The Director of 151865
Developmental Disabilities shall establish the total amount 151866
available for the subsidy, a formula for distributing the subsidy 151867
to eligible county boards, and the eligibility requirements county 151868
boards must satisfy to receive the subsidy. Of the foregoing 151869
appropriation item, 322422, Multi-System Youth, the Director of 151870
Developmental Disabilities shall transfer up to \$1,000,000 in each 151871
fiscal year to the Ohio Department of Mental Health and Addiction 151872
Services to assist in the support of the Child and Adolescent 151873
Behavioral Health Center of Excellence at Case Western Reserve 151874
University. 151875

Section 261.45. TECHNOLOGY FIRST INITIATIVE 151876

Of the foregoing appropriation item 322423, Technology First 151877
Initiative, a portion may be used to increase access and 151878
utilization of innovative technology for people with developmental 151879
disabilities in accordance with the Technology First Policy 151880
established in section 5123.025 of the Revised Code. 151881

Section 261.50. EMPLOYMENT FIRST INITIATIVE 151882

The foregoing appropriation item 322508, Employment First 151883
Initiative, shall be used to increase employment opportunities for 151884
individuals with developmental disabilities through the Employment 151885
First Initiative in accordance with section 5123.022 of the 151886
Revised Code. 151887

Of the foregoing appropriation item, 322508, Employment First 151888
Initiative, the Director of Developmental Disabilities shall 151889
transfer, in each fiscal year, to the Opportunities for Ohioans 151890
with Disabilities Agency an amount agreed upon by the Director of 151891
Developmental Disabilities and the Executive Director of the 151892
Opportunities for Ohioans with Disabilities Agency. The transfer 151893
shall be made via an intrastate transfer voucher. The transferred 151894

funds shall be used to support the Employment First Initiative. 151895
The Opportunities for Ohioans with Disabilities Agency shall use 151896
the funds transferred as state matching funds to obtain available 151897
federal grant dollars for vocational rehabilitation services. Any 151898
federal match dollars received by the Opportunities for Ohioans 151899
with Disabilities Agency shall be used for the initiative. The 151900
Director of Developmental Disabilities and the Executive Director 151901
of the Opportunities for Ohioans with Disabilities Agency shall 151902
enter into an interagency agreement in accordance with section 151903
3304.181 of the Revised Code that will specify the 151904
responsibilities of each agency under the initiative. Under the 151905
interagency agreement, the Opportunities for Ohioans with 151906
Disabilities Agency shall retain responsibility for eligibility 151907
determination, order of selection, plan approval, plan amendment, 151908
and release of vendor payments. 151909

The remainder of appropriation item 322508, Employment First 151910
Initiative, shall be used to develop a long-term, sustainable 151911
system that places individuals with developmental disabilities in 151912
community employment, as defined in section 5123.022 of the 151913
Revised Code. 151914

Section 261.60. COMMUNITY SUPPORTS AND RENTAL ASSISTANCE 151915

The foregoing appropriation item 322509, Community Supports 151916
and Rental Assistance, may be used by the Director of 151917
Developmental Disabilities to provide funding to county boards of 151918
developmental disabilities for rental assistance to people with 151919
developmental disabilities receiving home and community-based 151920
services as defined in section 5123.01 of the Revised Code 151921
pursuant to section 5124.60 of the Revised Code or section 5124.69 151922
of the Revised Code and people with developmental disabilities who 151923
enroll in a Medicaid waiver component providing home and 151924
community-based services after receiving preadmission counseling 151925

pursuant to section 5124.68 of the Revised Code. The Director 151926
shall establish the methodology for determining the amount and 151927
distribution of such funding. 151928

Section 261.65. BEST BUDDIES OHIO 151929

The foregoing appropriation item 322510, Best Buddies Ohio, 151930
shall be provided to the Best Buddies Ohio program to support the 151931
delivery and expansion of inclusion services throughout Ohio 151932
colleges and communities. 151933

Section 261.70. MEDICAID SERVICES 151934

(A) As used in this section: 151935

(1) "Home and community-based services" has the same meaning 151936
as in section 5123.01 of the Revised Code. 151937

(2) "ICF/IID services" has the same meaning as in section 151938
5124.01 of the Revised Code. 151939

(B) Except as provided in section 5123.0416 of the Revised 151940
Code, the purposes for which the foregoing appropriation item 151941
653407, Medicaid Services, shall be used include the following: 151942

(1) Home and community-based services; 151943

(2) Implementation of the requirements of the agreement 151944
settling the consent decree in Sermak v. Manuel, Case No. 151945
C-2-80-220, United States District Court for the Southern District 151946
of Ohio, Eastern Division; 151947

(3) Implementation of the requirements of the agreement 151948
settling the consent decree in Martin v. Strickland, Case No. 151949
89-CV-00362, United States District Court for the Southern 151950
District of Ohio, Eastern Division; 151951

(4) ICF/IID services; and 151952

(5) Other programs as identified by the Director of 151953

Developmental Disabilities. 151954

Section 261.75. DIRECT CARE PAYMENT RATES 151955

Of the foregoing appropriation item 653407, Medicaid 151956
Services, \$42,990,146 in fiscal year 2024 and \$145,076,944 in 151957
fiscal year 2025, and of the foregoing appropriation item 653654, 151958
Medicaid Services, \$76,426,925 in fiscal year 2024 and 151959
\$257,914,568 in fiscal year 2025, shall be used in accordance with 151960
this section. The funds shall be used to increase the base payment 151961
rates to \$17 per hour during fiscal year 2024 beginning on January 151962
1, 2024, and \$18 per hour during fiscal year 2025, for the 151963
following services under Medicaid components administered by the 151964
Department of Developmental Disabilities: 151965

(A) Personal care services; 151966

(B) Adult day services; 151967

(C) ICF/IID services, as defined in section 5124.01 of the 151968
Revised Code. 151969

Section 261.80. CENTRAL OFFICE OPERATING EXPENSES 151970

Of the foregoing appropriation item 320606, Central Office 151971
Operating Expenses, \$100,000 in each fiscal year shall be provided 151972
to the Ohio Center for Autism and Low Incidence to establish a 151973
lifespan autism hub to support families and professionals. 151974

Section 261.100. COUNTY BOARD SHARE OF WAIVER SERVICES 151975

As used in this section, "home and community-based services" 151976
has the same meaning as in section 5123.01 of the Revised Code. 151977

The Director of Developmental Disabilities shall establish a 151978
methodology to be used in fiscal year 2024 and fiscal year 2025 to 151979
estimate the quarterly amount each county board of developmental 151980
disabilities is to pay of the nonfederal share of home and 151981

community-based services that section 5126.0510 of the Revised Code requires county boards to pay. Each quarter, the Director shall submit to a county board written notice of the amount the county board is to pay for that quarter. The notice shall specify when the payment is due.

Section 261.110. WITHHOLDING OF FUNDS OWED THE DEPARTMENT

If a county board of developmental disabilities does not fully pay any amount owed to the Department of Developmental Disabilities by the due date established by the Department, the Director of Developmental Disabilities may withhold the amount the county board did not pay from any amounts due to the county board. The Director may use any appropriation item or fund used by the Department to transfer cash to any other fund used by the Department in an amount equal to the amount owed the Department that the county board did not pay. Transfers under this section shall be made using an intrastate transfer voucher.

Section 261.120. ODODD INNOVATIVE PILOT PROJECTS

(A) In fiscal year 2024 and fiscal year 2025, the Director of Developmental Disabilities may authorize the continuation or implementation of one or more innovative pilot projects that, in the judgment of the Director, are likely to assist in promoting the objectives of Chapter 5123. or 5126. of the Revised Code. Subject to division (B) of this section and notwithstanding any provision of Chapters 5123. and 5126. of the Revised Code and any rule adopted under either chapter, a pilot project authorized by the Director may be continued or implemented in a manner inconsistent with one or more provisions of either chapter or one or more rules adopted under either chapter. Before authorizing a pilot program, the Director shall consult with entities interested in the issue of developmental disabilities, including the Ohio

Provider Resource Association, Ohio Association of County Boards 152012
of Developmental Disabilities, Ohio Health Care Association/Ohio 152013
Centers for Intellectual Disabilities, the Values and Faith 152014
Alliance, and ARC of Ohio. 152015

(B) The Director may not authorize a pilot project to be 152016
implemented in a manner that would cause the state to be out of 152017
compliance with any requirements for a program funded in whole or 152018
in part with federal funds. 152019

Section 261.130. NONFEDERAL SHARE OF ICF/IID SERVICES 152020

(A) As used in this section, "ICF/IID," "ICF/IID services," 152021
and "Medicaid-certified capacity" have the same meanings as in 152022
section 5124.01 of the Revised Code. 152023

(B) The Director of Developmental Disabilities shall pay the 152024
nonfederal share of a claim for ICF/IID services using funds 152025
specified in division (C) of this section if all of the following 152026
apply: 152027

(1) Medicaid covers the ICF/IID services. 152028

(2) The ICF/IID services are provided to a Medicaid recipient 152029
to whom both of the following apply: 152030

(a) The Medicaid recipient is eligible for the ICF/IID 152031
services. 152032

(b) The Medicaid recipient does not occupy a bed in the 152033
ICF/IID that used to be included in the Medicaid-certified 152034
capacity of another ICF/IID certified by the Director of Health 152035
before June 1, 2003. 152036

(3) The ICF/IID services are provided by an ICF/IID whose 152037
Medicaid certification by the Director of Health was initiated or 152038
supported by a county board of developmental disabilities. 152039

(4) The provider of the ICF/IID services has a valid Medicaid 152040

provider agreement for the services for the time that the services are provided. 152041
152042

(C) When required by division (B) of this section to pay the nonfederal share of a claim, the Director of Developmental Disabilities shall use the following funds to pay the claim: 152043
152044
152045

(1) Funds available from appropriation item 653407, Medicaid Services, that the Director allocates to the county board that initiated or supported the Medicaid certification of the ICF/IID that provided the ICF/IID services for which the claim is made; 152046
152047
152048
152049

(2) If the amount of funds used pursuant to division (C)(1) of this section is insufficient to pay the claim in full, an amount of funds that are needed to make up the difference and available from amounts the Director allocates to other county boards from appropriation item 653407, Medicaid Services. 152050
152051
152052
152053
152054

Section 261.140. PAYMENT RATES FOR HOMEMAKER/PERSONAL CARE SERVICES PROVIDED TO QUALIFYING IO ENROLLEES 152055
152056

(A) As used in this section: 152057

(1) "Converted facility" means an ICF/IID, or former ICF/IID, that converted some or all of its beds to providing home and community-based services under the IO Waiver pursuant to section 5124.60 of the Revised Code. 152058
152059
152060
152061

(2) "Developmental center" and "ICF/IID" have the same meanings as in section 5124.01 of the Revised Code. 152062
152063

(3) "IO Waiver" means the Medicaid waiver component, as defined in section 5166.01 of the Revised Code, known as Individual Options. 152064
152065
152066

(4) "Medicaid provider" has the same meaning as in section 5164.01 of the Revised Code. 152067
152068

(5) "Public hospital" has the same meaning as in section 152069

5122.01 of the Revised Code. 152070

(6) "Qualifying IO enrollee" means an IO Waiver enrollee to whom all of the following apply: 152071
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(a) The enrollee resided in a developmental center, converted facility, or public hospital immediately before enrolling in the IO Wavier. 152073
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(b) The enrollee did not receive before July 1, 2011, routine homemaker/personal care services from the Medicaid provider that is to be paid the Medicaid rate authorized by this section for providing such services to the enrollee during the period specified in division (C) of this section. 152076
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(c) The Director of Developmental Disabilities has determined that the enrollee's special circumstances (including the enrollee's diagnosis, service needs, or length of stay at the developmental center, converted facility, or public hospital) warrants paying the Medicaid rate authorized by this section. 152081
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(B) The total Medicaid payment rate for each fifteen minutes of routine homemaker/personal care services that a Medicaid provider provides to a qualifying IO enrollee during the period specified in division (C) of this section shall be fifty-two cents higher than the Medicaid payment rate in effect on the day the services are provided for each fifteen minutes of routine homemaker/personal care services that a Medicaid provider provides to an IO enrollee who is not a qualifying IO enrollee. 152086
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(C) Division (B) of this section applies to the first twelve months, consecutive or otherwise, that a Medicaid provider, during the period beginning July 1, 2023, and ending July 1, 2025, provides routine homemaker/personal care services to a qualifying IO enrollee. 152094
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(D) Of the foregoing appropriation items 653407, Medicaid Services, and 653654, Medicaid Services, portions shall be used to 152099
152100

pay the Medicaid payment rate determined in accordance with this 152101
section for routine homemaker/personal care services provided to 152102
qualifying IO enrollees. 152103

Section 261.150. COMPETITIVE WAGES FOR DIRECT CARE WORKFORCE 152104
OF MEDICAID SERVICES 152105

As a result of the COVID-19 pandemic and extraordinary 152106
inflationary pressures within the economy, Ohio Medicaid direct 152107
care providers have been adversely impacted. The Department of 152108
Developmental Disabilities, in collaboration with the Department 152109
of Medicaid and the Department of Aging, have included funding in 152110
the budget to be used for provider rate increases. Provider rate 152111
increases shall be used to ensure workforce stability and greater 152112
access to care for Medicaid recipients through increased wages and 152113
needed workforce supports. 152114

Section 261.160. (A) In fiscal years 2024 and 2025, a portion 152115
of funds from appropriation item 653624, County Board Waiver 152116
Match, and appropriation item 653654, Medicaid Services, may be 152117
used to implement the Direct Support Professional Quarterly 152118
Retention Payments Program. The program shall commence July 1, 152119
2023, and shall conclude June 30, 2025. The Director of 152120
Developmental Disabilities shall administer the program by doing 152121
all of the following: 152122

(1) Establishing criteria for eligible home and 152123
community-based waiver providers to participate in the program; 152124

(2) Implementing an opt-in system by which providers can 152125
elect to participate in the program; 152126

(3) Developing provider requirements as prerequisites for 152127
program payments; 152128

(4) Establishing quarterly provider payments based on 152129
percentage of the provider's reimbursed claims during the 152130

preceding quarter;				152131
(5) Collecting program data.				152132
(B) The Director of Developmental Disabilities shall adopt				152133
rules in accordance with Chapter 119. of the Revised Code to				152134
implement the program. The Director shall consult with county				152135
boards of developmental disabilities, the Ohio Association of				152136
County Boards of Developmental Disabilities, and provider				152137
organizations to review the effectiveness of the program and make				152138
recommendations on continuing the program.				152139
Section 265.10. EDU DEPARTMENT OF EDUCATION				152140
General Revenue Fund				152141
GRF 200321 Operating Expenses	\$	16,022,000	\$ 16,411,000	152142
GRF 200420 Information Technology	\$	4,109,000	\$ 4,228,000	152143
Development and Support				
GRF 200422 School Management	\$	2,897,000	\$ 2,598,000	152144
Assistance				
GRF 200424 Policy Analysis	\$	603,000	\$ 613,000	152145
GRF 200426 Ohio Educational	\$	22,064,000	\$ 17,864,000	152146
Computer Network				
GRF 200427 Academic Standards	\$	4,460,000	\$ 4,598,000	152147
GRF 200437 Student Assessment	\$	46,534,000	\$ 49,441,000	152148
GRF 200439 Accountability/Report	\$	6,730,000	\$ 7,266,000	152149
Cards				
GRF 200446 Education Management	\$	9,268,000	\$ 9,437,000	152150
Information System				
GRF 200448 Educator Preparation	\$	13,848,000	\$ 13,859,000	152151
GRF 200455 Community Schools and	\$	4,163,000	\$ 4,232,000	152152
Choice Programs				
GRF 200465 Education Technology	\$	5,045,000	\$ 5,083,000	152153
Resources				

GRF 200478	Industry-Recognized Credentials High School Students	\$ 26,000,000	\$ 26,000,000	152154
GRF 200502	Pupil Transportation	\$ 774,089,000	\$ 823,647,000	152155
GRF 200505	School Meal Programs	\$ 13,163,000	\$ 13,163,000	152156
GRF 200506	Learning Acceleration	\$ 0	\$ 15,000,000	152157
GRF 200511	Auxiliary Services	\$ 162,928,000	\$ 166,853,000	152158
GRF 200532	Nonpublic Administrative Cost Reimbursement	\$ 73,607,000	\$ 75,381,000	152159
GRF 200540	Special Education Enhancements	\$ 195,850,000	\$ 196,850,000	152160
GRF 200545	Career-Technical Education Enhancements	\$ 28,500,000	\$ 32,575,000	152161
GRF 200550	Foundation Funding - All Students	\$ 7,877,550,000	\$ 8,196,797,000	152162
GRF 200566	Literacy Improvement	\$ 74,400,000	\$ 36,824,000	152163
GRF 200572	Adult Education Programs	\$ 9,796,000	\$ 9,822,000	152164
GRF 200574	Half-Mill Maintenance Equalization	\$ 13,658,000	\$ 10,358,000	152165
GRF 200597	Program and Project Support	\$ 5,798,000	\$ 5,798,000	152166
GRF 657401	Medicaid in Schools	\$ 325,000	\$ 327,000	152167
TOTAL GRF	General Revenue Fund	\$ 9,391,407,000	\$ 9,745,025,000	152168
	Dedicated Purpose Fund Group			152169
4520 200638	Charges and Reimbursements	\$ 1,500,000	\$ 1,500,000	152170
4L20 200681	Teacher Certification and Licensure	\$ 14,386,000	\$ 14,700,000	152171
5980 200659	Auxiliary Services Reimbursement	\$ 650,000	\$ 650,000	152172
5H30 200687	School District	\$ 2,000,000	\$ 2,000,000	152173

7017	200611	Education Studies	\$	1,300,000	\$	800,000	152189
7017	200612	Foundation Funding - All Students	\$	1,263,645,000	\$	1,273,145,000	152190
7017	200631	Quality Community and Independent STEM Schools Support	\$	135,000,000	\$	135,000,000	152191
7017	200684	Community School Facilities	\$	87,055,000	\$	88,555,000	152192
TOTAL SLF State Lottery Fund Group			\$	1,487,000,000	\$	1,497,500,000	152193
Federal Fund Group							152194
3670	200607	School Food Services	\$	12,989,661	\$	13,379,350	152195
3700	200624	Education of Exceptional Children	\$	1,750,000	\$	1,750,000	152196
3AF0	657601	Schools Medicaid Administrative Claims	\$	250,000	\$	250,000	152197
3EH0	200620	Migrant Education	\$	2,700,000	\$	2,700,000	152198
3EJ0	200622	Homeless Children Education	\$	3,600,000	\$	3,600,000	152199
3GE0	200674	Summer Food Service Program	\$	30,000,000	\$	30,000,000	152200
3GG0	200676	Fresh Fruit and Vegetable Program	\$	5,145,074	\$	5,145,074	152201
3HF0	200649	Federal Education Grants	\$	6,831,327	\$	6,831,327	152202
3HI0	200634	Student Support and Academic Enrichment	\$	45,000,000	\$	48,000,000	152203
3HL0	200678	Comprehensive Literacy State Development Program	\$	14,630,000	\$	14,630,000	152204
3HS0	200640	Federal Coronavirus School Relief	\$	1,800,000,000	\$	0	152205
3L60	200617	Federal School Lunch	\$	443,762,110	\$	457,074,973	152206
3L70	200618	Federal School	\$	168,250,583	\$	173,298,101	152207

		Breakfast				
3L80	200619	Child/Adult Food	\$	114,461,866	\$	115,606,485 152208
		Programs				
3L90	200621	Career-Technical	\$	52,500,000	\$	54,500,000 152209
		Education Basic Grant				
3M00	200623	ESEA Title 1A	\$	600,000,000	\$	600,000,000 152210
3M20	200680	Individuals with	\$	510,000,000	\$	520,000,000 152211
		Disabilities				
		Education Act				
3T40	200613	Public Charter	\$	2,300,000	\$	0 152212
		Schools				
3Y20	200688	21st Century	\$	45,000,000	\$	47,000,000 152213
		Community Learning				
		Centers				
3Y60	200635	Improving Teacher	\$	77,000,000	\$	77,000,000 152214
		Quality				
3Y70	200689	English Language	\$	11,500,000	\$	12,000,000 152215
		Acquisition				
3Y80	200639	Rural and Low Income	\$	3,600,000	\$	3,600,000 152216
		Technical Assistance				
3Z20	200690	State Assessments	\$	11,500,000	\$	11,500,000 152217
3Z30	200645	Consolidated Federal	\$	15,900,000	\$	15,900,000 152218
		Grant Administration				
TOTAL FED	Federal Fund Group		\$	3,978,670,621	\$	2,213,765,310 152219
TOTAL ALL BUDGET FUND GROUPS			\$	15,619,636,139	\$	14,220,563,468 152220

Section 265.20. OPERATING EXPENSES 152222

A portion of the foregoing appropriation item 200321, 152223
 Operating Expenses, shall be used by the Department of Education 152224
 to provide matching funds related to career-technical education 152225
 under 20 U.S.C. 2321. 152226

Section 265.40. INFORMATION TECHNOLOGY DEVELOPMENT AND 152227

SUPPORT 152228

The foregoing appropriation item 200420, Information 152229
Technology Development and Support, shall be used to support the 152230
development and implementation of information technology solutions 152231
designed to improve the performance and services of the Department 152232
of Education. Funds may be used for personnel, maintenance, and 152233
equipment costs related to the development and implementation of 152234
these technical system projects. Implementation of these systems 152235
shall allow the Department to provide greater levels of assistance 152236
to school districts and to provide more timely information to the 152237
public, including school districts, administrators, and 152238
legislators. Funds may also be used to support data-driven 152239
decision-making and differentiated instruction, as well as to 152240
communicate academic content standards and curriculum models to 152241
schools through web-based applications. 152242

Section 265.50. SCHOOL MANAGEMENT ASSISTANCE 152243

The foregoing appropriation item 200422, School Management 152244
Assistance, shall be used by the Department of Education to 152245
provide fiscal technical assistance and inservice education for 152246
school district management personnel and to administer, monitor, 152247
and implement the fiscal caution, fiscal watch, and fiscal 152248
emergency provisions under Chapter 3316. of the Revised Code. 152249

Section 265.60. POLICY ANALYSIS 152250

The foregoing appropriation item 200424, Policy Analysis, 152251
shall be used by the Department of Education to support a system 152252
of administrative and statistical education information to be used 152253
for policy analysis. Staff supported by this appropriation shall 152254
administer the development of reports, analyses, and briefings 152255
regarding current trends in education practice, efficient and 152256
effective use of resources, and evaluation of programs to improve 152257

education results. A portion of these funds shall be used to 152258
maintain a longitudinal database to support the assessment of the 152259
impact of policies and programs on Ohio's education and workforce 152260
development systems. The research efforts supported by this 152261
appropriation item shall be used to supply information and 152262
analysis of data to and in consultation with the General Assembly 152263
and other state policymakers, including the Office of Budget and 152264
Management and the Legislative Service Commission. 152265

A portion of the foregoing appropriation item, 200424, Policy 152266
Analysis, may be used by the Department to support the development 152267
and implementation of an evidence-based clearinghouse to support 152268
school improvement strategies as part of the Every Student 152269
Succeeds Act. 152270

The Department may use funding from this appropriation item 152271
to purchase or contract for the development of software systems or 152272
contract for policy studies that will assist in the provision and 152273
analysis of policy-related information. Funding from this 152274
appropriation item also may be used to monitor and enhance quality 152275
assurance for research-based policy analysis and program 152276
evaluation to enhance the effective use of education information 152277
to inform education policymakers. 152278

Section 265.70. OHIO EDUCATIONAL COMPUTER NETWORK 152279

The foregoing appropriation item 200426, Ohio Educational 152280
Computer Network, shall be used by the Department of Education to 152281
maintain a system of information technology throughout Ohio and to 152282
provide technical assistance for such a system. 152283

Of the foregoing appropriation item 200426, Ohio Educational 152284
Computer Network, up to \$9,686,658 in fiscal year 2024 and up to 152285
\$11,926,658 in fiscal year 2025 shall be used by the Department to 152286
support connection of all public school buildings and 152287
participating chartered nonpublic schools to the state's education 152288

network, to each other, and to the Internet. In each fiscal year, 152289
the Department shall use these funds to assist information 152290
technology centers or school districts with the operational costs 152291
associated with this connectivity. The Department shall develop a 152292
formula and guidelines for the distribution of these funds to 152293
information technology centers or individual school districts. As 152294
used in this section, "public school building" means a school 152295
building of any city, local, exempted village, or joint vocational 152296
school district, any community school established under Chapter 152297
3314. of the Revised Code, any college preparatory boarding school 152298
established under Chapter 3328. of the Revised Code, any STEM 152299
school established under Chapter 3326. of the Revised Code, any 152300
educational service center building used for instructional 152301
purposes, the Ohio School for the Deaf and the Ohio State School 152302
for the Blind, high schools chartered by the Ohio Department of 152303
Youth Services, or high schools operated by Ohio Department of 152304
Rehabilitation and Corrections' Ohio Central School System. 152305

Of the foregoing appropriation item 200426, Ohio Educational 152306
Computer Network, up to \$7,416,695 in fiscal year 2024 and up to 152307
\$7,769,236 in fiscal year 2025 shall be used, through a formula 152308
and guidelines devised by the Department, to support the 152309
activities of designated information technology centers, as 152310
defined by State Board of Education rules, to provide school 152311
districts and chartered nonpublic schools with computer-based 152312
student and teacher instructional and administrative information 152313
services, including approved computerized financial accounting, to 152314
ensure the effective operation of local automated administrative 152315
and instructional systems, and to monitor and support the quality 152316
of data submitted to the Department. 152317

Of the foregoing appropriation item 200426, Ohio Educational 152318
Computer Network, up to \$5,800,000 in fiscal year 2024 shall be 152319
used for middle mile connections for the information technology 152320

centers established under section 3301.075 of the Revised Code and 152321
select large urban districts to connect to the state broadband 152322
backbone managed by the Ohio Technology Consortium and for other 152323
connectivity upgrades necessary for K-12 school buildings with 152324
severely restricted broadband connections. "Select large urban 152325
districts" are those districts that connect to the state broadband 152326
backbone directly rather than through an information technology 152327
center. Upon request of the Superintendent of Public Instruction 152328
and approval by the Director of Budget and Management, an amount 152329
equal to the unexpended, unencumbered balance of the amount 152330
allocated in this paragraph at the end of fiscal year 2024 is 152331
hereby reappropriated to the Department for the same purpose in 152332
fiscal year 2025. 152333

The remainder of appropriation item 200426, Ohio Educational 152334
Computer Network, shall be used to support the work of the 152335
development, maintenance, and operation of a network of uniform 152336
and compatible computer-based information systems as well as the 152337
teacher student linkage/roster verification process and systems to 152338
support electronic sharing of student records and transcripts 152339
between entities. This technical assistance shall include, but not 152340
be restricted to, development and maintenance of adequate computer 152341
software systems to support network activities. In order to 152342
improve the efficiency of network activities, the Department and 152343
information technology centers may jointly purchase equipment, 152344
materials, and services from funds provided under this 152345
appropriation for use by the network and, when considered 152346
practical by the Department, may utilize the services of 152347
appropriate state purchasing agencies. 152348

Section 265.80. ACADEMIC STANDARDS 152349

The foregoing appropriation item 200427, Academic Standards, 152350
shall be used by the Department of Education to develop and 152351

communicate to school districts academic content standards and 152352
curriculum models and to develop professional development programs 152353
and other tools on the new content standards and model curricula. 152354

Section 265.90. STUDENT ASSESSMENT 152355

Of the foregoing appropriation item 200437, Student 152356
Assessment, up to \$1,200,000 in fiscal year 2025 shall be used to 152357
develop, field test, print, distribute, score, report results, and 152358
support other associated costs for the tests required under 152359
section 3323.251 of the Revised Code. 152360

Of the foregoing appropriation item 200437, Student 152361
Assessment, up to \$772,713 in each fiscal year shall be used to 152362
reimburse a portion of the costs associated with Advanced 152363
Placement and College-Level Examination Program tests for students 152364
from households with incomes at or below the statewide median 152365
household income. Of these funds, up to \$622,713 in each fiscal 152366
year shall be used to reimburse a portion of the costs associated 152367
with these tests for low-income students, as determined by the 152368
Department, and up to \$150,000 in each fiscal year shall be used 152369
to reimburse a portion of the costs associated with these tests 152370
for students whose family income exceeds low-income status but are 152371
at or below the statewide median household income, as determined 152372
by the Department. 152373

The remainder of appropriation item 200437, Student 152374
Assessment, shall be used to develop, field test, print, 152375
distribute, score, report results, and support other associated 152376
costs for the tests required under sections 3301.0710, 3301.0711, 152377
and 3301.0712 of the Revised Code and for similar purposes as 152378
required by section 3301.27 of the Revised Code. The funds may 152379
also be used to update and develop diagnostic assessments 152380
administered under sections 3301.079, 3301.0715, and 3313.608 of 152381
the Revised Code and to support readiness assessments for students 152382

in grades three and higher that assist districts and schools with 152383
identifying and benchmarking student progress. 152384

DEPARTMENT OF EDUCATION APPROPRIATION TRANSFERS FOR STUDENT 152385
ASSESSMENT 152386

In fiscal year 2024 and fiscal year 2025, if the 152387
Superintendent of Public Instruction determines that additional 152388
funds are needed to fully fund the requirements of sections 152389
3301.0710, 3301.0711, 3301.0712, and 3301.27 of the Revised Code 152390
and this act for assessments of student performance, the 152391
Superintendent may recommend to the Director of Budget and 152392
Management the reallocation of unexpended and unencumbered General 152393
Revenue Fund appropriations within the Department of Education to 152394
appropriation item 200437, Student Assessment. If the Director 152395
determines that such a reallocation is required, the Director may 152396
transfer unexpended and unencumbered appropriations within the 152397
Department of Education as necessary to appropriation item 200437, 152398
Student Assessment. 152399

Section 265.100. ACCOUNTABILITY/REPORT CARDS 152400

Of the foregoing appropriation item 200439, 152401
Accountability/Report Cards, a portion in each fiscal year shall 152402
be used to train district and regional specialists and district 152403
educators in the use of the value-added progress dimension and in 152404
the use of data as it relates to improving student achievement. 152405
This training may include teacher and administrator professional 152406
development in the use of data to improve instruction and student 152407
learning, and teacher and administrator training in understanding 152408
teacher value-added reports and how they can be used as a 152409
component in measuring teacher and administrator effectiveness. A 152410
portion of this funding shall be provided to educational service 152411
centers to support training and professional development under 152412
this section consistent with section 3312.01 of the Revised Code. 152413

The remainder of appropriation item 200439, 152414
Accountability/Report Cards, shall be used by the Department of 152415
Education to incorporate a statewide value-added progress 152416
dimension into performance ratings for school districts and for 152417
the development of an accountability system that includes the 152418
preparation and distribution of school report cards, funding and 152419
expenditure accountability reports under sections 3302.03 and 152420
3302.031 of the Revised Code, the development and maintenance of 152421
teacher value-added reports, the teacher student linkage/roster 152422
verification process, and the performance management section of 152423
the Department's web site required by section 3302.26 of the 152424
Revised Code. 152425

Section 265.110. EDUCATION MANAGEMENT INFORMATION SYSTEM 152426

The foregoing appropriation item 200446, Education Management 152427
Information System, shall be used by the Department of Education 152428
to improve the Education Management Information System (EMIS). 152429

Of the foregoing appropriation item 200446, Education 152430
Management Information System, up to \$405,000 in each fiscal year 152431
shall be used to support grants to information technology centers 152432
to provide professional development opportunities to district and 152433
school personnel related to the EMIS, with a focus placed on data 152434
submission and data quality. 152435

Of the foregoing appropriation item 200446, Education 152436
Management Information System, up to \$950,000 in each fiscal year 152437
shall be distributed to designated information technology centers 152438
for costs relating to processing, storing, and transferring data 152439
for the effective operation of the EMIS. These costs may include, 152440
but are not limited to, personnel, hardware, software development, 152441
communications connectivity, professional development, and support 152442
services. 152443

The remainder of appropriation item 200446, Education 152444

Management Information System, shall be used to develop and 152445
support the data definitions and standards outlined in the EMIS 152446
guidelines adopted under section 3301.0714 of the Revised Code, to 152447
implement recommendations of the EMIS Advisory Council and the 152448
Superintendent of Public Instruction, to enhance data quality 152449
assurance practices, and to support responsibilities related to 152450
the school report cards prescribed by section 3302.03 of the 152451
Revised Code and value-added progress dimension calculations. 152452

Section 265.120. EDUCATOR PREPARATION 152453

(A) Of the foregoing appropriation item 200448, Educator 152454
Preparation, up to \$7,500,000 in each fiscal year shall be used by 152455
the Department of Education, in consultation with the Department 152456
of Higher Education, to provide awards to support graduate 152457
coursework for high school teachers to receive credentialing to 152458
teach College Credit Plus courses in a high school setting. 152459

The Department of Education, in consultation with the 152460
Department of Higher Education, shall develop an application 152461
process and criteria for awards. Priority shall be given to 152462
education consortia that include high schools identified as 152463
economically disadvantaged in which there are no or limited 152464
numbers of teachers currently credentialed to teach College Credit 152465
Plus courses, as determined by the Department of Education, and a 152466
public or private college or university in Ohio. Awards made by 152467
the Department of Education may support graduate coursework for 152468
high school teachers at a public or private college or university 152469
in Ohio leading to credentialing to teach college courses. 152470

Upon the request of the Superintendent of Public Instruction 152471
and the approval of the Director of Budget and Management, an 152472
amount equal to the unexpended, unencumbered balance of the amount 152473
allocated in this division at the end of fiscal year 2024 is 152474
hereby reappropriated for the same purpose in fiscal year 2025. 152475

(B)(1) Of the foregoing appropriation item 200448, Educator Preparation, up to \$3,225,000 in each fiscal year shall be used, in consultation with the Department of Veterans Services, to support the Ohio Military Veteran Educators Program, which shall do all of the following:

(a) Administer a grant program for institutions of higher education to provide financial incentives and assistance for eligible military individuals, as defined in section 3319.285 of the Revised Code, to enroll in and complete an educator preparation program approved under section 3333.048 of the Revised Code;

(b) Subsidize the costs for eligible military individuals associated with completing college coursework or professional development in pedagogy for the purpose of obtaining an alternative military educator license pursuant to section 3319.285 of the Revised Code;

(c) Provide funds to public schools to support activities to recruit eligible military individuals to work in public schools and support bonuses to public schools that hire eligible military individuals;

(d) Reimburse public schools that pay financial bonuses to eligible military individuals who complete at least one year of employment with the school;

(e) In consultation with the Department of Veterans Services, establish and support the Governor's Ohio Military Veteran Educators Fellowship Pilot Program to recruit and train eligible military individuals to become licensed to teach in low-performing public schools.

(2) An amount equal to the unexpended, unencumbered balance of the amount allocated in division (B)(1) of this section at the end of fiscal year 2024 is hereby reappropriated for the same

purpose in fiscal year 2025. 152507

(C) Of the foregoing appropriation item 200448, Educator 152508
Preparation, up to \$350,000 in fiscal year 2024 and up to \$358,000 152509
in fiscal year 2025 may be used by the Department of Education to 152510
monitor and support Ohio's State System of Support, as defined by 152511
the Every Student Succeeds Act. 152512

(D) Of the foregoing appropriation item 200448, Educator 152513
Preparation, up to \$73,000 in fiscal year 2024 and up to \$76,000 152514
in fiscal year 2025 may be used by the Department to support the 152515
Educator Standards Board under section 3319.61 of the Revised Code 152516
and reforms under sections 3302.042, 3302.06 to 3302.068, 3302.12, 152517
and 3302.20 to 3302.22 of the Revised Code. 152518

(E) Of the foregoing appropriation item 200448, Educator 152519
Preparation, \$2,000,000 in each fiscal year shall be distributed 152520
to Teach For America to increase recruitment of potential corps 152521
members, to train and develop first-year and second-year teachers 152522
in the Teach for America program in Ohio, and to support the 152523
ongoing development and impact of Teach for America alumni working 152524
in Ohio. 152525

(F) Of the foregoing appropriation item 200448, Educator 152526
Preparation, \$200,000 in each fiscal year shall be used to support 152527
selected school staff through the FASTER Saves Lives Program for 152528
the purpose of stopping active shooters and treating casualties. 152529

(G) Of the foregoing appropriation item 200448, Educator 152530
Preparation, \$500,000 in each fiscal year shall be distributed to 152531
the PAST Foundation for the STEM Educator Workforce Collaborative 152532
to provide professional development and strategic training for 152533
teachers in STEM fields that is tailored to each region of the 152534
state. 152535

(H) Notwithstanding any provision of law to the contrary, 152536
awards under this section may be used by recipients for 152537

award-related expenses incurred for the following periods of time 152538
according to guidelines established by the Department of 152539
Education: 152540

(1) For awards under division (A) of this section, a period 152541
not to exceed four years from the date of the award; 152542

(2) For awards under divisions (B), (E), and (F) of this 152543
section, a period not to exceed two years from the date of the 152544
award. 152545

Section 265.130. COMMUNITY SCHOOLS AND CHOICE PROGRAMS 152546

The foregoing appropriation item 200455, Community Schools 152547
and Choice Programs, may be used by the Department of Education 152548
for the oversight and support of community schools established 152549
under Chapter 3314. of the Revised Code, community school 152550
sponsors, and nonpublic schools; and the administration of school 152551
choice programs. The funds may be used to support the sponsor 152552
evaluation system in accordance with section 3314.016 of the 152553
Revised Code. 152554

Section 265.140. EDUCATION TECHNOLOGY RESOURCES 152555

Of the foregoing appropriation item 200465, Education 152556
Technology Resources, up to \$2,500,000 in each fiscal year shall 152557
be used for the Union Catalog and InfoOhio Network and to support 152558
the provision of electronic resources with priority given to 152559
resources that support the teaching of state academic content 152560
standards in all public schools and resources in support of Ohio's 152561
Plan to Raise Literacy Achievement. The Department of Education 152562
shall consider coordinating the allocation of these moneys with 152563
the efforts of Libraries Connect Ohio, whose members include 152564
OhioLINK, the Ohio Public Information Network, and the State 152565
Library of Ohio. 152566

Of the foregoing appropriation item 200465, Education 152567

Technology Resources, up to \$1,778,879 in each fiscal year shall 152568
be used by the Department to provide grants to educational 152569
television stations working with partner education technology 152570
centers to provide Ohio public schools with instructional 152571
resources and services, with priority given to resources and 152572
services aligned with state academic content standards. Such 152573
resources and services shall be based upon the advice and approval 152574
of the Department, with an emphasis in both literacy and 152575
mathematics, based on a formula developed in consultation with 152576
Ohio's educational television stations and educational technology 152577
centers. 152578

The remainder of the foregoing appropriation item 200465, 152579
Education Technology Resources, may be used to support training, 152580
technical support, guidance, and assistance with compliance 152581
reporting to school districts and public libraries applying for 152582
federal E-Rate funds; for oversight and guidance of school 152583
district technology plans; for support to district technology 152584
personnel; and for support of the development, maintenance, and 152585
operation of a network of uniform and compatible computer-based 152586
information and instructional systems. 152587

Section 265.150. INDUSTRY-RECOGNIZED CREDENTIALS HIGH SCHOOL 152588
STUDENTS 152589

Of the foregoing appropriation item 200478, 152590
Industry-Recognized Credentials High School Students, up to 152591
\$5,500,000 in each fiscal year may be used by the Department of 152592
Education to support payments to city, local, and exempted village 152593
school districts, community schools, STEM schools, and joint 152594
vocational school districts whose students earn an 152595
industry-recognized credential or receive a journeyman 152596
certification recognized by the United States Department of Labor 152597
in the school year preceding the fiscal year in which the funds 152598

are appropriated. The educating entity shall be required to inform 152599
students enrolled in career-technical education courses that lead 152600
to an industry-recognized credential about the opportunity to earn 152601
these credentials. The Department of Education shall work with the 152602
Department of Higher Education and the Governor's Office of 152603
Workforce Transformation to develop a schedule for reimbursement 152604
based on the testing fees for credentials included on the 152605
Department of Education's list of industry-recognized credentials. 152606
The educating entity shall pay for the cost of the credential and 152607
may claim and receive reimbursement for these testing fees. The 152608
educating entity may claim reimbursement for testing fees incurred 152609
on behalf of a student that earns a credential up to six months 152610
after the student has graduated from high school. If the amount 152611
appropriated is not sufficient, the Department shall prorate the 152612
amounts so that the aggregate amount appropriated is not exceeded. 152613

Of the foregoing appropriation item 200478, 152614
Industry-Recognized Credentials High School Students, up to 152615
\$10,000,000 in each fiscal year may be used by the Department of 152616
Education and the Governor's Office of Workforce Transformation to 152617
establish and operate the Work-based Learning Incentive Program. 152618
The program shall promote sustained interactions with industry or 152619
community professionals in workplace settings that foster 152620
in-depth, firsthand engagement with the tasks required in a given 152621
career field, in alignment with education programs. The Department 152622
shall pay each city, local, and exempted village school district, 152623
community school, STEM school, and joint vocational school 152624
district an amount equal to \$1,000 for each student participating 152625
in at least 250 hours of work-based learning, in accordance with 152626
guidelines and requirements established by the Department. If the 152627
amount appropriated is not sufficient, the Department shall 152628
prorate the amounts so that the aggregate amount appropriated is 152629
not exceeded. 152630

The remainder of the foregoing appropriation item 200478, 152631
Industry-Recognized Credentials High School Students, may be used 152632
by the Department of Education and the Governor's Office of 152633
Workforce Transformation to establish and operate the Innovative 152634
Workforce Incentive Program. In establishing the program, the 152635
Office of Workforce Transformation shall maintain a list of 152636
credentials that qualify for the program. The Department of 152637
Education shall pay each city, local, and exempted village school 152638
district, community school, STEM school, and joint vocational 152639
school district an amount equal to \$1,250 for each qualifying 152640
credential a student attending the district or school earned in 152641
the school year preceding the fiscal year in which the funds are 152642
appropriated. If the amount appropriated is not sufficient, the 152643
Department shall prorate the amounts so that the aggregate amount 152644
appropriated is not exceeded. 152645

Section 265.190. PUPIL TRANSPORTATION 152646

Of the foregoing appropriation item 200502, Pupil 152647
Transportation, up to \$1,088,930 in each fiscal year may be used 152648
by the Department of Education for training prospective and 152649
experienced school bus drivers in accordance with training 152650
programs prescribed by the Department. A portion of these funds 152651
may also be used to pay for costs associated with the enrollment 152652
of bus drivers in the retained applicant fingerprint database. 152653

Of the foregoing appropriation item 200502, Pupil 152654
Transportation, up to \$127,423,293 in fiscal year 2024 and up to 152655
\$138,038,039 in fiscal year 2025 may be used by the Department for 152656
special education transportation reimbursements to school 152657
districts, educational service centers, and county boards of 152658
developmental disabilities for transportation operating costs as 152659
provided in divisions (C) and (F) of section 3317.024 of the 152660
Revised Code. 152661

The remainder of the foregoing appropriation item 200502, 152662
Pupil Transportation, shall be used to distribute the amounts 152663
calculated for transportation aid under divisions (E), (F), (G), 152664
(H), and (I) of section 3317.0212, and division (A)(2) of section 152665
3317.019 of the Revised Code. 152666

PAYMENTS IN LIEU OF TRANSPORTATION 152667

For purposes of division (D) of section 3327.02 of the 152668
Revised Code, if a parent, guardian, or other person in charge of 152669
a pupil accepts an offer from a school district of payment in lieu 152670
of providing transportation for the pupil, the school district 152671
shall pay that parent, guardian, or other person an amount not 152672
less than fifty per cent and not more than the amount determined 152673
by the Department under division (C) of section 3317.0212 of the 152674
Revised Code for the most recent school year for which data is 152675
available. Payment may be prorated if the time period involved is 152676
only a part of the school year. 152677

Section 265.200. SCHOOL MEAL PROGRAMS 152678

The foregoing appropriation item 200505, School Meal 152679
Programs, shall be used to support the reimbursements required by 152680
section 3301.91 of the Revised code and provide matching funds to 152681
obtain federal funds for the school lunch program. 152682

Any remaining appropriation may be used to partially 152683
reimburse school buildings within school districts that are 152684
required to have a school breakfast program under section 3313.813 152685
of the Revised Code, at a rate decided by the Department. 152686

Section 265.210. LEARNING ACCELERATION 152687

The foregoing appropriation item 200506, Learning 152688
Acceleration, shall be used by the Department of Education to 152689
support the tutoring program established under section 3301.28 of 152690
the Revised Code, student access to high-quality tutoring programs 152691

on the list compiled under section 3301.136 of the Revised Code, 152692
and the provision of tutoring services to public and chartered 152693
nonpublic schools by institutions of higher education. 152694

A portion of the foregoing appropriation item 200506, 152695
Learning Acceleration, may be used to support common training, 152696
curricular tools, tutoring platforms, and program evaluation. The 152697
Department may collect data from public and chartered nonpublic 152698
schools, tutoring providers, institutions of higher education, and 152699
educational service centers for purposes of program evaluation. 152700

Section 265.230. AUXILIARY SERVICES 152701

Of the foregoing appropriation item 200511, Auxiliary 152702
Services, up to \$2,600,000 in each fiscal year may be used for 152703
payment of the College Credit Plus Program for nonpublic secondary 152704
school participants. The Department of Education shall distribute 152705
these funds according to rule 3333-1-65.8 of the Administrative 152706
Code, adopted by the Department of Higher Education pursuant to 152707
division (A) of section 3365.071 of the Revised Code. 152708

The remainder of the foregoing appropriation item 200511, 152709
Auxiliary Services, shall be used by the Department for the 152710
purpose of implementing sections 3317.06 and 3317.062 of the 152711
Revised Code. 152712

Section 265.240. NONPUBLIC ADMINISTRATIVE COST REIMBURSEMENT 152713

The foregoing appropriation item 200532, Nonpublic 152714
Administrative Cost Reimbursement, shall be used by the Department 152715
of Education for the purpose of implementing section 3317.063 of 152716
the Revised Code. Payments made by the Department for this purpose 152717
shall not exceed four hundred seventy-five dollars per student for 152718
each school year. 152719

Section 265.250. SPECIAL EDUCATION ENHANCEMENTS 152720

Of the foregoing appropriation item 200540, Special Education 152721
Enhancements, up to \$38,000,000 in each fiscal year shall be used 152722
to fund special education and related services at county boards of 152723
developmental disabilities for eligible students under section 152724
3317.20 of the Revised Code and at institutions for eligible 152725
students under section 3317.201 of the Revised Code. If necessary, 152726
the Department of Education shall proportionately reduce the 152727
amount calculated for each county board of developmental 152728
disabilities and institution so as not to exceed the amount 152729
appropriated in each fiscal year. 152730

Of the foregoing appropriation item 200540, Special Education 152731
Enhancements, up to \$1,350,000 in each fiscal year shall be used 152732
for parent mentoring programs. 152733

Of the foregoing appropriation item 200540, Special Education 152734
Enhancements, up to \$3,000,000 in each fiscal year may be used for 152735
school psychology interns. 152736

Of the foregoing appropriation item 200540, Special Education 152737
Enhancements, the Department shall transfer \$5,500,000 in fiscal 152738
year 2024 and \$6,500,000 in fiscal year 2025 to the Opportunities 152739
for Ohioans with Disabilities Agency. The transfer shall be made 152740
via an intrastate transfer voucher. The transferred funds shall be 152741
used by the Opportunities for Ohioans with Disabilities Agency as 152742
state matching funds to draw down available federal funding for 152743
vocational rehabilitation services. Total project funding shall be 152744
used to hire dedicated vocational rehabilitation counselors who 152745
shall work directly with school districts to provide transition 152746
services for students with disabilities. Services shall include 152747
vocational rehabilitation services such as person-centered career 152748
planning, summer work experiences, job placement, and retention 152749
services for mutually eligible students with disabilities. 152750

The Superintendent of Public Instruction and the Executive 152751
Director of the Opportunities for Ohioans with Disabilities Agency 152752

shall enter into an interagency agreement that shall specify the 152753
responsibilities of each agency under the program. Under the 152754
interagency agreement, the Opportunities for Ohioans with 152755
Disabilities Agency shall retain responsibility for all 152756
nondelegable functions, including eligibility and order of 152757
selection determination, individualized plan for employment (IPE) 152758
approval, IPE amendments, case closure, and release of vendor 152759
payments. 152760

Of the foregoing appropriation item 200540, Special Education 152761
Enhancements, up to \$2,000,000 in each fiscal year shall be used 152762
by the Department of Education to build capacity to deliver a 152763
regional system of training, support, coordination, and direct 152764
service for secondary transition services for students with 152765
disabilities beginning at fourteen years of age. These special 152766
education enhancements shall support all students with 152767
disabilities, regardless of partner agency eligibility 152768
requirements, to provide stand-alone direct secondary transition 152769
services by school districts. Secondary transition services shall 152770
include, but not be limited to, job exploration counseling, 152771
work-based learning experiences, counseling on opportunities for 152772
enrollment in comprehensive transition or post-secondary 152773
educational programs at institutions of higher education, 152774
workplace readiness training to develop occupational skills, 152775
social skills and independent living skills, and instruction in 152776
self-advocacy. Regional training shall support the expansion of 152777
transition to work endorsement opportunities for middle school and 152778
secondary level special education intervention specialists in 152779
order to develop the necessary skills and competencies to meet the 152780
secondary transition needs of students with disabilities beginning 152781
at fourteen years of age. 152782

The remainder of appropriation item 200540, Special Education 152783
Enhancements, shall be distributed by the Department of Education 152784

to school districts and institutions, as defined in section 152785
3323.091 of the Revised Code, for preschool special education 152786
funding under section 3317.0213 of the Revised Code. 152787

The Department may reimburse school districts and 152788
institutions for services provided by instructional assistants, 152789
related services, as defined in rule 3301-51-11 of the 152790
Administrative Code, physical therapy services provided by a 152791
licensed physical therapist or physical therapist assistant under 152792
the supervision of a licensed physical therapist, as required 152793
under Chapter 4755. of the Revised Code and Chapter 4755-27 of the 152794
Administrative Code, and occupational therapy services provided by 152795
a licensed occupational therapist or occupational therapy 152796
assistant under the supervision of a licensed occupational 152797
therapist, as required under Chapter 4755. of the Revised Code and 152798
Chapter 4755-7 of the Administrative Code. Nothing in this section 152799
authorizes occupational therapy assistants or physical therapist 152800
assistants to generate or manage their own caseloads. 152801

The Department shall require school districts, educational 152802
service centers, county boards of developmental disabilities, and 152803
institutions serving preschool children with disabilities to 152804
adhere to Ohio's early learning program standards, participate in 152805
the Step Up to Quality Program established pursuant to section 152806
5104.29 of the Revised Code, and document child progress using 152807
research-based indicators prescribed by the Department and report 152808
results annually. The reporting dates and method shall be 152809
determined by the Department. All programs shall be rated through 152810
the Step Up to Quality Program. 152811

Section 265.260. CAREER-TECHNICAL EDUCATION ENHANCEMENTS 152812

Of the foregoing appropriation item 200545, Career-Technical 152813
Education Enhancements, up to \$12,250,000 in fiscal year 2024 and 152814
up to \$16,325,000 in fiscal year 2025 shall be used to pay career 152815

awareness and exploration funds pursuant to division (E) of 152816
section 3317.014 of the Revised Code. If the amount appropriated 152817
is not sufficient, the Department shall prorate the amounts so 152818
that the aggregate amount appropriated is not exceeded. 152819

Of the foregoing appropriation item 200545, Career-Technical 152820
Education Enhancements, up to \$2,750,000 in fiscal year 2024 and 152821
up to \$3,250,000 in fiscal year 2025 shall be used by the 152822
Department of Education to provide payments of up to \$50,000 in 152823
each fiscal year to each business advisory council established 152824
under section 3313.82 of the Revised Code designated as "high 152825
quality" by receiving a rating of three or four stars under the 152826
Department's business advisory council recognition initiative. 152827
Payments provided under this set-aside shall be used to support 152828
activities required under section 3313.82 of the Revised Code, 152829
increase career awareness and exploration activities for students, 152830
and expand access to work-based learning opportunities. 152831

Of the foregoing appropriation item 200545, Career-Technical 152832
Education Enhancements, up to \$2,563,000 in each fiscal year shall 152833
be used to fund secondary career-technical education at 152834
institutions and Ohio Deaf and Blind Education Services using a 152835
grant-based methodology, notwithstanding section 3317.05 of the 152836
Revised Code. 152837

Of the foregoing appropriation item 200545, Career-Technical 152838
Education Enhancements, up to \$2,686,000 in each fiscal year shall 152839
be used by the Department of Education to fund competitive grants 152840
to tech prep regional centers that expand the number of students 152841
with access to career-technical education. These grant funds shall 152842
be used to directly support career services provided to students 152843
enrolled in community schools, STEM schools, school districts, 152844
including joint vocational school districts, and affiliated higher 152845
education institutions. This support may include the purchase of 152846
equipment. 152847

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, up to \$3,001,000 in each fiscal year shall be used by the Department to support existing Making Schools Work sites, develop and support new sites, fund technical assistance, and support regional centers and middle school programs. The purpose of Making Schools Work is to combine challenging academic courses and modern career-technical studies to raise the academic achievement of students. Making Schools Work provides intensive technical assistance, focused staff development, targeted assessment services, and ongoing communications and networking opportunities.

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, up to \$1,200,000 in each fiscal year shall be used by the Department to enable students in agricultural programs to enroll in a fifth quarter of instruction based on the agricultural education model of delivering work-based learning through supervised agricultural experience. The Department shall determine eligibility criteria and the reporting process for the Agriculture 5th Quarter Project and shall fund as many programs as possible given the set-aside. The eligibility criteria developed by the Department shall allow these funds to support supervised agricultural experience that occurs anytime outside of the regular school day.

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, up to \$1,550,000 in fiscal year 2024 and up to \$1,050,000 in fiscal year 2025 may be used to support career planning and reporting through the OhioMeansJobs web site.

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, \$500,000 in each fiscal year shall be used to prepare students for careers in culinary arts and restaurant management under the Ohio ProStart school restaurant program.

Of the foregoing appropriation item 200545, Career-Technical

Education Enhancements, \$2,000,000 in each fiscal year shall be 152880
used to support Jobs for Ohio's Graduates. 152881

Section 265.270. FOUNDATION FUNDING - ALL STUDENTS 152882

Of the portion of the formula aid distributed to city, local, 152883
and exempted village school districts, joint vocational school 152884
districts, community schools, and STEM schools under this section, 152885
an amount in each fiscal year, as calculated by the Department of 152886
Education, shall be used for the purposes of division (B) of 152887
section 3317.0215 of the Revised Code. 152888

Of the foregoing appropriation item 200550, Foundation 152889
Funding - All Students, up to \$5,357,606 in each fiscal year shall 152890
be used to fund gifted education at educational service centers. 152891
The Department shall distribute the funding through the unit-based 152892
funding methodology in place under division (L) of section 152893
3317.024, division (E) of section 3317.05, and divisions (A), (B), 152894
and (C) of section 3317.053 of the Revised Code as they existed 152895
prior to fiscal year 2010. 152896

Of the foregoing appropriation item 200550, Foundation 152897
Funding - All Students, up to \$45,650,000 in fiscal year 2024 and 152898
up to \$47,600,000 in fiscal year 2025 shall be reserved to fund 152899
the state reimbursement of educational service centers under 152900
section 3317.11 of the Revised Code. 152901

Of the foregoing appropriation item 200550, Foundation 152902
Funding - All Students, up to \$3,500,000 in each fiscal year shall 152903
be distributed to educational service centers for school 152904
improvement initiatives and for the provision of technical 152905
assistance to schools and districts consistent with requirements 152906
of section 3312.01 of the Revised Code. The Department may 152907
distribute these funds through a competitive grant process. 152908

Of the foregoing appropriation item 200550, Foundation 152909

Funding - All Students, up to \$7,000,000 in each fiscal year shall 152910
be reserved for payments under the section of this act entitled 152911
"POWER PLANT VALUATION ADJUSTMENT." If this amount is not 152912
sufficient, the Superintendent of Public Instruction may 152913
reallocate excess funds for other purposes supported by this 152914
appropriation item in order to fully pay the amounts required by 152915
that section, provided that the aggregate amount appropriated in 152916
appropriation item 200550, Foundation Funding - All Students, is 152917
not exceeded. 152918

Of the foregoing appropriation item 200550, Foundation 152919
Funding - All Students, up to \$4,000,000 in each fiscal year shall 152920
be used to support the administration of state scholarship 152921
programs. 152922

Of the foregoing appropriation item 200550, Foundation 152923
Funding - All Students, up to \$1,000,000 in each fiscal year shall 152924
be distributed to the Cleveland Municipal School District to 152925
provide tutorial assistance as provided in division (B) of section 152926
3313.979 of the Revised Code. The Cleveland Municipal School 152927
District shall report the use of these funds in the district's 152928
three-year continuous improvement plan as described in section 152929
3302.04 of the Revised Code in a manner approved by the 152930
Department. 152931

Of the foregoing appropriation item 200550, Foundation 152932
Funding - All Students, up to \$3,000,000 in each fiscal year may 152933
be used for payment of the College Credit Plus Program for 152934
students instructed at home pursuant to section 3321.04 of the 152935
Revised Code. 152936

Of the foregoing appropriation item 200550, Foundation 152937
Funding - All Students, an amount shall be available in each 152938
fiscal year to be paid to joint vocational school districts in 152939
accordance with sections 3317.16 and 3317.162 of the Revised Code 152940
and the section of this act entitled "FORMULA TRANSITION 152941

SUPPLEMENT." 152942

Of the foregoing appropriation item 200550, Foundation 152943
Funding - All Students, up to \$700,000 in each fiscal year shall 152944
be used by the Department for a program to pay for educational 152945
services for youth who have been assigned by a juvenile court or 152946
other authorized agency to any of the facilities described in 152947
division (A) of the section of this act entitled "PRIVATE 152948
TREATMENT FACILITY PROJECT." 152949

Of the foregoing appropriation item 200550, Foundation 152950
Funding - All Students, a portion may be used to pay 152951
college-preparatory boarding schools the per pupil boarding amount 152952
pursuant to section 3328.34 of the Revised Code. 152953

Of the foregoing appropriation item 200550, Foundation 152954
Funding - All Students, up to \$1,760,000 in each fiscal year may 152955
be used by the Department for duties and activities related to the 152956
establishment of academic distress commissions under section 152957
3302.10 of the Revised Code, to provide support and assistance to 152958
academic distress commissions to further their duties under 152959
Chapter 3302. of the Revised Code, and to provide technical 152960
assistance and tools to support districts subject to academic 152961
distress commissions. 152962

Of the foregoing appropriation item 200550, Foundation 152963
Funding - All Students, up to \$1,500,000 in each fiscal year shall 152964
be distributed to the Ohio STEM Learning Network to support the 152965
expansion of free STEM programming aligned to Ohio's STEM 152966
priorities, to create regional STEM supports targeting underserved 152967
student populations, and to support the Ohio STEM Committee's STEM 152968
school designation process. 152969

Of the foregoing appropriation item 200550, Foundation 152970
Funding - All Students, up to \$2,500,000 in each fiscal year shall 152971
be used to make supplemental payments under the section of this 152972

act entitled "E-SCHOOL FUNDING PILOT." If the amount appropriated 152973
is insufficient, the Department shall prorate the payments so that 152974
the aggregate amount appropriated in this section is not exceeded. 152975

The remainder of the foregoing appropriation item 200550, 152976
Foundation Funding - All Students, shall be used to distribute the 152977
amounts calculated for formula aid under division (A)(1) of 152978
section 3317.019, section 3317.022 of the Revised Code, and the 152979
section of this act entitled "FORMULA TRANSITION SUPPLEMENT." 152980

Appropriation items 200502, Pupil Transportation, and 200550, 152981
Foundation Funding - All Students, other than specific set-asides, 152982
are collectively used in each fiscal year to pay state formula aid 152983
obligations for school districts, community schools, STEM schools, 152984
college preparatory boarding schools, joint vocational school 152985
districts, and state scholarship programs under this act. The 152986
first priority of these appropriation items, with the exception of 152987
specific set-asides, is to fund state formula aid obligations. It 152988
may be necessary to reallocate funds among these appropriation 152989
items or use excess funds from other General Revenue Fund 152990
appropriation items in the Department of Education's budget, 152991
including appropriation item 200903, Property Tax Reimbursement - 152992
Education, in each fiscal year in order to meet state formula aid 152993
obligations. If it is determined that it is necessary to transfer 152994
funds among these appropriation items or to transfer funds from 152995
other General Revenue Fund appropriations in the Department's 152996
budget to meet state formula aid obligations, the Superintendent 152997
of Public Instruction shall seek approval from the Director of 152998
Budget and Management to transfer funds as needed. 152999

The Superintendent of Public Instruction shall make payments, 153000
transfers, and deductions, as authorized by Title XXXVIII of the 153001
Revised Code in amounts substantially equal to those made in the 153002
prior year, or otherwise, at the discretion of the Superintendent, 153003
until at least the effective date of the amendments and enactments 153004

made to Title XXXVIII of the Revised Code by this act. Any funds 153005
paid to districts or schools under this section shall be credited 153006
toward the annual funds calculated for the district or school 153007
after the changes made to Title XXXVIII of the Revised Code in this 153008
act are effective. Upon the effective date of changes made to 153009
Title XXXVIII of the Revised Code in this act, funds shall be 153010
calculated as an annual amount. 153011

Section 265.275. EDUCATIONAL CHOICE SCHOLARSHIP PILOT PROGRAM 153012

Notwithstanding section 3310.032 of the Revised Code or any 153013
provision of law to the contrary, beginning July 1, 2023, the 153014
foregoing appropriation item 200550, Foundation Funding - All 153015
Students, may be used to administer the expansion of the 153016
Educational Choice Scholarship Pilot Program to students from 153017
families with an income level at or below four hundred fifty per 153018
cent of the federal poverty level for purposes of determining 153019
eligibility under division (A)(1) of section 3310.032 of the 153020
Revised Code. 153021

Section 265.280. PHASE-IN PERCENTAGES 153022

For purposes of division (X)(1) of section 3317.02 of the 153023
Revised Code, the General Assembly has determined that the general 153024
phase-in percentage for fiscal year 2024 shall be 50 per cent and 153025
the general phase-in percentage for fiscal year 2025 shall be 153026
66.67 per cent. 153027

For purposes of division (X)(2) of section 3317.02 of the 153028
Revised Code, the General Assembly has determined that the 153029
phase-in percentage for disadvantaged pupil impact aid for fiscal 153030
year 2024 shall be 50 per cent and the phase-in percentage for 153031
disadvantaged pupil impact aid for fiscal year 2025 shall be 66.67 153032
per cent. 153033

Section 265.290. FORMULA TRANSITION SUPPLEMENT 153034

(A)(1) For fiscal years 2024 and 2025, the Department of 153035
Education shall pay a formula transition supplement to each city, 153036
local, and exempted village school district according to the 153037
following formula: 153038

(The district's funding base for fiscal year 2021) - (the 153039
district's payments for the fiscal year for which the supplement 153040
is calculated under sections 3317.019, 3317.022, and 3317.0212 of 153041
the Revised Code) 153042

If the computation made under division (A)(1) of this section 153043
for a fiscal year results in a negative number, the district's 153044
formula transition supplement for that fiscal year shall be zero. 153045

(2) For purposes of division (A)(1) of this section, a city, 153046
local, or exempted village school district's "funding base for 153047
fiscal year 2021" means the amount calculated as follows: 153048

(a) Compute the sum of the following: 153049

(i) The amount calculated for the district for fiscal year 153050
2021 under division (A)(1) of Section 265.220 of H.B. 166 of the 153051
133rd General Assembly after any adjustments required under 153052
Section 265.227 of H.B. 166 of the 133rd General Assembly and 153053
before any funding reductions authorized by Executive Order 153054
2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, 153055
issued on January 22, 2021; 153056

(ii) The amount calculated for the district for fiscal year 153057
2021 under division (A)(2) of Section 265.220 of H.B. 166 of the 153058
133rd General Assembly before any funding reductions authorized by 153059
Executive Order 2020-19D, issued on May 7, 2020, and Executive 153060
Order 2021-01D, issued on January 22, 2021; 153061

(iii) The amount calculated for the district for fiscal year 153062
2021 under division (B) of Section 265.220 of H.B. 166 of the 153063

133rd General Assembly; 153064

(iv) The district's payments for fiscal year 2021 under 153065
divisions (C)(1), (2), (3), and (4) of section 3313.981 of the 153066
Revised Code as those divisions existed for payments for fiscal 153067
year 2021; 153068

(v) The district's payments for fiscal year 2021 under 153069
section 3317.0219 of the Revised Code as that section existed for 153070
payments for fiscal year 2021 and under Section 20 of S.B. 310 of 153071
the 133rd General Assembly. 153072

(b) Subtract from the amount calculated in division (A)(2)(a) 153073
of this section the sum of the following: 153074

(i) The payments deducted from the district and paid to a 153075
community school established under Chapter 3314. of the Revised 153076
Code for fiscal year 2021 under divisions (C)(1)(a), (b), (c), 153077
(d), (e), (f), and (g) of section 3314.08 of the Revised Code and 153078
division (D) of section 3314.091 of the Revised Code, as those 153079
divisions existed for deductions and payments for fiscal year 153080
2021, in accordance with division (A) of Section 265.230 of H.B. 153081
166 of the 133rd General Assembly, before any funding reductions 153082
authorized by Executive Order 2020-19D, issued on May 7, 2020, and 153083
Executive Order 2021-01D, issued on January 22, 2021; 153084

(ii) The payments deducted from the district and paid to a 153085
science, technology, engineering, and mathematics school 153086
established under Chapter 3326. of the Revised Code for fiscal 153087
year 2021, under divisions (A), (B), (C), (D), (E), (F), and (G) 153088
of section 3326.33 of the Revised Code as those divisions existed 153089
for deductions and payments for fiscal year 2021, in accordance 153090
with division (A) of Section 265.235 of H.B. 166 of the 133rd 153091
General Assembly, before any funding reductions authorized by 153092
Executive Order 2020-19D, issued on May 7, 2020, and Executive 153093
Order 2021-01D, issued on January 22, 2021; 153094

(iii) The payments deducted from the district for fiscal year 153095
2021 under division (C) of section 3310.08 of the Revised Code as 153096
that division existed for deductions for fiscal year 2021, 153097
division (C)(2) of section 3310.41 of the Revised Code, as that 153098
division existed for deductions for fiscal year 2021, and section 153099
3310.55 of the Revised Code as that section existed for deductions 153100
for fiscal year 2021 and, in the case of a pilot project school 153101
district as defined in section 3313.975 of the Revised Code, the 153102
funds deducted from the district for fiscal year 2021 under 153103
Section 265.210 of H.B. 166 of the 133rd General Assembly to 153104
operate the pilot project scholarship program for fiscal year 2021 153105
under sections 3313.974 to 3313.979 of the Revised Code; 153106

(iv) The payments subtracted from the district for fiscal 153107
year 2021 under divisions (B)(1), (2), and (3) of section 3313.981 153108
of the Revised Code, as those divisions existed for subtractions 153109
from the district for fiscal year 2021. 153110

(B)(1) For fiscal years 2024 and 2025, the Department of 153111
Education shall pay a formula transition supplement to each joint 153112
vocational school district according to the following formula: 153113

(The district's funding base for fiscal year 2021) - (the 153114
district's payments for the fiscal year for which the supplement 153115
is calculated under sections 3317.16 and 3317.162 of the Revised 153116
Code) 153117

If the computation made under division (B)(1) of this section 153118
for a fiscal year results in a negative number, the district's 153119
formula transition supplement for that fiscal year shall be zero. 153120

(2) For purposes of division (B)(1) of this section, a joint 153121
vocational district's "funding base for fiscal year 2021" means 153122
the sum of the following: 153123

(a) The district's payments for fiscal year 2021 under 153124
Section 265.225 of H.B. 166 of the 133rd General Assembly after 153125

any adjustments required under Section 265.227 of H.B. 166 of the 153126
133rd General Assembly; 153127

(b) The district's payments for fiscal year 2021 under 153128
divisions (D)(1) and (2) of section 3313.981 of the Revised Code, 153129
as those divisions existed for payments for fiscal year 2021; 153130

(c) The district's payments for fiscal year 2021 under 153131
section 3317.163 of the Revised Code as that section existed for 153132
payments for fiscal year 2021 and under Section 20 of S.B. 310 of 153133
the 133rd General Assembly. 153134

(C)(1) For fiscal years 2024 and 2025, the Department of 153135
Education shall pay a formula transition supplement to each 153136
community school established under Chapter 3314. of the Revised 153137
Code according to the following formula: 153138

[(The school's funding base for fiscal year 2021 / the number of 153139
students enrolled in the school for fiscal year 2021) - (the 153140
school's payments for the fiscal year for which the supplement is 153141
calculated under sections 3317.022 and 3317.0212 of the Revised 153142
Code / the number of students enrolled in the school for the 153143
fiscal year for which the supplement is calculated)] X the number 153144
of students enrolled in the school for the fiscal year for which 153145
the supplement is calculated. 153146

If the computation made under division (C)(1) of this section 153147
for a fiscal year results in a negative number, the school's 153148
formula transition supplement for that fiscal year shall be zero. 153149

(2) For purposes of division (C)(1) of this section, a 153150
community school's "funding base for fiscal year 2021" means the 153151
sum of the following: 153152

(a) The amount calculated for the school for fiscal year 2021 153153
under division (C)(1) of section 3314.08 of the Revised Code as 153154
that section existed for payments for fiscal year 2021, before any 153155
funding reductions authorized by Executive Order 2020-19D, issued 153156

on May 7, 2020, and Executive Order 2021-01D, issued on January 22, 2021;

(b) The amount calculated for the school for fiscal year 2021 under section 3314.085 of the Revised Code as that section existed for payments for fiscal year 2021;

(c) The amount calculated for the school for fiscal year 2021 under division (D)(1) of section 3314.091 of the Revised Code as that division existed for payments for fiscal year 2021;

(d) The amount calculated for the school for fiscal year 2021 under section 3314.088 of the Revised Code as that section existed for payments for fiscal year 2021 and under Section 20 of S.B. 310 of the 133rd General Assembly.

(D)(1) For fiscal years 2024 and 2025, the Department of Education shall pay a formula transition supplement to each science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code according to the following formula:

$$\left[\left(\frac{\text{The school's funding base for fiscal year 2021}}{\text{the number of students enrolled in the school for fiscal year 2021}} \right) - \left(\frac{\text{the school's payments for the fiscal year for which the supplement is calculated under section 3317.022 of the Revised Code}}{\text{the number of students enrolled in the school for the fiscal year for which the supplement is calculated}} \right) \right] \times \text{the number of students enrolled in the school for the fiscal year for which the supplement is calculated.}$$

If the computation made under division (D)(1) of this section for a fiscal year results in a negative number, the school's formula transition supplement for that fiscal year shall be zero.

(2) For purposes of division (D)(1) of this section, a science, technology, engineering, and mathematics school's "funding base for fiscal year 2021" means the sum of the

following:	153188
(a) The amount calculated for the school for fiscal year 2021 under section 3326.33 of the Revised Code as that section existed for payments for fiscal year 2021, before any funding reductions authorized by Executive Order 2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, issued on January 22, 2021;	153189 153190 153191 153192 153193
(b) The amount calculated for the school for fiscal year 2021 under section 3326.41 of the Revised Code as that section existed for payments for fiscal year 2021;	153194 153195 153196
(c) The amount calculated for the school for fiscal year 2021 under section 3326.42 of the Revised Code as that section existed for payments for fiscal year 2021 and under Section 20 of S.B. 310 of the 133rd General Assembly.	153197 153198 153199 153200
Section 265.310. POWER PLANT VALUATION ADJUSTMENT	153201
(A)(1) On or before May 15, 2024, the Tax Commissioner shall determine all of the following for each city, local, exempted village, and joint vocational school district that has at least one power plant located within its territory:	153202 153203 153204 153205
(a) Whether the taxable value of all utility tangible personal property subject to taxation by the district in tax year 2023 was less than the taxable value of such property during tax year 2017;	153206 153207 153208 153209
(b) Whether the taxable value of all utility tangible personal property subject to taxation by the district in tax year 2023 was less than the taxable value of such property during tax year 2022.	153210 153211 153212 153213
(2) If the decrease determined under division (A)(1)(a) or (b) of this section exceeds ten per cent and the overall change in utility tangible personal property subject to taxation is negative, the Tax Commissioner shall certify all of the following	153214 153215 153216 153217

to the Department of Education and the Office of Budget and Management:	153218 153219
(a) The district's total taxable value for tax year 2023;	153220
(b) The change in taxes charged and payable on the district's total taxable value for tax year 2017 and tax year 2023;	153221 153222
(c) The taxable value of the utility tangible personal property decrease, which shall be considered a change in valuation;	153223 153224 153225
(d) The change in taxes charged and payable on such change in taxable value calculated in the same manner as in division (A)(3) of section 3317.021 of the Revised Code.	153226 153227 153228
(3) Upon receipt of a certification under division (A)(2) of this section, the Department of Education shall replace the three-year average valuations that were used in computing the district's state education aid for fiscal year 2019 with the taxable value certified under division (A)(2)(a) of this section and shall recompute the district's state education aid for fiscal year 2019 without applying any funding limitations enacted by the General Assembly to the computation. The Department shall pay to the district an amount equal to the greater of the following:	153229 153230 153231 153232 153233 153234 153235 153236 153237
(a) The lesser of the following:	153238
(i) The positive difference between the district's state education aid for fiscal year 2019 prior to the recomputation under division (A)(3) of this section and the district's recomputed state education aid for fiscal year 2019;	153239 153240 153241 153242
(ii) The absolute value of the amount certified under division (A)(2)(b) of this section.	153243 153244
(b) The absolute value of the amount certified under division (A)(2)(b) of this section X 0.50.	153245 153246
(B)(1) On or before May 15, 2025, the Tax Commissioner shall	153247

determine for each city, local, exempted village, and joint	153248
vocational school district that has at least one power plant	153249
located within its territory:	153250
(a) Whether the taxable value of all utility tangible	153251
personal property subject to taxation by the district in tax year	153252
2024 was less than the taxable value of such property during tax	153253
year 2017;	153254
(b) Whether the taxable value of all utility tangible	153255
personal property subject to taxation by the district in tax year	153256
2024 was less than the taxable value of such property during tax	153257
year 2023.	153258
(2) If the decrease determined under division (B)(1)(a) or	153259
(b) of this section exceeds ten per cent and the overall change in	153260
utility tangible personal property subject to taxation is	153261
negative, the Tax Commissioner shall certify all of the following	153262
to the Department of Education and the Office of Budget and	153263
Management:	153264
(a) The district's total taxable value for tax year 2024;	153265
(b) The change in taxes charged and payable on the district's	153266
total taxable value for tax year 2017 and tax year 2024;	153267
(c) The taxable value of the utility tangible personal	153268
property decrease, which shall be considered a change in	153269
valuation;	153270
(d) The change in taxes charged and payable on such change in	153271
taxable value calculated in the same manner as in division (A)(3)	153272
of section 3317.021 of the Revised Code.	153273
(3) Upon receipt of a certification under division (B)(2) of	153274
this section, the Department of Education shall replace the	153275
three-year average valuations that were used in computing the	153276
district's state education aid for fiscal year 2019 with the	153277

taxable value certified under division (B)(2)(a) of this section 153278
and shall recompute the district's state education aid for fiscal 153279
year 2019 without applying any funding limitations enacted by the 153280
General Assembly to the computation. The Department shall pay to 153281
the district an amount equal to the greater of the following: 153282

(a) The lesser of the following: 153283

(i) The positive difference between the district's state 153284
education aid for fiscal year 2019 prior to the recomputation 153285
under division (B)(3) of this section and the district's 153286
recomputed state education aid for fiscal year 2019; 153287

(ii) The absolute value of the amount certified under 153288
division (B)(2)(b) of this section. 153289

(b) The absolute value of the amount certified under division 153290
(B)(2)(b) of this section X 0.50. 153291

(C) The Department of Education shall make payments under 153292
division (A)(3) of this section between June 1, 2024, and June 30, 153293
2024, and the Department shall make payments under division (B)(3) 153294
of this section between June 1, 2025, and June 30, 2025. The 153295
Department shall not calculate or make payments under section 153296
3317.028 of the Revised Code for fiscal years 2024 and 2025. 153297

Section 265.320. E-SCHOOL FUNDING PILOT 153298

(A) As used in this section: 153299

(1) "Eligible internet- or computer-based community school" 153300
means an internet- or computer-based community school that 153301
participated in the pilot program created under Section 5 of H.B. 153302
123 of the 133rd General Assembly in fiscal year 2023. 153303

(2) "Formula amount" shall equal the amount specified in 153304
division (F)(1) of the section of H.B. 166 of the 133rd General 153305
Assembly entitled "OPERATING FUNDING FOR FISCAL YEARS 2020 and 153306
2021." 153307

(3) "Internet- or computer-based community school" has the same meaning as in section 3314.02 of the Revised Code.

(B) The Department of Education shall continue the pilot program created under Section 5 of H.B. 123 of the 133rd General Assembly to provide additional funding for students enrolled in grades eight through twelve in eligible internet- or computer-based community schools for fiscal years 2024 and 2025.

(C) For fiscal years 2024 and 2025, the Department of Education shall require each eligible internet- or computer-based community school that chooses to participate in the pilot program to report all information that is necessary to make payments under division (D) of this section.

(D) For fiscal years 2024 and 2025, the Department shall calculate an additional payment for each eligible internet- or computer-based community school that chooses to participate in the pilot program, as follows:

(1) Compute the lesser of the following for each student enrolled in grades eight through twelve:

(a) The formula amount X the maximum full-time equivalency for the portion of the school year for which the student is enrolled in the school;

(b) The sum of the following:

(i) A one-time payment of \$1,750. In the case of a student enrolled in the school for the first time for the 2023-2024 or 2024-2025 school year, payment shall be made under division (D)(1)(b)(i) of this section at least thirty days after the student is considered to be enrolled in the school in accordance with division (H)(2) of section 3314.08 of the Revised Code, provided the student has been continuously enrolled in the school during that time, as determined by the Department. In the case of a student that was enrolled in the school for the 2023-2024 or

2024-2025 school year, payment shall be made under division 153339
(D)(1)(b)(i) of this section at least thirty days after the 153340
student has started to participate in learning opportunities for 153341
the 2023-2024 or 2024-2025 school year, provided the student has 153342
been continuously enrolled in the school during that time, as 153343
determined by the Department. 153344

(ii) The formula amount $X (1/920) X$ the lesser of the number 153345
of hours the student participates in learning opportunities in 153346
that fiscal year or 920; 153347

(iii) The lesser of ($\$500 X$ either the number of courses 153348
completed by the student in that fiscal year, in the case of a 153349
student enrolled in grade eight, or the number of credits earned 153350
by the student in that fiscal year, in the case of a student 153351
enrolled in grades nine through twelve) or $\$2,500$. 153352

(2) Compute the sum of the amounts calculated under division 153353
(D)(1) of this section for all students enrolled in grades eight 153354
through twelve. 153355

(3) Compute the school's payment in accordance with the 153356
following formula: 153357

The amount determined under division (D)(2) of this section - (the 153358
number of full-time equivalent students enrolled in grades eight 153359
through twelve in the school X the formula amount) 153360

If the amount computed under division (D)(3) is a negative 153361
number, the school shall not receive a payment under this section. 153362

(E) The Department may complete a review of the enrollment of 153363
each eligible internet- or computer-based community school that 153364
chooses to participate in the pilot program in accordance with 153365
division (K) of section 3314.08 of the Revised Code. If the 153366
Department determines a school has been overpaid based on a review 153367
completed under division (E) of this section, the Department shall 153368
require a repayment of the overpaid funds and may require the 153369

school to establish a plan to improve the reporting of enrollment. 153370

Section 265.330. LITERACY IMPROVEMENT 153371

(A)(1) Of the foregoing appropriation item 200566, Literacy 153372
Improvement, up to \$21,500,000 in each fiscal year shall be used 153373
by the Department of Education to reimburse school districts, 153374
community schools established under Chapter 3314. of the Revised 153375
Code, and STEM schools established under Chapter 3326. of the 153376
Revised Code for stipends paid under division (A)(3) of this 153377
section to teachers to complete professional development in the 153378
science of reading and evidence-based strategies for effective 153379
literacy instruction. The Department shall provide professional 153380
development courses for this purpose. 153381

(2) Districts and schools shall require all teachers and 153382
administrators to complete a course provided by the Department 153383
under division (A)(1) of this section not later than June 30, 153384
2025, except that any teacher or administrator who has previously 153385
completed similar training, as determined by the Department, shall 153386
not be required to complete the course. Teachers shall complete 153387
the course at a time that minimizes disruptions to normal 153388
instructional hours. Districts and schools shall pay a stipend to 153389
each teacher who completes a professional development course under 153390
division (A)(2) of this section as follows: 153391

(a) \$600 for each of the following: 153392

(i) A teacher of grades kindergarten through five; 153393

(ii) An English language arts teacher of grades six through 153394
twelve; 153395

(iii) An intervention specialist, English learner teacher, 153396
reading specialist, or instructional coach who serves any of 153397
grades pre-kindergarten through twelve. 153398

(b) \$200 for each teacher who teaches a subject area other 153399

than English language arts in grades six through twelve. 153400

(3) Each district or school may apply to the Department, in a 153401
manner prescribed by the Department, for reimbursement of the cost 153402
of the stipends. The Department shall not reimburse any stipend 153403
paid to an administrator to complete a professional development 153404
course provided by the Department under division (A)(2) of this 153405
section. 153406

(4)(a) The Department of Education shall work with the 153407
Department of Higher Education, institutions of higher education 153408
that offer educator preparation programs, and local professional 153409
development committees established under section 3319.22 of the 153410
Revised Code to help teachers and administrators who complete a 153411
professional development course under division (A)(2) of this 153412
section to earn college credit or to apply the coursework toward 153413
their licensure renewal requirements. 153414

(b) The Department of Education shall collaborate with the 153415
Department of Higher Education and institutions of higher 153416
education that offer educator preparation programs to align the 153417
coursework of the programs with the science of reading and 153418
evidence-based strategies for effective literacy instruction. 153419

(5) An amount equal to the unexpended, unencumbered balance 153420
of the amount allocated in division (A)(1) of this section at the 153421
end of fiscal year 2024 is hereby reappropriated to the Department 153422
of Education for the same purpose in fiscal year 2025. 153423

(B)(1) Of the foregoing appropriation item 200566, Literacy 153424
Improvement, up to \$44,000,000 in fiscal year 2024 shall be used 153425
by the Department of Education to subsidize the cost for school 153426
districts, community schools, and STEM schools to purchase 153427
high-quality core curriculum and instructional materials in 153428
English language arts and evidence-based reading intervention 153429
programs from the lists established under section 3313.6028 of the 153430

Revised Code. An amount equal to the unexpended, unencumbered 153431
balance of the amount allocated in this division, at the end of 153432
fiscal year 2024 is hereby reappropriated to the Department for 153433
the same purpose in fiscal year 2025. 153434

(2) The Department shall conduct a survey to collect 153435
information on the core curriculum and instructional materials in 153436
English language arts in grades pre-kindergarten through five and 153437
the reading intervention programs in grades pre-kindergarten 153438
through twelve that are being used by public schools. Each school 153439
district, community school, and STEM school shall participate in 153440
the survey and shall provide the information requested by the 153441
Department. 153442

(C) Of the foregoing appropriation item 200566, Literacy 153443
Improvement, up to \$6,000,000 in fiscal year 2024 and up to 153444
\$12,000,000 in fiscal year 2025 shall be used for coaches to 153445
provide literacy supports to school districts, community schools, 153446
and STEM schools with the lowest rates of proficiency in literacy 153447
based on their performance on the English language arts 153448
assessments prescribed under section 3301.0710 of the Revised 153449
Code. The coaches shall have training in the science of reading 153450
and evidence-based strategies for effective literacy instruction 153451
and intervention and shall implement Ohio's Coaching Model, as 153452
described in Ohio's Plan to Raise Literacy Achievement. The 153453
coaches shall be under the direction of the Department but shall 153454
not be employed by the Department. 153455

(D) The remainder of the foregoing appropriation item 200566, 153456
Literacy Improvement, shall be used by the Department of Education 153457
to support early literacy activities to align state, local, and 153458
federal efforts in order to bolster all students' reading success. 153459
Funds shall be distributed to educational service centers to 153460
establish and support regional literacy professional development 153461
teams consistent with section 3312.01 of the Revised Code. A 153462

portion of the funds may be used by the Department for program 153463
administration, monitoring, technical assistance, support, 153464
research, and evaluation. 153465

Section 265.340. ADULT EDUCATION PROGRAMS 153466

Of the foregoing appropriation item 200572, Adult Education 153467
Programs, up to \$6,900,000 in each fiscal year shall be used to 153468
make payments under sections 3314.38, 3317.23, 3317.24, and 153469
3345.86 of the Revised Code. 153470

A portion of the foregoing appropriation item 200572, Adult 153471
Education Programs, shall be used in each fiscal year to make 153472
payments to institutions participating in the Adult Diploma Pilot 153473
Program under section 3313.902 of the Revised Code and to pay 153474
career-technical planning districts for the amounts reimbursed to 153475
students, as prescribed in this section. If funds are insufficient 153476
to make payments for the Adult Diploma Pilot Program, upon the 153477
request of the Superintendent of Public Instruction, the Director 153478
of Budget and Management may transfer appropriation from 153479
appropriation item 200550, Foundation Funding - All Students, to 153480
appropriation item 200572, Adult Education Programs, subject to an 153481
available balance in appropriation item 200550 and Controlling 153482
Board approval. Any appropriation so transferred shall be used to 153483
make payments to institutions participating in the Adult Diploma 153484
Pilot Program pursuant to section 3313.902 of the Revised Code. 153485

Each career-technical planning district shall reimburse 153486
individuals taking a nationally recognized high school equivalency 153487
examination approved by the Department of Education for the first 153488
time for application fees, examination fees, or both, in excess of 153489
\$40, up to a maximum reimbursement per individual of \$80. Each 153490
career-technical planning district shall designate a site or sites 153491
where individuals may register and take an approved examination. 153492
For each individual who registers for an approved examination, the 153493

career-technical planning district shall make available and offer 153494
career counseling services, including information on adult 153495
education programs that are available. A portion of the 153496
appropriation item may be used to reimburse the Department of 153497
Youth Services and the Department of Rehabilitation and Correction 153498
for individuals in these facilities who have taken an approved 153499
examination for the first time. The amounts reimbursed shall not 153500
exceed the per-individual amounts reimbursed to other individuals 153501
under this section for an approved examination. 153502

Notwithstanding any provision of law to the contrary, the 153503
unexpended balance of appropriations for payments under sections 153504
3313.902, 3314.38, 3317.23, 3317.24, and 3345.86 of the Revised 153505
Code at the end of each fiscal year may be encumbered by the 153506
Department of Education and remain available for payment for a 153507
period not to exceed two years from the end of each fiscal year in 153508
which the funds were originally appropriated, in accordance with 153509
guidelines established by the Superintendent of Public 153510
Instruction. 153511

A portion of the foregoing appropriation item 200572, Adult 153512
Education Programs, may be used for program administration, 153513
technical assistance, support, research, and evaluation of adult 153514
education programs, including high school equivalency examinations 153515
approved by the Department of Education. 153516

Section 265.350. HALF-MILL MAINTENANCE EQUALIZATION 153517

The foregoing appropriation item 200574, Half-Mill 153518
Maintenance Equalization, shall be used to make payments pursuant 153519
to section 3318.18 of the Revised Code. 153520

Section 265.355. PROGRAM AND PROJECT SUPPORT 153521

Of the foregoing appropriation item 200597, Program and 153522
Project Support, up to \$3,500,000 in each fiscal year shall be 153523

distributed to the Ohio Alliance of Boys and Girls Clubs to 153524
support the establishment and expansion of Boys and Girls Clubs in 153525
Ohio communities not already served by Boys and Girls Clubs, which 153526
shall use these funds to support after-school and summer 153527
programming. These funds shall also be used to support academic 153528
programs to address learning loss. 153529

Of the foregoing appropriation item 200597, Program and 153530
Project Support, up to \$1,500,000 in each fiscal year shall be 153531
used for purposes of the section of this act entitled "FINANCIAL 153532
LITERACY AND WORKFORCE READINESS PROGRAMMING INITIATIVE." 153533

Of the foregoing appropriation item 200597, Program and 153534
Project Support, \$598,000 in each fiscal year shall be used to 153535
support instruction in cardiopulmonary resuscitation and the use 153536
of an automated external defibrillator required for high school 153537
students pursuant to section 3313.6021 of the Revised Code, in a 153538
manner determined by the Department of Education. 153539

Of the foregoing appropriation item 200597, Program and 153540
Project Support, up to \$200,000 in each fiscal year shall be 153541
distributed to Child and Adolescent Behavioral Health. 153542

Section 265.360. MEDICAID IN SCHOOLS PROGRAM 153543

The foregoing appropriation item, 657401, Medicaid in Schools 153544
Program, shall be used by the Department of Education to support 153545
the Medicaid in Schools Program. 153546

Section 265.370. TEACHER CERTIFICATION AND LICENSURE 153547

The foregoing appropriation item 200681, Teacher 153548
Certification and Licensure, shall be used by the Department of 153549
Education to administer and support teacher certification and 153550
licensure activities. 153551

Section 265.380. SCHOOL DISTRICT SOLVENCY ASSISTANCE 153552

(A) The foregoing appropriation item 200687, School District Solvency Assistance, shall be allocated to the School District Shared Resource Account and the Catastrophic Expenditures Account in amounts determined by the Superintendent of Public Instruction. These funds shall be used to provide assistance and grants to school districts to enable them to remain solvent under section 3316.20 of the Revised Code. Assistance and grants shall be subject to approval by the Controlling Board. Except as provided under division (C) of this section, any required reimbursements from school districts for solvency assistance shall be made to the appropriate account in the School District Solvency Assistance Fund (Fund 5H30).

(B) Notwithstanding any provision of law to the contrary, upon the request of the Superintendent of Public Instruction, the Director of Budget and Management may make transfers to the School District Solvency Assistance Fund (Fund 5H30) from any fund used by the Department of Education or the General Revenue Fund to maintain sufficient cash balances in Fund 5H30 in fiscal years 2024 and 2025. Any cash transferred is hereby appropriated. The transferred cash may be used by the Department to provide assistance and grants to school districts to enable them to remain solvent and to pay unforeseeable expenses of a temporary or emergency nature that the school district is unable to pay from existing resources. The Director shall notify the members of the Controlling Board of any such transfers.

(C) If the cash balance of the School District Solvency Assistance Fund (Fund 5H30) is insufficient to pay solvency assistance in fiscal years 2024 and 2025, at the request of the Superintendent of Public Instruction, and with the approval of the Controlling Board, the Director of Budget and Management may transfer cash from the Lottery Profits Education Reserve Fund (Fund 7018) to Fund 5H30 to provide assistance and grants to

school districts to enable them to remain solvent and to pay 153585
unforeseeable expenses of a temporary nature that they are unable 153586
to pay from existing resources under section 3316.20 of the 153587
Revised Code. Such transfers are hereby appropriated to 153588
appropriation item 200670, School District Solvency Assistance - 153589
Lottery. Any required reimbursements from school districts for 153590
solvency assistance granted from appropriation item 200670, School 153591
District Solvency Assistance - Lottery, shall be made to Fund 153592
7018. 153593

Section 265.390. FOUNDATION FUNDING - ALL STUDENTS 153594

(A) The foregoing appropriation item 200604, Foundation 153595
Funding - All Students, shall be used in conjunction with 153596
appropriation items 200550, Foundation Funding - All Students, and 153597
200612, Foundation Funding - All Students, to distribute the 153598
amounts calculated for disadvantaged pupil impact aid under 153599
sections 3317.022 and 3317.16 of the Revised Code and the portions 153600
of the state share of the base cost calculated under those 153601
sections that are attributable to the staffing cost for the 153602
student wellness and success component of the base cost, as 153603
determined by the Department of Education. 153604

(B) A district or school shall spend any remaining student 153605
wellness and success funds it received for fiscal year 2020 or 153606
fiscal year 2021 under section 3317.26 of the Revised Code, as 153607
that section existed prior to September 30, 2021, in accordance 153608
with that section. The Department may require districts and 153609
schools to report how all of those funds are spent. 153610

Section 265.400. SCHOOL BUS PURCHASE 153611

Notwithstanding any provision of law to the contrary, school 153612
bus purchase funds awarded in fiscal year 2022 or fiscal year 2023 153613
may be used through fiscal year 2025. The Department may also 153614

extend the period of availability due to supply chain disruptions 153615
and delays. 153616

Section 265.405. INTERSCHOLASTIC ATHLETICS AND 153617
EXTRACURRICULAR ACTIVITIES 153618

Of the foregoing appropriation item 200490, Interscholastic 153619
Athletics and Extracurricular Activities, an amount equal to three 153620
per cent of the cash deposited into the Sports Gaming Profits 153621
Education Fund (Fund 5Y00) but not less than \$500,000 in each 153622
fiscal year shall be used by the Department of Education, in 153623
collaboration with the Adaptive Sports Program of Ohio, to fund 153624
adaptive sports programs in school districts across the state. 153625
After each quarterly deposit of cash into Fund 5Y00 in each fiscal 153626
year, the Superintendent of Public Instruction shall certify to 153627
the Director of Budget and Management three per cent of the amount 153628
deposited. The Director may authorize additional expenditures from 153629
appropriation item 200490, Interscholastic Athletics and 153630
Extracurricular Activities, equal to the amount certified. The 153631
amounts authorized by the Director are hereby appropriated. 153632

The remainder of the foregoing appropriation item 200490, 153633
Interscholastic Athletics and Extracurricular Activities, shall be 153634
distributed by the Department of Education on a per-pupil basis to 153635
reduce or eliminate pay-to-play fees for interscholastic athletics 153636
and extracurricular activities, as determined by the Department. 153637

Section 265.407. PUBLIC AND NONPUBLIC EDUCATION SUPPORT 153638

The foregoing appropriation item 200491, Public and Nonpublic 153639
Education Support, shall be used in conjunction with appropriation 153640
item 200550, Foundation Funding - All Students, to distribute the 153641
amounts calculated for formula aid under section 3317.022 of the 153642
Revised Code. 153643

Section 265.409. CAREER-TECHNICAL EDUCATION EQUIPMENT 153644

The foregoing appropriation item 2006A2, Career-Technical 153645
Education Equipment, shall be used by the Department of Education, 153646
in consultation with the Governor's Office of Workforce 153647
Transformation and the Ohio Facilities Construction Commission, to 153648
establish a program to assist city, local, exempted village, and 153649
joint vocational school districts, community schools, and STEM 153650
schools in establishing or expanding career-technical education 153651
programs, with priority for career-technical education programs 153652
that support careers on Ohio's Top Jobs List, and establishing or 153653
expanding credentialing programs that qualify for the Innovative 153654
Workforce Incentive Program. 153655

An amount equal to the unexpended, unencumbered balance of 153656
the foregoing appropriation item 2006A2, Career-Technical 153657
Education Equipment, at the end of fiscal year 2024 is hereby 153658
reappropriated for the same purpose in fiscal year 2025. 153659

Notwithstanding any provision of law to the contrary, the 153660
Department of Education may extend the period of availability of 153661
awards made under this section up to two fiscal years according to 153662
guidelines established by the Department of Education. 153663

Section 265.410. LOTTERY PROFITS EDUCATION FUND 153664

The foregoing appropriation item 200612, Foundation Funding - 153665
All Students, shall be used in conjunction with appropriation item 153666
200550, Foundation Funding - All Students, to distribute the 153667
amounts calculated for formula aid under section 3317.022 of the 153668
Revised Code. 153669

The Department of Education, with the approval of the 153670
Director of Budget and Management, shall determine the monthly 153671
distribution schedules of appropriation item 200550, Foundation 153672
Funding - All Students, and appropriation item 200612, Foundation 153673

Funding - All Students. If adjustments to the monthly distribution 153674
schedule are necessary, the Department shall make such adjustments 153675
with the approval of the Director. 153676

Section 265.420. EDUCATION STUDIES 153677

Of the foregoing appropriation item 200611, Education 153678
Studies, a portion of the funds shall be used by the Department of 153679
Education, in consultation with the Department of Mental Health 153680
and Addiction Services, to conduct an evaluation of the impact of 153681
student wellness and success funds on student measures such as 153682
school climate, attendance, discipline, and academic achievement, 153683
as determined by the department. 153684

Of the foregoing appropriation item 200611, Education 153685
Studies, a portion of the funds shall be used by the Department of 153686
Education to conduct a study of access to all-day kindergarten 153687
across the state, including barriers to offering all-day 153688
kindergarten and age cut-off dates. In conducting the study, the 153689
Department shall engage with superintendents and school treasurers 153690
from districts charging tuition for all-day kindergarten or not 153691
offering all-day kindergarten. The department shall submit 153692
recommendations to the Governor on the feasibility of requiring 153693
the availability of all-day kindergarten. 153694

Of the foregoing appropriation item 200611, Education 153695
Studies, up to \$500,000 in fiscal year 2024 shall be used by the 153696
Department of Education to conduct a study to determine the needs 153697
of Ohio's economically disadvantaged students, the most effective 153698
services for meeting those needs, and the cost of implementing 153699
those services using Ohio cost data, including all current 153700
expenditures and inputs supporting economically disadvantaged 153701
students. The Department shall issue a report on the results of 153702
the study, which shall include recommendations regarding the 153703
measures and parameters for determining student eligibility for 153704

the services identified by the study. The recommendations shall 153705
take into account existing state and federal resources used to 153706
provide such services. An amount equal to the unexpended, 153707
unencumbered balance of this set-aside at the end of fiscal year 153708
2024 is hereby reappropriated for the same purpose in fiscal year 153709
2025. 153710

Section 265.430. QUALITY COMMUNITY AND INDEPENDENT STEM 153711
SCHOOLS SUPPORT 153712

(A) The foregoing appropriation item 200631, Quality 153713
Community and Independent STEM Schools Support, shall be used for 153714
the Quality Community and Independent STEM School Support Program. 153715
Under the program, the Department of Education shall pay each 153716
community school established under Chapter 3314. of the Revised 153717
Code and designated as a Community School of Quality under this 153718
section and each STEM school established under Chapter 3326. of 153719
the Revised Code and designated as an Independent STEM School of 153720
Quality under this section an amount up to \$3,000 in each fiscal 153721
year for each pupil identified as economically disadvantaged and 153722
up to \$2,250 in each fiscal year for each pupil that is not 153723
identified as economically disadvantaged. The payment for the 153724
current fiscal year shall be calculated using the adjusted 153725
full-time equivalent number of students enrolled in the school for 153726
the current fiscal year as of the date the payment is made, as 153727
reported by the school under section 3314.08 of the Revised Code. 153728
The Department shall make the payment to each Community School of 153729
Quality or Independent STEM School of Quality not later than 153730
January 31 of each fiscal year. If the amount appropriated is not 153731
sufficient to pay the amounts calculated pursuant to this section, 153732
the Superintendent of Public Instruction may request the Director 153733
of Budget and Management to authorize expenditures in excess of 153734
the amounts appropriated. Upon approval by the Director of Budget 153735
and Management, the additional amounts are hereby appropriated to 153736

appropriation item 200631, Quality Community and Independent STEM Schools Support. 153737
153738

(B) To be designated as a Community School of Quality, a community school shall satisfy at least one of the following conditions: 153739
153740
153741

(1) The community school meets all of the following criteria: 153742

(a) The school's sponsor was rated "exemplary" or "effective" on the sponsor's most recent evaluation conducted under section 3314.016 of the Revised Code. 153743
153744
153745

(b) The school received a higher performance index score than the school district in which the school is located on the two most recent report cards issued for the school under section 3302.03 of the Revised Code. 153746
153747
153748
153749

(c) The school received a performance rating of four stars or higher for the value-added progress dimension on the most recent report card issued for the school under section 3302.03 of the Revised Code or is a school described under division (A)(4) of section 3314.35 of the Revised Code and did not receive a rating for the value-added progress dimension on the most recent report card. 153750
153751
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(d) At least fifty per cent of the students enrolled in the school are economically disadvantaged, as determined by the Department. 153757
153758
153759

(2) The community school meets all of the following criteria: 153760

(a) The school's sponsor was rated "exemplary" or "effective" on the sponsor's most recent evaluation conducted under section 3314.016 of the Revised Code. 153761
153762
153763

(b) The school is in its first year of operation or the school opened as a kindergarten school and has added one grade per year and has been in operation for less than four school years. 153764
153765
153766

(c) The school is replicating an operational and instructional model used by a community school described in division (B)(1) of this section.	153767 153768 153769
(d) If the school has an operator, the operator received a "C" or better on its most recent performance report published under section 3314.031 of the Revised Code.	153770 153771 153772
(3) The community school meets all of the following criteria:	153773
(a) The school's sponsor was rated "exemplary" or "effective" on the sponsor's most recent evaluation conducted under section 3314.016 of the Revised Code.	153774 153775 153776
(b) The school contracts with an operator that operates schools in other states and meets at least one of the following criteria:	153777 153778 153779
(i) Has operated a school that received a grant funded through the federal Charter School Program established under 20 U.S.C. 7221 within the five years prior to the date of application or received funding from the Charter School Growth Fund;	153780 153781 153782 153783
(ii) Meets all of the following criteria:	153784
(I) One of the operator's schools in another state performed better than the school district in which the school is located, as determined by the Department.	153785 153786 153787
(II) At least fifty per cent of the total number of students enrolled in all of the operator's schools are economically disadvantaged, as determined by the Department.	153788 153789 153790
(III) The operator is in good standing in all states where it operates schools, as determined by the Department.	153791 153792
(IV) The Department has determined that the operator does not have any financial viability issues that would prevent it from effectively operating a community school in Ohio.	153793 153794 153795
(c) The school is in its first year of operation.	153796

(C) To be designated as an Independent STEM School of Quality, a STEM school shall satisfy all of the following criteria: 153797
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153799

(1) The STEM school operates autonomously under section 3326.031 of the Revised Code. 153800
153801

(2) The STEM school does not have a STEM school equivalent designation under section 3326.032 of the Revised Code. 153802
153803

(3) The STEM school is not governed by a school district under section 3326.51 of the Revised Code. 153804
153805

(4) The STEM school is not a community school established under Chapter 3314. of the Revised Code. 153806
153807

(5) The STEM school cannot levy taxes or issue tax-secured bonds in accordance with section 3326.49 of the Revised Code. 153808
153809

(6) The STEM school satisfies the requirements prescribed by section 3326.03 of the Revised Code. 153810
153811

(7) The STEM school satisfies the requirements described in the Quality Model for STEM and STEAM Schools established by the Department of Education in accordance with Chapter 3326. of the Revised Code. 153812
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153814
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(D) A school designated as a Community School of Quality under division (B) of this section or Independent STEM school of Quality under division (C) of this section shall maintain that designation for the two fiscal years following the fiscal year in which the school was initially designated as a Community or Independent STEM School of Quality. 153816
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(E) A school designated a Community or Independent STEM School of Quality may renew its designation each year that it satisfies the criteria under division (B)(1) or (C) of this section. The school shall maintain that designation for the two fiscal years following each fiscal year in which the criteria 153822
153823
153824
153825
153826

under division (B)(1) or (C) of this section are satisfied. This 153827
division applies to schools designated as a Community or 153828
Independent STEM School of Quality based on the report cards 153829
issued in accordance with sections 3302.03 and 3314.012 of the 153830
Revised Code for the 2017-2018 and 2018-2019 school years. 153831

(F) A school that was designated as a Community School of 153832
Quality for the first time for the 2019-2020 school year shall be 153833
considered to have maintained that designation for the 2022-2023 153834
school year and may renew its designation under division (D) of 153835
this section after that year. 153836

(G) If two or more community schools have merged or merge in 153837
accordance with division (B) of section 3314.0211 of the Revised 153838
Code on or after June 30, 2022, the surviving community school is 153839
eligible to receive funds under this program, provided it 153840
otherwise qualifies as a Community School of Quality under 153841
division (B)(1), (2), or (3) of this section. In such a case, the 153842
payment for the current fiscal year shall be calculated using the 153843
adjusted full-time equivalent number of students enrolled in the 153844
school for the current fiscal year as of the date the payment is 153845
made, as reported by the surviving community school under section 153846
3314.08 of the Revised Code, regardless of whether those students 153847
were previously enrolled in a community school that was dissolved 153848
as part of the merger. A community school that was qualified to 153849
receive funds under the program prior to merging on or after June 153850
30, 2022, and was dissolved due to the merger, shall be considered 153851
to have been eligible for funds under the program prior to the 153852
effective date of this section and shall not be required to return 153853
any funds received prior to that date. 153854

Section 265.440. COMMUNITY SCHOOL FACILITIES 153855

The foregoing appropriation item 200684, Community School 153856
Facilities, shall be used to pay each community school established 153857

under Chapter 3314. of the Revised Code and each STEM school 153858
established under Chapter 3326. of the Revised Code an amount 153859
equal to \$25 in each fiscal year for each full-time equivalent 153860
pupil in an internet- or computer-based community school and 153861
\$1,000 in each fiscal year for each full-time equivalent pupil in 153862
all other community or STEM schools for assistance with the cost 153863
associated with facilities. If the amount appropriated is not 153864
sufficient, the Department shall prorate the amounts so that the 153865
aggregate amount appropriated is not exceeded. 153866

Section 265.450. LOTTERY PROFITS EDUCATION RESERVE FUND 153867

(A) There is hereby created the Lottery Profits Education 153868
Reserve Fund (Fund 7018) in the State Treasury. Investment 153869
earnings of the Lottery Profits Education Reserve Fund shall be 153870
credited to the fund. 153871

(B) Notwithstanding any other provision of law to the 153872
contrary, the Director of Budget and Management may transfer cash 153873
from Fund 7018 to the Lottery Profits Education Fund (Fund 7017) 153874
in fiscal year 2024 and fiscal year 2025. 153875

(C) On July 15, 2023, or as soon as possible thereafter, the 153876
Director of the Ohio Lottery Commission shall certify to the 153877
Director of Budget and Management the amount by which lottery 153878
profit transfers received by Fund 7017 exceeded \$1,263,000,000 in 153879
fiscal year 2023. 153880

(D) On July 15, 2024, or as soon as possible thereafter, the 153881
Director of the Ohio Lottery Commission shall certify to the 153882
Director of Budget and Management the amount by which lottery 153883
profit transfers received by Fund 7017 exceeded \$1,424,000,000 in 153884
fiscal year 2024. 153885

(E) Notwithstanding any provision of law to the contrary, in 153886
fiscal year 2024 and fiscal year 2025, the Director of Budget and 153887

Management may transfer cash in excess of the amounts necessary to 153888
support appropriations in Fund 7017 from that fund to Fund 7018. 153889

Section 265.460. FEDERAL COVID RELIEF REAPPROPRIATIONS 153890

(A) On July 1, 2023, or as soon as possible thereafter, the 153891
Superintendent of Public Instruction may certify to the Director 153892
of Budget and Management amounts equal to the unexpended, 153893
unencumbered balances of appropriation items under the following 153894
funds at the end of fiscal year 2023 to be reappropriated to 153895
fiscal year 2024: 153896

(1) The ARP - Homeless Children and Youth Fund (Fund 3HZ0); 153897

(2) The ARP - Students with Disabilities Fund (Fund 3IA0). 153898

The Director of Budget and Management may approve up to the 153899
amounts certified. The approved amounts are hereby reappropriated 153900
to the same appropriation items and shall be used for the same 153901
purposes in fiscal year 2024. 153902

(B) On July 1, 2024, or as soon as possible thereafter, the 153903
Superintendent of Public Instruction may certify to the Director 153904
of Budget and Management amounts equal to the unexpended, 153905
unencumbered balances of appropriation items under the following 153906
funds at the end of fiscal year 2024 to be reappropriated to 153907
fiscal year 2025: 153908

(1) The Governor's Emergency Education Relief Fund (Fund 153909
3HQ0); 153910

(2) The Federal Coronavirus School Relief Fund (Fund 3HS0); 153911

(3) The ARP - Homeless Children and Youth Fund (Fund 3HZ0). 153912

The Director of Budget and Management may approve up to the 153913
amounts certified. The approved amounts are hereby reappropriated 153914
to the same appropriation items and shall be used for the same 153915
purposes in fiscal year 2025. 153916

Section 265.465. EMERGENCY ASSISTANCE TO NON-PUBLIC SCHOOLS	153917
REALLOCATION	153918
(A) Of appropriation item 200651, Emergency Assistance to	153919
Non-Public Schools, up to \$1,000,000 in fiscal year 2024 shall be	153920
used to support the pilot program established in the section of	153921
this act entitled "PUPIL TRANSPORTATION PILOT PROGRAM."	153922
(B) The Department shall support the set-aside in division	153923
(A) of this section using reallocated federal Emergency Assistance	153924
to Non-Public Schools funds under Title III, section 312(d)(6) of	153925
the federal "Consolidated Appropriations Act, 2021," Pub. L. No.	153926
116-260.	153927
Section 265.470. NEGATIVE FUND BALANCE DUE TO DELAY IN	153928
ELEMENTARY AND SECONDARY SCHOOL EMERGENCY RELIEF FUND CLAIMS	153929
REIMBURSEMENTS	153930
Notwithstanding any provision of law to the contrary, a	153931
school district, community school, or STEM school may have a	153932
deficit in the special revenue fund established to receive funds	153933
from the Elementary and Secondary School Emergency Relief Fund	153934
under the federal "Coronavirus Aid, Relief, and Economic Security	153935
Act," Pub. L. No. 116-136, the federal "Consolidated	153936
Appropriations Act, 2021," Pub. L. No. 116-260, and the federal	153937
"American Rescue Plan Act of 2021," Pub. L. No. 117-2, in fiscal	153938
year 2023, fiscal year 2024, or fiscal year 2025 when that deficit	153939
resulted from a temporary delay in the Department of Education's	153940
ability to process claims for reimbursement.	153941
Section 265.480. SCHOOL DISTRICT PARTICIPATION IN NATIONAL	153942
ASSESSMENT OF EDUCATIONAL PROGRESS	153943
The General Assembly intends for the Superintendent of Public	153944
Instruction to provide for school district participation in the	153945

administration of the National Assessment of Educational Progress 153946
in accordance with section 3301.27 of the Revised Code. Each 153947
school and school district selected for participation by the 153948
Superintendent shall participate. 153949

Section 265.490. EARMARK ACCOUNTABILITY 153950

At the request of the Superintendent of Public Instruction, 153951
any entity that receives a budget earmark under the Department of 153952
Education shall submit annually to the Department a report that 153953
includes a description of the services supported by the funds, a 153954
description of the results achieved by those services, an analysis 153955
of the effectiveness of the program, and an opinion as to the 153956
program's applicability to other school districts. For an 153957
earmarked entity that received state funds from an earmark in the 153958
prior fiscal year, no funds shall be provided by the Department to 153959
an earmarked entity for a fiscal year until its report for the 153960
prior fiscal year has been submitted. 153961

Section 265.500. COMMUNITY SCHOOL OPERATING FROM HOME 153962

A community school established under Chapter 3314. of the 153963
Revised Code that was open for operation as a community school as 153964
of May 1, 2005, may operate from or in any home, as defined in 153965
section 3313.64 of the Revised Code, located in the state, 153966
regardless of when the community school's operations from or in a 153967
particular home began. 153968

Section 265.510. USE OF VOLUNTEERS 153969

The Department of Education may utilize the services of 153970
volunteers to accomplish any of the purposes of the Department. 153971
The Superintendent of Public Instruction shall approve for what 153972
purposes volunteers may be used and for these purposes may 153973
recruit, train, and oversee the services of volunteers. The 153974

Superintendent may reimburse volunteers for necessary and 153975
appropriate expenses in accordance with state guidelines and may 153976
designate volunteers as state employees for the purpose of motor 153977
vehicle accident liability insurance under section 9.83 of the 153978
Revised Code, for immunity under section 9.86 of the Revised Code, 153979
and for indemnification from liability incurred in the performance 153980
of their duties under section 9.87 of the Revised Code. 153981

Section 265.520. FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN 153982

In collaboration with the County Family and Children First 153983
Council, a city, local, or exempted village school district, 153984
community school, STEM school, joint vocational school district, 153985
educational service center, or county board of developmental 153986
disabilities that receives allocations from the Department of 153987
Education from appropriation item 200550, Foundation Funding - All 153988
Students, or appropriation item 200540, Special Education 153989
Enhancements, may transfer portions of those allocations to a 153990
flexible funding pool authorized by the section of this act 153991
entitled "FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL." 153992
Allocations used for maintenance of effort or for federal or state 153993
funding matching requirements shall not be transferred unless the 153994
allocation may still be used to meet such requirements. 153995

Section 265.530. PRIVATE TREATMENT FACILITY PROJECT 153996

(A) As used in this section: 153997

(1) The following are "participating residential treatment 153998
centers": 153999

(a) Private residential treatment facilities that have 154000
entered into a contract with the Department of Youth Services to 154001
provide services to children placed at the facility by the 154002
Department and which, in fiscal year 2024 or fiscal year 2025 or 154003
both, the Department pays through appropriation item 470401, 154004

RECLAIM Ohio;	154005
(b) Abraxas, in Shelby;	154006
(c) Paint Creek, in Bainbridge;	154007
(d) F.I.R.S.T., in Mansfield.	154008
(2) "Education program" means an elementary or secondary	154009
education program or a special education program and related	154010
services.	154011
(3) "Served child" means any child receiving an education	154012
program pursuant to division (B) of this section.	154013
(4) "School district responsible for tuition" means a city,	154014
exempted village, or local school district that, if tuition	154015
payment for a child by a school district is required under law	154016
that existed in fiscal year 1998, is the school district required	154017
to pay that tuition.	154018
(5) "Residential child" means a child who resides in a	154019
participating residential treatment center and who is receiving an	154020
educational program under division (B) of this section.	154021
(B) A youth who is a resident of the state and has been	154022
assigned by a juvenile court or other authorized agency to a	154023
residential treatment facility specified in division (A) of this	154024
section shall be enrolled in an approved educational program	154025
located in or near the facility. Approval of the educational	154026
program shall be contingent upon compliance with the criteria	154027
established for such programs by the Department of Education. The	154028
educational program shall be provided by a school district or	154029
educational service center, or by the residential facility itself.	154030
Maximum flexibility shall be given to the residential treatment	154031
facility to determine the provider. In the event that a voluntary	154032
agreement cannot be reached and the residential facility does not	154033
choose to provide the educational program, the educational service	154034

center in the county in which the facility is located shall 154035
provide the educational program at the treatment center to 154036
children under twenty-two years of age residing in the treatment 154037
center. 154038

(C) Any school district responsible for tuition for a 154039
residential child shall, notwithstanding any conflicting provision 154040
of the Revised Code regarding tuition payment, pay tuition for the 154041
child for fiscal year 2024 and fiscal year 2025 to the education 154042
program provider and in the amount specified in this division. If 154043
there is no school district responsible for tuition for a 154044
residential child and if the participating residential treatment 154045
center to which the child is assigned is located in the city, 154046
exempted village, or local school district that, if the child were 154047
not a resident of that treatment center, would be the school 154048
district where the child is entitled to attend school under 154049
sections 3313.64 and 3313.65 of the Revised Code, that school 154050
district, notwithstanding any conflicting provision of the Revised 154051
Code, shall pay tuition for the child for fiscal year 2024 and 154052
fiscal year 2025 under this division unless that school district 154053
is providing the educational program to the child under division 154054
(B) of this section. 154055

A tuition payment under this division shall be made to the 154056
school district, educational service center, or residential 154057
treatment facility providing the educational program to the child. 154058

The amount of tuition paid shall be: 154059

(1) The amount of tuition determined for the district under 154060
division (A) of section 3317.08 of the Revised Code; 154061

(2) In addition, for any student receiving special education 154062
pursuant to an individualized education program as defined in 154063
section 3323.01 of the Revised Code, a payment for excess costs. 154064
This payment shall equal the actual cost to the school district, 154065

educational service center, or residential treatment facility of 154066
providing special education and related services to the student 154067
pursuant to the student's individualized education program, minus 154068
the tuition paid for the child under division (C)(1) of this 154069
section. 154070

A school district paying tuition under this division shall 154071
not include the child for whom tuition is paid in the district's 154072
average daily membership certified under division (A) of section 154073
3317.03 of the Revised Code. 154074

(D) In each of fiscal years 2024 and 2025, the Department of 154075
Education shall reimburse, from appropriations made for the 154076
purpose, a school district, educational service center, or 154077
residential treatment facility, whichever is providing the 154078
service, that has demonstrated that it is in compliance with the 154079
funding criteria for each served child for whom a school district 154080
must pay tuition under division (C) of this section. The amount of 154081
the reimbursement shall be the amount appropriated for this 154082
purpose divided by the full-time equivalent number of children for 154083
whom reimbursement is to be made. 154084

(E) Funds provided to a school district, educational service 154085
center, or residential treatment facility under this section shall 154086
be used to supplement, not supplant, funds from other public 154087
sources for which the school district, service center, or 154088
residential treatment facility is entitled or eligible. 154089

(F) The Department of Education shall track the utilization 154090
of funds provided to school districts, educational service 154091
centers, and residential treatment facilities under this section 154092
and monitor the effect of the funding on the educational programs 154093
they provide in participating residential treatment facilities. 154094
The Department shall monitor the programs for educational 154095
accountability. 154096

Section 265.540. (A) Notwithstanding anything in the Revised Code to the contrary, the Superintendent of Public Instruction shall not establish any new academic distress commissions for the 2023-2024 and 2024-2025 school years.

(B) This section does not affect an academic distress commission established prior to the effective date of this section.

Section 265.550. PUPIL TRANSPORTATION PILOT PROGRAM

(A) The Department of Education shall establish a pilot program under which an educational service center shall provide transportation to students enrolled in community schools established under Chapter 3314. of the Revised Code, STEM schools established under Chapter 3326. of the Revised Code, and chartered nonpublic schools, in lieu of the students receiving transportation from their resident school district. The Department shall take a regional approach to the pilot program when possible.

(B) Not later than August 1, 2023, the Department, collaborating with the Ohio Educational Service Center (ESC) Association Program Cabinet, shall select up to five educational service centers and a school district served by each service center to participate in the pilot program. Interested educational service centers shall apply to participate in the pilot program in a form and manner determined by the Department and the Ohio ESC Association Program Cabinet. The Department, Ohio ESC Association Program Cabinet, and selected service centers jointly shall identify community schools, STEM schools, and chartered nonpublic schools that enroll students from the district and for whom the service centers will provide transportation during the 2023-2024 school year. No community school, STEM school, or chartered nonpublic school shall be required to participate in the pilot

program. 154127

(C) During the 2023-2024 school year, the Department and the 154128
Ohio ESC Association Program Cabinet shall develop, and the 154129
participating service centers shall implement, the pilot program's 154130
transportation procedures and a payment structure for 154131
transportation funding between participating school districts, 154132
community schools, and STEM schools. 154133

(D) The participating educational service centers and school 154134
districts shall not be subject to section 3327.021 of the Revised 154135
Code during the 2023-2024 school year with regard to students 154136
enrolled in participating schools. Notwithstanding section 3314.46 154137
of the Revised Code, a participating service center may provide 154138
transportation to any participating community school it sponsors. 154139

(E) The educational service centers shall comply with all 154140
transportation requirements for students with disabilities as 154141
specified in the individualized education programs developed for 154142
the students pursuant to Chapter 3323. of the Revised Code. 154143

(F) The Department, in collaboration with the Ohio ESC 154144
Association Program Cabinet, shall evaluate the pilot program and 154145
issue a report of the program's findings and recommendations not 154146
later than July 1, 2024. The report shall include data on the 154147
impact the program had on attendance at the participating school 154148
districts and schools, the finances of the participating school 154149
districts and schools, and any other metrics determined by the 154150
Department and Ohio ESC Association Program Cabinet. The 154151
participating educational service centers and schools shall submit 154152
data and other information to the Department, in a manner 154153
determined by the Department, for the purpose of conducting the 154154
evaluation. 154155

Section 265.560. FINANCIAL LITERACY AND WORKFORCE READINESS 154156
PROGRAMMING INITIATIVE 154157

(A) The Financial Literacy and Workforce Readiness Programming Initiative is hereby established within the Department of Education. The Programming Initiative shall operate in fiscal years 2024 and 2025. The purpose of the Programming Initiative is to ensure the next generation's preparedness in financial literacy, workforce and career readiness, entrepreneurship, and other relevant skills to enter and be competitive in Ohio's future workforce economy.

(B)(1) The Department shall distribute appropriated funds to the following organizations as part of the Programming Initiative:

(a) Junior Achievement of North Central Ohio;

(b) Junior Achievement of Greater Cleveland;

(c) Junior Achievement of Mahoning Valley.

(2) The participating organizations listed under division (B)(1) of this section shall collaborate with local schools, institutions of higher education, local, regional, and statewide employers and businesses, subject matter experts, community-based organizations, and other public-private entities or agencies to implement the Programming Initiative.

(C) The Programming Initiative shall do all of the following:

(1) Place specific emphasis on engagement with students, teachers, and schools primarily located in underserved communities, under-resourced urban and rural areas, or those with populations considered economically disadvantaged;

(2) Increase capacity and resources that expand each of the participating organizations collective ability to offer more financial literacy, workforce readiness and entrepreneurship, or related programming such as work-based learning experiences designed to engage more students in the geographic areas to which the participating organizations provide services;

(3) Increase the number of students measurably impacted by 154188
the participating organizations' services to up to one hundred ten 154189
thousand students in any of grades kindergarten through twelve in 154190
fiscal years 2024 and 2025; 154191

(4) Assist students enrolled in any of grades nine through 154192
twelve with direct entry into the workforce, access to higher 154193
education, or in-demand job training; 154194

(5) Increase each participating organization's ability to 154195
provide teacher-focused programming and support to assist in the 154196
greater integration of the organization's programming into up to 154197
three hundred schools located within its service area; 154198

(6) Strengthen each participating organization's capacity and 154199
resources to collectively provide up to ten student-focused 154200
engagement events involving students and teachers from multiple 154201
schools and communities in northeast and central portions of the 154202
state. The engagement events shall do both of the following: 154203

(a) Enhance and deepen participating students' ability to 154204
demonstrate mastery of financial literacy, workforce or career 154205
readiness, entrepreneurship, or related skills and knowledge vital 154206
to equipping and preparing students with the requisite skills, 154207
competencies, and knowledge to be competitive for in-demand jobs 154208
within the state and global workforce economy, particularly those 154209
that are considered high-growth jobs in the state of Ohio; 154210

(b) Be offered to all partnering schools and respective 154211
students, however the emphasis shall remain on the engagement of 154212
students and schools that meet the conditions prescribed under 154213
division (C)(1) of this section. 154214

Section 267.10. ELC OHIO ELECTIONS COMMISSION 154215

General Revenue Fund 154216

GRF 051321 Operating Expenses \$ 415,000 \$ 432,000 154217

TOTAL GRF General Revenue Fund	\$	415,000	\$	432,000	154218
Dedicated Purpose Fund Group					154219
4P20 051601 Operating Support	\$	210,000	\$	210,000	154220
TOTAL DPF Dedicated Purpose Fund Group	\$	210,000	\$	210,000	154221
TOTAL ALL BUDGET FUND GROUPS	\$	625,000	\$	642,000	154222

Section 269.10. FUN STATE BOARD OF EMBALMERS AND FUNERAL DIRECTORS					154224
Dedicated Purpose Fund Group					154225
4K90 881609 Operating Expenses	\$	1,444,500	\$	1,446,764	154226
TOTAL DPF Dedicated Purpose Fund Group	\$	1,444,500	\$	1,446,764	154227
TOTAL ALL BUDGET FUND GROUPS	\$	1,444,500	\$	1,446,764	154228

Section 269.20. OPERATING EXPENSES					154229
Of the foregoing appropriation item 881609, Operating Expenses, up to \$92,000 in each fiscal year shall be used to employ an Automated Reporting and Preneed Payment Systems (ARPS) Administrator.					154230

Of the foregoing appropriation item 881609, Operating Expenses, up to \$80,000 in each fiscal year shall be used to employ an Indigent Burial and Cremation Support Program Administrator.					154231
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Section 271.10. PAY EMPLOYEE BENEFITS FUNDS					154232
Fiduciary Fund Group					154233
1240 995673 Payroll Deductions	\$	900,725,600	\$	927,747,368	154234
8060 995666 Accrued Leave Fund	\$	125,489,317	\$	129,253,996	154235
8070 995667 Disability Fund	\$	26,672,965	\$	27,471,726	154236
8080 995668 State Employee Health Benefit Fund	\$	1,008,347,532	\$	1,008,157,697	154237

8090	995669	Dependent Care Spending Account	\$	4,483,500	\$	4,483,500	154246
8100	995670	Life Insurance Investment Fund	\$	2,123,113	\$	2,123,113	154247
8110	995671	Parental Leave Benefit Fund	\$	12,362,119	\$	14,147,759	154248
8130	995672	Health Care Spending Account	\$	14,904,666	\$	14,904,666	154249
TOTAL FID Fiduciary Fund Group			\$	2,095,108,812	\$	2,128,289,825	154250
TOTAL ALL BUDGET FUND GROUPS			\$	2,095,108,812	\$	2,128,289,825	154251

Section 271.20. PAYROLL DEDUCTION FUND 154253

The foregoing appropriation item 995673, Payroll Deductions, 154254
shall be used to make payments from the Payroll Deduction Fund 154255
(Fund 1240) pursuant to section 125.21 of the Revised Code. If it 154256
is determined by the Director of Budget and Management that 154257
additional amounts are necessary, the amounts are hereby 154258
appropriated. 154259

ACCRUED LEAVE LIABILITY FUND 154260

The foregoing appropriation item 995666, Accrued Leave Fund, 154261
shall be used to make payments from the Accrued Leave Liability 154262
Fund (Fund 8060) pursuant to section 125.211 of the Revised Code. 154263
If it is determined by the Director of Budget and Management that 154264
additional amounts are necessary, the amounts are hereby 154265
appropriated. 154266

STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND 154267

The foregoing appropriation item 995667, Disability Fund, 154268
shall be used to make payments from the State Employee Disability 154269
Leave Benefit Fund (Fund 8070) pursuant to section 124.83 of the 154270
Revised Code. If it is determined by the Director of Budget and 154271
Management that additional amounts are necessary, the amounts are 154272
hereby appropriated. 154273

STATE EMPLOYEE HEALTH BENEFIT FUND 154274

The foregoing appropriation item 995668, State Employee Health Benefit Fund, shall be used to make payments from the State Employee Health Benefit Fund (Fund 8080) pursuant to section 124.87 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated. 154275
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DEPENDENT CARE SPENDING FUND 154281

The foregoing appropriation item 995669, Dependent Care Spending Account, shall be used to make payments from the Dependent Care Spending Fund (Fund 8090) to employees eligible for dependent care expenses pursuant to section 124.822 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated. 154282
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LIFE INSURANCE INVESTMENT FUND 154289

The foregoing appropriation item 995670, Life Insurance Investment Fund, shall be used to make payments from the Life Insurance Investment Fund (Fund 8100) for the costs and expenses of the state's life insurance benefit program pursuant to section 125.212 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated. 154290
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PARENTAL LEAVE BENEFIT FUND 154297

The foregoing appropriation item 995671, Parental Leave Benefit Fund, shall be used to make payments from the Parental Leave Benefit Fund (Fund 8110) to employees eligible for parental leave benefits pursuant to sections 124.136 and 124.137 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated. 154298
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Notwithstanding any provision of section 124.136 of the Revised Code to the contrary, beginning July 1, 2023, the Director of Administrative Services may use the foregoing appropriation item 995671, Parental leave Benefit Fund, to pay parental leave to employees eligible for parental leave under that section for up to 12 weeks, inclusive of the two week waiting period.

HEALTH CARE SPENDING ACCOUNT FUND

The foregoing appropriation item 995672, Health Care Spending Account, shall be used to make payments from the Health Care Spending Account Fund (Fund 8130) for payments pursuant to state employees' participation in a flexible spending account for nonreimbursed health care expenses and section 124.821 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

Section 273.10. ERB STATE EMPLOYMENT RELATIONS BOARD

General Revenue Fund				154321
GRF 125321 Operating Expenses	\$	4,421,000	\$ 4,466,000	154322
TOTAL GRF General Revenue Fund	\$	4,421,000	\$ 4,466,000	154323
Dedicated Purpose Fund Group				154324
5720 125603 Training and Publications	\$	334,128	\$ 162,149	154325
TOTAL DPF Dedicated Purpose Fund Group	\$	334,128	\$ 162,149	154326
TOTAL ALL BUDGET FUND GROUPS	\$	4,755,128	\$ 4,628,149	154327

Section 275.10. ENG STATE BOARD OF ENGINEERS AND SURVEYORS

Dedicated Purpose Fund Group				154330
4K90 892609 Operating Expenses	\$	1,233,994	\$ 1,281,904	154331
TOTAL DPF Dedicated Purpose Fund	\$	1,233,994	\$ 1,281,904	154332

Group

TOTAL ALL BUDGET FUND GROUPS \$ 1,233,994 \$ 1,281,904 154333

Section 277.10. EPA ENVIRONMENTAL PROTECTION AGENCY 154335

General Revenue Fund 154336

GRF 715502 Auto Emissions \$ 13,865,000 \$ 13,908,000 154337

E-Check Program

TOTAL GRF General Revenue Fund \$ 13,865,000 \$ 13,908,000 154338

Dedicated Purpose Fund Group 154339

4D50 715618 Recycled State \$ 50,000 \$ 50,000 154340

Materials

4J00 715638 Underground Injection \$ 485,800 \$ 485,800 154341

Control

4K20 715648 Clean Air - Non Title \$ 5,086,300 \$ 5,086,300 154342

V

4K30 715649 Solid Waste \$ 16,711,135 \$ 16,698,529 154343

4K40 715650 Surface Water \$ 11,541,000 \$ 12,966,000 154344

Protection

4K50 715651 Drinking Water \$ 7,709,664 \$ 7,992,257 154345

Protection

4P50 715654 Cozart Landfill \$ 10,000 \$ 10,000 154346

4R50 715656 Scrap Tire Management \$ 3,431,065 \$ 3,470,616 154347

4R90 715658 Voluntary Action \$ 1,143,598 \$ 1,143,598 154348

Program

4T30 715659 Clean Air - Title V \$ 10,448,228 \$ 10,377,528 154349

Permit Program

5000 715608 Immediate Removal \$ 750,000 \$ 750,000 154350

Special Account

5030 715621 Hazardous Waste \$ 4,877,120 \$ 4,877,120 154351

Facility Management

5050 715623 Hazardous Waste \$ 10,769,788 \$ 10,769,788 154352

Cleanup

5050	715698	Response and Investigations	\$	3,715,000	\$	3,710,000	154353
5320	715646	Recycling and Litter Control	\$	8,478,000	\$	8,508,000	154354
5410	715670	Site Specific Cleanup	\$	1,271,193	\$	1,271,192	154355
5420	715671	Risk Management Reporting	\$	216,300	\$	220,470	154356
5860	715637	Scrap Tire Market Development	\$	1,000,000	\$	1,000,000	154357
5BC0	715622	Local Air Pollution Control	\$	2,100,000	\$	2,100,000	154358
5BC0	715624	Surface Water	\$	6,606,600	\$	6,606,600	154359
5BC0	715672	Air Pollution Control	\$	8,910,000	\$	8,910,000	154360
5BC0	715673	Drinking and Ground Water	\$	3,700,000	\$	3,700,000	154361
5BC0	715676	Assistance and Prevention	\$	2,082,000	\$	2,093,000	154362
5BC0	715677	Laboratory	\$	3,684,000	\$	3,684,000	154363
5BC0	715678	Corrective Actions	\$	1,211,000	\$	1,211,000	154364
5BC0	715687	Areawide Planning Agencies	\$	450,000	\$	450,000	154365
5BC0	715692	Administration	\$	17,000,000	\$	17,000,000	154366
5BC0	715694	Environmental Resource Coordination	\$	875,000	\$	875,000	154367
5BT0	715679	C&DD Groundwater Monitoring	\$	101,000	\$	101,000	154368
5PZ0	715696	Drinking Water Loan Fee	\$	3,950,988	\$	4,021,500	154369
5Y30	715685	Surface Water Improvement	\$	520,000	\$	520,000	154370
5YY0	715405	National Priorities List Remedial Support Fund	\$	500,000	\$	900,000	154371

6440	715631	Emergency Response	\$	332,287	\$	332,287	154372
		Radiological Safety					
6760	715642	Water Pollution	\$	5,778,100	\$	5,830,000	154373
		Control Loan					
		Administration					
6760	715699	Water Quality	\$	4,223,000	\$	4,223,000	154374
		Administration					
6790	715636	Emergency Planning	\$	2,981,352	\$	3,018,540	154375
6960	715643	Air Pollution Control	\$	400,000	\$	500,000	154376
		Administration					
6990	715644	Water Pollution	\$	310,000	\$	310,000	154377
		Control					
		Administration					
6A10	715645	Environmental	\$	550,000	\$	550,000	154378
		Education					
6H20	715695	H2Ohio	\$	31,350,000	\$	31,350,000	154379
TOTAL DPF Dedicated Purpose Fund			\$	185,309,518	\$	187,673,125	154380
Group							
Internal Service Activity Fund Group							154381
1990	715602	Laboratory Services	\$	533,000	\$	533,000	154382
2190	715604	Central Support	\$	10,294,764	\$	10,294,764	154383
		Indirect					
4A10	715640	Operating Expenses	\$	1,008,000	\$	1,008,000	154384
TOTAL ISA Internal Service Activity			\$	11,835,764	\$	11,835,764	154385
Fund Group							
Federal Fund Group							154386
3530	715612	Public Water Supply	\$	2,998,150	\$	2,998,150	154387
3570	715619	Air Pollution Control	\$	7,019,706	\$	7,059,570	154388
		- Federal					
3620	715605	Underground Injection	\$	180,815	\$	181,818	154389
		Control - Federal					
3BU0	715684	Water Quality	\$	34,064,930	\$	34,345,960	154390

	Protection				
3CS0 715688	Federal NRD	\$	201,000	\$	201,000 154391
	Settlements				
3F30 715632	Federally Supported	\$	9,859,094	\$	10,056,289 154392
	Cleanup and Response				
3HE0 715697	Volkswagen Clean Air	\$	3,085,000	\$	3,095,000 154393
	Act Settlement				
3T30 715669	Drinking Water State	\$	3,155,035	\$	3,255,035 154394
	Revolving Fund				
3V70 715606	Agencywide Grants	\$	940,000	\$	940,000 154395
TOTAL FED	Federal Fund Group	\$	61,503,730	\$	62,132,822 154396
TOTAL ALL BUDGET FUND GROUPS		\$	272,514,012	\$	275,549,711 154397

Section 277.20. AREAWIDE PLANNING AGENCIES 154399

The Director of Environmental Protection may award grants 154400
from appropriation item 715687, Areawide Planning Agencies, to 154401
areawide planning agencies engaged in areawide water quality 154402
management and planning activities in accordance with Section 208 154403
of the "Federal Clean Water Act," 33 U.S.C. 1288. 154404

CASH TRANSFER TO THE SCRAP TIRE MANAGEMENT FUND FROM THE AUTO 154405
EMISSIONS TEST FUND 154406

The Director of Budget and Management, at the request of the 154407
Director of Environmental Protection, may transfer the remaining 154408
cash balance in the Auto Emissions Test Fund (Fund 5BY0) to the 154409
Scrap Tire Management Fund (Fund 4R50) in fiscal year 2024. 154410

H2OHIO FUND 154411

On July 1, 2024, or as soon as possible thereafter, the 154412
Director of Environmental Protection may certify to the Director 154413
of Budget and Management an amount up to the unexpended, 154414
unencumbered balance of the foregoing appropriation item, 715695, 154415
H2Ohio, at the end of fiscal year 2024 to be reappropriated in 154416
fiscal year 2025. The amount certified is hereby reappropriated to 154417

the same appropriation item for fiscal year 2025. 154418

Section 279.10. EBR ENVIRONMENTAL REVIEW APPEALS COMMISSION 154419

General Revenue Fund 154420

GRF 172321 Operating Expenses \$ 694,000 \$ 701,000 154421

TOTAL GRF General Revenue Fund \$ 694,000 \$ 701,000 154422

TOTAL ALL BUDGET FUND GROUPS \$ 694,000 \$ 701,000 154423

Section 281.10. ETC BROADCAST EDUCATIONAL MEDIA COMMISSION 154425

General Revenue Fund 154426

GRF 935401 Statehouse News \$ 383,000 \$ 383,000 154427
Bureau

GRF 935402 Ohio Government \$ 2,233,000 \$ 2,233,000 154428
Telecommunications
Services

GRF 935410 Content Development, \$ 3,909,000 \$ 3,909,000 154429
Acquisition, and
Distribution

GRF 935430 Broadcast Education \$ 4,041,000 \$ 4,041,000 154430
Operating

TOTAL GRF General Revenue Fund \$ 10,566,000 \$ 10,566,000 154431

Dedicated Purpose Fund Group 154432

5FK0 935608 Media Services \$ 500 \$ 500 154433

5VB0 935650 Facility Rental \$ 6,200 \$ 7,400 154434

TOTAL DPF Dedicated Purpose Fund \$ 6,700 \$ 7,900 154435

Internal Service Activity Fund Group 154436

4F30 935603 Affiliate Services \$ 4,000 \$ 4,000 154437

TOTAL ISA Internal Service Activity \$ 4,000 \$ 4,000 154438

Fund

TOTAL ALL BUDGET FUND GROUPS \$ 10,576,700 \$ 10,577,900 154439

Section 281.20. STATEHOUSE NEWS BUREAU 154441

The foregoing appropriation item 935401, Statehouse News Bureau, shall be used solely to support the operations of the Ohio Statehouse News Bureau. 154442
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OHIO GOVERNMENT TELECOMMUNICATIONS SERVICES 154445

The foregoing appropriation item 935402, Ohio Government Telecommunications Services, shall be used solely to support the operations of Ohio Government Telecommunications Services which include providing multimedia support to the state government and its affiliated organizations and broadcasting the activities of the legislative, judicial, and executive branches of state government, among its other functions. 154446
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CONTENT DEVELOPMENT, ACQUISITION, AND DISTRIBUTION 154453

The foregoing appropriation item 935410, Content Development, Acquisition, and Distribution, shall be used for the development, acquisition, and distribution of information resources by public media and radio reading services and for educational use in the classroom and online. 154454
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Of the foregoing appropriation item 935410, Content Development, Acquisition, and Distribution, up to \$965,000 in each fiscal year shall be allocated equally among the Ohio educational television stations. Funds shall be used for the production of interactive instructional programming series with priority given to resources aligned with state academic content standards. 154459
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Of the foregoing appropriation item 935410, Content Development, Acquisition, and Distribution, up to \$2,650,000 in each fiscal year shall be distributed by the Broadcast Educational Media Commission to Ohio's qualified public educational television stations and educational radio stations to support their operations. The funds shall be distributed pursuant to an allocation formula used by the Ohio Educational Telecommunications Network Commission unless a substitute formula is developed by the 154465
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Broadcast Educational Media Commission in consultation with Ohio's 154473
qualified public educational television stations and educational 154474
radio stations. 154475

Of the foregoing appropriation item 935410, Content 154476
Development, Acquisition, and Distribution, up to \$294,000 in each 154477
fiscal year shall be distributed by the Broadcast Educational 154478
Media Commission to Ohio's qualified radio reading services to 154479
support their operations. The funds shall be distributed pursuant 154480
to an allocation formula used by the Ohio Educational 154481
Telecommunications Network Commission unless a substitute formula 154482
is developed by the Broadcast Educational Media Commission in 154483
consultation with Ohio's qualified radio reading services. 154484

Section 283.10. ETH OHIO ETHICS COMMISSION 154485

General Revenue Fund 154486

GRF 146321	Operating Expenses	\$	2,289,000	\$	2,305,000	154487
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TOTAL GRF	General Revenue Fund	\$	2,289,000	\$	2,305,000	154488
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Dedicated Purpose Fund Group 154489

4M60 146601	Operating Support	\$	515,100	\$	515,100	154490
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TOTAL DPF	Dedicated Purpose Fund	\$	515,100	\$	515,100	154491
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Group

TOTAL ALL BUDGET FUND GROUPS		\$	2,804,100	\$	2,820,100	154492
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Section 285.10. EXP OHIO EXPOSITIONS COMMISSION 154494

General Revenue Fund 154495

GRF 723403	Junior Fair Subsidy	\$	380,000	\$	380,000	154496
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TOTAL GRF	General Revenue Fund	\$	380,000	\$	380,000	154497
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Dedicated Purpose Fund Group 154498

4N20 723602	Ohio State Fair	\$	350,000	\$	350,000	154499
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Harness Racing

5060 723601	Operating Expenses	\$	16,515,000	\$	16,626,000	154500
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5060 723604	Grounds Maintenance and Repairs	\$	300,000	\$	300,000	154501
5ZNO 723605	EXPO 2050	\$	95,000,000	\$	95,000,000	154502
TOTAL DPF Dedicated Purpose Fund Group		\$	112,165,000	\$	112,276,000	154503
TOTAL ALL BUDGET FUND GROUPS		\$	112,545,000	\$	112,656,000	154504

STATE FAIR RESERVE 154505

The General Manager of the Expositions Commission, in 154506
consultation with the Director of Budget and Management, may 154507
submit a request to the Controlling Board to use available amounts 154508
in the State Fair Reserve Fund (Fund 6400) if revenues from either 154509
the 2023 or the 2024 Ohio State Fair are unexpectedly low. 154510

On July 1 of each fiscal year, or as soon as possible 154511
thereafter, the Director of Budget and Management, in consultation 154512
with the General Manager of the Expositions Commission, may 154513
determine that the Ohio Expositions Fund (Fund 5060) has a cash 154514
balance in excess of the anticipated operating costs of the 154515
Exposition Commission in that fiscal year. Notwithstanding section 154516
991.04 of the Revised Code, the Director of Budget and Management 154517
may transfer an amount up to the excess cash from Fund 5060 to 154518
Fund 6400 in each fiscal year. 154519

Section 287.10. FCC OHIO FACILITIES CONSTRUCTION COMMISSION 154520

General Revenue Fund						154521
GRF 230321	Operating Expenses	\$	11,626,000	\$	12,098,000	154522
GRF 230401	Cultural Facilities	\$	31,000,000	\$	31,000,000	154523
	Lease Rental Bond Payments					
GRF 230908	Common Schools	\$	370,000,000	\$	297,000,000	154524
	General Obligation Bond Debt Service					
TOTAL GRF General Revenue Fund		\$	412,626,000	\$	340,098,000	154525

Dedicated Purpose Fund Group					154526
5CV3 230652 Career-Technical	\$	100,000,000	\$	0	154527
Construction Program					
TOTAL DPF Dedicated Purpose Fund	\$	100,000,000	\$	0	154528
Group					
Internal Service Activity Fund Group					154529
1310 230639 State Construction	\$	8,129,013	\$	8,305,828	154530
Management Operations					
TOTAL ISA Internal Service Activity	\$	8,129,013	\$	8,305,828	154531
Fund					
TOTAL ALL BUDGET FUND GROUPS	\$	520,755,013	\$	348,403,828	154532
Section 287.20. CULTURAL FACILITIES LEASE RENTAL BOND					154534
PAYMENTS					154535
The foregoing appropriation item 230401, Cultural Facilities					154536
Lease Rental Bond Payments, shall be used to meet all payments					154537
during the period from July 1, 2023, through June 30, 2025, by the					154538
Ohio Facilities Construction Commission pursuant to leases and					154539
agreements for cultural and sports facilities made under section					154540
154.23 of the Revised Code. These appropriations are the source of					154541
funds pledged for bond service charges on related obligations					154542
issued under Chapter 154. of the Revised Code.					154543
COMMON SCHOOLS GENERAL OBLIGATION BOND DEBT SERVICE					154544
The foregoing appropriation item 230908, Common Schools					154545
General Obligation Bond Debt Service, shall be used to pay all					154546
debt service and related financing costs during the period from					154547
July 1, 2023, through June 30, 2025, on obligations issued under					154548
sections 151.01 and 151.03 of the Revised Code.					154549
CAREER-TECHNICAL CONSTRUCTION PROGRAM					154550
(A) The foregoing appropriation item 230652, Career-Technical					154551
Construction Program, shall be used by the Ohio Facilities					154552

Construction Commission to assist with construction projects that 154553
support establishing or expanding career-technical education 154554
programs. Funds shall be distributed to joint vocational school 154555
districts or city, local, and exempted village school districts 154556
designated as the lead district of a career-technical planning 154557
district according to guidelines established by the Executive 154558
Director of the Commission, in consultation with the Governor's 154559
Office of Workforce Transformation and the Department of 154560
Education. The guidelines shall consider establishing or expanding 154561
career-technical education programs that support the occupations 154562
on the Governor's Office of Workforce Transformation's Ohio's Top 154563
Jobs List or that qualify for the Innovative Workforce Incentive 154564
Program under the Department of Education. 154565

(B) An amount equal to the unexpended, unencumbered balance 154566
of the foregoing appropriation item 230652, Career-Technical 154567
Construction Program, at the end of fiscal year 2024 is hereby 154568
reappropriated for the same purpose in fiscal year 2025. 154569

(C) As used in division (A) of this section, "construction 154570
project" means a project that will build, erect, alter, improve, 154571
or demolish any public educational facility, including any 154572
improvements to real property and the installation of heating, 154573
cooling, ventilating, or other specialized equipment necessary for 154574
educational purposes. 154575

Section 287.30. SCHOOL FACILITIES ENCUMBRANCES AND 154576
REAPPROPRIATION 154577

At the request of the Executive Director of the Ohio 154578
Facilities Construction Commission, the Director of Budget and 154579
Management may cancel encumbrances for school district projects 154580
from a previous biennium if the district has not raised its local 154581
share of project costs within thirteen months of receiving 154582
Controlling Board approval under section 3318.05 or 3318.41 of the 154583

Revised Code. The Executive Director of the Ohio Facilities
Construction Commission shall certify the amounts of the canceled
encumbrances to the Director of Budget and Management on a
quarterly basis. The amounts of the canceled encumbrances are
hereby appropriated.

Section 287.40. CAPITAL DONATIONS FUND CERTIFICATIONS AND
APPROPRIATIONS

On July 1, 2023, or as soon as possible thereafter, the
Executive Director of the Ohio Facilities Construction Commission
shall certify to the Director of Budget and Management the amount
of cash receipts and related investment income, irrevocable
letters of credit from a bank, or certification of the
availability of funds that have been received from a county or a
municipal corporation for deposit into the Capital Donations Fund
(Fund 5A10) and that are related to an anticipated project. These
amounts are hereby appropriated to appropriation item C37146,
Capital Donations. Prior to certifying these amounts to the
Director, the Executive Director shall make a written agreement
with the participating entity on the necessary cash flows required
for the anticipated construction or equipment acquisition project.

Section 287.50. AMENDMENT TO PROJECT AGREEMENT FOR
MAINTENANCE LEVY

The Ohio Facilities Construction Commission shall amend the
project agreement between the Commission and a school district
that is participating in the Accelerated Urban School Building
Assistance Program as of September 29, 2018, if the Commission
determines that it is necessary to do so in order to comply with
division (B)(3)(c) of section 3318.38 of the Revised Code.

Section 287.60. Notwithstanding any other provision of law to
the contrary, the Ohio Facilities Construction Commission may

determine the amount of funding available for disbursement in a 154614
given fiscal year for any project approved under sections 3318.01 154615
to 3318.20 of the Revised Code in order to keep aggregate state 154616
capital spending within approved limits and may take actions 154617
including, but not limited to, determining the schedule for design 154618
or bidding of approved projects, to ensure appropriate and 154619
supportable cash flow. 154620

Section 287.70. ASSISTANCE TO JOINT VOCATIONAL SCHOOL 154621
DISTRICT 154622

Notwithstanding division (B) of section 3318.40 of the 154623
Revised Code, in each fiscal year in which funds are available for 154624
additional projects, the Ohio Facilities Construction Commission 154625
shall provide assistance to at least one joint vocational school 154626
district for the acquisition or improvement of classroom 154627
facilities in accordance with sections 3318.40 to 3318.45 of the 154628
Revised Code. 154629

Section 287.80. RETURNED OR RECOVERED FUNDS 154630

Notwithstanding any provision of law to the contrary, any 154631
moneys a school district transfers to the Ohio Facilities 154632
Construction Commission under division (C)(2) or (3) of section 154633
3318.12 of the Revised Code as well as any moneys recovered from 154634
settlements with or judgments against parties relating to their 154635
involvement in a classroom facilities project shall be deposited 154636
into the fund from which the capital appropriation for the project 154637
was made. In any fiscal year in which the Commission has made a 154638
deposit under this section, the Executive Director of the Ohio 154639
Facilities Construction Commission may seek Controlling Board 154640
approval to increase appropriations from those funds and specified 154641
appropriation items in an amount equal to the amount of the funds 154642
deposited under this section. The additional amounts, if approved, 154643

shall be used in accordance with the purposes of Chapter 3318. of 154644
the Revised Code for projects pursuant to sections 3318.01 to 154645
3318.20 or sections 3318.40 to 3318.45 of the Revised Code. Upon 154646
approval of the Controlling Board, the additional amounts are 154647
hereby appropriated. 154648

Section 289.10. GOV OFFICE OF THE GOVERNOR 154649

General Revenue Fund 154650

GRF 040321	Operating Expenses	\$	3,219,000	\$	3,219,000	154651
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TOTAL GRF	General Revenue Fund	\$	3,219,000	\$	3,219,000	154652
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Internal Service Activity Fund Group 154653

5AK0 040607	Government Relations	\$	662,798	\$	662,798	154654
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TOTAL ISA	Internal Service Activity					154655
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Fund Group		\$	662,798	\$	662,798	154656
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TOTAL ALL BUDGET FUND GROUPS		\$	3,881,798	\$	3,881,798	154657
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GOVERNMENT RELATIONS 154658

The Office of the Governor may issue an intrastate transfer 154659
voucher to charge any state agency of the executive branch such 154660
amounts necessary to represent the interests of Ohio to federal, 154661
state, and local government units and to cover the costs or 154662
membership dues related to Ohio's participation in national and 154663
regional associations. Amounts collected shall be deposited in the 154664
Government Relations Fund (Fund 5AK0). 154665

Section 291.10. DOH DEPARTMENT OF HEALTH 154666

General Revenue Fund 154667

GRF 440413	Local Health	\$	2,379,000	\$	2,379,000	154668
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Department Support

GRF 440416	Mothers and Children	\$	4,505,000	\$	4,640,000	154669
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Safety Net Services

GRF 440431	Free Clinic Safety Net	\$	1,750,000	\$	1,750,000	154670
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Services				
GRF 440438	Breast and Cervical Cancer Screening	\$	1,165,000	\$ 1,200,000 154671
GRF 440444	AIDS Prevention	\$	3,611,000	\$ 3,720,000 154672
GRF 440451	Public Health Laboratory	\$	3,800,000	\$ 3,800,000 154673
GRF 440452	Child and Family Health Services Match	\$	623,000	\$ 641,000 154674
GRF 440453	Health Care Quality Assurance	\$	6,427,000	\$ 6,619,000 154675
GRF 440454	Environmental Health/Radiation Protection	\$	4,500,000	\$ 4,500,000 154676
GRF 440465	FQHC Primary Care Workforce Initiative	\$	2,686,000	\$ 2,686,000 154677
GRF 440472	Alcohol Testing	\$	1,707,000	\$ 1,841,000 154678
GRF 440477	Emergency Preparation and Response	\$	2,922,000	\$ 2,997,000 154679
GRF 440481	Lupus Awareness	\$	250,000	\$ 250,000 154680
GRF 440482	Chronic Disease, Injury Prevention, and Drug Overdose	\$	10,500,000	\$ 10,000,000 154681
GRF 440483	Infectious Disease Prevention and Control	\$	5,981,000	\$ 6,244,000 154682
GRF 440484	Public Health Technology Innovation	\$	1,353,000	\$ 1,393,000 154683
GRF 440485	Health Program Support	\$	8,625,000	\$ 8,625,000 154684
GRF 440505	Children and Youth with Special Health Care Needs	\$	12,115,000	\$ 12,478,000 154685
GRF 440507	Targeted Healthcare Services - Over 21	\$	2,000,000	\$ 2,000,000 154686
GRF 440527	Lead Abatement	\$	6,500,000	\$ 6,500,000 154687

GRF 440530	Lead-Safe Home Fund Program	\$ 1,000,000	\$ 1,000,000	154688
GRF 440672	Youth Homelessness	\$ 3,505,000	\$ 3,610,000	154689
GRF 654453	Medicaid - State Health Program Support	\$ 4,504,000	\$ 4,639,000	154690
TOTAL GRF General Revenue Fund		\$ 92,408,000	\$ 93,512,000	154691
Dedicated Purpose Fund Group				154692
4700 440647	Fee Supported Programs	\$ 31,124,957	\$ 32,650,080	154693
4710 440619	Certificate of Need	\$ 550,000	\$ 550,000	154694
4730 440622	Lab Operating Expenses	\$ 8,986,199	\$ 8,986,199	154695
4770 440627	Children and Youth with Special Health Care Needs Audit	\$ 5,033,264	\$ 5,033,264	154696
4D60 440608	Genetics Services	\$ 3,316,583	\$ 3,316,583	154697
4F90 440610	Sickle Cell Disease Control	\$ 850,000	\$ 850,000	154698
4G00 440636	Heirloom Birth Certificate	\$ 15,000	\$ 15,000	154699
4G00 440637	Birth Certificate Surcharge	\$ 15,000	\$ 15,000	154700
4L30 440609	HIV Care and Miscellaneous Expenses	\$ 40,702,842	\$ 42,697,281	154701
4P40 440628	Ohio Physician Loan Repayment	\$ 700,000	\$ 700,000	154702
4V60 440641	Save Our Sight	\$ 3,000,000	\$ 3,000,000	154703
5B50 440616	Quality, Monitoring, and Inspection	\$ 753,830	\$ 753,830	154704
5BX0 440656	Tobacco Use Prevention, Cessation, and Enforcement	\$ 15,000,000	\$ 15,000,000	154705
5CN0 440645	Choose Life	\$ 80,000	\$ 80,000	154706
5D60 440620	Second Chance Trust	\$ 1,607,317	\$ 1,607,317	154707
5ED0 440651	Smoke Free Indoor Air	\$ 280,000	\$ 280,000	154708

5G40	440639	Adoption Services	\$	100,000	\$	100,000	154709
5PE0	440659	Breast and Cervical Cancer Services	\$	500,000	\$	500,000	154710
5QJ0	440662	Dental Hygienist Loan Repayments	\$	100,000	\$	100,000	154711
5SH0	440520	Children's Wish Grant Program	\$	275,000	\$	275,000	154712
5TZ0	440621	Toxicology Screenings	\$	1,000,000	\$	1,000,000	154713
5YS0	440491	Chiropractic Loan Repayment		25,000		25,000	154714
5Z70	440624	Ohio Dentist Loan Repayment	\$	275,000	\$	275,000	154715
6100	440626	Radiation Emergency Response	\$	1,405,870	\$	1,474,757	154716
6660	440607	Children and Youth with Special Health Care Needs - County Assessments	\$	24,060,298	\$	24,060,298	154717
6980	440634	Nurse Aide Training	\$	126,686	\$	126,686	154718
5AE1	440697	Hospital Relief	\$	49,528,000	\$	0	154719
TOTAL DPF		Dedicated Purpose Fund Group	\$	189,410,846	\$	143,471,295	154720
Internal Service Activity Fund Group							154721
1420	440646	Agency Health Services	\$	5,315,107	\$	5,575,547	154722
2110	440613	Central Support Indirect Costs	\$	38,286,929	\$	38,286,929	154723
TOTAL ISA		Internal Service Activity Fund Group	\$	43,602,036	\$	43,862,476	154724
Highway Safety Fund Group							154725
4T40	440603	Child Highway Safety	\$	200,000	\$	200,000	154726
TOTAL HSF		Highway Safety Fund Group	\$	200,000	\$	200,000	154727

Holding Account Fund Group				154728
R014	440631	Vital Statistics	\$ 129,883 \$	155,859 154729
R048	440625	Refunds, Grants	\$ 20,000 \$	20,000 154730
Reconciliation, and Audit Settlements				
TOTAL HLD	Holding Account Fund		\$ 149,883 \$	175,859 154731
Group				
Federal Fund Group				154732
3870	440602	Preventive Health	\$ 10,298,039 \$	10,802,643 154733
Block Grant				
3890	440604	Women, Infants, and	\$ 220,190,613 \$	220,190,613 154734
Children				
3910	440606	Medicare Survey and	\$ 20,783,006 \$	21,801,373 154735
Certification				
3920	440618	Federal Public Health	\$ 111,061,407 \$	116,503,416 154736
Programs				
3GD0	654601	Medicaid Program	\$ 37,000,000 \$	37,000,000 154737
Support				
3GN0	440660	Public Health	\$ 57,983,775 \$	60,824,980 154738
Emergency Preparedness				
3GN0	440683	ARPA - Crisis	\$ 10,000,000 \$	10,000,000 154739
Response Workforce				
3HP0	440673	Public Health	\$ 131,521,213 \$	9,707,387 154740
Emergency Response				
3HP0	440682	Epidemiology and Lab	\$ 62,940,000 \$	66,024,060 154741
Capacity for School Testing (ARP)				
3HP0	440685	ELC Nursing Home &	\$ 5,375,935 \$	0 154742
Long-Term Care Strike Teams				
3HP0	440686	ELC Strengthening	\$ 5,919,337 \$	3,159,489 154743

	HAI/AR Grant				
3HP0 440687	Healthier Communities	\$ 8,000,000	\$ 1,000,000	154744	
3HP0 440688	Detection and Mitigation of COVID-19 - Confinement Facilities	\$ 9,000,000	\$ 1,000,000	154745	
3HV0 440681	COVID-19 Vaccine Preparedness (ARP)	\$ 10,000,000	\$ 10,000,000	154746	
TOTAL FED	Federal Fund Group	\$ 700,073,325	\$ 568,013,961	154747	
TOTAL ALL BUDGET FUND GROUPS		\$ 1,025,844,090	\$ 849,235,591	154748	

Section 291.20. MOTHERS AND CHILDREN SAFETY NET SERVICES 154750

Of the foregoing appropriation item 440416, Mothers and Children Safety Net Services, up to \$200,000 in each fiscal year may be used to assist families with hearing-impaired children under twenty-six years of age in purchasing hearing aids and hearing assistive technology. The Director of Health shall adopt rules governing the distribution of these funds, including rules that do both of the following: (1) establish eligibility criteria to include families with incomes at or below four hundred per cent of the federal poverty guidelines as defined in section 5101.46 of the Revised Code and (2) develop a sliding scale of disbursements under this section based on family income. The Director may adopt other rules as necessary to implement this section. Rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code.

FREE CLINIC SAFETY NET SERVICES 154765

The foregoing appropriation item 440431, Free Clinic Safety Net Services, shall be provided to the Charitable Healthcare Network. Funds may be used to reimburse free clinics for health care services provided, as well as for administrative services,

information technology costs, infrastructure repair, or other 154770
clinic necessities. Additionally, the Director of Health may 154771
designate up to five per cent of the appropriation in each fiscal 154772
year to pay the administrative costs the Department of Health 154773
incurs for operating the program. 154774

AIDS PREVENTION 154775

The foregoing appropriation item 440444, AIDS Prevention, 154776
shall be used to administer educational and other prevention 154777
initiatives. 154778

ENVIRONMENTAL HEALTH/RADIATION PROTECTION 154779

Of the foregoing appropriation item 440454, Environmental 154780
Health/Radiation Protection, \$500,000 in each fiscal year shall be 154781
distributed to the Ohio Association of Radon Professionals to 154782
operate a pilot program to test for radon in school buildings 154783
operated by a school district, community school established under 154784
Chapter 3314., or STEM school established under Chapter 3326. of 154785
the Revised Code, and if necessary, to conduct radon mitigation in 154786
such schools. 154787

FQHC PRIMARY CARE WORKFORCE INITIATIVE 154788

The foregoing appropriation item 440465, FQHC Primary Care 154789
Workforce Initiative, shall be provided to the Ohio Association of 154790
Community Health Centers to administer the FQHC Primary Care 154791
Workforce Initiative. The Initiative shall provide medical, 154792
dental, behavioral health, physician assistant, and advanced 154793
practice nursing students with clinical rotations through 154794
federally qualified health centers. Additionally, the Director of 154795
Health may designate up to five per cent of the appropriation in 154796
each fiscal year to pay the administrative costs the Department of 154797
Health incurs for operating the program. 154798

EMERGENCY PREPARATION AND RESPONSE 154799

The foregoing appropriation item 440477, Emergency Preparation and Response, shall be used to support public health emergency preparedness and response efforts. This appropriation may also be used to support data infrastructure projects and other data analysis and analytics work.

LUPUS AWARENESS

The foregoing appropriation item 440481, Lupus Awareness, shall be distributed to the Lupus Foundation of America, Greater Ohio Chapter, Inc., to operate a lupus education and awareness program.

CHRONIC DISEASE, INJURY PREVENTION AND DRUG OVERDOSE

Of the foregoing appropriation item 440482, Chronic Disease, Injury Prevention and Drug Overdose, \$500,000 in fiscal year 2024 shall be used for the development, maintenance, and staffing of a Parkinson's disease registry, in accordance with section 3701.25 of the Revised Code, as enacted by this act.

Of the foregoing appropriation item 440482, Chronic Disease, Injury Prevention and Drug Overdose, up to \$1,000,000 in each fiscal year shall be used, in consultation with the Department of Mental Health and Addiction Services and the Governor's RecoveryOhio Initiative, to support the continuation of the Emergency Department Comprehensive Care Initiative to enhance Ohio's response to the addiction crisis by creating a comprehensive system of care for patients who present in emergency departments with addiction.

Of the foregoing appropriation item 440482, Chronic Disease, Injury Prevention and Drug Overdose, up to \$250,000 in fiscal year 2024 shall be used, in consultation with the Governor's RecoveryOhio Initiative, to support local health providers' harm reduction efforts to reduce overdose rates and deaths.

INFECTIOUS DISEASE PREVENTION AND CONTROL

On July 1, 2024, or as soon as possible thereafter, the 154831
Director of Health may certify to the Director of Budget and 154832
Management an amount up to the unexpended, unencumbered balance of 154833
the foregoing appropriation item 440483, Infectious Disease 154834
Prevention and Control, at the end of fiscal year 2024 to be 154835
reappropriated to fiscal year 2025. The amount certified is hereby 154836
reappropriated to the same appropriation item for fiscal year 154837
2025. 154838

HEALTH PROGRAM SUPPORT 154839

Of the forgoing appropriation item 440485, Health Program 154840
Support, \$7,500,000 in each fiscal year shall be used by the 154841
Department of Health, in consultation with the Department of 154842
Education, to support school-based health centers in high-need 154843
counties, as determined by the departments. 154844

Of the foregoing appropriation item 440485, Health Program 154845
Support, \$1,000,000 in each fiscal year shall be distributed to 154846
Ohio organizations currently providing all of the following 154847
services: wraparound care, including multidisciplinary clinical 154848
care; local case management services by health care professionals; 154849
durable medical and augmentative communication devices; state and 154850
federal advocacy; and support groups and patient grants for those 154851
diagnosed with amyotrophic lateral sclerosis (ALS). The 154852
distribution of funds shall be based on each awarded 154853
organization's identified Ohio county coverage and by the 154854
prevalence rate of persons living with ALS using the most recent 154855
population estimates available from the United States Census 154856
Bureau. Funds shall be used to support persons living with ALS, 154857
including any of the followings: wraparound care, case management, 154858
purchase and distribution of durable medical equipment and 154859
augmentative communication devices, and patient grants for 154860
disease-related expenses. Funding is required to be designated in 154861
service to Ohioans and shall not be used for persons living 154862

outside of the state of Ohio. 154863

TARGETED HEALTH CARE SERVICES-OVER 21 154864

The foregoing appropriation item 440507, Targeted Health Care 154865
Services-Over 21, shall be used to administer the Cystic Fibrosis 154866
Program and to implement the Hemophilia Insurance Premium Payment 154867
Program. The Department of Health shall expend up to \$100,000 in 154868
each fiscal year to implement the Hemophilia Insurance Premium 154869
Payment Program. 154870

The foregoing appropriation item 440507, Targeted Health Care 154871
Services-Over 21, shall also be used to provide essential 154872
medications and to pay the copayments for drugs approved by the 154873
Department of Health and covered by Medicare Part D that are 154874
dispensed to Program for Children and Youth with Special Health 154875
Care Needs participants for the Cystic Fibrosis Program. 154876

The Department shall expend all of the funds appropriated in 154877
appropriation item 440507, Targeted Health Care Services-Over 21. 154878

LEAD ABATEMENT 154879

Of the foregoing appropriation item 440527, Lead Abatement, 154880
\$500,000 in each fiscal year shall be used by the Department of 154881
Health to distribute funds to local governments for projects that 154882
include, but are not limited to, lead hazard control and housing 154883
rehabilitation initiatives that expand the Department's lead 154884
hazard control and prevention efforts. 154885

LEAD-SAFE HOME FUND PROGRAM 154886

The foregoing appropriation item 440530, Lead-Safe Home Fund 154887
Program, shall be used by the Department of Health to make 154888
distributions to local governments for projects that include, but 154889
are not limited to, lead hazard control and housing rehabilitation 154890
initiatives that expand the Department's lead hazard control and 154891
prevention efforts. 154892

YOUTH HOMELESSNESS 154893

The foregoing appropriation item 440672, Youth Homelessness, 154894
shall be used to address homelessness in youth and pregnant women 154895
by providing assertive outreach to provide stable housing, 154896
including recovery housing. 154897

FEE SUPPORTED PROGRAMS 154898

Of the foregoing appropriation item 440647, Fee Supported 154899
Programs, \$2,160,000 in each fiscal year shall be used to 154900
distribute subsidies, on a per capita basis, to local health 154901
departments accredited through the Public Health Accreditation 154902
Board, or local health departments that are in the process of 154903
earning accreditation. 154904

Of the foregoing appropriation item 440647, Fee Supported 154905
Programs, \$1,840,000 in each fiscal year shall be used to 154906
distribute subsidies to local health departments accredited 154907
through the Public Health Accreditation Board on a per capita 154908
basis. 154909

CHILDREN AND YOUTH WITH SPECIAL HEALTH CARE NEEDS AUDIT 154910

The Children and Youth with Special Health Care Needs Audit 154911
Fund (Fund 4770) shall receive revenue from audits of hospitals 154912
and recoveries from third-party payers. Moneys may be expended for 154913
payment of audit settlements and for costs directly related to 154914
obtaining recoveries from third-party payers and for encouraging 154915
Program for Children and Youth with Special Health Care Needs 154916
recipients to apply for third-party benefits. Moneys also may be 154917
expended for payments for diagnostic and treatment services on 154918
behalf of children and youth with special health care needs, as 154919
defined in division (A) of section 3701.022 of the Revised Code, 154920
and Ohio residents who are twenty-one or more years of age and who 154921
are suffering from cystic fibrosis or hemophilia. Moneys may also 154922
be expended for administrative expenses incurred in operating the 154923

Program for Children and Youth with Special Health Care Needs.	154924
GENETICS SERVICES	154925
The foregoing appropriation item 440608, Genetics Services,	154926
shall be used by the Department of Health to administer programs	154927
authorized by sections 3701.501 and 3701.502 of the Revised Code.	154928
None of these funds shall be used to counsel or refer for	154929
abortion, except in the case of a medical emergency.	154930
TOBACCO USE PREVENTION, CESSATION, AND ENFORCEMENT	154931
Of the foregoing appropriation item 440656, Tobacco Use	154932
Prevention, Cessation, and Enforcement, \$750,000 in each fiscal	154933
year shall be used to award grants in accordance with the section	154934
of this act entitled "MOMS QUIT FOR TWO GRANT PROGRAM."	154935
Of the foregoing appropriation item 440656, Tobacco Use	154936
Prevention, Cessation, and Enforcement, \$250,000 in each fiscal	154937
year shall be distributed to boards of health for the Baby and Me	154938
Tobacco Free Program. The Director of Health shall determine how	154939
the funds are to be distributed, but shall prioritize awards to	154940
boards that serve women who reside in communities that have the	154941
highest infant mortality rates in this state, as identified under	154942
section 3701.142 of the Revised Code.	154943
The remainder of appropriation item 440656, Tobacco Use	154944
Prevention, Cessation, and Enforcement, shall be used to	154945
administer tobacco use prevention and cessation activities and	154946
programs, to administer compliance checks, retailer education, and	154947
programs related to legal age restrictions, and to enforce the	154948
Ohio Smoke-Free Workplace Act.	154949
TOXICOLOGY SCREENINGS	154950
The foregoing appropriation item 440621, Toxicology	154951
Screenings, shall be used to reimburse county coroners in counties	154952
in which the coroner has performed toxicology screenings on	154953

victims of a drug overdose. The Director of Health shall transfer 154954
the funds to the counties in proportion to the numbers of 154955
toxicology screenings performed per county. 154956

CHILDREN AND YOUTH WITH SPECIAL HEALTH CARE NEEDS - COUNTY 154957
ASSESSMENTS 154958

The foregoing appropriation item 440607, Children and Youth 154959
with Special Health Care Needs - County Assessments, shall be used 154960
to make payments under division (E) of section 3701.023 of the 154961
Revised Code. 154962

HOSPITAL RELIEF 154963

The foregoing appropriation item 440697, Hospital Relief, 154964
shall be used in fiscal year 2024 to distribute funds as follows: 154965
\$30,000,000 for the Memorial Health System Belpre Medical Campus, 154966
\$10,000,000 for East Ohio Regional Hospital, \$4,000,000 for 154967
Fairfield Medical Center, \$3,028,000 for the Timothy Freeman, MD, 154968
Center for Intellectual and Developmental Disabilities, and 154969
\$2,500,000 for Coleman Health Services. 154970

Section 291.30. MOMS QUIT FOR TWO GRANT PROGRAM 154971

(A) The Department of Health shall create the Moms Quit for 154972
Two Grant Program. Recognizing the significant health risks posed 154973
to women and their children by tobacco use during and after 154974
pregnancy, the Department shall award grants to private, nonprofit 154975
entities or government entities that demonstrate the ability to 154976
deliver evidence-based tobacco cessation interventions to women 154977
who reside in communities that have the highest incidence of 154978
infant mortality, as determined by the Director of Health, and who 154979
are pregnant or to other adults residing in the home with a 154980
pregnant woman. The Department may adopt any rules it considers 154981
necessary to administer the Program. 154982

(B) The Department shall create a grant application and 154983

develop a process for receiving and evaluating completed grant applications on a competitive basis. The Department shall give first preference to the entities described in division (A) of this section that are able to target the interventions to pregnant women and second preference to such entities that are able to target the interventions to other adults residing in a home with a pregnant woman. The Department's decision regarding a submitted grant application is final.

(C) The Department shall establish performance objectives to be met by grant recipients. The Department shall monitor the performance of each grant recipient in meeting the objectives.

Section 291.40. WIC VENDOR CONTRACTS

(A) As used in this section, "WIC" means the Special Supplemental Nutrition Program for Women, Infants, and Children established under the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1786, as amended.

(B) The Department of Health shall process and review a WIC vendor contract application pursuant to Chapter 3701-42 of the Administrative Code not later than forty-five days after receipt of the application if the applicant is a WIC-contracted vendor at the time of application and meets all of the following requirements:

(1) Submits a complete WIC vendor application with all required documents and information;

(2) Passes the required unannounced preauthorization visit within forty-five days of submitting a complete application;

(3) Completes the required in-person training within forty-five days of submitting the complete application.

(C) If an applicant fails to meet any of the requirements described in division (B) of this section, the Department shall

deny the application for the contract. After an application has 155014
been denied, the applicant may reapply for a contract to act as a 155015
WIC vendor during the contracting cycle that is applicable to the 155016
applicant's WIC region. 155017

Section 293.10. HEF HIGHER EDUCATIONAL FACILITY COMMISSION 155018

Dedicated Purpose Fund Group 155019

4610 372601 Operating Expenses \$ 12,500 \$ 12,500 155020

TOTAL DPF Dedicated Purpose Fund \$ 12,500 \$ 12,500 155021

Group

TOTAL ALL BUDGET FUND GROUPS \$ 12,500 \$ 12,500 155022

Section 295.10. SPA COMMISSION ON HISPANIC/LATINO AFFAIRS 155024

General Revenue Fund 155025

GRF 148321 Operating Expenses \$ 479,000 \$ 490,000 155026

TOTAL GRF General Revenue Fund \$ 479,000 \$ 490,000 155027

Dedicated Purpose Fund Group 155028

6010 148602 Special Initiatives \$ 125,000 \$ 125,000 155029

TOTAL DPF Dedicated Purpose Fund \$ 125,000 \$ 125,000 155030

Group

TOTAL ALL BUDGET FUND GROUPS \$ 604,000 \$ 615,000 155031

Section 297.10. OHS OHIO HISTORY CONNECTION 155033

General Revenue Fund 155034

GRF 360400 Holocaust and Genocide \$ 1,160,000 \$ 1,190,000 155035

Memorial and Education
Commission

GRF 360401 Ohio Commission for \$ 2,500,000 \$ 5,000,000 155036

the U.S.
Semiquincentennial

GRF 360402 UNESCO World Heritage \$ 1,200,000 \$ 1,600,000 155037

Sites

GRF	360501	Education and Collections	\$	5,604,000	\$	5,882,000	155038
GRF	360502	Site and Museum Operations	\$	7,721,000	\$	9,002,000	155039
GRF	360504	Ohio Preservation Office	\$	731,000	\$	738,000	155040
GRF	360505	National Afro-American Museum	\$	728,000	\$	811,000	155041
GRF	360506	Hayes Presidential Center	\$	597,000	\$	621,000	155042
GRF	360508	State Historical Grants	\$	700,000	\$	700,000	155043
GRF	360509	Outreach and Partnership	\$	148,000	\$	151,000	155044
TOTAL GRF	General Revenue Fund		\$	21,089,000	\$	25,695,000	155045
	Dedicated Purpose Fund Group						155046
5KL0	360602	Ohio History Tax Check-off	\$	150,000	\$	150,000	155047
5PD0	360603	Ohio History License Plate	\$	10,000	\$	10,000	155048
TOTAL DPF	Dedicated Purpose Fund Group		\$	160,000	\$	160,000	155049
TOTAL ALL BUDGET FUND GROUPS			\$	21,249,000	\$	25,855,000	155050

SUBSIDY APPROPRIATION

155051

Upon approval by the Director of Budget and Management, the 155052
foregoing appropriation items shall be released to the Ohio 155053
History Connection in quarterly amounts that in total do not 155054
exceed the annual appropriations. The funds and fiscal records of 155055
the Ohio History Connection for fiscal year 2024 and fiscal year 155056
2025 shall be examined by independent certified public accountants 155057
approved by the Auditor of State, and a copy of the audited 155058
financial statements shall be filed with the Office of Budget and 155059

Management. 155060

The foregoing appropriations shall be considered to be the 155061
contractual consideration provided by the state to support the 155062
state's offer to contract with the Ohio History Connection under 155063
section 149.30 of the Revised Code. 155064

HOLOCAUST AND GENOCIDE MEMORIAL AND EDUCATION COMMISSION 155065

The foregoing appropriation item 360400, Holocaust and 155066
Genocide Memorial and Education Commission, shall be used to 155067
support the operations of the Holocaust and Genocide Memorial and 155068
Education Commission established under section 197.03 of the 155069
Revised Code, including employment of a Director of the Office of 155070
the Commission and any other employees approved by the Commission. 155071

Of the foregoing appropriation item 360400, Holocaust and 155072
Genocide Memorial and Education Commission, \$75,000 in each fiscal 155073
year shall be used to support scholarships to attend certificate 155074
coursework in Holocaust education offered in partnership with Yad 155075
Veshem, Ohio colleges and universities, or one of Ohio's Holocaust 155076
educational museums. 155077

Of the foregoing appropriation item 360400, Holocaust and 155078
Genocide Memorial and Education Commission, \$125,000 in each 155079
fiscal year shall be used for recording the stories and 155080
testimonials of genocide survivors living in Ohio, as well as 155081
veterans or active duty military personnel involved in operations 155082
related to eliminating genocide. 155083

Of the foregoing appropriation item 360400, Holocaust and 155084
Genocide Memorial and Education Commission, \$125,000 in each 155085
fiscal year shall be used for students, teachers, and community 155086
and university student leaders to attend educational programming 155087
that visits Holocaust sites. Funding may also be used by the 155088
Commission to host such programs in Europe, or at institutions 155089
approved by the Commission. 155090

Of the foregoing appropriation item 360400, Holocaust and 155091
Genocide Memorial and Education Commission, \$175,000 in each 155092
fiscal year shall be used to create curriculum related to 155093
Holocaust education that is specific to Ohio. Funding shall also 155094
be used to make curricula and catalogued artifacts available 155095
online, indexed and searchable, for use by K-12 students, 155096
teachers, librarians, home schooled students and teachers, and 155097
other staff. 155098

Of the foregoing appropriation item 360400, Holocaust and 155099
Genocide Memorial and Education Commission, \$200,000 in each 155100
fiscal year shall be used for Ohio K-12 students, or other 155101
individuals approved by the Commission, to visit one of Ohio's 155102
Holocaust education and memorial museums. Funding may be used for 155103
transportation, admission, security, and other related costs. 155104

Of the foregoing appropriation item 360400, Holocaust and 155105
Genocide Memorial and Education Commission, \$250,000 in each 155106
fiscal year shall be used to support the development of teacher 155107
training courses at colleges and universities related to 155108
instruction on the Holocaust as well as other approved programming 155109
by the Commission. Funding may be used to provide funding as well 155110
as scholarships to students in graduate teaching programs to 155111
attend such courses. 155112

The Commission, in partnership with the Department of 155113
Education and the Department of Higher Education, shall submit two 155114
reports of findings and recommendations to the general assembly 155115
and the governor not later than June 30 of each fiscal year 155116
regarding the impact of such funding, reach, and any recommended 155117
changes to the programming. 155118

UNESCO WORLD HERITAGE SITES 155119

The foregoing appropriation item 360402, UNESCO World 155120
Heritage Sites, shall be used for operating costs for approved 155121

United Nations Educational, Scientific and Cultural Organization 155122
(UNESCO) World Heritage sites in Ohio. 155123

STATE HISTORICAL GRANTS 155124

Of the foregoing appropriation item 360508, State Historical 155125
Grants, \$350,000 in each fiscal year shall be used for the Western 155126
Reserve Historical Society, and \$350,000 in each fiscal year shall 155127
be used for the Cincinnati Museum Center. 155128

Section 299.10. REP OHIO HOUSE OF REPRESENTATIVES 155129

General Revenue Fund 155130

GRF 025321 Operating Expenses \$ 30,250,000 \$ 30,250,000 155131

TOTAL GRF General Revenue Fund \$ 30,250,000 \$ 30,250,000 155132

Internal Service Activity Fund Group 155133

1030 025601 House of \$ 1,433,664 \$ 1,433,664 155134

Representatives

Reimbursement

4A40 025602 Miscellaneous Sales \$ 50,000 \$ 50,000 155135

TOTAL ISA Internal Service Activity 155136

Fund Group \$ 1,483,664 \$ 1,483,664 155137

TOTAL ALL BUDGET FUND GROUPS \$ 31,733,664 \$ 31,733,664 155138

OPERATING EXPENSES 155139

On July 1, 2023, or as soon as possible thereafter, the Chief 155140
Administrative Officer of the House of Representatives may certify 155141
to the Director of Budget and Management an amount up to the 155142
unexpended, unencumbered balance of the foregoing appropriation 155143
item 025321, Operating Expenses, at the end of fiscal year 2023 to 155144
be reappropriated to fiscal year 2024. The amount certified is 155145
hereby reappropriated to the same appropriation item for fiscal 155146
year 2024. 155147

On July 1, 2024, or as soon as possible thereafter, the Chief 155148
Administrative Officer of the House of Representatives may certify 155149

to the Director of Budget and Management an amount up to the 155150
unexpended, unencumbered balance of the foregoing appropriation 155151
item 025321, Operating Expenses, at the end of fiscal year 2024 to 155152
be reappropriated to fiscal year 2025. The amount certified is 155153
hereby reappropriated to the same appropriation item for fiscal 155154
year 2025. 155155

HOUSE REIMBURSEMENT 155156

If it is determined by the Chief Administrative Officer of 155157
the House of Representatives that additional appropriations are 155158
necessary for the foregoing appropriation item 025601, House of 155159
Representatives Reimbursement, the amounts are hereby 155160
appropriated. 155161

Section 301.10. HFA OHIO HOUSING FINANCE AGENCY 155162

Dedicated Purpose Fund Group 155163

5AZ0 997601 Housing Finance Agency \$ 16,861,741 \$ 17,433,489 155164

Personal Services

5ZM0 997602 Housing Finance Agency \$ 1,500,000 \$ 1,500,000 155165

- Landlord Credit

Score Cost Assistance

TOTAL DPF Dedicated Purpose Fund \$ 18,361,741 \$ 18,933,489 155166

Group

TOTAL ALL BUDGET FUND GROUPS \$ 18,361,741 \$ 18,933,489 155167

Section 301.20. Notwithstanding section 175.05 of the Revised 155169
Code, of the foregoing appropriation item 997602, Housing Finance 155170
Agency - Landlord Credit Score Cost Assistance, \$1,500,000 in each 155171
fiscal year shall be used by the Ohio Housing Finance Agency to 155172
establish and administer a pilot program to offset costs incurred 155173
by landlords for reporting the payment of rents using a 155174
third-party partner to credit monitoring services. Landlords of 155175
units participating in the Low-Income Housing Tax Credit program 155176

through the Ohio Housing Finance Agency or providing recovery 155177
housing that meets requirements under section 340.034 of the 155178
Revised Code are eligible for the program. 155179

Section 303.10. IGO OFFICE OF THE INSPECTOR GENERAL 155180

General Revenue Fund 155181

GRF 965321 Operating Expenses \$ 1,941,000 \$ 2,078,000 155182

TOTAL GRF General Revenue Fund \$ 1,941,000 \$ 2,078,000 155183

Internal Service Activity Fund Group 155184

5FA0 965603 Deputy Inspector \$ 400,000 \$ 400,000 155185

General for ODOT

5FT0 965604 Deputy Inspector \$ 425,000 \$ 425,000 155186

General for BWC/OIC

TOTAL ISA Internal Service Activity \$ 825,000 \$ 825,000 155187

Fund Group

TOTAL ALL BUDGET FUND GROUPS \$ 2,766,000 \$ 2,903,000 155188

Section 305.10. INS DEPARTMENT OF INSURANCE 155190

Dedicated Purpose Fund Group 155191

5540 820401 Examination \$ 10,661,691 \$ 10,784,725 155192

5540 820601 Operating Expenses - \$ 189,000 \$ 189,000 155193

OSHIIP

5540 820606 Operating Expenses \$ 32,465,978 \$ 33,063,978 155194

TOTAL DPF Dedicated Purpose Fund \$ 43,316,669 \$ 44,037,703 155195

Group

Federal Fund Group 155196

3U50 820602 OSHIIP Operating \$ 3,050,000 \$ 3,050,000 155197

Grant

TOTAL FED Federal Fund Group \$ 3,050,000 \$ 3,050,000 155198

TOTAL ALL BUDGET FUND GROUPS \$ 46,366,669 \$ 47,087,703 155199

Section 305.20. MARKET CONDUCT EXAMINATION 155201

When conducting a market conduct examination of any insurer 155202
doing business in this state, the Superintendent of Insurance may 155203
assess the costs of the examination against the insurer. The 155204
Superintendent may enter into consent agreements to impose 155205
administrative assessments or fines for conduct discovered that 155206
may be violations of statutes or rules administered by the 155207
Superintendent. All costs, assessments, or fines collected shall 155208
be deposited to the credit of the Department of Insurance 155209
Operating Fund (Fund 5540). 155210

Section 307.10. JFS DEPARTMENT OF JOB AND FAMILY SERVICES 155211

General Revenue Fund 155212

GRF 600410 TANF State Maintenance \$ 149,268,000 \$ 149,268,000 155213
of Effort

GRF 600450 Program Operations \$ 205,000,000 \$ 205,000,000 155214

GRF 600502 Child Support- Local \$ 26,400,000 \$ 26,400,000 155215

GRF 600521 Family Assistance - \$ 53,248,000 \$ 53,248,000 155216
Local

GRF 600533 Child, Family, and \$ 13,500,000 \$ 13,500,000 155217
Community Protection
Services

GRF 600534 Adult Protective \$ 9,720,000 \$ 9,720,000 155218
Services

GRF 600551 Job and Family Services \$ 150,000 \$ 150,000 155219
Program Support

GRF 600561 Parenting and Pregnancy \$ 7,000,000 \$ 7,000,000 155220
Program

GRF 600562 Adoption Grant Program \$ 15,000,000 \$ 15,000,000 155221

GRF 655425 Medicaid Program \$ 15,605,000 \$ 15,673,000 155222
Support

GRF 655522	Medicaid Program	\$	44,000,000	\$	49,000,000	155223
	Support - Local					
GRF 655523	Medicaid Program	\$	43,530,000	\$	43,530,000	155224
	Support - Local					
	Transportation					
TOTAL GRF	General Revenue Fund	\$	582,421,000	\$	587,489,000	155225
	Dedicated Purpose Fund Group					155226
4A80 600658	Public Assistance	\$	19,900,000	\$	19,900,000	155227
	Activities					
4A90 600607	Unemployment	\$	11,400,000	\$	11,400,000	155228
	Compensation					
	Administration Fund					
4E70 600604	Family and Children	\$	650,000	\$	650,000	155229
	Services Collections					
5CV3 600460	Job and Family	\$	10,000,000	\$	10,000,000	155230
	Services ARPA					
5DM0 600633	Audit Settlements and	\$	1,000,000	\$	1,000,000	155231
	Contingency					
5ES0 600630	Food Bank Assistance	\$	500,000	\$	500,000	155232
5RX0 600699	Workforce Development	\$	500,000	\$	500,000	155233
	Projects					
5TZ0 600674	Childrens Crisis Care	\$	1,250,000	\$	1,500,000	155234
5U60 600663	Family and Children	\$	6,932,065	\$	7,787,465	155235
	Support					
TOTAL DPF	Dedicated Purpose Fund	\$	52,132,065	\$	53,237,465	155236
	Group					
	Internal Service Activity Fund Group					155237
5HL0 600602	State and County	\$	2,000,000	\$	2,000,000	155238
	Shared Services					
TOTAL ISA	Internal Service Activity	\$	2,000,000	\$	2,000,000	155239
	Fund Group					
	Fiduciary Fund Group					155240

1920	600646	Child Support	\$	100,000,000	\$	100,000,000	155241
		Intercept - Federal					
5830	600642	Child Support	\$	13,000,000	\$	13,000,000	155242
		Intercept - State					
5B60	600601	Food Assistance	\$	4,000,000	\$	4,000,000	155243
		Intercept					
TOTAL FID		Fiduciary Fund Group	\$	117,000,000	\$	117,000,000	155244
		Holding Account Fund Group					155245
R012	600643	Refunds and Audit	\$	500,000	\$	500,000	155246
		Settlements					
TOTAL HLD		Holding Account Fund	\$	500,000	\$	500,000	155247
		Group					
		Federal Fund Group					155248
3310	600615	Veterans Programs	\$	11,872,779	\$	11,893,147	155249
3310	600624	Employment Services	\$	30,454,022	\$	30,882,752	155250
3310	600686	Workforce Programs	\$	3,926,746	\$	3,980,332	155251
3840	600610	Food Assistance	\$	245,396,656	\$	236,482,931	155252
		Programs					
3850	600614	Refugee Services	\$	23,157,277	\$	12,375,030	155253
3950	600616	Federal Discretionary	\$	8,367,273	\$	5,047,878	155254
		Grants					
3960	600620	Social Services Block	\$	38,191,659	\$	38,280,049	155255
		Grant					
3970	600626	Child Support -	\$	205,929,146	\$	205,192,248	155256
		Federal					
3F01	655624	Medicaid Program	\$	220,005,026	\$	220,103,397	155257
		Support - Federal					
3S50	600622	Child Support Projects	\$	534,050	\$	534,050	155258
3V00	600688	Workforce Innovation	\$	165,190,735	\$	165,578,756	155259
		and Opportunity Act					
		Programs					
3V40	600632	Trade Programs	\$	29,560,798	\$	29,727,681	155260

3V40 600678	Federal Unemployment Programs	\$ 132,198,612	\$ 131,184,431	155261
3V40 600679	Unemployment Compensation Review Commission - Federal	\$ 6,830,615	\$ 6,948,482	155262
3V60 600689	TANF Block Grant	\$ 814,044,607	\$ 818,722,142	155263
TOTAL FED	Federal Fund Group	\$ 1,935,660,001	\$ 1,916,933,306	155264
TOTAL ALL BUDGET FUND GROUPS		\$ 2,689,713,066	\$ 2,677,159,771	155265

Section 307.20. COUNTY ADMINISTRATIVE FUNDS 155267

(A) The foregoing appropriation item 600521, Family Assistance - Local, may be provided to county departments of job and family services to administer food assistance and disability assistance programs. 155268
155269
155270
155271

(B) Of the foregoing appropriation item 600521, Family Assistance - Local, \$2,500,000 in each fiscal year shall be provided to assist county departments that submit an approved plan on increasing fraud prevention, early detection of fraud, and investigations on potential fraud that may be occurring in public assistance programs. 155272
155273
155274
155275
155276
155277

(C) The foregoing appropriation item 655522, Medicaid Program Support - Local, may be provided to county departments of job and family services to administer the Medicaid program and the State Children's Health Insurance program. 155278
155279
155280
155281

(D) At the request of the Director of Job and Family Services, the Director of Budget and Management may transfer appropriations between the following appropriation items to ensure county administrative funds are expended from the proper appropriation item: 155282
155283
155284
155285
155286

(1) Appropriation item 600521, Family Assistance - Local, and appropriation item 655522, Medicaid Program Support - Local; and 155287
155288

(2) Appropriation item 655523, Medicaid Program Support - 155289
Local Transportation, and appropriation item 655522, Medicaid 155290
Program Support - Local. 155291

Section 307.30. NAME OF FOOD STAMP PROGRAM 155292

The Director of Job and Family Services is not required to 155293
amend rules regarding the Food Stamp Program to change the name of 155294
the program to the Supplemental Nutrition Assistance Program. The 155295
Director may refer to the program as the Food Stamp Program, the 155296
Supplemental Nutrition Assistance Program, or the Food Assistance 155297
Program in rules and documents of the Department of Job and Family 155298
Services. 155299

Section 307.40. OHIO ASSOCIATION OF FOOD BANKS 155300

Of the foregoing appropriation items 600410, TANF State 155301
Maintenance of Effort, 600658, Public Assistance Activities, and 155302
600689, TANF Block Grant, a total of up to \$22,050,000 in each 155303
fiscal year shall be used to provide funds to the Ohio Association 155304
of Food Banks to purchase and distribute food products, support 155305
Innovative Summer Meals programs for children, provide SNAP 155306
outreach and free tax filing services, and provide capacity 155307
building equipment for food pantries and soup kitchens. 155308

Notwithstanding section 5101.46 of the Revised Code and any 155309
other provision in this act, the Director of Job and Family 155310
Services shall provide assistance from eligible funds to the Ohio 155311
Association of Food Banks in an amount not less than \$24,550,000 155312
in each fiscal year. This amount includes the funds designated to 155313
the Ohio Association of Food Banks in the first paragraph of this 155314
section. 155315

Eligible nonfederal expenditures made by member food banks of 155316
the Association shall be counted by the Department of Job and 155317
Family Services toward the TANF maintenance of effort requirements 155318

of 42 U.S.C. 609(a)(7). The Director of Job and Family Services 155319
shall enter into an agreement with the Ohio Association of Food 155320
Banks, in accordance with sections 5101.80 and 5101.801 of the 155321
Revised Code, to carry out the requirements under this section. 155322

Section 307.41. TOLEDO SEAGATE FOODBANK 155323

Of the foregoing appropriation item 600689, TANF Block Grant, 155324
\$250,000 in each fiscal year shall be provided to the Toledo 155325
Seagate Foodbank, in accordance with sections 5101.80 and 5101.801 155326
of the Revised Code. 155327

Section 307.43. OHIO ASSOCIATION OF FOODBANKS SUBGRANT 155328

The Department of Job and Family Services shall enter into a 155329
subgrant agreement with the Ohio Association of Foodbanks to 155330
enable the Association to provide food distribution to low-income 155331
families and individuals via the statewide charitable emergency 155332
food provider network and to support transportation of meals for 155333
the Governor's Office of Faith-Based and Community Initiatives 155334
Innovative Summer Meals programs for children and provide capacity 155335
building equipment for food pantries and soup kitchens. 155336

The Ohio Association of Foodbanks shall do all of the 155337
following: 155338

(A) Purchase food for the Agriculture Clearance and Ohio Food 155339
Programs. Information regarding the food purchase shall be 155340
reflected in the plan for statewide distribution of food products 155341
to local food distribution agencies. 155342

(B) Support the Capacity Building Grant program and purchase 155343
equipment for partner agencies that is needed to increase their 155344
capacity to serve more families eligible under the Temporary 155345
Assistance for Needy Families program with perishable foods, 155346
fruits, and vegetables. This equipment purchase shall include, but 155347
is not limited to, shelving, pallet jacks, commercial 155348

refrigerators, and commercial freezers. 155349

(C) Submit a quarterly report to the Department of Job and 155350
Family Services not later than sixty days after the close of the 155351
quarter to which the report pertains. The quarterly report shall 155352
include all of the following: 155353

(1) A summary of the allocation and expenditure of grant 155354
funds; 155355

(2) Product type and pounds distributed by foodbank service 155356
region and county; 155357

(3) The number of households, households with children, a 155358
breakdown of individuals served by age, including those over the 155359
age of sixty, those between the ages of nineteen and fifty-nine, 155360
and those up to the age of eighteen, and the number of meals 155361
served. 155362

(D) Submit an annual report to the Agreement Manager at the 155363
Department of Job and Family Services not later than one hundred 155364
twenty days after the end of the fiscal year. The annual report 155365
shall include the following: 155366

(1) A summary of the allocation and expenditure of grant 155367
funds; 155368

(2) The number of households, households with children, a 155369
breakdown of individuals served by age, including those over the 155370
age of sixty, those between the ages of nineteen and fifty-nine, 155371
and those up to the age of eighteen, and the number of meals 155372
served. 155373

(3) The quantity and type of food distributed and the total 155374
per pound cost of the food purchased; 155375

(4) Information on the cost of storage, transportation, and 155376
processing; 155377

(5) An evaluation of the success in achieving expected 155378

performance outcomes. 155379

Section 307.50. FOOD STAMPS TRANSFER 155380

On July 1, 2023, or as soon as possible thereafter, and upon 155381
request of the Director of Job and Family Services, the Director 155382
of Budget and Management may transfer up to \$1,000,000 cash from 155383
the Supplemental Nutrition Assistance Program Fund (Fund 3840), to 155384
the Food Assistance Fund (Fund 5ES0). 155385

Section 307.60. PUBLIC ASSISTANCE ACTIVITIES/TANF MOE 155386

The foregoing appropriation item 600658, Public Assistance 155387
Activities, shall be used by the Department of Job and Family 155388
Services to meet the TANF maintenance of effort requirements of 42 155389
U.S.C. 609(a)(7). When the state is assured that it will meet the 155390
maintenance of effort requirement, the Department of Job and 155391
Family Services may use funds from appropriation item 600658, 155392
Public Assistance Activities, to support public assistance 155393
activities. 155394

Section 307.70. TANF STATE MAINTENANCE OF EFFORT 155395

Of the foregoing appropriation item 600410, TANF State 155396
Maintenance of Effort, \$7,500,000 in each fiscal year shall be 155397
provided, in accordance with sections 5101.80 and 5101.801 of the 155398
Revised Code, to the Ohio Alliance of Boys and Girls Clubs to 155399
provide after-school and summer programs that protect at-risk 155400
children and enable youth to become responsible adults. Not less 155401
than \$150,000 in each fiscal year shall be provided to the Boys 155402
and Girls Club of Massillon. 155403

Section 307.80. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK 155404
GRANT 155405

Of the foregoing appropriation item 600689, TANF Block Grant, 155406

up to \$13,535,000 in each fiscal year shall be used, in accordance 155407
with sections 5101.80 and 5101.801 of the Revised Code, to provide 155408
support to programs or organizations that provide services that 155409
align with the mission and goals of the Governor's Office of 155410
Faith-Based and Community Initiatives, as outlined in section 155411
107.12 of the Revised Code, and that further at least one of the 155412
four purposes of the TANF program, as specified in 42 U.S.C. 601. 155413

Of the foregoing appropriation item 600689, TANF Block Grant, 155414
up to \$2,000,000 in each fiscal year shall be used, in accordance 155415
with sections 5101.80 and 5101.801 of the Revised Code, to support 155416
the Independent Living Initiative, including life skills training 155417
and work supports for older children in foster care and those who 155418
have recently aged out of foster care who meet TANF eligibility 155419
requirements. 155420

Of the foregoing appropriation item 600689, TANF Block Grant, 155421
up to \$1,000,000 in each fiscal year shall be provided, in 155422
accordance with sections 5101.80 and 5101.801 of the Revised Code, 155423
to the Ohio Children's Trust Fund. 155424

Of the foregoing appropriation item 600689, TANF Block Grant, 155425
\$3,750,000 in each fiscal year shall be provided, in accordance 155426
with sections 5101.80 and 5101.801 of the Revised Code, to the 155427
Children's Hunger Alliance to assist with meal sponsorship, early 155428
child care programs, child care, consultations and nutrition 155429
education, school district nutrition programs, after school 155430
nutrition programs, and summer nutrition programs. 155431

Of the foregoing appropriation item 600689, TANF Block Grant, 155432
\$1,000,000 in each fiscal year shall be provided, in accordance 155433
with sections 5101.80 and 5101.801 of the Revised Code, to Big 155434
Brothers Big Sisters of Central Ohio to provide mentoring services 155435
to children throughout the state who have experienced trauma in 155436
their lives, including parental incarceration. 155437

Of the foregoing appropriation item 600689, TANF Block Grant, 155438
\$1,500,000 in each fiscal year shall be provided, in accordance 155439
with sections 5101.80 and 5101.801 of the Revised Code, to the 155440
Waterford Institute to implement a pilot program for 155441
pre-kindergarten children. 155442

Of the foregoing appropriation item 600689, TANF Block Grant, 155443
\$1,500,000 in each fiscal year shall be provided, in accordance 155444
with sections 5101.80 and 5101.801 of the Revised Code, to the 155445
Ohio Council of YWCAs to support programs that prevent domestic 155446
violence, support victims of domestic violence, provide 155447
trauma-informed support for survivors, and support educational 155448
opportunities for at-risk youth. 155449

Of the foregoing appropriation item 600689, TANF Block Grant, 155450
\$1,000,000 in each fiscal year shall be provided, in accordance 155451
with sections 5101.80 and 5101.801 of the Revised Code, to Produce 155452
Perks Midwest to expand Ohio's Nutrition Incentive Program. 155453

Of the foregoing appropriation item 600689, TANF Block Grant, 155454
\$500,000 in each fiscal year shall be provided, in accordance with 155455
sections 5101.80 and 5101.801 of the Revised Code, to Child Focus, 155456
Inc., to support programs that provide workforce development, life 155457
skills training, and parent education to improve healthy family 155458
formation, maintenance, and stability for young adult parents and 155459
financially disadvantaged couples. 155460

Of the foregoing appropriation item 600689, TANF Block Grant, 155461
\$400,000 in each fiscal year shall be used, in accordance with 155462
sections 5101.80 and 5101.801 of the Revised Code, to support Ohio 155463
YMCA day camps and before and after school programs to support 155464
students' academic achievement and development. 155465

Of the foregoing appropriation item 600689, TANF Block Grant, 155466
\$300,000 in each fiscal year shall be provided, in accordance with 155467
sections 5101.80 and 5101.801 of the Revised Code, to Shoes and 155468

Clothes for Kids to further increase the number of children served 155469
in the Classroom Guarantee in Lorain County. 155470

Of the foregoing appropriation item 600689, TANF Block Grant, 155471
\$200,000 in each fiscal year shall be provided, in accordance with 155472
sections 5101.80 and 5101.801 of the Revised Code, to Marriage 155473
Works! Ohio in Dayton. 155474

Section 307.85. CAREER NAVIGATOR PILOT PROGRAM 155475

Of the foregoing appropriation item 600450, Program 155476
Operations, up to \$3,025,000 in each fiscal year shall be used to 155477
support a career navigator program that assists high school 155478
students with post-graduation planning. These funds shall be used 155479
as follows: 155480

(A) Up to \$3,000,000 in each fiscal year shall be used by the 155481
Department of Job and Family Services, in partnership with the 155482
Department of Education and the Governor's Office of Workforce 155483
Transformation, to establish a two-year pilot program to employ 155484
career navigators at select local workforce development boards, 155485
defined as "local board" in section 6301.01 of the Revised Code. 155486
The career navigators shall provide services to Ohio high school 155487
students. These services may include OhioMeansJobs registration, 155488
career planning information, and assistance with earning the 155489
OhioMeansJobs-Readiness Seal for graduation. When implementing the 155490
program, the career navigators and participating local workforce 155491
development boards shall coordinate with the business advisory 155492
council of a participating local school district. 155493

(B) Up to \$25,000 in each fiscal year shall be used by the 155494
Department of Job and Family Services, in partnership with the 155495
Department of Education and the Governor's Office of Workforce 155496
Transformation, to conduct an evaluation of the pilot program. 155497
This evaluation shall be completed not later than three months 155498
after the end date of the program. 155499

Section 307.90. CHILD SUPPORT COLLECTIONS PILOT	155500
Of the foregoing appropriation item 600450, Program	155501
Operations, up to \$2,000,000 in each fiscal year may be provided	155502
to assist up to ten county child support enforcement agencies that	155503
submit an approved plan to the Department of Job and Family	155504
Services to administer a pilot program to secure consistent child	155505
support payments in targeted non-payment child support cases and	155506
to participate in a study to identify strategies for highest	155507
success for obtaining collections.	155508
Section 307.95. LA SOUPE	155509
Of the foregoing appropriation item 600450, Program	155510
Operations, up to \$1,770,000 in fiscal year 2024 shall be provided	155511
to La Soupe, Inc. to expand and establish services in three new	155512
sites in Ohio.	155513
Section 307.100. ELEVATE NORTHLAND	155514
Of the foregoing appropriation item 600450, Program	155515
Operations, up to \$500,000 in fiscal year 2024 shall be allocated	155516
to Elevate Northland and used for the capital improvements to the	155517
Elevate Northland Center in the Northland area.	155518
Section 307.120. CHILD, FAMILY, AND COMMUNITY PROTECTION	155519
SERVICES	155520
(A) The foregoing appropriation item 600533, Child, Family,	155521
and Community Protection Services, shall be distributed to county	155522
departments of job and family services. County departments shall	155523
use the funds distributed to them under this section as follows,	155524
in accordance with the written plan of cooperation entered into	155525
under section 307.983 of the Revised Code:	155526
(1) To assist individuals in achieving or maintaining	155527

self-sufficiency, including by reducing or preventing dependency 155528
among individuals with family income not exceeding two hundred per 155529
cent of the federal poverty guidelines; 155530

(2) Subject to division (B) of this section, to respond to 155531
reports of abuse, neglect, or exploitation of children and adults, 155532
including through the differential response approach program; 155533

(3) To provide outreach and referral services regarding home 155534
and community-based services to individuals at risk of placement 155535
in a group home or institution, regardless of the individuals' 155536
family income and without need for a written application; 155537

(4) To provide outreach, referral, application assistance, 155538
and other services to assist individuals to receive assistance, 155539
benefits, or services under Medicaid; Title IV-A programs, as 155540
defined in section 5101.80 of the Revised Code; the Supplemental 155541
Nutrition Assistance Program; and other public assistance 155542
programs. 155543

(B) Protective services may be provided to a child or adult 155544
as part of a response, under division (A)(2) of this section, to a 155545
report of abuse, neglect, or exploitation without regard to a 155546
child or adult's family income and without need for a written 155547
application. The protective services may be provided if the case 155548
record documents circumstances of actual or potential abuse, 155549
neglect, or exploitation. 155550

Section 307.130. ADULT PROTECTIVE SERVICES 155551

Of the foregoing appropriation item 600534, Adult Protective 155552
Services, \$7,040,000 in each fiscal year shall be used to provide 155553
an initial allocation of \$80,000 to each county. The remainder of 155554
appropriation item 600534 shall be provided to counties in 155555
accordance with the formula established in section 5101.14 of the 155556
Revised Code. 155557

Section 307.133. JOB AND FAMILY SERVICES PROGRAM SUPPORT	155558
Of the foregoing appropriation item 600551, Job and Family Services Program Support, \$150,000 in each fiscal year shall be distributed to Men's Challenge in Stark County.	155559 155560 155561
Section 307.135. PARENTING AND PREGNANCY PROGRAM	155562
The foregoing appropriation item 600561, Parenting and Pregnancy Program, shall be used, in accordance with section 5101.804 of the Revised Code, to support the Ohio Parenting and Pregnancy Program.	155563 155564 155565 155566
Section 307.140. ADOPTION GRANT PROGRAM	155567
The foregoing appropriation item 600562, Adoption Grant Program, shall be used, in consultation with the Department of Children and Youth, to administer grants to adoptive parents through the Adoption Grant Program, in accordance with sections 5101.191 and 5101.192 of the Revised Code.	155568 155569 155570 155571 155572
Section 307.150. FEDERAL DISCRETIONARY GRANTS	155573
Of the foregoing appropriation item 600616, Federal Discretionary Grants, up to \$195,000 in each fiscal year shall be used for the training of guardians ad litem and court-appointed special advocates as well as to conduct a study to demonstrate the impact of court-appointed special advocate volunteers on outcomes for children who are in child welfare custody as a result of abuse, neglect, or dependency.	155574 155575 155576 155577 155578 155579 155580
Section 307.210. CHILDRENS CRISIS CARE FACILITIES	155581
Of the foregoing appropriation item 600674, Childrens Crisis Care Facilities, up to \$265,000 in each fiscal year may be provided to Brigid's Path.	155582 155583 155584

The remainder of appropriation item 600674, Childrens Crisis Care Facilities, shall be allocated by the Department of Job and Family Services in each fiscal year to children's crisis care facilities as defined in section 5103.13 of the Revised Code. The Director of Job and Family Services shall allocate funds in each fiscal year based on the total length of stay or days of care for each child residing in the facility, which is determined by calculating the total days each child resides at the crisis care facility, including the date of admission, but not the day of discharge. A children's crisis care facility may decline to receive funds provided under this section. A children's crisis care facility that accepts funds provided under this section shall use the funds in accordance with section 5103.13 of the Revised Code and the rules as defined in rule 5101:2-9-36 of the Administrative Code.

Section 307.220. FIDUCIARY AND HOLDING ACCOUNT FUND GROUPS

The Fiduciary Fund Group and Holding Account Fund Group shall be used to hold revenues until the appropriate fund is determined or until the revenues are directed to the appropriate governmental agency other than the Department of Job and Family Services. Any Department of Job and Family Services refunds or reconciliations received or held by the Department of Medicaid shall be transferred or credited to the Refunds and Audit Settlement Fund (Fund R012). If receipts credited to the Support Intercept - Federal Fund (Fund 1920), the Support Intercept - State Fund (Fund 5830), the Food Stamp Offset Fund (Fund 5B60), or the Refunds and Audit Settlements Fund (Fund R012) exceed the amounts appropriated from the fund, the Director of Job and Family Services may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. Upon the approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

Section 307.240. (A)(1) The Department of Job and Family 155617
Services shall establish a two-year pilot program known as the 155618
Actionable Help and New Dignity for Upward Progression (A HAND UP) 155619
pilot program. Under the pilot program, the Department shall 155620
assist program participants in transitioning into the workforce as 155621
they become ineligible for public assistance benefits. 155622

(2) The Department shall select four counties in which to 155623
operate the pilot program. In selecting counties, the Department 155624
shall select one metropolitan county; one midsize county; and two 155625
rural counties, one of which is located in the Appalachian region 155626
of the state. 155627

(3) Individuals participating in the program shall do so for 155628
a maximum initial period of one year. Following an individual's 155629
initial participation in the program, the Department shall 155630
evaluate the progress made by the participant in meeting the goals 155631
of the program. Following an evaluation of a participant's 155632
progress, the Department may permit an individual to continue 155633
participating in the program for additional six-month periods. At 155634
the end of each six-month period, the Department shall evaluate 155635
the progress of the participant and determine whether the 155636
participant may continue in the program for another six-month 155637
period. 155638

(B) Not later than one hundred eighty days after the 155639
effective date of this section, the Department shall have the 155640
pilot program fully operational. The Department shall do all of 155641
the following in setting up the pilot program: 155642

(1) Establish eligibility criteria for individuals 155643
participating in the pilot program; 155644

(2) Establish conditions for continued participation in the 155645
pilot program; 155646

(3) Establish a competitive application process for employers seeking to participate in the pilot program;	155647 155648
(4) Identify existing subsidized employment programs and provide training to program operators seeking to participate in the pilot program;	155649 155650 155651
(5) Establish an assessment tool to determine the success of employers participating in the pilot program;	155652 155653
(6) Establish a process by which pilot program participants are connected with employers participating in the program;	155654 155655
(7) Establish a mentorship program, including training for mentors, that connects pilot program participants with program mentors;	155656 155657 155658
(8) Identify and establish a financial literacy program for pilot program participants.	155659 155660
(C) Under the pilot program, the Department shall do both of the following:	155661 155662
(1) Provide pilot program participants a stipend, on a sliding scale as determined by the Department, that each participant may use to pay for health care insurance premiums and deductibles or for child care expenses;	155663 155664 155665 155666
(2) Provide employers that participate in the pilot program with subsidies for employing pilot program participants.	155667 155668
(D) Not later than one hundred eighty days after the effective date of this section, the Department shall adopt rules, in accordance with Chapter 119. of the Revised Code, as necessary to implement the pilot program.	155669 155670 155671 155672
(E) To assist with the administration and operation of the pilot program, the Department shall establish a digital application that does all of the following:	155673 155674 155675
(1) Calculates a participant's income based on the	155676

individual's benefits received and income earned;	155677
(2) Connects participants with pilot program resources;	155678
(3) Provides educational and motivational resources to participants;	155679 155680
(4) Connects participants with mentors or pilot program case workers.	155681 155682
In developing the digital application, the Department may work in collaboration with the Office of InnovateOhio.	155683 155684
(F) If a county department of job and family services representing a county selected to participate in the pilot program has established an individual development account program under section 329.12 of the Revised Code, the Department of Job and Family Services shall request a waiver from the United States Department of Health and Human Services to allow pilot program participants in those counties to use individual development account funds for purposes other than those specified in 45 C.F.R. 263.22, such as rental assistance, moving costs, utilities, and transportation costs.	155685 155686 155687 155688 155689 155690 155691 155692 155693 155694
(G)(1) As part of the pilot program, the Department of Job and Family Services shall study participants once they have completed participation in the program to determine all of the following:	155695 155696 155697 155698
(a) Whether they are employed;	155699
(b) The type of employment in which they are engaged;	155700
(c) The amount of compensation they are receiving;	155701
(d) Whether their employer provides health insurance;	155702
(e) Whether and how often they have received public assistance since completing participation in the program;	155703 155704
(f) Whether they are successfully self-sufficient.	155705

(2) The Department shall include the results of this study in the annual reports it submits to the General Assembly under division (H) of this section.

(H) Beginning one year after the effective date of this section, the Department shall submit a report to the General Assembly. Thereafter, the Department shall submit an annual report to the General Assembly at the end of each calendar year in which the pilot program operates. The reports shall specify the outcomes of the pilot program, including data indicating the ways in which the pilot program is assisting participants in transitioning from receiving public assistance benefits to the workforce. The reports shall be submitted in accordance with section 101.68 of the Revised Code.

(I) The foregoing appropriation item 600460, Job and Family Services ARPA, shall be used to support the 'A Hand Up' pilot program in accordance with this section.

Section 309.10. JCR JOINT COMMITTEE ON AGENCY RULE REVIEW

General Revenue Fund

GRF 029321	Operating Expenses	\$	610,000	\$	620,000	155724
TOTAL GRF	General Revenue Fund	\$	610,000	\$	620,000	155725
TOTAL ALL BUDGET FUND GROUPS		\$	610,000	\$	620,000	155726

OPERATING GUIDANCE

The Legislative Service Commission shall act as fiscal agent for the Joint Committee on Agency Rule Review. Members of the Committee shall be paid in accordance with section 101.35 of the Revised Code.

OPERATING EXPENSES

On July 1, 2023, or as soon as possible thereafter, the Executive Director of the Joint Committee on Agency Rule Review may certify to the Director of Budget and Management an amount up

to the unexpended, unencumbered balance of the foregoing 155736
appropriation item 029321, Operating Expenses, at the end of 155737
fiscal year 2023 to be reappropriated to fiscal year 2024. The 155738
amount certified is hereby reappropriated to the same 155739
appropriation item for fiscal year 2024. 155740

On July 1, 2024, or as soon as possible thereafter, the 155741
Executive Director of the Joint Committee on Agency Rule Review 155742
may certify to the Director of Budget and Management an amount up 155743
to the unexpended, unencumbered balance of the foregoing 155744
appropriation item 029321, Operating Expenses, at the end of 155745
fiscal year 2024 to be reappropriated to fiscal year 2025. The 155746
amount certified is hereby reappropriated to the same 155747
appropriation item for fiscal year 2025. 155748

Section 313.10. JMO JOINT MEDICAID OVERSIGHT COMMITTEE 155749

General Revenue Fund 155750

GRF 048321 Operating Expenses	\$	408,000	\$	591,000	155751
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TOTAL GRF General Revenue Fund	\$	408,000	\$	591,000	155752
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TOTAL ALL BUDGET FUND GROUPS	\$	408,000	\$	591,000	155753
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OPERATING EXPENSES 155754

The foregoing appropriation item 048321, Operating Expenses, 155755
shall be used to support expenses related to the Joint Medicaid 155756
Oversight Committee created by section 103.41 of the Revised Code. 155757

On July 1, 2023, or as soon as possible thereafter, the 155758
Executive Director of the Joint Medicaid Oversight Committee may 155759
certify to the Director of Budget and Management an amount up to 155760
the unexpended, unencumbered balance of the foregoing 155761
appropriation item 048321, Operating Expenses, at the end of 155762
fiscal year 2023 to be reappropriated to fiscal year 2024. The 155763
amount certified is hereby reappropriated to the same 155764
appropriation item for fiscal year 2024. 155765

On July 1, 2024, or as soon as possible thereafter, the Executive Director of the Joint Medicaid Oversight Committee may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 048321, Operating Expenses, at the end of fiscal year 2024 to be reappropriated to fiscal year 2025. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2025.

Section 315.10. JCO JUDICIAL CONFERENCE OF OHIO

General Revenue Fund

GRF 018321	Operating Expenses	\$	1,192,000	\$	1,231,000	
TOTAL GRF	General Revenue Fund	\$	1,192,000	\$	1,231,000	

Dedicated Purpose Fund Group

4030 018601	Ohio Jury	\$	616,853	\$	674,109	
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Instructions

TOTAL DPF	Dedicated Purpose Fund	\$	616,853	\$	674,109	
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Group

TOTAL ALL BUDGET FUND GROUPS		\$	1,808,853	\$	1,905,109	
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STATE COUNCIL OF UNIFORM STATE LAWS

Notwithstanding section 105.26 of the Revised Code, of the foregoing appropriation item 018321, Operating Expenses, up to \$93,710 in fiscal year 2024 and up to \$97,458 in fiscal year 2025 shall be used to pay the expenses of the State Council of Uniform State Laws, including membership dues to the National Conference of Commissioners on Uniform State Laws.

OHIO JURY INSTRUCTIONS FUND

The Ohio Jury Instructions Fund (Fund 4030) shall consist of grants, royalties, dues, conference fees, bequests, devises, and other gifts received for the purpose of supporting costs incurred by the Judicial Conference of Ohio in its activities as a part of

the judicial system of the state as determined by the Judicial Conference Executive Committee. Fund 4030 shall be used by the Judicial Conference of Ohio to pay expenses incurred in its activities as a part of the judicial system of the state as determined by the Judicial Conference Executive Committee. All moneys accruing to Fund 4030 in excess of the amount appropriated for the current fiscal year are hereby appropriated for the purposes authorized. No money in Fund 4030 shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board.

Section 317.10. JSC THE JUDICIARY/SUPREME COURT				155804
General Revenue Fund				155805
GRF	005321	Operating Expenses - Judiciary/Supreme Court	\$ 200,343,000 \$ 207,543,000	155806
GRF	005401	State Criminal Sentencing Commission	\$ 2,185,000 \$ 2,481,000	155807
GRF	005406	Law-Related Education	\$ 375,000 \$ 375,000	155808
GRF	005409	Ohio Courts Technology Initiative	\$ 3,843,000 \$ 3,843,000	155809
TOTAL GRF	General Revenue Fund		\$ 206,746,000 \$ 214,242,000	155810
Dedicated Purpose Fund Group				155811
4C80	005605	Attorney Services	\$ 11,653,424 \$ 11,636,801	155812
5HT0	005617	Court Interpreter Certification	\$ 7,500 \$ 8,000	155813
5SP0	005626	Civil Justice Grant Program	\$ 400,000 \$ 400,000	155814
5T80	005609	Grants and Awards	\$ 90,760 \$ 90,760	155815
6720	005601	Continuing Judicial Education	\$ 79,000 \$ 79,000	155816
TOTAL DPF	Dedicated Purpose Fund		\$ 12,230,684 \$ 12,214,561	155817

Group

Fiduciary Fund Group					155818	
5JY0 005620	County Law Library	\$	308,500	\$	308,500	155819
	Resources Boards					
TOTAL FID	Fiduciary Fund Group	\$	308,500	\$	308,500	155820
Federal Fund Group						155821
3J00 005603	Federal Grants	\$	1,746,957	\$	1,717,558	155822
TOTAL FED	Federal Fund Group	\$	1,746,957	\$	1,717,558	155823
TOTAL ALL BUDGET FUND GROUPS		\$	221,032,141	\$	228,482,619	155824

Section 317.20. STATE CRIMINAL SENTENCING COMMISSION 155826

The foregoing appropriation item 005401, State Criminal 155827
Sentencing Commission, shall be used for the operation of the 155828
State Criminal Sentencing Commission established by section 181.21 155829
of the Revised Code. 155830

LAW-RELATED EDUCATION 155831

Of the foregoing appropriation item 005406, Law-Related 155832
Education, \$225,000 in each fiscal year shall be distributed 155833
directly to the Ohio Center for Law-Related Education for the 155834
purposes of providing continuing citizenship education activities 155835
to primary and secondary students, expanding delinquency 155836
prevention programs, increasing activities for at-risk youth, and 155837
accessing additional public and private money for new programs. 155838

Of the foregoing appropriation item 005406, Law-Related 155839
Education, \$150,000 in each fiscal year shall be used to promote 155840
information about candidates who have filed to run for judicial 155841
office. No funds shall be used for the endorsement or promotion of 155842
any candidate. 155843

OHIO COURTS TECHNOLOGY INITIATIVE 155844

The foregoing appropriation item 005409, Ohio Courts 155845
Technology Initiative, shall be used to fund an initiative by the 155846

Supreme Court to facilitate the exchange of information and 155847
warehousing of data by and between Ohio courts and other justice 155848
system partners through the creation of an Ohio Courts Network, 155849
the delivery of technology services to courts throughout the 155850
state, including the provision of hardware, software, and the 155851
development and implementation of educational and training 155852
programs for judges and court personnel, and operation of the 155853
Commission on Technology and the Courts by the Supreme Court for 155854
the promulgation of statewide rules, policies, and uniform 155855
standards, and to aid in the orderly adoption and comprehensive 155856
use of technology in Ohio courts. 155857

ATTORNEY SERVICES 155858

The Attorney Registration Fund (Fund 4C80) shall consist of 155859
money received by the Supreme Court (The Judiciary) pursuant to 155860
the Rules for the Government of the Bar of Ohio. In addition to 155861
funding other activities considered appropriate by the Supreme 155862
Court, the foregoing appropriation item 005605, Attorney Services, 155863
may be used to compensate employees and to fund appropriate 155864
activities of the following offices established by the Supreme 155865
Court: the Office of Disciplinary Counsel, the Board of 155866
Commissioners on Grievances and Discipline, the Clients' Security 155867
Fund, and the Attorney Services Division which include the Office 155868
of Bar Admissions. If it is determined by the Administrative 155869
Director of the Supreme Court that changes to the appropriation 155870
are necessary, the amounts are hereby appropriated. 155871

No money in Fund 4C80 shall be transferred to any other fund 155872
by the Director of Budget and Management or the Controlling Board. 155873
Interest earned on money in Fund 4C80 shall be credited to the 155874
fund. 155875

COURT INTERPRETER CERTIFICATION 155876

The Court Interpreter Certification Fund (Fund 5HT0) shall 155877

consist of money received by the Supreme Court (The Judiciary) 155878
pursuant to Rules 80 through 87 of the Rules of Superintendence 155879
for the Courts of Ohio. The foregoing appropriation item 005617, 155880
Court Interpreter Certification, shall be used to provide 155881
training, to provide the written examination, and to pay language 155882
experts to rate, or grade, the oral examinations of those applying 155883
to become certified court interpreters. If it is determined by the 155884
Administrative Director of the Supreme Court that changes to the 155885
appropriation are necessary, the amounts are hereby appropriated. 155886

No money in Fund 5HT0 shall be transferred to any other fund 155887
by the Director of Budget and Management or the Controlling Board. 155888
Interest earned on money in Fund 5HT0 shall be credited to the 155889
fund. 155890

CIVIL JUSTICE GRANT PROGRAM 155891

The Civil Justice Program Fund (Fund 5SP0) shall consist of 155892
(1) \$50 voluntary donations made as part of the biennium attorney 155893
registration process and (2) \$150 of the pro hac vice fees for 155894
out-of-state attorneys pursuant to Government of the Bar Rule 155895
amendments. The foregoing appropriation item 005626, Civil Justice 155896
Grant Program, shall be used by the Supreme Court of Ohio for 155897
grants to not-for-profit organizations and agencies dedicated to 155898
providing civil legal aid to underserved populations, to fund 155899
innovative programs directed at this purpose, and to increase 155900
access to judicial service to that population. If it is determined 155901
by the Administrative Director of the Supreme Court that changes 155902
to the appropriation are necessary, the amounts are hereby 155903
appropriated. 155904

No money in Fund 5SP0 shall be transferred to any other fund 155905
by the Director of Budget and Management or the Controlling Board. 155906
Interest earned on money in Fund 5SP0 shall be credited to the 155907
fund. 155908

GRANTS AND AWARDS 155909

The Grants and Awards Fund (Fund 5T80) shall consist of 155910
grants and other money awarded to the Supreme Court (The 155911
Judiciary) by the State Justice Institute, the Division of 155912
Criminal Justice Services, or other entities. The foregoing 155913
appropriation item 005609, Grants and Awards, shall be used in a 155914
manner consistent with the purpose of the grant or award. If it is 155915
determined by the Administrative Director of the Supreme Court 155916
that changes to the appropriation are necessary, the amounts are 155917
hereby appropriated. 155918

No money in Fund 5T80 shall be transferred to any other fund 155919
by the Director of Budget and Management or the Controlling Board. 155920
Interest earned on money in Fund 5T80 shall be credited or 155921
transferred to the General Revenue Fund. 155922

JUDICIARY/SUPREME COURT EDUCATION 155923

The Judiciary/Supreme Court Education Fund (Fund 6720) shall 155924
consist of fees paid for attending judicial and public education 155925
on the law, reimbursement of costs for judicial and public 155926
education on the law, and other gifts and grants received for the 155927
purpose of judicial and public education on the law. The foregoing 155928
appropriation item 005601, Continuing Judicial Education, shall be 155929
used to pay expenses for judicial education courses for judges, 155930
court personnel, and those who serve the courts, and for public 155931
education on the law. If it is determined by the Administrative 155932
Director of the Supreme Court that changes to the appropriation 155933
are necessary, the amounts are hereby appropriated. 155934

No money in Fund 6720 shall be transferred to any other fund 155935
by the Director of Budget and Management or the Controlling Board. 155936
Interest earned on money in Fund 6720 shall be credited to the 155937
fund. 155938

COUNTY LAW LIBRARY RESOURCES BOARDS 155939

The Statewide Consortium of County Law Library Resources 155940
Boards Fund (Fund 5JY0) shall consist of moneys deposited pursuant 155941
to section 307.515 of the Revised Code into a county's law library 155942
resources fund and forwarded by that county's treasurer for 155943
deposit in the state treasury pursuant to division (E)(1) of 155944
section 3375.481 of the Revised Code. The foregoing appropriation 155945
item 005620, County Law Library Resources Boards, shall be used 155946
for the operation of the Statewide Consortium of County Law 155947
Library Resources Boards. If it is determined by the 155948
Administrative Director of the Supreme Court that changes to the 155949
appropriation are necessary, the amounts are hereby appropriated. 155950

No money in Fund 5JY0 shall be transferred to any other fund 155951
by the Director of Budget and Management or the Controlling Board. 155952
Interest earned on money in Fund 5JY0 shall be credited to the 155953
fund. 155954

FEDERAL GRANTS 155955

The Federal Grants Fund (Fund 3J00) shall consist of grants 155956
and other moneys awarded to the Supreme Court (The Judiciary) by 155957
the United States Government or other entities that receive the 155958
moneys directly from the United States Government and distribute 155959
those moneys to the Supreme Court (The Judiciary). The foregoing 155960
appropriation item 005603, Federal Grants, shall be used in a 155961
manner consistent with the purpose of the grant or award. If it is 155962
determined by the Administrative Director of the Supreme Court 155963
that changes to the appropriation are necessary, the amounts are 155964
hereby appropriated. 155965

No money in Fund 3J00 shall be transferred to any other fund 155966
by the Director of Budget and Management or the Controlling Board. 155967
However, interest earned on money in Fund 3J00 shall be credited 155968
or transferred to the General Revenue Fund. 155969

Section 319.10. LEC LAKE ERIE COMMISSION 155970

Dedicated Purpose Fund Group					155971
4C00 780601 Lake Erie Protection	\$	801,000	\$	1,416,000	155972
6H20 780604 H2Ohio	\$	132,000	\$	132,000	155973
TOTAL DPF Dedicated Purpose Fund Group	\$	933,000	\$	1,548,000	155974

Federal Fund Group					155975
3EP0 780603 LEC Federal Grants	\$	50,000	\$	50,000	155976
TOTAL FED Federal Fund Group	\$	50,000	\$	50,000	155977
TOTAL ALL BUDGET FUND GROUPS	\$	983,000	\$	1,598,000	155978

CASH TRANSFERS TO THE LAKE ERIE PROTECTION FUND 155979

On July 1 of each fiscal year, or as soon as possible 155980
thereafter, the Director of Budget and Management may transfer 155981
cash from the funds specified below, up to the amounts specified 155982
below, to the Lake Erie Protection Fund (Fund 4C00). Fund 4C00 may 155983
accept contributions and transfers made to the fund. 155984

Fund	Fund Name	User	FY 2024	FY 2025	
5BC0	Environmental Protection	Environmental Protection Agency	\$25,000	\$25,000	155985
6690	Pesticide, Fertilizer and Lime	Department of Agriculture	\$25,000	\$25,000	155986
4700	General Operations	Department of Health	\$25,000	\$25,000	155987
1570	Central Support Indirect Chargeback	Department of Natural Resources	\$25,000	\$25,000	155988
7002	Highway Operating	Department of Transportation	\$25,000	\$25,000	155989
1350	Supportive Services	Department of Development	\$25,000	\$25,000	155990

H2OHIO FUND 155992

On July 1, 2024, or as soon as possible thereafter, the 155993
Director of the Lake Erie Commission may certify to the Director 155994

of Budget and Management an amount up to the unexpended, 155995
unencumbered balance of the foregoing appropriation item, 780604, 155996
H2Ohio, at the end of fiscal year 2024 to be reappropriated in 155997
fiscal year 2025. The amount certified is hereby reappropriated to 155998
the same appropriation item for fiscal year 2025. 155999

Section 321.10. JLE JOINT LEGISLATIVE ETHICS COMMITTEE 156000

General Revenue Fund 156001

GRF 028321 Legislative Ethics \$ 713,000 \$ 713,000 156002
Committee

TOTAL GRF General Revenue Fund \$ 713,000 \$ 713,000 156003

Dedicated Purpose Fund Group 156004

4G70 028601 Joint Legislative \$ 150,000 \$ 150,000 156005
Ethics Committee

5HN0 028602 Investigations and \$ 10,000 \$ 10,000 156006
Financial Disclosure

TOTAL DPF Dedicated Purpose Fund \$ 160,000 \$ 160,000 156007
Group

TOTAL ALL BUDGET FUND GROUPS \$ 873,000 \$ 873,000 156008

LEGISLATIVE ETHICS COMMITTEE 156009

Of the foregoing appropriation item 028321, Legislative 156010
Ethics Committee, up to \$87,717 in each fiscal year shall be used 156011
for the hiring of an additional staff attorney to assist the Joint 156012
Legislative Ethics Commission in carrying out the performance of 156013
its lawful functions. 156014

On July 1, 2023, or as soon as possible thereafter, the 156015
Legislative Inspector General of the Joint Legislative Ethics 156016
Committee may certify to the Director of Budget and Management an 156017
amount up to the unexpended, unencumbered balance of the foregoing 156018
appropriation item 028321, Legislative Ethics Committee, at the 156019
end of fiscal year 2023 to be reappropriated to fiscal year 2024. 156020

The amount certified is hereby reappropriated to the same 156021
appropriation item for fiscal year 2024. 156022

On July 1, 2024, or as soon as possible thereafter, the 156023
Legislative Inspector General of the Joint Legislative Ethics 156024
Committee may certify to the Director of Budget and Management an 156025
amount up to the unexpended, unencumbered balance of the foregoing 156026
appropriation item 028321, Legislative Ethics Committee, at the 156027
end of fiscal year 2024 to be reappropriated to fiscal year 2025. 156028
The amount certified is hereby reappropriated to the same 156029
appropriation item for fiscal year 2025. 156030

Section 323.10. LSC LEGISLATIVE SERVICE COMMISSION 156031

General Revenue Fund 156032

GRF	035321	Operating Expenses	\$	24,862,000	\$	24,862,000	156033
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GRF	035402	Legislative Fellows	\$	1,150,000	\$	1,150,000	156034
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GRF	035405	Correctional	\$	447,000	\$	447,000	156035
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Institution Inspection
Committee

GRF	035409	National Associations	\$	600,000	\$	600,000	156036
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GRF	035410	Legislative	\$	13,713,000	\$	13,713,000	156037
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Information Systems

GRF	035501	Litigation	\$	1,250,000	\$	0	156038
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TOTAL GRF	General Revenue Fund	\$	42,022,000	\$	40,772,000	156039
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Dedicated Purpose Fund Group 156040

4100	035601	Sale of Publications	\$	10,000	\$	10,000	156041
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TOTAL DPF	Dedicated Purpose Fund	\$	10,000	\$	10,000	156042
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Group

TOTAL ALL BUDGET FUND GROUPS	\$	42,032,000	\$	40,782,000	156043
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Section 323.20. OPERATING EXPENSES 156045

On July 1, 2023, or as soon as possible thereafter, the 156046
Director of the Legislative Service Commission may certify to the 156047

Director of Budget and Management an amount up to the unexpended, 156048
unencumbered balance of the foregoing appropriation item 035321, 156049
Operating Expenses, at the end of fiscal year 2023 to be 156050
reappropriated to fiscal year 2024. The amount certified is hereby 156051
reappropriated to the same appropriation item for fiscal year 156052
2024. 156053

On July 1, 2024, or as soon as possible thereafter, the 156054
Director of the Legislative Service Commission may certify to the 156055
Director of Budget and Management an amount up to the unexpended, 156056
unencumbered balance of the foregoing appropriation item 035321, 156057
Operating Expenses, at the end of fiscal year 2024 to be 156058
reappropriated to fiscal year 2025. The amount certified is hereby 156059
reappropriated to the same appropriation item for fiscal year 156060
2025. 156061

CORRECTIONAL INSTITUTION INSPECTION COMMITTEE 156062

On July 1, 2023, or as soon as possible thereafter, the 156063
Director of the Legislative Service Commission may certify to the 156064
Director of Budget and Management an amount up to the unexpended, 156065
unencumbered balance of the foregoing appropriation item 035405, 156066
Correctional Institution Inspection Committee, at the end of 156067
fiscal year 2023 to be reappropriated to fiscal year 2024. The 156068
amount certified is hereby reappropriated to the same 156069
appropriation item for fiscal year 2024. 156070

On July 1, 2024, or as soon as possible thereafter, the 156071
Director of the Legislative Service Commission may certify to the 156072
Director of Budget and Management an amount up to the unexpended, 156073
unencumbered balance of the foregoing appropriation item 035405, 156074
Correctional Institution Inspection Committee, at the end of 156075
fiscal year 2024 to be reappropriated to fiscal year 2025. The 156076
amount certified is hereby reappropriated to the same 156077
appropriation item for fiscal year 2025. 156078

LEGISLATIVE TASK FORCE ON REDISTRICTING 156079

An amount equal to the unexpended, unencumbered balance of 156080
the foregoing appropriation item 035407, Legislative Task Force on 156081
Redistricting, at the end of fiscal year 2023 is hereby 156082
reappropriated to the Legislative Service Commission for the same 156083
purpose for fiscal year 2024. 156084

An amount equal to the unexpended, unencumbered balance of 156085
the foregoing appropriation item 035407, Legislative Task Force on 156086
Redistricting, at the end of fiscal year 2024 is hereby 156087
reappropriated to the Legislative Service Commission for the same 156088
purpose for fiscal year 2025. 156089

LEGISLATIVE INFORMATION SYSTEMS 156090

On July 1, 2023, or as soon as possible thereafter, the 156091
Director of the Legislative Service Commission may certify to the 156092
Director of Budget and Management an amount up to the unexpended, 156093
unencumbered balance of the foregoing appropriation item 035410, 156094
Legislative Information Systems, at the end of fiscal year 2023 to 156095
be reappropriated to fiscal year 2024. The amount certified is 156096
hereby reappropriated to the same appropriation item for fiscal 156097
year 2024. 156098

On July 1, 2024, or as soon as possible thereafter, the 156099
Director of the Legislative Service Commission may certify to the 156100
Director of Budget and Management an amount up to the unexpended, 156101
unencumbered balance of the foregoing appropriation item 035410, 156102
Legislative Information Systems, at the end of fiscal year 2024 to 156103
be reappropriated to fiscal year 2025. The amount certified is 156104
hereby reappropriated to the same appropriation item for fiscal 156105
year 2025. 156106

LITIGATION 156107

The foregoing appropriation item 035501, Litigation, shall be 156108
used for any lawsuit in which the General Assembly, or either 156109

house of the General Assembly, is made a party. The chairperson 156110
and vice-chairperson of the Legislative Service Commission shall 156111
both approve the use of the appropriated moneys. 156112

An amount equal to the unexpended, unencumbered balance of 156113
the foregoing appropriation item 035501, Litigation, at the end of 156114
fiscal year 2023 is hereby reappropriated to the Legislative 156115
Service Commission for the same purpose for fiscal year 2024. 156116

An amount equal to the unexpended, unencumbered balance of 156117
the foregoing appropriation item 035501, Litigation, at the end of 156118
fiscal year 2024 is hereby reappropriated to the Legislative 156119
Service Commission for the same purpose for fiscal year 2025. 156120

Section 325.10. LIB STATE LIBRARY BOARD 156121

General Revenue Fund 156122

GRF	350321	Operating Expenses	\$	4,527,000	\$	4,527,000	156123
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GRF	350401	Ohioana Library Association	\$	314,000	\$	314,000	156124
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GRF	350502	Regional Library Systems	\$	494,000	\$	494,000	156125
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TOTAL GRF	General Revenue Fund	\$	5,335,000	\$	5,335,000	156126
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Dedicated Purpose Fund Group 156127

4590	350603	Services for Libraries	\$	6,818,338	\$	6,818,338	156128
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4S40	350604	Ohio Public Library Information Network	\$	6,009,243	\$	6,009,243	156129
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5GB0	350605	Library for the Blind	\$	1,274,194	\$	1,274,194	156130
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TOTAL DPF	Dedicated Purpose Fund Group	\$	14,101,775	\$	14,101,775	156131
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Internal Service Activity Fund 156132

1390	350602	Services for State Agencies	\$	8,000	\$	8,000	156133
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TOTAL ISA Internal Service Activity	\$	8,000	\$	8,000	156134
Fund Group					
Federal Fund Group					156135
3130 350601 LSTA Federal	\$	5,432,653	\$	5,432,653	156136
TOTAL FED Federal Fund Group	\$	5,432,653	\$	5,432,653	156137
TOTAL ALL BUDGET FUND GROUPS	\$	24,877,428	\$	24,877,428	156138

Section 325.20. OHIOANA LIBRARY ASSOCIATION 156140

Of the foregoing appropriation item 350401, Ohioana Library 156141
Association, \$195,000 in each fiscal year shall be used to support 156142
the operating expenses of the Martha Kinney Cooper Ohioana Library 156143
Association under section 3375.61 of the Revised Code. 156144

The remainder of the foregoing appropriation item 350401, 156145
Ohioana Library Association, shall be used to pay the rental 156146
expenses of the Martha Kinney Cooper Ohioana Library Association 156147
under section 3375.61 of the Revised Code. 156148

REGIONAL LIBRARY SYSTEMS 156149

The foregoing appropriation item 350502, Regional Library 156150
Systems, shall be used to support regional library systems 156151
eligible for funding under sections 3375.83 and 3375.90 of the 156152
Revised Code. 156153

OHIO PUBLIC LIBRARY INFORMATION NETWORK 156154

(A) The foregoing appropriation item 350604, Ohio Public 156155
Library Information Network, shall be used for an information 156156
telecommunications network linking public libraries in the state 156157
and such others as may participate in the Ohio Public Library 156158
Information Network (OPLIN). 156159

The Ohio Public Library Information Network Board of Trustees 156160
created under section 3375.65 of the Revised Code may make 156161
decisions regarding use of the foregoing appropriation item 156162
350604, Ohio Public Library Information Network. 156163

(B) The OPLIN Board shall research and assist or advise local libraries with regard to emerging technologies and methods that may be effective means to control access to obscene and illegal materials. The OPLIN Director shall provide written reports upon request within ten days to the Governor, the Speaker and Minority Leader of the House of Representatives, and the President and Minority Leader of the Senate on any steps being taken by OPLIN and public libraries in the state to limit and control such improper usage as well as information on technological, legal, and law enforcement trends nationally and internationally affecting this area of public access and service.

(C) The Ohio Public Library Information Network, INFOhio, and OhioLINK shall, to the extent feasible, coordinate and cooperate in their purchase or other acquisition of the use of electronic databases for their respective users and shall contribute funds in an equitable manner to such effort.

LIBRARY FOR THE BLIND

The foregoing appropriation item 350605, Library for the Blind, shall be used for the statewide Talking Book Program to assist the blind and disabled.

TRANSFER TO OPLIN TECHNOLOGY FUND

Notwithstanding sections 5747.03 and 5747.47 of the Revised Code and any other provision of law to the contrary, in accordance with a schedule established by the Director of Budget and Management, the Director of Budget and Management shall transfer \$3,689,788 cash in each fiscal year from the Public Library Fund (Fund 7065) to the OPLIN Technology Fund (Fund 4S40).

TRANSFER TO LIBRARY FOR THE BLIND FUND

Notwithstanding sections 5747.03 and 5747.47 of the Revised Code and any other provision of law to the contrary, in accordance with a schedule established by the Director of Budget and

Management, the Director of Budget and Management shall transfer 156195
\$1,274,194 cash in each fiscal year from the Public Library Fund 156196
(Fund 7065) to the Library for the Blind Fund (Fund 5GB0). 156197

Section 327.10. LCO LIQUOR CONTROL COMMISSION 156198

Dedicated Purpose Fund Group 156199

5LP0 970601 Commission Operating \$ 1,227,200 \$ 1,225,800 156200
Expenses

TOTAL DPF Dedicated Purpose Fund \$ 1,227,200 \$ 1,225,800 156201

Group

TOTAL ALL BUDGET FUND GROUPS \$ 1,227,200 \$ 1,225,800 156202

Section 329.10. LOT STATE LOTTERY COMMISSION 156204

State Lottery Fund Group 156205

7044 950321 Operating Expenses \$ 61,967,164 \$ 64,686,040 156206

7044 950402 Advertising Contracts \$ 29,755,000 \$ 29,955,000 156207

7044 950403 Gaming Contracts \$ 109,197,677 \$ 120,685,198 156208

7044 950601 Direct Prize Payments \$ 179,366,000 \$ 182,106,000 156209

7044 950605 Problem Gambling \$ 4,850,000 \$ 4,850,000 156210

8710 950602 Annuity Prizes \$ 42,243,000 \$ 40,946,000 156211

TOTAL SLF State Lottery Fund Group \$ 427,378,841 \$ 443,228,238 156212

TOTAL ALL BUDGET FUND GROUPS \$ 427,378,841 \$ 443,228,238 156213

OPERATING EXPENSES 156214

Notwithstanding sections 127.14 and 131.35 of the Revised 156215

Code, the Controlling Board may, at the request of the State 156216

Lottery Commission, authorize expenditures from the State Lottery 156217

Fund in excess of the amounts appropriated, up to a maximum of 10 156218

per cent of anticipated total revenue accruing from the sale of 156219

lottery products. Upon the approval of the Controlling Board, the 156220

additional amounts are hereby appropriated. 156221

DIRECT PRIZE PAYMENTS 156222

Any amounts, in addition to the amounts appropriated in 156223
appropriation item 950601, Direct Prize Payments, that the 156224
Director of the State Lottery Commission determines to be 156225
necessary to fund prizes are hereby appropriated. 156226

PROBLEM GAMBLING 156227

Notwithstanding sections 127.14 and 131.35 of the Revised 156228
Code, if the revenue from the one-half of one per cent dispersed 156229
from the video lottery sales agent commissions, as well as the 156230
surrendered funds pursuant to rule 3770:2-8-03 of the 156231
Administrative Code, from the Voluntary Exclusion Program, exceeds 156232
the amount appropriated, the Director of the State Lottery 156233
Commission may certify to the Director of Budget and Management 156234
the amount in excess requesting to be increased in the foregoing 156235
appropriation item 950605, Problem Gambling, or to be transferred 156236
to support programs provided for gambling addiction and other 156237
related services through the Problem Gambling Services Fund (Fund 156238
5T90). If the Director of Budget and Management determines 156239
sufficient cash is available, the Director may transfer up to the 156240
amount certified. Any additional amounts approved by the Director 156241
pursuant to this section are hereby appropriated. 156242

ANNUITY PRIZES 156243

Upon request of the State Lottery Commission, the Director of 156244
Budget and Management may transfer cash from the State Lottery 156245
Fund (Fund 7044) to the Deferred Prizes Trust Fund (Fund 8710) in 156246
an amount sufficient to fund deferred prizes. The Treasurer of 156247
State, from time to time, shall credit the Deferred Prizes Trust 156248
Fund (Fund 8710) the pro rata share of interest earned by the 156249
Treasurer of State on invested balances. 156250

Any amounts, in addition to the amounts appropriated in 156251
appropriation item 950602, Annuity Prizes, that the Director of 156252
the State Lottery Commission determines to be necessary to fund 156253

deferred prizes and interest are hereby appropriated.				156254
TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND				156255
Estimated transfers from the State Lottery Fund (Fund 7044)				156256
to the Lottery Profits Education Fund (Fund 7017) are to be				156257
\$1,424,000,000 in fiscal year 2024 and \$1,440,000,000 in fiscal				156258
year 2025. Transfers by the Director of Budget and Management to				156259
the Lottery Profits Education Fund shall be administered as the				156260
statutes direct.				156261
Section 333.10. MCD DEPARTMENT OF MEDICAID				156262
General Revenue Fund				156263
GRF 651425 Medicaid Program	\$	176,250,000	\$ 176,250,000	156264
Support - State				
GRF 651525 Medicaid Health Care	\$	5,570,713,000	\$ 6,258,292,000	156265
Services - State				
Medicaid Health Care	\$	14,649,386,000	\$ 15,737,295,000	156266
Services - Federal				
Medicaid Health Care	\$	20,220,099,000	\$ 21,995,587,000	156267
Services - Total				
GRF 651526 Medicare Part D	\$	645,860,000	\$ 724,638,000	156268
TOTAL GRF General Revenue Fund				156269
State	\$	6,392,823,000	\$ 7,159,180,000	156270
Federal	\$	14,649,386,000	\$ 15,737,295,000	156271
GRF Total	\$	21,042,209,000	\$ 22,896,475,000	156272
Dedicated Purpose Fund Group				156273
4E30 651605 Resident Protection	\$	5,028,600	\$ 5,026,600	156274
Fund				
5AN0 651686 Care Innovation and	\$	77,673,500	\$ 86,650,700	156275
Community Improvement				
Program				
5DL0 651639 Medicaid Services -	\$	953,417,800	\$ 1,098,017,800	156276

		Recoveries					
5DL0	651685	Medicaid Recoveries -	\$	85,000,300	\$	85,000,400	156277
		Program Support					
5DL0	651690	Multi-system Youth	\$	26,250,000	\$	27,562,500	156278
		Custody					
		Relinquishment					
5FX0	651638	Medicaid Services -	\$	12,000,000	\$	12,000,000	156279
		Payment Withholding					
5GF0	651656	Medicaid Services -	\$	1,631,571,167	\$	1,723,365,065	156280
		Hospital Franchise					
		Fee					
5HC8	651698	MCD Home and	\$	86,027,329	\$	67,374,876	156281
		Community Based					
		Services					
5R20	651608	Medicaid Services -	\$	415,000,000	\$	415,000,000	156282
		Long Term					
5TN0	651684	Medicaid Services -	\$	1,063,227,900	\$	1,138,441,200	156283
		HIC Fee					
5XY0	651694	Improvements for	\$	10,500,000	\$	10,500,000	156284
		Priority Populations					
6510	651649	Medicaid Services -	\$	244,642,100	\$	136,707,750	156285
		Hospital Care					
		Assurance Program					
TOTAL	DPF	Dedicated Purpose Fund	\$	4,610,338,696	\$	4,805,646,891	156286
		Group					
		Holding Account Fund Group					156287
R055	651644	Refunds and	\$	10,000,000	\$	10,000,000	156288
		Reconciliation					
TOTAL	HLD	Holding Account Fund	\$	10,000,000	\$	10,000,000	156289
		Group					
		Federal Fund Group					156290
3ER0	651603	Medicaid and Health	\$	787,100	\$	795,500	156291

	Transformation				
	Technology				
3F00 651623	Medicaid Services -	\$11,013,604,990	\$11,208,144,212	156292	
	Federal				
3F00 651624	Medicaid Program	\$ 538,250,300	\$ 493,250,300	156293	
	Support - Federal				
3FA0 651680	Health Care Grants -	\$ 3,000,000	\$ 3,000,000	156294	
	Federal				
3G50 651655	Medicaid Interagency	\$ 258,149,000	\$ 258,149,000	156295	
	Pass Through				
3HC8 651699	MCD Home and	122,897,812	\$ 121,350,266	156296	
	Community Based				
	Services - Federal				
TOTAL FED	Federal Fund Group	\$11,936,689,202	\$12,084,689,278	156297	
TOTAL ALL BUDGET	FUND GROUPS	\$37,599,236,898	\$39,796,811,169	156298	

Section 333.15. LODGING FOR FAMILIES 156300

Of the foregoing appropriation items 651425, Medicaid Program 156301
 Support - State, and 651624, Medicaid Program Support - Federal, 156302
 \$1,250,000 from each appropriation item in each fiscal year shall 156303
 be used by the Medicaid Director to work with the Centers for 156304
 Medicare and Medicaid Services to add lodging as an administrative 156305
 service available for families with children who have special 156306
 health care needs." 156307

Section 333.20. MEDICAID HEALTH CARE SERVICES 156308

The foregoing appropriation item 651525, Medicaid Health Care 156309
 Services, shall not be limited by section 131.33 of the Revised 156310
 Code. 156311

Section 333.25. PROVIDER RATE INCREASE FOR VISION AND EYE CARE 156312
 CARE 156313

Of the foregoing appropriation item 651525, Medicaid Health 156314

Care Services, an allocation shall be made to provide an increase 156315
in Medicaid provider payment rates for vision services and 156316
medically billed eye care provided to Medicaid recipients in 156317
fiscal year 2024. The increase shall be added to the Medicaid 156318
payment rates for those services in fiscal year 2023. The 156319
increased rate shall be maintained in fiscal year 2025. 156320

Section 333.27. DENTAL SERVICE REIMBURSEMENT 156321

Of the foregoing appropriation item 651525, Medicaid Health 156322
Care Services, \$122,144,375 in fiscal year 2024 and \$244,288,751 156323
in fiscal year 2025 shall be used to increase the reimbursement to 156324
dental service providers who are treating Medicaid patients. 156325

Section 333.29. DIRECT CARE PAYMENT RATES 156326

Of the foregoing appropriation item 651525, Medicaid Health 156327
Care Services, \$47,086,175 in fiscal year 2024 and \$194,924,947 in 156328
fiscal year 2025, shall be used in accordance with this section. 156329
The funds shall be used to increase the base payment rates to \$17 156330
per hour during fiscal year 2024 beginning on January 1, 2024, and 156331
\$18 per hour during fiscal year 2025, for the following services 156332
under Medicaid components administered by the Department of 156333
Medicaid or the Department of Aging: 156334

(A) Personal care services; 156335

(B) Adult day services; 156336

(C) Behavioral health services; 156337

(D) Other waiver services under the Medicaid home and 156338
community-based services waiver components administered by the 156339
Department of Medicaid or the Department of Aging. 156340

Section 333.30. LEAD ABATEMENT AND RELATED ACTIVITIES 156341

Upon the request of the Medicaid Director, the Director of 156342

Budget and Management may transfer up to \$5,000,000 in 156343
appropriations in each fiscal year from appropriation item 651525, 156344
Medicaid Health Care Services, to appropriation items in the 156345
Department of Health for the purpose of lead abatement activities. 156346
The Medicaid Director may seek Controlling Board approval to 156347
transfer amounts in excess of \$5,000,000 in appropriations in each 156348
fiscal year to the Department of Health for lead abatement 156349
activities. The Director of Medicaid may transfer federal funds as 156350
the state's single state agency for Medicaid reimbursements, as 156351
drawn for these transactions. Amounts transferred are hereby 156352
appropriated. 156353

Section 333.50. MEDICARE PART D 156354

The foregoing appropriation item 651526, Medicare Part D, may 156355
be used by the Department of Medicaid for the implementation and 156356
operation of the Medicare Part D requirements contained in the 156357
"Medicare Prescription Drug, Improvement, and Modernization Act of 156358
2003," Pub. L. No. 108-173, as amended. Upon the request of the 156359
Medicaid Director, the Director of Budget and Management may 156360
transfer the state share of appropriations between appropriation 156361
item 651525, Medicaid Health Care Services, and appropriation item 156362
651526, Medicare Part D. If the state share of appropriation item 156363
651525, Medicaid Health Care Services, is adjusted, the Director 156364
of Budget and Management shall adjust the federal share 156365
accordingly. The Department of Medicaid shall provide notification 156366
to the Controlling Board of any transfers at the next scheduled 156367
Controlling Board meeting. 156368

Section 333.60. CARE INNOVATION AND COMMUNITY IMPROVEMENT 156369
PROGRAM 156370

(A) As used in this section: 156371

(1) "Nonprofit hospital agency" means a nonprofit hospital 156372

agency, as defined in section 140.01 of the Revised Code, that is 156373
affiliated with a state university as defined in section 3345.011 156374
of the Revised Code. 156375

(2) "Participating agency" means a nonprofit hospital agency 156376
or public hospital agency participating in the Care Innovation and 156377
Community Improvement Program. 156378

(3) "Public hospital agency" has the same meaning as in 156379
section 140.01 of the Revised Code. 156380

(B) Subject to approval by the Centers for Medicare and 156381
Medicaid Services, the Medicaid Director shall continue the Care 156382
Innovation and Community Improvement Program for the 2024-2025 156383
fiscal biennium. Any nonprofit hospital agency or public hospital 156384
agency may volunteer to participate in the program if the agency 156385
operates a hospital that has a Medicaid provider agreement. 156386

(C) Participating agencies are responsible for the state 156387
share of the program's costs and shall make or request the 156388
appropriate government entity to make intergovernmental transfers 156389
to pay for those costs. The Medicaid Director shall establish a 156390
schedule for making the intergovernmental transfers. 156391

(D) Each participating agency shall be eligible to receive 156392
supplemental payments under the Medicaid program for physician and 156393
other professional services that are covered by the Medicaid 156394
program and provided to Medicaid recipients. Any nonprofit 156395
hospital agency or public hospital agency seeking supplemental 156396
payment for physician or professional services shall be governed 156397
under the Care Innovation and Community Improvement Program. 156398
Eligibility for supplemental payments shall depend on all 156399
participating agencies meeting collective performance measures as 156400
established by the Director. The maximum amount of the potential 156401
supplemental payments shall equal the difference between the 156402
Medicaid payment rates for the services and the average commercial 156403

payment rates for the services. The Director may terminate, or 156404
adjust the amount of, the supplemental payments if the amount of 156405
the funds available for the Care Innovation and Community 156406
Improvement Program is inadequate. 156407

(E) Each participating agency shall work collaboratively with 156408
all other participating agencies on quality improvement 156409
initiatives that are approved by the Medicaid Director and that 156410
align with and advance the goals of the Department of Medicaid's 156411
quality strategy required under 42. C.F.R. 438.340. 156412

(F) The Medicaid Director shall maintain a process to 156413
evaluate the work done by participating agencies under division 156414
(E) of this section and the agencies' progress in meeting the 156415
goals of the Care Innovation and Community Improvement Program. 156416
The Director may terminate an agency's participation in the 156417
program if the Director determines that the agency is not 156418
participating as specified in division (E) of this section or 156419
making progress in meeting the program's quality improvement 156420
goals. 156421

(G) All intergovernmental transfers made under division (C) 156422
of this section shall be deposited into the Care Innovation and 156423
Community Improvement Program Fund created by Section 333.320 of 156424
H.B. 49 of the 132nd General Assembly. Money in the fund and the 156425
corresponding federal financial participation in the Health Care - 156426
Federal Fund created under section 5162.50 of the Revised Code 156427
shall be used to make supplemental payments under division (D) of 156428
this section. 156429

(H) If the amount of the foregoing appropriation item 651686, 156430
Care Innovation and Community Improvement Program, and the 156431
corresponding federal financial participation in appropriation 156432
item 651623, Medicaid Services - Federal, are inadequate to make 156433
the supplemental payments required by division (E) of this 156434
section, the Medicaid Director may request that the Director of 156435

Budget and Management authorize additional expenditures from the 156436
Care Innovation and Community Improvement Program Fund and the 156437
Health Care - Federal Fund as needed to make the supplemental 156438
payments. If the Director of Budget and Management authorizes the 156439
additional expenditures, the additional amounts are hereby 156440
appropriated. 156441

Section 333.70. DEPOSITS TO THE HEALTH CARE/MEDICAID SUPPORT 156442
AND RECOVERIES FUND 156443

Of the amount received by the Department of Medicaid during 156444
fiscal year 2024 and fiscal year 2025 from the first installment 156445
of assessments paid under section 5168.06 of the Revised Code and 156446
intergovernmental transfers made under section 5168.07 of the 156447
Revised Code, the Medicaid Director shall deposit \$2,500,000 cash 156448
in each fiscal year into the state treasury to the credit of the 156449
Health Care/Medicaid Support and Recoveries Fund (Fund 5DL0). 156450

Section 333.80. CASH TRANSFERS FROM THE HEALTH CARE/MEDICAID 156451
SUPPORT AND RECOVERIES FUND TO THE STATEWIDE PREVENTION AND 156452
TREATMENT FUND 156453

Upon the request of the Medicaid Director, the Director of 156454
Budget and Management may transfer up to \$2,200,000 cash in each 156455
fiscal year from the Health Care/Medicaid Support and Recoveries 156456
Fund (Fund 5DL0) to the Statewide Prevention and Treatment Fund 156457
(Fund 4750), used by the Department of Mental Health and Addiction 156458
Services. Any transferred funds shall be used to support Centers 156459
of Excellence and related activities. Any transferred amounts are 156460
hereby appropriated. 156461

Section 333.90. CASH TRANSFERS FROM THE HEALTH CARE/MEDICAID 156462
SUPPORT AND RECOVERIES FUND TO THE DEPARTMENT OF AGING FOR THE 156463
OMBUDSMAN PROGRAM 156464

Upon the request of the Medicaid Director, the Director of Budget and Management may transfer up to \$1,000,000 cash in each fiscal year from the Health Care/Medicaid Support and Recoveries Fund (Fund 5DL0) to the Department of Aging. Any transferred funds shall be used to support the Ombudsman program. Any transferred amounts are hereby appropriated.

Section 333.110. HOSPITAL CARE ASSURANCE MATCH

If receipts credited to the Health Care Federal Fund (Fund 3F00) exceed the amounts appropriated from the fund for making the hospital care assurance program distribution, the Medicaid Director may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. Upon the approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

The foregoing appropriation item 651649, Medicaid Services - Health Care Assurance Program, shall be used by the Department of Medicaid for distributing the state share of all hospital care assurance program funds to hospitals under section 5168.09 of the Revised Code. If receipts credited to the Hospital Care Assurance Program Fund (Fund 6510) exceed the amounts appropriated from the fund for making the hospital care assurance program distribution, the Medicaid Director may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. Upon the approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

Section 333.120. REFUNDS AND RECONCILIATION FUND

If estimated receipts to the Refunds and Reconciliation Fund (Fund R055) exceed the amounts appropriated from the fund, the Medicaid Director may request the Director of Budget and

Management to authorize expenditures from the fund in excess of 156495
the amounts appropriated. Upon approval of the Director of Budget 156496
and Management, the additional amounts are hereby appropriated. 156497

Section 333.130. NON-EMERGENCY MEDICAL TRANSPORTATION 156498

In order to ensure access to a non-emergency medical 156499
transportation brokerage program established pursuant to section 156500
1902(a)(70) of the "Social Security Act," 42 U.S.C. 1396a(a)(70), 156501
upon the request of the Medicaid Director, the Director of Budget 156502
and Management may transfer the state share appropriations between 156503
General Revenue Fund appropriation item 651525, Medicaid Health 156504
Care Services, within the Department of Medicaid and 655523, 156505
Medicaid Program Support - Local Transportation, within the 156506
Department of Job and Family Services. If such a transfer occurs, 156507
the Director of Budget and Management shall adjust, using the 156508
federal reimbursement rate, the federal share appropriations of 156509
appropriation item 651525, Medicaid Health Care Services, within 156510
the Department of Medicaid, and appropriation item 655624, 156511
Medicaid Program Support - Federal, within the Department of Job 156512
and Family Services. The Director of Medicaid shall transmit to 156513
the Medicaid Program Support Fund (Fund 3F01) the federal funds 156514
which the Department of Medicaid, as the state's sole point of 156515
contact with the federal government for Medicaid reimbursements, 156516
has drawn for this transaction. 156517

Section 333.135. MEDICAID PAYMENT RATES FOR AMBULANCE 156518
TRANSPORTATION 156519

Of the foregoing appropriation item 651525, Medicaid Health 156520
Care Services, \$119,000,000 in each fiscal year shall be used to 156521
increase the overall Medicaid reimbursement rates for ambulance 156522
transportation services. An amount equal to the unexpended, 156523
unencumbered balance of the amount allocated in this section, at 156524

the end of fiscal year 2024, is hereby reappropriated to the same 156525
appropriation item for the same purpose in fiscal year 2025. 156526

Section 333.140. MEDICAID PAYMENT RATES FOR COMMUNITY 156527
BEHAVIORAL HEALTH SERVICES 156528

(A) As used in this section: 156529

(1) "Community behavioral health services" has the same 156530
meaning as in section 5164.01 of the Revised Code. 156531

(2) "Hospital" has the same meaning as in section 3727.01 of 156532
the Revised Code. 156533

(3) "Intermediate care facility for individuals with 156534
intellectual disabilities" has the same meaning as in section 156535
5124.01 of the Revised Code. 156536

(4) "Nursing facility" has the same meaning as in section 156537
5165.01 of the Revised Code. 156538

(B) Subject to division (C) of this section, the Department 156539
of Medicaid may establish Medicaid payment rates for community 156540
behavioral health services provided during fiscal year 2024 and 156541
fiscal year 2025 that exceed the authorized rates paid for the 156542
services under the Medicare program. 156543

(C) This section does not apply to community behavioral 156544
health services provided by any of the following: 156545

(1) Hospitals on an inpatient basis; 156546

(2) Nursing facilities; 156547

(3) Intermediate care facilities for individuals with 156548
intellectual disabilities. 156549

Section 333.150. HOME AND COMMUNITY BASED SERVICES 156550
APPROPRIATIONS - STATE 156551

The Director of Budget and Management may authorize 156552

additional expenditures in appropriation items 651698, MCD Home and Community Based Services, 653698, DDD Home and Community Based Services, 652698, MHA Home and Community Based Services, 655698, JFS Home and Community Based Services, and 656698, AGE Home and Community Based Services, as long as the additional expenditures are offset by equal expenditure reductions in another of these appropriation items. Any additional expenditures shall be used in accordance with Section 9817 of the "American Rescue Plan Act of 2021," Pub. L. No. 117-2, and shall comply with the Department of Medicaid's Medicaid state plan approved by the Centers for Medicare and Medicaid Services (CMS) and any associated CMS guidance, reporting requirements, and certifications. Any additional expenditures are hereby appropriated.

Section 333.160. HOME AND COMMUNITY BASED SERVICES
APPROPRIATIONS - FEDERAL

The Director of Budget and Management may authorize additional expenditures in appropriation items 651699, MCD Home and Community Based Services - Federal, 653699, DDD Home and Community Based Services - Federal, 652699, MHA Home and Community Based Services - Federal, 655699, JFS Home and Community Based Services - Federal, and 656699, AGE Home and Community Based Services - Federal.

If additional expenditures are authorized in any of these appropriation items, the Director of Budget and Management shall make appropriation adjustments in any of the other items as necessary. Any additional expenditures shall be used in accordance with Section 9817 of the "American Rescue Plan Act of 2021," Pub. L. No. 117-2, and shall comply with the Department of Medicaid's Medicaid state plan approved by the Centers for Medicare and Medicaid Services (CMS) and any associated CMS guidance, reporting requirements, and certifications. Any additional expenditures are

hereby appropriated. 156584

Section 333.170. OHIO INVESTS IN IMPROVEMENTS FOR PRIORITY 156585
POPULATIONS 156586

(A) As used in this section: 156587

(1) "Care management system" and "enrollee" have the same 156588
meanings as in section 5167.01 of the Revised Code. 156589

(2) "State university" has the same meaning as in section 156590
3345.011 of the Revised Code. 156591

(B) There is hereby created the Ohio Invests in Improvements 156592
for Priority Populations (OIPP) Program. The program shall be a 156593
directed payment program for inpatient and outpatient hospital 156594
services provided to Medicaid care management system enrollees 156595
receiving care at state university-owned hospitals with less than 156596
three hundred inpatient beds. Participating hospitals shall 156597
receive payments directly for services provided under the program 156598
and remit to the Department of Medicaid, through intergovernmental 156599
transfer, the nonfederal share of those services. Transfers made 156600
for the program shall be deposited into the Hospital Directed 156601
Payment Program Fund (Fund 5XY0). The Medicaid Director shall seek 156602
approval from the Centers for Medicare and Medicaid Services for 156603
the program in accordance with section 5162.07 of the Revised 156604
Code. 156605

(C) The foregoing appropriation item 651694, Improvements for 156606
Priority Populations, and the corresponding federal share in 156607
appropriation item 651623, Medicaid Services - Federal, shall be 156608
used for the OIPP Program. 156609

(D) If receipts credited to the Hospital Directed Payment 156610
Program Fund (Fund 5XY0) exceed the amounts appropriated from the 156611
fund, the Medicaid Director may request the Director of Budget and 156612
Management to authorize expenditures from the fund in excess of 156613

the amounts appropriated. If any additional amounts are 156614
authorized, the Director of Budget and Management shall adjust, 156615
using the federal reimbursement rate, the appropriation in 156616
appropriation item 651623, Medicaid Services - Federal, 156617
accordingly. Any authorized amounts are hereby appropriated. 156618

Section 333.180. WORK COMMUNITY ENGAGEMENT PROGRAM - COUNTY 156619
COSTS 156620

Upon the request of the Medicaid Director, the Director of 156621
Budget and Management may transfer state share appropriations in 156622
each fiscal year between appropriation item 651525, Medicaid 156623
Health Care Services, within the Department of Medicaid, and 156624
655522, Medicaid Program Support - Local, within the Department of 156625
Job and Family Services. If such a transfer occurs, the Director 156626
of Budget and Management shall adjust, using the federal 156627
reimbursement rate, the federal share appropriations of 156628
appropriation item 651525, Medicaid Health Care Services, within 156629
the Department of Medicaid, and appropriation item 655624, 156630
Medicaid Program Support - Federal, within the Department of Job 156631
and Family Services. Any increase in funding shall be provided to 156632
county departments of job and family services and shall only be 156633
used for costs related to transitioning to a new work community 156634
engagement program under the Medicaid program as prescribed by the 156635
Medicaid Director. These funds shall not be used for existing and 156636
ongoing operating expenses. The Medicaid Director shall establish 156637
criteria for distributing these funds and for county departments 156638
of job and family services to submit allowable expenses. 156639

Section 333.190. VOLUNTARY MEDICAID COMMUNITY ENGAGEMENT 156640
PROGRAM 156641

(A) As used in this section: 156642

(1) "Expansion eligibility group" has the same meaning as in 156643

section 5163.01 of the Revised Code. 156644

(2) "Medical assistance recipient" has the same meaning as in 156645
section 5160.01 of the Revised Code. 156646

(B) The Medicaid Director shall establish and implement a 156647
voluntary community engagement program in accordance with this 156648
section. 156649

(C) The community engagement program shall be available to 156650
all medical assistance recipients. Participation in the program 156651
shall be voluntary. 156652

(D) The community engagement program shall do all of the 156653
following: 156654

(1) Encourage medical assistance recipients to work who are 156655
of working age and able-bodied; 156656

(2) Promote to medical assistance recipients the economic 156657
stability, financial independence, and improved health outcomes 156658
from work; 156659

(3) Provide information to medical assistance recipients 156660
about the services available under the community engagement 156661
program, including an explanation of the importance of work to 156662
overall physical and mental health. 156663

(E) The community engagement program shall continue through 156664
the FY 2024 - FY 2025 fiscal biennium or until Ohio is able to 156665
implement the waiver component under section 5166.37 of the 156666
Revised Code, whichever is sooner, at which point it will cease to 156667
exist. 156668

(F) As part of the community engagement program, the Medicaid 156669
Director shall explore partnerships with education and training 156670
providers to increase training opportunities for Medicaid 156671
recipients. 156672

Section 333.200. PUBLIC ASSISTANCE FOR ELIGIBILITY	156673
DETERMINATIONS DUE TO END OF PUBLIC HEALTH EMERGENCY	156674
During the FY 2024 - FY 2025 biennium, to facilitate the	156675
resumption of routine Medicaid eligibility determinations in	156676
accordance with federal guidance, all transfers from the Medicaid	156677
Income Maintenance (IM) Control allocation to other IM Control	156678
Programs (SNAP & TANF) or other allocations shall require prior	156679
approval by the Medicaid Director. The Medicaid Director may apply	156680
conditions and criteria regarding when transfers may occur,	156681
including specifying which counties are eligible for transfer of	156682
funds. Funds within appropriation item 655522, Medicaid Program	156683
Support - Local, may also be distributed based on performance	156684
criteria. Performance based amounts and criteria, and criteria for	156685
transfer approval may include but are not limited to timeliness	156686
and accuracy of application and renewal processing.	156687
Section 333.210. POST-COVID MEDICAID REDETERMINATION	156688
(A) The Department or the Department's designee shall use	156689
third-party data sources and systems to conduct eligibility	156690
redeterminations of all Medicaid recipients in this state after	156691
the conclusion of the emergency period due to COVID-19, as defined	156692
in 42 U.S.C. 1320b-5(g)(1)(B).	156693
(B) To the full extent permitted by state and federal law,	156694
the Department, or the Department's designee shall verify Medicaid	156695
recipient enrollment records against third-party data sources and	156696
systems, including any records the Department considers	156697
appropriate in order to strengthen program integrity, reduce	156698
costs, and reduce fraud, waste, and abuse in the Medicaid program.	156699
(C) At the conclusion of the emergency period due to	156700
COVID-19, as defined in 42 U.S.C. 1320b-5(g)(1)(B), the	156701
Department, or the Department's designee shall:	156702

(1) Conduct an eligibility review of Medicaid recipients for 156703
whom a redetermination has not been conducted in the past twelve 156704
months. The reviews shall be conducted on a schedule coinciding 156705
with what would have been the recipients' next eligibility review 156706
dates. 156707

(2) Conduct an eligibility review of Medicaid recipients for 156708
whom a redetermination has been conducted in the past twelve 156709
months. The reviews shall be conducted on a schedule coinciding 156710
with the recipients' next eligibility review dates. 156711

(D) The Department shall disenroll those recipients who are 156712
deemed no longer eligible for the Medicaid program under the 156713
eligibility review. 156714

(E) The Department shall oversee the county determinations 156715
and administration to ensure timely and accurate compliance with 156716
the provisions of this section and federal requirements. 156717

(F) The Department shall complete a report containing its 156718
findings under division (A) of this section, including any 156719
findings of fraud, waste, or abuse in the Medicaid program. 156720
Thirteen months after the conclusion of the emergency period due 156721
to COVID-19, as defined in 42 U.S.C. 1320b-5(g)(1)(B), the 156722
Department shall submit the report to the Joint Medicaid Oversight 156723
Committee. 156724

Section 333.230. COMPETITIVE WAGES FOR DIRECT CARE WORKFORCE 156725
OF MEDICAID SERVICES 156726

Direct care providers under Ohio's Medicaid program have been 156727
adversely impacted by the COVID-19 pandemic and extraordinary 156728
inflationary pressures within the economy. The Department of 156729
Medicaid in collaboration with the Department of Aging and the 156730
Department of Developmental Disabilities has included funding in 156731
the budget to be used for provider rate increases. These provider 156732

rate increases shall be used to ensure workforce stability and 156733
greater access to care for Medicaid recipients through increased 156734
wages and needed workforce supports. 156735

Section 333.240. MEDICAID ASSISTED LIVING PROGRAM PAYMENT 156736
RATES 156737

(A) As used in this section: 156738

(1) "Assisted living program" and "assisted living services" 156739
have the same meanings as in section 173.51 of the Revised Code. 156740

(2) "Assisted living memory care service" means a service 156741
provided by a residential care facility to an individual with a 156742
documented diagnosis of any form of dementia who is residing in an 156743
assisted living memory care unit and being served by an assisted 156744
living Medicaid provider. 156745

(3) "Assisted living memory care unit" means a discrete unit 156746
or section in a residential care facility or an entire residential 156747
care facility that meets both of the following criteria: 156748

(a) The unit or facility is designated by the facility 156749
operator as a memory care unit. 156750

(b) The unit or facility is operated in compliance with rules 156751
applicable to memory care units adopted by the Department of 156752
Health under Chapter 3721. of the Revised Code. 156753

(4) "Direct care staff" includes nurses, resident care 156754
assistants, activities personnel, and social services personnel 156755
who are employed by or contracted with a residential care 156756
facility. 156757

(5) "Practitioner" means a health care provider engaging in 156758
activities authorized by the provider's license, certification, or 156759
registration. 156760

(6) "Residential care facility" has the same meaning as in 156761

section 3721.01 of the Revised Code. 156762

(B) The Department of Medicaid, in consultation with the 156763
Department of Aging, shall adopt rules, effective November 1, 156764
2023, establishing an assisted living services base payment rate 156765
for residential care facilities participating in the 156766
Medicaid-funded component of the assisted living program that 156767
shall be no less than one hundred thirty dollars per day. 156768

(C) The Department of Medicaid and the Department of Aging 156769
shall adopt rules, effective November 1, 2023, establishing an 156770
assisted living memory care service payment rate for residential 156771
care facilities participating in the Medicaid-funded component of 156772
the assisted living program. This payment rate is based on 156773
additional costs that a provider may incur resulting from serving 156774
individuals with dementia and, except as provided in division (E) 156775
of this section, shall be at least twenty-five dollars per day 156776
more than the base payment rate established by rules adopted under 156777
division (B) of this section. The per diem for assisted living 156778
memory care service will only be available to assisted living 156779
providers if both the following conditions are met: 156780

(1) The resident for whom the per diem is paid was assessed 156781
by a practitioner and was determined by the practitioner to need 156782
the services of a memory care unit. 156783

(2) The memory care unit in which the resident resides has a 156784
direct care staff to resident ratio that is at least twenty per 156785
cent higher than other units in the residential care facility. If 156786
the memory care unit is an entire residential care facility, the 156787
facility in which the resident resides has a direct care staff to 156788
resident ratio that is at least twenty per cent higher than the 156789
average direct care staff to resident ratio of a representative 156790
sample of residential care facilities participating in the 156791
Medicaid-funded component of the assisted living program or parts 156792
of those facilities that are not memory care units. 156793

(D) The Department of Medicaid and the Department of Aging 156794
shall adopt rules establishing an assisted living critical access 156795
payment rate for residential care facilities participating in the 156796
Medicaid-funded component of the assisted living program that 156797
averaged at least fifty per cent of their residents receiving 156798
Medicaid-funded services during the preceding state fiscal year or 156799
in the case of a new residential care facility, that projects to 156800
average at least fifty per cent of its residents receiving 156801
Medicaid-funded services during the state fiscal year in which the 156802
facility opens. The critical access payment rate shall be at least 156803
fifteen dollars per day more than the base payment rate 156804
established by rules adopted under division (B) of this section. 156805

(E) The assisted living memory care service payment rate for 156806
a residential care facility participating in the Medicaid-funded 156807
component of the assisted living program that receives a critical 156808
access payment rate under rules adopted under division (D) of this 156809
section shall be at least ten dollars higher than the critical 156810
access payment rate. 156811

(F) The Department of Medicaid, in consultation with the 156812
Department of Aging and stakeholders, shall adopt rules 156813
establishing a methodology for determining rates for assisted 156814
living services, including assisted living memory care services 156815
and critical access services, which at minimum provides for 156816
adjusting rates annually for changes in the Consumer Price Index 156817
for All Items for All Urban Consumers for the Midwest region, 156818
published by the U.S. Bureau of Labor Statistics. The Department 156819
shall adopt rules under this section no later than July 1, 2024. 156820

Section 333.250. TRANSFER OF APPROPRIATION FOR PRE-ADMISSION 156821
SCREENING RESIDENT REVIEW CONTRACT FROM MENTAL HEALTH AND 156822
ADDICTION SERVICES TO OHIO DEPARTMENT OF MEDICAID 156823

On July 1, 2023, or as soon as possible thereafter, upon the 156824

request of the Medicaid Director, in consultation with the 156825
Director of Mental Health and Addiction Services, the Director of 156826
Budget and Management may transfer appropriations between 156827
appropriation line item 652321, Medicaid Support, within the 156828
Department of Mental Health and Addiction Services and 156829
appropriation line item 651425, Medicaid Program Support - State, 156830
within the Department of Medicaid to fund Pre-Admission Screening 156831
Resident Reviews. If such a transfer occurs, the Director of 156832
Budget and Management shall adjust, using the federal 156833
reimbursement rate, the federal share of appropriations in 156834
appropriation line item 652636, Community Medicaid Legacy Support, 156835
within the Department of Mental Health and Addiction Services and 156836
appropriation line item 651624, Medicaid Program Support - 156837
Federal, within the Department of Medicaid. 156838

Section 333.260. PHYSICIAN DIRECTED PAYMENT PROGRAM 156839

(A) As used in this section, "directed payment program" means 156840
a payment program authorized by 42 C.F.R. 438.6(c) under which the 156841
Department of Medicaid regulates payment rates between Medicaid 156842
managed care organizations and certain Medicaid providers. 156843

(B)(1) The Medicaid Director may create a physician directed 156844
payment program for Medicaid managed care organization payments to 156845
nonpublic hospitals, and their related health systems, for 156846
physician services provided to Medicaid enrollees. Payment amounts 156847
under the program shall not exceed the average commercial level 156848
paid to participating health systems for physician and other 156849
professional services covered under the Medicaid program and 156850
provided to enrollees. 156851

(2) The program shall advance the maternal and child health 156852
goals established in the Department's quality strategy required by 156853
42 C.F.R. 438.340. 156854

(C) Under the program, participating hospitals shall receive 156855

payments directly for physician services provided to enrollees and 156856
remit to the Department the nonfederal share of those services 156857
through intergovernmental transfer. 156858

(1) Eligible public entities may transfer funds to be used by 156859
the Department for directed payments, as authorized by 42 C.F.R. 156860
433.51, through intergovernmental transfer pursuant to an 156861
interagency agreement with the Department. 156862

(2) Transfers made for the program shall be deposited into 156863
the Health Care/Medicaid Support and Recoveries Fund (Fund 5DL0) 156864
created under section 5162.52 of the Revised Code. 156865

(D) If receipts credited to the physician directed payment 156866
program exceed the amounts available in the fund, the director may 156867
either adjust any payment amounts under the program or terminate 156868
the program. 156869

Section 333.270. LOCKABLE AND TAMPER-EVIDENT CONTAINERS 156870

(A) As used in this section: 156871

(1) "Lockable container" means a container that meets both of 156872
the following requirements: 156873

(a) Has special packaging; 156874

(b) Has a locking mechanism that can be unlocked in any of 156875
the following ways: 156876

(i) Physically by using a key or other object capable of 156877
unlocking a locked container; 156878

(ii) Physically by entering a numeric or alphanumeric 156879
combination code that is selected by the patient or an individual 156880
acting on behalf of the patient; 156881

(iii) Electronically by entering a password or code that is 156882
selected by the patient or an individual acting on behalf of the 156883
patient. 156884

(2) "Drug used in medication-assisted treatment" has the same meaning as in section 5119.19 of the Revised Code. 156885
156886

(3) "Prescriber" has the same meaning as in section 4729.01 of the Revised Code. 156887
156888

(4) "Special packaging" has the same meaning as in the "Poison Prevention Packaging Act of 1970," 15 U.S.C. 1471. 156889
156890

(5) "Tamper-evident container" means a container that meets both of the following requirements: 156891
156892

(a) Has special packaging; 156893

(b) Displays a visual sign when there is unauthorized entry into the container or has a numerical display of the time that the container was last opened. 156894
156895
156896

(B) Subject to division (C) of this section, during fiscal year 2024 and fiscal year 2025, the Department of Medicaid shall reimburse any pharmacist or prescriber that seeks reimbursement for expenses related to the following: 156897
156898
156899
156900

(1) Pharmacists for costs related to dispensing drugs used in medication-assisted treatment in lockable containers or tamper-evident containers; 156901
156902
156903

(2) Prescribers for costs related to personally furnishing drugs used in medication-assisted treatment in lockable containers or tamper-evident containers. 156904
156905
156906

(C) Reimbursement may be sought for the period provided in division (B) of this section, or until funds appropriated for the reimbursement are expended, whichever occurs first. 156907
156908
156909

(D) Of the foregoing appropriation item 651525, Medicaid Health Care Services, \$500,000 state share in each fiscal year shall be used for the reimbursement described in this section. 156910
156911
156912

Section 333.280. MEDICAID IN SCHOOLS PROGRAM 156913

The Department of Medicaid shall request approval from the Centers for Medicare and Medicaid Services by December 31, 2023, to expand the Medicaid in Schools Program to authorize Medicaid payment for any covered service provided to an eligible individual by a qualified provider in a school.

Section 333.290. NURSING FACILITY PAYMENT RATE NOTICES

In its notice to each nursing facility with the facility's per Medicaid day payment rate for state fiscal year 2024, the Department of Medicaid shall include an explanation of how many quality points the facility would have received, based on calendar year 2022 data, for each of the quality measures under division (C)(1)(c) of section 5165.26 of the Revised Code, as amended by this act.

Section 333.300. NURSING FACILITY BASE RATES

For state fiscal years 2024 and 2025, the Department of Medicaid shall include in each nursing facility's base rate only forty per cent of the sum of the increase in its rate for direct care costs and its rate for ancillary and support costs that results from the rebasing conducted pursuant to section 5165.36 of the Revised Code.

Section 335.10. MED STATE MEDICAL BOARD

Dedicated Purpose Fund Group					156935
5C60 883609 Operating Expenses	\$	13,791,789	\$	14,315,005	156936
TOTAL DPF Dedicated Purpose Fund Group	\$	13,791,789	\$	14,315,005	156937
TOTAL ALL BUDGET FUND GROUPS	\$	13,791,789	\$	14,315,005	156938

Section 335.20. LEGACY PAIN MANAGEMENT STUDY COMMITTEE

(A) The Legacy Pain Management Study Committee is established

to study and evaluate the care and treatment of patients suffering 156942
from chronic or debilitating pain, in particular those who have 156943
been prescribed opioids for lengthy periods of time, often 156944
referred to as legacy patients. In conducting its study and 156945
evaluation, the committee shall consider all of the following 156946
topics: 156947

(1) The needs of patients experiencing chronic or 156948
debilitating pain; 156949

(2) The challenges associated with tapering opioid doses for 156950
pain patients and the need for flexibility and tapering pauses 156951
when treating such patients; 156952

(3) The ways in which communications between patients and 156953
prescribers can be improved; 156954

(4) The availability of and patient access to pain management 156955
specialists in this state; 156956

(5) Any other topic the committee considers relevant. 156957

(B) The committee consists of the following nine members: 156958

(1) Four members of the 135th General Assembly, two appointed 156959
by the Speaker of the House of Representatives and two appointed 156960
by the Senate President; 156961

(2) The Director of the Ohio Department of Mental Health and 156962
Addiction Services or the Director's designee; 156963

(3) The President of the State Medical Board of Ohio or the 156964
President's designee; 156965

(4) The Executive Director of the State Board of Pharmacy or 156966
the Executive Director's designee; 156967

(5) Two public members, one who represents patients and is 156968
appointed by the Speaker of the House of Representatives and one 156969
who represents prescribers and is appointed by the Senate 156970
President. 156971

The members shall be appointed not later than thirty days after the effective date of this section. The members shall select a chairperson from among the committee's membership and shall meet as necessary to satisfy the requirements of this section.

(C) Not later than December 1, 2024, the committee shall prepare and submit to the General Assembly a report of its recommendations for legislation addressing the care and treatment of legacy patients. The report shall be submitted in accordance with section 101.68 of the Revised Code. The State Medical Board shall provide to the committee the administrative support necessary to execute its duties.

(D) The committee ceases to exist on the submission of the report described in division (C) of this section.

Section 337.10. MHA DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES

General Revenue Fund

GRF	336321	Program Support and Operations	\$ 54,807,000	\$ 57,100,000	156988
GRF	336402	Resident Trainees	\$ 450,000	\$ 450,000	156989
GRF	336406	Prevention and Wellness	\$ 7,000,000	\$ 7,000,000	156990
GRF	336412	Hospital Services	\$ 288,000,000	\$ 310,000,000	156991
GRF	336415	Mental Health Facilities Lease Rental Bond Payments	\$ 25,875,000	\$ 22,625,000	156992
GRF	336421	Continuum of Care Services	\$ 95,389,000	\$ 95,389,000	156993
GRF	336422	Criminal Justice Services	\$ 21,000,000	\$ 21,000,000	156994
GRF	336424	Recovery Housing	\$ 5,000,000	\$ 5,000,000	156995
GRF	336425	Specialized Docket	\$ 11,269,000	\$ 11,269,000	156996

		Support				
GRF	336504	Community Innovations	\$	11,000,000	\$	11,000,000 156997
GRF	336510	Residential State	\$	16,000,000	\$	16,000,000 156998
		Supplement				
GRF	336516	Appalachian Children	\$	2,500,000	\$	2,500,000 156999
		Coalition				
GRF	336519	Community Projects	\$	1,500,000	\$	1,500,000 157000
GRF	652321	Medicaid Support	\$	1,618,000	\$	1,650,000 157001
TOTAL GRF		General Revenue Fund	\$	541,408,000	\$	562,483,000 157002
		Dedicated Purpose Fund Group				157003
4850	336632	Mental Health	\$	15,000,000	\$	15,000,000 157004
		Operating				
5AA1	336661	988 Suicide and	\$	20,701,661	\$	25,831,020 157005
		Crisis Response				
5AU0	336615	Behavioral Health	\$	17,500,000	\$	17,500,000 157006
		Care				
5CV3	336648	ARPA Pediatric	\$	1,200,000	\$	0 157007
		Behavioral Health				
5JL0	336629	Problem Gambling and	\$	7,000,000	\$	7,000,000 157008
		Casino Addiction				
5T90	336641	Problem Gambling	\$	2,320,000	\$	2,320,000 157009
		Services				
5TZ0	336600	Stabilization Centers	\$	6,000,000	\$	6,000,000 157010
5TZ0	336643	ADAMHS Boards	\$	11,000,000	\$	11,000,000 157011
5VV0	336645	Transcranial Magnetic	\$	6,000,000	\$	0 157012
		Stimulaton Pilot				
6320	336616	Community Capital	\$	350,000	\$	350,000 157013
		Replacement				
6890	336640	Education and	\$	75,000	\$	75,000 157014
		Conferences				
TOTAL DPF		Dedicated Purpose Fund	\$	87,146,661	\$	85,076,020 157015
		Group				
		Internal Service Activity Fund Group				157016

1490	336609	Hospital Operating Expenses	\$	16,000,000	\$	16,000,000	157017
1490	336610	Operating Expenses	\$	7,350,000	\$	7,350,000	157018
1510	336601	Ohio Pharmacy Services	\$	105,755,000	\$	106,955,000	157019
4P90	336604	Community Mental Health Projects	\$	250,000	\$	250,000	157020
TOTAL ISA Internal Service Activity Fund Group			\$	129,355,000	\$	130,555,000	157021
Federal Fund Group							157022
3240	336605	Medicaid/Medicare	\$	20,000,000	\$	20,000,000	157023
3A70	336612	Social Services Block Grant	\$	8,000,000	\$	8,000,000	157024
3A80	336613	Federal Grants	\$	5,500,000	\$	5,500,000	157025
3A90	336614	Mental Health Block Grant	\$	45,940,000	\$	45,940,000	157026
3B10	652636	Community Medicaid Legacy Support	\$	4,000,000	\$	4,000,000	157027
3G40	336618	Substance Abuse Block Grant	\$	86,000,000	\$	86,000,000	157028
3H80	336606	Demonstration Grants	\$	16,000,000	\$	16,000,000	157029
3HB1	336644	State Opioid Response	\$	113,000,000	\$	113,000,000	157030
3N80	336639	Administrative Reimbursement	\$	1,000,000	\$	1,000,000	157031
TOTAL FED Federal Fund Group			\$	299,440,000	\$	299,440,000	157032
TOTAL ALL BUDGET FUND GROUPS			\$	1,057,349,661	\$	1,077,554,020	157033

Section 337.20. PREVENTION AND WELLNESS 157035

The foregoing appropriation item 336406, Prevention and Wellness, shall be used as follows: 157036
157037

(A) Up to \$1,250,000 in each fiscal year shall be distributed to boards of alcohol, drug addiction, and mental health services 157038
157039

to purchase the provision of evidence-based prevention services 157040
from providers certified by the Department of Mental Health and 157041
Addiction Services. 157042

(B) Up to \$8,000,000 in each fiscal year shall be used to 157043
support suicide prevention efforts. 157044

(C) Up to \$2,250,000 in each fiscal year shall be used to 157045
increase access to early identification and intervention of 157046
behavioral health disorders across the lifespan. 157047

Section 337.30. MENTAL HEALTH FACILITIES LEASE RENTAL BOND 157048
PAYMENTS 157049

The foregoing appropriation item 336415, Mental Health 157050
Facilities Lease Rental Bond Payments, shall be used to meet all 157051
payments during the period from July 1, 2023, through June 30, 157052
2025, by the Department of Mental Health and Addiction Services 157053
pursuant to leases and agreements made under section 154.20 of the 157054
Revised Code. These appropriations are the source of funds pledged 157055
for bond service charges on obligations issued pursuant to Chapter 157056
154. of the Revised Code. 157057

Section 337.40. CONTINUUM OF CARE SERVICES 157058

The foregoing appropriation item 336421, Continuum of Care 157059
Services, shall be used as follows: 157060

(A) A portion of this appropriation shall be allocated to 157061
boards of alcohol, drug addiction, and mental health services in 157062
accordance with a distribution methodology determined by the 157063
Director of Mental Health and Addiction Services for the boards to 157064
purchase mental health and addiction services permitted under 157065
Chapter 340. of the Revised Code. Boards may use a portion of the 157066
funds allocated: 157067

(1) To provide subsidized support for psychotropic medication 157068

needs of indigent citizens in the community to reduce unnecessary hospitalization due to lack of medication; and

(2) To provide subsidized support for medication-assisted treatment costs.

(B) A portion of this appropriation may be distributed to boards of alcohol, drug addiction, and mental health services, community addiction and/or mental health services providers, courts, or other governmental entities to provide specific grants in support of initiatives concerning mental health and addiction services.

(C) Of the foregoing appropriation item 336421, Continuum of Care Services, \$1,500,000 in each fiscal year shall be allocated by the Department of Mental Health and Addiction Services to boards of alcohol, drug addiction, and mental health services. The boards shall use their allocations to establish and administer, in collaboration with the other boards that serve the same state psychiatric hospital region, mental health crisis stabilization centers or, upon approval from the Director of Mental Health and Addiction Services, boards may use these funds in conjunction with funds earmarked in division (A) of Section 337.130 of this act, to establish and administer crisis stabilization centers that have the ability to serve individuals with substance use and/or mental health needs. There shall be at least one center located in each state psychiatric hospital region.

Boards of alcohol, drug addiction, and mental health services shall ensure that each mental health crisis stabilization center established and administered under division (C) of this section complies with all of the following:

(1) It serves individuals before and after the individuals receive treatment and care at hospital emergency departments or freestanding emergency departments.

(2) It serves individuals before and after the individuals are confined in state or local correctional facilities. 157100
157101

(3) It has a Medicaid provider agreement. 157102

(4) It serves individuals who present as needing the crisis stabilization services provided by the center. 157103
157104

(5) It connects individuals when they are discharged from the center with community-based continuum of care services and supports as described in section 340.032 of the Revised Code. 157105
157106
157107

(D) Boards of alcohol, drug addiction, and mental health services shall submit to the Director of Mental Health and Addiction Services for approval a plan for establishing and administering crisis stabilization centers pursuant to division (C) of this section and division (A) of Section 337.130 of this act that meet the mental health and substance use needs of individuals within their service districts. 157108
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(E) As used in division (C) of this section: 157115

(1) "State or local correctional facility" means any of the following: 157116
157117

(a) A "state correctional institution," as defined in section 2967.01 of the Revised Code; 157118
157119

(b) A "local correctional facility," as defined in section 2903.13 of the Revised Code; 157120
157121

(c) A correctional facility that is privately operated and managed pursuant to section 9.06 of the Revised Code. 157122
157123

(2) "State psychiatric hospital regions" means the six districts into which the Department of Mental Health and Addiction Services has divided the state pursuant to division (B)(2) of section 5119.14 of the Revised Code. 157124
157125
157126
157127

(F) Of the foregoing appropriation item 336421, Continuum of Care Services, up to \$9,000,000 in each fiscal year shall be used 157128
157129

to develop a strategic approach to strengthening cross-systems 157130
collaboration efforts to serve adults with serious mental illness 157131
who are involved in multiple behavioral health, developmental 157132
disabilities, human services, or criminal justice systems. 157133

(G) Of the foregoing appropriation item 336421, Continuum of 157134
Care Services, up to \$2,500,000 in each fiscal year shall be used 157135
to develop, evaluate, and expand crisis services infrastructure to 157136
provide support for adults, children, and families in a variety of 157137
settings. 157138

(H) Of the foregoing appropriation item 336421, Continuum of 157139
Care Services, up to \$6,500,000 in each fiscal year shall be used 157140
to support an evidence-informed intervention model that helps 157141
public children services agencies bring together caseworkers, 157142
behavioral health providers, and family peer mentors into teams 157143
dedicated to helping families struggling with co-occurring child 157144
maltreatment and substance use disorder. 157145

(I) Of the foregoing appropriation item 336421, Continuum of 157146
Care, up to \$1,000,000 in each fiscal year shall be used for 157147
operating expenses and critical repairs to improve the 157148
habitability of homes and quality of life for adults with severe 157149
mental illness living in class two and class three residential 157150
facilities. 157151

(J) Of the foregoing appropriation item 336421, Continuum of 157152
Care Services, up to \$4,000,000 in each fiscal year shall be used 157153
to expand statewide access to rapid mobile response and 157154
stabilization services provided to youth experiencing an emotional 157155
or behavioral health crisis and their families. 157156

(K) Of the foregoing appropriation item 336421, Continuum of 157157
Care Services, \$2,000,000 in each fiscal year shall be allocated 157158
to Bellefaire Jewish Children's Bureau to be used for support of 157159
its ongoing health care integration efforts to fund competitive 157160

compensation to recruit and retain front-line staffing positions 157161
across its core behavioral health programs including inpatient 157162
psychiatric care and outpatient physical health care and to 157163
maintain sufficient staff-to-client ratios for all programs. 157164

(L) Of the foregoing appropriation item 336421, Continuum of 157165
Care Services, \$375,000 in each fiscal year shall be provided to 157166
Arika's Angels and shall be used for addiction recovery and mental 157167
health behavioral supports. 157168

(M) Of the foregoing appropriation item 336421, Continuum of 157169
Care Services, \$150,000 in each fiscal year shall be distributed 157170
to Mental Health America of Ohio for the Perinatal Outreach and 157171
Encouragement for Moms (POEM) Program. 157172

(N) Of the foregoing appropriation item 336421, Continuum of 157173
Care Services, \$150,000 in each fiscal year shall be allocated to 157174
the "Save a Warrior" Foundation to be used to fund their program 157175
for first-responders suffering from severe forms of PTSD. 157176

Section 337.45. HOSPITAL ACCESS FUND 157177

(A) As used in this section, "mentally ill person subject to 157178
court order" has the same meaning as in section 5122.01 of the 157179
Revised Code. 157180

(B) Of the foregoing appropriation item 336421, Continuum of 157181
Care, up to \$7,000,000 in each fiscal year shall be used to pay 157182
for the treatment of indigent mentally ill persons subject to 157183
court order in hospitals or inpatient units licensed by the 157184
Department of Mental Health and Addiction Services under section 157185
5119.33 of the Revised Code. 157186

Section 337.50. CRIMINAL JUSTICE SERVICES 157187

(A) Except as otherwise provided in this act, the foregoing 157188
appropriation item 336422, Criminal Justice Services, shall be 157189

used for all of the following: 157190

(1) The provision of forensic psychiatric evaluations to 157191
courts of common pleas; 157192

(2) The completion of evaluations of patients of forensic 157193
status in facilities operated or designated by the Department of 157194
Mental Health and Addiction Services prior to each patient's 157195
conditional release to the community; 157196

(3) Workforce, training, and technological initiatives that 157197
support the items specified in divisions (A)(1) and (2) of this 157198
section. 157199

A portion of this appropriation may be allocated through 157200
boards of alcohol, drug addiction, and mental health services to 157201
community addiction and/or mental health services providers in 157202
accordance with a distribution methodology determined by the 157203
Director of Mental Health and Addiction Services. 157204

(B) Of the foregoing appropriation item, 336422, Criminal 157205
Justice Services, up to \$5,000,000 in each fiscal year shall be 157206
allocated to the Behavioral Health Drug Reimbursement Program 157207
established in section 5119.19 of the Revised Code. 157208

On July 1, 2023, or as soon as possible thereafter, the 157209
Director of Mental Health and Addiction Services shall certify to 157210
the Director of Budget and Management the amount of the 157211
unexpended, unencumbered balance of this earmark in fiscal year 157212
2023. The amount certified is hereby reappropriated to the 157213
appropriation item in fiscal year 2024 for the same purpose. 157214

(C) The foregoing appropriation item 336422, Criminal Justice 157215
Services, may also be used to: 157216

(1) Provide forensic monitoring and tracking of individuals 157217
on conditional release; 157218

(2) Provide forensic and crisis response training; 157219

(3) Support projects that assist courts and law enforcement to identify and develop appropriate alternative services to incarceration for nonviolent mentally ill offenders;	157220 157221 157222
(4) Provide services to incarcerated individuals in jails, as defined in section 2929.01 of the Revised Code, with a substance use disorder, severe mental illness, or both, including screening and clinically appropriate treatment;	157223 157224 157225 157226
(5) Link and provide behavioral health treatment and recovery supports to incarcerated individuals described in division (C)(4) of this section upon release from jail;	157227 157228 157229
(6) Provide specialized re-entry services to offenders leaving prisons and jails;	157230 157231
(7) Provide specific grants in support of addiction services alternatives to incarceration;	157232 157233
(8) Support therapeutic communities;	157234
(9) Support specialty dockets and expand or create new certified court programs;	157235 157236
(10) Establish and administer outpatient competency restoration services. The services shall be provided by forensic centers described in section 5119.10 of the Revised Code or, to the extent a forensic center in a community does not provide outpatient competency restoration services, a psychiatric program or facility selected by a board of alcohol, drug addiction, and mental health services to provide such services.	157237 157238 157239 157240 157241 157242 157243
Section 337.60. SUBSTANCE USE DISORDER TREATMENT IN SPECIALIZED DOCKET PROGRAMS	157244 157245
(A) As used in this section:	157246
(1) "Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code.	157247 157248

(2) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code. 157249
157250

(3) "Drug used in medication-assisted treatment" means a drug approved by the United States Food and Drug Administration for use in medication-assisted treatment. 157251
157252
157253

(4) "Drug used in withdrawal management or detoxification" means a drug approved by the United States Food and Drug Administration for use in, or a drug in standard use for, mitigating alcohol or opioid withdrawal symptoms or assisting with detoxification. 157254
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(5) "Medication-assisted treatment" has the same meaning as in section 340.01 of the Revised Code. 157259
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(6) "Medication-assisted treatment drug court program" and "MAT drug court program" mean a session of any of the following that holds initial or final certification from the Supreme Court of Ohio as a specialized docket program for drugs and that uses medication-assisted treatment as part of its specialized docket program: a common pleas court, municipal court, or county court, or a division of any of those courts. 157261
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(7) "Prescriber" has the same meaning as in section 4729.01 of the Revised Code. 157268
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(8) "Recovery supports" has the same meaning as in section 5119.01 of the Revised Code. 157270
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(9) "Substance use disorder treatment" has the same meaning as "alcohol and drug addiction services" as defined in section 5119.01 of the Revised Code. 157272
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(B)(1) The Department of Mental Health and Addiction Services shall conduct a program to provide substance use disorder treatment to persons who are eligible to participate in a medication-assisted treatment drug court program and are selected 157275
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under this section to be participants in a MAT drug court program 157279
because of a substance use disorder. The substance use disorder 157280
treatment provided under the Department's program may include the 157281
following: 157282

(a) Drugs used in medication-assisted treatment; 157283

(b) Services involved in providing medication-assisted 157284
treatment; 157285

(c) Drugs used in withdrawal management or detoxification; 157286

(d) Services involved in providing withdrawal management or 157287
detoxification; 157288

(e) Recovery supports. 157289

(2) The Department shall conduct its program in collaboration 157290
with any counties in Ohio that are conducting MAT drug court 157291
programs. 157292

(3) In addition to conducting its program in accordance with 157293
division (B)(2) of this section, the Department may conduct its 157294
program in collaboration with any other court that is conducting a 157295
MAT drug court program. 157296

(C) In conducting its program, the Department shall 157297
collaborate with the Supreme Court, the Department of 157298
Rehabilitation and Correction, and any agency of the state that 157299
the Department of Mental Health and Addiction Services determines 157300
may be of assistance in accomplishing the objectives of the 157301
Department's program. The Department may collaborate with the 157302
boards of alcohol, drug addiction, and mental health services and 157303
with local law enforcement agencies that serve the counties in 157304
which a court participating in the Department's program is 157305
located. 157306

(D)(1) A MAT drug court program participating in the 157307
Department's program shall select the persons who are to be its 157308

participants for purposes of the Department's program. To be 157309
selected, a person must be a criminal offender, including an 157310
offender under a community control sanction, or be involved in a 157311
drug or family dependency court. A person shall not be selected to 157312
be a participant unless the person meets the legal and clinical 157313
eligibility criteria for the MAT drug court program and is an 157314
active participant in the MAT drug court program, or unless the 157315
offender is under a community control sanction with the program's 157316
participating judge. 157317

(2) After a MAT drug court program enrolls a person as a 157318
participant for purposes of the Department's program, the 157319
participant shall comply with all requirements of the MAT drug 157320
court program. 157321

(E) The substance use disorder treatment provided under the 157322
Department's program in collaboration with a MAT drug court 157323
program, including any recovery supports that are provided, shall 157324
be provided by a community addiction services provider. The 157325
provider shall do all of the following: 157326

(1) Provide treatment based on an integrated service delivery 157327
model that consists of the coordination of care between a 157328
prescriber and the community addiction services provider; 157329

(2) Conduct professional, comprehensive substance abuse and 157330
mental health diagnostic assessments of a person under 157331
consideration for selection as a program participant to determine 157332
whether the person would benefit from substance use disorder 157333
treatment and monitoring; 157334

(3) Determine, based on the assessment described in division 157335
(E)(2) of this section, the treatment needs of the program 157336
participants served by the community addiction services provider; 157337

(4) Develop, for program participants served by the community 157338
addiction services provider, individualized goals and objectives; 157339

(5) Subject to division (F) of this section, provide access 157340
to both of the following drug therapies to the extent they are 157341
included in the program's substance use disorder treatment: drugs 157342
used in medication-assisted treatment and drugs used in withdrawal 157343
management or detoxification; 157344

(6) Provide other types of therapies, including psychosocial 157345
therapies, for both substance use disorder and any disorders that 157346
are considered by the community addiction services provider to be 157347
co-occurring disorders; 157348

(7) Monitor program compliance through the use of regular 157349
drug testing, including urinalysis, of the program participants 157350
served by the community addiction services provider; 157351

(8) Provide access to time-limited recovery supports that 157352
help eliminate barriers to treatment and are specific to the 157353
participant's needs, including assistance with housing, 157354
transportation, child care, job training, obtaining a driver's 157355
license or state identification card, and any other matter 157356
considered relevant by the provider. 157357

(F) With regard to the drug therapies included in the 157358
substance use disorder treatment provided under the Department's 157359
program, both of the following apply: 157360

(1) One or more drugs may be used, but each drug that is used 157361
must constitute either or both of the following: 157362

(a) Long-acting antagonist therapy, partial agonist therapy, 157363
or full agonist therapy; 157364

(b) Alpha-2 agonist therapy for withdrawal management or 157365
detoxification. 157366

(2) If a drug constituting partial or full agonist therapy is 157367
used, the program shall provide safeguards to minimize abuse and 157368
diversion of the drug, including such safeguards as routine drug 157369

testing of program participants. 157370

(G) It is anticipated and expected that MAT drug court 157371
programs will expand their ability to serve more drug court 157372
participants as a result of increased access to commercial or 157373
publicly funded health insurance. In order to ensure that funds 157374
appropriated to support the Department's program are used in the 157375
most efficient manner with a goal of enrolling the maximum number 157376
of participants, the Medicaid Director, in collaboration with 157377
major Ohio health care plans, shall develop plans consistent with 157378
this division. There shall be no prior authorizations or step 157379
therapy for program participants to have access to any drug 157380
therapy included in the substance use disorder treatment provided 157381
under the Department's program. The plans developed under this 157382
division shall ensure all of the following: 157383

(1) The development of an efficient and timely process for 157384
review of eligibility for health benefits for all persons selected 157385
to participate in the program; 157386

(2) A rapid conversion to reimbursement for all health care 157387
services by the participant's health care plan following approval 157388
for coverage of health care benefits; 157389

(3) The development of a consistent benefit package that 157390
provides ready access to and reimbursement for essential health 157391
care services including, but not limited to, primary health care 157392
services, alcohol and opioid detoxification services, appropriate 157393
psychosocial services, drugs used in medication-assisted 157394
treatment, and drugs used in withdrawal management or 157395
detoxification; 157396

(4) The development of guidelines that require the provision 157397
of all treatment services, including medication, with minimal 157398
administrative barriers and within a time frame that meets the 157399
requirements of individual patient care plans. 157400

(H) Of the foregoing appropriation item 336422, Criminal Justice Services, up to \$5,000,000 in each fiscal year shall be used to support the substance use disorder treatment included in the Department's program for drug court specialized docket programs and to support the administrative expenses of courts and community addiction services providers participating in the Department's program.

Section 337.70. RECOVERY HOUSING 157408

(A) As used in this section, "recovery housing residence" has the same meaning as in section 5119.01 of the Revised Code.

(B) Of the foregoing appropriation item 336424, Recovery Housing, up to \$5,000,000 in each fiscal year shall be used as follows:

(1) To expand, support access to, as well as assist the operators of recovery housing residences in their efforts to improve the quality of recovery housing residences in this state. The Director of Mental Health and Addiction Services may provide funds from this appropriation item to such operators for the purpose of defraying costs associated with attaining certification or accreditation, as applicable, under section 5119.39 of the Revised Code.

(2) To implement sections 5119.39 to 5119.397 of the Revised Code.

Section 337.80. SPECIALIZED DOCKET SUPPORT 157424

(A) The foregoing appropriation item 336425, Specialized Docket Support, shall be used to defray a portion of the annual payroll costs associated with the specialized docket of a common pleas court, municipal court, county court, juvenile court, or family court that meets all of the eligibility requirements in division (B) of this section, including a family dependency

treatment docket. The foregoing appropriation item 336425, 157431
Specialized Docket Support, may also be used to defray costs 157432
associated with treatment services and recovery supports for 157433
participants. 157434

(B) To be eligible, the specialized docket must have received 157435
Supreme Court of Ohio initial or final certification and include 157436
participants with behavioral health needs in its target 157437
population. 157438

(C) Of the foregoing appropriation item 336425, Specialized 157439
Docket Support, the Department of Mental Health and Addiction 157440
Services shall use up to one per cent of the funds appropriated in 157441
each fiscal year to pay the cost it incurs in administering the 157442
duties established in this section. 157443

(D) The Department, in consultation with the Supreme Court of 157444
Ohio, may adopt funding distribution methodology, guidelines, and 157445
procedures as necessary to carry out the purposes of this section. 157446

Section 337.90. COMMUNITY INNOVATIONS 157447

The foregoing appropriation item 336504, Community 157448
Innovations, may be used by the Department of Mental Health and 157449
Addiction Services to make targeted investments in programs, 157450
projects, or systems operated by or under the authority of other 157451
state agencies, governmental entities, or private not-for-profit 157452
agencies that impact, or are impacted by, the operations and 157453
functions of the Department, with the goal of achieving a net 157454
reduction in expenditure of state general revenue funds and/or 157455
improved outcomes for Ohio citizens without a net increase in 157456
state general revenue fund spending. 157457

The Director shall identify and evaluate programs, projects, 157458
or systems proposed or operated, in whole or in part, outside of 157459
the authority of the Department, where targeted investment of 157460

these funds in the program, project, or system is expected to 157461
decrease demand for the Department or other resources funded with 157462
state general revenue funds, and/or to measurably improve outcomes 157463
for Ohio citizens with mental illness or with alcohol, drug, or 157464
gambling addictions. The Director shall have discretion to provide 157465
funds from this appropriation item to private not-for-profit 157466
entities in amounts, and subject to conditions, that the Director 157467
determines most likely to achieve state savings and/or improved 157468
outcomes. Distribution of funds from this appropriation item shall 157469
not be subject to sections 9.23 to 9.239 or Chapter 125. of the 157470
Revised Code. 157471

The Department shall enter into an agreement with each 157472
recipient of community innovation funds, identifying: allowable 157473
expenditure of the funds; other commitment of funds or other 157474
resources to the program, project, or system; expected state 157475
savings and/or improved outcomes and proposed mechanisms for 157476
measurement of such savings or outcomes; and required reporting 157477
regarding expenditure of funds and savings or outcomes achieved. 157478

Of the foregoing appropriation item 336504, Community 157479
Innovations, up to \$3,000,000 in each fiscal year shall be used to 157480
support workforce development initiatives. 157481

Of the foregoing appropriation item 336504, Community 157482
Innovations, up to \$1,500,000 in each fiscal year shall be used to 157483
mitigate behavioral health disparities. 157484

Of the foregoing appropriation item 336504, Community 157485
Innovations, up to \$1,250,000 in each fiscal year shall be used to 157486
establish additional clubhouses in this state for the purpose of 157487
offering individuals with a mental illness or mental illness and 157488
co-occurring substance use disorder opportunities for employment, 157489
housing, education, and access to medical and psychiatric services 157490
in a single caring and safe environment. The clubhouses shall be 157491
operated in accordance with model standards and employment 157492

benchmarks selected by the Department of Mental Health and 157493
Addiction Services. 157494

Of the foregoing appropriation item 336504, Community 157495
Innovations, up to \$1,000,000 in each fiscal year shall be used by 157496
the Department of Mental Health and Addiction Services, in 157497
partnership with the Department of Rehabilitation and Correction 157498
and Ohio Housing Finance Agency, to establish a landlord incentive 157499
program. Under the program, the Department of Mental Health and 157500
Addiction Services shall do both of the following: 157501

(A) Issue incentive payments to landlords to encourage the 157502
leasing of rental units to individuals with a criminal record who 157503
have a mental illness, substance use disorder, or both, or are 157504
being discharged from a hospital as defined in section 5122.01 of 157505
the Revised Code. 157506

(B) Reimburse landlords for small repairs in rental units 157507
leased to individuals described in division (A) of this section to 157508
ensure that such units conform with Housing Quality Standards 157509
specified by the United States Department of Housing and Urban 157510
Development in 24 C.F.R. 982, et seq. 157511

The Department shall specify guidelines and a procedure for 157512
the distribution of funds pursuant to divisions (A) and (B) of 157513
this section. 157514

Section 337.95. MOBILE-BASED OPIOID USE DISORDER TREATMENT 157515

(A) As used in this section: 157516

(1) "Medication-assisted treatment" has the same meaning as 157517
in section 340.01 of the Revised Code. 157518

(2) "Medication unit" has the same meaning as in 42 C.F.R. 157519
8.2. 157520

(3) "Qualifying practitioner" has the same meaning as in 157521
section 303(g)(2)(G)(iii) of the "Controlled Substances Act of 157522

1970," 21 U.S.C. 823(g)(2)(G)(iii). 157523

(B) During fiscal years 2024 and 2025, the Department of 157524
Mental Health and Addiction Services shall operate a pilot program 157525
to provide opioid use disorder treatment to individuals in 157526
underserved regions of this state, selected by the Department, 157527
using medication units that are mobile. The purpose of the program 157528
is to extend access to medication-assisted treatment to areas of 157529
the state lacking opioid treatment programs licensed under section 157530
5119.37 of the Revised Code and qualifying practitioners. 157531

(C) The Department shall ensure that the services provided in 157532
mobile medication units used in the pilot program are those 157533
specified in relevant guidance issued by the United States 157534
Substance Abuse and Mental Health Services Administration. 157535

(D) Upon request of the Department, the State Board of 157536
Pharmacy, State Medical Board, Board of Nursing, and any other 157537
state agency that the Department determines may be of assistance 157538
in accomplishing the purpose of the pilot program, shall provide 157539
the requested assistance. 157540

(E) Not later than sixty days after the effective date of 157541
this section, the Department shall develop a plan for implementing 157542
and evaluating the pilot program. 157543

(F) Not later than six months after the conclusion of the 157544
pilot program, the Department shall complete a report of the 157545
findings obtained from the program. On completion, the Department 157546
shall submit the report to the Governor and to the General 157547
Assembly. The Department shall submit the report to the General 157548
Assembly in accordance with section 101.68 of the Revised Code. 157549

(G) Of the foregoing appropriation item 336504, Community 157550
Innovations, up to \$750,000 in each fiscal year shall be used to 157551
operate the pilot program established under this section. 157552

Section 337.100. RESIDENTIAL STATE SUPPLEMENT 157553

The foregoing appropriation item 336510, Residential State Supplement, may be used by the Department of Mental Health and Addiction Services to implement and operate the Residential State Supplement (RSS) Program required by section 5119.41 of the Revised Code. 157554
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Section 337.103. APPALACHIAN CHILDREN COALITION 157559

The foregoing appropriation item 336516, Appalachian Children Coalition, shall be provided to the Appalachian Children Coalition to address systemic challenges children face in Appalachian Ohio. The Coalition shall use the funds as follows: 157560
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(A) \$1,000,000 in each fiscal year shall be used to provide funding for training, hiring, and retention of entry-level child mental and behavioral health workers in school and health provider settings; 157564
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(B) \$1,000,000 in each fiscal year shall be used to provide funding for research and facilitation of a publicly accessible database of child wellbeing indicators as well as provide capacity to child-serving entities in the region by way of grant writing support, community assessments, and mental and behavioral health workforce mapping; 157568
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(C) \$250,000 in each fiscal year shall be used to enhance child mental health outcomes, promote implementation of whole-child models of care, and to expand the mental health workforce in the region; and 157574
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(D) \$250,000 in each fiscal year shall be used to provide funding for prevention programming in the areas of teen suicide, substance misuse, human trafficking, bullying, and child abuse and neglect in the region. 157578
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Section 337.105. COMMUNITY PROJECTS 157582

Of the foregoing appropriation item 336519, Community 157583
Projects, \$1,500,000 in each fiscal year shall be provided to the 157584
Ohio Alliance of Boys & Girls Clubs to support prevention and 157585
early intervention for underserved children, youth, and families 157586
in high-need and/or high-risk communities through the integration 157587
of evidence-based trauma-informed practices into Club programming 157588
and the provision of broader community partnerships for care 157589
management, direct services, clinical interventions, as well as 157590
additional support for addiction prevention and youth mental 157591
health. 157592

Section 337.120. MEDICAID SUPPORT 157593

The foregoing appropriation item 652321, Medicaid Support, 157594
shall be used to fund specified Medicaid Services as delegated by 157595
the state's single agency responsible for the Medicaid Program. 157596

Section 337.130. STABILIZATION CENTERS 157597

(A) Except as otherwise provided in this act, of the 157598
foregoing appropriation item 336600, Stabilization Centers, up to 157599
\$6,000,000 in each fiscal year shall be used to establish and 157600
administer, in collaboration with the other boards that serve the 157601
same state psychiatric hospital region, substance use 157602
stabilization centers or, upon approval from the Director of 157603
Mental Health and Addiction Services, boards may use these funds 157604
in conjunction with funds earmarked in division (C) of Section 157605
337.40 of this act to establish and administer crisis 157606
stabilization centers that have the ability to serve individuals 157607
with substance use and/or mental health needs. There shall be a 157608
minimum of one center located in each state psychiatric hospital 157609
region. 157610

(B) Boards of alcohol, drug addiction, and mental health services shall submit to the Director of Mental Health and Addiction Services for approval a plan for establishing and administering crisis stabilization centers pursuant to division (A) of this section and division (C) of Section 337.40 of this act that meet the needs of individuals within their service districts.

(C) As used in this section, "state psychiatric hospital regions" means the six districts into which the Department of Mental Health and Addiction Services has divided the state pursuant to division (B)(2) of section 5119.14 of the Revised Code.

Section 337.135. 9-8-8 LIFELINE

(A) As used in this section, "9-8-8 Suicide and Crisis Lifeline" means the 9-8-8 universal telephone number designated for use within the United States under section 251(e) of the "Communications Act of 1934," 47 U.S.C. 251(e), as amended by the "National Suicide Hotline Designation Act of 2020," Pub. L. No. 116-172, for the purpose of the national suicide prevention and mental health crisis hotline system.

(B) The foregoing appropriation item 336661, 988 Suicide and Crisis Response, shall be used to support statewide operations and related activities of the 9-8-8 Suicide and Crisis Lifeline and mental health treatment and response.

Section 337.140. ADAMHS BOARDS

(A) Of the foregoing appropriation item 336643, ADAMHS Boards, \$5,000,000 in each fiscal year shall be allocated as follows:

(1) Each board shall receive \$50,000 in each fiscal year for each of the counties that are part of the board's district.

(2) Each board shall receive a percentage of any remaining amount to be determined by a formula developed by the Director of Mental Health and Addiction Services.

(B) Of the foregoing appropriation item 336643, ADAMHS Boards, up to \$6,000,000 in each fiscal year shall be used to fund a continuum of crisis stabilization and crisis prevention services and supports to allow individuals to be served in the least restrictive setting.

(C) Boards of alcohol, drug addiction, and mental health services shall submit for approval by the Director of Mental Health and Addiction Services a plan for establishing and administering crisis services in conjunction with the plan submitted pursuant to division (D) of Section 337.40 and division (B) of Section 337.130 of this act.

Section 337.145. ARPA PEDIATRIC BEHAVIORAL HEALTH

The foregoing appropriation item 336648, ARPA Pediatric Behavioral Health, shall be distributed to St. Vincent Family Services for pediatric behavioral health workforce retention and development.

Section 337.150. PROBLEM GAMBLING AND CASINO ADDICTION

A portion of appropriation item 336629, Problem Gambling and Casino Addiction, shall be allocated to boards of alcohol, drug addiction, and mental health services in accordance with a distribution methodology determined by the Director of Mental Health and Addiction Services.

Section 337.160. TRANSCRANIAL MAGNETIC STIMULATION PROGRAM

The foregoing appropriation item 336645, Transcranial Magnetic Stimulation Program, shall be used for the electroencephalogram (EEG) combined transcranial magnetic

stimulation program as described in section 5902.09 of the Revised Code. These funds shall also be used to serve up to three hundred additional veterans and up to three hundred additional first responders and law enforcement officers.

Section 337.170. ACCESS SUCCESS II PROGRAM 157673

To the extent cash is available, the Director of Budget and Management may transfer cash from a fund designated by the Medicaid Director, to the Sale of Goods and Services Fund (Fund 1490), used by the Department of Mental Health and Addiction Services. The transferred cash is hereby appropriated.

The Department of Mental Health and Addiction Services shall use the transferred funds to administer the Access Success II Program to help non-Medicaid patients in any hospital established, controlled, or supervised by the Department under Chapter 5119. of the Revised Code to transition from inpatient status to a community setting.

Section 337.180. CASH TRANSFER FROM THE INDIGENT DRIVERS ALCOHOL TREATMENT FUND TO THE STATEWIDE TREATMENT AND PREVENTION FUND 157685

On a schedule determined by the Director of Budget and Management, the Director of Mental Health and Addiction Services shall certify to the Director of Budget and Management the amount of excess license reinstatement fees that are available pursuant to division (F)(2)(c) of section 4511.191 of the Revised Code to be transferred from the Indigent Drivers Alcohol Treatment Fund (Fund 7049) to the Statewide Treatment and Prevention Fund (Fund 4750). Upon certification, the Director of Budget and Management may transfer cash from the Indigent Drivers Alcohol Treatment Fund to the Statewide Treatment and Prevention Fund.

Section 339.10. MIH COMMISSION ON MINORITY HEALTH				157698
General Revenue Fund				157699
GRF	149321	Operating Expenses	\$ 820,000 \$ 839,000	157700
GRF	149501	Demonstration Grants	\$ 1,352,000 \$ 1,352,000	157701
GRF	149502	Lupus Program	\$ 118,000 \$ 118,000	157702
GRF	149503	Infant Mortality	\$ 3,376,000 \$ 3,391,000	157703
Health Grants				
TOTAL GRF	General Revenue Fund		\$ 5,666,000 \$ 5,700,000	157704
Dedicated Purpose Fund Group				157705
4C20	149601	Minority Health	\$ 35,000 \$ 35,000	157706
Conference				
TOTAL DPF	Dedicated Purpose Fund		\$ 35,000 \$ 35,000	157707
Group				
TOTAL ALL BUDGET FUND GROUPS			\$ 5,701,000 \$ 5,735,000	157708
 Section 341.10. CRB MOTOR VEHICLE REPAIR BOARD				157710
Dedicated Purpose Fund Group				157711
4K90	865601	Operating Expenses	\$ 698,657 \$ 704,675	157712
TOTAL DPF	Dedicated Purpose Fund		\$ 698,657 \$ 704,675	157713
Group				
TOTAL ALL BUDGET FUND GROUPS			\$ 698,657 \$ 704,675	157714
 Section 343.10. DNR DEPARTMENT OF NATURAL RESOURCES				157716
General Revenue Fund				157717
GRF	725401	Division of	\$ 1,700,000 \$ 1,700,000	157718
Wildlife-Operating				
Subsidy				
GRF	725413	Parks and Recreational	\$ 63,750,000 \$ 63,750,000	157719
Facilities Lease				
Rental Bond Payments				
GRF	725456	Canal Lands	\$ 118,000 \$ 118,000	157720

GRF	725460	LWCF Recreation Lands	\$	250,000	\$	250,000	157721
GRF	725505	Healthy Lake Erie Program	\$	911,000	\$	911,000	157722
GRF	725507	Coal and Mine Safety Programs	\$	2,939,000	\$	2,939,000	157723
GRF	725520	Special Projects	\$	125,000	\$	125,000	157724
GRF	725903	Natural Resources General Obligation Bond Debt Service	\$	20,200,000	\$	16,800,000	157725
GRF	727321	Division of Forestry	\$	7,187,000	\$	7,187,000	157726
GRF	729321	Office of Information Technology	\$	508,000	\$	508,000	157727
GRF	730321	Parks and Recreation	\$	41,303,000	\$	41,303,000	157728
GRF	736321	Division of Engineering	\$	2,154,000	\$	2,154,000	157729
GRF	737321	Division of Water Resources	\$	1,752,000	\$	1,752,000	157730
GRF	738321	Office of Real Estate and Land Management	\$	749,000	\$	749,000	157731
GRF	741321	Division of Natural Areas and Preserves	\$	3,800,000	\$	3,800,000	157732
TOTAL GRF		General Revenue Fund	\$	147,446,000	\$	144,046,000	157733
		Dedicated Purpose Fund Group					157734
2270	725406	Parks Projects Personnel	\$	4,623,473	\$	4,803,589	157735
4300	725671	Canal Lands	\$	705,298	\$	705,298	157736
4S90	725622	NatureWorks Personnel	\$	304,121	\$	304,121	157737
4U60	725668	Scenic Rivers Protection	\$	100,000	\$	100,000	157738
5090	725602	State Forest	\$	10,008,687	\$	10,008,687	157739
5110	725646	Ohio Geological Mapping	\$	6,650,000	\$	6,650,000	157740
5110	725679	Geographic Information	\$	281,023	\$	288,575	157741

		System Centralized Services			
5120	725605	State Parks Operations	\$ 40,113,609	\$ 40,113,609	157742
5140	725606	Lake Erie Shoreline	\$ 1,819,849	\$ 1,858,936	157743
5160	725620	Water Management	\$ 3,249,848	\$ 3,466,288	157744
5180	725643	Oil and Gas Regulation and Safety	\$ 31,150,571	\$ 31,161,659	157745
5180	725677	Oil and Gas Well Plugging	\$ 21,048,391	\$ 21,048,391	157746
5210	725627	Off-Road Vehicle Trails	\$ 478,400	\$ 478,400	157747
5220	725656	Natural Areas and Preserves	\$ 623,524	\$ 650,700	157748
5290	725639	Mining Regulation and Safety	\$ 5,300,000	\$ 5,300,000	157749
5310	725648	Reclamation Forfeiture	\$ 200,000	\$ 200,000	157750
5CV3	7256A3	ARPA - Special Projects	\$ 5,000,000	\$ 0	157751
5EL0	725612	Wildlife Law Enforcement	\$ 12,000	\$ 12,000	157752
5HK0	725625	Ohio Nature Preserves	\$ 100,000	\$ 100,000	157753
5P20	725634	Wildlife Boater Angler Administration	\$ 5,225,000	\$ 8,825,000	157754
5TD0	725514	Park Maintenance	\$ 1,555,208	\$ 1,555,208	157755
5TD0	725615	Parks and Watercraft Vehicles	\$ 9,636,500	\$ 6,415,000	157756
6150	725661	Dam Safety	\$ 3,226,325	\$ 5,024,778	157757
6970	725670	Submerged Lands	\$ 715,054	\$ 715,054	157758
6H20	725681	H2Ohio	\$ 53,050,000	\$ 53,050,000	157759
7015	740401	Division of Wildlife Conservation	\$ 81,288,161	\$ 81,288,161	157760
7086	725414	Waterways Improvement	\$ 6,195,948	\$ 6,170,948	157761
7086	739401	Watercraft Operations	\$ 29,805,719	\$ 29,405,719	157762

8150	725636	Cooperative Management Projects	\$	679,250	\$	679,250	157763
8160	725649	Wetlands Habitat	\$	966,885	\$	966,885	157764
8170	725655	Wildlife Conservation Checkoff	\$	2,750,000	\$	2,750,000	157765
8180	725629	Cooperative Fisheries Research	\$	1,500,000	\$	1,500,000	157766
8190	725685	Ohio River Management	\$	150,000	\$	150,000	157767
81B0	725688	Wildlife Habitats	\$	2,000,000	\$	2,000,000	157768
TOTAL DPF Dedicated Purpose Fund Group			\$	330,512,844	\$	327,746,256	157769
Internal Service Activity Fund Group							157770
1550	725601	Departmental Projects	\$	1,501,591	\$	1,587,336	157771
1570	725651	Program Support	\$	25,665,438	\$	25,665,438	157772
5100	725631	Maintenance - State-owned Residences	\$	189,611	\$	189,611	157773
TOTAL ISA Internal Service Activity Fund Group			\$	27,356,640	\$	27,442,385	157774
Capital Projects Fund Group							157775
7061	725405	Clean Ohio Trail Operating	\$	301,796	\$	291,796	157776
TOTAL CPF Capital Projects Fund Group			\$	301,796	\$	291,796	157777
Fiduciary Fund Group							157778
4M80	725675	FOP Contract	\$	20,219	\$	20,219	157779
TOTAL FID Fiduciary Fund Group			\$	20,219	\$	20,219	157780
Holding Account Fund Group							157781
R017	725659	Performance Cash Bond Refunds	\$	457,000	\$	457,000	157782
R043	725624	Forestry	\$	2,400,000	\$	2,400,000	157783
TOTAL HLD Holding Account Fund			\$	2,857,000	\$	2,857,000	157784

Group

Federal Fund Group						157785
3320 725669	Federal Mine Safety Grant	\$	335,000	\$	335,000	157786
3B30 725640	Federal Forest Pass-Thru	\$	780,000	\$	780,000	157787
3B40 725641	Federal Flood Pass-Thru	\$	108,000	\$	112,000	157788
3B50 725645	Federal Abandoned Mine Lands	\$	61,150,000	\$	61,150,000	157789
3B60 725653	Federal Land and Water Conservation Grants	\$	10,800,000	\$	10,800,000	157790
3B70 725654	Reclamation - Regulatory	\$	1,825,402	\$	1,825,402	157791
3IK0 7256A1	Parks and Watercraft Fed Grants	\$	18,820,473	\$	16,548,566	157792
3P10 725632	Geological Survey - Federal	\$	269,011	\$	269,011	157793
3P20 725642	Oil and Gas - Federal	\$	154,350	\$	154,350	157794
3P20 725698	Oil And Gas - Federal Orphan Well Plug	\$	25,000,000	\$	25,000,000	157795
3P30 725650	Coastal Management - Federal	\$	2,965,240	\$	3,024,545	157796
3P40 725660	Federal - Soil and Water Resources	\$	389,250	\$	405,600	157797
3R50 725673	Acid Mine Drainage Abatement/Treatment	\$	200,000	\$	200,000	157798
3Z50 725657	Federal Recreation and Trails	\$	2,000,000	\$	2,000,000	157799
TOTAL FED	Federal Fund Group	\$	124,796,726	\$	122,604,474	157800
TOTAL ALL BUDGET	FUND GROUPS	\$	633,291,225	\$	625,008,130	157801

Section 343.20. PROGRAM SUPPORT FUND 157803

The Department of Natural Resources shall use a methodology 157804
for determining each division's payments into the Program Support 157805
Fund (Fund 1570). The methodology used shall contain the 157806
characteristics of administrative ease and uniform application in 157807
compliance with federal grant requirements. It may include direct 157808
cost charges for specific services provided. Payments to Fund 1570 157809
shall be made using an intrastate transfer voucher. 157810

The foregoing appropriation item 725401, Division of 157811
Wildlife-Operating Subsidy, shall be used to pay the direct and 157812
indirect costs of the Division of Wildlife. 157813

PARKS AND RECREATIONAL FACILITIES LEASE RENTAL BOND PAYMENTS 157814

The foregoing appropriation item 725413, Parks and 157815
Recreational Facilities Lease Rental Bond Payments, shall be used 157816
to meet all payments during the period from July 1, 2023, through 157817
June 30, 2025, by the Department of Natural Resources pursuant to 157818
leases and agreements made under section 154.22 of the Revised 157819
Code. These appropriations are the source of funds pledged for 157820
bond service charges on related obligations issued under Chapter 157821
154. of the Revised Code. 157822

HEALTHY LAKE ERIE PROGRAM 157823

The foregoing appropriation item 725505, Healthy Lake Erie 157824
Program, shall be used by the Director of Natural Resources, in 157825
support of the following: (1) conservation measures in the Western 157826
Lake Erie Basin as determined by the Director; (2) funding 157827
assistance for soil testing, winter cover crops, edge of field 157828
testing, tributary monitoring, and animal waste abatement; and (3) 157829
any additional efforts to reduce nutrient runoff as the Director 157830
may decide. The Director shall give priority to recommendations 157831
that encourage farmers to adopt agricultural production guidelines 157832

commonly known as 4R nutrient stewardship practices. 157833

COAL AND MINE SAFETY PROGRAMS 157834

The foregoing appropriation item 725507, Coal and Mine Safety 157835
Programs, shall be used for the administration of the Mine Safety 157836
Program and the Coal Regulation Program. 157837

SPECIAL PROJECTS 157838

Of the foregoing appropriation item 725520, Special Projects, 157839
\$3,500,000 in fiscal year 2024 shall be used to support the Mentor 157840
Erosion Mitigation Project. 157841

Of the foregoing appropriation item 725520, Special Projects, 157842
\$2,000,000 in each fiscal year shall be used to expand Project 157843
Wild wildlife-based conservation and environmental education. 157844

Of the foregoing appropriation item 725520, Special Projects, 157845
\$125,000 in each fiscal year shall be used to support the 157846
administrative costs and other expenses of the Indian Lake 157847
Watershed Project. 157848

NATURAL RESOURCES GENERAL OBLIGATION BOND DEBT SERVICE 157849

The foregoing appropriation item 725903, Natural Resources 157850
General Obligation Bond Debt Service, shall be used to pay all 157851
debt service and related financing costs during the period July 1, 157852
2023, through June 30, 2025, on obligations issued under sections 157853
151.01 and 151.05 of the Revised Code. 157854

Section 343.30. H2OHIO FUND 157855

On July 1, 2024, or as soon as possible thereafter, the 157856
Director of Natural Resources may certify to the Director of 157857
Budget and Management an amount up to the unexpended, unencumbered 157858
balance of the foregoing appropriation item, 725681, H2Ohio, at 157859
the end of fiscal year 2024 to be reappropriated in fiscal year 157860
2025. The amount certified is hereby reappropriated to the same 157861

appropriation item for fiscal year 2025. 157862

WELL LOG FILING FEES 157863

The Chief of the Division of Water Resources shall deposit 157864
fees forwarded to the Division pursuant to section 1521.05 of the 157865
Revised Code into the Water Management Fund (Fund 5160) for the 157866
purposes described in that section. 157867

PARKS CAPITAL EXPENSES FUND 157868

The Director of Natural Resources shall submit to the 157869
Director of Budget and Management the estimated design, 157870
engineering, and planning costs of capital-related work to be done 157871
by Department of Natural Resources staff for parks projects within 157872
the Ohio Parks and Recreation Improvement Fund (Fund 7035). If the 157873
Director of Budget and Management approves the estimated costs, 157874
the Director may release appropriations from Fund 7035 157875
appropriation item C725E6, Project Planning, for those purposes. 157876
Upon release of the appropriations, the Department of Natural 157877
Resources shall pay for these expenses from the Parks Capital 157878
Expenses Fund (Fund 2270). Expenses paid from Fund 2270 shall be 157879
reimbursed by Fund 7035 using an intrastate transfer voucher. 157880

NATUREWORKS CAPITAL EXPENSES FUND 157881

The Department of Natural Resources shall submit to the 157882
Director of Budget and Management the estimated design, planning, 157883
and engineering costs of capital-related work to be done by 157884
Department of Natural Resources staff for each capital improvement 157885
project within the Ohio Parks and Natural Resources Fund (Fund 157886
7031). If the Director of Budget and Management approves the 157887
estimated costs, the Director may release appropriations from Fund 157888
7031 appropriation item C725E5, Project Planning, for those 157889
purposes. Upon release of the appropriations, the Department of 157890
Natural Resources shall pay for these expenses from the Capital 157891
Expenses Fund (Fund 4S90). Expenses paid from Fund 4S90 shall be 157892

reimbursed by Fund 7031 using an intrastate transfer voucher.	157893
ARPA - SPECIAL PROJECTS	157894
The foregoing appropriation item 7256A3, ARPA - Special Projects, shall be used by the Director of Natural Resources to support the Rock & Roll Hall of Fame and Museum.	157895 157896 157897
PARK MAINTENANCE	157898
The foregoing appropriation item 725514, Park Maintenance, shall be used by the Department of Natural Resources to pay the costs of projects supported by the State Park Maintenance Fund (Fund 5TD0) under section 1501.08 of the Revised Code.	157899 157900 157901 157902
On July 1 of each fiscal year or as soon as possible thereafter, the Director of Natural Resources shall certify the amount of five percent of the average of the previous five years of deposits in the State Park Fund (Fund 5120) to the Director of Budget and Management. The Director of Budget and Management may transfer up to \$1,800,000 from Fund 5120 to the State Park Maintenance Fund (Fund 5TD0).	157903 157904 157905 157906 157907 157908 157909
Section 343.50. CLEAN OHIO TRAIL OPERATING EXPENSES	157910
The foregoing appropriation item 725405, Clean Ohio Trail Operating, shall be used by the Department of Natural Resources in administering Clean Ohio Trail Fund (Fund 7061) projects pursuant to section 1519.05 of the Revised Code.	157911 157912 157913 157914
Section 343.60. (A) As used in this section:	157915
(1) "Locally administer" means to supervise the design and construction of, and make contracts for the construction, reconstruction, improvement, enlargement, alteration, repair, or decoration of a capital facility project without the assistance of the Ohio Facilities Construction Commission.	157916 157917 157918 157919 157920
(2) "Capital facility project" means any activities,	157921

projects, or improvements described in division (B)(1) of section 157922
1501.011 of the Revised Code. 157923

(B) Notwithstanding section 123.21 of the Revised Code or any 157924
other provision of law to the contrary, for fiscal years 2024 and 157925
2025, the Department of Natural Resources may locally administer 157926
any capital facility project commenced within those fiscal years, 157927
regardless of estimated cost. 157928

(C) The Department shall do both of the following regarding a 157929
capital facility project that is locally administered: 157930

(1) Comply with the applicable procedures and guidelines 157931
established in Chapter 153. of the Revised Code; 157932

(2) Track all project information in the Ohio Administrative 157933
Knowledge System capital improvements application pursuant to Ohio 157934
Facilities Construction Commission guidelines as though the 157935
Department is administering the project pursuant to section 157936
123.211 of the Revised Code and all generally applicable laws. 157937

(D) Nothing in this section interferes with the powers of the 157938
Department of Natural Resources authorized in Chapter 1501. of the 157939
Revised Code. 157940

Section 345.10. NUR STATE BOARD OF NURSING 157941

Dedicated Purpose Fund Group 157942

4K90 884609	Operating Expenses	\$	13,045,656	\$	13,032,656	157943
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5AC0 884602	Nurse Education Grant	\$	1,513,000	\$	894,000	157944
	Program					

5P80 884601	Nursing Special	\$	500	\$	500	157945
	Issues					

TOTAL DPF Dedicated Purpose 157946

Fund Group	\$	14,559,156	\$	13,927,156	157947
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TOTAL ALL BUDGET FUND GROUPS	\$	14,559,156	\$	13,927,156	157948
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Section 347.10. PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY,				157950
AND ATHLETIC TRAINERS BOARD				157951
Dedicated Purpose Fund Group				157952
4K90 890609	Operating Expenses	\$ 1,330,747	\$ 1,417,747	157953
TOTAL DPF Dedicated Purpose Fund		\$ 1,330,747	\$ 1,417,747	157954
Group				
TOTAL ALL BUDGET FUND GROUPS		\$ 1,330,747	\$ 1,417,747	157955
 Section 353.10. OOD OPPORTUNITIES FOR OHIOANS WITH				157957
DISABILITIES AGENCY				157958
General Revenue Fund				157959
GRF 415402	Independent Living	\$ 252,000	\$ 252,000	157960
Council				
GRF 415406	Assistive Technology	\$ 26,000	\$ 26,000	157961
GRF 415431	Brain Injury	\$ 1,100,000	\$ 1,100,000	157962
GRF 415506	Services for	\$ 24,820,000	\$ 30,015,000	157963
Individuals with				
Disabilities				
GRF 415508	Services for the Deaf	\$ 527,000	\$ 527,000	157964
GRF 415511	Centers for	\$ 500,000	\$ 500,000	157965
Independent Living				
GRF 415512	Visually Impaired	\$ 50,000	\$ 50,000	157966
Reading Services				
GRF 415513	Accessible Ohio	\$ 500,000	\$ 500,000	157967
TOTAL GRF General Revenue Fund		\$ 27,775,000	\$ 32,970,000	157968
Dedicated Purpose Fund Group				157969
4670 415609	Business Enterprise	\$ 1,555,368	\$ 1,555,368	157970
Operating Expenses				
4680 415618	Third Party Services	\$ 11,680,000	\$ 12,680,000	157971
Funding				
4L10 415619	Services for	\$ 2,200,000	\$ 2,200,000	157972

Rehabilitation			
TOTAL DPF Dedicated Purpose Fund Group	\$	15,435,368	\$ 16,435,368 157973
Internal Service Activity Fund Group			157974
4W50 415606 Program Management	\$	18,521,716	\$ 20,191,107 157975
TOTAL ISA Internal Service Activity Fund Group	\$	18,521,716	\$ 20,191,107 157976
Federal Fund Group			157977
3170 415620 Disability	\$	84,500,000	\$ 86,000,000 157978
Determination			
3790 415616 Federal - Vocational Rehabilitation	\$	150,000,000	\$ 164,500,000 157979
3GH0 415602 Personal Care Assistance	\$	3,238,884	\$ 3,336,051 157980
3GH0 415604 Community Centers for the Deaf	\$	772,420	\$ 772,420 157981
3GH0 415613 Independent Living	\$	737,411	\$ 737,411 157982
3GH0 415627 Independent Living Projects	\$	250,000	\$ 250,000 157983
3IL0 415629 Works4Me Disability Innovation Fund Grant	\$	2,000,000	\$ 2,300,000 157984
3L10 415608 Social Security Vocational Rehabilitation	\$	11,500,000	\$ 13,000,000 157985
3L40 415615 Federal - Supported Employment	\$	1,200,000	\$ 1,200,000 157986
3L40 415617 Independent Living Older Blind	\$	2,158,988	\$ 2,180,226 157987
TOTAL FED Federal Fund Group	\$	256,357,703	\$ 274,276,108 157988
TOTAL ALL BUDGET FUND GROUPS	\$	318,089,787	\$ 343,872,583 157989
Section 353.20. INDEPENDENT LIVING			157991

The foregoing appropriation item 415402, Independent Living Council, shall be used to support the state independent living programs and centers under Title VII of the Independent Living Services and Centers for Independent Living of the Rehabilitation Act Amendments of 1992, 106 Stat. 4344, 29 U.S.C. 796d.

Of the foregoing appropriation item 415402, Independent Living Council, \$67,662 in each fiscal year shall be used as state matching funds for vocational rehabilitation innovation and expansion activities.

The foregoing appropriation item 415511, Centers for Independent Living, shall be used to support the operations of the Centers for Independent Living in accordance with the State Plan for Independent Living.

ASSISTIVE TECHNOLOGY 158005

The foregoing appropriation item 415406, Assistive Technology, shall be provided to Assistive Technology of Ohio to provide grants and assistive technology services for people with disabilities in the State of Ohio.

BRAIN INJURY 158010

The foregoing appropriation item 415431, Brain Injury, shall be provided to The Ohio State University College of Medicine to support the Brain Injury Program established under section 3335.60 of the Revised Code.

SERVICES FOR INDIVIDUALS WITH DISABILITIES 158015

The foregoing appropriation item 415506, Services for Individuals with Disabilities, shall be used as state matching funds to provide vocational rehabilitation services to Ohioans with disabilities.

SERVICES FOR THE DEAF 158020

The foregoing appropriation item 415508, Services for the

Deaf, shall be used to support community centers for the deaf.	158022
VISUALLY IMPAIRED READING SERVICES	158023
The foregoing appropriation item 415512, Visually Impaired Reading Services, shall be used to support VOICEcorps Reading Services to provide reading services for blind individuals.	158024 158025 158026
SIGHT CENTERS	158027
Of the foregoing appropriation item 415617, Independent Living Older Blind, \$30,000 in each fiscal year shall be used to contract in equal amounts with the Cleveland Sight Center, the Cincinnati Association for the Blind and Visually Impaired, and the Sight Center of Northwest Ohio to provide outreach to the community of individuals with blindness or low vision.	158028 158029 158030 158031 158032 158033
Section 361.10. PEN PENSION SUBSIDIES	158034
General Revenue Fund	158035
GRF 090524 Police and Fire Disability Pension Fund	\$ 500 \$ 500 158036
GRF 090534 Police and Fire Ad Hoc Cost of Living	\$ 17,000 \$ 17,000 158037
GRF 090554 Police and Fire Survivor Benefits	\$ 165,500 \$ 165,500 158038
GRF 090575 Police and Fire Death Benefits	\$ 35,500,000 \$ 36,000,000 158039
TOTAL GRF General Revenue Fund	\$ 35,683,000 \$ 36,183,000 158040
TOTAL ALL BUDGET FUND GROUPS	\$ 35,683,000 \$ 36,183,000 158041
POLICE AND FIRE DEATH BENEFIT FUND	158042
The foregoing appropriation item 090575, Police and Fire Death Benefits, shall be disbursed quarterly by the Treasurer of State at the beginning of each quarter of each fiscal year to the Board of Trustees of the Ohio Police and Fire Pension Fund, which	158043 158044 158045 158046

serves as trustees of the Ohio Public Safety Officers Death 158047
Benefit Fund pursuant to section 742.62 of the Revised Code. The 158048
Treasurer of State shall certify such amounts quarterly to the 158049
Director of Budget and Management. By the twentieth day of June of 158050
each fiscal year, the Board of Trustees shall certify to the 158051
Treasurer of State the amount disbursed in the current fiscal year 158052
to make the payments required by sections 124.824 and 742.63 of 158053
the Revised Code and shall return to the Treasurer of State moneys 158054
received from this appropriation item but not disbursed. 158055

Notwithstanding any provision of section 124.824 of the 158056
Revised Code to the contrary, for each death benefit fund 158057
recipient who participates in health, medical, hospital, dental, 158058
surgical, or vision benefits under section 124.824 of the Revised 158059
Code, the Board of Trustees of the Ohio Police and Fire Pension 158060
Fund shall forward as a pass-through from the revenue received 158061
from the foregoing appropriation item 090575, Police and Fire 158062
Death Benefits, the percentage of the cost for the applicable 158063
benefits that would be paid by a state employer for a state 158064
employee who elects that coverage and any applicable 158065
administrative costs, which shall not exceed two per cent of the 158066
total cost of the benefits. The Board of Trustees shall also 158067
withhold from the benefits paid to a death benefit fund recipient 158068
under section 742.63 of the Revised Code the percentage of the 158069
cost for such benefits that would be paid by a state employee, and 158070
forward the withheld amounts to the Department of Administrative 158071
Services from the revenue received from the foregoing 158072
appropriation item 090575, Police and Fire Death Benefits. 158073

In fiscal year 2024 or 2025, if it is determined by the 158074
Director of Administrative Services, in consultation with the 158075
Chairperson of the Board of Trustees of the Ohio Police and Fire 158076
Pension Fund, or designee, that additional amounts are necessary 158077
to pay the cost of providing benefits under section 124.824 or 158078

742.63 of the Revised Code, the Director of Administrative 158079
Services may certify the additional amount necessary to the 158080
Director of Budget and Management. The amount certified is hereby 158081
appropriated. 158082

Section 363.10. UST PETROLEUM UNDERGROUND STORAGE TANK 158083
RELEASE COMPENSATION BOARD 158084

Dedicated Purpose Fund Group 158085
6910 810632 Petroleum Underground \$ 1,616,900 \$ 1,638,600 158086
Storage Tank Release
Compensation Board -
Operating
TOTAL DPF Dedicated Purpose Fund \$ 1,616,900 \$ 1,638,600 158087
Group
TOTAL ALL BUDGET FUND GROUPS \$ 1,616,900 \$ 1,638,600 158088

Section 367.10. PRX STATE BOARD OF PHARMACY 158090

Dedicated Purpose Fund Group 158091
4A50 887605 Drug Law Enforcement \$ 50,000 \$ 50,000 158092
4K90 658605 OARRS Integration - \$ 492,000 \$ 492,000 158093
STATE
4K90 887609 Operating Expenses \$ 12,785,300 \$ 13,439,300 158094
5SG0 887612 Drug Database \$ 100,000 \$ 100,000 158095
5SY0 887613 Medical Marijuana \$ 2,081,000 \$ 0 158096
Control Program
TOTAL DPF Dedicated Purpose Fund \$ 15,508,300 \$ 14,081,300 158097
Group

Federal Fund Group 158098
3HD0 887614 Pharmacy Federal \$ 1,700,000 \$ 1,765,000 158099
Grants
3HH0 658601 OARRS Integration - \$ 1,392,000 \$ 1,393,000 158100
Federal

3HM0 887615	Equitable Sharing	\$	5,000	\$	5,000	158101
	Treasury					
3HN0 887616	Equitable Sharing	\$	30,000	\$	30,000	158102
	Justice					
TOTAL FED	Federal Fund Group	\$	3,127,000	\$	3,193,000	158103
TOTAL ALL BUDGET FUND GROUPS		\$	18,635,300	\$	17,274,300	158104
	CASH TRANSFER FROM THE MEDICAL MARIJUANA CONTROL PROGRAM FUND					158105
	TO THE DRUG DATABASE FUND					158106
	By August 1 of each fiscal year, or as soon as possible					158107
	thereafter, upon request of the Executive Director of the State					158108
	Board of Pharmacy, the Director of Commerce may certify to the					158109
	Director of Budget and Management an amount determined by the					158110
	Director of Commerce to assist with the operation of the drug					158111
	database established and maintained by the State Board of Pharmacy					158112
	pursuant to section 4729.75 of the Revised Code. Upon					158113
	certification, the Director of Budget and Management may transfer					158114
	that amount in cash from the Medical Marijuana Control Program					158115
	Fund (Fund 5YS0), used by the Department of Commerce, to the Drug					158116
	Database Fund (Fund 5SG0), used by the State Board of Pharmacy.					158117
	Section 369.10. PSY STATE BOARD OF PSYCHOLOGY					158118
	Dedicated Purpose Fund Group					158119
4K90 882609	Operating Expenses	\$	747,489	\$	757,489	158120
TOTAL DPF	Dedicated Purpose					158121
Fund Group		\$	747,489	\$	757,489	158122
TOTAL ALL BUDGET FUND GROUPS		\$	747,489	\$	757,489	158123
	Section 371.10. PUB OHIO PUBLIC DEFENDER COMMISSION					158125
	General Revenue Fund					158126
GRF 019401	State Legal Defense	\$	9,766,000	\$	11,387,000	158127
	Services					
GRF 019405	Training Account	\$	50,000	\$	50,000	158128

GRF 019501	County Reimbursement	\$	145,000,000	\$	145,000,000	158129
TOTAL GRF	General Revenue Fund	\$	154,816,000	\$	156,437,000	158130
Dedicated Purpose Fund Group						158131
1010 019607	Juvenile Legal Assistance	\$	205,000	\$	205,000	158132
4060 019603	Training and Publications	\$	75,000	\$	75,000	158133
4070 019604	County Representation	\$	375,000	\$	375,000	158134
4080 019605	Client Payments	\$	800,000	\$	800,000	158135
4N90 019613	Gifts and Grants	\$	13,400	\$	13,400	158136
5740 019606	Civil Legal Aid	\$	30,000,000	\$	28,000,000	158137
5CX0 019617	Civil Case Filing Fee	\$	620,000	\$	620,000	158138
5DY0 019618	Indigent Defense Support - County Share	\$	23,904,000	\$	23,904,000	158139
5DY0 019619	Indigent Defense Support - State Office	\$	6,000,000	\$	6,000,000	158140
TOTAL DPF	Dedicated Purpose Fund Group	\$	61,992,400	\$	59,992,400	158141
Federal Fund Group						158142
3S80 019608	Federal Representation	\$	38,300	\$	38,300	158143
TOTAL FED	Federal Fund Group	\$	38,300	\$	38,300	158144
TOTAL ALL BUDGET FUND GROUPS		\$	216,846,700	\$	216,467,700	158145
TRAINING ACCOUNT						158146
The foregoing appropriation item 019405, Training Account,						158147
shall be used by the Ohio Public Defender to provide legal						158148
training programs at no cost for private appointed counsel who						158149
represent at least one indigent defendant at no cost, and for						158150
state and county public defenders and attorneys who contract with						158151
the Ohio Public Defender to provide indigent defense services.						158152

INDIGENT DEFENSE SUPPORT	158153
The foregoing appropriation item 019501, County	158154
Reimbursement, shall be used to reimburse counties, at a rate not	158155
to exceed \$75 per hour, for the costs of operating county public	158156
defender offices, joint county public defender offices and county	158157
appointed counsel systems, the counties' costs and expenses of	158158
conducting the defense in capital cases, the counties' costs and	158159
expenses of appointed counsel covered by section 2941.51 of the	158160
Revised Code, and the costs and expenses of contracting with the	158161
state public defender or with any nonprofit organization to	158162
provide legal representation to indigent persons.	158163
CASH TRANSFER FROM THE GENERAL REVENUE FUND TO THE LEGAL AID	158164
FUND	158165
On July 1 of each fiscal year, or as soon as possible	158166
thereafter, the Director of Budget and Management shall transfer	158167
\$500,000 cash from the General Revenue Fund to the Legal Aid Fund	158168
(Fund 5740). The transferred cash shall be distributed by the Ohio	158169
Access to Justice Foundation to Ohio's civil legal aid societies	158170
as follows: \$250,000 in each fiscal year for the sole purpose of	158171
providing legal services for economically disadvantaged	158172
individuals and families seeking assistance with legal issues	158173
arising as a result of substance abuse disorders, and \$250,000 in	158174
each fiscal year for the sole purpose of providing legal services	158175
for veterans. None of the funds shall be used for administrative	158176
costs, including, but not limited to, salaries, benefits, or	158177
travel reimbursements.	158178
FEDERAL REPRESENTATION	158179
The foregoing appropriation item 019608, Federal	158180
Representation, shall be used to support representation provided	158181
by the Ohio Public Defender in federal court cases.	158182

Section 373.10. DPS DEPARTMENT OF PUBLIC SAFETY				158183
General Revenue Fund				158184
GRF	761403	Recovery Ohio Law Enforcement	\$ 6,500,000 \$ 6,500,000	158185
GRF	761411	Ohio Narcotics Intelligence Center	\$ 13,100,000 \$ 13,100,000	158186
GRF	763403	EMA Operating	\$ 7,976,000 \$ 7,341,000	158187
GRF	763407	State Hazard Mitigation	\$ 1,050,000 \$ 1,050,000	158188
GRF	763408	State Disaster Relief	\$ 1,875,000 \$ 1,875,000	158189
GRF	763511	Local Disaster Assistance	\$ 2,000,000 \$ 0	158190
GRF	763513	Security Grants	\$ 8,500,000 \$ 8,500,000	158191
GRF	765401	Emergency Medical Services Operating	\$ 5,465,000 \$ 5,646,000	158192
GRF	767420	Investigative Unit Operating	\$ 15,517,000 \$ 15,517,000	158193
GRF	768425	Justice Program Services	\$ 19,516,000 \$ 19,527,000	158194
GRF	768435	Community Police Relations	\$ 2,510,000 \$ 2,398,000	158195
GRF	769406	Homeland Security - Operating	\$ 4,600,000 \$ 4,695,000	158196
GRF	769407	Driver Safety	\$ 6,520,000 \$ 6,520,000	158197
GRF	769412	Ohio School Safety Center	\$ 9,140,000 \$ 9,165,000	158198
TOTAL GRF General Revenue Fund			\$ 104,269,000 \$ 101,834,000	158199
Highway Safety Fund Group				158200
5TM0	762321	Operating Expense - BMV	\$ 127,532,000 \$ 129,981,000	158201
5TM0	762637	Local Immobilization	\$ 200,000 \$ 200,000	158202

		Reimbursement				
5TM0	764321	Operating Expense - Highway Patrol	\$	367,816,000	\$	392,252,000 158203
5TM0	764605	Motor Carrier Enforcement Expenses	\$	940,000	\$	985,000 158204
5TM0	769636	Administrative Expenses - Highway Purposes	\$	51,648,000	\$	52,047,000 158205
8370	764602	Turnpike Policing	\$	13,827,000	\$	14,134,000 158206
83C0	764630	Contraband, Forfeiture, and Other	\$	1,214,000	\$	1,214,000 158207
83F0	764657	Law Enforcement Automated Data System	\$	6,230,000	\$	5,846,000 158208
83G0	764633	OMVI Enforcement/Education	\$	369,000	\$	369,000 158209
83M0	765640	EMS - Grants	\$	2,900,000	\$	2,900,000 158210
8400	764607	State Fair Security	\$	2,063,000	\$	2,077,000 158211
8400	764617	Security and Investigations	\$	15,546,000	\$	15,806,000 158212
8400	764626	State Fairgrounds Police Force	\$	1,014,000	\$	1,029,000 158213
8460	761625	Motorcycle Safety Education	\$	4,175,000	\$	4,215,000 158214
8490	762627	Automated Title Processing Board	\$	16,501,000	\$	16,501,000 158215
8490	762630	Electronic Liens and Titles	\$	2,900,000	\$	2,900,000 158216
TOTAL	HSF	Highway Safety Fund Group	\$	614,875,000	\$	642,456,000 158217
		Dedicated Purpose Fund Group				158218
4P60	768601	Justice Program Services	\$	227,000	\$	227,000 158219
4V30	763662	EMA Service and Reimbursements	\$	700,000	\$	700,000 158220

5390	762614	Motor Vehicle Dealers Board	\$	140,000	\$	140,000	158221
5B90	766632	Private Investigator and Security Guard Provider	\$	2,100,000	\$	2,150,000	158222
5BK0	768687	Criminal Justice Services - Operating	\$	580,000	\$	595,000	158223
5BK0	768689	Family Violence Shelter Programs	\$	1,550,000	\$	1,550,000	158224
5ET0	768625	Drug Law Enforcement	\$	4,000,000	\$	4,000,000	158225
5FF0	762621	Indigent Interlock and Alcohol Monitoring	\$	2,000,000	\$	2,000,000	158226
5LM0	768431	Highway Patrol Training	\$	100,500	\$	100,500	158227
5LM0	768698	Criminal Justice Services Law Enforcement Support	\$	851,000	\$	851,000	158228
5ML0	769635	Infrastructure Protection	\$	83,000	\$	83,000	158229
5RH0	767697	OIU Special Projects	\$	900,000	\$	900,000	158230
5RS0	768621	Community Police Relations	\$	1,099,636	\$	0	158231
5Y10	764695	State Highway Patrol Continuing Professional Training	\$	792,000	\$	792,000	158232
5Y10	767696	Ohio Investigative Unit Continuing Professional Training	\$	10,000	\$	10,000	158233
6220	767615	Investigative, Contraband, and Forfeiture	\$	1,000,000	\$	1,000,000	158234
6570	763652	Utility Radiological	\$	1,435,000	\$	1,449,000	158235

		Safety				
6810	763653	SARA Title III Hazmat	\$	297,000	\$	300,000 158236
		Planning				
TOTAL DPF		Dedicated Purpose Fund	\$	17,865,136	\$	16,847,500 158237
		Group				
		Fiduciary Fund Group				158238
5J90	761678	Federal Salvage/GSA	\$	600,000	\$	600,000 158239
5V10	762682	License Plate	\$	2,800,000	\$	2,900,000 158240
		Contributions				
TOTAL FID		Fiduciary Fund Group	\$	3,400,000	\$	3,500,000 158241
		Holding Account Fund Group				158242
R024	762619	Unidentified Motor	\$	1,885,000	\$	1,885,000 158243
		Vehicle Receipts				
R052	762623	Security Deposits	\$	50,000	\$	50,000 158244
TOTAL HLD		Holding Account Fund	\$	1,935,000	\$	1,935,000 158245
		Group				
		Federal Fund Group				158246
3370	763515	COVID Relief -	\$	150,000,000	\$	150,000,000 158247
		Federal				
3370	763609	Federal Disaster	\$	73,500,000	\$	73,500,000 158248
		Relief				
3FP0	767620	Ohio Investigative	\$	30,000	\$	30,000 158249
		Unit Justice				
		Contraband				
3GL0	768619	Justice Assistance	\$	12,500,000	\$	12,500,000 158250
		Grants				
3GR0	764693	Highway Patrol	\$	500,000	\$	500,000 158251
		Justice Contraband				
3GS0	764694	Highway Patrol	\$	200,000	\$	200,000 158252
		Treasury Contraband				
3GT0	767691	Investigative Unit	\$	100,000	\$	100,000 158253
		Federal Equity Share				

3GU0 761610	Information and Education Grant	\$	300,000	\$	300,000	158254
3GU0 764608	Fatality Analysis Report System Grant	\$	175,000	\$	175,000	158255
3GU0 764610	Highway Safety Programs Grant	\$	6,303,571	\$	6,108,501	158256
3GU0 764659	Motor Carrier Safety Assistance Program Grant	\$	9,942,000	\$	10,129,000	158257
3GU0 765610	EMS Grants	\$	225,000	\$	225,000	158258
3GU0 769610	Investigations Grants - Food Stamps, Liquor and Tobacco Laws	\$	1,400,000	\$	1,400,000	158259
3GU0 769631	Homeland Security Disaster Grants	\$	800,000	\$	800,000	158260
3GV0 761612	Traffic Safety Action Plan Grants	\$	31,700,000	\$	31,700,000	158261
3HT0 768699	Coronavirus Emergency Supplemental Fundingf	\$	850,000	\$	850,000	158262
3L50 768604	Justice Program	\$	16,375,000	\$	16,375,000	158263
TOTAL FED	Federal Fund Group	\$	304,900,571	\$	304,892,501	158264
TOTAL ALL BUDGET FUND GROUPS		\$	1,047,244,707	\$	1,071,465,001	158265

Section 373.20. RECOVERY OHIO LAW ENFORCEMENT 158267

Of the foregoing appropriation item 761403, Recovery Ohio Law 158268
Enforcement, up to \$3,400,000 in each fiscal year may be used by 158269
the Office of Criminal Justice Services to support local law 158270
enforcement narcotics task forces that focus on cartel trafficking 158271
interdiction. The interdiction task forces shall be designated 158272
Ohio Organized Crime Commission task forces subject to approval 158273
and supervision of the Commission. This earmarked amount may also 158274
be used to provide funding to local law enforcement agencies, the 158275
Commission for task force-related equipment purchases, and for 158276

operating expenses of the Office of Criminal Justice Services 158277
related to the narcotics interdiction task force program. 158278

Of the foregoing appropriation item 761403, Recovery Ohio Law 158279
Enforcement, up to \$2,500,000 in each fiscal year may be used by 158280
the Office of Criminal Justice Services for Ohio's narcotics task 158281
forces in order to build new and strengthen existing partnerships 158282
with local law enforcement. This earmarked amount may also be used 158283
to provide funding to local law enforcement agencies and for 158284
operating expenses of the Office of Criminal Justice Services 158285
related to the Ohio narcotics task force program. 158286

Of the foregoing appropriation item 761403, Recovery Ohio Law 158287
Enforcement, up to \$600,000 in each fiscal year may be used to 158288
partner with the Office of Information Technology in the 158289
Department of Administrative Services to enhance and maintain a 158290
uniform records management and data intelligence system, and 158291
provide case management, collaboration, data sharing, and data 158292
analytics tools for Ohio narcotics task forces and law enforcement 158293
agencies. 158294

OHIO NARCOTICS INTELLIGENCE CENTER 158295

The foregoing appropriation item 761411, Ohio Narcotics 158296
Intelligence Center, may be used to operate and maintain a highly 158297
specialized Narcotics Intelligence Center consisting of personnel 158298
assigned to intelligence and computer forensic analysis that will 158299
assist Ohio narcotics task forces and law enforcement agencies. 158300

STATE HAZARD MITIGATION PROGRAM 158301

An amount equal to the unexpended, unencumbered balance of 158302
appropriation item 763407, State Hazard Mitigation Program, at the 158303
end of fiscal year 2024 is hereby reappropriated for fiscal year 158304
2025. 158305

LOCAL DISASTER ASSISTANCE 158306

An amount equal to the unexpended, unencumbered balance of 158307
appropriation item 763511, Local Disaster Assistance, at the end 158308
of fiscal year 2023 is hereby reappropriated for the April 17, 158309
2018, and April 8, 2019, Major Disaster Declarations for fiscal 158310
year 2024. 158311

An amount equal to the unexpended, unencumbered balance of 158312
appropriation item 763511, Local Disaster Assistance, at the end 158313
of fiscal year 2024 is hereby reappropriated for the April 17, 158314
2018, and April 8, 2019, Major Disaster Declarations for fiscal 158315
year 2025. 158316

SECURITY GRANTS 158317

(A) The foregoing appropriation item 763513, Security Grants, 158318
shall be used to make competitive grants of up to \$100,000 to 158319
nonprofit organizations, houses of worship, chartered nonpublic 158320
schools, and licensed preschools for all of the following 158321
purposes: 158322

(1) Eligible security improvements that assist the 158323
organization in preventing, preparing for, or responding to acts 158324
of terrorism; 158325

(2) Acquiring or retaining the services of a resource 158326
officer, special duty police officer, or licensed armed security 158327
guards, including the training, licensing, or certification of 158328
resource officers; 158329

(3) The lease or purchase of qualified equipment, including 158330
equipment for emergency and crisis communication, crisis 158331
management, or trauma and crisis response to assist in preventing, 158332
preparing for, or responding to acts of terrorism; 158333

(4) Placing the qualified equipment at alternative locations 158334
that are off the premises belonging to the grantee, provided that 158335
the grantee receives prior permission from any appropriate county, 158336
municipal corporation, local law enforcement agency, local 158337

emergency management agency, or local transportation agency, as 158338
applicable; 158339

(5) Funding coordinated training between law enforcement, 158340
counterterrorism agencies, and emergency responders on either the 158341
premises of a nonprofit corporation or through community-wide 158342
training efforts; 158343

(6) Continuing coverage of costs that were authorized and 158344
paid for by a grant issued previously to the grantee in accordance 158345
with this section in previous bienniums under the program. 158346

(B)(1) In addition to the purposes listed in division (A) of 158347
this section, a nonprofit organization that serves a broad 158348
community or geographic area may apply for and receive grants to 158349
provide antiterrorism related services for its serviced community 158350
or area, including providing armed security personnel. Prior to 158351
receiving a grant under division (B) of this section, the 158352
nonprofit organization shall provide the Emergency Management 158353
Agency with any appropriate compliance documentation. The Agency 158354
shall establish what compliance documentation is required prior to 158355
issuing grants under this division. 158356

(2) If more than one nonprofit organization is located at the 158357
same address listed on the application, each nonprofit 158358
organization may apply for the full amount of a grant issued under 158359
this section. Each nonprofit organization shall explain in its 158360
application how it will use the grant money to address a different 158361
vulnerability than the other applicant nonprofit organizations 158362
that are located at the same address. 158363

(C) The Emergency Management Agency shall administer and 158364
award the grants described in divisions (A) and (B) of this 158365
section. The Agency shall establish procedures and forms by which 158366
applicants may apply for a grant, a competitive process for 158367
ranking applicants and awarding the grants, and procedures for 158368

distributing grants to recipients. The procedures shall require 158369
each applicant to do all of the following: 158370

(1) Identify and substantiate prior threats or attacks by a 158371
terrorist organization, network, or cell against the nonprofit 158372
organization, house of worship, chartered nonpublic school, or 158373
licensed preschool; 158374

(2) Indicate the symbolic or strategic value of one or more 158375
sites that renders the site a possible target of terrorism; 158376

(3) Discuss potential consequences to the organization if the 158377
site is damaged, destroyed, or disrupted by a terrorist; 158378

(4) Describe how the grant will be used to integrate 158379
organizational preparedness with broader state and local 158380
preparedness efforts; 158381

(5) Submit either a vulnerability assessment conducted by 158382
experienced security, law enforcement, or military personnel, or a 158383
credible intelligence and threat analysis from one or more 158384
qualified homeland security, counterintelligence, or 158385
anti-terrorism experts, and a description of how the grant will be 158386
used to address the vulnerabilities identified in the assessment. 158387

The Agency shall consider all of the above factors in 158388
evaluating grant applications. The grantee shall have twenty-four 158389
months from the date of the first disbursement to meet program 158390
requirements. The Agency shall include information about the 158391
grants and the application process on its web site. 158392

The Emergency Management Agency may prioritize a portion of 158393
funding, but not more than \$1,000,000 in each fiscal year, for 158394
innovative community-public safety partnerships addressing 158395
counterterrorism prevention, provided the grantee is eligible to 158396
receive the grant as a nonprofit organization that is at risk of 158397
terror attack. 158398

(D) Any grant submission described in division (I) of section 158399
3313.536 of the Revised Code or section 149.433 of the Revised 158400
Code is not a public record under section 149.43 of the Revised 158401
Code and is not subject to mandatory release or disclosure under 158402
that section. 158403

(E) The Emergency Management Agency may use up to two and 158404
one-half per cent of the total amount appropriated to administer 158405
the program, a portion of which may be used to pay costs incurred 158406
by the Department of Public Safety to provide security-related or 158407
specialized assistance in reviewing vulnerability assessments and 158408
prioritizing grant applications. 158409

(F) As used in this section: 158410

(1) "Eligible security improvements" means any of the 158411
following: 158412

(a) Physical security enhancement equipment or inspection and 158413
screening equipment included on the Authorized Equipment List 158414
published by the United States Department of Homeland Security; 158415

(b) Attendance fees and associated materials, supplies, and 158416
equipment costs for security-related training courses and programs 158417
regarding the protection of critical infrastructure and key 158418
resources, physical and cyber security, target hardening, or 158419
terrorism awareness or preparedness. Personnel and travel costs 158420
associated with training shall not be considered an eligible 158421
expense of the grant; 158422

(c) The purchase, upgrade, or maintenance of high-speed 158423
internet for those utilizing it for security purposes. 158424

(2) "Nonprofit organization" means a corporation, 158425
association, group, institution, society, or other organization 158426
that is exempt from federal income taxation under section 158427
501(c)(3) of the "Internal Revenue Code of 1986," 26 U.S.C. 158428
501(c)(3), as amended. 158429

(3) "Resource officer" means any law enforcement officer of 158430
an accredited local law enforcement agency providing special duty 158431
services in a school setting to create or maintain a safe, secure, 158432
and orderly environment. A resource officer may include a special 158433
duty police officer, off-duty police officer, deputy sheriff, or 158434
other peace officer of the applicable local law enforcement agency 158435
in which the chartered nonpublic school or licensed preschool is 158436
located or qualifying personnel of an accredited local law 158437
enforcement agency for any jurisdiction in this state. 158438

(4) "Terrorism" means any act taken by a group or individual 158439
used to intimidate or coerce a nonprofit organization, house of 158440
worship, chartered nonpublic school, or licensed preschool, its 158441
employees, and anyone who is or in the future may be associated 158442
with it, as well as their families; to influence the policy of the 158443
nonprofit organization, house of worship, chartered nonpublic 158444
school, or licensed preschool; and to affect the conduct of the 158445
nonprofit organization, house of worship, chartered nonpublic 158446
school, or licensed preschool. 158447

(G) An amount equal to the unexpended, unencumbered balance 158448
of the foregoing appropriation item 763513, Security Grants, at 158449
the end of fiscal year 2023 is hereby reappropriated for the same 158450
purpose in fiscal year 2024. 158451

(H) An amount equal to the unexpended, unencumbered balance 158452
of the foregoing appropriation item 763513, Security Grants, at 158453
the end of fiscal year 2024 is hereby reappropriated for the same 158454
purpose in fiscal year 2025. 158455

EMERGENCY MEDICAL SERVICES OPERATING 158456

Of the foregoing appropriation item 765401, Emergency Medical 158457
Services Operating, \$300,000 in each fiscal year shall be 158458
distributed to Ohio Cardiac Arrest Registry to Enhance Survival 158459
for operating expenses. 158460

SECURITY GRANTS PILOT PROGRAMS 158461

(A) Of the foregoing appropriation item 763513, Security 158462
Grants, \$197,000 in fiscal year 2024 shall be distributed to the 158463
Jewish Federation of Cincinnati for a mail room pilot program. 158464

Of the foregoing appropriation item 763513, Security Grants, 158465
\$150,000 in fiscal year 2024 shall be distributed to JFC Security, 158466
LLC to fund a community-focused antiterrorism cybersecurity pilot 158467
program. 158468

Of the foregoing appropriation item 763513, Security Grants, 158469
\$95,000 in fiscal year 2024 shall be distributed to the Jewish 158470
Federation of Cincinnati, to fund a community-focused 158471
antiterrorism cybersecurity pilot program. 158472

Of the foregoing appropriation item 763513, Security Grants, 158473
\$87,000 in fiscal year 2024 shall be distributed to the Mayerson 158474
Jewish Community Center Campus for a 911 Geo-Location pilot 158475
program. 158476

(B) Funding recipients shall report to the Department of 158477
Public Safety by June 30 of each fiscal year, or as soon as 158478
possible thereafter, regarding best practices learned. Based on 158479
those reports, the Department of Public Safety shall make 158480
recommendations regarding increasing grant opportunities for the 158481
pilot program or including the pilot program as an eligible 158482
funding area within the security grants program. 158483

JUSTICE PROGRAM SERVICES 158484

Of the foregoing appropriation item 768425, Justice Program 158485
Services, up to \$5,000,000 in each fiscal year shall be used by 158486
the Office of Criminal Justice Services to administer and 158487
distribute grants to state and local law enforcement agencies to 158488
implement or enhance body-worn camera programs. 158489

Of the foregoing appropriation item 768425, Justice Program 158490

Services, up to \$4,531,000 in fiscal year 2024 and \$4,542,000 in 158491
fiscal year 2025 shall be used by the Office of Criminal Justice 158492
Services to support anti-human trafficking efforts in the areas of 158493
prosecution, victim services to specifically include assistance 158494
for child victims, and prevention and policy to implement the 158495
priorities of the Governor's Ohio Human Trafficking Task Force. 158496

Of the foregoing appropriation item 768425, Justice Program 158497
Services, up to \$4,000,000 in each fiscal year shall be used by 158498
the Office of Criminal Justice Services to administer and 158499
distribute grants to state and local law enforcement agencies to 158500
assist local communities in reducing and preventing crime through 158501
the use of promising or proven crime reduction strategies. The use 158502
of the grants includes, but is not limited to, overtime, 158503
equipment, technical assistance, and analytical support to 158504
implement crime reduction strategies. 158505

Of the foregoing appropriation item 768425, Justice Program 158506
Services, up to \$3,000,000 in each fiscal year shall be provided 158507
to the Ohio Network of Children's Advocacy Centers to administer 158508
and distribute grants to child advocacy centers to coordinate the 158509
investigation, prosecution, and treatment of child sexual abuse 158510
while helping abused children heal. 158511

Of the foregoing appropriation item 768425, Justice Program 158512
Services, up to \$1,000,000 in each fiscal year shall be used by 158513
the Office of Criminal Justice Services to distribute grants to 158514
state and/or local law enforcement to conduct investigations on 158515
sexual assault kit testing results and related expenses. 158516

Of the foregoing appropriation item 768425, Justice Program 158517
Services, up to \$500,000 in each fiscal year shall be used by the 158518
Office of Criminal Justice Services to support state and local law 158519
enforcement agencies in the recruitment, hiring, and training of 158520
qualified individuals to serve as peace officers. 158521

Of the foregoing appropriation item 768425, Justice Program 158522
Services, up to \$200,000 in each fiscal year shall be used by the 158523
Office of Criminal Justice Services to implement recommendations 158524
of the Governor's Warrant Task Force. 158525

OHIO SCHOOL SAFETY CENTER 158526

The foregoing appropriation item 769412, Ohio School Safety 158527
Center, shall be used by the Department of Public Safety for the 158528
operations of the Ohio School Safety Center, including maintaining 158529
and promoting the Safer Ohio Schools Tip Line and assisting local 158530
schools and first responders in preventing, preparing for, and 158531
responding to threats and acts of violence, including self-harm, 158532
through a holistic, solutions-based approach to improving school 158533
safety. 158534

Section 373.30. CERTIFICATION OF COSTS FOR THE PUBLIC SAFETY 158535
- HIGHWAY PURPOSES FUND 158536

The Director of Public Safety may certify to the Director of 158537
Budget and Management, on a quarterly basis, the amounts paid to 158538
deputy registrars pursuant to section 4507.49 of the Revised Code 158539
for identification cards and temporary identification cards issued 158540
or renewed without payment of any fees during the course of the 158541
preceding quarter. 158542

The Director of Public Safety may certify to the Director of 158543
Budget and Management, on a quarterly basis, the amount of fees 158544
not collected by the registrar of motor vehicles for 158545
identification cards and temporary identification cards issued or 158546
renewed by the registrar of motor vehicles pursuant to section 158547
4507.50 of the Revised Code without the payment of any fees during 158548
the course of the preceding quarter. 158549

Upon receipt of the certifications, the Director of Budget 158550
and Management may transfer cash, up to the certified amount, from 158551

the General Revenue Fund to the Public Safety - Highway Purposes Fund (Fund 5TM0). This amount is not to exceed \$4,000,000 per fiscal year.

MOTOR VEHICLE REGISTRATION

The Director of Public Safety may deposit revenues to meet the cash needs of the Public Safety - Highway Purposes Fund (Fund 5TM0) established in section 4501.06 of the Revised Code, obtained under section 4503.02 of the Revised Code, less all other available cash. Revenue deposited pursuant to this paragraph shall support in part appropriations for the administration and enforcement of laws relative to the operation and registration of motor vehicles, for payment of highway obligations and other statutory highway purposes. Notwithstanding section 4501.03 of the Revised Code, the revenues shall be paid into Fund 5TM0 before any revenues obtained pursuant to section 4503.02 of the Revised Code are paid into any other fund. The deposit of revenues to meet the aforementioned cash needs shall be in approximately equal amounts on a monthly basis or as otherwise approved by the Director of Budget and Management. Prior to July 1 of each fiscal year, the Director of Public Safety shall submit a plan to the Director of Budget and Management requesting approval of the anticipated revenue amounts to be deposited into Fund 5TM0 pursuant to this paragraph. If during the fiscal year changes to the plan as approved by the Director of Budget and Management are necessary, the Director of Public Safety shall submit a revised plan to the Director of Budget and Management for approval prior to any change in the deposit of revenues.

CASH TRANSFERS TO THE PUBLIC SAFETY - HIGHWAY PURPOSES FUND - SHIPLEY UPGRADES

Pursuant to a plan submitted by the Director of Public Safety, or as otherwise determined by the Director of Budget and Management, the Director of Budget and Management, upon approval

of the Controlling Board, may make appropriate cash transfers on a 158584
pro-rata basis as approved by the Director of Budget and 158585
Management from other funds used by the Department of Public 158586
Safety, excluding the Public Safety Building Fund (Fund 7025), to 158587
the Public Safety - Highway Purposes Fund (Fund 5TM0) in order to 158588
reimburse expenditures for capital upgrades to the Shipley 158589
Building. 158590

CASH BALANCE FUND REVIEW 158591

The Director of Public Safety shall review the cash balances 158592
for each fund in the State Highway Safety Fund Group, and may 158593
submit a request in writing to the Director of Budget and 158594
Management to transfer amounts from any fund in the State Highway 158595
Safety Fund Group to the credit of the Public Safety - Highway 158596
Purposes Fund (Fund 5TM0), as appropriate. Upon receipt of such a 158597
request, and subject to the approval of the Controlling Board, the 158598
Director of Budget and Management may make appropriate transfers 158599
as requested by the Director of Public Safety or as otherwise 158600
determined by the Director of Budget and Management. 158601

CASH TRANSFERS TO THE SECURITY, INVESTIGATIONS, AND POLICING 158602
FUND 158603

Notwithstanding any other provision of law to the contrary, 158604
the Director of Budget and Management, upon written request of the 158605
Director of Public Safety and approval of the Controlling Board, 158606
may approve the transfer of cash from the State Highway Patrol 158607
Contraband, Forfeiture, and Other Fund (Fund 83C0) to the 158608
Security, Investigations and Policing Fund (Fund 8400). 158609

Notwithstanding any provision of law to the contrary, on July 158610
1, 2023, or as soon as possible thereafter, the Director of Budget 158611
and Management may, upon written request of the Director of Public 158612
Safety, approve the transfer of no more than \$2,000,000 in cash 158613
from the General Revenue Fund to the Security, Investigations, and 158614

Policing Fund (Fund 8400).	158615
COLLECTIVE BARGAINING INCREASES	158616
Notwithstanding division (D) of section 127.14 and division (B) of section 131.35 of the Revised Code, except for the General Revenue Fund, the Controlling Board may, upon the request of either the Director of Budget and Management, or the Department of Public Safety with the approval of the Director of Budget and Management, authorize expenditures in excess of appropriations and transfer appropriations, as necessary, for any fund used by the Department of Public Safety, to assist in paying the costs of increases in employee compensation that have occurred pursuant to collective bargaining agreements under Chapter 4117. of the Revised Code and, for exempt employees, under section 124.152 of the Revised Code. Any money approved for expenditure under this paragraph is hereby appropriated.	158617 158618 158619 158620 158621 158622 158623 158624 158625 158626 158627 158628 158629
VALIDATION STICKER REQUIREMENTS	158630
Validation stickers are required for the annual registration of passenger, commercial, motorcycle, and other vehicles and are produced in accordance with section 4503.191 of the Revised Code. Notwithstanding section 4503.191 of the Revised Code, the Registrar of Motor Vehicles may adopt rules authorizing validation stickers to be produced at any location.	158631 158632 158633 158634 158635 158636
TRANSFER FROM STATE FIRE MARSHAL FUND TO EMERGENCY MANAGEMENT AGENCY SERVICE AND REIMBURSEMENT FUND	158637 158638
On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$450,000 cash from the State Fire Marshall Fund (Fund 5460) to the Emergency Management Agency Service and Reimbursement Fund (Fund 4V30).	158639 158640 158641 158642 158643
Of the foregoing appropriation item 763662, EMA Service and Reimbursements, \$250,000 in each fiscal year shall be distributed	158644 158645

to the Ohio Task Force One - Urban Search and Rescue Unit to pay 158646
for its operating expenses and developing new programs. 158647

Of the foregoing appropriation item 763662, EMA Service and 158648
Reimbursements, \$200,000 in each fiscal year shall be distributed 158649
to the Ohio Task Force One - Urban Search and Rescue Unit, other 158650
similar urban search and rescue units around the state, and for 158651
maintenance of the statewide fire emergency response plan by an 158652
entity recognized by the Ohio Emergency Management Agency. 158653

STATE DISASTER RELIEF 158654

The State Disaster Relief Fund (Fund 5330) may accept 158655
transfers of cash or appropriations from Controlling Board 158656
appropriation items for the Ohio Emergency Management Agency 158657
disaster response costs and disaster program management costs, and 158658
may also be used for the following purposes: 158659

(A) To accept transfers of cash or appropriations from 158660
Controlling Board appropriation items for Ohio Emergency 158661
Management Agency recovery and mitigation program match costs to 158662
reimburse eligible local governments and private nonprofit 158663
organizations for costs related to disasters; 158664

(B) To accept transfers of cash or appropriations from 158665
Controlling Board appropriation items to cover costs incurred and 158666
to reimburse government entities for Emergency Management 158667
Assistance Compact (EMAC) missions; 158668

(C) To accept disaster related reimbursement from federal, 158669
state, and local governments. The Director of Budget and 158670
Management may transfer cash from reimbursements received by this 158671
fund to other funds of the state from which transfers were 158672
originally approved by the Controlling Board. 158673

(D) To accept transfers of cash or appropriations from 158674
Controlling Board appropriation items to fund the State Disaster 158675
Relief Program, for disasters that qualify for the program by 158676

written authorization of the Governor, and the State Individual Assistance Program for disasters that have been declared by the federal Small Business Administration and that qualify for the program by written authorization from the Governor.

(E) The State Disaster Relief Fund (Fund 5330) may accept, hold, administer, and expend any cash received from a gift, donation, bequest, devise, or contribution.

DRUG LAW ENFORCEMENT FUND

Notwithstanding division (D) of section 5502.68 of the Revised Code, in each of fiscal years 2024 and 2025, the cumulative amount of funding provided to any single drug task force out of the Drug Law Enforcement Fund (Fund 5ET0) may not exceed \$500,000 in any calendar year.

HIGHWAY PATROL TRAINING

The foregoing appropriation item 768431, Highway Patrol Training, shall be used for Ohio State Highway Patrol training and associated costs at the Mid-Ohio Sports Car Course.

STATE HIGHWAY PATROL CONTINUING PROFESSIONAL TRAINING

Notwithstanding sections 109.802 and 109.803 of the Revised Code, of the foregoing appropriation item 764695, State Highway Patrol Continuing Professional Training, \$420,000 in each fiscal year shall be used for Ohio State Highway Patrol training and associated costs at the Mid-Ohio Sports Car Course.

SARA TITLE III HAZMAT PLANNING

The SARA Title III Hazmat Planning Fund (Fund 6810) is entitled to receive grant funds from the Emergency Response Commission to implement the Emergency Management Agency's responsibilities under Chapter 3750. of the Revised Code.

Section 375.10. PUC PUBLIC UTILITIES COMMISSION OF OHIO

Dedicated Purpose Fund Group				158706
4A30	870614	Grade Crossing Protection Devices-State	\$ 2,000,000 \$	1,700,000 158707
4L80	870617	Pipeline Safety-State	\$ 359,377 \$	359,377 158708
5610	870606	Power Siting Board	\$ 3,080,000 \$	3,180,000 158709
5F60	870622	Utility and Railroad Regulation	\$ 39,012,561 \$	39,012,561 158710
5F60	870624	NARUC/NRRI Subsidy	\$ 85,000 \$	85,000 158711
5LT0	870640	Intrastate Registration	\$ 210,661 \$	210,661 158712
5LT0	870641	Unified Carrier Registration	\$ 476,636 \$	476,636 158713
5LT0	870643	Non-hazardous Materials Civil Forfeiture	\$ 311,144 \$	311,114 158714
5LT0	870644	Hazardous Materials Civil Forfeiture	\$ 1,165,000 \$	1,165,000 158715
5LT0	870645	Motor Carrier Enforcement	\$ 6,400,372 \$	6,400,372 158716
5Q50	870626	Telecommunications Relay Service	\$ 1,020,000 \$	1,020,000 158717
5QR0	870646	Underground Facilities Protection	\$ 50,000 \$	50,000 158718
5QS0	870647	Underground Facilities Administration	\$ 500,000 \$	500,000 158719
TOTAL DPF Dedicated Purpose Fund Group				\$ 54,670,751 \$ 54,470,721 158720
Federal Fund Group				158721
3330	870601	Gas Pipeline Safety	\$ 1,543,289 \$	1,543,289 158722
3500	870608	Motor Carrier Safety	\$ 15,710,777 \$	16,103,547 158723
3500	870648	Motor Carrier	\$ 750,000 \$	750,000 158724

		Administration High Priority Activities Grants and Cooperative Agreements				
3ID0	870649	Department of Energy Grid Resiliency	\$	7,122,706	\$	7,122,706 158725
3IE0	870650	Hazardous Material Commercial Vehicle Inspection Grants	\$	414,031	\$	414,031 158726
3V30	870604	Commercial Vehicle Information Systems/Networks	\$	32,300	\$	0 158727
TOTAL FED	Federal Fund Group		\$	25,573,103	\$	25,933,573 158728
TOTAL ALL BUDGET FUND GROUPS			\$	80,243,854	\$	80,404,294 158729
Section 377.10. PWC PUBLIC WORKS COMMISSION						158731
General Revenue Fund						158732
GRF	150904	Conservation General Obligation Bond Debt Service	\$	46,600,000	\$	40,900,000 158733
GRF	150907	Infrastructure Improvement General Obligation Bond Debt Service	\$	231,000,000	\$	236,000,000 158734
TOTAL GRF	General Revenue Fund		\$	277,600,000	\$	276,900,000 158735
Capital Projects Fund Group						158736
7038	150321	State Capital Improvements Program - Operating Expenses	\$	986,116	\$	971,376 158737
7056	150403	Clean Ohio Conservation	\$	328,705	\$	323,792 158738

Operating

TOTAL CPF Capital Projects Fund	\$	1,314,821	\$	1,295,168	158739
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	278,914,821	\$	278,195,168	158740

Section 377.20. CONSERVATION GENERAL OBLIGATION BOND DEBT 158742

SERVICE 158743

The foregoing appropriation item 150904, Conservation General 158744
Obligation Bond Debt Service, shall be used to pay all debt 158745
service and related financing costs during the period from July 1, 158746
2023, through June 30, 2025, on obligations issued under sections 158747
151.01 and 151.09 of the Revised Code. 158748

INFRASTRUCTURE IMPROVEMENT GENERAL OBLIGATION BOND DEBT 158749

SERVICE 158750

The foregoing appropriation item 150907, Infrastructure 158751
Improvement General Obligation Bond Debt Service, shall be used to 158752
pay all debt service and related financing costs during the period 158753
from July 1, 2023, through June 30, 2025, on obligations issued 158754
under sections 151.01 and 151.08 of the Revised Code. 158755

CLEAN OHIO CONSERVATION OPERATING 158756

The foregoing appropriation item 150403, Clean Ohio 158757
Conservation Operating, shall be used by the Ohio Public Works 158758
Commission in administering Clean Ohio Conservation Fund (Fund 158759
7056) projects pursuant to sections 164.20 to 164.27 of the 158760
Revised Code. 158761

STATE CAPITAL IMPROVEMENTS PROGRAM - OPERATING EXPENSES 158762

The foregoing appropriation item 150321, State Capital 158763
Improvements Program - Operating Expenses, shall be used by the 158764
Ohio Public Works Commission to administer the State Capital 158765
Improvement Program under sections 164.01 to 164.16 of the Revised 158766
Code. 158767

DISTRICT ADMINISTRATION COSTS 158768

The Director of the Public Works Commission is authorized to 158769
create a District Administration Costs Program from proceeds of 158770
the Capital Improvements Fund and Local Transportation Improvement 158771
Program Fund. The program shall be used to provide for the direct 158772
costs of district administration of the nineteen public works 158773
districts. Districts choosing to participate in the program shall 158774
only expend State Capital Improvements Fund moneys for State 158775
Capital Improvements Fund costs and Local Transportation 158776
Improvement Program Fund moneys for Local Transportation 158777
Improvement Program Fund costs. The District Administration Costs 158778
Program account shall not exceed \$1,235,000 per fiscal year. Each 158779
public works district may be eligible for up to \$65,000 per fiscal 158780
year from its district allocation as provided in sections 164.08 158781
and 164.14 of the Revised Code. 158782

The Director, by rule, shall define allowable and 158783
non-allowable costs for the purpose of the District Administration 158784
Costs Program. Non-allowable costs include indirect costs, elected 158785
official salaries and benefits, and project-specific costs. No 158786
district public works committee may participate in the District 158787
Administration Costs Program without the approval of those costs 158788
by the district public works committee under section 164.04 of the 158789
Revised Code. 158790

NATURAL RESOURCE ASSISTANCE COUNCIL ADMINISTRATION COSTS 158791

The Director of the Public Works Commission is authorized to 158792
create a District Administration Costs Program for districts 158793
represented by natural resource assistance councils. This program 158794
shall be funded from proceeds of the Clean Ohio Conservation Fund. 158795
The program shall be used by natural resource assistance councils 158796
in order to provide for administration costs of the nineteen 158797
natural resource assistance councils for the direct costs of 158798
council administration. Councils choosing to participate in this 158799

program may be eligible for up to \$15,000 per fiscal year from its 158800
district allocation as provided in section 164.27 of the Revised 158801
Code. 158802

The Director shall define allowable and non-allowable costs 158803
for the purpose of the District Administration Costs Program. 158804
Non-allowable costs include indirect costs, elected official 158805
salaries and benefits, and project-specific costs. 158806

Section 379.10. RAC STATE RACING COMMISSION 158807

Dedicated Purpose Fund Group 158808

5620 875601 Thoroughbred \$ 1,100,000 \$ 1,100,000 158809
Development

5630 875602 Standardbred \$ 1,400,000 \$ 1,400,000 158810
Development

5650 875604 Racing Commission \$ 4,210,497 \$ 4,210,497 158811
Operating

5JK0 875610 Horse Racing \$ 10,500,000 \$ 10,500,000 158812
Development - Casino

5NL0 875611 Revenue \$ 10,500,000 \$ 10,500,000 158813
Redistribution

TOTAL DPF Dedicated Purpose Fund \$ 27,710,497 \$ 27,710,497 158814
Group

Fiduciary Fund Group 158815

5C40 875607 Simulcast Horse \$ 5,500,000 \$ 5,500,000 158816
Racing Purse

TOTAL FID Fiduciary Fund Group \$ 5,500,000 \$ 5,500,000 158817

Holding Account Fund Group 158818

R021 875605 Bond Reimbursements \$ 100,000 \$ 100,000 158819

TOTAL HLD Holding Account Fund \$ 100,000 \$ 100,000 158820

Group

TOTAL ALL BUDGET FUND GROUPS \$ 33,310,497 \$ 33,310,497 158821

Section 381.10. BOR DEPARTMENT OF HIGHER EDUCATION				158823
General Revenue Fund				158824
GRF 235321	Operating Expenses	\$ 7,219,000	\$ 7,229,000	158825
GRF 235402	Sea Grants	\$ 308,000	\$ 317,000	158826
GRF 235406	Articulation and Transfer	\$ 2,070,000	\$ 2,225,000	158827
GRF 235408	Midwest Higher Education Compact	\$ 118,000	\$ 118,000	158828
GRF 235411	Teacher Apprenticeship Program	\$ 120,000	\$ 3,635,000	158829
GRF 235412	Textbook Affordability	\$ 455,000	\$ 455,000	158830
GRF 235414	Grants and Scholarship Administration	\$ 988,000	\$ 994,000	158831
GRF 235417	Technology Maintenance and Operations	\$ 5,503,000	\$ 5,782,000	158832
GRF 235419	Mental Health Support	\$ 10,000,000	\$ 10,000,000	158833
GRF 235421	IT Security Enhancements	\$ 1,872,000	\$ 1,930,000	158834
GRF 235425	Ohio Work Ready Grant	\$ 14,298,000	\$ 26,571,000	158835
GRF 235427	Adult Literacy Initiatives	\$ 1,035,000	\$ 1,035,000	158836
GRF 235428	Appalachian New Economy Workforce Partnership	\$ 4,243,000	\$ 4,455,000	158837
GRF 235438	Choose Ohio First Scholarship	\$ 30,000,000	\$ 32,000,000	158838
GRF 235443	Aspire - State	\$ 7,083,000	\$ 7,083,000	158839
GRF 235444	Ohio Technical Centers	\$ 22,464,000	\$ 23,138,000	158840
GRF 235474	Area Health Education Centers Program Support	\$ 899,000	\$ 926,000	158841
GRF 235492	Campus Safety and	\$ 675,000	\$ 700,000	158842

	Training				
GRF 235495	Northeast Ohio Medical University Dental School	\$ 2,000,000	\$ 2,000,000	158843	
GRF 235501	State Share of Instruction	\$ 2,106,000,000	\$ 2,136,000,000	158844	
GRF 235504	War Orphans and Severely Disabled Veterans' Children Scholarships	\$ 17,800,000	\$ 20,600,000	158845	
GRF 235507	OhioLINK	\$ 6,140,000	\$ 6,447,000	158846	
GRF 235508	Air Force Institute of Technology	\$ 2,200,000	\$ 2,200,000	158847	
GRF 235510	Ohio Supercomputer Center	\$ 4,844,000	\$ 5,086,000	158848	
GRF 235511	The Ohio State University Extension Service	\$ 25,504,000	\$ 26,269,000	158849	
GRF 235514	Central State Supplement	\$ 12,036,000	\$ 12,397,000	158850	
GRF 235515	Case Western Reserve University School of Medicine	\$ 2,039,000	\$ 2,039,000	158851	
GRF 235519	Family Practice	\$ 3,008,000	\$ 3,008,000	158852	
GRF 235520	Shawnee State Supplement	\$ 5,571,000	\$ 5,738,000	158853	
GRF 235525	Geriatric Medicine	\$ 496,000	\$ 496,000	158854	
GRF 235526	Primary Care Residencies	\$ 1,425,000	\$ 1,425,000	158855	
GRF 235533	Program and Project Support	\$ 3,075,000	\$ 3,280,000	158856	
GRF 235535	Ohio Agricultural Research	\$ 37,169,000	\$ 38,284,000	158857	

GRF 235536	The Ohio State University Clinical Teaching	\$	9,186,000	\$	9,186,000	158858
GRF 235537	University of Cincinnati Clinical Teaching	\$	8,335,000	\$	8,335,000	158859
GRF 235538	University of Toledo Clinical Teaching	\$	5,889,000	\$	5,889,000	158860
GRF 235539	Wright State University Clinical Teaching	\$	2,861,000	\$	2,861,000	158861
GRF 235540	Ohio University Clinical Teaching	\$	2,766,000	\$	2,766,000	158862
GRF 235541	Northeast Ohio Medical University Clinical Teaching	\$	2,845,000	\$	2,845,000	158863
GRF 235543	Kent State University College of Podiatric Medicine Clinic Subsidy	\$	500,000	\$	500,000	158864
GRF 235546	Central State Agricultural Research and Development	\$	5,828,000	\$	5,828,000	158865
GRF 235548	Central State Cooperative Extension Services	\$	5,168,000	\$	5,168,000	158866
GRF 235552	Capital Component	\$	1,584,000	\$	1,584,000	158867
GRF 235555	Library Depositories	\$	1,366,000	\$	1,407,000	158868
GRF 235556	Ohio Academic Resources Network	\$	3,262,000	\$	3,568,000	158869
GRF 235558	Long-term Care Research	\$	318,000	\$	327,000	158870
GRF 235563	Ohio College	\$	140,000,000	\$	175,000,000	158871

	Opportunity Grant				
GRF 235569	The Ohio State University College of Veterinary Medicine Supplement	\$	5,150,000	\$	5,304,000 158872
GRF 235572	The Ohio State University Clinic Support	\$	750,000	\$	772,000 158873
GRF 235578	Federal Research Network	\$	8,698,000	\$	8,851,000 158874
GRF 235591	Co-Op Internship Program	\$	1,365,000	\$	1,365,000 158875
GRF 235593	Voinovich Academy of Excellence in Public Service	\$	750,000	\$	750,000 158876
GRF 235595	Commercial Truck Driver Student Aid Program	\$	10,000,000	\$	10,000,000 158877
GRF 235598	Rural University Program	\$	412,000	\$	424,000 158878
GRF 235599	National Guard Scholarship Program	\$	18,400,000	\$	19,250,000 158879
GRF 235909	Higher Education General Obligation Bond Debt Service	\$	250,000,000	\$	275,000,000 158880
TOTAL GRF	General Revenue Fund	\$	2,824,090,000	\$	2,940,842,000 158881
	Dedicated Purpose Fund Group				158882
2200 235614	Program Approval and Reauthorization	\$	875,000	\$	882,000 158883
4560 235603	Sales and Services	\$	199,250	\$	199,250 158884
4E80 235602	Higher Educational Facility Commission Administration	\$	67,600	\$	67,600 158885

5CV3	235687	Super RAPIDS	\$	100,000,000	\$	0	158886
5CV3	235698	Internship Pilot Program	\$	2,500,000	\$	2,500,000	158887
5D40	235675	Conference/Special Purposes	\$	250,000	\$	250,000	158888
5FR0	235650	State and Non-Federal Grants and Award	\$	1,402,150	\$	1,402,150	158889
5NH0	235517	Talent Ready Grant Program	\$	25,000,000	\$	25,000,000	158890
5P30	235663	Variable Savings Plan	\$	8,363,600	\$	8,522,034	158891
5YD0	235494	Second Chance Grant Program	\$	2,000,000	\$	2,000,000	158892
5ZY0	235592	Grow Your Own Teacher Program	\$	5,000,000	\$	10,000,000	158893
6450	235664	Guaranteed Savings Plan	\$	1,099,122	\$	1,110,131	158894
6820	235606	Nursing Loan Program	\$	1,150,000	\$	1,200,000	158895
TOTAL	DPF	Dedicated Purpose Fund Group	\$	147,906,722	\$	53,133,165	158896
Bond Research and Development Fund Group							158897
7014	235639	Research Incentive Third Frontier - Tax	\$	8,000,000	\$	8,000,000	158898
TOTAL	BRD	Bond Research and Development Fund Group	\$	8,000,000	\$	8,000,000	158899
Federal Fund Group							158900
3120	235611	Gear-up Grant	\$	2,400,000	\$	2,400,000	158901
3120	235612	Carl D. Perkins Grant/Plan Administration	\$	1,350,000	\$	1,350,000	158902
3120	235641	Aspire - Federal	\$	18,600,000	\$	18,600,000	158903
3120	235669	Industry Credential Transfer Assurance	\$	300,000	\$	300,000	158904

		Guides Initiative				
3BG0	235651	Gear Up Grant	\$	3,100,000	\$	3,100,000 158905
		Scholarships				
3N60	235658	John R. Justice	\$	128,000	\$	128,000 158906
		Student Loan				
		Repayment Program				
TOTAL FED	Federal Fund Group		\$	25,878,000	\$	25,878,000 158907
TOTAL ALL BUDGET FUND GROUPS			\$	3,005,874,722	\$	3,027,853,165 158908

Section 381.20. SEA GRANTS 158910

The foregoing appropriation item 235402, Sea Grants, shall be used to match federal dollars and leverage additional support by The Ohio State University's Sea Grant program, including Stone Laboratory, for research, education, and outreach to enhance the economic value, public utilization, and responsible management of Lake Erie and Ohio's coastal resources. 158911-158916

Section 381.30. ARTICULATION AND TRANSFER 158917

The foregoing appropriation item 235406, Articulation and Transfer, shall be used by the Chancellor of Higher Education to maintain and expand the work of the Articulation and Transfer Network Advisory Council to develop a system of transfer policies to ensure that students at state institutions of higher education can transfer and have coursework apply to their majors and degrees at any other state institution of higher education without unnecessary duplication or institutional barriers under sections 3333.16, 3333.161, 3333.162, and 3333.164 of the Revised Code. 158918-158926

Section 381.40. MIDWEST HIGHER EDUCATION COMPACT 158927

The foregoing appropriation item 235408, Midwest Higher Education Compact, shall be distributed by the Chancellor of Higher Education under section 3333.40 of the Revised Code. 158928-158930

Section 381.60. TEACHER APPRENTICESHIP PROGRAM	158931
(A) The foregoing appropriation item 235411, Teacher Apprenticeship Program, shall be used by the Chancellor of Higher Education, in consultation with the Superintendent of Public Instruction, to develop and implement the Teacher Apprenticeship Program, which is hereby established.	158932 158933 158934 158935 158936
(B) Under the program, the Chancellor shall establish up to five teacher apprenticeship programs for different teaching licenses. The Chancellor may use the funds provided under this section to pay for the following, as determined appropriate by the Chancellor:	158937 158938 158939 158940 158941
(1) Program development;	158942
(2) Program participant support, including payment of tuition, fees, and apprentice salary;	158943 158944
(3) Stipends for supervising teachers;	158945
(4) Administrative and technology support;	158946
(5) Any other expenses necessary to operate the program.	158947
Section 381.70. TEXTBOOK AFFORDABILITY	158948
(A) The foregoing appropriation item 235412, Textbook Affordability, shall be used by the Chancellor of Higher Education to encourage the adoption of open educational resources and other innovative low- or no-cost teaching materials at Ohio's public institutions of higher education. Funds disbursed under this section shall be used in a manner consistent with the goal of creating or identifying low- or no-cost teaching materials to produce cost savings for students.	158949 158950 158951 158952 158953 158954 158955 158956
(B) In disbursing funds to create open educational resources under this section, the Chancellor shall consider at least the following factors:	158957 158958 158959

(1) The volume of students enrolled in specific courses, with 158960
a focus on converting teaching materials in high enrollment, 158961
general education courses included in the Ohio Transfer 36 as a 158962
first priority to broaden the scope of impact; 158963

(2) The likely rate of faculty adoption of materials produced 158964
under this section, and the level of institutional support for 158965
embracing open educational resources and other innovative low- or 158966
no-cost teaching materials; and 158967

(3) The extent to which resources produced under this section 158968
may be made available to institutions statewide for utilization. 158969
In considering this factor, the Chancellor may partner with the 158970
Ohio Open Ed Collaborative and OhioLINK and utilize or enhance 158971
electronic resources under their management to store and provide 158972
statewide access to materials. 158973

(C) The Chancellor and the faculty at state institutions of 158974
higher education, as defined in section 3345.011 of the Revised 158975
Code, in consultation with OhioLINK, shall collaborate to create 158976
the Ohio Educational Resources Database consisting of open 158977
educational resources that have been identified as meeting the 158978
learning objectives for Ohio Transfer 36 and Transfer Assurance 158979
Guides courses by, at a minimum: 158980

(1) Surveying all state institutions of higher education for 158981
open educational resources currently used in these courses; 158982

(2) Identifying faculty to review materials available in 158983
OpenStax, OER Commons, and other repositories of open educational 158984
resources; and 158985

(3) Establishing processes and procedures to maintain regular 158986
review and updating of materials to keep the database current. 158987

(D) State institutions of higher education, at the 158988
Chancellor's direction, shall pursue collaborative efforts focused 158989
on the goal of achieving wider acceptance and adoption of open 158990

educational materials. 158991

(E) Materials shall be accessible to all people in compliance 158992
with the "Americans with Disabilities Act of 1990," 42 U.S.C. 158993
12101 et. seq. 158994

(F) The Chancellor and Superintendent of Public Instruction 158995
shall promote opportunities to increase the use of open 158996
educational materials in College Credit Plus courses to reduce the 158997
cost of instructional materials to school districts. 158998

Section 381.90. GRANTS AND SCHOLARSHIP ADMINISTRATION 158999

The foregoing appropriation item 235414, Grants and 159000
Scholarship Administration, shall be used by the Chancellor of 159001
Higher Education to manage and administer student financial aid 159002
programs created by the General Assembly and grants for which the 159003
Department of Higher Education is responsible. The appropriation 159004
item also shall be used to support all state financial aid audits 159005
and student financial aid programs created by Congress, and to 159006
provide fiscal and administrative services for the Ohio National 159007
Guard Scholarship Program. 159008

Section 381.110. TECHNOLOGY MAINTENANCE AND OPERATIONS 159009

The foregoing appropriation item 235417, Technology 159010
Maintenance and Operations, shall be used by the Chancellor of 159011
Higher Education to support the development and implementation of 159012
information technology solutions designed to improve the 159013
performance and capacity of the Department of Higher Education. 159014
The information technology solutions may be provided by the Ohio 159015
Technology Consortium (OH-TECH). 159016

Of the foregoing appropriation item 235417, Technology 159017
Maintenance and Operations, a portion in each fiscal year may be 159018
used by the Chancellor to support the continued implementation of 159019
eStudent Services, a consortium organized under division (T) of 159020

section 3333.04 of the Revised Code to expand access to dual 159021
enrollment opportunities for high school students, continue the 159022
support of the statewide eTutoring program, and for any other 159023
strategic priorities of the Chancellor. 159024

Of the foregoing appropriation item 235417, Technology 159025
Maintenance and Operations, a portion in each fiscal year shall be 159026
used by the Chancellor to implement a high priority data 159027
warehouse, advanced analytics, and visualization integration 159028
services associated with the Higher Education Information (HEI) 159029
system. The services may be facilitated by OH-TECH. 159030

Of the foregoing appropriation item 235417, Technology 159031
Maintenance and Operations, \$150,000 in each fiscal year shall be 159032
used to support Ohio Reach to provide mentoring and support 159033
services to former foster youth attending college. 159034

Section 381.130. MENTAL HEALTH SUPPORT 159035

(A) The foregoing appropriation item 235419, Mental Health 159036
Support, shall be used by the Chancellor of Higher Education to 159037
provide resources and support to address behavioral health needs 159038
at state institutions of higher education as defined in section 159039
3345.011 of the Revised Code and private nonprofit institutions of 159040
higher education holding certificates of authorization under 159041
Chapter 1713. of the Revised Code. The Chancellor shall use the 159042
funds to prioritize behavioral health services, including, but not 159043
limited to, expansion of telehealth options, increased awareness 159044
of telephone and text message care line services, expansion of 159045
certified peer educator programs, and direct aid to students who 159046
are unable to afford care. 159047

(B) In allocating funds under this section, the Chancellor 159048
shall consider at least the following factors: 159049

(1) The relative severity of needs expressed and associated 159050

risks involved;	159051
(2) The extent to which funds awarded will increase	159052
campus-wide knowledge and awareness of available care options;	159053
(3) The extent to which funds awarded will increase access	159054
to, and availability of, care options;	159055
(4) The extent to which funds awarded will remove barriers to	159056
care options; and	159057
(5) The extent to which funds awarded will be leveraged to	159058
create long-term sustainability on campus and support	159059
collaborative, community-based programs and initiatives that can	159060
be sustained with community resources.	159061
(C) The Chancellor may consult with the Department of Mental	159062
Health and Addiction Services, RecoveryOhio, local and regional	159063
behavioral health providers, and other stakeholders as determined	159064
by the Chancellor to be appropriate when allocating funds under	159065
this section.	159066
(D) An institution receiving funds under this section shall	159067
not make changes to mental health support services offered by the	159068
institution that have the goal or net effect of shifting the cost	159069
burden of those programs to the program described in this section.	159070
An institution receiving funds under this section shall maintain	159071
the same level of mental health support services that the	159072
institution provided in the most recent academic year in the	159073
aggregate to all students or on a per-student basis.	159074
Section 381.140. IT SECURITY ENHANCEMENTS	159075
(A) The foregoing appropriation item 235421, IT Security	159076
Enhancements, shall be used by the Chancellor of Higher Education,	159077
in consultation with OH-TECH, to enhance security operations and	159078
services.	159079
(B) Enhanced security operations and services shall benefit	159080

all members of OH-TECH and may include but not be limited to:	159081
(1) Establishing an enterprise security operations center;	159082
(2) Configuration management in the area of data loss prevention;	159083 159084
(3) Endpoint patch and compliance;	159085
(4) Log aggregation;	159086
(5) Web application firewall;	159087
(6) Vulnerability management across the consortium; and	159088
(7) Other critical security enhancement services as determined appropriate by the Chancellor.	159089 159090
(C) The Ohio Academic Resource Network (OARnet) and the Ohio Supercomputer Center may use a portion of these funds to enhance their respective network security operations to better serve clients who store sensitive data that is subject to the highest data privacy standards imposed by federal regulations and national research organizations, including, but not limited to, the National Institutes of Health, the National Science Foundation, and the Department of Defense.	159091 159092 159093 159094 159095 159096 159097 159098
Section 381.160. OHIO WORK READY GRANT	159099
The foregoing appropriation item 235425, Ohio Work Ready Grant, shall be used by the Chancellor of Higher Education to establish and operate the Ohio Work Ready Grant Program pursuant to section 3333.24 of the Revised Code.	159100 159101 159102 159103
Section 381.170. ADULT LITERACY INITIATIVES	159104
(A) The foregoing appropriation item 235427, Adult Literacy Initiatives, shall be used by the Chancellor of Higher Education to implement strategies designed to increase literacy among Ohio's adult population.	159105 159106 159107 159108

(B) Of the foregoing appropriation item 235427, Adult Literacy Initiatives, a portion in each fiscal year shall be used by the Chancellor to support evidence-based literacy professional development and training opportunities for college and university faculty at state institutions of higher education as defined in section 3345.011 of the Revised Code and private nonprofit institutions of higher education that have a certificate of authorization pursuant to Chapter 1713. of the Revised Code, with priority for those faculty that teach reading instruction. The Chancellor shall allocate funds in the manner the Chancellor prescribes, consistent with the goal of encouraging faculty to increase their knowledge, awareness, and adoption of evidence-based literacy approaches, including the science of reading.

(C) Of the foregoing appropriation item 235427, Adult Literacy Initiatives, a portion in each fiscal year shall be used by the Chancellor to support all of the following:

(1) Literacy instruction for students not eligible for Aspire services due to National Reporting System assessment standards, as determined by the Chancellor;

(2) Instructional services for adult English language learners; and

(3) Evidence-based and high-quality professional development initiatives for Aspire instructors that support all levels of adult learners to create an impact of literacy instruction being delivered across the state of Ohio by all instructors to all levels of learners.

(D) Not later than March 31, 2024, the Chancellor shall do all of the following:

(1) Conduct a review of all educator preparation programs at state and private nonprofit institutions of higher education and

develop a summary of the curriculum used at those institutions to 159140
provide training in the pedagogy of literacy, including the extent 159141
to which the curriculum is aligned with the science of reading; 159142

(2) Conduct an analysis of curriculum used in Aspire 159143
programming for alignment with best practices for literacy 159144
education; and 159145

(3) Conduct an analysis, in consultation with the Director of 159146
Job and Family Services, of Aspire programs available in Ohio, 159147
with emphasis on communities with the highest unemployment and 159148
underemployment rates and lowest rates of high school completion. 159149
Upon completion of this analysis, the Chancellor and Director of 159150
Job and Family Services shall do all of the following: 159151

(a) Assess and develop recommended best practices on how the 159152
Department of Job and Family Services connects those on 159153
unemployment, Supplemental Nutrition Assistance Program, and other 159154
public benefits programs, as appropriate, to Aspire program 159155
options to ensure that Aspire opportunities are well known to as 159156
many potential beneficiaries as possible; and 159157

(b) Develop strategies to implement the best practices 159158
identified in division (D)(3)(a) of this section and consider 159159
mechanisms of accountability to encourage those enrolled in public 159160
benefits programs to complete Aspire programming. 159161

(E) On July 1, 2024, or as soon as possible thereafter, the 159162
Chancellor shall certify to the Director of Budget and Management 159163
an amount up to the unexpended, unencumbered balance of the 159164
foregoing appropriation item 235427, Adult Literacy Initiatives, 159165
at the end of fiscal year 2024 to be reappropriated to fiscal year 159166
2025. The amount certified is hereby reappropriated to the same 159167
appropriation item in fiscal year 2025. 159168

Section 381.180. APPALACHIAN NEW ECONOMY WORKFORCE 159169

PARTNERSHIP	159170
Of the foregoing appropriation item 235428, Appalachian New Economy Workforce Partnership, \$500,000 in each fiscal year shall be allocated to the Mahoning Valley Innovation and Commercialization Center.	159171 159172 159173 159174
The remainder of the foregoing appropriation item 235428, Appalachian New Economy Workforce Partnership, shall be distributed to Ohio University's Voinovich School to continue a multi-campus and multi-agency coordinated effort to link Appalachia to the new economy. Ohio University shall use these funds to provide leadership in the development and implementation of initiatives in the areas of entrepreneurship, management, education, and technology.	159175 159176 159177 159178 159179 159180 159181 159182
Section 381.190. CHOOSE OHIO FIRST SCHOLARSHIP	159183
The foregoing appropriation item 235438, Choose Ohio First Scholarship, shall be used to operate the program prescribed in sections 3333.60 to 3333.69 of the Revised Code.	159184 159185 159186
During each fiscal year, the Chancellor of Higher Education, as soon as possible after cancellation, may certify to the Director of Budget and Management the amount of canceled prior-year encumbrances in appropriation item 235438, Choose Ohio First Scholarship. Upon receipt of the certification, the Director of Budget and Management may transfer cash, up to the certified amount, from the General Revenue Fund to the Choose Ohio First Scholarship Reserve Fund (Fund 5PV0).	159187 159188 159189 159190 159191 159192 159193 159194
Section 381.200. ASPIRE	159195
The foregoing appropriation item 235443, Aspire - State, shall be used to support the Aspire program. The supported programs shall satisfy the state match and maintenance of effort	159196 159197 159198

requirements for the state-administered grant program. 159199

Section 381.210. OHIO TECHNICAL CENTERS FUNDING 159200

The foregoing appropriation item 235444, Ohio Technical 159201
Centers, shall be used by the Chancellor of Higher Education to 159202
support post-secondary adult career-technical education. The 159203
Chancellor shall provide coordination for Ohio Technical Centers 159204
through program approval processes, data collection of program and 159205
student outcomes, and subsidy disbursements from the foregoing 159206
appropriation item 235444, Ohio Technical Centers. 159207

(A)(1) As soon as possible in each fiscal year, in accordance 159208
with instructions of the Chancellor, each Ohio Technical Center 159209
shall report its actual data, consistent with the definitions in 159210
the Higher Education Information (HEI) system's files, to the 159211
Chancellor. 159212

(a) In defining the number of full-time equivalent students 159213
for state subsidy purposes, the Chancellor shall exclude all 159214
students who are not residents of Ohio. 159215

(b) A full-time equivalent student shall be defined as a 159216
student who completes 450 hours. Those students that complete some 159217
portion of 450 hours shall be counted as a partial full-time 159218
equivalent for funding purposes, while students that complete more 159219
than 450 hours shall be counted as proportionally greater than one 159220
full-time equivalent. 159221

(c) In calculating each Ohio Technical Center's full-time 159222
equivalent students, the Chancellor shall use a three-year 159223
average. 159224

(d) Ohio Technical Centers shall operate with, or be an 159225
active candidate for, accreditation by an accreditor authorized by 159226
the United States Department of Education to be eligible to 159227
receive subsidies from the foregoing appropriation item 235444, 159228

Ohio Technical Centers. 159229

(2) In each fiscal year, 25 per cent of the allocation for 159230
Ohio Technical Centers shall be distributed based on the 159231
proportion of each Center's full-time equivalent students to the 159232
total full-time equivalent students who complete a post-secondary 159233
technical workforce training program approved by the Chancellor 159234
with a grade of C or better or a grade of pass if the program is 159235
evaluated on a pass/fail basis. 159236

(3) In each fiscal year, 20 per cent of the allocation for 159237
Ohio Technical Centers shall be distributed based on the 159238
proportion of each Center's full-time equivalent students to the 159239
total full-time equivalent students who complete 50 per cent of a 159240
program of study as a measure of student retention. 159241

(4) In each fiscal year, 50 per cent of the allocation for 159242
Ohio Technical Centers shall be distributed based on the 159243
proportion of each Center's full-time equivalent students to the 159244
total full-time equivalent students who have found employment, 159245
entered military service, or enrolled in additional post-secondary 159246
education and training in accordance with the placement 159247
definitions of the Strengthening Career and Technical Education 159248
for the 21st Century Act, 20 U.S.C. 2323 (Perkins). The 159249
calculation for eligible full-time equivalent students shall be 159250
based on the per cent of Perkins placements for students who have 159251
completed at least 50 per cent of a program of study. 159252

(5) In each fiscal year, five per cent of the allocation for 159253
Ohio Technical Centers shall be distributed based on the 159254
proportion of each Center's full-time equivalent students to the 159255
total full-time equivalent students who have earned a credential 159256
from an industry-recognized third party. 159257

(B) Of the foregoing appropriation item 235444, Ohio 159258
Technical Centers, up to 2.38 per cent in each fiscal year may be 159259

distributed by the Chancellor to the Ohio Central School System, 159260
up to \$48,000 in each fiscal year may be utilized for assistance 159261
for Ohio Technical Centers, and up to \$3,000,000 in each fiscal 159262
year may be distributed by the Chancellor to Ohio Technical 159263
Centers that provide customized training and business consultation 159264
services with matching local dollars, with preference to 159265
industries on the in-demand jobs list created under section 159266
6301.11 of the Revised Code, industries in regionally emerging 159267
fields, or local businesses and industries. Each center meeting 159268
this requirement shall receive at least \$25,000 but not more than 159269
a maximum amount determined by the Chancellor. 159270

(C) The remainder of the foregoing appropriation item 235444, 159271
Ohio Technical Centers, in each fiscal year shall be distributed 159272
in accordance with division (A) of this section. 159273

Section 381.220. AREA HEALTH EDUCATION CENTERS PROGRAM 159274
SUPPORT 159275

The foregoing appropriation item 235474, Area Health 159276
Education Centers Program Support, shall be used by the Chancellor 159277
of Higher Education to support the medical school regional area 159278
health education centers' educational programs for the continued 159279
support of medical and other health professions education and for 159280
support of the Area Health Education Center Program. 159281

Section 381.230. CAMPUS SAFETY AND TRAINING 159282

The foregoing appropriation item 235492, Campus Safety and 159283
Training, shall be used by the Chancellor of Higher Education for 159284
the purpose of developing model best practices for preventing and 159285
responding to sexual violence on campus. The Chancellor, in 159286
consultation with state institutions of higher education as 159287
defined in section 3345.011 of the Revised Code and private 159288
nonprofit institutions of higher education holding certificates of 159289

authorization under Chapter 1713. of the Revised Code, shall 159290
continue to develop model best practices in line with emerging 159291
trends, research, and evidence-based training for preventing and 159292
responding to sexual violence and protecting students and staff 159293
who are victims of sexual violence on campus. The Chancellor shall 159294
convene state institutions of higher education and private 159295
nonprofit institutions of higher education in the training and 159296
implementation of best practices regarding campus sexual violence. 159297

NORTHEAST OHIO MEDICAL UNIVERSITY DENTAL SCHOOL 159298

The foregoing appropriation item 235495, Northeast Ohio 159299
Medical University Dental School, shall be distributed to 159300
Northeast Ohio Medical University to support the creation and 159301
operation of its dental school, which shall meet all of the 159302
accreditation standards of the Commission on Dental Accreditation 159303
to train dental students and award only a Doctor of Dental Surgery 159304
(D.D.S.) or a Doctor of Dental Medicine (D.M.D.) degree. Northeast 159305
Ohio Medical University shall report to the Chancellor of Higher 159306
Education how it is using moneys it received from the foregoing 159307
appropriation item 235495, Northeast Ohio Medical University 159308
Dental School. 159309

Section 381.240. STATE SHARE OF INSTRUCTION FORMULAS 159310

The Chancellor of Higher Education shall establish procedures 159311
to allocate the foregoing appropriation item 235501, State Share 159312
of Instruction, based on the formulas detailed in this section 159313
that utilize the enrollment, course completion, degree attainment, 159314
and student achievement factors reported annually by each state 159315
institution of higher education participating in the Higher 159316
Education Information (HEI) system. 159317

(A) FULL-TIME EQUIVALENT (FTE) ENROLLMENTS AND COURSE 159318
COMPLETIONS 159319

(1) As soon as possible during each fiscal year of the 159320
biennium ending June 30, 2025, in accordance with instructions of 159321
the Department of Higher Education, each state institution of 159322
higher education shall report its actual data, consistent with the 159323
definitions in the Higher Education Information (HEI) system's 159324
enrollment files, to the Chancellor. 159325

(2) In defining the number of full-time equivalent students 159326
for state subsidy instructional cost purposes, the Chancellor 159327
shall exclude all undergraduate students who are not residents of 159328
Ohio or who do not meet the definition of residency for state 159329
subsidy and tuition surcharge purposes, except those charged 159330
in-state fees in accordance with reciprocity agreements made under 159331
section 3333.17 of the Revised Code or employer contracts entered 159332
into under section 3333.32 of the Revised Code. 159333

(B) TOTAL COSTS PER FULL-TIME EQUIVALENT STUDENT 159334

For purposes of calculating state share of instruction 159335
allocations, the total instructional costs per full-time 159336
equivalent student shall be: 159337

Model	Fiscal Year 2024	Fiscal Year 2025	
ARTS AND HUMANITIES 1	\$9,893	\$10,116	159338
ARTS AND HUMANITIES 2	\$14,268	\$14,590	159339
ARTS AND HUMANITIES 3	\$17,722	\$18,123	159340
ARTS AND HUMANITIES 4	\$25,215	\$25,785	159341
ARTS AND HUMANITIES 5	\$41,603	\$42,543	159342
ARTS AND HUMANITIES 6	\$37,838	\$38,694	159343
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	\$9,726	\$9,946	159344
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	\$9,403	\$9,616	159345
BUSINESS, EDUCATION & SOCIAL SCIENCES 3	\$12,825	\$13,115	159346
BUSINESS, EDUCATION &	\$15,305	\$15,651	159347
			159348

SOCIAL SCIENCES 4			
BUSINESS, EDUCATION &	\$23,170	\$23,694	159349
SOCIAL SCIENCES 5			
BUSINESS, EDUCATION &	\$25,931	\$26,517	159350
SOCIAL SCIENCES 6			
BUSINESS, EDUCATION &	\$33,864	\$34,629	159351
SOCIAL SCIENCES 7			
DOCTORAL 1	\$47,980	\$49,065	159352
DOCTORAL 2	\$52,103	\$53,280	159353
SCIENCE, TECHNOLOGY,	\$9,801	\$10,023	159354
ENGINEERING, MATHEMATICS,			
MEDICINE 1			
SCIENCE, TECHNOLOGY,	\$12,983	\$13,277	159355
ENGINEERING, MATHEMATICS,			
MEDICINE 2			
SCIENCE, TECHNOLOGY,	\$14,919	\$15,257	159356
ENGINEERING, MATHEMATICS,			
MEDICINE 3			
SCIENCE, TECHNOLOGY,	\$17,268	\$17,658	159357
ENGINEERING, MATHEMATICS,			
MEDICINE 4			
SCIENCE, TECHNOLOGY,	\$21,746	\$22,238	159358
ENGINEERING, MATHEMATICS,			
MEDICINE 5			
SCIENCE, TECHNOLOGY,	\$20,099	\$20,553	159359
ENGINEERING, MATHEMATICS,			
MEDICINE 6			
SCIENCE, TECHNOLOGY,	\$26,404	\$27,001	159360
ENGINEERING, MATHEMATICS,			
MEDICINE 7			
SCIENCE, TECHNOLOGY,	\$42,099	\$43,051	159361
ENGINEERING, MATHEMATICS,			
MEDICINE 8			

SCIENCE, TECHNOLOGY, \$56,307 \$57,580 159362
ENGINEERING, MATHEMATICS,
MEDICINE 9

Doctoral I and Doctoral II models shall be allocated in 159363
accordance with division (D)(2) of this section. 159364

Medical I and Medical II models shall be allocated in 159365
accordance with divisions (D)(3) and (D)(4) of this section. 159366

(C) SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICAL, 159367
AND GRADUATE WEIGHTS 159368

For the purpose of implementing the recommendations of the 159369
2006 State Share of Instruction Consultation and the Higher 159370
Education Funding Study Council that priority be given to 159371
maintaining state support for science, technology, engineering, 159372
mathematics, medicine, and graduate programs, the costs in 159373
division (B) of this section shall be weighted by the amounts 159374
provided below: 159375

Model	Fiscal Year 2024	Fiscal Year 2025	
ARTS AND HUMANITIES 1	1.0000	1.0000	159377
ARTS AND HUMANITIES 2	1.0000	1.0000	159378
ARTS AND HUMANITIES 3	1.0000	1.0000	159379
ARTS AND HUMANITIES 4	1.0000	1.0000	159380
ARTS AND HUMANITIES 5	1.0425	1.0425	159381
ARTS AND HUMANITIES 6	1.0425	1.0425	159382
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	1.0000	1.0000	159383
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	1.0000	1.0000	159384
BUSINESS, EDUCATION & SOCIAL SCIENCES 3	1.0000	1.0000	159385
BUSINESS, EDUCATION & SOCIAL SCIENCES 4	1.0000	1.0000	159386
BUSINESS, EDUCATION &	1.0425	1.0425	159387

SOCIAL SCIENCES 5			
BUSINESS, EDUCATION &	1.0425	1.0425	159388
SOCIAL SCIENCES 6			
BUSINESS, EDUCATION &	1.0425	1.0425	159389
SOCIAL SCIENCES 7			
DOCTORAL 1	1.0000	1.0000	159390
DOCTORAL 2	1.0000	1.0000	159391
SCIENCE, TECHNOLOGY,	1.0000	1.0000	159392
ENGINEERING, MATHEMATICS,			
MEDICINE 1			
SCIENCE, TECHNOLOGY,	1.0017	1.0017	159393
ENGINEERING, MATHEMATICS,			
MEDICINE 2			
SCIENCE, TECHNOLOGY,	1.6150	1.6150	159394
ENGINEERING, MATHEMATICS,			
MEDICINE 3			
SCIENCE, TECHNOLOGY,	1.6920	1.6920	159395
ENGINEERING, MATHEMATICS,			
MEDICINE 4			
SCIENCE, TECHNOLOGY,	1.4222	1.4222	159396
ENGINEERING, MATHEMATICS,			
MEDICINE 5			
SCIENCE, TECHNOLOGY,	1.8798	1.8798	159397
ENGINEERING, MATHEMATICS,			
MEDICINE 6			
SCIENCE, TECHNOLOGY,	1.4380	1.4380	159398
ENGINEERING, MATHEMATICS,			
MEDICINE 7			
SCIENCE, TECHNOLOGY,	1.5675	1.5675	159399
ENGINEERING, MATHEMATICS,			
MEDICINE 8			
SCIENCE, TECHNOLOGY,	1.1361	1.1361	159400
ENGINEERING, MATHEMATICS,			

MEDICINE 9

(D) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA	159401
ENTITLEMENTS AND ADJUSTMENTS FOR UNIVERSITIES	159402
(1) Of the foregoing appropriation item 235501, State Share	159403
of Instruction, 50 per cent of the appropriation for universities,	159404
as established in division (A)(2) of the section of this act	159405
entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2024 AND	159406
2025," in each fiscal year shall be reserved for support of	159407
associate, baccalaureate, master's, and professional level degree	159408
attainment.	159409
The degree attainment funding shall be allocated to	159410
universities in proportion to each campus's share of the total	159411
statewide degrees granted, weighted by the cost of the degree	159412
programs. The degree cost calculations shall include the model	159413
cost weights for the science, technology, engineering,	159414
mathematics, and medicine models as established in division (C) of	159415
this section.	159416
For degrees including credits earned at multiple	159417
institutions, degree attainment funding shall be allocated to	159418
universities in proportion to each campus's share of the	159419
student-specific cost of earned credits for the degree. Each	159420
institution shall receive its prorated share of degree funding for	159421
credits earned at that institution. Cost of credits not earned at	159422
a university main or regional campus shall be credited to the	159423
degree-granting institution for the first degree earned by a	159424
student at each degree level. The cost credited to the	159425
degree-granting institution shall not be eligible for at-risk	159426
weights and shall be limited to 12.5 per cent of the	159427
student-specific degree costs. However, the 12.5 per cent	159428
limitation shall not apply if the student transferred 12 or fewer	159429
credits into the degree granting institution.	159430
In calculating the subsidy entitlements for degree attainment	159431

for universities, the Chancellor shall use the following count of 159432
degrees and degree costs: 159433

(a) The subsidy eligible undergraduate degrees shall be 159434
defined as follows: 159435

(i) The subsidy eligible degrees conferred to students 159436
identified as residents of the state of Ohio in any term of their 159437
studies, as reported through the Higher Education Information 159438
(HEI) system student enrollment file, shall be weighted by a 159439
factor of 1. 159440

(ii) The subsidy eligible degrees conferred to students 159441
identified as out-of-state residents during all terms of their 159442
studies, as reported through the Higher Education Information 159443
(HEI) system student enrollment file, who remain in the state of 159444
Ohio at least one year after graduation, as calculated based on 159445
the three-year average in-state residency rate using the 159446
Unemployment Wage data for out-of-state graduates at each 159447
institution, shall be weighted by a factor of 50 per cent. 159448

(iii) Subsidy eligible associate degrees are defined as those 159449
earned by students attending any state-supported university main 159450
or regional campus. 159451

(b) In calculating each campus's count of degrees, the 159452
Chancellor shall use the three-year average associate, 159453
baccalaureate, master's, and professional degrees awarded for the 159454
most recent completed three-year period that is practicable as 159455
agreed to by the Inter-University Council and the Chancellor. 159456

(i) If a student is awarded an associate degree and, 159457
subsequently, is awarded a baccalaureate degree, the amount funded 159458
for the baccalaureate degree shall be limited to either the 159459
difference in cost between the cost of the baccalaureate degree 159460
and the cost of the associate degree paid previously, or if the 159461
associate degree has a higher cost than the baccalaureate degree, 159462

the cost of the credits earned by the student after the associate degree was awarded. 159463
159464

(ii) If a student earns an associate degree then, 159465
subsequently, earns a baccalaureate degree, the associate degree 159466
granting institution shall only receive the prorated share of the 159467
baccalaureate degree funding for the credits earned at that 159468
institution after the associate degree is awarded. 159469

(iii) If a student earns more than one degree at the same 159470
institution at the same degree level in the same fiscal year, the 159471
funding for the highest cost degree shall be prorated among 159472
institutions based on where the credits were earned and additional 159473
degrees shall be funded at 25 per cent of the cost of the degrees. 159474

(c) Associate degrees and baccalaureate degrees earned by a 159475
student defined as at-risk based on academic under-preparation, 159476
age, minority status, financial status, or first generation 159477
post-secondary status based on neither parent completing any 159478
education beyond high school, shall be defined as degrees earned 159479
by an at-risk student and shall be weighted by the following: 159480

A student-specific degree completion weight, where the weight 159481
is calculated based on the at-risk factors of the individual 159482
student, determined by calculating the difference between the 159483
percentage of students with each risk factor who earned a degree 159484
and the percentage of non-at-risk students who earned a degree. 159485

(2) Of the foregoing appropriation item 235501, State Share 159486
of Instruction, up to 11.78 per cent of the appropriation for 159487
universities, as established in division (A)(2) of the section of 159488
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 159489
2024 AND 2025," in each fiscal year shall be reserved for support 159490
of doctoral programs to implement the funding recommendations made 159491
by representatives of the universities. The amount so reserved 159492
shall be referred to as the doctoral set-aside. 159493

In each fiscal year, the doctoral set-aside funding 159494
allocation shall be allocated to universities as follows: 159495

(a) 25 per cent of the doctoral set-aside shall be allocated 159496
to universities in proportion to their share of the statewide 159497
total earnings of each state institution's three-year average 159498
course completions. The subsidy eligible enrollments by model 159499
shall equal only those FTE students who successfully complete the 159500
course as defined and reported through the Higher Education 159501
Information (HEI) system course enrollment file. Course completion 159502
earnings shall be determined by multiplying the amounts listed 159503
above in divisions (B) and (C) of this section by the 159504
subsidy-eligible FTEs for the most recent completed three-year 159505
period that is practicable as agreed to by the Inter-University 159506
Council and the Chancellor for all doctoral enrollments in 159507
graduate-level models. 159508

(b) 50 per cent of the doctoral set-aside shall be allocated 159509
to universities in proportion to each campus's share of the total 159510
statewide doctoral degrees, weighted by the cost of the doctoral 159511
discipline. In calculating each campus's doctoral degrees the 159512
Chancellor shall use the three-year average doctoral degrees 159513
awarded for the most recent completed three-year period that is 159514
practicable as agreed to by the Inter-University Council and the 159515
Chancellor. 159516

(c) 25 per cent of the doctoral set-aside shall be allocated 159517
to universities in proportion to their share of research grant 159518
activity. Funding for this component shall be allocated to 159519
eligible universities in proportion to their share of research 159520
grant activity published by the National Science Foundation. Grant 159521
awards from the Department of Health and Human Services shall be 159522
weighted at 50 per cent. 159523

(3) Of the foregoing appropriation item 235501, State Share 159524
of Instruction, 6.41 per cent of the appropriation for 159525

universities, as established in division (A)(2) of the section of 159526
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 159527
2024 AND 2025," in each fiscal year shall be reserved for support 159528
of Medical II FTEs. The amount so reserved shall be referred to as 159529
the medical II set-aside. 159530

The medical II set-aside shall be allocated to universities 159531
in proportion to their share of the statewide total of each state 159532
institution's three-year average Medical II FTEs as calculated in 159533
division (A) of this section. 159534

In calculating the core subsidy entitlements for Medical II 159535
models only, students repeating terms may be no more than five per 159536
cent of current year enrollment. 159537

(4) Of the foregoing appropriation item 235501, State Share 159538
of Instruction, 1.48 per cent of the appropriation for 159539
universities, as established in division (A)(2) of the section of 159540
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 159541
2024 AND 2025," in each fiscal year shall be reserved for support 159542
of Medical I FTEs. The amount so reserved shall be referred to as 159543
the medical I set-aside. 159544

The medical I set-aside shall be allocated to universities in 159545
proportion to their share of the statewide total of each state 159546
institution's three-year average Medical I FTEs as calculated in 159547
division (A) of this section. 159548

(5) In calculating the course completion funding for 159549
universities, the Chancellor shall use the following count of FTE 159550
students: 159551

(a) The subsidy eligible enrollments by model shall equal 159552
only those FTE students who successfully complete the course as 159553
defined and reported through the Higher Education Information 159554
(HEI) system course enrollment file; 159555

(b) Those undergraduate FTE students with successful course 159556

completions, identified in division (D)(5)(a) of this section, 159557
that are defined as at-risk based on academic under-preparation or 159558
financial status shall have their eligible completions weighted by 159559
the following: 159560

(i) Institution-specific course completion indexes, where the 159561
indexes are calculated based upon the number of at-risk students 159562
enrolled during the prior three calendar years; and 159563

(ii) A statewide average at-risk course completion weight 159564
determined for each subsidy model. The statewide average at-risk 159565
course completion weight shall be determined by calculating the 159566
difference between the percentage of traditional students who 159567
complete a course and the percentage of at-risk students who 159568
complete the same course. 159569

(c) The course completion earnings shall be determined by 159570
multiplying the amounts listed above in divisions (B) and (C) of 159571
this section by the subsidy-eligible FTEs for the most recent 159572
completed three-year period that is practicable as agreed to by 159573
the Inter-University Council and the Chancellor for all models 159574
except Medical I and Medical II. 159575

(d) For universities, the Chancellor shall compute the course 159576
completion earnings by dividing the appropriation for 159577
universities, established in division (A)(2) of the section of 159578
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 159579
2024 AND 2025," less the degree attainment funding as calculated 159580
in division (D)(1) of this section, less the doctoral set-aside, 159581
less the medical I set-aside, and less the medical II set-aside, 159582
by the sum of all campuses' instructional costs as calculated in 159583
division (D)(5) of this section. 159584

(E) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA 159585
ENTITLEMENTS AND ADJUSTMENTS FOR COMMUNITY COLLEGES 159586

(1) Of the foregoing appropriation item 235501, State Share 159587

of Instruction, 50 per cent of the appropriation for 159588
state-supported community colleges, state community colleges, and 159589
technical colleges as established in division (A)(1) of the 159590
section of this act entitled "STATE SHARE OF INSTRUCTION FOR 159591
FISCAL YEARS 2024 AND 2025," in each fiscal year shall be reserved 159592
for course completion FTEs as aggregated by the subsidy models 159593
defined in division (B) of this section. 159594

The course completion funding shall be allocated to campuses 159595
in proportion to each campus's share of the total sector's course 159596
completions, weighted by the instructional cost of the subsidy 159597
models. 159598

To calculate the subsidy entitlements for course completions 159599
at community colleges, state community colleges, and technical 159600
colleges, the Chancellor shall use the following calculations: 159601

(a) In calculating each campus's count of FTE course 159602
completions, the Chancellor shall use a three-year average for 159603
course completions for the three-year period ending in the prior 159604
year for students identified as residents of the state of Ohio in 159605
any term of their studies, as reported through the Higher 159606
Education Information (HEI) system student enrollment file. 159607

(b) The subsidy eligible enrollments by model shall equal 159608
only those FTE students who successfully complete the course as 159609
defined and reported through the Higher Education Information 159610
(HEI) system course enrollment file. 159611

(c) Those students with successful course completions, that 159612
are defined as access students based on financial status, minority 159613
status, age, or academic under-preparation shall have their 159614
eligible course completions weighted by a statewide access weight. 159615
The weight given to any student that meets any access factor shall 159616
be 15 per cent for all course completions. 159617

(d) The model costs as used in the calculation shall be 159618

augmented by the model weights for science, technology, 159619
engineering, mathematics, and medicine models as established in 159620
division (C) of this section. 159621

(2) Of the foregoing appropriation item 235501, State Share 159622
of Instruction, 25 per cent of the appropriation for 159623
state-supported community colleges, state community colleges, and 159624
technical colleges as established in division (A)(1) of the 159625
section of this act entitled "STATE SHARE OF INSTRUCTION FOR 159626
FISCAL YEARS 2024 AND 2025," in each fiscal year shall be reserved 159627
for colleges in proportion to their share of college student 159628
success factors. 159629

Student success factors shall be awarded at the institutional 159630
level for each subsidy-eligible student that successfully: 159631

(a) Completes a college-level math course within the first 30 159632
hours of completed coursework. 159633

(b) Completes a college-level English course within the first 159634
30 hours of completed coursework. 159635

(c) Completes 12 semester credit hours of college-level 159636
coursework. 159637

(d) Completes 24 semester credit hours of college-level 159638
coursework. 159639

(e) Completes 36 semester credit hours of college-level 159640
coursework. 159641

(3) Of the foregoing appropriation item 235501, State Share 159642
of Instruction, 25 per cent of the appropriation for 159643
state-supported community colleges, state community colleges, and 159644
technical colleges as established in division (A)(1) of the 159645
section of this act entitled "STATE SHARE OF INSTRUCTION FOR 159646
FISCAL YEARS 2024 AND 2025," in each fiscal year shall be reserved 159647
for completion milestones. 159648

Completion milestones shall include baccalaureate degrees, 159649
associate degrees, technical certificates over 30 credit hours as 159650
designated by the Department of Higher Education, and students 159651
transferring to any four-year institution with at least 12 credit 159652
hours of college-level coursework earned at that community 159653
college, state community college, or technical college. 159654

The completion milestone funding shall be allocated to 159655
colleges in proportion to each institution's share of the sector's 159656
total completion milestones, weighted by the instructional cost of 159657
the degree, certificate, or transfer models. Costs for technical 159658
certificates over 30 hours shall be weighted at one-half of the 159659
associate degree model costs and transfers with at least 12 credit 159660
hours of college-level coursework shall be weighted at one-fourth 159661
of the average cost for all associate degree model costs. 159662

(4) To calculate the subsidy entitlements for completions at 159663
community colleges, state community colleges, and technical 159664
colleges, the Chancellor shall use the following calculations: 159665

(a) In calculating each campus's count of completions, the 159666
Chancellor shall use a three-year average for completion 159667
milestones awarded to students identified as subsidy eligible in 159668
any term of their studies, as reported through the Higher 159669
Education Information (HEI) system student enrollment file. 159670

(b) The subsidy eligible completion milestones by model shall 159671
equal only those students who successfully complete a 159672
baccalaureate or an associate degree, or technical certificate 159673
over 30 credit hours, or transfer to any four-year institution 159674
with at least 12 credit hours of college-level coursework as 159675
defined and reported in the Higher Education Information (HEI) 159676
system. Student completions reported in HEI shall have an 159677
accompanying course enrollment record in order to be subsidy 159678
eligible. 159679

(c) Those students with successful completions for 159680
baccalaureate or associate degrees, technical certificates over 30 159681
credit hours, or transfer to any four-year institution with at 159682
least 12 credit hours of college-level coursework, identified in 159683
division (E)(3) of this section, that are defined as access 159684
students based on financial status, minority status, age, or 159685
academic under-preparation shall have their eligible completions 159686
weighted by a statewide access weight. The weight shall be 25 per 159687
cent for students with one access factor, 66 per cent for students 159688
with two access factors, 150 per cent for students with three 159689
access factors, and 200 per cent for students with four access 159690
factors. 159691

(d) For those students who complete more than one completion 159692
milestone, funding for each additional degree or technical 159693
certificate over 30 credit hours designated as such by the 159694
Department of Higher Education shall be funded at 50 per cent of 159695
the model costs as defined in division (E)(3) of this section. 159696

(5) For purposes of the calculations made in division (E) of 159697
this section, the Chancellor shall only include subsidy-eligible 159698
students identified as residents of the state of Ohio in any term 159699
of their studies, as reported through the Higher Education 159700
Information (HEI) system student enrollment file. The Chancellor 159701
shall be prohibited from including nonresident students as 159702
subsidy-eligible except for those students otherwise identified as 159703
subsidy-eligible in division (A)(2) of this section. 159704

(F) CAPITAL COMPONENT DEDUCTION 159705

After all other adjustments have been made, state share of 159706
instruction earnings shall be reduced for each campus by the 159707
amount, if any, by which debt service charged in H.B. 16 of the 159708
126th General Assembly, H.B. 699 of the 126th General Assembly, 159709
H.B. 496 of the 127th General Assembly, and H.B. 562 of the 127th 159710
General Assembly for that campus exceeds that campus's capital 159711

component earnings. The sum of the amounts deducted shall be 159712
transferred to appropriation item 235552, Capital Component, in 159713
each fiscal year. 159714

(G) EXCEPTIONAL CIRCUMSTANCES 159715

Adjustments may be made to the state share of instruction 159716
payments and other subsidies distributed by the Chancellor to 159717
state colleges and universities for exceptional circumstances. No 159718
adjustments for exceptional circumstances may be made without the 159719
recommendation of the Chancellor and the approval of the 159720
Controlling Board. 159721

(H) APPROPRIATION REDUCTIONS TO THE STATE SHARE OF 159722
INSTRUCTION 159723

The standard provisions of the state share of instruction 159724
calculation as described in the preceding sections of temporary 159725
law shall apply to any reductions made to appropriation item 159726
235501, State Share of Instruction, before the Chancellor has 159727
formally approved the final allocation of the state share of 159728
instruction funds for any fiscal year. 159729

Any reductions made to appropriation item 235501, State Share 159730
of Instruction, after the Chancellor has formally approved the 159731
final allocation of the state share of instruction funds for any 159732
fiscal year, shall be uniformly applied to each campus in 159733
proportion to its share of the final allocation. 159734

(I) DISTRIBUTION OF STATE SHARE OF INSTRUCTION 159735

The state share of instruction payments to the institutions 159736
shall be in substantially equal monthly amounts during the fiscal 159737
year, unless otherwise determined by the Director of Budget and 159738
Management pursuant to section 126.09 of the Revised Code. 159739
Payments during the first six months of the fiscal year may be 159740
based upon the state share of instruction appropriation estimates 159741
made for the various institutions of higher education, and 159742

payments during the last six months of the fiscal year may be 159743
based on the final data from the Chancellor. If agreed to by the 159744
Chancellor and the Inter-University Council, payments to 159745
universities in each month of a fiscal year shall be based on 159746
final data in the higher education information system for the 159747
selected three-year period that is acceptable to both parties. 159748

Section 381.250. STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 159749
2024 AND 2025 159750

(A) The foregoing appropriation item 235501, State Share of 159751
Instruction, shall be distributed according to the section of this 159752
act entitled "STATE SHARE OF INSTRUCTION FORMULAS." 159753

(1) Of the foregoing appropriation item 235501, State Share 159754
of Instruction, \$484,972,000 in fiscal year 2024 and \$491,887,000 159755
in fiscal year 2025 shall be distributed to state-supported 159756
community colleges, state community colleges, and technical 159757
colleges. 159758

(2) Of the foregoing appropriation item 235501, State Share 159759
of Instruction, \$1,619,028,000 in fiscal year 2024 and 159760
\$1,642,113,000 in fiscal year 2025 shall be distributed to 159761
state-supported university main and regional campuses. 159762

(B) Any increases in the amount distributed to an institution 159763
from appropriation item 235501, State Share of Instruction, above 159764
the prior year may be used by the institution to provide 159765
need-based aid and to provide counseling, support services, and 159766
workforce preparation services to students. 159767

TRANSFER TO OPPORTUNITIES FOR OHIOANS WITH DISABILITIES 159768
AGENCY 159769

Notwithstanding any provision of law to the contrary, upon 159770
the request of the Chancellor of Higher Education, the Director of 159771
Budget and Management may transfer \$2,000,000 in appropriations in 159772

each fiscal year from appropriation item 235501, State Share of Instruction, to the Opportunities for Ohioans with Disabilities Agency for the College2Careers Program. Amounts transferred are hereby appropriated.

Section 381.260. RESTRICTION ON FEE INCREASES

(A) In fiscal years 2024 and 2025, the boards of trustees of state institutions of higher education shall restrain increases in in-state undergraduate instructional and general fees.

(1) For the 2023-2024 and 2024-2025 academic years, all of the following shall apply:

(a) Each state university or college, as defined in section 3345.12 of the Revised Code, and university regional campus shall not increase its in-state undergraduate instructional and general fees over what the institution charged for the previous academic year.

(b) Each community college established under Chapter 3354., state community college established under Chapter 3358., or technical college established under Chapter 3357. of the Revised Code may increase its in-state undergraduate instructional and general fees by not more than five dollars per credit hour over what the institution charged for the previous academic year.

(c) For state institutions of higher education, as defined in section 3345.011 of the Revised Code, increases for all other special fees, including the creation of new special fees, shall be subject to the approval of the Chancellor of Higher Education.

(2) The limitations under division (A)(1) of this section do not apply to student health insurance, fees for auxiliary goods or services provided to students at the cost incurred to the institution, fees assessed to students as a pass-through for licensure and certification examinations, fees in elective courses

associated with travel experiences, elective service charges, 159803
fines, and voluntary sales transactions. 159804

(B) The limitations under this section shall not apply to 159805
increases required to comply with institutional covenants related 159806
to their obligations or to meet unfunded legal mandates or legally 159807
binding obligations incurred or commitments made prior to the 159808
effective date of this section with respect to which the 159809
institution had identified such fee increases as the source of 159810
funds. Any increase required by such covenants and any such 159811
mandates, obligations, or commitments shall be reported by the 159812
Chancellor to the Controlling Board. These limitations may also be 159813
modified by the Chancellor, with the approval of the Controlling 159814
Board, to respond to exceptional circumstances as identified by 159815
the Chancellor. 159816

(C) Institutions offering an undergraduate tuition guarantee 159817
pursuant to section 3345.48 of the Revised Code may increase 159818
instructional and general fees pursuant to that section. 159819

Section 381.270. HIGHER EDUCATION - BOARD OF TRUSTEES 159820

(A) Funds appropriated for instructional subsidies at 159821
colleges and universities may be used to provide such branch or 159822
other off-campus undergraduate courses of study and such master's 159823
degree courses of study as may be approved by the Chancellor of 159824
Higher Education. 159825

(B) In providing instructional and other services to 159826
students, boards of trustees of state institutions of higher 159827
education shall supplement state subsidies with income from 159828
charges to students. Except as otherwise provided in this act, 159829
each board shall establish the fees to be charged to all students, 159830
including an instructional fee for educational and associated 159831
operational support of the institution and a general fee for 159832
noninstructional services, including locally financed student 159833

services facilities used for the benefit of enrolled students. The 159834
instructional fee and the general fee shall encompass all charges 159835
for services assessed uniformly to all enrolled students. Each 159836
board may also establish special purpose fees, service charges, 159837
and fines as required; such special purpose fees and service 159838
charges shall be for services or benefits furnished individual 159839
students or specific categories of students and shall not be 159840
applied uniformly to all enrolled students. A tuition surcharge 159841
shall be paid by all students who are not residents of Ohio. 159842

The board of trustees of a state institution of higher 159843
education shall not authorize a waiver or nonpayment of 159844
instructional fees or general fees for any particular student or 159845
any class of students other than waivers specifically authorized 159846
by law or approved by the Chancellor. This prohibition is not 159847
intended to limit the authority of boards of trustees to provide 159848
for payments to students for services rendered the institution, 159849
nor to prohibit the budgeting of income for staff benefits or for 159850
student assistance in the form of payment of such instructional 159851
and general fees. 159852

Each board may authorize a lower differential tuition rate of 159853
instructional or general fees equal to the default rate options 159854
provided under the College Credit Plus Program pursuant to Chapter 159855
3365. of the Revised Code or equal to rates established pursuant 159856
to an agreement for an alternative payment structure pursuant to 159857
section 3365.07 of the Revised Code for nonpublic and home 159858
schooled students participating in that program that are not 159859
publicly funded. Each board may establish a lower differential 159860
tuition rate for in-state undergraduate instructional fees or 159861
general fees for students enrolled exclusively in online courses, 159862
as well as a lower differential tuition rate for the surcharge for 159863
nonresidents enrolled exclusively in online courses, provided a 159864
surcharge is still assessed. 159865

Each state institution of higher education in its statement 159866
of charges to students shall separately identify the instructional 159867
fee, the general fee, the tuition charge, and the tuition 159868
surcharge. Fee charges to students for instruction shall not be 159869
considered to be a price of service but shall be considered to be 159870
an integral part of the state government financing program in 159871
support of higher educational opportunity for students. 159872

(C) The boards of trustees of state institutions of higher 159873
education shall ensure that faculty members devote a proper and 159874
judicious part of their work week to the actual instruction of 159875
students. Total class credit hours of production per academic term 159876
per full-time faculty member is expected to meet the standards set 159877
forth in the budget data submitted by the Chancellor. 159878

(D) The authority of government vested by law in the boards 159879
of trustees of state institutions of higher education shall in 159880
fact be exercised by those boards. Boards of trustees may consult 159881
extensively with appropriate student and faculty groups. 159882
Administrative decisions about the utilization of available 159883
resources, about organizational structure, about disciplinary 159884
procedure, about the operation and staffing of all auxiliary 159885
facilities, and about administrative personnel shall be the 159886
exclusive prerogative of boards of trustees. Any delegation of 159887
authority by a board of trustees in other areas of responsibility 159888
shall be accompanied by appropriate standards of guidance 159889
concerning expected objectives in the exercise of such delegated 159890
authority and shall be accompanied by periodic review of the 159891
exercise of this delegated authority to the end that the public 159892
interest, in contrast to any institutional or special interest, 159893
shall be served. 159894

Section 381.280. WAR ORPHANS AND SEVERELY DISABLED VETERANS' 159895
CHILDREN SCHOLARSHIPS 159896

The foregoing appropriation item 235504, War Orphans and Severely Disabled Veterans' Children Scholarships, shall be used to reimburse state institutions of higher education for waivers of instructional fees and general fees provided by them, to provide grants to institutions that have received a certificate of authorization from the Chancellor of Higher Education under Chapter 1713. of the Revised Code, in accordance with the provisions of section 5910.04 of the Revised Code, and to fund additional scholarship benefits provided by section 5910.032 of the Revised Code.

During each fiscal year, the Chancellor, as soon as possible after cancellation, may certify to the Director of Budget and Management the amount of canceled prior-year encumbrances in appropriation item 235504, War Orphans and Severely Disabled Veterans' Children Scholarships. Upon receipt of the certification, the Director of Budget and Management may transfer cash, up to the certified amount, from the General Revenue Fund to the War Orphans and Severely Disabled Veterans' Children Scholarship Reserve Fund (Fund 5PW0).

Section 381.290. STATE SHARE OF INSTRUCTION RECONCILIATION

By the first day of September in each fiscal year, or as soon as possible thereafter, the Chancellor of Higher Education shall certify to the Director of Budget and Management the amount necessary to pay any outstanding prior-year obligations to higher education institutions under the State Share of Instruction formulas, as determined by the Chancellor. Notwithstanding any provisions of law to the contrary, the Director of Budget and Management, upon the request of the Chancellor, may transfer cash in an amount up to the amounts certified for State Share of Instruction reconciliation from the State Financial Aid Reconciliation Fund (Fund 5Y50) to the General Revenue Fund. The

amounts certified for State Share of Instruction reconciliation 159928
are hereby appropriated to appropriation item 235505, State Share 159929
of Instruction Reconciliation. 159930

Section 381.300. OHIOLINK 159931

The foregoing appropriation item 235507, OhioLINK, shall be 159932
used by the Chancellor of Higher Education to support OhioLINK, a 159933
consortium organized under division (T) of section 3333.04 of the 159934
Revised Code to serve as the state's electronic library 159935
information and retrieval system, which provides access statewide 159936
to an extensive set of electronic databases and resources, the 159937
library holdings of Ohio's public and participating private 159938
nonprofit colleges and universities, and the State Library of 159939
Ohio. 159940

Section 381.310. AIR FORCE INSTITUTE OF TECHNOLOGY 159941

(A) Of the foregoing appropriation item 235508, Air Force 159942
Institute of Technology, \$75,000 in each fiscal year shall be 159943
allocated to the Aerospace Professional Development Center in 159944
Dayton for statewide workforce development services in the 159945
aerospace industry. 159946

(B) The remainder of the foregoing appropriation item 235508, 159947
Air Force Institute of Technology, shall be used to do both of the 159948
following: 159949

(1) Strengthen the research and educational linkages between 159950
the Wright Patterson Air Force Base and institutions of higher 159951
education in Ohio; and 159952

(2) Support the Defense Associated Graduate Student 159953
Innovators, an engineering graduate consortium of Wright State 159954
University, the University of Dayton, and the Air Force Institute 159955
of Technology, with the participation of the University of 159956
Cincinnati and The Ohio State University. 159957

Section 381.320. OHIO SUPERCOMPUTER CENTER 159958

The foregoing appropriation item 235510, Ohio Supercomputer 159959
Center, shall be used by the Chancellor of Higher Education to 159960
support the operation of the Ohio Supercomputer Center, a 159961
consortium organized under division (T) of section 3333.04 of the 159962
Revised Code, located at The Ohio State University. The Ohio 159963
Supercomputer Center is a statewide resource available to Ohio 159964
research universities both public and private. It is also intended 159965
that the center be made accessible to private industry as 159966
appropriate. 159967

The Ohio Supercomputer Center's services shall support Ohio's 159968
colleges, universities, and businesses to make Ohio a leader in 159969
using computational science, modeling, and simulation to promote 159970
higher education, research, and economic competitiveness. 159971

Section 381.330. THE OHIO STATE UNIVERSITY EXTENSION SERVICE 159972

The foregoing appropriation item 235511, The Ohio State 159973
University Extension Service, shall be disbursed through the 159974
Chancellor of Higher Education to The Ohio State University in 159975
monthly payments, unless otherwise determined by the Director of 159976
Budget and Management under section 126.09 of the Revised Code. 159977

Section 381.340. CENTRAL STATE SUPPLEMENT 159978

The foregoing appropriation item 235514, Central State 159979
Supplement, shall be disbursed by the Chancellor of Higher 159980
Education to Central State University. Funds shall be used in a 159981
manner consistent with the goals of increasing enrollment, 159982
improving course completion, and increasing the number of degrees 159983
conferred. 159984

Section 381.350. CASE WESTERN RESERVE UNIVERSITY SCHOOL OF 159985

MEDICINE 159986

The foregoing appropriation item 235515, Case Western Reserve University School of Medicine, shall be disbursed to Case Western Reserve University through the Chancellor of Higher Education in accordance with agreements entered into under section 3333.10 of the Revised Code, provided that the state support per full-time medical student shall not exceed that provided to full-time medical students at state universities. 159987
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Section 381.360. FAMILY PRACTICE 159994

The foregoing appropriation item 235519, Family Practice, shall be distributed in each fiscal year, based on each medical school's share of residents placed in a family practice and graduates practicing in a family practice. 159995
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Section 381.370. SHAWNEE STATE SUPPLEMENT 159999

The foregoing appropriation item 235520, Shawnee State Supplement, shall be disbursed by the Chancellor of Higher Education to Shawnee State University. Funds shall be used in a manner consistent with the goals of improving course completion, increasing the number of degrees conferred, and furthering the university's mission of service to the Appalachian region. 160000
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Section 381.380. GERIATRIC MEDICINE 160006

The Chancellor of Higher Education shall distribute appropriation item 235525, Geriatric Medicine, consistent with existing criteria and guidelines. 160007
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Section 381.390. PRIMARY CARE RESIDENCIES 160010

The foregoing appropriation item 235526, Primary Care Residencies, shall be distributed in each fiscal year, based on 160011
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each medical school's share of residents placed in a primary care field and graduates practicing in a primary care field. 160013
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Section 381.410. PROGRAM AND PROJECT SUPPORT 160015

(A)(1) Of the foregoing appropriation item 235533, Program and Project Support, \$1,000,000 in each fiscal year shall be distributed by the Chancellor of Higher Education to the Ohio Academy of Science to create an innovation pathway between Ohio's K-12 education system and Ohio's colleges and universities and post-secondary career centers. The purpose of this program is to help create a "Culture of Innovation" in Ohio schools, to encourage students to continue their educations and careers in Ohio, to provide college scholarships to encourage Ohio's most innovative and entrepreneurial high school students to remain in Ohio by focusing on the application of science, technology, engineering, and mathematics and related fields, and to prepare students for the future through the development of research, innovation, and entrepreneurial mindsets and critical thinking skills that will be needed in the future by Ohio's workforce and job creators. 160016
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(2) The STEM Research, Innovation, and Entrepreneurship Program for Students to Help Develop Ohio's Future Workforce shall include: 160032
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(a) A comprehensive professional development program for teachers in grades 5-12 to help them develop a "Culture of Innovation" in their schools; 160035
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(b) In-school and local STEM Research, Innovation, and Entrepreneurship programs for students in grades 5-12 that include student incentive awards for competition winners and related curriculum, content, resources, and other program support to teachers and students; 160038
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(c) Mentoring and service programs in collaboration with Ohio colleges and universities, industry practitioners, content experts, and other innovation or entrepreneurship organizations, with a special emphasis on underserved urban and rural schools;

(d) Qualifying and statewide STEM Research, Innovation, and Entrepreneurship competitions, open to the winners and qualifiers of related in-school and local competitions, that includes scholarships to attend any Ohio college, university, or post-secondary career center.

(3) All aspects of the STEM Research, Innovation, and Entrepreneurship Program for Students to Help Develop Ohio's Future Workforce shall be open to any Ohio student in grades 5-12, with an emphasis on minority, rural and economically disadvantaged students.

(4) The STEM Research, Innovation, and Entrepreneurship Program for Students to Help Develop Ohio's Future Workforce shall collaborate with Ohio's colleges and universities, and existing STEM research, innovation, and entrepreneurship programs to implement these provisions and encourage enrollment at Ohio institutions of post-secondary and higher education.

(B) Of the foregoing appropriation item 235533, Program and Project Support, \$500,000 in each fiscal year shall be used to support the Ohio Aerospace Institute's Space Grant Consortium.

(C) Of the foregoing appropriation item 235533, Program and Project Support, \$500,000 in each fiscal year shall be distributed to The Ohio State University to support research on the effects of turfgrass management practices on water quality in the state.

(D) Of the foregoing appropriation item 235533, Program and Project Support, \$400,000 in each fiscal year shall be used by the Chancellor of Higher Education to support the development and implementation of an apprenticeship program administered through

the Manufacturing Advocacy and Growth Network's (MAGNET) Early
College Early Career Program. The apprenticeship program shall
place high school students in a participating local private
business that will employ the student and provide the training
necessary for the student to earn a technical certification in
Computer Integrated Manufacturing (CIM), machining, or welding.

(E) Of the foregoing appropriation item 235533, Program and
Project Support, \$250,000 in each fiscal year shall be used by the
Chancellor of Higher Education to support the expansion of the
unmanned aviation STEM pilot program in Clark County.

(F) Of the foregoing appropriation item 235533, Program and
Project Support, \$200,000 in each fiscal year shall be used to
support the University of Dayton Statehouse Civic Scholars
Program.

(G) Of the foregoing appropriation item 235533, Program and
Project Support, \$125,000 in fiscal year 2024 and \$330,000 in
fiscal year 2025 shall be distributed to TECH CORPS to provide
technical training for rural high school students under the
Student TECH CORPS program.

(H) Of the foregoing appropriation item 235533, Program and
Project Support, \$100,000 in each fiscal year shall be distributed
to S.U.C.C.E.S.S. for Autism to administer an interprofessional
collaborative pilot program for the purpose of training
professionals in The S.U.C.C.E.S.S. Approach, a transdisciplinary
neurodevelopmental model to assess, educate, and treat children
and adults with autism.

Section 381.420. OHIO STATE AGRICULTURAL RESEARCH 160100

The foregoing appropriation item 235535, Ohio State
Agricultural Research, shall be disbursed through the Chancellor
of Higher Education to The Ohio State University in monthly

payments, unless otherwise determined by the Director of Budget 160104
and Management under section 126.09 of the Revised Code. 160105

Section 381.430. STATE UNIVERSITY CLINICAL TEACHING 160106

The foregoing appropriation items 235536, The Ohio State 160107
University Clinical Teaching; 235537, University of Cincinnati 160108
Clinical Teaching; 235538, University of Toledo Clinical Teaching; 160109
235539, Wright State University Clinical Teaching; 235540, Ohio 160110
University Clinical Teaching; and 235541, Northeast Ohio Medical 160111
University Clinical Teaching, shall be distributed through the 160112
Chancellor of Higher Education. 160113

Of the foregoing appropriation item 235537, University of 160114
Cincinnati Clinical Teaching, \$500,000 in each fiscal year shall 160115
be provided to People Working Cooperatively for the Safe and 160116
Healthy at Home Initiative. The funds shall be used to make 160117
critical home modifications and emergency repairs for low-income 160118
and elderly homeowners and for health care and housing 160119
partnerships to address chronic housing related health care 160120
issues. 160121

Section 381.440. CENTRAL STATE AGRICULTURAL RESEARCH AND 160122
DEVELOPMENT 160123

The foregoing appropriation item 235546, Central State 160124
Agricultural Research and Development, shall be used in 160125
conjunction with appropriation item 235548, Central State 160126
Cooperative Extension Services, by Central State University for 160127
its state match requirement as an 1890 land grant university. 160128

Section 381.450. CAPITAL COMPONENT 160129

The foregoing appropriation item 235552, Capital Component, 160130
shall be used by the Chancellor of Higher Education to provide 160131
funding for prior commitments made pursuant to the state's former 160132

capital funding policy for state colleges and universities that 160133
was originally established in H.B. 748 of the 121st General 160134
Assembly. Appropriations from this item shall be distributed to 160135
all campuses for which the estimated campus debt service 160136
attributable to qualifying capital projects was less than the 160137
campus's formula-determined capital component allocation. Campus 160138
allocations shall be determined by subtracting the estimated 160139
campus debt service attributable to qualifying capital projects 160140
from the campus's formula-determined capital component allocation. 160141
Moneys distributed from this appropriation item shall be 160142
restricted to capital-related purposes. 160143

Any campus for which the estimated campus debt service 160144
attributable to qualifying capital projects is greater than the 160145
campus's formula-determined capital component allocation shall 160146
have the difference subtracted from its State Share of Instruction 160147
allocation in each fiscal year. Appropriation equal to the sum of 160148
all such amounts shall be transferred from appropriation item 160149
235501, State Share of Instruction, to appropriation item 235552, 160150
Capital Component. 160151

Section 381.460. LIBRARY DEPOSITORIES 160152

The foregoing appropriation item 235555, Library 160153
Depositories, shall be distributed to the state's five regional 160154
depository libraries for the cost-effective storage of and access 160155
to lesser-used materials in university library collections. The 160156
depositories shall be administrated by the Chancellor of Higher 160157
Education, or by OhioLINK at the discretion of the Chancellor. 160158

Section 381.470. OHIO ACADEMIC RESOURCES NETWORK (OARNET) 160159

The foregoing appropriation item 235556, Ohio Academic 160160
Resources Network, shall be used by the Chancellor of Higher 160161
Education to support the operations of the Ohio Academic Resources 160162

Network, a consortium organized under division (T) of section 160163
3333.04 of the Revised Code, which shall include support for 160164
Ohio's colleges and universities in maintaining and enhancing 160165
network connections, using new network technologies to improve 160166
research, education, and economic development programs, and 160167
sharing information technology services. To the extent network 160168
capacity is available, OARnet shall support allocating bandwidth 160169
to eligible programs directly supporting Ohio's economic 160170
development. 160171

Section 381.480. LONG-TERM CARE RESEARCH 160172

The foregoing appropriation item 235558, Long-term Care 160173
Research, shall be disbursed to Miami University for long-term 160174
care research. 160175

Section 381.490. OHIO COLLEGE OPPORTUNITY GRANT 160176

(A)(1) As used in this section: 160177

(a) "Eligible institution" means any institution described in 160178
divisions (B)(2)(a) to (c) of section 3333.122 of the Revised 160179
Code. 160180

(b) The three "sectors" of institutions of higher education 160181
consist of the following: 160182

(i) A main campus at a state university, as defined in 160183
section 3345.011 of the Revised Code; 160184

(ii) Eligible private nonprofit institutions of higher 160185
education; 160186

(iii) Eligible private for-profit career colleges and 160187
schools. 160188

(2)(a) Awards under section 3333.122 of the Revised Code for 160189
students first attending an eligible institution prior to the 160190
2023-2024 academic year shall be as follows for fiscal years 2024 160191

and 2025: 160192

(i) \$2,700 per student at a state institution of higher education; 160193
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(ii) \$4,200 per student at an eligible nonprofit institution of higher education; and 160195
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(iii) \$1,600 per student at a private for-profit career college or school. 160197
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(b) Awards under section 3333.122 of the Revised Code for students with an expected family contribution of ten thousand dollars or less who are first attending an eligible institution in the 2023-2024 academic year shall be as follows for fiscal years 2024 and 2025: 160199
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(i) \$4,000 per student at a main campus of a state university; 160204
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(ii) \$5,000 per student at an eligible nonprofit institution of higher education; and 160206
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(iii) \$1,600 per student at a private for-profit career college or school. 160208
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(c) For students attending an eligible institution year-round, awards may be distributed on an annual basis. 160210
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(3) If the Chancellor determines that the amounts appropriated for support of the Ohio College Opportunity Grant program are inadequate to provide grants to all eligible students as specified under division (D) of section 3333.122 of the Revised Code, the Chancellor may follow methods established in division (C)(1)(a) or (b) of section 3333.122 of the Revised Code. If the Chancellor determines that reductions in award amounts are necessary, the Chancellor shall reduce the award amounts proportionally among the sectors of institutions specified in division (A)(1) of this section in a manner determined by the 160212
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Chancellor. The Chancellor shall notify the Controlling Board of 160222
the distribution method. Any formula calculated under this 160223
division shall be complete and established to coincide with the 160224
start of each academic year. 160225

(B) Prior to determining the amount of funds available to 160226
award under this section and section 3333.122 of the Revised Code, 160227
the Chancellor shall use the foregoing appropriation item 235563, 160228
Ohio College Opportunity Grant, to pay for waivers of tuition and 160229
student fees for eligible students under the Ohio Safety Officer's 160230
College Memorial Fund Program under section 3333.26 of the Revised 160231
Code. 160232

In each fiscal year, with the exception of sections 3333.121 160233
and 3333.124 of the Revised Code and the section of this act 160234
entitled "STATE FINANCIAL AID RECONCILIATION," the Chancellor 160235
shall not distribute or obligate or commit to be distributed an 160236
amount greater than what is appropriated under the foregoing 160237
appropriation item 235563, Ohio College Opportunity Grant. 160238

(C) The Chancellor shall establish, and post on the 160239
Department of Higher Education's web site, award tables based on 160240
the amounts specified under division (A) of this section. The 160241
Chancellor shall notify students and institutions of any 160242
reductions in awards. 160243

(D) Notwithstanding section 3333.122 of the Revised Code, no 160244
student shall be eligible to receive an Ohio College Opportunity 160245
Grant for more than ten semesters, fifteen quarters, or the 160246
equivalent of five academic years, less the number of semesters or 160247
quarters in which the student received an Ohio Instructional 160248
Grant. 160249

(E) During each fiscal year, the Chancellor, as soon as 160250
possible after cancellation, may certify to the Director of Budget 160251
and Management the amount of canceled prior-year encumbrances in 160252

appropriation item 235563, Ohio College Opportunity Grant. Upon 160253
receipt of the certification, the Director of Budget and 160254
Management may transfer cash, up to the certified amount, from the 160255
General Revenue Fund to the Ohio College Opportunity Grant Program 160256
Reserve Fund (Fund 5PU0). 160257

Section 381.500. THE OHIO STATE UNIVERSITY COLLEGE OF 160258
VETERINARY MEDICINE SUPPLEMENT 160259

The foregoing appropriation item 235569, The Ohio State 160260
University College of Veterinary Medicine Supplement, shall be 160261
distributed through the Chancellor of Higher Education to The Ohio 160262
State University College of Veterinary Medicine to provide 160263
supplemental support for education, research, and operations. 160264

Section 381.510. THE OHIO STATE UNIVERSITY CLINIC SUPPORT 160265

The foregoing appropriation item 235572, The Ohio State 160266
University Clinic Support, shall be distributed through the 160267
Chancellor of Higher Education to The Ohio State University for 160268
support of dental and veterinary medicine clinics. 160269

Section 381.520. FEDERAL RESEARCH NETWORK 160270

The foregoing appropriation item 235578, Federal Research 160271
Network, shall be allocated to The Ohio State University to 160272
collaborate with federal installations in Ohio, state institutions 160273
of higher education as defined in section 3345.011 of the Revised 160274
Code, private nonprofit institutions of higher education holding 160275
certificates of authorization under Chapter 1713. of the Revised 160276
Code, and the private sector to align the state's research assets 160277
with emerging missions and job growth opportunities emanating from 160278
federal installations, strengthen related workforce development 160279
and technology commercialization programs, and better position the 160280
state's university system to directly impact new job creation in 160281

Ohio. A portion of the foregoing appropriation item 235578, 160282
Federal Research Network, shall be used to support the growth of 160283
small business federal contractors in the state and to expand the 160284
participation of Ohio businesses in the federal Small Business 160285
Innovation Research Program and related federal programs. 160286

Section 381.530. CO-OP INTERNSHIP PROGRAM 160287

Of the foregoing appropriation item 235591, Co-Op Internship 160288
Program, \$300,000 in each fiscal year shall be used to support 160289
students who attend institutions of higher education in Ohio and 160290
participate in the internship programs of The Washington Center. 160291

Of the foregoing appropriation item 235591, Co-Op Internship 160292
Program, \$165,000 in each fiscal year shall be used to support the 160293
operations of Ohio University's Voinovich School. 160294

Of the foregoing appropriation item 235591, Co-Op Internship 160295
Program, \$75,000 in each fiscal year shall be used to support the 160296
Model United Nations Program and the operations of the Center for 160297
Liberal Arts Student Success at Wright State University. 160298

Of the foregoing appropriation item 235591, Co-Op Internship 160299
Program, \$75,000 in each fiscal year shall be used to support the 160300
operations of The Ohio State University's John Glenn College of 160301
Public Affairs. 160302

Of the foregoing appropriation item 235591, Co-Op Internship 160303
Program, \$75,000 in each fiscal year shall be used to support the 160304
Bliss Institute of Applied Politics at the University of Akron. 160305

Of the foregoing appropriation item 235591, Co-Op Internship 160306
Program, \$75,000 in each fiscal year shall be used to support the 160307
Center for Public Management and Regional Affairs at Miami 160308
University. 160309

Of the foregoing appropriation item 235591, Co-Op Internship 160310
Program, \$75,000 in each fiscal year shall be used to support the 160311

Ohio Center for the Advancement of Women in Public Service at the 160312
Levin College of Public Affairs and Education at Cleveland State 160313
University. 160314

Of the foregoing appropriation item 235591, Co-Op Internship 160315
Program, \$75,000 in each fiscal year shall be used to support the 160316
University of Cincinnati Internship Program. 160317

Of the foregoing appropriation item 235591, Co-Op Internship 160318
Program, \$75,000 in each fiscal year shall be used to support the 160319
Kent State University Washington Program in National Issues. 160320

Of the foregoing appropriation item 235591, Co-Op Internship 160321
Program, \$75,000 in each fiscal year shall be used to support the 160322
Kent State University Columbus Program. 160323

Of the foregoing appropriation item 235591, Co-Op Internship 160324
Program, \$75,000 in each fiscal year shall be used to support the 160325
University of Toledo Urban Affairs Center. 160326

Of the foregoing appropriation item 235591, Co-Op Internship 160327
Program, \$75,000 in each fiscal year shall be used to support the 160328
Shawnee State University Institute for Appalachian Public Policy. 160329

Of the foregoing appropriation item 235591, Co-Op Internship 160330
Program, \$75,000 in each fiscal year shall be used to support the 160331
Center for Regional Development at Bowling Green State University. 160332

Of the foregoing appropriation item 235591, Co-Op Internship 160333
Program, \$75,000 in each fiscal year shall be used to support the 160334
Regional Economic Development Initiative at Youngstown State 160335
University. 160336

Section 381.540. COMMERCIAL TRUCK DRIVER STUDENT AID PROGRAM 160337

The foregoing appropriation item 235595, Commercial Truck 160338
Driver Student Aid Program, shall be used by the Chancellor of 160339
Higher Education to administer and provide grants and loans under 160340
the Commercial Truck Driver Student Aid Program established in 160341

section 3333.125 of the Revised Code. 160342

Section 381.550. RURAL UNIVERSITY PROGRAM 160343

The foregoing appropriation item 235598, Rural University 160344
Program, shall be used for the Rural University Program, a 160345
collaboration of Bowling Green State University, Kent State 160346
University, Miami University, and Ohio University that provides 160347
rural communities with economic development, public 160348
administration, and public health services. Each of the four 160349
participating universities shall receive \$103,000 in each fiscal 160350
year to support their respective programs. 160351

Section 381.560. NATIONAL GUARD SCHOLARSHIP PROGRAM 160352

The Chancellor of Higher Education shall disburse funds from 160353
appropriation item 235599, National Guard Scholarship Program. 160354
During each fiscal year, the Chancellor, as soon as possible after 160355
cancellation, may certify to the Director of Budget and Management 160356
the amount of canceled prior-year encumbrances in appropriation 160357
item 235599, National Guard Scholarship Program. Upon receipt of 160358
the certification, the Director of Budget and Management may 160359
transfer cash, up to the certified amount, from the General 160360
Revenue Fund to the National Guard Scholarship Reserve Fund (Fund 160361
5BM0). 160362

Section 381.570. PLEDGE OF FEES 160363

Any new pledge of fees, or new agreement for adjustment of 160364
fees, made in the biennium ending June 30, 2025, to secure bonds 160365
or notes of a state institution of higher education for a project 160366
for which bonds or notes were not outstanding on the effective 160367
date of this section, to secure a refund of prior debt that is 160368
anticipated to increase the total cost of retiring the original 160369
debt, or to extend the period in which that full debt is retired 160370

shall be effective only after approval by the Chancellor of Higher Education, unless approved in a previous biennium.

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Section 381.580. HIGHER EDUCATION GENERAL OBLIGATION BOND DEBT SERVICE

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The foregoing appropriation item 235909, Higher Education General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2023, through June 30, 2025, for obligations issued under sections 151.01 and 151.04 of the Revised Code.

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Section 381.590. SALES AND SERVICES

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The Chancellor of Higher Education is authorized to charge and accept payment for the provision of goods and services. Such charges shall be reasonably related to the cost of producing the goods and services. Except as otherwise provided by law, no charges may be levied for goods or services that are produced as part of the routine responsibilities or duties of the Chancellor. All revenues received by the Chancellor shall be deposited into Fund 4560 and may be used by the Chancellor to pay for the costs of producing the goods and services.

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Section 381.600. HIGHER EDUCATIONAL FACILITY COMMISSION ADMINISTRATION

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The foregoing appropriation item 235602, Higher Educational Facility Commission Administration, shall be used by the Chancellor of Higher Education for operating expenses related to the Chancellor's support of the activities of the Ohio Higher Educational Facility Commission. Upon the request of the Chancellor, the Director of Budget and Management may transfer cash in an amount up to the amount appropriated from the foregoing appropriation item 235602, Higher Educational Facility Commission

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Administration, in each fiscal year from the HEFC Operating 160400
Expenses Fund (Fund 4610) to the HEFC Administration Fund (Fund 160401
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Section 381.610. SUPER RAPIDS 160403

(A) Of the foregoing appropriation item 235687, Super RAPIDS, 160404
\$4,280,000 in fiscal year 2024 shall be distributed to Fairfield 160405
County to support building improvements, equipment purchases, and 160406
operating expenses for programs of the Fairfield County Workforce 160407
Center. 160408

(B)(1) The remainder of the foregoing appropriation item 160409
235687, Super RAPIDS, shall be used by the Governor's Office of 160410
Workforce Transformation and the Chancellor of Higher Education to 160411
support collaborative projects among qualifying institutions to 160412
strengthen education and training opportunities that maximize 160413
workforce development efforts in defined areas of the state. These 160414
funds shall be used to support efforts that build capacity, remove 160415
employment and training barriers for prospective and unemployed 160416
workers, develop and strengthen business-led strategies in the 160417
impacted industries, and provide local guided solutions to 160418
employment for communities in economic transition. Under the 160419
program, the Chancellor shall distribute funds to Ohio regions or 160420
subsets of regions, as defined by the Governor's Office of 160421
Workforce Transformation. 160422

(2) Of the foregoing appropriation item 235687, Super RAPIDS, 160423
a portion in each fiscal year may be used by the Governor's Office 160424
of Workforce Transformation to meet urgent workforce development 160425
and job creation needs throughout the state. 160426

(3) The Governor's Office of Workforce Transformation shall 160427
consult with the Department of Development, the Chancellor, and 160428
other stakeholders as determined to be appropriate, when defining 160429
regions and awarding funds under this section. 160430

(4) The Chancellor and the Governor's Office of Workforce Transformation shall develop and use a proposal and review process to award funds under the program. In reviewing proposals and making awards, priority shall be given to proposals that demonstrate all of the following:

(a) Clear compliance with all applicable state and federal rules and regulations;

(b) Collaboration between and among state institutions of higher education, as defined in section 3345.011 of the Revised Code, Ohio Technical Centers, and other education and workforce-related entities as determined to be appropriate by the Governor's Office of Workforce Transformation and the Department of Higher Education;

(c) Evidence of meaningful business support and engagement;

(d) Identification of targeted occupations and industries supported by data, which sources shall include the Governor's Office of Workforce Transformation, OhioMeansJobs, labor market information from the Department of Job and Family Services, and lists of in-demand occupations;

(e) Sustainability beyond the grant period with the opportunity to provide continued value and impact to the region; and

(f) Evidence of a strong commitment to invest in one or more of the following areas:

(i) Broadband/5G;

(ii) Cybersecurity;

(iii) Healthcare;

(iv) Transportation;

(v) Advanced manufacturing;

(vi) Trades.	160460
(5) As used in division (B) of this section:	160461
(a) "Qualifying institution" means any of the following:	160462
(i) A state institution of higher education, as defined in section 3345.011 of the Revised Code;	160463 160464
(ii) An Ohio Technical Center, as defined in section 3333.94 of the Revised Code;	160465 160466
(iii) Other secondary and postsecondary education and workforce-related entities, as determined by the Chancellor.	160467 160468
Section 381.620. INTERNSHIP PILOT PROGRAM	160469
(A) The foregoing appropriation item 235698, Internship Pilot Program, shall be used by the Chancellor of Higher Education to support the Internship Pilot Program. These funds shall be used in a manner consistent with the following goals:	160470 160471 160472 160473
(1) Connecting Ohio college and career technical students with Ohio-based employers to facilitate work-based learning opportunities, which may include internships, externships and co-ops;	160474 160475 160476 160477
(2) Retaining the highest possible number of college and career-technical students in Ohio post-graduation to contribute to Ohio's expanding economic opportunities.	160478 160479 160480
(B) The Chancellor shall develop the goals, structure, and parameters of the program. In doing so, the Chancellor may consult with the Governor's Office of Workforce Transformation, Department of Development, institutions of higher education, Ohio Technical Centers, Ohio employer organizations, and other stakeholders as determined to be appropriate.	160481 160482 160483 160484 160485 160486
(C) In allocating funds under this section, the Chancellor shall consider at least the following factors:	160487 160488

(1) Alignment with local, regional and statewide workforce needs, with priority given to internships, externships, and co-ops aligned to the most critical workforce needs;	160489 160490 160491
(2) The extent to which funds awarded will be leveraged to create sustainability and support programs and initiatives that can be maintained long-term with support from philanthropic and private sector partners;	160492 160493 160494 160495
(3) Alignment with existing state programs that incentivize and support work-based learning opportunities, such as Choose Ohio First; and	160496 160497 160498
(4) Evidence-based approaches, with priority given to strategies that have produced documented success in:	160499 160500
(a) Connecting students with employers for meaningful work-based learning experiences;	160501 160502
(b) Retaining a higher number of graduates in-state for employment post-graduation; and	160503 160504
(c) Creating a sustainable network and infrastructure of public-private partners to provide lasting opportunities for work-based learning experiences.	160505 160506 160507
(D) Under the program, permissible expenditures include support for internship, externship, and co-op participants; career advising services; grants to colleges, universities, and Ohio Technical Centers to support their programs; grants to participating employers to defray costs of participating in the program; and other expenditures determined permissible by the Chancellor.	160508 160509 160510 160511 160512 160513 160514
(E) An amount equal to the unexpended, unencumbered balance of the foregoing appropriation item 235698, Internship Pilot Program, at the end of fiscal year 2024 is hereby reappropriated for the same purpose in fiscal year 2025.	160515 160516 160517 160518

Section 381.630. TALENT READY GRANT PROGRAM 160519

(A) The foregoing appropriation item 235517, Talent Ready Grant Program, shall be used by the Chancellor of Higher Education to fund the Talent Ready Grant program to support workforce credential and certificate programs under thirty credit hours at a community college, state community college, technical college, university regional campus, or an Ohio Technical Center. Such funding shall be used to do all of the following: 160520
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(a) Award needs-based financial aid to students who are enrolled in a credit or non-credit program that may be completed in less than one year and for which a certificate or industry-recognized credential is awarded in an in-demand job; 160527
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(b) Establish and operate workforce credential and certificate programs under thirty credit hours; 160531
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(c) Provide additional support to short-term certificate programs. 160533
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(B) The Chancellor shall allocate funds among eligible entities in approximate proportion to each entity's share of eligible short-term certificate programs while also considering student enrollments, completions, and past utilization of short-term certificate funding disbursed under this line item, among other factors. For purposes of allocating funds between community colleges, state community colleges, and technical colleges, the Chancellor shall allocate the funding to each campus in proportion to each campus's share of the total sector's course completions for the most recent available year, as reported through the Higher Education Information System student enrollment file, weighted by the instructional cost of the subsidy models. 160535
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(C) The Chancellor, in collaboration with eligible entities under this section, shall conduct a study on the types of data 160547
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that should be submitted to the Higher Education Information 160549
System regarding workforce credentials and technical certificates 160550
that may be earned within thirty or fewer credit hours. The study 160551
and associated recommendations shall be completed not later than 160552
June 30, 2024. 160553

Section 381.640. STATE FINANCIAL AID RECONCILIATION 160554

By the first day of September in each fiscal year, or as soon 160555
as possible thereafter, the Chancellor of Higher Education shall 160556
certify to the Director of Budget and Management the amount 160557
necessary to pay any outstanding prior year obligations to higher 160558
education institutions for the state's financial aid programs. The 160559
amounts certified are hereby appropriated to appropriation item 160560
235618, State Financial Aid Reconciliation, from revenues received 160561
in the State Financial Aid Reconciliation Fund (Fund 5Y50). 160562

Section 381.650. SECOND CHANCE GRANT PROGRAM 160563

The foregoing appropriation item 235494, Second Chance Grant 160564
Program, shall be distributed by the Chancellor of Higher 160565
Education to qualifying institutions of higher education and Ohio 160566
Technical Centers to provide grants to eligible students under the 160567
Second Chance Grant Program established in section 3333.127 of the 160568
Revised Code. 160569

Section 381.655. GROW YOUR OWN TEACHER PROGRAM 160570

The foregoing appropriation item 235592, Grow Your Own 160571
Teacher Program, shall be used by the Chancellor of Higher 160572
Education to implement and administer the Grow Your Own Teacher 160573
Program pursuant to sections 3333.393 and 3333.394 of the Revised 160574
Code. 160575

Section 381.660. NURSING LOAN PROGRAM 160576

The foregoing appropriation item 235606, Nursing Loan 160577
Program, shall be used to administer the nurse education 160578
assistance program. 160579

Section 381.670. RESEARCH INCENTIVE THIRD FRONTIER - TAX 160580

The foregoing appropriation item 235639, Research Incentive 160581
Third Frontier - Tax, shall be used by the Chancellor of Higher 160582
Education to advance collaborative research at institutions of 160583
higher education. Of the foregoing appropriation item 235639, 160584
Research Incentive Third Frontier - Tax, up to \$2,500,000 in each 160585
fiscal year may be allocated toward research regarding the 160586
improvement of water quality, up to \$1,500,000 in each fiscal year 160587
may be allocated for spinal cord research, up to \$1,000,000 in 160588
each fiscal year may be allocated toward research regarding the 160589
reduction of infant mortality, up to \$1,000,000 in each fiscal 160590
year may be allocated toward research regarding opiate addiction 160591
issues in Ohio, up to \$750,000 in each fiscal year may be 160592
allocated toward research regarding cyber security initiatives, up 160593
to \$300,000 in each fiscal year may be allocated toward the 160594
I-Corps@Ohio program, and up to \$200,000 in each fiscal year may 160595
be allocated toward the Ohio Innovation Exchange program. 160596

Section 381.680. VETERANS PREFERENCES 160597

The Chancellor of Higher Education shall work with the 160598
Department of Veterans Services to develop specific veterans 160599
preference guidelines for higher education institutions. These 160600
guidelines shall ensure that the institutions' hiring practices 160601
are in accordance with the intent of Ohio's veterans' preference 160602
laws. 160603

Section 381.690. (A) As used in this section: 160604

(1) "Board of trustees" includes the managing authority of a 160605

university branch district. 160606

(2) "State institution of higher education" has the same 160607
meaning as in section 3345.011 of the Revised Code. 160608

(B) The board of trustees of any state institution of higher 160609
education, notwithstanding any rule of the institution to the 160610
contrary, may adopt a policy providing for mandatory furloughs of 160611
employees, including faculty, to achieve spending reductions 160612
necessitated by institutional budget deficits. 160613

Section 381.700. EFFICIENCY REPORTS 160614

In each fiscal year, the board of trustees of each public 160615
institution of higher education shall approve the institution's 160616
efficiency report submitted to the Chancellor of Higher Education 160617
under section 3333.95 of the Revised Code. 160618

MEDICAL EDUCATION POST-GRADUATION RESIDENCY REPORTS 160619

For each fiscal year, each institution of higher education 160620
that receives funds from the foregoing appropriation items 235515, 160621
Case Western Reserve University School of Medicine, 235519, Family 160622
Practice, 235525, Geriatric Medicine, 235526, Primary Care 160623
Residencies, 235536, The Ohio State University Clinical Teaching, 160624
235537, University of Cincinnati Clinical Teaching, 235538, 160625
University of Toledo Clinical Teaching, 235539, Wright State 160626
University Clinical Teaching, 235540, Ohio University Clinical 160627
Teaching, 235541, Northeast Ohio Medical University Clinical 160628
Teaching, 235558, Long-term Care Research, and 235572, The Ohio 160629
State University Clinic Support, shall report to the Chancellor of 160630
Higher Education the residency status of graduates from the 160631
respective programs receiving support from those appropriation 160632
items one year and five years after graduating. 160633

Section 381.710. The Chancellor of Higher Education shall 160634
support the continued development of the Ohio Innovation Exchange 160635

for the purpose of showcasing the research expertise of Ohio's university and college faculty in a variety of fields, including, but not limited to, engineering, biomedicine, and information technology, and to identify institutional research equipment available in the state.

Section 381.720. COLLEGE CREDIT PLUS PROGRAM

(A) The Chancellor of Higher Education, in consultation with the Superintendent of Public Instruction, may take action as necessary to ensure that public colleges and universities and school districts are fully engaging and participating in the College Credit Plus Program as required by Chapter 3365. of the Revised Code. Such actions may include publicly displaying program participation data by district and institution.

(B) For the purposes of model pathways required under section 3365.13 of the Revised Code, the Chancellor and Superintendent shall work with public secondary schools and partnering public colleges and universities, as necessary, to encourage the establishment of model pathways that prepare participants to successfully enter the workforce in certain fields, which may include any of the following:

(1) Engineering technology and other fields essential to the superconductor industry;

(2) Nursing, with particular emphasis on models that facilitate a participant's potential progression through different levels of nursing;

(3) Teaching and other related education professions;

(4) Social and behavioral or mental health professions;

(5) Law enforcement or corrections; and

(6) Other fields as determined appropriate by the Chancellor

and Superintendent, in consultation with the Governor's Office of Workforce Transformation. 160665
160666

Section 383.10. DRC DEPARTMENT OF REHABILITATION AND CORRECTION 160667
160668

General Revenue Fund 160669

GRF 501321 Institutional Operations \$ 1,316,815,000 \$ 1,395,484,000 160670

GRF 501405 Halfway House \$ 78,832,000 \$ 84,676,000 160671

GRF 501406 Adult Correctional Facilities Lease Rental Bond Payments \$ 72,500,000 \$ 68,500,000 160672

GRF 501407 Community Nonresidential Programs \$ 67,530,000 \$ 67,530,000 160673

GRF 501408 Community Misdemeanor Programs \$ 9,620,000 \$ 9,620,000 160674

GRF 501501 Community Residential Programs - Community Based Correctional Facilities \$ 94,545,000 \$ 99,657,000 160675

GRF 503321 Parole and Community Operations \$ 119,095,000 \$ 128,529,000 160676

GRF 504321 Administrative Operations \$ 27,304,000 \$ 28,530,000 160677

GRF 505321 Institution Medical Services \$ 332,434,000 \$ 352,380,000 160678

GRF 506321 Institution Education Services \$ 40,528,000 \$ 45,339,000 160679

TOTAL GRF General Revenue Fund \$ 2,159,203,000 \$ 2,280,245,000 160680

Dedicated Purpose Fund Group 160681

4B00 501601 Sewer Treatment \$ 600,000 \$ 600,000 160682

		Services				
4D40	501603	Prisoner Programs	\$	400,000	\$	400,000 160683
4L40	501604	Transitional Control	\$	2,450,000	\$	2,450,000 160684
4S50	501608	Education Services	\$	4,660,000	\$	4,660,000 160685
5AF0	501609	State and Non-Federal	\$	1,300,000	\$	1,300,000 160686
		Awards				
5H80	501617	Offender Financial	\$	1,860,000	\$	1,860,000 160687
		Responsibility				
5TZ0	501610	Probation Improvement	\$	5,250,000	\$	5,250,000 160688
		and Incentive Grants				
5ZQ0	501505	Local Jail Grants	\$	100,000,000	\$	100,000,000 160689
TOTAL DPF	Dedicated Purpose Fund		\$	116,520,000	\$	116,520,000 160690
Group						
Internal Service Activity Fund Group						160691
1480	501602	Institutional	\$	2,850,000	\$	2,850,000 160692
		Services				
2000	501607	Ohio Penal Industries	\$	46,515,000	\$	46,515,000 160693
4830	501605	Leased Property	\$	7,500,000	\$	7,500,000 160694
		Maintenance and				
		Operating				
5710	501606	Corrections Training	\$	940,000	\$	940,000 160695
		Maintenance and				
		Operating				
5L60	501611	Information	\$	500,000	\$	500,000 160696
		Technology Services				
TOTAL ISA	Internal Activity					160697
Fund Group			\$	58,305,000	\$	58,305,000 160698
Federal Fund Group						160699
3230	501619	Federal Grants	\$	3,540,000	\$	3,540,000 160700
3CW0	501622	Federal Equitable	\$	300,000	\$	300,000 160701
		Sharing				
TOTAL FED	Federal					160702

Fund Group	\$	3,840,000	\$	3,840,000	160703
TOTAL ALL BUDGET FUND GROUPS	\$	2,337,868,000	\$	2,458,910,000	160704

EXPEDITED PARDON INITIATIVE 160705

Of the foregoing appropriation item 501321, Institutional 160706
Operations, up to \$750,000 in each fiscal year may be used by the 160707
Department of Rehabilitation and Correction to support projects 160708
connecting rehabilitated citizens with community partners to 160709
advance the expedited pardon initiative and help eligible 160710
individuals navigate the process and access clemency. 160711

OSU MEDICAL CHARGES 160712

Notwithstanding section 341.192 of the Revised Code, at the 160713
request of the Department of Rehabilitation and Correction, the 160714
Ohio State University Medical Center, including the Arthur G. 160715
James Cancer Hospital and Richard J. Solove Research Institute and 160716
the Richard M. Ross Heart Hospital, shall provide necessary care 160717
to persons who are confined in state adult correctional 160718
facilities. The provision of necessary inpatient care billed to 160719
the Department shall be reimbursed at a rate not to exceed the 160720
authorized reimbursement rate for the same service established by 160721
the Department of Medicaid under the Medicaid Program. 160722

TRANSITIONAL HOUSING FUNDING 160723

Of the foregoing appropriation item 501405, Halfway House, 160724
priority shall be given to residential providers that accept and 160725
place individuals released from institutions operated by the 160726
Department of Rehabilitation and Correction to the supervision of 160727
the Adult Parole Authority who were previously rejected by all 160728
other residential providers. 160729

ADULT CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS 160730

The foregoing appropriation item 501406, Adult Correctional 160731
Facilities Lease Rental Bond Payments, shall be used to meet all 160732
payments during the period from July 1, 2023, through June 30, 160733

2025, by the Department of Rehabilitation and Correction pursuant 160734
to leases and agreements for facilities made under Chapters 152. 160735
and 154. of the Revised Code. These appropriations are the source 160736
of funds pledged for bond service charges on related obligations 160737
issued under Chapters 152. and 154. of the Revised Code. 160738

REENTRY EMPLOYMENT GRANTS 160739

Of the foregoing appropriation item 503321, Parole and 160740
Community Operations, \$275,000 in grants each fiscal year may be 160741
awarded by the Department of Rehabilitation and Correction to 160742
nonprofit organizations operating reentry employment programs 160743
meeting all of the following criteria: 160744

(1) Serve parolees, releasees, and probationers assessed by 160745
the Department as moderate or high risk to recidivate and referred 160746
by the Adult Parole Authority or probation for services; 160747

(2) Provide job readiness training, transitional employment, 160748
job coaching and placement, and post-placement retention services; 160749

(3) Have been independently and rigorously evaluated and 160750
shown to reduce recidivism; 160751

(4) Have the ability to serve multiple large jurisdictions 160752
across the state. 160753

PROBATION IMPROVEMENT AND INCENTIVE GRANTS 160754

The foregoing appropriation item 501610, Probation 160755
Improvement and Incentive Grants, shall be allocated by the 160756
Department of Rehabilitation and Correction to municipalities as 160757
Probation Improvement and Incentive Grants with an emphasis on: 160758

(1) providing services to those addicted to opiates and other 160759
illegal substances, and (2) supplementing the programs and 160760
services funded by grants distributed from the foregoing 160761
appropriation item 501407, Community Nonresidential Programs. 160762

LOCAL JAIL GRANTS 160763

The foregoing appropriation item 501505, Local Jail Grants, 160764
shall be used by the Department of Rehabilitation and Correction 160765
to provide grants for county jail construction and renovation 160766
projects. The Department shall accept and review applications and 160767
designate the projects involving the construction and renovation 160768
of county jails in the same manner as the Department administers 160769
funds appropriated for the same purpose from the Adult 160770
Correctional Building Fund. The Department may consider 160771
applications for the reimbursement of county jail construction and 160772
renovation project expenditures that were incurred on or after 160773
July 1, 2021. 160774

Section 387.10. RDF STATE REVENUE DISTRIBUTIONS 160775

General Revenue Fund Group 160776

GRF 110908 Property Tax \$ 642,160,000 \$ 647,900,000 160777
Reimbursement - Local
Government

GRF 200903 Property Tax \$ 1,214,756,000 \$ 1,238,032,000 160778
Reimbursement -
Education

TOTAL GRF General Revenue Fund \$ 1,856,916,000 \$ 1,885,932,000 160779
Group

Revenue Distribution Fund Group 160780

5JG0 110633 Gross Casino Revenue \$ 179,057,966 \$ 183,534,415 160781
Payments-County

5JH0 110634 Gross Casino Revenue \$ 114,908,119 \$ 117,780,822 160782
Payments- School
Districts

5JJ0 110636 Gross Casino Revenue \$ 17,554,703 \$ 17,993,571 160783
- Host City

7047 200902 Property Tax \$ 60,386,576 \$ 53,927,487 160784
Replacement Phase

		Out-Education				
7050	762900	International	\$	23,000,000	\$	23,000,000 160785
		Registration Plan				
		Distribution				
7051	762901	Auto Registration	\$	365,000,000	\$	372,000,000 160786
		Distribution				
7065	110965	Public Library Fund	\$	505,000,000	\$	530,000,000 160787
7066	800966	Undivided Liquor	\$	14,600,000	\$	14,600,000 160788
		Permits				
7069	110969	Local Government Fund	\$	505,000,000	\$	530,000,000 160789
7081	110981	Local Government	\$	6,829,862	\$	6,488,369 160790
		Property Tax				
		Replacement -				
		Business				
7082	110982	Horse Racing Tax	\$	50,000	\$	50,000 160791
7083	700900	Ohio Fairs Fund	\$	1,000,000	\$	1,000,000 160792
TOTAL RDF Revenue Distribution						160793
Fund Group			\$	1,792,387,226	\$	1,850,374,644 160794
Fiduciary Fund Group						160795
4P80	001698	Cash Management	\$	1,000,000	\$	1,000,000 160796
		Improvement Fund				
5VR0	110902	Municipal Net Profit	\$	180,000,000	\$	180,000,000 160797
		Tax				
6080	001699	Investment Earnings	\$	350,000,000	\$	350,000,000 160798
7001	110996	Horse Racing Tax	\$	200,000	\$	200,000 160799
		Local Government				
		Payments				
7062	110962	Resort Area Excise	\$	2,164,084	\$	2,164,084 160800
		Tax Distribution				
7063	110963	Permissive Sales Tax	\$	3,662,800,000	\$	3,975,300,000 160801
		Distribution				
7067	110967	School District	\$	710,666,667	\$	774,000,000 160802
		Income Tax				

		Distribution				
7085	800985	Volunteer Firemen's	\$	300,000	\$	300,000 160803
		Dependents Fund				
7093	110640	Next Generation 9-1-1	\$	1,000,000	\$	1,000,000 160804
7094	110641	Wireless 9-1-1	\$	27,637,500	\$	27,775,688 160805
		Government Assistance				
7095	110995	Municipal Income Tax	\$	15,450,000	\$	15,913,500 160806
7099	762902	Permissive Tax	\$	242,000,000	\$	242,000,000 160807
		Distribution - Auto				
		Registration				
TOTAL FID	Fiduciary Fund Group		\$	5,193,218,251	\$	5,569,653,272 160808
	Holding Account Fund Group					160809
R045	110617	International Fuel	\$	70,698,838	\$	72,819,803 160810
		Tax Distribution				
TOTAL HLD	Holding Account Fund		\$	70,698,838	\$	72,819,803 160811
	Group					
TOTAL ALL BUDGET FUND GROUPS			\$	8,913,220,315	\$	9,378,779,739 160812

Section 387.20. ADDITIONAL APPROPRIATIONS 160814

Appropriation items in Section 387.10 of this act shall be 160815
 used for the purpose of administering and distributing the 160816
 designated revenue distribution funds according to the Revised 160817
 Code. If it is determined that additional appropriations are 160818
 necessary for this purpose in any appropriation items in Section 160819
 387.10 of this act, such amounts are hereby appropriated. 160820

GENERAL REVENUE FUND TRANSFERS 160821

Notwithstanding any provision of law to the contrary, in 160822
 fiscal year 2024 and fiscal year 2025, the Director of Budget and 160823
 Management may transfer from the General Revenue Fund to the Local 160824
 Government Tangible Property Tax Replacement Fund (Fund 7081) and 160825
 the School District Tangible Property Tax Replacement Fund (Fund 160826
 7047) in the Revenue Distribution Fund Group, those amounts 160827

necessary to reimburse local taxing units and school districts 160828
under sections 5709.92 and 5709.93 of the Revised Code. Also, in 160829
fiscal year 2024 and fiscal year 2025, the Director of Budget and 160830
Management may make temporary transfers from the General Revenue 160831
Fund to ensure sufficient balances in the Local Government 160832
Tangible Property Tax Replacement Fund (Fund 7081) and the School 160833
District Tangible Property Tax Replacement Fund (Fund 7047) and to 160834
replenish the General Revenue Fund for such transfers. 160835

PROPERTY TAX REIMBURSEMENT - EDUCATION 160836

The foregoing appropriation item 200903, Property Tax 160837
Reimbursement - Education, is appropriated to pay for the state's 160838
costs incurred because of the homestead exemption, the property 160839
tax rollback, and payments required under division (C) of section 160840
5705.2110 of the Revised Code. In cooperation with the Department 160841
of Taxation, the Department of Education shall distribute these 160842
funds directly to the appropriate school districts of the state, 160843
notwithstanding sections 321.24 and 323.156 of the Revised Code, 160844
which provide for payment of the homestead exemption and property 160845
tax rollback by the Tax Commissioner to the appropriate county 160846
treasurer and the subsequent redistribution of these funds to the 160847
appropriate local taxing districts by the county auditor. 160848

Upon receipt of these amounts, each school district shall 160849
distribute the amount among the proper funds as if it had been 160850
paid as real or tangible personal property taxes. Payments for the 160851
costs of administration shall continue to be paid to the county 160852
treasurer and county auditor as provided for in sections 319.54, 160853
321.26, and 323.156 of the Revised Code. 160854

Any sums, in addition to the amount specifically appropriated 160855
in appropriation item 200903, Property Tax Reimbursement - 160856
Education, for the homestead exemption and the property tax 160857
rollback payments, and payments required under division (C) of 160858
section 5705.2110 of the Revised Code, which are determined to be 160859

necessary for these purposes, are hereby appropriated. 160860

HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK 160861

The foregoing appropriation item 110908, Property Tax 160862
Reimbursement-Local Government, is hereby appropriated to pay for 160863
the state's costs incurred due to the Homestead Exemption, the 160864
Manufactured Home Property Tax Rollback, and the Property Tax 160865
Rollback. The Tax Commissioner shall distribute these funds 160866
directly to the appropriate local taxing districts, except for 160867
school districts, notwithstanding the provisions in sections 160868
321.24 and 323.156 of the Revised Code, which provide for payment 160869
of the Homestead Exemption, the Manufactured Home Property Tax 160870
Rollback, and Property Tax Rollback by the Tax Commissioner to the 160871
appropriate county treasurer and the subsequent redistribution of 160872
these funds to the appropriate local taxing districts by the 160873
county auditor. 160874

Upon receipt of these amounts, each local taxing district 160875
shall distribute the amount among the proper funds as if it had 160876
been paid as real property taxes. Payments for the costs of 160877
administration shall continue to be paid to the county treasurer 160878
and county auditor as provided for in sections 319.54, 321.26, and 160879
323.156 of the Revised Code. 160880

Any sums, in addition to the amounts specifically 160881
appropriated in appropriation item 110908, Property Tax Allocation 160882
- Local Government, for the Homestead Exemption, the Manufactured 160883
Home Property Tax Rollback, and the Property Tax Rollback 160884
payments, which are determined to be necessary for these purposes, 160885
are hereby appropriated. 160886

MUNICIPAL INCOME TAX 160887

The foregoing appropriation item 110995, Municipal Income 160888
Tax, shall be used to make payments to municipal corporations 160889
under section 5745.05 of the Revised Code. If it is determined 160890

that additional appropriations are necessary to make such 160891
payments, such amounts are hereby appropriated. 160892

MUNICIPAL NET PROFIT TAX 160893

The foregoing appropriation item 110902, Municipal Net Profit 160894
Tax, shall be used to make payments to municipal corporations 160895
under section 718.83 of the Revised Code. If it is determined that 160896
additional amounts are necessary to make such payments, such 160897
amounts are hereby appropriated. 160898

During fiscal year 2024 and fiscal year 2025, if the Tax 160899
Commissioner determines that there is insufficient cash in the 160900
Municipal Net Profit Tax Fund (Fund 5VR0) to meet monthly 160901
distribution obligations under section 718.83 of the Revised Code, 160902
the Tax Commissioner shall certify to the Director of Budget and 160903
Management the amount of additional cash necessary to satisfy 160904
those obligations. In addition, the Commissioner shall submit a 160905
plan to the Director requesting the necessary cash be transferred 160906
from one or a combination of the following funds: the Municipal 160907
Income Tax Administrative Fund, the Local Sales Tax Administrative 160908
Fund, the General School District Income Tax Administrative Fund, 160909
the Motor Fuel Tax Administrative Fund, the Property Tax 160910
Administrative Fund, or the General Revenue Fund. This plan shall 160911
include a proposed repayment schedule to reimburse those funds for 160912
any cash transferred in accordance with this section. After 160913
receiving the certification and funding plan from the Tax 160914
Commissioner and if the Director determines that sufficient cash 160915
is available, the Director may transfer the cash to the Municipal 160916
Net Profit Tax Fund in accordance with the plan submitted by the 160917
Tax Commissioner or as otherwise determined by the Director of 160918
Budget and Management. The Director of Budget and Management may 160919
transfer cash from the Municipal Net Profit Tax Fund to reimburse 160920
the funds from which cash was transferred for the purpose outlined 160921
in this section. 160922

PUBLIC LIBRARY FUND 160923

Notwithstanding the requirement in division (B) of section 160924
131.51 of the Revised Code that the Director of Budget and 160925
Management shall credit to the Public Library Fund one and 160926
sixty-six one-hundredths per cent of the total tax revenue 160927
credited to the General Revenue Fund during the preceding month, 160928
the Director shall instead calculate these amounts during fiscal 160929
year 2024 and fiscal year 2025 using one and seven-tenths as the 160930
percentage. 160931

LOCAL GOVERNMENT FUND 160932

Notwithstanding the requirement in division (A) of section 160933
131.51 of the Revised Code that the Director of Budget and 160934
Management shall credit to the Local Government Fund one and 160935
sixty-six one-hundredths per cent of the total tax revenue 160936
credited to the General Revenue Fund during the preceding month, 160937
the Director shall instead calculate these amounts during fiscal 160938
year 2024 and fiscal year 2025 using one and seven-tenths as the 160939
percentage. 160940

Section 391.10. OSB DEAF AND BLIND EDUCATION SERVICES 160941

General Revenue Fund 160942

GRF 226321	Operations	\$	30,214,000	\$	30,634,000	160943
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TOTAL GRF	General Revenue Fund	\$	30,214,000	\$	30,634,000	160944
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Dedicated Purpose Fund Group 160945

4H80 226602	Blind School State	\$	260,000	\$	260,000	160946
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Grants

4M00 226400	Deaf School	\$	300,000	\$	300,000	160947
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Educational Program

Expenses

4M10 226401	Deaf School State	\$	195,000	\$	195,000	160948
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Grants

4M50	226601	Blind School	\$	313,952	\$	315,608	160949
		Educational Program					
		Expenses					
5H60	226402	Early Childhood	\$	53,000	\$	53,000	160950
		Education					
5NJ0	226622	Employee Food Service	\$	22,000	\$	22,000	160951
		Charges					
TOTAL DPF		Dedicated Purpose Fund	\$	1,143,952	\$	1,145,608	160952
		Group					
		Federal Fund Group					160953
3100	226626	Blind School Federal	\$	1,058,848	\$	1,061,679	160954
		Grants					
3110	226403	Deaf School Federal	\$	570,000	\$	535,030	160955
		Grants					
3DT0	226621	Ohio Transition	\$	150,000	\$	150,000	160956
		Collaborative					
3P50	226643	Medicaid Professional	\$	215,000	\$	215,000	160957
		Services					
		Reimbursement					
TOTAL FED		Federal Fund Group	\$	1,993,848	\$	1,961,709	160958
TOTAL ALL BUDGET FUND GROUPS			\$	33,351,800	\$	33,741,317	160959
		Section 395.10. SOS SECRETARY OF STATE					160961
		General Revenue Fund					160962
GRF	050321	Operating Expenses	\$	890,000	\$	890,000	160963
GRF	050407	Poll Workers Training	\$	0	\$	500,000	160964
GRF	050509	County Voting Systems	\$	12,200,000	\$	12,200,000	160965
		Lease Rental Payments					
TOTAL GRF		General Revenue Fund	\$	13,090,000	\$	13,590,000	160966
		Dedicated Purpose Fund Group					160967
4120	050609	Notary Commission	\$	500,000	\$	500,000	160968
4S80	050610	Board of Voting	\$	14,400	\$	14,400	160969

		Machine Examiners					
5990	050603	Business Services	\$	23,818,137	\$	24,850,878	160970
		Operating Expenses					
5990	050629	Statewide Voter	\$	700,000	\$	700,000	160971
		Registration Database					
5990	050630	Elections Support	\$	2,960,000	\$	3,090,000	160972
		Supplement					
5990	050631	Precinct Election	\$	0	\$	500,000	160973
		Officials Training					
5990	050636	County Election	\$	220,000	\$	240,000	160974
		Official Training					
5SN0	050626	Address	\$	200,000	\$	200,000	160975
		Confidentiality					
TOTAL DPF		Dedicated Purpose Fund	\$	28,412,537	\$	30,095,278	160976
		Group					
		Holding Account Fund Group					160977
R002	050606	Corporate/Business	\$	85,000	\$	85,000	160978
		Filing Refunds					
TOTAL HLD		Holding Account Fund	\$	85,000	\$	85,000	160979
		Group					
		Federal Fund Group					160980
3AS0	050616	Help America Vote Act	\$	1,500,000	\$	1,500,000	160981
		(HAVA)					
TOTAL FED		Federal Fund Group	\$	1,500,000	\$	1,500,000	160982
TOTAL ALL		BUDGET FUND GROUPS	\$	43,087,537	\$	45,270,278	160983
		Section 395.20. POLL WORKERS TRAINING					160985
		The foregoing appropriation item 050407, Poll Workers					160986
		Training, shall be used to provide funding to county boards of					160987
		elections for precinct election official (PEO) training pursuant					160988
		to section 3501.27 of the Revised Code.					160989
		COUNTY VOTING SYSTEMS LEASE RENTAL PAYMENTS					160990

The foregoing appropriation item 050509, County Voting Systems Lease Rental Payments, shall be used to make payments during the period from July 1, 2023, through June 30, 2025, pursuant to leases and agreements entered into under Section 4 of S.B. 135 of the 132nd General Assembly with respect to financing the costs associated with the acquisition, development, installation, and implementation of county voting systems.

BOARD OF VOTING MACHINE EXAMINERS

The foregoing appropriation item 050610, Board of Voting Machine Examiners, shall be used to pay for the services and expenses of the members of the Board of Voting Machine Examiners, and for other expenses that are authorized to be paid from the Board of Voting Machine Examiners Fund (Fund 4S80) created in section 3506.05 of the Revised Code. Moneys not used shall be returned to the person or entity submitting equipment for examination. If it is determined by the Secretary of State that additional appropriation amounts are necessary, the Secretary of State may request that the Director of Budget and Management approve such amounts. Upon approval of the Director of Budget and Management, such amounts are hereby appropriated.

BALLOT ADVERTISING COSTS

Notwithstanding division (G) of section 3501.17 of the Revised Code, upon requests submitted by the Secretary of State, the Controlling Board may approve cash and appropriation transfers from the Controlling Board Emergency Purposes/Contingencies Fund (Fund 5KM0) to the Statewide Ballot Advertising Fund (Fund 5FH0) in order to pay for the cost of public notices associated with statewide ballot initiatives.

ABSENT VOTER'S BALLOT APPLICATION MAILING

Notwithstanding division (B) of section 111.31 of the Revised Code, upon the request of the Secretary of State, the Controlling

Board may approve cash and appropriation transfers from the 161022
Controlling Board Emergency Purposes/Contingencies Fund (Fund 161023
5KM0) to the Absent Voter's Ballot Application Mailing Fund (Fund 161024
5RG0) to be used by the Secretary of State to pay the costs of 161025
printing and mailing unsolicited applications for absent voters' 161026
ballots for the general election to be held in November 2024. 161027

ADDRESS CONFIDENTIALITY PROGRAM 161028

Upon the request of the Secretary of State, the Director of 161029
Budget and Management may transfer up to \$200,000 per fiscal year 161030
in cash from the Business Services Operating Expenses Fund (Fund 161031
5990) to the Address Confidentiality Program Fund (Fund 5SN0). 161032

CORPORATE/BUSINESS FILING REFUNDS 161033

The foregoing appropriation item 050606, Corporate/Business 161034
Filing Refunds, shall be used to hold revenues until they are 161035
directed to the appropriate accounts or until they are refunded. 161036
If it is determined by the Secretary of State that additional 161037
appropriation amounts are necessary, the Secretary of State may 161038
request that the Director of Budget and Management approve such 161039
amounts. Upon approval of the Director of Budget and Management, 161040
such amounts are hereby appropriated. 161041

HAVA FUNDS 161042

An amount equal to the unexpended, unencumbered portion of 161043
appropriation item 050616, Help America Vote Act (HAVA), at the 161044
end of fiscal year 2023 is hereby reappropriated for the same 161045
purpose in fiscal year 2024. 161046

An amount equal to the unexpended, unencumbered portion of 161047
appropriation item 050616, Help America Vote Act (HAVA), at the 161048
end of fiscal year 2024 is hereby reappropriated for the same 161049
purpose in fiscal year 2025. 161050

Section 397.10. SEN THE OHIO SENATE 161051

GRF 020321	Operating Expenses	\$	20,000,000	\$	20,000,000	161052
TOTAL GRF	General Revenue Fund	\$	20,000,000	\$	20,000,000	161053
Internal Service Activity Fund Group						161054
1020 020602	Senate Reimbursement	\$	425,800	\$	425,800	161055
4090 020601	Miscellaneous Sales	\$	34,497	\$	34,497	161056
TOTAL ISA	Internal Service Activity					161057
Fund Group		\$	460,297	\$	460,297	161058
TOTAL ALL BUDGET FUND GROUPS		\$	20,460,297	\$	20,460,297	161059

OPERATING EXPENSES 161060

On July 1, 2023, or as soon as possible thereafter, the Clerk 161061
of the Senate may certify to the Director of Budget and Management 161062
an amount up to the unexpended, unencumbered balance of the 161063
foregoing appropriation item 020321, Operating Expenses, at the 161064
end of fiscal year 2023 to be reappropriated to fiscal year 2024. 161065
The amount certified is hereby reappropriated to the same 161066
appropriation item for fiscal year 2024. 161067

On July 1, 2024, or as soon as possible thereafter, the Clerk 161068
of the Senate may certify to the Director of Budget and Management 161069
an amount up to the unexpended, unencumbered balance of the 161070
foregoing appropriation item 020321, Operating Expenses, at the 161071
end of fiscal year 2024 to be reappropriated to fiscal year 2025. 161072
The amount certified is hereby reappropriated to the same 161073
appropriation item for fiscal year 2025. 161074

Section 399.10. CSV COMMISSION ON SERVICE AND VOLUNTEERISM 161075

General Revenue Fund						161076
GRF 866321	CSV Operations	\$	685,000	\$	694,000	161077
TOTAL GRF	General Revenue Fund	\$	685,000	\$	694,000	161078
Dedicated Purpose Fund Group						161079
5GN0 866605	Serve Ohio Support	\$	13,000	\$	13,000	161080
TOTAL DPF	Dedicated Purpose Fund	\$	13,000	\$	13,000	161081

Group

Federal Fund Group				161082
3R70 866617 AmeriCorps Programs	\$	13,868,066	\$ 13,897,793	161083
TOTAL FED Federal Fund Group	\$	13,868,066	\$ 13,897,793	161084
TOTAL ALL BUDGET FUND GROUPS	\$	14,566,066	\$ 14,604,793	161085

Section 401.10. CSF COMMISSIONERS OF THE SINKING FUND 161087

Debt Service Fund Group				161088
7070 155905 Third Frontier	\$	196,260,000	\$ 0	161089
Research and				
Development Bond				
Retirement Fund				
7072 155902 Highway Capital	\$	155,000,000	\$ 136,000,000	161090
Improvement Bond				
Retirement Fund				
7073 155903 Natural Resources Bond	\$	20,200,000	\$ 16,800,000	161091
Retirement Fund				
7074 155904 Conservation Projects	\$	46,600,000	\$ 40,900,000	161092
Bond Retirement Fund				
7076 155906 Coal Research and	\$	18,340,000	\$ 0	161093
Development Bond				
Retirement Fund				
7077 155907 State Capital	\$	231,000,000	\$ 236,000,000	161094
Improvement Bond				
Retirement Fund				
7078 155908 Common Schools Bond	\$	370,000,000	\$ 297,000,000	161095
Retirement Fund				
7079 155909 Higher Education Bond	\$	250,000,000	\$ 275,000,000	161096
Retirement Fund				
7080 155901 Persian Gulf,	\$	4,995,000	\$ 4,995,000	161097
Afghanistan, and Iraq				
Conflict Bond				

Retirement Fund

TOTAL DSF Debt Service Fund Group	\$ 1,292,395,000	\$ 1,006,695,000	161098
TOTAL ALL BUDGET FUND GROUPS	\$ 1,292,395,000	\$ 1,006,695,000	161099

ADDITIONAL APPROPRIATIONS 161100

Appropriation items in this section are for the purpose of 161101
 paying debt service and financing costs during the period from 161102
 July 1, 2023, through June 30, 2025, on bonds or notes of the 161103
 state issued under the Ohio Constitution, Revised Code, and acts 161104
 of the General Assembly. If it is determined that additional 161105
 amounts are necessary for this purpose, such amounts are hereby 161106
 appropriated. 161107

Section 404.10. SHP STATE SPEECH AND HEARING PROFESSIONALS 161108

BOARD 161109

Dedicated Purpose Fund Group 161110

4K90 123609 Operating Expenses	\$ 647,461	\$ 652,461	161111
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TOTAL DPF Dedicated Purpose Fund	\$ 647,461	\$ 652,461	161112
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Group

TOTAL ALL BUDGET FUND GROUPS	\$ 647,461	\$ 652,461	161113
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Section 407.10. BTA BOARD OF TAX APPEALS 161115

General Revenue Fund 161116

GRF 116321 Operating Expenses	\$ 2,235,000	\$ 2,296,000	161117
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TOTAL GRF General Revenue Fund	\$ 2,235,000	\$ 2,296,000	161118
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TOTAL ALL BUDGET FUND GROUPS	\$ 2,235,000	\$ 2,296,000	161119
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Of the foregoing appropriation item 116321, Operating 161120
 Expenses, \$150,000 in fiscal year 2024 shall be used only to make 161121
 technology upgrades. An amount equal to the unexpended 161122
 unencumbered balance of the foregoing appropriation item 116321, 161123
 Operating Expenses, at the end of fiscal year 2024 is hereby 161124
 reappropriated in fiscal year 2025. 161125

Section 409.10. TAX DEPARTMENT OF TAXATION				161126
General Revenue Fund				161127
GRF 110321	Operating Expenses	\$ 60,141,000	\$ 60,530,000	161128
GRF 110404	Tobacco Settlement	\$ 154,000	\$ 154,000	161129
Enforcement				
TOTAL GRF	General Revenue Fund	\$ 60,295,000	\$ 60,684,000	161130
Dedicated Purpose Fund Group				161131
2280 110628	CAT Administration	\$ 11,336,886	\$ 11,336,886	161132
4350 110607	Local Tax Administration	\$ 32,467,356	\$ 33,100,095	161133
4360 110608	Motor Vehicle Audit Administration	\$ 1,509,168	\$ 1,509,168	161134
4380 110609	School District Income Tax Administration	\$ 9,098,829	\$ 9,168,747	161135
4C60 110616	International Registration Plan Administration	\$ 726,464	\$ 726,464	161136
4R60 110610	Tire Tax Administration	\$ 180,000	\$ 180,000	161137
5BP0 110639	Wireless 9-1-1 Administration	\$ 302,244	\$ 302,244	161138
5JM0 110637	Casino Tax Administration	\$ 125,000	\$ 125,000	161139
5N50 110605	Municipal Income Tax Administration	\$ 200,000	\$ 200,000	161140
5N60 110618	Kilowatt Hour Tax Administration	\$ 100,000	\$ 100,000	161141
5NY0 110643	Petroleum Activity Tax Administration	\$ 1,010,356	\$ 1,010,356	161142
5V70 110622	Motor Fuel Tax	\$ 6,118,069	\$ 6,118,069	161143

		Administration				
5V80	110623	Property Tax	\$	5,108,681	\$	5,108,681 161144
		Administration				
5YQ0	110651	Sports Gaming Tax	\$	100,000	\$	100,000 161145
		Administration				
		Operating Expenses				
5ZA0	110650	Ohio Tax System	\$	3,000,000	\$	5,000,000 161146
		Operating Expenses				
6390	110614	Cigarette Tax	\$	1,300,000	\$	1,300,000 161147
		Enforcement				
6880	110615	Local Excise Tax	\$	511,916	\$	511,916 161148
		Administration				
TOTAL DPF	Dedicated Purpose Fund		\$	73,194,969	\$	75,897,626 161149
	Group					
		Fiduciary Fund Group				161150
4250	110635	Tax Refunds	\$	2,853,345,225	\$	3,082,043,652 161151
5CZ0	110631	Vendor's License	\$	500,000	\$	500,000 161152
		Application				
TOTAL FID	Fiduciary Fund Group		\$	2,853,845,225	\$	3,082,543,652 161153
		Holding Account Fund Group				161154
R010	110611	Tax Distributions	\$	25,000	\$	25,000 161155
R011	110612	Miscellaneous Income	\$	500	\$	500 161156
		Tax Receipts				
TOTAL HLD	Holding Account Fund		\$	25,500	\$	25,500 161157
	Group					
TOTAL ALL BUDGET FUND GROUPS			\$	2,987,360,694	\$	3,219,150,778 161158

Section 409.20. TAX REFUNDS 161160

The foregoing appropriation item 110635, Tax Refunds, shall 161161
be used to pay refunds under section 5703.052 of the Revised Code. 161162
If it is determined that additional appropriations are necessary 161163
for this purpose, such amounts are hereby appropriated. 161164

VENDOR'S LICENSE PAYMENTS	161165
The foregoing appropriation item 110631, Vendor's License Application, shall be used to make payments to county auditors under section 5739.17 of the Revised Code. If it is determined that additional appropriations are necessary to make such payments, such amounts are hereby appropriated.	161166 161167 161168 161169 161170
INTERNATIONAL REGISTRATION PLAN ADMINISTRATION	161171
The foregoing appropriation item 110616, International Registration Plan Administration, shall be used under section 5703.12 of the Revised Code for audits of persons with vehicles registered under the International Registration Plan.	161172 161173 161174 161175
TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT	161176
Of the foregoing appropriation item 110607, Local Tax Administration, the Tax Commissioner may disburse funds, if available, for the purposes of paying travel expenses incurred by members of Ohio's delegation to the Streamlined Sales Tax Project, as appointed under section 5740.02 of the Revised Code. Any travel expense reimbursement paid for by the Department of Taxation shall be done in accordance with applicable state laws and guidelines.	161177 161178 161179 161180 161181 161182 161183
TOBACCO SETTLEMENT ENFORCEMENT	161184
The foregoing appropriation item 110404, Tobacco Settlement Enforcement, shall be used by the Tax Commissioner to pay costs incurred in the enforcement of divisions (F) and (G) of section 5743.03 of the Revised Code.	161185 161186 161187 161188
OHIO TAX SYSTEM SUPPORT FUND	161189
The foregoing appropriation item 110650, Ohio Tax System Operating Expenses, shall be used to pay costs incurred in the maintenance and support of the department's Ohio Tax System. The Tax Commissioner shall submit a plan to the Director of Budget and Management requesting the necessary cash be transferred to the	161190 161191 161192 161193 161194

Ohio Tax System Support Fund (Fund 5ZA0) which is hereby created 161195
in the state treasury. Cash shall be transferred from one or a 161196
combination of the following funds: the Revenue Enhancement Fund, 161197
Local Sales Tax Administrative Fund, General School District 161198
Income Tax Administrative Fund, Motor Vehicle Sales Audit Fund, 161199
Property Tax Administration Fund, STARS Development and 161200
Implementation Fund, and the Motor Fuel Tax Administration Fund. 161201
This plan shall include a schedule of cash transfers. After 161202
receiving the funding plan from the Tax Commissioner and if the 161203
Director determines that sufficient cash is available, the 161204
Director may transfer the cash to the Ohio Tax System Support Fund 161205
with the plan submitted by the Tax Commissioner or as otherwise 161206
determined by the Director of Budget and Management. The transfers 161207
of cash to the Ohio Tax System Support Fund shall not exceed 161208
\$8,000,000 in the fiscal year 2024-2025 biennium. 161209

Section 411.10. DOT DEPARTMENT OF TRANSPORTATION 161210

General Revenue Fund 161211

GRF 772455 DriveOhio and UAS \$ 500,000 \$ 1,500,000 161212
Center EV Workforce
Transformation

GRF 772456 Unmanned Aerial \$ 5,500,000 \$ 5,500,000 161213
Systems Center

GRF 776465 Rail Development \$ 6,000,000 \$ 6,000,000 161214

GRF 777471 Airport Improvements \$ 12,500,000 \$ 12,500,000 161215
- State

TOTAL GRF General Revenue Fund \$ 24,500,000 \$ 25,500,000 161216

Dedicated Purpose Fund Group 161217

5QT0 776670 Ohio Maritime \$ 20,000,000 \$ 20,000,000 161218
Assistance Program

5ZR0 776673 Connect4Ohio \$ 1,000,000,000 \$ 0 161219

5AC1 776674 Airport Development \$ 50,000,000 \$ 0 161220

Grants

TOTAL DPF Dedicated Purpose Fund	\$ 1,070,000,000	\$ 20,000,000	161221
Group			
TOTAL ALL BUDGET FUND GROUPS	\$1,094,500,000	\$ 45,500,000	161222

Section 411.15. OHIO MARITIME ASSISTANCE PROGRAM 161224

The foregoing appropriation item 776670, Ohio Maritime Assistance Program, shall be used to provide grants under the Ohio Maritime Assistance Program established under section 5501.91 of the Revised Code. 161225
161226
161227
161228

The Director of Budget and Management, on July 1 or as soon as possible thereafter in each fiscal year, shall transfer \$20,000,000 cash from the General Revenue Fund to the Ohio Maritime Assistance Fund (Fund 5QT0). 161229
161230
161231
161232

Section 411.30. CONNECT4OHIO 161233

The foregoing appropriation item 776673, Connect4Ohio, shall be used to administer the Connect4Ohio Program created under Section 755.30 of this act. The unexpended, unencumbered portion of appropriation item 776673, Connect4Ohio, at the end of fiscal year 2024 is hereby reappropriated for the same purpose in fiscal year 2025. 161234
161235
161236
161237
161238
161239

Of the foregoing appropriation item 776673, Connect4Ohio, the amounts below shall be used as follows: 161240
161241

(A) Up to \$200,000,000 of funding available under appropriation item 776673, Connect4Ohio, shall be used to complete qualifying bridge replacement projects as described under division (C)(3) of Section 755.30 of this act. 161242
161243
161244
161245

(B) Up to \$200,000,000 of funding available under appropriation item 776673, Connect4Ohio, shall be used to provide necessary matching funds under division (D)(3) of Section 755.30 of this act. 161246
161247
161248
161249

(C) At least thirty-three per cent of the funding available 161250
under appropriation item 776673, Connect4Ohio, notwithstanding the 161251
allocations in divisions (A) and (B) of this section, shall be 161252
used for qualifying projects under division (A) of Section 755.30 161253
of this act. 161254

Section 411.40. AIRPORT DEVELOPMENT GRANTS 161255

The foregoing appropriation item 776674, Airport Development 161256
Grants, shall be used for commercial airport improvements in the 161257
state. An amount equal to the unexpended, unencumbered portion of 161258
this appropriation at the end of fiscal year 2024 is hereby 161259
reappropriated for the same purposes in fiscal year 2025. 161260

Section 413.10. TOS TREASURER OF STATE 161261

General Revenue Fund 161262

GRF 090321	Operating Expenses	\$	6,478,000	\$	5,432,000	161263
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GRF 090406	Treasury Management	\$	1,120,000	\$	1,120,000	161264
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System Lease Rental
Payments

TOTAL GRF General Revenue Fund	\$	7,598,000	\$	6,552,000	161265
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Dedicated Purpose Fund Group 161266

4E90 090603	Securities Lending	\$	10,022,465	\$	11,068,905	161267
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Income

4X90 090614	Political Subdivision	\$	35,000	\$	35,000	161268
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Obligation

5770 090605	Investment Pool	\$	1,700,000	\$	1,700,000	161269
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Reimbursement

5C50 090602	County Treasurer	\$	250,000	\$	250,000	161270
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Education

6050 090609	Treasurer of State	\$	1,800,000	\$	1,800,000	161271
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Administrative Fund

TOTAL DPF Dedicated Purpose						161272
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Fund Group	\$	13,807,465	\$	14,853,905	161273
Fiduciary Fund Group					161274
4250 090635 Tax Refunds	\$	12,000,000	\$	12,000,000	161275
TOTAL FID Fiduciary Fund Group	\$	12,000,000	\$	12,000,000	161276
TOTAL ALL BUDGET FUND GROUPS	\$	33,405,465	\$	33,405,905	161277

Section 413.20. TAX REFUNDS 161279

The foregoing appropriation item 090635, Tax Refunds, shall 161280
 be used to pay refunds under section 5703.052 of the Revised Code. 161281
 If the Director of Budget and Management determines that 161282
 additional amounts are necessary for this purpose, such amounts 161283
 are hereby appropriated. 161284

Section 413.30. TREASURY MANAGEMENT SYSTEM LEASE RENTAL 161285
 PAYMENTS 161286

The foregoing appropriation item 090406, Treasury Management 161287
 System Lease Rental Payments, shall be used to make payments 161288
 during the period from July 1, 2023, through June 30, 2025, 161289
 pursuant to leases and agreements entered into under Section 161290
 701.20 of H.B. 497 of the 130th General Assembly and other prior 161291
 acts of the General Assembly with respect to financing the costs 161292
 associated with the acquisition, development, implementation, and 161293
 integration of the Treasury Management System. 161294

Section 414.10. VTO VETERANS' ORGANIZATIONS 161295

General Revenue Fund					161296
VAP AMERICAN EX-PRISONERS OF WAR					161297
GRF 743501 State Support	\$	40,000	\$	40,000	161298
VAN ARMY AND NAVY UNION, USA, INC.					161299
GRF 746501 State Support	\$	75,000	\$	75,000	161300
VKW KOREAN WAR VETERANS					161301
GRF 747501 State Support	\$	75,000	\$	75,000	161302

		VJW JEWISH WAR VETERANS				161303
GRF	748501	State Support	\$	55,000	\$	55,000 161304
		VCW CATHOLIC WAR VETERANS				161305
GRF	749501	State Support	\$	75,000	\$	75,000 161306
		VPH MILITARY ORDER OF THE PURPLE HEART				161307
GRF	750501	State Support	\$	75,000	\$	75,000 161308
		VVV VIETNAM VETERANS OF AMERICA				161309
GRF	751501	State Support	\$	275,000	\$	275,000 161310
		VAL AMERICAN LEGION OF OHIO				161311
GRF	752501	State Support	\$	400,000	\$	400,000 161312
		VII AMVETS				161313
GRF	753501	State Support	\$	400,000	\$	400,000 161314
		VAV DISABLED AMERICAN VETERANS				161315
GRF	754501	State Support	\$	400,000	\$	400,000 161316
		VMC MARINE CORPS LEAGUE				161317
GRF	756501	State Support	\$	190,000	\$	190,000 161318
		V37 37TH DIVISION VETERANS' ASSOCIATION				161319
GRF	757501	State Support	\$	15,000	\$	15,000 161320
		VFW VETERANS OF FOREIGN WARS				161321
GRF	758501	State Support	\$	400,000	\$	400,000 161322
TOTAL GRF		General Revenue Fund	\$	2,475,000	\$	2,475,000 161323
TOTAL ALL BUDGET FUND GROUPS			\$	2,475,000	\$	2,475,000 161324
		Section 415.10. DVS DEPARTMENT OF VETERANS SERVICES				161326
		General Revenue Fund				161327
GRF	900321	Veterans' Homes	\$	48,972,000	\$	51,374,000 161328
GRF	900402	Hall of Fame	\$	105,000	\$	112,000 161329
GRF	900408	Department of Veterans Services	\$	4,794,000	\$	4,837,000 161330
GRF	900645	Veterans Long Term Healthcare Needs and Support (VET)	\$	1,560,000	\$	1,560,000 161331
GRF	900901	Veterans Compensation	\$	4,995,000	\$	4,995,000 161332

General Obligation			
Bond Debt Service			
TOTAL GRF General Revenue Fund	\$	60,426,000	\$ 62,878,000 161333
Dedicated Purpose Fund Group			161334
4840 900603 Veterans' Homes	\$	700,000	\$ 700,000 161335
Services			
4E20 900602 Veterans' Homes	\$	14,000,000	\$ 14,000,000 161336
Operating			
5DB0 900643 Military Injury	\$	55,800	\$ 55,800 161337
Relief Program			
5NX0 900646 State Opioid Response	\$	1,000,000	\$ 1,000,000 161338
5YP0 900650 Sports Gaming -	\$	125,000	\$ 125,000 161339
Veterans			
5Z00 900411 Veterans Homes	\$	65,000,000	0 161340
Modernization			
TOTAL DPF Dedicated Purpose Fund	\$	80,880,800	\$ 15,880,800 161341
Group			
Debt Service Fund Group			161342
7041 900615 Veteran Bonus Program	\$	229,024	\$ 205,643 161343
- Administration			
7041 900641 Persian Gulf,	\$	4,770,976	\$ 4,794,357 161344
Afghanistan, and Iraq			
Compensation			
TOTAL DSF Debt Service			161345
Fund Group	\$	5,000,000	\$ 5,000,000 161346
Federal Fund Group			161347
3680 900614 Veterans Training	\$	936,491	\$ 963,333 161348
3BX0 900609 Medicare Services	\$	1,000,000	\$ 1,000,000 161349
3L20 900601 Veterans' Homes	\$	30,500,000	\$ 30,500,000 161350
Operations - Federal			
TOTAL FED Federal Fund Group	\$	32,436,491	\$ 32,463,333 161351
TOTAL ALL BUDGET FUND GROUPS	\$	178,743,291	\$ 116,222,133 161352

VETERANS ORGANIZATIONS' RENT	161353
The foregoing appropriation item 900408, Department of Veterans Services, shall be used to pay veterans organizations' rent in buildings managed by the Department of Administrative Services.	161354 161355 161356 161357
USA CARES - OHIO	161358
Of the foregoing appropriation item 900408, Department of Veterans Services, \$750,000 in each fiscal year shall be used for USA Cares - Ohio.	161359 161360 161361
VOLUNTEERS OF AMERICA CLEVELAND SHELTER FOR FEMALE VETERANS	161362
Of the foregoing appropriation item 900408, Department of Veterans Services, \$200,000 in fiscal year 2024 shall be distributed to Volunteers of America to construct temporary housing for female veterans in need and to provide related services to Ohio female veterans at their facility located in Cuyahoga County. All of this funding shall be spent in Ohio on Ohio female veterans.	161363 161364 161365 161366 161367 161368 161369
SAVE A WARRIOR	161370
Of the foregoing appropriation item 900408, Department of Veterans Services, \$100,000 in each fiscal year shall be distributed to Save a Warrior to provide post-traumatic stress rehabilitation services to Ohio veterans at their facility located in Highland County.	161371 161372 161373 161374 161375
VETERANS COMPENSATION GENERAL OBLIGATION BOND DEBT SERVICE	161376
The foregoing appropriation item 900901, Veterans Compensation General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2023, through June 30, 2025, on obligations issued under Section 2r of Article VIII, Ohio Constitution.	161377 161378 161379 161380 161381

Section 417.10. DVM STATE VETERINARY MEDICAL LICENSING BOARD				161382
Dedicated Purpose Fund Group				161383
4K90	888609	Operating Expenses	\$ 444,000 \$ 448,000	161384
5YG0	888603	Veterinarian Student	\$ 0 \$ 250,000	161385
Debt Assistance Program				
TOTAL DPF Dedicated Purpose Fund Group				161386
				\$ 444,000 \$ 698,000 161387
Internal Service Activity Fund Group				161388
5BU0	888602	Veterinary Student	\$ 20,000 \$ 20,000	161389
Loan Program				
TOTAL ISA Internal Service Activity Fund Group				161390
				\$ 20,000 \$ 20,000 161391
TOTAL ALL BUDGET FUND GROUPS				\$ 464,000 \$ 718,000 161392
 Section 419.10. VPB STATE VISION PROFESSIONALS BOARD				161394
Dedicated Purpose Fund Group				161395
4K90	129609	Operating Expenses	\$ 608,684 \$ 619,684	161396
TOTAL DPF Dedicated Purpose Fund Group				\$ 608,684 \$ 619,684 161397
TOTAL ALL BUDGET FUND GROUPS				\$ 608,684 \$ 619,684 161398
 Section 421.10. DYS DEPARTMENT OF YOUTH SERVICES				161400
General Revenue Fund				161401
GRF	470401	RECLAIM Ohio	\$ 195,000,000 \$ 196,000,000	161402
GRF	470412	Juvenile Correctional	\$ 15,300,000 \$ 18,500,000	161403
Facilities Lease Rental Bond Payments				
GRF	470510	Youth Services	\$ 16,702,000 \$ 16,702,000	161404
GRF	472321	Parole Operations	\$ 11,318,000 \$ 11,822,000	161405
GRF	477321	Administrative	\$ 16,427,000 \$ 16,775,000	161406

Operations			
TOTAL GRF General Revenue Fund	\$	254,747,000	\$ 259,799,000 161407
Dedicated Purpose Fund Group			161408
1470 470612 Vocational Education	\$	1,482,700	\$ 1,482,700 161409
1750 470613 Education Services	\$	3,718,100	\$ 3,915,300 161410
4790 470609 Employee Food Service	\$	21,400	\$ 21,400 161411
4A20 470602 Child Support	\$	95,000	\$ 95,000 161412
4G60 470605 Juvenile Special	\$	115,000	\$ 115,000 161413
Revenue - Non-Federal			
5BN0 470629 E-Rate Program	\$	59,000	\$ 59,000 161414
TOTAL DPF Dedicated Purpose			161415
Fund Group	\$	5,491,200	\$ 5,688,400 161416
Federal Fund Group			161417
3210 470601 Education	\$	1,263,900	\$ 1,046,900 161418
3210 470603 Juvenile Justice	\$	2,716,500	\$ 2,747,300 161419
Prevention			
3210 470606 Nutrition	\$	1,055,000	\$ 1,055,000 161420
3210 470614 Title IV-E	\$	3,506,000	\$ 1,406,000 161421
Reimbursements			
3210 470691 COVID Mitigation and	\$	2,076,800	\$ 246,100 161422
Detection			
3V50 470604 Juvenile	\$	1,912,400	\$ 1,912,500 161423
Justice/Delinquency			
Prevention			
TOTAL FED Federal			161424
Fund Group	\$	12,530,600	\$ 8,413,800 161425
TOTAL ALL BUDGET FUND GROUPS	\$	272,768,800	\$ 273,901,200 161426
COMMUNITY PROGRAMS			
161427			
For purposes of implementing juvenile sentencing reforms, and			161428
notwithstanding any provision of law to the contrary, the			161429
Department of Youth Services may use up to \$1,375,000 of the			161430
unexpended, unencumbered balance of the portion of appropriation			161431

item 470401, RECLAIM Ohio, that is allocated to juvenile 161432
correctional facilities in each fiscal year to expand Targeted 161433
RECLAIM, the Behavioral Health Juvenile Justice Initiative, and 161434
other evidence-based community programs. 161435

JUVENILE CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS 161436

The foregoing appropriation item 470412, Juvenile 161437
Correctional Facilities Lease Rental Bond Payments, shall be used 161438
to meet all payments during the period from July 1, 2023, through 161439
June 30, 2025, by the Department of Youth Services under the 161440
leases and agreements for facilities made under Chapters 152. and 161441
154. of the Revised Code. These appropriations are the source of 161442
funds pledged for bond service charges on related obligations 161443
issued under Chapters 152. and 154. of the Revised Code. 161444

EDUCATION SERVICES 161445

The foregoing appropriation item 470613, Education Services, 161446
shall be used to fund the operating expenses of providing 161447
educational services to youth supervised by the Department of 161448
Youth Services. Operating expenses include, but are not limited 161449
to, teachers' salaries, maintenance costs, and educational 161450
equipment. 161451

FLEXIBLE FUNDING FOR CHILDREN AND FAMILIES 161452

In collaboration with the county family and children first 161453
council, the juvenile court of that county that receives 161454
allocations from one or both of the foregoing appropriation items 161455
470401, RECLAIM Ohio, and 470510, Youth Services, may transfer 161456
portions of those allocations to a flexible funding pool as 161457
authorized by the section of this act titled "FAMILY AND CHILDREN 161458
FIRST FLEXIBLE FUNDING POOL." 161459

Section 423.10. KID DEPARTMENT OF CHILDREN AND YOUTH 161460

General Revenue Fund 161461

GRF	830400	Child Care State/Maintenance of Effort	\$	93,636,000	\$	93,636,000	161462
GRF	830401	Foster Care	\$	952,000	\$	952,000	161463
GRF	830402	Healthy Beginnings at Home	\$	16,000,000	\$	1,000,000	161464
GRF	830403	Help Me Grow	\$	46,500,000	\$	55,000,000	161465
GRF	830404	Infant Vitality	\$	16,361,000	\$	17,800,000	161466
GRF	830405	Part C Early Intervention	\$	23,402,000	\$	23,402,000	161467
GRF	830406	Strong Families Strong Communities	\$	4,500,000	\$	4,500,000	161468
GRF	830407	Early Childhood Education	\$	114,216,000	\$	114,216,000	161469
GRF	830408	Early Learning Assessment	\$	2,760,000	\$	2,760,000	161470
GRF	830409	Childcare Licensing	\$	3,823,000	\$	3,863,000	161471
GRF	830410	Family and Children First	\$	2,706,000	\$	2,706,000	161472
GRF	830411	Imagination Library	\$	8,000,000	\$	8,000,000	161473
GRF	830500	Early Care and Education	\$	141,285,000	\$	141,285,000	161474
GRF	830501	Kinship Permanency Incentive Program	\$	1,000,000	\$	1,000,000	161475
GRF	830502	Court Appointed Special Advocates	\$	1,000,000	\$	1,000,000	161476
GRF	830503	Adoption Services	\$	23,992,000	\$	23,992,000	161477
GRF	830504	Infant Health Grants	\$	1,587,000	\$	1,587,000	161478
GRF	830505	Early Childhood Mental Health (ECMH)	\$	6,250,000	\$	6,250,000	161479
GRF	830506	Family and Children Services	\$	252,212,000	\$	266,601,000	161480
TOTAL GRF		General Revenue Fund	\$	760,182,000	\$	769,550,000	161481

Dedicated Purpose Fund Group				161482
				161483
1980	830600	Children's Trust Fund	\$ 5,777,313 \$ 5,682,251	161484
2320	830613	Family and Children First	\$ 2,389,999 \$ 2,400,019	161485
4F10	830607	Family and Children Activities	\$ 655,000 \$ 655,000	161486
5KT0	830606	Early Childhood Education	\$ 20,000,000 \$ 20,000,000	161487
TOTAL DPF Dedicated Purpose Fund Group				161488 \$ 28,822,312 \$ 28,737,270 161489
Federal Fund Group				161490
3200	830608	Maternal and Child Health Block Grant	\$ 26,632,123 \$ 27,937,097	161491
3250	830609	Community Social Service Programs	\$ 17,303,908 \$ 17,303,908	161492
3270	830601	Child Welfare	\$ 30,452,109 \$ 30,662,072	161493
3980	830612	Adoption Program	\$ 191,010,421 \$ 196,784,786	161494
3C50	830610	Preschool Special Education	\$ 14,026,864 \$ 14,026,864	161495
3D30	830602	Children's Trust Fund	\$ 6,966,717 \$ 6,978,646	161496
3H70	830604	Child Care	\$ 594,570,212 \$ 594,897,934	161497
3HF0	830611	Head Start Collaboration	\$ 225,000 \$ 225,000	161498
3N00	830603	Foster Care Program	\$ 334,844,117 \$ 336,851,933	161499
3V60	830605	TANF Block Grant	\$ 240,131,211 \$ 240,131,211	161500
TOTAL FED Federal Fund Group				161501 \$ 1,456,162,682 \$ 1,465,799,451 161502
TOTAL ALL BUDGET FUND GROUPS				\$ 2,245,166,994 \$ 2,264,086,721 161503
 Section 423.20. INFANT VITALITY GRANTS AND PROGRAMS				161505
Of the foregoing appropriation item 830402, Healthy				161506

Beginnings at Home, up to \$15,000,000 in fiscal year 2024 shall be 161507
used, in coordination with the Department of Health, to support 161508
stable housing initiatives for pregnant mothers and to improve 161509
maternal and infant health outcomes. 161510

Of the foregoing appropriation item, 830402, Healthy 161511
Beginnings at Home, up to \$1,000,000 in each fiscal year shall be 161512
used for Move to Prosper efforts. 161513

Of the foregoing appropriation item, 830404, Infant Vitality, 161514
up to \$2,500,000 in each fiscal year shall be used, in 161515
consultation with the Governor's Office of Children's Initiatives, 161516
to support programming by community and local faith-based service 161517
providers that invests in maternal health programs, provides 161518
services and support to pregnant mothers, and improves both 161519
maternal and infant health outcomes. 161520

Of the foregoing appropriation item 830404, Infant Vitality, 161521
\$2,000,000 in each fiscal year shall be distributed to Brigid's 161522
Path to support their infant and maternal health programs that 161523
improve health outcomes for infants who are born 161524
substance-exposed, support family resiliency, and prevent 161525
placements in the child welfare system. 161526

Beginning in state fiscal year 2024, the Department of 161527
Children and Youth, in coordination with the Department of 161528
Medicaid, shall establish a bundle of funding for nonmedical 161529
maternal and child health programmatic services provided by 161530
residential infant care centers to infants born substance-exposed 161531
and their families. The Department of Children and Youth and the 161532
Department of Medicaid shall establish a permanent reimbursement 161533
model for services provided by residential infant care centers not 161534
later than June 30, 2025. The permanent reimbursement model shall 161535
include reimbursement for medical services in accordance with the 161536
Medicaid program's coverage of the optional eligibility group 161537
specified division (H) of section 5163.06 of the Revised Code and 161538

reimbursement for nonmedical services in accordance with this 161539
section. 161540

The remainder of appropriation item 830404, Infant Vitality, 161541
shall be used to fund a multi-pronged population health approach 161542
to address infant mortality. This approach may include the 161543
following: increasing awareness, including awareness regarding 161544
respiratory syncytial virus; supporting data collection; analysis 161545
and interpretation to inform decision-making and ensure 161546
accountability; targeting resources where the need is greatest; 161547
and implementing quality improvement science and programming that 161548
is evidence-based or based on emerging practices. Measurable 161549
interventions may include activities related to safe sleep, 161550
community engagement, group prenatal care, preconception 161551
education, continuous support for women during pregnancy and 161552
childbirth, patient navigators, community health workers, early 161553
childhood home visiting, newborn screening, safe birth spacing, 161554
gestational diabetes, smoking cessation tailored for pregnant 161555
women, breastfeeding, care coordination, and progesterone. 161556

The foregoing appropriation item 830504, Infant Health 161557
Grants, shall be used by the Department of Children and Youth, in 161558
consultation and coordination with the Commission on Minority 161559
Health, to support the continuation or expansion of a pathways 161560
community HUB model that has the primary objective of reducing 161561
infant mortality. 161562

Section 423.30. CHILDREN'S MENTAL HEALTH 161563

Of the foregoing appropriation item 830406, Strong Families 161564
Strong Communities, up to \$4,500,000 in each fiscal year shall be 161565
used to provide funding for community projects across the state 161566
that focus on support for families, assisting families in avoiding 161567
crisis, and crisis intervention. 161568

The foregoing appropriation item 830505, Early Childhood 161569

Mental Health, shall be used to promote identification and 161570
intervention for early childhood mental health and to enhance 161571
healthy social emotional development in order to reduce preschool 161572
to third grade classroom expulsions. Funds shall be used by the 161573
Department of Children and Youth, in coordination with Department 161574
of Mental Health and Addiction Services, to support early 161575
childhood mental health credentialed counselors and consultation 161576
services, as well as administration and workforce development for 161577
the program. 161578

Section 423.40. EARLY CHILDHOOD EDUCATION 161579

Of the foregoing appropriation item 830606, Early Childhood 161580
Education, up to \$20,000,000 in each fiscal year shall be used by 161581
the Department of Children and Youth, in coordination with the 161582
Department of Job and Family Services, to achieve the goals 161583
described in division (C) of section 5104.29 of the Revised Code 161584

The Department of Children and Youth, in coordination with 161585
the Department of Education, shall distribute the foregoing 161586
appropriation item 830407, Early Childhood Education, to pay the 161587
costs of early childhood education programs. The Department shall 161588
distribute such funds directly to qualifying providers. 161589

(A) As used in this section: 161590

(1) "Provider" means a city, local, exempted village, or 161591
joint vocational school district; an educational service center; a 161592
community school established under Chapter 3314. of the Revised 161593
Code that is sponsored by an exemplary rated sponsor; 161594
notwithstanding anything to the contrary in Chapter 3326. of the 161595
Revised Code, a STEM school that is established under that 161596
chapter; a chartered nonpublic school; an early childhood 161597
education child care provider licensed under Chapter 5104. of the 161598
Revised Code that participates in and meets at least the third 161599
highest tier of the Step Up to Quality program established 161600

pursuant to section 5104.29 of the Revised Code; or a combination 161601
of entities described in this paragraph. 161602

(2) In the case of a city, local, or exempted village school 161603
district or early childhood education child care provider licensed 161604
under Chapter 5104. of the Revised Code, "new eligible provider" 161605
means a provider that did not receive state funding for Early 161606
Childhood Education in the previous fiscal year or demonstrates a 161607
need for early childhood programs as defined in division (D) of 161608
this section. 161609

(3) In the case of a community school, "new eligible 161610
provider" means either of the following: 161611

(a) A community school established under Chapter 3314. of the 161612
Revised Code that is sponsored by a sponsor rated "exemplary" in 161613
accordance with section 3314.016 of the Revised Code that offers a 161614
child care program in accordance with sections 3301.50 to 3301.59 161615
of the Revised Code that did not receive state funding for Early 161616
Childhood Education in the previous fiscal year; 161617

(b) A community school established under Chapter 3314. of the 161618
Revised Code that satisfies all of the following criteria: 161619

(i) It has received, on its most recent report card, either 161620
of the following: 161621

(I) If the school offers any of grade levels four through 161622
twelve, a performance rating of three stars or higher for 161623
achievement under division (D)(3)(b) of section 3302.03 of the 161624
Revised Code and progress under division (D)(3)(c) of section 161625
3302.03 of the Revised Code; 161626

(II) If the school does not offer a grade level higher than 161627
three, a performance rating of three stars or higher for early 161628
literacy under division (D)(3)(e) of section 3302.03 of the 161629
Revised Code. 161630

(ii) It offers a child care program in accordance with sections 3301.50 to 3301.59 of the Revised Code.

(iii) It did not receive state funding for Early Childhood Education in the previous fiscal year.

(4) "Eligible child" means a child who is at least three years of age, is not of the age to be eligible for kindergarten, and whose family earns not more than two hundred per cent of the federal poverty guidelines as defined in division (A)(3) of section 5101.46 of the Revised Code. Children with an Individualized Education Program and where the Early Childhood Education program is the least restrictive environment may be enrolled on their third birthday.

(5) "Early learning program standards" means early learning program standards for school readiness developed by the Department to assess the operation of Children and Youth programs.

(6) "Children and Youth programs" has the same meaning as in section 5104.29 of the Revised Code.

(B) In each fiscal year, up to two per cent of the total appropriation may be used by the Department for program support and technical assistance. The Department shall distribute the remainder of the appropriation in each fiscal year to serve eligible children.

(C) The Department of Children and Youth shall provide an annual report to the Governor, the Speaker of the House of Representatives, and the President of the Senate and post the report to the Department's web site, regarding early childhood education programs operated under this section and the early learning program standards.

(D) After setting aside the amounts to make payments due from the previous fiscal year, in fiscal year 2024, the Department shall distribute funds first to recipients of funds for early

childhood education programs under Section 265.20 of H.B. 110 of 161662
the 134th General Assembly in the previous fiscal year and the 161663
balance to new eligible providers of early childhood education 161664
programs or to existing providers to serve more eligible children 161665
pursuant to division (E) of this section or for purposes of 161666
program expansion, improvement, or special projects to promote 161667
quality and innovation, including piloting all-day programming. 161668

After setting aside the amounts to make payments due from the 161669
previous fiscal year, in fiscal year 2025, the Department shall 161670
distribute funds first to providers of early childhood education 161671
programs under this section in the previous fiscal year and the 161672
balance to new eligible providers or to existing providers to 161673
serve more eligible children as outlined under division (E) of 161674
this section or for purposes of program expansion, improvement, or 161675
special projects to promote quality and innovation, including 161676
piloting all-day programming. 161677

(E)(1) The Department shall distribute any new or remaining 161678
funding to existing providers of early childhood education 161679
programs or any new eligible providers in an effort to invest in 161680
high quality early childhood programs where there is a need as 161681
determined by the Department. The Department shall distribute the 161682
new or remaining funds to existing providers of early childhood 161683
education programs or any new eligible providers to serve 161684
additional eligible children based on community economic 161685
disadvantage, limited access to high quality preschool or 161686
childcare services, and demonstration of high quality preschool 161687
services. 161688

(2) Awards under divisions (D) and (E) of this section shall 161689
be distributed on a per-pupil basis, and in accordance with 161690
division (I) of this section. The Department may adjust the 161691
per-pupil amount so that the per-pupil amount multiplied by the 161692
number of eligible children enrolled and receiving services on the 161693

first day of December or the business day closest to that date 161694
equals the amount allocated under this section. 161695

(F) Funds awarded under this section must be used to support 161696
expenses directly related to the operation of an early childhood 161697
education program. Costs for developing and administering an early 161698
childhood education program may not exceed fifteen per cent of the 161699
total approved costs of the program. 161700

All providers shall maintain such fiscal control and 161701
accounting procedures as may be necessary to ensure the 161702
disbursement of, and accounting for, these funds. The control of 161703
funds provided in this program, and title to property obtained, 161704
shall be under the authority of the approved provider for purposes 161705
provided in the program unless, as described in division (K) of 161706
this section, the program waives its right for funding or a 161707
program's funding is eliminated or reduced due to its inability to 161708
meet financial or early learning program standards. The approved 161709
provider shall administer and use such property and funds for the 161710
purposes specified. 161711

(G) The Department may examine a provider's financial and 161712
program records. If the financial practices of the program are not 161713
in accordance with standard accounting principles or do not meet 161714
financial standards outlined under division (F) of this section, 161715
or if the program fails to substantially meet the early learning 161716
program standards, meet a quality rating level in the Step Up to 161717
Quality program established pursuant to section 5104.29 of the 161718
Revised Code as prescribed by the Department, or exhibits below 161719
average performance as measured against the standards, the early 161720
childhood education program shall propose and implement a 161721
corrective action plan that has been approved by the Department. 161722
The approved corrective action plan shall be signed by the chief 161723
executive officer and the executive of the official governing body 161724
of the provider. The corrective action plan shall include a 161725

schedule for monitoring by the Department. Such monitoring may 161726
include monthly reports, inspections, a timeline for correction of 161727
deficiencies, and technical assistance to be provided by the 161728
Department or obtained by the early childhood education program. 161729
The Department may withhold funding pending corrective action. If 161730
an early childhood education program fails to satisfactorily 161731
complete a corrective action plan, the Department may deny 161732
expansion funding to the program or withdraw all or part of the 161733
funding to the program and establish a new eligible provider 161734
through a selection process established by the Department. 161735

(H)(1) If the early childhood education program is not highly 161736
rated, as determined by the Director of Children and Youth, under 161737
the Step Up to Quality program established pursuant to section 161738
5104.29 of the Revised Code, the program shall do all of the 161739
following: 161740

(a) Meet teacher qualification requirements prescribed by 161741
section 3301.311 of the Revised Code; 161742

(b) Align curriculum to the early learning content standards 161743
developed by the Department; 161744

(c) Meet any child or program assessment requirements 161745
prescribed by the Department; 161746

(d) Require teachers, except teachers enrolled and working to 161747
obtain a degree pursuant to section 3301.311 of the Revised Code, 161748
to attend a minimum of twenty hours every two years of 161749
professional development as prescribed by the Department; 161750

(e) Document and report child progress as prescribed by the 161751
Department; 161752

(f) Meet and report compliance with the early learning 161753
program standards as prescribed by the Department; 161754

(g) Participate in the Step Up to Quality program established 161755

pursuant to section 5104.29 of the Revised Code. 161756

(2) If the program is highly rated, as determined by the 161757
Director of Children and Youth, under the Step Up to Quality 161758
program established pursuant to section 5104.29 of the Revised 161759
Code, the program shall comply with the requirements of that 161760
program. 161761

(I) Per-pupil funding for programs subject to this section 161762
shall be sufficient to provide eligible children with services for 161763
a standard early childhood schedule which shall be defined in this 161764
section as a minimum of twelve and one-half hours per school week 161765
as defined in section 3313.62 of the Revised Code for the minimum 161766
school year as defined in sections 3313.48, 3313.481, and 3313.482 161767
of the Revised Code. Nothing in this section shall be construed to 161768
prohibit program providers from utilizing other funds to serve 161769
eligible children in programs that exceed the twelve and one-half 161770
hours per week or that exceed the minimum school year. For any 161771
provider for which a standard early childhood education schedule 161772
creates a hardship or for which the provider shows evidence that 161773
the provider is working in collaboration with a preschool special 161774
education program, the provider may submit a waiver to the 161775
Department requesting an alternate schedule. If the Department 161776
approves a waiver for an alternate schedule that provides services 161777
for less time than the standard early childhood education 161778
schedule, the Department may reduce the provider's annual 161779
allocation proportionately. Under no circumstances shall an annual 161780
allocation be increased because of the approval of an alternate 161781
schedule. 161782

(J) Each provider shall develop a sliding fee scale based on 161783
family incomes and shall charge families who earn more than two 161784
hundred per cent of the federal poverty guidelines, as defined in 161785
division (A)(3) of section 5101.46 of the Revised Code, for the 161786
early childhood education program. 161787

The Department shall conduct an annual survey of each provider to determine whether the provider charges families tuition or fees, the amount families are charged relative to family income levels, and the number of families and students charged tuition and fees for the early childhood program.

(K) If an early childhood education program voluntarily waives its right for funding, or has its funding eliminated for not meeting financial standards or the early learning program standards, the provider shall transfer control of title to property, equipment, and remaining supplies obtained through the program to providers designated by the Department and return any unexpended funds to the Department along with any reports prescribed by the Department. The funding made available from a program that waives its right for funding or has its funding eliminated or reduced may be used by the Department for new grant awards or expansion grants. The Department may award new grants or expansion grants to eligible providers who apply. The eligible providers who apply must do so in accordance with the selection process established by the Department.

(L) Eligible expenditures for the Early Childhood Education Program shall be claimed each fiscal year to help meet the state's TANF maintenance of effort requirement. The Superintendent of Public Instruction, Director of Children and Youth, and the Director of Job and Family Services shall enter into an interagency agreement to carry out the requirements under this division, which shall include developing reporting guidelines for these expenditures.

(M)(1) The Department of Children and Youth and the Department of Job and Family Services shall continue to work toward establishing the following in common between early childhood education programs and publicly funded child care:

(a) An application;

(b) Program eligibility;	161820
(c) Funding;	161821
(d) An attendance policy;	161822
(e) An attendance tracking system.	161823
(2) In accordance with section 5104.34 of the Revised Code, eligible families may receive publicly funded child care beyond the standard early childhood schedule defined in division (I) of this section.	161824 161825 161826 161827
(3) All providers, agencies, and school districts participating in the early childhood education program or providing care to eligible families beyond the standard early childhood schedule shall follow the common policies established under this section.	161828 161829 161830 161831 161832
Section 423.50. EARLY LEARNING STUDENT ASSESSMENT	161833
Of the foregoing appropriation item 830408, Early Learning Assessment, up to \$2,760,000 in each fiscal year may be used to support the state's early learning assessment work and the assessments required under section 3301.0715 of the Revised Code.	161834 161835 161836 161837
CHILD CARE LICENSING	161838
The foregoing appropriation item 830409, Child Care Licensing, shall be used by the Department of Children and Youth, in consultation and coordination with the Department of Education, to license and to inspect preschool and school-age child care programs under sections 3301.52 to 3301.59 of the Revised Code.	161839 161840 161841 161842 161843
Section 423.60. COURT APPOINTED SPECIAL ADVOCATES	161844
Of the foregoing appropriation item 830502, Court Appointed Special Advocates, up to \$333,333 in each fiscal year shall be used to support administrative costs associated with existing	161845 161846 161847

court-appointed special advocate programs. 161848

Of the foregoing appropriation item 830502, Court Appointed 161849
Special Advocates, up to \$666,667 in each fiscal year shall be 161850
used to establish court-appointed special advocate programs in 161851
areas of the state that are not served by an existing program and 161852
to support existing programs. 161853

Section 423.70. FAMILY AND CHILDREN SERVICES AND ACTIVITIES 161854

Of the foregoing appropriation item 830506, Family and 161855
Children Services, up to \$25,000,000 in each fiscal year shall be 161856
provided to assist with the expense of providing services to youth 161857
requiring support from multiple systems. These funds may be used 161858
for youth currently in the custody of a public children services 161859
agency or to prevent children from entering into the custody of a 161860
public children services agency by custody relinquishment or 161861
another mechanism. The Director of Children and Youth shall adopt 161862
rules in accordance with section 111.15 of the Revised Code to 161863
administer the funding. 161864

Of the foregoing appropriation item 830506, Family and 161865
Children Services, up to \$10,000,000 in each fiscal year may be 161866
used to incentivize best practices. The Director of Children and 161867
Youth shall adopt rules in accordance with section 111.15 of the 161868
Revised Code to administer the funding. 161869

Of the foregoing appropriation item, 830506, Family and 161870
Children Services, up to \$145,040,010 in fiscal year 2024 and up 161871
to \$155,040,010 in fiscal year 2025 shall be provided by the 161872
Department of Children and Youth, in coordination with the 161873
Department of Job and Family Services, to public children services 161874
agencies. Of that amount, \$17,600,000 in each fiscal year shall be 161875
used to provide an initial allocation of \$200,000 to each county 161876
and the remainder shall be provided using the formula in section 161877
5101.14 of the Revised Code. 161878

If the funds available for distribution under section 5101.14 161879
of the Revised Code in fiscal year 2024 and fiscal year 2025 161880
exceed the amount appropriated in fiscal year 2019, each county 161881
contributing local funds in county fiscal year 2019 to the county 161882
children services fund shall contribute moneys to the children 161883
services fund described in section 5101.144 of the Revised Code. 161884

The Director of Children and Youth, in consultation and 161885
coordination with the Director of Job and Family Services shall 161886
adopt rules, in accordance with section 111.15 of the Revised 161887
Code, to determine the amount of local funds each county must 161888
contribute to the children services fund based on past 161889
contributions. Rules must include a hardship provision identifying 161890
circumstances in which the county contribution may be waived or 161891
reduced. 161892

The foregoing appropriation item 830607, Family and Children 161893
Activities, shall be used to expend miscellaneous foundation funds 161894
and grants to support family and children services activities. 161895

Section 423.80. KINSHIP CARE NAVIGATOR PROGRAM 161896

Of the foregoing appropriation item 830506, Family and 161897
Children Services, up to \$8,500,000 in each fiscal year shall be 161898
used to support the Kinship Care Navigator Program, and may be 161899
used to match eligible federal Title IV-E funds. 161900

Section 423.90. WENDY'S WONDERFUL KIDS 161901

Of the foregoing appropriation items 830506, Family and 161902
Children Services, 830601, Child Welfare, and 830612, Adoption 161903
Program, a total of up to \$12,000,000 in each fiscal year may be 161904
used to provide funds to the Dave Thomas Foundation for Adoption 161905
to implement statewide the Wendy's Wonderful Kids program of 161906
professional recruiters who use a child-focused model to find 161907
permanent homes for children in Ohio foster care. 161908

Section 423.100. FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING 161909
POOL 161910

A county family and children first council may establish and 161911
operate a flexible funding pool in order to assure access to 161912
needed services by families, children, and older adults in need of 161913
protective services. The operation of the flexible funding pools 161914
is subject to the following restrictions: 161915

(A) The county council shall establish and operate the 161916
flexible funding pool in accordance with formal guidance issued by 161917
the Family and Children First Cabinet Council; 161918

(B) The county council shall produce an annual report on its 161919
use of the pooled funds. The annual report shall conform to a 161920
format prescribed in the formal guidance issued by the Family and 161921
Children First Cabinet Council; 161922

(C) Unless otherwise restricted, funds transferred to the 161923
flexible funding pool may include state general revenues allocated 161924
to local entities to support the provision of services to families 161925
and children; 161926

(D) The amounts transferred to the flexible funding pool 161927
shall be limited to amounts that can be redirected without 161928
impairing the achievement of the objectives for which the initial 161929
allocation is designated; and 161930

(E) Each amount transferred to the flexible funding pool from 161931
a specific allocation shall be approved for transfer by the 161932
director of the local agency that was the original recipient of 161933
the allocation. 161934

In collaboration with the county family and children first 161935
council, a county department of job and family services or public 161936
children services agency that receives an allocation from the 161937
Department of Children and Youth, in consultation and coordination 161938

with the Department of Job and Family Services, from the foregoing 161939
appropriation item 830506, Family and Children Services, or 161940
830502, Court Appointed Special Advocates, may transfer a portion 161941
of either or both allocations to a flexible funding pool as 161942
authorized by this section. 161943

Section 423.110. COMMUNITY SOCIAL SERVICE PROGRAMS 161944

A portion of the foregoing appropriation item 830609, 161945
Community Social Service Programs, in coordination with the 161946
Department of Developmental Disabilities, may be used by the Early 161947
Intervention Services Advisory Council for the following purposes: 161948

(A) In addition to other necessary and allowed uses of funds 161949
and in accordance with 20 U.S.C. 1441(d), the Early Intervention 161950
Services Advisory Council established pursuant to section 161951
5123.0422 of the Revised Code, may, in its discretion, use 161952
budgeted funds to do all of the following: 161953

(1) Conduct forums and hearings; 161954

(2) Reimburse council members for reasonable and necessary 161955
expenses, including child care expenses for parent 161956
representatives, for attending council meetings and performing 161957
council duties; 161958

(3) Pay compensation to a council member if the member is not 161959
employed or must forfeit wages from other employment when 161960
performing official council business; 161961

(4) Hire staff; 161962

(5) Obtain the services of professional, technical, and 161963
clerical personnel as necessary to carry out the performance of 161964
its lawful functions. 161965

(B) Except as provided in division (A) of this section, 161966
council members shall serve without compensation or reimbursement. 161967

Section 423.120. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES	161968
BLOCK GRANT	161969
Of the foregoing appropriation item 830605, TANF Block Grant,	161970
up to \$5,500,000 in each fiscal year shall be provided, in	161971
accordance with sections 5101.80 and 5101.801 of the Revised Code,	161972
to the Ohio Commission on Fatherhood.	161973
Of the foregoing appropriation item 830605, TANF Block Grant,	161974
\$500,000 in each fiscal year shall be provided, in accordance with	161975
sections 5101.80 and 5101.801 of the Revised Code, to Child Focus,	161976
Inc., to support programs that provide early learning and	161977
behavioral health services for at-risk youth.	161978
Section 423.130. PUBLICLY FUNDED CHILD CARE ELIGIBILITY	161979
Beginning on the effective date of this section and through	161980
June 30, 2025, all of the following apply to a family's	161981
eligibility for publicly funded child care as described in	161982
division (A) of section 5104.38 of the Revised Code:	161983
(A) The maximum amount of income that a family may have for	161984
initial eligibility shall not exceed one hundred sixty per cent of	161985
the federal poverty line;	161986
(B) The maximum amount of income that a family may have for	161987
continued eligibility shall not exceed three hundred per cent of	161988
the federal poverty line.	161989
Section 423.140. (A) On July 1, 2023, the Department of	161990
Children and Youth is created. The Director of the Department of	161991
Children and Youth shall be a member of the Governor's cabinet,	161992
appointed by the Governor with the advice and consent of the	161993
Senate. The Department of Children and Youth shall coordinate and	161994
facilitate the delivery in this state of children's services as	161995
described in section 5180.01 of the Revised Code as enacted by	161996

this act. 161997

(B) The directors of the Departments of Children and Youth, 161998
Job and Family Services, Education, Health, Developmental 161999
Disabilities, Medicaid, Mental Health and Addiction Services, and 162000
Development, or their designees, shall work together to identify 162001
duties, functions, programs, and staff resources within those 162002
departments that provide children's services as described in 162003
section 5180.01 of the Revised Code as enacted by this act. 162004

The directors or their designees shall develop a detailed 162005
organizational plan to implement the transfer of children's 162006
services duties, functions, programs, and staff to the Department 162007
of Children and Youth by January 1, 2025. 162008

The directors shall enter into a memorandum of understanding 162009
with the Director of the Department of Children and Youth to 162010
transfer all duties, functions, programs, and staff resources as 162011
recommended by the directors. 162012

(C) Any business commenced but not completed by January 1, 162013
2025, within the departments identified in division (B) of this 162014
section that is planned to be transferred pursuant to this section 162015
shall be completed by the Department of Children and Youth or its 162016
Director in the same manner and with the same effect as if 162017
completed by the identified departments. 162018

(D) The Director of Children and Youth and the Directors of 162019
the Departments of Job and Family Services, Education, Health, 162020
Developmental Disabilities, Medicaid, Mental Health and Addiction 162021
Services, and Development may jointly or separately enter into one 162022
or more contracts with public or private entities for staff 162023
training and development to facilitate the transfer of the duties, 162024
functions, programs, and staff resources to the Department of 162025
Children and Youth. Division (B) of section 127.16 of the Revised 162026
Code does not apply to contracts entered into under this division. 162027

(E) All employees and staff resources identified by the workgroup in division (B) of this section are transferred to the Department of Children and Youth on January 1, 2025, or on an earlier date identified by the directors of the respective departments under division (B) of this section. Subject to the lay-off provisions of sections 124.321 to 124.381 of the Revised Code, employees who are transferred retain their same positions and all benefits accruing thereto. Once transferred to the Department of Children and Youth, changes to positions or benefits for employees not subject to Chapter 4117. of the Revised Code shall be controlled by Chapter 124. of the Revised Code, or other applicable Revised Code or Administrative Code sections.

(1) Notwithstanding the foregoing, the Director of Children and Youth has the authority to establish, change, and abolish positions for the Department of Children and Youth, and to assign, reassign, classify, reclassify, transfer, reduce, promote, or demote all employees of the Department of Children and Youth who are not subject to Chapter 4117. of the Revised Code.

(2) The authority granted under division (E)(1) of this section includes assigning or reassigning an exempt employee, as defined in section 124.152 of the Revised Code, to a bargaining unit classification if the Director of Children and Youth determines that the bargaining unit classification is the proper classification for that employee. If an employee in the E-1 pay range is to be assigned, reassigned, classified, reclassified, transferred, reduced, or demoted to a position in a lower classification, the Director of Children and Youth or in the case of a position transferred outside of the Department, the Director of Administrative Services, shall assign the employee to the appropriate classification and place the employee in Step X. The employee shall not receive any increase in compensation until the maximum rate of pay for that classification exceeds the employee's

compensation. 162060

(3) Actions taken under division (E) of this section are not 162061
subject to appeal to the State Personnel Board of Review. 162062

(F) Notwithstanding sections 4117.08 and 4117.10 of the 162063
Revised Code, the creation of the Department of Children and 162064
Youth, the transfer of programs and employees under this section, 162065
and the reassignment of certain functions and duties, are not 162066
appropriate subjects for collective bargaining under Chapter 4117. 162067
of the Revised Code. 162068

(G) Notwithstanding section 145.297 of the Revised Code, the 162069
Directors of the Departments of Job and Family Services, 162070
Education, Health, Developmental Disabilities, Medicaid, Mental 162071
Health and Addiction Services, and Development may, with the 162072
approval of the Office of Budget and Management, establish a 162073
retirement incentive plan for eligible employees of those agencies 162074
who are members of the Public Employee Retirement System whose job 162075
duties will be transferred to the Department of Children and 162076
Youth. Any retirement incentive plan established pursuant to this 162077
section shall remain in effect until December 31, 2024. 162078

(H) No validation, cure, right, privilege, remedy, 162079
obligation, or liability is lost or impaired by reason of the 162080
transfer required by this section but shall be administered by the 162081
Department of Children and Youth. No action or proceeding pending 162082
on the effective date of the transfer of duties, functions, and 162083
programs to the Department is affected by the transfer, and shall 162084
be prosecuted or defended in the name of the Department or 162085
Director, as appropriate. In all such actions for those 162086
transferred duties, functions, and programs, the Department or 162087
Director shall be substituted as a party. 162088

(I) Effective January 1, 2025, or on an earlier date 162089
determined by the directors under division (B) of this section, 162090

all records, documents, files, equipment, assets, and other 162091
materials of the programs and staff resources transferred under 162092
this section are transferred to the Department of Children and 162093
Youth. 162094

(J) All rules, orders, and determinations made or undertaken 162095
related to children's services programs transferred to the 162096
Department of Children and Youth shall continue in effect as 162097
rules, orders, and determinations of the Department until modified 162098
or rescinded by the Department of Children and Youth. On and after 162099
January 1, 2025, if necessary to ensure the integrity of the 162100
numbering of the Administrative Code, the Director of the 162101
Legislative Service Commission shall renumber the rules related to 162102
children's services programs transferred to the Department of 162103
Children and Youth to reflect this transfer. 162104

(K) Notwithstanding any provision of law to the contrary, on 162105
or after the effective date of this section, the Director of 162106
Budget and Management shall make budget and accounting changes to 162107
implement the transfer of duties, functions, and programs to the 162108
Department of Children and Youth as described in this section, 162109
including administrative organization, program transfers, renaming 162110
of funds, creation of new funds, transfer of state funds, and 162111
consolidation of funds. The Director may, if necessary, cancel or 162112
establish encumbrances or parts of encumbrances in fiscal years 162113
2024 and 2025 in the appropriate funds and appropriation items for 162114
the same purposes and for payment to the same vendor. Such 162115
encumbrances are hereby appropriated. If necessary for the 162116
continued efficient administration of children's services programs 162117
and appropriations provided in Section 423.10 of this act, the 162118
Director of Budget and Management may transfer appropriations 162119
between the Department of Children and Youth, and the Departments 162120
of Job and Family Services, Education, Health, Developmental 162121
Disabilities, Medicaid, Mental Health and Addiction Services, and 162122

Development to continue levels of program services and efficiently 162123
deliver state funding to those programs as appropriated herein. 162124

Section 503.10. PERSONAL SERVICE EXPENSES 162125

Unless otherwise prohibited by law, any appropriation from 162126
which personal service expenses are paid shall bear the employer's 162127
share of public employees' retirement, workers' compensation, 162128
disabled workers' relief, and insurance programs; the costs of 162129
centralized financial services, centralized payroll processing, 162130
and related reports and services; centralized human resources 162131
services, including affirmative action and equal employment 162132
opportunity programs; the Office of Collective Bargaining; 162133
centralized information technology management services; 162134
administering the enterprise resource planning system; and 162135
administering the state employee merit system as required by 162136
section 124.07 of the Revised Code. These costs shall be 162137
determined in conformity with the appropriate sections of law and 162138
paid in accordance with procedures specified by the Office of 162139
Budget and Management. Expenditures from appropriation item 162140
070601, Public Audit Expense - Intra-State, may be exempted from 162141
the requirements of this section. 162142

Section 503.20. SATISFACTION OF JUDGMENTS AND SETTLEMENTS 162143
AGAINST THE STATE 162144

Except as otherwise provided in this section, an 162145
appropriation in this act may be used for the purpose of 162146
satisfying judgments, settlements, or administrative awards 162147
ordered or approved by the Court of Claims or by any other court 162148
of competent jurisdiction in connection with civil actions against 162149
the state. This authorization does not apply to appropriations to 162150
be applied to or used for payment of guarantees by or on behalf of 162151
the state, or for payments under lease agreements relating to, or 162152

debt service on, bonds, notes, or other obligations of the state. 162153
Notwithstanding any other statute to the contrary, this 162154
authorization includes appropriations from funds into which 162155
proceeds of direct obligations of the state are deposited only to 162156
the extent that the judgment, settlement, or administrative award 162157
is for, or represents, capital costs for which the appropriation 162158
may otherwise be used and is consistent with the purpose for which 162159
any related obligations were issued or entered into. Nothing 162160
contained in this section is intended to subject the state to suit 162161
in any forum in which it is not otherwise subject to suit, and is 162162
not intended to waive or compromise any defense or right available 162163
to the state in any suit against it. 162164

Section 503.30. CAPITAL PROJECT SETTLEMENTS 162165

This section specifies an additional and supplemental 162166
procedure to provide for payments of judgments and settlements if 162167
the Director of Budget and Management determines, pursuant to 162168
division (C)(4) of section 2743.19 of the Revised Code, that 162169
sufficient unencumbered moneys do not exist in the fund to support 162170
a particular appropriation to pay the amount of a final judgment 162171
rendered against the state or a state agency, including the 162172
settlement of a claim approved by a court, in an action upon and 162173
arising out of a contractual obligation for the construction or 162174
improvement of a capital facility if the costs under the contract 162175
were payable in whole or in part from a state capital projects 162176
appropriation. In such a case, the Director may either proceed 162177
pursuant to division (C)(4) of section 2743.19 of the Revised Code 162178
or apply to the Controlling Board to increase an appropriation or 162179
create an appropriation out of any unencumbered moneys in the 162180
state treasury to the credit of the capital projects fund from 162181
which the initial state appropriation was made. The amount of an 162182
increase in appropriation or new appropriation approved by the 162183
Controlling Board is hereby appropriated from the applicable 162184

capital projects fund and made available for the payment of the 162185
judgment or settlement. 162186

If the Director does not make the application authorized by 162187
this section or the Controlling Board disapproves the application, 162188
and the Director does not make application under division (C)(4) 162189
of section 2743.19 of the Revised Code, the Director shall for the 162190
purpose of making that payment make a request to the General 162191
Assembly as provided for in division (C)(5) of that section. 162192

Section 503.40. RE-ISSUANCE OF VOIDED WARRANTS 162193

In order to provide funds for the reissuance of voided 162194
warrants under section 126.37 of the Revised Code, there is hereby 162195
appropriated, out of moneys in the state treasury from the fund 162196
credited as provided in section 126.37 of the Revised Code, that 162197
amount sufficient to pay such warrants when approved by the Office 162198
of Budget and Management. 162199

Section 503.50. REAPPROPRIATION OF UNEXPENDED ENCUMBERED 162200
BALANCES OF OPERATING APPROPRIATIONS 162201

(A) Notwithstanding the original year of appropriation or 162202
encumbrance, the unexpended balance of an operating appropriation 162203
or reappropriation that a state agency lawfully encumbered prior 162204
to the close of fiscal year 2023 or fiscal year 2024 is hereby 162205
reappropriated on the first day of July of the following fiscal 162206
year from the fund from which it was originally appropriated or 162207
reappropriated for the period of time listed in this section and 162208
shall remain available only for the purpose of discharging the 162209
encumbrance: 162210

(1) For an encumbrance for personal services, maintenance, 162211
equipment, or items for resale not otherwise identified in this 162212
section, for a period of not more than five months from the end of 162213
the fiscal year; 162214

(2) For an encumbrance for an item of special order 162215
manufacture not available on state contract or an item not 162216
available in the open market, for a period of not more than five 162217
months from the end of the fiscal year or, with the written 162218
approval of the Director of Budget and Management, for a period of 162219
not more than twelve months from the end of the fiscal year; 162220

(3) For an encumbrance for reclamation of land or oil and gas 162221
wells, for a period ending when the encumbered appropriation is 162222
expended provided such period does not extend beyond the FY 2024 - 162223
FY 2025 biennium; 162224

(4) For an encumbrance for any other type of expense not 162225
otherwise identified in division (A)(1), (2), or (3) of this 162226
section, for such period as the Director approves, provided such 162227
period does not extend beyond the FY 2024 - FY 2025 biennium. 162228

(B) Any operating appropriations for which unexpended 162229
balances are reappropriated in fiscal year 2024 or fiscal year 162230
2025 pursuant to division (A)(2) of this section shall be reported 162231
to the Controlling Board by the Director of Budget and Management 162232
by the thirty-first day of December of each year. The report shall 162233
include the item, the cost of the item, and the name of the 162234
vendor. The report shall be updated on a quarterly basis for 162235
encumbrances remaining open. 162236

(C) Upon the expiration of the reappropriation period set out 162237
in division (A) of this section, a reappropriation made by this 162238
section lapses and the Director of Budget and Management shall 162239
cancel the encumbrance of the unexpended reappropriation not later 162240
than the end of the weekend following the expiration of the 162241
reappropriation period. 162242

(D) If the Controlling Board approved a purchase, that 162243
approval remains in effect so long as the appropriation used to 162244
make that purchase remains encumbered. 162245

Section 503.60. CORRECTION OF ACCOUNTING ERRORS 162246

(A) The Director of Budget and Management may correct 162247
accounting errors committed by the staff of the Office of Budget 162248
and Management, such as reestablishing encumbrances or 162249
appropriations canceled in error, during the cancellation of 162250
operating encumbrances in November and of non-operating 162251
encumbrances in December. 162252

(B) The Director of Budget and Management may at any time 162253
correct accounting errors committed by staff or a state agency or 162254
state institution of higher education, as defined in section 162255
3345.011 of the Revised Code, such as reestablishing prior year 162256
non-operating encumbrances canceled or modified in error. The 162257
reestablished encumbrance amounts are hereby appropriated. 162258

Section 503.70. TEMPORARY REVENUE HOLDING 162259

The Director of Budget and Management may create funds in the 162260
state treasury solely for the purpose of temporarily holding 162261
revenue required to be credited to a fund in the state treasury, 162262
whose disposition is not immediately known at the time of receipt. 162263
Once identified, the Director shall credit the revenue to the 162264
appropriate fund in the state treasury. 162265

Notwithstanding section 153.63 of the Revised Code or any 162266
other provision of law to the contrary, upon certification by a 162267
director or head of a state agency, in lieu of banks, buildings 162268
and loan associations, or other institutions, the Director of 162269
Budget and Management may create funds in the state treasury on 162270
behalf of an agency when the agency is required by law to detain 162271
funds in escrow. All investment earnings of the fund shall be 162272
credited to the fund while the detained amounts remain in escrow. 162273
The Director of Budget and Management may transfer cash between 162274
funds within the state treasury to satisfy escrow requirements. 162275

Section 503.80. APPROPRIATIONS RELATED TO CASH TRANSFERS AND RE-ESTABLISHMENT OF ENCUMBRANCES 162276
162277

Any cash transferred by the Director of Budget and Management 162278
under section 126.15 of the Revised Code is hereby appropriated. 162279
Any amounts necessary to re-establish appropriations or 162280
encumbrances under section 126.15 of the Revised Code are hereby 162281
appropriated. 162282

Section 503.90. TRANSFERS OF THIRD FRONTIER APPROPRIATIONS 162283

The Director of Budget and Management may transfer 162284
appropriations between the Third Frontier Research and Development 162285
Fund (Fund 7011) and the Third Frontier Research and Development 162286
Taxable Bond Fund (Fund 7014) as necessary to maintain the 162287
exclusion from the calculation of gross income for federal income 162288
taxation purposes under the Internal Revenue Code with respect to 162289
obligations issued to fund projects appropriated from the Third 162290
Frontier Research and Development Fund (Fund 7011). 162291

The Director may also create new appropriation items within 162292
the Third Frontier Research and Development Taxable Bond Fund 162293
(Fund 7014) and make transfers of appropriations to them for 162294
projects originally funded from appropriations made from the Third 162295
Frontier Research and Development Fund (Fund 7011). 162296

Section 503.100. INCOME TAX DISTRIBUTION TO COUNTIES 162297

There are hereby appropriated out of any moneys in the state 162298
treasury to the credit of the General Revenue Fund, which are not 162299
otherwise appropriated, funds sufficient to make any payment 162300
required by division (B)(2) of section 5747.03 of the Revised 162301
Code. 162302

Section 503.110. EXPENDITURES AND APPROPRIATION INCREASES 162303

APPROVED BY THE CONTROLLING BOARD 162304

Any money that the Controlling Board approves for expenditure 162305
or any increase in appropriation that the Controlling Board 162306
approves under sections 127.14, 131.35, and 131.39 of the Revised 162307
Code or any other provision of law is hereby appropriated for the 162308
period ending June 30, 2025. 162309

Section 503.120. FUNDS RECEIVED FOR USE OF GOVERNOR'S 162310
RESIDENCE 162311

If the Governor's Residence Fund (Fund 4H20) receives payment 162312
for use of the residence pursuant to section 107.40 of the Revised 162313
Code, the amounts so received are hereby appropriated to 162314
appropriation item 100604, Governor's Residence Gift. 162315

Section 504.10. GENERAL OBLIGATION DEBT SERVICE PAYMENTS 162316

Certain appropriations are in this act for the purpose of 162317
paying debt service and financing costs on general obligation 162318
bonds or notes of the state issued pursuant to the Ohio 162319
Constitution, Revised Code, and acts of the General Assembly. If 162320
it is determined that additional appropriations are necessary for 162321
this purpose, such amounts are hereby appropriated. 162322

Section 504.20. LEASE RENTAL PAYMENTS FOR DEBT SERVICE 162323

Certain appropriations are in this act for the purpose of 162324
making lease rental payments pursuant to leases and agreements 162325
relating to bonds, notes, or other obligations issued by or on 162326
behalf of the state pursuant to the Ohio Constitution, Revised 162327
Code, and acts of the General Assembly. If it is determined that 162328
additional appropriations are necessary for this purpose, such 162329
amounts are hereby appropriated. 162330

Section 504.30. AUTHORIZATION FOR TREASURER OF STATE AND OBM 162331
TO EFFECTUATE CERTAIN DEBT SERVICE PAYMENTS 162332

The Office of Budget and Management shall process payments 162333
from general obligation and lease rental payment appropriation 162334
items during the period from July 1, 2023, through June 30, 2025, 162335
relating to bonds, notes, or other obligations issued by or on 162336
behalf of the state pursuant to the Ohio Constitution, Revised 162337
Code, and acts of the General Assembly. Payments shall be made 162338
upon certification by the Treasurer of State of the dates and the 162339
amounts due on those dates. 162340

Section 505.10. ARBITRAGE REBATE AUTHORIZATION 162341

If it is determined that a payment is necessary in the amount 162342
computed at the time to represent the portion of investment income 162343
to be rebated or amounts in lieu of or in addition to any rebate 162344
amount to be paid to the federal government in order to maintain 162345
the exclusion from gross income for federal income tax purposes of 162346
interest on those state obligations under section 148(f) of the 162347
Internal Revenue Code, such an amount is hereby appropriated from 162348
those funds designated by or pursuant to the applicable 162349
proceedings authorizing the issuance of state obligations. 162350

Payments for this purpose shall be approved and vouchered by 162351
the Office of Budget and Management. 162352

Section 505.20. STATEWIDE INDIRECT COST RECOVERY 162353

Whenever the Director of Budget and Management determines 162354
that an appropriation made to a state agency from a fund of the 162355
state is insufficient to provide for the recovery of statewide 162356
indirect costs under section 126.12 of the Revised Code, the 162357
amount required for such purpose is hereby appropriated from the 162358
available receipts of such fund. 162359

Section 505.30. TRANSFERS ON BEHALF OF THE STATEWIDE INDIRECT 162360
COST ALLOCATION PLAN 162361

The total transfers made from the General Revenue Fund by the 162362
Director of Budget and Management under this section shall not 162363
exceed the amounts transferred into the General Revenue Fund under 162364
section 126.12 of the Revised Code. 162365

The director of an agency may certify to the Director of 162366
Budget and Management the amount of expenses not allowed to be 162367
included in the Statewide Indirect Cost Allocation Plan under 162368
federal regulations, from any fund included in the Statewide 162369
Indirect Cost Allocation Plan, prepared as required by section 162370
126.12 of the Revised Code. 162371

Upon determining that no alternative source of funding is 162372
available to pay for such expenses, the Director of Budget and 162373
Management may transfer cash from the General Revenue Fund into 162374
the fund for which the certification is made, up to the amount of 162375
the certification. The director of the agency receiving such funds 162376
shall include, as part of the next budget submission prepared 162377
under section 126.02 of the Revised Code, a request for funding 162378
for such activities from an alternative source such that further 162379
federal disallowances would not be required. 162380

The director of an agency may certify to the Director of 162381
Budget and Management the amount of expenses paid in error from a 162382
fund included in the Statewide Indirect Cost Allocation Plan. The 162383
Director of Budget and Management may transfer cash from the fund 162384
from which the expenditure should have been made into the fund 162385
from which the expenses were erroneously paid, up to the amount of 162386
the certification. 162387

The director of an agency may certify to the Director of 162388
Budget and Management the amount of expenses or revenues not 162389
allowed to be included in the Statewide Indirect Cost Allocation 162390

Plan under federal regulations, for any fund included in the 162391
Statewide Indirect Cost Allocation Plan, for which the federal 162392
government requires payment. If the Director of Budget and 162393
Management determines that an appropriation made to a state agency 162394
from a fund of the state is insufficient to pay the amount 162395
required by the federal government, the amount required for such 162396
purpose is hereby appropriated from the available receipts of such 162397
fund, up to the amount of the certification. 162398

Section 505.40. FEDERAL GOVERNMENT INTEREST REQUIREMENTS 162399

Notwithstanding any provision of law to the contrary, on or 162400
before the first day of September of each fiscal year, the 162401
Director of Budget and Management, in order to reduce the payment 162402
of adjustments to the federal government, as determined by the 162403
plan prepared under division (A) of section 126.12 of the Revised 162404
Code, may designate such funds as the Director considers necessary 162405
to retain their own interest earnings. 162406

Section 505.50. FEDERAL CASH MANAGEMENT IMPROVEMENT ACT 162407

Pursuant to the plan for compliance with the Federal Cash 162408
Management Improvement Act required by section 131.36 of the 162409
Revised Code, the Director of Budget and Management may cancel and 162410
re-establish all or part of encumbrances in like amounts within 162411
the funds identified by the plan. The amounts necessary to 162412
re-establish all or part of encumbrances are hereby appropriated. 162413

Section 505.60. INTEREST EARNINGS FOR FEDERAL FUNDS 162414

Notwithstanding section 113.09 of the Revised Code, the 162415
Director of Budget and Management may designate any fund within 162416
the state treasury that receives federal revenue to be credited 162417
with investment earnings to comply with federal law. 162418

Section 505.70. REPAYMENT OF FEDERAL FUNDS 162419

Any unexpended federal revenue received into the state 162420
treasury remaining at the end of its applicable period for 162421
expenditure which must be returned in compliance with federal law, 162422
is hereby appropriated to the fund in which it was received, for 162423
that purpose. 162424

Section 505.80. REAPPROPRIATION OF RECOVERY AND RELIEF FUNDS 162425

Amounts equal to the unexpended portions of appropriation 162426
items under the following recovery and relief funds, at the end of 162427
fiscal year 2024, are hereby reappropriated to the same 162428
appropriation items and shall be used for the same purposes in 162429
fiscal year 2025: Governor's Emergency Education Relief Fund (Fund 162430
3HQ0), CARES Act School Relief Fund (Fund 3HS0), Emergency Rental 162431
Assistance Fund (Fund 5CV2), State Fiscal Recovery Fund (Fund 162432
5CV3), Local Fiscal Recovery Fund (Fund 5CV4), Coronavirus Capital 162433
Projects Fund (Fund 5CV5), and the Health and Human Services 162434
Reserve Fund (Fund 5SA4). 162435

Section 509.10. TRANSFERS IN TO GENERAL REVENUE FUND 162436

INTEREST EARNED 162437

Notwithstanding any provision of law to the contrary, the 162438
Director of Budget and Management, through June 30, 2025, may 162439
transfer interest earned by any state fund to the General Revenue 162440
Fund. This section does not apply to funds whose source of revenue 162441
is restricted or protected by the Ohio Constitution, federal tax 162442
law, or the "Cash Management Improvement Act of 1990," 104 Stat. 162443
1058 (1990), 31 U.S.C. 6501 et seq., as amended. 162444

NON-GRF FUNDS 162445

Notwithstanding any provision of law to the contrary, the 162446
Director of Budget and Management may transfer up to \$200,000,000 162447

cash, during the biennium ending June 30, 2025, from non-General Revenue Funds that are not constitutionally restricted to the General Revenue Fund.

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Section 512.10. TRANSFERS OUT OF GENERAL REVENUE FUND

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TOURISM FUND

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On July 1, 2023, or as soon as possible thereafter, the Director of Budget and Management shall transfer up to \$20,000,000 cash from the General Revenue Fund to the Tourism Fund (Fund 5MJ0).

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CREDIT SCORE COST ASSISTANCE FUND

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On July 1, 2023, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$3,000,000 cash from the General Revenue Fund to the Credit Score Cost Assistance Fund (Fund 5ZM0), which is hereby created in the state treasury.

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TARGETED ADDICTION PROGRAM FUND

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Notwithstanding any provision of law to the contrary, the Director of Budget and Management may transfer up to \$24,500,000 cash in fiscal year 2024 and \$24,750,000 cash in fiscal year 2025 from the General Revenue Fund to the Targeted Addiction Program Fund (Fund 5TZ0).

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PERSIAN GULF, AFGHANISTAN, IRAQ COMPENSATION FUND

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On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$5,000,000 cash from the General Revenue Fund to the Persian Gulf, Afghanistan, Iraq Compensation Fund (Fund 7041).

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TOBACCO USE PREVENTION FUND

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On July 1, 2023, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$29,000,000 cash from the General Revenue Fund to the Tobacco Use Prevention Fund

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(Fund 5BX0).	162477
FOUNDATION FUNDING - ALL STUDENTS FUND	162478
Notwithstanding any provision of law to the contrary, the	162479
Director of Budget and Management may transfer up to \$600,000,000	162480
cash, in each fiscal year, from the General Revenue Fund to the	162481
Foundation Funding - All Students Fund (Fund 5VS0).	162482
TEACHER CERTIFICATION FUND	162483
On July 1, 2023, or as soon as possible thereafter, the	162484
Director of Budget and Management shall transfer \$10,000,000 cash	162485
from the General Revenue Fund to the State Board of Education	162486
Licensure Fund (Fund 4L20).	162487
OHIOMEANSJOBS WORKFORCE DEVELOPMENT REVOLVING LOAN FUND	162488
On July 1, 2023, or as soon as possible thereafter, the	162489
Director of Budget and Management shall transfer \$50,000,000 cash	162490
from the General Revenue Fund to the OhioMeansJobs Workforce	162491
Development Revolving Loan Fund (Fund 5NH0) to support the Talent	162492
Ready Grant Program.	162493
TEACHER LOAN REPAYMENT FUND	162494
On July 1, 2023, or as soon as possible thereafter, the	162495
Director of Budget and Management shall transfer \$25,000,000 cash	162496
from the General Revenue Fund to the Teacher Loan Repayment Fund	162497
(Fund 5W00) created in section 3319.58 of the Revised Code.	162498
SECOND CHANCE GRANT PROGRAM FUND	162499
On July 1, 2023, or as soon as possible thereafter, the	162500
Director of Budget and Management shall transfer up to \$4,000,000	162501
cash from the General Revenue Fund to the Second Chance Grant	162502
Program Fund (Fund 5YD0).	162503
GROW YOUR OWN TEACHER PROGRAM FUND	162504
On July 1, 2023, or as soon as possible thereafter, the	162505

Director of Budget and Management shall transfer \$5,000,000 cash 162506
from the General Revenue Fund to the Grow Your Own Teacher Program 162507
Fund (Fund 5ZY0), which is hereby created in the state treasury. 162508

On July 1, 2024, or as soon as possible thereafter, the 162509
Director of Budget and Management shall transfer \$10,000,000 cash 162510
from the General Revenue Fund to the Grow Your Own Teacher Program 162511
Fund (Fund 5ZY0). 162512

INFORMATION TECHNOLOGY DEVELOPMENT FUND 162513

Upon the request of the Director of Administrative Services, 162514
the Director of Budget and Management may transfer up to 162515
\$2,500,000 cash in each fiscal year from the General Revenue Fund 162516
to the Information Technology Development Fund (Fund 5LJ0) to 162517
support the operations of the Office of InnovateOhio. 162518

PROFESSIONAL DEVELOPMENT FUND 162519

On July 1, 2023, or as soon as possible thereafter, the 162520
Director of Budget and Management shall transfer \$6,600,000 cash 162521
from the General Revenue Fund to the Professional Development Fund 162522
(Fund 5L70). 162523

WILDLIFE FUND 162524

On July 1 of each fiscal year, or as soon as possible 162525
thereafter, the Director of Budget and Management shall transfer 162526
\$500,000 cash from the General Revenue Fund to the Wildlife Fund 162527
(Fund 7015). 162528

CAREER-TECHNICAL EDUCATION EQUIPMENT FUND 162529

On July 1 of each fiscal year, or as soon as possible 162530
thereafter, the Director of Budget and Management shall transfer 162531
\$50,000,000 cash from the General Revenue Fund to the 162532
Career-Technical Education Equipment Fund (Fund 5AD1), which is 162533
hereby created in the State Treasury. 162534

CAPITAL FUND TRANSFERS 162535

Up to the remaining amount authorized in Section 529.10 of H.B. 687 of the 134th General Assembly, but not yet transferred as of June 30, 2023, shall remain in the General Revenue Fund until deemed necessary to be transferred in accordance with that section.

MEAT PROCESSING INVESTMENT PROGRAM FUND

On July 1, 2023, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$14,000,000 cash from the General Revenue Fund to the Meat Processing Investment Program Fund (Fund 5XX0).

SPORTS EVENT GRANT FUND

On July 1, 2023, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$6,100,000 cash from the General Revenue Fund to the Sports Event Grant Fund (Fund 5UY0).

BROWNFIELD REMEDIATION FUND

On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$175,000,000 cash from the General Revenue Fund to the Brownfield Remediation Fund (Fund 5YE0).

BUILDING DEMOLITION AND SITE REVITALIZATION FUND

On July 1, 2023, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$150,000,000 cash from the General Revenue Fund to the Building Demolition and Site Revitalization Fund (Fund 5YF0).

NEXT GENERATION 911

The Director of Budget and Management shall transfer from the General Revenue Fund to the Next Generation 911 Fund (Fund 5AB1) up to \$28,180,270 cash in fiscal year 2024 and up to \$17,765,277 cash in fiscal year 2025.

988 SUICIDE AND CRISIS RESPONSE 162566

The Director of Budget and Management shall transfer from the 162567
General Revenue Fund to the 988 Suicide and Crisis Response Fund 162568
(Fund 5AA1) up to \$20,701,661 cash in fiscal year 2024 and up to 162569
\$25,831,020 cash in fiscal year 2025. 162570

Section 513.10. FISCAL YEAR 2023 GENERAL REVENUE FUND ENDING 162571
BALANCE 162572

The Director of Budget and Management shall determine the 162573
surplus General Revenue Fund revenue that existed on June 30, 162574
2023. Notwithstanding section 131.44 of the Revised Code or any 162575
other provision of law to the contrary, the remaining surplus 162576
revenue, except for the transfers listed in this section, shall 162577
remain in the General Revenue Fund. The Director shall transfer 162578
cash, not to exceed the amount of the remaining surplus revenue 162579
from the General Revenue Fund in the following order: 162580

(A) Up to \$500,000,000 cash to the All Ohio Future Fund (Fund 162581
5XM0); 162582

(B) Up to \$307,196,000 cash to the H2Ohio Fund (Fund 6H20); 162583

(C) Up to \$200,000,000 cash to the Local Jails Grant Fund 162584
(Fund 5ZQ0); 162585

(D) Up to \$190,000,000 cash to the EXPO 2050 Fund (Fund 162586
5ZN0); 162587

(E) Up to \$25,000,000 cash to the Innovation Hubs Fund (Fund 162588
5ZK0); 162589

(F) Up to \$65,000,000 cash to the Veterans Homes 162590
Modernization Fund (Fund 5Z00); 162591

(G) Up to \$62,000,000 cash to the Local Projects Fund (Fund 162592
5ZZ0); 162593

(H) Up to \$50,000,000 cash to the Controlling Board Emergency 162594

Purposes/Contingencies Fund (Fund 5KM0);	162595
(I) Up to \$150,000,000 cash to the Downtown Development Grant	162596
Fund (Fund 5ZV0);	162597
(J) Up to \$50,000,000 cash to the Township Development Grant	162598
Fund (Fund 5ZV0);	162599
(K) Up to \$25,000,000 cash to the Cultural Center Grant Fund	162600
(Fund 5ZW0);	162601
(L) Up to \$25,000,000 cash to the County and Independent	162602
Fairs Grant (Fund 5ZX0);	162603
(M) Up to \$196,260,000 cash to the Third Frontier Research	162604
and Development Bond Retirement Fund (Fund 7070);	162605
(N) Up to \$18,340,000 cash to the Coal Research and	162606
Development Bond Retirement Fund (Fund 7076);	162607
(O) \$49,528,000 cash to the Hospital Relief Fund (Fund 5AE1),	162608
which is hereby created in the state treasury;	162609
(P) Up to \$50,000,000 cash to the Airport Development Grants	162610
Fund; and	162611
(Q) Up to \$1,000,000,000 cash to the Connect4Ohio Fund (Fund	162612
5ZR0).	162613
Section 513.20. FISCAL YEAR 2024 GENERAL REVENUE FUND ENDING	162614
BALANCE	162615
Notwithstanding section 131.44 of the Revised Code, the cash	162616
balance of the General Revenue Fund on June 30, 2024, shall remain	162617
in the General Revenue Fund.	162618
Section 514.10. UTILITY RADIOLOGICAL SAFETY BOARD ASSESSMENTS	162619
Unless the agency and nuclear electric utility mutually agree	162620
to a higher amount by contract, the maximum amounts that may be	162621
assessed against nuclear electric utilities under division (B)(2)	162622

of section 4937.05 of the Revised Code and deposited into the 162623
specified funds are as follows: 162624

<u>Fund</u>	<u>User</u>		<u>FY 2024</u>		<u>FY 2025</u>	
Utility	Department of	\$	109,800	\$	112,900	162625
Radiological Safety Fund (Fund 4E40)	Agriculture					162626
Radiation	Department of	\$	1,405,870	\$	1,474,757	162627
Emergency Response Fund (Fund 6100)	Health					
ER Radiological Safety Fund (Fund 6440)	Environmental Protection Agency	\$	332,287	\$	332,287	162628
Emergency Response Plan Fund (Fund 6570)	Department of Public Safety	\$	1,435,000	\$	1,449,000	162629

Section 516.10. CASH TRANSFERS AND ABOLISHMENT OF FUNDS 162630

(A) On July 1, 2023, or as soon as possible thereafter, the 162631
Director of Budget and Management shall transfer the cash balance 162632
from each of the funds as indicated in the table below to the fund 162633
also indicated in the table below. Upon completion of each 162634
transfer and on the effective date of its repeal by this act, 162635
where applicable, the fund from which the cash balance was 162636
transferred is hereby abolished. 162637

User	Transfer from:	Transfer to:
Agency Fund	Fund Name	Fund Fund Name
COM 5470	Real Estate	5490 Division of Real
	Education/Research Fund	Estate Operating
		Fund
COM 5VC0	Real Estate Home	5490 Division of Real

		Inspector Operating Fund		Estate Operating Fund	
COM	5SE0	Cemetery Grant Program Fund	4H90	Cemetery Registration Fund	162642
COM	5SU0	Manufactured Homes Regulation Fund	5490	Division of Real Estate Operating Fund	162643
COM	6A40	Real Estate Appraiser Operating Fund	5490	Division of Real Estate Operating Fund	162644
DAS	1880	State EEO Fund	1250	Human Resources Services Fund	162645
DAS	5JQ0	Professionals Licensing System Fund	4K90	Occupational Licensing and Regulatory Fund	162646
DEV	3BJ0	TANF Heating Assistance Fund	1350	Supportive Services Fund	162647
DEV	5RD0	Local Government Safety Capital Grant Fund	1350	Supportive Services Fund	162648
DEV	5RQ0	Lakes in Economic Distress Fund	1350	Supportive Services Fund	162649
DEV	5X10	Exempt Facility Inspection Fund	1350	Supportive Services Fund	162650
DEV	7008	Logistics and Distribution Infrastructure Fund	GRF	General Revenue Fund	162651
DMH	1500	Special Education Fund	1490	Sale of Goods and Services Fund	162652
DPS	3390	Personnel Administration Subdivisions Fund	3370	Federal Disaster Relief Fund	162653
DPS	5TJ0	Security Grants Fund	7021	Public School Building Fund	162654

ETC	3X80	Assistive Technology Infusion Fund	GRF	General Revenue Fund	162655
ETC	5D30	High Definition Television Fund	GRF	General Revenue Fund	162656
FCC	5S60	Classroom Facility Loan Guarantee Fund	GRF	General Revenue Fund	162657
INS	5550	Superintendent's Examination Fund	5540	Department of Insurance Operating Fund	162658
INS	5PT0	Captive Insurance Regulation and Supervision Fund	5540	Department of Insurance Operating Fund	162659
JFS	4Z70	Human Services Stabilization Fund	5RY0	Human Services Projects Fund	162660
JFS	5DP0	Adoption Assistance Loan Fund	5RY0	Human Services Projects Fund	162661
PUB	4X70	Trumbull County-County Share Fund	4C70	Multi-County County Share Fund	162662

(B) The following funds are hereby abolished on the effective date of their repeal by this act:

User	Fund	Fund Name			
DEV	5LU0	Racetrack Facility Community Economic Redevelopment Fund			162666
DMH	3FR0	RTTT Early Learning Challenge Fund			162667
DMH	3HB0	21st Century Cures Opioid State Targeted Response Fund			162668
DMH	3J80	Medicaid Fund			162669
DMH	5CH0	Residential State Supplemental Fund			162670
DMH	5DU0	Energy Projects Fund			162671
EPA	6780	Toxic Chemical Release Reporting Fund			162672

(C) On the effective date of this section or as soon as possible thereafter, the Director of Budget and Management shall transfer the cash balance of the Central Service Agency Fund (Fund

1150) to the Accounting and Budgeting Fund (Fund 1050). Upon 162676
completion of the transfer, Fund 1150 is abolished. The Director 162677
shall cancel any existing encumbrances against appropriation item 162678
100632, Central Service Agency, and reestablish them against 162679
either appropriation item 042603, Financial Management, or 162680
appropriation item 042620, Shared Services Operating. The 162681
reestablished encumbrance amounts are hereby appropriated. 162682

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Section 516.20. HEALTH AND HUMAN SERVICES RESERVE FUND 162684

The Health and Human Services Fund (Fund 5SA4) created under 162685
Section 751.40 of H.B. 64 of the 131st General Assembly is hereby 162686
renamed the Health and Human Services Reserve Fund. 162687

Section 525.10. On the effective date of the amendments to 162688
section 125.22 (126.42) of the Revised Code as renumbered and 162689
amended by this act, or as soon as reasonably possible thereafter, 162690
the Central Service Agency is abolished. The administration of all 162691
duties performed by the Agency shall be transferred from the 162692
Department of Administrative Services to the Office of Budget and 162693
Management. Employment records and actions shall be transferred 162694
with the employee, and all equipment and assets shall be 162695
transferred from the Department of Administrative Services to the 162696
Office of Budget and Management. 162697

Business related to the Central Service Agency commenced but 162698
not completed by the Department of Administrative Services shall 162699
be completed by the Office of Budget and Management, as 162700
appropriate consistent with the amendments to section 125.22 162701
(126.42) of the Revised Code as renumbered and amended by this act 162702
and with the amendments to section 126.25 of the Revised Code as 162703
amended by this act. 162704

Whenever the Department of Administrative Services, Director 162705

of Administrative Services, or Central Service Agency is referred 162706
to in any law, contract, or other document, related to the Central 162707
Service Agency, the reference shall be deemed to refer to the 162708
Office of Budget and Management or the Director of Budget and 162709
Management, whichever is appropriate in context. 162710

Section 525.20. (A)(1) On or before December 31, 2023, the 162711
Department of Commerce and the State Board of Pharmacy shall 162712
transfer regulation of the Medical Marijuana Control Program to 162713
the Division of Marijuana Control in the Department of Commerce. 162714
Until the transfer is complete, the State Board of Pharmacy 162715
retains regulatory authority over licensing of retail 162716
dispensaries, registering patients and caregivers, and related 162717
duties. 162718

(2) Upon completion of the transfer, the Medical Marijuana 162719
Control Program in the State Board of Pharmacy is abolished. All 162720
records of the Medical Marijuana Control Program in the State 162721
Board of Pharmacy shall be transferred to the Division, and all of 162722
its other assets and liabilities relating to the Medical Marijuana 162723
Control Program shall be transferred to the Division. The Division 162724
is successor to, and assumes the obligations of the Medical 162725
Marijuana Control Program in the State Board of Pharmacy. Any 162726
business commenced, but not completed by the State Board of 162727
Pharmacy Medical Marijuana Control Program on the date of the 162728
completion of the transfer shall be completed by the Division in 162729
the same manner, and with the same effect, as if completed by the 162730
State Board of Pharmacy. No validation, cure, right, privilege, 162731
remedy, obligation, or liability is lost or impaired by reason of 162732
the transfer required by this section. 162733

(B) Upon this transfer, the Division is responsible for 162734
adopting rules establishing standards and procedures for the 162735
Medical Marijuana Control Program. The rules regulating the 162736

Medical Marijuana Control Program in existence on the effective 162737
date of this section continue in effect until repealed or amended 162738
by the Division of Marijuana Control. 162739

(C) On or before March 1, 2024, the Division shall review and 162740
propose revisions to the rules in the Administrative Code related 162741
to medical marijuana retail dispensaries. 162742

(D) A license to operate as a retail dispensary issued by the 162743
State Board of Pharmacy pursuant to section 3796.10 of the Revised 162744
Code as it existed immediately prior to the effective date of this 162745
section, and a registration issued by the State Board of Pharmacy 162746
pursuant to section 3796.08 of the Revised Code as it existed 162747
immediately prior to the effective date of this section, remain in 162748
effect for the remainder of the license's or registration's term, 162749
unless earlier suspended or revoked. Renewals shall be issued by 162750
the State Board of Pharmacy until the transfer is complete, at 162751
which time renewals shall be issued by the Division of Marijuana 162752
Control. 162753

(E) Any form of medical marijuana approved by the State Board 162754
of Pharmacy under section 3796.061 of the Revised Code as it 162755
existed immediately prior to the effective date of this section 162756
remains approved until that approval is revoked by the Division of 162757
Marijuana Control, after giving notice to the petitioner described 162758
in section 3796.061 of the Revised Code. The Division shall post 162759
notice of that revocation on its web site. 162760

Section 525.30. (A) "State schools" means the State School 162761
for the Deaf and the State School for the Blind. 162762

(B) On the effective date of this section, all records of the 162763
state schools shall be transferred to Ohio Deaf and Blind 162764
Education Services established in section 3325.01 of the Revised 162765
Code, and all of their other assets and liabilities shall be 162766
transferred to Ohio Deaf and Blind Education Services. Ohio Deaf 162767

and Blind Education Services is the successor to, and assumes the 162768
obligations of, the state schools. 162769

(C) Any business commenced, but not completed by the state 162770
schools or their superintendents on the effective date of this 162771
section shall be completed by the superintendent of Ohio Deaf and 162772
Blind Education Services in the same manner, and with the same 162773
effect, as if completed by the state schools or their 162774
superintendents. No validation, cure, right, privilege, remedy, 162775
obligation, or liability is lost or impaired by reason of the 162776
transfer required under this section. 162777

(D) Subject to the lay-off provisions of sections 124.321 to 162778
124.328 of the Revised Code, all of the employees of the state 162779
schools are transferred to Ohio Deaf and Blind Education Services 162780
and retain their positions and all of the benefits accruing 162781
thereto. 162782

(E) On and after the effective date of this section, pursuant 162783
to section 126.15 of the Revised Code, the Director of Budget and 162784
Management shall transfer the balance of all appropriations made 162785
to the state schools to Ohio Deaf and Blind Education Services. 162786

(F) Wherever the state schools or their superintendents are 162787
referred to in any law, contract, or other document, the reference 162788
shall be deemed to refer to Ohio Deaf and Blind Education Services 162789
or its superintendent, whichever is appropriate. 162790

(G) No action or proceeding pending on the effective date of 162791
this section is affected by the transfer, and any such action or 162792
proceeding shall be prosecuted or defined in the name of Ohio Deaf 162793
and Blind Education Services or its superintendent. In all such 162794
actions and proceedings, the superintendent or Ohio Deaf and Blind 162795
Education Services, on application to the court, shall be 162796
substituted as a party. 162797

Section 610.10. That Sections 213.10, 237.10 (as amended by 162798
H.B. 45 of the 134th General Assembly), 237.15, and 237.30 of H.B. 162799
687 of the 134th General Assembly be amended to read as follows: 162800

Sec. 213.10. 162801

DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 162802

Building Improvement Fund (Fund 5KZ0) 162803

C10035 Building Improvement \$ 45,436,000 162804

TOTAL Building Improvement Fund \$ 45,436,000 162805

Administrative Building Taxable Bond Fund (Fund 7016) 162806

C10041 MARCS - Taxable \$ 16,888,000 162807

C10055 Highland County MARCS Tower \$ 750,000 162808

C10056 BGSU Public Safety Radio System - MARCS \$ 175,000 162809

TOTAL Administrative Building Taxable Bond Fund \$ 17,813,000 162810

Administrative Building Fund (Fund 7026) 162811

C10000 Governor's Residence \$ 1,436,000 162812

C10020 North High Building Complex Renovation \$ 14,209,000 162813

C10021 Office Space Planning \$ 24,907,000 162814

C10034 Aronoff Center Systems Replacements and \$ 375,000 162815
Upgrades

C10036 Rhodes Tower Renovations \$ 7,131,000 162816

C10038 Riffe Renovations \$ 10,470,000 162817

C10042 IT Projects \$ 24,345,375 162818

C10051 Fleet Sustainability \$ 500,000 162819

TOTAL Administrative Building Fund \$ 83,373,375 162820

Capital IT Projects Fund (Fund 7091) 162821

C10054 Statewide IT Projects \$ 33,085,524 162822

TOTAL Capital IT Projects Fund \$ 33,085,524 162823

TOTAL ALL FUNDS \$ 179,707,899 162824

MARCS STEERING COMMITTEE AND STATEWIDE COMMUNICATIONS SYSTEM 162825

(A) There is hereby continued a Multi-Agency Radio 162826

Communications System (MARCS) Steering Committee consisting of all 162827
of the following members: 162828

(1) The directors, or designees thereof, of the ~~Directors of~~ 162829
Administrative Services, Public Safety, Natural Resources, 162830
Transportation, Rehabilitation and Correction, and Budget and 162831
Management, and the State Fire Marshal or the State Fire Marshal's 162832
designee; 162833

(2) The following members appointed by the Governor: 162834

(a) One representative of the Ohio Chapter of the Association 162835
of Public Safety Communications Officials or its successor 162836
organization; 162837

(b) One representative of the Buckeye State Sheriff's 162838
Association or its successor organization; 162839

(c) One representative of the Ohio Association of Chiefs of 162840
Police or its successor organization; 162841

(d) One representative of the Ohio Fire Chiefs' Association 162842
or its successor organization. 162843

(3) Two members of the House of Representatives appointed by 162844
the Speaker of the House of Representatives, one from the majority 162845
party and one from the minority party; 162846

(4) Two members of the Senate appointed by the President of 162847
the Senate, one from the majority party and one from the minority 162848
party. The 162849

(B) The Director of Administrative Services or the Director's 162850
designee shall chair the Committee. ~~The~~ 162851

(C) The Committee shall provide assistance to the Director of 162852
Administrative Services for effective and efficient implementation 162853
of MARCS as well as develop policies for the ongoing management of 162854
the system. Upon dates prescribed by the Directors of 162855
Administrative Services and Budget and Management, the MARCS 162856

Steering Committee shall report to the Directors on the progress 162857
of MARCS implementation and the development of policies related to 162858
the system. 162859

(D) The Committee shall establish a subcommittee to represent 162860
MARCS users on the local government level. The chairperson of the 162861
subcommittee shall serve as a member of the MARCS Steering 162862
Committee. 162863

(E) The foregoing appropriation item C10041, MARCS - Taxable, 162864
shall be used to purchase or construct the components of MARCS 162865
that are not specific to any one agency. The equipment may 162866
include, but is not limited to, computer and telecommunications 162867
equipment used for the functioning and integration of the system, 162868
communications towers, tower sites, tower equipment, and linkages 162869
among towers. The Director of Administrative Services shall, with 162870
the concurrence of the MARCS Steering Committee, determine the 162871
specific use of funds. Expenditures from this appropriation shall 162872
not be subject to Chapters 123. and 153. of the Revised Code. 162873

Sec. 237.10. 162874

FCC FACILITIES CONSTRUCTION COMMISSION 162875

State Fiscal Recovery Fund (Fund 5CV3) 162876

C230GF ARPA School Security \$ 100,000,000 162877

TOTAL State Fiscal Recovery Fund \$ 100,000,000 162878

Administrative Building Fund (Fund 7026) 162879

C23016 Energy Conservation Projects \$ 2,000,000 162880

C230E5 State Agency Planning/Assessment \$ 2,800,000 162881

TOTAL Administrative Building Fund \$ 4,800,000 162882

Cultural and Sports Facilities Building Fund (Fund 7030) 162883

C23024 OHS - Statewide Site Exhibit Renovation \$ 475,000 162884

C23025 OHS - Statewide Site Repairs \$ 1,600,000 162885

C23028 OHS - Basic Renovations and Emergency \$ 1,000,000 162886

	Repairs			
C23032	OHS - Ohio Historical Center	\$	3,000,000	162887
	Rehabilitation			
C23033	OHS - Stowe House State Memorial	\$	1,500,000	162888
C23034	OHS - National Afro-American Museum	\$	900,000	162889
C23057	OHS - Online Portal to Ohio's Heritage	\$	400,000	162890
C230C8	OHS - Serpent Mound	\$	750,000	162891
C230E6	OHS - Exhibits Native American Sites	\$	250,000	162892
C230EN	OHS - Storage Facility Expansion	\$	5,000,000	162893
C230EO	OHS - Poindexter Village Museum	\$	1,000,000	162894
C230FM	Cultural and Sports Facilities Projects	\$	52,044,000	162895
C230FS	OHS - Ohio River Museum New Building	\$	3,000,000	162896
C230FT	OHS - Statewide Site Security System	\$	400,000	162897
C230FY	OHS - National Road Museum	\$	500,000	162898
C230GG	OHS - Start Westward Monument	\$	500,000	162899
C230W7	OHS - Lundy House Restoration	\$	1,250,000	162900
C230X1	OHS - Site Energy Conservation	\$	300,000	162901
TOTAL	Cultural and Sports Facilities Building Fund	\$	73,869,000	162902
	School Building Program Assistance Fund (Fund 7032)			162903
C23002	School Building Program Assistance	\$	600,000,000	162904
<u>C230GD</u>	<u>Accelerated Appalachian School Building</u>	\$	<u>300,000,000</u>	162905
	<u>Assistance</u>			
TOTAL	School Building Program Assistance Fund	\$	600,000,000	162906
			<u>900,000,000</u>	
	Capital IT Projects Fund (Fund 7091)			162907
C230GF	Data Management Solution	\$	3,000,000	162908
TOTAL	Capital IT Projects Fund	\$	3,000,000	162909
TOTAL ALL FUNDS		\$	781,669,000	162910
			<u>1,081,669,000</u>	
	ARPA SCHOOL SECURITY			162911
	(A) The foregoing appropriation item C230GF, ARPA School			162912
	Security, shall be used by the Facilities Construction Commission			162913

to award grants of up to \$100,000 per school building to eligible public school districts and chartered nonpublic schools. Grants shall be awarded according to guidelines adopted by the Commission after consultation with the Ohio Department of Education and the division of Homeland Security of the Department of Public Safety. In awarding grants, the Commission may consider applications submitted by eligible public school districts in response to similar grant programs operated by the Commission that have not been awarded if such applications comply with guidelines adopted under this division.

(B) All grants awarded under division (A) of this section shall comply with requirements of the federal American Rescue Plan Act of 2021, Pub. L. No. 117-2.

(C) As used in division (A) of this section:

(1) "Eligible public school district" means any city, local, exempted village, or joint vocational school district, any community school established under Chapter 3314. of the Revised Code, and any STEM school established under Chapter 3326. of the Revised Code.

(2) "School building" means a classroom facility serving the educational needs of students that has not had construction completed within the prior five years under any of the programs authorized under Chapter 3318. of the Revised Code and that has not received grant funding under the School Safety Grant Program established in S.B. 310 of the 133rd General Assembly and funded by appropriation item C23020, School Safety Grant Program.

(3) "Chartered nonpublic school" means a school that meets standards for nonpublic schools prescribed by the State Board of Education for nonpublic schools pursuant to section 3301.07 of the Revised Code.

ENERGY CONSERVATION PROJECTS

The foregoing appropriation item C23016, Energy Conservation Projects, shall be used to perform energy conservation renovations, including the United States Environmental Protection Agency's Energy Star Program, in state-owned facilities. Prior to the release of funds for renovation, state agencies shall have performed a comprehensive energy audit for each project. The Facilities Construction Commission shall review and approve proposals from state agencies to use these funds for energy conservation. Public school districts and state-supported and state-assisted institutions of higher education are not eligible for funding from this item.

STATE AGENCY PLANNING/ASSESSMENT

Capital appropriations in H.B. 687 of the 134th General Assembly made from appropriation item C230E5, State Agency Planning/Assessment, shall be used by the Facilities Construction Commission to provide assistance to any state agency for assessment, capital planning, and maintenance management.

Sec. 237.15. SCHOOL BUILDING PROGRAM ASSISTANCE

Capital appropriations in this act made from appropriation item C23002, School Building Program Assistance, shall be used by the Facilities Construction Commission to provide funding to school districts that receive conditional approval from the Commission pursuant to Chapter 3318. of the Revised Code.

ACCELERATED APPALACHIAN SCHOOL BUILDING ASSISTANCE

Capital appropriations in this act made from appropriation item C230GD, Accelerated Appalachian School Building Assistance, shall be used by the Facilities Construction Commission to provide funding to school districts that receive conditional approval from the Commission pursuant to section 3318.33 of the Revised Code.

Sec. 237.30. The Ohio Public Facilities Commission is hereby

authorized to issue and sell, in accordance with Section 2n of 162975
Article VIII, Ohio Constitution, and Chapter 151. and particularly 162976
sections 151.01 and 151.03 of the Revised Code, original 162977
obligations in an aggregate principal amount not to exceed 162978
~~\$470,100,000~~ \$770,100,000 in addition to the original issuance of 162979
obligations heretofore authorized by prior acts of the General 162980
Assembly. These authorized obligations shall be issued, subject to 162981
applicable constitutional and statutory limitations, as needed to 162982
provide sufficient moneys to the credit of the School Building 162983
Program Assistance Fund (Fund 7032) to pay the state share of the 162984
costs of constructing classroom facilities pursuant to Chapter 162985
3318. of the Revised Code. 162986

Section 610.11. That existing Sections 213.10, 237.10 (as 162987
amended by H.B. 45 of the 134th General Assembly), 237.15, and 162988
237.30 of H.B. 687 of the 134th General Assembly are hereby 162989
repealed. 162990

Section 610.20. That Section 21 of H.B. 790 of the 120th 162991
General Assembly, as amended by Section 11 of H.B. 670 of the 162992
121st General Assembly, is hereby repealed. 162993

Section 610.30. That Sections 280.12 and 280.28 of H.B. 45 of 162994
the 134th General Assembly be amended to read as follows: 162995

Sec. 280.12. The foregoing appropriation item 042628, Adult 162996
Day Care, shall be used by the Director of Budget and Management 162997
to administer grants to eligible adult day care providers during 162998
the current state fiscal year, and the remaining \$4,000,000 shall 162999
be reappropriated and administered during the next state fiscal 163000
year. 163001

Sec. 280.28. NURSING FACILITY WORKFORCE SUPPORT FOR ITEMS NOT 163002

COVERED BY MEDICAID OR MEDICAID MANAGED CARE CONTRACTS	163003
(A) As used in this section:	163004
(1) "Ancillary and support costs," "direct care costs," "nursing facility," and "operator" have the same meanings as in section 5165.01 of the Revised Code.	163005 163006 163007
(2) "CMS" means the United States Centers for Medicare and Medicaid Services.	163008 163009
(3) "Long-stay resident" means an individual who has resided in a nursing facility for at least one hundred one days.	163010 163011
(4) <u>"Nursing home" has the same meaning as in section 3721.01 of the Revised Code.</u>	163012 163013
(5) <u>"Nursing facilities for which a quality score was determined"</u> includes nursing facilities that are determined to have a quality score of zero.	163014 163015 163016
(B) The foregoing appropriation item 042636, Nursing Facility Workforce Support, shall be used by the Office of Budget and Management to provide a lump sum payment to nursing facilities that are Medicaid providers <u>homes</u> , for general relief and items not covered by Medicaid managed care organization contracts or general Medicaid rates. Nursing facility providers <u>home operators</u> shall use the funds from the lump sum payment to make workforce relief payments in accordance with this section. The Office of Budget and Management shall distribute the appropriated funds as soon as practicable after December 31, 2022, but not later than April 1, 2023, as follows:	163017 163018 163019 163020 163021 163022 163023 163024 163025 163026 163027
(1) Forty per cent of the appropriated funds shall be made as payments to nursing facilities based on each facility's total number of Medicaid days in calendar year 2021. <u>Nursing homes that are not nursing facilities shall receive payments under this division based on the median number of medicaid days for all</u>	163028 163029 163030 163031 163032

nursing facilities in this state during calendar year 2021. 163033

(2) Sixty per cent of the funds shall be made as quality 163034
payments to nursing ~~facilities~~ homes, to be determined in 163035
accordance with division (C) and (E) of this section. 163036

(C) The Office of Budget and Management shall determine each 163037
nursing facility's quality payment under division (B)(2) of this 163038
section as follows: 163039

(1) Determine the sum of the quality scores determined under 163040
division (D) of this section for all nursing facilities. 163041

(2) Determine the value per quality point by determining the 163042
quotient of the following: 163043

(a) The number that is sixty per cent of the appropriation 163044
made in this section; 163045

(b) The sum determined under division (C)(1) of this section. 163046

(3) Multiply the value per quality point determined under 163047
division (C)(2) of this section by the nursing facility's quality 163048
score determined under division (D) of this section. 163049

(D) A Except as provided in division (E) of this section, a 163050
nursing facility's quality score shall be calculated as follows: 163051

(1) Calculate the sum of the total number of points that CMS 163052
assigned to the nursing facility under CMS's nursing facility 163053
five-star quality rating system for the following quality metrics 163054
based on the four-quarter average for calendar year 2021 in the 163055
database maintained by CMS and known as care compare: 163056

(a) The percentage of the nursing facility's long-stay 163057
residents at high risk for pressure ulcers who had pressure 163058
ulcers; 163059

(b) The percentage of the nursing facility's long-stay 163060
residents who had a urinary tract infection; 163061

(c) The percentage of the nursing facility's long-stay residents whose ability to move independently worsened; 163062
163063

(d) The percentage of the nursing facility's long-stay residents who had a catheter inserted and left in their bladder. 163064
163065

(2) If the nursing facility was in the lowest percentile for any of the measures specified in division (D)(1) of this section, reduce the facility's points to zero for that measure. 163066
163067
163068

(3) To the sum calculated under divisions (D)(1) and (2) of this section, add seven and one-half points if the nursing facility's occupancy rate during calendar year 2021 was seventy-five per cent or more. 163069
163070
163071
163072

(E) A new nursing facility, or a nursing home that is not a nursing facility, shall receive a quality score that equals the median quality score for all nursing facilities for which a quality score was determined. 163073
163074
163075
163076

(F) A nursing ~~facility provider~~ home operator shall use the funds received under this section only for workforce expenses. 163077
163078

Section 610.31. That existing Sections 280.12 and 280.28 of H.B. 45 of the 134th General Assembly are hereby repealed. 163079
163080

Section 610.40. That Sections 2, 3, and 8 of H.B. 509 of the 134th General Assembly be amended to read as follows: 163081
163082

Sec. 2. That existing sections 109.572, 169.16, 1716.05, 1716.08, 1716.99, 2925.01, 3310.41, 3319.22, 3701.74, 3737.881, 3772.13, 3772.131, 3905.471, 3905.81, 4709.07, 4709.10, 4713.28, 4715.13, 4715.141, 4715.21, 4715.25, ~~4717.01, 4717.02, 4717.03, 4717.04,~~ 4717.05, ~~4717.06, 4717.07, 4717.08,~~ 4717.09, ~~4717.11,~~ 4717.13, ~~4717.15, 4717.36, 4717.41,~~ 4723.01, 4723.07, 4723.08, 4723.091, 4723.092, 4723.114, 4723.18, 4723.181, 4723.35, 4723.48, 4723.481, 4723.50, 4723.72, 4723.73, 4723.75, 4723.79, 4725.01, 163083
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4725.011, 4725.02, 4725.07, 4725.09, 4725.091, 4725.092, 4725.12, 163091
4725.13, 4725.15, 4725.16, 4725.18, 4725.19, 4725.20, 4725.24, 163092
4725.27, 4725.34, 4725.35, 4725.40, 4725.41, 4725.44, 4725.48, 163093
4725.49, 4725.50, 4725.51, 4725.52, 4725.53, 4725.63, 4725.66, 163094
4725.67, 4729.01, 4729.12, 4729.15, 4731.16, 4731.17, 4731.19, 163095
4732.01, 4732.02, 4732.05, 4732.09, 4732.10, 4732.11, 4732.12, 163096
4732.13, 4732.14, 4732.141, 4732.142, 4732.17, 4732.171, 4732.173, 163097
4732.18, 4732.19, 4732.20, 4732.21, 4732.22, 4732.221, 4732.24, 163098
4732.31, 4732.33, 4734.211, 4735.27, 4741.17, 4743.09, 4749.03, 163099
4751.01, 4751.10, 4751.101, 4751.102, 4751.20, 4751.23, 4751.24, 163100
4751.32, 4751.33, 4751.40, 4751.41, 4751.45, 4753.06, 4753.071, 163101
4753.12, 4755.01, 4755.062, 4757.02, 4757.22, 4757.27, 4757.301, 163102
4757.33, 4757.41, 4758.20, 4758.26, 4758.51, 4765.10, 4765.11, 163103
4765.15, 4765.16, 4765.17, 4765.18, 4765.22, 4765.23, 4765.24, 163104
4765.29, 4765.30, 4765.31, 4765.49, 4765.50, 4765.55, 4769.01, 163105
4779.03, 4779.10, 4779.11, 4779.12, 4779.13, 4779.17, 5126.22, 163106
5126.25, and 5164.95 of the Revised Code are hereby repealed. 163107

Sec. 3. That sections 3319.2212, ~~4717.051~~, 4723.17, 4723.19, 163108
4723.76, 4725.14, 4725.17, 4725.171, 4725.58, 4751.202, and 163109
4779.18 of the Revised Code are hereby repealed. 163110

Sec. 8. ~~(A) The repeal by this act of section 4717.051 of the~~ 163111
~~Revised Code takes effect December 31, 2024.~~ 163112

~~(B) The amendment by this act H.B. 509 of the 134th General~~ 163113
~~Assembly of sections 4717.01, 4717.02, 4717.03, 4717.04, 4717.06,~~ 163114
~~4717.07, 4717.08, section 4717.09, 4717.11, 4717.13, 4717.15,~~ 163115
~~4717.36, and 4717.41 of the Revised Code takes effect December 31,~~ 163116
2024. 163117

Section 610.41. That existing Sections 2, 3, and 8 of H.B. 163118
509 of the 134th General Assembly are hereby repealed. 163119

Section 610.42. Sections 610.40 and 610.41 of this act remove 163120
the limitations imposed on the continued existence of sections 163121
4717.01, 4717.02, 4717.03, 4717.04, 4717.051, 4717.06, 4717.07, 163122
4717.08, 4717.11, 4717.13, 4717.15, 4717.36, and 4717.41 of the 163123
Revised Code. 163124

Section 610.50. That Section 207.14 of H.B. 597 of the 134th 163125
General Assembly be amended to read as follows: 163126

Sec. 207.14. 163127

LTC JAMES RHODES STATE COLLEGE 163128

Reappropriations

Higher Education Improvement Taxable Fund (Fund 7024)		163129
C38125 Workforce Based Training and Equipment -	\$226,284	163130
Taxable		
TOTAL Higher Education Improvement Taxable Fund	\$226,284	163131
Higher Education Improvement Fund (Fund 7034)		163132
C38100 Basic Renovations	\$758,498	163133
C38116 Center for Health Science Education and	\$128,978	163134
Innovation		
C38117 IT Infrastructure	\$976,395	163135
C38122 Campus Safety Upgrades	\$103,238	163136
C38123 St. Rita's Medical Center	\$500,000	163137
C38124 Allen County Airport Communications <u>Fuel</u>	\$300,000	163138
<u>Farm Replacement</u>		
C38126 Campus Safety Grant Program	\$161,200	163139
TOTAL Higher Education Improvement Fund	\$2,928,309	163140
TOTAL ALL FUNDS	\$3,154,593	163141

BASIC RENOVATIONS 163142

The amount reappropriated for the foregoing appropriation 163143
item C38100, Basic Renovations, is the unencumbered balance as of 163144

June 30, 2022, in appropriation item C38100, Basic Renovations, 163145
plus \$74,715. Prior to the expenditure of this appropriation, 163146
James Rhodes State College shall certify to the Director of Budget 163147
and Management canceled encumbrances in the amount of at least 163148
\$74,715. 163149

Section 610.51. That existing Section 207.14 of H.B. 597 of 163150
the 134th General Assembly is hereby repealed. 163151

Section 610.60. That Section 5 of H.B. 371 of the 134th 163152
General Assembly is hereby repealed. 163153

Section 610.70. That Section 3 of H.B. 669 of the 133rd 163154
General Assembly, as amended by Section 4 of S.B. 102 of the 134th 163155
General Assembly, is hereby repealed, effective January 1, 2024. 163156

Section 610.80. That Sections 125.10 and 125.11 of H.B. 59 of 163157
the 130th General Assembly (as amended by H.B. 110 of the 134th 163158
General Assembly) be amended to read as follows: 163159

Sec. 125.10. Sections 5168.01, 5168.02, 5168.03, 5168.04, 163160
5168.05, 5168.06, 5168.07, 5168.08, 5168.09, 5168.10, 5168.11, 163161
5168.13, 5168.99, and 5168.991 of the Revised Code are hereby 163162
repealed, effective October 16, ~~2023~~ 2025. 163163

Sec. 125.11. Sections 5168.20, 5168.21, 5168.22, 5168.23, 163164
5168.24, 5168.25, 5168.26, 5168.27, and 5168.28 of the Revised 163165
Code are hereby repealed, effective October 1, ~~2023~~ 2025. 163166

Section 610.81. That existing Sections 125.10 and 125.11 of 163167
H.B. 59 of the 130th General Assembly (as amended by H.B. 110 of 163168
the 134th General Assembly) are hereby repealed. 163169

Section 700.10. Section 5.2320 of the Revised Code shall be 163170

known as Brenna's Law. 163171

Section 701.10. The Tax Commissioner and Treasurer of State, 163172
or their appointed representatives, shall jointly study and design 163173
a tax-favored savings program for home purchases and related home 163174
improvements. The study may consider the potential for family 163175
member and employer contributions, lifetime caps, eligibility 163176
requirements, and any other items the Commissioner and Treasurer 163177
of State, or their representatives, find appropriate. 163178

Section 701.20. As soon as practicable after the effective 163179
date of this section, the Director of the Legislative Service 163180
Commission shall remove rules adopted before the effective date of 163181
this section by a state institution of higher education or its 163182
governing body that the state institution of higher education 163183
posted on its web site in accordance with section 3345.033 of the 163184
Revised Code from the electronic Administrative Code published by 163185
or under contract with the Director. 163186

Section 733.10. Notwithstanding anything in the Revised Code 163187
or Administrative Code to the contrary, any school district 163188
community school, STEM school, or chartered nonpublic school that 163189
is subject to section 3301.163 of the Revised Code that retained a 163190
student in the third grade under that section or section 3313.608 163191
of the Revised Code for the 2023-2024 school year based solely on 163192
a student's score on the assessment prescribed under section 163193
3301.0710 of the Revised Code to measure skill in English language 163194
arts expected at the end of third grade in the 2022-2023 school 163195
year shall promote such a student to the fourth grade on the 163196
effective date of this section. 163197

Section 733.20. The enactment of section 3313.7117 of the 163198
Revised Code and related changes shall be known as "Sarah's Law 163199

for Seizure Safe Schools." 163200

Section 737.10. (A) Not later than thirty days after the 163201
effective date of this section, the State Lottery Commission shall 163202
publish all of its operating procedures adopted under section 163203
3770.03 of the Revised Code, as amended by this act, on the 163204
Commission's official web site. 163205

(B) Notwithstanding division (A)(5) of section 3770.03 of the 163206
Revised Code, as amended by this act, the State Lottery Commission 163207
may eliminate any rule of the Commission that it replaces with an 163208
operating procedure on or before the date that is thirty days 163209
after the effective date of this section, without rescinding the 163210
rule in accordance with section 111.15 or Chapter 119. of the 163211
Revised Code, as applicable. The State Lottery Commission shall 163212
notify the Director of the Legislative Service Commission of any 163213
such eliminated rule, and the Director of the Legislative Service 163214
Commission shall remove the rule from the Ohio Administrative 163215
Code. 163216

Section 737.20. Section 3772.031 of the Revised Code, as 163217
amended by Section 101.01 of this act, applies to any threat, 163218
attempted threat, or illegal activity that impacts the integrity 163219
of sports gaming, regardless of whether it occurs before, during, 163220
or after a sporting event. This section enhances and in no way 163221
decreases the Ohio Casino Control Commission's already existing 163222
broad powers and broad authority in this area. 163223

Section 745.10. (A) The Public Safety - Highway Purposes Fund 163224
Study Committee is established, consisting of the following 163225
members: 163226

(1) Three members appointed by the Governor, including all of 163227
the following: 163228

(a) One member representing the Department of Public Safety 163229
other than the Bureau of Motor Vehicles and the Ohio State Highway 163230
Patrol; 163231

(b) One member representing the Bureau of Motor Vehicles; 163232

(c) One member representing the Ohio State Highway Patrol; 163233

(2) Three members of the Senate appointed by the Senate 163234
President and comprised of two Republicans and one Democrat; 163235

(3) Three members of the House of Representatives appointed 163236
by the Speaker of the House of Representatives and comprised of 163237
two Republicans and one Democrat. 163238

(B) The Committee shall complete a study of long-term issues 163239
facing the Public Safety - Highway Purposes Fund created under 163240
section 4501.06 of the Revised Code and, by July 1, 2024, submit a 163241
report of its findings and recommendations to the Speaker of the 163242
House of Representatives and the President of the Senate. 163243

(C) Upon submission of the report, the Committee ceases to 163244
exist. 163245

Section 747.10. Individuals, who are members of the 163246
Architects Board before the effective date of section 4703.01 of 163247
the Revised Code as amended in this act, may continue to hold that 163248
office until the expiration of the terms to which they were 163249
appointed, unless removed in accordance with that section. Upon 163250
the next vacancy on the Architects Board, the Governor shall 163251
appoint an individual who is a member of the general public, and 163252
who is not an architect, to the Architects Board. 163253

Section 755.10. DIESEL EMISSIONS REDUCTION GRANT PROGRAM 163254

There is hereby established in the Highway Operating Fund 163255
(Fund 7002), used by the Department of Transportation, a Diesel 163256
Emissions Reduction Grant Program. The Director of Environmental 163257

Protection shall administer the program and shall solicit, 163258
evaluate, score, and select projects submitted by public and 163259
private entities that are eligible for the federal Congestion 163260
Mitigation and Air Quality (CMAQ) Program. The Director of 163261
Transportation shall process Federal Highway 163262
Administration-approved projects as recommended by the Director of 163263
Environmental Protection. 163264

In addition to the allowable expenditures set forth in 163265
section 122.861 of the Revised Code, Diesel Emissions Reduction 163266
Grant Program funds also may be used to fund projects involving 163267
the purchase or use of hybrid and alternative fuel vehicles that 163268
are allowed under guidance developed by the Federal Highway 163269
Administration for the CMAQ Program. 163270

Public entities eligible to receive funds under section 163271
122.861 of the Revised Code and CMAQ shall be reimbursed from 163272
moneys in Fund 7002 designated for the Department of 163273
Transportation's Diesel Emissions Reduction Grant Program. 163274

Private entities eligible to receive funds under section 163275
122.861 of the Revised Code and CMAQ shall be reimbursed, at the 163276
direction of the local public agency sponsor and upon approval of 163277
the Department of Transportation, through direct payments. These 163278
reimbursements shall be made from moneys in Fund 7002 designated 163279
for the Department of Transportation's Diesel Emissions Reduction 163280
Grant Program. Total expenditures from Fund 7002 for the Diesel 163281
Emissions Reduction Grant Program shall not exceed \$10,000,000 in 163282
both fiscal year 2024 and fiscal year 2025. 163283

Any allocations under this section represent CMAQ program 163284
moneys within the Department of Transportation for use by the 163285
Diesel Emissions Reduction Grant Program by the Environmental 163286
Protection Agency. These allocations shall not reduce the amount 163287
of such moneys designated for metropolitan planning organizations. 163288

The Director of Environmental Protection, in consultation with the Director of Transportation, shall develop guidance for the distribution of funds and for the administration of the Diesel Emissions Reduction Grant Program. The guidance shall include a method of prioritization for projects, acceptable technologies, and procedures for awarding grants.

Section 755.20. For purposes of adjusting the membership of the Transportation Review Advisory Council in accordance with section 5512.07 of the Revised Code, as amended by this act, all of the following shall occur not later than sixty days after the effective date of this section:

(A) The Governor shall remove one member from the Council who was appointed by the Governor prior to that effective date.

(B) The President of the Senate shall appoint one additional member to the Council who shall assume the remainder of the five-year term of the member removed by the Governor under division (A) of this section.

(C) The Speaker of the House of Representatives shall appoint one additional member to the Council who shall serve a five-year term from the date of appointment in accordance with section 5512.07 of the Revised Code.

Section 755.30. (A) As used in this section:

(1) "Rural county" means a county with a population of not more than ninety thousand residents according to the most recent federal decennial census.

(2) "Rural counties" means two or more connected counties that together have a population of not more than ninety thousand residents according to the most recent federal decennial census.

(B) The Connect4Ohio Program is created, and the Department

of Transportation shall administer the Program. The purpose of the Program is to assist in creating seamless transportation connections throughout all of Ohio and, by doing so, to make it easier for all Ohio workers to commute from their homes to employment centers.

(C) As part of the Program, the Department, the Transportation Review Advisory Council (TRAC), and the Public Works Commission shall work together to prioritize all of the following:

(1) Completing existing corridor projects, particularly corridor projects that benefit rural counties;

(2) Eliminating traffic impediments on county, township, state, and federal highway routes, particularly within rural counties;

(3) Replacing not less than one existing bridge in each rural county, with preference given to bridges that have already had a general appraisal and that have been identified by either the Department or the county engineer as requiring replacement.

(D) The Department shall use money appropriated for purposes of the Program as follows:

(1) Funding projects that align with the priorities established under division (C) of this section;

(2) Funding such projects at one hundred per cent of the project cost, when appropriate, particularly for projects that are located in a rural county or that extend between rural counties;

(3) Providing the necessary matching funds to receive TRAC approval for any construction projects that are related to the Program and its purpose.

(E) The Director of Transportation shall establish any procedures and requirements necessary to administer this section.

Section 757.10. Notwithstanding section 5743.15 of the Revised Code, any license issued under division (B), (C), or (F) of that section that is active on the effective date of the amendment by this act of that section shall remain valid until June 1, 2024, rather than May 27, 2024.

Section 757.20. BUSINESS INCENTIVE TAX CREDITS

In order to facilitate an understanding of business incentive tax credits, as defined in section 107.036 of the Revised Code, the following table provides an estimate of the amount of credits that may be authorized in each fiscal year of the 2024-2025 biennium, an estimate of the credits expected to be claimed in each fiscal year of that biennium, and an estimate of the amount of credits authorized that will remain outstanding at the end of that biennium. In totality, this table provides an estimate of the state revenue forgone due to business incentive tax credits in the 2024-2025 biennium and future biennium.

Biennial Business Incentive Tax Credit Estimates

	Estimate of total value of tax credits authorized	Estimate of tax credits issued/claimed	Expected Outstanding credits
	(All figures in thousands of dollars)		
Tax Credit	FY 2024	FY 2025	FY 2024 FY 2025 End of Biennium
Job Creation Tax Credit	\$160,000	\$165,000	\$151,000 \$155,000 \$705,000

Job Retention	\$0	\$0	\$28,700	\$20,300	\$23,000	163373
Tax Credit						163374
Historic	\$120,000	\$60,000	\$98,000	\$95,000	\$240,000	163375
Preservation						163376
Tax Credit						163377
Motion Picture	\$40,000	\$40,000	\$51,000	\$46,000	\$110,000	163378
Tax Credit						163379
New Markets	\$10,000	\$10,000	\$7,500	\$6,600	\$39,600	163380
Tax Credit						163381
R&D Loan Tax	\$0	\$0	\$1,450	\$1,450	\$5,000	163382
Credit						163383
InvestOhio Tax	\$4,900	\$5,000	\$3,675	\$3,750	\$7,500	163384
Credit						163385
Ohio Rural	\$0	\$0	\$22,500	\$11,250	\$22,500	163386
Business						163387
Ohio	\$50,000	\$25,000	\$50,000	\$25,000	\$0	163388
Opportunity						163389
Zone						163390
Transformational	\$100,000	\$100,000	\$60,300	\$66,200	\$255,200	163391
Mixed-Use						163392
Development						

Section 757.30. All amended reports and applications for refund filed pursuant to section 5733.031 of the Revised Code, as amended by this act, must be received by the Department of Taxation on or before December 31, 2023. The Department shall deny

all applications for refund related to reports amended pursuant to 163393
that section and received after December 31, 2023, and any such 163394
denial is not subject to appeal. The Department shall not issue 163395
any assessments related to any amended report filed pursuant to 163396
that section if the amended report is received by the Department 163397
after December 31, 2023. For purposes of this section, a report or 163398
application is "received" on or before December 31, 2023, if it is 163399
postmarked on or before that date. 163400

Section 757.40. (A) As used in this section: 163401

(1) "Qualified property" means real property for which a 163402
covenant not to sue was issued under section 3746.12 of the 163403
Revised Code in 2020 and that is subject to the exemption 163404
authorized by section 5709.87 of the Revised Code beginning for 163405
tax year 2022. 163406

(2) "Exempt portion" means the portion of the assessed value 163407
of improvements, buildings, fixtures, and structures that would be 163408
exempt from taxation if they qualified for the exemption 163409
authorized by section 5709.87 of the Revised Code for the 163410
applicable tax year, as described in division (C)(1)(a) of that 163411
section. 163412

(B) Notwithstanding section 5709.87 of the Revised Code, a 163413
person that owned qualified property for tax year 2020 or 2021 may 163414
file an application with the Tax Commissioner, on a form 163415
prescribed by the Commissioner, on or before the date that is one 163416
year after the effective date of this section, requesting both of 163417
the following: 163418

(1) That unpaid property taxes, penalties, and interest on 163419
the exempt portion of the qualified property for tax years 2020 163420
and 2021 be abated; 163421

(2) That all paid taxes, penalties, and interest on the 163422

exempt portion of the qualified property for those tax years be 163423
credited or paid to the applicant; 163424

(3) That, notwithstanding division (C)(1)(a) of section 163425
5709.87 of the Revised Code, the exemption for the qualified 163426
property authorized by that division that began for tax year 2022 163427
end after tax year 2029. 163428

(C) Upon receipt of the application and after consideration 163429
of it, the Commissioner shall determine if the property is 163430
qualified property and, if so, shall issue an order directing 163431
both of the following: 163432

(1) That all unpaid taxes, penalties, and interest described 163433
under division (B)(1) of this section be abated; 163434

(2) That all taxes, penalties, and interest described in 163435
division (B)(2) of this section be regarded as an overpayment of 163436
taxes under section 5715.22 of the Revised Code and be credited or 163437
paid to the applicant in accordance with that section; 163438

(3) That, notwithstanding division (C) of section 5709.87 of 163439
the Revised Code, the exemption for the property authorized by 163440
that division that began for tax year 2022 end after tax year 163441
2029. 163442

If the Commissioner finds that the property is not qualified 163443
property the Commissioner shall issue an order denying the 163444
application. 163445

(E) Nothing in this section authorizes the Tax Commissioner 163446
to abate, credit, or pay any portion of the tax on the portion of 163447
the assessed value of qualified property that is not the exempt 163448
portion. 163449

Section 757.50. The Tax Commissioner shall not make 163450
adjustments in 2023 or 2024 to the income amounts in divisions 163451
(A)(2) and (3) of section 5747.02 of the Revised Code, as 163452

otherwise required by division (A)(5) of that section, or make
adjustments in 2023 or 2024 to the personal exemption amounts
prescribed in division (A) of section 5747.025 of the Revised
Code, as otherwise required by divisions (B) and (C) of that
section.

Section 759.10. FLYOHIO TETHERED DRONES PILOT PROGRAM

(A) The Office of Aviation within the Department of
Transportation shall conduct a pilot program to field test the use
of tethered drones over rural campsite areas and urban or suburban
areas to gauge the feasibility and cost-effectiveness of sharing
data collected from these overflights to emergency responders,
public safety professionals, and infrastructure security
professionals.

This pilot project shall examine both mobile and permanent
tethered drones, including deployment in all weather and hazard
conditions through the purchase and use of tethered drones by the
Mandel Jewish Community Center in the city of Cleveland at its
main campus site as well as at the Center's campsite at Camp Wise
in Geauga County.

(B) The Office may use up to \$247,500 from GRF appropriation
item 772456, Unmanned Aerial Systems Center, for purposes of
administering and implementing the pilot program. Up to three
percent of this funding may be used to pay administrative and
reporting costs of the pilot project.

(C) The Office of Aviation shall issue a report of its
findings on July 1, 2024, and July 1, 2025. Upon submission of the
report on July 1, 2025, the pilot program is abolished.

Section 803.10. The amendment by this act of division

(D)(3)(c)(ii) of section 718.01 of the Revised Code applies to

taxable years beginning on or after January 1, 2023. In accordance 163482
with division (A) of section 718.04 of the Revised Code, each 163483
municipal corporation that levies a tax on income shall adopt an 163484
ordinance or resolution incorporating that amendment and applying 163485
it to taxable years beginning on or after January 1, 2023. 163486

The amendment by this act of division (C)(15) of section 163487
718.01 of the Revised Code applies to taxable years beginning on 163488
or after January 1, 2024. In accordance with division (A) of 163489
section 718.04 of the Revised Code, each municipal corporation 163490
that levies a tax on income shall adopt an ordinance or resolution 163491
incorporating that amendment and applying it to taxable years 163492
beginning on or after January 1, 2024. 163493

Section 803.20. The amendment by this act of sections 1710.06 163494
and 3706.12 of the Revised Code shall not be construed or 163495
otherwise interpreted in derogation of any issuance of a bond or 163496
note by the Ohio air quality development authority, the levy of 163497
any special assessment by a municipal corporation or special 163498
improvement district, or the assignment or remittance of any such 163499
assessment to the authority, issued, levied, assigned, or remitted 163500
before the effective date of this section. 163501

Section 803.30. The amendment by this act of section 5751.033 163502
of the Revised Code is intended to be remedial in nature and to 163503
clarify the law as it existed prior to that amendment, and shall 163504
be construed accordingly. 163505

Section 803.40. The amendment by this act of section 5753.031 163506
of the Revised Code applies to sports gaming receipts received on 163507
and after July 1, 2023. 163508

Section 803.50. The amendment by this act of section 5739.02 163509

of the Revised Code applies on and after October 1, 2023. 163510

Section 803.60. The amendment by this act of division (E) of 163511
section 5747.07 of the Revised Code applies to filings and 163512
payments due on or after January 1, 2024. 163513

Section 803.70. The amendment by this act of section 5726.01 163514
of the Revised Code is intended to be remedial in nature and to 163515
clarify the law as it existed prior to that amendment, and shall 163516
be construed accordingly. 163517

Section 803.80. The amendment by this act of section 718.84 163518
of the Revised Code applies beginning to the first report required 163519
to be filed under division (B) of that section on or after the 163520
effective date of that amendment. 163521

Section 803.90. The amendment by this act of section 323.152 163522
of the Revised Code applies to tax year 2023 and every tax year 163523
thereafter. The amendment by this act of section 4503.065 of the 163524
Revised Code applies to tax year 2024 and every tax year 163525
thereafter. 163526

Section 803.100. The amendment by this act of sections 163527
718.05, 718.27, 718.85, and 718.89 of the Revised Code applies to 163528
tax returns required to be filed for taxable years ending on or 163529
after January 1, 2023. 163530

Section 803.110. The provisions of this act pertaining to the 163531
certificate of need program, as they are established by the 163532
amendment of sections 3702.511, 3702.52, 3702.532, 3702.54, 163533
3702.544, 3702.55, 3702.57, 3702.60, and 3702.61 of the Revised 163534
Code and the repeal of section 3702.541 of the Revised Code and 163535
Section 5 of H.B. 371 of the 134th General Assembly, apply 163536

retroactively to the following extent: 163537

(A) The provisions apply to any certificate of need that was 163538
granted prior to the effective date of this section and is still 163539
valid on the effective date of this section. 163540

(B) The provisions apply to any application for a certificate 163541
of need that is pending on the effective date of this section. 163542

(C) The provisions apply to any action for the imposition of 163543
civil penalties or other sanctions, including any appeal of such 163544
an action, that is pending on the effective date of this section 163545
for a violation of sections 3702.51 to 3702.62 of the Revised 163546
Code. 163547

Section 803.120. The amendment by this act of section 4301.62 163548
and the enactment of section 4303.187 of the Revised Code apply 163549
beginning on January 1, 2024. 163550

Section 803.130. The amendment or enactment by this act of 163551
divisions (A) and (G) of section 5727.47 of the Revised Code 163552
applies to petitions for reassessment filed for tax year 2024 and 163553
thereafter. 163554

Section 803.140. The amendment by this act of divisions 163555
(B)(1) and (10) of section 5739.02 of the Revised Code is a 163556
remedial measure intended to clarify existing law and applies to 163557
all cases pending on a petition for reassessment or on further 163558
appeal, or transactions subject to an audit by the Department of 163559
Taxation, on or after the effective date of this section. 163560

Section 803.150. The amendment or enactment by this act of 163561
sections 5743.06 and 5743.53 of the Revised Code apply to bad 163562
debts charged off as uncollectible on the books and records of a 163563
wholesale dealer, distributor, or vapor distributor on or after 163564

January 1, 2024. 163565

Section 803.160. The amendment or enactment by this act of 163566
section 5747.01 and division (F)(2)(ss) of section 5751.01 of the 163567
Revised Code applies to taxable years or tax periods beginning on 163568
or after January 1, 2023. 163569

Section 803.170. The amendment by this act of section 163570
5747.501 of the Revised Code applies on and after July 1, 2023. 163571

Section 803.180. The enactment by this act of section 5747.64 163572
of the Revised Code applies to taxable years beginning on and 163573
after January 1, 2023. 163574

Section 803.190. The enactment by this act of division 163575
(F)(2)(rr) of section 5751.01 of the Revised Code applies to tax 163576
periods ending on or after the effective date of this section. 163577

Section 803.200. The amendment by this act of Section 280.28 163578
of H.B. 45 of the 134th General Assembly is intended to be 163579
remedial in nature and applies on and after January 6, 2023. 163580

Section 803.210. The amendment by this act of section 5747.02 163581
of the Revised Code applies to taxable years beginning in or after 163582
2023. 163583

Section 806.10. SEVERABILITY 163584

The items of law contained in this act, and their 163585
applications, are severable. If any item of law contained in this 163586
act, or if any application of any item of law contained in this 163587
act, is held invalid, the invalidity does not affect other items 163588
of law contained in this act and their applications that can be 163589
given effect without the invalid item of law or application. 163590

Section 809.10. NO EFFECT AFTER END OF BIENNIUM 163591

An item of law, other than an amending, enacting, or 163592
repealing clause, that composes the whole or part of an uncodified 163593
section contained in this act has no effect after June 30, 2025, 163594
unless its context clearly indicates otherwise. 163595

Section 812.10. SUBJECT TO REFERENDUM 163596

Except as otherwise provided in this act, the amendment, 163597
enactment, or repeal by this act of a section is subject to the 163598
referendum under Ohio Constitution, Article II, section 1c and 163599
therefore takes effect on the ninety-first day after this act is 163600
filed with the Secretary of State or, if a later effective date is 163601
specified below, on that date. 163602

Section 812.11. (A) The following sections of this act take 163603
effect six months after the effective date of this section: 163604

(1) The amendment or enactment of sections 2151.231, 3103.03, 163605
3109.53, 3109.66, 3111.01, 3111.04, 3111.041, 3111.06, 3111.07, 163606
3111.111, 3111.15, 3111.29, 3111.38, 3111.381, 3111.48, 3111.49, 163607
3111.78, 3119.01, 3119.06, 3119.07, 3119.95, 3119.951, 3119.953, 163608
3119.955, 3119.957, 3119.9511, 3119.9513, 3119.9515, 3119.9517, 163609
3119.9519, 3119.9523, 3119.9525, 3119.9527, 3119.9529, 3119.9531, 163610
3119.9533, 3119.9535, 3119.9537, 3119.9539, 3119.9541, and 3121.29 163611
of the Revised Code; 163612

(2) The repeal of section 3121.46 of the Revised Code. 163613

(B) During the six-month period after the effective date of 163614
this section, the Ohio Department of Job and Family Services shall 163615
perform system changes, create rules and forms, and make any other 163616
changes as necessary to implement the amendments, enactments, and 163617
repeals listed in this section. 163618

Section 812.20. The amendment or enactment by this act of the sections listed below is exempt from the referendum under Ohio Constitution, Article II, section 1d and section 1.471 of the Revised Code and therefore takes effect immediately when this act becomes law or, if a later effective date is specified below, on that date.

Sections 122.4017, 122.4037, 122.4040, 5165.158, 5747.501, 5751.02, 5753.031, 5913.01, and 5922.01 of the Revised Code.

Section 812.30. Sections of this act prefixed with numbers in the 200s, 300s, 400s, and 500s, and Section 757.20 of this act are exempt from the referendum under Ohio Constitution, Article II, Section 1d, and therefore take immediate effect when this act becomes law.

Section 820.10. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the following sections, presented in this act as composites of the sections as amended by the acts indicated, are the resulting versions of the sections in effect prior to the effective date of the sections as presented in this act:

Section 109.42 of the Revised Code as amended by both H.B. 343 and S.B. 288 of the 134th General Assembly.

Section 109.57 of the Revised Code as amended by both H.B. 405 and S.B. 288 of the 134th General Assembly.

Section 109.572 of the Revised Code as amended by both H.B. 509 and S.B. 288 of the 134th General Assembly.

Section 119.12 of the Revised Code as amended by both H.B. 52 and H.B. 64 of the 131st General Assembly.

Section 121.95 of the Revised Code as amended by both H.B. 29 and S.B. 9 of the 134th General Assembly.	163648 163649
Section 122.073 of the Revised Code as amended by both H.B. 487 and S.B. 314 of the 129th General Assembly.	163650 163651
Section 127.16 of the Revised Code as amended by both H.B. 442 and S.B. 276 of the 133rd General Assembly.	163652 163653
Section 149.43 of the Revised Code as amended by H.B. 45, H.B. 99, H.B. 254, H.B. 343, H.B. 558, and S.B. 288, all of the 134th General Assembly.	163654 163655 163656
Section 317.08 of the Revised Code as amended by both H.B. 9 of the 130th General Assembly and H.B. 141 of the 131st General Assembly.	163657 163658 163659
Section 718.01 of the Revised Code as amended by H.B. 228 and S.B. 217 of the 134th General Assembly, and H.B. 197 and S.B. 276 of the 133rd General Assembly.	163660 163661 163662
Section 2101.16 of the Revised Code as amended by both H.B. 45 and H.B. 281 of the 134th General Assembly.	163663 163664
Section 2109.21 of the Revised Code as amended by both S.B. 117 and S.B. 124 of the 129th General Assembly.	163665 163666
Section 2929.18 of the Revised Code as amended by both H.B. 343 and H.B. 462 of the 134th General Assembly.	163667 163668
Section 2930.16 of the Revised Code as amended by both H.B. 343 and S.B. 288 of the 134th General Assembly.	163669 163670
Section 3119.06 of the Revised Code as amended by both H.B. 366 and S.B. 70 of the 132nd General Assembly.	163671 163672
Section 3302.03 of the Revised Code as amended by both S.B. 166 and S.B. 229 of the 134th General Assembly.	163673 163674
Section 3310.41 of the Revised Code as amended by both H.B. 509 and H.B. 554 of the 134th General Assembly.	163675 163676

The version of section 3319.22 of the Revised Code that is scheduled to take effect December 29, 2023, as amended by both H.B. 509 and S.B. 131 of the 134th General Assembly.	163677 163678 163679
Section 3328.24 of the Revised Code as amended by both H.B. 82 and H.B. 110 of the 134th General Assembly.	163680 163681
Section 3509.05 of the Revised Code as amended by both H.B. 45 and H.B. 458 of the 134th General Assembly.	163682 163683
Section 4507.06 of the Revised Code as amended by both H.B. 74 and H.B. 281 of the 134th General Assembly.	163684 163685
Section 4513.17 of the Revised Code as amended by both H.B. 30 and S.B. 224 of the 134th General Assembly.	163686 163687
Section 4715.30 of the Revised Code as amended by both H.B. 203 and H.B. 263 of the 133rd General Assembly.	163688 163689
Section 4731.22 of the Revised Code as amended by both H.B. 254 and S.B. 288 of the 134th General Assembly.	163690 163691
Section 4741.22 of the Revised Code as amended by both H.B. 33 and H.B. 263 of the 133rd General Assembly.	163692 163693
The version of section 4765.55 of the Revised Code that is scheduled to take effect December 29, 2023, as amended by both H.B. 509 and S.B. 131 of the 134th General Assembly.	163694 163695 163696
Section 4776.01 of the Revised Code as amended by both H.B. 166 and S.B. 57 of the 133rd General Assembly.	163697 163698
Section 5153.162 of the Revised Code as amended by both H.B. 215 and H.B. 408 of the 122nd General Assembly.	163699 163700
Section 5153.163 of the Revised Code as amended by both H.B. 110 and H.B. 281 of the 134th General Assembly.	163701 163702
Section 5321.01 of the Revised Code as amended by both H.B. 281 and H.B. 430 of the 134th General Assembly.	163703 163704
Section 5725.98 of the Revised Code as amended by both H.B.	163705

197 and S.B. 39 of the 133rd General Assembly.	163706
Section 5729.98 of the Revised Code as amended by both H.B. 197 and S.B. 39 of the 133rd General Assembly.	163707 163708
Section 5739.09 of the Revised Code as amended by S.B. 310 of the 133rd General Assembly and H.B. 110 of the 134th General Assembly.	163709 163710 163711
Section 5739.31 of the Revised Code as amended by both S.B. 143 and S.B. 200 of the 124th General Assembly.	163712 163713
Section 5739.99 of the Revised Code as amended by both S.B. 143 and S.B. 200 of the 124th General Assembly.	163714 163715
Section 5747.01 of the Revised Code as amended by H.B. 45, H.B. 110, H.B. 150, H.B. 515, S.B. 33, and S.B. 246, all of the 134th General Assembly.	163716 163717 163718
Section 5747.98 of the Revised Code as amended by both H.B. 45 and H.B. 66 of the 134th General Assembly.	163719 163720